UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS
SECOND SESSION

VOLUME 150—PART 9

JUNE 2, 2004 TO JUNE 16, 2004
(PAGES 11137 TO 12623)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

SENATE—*Wednesday, June 2, 2004*

The Senate met at 9:46 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Master of our hopes and dreams, who constantly works for the good of those who love You, teach us to strive for integrity. Remind us that You call us not to success but to faithfulness. Inspire our lawmakers today with a commitment to be true to You and to serve Your purposes. Let not discordant notes mar the melody of their labors as they seek Your counsel and wisdom. Bless their families and all who come within the circle of their influence. Prosper the works of their hands, until the kingdoms of this world become the springboard for Your eternal reign. Guide our great Nation. Help it to be a lighthouse to a dark and turbulent world. Protect our military in its arduous work. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 2, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from the great State of Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, this morning, the Senate will conduct a period of morning business for up to 60 minutes, with the Democratic leader or his designee in control of the first 30 minutes and the majority leader or his designee in control of the final 30 minutes. Following morning business, the Senate will resume consideration of the Department of Defense authorization bill.

Chairman WARNER and Senator LEVIN will be here all day, working through amendments. As the leader announced last night, we were able to lock in a finite list of first-degree amendments to the bill, and Senators are encouraged to work with the bill managers so we can finish this bill this week or early next week.

On behalf of the leader, I remind Senators that the Senate will stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the Democratic policy luncheon, and that at 5 p.m. there will be a reception honoring Senators AKAKA, HOLLINGS, INOUYE, LAUTENBERG, STEVENS, and WARNER, who are all veterans of the Second World War. We will devote the hour prior to the reception for speeches honoring their service.

ORDER OF PROCEDURE

I now ask unanimous consent that there be a period of morning business today from 4 to 5 p.m., with the time equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from the great State of Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that for the time the Chair will shortly announce dealing with morning business, Senator DAYTON be given 15 minutes and then I will yield 10 minutes to Senator STABENOW.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Under the previous order, the Senator from Minnesota is recognized.

COST OF PRESCRIPTION DRUGS

Mr. DAYTON. Mr. President, when I was in Minnesota last week, I read a very disturbing news report about the cost of prescription drugs in this country. The American Association of Retired Persons Public Policy Institute looked at the prices charged by the manufacturers of 197 brand-name prescription drugs most widely purchased by Americans. Last year, their average price increase was 6.9 percent, over three times the overall inflation rate of just 2.2 percent. From December of 1999 to December of 2003, for 155 of those drugs on the market during all 4

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

years, their prices increased by a cumulative average of 27.6 percent compared to the general inflation rate of just over 10 percent. That is a price increase of over 2.5 times the overall inflation rate during the past 4 years.

It is not as though those drug prices were low at the beginning. Last summer, my staff compared the retail prices of 52 leading prescription drugs in the United States and Canada. For exactly the same drug, same amount, same strength, made by the same company, prices in Canada were one-third, one-fifth, even one-eighth the prices in the United States. That was after factoring out the different values of the U.S. and Canadian dollars. So in an apples-to-apples comparison, prices for the exact same medicines in the United States were three times, five times, even eight times higher than prices in Canada. My study shows that Americans are being gouged by exorbitant prescription drug prices, and AARP's study shows that it is getting worse.

Those excessive and rapidly increasing prices afflict all Americans, not only senior citizens. This year, almost 12 percent of all the money Americans spend for their health care will go for prescription drugs. That is almost one out of every eight health care dollars. Over the past 6 years, prescription drug costs have been the fastest growing part of total health care spending in this country.

So if Americans are getting ripped off by the drug companies, and if the problem is getting worse, then certainly President Bush and Congress would do something about it, right? Well, last year, the President and a majority in the Senate and House did something, but they made things worse, not better. Let me restate that. President Bush and a majority in Congress made sure prescription drug prices could keep going higher and higher and hurt most Americans, which means more money and larger profits for the drug companies. President Bush and his friends in Congress helped the rich get even richer, while making the rest of America poorer.

How did they do that? Well, on the prescription drug bill that was passed last year, the final version that most of my Democratic colleagues and I voted against, Federal health care officials are expressly prohibited from negotiating or in any way affecting the prices being charged for prescription drugs. When prescription drug coverage, inadequate as it will be, fully begins in the year 2006, the people on Medicare will be buying over half of all the prescription drugs purchased in America. Most of those bills will be paid at least in part by the Federal Government with taxpayer money at whatever prices are charged.

Imagine if you had to pay whatever someone else decided to charge you. You couldn't negotiate. You couldn't refuse to pay above a certain price. You would have no say; you would just pay. And you would pay and pay and pay.

No wonder a bill that was supposed to cost taxpayers $400 billion over the next 10 years is already projected to cost over $541 billion, a $141 billion increase, and the program has not even begun yet. I guarantee the program's cost will run even higher than that, as long as that prohibition against price negotiating is in law. It is a license to exploit Americans, all Americans, since all Americans will have to pay those higher prices.

Conversely, if Federal officials negotiated lower prices for Medicare beneficiaries, some, most, or even all of that price reduction would affect the prices the rest of us have to pay for those medicines. Drug company lobbyists and their friends in Washington call this price fixing and claim the Federal Government would destroy profitability, end research and development, and even cause bankruptcies. Nonsense. The Federal Government can't force any vendors to sell their products or services below prices acceptable to them. It can't legally—except in a national emergency—it doesn't try to, and it should not want to.

Take the Pentagon, which is often the only legal buyer of many of its products or services. It doesn't dictatorially set some price and require some company to make a product and sell it at that price. The Pentagon or the service branch purchaser might put the contract out for competitive bids or, if there is only one suitable provider, the Pentagon or military officials would sit down with the company officials and they would negotiate, truly negotiate, a mutually agreed-upon price.

Is that price as high as the company might charge if the company could set the price as high as it would like? No, probably not. Would the company agree to a price so low as to be unprofitable? No, definitely not. Does the Pentagon even want that low price? No, because if that company doesn't make a profit, it won't be around to keep producing that product or other products.

Those national defense projects frequently require extensive research and development, then testing, then modifications, and then more testing, requiring often several years before the actual production and sales can begin. Those costs—research and development, testing—are made part of the contract, usually paid in advance of production, and often revised upward if unforeseen circumstances develop. The Federal Government is a partner in those endeavors and vested in their positive outcomes while still being, hopefully, a responsible purchaser, assuring that taxpayers get their money's worth.

Would anybody here believe the Pentagon should be prohibited from negotiating the prices it will pay for what it needs, that it should be required to pay whatever prices its suppliers decided to charge? That would be ridiculous and scandalous, as it should also be for prescription drugs.

That part of the new law would be bad enough for most Americans just by itself. But the Bush administration and its congressional allies were not done helping their friends in the pharmaceutical industry. In our economic system, if the price of something becomes too high, you can shop around for a lower price elsewhere.

I come from a retail family. My great-grandfather opened a department store in Minneapolis in 1903. My father and uncles and thousands of Minnesotans and other Americans built the company into Target Corporation, now the country's second largest retailer after Wal-Mart. Retailers, especially discount retailers, understand competition. They expect their customers to be looking for lower prices, better deals, and higher value elsewhere. They don't go to the President or to Congress and say: Make Americans buy from us at whatever prices we charge and prohibit them from buying anywhere else.

That is what the drug companies wanted. That is what President Bush and a majority in Congress gave them. They banned what is being called drug reimportation, which is actually a bit of a misnomer because many prescription drugs are made outside of the United States and then imported into this country. In fact, over $14 billion worth of those prescription drugs were imported legally into the United States last year and sold to us at the manufacturer's prices. Neither the FDA nor the companies objected as long as that massive drug importation was occurring at their high prices. But many Americans objected to paying those prices, and many other Americans couldn't even afford to pay them.

So they want to do what Americans can do in almost every other situation in our economy—shop around for lower prices and buy them where they can find them. Lower prescription drug prices can be found in Canada and in other countries. The prices are much lower in Canada, as I said earlier, for the same product made by the same company.

Some Americans can actually travel to Canada because they live near the United States-Canadian border. I donate all but $1 of my Senate salary to the Minnesota Senior Federation for bus trips into Canada to buy those lower cost medicines.

The Canadian Government allows pharmacists in that country to fill only prescriptions signed by Canadian doctors, and that takes an appointment and time and then more time to get the prescription filled. Thus, when

I went on one bus trip from central Minnesota into Canada and back the entire round trip took us 19 hours—from 7 o'clock in the morning to 2 a.m. the following morning. That is what I call a long U-turn.

The average savings among the 40 seniors who were on the trip was over $250. Almost all of them bought more than one medicine, and most bought a 2 or 3-month supply so they would not have to make the trip so often. However, even a 19-hour round-trip bus ride is not an option for most Minnesotans and other Americans who live too far from Canada and are not able to make such a trip. The Internet is their ticket, and many more Americans are discovering that possibility. They are discovering they can save hundreds, even thousands, of dollars when buying prescription drugs over the Internet. Thus, many Americans—especially our senior citizens—can then afford to buy medicine they would otherwise have to forego at the higher U.S. prices.

You would think our Federal Government—which, after all, is supposed to be a Government of, by, and for the people—you would think the people elected, appointed, or hired to serve the people, and being paid by the people to do so, would want to help the people save lots of money. But, again, that would mean less profits for the drug companies—still very high profits, but less very high profits.

Yet, incredibly, inexcusably, for this administration and the majority in this Congress, higher drug company profits are more important than everyone else in America. So they made it illegal to buy prescription drugs outside the U.S. and bring them into this country, unless the Secretary of Health and Human Services guarantees their safety—which he already said he will not do. If the Secretary of Transportation had to guarantee in advance every commercial airplane trip would be safe, it would put an end to air travel as well.

President Bush and Congress could have written the law to require the Secretary and his huge agency to help people make safe purchases over the Internet, as, to his credit, the Governor of my State of Minnesota, Tim Pawlenty, has instructed our State Department of Health to do. Hopefully, he will not be arrested by the Federal Government for providing that help. If he is, I promised to help him make the bail.

But with this administration and with the majority in this Congress, there is no help for Americans with the overpriced prescription drug costs, except for another drug discount card, which, in Minnesota, is now a choice of 1 out of 48 possible cards for a discount on some drugs we now learn from AARP have increased a total of over 27 percent in price over the last 4 years, which means they can offer a discount and still make more money.

When this bill was passed by a majority in the House and Senate last year, after the Bush administration and the industry lobbyists had written a bill in conference committee so very different from the earlier Senate version—which I supported—I was left with two questions:

First, how could people vote for a bill they knew did not represent their constituents' best interests? Secondly, how did they assume they could do so and still get reelected?

Americans don't deserve the highest, by far, prescription drug prices in the world—allowed to go even higher and higher. Americans should not be forced to pay those exorbitant prices and be prohibited from buying their medicines at much lower prices elsewhere. America's senior citizens don't need another 48 discount cards to choose from. They all need, and deserve, to be able to go to their neighborhood pharmacies everywhere in their country and buy prescription medicines at prices comparable to the rest of the world.

That is what governments of other countries assure for their citizens. That is what our Government should do for our citizens. When Government officials don't serve the best interests of the people, they should no longer be Government officials. That is why we have elections.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Michigan is recognized for 10 minutes.

Ms. STABENOW. Mr. President, I first thank my colleague and friend from Minnesota for his eloquent remarks today. I certainly agree with the sentiments he has expressed. I personally thank him for his personal commitment and willingness to help fund ways for people in Minnesota to be able to lower their prescription drug prices. I think that speaks to his personal dedication and willingness to do whatever he can to help.

Ronald Reagan asked the question back in 1980, "Are you better off than you were 4 years ago?" When it comes to the issue of prescription drugs and the cost of medicine today, certainly the answer to that is no.

I rise today to discuss the new Medicare Drug Card Program, as my colleague and friend from Minnesota has done. Yesterday, Tuesday, was the first day these cards could be used. But by any measure, this attempt to lower drug prices has been a complete failure. We can do much better. We can give our seniors real savings if we make the commitment to do that. Simply put, when it comes to Medicare, we need to do it again and we need to get it right.

From the beginning, the drug card was designed for the pharmaceutical companies and not for our seniors. That is one of the reasons why there is an estimate that the drug companies will receive over 8 years $139 billion in new profits because of the new Medicare law.

That doesn't add up if the purpose is to lower prices for our seniors. Obviously, $139 billion in new profits demonstrates this is not about lowering prices. First, because the law provided no guarantee and no guaranteed savings for seniors, drug companies were free to inflate their prices before the discount cards were issued. Therefore, companies were free to raise their prices in the last year or two in excess of any possible discount seniors might receive from these drug cards. In fact, the prices of 14 of the top 30 brand-name drugs rose more than 5 times faster than the rate of inflation from 2003 to this year, virtually wiping out any discount a senior might receive from one of these Medicare cards. That is like a department store taking up its prices 50 percent and then putting a sign out front that says 25 percent off. If you think about it, you are not going to save any money; you are actually paying more.

Second, the new law gives the companies that distribute the Medicare cards complete flexibility to change their prices every 7 days but forces seniors to lock into one card for an entire year. That means you might pick a particular card because it offers you a lower price on medications that you take, and then in 7 days, maybe even before you use the card, the price of that drug has gone up or two or three of the drugs you are taking have gone up. That might make the card absolutely useless, even though seniors may have to pay up to $30 to sign up for the card.

Also, we know that every 7 days the discounted drugs can be changed. So you wade through all of these cards, over 70 cards, to figure out the one that covers the most medicines you use and provides you some kind of help with lower prices. You purchase that card. You spend $30. You purchase a card, you lock yourself in for a year, and then you find out 7 days later the drugs you use are no longer on the list. Who does that benefit? Who is better off under this Medicare bill? Certainly not our seniors. We can do much better. We need to do it again and do it right. This new Medicare bill needs a complete overhaul.

There are two ways we can lower prescription drug prices for seniors and all Americans if we do this right. We have two ways right now we can fix this situation. First, we simply need to pass bipartisan reimportation legislation supported by people on both sides of the aisle in both the House and the Senate. We have a very strong bipartisan coalition to allow Americans to buy American-made FDA-approved drugs from other countries such as Canada. All of us could then save much more on prescription drugs than the small savings from the Medicare drug cards.

Second, we can and should allow Medicare to negotiate directly with the drug companies on behalf of our seniors and the disabled to get the lowest possible price.

Why on Earth wouldn't that be the first thing we would do? Right now States, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration use their large bargaining clout to obtain low drug prices. Common sense says Medicare should be doing it.

Regrettably, the only entity in this country that cannot bargain for lower group prices is Medicare. Why? Who benefits from that? Who benefits from locking in up to 40 million people forced to pay the highest prices? Certainly not our seniors and the disabled.

Because the supporters of the drug industry in Congress at the eleventh hour inserted into the final Medicare bill a special interest provision that strictly prohibits Medicare from getting group discounts, our seniors are paying top dollar.

We know the drug companies are powerful. We know they have over six lobbyists for every one Member in the Senate. We can do better, and people expect us to do better than this new law and these cards.

If we want, we can provide real savings for Americans. I wish to point to charts to demonstrate with a couple of medications what the differences are.

Right now for Lipitor, which lowers cholesterol, if we were to do a group discount, such as the Veterans' Administration does, our seniors would pay $40.55 for a month's supply. If we were to open the border to Canada and allow trade, as we do for everything else, back and forth between Canada and the United States, we would be able to get that price down to $35, from $40.55 to $35.04. However, if we continue with this current Medicare card, the low end is $64.67 up to $74.77. This makes no sense.

Right now people are being told to go out and sign up for a Medicare prescription drug card that will require them to pay more than we could get for them if we simply negotiated group prices or open the border to Canada.

Another demonstration: Norvasc, which controls high blood pressure. Again, with the VA, for a little over $25, you can get a month's supply; Canada, $28. But under the so-called discount card, it is anywhere from $41 to $49. These numbers just do not add up, and the seniors of this country, as well as all Americans who would benefit by opening the border and allowing us to do business across the border, are saying to us: Do it again, and do it right.

One more example: Protonix, which treats ulcers and other stomach conditions. If we were to negotiate a group price, as does the VA, the individual out of pocket would pay $26.83, and through Canada, $41.60. Under these new cards, they would pay from $86 to $108. It just does not add up. These numbers do not add up for our seniors or for anyone who is struggling to purchase medicine or to keep up with the incredibly high and rising prices of their health insurance because we know this is a major driver.

In conclusion, are you better off than you were 4 years ago under this Medicare law? We need to change it, and we need to get it right.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Michigan has been a leader on this prescription drug issue for the entire time she has been in the Senate. The country owes a debt of gratitude to her for being unrelenting in pointing out the need to reform prescription drug availability, especially as it relates to seniors.

I yield the remainder of the time to the Senator from Washington, Ms. CANTWELL.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 45 seconds.

MARKET MANIPULATION AND ENERGY CONTRACTS

Ms. CANTWELL. Mr. President, I rise today to talk about something I have tried to address many times before in this body, and that is the issue of market manipulation and energy contracts specifically by the Enron company that have gouged my constituents for millions of dollars.

We have seen in the last couple of days as my own home public utilities district, Snohomish County PUD, was successful at getting audiotapes from the Enron company that showed exactly what people thought was happening: That people were talking about market manipulation, that people were talking about schemes, that people were making jokes about $250 megawatt costs and prices that were gouging my constituents on energy prices. Now we know this company has already been cited by the Federal Energy Regulatory Commission as having manipulated the markets; now we are hearing in their own voices, in their own words, among their own employees, that this manipulation was going on.

The question is, what are we going to do about the market manipulation that has happened and for which my consumers have been gouged? My own home, my own personal utility has had a 50-percent rate increase since the energy crisis took place. That means my constituents have been paying higher energy costs on Enron-manipulated contracts and other contracts during this time period.

One would think that once market manipulation had been admitted, once market manipulation had been documented that we would do something about the market manipulation. In fact, yesterday, the President said we must pass the Energy bill and we must protect consumers. I have a message for the President: This Energy bill does not protect consumers. In fact, it guarantees that the market manipulation which was done by Enron will continue because it basically says that manipulated contracts can be the standard for today. I think that is absolutely wrong. My constituents, in reports and analyses by California, Washington, and Oregon economists, have probably lost 100,000 jobs directly and indirectly from the energy crisis. We have lost a big percentage of our GDP. And we have had a huge increase in rates throughout the State.

So what does that mean? That means my constituents are still paying on those Enron contracts, and when our utilities said they were not going to pay, what happened? Enron turned around and sued utilities in my State. Enron is suing my consumers saying: You still have to pay on manipulated contracts.

Well, here is my check to Enron. Here is my $370.00 check that will still have to go to pay for that Enron contract in which they have admitted market manipulation.

I have already personally paid them hundreds of dollars on manipulated contracts. So have my constituents. The question is whether this body and this administration are going to do anything about market manipulation, whether they are going to stand up and say that the Enrons of the world have taken the consumer to the cleaners and are going to let my constituents out of these manipulated contracts.

So while the President would like to have an energy bill, I would like to have an energy bill that protects consumers. I would like to have an energy bill that passes both the House and the Senate where Members of this body and the other body stand up and say market manipulation is wrong and we do not condone any contract as just and reasonable or any contract as in the public interest if, in fact, it has manipulated, schemed, and put people out of their homes at a huge cost to many of the consumers in my State.

I yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Are we now on the Republican morning business time?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. Thirty minutes.

Mr. DOMENICI. I have told those who follow me, I will try to get finished in 7 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY SECURITY

Mr. DOMENICI. Mr. President, over the weekend, the world witnessed the horrible hostage-taking situation in Saudi Arabia, where terrorists attacked foreign oil workers and their families. I think we all know that foreign workers have been an integral part of the workforce that produces oil and maintains the infrastructure for oil in Saudi Arabia. These cowards did not attack refineries or terminals or pipelines this time. Those hard assets are supposed to be well guarded and could be replaced. I am not sure they are so well guarded. Instead, the terrorists chose human targets to cripple the world's access to oil supply. Thank God that about 50 of the hostages were rescued, but we mourn the more than 20 lives lost in this terrorist attack.

In the short run, this attack on foreigners and office facilities does not affect physical supply, but it can harm future output and expansion. Investment will be eroded if there is instability.

These terrorist attacks are a frightening warning that terrorists may be only steps away from destroying significant Saudi or other Middle East production facilities. I believe America should be more worried about that than anything else affecting our economic well-being.

It is actually a shame that we sit around and talk and do nothing to make America better prepared. Does anybody doubt that the terrorists, if they can get in and destroy an office full of people, are not prepared to do some real damage to the oil supply and the infrastructure, the tankers, and all the other things? I believe they are.

Terrorists' actions intensify concerns about the vulnerability of oil markets to supply disruption. We saw the price jump $2.45 following the weekend attack, and there are indicators in the future market that those who invest in that market are investing in it heavily, which means they are gambling in a forthright and intelligent way that oil will go up even more.

Instead of oil coming down because of good economic realities, the one thing that is happening is oil is going up. We saw that jump, and before the weekend attack, oil prices were back under $40, seemed to be moving a bit down in anticipation of the OPEC meeting on June 3.

Daniel Yergin, chairman of Cambridge Energy Research Associates, remarked that the signs of increased OPEC production were calming the market, but the weekend attack has again increased a sense of risk and nervousness that has done so much to propel the prices to $40.

Fears and worries of terrorist sabotage attacks and political unrest have translated into a risk premium of $7 to $10 per barrel. This so-called risk premium is one of the reasons why the prices are as high as they are today.

Given that we live in a world of increased risk, particularly with mounting security worries in the Middle East, it is imperative that we take responsible steps to ensure our energy security today and in the future. Today, our energy security requires an emergency supply of oil in the event of severe disruption. Saudi Arabia is the largest OPEC producer and the OPEC country with the largest extra capacity to increase supplies. A major disruption of Saudi oil that we cannot respond to with the SPR would harm our energy security and the economy far more than $40 a barrel of oil.

The President is right to preserve the Strategic Petroleum Reserve for times of dire need, not as a political gesture to abate high prices. And, yes, while prices are high today and they do hurt, today's prices are still below the energy prices America has borne in past years.

The SPR is designated and designed to be a national security asset, a national security blanket. It is not there to deal with supply and demand imbalance, which is the true source of higher prices.

What we have today is a long-coming trend of tightening supply and increasing demand. Changing our treatment of SPR cannot fix that problem. I fear that changing SPR policy will actually end up hurting us. What do my colleagues think OPEC would do if we suddenly changed SPR policy? From their standpoint, they could easily solve that by changing their output response. It would not take much, just a little bit, and they would negate any significant positiveness that comes from releasing SPR oil.

We have 660 million barrels of oil in SPR. We import 11.5 million barrels a day. About 5 million of those 11.5 million barrels a day are from OPEC. That means we have about 60 days' supply if there is a complete disruption to our imports and about 120 days' supply if only OPEC supplies were interrupted. SPR is not there just to deal with potential Middle East supply problems.

Weather forecasters predict an intense hurricane season for the Atlantic and gulf coasts, which would affect domestic and natural gas. As I see it, it is a shame that we are not ready to produce an energy bill and that we are still debating what this Senator likes, what that Senator likes, what the Democrats like. We have tried very hard to accommodate, but we cannot. SPR is our insurance policy against natural disasters as well as supply interruptions. We need SPR full and ready to serve in the event of an emergency. Past experience has taught us that trying to use it as a price control does not work. The bottom line is that changing our treatment of SPR does not lead to quick fixes in the market.

The energy bill that I have been fighting to pass in the Senate is about future energy security. The energy bill is not about quick fixes to the oil and gasoline market; it is a policy plan to move us into the future with a broader portfolio of resources and improved supply and demand balance. The energy bill will increase natural gas and domestic oil production that helps balance supply with growing demand.

The Energy bill will remove the 2-percent oxygenate mandate, which will make it easier to refine and easier for refineries to make gasoline that can be traded between regional markets. It is clearly very positive for America.

The Energy bill addresses the proliferation of boutique fuels. There are a number of State-specific gasoline formulations that have made refining more challenging and market efficiency poorer. The Energy bill will promote further research in hydrogen power that is the potential future for transportation. We have to get started. The longer we wait, the more we risk being blamed for an American disaster.

I will keep coming to the Senate floor to drive home the point that we need to pass an energy bill. Someone called today's energy situation "a crude awakening." It is, indeed. It is time for us to wake up and do something about it. The American public deserves action. They deserve an energy policy that takes care of them today and in the future.

I believe there is a real probability that those who lead our country today, including the Senate—perhaps excluding those who have tried, those who have voted for a new policy—but I believe there is a chance that the leaders of today will be blamed for the disasters of tomorrow. They will not be little disasters if, in fact, we cannot stop the terrorists from their activity. I believe the leaders of Iraq are optimistic, and I am glad because they want terrorists out of that country. But terrorists are everywhere. Believe you me, they are in Saudi Arabia. Believe you me, that is fragile. Believe you me, they are looking at the fragileness of the Saudi situation. I believe they can almost do what they like. They are close. I understand they know what is going on in the oil patch of Saudi Arabia. I am very worried. Frankly, I don't want to go down in history, when this event happens, and have it said we did nothing. I will continue to try. Many in this body will continue to try to make America's energy portfolio more diverse, with different uses so we can face the future with a little more hope.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NATO

Mr. SMITH. Mr. President, it is hard to turn on the television without seeing the stirring images of the Allied landings on D-Day. I think in the heart of every American there swells a pride in these scenes, and what was accomplished on that day truly stands as one of the most historic achievements in recorded history. I think what was on display on D-Day with our Allies was a commitment to freedom, a commitment to the rule of law, a commitment to humankind that has made this world a better place in which to live.

As I reflect on these images, which we will share with our European allies, I am also, unfortunately, reminded of what I experienced this last weekend in Bratislava, Slovakia, at the NATO Parliamentary. It has been my privilege since being a U.S. Senator to participate in many NATO Parliamentaries. This time, the majority leader, Senator FRIST, asked me to chair our trip to this important meeting. It is the first time I have gone when I have been the only Senator in attendance. I hope that does not mean there is less of an interest in security. I think, unfortunately, what it means is the many claims on the time of Senators begin to compete with what is increasingly becoming regarded as an institution of diminishing value. I think that is unfortunate.

Before I left, I read a book by Robert Kagan. It is a small book, but its message is powerful and important. The title is "Of Paradise And Power: America and Europe in the New World Order." Basically, the message is that the values that bring NATO together in the first place, the values that have held it together through the cold war, are values that are changing now and stressing NATO in ways that many are unwilling to face up to.

For the RECORD, I would like to read the first paragraph. I think it says very clearly the problem. Says Mr. Kagan:

> It is time to stop pretending that Europeans and Americans share a common view of the world, or even that they occupy the same world. On the all-important question of power—the efficacy of power, the morality of power, the desirability of power—American and European perspectives are diverging. Europe is turning away from power, or to put it a little differently, it is moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation. It is entering a post-historical paradise of peace and relative prosperity, the realization of Immanuel Kant's "perpetual peace." Meanwhile, the United States remains mired in history, exercising power in a anarchic Hobbesian world where international laws and rules are unreliable, and where true security and the defense and promotion of a liberal order still depend on the possession and use of military might. That is why on major strategic and international questions today, Americans are from Mars and Europeans are from Venus: They agree on little and understand one another less and less. And this state of affairs is not transitory—the product of one American election or one catastrophic event. The reasons for the transatlantic divide are deep, long in development, and likely to endure. When it comes to setting national priorities, determining threats, defining challenges, and fashioning and implementing foreign and defense policies, the United States and Europe have parted ways.

What we don't realize at an official level is how badly we have parted ways.

But what Mr. Kagan wrote, I observed in starkest and tragic relief in Bratislava, Slovakia. It was not all bad. I would describe what I saw, in the language of that great Clint Eastwood western—I think the Europeans would hate a reference to a western in a speech like this—but that title was "The Good, The Bad, And The Ugly."

There was much good. Let me tell you, for me, first and foremost was the good that the British representatives did. I say thank God for the Brits and for a strong leader like Mr. Blair. They continue to provide a bridge between an America and a Europe going in different directions. It is sometimes difficult for them, but their hearts are stout and their backs are strong and they are great Allies. They were on D-Day and they are still on this day.

Second, another good: The first meeting I attended was about the NATO-Russia relationship. The Russians made a presentation. It was great to be in a room where we were talking about issues in which Russia, though out of NATO, was able to communicate with NATO, express its feelings, its concerns. But then, after they made their presentation, some of the things they said caused me to wince. I was about to make a comment to contest a few of the points they had made, but I didn't need to. An Estonian did it for me, then a Latvian, then a Pole. They contested as equals—equals of Russia—things which they said were not the truth, not factual, not real, and certainly not the whole story.

It was thrilling to see. I asked myself as I watched this, Why is this happening? Why can an Estonian stand on equal ground with a Russian and debate as an equal? It occurred to me with great clarity: Because of the U.S. military's marriage to NATO and because the U.S. military continues today what it did from the founding, that visionary founding by Congress and Harry Truman; that is, to put actual bullets in our budgets to provide an umbrella of security for Europe that was credible to the Soviet Union. It was a thrilling thing to see.

I remember when I first came to the Senate and I was on the Foreign Relations Committee. I was given an assignment to help pass the first expansion of NATO, postfall of the Berlin Wall. Many of the questions raised were: What will this do to Russia coming out of communism, trying to come into the Western world? What will it do to a fragile democracy they are trying to build? Isn't this just cold war? And yet some of us said, while we respect those concerns, these new members—the Poles, the Czechs, the Hungarians—are needed for new blood in NATO because we were getting stale and we needed their input. We needed someone in membership to understand what the boot of tyranny on the back of the neck was like, and they did, as we all know.

We won that debate. The vote was large. It was lopsided. But it took a lot of work to make that argument successful. We did succeed and NATO was expanded indeed through these countries, each of which had suffered greatly under the Soviet Union at various times when they had uprises.

But now I have to say that what we promised would happen in these countries has actually occurred. You have Slovakia, the Czech Republic, and Romania. These are not perfect democracies. But guess what they are. They are now democracies. They are pursuing the rule of law. They are allowing free enterprise. They are developing emerging middle classes. They have become job magnets for European capital. They are joining the European Union. They are now part of the free world. And the lever was NATO. But that is the good.

Now I have to tell you what I thought was bad.

Two reports were given on Saturday. They were not my reports. One was made by a German and one was made by a Frenchman.

The first report was about the post-9/11 commitment that NATO had made with respect to Afghanistan. You will remember the only time article V has ever been invoked was after 9/11. We had been attacked. Article V says if member countries are attacked, it is an attack on all.

In response to that attack and the issuance of article V, NATO was supposed to go to work. And they made commitments, according to this report, of things they would do in Afghanistan.

According to the report which I listened to, it was readily admitted that a reasonable attempt was made at the first commitment and that the other three were not even attempted and were utter failures.

That is what their report said. That is what I heard.

They went on to cite the fact that helicopters were needed. Lift was needed so their soldiers could actually participate, but that the member countries of NATO wouldn't send any helicopters. The troops they were sending came with such operational restrictions by their governments that all they could do was defensive work. They couldn't help in the war. They were restricted by their governments from making a contribution.

Let us say the Americans were fired upon. They couldn't help. If they were fired upon, they could fire back. That is what the report said. I was stunned to hear it. But that is what I heard—four commitments; three were utter failures and one attempt.

The next report was made by a Frenchman who talked about the exciting development in the European Union to develop a European defense initiative in which they would develop rapid response forces that could do what he described as "St. Petersburg tasks." Lipservice was given that this could be done with NATO. But when you consider what was supposed to be done with NATO in fulfilling the earlier commitments, these St. Petersburg tasks had nothing to do with that and were completely unrelated to what NATO needed them to do.

What I heard bad was there was soaring rhetoric, everybody there talked about their superpower, and everybody knew their budgets. While this rhetoric was going north, their budgets were heading south. It was scary.

I made the comment that if they were going to fail in their first responsibility and divert limited resources to a new initiative connected to the EU and leave NATO hollow, that would have a serious negative impact on America's commitment to NATO—and it certainly would to this Senator's commitment to NATO. There was just quiet when I responded in that fashion.

The French reporter who was making this report about the new European defense initiative noted how critically poor America was at peacekeeping, and what a poor job we do at rebuilding a country. I never thought that was true with Japan or Germany.

Then a Brit responded to him. She said she had recently been in Bosnia and it is fact that NATO is going to turn over its operational responsibilities in Bosnia to this European force. She said she heard the Kosovars said, We don't trust the EU, we trust the Americans, which certainly flies in the face of the charge that we are no good at peacekeeping. I thanked her for noting what I did not have to say. The Kosovars and the Albanians believed their freedom came from American efforts—not European Union efforts.

Those are the bad things. Let me tell you about the ugly things.

When I left on Sunday to fly home, I reflected upon 9/11 and the article V guarantee that had been issued and how the European Union had not been able to, or our members in Europe had not able to, fulfill their Afghan responsibilities. I thought about how unfair it was to mothers of American troops, and we as a government have said credibly so that Estonians can talk to Russians as equals that if they are attacked we will go to war—thermonuclear war, if necessary. But if the United States is attacked, the response in Afghanistan—a NATO commitment—has been we will apply defense for ourselves, and we will fall short of fulfilling our promises.

That is the first ugly thing—the first ugly realization I left with.

The second was this: I heard from country after country in Central and Eastern Europe how they were being pressured as new members of the European Union not to be cooperative with America on security issues.

That makes me angry. I think that is really ugly.

I was reminded of the Commissar about a year ago when these new NATO members put an article in the Wall Street Journal saying they stood with America on the war on terrorism and the President of the French Republic fearing these new countries would be a Trojan horse for the Americans and a challenge to the Franco-German leadership of Europe that was opposing the American effort—that somehow they had not acted "well-born." Those are his words.

He went on to add, warning: I was sad to learn, that is being administered in subtle but powerful ways to these new EU members. He said it could cost them membership in the EU. It has not done that.

Then Chirac said:

> Beyond the somewhat amusing or childish aspects of the matter [the matter being the letter of support in the Wall Street Journal] . . . it was dangerous. It should not be forgotten that a number of the EU countries will have to ratify enlargement by referendum. And we already know that public opinion, as always when it's a matter of something new, have reservations about an enlargement, not really seeing exactly what their interest is in approving it. Obviously, then, [what the central Europeans have done] can only reinforce hostile public opinion sentiments among the 15 and especially those who will hold a referendum. Remember that all it takes is for one country not to ratify the referendum for [enlargement] not to happen. Thus, I would say that these countries have been, let's be frank, both not very well brought up and rather unconscious about the dangers that too quick an alignment with the American position could have for them.

I conclude with the words of Edmund Burke, that nations have no permanent friends, only permanent interests. I also remember the words of Isaiah to ancient Israel, not to lean on a weak reed.

I say to the American people, NATO is not dead, but it is in trouble. As politicians promise you relief through internationalization, I ask the American people to consider reality, deeds, not words and empty budgets.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

BUILDING A BETTER FUTURE

Mr. DASCHLE. Mr. President, I will use leader time this morning to comment about a number of matters.

I return, as most Members have, from our home States, and I feel a new sense of optimism about what we can accomplish in America for the remaining months of this Congress.

I had the opportunity to visit with South Dakotans of all ages when I was home. I was reminded during those conversations of the hope and resilience that characterize Americans, even in difficult times. The people I talked with spoke frankly about the serious challenges we are facing, but they also expressed a belief that together we can overcome those challenges. And they are right. Their sense of resolve is a great reminder for us all.

When we left Washington for Memorial Day recess, the Senate had ended 5 weeks of procedural wrangling that left many of us frustrated. We accomplished much less than we should have in those 5 weeks. What we did accomplish, though important, took far too long. Remarkably, when we finally did reach agreement on a couple of key issues, some influential voices actually complained. Why? Because bipartisan progress does not suit their political strategy. They would actually prefer Congress do nothing between now and November because they want to blame Democrats for inaction.

When we left for the recess, I was seriously concerned that such political gamesmanship in the Senate could result in a lot of name-calling and finger-pointing this summer but very little progress for the American people. We owe our country more than that.

On Memorial Day, I spoke at a ceremony at a veterans cemetery in my hometown where my father is buried. There were veterans there from my father's war, World War II, from Vietnam, Korea, and the Persian Gulf conflict. There were guests who have friends and family members today serving in Afghanistan and Iraq.

Yesterday I spoke to about 500 young men who were attending Boys State in South Dakota. This is the 35th anniversary of my own week at Boys State. The young men who are part of Boys State this weekend are among the best and brightest in my State. They are there because they are natural leaders. They care deeply about the future of our country. Some of them will no doubt join the military. From the oldest veterans at the cemetery to the youngest delegates at Boys State, the people I talked with at home reminded me Americans have always done what was needed to be done to make a better future.

Congress can do the same now. These are difficult times economically for the middle class. The last time we found ourselves in the situation like this was in 1992. Then, as now, the monthly bills were getting bigger but wages were not keeping up. Then, as now, we were told the economy was getting better. But whatever "recovery" there was did not seem to be reaching the middle class. Then, as now, there was a feeling that leadership was out of touch with what was going on in most of America.

But then, over the next few years, the leadership in Washington, our Government, started putting the interests of the Nation ahead of special interests. We focused on creating jobs and reducing crime and balancing the budget. With the help of the American people we did all three.

Between 1992 and 2000, 22 million new jobs were created. We lowered the crime rate and turned record deficits into surpluses. We restored strength to America's economy and strengthened America's leadership position in the world. We worked with our allies and NATO to confront a ruthless dictator in Europe who was engaged in ethnic cleansing and ended his brutal reign. A victory in Kosovo proved how successful we can be with our friends when we work together and share the burden confronting global threats.

The situation today may be a little tougher and the solutions may be more complex, especially on the international front, but the fundamental truth remains. Americans still know we can work our way out of this. That is the sentiment I heard back in South Dakota. We have done it before; we can do it again.

I am confident the American people will rise to the challenges of today as well. And we need to meet those challenges with them. We must make the needs of hard-working Americans a higher priority than passing more tax breaks. Congress must put the well-being of patients ahead of the profits of HMOs and drug companies so we can finally address the health care crisis in a meaningful way. We must return to a foreign policy that recognizes the value of listening to military leaders and working with all of our allies.

These are commitments the American people want from this Congress. In recent weeks, we have gotten a glimpse of what we can accomplish if we put aside politics and focus on the larger task at hand.

Two weeks ago, for example, we had a promising bipartisan development regarding the transportation bill. After several disappointing experiences with conference processes last year, we have reached a good-faith agreement on how we can proceed with the transportation conference. I am hopeful we can get a good bill to the President soon.

There are some people who think Congress should do little or nothing more of any consequence before we adjourn in October. They see political advantage in gridlock. We need to reject cynical calculations such as these. Doing nothing may be good for some people's political campaigns, but it does not do good for America. It is not good for the millions of middle-class families looking to Congress for help with real and every-day needs. We cannot wait until the new Congress is sworn in next January. We need to be working together now.

Last week I participated in my fourth annual Technology Summit, which has become now an annual event in Sioux Falls. Bill Gates and other technology industry leaders spoke. About 1,000 people came to hear how new discoveries in science and technology can help solve even the most seemingly intractable problems.

One of the people at that summit was a brilliant 29-year-old neuroscience researcher who got his Ph.D. at the University of South Dakota and is doing breakthrough work unlocking the secrets of the human mind. If he can learn how the human mind works, surely we can find a way in this Senate to work together on the challenges facing America.

If young people are willing to go to war for America, surely we can agree to call a political truce in the Senate for at least the next several months so we can deal with some of the real problems facing middle-class families.

As my fellow South Dakotans reminded me over and over again last week, we have met the challenge of difficult times before. Together we must do so again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GUARD

Mr. NELSON of Florida. Mr. President, as we are waiting for some of the deliberations on the Department of Defense authorization bill, I thought it might be worthwhile to call to the attention of the Senate an amendment I will be offering at a later time having to do with our National Guard.

The National Guard has performed magnificently, heroically, and with great professional skill, as well as patriotism. When I wore the uniform of this country as a member of the U.S. Army Active-Duty back in the late 1960s, the National Guard was a much different creature. Today, as the Presiding Officer so well knows, the National Guard is, in many cases, as skilled as, if not even more skilled in particular skills, the regular Army. Thus, when we encounter a threat to the interests of the United States and have to respond abroad, as we have both in Afghanistan and Iraq—especially in Iraq but before that in the Balkans—the National Guard is called on to supply so many of those troops.

My wife and I make it a point on holidays such as Thanksgiving to have Thanksgiving dinner with troops in different parts of the world. One time we found ourselves with our troops in Bosnia. At that particular point in one of those camps out in the fields where we had that Thanksgiving dinner, of that entire U.S. military force, which was our ninth year in Bosnia helping stabilize that place from the fratricide and killing that occurred there before, lo and behold, who were those troops? Those troops were the National Guard. In that particular case, it was the National Guard unit from Pennsylvania. They knew they had a 6-month tour of duty and then they would go home—remember, the National Guard members have their civilian jobs, and what they signed up for also encompasses if there is an emergency in their State, they are under the control of their Governor.

Now we find that we have entered a new era in which we are stretched to the limit on our regular Army troops and almost as if it is an expected thing of replacing regular Army with National Guard. Of course, something is going to have to change, and I think the head of the National Guard and the head of the Reserves are addressing this because they are quite concerned that over time, they are going to see people not reenlisting in the Reserves and the Guard, and in order to compensate for that and encourage that, I think we are going to see our military leadership is going to be setting forth an agenda where Guard and Reserves would have a more certain anticipation that within a period of years, say, 4 years, they would serve a number of months of active duty. I hope that is going to solve some of the problems; otherwise, people might be voting with their feet as they leave the National Guard.

The thrust of my remarks is to tell about when the National Guard is activated, as it has been very heroically from my State—the Florida National Guard was, in fact, in Iraq before the war started. We went in there with special operations troops, and they have performed magnificently. Initially, they thought they were going for 6 months. Then they understood 12 months. But in some cases, they were extended to 14 and 15 months.

So in those long deployments, what happens back home? The families are anxious naturally. The families are usually without the primary breadwinner in the family. The families—the remaining spouses and the children—are often facing a new kind of not only emotional problems but financial problems, not even to speak of the question of the financial situation facing the employer back home.

What should we do? Talk to any National Guard commander and he will tell you that a most important support for those families is the Family Assistance Centers. We have them all over the country. They did not used to get nearly the attention they do today because when fully implemented, when fully funded, when giving the attention to the families back home while their loved ones are abroad, they are giving them counseling, they are helping them get proper counseling on financial management, and they are serving as a center point for networking among the other National Guard families while their loved ones are deployed overseas.

Thus, last year, when we had this very same bill on the Senate floor, the Department of Defense authorization, I offered an amendment, and it was accepted, providing $10 million for these Family Assistance Centers. This is $10 million out of a $400 billion-plus DOD authorization bill. It was accepted. A lot of that $10 million has not been allocated in the last year. Lo and behold, we are seeing some resistance to doing the same thing.

I wanted to give notice to the Senate that coming up will be my amendment authorizing $10 million for Family Assistance Centers for our National Guard families at home. It is one of the least things we can do because it has been so effective. It has been so effective over the course of the past year. But right now, they are anticipating that they are not going to have those resources because they are not in the National Guard budget. I want to make sure it is going to be in the National Guard budget.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished majority leader, the distinguished Democratic leader, the Democratic whip, myself, and other Senators have worked out this agreement that I now ask unanimous consent to be considered by the Senate.

The PRESIDING OFFICER. Will the Senator suspend for a moment, please. The Chair has some business to conduct. I apologize.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am presenting this unanimous consent request, together with the distinguished Senator from Nevada, who will comment on it as soon as I have completed reading it.

I ask unanimous consent that the pending amendments be temporarily set aside, and that following this consent, Senator DASCHLE be recognized in order to offer an amendment related to TRICARE. I further ask unanimous consent that when the Senate resumes the Defense bill on Thursday morning, tomorrow morning, the Senate proceed to a vote on adoption of the pending Crapo amendment No. 3226, to be followed by a vote on the adoption of the underlying amendment No. 3170, as amended. I further ask unanimous consent that Senator CANTWELL be recognized to offer an amendment related to nuclear waste, and that there be 4 hours for debate equally divided in the usual form; provided further that following the use or yielding back of time the Senate proceed to a vote in relation to the Cantwell amendment, with no amendments in order to the amendment prior to the vote—before the Chair rules, I would announce it is my understanding that the pending Graham and Crapo amendments would not require rollcall votes and would be accepted by voice—provided further, I ask unanimous consent that following the disposition of the TRICARE amendment, the Senator from Virginia, Mr. WARNER, be recognized in order to offer an amendment related to the $25 billion contingent fund requested by the President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There is a unanimous consent request pending.

Mr. WARNER. I renew the request as stated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my colleagues for making this possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

AMENDMENT NO. 3258

Mr. GRAHAM of South Carolina. I ask unanimous consent I be allowed to offer the TRICARE amendment, and I send it to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. DASCHLE, proposes an amendment numbered 3258.

Mr. GRAHAM of South Carolina. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes)

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking "is eligible, subject to subsection (h), to enroll in TRICARE" and all that follows through "an employer-sponsored health benefits plan" and inserting ", except for a member who is enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)".

(b) PERMANENT AUTHORITY.—Subsection (l) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

"(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

"(3) the coverage has not lapsed.

"(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

"(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the family members covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

"(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of—

"(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

"(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

"(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

"(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

"(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

"(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

"(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.".

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, before we get started discussing the substance of the amendment, I think it is important that I make a comment about how the amendment came about, and that this is the Daschle-Graham amendment. Senator DASCHLE has been gracious enough to let me offer the amendment, but the truth is, without his support it would never have happened.

I have enjoyed tremendously working with him and others to try to find some common ground in terms of helping our Guard and Reserve communities facing unprecedented problems from the war on terrorism. They are doing a terrific job, just as are our active-duty troops. This has been a bipartisan effort. We worked on this last year. Senator DASCHLE offered the amendment last year. We made some progress. There was a compromise reached for the uninsured Guard and Reserve members to have $400 million to allow them to have full-time health care through the military health care system. That program was not implemented to my satisfaction. I doubt if Senator DASCHLE was pleased, but at least we did make some progress.

Chairman WARNER has been very gracious in allowing us to offer this amendment and has tried to work with us at every turn. Senator CLINTON was one of the original cosponsors, along with Senator DEWINE. I could make a fairly lengthy list of Republicans and Democrats who tried to find some common ground when it comes to the Guard and Reserve community and their participation in the war on terrorism. What we have before the Senate today is a result of that bipartisan effort.

I listened to Senator DASCHLE talk about his visit to South Dakota. I had a similar visit in South Carolina when people kind of urged us to get our act together and do more in common, find some common ground up here. I think we found that today.

Guard and Reserve members, most Americans would assume, are covered in terms of military health care, but they are not. I think most Americans find it surprising that if you join the Guard or Reserve you are not entitled to military health care unless you are activated. The truth is, if you are a Guard or Reserve member, you have to work at least one weekend a month and 2 weeks a year. But the big joke among the Guard and Reserve is, "What a heck of a one weekend a month, 2 weeks a year job" because so many of them have been called to active duty for extended periods.

By the end of this year, 40 percent of the people serving in Iraq and Afghanistan will be members of the Guard and Reserve, called to active duty for probably a year or more. The reason that is so is because the Guard and Reserve community possesses unique skills that are essential to winning the war on terror. Mr. President, 75 percent of the people flying the C–130 in Afghanistan and Iraq come from the Guard and Reserve community. These air crews come from Air Guard units and Air Reserve units.

The C–130 is an indispensable asset in the war on terrorism. It is a four-engine prop plane. It was not the leading edge weapons system in the cold war. But when it comes to the war on terrorism, it can land in short spaces and take off in short spaces and haul people and cargo under some pretty adverse conditions. When I toured Iraq last year with fellow Senators, we had nine C-130 flights going in and out of Iraq and Afghanistan. All nine flights were manned by Reserve crews.

Ninety percent of the people in the civil affairs component of the military are Reserve or Guard members. What do the civil affairs folks do? They are the ones who go around to Afghanistan and Iraq and teach democracy. They help local government organize at the equivalent of a city or a county level. They are helping judicial systems start. They are civilian lawyers and judges and administrators who leave small towns and big towns and they offer their service to the military. That service is being offered in Afghanistan and Iraq and is completely indispensable. We will never win the war on terror unless we get some democratic principles in the Mideast, and the civil affairs units are the leading edge folks providing that service.

Another group that is highly valuable that is heavily laden in terms of Guard and Reserve participation is military police. I know our Presiding Officer is a former member of the Reserve component, legal officer. He probably has a lot of MPs from Alabama who have been called from active duty to go to Afghanistan and Iraq and Bosnia and perform that function.

The military police force has a way to go. Major combat operations are over, but we know from our PC screens, what we read and hear from what is reported from our troops, Iraq and Afghanistan are very dangerous places. What we are trying to do is create order out of chaos. The military police are not only trained in combat skills but policing skills. High numbers of the military police units that are being activated to thwart the war on terrorism come from the Guard and Reserve communities. Most of them have civilian connection to law enforcement. They come from small towns all over America—from Alabama, South Dakota, and South Carolina. They are two of the five cops deployed because they are military police Reserve or Guard units.

The point of this discussion is to try to inform the body that the reason the Guard and Reserve community is so heavily utilized is because it has unique assets and skills which are essential to win the war on terror. The commitment from this group will continue to grow probably over time—not less.

It is now time for the Senate, the House, and the administration to work together to upgrade the benefits of the Guard and Reserve community.

One of the big problems we find from the war on terror is about 25 percent of the people called to active duty from the Guard and Reserve community are unable to go on active duty because of health care problems. That percent of the people in the Guard and Reserve do not have health care insurance in the private sector.

In my State, our adjutant general, Stan Speers, who has done a wonderful job leading our National Guard, says about 50 percent of the people in the National Guard in South Carolina have no health care in the private sector. What happens when you are called up? You have rigorous military standards in terms of being activated and sent off to war. The leading disqualifier for going onto active duty after being called from the Guard and Reserve is dental problems.

When you think about it, a lot of private health care plans have very limited dental coverage.

What we have been working on for well over a year is to provide full-time access to Guard and Reserve members and their families to military health care called TRICARE. If you are called to active duty from the Guard or Reserve, or if you join the Active-Duty services, you will became a member of TRICARE. Our chairman, Senator WARNER, is the father of TRICARE. It was through his initiative that we created this large network of hospitals and doctors that go beyond the limits of the base. We signed up doctors and hospitals all over the country and the world to provide health care to our military members and their families. TRICARE is getting better every year. It is a free benefit.

But for those who serve in the military, you earn what you are getting because nothing is really free. You are risking your life for our freedom. But there is no contribution required of Active-Duty personnel.

What Senator DASCHLE, myself, and others have tried to do is cover this problem for the Guard and Reserve community in a creative fashion. Let us allow them to enroll in TRICARE. What would be the benefit of that for their country?

Number one, our Guard and Reserve would have continuity of health care. They would be in a health care system that is providing quality health care. It would be a great recruiting tool. If you join the Guard or Reserve, you and your family would be eligible for military health care. That would be a good attraction to get new people to come in. It would be a great retention incentive for people to stay in who have already signed up because they could get their health care through the military. It would be a great relief to employers.

The unsung hero of this whole operation in terms of the Reserve community is employers. If you go without your employer for a year or greater, many employers pay the difference between active and civilian pay.

More times than not, when a person is called to active duty, they get a cut in pay. Their military pay is less than their civilian pay. Their families suffer because the military members stand in harm's way. The support network for the Guard and Reserve is not nearly what it is for Active-Duty people. They get a cut in pay.

We are trying to lessen the effects on hardships on families. We are trying to make it an incentive for Guard and Reserve participation.

Here is how the program would work. If you join the Guard or Reserve, you and your family would be eligible to enroll in TRICARE, if you chose to. You would be asked to pay a premium. Unlike your Active-Duty counterparts who receive this without any cost sharing, you would be asked to pay a premium. I think that is fair. The premiums we set up, mirror what Federal employees have to pay in terms of their match for their health care. It is a good deal for the Guard and Reserve members and their families. It lessens the cost. It would be a shared responsibility, for the member would have to contribute and the Government would have to contribute.

I didn't know this until I got into this debate. If part-time Federal employees work 16 hours a week for the Federal Government, they are eligible for full-time participation in our health care plan. If you are a temporary employee, after a year you are eligible for full-time participation without a Government match. I think that is a good idea. I think this is fair and balanced for part-time Federal employees.

I think it would be a shame for a part-time citizen soldier not to at least have that benefit. We are not talking about a normal job. Everyone who serves this country by working for the Government is doing a good thing. People in the Guard and Reserve are not only serving their country in a positive way, but they are literally risking their lives. They take a cut in pay. They go from home into harm's way. Last month, the casualty rate among the Guard and Reserve community had a tremendous bite because there are more and more Guard and Reserve people in Iraq and Afghanistan. That is going to stay the same or get worse over time because we can't win the war without these people.

This amendment would allow, if the members chose, a chance to join TRICARE for themselves and their families. They would pay a premium, and the Government would pick up the match.

The committee markup allows the Guard member to join and pay a premium. It requires the employer to pay the remaining amount of the TRICARE premium.

I appreciate that effort, but the reason I think that misses the mark is because a lot of Guard and Reserve members don't have a private health care plan with which to cost share. You are going to have a very convoluted system. And at the end of the day, I feel very strongly we should not outsource the health care needs of the Guard and Reserve family—to be shared by the military member and the private sector alone.

I think it is very important for us in the Senate and in the House to say this is a government responsibility also, that it is fair to ask the Guard and Reserve family and member to contribute. But I think it is incumbent upon us to also have the Government contribute.

I have yet to find a taxpayer who is upset with the idea that we are going to pick up some of the health care costs for our Guard and Reserve members and their families for protecting our freedom.

The cost of the program: It depends on who you ask. But the latest CBO estimate is about $5.4 billion over a 5-year period. I think there are ways to lessen that cost, and I will be very openminded to that. But we are talking about a $2.2 trillion budget, and a defense budget approaching $400 billion.

My question to the body is, Is that $1 billion a year a wise expense of money? The question is, Can we afford not to? This is about two-tenths of 1 percent of the entire military budget; 300,000 families would be affected. These families are being called upon to do more as Guard and Reserve members than at any other time in the history of the Nation. They don't have health care provided to them by the Government, even though they are fighting to make sure we are all free. That is an inequity we need to fix. A cost-sharing arrangement between the Government and the military member is the way to go. It would help our employers greatly.

If you hire a Guard or Reserve member, and if they can sign up for military health care, it is less expensive for you to hire them and they became a more valuable employee. The employer community has suffered greatly in this war. They have gone without key employees for well over a year's time. They have been paying the bills as if the person were still there, and they need some relief.

I hope we can, in a bipartisan fashion, pass this amendment that Senator DASCHLE, myself, and others have worked on for well over a year. This amendment, simply stated, would allow Guard and Reserve members and their families access to full-time military health care, so when they are called they will be fit to fight, that they will have the security that continuous health care provides families, and they will not be bouncing around from one group to the next.

This is what often happens. If you are in a health care plan in civilian work, you are called to active duty, you leave that health care plan to go into TRICARE. On one of the C–130 crews I was flying with, there were two first-time dads on the crew. One of them had a private plan with Southwestern Bell that continued health care for the family voluntarily. They do not have to do that. The other was a realtor who had private health insurance. When he was called to active duty, his wife had to change doctors and hospitals. That was very traumatic.

We can lessen that trauma. We can give an option to the military member and their family, the Guard and Reserve military member, to have the same set of doctors and hospitals year round. They do not have to bounce from one group to another. When they are called off active duty, they lose their TRICARE eligibility within less than 6 months and have to change doctors and hospitals twice. It creates a serious disruption. Twenty-five percent have no health care in the private sector. This would solve that problem.

In terms of the money, it is the best deal you will ever find to defend America. It will save money. If 25 percent of the people called to active duty cannot be utilized because of health care problems, a small investment in their health care makes good sense from a business equation.

If necessary, we will find offsets.

I hope the Senate today, in a bipartisan fashion, will extend TRICARE health care benefits to every Guard and Reserve member who chooses to sign up in a cost-sharing fashion to make sure those people are ready to go to war when called, that their families are better taken care of, and that the concerns of continuity of health care will finally be addressed forever.

This is affordable. It is the right thing to do. Our Guard and Reserve families and members have earned it. They have earned this benefit.

I yield for my colleague, Senator DASCHLE.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader is recognized.

Mr. WARNER. Will the Senator yield?

Mr. DASCHLE. I yield.

Mr. WARNER. To frame what this debate is about, if I might ask my distinguished leader to let me interject on my time period, there is no stronger proponent of Reserve benefits than this humble Senator from Virginia. I served in the Marine Corps Reserve for some 12 years. I have some basic understanding of the tremendous and vital importance of our Reserve Forces and the need to try to give them as much possible care. Our bill has gone a long way to do that.

I will go into the details of the $700 million—$300 million increased expenditure by the administration on behalf of the Reserve and $400 million by the Senate Armed Services Committee. However, my distinguished colleagues from South Carolina and South Dakota wish to add into this bill a $700 million cost. It is not offset in any way. Consequently, if this amendment is adopted and we go to conference, we have roughly $700 million already in the bill, which improves the life of the reservists, and on top of that, they are suggesting an additional $700 for this fiscal year, but the outyear bills are just enormous. It would be $700 million in the fiscal year 2005 and $5.7 billion over 5 years and $14.2 billion over 10 years. We are talking about a very significant, permanent entitlement for the reservists which is extremely costly. From where do those dollars come? Out of readiness, new equipment, and other needs of the Armed Forces.

Essentially, that would be my basis for the objection.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Madam President, I appreciate the comments of our distinguished Chair and compliment him on his leadership and the effort he has made to put this bill before the Senate. I will come to the reservations he has raised in a moment.

Let me begin by thanking my colleague from South Carolina, Senator GRAHAM, for his tremendous leadership on this issue. It has been a true pleasure for me to have had the opportunity to work with him these past 18 months on this legislation. We come from quite different backgrounds, different approaches and philosophies, but on this issue in particular, I have enjoyed immensely the opportunity to work with him. I compliment him on his statement just now and on the remarkable work he has done to date.

Let me also compliment and thank Senators LEAHY and CLINTON for their work and role on our side, and certainly Senator DEWINE and others on the Republican side for their involvement.

As Senator GRAHAM noted, this is a strong bipartisan effort involving many Senators on both sides of the aisle. The votes that have been taken already indicate the depth of support and enthusiasm for the amendment Senator GRAHAM and I are offering again this afternoon.

I am sure most of our colleagues had the same experience I did last Monday. We spoke at Memorial Day events. We recalled the sacrifices made by our men and women in uniform now for more than 220 years. I am sure many of our colleagues in particular focused on the commitment made by our men in uniform today. Now, more than 800 men and women have been killed in Iraq in recent years; 122 have lost their lives in Afghanistan; more than 5,000 have been injured.

I have been to Walter Reed Army Medical Center on numerous occasions to visit the injured who are from South Dakota. If my colleagues shared my same experience, they were moved by the patriotism, by the depth of feeling and support for our troops and our country as we gathered to commemorate Memorial Day again this year.

Over and over again, I saw cars with bumper stickers proclaiming "support our troops." I propose that supporting our troops entails more than expressions of support from the heart, as important as they are. We need to support our troops emotionally and rhetorically with our bumper stickers, but if we mean what we say, supporting our troops also must go to supporting their needs.

That is what Senator GRAHAM and I are again proposing with this amendment: to support our troops in a realistic and meaningful way that matters to them. That really is what this amendment does. It recognizes a need.

It also recognizes today an inequity. As my colleague from South Carolina noted, 40 percent of those boots on the ground today in Iraq are reservists, members of the Guard and Reserves. Madam President, there are 160,000 Reserve troops—1,200 from South Dakota—now on active duty. That is a dramatic departure from past practice.

In the past, it was active duty personnel who performed these roles. In the past, it was active duty personnel, augmented at times through history by the draft, who gave us the manpower we needed to do the job wherever it may have been required. But in the post-Cold War period, our military practices have changed dramatically. Now we are turning to our Guard and Reserves. We are saying: You need to fill the gap. You need to defend your country.

Now it is more than just a weekend commitment each month. Now it is a year, and in some cases 2 years of your life, giving up your job, giving up your time with family, exposing yourself to life-threatening circumstances. Now you are doing it.

Madam President, 40 percent on the ground—that is vastly different than what it was just a few years ago. So this amendment attempts to deal with the inequity of troops on the ground fighting for their country in Iraq: one troop sitting right here with full health insurance for himself and his family; the other troop, right here, with absolutely no health insurance coverage at all. How in the world today could that be fair? And how in the world, in the name of supporting our troops, can we accept that?

I want to see those "Support Our Troops" bumper stickers, but I want it to mean something. I want it to mean what we say. We are supporting our troops and their needs. And this is their greatest need.

I acknowledge the work done by the chairman of the Armed Services Committee and the ranking member. They have addressed this issue. I acknowledge the support they have shown. We have come some way, some distance in the last 12 months, but there are five crucial differences. For the record and for the information of our colleagues, I want to walk through those differences, if I can, just briefly, because it is our argument for why we need the amendment offered by Senator GRAHAM and myself and others.

First is coverage. Under the committee bill, only those reservists who can gain the consent of their employer will be allowed to participate. We believe the fate of reservists in the private sector should not be determined by their employer's attitude.

Why should they have to get approval from their employer to get health insurance from their Government—fighting for their country, as they now do in Iraq, Afghanistan, and around the world? To me, that does not connect. Employer support is helpful, but employer approval to get Government benefits does not seem, to me, to be the approach we want to subscribe to, and I think it sets a very dangerous precedent.

The second is cost. The committee bill requires the reservist's private-sector employer to pick up 72 percent of the cost of the reservist's health care premium. So unless the reservist's employer is prepared to pay 72 percent of the premium for the reservist, that employer is not going to sign off on the health care coverage. The employer is going to say: I would love to do it, Joe, but I can't afford it. You are telling me to do something I would love to do.

My colleagues and I know how these things work. I have talked to a lot of awfully good employers, awfully good small employers, who virtually break down when they tell me how it hurts for them to make a decision between offering employment and offering benefits and recognizing they cannot do both. We have thousands of employers in South Dakota who would give anything if they could offer benefits to their employees. But to tell those employers they are going to have to pay 72 percent of the cost, I guarantee you, almost 100 percent of the employers will say they can't do it or they would have done it by now.

Now, as it relates to cost, yes, the chairman is correct. The cost of this program in the first year is $696 million. Madam President, $696 million sounds like a lot of money, and it is—$5.7 billion over 5 years. But, as the Senator from South Carolina said so well, do you know what that amounts to in terms of the percent of the defense budget? In percentage terms, for the defense budget, this represents two-tenths of 1 percent. That is what we are talking about, two-tenths of 1 percent, to follow through with the commitment that we, as a nation, must make when we say: "Support Our Troops."

I think we can afford two-tenths of 1 percent. And, as Senator GRAHAM said so well, we cannot afford not to. I will get to that in a moment.

The third difference is reimbursement. Under our amendment, if a reservist's family opts to retain their personal doctor rather than enroll in TRICARE when the reservist is activated, the family can do so. We want to give the family the option of choosing the best coverage for themselves, and the Defense Department would simply pick up a portion of the family's private health care premium. That is all we do. You choose. You are not going to be penalized for whatever choice you make.

The fourth difference is the amount of the annual premium. Under our amendment, an individual reservist can obtain health coverage for about $1.37 a day. The reservist with a family could obtain coverage for about $4.90 a day. The committee bill does not specify how much a reservist would have to pay, and they leave it to DOD.

I think reservists will tell you: We like the certainty of knowing, as we make our choice, what it is going to cost. And $1.37 a day is $1.37 more a day than Active-Duty personnel pay. And $4.90 a day is $4.90 a day more than Active-Duty personnel pay for family coverage. So the reservists are already paying more than what their counterparts right next to them in the line of battle are required to pay today, even though they are both defending this country.

Finally, the last difference has to do with deductibles and copayments for doctor visits. Unlike the committee bill, we ensure that the reservist would not face an annual deductible or copayment for doctor visits. The committee bill does.

So those five specific differences are why we have come to the floor. We acknowledge the commitment and the effort made by our chairman and ranking member and others on the committee to address this issue. But I have to say, for two-tenths of 1 percent of the entire defense budget, we will be able to say to our reservists: We are not only going to support you rhetorically, we are going to support you with what you have told us is your single greatest need and concern today.

There are three reasons I think we need to adopt this legislation: First, because it is the right thing to do. I don't know how you explain, today, to a member of the Guard or the Reserves, who soon could be stationed in Iraq for perhaps 2 years that even though he is required to pay for his health insurance and his Active-Duty counterpart is not, that we are not even going to give him even that chance at coverage, but we want him to defend his country. I do not think that is right. That is inequitable, that is unfair, and this amendment addresses it.

The second is retention. Senator GRAHAM mentioned this so well. We have some very serious concerns about retention in our Guard and Reserves, for good reason. For a lot of them, this is not what they bargained for; this is not what they were told. We have the best Guard and Reserves we have ever had, the best we have ever had in history. If we do not want to go back to those bad old days, in my view, of the draft—and we have a bill pending, S. 89. I get asked all the time: Will there be a draft?

I tell them: No, I don't think you have to worry about a draft. Why? Because the volunteer Army has worked. Why? Because the Guard and Reserves are filling that void, that gap that we used to call upon the draft to do. But if we see the attrition and the erosion in support and the reduction in the enrollment and re-enlistment, we are going to pay a very heavy price. I cannot think of a better inducement for re-enlistment than this.

Finally, the third reason is simply the need. You can check the category, but across the board, one out of every five of our members of the Guard and Reserves has absolutely no health insurance today. In the age groups below 30, it is even higher, almost 40 percent. So there is a need that we need to address.

So I enthusiastically join my colleague, the distinguished Senator from South Carolina, Mr. GRAHAM, in asking our colleagues, once again, to do what they have done in the past: Support the effort to provide this needed benefit. It is needed, not only for purposes of addressing an inequity that I think has been long overdue, but also real concerns about retention and parity. If we are all going to do what we said we were going to do last Monday, during our Memorial Day speeches—"support our troops"—let's do it more than with bumper stickers and rhetoric.

Let's do it immediately. Let's help them. Let's provide them the assistance they tell us would mean more than anything else we could do for them right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask my colleagues for no more than 2 minutes.

I listened intently to our distinguished Democratic leader as he outlined his proposal. Correct me if I am wrong, but I understood him to say that when a reservist goes on active duty, he has to worry about his costs.

Could I direct the Senator to title 107(4)(a) entitled "Medical and Dental Care" which explicitly says for anyone, reservist or guardsman, on active duty for 30 days or less, they are entitled to it. There is no problem. They are treated exactly as the Active-Duty individual. So may I ask the Senator to refer to that statute and review the remarks that he made to the Senate.

Mr. DASCHLE. Madam President, if I may respond to the distinguished Senator from Virginia, I would simply say that he reads and interprets the law correctly. He said it just as the law reads. While on active duty for that 30-day period, there is no difference. But what about before and after? What about the families and what about the opportunities accorded those families when the need arises? There isn't any accommodation. I think we have to take into account the universe of support we provide through health benefits for Active-Duty personnel.

I stand by my statement concerning the disparity that exists today. I don't want to take anything away from Active-Duty personnel. They deserve every dollar of support we provide them through good health insurance. All I am saying is that today, given the dramatic change we have seen in the makeup of our military and the role now that the Guard and Reserves play, the Guard and Reserves, for a personal commitment that I outlined in my remarks a moment ago—$1.37 a day for individuals, $4.90 a day for families—ought to be entitled to that same level of confidence. Today the law denies that.

I thank the Senator for asking the question.

Mr. WARNER. Madam President, I appreciate that the Senator at least clarified that point. I would like to point out also that in the existing bill, we have added 6 months after demobilization in a transition to civilian life. They are entitled to these same benefits. It isn't as if we drop them the day they walk out of the gate, having served with distinction in his or her service on active duty.

I think we are framing this debate correctly. We have to look at the associated costs with this permanent entitlement program which is being proposed. Bear in mind, particularly to my colleagues who have had experience in the military themselves, we are narrowing the gap between the benefits for reservists and guardsmen and those who commit to enlistment for 5 years or those who aspire to be careerists for 20-plus years. Pretty soon people are going to say, why should I become a regular member of the U.S. Army and sign up for commitments of many years when I can stay in the Reserve and just about get all the same benefits that a regular gets? Once we start that breakdown, I dare say, my dear friends, we will have a lot of difficulty recruiting for the Active Forces and much less difficulty recruiting for the Reserve and the Guard.

I believe the Senate is under an order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. In my capacity as a Senator from New Hampshire, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3258

Mr. WARNER. Mr. President, as to the points of the pending amendment that the Senator from South Carolina and the Senator from South Dakota have spoken very eloquently about with regard to their amendment, I will interject briefly my own observations and strong opposition because I believe that the Armed Services Committee structured a very adequate program for the Reserves.

I direct the attention of Members to page 135 and thereafter in the bill on each desk, which outlines what the committee did. Roughly, the President's bill had $300 million in allocations toward additional benefits for the Reserve and Guard. The committee went beyond that and added another $400 million, and now along comes this proposal which would add on top of that another $700 million.

We are really beginning to face quite a severe dollar problem because unless this amendment is defeated, it would require the conference to seek out cuts in other military programs, all of those programs having been carefully evaluated by the two committees, the House and the Senate, and reduce them by some $700 million. That is the bottom line.

The other reason I feel very strongly about that this proposed legislation is not in the best interest of the services, it really begins to provide for the Reserve and Guard Forces in a manner that is commensurate with the Active-Duty military personnel.

Stop and think. When a young person—and oftentimes that person now has a family with a wife and vice versa as the case may be—sits down and evaluates their life and how they would like to make a commitment to service in uniform to this country, suddenly they look at the alternatives. Well, there is the Active and we get a certain degree of benefits under the Active; then there is the Reserve or the Guard, and they compare the benefits that they would get under that program. If this legislation is passed, it is beginning to close the last gap between the benefits on the Active side and the benefits on the Reserve and Guard side.

Now, one might say, well, Senator, when the Reserves are called to active duty, they perform just as the Active member, and that is correct; they take the same risk as the Active member, and that is correct; the family assumes much the same hardships as the Active member, and that is correct. But when the Reserve completes his or her obligation of a callup, they return to the Reserve status, they return to their homes, they return to their civilian jobs and their life in the civilian community with such obligations as their Reserve or Guard requirements require.

The Active person perhaps finishes their overseas commitment, they go back to the training base, they are fully in the military, fully subjected to the regimen of the military, fully subjected to going right back overseas on a very short turnaround basis. We have witnessed that during this conflict period covering the AORs of Afghanistan and Iraq. But the regular soldier, sailor, airman, and marine, when they commit to a tour of duty of 3 or 4 years' obligated service, or the officers accept their commissions and obligate themselves for 4 or 5 years, whatever the case may be, they understand that, but it makes for equity and fairness that the Active rolls have some benefits that compensate for the rigors, the constant risk, the constant disruption, the constant moving of the Active-Duty Force, unlike the reservist who is called back for a period of time, then released to go back to their civilian jobs and their homes. They could own that one home, whereas the military soldier, the careerist on active duty, often has to get a home, sell it, go get another one, sell it, move, move, sell, rent. Those are hardships for which I think through the years the Congress has carefully balanced out an equitable formulation of the benefits for the Active Force and the Guard and Reserve.

This amendment makes a very substantial closing of that gap, and I think it will be an inducement for young people now to go into the Reserve and Guard because they are going to have just about the same benefits as the individual on active duty, but they can stay in their homes, stay in their jobs, perform their weekends and 2 weeks in the summer active field training. They can match both their civilian life and their Guard and Reserve life and balance it in such a way as to basically stay home. That is not so with the regular force.

So when we reported out the bill S. 2400, we went further than the Senate has ever gone before to improve health care benefits for Reserve members, and it reflects our Nation's growing reliance on their service. When a Reserve or Guard is called up, within 30 days—and I think in a respectful way I brought this to the attention of the distinguished Democratic leader—they are treated just as an active Regular once they go on that active duty. We have added permanent TRICARE coverage before and after mobilization and created a new option for the Reserves and their families to participate in TRICARE while they are enjoying the benefits of civilian life. They have an option but they have to pay something for it.

The bottom line is we are dealing with the taxpayers' money. That is what we are dealing with, the taxpayers' money, and it is quite a considerable commitment under this amendment.

Our fundamental disagreement is how we achieve these goals. The difference, again, is cost. The amendment would be $700 million for this 1 fiscal year, $5.7 billion over the ensuing 5 years, and $14.2 billion over a 10-year period from adoption. We are under stringent budgets these days, and our military is very much in need of modernization, new equipment, additional training, reconfiguration, particularly the U.S. Army, and all those are costly items. If this amendment were adopted, it would draw down on that ability of modernization.

Our statistics show the vast majority of reservists and their families, at least 85 percent according to the Comptroller General, have health coverage from their employers. Recruitment and retention among Reserves at the present time is not a crisis. So this is not a recruiting tool.

So I ask my colleagues, why, then, should we respond to increasing calls to the Reserve providing health care compensation in a civilian capacity that is so costly as to guarantee erosion of funding needed for readiness requirements of the other military branches? Under S. 2400, all become eligible for TRICARE when they are mobilized in support of a contingency. All are eligible for 6 months additional coverage after they are demobilized. Mr. President, $200 million is set aside for a demonstration project to provide coverage for the unemployed and the uninsured.

In addition to these new benefits, let us not forget that all reservists and their families are eligible to enroll in the Reserve dental insurance program, in which the government pays 60 percent of premiums for reserve families whose sponsors are mobilized for more than 30 days; and all reservists who retire with 20 years of creditable service are eligible for TRICARE for life when they reach age 60.

Colleagues, the amendment will duplicate private insurance, handing a windfall to the insurance companies who are now paying full premiums for coverage of civilian-employed reservists. The amendment asks the taxpayers to take the place of employers in providing health care coverage for reserve members while they enjoy the benefits of civilian employment and civilian life.

The underlying bill also includes authority for appointment of an independent commission on the future roles and mission of the reserves. This commission would examine all the proposals for enhancements to compensation and benefits of Reserve members that have been proposed in light of changes in current and future roles.

We should not more blindly into a permanent and costly government entitlement for reservists while, unlike their active duty counterparts, they are enjoying the benefits of civilian life, and earning benefits in their civilian roles.

This is the fundamental basis for the reserve: an option, desirable to many, to maintain civilian employment and benefit status and civilian lifestyles for the majority of their careers, while serving in reserve for the nation's active military components.

Let us not ignore the significant investment and improvements in the underyling bill for reserve members and their families, which are affordable for this country, today and in the future.

So I think we have hit a very balanced program in the committee bill acted upon by all members of the committee. To the best of my knowledge it was voted out unanimously by committee. I hate to see this treatment of the hard work of the committee. They are entrusted, by virtue of their assignments on this committee, with making the tough decisions as to how best to balance the benefits given to the Guard and Reserve and those in the Active Force. And I come back to the American taxpayer who has to foot a very considerable permanent guarantee, the entitlement under this program for many years.

At this time I yield the floor.

Would the Chair advise the Chamber with regard to the time remaining under the control of the Senator from Virginia and the control of the two proponents of the measure?

The PRESIDING OFFICER. At this time there is no pending time agreement.

Mr. WARNER. I see. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. REID. Will the Senator from South Carolina yield?

Mr. GRAHAM of South Carolina. Yes.

Mr. REID. I have spoken to the two managers of the bill and the proponent of the underlying amendment, together with Senator DASCHLE. They would be willing to start a vote at 3:30. However, I don't think there is that much more talk on this amendment. We will have a vote at 3:30 for the convenience of some Senators. We could complete the debate fairly soon, within the next 10 or 15 minutes, and then if the Senator from Virginia wanted to lay down the $25 billion amendment, we could do that and get started on that, and then we would stop at 3:30 and have our vote?

Mr. WARNER. Mr. President, I think that is a very good suggestion. We then seek unanimous consent to vote, now, at 3:30, with the understanding that in the interim period we could set the amendment aside, bring up another amendment, and then terminate debate on that amendment at the established 3:30?

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I understand we will soon be carefully scripted by our very able staff.

Mr. REID. We can be carefully scripted, but the point is, what the intent of the manager of the bill is that we will vote at 3:30 on the Daschle-Graham amendment. Then prior to that time we would have a few minutes remaining on this amendment. Then we would go off this, go to, I believe it will be a bipartisan amendment of Senator WARNER and Senator LEVIN about $25 billion, debate that for a while, vote, and then go to the recognition time for the World War II veterans. Then, if the leader decides to come back after all that is done, tonight we would be on the $25 billion amendment and either vote on that tonight or some other time because under the order, as I understand it, that is now entered, tomorrow morning we go to the Cantwell-Graham problem we have.

Mr. WARNER. Mr. President, as usual our distinguished colleague has stated the facts with accuracy.

The PRESIDING OFFICER. Without objection, the pending request is withdrawn. Who seeks time? The Senator from South Carolina.

Mr. WARNER. Not on time yielding, as I understand it; whoever seeks recognition. I have had a time to speak. As I understand it, my colleague from Michigan——

Mr. LEVIN. I just have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as I understand it, this is going to be a unanimous consent that is going to be entered formally, but it has not yet been entered; is that correct?

The PRESIDING OFFICER. The Senator is correct. The suggestion has been made.

The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I just need 10 minutes to speak on the amendment.

Just to conclude this debate, this debate has been going on for a very long time, more than a year, on how to best take care of the Guard and Reserve Forces in terms of their health care needs. It is an honest debate, sincere debate. Mr. President, 85 Members of the Senate voted last year on this very amendment. I think I understand why they voted to extend health care benefits to the Guard and Reserve, full time, and with the premium to be paid for them. It makes sense for our military needs. Forty percent of our people in Iraq and Afghanistan are going to be Guard and Reserve members.

Let me explain as best as I can how this works. If you are a member of the Guard and Reserve today, while you are serving in that capacity you have absolutely zero health care benefits offered to you from the military. A part-time Federal Government employee, a temporary Federal Government employee receives health care benefits. So go home and explain that one. You can be a part-time Federal employee, work in the Senate or the House, and you get health care. You can be a part-time citizen soldier, training to defend America, and you get zip.

Now, it is true when you are called to active duty you get everything an Active-Duty person gets. The reason is because you are on active duty. That is not that great of a benefit, to pay you like somebody right next to you and to give you the same benefits because you are doing the same job. The point we are trying to make is, there is a problem in the Guard and Reserve community when it comes to health care. Mr. President, 25 percent of the people called to active duty, as I stated before, from the Guard and Reserve community are unable to go on active duty because of health care problems. I would argue that we need a better health care network covering our Guard and Reserve members and their families, from a readiness point of view.

Let's talk a little bit about retention. The head of the Army Reserve said yesterday—and this is back in January—that the 205,000-soldier force must guard against a potential crisis in its ability to retain troops, saying serious problems were being masked temporarily because reservists are barred from leaving the military while the units are mobilized in Iraq.

In this prison abuse scandal what we found was that the MPs in that jail, and some of their associates, were due to go home, but they couldn't go back home because they were needed in Iraq, and they had the rug pulled out from under them, causing tremendous morale problems.

"This is the first extended duration war our Nation has fought with an all-volunteer force," said LTG James R. Henley, the head of the Reserves. "We must be sensitive to that and we must provide proactive, preventive measures to prevent a recruiting retention crisis." 1-21-04.

"We got a real retention issue," said Republican Governor of South Carolina, Mark Sanford, our Governor and a member of the Air Force Reserve. "We are going to see it emptying when people's tickets are up and when Guardsmen are not stepping up to the plate."

You know, I am not sure that is true. Patriotism is high. To prevent them from getting out, we need to be thinking of what we can do to make it a more attractive job. But let's say you stay in. What can you do to honor your service to our country? This Congress has spent $400 billion on Medicare improvements. Let's talk about money for a minute. We are trying to get every senior in the country to sign up for a discount card because we want to help seniors. Great, good idea.

We are trying to spend $1 billion a year for 5 years to give Guard and Reserve members continuity of health care coverage, and we are arguing about the money? We spent $20 billion of hard-earned taxpayer money in Iraq. We gave it to the Iraqi people, to build their hospitals, to build their schools, to build their roads, to build their fire departments, and their police stations, to train their army. Do you know what. The money is needed.

I wanted to loan some of it because they are sitting on $1 trillion worth of oil. I like helping people but I want people to help themselves. So when it came time to write this amendment we did strike a balance. Here is the balance.

Right now, as a Guard and Reserve member, you are a part-time Federal employee. Unlike every other part-time Federal employee, you get nothing. So here is what we are suggesting. If you want to, you can sign up for military health care year round. It will be eligible for you and your family—you will be eligible for that program. But while you are a Guard or Reserve member you are going to have to pay a premium like a Federal employee. I wish we could get the Iraqi people to help pay some of the money back, but we are not. So they are going to make a contribution. This is not a free deal. They have to pay like every other part-time Federal employee. Put them in that same category. They deserve to be in that category.

Here is the difference between an Active-Duty troop and a Guard and Reserve member. No. 1, an Active-Duty troop is doing a great job, and we should pay them more. Senator WARNER has done a great job improving benefits for Active-Duty people. Our Armed Services Committee in the Senate has been second to no one in trying to make a better life for those who serve our country. My hat is off to them. We just have a disagreement over this particular amendment. But we are daily improving the benefit package of Active-Duty people. By God, they deserve it.

But here is why it will not affect recruiting. The Pentagon has started this argument. It is the most bogus argument I have ever heard. It is that if you offer TRICARE eligibility for the military members who would have to pay $1,800 a year for the benefit, as a premium for a family, that somehow that will hurt recruiting for active duty.

Here is your choice if you are going to pick between the two programs. You have a Reserve job or a Guard job that allows you to work one weekend a month, 2 weeks a year, and you get to retire when you are 60. The Active-Duty person gets a full paycheck, gets full health care benefits, gets a retirement after 20 years. There is no way that is going to compete and take people away from Active-Duty Forces. How are you going to raise a family working 2 days a month? They are part-time employees in a vital job, to defend America. Unlike every other part-time Federal employee, they are not eligible for Federal Government health care, and they should be. We are asking them to pay a premium unless they are called to active duty.

That is a fiscally responsible balance. We spent $20 billion of the taxpayers' money to make Iraq a better place. We spent $400 billion and counting on a prescription drug program for our seniors. Here we are, trying to get $5.4 billion over a 5-year period to cover 300,000 families who have suffered beyond description, in terms of leaving their homes and their jobs for pay cuts. Most Guard and Reserve members, when called to active duty, leave obligations behind, greater than the military paycheck. They make more money in the civilian world and when they are called to active duty they take a pay cut and we don't make up the difference. But they know that going in.

There are small things that mean a lot to these people, and this is truly small, in terms of money. It is two-tenths of 1 percent of the budget. Mr. President, 25 percent of the people are unable to go on active duty when called to the Guard and Reserve community because of health care problems. This amendment more than pays for itself. The money is well spent. It is affordable, and there are many programs in this budget that cost more than $700 million that, if you ask the taxpayer to choose, I think the Guard and Reserve community would win every time.

How many bills do we pass every year that spend billions of dollars on questionable programs? This is the one area upon which we can all agree. The Guard and Reserve community needs a better benefit package because they are being asked to do more than ever. They are dying at a greater rate this year than last year. What has happened in the year when we first debated this? There are more of them and they are dying at a faster rate.

The father of TRICARE is Senator Warner.

This is why I object to committee markups. No. 1, the entire cost of TRICARE under the committee markup is borne by the employer community and the reservists. The Government doesn't contribute one penny to the health care needs of our Guard and Reserve members. That is wrong.

The unsung hero of this whole war effort, when it comes to the Guard and Reserve community, is the employer. Wouldn't it be nice if we could take a load off of small businesses and large businesses which have guardsmen and reservists and share in the cost of health care along with the Guard members themselves and take them off the payroll? It is a small thing. It would mean a lot to employers.

Employers have paid the difference between active pay and civilian pay voluntarily, and in huge numbers. We have done nothing to thank them. Taking care of the health care needs of our Guard and Reserve Forces is one less problem an employer has to worry about.

I ask the 85 Members of the Senate who voted last year for this very same measure, which is now $300 million cheaper and going down every minute because we are trying to make, it cheaper, to step to the plate and say to the Guard and Reserve community: We got it. We understand your sacrifice. We understand your stress. We understand your family is having health care coverage problems. Twenty percent of them have no health care. They are bouncing from one group to the next, and we are going to fix that. We are going to give you an option. We are going to ask you to pay some, but we are going to make your health care life better.

I ask unanimous consent to have printed in the Record letters of support for this amendment from the National Guard Association of the United States, the Reserve Officers Association of the United States, the Reserve Enlisted Association, the Air Force Sergeants Association, along with the National Guard Association of the United States.

There being no objection, the material was ordered to be printed in the Record, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 19, 2004.

Hon. Lindsey Graham,
U.S. Senator, Russell Senate Office Building,
Washington, DC.

Dear Senator Graham: On behalf of the 50,000 members of the National Guard Association of the United States (NGAUS), I want to thank you for doing so much for our membership in the National Defense Authorization Act for Fiscal Year 2005 (NDAA FY05). Your leadership, along with your colleagues, has given our soldiers and airmen the much-needed opportunity to participate in the TRICARE health program when not in a mobilized status.

This health coverage will not only provide Guard members and their families with continuity of care, but also with a chance to positively contribute to the betterment of the TRICARE program. As we all know, the system of care will respond in a positive way to these additional beneficiaries, especially in remote areas. The three new provider networks—TriWest, Health Net, Humana—have made a commitment to ensure TRICARE beneficiaries are satisfied with their health care. Along with Congress, we will also be keeping an eye on the path of transition from 11 TRICARE regions to three.

We recognize section 706 in the NDAA FY05 is an excellent starting point to providing a health care program to our Guardsmen as a measurement of the country's appreciation for all they have done. We support the initial intent of S. 2035, as sponsored by you and Senator Daschle, which was to have the Department of Defense pay 72 percent of the premium cost, thereby taking the burden off private and public employees completely. The NGAUS fully understands the pressure of budget constraints in the FY05 budget, but we are hopeful that soon the burden will be taken off the employers and rest fully in its intended, and rightful place, in the Department of Defense.

The fashion in which the National Guard is being utilized has forced America to take notice and recognize the full worth of these exceptional men and women serving in harm's way. Guardsmen are our neighbors, teachers, co-workers and students. Once again, thank you for all you have done for the soldiers and airmen in the National Guard.

Sincerely,
Richard C. Alexander,
Major General (Ret.), AUS,
President.

Reserve Enlisted Association,
May 21, 2004.

Hon. Thomas A. Daschle,
U.S. Senate, Hart Senate Office Building,
Washington, DC.
Hon. Lindsey O. Graham,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

Dear Senator Daschle and Senator Graham: The mobilizations over the past three years since September 11th have once again shown that the readiness of our reserve components has been affected by medical issues. When called upon our nation's citizen-soldiers need to be prepared to answer that call, but without proper healthcare we cannot maintain a well trained and ready reserve force.

The Reserve Enlisted Association supports Daschle-Graham amendment to the Senate Armed Service Committee, FY2005, National Defense Authorization Act, S.2400, requiring the Department of Defense to assume responsibility for the employer cost of a Reservist's healthcare under TRICARE.

REA is dedicated to making our nation stronger and our military more prepared and look forward to working together towards these goals. Please feel free to call me at 202-646-7758 or via email at lburnett@reaus.org or our Legislative Director, Seth Benge.

Sincerely,
Lani Burnett,
CMSgt, USAFR (Retired),
Executive Director.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, May 15, 2003.
Hon. LINDSEY GRAHAM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 136,000 members of AFSA, I would like to offer our support of S. 1000. This association has been on the leading edge of the effort to lower the earliest Guard and Reserve retirement age. We feel very strongly that the retirement age should be lowered at a minimum to age 55, consistent with the retirement age of all other federal retirees. Although the provisions contained within S. 1000 addressing this issue fall short of what we believe is fair, it is a step in the right direction.

Without question, reservists and their families will benefit from the opportunity to receive health coverage through TRICARE. So will DoD. Beyond recruitment and retention, this program will improve readiness since nearly 20 percent of reserve component members do not currently have health insurance. Maintaining a healthy force is absolutely essential to maintaining a prepared force.

The success of our national defense is dependent on a "Total Force" effort, and the availability of Guard and Reserve members is critical. The various tax credits contained in S. 1000 will encourage employee and citizen participation in Guard and Reserve programs, thereby facilitating the availability of these important servicemembers when they are needed.

I thank you for taking the initiative to introduce such an important piece of legislation. As always, I offer you this association's support on this and other matters of mutual concern.

Sincerely,
JAMES D. STATON,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 18, 2004.
Senator THOMAS A. DASCHLE,
U.S. Senate, Senate Hart,
Washington, DC.
Senator LINDSEY O. GRAHAM,
U.S. Senate, Senate Russell,
Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR GRAHAM: It has been over a decade since Desert Shield and Desert Storm occurred and medical readiness problems were identified; yet the Reserve Components face the same problems with medical and dental fitness when mobilized for Iraq and Afghanistan. We cannot continue losing the service and experience of Reserve Component members who cannot mobilize due to medical readiness.

The Reserve Officers Association supports the Daschle-Graham amendment to the Senate Armed Services Committee, FY2005, National Defense Authorization Act, S. 2400, requiring the Department of Defense to assume responsibility for the employer cost of a Reservist's healthcare under TRICARE.

Sincerely,
ROBERT A. MCINTOSH,
Major General (Ret.), USAFR,
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 21, 2003.
Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the men and women of the National Guard Association of the United States (NGAUS), I would like to personally thank you for your leadership in helping ensure passage your amendment to the National Defense Authorizations Act for fiscal year 2004 based off S. 1000 and S. 852. This important amendment provides the opportunity for Guardsmen to participate in the Tricare program on a cost-share basis. As you know, this initiative to improve healthcare readiness for members of the National Guard and Reserve components and their families is at the forefront of our priorities.

Your staff, especially Steve Flippin and Aleix Jarvis, has put forth a tremendous effort toward this initiative. You should be proud to have such an outstanding team.

Again, thank you for your continued support of a strong and viable National Guard.

Sincerely,
RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

Mr. GRAHAM of South Carolina. Mr. President, these letters are not just words on paper. I challenge every member of the public and every Senator to go back home and spend a few minutes in a Guard and Reserve unit and ask about TRICARE for those who have been on active duty.

Does it work? Senator WARNER deserves great praise because it is working. Ask the question: If you could sign up for TRICARE year round and pay a premium, how many of you would do it? Hands would be raised. It would be a great benefit to the 300,000 forces. It would be good for their families. It would be good for retention. It is affordable, and it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, my colleagues have just heard an eloquent and extraordinarily persuasive case for the amendment offered by our colleague from South Carolina. It illustrates yet again why it has been such a pleasure for me to work with him on this amendment. He has made the case.

But for emphasis let me reiterate a couple of points which he made better than I could. First, with regard to cost, our distinguished Chair this morning—and I think on other occasions—has raised an understandable concern. He correctly noted that the cost of this amendment this year is about $696 million. The cost over 5 years is $5.7 billion. He correctly noted that there isn't any particular offset listed for this benefit. Of course, what we haven't said is that is exactly the situation we will face with the amendment he is about to offer. The only difference is his is $25 million and ours is $696 million.

I said the only difference but there is another difference. The amendment requested by the administration for our efforts in Iraq indirectly benefits the United States but directly benefits the people of Iraq. This amendment benefits directly 300,000 people—men and women who are putting their lives on the line in support of their country's efforts in Iraq. It is two-tenths of 1 percent of the entire budget.

That is all we are asking—to say with an exclamation point that we support our troops. We support the efforts made by our members of the Reserve, the Guard, and the extraordinary heroism, patriotism, and dedication they demonstrate each and every day on the job.

We give our colleagues on the Armed Services Committee credit and our thanks for making an effort to address this problem in the bill, but with great respect and tremendous admiration for them. In particular, we have indicated in the past our concern and, frankly, our opposition to the language—as well intended as it is—to require that employers and the guardsmen themselves shoulder 100 percent of the responsibility, in light of the fact the colleagues they work next to every single day on the job get that critical benefit; it is part of their package for serving in the military. That is wrong.

To give an employer veto power over whether this guardsman can access the benefit is wrong. To say we are going to benefit our active-duty personnel and not provide any help or appreciation for the extraordinary difficulties in accessing health care for guardsmen is wrong.

The 85 Senators who supported this legislation in the past need to demonstrate once again that our commitment has not eroded and we will continue to press for parity, for fairness, for a recognition of the commitment made by our members of the Guard and Reserves every single month, week, and year until this action becomes law.

My colleague from South Carolina has done it so well, laying out our arguments and the persuasive case to be made. All that remains is, on a bipartisan basis, to again reiterate our strong support for the fairness represented in the Graham-Daschle amendment.

I thank him for his leadership. I thank our colleagues for their support. I hope we can send a clear message today, as we have said on so many occasions, that when we say we support our troops, we mean it with more than our words. We intend to step up to the plate and show it with our deeds. That is what this amendment does.

I yield the floor.

Mr. DEWINE. Mr. President, I thank the committee for their hard work on this bill. I am always impressed by how Senator WARNER and Senator LEVIN manage this bill and for the excellent work of their staff. Their continued commitment to our troops, and to our Nation is evident in this bill. It is especially important right now.

I also thank the committee for their very important inclusion of expanded TRICARE coverage to several members of the Guard and Reserve. While limited, the Committee's inclusion of any extended health care benefits to the reserve component is unprecedented. The committee's mark is an important step in the right direction, but the benefits included in the committee's mark simply aren't enough. They don't go far enough to reach the folks we need to; the current provisions don't provide the kind of coverage that we owe these individuals and their families. They also don't recognize the continued sacrifice of the employers of our Reservists and Guardsmen.

That is why I join my colleagues—Senator LINDSAY GRAHAM, Senator DASCHLE, and Senator LEAHY—in support of this important amendment. Unfortunately, benefits for our Guard and Reserve simply have not kept pace with the increasing role these folks are expected to play. With the increasing demands we are placing on these individuals, it is the right thing to do. I look forward to working with my colleagues throughout the coming months to make these important initiatives a permanent reality.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this time I would like to lay this amendment aside and proceed with another matter, with the understanding that prior to the vote, assuming we do establish the vote to be at 3:30, there may be some desire by the proponents as well as the opponents to speak for a few minutes.

We will proceed at this time.

Mr. REID. If the Senator will yield, is there any reason we cannot lock in a vote at 3:30 today?

Mr. WARNER. I now ask unanimous consent that following the granting of this consent, the pending amendment be temporarily set aside in order for the chairman to offer an amendment regarding a $25 billion contingent fund. I further ask consent the vote in relation to the pending TRICARE amendment occur at 3:45 today, with the 15 minutes prior to that vote equally divided in the usual form, with no second-degree amendment in order prior to the vote. I further ask consent following the vote, the Senate begin the 60-minute period during morning business and provided for earlier. That will address the recognition of the World War II veterans who are currently Members of the Senate.

I amend one thing, if I may, from my reading, and that is at 20 minutes prior to the vote, I understand there is another speaker on my side who may wish to speak.

Mr. REID. That would interrupt the amendment you are going to lay down.

Mr. WARNER. That is correct.

Mr. REID. And go back to TRICARE, 20 minutes before the vote on TRICARE?

Mr. WARNER. Correct.

Mr. REID. Rather than 15 minutes, we have 20 minutes equally controlled between the 2 managers.

Mr. WARNER. Correct.

Mr. LEVIN. Reserving the right to object, to clarify, is it 20 minutes on top of the 15 minutes?

Mr. WARNER. No, extending 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer.

I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3260

Mr. WARNER. I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. STEVENS, proposes an amendment numbered 3260.

Mr. WARNER. I think that should say Senator WARNER, for himself, Mr. LEVIN, and Mr. STEVENS.

The PRESIDING OFFICER. The amendment is so modified.

Mr. WARNER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize appropriations for a contingent emergency reserve fund for operations in Iraq and Afghanistan)

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,000,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $3,000,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs, and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Aghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

Mr. WARNER. Quickly, our colleagues are pretty well familiar with this, but I will take a short few moments to address it.

When the administration presented its budget request for fiscal year 2005 in February, the request did not include funding for costs associated with the ongoing global war on terrorism. This is in keeping with longstanding tradition of funding ongoing military operations through supplemental appropriations. At that time, the administration stated that it expected to request a supplemental to cover these costs, after the start of calendar year 2005. Prior to the passage of a supplemental, the administration planned to cover the cost of the war with funds from other military accounts—a process commonly called "cash flowing." Administration officials stated in February and March that "cash flowing" ongoing military operations presented acceptable and manageable risk.

On May 5, President Bush announced his intention to request a $25 billion contingent reserve fund for fiscal year 2005 for United States military operations in Iraq and Afghanistan. The President stated that, "While we do not know the precise costs for operations next year, recent developments on the ground and increased demands on our troops indicate the need to plan for contingencies. We must make sure there is no disruption in funding and resources for our troops." In my judgment, this is a prudent course of action, and it has my strongest support.

It is important to note that, even with this reserve fund, the administration will still request a full fiscal year 2005 supplemental after the first of the year, when it can better estimate the costs of the ongoing war on terror.

When the President made his announcement 3 weeks ago, the committee was in the process of marking up the fiscal year 2005 national defense authorization bill. At the request of Senator BYRD, the committee deferred action on this request for additional funding until we could hold a hearing to receive more information on this request.

On Thursday, May 13, the committee held a hearing on the administration's amended budget request. Committee staff then met with administration and Defense Department officials to address concerns raised by committee members during that hearing. After careful study of the administration's request and consultation on both sides of the aisle, the committee supports inclusion of a $25 billion reserve, with some additional restrictions and reporting requirements.

As proposed by the administration, this contingency reserve fund would essentially have been a $25 billion transfer account. Many members expressed concern over this in our hearing. As drafted, the amendment requires that $22 billion of the fund be spent on specific accounts. Only $3 billion would be in the form of a transfer account which could be spent only after prior consultation and notification.

Increased demands on our troops, particularly in Iraq, have led to concerns that additional funding may be needed prior to the start of calendar year 2005, thus the need for contingency funding. As proposed, the contingent emergency reserve fund would act as a "bridge" between the fiscal year 2005 budget request and the fiscal year 2005 supplemental expected in February 2005.

Without a contingent reserve fund, to mitigate the risks, the department may be forced to "cash flow" ongoing operations with other funding sources until supplemental funds are appropriated, which could be well into the second quarter of fiscal year 2005. Ongoing procurement programs, modernization efforts, and even training could be adversely affected from having to pay up front for ongoing military operations in Iraq and Afghanistan.

I agree with the President that our first commitment must be to America's security and that our troops "have the resources they need, when they need them."

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend my good friend, the chairman of our committee, for this amendment. This amendment is very much needed, first of all. We know we are going to need these funds for the operations we are planning in the next fiscal year.

The budget that was submitted to us in January did not have the extra funding which we knew would be required because of our operations in Iraq and Afghanistan. Many Members pointed that out. Indeed, I wrote a letter to the Budget Committee on February 24th pointing out the budget request for Defense represented a reasonable estimate of the cost for supporting the normal operations of the activities, but that the request does not include any request to support the incremental costs of our military forces for continuing operations in Iraq and Afghanistan.

At that point, the administration indicated it would not seek any additional funds, supplementally, to pay for these incremental costs this calendar year. It was their intention at that time to wait until the next calendar year to do that. I, and many others here, thought that was not a responsible way to budget. There was a political tone to it because it delayed paying the piper for the costs of this war until after the election, and there was no point in being that disingenuous about what we all know is going to be required.

I very much support—and I think every Member of this body supports—paying for the needs of our troops, regardless of what one's position is as to how we got to Iraq, how we are doing in Iraq, whether we ought to be doing things differently in Iraq. Regardless of the difference of position of Members of this body on those subjects, when it comes to the support of the operations of our forces and their pay and benefits and needs, I think there is overwhelming if not total unanimous support for funding those troops.

The recent approval by the Department of Defense of increased force levels in Iraq has made this need even more urgent. Even before the Department approved the additional 30,000 troops, approximately, for Iraq, there was an acknowledgement by the uniformed military leaders that the additional costs of ongoing operations in Iraq and Afghanistan are approximately $4 billion to $5 billion per month. So there was no reason, in terms of sound budgeting, for us to hide that fact from the American people.

Just to give one example of that, a recent headline, which perhaps says the whole thing, from the May 5 Washington Post read: "138,000 Troops to Stay in Iraq Through 2005." Well, that kind of says it all. We need this supplemental because we know there is going to be that many troops—more than planned at the time this budget was submitted to us—staying in Iraq through 2005.

The fact that we do not know the exact, precise amount for the operations in Iraq and Afghanistan is not an excuse to do nothing. Of course we do not know precisely the cost, but we know approximately the cost from our experience there. We have estimates of these costs from our uniformed and civilian leadership now that the civilian leadership is committed to this course of action.

One thing we do know for certain: We know, for certain, the amount in the President's budget—which was zero—is the wrong number. We don't know whether the right number is going to be $4.8 billion or $4.9 billion per month, but we know the approximate number, and we know what is $4 billion to $5 billion short per month, which is what the President's budget was.

Both the House and the Senate, in their budget resolutions, advanced the ball on this issue. The Senate made $30 billion available on a contingent basis if the President requested the additional funds, as he now has. That was intended to be approximately half the year so we would not have to use funds forward from accounts early in the year, leaving those accounts short later in the year.

It was my belief that if we added just 6 months of what we knew would be the supplemental amount needed, that would be enough for us to then, early next year, adopt a supplemental appropriations bill for the balance. The amendment that Senator WARNER and I and Senator STEVENS are now offering authorizes the level requested by the President, which is $25 billion, which is within the Senate-passed level of $30 billion.

Again, we know this money is not going to be enough to cover all of fiscal year 2005, but it will cover at least, we expect, October 1—the beginning of the fiscal year—through January 31. Since Congress is scheduled to be out of session during that entire period, we would not be in a good position to act then. We are in a position to act now, and we should do so.

The budget request from the President was really a blank check. We have amended it, changed it, modified it in many ways. First of all, it is more detailed. We assign money from two various accounts, such as operation and maintenance, such as personnel.

The amendment we are offering also does not allow the administration to move money around as it wanted to with total flexibility. We have put limits on their ability to move money within that account, as we should in terms of carrying out our responsibility as the appropriating and authorizing body.

This amendment is more structured, more stringent and, I believe, more responsible from a legislative point of view than was the proposal that was given to us by the administration. We allocate the $25 billion: $14 billion, for instance, for operation and maintenance armor, which is the biggest chunk of money needed. And everybody acknowledged that was the biggest chunk. But the administration proposal provided that after we listed all these allocations between Army, Navy, Marine Corps, Air Force, and so forth, that—and this is what their proposal read:

> In addition to the transfers authorized in the previous proviso, after consultation with the director of Office of Management and Budget, the Secretary of Defense may transfer the funds provided herein to any appropriation or fund of the Department of Defense or classified program.

So after looking as though it was allocating the $25 billion to various accounts, the language which was submitted to us, which we are now deleting, would have in effect given the administration and the Department of Defense a blank check because it said, in addition to the numbers enumerated, they can, after consulting with themselves—that is, the Department of Defense consulting with the OMB Director—move the funds provided to any appropriation or fund of the Department of Defense.

Again, that was the definition of the blank check. We have eliminated that language from the proposal that was submitted to us by the administration. It was the responsible thing to do.

Our amendment basically reflected the same numbers that the administration proposed. For instance, the Army's operating funds, which were the primary reason that we need these funds this year, are now guaranteed, if we can, of course, get this passed in the Senate, get it passed in the House, signed by the President. This will be guaranteed to the Army for their operating cost this year. That will avoid some of the real problems which we would have had otherwise in spending next year's money this year, borrowing huge amounts of money, disrupting normal activities in the Army and the other services in order to cash-flow expenditures.

If we did not provide more funding when needed, there would have been a very real chance that the Army, possibly the Marine Corps Special Operations Command, could be out of funds by the time the Congress would be ready to act next February.

So this is the right thing to do, to act now for our men and women in Iraq and Afghanistan who need and deserve the support, for those serving in the United States and in other locations around the world from whose budgets funds would have been borrowed to provide the support if we do not act.

Finally, the Secretary of Defense is now authorized the additional 30,000 extra Army personnel. What this budget does is to recognize that fact. It was appropriate that the administration acknowledged that those troops were going to remain in Iraq. That is a fact of life. And that being a given—that is the reality—it seems to me we are now carrying out our responsibility to our troops by reflecting that reality with the funds that we are hereby authorizing this year and not simply delaying until next year when a number of undesirable effects could have been felt and surely should be avoided. Our troops deserve a lot better than our stealing from next year's funds to pay their costs this year, when we should be budgeting this year for this year's cost. That is precisely what we are doing now.

I thank particularly our uniformed leadership. General Abizaid appeared in front of us. He was very direct when we asked him what the additional funding needs were. He indicated that, after accounting for the extra approximately 20,000 troops then, he expected the monthly rate of spending to be even higher than it had been up until then.

And it is because we were able to get such testimony from our uniform leadership that I think that spurred us on and encouraged us to insist that we be responsible in the authorizing bill this year rather than simply saying, well, we will steal from next year's funds and take up a supplemental next year. We are going to need the money. This isn't the final answer. It is the first installment. Again, I emphasize this is just the first 5 or 6 months. There is going to have to be a supplemental next year. But we will be able to pass that when we come back in the beginning of next year and not force our services to steal from future funding in order to pay for the needs that are going to exist at the end of this year.

So it is a foreseeable problem. We are acting now to avoid it. It is the responsible way for this body to act. I commend Senator WARNER, again, for his leadership on this amendment, Senator STEVENS, and the willingness to put this together on a bipartisan basis.

I ask unanimous consent that a letter I wrote to Senators NICKLES and CONRAD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR DON AND KENT: In accordance with your request, I am forwarding my recommendations for the fiscal year 2005 budget resolution.

I believe that the President's defense budget request for $420.7 billion represents a reasonable estimate of the cost of supporting the normal operations of the activities within the national defense budget function for fiscal year 2005. However, this request does not include any request to support the incremental costs that our military forces will incur in continuing operations in Iraq or Afghanistan. Administration officials have further indicated that they do not intend to seek any funds for a supplemental to pay for these incremental costs this calendar year.

There are a number of potential military personnel benefits issues that we will need to address in the authorization and appropriations process to accommodate a number of concerns. I believe, however, that having a budget resolution total the same as that requested by the President should provide sufficient funding to address these issues.

What it will not permit us to do is address the costs of the ongoing war in a responsible manner. We should provide for those costs that we can reasonably predict our forces will incur. We should not force our armed forces to rob from existing requirements to pay for these operations on a "cash flow" basis.

Our nation's armed forces have been heavily stressed again this year in supporting the war on terrorism and supporting operations in Iraq and Afghanistan. To that end, Congress provided an extra $65 billion to support these operations during the current fiscal year. There are concerns about whether these funds will even be sufficient to cover all of the incremental costs of the war until the end of fiscal year 2004. We should not be counting on excess carry-over funding from this previous supplemental to provide sufficient funding to address these problems in fiscal year 2005 until a mid-year supplemental can be enacted.

At hearings before the Senate Armed Services Committee earlier this month, three of the chiefs of staff of the Armed Services expressed concern about waiting until after the end of calendar year 2004 to submit a supplemental budget request. I believe that we should listen to those concerns. We should not wait until some time during fiscal year 2005 to submit a supplemental budget request as the Administration did last year. Circumstances are different this year. Last year, the war had not begun. Now, having U.S. troops on the ground is a fact and recognizing this reality and paying for it is the responsible thing to do.

While it is certainly true that no one can predict with precision what these fiscal year 2005 costs will be, we could certainly provide funds to cover likely requirements for some period of the year. This would allow the Administration an opportunity to submit a supplemental request to cover the balance of these costs and for Congress to review and act on.

I suggest increasing the budget authority in the national defense function by $30 billion in fiscal year 2005, specifically to cover up to six months of the incremental costs, at the current pace of operations, of the ongoing operations in Iraq and Afghanistan. It is the responsible thing to do for our troops and for budget accuracy.

Sincerely,

CARL LEVIN,
Ranking Member.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have come to the Senate floor to support the amendment offered by my good friend, the chairman of the Armed Services Committee, Senator WARNER from Virginia.

This amendment will authorize appropriations for a $25 billion contingent emergency reserve fund. It is an amendment I am proud to support. It is not often, I might add, that the chairman of the Defense Appropriations Subcommittee comes to the floor of the Senate to support an amendment from the chairman of the Armed Services Committee, but maybe we will set a new trend this year and I will welcome his support when we get to the floor.

But, in any event, this amendment is in direct support of our ongoing military operations in Iraq and Afghanistan, and it is limited to that. It should be adopted. It covers emergency concepts in Afghanistan and Iraq.

It is important that the Congress act on the President's request for this reserve fund. It will ensure that our men and women in uniform continue to have the resources they need. We have worked very hard to make certain that was the case in the past. This serves as a clear, unambiguous signal that while our troops are deployed and in harm's way, they will have the unequivocal and unwavering support of the Congress.

I believe it is important to support the President's request. It is a different type of concept. I want to be sure Members understand. It is not a blank check. It is one that is well defined, in a request that came to the Armed Services Committee and to the Appropriations Committee. The Armed Services Committee held a hearing on this issue with both civilian and military witnesses from the Department of Defense and the Deputy Director of the Office of Management and Budget, and the chairman is commended for holding that hearing. The bill now before us is the result of the Armed Services Committee's consideration.

This morning, the Defense Appropriations Subcommittee also held a hearing to fully consider the President's request for this contingency emergency reserve fund. I was pleased to point out to our committee that this is a continuation of what we call the IFF that we created before both in 2003 and 2004.

This amendment is for the 2005 appropriations. We intend to include some form of a reserve fund as part of our fiscal year 2005 Defense appropriations bill. Although this has come as a supplemental request, we will add it to the 2005 appropriations bill, and our subcommittee has agreed to that, in effect, this morning.

The exact form of the reserve fund is being reviewed by our Appropriations Subcommittee on Defense, but I assure the Senate that our Appropriations subcommittee will provide our armed services the funds they need, as requested by the President. Second, we will provide adequate and reasonable financial flexibility. Third, we will provide for full and fair congressional oversight.

We have developed, I believe, bipartisan support for this request of the President's this morning in our hearing before the Appropriations Committee. Certainly, the developments on the ground in Iraq make it plain that there is an absolute need to plan for contingencies. Our military commanders have prudent operational plans, but they must be prepared to respond to the dynamic events that are going forward now in Iraq. We can expect nothing less of our military leadership, and the Congress must give them the tools they need. This reserve fund will do that. It is a fund that is available for emergencies. They have funds available for the predictable needs of the military. These funds are for the unpredictable needs of the military over the period beginning in 2005.

The troops that are there are doing hard work. They must not find that fiscal issues might impede their doing the job they have to do in Iraq at this time. They should not be constrained in any way by the availability of money. The last thing I—and I believe all Senators—would want would be for an operational commander to be concerned about whether there is enough money to do the job he has to do in an emergency.

This is an emergency fund. It does not mean they can add to the money they have automatically through regular appropriations without finding first—and the President must find—that there is an emergency for this money to be released. But it will be there. It will be a means where the President, on request, can notify the Congress with 5 days' notice that he intends to put some of this money to work.

I pointed out to our committee this morning, there have been 33 times that IFS funds have been released by the Department of Defense before on request of the President. Now we must provide this same kind of contingency emergency reserve fund because the alternatives available are too risky. The alternative would be we would have to meet and pass a separate bill, another supplemental. We want the reserve fund to be there for emergencies that could occur. I point out to the Senate, it may be that we would be out of session during that period. I hope we are out of session after the election. I have to stop and say that. I do think the concepts of the past, whereby the President has used the food and forage concept to dip into funds that were available for training for the next year or dip into funds for procurement, the President has that power. He can go to any fund that is available to meet an emergency.

This is to foresee that, to foresee the interruption of plan development, plan utilization of our forces, training of forces in order to get moneys for an emergency.

That practice should be avoided. I don't say it is wrong, but to borrow money from the third and fourth quarters to pay for urgent bills of the first and second quarters is not the way to do business. We set up a fund and say, if there is an emergency, tell us what you are going to use the money for and use it, unless we say no.

I applaud the decision of the President to ask for these resources now. I am one who went to the President and the administration and asked them not to send a supplemental for 2005 because I believe we should not have that until the first quarter of the next year. We thought we had enough money to go through this calendar year, but because of the turn of events in Iraq, that is not the case. The President decided the option of waiting was too risky, and he has asked us to provide this fund as a reserve fund. The President made the right choice. It was not an easy decision.

The people who have reviewed this so far in both committees, Armed Services and Appropriations, have agreed that the armed services need this flexibility to have funds available in an emergency and for use only in Afghanistan and Iraq. It is a good concept. I applaud the Senator from Virginia in offering the amendment, and I urge the Senate to adopt his amendment.

I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Appropriations Committee and his colleagues for supporting this issue. As he most eloquently stated, the purpose is clear. It is to avoid the repetition of the past where we have gone into the forage fund to meet contingencies. We know they exist today. It is best we face up to it and put it on record.

Mr. LEVIN. Mr. President, while the Senator from Alaska is in the Chamber, I thank the Senator for his work on the Appropriations Committee relative to this subject. As I indicated, I think the testimony before his committee indicated—I believe this morning—that we know it is about $4.7 billion or $4.8 billion at the current level of spending that we will need above what was in the budgeted amount. This provides that additional funding. It is the responsible thing to do. It has strong support on this side of the aisle as well as his. That is the way it should be when we have men and women in harm's way.

AMENDMENT NO. 3258

Mr. WARNER. Mr. President, I thank my distinguished colleague. At this time, I suggest that we go off of the Warner amendment, which I ask be laid aside, and return to the pending amendment by the Senator from South Carolina, at which time I think a number of colleagues are anxious to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I rise in opposition to the amendment offered by my friend Senator GRAHAM of South Carolina, the so-called TRICARE amendment offered by himself and Senator DASCHLE. I have great respect for both Senator GRAHAM and Senator DASCHLE. I just oppose their amendment.

The amendment is very expensive. Their amendment costs billions and billions of dollars. Their amendment, in my opinion, is a serious mistake. I can see where people would say: I want to vote for it. I want to show my support for the National Guard.

I also want to show my support for the National Guard, but we do show our support for the National Guard in this bill. We take care of their health care. If they go on active duty, we take care of their health care. That is a Government expense. They don't have copays. We take care of them.

In fact, when they sign up and go into active duty, we take care of them. But this is when they are on inactive status, when they basically show up for 2 days a month.

I used to be in the Guard. I also used to be in the private sector. I was in the private sector during the month, for 28 or 29 days of the month, and then in the National Guard for 2 days of the month. I think the primary responsibility for health care should be on the employer for the 28 or 29 days of the month, not on the Government because somebody served for 2 days in a month.

Incidentally, if you are on Guard duty and you are injured, they are going to take care of you. If you are climbing hills, or practicing at a gunfiring range, and you are injured, you will be taken care of. If you are on 2-week duty during the summer and you have an injury, they are going to take care of that. Those expenses are covered.

So, basically, do we want to take care of an individual who happens to be in the Guard or Reserve and pay for their health care throughout the year for thousands of dollars?

TRICARE costs $7,000 or $8,000 for a family. Should that be the Federal Government's responsibility if an individual is serving only 2 days a month? Under the pending amendment, it would be the Federal Government's responsibility.

Eighty-some percent of Guard and Reserve members have health care. So this would be a great motivation for people who may be in the private sector to say: Since you are in the Guard or Reserve, we don't have to pay for you. Thank you very much, the Government will pay for yours—even though you work for this company or this organization for 28 days a month and you work for the Government 2 days a month. Why should the Federal Government pick up 100 percent of that cost?

Then when you have the transfer from the private sector health care coverage to the public, wow, it gets expensive. The cost was already mentioned. I think CBO estimated it at almost—I have one cost at $696 million for 2005, and $5.7 billion for 5 years, and $14.2 billion over 10 years. So it adds to the bill. It either adds to the deficit or it crowds out other defense spending. That other defense spending might be replacement munitions or body armor or new technology for night vision—who knows. It is saying we want to take care of these individuals' health care even when they are in inactive status. That is a mistake.

Senator WARNER's bill takes care of them when they are activated. They are given physicals. We pay 100 percent of it. We take care of our Active-Duty men and women. If they are activated, we should take care of them. I believe Senator WARNER's bill takes care of them for several months after Active-Duty status.

To say we want a new Federal entitlement saying if you sign up for the Guard or Reserve, we are going to pay up to 72 percent of an individual and their family's health care cost, at a cost estimated to be $7,700 in benefits under the TRICARE program, with individuals paying 28 percent, this gets real expensive. It spends billions and billions of dollars. It would be transferring money. This money has to be appropriated. Defense is only going to get so much money. I am afraid we will be crowding out some of the money needed to protect our men and women in the field. We protect our men and women in the field who are on active duty. We give them the best quality health care we can. They don't have to pay anything.

I don't believe the Federal Government should pay for an individual and/or their families' health care cost for a month because they do 2 days a month of Guard duty.

I think it is a serious mistake, especially when the private sector already provides it for over 80 percent of those individuals. You may be able to score political points, but this is not money well spent. We should use our money to maximize our defense capabilities. This will spend a lot of money, saying let's have the Federal Government pay for the health care cost of Guard and Reserves, instead of having the private sector pay for it, even though they work for the private sector 90 percent of the time during that month. I don't think we can afford it.

I urge my colleagues to vote in opposition to the so-called TRICARE amendment at 3:45.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield to our distinguished colleague from Alabama such time as he may require, to be followed by our distinguished colleague from Oklahoma, with the understanding that the vote will commence, as described under the standing order, at 3:45.

The PRESIDING OFFICER. The Senator controls 5½ minutes in opposition. The Senator from Alabama is recognized.

Mr. WARNER. Mr. President, I will seek additional time for my colleagues if that becomes necessary.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with the chairman of the Armed Services Committee, Senator WARNER, in his concern over this TRICARE amendment for our Guard and Reserve. I had 10 years in the Army Reserve. My chief of staff is a retired lieutenant colonel. We have discussed these issues a lot—what we can do to help our Guard and Reserve. But a $14 billion expenditure over 10 years for this one project is not the best way to spend $14 billion to help the Guard and Reserve.

I have met with top generals in command of our Guard and Reserve. As a member of the Armed Services Committee, and as a person who cares about improving the quality of life of our superb Guard and Reserve members, I care about it deeply. I want to make their lives better. I want to make serving through retirement and beyond minimum retirement time attractive for them. I want their lives to be happy and as fulfilling as possible. We need to reward them financially in every way we possibly can.

To take $14 billion and in effect have it spent for a lot of people who already have good health care insurance is not a smart way to do it. It is not the right way.

I have asked the leadership of the Guard and Reserve and the Department of Defense to help us develop a package of bills that will be beneficial to a broad-based number of our Guard and Reserve. They do terrific work.

When I was in the 1184th in Mobile, our drills and work got tougher and tougher every single year. More was demanded. That is why they are so excellent in performance today.

I really believe in what they do. The skill level is higher than it has ever been. The training is better than it has ever been. They are better equipped than they have ever been. They are performing better in difficult situations than we have ever seen before, and I am proud of them, but this is not the best way to go about this.

I know there is a concern about this issue. I believe we can address it. I believe the chairman has come up with a way we can address this issue. That is what we need to do.

Let's listen to that. Let's not commit the funds for this one particular problem for 20 percent of the Guard and Reserve, those who do not have insurance today, and drain this large sum of money we could use in another fashion.

I thank the chairman for his leadership, and I give my support for the $25 billion supplemental. I believe it is the right thing to do. It will allow our Defense Department to proceed. It will make sure our equipment that has been damaged in the course of this is repaired and maintained.

I yield the floor.

Mr. WARNER. I thank my colleague from Alabama, as well as the senior

Senator from Oklahoma, and now I am privileged to have the wisdom of the junior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I appreciate the time.

I think one thing the last three speakers, including myself, have in common is no one has been more highly supportive of the Guard and the Reserve than Senator NICKLES, Senator SESSIONS, and myself. In fact, I daresay I probably have spent more time talking about the dilemma of the Reserve component in all of the deployments as we continue this, and the reason we are having to do it is because we are, of course, at war.

During the 1990s, we saw what happened to the military. It went down and consequently we had an end-strength problem. We are now talking about maybe 30,000 more troops and we are going to have to do something to help the Reserve component. Most of these people are gainfully employed. They have occupations. We cannot expect them to continuously be deployed while at the same time the employer is letting them go. That is the whole idea of a Reserve component.

So although I oppose this amendment, I have to qualify it by saying how much I have always supported the Guard and the Reserve. I think all members of the Guard and Reserve, certainly in my State of Oklahoma, are aware of that.

I just returned from Afghanistan where the 45th is stationed. They are doing a great job training the ANA to fight their own battles. They are doing a tremendous job. The problem is this does not have to happen in a vacuum. If it happened in a vacuum and we were able to give them full-time TRICARE, I would vote to do it in spite of the fact there would be, as my senior Senator from Oklahoma stated, many people who would go ahead and drop their coverage, saying the Government already supplies it, and that would be a problem.

They talk about the costs being $11 billion, $12 billion, and as high as $18 billion. That is because we have yet to have any kind of a study to see how many people are out there who already have coverage or how many people are out there who actually would want to even have this coverage.

Our chairman and our committee did a great job—it has not been said on the floor enough—because in this area of TRICARE, 90 days prior to deployment they have coverage. For 6 months after coming back, they have coverage. So it is not something we have not already looked at and decided to be very fair. I think we have a good compromise that is in the mark that is up for consideration on the floor today.

I say to my good friend from South Carolina, he has another amendment that frankly I am very much for. It is one having to do with the movement of nuclear waste. I think he is dead right on it. That was a good policy until the National Resource Defense Council came in and filed a lawsuit against the DOE. Before then, everything was going fine. This would rectify that problem. This amendment is being offered by Senator GRAHAM of South Carolina. I am a strong supporter of that particular amendment, but on this amendment one cannot assume this is going to happen and it is going to come out of nowhere.

We have to come up with $11 billion, $12 billion, $14 billion, or $18 billion somewhere. It has to come out of Defense. This is the problem we have. I served as the chairman of the Readiness Subcommittee all during the 1990s, and I saw what was happening to our military, knowing one day this day would come and we would have to make some decisions regarding end strength, modernization, and all of the other programs that are bleeding today.

Now if the Senator from South Carolina wants that money to come out of the MOX, mixed oxide, fuel facility in South Carolina, $368 million is authorized in this bill, maybe he feels strongly enough about it he would like to do that, or the waste incidental to reprocessing the WIR program, $350 million. These programs I am sure are worthwhile, but the money has to come from somewhere.

My fear is it will come out of the modernization account, and right now I think we all know some of our potential enemies and adversaries out in the field are better equipped than we are. We have to correct this thing. So the money has to come out of somewhere. It is going to have to come out of some of the Defense accounts.

I feel sorry for our chairman, Senator WARNER, who is going to have to lead us in making some decisions on where to make cuts if this amendment passes. It is very serious.

Again, there is no stronger supporter of the Guard and Reserve than I am, but this is something that is more money spent and not directed properly and it has to come out of some place where we have a very serious problem. There is nothing free in this bill. I do not know of any Guard and Reserve members from my State of Oklahoma who have talked to me about this and have offered places it should come out of or even called me up to support it.

It is an amendment that is going to have to be defeated. We need to save all the money we can in order to keep our current authorization program. There is nothing we can cut, that I can think of right now, that would be appropriate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask the distinguished chairman if I might have 30 seconds.

Mr. WARNER. First, I thank my distinguished colleague from Oklahoma, as well as those we have just spoken. These are individuals who, like me, have first and foremost in their hearts the welfare of the men and women of the Armed Forces in every possible way, but we must also bear in mind the fiscal realities with which we are confronted, the equities between the balance of benefits to the Active Duty and Reserve and the Guard and the need at this time.

It is available should anyone want it, but it has to be on a shared-cost basis with the taxpayers of the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there are 7 minutes remaining under the control of the proponents of the amendment. Who yields time?

Mr. WARNER. I suggest the distinguished Senator from Vermont be given such time as he may consume.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM of South Carolina. I would like a couple of minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I will be very brief so the Senator from South Carolina can speak.

Mr. President, I agree with the distinguished chairman of the Armed Services Committee. As he knows, I came from the funeral of a Guard member in Vermont, and I might say to my distinguished friend, the senior Senator from Virginia, the widow of this Guard member was very touched by a message the distinguished Senator from Virginia had expressed to her via me, and I appreciate that. It was his typical generosity of spirit to do so. It tells me in the war on terror, our Guard and Reserves are a 21st century fighting force, but they have a 20th century health insurance, and this partnership with Senator GRAHAM of Florida, Senator DASCHLE, Senator CLINTON, and others has been very good. I hope it will help.

For the past 2 years, we have worked to expand the availability of health insurance to members of the 800,000-person National Guard and Reserve. It is squarely and strongly in our national interest, as well as in the interests of our Guard and Reserve soldiers and their families, to ensure that this force is strong, that our citizen-soldiers are healthy, and that these proud men and women know that there is an extensive benefit network to reward them for their sacrifice.

Two years ago, a GAO study found that almost 20 percent of the reserves, more than 150,000 citizen-soldiers, do not have access to adequate health insurance when they are on drilling status. The bulk of the uninsured reside in the lower ranks, and the study reported that almost 40 percent of the enlisted force in uninsured. In other words, many of the men and women who are prepared to leave their full-time jobs and their families at a moment's notice have no assurance of having access to basic health insurance.

Our Guard and the Reserves are doing more for us than ever before, both at home and abroad. In fairness to them and their families, and in the interest of military readiness, these health care upgrades should be a high priority.

Last year, I was pleased to be part of a bipartisan coalition that worked and succeeded in enacting a strong program to allow members of the Guard and Reserve, who are unemployed or do not have access to health insurance through their employers, to be able to buy into the military's TRICARE program on a cost-share basis. This program guaranteed that every member of the Guard and Reserve would have insurance access from some source, whether from their employers or through the military.

It was surprising and disappointing to me that the administration opposed this program last year, going so far as to threaten a veto of the Defense bill. I am even more disappointed that the Department of Defense has still yet to put the TRICARE buy-in program for reservists in place. That sends a terrible signal to the members of the Guard and Reserve who comprise a substantial portion of our forces deployed abroad and who stand ready to face other national emergencies as they arise. We need to get this program going and to expand it even further, and without needless delay.

This amendment will open up the TRICARE cost-share program to every member of the National Guard and Reserve, providing an affordable source of insurance to every reservist. The amendment also allows the families of activated reservists to maintain their civilian health insurance, which will reduce some of the invariable turbulence from deployments.

This amendment mirrors almost exactly what passed out of the Senate 87 to 10 last year. Since then, the Guard and Reserve have been tapped even more heavily to carry out the military occupations in Iraq and Afghanistan.

I urge the Senate to vote in favor of this critical readiness initiative.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if I might be allowed one-quarter minute to reply to my colleague from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. My colleague very kindly referred to our conversation earlier today when he, as every Member of this Chamber, has taken time to attend funerals in their respective States for those who lost their lives in the conflicts now ongoing, principally in Afghanistan and Iraq.

I mentioned to him a soldier's grave at the Battle of Normandy. It was a British soldier, and he was killed in the invasion. As custom in the British military, the families may put a brief inscription on the tombstones. On this tombstone is the phrase:

> To the world he was known but as one. To his family he was known as the world.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the proponents of the amendment have 4½ minutes remaining. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, following those eloquent words of the chairman, this is not about who cares about our military; we all do. This is about priorities and what we are going to do when we say we care.

The law of the country is such that, if you are a part-time Federal employee working 16 hours, you are eligible for Federal Government health care. If you are a part-time citizen soldier training to defend your country, answering calls for hurricanes and natural disasters in your State and providing homeland security, you get zero. We need to fix that.

The committee bill puts a proposal on the table that goes as follows: The guardsmen and reservists pay some; the employer pays the other 72 percent. Your Government doesn't contribute 1 penny to the health care needs of the Guard and Reserve community. Mr. President, 25 percent of the Guard and Reserve called to go on active duty can't go because of their lack of health care. We need to invest in their health care because they are keeping us free.

Medicare has a $400 billion prescription drug benefit that has just been passed. I voted no because I am worried about the explosive cost to the future and our grandchildren not being able to afford it. I got outvoted. It is a program that is in existence. You can sign up for a discount card today. You ought to look into it.

We gave $20 billion to the Iraqi people who are sitting on $1 trillion worth of oil and we are not asking for 1 penny back in payment. We are going to build schools, roads, highways; we are going to spend $25 billion—more, probably, before the day is over—supporting our troops to support Iraq.

Our bill allows Guard and Reserve families and Guard and Reserve members to be part of the military health care system year round. When they are not called to active duty they have to pay a premium of $1,800 a year for their family, just like a part-time Federal employee. People in Iraq are not paying anything back. It is a total gift.

Mr. President, $400 billion to provide discounts for every senior in America—$400 billion. This costs $1 billion a year for 300,000 families. There are bills in this Senate and this House where one bridge costs more than the health care program needs of 300,000 families.

I will take a backseat to no one about trying to save taxpayer dollars. I would argue, if the taxpayers could be here today and if they could vote to spend this $1 billion to make sure the citizen soldier is treated as every other part-time Federal employee, they would say: Here is my wallet, take what you need. This idea we can't afford it is bogus.

Mr. NICKLES. Will the Senator yield?

Mr. GRAHAM of South Carolina. Absolutely.

Mr. NICKLES. Is there any job in the Federal Government where an individual would work 2 days a month and receive $7,000 or $5,000 worth of benefits in health care?

Mr. GRAHAM of South Carolina. The way the program works, you can be a temporary employee working 16 hours, work a year, then get health care, and you pay a premium. If you work 16 hours a week, you can get full-time health care benefits paying a premium. What a Guard member does, he works 2 days a month, 2 weeks a year, and 40 percent of the people in Afghanistan and Iraq come out of that pool. Now they are getting killed. It is not an average, everyday part-time job. The people who are left behind, the families, take a pay cut. The average Guard and Reserve member, when they get called to active duty their pay goes down, but they don't complain. They go, I say with all due respect.

Mr. NICKLES. Will the Senator yield for additional question?

Mr. GRAHAM of South Carolina. Yes.

Mr. NICKLES. If somebody is activated and they go to Afghanistan or Iraq, don't they receive full health care costs without paying the 28 percent?

Mr. GRAHAM of South Carolina. They do, and when they come back home because of what we did last year they get health care for 6 months. But after that 6 months, 25 percent of them go back into the civilian world where they have no health care, zero. That is not right. That is not like every other Federal employee who is part-time. That is not right and we cannot afford to let that continue to happen because we are going to be needing these men and women more than ever. Their families are stressed. This is a chance to spend a little bit of money on people who are giving everything, including their lives and their limbs.

Mr. STEVENS. Mr. President, I rise today to discuss the Daschle amendment which would provide TRICARE benefits for reservists and their family members while in a non-active status, and direct the DoD to pay private insurance premiums for reservists when ordered to active duty. Under the

Graham/Daschle proposal, if enrolled in TRICARE, Reserve members would pay 28 percent of the annual premium and the Department of Defense would pay the remaining 72 percent.

The benefit is cost prohibitive. CBO recently estimated the benefit would cost $700 million in fiscal year 2005, $5.7 billion over 5 years; and $14.2 billion over 10 years.

The Department of Defense estimates are much higher, at $1.9 billion in fiscal year 2005 and $11.6 billion over 5 years.—About $2 billion a year.

In future years, this enhanced benefit will carve out essential funding that DoD needs to maintain readiness, meet procurement needs, transform the Armed Forces and continue the Global War on Terrorism.

The Senate is already making significant investment in our Guard and Reserve forces. In the fiscal year 2004 Defense Appropriation bill, we provided: $15.1 billion for pay and allowances, $14.3 billion in Operation and Maintenance funding for training, education and support, and about $2.5 billion for National Guard and Reserve Equipment—in total, an investment of about $31.9 billion for the Guard and Reserve.

A substantial portion of this investment is within the active component accounts for equipment and weapons that go directly to our Guard and Reserve forces. These items include: HUMMWVs, LITENING Targeting Pods for Aircraft, Construction Equipment, Heavy Trucks, and Large Aircraft Infrared Countermeasures to defeat shoulder fired missiles—LAIRCM.

If the proposed amendment is adopted, there should be great concern that this enhanced entitlement program will come at the expense of other Guard and Reserve requirements for training and equipping the force.

The chairman's bill already offers several permanent provisions to enhance the medical readiness and ensure continuity of care for reserve members and their families, including a provision that provides the opportunity for Reserve members and their employers to participate in TRICARE while the member is in a non-active duty status—a cost shared by the Reserve member and his or her employer.

The chairman's bill also provides for a demonstration program to determine the need for, and feasibility of providing TRICARE benefits to members of the Ready Reserve who are eligible for unemployment compensation or ineligible for employer-provided health care coverage.

In a September 2003 report, GAO found that DoD data does not identify a need to offer TRICARE to reservists and their families when members are not on active duty. Many of the unknown factors include: the effect on recruiting and retention, the impact on active duty personnel, the impact on the TRICARE system and the military treatment facilities, and the number of reservists that might participate.

The proposed demonstration program and enhanced benefits included in the chairman's bill will clearly enhance the medical readiness and ensure continuity of care for reserve members and their families.

The Department of Defense and Congress should take the time to further study the appropriate level of health care benefits for our Guard and Reserve, and allow the enhanced benefits included in the chairman's bill to be implemented and studied before we commit to spending billions of dollars on a new entitlement program.

The Department is in the process of appointing an advisory committee on military compensation to review these types of issues. I believe it is prudent to conduct these studies before Congress acts on this legislation.

Due to the high cost of the proposal and because of the enhanced benefits already contained in the chairman's bill, I must urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. Under the previous order, all time for debate has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I ask unanimous consent to add the following cosponsors: Senators ALLEN, MURKOWSKI, LOTT, COLEMAN, DEWINE, LEAHY, CLINTON, LINCOLN, CORZINE, DORGAN, BINGAMAN, MURRAY, and LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the vote will occur on the amendment of the Senator from South Carolina for which the yeas and nays have been ordered.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 25, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—70

Akaka
Alexander
Allen
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Fitzgerald
Graham (FL)
Graham (SC)
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Smith
Specter
Stabenow
Talent
Voinovich
Wyden

NAYS—25

Allard
Bond
Brownback
Bunning
Burns
Cochran
Cornyn
Dole
Enzi
Frist
Grassley
Inhofe
Kyl
Lott
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Snowe
Stevens
Sununu
Thomas
Warner

NOT VOTING—5

Baucus
Campbell
Domenici
Edwards
Kerry

The amendment (No. 3258) was agreed to.

Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the vote in relation to the pending Warner-Levin-Stevens amendment occur at 6:30 tonight, with no second degrees in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Mr. President, would the Chair advise the Senate with regard to the standing order.

The PRESIDING OFFICER. There will now be 1 hour of debate evenly divided in morning business.

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

DEDICATION OF THE WORLD WAR II VETERANS MEMORIAL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 369, which was submitted earlier today by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 369) expressing the sense of the Senate in honoring the service of the men and women who served in the Armed Forces of the United States during World War II.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 369

> Whereas during the dark days of World War II, the United States, the world, and the very future of freedom were threatened by nazism, fascism, and tyranny;
>
> Whereas a generation of Americans stepped forward to confront this scourge, accepting the call to duty to fight the Axis Powers, to defend freedom, and to put their lives on the line so that future generations could live in peace and freedom;
>
> Whereas during World War II, the brave men and women of the Armed Forces of the United States fought alongside allies from more than 30 other nations to vanquish the tyranny and oppression of the Axis Powers on the sea, on the land, and in the air in distant lands in every part of the globe;
>
> Whereas more than 16,000,000 Americans served in the Armed Forces of the United States during World War II, hailing from every corner of the United States and its territories;
>
> Whereas more than 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war in that terrible conflict;
>
> Whereas more than 400,000 members of the Armed Forces of the United States made the ultimate sacrifice, giving their lives to defeat the evils of nazism, fascism, and tyranny, and to preserve the United States and the ideals the people of the United States hold true;
>
> Whereas by the end of World War II, the members of the Armed Forces of the United States had become symbols of hope for the victors, the liberated peoples of the world, and their former adversaries;
>
> Whereas the victory of the Allied Powers in World War II paved the way for the growth of democracy and freedom in the defeated nations of Germany and Japan, and laid the foundation for the West to confront, and eventually defeat, the threat of Communism;
>
> Whereas the people of the United States can never fully express their gratitude to all the members of the Armed Services, including the "Greatest Generation" of World War II, who have dedicated themselves to protecting the people of the United States and to defending the ideals and principles of our great country;
>
> Whereas 114 veterans of World War II have served in the Senate, including 6 who are currently serving: Senator Akaka of Hawaii, Senator Hollings of South Carolina, Senator Inouye of Hawaii, Senator Lautenberg of New Jersey, Senator Stevens of Alaska, and Senator Warner of Virginia; and
>
> Whereas the Senate, on the occasion of the dedication of the World War II Memorial and the 60th Anniversary of the D-day landings in Normandy, France, is proud to honor its Members, past and present, who served in World War II: Now, therefore, be it
>
> *Resolved*, That the Senate—
>
> (1) expresses its eternal appreciation for the veterans of the Armed Forces of the United States who fought and toiled to protect the United States and preserve the freedom and way of life of the United States during World War II;
>
> (2) honors the brave men and women who made the ultimate sacrifice and gave their lives in defense of liberty and the United States during that global conflict; and
>
> (3) proudly commends the 108 former Members and 6 current Members of the Senate who are veterans of World War II, including Senator Akaka, Senator Hollings, Senator Inouye, Senator Lautenberg, Senator Stevens, and Senator Warner, for their leadership and service to the United States both in war and in peace.

Mr. FRIST. Mr. President, I ask unanimous consent that following my remarks and Senator DASCHLE's remarks, Senator STEVENS be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I rise to pay tribute to the "greatest generation"—the veterans of World War II who fought so valiantly to save the world from tyranny. This weekend, thousands of veterans from World War II gathered on The Mall to witness the dedication of a memorial to their heroism and to their sacrifice. Many of us had also the opportunity to join them after the celebration, the recognition ceremonies, with our families on that Mall in tribute to them at this wonderful memorial.

As President Bush said in his remarks to this remarkable group, "When it mattered most, an entire generation of Americans showed the finest qualities of our Nation and of our humanity."

It is fitting that Saturday's event was the largest gathering of surviving veterans in 60 years, and perhaps more than coincidental that the spring weather cooperated so beautifully for this truly historic day.

Nearly 60 years have passed since the "greatest generation" won that terrible war. It seems inevitable now that America would defeat the forces of Naziism and fascism. Our enemies were wicked and freedom was right. But as President Reagan put it so eloquently in his address on the 40th anniversary of D-Day:

> For four long years, much of Europe had been under a terrible shadow. Free nations had fallen, Jews cried out in the camps, millions cried out for liberation. Europe was enslaved and the world prayed for its rescue. Here, in Normandy, the rescue began. Here the Allies stood and fought against tyranny in a giant undertaking unparalleled in human history.

Those were the words of President Reagan. Sixteen million Americans served in the Armed Forces during that great battle. They hailed from every corner of the United States, from the countryside to city streets, from high school graduation classes to suburban family homes.

Mr. President, 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war. More than 400,000 gave their lives to defend America and to preserve our freedom.

The Senate is honored to have among us men who fought in that Great War:

Senator DANIEL AKAKA of Hawaii, who served in the U.S. Army Corps of Engineers, including service on Saipan and Tinian;

Senator FRITZ HOLLINGS of South Carolina, who served in the U.S. Army as an officer in the North African and European campaigns, receiving the Bronze Star and seven campaign ribbons;

Senator DANIEL INOUYE of Hawaii, whose battlefield heroism earned him the highest award for military valor, the Medal of Honor, along with a Bronze Star, Purple Heart with a cluster, and 12 other medals and citations;

Senator FRANK LAUTENBERG of New Jersey, who enlisted in the Army Signal Corps and served in Europe;

Senator TED STEVENS of Alaska, who was a pilot in the China-Burma-India theater, for which he earned two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai Medal awarded by the Republic of China;

Senator JOHN WARNER, who enlisted in the Navy in World War II and went on to fight in the Korean war in the Marine Corps. Senator WARNER served as a Marine Corps reservist for 10 years and was promoted to the rank of captain.

As newsman and author Tom Brokaw wrote in his best selling book, "The Greatest Generation,"

> They answered the call to save the world from the two most powerful and ruthless military machines ever assembled, instruments of conquest in the hands of fascist maniacs. They faced great odds and a late start, but they did not protest. They succeeded on every front. They won the war; they saved the world.

A veteran at Saturday's dedication on The Mall was asked by a reporter how they did it. How did ordinary young men set aside their fear in the face of extraordinary odds against fierce and determined enemies? The veteran had been a machine gunner on a pair of bombers that successfully outmaneuvered 12 Japanese fighter planes. He replied simply:

> There's nothing else you can do but do your best, and keep firing until the ammunition runs out.

This afternoon, we salute these extraordinary Americans who did their best and kept firing to save America. If they are the "greatest generation," we are the "grateful generation." Their honor, courage, and valor will never be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, this last weekend, in the shadow of the Lincoln Memorial, our Nation dedicated a new memorial to the generation of Americans who fought and won the Second World War. One cannot help but imagine the look of respect and approval coming over the face of the great emancipator, the man who ended slavery in our country, as he looks upon a memorial to those who ended enslavement of an entire continent and gave the world a new birth of freedom.

While this honor is long overdue, we must acknowledge that no memorial, no ceremony, no words could match the scope of this generation's achievement. The true monument to their efforts exists not on the National Mall but in the hearts of the hundreds of millions in America and billions more throughout the world who live in freedom thanks to their courage. We are the children of their sacrifice. We have flourished in the Nation they came home to build. The debt we owe them is without end.

The Senate family is blessed, as the majority leader noted, to serve alongside six men who fought for their Nation in World War II:

Senator JOHN WARNER enlisted in the Navy as a 17-year-old in 1945 and later reenlisted in the Marines in the Korean war; Senator FRANK LAUTENBERG, who served so ably as an Army Signal Corps soldier in Europe; Senator DANIEL AKAKA, who served in the Army Corps of Engineers; Senator FRITZ HOLLINGS, who served as an Army officer in the North African and European campaigns, earning a Bronze Star; Senator TED STEVENS, who served in the Air Force, earned two Distinguished Flying Crosses and two Air Medals as a member of the Flying Tigers; Senator DANIEL INOUYE, who saw the smoke rising from Pearl Harbor as a 17-year-old growing up in Honolulu, and served in the Army's 442nd Regimental Combat Team, earning, among so many other high honors, the Congressional Medal of Honor, the highest award our Nation confers for valor in battle.

Whatever debt these men owe their country, their service in a time of war was paid in full. As so many of their generation, their service didn't end when they took off their uniforms. They saw this Nation and indeed humanity at its very best. They saw an effort in which every last person pitched in, every aircraft maker who made a fighter plane, every woman who worked in a factory, every farmer who grew food for our troops, every child who tended a victory garden. They saw with their own eyes the greatness that could be won when a nation of free men and free women worked together to fight for the cause of liberty.

They dedicated their lives to carrying forward that spirit and leading our Nation to still greater heights. That spirit runs throughout the careers of each of these six men, as it has for so many other World War II veterans who have served in this Chamber over the years. Each of us who have had the honor to serve with them can attest that they are distinguished not only by their service in war but by their tireless commitment to ensuring that each successive generation of Americans could enjoy the blessings our free Nation had to offer.

Thanks to their wisdom and leadership, generations of Americans have grown up in peace and prosperity and have learned that in return for their blessings, they too have a duty to give something back to their country. Nowhere is that more clear than in the service of young Americans fighting now in Iraq, whose courage echoes that of the men and women who wore the uniform of their country in generations past.

Ultimately, what we learn from their lifetime of service is the fight for freedom is never finished. If we are to repay their debt to us, we must receive the liberty they won not as a gift but as a challenge to take up their work as our own. We could do our country no greater service than to assume the spirit of unity and decency each has exemplified throughout their long careers. It is a great comfort and joy to know that should we falter or fall short, our friends are still beside us, living monuments to remind us of our duty. Their contributions to America continue undiminished, and they have the undying thanks of the Senate and the Nation it serves.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

Mr. STEVENS. Mr. President, I am humbled to be among the Members who have been mentioned by the leaders. I ask unanimous consent that following my remarks, items 1, 2, and 3 be printed in the RECORD. Item 1 is a list of Senators known to have served in World War II. The second item is a list of the eight Senators who have received the Congressional Medal of Honor. On that list is the name of DANNY INOUYE, who was awarded the Congressional Medal of Honor. I will read once again to the Senate the citations my friend received.

Citation from the President of the United States, authorized by Act of Congress, March 3, 1863, has awarded in the name of the Congress the Medal of Honor to: Second Lieutenant Daniel K. Inouye, United States Army, for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty:

Second Lieutenant Daniel K. Inouye distinguished himself by extraordinary heroism in action on 21 April 1945, in the vicinity of San Terenzo, Italy. While attacking a defended ridge guarding an important road junction, Second Lieutenant Inouye skillfully directed his platoon through a hail of automatic weapon and small arms fire, in a swift enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force. Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at a close range until an exploding grenade shattered his right arm. Despite intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant Inouye enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant Inouye's extraordinary heroism and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit on him, his unit, and the United States Army.

I ask unanimous consent that the third item being his citation of the Medal of Honor be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2 and 3.)

Mr. STEVENS. There are few among us who deserve the honor the Senate is according us, and DANIEL K. INOUYE is the first.

EXHIBIT 1

[From the Senate Historical Office, 2004]

UNITED STATES SENATORS KNOWN TO HAVE SERVED IN WORLD WAR II

Abdnor, James (army); Akaka, Daniel (army); Allott, Gordon (army air corps); Andrews, Mark (army); Bartlett, Dewey (marines); Bass, Ross (air corps); Bentsen, Lloyd (army); Boggs, James C. (army); Brewster, Ralph Owen (marines); Brewster, Daniel (marines); Brooke, Edward (army); Brown, Ernest S. (army); Bumpers, Dale (marines); Byrd, Harry F., Jr. (navy); Cain, Harry P. (army); Cannon, Howard (army); Carroll, John A. (army); Chafee, John H. (marines); Church, Frank F. (army); and Clark, Joseph S. (army air corps).

Cook, Marlow (navy); Cooper, John Sherman (army); Cranston, Alan (army); Daniel, Marion Price (army); Dole, Robert (army); Dominick, Peter H. (army air corps); Douglas, Paul H. (marines); Edmondson, James (army); Evans, Daniel (navy); Exon, James (army signal corps); Fong, Hiram (army air corps); Ford, Wendell (army); Frear, J. Allen (army); Gibson, Ernest (army); Glenn, John (marines); Goldwater, Barry (army air corps); Goodell, Charles E. (navy); Gore, Albert Sr. (army); Gorton, Slade (army); Griffin, Robert P. (army); Gurney, Edward J. (army); and Hart, Philip (army).

Hart, Thomas C. (navy); Hartke, Rupert Vance (navy/coast guard); Hatfield, Mark (Navy); Heflin, Howell (marines); Helms, Jesse (navy); Hendrickson, Robert C. (army); Hennings, Thomas C. (navy); Hollings, Ernest (army); Huddleston, Walter D. (army); Hughes, Harold (army); Humphrey, Hubert H. (army); Humphreys, Robert (medical corps); Inouye, Daniel (army); Jackson, Henry "Scoop" (army); Javits, Jacob (army); Jenner, William E. (army air corps); Johnson, Lyndon B. (navy); Keating, Kenneth (army); Kennedy, John F. (navy); Knowland, William (army); and Kuchel, Thomas H. (navy).

Laird, William R. (navy); Lautenberg, Frank (army); Laxalt, Paul (army); Lodge, Henry Cabot, Jr. (army); Long, Oren E. (Hawaii defense volunteers); Long, Russell (navy); Magnuson, Warren (navy); Martin, Edward; Mathias, Charles M. (navy); Matsunaga, Spark (army); McCarthy, Joseph (marines); McClure, James (navy); McGovern, George (army air corps); Melcher, John (army); Metcalf, Lee (army); Miller, Jack (army air corps); Morton, Thruston (navy); Moss, Frank (army); Moynihan, Daniel P. (navy); and Muskie, Edmund (navy).

Nelson, Gaylord (army); Neuberger, Richard L. (army); Nixon, Richard (navy); Payne, Frederick (army air corps); Pearson, James (navy); Pell, Claiborne (coast guard); Percy, Charles (navy); Potter, Charles E. (army); Proxmire, William (military intelligence); Reynolds, Samuel (army); Roth, William V. Jr. (army); Salinger, Pierre (navy); Saxbe, William (national guard); Schweiker, Richard S. (navy); Scott, Hugh D. Jr. (navy); Smathers, George A. (marines); Smith, Benjamin A. (navy); Spencer, George L. (navy); Stafford, Robert (navy); and Stevens, Ted (army air corps).

Taft, Kingley (army); Taft, Robert Jr. (navy); Tamadge, Herman (navy); Thurmond, Strom (army); Tower, John (navy); Tydings, Joseph D. (army); Warner, John (navy, marines); Welker, Herman (air corps); Wyman, Louis C. (navy); Yarborough, Ralph (army); and Young, Stephen (army).

EXHIBIT 2

CONGRESSIONAL MEDAL OF HONOR RECIPIENTS

There have been only 8 Senators in history who have received the Congressional Medal of Honor.

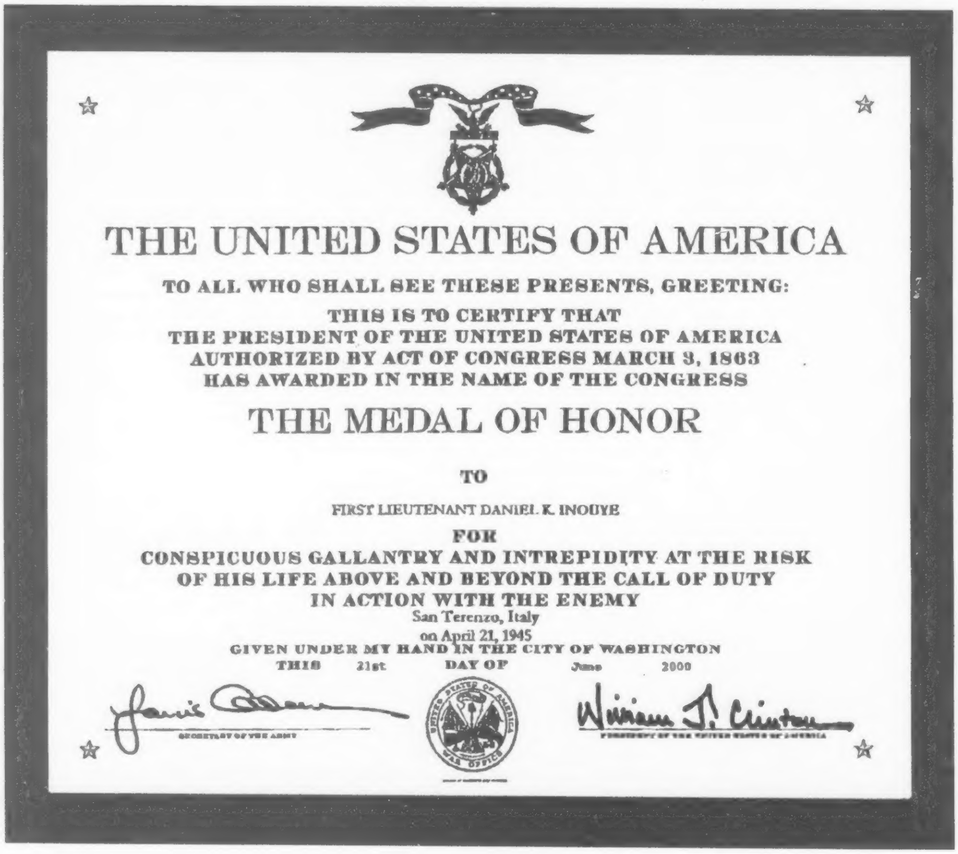
Civil War: Matthew S. Quay awarded July 9, 1888; Francis E. Warren awarded September 30, 1893; Marcus A. Hanna awarded November 2, 1895; William J. Sewell awarded March 25, 1896; Henry A. du Pont awarded April 2, 1898; and Adelbert Ames awarded March 29, 1899.

World War II: Daniel Inouye awarded June 21, 2000.

Vietnam: J. Robert Kerrey awarded May 14, 1970.

EXHIBIT 3

CONGRESSIONAL MEDAL OF HONOR



THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

THIS IS TO CERTIFY THAT
THE PRESIDENT OF THE UNITED STATES OF AMERICA
AUTHORIZED BY ACT OF CONGRESS MARCH 3, 1863
HAS AWARDED IN THE NAME OF THE CONGRESS

THE MEDAL OF HONOR

TO

FIRST LIEUTENANT DANIEL K. INOUYE

FOR
CONSPICUOUS GALLANTRY AND INTREPIDITY AT THE RISK
OF HIS LIFE ABOVE AND BEYOND THE CALL OF DUTY
IN ACTION WITH THE ENEMY
San Terenzo, Italy
on April 21, 1945
GIVEN UNDER MY HAND IN THE CITY OF WASHINGTON
THIS 21st DAY OF June 2000

SECRETARY OF THE ARMY

William J. Clinton
PRESIDENT OF THE UNITED STATES OF AMERICA

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we have a number of Senators on both sides of the aisle who desire to speak. I make a recommendation that we rotate back and forth between sides. On this side I ask each Senator to try to speak for less than 5 minutes. I yield to each of them up to 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak following the remarks of Senator McCONNELL, and following that, Senator DODD be our next speaker in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican whip.

Mr. McCONNELL. Mr. President, let me say to our colleagues from the greatest generation, it is very difficult to imagine how one could improve upon the observations already made by the majority leader, the Democratic leader, and the President pro tempore. We all stand in admiration of their remarkable service.

America has sort of rediscovered World War II beginning in 1994 with Steven Ambrose's great book about D-day, followed up by his marvelous book "Citizen Soldiers," which was about the replacements that came after D-day, one of whom was my dad.

I stand here today as a proud son of one of the greatest generation. I was unable to make the World War II Memorial opening the other day, but I did have an opportunity to watch it on television. At the same time, I was going through some old letters from my father to my mother from the theater, the most interesting of which was a letter dated at the top "VE Day, May 8, 1945, Pizen, Czechoslovakia." As one of the foot soldiers in the Second Division, he had fought his way from March, April, and May across Germany and met the Russians in Pizen. Now free to kind of express himself without fear of the mail being censored, he alluded to a pretty tough couple of months of fighting in Germany without any specifics, obviously—the members of the greatest generation never wanted to talk about the specifics—and made, I thought, a rather prophetic observation.

This was a regular foot soldier in Europe on the day the Germans surrendered. He said: I hope we will not draw down the force too much, and I am really worried about the Russians.

He had had a chance to meet the Russians in Pizen when the two forces came together.

So in addition to celebrating the marvelous service of our six colleagues from the greatest generation, I thought I would take the opportunity to allude to my father who was also one of the 16 million Americans who served in uniform during World War II. This generation has made an enormous contribution to our country.

Tom Brokaw argued, and I think he was probably correct, this is certainly the greatest generation probably since the generation of the Founding Fathers. All six Senators have our admiration and respect. We thank them not only for their service overseas but their service in the Senate in the ensuing years. They are, indeed, great Americans.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I was a little boy when the war ended, but where I am from, Searchlight, NV, we look at a person by the name of Bill Nellis as the person we recognize as the epitome of the greatest generation. Here is a man who was not eligible for the draft. He had a family, but he decided to join at age 26 or 27. He went into the Army Air Corps, completed 68 missions, was through with his assigned missions, and on his 69th mission agreed to volunteer for someone who was unable to fly that day, and it was his last mission. He was shot down over Belgium, where Bill Nellis still is buried. Of course, Nellis Air Force base is named after Bill Nellis of Searchlight, NV.

As has been said today, we have six patriots who serve in the Senate who are examples to each one of us. Senator DANNY AKAKA has the unique distinction of having been at Pearl Harbor and saw the smoke, fire, death, and destruction. He was there at the beginning of World War II, but he was also stationed on the Island of Tinian when the *Enola Gay* took off to end the war. DANNY AKAKA watched the *Enola Gay* take off from Tinian, where it really did end the war.

Senator HOLLINGS is a person who was educated to be in the military. He graduated from military school, the Citadel, in his hometown of Charleston. In 1942, he immediately became an officer, spent many years in North Africa, the European campaigns. In fact, he was awarded seven campaign ribbons, meaning that he was involved in seven major battles in World War II.

He came back, of course, and has dedicated his adult life to public service, which all of us are very sorry to see is going to end at the end of this term. What a great Senator he has been and what a great soldier he has been, just like Senator INOUYE, Senator AKAKA, Senator LAUTENBERG, Senator STEVENS, and Senator WARNER.

Senator INOUYE is my friend. He is a friend of everyone who serves in the Senate and thousands of others. His heroism, displayed in the Vosges mountains, in France, is something that is a story to behold. As has been related by Senator STEVENS, he truly was an American hero and is an American hero.

But again for Senator INOUYE, it is not only what he did in battle, courageously, it is what he has done his entire life, courageously, in the Halls of Congress. He is a role model for me as to how a Senator should legislate and act.

Senator LAUTENBERG, son of immigrants, represents so well what the American military should be. After he graduated from high school in New Jersey, he enlisted and served in the Army Signal Corps. He spent most of World War II in Europe. When he returned home he had the GI Bill of Rights—again, something that had never been around before. He took full advantage of that and, after graduating, became one of the finest businesspeople America has ever known. He gave up that business career to serve in the U.S. Senate, and he has done that so well.

I have had the good fortune to travel on a congressional delegation that was led by Senator STEVENS and Senator Glenn. It was a wonderful experience for me as a young Senator, to travel to Europe with these two fine Senators. I learned in our meetings we held with different leaders of nations during that time of their military careers. There is no better example of that than when we were in Czechoslovakia and Senator STEVENS and Senator Glenn saw someone wearing an old World War II flight jacket, the same type of flight jackets they wore in World War II. That evening we spent a lot of time listening to these two American heroes talk about their experiences in World War II. It is something I will never forget. It was a wonderful evening I spent with these two fine gentlemen.

Senator STEVENS was a pilot, as we have learned, in World War II in the China-Burma-India theaters, supporting the Flying Tigers of the 14th Air Force. He received two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai medal, awarded by the Republic of China.

Senator WARNER is someone who has dedicated his life to public service. He started when he was 17 years old. As we have learned, he later got out of the Navy, went into the Marines, and became Secretary of the Navy. He is a person who fulfilled, as have the other five, a rendezvous with destiny. These men kept that rendezvous. When history called, all six answered. Every one of them who is now a United States Senator displayed courage in the war, and, as I have said, they have displayed the same courage in their political careers. Four of these Members are Democrats, members of the party I represent. Two are members of the Republican Party—on the other side of the aisle, as we say. But without any equivocation, each of these men share a deep love of our country, and they have put the good of our great Nation above partisan politics on so many occasions.

I am proud to be a U.S. Senator. One reason for being proud is I am able to serve with six American patriots.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I, too, rise to pay tribute and honor to our World War II colleagues here in the Senate: Senator INOUYE, Senator AKAKA, Senator WARNER, Senator HOLLINGS, Senator LAUTENBERG, and, of course, my friend, Senator STEVENS. I would like to take a few minutes this afternoon to speak my heartfelt appreciation to my friend, the senior Senator from the State of Alaska, Senator STEVENS.

I know words alone can never accurately reflect the tenacious spirit of our friend and decorated World War II veteran. Like so many veterans of the war, Senator STEVENS downplays his role. He will tell you quite simply he did what was expected. Yet it is something that must be told time and time again to realize how much this one humble servant has done and continues to do, both for the country and for the State of Alaska.

Prior to going into the war, Senator STEVENS made a promise to his aunt with whom he was living at the time. He made a promise that he was not going to enlist until he could do so without her consent. So he stayed in college until he was 19, and then he immediately put the wheels in motion to enlist. But he didn't pass that first flight physical. His eyes apparently were not up to par. I think my colleagues in this Chamber who know Senator STEVENS, especially those of them who might play tennis with him, know that this setback was not something that was going to keep Senator STEVENS down. He was determined to fulfill his commitment. He went out and did eye exercises for a couple of months and passed that next flight physical.

During World War II, Senator STEVENS flew C–46s and C–47s in the China-Burma-India theater, supporting the Flying Tigers of the 14th Air Force. He received two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai medal, awarded by the Republic of China, a truly honorable and amazing tour of duty.

But this was not enough action for Senator STEVENS. It was on his way home from China that he gained an interest, I guess, in politics. During the war, he had done his job. He flew every mission that was requested of him and volunteered for more. He volunteered to drive the Burma Road with a convoy of trucks because they needed officers.

But afterward, the keen interest in politics, in terms of why the United States was involved in the war, kicked in, and Alaska and the Nation have benefited ever since. He finished his undergraduate education at UCLA, earned his juris doctorate from Harvard, and served in a number of Government and elected positions before coming here to the U.S. Senate.

To Senator STEVENS, Senators INOUYE, AKAKA, WARNER, HOLLINGS, and LAUTENBERG, I join with my colleagues in thanking you for your distinguished service to our country and to this legislative body, not only because you helped to protect and defend our freedoms but also because you continue to support those who now serve to protect and defend our beloved America. You are the living history of the greatest generation.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Connecticut.

Mr. DODD. Madam President, I commend our two distinguished leaders—majority leader Senator FRIST and Democratic leader Senator DASCHLE—for their very eloquent remarks which I think capture the spirit of all of us as we gather today.

I want to take a few moments to recognize six of our colleagues for their wonderful contribution who were part of this remarkable generation which we have talked about so frequently over the last number of days, and to thank them immensely for their contribution not only during that great conflict but also for their continuing service to this country.

I think all of us witnessed one way or another this past weekend the remarkable gathering on the great Mall of our capital city for the inauguration and dedication of the national World War II Memorial.

We are recognizing six of our colleagues today, but having watched that event, two individuals I must say I couldn't take my eyes off. One was our former majority leader Bob Dole. Without his leadership, the new memorial would not have been constructed. He is not with us any longer as a part of this body but was for some years and played such an important role in seeing to it that this memorial would be built in a timely fashion.

I am stunned to know that about 1,000 of our 6 colleagues' fellow veterans who served in World War II are lost every single day. So this monument could not be built soon enough.

The other one I was watching was former President George Bush, a remarkable hero of that great conflict in his own right. He has a wonderful sense of humility, and rarely discusses his tremendous service as a combat pilot. In fact, I find one thing common about these 6 colleagues of ours, Democrats and Republicans alike. They have a wonderful sense of humility. Every time this subject matter comes up, all of them show a reluctance to talk about their own individual contributions. I admire them for that.

As for my other heroes, I don't want to make all of them feel very old. But my good friend from Hawaii, DAN INOUYE, just said "Happy birthday" to me the other day. He asked, How old are you? I hesitate to tell you that I was 6 years old when D-Day occurred. I turned 60 the other day. That makes me feel old. But it must make those who were part of that great conflict a bit older as we gather here today.

But it is not an exaggeration to say we would not, in my view, be enjoying the freedoms which we do as Americans and as so many other people do—all over the world—today if it had not been for the remarkable contribution of those who gave so much, particularly the 400,000 who never came home. Of the 16 million who served, 400,000 gave their lives on the battlefields of Europe, Africa and the Pacific islands.

We can never find the adequate words to express our gratitude to them and to their families—the wonderful people who made a contribution obviously on the home front as well producing the materials necessary to successfully prosecute the war.

In recent times, we have had a number of debates over what constitutes a "just war." There is no such debate about World War II. World War II was truly a defining moment—not only for our Nation, but for the entire world. It was not merely a clash of armies. It was one of values. It was a time when those nations of the world that stood for freedom, tolerance, equality and opportunity took on, and defeated, the forces of tyranny, oppression and genocide. World War II was literally a fight for the future of humanity. It is no exaggeration to say that had the outcome of World War II been different, the institution in which we serve might very well not be in existence today.

Each and every one of us today owes his or her freedom, in a very real way, to the men and women who gave of themselves during the war—those who served overseas, as well as those who contributed on the homefront. I would like to especially recognize the tremendous contributions of those from my own State of Connecticut. About 210,000 men and women from Connecticut served in the Second World War. Connecticut's civilians also played an enormous part in the war effort by helping supply our troops with planes, firearms, and other weapons and technologies that were so vital to our victory.

I want to be an additional voice here today to say, Thank you. It is rather remarkable that in a body of 100 people we have 6 veterans of World War II among us. We are very grateful to all of you for your wonderful contribution and to have you as wonderful friends—FRANK LAUTENBERG, DANIEL AKAKA, DANIEL INOUYE, two Senators from the same State, a rather remarkable distinction. I think it is special to have 2 Senators from the same State who are veterans. FRITZ HOLLINGS—I know I am in violation of Senate rules a bit. But I noticed someone in the gallery and wanted to pay tribute to Peatsy Hollings. I know there are a lot of spouses and others who went through a lot as well.

In addition to my great friend from South Carolina and his lovely wife, TED STEVENS, who I care so much about and admire immensely; JOHN WARNER, one of my dearest friends in the world. I thank all of you for your wonderful contributions.

I am very proud to serve with you, and I thank you.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I feel truly honored to be able to join with my colleagues in recognizing today six of our own who are part of the "greatest generation" and who made a tremendous contribution to the freedom—not just of our country but to the world.

A lot has been said about Senators INOUYE, AKAKA, HOLLINGS, LAUTENBERG, STEVENS, and WARNER. I endorse almost everything said about all of them. I consider all of them good friends. I have stories on a few of them, but I will not tell the stories if they will not reciprocate and tell stories on me.

But these are, as has just been said, very humble men who did absolutely amazing things, who made tremendous contributions, and yet they walk among us today with one foot in front of the other. You don't know it when you deal with them.

I have had the privilege in recent times visiting some of the battlefields in Europe—the battlefield of Bastogne with Senator HOLLINGS. My wife and I have been to Normandy beaches—Utah Beach, Omaha Beach, Sainte Mere Eglise—places where absolutely remarkable things were done.

These are tremendous monuments. Unfortunately, I am not going to be able to go to D-Day. But I urge my colleagues to visit these locations when you have an opportunity and see the living memorials which are set up there and the movies that were taken of the events. When you see the conflicts they faced and the bravery, you think: Why on Earth would somebody ever try to do that? There were literally hundreds—and probably thousands—of undertakings that were seemingly impossible which the brave soldiers of the U.S. forces undertook on D-Day.

I join with my colleague from Connecticut, who mentioned two other great heroes, the former leader of this body, Bob Dole, and former President George Bush, who made tremendous contributions. These people deserve our greatest admiration and our thanks, along with all of the other veterans, and the families of all of these men deserve special thanks.

I note that I think one Beth Stevens is watching close by, daughter of this good Senator from Alaska. I know how proud these young people are of their parents.

I do not know how many of you saw the movie, "Ike: Countdown to D-Day." It was a fabulous movie, telling about all of the problems and the hassles that went into the planning of D-Day. Getting ready to lead an invasion of 130,000 troops, 5,000 ships, 11,000 aircraft, you see how many things could go wrong, not the least of which was when Eisenhower told his Chief of Staff, General Beetle Smith, We are surrounded by some of the biggest swelled heads in history, and my job is to keep them pulling together.

We had uncommon leadership from people who were ordinary human beings, but we had uncommon valor from so many of the 16 million people who served there. We say to all, Our sincerest thanks, our deepest respect. We congratulate and thank them. Having watched that D-Day movie, I can only say how lucky General Eisenhower was when there was not 24-hour television coverage. If you were watching every day the kinds of problems and the hassles that General Eisenhower had to endure, with the media we now have they would probably call for the firing of General Eisenhower and the impeachment of the President because lots of things went wrong. But these brave people, these brave men persevered, and we owe them our heartfelt thanks.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Madam President, I thank you.

AKAKA, HOLLINGS, INOUYE, LAUTENBERG—veterans of World War II. STEVENS, U.S. Army Air Corps, a veteran of World War II; WARNER, Navy veteran of World War II. All unique men, men of decency, men of character, plainspoken, humble and generous in spirit, noble in purpose.

Their lives have been about hope. They transformed a world and framed the future. This institution and the world have been touched by each one. We in the Senate watch them. We key off of them. We have learned much from these six distinguished Americans.

These men are not angels. We are not here to canonize them, but we are here to recognize one of the most unique times in the history of man. That time was not squandered by unique individuals who understood the great purpose and challenge of their time.

I am connected to this generation, as millions of Americans, not just because I had the privilege of serving with them in the Senate, my father was a veteran of World War II with the Army Air Corps in the South Pacific, the 13th Army Air Corps. He was a radio operator tailgunner on a B-25. He spent almost 3 years overseas.

If he were alive today, I don't know if he would have found a prouder moment than what happened in Washington last weekend and what is happening in the Senate today as we honor these unique Americans.

They lifted us up. They continue to lift us up. Yet they never asked for anything in return for their service. I congratulate and thank our distinguished colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, if I may take just a few minutes to respond to the comments of our colleagues, to our majority leader, Senator FRIST, and TOM DASCHLE, our Democratic leader, and other colleagues, including Senator REID, Senator BOND, and Senator WARNER, who is kind of a member of this clan of ours—to be with colleagues like Senator STEVENS, Senator INOUYE, Senator HOLLINGS, and Senator AKAKA, all serving together at the same time, it is hard to believe it was as many years ago as it was.

Senator HAGEL, I thank him for his comments, as well, and Senator DODD.

But it was a long time ago, and those who now are approaching 50 years of age remember serving when we were just kids. I enlisted in 1942 when my father was on his death bed with cancer. He was 42 in the year 1942. It was a duty that I felt keenly and I enlisted, even as my father was on his death bed. My mother was 36 years old.

I cannot remember any of my contemporaries who did not serve or who were not going to serve. There were 16 million in uniform. It was quite an assembly of Americans of all cultures and religions. We had one mission and that was to protect this world of ours from becoming a product of fascism.

While it was so many years ago, it is wonderful to be able to recall we were there. When I look at the actions of DANNY INOUYE, who among us is at the top, given the Congressional Medal of Honor, that is a distinction that is given to so few people. As I recall my many discussions with Senator INOUYE—I hope my memory is accurate—he had been hit by fire, even as he got up to lead his platoon further on. That is bravery as few have it. He knew his duties had to continue because he had the responsibility of others he was in charge of.

DANNY INOUYE, as we all know, is modest to the core. He never brags, would never talk about his performance. DANNY will always stand for what is right, but he never is in a position where he brags about his incredible service.

FRITZ HOLLINGS, similarly, got his stars, his clusters for his duty in so many different combat areas.

Mine was different. I was not in a combat unit. I, like so many others, performed my duties in a different place. Most of what I saw of World War II was from the top of a telephone pole. I was a pole lineman. My mission was to make sure the connections between those who were serving at the front and those who were issuing the orders from way back at command headquarters were clearly transmitted. I took my responsibilities seriously. Even as we were being bombed by B–1's and B–2's—for those who are not old enough to remember, one was a jet bomb and another was a rocket bomb. That was like a time bomb because you never saw it coming. It went off and did whatever damage it did.

The first jet airplane I ever saw in the sky was German. They were outdistancing our fighter pilots in minutes. They would just pull away. They would drop bombs wherever they could. This was my service primarily in Belgium.

When I visited the World War II Memorial—and, unfortunately, I was not there at the ceremony; I could not be, as I had longstanding plans, and I had to maintain those appointments—I visited with Senator Dole and Senator INOUYE, Senator HOLLINGS and Senator WARNER, and Senator AKAKA was there, as well. Not to be critical, but I did not see anything that indicated how many died in different places, what were the regiments that fought these battles, what were the divisions, what were those who served on the seas doing at the time when the bombs were falling or the torpedoes were being sent.

It took my unit 3 days to cross the channel from England to France because they could not get the convoy stabilized enough to carry on.

I hope they will make some adjustments at the memorial to reflect the sacrifices that were made, other than in artistic terms. There is a wall of gold stars, each representing 100 deaths. Using quick multiplication, you could figure out 400,000 people died in combat or combat-related activities. We see New Jersey, we see New York, we see Virginia, and the other States; columns of granite, but not one indication of how many people came from the then-48 States and 6 territories. Did 10,000 die from the State of New Jersey? It is just a guess.

It would be important if we knew what happened. The memorial has a certain beauty. It is a tranquil beauty, however, and it does not talk to the smashing victories we had on D–Day or in the Belgium Bulge.

I was in Belgium at the time. I was not at the front line. The weather was abominable. It was gray and snowy and our troops were getting licked badly and we were moving back.

I was taken down to the railroad station, given ammunition, and they said: OK, LAUTENBERG, you and your unit have to go up there. Fortunately, with prayers supporting it, the sun came out and the Air Force got up into the sky, and they smashed the German line and moved it all back. It was the turning point in that stage of the war, December 1944.

We are all grateful to have survived, to be here, to be able to serve, to continue our service in this great body. I say to my colleagues, I am grateful to each one of you—each one of you who served, each one of you who made a difference in how this world of ours turned out, and each one of you who continues to serve. Even though we might have different opinions about quite how we do it, the fact is, we are here because we want to continue to serve our country. We are lucky to be in America.

I thank all of you, my colleagues, for the work you do.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, last weekend thousands of Americans flocked to our National Mall to pay tribute to the "greatest generation." It was the dedication, as we all know, of the World War II Memorial.

It has now been 59 years since the end of the Second World War, and at long last our Nation has a place that honors the 16 million who served in our Armed Forces, the more than 400,000 who died, and the millions who supported the war effort here at home.

I was touched that those who served at home also were honored because that war brought our Nation together as we had never seen before, and perhaps since.

I can think of no more appropriate honor than to recognize their commitment, dedication, and sacrifice with a permanent memorial to the men and women who fought to secure our freedom and stamp out Nazi tyranny.

Today we are honoring those Members of this esteemed body who fought for our freedoms in World War II. Of the 114 Senators who have served in the war, I have been privileged to serve with 15 of them. Six are here with me today.

DANNY AKAKA served in World War II with the U.S. Army Corps of Engineers as a welder-mechanic.

ERNEST HOLLINGS graduated from The Citadel in 1942 and received a commission from the U.S. Army. He served as an officer in the North African and European campaigns in World War II, receiving the Bronze Star and seven campaign ribbons.

FRANK LAUTENBERG enlisted in the Army straight out of high school and served in the Army Signal Corps in Europe during World War II.

TED STEVENS, during World War II, was a pilot in the China-Burma-India theater, supporting the Flying Tigers of the 14th Air Force. He received two Distinguished Flying Crosses, two Air Medals, and a medal awarded from the Republic of China. Today he is chairman of the Appropriations Committee and the Defense Appropriations Committee.

JOHN WARNER entered the Navy at age 17, and served on active duty in World War II. He went on to serve as a marine in the Korean War, and served in the Department of Defense for 5 years during the Vietnam war. Later, he served our country as Secretary of the Navy, and now serves as the distinguished chairman of the Armed Services Committee of the Senate.

DANNY INOUYE served in combat with the legendary "Go for Broke" unit in World War II, achieving the rank of captain and earning the Nation's very highest award for military service, the Congressional Medal of Honor. He also earned a Bronze Star and a Purple Heart with cluster. He is the ranking member on the Defense Appropriations Committee.

Two of Texas' recent Senators, Lloyd Bentsen and John Tower, were both proud Texans and veterans of World War II.

Three of our Nation's Commanders in Chief, who served in the Senate—Presidents Kennedy, Johnson, and Nixon—also fought as part of the "greatest generation."

For anyone who has read Tom Brokaw's book "The Greatest Generation," the stories of those who fought the bitter and brutal fight and then returned home to their families and went about their lives as if it were no big deal are today still sources of great inspiration to all of us because they had the commitment to do what was right, to answer the call to duty, to return without a complaint, with no second guessing, no protests. That was the mark of the "greatest generation."

Some of them went back to the factories and the fields, and back to their desks, and they did not even expect praise or admiration. Some went into public service. Those we have mentioned today did and are doing a wonderful job carrying the mantle of public service. They brought with them the scars of war, and they carry the mantle of freedom.

Bob Dole, with whom all of us served as well, what a great leader and what a great hero of World War II.

Strom Thurmond, once chairman of the Armed Services Committee, served, at the age of 40, in World War II and had to miss the 50th anniversary of D-day because his son was graduating from high school. What a legend.

I am honored to stand here and look around this fabulous room, these hallowed halls, and pay tribute to every one of you who gave me the right to stand here, and who will be forever in my heart because you are continuing to do so much for our country. I want you to know I believe without the great leadership you provided, neither my children nor I would know the freedom we know today. We do stand on the shoulders of giants, and we salute you.

Madam President, my distinguished colleague, the Senator who is the chairman of the Armed Services Committee, said I forgot President George

Bush, who also was a hero in World War II. That is certainly a huge omission, and I apologize, and thank you, I say to the Senator, for letting me set the record straight.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, this past week has been a very memorable and inspirational and overdue time for all of us to come together as a nation and dedicate the World War II Memorial and recognize the efforts of our Nation's veterans in one of the fiercest wars in our Nation's history.

As we did, many of us took a moment to remember the events of those days and how they affected us and, more importantly, how they affected the people in our lives who played an important part in that war effort.

I had a special opportunity to remember my dad, Elmer Enzi, who served in the war, and my uncle Edward Curtis and my uncle Edmund Wally Enzi who played a part in that war.

For many of us, those days are forever etched in our minds because they had an impact on us and our families and friends that will never be erased or forgotten. But it is nothing like the memory of those who actually participated.

We have the opportunity to honor the Senators who are with us today in this great body who played a part in that war. We have mentioned them, their achievements.

I want to refer to a piece that was on Channel 1, which is an educational channel that goes to the schools every morning. They have seen these World War II events being dedicated and the people who came to those events. Each time there is one of those events, the people who come are a little bit older. They found out the kids of this country were getting kind of a false impression of who fought the war, so they put out a special piece that would be dedicated to these great men who serve in our Chamber. The title of it was: "The Kids Who Saved the World." They showed the people coming to the reunions, but then they shifted back to the pictures of these people as they served. It made a much greater identification for the kids across this country that the patriots, the ones who put their lives on the line, were not much older than the kids in school watching this Channel 1.

I thank Senator DANIEL AKAKA, Senator FRITZ HOLLINGS, Senator DANIEL INOUYE, Senator FRANK LAUTENBERG, Senator TED STEVENS, and Senator JOHN WARNER for being those "kids who saved the world" and allowing us to be here in this forum today.

For us, as Americans, our World War II story begins on December 7, 1941, a date President Franklin D. Roosevelt told us would live in infamy, as Japan suddenly and deliberately attacked the United States of America.

The next day, the President reassured a fearful nation that the attack on Pearl Harbor would not stand and that all our resources would be brought to bear on ridding the world of the terrible menace that was threatening the future peace and security of the United States and Europe.

In the years that followed, the United States put forth an effort to combat evil that had never been seen before. Sixteen million served in our Armed Forces and a united America gladly did everything that could possibly be done to support the war effort back home. The United States was fully committed to the cause at hand and no price was too great, no sacrifice too burdensome, and no hardship too severe, if it meant victory overseas.

The World War II Memorial on the Mall commemorates the sacrifices of those 16 million veterans who served with pride and patriotism during World War II. It also honors and recognizes the millions more who supported the war cause back home. For without the efforts of our troops on the front lines, and the support and encouragement of family and friends back home, we would have never been successful. Thanks to all of them, we succeeded beyond our greatest expectations. This was truly a time when we knew there was no option but complete and total victory and we refused to consider any other option—regardless of the cost.

When President Roosevelt made the call for recruits it was answered in unprecedented fashion. The 16 million Americans who reported for duty made it clear that they would pay any price to defend the freedoms and liberties of our own Nation. They also committed themselves to the liberation of Europe and the preservation of liberty there and in many other parts of the world.

They were just average Americans from small towns and large, from small States and large, who were caught up in a cause greater than themselves. They soon showed themselves to be the greatest weapon ever known in the history of warfare—the American Armed Forces. They were sent to far away places with strange sounding names, as the song goes, and they probably never imagined there was anything special about them. Heroes? They probably never thought of themselves that way, but for those who read about their exploits, and for those of us who now live with the freedom that their blood, sweat and tears provided, we cannot think of them any other way.

They were young men and women, called to attempt the impossible, knowing the odds were against them, and still they tried, because they believed in our country and the principles we hold dear as a nation.

We have several World War II veterans serving with us here in the Senate, with several more serving in the House. Their commitment to country and duty which began so many years ago continues today in the Congress.

Senator DANIEL AKAKA, Senator FRITZ HOLLINGS, Senator DANIEL INOUYE, Senator FRANK LAUTENBERG, Senator TED STEVENS, and Senator JOHN WARNER represent in a special way all of those who served with distinction and honor during those days. They are our link with the past, a past that has made our present possible.

What they achieved, along with all those who served with them, is best seen in the words that have been posted on several Internet sites, attributed by some to Father Denis Edward O'Brien, USMC:

> It is the soldier, not the reporter Who has given us freedom of the press.
>
> It is the soldier, not the poet, Who has given us freedom of speech.
>
> It is the soldier, not the campus organizer, Who has given us freedom to demonstrate.
>
> It is the soldier, not the lawyer, Who has given us freedom of the right to a fair trial.
>
> It is the soldier who salutes the flag, Who serves under the flag and
>
> Whose coffin is draped by the flag,
> Who allows the protester to burn the flag.

This is the legacy our veterans have left us and it reflects the debt we owe them all. They are—and they always have been—the force that guarantees our Bill of Rights. They are—and have been—the force that stands guard around the world, vigilant and watchful, while we sleep. They are the ones for whom love of country are not just words, they are a way of life.

In the years to come, the Memorial on the Mall will serve as a constant reminder that freedom isn't free and that it comes at a great price. More than 400,000 American lives were lost in World War II and many more were wounded in battles all over the world. They will be remembered there. The memorial will also serve as a symbol of the heartfelt dedication and total commitment that was needed to put an end to the tyranny that threatened to ensnare the world around us. It was an effort that we pray will never have to be duplicated.

We take great pride in our Nation's veterans because they are our greatest American heroes. They were as one, willing to sacrifice all their tomorrows to ensure we would live in freedom today. Our way of life is their legacy, their gift to us all. God bless them all, our Nation's heroes, our Nation's veterans.

Madam President, I yield the floor.

Mr. ENSIGN. Mr. President, this past weekend President Bush dedicated the World War II Memorial before an audience of several hundred thousand attendees and a national television audience of millions.

The memorial honors the 16 million who served in our Armed Forces during

World War II, the more than 400,000 who died, and the millions who supported the war effort from home.

Symbolic of the defining event of the 20th Century, the memorial is a monument to the spirit, sacrifice, and commitment of the American people to the common defense of the Nation and to the broader causes of peace and freedom from tyranny throughout the world.

It is my belief that it will inspire future generations of Americans, deepening their appreciation of what the World War II generation accomplished in securing freedom and democracy.

Above all, the memorial stands as an important symbol of American national unity, a timeless reminder of the moral strength and awesome power that can flow when a free people are at once united and bonded together in a common and just cause.

The dedication of the World War II monument reminded me of a story that not many are familiar with. This story is about a young man whose experiences throughout the Pacific during World War II helped mold him into the compassionate, reasoned, and fiercely patriotic gentleman he is today.

In December of 1941, that young man was a high school student in Hawaii. And on the morning of December 7th, he and his schoolmates watched from the hillside in horror as the Japanese planes carried out their surprise attack on the Naval fleet in Pearl Harbor.

After finishing high school, this young patriot joined the United States Army and was assigned to the Corps of Engineers. He sailed throughout the Pacific, and participated in the invasions of the Japanese-held islands of Saipan and Tinian. In fact, when he was on Tinian he watched the *Enola Gay* lift off on her historic mission to the Japanese mainland.

Young DANIEL K. AKAKA had witnessed the beginning of World War II, and was fortunate enough to witness its conclusion.

Many years have passed since then. Now, Senator AKAKA can look back on a remarkable life. In addition to his Army exploits, he was a welder, a school teacher and principal, Congressman and is currently a U.S. Senator representing the good people of Hawaii.

It is in his current capacity that I know him best. As a member of the Senate Armed Services Committee and ranking member on the Readiness and Management Support Subcommittee, we have worked together overseeing military readiness issues including training and exercises, logistics, and industrial operations, depots and shipyards, military construction, environmental programs, as well as policies and procedures related to reform of management practices at the Department of Defense.

I have the utmost respect and admiration for my colleague. Today I want to say thank you to my friend, DANIEL AKAKA.

The United States of America is the leader of the free world and the greatest Nation in history because you and your comrades, the greatest generation, served and sacrificed.

We have not forgotten how you helped save the world from tyranny, nor do we take for granted the price you paid for the freedom we cherish today.

You served our country with honor and commitment during one of the darkest times in modern history.

This Nation is as grateful, if not more, for you today, than we were in the days following your liberation of the world.

History has taught us how heroic and courageous you truly were. So it is only fitting that on this day, at this time, on behalf of a grateful nation I say, thank you. God bless you, DANIEL.

Mr. CORZINE. Mr. President, I rise this week to commemorate the 60th anniversary of the World War II Allied invasion of Normandy and to honor the courageous members of our Armed Forces, especially those from New Jersey, who participated in that decisive battle.

In the waning days of 1943, the Allied Command, led by General Dwight David Eisenhower, developed a plan to cross the English Channel and gain a foothold on France's Normandy coast. This bold strategy breached Hitler's western defenses and began the liberation of France and the rest of Nazi-occupied Europe.

The invasion known as Operation Overlord was to become the largest air, land and sea operation any military force had ever undertaken. After months of planning, training and preparation by the Allies, June 6, 1944 was selected as the invasion date, or D-Day.

Moving and fighting under stormy skies, the invasion force, led by the United States, Great Britain and Canada, and including Free French and Free Polish units, consisted of over 1 million service personnel. The American contingent included tens of thousands of ground combat troops who assaulted over Omaha and Utah beaches, airborne units which landed behind enemy lines, U.S. Navy sailors, Army logisticians and other specialists, and Army Air Corps aviators and ground crews who supported the landings.

The dangers were grave, and the stakes almost incalculable. Our troops' skill and determination won our Nation a world-changing success, a military victory which today remains a keystone of the liberties and security Americans and their partners still enjoy. The soldiers who fought their way ashore in Normandy and who there dropped into battle under heavy fire demonstrated unsurpassed tenacity and valor. Their superb performance and their sacrifices in the cause of freedom and democracy will always be remembered and appreciated by a grateful nation. May our D-Day veterans' memory and deeds be a constant reminder of Americans' courage, resolve and devotion to duty in World War II.

Mr. JOHNSON. Mr. President, I rise today to honor America's veterans of World War II.

I am pleased to have this opportunity to thank the millions of Americans who served our Nation during the Second World War. World War II marks the greatest triumph of the United States in the 20th Century. The war has become a symbol of the power of a nation united and a turning point in the history of the world.

It is important to note that the service of men and women of the World War II generation went far beyond their sacrifices on the battlefields of Africa, Europe, and the Pacific. After winning the war, they returned home to create a strong, prosperous nation and helped shape America into the beacon of liberty that it is today.

I am honored to work along side six World War II veterans here in the Senate. Our colleagues Senators INOUYE, STEVENS, WARNER, HOLLINGS, LAUTENBERG, and AKAKA each answered their Nation's call to duty. I thank them for their service in the military during World War II and for their continued service and leadership in the Senate.

I was extremely touched by this past weekend's emotional dedication ceremony of the National World War II Memorial and the opportunity it provided for our nation to honor our World War II veterans. While belated, this memorial provides all Americans with a place to express their appreciation for the men and women who fought in the war and to reflect on the sacrifices of those who died to defeat the evils of tyranny and oppression. Though it is the newest of our war memorials, I believe it has already become a national treasure.

I also want to take this opportunity to pay a special tribute to the veterans of D-Day. Next week marks the 60th anniversary of the allied landing at Normandy, France. On June 6, 1944, the largest fleet of ships in the history of the world left ports in Great Britain for the coast of France. Aboard these ships were thousands of young Americans who fought and died to gain a foothold on Europe and to help free those who had fallen under the dark shadow of Hitler's forces. These young men were the spearhead of one of the greatest military forces ever assembled and deserve special recognition for their sacrifices.

Like so many Americans, members of my own family proudly served in World War II. Both my father and father-in-law served in the military during World War II. I want to thank them and to join with my Senate colleagues in expressing my gratitude to all the veterans of World War II. We are proud and thankful for all that they have done and continue to do in service to the United States of America.

Ms. SNOWE. Mr. President, I rise today to pay tribute to the United States Senate's World War II veterans—soldiers then, statesmen now. They each have unique personal histories and paths from wearing the uniform to serving in this body, yet they share that common badge of honor. They took up arms in a war for the life of all free nations, and for the survival of deliberative democracy embodied by the Chamber in which they serve today.

The dedication of the World War II Memorial this past weekend freshly reminded all of us that individuals like Senators WARNER, STEVENS, AKAKA, HOLLINGS and INOUYE devoted their youth to the greatest cause our Nation has ever undertaken. During that ceremony on Sunday, the sea of former soldiers, and sailors and airmen on the National Mall was a moving testament to the unique, lasting place all veterans have in their hearts for fallen comrades. Years have not diminished the meaning of sacrifice that they know best.

Where often our prayers and thoughts focus on the blessings of liberty, we were also recently reminded by Memorial Day of the costs of the liberty—the loss of those who in Lincoln's words gave the "last, full measure of devotion." It is only fitting that, on the heels of Memorial Day and the dedication of the World War II Memorial, we take a moment to recognize our friends and colleagues who served in the Armed Forces during the Second World War.

In the Senate, we are all privileged to serve with five colleagues who wore the uniform during a time freedom and civilization itself depend upon young soldiers like them.

Senator JOHN WARNER, now at the helm of the Armed Services Committee, volunteered for the U.S. Navy at the young age of 17, and later would enlist in the U.S. Marine Corps in Korea.

Senator TED STEVENS carved out a decorated war record as a pilot in the China-Burma-India theater, supporting the Flying Tigers of the 14th Air Force. His bravery earned him two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai medal award by the Republic of China.

Senator DANIEL AKAKA, now a leader on the Armed Services Committee, was once a young Hawaii welder and mechanic serving with the Army Corps of Engineers in the Marianas, from 1945 to 1947.

Senator FRITZ HOLLINGS, schooled at the Citadel, began his service in 1942 as a commissioned officer in the North African and European fronts, where he would receive the Bronze Star and seven campaign ribbons.

Senator DANIEL INOUYE had known the horror of Pearl Harbor, where he volunteered as head of a first-aid team, and in 1943, he enlisted in the U.S. Army's 442nd Regimental combat Team. Senator INOUYE has chronicled his World War II experiences in "Go for Broke," the story of his famed group of Japanese American soldiers.

Senator FRANK LAUTENBERG joined the U.S. Army Signal Corps fresh from high school. He served until 1946 in Signal Corps Battalion 3185 and as a communications specialist attached to British 21st Army Group.

These five colleagues remind us of the high calling to which the Greatest Generation responded—prepared to give all, to protect all. They served beside 400,000 American comrades who would never leave the shores and soil of Europe, the islands of the Pacific and the desert of North Africa.

On the "Freedom Wall" of the new World War II Memorial shine 4,000 gold stars—with each star representing 100 lives lost. Just as that human toll approaches the unfathomable, so too do we struggle to truly comprehend the extent to which the heroes of World War II—all with their own unique lives and stories and dreams that would never be fulfilled—collectively turned the course of history away from darkness and toward liberty and light. As their loss to their family and country was permanent, let us also never forget that what they achieved for humankind will stand for all nations, for all time.

Mr. CHAFEE. Mr. President, on May 29, 2004 the National World War II Memorial was formally dedicated on the National Mall.

A number of Rhode Islanders of whom our State is particularly proud played important roles in the design and construction of this strikingly beautiful monument.

Credit for the overall vision of the monument is owed to Providence's Friedrich St. Florian, whose architectural design was chosen from over 400 competing entries.

As to the great results of the construction, I am proud to mention North Kingstown's Anthony Ramos, the founder and president of New England Stone, whose company was responsible for quarrying and fabricating all granite used in the memorial. Nick and John Benson of the John Stephens Shop in Newport were the principal stone carvers of the project; through their work they turned hulks of granite into works of art. Finally, I am pleased to honor Lawrence Rebel and all members of the Gilbane Building Company of Providence for their contributions as construction managers, selected by the General Services Administration's public buildings division.

This memorial is a deserving tribute to the sacrifices made by the men and women of the United States during the Second World War, and I am proud of Rhode Island's contributions to the effort.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I rise with deep humility and honor. The words of my colleagues and friends have touched me greatly. I am most grateful. But in listening to their words, I must suggest that wars are not won by soldiers alone. It takes a united nation to do that.

The war that we were privileged and honored to serve in was a war that a united America carried out. Husbands went to war, but their wives stayed home and worked in the factories. Some worked in the fields. There were mothers who were in anguish every day while their sons were away, but they gave us hope. They gave us courage. Little kids went around collecting pennies to buy bonds.

Yes, it took a nation to win this war. The memorial testifies to that. It does not just honor those who served in battle, but it honors those wives and sweethearts who worked in the factories, the little students who collected scrap metal and pennies.

Yes, we were young. But we knew what was going on. I have been asked many times: If given the chance, would I do it again? I think I speak for all of my colleagues: Certainly, because it was the right thing to do. It was the American thing to do. And what we did I am certain all other Americans would have done.

We all received medals. It is unfortunate that all Americans could not receive those medals. Well, I can tell you that my mother deserved a medal. She had to look at the little flag that flew over her window. There were three stars on it. My two brothers served in the Korean war. It must have been a difficult time for her. I am certain that all mothers have gone through this.

So I thank all of my colleagues.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me also acknowledge the fact that my mother, too, had three stars in the window. I had one brother in the Pacific, one in the Mideast, and myself in Africa and Europe.

Senator STEVENS, Senator WARNER, and a bunch of us went down to the World War II Memorial with our friend Senator Dole who chaired that particular memorial. It was a rather blowy day, and all that wind was blowing those fountains all over us. We veterans, in visiting with our good friend Bob Dole, renamed the memorial Viagra Falls after Bob Dole.

But the truth of the matter is, if you go down on the right-hand side, there is a saying by Roosevelt in 1942 dedicating a good part of that memorial and the thought of that memorial to Rosie the Riveter.

That brings to mind the fact that we all had an easy time. We are lucky to be here, as we know. We had an easy time when we came back. It makes me think of the distinguished Senator from Nebraska, CHUCK HAGEL. He fought in the war in Vietnam, where the soldiers came back facing hardships. And that is the big difference.

We really honor our friend DANIEL INOUYE, because he had to fight his country in order to fight his country's enemy. He struggled for a year and a half. He was in the military at the time of Pearl Harbor, but being a nisei of Japanese descent, it wasn't until we were very short of troops in Italy, that we first committed the full 442nd combat team into the lost battalion, into the Rhone Valley and then into Italy. And God bless him, he deserves a Medal of Honor, not only for the courage in battle but the determination against an ungrateful nation that would not even allow him to fight.

Now, what is the point? The point is that we know how to fight a war, but we don't know when to start one. That is why I particularly wanted to thank the majority and minority leaders, in addition to all the Senators, too, who have had these laudatory remarks. We are all very grateful. And we welcome, incidentally, our distinguished former colleague, the Senator from Maryland, Joseph D. Tydings. He is still ready to fight. This is the first time he has been on the floor of the Senate in 30 years. But I had the pleasure and distinction of serving with him as a junior Senator. And then, of course, our colleague from Arkansas, Dale Bumpers, went to fight that war.

We had, as Senator Tydings and I just remembered, that Gulf of Tonkin. I had to sit in the chair. I got two Golden Gavel Awards; 200 hours listening to Wayne Morse, whom I thought was a little looney at the time because I was from South Carolina. We were committed in Vietnam. I found out later that I was the one who was looney, and Wayne Morse was right. He was debating Bill Fulbright on the Gulf of Tonkin.

This is not political. We know now why we are not into Iraq. We know specifically that there wasn't any al-Qaida. The Department of State put out a listing of 45 countries that had al-Qaida ties on 9/11, and it did not have Iraq listed. We know it wasn't the matter of Saddam being any threat. Retired General Zinni said the other day that his army was a decaying force. He used that word. If you read Dick Clarke's book "Against All Enemies," you will find Paul Wolfowitz, and Clarke and none other than John McLaughlin, of the CIA are talking about going into Iraq. Wolfowitz, who is a friend of mine, says, what about Iraq? He says, there is no evidence, no intelligence whatever of any terrorism against the United States in the last 10 years. Isn't that right, John? And John confirms that.

Let me make a sort of harsh comment, but take it advisedly because we were just talking earlier today with respect to the McCarthy days. I want to talk about intelligence. I served in the McCarthy days 50 years ago. Doolittle had made a study that was a whitewash. So they came back and the Congress said: Let's give President Herbert Hoover, the commission on the reorganization of the executive branch. I was one of the six members on the Hoover commission task force investigating the intelligence activities. In the Senate, I served 8 years on the Senate Intelligence Committee. So I speak with some experience when I say right now our intelligence is one grand charade.

I say it with all due respect. You cannot find any finer people than those on the 911 Commission—Governor Kean, Lee Hamilton, John Lehman, who is a good friend. There is nobody I respect more. The individuals are doing the job. But the idea that we somehow lacked intelligence is out of the whole cloth. Why? Because our best friend in the Mideast, Israel, has the best of the best of intelligence. Their survival depends on their intelligence. Senator INOUYE, Senator AKAKA, Senator STEVENS, Senator WARNER, and Senator LAUTENBERG, in the 1980s, Israel had to go into Iraq to take out its nuclear facility. They could not have a U.N. meeting or whatever to discuss the situation. They had to destroy the plant for their own survival, and that is what they did.

This Senator thought at the time the United States went into Iraq it was because we faced clear evidence of peril. That is what the President told us. He said we cannot wait until the smoking gun is a mushroom cloud. So the lesson to learn is not just the heroism of the greatest generation but the mistakes.

We have to be awfully cautious. All six of us World War II vets say nobody wants to cut and run from Iraq. We hope yesterday's news was good, with this new council. It seems as if they have some support of the U.N. If President Bush can get that resolution out of the United Nations, we still have a chance to win in Iraq. That is still my hope.

I will conclude with the prayer to the fallen comrade:

> Lord, lest I go my complacent way, Help me to remember that a man died for me today. So long as there be war, I must ask and answer, Am I worth dying for?

That is the test of this "greatest generation" still.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I rise in the spirit of thanksgiving and pride as I stand in the Chamber with others who have served in World War II. I thank this body for the honor they have given all of us. But I say thanksgiving because I thank God. I thank God for being here. I thank God for being a part of this body. I thank my ma and my pa for bringing me into this world. I thank my wife Millie and my family for the support they have given me. I thank my buddies who served with me and trained with me in World War II.

I thank God for setting a new course not only for me but for our country. Because of World War II, we saw our country changing itself from being very prejudicial to being forgiving, and setting a new course not only for our country but for the world.

When I think of what helped me after I left the Army, I used the GI Bill of Rights program. That was, for me, one of the greatest programs. I would say that each of us here have benefited by using that to go to college. As a result of that, we were able to set our professions and eventually be elected to the Senate. But things have changed not only in our lives but in our country and the world. When I think of our country and how it has benefited from World War II, other countries, such as Germany, have also benefited from World War II. Japan has benefited from World War II. It has really changed the world.

So I thank God, my family, my buddies, and my colleagues here especially for the kind words and sentiments that have been given tonight. I feel proud to be part of this esteemed body. I thank my colleagues again and our leadership for this recognition. I want them to know that I am proud to have served our country.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I think it is appropriate that I am the last veteran of World War II in the Senate to rise because I am the youngest. I say that only because it reflects on my very modest career in World War II. I was but 17 in January 1945. The Navy called me and I served in training commands. All of our generation went in. It is hard to remember back, but everybody wanted to go. The Battle of the Bulge had just occurred, where my distinguished colleague here served. All of our high school class suddenly recognized that from this great and powerful Nation, for those 3 weeks of the Battle of the Bulge, there was an element as to when we would eventually have the victory for which we all prayed. It was no big deal. It was exciting.

I have always looked back on my modest service of less than 2 years because the war ended rather unexpectedly. We were all trained to go into the Pacific as the war in Europe had stopped. We were prepared to go aboard our ships as replacements for those who endured months and, in most instances, years of service. We talk about the youngsters who went off for 6 months today, or even for a year. But in those days, it was not unusual to be gone for 3 years and never go back home. We were all prepared as youngsters to go and were quite willing, well-trained, beautifully educated in our respective responsibilities. I was a radio-radar technician.

That was the spirit of America, which was totally unified behind us. My colleague paid homage, most appropriately, to the home front. I think Senator INOUYE said the Nation won the war, which is true. Behind all of the military people were hundreds of thousands at home.

What beautiful eloquence here today. It has been an enriching experience. Yes, I, too, think the medals should have gone to our parents, as Senator INOUYE said. My mother and my father died. He served in World War I in the trenches as a doctor, wounded and decorated. I was brought up knowing he and my mother had been associated with the Red Cross and tended the wounded. They would have expected their son to go, as did all parents in those days.

I served later in the Marines—that time as a staff officer in combat zones, but always in support of those in combat arms and in the air. I never claimed the title of a combat soldier. I am proud to have served with the distinguished men who did. They have been my big brothers. There have been 114 who served this body from World War II. I expect that in my 26 years, I served with half of them. I had a younger brother but never a big brother. Now I have had all these wonderful veterans who trained me. I would not be in the Senate had it not been for the discipline, sense of mission, self-reliance, and the sense that you owe a debt to your buddies in the military and others who helped you in life.

Lastly, the GI bill was the greatest investment ever made by this Nation for a generation. How proud all of us in this Chamber are today that we have continued that educational program, such that the current men and women in the Armed Forces are able to get those benefits, as did we, and hopefully they can have the careers we have had.

This is such a magnificent nation in which we live and we are so grateful. I am deeply humbled to be the youngest, the most inconspicuous, and the most modest in terms of military service, of all to participate on this memorable day. I express our appreciation first and foremost to God Almighty who for one reason or another spared those who have come to this Chamber, having served in World War II, to our parents, and to our buddies, fellow sailors, airmen, and marines with whom we served. I am grateful to our leaders who had the concept to bring this memorable hour for all of us to share in and express our deepest gratitude.

I yield the floor.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3260, AS MODIFIED

Mr. WARNER. Madam President, we had a very important meeting between the distinguished chairman of the Appropriations Committee and the distinguished ranking member, Mr. BYRD. As a result of their consultation and advice to the distinguished Senator from Michigan and myself, I send to the desk a modified amendment.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 3260), as modified, is as follows:

(Purpose: To authorize appropriations for a contingent emergency reserve fund for operations in Iraq and Afghanistan)

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,500,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $2,500,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs; and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Afghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I know my good friend from Virginia is going to have to leave the Chamber in a moment, but before I make some remarks in general about our colleagues who are World War II veterans, while he is here I want to say what a privilege it has been for me, for 26 years now almost, to serve with JOHN WARNER of Virginia. I cannot think of a person who is more decent, civil, and gentlemanly, and the way in which he runs our committee is truly a model. He is part of a great tradition of committee chairmen whom he has noted many times whom he and I have served with, and whom he knew long before I did. He serves as chairman of the committee that represents our Armed Forces in this country and he does it with extraordinary diplomacy.

So even though it is not the Foreign Relations Committee, it is the committee of our Armed Forces. He is noted for his gentleness and civility. I am sure he learned some of this modesty as a member of the "greatest generation," because they do not talk about what they did in World War II. As a matter of fact, this last Memorial Day I spent a lot of time with our veterans, their kids, their grandkids, and their great-grandkids, urging those kids and grandkids to get those veterans to share their histories because they are not going to volunteer it. They are not going to initiate any discussion about the events of World War II; they are too modest.

I do not know whether that is where my dear friend from Virginia got that wonderful modesty of his, that self-effacement, but from wherever he got it, it is treasured by every Member of this body and on this occasion I address him as a World War II veteran. Before I make my remarks about all of our other colleagues, I want to tell him what a treasured relationship this has been, and I thank him for his service.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. May I thank my dear friend. I do not in any way deserve what he said, but he and I do reflect often on how we got where we are and that is because of men such as Jackson, Stennis, Goldwater, and Tower, and the greats whom we have served under as chairmen of this committee.

The Senator from Michigan has been chairman of the committee. I have been chairman of the committee. We were trained by the best and we learned so much of what we practice today from those great teachers, Senators, of towering strength and wisdom. I thank my friend for sharing his thoughts with me. In every sense, he emulates those titans and giants who have run this committee.

Mr. LEVIN. I thank my friend.

I want to add one other thing, and that is the way in which he was able to modify the amendment is typical of the way Senator WARNER works. I will not go into the details because it is probably not even appropriate, but there were some differences on the wording of this amendment. He worked with some real giants in this Senate—Senator BYRD, Senator STEVENS, Senator INOUYE—to find a way to work through this difference. To the outside world, it would look like a very minor modification and in the scheme of things it probably is a modest modification, but it took some real effort, some real diplomacy, and some real willingness to look for the path through the bramble, and the Senator from Virginia found it. It was very typical. He sent an amendment to the desk and in about 4 seconds it is done, but it took a lot more than 4 seconds. It took the special character and the special approach of my dear friend from Virginia.

I thank him for his service as a World War II veteran, as well as all of our other colleagues.

This past weekend, the Memorial Day weekend, the Nation paused to dedicate the newly completed World War II Memorial and pay a long overdue tribute to the 16 million Americans who served in the Armed Forces During World War II, the more than 400,000 who died, and the millions who supported the war effort here at home.

The World War II Memorial is inscribed with many poignant quotes, including the words of President Harry S Truman: "Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude. America will never forget their sacrifices." These words reflect the sentiments of countless Americans. All of us owe a tremendous debt to this "greatest generation" which sacrificed so much to protect our freedom and liberty.

Over this past weekend, I was privileged to meet with hundreds of these veterans and their families who made the journey to Washington, D.C., from Michigan for the dedication of the monument. I heard many inspiring personal stories of these men and women. Nearly all spoke of the memory of those who did not return.

Those who were in Washington represented thousands and thousands of veterans who died in war, and those who were unable to make this journey and those who did not live to see the memorial constructed.

It was particularly moving to witness the pride that the sons and daughters, and the grandchildren, of these veterans took in their service. America will remember.

We in Michigan, in particular, are also mindful of the tremendous effort made "back home" by those who supported the war effort. Our State became known as the "Arsenal of Democracy". From jeeps to tanks to bombers to artillery, and even ambulances, the industrial strength of Michigan turned to production of the tools needed by those on the front lines. As National Geographical Magazine noted in 1944: "It does not take long, in Michigan, to realize you are on a real battle front. The industrial sections roar with machinery."

We, in the Senate, are fortunate to serve with six of these heroic veterans. These are my friends and colleagues and I value each of them for the many important contributions they have made to the Nation in this body. But, today, I salute them for their courage and for their sacrifice as young men in World War II and because they collectively represent millions of Americans who did their duty in their Nation's hour of need. Senator AKAKA of Hawaii, Senator HOLLINGS of South Carolina, Senator LAUTENBERG of New Jersey, Senator INOUYE of Hawaii, Senator STEVENS of Alaska, and Senator JOHN WARNER of Virginia—you have my admiration, my respect and my thanks.

We cannot ever repay the debt we owe to those who fought in our defense during World War II and those who supported their efforts on the homefront. This week, we have taken an important step in assuring that America will never forget their valor and their sacrifice. And, even as we do so, we think of and we honor the courage and commitment of our armed forces today in Iraq and Afghanistan fighting the enemies of freedom and democracy. These men and women, too, like the millions of Americans before them, have answered the call.

Mr. BYRD. Mr. President, on May 12, 2004, the President sent to Congress an amendment to his fiscal year 2005 budget request that would add $25 billion for the cost of the ongoing wars in Iraq and Afghanistan. The President's request amounted to a blank check: There were virtually no strings at all on how those funds could be used.

Senator WARNER, as chairman of the Armed Services Committee, held a hearing, at my request, on the day after this $25 billion request was sent to Congress. Members of the committee were nearly unanimous that Congress should not sign away its power of the purse by giving a rubberstamp approval to the President's proposal.

After reviewing the President's request, I developed several proposals to strengthen congressional oversight over the President's request. The funds should be authorized in discrete appropriations accounts for the missions in Iraq and Afghanistan. Reasonable limits should be placed on transfer authority, so that this budget request would not become a blank check. Needed funding for the Coast Guard operations in the Persian Gulf should be included in the $25 billion requested by the President.

Senator WARNER, Senator STEVENS, Senator LEVIN, and Senator INOUYE worked diligently to include my proposals in the amendment that is now before the Senate. Funds have been placed in regular appropriations accounts in order to promote oversight. The amount of funds that can be transferred to other accounts has been reduced from 100 percent to a reasonable 10 percent. Anticipated costs for Coast Guard operations have been funded.

I commend Senator WARNER and Senator STEVENS for their work on this amendment. I thank Senator LEVIN and Senator INOUYE for their steadfast efforts in working to provide the necessary funding for our troops while preserving the power of the purse. I would also like to thank Senator REID for his work in bringing this bipartisan amendment to a vote.

Approval of this amendment is but one step in providing the necessary support to our troops in a manner that promotes accountability and oversight by the Congress. In the coming days, the Appropriations Committee will take up the Defense Appropriations bill. The Senate should build on its work here to insure that the appropriations bill includes similar provisions that preserve the power of the purse that resides with Congress. I look forward to working with my colleagues on that bill, in the same bipartisan manner as we did today, to support our troops and protect the Constitution.

Mrs. BOXER. Mr. President, since 2002, I have raised serious concerns about this administration's policy on Iraq, including the President's failure to plan for post-war Iraq and his inability to convince much of the world to share the burden by providing troops and funding.

However, I will support the President's request for $25 billion to support our military men and women who are serving so bravely under extremely difficult conditions.

When the President initially requested this additional funding on May 12, it was a blank check. It allowed the President to spend funds on any account within the DoD for any purpose having to do with Iraq or Afghanistan. Because of the good work of many in this Chamber, on both sides of the aisle, the Warner amendment is a significant improvement on the President's initial request.

The Warner amendment ensures that $20 billion of the $25 billion request will be spent on the operation and maintenance accounts of the Armed Forces and that $2 billion will be dedicated solely to the military personnel accounts. This is vastly different from the President's request, which would have given him the authority to spend the $25 billion in any manner in which he thought appropriate.

The Warner amendment also contains an important provision that requires a monthly report to Congress on the use of this $25 billion authority. With this reporting requirement, Congress can ensure that every penny is being used for the well-being of our military men and women who are serving this country with great honor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the vote scheduled for 6:30 this evening now occur at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Illinois (Mr. FITZGERALD) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Baucus
Campbell
Edwards
Fitzgerald
Kerry

The amendment (No. 3260) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TALENT. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM HOUGHTON

Mr. REID. Mr. President, I rise today to congratulate Mr. William Houghton on his selection by the Small Business Administration as the 2004 Nevada Small Business Person of the Year. It is my honor to recognize Mr. Houghton's achievement, as well as the hard work and ingenuity he has displayed in building his own business over the past 12 years.

The story actually begins in 1987, when Mr. Houghton got a job with a Las Vegas company that distributed business forms. His pay was just $5 an hour but he set his sights much higher.

In 1992 he became a partner with his former boss, and they formed their own firm called Horizon Business Systems. They started with one employee and did about $500,000 worth of business the first year.

Mr. Houghton eventually bought out his partner, and took on the challenge of overseeing the company's transition through the rapid technological developments of the late 1990s. His good business sense and strong leadership helped the business grow, and today it employs 12 workers and logs more than $2.2 million in sales.

Small businesses such as Horizon Business Systems are the engine that powers our Nation's economy, representing 99.7 percent of all employers, employing more than half our Nation's private sector workers, and creating up to 80 percent of all net new jobs annually.

In this spirit, the SBA's Small Business Person of the Year award seeks to acknowledge the critical role of small businesses in creating jobs and spurring economic growth, and the successes of individual small business owners throughout the country.

Please join me in congratulating Mr. William Houghton on the remarkable success of his business and on his selection as the 2004 Nevada Small Business Person of the Year.

JESSICA BARIS

Mr. REID. Mr. President, I rise today to congratulate Jessica Baris, a junior member of the American Legion Auxiliary L.D. Lockhart Unit 14 of Nevada, on her impressive commitment to academic excellence and community service.

It is always an honor to recognize a talented young person, and Jessica certainly fits that description. She has given generously of her time to many worthy causes, including serving more than 350 hours as a student tutor for young children in her community.

She also has helped organize several charitable events, including a fundraiser for Share Our Strength, an organization that fights hunger and poverty throughout the world.

Jessica also organized a clothing drive for needy children abroad. Most of the clothing was sent to U.S. serviceman in the Philippines, who distributed the items to local children. Her efforts not only helped those children, but also afforded our soldiers with a great opportunity to build goodwill in an important part of the world.

Jessica also received a grant from the United Way to create a "Wall of Peace" for Make a Difference Day. By organizing 20 teams of students to produce murals, the project spread awareness of the importance of tolerance and kindness in her school and community. Jessica wrote an essay on this project for the National Endowment for the Humanities' Idea of America contest that was recognized by First Lady Laura Bush at a White House ceremony.

She also participated in an essay contest sponsored by the Sons of the American Revolution, winning an award for her essay on the contributions of the unsung heroes of our Armed Forces.

Jessica's hard work and dedication to service culminated this year in her selection for a $25,000 college scholarship from AXA Financial Services. This young woman has tremendous potential, and I expect great things from her in the future. Please join me in congratulating Jessica Baris on her many impressive achievements.

ROTARY CLUB OF TONOPAH

Mr. REID. Mr. President, I rise today to congratulate the Rotary Club of Tonopah on its 80th anniversary. It is my honor to recognize the Tonopah club on this important milestone, which marks the lasting contributions of its members to the civic and economic life of the community.

Rotary is a worldwide organization of business and professional leaders dedicated to high ethical standards and humanitarian service. Approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs located in 166 countries.

The third oldest club in the State of Nevada, the Rotary Club of Tonopah received its charter on June 2, 1924. With the sponsorship of the Rotary Club of Reno, the Tonopah club's 19 charter members laid the foundation for an important and enduring institution in their community.

Since then the Tonopah club has embraced the high ideals of Rotary. The members of the club have developed opportunities for service in Tonopah, maintained high ethical standards in business and professional ventures, and done countless things to improve the quality of life in Tonopah, NV, and our Nation.

Please join me in congratulating the Rotary Club of Tonopah on its 80th anniversary and wishing its members the best of luck as they continue their work and service.

PRESIDENTIAL SCHOLARS 2004

Mr. REID. Mr. President, I rise today to congratulate Chase Correia of Galena High School in northern Nevada and Jeremee Peters of The Meadows School in Las Vegas on their selection as 2004 Presidential Scholars.

This award reflects a lot of hard work and a strong commitment to academic excellence on the part of the individual students as well as their schools.

The United States Presidential Scholars Program was established in 1964 by an Executive order of President Lyndon B. Johnson. Each year the program honors 141 students based on their academic success, artistic achievements, leadership and involvement in their school and community.

Chase and Jeremee are both exemplary students in these respects. Chase has a passion for science, has interned in a cancer research center, and is a member of the Reno Youth City Council. Jeremee is the valedictorian of her class, a very accomplished Spanish student, and a volunteer who teaches young girls to play softball. Both Chase and Jeremee also have given generously of their time in volunteer service at local hospitals.

As Presidential Scholars, Chase and Jeremee will be invited to Washington, DC, along with their families and their most influential teachers, to participate in a variety of activities including panel discussions and a ceremony sponsored by the White House.

I would like to take a moment to recognize Chase and Jeremee's influential teachers: Ms. Kathleen Small and Ms. Karen E. Cox. As someone whose own life was transformed by education, I know first hand the value of good teachers and mentors like Ms. Small and Ms. Cox. Their commitment to Chase and Jeremee's education, and to the education of all their students, is truly commendable.

The State of Nevada can take great pride in Chase and Jeremee's accomplishments. They have tremendous potential, and we all expect great things from them. Please join me in congratulating Jeremee and Chase on their impressive accomplishments.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, today I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 26, 2001, in Manteca, CA, Linell Reese was charged with a hate crime for allegedly attacking a man while yelling antigay epithets.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL J. WIESEMANN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who went to high school in North Judson, IN. SP Michael J. Wiesemann, 20 years old, died at the Forward Operating Base Q-West, Quyarrah Air Base, Iraq, on May 29, 2004.

Michael graduated from North Judson-San Pierre High School in 2002 and joined the Army as a steppingstone to college and a better life, according to his mother. After joining the Army, Michael became a cavalry scout and was assigned to the Army's 1st Squadron, 14th Cavalry Regiment, 3rd Brigade, 2nd Infantry Division, out of Fort Lewis, WA. With his entire life before him, Michael chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Michael was the 28th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his mother, Karen; his stepfather, Robert; and his fiancée, Abby Trusty, whom he met in high school.

Today, I join Michael's family, his friends, and the entire North Judson community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. During his dedicated military service, Michael earned the Global War on Terrorism Service Medal and an Expeditionary Medal. It is his courage and strength of character that people will remember when they think of Michael, a memory that will burn brightly during these continuing days of conflict and grief.

When looking back on the life of her former student, Michael's high school English teacher, Carolyn Wyller told the Indianapolis Star that Michael "was artistic and had a good sense of humor." Family and friends say Michael was known for his love of laughter and his big heart. Today and always, Michael will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Michael's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Michael's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael J. Wiesemann in the official Record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Michael's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Michael.

IMPORTATION OF PRESCRIPTION DRUGS

Mr. ENZI. Mr. President, I have never supported a bill that would allow for the importation of prescription drugs—until today.

I have decided to cosponsor Senator GREGG's bill to permit the carefully regulated importation of drugs approved by the Food and Drug Administration. The bill also would regulate the dispensing of medications by Internet pharmacies and strengthen the laws and regulations that protect Americans from the dangers of counterfeit drugs.

I have long opposed drug importation on the grounds that current laws, regulations, and practices are insufficient to allow for the safe opening of our currently closed drug distribution system. I have said that I could not support any plan to legalize drug importation that does not ensure that the drugs that are imported are safe, effective, and will not compromise the integrity of our Nation's prescription drug supply or our world-leading pharmaceutical research.

With that in mind, Senator GREGG's bill is the first piece of legislation I have seen that would craft an importation system with the appropriate safeguards and limitations necessary to protect the public health. Senator GREGG's bill would allow importation of FDA-approved drugs manufactured in FDA-inspected facilities only. His bill would permit the importation of drugs from Canada only, with the possibility that the FDA could approve importation from other countries in the future. His bill would also provide additional tools and resources for the FDA to use to protect American citizens from tainted or counterfeit drugs, and from scam artists selling medications on the Internet.

Senator GREGG has introduced a strong bill that addresses my concerns about the safety of drug importation and Internet pharmacies, and it's the only bill I've yet seen that I could support.

My main outstanding concern is that Senator GREGG's bill does not address the liability that sellers, distributors, and manufacturers of prescription drugs may face even under a regulated system of drug importation.

Our jurisdiction over foreign companies or individuals in the chain of drug distribution is limited at best. Irresponsible actions on their part could put responsible American companies and individuals at risk of substantial monetary liability. Without liability protection, American companies and individuals may choose not to participate in drug importation, which would defeat the purpose of enacting this legislation in the first place.

As this legislation moves in the Senate, I look forward to working with Senator GREGG, the other cosponsors of his bill, and other interested Members to address these concerns through sensible liability protections for sellers, distributors, and manufacturers of prescription drugs.

I want to be clear on an important point: importing prescription drugs from other countries will not solve the problem of rising drug prices. Our market for prescription drugs is so large that we can not import enough lower-priced medications from other countries to make a significant impact on prices here.

There are many other ways that Congress is helping Americans afford their prescription medications. Just yesterday, for instance, the new Medicare drug discount cards went into effect. The cards offer savings of 10 to 25 percent or more off the current retail prices seniors pay, and seniors with low incomes also qualify for a $1,200 credit over the next 18 months to help pay for prescriptions.

Nevertheless, millions of Americans are still buying prescription drugs in Canada and other countries, or purchasing drugs from Internet pharmacies that operate outside the United States. Despite the fact that importing prescription drugs is against the law today, these Americans are taking their lives in their hands by going outside our closed drug distribution system and obtaining their prescription medicines from pharmacies and Internet sites that do not meet the high standards that we require domestically.

Right now, the Federal Government and State governments are looking the other way, crossing our fingers and hoping that no one gets hurt. So I am cosponsoring Senator GREGG's bill to put a strong and enforceable system in place to protect Americans against the dangers inherent in importing drugs from other countries. I also intend to work with Senator GREGG to oppose any election-year political maneuvering that would weaken the critical safety components of his legislation as we consider the bill in the Health, Education, Labor, and Pensions Committee, and on the Senate floor.

ENACTMENT OF THE STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives has now passed the Standards Development Organization Advancement Act, an important piece of legislation on which both parties and both Chambers have been able to reach accord. It is now on its way to the President's desk, and I am confident that he will sign it into law.

In April of this year, Senator HATCH, Senator KOHL, Senator DEWINE, and I worked to craft a bipartisan, fair version of this bill that will promote the development of technical standards while preserving antitrust laws that enhance competition. It has been rare during this Congress to achieve the type of consensus generated by our bill, and it illustrates what we can accomplish when both parties work together. This is an example of how Congress should function. I must also express my gratitude to Chairman SENSENBRENNER for all his efforts in the House of Representatives, not only for his critical role in shaping this legislation but also for the expeditious way he shepherded the bill through the House.

As I have noted many times, technical standards serve a vital if unseen role in allowing for interoperability of products and making sure that the goods we buy are safe and effective. Whether for airbags or for fire retardant materials, without technical standards, consumers would be less likely to make the purchases that fuel the engine of the U.S. economy. Even more important, aspects of our lives that we consider routine—perhaps even mundane—would take on added dangers without standards that allow consumers to feel confident that a given product is safe and reliable.

There is, however, an unavoidable tension between the antitrust laws that prohibit businesses from colluding and the development of technical standards, which require competitors to reach agreement on basic design elements. The Standards Development Organization Advancement Act eases this tension, allowing standards development organizations to continue their important work while preserving our antitrust laws that enhance competition and protect American consumers.

Without creating an antitrust exemption, the Standards Development Organization Advancement Act will allow standards development organizations to seek review of their standards by the Department of Justice or the Federal Trade Commission prior to implementation. This "screening" phase will not let a standards development organization escape penalty for a regulation that a court later rules is in violation of antitrust laws, but it will limit the organization's liability to single damages rather than the treble damages levied under current law.

Additionally, the bill amends the National Cooperative Research and Production Act of 1993, by directing courts to apply a "rule of reason" standard to standards development organizations and the guidelines they produce. Under existing law, standards may be deemed anticompetitive by a court even if they have the effect of better serving consumers. This legislation gives our courts the needed ability to balance the competing interests of safety and efficiency against any anticompetitive effect—it is a capability our courts need in order to fairly administer justice. Back in the 103rd Congress, I introduced the Senate version of the National Cooperative Production Amendments Act of 1993, and I am glad that we can today build on our earlier successes.

Title II of the Standards Development Organization Advancement Act also addresses several areas of our antitrust laws that merit updating, as our experience with the actual practice in the world has shown. Most importantly, it will eliminate the disparity between the treatment of criminal white collar offenses and antitrust criminal violations—a provision Senator HATCH and I had introduced in S. 1080, the Antitrust Improvements Act of 2003—and it will update and improve the Justice Department's amnesty program in the criminal antitrust context. It will also make some practical adjustments to the language of the Tunney Act. Finally, it will allow a judge to order publication of the comments received in a Tunney Act proceeding by electronic or other means. This provision will make these documents more accessible to the public while saving taxpayers the costs of paper publication.

I am glad that we can send to the President this bill that makes so many useful, fair, and bipartisan changes.

AMERICA'S FARMERS AND OBESITY

Mr. BROWNBACK. Mr. President, over the past 2 weeks, more than 2,000 farmers—including over 600 from Kansas, the most from any State—have signed a petition that will be sent to ABC News and TIME magazine today or tomorrow. The signers of this petition are to be commended.

Their request is simple. They want to ensure that their voices are heard in an upcoming summit on obesity sponsored by the two news outlets. At this summit, and in subsequent media coverage, "experts" will attempt to link Federal support for America's farmers to the country's obesity epidemic.

The individuals who signed the petition are frustrated, and rightfully so. This summit is a follow-up to the December news special, "How to Get Fat Without Really Trying," where ABC dedicated more than 15 minutes of airtime to bash Federal support for farmers.

Unfortunately, no one from the agricultural community was afforded the opportunity to defend farming families or the policies on which they depend. And don't expect too many farmers to be on hand to defend themselves at the upcoming summit either, not with a $2,000 registration fee.

The agriculture community is not alone in its frustration. I am frustrated, too. So are many of my colleagues, like Senators BURNS and LINCOLN, who have also been vocal in their opposition to those who would blame farmers for America's bulging waistlines.

In the December special, Peter Jennings claimed "not many people in the government have made the connection between subsidies to agriculture and obesity." At least ABC got one thing right. We haven't made that connection, because there is no connection to be made.

Consider this: federal farm support has been in place since the 1930s. Yet, obesity is only a recent problem. Other nations that don't have obesity problems provide subsidies to their farmers to produce many of the same commodities grown in the U.S. The European Union, for example, doles out six times the subsidies that we do, yet obesity is less of a problem in the EU than here in America. Federal support is not causing drastically higher levels of production, as some suggest. In fact, America produced more wheat 20 years ago than today. Corn harvested for human consumption has only seen moderate increases from 10 years earlier. And soybeans—another commodity unfairly linked to obesity—experienced supply issues over the past year. According to USDA consumption statistics, Americans consume much less wheat than consumers in other countries that don't suffer widespread obesity problems. Data from the Centers for Disease Control indicate that in the past 20 years, the calorie intake of American kids has risen only about 1 percent, an increase that's in keeping with their increased heights. The big change is that they now get 13 percent less exercise.

Bottom line: America needs farmers. And farmers need a strong Federal farm policy.

America's farmers deserve our praise. They deserve our thanks. What they don't deserve is to be blamed for America's obesity.

COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO COMMUNITY ACT OF 2004

Mrs. BOXER. Mr. President, before the Memorial Day recess, I joined with Senators HATCH, BINGAMAN, and HUTCHISON in introducing the Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2004.

This legislation would create a national commission to study and plan for a National Museum of the American Latino, possibly in Washington, DC. Congressman XAVIER BECERRA and the Congressional Hispanic Caucus have sponsored companion legislation in the House.

Throughout our Nation's history, Latinos have enriched our culture and economy, and contributed to our national defense. In every American war and conflict, Latinos have served honorably next to their fellow Americans. It is time for our Nation's history and public institutions to fully recognize and celebrate our Latino community.

Though Latinos have been the largest ethnic minority group in California for some time, the Census Bureau recently reported that Latinos are now the largest minority group in the country and have grown in population in every region. As of July 2002, there were 38.8 million Latinos in the United States. One out of every three of these Latinos is under the age of 18. Also, the southern states other than Texas have seen the population of Latinos double between 1990 and 2000. The size, youth, and growth of this population ensure that American Latinos will continue to play a critical role in every region of the country and in every aspect of American life. As a result, a greater understanding of this population and its history will benefit all Americans.

The American Latino experience in the United States has a history as long as the Nation is old. From families with Puerto Rican and Dominican origins in New York to those with Cuban blood in Miami to the giant Mexican American and Central American communities in California and numerous other communities in every region of the country—American Latinos share a host of common values and similar experiences. A National Museum of the American Latino would help the larger American family celebrate this community's history and diversity.

The Smithsonian Institution is the world's largest museum and research complex, with 16 museums in the District of Columbia and New York City. The Smithsonian Institution museums, especially those on the National Mall, play a unique and important role in educating visitors to the Nation's capital about America's history, arts, and culture. The American people and international visitors recognize the Smithsonian Institution as the premier American museum, representing the vast diversity of cultural history of the United States. It is worth examining the potential for adding a National Museum of the American Latino to the Smithsonian family.

After extensive dialogue, conferences, and collaboration among educators, scholars, and community leaders as well as museums, universities, cultural, and public institutions, a task force appointed to examine the Smithsonian Institution's representation of American Latinos in its permanent exhibits and other public programs published "Willful Neglect: The Smithsonian Institution and U.S. Latinos" in May 1994 and "Toward a Shared Vision: U.S. Latinos and the Smithsonian Institution" in October 1997. The reports indicate that the Smithsonian historically had a poor record of representing Latinos. This criticism led to the creation of the Smithsonian's Center for Latino Initiatives in 1998.

The Center for Latino Initiatives has increased the profile of Latino arts and culture and deserves credit for promoting diversity and understanding of American Latino culture among the Smithsonian's visitors. The Center's short history has shown that American Latino exhibits and programs are well received by the public and by the Latino community, which benefits from having some representation at the Smithsonian. Still, the level of representation at the Smithsonian of the Latino community is far from where it should be given the American Latino history, demography, and contributions to the American cultural landscape.

I thank Senators HATCH, BINGAMAN, and HUTCHISON for joining with me in introducing this bill. I look forward to working with them to pass this legislation, and I encourage all my colleagues to join us in this effort.

ROMA STILL WAITING FOR THEIR "BROWN v. BOARD OF EDUCATION"

Mr. CAMPBELL. Mr. President, 2 years ago, the United States Helsinki Commission, which I co-chair, held its third hearing on the human rights problems faced by Roma. At that time, we gave particular attention to the barriers Roma face in the field of education. As the OSCE High Commissioner on National Minorities said in his very helpful report on Roma in OSCE region, "exclusion of Roma extends to every sphere of social life, perhaps nowhere with more far-reaching and harmful effect than in respect of schooling."

In other words, ensuring equal access for Roma in the fields of education is an essential element for their integration in other areas of life. The World Bank and United Nations Development Program have also emphasized, in their reports, that integration in education is an essential ingredient for improving the overall conditions in which Roma live.

Last month, as our own country was commemorating the Supreme Court's historic decision in Brown v. Board of Education, the European Roma Rights Center issued a report entitled "Stigmata: Segregated Schooling of Roma in Central and Eastern Europe." This report evaluates practices and policies in Bulgaria, the Czech Republic, Hungary, Romania, and Slovakia and describes the most common ways of segregating Romani children from non-Roma: channeling Roma into so-called "special schools" for children with developmental disabilities; the de facto segregation that goes hand-in-hand with Romani ghettos; having mixed population schools where Romani children are segregated into all-Romani classes; and the refusal of some local authorities to enroll Romani children in mainstream schools.

The European Roma Rights Center report concludes that, unfortunately, "with the exception of Hungary, concrete government action aimed at desegregating the school system has not been initiated to date." It is surely not a coincidence that Hungary is also the only country in Europe where the mainstream political parties have started to compete for the Romani vote—both developments which reflect meaningful steps towards the real integration of Roma in that country.

As the European Roma Rights Center notes, segregated schooling is the result of many factors which conspire together—not the least of which is the pernicious stereotype that Romani culture is somehow incompatible with education. This fiction continues to be widely held and disseminated by the media, by government officials and public leaders, and sometimes even by the representatives of respected international organizations. Frankly, this myth needs to be debunked.

In reality, before World War II, there was no country in Europe that allowed Roma to attend school and maintain their language and cultural identity at the same time. Formal schooling, by definition, meant forced assimilation. It is amazing testimony to the strength of Romani culture that—after centuries as a dispersed people in Europe, after slavery in Romania and Moldova, after forced assimilation campaigns, and after the Holocaust—Romani identity has survived.

For most Roma in Europe, concentrated in countries that fell behind the Iron Curtain, it is only the context of a post-communist world, a Europe which has now recognized the rights of ethnic and linguistic minorities, that the theoretical opportunity to be educated without having to hide or surrender one's Romani identity is within grasp. Kids like Elvis Hajdar, the Romani-Macedonian computer whiz-kid the Christian Science Monitor profiled in April, embrace this opportunity.

For many other Roma, however, educational opportunities remain only distant and only theoretical. And, contrary to popular mythology, it is not Romani culture that holds them back, but crushing poverty and entrenched racism.

Education is the key to breaking the cycle of poverty and it is no surprise that Romani organizations across Europe have made access to education one of their principle demands. Moreover, the "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area," adopted at the Maastricht Ministerial last December, the OSCE participating states outlined a variety of concrete measures states might undertake to achieve this goal. But desegregation will not just happen on its own. It will take leadership and political will and—as we know from our own experiences after the Brown decision—it may still take many years. The time to get started is now.

OREGON'S DEATH WITH DIGNITY ACT

Mr. WYDEN. Mr. President, last week, the U.S. Court of Appeals for the Ninth Circuit ruled to uphold the Oregon Death with Dignity Act. This ruling is the latest rebuff to U.S. Attorney General John Ashcroft's efforts to overturn Oregon law. The ruling makes clear that contrary to Attorney General Ashcroft's viewpoint, the Controlled Substance Act does not override the constitutional right of a state to regulate medical practice, including the choice of the citizenry to determine whether they want to allow physicians to aid terminally ill patients.

Oregon voters first approved a physician-assisted suicide ballot measure in 1994, but the Oregon legislature did not agree with their decision and put the matter on the ballot a second time. In 1997, Oregon voters overwhelmingly voted once more to allow physician-assisted suicide.

Almost immediately, however, federal politicians 3,000 miles away began efforts to deny Oregon citizens their long recognized right to choose their own course. Over the course of several Congresses, the attempts to overturn Oregon law and the wishes of Oregon voters through general legislation also failed.

Having failed in Congress, I predicted in December 2000, that President Bush would instruct his Attorney General to reinterpret federal law in an effort to invalidate the will of Oregon's voters. The recent ruling by the Court of Appeals for the Ninth Circuit to preserve the Oregon vote is the second setback to the Attorney General's attempts to reinterpret federal law.

Since I was first elected to the United States Senate, I have not wavered in my defense of the choice of the citizens of Oregon. If others see this ruling as an invitation once again to attempt to overturn Oregon law through federal legislation, I will be there again to stand up for my state. Therefore, I want to notify my colleagues that I will be reviewing every piece of legislation that may come before the Senate and will not grant my consent to consider any measure or matter that contains provisions that would overturn the Oregon Death with Dignity Act.

50TH EDITION OF THE NATIONAL ELECTRICAL CODE

Mr. KENNEDY. Mr. President, I welcome this opportunity to bring to the attention of my colleagues a special event taking place next month, when the National Fire Protection Association, NFPA, headquartered in Quincy, MA, will publish the 50th edition of the National Electrical Code.

First published in 1897, the code provides a blueprint for safeguarding schools, hospitals, homes, and workplaces from the potential dangers of electricity. The code is recognized throughout the United States and is used extensively in other nations. In many respects, it is the most widely accepted building construction code in the world. According to Bob Vila, the well-known home improvement personality, the code ". . . not only promotes best practices, it is also a nearly universal document which helps everyone in the business achieve the safest possible results."

The wide acceptance of the code as a public safety document is a tribute to the success of the National Fire Protection Association's voluntary consensus process, which is used by the Association to develop many other safety codes and standards as well. The process is accredited by the American National Standards Institute and is the same voluntary consensus process mandated for Federal agencies by Congress in the National Technology Transfer and Advancement Act of 1995.

The National Electrical Code is currently updated every 3 years and is the result of thousands of hours of work by more than 450 representatives of the enforcement community, the construction industry, organized labor, the manufacturing sector, suppliers, and the insurance industry. Before a new edition of the code is published, members of the public are invited to provide input. Upon completion of that process, the document is then voted on for adoption by the entire membership of the Association. By continually updating the code to address new emerging technologies and construction methods, the association has enabled Americans to enjoy an unparalleled level of safety against electrical hazards.

I congratulate the association and the many volunteers who have spent so many hours to make the 50th edition of the National Electrical Code a reality. They deserve the Nation's gratitude for their skill and dedication in providing this extraordinary public service.

BIRTH OF ELIZABETH MERRELL LUGAR

Mr. LUGAR. Mr. President, during this past recess of the Senate, my wife Charlene and I received the joyous news that Elizabeth Merrell Lugar, the newborn daughter and first child of our son, David Riley Lugar, and his wife, Katherine Graham Lugar, had been born on May 25, 2004, at Sibley Memorial Hospital, Washington, DC. Elizabeth was a healthy 7 pounds, 2 ounces at birth. Lawrence Graham and Jane Graham, Charlene, and I greeted our new granddaughter and her parents at a family dinner in their McLean, VA, residence on May 31.

Katherine and David were married on June 3, 2000, in St. David's Episcopal Church, Austin, TX. Katherine, a graduate of the University of Colorado, is vice president of government affairs of the National Retail Federation. David Lugar came with us to Washington, along with his three brothers, 27 years ago. He graduated from Langley High School, McLean, VA, and Indiana University and is a partner of Quinn Gillespie & Associates. Both Katherine and David are well known to many of our colleagues and their staff members.

We know that you will understand our excitement and our joy that they and we have been given this divine blessing and responsibility for a glorious new chapter in our lives.

ADDITIONAL STATEMENTS

20TH ANNIVERSARY OF THE URBAN SCHOLARS PROGRAM

• Mr. KENNEDY. Mr. President, this year marks the 20th anniversary of the Urban Scholars Program of the University of Massachusetts Boston. The program was created to provide academically talented students in urban middle and high schools the skills and motivation to achieve their full potential. In 1984, UMass Boston and the Boston Public Schools formed a partnership that helped the first 15 students and the program has grown increasingly ever since. Today, the program lists hundreds of graduates who have gone on to earn undergraduate and advanced degrees.

The Urban Scholars Program is a year-round enterprise featuring rigorous after-school classes, seminars, tutoring and supervised study. In the summer, the program offers a 7-week institute in which students are immersed in science, technology, and humanities courses not offered at their high schools, and many earn college credit for their work. Students and their families make sacrifices to participate, but they work hard, and the results are remarkable.

A study showed that participants in the Urban Scholars Program improved attendance and academic achievement. And over the past 20 years, 100 percent of the Urban Scholars have been accepted at colleges across the country. They have an 85 percent college retention rate, compared to the 50 percent national rate. Investing early in these talented young men and women pays off for the students and the entire community.

UMass Boston deserves great credit for its commitment to this outstanding program, and I especially commend Adaline Mirabal, the director of the program, and Joan Becker, its administrator. Their skillful work and dedication has transformed the lives of these young students, and has demonstrated the immense possibilities of early intervention in bringing a first-class education within reach of every child.•

HECTOR BARRETO, SR.

• Mr. TALENT. Mr. President, I rise today to mourn the passing of a great businessman and a pioneer in the Hispanic community, Mr. Hector Barreto, Sr. The story of his life and his accomplishments are truly inspiring, and his leadership will be sorely missed.

Hector Barreto, Sr. was born in Mexico City and raised in Guadalajara, Mexico. In his early twenties, he immigrated to Kansas City, MO, where he met and married his wife, Maria Luisa. He started out digging potatoes on a farm near Corning, MO, for 80 cents an hour. After saving money from years of work, he was able to start his own restaurant, Mexico Lindo, which means "Beautiful Mexico." Though Mexican restaurants were rare in Kansas City in the 1950s, Hector's business thrived, and its success allowed him to open a second and third restaurant as well as an import company and a construction firm.

In 1979, Hector founded the U.S. Hispanic Chamber of Commerce along with several other Hispanic business leaders. For the last 25 years, the Hispanic Chamber has represented the interests of the Nation's more than 1.2 million Hispanic-owned businesses and harnessed the vast economic potential of Hispanic Americans. Also in 1979, Hector decided to delve into politics, supporting Ronald Reagan's successful Presidential bid and eventually working on his transition team. President

Reagan addressed the Hispanic Chamber of Commerce in 1983, becoming the first sitting President to address such a conference.

Hector was also quite proud of his son, Hector Barreto, Jr., who like his father has made a name for himself in both business and politics. Hector Jr. delivered a speech at the Republican National Convention nominating George W. Bush for President, and President Bush later appointed him the administrator of the Small Business Administration.

Hector leaves behind Maria Luisa, his wife of 43 years, his children Hector Jr., Anna, Gloria, Rosa, and Mary, and 12 grandchildren. His efforts opened doors for millions of Hispanics and other Americans, and his legacy as a successful entrepreneur who lived the American Dream will live on.●

TRIBUTE TO THE HONORABLE GLENN CUNNINGHAM

● Mr. CORZINE. Mr. President, on the night of Tuesday, May 25, 2004, New Jersey lost one of its most dedicated public servants, Jersey City Mayor and State Senator Glenn Cunningham. It was a terrible tragedy and terrible loss to the people of Jersey City and New Jersey.

Mayor Cunningham was a compassionate public official who was deeply committed to his city, his State, and his country, serving 4 years in the U.S. Marine Corps before returning home and beginning a life-long career rooted in his pride in Jersey City and his caring for his fellow citizens.

He was a police officer, Hudson County freeholder, Jersey City councilman, and U.S. marshal. He distinguished himself further as a fierce and aggressive fighter for Jersey City as the city's mayor and State senator. His voice was strong and his love for his city boundless.

He worked every day to bring his diverse community together, to unite rather than divide. As the State's first African-American U.S. marshal and Jersey City's first African-American mayor, Glenn Cunningham plowed a path of excellence for others to follow.

Sadly, his tenure as mayor was far too short, and he will be missed by those he served. As Annette McMillian of Jersey City told the Jersey Journal last week, "He was fair and decent and honest." Terry Suarez of Union City added poignantly, "A light has been darkened by the silence of death."

I join those who will miss Mayor Cunninghams great energy, creativity, and perspectives on government and public service. On behalf of the people of New Jersey, I extend my deepest condolences to the mayor's widow, Sandra Bolden-Cunningham, and my prayers are with his family and his beloved community of Jersey City.●

COMMENDING THE CAREER OF FRANCES PRESTON

● Mrs. BOXER. Mr. President, Frances Preston, the president and chief executive officer of BMI announced in April that she is stepping down from her leadership role at BMI. Though I know she will continue to play a role at BMI, I take this opportunity to commend her for distinguished and dedicated service to the writers, composers, and publisher of BMI, as well as to the broader creative community.

For many years, Mrs. Preston has successfully guided BMI to a position of international leadership in the entertainment industry. She is one of the industry's most widely admired executives. Fortune magazine has called her "one of the true powerhouses of the pop-music business."

In large part as a result of her business and creative acumen, BMI today represents legendary artists ranging from Sting to Paul Simon to Shania Twain. And, in the world of public policy, Mrs. Preston has been a strong voice for creators' rights. She also maintains a passionate dedication to a number of charities and serves in a volunteer capacity as the president of the largest medical charity, the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research.

The list of awards Mrs. Preston has received for excellence in industry and public service is too long to list here. They range from being the first non-performing woman invited to join New York's prestigious Friar's Club in 1993 to the American Women in Radio and Television's Outstanding Achievement Award in 1998 to induction in the Broadcasting and Cable Hall of Fame in 1999. More recent honors include the Touchstone Advocate Award from Women in Music in October 2003 and the NARAS Heroes Award from the New York Chapter of the Recording Academy in December 2003.

Frances Preston has been successful in business, a leader in her community, and generous in her service. She leaves a lasting legacy of leadership and excellence.●

FIFTH GRADE STUDENTS WRITE ELOQUENTLY ABOUT IMMIGRATION AND AMERICA

● Mr. KENNEDY. Mr. President, this year thousands of fifth graders across the United States competed in a writing contest on immigration sponsored by the American Immigrant Law Foundation and the American Immigration Lawyers Association. The students responded to the question, "Why I'm Glad America is a Nation of Immigrants."

I had the privilege of serving as one of the judges for the competition, and I was impressed with the students' responses. They radiate with pride for the diversity of America and our immigrant heritage. Many students told personal stories of their families and friends and their immigration to the United States.

The winner of this year's contest is Audrey Kidwell of Clayton, MO. In her essay, "The Garden of America," she explains how immigrants' new roots become "entwined" with the roots of others helping us to "incorporate their strong points into our ever-growing garden." The United States has often been compared to a melting pot or a colorful patchwork quilt, and Audrey's eloquent essay adds a new vision of a garden "watered with kindness and friendship causing us to grow and to flourish."

Other students honored for their exceptional writing are Camille Allamel of Indianapolis, Sarah Mesterton-Gibbons of Tallahassee, Daniel Pietryla of Chicago, and Sam Sanson of Bay Village, OH. I congratulate these students on their outstanding achievement.

These award-winning essays will be of interest to all of us in the Senate, and I ask that they be printed in the RECORD.

The material follows:

THE GARDEN OF AMERICA

(By Audrey Kidwell, Wilson School, Clayton, MO, Grand Prize Winner)

Many people have said that America is like a melting pot or stew, but I think our country is more of a garden. In a melting pot, all of the ingredients blend together into mush. When you make stew, it all becomes one flavor and nothing stands out. Try as I might, I can't think of any food that is truly able to be associated with America. But a garden is different.

When an immigrant first comes to America, he or she puts out new, young roots into the soil of our heritage. These roots become entwined, almost connected you might say, to other root systems, holding the soil together. With the soil held together, we are saved from erosion. We learn of the ways these people have suffered in their countries, so we know which mistakes not to make. It is good this way because when we learn about other nations, we can incorporate their strong points into our ever-growing garden. For this reason, the sun of freedom always shines over our garden.

Even though we are all different, we all originated as seeds. Some of us are violets or mums, some ferns or vines, but none of us are weeds. We are all beautiful. This is wonderful because in many other places, no one accepts differences. In our garden we all help each other because our roots hold the soil together. Our garden is watered with kindness and friendship causing us to grow and to flourish. These things are good because in other places, the soil crumbles; the plants dry up, but not in America.

I love America because it has so many good qualities. We offer a home to immigrants so that they can be happy. They, in turn, make our nation stronger and help it to thrive. They pass on new traditions to us and enrich our culture. I can't imagine what our garden would be like without immigrants. It would be similar to a garden with only roses. Roses are nice, but I think variety and diversity is better. We are all lucky and should be thankful to be rooted in the garden of America.

AMERICA, THE MOSAIC

(By Camille Allamel, International School of Indiana, Indianapolis, IN, Runner-Up)

Over time, America has become,
A gorgeous mosaic made of precious, living stones.
The jade stands for Asian immigrants,
Who brought mysterious China Towns and fireworks,
Along with sweet and sour chicken.
The ruby symbolizes the Hispanics,
With their juicy burritos and tacos,
Fiestas, mariachis, and piñatas!
The sapphire represents the French,
Down to Louisiana,
Right to Cajun Land,
With jambalaya, gumbo, and zydeco.
The emerald stone is for Italians,
Who have brought pasta and pizza along.
Now, the diamond,
Who is dedicated to this special group,
Forced to make it here,
Because of slavery,
When finally free,
Deciding to stay,
They are the African Americans!
Let's not forget the native turquoise,
Made for the Indians the immigrants have found,
Who have introduced and shared this beautiful land
That we today call America.
There are so many other stones,
Too many to name them all,
These immigrants who brought their history,
Their customs and their ministries,
Together create this grand mosaic,
Making all these people,
United to form America,
In a unique melting pot!!!

WHY I AM GLAD THAT AMERICA IS A NATION OF IMMIGRANTS

(By Sarah Mesterton-Gibbons, Home School, Tallahassee, FL, Runner-Up)

You might not be able to tell from looking at me, that I come from a family of many immigrants. My friends might think that I look "American," but they don't realize that each part of me reflects the characteristics of my ancestors. For example, I got my blonde hair from my Swedish relatives, my green eyes from my Northern Spanish relatives, my fair skin and freckles from my Irish relatives, my short height from my Puerto Rican relatives, and my facial shape from my Finnish relatives.

Immigration is common in my family, and many of my relatives have married people from different countries, faiths and backgrounds. Two of my grandparents and all of my great-grandparents immigrated from different countries, and many of my great-great-grandparents were immigrants, too. My father immigrated here from England. His parents went to England from Ireland. We all have different accents than our looks. And different interests and celebrations.

My friends think it's unusual that we celebrate different holidays and eat different foods, but they also find it interesting. We celebrate Christmas on Christmas Eve as they do in Europe, and also Santa Lucia Day and Midsommar as they do in Sweden. We'd much rather eat rice and beans, chapattis, spanikopita, Cornish pasties and ratatouille than typical American dishes. My sister and I have even learned to cook the dishes ourselves. When we listen to music, we listen to everything from Irish jigs, to Swedish polkas, to Spanish sambas to English folk songs. Our house is filled with furniture and articles from all over the world. Our lifestyle reflects our many nationalities. Even our very best friends are from many countries.

Even though I look typically American—but am not—I AM a typical American, because we are all immigrants or descendants of immigrants. And that is wonderful, because it means it is easy to find the food, decorations and costumes to celebrate holidays as my ancestors have done.

This varied cultural background has enriched my life. The people I love have taught me about their religions, customs, food and celebrations. No matter who I'm with, or what country I'm in, I feel very much at home. Thanks to my Dad, I feel especially at home in England.

Being exposed to so many different opinions has made me look at America's problems in new ways. I often find that other countries have handled similar problems in better ways than we have and I hope I'm open-minded enough to learn from them. I would like to convince my country to consider many world views before making decisions. And I hope my fellow immigrants try their very best to do the same. Maybe if we remember that we are all immigrants, then we can continue to make America a better place to live.

WHY I AM GLAD THAT AMERICA IS A LAND OF IMMIGRANTS

(By Daniel Pietryla, St. Christina School, Chicago, IL, Runner-Up)

Dedicated to my parents, grandparents and to all immigrants who have endured personal hardships for the sake of their children. Leaving their homelands and bravely entering a foreign country with hopes and dreams of freedom, happiness and prosperity. The gift of America, a gift of immigrants!)

My ancestors are from Poland, Where life was hard and long, Their future was in a new land, America is where they belong.

The dirt floor, wooden shack, Beds of feathers and straw, The privy around back, Was the last thing they saw.

They turned and gazed, For one last look, The home where they were raised, Is the memory they took.

Over the Atlantic by ship, many hardships were endured, Herbal tea they would sip, their senses were blurred. Days and nights of wondering, Frightened and alone were they, Deep doubts were pondering, Through this long, long way.

Two weeks of seasickness, Unsure of their choice, America came in darkness, No one did rejoice.

They boarded a train, Never understanding the words, Lightning and rain, Were all that they heard.

The train's wheels were squealing, The sudden stop that they felt, Nervous stomachs were feeling, And hearts about to melt.

Streetlights and cars Intensifying the fear, And heard from afar, A familiar voice so clear.

"Welcome, Welcome, You're finally here!" Our senses were numb, They broke into tears.

America at last! Everything so new, Letting go of the past, It's a hard thing to do.

Grandpa and Grandma, My Mom and her brothers, From Poland to America, Similar stories of others.

Son of an immigrant, America, my home,
A story so important, Memorialized in poem.
Our ancestors from somewhere, So brave and alone, Gave a gift so rare,
America, Our Home!

AMERICAN STEW

(By Sam Sanson, Bay Middle School, Bay Village, OH, Runner-Up)

Every American's favorite . . .
One pound of potatoes and a teaspoon of Irish humor
One ounce of coconut and 3 cups of Filipino faith
Five ounces of noodles and a liter of Italian artwork
One pound of kielbasi and ½ tablespoon of Polish courage
One teaspoon of sauerkraut and a cup of German determination
Five teaspoons of soy sauce and an ounce of Chinese history
Two pounds of escargot and a tablespoon of French cooking
Two tablespoons of tea and six ounces of British etiquette
One ounce of figs and one pound of African tribal dancing
Two pounds of Korean rice and ½ tablespoon of Korean silk
We hope that you enjoy "America's Stew."
With all of the surprising ingredients, it makes the most interesting and exciting meal of all!●

DR. JOHN H. HOPPS, JR.

● Mr. ROBERTS. Mr. President, I rise today to pay tribute to a great educator and champion of science and technology, who recently passed away.

Dr. John Hopps was a true public servant who most recently furthered the cause of our national security as deputy director of defense research and engineering and deputy under secretary of defense for laboratories and basic science at the Department of Defense. As chairman of the Senate Armed Services Subcommittee on Emerging Threats and Capabilities, I had the privilege of knowing John and witnessing first-hand his support of programs, projects and personnel in the defense laboratories.

Prior to his position with the Department of Defense, Dr. Hopps worked to encourage our Nation's youth in their pursuit of academic excellence, especially in this fields of physics and chemistry. As provost and senior vice president for academic affairs and professor of physics at Morehouse College, John was in a position to guide young minds and manage academic departments and multi disciplinary programs.

Immediately before joining Morehouse College, John Hopps served as director of materials research at the National Science Foundation. During his tenure with Draper Laboratory, which began in 1977, John was manager of energy program development, manager of the laboratory's fault-tolerant systems technology research program, and education director for the laboratory.

During his tenure as deputy director of defense research and engineering, Dr. Hopps made great strides in reaching out to the scientific and academic communities and in working to ensure the technological superiority of the defense laboratories and workforce who develop the tools, protective equipment and weapons that are so important to the U.S. warfighter of today and tomorrow. Under his leadership, the Department increased the National Defense Science and Engineering Fellowship Program and pursued a program and structure—Materials World Modules—he developed to connect students of all ages to the excitement and value of science.

This year's defense authorization bill contains a provision that authorizes the Department to establish a pilot science, mathematics and engineering scholarship program that will continue much of the work championed by John in his efforts for the Department of Defense and in his other positions both inside and outside the Federal Government. John's academic background combined with service in the Federal Government gave him a unique perspective on the importance of basic research for future technological advances, linkages he helped us all to make.

John Hopps' patient, deliberative manner, keen sense of humor, and compassionate approach to life and work will be missed by the many students, educators and public servants, whose lives he has touched. My deepest sympathies go out to Dr. Hopps' wife, family and friends, and to all who knew and loved him.•

SERGEANT JIM MULLEN

• Mr. BUNNING. Mr. President, I pay tribute and congratulate SGT Jim Mullen on his reception of the Bowling Green firefighter of the year award given to him by his peers at the Bowling Green Fire Department.

Sergeant Mullen has dedicated himself to helping those in need in the Bowling Green, KY area. In addition to the firefighter of the year award, Sergeant Mullen also received the Community Service Award from the department. He earned this commendation through such activities as coaching and administering the city soccer league. He has done a wonderful public service of making Bowling Green a safer and better place to live.

The citizens of Kentucky are fortunate to have the leadership of SGT Jim Mullen. His example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

He has my most sincere appreciation for this work and I look forward to his continued service to Kentucky.•

CITY YEAR'S 15TH ANNIVERSARY

• Mr. KENNEDY. Mr. President, on June 4th hundreds of talented, motivated young men and women will meet in Boston to celebrate the 15th Anniversary of City Year. In 1989 the first group of young people completed a year of service to their community, inspiring what would become AmeriCorps. Now, 15 years later, City Year will hold its annual meeting in the city where it began. Since then, thirteen additional cities have welcomed the young idealists in red jackets and Timberland boots who, in their own words, "are young enough to want to change the world and old enough to do it."

City Year recruits start each day with "PT," a trademark exercise routine to wake up the mind and spirit to take on the challenges of the day. They move on to challenge the apathy in the communities they serve. They spend each day tackling illiteracy, tutoring, refurbishing buildings, improving access to health care, and changing lives in many other ways.

City Year participants also work tirelessly to encourage others to serve, attracting volunteers through Serve-a-thons and special service days that focus community efforts on a particular project. They spread their love of service and highlight local problems that can be solved by working together.

"Cyzygy," their annual meeting, is a time when they celebrate service and discuss strategies to improve recruitment, retention and the quality of service. Just as they work to improve communities, they work to improve the way communities address their problems, and engage others in the search for effective solutions.

When they launched City Year in the 1980's, Alan Khazei and Michael Brown had a noble vision that spending a year in service to community could become the norm. They foresaw a domestic Peace Corps that could transform lives and rebuild communities. At the time, many thought they were impractical dreamers. Today we know they were practical visionaries and we are all proud to witness the results of their vision. Happy Birthday, City Year!•

OHIO UNIVERSITY'S BICENTENNIAL

• Mr. VOINOVICH. Mr. President, the State of Ohio is home to Ohio University, the first public institution of higher learning in the old Northwest Territory. This institution, my alma mater, celebrates the 200th anniversary of its founding this year.

On March 1, 1803, Ohio became the Nation's 17th State. Less than a year later, on February 18, 1804, the Ohio General Assembly approved Ohio University's charter.

Ohio University is the realization of the Jeffersonian ideals of educating broadly and cultivating minds and ideas so that people can reason out their differences. Officially established in 1804, the university opened in 1808 with three students. In 1815, Ohio University award its first two bachelor's degrees. By the end of the Civil War, the university had graduated a total of 145 students. By 1920, the student population was 1,072, but it was not until after World War II that the university began to approach its present size.

In the 1950s, the student population grew from 4,600 to 8,000, and the 1960s saw enrollment burgeon from about 10,000 to some 18,000 students on the Athens campus. Today, the Athens campus is comprised of more than 200 buildings on 1,800 acres, including state-of-the-art facilities featuring the latest in educational technology. Reinforcing the university's ongoing commitment to diversity, the Athens campus serves approximately 20,000 students hailing from all 50 States and about 100 nations. The university's service as a major educational and cultural institution in southeastern Ohio includes regional campuses in Chillicothe, Ironton, Lancaster, St. Clairsville, and Zanesville. These regional campuses collectively enroll about 8,500 students, making the full-time, part-time, and continuing education enrollment for Ohio University nearly 29,000.

The university offers more than 270 undergraduate areas of study and a 20 to 1 undergraduate student-to-faculty ratio. On the graduate level, the institution grants master's degrees in nearly all of its major academic divisions, and doctoral degrees in selected departments. Ohio University is fully accredited by the North Central Association of Colleges and Schools and has been designated a Doctoral/Research University-Extensive, the highest classification, by the Carnegie Foundation for the Advancement of Teaching.

Throughout its life of change and growth, Ohio University and the town it calls home, Athens, has still successfully balanced all the advantages of a major university with the appeal of a caring and personal atmosphere. If there ever was a college town, Athens is it. The university's intellectual and cultural environment blends well with Athens' lively and quirky small-town atmosphere to create a setting where students, faculty and town residents live together in a community whose quality of life is difficult to match.

A university of people, not a place or buildings, and the people of Ohio University—its students, staff, faculty, and alumni—have made their world a richer place. I am proud to be a Bobcat and proud of the accomplishments that so many alumni have made.

Congratulations to Ohio University on 200 years of history, rich in providing excellence in higher education.•

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 265. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H.R. 4060. An act to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

H.R. 4317. An act to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the "Charles Wilson Department of Veterans Affairs Outpatient Clinic".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force.

The message further announced that the House has passed the following bill, with an amendment:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

The message also announced that the House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, shall be, and they are hereby, discharged to the end that H.R. 2660 and its accompanying papers, be, and they are hereby, laid on the table.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 265. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government; to the Committee on Indian Affairs.

H.R. 4060. An act to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes; to the Committee on Foreign Relations.

H.R. 4317. An act to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the "Charles Wilson Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 295. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on the Judiciary.

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force; to the Committee on Armed Services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 2, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2092. An act to assist the participation of Taiwan in the World Health Organization.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7704. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form; Response to Appeals" (RIN2137–AD21) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7705. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices" (RIN2130–AB52) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7706. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Merchant Marine Training" (RIN2133–AB60) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7707. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations): [CGD08–04–021], [CGD01–04–036]" (RIN1625–AA09) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7708. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Chincoteague Channel, Chincoteague, VA [CGD05–03–168]" (RIN1625–AA09) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7709. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: [CGD111–04–001], San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacremento River, San Joaquin River, and Connecting Waters, California" (RIN1625–AA11) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7710. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: Naticoke River, Sharptown, MD" (RIN1625–AA08) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7711. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 5 Regulations): [CGD05–04–057], [COTP Savannah 04–040], [CGD13–04–022], [COTP Savannah 04–041], [CGD05–98–043]" (RIN1625–AA00) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7712. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 7 Regulations): [COTP San Francisco Bay 04–010], [COTP San Juan 04–044], [CGD09–04–016], [COTP Southeast Alaska 04–001], [CGD13–04–020], [COTP Prince William Sound 04–001], [CGD09–04–009]" (RIN1625–AA00) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7713. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003" (RIN0694–AC99) received on * * *, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7714. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Foreign Fishing; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting" (RIN0648–AR54) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7715. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Annual Management Measures and Sport Fishing Regulations for Area 2A Pacific Halibut Fisheries; and Changes to the Catch Sharing Plan" (RIN0648–AQ67) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7716. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments" (ID041904C) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7717. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 21 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico" (RIN0648-AR66) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7718. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Rule to Implement Amendment 66 to the Fishery Management Plan for Groundfish of the Gulf of Alaska" (RIN0648-AQ98) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7719. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Amendment 13 to the Northeast Multispecies Fishery Management Plan" (RIN0648-AN17) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7720. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary and Director General, International Trade Administration, Department of Commerce, received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7721. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of Under Secretary and Director, Patent and Trademark Office, Department of Commerce, received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7722. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy and change in previously submitted reported information for the position of Assistant Secretary for Trade Development, Department of Commerce, received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7723. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7724. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area (BSAI)" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7725. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Rock Sole Fishing in Bering Sea and Aleutian Islands Management Area" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7726. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod to Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7727. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reopening Directed Fishing for Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area (BSAI) for 72 Hours" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7728. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Projected Unused Amount of Pacific Cod From Vessels Using Jig Gear to Catcher Vessels Less Than 60′ Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7729. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Species in Rock Sole/Flathead Sole/Other Flatfish Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7730. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16-2" (RIN0648-AR35) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7731. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Regulatory Amendment to Modify Seafood Dealer Reporting Requirements" (RIN0648-AR79) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7732. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Fishing Restrictions, Seasonal Area Closure, Limit on Swordfish Fishing Effort, Gear Restrictions, and Other Sea Turtle Take Mitigation Measures" (RIN0648-AR84) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7733. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Hook-and-Line Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7734. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Monkfish Fishery; Final Rule to Implement Target Total Allowable Catch Levels, Trip Limits, and Days-at-Sea Restrictions for the 2004 Monkfish Fishery" (RIN0648-AR89) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7735. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Alaska Plaice in the Bering Sea and Aleutian Islands Management Area (BSAI)" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7736. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Revise the Descriptions of Gulf of Alaska (GOA) Reporting Areas 620 and 630 in Paragraph b of Figure 3 to 50 CFR Part 679 to Include the Entire Alitak/Olga/Deadman's/Portage Bay Complex of Kodiak Island Within Reporting Area 620" (RIN0648-AR08) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7737. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area; Modification of a Closure" (ID032404E) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7738. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Tilefish Fishery; Final Rule for Reinstatement of Permit Requirements for the Tilefish Fishery" (RIN0648-AR75) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7739. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the 2004 Specifications for the Spiny Dogfish Fishery" (RIN0648-AQ81) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*David Safavian, of Michigan, to be Administrator for Federal Procurement Policy.

*Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

*James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

*Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2006.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 2487. A bill to amend part D of title XVIII of the Social Security Act to ensure that every medicare beneficiary has access to a medicare administered prescription drug plan option, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, and Ms. CANTWELL):

S. 2488. A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. GREGG, Ms. SNOWE, and Mr. LOTT):

S. 2489. A bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2490. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 2491. A bill to amend the Public Health Service Act to promote and improve the allied health professions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD:

S. 2492. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. SESSIONS, Mr. LOTT, and Mr. ENZI):

S. 2493. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 369. A resolution expressing the sense of the Senate in honoring the service of the men and women who served in the Armed Forces of the United States during World War II; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 851

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 851, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1010

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1272

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1272, a bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1393

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1411

At the request of Mr. DODD, his name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits on its pre-1985 level.

S. 2000

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2000, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 2038

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2175

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

At the request of Mr. GREGG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2283, supra.

S. 2318

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2318, a bill to expand upon the Department of Defense Energy Efficiency Program required by section 317 of the National Defense Authorization Act of 2002 by authorizing the Secretary of Defense to enter into energy savings performance contracts, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from New York (Mr. SCHUMER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2363, supra.

S. 2384

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2384, a bill to amend the Small Business Act to permit business concerns that are owned by venture capital operating companies or pension plans to participate in the Small Business Innovation Research Program.

S. 2425

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2438

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2438, a bill to amend title 31, United States Code, to provide Federal Government employees with bid protest rights in actions under Office of Management and Budget Circular A-76, and for other purposes.

S. 2473

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2473, a bill to require payment of appropriated funds that are illegally disbursed for political purposes by the Centers for Medicare and Medicaid Services.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from New York (Mrs. CLINTON), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

AMENDMENT NO. 3234

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3234 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3242

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3242 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3245

At the request of Mrs. DOLE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3245 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, and Ms. CANTWELL):

S. 2488. A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Marine Debris Research and Reduction Act. From the shore, our oceans seem vast and limitless, but I fear that we often overlook the impacts our actions have on the sea and its resources. The Act that I am introducing today with my friends and colleagues, Senators TED STEVENS, FRITZ HOLLINGS, and MARIA CANTWELL focuses on one particular impact that goes unnoticed by many: marine debris.

In a high-tech era of radiation, carcinogenic chemicals, and human-induced climate change, the problem of the trash produced by ocean-going vessels and dumped at sea must seem old-fashioned by comparison. Sea garbage would seem to be a simple issue that surely cannot rise to the priority level of the stresses our 21st century civilization places on the natural environment.

Regrettably, that perception is wrong. While marine debris includes conventional "trash," it also includes a vast array of additional materials. It is discarded fishing nets and gear. It is cargo washed overboard. It is abandoned equipment from our commercial fleets. Nor does the "low-tech" nature of solid refuse diminish its deadly impact on the creatures of the sea. Dead is dead—whether an animal dies from an immune system weakened by toxic chemicals, or drowns entangled in a discarded fishing net.

Global warming, disease, and toxic contamination of our seas has already stressed these fragile ecosystems. These threats have been described in the draft report of the U.S. Commission on Ocean Policy, which also dedicated an entire chapter to the threats posed by marine debris. The bill we introduce today adopts the measures recommended by the Commission to help remove man-made marine debris from the list of ocean threats. It also follows the recommendations of the International Marine Debris Conference held in my home State of Hawaii in 2000.

The bill establishes a Marine Debris Prevention and Removal Program within the National Oceanic and Atmospheric Administration, NOAA, directs the U.S. Coast Guard to improve enforcement of laws designed to prevent ship-based pollution from plastics and other garbage, re-invigorates an interagency committee on marine debris, and improves our research and information on marine debris sources, threats, and prevention.

In Hawaii, we are able to see the impacts of marine debris more clearly than most because of the convergence caused by the North Pacific Tropical High. Atmospheric forces cause ocean surface currents to converge on Hawaii, bringing with them the vast amount of debris floating throughout the Pacific. In 2003 alone, 122 tons of debris were removed from coral reefs in the Northwestern Hawaiian Islands, which is also home to many endangered marine species.

I am pleased that the coordinated approach taken to address the threats posed by marine debris in the Northwestern Hawaiian Islands has provided a model for the Nation. NOAA's Pacific Islands Region Fisheries Science Center is leading this interagency partnership, which also includes the U.S. Fish and Wildlife Service, Hawaii's business and university communities, and conservation groups. Not only have we removed debris that poses harm to endangered species, but with the help of donated services, we have recycled the abandoned nets into energy to power residential homes.

We have learned that our best path to success lies in partnering with one another to share resources, and it is my hope that others may adapt our project to their own shores through the partnership and funding opportunities set forth in this bill. This is why the bill establishes an Interagency Committee on Marine Debris to coordinate marine debris prevention and removal efforts among federal agencies, state governments, universities, and nongovernmental organizations.

We must also bear in mind that no matter how zealously we reform our practices, the ultimate solution lies in international cooperation. The oceans connect the coastal nations of the world, and we must work together to reduce this increasing threat to our seas and shores. The Marine Debris Research and Reduction Act will provide the United States with the tools to develop effective marine debris prevention and removal programs on a worldwide basis, including reporting and information requirements that will assist in the creation of an international marine debris database.

I hope you will join me in supporting enactment of the Marine Debris Research and Reduction Act. This bill will provide the United States with the programs and resources necessary to protect our most valuable resources, our oceans. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Debris Research and Reduction Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health and navigation safety.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Lack of knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, priority attention to this issue, and coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Program, the Under Secretary for Oceans and Atmosphere (Under Secretary) shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACTS, REMOVAL, AND PREVENTION.—The Under Secretary shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters and the United States exclusive economic zone, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan, for removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Under Secretary shall improve efforts and actively seek to prevent and reduce commercial fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking and identification of lost gear; and

(B) development of voluntary or mandatory management measures to reduce the loss and discard of commercial fishing gear, such as incentive programs, observer programs, toll-free reporting hotlines, and computer-based notification forms.

(3) Outreach.—The Under Secretary shall undertake outreach and education of stakeholders, including the fishing, gear manufacturers, and other marine-dependent industries, on threats associated with marine debris and approaches to identify, prevent, mitigate, monitor, and remove marine debris, including outreach and education activities through public-private initiatives. The Under Secretary shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) Grants.—

(1) In general.—The Under Secretary shall provide financial assistance, in the form of grants, through the Program for projects to accomplish the purposes of this Act.

(2) 50 percent matching requirement.—

(A) In general.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) Waiver.—The Under Secretary may waive all or part of the matching requirement under subparagraph (A) if the Under Secretary determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) Amounts paid and services rendered under consent.—

(A) Consent decrees and orders.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) Other decrees and orders.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) Eligibility.—Any natural resource management authority of a State or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Under Secretary a marine debris proposal under the grant program.

(5) Grant criteria and guidelines.—Within 180 days after the date of enactment of this Act, the Under Secretary shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Under Secretary shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson- Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research and mitigation activities (including activities regarding commercial fishing gear).

(6) Project review and approval.—The Under Secretary shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Under Secretary shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) Project reporting.—Each grantee under this section shall provide periodic reports as required by the Under Secretary. Each report shall include all information required by the Under Secretary for evaluating the progress and success of the project.

SEC. 4: COAST GUARD PROGRAM.

The Commandant of the Coast Guard shall, in cooperation with the Under Secretary, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to improve the implementation of the requirement of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that all United States ports and terminals maintain receptacles for disposing of plastics, including measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to require vessels, including fishing vessels under 400 gross tons, entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage. quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal;

(4) regulations to require United States fishing vessels to report the loss and recovery of fishing gear and to expand to smaller vessels existing requirements to maintain ship-board receptacles and maintain a shipboard waste management plan, taking into account potential economic impacts, technical feasibility, and other factors;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

SEC. 5. INTERAGENCY COORDINATION.

(a) Interagency Marine Debris Committee Established.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, assess, reduce, and prevent marine debris, including the joint funding of research and mitigation and prevention strategies.

(b) Membership.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the Marine Mammal Commission; and

(8) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) Meetings.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) Reporting.—

(1) Interagency report on marine debris impacts and strategies.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, and the social and economic costs and benefits of such alternatives.

(2) Contents.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) Annual progress reports.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federai funding provided for marine debris and recommendations for priority funding needs.

(e) Conforming Amendment.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris, including plastics and derelict fishing gear;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris, including fishing gear;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Under Secretary, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of gear fragments; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) Under secretary.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(2) Committee.—The term "Committee" means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) United states exclusive economic zone.—The term "United States exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; annex v; convention.—The terms "MARPOL", "Annex 5", and "Convention" have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2005—

(1) to the Secretary of Commerce for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

By Mr. INOUYE (for himself, Mr. Stevens, Mr. Hollings, Mr. Gregg, Ms. Snowe, and Mr. Lott):

S. 2489. A bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise to introduce the Coastal and Ocean Mapping Integration Act of 2004. I am pleased to be joined by Senators Gregg and Hollings, who are original cosponsors of the bill. The jurisdiction of the United States extends 200 miles beyond its coastline and includes the U.S. Territorial Sea and Exclusive Economic Zone, or "EEZ." Regrettably, nearly 90 percent of this expanse remains unmapped by modern technologies, meaning that we have almost no information about a swath of ocean as large as the terra firma of the entire United States.

There was a time in the history of our Nation when our best efforts to map the seas meant lowering weights tied to piano wire over the side of a vessel, and measuring how deep they went. These efforts led to the development of rudimentary nautical charts designed to help mariners navigate safely. The rapidly increasing uses of our coastal and ocean waters, however, call for development of a new generation of ecosystem-oriented mapping and assessment products and services.

The technologies of today create richly layered mapping products that expand far beyond just charting for safe navigation. Now, by combining such information as mineral surveys of the U.S. Geological Service, habitat characterizations of the National Oceanic Atmospheric Administration (NOAA), and watershed assessments of the Environmental Protection Agency into a single product, map users are able to consider the impacts of their actions on multiple facets of the marine environment.

The recent draft report of the U.S. Commission on Ocean Policy has highlighted the urgent need to modernize, improve, expand, and integrate Federal mapping efforts to improve navigation, safety and resource management decisionmaking. By employing integrated mapping approaches, urban and residential growth can be directed away from areas of high risk from ocean-based threats such as tsunami and tidal surge. The risks of maritime activities can be minimized by identifying hazards that could impact on sensitive ecosystems, and devising appropriate mitigation plans. Living marine resource managers can also gauge where and how best to focus their efforts to restore essential marine habitats.

The bill I am introducing today will lay the foundation for producing the ocean maps of the 21st century. It mandates coordination among the many Federal agencies with mapping missions with NOAA as the lead in developing national mapping priorities and strategies. The bill would also establish national hydrographic centers to manage comprehensively the mapping data produced by the Federal Government, encourage innovation in technologies, and authorize the funding necessary to implement this comprehensive effort.

Perhaps the most important lesson that comprehensive, integrated mapping can afford is an awareness of a web of human marine communities as rich and varied as the ocean itself. From awareness grows understanding, respect, and cooperation. I hope that my colleagues will join me in supporting this measure that will, in turn, support the development of healthy coastal communities across the nation.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal and Ocean Mapping Integration Act".

SEC. 2. INTEGRATED COASTAL AND OCEAN MAPPING PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Coastal and Ocean Mapping, a coordinated and comprehensive Federal ocean and coastal mapping program for the Great Lakes and Coastal State waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances conservation and management of marine resources, improves decision-making regarding research priorities and the siting of research and other platforms, and advances coastal and ocean science.

(b) PROGRAM PARAMETERS.—In developing such a program, the Administrator shall work with the Committee to—

(1) identify all Federal programs conducting shoreline delineation and coastal or ocean mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) promote cost-effective, cooperative mapping efforts among all Federal coastal and ocean mapping agencies by increasing data sharing, developing data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new coastal and ocean mapping technologies by engaging in cooperative training programs and leveraging agency expertise, nongovernmental organizations, and private sector resources to efficiently meet Federal mapping mandates;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies to the private sector;

(5) centrally archive, manage, and distribute data sets as well as provide mapping products and services to the general public in service of statutory requirements; and

(6) develop specific data presentation methods for use by Federal, State, and other entities that document locations of Federally permitted activities, submerged cultural resources, undersea cables, offshore aquaculture projects, and any areas designated for the purposes of environmental protection or conservation and management of living marine resources.

SEC. 3. INTERAGENCY COMMITTEE ON COASTAL AND OCEAN MAPPING.

(a) ESTABLISHMENT.—There is hereby established an Interagency Committee on Coastal and Ocean Mapping.

(b) MEMBERSHIP.—The Committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, Minerals Management Service, National Science Foundation, National Geospatial-Intelligence Agency, United States Army Corps of Engineers, United States Coast Guard, Environmental Protection Agency, Federal Emergency Management Agency and National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CHAIRMAN.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration.

(d) MEETINGS.—The Committee shall meet on a quarterly basis, but subcommittee or working group meetings shall meet on an as-needed basis.

(e) COORDINATION.—The committee should coordinate activities, when appropriate, with other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee.

SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated coastal and ocean mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all coastal and ocean mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and coastal and ocean science projects;

(2) establish geographic priorities and minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative coastal and ocean mapping technologies and applications through research and development cooperative agreements at joint institutes;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, nongovernmental organizations, and the private sector;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, ships, and aircraft to support a coordinated coastal and ocean mapping program;

(5) identify a centralized mechanism for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration, including—

(A) designating primary data processing centers to maximize efficiency in information technology investment, develop consistency in data processing, and meet Federal mandates for data accessibility; and

(B) designating a repository that is responsible for archiving and managing the distribution of all coastal and ocean mapping data to simplify the provision of services to benefit Federal and State programs; and

(6) set forth a timetable for implementation and completion of the plan, including a schedule for periodic Congressional progress reports, and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT HYDROGRAPHIC CENTERS.—The Secretary is authorized to maintain and operate up to 3 joint hydrographic centers, which shall be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and are authorized to conduct activities necessary to carry out the purposes of this Act, including—

(1) research and development of innovative coastal and ocean mapping technologies, equipment, and data products;

(2) mapping of the United States outer continental shelf;

(3) data processing for non-traditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations and ocean exploration; and

(5) providing graduate education in hydrographic sciences for National Oceanic and Atmospheric Administration Commissioned Officer Corps and civilian personnel.

SEC. 5. INTERAGENCY PROGRAM REPORTING.

No later than 18 months after the date of enactment of this Act, and bi-annually thereafter, the Chairman of the Committee shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources a report detailing progress made in implementing the provisions of this Act, including—

(1) an inventory of data within the territorial seas and the exclusive economic zone and throughout the continental shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern coastal and ocean mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of coastal and ocean areas;

(5) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts, oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public; and

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea; and

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

(1) $20,000,000 for fiscal year 2005;

(2) $26,000,000 for fiscal year 2006;

(3) $32,000,000 for fiscal year 2007;

(4) $38,000,000 for fiscal year 2008; and

(5) $45,000,000 for each of fiscal years 2009 through 2012.

(b) JOINT HYDROGRAPHIC CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 4(c) of this Act:

(1) $10,000,000 for fiscal year 2005.

(2) $11,000,000 for fiscal year 2006.

(3) $12,000,000 for fiscal year 2006.

(4) $13,000,000 for fiscal year 2006.

(5) $15,000,000 for each of fiscal years 2009 through 2012.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term "Committee" means the Interagency Ocean Mapping Committee established by section 3.

(3) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(4) OCEAN AND COASTAL MAPPING.—The term "ocean and coastal mapping" means the collection of physical, biological, geological, chemical, and archaeological characteristics of ocean and coastal sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, and direct sampling.

(5) TERRITORIAL SEA.—The term "territorial sea" means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2490. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Ballast Water Management Act of 2004. I am joined by my friend and colleague, Senator TED STEVENS. For some time, we have recognized the impacts of land-based invasive species. In Hawaii, the impacts of such alien species on native species have been among the most significant in the country.

While not as visible, invasive species pose an equally great threat. One of the major ways that aquatic invasives make their way around the globe is through the ballast water used by vessels.

Modern maritime commerce depends on ships stabilized by the uptake and discharge of huge volumes of ocean water for ballast. Regrettably, ships do not transport such water alone—but also the plants and animals, as well as human diseases such as cholera, that it contains. An estimated 10,000 aquatic organisms travel around the globe each day in the ballast water of cargo vessels. Over 2 billion gallons of ballast water are discharged into waters of the United States each year.

From the zebra mussel fouling the facilities and shores of the Great Lakes, to the noxious algae that choke the coral reefs of Hawaii, aquatic invasive species pose a serious threat to delicate marine ecosystems and human health. The economic costs are also staggering—the direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars each year.

We must find an effective solution to this problem, while at the same time ensuring that our maritime industry can continue to operate in a cost-effective manner. We will need to rely on the steady collaborative efforts of industry, science, government, and coastal communities as we move forward.

The bill I introduce today lays the foundation for such progress. It establishes standards for ballast water treatment that will be effective but on a schedule that our maritime fleet can realistically achieve. It recognizes safety as a paramount concern, and allows flexibility in ballast exchange practices to safeguard vessels and their passengers and crew. Looking to the future, my bill will also encourage the development and adoption of new ballast water treatment technologies, as well as innovative technologies to address other vessel sources of invasives such as hull fouling, through a grant program.

The bill closely tracks and is consistent with an agreement recently negotiated in the International Maritime Organization. It would phase-in ballast water treatment requirements on the same schedule as that adopted by the IMO agreement, and require ballast water exchange to be used until treatment systems are in place. Importantly, the international agreement includes a provision assuring that parties can adopt more stringent measures than those included in the agreement. This provision was sought by the United States and is important to assure the sovereignty of nations in addressing their needs while striving for international cooperation. In light of this provision, the bill includes a standard for treatment that is more effective than that adopted by the international community to ensure that the impacts in the United States are adequately prevented.

I hope that my colleagues will join me in supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ballast Water Management Act of 2004".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The introduction of aquatic invasive species into the Nation's waters is one of the most urgent issues facing the marine environment in the United States.

(2) The direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars per year.

(3) Invasive species are thought to have been involved in 70 percent of the last century's extinctions of native aquatic species.

(4) Invasive aquatic species are a significant problem in all regions of the United States, including Hawaii, Alaska, San Francisco Bay, the Great Lakes, the Southeast, and the Chesapeake Bay.

(5) Ballast water from ships is one of the largest pathways for the introduction and spread of aquatic invasive species.

(6) It has been estimated that some 10,000 non-indigenous aquatic organisms travel around the globe each day in the ballast water of cargo ships.

(7) Over 2 billion gallons of ballast water are discharged in United States waters each year. Ballast water may be the source of the largest volume of foreign organisms released on a daily basis into American ecosystems.

(8) Ballast water has been found to transport not only invasive plants and animals but human diseases as well, such as cholera.

(9) Invasive aquatic species may originate in other countries, or from distinct regions in the United States.

(10) An average of 72 percent of all fish species introduced in the Southeast have become established, many of which are native to the United States but transplanted outside their native ranges.

(11) The introduction of non-indigenous species has been closely correlated with the disappearance of indigenous species in Hawaii and other islands.

(12) Despite the efforts of more than 20 State, Federal, and private agencies, unwanted alien pests are entering Hawaii at an alarming rate——about 2 million times more rapid than the natural rate.

(13) Current Federal programs are insufficient to effectively address this growing problem.

(14) Preventing aquatic invasive species from being introduced is the most cost-effective approach for addressing this issue, because once established, they are costly and sometimes impossible to control.

SEC. 3. BALLAST WATER MANAGEMENT.

(a) IN GENERAL.—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

"SEC. 1101. BALLAST WATER MANAGEMENT.

"(a) VESSELS TO WHICH SECTION APPLIES.—

"(1) IN GENERAL.—This section applies to a vessel that is designed or constructed to carry ballast water; and

"(A) is a vessel of the United States (as defined in section 2101(46) of title 46, United States Code); or

"(B) is a foreign vessel that is en route to, or has departed from, a United States port.

"(2) EXCEPTIONS.—Notwithstanding paragraph (1), this section does not apply to—

"(A) permanent ballast water in a sealed tank on a vessel that is not subject to discharge;

"(B) a vessel of the Armed Forces; or

"(C) a vessel, or category of vessels, exempted by the Secretary under paragraph (4).

"(3) Standards for vessels of the armed forces.—With respect to a vessel of the Armed Forces that is designed or constructed to carry ballast water, the Secretary of Defense, after consultation with the Administrator of the Environmental Protection Agency and the Secretary, shall promulgate ballast water and sediment management standards for such vessels that, so far as is reasonable and practicable, achieve environmental results that are comparable to those achieved by the requirements of this section in waters subject to the jurisdiction of the United States. In promulgating those standards, the Secretary of Defense may take into account the standards promulgated for such vessels under section 312 of the Clean Water Act (33 U.S.C. 1322) to the extent that compliance with those standards would meet the requirements of this Act.

"(4) Vessel exemptions by secretary.—The Secretary may exempt a vessel, or category of vessels, from the application of this section if the Secretary determines, after consultation with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, that ballast water discharge from the vessel or category of vessels will not have an adverse impact (as defined in section 1003(1) of this Act), based on factors including the origin and destination of the voyages undertaken by such vessel or category of vessels.

"(5) Coast Guard Assessment and Report.—Within 180 days after the date of enactment of the Ballast Water Management Act of 2004, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

"(A) an assessment of the magnitude of ballast water operations from vessels designed or constructed to carry ballast water that are not described in paragraph (1) that are transiting waters subject to the jurisdiction of the United States; and

"(B) recommendations, including legislative recommendations if appropriate, of options for addressing such ballast water operations.

"(b) Uptake and Discharge of Ballast Water and Sediment.—

"(1) Prohibition.—Except as provided in this section, no person may uptake or discharge ballast water and sediment from a vessel to which this section applies into waters subject to the jurisdiction of the United States.

"(2) Exceptions.—Paragraph (1) does not apply to the uptake or discharge of ballast water and sediment in the following circumstances:

"(A) The uptake or discharge is solely for the purpose of—

"(i) ensuring the safety of vessel in an emergency situation; or

"(ii) saving a life at sea.

"(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

"(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

"(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

"(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge of pollution from the vessel.

"(D) The uptake and subsequent discharge on the high seas of the same ballast water and sediment.

"(E) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of the ballast water and sediment that is discharged was taken up and there is no mixing with unmanaged ballast water and sediment from another area.

"(3) Special rule for United States flag vessels.—For a vessel described in subsection (a)(1)(A), paragraph (1) of this subsection shall be applied without regard to whether the uptake or discharge occurs in waters subject to the jurisdiction of the United States.

"(4) Special rule for the Great Lakes.—Paragraph (2) does not apply to a vessel subject to the regulations under subsection (e)(2) until the vessel is required to conduct ballast water treatment in accordance with subsection (f) of this section.

"(c) Vessel Ballast Water Management Plan.—

"(1) In general.—A vessel to which this section applies shall conduct all its ballast water management operations in accordance with a ballast water management plan that—

"(A) meets the requirements prescribed by the Secretary by regulation; and

"(B) is approved by the Secretary.

"(2) Approval criteria.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

"(A) describes in detail safety procedures for the vessel and crew associated with ballast water management;

"(B) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

"(C) describes in detail procedures for disposal of sediment at sea and on shore;

"(D) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

"(E) contains the reporting requirements for vessels established under this section; and

"(F) meets all other requirements prescribed by the Secretary.

"(3) Copy of plan on board vessel.—The owner or operator of a vessel to which this section applies shall maintain a copy of the vessel's ballast water management plan on board at all times.

"(d) Vessel Ballast Water Record Book.—

"(1) In general.—The owner or operator of a vessel to which this section applies shall maintain a ballast water record book on board the vessel in which—

"(A) each operation involving ballast water is fully recorded without delay, in accordance with regulations promulgated by the Secretary; and

"(B) each such operation is described in detail, including the location and circumstances of, and the reason for, the operation.

"(2) Availability.—The ballast water record book—

"(A) shall be kept readily available for examination by the Secretary at all reasonable times; and

"(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

"(3) Retention period.—The ballast water record book shall be retained—

"(A) on board the vessel for a period of 2 years after the date on which the last entry in the book is made; and

"(B) under the control of the vessel's owner for an additional period of 3 years.

"(4) Regulations.—In the regulations prescribed under this section, the Secretary shall require, at a minimum, that—

"(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded; and

"(B) each completed page in the ballast water record book be signed and dated by the master of the vessel.

"(5) Alternative means of recordkeeping.—The Secretary may provide by regulation for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection.

"(e) Ballast Water Exchange Requirements.—

"(1) In general.—Until a vessel conducts ballast water treatment in accordance with the requirements of subsection (f) of this section, the operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water unless the operator conducts ballast water exchange, in accordance with regulations prescribed by the Secretary, in a manner that results in an efficiency of at least 95 percent volumetric exchange of the ballast water for each ballast water tank.

"(2) Special rule for vessels in the Great Lakes.—

"(A) In general.—Notwithstanding any other provision of this subsection, under regulations prescribed by the Secretary to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels, all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone shall—

"(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes; or

"(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1).

"(B) Additional matters covered by the regulations.—The regulations shall—

"(i) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(ii) provide for sampling procedures to monitor compliance with the requirements of the regulations;

"(iii) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

"(iv) protect the safety of—

"(I) each vessel; and

"(II) the crew and passengers of each vessel;

“(v) take into consideration different operating conditions; and

“(vi) be based on the best scientific information available.

“(C) HUDSON RIVER PORT.—The regulations under this paragraph also apply to vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

“(D) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the regulations issued under this paragraph.

“(3) EXCHANGE AREAS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), the operator of a vessel to which this section applies shall conduct ballast water exchange in accordance with regulations prescribed by the Secretary—

“(i) at least 200 nautical miles from the nearest land; and

“(ii) in water at least 200 meters in depth.

“(B) MINIMUM DISTANCE AND DEPTH.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), if the operator of a vessel is unable to conduct ballast water exchange in accordance with subparagraph (A), the ballast water exchange shall be conducted in water that is—

“(I) as far as possible from land;

“(II) at least 50 nautical miles from land; and

“(III) in water of at least 200 meters in depth.

“(ii) LIMITATION.—The operator of a vessel may not conduct ballast water exchange in accordance with clause (i) in any area with respect to which the Secretary has determined, after consultation with the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, that ballast water exchange in the area will have an adverse impact, notwithstanding the fact that the area meets the distance and depth criteria of clause (i).

“(C) EXCHANGE IN DESIGNATED AREA.—

“(i) IN GENERAL.—If the operator of a vessel is unable to conduct ballast water exchange in accordance with subparagraph (B), the operator of the vessel may conduct ballast water exchange in an area that does not meet the distance and depth criteria of subparagraph (B) in such areas as may be designated by the Administrator of the National Oceanic and Atmospheric Administration, determined in consultation with the Secretary and the Administrator of the Environmental Protection Agency, for that purpose.

“(ii) CHARTING.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary, shall designate such areas on nautical charts.

“(iii) LIMITATION.—The Administrator may not designate an area under clause (i) if a ballast water exchange in that area could have an adverse impact, as determined by the Secretary in consultation with the Administrator of the Environmental Protection Agency.

“(D) SAFETY OR STABILITY EXCEPTION.—

“(i) IN GENERAL.—Subparagraphs (A), (B), and (C) do not apply to the discharge or uptake of ballast water if the master of a vessel determines that compliance with subparagraph (A), (B), or (C), whichever applies, would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other relevant condition.

“(ii) NOTIFICATION REQUIRED.—Whenever the master of a vessel conducts a ballast water discharge or uptake under the exception described in clause (i), the master of the vessel shall notify the Secretary as soon as practicable thereafter but no later than 24 hours after the ballast water discharge or uptake commenced.

“(iii) LIMITATION ON VOLUME.—The volume of any ballast water taken up or discharged under the exception described in clause (i) may not exceed the volume necessary to ensure the safe operation of the vessel.

“(iv) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge or uptake under the exception described in clause (i) on more than 2 out of 6 sequential voyages, the Secretary shall review the circumstances to determine whether those ballast water discharges or uptakes met the requirements of this subparagraph. The review under this clause shall be in addition to any other enforcement activity by the Secretary.

“(E) INABILITY TO COMPLY WITH EXCHANGE AREA REQUIREMENTS.—

“(i) DEVIATION OR DELAY OF VOYAGE.—In determining the ability of the operator of a vessel to conduct ballast water exchange in accordance with the requirements of subparagraph (A) or (B), a vessel is not required to deviate from its intended voyage or unduly delay its voyage to comply with those requirements.

“(ii) PARTIAL COMPLIANCE.—An operator of a vessel that is unable to comply fully with the requirements of subparagraph (A) or (B), shall conduct ballast water exchange to the maximum extent feasible in compliance with those subparagraphs.

“(F) SPECIAL RULE FOR THE GREAT LAKES.—This paragraph does not apply to vessels subject to the regulations under paragraph (2).

“(f) BALLAST WATER TREATMENT REQUIREMENTS.—

“(1) IN GENERAL.—Subject to the implementation schedule in paragraph (3), before discharging ballast water in waters subject to the jurisdiction of the United States a vessel to which this section applies shall conduct ballast water treatment so that the ballast water discharged will contain—

“(A) less than 0.1 living organisms per cubic meter that are 50 or more micrometers in minimum dimension;

“(B) less than 0.1 living organisms per milliliter that are less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

“(C) concentrations of indicator microbes that are less than—

“(i) 1 colony-forming unit of Toxicogenic vibrio cholera (O1 and O139) per 100 milliliters, or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

“(ii) 126 colony-forming units of escherichi coli per 100 milliliters; and

“(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

“(D) concentrations of such indicator microbes as may be specified in regulations promulgated by the Secretary that are less than the amount specified in those regulations.

“(2) RECEPTION FACILITY EXCEPTION.—Paragraph (1) does not apply to a vessel that discharges ballast water into a reception facility that meets standards prescribed by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, for the reception of ballast water that provide for the reception of ballast water and its disposal or treatment in a way that does not impair or damage the environment, human health, property, or resources. The Secretary may not prescribe such standards that are less stringent than any otherwise applicable Federal, State, or local law requirements.

“(3) IMPLEMENTATION SCHEDULE.—Paragraph (1) applies to vessels in accordance with the following schedule:

“(A) FIRST PHASE.—Beginning January 1, 2009, for vessels constructed on or after that date with a ballast water capacity of less than 5,000 cubic meters.

“(B) SECOND PHASE.—Beginning January 1, 2012, for vessels constructed on or after that date with a ballast water capacity of 5,000 cubic meters or more.

“(C) THIRD PHASE.—Beginning January 1, 2014, for vessels constructed before January 1, 2009, with a ballast water capacity of 1,500 cubic meters or more but not more than 5,000 cubic meters.

“(D) FOURTH PHASE.—Beginning January 1, 2016, for vessels constructed—

“(i) before January 1, 2009, with a ballast water capacity of less than 1,500 cubic meters or 5,000 cubic meters or more; or

“(ii) on or after January 1, 2009, and before January 1, 2012, with a ballast water capacity of 5.000 cubic meters or more.

“(4) REVIEW OF STANDARDS.—

“(A) IN GENERAL.—In December, 2012, and in every third year thereafter, the Secretary shall review the treatment standards established in paragraph (1) of this subsection to determine, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, if the standards should be revised to reduce the amount of organisms or microbes allowed to be discharged using the best available technology economically available. The Secretary shall revise such standards as necessary by regulation.

“(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary shall provide for the prospective application of the adjusted standards prescribed under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

“(5) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

“(A) IN GENERAL.—If a vessel participates in a program approved by the Secretary to test and evaluate promising ballast water treatment technologies with the potential to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary may postpone the date on which paragraph (1) would otherwise apply to that vessel for not more than 5 years.

“(B) VESSEL DIVERSITY.—The Secretary—

“(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

“(ii) may not grant a delay under this paragraph to more than 1 percent of the vessels to which subparagraph (A), (B), (C), or (D) of paragraph (3) applies.

“(C) TERMINATION OF POSTPONEMENT.—The Secretary may terminate the 5-year postponement period if participation of the vessel in the program is terminated without the consent of the Secretary.

“(6) FEASIBILITY REVIEW.—

“(A) IN GENERAL.—Not less than 2 years before the date on which paragraph (1) applies to vessels under each subparagraph of paragraph (3), the Secretary shall complete a review to determine whether appropriate technologies are available to achieve the standards set forth in paragraph (1) for the vessels to which they apply under the schedule set forth in paragraph (3).

"(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary determines, on the basis of the review conducted under subparagraph (A), that compliance with the standards set forth in paragraph (1) in accordance with the schedule set forth in any subparagraph of paragraph (3) is not feasible, the Secretary shall—

"(i) extend the date on which that subparagraph first applies to vessels for a period of not more than 36 months; and

"(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

"(7) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel may not use a ballast water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary shall promulgate regulations establishing a process for such approval.

"(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

"(1) IN GENERAL.—The Secretary shall notify mariners of any area in waters subject to the jurisdiction of the United states in which vessels should not uptake ballast water due to known conditions.

"(2) CONTENTS.—The notice shall include—

"(A) the coordinates of the area; and

"(B) if possible, the location of alternative areas for the uptake of ballast water.

"(h) SEDIMENT MANAGEMENT.—

"(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water except in accordance with this subsection and the ballast water management plan required under subsection (c).

"(2) DESIGN REQUIREMENTS.—

"(A) NEW VESSELS.—No person may remove and dispose of such sediment from a vessel to which this section applies in waters subject to the jurisdiction of the United States that is constructed on or after January 1, 2009, unless the vessel is designed and constructed in a manner that—

"(i) minimizes the uptake and entrapment of sediment;

"(ii) facilitates removal of sediment; and

"(iii) provides for safe access for sediment removal and sampling.

"(B) EXISTING VESSELS.—The operator of a vessel to which this section applies that was constructed before January 1, 2009, may not remove and dispose of such sediment in waters subject to the jurisdiction of the United States unless—

"(i) the vessel has been modified, to the extent practicable and in accordance with regulations promulgated by the Secretary, to achieve the objectives described in clauses (i), (ii), and (iii) of subparagraph (A); or

"(ii) the removal and disposal of the sediment is conducted in such a manner as to achieve those objectives to the greatest extent practicable and in accordance with those regulations.

"(C) REGULATIONS.—The Secretary shall promulgate regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan.

"(3) SEDIMENT RECEPTION FACILITIES.—

"(A) STANDARDS.—The Administrator of the Environmental Protection Agency in consultation with the Secretary, shall promulgate regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area. The Administrator may not prescribe standards under this subparagraph that are less stringent than any otherwise applicable Federal, State, or local law requirements.

"(B) DESIGNATION.—The Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations promulgated under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

"(i) EXAMINATIONS AND CERTIFICATIONS.—

"(1) INITIAL EXAMINATION.—

"(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

"(i) there is a ballast water management plan for the vessel; and

"(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations promulgated hereunder is installed and functioning properly.

"(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

"(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

"(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

"(ii) inspect the vessel's ballast water record book required by subsection (d).

"(2) SUBSEQUENT EXAMINATIONS.—The Secretary shall examine vessels no less frequently than once each year to ensure vessel compliance with the requirements of this section.

"(3) INSPECTION AUTHORITY.—In order to carry out the provisions of this section, the Secretary may take ballast water samples at any time on any vessel to which this section applies to ensure its compliance with this Act.

"(4) REQUIRED CERTIFICATE.—

"(A) IN GENERAL.—If, on the basis of an initial examination under paragraph (1) the Secretary finds that a vessel complies with the requirements of this section and the regulations promulgated hereunder, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

"(B) FOREIGN CERTIFICATES.—The Secretary may treat a certificate issued by a foreign government as a certificate issued under subparagraph (A) if the Secretary determines that the standards used by the issuing government are equivalent to or more stringent than the standards used by the Secretary under subparagraph (A).

"(5) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), sampling under paragraph (3), or any other information, that a vessel is being operated in violation of the requirements of this section and the regulations promulgated hereunder, the Secretary shall—

"(A) notify—

"(i) the master of the vessel; and

"(ii) the captain of the port at the vessel's next port of call; and

"(B) take such other action as may be appropriate.

"(j) DETENTION OF VESSELS.—

"(1) IN GENERAL.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

"(A) the vessel is a vessel to which this section applies;

"(B) the vessel does not comply with the requirements of this section or of the regulations issued hereunder or is being operated in violation of such requirements; and

"(C) the vessel is about to leave a place in the United States.

"(2) CLEARANCE.—

"(A) IN GENERAL.—A vessel detained under paragraph (1) may obtain clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) only if the violation for which it was detained has been corrected.

"(B) WITHDRAWAL.—If the Secretary finds that a vessel detained under paragraph (1) has received a clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) before it was detained under paragraph (1), the Secretary shall request the Secretary of the Treasury to withdraw the clearance. Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance.

"(k) SANCTIONS.—

"(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under this section shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

"(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under this section is guilty of a class C felony.

"(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under this section.

"(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

"(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

"(B) the recordkeeping and reporting requirements of the Act are complied with.

"(l) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

“(m) International Cooperation.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention) under this section.

“(n) Non-discrimination.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

“(o) Support for Federal Ballast Water Demonstration Project.—In addition to amounts otherwise available to the Maritime Administration, the National Oceanographic and Atmospheric Administration, and the United States Fish and Wildlife Service for the Federal Ballast Water Demonstration Project, the Secretary shall provide support for the conduct and expansion of the project, including grants for research and development of innovative technologies for the management, treatment, and disposal of ballast water and sediment, for ballast water exchange, and for other vessel vectors of invasive aquatic species such as hull fouling. There are authorized to be appropriated to the Secretary $25,000,000 for each fiscal year to carry out this subsection.

“(p) Consultation with Task Force.—The Secretary shall consult with the Task Force in carrying out this section.

“(q) Preemption.—Notwithstanding any other provision of law, the provisions of subsections (e) and (f) (other than subsection (f)(2)) supersede any provision of State or local law determined by the Secretary to be inconsistent with the requirements of that subsection or to conflict with the requirements of that subsection.

“(r) Regulations.—The Secretary may issue such regulations as may be necessary to carry out this section and the terms defined in section 1003 that are used in this section.”.

(b) Definitions.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), (6), (7), and (8) as paragraphs (8), (9), (10), (11), and (12), respectively;

(C) paragraphs (9) and (10) as paragraphs (14) and (15) respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (26); and

(G) paragraph (17) as paragraph (23) and inserting it after paragraph (22), as redesignated;

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘adverse impact’ means the direct or indirect result or consequence of an event or process that—

“(A) creates a hazard to the environment, human health, property, or a natural resource;

“(B) impairs biological diversity; or

“(C) interferes with the legitimate use of waters subject to the jurisdiction of the United States;”;

(3) by striking paragraph (4), as redesignated, and inserting the following:

“(4) ‘ballast water’—

“(A) means water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; but

“(B) does not include potable or technical water that does not contain harmful aquatic organisms or pathenogens that is taken on board a vessel and used for a purpose described in subparagraph (A) if such potable or technical water is discharged in compliance with section 312 of the Clean Water Act (33 U.S.C. 1322);”;

(4) by inserting after paragraph (4) the following:

“(5) ‘ballast water capacity’ means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank; space, or compartment designed to allow carriage of ballast water;

“(6) ‘ballast water management’ means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

“(7) ‘constructed’ means a state of construction of a vessel at which—

“(A) the keel is laid;

“(B) construction identifiable with the specific vessel begins;

“(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

“(D) the vessel undergoes a major conversion;”;

(5) by inserting after paragraph (12), as redesignated, the following:

“(13) ‘harmful aquatic organisms and pathogens’ means aquatic organisms or pathogens that have been determined by the Secretary, after consultation with the Administrator of the National Oceanographic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, to cause an adverse impact if introduced into the waters subject to the jurisdiction of the United States;”;

(6) by inserting after paragraph (15), as redesignated, the following:

“(16) ‘major conversion’ means a conversion of a vessel, that—

“(A) changes its ballast water carrying capacity by at least 15 percent;

“(B) changes the vessel class;

“(C) is projected to prolong the vessel’s life by at least 10 years (as determined by the Secretary); or

“(D) results in modifications to the vessel’s ballast water system, except—

“(i) component replacement-in-kind; or

“(ii) conversion of a vessel to meet the requirements of section 1101(e);”;

(7) by inserting after paragraph (18), as redesignated, the following:

“(19) ‘sediment’ means matter that has settled out of ballast water within a vessel;”;

(8) by inserting after paragraph (23), as redesignated, the following:

“(24) ‘United States port’ means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, the Northern Marianas, and the United States Virgin Islands;

“(25) ‘vessel of the Armed Forces’ means—

“(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

“(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A);”; and

(9) by inserting after paragraph (26), as redesignated, the following:

“(27) ‘waters subject to the jurisdiction of the United States’ means navigable waters and the territorial sea of the United States, the exclusive economic zone, and the Great Lakes.”.

(c) Great Lakes Regulations.—Until vessels described in section 1101(e)(2) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(e)(2)), as amended by this Act, are required to conduct ballast water treatment in accordance with the requirements of section 1101(f) of that Act (16 U.S.C. 1101(f)), as amended by this Act, the regulations promulgated by the Secretary of Transportation under section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711), as such regulations were in effect on the day before the date of enactment of this Act, shall remain in full force and effect for, and shall continue to apply to, such vessels.

SEC. 4. COAST GUARD REPORT ON OTHER VESSEL-RELATED VECTORS OF INVASIVE SPECIES.

(a) In General.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on vessel-related vectors of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

(b) Best Practices.—As soon as practicable, the Coast Guard shall develop best practices standards and procedures designed to reduce the introduction of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels, in addition to the mandatory requirements set forth in section 1101 for ballast water. Such standards and procedures should include designation of geographical locations for uptake and/or discharge of untreated ballast water, as well as standards and procedures for other vessel vectors of invasive aquatic species. The Commandant shall transmit a report to the Committees describing the standards and procedures developed and the implementation timeframe, together with any recommendations, including legislative recommendations if appropriate, the Commandant deems appropriate. The Secretary of the department in which the Coast Guard is operating may promulgate regulations to incorporate and enforce standards and procedures developed under this subsection.

By Ms. CANTWELL (for herself, Mr. Bingaman, and Mr. Lieberman):

S. 2491. A bill to amend the Public Health Service Act to promote and improve the allied health professors; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, the well-being of the U.S. population depends to a considerable extent on having access to high quality health care which, in turn, requires the presence of an adequate supply of health care professionals. The Congress and the President recognized this need when we passed, and President Bush signed, the Nurse Reinvestment Act in the 107th Congress. Just as with nurses, we must also insure an adequate supply of well-prepared allied health professionals. That is why, today, I am introducing the Allied Health Reinvestment Act with my good colleagues, Senator BINGAMAN of New Mexico and Senator LIEBERMAN of Connecticut.

The allied health professions are many. Those recognized in the act include professionals in the areas of: dental hygiene, dietetics/nutrition, emergency medical services, health information management, clinical laboratory sciences/medical technology, cytotechnology, occupational therapy, physical therapy, radiologic technology, nuclear medical technology, rehabilitation counseling, respiratory therapy, and speech-language pathology/audiology. This is not an exhaustive list, as the act will leave to the discretion of the Secretary of HHS additional professions deemed eligible.

Today, many allied health professions are characterized by existing workforce shortages, declining enrollments in academic institutions, or a combination of both factors. The American Hospital Association (AHA) reports vacancy rates of 18 percent among radiology technicians, ten percent among laboratory technologists, 15.3 percent among imaging technicians, and 12.7 percent among pharmacy technicians. In addition, the AHA indicates that hospitals are having increasing difficulties recruiting these same professionals over the preceding two-year period.

In my own State of Washington, the Washington State Hospital Association reports vacancy rates of 14.3 percent among ultrasound technologists, 11.3 percent among radiology technicians, and 10.9 percent among nuclear medicine technologists. These vacancy rates have a real effect on the hospitals in my State. When I meet with hospital officials back home, they always tell me how the lack of technicians affects patient care.

The Bureau of Labor Statistics projected that in the period 1998–2008, the United States would need a total of 93,000 new professionals in clinical laboratory science by creating 53,000 new positions and filling the 40,000 existing vacancies. That averages 9,000 openings per year for technicians, and yet academic institutions are producing only 4,990 graduates annually. If these numbers stay constant, we will be short by 43,100 needed technicians in 2008.

According to the American Hospital Association, declining enrollment in health education programs contributes to the critical shortages of health care professionals. Similarly, data from a November 2002 study of 90 institutions by the Association of Schools of Allied Health Professionals (ASAHP) shows a three-year period of decline in enrollment in cardiovascular perfusion technology, cytotechnology, dietetics, emergency medical sciences, health administration, health information management, medical technology, occupational therapy, rehabilitation counseling, respiratory therapy, and respiratory therapy technician programs. As an indication of a worsening situation, data from the 2002–2003 academic year, alone, show that dental hygiene, physician assistant, and speech-language patholcgy and audiology should be added to this list.

While having an adequate number of health professionals in our country is key to ensuring access to health care for all of us, certainly one of the key populations for whom a healthy supply of health professionals is vitally important for is our senior population.

The U.S. Census Bureau reports that rapid growth of the population age 65 and over will begin in 2011 when the first of the baby boom generation reaches age 65 and will continue for many years. From 1900 to 2000, the proportion of persons 65 and over tripled, going from 4.1 percent to 12.4 percent.

The baby-boom generation's movement into middle age, a period when the incidence of heart attack and stroke increases, will produce a higher demand for therapeutic services. Medical advances now enable more patients with critical problems to survive, but in order to do so and maintain a high quality of life, these patients may need extensive therapy.

Along with the aging of the population came an increase in the number of Americans living with one, and often more than one, chronic condition. Today, it is estimated that 125 million Americans live with a chronic condition, and by 2020 as the population ages, that number will increase to an estimated 157 million, with 81 million of them having two or more chronic conditions. Twenty-five percent of individuals with chronic conditions have some type of activity limitations. Two-thirds of Medicare spending is for beneficiaries with five or more chronic conditions.

Many individuals with chronic conditions rely on family caregivers. Approximately nine million Americans provide such services, and on the average, they spend 24 hours a week doing so. Caregivers aged 65–74 provide an average of 30.7 hours of care per week and individuals aged 75 and older provide an average of 34.5 hours per week.

Women are more likely than men to have chronic conditions, in part because they have longer life expectancies. These same women are caregivers to other chronically ill persons. In addition, 65 percent of caregivers are female, and of all caregivers, nearly 40 percent are 55 years of age and older.

Physicians report that their training does not adequately prepare them to care for this type of patient by providing education and offering effective nutritional guidance. Those aspects of care can be provided by allied health professionals, but many of them need better preparation to treat and coordinate care for patients with chronic conditions. While much emphasis is placed on curative forms of care, additional efforts must be devoted to slowing the progression of disease and its effects.

One example of the effectiveness of allied health interventions may be illustrated by a study funded by the National Institute on Aging, the National Center for Medical Rehabilitation Research, and the Agency for Health Care Policy and Research (since renamed the Agency for Healthcare Research and Quality). The investigation showed that significant benefits resulted from a nine-month occupational therapy intervention intended to reduce health-related declines among urban, multi-ethnic, independent-living older adults. The majority of study participants, 73 percent, lived alone and 26 percent reported at least one disability. Important health-related benefits attributable to the intervention continued over a six-month interval in the absence of further treatment.

The bill I and my colleagues introduce today, like the Nurse Reinvestment Act in the 107th Congress, is intended to provide incentives for individuals to seek and complete high quality allied health education and training. Furthermore, the bill will provide additional funding to ensure that such education and training can be provided to allied health students so that the U.S. healthcare industry will have a supply of allied health professionals needed to support the nation's health care system in this decade and beyond.

The bill offers allied health education, practice, and retention grants. Education grants will be used to expand the enrollment in allied health education programs, especially by underrepresented racial and ethnic minority students, and provide educational opportunities through new technologies and methods, including distance-learning. Practice grants are intended to establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods that will improve access to primary health care in rural areas and other medically underserved communities. Retention grants are intended to promote career advancement for allied health personnel.

Grants will also be made available to health care facilities to enable them to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for retention of allied health professionals. These grants will be awarded to a variety of geographic regions, and to a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

Furthermore, this bill will give the Secretary of HHS, acting through the Administrator of HRSA, the authority to enter into an agreement with any institution that offers an eligible allied health education program to establish and operate a faculty loan fund to increase the number of qualified allied health faculty. Loans may be granted to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program.

I am especially proud of the provisions of this legislation regarding the National Health Service Corps program, the brain child of Senator Warren Magnuson of Washington. The NHSC program, of course, encourages students in the health professions such as doctors and dentists to serve in underserved areas throughout our Nation in return for loan repayment assistance. And, like the NHSC program, this Allied Health Reinvestment Act will establish a scholarship program that provides scholarships to individuals seeking allied health education in exchange for service by those individuals in rural and other medically underserved areas with allied health personnel shortages.

There are a number of organizations supporting this bill, and I thank them for that support. Among them, the list includes, but is not limited to:

Washington State Hospital Association
Health Work Force Institute (Seattle, WA)
American Association for Respiratory Care
American Association of Community Colleges
American Clinical Laboratory Association
American Dental Hygienists' Association
American Dietetic Association
American Health Information Management Association
American Physical Therapy Association
American Society for Clinical Laboratory Science
American Society for Clinical Pathology
American Society of Radiologic Technologists
Association of Academic Health Centers
College of Health Deans
Midwest Regional Deans Group
Myositis Association
National Association of EMS Educators
National Cancer Registrars Association
National Network of Health Career Programs in Two-Year Colleges
Northeast Regional Deans Group

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Allied Health Reinvestment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Census Bureau and other reports highlight the increased demand for acute and chronic healthcare services among both the general population and a rapidly growing aging portion of the population.

(2) The calls for reduction in medical errors, increased patient safety, and quality of care have resulted in an amplified call for allied health professionals to provide healthcare services.

(3) Several allied health professions are characterized by workforce shortages, declining enrollments in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.

(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficient number of students.

(b) PURPOSE.—It is the purpose of this Act to provide incentives for individuals to seek and complete high quality allied health education and training and provide additional funding to ensure that such education and training can be provided to allied health students so that the United States healthcare industry with have a supply of allied health professionals needed to support the health care system of the United States in this decade and beyond.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by adding at the end the following:

"PART G—ALLIED HEALTH PROFESSIONALS

"SEC. 799C. DEFINITIONS.

"In this part:

"(1) ALLIED HEALTH EDUCATION PROGRAM.—The term 'allied health education program' means any postsecondary educational program offered by an institution accredited by an agency or commission recognized by the Department of Education, or leading to a State certificate or license or any other educational program approved by the Secretary. Such term includes colleges, universities, or schools of allied health and equivalent entities that include programs leading to a certificate, associate, baccalaureate, or graduate level degree in an allied health profession.

"(2) ALLIED HEALTH PROFESSIONS.—The term 'allied health professions' includes professions in the following areas at the certificate, associate, baccalaureate, or graduate level:

"(A) Dental hygiene.

"(B) Dietetics or nutrition.

"(C) Emergency medical services.

"(D) Health information management.

"(E) Clinical laboratory sciences and medical technology.

"(F) Cytotechnology.

"(G) Occupational therapy.

"(H) Physical therapy.

"(I) Radiologic technology.

"(J) Nuclear medical technology.

"(K) Rehabilitation counseling.

"(L) Respiratory therapy.

"(M) Speech-language pathology and audiology.

"(N) Any other profession determined appropriate by the Secretary.

"(3) HEALTH CARE FACILITY.—The term 'health care facility' means an outpatient health care facility, hospital, nursing home, home health care agency, hospice, federally qualified health center, nurse managed health center, rural health clinic, public health clinic, or any similar healthcare facility or practice that employs allied health professionals.

"SEC. 799C–1. PUBLIC SERVICE ANNOUNCEMENTS.

"The Secretary shall develop and issue public service announcements that shall

"(1) advertise and promote the allied health professions;

"(2) highlight the advantages and rewards of the allied health professions; and

"(3) encourage individuals from diverse communities and backgrounds to enter the allied health professions.

"SEC. 799C–2. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

"(a) IN GENERAL.—The Secretary shall award grants to designated eligible entities to support State and local advertising campaigns that are conducted through appropriate media outlets (as determined by the Secretary) to—

"(1) promote the allied health professions;

"(2) highlight the advantages and rewards of the allied health professions; and

"(3) encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

"(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other entities that provides similar services or serves a like function; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 799C–3. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

"(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other eligible entities that provides similar services or serves a like function; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—An entity shall use amounts received under a grant under subsection (a) to—

"(1) support outreach programs at elementary and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

"(2) carry out special projects to increase allied health education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities that are underrepresented among the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

"(3) provide assistance to public and nonprofit private educational institutions to support remedial education programs for allied health students who require assistance with math, science, English, and medical terminology;

"(4) meet the costs of child care and transportation for individuals who are taking part in an allied health education program at any level; and

"(5) support community-based partnerships seeking to recruit allied health professionals in rural communities and medically underserved urban communities, and other communities experiencing an allied health professions shortage.

"SEC. 799C–4. GRANTS FOR HEALTH CAREER ACADEMIES.

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities to assist such entities in collaborating to carry out programs that form education pipelines to facilitate the entry of students of secondary educational institutions, especially underrepresented racial and ethnic minorities, into careers in the allied health professions.

"(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be an institution that offers allied health education programs, a health care facility, or a secondary educational institution; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 799C–5. ALLIED HEALTH EDUCATION, PRACTICE, AND RETENTION GRANTS.

"(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

"(1) expand the enrollment of individuals in allied health education programs, especially the enrollment of underrepresented racial and ethnic minority students; and

"(2) provide education through new technologies and methods, including distance-learning methodologies.

"(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

"(1) establish or expand allied health practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

"(2) provide care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) provide managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

"(4) develop generational and cultural competencies among allied health professionals.

"(c) RETENTION PRIORITY AREAS.—

"(1) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the allied health professions workforce by initiating and maintaining allied health retention programs described in paragraph (2) or (3).

"(2) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

"(A) to promote career advancement for allied health personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals; and

"(B) to assist individuals in obtaining the education and training required to enter the allied health professions and advance within such professions, such as by providing career counseling and mentoring.

"(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

"(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and to enhance patient care that is directly related to allied health activities by enhancing collaboration and communication among allied health professionals and other health care professionals, and by promoting allied health involvement in the organizational and clinical decision-making processes of a health care facility.

"(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give preferences to applicants that have not previously received an award under this paragraph and to applicants from rural, underserved areas.

"(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in allied health personnel retention or patient care.

"(d) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 799C–6. DEVELOPING MODELS AND BEST PRACTICES PROGRAM.

"(a) AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out demonstration programs using models and best practices in allied health for the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

"(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grantee represent a variety of geographic regions and a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

"(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to carry out demonstration programs of models and best practices in allied health for the purpose of—

"(1) promoting retention and satisfaction of allied health professionals;

"(2) promoting opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

"(3) developing continuing education programs that instruct allied health professionals in how to use emerging medical technologies and how to address current and future health care needs.

"(e) AREA HEALTH EDUCATION CENTERS.—The Secretary shall award grants to area health education centers to enable such centers to enter into contracts with allied health education programs to expand the operation of area health education centers to work in communities to develop models of excellence for allied health professionals or to expand any junior and senior high school mentoring programs to include an allied health professions mentoring program.

"SEC. 799C–7. ALLIED HEALTH FACULTY LOAN PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution offering an eligible allied health education program for the establishment and operation of a faculty loan fund in accordance with this section (referred to in this section as the 'loan fund'), to increase the number of qualified allied health faculty.

"(b) AGREEMENTS.—Each agreement entered into under this section shall—

"(1) provide for the establishment of a loan fund by the institution offering the allied health education program involved;

"(2) provide for deposit in the loan fund of—

"(A) the Federal capital contributions to the fund;

"(B) an amount provided by the institution involved which shall be equal to not less than one-ninth of the amount of the Federal capital contribution under subparagraph (A);

"(C) any collections of principal and interest on loans made from the fund; and

"(D) any other earnings of the fund;

"(3) provide that the loan fund will be used only for the provision of loans to faculty of the allied health program in accordance with subsection (c) and for the costs of the collection of such loans and the interest thereon;

"(4) provide that loans may be made from such fund only to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

"(5) contain such other provisions determined appropriate by the Secretary to protect the financial interests of the United States.

"(c) LOAN PROVISIONS.—Loans from any faculty loan fund established pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the allied health education program may determine, except that—

"(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

"(2) in the case of any individual, the total of the loans for any academic year made by an allied health education program from loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

``(3) upon completion by the individual of each of the first, second, and third year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 20 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

``(4) upon completion by the individual of the fourth year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 25 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

``(5) the loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

``(6) the loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program; and

``(7) such loan shall—

``(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per year; or

``(B) subject to subsection (e), if the allied health education program determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

``(d) Payment of Proportionate Share.—Where all or any part of a loan (including interest thereon) is canceled under this section, the Secretary shall pay to the allied health education program involved an amount equal to the program's proportionate share of the canceled portion, as determined by the Secretary.

``(e) Review by Secretary.—At the request of the individual involved, the Secretary may review any determination by an allied health education program under this section.

``SEC. 799C–8. SCHOLARSHIP PROGRAM FOR SERVICE IN RURAL AND OTHER MEDICALLY UNDERSERVED AREAS.

``(a) Program Authorized.—The Secretary shall establish a scholarship program (referred to in this section as the 'program') to provide scholarships to individuals seeking allied health education who agree to provide service in rural and other medically underserved areas with allied health personnel shortages.

``(b) Preference.—In awarding scholarships under this section, the Secretary shall give preference to—

``(1) applicants who demonstrate the greatest financial need;

``(2) applicants who agree to serve in health care facilities experiencing allied health shortages in rural and other medically underserved areas;

``(3) applicants who are currently working in a health care facility who agree to serve the period of obligated service at such facility;

``(4) minority applicants; and

``(5) applicants with an interest in a practice area of allied health that has unmet needs.

``(c) Program Requirements.—

``(1) Contracts.—Under the program, the Secretary shall enter into contracts with eligible individuals under which such individuals agree to serve as allied health professionals for a period of not less than 2 years at a health care facility with a critical shortage of allied health professionals in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance in an allied health education program.

``(2) Eligible individuals.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in an allied health education program.

``(3) Service requirement.—

``(A) In general.—The Secretary may not enter into a contract with an eligible individual under this section unless the individual agrees to serve as an allied health professional at a health care facility with a critical shortage of allied health professionals for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

``(B) Part-time service.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

``(i) is entered into by the facility and the individual and is approved by the Secretary; and

``(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

``(d) Reports.—Not later than 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the program carried out under this section, including statements regarding—

``(1) the number of enrollees by specialty or discipline, scholarships, and grant recipients;

``(2) the number of graduates;

``(3) the amount of scholarship payments made;

``(4) which educational institution the recipients attended;

``(5) the number and placement location of the scholarship recipients at health care facilities with a critical shortage of allied health professionals;

``(6) the default rate and actions required;

``(7) the amount of outstanding default funds of the scholarship program;

``(8) to the extent that it can be determined, the reason for the default;

``(9) the demographics of the individuals participating in the scholarship program; and

``(10) an evaluation of the overall costs and benefits of the program.

``SEC. 799C–9. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, AND RESIDENCY PROGRAMS.

``(a) Program Authorized.— The Secretary shall award grants to eligible entities to develop clinical education, internship, and residency programs that encourage mentoring and the development of specialties.

``(b) Eligible Entities.—To be eligible for a grant under this section an entity shall—

``(1) be a partnership of an allied health education program and a health care facility; and

``(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

``(c) Use of Funds.—An eligible entity shall use amounts received under a grant under this section to—

``(1) develop clinical education, internship, and residency programs and curriculum and training programs for graduates of an allied health education program;

``(2) provide support for faculty and mentors; and

``(3) provide support for allied health professionals participating in clinical education, internship, and residency programs on both a full-time and part-time basis.

``SEC. 799C–10. GRANTS FOR PARTNERSHIPS.

``(a) In General.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.

``(b) Eligible Entity.—To be eligible to receive a grant under this section, and entity shall—

``(1) be a partnership between an allied health education program and a health care facility; and

``(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

``(c) Use of Funds.—An eligible entity shall use amounts received under a grant under this section to—

``(1) provide employees of the health care facility that is a member of the partnership involved advanced training and education in a allied health education program;

``(2) establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;

``(3) purchase distance learning technology to extend general education and training programs to rural areas, and to extend specialty education and training programs to all areas; and

``(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

``SEC. 799C–11. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.

`` The Secretary, acting in conjunction with allied health professional associations, shall develop a system for collecting and analyzing allied health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, other entities within the Department of Health and Human Services, the Department of Veterans Affairs, the Center for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies to determine educational pipeline and practitioner shortages, and project future needs for such a workforce.

``SEC. 799C–12. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.

``The Secretary shall include schools of allied health among the health professions schools that are eligible to receive grants under this part for the purpose of assisting such schools in supporting Centers of Excellence in health professions education for under-represented minority individuals.

``SEC. 799C–13. REPORTS BY GENERAL ACCOUNTING OFFICE.

`` Not later than 4 years after the date of enactment of this part, the Comptroller General of the United States shall conduct an evaluation of whether the programs carried out under this part have demonstrably increased the number of applicants to allied health education programs and prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

"SEC. 799C-14. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part, such sums as may be necessary for each of fiscal years 2005 through 2010.".

By Mr. CONRAD:

S. 2492. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Improving Access to Nurse-Midwife Care Act of 2004. For too many years, certified nurse midwives (CNMs) have not received adequate reimbursement under the Medicare program. My legislation takes important steps to improve reimbursement for CNMs.

There are approximately 2 million disabled women on Medicare who are of childbearing age; however, if they choose to utilize a CNM for "well women" services, the CNM is only reimbursed at 65 percent of the physician fee schedule. In practical terms, the typical well-woman visit costs, on average, $50. But Medicare currently reimburses CNMs in rural areas only $14 for this visit, which could include a pap smear, mammogram, and other precancer screenings. CNMs administer the same tests and incur the same costs as physicians but receive only 65 percent of the physician fee schedule for these services. Other non-physician providers, such as nurse practitioners and physician assistants are reimbursed at 85 percent of the physician fee schedule. This reduced payment is unfair and does not adequately reflect the services CNMs provide to beneficiaries. At this incredibly low rate of reimbursement, the Medicare Payment Advisory Committee (MedPAC) agrees that a CNM simply cannot afford to provide services to Medicare patients.

In June of 2002, MedPAC issued a report titled, "Medicare Payment to Advance Practice Nurses and Physician Assistants." In a 14–0 vote, MedPAC recommended to Congress that the percentage of reimbursement for CNM services be increased. Moreover, because practice expenses are much higher for CNMs—liability coverage costs for CNMs are 10-fold higher than for other non-physician providers—MedPAC signaled that CNMs should be paid more than 85 percent. My legislation would increase the level of reimbursement to 95 percent of the physician fee schedule, which more adequately reflects the cost of providing midwifery services.

My legislation would also make several technical changes to current Medicare provisions that limit the ability of midwives to effectively serve the Medicare-eligible population. In particular, CNMs serve as faculty members of medical schools. For over 20 years, they have supervised and trained interns and residents. The bill guarantees payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Finally, my bill would establish recognition for a certified midwife (CM) to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CNs as eligible providers. My bill would change this.

This bill will enhance access to "well woman" care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 369—EXPRESSING THE SENSE OF THE SENATE IN HONORING THE SERVICE OF THE MEN AND WOMEN WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING WORLD WAR II

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas during the dark days of World War II, the United States, the world, and the very future of freedom were threatened by nazism, fascism, and tyranny;

Whereas a generation of Americans stepped forward to confront this scourge, accepting the call to duty to fight the Axis Powers, to defend freedom, and to put their lives on the line so that future generations could live in peace and freedom;

Whereas during World War II, the brave men and women of the Armed Forces of the United States fought alongside allies from more than 30 other nations to vanquish the tyranny and oppression of the Axis Powers on the sea, on the land, and in the air in distant lands in every part of the globe;

Whereas more than 16,000,000 Americans served in the Armed Forces of the United States during World War II, hailing from every corner of the United States and its territories;

Whereas more than 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war in that terrible conflict;

Whereas more than 400,000 members of the Armed Forces of the United States made the ultimate sacrifice, giving their lives to defeat the evils of nazism, fascism, and tyranny, and to preserve the United States and the ideals the people of the United States hold true;

Whereas by the end of World War II, the members of the Armed Forces of the United States had become symbols of hope for the victors, the liberated peoples of the world, and their former adversaries;

Whereas the victory of the Allied Powers in World War II paved the way for the growth of democracy and freedom in the defeated nations of Germany and Japan, and laid the foundation for the West to confront, and eventually defeat, the threat of Communism;

Whereas the people of the United States can never fully express their gratitude to all the members of the Armed Services, including the "Greatest Generation" of World War II, who have dedicated themselves to protecting the people of the United States and to defending the ideals and principles of our great country;

Whereas 114 veterans of World War II have served in the Senate, including 6 who are currently serving: Senator Akaka of Hawaii, Senator Hollings of South Carolina, Senator Inouye of Hawaii, Senator Lautenberg of New Jersey, Senator Stevens of Alaska, and Senator Warner of Virginia; and

Whereas the Senate, on the occasion of the dedication of the World War II Memorial and the 60th Anniversary of the D-day landings in Normandy, France, is proud to honor its Members, past and present, who served in World War II: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its eternal appreciation for the veterans of the Armed Forces of the United States who fought and toiled to protect the United States and preserve the freedom and way of life of the United States during World War II;

(2) honors the brave men and women who made the ultimate sacrifice and gave their lives in defense of liberty and the United States during that global conflict; and

(3) proudly commends the 108 former Members and 6 current Members of the Senate who are veterans of World War II, including Senator Akaka, Senator Hollings, Senator Inouye, Senator Lautenberg, Senator Stevens, and Senator Warner, for their leadership and service to the United States both in war and in peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3257. Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3258. Mr. GRAHAM, of South Carolina (for himself, Mr. DASCHLE, Mrs. CLINTON, Ms. CANTWELL, Mr. DAYTON, Mr. ALLEN, Ms. MURKOWSKI, Mr. LOTT, Mr. COLEMAN, Mr. DEWINE, Mr. LEAHY, Mrs. LINCOLN, Mr. CORZINE, Mr. DORGAN, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU) proposed an amendment to the bill S. 2400, supra.

SA 3259. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3260. Mr. WARNER (for himself, Mr. LEVIN, and Mr. STEVENS) proposed an amendment to the bill S. 2400, supra.

TEXT OF AMENDMENTS

SA 3257. Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Public-Private Competitions

SEC. 856. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) Limitation.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

"(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

"(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

"(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees;

"(iv) provides no advantage to an offeror in the cost comparison process for a proposal to reduce costs for the Department of Defense by not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract; and

"(v) provides no advantage to an offeror in the cost comparison process for a proposal to reduce costs for the Department of Defense by offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

"(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

"(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

"(D) The cost savings requirement specified in subparagraph (A) does not apply to any contract for special studies and analyses, medical services, scientific and technical services related to (but not in support of) research and development, depot-level maintenance and repair services, or services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

"(E) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

"(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

"(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

"(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.".

(b) Inapplicability to Best-Value Source Selection Pilot Program.—(1) Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

SEC. 857. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) Guidelines.—(1) The Secretary of Defense shall prescribe and enforce guidelines for ensuring that Federal Government employees can compete through the public-private process pursuant to Office of Management and Budget Circular A–76 on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) The guidelines prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) New Requirements.—(1) No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) Use of Flexible Hiring Authority.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) Inspector General Report.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) Definitions.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

SEC. 858. COMPETITIVE SOURCING REPORTING REQUIREMENT.

Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees—

(A) to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions); and

(B) to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors.

SA 3258. Mr. GRAHAM of South Carolina (for himself, Mr. Daschle, Mrs. Clinton, Ms. Cantwell, Mr. Dayton, Mr. Allen, Ms. Murkowski, Mr. Lott, Mr. Coleman, Mr. DeWine, Mr. Leahy, Mrs. Lincoln, Mr. Corzine, Mr. Dorgan, Mr. Bingaman, Mrs. Murray, and Ms. Landrieu) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking "is eligible, subject to subsection (h), to enroll in TRICARE" and all that follows through "an employer-sponsored health benefits plan" and inserting ", except for a member who is enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)".

(b) PERMANENT AUTHORITY.—Subsection (l) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

"(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

"(3) the coverage has not lapsed.

"(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

"(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the family members covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense..

"(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of—

"(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

"(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

"(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

"(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

"(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

"(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

"(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.".

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

SA 3259. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Section 563(h) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 360) is amended to read as follows:

"(h) CHARLESTON, SOUTH CAROLINA.—

"(1) IN GENERAL.—The Secretary may convey all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, together with any improvements thereon, that is known as the Equipment and Storage Yard and is located on Meeting Street in Charleston, South Carolina, in as-is condition.

"(2) CONSIDERATION.—As consideration for the conveyance of property under paragraph (1), the party to which such property is conveyed shall provide the United States, whether by cash payment, exchange of property or facilities, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

"(3) DISCHARGE OF AUTHORITY THROUGH DIVISION ENGINEER, SOUTH ATLANTIC DIVISION.—The Division Engineer, South Atlantic Division, may, on behalf of the United States, execute deeds of conveyance and accept the consideration described in paragraph (2) in connection with the conveyance of property under paragraph (1).

"(4) USE OF PROCEEDS.—Amounts received as consideration under this subsection may be used by the Corps of Engineers, Charleston District—

"(A) to cover costs associated with the lease, purchase, or construction of an office facility within the boundaries of Charleston, Berkeley, and Dorchester Counties, South Carolina, notwithstanding any requirements in the Plant Replacement and Improvement Program (PRIP), or existing PRIP balances;

"(B) to cover any of the costs previously incurred in connection with the move of the District Headquarters of the Charleston District; or

"(C) to cover any of the costs previously incurred in connection with the Equipment and Storage Yard.".

SA 3260. Mr. WARNER (for himself, Mr. LEVIN, and Mr. STEVENS) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,000,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $3,000,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs; and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Aghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 2, 2004, at 10:15 a.m., in closed session to receive a briefing on the situation in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 2, 2004, at 10 a.m., to conduct a hearing on "The Role of State Securities Regulators in Protecting Investors."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Wednesday, June 2, 2004, at 9:30 a.m. on fire fighting aircraft.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Wednesday, June 2, 2004, at 2:30 p.m. on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 2, 2003, at 9:30 a.m., to hold a hearing on the Greater Middle East Initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 2, 2004 at 10 a.m. to hold a business meeting to consider pending Committee business.

Agenda

Legislation

1. S. 2468, Postal Accountability and Enhancement Act.

2. S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

3. S. 1230, a bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information.

4. S. 1292, Servitude and Emancipation Archival Research Clearing-House Act of 2003.

5. S. 1358, Federal Employee Protection of Disclosures Act.

6. S. 2249, Emergency Food and Shelter Act of 2004.

7. S. 2322, a bill to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for federal employees.

8. S. 2347, a bill to amend the District of Columbia Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act.

9. S. 2351, Emergency Medical Services Support Act.

10. S. 2409, a bill to provide for continued health benefits coverage for certain federal employees.

11. S. 2479, a bill to amend chapter 84 of title 5, United States Code, to provide for federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time.

12. H.R. 1303, a bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

Items for Approval

1. Committee Amendment to S. 1245, Homeland Security Grant Enhancement Act of 2003.

Post Office Naming Bills

1. S. 2017/H.R. 3742, a bill to designate the facility of the United States Postal Service, located at 93 Atocha Street in Ponce, Puerto Rico, as the "Luis A. Ferre United States Courthouse and Post Office Building".

2. S. 2214, a bill to designate the facility of the United States Postal Service, located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

3. S. 2415, a bill to designate the facility of the United States Postal Service, located at 4141 Postmark Drive in Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building".

4. H.R. 1822, a bill to designate the facility of the United States Postal Service, located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office Building".

5. H.R. 2130, a bill to designate the facility of the United States Postal Service, located at 121 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office".

6. H.R. 2438, a bill to designate the facility of the United States Postal Service, located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major

Henry A. Commiskey, Sr., Post Office Building".

7. H.R. 3029/S. 1596, a bill to designate the facility of the United States Postal Service, located at 225 North Main Street in Jonesboro, Georgia as the "S. Truett Cathy Post Office Building".

8. H.R. 3059, to designate the facility of the United States Postal Service, located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office".

9. H.R. 3068, to designate the facility of the United States Postal Service, located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

10. H.R. 3234/S. 1763, to designate the facility of the United States Postal Service, located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

11. H.R. 3300, to designate the facility of the United States Postal Service, located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building".

12. H.R. 3353, to designate the facility of the United States Postal Service, located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building".

13. H.R. 3536, to designate the facility of the United States Postal Service, located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office".

14. H.R. 3537, to designate the facility of the United States Postal Service, located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office".

15. H.R. 3538, to designate the facility of the United States Postal Service, located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office".

16. H.R. 3690/S. 2104, a bill to designate the facility of the United States Postal Service, located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

17. H.R. 3733, a bill to designate the facility of the United States Postal Service, located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office".

18. H.R. 3740/S. 2153, to designate the facility of the United States Postal Service, located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

19. H.R. 3769, to designate the facility of the United States Postal Service, located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchly Post Office Building".

20. H.R. 3855/S. 2441, to designate the facility of the United States Postal Service, located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

21. H.R. 3917/S. 2255, to designate the facility of the United States Postal Service, located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office Building".

22. H.R. 3939/S. 2291, to designate the facility of the United States Postal Service, located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

23. H.R. 3942, to redesignate the facility of the United States Postal Service, located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

24. H.R. 4037/S. 2442, to designate the facility of the United States Postal Service, located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

25. H.R. 4176, to designate the facility of the United States Postal Service, located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

26. H.R. 4299, to designate the facility of the United States Postal Service, located at 410 South Jackson Road in Edinsburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

Nominations

1. Albert Casey, to be a Governor for the United States Postal Service.

2. James C. Miller, III, to be a Governor for the United States Postal Service.

3. David Safavian, to be Administrator for Federal Procurement Policy, Office of Management and Budget.

4. Dawn Tisdale, to be Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Tuesday, June 2, 2004 at 1:30 p.m. in Dirksen Senate Office Building Room 226.

Agenda

S. J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

Note: As agreed by Senators CORNYN and FEINGOLD, only amendments circulated to all other members of the subcommittee by 12:00 noon on Tuesday, June 1, 2004 shall be in order.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN INDIAN PROBATE REFORM ACT OF 2004

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, S. 1721.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1721) to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "American Indian Probate Reform Act of 2003".

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) the Act of February 8, 1887 (commonly known as the "Indian General Allotment Act") (25 U.S.C. 331 et seq.), which authorized the allotment of Indian reservations, did not permit Indian allotment owners to provide for the testamentary disposition of the land that was allotted to them;

[(2) that Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment;

[(3) the reliance of the Federal Government on the State law of intestate succession with respect to the descent of allotments has resulted in numerous problems affecting Indian tribes, members of Indian tribes, and the Federal Government, including

[(A) the increasingly fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

[(B) the application of different rules of intestate succession to each interest of a decedent in or to trust or restricted land if that land is located within the boundaries of more than 1 State, which application—

[(i) makes probate planning unnecessarily difficult; and

[(ii) impedes efforts to provide probate planning assistance or advice;

[(C) the absence of a uniform general probate code for trust and restricted land, which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

[(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which—

[(i) is unfair to the owners of trust and restricted land (and heirs and devisees of owners); and

[(ii) makes probate planning more difficult; and

[(4) a uniform Federal probate code would likely—

[(A) reduce the number of fractionated interests in trust or restricted land;

[(B) facilitate efforts to provide probate planning assistance and advice;

[(C) facilitate intertribal efforts to produce tribal probate codes in accordance with section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

[(D) provide essential elements of general probate law that are not applicable on the date of enactment of this Act to interests in trust or restricted land.

[SEC. 3. INDIAN PROBATE REFORM.

[(a) TESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (a) and inserting the following:

["(a) TESTAMENTARY DISPOSITION.—

["(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

["(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust or restricted land may devise such an interest to—

["(i) an Indian tribe with jurisdiction over the land; or

["(ii) any Indian; or

["(iii) any lineal descendant of the testator; or

["(iv) any person who owns a preexisting undivided trust or restricted interest in the same parcel of land;

in trust or restricted status.

["(B) RULE OF INTERPRETATION.—Any devise of an interest in trust or restricted land or personal property to a devisee listed in subparagraph (A) shall be considered to be a devise of the interest in trust or restricted status, unless—

["(i) language in the will clearly evidences the testator's intent that the interest is to vest in the devisee as a fee interest without restrictions; or

["(ii) the interest devised is a life estate.

["(2) DEVISE OF TRUST OR RESTRICTED LAND AS A LIFE ESTATE OR IN FEE.—

["(A) IN GENERAL.—Except as provided under any applicable Federal law, any interest in trust or restricted land that is not devised in accordance with paragraph (1) may be devised only—

["(i) as a life estate without regard to waste to any person, with the remainder being devised only in accordance with subparagraph (B) or paragraph (1); or

["(ii) except as provided in subparagraph (B), in fee to any person.

["(B) LIMITATION.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464), may be devised only in accordance with—

["(i) that section;

["(ii) subparagraph (A)(i); or

["(iii) paragraph (1).

["(3) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED PERSONAL PROPERTY.—

["(A) TRUST OR RESTRICTED PERSONAL PROPERTY DEFINED.—The term 'Trust or restricted personal property' as used in this section includes—

["(i) all funds and securities of any kind which are held in trust in an individual Indian money account or otherwise supervised for the decedent by the Secretary; and

["(ii) absent clear evidence to the contrary, all personal property permanently affixed to trust or restricted lands.

["(B) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of such trust or restricted personal property, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust or restricted personal property may devise such an interest to any person or entity.

["(C) MAINTENANCE AS TRUST OR RESTRICTED PERSONAL PROPERTY.—Except as provided in paragraph (1)(B), where an interest in trust or restricted personal property is devised to a devisee listed in paragraph (1)(A), the Secretary shall maintain and continue to manage such interests as trust or restricted personal property.

["(D) DIRECT DISBURSEMENT AND DISTRIBUTION.—In the case of a devise of an interest in trust or restricted personal property to a devisee not listed in paragraph (1)(A), the Secretary shall directly disburse and distribute such personal property to the devisee.

["(4) INELIGIBLE DEVISEES OF TRUST OR RESTRICTED INTEREST; INVALID WILLS.—Any interest in trust or restricted land or personal property that is devised as a trust or restricted interest to a devisee not listed in subparagraph (A) of paragraph (1) shall descend to the devisee as a fee interest. Any interest in trust or restricted land or personal property that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (b).".

[(b) NONTESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (b) and inserting the following:

["(b) NONTESTAMENTARY DISPOSITION.—

["(1) RULES OF DESCENT.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any interest in trust or restricted property, including personal property, that is not disposed of by a valid will—

["(A) shall descend according to a tribal probate code that is approved in accordance with section 206; or

["(B) in the case of an interest in trust or restricted property to which such a code does not apply, shall descend in accordance with—

["(i) paragraphs (2) through (4); and

["(ii) other applicable Federal law.

["(2) RULES GOVERNING DESCENT OF ESTATE.—

["(A) SURVIVING SPOUSE.—If there is a surviving spouse of the decedent, such spouse shall receive trust and restricted property in the estate as follows:

["(i) If the decedent is survived by an heir described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive ⅓ of the trust or restricted personal property of the decedent and a life estate without regard to waste in the interests in trust or restricted lands of the decedent.

["(ii) If there are no heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive all of the trust or restricted personal property of the decedent and a life estate without regard to waste in the trust or restricted lands.

["(iii) The remainder shall pass as set forth in subparagraph (B).

["(B) INDIAN HEIRS.—Where there is no surviving spouse of the decedent, or there is a remainder pursuant to subparagraph (A), the estate or remainder of the decedent shall, subject to subparagraph (A), pass as follows:

["(i) To the Indian children of the decedent (or if 1 or more of those Indian children do not survive the decedent, the Indian children of the deceased child of the decedent, by right of representation, if such Indian children of the child survive the decedent) in equal shares.

["(ii) If the property does not pass under clause (i), to the surviving Indian great-grandchildren of the decedent in equal shares.

["(iii) If the property does not pass under clause (i) or (ii), to the surviving Indian brothers and sisters who are full siblings of the decedent or who are half-siblings by blood and not by marriage, in equal shares.

["(iv) If the property does not pass under clause (i), (ii), or (iii), to the Indian parent or parents of the decedent in equal shares.

["(v) If the property does not pass under clause (i), (ii), (iii), or (iv), to the Indian tribe with jurisdiction over the interests in trust or restricted lands;

except that notwithstanding clause (v), an Indian co-owner (including the Indian tribe referred to in clause (v)) of a parcel of trust or restricted land may acquire an interest that would otherwise descend under that clause by paying into the estate of the decedent, before the close of the probate of the estate, the fair market value of the interest in the land; if more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall acquire the interest.

["(C) NO INDIAN TRIBE.—If there is no Indian tribe with jurisdiction over the interests in trust or restricted lands that would otherwise descend under subparagraph (B)(v), then such interests shall be divided equally among co-owners of trust or restricted interests in the parcel; if there are no such co-owners, then the Secretary shall accumulate and hold such interests in trust or restricted status for the Indian tribe or tribes from which the decedent descended.

["(3) RIGHT OF REPRESENTATION.—

["(A) IN GENERAL.—Subject to subparagraph (B)—

["(i) the interests passing to children and grandchildren of a decedent under paragraph (2) shall be divided into as many equal shares as there are surviving children of the decedent, deceased children who have died before the decedent without issue, and deceased children who have died before the decedent and have left grandchildren who survive the decedent; and

["(ii) 1 share shall pass to each surviving child of the decedent and 1 share shall pass equally divided among the surviving children of a deceased child.

["(B) EXCEPTION FOR HEIRS OF EQUAL CONSANGUINITY.—Notwithstanding subparagraph (A), when the persons entitled to take under subparagraph (B)(i) of paragraph (2) are all in the same degree of consanguinity to the decedent, they shall take in equal shares.

["(4) SPECIAL RULE RELATING TO SURVIVAL.—In the case of intestate succession under this subsection, if an individual fails to survive the decedent by at least 120 hours, as established by clear and convincing evidence—

["(A) the individual shall be deemed to have predeceased the decedent for the purpose of intestate succession; and

["(B) the heirs of the decedent shall be determined in accordance with this section.

["(5) STATUS OF INHERITED INTERESTS.—A trust or restricted interest in land or personal property that descends under the provisions of this subsection (not including any interest in land or personal property passing to a surviving spouse under paragraph (2)(A)) shall continue to have the same trust or restricted status in the hands of the heir as such interest had immediately prior to the decedent's death.".

[(c) Section 207(c) of the Indian Land Consolidation Act (25 U.S.C. 2206 (c)) is amended by striking all that follows the heading, "JOINT TENANCY; RIGHT OF SURVIVORSHIP", and inserting the following: "If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the interests involved.".

(d) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

"(h) APPLICABLE FEDERAL LAW.—

"(1) IN GENERAL.—Any references in subsections (a) and (b) to applicable Federal law include—

"(A) Public Law 91-627 (84 Stat. 1874);

"(B) Public Law 92-377 (86 Stat. 530);

"(C) Public Law 92-443 (86 Stat. 744);

"(D) Public Law 96-274 (94 Stat. 537); and

"(E) Public Law 98-513 (98 Stat. 2411).

"(2) NO EFFECT ON LAWS.—Nothing in this section amends or otherwise affects the application of any law described in paragraph (1), or any other Federal law that provides for the devise and descent of any trust or restricted land located on a specific Indian reservation or for the devise and descent of the allotted lands of a specific tribe or specific tribes.

"(i) RULES OF INTERPRETATION.—In the absence of a contrary intent, and except as otherwise provided under this Act or a tribal probate code approved by the Secretary pursuant to section 206, wills shall be construed as to trust and restricted land and personal property in accordance with the following rules:

"(1) CONSTRUCTION THAT WILL PASSES ALL PROPERTY.—A will shall be construed to apply to all trust and restricted land and personal property which the testator owned at his death, including any such land or property acquired after the execution of his will.

"(2) CLASS GIFTS.—

"(A) Terms of relationship that do not differentiate relationships by blood from those by affinity, such as 'uncles', 'aunts', 'nieces' or 'nephews', are construed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as 'brothers', 'sisters', 'nieces', or 'nephews', are construed to include both types of relationships.

"(B) MEANING OF 'HEIRS' AND 'NEXT OF KIN,' ETC; TIME OF ASCERTAINING CLASS.—A devise of trust or restricted land or trust funds to the testator's or another designated person's 'heirs', 'next of kin', 'relatives', or 'family' shall mean those persons, including the spouse, who would be entitled to take under the provisions of this Act for nontestamentary disposition. The class is to be ascertained as of the date of the testator's death.

"(C) TIME FOR ASCERTAINING CLASS.—In construing a devise to a class other than a class described in subparagraph (B), the class shall be ascertained as of the time the devise is to take effect in enjoyment. The surviving issue of any member of the class who is then dead shall take by right of representation the share which their deceased ancestor would have taken.

"(3) MEANING OF 'DIE WITHOUT ISSUE' AND SIMILAR PHRASES.—In any devise under this chapter, the words 'die without issue', 'die without leaving issue', 'have no issue', or words of a similar import shall be construed to mean that an individual had no lineal descendants in his lifetime or at his death, and not that there will be no lineal descendants at some future time.

"(4) PERSONS BORN OUT OF WEDLOCK.—In construing provisions of this chapter relating to lapsed and void devises, and in construing a devise to a person or persons described by relationship to the testator or to another, a person born out of wedlock shall be considered the child of the natural mother and also of the natural father.

"(5) LAPSED AND VOID DEVISES AND LEGACIES; SHARES NOT IN RESIDUE.—Where a devise of property that is not part of the residuary estate fails or becomes void because—

"(A) the beneficiary has predeceased the testator;

"(B) the devise has been revoked by the testator; or

"(C) the devise has been disclaimed by the beneficiary;

the property shall, if not otherwise expressly provided for under this Act or a tribal probate code, pass under the residuary clause, if any, contained in the will.

"(6) LAPSED AND VOID DEVISES AND LEGACIES; SHARES IN RESIDUE.—When a devise as described in paragraph (7) shall be included in a residuary clause of the will and shall not be available to the issue of the devisee, and if the disposition shall not be otherwise expressly provided for by a tribal probate code, it shall pass to the other residuary devisees, if any, in proportion to their respective shares or interests in the residue.

"(7) FAMILY CEMETERY PLOT.—If a family cemetery plot owned by the testator at his decease is not mentioned in the decedent's will, the ownership of the plot shall descend to his heirs as if he had died intestate.

"(8) AFTER-BORN HEIRS.—A child in gestation at the time of decedent's death will be treated as having survived the decedent if the child lives at least 120 hours after its birth.

"(9) ADVANCEMENTS OF TRUST OR RESTRICTED PERSONAL PROPERTY DURING LIFETIME; EFFECT ON DISTRIBUTION OF ESTATE.—

"(A) The trust or restricted personal property of a decedent who dies intestate as to all or a portion of his or her estate, given during the decedent's lifetime to an heir of the decedent, shall be treated as an advancement against the heir's inheritance, but only if the decedent declared in a contemporaneous writing, or the heir acknowledged in writing, that the gift is an advancement or is to be taken into account in computing the division and distribution of the decedent's intestate estate.

"(B) For the purposes of this section, trust or restricted personal property advanced during the decedent's lifetime is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever occurs first.

"(C) If the recipient of the property predeceases the decedent, the property is not treated as an advancement or taken into account in computing the division and distribution of the decedent's intestate estate unless the decedent's contemporaneous writing provides otherwise.

"(10) HEIRS RELATED TO DECEDENT THROUGH 2 LINES; SINGLE SHARE.—A person who is related to the decedent through 2 lines of relationship is entitled to only a single share based on the relationship that would entitle the person to the larger share.

"(j) HEIRSHIP BY KILLING.—

"(1) 'HEIR BY KILLING' DEFINED.—As used in this subsection, 'heir by killing' means any person who participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent.

"(2) NO ACQUISITION OF PROPERTY BY KILLING.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, no heir by killing shall in any way acquire any interests in trust or restricted property as the result of the death of the decedent, but such property shall pass in accordance with this subsection.

"(3) DESCENT, DISTRIBUTION, AND RIGHT OF SURVIVORSHIP.—The heir by killing shall be deemed to have predeceased the decedent as to decedent's interests in trust or restricted property which would have passed from the decedent or his estate to the heir by killing—

"(A) under intestate succession under this chapter;

"(B) under a tribal probate code, unless otherwise provided for;

"(C) as the surviving spouse;

"(D) by devise;

"(E) as a reversion or a vested remainder;

"(F) as a survivorship interest; and

"(G) as a contingent remainder or executory or other future interest.

"(4) JOINT TENANTS, JOINT OWNERS, AND JOINT OBLIGEES.—

"(A) Any trust or restricted land or personal property held by only the heir by killing and the decedent as joint tenants, joint owners, or joint obligees shall pass upon the death of the decedent to his or her estate, as if the heir by killing had predeceased the decedent.

"(B) As to trust or restricted property held jointly by 3 or more persons, including both the heir by killing and the decedent, any income which would have accrued to the heir by killing as a result of the death of the decedent shall pass to the estate of the decedent as if the heir by killing had predeceased the decedent and any surviving joint tenants.

"(C) Notwithstanding any other provision of this subsection, the decedent's interest in trust or restricted property that is held in a joint tenancy with the right of survivorship shall be severed from the joint tenancy as though the property held in the joint tenancy were to be severed and distributed equally among the joint tenants and the decedent's interest shall pass to his estate; the remainder of the interests shall remain in joint tenancy with right of survivorship among the surviving joint tenants.

"(5) LIFE ESTATE FOR THE LIFE OF ANOTHER.—If the estate is held by a third person whose possession expires upon the death of the decedent, it shall remain in such person's hands for the period of the life expectancy of the decedent.

"(6) PREADJUDICATION RULE.—

"(A) IN GENERAL.—If a person has been charged, whether by indictment, information, or otherwise by the United States, a tribe, or any State, with voluntary manslaughter or homicide in connection with a decedent's death, then any and all trust or restricted land or personal property that would otherwise pass to that person from the decedent's estate shall not pass or be distributed by the Secretary until the charges have been resolved in accordance with the provisions of this paragraph.

"(B) DISMISSAL OR WITHDRAWAL.—Upon dismissal or withdrawal of the charge, or upon a verdict of not guilty, such land and funds shall pass as if no charge had been filed or made.

"(C) CONVICTION.—Upon conviction of such person, the trust and restricted land and personal property in the estate shall pass in accordance with this subsection.

"(7) BROAD CONSTRUCTION; POLICY OF SUBSECTION.—This subsection shall not be considered penal in nature, but shall be construed broadly in order to effect the policy that no person shall be allowed to profit by his own wrong, wherever committed.

[“(k) GENERAL RULES GOVERNING PROBATE.—

[“(1) SCOPE.—The provisions of this subsection shall apply only to estates that are subject to probate under the provisions of subsections (a) and (b).

[“(2) PRETERMITTED SPOUSES AND CHILDREN.—

[“(A) SPOUSES.—

[“(i) IN GENERAL.—Except as provided in clause (ii), if the surviving spouse of a testator married the testator after the testator executed the will of the testator, the surviving spouse shall receive the intestate share in trust or restricted land that the spouse would have received if the testator had died intestate.

[“(ii) EXCEPTION.—Clause (i) shall not apply to an interest in trust or restricted land where—

[“(I) the will of a testator is executed before the date of enactment of this subparagraph;

[“(II)(aa) the spouse of a testator is a non-Indian; and

[“(bb) the testator devised the interests in trust or restricted land of the testator to 1 or more Indians;

[“(III) it appears, based on an examination of the will or other evidence, that the will was made in contemplation of the marriage of the testator to the surviving spouse;

[“(IV) the will expresses the intention that the will is to be effective notwithstanding any subsequent marriage; or

[“(V)(aa) the testator provided for the spouse by a transfer of funds or property outside the will; and

[“(bb) an intent that the transfer be in lieu of a testamentary provision is demonstrated by statements of the testator or through a reasonable inference based on the amount of the transfer or other evidence.

[“(iii) SPOUSES MARRIED AT THE TIME OF THE WILL.—Should the surviving spouse of the testator be omitted from the will of the testator, the surviving spouse shall be treated, for purposes of trust or restricted land or personal property in the testator's estate, as though there was no will under the provisions of section 207(b)(2)(A) if—

[“(I) the testator and surviving spouse were continuously married without legal separation for the 10-year period preceding the decedent's death;

[“(II) the testator and surviving spouse have a surviving child who is the child of the testator;

[“(III) the surviving spouse has made substantial payments on or improvements to the trust or restricted land in such estate; or

[“(IV) the surviving spouse is under a binding obligation to continue making loan payments for the trust or restricted land for a substantial period of time;

except that if there is evidence that the testator adequately provided for the surviving spouse and any minor children by a transfer of funds or property outside of the will, this clause shall not apply.

[“(iv) DEFINED TERMS.—The terms ‘substantial payments or improvements’ and ‘substantial period of time’ as used in subparagraph (A)(iii) (III) and (IV) shall have the meanings given to them in the regulations adopted by the Secretary under the provisions of this Act.

[“(B) CHILDREN.—

[“(i) IN GENERAL.—If a testator executed the will of the testator before the birth or adoption of 1 or more children of the testator, and the omission of the children from the will is a product of inadvertence rather than an intentional omission, the children shall share in the intestate interests of the decedent in trust or restricted land as if the decedent had died intestate.

[“(ii) ADOPTED HEIRS.—Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (25 U.S.C. 372a), shall be treated as the child of a decedent under this subsection.

[“(iii) ADOPTED-OUT CHILDREN.—

[“(I) IN GENERAL.—For purposes of this Act, an adopted person shall not be considered the child or issue of his natural parents, except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.

[“(II) ELIGIBLE HEIR PURSUANT TO OTHER FEDERAL LAW OR TRIBAL LAW.—Notwithstanding the provisions of subparagraph (B)(iii)(I), other Federal laws and laws of the Indian tribe with jurisdiction over the trust or restricted land may otherwise define the inheritance rights of adopted-out children.

[“(3) DIVORCE.—

[“(A) SURVIVING SPOUSE.—

[“(i) IN GENERAL.—An individual who is divorced from a decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death of the decedent.

[“(ii) SEPARATION.—A decree of separation that does not dissolve a marriage, and terminate the status of husband and wife, shall not be considered a divorce for the purpose of this subsection.

[“(iii) NO EFFECT ON ADJUDICATIONS.—Nothing in clause (i) prevents an entity responsible for adjudicating an interest in trust or restricted land from giving effect to a property right settlement if 1 of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

[“(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—

[“(i) IN GENERAL.—If, after executing a will, a testator is divorced or the marriage of the testator is annulled, as of the effective date of the divorce or annulment, any disposition of interests in trust or restricted land made by the will to the former spouse of the testator shall be considered to be revoked unless the will expressly provides otherwise.

[“(ii) PROPERTY.—Property that is prevented from passing to a former spouse of a decedent under clause (i) shall pass as if the former spouse failed to survive the decedent.

[“(iii) PROVISIONS OF WILLS.—Any provision of a will that is considered to be revoked solely by operation of this subparagraph shall be revived by the remarriage of a testator to the former spouse of the testator.

[“(4) NOTICE.—

[“(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall notify each owner of trust and restricted land of the provisions of this Act.

[“(B) COMBINED NOTICES.—The notice under subparagraph (A) may, at the discretion of the Secretary, be provided with the notice required under section 207(g).”.

[SEC. 4. PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.

[Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) is amended by adding at the end the following:

[“(c) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—

[“(1) APPLICABILITY.—This subsection shall be applicable only to parcels of land (including surface and subsurface interests, except with respect to a subsurface interest that has been severed from the surface interest, in which case this subsection shall apply only to the surface interest) which the Secretary has determined, pursuant to paragraph (2)(B), to be parcels of highly fractionated Indian land.

[“(2) REQUIREMENTS.—Subject to section 223 of this Act, but notwithstanding any other provision of law, the Secretary shall ensure that each partition action meets the following requirements:

[“(A) REQUEST.—The Secretary shall commence a process for partitioning a parcel of land by sale in accordance with the provisions of this subsection upon receipt of an application by—

[“(i) the Indian tribe with jurisdiction over the subject land that owns an undivided interest in the parcel of land; or

[“(ii) any person owning an undivided trust or restricted interest in the parcel of land.

[“(B) DETERMINATION.—Upon receipt of an application pursuant to subparagraph (A), the Secretary shall determine whether the subject parcel meets the requirements set forth in section 202(6) (25 U.S.C. 2201(6)) to be classified as a parcel of highly fractionated Indian land.

[“(C) CONSENT REQUIREMENTS.—A parcel of land may be partitioned under this subsection only with the written consent of—

[“(i) the Indian tribe with jurisdiction over the subject land if such Indian tribe owns an undivided interest in the parcel;

[“(ii) any owner who, for the 3-year period immediately preceding the date on which the Secretary receives the application, has—

[“(I) continuously maintained a bona fide residence on the parcel; or

[“(II) continuously operated a bona fide farm, ranch, or other business on the parcel; and

[“(iii) the owners of at least 50 percent of the undivided interests in the parcel if, based on the final appraisal prepared pursuant to subparagraph (F), the Secretary determines that any person's undivided trust or restricted interest in the parcel has a value in excess of $1,000, except that the Secretary may consent on behalf of undetermined heirs, minors, and legal incompetents having no legal guardian, and missing owners or owners whose whereabouts are unknown but only after a search for such owners has been completed in accordance with the provisions of this subsection.

[“(D) PRELIMINARY APPRAISAL.—After the Secretary has determined that the subject parcel is a parcel of highly fractionated Indian land pursuant to subparagraph (B), the Secretary shall cause a preliminary appraisal of the subject parcel to be made.

[“(E) NOTICE TO OWNERS ON COMPLETION OF PRELIMINARY APPRAISAL.—Upon completion of the preliminary appraisal, the Secretary shall give written notice of the requested partition and preliminary appraisal to all owners of undivided interests in the parcel, in accordance with the following requirements:

[“(i) CONTENTS OF NOTICE.—The notice required by this subsection shall state—

[“(I) that a proceeding to partition the parcel of land by sale has been commenced;

[“(II) the legal description of the subject parcel;

[“(III) the owner's ownership interest in the subject parcel;

[“(IV) the results of the preliminary appraisal;

[“(V) the owner's right to request a copy of the preliminary appraisal;

[“(VI) the owner's right to comment on the proposed partition and the preliminary appraisal;

[“(VII) the date by which the owner's comments must be received, which shall not be less than 60 days after the date that the notice is mailed or published under paragraph (2); and

[“(VIII) the address for requesting copies of the preliminary appraisal and for submitting written comments.

[“(ii) MANNER OF SERVICE.—

[“(I) SERVICE BY MAIL.—The Secretary shall attempt to provide all owners of interests in the subject parcel with actual notice of the partition proceeding by mailing a copy of the written notice described in clause (i) by first class mail to each such owner at the owner's last known address. In the event the written notice to an owner is returned undelivered, the Secretary shall, in accordance with regulations adopted to implement the provisions of this section, attempt to obtain a current address for such owner by inquiring with—

[“(aa) the owner's relatives, if any are known;

[“(bb) the Indian tribe of which the owner is a member; and

[“(cc) the Indian tribe with jurisdiction over the subject parcel.

[“(II) SERVICE BY PUBLICATION.—In the event that the Secretary is unable to serve the notice by mail pursuant to subclause (II), the notice shall be served by publishing the notice 2 times in a newspaper of general circulation in the county or counties where the subject parcel of land is located.

[“(F) FINAL APPRAISAL.—After reviewing and considering comments or information submitted by any owner of an interest in the parcel in response to the notice required under subparagraph (E), the Secretary may—

[“(i) modify the preliminary appraisal and, as modified, determine it to be the final appraisal for the parcel; or

[“(ii) determine that preliminary appraisal should be the final appraisal for the parcel, without modifications.

[“(G) NOTICE TO OWNERS ON DETERMINATION OF FINAL APPRAISAL.—Upon making the determination under subparagraph (F) the Secretary shall provide to each owner of the parcel of land and the Indian tribe with jurisdiction over the subject land, written notice served in accordance with subparagraph (E)(ii) stating—

[“(i) the results of the final appraisal;

[“(ii) the owner's right to review a copy of the appraisal upon request; and

[“(iii) that the land will be sold in accordance with subparagraph (G) for not less than the final appraised value subject to the consent requirements under paragraph (2)(C)..

[“(H) SALE.—Subject to the requirements of paragraph (2)(C), the Secretary shall—

[“(i) provide every owner of the parcel of land and the Indian tribe with jurisdiction over the subject land with notice that—

[“(I) the decision to partition by sale is final; and

[“(II) each owner has the right to appeal the determination of the Secretary to partition the parcel of land by sale, including the right to appeal the final appraisal;

[“(ii) after providing public notice of the sale pursuant to regulations adopted by the Secretary to implement this subsection, offer to sell the land by competitive bid for not less than the final appraised value to the highest bidder from among the following eligible bidders:

[“(I) any owner of a trust or restricted interest in the parcel being sold;

[“(II) the Indian tribe, if any, with jurisdiction over the parcel being sold; and

[“(III) any member of the Indian tribe described in subclause (II); and

[“(iii) if no bidder described in clause (ii) presents a bid that equals or exceeds the appraised value, provide notice to the owners of the parcel of land and terminate the partition process.

[“(I) DECISION NOT TO SELL.—If the required owners do not consent to the partition by sale of the parcel of land, in accordance with paragraph (2)(C), by a date established by the Secretary, the Secretary shall provide each Indian tribe with jurisdiction over the subject land and each owner notice of that fact.

[“(3) ENFORCEMENT.—

[“(A) IN GENERAL.—If a partition is approved under this subsection and an owner of an interest in the parcel of land refuses to surrender possession in accordance with the partition decision, or refuses to execute any conveyance necessary to implement the partition, then any affected owner or the United States may—

[“(i) commence a civil action in the United States district court for the district in which the parcel of land is located; and

[“(ii) request that the court issue an appropriate order for the partition of the land in kind or by sale.

[“(B) FEDERAL ROLE.—With respect to any civil action brought under subparagraph (A)—

[“(i) the United States—

[“(I) shall receive notice of the civil action; and

[“(II) may be a party to the civil action; and

[“(ii) the civil action shall not be dismissed, and no relief requested shall be denied, on the ground that the civil action is 1 against the United States or that the United States is an indispensable party.

[“(4) REGULATIONS.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this subsection.”.

[SEC. 5. OWNER-MANAGED INTERESTS.

[The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

[“SEC. 221. OWNER-MANAGED INTERESTS.

[“(a) PURPOSE.—The purpose of this section is to provide a means for the co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel without approval of the Secretary.

[“(b) MINERAL INTERESTS.—Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

[“(c) OWNER MANAGEMENT.—

[“(1) IN GENERAL.—Notwithstanding any provision of Federal law requiring the Secretary to approve individual Indian leases or mortgages of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a), and the Secretary has approved such applications under subsection (d), such owners may, without further approval by the Secretary, do either of the following with respect to their interest in such parcel:

[“(A) Enter into a lease of the parcel for any purpose authorized by section 1 of the Act of August 9, 1955 (25 U.S.C. 415(a)), for an initial term not to exceed 25 years.

[“(B) Renew any lease described in paragraph (1) for 1 renewal term not to exceed 25 years.

[“(2) RULE OF CONSTRUCTION.—No such lease or renewal of a lease shall be effective until the owners of all undivided trust or restricted interests in the parcel have executed such lease or renewal.

[“(d) APPROVAL OF APPLICATIONS FOR OWNER MANAGEMENT.—

[“(1) IN GENERAL.—Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence.

[“(2) COMMENCEMENT OF OWNER-MANAGEMENT STATUS.—Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no interest in a parcel of trust or restricted land shall have owner-management status until applications for all of the trust or restricted interests in such parcel have been submitted and approved by the Secretary pursuant to this section and in accordance with regulations adopted pursuant to subsection (l).

[“(e) VALIDITY OF LEASES.—A lease of trust or restricted interests in a parcel of land that is owner-managed under this section that violates any requirement or limitation set forth in subsection (c) shall be null and void and unenforceable against the owners of such interests, or against the land, the interest or the United States.

[“(f) LEASE REVENUES.—The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests subject to this section while such interest is in owner-management status under the provisions of this section.

[“(g) JURISDICTION.—

[“(1) JURISDICTION UNAFFECTED BY STATUS.—The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed in accordance with this section shall continue to have jurisdiction over the interest in trust or restricted land to the same extent and in all respects the tribe had prior to the interest acquiring owner managed status.

[“(2) PERSONS USING LAND.—Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe with jurisdiction over the interest, including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

[“(h) CONTINUATION OF OWNER-MANAGED STATUS; REVOCATION.—

[“(1) IN GENERAL.—Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d), each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

[“(2) REVOCATION.—Owner-managed status of an interest may be revoked upon written request of owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l). The revocation shall become effective as of the date on which the last of all such requests have been delivered to the Secretary.

["(3) Effect of revocation.—Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

["(i) Defined Terms.—

["(1) For purposes of subsection (d)(1), the term 'qualified applicant' means—

["(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

["(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

["(2) For purposes of this section, the term 'owner-managed status' means, with respect to a trust or restricted interest, that the interest—

["(A) is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d);

["(B) may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with the requirements of, this section; and

["(C) no revocation has occurred under subsection (h)(2).

["(j) Secretarial Approval of Other Transactions.—Except with respect to the specific lease transactions described in paragraphs (1) and (2) of subsection (c), interests held in owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land that would otherwise apply to such interests.

["(k) Effect of Section.—Subject to subsections (c), (f), and (h), nothing in this section limits or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.

["(l) Regulations.—The Secretary shall promulgate such regulations as are necessary to carry out this section.".

[**SEC. 6. ADDITIONAL AMENDMENTS.**

[(a) In General.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

[(1) in the second sentence of section 205(a) (25 U.S.C. 2204(a)), by striking "over 50 per centum of the undivided interests" and inserting "undivided interests equal to at least 50 percent of the undivided interest";

[(2) in section 205 (25 U.S.C. 2204), by adding subsection (c) as follows:

["(c) Purchase Option at Probate.—

["(1) In general.—Subject to section 207(b)(2)(A) of this Act (25 U.S.C. 2206(b)(2)(A)), interests in a parcel of trust or restricted land in the decedent's estate may be purchased at probate in accordance with the provisions of this subsection.

["(2) Sale of interest at minimum fair market value.—Subject to paragraph (3), the Secretary is authorized to sell trust or restricted interests subject to this subsection at no less than fair market value to the highest bidder from among the following eligible bidders:

["(A) The heirs taking by intestate succession or the devisees listed in section 207(a)(1)(A).

["(B) All persons who own undivided trust or restricted interests in the same parcel of land involved in the probate proceeding.

["(C) The Indian tribe with jurisdiction over the interest, or the Secretary on behalf of such Indian tribe.

["(3) Request for auction.—No auction and sale of an interest in probate shall occur under this subsection unless—

["(A) except as provided in paragraph (6), the heirs or devises of such interest consent to the sale; and

["(B) a person or the Indian tribe eligible to bid on the interest under paragraph (2) submits a request for the auction prior to the distribution of the interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary.

["(4) Appraisal and notice.—Prior to the sale of an interest pursuant to this subsection, the Secretary shall—

["(A) appraise the interest; and

["(B) publish notice of the time and place of the auction (or the time and place for submitting sealed bids), a description, and the appraised value, of the interest to be sold.

["(5) Rights of surviving spouse.—Nothing in this subsection shall be construed to diminish or otherwise affect the rights of a surviving spouse under section 207(b)(2)(A).

["(6) Highly fractionated Indian lands.—Notwithstanding paragraph (3)(A), the consent of an heir shall not be required for the auction and sale of an interest at probate under this subsection if—

["(A) the interest is passing by intestate succession; and

["(B) prior to the auction the Secretary determines that the interest involved is an interest in a parcel of highly fractionated Indian land.

["(7) Regulations.—The Secretary shall promulgate regulations to implement the provisions of this subsection.";

[(3) in section 206 (25 U.S.C. 2205)—

[(A) in subsection (a), by striking paragraph (3) and inserting the following:

["(3) Tribal probate codes.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prohibits the devise of an interest in trust or restricted land by—

["(A) an Indian lineal descendant of the original allottee; or

["(B) an Indian who is not a member of the Indian tribe with jurisdiction over such an interest;

unless the code provides for—

["(i) the renouncing of interests to eligible devisees in accordance with the code;

["(ii) the opportunity for a devisee who is the spouse or lineal descendant of a testator to reserve a life estate without regard to waste; and

["(iii) payment of fair market value in the manner prescribed under subsection (c)(2)."; and

[(B) in subsection (c)—

[(i) in paragraph (1)—

[(I) by striking the paragraph heading and inserting the following:

["(1) Authority.—

["(A) In general.—";

[(II) in the first sentence of subparagraph (A) (as redesignated by clause (i)), by striking "section 207(a)(6)(A) of this title" and inserting "section 207(a)(2)(A)(ii) of this title"; and

[(III) by striking the last sentence and inserting the following:

["(B) Transfer.—The Secretary shall transfer payments received under subparagraph (A) to any person or persons who would have received an interest in land if the interest had not been acquired by the Indian tribe in accordance with this paragraph."; and

[(ii) in paragraph (2)—

[(I) in subparagraph (A)—

[(aa) by striking the subparagraph heading and all that follows through "Paragraph (1) shall not apply" and inserting the following:

["(A) Inapplicability to certain interests.—

["(i) In general.—Paragraph (1) shall not apply";

[(bb) in clause (i) (as redesignated by item (aa)), by striking "if, while" and inserting the following: "if—

["(I) while";

[(cc) by striking the period at the end and inserting "; or"; and

[(dd) by adding at the end the following:

["(II)—

["(aa) the interest is part of a family farm that is devised to a member of the family of the decedent; and

["(bb) the devisee agrees that the Indian tribe with jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to an entity that is not a member of the family of the owner of the land.

["(ii) Recording of interest.—On request by an Indian tribe described in clause (i)(II)(bb), a restriction relating to the acquisition by the Indian tribe of an interest in a family farm involved shall be recorded as part of the deed relating to the interest involved.

["(iii) Mortgage and foreclosure.—Nothing in clause (i)(II) prevents or limits the ability of an owner of land to which that clause applies to mortgage the land or limit the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement in accordance with applicable law.

["(iv) Definition of 'member of the family'.—In this paragraph, the term 'member of the family', with respect to a decedent or landowner, means—

["(I) a lineal descendant of a decedent or landowner;

["(II) a lineal descendant of the grandparent of a decedent or landowner;

["(III) the spouse of a descendant or landowner described in subclause (I) or (II); and

["(IV) the spouse of a decedent or landowner.";

[(4) in subparagraph (B), by striking "subparagraph (A)" and all that follows through "207(a)(6)(B) of this title" and inserting "paragraph (1)";

[(5) in section 207 (25 U.S.C. 2206), subsection (g)(5), by striking "this section" and inserting "subsections (a) and (b)";

[(6) in section 213 (25 U.S.C. 2212)—

[(A) by striking the section heading and inserting the following:

[**"SEC. 2212. FRACTIONAL INTEREST ACQUISITION PROGRAM.";**

[(B) in subsection (a)—

[(i) by striking "(2) Authority of Secretary.—" and all that follows through "the Secretary shall submit" and inserting the following:

["(2) Authority of secretary.—The Secretary shall submit"; and

[(ii) by striking "whether the program to acquire fractional interests should be extended or altered to make resources" and inserting "how the fractional interest acquisition program should be enhanced to increase the resources made";

▮(C) in subsection (b), by striking paragraph (4) and inserting the following:

▮"(4) shall minimize the administrative costs associated with the land acquisition program through the use of policies and procedures designed to accommodate the voluntary sale of interests under the pilot program under this section, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation, through the elimination of duplicate—

▮"(A) conveyance documents;

▮"(B) administrative proceedings; and

▮"(C) transactions.".

▮(D) in subsection (c)—

▮(i) in paragraph (1)—

▮(I) in subparagraph (A), by striking "at least 5 percent of the" and inserting in its place "an";

▮(II) in subparagraph (A), by inserting "in such parcel" following "the Secretary shall convey an interest";

▮(III) in subparagraph (A), by striking "landowner upon payment" and all that follows and inserting the following: "landowner—

▮"(i) on payment by the Indian landowner of the amount paid for the interest by the Secretary; or

▮"(ii) if—

▮"(I) the Indian referred to in this subparagraph provides assurances that the purchase price will be paid by pledging revenue from any source, including trust resources; and

▮"(II) the Secretary determines that the purchase price will be paid in a timely and efficient manner."; and

▮(IV) in subparagraph (B), by inserting before the period at the end the following: "unless the interest is subject to a foreclosure of a mortgage in accordance with the Act of March 29, 1956 (25 U.S.C. 483a)"; and

▮(ii) in paragraph (3), by striking "10 percent or more of the undivided interests" and inserting "an undivided interest";

▮(7) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

▮"(b) Application of Revenue From Acquired Interests to Land Consolidation Program.—

▮"(1) In general.—The Secretary shall have a lien on any revenue accruing to an interest described in subsection (a) until the Secretary provides for the removal of the lien under paragraph (3), (4), or (5).

▮"(2) Requirements.—

▮"(A) In general.—Until the Secretary removes a lien from an interest in land under paragraph (1)—

▮"(i) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary; and

▮"(ii) any revenue derived from any interest acquired by the Secretary in accordance with section 213 shall be deposited in the fund created under section 216.

▮"(B) Approval of transactions.—Notwithstanding section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476), or any other provision of law, until the Secretary removes a lien from an interest in land under paragraph (1), the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

▮"(3) Removal of liens after findings.—The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that—

▮"(A) the costs of administering the interest from which revenue accrues under the lien will equal or exceed the projected revenues for the parcel of land involved;

▮"(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

▮"(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

▮"(4) Removal of liens upon payment into the acquisition fund.—The Secretary shall remove a lien referred to in paragraph (1) upon payment of an amount equal to the purchase price of that interest in land into the Acquisition Fund created under section 2215 of this title, except where the tribe with jurisdiction over such interest in land authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

▮"(5) Other removal of liens.—In accordance with regulations to be promulgated by the Secretary, and in consultation with tribal governments and other entities described in section 213(b)(3), the Secretary shall periodically remove liens referred to in paragraph (1) from interests in land acquired by the Secretary.";

▮(8) in section 216 (25 U.S.C. 2215)—

▮(A) in subsection (a), by striking paragraph (2) and inserting the following:

▮"(2) collect all revenues received from the lease, permit, or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213."; and

▮(B) in subsection (b)—

▮(i) in paragraph (1)—

▮(I) in the matter preceding subparagraph (A), by striking "Subject to paragraph (2), all" and inserting "All";

▮(II) in subparagraph (A), by striking "and" at the end;

▮(III) in subparagraph (B), by striking the period at the end and inserting "; and"; and

▮(IV) by adding at the end the following:

▮"(C) be used to acquire undivided interests on the reservation from which the income was derived."; and

▮(ii) by striking paragraph (2) and inserting the following:

▮"(2) Use of funds.—The Secretary may use the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land in accordance with section 205.";

▮(9) in section 217 (25 U.S.C. 2216)—

▮(A) in subsection (b)(1) by striking subparagraph (B) and inserting a new subparagraph (B) as follows—

▮"(B) Waiver of requirement.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an owner of an interest in trust or restricted land either selling, exchanging, or conveying by gift deed for no or nominal consideration such interest—

▮"(i) to an Indian person who is the owner's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir; or

▮"(ii) to an Indian co-owner or to a tribe with jurisdiction over the subject parcel of land, where the grantor owns a fractional interest that represents 5 percent or less of the parcel.".

▮(B) in subsection (e), by striking the matter preceding paragraph (1), and inserting "Notwithstanding any other provision of law, the names and mailing addresses of the owners of any interest in trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual shall, upon written request, be made available to—";

▮(C) in subsection (e)(1), by striking "Indian";

▮(D) in subsection (e)(3), by striking "prospective applicants for the leasing, use, or consolidation of" and insert "any person that is leasing, using, or consolidating, or is applying to lease, use, or consolidate,"; and

▮(E) by striking subsection (f) and inserting the following:

▮"(f) Purchase of Land by Indian Tribe.—

▮"(1) In general.—Except as provided in paragraph (2), before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of trust or restricted land, the Indian tribe with jurisdiction over the parcel shall have the opportunity—

▮"(A) to match any offer contained in the application; or

▮"(B) in a case in which there is no purchase price offered, to acquire the interest in the parcel by paying the fair market value of the interest.

▮"(2) Exception for family farms.—

▮"(A) In general.—Paragraph (1) shall not apply to a parcel of trust or restricted land that is part of a family farm that is conveyed to a member of the family of a landowner (as defined in section 206(c)(2)(A)(iv)) if the conveyance requires that in the event that the interest is offered for sale to an entity that is not a member of the family of the landowner, the Indian tribe with jurisdiction over the land shall be afforded the opportunity to purchase the interest pursuant to paragraph (1).

▮"(B) Applicability of other provision.—Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of any trust or restricted land referred to in subparagraph (A)."; and

▮(10) in section 219(b)(1)(A) (25 U.S.C. 2218(b)(1)(A)), by striking "100" and inserting "90".

▮(b) Definitions.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

▮(1) by striking paragraph (2) and inserting the following:

▮"(2) 'Indian' means—

▮"(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of the date of enactment of the American Indian Probate Reform Act of 2003) of an interest in trust or restricted land;

▮"(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder;

▮"(C) any person not included in subparagraph (A) or (B) who is a lineal descendant within 3 degrees of a person described in subparagraph (A);

▮"(D) an owner of a trust or restricted interest in a parcel of land for purposes of inheriting another trust or restricted interest in such parcel; and

▮"(E) with respect to the ownership, devise, or descent of trust or restricted land in the State of California, any person who meets the definition of 'Indians of California' contained in the first section of the Act of May 18, 1928 (25 U.S.C. 651), until otherwise provided by Congress in accordance with section 809(b) of the Indian Health Care Improvement Act (25 U.S.C. 1679)(b))."; and

▮(2) by adding at the end the following:

["(6) 'Parcel of highly fractionated Indian land' means a parcel of land that the Secretary, pursuant to authority under a provision of this Act, determines to have at the time of the determination—

["(A)(i) 100 or more but less than 200 co-owners of undivided trust or restricted interests; and

["(ii) no undivided trust or restricted interest owned by any 1 person which represents more than 2 percent of the total undivided ownership of the parcel; or

["(B)(i) 200 or more but less than 350 co-owners of undivided trust or restricted interests; and

["(ii) no undivided trust or restricted interest owned by any 1 person which represents more than 5 percent of the total undivided ownership of the parcel; or

["(C) 350 or more co-owners of undivided trust or restricted interests.

["(7) 'Person' means a natural person.".

[(c) Issuance of Patents.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348), is amended by striking the second proviso and inserting the following: '*Provided*, That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply to that land for which patents have been executed and delivered:".

[(d) Transfers of Restricted Indian Land.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by—

[(1) striking ", in accordance with" and all that follows through "or in which the subject matter of the corporation is located,";

[(2) striking ", except as provided by the Indian Land Consolidation Act" and all that follows through the colon; and

[(3) inserting "in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):".

[(e) Estate Planning.—

[(1) Conduct of activities.—Section 207(f)(1) of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking paragraph (1) and inserting the following—

["(1) In general.—

["(A) The activities conducted under this subsection shall be conducted in accordance with any applicable—

["(i) tribal probate code; or

["(ii) tribal land consolidation plan.

["(B) The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.".

[(2) Requirements.—Section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)) is amended by striking "and" at the end of subparagraph (A), redesignating subparagraph (B) as subparagraph (D), and adding the following—

["(B) dramatically increase the use of wills and other methods of devise among Indian landowners;

["(C) substantially reduce the quantity and complexity of Indian estates that pass intestate through the probate process, while protecting the rights and interests of Indian landowners; and"; and

[(3) by striking "(3) Contracts.—" and inserting the following—

["(3) Indian civil legal assistance grants.—In carrying out this section, the Secretary shall award grants to nonprofit entities, as defined under section 501(c)(3) of the Internal Revenue Code of 1986, which provide legal assistance services for Indian tribes, individual owners of interests in trust or restricted lands, or Indian organizations pursuant to Federal poverty guidelines which submit an application to the Secretary, in such form and manner as the Secretary may prescribe, for the provision of civil legal assistance to such Indian tribes, individual owners, and Indian organizations for the development of tribal probate codes, for estate planning services or for other purposes consistent with the services they provide to Indians and Indian tribes."; and

[(4) by adding at the end of section 207 (25 U.S.C. 2206) the following:

["(k) Notification to Landowners.—

["(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to each Indian landowner a report that lists, with respect to each tract of trust or restricted land in which the Indian landowner has an interest—

["(A) the location of the tract of land involved;

["(B) the identity of each other co-owner of interests in the parcel of land; and

["(C) the percentage of ownership of each owner of an interest in the tract.

["(2) Statutory construction.—Nothing in this subsection shall preclude any individual Indian from obtaining from the Secretary, upon the request of that individual, any information specified in paragraph (1) before the expiration of the 2-year period specified in paragraph (1).

["(3) Requirements for notification.—Each notification made under paragraph (1) shall include information concerning estate planning and land consolidation options under the provisions of this Act and other applicable Federal law, including information concerning—

["(A) the preparation and execution of wills;

["(B) negotiated sales;

["(C) gift deeds;

["(D) exchanges; and

["(E) life estates without regard to waste.

["(4) Prohibition.—No individual Indian may be denied access to information relating to land in which that individual has an interest described in this section on the basis of section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act').

["(l) Private and Family Trusts Pilot Project.—

["(1) Development pilot project.—

["(A) The Secretary shall consult with tribes, individual landowner organizations, Indian advocacy organizations, and other interested parties to—

["(i) develop a pilot project for the creation and management of private and family trusts for interests in trust or restricted lands; and

["(ii) develop proposed rules, regulations, and guidelines to implement the pilot project.

["(B) The pilot project shall commence on the date of enactment of the American Indian Probate Reform Act of 2003 and shall continue for 3 years after the date of enactment of this subsection.

["(2) Characteristics of private and family trusts.—For purposes of this subsection and any proposed rules, regulations, or guidelines developed under this subsection—

["(A) the terms 'private trust' and 'family trust' shall both mean trusts created pursuant to this subsection for the management and administration of interests in trust or restricted land, held by 1 or more persons, which comprise the corpus of a trust, by a private trustee subject to the approval of the Secretary;

["(B) private and family trusts shall be created and managed in furtherance of the purposes of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

["(C) private and family trusts shall not be construed to impair, impede, replace, abrogate, or modify in any respect the trust duties or responsibilities of the Secretary, nor shall anything in this subsection or in any rules, regulations, or guidelines developed under this subsection enable any private or family trustee of interests in trust or restricted lands to exercise any powers over such interests greater than that held by the Secretary with respect to such interests.

["(3) Report to congress.—Prior to the expiration of the pilot project provided for under this subsection, the Secretary shall submit a report to Congress stating—

["(A) a description of the Secretary's consultation with Indian tribes, individual landowner associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules, regulations, and/or guidelines for the creation and management of private and family trusts over interests in trust and restricted lands;

["(B) the feasibility of accurately tracking such private and family trusts;

["(C) the impact that private and family trusts would have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

["(D) a final recommendation regarding whether to adopt the creation of a permanent private and family trust program as a management and consolidation measure for interests in trust or restricted lands.".

[SEC. 7. UNCLAIMED AND ABANDONED PROPERTY.

[The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (as amended by section 5) is amended by adding at the end the following:

["SEC. 222. UNCLAIMED AND ABANDONED PROPERTY.

["(a) Interests Presumed Abandoned.—An undivided trust or restricted interest in a parcel of land owned by a person shall be presumed abandoned and subject to the provisions of this section if the Secretary makes a determination that—

["(1) a period of 6 consecutive years next preceding such determination has passed during which the person owning such interest has not made any indication or expression of interest in the trust or restricted interest as set forth in subsection (b);

["(2) the person owning the trust or restricted interest was, at all times during the 6-year period described in paragraph (1), over the age of 18; and

["(3) as of the expiration of the 6-year period described in paragraph (1), such parcel was a parcel of highly fractionated Indian land.

["(b) Indicators of Owner Interest.—For purposes of subsection (a), an indication or expression of an owner's interest in the property shall mean the owner or any person acting on behalf of the owner—

["(1) making a deposit to, withdrawal from, or inquiry into an individual Indian money account associated with such interest;

["(2) negotiating a Treasury check derived from such interest or account;

["(3) providing the Secretary with a valid address; or

["(4) communicating with the Secretary regarding such interest or account.

["(c) Related Property.—At the time that property is presumed to be abandoned under this section, any other property right accrued or accruing to the owner as a result of the interest, including funds in an associated individual Indian money account, that has not previously been presumed abandoned under this section, also shall be presumed abandoned.

❙"(d) Annual List of Property; Notice to Owners.—No later than the first day of November of each year, the Secretary shall prepare and distribute a list of names of persons owning property presumed abandoned under this section during the preceding fiscal year and provide notice to such persons in accordance with the following requirements:

❙"(1) Contents of annual list.—The list shall set forth—

❙"(A) the names of all persons owning interests in land and property presumed to be abandoned under this section;

❙"(B) with respect to each person named on the list, the reservation, if any, and the county and State in which the person's interest in land is located;

❙"(C) the reservation, if any, the city or town, county and State of the person's last known address; and

❙"(D) the name, address, and telephone number of the official or officials within the Department of the Interior to contact for purposes of identifying persons or lands included on the list.

❙"(2) Distribution of list.—The list shall be distributed to all regional offices and agencies of the Bureau of Indian Affairs and to all reservations where land described on this list is located and shall cause the list to be published in the Federal Register within 15 days after the list is prepared.

❙"(3) Notice by mail.—In addition to publishing and distributing the list described in paragraph (1), the Secretary shall attempt to provide the persons owning such trust or restricted interests with actual written notice that the interest and any associated funds or property is presumed abandoned under the provisions of this section. Such notice shall be sent by first class mail to the owner at the owner's last known address and shall include the following:

❙"(A) A legal description of the parcel of which the interest is a part.

❙"(B) A description of the owner's interest.

❙"(C) A statement that the owner has not indicated or expressed an interest in the trust or restricted interest for a period of 6 consecutive years and that such interest, and any funds in an associated individual Indian money account, is presumed abandoned.

❙"(D) A statement that the interest will be appraised and sold for its appraised value unless the owner responds to the notice within 60 days after the notice is mailed or published.

❙"(E) A statement that in the event the owner fails to respond and the notice and the property is sold, the proceeds of such sale and any funds in any associated individual Indian money account will be deposited in an unclaimed property account.

❙"(4) Search for whereabouts of owner.—If the notice described in paragraph (3) is returned undelivered, the Secretary shall attempt to locate the owner by—

❙"(A) searching publicly available records and Federal records, including telephone and address directories and using electronic search methods;

❙"(B) inquiring with—

❙"(i) the owner's relatives, if any are known;

❙"(ii) any Indian tribe of which the owner is a member; and

❙"(iii) the Indian tribe, if any, with jurisdiction over the interest; and

❙"(C) if the value of the interest and any funds in an associated individual Indian money account exceeds $1,000, engaging an independent search firm to perform a missing person search.

❙"(5) Notice by publication.—In the event that the Secretary is unable to locate the owner pursuant to paragraph (4), the Secretary shall publish a notice not later than November 30 following the fiscal year in which the property was presumed to be abandoned under this section. The notice shall include the same information required for the notice described in paragraph (3) and shall be—

❙"(A) published in a newspaper of general circulation on or near the apparent owner's home reservation and near the last known address of the owner; and

❙"(B) in a form that is likely to attract the attention of the apparent owner of the property. .

❙"(e) Conversion of Abandoned Interests.—If, after 2 years from the date the notice is published under subsection (d)(3), any such real property or interest therein remains unclaimed, the Secretary shall appraise such property in a manner consistent with section 215 of the Indian Land Consolidation Act (25 U.S.C. 2214) and shall purchase the property at its appraised value, or sell the property to an Indian tribe with jurisdiction over such property or a person who owns an undivided trust or restricted interest in such property, by competitive bid for not less than the appraised value. The Secretary shall then transfer any monetary interest that the Secretary holds for the previous apparent owner to the unclaimed property account described in subsection (f).

❙"(f) Unclaimed Property Account.—

❙"(1) Except as otherwise provided by this section, the Secretary shall promptly deposit in a special unclaimed property account all funds received under this section. The Secretary shall pay all claims under subsection (g) from this account. The Secretary shall record the name and last known address of each person appearing to be entitled to the property.

❙"(2) The Secretary is authorized to use interest earned on the special unclaimed property account to pay—

❙"(A) the administrative costs of conversion of real property under subsection (g); and

❙"(B) costs of mailing and publication in connection with abandoned property.

❙"(3) The Secretary shall retain a sufficient balance in the account at all times from which to pay claims duly allowed. All other funds shall be available to the Secretary to use for the purposes of land consolidation pursuant to 25 U.S.C. 2212.

❙"(g) Claims.—

❙"(1) Filing of claim.—An individual, or the heirs of an individual, may file a claim to recover property or the proceeds of the conversion of the property on a form prescribed by the Secretary.

❙"(2) Allowance or denial of claim.—Not more than 180 days after a claim is filed, the Secretary shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Secretary shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Secretary or maintain an action under this subsection.

❙"(3) Payment of allowed claim.—Not more than 60 days after a claim is allowed, the property or the net proceeds of the conversion of the property shall be delivered or paid by the Secretary to the claimant, together with any interest, or other increment to which the claimant is entitled under this section.

❙"(4) Judicial review.—An individual aggrieved by a decision of the Secretary under this subsection or whose claim has not been acted upon within 180 days may, after exhausting administrative remedies, seek—

❙"(A) judicial review or other appropriate relief against the Secretary in a United States district court, which may include an order quieting beneficial title in the name of petitioner whose property was sold by the Secretary in violation of this section; and

❙"(B) recover reasonable attorneys fees if he is the prevailing party.

❙"(h) Voluntary Abandonment.—Any person who is an owner of an interest subject to this section may, with the Secretary's approval, voluntarily abandon that interest to the benefit of the tribe with jurisdiction over the parcel of land or a co-owner of a trust or restricted interest in the same parcel of land in accordance with regulations adopted pursuant to subsection (j).

❙"(i) Transfer of Abandoned Interests in Land.—

❙"(1) Any interest in land acquired under subsection (e) or (h) over which an Indian tribe has jurisdiction shall be held in trust by the Secretary for the benefit of that tribe, provided that the tribe may decline any such property in its discretion, and provided that if the tribe declines or does not currently own any interest within that parcel a co-owner with a majority interest shall have the first right of purchase of the property at the appraised price.

❙"(2) Any interest in real property acquired under subsection (e) or (h) that is not subject to the jurisdiction of an Indian tribe shall be held in trust by the Secretary for all of the other co-owners of undivided trust or restricted interests in the parcel in proportion to their respective interests in the property, provided that any owner may decline to accept such interest, in which case that interest shall be allocated proportionately among such other co-owners who do not decline.

❙"(3) The Indian tribe or other subsequent owner described in paragraph (2) takes such interest free of all claims by the owner who abandoned the interest and of all persons claiming through or under such owner.

❙"(j) Regulations.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this section.".

❙SEC. 8. MISSING HEIRS.

❙Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding the following:

❙"(m) Notice.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs, including notice of the provisions of this subsection and of section 207(n) of this Act. Such efforts shall include—

❙"(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search methods;

❙"(2) an inquiry with family members and co-heirs of the property;

❙"(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

[''(4) if the property is of a value greater than $1,000, an independent firm shall be contracted to conduct a missing persons search.

[''(n) Missing Heirs.—

[''(1) For purposes of this subsection and subsection (m), an heir will be presumed missing if his whereabouts remain unknown 60 days after completion of notice efforts under subsection (m) and they have had no contact with other heirs or the Department for 6 years prior to a hearing or decision to ascertain heirs.

[''(2) Before the date for declaring an heir missing, any person may request an extension of time to locate an heir. An extension may be granted for good cause.

[''(3) An heir shall be declared missing only after a review of the efforts made and a finding that this section has been complied with.

[''(4) A missing heir shall be presumed to have predeceased the decedent for purposes of descent and devise.''.

[SEC. 9. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.

[The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (as amended by section 7) is amended by adding at the end the following:

["SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.

[''(a) In General.—On an annual basis, the Secretary shall send a notice, response form, and a change of name and address form to each owner of an interest in trust or restricted land. The notice shall inform owners of their interest and obligation to provide the Secretary with a notice of any change in their name or address immediately upon such change. The response form should include a section in which the owner may confirm or update his name and address. The change of name and address form may be used by the owner at any time when his name or address changes subsequent to his annual filing of the response form.

[''(b) Owner Response.—The owner of an interest in trust or restricted land shall file the response form upon receipt to confirm or update his name and address on an annual basis.

[''(c) No Response; Initiation of Search.—In the event that an owner does not file the response form or provide the Secretary with a confirmation or update of his name and address through other means, the Secretary shall initiate a search in order to ascertain the whereabouts and status of the owner.''.

[SEC. 10. EFFECTIVE DATE.

[The amendments made by this Act shall not apply to the estate of an individual who dies before the later of—

[(1) the date that is 1 year after the date of enactment of this Act; or

[(2) the date specified in section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(5)).]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Indian Probate Reform Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of February 8, 1887 (commonly known as the ''Indian General Allotment Act'') (25 U.S.C. 331 et seq.), which authorized the allotment of Indian reservations, did not permit Indian allotment owners to provide for the testamentary disposition of the land that was allotted to them;

(2) that Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment;

(3) the reliance of the Federal Government on the State law of intestate succession with respect to the descent of allotments has resulted in numerous problems affecting Indian tribes, members of Indian tribes, and the Federal Government, including—

(A) the increasingly fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

(B) the application of different rules of intestate succession to each interest of a decedent in or to trust or restricted land if that land is located within the boundaries of more than 1 State, which application—

(i) makes probate planning unnecessarily difficult; and

(ii) impedes efforts to provide probate planning assistance or advice;

(C) the absence of a uniform general probate code for trust and restricted land, which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which—

(i) is unfair to the owners of trust and restricted land (and heirs and devisees of owners); and

(ii) makes probate planning more difficult;

(4) a uniform Federal probate code would likely—

(A) reduce the number of fractionated interests in trust or restricted land;

(B) facilitate efforts to provide probate planning assistance and advice and create incentives for owners of trust and restricted land to engage in estate planning;

(C) facilitate intertribal efforts to produce tribal probate codes in accordance with section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

(D) provide essential elements of general probate law that are not applicable on the date of enactment of this Act to interests in trust or restricted land; and

(5) the provisions of a uniform Federal probate code and other forth in this Act should operate to further the policy of the United States as stated in the Indian Land Consolidated Act Amendments of 2000, Public Law 106–462, 102, November 7, 2000, 114 Stat. 1992.

SEC. 3. INDIAN PROBATE REFORM.

(a) Nontestamentary Disposition.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (a) and inserting the following:

''(a) Nontestamentary Disposition.—

''(1) Rules of descent.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any trust or restricted interest in land or interest in trust personalty that is not disposed of by a valid will—

''(A) shall descend according to an applicable tribal probate code approved in accordance with section 206; or

''(B) in the case of a trust or restricted interest in land or interest in trust personalty to which a tribal probate code does not apply, shall descend in accordance with—

''(i) paragraphs (2) through (5); and

''(ii) other applicable Federal law.

''(2) Rules governing descent of estate.—

''(A) Surviving spouse.—If there is a surviving spouse of the decedent, such spouse shall receive trust and restricted land and trust personalty in the estate as follows:

''(i) If the decedent is survived by 1 or more eligible heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive ⅓ of the trust personalty of the decedent and a life estate without regard to waste in the interests in trust or restricted lands of the decedent.

''(ii) If there are no eligible heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive all of the trust personalty of the decedent and a life estate without regard to waste in the trust or restricted lands of the decedent.

''(iii) The remainder shall pass as set forth in subparagraph (B).

''(iv) Trust personalty passing to a surviving spouse under the provisions of this subparagraph shall be maintained by the Secretary in an account as trust personalty, but only if such spouse is Indian.

''(B) Individual and tribal heirs.—Where there is no surviving spouse of the decedent, or there is a remainder interest pursuant to subparagraph (A), the trust or restricted estate or such remainder shall, subject to subparagraphs (A) and (D), pass as follows:

''(i) To those of the decedent's children who are eligible heirs (or if 1 or more of such children do not survive the decedent, the children of any such deceased child who are eligible heirs, by right of representation, but only if such children of the deceased child survive the decedent) in equal shares.

''(ii) If the property does not pass under clause (i), to those of the decedent's surviving great-grandchildren who are eligible heirs, in equal shares.

''(iii) If the property does not pass under clause (i) or (ii), to the decedent's surviving parent who is an eligible heir, and if both parents survive the decedent and are both eligible heirs, to both parents in equal shares.

''(iv) If the property does not pass under clause (i), (ii), or (iii), to those of the decedent's surviving siblings who are eligible heirs, in equal shares.

''(v) If the property does not pass under clause (i), (ii), (iii), or (iv), to the Indian tribe with jurisdiction over the interests in trust or restricted lands;

except that notwithstanding clause (v), an Indian co-owner (including the Indian tribe referred to in clause (v)) of a parcel of trust or restricted land may acquire an interest that would otherwise descend under that clause by paying into the estate of the decedent, before the close of the probate of the estate, the fair market value of the interest in the land; if more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall acquire the interest.

''(C) No Indian tribe.—

''(i) In general.—If there is no Indian tribe with jurisdiction over the interests in trust or restricted lands that would otherwise descend under subparagraph (B)(v), then such interests shall be divided equally among co-owners of trust or restricted interests in the parcel; if there are no such co-owners, then to the United States, provided that any such interests in land passing to the United States under this subparagraph shall be sold by the Secretary and the proceeds from such sale deposited into the land acquisition fund established under section 216 (25 U.S.C. 2215) and used for the purposes described in subsection (b) of that section.

''(ii) Contiguous parcel.—If the interests passing to the United States under this subparagraph are in a parcel of land that is contiguous to another parcel of trust or restricted land, the Secretary shall give the owner or owners of the trust or restricted interest in the contiguous parcel the first opportunity to purchase the interest at not less than fair market value determined in accordance with this Act. If more than 1 such owner in the contiguous parcel request to purchase the parcel, the Secretary shall sell the parcel by public auction or sealed bid (as determined by the Secretary) at not less than fair

market value to the owner of a trust or restricted interest in the contiguous parcel submitting the highest bid.

"(D) INTESTATE DESCENT OF SMALL FRACTIONAL INTERESTS IN LAND.—

"(i) GENERAL RULE.—Notwithstanding subparagraphs (A) and (B), and subject to any applicable Federal law, any trust or restricted interest in land in the decedent's estate that is not disposed of by a valid will and represents less than 5 percent of the entire undivided ownership of the parcel of land of which such interest is a part, as evidenced by the decedent's estate inventory at the time of the heirship determination, shall descend in accordance with clauses (ii) through (iv).

"(ii) SURVIVING SPOUSE.—If there is a surviving spouse, and such spouse was residing on a parcel of land described in clause (i) at the time of the decedent's death, the spouse shall receive a life estate without regard to waste in the decedent's trust or restricted interest in only such parcel, and the remainder interest in that parcel shall pass in accordance with clause (iii).

"(iii) SINGLE HEIR RULE.—Where there is no life estate created under clause (ii) or there is a remainder interest under that clause, the trust or restricted interest or remainder interest that is subject to this subparagraph shall descend, in trust or restricted status, to—

"(I) the decedent's surviving child, but only if such child is an eligible heir; and if 2 or more surviving children are eligible heirs, then to the oldest of such children;

"(II) if the interest does not pass under subclause (I), the decedent's surviving grandchild, but only if such grandchild is an eligible heir; and if 2 or more surviving grandchildren are eligible heirs, then to the oldest of such grandchildren;

"(III) if the interest does not pass under subclause (I) or (II), the decedent's surviving great grandchild, but only if such great grandchild is an eligible heir; and if 2 or more surviving great grandchildren are eligible heirs, then to the oldest of such great grandchildren;

"(IV) if the interest does not pass under subclause (I), (II), or (III), the Indian tribe with jurisdiction over the interest; or

"(V) if the interest does not pass under subclause (I), (II), or (III), and there is no such Indian tribe to inherit the property under subclause (IV), the interest shall be divided equally among co-owners of trust or restricted interests in the parcel; and if there are no such co-owners, then to the United States, to be sold, and the proceeds from sale used, in the same manner provided in subparagraph (C).

The determination of which person is the oldest eligible heir for inheritance purposes under this clause shall be made by the Secretary in the decedent's probate proceeding and shall be consistent with the provisions of this Act.

"(iv) EXCEPTIONS.—Notwithstanding clause (iii)—

"(I)(aa) the heir of an interest under clause (iii), unless the heir is a minor or incompetent person, may agree in writing entered into the record of the decedent's probate proceeding to renounce such interest, in trust or restricted status, in favor of—

"(AA) any other eligible heir or Indian person related to the heir by blood, but in any case never in favor of more than 1 such heir or person;

"(BB) any co-owner of another trust or restricted interest in such parcel of land; or

"(CC) the Indian tribe with jurisdiction over the interest, if any; and

"(bb) the Secretary shall give effect to such agreement in the distribution of the interest in the probate proceeding; and

"(II) the governing body of the Indian tribe with jurisdiction over an interest in trust or restricted land that is subject to the provisions of this subparagraph may adopt a rule of intestate descent applicable to such interest that differs from the order of decedent set forth in clause (iii). The Secretary shall apply such rule to the interest in distributing the decedent's estate, but only if—

"(aa) a copy of the tribal rule is delivered to the official designated by the Secretary to receive copies of tribal rules for the purposes of this clause;

"(bb) the tribal rule provides for the intestate inheritance of such interest by no more than 1 heir, so that the interest does not further fractionate;

"(cc) the tribal rule does not apply to any interest disposed of by a valid will;

"(dd) the decedent died on or after the date described in subsection (b) of section 8 of the American Indian Probate Act of 2001, or on or after the date on which a copy of the tribal rule was delivered to the Secretary pursuant to item (aa), whichever is later; and

"(ee) the Secretary does not make a determination within 90 days after a copy of the tribal rule is delivered pursuant to item (aa) that the rule would be unreasonably difficult to administer or does not conform with the requirements in item (bb) or (cc).

"(v) RULE OF CONSTRUCTION.—This subparagraph shall not be construed to limit a person's right to devise any trust or restricted interest by way of a valid will in accordance with subsection (b).

"(3) RIGHT OF REPRESENTATION.—If, under this subsection, all or any part of the estate of a decedent is to pass to children of a deceased child by right of representation, that part is to be divided into as many equal shares as there are living children of the decedent and pre-deceased children who left issue who survive the decedent. Each living child of the decedent, if any, shall receive 1 share, and the share of each pre-deceased child shall be divided equally among the pre-deceased child's children.

"(4) SPECIAL RULE RELATING TO SURVIVAL.—In the case of intestate succession under this subsection, if an individual fails to survive the decedent by at least 120 hours, as established by clear and convincing evidence—

"(A) the individual shall be deemed to have predeceased the decedent for the purpose of intestate succession; and

"(B) the heirs of the decedent shall be determined in accordance with this section.

"(5) STATUS OF INHERITED INTERESTS.—Except as provided in paragraphs (2) (A) and (D) regarding the life estate of a surviving spouse, a trust or restricted interest in land or trust personalty that descends under the provisions of this subsection shall vest in the heir in the same trust or restricted status as such interest was held immediately prior to the decedent's death.".

(b) TESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (b) and inserting the following:

"(b) TESTAMENTARY DISPOSITION.—

"(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

"(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of a trust or restricted interest in land may devise such interest to—

"(i) any lineal descendant of the testator;

"(ii) any person who owns a preexisting undivided trust or restricted interest in the same parcel of land;

"(iii) the Indian tribe with jurisdiction over the interest in land; or

"(iv) any Indian;

in trust or restricted status.

"(B) RULES OF INTERPRETATION.—Any devise of a trust or restricted interest in land pursuant to subparagraph (A) to an Indian or the Indian tribe with jurisdiction over the interest shall be deemed to be a devise of the interest in trust or restricted status. Any devise of a trust or restricted interest in land to a person who is only eligible to be a devisee under clause (i) or (ii) of subparagraph (A) shall be presumed to be a devise of the interest in trust or restricted status unless language in such devise clearly evidences an intent on the part of the testator that the interest is to pass as a life estate or fee interest in accordance with paragraph (2)(A).

"(2) DEVISE OF TRUST OR RESTRICTED LAND AS A LIFE ESTATE OR IN FEE.—

"(A) IN GENERAL.—Except as provided under any applicable Federal law, any trust or restricted interest in land that is not devised in accordance with paragraph (1)(A) may be devised only—

"(i) as a life estate to any person, with the remainder being devised only in accordance with subparagraph (B) or paragraph (1); or

"(ii) except as provided in subparagraph (B), as a fee interest without Federal restrictions against alienation to any person who is not eligible to be a devisee under clause (iv) of paragraph (1)(A).

"(B) INDIAN REORGANIZATION ACT LANDS.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464), may be devised only in accordance with—

"(i) that section;

"(ii) subparagraph (A)(i); or

"(iii) paragraph (1)(A);

provided that nothing in this section or in section 4 of the Act of June 18, 1934 (25 U.S.C. 464), shall be construed to authorize the devise of any interest in trust or restricted land that is subject to section 4 of that Act to any person as a fee interest under subparagraph (A)(ii).

"(3) GENERAL DEVISE OF AN INTEREST IN TRUST PERSONALTY.—

"(A) TRUST PERSONALITY DEFINED.—The term 'trust personalty' as used in this section includes all funds and securities of any kind which are held in trust in an individual Indian money account or otherwise supervised by the Secretary.

"(B) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of such trust personalty, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust personalty may devise such an interest to any person or entity.

"(C) MAINTENANCE AS TRUST PERSONALTY.—In the case of a devise of an interest in trust personalty to a person or Indian tribe eligible to be a devisee under paragraph (1)(A), the Secretary shall maintain and continue to manage such interests as trust personalty.

"(D) DIRECT DISBURSEMENT AND DISTRIBUTION.—In the case of a devise of an interest in trust personalty to a person or Indian tribe not eligible to be a devisee under paragraph (1)(A), the Secretary shall directly disburse and distribute such personalty to the devisee.

"(4) INVALID DEVISES AND WILLS.—

"(A) LAND.—Any trust or restricted interest in land that is not devised in accordance with paragraph (1) or (2) or that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (a).

"(B) PERSONALTY.—Any trust personalty that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (a).".

(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—Section 207(c) of the Indian Land Consolidation

Act (25 U.S.C. 2206(c)) is amended by striking all that follows the heading, "Joint Tenancy; Right of Survivorship", and inserting the following:

"(1) PRESUMPTION OF JOINT TENANCY.—If a testator devises trust or restricted interests in the same parcel of land to more than 1 person, in the absence of clear and express language in the devise stating that the interest is to pass to the devisees as tenants in common, the devise shall be presumed to create a joint tenancy with the right of survivorship in the interests involved.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any devise of an interest in trust or restricted land where the will in which such devise is made was executed prior to the date that is 1 year after the date on which the Secretary publishes the certification required by section 8(a)(4) of the American Indian Probate Reform Act of 2004.".

(d) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

"(h) APPLICABLE FEDERAL LAW.—

"(1) IN GENERAL.—Any references in subsections (a) and (b) to applicable Federal law include—

"(A) Public Law 91–627 (84 Stat. 1874);

"(B) Public Law 92–377 (86 Stat. 530);

"(C) Public Law 92–443 (86 Stat. 744);

"(D) Public Law 96–274 (94 Stat. 537); and

"(E) Public Law 98–513 (98 Stat. 2411).

"(2) NO EFFECT ON LAWS.—Nothing in this Act amends or otherwise affects the application of any law described in paragraph (1), or any other Federal law that pertains to—

"(A) trust or restricted land located on 1 or more specific Indian reservations that are expressly identified in such law; or

"(B) the allotted lands of 1 or more specific Indian tribes that are expressly identified in such law.

"(i) RULES OF INTERPRETATION.—In the absence of a contrary intent, and except as otherwise provided under this Act, applicable Federal law, or a tribal probate code approved by the Secretary pursuant to section 206, wills shall be construed as to trust and restricted land and trust personalty in accordance with the following rules:

"(1) CONSTRUCTION THAT WILL PASSES ALL PROPERTY.—A will shall be construed to apply to all trust and restricted land and trust personalty which the testator owned at his death, including any such land or personalty acquired after the execution of his will.

"(2) CLASS GIFTS.—

"(A) NO DIFFERENTIATION BETWEEN RELATIONSHIP BY BLOOD AND RELATIONSHIP BY AFFINITY.—Terms of relationship that do not differentiate relationships by blood from those by affinity, such as 'uncles', 'aunts', 'nieces', or 'nephews', are construed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as 'brothers', 'sisters', 'nieces', or 'nephews', are construed to include both types of relationships.

"(B) MEANING OF 'HEIRS' AND 'NEXT OF KIN', ETC.; TIME OF ASCERTAINING CLASS.—A devise of trust or restricted interest in land or an interest in trust personalty to the testator's or another designated person's 'heirs', 'next of kin', 'relatives', or 'family' shall mean those persons, including the spouse, who would be entitled to take under the provisions of this Act for nontestamentary disposition. The class is to be ascertained as of the date of the testator's death.

"(C) TIME FOR ASCERTAINING CLASS.—In construing a devise to a class other than a class described in subparagraph (B), the class shall be ascertained as of the time the devise is to take effect in enjoyment. The surviving issue of any member of the class who is then dead shall take by right of representation the share which their deceased ancestor would have taken.

"(3) MEANING OF 'DIE WITHOUT ISSUE' AND SIMILAR PHRASES.—In any devise under this chapter, the words 'die without issue', 'die without leaving issue', 'have no issue', or words of a similar import shall be construed to mean that an individual had no lineal descendants in his lifetime or at his death, and not that there will be no lineal descendants at some future time.

"(4) PERSONS BORN OUT OF WEDLOCK.—In construing provisions of this chapter relating to lapsed and void devises, and in construing a devise to a person or persons described by relationship to the testator or to another, a person born out of wedlock shall be considered the child of the natural mother and also of the natural father.

"(5) LAPSED DEVISES.—Subject to the provisions of subsection (b), where the testator devises or bequeaths a trust or restricted interest in land or trust personalty to the testator's grandparents or to the lineal descendent of a grandparent, and the devisee or legatee dies before the testator leaving lineal descendents, such descendents shall take the interest so devised or bequeathed per stirpes.

"(6) VOID DEVISES.—Except as provided in paragraph (5), and if the disposition shall not be otherwise expressly provided for by a tribal probate code approved under section 206 (25 U.S.C. 2205), if a devise other than a residuary devise of a trust or restricted interest in land or trust personalty fails for any reason, such interest shall become part of the residue and pass, subject to the provisions of subsection (b), to the other residuary devisees, if any, in proportion to their respective shares or interests in the residue.

"(7) FAMILY CEMETERY PLOT.—If a family cemetery plot owned by the testator at his decease is not mentioned in the decedent's will, the ownership of the plot shall descend to his heirs as if he had died intestate.

"(j) HEIRSHIP BY KILLING.—

"(1) HEIR BY KILLING DEFINED.—As used in this subsection, 'heir by killing' means any person who knowingly participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent.

"(2) NO ACQUISITION OF PROPERTY BY KILLING.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, no heir by killing shall in any way acquire any trust or restricted interests in land or interests in trust personalty as the result of the death of the decedent, but such property shall pass in accordance with this subsection.

"(3) DESCENT, DISTRIBUTION, AND RIGHT OF SURVIVORSHIP.—The heir by killing shall be deemed to have predeceased the decedent as to decedent's trust or restricted interests in land or trust personalty which would have passed from the decedent or his estate to such heir—

"(A) under intestate succession under this section;

"(B) under a tribal probate code, unless otherwise provided for;

"(C) as the surviving spouse;

"(D) by devise;

"(E) as a reversion or a vested remainder;

"(F) as a survivorship interest; and

"(G) as a contingent remainder or executory or other future interest.

"(4) JOINT TENANTS, JOINT OWNERS, AND JOINT OBLIGEES.—

"(A) Any trust or restricted land or trust personalty held by only the heir by killing and the decedent as joint tenants, joint owners, or joint obligees shall pass upon the death of the decedent to his or her estate, as if the heir by killing had predeceased the decedent.

"(B) As to trust or restricted land or trust personalty held jointly by 3 or more persons, including both the heir by killing and the decedent, any income which would have accrued to the heir by killing as a result of the death of the decedent shall pass to the estate of the decedent as if the heir by killing had predeceased the decedent and any surviving joint tenants.

"(C) Notwithstanding any other provision of this subsection, the decedent's trust or restricted interest land or trust personalty that is held in a joint tenancy with the right of survivorship shall be severed from the joint tenancy as though the property held in the joint tenancy were to be severed and distributed equally among the joint tenants and the decedent's interest shall pass to his estate; the remainder of the interests shall remain in joint tenancy with right of survivorship among the surviving joint tenants.

"(5) LIFE ESTATE FOR THE LIFE OF ANOTHER.—If the estate is held by a third person whose possession expires upon the death of the decedent, it shall remain in such person's hands for the period of time following the decedent's death equal to the life expectancy of the decedent but for the killing.

"(6) PREADJUDICATION RULE.—

"(A) IN GENERAL.—If a person has been charged, whether by indictment, information, or otherwise by the United States, a tribe, or any State, with voluntary manslaughter or homicide in connection with a decedent's death, then any and all trust or restricted land or trust personalty that would otherwise pass to that person from the decedent's estate shall not pass or be distributed by the Secretary until the charges have been resolved in accordance with the provisions of this paragraph.

"(B) DISMISSAL OR WITHDRAWAL.—Upon dismissal or withdrawal of the charge, or upon a verdict of not guilty, such land and personalty shall pass as if no charge had been filed or made.

"(C) CONVICTION.—Upon conviction of such person, and the exhaustion of all appeals, if any, the trust and restricted land and trust personalty in the estate shall pass in accordance with this subsection.

"(7) BROAD CONSTRUCTION; POLICY OF SUBSECTION.—This subsection shall not be considered penal in nature, but shall be construed broadly in order to effect the policy that no person shall be allowed to profit by his own wrong, wherever committed.

"(k) GENERAL RULES GOVERNING PROBATE.—

"(1) SCOPE.—Except as provided under applicable Federal law or a tribal probate code approved under section 206, the provisions of this subsection shall govern the probate of estates containing trust and restricted interests in land or trust personalty.

"(2) PRETERMITTED SPOUSES AND CHILDREN.—

"(A) SPOUSES.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the surviving spouse of a testator married the testator after the testator executed the will of the testator, the surviving spouse shall receive the intestate share in the decedent's trust or restricted land and trust personalty that the spouse would have received if the testator had died intestate.

"(ii) EXCEPTION.—Clause (i) shall not apply to a trust or restricted interest land where—

"(I) the will of a testator is executed before the date of enactment of this subparagraph;

"(II)(aa) the spouse of a testator is a non-Indian; and

"(bb) the testator devised the interests in trust or restricted land of the testator to 1 or more Indians;

"(III) it appears, based on an examination of the will or other evidence, that the will was made in contemplation of the marriage of the testator to the surviving spouse;

"(IV) the will expresses the intention that the will is to be effective notwithstanding any subsequent marriage; or

"(V)(aa) the testator provided for the spouse by a transfer of funds or property outside the will; and

"(bb) an intent that the transfer be in lieu of a testamentary provision is demonstrated by statements of the testator or through a reasonable inference based on the amount of the transfer or other evidence.

"(iii) SPOUSES MARRIED AT THE TIME OF THE WILL.—Should the surviving spouse of the testator be omitted from the will of the testator, the surviving spouse shall be treated, for purposes of trust or restricted land or trust personalty in the testator's estate, in accordance with the provisions of section 207(a)(2)(A), as though there was no will but only if—

"(I) the testator and surviving spouse were continuously married without legal separation for the 5-year period preceding the decedent's death;

"(II) the testator and surviving spouse have a surviving child who is the child of the testator;

"(III) the surviving spouse has made substantial payments toward the purchase of, or improvements to, the trust or restricted land in such estate; or

"(IV) the surviving spouse is under a binding obligation to continue making loan payments for the trust or restricted land for a substantial period of time;

except that, if there is evidence that the testator adequately provided for the surviving spouse and any minor children by a transfer of funds or property outside of the will, this clause shall not apply.

"(B) CHILDREN.—

"(i) IN GENERAL.—If a testator executed the will of the testator before the birth or adoption of 1 or more children of the testator, and the omission of the children from the will is a product of inadvertence rather than an intentional omission, the children shall share in the trust or restricted interests in land and trust personalty as if the decedent had died intestate.

"(ii) ADOPTED HEIRS.—Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (25 U.S.C. 372a), shall be treated as the child of a decedent under this subsection.

"(iii) ADOPTED-OUT CHILDREN.—

"(I) IN GENERAL.—For purposes of this Act, an adopted person shall not be considered the child or issue of his natural parents, except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.

"(II) ELIGIBLE HEIR PURSUANT TO OTHER FEDERAL LAW OR TRIBAL LAW.—Notwithstanding the provisions of subparagraph (B)(iii)(I), other Federal laws and laws of the Indian tribe with jurisdiction over the trust or restricted interest in land may otherwise define the inheritance rights of adopted-out children.

"(3) DIVORCE.—

"(A) SURVIVING SPOUSE.—

"(i) IN GENERAL.—An individual who is divorced from a decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death of the decedent.

"(ii) SEPARATION.—A decree of separation that does not dissolve a marriage, and terminate the status of husband and wife, shall not be considered a divorce for the purpose of this subsection.

"(iii) NO EFFECT ON ADJUDICATIONS.—Nothing in clause (i) shall prevent the Secretary from giving effect to a property right settlement relating to a trust or restricted interest in land or an interest in trust personalty if 1 of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

"(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—

"(i) IN GENERAL.—If, after executing a will, a testator is divorced or the marriage of the testator is annulled, as of the effective date of the divorce or annulment, any disposition of trust or restricted interests in land or of trust personalty made by the will to the former spouse of the testator shall be considered to be revoked unless the will expressly provides otherwise.

"(ii) PROPERTY.—Property that is prevented from passing to a former spouse of a decedent under clause (i) shall pass as if the former spouse failed to survive the decedent.

"(iii) PROVISIONS OF WILLS.—Any provision of a will that is considered to be revoked solely by operation of this subparagraph shall be revived by the remarriage of a testator to the former spouse of the testator.

"(4) AFTER-BORN HEIRS.—A child in gestation at the time of decedent's death will be treated as having survived the decedent if the child lives at least 120 hours after its birth.

"(5) ADVANCEMENTS OF TRUST PERSONALTY DURING LIFETIME; EFFECT ON DISTRIBUTION OF ESTATE.—

"(A) The trust personalty of a decedent who dies intestate as to all or a portion of his or her estate, given during the decedent's lifetime to a person eligible to be an heir of the decedent under subsection (b)(2)(B), shall be treated as an advancement against the heir's inheritance, but only if the decedent declared in a contemporaneous writing, or the heir acknowledged in writing, that the gift is an advancement or is to be taken into account in computing the division and distribution of the decedent's intestate estate.

"(B) For the purposes of this section, trust personalty advanced during the decedent's lifetime is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever occurs first.

"(C) If the recipient of the trust personalty predeceases the decedent, the property shall not be treated as an advancement or taken into account in computing the division and distribution of the decedent's intestate estate unless the decedent's contemporaneous writing provides otherwise.

"(6) HEIRS RELATED TO DECEDENT THROUGH 2 LINES; SINGLE SHARE.—A person who is related to the decedent through 2 lines of relationship is entitled to only a single share of the trust or restricted land or trust personalty in the decedent's estate based on the relationship that would entitle such person to the larger share.

"(7) NOTICE.—

"(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall notify each owner of trust and restricted land of the provisions of this Act.

"(B) COMBINED NOTICES.—The notice under subparagraph (A) may, at the discretion of the Secretary, be provided with the notice required under subsection (a) of section 8 of the American Indian Probate Reform Act of 2004.

"(8) RENUNCIATION OR DISCLAIMER OF INTERESTS.—

"(A) IN GENERAL.—Any person 18 years of age or older may renounce or disclaim an inheritance of a trust or restricted interest in land or in trust personalty through intestate succession or devise, either in full or subject to the reservation of a life estate (where the interest is an interest in land), in accordance with subparagraph (B), by filing a signed and acknowledged declaration with the probate decisionmaker prior to entry of a final probate order. No interest so renounced or disclaimed shall be considered to have vested in the renouncing or disclaiming heir or devisee, and the renunciation or disclaimer shall not be considered to be a transfer or gift of the renounced or disclaimed interest.

"(B) ELIGIBLE RECIPIENTS OF RENOUNCED OR DISCLAIMED INTERESTS; NOTICE TO RECIPIENTS.—

"(i) INTERESTS IN LAND.—A trust or restricted interest in land may be renounced or disclaimed only in favor of—

"(I) an eligible heir;

"(II) any person who would have been eligible to be a devisee of the interest in question pursuant to subsection (b)(1)(A) (but only in cases where the renouncing person is a devisee of the interest under a valid will); or

"(III) the Indian tribe with jurisdiction over the interest in question;

and the interest so renounced shall pass to its recipient in trust or restricted status.

"(ii) TRUST PERSONALTY.—An interest in trust personalty may be renounced or disclaimed in favor of any person who would be eligible to be a devisee of such an interest under subsection (b)(3) and shall pass to the recipient in accordance with the provisions of that subsection.

"(iii) UNAUTHORIZED RENUNCIATIONS AND DISCLAIMERS.—Unless renounced or disclaimed in favor of a person or Indian tribe eligible to receive the interest in accordance with the provisions of this subparagraph, a renounced or disclaimed interest shall pass as if the renunciation or disclaimer had not been made.

"(C) ACCEPTANCE OF INTEREST.—A renunciation or disclaimer of an interest filed in accordance with this paragraph shall be considered accepted when implemented in a final order by a decisionmaker, and shall thereafter be irrevocable. No renunciation or disclaimer of an interest shall be included in such order unless the recipient of the interest has been given notice of the renunciation or disclaimer and has not refused to accept the interest. All disclaimers and renunciations filed and implemented in probate orders made effective prior to the date of enactment of the American Indian Probate Reform Act of 2004 are hereby ratified.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to allow the renunciation of an interest that is subject to the provisions of section 207(a)(2)(D) (25 U.S.C. 2206(a)(2)(D)) in favor of more than 1 person.

"(9) CONSOLIDATION AGREEMENTS.—

"(A) IN GENERAL.—During the pendency of probate, the decisionmaker is authorized to approve written consolidation agreements effecting exchanges or gifts voluntarily entered into between the decedent's eligible heirs or devisees, to consolidate interests in any tract of land included in the decedent's trust inventory. Such agreements may provide for the conveyance of interests already owned by such heirs or devisees in such tracts, without having to comply with the Secretary's rules and requirements otherwise applicable to conveyances by deed of trust or restricted interests in land.

"(B) EFFECTIVE.—An agreement approved under subparagraph (A) shall be considered final when implemented in an order by a decisionmaker. The final probate order shall direct any changes necessary to the Secretary's land records, to reflect and implement the terms of the approved agreement.

"(C) EFFECT ON PURCHASE OPTION AT PROBATE.—Any interest in trust or restricted land that is subject to a consolidation agreement under this paragraph or section 207(e) (25 U.S.C. 2206(e)) shall not be available for purchase under section 207(p) (25 U.S.C. 2206(p)) unless the decisionmaker determines that the agreement should not be approved.".

SEC. 4. PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.

Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) (as amended by section 6(a)(2)) is amended by adding at the end the following:

"(d) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—

"(1) APPLICABILITY.—This subsection shall be applicable only to parcels of land (including surface and subsurface interests, except with respect to a subsurface interest that has been severed from the surface interest, in which case this subsection shall apply only to the surface interest) which the Secretary has determined, pursuant to paragraph (2)(B), to be parcels of highly fractionated Indian land.

"(2) REQUIREMENTS.—Each partition action under this subsection shall be conducted by the Secretary in accordance with the following requirements:

"(A) APPLICATION.—Upon receipt of any payment or bond required under subparagraph (B), the Secretary shall commence a process for partitioning a parcel of land by sale in accordance with the provisions of this subsection upon receipt of an application by—

"(i) the Indian tribe with jurisdiction over the subject land that owns an undivided interest in the parcel of land; or

"(ii) any person owning an undivided interest in the parcel of land who is eligible to bid at the sale of the parcel pursuant to subclause (II), (III), or (IV) of subparagraph (I)(i);

provided that no such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

"(B) COSTS OF SERVING NOTICE AND PUBLICATION.—The costs of serving and publishing notice under subparagraph (F) shall be borne by the applicant. Upon receiving written notice from the Secretary, the applicant must pay to the Secretary an amount determined by the Secretary to be the estimated costs of such service of notice and publication, or furnish a sufficient bond for such estimated costs within the time stated in the notice, failing which, unless an extension is granted by the Secretary, the Secretary shall not be required to commence the partition process under subparagraph (A) and may deny the application. The Secretary shall have the discretion and authority in any case to waive either the payment or the bond (or any portion of such payment or bond) otherwise required by this subparagraph, upon making a determination that such waiver will further the policies of this Act.

"(C) DETERMINATION.—Upon receipt of an application pursuant to subparagraph (A), the Secretary shall determine whether the subject parcel meets the requirements set forth in section 202(6) (25 U.S.C. 2201(6)) to be classified as a parcel of highly fractionated Indian land.

"(D) CONSENT REQUIREMENTS.—

"(i) IN GENERAL.—A parcel of land may be partitioned under this subsection only if the applicant obtains the written consent of—

"(I) the Indian tribe with jurisdiction over the subject land if such Indian tribe owns an undivided interest in the parcel;

"(II) any owner who, for the 3-year period immediately preceding the date on which the Secretary receives the application, has

"(aa) continuously maintained a bona fide residence on the parcel; or

"(bb) operated a bona fide farm, ranch, or other business on the parcel; and

"(III) the owners (including parents of minor owners and legal guardians of incompetent owners) of at least 50 percent of the undivided interests in the parcel, but only in cases where the Secretary determines that, based on the final appraisal prepared pursuant to subparagraph (F), any 1 owner's total undivided interest in the parcel (not including the interest of an Indian tribe or that of the owner requesting the partition) has a value in excess of $1,500.

Any consent required by this clause must be in writing and acknowledged before a notary public (or other official authorized to make acknowledgments), and shall be approved by Secretary unless the Secretary has reason to believe that the consent was obtained as a result of fraud or undue influence.

"(ii) CONSENT BY THE SECRETARY ON BEHALF OF CERTAIN INDIVIDUALS.—For the purposes of clause (i)(III), the Secretary may consent on behalf of—

"(I) undetermined heirs of trust or restricted interests and owners of such interests who are minors and legal incompetents having no parents or legal guardian; and

"(II) missing owners or owners of trust or restricted interests whose whereabouts are unknown, but only after a search for such owners has been completed in accordance with the provisions of this subsection.

"(E) APPRAISAL.—After the Secretary has determined that the subject parcel is a parcel of highly fractionated Indian land pursuant to subparagraph (C), the Secretary shall cause to be made, in accordance with the provisions of this Act for establishing fair market value, an appraisal of the fair market value of the subject parcel.

"(F) NOTICE TO OWNERS ON COMPLETION OF APPRAISAL.—Upon completion of the appraisal, the Secretary shall give notice of the requested partition and appraisal to all owners of undivided interests in the parcel, in accordance with principles of due process. Such notice shall include the following requirements:

"(i) WRITTEN NOTICE.—The Secretary shall attempt to give each owner written notice of the partition action stating the following:

"(I) That a proceeding to partition the parcel of land by sale has been commenced.

"(II) The legal description of the subject parcel.

"(III) The owner's ownership interest in the subject parcel as evidenced by the Secretary's records as of the date that owners are determined in accordance with clause (ii).

"(IV) The results of the appraisal.

"(V) The owner's right to receive a copy of the appraisal upon written request.

"(VI) The owner's right to comment on or object to the proposed partition and the appraisal.

"(VII) That the owner must timely comment on or object in writing to the proposed partition or the appraisal, in order to receive notice of approval of the appraisal and right to appeal.

"(VIII) The date by which the owner's written comments or objections must be received, which shall not be less than 90 days after the date that the notice is mailed under this clause or last published under clause (ii)(II).

"(IX) The address for requesting copies of the appraisal and for submitting written comments or objections.

"(X) The name and telephone number of the official to be contacted for purposes of obtaining information regarding the proceeding, including the time and date of the auction of the land or the date for submitting sealed bids.

"(XI) Any other information the Secretary deems to be appropriate.

"(ii) MANNER OF SERVICE.—

"(I) SERVICE BY CERTIFIED MAIL.—The Secretary shall use due diligence to provide all owners of interests in the subject parcel, as evidenced by the Secretary's records at the time of the determination under subparagraph (C), with actual notice of the partition proceedings by mailing a copy of the written notice described in clause (i) by certified mail, restricted delivery, to each such owner at the owner's last known address. For purposes of this subsection, owners shall be determined from the Secretary's land title records as of the date of the determination under subparagraph (C) or a date that is not more than 90 days prior to the date of mailing under this clause, whichever is later. In the event the written notice to an owner is returned undelivered, the Secretary shall attempt to obtain a current address for such owner by conducting a reasonable search (including a reasonable search of records maintained by local, state, Federal and tribal governments and agencies) and by inquiring with the Indian tribe with jurisdiction over the subject parcel, and, if different from that tribe, the Indian tribe of which the owner is a member, and, if successful in locating any such owner, send written notice by certified mail in accordance with this subclause.

"(II) NOTICE BY PUBLICATION.—The Secretary shall give notice by publication of the partition proceedings to all owners that the Secretary was unable to serve pursuant to subclause (I), and to unknown heirs and assigns by—

"(aa) publishing the notice described in clause (i) at least 2 times in a newspaper of general circulation in the county or counties where the subject parcel of land is located or, if there is an Indian tribe with jurisdiction over the parcel of land and that tribe publishes a tribal newspaper or newsletter at least once every month, 1 time in such newspaper of general circulation and 1 time in such tribal newspaper or newsletter;

"(bb) posting such notice in a conspicuous place in the tribal headquarters or administration building (or such other tribal building determined by the Secretary to be most appropriate for giving public notice) of the Indian tribe with jurisdiction over the parcel of land, if any; and

"(cc) in addition to the foregoing, in the Secretary's discretion, publishing notice in any other place or means that the Secretary determines to be appropriate.

"(G) REVIEW OF COMMENTS ON APPRAISAL.—

"(i) IN GENERAL.—After reviewing and considering comments or information timely submitted by any owner of an interest in the parcel in response to the notice required under subparagraph (F), the Secretary may, consistent with the provisions of this Act for establishing fair market value—

"(I) order a new appraisal; or

"(II) approve the appraisal;

provided that if the Secretary orders a new appraisal under subclause (I), notice of the new appraisal shall be given as specified in clause (ii).

"(ii) NOTICE.—Notice shall be given—

"(I) in accordance with subparagraph (H), where the new appraisal results in a higher valuation of the land; or

"(II) in accordance with subparagraph (F)(ii), where the new appraisal results in a lower valuation of the land.

"(H) NOTICE TO OWNERS OF APPROVAL OF APPRAISAL AND RIGHT TO APPEAL.—Upon making the determination under subparagraph (G), the Secretary shall provide to the Indian tribe with jurisdiction over the subject land and to all persons who submitted written comments on or objections to the proposed partition or appraisal, a written notice to be served on such tribe and persons by certified mail. Such notice shall state—

"(i) the results of the appraisal;

"(ii) that the owner has the right to review a copy of the appraisal upon request;

"(iii) that the land will be sold for not less than the appraised value, subject to the consent requirements under paragraph (2)(D);

"(iv) the time of the sale or for submitting bids under subparagraph (I);

"(v) that the owner has the right, under the Secretary's regulations governing administrative appeals, to pursue an administrative appeal from—

"(I) the determination that the land may be partitioned by sale under the provisions of this section; and

"(II) the Secretary's order approving the appraisal;

"(vi) the date by which an administrative appeal must be taken, a citation to the provisions of the Secretary's regulations that will govern the owner's appeal, and any other information required by such regulations to be given to parties affected by adverse decisions of the Secretary;

"(vii) in cases where the Secretary determines that any person's undivided trust or restricted interest in the parcel exceeds $1,500 pursuant to paragraph (2)(D)(iii), that the Secretary has authority to consent to the partition on behalf of undetermined heirs of trust or restricted interests in the parcel and owners of such interests whose whereabouts are unknown; and

"(viii) any other information the Secretary deems to be appropriate.

"(I) SALE TO ELIGIBLE PURCHASER.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the consent requirements of paragraph (2)(D), the Secretary shall, after providing notice to owners under subparagraph (H), including the time and place of sale or for receiving sealed bids, at public auction or by sealed bid (whichever of such methods of sale the Secretary determines to be more appropriate under the circumstances) sell the parcel of land by competitive bid for not less than the final appraised fair market value to the highest bidder from among the following eligible bidders:

"(I) The Indian tribe, if any, with jurisdiction over the trust or restricted interests in the parcel being sold.

"(II) Any person who is a member, or is eligible to be a member, of the Indian tribe described in subclause (I).

"(III) Any person who is a member, or is eligible to be a member, of an Indian tribe but not of the tribe described in subclause (I), but only if such person already owns an undivided interest in the parcel at the time of sale.

"(IV) Any lineal descendent of the original allottee of the parcel who is a member or is eligible to be a member of an Indian tribe or, with respect to a parcel located in the State of California that is not within an Indian tribe's reservation or not otherwise subject to the jurisdiction of an Indian tribe, who is a member, or eligible to be a member, of an Indian tribe or owns a trust or restricted interest in the parcel.

"(ii) RIGHT TO MATCH HIGHEST BID.—If the highest bidder is a person who is only eligible to bid under clause (i)(III), the Indian tribe that has jurisdiction over the parcel, if any, shall have the right to match the highest bid and acquire the parcel, but only if—

"(I) prior to the date of the sale, the governing body of such tribe has adopted a tribal law or resolution reserving its right to match the bids of such nonmember bidders in partition sales under this subsection and delivered a copy of such law or resolution to the Secretary; and

"(II) the parcel is not acquired under clause (iii).

"(iii) RIGHT TO PURCHASE.—Any person who is a member, or eligible to be a member, of the Indian tribe with jurisdiction over the trust or restricted interests in the parcel being sold and is, as of the time of sale under this subparagraph, the owner of the largest undivided interest in the parcel shall have a right to purchase the parcel by tendering to the Secretary an amount equal to the highest sufficient bid submitted at the sale, less that amount of the bid attributable to such owner's share, but only if—

"(I) the owner submitted a sufficient bid at the sale;

"(II) the owner's total undivided interest in the parcel immediately prior to the sale was—

"(aa) greater than the undivided interest held by any other co-owners, except where there are 2 or more co-owners whose interests are of equal size but larger than the interests of all other co-owners and such owners of the largest interests have agreed in writing that 1 of them may exercise the right of purchase under this clause; and

"(bb) equal to or greater than 20 percent of the entire undivided ownership of the parcel;

"(III) within 3 days following the date of the auction or for receiving sealed bids, and in accordance with the regulations adopted to implement this section, the owner delivers to the Secretary a written notice of intent to exercise the owner's rights under this clause; and

"(IV) such owner tenders the amount of the purchase price required under this clause—

"(aa) not less than 30 days after the date of the auction or time for receiving sealed bids; and

"(bb) in accordance with any requirements of the regulations promulgated to implement this section.

"(iv) INTEREST ACQUIRED.—A purchaser of a parcel of land under this subparagraph shall acquire title to the parcel in trust or restricted status, free and clear of any and all claims of title or ownership of all persons or entities (not including the United States) owning or claiming to own an interest in such parcel prior to the time of sale.

"(J) PROCEEDS OF SALE.—

"(i) Subject to clauses (ii) and (iii), the Secretary shall distribute the proceeds of sale of a parcel of land under the provisions of this section to the owners of interests in such parcel in proportion to their respective ownership interests.

"(ii) Proceeds attributable to the sale of trust or restricted interests shall be maintained in accounts as trust personalty.

"(iii) Proceeds attributable to the sale of interests of owners whose whereabouts are unknown, of undetermined heirs, and of other persons whose ownership interests have not been recorded shall be held by the Secretary until such owners, heirs, or other persons have been determined, at which time such proceeds shall be distributed in accordance with clauses (i) and (ii).

"(K) LACK OF BIDS OR CONSENT.—

"(i) LACK OF BIDS.—If no bidder described in subparagraph (I) presents a bid that equals or exceeds the final appraised value, the Secretary may either—

"(I) purchase the parcel of land for its appraised fair market value on behalf of the Indian tribe with jurisdiction over the land, subject to the lien and procedures provided under section 214(b) (25 U.S.C. 2213(b)); or

"(II) terminate the partition process.

"(ii) LACK OF CONSENT.—If an applicant fails to obtain any applicable consent required under the provisions of subparagraph (D) by the date established by the Secretary prior to the proposed sale, the Secretary may either extend the time for obtaining any such consent or deny the request for partition.

"(3) ENFORCEMENT.—

"(A) IN GENERAL.—If a partition is approved under this subsection and an owner of an interest in the parcel of land refuses to surrender possession in accordance with the partition decision, or refuses to execute any conveyance necessary to implement the partition, then any affected owner or the United States may—

"(i) commence a civil action in the United States district court for the district in which the parcel of land is located; and

"(ii) request that the court issue an order for ejectment or any other appropriate remedy necessary for the partition of the land by sale.

"(B) FEDERAL ROLE.—With respect to any civil action brought under subparagraph (A)—

"(i) the United States—

"(I) shall receive notice of the civil action; and

"(II) may be a party to the civil action; and

"(ii) the civil action shall not be dismissed, and no relief requested shall be denied, on the ground that the civil action is against the United States or that the United States is a necessary and indispensable party.

"(4) GRANTS AND LOANS.—The Secretary may provide grants and low interest loans to successful bidders at sales authorized by this subsection, provided that—

"(A) the total amount of such assistance in any such sale shall not exceed 20 percent of the appraised value of the parcel of land sold; and

"(B) the grant or loan funds provided shall only be applied toward the purchase price of the parcel of land sold.

"(5) REGULATIONS.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this subsection. Such regulations shall include provisions for giving notice of sales to prospective purchasers eligible to submit bids at sales conducted under paragraph (2)(I).".

SEC. 5. OWNER-MANAGED INTERESTS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 221. OWNER-MANAGED INTERESTS.

"(a) PURPOSE.—The purpose of this section is to provide a means for the co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel for certain purposes without approval of the Secretary.

"(b) MINERAL INTERESTS.—Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

"(c) OWNER MANAGEMENT.—

"(1) IN GENERAL.—Notwithstanding any provision of Federal law requiring the Secretary to approve individual Indian leases of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a), and the Secretary has approved such applications under subsection (d), such owners may, without further approval by the Secretary, enter into a lease of the parcel for agricultural purposes for a term not to exceed 10 years.

"(2) RULE OF CONSTRUCTION.—No such lease shall be effective until it has been executed by the owners of all undivided trust or restricted interests in the parcel.

"(d) APPROVAL OF APPLICATIONS FOR OWNER MANAGEMENT.—

"(1) IN GENERAL.—Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence. No such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

"(2) COMMENCEMENT OF OWNER-MANAGED STATUS.—Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no trust or restricted interest in a parcel of land shall acquire owner-managed status until applications for all of the trust or restricted interests in such parcel of land have been submitted to and approved by the Secretary pursuant to this section.

"(e) Validity of Leases.—No lease of trust or restricted interests in a parcel of land that is owner-managed under this section shall be valid or enforceable against the owners of such interests, or against the land, the interest or the United States, unless such lease—

"(1) is consistent with, and entered into in accordance with, the requirements of this section; or

"(2) has been approved by the Secretary in accordance with other Federal laws applicable to the leasing of trust or restricted land.

"(f) Lease Revenues.—The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests under a lease authorized by subsection (e), so long as such interest is in owner-managed status under the provisions of this section.

"(g) Jurisdiction.—

"(1) Jurisdiction unaffected by status.—The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed pursuant to this section shall continue to have jurisdiction over the interest to the same extent and in all respects that such tribe had prior to the interest acquiring owner-managed status.

"(2) Persons using land.—Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe referred to in paragraph (1), including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

"(h) Continuation of Owner-Managed Status; Revocation.—

"(1) In general.—Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d), each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

"(2) Revocation.—Owner-managed status of an interest may be revoked upon written request of the owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l). The revocation shall become effective as of the date on which the last of all such requests has been delivered to the Secretary.

"(3) Effect of revocation.—Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

"(i) Defined Terms.—

"(1) For purposes of subsection (d)(1), the term 'qualified applicant' means—

"(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

"(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

"(2) For purposes of this section, the term 'owner-managed status' means, with respect to a trust or restricted interest, that—

"(A) the interest is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d);

"(B) the interest may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with, the requirements of this section; and

"(C) no revocation has occurred under subsection (h)(2).

"(j) Secretarial Approval of Other Transactions.—Except with respect to the specific lease transaction described in paragraph (1) of subsection (c), interests that acquire owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land (including leases with terms of a duration in excess of 10 years) that would otherwise apply to such interests if the interests had not acquired owner-managed status under this section.

"(k) Effect of Section.—Subject to subsections (c), (f), and (h), nothing in this section diminishes or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.".

SEC. 6. ADDITIONAL AMENDMENTS.

(a) In General.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in the second sentence of section 205(a) (25 U.S.C. 2204(a)), by striking "over 50 per centum of the undivided interests" and inserting "undivided interests equal to at least 50 percent of the undivided interest";

(2) in section 207 (25 U.S.C. 2206), by adding a subsection at the end as follows:

"(p) Purchase Option at Probate.—

"(1) In general.—The trust or restricted interests in a parcel of land in the decedent's estate may be purchased at probate in accordance with the provisions of this subsection.

"(2) Sale of interest at fair market value.—Subject to paragraph (3), the Secretary is authorized to sell trust or restricted interests in land subject to this subsection, including the interest that a surviving spouse would otherwise receive under section 207(a)(2) (A) or (D), at no less than fair market value, as determined in accordance with the provisions of this Act, to any of the following eligible purchasers:

"(A) Any other eligible heir taking an interest in the same parcel of land by intestate succession or the decedent's other devisees of interests in the same parcel who are eligible to receive a devise under section 207(b)(1)(A).

"(B) All persons who own undivided trust or restricted interests in the same parcel of land involved in the probate proceeding.

"(C) The Indian tribe with jurisdiction over the interest, or the Secretary on behalf of such Indian tribe.

"(3) Request to purchase; auction; consent requirements.—No sale of an interest in probate shall occur under this subsection unless—

"(A) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary; and

"(B) except as provided in paragraph (5), the heirs or devisees of such interest, and the decedent's surviving spouse, if any, receiving a life estate under section 207(a)(2) (A) or (D) consent to the sale.

If the Secretary receives more than 1 request to purchase the same interest, the Secretary shall sell the interest by public auction or sealed bid (as determined by the Secretary) at not less than the appraised fair market value to the eligible purchaser submitting the highest bid.

"(4) Appraisal and notice.—Prior to the sale of an interest pursuant to this subsection, the Secretary shall—

"(A) appraise the interest at its fair market value in accordance with this Act;

"(B) provide eligible heirs, other devisees, and the Indian tribe with jurisdiction over the interest with written notice, sent by first class mail, that the interest is available for purchase in accordance with this subsection; and

"(C) if the Secretary receives more than 1 request to purchase the interest by a person described in subparagraph (B), provide notice of the manner (auction or sealed bid), time and place of the sale, a description, and the appraised fair market value, of the interest to be sold—

"(i) to the heirs or other devisees and the Indian tribe with jurisdiction over the interest, by first class mail; and

"(ii) to all other eligible purchasers, by posting written notice in at least 5 conspicuous places in the vicinity of the place of hearing.

"(5) Small undivided interests in Indian lands.—

"(A) In general.—Subject to subparagraph (B), the consent of a person who is an heir otherwise required under paragraph (3)(B) shall not be required for the auction and sale of an interest at probate under this subsection if—

"(i) the interest is passing by intestate succession; and

"(ii) prior to the auction the Secretary determines in the probate proceeding that the interest passing to such heir represents less than 5 percent of the entire undivided ownership of the parcel of land as evidenced by the Secretary's records as of the time the determination is made.

"(B) Exception.—Notwithstanding subparagraph (A), the consent of such heir shall be required for the sale at probate of the heir's interest if, at the time of the decedent's death, the heir was residing on the parcel of land of which the interest to be sold was a part.

"(6) Distribution of proceeds.—Proceeds from the sale of interests under this subsection shall be distributed to the heirs, devisees, or spouse whose interest was sold in accordance with the values of their respective interests. The proceeds attributable to an heir or devisee shall be held in an account as trust personalty if the interest sold would have otherwise passed to the heir or devisee in trust or restricted status.";

(3) in section 206 (25 U.S.C. 2205)—

(A) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) Tribal probate codes.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prohibits the devise of an interest in trust or restricted land to—

"(A) an Indian lineal descendant of the original allottee; or

"(B) an Indian who is not a member of the Indian tribe with jurisdiction over such an interest;

unless the code provides for—

"(i) the renouncing of interests to eligible devisees in accordance with the code;

"(ii) the opportunity for a devisee who is the spouse or lineal descendant of a testator to reserve a life estate without regard to waste; and

"(iii) payment of fair market value in the manner prescribed under subsection (c)(2)."; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking the paragraph heading and inserting the following:

"(1) Authority.—

"(A) In general.—";

(II) in the first sentence of subparagraph (A) (as redesignated by clause (i)), by striking "section 207(a)(6)(A) of this title" and inserting "section 207(b)(2)(A)(ii) of this title"; and

(III) by striking the last sentence and inserting the following:

"(B) Transfer.—The Secretary shall transfer payments received under subparagraph (A) to

any person or persons who would have received an interest in land if the interest had not been acquired by the Indian tribe in accordance with this paragraph."; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking the subparagraph heading and all that follows through "Paragraph (1) shall not apply" and inserting the following:

"(A) INAPPLICABILITY TO CERTAIN INTERESTS.—

"(i) IN GENERAL.—Paragraph (1) shall not apply";

(bb) in clause (i) (as redesignated by item (aa)), by striking "if, while" and inserting the following: "if—

"(I) while";

(cc) by striking the period at the end and inserting "; or"; and

(dd) by adding at the end the following:

"(II)(aa) the interest is part of a family farm that is devised to a member of the family of the decedent; and

"(bb) the devisee agrees that the Indian tribe with jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to a person or entity that is not a member of the family of the owner of the land.

"(ii) RECORDING OF INTEREST.—On request by the Indian tribe described in clause (i)(II)(bb), a restriction relating to the acquisition by the Indian tribe of an interest in a family farm involved shall be recorded as part of the deed relating to the interest involved.

"(iii) MORTGAGE AND FORECLOSURE.—Nothing in clause (i)(II) limits—

"(I) the ability of an owner of land to which that clause applies to mortgage the land; or

"(II) the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement in accordance with applicable law.

"(iv) DEFINITION OF 'MEMBER OF THE FAMILY'.—In this paragraph, the term 'member of the family', with respect to a decedent or landowner, means—

"(I) a lineal descendant of a decedent or landowner;

"(II) a lineal descendant of the grandparent of a decedent or landowner;

"(III) the spouse of a descendant or landowner described in subclause (I) or (II); and

"(IV) the spouse of a decedent or landowner."; and

(II) in subparagraph (B), by striking "subparagraph (A)" and all that follows through "207(a)(6)(B) of this title" and inserting "paragraph (1)";

(4) in section 207 (25 U.S.C. 2206), by striking subsection (g);

(5) in section 213 (25 U.S.C. 2212)—

(A) by striking the section heading and inserting the following:

"SEC. 2212. FRACTIONAL INTEREST ACQUISITION PROGRAM.";

(B) in subsection (a), by—

(i) adding in paragraph (1) "or from an heir during probate in accordance with section 207(p) (25 U.S.C. 2206(p))" after "owner,"; and

(ii) striking "(2) AUTHORITY OF SECRETARY.—" and all that follows through "the Secretary shall submit" and inserting the following:

"(2) AUTHORITY OF SECRETARY.—The Secretary shall submit"; and

(iii) by striking "whether the program to acquire fractional interests should be extended or altered to make resources" and inserting "how the fractional interest acquisition program should be enhanced to increase the resources made";

(C) in subsection (b), by striking paragraph (4) and inserting the following:

"(4) shall minimize the administrative costs associated with the land acquisition program through the use of policies and procedures designed to accommodate the voluntary sale of interests under this section, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation, through the elimination of duplicate—

"(A) conveyance documents;

"(B) administrative proceedings; and

"(C) transactions.";

(D) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "at least 5 percent of the" and inserting in its place "an";

(II) in subparagraph (A), by inserting "in such parcel" following "the Secretary shall convey an interest";

(III) in subparagraph (A), by striking "landowner upon payment" and all that follows and inserting the following: "landowner—

"(i) on payment by the Indian landowner of the amount paid for the interest by the Secretary; or

"(ii) if—

"(I) the Indian referred to in this subparagraph provides assurances that the purchase price will be paid by pledging revenue from any source, including trust resources; and

"(II) the Secretary determines that the purchase price will be paid in a timely and efficient manner."; and

(IV) in subparagraph (B), by inserting before the period at the end the following: "unless the interest is subject to a foreclosure of a mortgage in accordance with the Act of March 29, 1956 (25 U.S.C. 483a)"; and

(ii) in paragraph (3), by striking "10 percent or more of the undivided interests" and inserting "an undivided interest"; and

(E) by adding at the end of the section:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2005, $95,000,000 for fiscal year 2006, and $145,000,000 for each of fiscal years 2007 through 2010.";

(6) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

"(b) APPLICATION OF REVENUE FROM ACQUIRED INTERESTS TO LAND CONSOLIDATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall have a lien on any revenue accruing to an interest described in subsection (a) until the Secretary provides for the removal of the lien under paragraph (3), (4), or (5).

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Until the Secretary removes a lien from an interest in land under paragraph (1)—

"(i) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary; and

"(ii) any revenue derived from any interest acquired by the Secretary in accordance with section 213 shall be deposited in the fund created under section 216.

"(B) APPROVAL OF TRANSACTIONS.—Notwithstanding section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476), or any other provision of law, until the Secretary removes a lien from an interest in land under paragraph (1), the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

"(3) REMOVAL OF LIENS AFTER FINDINGS.—The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that—

"(A) the costs of administering the interest from which revenue accrues under the lien will equal or exceed the projected revenues for the parcel of land involved;

"(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

"(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

"(4) REMOVAL OF LIENS UPON PAYMENT INTO THE ACQUISITION FUND.—The Secretary shall remove a lien referred to in paragraph (1) upon payment of an amount equal to the purchase price of that interest in land into the Acquisition Fund created under section 2215 of this title, except where the tribe with jurisdiction over such interest in land authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

"(5) OTHER REMOVAL OF LIENS.—The Secretary may, in consultation with tribal governments and other entities described in section 213(b)(3), periodically remove liens referred to in paragraph (1) from interests in land acquired by the Secretary.";

(7) in section 215 (25 U.S.C. 2214), in the last sentence, by striking "section 2212 of this title" and inserting "this Act";

(8) in section 216 (25 U.S.C. 2215)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) collect all revenues received from the lease, permit,.or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213."; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "Subject to paragraph (2), all" and inserting "All";

(II) in subparagraph (A), by striking "and" at the end;

(III) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(C) be used to acquire undivided interests on the reservation from which the income was derived."; and

(ii) by striking paragraph (2) and inserting the following:

"(2) USE OF FUNDS.—The Secretary may use the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land in accordance with section 205.";

(9) in section 217 (25 U.S.C. 2216)—

(A) in subsection (b)(1), by striking subparagraph (B) and inserting a new subparagraph (B) as follows:

"(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an owner of a trust or restricted interest in land either selling, exchanging, or conveying by gift deed for no or nominal consideration such interest—

"(i) to an Indian person who is the owner's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir; or

"(ii) to an Indian co-owner or to the tribe with jurisdiction over the subject parcel of land, where the grantor owns a fractional interest that represents 5 percent or less of the parcel.";

(B) in subsection (e), by striking the matter preceding paragraph (1), and inserting "Notwithstanding any other provision of law, the names and mailing addresses of the owners of any interest in trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual shall, upon written request, be made available to";

(C) in subsection (e)(1), by striking "Indian";

(D) in subsection (e)(3), by striking "prospective applicants for the leasing, use, or consolidation of" and inserting "any person that is leasing, using, or consolidating, or is applying to lease, use, or consolidate,"; and

(E) by striking subsection (f) and inserting the following:

"(f) PURCHASE OF LAND BY INDIAN TRIBE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of, or interest in, trust or restricted land, the Indian tribe with jurisdiction over the parcel shall have the opportunity—

"(A) to match any offer contained in the application; or

"(B) in a case in which there is no purchase price offered, to acquire the interest in the parcel by paying the fair market value of the interest.

"(2) EXCEPTION FOR FAMILY FARMS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to a parcel of, or interest in, trust or restricted land that is part of a family farm that is conveyed to a member of the family of a landowner (as defined in section 206(c)(2)(A)(iv)) if the conveyance requires that in the event that the parcel or interest is offered for sale to an entity or person that is not a member of the family of the landowner, the Indian tribe with jurisdiction over the land shall be afforded the opportunity to purchase the interest pursuant to paragraph (1).

"(B) APPLICABILITY OF OTHER PROVISION.—Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of any trust or restricted land referred to in subparagraph (A).";

(10) in section 219(b)(1)(A) (25 U.S.C. 2218(b)(1)(A)), by striking "100" and inserting "90"; and

(11) in section 219, by adding at the end of the section:

"(g) OTHER LAWS.—Nothing in this Act shall be construed to supersede, repeal, or modify any general or specific statute authorizing the grant or approval of any type of land use transaction involving fractional interests in trust or restricted land.".

(b) DEFINITIONS.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means—

"(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of the date of enactment of the American Indian Probate Reform Act of 2004) of a trust or restricted interest in land;

"(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and

"(C) with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to section 207, any person described in subparagraph (A) or (B) or any person who owns a trust or restricted interest in a parcel of such land in that State.";

(2) by striking paragraph (4) and inserting the following:

"(4) 'trust or restricted lands' means lands, title to which is held by the United States in trust for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation; and 'trust or restricted interest in land' or 'trust or restricted interest in a parcel of land' means an interest in land, title to which is held in trust by the United States for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation."; and

(3) by adding at the end the following:

"(6) 'parcel of highly fractionated Indian land' means a parcel of land that the Secretary, pursuant to authority under a provision of this Act, determines to have, as evidenced by the Secretary's records at the time of the determination—

"(A) 50 or more but less than 100 co-owners of undivided trust or restricted interests, and no 1 of such co-owners holds a total undivided trust or restricted interest in the parcel that is greater than 10 percent of the entire undivided ownership of the parcel; or

"(B) 100 or more co-owners of undivided trust or restricted interests;

"(7) 'land' means any real property, and includes within its meaning for purposes of this Act improvements permanently affixed to real property;

"(8) 'person' or 'individual' means a natural person;

"(9) 'eligible heirs' means, for purposes of section 207 (25 U.S.C. 2206), any of a decedent's children, grandchildren, great grandchildren, full siblings, half siblings by blood, and parents who are—

"(A) Indian; or

"(B) lineal descendents within 2 degrees of consanguinity of an Indian; or

"(C) owners of a trust or restricted interest in a parcel of land for purposes of inheriting by descent, renunciation, or consolidation agreement under section 207 (25 U.S.C. 2206), another trust or restricted interest in such parcel from the decedent; and

"(10) 'without regard to waste' means, with respect to a life estate interest in land, that the holder of such estate is entitled to the receipt of all income, including bonuses and royalties, from such land to the exclusion of the remaindermen.".

(c) ISSUANCE OF PATENTS.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348), is amended by striking the second proviso and inserting the following: "Provided, That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply to that land for which patents have been executed and delivered:".

(d) TRANSFERS OF RESTRICTED INDIAN LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by—

(1) striking ", in accordance with" and all that follows through "or in which the subject matter of the corporation is located,";

(2) striking ", except as provided by the Indian Land Consolidation Act" and all that follows through the colon; and

(3) inserting "in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):".

(e) ESTATE PLANNING.—

(1) CONDUCT OF ACTIVITIES.—Section 207(f)(1) of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) The activities conducted under this subsection shall be conducted in accordance with any applicable—

"(i) tribal probate code; or

"(ii) tribal land consolidation plan.

"(B) The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.".

(2) REQUIREMENTS.—Section 207(f)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(2)) is amended by striking "and" at the end of subparagraph (A), redesignating subparagraph (B) as subparagraph (D), and adding the following:

"(B) dramatically increase the use of wills and other methods of devise among Indian landowners;

"(C) substantially reduce the quantity and complexity of Indian estates that pass intestate through the probate process, while protecting the rights and interests of Indian landowners; and".

(3) PROBATE CODE DEVELOPMENT AND LEGAL ASSISTANCE GRANTS.—Section 207(f)(3) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(3)) is amended by striking paragraph (3) and inserting the following:

"(3) PROBATE CODE DEVELOPMENT AND LEGAL ASSISTANCE GRANTS.—In carrying out this section, the Secretary may award grants to—

"(A) Indian tribes, for purposes of tribal probate code development and estate planning services to tribal members;

"(B) organizations that provide legal assistance services for Indian tribes, Indian organizations, and individual owners of interests in trust or restricted lands that are qualified as nonprofit organizations under section 501(c)(3) of the Internal Revenue Code of 1986 and provide such services pursuant to Federal poverty guidelines, for purposes of providing civil legal assistance to such Indian tribes, individual owners, and Indian organizations for the development of tribal probate codes, for estate planning services or for other purposes consistent with the services they provide to Indians and Indian tribes; and

"(C) in specific areas and reservations where qualified nonprofit organizations referred to in subparagraph (B) do not provide such legal assistance to Indian tribes, Indian organizations, or individual owners of trust or restricted land, to other providers of such legal assistance;

that submit an application to the Secretary, in such form and manner as the Secretary may prescribe.

"(4) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of paragraph (3).".

(4) NOTIFICATION TO LANDOWNERS.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

"(l) NOTIFICATION TO LANDOWNERS.—After receiving written request by any owner of a trust or restricted interest in land, the Secretary shall provide to such landowner the following information with respect to each tract of trust or restricted land in which the landowner has an interest:

"(1) The location of the tract of land involved.

"(2) The identity of each other co-owner of interests in the parcel of land.

"(3) The percentage of ownership of each owner of an interest in the tract.

"(m) PILOT PROJECT FOR THE MANAGEMENT OF TRUST ASSETS OF INDIAN FAMILIES AND RELATIVES.—

"(1) DEVELOPMENT PILOT PROJECT.—The Secretary shall consult with tribes, individual landowner organizations, Indian advocacy organizations, and other interested parties to—

"(A) develop a pilot project for the creation of legal entities such as private or family trusts, partnerships corporations, or other organizations to improve, facilitate, and assist in the efficient management of interests in trust or restricted lands or funds owned by Indian family members and relatives; and

"(B) develop proposed rules, regulations, and guidelines to implement the pilot project, including—

"(i) the criteria for establishing such legal entities;

"(ii) reporting and other requirements that the Secretary determines to be appropriate for administering such entities; and *"(iii) provisions for suspending or revoking the authority of an entity to engage in activities relating to the management of trust or restricted assets under the pilot project in order to protect the interests of the beneficial owners of such assets.*

"(2) PRIMARY PURPOSES; LIMITATION; APPROVAL OF TRANSACTIONS; PAYMENTS BY SECRETARY.—

"(A) PURPOSES.—The primary purpose of any entity organized under the pilot project shall be to improve, facilitate, and assist in the management of interests in trust or restricted land, held by 1 or more persons, in furtherance of the purposes of this Act.

"(B) LIMITATION.—The organization or activities of any entity under the pilot project shall not be construed to impair, impede, replace, abrogate, or modify in any respect the trust duties or responsibilities of the Secretary, nor shall anything in this subsection or in any rules, regulations, or guidelines developed under this subsection enable any private or family trustee of trust or restricted interests in land to exercise any powers over such interests greater than that held by the Secretary with respect to such interests.

"(C) SECRETARIAL APPROVAL OF TRANSACTIONS.—Any transaction involving the lease, use, mortgage or other disposition of trust or restricted land or other trust assets administered by or through an entity under the pilot project shall be subject to approval by the Secretary in accordance with applicable Federal law.

"(D) PAYMENTS.—The Secretary shall have the authority to make payments of income and revenues derived from trust or restricted land or other trust assets administered by or through an entity participating in the pilot project directly to the entity, in accordance with requirements of the regulations adopted pursuant to this subsection.

"(3) LIMITATIONS ON PILOT PROJECT.—

"(A) NUMBER OF ORGANIZATIONS.—The number of entities established under the pilot project authorized by this subsection shall not exceed 30.

"(B) REGULATIONS REQUIRED.—No entity shall commence activities under the pilot project authorized by this subsection until the Secretary has adopted final rules and regulations under paragraph (1)(B).

"(4) REPORT TO CONGRESS.—Prior to the expiration of the pilot project provided for under this subsection, the Secretary shall submit a report to Congress stating—

"(A) a description of the Secretary's consultation with Indian tribes, individual landowner associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules and regulations for the creation and management of interests in trust and restricted lands under the pilot project;

"(B) the feasibility of accurately monitoring the performance of legal entities such as those involved in the pilot project, and the effectiveness of such entities as mechanisms to manage and protect trust assets;

"(C) the impact that the use of entities such as those in the pilot project may have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

"(D) any recommendations that the Secretary may have regarding whether to adopt a permanent program as a management and consolidation measure for interests in trust or restricted lands.

"(n) NOTICE TO HEIRS.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs. Such efforts shall include—

"(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search services or directories;

"(2) an inquiry with family members and coheirs of the property;

"(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

"(4) if the property is of a value greater than $2,000, engaging the services of an independent firm to conduct a missing persons search.

"(o) MISSING HEIRS.—

"(1) For purposes of this subsection and subsection (m), an heir may be presumed missing if—

"(A) such heir's whereabouts remain unknown 60 days after completion of notice efforts under subsection (m); and

"(B) in the proceeding to determine a decedent's heirs, the Secretary finds that the heir has had no contact with other heirs of the decedent; if any, or with the Department relating to trust or restricted land or other trust assets at any time during the 6-year period preceding the hearing to determine heirs.

"(2) Before the date for declaring an heir missing, any person may request an extension of time to locate such heir. The Secretary shall grant a reasonable extension of time for good cause.

"(3) An heir shall be declared missing only after a review of the efforts made in the heirship proceeding and a finding has been made that this subsection has been complied with.

"(4) An heir determined to be missing pursuant to this subsection shall be deemed to have predeceased the decedent for purposes of descent and devise of trust or restricted land and trust personalty within that decedent's estate.".

SEC. 7. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.

"On at least an annual basis, the Secretary shall include along with other regular reports to owners of trust or restricted interests in land and individual Indian money account owners a change of name and address form by means of which the owner may confirm or update the owner's name and address. The change of name and address form shall include a section in which the owner may confirm and update the owner's name and address.".

SEC. 8. NOTICE; EFFECTIVE DATE.

(a) NOTICE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by this Act.

(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

(A) the effect of this Act and the amendments made by this Act, with emphasis on the effect of the provisions of this Act and the amendments made by this Act, on the testate disposition and intestate descent of their interests in trust or restricted land;

(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice;

(C) the use of negotiated sales, gift deeds, land exchanges, and other transactions for consolidating the ownership of land; and

(D) a toll-free telephone number to be used for obtaining information regarding the provisions of this Act and any trust assets of such owners.

(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

(B) through the Federal Register;

(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

(D) through any other means determined appropriate by the Secretary.

(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall—

(A) certify that the requirements of this subsection have been met; and

(B) publish notice of that certification in the Federal Register.

(b) EFFECTIVE DATE.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206), except subsections (e) and (f) of that section, shall not apply to the estate of an individual who dies before the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

SEC. 9. SEVERABILITY.

If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding, except that each of subclauses (II), (III), and (IV) of section 205(d)(2)(I)(i) is deemed to be inseverable from the other 2, such that if any 1 of those 3 subclauses is held to be invalid for any reason, neither of the other 2 of such subclauses shall be given effect.

SEC. 10. REGULATIONS.

The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this Act.

Mr. TALENT. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1721), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. TALENT. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote in relation to the Cantwell amendment, on Thursday, the Senate proceed to executive session and there be 10 minutes equally divided between the two leaders or their designees prior to three consecutive votes on the following nominations: Calendar No. 559, Sandra Townes, to be U.S. District Judge for the Eastern District of New York; Calendar No. 560, Kenneth Karas, to be U.S. District Judge for the Southern District of New York; Calendar No. 561, Judith Herrera, to be U.S. District

Judge for the District of New Mexico. I further ask consent that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 3, 2004

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Thursday, June 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, the Senate then begin a period of morning business for up to 60 minutes, with the majority leader or his designee in control of the first 30 minutes, and the Democratic leader or his designee in control of the final 30 minutes; provided that following morning business, the Senate resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Tomorrow, following morning business, the Senate will resume consideration of the Department of Defense authorization bill. Under the previous order, when the Senate resumes consideration of the bill, the pending Crapo and Graham amendments will be adopted, and Senator CANTWELL will be recognized to offer an amendment. There will be up to 4 hours of debate on her amendment prior to a vote. It is anticipated that the vote in relation to the Cantwell amendment will occur at approximately 2:30 p.m. Immediately following the vote in relation to the Cantwell amendment, the Senate will vote on three judicial nominations. Therefore, for the information of Senators, there will be up to four stacked votes beginning in the early afternoon.

For the remainder of the day, the Senate will continue the amending process to the Department of Defense authorization bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. TALENT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Thursday, June 3, 2004, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 2, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 2, 2004.

I hereby appoint the Honorable E. CLAY SHAW, JR. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend David Lauer, Campus Minister, Lakeland College, Sheboygan, Wisconsin, offered the following prayer:

O Lord and Maker of us all, whose light shines upon us all and whose guidance is for all, we humbly ask that Your grace rest upon this House today and that Your will be done here today.

For we acknowledge and thank You for all the blessings we share, especially the freedom we enjoy as Your children day by day, and the joy of living together as one family, and for Your care and keeping in all times and in all seasons.

Bless now Your servants in this place. Bless and lead them as they care for one another, for this land and for Your world. With Your mercy and Your love, bless and guide each Member, that in all things today, they might add to the beauty and peace of Your world and thus add honor and glory unto Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. BERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNIZING THE REVEREND DAVID LAUER

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am pleased to recognize one of my constituents who is serving as our guest chaplain today, the Reverend David Lauer. Reverend Lauer is the campus minister and Marjorie and Richard D. Leach Professor of Theological Studies of Lakeland College in Sheboygan, Wisconsin. At Lakeland, he teaches in the areas of Old and New Testament, liturgy, contemporary ethics and contemporary theology. Reverend Lauer just completed his 36th year as coach of the men's varsity tennis team and has been inducted into Lakeland's Athletic Hall of Fame.

David received his bachelor of arts degree from Heidelberg College and his master of divinity degree from Eden Theological Seminary. He will celebrate 40 years of marriage to Lynne Jenkins next year.

I know my colleagues join me in welcoming Reverend Lauer to the House today.

LIFETIME LEARNING

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, strong economic news can be found wherever we look these days: 337,000 new jobs created in March; another 288,000 in April. May numbers due out at the end of this week are expected to be good, but numbers alone do not paint the picture of the economy that we are trying to build. That is why the summer economic agenda in the House, the Careers Initiative, is about much more than numbers.

This week, we will take on the third component of the Careers Initiative: lifelong learning. When people have access to training and higher education, they can acquire skills and expertise in new and more valuable technologies and improve both their stability and mobility.

They cannot only provide for themselves and their families in the short term but can find the kinds of jobs that will give them and their families security for the future. In other words, Mr. Speaker, lifelong learning can be the difference between having a job and having a career.

The difference may seem small, but it could not be more important. A job is for survival in the here and now. It is something you do for a paycheck to make ends meet. A career, on the other hand, is for the future. It is long-term security for you and your family. It pushes you to get out of bed in the morning and inspires you with a sense of purpose and the feeling that you are making a contribution, and it is something that stays with you your entire life, not just until you punch out at the end of the day.

Through reforms in the Higher Education Act and the new, innovative Worker Reemployment Accounts we will take up this week, the House will help Americans not only make the transition from welfare to work but from jobs to careers.

Lifelong learning is a noble undertaking, Mr. Speaker, and it is more valuable than any numbers could ever show. The men and women who work to get it are heroes and deserve our help to help themselves.

DRUG COMPANIES STEAL AND ROB FROM OUR SENIOR CITIZENS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, in the 1st Congressional District of Arkansas, the greatest health care problem we have is the fact that this government, this Congress, this majority, this President has made it possible and even more able for the drug companies to steal and rob from our senior citizens. It is an incredible act, the Medicare reform that was passed. That is the only thing it accomplished, was make it possible so that the drug companies could continue to rob and steal from the American people.

In Arkansas, we usually think of thieves as coming in the dark of night or committing a violent act to steal your property, but now, because of the Medicare Reform Act and these Medicare cards, we have made it possible for the drug companies to steal, cheat and rob our senior citizens without hardly putting out any effort, and we have created so much confusion that it is an easily accomplished act. It is time to put an end to this.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ENERGY REFORM LEGISLATION

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, last week, an article in Biofuels Journal stated that, according to a new report by economist John Urbanchuk, motorists would be facing much higher gasoline prices, an additional 30 cents per gallon, were it not for the growing ethanol industry adding billions of gallons to U.S. fuel supplies.

Without ethanol, our country would be even more reliant on foreign imports of gasoline, and the pain at the pump would be much more severe. More than 30 percent of all U.S. gasoline is blended with ethanol. Without ethanol, refiners would be forced to import about 217,000 barrels per day of high-octane, clean-burning gasoline blending components.

Over the last 25 years, while no new U.S. refineries have been built and scores have been closed, 78 new ethanol plants have been built and 10 more are under construction today.

Ethanol use will bolster U.S. gasoline supplies by more than 3.3 billion gallons in 2004 alone.

We need the Senate to pass H.R. 6, the first comprehensive energy legislation Congress has put forth in years. It will increase our use of renewable fuels like ethanol and biodiesel and reduce our continued overdependence on foreign oil.

VETERANS 2006 CUTS

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, this past weekend our Nation came together and honored the thousands of veterans who have dedicated and sacrificed so much to protect our national security. I had the privilege and honor to join World War II veterans here on our Nation's Mall in Washington, D.C., for the dedication of the World War II Memorial, to honor them and their many contributions to our great democracy and, yes, to remember the 400,000 who died during World War II.

At a time when a new generation of veterans is being created in Iraq and Afghanistan, there are some in Congress who want to cut funding for veterans. The administration's proposed budget for 2006 would cut $900 million from the Veterans' Administration. A loss of $900 million would force the VA to disenroll 140,000 veterans and lay off about 10,750 full-time employees, among many other things.

It is all about priorities. We must keep our promises to our veterans.

PARTIAL BIRTH ABORTION BAN

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, yesterday a Clinton-appointed Federal judge in California granted a permanent extension or injunction against the partial birth abortion ban that was passed by the Congress and signed by President Bush. This is not surprising, since Judge Phyllis Hamilton made it crystal clear that she was ideologically opposed to the ban on partial birth abortion. What is outrageous and defies sound reason is that she found the ban unconstitutional.

In acting to prevent this hideous practice, the elected branches of our government affirmed a basic standard of humanity, the duty of the strong to protect the weak. Partial birth abortion is cruel and inhumane. This is the widespread agreement amongst men and women on this issue, regardless of their political affiliations.

Life cannot be granted or denied by government, elected officials or judges abusive of their interpretive function. Judge Hamilton's ruling is yet another example of activist courts gone wild and is the next decision in the domino effect of legislating from the Federal bench.

I join with our President and will vigorously defend this law against judges who would construe it in contravention to our Constitution and the American public.

AFFORDABLE PRESCRIPTION DRUGS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, yesterday, the Health and Human Services rolled out a new Medicare drug card. Yet, today, seniors across America are still wondering when we in Congress will take real steps to help them afford the drugs they need and are prescribed.

The manufactured chaos, confusion and consternation all could have been avoided. This mess was created by their government and by the special interests, but we have an opportunity to open markets and allow for importation of safe, affordable drugs from Canada and Europe, where prices are 50 percent cheaper than they are here in the United States; real competition to bring prices down, not competition by the special interests between themselves, but competition that allows seniors the choice to pick on affordable prices that are 50 percent cheaper than what they are in Canada and Europe. We need that competition here at home.

A Families USA study showed that seniors in America pay four times the rate of inflation for prescription drugs. Prices have gone up 22 percent in the last 3 years alone.

This discount card is just like a sale at Neiman Marcus. Prices get jacked up 30 percent right before they offer you a 10 percent discount. We need to allow seniors access to affordable drugs their doctors prescribe.

WE HAVE PROGRESS IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, amidst the violence and struggle that always attends the transition between tyranny and liberty, we have progress in Iraq.

Yesterday, a Shiite Muslim, part of a population that suffered for 30 years under the iron fist of Saddam Hussein, a Shiite Muslim, Iyad Allawi, was named prime minister along with Ghazi al Yawar, a Sunni Muslim, and those two men will lead a free and democratic Iraq.

Mr. Allawi said memorably, in this country that was torn by tyranny for three decades, that he was pledged to establishing a democratic and federal system under which people enjoy free citizenship in a state of laws and freedom. A quagmire, hardly. Difficult, yes. But an ethnically diverse country coming together under the rule of law and democracy is genuine progress in Iraq and worthy of celebrating in this Congress.

PRESCRIPTION DRUGS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I raise my voice this morning in concern about the new Medicare prescription drug card that took effect yesterday.

Last week, I visited numerous senior centers in my district to learn that many of those in my district are very confused because they do not have basic information about the program. The low-income seniors I met with are especially frightened because the information was not provided in their language, many who speak Spanish and many who speak Chinese.

☐ 1015

There are 7.2 million low-income seniors whose needs are being ignored, yet the cost of medication is up 27 percent according to AARP.

Additionally, pharmaceutical companies and lobbyists spent $2.7 million to pass this legislation. Plus, the new Medicare law hurts seniors because a stringent and complex asset test is now in place, prohibiting many seniors in my district from taking full advantage of this program. They are even concerned about their burial plots, that that is going to be used against them.

How dare we implement such legislation. My seniors ask me, Congresswoman, who is there to protect me? We voted for the Congress to protect us. Where are they when we need them? Who is looking out for us?"

ONE STEP CLOSER TO SOVEREIGNTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday was a big day for Iraq. As The Washington Post reports this morning, "A diverse group of secular figures, political independents, and technical specialists was appointed Tuesday to serve as Iraq's caretaker administration."

As we come to the turnover of sovereignty to this government, we must keep in mind how important our effort in Iraq is. A free Iraq would be a death blow to the terrorists. For too long the people of this region have had no say in the direction of their nations. On June 30, we move one step closer to seeing a nation choose its own course.

The President has been a firm, steady leader during this trying time. He has rightly said that we have not freed Iraq to make them into Americans; we have freed Iraq to allow them to live in freedom. Iraq has the potential to be a great ally in the Middle East. Success there is critical.

THE ECONOMY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, a moment ago we heard the majority leader say that numbers alone do not give the full picture about the economy. Well, I could not agree more, with the spiraling deficit, more tax cuts for people who are already well off, the refusal of the President and the Republican leadership to fund the No Child Left Behind initiative, or ignoring the promises of candidate Bush to enhance Pell Grants, along with a refusal to tap unemployment insurance funds to help the long-term unemployed.

Americans understand that numbers alone do not give the full picture about the economy. But what I find, meeting with the long-term unemployed in my community, they are looking at misplaced priorities and broken promises; and they, like most Americans, do not like what they see.

THE NEED FOR AN ENERGY POLICY

(Mr. COLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLE. Mr. Speaker, I rise today to discuss the greatest threat to the economic recovery now under way, rising energy prices. Since 2001, the price for a gallon of gasoline has increased by 52 percent. U.S. oil imports have increased by more than 10 percent, the cost of natural gas by more than 92 percent; and Alan Greenspan has repeatedly testified that energy prices are the single greatest threat to job creation.

Mr. Speaker, to meet our growing needs and address these rising energy prices, this House has passed comprehensive energy legislation three times. All three times it has been blocked through legislative obstruction in the other body. This obstruction hurts America. To oppose the President's comprehensive energy legislation while calling for more domestic energy production and lower gasoline prices is hypocritical beyond belief.

Mr. Speaker, for too long America has relied on other nations to provide the raw materials for our energy needs. It is time for us to move towards self-reliance so we are not susceptible to the threats, blackmail, and production fluctuations from abroad. The Congress must move forward with a responsible energy policy. Voting "no" for the energy bill is not an energy plan for America.

NEGATIVE CAMPAIGN ADS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, here we go again. Republicans cannot lead, so they attack the Democrat that will lead America. Here is the proof:

Through the last weekend, the President's campaign has aired 49,050 negative ads against JOHN KERRY, and that is just in the top 100 media markets. 49,050 times the administration has tried to mislead America about Senator KERRY; 49,050 times the administration has tried to divert America from the administration's absolutely incompetent record on the economy.

Gasoline in Washington State is $2.75 a gallon. I did not miss that because of the ads. There are countless more negative ads coming from the Republicans because they only know how to tear down, not to lead. JOHN KERRY will lead and win this election. JOHN KERRY will lead and build a stronger America. It starts on November 2.

Meanwhile, America, every time the administration turns on another ad, get up and go to the kitchen for a bag of Fritos. You will not miss a thing.

DRUG DISCOUNT CARDS

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, never before have American seniors been able to go to one place to price, shop, and compare their prescription drug options. America's seniors are now eligible to receive a Medicare-approved drug discount card at their local pharmacies to save between 10 and 40 percent off the price of most drugs, particularly generics.

It is important to mention the Department of Health and Human Services is the authorized distributor of these nationwide-accepted prescription drug cards. Seniors should be sure that the cards they acquire are approved by the HHS.

Millions of low-income seniors will receive an additional $600 on their discount card to help pay for prescription drug medicines. Any unused amount of the $600 credit in 2004 will carry over to the next year.

The competition between organizations offering cards will also help drive down prices. It is time to afford the Greatest Generation the quality prescription drug coverage that they deserve.

JOB TRAINING

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, since President Bush took office, 2.2 million Americans have lost their jobs. Americans are suffering through the longest unemployment period in 20 years and the most dismal job picture in almost 40 years.

And what is the Republican leadership doing about it? Having the House vote on tired proposals for job-training vouchers that do not actually create jobs for the millions of Americans who are out of work. Unemployed Americans need jobs and benefits immediately so that they can provide for their families. They do not need training vouchers for jobs that do no exist.

Democrats have offered proposals that will create real solutions for Americans. We have proposed a highway bill that would create 1.8 million good-paying jobs more than the Republican bill. Democrats have also proposed enacting tax bills that will keep manufacturing jobs here in the U.S. and end incentives for shipping jobs overseas.

Americans also need Congress to extend tax cuts for the middle class, such as a child tax credit, without adding to the deficit. These are real solutions that create new jobs for out-of-work Americans and keep existing jobs at home.

We should be voting to pass these meaningful solutions to unemployment in this country and not wasting our time on gimmicks.

BUSH ECONOMIC BOOM IS IN FULL SWING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in this past Sunday's Washington Times, the highly revered economist Lawrence Kudlow spelled out very clearly how President George W. Bush's strong economic policies have produced a sustained surge in the economy.

Mr. Kudlow rightly said that "over the past year, following the enactment of the President's tax cut plan, real economic growth has increased 5 percent with only 1.6 percent inflation. After-tax profits have increased 37 percent. Business spending on equipment and software has grown 12.5 percent. Since last August, 1.1 million jobs have been created. Spendable income has increased 4.9 percent, and consumer spending is up 4.3 percent."

Indeed, not since Ronald Reagan was President has our economy grown faster. There can no longer be any question what effect lower taxes have on the economy. When Americans have more of their own money to spend and invest, the economy soars.

President Bush should be proud that despite the battles he faced in making these tax cuts a reality, his vision for more jobs and a prosperous America has come true.

In conclusion, may God bless our troops, and we will never forget September 11.

PHARMACEUTICAL INDUSTRY ON THE TAKE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Well, the pharmaceutical companies have a friend in the White House. Since George Bush has been President, pharmaceutical prices have gone up five times as fast as the cost-of-living adjustments for Social Security, five times faster than inflation, and now we have passed the phony prescription drug benefit under Medicare that provides these bizarre discount cards which put all the obligation on the seniors and none on the pharmaceutical companies.

They jacked up the prices of the most common drugs taken by seniors by up to 30 percent in the last year. Now they are going to give them a 15 percent discount. Just like the used car dealer, he jacked up the price 2,000 bucks before you walked on the lot, and then he says, I will give you a $1,000 discount. Hey, what a great deal.

That is what is being done to America's seniors under the leadership of this President and the Republican leaders of this House who are in the pocket and on the take from the pharmaceutical industry.

DEMOCRATS' PRESCRIPTION DRUG PLAN WOULD COST MUCH MORE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we have heard all about the prescription drug card being available this month for the most disadvantaged, but there has been some discussion about how much this prescription drug benefit costs and whose estimates are the best estimates.

The Democrats are saying this program costs way too much money. But, Mr. Speaker, remember last year they introduced their own Medicare prescription drug benefit plan? Theirs would have cost $1 trillion. Luckily, we passed a more responsible yet critical bill that offers prescription drugs for our seniors for a lot less than what the Democrats proposed. Yet in the last few weeks, the Democrats have been complaining that the Republican plan is too expensive and that we should take prescription drug coverage back from our seniors.

Let us not forget the Democrats support a candidate for President who has proposed a health insurance plan that would cost the Nation almost $1 trillion. So there it is.

How come the Democrats complain about the cost of the prescription drug plan when they and their standard bearer want to spend much, much more?

STATISTICS ON THE STATE OF THE ECONOMY

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I would like to read a few statistics on the state of the economy.

America's economy grew at its fastest quarterly rate in 20 years, a positively sizzling 8.2 percent. Manufacturing activities have risen to their highest level in nearly 2 decades. Worker productivity is near a 20-year high. More folks than ever before own their own homes. Inflation, interest rates, and mortgage rates are near historic lows. Last month marked the ninth consecutive month of increased employment. The jobless rate is below the average for the 1970s, the 1980s, and the 1990s.

But one American out of work is one too many. So today, we will try to empower those who want to work by creating personal reemployment accounts to give these folks the help and the incentives they need to find jobs. Real help for real families, that is what this Republican-led Congress is all about.

REPUBLICAN PRESCRIPTION DRUG DISCOUNT CARD PROGRAM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the prescription drug benefit addition to Medicare, which was passed by the Republican Congress, Republican Senate, and signed by the Republican President, mostly over Democrat objections, has four aspects we need to remember:

Number one, this very popular program, endorsed by the AARP and most senior groups and health care groups, starts officially in the year 2006.

Number two, it is voluntary.

Number three, it reduces the cost of prescription drugs by approximately 50 percent after the premiums and the deductibles are met. It is about a 50-percent reduction, not as much as many would want; yet it is still affordable.

Number four, effective yesterday, June 1, many seniors, and those who voluntarily have decided to buy a prescription drug card similar to this, will enjoy a 20 percent discount on their drugs.

That means that my mom and dad, and yours too, perhaps, can start getting about a 20 percent discount on Glucophage or Lipitor or whatever prescription drug they need. All they need to do is dial 1–800 Medicare or www.Medicare.gov in order to see how they can immediately start saving 20 percent on their prescription drugs.

□ 1030

THE SHAME AND THE SHAM OF THE MEDICARE PRESCRIPTION DRUG BILL

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, I find it very interesting that the other side has taken this opportunity to talk about the Medicare prescription drug bill. Two provisions the Democrats wanted to get in: one, reimport the prescriptions from Canada, drop the price in the United States of America and allow a free market competition; and, two, ask the Secretary of HHS to buy in bulk on behalf of the Medicare recipients, again dropping the prices. But the increased amounts of campaign contributions to this body has led to both of those provisions being absent.

The thing that Democrats are most offended about is not the cost. It is about the deceit. We were told $400 billion this program would cost. Actuaries were told not to release the real figures to Congress, and the real figures ended up being $140 billion more. That is the shame, and that is the sham.

PROVIDING FOR CONSIDERATION OF H.R. 444, BACK TO WORK INCENTIVE ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 656, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 656

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work. The bill shall be considered as read for amendment. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 4444 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 2. (a) In the engrossment of H.R. 444, the Clerk shall—

(1) await the disposition of H.R. 4409 and H.R. 4410;

(2) add the respective texts of such bills specified in subparagraph (1) as have passed the House, as new matter at the end of H.R. 444;

(3) conform the title of H.R. 444 to reflect the addition to the engrossment of the text of such bills specified in subparagraph (1) as have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition to the engrossment of H.R. 444 of the text of each bill specified in subsection (a)(1) that has passed the House, each such bill shall be laid on the table.

(c) If H.R. 444 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill specified in subsection (a)(1) that first passes the House shall be treated in the manner specified for H.R. 444 in subsections (a) and (b), and only the other bill specified in subsection (a)(1) that has passed the House shall be laid on the table.

The SPEAKER pro tempore (Mr. SHAW). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 656 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. It also provides for an amendment in the nature of a substitute consisting of the text of H.R. 444 shall be considered as adopted.

Section 2 of the resolution provides that in the engrossment of H.R. 444 the clerk shall add the text of H.R. 4409 and H.R. 4410 as passed by the House.

Finally, the resolution provides one motion to recommit with or without instructions.

Mr. Speaker, 8 years ago, many of us stood in this very Chamber and passed one of the most sweeping policy reforms Congress has ever undertaken reforming our Nation's welfare system. We took a risk that day in 1996 in order to change a failing system that encouraged dependency and discouraged self-sufficiency.

The tangible results are clear. Since 1996, we have seen welfare rolls plummet from 14 million to 5 million. Thousands who for years found themselves trapped in a cycle of poverty today are holding down meaningful jobs, getting promoted, and saving for their child's education. It is time to be bold once again.

For the past several years, the tax policy we have enacted has created over 1 million jobs in the past 8 months, over half of those in the last 2 months alone. The economy grew more in the last 6 months of last year than it had in the previous 2 decades. That is remarkable growth, Mr. Speaker. But still more must be done. There are still many Americans out of work seeking meaningful jobs and rewarding careers.

Mr. Speaker, it is clear that when we enact legislation that removes the roadblocks to progress, progress is achieved; when we eradicate programs which foster dependency, we foster independence; and when we create an atmosphere where workers can attain the knowledge and skills to build strong and successful careers, then we empower those seeking a job with the ability to find one.

That is precisely what this plan will do by creating personal reemployment accounts. These new accounts offer an innovative approach to provide unemployed workers with the very tools they need to get back onto their feet and into a lifelong career. These accounts are designed to provide unemployed Americans additional flexibility, greater choice and more control over their employment search and to provide a reemployment bonus for those who find a job quickly.

Under this plan, an individual who is receiving unemployment benefits can access a personal reemployment account of up to $3,000. The personal reemployment accounts will be administered through the one-stop career centers. These centers are already offering assistance to those seeking employment. At these centers, people can use their personal reemployment account for up to 1 year for intensive services like unemployment counseling, case management and job training. Supportive services like child care, transportation, and housing assistance are also available. One-stop career centers are the embodiment of compassion for those who have lost their jobs due to no fault of their own.

In the ever-changing, dynamic global economy that we live in, it is natural that some businesses are going to downsize, fold up or restructure, resulting in the laying off of workers. Most of these employees are honest, hard-working people. They want to get back to work, they want to earn their paycheck, and they want to support their families.

In addition to extending a helping hand to those seeking a job, this plan prevents fraud and waste as well, which is important to the program's participants as well as to American taxpayers. Currently, individuals out of work are able to take advantage of the one-stop career centers for free. Now they will be encouraged to shop wisely, paying for those services that they truly need out of the funds in their new accounts. This prevents double-dipping and ensures that taxpayer dollars are spent wisely, effectively and efficiently.

But perhaps the best part of this reward-based plan is that individuals who access a personal reemployment account and find employment within 13 weeks will be able to keep the remaining balance as a cash reemployment bonus. They will get 60 percent of the balance at the time they are employed and 40 percent 6 months later if they are still in the job.

Mr. Speaker, this is a common-sense, innovative plan that will empower Americans to find new jobs. It is a plan that will provide out-of-work Americans with access to the resources they truly need: job training, child care, transportation services, or housing assistance, whatever that need might be for that particular individual; and it is a plan that reflects the Republican agenda of creating jobs and getting Americans back to work. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes.

Mr. Speaker, I am troubled by recent actions taken by the Committee on Rules and the possible consequences for this democratic body. Otto van Bismarck said, "Laws are like sausages. It is better not to see them being made." Republicans on the Committee on Rules have devised and employed new "sausage-making" rules over the past several weeks. These rules take several bills, grind them up, and shove them into a new legislative casing and make a new bill.

H. Res. 638 provided for the consideration of three bills under the same closed rule, restricting the amount of time for floor debate and deliberation. Once the bills were passed, the rule required the bills be ground and repackaged as one bill.

H. Res. 645 provided for the consideration of five bills, again limiting the time for floor debate. Once the bills were considered and passed, the text of all five pieces of legislation were ground together to make one large bill to send to the other body. I would think that the parliamentarians of the House of Representatives would take some interest in what is going on here.

Today we are faced with a new device, a Frankenstein rule. Last night, the Republicans cobbled together bad pieces of rules, concocted a few other pieces, and then passed everything as one big monster rule.

The text of H.R. 444 is replaced with the text of H.R. 4444. None of the four amendments before the committee is in order, debate on the legislation is limited to 1 hour, and, outrageously, the rule appends the text of two unrelated bills, bills not considered by the Committee on Rules, just simply written in.

H.R. 4409 is on the suspension calendar, which would reauthorize title II of the Higher Education Act of 1965. H.R. 4410 is the Teacher Shortage Act of 2004, which would increase the amount of student loans which may be forgiven for highly qualified teachers in math, science, and special education. Now the merits of these legislative appendages have not even been considered by the Committee on Education and the Workforce, having held no hearings on it. And last night the Committee on Rules did not hear any testimony on either one of them.

When the rule was passed out, a staffer gave us a copy of the bills. We discovered whichever one of those two suspensions passes first will be cobbled into this bill we are doing today. The other one, I do not know what happens to it. I think it is tabled and forgotten about.

Mr. Speaker, it is destructive to us because we have no rules to go by any more. It does not matter what they want to do. Somewhere in the Capitol, people are devising byzantine and awful rules to shove down Members' throats.

This bill today, though, is really only a feel-good bill. There is no money authorized for it. It does nothing for the 1.2 million people who are unemployed and have lost their benefits.

Mr. Speaker, 8.2 million Americans are unemployed; and the unemployment rate remains the same. According to the Bureau of Labor Statistics, since December, 2003, the unemployment rate has been 5.6 or 5.7; and extended unemployment benefits expired last year. However, the unemployment trust fund has $20 billion in it. Congress simply refuses to allow the unemployed to tap into that money which is already there. Every dollar spent on unemployment benefits immediately creates more than $2 in economic growth.

Instead of using the billions of dollars that are already there untouched in the unemployment trust fund, this underlying bill creates a pilot program for personal reemployment accounts. The goal is to help people get back to work to provide $3,000 for job training, transportation and job search expenses. The fact that there is only one job for every three seekers is not considered here. The problem is it does nothing to create jobs. It trains people for jobs that do not exist, jobs which have been outsourced overseas. According to the Economic Policy Institute, these PRAs are a response to a problem that does not exist. The concept assumes there are plenty of jobs, but the unemployed workers are so comfortable getting $250 a week in unemployment benefits that they will not go back to work. So the problem is the failure of job creation, and these PRAs will be of no help. It is insulting to workers to believe they have to be given a grant to go look for work.

□ 1045

As I said before, over 1.5 million Americans exhausted their benefits, and they will not be eligible for this pilot program. If a person uses this PRA, he or she is no longer eligible to receive the benefits of other programs under the Workforce Investment Act, which can be worth as much as $10,000. Any money used from PRAs will be money used from WIA funds, because additional funds are not authorized for this program. Let me say that again. This wonderful program here to put people back to work has no money authorized for it.

Why are we not considering real help for the unemployed? This body should be passing legislation to extend unemployment benefits. I urge my colleagues to vote against this Frankenstein rule, so the House can act to help the millions of unemployed Americans and their families.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I first want to thank the gentlewoman from Ohio for yielding me time and then to thank the gentleman from Nevada (Mr. PORTER) and the gentleman from Ohio (Mr. BOEHNER) for bringing forth this very effective effort to help create jobs and grow our economy.

Every day I work to create jobs in the Eighth District of North Carolina. This is another in a long list of aggressive actions taken by this majority to work with people on both sides of the aisle for national security and economic security, which go hand in hand.

The Workforce Investment Act and the Personal Reemployment Accounts again are an effort in a long list of efforts by our majority to put people back to work, to create jobs, and to match job seekers with good employment opportunities.

Personal Reemployment Accounts will allow flexibility. They will create opportunities for people to get transportation, counseling, child care, relocation assets, whatever they need to become employed gainfully with good jobs paying good wages as quickly as possible. These are several of the reasons that I strongly rise in support of this rule and the underlying legislation.

Unemployment benefits are important, and I support them; but there is far more to our effort to create jobs and put people back to work than simply unemployment benefits. This is a step in the right direction. It gives us additional opportunities to help people get good jobs, to grow this economy, and to continue to fight and win the war on terrorism.

As we look every day at things that we are doing, this is one of the best and most effective ways that we can create jobs, strengthen our economy and help our people create the careers that they need to support their families.

Again, Mr. Speaker, I thank the leadership for bringing this forward, and I ask for strong support for the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I also rise in opposition to this closed rule and urge Members to defeat the previous question. This rule cuts off meaningful debate on real-world solutions to the real-world problems of American workers.

The underlying bill creates an unproven and risky job-training voucher program that does not address the main issues facing American workers. American workers need help now. Those who exhausted their unemployment benefits need Congress and the Bush administration to enact an extension of those benefits. The American worker also needs new job opportunities.

Under this administration, 2 million jobs have been lost, 8.2 million individuals are unemployed, 1.5 million workers have exhausted their unemployment benefits, and wages have barely kept up with inflation. This bill does nothing to address these problems.

The gentleman from Ohio (Mr. RYAN) and I filed amendments to respond to the true needs of American workers. The Committee on Rules blocked both of these amendments.

When I go to the Committee on Rules recently, I am reminded of what Dante had engraved above the gates of Hell in his "Inferno." Engraved there was: "Abandon all hope, ye who enter here." I have not been given an amendment up there, by the present committee and I have been here quite a few years.

The amendment to be offered by the gentleman from Ohio (Mr. RYAN) would have allowed local communities to hire and train first responders. This amendment would have created jobs, while also protecting our villages and towns from security threats. My amendment would have extended unemployment benefits for those who have exhausted their initial 26 weeks.

Both of these amendments are critically needed if we are to ensure that American families can provide for their own financial security. I urge Members to defeat the previous question so we can have a full and open debate on the Ryan amendment. If the previous question is not defeated, I urge opposition to this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Nevada (Mr. PORTER), the author of this very important legislation.

Mr. PORTER. Mr. Speaker, I rise in support of the rule for H.R. 444.

Mr. Speaker, I am proud of this legislation because it impacts the families and children of Nevadans, but also those families across the country. But Nevada-specific, right after 9/11, we experienced almost 100,000 people that were laid off in a short period of time. What we have learned since then is with the resilient business community working with this Congress and its leadership on getting people back to work, we are now back to about 4.3 percent unemployment.

Nevada is a bellwether for the economy and how strong it is becoming, because people are coming back to Nevada in droves. But more importantly, what we learned in that tragic time right after 9/11 is that we can no longer do business as usual when it comes to unemployment. We need to find a flexible way to approach these families to help them get back to work.

This program provides for flexibility. More importantly, it is voluntary. Families can use this for many uses, from transportation for getting to the job, maybe even for those families that need a telephone to be put in their home. Maybe they need to learn a new language. Nevada is one of the fastest growing States in the country. With 5,000, 6,000 or 7,000 new people a month, it has one of the fastest growing Hispanic populations in the country. This program can be used to help train and help these families adjust.

Mr. Speaker, this language, as I said earlier, is voluntary. Each State can make a decision. It is a pilot program. States can choose. Why not allow these families to use this program?

I have heard our colleagues across the aisle say that these families and individuals do not need more training. I am sorry, I disagree. They need a new approach to unemployment, they need additional benefits, and they need additional help; and I encourage everyone to support the rule and H.R. 444.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlewoman from New York for yielding me time, and I also thank the gentlewoman from the Buckeye State for her comments as well.

I am rising here, Mr. Speaker, to urge a "no" vote on the previous question. As the gentleman from Michigan (Mr. KILDEE) said, there are several amendments here that we wanted to get in to this that were not allowed.

One of the amendments obviously offered by the gentleman from Michigan (Mr. KILDEE) was to extend unemployment benefits. We have thousands of workers in the State of Ohio who have exhausted their unemployment benefits and need help. These are people who are locked out, these are people who are unemployed, these are people who cannot afford to go back to a job that pays $6 an hour. We hear a lot about job creation, but the jobs that we are losing are $20 an hour with health care benefits. The jobs we are gaining are $6 an hour at Wal-Mart.

One of the amendments, the Ryan amendment, would request an authorization of such sums as necessary from 2004 to 2009 for on-the-job training opportunities for medical and safety occupations, police, firefighters, rescue personnel, paramedics, medical personnel. This money would go to the Governors. The Governors would be able to use 75 percent of it in a formula based on population, based on the need as well, with 20 percent of the money being discretionary, to go for first responders.

This would be an economic stimulus for local communities in many places like the State of Ohio that could use this economic stimulus. Many of the cities, municipalities, townships, and counties would be able to take this money, use it for training and be able to hire more and, therefore, provide a direct economic stimulus.

There is also another debate I think that is going on here, and I think it is a debate that the American people need to hear and need to participate in. Basically, after 9/11 there were two philosophies. One we are exercising now with the war in Iraq, over $200 billion being spent over there.

But there was another philosophy that did not get much hearing. There is also another idea that we had here, and that was take some of those billions of dollars that we have been spending in Iraq and invest that to batten down the hatches in the United States of America. More money for first responders, police, fire, Border Patrol; more money into the intelligence community; hire people who speak Farsi that can infiltrate some of these camps. I think it becomes a choice between hiring police, fire and military personnel in Iraq, or hiring police, fire and medical personnel here in the United States of America.

I think this would have been an opportunity for us to provide a direct economic stimulus and change course a little bit by investing here and protecting the civil defense, the homeland security. I think that would have been a better way to go.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), my dear friend and colleague from the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me time.

Mr. Speaker, I rise in strong support of not only this rule but the underlying bill, because as the economy continues to improve, it is important that we as Congress continue to help to provide incentives for those Americans who are still looking for work.

I spend the majority of my time in my district working on economic development and job creation. This is the Ninth District of North Carolina, and providing worker re-employment accounts is a phenomenal tool that the folks in our district and, of course, all across the country can use to help them get back to work.

As we have already heard this morning, these accounts are flexible, and that is the key. Flexibility is so important, because the workers can use the money for career counseling, for transportation, child care, job training, or housing assistance. Wherever the need may be, they can use that money. If they find employment within 13 weeks, they get to keep the balance of the account as a bonus.

It is important to the American people to know that we have not lost sight of the fact that there are still a lot of them out there looking for work and that times have been tough. We have been hit particularly hard in my district because of all of the textile jobs lost over the last few years. So it is very important, again, for my district, for the State of North Carolina, and other areas that are experiencing the same problems that we pass this bill.

Mr. Speaker, I urge my colleagues to vote "yes" on this rule and "yes" on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me time, and I rise in opposition to this rule.

Over the last several years, we have lost 2 million jobs in the country. Over the last several weeks, we have heard that there are new and grave terrorist threats to our trains and a number of individuals are free in the country threatening to blow up buildings and do other acts of terror.

The gentleman from Ohio (Mr. RYAN) has an excellent idea that addresses each of those two problems. His idea is that we authorize enough money so that we could train and recruit and hire 100,000 first responders to be deployed in our cities and our States and our communities across the country. We would be stronger at home against the terrorist threat, and we would put 100,000 people to work in the process in skilled jobs with good benefits.

Now, I think this is an excellent idea. But what is wrong about what the House is doing today is we are not even going to get to debate this idea or discuss it or vote on it. The majority has put forth a plan that they say will help the unemployed. I emphatically disagree that it will, but it is their right to bring that plan forward. It should be our right as the minority to bring our plan forward.

The gentleman from Ohio (Mr. RYAN) has an excellent plan. If you vote against the previous question, you will give us the chance to debate and vote on the very excellent plan offered by the gentleman from Ohio (Mr. RYAN). I would urge a "no" vote on the previous question for that reason.

□ 1100

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to this closed rule to deny a fair and open debate on the real needs of American workers.

Once again we see the Republican leadership shutting down the ability of the House for Members to debate and offer amendments to change the course of lives of American workers, to alter the legislation that comes before us that is really nothing more than a sham. It is a fig leaf to try to present to the American people that somehow the Republican majority cares about the unemployment when, in fact, what we see is we have 8.2 million people unemployed, we have 1.5 million workers who have exhausted their unemployment benefits, people that no longer have the economic resources to hold their families together because they have been unemployed over 26 weeks. Those people are out there.

Speaker after speaker on the other side of the aisle has gotten up and lamented the level of unemployment in their district, and yet they refuse, they refuse to allow this Congress to address extending unemployment benefits to those people who they admit cannot find jobs in their district because of the economy, because of the layoffs, but they are going to let those individuals crash to the floor, lose their homes, lose their automobiles, make their chances of getting unemployment even more difficult because they refuse to bring up a bill to extend unemployment benefits. That is what the Republicans are offering.

What are they saying here? They want to offer a bill that says you may get up to $3,000. Well, one of the things we just learned in the most recent memo from the White House is they plan to cut all of these programs in the next budget year, and so this promise is not worth the paper that it is written on. It is up to $3,000. You may not get $3,000. You may get $1,000. It may not pay for the job searches that you are doing or the training that you need. But the Republicans want to suggest for those 8 million unemployed out there, for those 1.5 million workers who have exhausted their benefits, for the 2 million people who lost their jobs since President Bush took office, that somehow this legislation is going to deal with their problems. This legislation in no way deals with their problems.

The gentleman from Ohio (Mr. RYAN) and the gentleman from Michigan (Mr. KILDEE) went to the Committee on Rules, and of course they were shut out. Because the Republicans are afraid of debate on unemployment, Republicans are afraid of debate on the homeland security and the employment of first responders to deal with the needs of this country. So what do they do? Rather than honor the tradition of the Constitution, rather than honor the traditions of this institution, they just close down the debate: Take this bill or leave it.

Well, this Congress ought to leave this bill, because it does not do anything for the unemployed, and it certainly does not help those people who are most desperate in our country, who have found themselves long-term unemployed and their benefits have run out. This is the first administration in decades that has refused to help those individuals who have exhausted their unemployment benefits.

It is unfortunate that we are in this situation. We should be able to consider the Kildee amendment on unemployment benefits, we should be able to consider the Ryan amendment to hire first responders to deal with the security needs of this Nation, but this Republican majority will not allow that. I would urge people to vote against the previous question so we would have an opportunity to vote on the Ryan amendment and do something for this country, for the unemployed, and for the security needs of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is absolutely important that we improve our current unemployment system, but not this way, not taking away from it, not with this legislation that falls far short of what we need in this country. We can do better. Why are we not? Because we refuse to bring the subject to the House Floor to discuss it. That is why I urge my colleagues to join me in opposing this closed rule and the underlying legislation.

Mr. Speaker, it is about time we address unemployment, and the Back to Work Incentive Act does not do anything but offer a temporary solution for a limited pool of unemployed workers, and it is a very poor solution to an ongoing problem. Personal reemployment accounts will not substitute for the lack of across-the-board investments in the Workforce Investment Act and the Unemployment Insurance Act. Improving the resources in these programs could help a broader number of workers stabilize their lives, could help develop the necessary skills that they need to secure new jobs. And I want to remind all of my colleagues that if we would invest in our Nation's transportation infrastructure, we would be providing jobs that pay a livable wage and we would be leaving with our communities infrastructure projects that they desperately need.

Actually, I am also concerned that this bill is an effort to make unemployment benefits the sole responsibility of the States and that it will eventually lead to the end of Federal unemployment programs. The cap on funds through the PRA system also alarms me. While it sounds great to give unemployed workers up to $3,000, "up to," those are the operative words, this cap is far less than most workers already receive with unemployment extensions, leaving them without the funds they need when they are in the most desperate situation.

Vote no on this rule and no on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York for yielding me this time.

Mr. Speaker, it would be nice to come on the floor of the House and celebrate legislation that provides a cash sum to alleged unemployed individuals, that provides them with transportation dollars and cash money for child care and job training, and it really sounds like this is Christmas in June. But, frankly, Mr. Speaker, this does not answer the question of the chronically unemployed, it does not answer the question of those who need extended unemployment, and it certainly does not answer the question of people who are frustrated with the idea that there are no jobs.

We realize that, though the economy is percolating, this administration has not created jobs; and my complaint is, in a community like Houston, Texas, that has suffered under the unfortunate and bad circumstances of Enron where I had 2 years ago over 5,000 employees laid off, who still remain unemployed or under-employed, this is not a panacea. It would be very helpful if we would come together in a bipartisan manner and begin to look at the real unemployment problems of America. That means the constant and ongoing training for outsourcing jobs across the waters and, as well, not providing definitive unemployment benefits for those who are seeking employment.

For this job bill to suggest that people do not want to work is an absolute insult. Because Americans do want to work. They are producers, they are creators, they like to invest their time. What we need to do in this body is to really respond to those unemployed Americans by extending their unemployment benefits and not providing these cash handouts that will only go to a few.

Let me also say, coming from Houston, how tragic it is to realize that even though we thought we swept out the last of the last of Enron, what an enormous insult to wake up this morning and find tapes now that are suggesting that it was only a game and that it was all about Grandma Millie, and that is what the traders were doing.

Mr. Speaker, I would hope we would spend less time putting forward bills that do not help all jobless Americans and begin to sweep out the bad apples in corporate America and begin to insist on the creation of jobs and also to pay the unemployment benefits of the thousands and millions of Americans who get up every morning and really want a job. That is what this Congress should be doing, and I would ask my colleagues to realize that that is what we need to be doing today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to my last speaker, my colleague, the gentleman from the great Buckeye State of Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio, for yielding me this time.

Tomorrow, we will consider a bill that is integral to helping return more Americans to work, the Worker Reemployment Accounts Act. As President Bush has said, one American without a job is one too many. This legislation provides a unique approach to helping displaced workers return to good jobs. The bill offers new assistance for unemployed workers in the form of personal reemployment accounts which would help workers who need it the most return to work more quickly.

The Worker Reemployment Account Act is one piece of a larger effort to solidify the future competitiveness of America's workforce by improving education and job training. Later today, we will consider two bills aimed at strengthening teacher training and increasing the availability of highly qualified teachers in high-demand subject areas. These bills, which will be packaged with the Worker Reemployment Accounts Act under this rule, represent a comprehensive strategy for strengthening education at all levels and improving job training.

With 1.1 million new jobs created over the last 8 months and 625,000 net new jobs added just in March and April, it is clear that our resurgent economy is moving on the right track. Indeed, almost every economic indicator tells us the economy is adding momentum every month, and manufacturing jobs have been on the rise for 3 straight months as well. The unemployment rate fell to 5.6 percent in April, lower than the average unemployment rate during the 1970s, 1980s, and the 1990s.

Despite these encouraging signs, we need to do more to help displaced workers get back on their feet, and it is clear that job training and worker education is more important in today's changing economy than ever before. We want to give workers a hand up, not just a handout. Self-sufficiency and independence from Government is every American worker's goal, not dependency and endless reliance on our government. We recognize this fact, and personal reemployment accounts represent one more way we are helping the unemployed get back on their feet through personalized job training and employment services specifically tailored to meet that person's own needs.

The Worker Reemployment Accounts Act is an innovative approach to helping workers find good-paying jobs. The bill authorizes funding for a pilot project similar to the one proposed by President Bush earlier this year that would provide workers with personal reemployment accounts up to $3,000 to purchase employment-related services to help them find a good job. The bill does not authorize a specific dollar amount for the pilot program but simply makes reemployment accounts an allowable use of funds under the demonstration programs of the Workforce Investment Act. The President requested $50 million for this demonstration program, and I am sure Congress would fund it appropriately.

This is an efficient and flexible approach that empowers Americans to find good-paying jobs. The funds from these accounts can be used for a variety of employment-related services, including job training, career counseling, transportation assistance, child care, and housing assistance.

One of the best elements of the plan is that any unspent balance in the account can be kept by workers who find work within 13 weeks of being laid off. Workers can keep any remaining amount as a reemployment bonus.

The personal reemployment accounts will be administered through the One-Stop Career System established under the Workforce Investment Act where displaced workers already seek employment assistance. States and local workforce boards that want to participate can apply to the Labor Secretary for competitive grants to offer reemployment accounts to unemployed workers. An individual who receives an amount must be receiving unemployment benefits, be identified by the State as likely to exhaust his or her benefits, and be eligible for at least 20 weeks of unemployment compensation.

These accounts are a new benefit option that would work in tandem with unemployment insurance as an additional vehicle to help workers in their efforts to find good-paying jobs. Over the past 2 years, we have taken numerous steps to help unemployed workers, and this is another way we are responding to the needs of Americans who find themselves without work.

As I stated earlier, the U.S. economy is strong and getting stronger. Personal reemployment accounts are yet another important step to help these displaced workers find the jobs that they seek. By giving job-seekers all the resources they need to return to work, we will continue this economic resurgence and help every unemployed American secure the education and skills necessary to take advantage of today's reenergized job market. That is what this debate is all about. Let us not let the perfect become the enemy of the good. Let us support the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot of rhetoric today about how the economy is on the upswing and how it has improved and how jobs are beginning to return. But I can tell my colleagues that people in my hometown and communities across America remain unemployed. There are 8.2 million people out of work in this country, and there is now only one job opening for every three unemployed individuals. No matter how you spin it, the bill before us today will not do a single thing to create more jobs.

That is why I urge Members to join me in defeating the previous question. If the previous question is defeated, I will offer an amendment to the rule making in order an amendment that was not accepted by the Committee on Rules by the gentleman from Ohio (Mr. RYAN) to train 100,000 new first responders.

☐ 1115

That is 100,000 new policemen, firemen, emergency response personnel, medical personnel, and scores of other citizens who keep this country safe every day and would, of course, create jobs.

I offered this amendment in the Committee on Rules last night; but as is usual practice these days, it was defeated on a straight party-line vote.

Now, this bill is supposed to be about helping the unemployed. Well, I can tell my colleagues if they really want to help them, they will do everything they can to find ways to create new good-paying jobs. And that is what the Ryan amendment will do. So I urge my colleagues to vote today in favor of job creation, in favor of protecting our communities by voting "no" on the previous question.

Let me be clear, Mr. Speaker. A "no" vote will not prevent us from considering the bill before us today, but by voting "yes," Members will be denying this House a chance to create 100,000 new jobs for unemployed Americans.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately before the vote.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are discussing real issues that have real impacts on real families all across this country, whether in my district of Columbus, Ohio, or in any of the other 434 districts my colleagues represent in this body. Americans want to work. They want to provide for their families and themselves. They want to take responsibility for their decisions.

Mr. Speaker, we all know that most of the time when someone loses his or her job it is for reasons beyond their control. As we strive to reach the day when all Americans hold down good jobs, the reality is, as it always has been, some people will be out of work on any given day. So until we reach that day, let us give our friends and neighbors who are unemployed the tools and resources they need to make their own decisions about how best they can find work which suits them. Whether that means using their personal reemployment account for a daycare while they are interviewing, or transportation to that interview, or for a computer training class, whatever they believe they need, let us allow them to have it.

The key here is flexibility, giving the people the power to make choices that best reflect their own situations. The result will be getting people back to work at good-paying jobs, to begin rewarding lifelong careers.

AMENDMENT OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I offer an amendment to the rule to fix a technical error.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: In section 2(a)(1), strike "4410" and insert "4411".

Ms. PRYCE of Ohio. Mr. Speaker, I urge my colleagues to support this rule, the amendment, and the underlying resolution.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and thank my friend and colleague from the Rules committee, Ms. PRYCE, for yielding me this time.

I support passage of H. Res. 656, which is a closed rule, and urge my colleagues in the House to join me in doing so. The Rules Committee received a couple of amendments to H.R. 444, but a rule of this nature was needed in order to allow the House to work its will on H.R. 444, without getting into a number of issues unrelated to the goals of helping displaced workers return to good jobs.

I want to commend Mr. PORTER of Nevada for his effort in bringing H.R. 444, the underlying legislation, to the House floor. This bill provides for the creation of personal reemployment accounts, allotting $3,000 to help unemployed individuals find new jobs. This is a new approach to reducing unemployment, and it allows individuals to have more control over their job search.

Those unemployed individuals who are eligible for these reemployment accounts may use the money toward job training, child care, transportation, or other programs that would assist them in returning to work.

Additionally, under H.R. 444, if an individual finds employment before the 13th week of benefits, he may keep the left-over money for his personal use. Therefore, it creates an additional incentive for unemployed individuals to find work quickly.

This is another part of our plan to help workers find good jobs. This Congress understood that by reducing the tax burden and improving economic incentives, we could boost economic growth and increase the flow of resources into production. That occurred by following the implementation of the Republican tax relief plan. By reducing the tax burden on small businesses and families, we are creating more economic activity which means more jobs for all Americans. Today, we are taking another step to help unemployed workers, and this bill will give those seeking a job another resource to assist their efforts.

H.R. 444, is not a "hand-out" for our Nation's unemployed; instead, it offers them a "hand-up." By giving individuals more control of their job search, they have the opportunity to become self-reliant. For these reasons, it's very important that we pass H.R. 444 today.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so that we may proceed to debate the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 656 RULE FOR H.R. 444—THE BACK TO WORK INCENTIVE ACT OF 2003

In the resolution, insert after "and (2)" the following and renumber "(2)" as "(3)":

"(2) the amendment in the nature of a substitute specified in Section 3 of this resolution if offered by Representative Ryan of Ohio or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)"

At the end of the resolution add the following:

SEC. 3. The amendment referred to in (2) is as follows:

AMENDMENT TO H.R. 444

OFFERED BY MR. RYAN OF OHIO

First responders grant program

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Responders Grant Program Act".

SEC. 2. FIRST RESPONDERS GRANT PROGRAM.

Subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 5A—FIRST RESPONDERS GRANT PROGRAM

"SEC. 135A. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall allot the amount appropriated under section 135D to the States, on the basis of a State's population relative to the population of all States, to be allocated by the Governor pursuant to section 135B.

"(b) SMALL STATE MINIMUM ALLOTMENT.—The Secretary shall ensure that no State shall receive an allotment under this section that is less than ½ of 1 percent of the amount appropriated under section 137(c).

"SEC. 135B. WITHIN STATE ALLOCATIONS.

"(a) IN GENERAL.—After reserving from the amounts allocated under section 135A amounts for administrative costs under subsection (d), of the remainder—

"(1) 75 percent of such amounts shall be allocated by the Governor to local areas in accordance with subsection (b); and

"(2) 20 percent of such amounts shall be reserved by the Governor for allocation to local areas in accordance with subsection (c).

"(b) ALLOCATION TO COUNTIES.—Of the amounts described in subsection (a)(1), the Governor of a State shall allocate to the counties of such State, on the basis of a county's population relative to the population of all counties within such State, to be used to hire and train first responders pursuant to section 135C.

"(c) GOVERNORS' DISCRETIONARY ALLOCATIONS.—Of the amounts reserved pursuant to subsection (a)(2), the Governor of a State may allocate amounts to local governments (including county and city governments) determined by the Governor to have the greatest need for such amounts to hire and train first responders pursuant to section 135C.

"(d) ADMINISTRATION.—Not more than 5 percent of the amount allotted to a State under section 135A may be used by the Governor for administrative costs in carrying out this chapter.

"SEC. 135C. USE OF FUNDS.

"Counties (and other local governments where applicable) receiving funds under this chapter may use such funds, consistent with section 134(d)(4)(D)(ii), to hire and train individuals to become first responders, such as firefighters, police and emergency response personnel, and medical personnel, if such individuals—

"(1) are likely to exhaust regular unemployment compensation and are in need of job search assistance to make a successful transition to new employment;

"(2) are receiving regular unemployment compensation under any Federal or State unemployment program administered by the State; and

"(3) are eligible for not less than 20 weeks of regular unemployment compensation.

"SEC. 135D. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for fiscal years 2004 through 2009 such sums as may be necessary to carry out this chapter.".

Amend the title so as to read: "A bill to amend the Workforce Investment Act of 1998 to establish a First Responders Grant Program to ensure adequate funding to increase the number of first responders in the Nation."

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.J. RES. 83, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES REGARDING THE APPOINTMENT OF INDIVIDUALS TO FILL VACANCIES IN THE HOUSE OF REPRESENTATIVES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 657 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) 90 minutes of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 657 is a rule providing for the consideration of House Joint Resolution 83, a proposed amendment to the Constitution of the United States regarding appointment of individuals to fill vacancies in the House of Representatives.

The rule provides for 90 minutes of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule also provides for one motion to recommit.

Mr. Speaker, on April 22 of this year, the House of Representatives debated and voted on H.R. 2844, the Continuity of Representation Act, which provides for the expedited special election of new Members to fill seats left vacant due to extraordinary circumstances.

Such circumstances would be deemed to exist when the Speaker of the House announces that vacancies in the House exceed 100 members. The special elections would be required to be held within 45 days. This bill passed the House with a broad majority of 306 votes in favor to 97 against.

At the foundation of the Continuity in Representation Act is the principle that Members of this House ought to be elected by the people. This principle has guided service in this institution since its inception. Indeed, the purpose of the House is to serve as a Chamber that is closest to the people; closest to the people due to the equal size of our constituencies; closest to the people due to the frequency of elections; and, most important, closest to the people because of the direct election by the people.

I support the Founding Fathers' view that Members of the House ought to be directly elected by the people and not selected for them.

This rule provides for consideration of an approach that would amend the Constitution and allow for immediate appointment within 7 days of replacements for Members due to the death or incapacity of a majority of the House's membership. The appointments would be made by the chief executives of the States where a vacancy exists from a list provided and maintained by the elected Member.

While I do not agree with changing the Constitution's requirements that Members of the House be directly elected, I do sincerely believe that our colleagues who do support this constitutional amendment deserve the opportunity to have their proposal voted upon by the House.

Mr. Speaker, following the tragic events of September 11, this House has a responsibility and duty to consider the fate of this institution should it become necessary to replace a significant number of Members due to a deadly terrorist attack.

Neither passage of the expedited elections bill nor consideration of H.J. Res. 83 alone serves as a comprehensive response to the continuity of this House in the face of deadly attack. For example, we must consider appropriate responses in the event that a large number of Members are incapacitated rather than killed. This is a potential scenario that cannot be ignored in a time of chemical, biological, and radiological weapons.

In order to act, the Constitution requires the House to achieve a quorum of majority of all Members living and sworn. When a Member dies or resigns, the Speaker under the rules adjusts the quorum. However, the Framers never contemplated and made no provisions for the need to adjust the required quorum when large numbers of Members are still living but unable to carry out, temporarily or otherwise, the duties of the office to which they have been sworn. Under current law, if more than half of the House were to become incapacitated yet not deceased, the House could be unable to act at a time when the need to do so could hardly be greater.

On April 29, the House Committee on Rules held an original jurisdiction hearing on the incapacitation of Members. Under the leadership of the gentleman from California (Chairman DREIER), the Committee on Rules is approaching this important issue with the seriousness and thoughtfulness it deserves.

Mr. Speaker, while H.J. Res. 83 provides for the appointment of replacing representatives due to incapacity of elected Members, it does not offer an answer on how the House is to proceed on the question of defining or declaring incapacitation. These are important questions and the House must continue to deliberate seriously on their solutions.

I am committed to working to address this complex continuity issue, and I know that the gentleman from California (Chairman DREIER) and the gentleman from Wisconsin (Chairman SENSENBRENNER) will continue their personal involvement and leadership on this issue, as well as other committed colleagues on both sides of the aisle.

Mr. Speaker, I encourage my colleagues to support the rule and continue the important consideration of how this House will operate should massive tragedy strike.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I want to thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary 30 minutes.

Mr. Speaker, today the House is debating the continuity of Congress. We are attempting to answer important questions: What happens to the House of Representatives if a majority of Members are killed or incapacitated in a catastrophic event like a terrorist attack? How does the House continue to function if there are not enough Members to constitute a quorum?

These are not easy questions to answer. Indeed, they are not easy questions to talk about or to think about. Nobody wants to consider what happens if they and their friends and colleagues are attacked, but they are questions that we must face head on. And they are questions that elicit strong policy answers from those who have taken the time to study the issue.

Some believe that amending the Constitution is the proper course. Others disagree, arguing for statutory fixes. But it seems to me that we could all agree on one thing: that these issues should transcend partisan politics. But not in this House.

The Republican leadership cannot seem to help itself when it comes to the way it manages this body. They seem to be addicted to stifling debate, to muzzling Members of both parties, to partisan rules and lousy procedures, and to shredding the committee process.

And so I rise today in strong opposition to this rule because the Republican leadership has once again taken a nonpartisan issue and dragged it into the partisan mud. Instead of working side by side with Democrats, the Republican leadership ignored the proper procedures of this body and rushed this constitutional amendment to the floor for a vote.

This rule makes in order 90 minutes of general debate. That is 90 minutes more than the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), held in hearings on this amendment. Let me say that again. In the 108th Congress, there has not been one single hearing about a constitutional amendment on this issue.

The chairman of the Committee on the Judiciary found time to write a very eloquent op ed piece in this morning's Washington Post, but apparently could not find the time to hold a hearing. The chairman of the Committee on the Judiciary and the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), hold strong views that the Constitution should not be amended. They may be right. However, I honestly do not believe that this whole issue has been given the serious and thoughtful attention and consideration that it deserves.

There is no reason to bring this bill to the floor without hearing from academics, lawyers, Members of Congress, Senators, former and current administration officials, liberal, moderate, and conservative interest groups. Many of those experts served right here as Members of Congress as members of the Committee on the Judiciary. Why are we not taking advantage of their expertise?

I am especially puzzled by this unnecessarily partisan process given that this is not a hot topic in the elections. I think it is safe to say that not a single congressional race this year will turn on whether the candidate supports constitutional or statutory remedies for the continuity of Congress. This is not what people are talking about around their kitchen tables. But it is important, and it should be handled correctly.

This rule makes in order only the constitutional amendment offered by the gentleman from Washington (Mr. BAIRD). Yet last night, the gentleman from California (Mr. ROHRABACHER) came before the Committee on Rules with two proposals. Several members of the Committee on Rules had questions and sought clarification on certain aspects of his ideas.

□ 1130

It was a very, very interesting conversation. But it was not a discussion that should have taken place in the Committee on Rules less than a day before the House votes on a constitutional amendment. It should have taken place at a hearing of the Committee on the Judiciary.

Mr. Speaker, the American people expect and they deserve a House that works together when this country faces adversity. After the September 11 attacks, the Speaker of the House and the minority leader brought our two parties together for a bipartisan caucus to discuss what happened and to discuss the next steps. During those next days and weeks we were not two parties, we were one country. I believe that we need to once again join together in a bipartisan caucus to talk about this important issue and decide on the steps that we need to take, to bring together experts from across the political spectrum and to do what is right for the country and for the Congress.

Mr. Speaker, this constitutional amendment was brought before the House in the wrong way. This rule is the wrong rule, and I would urge my colleagues to reject it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules and an individual who has been a leader on this issue.

Mr. DREIER. Mr. Speaker, I thank my friend from Washington (Mr. HASTINGS) for his leadership on this issue and for his fine work on the Committee on Rules.

As I listen to the comments of my very good friend, the gentleman from Massachusetts (Mr. MCGOVERN), I cannot help but think how hard we have in fact been trying to work in a bipartisan way on this issue. I am going to talk about what led us to the point where we are right now, we are considering the rule; and then I will try to get a bit into the substance of the constitutional amendment.

We, after September 11, did come together as a Nation; and we had this historic appearance on the east front of the Capitol where Members of the House and the Senate came together to focus on the solidarity that was important as we begin to proceed with the global war on terrorism. We had never seen an attack like that that we saw on September 11 in our Nation's history. And contrary to what my friend from Massachusetts just said, we have continued to work in a strong bipartisan way, and we are here at this moment considering this constitutional amendment which I virulently oppose because of our desire to work in a bipartisan way.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and I introduced legislation which called for expedited special elections. Why? Because we feel very, very passionately about the need to ensure that no one ever serves in the People's House without having first been elected. It is conceivable under the constitutional structure that exists today that every other member that is traditionally elected in the United States of America could hold that office by appointment. The President of the United States can become President by appointment, as we found with President Ford. He became Vice President and then President. Members of the other body, the United States Senate, can in fact be appointed, serving in the United States Senate. But, Mr. Speaker, no one has ever served in the People's House without having first been elected.

James Madison said, "Where elections end, tyranny begins." And so that is the reason that, having spent a great deal of time over the past few years looking at this, the gentleman from Wisconsin (Mr. SENSENBRENNER) and I joined with a number of our colleagues and we enjoyed bipartisan support in this effort. We put together this structure which says, if more than 100 Members are tragically killed, what happens? Well, we have an expedited procedure whereby elections are held within 45 days.

So when we put this legislation together we worked very, very hard on it. We had Members who said, we want to have a constitutional amendment, specifically, the gentleman from Washington (Mr. BAIRD), who I am happy to see has joined us and who has spent a great deal of time and effort on this issue; and I congratulate him for the thoughtful approach that he has taken on this issue.

But what happened when we moved ahead with our legislation was I had someone who was not, frankly, a proponent of the amendment or even the consideration of it; and that is the chairman of the Committee on the Judiciary.

At the request of the gentleman from Washington (Mr. BAIRD) and others, I talked with the chairman of the Committee on the Judiciary; and he made a commitment to me that in fact at the next markup the Committee on the Judiciary had they would report out this constitutional amendment. And so that is exactly what has happened.

It has been the bipartisanship that has gotten us to this point today where we are going to, at the request of the minority, have a vote on what I personally believe is an ill-conceived idea and that is amending the US Constitution which would allow for the appointment of unelected members to serve in this House. And I recognize they want elections. Everyone is for elections. But I do not believe that anyone should serve here without the people having first decided who is going to serve.

So what happened, Mr. Speaker? Well, we worked on this legislation again in a bipartisan way; and by a vote of 306 to 97 we were able to pass this legislation. That is a clear, very strong bipartisan majority.

And how did we do it working in a bipartisan way? We addressed some of the very valid concerns that came from the minority, ensuring that all of the voting rights procedures are included. Those were offered by the gentleman from North Carolina (Mr. WATT), and we agreed that those should be accepted. The ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), very appropriately talked about the concern to make sure that our men and women in uniform who are overseas have the opportunity to participate in those special elections. Those are two concerns that emerged from Democrats, from members of the minority that we incorporated in our legislation.

So as we proceeded with that measure, getting this strong bipartisan 306 to 97 vote in support of the legislation, we addressed the minority concerns. And so, contrary to what is being said about hearings, there were hearings in the Committee on the Judiciary. They did take place in the past Congress, but this has been a process that has been going on since September 11 of 2001.

Now I will say that when it comes to amending the Constitution I have always argued that an amendment to the Constitution should be a last rather than a first resort, and that is one of the reasons I believe that it is best for us to let the legislation that we have seen pass this House come up for consideration in the other body. I believe we should sign that legislation; and then, Mr. Speaker, we will have in place a structure to deal with a potential crisis.

Now, if we were to see two-thirds of this House vote, which everyone acknowledges is not going to happen, but if we were going to see two-thirds of this House vote in favor of a constitutional amendment that would allow for the appointment of Members to serve in the People's House, we have seen, on average, 7 years for ratification of a constitutional amendments. And I think that, based on the fact that this is very controversial and undermines the spirit, the Madisonian spirit of the representative democracy for the People's House, I think it would conceivably take a lot longer.

So that is why I think it is incumbent upon us to do everything we possibly can to ensure the bipartisan legislation which has passed this House, in fact, becomes public law. So that is why support of this rule is support of proceeding with the bipartisan commitment that I was proud to have been able to get from members of both political parties from our leadership team.

Mr. Speaker, I will tell you that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is absolutely committed to institutional reform as it comes, as we address this issue. There are a wide range of things that everyone has done to ensure the continuity of the Congress.

We in the Committee on Rules are spending a great deal of time right now dealing with this issue of incapacitation. It is a tough one. It is not an easy one. But we are deliberating which is exactly what our responsibility is. So I believe that support of this rule is support of the bipartisan quest and the agreement that I was proud to have put together with the gentleman from Washington (Mr. BAIRD) to allow for a vote, which is what they asked me to do, Mr. Speaker. I was asked to put into place a structure that would allow for a vote on a constitutional amendment, and we are going to be doing that vote.

So that is why when people want to talk about the fact that somehow this has become partisan, it is not partisan. The one vote we had, 365 members of both political parties overwhelmingly supported the legislation and, along with that, even though it is not going to pass, have allowed for a vote on the issue of amending the Constitution.

Now, let me say very briefly that I believe that looking at the prospect of having anyone serve in the House of Representatives without having first been elected is ill-conceived and wrong; and I believe that while we may hear about a structure that does exist for the Speaker of the House who could be selected by a very few Members to conceivably by the succession plan become President of the United States, that structure existed when James Madison, the father of the Constitution, put this whole device that we have in place under which we govern the United States Constitution.

So, Mr. Speaker, I am convinced that we are doing the right thing by allowing the gentleman from Washington (Mr. BAIRD) to have his chance to be heard with the constitutional amendments, and I believe that we are doing everything we can to continue down the road of working in a bipartisan way on institutional reform. So I will simply say that I thank my friend again for his hard work. I want to thank the gentleman from Illinois (Mr. HASTERT) for the leadership that he has shown on this.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to the distinguished chairman of the Committee on Rules that what today is supposed to be bipartisan is more than just giving the gentleman from Washington (Mr. BAIRD) his day on the floor.

Last night, in the Committee on Rules, the chairman said this is a very serious issue. He mentioned on the floor today that it is a very controversial issue. It would seem to me that if it is a serious issue and a controversial issue and if we are going to have a process here that both sides can respect, then at a minimum the committee of jurisdiction, which is the Committee on the Judiciary, should have held a hearing on it. We reported this measure out on a very partisan vote in the Committee on the Judiciary without a hearing on the proposal that we are debating here today.

The chairman of the Committee on Rules says that we are working in a bipartisan way. How can this be a bipartisan process when the committee of jurisdiction, the Committee on the Judiciary, has not held a hearing?

I would say that I read the chairman's op-ed piece today in the Washington Post, and I agree with much of what he is saying, but I have a lot of questions. There were members of the Committee on Rules last night who had a lot of questions. There are Members who are not on the floor right now who have a lot of questions. I think that it is important that we have a process that has some integrity to it, a process where people can have their questions raised and answered; and this is not the process.

Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would simply argue that requests were made of me as the chairman of the Committee on Rules to allow us to have a chance to debate and vote on the gentleman from Washington's (Mr. BAIRD) constitutional amendment. That was the request that was made of me. We know that there is strong opposition, and I am proud to be one of the leaders of the opposition of the constitutional amendment, but I recognize that the gentleman from Washington (Mr. BAIRD) has put a lot of time and effort in this. We have gone through a multi-year period, a multi-year period allowing for a lot of deliberation on this; and the Committee on the Judiciary reported this measure out unfavorably. Why? Because I believe correctly they understand that amending the Constitution is not the proper thing for us to do.

So I am just trying to underscore the fact that I am standing here because of bipartisanship on this issue. Frankly, I do not think that we really need to consider this amendment to the Constitution. It is not going to carry. Two-thirds of this House is not going to be voting in favor of the gentleman from Washington's (Mr. BAIRD) amendment. He acknowledges that fact. He acknowledged it in the Committee on Rules last night in debate. But it is our good will and desire to work in a bipartisan way that led us to this point.

Mr. Speaker, I thank my friend for yielding me time.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would ask the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, was he present, if I may ask, at the Committee on the Judiciary markup of this legislation?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. My job is to chair the Committee on Rules.

Mr. BAIRD. I do not want a filibuster. Just a simply yes or no, because I was there.

Mr. DREIER. No.

Mr. BAIRD. Okay. The reason I ask that is because, if we say that it was a bipartisan process, I was there. I am the author of this legislation. There were no hearings granted prior to the vote, and at that hearing a reasonable request was made.

The author of the legislation is here. Let us give him a couple of minutes to speak to the legislation. It was a unanimous consent request. That was denied.

The spirit of true bipartisanship would have said, if the author of a legislation has never had a chance to speak before our committee, then let us at least hear him out.

□ 1145

Instead, what happened was the chairman of the Committee on the Judiciary presented the bill I believe in a false and misleading light, and I was not given a single moment to address it.

I respect the chairman of the Committee on Rules, and I am glad he is here, and I am glad we have this opportunity, and I appreciate that, but it would be a rewrite of history to suggest for one second that the Committee on the Judiciary process that led up to this was bipartisan.

Mr. McGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, because the gentleman has made a couple of statements that I need to respond to, I would say in response to the gentleman from Washington's (Mr. BAIRD) statement, no, I was not there.

I do know that, in the Committee on the Judiciary, if the gentleman would further yield.

Mr. McGOVERN. Mr. Speaker, we have a whole bunch of speakers here on our side. Could maybe your side yield the distinguished chairman some time?

Mr. DREIER. Mr. Speaker, if you would just yield me a minute.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me respond by saying that in the Committee on the Judiciary I know that the gentleman from New York (Mr. NADLER), who is the ranking member of the Subcommittee on the Constitution, offered an amendment. He withdrew that amendment. So there were no amendments offered.

An opportunity for bipartisanship obviously existed in the committee in that Members could, in fact, offer proposals.

The agreement that we had, the request that was made of me, was that we allow for an up-or-down vote on the gentleman from Washington's (Mr. BAIRD) constitutional amendment on the floor. That is what we are doing. We are going to, in fact, be having an up-or-down vote.

I cannot understand why it is that people want to talk about the fact that in the Committee on the Judiciary they did not believe that there was a proper hearing. In the last Congress, there was hearing on the issue of a constitutional amendment. We know that the members of the Committee on the Judiciary oppose amending the Constitution to allow for appointed people to serve in the People's House, where everyone has always been elected; and the members of the minority in the Committee on the Judiciary did have, in fact, an opportunity to offer amendments themselves to this proposal.

That is what a markup is about. The agreement was that there would be a markup in the Committee on the Judiciary. That was the request that was made of me. We complied with it.

So I believe that we are doing the best thing we can; and, I apologize to my friend from Washington if he thinks what I just said was a filibuster.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to the gentlewoman from Texas, I should just point out to the chairman of the Committee on Rules that the gentlewoman from California (Ms. LOFGREN) tried twice during the markup to postpone consideration of the gentleman from Washington's (Mr. BAIRD) amendment for a couple of weeks to allow for there to be an opportunity for Members to offer amendments and there to be a hearing, and the motion was tabled.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman.

I wish the chairman of the Committee on Rules would remain on the floor. Because I believe that, more than a bipartisan effort on the gentleman from Washington's (Mr. BAIRD) legislation, we really have appeasement; and I do not think the Constitution warrants appeasement in life-and-death matters.

As I hold a portion of the Constitution in my hands, let me remind my colleague that the opening refrain of the Constitution clearly states: We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, and promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

My good friend from California has indicated an appeasement story, but we are not looking for appeasement. This is a question of whether or not we have a full body of procedure on a constitutional amendment; and the Committee on the Judiciary, of which I sit as a member, did not have any hearings on the gentleman from Washington's (Mr. BAIRD) constitutional amendment. In fact, as he indicated, when it was requested for him to at least give an airing, a presentation, a view of this life-or-death question, he was denied.

First of all, for those comments about aversions to constitutional amendments, let me cite for my colleagues, in our own Committee on the Judiciary we have had a hearing on the crime amendment to the Constitution, rights of crime victims. Every single time since 1994 we have had a hearing. We have also had a hearing on the flag burning. In fact, we voted on the flag burning constitutional amendment. And the gentleman is right. Since we voted on it every year it has not passed. 108th, 106th, 105th, 104th Congress we have had hearings on constitutional amendments.

We have already had about five hearings scheduled on the constitutional amendment regarding same sex marriages, and my understanding is my good friends on the other side are gung-ho to vote for that constitutional amendment. I do not know if that is life or death. It is not life or death to most of us.

But this is a life-or-death question, whether or not this institution, founded and established by this Constitution, that talks about creating a more perfect union, and we cannot have a hearing nor do we have the opportunity to.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Let me just say that I totally agree with the need to make sure that we deal with this life-or-death issue. The request was made of me that we, in fact, not have a hearing, that was not the request that was made of me. The request that was made of me is that we have an opportunity for the full House to vote on the issue of a constitutional amendment which would allow for appointed Members to serve here in the House of Representatives, as opposed to having the people elect them, and that is the agreement we had.

Ms. JACKSON-LEE of Texas. Reclaiming my time, and I thank the Chairman for coming to the floor and explaining that.

The only thing I would say to him is he spoke eloquently about bipartisanship. That request was made by the Republican chairman of the committee. I do not believe that was made by the ranking member of the committee, and so we do not have bipartisanship. That is why I stand on the floor of the House now, not ignoring, if you will, the idea that this distinguished gentleman from Washington (Mr. BAIRD) was going to have an up-and-down vote, because I do not think that is what he is asking for. He has studied this issue for a number of years because he realizes how serious it is.

I offered an amendment to the gentleman from Wisconsin (Mr. SENSENBRENNER) to allow judicial review, to allow an extension of the time for an appeal on the decisions made by the governor. Why did I ask for that? I asked for that, Mr. Speaker, because I believe there should be more involvement of the people in this process.

The legislation that is moving forward by the chairman of the Committee on the Judiciary, with all due respect to his good intentions, limits this to the leadership of various States. It does not in any way take into account the people; and, as I noted, in the Constitution, it started out by saying, We, the people.

Now, we stand here sort of in a dream-like atmosphere. Because 9/11 was more than 2½ years ago, and those of us that can recount the stories of where we were, as we did on the date of the assassination of John F. Kennedy, can say that we were in the hearing room or we were in the Capitol. I happened to be in the Capitol. And if we wanted to recount our fears and apprehension on that day, we would know the state of confusion that we were in.

We also know that those airplanes, God forbid, were destined not only for this Capitol but some rumor for the White House. Tragically, it went to the Pentagon and, of course, to the World Towers, but maybe distance makes the mind lose the gravity of the moment.

The point is the gentleman from Washington (Mr. BAIRD) is talking about life or death, and for the Committee on Rules to come to this floor and suggest there is bipartisanship based on the request of the Republican chairman of the Committee on the Judiciary is unfair.

I would only ask my colleagues, even though it is a distant memory, in light of the state of the world today and the war on terrorism, it is a reality and particularly in terms of what this administration has put us in in Iraq and Afghanistan. Who knows when a terrorist attack will occur?

The point is we need real legislation in a bipartisan way. The gentleman from Washington's (Mr. BAIRD) amendment should have had a full hearing, and anytime we amend the Constitution we should take it very seriously, and I regret that we have not. I ask my colleagues to demand a hearing before the Committee on the Judiciary before we vote on this amendment.

Mr. Speaker, I rise in strong opposition to the closed rule that was reported out of the Committee on Rules yesterday regarding this legislation sponsored by my colleague Mr. BAIRD.

A careful review of the Judiciary Committee's history with respect to its past treatment of constitutional amendments evidences a strong practice of holding hearings prior to any scheduled full Committee markup of that particular amendment.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That amendment was introduced in each consecutive Congress since 1994 (the year the current Majority took control of the House), and on each occasion, it was the wisdom of the Committee to schedule a hearing.

Also, consider the Committee's treatment of the constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress and each time the Committee undertook hearings prior to scheduling a markup.

Moreover, consider the Committee's treatment of the constitutional amendment to limit the Federal government's ability to raise taxes. A proposal on this topic was introduced in the 105th and 104th Congress, and hearings were held on both occasions.

With this apparent and undeniably longstanding tradition, we are now told that a hearing is unnecessary under the present set of circumstances because a hearing was already held on the Baird amendment introduced in the 107th Congress. This line of reasoning lacks merit for two important reasons.

First, as previously mentioned, it has been the well-established practice of the Judiciary Committee to schedule a hearing on such proposals prior to proceeding to a markup. This hard and steadfast rule has prevailed, even under circumstances where the proposed amendments were virtually identical in nature.

Second, even assuming the general rule was subject to change, the two versions of the Baird amendment, H.J. Res. 67 (introduced in the 107th Congress) and H.J. Res. 83 (introduced in the current Congress), are distinct enough to warrant two separate hearings on their own merits. H.J. Res. 83, for example, uses a distinct threshold for making temporary appointments; places considerable limits on the discretion of the chief executive when he or she is authorized to make such appointments; and provides a mechanism for an incapacitated Member to regain his or her seat after recovery from incapacity.

Our Committee has already seen fit to schedule a series of five hearings, over the course of the next several months, to discuss the issue of same-sex marriage. With this in mind, one single hearing to discuss and consider ideas on how best to ensure the continuity of our government in the event of a catastrophic incident is more than reasonable.

Mr. Speaker, again, I oppose this rule and ask that my colleagues think about the gravity of what this Constitutional amendment will entail. We need to recommit this bill to the committee of jurisdiction, the Judiciary, and revisit the important issues that I have stated above.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Washington (Mr. HASTINGS) has 14 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 15 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the great State of Washington for allowing me this opportunity.

I rise in strong support of this rule. It is a brief rule, it is understandable, and it is a very fair rule because it does get us to debate, but I am very much in opposition to the underlying resolution. That is the nature of this House. Even though we are against something, we bring it forward for debate. I think that is very fair.

It is prudent to ensure that our legislative process continues to function when we are at war or after a catastrophe. That goes without saying. It is not only prudent. It is responsibility.

We are at war. It is a fact. A loosely organized global network of radical fanatics, who use terror as their weapon of choice, has declared war on us. The escalation of terrorist attacks against us, underscored by the terrible carnage on our innocent homeland on September 11, leaves no doubt that war has been declared on us, and we are at war.

So it is wise to visit the issue of continuity of Congress. However, few problems require a constitutional remedy, and I firmly believe this is not one of them.

The beauty of our government is the ability to evolve and adapt to changing times and needs without altering the foundation that supports and guides us. That is our Constitution.

Our country has withstood foreign wars, civil war, depression, even attacks on our own soil with only 27 changes to our Constitution over the years. As elected public officials, we must understand our responsibilities are not only to those we represent but also to the Constitution that holds our Nation together.

I remind my colleagues, the opening line of our oath of office reads, "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic." There is no Member of this body who has ever spoken from this floor who has not sworn that oath.

Not far from where we stand, an hour or so from this Chamber, lies Montpelier, the home of the father of the Constitution, James Madison. There, and in this body, his teachings live on and his wisdom resonates with the new generations.

Our Nation has a powerful history based on the principles of free government and the right of all people to elect their representatives. Congress has the privilege to serve those it represents, not to appoint that right to others.

When describing the special relationship between the House of Representatives and the American people, James Madison said, "Duty, gratitude, interest, and ambition itself are the chords by which they will be bound to fidelity and sympathy with the great mass of the people."

In order to preserve this bond, we should not tolerate exceptions and caveats to our election process but, rather, continue to encourage Americans to gather together and to vote, solidifying our conviction for and our responsibility to a free government that serves its people.

In the war on terror, we are confronting those who threaten our liberty simply because we have it and we enjoy it. Although the war made against us by terrorists is perilous and unpredictable, we have a duty to remain steadfast and strong, vigilant and upholding the ideals that have contributed to this great Nation, but not in overreacting. We must bring patient, I emphasize patient, devotion and overall intensity of purpose to prudent action without moving the foundation stone of our freedom, our Constitution.

I support the rule because it provides for a deliberative debate, which is what the opposition has asked, but I strongly oppose rushing to change our Constitution. Are the terrorists trying to make us do things to ourselves that the terrorists themselves could not directly force us to do? Let us not succumb to a hasty reaction. Let us celebrate our Constitution as it is and vote "no" on the resolution that would amend it.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to kind of clarify what the concerns are on this side of the aisle. This is an important issue. This is an important topic that we are talking about. I think all of us can agree on that. This is supposed to be a deliberative body where we deliberate, and that means hold hearings where we have people who are experts on some of these issues be able to talk and testify and offer their input.

I am not sure whether it is a good idea to amend the Constitution, but I have to tell my colleagues I am appalled by this process that we would bring an issue like this to the House floor and to ask Members to vote up or down on it without holding hearings in the committee of jurisdiction. That is not the way this place is supposed to work.

The people of this country, the people of this institution deserve a lot better.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my colleague for the time.

In 1787, this month, the Constitutional Convention was at work in Philadelphia, some of the brightest minds in the history of this country. One of those great minds was Madison, and he has been quoted a lot today, but let me quote another thing Mr. Madison said.

□ 1200

Madison said this about the importance of checks and balances: "The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed or elected, may justly be pronounced the very definition of tyranny."

Madison truly believed we have to elect our representatives to the House, but he also believed with equal dedication that there must be checks and balances. Mr. Speaker, if you and we here today do not act, we impose upon this Nation conditions that will ensure the situation that Madison abhorred of concentration of all the power in the executive.

And let us be clear, it will not likely be an elected executive. We are not talking about President Bush or Vice President CHENEY. If the terrorists strike, they will do everything in their power to kill those two individuals and everyone in here that they can. Who then will run this country? That is the question you have yet to answer. You have not answered it. You have said 45 days later we will figure something out. But during that 45 days, who runs the United States of America?

We have indeed taken an oath to defend this Constitution. We have also taken an oath that says we will defend the whole Constitution, including the prerogatives of the House of Representatives as specified in article I.

As people watch this debate today, the people here and the people elsewhere, they must ask themselves, Do I want this country run with no representation from my district there to speak for me? Does an unelected individual who assumes power in the executive branch get to send my child to war without me having a person there to exercise a voice and a vote? I do not think so.

I have had 220 town halls since being elected here, and I will tell you the people back home get this. They do not care really about the insides and outs of the Committee on Rules, but they do care about fair process. And they would say to themselves the idea that we would bring a constitutional amendment to the floor, without ever having given the author a chance to speak to it, is antithetical to the real principles of democracy.

When the distinguished chairman of the Committee on Rules said we are doing our best, I do not believe so. I believe he dissembles. We are not doing our best. Our best would be this: our best would be to invite all the authors of various proposals, for real continuity, to have a full opportunity for debate, an extensive opportunity for the debate, and for the Speaker of the House of the Representatives and the minority leader to say to their representatives, come to the floor, pay attention to this vital matter, and then we will have time for fair debate, time for full amendments.

That is what we truly asked the chairman of the Committee on Rules to do. We did not say just bring this up for an up-or-down vote. I introduced a resolution that would have provided a fair and full rule to allow for debate of all different proposals, but that was denied. That rule would have offered several days' waiting period for extensive amendments. That was denied. We can do better than this.

It has been said that few problems require a constitutional amendment. Absolutely true. I believe the majority party has been far too eager to amend the Constitution of late. But I will tell you that a bipartisan commission, a bipartisan commission of distinguished scholars began studying this issue over a year and a half ago, with the premise that we must not amend the Constitution to fix this. After a full year of study, and we are going to have about an hour today, they studied this matter for a year, and they listened to experts and scholars from across the political spectrum, and what did they conclude? They concluded we can only fix this with an amendment.

And that includes, by the way, distinguished Republican statesmen, people like former Senator Al Simpson from Wyoming. Ask Senator Simpson why he reached that conclusion. Ask the distinguished Senator from Texas, Mr. CORNYN, who has successfully introduced legislation in the other body, why he concluded that we need an amendment.

None of us woke up on September 11 and said, boy, what a great day to start thinking about a constitutional amendment. But thousands of our fellow citizens woke up that day not knowing it would be their last. We do not know today when that will happen; but we do know that if the terrorists strike us, they will, in fact, change our system of government at their discretion. They will change who the President is. They will change the political makeup of this body. And we are unprepared to deal with that, and it is irresponsible. And I am sorry it has taken 3 years.

Let me close with statements from the Attorney General of the United States just a week ago: "After the March 11 attack in Madrid, Spain, an al Qaeda spokesman announced 90 percent of the arrangements for an attack in the United States were complete." A paragraph later the Attorney General said, "Several upcoming events over the next few months may suggest especially attractive targets. These events include the G–8 summit, the Democratic Party convention in Boston this summer and the convention of the Republican Party in New York City."

If the terrorists attack the convention in New York, kill the President and Vice President and many Members of this body, the inevitable consequence is that Democrats will take the majority of this body, will be forced to elect a Speaker, that person will be a Democrat, and that person will become President.

The distinguished chairman of the Committee on Rules says this was precedent in Madison's time. No, sir, it was not. It was not for two reasons. The nuclear weapon did not exist in Mr. Madison's time. Secondly, the Succession Act of 1947 was about 180 years away from being written. Madison could not have conceived this. He could not have conceived this, but he left to us an opportunity to address it. We wish we did not have to, but it is foolhardy and reckless to not act when we know the dangers we face.

It has been 3 years, Mr. Speaker, 3 years almost since we saw 3,000 of our fellow citizens killed. If we believe we are immune to that, then we are desperately, desperately deceiving ourselves. And if we do not take provisions to provide for that, then we are letting our public down and letting that sacred Constitution down.

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to insert an article that was written by Professor Colleen Shogan, who is a professor of Government and Politics at George Mason University. This article appeared in yesterday's Roll Call.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[From Roll Call, June 1, 2004]

On Continuity, Both Parties Need To Cooperate

(By Colleen Shogan)

The debate over how Congress should reconstitute itself in the wake of a devastating terrorist attack has evolved into a partisan melee with experts, staffers and elected officials talking past one another. The same arguments are repeated over and over again, with interested parties now seeming to treat the issue as a law school exercise that rewards the most arcane legal reasoning.

It's true that when tinkering with the Constitution, and interpreting the meaning of the Founders, we must pay attention to the details. But along the way, we should not lose sight of the larger issues that surround the preservation of Congress and its continuity. The current debate has given scant attention to several important points—points that may have the power to move deliberations beyond the impasse over whether a constitutional amendment is needed or whether appointments should take precedence over special elections.

Virtually everyone agrees that the first priority in the wake of a disaster is to make sure the federal government continues to function. The oft-cited reason for quickly reconstituting the House is to preserve its representative capacity. While this rationale is essential, an equally important reason is to preserve legislative power vis-à-vis an emboldened executive.

At a recent Rules Committee hearing on continuity, one Member wondered if a House of Representatives with only a few able Members should cease to function and cede power to the president until it was able to regain membership. Although it is appropriate to ask this question, the answer is a resounding "no."

If Congress cannot function properly, unilateral executive actions will serve as the operating mechanism of the federal government. For several months in 1861, Abraham Lincoln prosecuted the Civil War unilaterally, until Congress reconvened in early July. The suspension of habeas corpus, the naval blockade, and the enlargement of the Army and Navy undertaken by Lincoln are conventionally revered in American history as acts of necessity and preservation. But in the Second Treatise of Government (Chapter 8, Section 111), John Locke warned against the expansion of the executive "prerogative" power.

Locke conceded that "virtuous princes" who expand executive power in a time of crisis perform a noble service, but added that those princes who come to power in the aftermath will always be tempted to abuse the precedents set before them. We may recall that Richard Nixon invoked Lincoln's expansive use of executive power when he refused to turn over the Watergate tapes. Locke's so-called "virtuous princes" are not the problem; rather, it is those who follow in their wake.

In short, it would be a travesty if the legislative branch ceased to operate with legitimacy at a time of crisis in the United States. Emergency executive actions that Congress or the Supreme Court subsequently recognize as legally permissible ultimately enlarge the discretionary power of the executive branch. Congress's effectiveness as a bulwark against the executive should encourage lawmakers to design logistical procedures that insure the immediate reconstitution of the House and Senate if mass vacancies or incapacitations occur.

The Constitution requires that all members be selected by election, following the Founders' desires to keep the House close to the people. Yet while the electoral integrity of the House is significant, so too is the fact that the Founders designed the House to provide proportionate and equal representation to all citizens.

Read in its entirety, the Federalist Papers aggressively promote the republican nature of American government, while defending its democratic allowances cautiously. Strictly speaking, the United States is a "democratic republic." If only a few Members were left to represent the whole nation for a period of time before special elections could be held, would that arrangement accurately reflect the Founders' republican vision? Democracy and republicanism are essential to American governance, and the solution to continuity should span both ideals.

The relevance of both democratic and republican norms suggests that a two-part approach might provide the most comprehensive resolution to the problem of congressional continuity. The Continuity in Representation Act of 2004, sponsored by Rep. Jim Sensenbrenner (R–Wis.), ensures the democratic character of the House by mandating that special elections be held within 45 days of a catastrophe. While that time period may prove too short to conduct several hundred special elections after a massive attack, the underlying electoral motivation behind the bill is sound.

By itself, however, the measure is not a comprehensive answer. To preserve the representative function of the House, an amendment allowing the temporary appointment of members must be enacted. In the context of partisan rancor, these two approaches to continuity have been presented as mutually exclusive measures. But instead, a constitutional amendment should be considered compatible with Sensenbrenner's bill, together producing a federal law that mandates timely special elections as well as a constitutional amendment that provides for temporary House appointments. Only this can preserve the Founders' democratic and republican ideals.

It is time to move beyond the repetitive rhetoric and the impenetrable inflexibility of rival solutions. Each side has solved part of the problem; only a blend of approaches can settle the looming question of continuity. Adherence to the Founders' ideals depends on a bipartisan approach. Even more important, the balanced preservation of our nation's governing system in a time of crisis necessitates it.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, if I can just read the first line of that column where Professor Shogan says, "The debate over how Congress should reconstitute itself in the wake of a devastating terrorist attack has evolved into a partisan melee with experts, staffers, and elected officials talking past one another."

I think, Mr. Speaker, what people on our side are concerned about is that the professor is absolutely right, that this issue has kind of become more partisan than it should be. In fact, it should not be partisan at all and this really is a time to kind of take a couple of steps backwards and to do the necessary deliberation and consideration that something this important requires. That is what we are asking for here.

I think it is hard for the other side to justify that this has been a fair and bipartisan process and that they are taking this issue seriously when the main committee of jurisdiction has not even held a hearing on this particular bill in the 108th Congress. So what we are asking for is that this serious issue be taken seriously, that the necessary deliberation and the necessary consideration be followed as we move forward with this legislation.

So with that, I would urge a "no" vote on the rule.

Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, how much time is available?

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Washington has 5½ minutes remaining.

Mr. BAIRD. Mr. Speaker, in that brief time let me address what this amendment really does.

It is very straightforward. It says this: in the event of a catastrophic loss of Members, if we lose over 218, in other words more than would be required to sustain a quorum, then special provisions will apply. But only under catastrophic losses. And those special provisions are very straightforward.

The membership of this body, having been elected by our constituents to perform all the vital functions under article I, would be asked upon their election to create a list of potential successors who, upon our death or incapacity in a catastrophic event, could temporarily fill our place until special elections could be held. Temporarily until special elections could be held.

It is disingenuous, if not deliberately deceptive, to suggest this subverts or bans or undermines elections. We all believe direct elections should be held. The real question is this: Should we have a Congress or not? Should we have a House of Representatives? I think the Framers said we should. That is why it is article I. But, my friends, if we lose more Members than necessary to sustain a quorum, we will have a constitutional crisis. It is that simple. The majority party has yet to address that.

I found a remarkable statement in the chairman's remarks during the markup of this bill. The chairman said, and I really want to pay attention to this: "Congress has granted the President significant powers to act during an emergency. He could maintain the necessary functions of government, along with the Congress, utilizing a reduced quorum until elections are held." Where did Congress do that? The chairman of the Committee on the Judiciary of the United States has asserted that the Congress has granted the President of the United States special provisions and he has apparently ex cathedra dictated that we can function with a reduced quorum.

The Constitution of the United States has not dictated that we can function with a reduced quorum. The chairman cited no reference to say where this great body said, "Mr. President, here are your authorities under a crisis." It did not happen. And it was not challenged in the Judiciary. How remarkable and how dangerous that is, that a chairman would dictate that we have given the President powers that we are not authorized under the Constitution to give and that we never took action to give.

The fact is it would not be the President, it would be an unelected Cabinet member that most Americans do not know forced to exercise extra constitutional powers. And, my friends, you would have no voice in this body or in this government to counteract whatever that individual wanted to do. That is why this matters.

It is so much easier to not look at this issue. It is so much easier to go on about our business as if every day we will be here just like we always have. We may not. And if we are not, and if tragedy strikes, the American people have a right to know what happens next. And this body, for 3 years, has failed to answer that question. Answers are available.

This bill may not be perfect, but the status quo is vastly, dangerously imperfect. What we have asked is to bring not only this bill but others, the bill of the gentleman from California (Mr. ROHRABACHER), Senator CORNYN's bill, that of the gentlewoman from California (Ms. LOFGREN), or the gentleman from Connecticut (Mr. LARSON), and ask this body, implore this body to grapple with the complexities of this. Because only when you struggle with it, and only when you see not only the alternatives but the problems of the status quo do you get it.

It is so much easier not to do that. It is easier not to make a will, it is easier not to provide care for our kids if we are gone; but it is irresponsible to do those things. This body must act. And at least today one thing will happen. We will be on record today as having voted to do something or having voted to do nothing. If you vote to do nothing, and God forbid something horrible happens and someone takes advantage of that and leads this Nation in a desperately dangerous path, then you are at least on record as having voted to do nothing. You have seen the risk, and you have chosen the course of inaction. That is irresponsible.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we can sure tell how important this debate is, and I do appreciate my colleague from Washington State for his passion on this. I do disagree with his approach, but he is going to have an opportunity to debate that when this rule passes, and we will have a debate on a constitutional amendment of appointing Members of this body.

But I want to just go back and I guess reflect on how we have tried to deal with this in the course of the history of our country.

□ 1215

After the Revolutionary War, when we formed a new government, it was the Articles of Confederation. Our Founders found out that did not work all that well for a variety of reasons, I suspect because there was a division of powers and there was no central government, and so the Founders had to figure out a way how do we respect the people's government, which I think is very, very important, and still have some central authority.

Part of that compromise was to make a bicameral legislature in which the lower house, the House of Representatives, the People's House, would always be elected by the people. Perhaps this debate is evolving into that very essential principle.

I think that the government, this government of the people, by the people and for the people, as Lincoln said in his Gettysburg Address, can function very well. I also believe there is no single answer to this question as we move forward.

I mentioned in my opening remarks that we passed the Continuity of Congress Act providing for expedited elections by the States. This may be an approach. But even if we were to pass a constitutional amendment, and I do not think it is going to get the two-thirds, it would take up to perhaps 7 years to get that ratified by three-fourths of the States. We have to have something in place. I hope the other body acts on the continuity issue so we can have something in place to take care of that.

Mr. Speaker, this is an important issue, and this will be the first time we will have an opportunity, the first time certainly to my knowledge that we will have an issue before the People's House, the U.S. House of Representatives, that will allow for something other than a direct election, under whatever circumstance, of Members of this House. This is a very, very important issue. I think it deserves to have a debate. This rule provides 90 minutes for that debate.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform Members that the gentleman from Washington (Mr. BAIRD) yielded back his time to the gentleman from Massachusetts (Mr. McGOVERN). The gentleman from Massachusetts (Mr. McGOVERN) controls 30 seconds.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD), and urge a no vote on the rule.

Mr. BAIRD. Mr. Speaker, I would urge a no vote on the rule. How indicative that we said we will have 90 minutes to debate this, 90 minutes to debate the future of this country in the event of a terrorist attack. We are taking this tremendously seriously. I cannot believe it. I cannot believe we are giving 90 whole minutes to whether or not we will have a constitutional government with the House of Representatives and the very bicameral system that the gentleman from Washington described. Vote no on this. Give this body time to have real debate, real discussion on multiple amendments.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we will have a vigorous debate on this. As I mentioned, I am opposed to the underlying constitutional amendment. I think it is bad policy, but I think it should be debated in the People's House.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 657 will be followed by 5-minute votes, if ordered, on adopting H. Res. 657; ordering the previous question on the amendment to H. Res. 656 and on the resolution itself; adopting the amendment to H. Res. 656; and adopting H. Res. 656, as amended.

The vote was taken by electronic device, and there were—yeas 215, nays 195, not voting 23, as follows:

[Roll No. 213]

YEAS—215

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Dingell
Edwards
Emerson
Etheridge
Jones (OH)
Latham
McCrery
Pearce
Simmons
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1242

Mr. MARKEY, Mr. KIND and Ms. WOOLSEY changed their vote from "yea" to "nay."

Ms. GRANGER changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PEARCE. Mr. Speaker, on rollcall No. 213 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. ETHERIDGE. Mr. Speaker, on rollcall No. 213, I was unavoidably detained and missed voting on H.J. Res. 83. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 200, answered "present" 1, not voting 21, as follows:

[Roll No. 214]

AYES—211

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Rohrabacher

NOT VOTING—21

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hayes
Hunter
Jones (OH)
McCrery
Northup
Peterson (PA)
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1250

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 214, I was unavoidably detained. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 444, BACK TO WORK INCENTIVE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on the amendment to House Resolution 656 and on House Resolution 656.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 196, not voting 23, as follows:

[Roll No. 215]

YEAS—214

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)

Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Berry
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Ferguson
Hart
Jones (OH)
Lewis (CA)
McCrery
Mica
Strickland
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. PRYCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 320, noes 96, not voting 17, as follows:

[Roll No. 216]

AYES—320

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—96

Andrews
Baird
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Chandler
Clay
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dingell
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Honda
Hoyer
Inslee
Jefferson
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Markey
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Serrano
Skelton
Slaughter
Stark
Tierney
Towns
Udall (NM)
Visclosky
Waters
Watson
Waxman
Weiner
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hunter
Jones (OH)
McCrery
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1305

Mr. DAVIS of Illinois changed his vote from "aye" to "no."

Ms. MAJETTE and Mr. LARSON of Connecticut changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 196, not voting 17, as follows:

[Roll No. 217]

AYES—220

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Jones (OH)
McCrery
Tauzin
Towns
Wilson (NM)

□ 1312

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, due to the primary election in Alabama held on June 1, 2004, I missed rollcall votes 210, 211, 212, 213, 214, 215, 216, and 217. Please note that if present, I would have voted "aye" on each of the votes.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, had I been present for the following: Rollcall vote 213, on Ordering the Previous Question, in providing for the consideration of the joint resolution H.J. Res. 83; Rollcall vote 214, on Agreeing to the Resolution in providing for consideration of the joint resolution H.J. Res. 83; Rollcall vote 215, on Ordering the Previous Question, in providing for the consideration of H.r. 444; rollcall vote 216, on Agreeing to the Pryce (OH) Amendment to H.R. 444; Rollcall vote 217, on Agreeing to the Resolution providing for consideration of the bill H.r. 444; I would have voted "nay" on each measure.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3113

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

TEACHER TRAINING ENHANCEMENT ACT

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4409) to reauthorize title II of the Higher Education Act of 1965.

The Clerk read as follows:

H.R. 4409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Teacher Training Enhancement Act".

SEC. 2. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student academic achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

‘‘(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

‘‘(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

‘‘(b) Definitions.—In this part:

‘‘(1) Arts and sciences.—The term ‘arts and sciences’ means—

‘‘(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

‘‘(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

‘‘(2) Exemplary teacher.—The term ‘exemplary teacher’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

‘‘(3) Highly qualified.—The term ‘highly qualified’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

‘‘(4) High-need local educational agency.—The term ‘high-need local educational agency’ means a local educational agency—

‘‘(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

‘‘(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

‘‘(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

‘‘(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

‘‘(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

‘‘(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

‘‘(5) Poverty line.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

‘‘(6) Professional development.—The term ‘professional development’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

‘‘(7) Scientifically based reading research.—The term ‘scientifically based reading research’ has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

‘‘(8) Scientifically based research.—The term ‘scientifically based research’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

‘‘(9) Teaching skills.—The term ‘teaching skills’ means skills that—

‘‘(A) are based on scientifically based research;

‘‘(B) enable teachers to effectively convey and explain subject matter content;

‘‘(C) lead to increased student academic achievement; and

‘‘(D) use strategies that—

‘‘(i) are specific to subject matter;

‘‘(ii) include ongoing assessment of student learning;

‘‘(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

‘‘(iv) focus on classroom management.

‘‘SEC. 202. STATE GRANTS.

‘‘(a) In General.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

‘‘(b) Eligible State.—

‘‘(1) Definition.—In this part, the term ‘eligible State’ means—

‘‘(A) the Governor of a State; or

‘‘(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

‘‘(2) Consultation.—The Governor or the individual, entity, or agency designated under paragraph (1)(B) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

‘‘(3) Construction.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

‘‘(c) Application.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

‘‘(1) meets the requirement of this section;

‘‘(2) demonstrates that the State is in full compliance with sections 207 and 208;

‘‘(3) includes a description of how the eligible State intends to use funds provided under this section;

‘‘(4) includes measurable objectives for the use of the funds provided under the grant;

‘‘(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

‘‘(6) contains such other information and assurances as the Secretary may require.

‘‘(d) Uses of Funds.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

‘‘(1) Reforms.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by assisting such programs—

‘‘(A) to retrain faculty; and

‘‘(B) to design (or redesign) teacher preparation programs so they—

‘‘(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

‘‘(ii) promote strong teaching skills.

‘‘(2) Certification or licensure requirements.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

‘‘(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach that are necessary to help students meet challenging State student academic achievement standards; and

‘‘(B) such requirements are aligned with challenging State academic content standards.

‘‘(3) Alternatives to traditional teacher preparation and State certification.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

‘‘(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers;

‘‘(B) programs that provide support to teachers during their initial years in the profession; and

‘‘(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

‘‘(4) Innovative programs.—Planning and implementing innovative programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

‘‘(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

‘‘(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

‘‘(C) ensure high-quality preparation of teachers from underrepresented groups; and

‘‘(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

‘‘(5) Merit pay.—Developing, or assisting local educational agencies in developing—

‘‘(A) merit-based performance systems that reward teachers who increase student academic achievement; and

‘‘(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

‘‘(i) principals;

‘‘(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

‘‘(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

‘‘(iv) special education teachers;

‘‘(v) teachers specializing in teaching limited English proficient children; and

‘‘(vi) highly qualified teachers in urban and rural schools or districts.

"(6) Teacher Advancement.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

"(7) Teacher Removal.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

"(8) Technical Assistance.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

"(9) Teacher Effectiveness.—Developing—

"(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

"(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

"(10) Teacher Recruitment and Retention.—Undertaking activities that—

"(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

"(B) are described in section 204(d).

"(11) Preschool Teachers.—Developing strategies—

"(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers; and

"(B) to improve and expand preschool teacher preparation programs.

"(e) Evaluation.—

"(1) Evaluation System.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

"(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

"(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

"(2) Use of Evaluation System.—Such evaluation system shall be used by the State to evaluate—

"(A) activities carried out using funds provided under this section; and

"(B) the quality of its teacher education programs.

"(3) Public Reporting.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"SEC. 203. PARTNERSHIP GRANTS.

"(a) Grants.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

"(b) Definitions.—

"(1) Eligible Partnerships.—In this part, the term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a partner institution;

"(ii) a school of arts and sciences;

"(iii) a high-need local educational agency; and

"(iv) a public or private educational organization; and

"(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

"(2) Partner Institution.—In this section, the term 'partner institution' means an institution of higher education, the teacher training program of which demonstrates that—

"(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 207(a); and

"(II) using the State report card on teacher preparation required under section 207(a); or

"(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

"(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

"(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

"(c) Application.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

"(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be used in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

"(3) contain a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

"(C) the partnership's evaluation plan pursuant to section 206(b);

"(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership;

"(E) how the partnership will ensure that teachers, principals, and superintendents in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881);

"(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

"(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

"(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system; and

"(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed-will comply with subsection (f).

"(d) Required Uses of Funds.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Reforms.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs so they—

"(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

“(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

“(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

“(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

“(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, and students with special learning needs; and

“(B) provide training in methods of—

“(i) improving student behavior in the classroom; and

“(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

“(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

“(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

“(A) innovative approaches that reduce unnecessary barriers to teacher preparation while producing highly qualified teachers;

“(B) programs that provide support during a teacher's initial years in the profession; and

“(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

“(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

“(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

“(4) TEACHER RECRUITMENT.—Activities—

“(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

“(B) activities described in section 204(d).

“(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

“(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

“(A) to attain a bachelor's degree and State certification or licensure; and

“(B) to become highly qualified teachers.

“(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

“(A) includes minimum qualifications for mentors;

“(B) provides training and stipends for mentors;

“(C) provides mentoring programs for teachers in their first 3 years of teaching;

“(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

“(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

“(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

“(8) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

“(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

“(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

“SEC. 204. TEACHER RECRUITMENT GRANTS.

“(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

“(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term ‘eligible applicant’ means—

“(1) an eligible State described in section 202(b); or

“(2) an eligible partnership described in section 203(b).

“(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

“(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

“(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

“(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

“(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

“(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

“(B) to provide support services, if needed to enable scholarship recipients—

“(i) to complete postsecondary education programs; or

“(ii) to transition from a career outside of the field of education into a teaching career; and

“(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

“(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

“(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

“(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

“(A) high-demand industries, including technology industries; and

“(B) the fields of science, mathematics, and engineering; and

“(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career.

“(f) SERVICE REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

“(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

“(i) one year; increased by

“(ii) the period for which the recipient received scholarship assistance; or

“(B) repay the amount of the scholarship.

“(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

“(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

“SEC. 205. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

“(1) DURATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

"(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

"(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the Teacher Training Enhancement Act, only once.

"(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

"(b) PEER REVIEW.—

"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

"(A) with respect to grants under section 202, give priority to eligible States that—

"(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

"(ii) have innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

"(iii) have innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

"(B) with respect to grants under section 203—

"(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

"(ii) take into consideration—

"(I) providing an equitable geographic distribution of the grants throughout the United States; and

"(II) the potential of the proposed activities for creating improvement and positive change.

"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

"(c) MATCHING REQUIREMENTS.—

"(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

"(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 206. ACCOUNTABILITY AND EVALUATION.

"(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

"(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

"(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative programs.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

"(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

"(B) promotes strong teaching skills.

"(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased student achievement for all students, as measured by the partnership;

"(2) increased teacher retention in the first 3 years of a teacher's career;

"(3) increased success in the pass rate for initial State certification or licensure of teachers;

"(4) increased percentage of highly qualified teachers; and

"(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

"(c) REVOCATION OF GRANT.—

"(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) REVOCATION.—

"(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

"(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House .of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

"(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

"(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

"(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

"(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills and academic content knowledge and evidence of gains in student academic achievement.

"(8) For each teacher preparation program in the State, the number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

"(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

"(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality; and

"(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

"(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

"(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

"(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

"(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

"(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

"(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

"(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(e) DATA QUALITY.—Either—

"(1) the Governor of the State; or

"(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"SEC. 208. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a).

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

"SEC. 209. GENERAL PROVISIONS.

"(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

"(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

"(c) LIMITATIONS.—

"(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

"(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) 45 percent shall be available for each fiscal year to award grants under section 202;

"(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

"(3) 10 percent shall be available for each fiscal year to award grants under section 204.".

SEC. 3. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) of the Higher Education Act of 1965 (20 U.S.C. 1042(a)(3)(D)) is amended by inserting "nonprofit telecommunications entity," after "community-based organization,".

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

"(E) To use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 of the Higher Education Act of 1965 (20 U.S.C. 1044) is amended by striking "each of fiscal years 2002 and 2003." and inserting "fiscal year 2004 and each of the 4 succeeding fiscal years.".

SEC. 4. CENTERS OF EXCELLENCE.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are—

"(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

"(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"(b) DEFINITIONS.—As used in this part:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 5. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4409, the Teacher Training Enhancement Act, a bipartisan bill that seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to title II of the Higher Education Act to help ensure teacher-training programs are producing well-prepared teachers to meet the needs of America's students.

I commend my colleague, the gentleman from Georgia (Mr. GINGREY), for his leadership and commitment to this important issue for our teachers. There is widespread awareness that the subject matter knowledge and teaching skills of teachers play a central role in the success of elementary and secondary education reform.

More than half of the 2.2 million teachers that America's schools will need to hire over the next 10 years will be first-time teachers, and they will need to be well prepared for the challenges of today's classrooms. For these reasons, the Nation's attention is increasingly focused on the role that institutions of higher education and States play in ensuring that new teachers have the content knowledge and teaching skills they need to ensure that all students are held to higher standards.

Accordingly, building on current law, the Teacher Training Enhancement Act authorizes three types of teacher training grants that each play a unique, yet critical, role in the education of tomorrow's teachers. State grant funds must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Partnership grants allow effective partners to join together combining strengths and resources to train highly qualified teachers and achieve success where it matters most, in the classroom. Teacher recruitment grants help bring high-quality individuals into teacher programs and ultimately put more highly qualified teachers in the classrooms.

H.R. 4409 includes a new program to authorize grants for the creation of teacher preparation programs at minority-serving institutions around the country. This new Centers of Excellence program will help to increase teacher recruitment and make institutional improvements to teacher preparation programs at minority-serving institutions.

This legislation also includes activities authorized under the Preparing

Tomorrow's Teachers to Use Technology program, which is part B of title II of the Higher Education Act. This program was updated and transferred to the Higher Education Act during consideration of the No Child Left Behind Act during the 107th Congress. The purpose of this program is to prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards.

In general, the Teacher Training Enhancement Act focuses on three key objectives: accountability, flexibility, and effectiveness to improve the quality of teacher preparation. The bill bolsters accountability requirements in current law to ensure States, schools, and prospective teachers have access to accurate and reliable data about the quality of teacher-training programs.

□ 1315

The bill also recognizes the need for flexibility in methods used for training highly qualified teachers and for that reason allows funds to be used for innovative methods in teacher-preparation programs which can provide an alternative gateway for teachers to become highly qualified. Pioneering programs such as charter colleges of education would also implement systems to gauge the true measure of teacher effectiveness, the academic achievement of students.

In addition to strengthening accountability measures, the Teacher Training Enhancement Act increases the effectiveness and quality in teacher training programs by including provisions to focus training on the skills and knowledge needed to prepare highly qualified teachers. The bill places a renewed emphasis on a broad range of skills required for effective teaching, such as the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research, and challenging State student academic content standards.

Teacher-preparation programs have a great deal of responsibility in contributing to the preparation of our Nation's teachers, and this bill will make sure they are meeting their responsibilities. We owe our teachers the opportunities they are seeking to become highly qualified and ready to teach.

Mr. Speaker, I strongly support this bill, and I urge my colleagues to vote "yes." We stand in solidarity and support of America's school teachers.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think I have seen this movie before. It was known at that time as H.R. 2211. It brings to mind, if I could sing I might sing it, but it seems to me I heard this song before. It is from an old familiar score. However, despite the fact that we are running this bill through again, the substance of this bill is certainly acceptable to this side.

I know this because, as I say, we voted on this before. It is over in the Senate under its previous title. In fact, we voted on this exact bill a few months ago. I think it was last year this House reported the bill by a vote of 404 to 17. And I would hope we would get even more votes on this second time around today. I intend to support this bill today again.

Why are we doing this? Why pass the exact same bill in the same Congress? Why is the House starting to repass the same bills in the same Congress? I do not think we have had a constitutional amendment that if a bill passes one House twice, it goes straight to the President, but nevertheless we are doing that. No one, however, watching this debate today should be fooled by it. We are not breaking new ground with this bill. In fact, we are not really even legislating.

The action taken by the House today on this bill and the other two bills that will follow are really unnecessary. Rather than wasting our time repassing legislation, as we are today, we should be investing in America's students and America's families. This investment would mean increasing Pell grants, holding down tuition, and allowing all students to benefit from today's low interest rates. The buying power of today's Pell grant is $500 less in real terms than these grants were worth 30 years ago.

President Bush has frozen the maximum Pell grant over the last 3 years. This bill does not add a single dime to Pell grants. Instead of expanding college access through increased Pell funding, we are repassing bills already passed by the House. Tuition has skyrocketed as States cut their higher education budgets. Tuition has risen by more than 30 percent since 2001. The Republican answer, repass bills already considered by the House.

We are at a time of historically low interest rates, the lowest in a generation. Some individuals who have previously consolidated their students loans now cannot benefit from these low rates. Instead, they are trapped with student loans at high interest rates. Is this legislation going to allow these students to reconsolidate their student loans at today's low interest rates? The answer is no. Instead of reducing the cost of college, this Congress is repassing bills already passed by this House.

Mr. Speaker, I again want to say that I am going to support the legislation which is before us today. However, we are simply squandering our time and resources by repassing this bill. This legislation is not making a single improvement to our higher education programs, nor does it ensure that a single teacher is more qualified.

Again, Mr. Speaker, though I have seen this movie before, I will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, to respond to the refrain from the other side, my good friend, the gentleman from Michigan (Mr. KILDEE), has heard this hymn before. I have heard the song that we just heard before. I would say in the last 3 years we have increased Pell grants $1 billion a year. And in the last 8 years we have almost doubled the amount of money going into Pell grants and doubled the amount of young people in our country that are receiving Pell grants.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY), the author of my bill, my friend and colleague.

Mr. GINGREY. Mr. Speaker, let me thank the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness, and I appreciate his great work on this legislation, as well as the gentleman from Michigan for this bipartisan bill.

I rise today in support of H.R. 4409, the Teacher Enhancement Act. It is a bill I am proud to offer on behalf of our Nation's school teachers. H.R. 4409 will help ensure teacher-training programs produce well-prepared teachers to meet the needs of America's students.

The goals of the Teacher Training Enhancement Act are to increase student achievement, academic achievement, improve the quality of the current and future teacher workforce by improving teacher preparation and enhancing professional development activities, hold teacher-preparation programs accountable for preparing highly qualified teachers, and recruit highly qualified individuals from diverse ethnic and occupational backgrounds into the teaching profession.

As in current law, H.R. 4409 authorizes three types of competitive grant programs: the State grants, partnership grants, and teacher recruitment grants. The State grant funds must be used to reform teacher-preparation requirements, coordinate with the activities set forth under title II of the No Child Left Behind Act, and ensure that current and future teachers are indeed highly qualified. Programs administered through State grants will focus on effective teacher preparation, placing a renewed emphasis on the skills needed to meet the highly qualified standard.

The partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and to achieve success in the classroom. Eligible partnerships now must include four partners: a high qualified teacher-preparation program at an institution of higher education; second, a college of arts and sciences; third, a high-need local education agency; and, this is new, fourth, a public or a private education organization.

These partnerships will require the faculty of the teacher-preparation program to serve with a highly qualified teacher in the classroom, allowing effective in-class experience to ensure that we do have highly qualified teachers who are truly prepared to teach.

As we work to hold teacher-preparation programs accountable for preparing teachers, the need to recruit individuals into the teaching profession will only increase. Teacher recruitment grants will help bring high-quality individuals into teaching programs and ultimately put more highly qualified teachers into the classroom. H.R. 4409 recognizes the need to ensure high-need local educational agencies are able to effectively recruit highly qualified teachers and will help answer that need by increasing the number of teachers being trained.

This bill also includes a new program which is based on provisions submitted to the Committee on Education and the Workforce by the United Negro College Fund and the Hispanic Education Coalition to authorize a teacher-preparation Center of Excellence at minority-serving institutions. This program will increase teacher recruitment and make institutional improvements to teacher-preparation programs at minority-serving institutions.

While current higher education law contains annual reporting and accountability requirements for institutions of higher education, these measures have proven ineffective in determining the true quality of teacher-preparation programs. H.R. 4409 adds an accountability provision to the Higher Education Act that will strengthen these current law provisions and hold teacher-preparation programs accountable for providing accurate and useful information about the quality of their program.

The bill is specifically designed to align teacher-preparation programs with the high standards for accountability on the results provided for in No Child Left Behind. The Teacher Training Enhancement Act places a strong focus on the quality of teacher preparation, and a renewed emphasis on the skills needed to meet the "highly qualified" definition found in No Child Left Behind.

H.R. 4409 recognizes flexibility should exist in the methods used for training highly qualified teachers, and it allows funds to be used for innovative teacher-preparation programs such as charter colleges which can provide an alternative gateway for teachers to become highly qualified.

The future competitiveness of our Nation will depend on our ability to strengthen education at all levels. We need to prepare our teachers so that they may fulfill the high standards for students' achievement outlined in the No Child Left Behind Act.

I am pleased, Mr. Speaker, to be offering this bill today which takes a step in the right direction to ensure that the teachers of tomorrow have access to the high-quality training they need and deserve. And I encourage my colleagues to vote "yes" on this bill and stand in support of America's teachers.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the ranking member on the Subcommittee on Education Reform.

Ms. WOOLSEY. Mr. Speaker, you do not have to be a baseball fan to be familiar with those famous words of Yogi Berra, "It is like deja vu all over again."

Why are we back here on the House floor for a second time to consider bills to reauthorize teacher education and graduate education in the Higher Education Act?

The House has already passed these bills. It is time to move forward. It is time to address the real needs of students. Those real needs are to make higher education more accessible and more affordable. College tuition and college tuition fees have increased by almost 30 percent over the last 3 years. At State schools last year, 49 of the 50 States increased tuition. The average student debt is now almost $19,000, up 66 percent since 1997. Nearly half of all working postsecondary students work more than 25 hours a week in order to afford to stay in school.

What solutions do my colleagues on the other side of the aisle have for American students? They bring back for the second time two perfectly fine bills that the House has already passed and that do nothing to make college more affordable.

What they do not bring to this House floor is H.R. 4283, which would reauthorize the student loan programs. Well, it is not hard to understand why my colleagues do not want a public debate on that bill. H.R. 4283 freezes through the year 2011 the maximum Pell grant, the greatest source of postsecondary funding for low-income students. It would eliminate the current fixed rate on consolidated loans which will force most student borrowers to pay $5,500 more on their student loans.

□ 1330

It raises interest rates on all student loans, and it does nothing to address the problem of rapidly rising tuition.

Mr. Speaker, certainly, many in the Chamber should be talking about higher education, how to help more students go to college, how to help more students pay for college, not a tired replay of the debate on these two bills. So do not vote for it. Insist that we do something more.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), who comes from an experience as a teacher, as professor, as a coach.

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON) and also the gentleman from Georgia (Mr. GINGREY) for bringing this bill to the floor. It seems like we get involved in extraneous arguments here and do not pay attention to the specific bill before us. I am sure we will eventually get to student loans and Pell grants as time goes on.

I am particularly interested in two aspects of this bill. As my colleague mentioned, I did serve as a faculty member, 2 years as a young man in graduate school, and then just 3 years ago I again was in a teacher's college for 2 years. So really there are two aspects of this bill that are very interesting to me.

One is the issue of accountability. Because we give Federal grants to colleges and universities for teacher training, and oft-times we really have no rating as to what the results are. So, as the gentleman from Georgia (Mr. GINGREY) and as the Chairman have mentioned, accountability is a big part of this bill. So this is done by comparing one college, one university with another, which I think is very important, State-by-State comparison.

Then, of course, the Secretary of Education must report to Congress each year on the overall state of the Nation's teacher training. Some colleges and universities do a great job of training teachers, and some really do a rather poor job, and I think that will eventually show up.

The second main point of encouragement here is I serve a very rural district, a lot of small schools, roughly 400 that have 600 or less students. So, as a result, most of these school districts do not have somebody teaching advanced math, they do not have somebody teaching Russian, they do not have somebody teaching German, they have nobody teaching physics, and so it has to be done by distance learning. A big part of this bill is to ensure competence on the part of teachers in terms of technology, the ability to deliver successfully classroom education via ESUs and via the Internet. So I think this is really going to serve those schools that are widely dispersed and those students that are served in very small schools very well.

This is a well-crafted piece of legislation. I want to congratulate the Chairman and the author.

Mr. KILDEE. Mr. Speaker, on this summer rerun I now yield as much time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for the time.

I think it is very important that the American people understand the charade that the Republican leadership is engaged in here today. The two education bills that are being taken up this afternoon, as my colleague has said, are identical to the education bills that this House has already passed by large margins. They have simply been repackaged, dressed up and trotted out again as if they were something new, but this bill we are considering now was passed last year by the House by an overwhelming vote of 404 to 17.

I do not think anyone has changed their mind in the House. This is a good bill, and it should be passed once again, but those who are close followers of the House of Representatives will begin to see a pattern here. Just 3 weeks ago, the House leadership brought out three other pieces of legislation at that time which were ostensibly health-related issues; and, again, those were three pieces of health legislation that had already passed the House of Representatives.

So what is going on? Why are we doing this? Why are we wasting taxpayer dollars? Why are we tying up the time of the House of Representatives on useless, unnecessary and meaningless exercises?

There is only one answer here, which is to create the illusion with the American people that the House of Representatives, that the House Republican leadership is actually doing something new to improve the higher education system and expand access to college and universities. We should not be wasting taxpayer dollars on what is simply a PR ploy, a cynical ploy.

We are facing many challenges in this country. We are facing challenges abroad. We are facing challenges here at home. In the area of education, we should get about the business of fully funding No Child Left Behind. This year's budget is $9 billion short that was submitted by the White House. Let us fully fund that.

Let us do something about the growing opportunity gap in higher education. We have got rising tuitions around the country. Federal support for students has been going down in real terms. Let us try and close that gap, but, instead, we are doing, as my colleagues have said, reruns, summer reruns.

This bill today accomplishes nothing new. That is bad enough. What is worse is that we are trying to create the impression that we are doing something new.

Sadly, it is a procedural hoax. It is an example of waste, fraud and abuse: waste of taxpayer dollars to be here and abusing the time of the House, a fraud on the American people in that we are trying to tell them we are doing something new when we just did this last year. We do not have to be doing it again. Abuse of process because we are taking the same bills, just giving them new bill numbers and telling people we are going to do something again.

So I think that whether a person is a Democrat or a Republican or Independent they should be offended by this farce. We should get about the business of doing something new in the area of education, the area of higher education, do something about the big problems we face in this country and not going through meaningless exercises to try and create the impression that something is new.

Madison Avenue would be very jealous of what is happening here today in terms of trying to create an impression that something is being done when it is not.

Mr. McKEON. Mr. Speaker, I am happy that we are here today working on something to help better our teachers and better education for our young people.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS), a strong member of the committee, a person who was a college professor for 20 years and knows what he is speaking about.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding the time. I thank the gentleman for bringing this legislation to the floor.

I sat here and I listened to the rhetoric from the other side, and they do not seem to get it. They do not seem to get that education is important to America. They do not seem to get the fact that, as we improve education and teacher training, we can improve America. They do not seem to get the fact that it is important that the future of our Nation depends on education.

I want to speak specifically to a portion of this legislation that we worked out with our colleagues from the other side; and that is the demand for more ethnically and culturally diverse, highly qualified teachers. It is critical, especially as the significant growth in the numbers of minority students in K through 12 is present across our Nation.

Opportunities that increase the numbers of minority teachers and enhance their training will support the broader strategies to enhance instructional opportunities for and can help to eliminate the achievement gaps of minority students.

According to part C of H.R. 4411, it authorizes the creation of centers of excellence at high-quality, minority-serving institutions.

During the discussion of H.R. 2211, the Ready to Teach Act, the bill that we are discussing from last year, I offered an amendment that was cosponsored by the gentleman from New York (Mr. OWENS) and the gentleman from Texas (Mr. HINOJOSA) that authorizes grants for teacher preparation at centers of excellence that are based on language that was submitted by the committee or to the committee by the United Negro College Fund and the Hispanic Education Coalition.

I am pleased that the bill before the House today, H.R. 4409, the Teacher Enhancement Training Act, also contains this important new program.

I believe that these centers of excellence will provide minority-serving institutions that have demonstrated a record of preparing highly qualified teachers with a leadership role in recruiting and preparing those teachers and increase the opportunities for Americans of all educational, of all ethnic and of all geographic backgrounds to become highly qualified teachers.

In general, the purpose of these centers are to increase teacher recruitment at minority-serving institutions and make institutional improvements to teacher preparation programs at these schools.

Mr. Speaker, I have two HBCUs in the 12th district. Paine College in Augusta and Savannah State University in Savannah will both benefit from this legislation. They provide grants. Grants are competitively awarded to high-quality teacher preparation programs at HBCUs, the Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribally-Controlled Colleges and Universities, Alaska Native-Serving Institutions and the Native Hawaiian-Serving Institutions.

This is a good bill. It provides a positive reinforcement for the future for teachers and teacher training and for minorities across our Nation. These grants can be used for numerous opportunities at these institutions to enhance and create opportunities for minorities in the teaching environment: reforms within teacher preparation programs; high-quality preservice clinical experiences; initiatives that promote the retention of highly qualified teachers and principals; and scholarships to help teachers pay for tuition, room, board and other experiences.

Mr. Speaker, I urge my colleagues to support this legislation, to support minority-serving institutions and vote yes for H.R. 4409, the Teacher Training Enhancement Act.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 4409, the Teacher Training Enhancement Act, and I would like to thank the gentleman from Georgia [Representative GINGREY] for his leadership on this issue. The bill before us complements the No Child Left Behind Act and will help to improve the quality and accountability of our nation's teacher preparation programs.

In exchange for significant new funding, the No Child Left Behind Act calls on states to place a highly qualified teacher in every public school classroom by the 2005–2006 school year. We can all agree highly qualified teachers play a pivotal role in the successful education of our nation's children, and those children deserve nothing less than the best.

Congress has kept its word to increase funding to help ensure teachers can become highly qualified—in fact, funding for teacher quality grants increased by 35 percent in the first year of No Child Left Behind alone. We're providing the resources, and this bill will build on that effort by ensuring our teachers are highly qualified and prepared to teach.

There is no doubt highly qualified teachers are essential if we are to provide every child in America with a high quality education. In fact, the future competitiveness of our workforce is directly dependent on the quality of education in our schools. Today's students are tomorrow's workers, and highly qualified teachers play a vital role in providing our students with the skills and knowledge they need to succeed. Yet the nation's teacher training programs suffer from a serious lack of accountability, and this time it's the teachers who are being left behind.

The bill before us today takes important steps to ensure teacher training programs are giving prospective teachers the skills and knowledge they need to meet the highly qualified standard in No Child Left Behind. Let's be clear on this point: this bill is about supporting our teachers. We're expecting a lot from them, and they deserve high quality training programs that will ensure they are ready to teach when they step into the classroom.

This legislation makes several improvements to Title II of the Higher Education Act to strengthen the programs that train the teachers of tomorrow. This bill is about helping teachers, pure and simple—giving them the tools and training they need to meet the needs of the nation's students.

H.R. 4409 authorizes competitively awarded grants under the Higher Education Act to: increase the quality our teaching force by improving teacher preparation and enhancing professional development; hold teacher preparation programs accountable for preparing highly qualified teachers; and recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

The Teacher Training Enhancement Act ensures program effectiveness can be accurately measured and places a renewed emphasis on the skills needed to meet the "highly qualified" standard found in the No Child Left Behind Act. This includes areas such as: the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research, and challenging state student academic standards.

Under this bill, funds can also be used to recruit individuals, and specifically minorities, into the teaching profession. This bill allows for the creation of Centers of Excellence at high quality minority serving institutions. These Centers of Excellence will help increase teacher recruitment and strengthen teacher preparation programs at minority serving institutions.

As we work to place highly qualified teachers in classrooms across the nation, I'm particularly pleased that the Teacher Training Enhancement Act allows for innovative programs that provide alternative options to the traditional teacher training programs. Proposals outlined in the bill, such as charter colleges of education, provide a much-needed alternate route to training highly qualified and effective teachers.

This bill recognizes that individuals seeking to enter the teaching profession often have varied backgrounds. And by creating flexible approaches that step outside the box, these individuals can become highly qualified teachers through training programs as unique as their individual experiences.

H.R. 4409 will also bolster accountability so that the effectiveness of teacher training programs can be measured. While current higher education law contains annual reporting requirements, these measures have proven ineffective in gauging the true quality of teacher training programs. In fact, the current requirements have sometimes been manipulated, leaving data skewed and often irrelevant. This bill will strengthen reporting measures and hold teacher preparation programs accountable for providing accurate and useful information.

A highly educated workforce is critical to America's future competitiveness. And the quality of education is directly related to the quality of teachers entrusted with the vital task of educating our students. I've said it before and I'll say it again; we are expecting a lot from teachers, and they deserve our full support. This bill will do exactly that—support the teachers of tomorrow, and the teaching profession as a whole, by strengthening teacher training. Our teachers deserve it, our schools deserve it, and our students deserve it. Mr. Speaker, I strongly support this bill and encourage my colleagues to do the same.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 4409, the Teacher Training Enhancement Act, which will strengthen teacher training programs to ensure teachers are highly-qualified and ready to teach when they enter the classroom.

A year and a half ago, the President signed the No Child Left Behind Act into law. Ever since states and school districts across the country have been answering its call to reform. The Teacher Training Enhancement Act follows the momentum of No Child Left Behind and meets its requirement to place a highly qualified teacher in every classroom. A requirement of great import, as the value of a qualified teacher on a student's ability to learn has been proven, over and over again. H.R. 4409 achieves this by making improvements to the Higher Education Act to help ensure teacher training programs are producing highly qualified teachers to meet the needs of America's students.

All states and nearly all teacher education programs in the country are affected by general accountability provisions in this legislation. Schools receiving federal funds must report annually on the quality of teacher preparation, including information on the pass rates of their graduates on initial certification assessments. Higher education institutions enrolling federally-aided students in their teacher preparation programs must report annually detailing, among other things, the certification pass rates of graduates.

Unfortunately, this data has proven ineffective in measuring the true quality of teacher preparation programs. Current requirements have often been manipulated, leaving data skewed and often irrelevant. For example, if a student fails to pass the state certification exam, upon completion of the institution's program, the school will award them a degree in another field rather than in education. A school will only award students an education degree if that student has passed the state exam. That way, the school will always have a 100 percent pass rate. H.R. 4409 sets forth more useful information. This includes requiring a school to report on all students who have completed 50 percent of the program and requiring an average score of students rather than the pass rates.

We are fortunate in the State of Delaware to have the University of Delaware's Elementary Teacher Education program. In many ways the University of Delaware has already begun to address the need to have a highly qualified teacher in our classrooms. They have been innovative and forward thinking always recognizing the importance of providing their students with a strong academic base as well as a practical experience.

In their freshman year at the University of Delaware, students participate in field experiences in the school setting. Freshmen have the opportunity to observe, tutor, and offer general assistance in the classroom. As sophomores and juniors, the experiences include planning, implementing, and assessing limited instructional units with small groups or an entire class. As seniors, students become engaged in an extended student teaching experience.

Technology is integrated throughout the curriculum and all students will graduate with the skills necessary to utilize technology in their instructional planning. The Elementary Teacher Education program's goal is to prepare teachers who are reflective practitioners serving a diverse community of learners as scholars, problem solvers and partners.

I am committed to ensuring No Child Left Behind is a success for America's children. The Committee and this Congress have been working since passage to ensure other laws in the education arena are aligned with No Child Left Behind. We have accomplished this with IDEA, Head Start and hopefully today with the Teacher Training Enhancement Act. I encourage my colleagues to support H.R. 4409.

Mr. KILDEE. Mr. Speaker, I strongly support this carbon copy of H.R. 2211 and urge its adoption; and I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I have no further requests for time. I ask that my colleagues support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and pass the bill, H.R. 4409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRIORITIES FOR GRADUATE STUDIES ACT OF 2004

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4411) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

The Clerk read as follows:

H.R. 4411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) Short Title.—This Act may be cited as the "Priorities for Graduate Studies Act of 2004".

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. JAVITS FELLOWSHIP PROGRAM.

(a) Interruptions of Study.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: "In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.".

(b) Allocation of Fellowships.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting "from diverse geographic regions" after "higher education"; and

(2) by adding at the end the following new sentence: "The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.".

(c) Stipends.—Section 703 (20 U.S.C. 1134b(a)) is amended—

(1) in subsection (a)—

(A) by striking "1999-2000" and inserting "2004-2005";

(B) by striking "shall be set" and inserting "may be set"; and

(C) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program"; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

"(1) In general.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004-2005 and succeeding academic years, the same amount as the institutional payment made for 2003-2004 adjusted for 2004-2005 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.".

(d) Authorization of Appropriations.—Section 705 (20 U.S.C. 1134d) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) Designation of Areas of National Need; Priority.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking "and an assessment" and inserting "an assessment"; and

(B) by inserting before the period at the end the following: ", and the priority described in subsection (c) of this section"; and

(2) by adding at the end the following new subsection:

"(c) Priority.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

"(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;

"(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

"(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.".

(b) Collaboration Required for Certain Applications.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and".

(c) Stipends.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking "1999-2000" and inserting "2004-2005";

(2) by striking "shall be set" and inserting "may be set"; and

(3) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program".

(d) Additional Assistance.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999-2000" and inserting "2004-2005"; and

(2) by striking "1998-1999" and inserting "2003-2004".

(e) Authorization of Appropriations.—Section 716 (20 U.S.C. 1135e) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(f) Technical Amendments.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking "section 716(a)" and inserting "section 715(a)"; and

(2) by striking "section 714(b)(2)" and inserting "section 713(b)(2)".

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) Contract and Grant Purposes.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(6) to award Thurgood Marshall Fellowships to eligible law school students—

"(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

"(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.".

(b) Services Provided.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting "in analytical skills and study methods" after "courses".

(c) Authorization of Appropriations.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking "1999 and each of the 4 succeeding fiscal years" and inserting "2004 and each of the 5 succeeding fiscal years".

(d) General Provisions.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) Contract and Grant Purposes.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;";

(2) in paragraph (2), by inserting before the semicolon at the end the following: "for postsecondary students, especially those that provide academic credit for programs";

(3) by amending paragraph (3) to read as follows:

"(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;"; and

(4) by amending paragraph (6) to read as follows:

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;".

(b) Areas of National Need.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

"(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

"(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

"(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention; education, healthcare, self sufficiency, and workforce preparation.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking "$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years" .

SEC. 6. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking "students with learning disabilities" and inserting "students with disabilities".

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting "in order to improve retention and completion" after "disabilities";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education."; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

"(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.".

(2) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (E)".

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) a description of how such institution plans to address the activities allowed under this part;";

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 765 (20 U.S.C. 1140d) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4411.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act, which builds on the success of the graduate programs currently authorized under title VII of the Higher Education Act and also helps to fulfill the demand for highly qualified teachers at the K–12 level.

I want to commend my colleague, the gentleman from Georgia (Mr. BURNS), a valuable member of the committee, for his work on this important piece of legislation.

I am particularly pleased that this bill has the potential not only to enhance graduate education but to build on the strength of education at all levels by helping to increase study of subject areas facing particular shortages in elementary and secondary schools.

This bill complements H.R. 4409, the Teacher Training Enhancement Act, which we have considered here today. Bringing these two bills forward is our declaration that supporting America's schoolteachers is a priority for our committee and for the U.S. House of Representatives.

We know that an important part, important key to placing highly qualified teachers in every public classroom called for by the bipartisan No Child Left Behind Act is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages.

If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue in a comprehensive manner. Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science and special education teachers.

To address these shortages head-on, this bill places a priority on these particular subject areas, ensuring that our investment in graduate education continues to improve education at all levels in America.

□ 1345

Although I believe the role education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education cannot be overlooked. As we enter the 21st century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically advanced economy. The future competitiveness of our Nation will depend on successfully educating our workforce and fostering continued breakthroughs through education.

Now more than ever our citizens are obtaining graduate degrees in order to obtain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these valuable programs that prepare the next generation of scholars. We have expressed our support for our teachers before and we stand united today to continue that support and urge our colleagues in the other body to do the same.

Graduate education is essential to maintaining our economic leadership as well as ensuring the success of education reform in classrooms across America. I hope my colleagues will join me in supporting this bill and the continued success of graduate education.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been here before. We have already voted on this legislation. As with the last bill, this legislation has already passed this House. Less than 1 year ago, this House reported the exact bill by a good bipartisan voice vote. That bill also improved our graduate programs. While this is a worthwhile goal, today's action does not actually move us further toward these improvements.

I am going to support this bill today, but there is a more important question for this body: Why are we repassing legislation? During the last bill we considered, I asked this very question. Since I did not get a satisfactory answer then, I really do not expect to get one now. But rather than wasting our time, Mr. Speaker, repassing legislation, we should be investing in America's families.

During the last bill, I talked about some much-needed improvement to our higher-education programs that this Congress should be considering. Now I will spend my time on how this Republican Congress and the Bush administration has not provided economic security for the American worker and their families.

The Republican Congress and the Bush administration have refused to provide extended unemployment benefits to those workers who have exhausted their initial benefits. Despite the fact that 1.5 million workers have exhausted their benefits, this Congress has refused to act. These workers who have lost their jobs due to outsourcing and the sour economy do not have the financial security to provide for their families. This Congress and the administration continue to turn a blind eye.

The real root of the problem for today's American workers is that there are not any jobs. I was in my hometown of Flint, Michigan, this past weekend; and I went into McDonald's and ordered the No. 9. They were hiring, but General Motors is not hiring. The really good jobs are not there.

There are 8.2 million individuals now unemployed. On his watch, President Bush has lost 2 million jobs. That is a staggering figure when you stop to think about it. The administration has failed to keep the jobs needed to keep pace with an expanding workforce, but also we are 2 million jobs in the hole.

The Republican Congress and the Bush administration have failed to pass an unemployment insurance extension and other critical legislation directly affecting the financial security of families. Instead, Congress is debating legislation that has already passed.

Clearly, Mr. Speaker, we need to refocus our priorities on restoring the economic well-being of our workers and the families for which they provide. Mr. Speaker, I again want to say that I am going to support this legislation which is before us today. However, this legislation is not moving us toward improving our graduate programs. We simply are squandering our time and resources by repassing this bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself 30 seconds to answer the gentleman's question why we are here today.

I think that we did pass these bills before, but they have not been acted upon by the other body. So I do not think it will hurt to have further discussion here, again voting on these issues and showing how important our teachers are, showing how important economic stability comes from education.

We think that it is very important to discuss these issues; and, frankly, I do not think it is a waste of time any time we can talk about helping the education of our country.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS), a strong member of our committee.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me this time and for his work on this legislation.

Mr. Speaker, I rise today in support of H.R. 4411, Priorities For Graduate Studies Act. I am pleased to be offering this bill, which will build upon the successes of our graduate education programs and help also trigger improvements at all levels of the educational environment by prioritizing studies in areas of national need.

We all recognize the importance of graduate education, particularly as we work to meet the challenges of the No Child Left Behind Act and place a highly qualified teacher in every school, in every classroom in America by the school year 2005–2006. I believe that the legislation before us today will help both States and schools across the Nation achieve that important goal.

Mr. Speaker, I speak from experience, having taught at the graduate level at Georgia Southern University for some 19 years. In order to produce a qualified teacher, you have to have a qualified classroom. So if we are going to have world-class math and science instruction for our K through 12 students, we have to have the world-class instruction for those teachers at our graduate schools across the Nation.

The Federal Government has long been involved with graduate level education, providing fellowships that assist students who excel in their chosen fields to complete education beyond the baccalaureate level. These programs have been successful, tremendously successful in encouraging in-depth study and creating knowledgeable experts, particularly in subject areas facing a national need.

Graduate programs authorized under the title VII component of the Higher Education Act produces immeasurable benefits for our Nation. Not only do these programs enrich our citizenry but they also nurture discovery and innovation that will lead to medical, educational, and technological advancements. Graduate programs train the next generation of teachers, the next generation of researchers and engineers and doctors and lawyers and professors. These individuals will be vitally important in preparing the United States to meet the challenges of a global economy.

Title VII of the Higher Education Act authorizes three graduate fellowship programs: the Graduate Assistance in Areas of National Need program, the Jacob K. Javitz Fellowship program, and the Thurgood Marshall Legal Educational Opportunity program. Collectively, these programs encourage students to advance their knowledge in scientific and technical fields, in the arts and humanities, and in legal studies by providing financial assistance as well as support services to those displaying academic excellence in their selected fields.

Each year, Congress appropriates nearly $70 million to assist these students in pursuing their goals. The Priorities For Graduate Studies Act seeks to build upon the success of these programs by targeting fellowships to subject areas facing national need not only at the graduate level but also by encouraging the study of subject areas where there are shortages in K through 12 education. This will help to expand the number of educators prepared to train teachers of tomorrow in the critical subject areas of math and of science and of special education. By placing a priority on these subject areas with a demonstrated national need, graduate fellowships will serve to strengthen education from the halls of universities down to the classrooms filled with children.

In addition to placing a priority on these three subject areas, the Priorities For Graduate Studies Act will also recognize the rapidly growing need for teachers prepared to meet the needs of students with limited English proficiency. H.R. 4411 is an essential piece of legislation that strengthens our higher educational system. We strengthen the graduate education, we target the Federal investment toward areas facing a demonstrated need, and we work to improve not just the graduate education but education at all levels across our Nation.

Mr. Speaker, I encourage my colleagues to join me in supporting this piece of legislation and help our already successful graduate educational programs become even more successful.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from California (Mr. McKEON) has said we are repassing these bills to get the attention of the Senate. I suggest it might be cheaper and more efficient to send a respectful message to the Senate, and I will be glad to cosign a letter with my colleague to do that.

But, nevertheless, I will support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume, and respond to my colleague that I will be happy to join him in that letter. Whatever we can do to help move the other body, I think is important, especially in the area of education, where we are trying so hard to help our teachers and our young people so that we can better prepare ourselves for stronger economic stability in the future.

Mr. Speaker, I encourage all of my colleagues to support this bill.

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act, legislation which creates an informed and educated citizenry through strong and vibrant graduate education programs.

As we enter the 21st Century, the need for advanced education is becoming increasingly critical to successfully maintaining America's place in a technologically advanced economy. Now, more than ever, U.S. citizens are obtaining graduate degrees to gain additional knowledge and expertise in their fields of study. Nearly 2 million students currently attend one of more than 1,800 graduate school programs throughout the country. And, this number is increasing. According to the Council of Graduate Schools, total graduate enrollment in the United States rose by 3 percent between 2000 and 2001, and it is expected to steadily rise in coming years.

Graduate programs, while important for their role in higher education, also play an essential yet often overlooked role in K–12 education. It is graduate programs that train individuals to become faculty at institutions of higher education. They will in turn train the elementary and secondary teachers of tomorrow.

H.R. 4411 is closely aligned with H.R. 3076, the Graduate Studies in Higher Education Act, which I authored and the House passed last fall. I have worked closely with Representative BURNS in crafting the legislation before the House of Representatives. Today's bill presents the House with an important opportunity to support graduate education while drawing attention to the need for highly qualified elementary and secondary teachers.

The Priorities for Graduate Studies Act strengthens the Title VII graduate programs contained within the Higher Education Act. H.R. 4411 reauthorizes the Graduate Assistance in Areas of National Need (GAANN) program, the Jacob K. Javits Fellowship program and the Thurgood Marshall Legal Educational Opportunity program. It also recognizes new areas of national need and increases flexibility for students in these graduate programs. By placing a "priority" within the graduate programs in the subject areas of math, science, special education and teaching English to speakers of other languages, this bill will strengthen the academic quality not only at the graduate level, but also within American elementary and secondary schools.

I encourage my colleagues to join me in supporting Representative BURNS' legislation, as together we can help make our country's already successful graduate education programs even better.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act. I'm pleased to stand in support of this bill, which will both enhance graduate education and build on the strength of education at all levels by helping to increase study of subject areas facing shortages at the K–12 level. I'd like to commend Representative BURNS for his work on this important bill.

The Priorities for Graduate Studies Act will build on the success of the graduate programs currently authorized under Title VII of the Higher Education Act, and, additionally, the bill will help fulfill the demand for highly qualified teachers at the K–12 level.

Witnesses have testified before the Education and the Workforce Committee that an important key to placing highly qualified teachers in every public school classroom, as called for by the bipartisan No Child Left Behind Act, is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages. I believe the importance of this cannot be overstated. If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue comprehensively.

Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science, and special education teachers. And as our schools work to educate those whose native language is not English, we need teachers who are prepared to meet the needs of students with limited English proficiency (LEP). To meet these demands, this bill places a priority on these particular subject areas for graduate assistance programs, ensuring that our investment in graduate education continues to improve education at all levels.

Although I believe the role graduate education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education should not be overlooked. As we enter the 21st Century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these programs that prepare the next generation of scholars. We have expressed our support for our teachers before, and we stand united today to continue that support and urge our colleagues in the other body to do the same.

Graduate education is fundamental to maintaining our competitiveness and economic leadership, as well as ensuring the success of education reform in classrooms across America. And as our economic recovery continues and new jobs are created everyday, the importance of education will only grow. I hope my colleagues will join me in supporting this bill, and the continued success of graduate education.

Mr. SMITH of Michigan. Mr. Speaker, a highly educated workforce is critical to America's future competitiveness. And the quality of education in America's schools is directly related to the quality of the teachers entrusted with the vital task of educating the Nation's students. Today's students are tomorrow's workforce, and for that reason education is directly linked to America's future competitiveness in a changing economy.

H.R. 4411, the Priorities for Graduate Studies Act, addresses the shortage of highly qualified math and science teachers at the K–12 level. One of the problems is the continuing lack of faculty at the graduate level to train the teachers of tomorrow in these demanding fields. This must be addressed to fortify the pipeline of highly qualified teachers for our Nation's youth. To increase faculty in these high-demand subject areas, the Priorities for Graduate Studies Act will target Federal aid for graduate studies to these subject areas. The bill, introduced by my colleague from Georgia Representative MAX BURNS, places a priority on the areas of math and science for graduate fellowship programs in the Higher Education Act. Further, this bill reinforces previous Federal efforts in the "No Child Left Behind Act" requiring a "highly qualified" teacher in every classroom. This bill, along with the other bills being discussed today, also provides State grants to recruit and train teachers. In addition, loan forgiveness programs at the Department of Education and the Noyce Scholarship Program at the National Science Foundation (NSF), which seeks to encourage top math and science students to enter the teaching profession, are just some of the initiatives that have been designed to address issues of teacher recruitment and retention.

Federal Reserve Chairman Alan Greenspan recently testified before the House Education and Workforce Committee and said that strengthening the Nation's education and worker training systems and supporting innovation are essential to creating jobs and sustained economic growth for American families. He said that the U.S. appears to be lagging seriously behind other nations in terms of the quality of education being provided to students at the K–12 level. He quoted a study conducted in 1995 (The Third International Math and Science Study, a project of the International Study Center, Lynch School of Education, Boston College) revealing that although our fourth-grade students were above average in both math and science, by the time they reached their last year of high school they had fallen well below the international average.

The quality of America's workforce is inextricably tied to the quality of America's education system. For that reason, advanced degrees in specific subject areas will help to improve the training of our schoolteachers, building upon the quality of elementary and secondary education and, in turn, strengthening the competitiveness of the American worker. The House bill being discussed today recognizes that a shortage of advanced degrees earned in high-demand subject areas such as math and science can create a void from the university level down to K–12 classrooms. To address this shortage, the bill places a priority on these subject areas when awarding graduate level fellowships.

Mr. Speaker, when I have an opportunity to speak with teachers about education, I often ask them if teaching a child math or science is more like lighting a fire than filling a container, at what age they believe the flame of interest for math and science education is sparked and how can we keep it burning. I get all sorts of answers. Some say third grade. Others say kindergarten. But they all generally agree that our greatest challenge is to ensure that all children experience that initial spark to create more interest in science and math.

As Chairman of the Science Research Subcommittee, I recently introduced legislation that passed this House, creating a Congressional award for private sector entities that partner with schools to improve science, technology, engineering, and math education. The bill, H.R. 4030, would provide well-deserved recognition for outstanding private sector efforts and directs the National Science Foundation to disseminate information about award winners to educators, businesses and the general public.

The way to maintain and increase our standard of living is through innovation, technological advancement and hard work. We need to do a better job of encouraging student interest and achievement in math and science so that today's students will be successful in the highly competitive global economy.

Mr. GRIJALVA. Mr. Speaker, we are standing here today to consider pieces of legislation that the House passed overwhelmingly just a year ago. These were not controversial bills at the time they were first considered and they are not controversial now. It seems clear to me that the House Republican Leadership would like to distract the American public from the real issues that need to be addressed. Instead of being down on the floor to discuss legislation that we all agree on and already passed, members of the House Committee on Education and the Workforce should be spending time working on the legislation that would offer real solutions to students struggling to pay for a college education.

Tuition is rapidly rising in nearly every state. The buying power of Pell grant has dropped significantly in the last 30 years. Students are graduating from college with enough debt that they could buy a car or even a house, which significantly hinders their ability to contribute to economic growth. Students are increasingly turning to a part time education just so they can support themselves while in college.

These are clearly dire times when it comes to college affordability, but instead of spending our time crafting legislation that would offer real solutions to students, we are rehashing legislation that we already passed to fulfill the political needs of the House Republican Leadership.

The Higher Education Bills that we are considering today are bills that I supported in the past and will support again in today, but today's debate is merely a distraction from the real problems that students face in paying for college.

Mr. HINOJOSA. Mr. Speaker, I do not object to the three higher education bills under consideration today. In fact, this body passed these bills with broad bipartisan support last year, and I voted for all three of them. I do object, however, to our wasting time revisiting legislation that we have already worked out instead of completing the work that remains to be done.

The Higher Education Act represents our national commitment to ensuring that a college education is possible for anyone—regardless of income, race, or ethnicity. This law supports our students and our institutions of higher education in their pursuit of academic excellence. It represents the single largest Federal investment in education with over $75 billion in student financial assistance distributed annually.

This Congress the Higher Education Act must be reauthorized. Instead of considering the act as a whole, the majority decided to pass the reauthorization in parts. The parts that we are considering today have already been passed. What we are failing to discuss today are the programs at the very heart of the matter—the student aid programs: Pell grants, student loans, work study.

We are also failing to discuss the instrumental Federal supports to the institutions that serve low-income and minority students—titles III and V of the Higher Education Act. The titles that support Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribally Controlled Colleges.

The Advisory Committee on Student Financial Assistance has reported that over the next 10 years as many as 4.4 million college-qualified low-income students will be unable to attend 4-year colleges because of unmet financial need. Two million will not be able to attend any college at all. Most of the students will be minorities—Hispanics and African Americans.

We have a lot of work left to do. I hope that we will get to it.

Mr. McKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and pass the bill, H.R. 4411.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONVEYANCE OF REAL PROPERTY IN RAVENNA, OHIO

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3908) to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

The Clerk read as follows:

H.R. 3908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE.

The Secretary of Labor shall convey, without charge or consideration, to Portage County, Ohio, all right, title, and interest of the United States (including all Federal equity) in and to the parcel of real property located at 1081 West Main Street in Ravenna, Ohio, to the extent such right, title, or interest was acquired through grants to the State of Ohio under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or through funds distributed to the State of Ohio under section 903 of the Social Security Act (42 U.S.C. 1103).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill H.R. 3908.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3908, a bill sponsored by my good friend from across the aisle, the gentleman from Ohio (Mr. RYAN), to convey all Federal rights to a property in Ravenna, Ohio, to Portage County, Ohio.

This particular building has been used as an employment services office by the State of Ohio since its construction in 1972. However, as the State of Ohio has transitioned to locally operated one-stop career centers, as authorized under the Workforce Investment Act, the State no longer needs this separate facility.

As envisioned under the Workforce Investment Act, the State now provides employment services through the one-stop career centers as one of numerous partner programs making reemployment and training services available through this seamless delivery system.

On an interim basis, Portage County, located in northeast Ohio, has been using the facility rent free for its one-stop career center. However, the Ohio Department of Job and Family Services, which still controls the building, does not want to be a permanent landlord. The State should not shoulder the responsibility of maintaining the building, as the State represents one of several tenants offering programs at the one-stop center.

While the State has the option to sell the building under a sealed-bid process, the county cannot afford to pay the appraised value of $184,000. Therefore, the State desires to transfer the property to Portage County. This cannot be done without Federal legislation relinquishing Federal rights to the building. The Federal Government holds just over 88 percent of the equity in the property, since it was acquired with Federal funds.

Passage of this bill should result in improved services to job seekers in the local area served by the one-stop center. Now the local workforce investment board and county commissioners will be free to focus solely on job counseling, workforce preparation, and training for individuals seeking new or better jobs. In addition, they will continue to serve businesses seeking qualified employees.

□ 1400

During this time of sustained job growth in our growing economy, we need to ensure that local workforce investment areas are ready to provide needed assistance. By finalizing the location of the county's one-stop center, H.R. 3908 will do just that.

I thank the gentleman from Ohio (Mr. RYAN) for bringing this bill to the floor, and I encourage my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON). This is truly a bipartisan effort, and I appreciate all of the help we have received. This is a county in my district which has been low on resources, as many counties have been, not only in the State of Ohio but across the country. There has been a reduction in money from the State level to the local county level, and this is an opportunity for the Federal Government to step in and help a community that needs our assistance.

I would like to thank the gentleman from Ohio (Mr. LATOURETTE) who has been very helpful, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from California (Mr. GEORGE MILLER), the ranking member. I would also like to thank the gentleman from Ohio (Mr. PORTMAN) and Governor Bob Taft and the Director of the Department of Job and Family Services, Tom Hayes, who has been extremely patient through this process, as well as the gentlewoman from California (Ms. PELOSI), and the local county commissioners in Portage County, Commissioners Smiles, Keiper and Frederick, and the State Senator, Kim Zurz, and the State Representative, Kathleen Chandler.

This was truly a bipartisan effort, an effort to help a local community that needs help. As the gentleman from California (Mr. MCKEON) said, about 88 percent is being picked up, and that will assist the local community.

With that, I would like to again thank the gentleman for his help. I appreciate the Chair of the committee as well and all of the staff who have been tremendous. The staff of the gentleman from Ohio (Mr. LATOURETTE) and the staff of the gentleman from Ohio (Mr. PORTMAN) and the staff of the committee has been great, and I thank them for all their help.

Mr. Speaker, I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again would like to commend the gentleman from Ohio (Mr. RYAN) for representing his district and taking care of this important situation. I think it will be very good to extend the work services provided through the one-stop shop to be able to really carry out the purpose of that Workforce Investment Act, to reach out and help people in these tough times. I think they are doing a good job, and I commend them for the job they are doing.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3908.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

* * *

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY "ROSIE THE RIVETER," WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 413) honoring the contributions of women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, and for other purposes.

The Clerk read as follows:

H. CON. RES. 413

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the "Rosie the Riveter" era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as "Rosies" during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 413.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 413 and urge each of my colleagues to support this important resolution.

Mr. Speaker, this weekend in Washington, DC, President Bush dedicated the World War II Memorial, the first national memorial dedicated to all who served during the Second World War. As it should, this memorial honors all military veterans of the war, the citizens on the homefront, the Nation at large, and the high moral purpose and idealism that motivated the Nation's call to arms.

Today, we pause to recognize in particular the contributions to those who may not have faced enemy fire but were no less a part of our decisive victory in those dark times: the millions of Americans who across the Nation heeded a call to serve when their country needed them.

After the bombing of Pearl Harbor in 1941, the young men of America poured out of the factories and offices to line up at the recruiting offices. The young women of America lined up at the factories and arsenals to fill jobs left vacant by those who went off to fight.

These women, symbolized by Rosie the Riveter, wore hard hats and coveralls and pulled the same load as many of the men they replaced. They operated heavy cranes, milling machines and countless other heavy tools that most women had never heard of before the war. They bagged gunpowder, made weapons, crated ammunition and did whatever else was asked of them so that their fathers, husbands, sons and sweethearts could win the war and come back home again. Indeed, the Rosie the Riveter movement is credited with helping push the number of working women to 20 million during the 4 years of war, a 57 percent jump from 1940.

The image of Rosie the Riveter has become familiar to all of us and symbolizes the contribution of those millions of mothers, daughters and sisters who, as their loved ones were sent overseas to fight the Axis, picked up the work vital to our Nation's productivity and security. At a time when sacrifice was asked of every American, both at home and abroad, these brave young women rose to the call and served their country with honor and pride. As we honor the contribution of each American to the World War II effort, so today do we properly honor our "Rosies."

Mr. Speaker, I had an Aunt Lil who was a Rosie the Riveter in World War II. She is not with us today, but I wish she could be to see this honor presented to her and other women who filled the call and served as Rosie the Riveter. I urge each of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to begin by thanking the House Women's Caucus led by the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from West Virginia (Mrs. CAPITO) for their sponsorship and their pushing for this resolution to come to the floor and to thank the House and Senate cosponsors of our resolution, including California's two Senators, Senator BOXER and Senator FEINSTEIN, and Richmond's Rosie the Riveter superintendent Judy Hart from the National Park Service and, obviously, the 6 million women who helped build American history.

Many people have learned about the Rosie the Riveter story recently from the great work being done by Ford Motor Corporation to encourage Rosies to come forward and tell the story of the Rosies, along with the National Park Foundation.

This legislation that we are voting on today honors the millions of women who answered the call to service on the homefront during World War II. The Rosies, as they are known, built tanks and ships, working as welders, machinists, mechanics, pipe fitters, electricians and boilermakers and so many other trades and professions during the Second World War while so many men were off in the battles of combat. They learned the skilled jobs previously reserved for men. They earned men's wages, and they gained new independence. The effort by these women made victory abroad possible.

Those who have studied the history of the period will remember how unprepared America was to enter the Second World War. It is because of the effort by these Rosies that we met the challenge and succeeded in winning the Second World War. But it also was a time when there was some dramatic change in the workforce in America. Women and minorities were gaining access to high-paying jobs and industry for the first time. Health care and services for employees and their families were available on a full-time basis for the first time in many instances. Services, including child care, to help parents balance family and work for the first time became available.

The oldest continuous child care center in the program is in my district that was part of the Kaiser Shipyards in the San Francisco Bay area, and it was named after Ruth Powers who was a teacher and a Rosie at that time, and it continues in service today.

We saw these incredible partnerships created between government, industry and the labor unions to take care of the workforce and to train the workforce and to make sure they could report to work every day. It is also clear that this contribution is absolutely tantamount to our winning the Second World War.

This weekend we will have a rivet cutting at the Rosie the Riveter World War II Homefront National Park in Richmond, California, where we will cut the ribbon on the new Visitors Center that is being created there.

Kaiser shipyards in Richmond, where they produced a Liberty ship every day, women comprised over a quarter of the workforce. Their shipyard was the largest and most productive of World War II. The war transformed the economy of California. The State population grew by nearly 75 percent. Richmond grew from 23,000 people to a booming town of 100,000 people in support of the warfront industries that were related there at that time.

Many people today think that 24-7 is a term that came out of the technology revolution, out of the dot.com revolution. Mr. Speaker, 24-7 was a watchword in Richmond, California. We had 24-hour supermarkets because people worked three shifts. We had 24-hour rooming houses where people changed beds according to the shifts that they were working. We had 24-hour child care for families, 24-hour physician services, 24-hour health care, because the effort there was to keep the workforce working so that they could meet the demands of the war, which they did.

It also provided for the most rapid and deep integration of the American workforce up to that time in history, as did much of World War II in the industry base. It changed the economy, it changed our society, it changed the women's movement in this country and their role in American society.

If you have met the Rosies, you understand the pride that they demonstrate when many of them can still show their journeyman's card, when many of them can describe the fear they had on the first day of work when they showed up for jobs that they had never heard of or seen done before, and also the pride when they now recognize what they contributed to: the winning of the Second World War.

I want to thank the cosponsors of this legislation, the House women's organization for pursuing this.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Tennessee (Mrs. BLACKBURN) and that she may control the time for the majority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 413. Today, we are honoring these millions of women who, although they have never been to a battlefield, they really served valiantly during some of our Nation's darkest hours. I think we have all heard stories from our moms and relatives and from individuals who really rolled up their sleeves and got to work to be of service to our Nation. Of course, there are women from all walks of life, all ages, and they really heeded the call of this Nation in shipyards, dockyards, steel mills, lumber mills, wherever they were needed. They worked in defense industries and support services to power the American productivity that helped win World War II.

The sight of women outfitted in overalls and wielding industrial tools was popularized in the 1942 song "Rosie the Riveter." The image and the song created an instantly recognizable nickname for those homefront heroes. Today, that nickname and that image is still recognized and loved.

Mr. Speaker, these women demonstrated skill and dedication in difficult and often very dangerous jobs, but their work produced urgently needed military equipment at record-breaking speeds. They were efficient, and they defined many of the standards we hold today. The legacy of these Rosies is still seen across America. Their service on the homefront marked the start of an unprecedented entry of women into the workplace and created a lasting legacy of women leaders for us to look up to.

□ 1415

One such Rosie now lives on a 70-acre farm in my district in Tennessee. Lois Turner worked as a mechanic at Bell Aircraft in Niagara Falls, New York, from 1943 to 1945. She had many roles at Bell. She worked in machine gun manufacturing; and with her delicate hands, she was able to do much of the safety wiring in parts of our warplanes that most others could not reach. She spent 15 minutes at a time held upside down to reach those tight spots. Lois' skill and care helped keep our soldiers safe.

Mr. Speaker, the Rosies of World War II put heart and soul into their work because their work meant the safety and security of their loved ones on the battle front.

As many Members will recall, in 2000 Congress recognized the significance of America's World War II industrial achievements and the legacy of the women who helped make those achievements possible by establishing the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California. It is a unit of the National Park System. As we did then, we pause again today to remember the women who have given so much to their country.

Their love of country, their hard work, their prayers for our soldiers were in the steel and plate of every American battleship. They were then, and remain today, deep in the soul of our war effort and a great victory for freedom and peace.

We should all thank our colleague, the gentlewoman from West Virginia (Mrs. CAPITO), for her leadership in honoring these women and for sponsoring this resolution, so that America will never forget these wonderful patriots.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in recognizing the enormous contributions made by American women on the home front during World War II. Embodied by Rosie the Riveter and the empowering slogan "We Can Do It," women from around the Nation filled industrial jobs left empty by their husbands, their brothers and neighbors fighting abroad during World War II.

World War II was won not only by the veterans we honored with a new memorial last week but by the women in their lives as well. Every man, every woman, every child in the United States of America sacrificed during World War II; and as important as any of these sacrifices were those of the countless Rosie the Riveters who filled industrial jobs, who ran households under a strict ration system, whose lives were not easy, but whose contribution was never, ever questioned when they were making that contribution. In fact, these contributions serve as a valuable demonstration of the sacrifice and determination that winning a war demands of an entire Nation.

Every Rosie is an inspiration for a Nation that is once again at war, and their efforts remind us that military victory is not possible without the support and without the contributions of Americans at home.

Now, just as it was then, we can do it, and we must.

Mrs. BLACKBURN. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), the sponsor of this legislation.

Mrs. CAPITO. Mr. Speaker, I am exceedingly proud to be the sponsor of House Concurrent Resolution 413. I am also extremely proud that all 62 women Members of Congress are cosponsors on this legislation as well.

During World War II, a remarkable band of women picked up the rivet guns left on factory floors and shipyard docks by departing workers. Many of those workers were husbands, boyfriends, sons and dads; and those women started building the tanks, airplanes, and ships that America needed to win the war.

This group of women became known as Rosie the Riveters, the bandana-brazing, tight-muscled woman depicted in posters with the slogan "We Can Do It."

Earlier this month, I called on all the Rosies from West Virginia to send me their stories so younger generations of West Virginians could learn about this important part of their history.

It is clear the important role that the Rosies played during the war. I received a letter from a woman from Elkview, West Virginia, who worked on the wing sections of B-29 Superfortress bombers at the Goodyear plant in Akron, Ohio. The B-29 was the military's most sophisticated propeller-driven bomber.

Another Rosie from Winfield, West Virginia, worked as a riveter at General Machinery in South Charleston, West Virginia, building rockets that her husband used thousands of miles away in the Pacific.

Just last week, several Rosies came to Washington to tell their stories. Leona Phares from Elkins, West Virginia, came; and she had a very touching comment. I asked her what she did when her husband left her. Her husband was originally in the factory with her, and he was called to duty. I said, What did you do? She said, I worked as long and as hard and as fast as I could, because I wanted him home as quick as he could get there.

We also learned that one of the Rosies from the district of the gentlewoman from New York (Ms. SLAUGHTER) was held upside down for 15 minutes at a time because her hands were so small she could get up under and rivet in certain areas.

Extraordinary women. We always say we can do twice as much in half the time, but upside down at the same time?

This resolution honors the extraordinary contributions of the women pioneers who have inspired future generations, whose dedicated service on the home front during World War II was instrumental in achieving an Allied victory. The resolution urges citizens to study, reflect upon, and celebrate the stories and accomplishments of the Rosies.

The Rosies are a vital part of American history. This band of remarkable women should be honored and remembered.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today in support of the Rosie the Riveter resolution that recognizes the hard-earned contributions of women on the home front during World War II.

Rosie symbolized the millions of women who broke through the glass ceiling and showed this Nation that women could perform paid work in nontraditional jobs.

There were an estimated 18 million women who worked in World War II defense industries and support services, including steel mills, foundries, lumber mills, aircraft factories, offices, hospitals, and even daycare centers. Today, there are well over 68 million women in our civilian labor force, which is almost 60 percent of all women over the age of 16.

As an icon of strength and will, women during World War II bonded together to secure our Nation's factories and future. Their legacy of equal employment opportunity and support for child care and health care that developed during Rosie the Riveter's era has served men, women, and families since that time.

I would also like to thank the gentlewoman from West Virginia (Mrs. CAPITO) for taking us to the memorial service for Rosie the Riveter in honor of all the women that have served our great country. It was a wonderful ceremony that took place last week at Arlington National Cemetery, where members of the Women's Caucus from both sides of the aisle came together to help celebrate the many contributions of women in the Armed Forces, as well as Rosie the Riveters who participated in our country's establishment.

Mrs. BLACKBURN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of House Concurrent Resolution 413. It is certainly an honor to stand here and publicly thank the women who worked on the home front as this Nation fought World War II.

As the years go by, our Nation has become, I think, more able to fully understand the incredible contribution of both the men and the women who have been rightfully called our Greatest Generation. Certainly the World War II memorial which we dedicated just this past weekend honors this Greatest Generation and all of those who fought in the deadliest war in the history of mankind.

With the adoption of this resolution, we can honor the women who were instrumental in winning that war and securing the freedom, not only of our Nation, but in fact of the entire world.

It seems that it is hard to believe sometimes that it has actually been 60 years since the end of World War II. As the great leaders of America and war machine were actually developing their plans of engagement, here in the United States literally millions of Americans were preparing for the invasion by building the greatest force the world has ever known. Among that workforce were more than 6 million American women, women who were faced with enormous challenges, women who met that challenge in the defense of freedom.

There was a very famous Saturday Evening Post cover, actually painted by Normal Rockwell, I think in 1943, and it showed an American woman who was carrying a rake, a hoe, an oil can, a pipe wrench, a sewing machine, bottles of milk, as well as air-raid warning equipment. Along with her red, white and blue outfit, she also wore a civil defense cap under a nurse's cap.

That is how it was during World War II. American women were expected to hold down the home front and do all of the jobs left behind by the men who were off fighting the war.

Certainly today it is our great privilege to honor these American women, women who symbolize an icon known as Rosie the Riveter. And because of the contributions of millions of Rosies, our wartime factories were transformed into the arsenal of democracy, as they literally built the armaments that led the entire world to peace.

American women became welders, riggers, crane operators, and dock workers; and they provided the American war machine with the tools that we needed to win the war. And we are truly, truly grateful. Their service to our Nation and to the freedom-loving people of the world cannot be repaid. They are great Americans, and may God bless them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the original author of the World War II memorial legislation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from California for yielding me this time and am pleased to rise as a member of the Women's Caucus and a cosponsor of House Resolution 413 to honor Rosie the Riveter, the millions of Rosie the Riveters, who helped the United States of America to win that great victory of liberty over tyranny a half century ago.

It is very rewarding to be able to stand here today and to say that the Veterans History Project that is a part of what our Library of Congress is assembling will allow all people in our country who either served in the military or here on the home front, including women in our war industries, factories, as air-raid wardens, as cadet nurses, to tell their story on audio and video, and that as a part of this resolution I want to encourage all women or their families and loved ones to begin to put this down, and through your Member of Congress get the application blank so that your story can become part of America's permanent history, because, in fact, Rosie the Riveters changed America forever.

Today, nearly two-thirds of the women in this country work outside the home. At the time the war started, less than 25 percent did.

This happens to be a photo of Willys-Overland in Toledo, Ohio, that still makes the Jeep. Nowadays they call it Daimler Chrysler. But that particular company in 1940 received a $25 million contract from the Department of Defense, and in all our community received nearly $1 billion, pushing employment figures at that plant alone to the highest levels that they had been since the Great Depression. Other plants, like Acklin, went on 24-hour, 7-day-a-week production.

Our own mother, Cherie Rogowski Kaptur, worked at the Champion Spark Plug factory making spark plugs that she knew went into airplanes. She became a union leader, a member of the United Auto Workers local in that plant, so that they could make perfect plugs, so that no pilot would lose a life because a spark plug did not fire. I can remember her talking about that, even until her golden years.

Women were very responsible, just as they are in the home. When men began going to war, women began to work outside the home by the millions.

So today we honor those woman. Through their service, America changed forever as unprecedented numbers of women worked not just inside the home, but outside the home, and in many ways helped to educate the generation that now serves our Nation inside this Congress of the United States.

The character of Rosie first appeared in the 1942 song "Rose the Riveter," written by Redd Evans and John Jacob Loeb and recorded by big-band leader Kay Kyser.

"All the day long,
Whether rain or shine,
She's a part of the assembly line.
She's making history,
Working for victory,
Rosie the Riveter

The number of women in the American workforce increased by more than 50 percent over the war years.

Some six million women joined the war effort on the homefront.

In about July 1940, Toledo's Willys-Overland Jeep factory announced a $25 million dollar contract. In all, Toledo received over $900 million dollars in defense orders, enough to put employment figures at the highest they'd been since 1929. Many plants, including Acklin, went to 24 hour, 7 day a week production.

With many men going to war, women began going to work outside the home by the thousands. In 1942 the first nursery opened in Toledo in order to meet the demands of mothers working in the factories. These women didn't only work in factories however. In fact, they filled a variety of positions from auto-mechanics and bus drivers to freight handlers for the Railway Express Agency.

Mrs. BLACKBURN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to support this resolution, which appropriately honors American women who responded to our Nation's call during World War II.

At a time when many men left to serve our Nation on foreign shores, the jobs that had long been held by these men fell to the responsibility of women. Women were propelled out of their traditional roles as housewives and mothers as they readily filled the void created by the departure of their fathers, sons, and brothers.

Putting on their hard hats, they embraced a new life as riveters and welders, assembling bombs, building tanks and ships and making ammunition. It is no wonder that the iconic image of Rosie the Riveter has become synonymous with World War II. That singular woman represents the more than 6 million women in America who aided the war effort and changed forever the role of women.

□ 1430

Without these women, the Allied victory could not have been a reality. Today, we honor their patriotism and their unwavering dedication to their country. I take off my hard hat to them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, thanks to the authors for bringing forth this resolution.

I rise to salute Rosie the Riveter.

Women affectionately known as "Rosies" revived the image of the feminine ideal. Rosie the Riveter's slogan of "we can do it" helped mobilize millions of American women who sowed the seeds for the women's rights movement.

During World War II, as more and more American men were sent off to battle, over 6 million women did their part to ease the hardship for America by taking over jobs that had been previously exclusively male.

Rosies filled the void in America's workforce by working under very poor conditions for very little pay in factories doing welding, machining, building aircrafts, fixing tanks and armament factories.

Although the average Rosie the Riveter's salary was $31.21 a week for her labor, as compared to $54.56 a week for the men that still remained, these women fought social discrimination, gender harassment, and physical abuse.

Rosie the Riveter's image of a strong, competent woman was a symbol of patriotic womanhood.

Rosies all over the country showed their strength and their power and their pride.

We thank these women who paved the way for women's empowerment. Women are capable of doing anything. It is too bad that it took a war to make everyone see it. Times would never be the same again.

Mrs. BLACKBURN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I would like to relate some of my memories of World War II. I was born in 1934. I was about 7, 8, 9 and 10. In our community what allowed Rosie the Riveter to go into the workforce and our factories was other women on the homefront, that substituted for taking care of children. So some of the women in our community went and babysat for other women to allow them to go into our factories to do some of this work.

So I am pleased that one of the resolved clauses reads, "honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving the Allied victory." Those women that made the effort, that got in the physical conditioning to allow them, really unheard of before, to do man's work was also supplemented by so many mothers and so many other women in every home in most every community of the Nation.

In our rural area of Michigan, women were the ones that were encouraging the savings of string and tinfoil and saving all of their bacon fat and encouraging their children to contribute to the war effort. So it was not only the work in the factories, but it was the inspiration that mothers and other women gave to their communities. So it was more than the factories. It was women going in to become members of the school board, to help guide the community and to substitute in public service organizations, where women came forward to really start a new era in America of women proving themselves to be so effective in achieving goals.

So I commend the resolution, I commend the effort of these women, especially as we have just finished the dedication of the memorial of World War II. Because that memorial is a dedication not only to those that died but to all of our fighting men and their families. The women during World War II were what kept the spirit up in a very strenuous time for many families in many communities as we saw relatives and loved ones die in service.

So I would just like to expand the commendation of women during World War II to the knitting of scarves and the collecting of cookies and all of the work that went on, in addition to those women that allowed us the production of planes and ships and guns and ammunition.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this decision to go in to work in the industrial forces of this country during World War II was not a decision that could be taken lightly. The fact of the matter is this was dangerous, hard, heavy work that these women were engaged in, in many of these professions. We are told that between Pearl Harbor and January 1 of 1944, 37,000 people were killed in these industrial factories and shipyards and airplane factories, and over 210,000 were permanently disabled, and almost 4 million were temporarily disabled, 60 times the count on the battlefront in that situation. So these women were making serious sacrifices in many instances and, in some cases, their lives.

This weekend, as I mentioned, we will do a ribbon-cutting on the Visitors Center of the Rosie the Riveter World War II homefront Park in Richmond, California, and it is symbolic of so many of the activities that took place on the homefront in the San Francisco Bay area and elsewhere in the Nation. There are other sites around the Nation that will be added to this park where these homefront activities took place.

But in the western United States prior to the war, for the decade prior to the war, we had produced no merchant ships and, all of a sudden, with the advent of the war, we produced 4,600 ships in 1,300 days. In one instance we produced a ship, the SS *Robert Peary*, a liberty ship, in 4 days, 15 hours, and 29 minutes from start to finish. That ship was produced and sent on its way to contribute to the war. That effort was possible because of the participation of women in the workforce, the Rosie the Riveters, and the contributions that they made to the homefront campaign to not only ready America for the war, to keep it engaged in the war, but to win that war in Europe and in the Pacific campaigns.

Thousands and thousands of workers migrated across the country to come to California to work in the war industries, to work on the West Coast, in Seattle, in Puget Sound, and elsewhere in those war industries. As they did, they changed, as so many of our colleagues have already spoken to, they changed the face of the workforce, they changed the race of the workforce, they changed the makeup of the workforce, and they changed the attitudes of employers toward workers. Because at the Kaiser Shipyard they knew that they needed to keep every employee on the job all of the time.

That is why we saw what is now the Kaiser health care system. The largest HMO in the country today was started in the Kaiser shipyards in Richmond, California. It was there because they provided full health care coverage for all of their workers and their families. In my district, of those people who have health care insurance, I think roughly three out of four are enrolled in the Kaiser insurance plan.

That is a legacy of the Rosie the Riveter days of the homefront effort during the war and is the model for child care in the workplace in this country. It was begun in these industries because of the necessity of making sure that these women could balance the care of their children, the good health of their children, and the need of this country to have them engage in the workforce.

I am very proud that one of my aunts, Laura Kerry, was a Rosie the Riveter in the shipyards. My father worked as a labor arbitrator for the shipyards between the workforce and the employers at that time.

So, again, I want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for sponsoring this resolution, and the Women's Caucus and the gentlewoman from New York (Ms. SLAUGHTER) for her sponsorship on this side of this legislation.

Mr. Speaker, I urge all of my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I want to again thank the gentlewoman from West Virginia (Mrs. CAPITO) for her work on this legislation and for bringing forth the opportunity that we could all take a few minutes and say thank you to the women that we know, the Rosies, who have been here and who have worked.

I think that one of the things that they have done is that they set forth for us, as we have heard from so many of our speakers today, more or less a role model for how they lived patriotism, how they worked each and every day, and how they displayed that love of freedom. As some of our colleagues have talked, it was through victory gardens, it was through keeping other children, it was through enabling the women who could head into the factories and head into the workplace to be there and to do a great job. And, of course, they did change the face of the workplace.

But I think that, probably more than that, one of the things that they accomplished and did a tremendous job in accomplishing was giving us a peace dividend. That is something that their children and their grandchildren have enjoyed and continue to enjoy today, and it is because of the extraordinary effort of so many of the Rosie the Riveters. What a pleasure it is today for us to join together and to thank each and every one of them for those efforts.

Ms. PELOSI. Mr. Speaker, I am proud to join my colleagues and all the women Members of Congress in cosponsoring this resolution and honoring the contributions of the women who served the homefront during World War II. Symbolized by "Rosie the Riveter," these women answered the call to aid America at a pivotal time in our Nation's history.

Millions of "Rosies" produced the planes, ships, tanks, trucks, guns, and ammunition that America needed to win the war. They were the indispensable workforce at home that helped our Nation achieve victory abroad.

The Rosies not only equipped our country to win the war, they also made it a better place for women. These courageous and hardworking women broke down traditional barriers surrounding women and the workplace. Shattering stereotypes, the Rosies were not only successful workers but were also dedicated wives and mothers.

The Rosies created new opportunities for women in all parts of our society. They blazed a trail that American women continue to follow today. Sixty years later, "Rosie the Riveter" has become a lasting symbol of women's rights and an icon of the can-do spirit of women. As the famous Rosie poster said, "We can do it."

The Rosies helped build our military at a critical time, and they helped build a better America. We are all forever in their debt.

Ms. MAJETTE. Mr. Speaker, what does a woman say to those who have paved her way? We, each of us women in the Congress, could not have done it without you, Rosie. It certainly wasn't an easy haul, and we are still fighting, but you picked up a hammer, literally, and tore down the barrier. It took years for them to stop putting it up again, after all your hard work and patriotic dedication, but here we are.

Women of today have the Rosies to thank for ground gained in women's empowerment. Often thought of as the first substantial force of working women, you have certainly earned your place in history.

Across the Nation, more than 6 million Rosies departed from their everyday routine. And in my home state of Georgia, we have our very own Rosies still living and serving as an example of what it means to blaze a trail, to fight, to sacrifice, and to be an American patriot. As we honor these women who stayed on the home front and supported the war effort by passing House Concurrent Resolution 413, I want to thank Georgia's Rosies: Mary Isobel Keena, Atlanta; Constance Hagen, Hiawassee; Emery Gantz, Lawrenceville; Elizabeth Bolen Minton, Pine Mountain Valley; and Jeannie Mae Euler, whose family lives in Athens, GA, for all they have given to the country and the confidence of America's women.

These and all the other Rosies throughout the United States deserve our thanks as we honor each of them today—you taught the women of our country not only that we could do it, but that we can do anything.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank my colleague, especially Representatives SLAUGHTER, CAPITO SOLIS and BROWN-WAITE, the four co-chairs of the Congressional Caucus for Women's Issues. I was delighted to join my colleagues recently in meeting many of the "Rosie" women at an exhibit at Arlington Cemetery honoring their power and their commitment.

I am pleased to be here today to honor the contributions of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II. During World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory; Women transcended gender barriers and worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men.

"There cannot be true democracy unless women's voices are heard. There cannot be true democracy unless women are given the opportunity to take responsibility for their own lives. There cannot be true democracy unless all citizens are able to participate fully in the lives of their country."—Hillary Rodham Clinton

Rosie the Riveter gave women a chance to have their voices heard and time to show their skills. The need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace. I have always believed that women are essential to breaking down barriers and creating a more egalitarian society. The Rosie the Riveter era proves just that.

World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs. The needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home. Now more than ever we must implement polices to show women that we will continue their work. If we can provide childcare for the "Rosies," we certainly owe it to later generations as well.

I want to close with a story of a true Rosie the Riveter; Katie Grant. Katie and Melvin Grant moved from Oklahoma to California in 1943 with their 6-week-old daughter, Laquetta. After working together as fruit packers, Melvin found a job at a fish cannery in Point San Pablo and Katie worked in the Richmond Shipyards. By December, Melvin had joined the Marine Corps and, until his return in August 1945, fought in the Pacific theatre. Katie's testimonial states:

"I worked the graveyard shift 12:00–8:00 a.m., in the shipyard. I took classes on how to weld. I had leather gloves, leather pants, big hood, goggles and a leather jacket. They said you weld like you crochet.

"Well, I did not know how to do that, but I could sew and make a neat stitch. We held the welding rod with one hand and the torch fire in the right hand. Placed the rod in a seam and melted it down in a small bead seam and brushed it off with a steel brush.

"They put me forty feet down in the bottom of the ship to be a tacker. I filled the long seams of the cracks in the ship corners full of hot lead and then brushed them good and you could see how pretty it was. The welders would come along and weld it so it would take the strong waves and deep water and heavy weight. I liked it pretty good. I don't remember how much I got paid for working. Lots of people came to Richmond to work in the shipyards. Lots of women went to work to help with the war. I told Melvin later that I helped to make a ship for him to come home in."

Ms. SLAUGHTER. Mr. Speaker, today we are honoring the work carried out by all of the "Rosie the Riveters" during World War II.

I would like to thank all those from both sides of the House who have shown strong support for H. Con. Res. 413.

I am pleased to state that every woman Representative has already joined together in an unprecedented, bipartisan demonstration of unanimous support by the entire Congressional Caucus for Women's Issues in cosponsoring this historic resolution.

This resolution allows us to:

Honor the extraordinary contributions of the women who dedicated service on the home front during World War II;

Recognize the lasting legacy of equal employment opportunity and support for childcare and health care developed during the "Rosie the Riveter" era; and

Call on the people of the United States to take the opportunity to study, reflect on; and celebrate the stories and accomplishments of women who served during World War II.

In conjunction with the dedication to the World War II Memorial on the National Mall this past Memorial weekend, we would like to take the opportunity today to reflect on the contributions made by women who served the country on the home front during World War II.

When 10 million people were abruptly departed from civilian duty, industries servicing the war recruited over 6 million women to fill those positions.

From across the country, and from all different backgrounds, women answered the call to service.

It was the "Rosies" who worked on the home front as welders, riveters, engineers, designers, managers and all kinds of other positions that had been traditionally held by men.

Women showed skill and dedication in often dangerous tasks that needed urgency in completion, and did so in record-breaking times.

These contributions showed us the admirable passion, drive and desire that the "Rosies" had.

For example, the women who worked at the Ford assembly plant in Richmond, California, built over 49,000 jeeps and prepared for shipment more than 20 percent of all combat vehicles used by the United States during World War II.

More than 25 percent of the Kaiser shipyard workforce in Richmond was made up of women, and produced more ships than any other shipyard in the United States.

The accomplishments Rosies achieved are not exclusive to the war alone. Their efforts of

50 years ago have helped strengthen women's position in society today.

The Rosies demonstrated:

That women are just as able to do the work that only men had been permitted to do;

That women are not inferior to men, and that they are just as able to succeed and even surpass men in the workforce; and

That it was women who stepped up to keep our country running during the war, and deserve to be appreciated by our entire Nation for their achievements.

The Rosie the Riveter/World War II Home Front National Park in Richmond, California is one of the steps we have taken to ensure the efforts of women during World War II are not forgotten.

This park will help preserve for the benefit of the United States the sites, structures and areas located in Richmond that were instrumental in war time efforts and success.

Finally, I would like to make a special note of one of the Rosies whom I had the opportunity to meet 2 weeks ago at a congressional reception that we had in honor of the Rosies.

One of my "former constituents"—had I been serving in Congress at the time—Lois Turner worked as a mechanic at Bell Aircraft in Niagara Falls, NY, from 1943 to 1945.

I understand that because she had small hands, she was able to do the safety wiring in areas of the plane that others couldn't reach, often being held upside down for 15 minutes at a time to get to especially tight spots.

To Lois, and to all of the Rosies who have honored us with their presence for the celebrations in Washington, DC, over the past few weeks, as well as all Rosies everywhere—I thank you for your courageous service and dedication to our nation.

I urge my colleagues in the House of Representatives to pass this resolution unanimously, in a strong demonstration of our thanks to the millions of Rosie the Riveters who so valiantly served our country.

Mrs. BLACKBURN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 413.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SIMPLE TAX FOR SENIORS ACT OF 2004

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4109) to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior, as amended.

The Clerk read as follows:

H.R. 4109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Simple Tax for Seniors Act of 2004".

SEC. 2. FORM 1040S FOR SENIORS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as "Form 1040S", for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3)), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FOLEY) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first open up with the discussion on H.R. 4109 and the importance of this bill that is on the floor today, the Simple Tax For Seniors Act of 2004.

Mr. Speaker, in America, it is customary to recognize the long life and achievements of older citizens by offering a discount on rides, theater tickets, and other fees. While there are certainly many businesses that choose not to offer discounts, Federal law requires that all individuals be treated equally in public accommodations. Yet, there is an exception.

Instead of offering a discount, the IRS makes filing a tax return more difficult for seniors. Taxpayers aged 65 or older are not allowed to use the one-page form 1040EZ, even if they have a simple return and choose not to itemize deductions. Instead, seniors are required to file using the far more complicated form 1040 and its numerous schedules.

There are over 35 million seniors over the age of 65, and the IRS receives over 10 million standard tax returns from seniors each year. Due to the retirement of the baby boom generation, this number is expected to rise to 12.5 million by 2010. The IRS has taken note of this trend and, thankfully, the agency is working on a new simplified tax form for seniors. But even though the test form has been popular among a focus group of seniors, the IRS has not yet fully or finally decided to implement the new form and make it available.

The IRS estimates that the new form, assuming it is made available, will simplify tax filing for millions of seniors and their tax preparers.

□ 1445

This legislation will assure the IRS devises a simple form for seniors to use in filing their 2005 tax returns.

Senior taxpayers earning Social Security, retirement benefits, interest and capital gains will be able to meet their obligations on a simple tax form tailored to the specific needs of senior filers.

Because it will make tax filing easier for seniors, the bill has the strong support of the AARP, the American Association of Retired Persons, and the 60-Plus Association.

Mr. Speaker, during the past several weeks, we have addressed the marriage penalty and other problems with the tax system. Now is the time to address the senior penalty. There is little justification for denying seniors access to a means of filing that is so popular and efficient.

I would like to thank the gentleman from Georgia (Mr. BURNS) and the gentleman from California (Mr. COX) for championing this piece of legislation. I urge my colleagues to support the legislation.

I also know it will be difficult for those to see, but it is a 1040EZ form. It is very, very simple; it is easy to read. It is not complicated, and it provides all the details necessary for the IRS to properly calculate either liabilities or refunds. The beauty of a form like this is that it is simple. Many know that even those who have the help of accountants find it an enormous task in completing the IRS required forms. But for the seniors to be further penalized by not being able to participate in this easy document is simply shameful. So we are very excited about the chance to bring this bill to the floor.

I have as well, and I will provide and place into the RECORD, the floor statement of the gentleman from California (Mr. COX) relative to this; but I want to take a moment also to single out one of his constituents, a member of the Silver Haired Congress, Mr. Roland

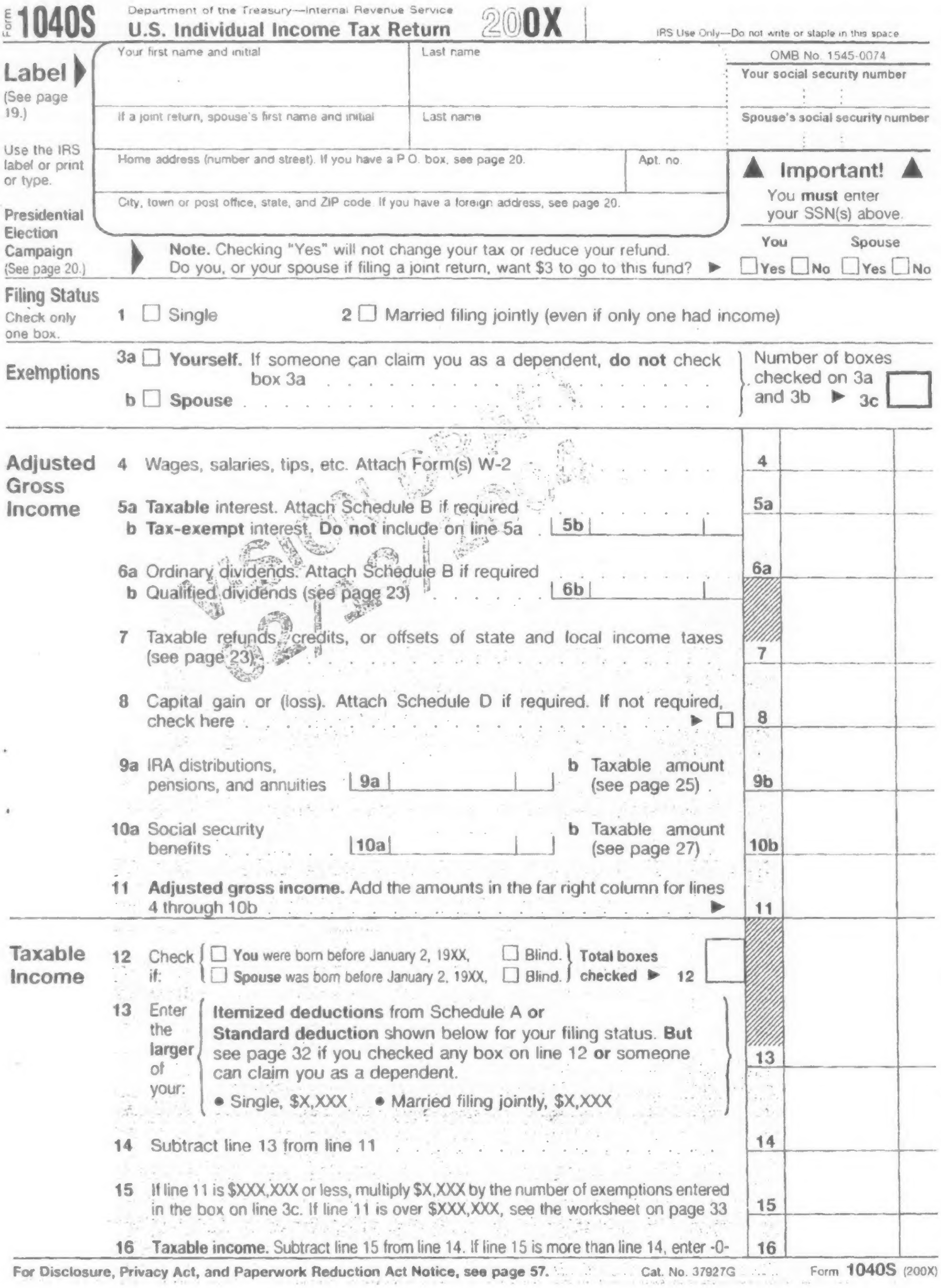
Boucher of California, Orange County, California. This idea germinated basically in a discussion of the Silver Haired Congress.

Many people I know say nothing ever gets through Congress. You cannot reach the people. It is hard for them to understand the difficulties people face. They are just not hearing me. Well, Mr. Boucher, your idea has merit. It has been brought to the attention of the policy committee. The gentleman from California (Mr. COX) is the chairman of the policy committee and, of course, he is a member of the Congress, but also the hard working efforts of the gentleman from Georgia (Mr. BURNS), who decided to team up together to make certain that this idea not only was vetted properly in the policy committee but was ultimately brought forward by the Committee on Ways and Means which has jurisdiction for Social Security.

So to Mr. Boucher and the Silver Haired Congress, I salute you for taking the time to bring the idea and the notion to Congress of the inequity of the current situation where seniors were not allowed to file on the simple form. It is another example of where Congress hears from constituents and legislation is enacted on this floor, the people's House, bringing these ideas forward for seniors everywhere to enjoy the simplified form.

So I place Mr. COX's statement into the RECORD, who had to go to the White House for some briefings on homeland security, a very, very important topic. And I know he wants this placed in the RECORD.

Mr. Speaker, at this point I will also enter into the RECORD the 1040S form so it can be part of the testimony.



Form **1040S** Department of the Treasury—Internal Revenue Service
U.S. Individual Income Tax Return **200X**
IRS Use Only—Do not write or staple in this space

Label (See page 19.)
Use the IRS label or print or type.

Your first name and initial | Last name | OMB No. 1545-0074 | Your social security number

If a joint return, spouse's first name and initial | Last name | Spouse's social security number

Home address (number and street). If you have a P.O. box, see page 20. | Apt. no.

City, town or post office, state, and ZIP code. If you have a foreign address, see page 20.

Important! You **must** enter your SSN(s) above.

Presidential Election Campaign (See page 20.)
Note. Checking "Yes" will not change your tax or reduce your refund.
Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ You ☐ Yes ☐ No Spouse ☐ Yes ☐ No

Filing Status Check only one box.
1 ☐ Single
2 ☐ Married filing jointly (even if only one had income)

Exemptions
3a ☐ **Yourself.** If someone can claim you as a dependent, **do not** check box 3a
b ☐ **Spouse**
Number of boxes checked on 3a and 3b ▶ 3c ☐

Adjusted Gross Income

4 Wages, salaries, tips, etc. Attach Form(s) W-2 — 4

5a **Taxable** interest. Attach Schedule B if required — 5a

b **Tax-exempt** interest. **Do not** include on line 5a — 5b

6a Ordinary dividends. Attach Schedule B if required — 6a

b Qualified dividends (see page 23) — 6b

7 Taxable refunds, credits, or offsets of state and local income taxes (see page 23) — 7

8 Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐ — 8

9a IRA distributions, pensions, and annuities — 9a | b Taxable amount (see page 25) — 9b

10a Social security benefits — 10a | b Taxable amount (see page 27) — 10b

11 **Adjusted gross income.** Add the amounts in the far right column for lines 4 through 10b ▶ — 11

Taxable Income

12 Check if: ☐ **You** were born before January 2, 19XX, ☐ Blind. ☐ **Spouse** was born before January 2, 19XX, ☐ Blind. Total boxes checked ▶ 12 ☐

13 Enter the larger of your: **Itemized deductions** from Schedule A **or** **Standard deduction** shown below for your filing status. **But** see page 32 if you checked any box on line 12 **or** someone can claim you as a dependent.
- Single, $X,XXX
- Married filing jointly, $X,XXX

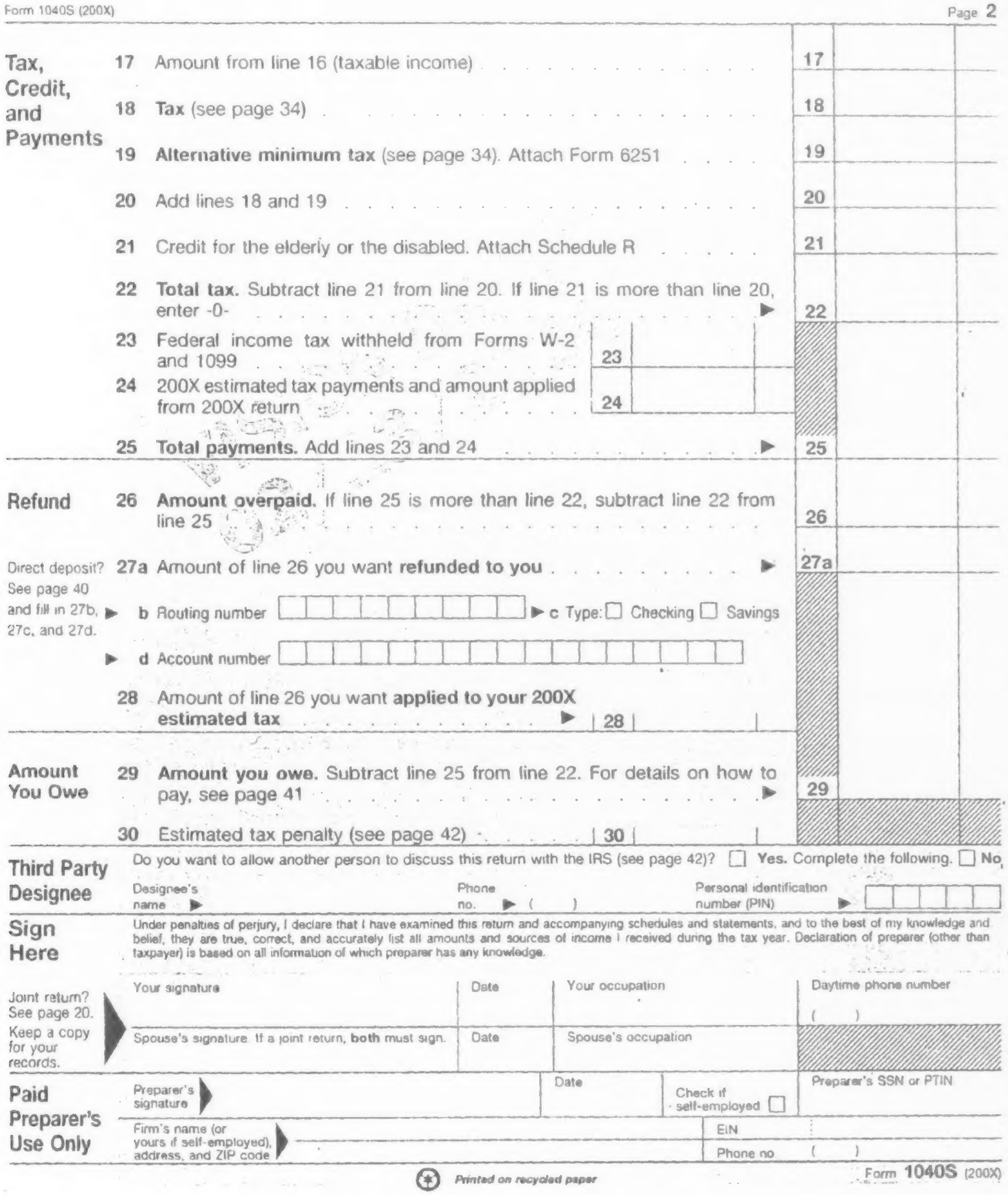
— 13

14 Subtract line 13 from line 11 — 14

15 If line 11 is $XXX,XXX or less, multiply $X,XXX by the number of exemptions entered in the box on line 3c. If line 11 is over $XXX,XXX, see the worksheet on page 33 — 15

16 **Taxable income.** Subtract line 15 from line 14. If line 15 is more than line 14, enter -0- — 16

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 57. Cat. No. 37927G Form **1040S** (200X)



Form 1040S (200X) Page 2

Tax, Credit, and Payments	17	Amount from line 16 (taxable income)	17
	18	**Tax** (see page 34)	18
	19	**Alternative minimum tax** (see page 34). Attach Form 6251	19
	20	Add lines 18 and 19	20
	21	Credit for the elderly or the disabled. Attach Schedule R	21
	22	**Total tax.** Subtract line 21 from line 20. If line 21 is more than line 20, enter -0- ▶	22
	23	Federal income tax withheld from Forms W-2 and 1099	23
	24	200X estimated tax payments and amount applied from 200X return	24
	25	**Total payments.** Add lines 23 and 24 ▶	25
Refund	26	**Amount overpaid.** If line 25 is more than line 22, subtract line 22 from line 25	26
Direct deposit? See page 40 and fill in 27b, 27c, and 27d.	27a	Amount of line 26 you want **refunded to you** ▶	27a
▶	b	Routing number ☐☐☐☐☐☐☐☐☐ ▶ c Type: ☐ Checking ☐ Savings	
▶	d	Account number ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐	
	28	Amount of line 26 you want **applied to your 200X estimated tax** ▶	28
Amount You Owe	29	**Amount you owe.** Subtract line 25 from line 22. For details on how to pay, see page 41 ▶	29
	30	Estimated tax penalty (see page 42)	30

Third Party Designee Do you want to allow another person to discuss this return with the IRS (see page 42)? ☐ **Yes.** Complete the following. ☐ **No**

Designee's name ▶ Phone no. ▶ ( ) Personal identification number (PIN) ▶ ☐☐☐☐☐

Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 20. Keep a copy for your records.

Your signature	Date	Your occupation	Daytime phone number ( )
Spouse's signature. If a joint return, **both** must sign.	Date	Spouse's occupation	

Paid Preparer's Use Only

Preparer's signature ▶	Date	Check if self-employed ☐	Preparer's SSN or PTIN
Firm's name (or yours if self-employed), address, and ZIP code ▶		EIN	
		Phone no.	( )

Printed on recycled paper

Form **1040S** (200X)

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very worried that somebody might hurt themselves patting themselves on the back on this one so let me put this in perspective. What we are about to legislate is a congressional directive to the Treasury Department, to the agency overseeing the IRS, to do what the IRS is doing.

We are all for simplified tax forms for seniors, and I will be happy to support this legislation. I will go into the detail of it in a minute. I have got before me and I will offer as an exhibit in the RECORD a sample form released by the Treasury Department yesterday which is precisely the subject of the legislation before us.

In other words, in this instance, Congress appears to be scrambling to try and get in front of the parade that is already well under way. We have prospects, I believe, of bringing this online with or without this legislation. But because everyone is for tax simplification for seniors, I urge my colleagues to vote for it.

To correct any misunderstandings, seniors are not presently precluded from using the 1040EZ form. On the other hand it does not capture a senior citizen deduction relevant to their needs. That is why seniors using simplified forms tend to use the form 1040A. It is a simplified form, 20 million Americans use it, a number of them seniors; but it includes items not relevant to seniors' taxable situations. Items like educator expenses, student loan interest, tuition and fees deductions, these are extra lines on here. They are very clear what they purport to mean, but they are irrelevant to a senior's considerations.

So the IRS, under the leadership of Commissioner Mark Everson, has developed a form that is simple, two pages, captures the sources of income commonly reported by seniors, including investment income, pension, interest, dividend income, capital gains and losses. It includes all of that, but still in a simplified form with a larger font to make it a little more readable for seniors.

I commend the commissioner for his leadership of the IRS. I believe that he has taken steps to improve its service to taxpayers while improving compliance with the Tax Code by the taxpayers. I am very heartened about the stepped-up targeted audit activities geared toward large corporate concerns that have been routinely cheating on the Tax Code. I also commend him for this particular initiative simplifying the Tax Code for seniors. I guess we in Congress thought it was such a good idea we are scrambling to get a little bit of the credit ourselves.

So I would urge my colleagues on both sides of the aisle to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend the majority. When we took control of Congress in 1994, we were very specific in sending a message to the IRS through hearings we held here in the Capitol that we wanted more simplified forms. So I do not agree to the notion that somehow we are trying to get ahead of the curve here or catch up with the IRS. It is after our pleadings with them to make the IRS more user friendly do we find ourselves now viewing the forms that they are testing. In fact, they have been tested in two locations, in Tampa and in Minneapolis, so we know that the tests are receiving very popular and positive acclamation.

Our idea is that we now further define it so that the IRS, in fact, will make this available for all seniors who choose to use them.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BURNS), the author of this legislation.

Mr. BURNS. Mr. Speaker, I thank the gentleman from California (Mr. COX) and the policy committee in working with me on this legislation, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the gentleman from Florida (Mr. FOLEY) for managing the debate and supporting this legislation today.

This is a Simple Tax For Seniors Act. Simple. Simple tax for seniors. 1982, 24 years ago, the IRS developed the 1040EZ which works for everyone in America except seniors. 24 years. The IRS had an opportunity to correct an oversight, really a blatant example of age discrimination, and yet they have chosen not to act. We are in a position today to correct that problem.

It is incredible, absolutely incredible that the current tax law provides simplified tax forms for all Americans except those over 65. This is nothing other than age discrimination on the part of the Federal agency, the IRS. We are told that this injustice stems from an earlier era where all Americans retired at 65 and the 1040EZ had no place to report retirement income. That is no excuse. It is no excuse for not providing a short form for our seniors. If a 1040EZ does not do the job, then we ought to have a separate form that does. Again, that is what this bill does today.

This legislation creates the 1040S for seniors that is a simplified tax form. It will provide our seniors with a short form similar to the EZ that all the country can use; and amazingly enough, it results in tax savings. Tax savings and Federal dollar savings for the IRS.

There are an estimated 11 million Americans over the age of 65 who currently file the standard 1040 form without taking one itemized deduction. They would be delighted to be able to use a new short form if one were available. We know that the current EZ form costs the IRS about half as much to process as the standard 1040. So we can reasonably expect that we will save 50 percent of the cost of processing associated with the 1040S.

Are there any objections to the bill? Apparently not. I am delighted to have the support from both parties, from both sides of the aisle; but we are not willing to admit the fact that this is something that we have to get done today. Some believe that this form will make it easier for seniors to file their taxes, but it might be at the expense of making it harder for the IRS to audit their returns through an automated system. I do not think that is the case; but if it is the case, then I am going to side with the senior taxpayer over the Federal tax collectors each day and every day.

Some believe that we ought to do nothing. Just wait, just wait for the IRS to make the changes themselves, that given time, given time, they will do what is right. They will do what they ought to do. They will create a form. We have been waiting 24 years.

Why is this bill necessary? We have had a 1040EZ for 2 decades without having a single, simple tax form for seniors. Really a violation of the Civil Rights Act. The Treasury says they are still studying the matter.

We have crafted this bill with the help of the Committee on Ways and Means, working with Treasury, to ensure that the bill guarantees a truly effective short form by 2005, a date certain, 2005. We have done so without leaving any loophole.

Do not allow the IRS to avoid moving forward to produce anything less than a simple form for seniors equal to the simple form employed by all other taxpayers. We have amended the bill to remove all excuses for creating a true short form and provide the force of law against an action spanning years, and indeed decades, by bureaucrats. It does not take the IRS 2 years to audit seniors. It does not take them 2 years to place liens on their homes. It should not take 2 years to draw up a simple form to make it a little easier for seniors to figure out their tax obligation; 2 years can be an eternity for someone in their sunset years.

So if the IRS is truly planning on finally coming out with this short form for seniors, fine. This bill will not hurt a thing. But if they are planning on more stalling, they just got a kick start from the Congress. We are resolved that before this session is over, we will have a law in place that guarantees our seniors will no longer be subject to the blatant age discrimination that they have suffered for years through not having access to a short filing form like the rest of their fellow Americans.

My colleagues, it is pretty simple. It is time that we pass the Simple Tax Act For Seniors, H.R. 4109. I urge my colleagues to support this legislation.

□ 1500

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back in North Dakota people chuckle about the story of the chicken who was absolutely convinced that dawn arrived as a consequence of his crowing. Well, we have heard some crowing today. And the reality is we are going to have a simplified tax form for seniors. In fact, the Treasury Department has published it, shown us what it is going to look like. All this without a congressional bill. But what the heck. It is a good idea so let us join the party and quickly pass this bill.

I would like to straighten out a couple of things. It is not, as my friend and colleague on the Committee on Ways and Means said, that over the last 10 years of Republican majority in this House they have marched steadfastly towards the goal of tax simplification. Well, we all know the reality is a bit different. Hundreds of pages have been added to the Tax Code. It is more complex than ever. Things phase in; things phase out. It is a nightmare. And so I am really delighted to hear both sides of the aisle talking about tax simplification.

I believe this is precisely something we need to do. Now, while the 1040EZ was crafted essentially to capture those that are just basically reporting their W-2 statements, single people or married, wage earners without children, it has done a good job of that. Obviously, senior citizens fall into a different bracket. They have been using the 1040A, which is another simplified form; but we can improve on the 1040A.

I am very pleased that the commissioner of the IRS has demonstrated leadership once again with this 1040S, which I think will be a much better form. To help illustrate the order of events here, this bill before us, H.R. 4109, was introduced, but in the end was not consistent with the work under way at Treasury and IRS to develop a new IRS form. So H.R. 4109 was amended to reflect precisely the work being already done at Treasury. Well, let us salute them for a job well done. I guess we could clap them on the back with a resolution of congratulations. Instead, we will demonstrate our fervor by passing this legislative directive under the suspension bill.

All of that really does not matter. What matters is that we get a simpler form that is going to help seniors, make it easier than ever for seniors filing their taxes. That is what this resolution does. That is why I am going to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

First, let me suggest to our colleagues there are several vehicles that would help simplify the IRS completely. The gentleman from Georgia (Mr. LINDER) has a sales tax proposal that is very thoughtful and worth studying, and I urge some Members on both sides of the aisle if they would like to actually simplify the operation of the IRS, they look at that piece of legislation. There are other proposals such as the flat tax proposal that again bears some discovery and conversation.

So as we continue to try and make the IRS as user friendly as we possibly can, I just commend my colleagues to look at that situation.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), the Chair of the Subcommittee on Research. He is also a member of the Committee on International Relations and a sponsor of flat tax.

Mr. SMITH of Michigan. Mr. Speaker, over the last few years, we have been able to cut taxes; but we have not been able to simplify those taxes. Maybe this is a step in the right direction. And I am the prime sponsor of the flat tax because there is so much favoritism that is now incorporated by special interests, lobbyists and groups putting into our Tax Code, that every favor becomes a disservice to everybody else that has to make up those taxes.

Today the Federal Tax Code has 400 percent more words than the Bible and accompanying the law are a staggering 2.5 million pages of regulations. As a result, it now takes a person filing a 1040 form a full 13 hours and 27 minutes to do their taxes.

H.R. 4109 helps seniors reduce this burden by requiring the IRS, and not leaving it to their discretion, where some administrations might say, let us go ahead and have a 1040S and some administrations say, well, we do not need the 1040S. But this would require the IRS to have a more simplified version of the tax form for seniors.

Under present IRS rules, more than 35 million individuals age 65 or older are not permitted to use the 1040EZ; and the ratio of seniors to all individual income tax filers is growing. According to an IRS study, the return filing population aged 65 and over will grow from 10.7 million in 2000 to 12.5 million in 2010. In light of this trend, the IRS has been considering, like the gentleman from North Dakota (Mr. POMEROY) suggests, a simplified tax form for seniors. This legislation will assure IRS follows through on its promise to make such a form available. In particular, the bill requires the IRS to offer to individuals age 65 and over a form 1040S that is as similar as practicable to the 1040EZ.

The IRS is instructed to make the form available notwithstanding the receipt of Social Security benefits, distributions from a qualified retirement plan, annuities or other deferred payment arrangements, interests or dividend or capital gains or losses.

Finally, the IRS is instructed not to establish an income threshold for use of the form so that seniors with incomes in excess of the $50,000, the current threshold for form 1040EZ, will be permitted to use the simplified form.

The IRS estimates that as many as 11 million seniors will use the new form in the first year it is made available.

As one of the few members of Congress who does his own taxes, I am well aware of the mind-numbing complexity of figuring out the income tax. As the old saying goes, there's nothing certain but death and taxes. We can't do anything about death, but we can and should make taxes as fair and easy as possible."

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we should pass this bill. It is a good bill. We should simplify the Tax Code for seniors. That effort has been well under way. I am very pleased the IRS has had the work focus group tested so they have been able to draw direct feedback from senior constituents representative of those who will now be using the new form. I am pleased to vote for this bill.

I, just again, to put it all in perspective, let us not be claiming too much credit here. This effort was well under way, but it is a good thing to do. Let us do it.

Mr. Speaker, I yield back the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have an opportunity to make life easier for millions of American seniors who file a tax return. In view of the large number of seniors and the relatives who file on their own and the growing number of seniors, the IRS has long recognized the need to simplify tax filing for seniors.

In support of this goal, the IRS has conducted focus group meetings in Tampa, Florida and Minneapolis, Minnesota in which group members praised a test form 1040S developed by the IRS. If Congress does not act, however, there is no guarantee that the IRS will make this simple filing option available. Moreover, seniors will continue to be barred from using form 1040EZ because of their age.

The American Association For Retired Persons supports this legislation. So does 60-Plus. And the Joint Committee on Taxation has concluded that it will not cost anything in terms of revenue.

Mr. Speaker, I want to thank the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for bringing this measure to the floor; the gentleman from California (Mr. COX), chairman of the policy committee; the gentleman from Georgia (Mr. BURNS), the sponsor of this legislation; my colleague, the gentleman from North Dakota (Mr. POMEROY), on the Democratic side; and again a special recognition of Mr. BOUCHER of the Silver Haired Congress from Orange County, California, for illuminating the problem and bringing this idea to the United States House of Representatives.

Mr. COX. Mr. Speaker, thanks to the gentleman from Georgia, Mr. BURNS, for sponsoring this outstanding and much-needed reform of our tax system. This bill will direct the IRS to create a simpler, shorter, less time-consuming tax return for America's senior citizens. As you might expect, Mr. BURNS' success with this bill means that seniors will save time and money during tax season, but the good news for all of us is that in fact, all taxpayers will benefit, because simple forms cost the IRS less money to process. So we are cutting government spending with the passage of this act. According to the IRS, the government spends 50 percent more processing the standard 1040 than it does processing the short 1040EZ form.

I appreciate Mr. BURNS' leadership on this issue. I also want to thank a constituent of mine, Roland Boucher, for helping to put this issue on the map and for sharing with me a number of ideas which I shared with Congressman BURNS, who led this lightning-strike campaign to craft a bill, bring it to the House floor, and provide relief for seniors in time for the 2005 tax year. Roland Boucher, who is my delegate to the National Silver Haired Congress and Chairman of United Californians for Tax Reform, has been a tireless advocate for this legislation and similar tax reforms in State and local government. And he has sent a message from Orange County, California. Says Roland, "Please tell Congressman BURNS that he is about to make a lot of seniors very happy. We are tired of being denied a simple option for filing our taxes simply because of age. We're tired of being treated as second-class taxpayers just because we've attained a level of wisdom and experience to which others can only aspire."

Representative BURNS' bill is a valuable reform for America's more than 35 million seniors, all of whom are denied the use of the existing 1040EZ form by IRS regulation. Simplicity and a less time-consuming process at tax time could yield enormous benefits, precisely because the IRS has made the current system so difficult. The Tax Foundation estimates that taxpayers spend almost 6 billion hours per year complying with our Federal income tax system at an annual cost of $194 billion. This difficulty in meeting the demands that the law and the IRS have placed upon Americans is on the rise. The Tax Foundation estimates that by 2007 the cost could soar as high as $350 billion.

You might think that almost all of this time and money is spent by huge corporations with their complicated capital structures and multitudinous business operations. Wrong. 45 percent of the costs are borne by individuals. Does this burden fall most heavily on the rich, with their various assets and more complicated financial lives? No. The Tax Foundation discovered that compliance costs are highly regressive. Taxpayers with adjusted gross income of less than $20,000 pay a staggering 4.5 percent of income merely in compliance costs. This is an outrageous and unacceptable bureaucratic tax on all Americans, but today we focus only on the unfair treatment of seniors. For a moment let us all imagine what it must be like to be a retired low-income senior, working hard to make ends meet on a fixed income, and then to have to devote almost 5 percent of that limited income just to figure out how much money you owe the IRS. Talk about adding insult to injury. It's time to cut the hassle tax, the anxiety tax, the confusion tax of having to complete an endless, complicated tax return.

Mr. BURNS and I want simplicity and an end to the enormous compliance tax for all Americans. Today, I am proud to stand with the gentleman from Georgia as he leads the first phase of the campaign—relief for America's millions of senior taxpayers. This reform is long overdue. I thank the gentleman from Georgia for making it happen.

Mr. COLLINS. Mr. Speaker, I rise to state my strong support of H.R. 4109, the Simple Tax for Seniors Act of 2004, which would require the Internal Revenue Service to offer a simplified tax form for America's senior citizens.

I commend my Georgia colleague, Congressman MAX BURNS, for introducing this legislation. This common sense legislation would create a new form entitled "1040–S" that would enable seniors to file their tax returns in less time and in a simpler format. The new form, which would be similar to the 1040EZ, would be available to seniors for their use when they file their 2005 income tax returns.

Under current law, many seniors cannot use Forms 1040A or 1040EZ, because the IRS limits their use to individuals with less than $50,000 in taxable income.

The bill instructs the IRS to make the form available in spite of the receipt of Social Security benefits, interest or dividends, capital gains or losses, or distributions from a qualified retirement plan, annuity, or other deferred payment arrangement. The IRS is also instructed not to establish an income threshold on the form so that seniors with incomes in excess of $50,000 will be permitted to use the simplified form.

I urge all my colleagues to lend a helping hand to America's senior citizens and vote in favor of the Simple Tax for Seniors Act of 2004.

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 4109, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

SEC. 101. SHORT TITLE.

This title may be cited as the "Standards Development Organization Advancement Act of 2003".

SEC. 102. FINDINGS.

The Congress finds the following:

(1) In 1993, the Congress amended and renamed the National Cooperative Research Act of 1984 (now known as the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301 et seq.)) by enacting the National Cooperative Production Amendments of 1993 (Public Law 103-42) to encourage the use of collaborative, procompetitive activity in the form of research and production joint ventures that provide adequate disclosure to the antitrust enforcement agencies about the nature and scope of the activity involved.

(2) Subsequently, in 1995, the Congress in enacting the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) recognized the importance of technical standards developed by voluntary consensus standards bodies to our national economy by requiring the use of such standards to the extent practicable by Federal agencies and by encouraging Federal agency representatives to participate in ongoing standards development activities. The Office of Management and Budget on February 18, 1998, revised Circular A–119 to reflect these changes made in law.

(3) Following enactment of the National Technology Transfer and Advancement Act of 1995, technical standards developed or adopted by voluntary consensus standards bodies have replaced thousands of unique Government standards and specifications allowing the national economy to operate in a more unified fashion.

(4) Having the same technical standards used by Federal agencies and by the private sector permits the Government to avoid the cost of developing duplicative Government standards and to more readily use products and components designed for the commercial marketplace, thereby enhancing quality and safety and reducing costs.

(5) Technical standards are written by hundreds of nonprofit voluntary consensus standards bodies in a nonexclusionary fashion, using thousands of volunteers from the private and public sectors, and are developed under the standards development principles set out in Circular Number A–119, as revised February 18, 1998, of the Office of Management and Budget,

including principles that require openness, balance, transparency, consensus, and due process. Such principles provide for—

(A) notice to all parties known to be affected by the particular standards development activity,

(B) the opportunity to participate in standards development or modification,

(C) balancing interests so that standards development activities are not dominated by any single group of interested persons,

(D) readily available access to essential information regarding proposed and final standards,

(E) the requirement that substantial agreement be reached on all material points after the consideration of all views and objections, and

(F) the right to express a position, to have it considered, and to appeal an adverse decision.

(6) There are tens of thousands of voluntary consensus standards available for government use. Most of these standards are kept current through interim amendments and interpretations, issuance of addenda, and periodic reaffirmation, revision, or reissuance every 3 to 5 years.

(7) Standards developed by government entities generally are not subject to challenge under the antitrust laws.

(8) Private developers of the technical standards that are used as Government standards are often not similarly protected, leaving such developers vulnerable to being named as codefendants in lawsuits even though the likelihood of their being held liable is remote in most cases, and they generally have limited resources to defend themselves in such lawsuits.

(9) Standards development organizations do not stand to benefit from any antitrust violations that might occur in the voluntary consensus standards development process.

(10) As was the case with respect to research and production joint ventures before the passage of the National Cooperative Research and Production Act of 1993, if relief from the threat of liability under the antitrust laws is not granted to voluntary consensus standards bodies, both regarding the development of new standards and efforts to keep existing standards current, such bodies could be forced to cut back on standards development activities at great financial cost both to the Government and to the national economy.

SEC. 103. DEFINITIONS.

Section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301) is amended—

(1) in subsection (a) by adding at the end the following:

"(7) The term 'standards development activity' means any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.

"(8) The term 'standards development organization' means a domestic or international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the Office of Management and Budget Circular Number A–119, as revised February 10, 1998. The term 'standards development organization' shall not, for purposes of this Act, include the parties participating in the standards development organization.

"(9) The term 'technical standard' has the meaning given such term in section 12(d)(4) of the National Technology Transfer and Advancement Act of 1995.

"(10) The term 'voluntary consensus standard' has the meaning given such term in Office of Management and Budget Circular Number A–119, as revised February 10, 1998."; and

(2) by adding at the end the following:

"(c) The term 'standards development activity' excludes the following activities:

"(1) Exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard, or using such standard in conformity assessment activities.

"(2) Entering into any agreement or engaging in any other conduct that would allocate a market with a competitor.

"(3) Entering into any agreement or conspiracy that would set or restrain prices of any good or service.".

SEC. 104. RULE OF REASON STANDARD.

Section 3 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4302) is amended by striking "of any person in making or performing a contract to carry out a joint venture shall" and inserting the following: "of—

"(1) any person in making or performing a contract to carry out a joint venture, or

"(2) a standards development organization while engaged in a standards development activity,

shall".

SEC. 105. LIMITATION ON RECOVERY.

Section 4 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4303) is amended—

(1) in subsections (a)(1), (b)(1), and (c)(1) by inserting ", or for a standards development activity engaged in by a standards development organization against which such claim is made" after "joint venture",

(2) in subsection (e)—

(A) by inserting ", or of a standards development activity engaged in by a standards development organization" before the period at the end, and

(B) by redesignating such subsection as subsection (f), and

(3) by inserting after subsection (d) the following:

"(e) Subsections (a), (b), and (c) shall not be construed to modify the liability under the antitrust laws of any person (other than a standards development organization) who—

"(1) directly (or through an employee or agent) participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

"(2) is not a fulltime employee of the standards development organization that engaged in such activity, and

"(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.".

SEC. 106. ATTORNEY FEES.

Section 5 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4304) is amended—

(1) in subsection (a) by inserting ", or of a standards development activity engaged in by a standards development organization" after "joint venture", and

(2) by adding at the end the following:

"(c) Subsections (a) and (b) shall not apply with respect to any person who—

"(1) directly participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

"(2) is not a fulltime employee of a standards development organization that engaged in such activity, and

"(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.".

SEC. 107. DISCLOSURE OF STANDARDS DEVELOPMENT ACTIVITY.

Section 6 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4305) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively,

(B) by inserting "(1)" after "(a)", and

(C) by adding at the end the following:

"(2) A standards development organization may, not later than 90 days after commencing a standards development activity engaged in for the purpose of developing or promulgating a voluntary consensus standards or not later than 90 days after the date of the enactment of the Standards Development Organization Advancement Act of 2003, whichever is later, file simultaneously with the Attorney General and the Commission, a written notification disclosing—

"(A) the name and principal place of business of the standards development organization, and

"(B) documents showing the nature and scope of such activity.

Any standards development organization may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4 to standards development activities that are not covered by the initial filing or that have changed significantly since the initial filing.",

(2) in subsection (b)—

(A) in the 1st sentence by inserting ", or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms" before the period at the end, and

(B) in the last sentence by inserting "or available to such organization, as the case may be" before the period,

(3) in subsection (d)(2) by inserting ", or the standards development activity," after "venture",

(4) in subsection (e)—

(A) by striking "person who" and inserting "person or standards development organization that", and

(B) by inserting "or any standards development organization" after "person" the last place it appears, and

(5) in subsection (g)(1) by inserting "or standards development organization" after "person".

SEC. 108. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to alter or modify the antitrust treatment under existing law of—

(1) parties participating in standards development activity of standards development organizations within the scope of this title, including the existing standard under which the conduct of the parties is reviewed, regardless of the standard under which the conduct of the standards development organizations in which they participate are reviewed, or

(2) other organizations and parties engaged in standard-setting processes not within the scope of this amendment to the title.

TITLE II—ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003

SEC. 201. SHORT TITLE.

This title may be cited as the "Antitrust Criminal Penalty Enhancement and Reform Act of 2003".

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

SEC. 211. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 211

through 214 shall cease to have effect 5 years after the date of enactment of this Act.

(b) Exception.—With respect to an applicant who has entered into an antitrust leniency agreement on or before the date on which the provisions of sections 211 through 214 of this subtitle shall cease to have effect, the provisions of sections 211 through 214 of this subtitle shall continue in effect.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) Antitrust Division.—The term "Antitrust Division" means the United States Department of Justice Antitrust Division.

(2) Antitrust Leniency Agreement.—The term "antitrust leniency agreement," or "agreement," means a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement.

(3) Antitrust Leniency Applicant.—The term "antitrust leniency applicant," or "applicant," means, with respect to an antitrust leniency agreement, the person that has entered into the agreement.

(4) Claimant.—The term "claimant" means a person or class, that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act or any similar State law, except that the term does not include a State or a subdivision of a State with respect to a civil action brought to recover damages sustained by the State or subdivision.

(5) Cooperating Individual.—The term "cooperating individual" means, with respect to an antitrust leniency agreement, a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement.

(6) Person.—The term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act.

SEC. 213. LIMITATION ON RECOVERY.

(a) In General.—Subject to subsection (d), in any civil action alleging a violation of section 1 or 3 of the Sherman Act, or alleging a violation of any similar State law, based on conduct covered by a currently effective antitrust leniency agreement, the amount of damages recovered by or on behalf of a claimant from an antitrust leniency applicant who satisfies the requirements of subsection (b), together with the amounts so recovered from cooperating individuals who satisfy such requirements, shall not exceed that portion of the actual damages sustained by such claimant which is attributable to the commerce done by the applicant in the goods or services affected by the violation.

(b) Requirements.—Subject to subsection (c), an antitrust leniency applicant or cooperating individual satisfies the requirements of this subsection with respect to a civil action described in subsection (a) if the court in which the civil action is brought determines, after considering any appropriate pleadings from the claimant, that the applicant or cooperating individual, as the case may be, has provided satisfactory cooperation to the claimant with respect to the civil action, which cooperation shall include—

(1) providing a full account to the claimant of all facts known to the applicant or cooperating individual, as the case may be, that are potentially relevant to the civil action;

(2) furnishing all documents or other items potentially relevant to the civil action that are in the possession, custody, or control of the applicant or cooperating individual, as the case may be, wherever they are located; and

(3)(A) in the case of a cooperating individual—

(i) making himself or herself available for such interviews, depositions, or testimony in connection with the civil action as the claimant may reasonably require; and

(ii) responding completely and truthfully, without making any attempt either falsely to protect or falsely to implicate any person or entity, and without intentionally withholding any potentially relevant information, to all questions asked by the claimant in interviews, depositions, trials, or any other court proceedings in connection with the civil action; or

(B) in the case of an antitrust leniency applicant, using its best efforts to secure and facilitate from cooperating individuals covered by the agreement the cooperation described in clauses (i) and (ii) and subparagraph (A).

(c) Timeliness.—If the initial contact by the antitrust leniency applicant with the Antitrust Division regarding conduct covered by the antitrust leniency agreement occurs after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of a violation of section 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action described in subsection (a) has been filed, then the court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant's initial cooperation with the claimant.

(d) Continuation.—Nothing in this section shall be construed to modify, impair, or supersede the provisions of sections 4, 4A, and 4C of the Clayton Act relating to the recovery of costs of suit, including a reasonable attorney's fee, and interest on damages, to the extent that such recovery is authorized by such sections.

SEC. 214. RIGHTS, AUTHORITIES, AND LIABILITIES NOT AFFECTED.

Nothing in this subtitle shall be construed to—

(1) affect the rights of the Antitrust Division to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement to prevent the cooperation described in section 213(b) from impairing or impeding the investigation or prosecution by the Antitrust Division of conduct covered by the agreement;

(2) create any right to challenge any decision by the Antitrust Division with respect to an antitrust leniency agreement; or

(3) affect, in any way, the joint and several liability of any party to a civil action described in section 213(a), other than that of the antitrust leniency applicant and cooperating individuals as provided in section 213(a) of this title.

SEC. 215. INCREASED PENALTIES FOR ANTITRUST VIOLATIONS.

(a) Restraint of Trade Among the States.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by—

(1) striking "$10,000,000" and inserting "$100,000,000";

(2) striking "$350,000" and inserting "$1,000,000"; and

(3) striking "three" and inserting "10".

(b) Monopolizing Trade.—Section 2 of the Sherman Act (15 U.S.C. 2) is amended by—

(1) striking "$10,000,000" and inserting "$100,000,000";

(2) striking "$350,000" and inserting "$1,000,000"; and

(3) striking "three" and inserting "10".

(c) Other Restraints of Trade.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended by—

(1) striking "$10,000,000" and inserting "$100,000,000";

(2) striking "$350,000" and inserting "$1,000,000"; and

(3) striking "three" and inserting "10".

Subtitle B—Tunney Act Reform

SEC. 221. PUBLIC INTEREST DETERMINATION.

(a) Congressional Findings and Declaration of Purposes.—

(1) Findings.—Congress finds that—

(A) the purpose of the Tunney Act was to ensure that the entry of antitrust consent judgments is in the public interest; and

(B) it would misconstrue the meaning and Congressional intent in enacting the Tunney Act to limit the discretion of district courts to review antitrust consent judgments solely to determining whether entry of those consent judgments would make a "mockery of the judicial function".

(2) Purposes.—The purpose of this section is to effectuate the original Congressional intent in enacting the Tunney Act and to ensure that United States settlements of civil antitrust suits are in the public interest.

(b) Public Interest Determination.—Section 5 of the Clayton Act (15 U.S.C. 16) is amended—

(1) in subsection (d), by inserting at the end the following: "Upon application by the United States, the district court may, for good cause (based on a finding that the expense of publication in the Federal Register exceeds the public interest benefits to be gained from such publication), authorize an alternative method of public dissemination of the public comments received and the response to those comments.";

(2) in subsection (e)—

(A) in the matter before paragraph (1), by—

(i) striking "court may" and inserting "court shall"; and

(ii) inserting "(1)" before "Before"; and

(B) striking paragraphs (1) and (2) and inserting the following:

"(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

"(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

"(2) Nothing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene."; and

(3) in subsection (g), by inserting "by any officer, director, employee, or agent of such defendant" before ", or other person".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1086.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This legislation contains several important revisions to America's antitrust laws.

Title I of the legislation contains limited antitrust protection for standards development organizations. Technical standards play a critical role in fostering competition and promoting public health and safety. Without standards there would be no compatibility among broad categories of products and less confidence in a range of building, fire, and safety codes that promote the public welfare.

In the United States, most standards development is conducted by private nonprofit organizations known as Standards Development Organizations, or SDOs. This approach reflects the fact that private organizations are better able to keep up with the rapid pace of technological change. Congress has recognized the importance of SDOs and requires Federal agencies to adopt standards issued by these organizations whenever possible.

Over the last several years, the critical efforts of SDOs have been undermined by sometimes frivolous antitrust lawsuits. The growing frequency of these claims against SDOs stifles their ability to obtain technical information, hampers their effectiveness, and undermines the public goals that the SDOs advance.

I introduced this bill to remedy this problem. This legislation codifies the rule of reason for antitrust scrutiny of SDOs which requires courts to assess whether the standards-setting activities of an SDO are procompetitive. It also limits the SDOs civil liability to actual, rather than treble, damages, and provides for the recovery of attorneys fees to substantially prevailing parties in antitrust actions against these organizations.

To receive these limited safeguards, H.R. 1086 requires the SDO to inform Federal antitrust authorities of the scope and nature of their activities and to devise and issue standards in a fair and open process prescribed by the legislation.

The Senate amendment we consider today also contains important bipartisan provisions that deter antitrust violations while strengthening antitrust enforcement efforts. Title II harmonizes the treatment of criminal antitrust offenders and other white collar criminals by increasing maximum prison terms for criminal antitrust violations from 3 to 10 years while increasing maximum individual fines for antitrust violations from $350,000 to $1 million. These provisions send an unmistakable message to those who consider violating the antitrust laws that if they are caught they will spend much more time considering the consequences of their actions within the confinement of their prison cells.

Title II also increases maximum corporate fines for antitrust violations from $10 million to $100 million. This considerable increase sends a clear signal to corporate officers and board members that a decision to violate antitrust laws will be severely punished.

Title II of the legislation also contains important modifications to the antitrust leniency program used by the Department of Justice to facilitate the detection and prosecution of antitrust violations. Under existing practice, parties that cooperate with Federal antitrust authorities to uncover violations may not be subject to government prosecution, but remain liable in civil actions brought by private parties. The bill creates an additional incentive for corporations to disclose antitrust violations by limiting their liability in related civil claims to actual damages. Furthermore, while a cooperating party would be liable only for damages attributable to that party's conduct, noncooperating conspirators will remain jointly and severally liable for treble damages for the misconduct of all of the conspirators.

As a result, the full scope of antitrust remedies against nonparticipating parties will remain available to the government and private antitrust plaintiffs.

Finally, the legislation clarifies the Tunney Act. This act gives Federal district courts some authority to review the merits of civil antitrust settlements with the United States before they enter final consent decrees.

□ 1515

Specifically, district courts in which an antitrust suit is brought must assess whether these decrees are "in the public interest." The bill provides legislative guidance to the district courts by listing specific factors to be considered during this analysis. In addition, the legislation facilitates the transmission of comments received during Tunney Act proceedings by allowing Federal judges to order their publication by electronic or other means.

Mr. Speaker, H.R. 1086 contains important provisions that enhance the effectiveness of the antitrust laws and the authority of antitrust enforcement agencies to implement them.

The legislation is truly bipartisan and bicameral in nature, and while several people deserve credit for this legislation, I would like to recognize the late Committee on Science Chief Counsel Barry Beringer. Barry's hard work and dedication brought this legislation to the floor last year, and his decades of dedication and service brought great credit to this House. I urge my colleagues to support the legislation.

Pursuant to the general leave already granted, I will be placing into the RECORD a statement of legislative history that the gentleman from Michigan (Mr. CONYERS) and I have agreed to, and I ask that it appear in the RECORD at the end of my statement.

SUPPLEMENTAL LEGISLATIVE HISTORY FOR H.R. 1086, THE "STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003" AS ENROLLED BY THE HOUSE AND SENATE

When the House passed H.R. 1086, the "Standards Development Organization Advancement Act of 2003," it only contained provisions directed at including standards-development activities undertaken by certain standards development organizations (SDOs) within the treatment accorded certain joint ventures by the National Cooperative Research and Production Act "NCRPA." The Senate-passed version of H.R. 1086, which substantially incorporates the provisions of the House-passed version in its Title I, also contains an additional title, the "Antitrust Criminal Penalty Enhancement and Reform Act of 2003." The following legislative history is submitted on behalf of the House Committee on the Judiciary jointly by Chairman Sensenbrenner and Ranking Member Conyers:

Section-by-Section Analysis of H.R. 1086

TITLE I—"STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003"

Section 101 contains the short title.

Section 102 sets forth the findings and purposes of the bill as they relate to standards development activities and standards development organizations (SDOs). The findings explain the purpose(s) behind the original enactment and subsequent amendment of the National Cooperative Research and Production Act (NCRPA). The findings also discuss how passage of the National Technology Transfer and Advancement Act of 1995 (NTTAA) unintentionally heightened the vulnerability of SDOs to antitrust litigation. The findings also explain how SDOs generally do not stand to benefit from any antitrust violation that might occur during the voluntary consensus standards development process. Finally, this section finds that continuing to subject SDOs to potential treble damages liability under the antitrust laws could impede pro-competitive standards development activity.

Section 103 adds to the existing definitions contained in section 2 of the NCRPA: The term "standards development activity" is defined as "any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization." The definition of "standards development activity" excludes the following activities: exchanges of information, including competitively-sensitive information, among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required in order to develop or promulgate a voluntary consensus standard or in order to use the standard in conformity assessment activities; agreements or other conduct that would allocate a market among competitors; and agreements or conspiracies that would set or restrain prices of any good or service.

The definition of "standards development activity" is broad enough to encompass any action taken by an SDO in "developing, promulgating, revising, amending, reissuing, interpreting or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the SDO." The *through 214 shall cease to have effect 5 years after the date of enactment of this Act.*

(b) Exception.—With respect to an applicant who has entered into an antitrust leniency agreement on or before the date on which the provisions of sections 211 through 214 of this subtitle shall cease to have effect, the provisions of sections 211 through 214 of this subtitle shall continue in effect.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) Antitrust Division.—The term "Antitrust Division" means the United States Department of Justice Antitrust Division.

(2) Antitrust leniency agreement.—The term "antitrust leniency agreement," or "agreement," means a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement.

(3) Antitrust leniency applicant.—The term "antitrust leniency applicant," or "applicant," means, with respect to an antitrust leniency agreement, the person that has entered into the agreement.

(4) Claimant.—The term "claimant" means a person or class, that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act or any similar State law, except that the term does not include a State or a subdivision of a State with respect to a civil action brought to recover damages sustained by the State or subdivision.

(5) Cooperating individual.—The term "cooperating individual" means, with respect to an antitrust leniency agreement, a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement.

(6) Person.—The term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act.

SEC. 213. LIMITATION ON RECOVERY.

(a) In General.—Subject to subsection (d), in any civil action alleging a violation of section 1 or 3 of the Sherman Act, or alleging a violation of any similar State law, based on conduct covered by a currently effective antitrust leniency agreement, the amount of damages recovered by or on behalf of a claimant from an antitrust leniency applicant who satisfies the requirements of subsection (b), together with the amounts so recovered from cooperating individuals who satisfy such requirements, shall not exceed that portion of the actual damages sustained by such claimant which is attributable to the commerce done by the applicant in the goods or services affected by the violation.

(b) Requirements.—Subject to subsection (c), an antitrust leniency applicant or cooperating individual satisfies the requirements of this subsection with respect to a civil action described in subsection (a) if the court in which the civil action is brought determines, after considering any appropriate pleadings from the claimant, that the applicant or cooperating individual, as the case may be, has provided satisfactory cooperation to the claimant with respect to the civil action, which cooperation shall include—

(1) providing a full account to the claimant of all facts known to the applicant or cooperating individual, as the case may be, that are potentially relevant to the civil action;

(2) furnishing all documents or other items potentially relevant to the civil action that are in the possession, custody, or control of the applicant or cooperating individual, as the case may be, wherever they are located; and

(3)(A) in the case of a cooperating individual—

(i) making himself or herself available for such interviews, depositions, or testimony in connection with the civil action as the claimant may reasonably require; and

(ii) responding completely and truthfully, without making any attempt either falsely to protect or falsely to implicate any person or entity, and without intentionally withholding any potentially relevant information, to all questions asked by the claimant in interviews, depositions, trials, or any other court proceedings in connection with the civil action; or

(B) in the case of an antitrust leniency applicant, using its best efforts to secure and facilitate from cooperating individuals covered by the agreement the cooperation described in clauses (i) and (ii) and subparagraph (A).

(c) Timeliness.—If the initial contact by the antitrust leniency applicant with the Antitrust Division regarding conduct covered by the antitrust leniency agreement occurs after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of a violation of section 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action described in subsection (a) has been filed, then the court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant's initial cooperation with the claimant.

(d) Continuation.—Nothing in this section shall be construed to modify, impair, or supersede the provisions of sections 4, 4A, and 4C of the Clayton Act relating to the recovery of costs of suit, including a reasonable attorney's fee, and interest on damages, to the extent that such recovery is authorized by such sections.

SEC. 214. RIGHTS, AUTHORITIES, AND LIABILITIES NOT AFFECTED.

Nothing in this subtitle shall be construed to—

(1) affect the rights of the Antitrust Division to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement to prevent the cooperation described in section 213(b) from impairing or impeding the investigation or prosecution by the Antitrust Division of conduct covered by the agreement;

(2) create any right to challenge any decision by the Antitrust Division with respect to an antitrust leniency agreement; or

(3) affect, in any way, the joint and several liability of any party to a civil action described in section 213(a), other than that of the antitrust leniency applicant and cooperating individuals as provided in section 213(a) of this title.

SEC. 215. INCREASED PENALTIES FOR ANTITRUST VIOLATIONS.

(a) Restraint of Trade Among the States.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by—

(1) striking "$10,000,000" and inserting "$100,000,000";

(2) striking "$350,000" and inserting "$1,000,000"; and

(3) striking "three" and inserting "10".

(b) Monopolizing Trade.—Section 2 of the Sherman Act (15 U.S.C. 2) is amended by—

(1) striking "$10,000,000" and inserting "$100,000,000";

(2) striking "$350,000" and inserting "$1,000,000"; and

(3) striking "three" and inserting "10".

(c) Other Restraints of Trade.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended by—

(1) striking "$10,000,000" and inserting "$100,000,000";

(2) striking "$350,000" and inserting "$1,000,000"; and

(3) striking "three" and inserting "10".

Subtitle B—Tunney Act Reform

SEC. 221. PUBLIC INTEREST DETERMINATION.

(a) Congressional Findings and Declaration of Purposes.—

(1) Findings.—Congress finds that—

(A) the purpose of the Tunney Act was to ensure that the entry of antitrust consent judgments is in the public interest; and

(B) it would misconstrue the meaning and Congressional intent in enacting the Tunney Act to limit the discretion of district courts to review antitrust consent judgments solely to determining whether entry of those consent judgments would make a "mockery of the judicial function".

(2) Purposes.—The purpose of this section is to effectuate the original Congressional intent in enacting the Tunney Act and to ensure that United States settlements of civil antitrust suits are in the public interest.

(b) Public Interest Determination.—Section 5 of the Clayton Act (15 U.S.C. 16) is amended—

(1) in subsection (d), by inserting at the end the following: "Upon application by the United States, the district court may, for good cause (based on a finding that the expense of publication in the Federal Register exceeds the public interest benefits to be gained from such publication), authorize an alternative method of public dissemination of the public comments received and the response to those comments.";

(2) in subsection (e)—

(A) in the matter before paragraph (1), by—

(i) striking "court may" and inserting "court shall"; and

(ii) inserting "(1)" before "Before"; and

(B) striking paragraphs (1) and (2) and inserting the following:

"(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

"(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

"(2) Nothing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene."; and

(3) in subsection (g), by inserting "by any officer, director, employee, or agent of such defendant" before ", or other person".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1086.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This legislation contains several important revisions to America's antitrust laws.

Title I of the legislation contains limited antitrust protection for standards development organizations. Technical standards play a critical role in fostering competition and promoting public health and safety. Without standards there would be no compatibility among broad categories of products and less confidence in a range of building, fire, and safety codes that promote the public welfare.

In the United States, most standards development is conducted by private nonprofit organizations known as Standards Development Organizations, or SDOs. This approach reflects the fact that private organizations are better able to keep up with the rapid pace of technological change. Congress has recognized the importance of SDOs and requires Federal agencies to adopt standards issued by these organizations whenever possible.

Over the last several years, the critical efforts of SDOs have been undermined by sometimes frivolous antitrust lawsuits. The growing frequency of these claims against SDOs stifles their ability to obtain technical information, hampers their effectiveness, and undermines the public goals that the SDOs advance.

I introduced this bill to remedy this problem. This legislation codifies the rule of reason for antitrust scrutiny of SDOs which requires courts to assess whether the standards-setting activities of an SDO are procompetitive. It also limits the SDOs civil liability to actual, rather than treble, damages, and provides for the recovery of attorneys fees to substantially prevailing parties in antitrust actions against these organizations.

To receive these limited safeguards, H.R. 1086 requires the SDO to inform Federal antitrust authorities of the scope and nature of their activities and to devise and issue standards in a fair and open process prescribed by the legislation.

The Senate amendment we consider today also contains important bipartisan provisions that deter antitrust violations while strengthening antitrust enforcement efforts. Title II harmonizes the treatment of criminal antitrust offenders and other white collar criminals by increasing maximum prison terms for criminal antitrust violations from 3 to 10 years while increasing maximum individual fines for antitrust violations from $350,000 to $1 million. These provisions send an unmistakable message to those who consider violating the antitrust laws that if they are caught they will spend much more time considering the consequences of their actions within the confinement of their prison cells.

Title II also increases maximum corporate fines for antitrust violations from $10 million to $100 million. This considerable increase sends a clear signal to corporate officers and board members that a decision to violate antitrust laws will be severely punished.

Title II of the legislation also contains important modifications to the antitrust leniency program used by the Department of Justice to facilitate the detection and prosecution of antitrust violations. Under existing practice, parties that cooperate with Federal antitrust authorities to uncover violations may not be subject to government prosecution, but remain liable in civil actions brought by private parties. The bill creates an additional incentive for corporations to disclose antitrust violations by limiting their liability in related civil claims to actual damages. Furthermore, while a cooperating party would be liable only for damages attributable to that party's conduct, noncooperating conspirators will remain jointly and severally liable for treble damages for the misconduct of all of the conspirators.

As a result, the full scope of antitrust remedies against nonparticipating parties will remain available to the government and private antitrust plaintiffs.

Finally, the legislation clarifies the Tunney Act. This act gives Federal district courts some authority to review the merits of civil antitrust settlements with the United States before they enter final consent decrees.

□ 1515

Specifically, district courts in which an antitrust suit is brought must assess whether these decrees are "in the public interest." The bill provides legislative guidance to the district courts by listing specific factors to be considered during this analysis. In addition, the legislation facilitates the transmission of comments received during Tunney Act proceedings by allowing Federal judges to order their publication by electronic or other means.

Mr. Speaker, H.R. 1086 contains important provisions that enhance the effectiveness of the antitrust laws and the authority of antitrust enforcement agencies to implement them.

The legislation is truly bipartisan and bicameral in nature, and while several people deserve credit for this legislation, I would like to recognize the late Committee on Science Chief Counsel Barry Beringer. Barry's hard work and dedication brought this legislation to the floor last year, and his decades of dedication and service brought great credit to this House. I urge my colleagues to support the legislation.

Pursuant to the general leave already granted, I will be placing into the RECORD a statement of legislative history that the gentleman from Michigan (Mr. CONYERS) and I have agreed to, and I ask that it appear in the RECORD at the end of my statement.

SUPPLEMENTAL LEGISLATIVE HISTORY FOR H.R. 1086, THE "STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003" AS ENROLLED BY THE HOUSE AND SENATE

When the House passed H.R. 1086, the "Standards Development Organization Advancement Act of 2003," it only contained provisions directed at including standards-development activities undertaken by certain standards development organizations (SDOs) within the treatment accorded certain joint ventures by the National Cooperative Research and Production Act "NCRPA." The Senate-passed version of H.R. 1086, which substantially incorporates the provisions of the House-passed version in its Title I, also contains an additional title, the "Antitrust Criminal Penalty Enhancement and Reform Act of 2003." The following legislative history is submitted on behalf of the House Committee on the Judiciary jointly by Chairman Sensenbrenner and Ranking Member Conyers:

Section-by-Section Analysis of H.R. 1086

TITLE I—"STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003"

Section 101 contains the short title.

Section 102 sets forth the findings and purposes of the bill as they relate to standards development activities and standards development organizations (SDOs). The findings explain the purpose(s) behind the original enactment and subsequent amendment of the National Cooperative Research and Production Act (NCRPA). The findings also discuss how passage of the National Technology Transfer and Advancement Act of 1995 (NTTAA) unintentionally heightened the vulnerability of SDOs to antitrust litigation. The findings also explain how SDOs generally do not stand to benefit from any antitrust violation that might occur during the voluntary consensus standards development process. Finally, this section finds that continuing to subject SDOs to potential treble damages liability under the antitrust laws could impede pro-competitive standards development activity.

Section 103 adds to the existing definitions contained in section 2 of the NCRPA: The term "standards development activity" is defined as "any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization." The definition of "standards development activity" excludes the following activities: exchanges of information, including competitively-sensitive information, among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required in order to develop or promulgate a voluntary consensus standard or in order to use the standard in conformity assessment activities; agreements or other conduct that would allocate a market among competitors; and agreements or conspiracies that would set or restrain prices of any good or service.

The definition of "standards development activity" is broad enough to encompass any action taken by an SDO in "developing, promulgating, revising, amending, reissuing, interpreting or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the SDO." The

"Standards Development Organization Advancement Act of 2003" is not intended to change or influence existing intellectually property policies currently utilized by various SDOs (including but not limited to, patent searches), nor to affect or influence new intellectual property policies that may be developed in the future. Such policies are vitally important to ensuring a level playing field among all users of a standard that incorporates patented technology. In addition, the legislation is not intended to change or alter the application of existing antitrust laws with respect to intellectual property. The legislation also seeks to encourage disclosure by intellectual property rights owners of relevant intellectual property rights and proposed licensing terms. It further encourages discussion among intellectual property rights owners and other interested standards participants regarding the terms under which relevant intellectual property rights would be made available for use in conjunction with the standard or proposed standard.

The term "standards development organization" is defined as "a domestic or international organization that plans, develops, establishes or coordinates voluntary consensus standards . . . in a manner consistent with Office Management and Budget (OMB) Circular Number A–119, as revised on February 10, 1998." The definition includes only the voluntary consensus standards body conducting the particular standards development activity, and does not include firms participating in the standards development activity.

The term "technical standard" is defined by reference to section 12(d)(4) of the NTTAA. The term "voluntary consensus standard" is defined with reference to revised OMB Circular A–119.

Section 104 amends section 3 of the NCRPA to apply the rule of reason standard to SDOs with respect to covered standards development activities in which they are engaged.

Section 105 amends section 4 of the NCRPA to include properly structured standard-setting activity undertaken by SDOs as eligible for the protections set forth in that section, provided that such activities have been previously disclosed to the antitrust agencies in accordance with the requirements of the NCRPA, as amended.

Section 106 amends section 5 of the NCRPA to include SDOs, in their involvement in covered standards development activities, within the scope of the NCRPA scheme for awarding attorneys' fees to substantially prevailing parties.

Section 107 amends section 6 of the NCRPA to apply the same disclosure requirements to SDOs as a condition for obtaining the detrebling of damages. In order to obtain the detrebling, the required disclosures must occur not later than 90 days after either the date the SDO commences the standards development activity or the date H.R. 1086 is enacted, whichever is later.

Section 108 provides that the legislation shall not be construed to alter or modify the antitrust treatment of parties participating in a covered standards development activity, except for the SDO conducting the activity, nor of anyone engaged in standard-setting processes that are not within the scope of the legislation.

TITLE II—"ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003"

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

Section 201 contains the short title.

Sections 211–214 strengthen the Antitrust Division's corporate criminal leniency program, by providing that an antitrust leniency applicant who cooperates satisfactorily with the Division in its criminal investigation and prosecution can also receive limited damages exposure in a related private civil action in exchange for satisfactorily cooperating with the private plaintiffs. As Senator Kohl, the co-sponsor of S. 1797 (which included the leniency provisions) stated, these provisions "will remove a significant disincentive to those who would be likely to seek criminal amnesty and should result in a substantial increase in the number of antitrust conspiracies being detected." (Statement of Senator Kohl (co-sponsor of S. 1797) upon introduction of the measure, 149 CONG. REC. S13520 (daily ed. October 29, 2003)).

Section 211 states that sections 211–214 of the title shall sunset five years after the date of enactment, except with respect to "an applicant who has entered into an antitrust leniency agreement on or before" the sunset date.

Section 212, defines: "Antitrust Division" as "the United States Department of Justice Antitrust Division"; "antitrust leniency agreement" as "a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement; "antitrust leniency applicant" as "the person who has entered into the agreement" described above; "claimant" as a "person or class that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act (Section 1 of the Sherman Act (15 U.S.C. §1) prohibits contracts or combinations in restraint of trade; section 3 (15 U.S.C. §3) applies §1 to the District of Columbia and to territories) or any similar State law," but specifically excludes plaintiffs who are states or subdivisions of states with respect to civil actions brought to recover damages sustained by the state or subdivision (i.e., civil actions not brought as parens patriae); "cooperating individual" as "a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement"; and "person" as the term is defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. §12).

Section 213 states that conduct covered by a "currently effective antitrust leniency agreement" will subject an antitrust leniency applicant and its cooperating individuals, as defendants in a private or state enforcement antitrust action, to liability only for the actual portion of damages suffered by the claimant "attributable to the commerce done by the applicant in the goods or services affected by the violation" so long as the court in which the civil action is brought determines "that the applicant or cooperating individual . . . has provided satisfactory cooperation to the claimant. . . ." The section does not alter existing provisions of the antitrust laws with respect to recovery of costs, including reasonable attorneys' fees.

Satisfactory cooperation shall include "providing a full account to the claimant of all facts known to the applicant or cooperating individual . . . that are potentially relevant to the civil action" and "furnishing all documents or other items that are potentially relevant to the civil action . . . that are in the possession, custody, or control of the applicant or cooperating individual . . . wherever they are located." The section's use of the term "potentially relevant" is intended to preclude a parsimonious view of the facts or documents to which a claimant is entitled. Documents or other items in the applicant's possession, custody, or control must be produced even if they are otherwise arguably located outside the jurisdiction of the U.S. courts.

If the leniency applicant has applied for a leniency agreement "after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of violations of either sections 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action . . . has been filed," the court must consider the timeliness of the applicant's initial cooperation with the claimant. Thus, this section is not intended to allow antitrust defendants in a private lawsuit or state parens patriae investigation or enforcement action to apply to the Department of Justice at the last minute to avoid full treble-damage liability.

The court in which the civil action is brought is empowered to determine whether the necessary cooperation has occurred. The power of the court is the same whether the court is a state or federal court and whether the antitrust claims have been brought under state or federal laws. That cooperation includes providing full factual disclosure of all facts, documents, or other things that are relevant or potentially relevant. Because many leniency agreements may be with organizations rather than individuals, the section provides that any antitrust leniency applicant must use its "best efforts" to obtain and facilitate cooperation from individuals. Recognizing that there are discovery tools that plaintiffs can use in discovery of entities, this section is intended to require cooperation of entities in such discovery. For example, under Fed. R. Civ. P. 30(b)(6), a corporation or another entity may be noticed or subpoenaed to provide a corporate representative to testify on its behalf. If the leniency applicant is an organization, individuals employed by the organization may also qualify for reduced private damages exposure if they cooperate to the court's satisfaction.

Section 214 clarifies that the subtitle does not affect the right of the Antitrust Division "to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement," to prevent the leniency applicant's cooperation "from impairing or impeding" a Division investigation or prosecution. It also states that the subtitle does not create any right to challenge the decision of the Division concerning whether to grant a leniency agreement; nor does it affect the joint and several liability of any of the parties to civil antitrust actions covered by the subtitle other than the "antitrust leniency applicant and cooperating individuals. . . ." In combination with section 213, the rule of construction in this section preserving the application of joint and several liability as to all defendants other than the leniency applicant provides an additional incentive to corporations and individuals who have violated the antitrust laws to be the first to cooperate with the government and private litigants. While the antitrust leniency applicant who cooperates with civil plaintiffs will be liable only for single damages caused by its own unlawful conduct, the remaining defendants will be fully, jointly and severally liable for the treble damages the conspiracy caused, minus only the amount actually paid by the leniency applicant. This could have the effect of increasing the amount of damages the remaining defendants are ultimately required to pay.

Section 215 increases, for violations of sections 1–3 of the Sherman Act, statutory maximum monetary penalties from $350,000 to $1 million for individuals and business organizations other than corporations, and from $10 million to $100 million for corporations; and increases maximum jail sentences from three years to 10 years. These increases reflect Congress' belief that criminal antitrust violations are serious white collar crimes that should be punished in a manner commensurate with other felonies. This section will require the United States Sentencing Commission to revise the existing antitrust sentencing guidelines to increase terms of imprisonment for antitrust violations to reflect the new statutory maximum. No revision in the existing guidelines is called for with respect to fines, as the increases in the Sherman Act statutory maximum fines are intended to permit courts to impose fines for antitrust violations at current Guideline levels without the need to engage in damages litigation during the criminal sentencing process.

For example, Congress does not intend for the Commission to revisit the current presumption that twenty percent of the volume of commerce is an appropriate proxy for the pecuniary loss caused by a criminal antitrust conspiracy. This presumption is sufficiently precise to satisfy the interests of justice, and promotes efficient and predictable imposition of penalties for criminal antitrust violations. Comments to the guidelines provide that if the actual overcharge caused by cartel behavior can be shown to depart substantially from the presumed ten percent overcharge that underlies the twenty percent presumption, this should be considered by the court in setting the fine within the guideline fine range.

Subtitle B—Tunney Act Reform

Section 221 makes clear that Congress intends for the district court reviewing an antitrust consent decree to go beyond merely considering whether entry of the decree would "make a mockery of the judicial function," (this is currently the standard in the Court of Appeals for the D.C. Circuit) and that the purpose of this section is "to effectuate the original Congressional intent in enacting the Tunney Act. . . ."

The Public Interest Determination provision first amends the existing Tunney Act by allowing, for good cause shown, dissemination of public comments on proposed antitrust consent decrees and responses to them by an alternative to publication in the Federal Register; replaces "may" with "shall" in its directions to district courts reviewing consent decrees; adds to the factors that a reviewing court must consider, in determining whether the proposed decree is in the public interest, "whether its terms are ambiguous" and "the impact of entry of such judgment upon competition in the relevant market or markets"; clarifies that nothing in the section shall be construed as requiring the court to hold an evidentiary hearing or to permit anyone to intervene; and specifies that the written or oral communications made on behalf of a defendant, which the defendant is required to describe to the court under section 5(g) of the Clayton Act, include communications "by any officer, director, employee, or agent of such defendant, or other person."

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This measure has strong bipartisan support in the Committee on the Judiciary, the House and the Senate, as is evidenced by its cosponsors. It provides important and significant improvements to our antitrust laws. We passed the bill last year, and it passed the Senate more recently with amendments, and we are here today to approve the identical version of the bill.

Title I of the bill recognizes that organizations set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction. When all DVDs are the same size, competitors can manufacture to the standard and compete. When all plugs are the same size, anybody can sell a lamp without having to insist on a particular brand name because they know all lamps have the standard plugs. Without the relief in this bill, industries may be reluctant to agree on a standard out of fear that treble antitrust damages may be available.

So this title provides a common sense safe harbor for standards development organizations. Those who voluntarily disclose their activities to Federal antitrust authorities will only be subject to single damages should a successful antitrust suit arise. Those who refuse to disclose their activities or those who take actions beyond their disclosures will be subject to the treble damages under the antitrust statutes.

The bill does not exempt anyone from antitrust laws but applies the rule of reason to standards development organizations that are acting in an open and forthright manner. If a violation is found, the organizations are still liable for damages, but single damages, rather than treble damages, which would now apply. However, organizations that commit specific serious antitrust violations, such as conspiring about standards on price, market share or territory division, will still be fully liable for their actions.

The rationale for the more favorable treatment of standards development organizations under these circumstances is that standards development organizations, as nonprofits that serve a cross-section of an industry, are unlikely themselves to engage in anticompetitive activities; and, without the risk of treble damages, they can be more innovative in their effort to develop standards which enhance product quality and safety while reducing costs.

Title II of the bill, the Antitrust Criminal Penalty Enhancement and Reform Act of 2003, increases the maximum criminal penalties for antitrust violations so that the disparity is eliminated between the treatment of criminal white collar offenses and antitrust criminal offenses.

This title also incorporates a leniency provision that encourages participants in an illegal conspiracy to turn in their co-conspirators. This provision allows the Department of Justice to limit the damages of the cooperating company's civil liability to actual, rather than treble, damages. The Department of Justice will only grant such leniency if the company provides adequate and timely cooperation to both the government and any subsequent private plaintiffs in civil suits. And because the remaining conspirators remain jointly and severally liable to treble damages, the victims' potential recovery is not reduced by leniency in this situation.

Finally, Title II of the bill reforms the Tunney Act to strengthen the Act's requirements that courts review antitrust consent decrees in a meaningful manner, not simply as a rubber stamp to such decrees.

H.R. 1086 is an important bill that modernizes and enhances enforcement of U.S. antitrust laws. I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for their leadership and cooperative efforts on this bill, and I urge my colleagues to support it.

Mr. BOEHNER. Mr. Speaker, I submit the following letters for the RECORD:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your May 17, 2004 letter regarding H.R. 3908, the "To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio." I agree that the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act and the effect this bill would have on provisions within your Committee's jurisdiction. While these provisions are within the jurisdiction of the Committee on Ways and Means, I appreciate your willingness to work with me in moving H.R. 3908 forward without the need for additional legislative consideration by your Committee.

I agree that this procedural route should note be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Ways and Means on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter and look forward to continuing our work and cooperation on this bill and similar legislation. This letter and your response will be included in the Congressional Record during the floor consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

JOHN BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 17, 2004.
Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHNER: I am writing concerning H.R. 3908, "To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio," which was introduced on March 4, 2004, and referred to the Committee on Education and the Workforce.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act. Sec. 1 of H.R. 3908 would convey a property purchased using federal funds authorized under Titles III and IX of the Social Security Act, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3908, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1086, the standards Development Organization Advancement Act of 2003. This measure has enjoyed bipartisan support in the Judiciary Committee, the House, and the Senate. It provides important and significant improvements to our antitrust laws.

Title I of the bill recognizes that standards development organizations set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction. This Title provides a common sense safe harbor for these organizations. Those that voluntarily disclose their activities to federal antitrust authorities will only be subject to single damages should a lawsuit later arise. Those who refuse to disclose their activities, or those who take actions beyond their disclosure, will still be subject to treble damages under the antitrust statutes.

This bill does not exempt anyone from the antitrust laws, but it does apply the rule of reason to standards development organizations. Therefore the pro-competitive market effects will be balanced against the anti-competitive market effects of an action before a violation of the antitrust laws is found. Organizations that commit per se violations—making agreements or standards about price, market share or territory division, for example—will still be fully liable for their actions.

The rationale for such favored treatment is that standards development organizations, as non-profits that serve a cross-section of an industry, are unlikely themselves to engage in anti-competitive activities. However, if free from the threat of treble damages, they can increase efficiency and facilitate the gathering of a wealth of technical expertise from a wide array of interests to enhance product quality and safety while reducing costs.

Title II, the Antitrust Criminal Penalty Enhancement and Reform Act of 2003, increases the maximum criminal penalties for antitrust violations so that the disparity is eliminated between the treatment of criminal white collar offenses and antitrust criminal violations. At this point, I do not see any reason to revise downward the current Sentencing Guideline presumption that twenty percent of the volume of commerce is an appropriate proxy for the pecuniary loss caused by a criminal antitrust conspiracy.

This Title also incorporates a leniency provision that encourages participants in illegal cartels to turn against their co-conspirators. This provision allows the Department of Justice to limit the damages of the cooperating company's civil liability to actual, rather than treble damages. The Department of Justice will only grant such leniency if the company provides adequate and timely cooperation to both the government and any subsequent private plaintiffs in civil suits. And because the remaining conspirators remain jointly and severally liable for treble damages, the victims' potential total recovery is not reduced by leniency applicant's reduced damages. The central purpose of this provision is to bolster the leniency program already utilized by the Antitrust Division so that antitrust prosecutors can more effectively go after antitrust violators. The Department of Justice has assured me that it will always use these new tools cognizant of the needs of victims.

Finally, Title II of the bill reforms the Tunney Act to strengthen the Act's requirement that courts review antitrust consent decrees in a meaningful manner, rather than simply "rubber-stamping" such decrees.

H.R. 1086 is an important bill that modernizes and enhances the enforcement of U.S. antitrust laws. I'd like to thank the Chairman for his cooperative efforts on this bill and in writing the supplemental legislative history. We worked hard together on both and I'm very proud of the final product. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a co-sponsor of this legislation, I support H.R. 1086, "The Standards Development Organization Advancement Act of 2003."

This Act amends the National Cooperative Standards Development Act to provide antitrust protections to specific activities of standard development organizations (SDOs) relating to the development of voluntary consensus standards.

Among other provisions, H.R. 1086 amends the NCRA to limit the recovery of antitrust damages against SDOs if the organizations pre-disclose the nature and scope of their standards development activity to the proper antitrust authorities. H.R. 1086 also amends the NCRA to include SDOs in the framework of NCRA that awards reasonable attorneys' fees to the substantially prevailing party.

The provisions of H.R. 1086 protect SDOs, and in turn, SDOs help protect consumers and the public. SDOs are non-profit organizations that establish voluntary industry standards. These standards ensure competition within various industries, promote manufacturing compatibility, and reduce the risk that consumers will be stranded with a product that is incompatible with products from other manufacturers.

The nature of the standards development process requires competing companies to bring their competitive ideas to the voluntary standards development process. When one of the companies believes its market position has been compromised by the standards development process that company will likely resort to litigation. It is not uncommon for the SDO to be named as a Defendant. For non-profit organizations like SDOs, litigation can be very costly and disruptive to their operations, and treble antitrust damages can be financially crippling.

Under H.R. 1086, the recovery of damages against SDOs is limited if the organizations pre-disclose the nature and scope of their standards development activity to the proper antitrust authorities. Furthermore, SDOs are only liable for treble damages under antitrust laws if they fail to disclose the nature and scope of their voluntary standards setting activity.

H.R. 1086 strikes a good balance. It does not grant SDOs full antitrust immunity, but it provides SDOs with protection from treble damages when they provide proper disclosure.

H.R. 1086 also benefits the consumer. It enables the SDOs to develop industry standards that promote price competition, intensify corporate rivalry, and encourage the development of new products.

Mr. Speaker, I support H.R. 1086.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1086.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANABOLIC STEROID CONTROL ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anabolic Steroid Control Act of 2004".

SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES.

(a) IN GENERAL.—Part D of the Controlled Substances Act is amended by adding at the end the following:

ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

"SEC. 424. (a) Whoever violates section 401(a)(1) or section 416 by manufacturing, distributing, or possessing with intent to distribute, an anabolic steroid near or at a sports facility is subject to twice the maximum term of imprisonment, maximum fine, and maximum term of supervised release otherwise provided by section 401 for that offense.

"(b) As used in this section—

"(1) the term 'sports facility' means real property where athletic sports or athletic training takes place, if such property is privately owned for commercial purposes or if such property is publicly owned, but does not include any real property described in section 419;

"(2) the term 'near or at' means in or on, or within 1000 feet of; and

"(3) the term 'possessing with intent to distribute' means possessing with the intent to distribute near or at a sports facility.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following new item:

"Sec. 424. Anabolic steroid offenses near sports facilities.".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid use; and

(3) take such other action that the Commission considers necessary to carry out this section.

SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40); and

(B) by striking subparagraph (A) and inserting the following:

"(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

"(i) androstanediol—

"(I) 3β,17β-dihydroxy-5α-androstane; and

"(II) 3α,17β-dihydroxy-5α-androstane;

"(ii) androstanedione (5α-androstan-3,17-dione);

"(iii) androstenediol—

"(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

"(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

"(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

"(IV) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

"(iv) androstenedione—

"(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

"(II) 4-androstenedione (androst-4-en-3,17-dione); and

"(III) 5-androstenedione (androst-5-en-3,17-dione);

"(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

"(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

"(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

"(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

"(ix) dehydrochlormethyltestosterone (4-chloro-17β-hydroxy-17α-methylandrost-1,4-dien-3-one);

"(x) Δ1-dihydrotestosterone (also known as 1-testosterone) (17β-hydroxy-5α-androst-1-en-3-one);

"(xi) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

"(xii) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

"(xiii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

"(xiv) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

"(xv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

"(xvi) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

"(xvii) 13α-ethyl-17β-hydroxygon-4-en-3-one;

"(xviii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

"(xix) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

"(xx) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

"(xxi) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

"(xxii) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

"(xxiii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

"(xxiv) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

"(xxv) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

"(xxvi) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

"(xxvii) 17α-methyl-Δ1-dihydrotestosterone (17 β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (also known as '17-α-methyl-1-testosterone');

"(xxviii) nandrolone (17β-hydroxyestr-4-en-3-one);

"(xxix) norandrostenediol—

"(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

"(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

"(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

"(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

"(xxx) norandrostenedione—

"(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

"(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

"(xxxi) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

"(xxxii) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

"(xxxiii) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

"(xxxiv) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

"(xxxv) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

"(xxxvi) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

"(xxxvii) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3.2-c]-pyrazole);

"(xxxviii) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

"(xxxix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

"(xl) testosterone (17β-hydroxyandrost-4-en-3-one);

"(xli) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

"(xlii) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

"(xliii) any salt, ester, or ether of a drug or substance described in this paragraph;"; and

(2) in paragraph (44), by inserting "anabolic steroids," after "marihuana,".

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking "substance from a schedule if such substance" and inserting "drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug"; and

(2) in paragraph (3), by adding at the end the following:

"(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.".

(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101-647; 21 U.S.C. 802 note) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 5. REPORTING REQUIREMENT.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General, shall prepare and submit a report to the Judiciary Committee of the House and Senate, and to the Committee on Energy and Commerce of the House, evaluating the health risks associated with dietary supplements not scheduled under the amendments made by this Act which contain substances similar to those added to the list of controlled substances under those amendments. The report shall include recommendations on whether such substances should be regulated as anabolic steroids.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3866, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently American sprinter Kelli White admitted to the United States Anti-Doping Agency that she had been taking banned steroids. European 100 meters champion Dwain Chambers and four other U.S. athletes also recently tested positive for steroid use. Steroid use in professional baseball is well-known. The fact is that steroids are abused in professional sports more often than many would like to admit, and we face statistics showing an alarming number of children in middle school and high school have tried steroids.

By simply reading the newspapers, one gets the feeling that steroid abuse is an epidemic. We must ask ourselves what kind of example is being set for our children when our best athletes feel it is necessary to pollute their bodies with these chemicals and risk their health to compete in sports. Today, we are here to say enough is enough by making it harder to traffic in steroids and making sure there are tough penalties for those who do.

Studies show that steroid use may include some very serious consequences such as liver disorders, heart attack and stroke. Additionally, many long-term users face psychiatric effects such as rage, mania or delusions. When used by adolescents, steroid use may result in premature growth cessation or rupturing of tendons.

In addition to facing the health consequences of taking steroids, Ms. White, Dwain Chambers and other athletes are facing the consequences of their actions professionally. All will be banned from competition for 2 years. Ms. White had to relinquish the medal she received in the 2003 world championships. Hopefully, the message our children receive from these high-profile cases is that our society will not tolerate this type of cheating in professional or Olympic sports. We should admire the athletes who achieve greatness through hard work and their own God-given abilities and hard work.

The Anabolic Steroid Control Act of 2004 will help to drive home this message. This legislation adds steroid precursors, substances which become steroids in the body, to the list of controlled substances, meaning they will no longer be available unless prescribed by a physician for a legitimate medical purpose. It also increases the penalties for anyone caught trafficking in steroids near a sports facility.

The goal here is clear. We do not want these substances around our gyms, baseball stadiums, football fields or our running tracks. We do not want our athletes to risk their health to win. We want our athletes to be examples of healthy individuals. We want the way our American athletes treat their bodies to be a source of pride for our country, not a source of shame. We want our children to be able to look up to them for their accomplishments.

I strongly urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3866, the Anabolic Steroid Control Act of 2004.

This legislation updates the ban on steroids to include the several steroid precursors which have been developed since the 1990 ban on steroids went into effect. These precursors have been shown to cause the same reaction in the body as other steroids, and they are just as dangerous in terms of side effects and long-term damage potential. Yet, currently, they are not illegal; and they are widely used by athletes and others seeking to enhance muscle and body development.

In addition to being directly ingested, these dangerous drugs are also being consumed as parts of presently legal, over-the-counter nutrition and dietary supplements.

Of course, the most important concern driving the bill is the impact these drugs and precursors have on children. Some young athletes are using the drugs with the belief that they can become great in their sport and gain money and fame. However, in addition to risking disqualification from playing sports, they also risk stunted growth, infertility and other long-term health problems and even death.

While we must ensure that these dangerous new drugs and precursors do not get in the hands of children or others who would use them improperly, we must also be aware that these same drugs have legitimate uses. If made available for legitimate prescriptions by physicians, they could treat conditions such as body wasting with patients with AIDS and other diseases that result in loss of muscle mass.

So, Mr. Speaker, I am pleased to join the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Ranking Member CONYERS) and other Members who have helped craft the bill in their effort to get these drugs out of the category of easy access to children and others who would use them improperly and into the laboratory to determine their legitimate, beneficial uses and into the doctor's office where they can be properly prescribed. I, therefore, urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, for bringing this bill to the floor and thank him for his leadership.

H.R. 3866, the Anabolic Steroid Control Act of 2004, will help prevent the abuse of steroids by professional athletes and will also address the widespread use of steroids and steroid precursors by college, high school and even middle school students.

Steroid use has been banned in the United States since the passage of the Anabolic Steroids Control Act of 1990. However, in recent years, new substances have become available that have the same effects on the body as anabolic steroids but are not banned under current law. These steroid precursors can be just as dangerous as those substances that have been banned themselves under the original Act.

This legislation, which the Committee on Energy and Commerce had sequential jurisdiction on and was marked up in April in the Committee on Energy and Commerce, would add several of these new products to the list of banned substances and provide increased penalty for any individual who traffics in steroids within 1,000 feet of an athletic facility. This bill will go a long way toward ensuring that our Nation's athletes, both children and adults, will not be exposed to these dangerous products.

I want to again thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his excellent leadership on this and would urge all my colleagues to vote yes on H.R. 3866.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. BARTON) for advancing this legislation. I would particularly like to thank the gentleman from New York (Mr. SWEENEY) for inspiring this legislation and having a great deal to do with its inception.

□ 1530

Mr. Speaker, in 2000, Mark McGwire hit 70 home runs. In 2001, more than one million children ages 12 to 17 used performance enhancing substances, and 390,000 children aged 10 to 14 used performance enhancing drugs or supplements. Chief among these substances used by teenagers was androstendione, which Mark McGwire admitted using when setting the record.

Mr. Speaker, androstendione is a steroid precursor. It is not a steroid under current definition; yet when ingested, it becomes a steroid, and it can be purchased over the counter by teenagers. Androstendione and other precursors are banned by the NCAA, the United States Olympic Committee, the National Football League, and the National Basketball Association; but it is not banned by Major League Baseball, high schools and junior high schools; and this just does not make any sense.

Steroids and steroid precursors cause cancer of the liver and kidneys, heart disease, stunt growth, cause extreme aggression and depression sometimes leading to teenage suicide, and the younger the user the more negative the consequences. But they also can build muscle, and therein lies the problem. It is a very dangerous situation.

I have three major concerns here: number one, many children do not know the risks. They assume that over-the-counter drugs are safe if they are sold over the counter. Also, 40 percent of supplements contain banned substances. They are not labeled correctly.

Number two, many young people will sacrifice health to gain a competitive edge. They know what the risks are, yet to win an Olympic medal, to win an athletic scholarship, to look more muscular, to make the team, they will actually sacrifice years off their life.

Number three, the use of steroids and precursors threatens the integrity of athletic competition. Do the 70 home runs in the year 2000 indicate greater athletic achievement than 65 home runs in the 1960s, or does it indicate better chemistry? We really will not know, and it is not fair to those who are competing today and those who competed 30, 40 and 50 years ago.

Again, I would like to thank the gentleman from New York (Mr. SWEENEY) and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for their work. I urge support of H.R. 3866. This bill addresses the issue of steroid precursors; designer steroids, such as THD; and strengthens penalties for distribution of steroid products.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the Anabolic Steroid Control Act, H.R. 3866, and commend my colleagues from the Committee on the Judiciary and Committee on Energy and Commerce for their hard work on this legislation.

Fourteen years ago, the passage of the Anabolic Steroid Control Act banned the use of steroids, but since then steroid precursors have emerged in the marketplace. These products, which are not considered steroids under current law, react like steroids once ingested and yield similar effects. Use of precursors is also associated with the same kinds of bad side effects associated with sustained steroid use, such as aggression, liver tumors, and extreme mood swings, just to name a few.

Since these substances are not legal under current law, some of them are marketed as nutrition or dietary supplements and are readily available over the counter. This has resulted in another detrimental development: widespread use of precursors among young people, ranging from college age to kids as young as middle school students. Pressured by athletic competition and peers, these young people turn to these substances for a competitive edge. Numbers released by the National Institute on Drug Abuse for 2003 show an alarming trend of increased precursor use among adolescents since the early 1990s. It is clear that our current law must be updated to reflect the times. We must take action to protect our loved ones.

H.R. 3866 modernizes the list of anabolic steroids regulated by the Drug Enforcement Administration to include about two dozen new substances and increases the maximum penalties for trafficking steroids close to a sports facility.

However, I am concerned about what is not in this legislation, namely, the steroid hormone DHEA. Like my colleagues in the Committee on Energy and Commerce, I am disappointed to see DHEA exempted from H.R. 3866. Both the National Institutes of Health and the dietary supplement industry have declared their concern about potentially dangerous health effects.

The questions and concerns raised in this discussion show why the regulatory framework for dietary supplements must be updated. Under current law, consumers and the Food and Drug Administration do not have access to the information or tools they need to make informed decisions about dietary supplements.

With the support of the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), I introduced the Dietary Supplement Access and Awareness Act, H.R. 3377, in order to establish commonsense consumer protections. The measures and education programs contained in H.R. 3377 will enable the FDA to gather solid data about the dangers some dietary supplements pose and make sensible informed decisions about supplements such as DHEA. In turn, consumers will have greater assurance than they currently have about the safety of dietary supplements on the market.

So, my colleagues, I would certainly encourage support of this legislation today. I believe it is sensible. But it also opens up the way for us to provide for consumers who choose to take dietary supplements more education and more information awareness.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), who is a cosponsor of the legislation.

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me this time.

This is a big day for me personally because this is a piece of legislation that represents an agreement on a piece of legislation that I first introduced 4 years ago, and I want to talk a little about the personal aspects of this and how I got involved in the whole anabolic steroid precursor and designer steroid issue.

My son, who I love and who I am lucky enough to get to spend some time with, and I work out fairly regularly together, Mr. Speaker. And, fortunately, about 5 years ago, at one of our workouts, my son was talking to me about some of his friends and his colleagues and some of their training habits. It was also 5 years ago almost immediately after the Mark McGwire record-setting home run streak in Major League Baseball. My son said that he and his friends had all been talking about how they could get better, how they could get bigger, stronger, faster, hit the ball better; and one of the ideas they had, by virtue of some of the advertising and some of the stories they heard about Mark McGwire, was to use a substance called andro.

Mr. Speaker, the gentleman from Nebraska (Mr. OSBORNE), no greater a symbol of the American sports movement than Coach TOM OSBORNE at Nebraska, mentioned in his remarks andro and its effects, and the record was pretty clear that after Mark McGwire hit his home runs, performing under legal rules established at that time, the use of andro quadrupled, with teenagers making up a large portion of that population. According to the Department of Health and Human Services, one out of every 40 high school students admitted to using andro in the past year, and something in the range of 3 to 4 percent of junior high school students had talked about and were using anabolic steroids.

Now, 20 years ago, we addressed the issue of anabolic steroids and established very clearly the health risks that were attendant to it. But what we find now is this almost insidious effort to market products meant simply to skirt the law, simply to subvert the testing processes that exist and targeting a very vulnerable part of our population, young athletes, people who cared about their fitness, and marketing these products in order to take advantage of that circumstance.

So this legislation coming forward today represents Congress' response to that, an appropriate response that will effectively make it illegal to sell over the counter now, with that presumption of sales over the counter, that a product is safe and does what it says it does. It will make it illegal to sell those products over the counter at the GNCs, at the Wal-Marts, or any of the other places. And what it effectively does is protect our kids, which is, obviously, a very important part.

Now, make no mistake about it, keeping our children safe is far more important than restoring the integrity to the sports world, Mr. Speaker; but with the Anabolic Steroid Control Act we accomplish both of those things. In athletics today, the lines of fair play have been blurred by the prevalence of steroid precursors and designer steroids; and athletes have become more creative in turning those substances, such as andro, into their muscle-building cousins.

Now, I want to respond a little to one of the prior speakers, and this was the gentlewoman who preceded me most immediately, and that was the issue of DHEA and whether we have DHEA mentioned in the list of products specifically mentioned here. As someone 4 years ago that introduced legislation that was very broad and said that any precursor or any designer steroid ought to be outlawed, I came to recognize that that legislation, under the instruction of the chairman and the ranking member of the Committee on the Judiciary, probably would not have survived judicial scrutiny.

What we have in this legislation is the perfect balance to make sure that the legislation we pass forward will have the effect we choose it to have, and that is making sure that manufacturers are putting on the shelves products that do what they say and are safe, and, secondly, outlawing those that are not. So whether DHEA is mentioned in this legislation or not, or any other product that is devised, and there will be others the manufacturing community will come forward with, whether they are made illegal or not does not really matter here, Mr. Speaker.

The burden of proof is now shifted to them. The effective tools that we need in order to protect our kids, to protect athletes, and protect the next generation, and to protect the integrity of sports are here. That is why the FDA, the DEA, the United States Olympic Committee, the NFL, the NCAA, all of those groups, the U.S. Anti-Doping Association, CASPER, and all of those groups have come out in support of this legislation. They recognize that this long fight, begun 20 years ago in this body, is coming to the right conclusion, a conclusion that protects the American people.

Finally, Mr. Speaker, I want to recognize the hard work and efforts of the gentleman from Nebraska (Mr. OSBORNE). He committed with me 4 years ago to pass this legislation, and we have gotten that done. I also want to recognize the great work of the Committee on the Judiciary and its chairman, who gave us not only an opportunity to be heard but carried this legislation, through the ranking member; and the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, the gentleman from North Carolina (Mr. COBLE); and his ranking member, the gentleman from Virginia (Mr. SCOTT), for their subcommittee work on all this. This is a strong bipartisan effort that is for the good of the American people.

Finally, and in conclusion, I would point out that all major sport entities of any credibility in this Nation have endorsed this legislation. It is time for Major League Baseball, and most specifically the Major League Baseball Players Association, to end the foot-dragging and to go forward and ban in their own sport these substances that threaten the integrity of their sport. And do it not just because the integrity of their sport is threatened, but do it as well because it is good for America, good for American athletes, and good for the next generation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his comments and for his leadership on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, H.R. 3866 is a bill that will bring more integrity to athletics in this country and bring our legislative controls over steroids and steroid precursors up-to-date, thereby making them more effective. The abuse of these controlled substances is a major concern because it makes not only the players suffer, but is also makes the spectators, parents, family, friends, and ticket-purchasers suffer. Therefore, I generally support the bill introduced by my colleagues Messrs. SENSENBRENNER, CONYERS, SWEENEY, OSBORNE, and BERMAN, H.R. 3866, the Anabolic Steroid Control Act of 2004.

In supporting this bill, I also share the concern of my colleagues of the House Judiciary that it will explicitly exempt a specific steroid precursor, dehydroepiandrosterone or DHEA. The effect of this exemption is to prevent the Drug Enforcement Agency (DEA) from taking action against DHEA as an anabolic steroid, no matter what evidence accumulates about its risks.

H.R. 3866's purpose is to facilitate DEA's ability to restrict access to anabolic steroids, like Androstendione or Andro, that boost testosterone and estrogen levels in the body. Maintenance of this purpose is important because these products can have serious health risks, including potentially toxic effects on the liver and cardiovascular system, damage to fertility, and psychiatric side-effects, according to the American Medical Association. Because of their effects on hormone levels, anabolic steroids can be particularly damaging to growing children and adolescents. These products are widely marketed as performance enhancers and are increasingly used, especially by young people.

However, this act specifically excludes DHEA, another steroid hormone that is sold as a dietary supplement for performance enhancement as well as for rejuvenation. By specifically exempting DHEA we are sending a signal to the American public that DHEA is safe. This would be the wrong message. Once this legislation becomes law, we could see an increase in DHEA use, including among younger athletes, as the other products become less accessible.

DHEA is a hormone precursor. It converts to Andro and then to testosterone and estrogen in the body. The National Institutes of Health has expressed its concern about dangerous side effects and the possibility of undiscovered health risks associated with DHEA. Even the dietary supplement industry itself recognizes the health concerns associated with this product. The Council for Responsible Nutrition (CRN) puts Andro, which this legislation makes a controlled substance and DHEA in the same category. CRN says that young people "may be more susceptible than adults to adverse effects of steroid hormone precursors such as 'andro' * * * and DHEA." Because of those safety concerns, CRN says that these products are inappropriate for use by athletes younger than 18.

According to Gary Wadler, a member of the World Anti-Doping Agency panel and an NYU professor of medicine, medically, "there is no reason to ban andro and not DHEA." The National Collegiate Athletic Association bans Andro and DHEA. The World Anti-Doping Agency bans Andro and DHEA. Only this legislation bans Andro but protects DHEA. This exclusion has no scientific basis, and does not belong in this legislation.

Over 20 percent of athletes in Western nations have admitted to using drugs. Performance enhancing drugs should not be tolerated on any team in respect of fair play and because of the health risks associated with their use. When we watch games on television or from the stands, we should not have to ask ourselves, "Is this the athlete's true ability, or just the drugs on display?" Unfortunately, the illegal acts of a small number of players has caused the entire industry to suffer the burden of being subject to random drug testing. Random testing is a burden on players; however, given the tremendous amount of money at stake based upon physical performance and the degree to which young children look to athletes as role models, the benefits outweigh the burdens. A program of random drug tests, education, treatment, and discipline would cost an estimated $1 million annually. If such a program, along with effective legislation, like that before us today, were in place, there would be a decreased incidence of enhancement-drug related health risks such as heart disease, liver tumors, and edema (abnormal fluid accumulated in body tissues).

The sad trend among athletes is that the majority of those who have only used steroids for one game to see if they could improve continue to use steroids for the remainder of their career. Since the drug controls were instituted in 1968, there have been 51 positive tests at the Olympic Games. At the summer games in Barcelona in 1992, five athletes failed their tests. Although President Bush has proposed an additional $23 million for schools that want to do drug tests, he did not call for any money or new laws to combat drugs in pro sports.

In World War II, it is reported that anabolic steroids were given to Hitler's troops to increase their aggression. Russian athletes were the first to use anabolic steroids in official competitions, and in 1960's Olympic games, for the first time, the International

Olympic Committee discovered the incidence of "doping" when a cyclist using amphetamine collapsed and died during a race.

We need heightened legislative controls over things that take away from the integrity of our athletics and entertainment. Therefore, I fully support this legislation, but I admonish that we need to enhance its controls to cover steroid precursors such as DHEA.

Mr. WAXMAN. Mr. Speaker, today we are voting on a bill that will limit access to most steroids. In principle, this is a good thing and, in general, I support this bill. However, this legislation is flawed. While it limits access for most steroids, it explicitly exempts a specific steroid precursor, DHEA, from the Anabolic Steroid Act, thereby reducing DEA's authority over this potentially dangerous product. Today there will be no opportunity to try to amend this legislation and make it better. That is unfortunate. Members could have benefited from a debate about whether we should, in fact, be protecting this particular product.

Here is why I am concerned about the DHEA exemption. DHEA is a dietary supplement that is marketed as a performance enhancer as well as a rejuvenating product. DHEA is a hormone precursor. It converts to Andro, and then to testosterone and estrogen in the body. According to the NIH, there are concerns about dangerous side effects and the possibility of undiscovered health risks associated with these supplements. A recently published study found that athletes who take DHEA supplements might increase their risk of enlarged prostate. Even the dietary supplement industry itself recognizes the health concerns associated with this product. The Council for Responsible Nutrition (CRN) puts Andro, which this legislation makes a controlled substance, and DHEA in the same category. CRN says that young people "may be more susceptible than adults to adverse effects of steroid hormone precursors such as 'andro' * * * and DHEA." Because of those safety concerns, CRN says that these products are inappropriate for use by athletes younger than 18.

By specifically exempting DHEA we are sending a signal to the American public that DHEA is safe. This would be the wrong message. I suspect that once this legislation becomes law, we could see an increase in DHEA use, including among younger athletes, as the other products become less accessible.

According to Gary Wadler, a member of the World Anti-Doping Agency panel and an NYU professor of medicine, medically, "there is no reason to ban andro and not DHEA." The NCAA bans andro and DHEA. The World Anti-Doping Agency bans Andro and DHEA. Only this legislation bans andro but protects DHEA. This exclusion is not about the science. This is an exclusion that the dietary supplement industry insisted on and I fear that this exclusion could have real adverse health consequences for young athletes.

I support this bill today because it represents an important step forward. But I am hopeful that this bill will be improved before we send it to the President.

Mr. CONYERS. Mr. Speaker, I strongly support the legislative proposal under consideration today. Without a doubt, H.R. 3866, the "Anabolic Steroid Control Act of 2004," represents a major step in the right direction.

First, the bill highlights the serious nature of trafficking in steroid precursors by increasing the criminal penalties associated with their distribution, particularly near a sports facility. It's worth noting that this outcome was achieved without the use of mandatory minimums. Instead, the bill was drafted in such a way so as to leave sentencing determinations solely to the discretion of the judge—with the more egregious offenders being exposed to harsher sentences.

Second, the bill amends the Anabolic Steroid Control Act of 1990 by adding steroid precursors such as androstenedione, "andro" and its chemical cousins to the list of anabolic steroids controlled under the Controlled Substances Act. It also makes it easier for the DEA to add similar substances to that list in the future.

Scientific evidence shows that these performance-enhancing drugs create real and significant health risks. Potential long-term consequences of these products in men include impotence and the development of breast enlargement. While some women who use these products experience male pattern baldness, increased facial hair, and abnormal menstrual bleeding. And, most troubling of all, innocent children who are exposed to these products risk early onset of puberty and stunted growth.

Finally, the bill directs the U.S. Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic steroids and consider increasing them. Currently, the maximum sentence for offenses involving anabolic steroids is only 33–41 months for first time offenders. And to receive the maximum sentence an offender would have to have between 40,000 and 60,000 units, which is defined as a 10 cc vial or 50 tablets.

Saving children is the ultimate goal of this legislation. About 1 out of 40 high-school seniors reported that they had used andro in the past year, according to the Department of Health and Human Services' (HHS) 2002 Monitoring the Future survey, which tracks drug use among students. The survey, conducted by HHS's National Institute on Drug Abuse, also found that about 1 out of 50 10th graders had taken andro in the previous year.

In closing, I would like to thank Chairman SENSENBRENNER and Representatives BERMAN, SWEENEY and OSBORNE for their bipartisan leadership on this issue. I strongly urge my colleagues to lend their support to this sensible piece of legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3866, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONSTITUTIONAL AMENDMENT REGARDING APPOINTMENT OF INDIVIDUALS TO FILL VACANCIES IN HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 657, I call up the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to taking the oath of office, an individual who is elected to serve as a Member of the House of Representatives for a Congress shall present to the chief executive of the State from which the individual is elected a list of nominees to take the individual's place in the event the individual dies or becomes incapacitated prior to the expiration of the individual's term of office. The individual shall ensure that the list contains the names of not fewer than two nominees, each of whom shall meet the qualifications for service as a Member of the House of Representatives from the State involved. After the individual takes the oath of office, the individual may present revised versions of the list at any time during the Congress.

"SECTION 2. If at any time a majority of the whole membership of the House of Representatives are unable to carry out their duties because of death or incapacity, or if at any time the House adopts a resolution declaring that extraordinary circumstances exist which threaten the ability of the House to represent the interests of the people of the United States, the chief executive of any State represented by any Member who is dead or incapacitated at that time shall appoint, from the most recent list of nominees presented by the Member under section 1, an individual to take the place of the Member. The chief executive shall make such an appointment as soon as practicable (but in no event later than seven days) after the date on which Member's death or incapacity has been certified. An individual appointed to take the place of a Member of the House of Representatives under this section shall serve until the Member regains capacity or until another Member is elected to fill the vacancy resulting from the death or incapacity. The State shall provide for an election to fill the vacancy at such time and in accordance with such procedures as may be provided under State law, and an individual appointed under this section may be a candidate in such an election. This section shall not apply with respect to any Member of the House who dies or becomes incapacitated prior to the seven-day period which ends on the date on which the event requiring appointments to be made under this section occurs.

"SECTION 3. During the period of an individual's appointment under section 2, the individual shall be treated as a Member of the House of Representatives for purposes of all laws, rules, and regulations, but not for purposes of section 1. If an individual appointed under section 2 is unable to carry out the duties of a Member during such period because of death or incapacity, the chief executive of the State involved shall appoint another individual from the same list of nominees presented under section 1 from which the individual was appointed under section 2. Any individual so appointed shall be considered to have been appointed under section 2.

"SECTION 4. Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated, and shall have the power to enforce this article through appropriate legislation.".

The SPEAKER pro tempore. Pursuant to House Resolution 657, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 83, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we debate whether we should amend the Constitution of the United States to allow House Members to be appointed in the wake of mass vacancies caused by a terrorist attack.

After September 11, 2001, no one would deny the real potential of such a catastrophe striking this body, but fundamentally today's debate is about whether to preserve lawmaking by a House of Representatives elected by the people or to deny the right of elected representation during the most crucial moments of American history and allow lawmaking by an appointed aristocracy.

□ 1545

I would urge the membership to soundly defeat this constitutional amendment to preserve the People's House as an elected House and not as an appointed House.

Let us be clear, any constitutional amendment denying the right to elected representation would accomplish what no terrorist could, namely striking a fatal blow to what has always been the People's House. The House, unlike the Presidency and the Senate, are unique among all branches and bodies of the entire Federal Government. It is the only branch institutionally designed to always reflect the popular will through the legislation it passes.

When terrorists attacked on September 11, 2001, it was an elected not an appointed Congress that acted in its wake; and the legislation passed by that elected Congress has a legitimacy that legislation passed by an appointed Congress would not have had. All of Congress' powers under Article I of the Constitution are only legitimately exercised by an elected House.

H.R. 2844, the Continuity in Representation Act, which passed the House on April 22 by an overwhelming bipartisan vote of 306 to 97, with more Democrats voting for it than against it, will ensure that the House is repopulated by legitimate democratic means within a maximum of 45 days after an attack causes mass vacancies. Within those 45 days, any constitutional amendment that allowed lawmaking by appointed members would pose far more risks than benefits; and legislation passed by an appointed House that did not comport with the people's will would have to be repealed by a later elected House, leading to further discontinuity at the very time when continuity is most important.

The Founders explicitly rejected the proposition that the appointment of Members is compatible with the American Republic. James Madison wrote that "it is particularly essential that the House should have an immediate dependence on, and an intimate sympathy with, the people" and that "elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured." As Madison stated in his speech to the Constitutional Convention, "a gradual abridgement of the right to elected representation has been the mode in which aristocracies have been built on the ruins of popular forms."

This amendment is an abridgement of the right to elected representation. Contrary to the claim made by proponents of constitutional amendments, the President would not be unconstrained in its conduct immediately following a catastrophic terrorist attack. Of course, the President would be well within his constitutional authority to execute the laws in times of crisis.

However, the Founders also made it clear that the President would always be subject to impeachment by the House of Representatives, either a House operating on reduced membership or a later fully reconstituted House if the President abused executive authority at any time. And of course no law can be enacted solely by a House operating with a few Members alone. Further, the issue of incapacitated House members can be handled by changes to House rules. The Committee on Rules is already exploring those options.

Demonstrating this is not a partisan issue but one concerning the legitimacy of all Members of the House and of the legislation it passes, the House of Representatives, controlled both by Democrats and Republicans, throughout history has rejected all constitutional amendments authorizing appointed House Members sent to it by the Senate, even during the height of the Cold War. It is important to remember that the American people have always been able to elect their leaders, even during our Nation's darkest hour, the Civil War, when General Lee's Army was just a few miles away from this building.

Today we consider House Joint Resolution 83 sponsored by the gentleman from Washington (Mr. BAIRD). This proposed constitutional amendment contains all the flaws of amendments allowing the appointment of nonelected members, but it also has some unique additional problems.

The Baird amendment would not only override H.R. 2844, which already has passed the House by an overwhelming bipartisan vote, but it would forever strip the Congress of its discretionary authority to expedite special elections in emergency under its existing constitutional powers.

Let me repeat this. The amendment before us takes away the right of Congress under Article I, section 4, that expedites special elections in emergencies.

The amendment also requires House Members, prior to taking the oath of office, to submit a list of names to the governor that the governor can draw from in appointing that Member's replacement. This would subject candidates for Congress forever after to endless questions during their campaigns regarding whom they placed on the list and their connection to the candidate, and perhaps questions that can become embarrassing, creating needless distractions in what is supposed to be a clear contest between individual candidates.

And if a candidate did not tell the press who was on his or her list, the voters would not have a say on who the candidate's potential replacement should be. Such a list would also invite great mischief, including the placing of names on the list of those owed political favors.

Finally, H.J. Res. 83 provides that "Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated." This provision would deny the

House its existing authority under the Constitution that allows each House to adopt its own rules, an authority the Committee on Rules is already exercising, to address incapacitation by the rules, and needlessly involve the Senate in how the House operates. By doing so, it would unfortunately make addressing continuity of government more difficult than it already is.

Mr. Speaker, I doubt that any Member has faced a vote before that so clearly defines the principles stood for. Either you will vote to tear the fabric of our Constitution and deny the right of self-government under the laws passed by the people's chosen representatives, or you will vote to preserve the sacred right to elected representation.

That sacred right has endured since America's birth, through two World Wars, a Civil War, and now a shadow war waged by vicious haters of democracy. The terrorists would like nothing more than to see us rewrite our Constitution, the supreme law that comes closest to being our Nation's soul, to reflect their twisted vision of autocratic rule.

Around the world, both our friends and our enemies are watching. Vote this amendment down and show them what this House stands for and what it stands against.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentlewoman from California (Ms. LOFGREN) seek to control the time of the gentleman from Michigan (Mr. CONYERS)?

Ms. LOFGREN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 6 weeks ago the House of Representatives passed H.R. 2844, the Continuity of Representation Act of 2003, which was written and offered by the gentleman from Wisconsin (Mr. SENSENBRENNER). This bill provides for the expedited special election of new Members of Congress to fill seats left vacant in extraordinary circumstances.

Under this bill, when such extraordinary circumstances occur, a special election must be called within 45 days. This bill was an important first step in addressing how the House continues to function in the event of a catastrophe, and that is why I voted in support of the bill.

I would note that outside scholars have questioned whether or not the Federal Government has the jurisdiction to impose this scheme on the States. I do not argue that today, but I think to some extent there is an open question as to that. There is also a more fundamental issue which may be partially addressed today, and that is what happens in the 45 days between a disaster that could eliminate the House of Representatives and the holding of these special elections.

In the 45 days following September 11, the House of Representatives cast 69 votes. Some of them were very important measures that helped us respond to the terrorism event. If there is no House of Representatives, there can be no Congress, and if there is no Congress to play its role in the constitutional scheme, the only thing that could happen in such a circumstance would be for the President to assume dictatorial powers and to end our system of constitutional government, an outcome that no one in this House or in this country wishes.

Under H.R. 2844, the House of Representatives would have no way to function for a month and a half; and without the House, there is no Congress. Several Members have introduced constitutional amendments that would address this problem. The gentleman from Washington (Mr. BAIRD) has offered an amendment which we are just about to vote on today. I have also introduced a constitutional amendment, H.J. Res. 96, which takes a different approach from the Baird proposal; and our colleagues, the gentleman from Connecticut (Mr. LARSON) and the gentleman from California (Mr. ROHRABACHER), have done similar things.

This whole issue is very complex, and it may be that none of the amendments are quite ready for our approval, but they certainly do command our attention. All deserve to be debated by Members of Congress, yet I believe that the House would be best served if the committee of jurisdiction, the Committee on the Judiciary, were to have hearings to sort through the complexities of this issue and then be able to present our findings to the full House for consideration.

However, during the 108th Congress, the Committee on the Judiciary has not had a hearing on this issue to compare the various proposals and to discuss the advantages and disadvantages of each. In fact, I have requested a hearing. I did so during the markup of the Baird amendment in the Committee on the Judiciary, but none have been held.

Today, some may point out that there was a hearing on the constitutional amendment offered by the gentleman from Washington (Mr. BAIRD) in the 107th Congress. That is true, but the amendment on today's agenda is significantly different from the Baird amendment considered 2 years ago. This is a new amendment that was first introduced last December.

A distinguished commission that included former Speakers Foley and Gingrich, as well as Lloyd Cutler and former Senator Alan Simpson, studied this matter at some length and reached the conclusion that we need a constitutional amendment. I am not suggesting that we should simply accept their recommendations, but at the very least we should consider and evaluate their findings before we cast a vote that will define the stability or instability of the country in the event of a national crisis. Unfortunately, the Committee on the Judiciary has not had a single hearing on any of these amendments, so we will not have the benefit today of hearing from the scholars, former speakers and other distinguished leaders on this complex issue.

And now the leaders of the whole House are making the same error as the Committee on the Judiciary. They have scheduled a vote on an amendment that will decide the fate of our Congress during a catastrophe without first holding hearings to address the merits of the Baird approach and all of the others proposed by various leaders on the continuity of Congress.

Let me repeat. Today we are being asked to vote on an amendment to the United States Constitution, but we have not had even one hearing on the amendment in the Committee on the Judiciary in this Congress. It is not often that the Committee on the Judiciary marks up a constitutional amendment to the full House before holding a hearing.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That particular amendment was introduced in the 108th, 107th, 106th, 105th and 104th Congress, and on each occasion prior to markup there were Judiciary Committee hearings.

Also, consider the committee's treatment of a constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress, and each time the Committee on the Judiciary undertook hearings.

Finally, in the 105th and 104th Congress, a constitutional amendment was introduced to limit the Federal Government's ability to raise taxes, and hearings were permitted on each occasion.

The majority has already seen fit to schedule a series of five judiciary hearings over the course of several months to discuss the issue of same-sex marriage and a potential constitutional amendment. It only makes sense that this House should not vote on an amendment to the U.S. Constitution before the Committee on the Judiciary holds at least one hearing.

This issue of the continuity of Congress should not be an exception. It is vitally important to our democracy and requires more deliberation.

□ 1600

Today, like I did in the Committee on the Judiciary 1 month ago, I will not vote to support the Baird amendment; but I will vote on a motion to recommit so that the Committee on the Judiciary will have a chance to appropriately hold hearings and review various approaches to this vital issue to our democracy. Some will reach a reasoned, but different, conclusion relative to the Baird amendment itself; but I think all will agree this body would be better served with extensive hearings on this complicated and enormously important subject.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER), who served two terms as Secretary of State and chief elections officer of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in opposition to this resolution, which is proposing to amend our Constitution by allowing for the appointment of Members of the United States House of Representatives in the event of a national emergency.

For over 225 years, the House of Representatives has been the people's House; and I say that I think that is so important, as we think about that, we have been known as the people's House. Members of Congress are required by the Constitution to be elected directly by the people. This requirement, of course, allows for all citizens to truly have a voice in their government and provides probably the most important of all of our checks and balances.

Under this resolution we are debating here today, elected representatives would be replaced by non-elected appointees, in a complete counter to the intent of our Founding Fathers. In a very strange irony, this provision would kick in at precisely the time when our citizens need to be heard the most, at a time of crisis.

As well, provisions of this resolution call for sitting Members of Congress to provide the names of two people to replace them in the event of their own death or incapacitation. One of these two people would then be appointed to the seat by the Governor of the appropriate State. This nonelected Member of Congress would then serve out the remainder of the relevant 2-year term, with all of the rights and privileges of an elected Member.

Yet appointing legislators who were not voted on by the public would negate the entire purpose of this House, which is to represent the people directly.

Just last month, this Chamber passed H.R. 2844, The Continuity in Representation Act of 2004, of which I was a very proud cosponsor. H.R. 2844 was passed with overwhelming bipartisan support because it puts forth a very clear, concise plan to deal with the now-real possibilities that we once considered unthinkable, quite frankly. It calls for expedited elections; and as the chairman had said here, as a former Secretary of State of a State of about 10 million people, I feel the timelines we outlined in that H.R. 2844 were very, very realistic.

Every Member of this House is an elected official who earns the right to come here to Washington and represent our constituents because we were voted in by a majority of the people in our respective districts. Rather than tinker with one of the pillars of our democracy via a reckless change to our Constitution, we should vote this amendment down and continue to press for the full adoption of H.R. 2844.

I urge a "no" vote on this resolution.

Ms. LOFGREN. Mr. Speaker, I yield 13 minutes to the gentleman from Washington (Mr. BAIRD), the author of this legislation.

Mr. BAIRD. Mr. Speaker, would the gentlewoman be interested in joining me in a colloquy?

I appreciate very much the comments of the gentlewoman, and I was intrigued by one thing she said. She said that even temporary appointments, I will paraphrase briefly here, would violate the entire purpose of the House of Representatives.

My understanding of Madison's approach was that there were more elements to having a house of representation than mere election, as important as that is, but also the role of checks and balances, the role of proportionate representation, the division of authorities between the legislative branch and the executive branch.

Madison specifically said: "The accumulation of all powers, legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elected, may justly be pronounced the very definition of tyranny."

What I would like to ask the gentlewoman is, if we have no House of Representatives, less than a quorum, do we have an alternative to the concentration of the power in the executive branch under current law?

Mrs. MILLER of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I would say impeachment could be a possibility there. I do believe as you read the Constitution, the operative phrase, the operative theme, as we try to determine and decipher exactly what the intent of our Founding Fathers was, is that every Member of this House needs to be directly elected by the people.

While I appreciate the gentleman's insistence on a constitutional amendment, it is obviously well thought out, the gentleman feels very passionately about it, I could not disagree more strongly.

Mr. BAIRD. Mr. Speaker, reclaiming my time, I appreciate this need to exchange, because this is exactly what we need to do. During the 45-day period, as I understand it, the gentlewoman is saying the only check on the executive would be the threat of impeachment.

Does the gentlewoman believe that is consistent with the Framers' intent, when they wrote all of article I and purposefully chose article I as the description the legislative branch, or does she believe the Framers' intent was to say the executive can have carte blanche to run the country as they might, but 45, and possibly 75, days later under the bill the gentlewoman coauthored, the Nation has to wait 75 days for impeachment as a check on the executive?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will yield further, I am not an expert in this part of the law, but I do believe Federalist Paper No. 47 addresses principally the gentleman's argument there. I will tell you though, as I mentioned, I was the Secretary of State for 8 years in one of our largest States, and I really looked at this bill and talked to a number of my colleagues, as well as many members involved in the elections industry, to make sure we had a reasonable time frame that we set out for expedited elections.

Mr. BAIRD. Mr. Speaker, reclaiming my time, if I may, I am not disputing that. The point before us here, we have passed that bill. The point before us here is what happens in the 45 days? I think there may be grounds to dispute whether you can have an election or not. But the point of this legislation is to say how do we get this Congress up and running promptly.

Let me give you a scenario and see if you are comfortable with it. John Ashcroft said last week or the week before that high-profile targets include this summer the Democratic convention and the Republican convention. I will take him at his word.

If it is true that we are a high-profile target, and if you are at the Republican convention or we are at the Democratic convention and terrorists attack, let us suppose they attack during the President's speech at the Republican convention, and the president is killed, heaven forbid this should happen, if the President and Vice President are killed and a number of my good friends on your side of the aisle perish, of necessity at that point the House will have to reconvene, there will be a new majority, hence a need to elect a new Speaker. Presumably at that point the Democrats control the House of Representatives, presumably we will elect a Democratic Speaker, and, under the law of succession of 1947, that person is now in line for the Presidency of the United States. That is my understanding of the status quo as it exists in law today.

I would just ask the gentlewoman if she is comfortable with that or disputes that is the status?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will continue to yield, my understanding is that the gentleman's amendment here today, the resolution we are talking about here today, actually would override the bill we have already passed in a bipartisan way. That is really my intent, to make sure we focus on that as well. I think that is very, very important.

Mr. BAIRD. Mr. Speaker, reclaiming my time, the legislation that I put forward, actually it would obviate, not necessarily override. I really want to underscore that point. The chairman has repeatedly, really since day one of this, I think, misrepresented this. He misrepresented it in his opening comments. He said the question before us, in essence, is whether you will have an elected Congress or an appointed aristocracy.

The true question is, will you have any Congress or not? Not my bill, not the bill of the gentlewoman from California (Ms. LOFGREN), not the bill of the gentleman from California (Mr. ROHRABACHER), not the bill of Senator CORNYN, not any of the bills put forward would in fact ban elections, as the chairman repeatedly says. It is deeply frustrating to me to have a matter of this importance be misrepresented.

No one disputes, and I firmly agree with you, that the mechanism to replace House Members should be direct election, ideally, and we should have them as promptly as possible. But if we are so concerned about an aristocracy and appointment not responsive to the people, are you not equally concerned that a party mechanism for selecting a candidate implies in itself some degree of potential beholding to those who appoint it? Is the gentlewoman concerned about that at all?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will yield further, no, I do not share the gentleman's consternation with that particular facet of it.

But as the gentleman has outlined, as I say, we are now dealing with a situation which we previously before 9/11 thought was absolutely unthinkable. So it is difficult for us all to stand up here and think about our own demise, numerically how many would have to be incapacitated or whatever before we would move forward with something like this.

I think the gentleman has laid out in a very speculative way a number of different scenarios. The gentleman and I, along with many others, had an opportunity to debate this at a hearing in front of the Committee on House Administration. We went through all of these different kinds of things.

I think we have just different approaches to what needs to happen here. But I feel very, very strongly, a vast majority, a bipartisan majority of this House feel that all of us should be directly elected by the people. I think the bill we passed previously does address that in a realistic way.

Mr. BAIRD. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her time and appreciate her engaging in this colloquy. I sincerely do.

Mr. Speaker, the reason I asked the gentlewoman to respond is this is what we really need to do with this bill. The gentleman from Wisconsin (Mr. SENSENBRENNER) would claim that he brought this up at our request. In fact, we did not request this fashion of bringing this legislation up. What we requested was that all measures to provide for continuity be brought up for debate, including my own, the bill of the gentleman from California (Mr. ROHRABACHER), the bill of the gentlewoman from California (Ms. LOFGREN), the bill of the gentleman from Connecticut (Mr. LARSON), the bill of Senator CORNYN in the Senate, two Republicans on that list, by the way, several Democrats, that they all be brought up and we have full discussion.

I would note for the record that I see on the House floor now about six colleagues, maybe seven. Two things concern me about that: first, if we really take this seriously. I believe we ought to all take it seriously. I do not think for a second my bill is perfect. I think there is merit to the other legislation. But I do not think we are going to get to a solution unless we grapple with this issue, unless we take it seriously.

The second thing that concerns me is let us suppose this random group of survivors here, this six or seven on the floor, are the group of survivors. Under the Constitution, that is not a quorum. The Constitution, in my judgment, is rather clear that a quorum is a majority of the Members, but House Rules state it is a majority of those chosen, sworn, and living.

Importantly, would the people of the United States of America believe that the seven or eight of us here now, relatively randomly chosen if we were survivors, are consistent with the representational nature of this body? It is not just the people's House because it is directly elected, it is the people's House because it deals with proportionate representation. It is the people's House because of prompt reelections.

Would the eight of us here right now be sufficient to send this Nation into war? Would the eight of us be sufficient to impeach a President? Would we be sufficient to select one of our own as the Speaker of the House, who would then become the President of the United States? I noticed in her comments, in response from my friend from Michigan, not once did she truly address what happened in that 45 days.

We talked about the elections, and I appreciate the importance of that. Let me, if I may, address some of the myths that have been perpetrated by the opponents of this bill.

First of all, the myth that we have already solved the problem. We have not solved the problem. We have provided for special elections in 45, possibly as long as 75, days. But this notion that it was an elected House, not an appointed House that passed legislation, is rather absurd, when the choice is there might be no House at all to pass legislation.

Secondly, this notion that continuity is somehow not urgent, that we do not have to move forward with this. It has been 3 years. On September 10, 3,000 of our fellow citizens had no idea they were living their last day, yet they were.

The notion that temporary appointments somehow subvert the right to election. Again, and I underscore it, nothing in any of the legislation put forward would take away the people's rights to election.

When the chairman said, and I thought it was rather remarkable, that my legislation explicitly in the Constitution authorizing the Congress to deal with the matter of incapacity, that that takes away our right to deal with incapacity, I found that rather absurd, to say the least. The legislation before us says that Congress can deal with incapacity statutorily. How does that ban our right to do so?

The myth, which is just so remarkable, that the appointees would be irresponsible to the general public does a profound disservice to the existing Members of the House of Representatives. Indeed, I find it an insult.

To believe that the people that sent us here with the authority to send their children to war, as we have chosen to do, to tax them or give them back their taxes, to impose any number of legislative remedies and sometimes problems on this country, but then the moment it comes time to make one of our most profound decisions, who would replace us in a catastrophe to carry on this institution, that moment, suddenly we lose capacity of our senses.

□ 1615

It not only insults us, it insults those who we might nominate to replace us.

By coincidence, not 30 minutes ago I met with Don Bonker, a gentleman who represented my district a little over a decade ago, a distinguished statesman with outstanding international skills. Do we seriously believe that if I nominated Mr. Bonker to be my replacement that he would act irresponsibly to care for this country? And if you believe that impeachment is a worthwhile check on the abuse by the executive, why do you not also believe that a subsequent election would be a worthwhile check on Mr. Bonker's conduct if he were to act irresponsibly? The inconsistencies and illogic are breathtaking sometimes.

I want to do one other thing. My friend, the gentleman from Arizona

(Mr. SNYDER) is here; and I want to compliment him. It is rare in this body I find that we acknowledge that there may be a shortcoming in our own legislation and that an opponent of that legislation has pointed out a shortcoming. The gentleman from Arizona (Mr. SNYDER) came to me this morning, raised an issue; and I think he has a good point. I would like to be able to fix that.

I would have liked the process such as we propose in the original rule where you debate things and then have time to amend it. I doubt that is going to be allowed. But I will say, and I appreciate the gentleman very much for raising the shortcoming, I will in future drafts, if we have the opportunity, endeavor to fix that.

But I would also say right now that, even with the shortcoming, I believe with all my heart that the bill we have before us today is superior by far to the status quo. So while I expect fully that we may not pass this bill, I will intend to bring it up with modifications.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this proposed constitutional amendment.

Every person who has ever served in this House in the over 200-year history that we have existed as a country, every person has been elected. Not one has been appointed. When one reads our Nation's founding document, it soon becomes clear that the right to elected representation was the very core of its significance and its lasting value. No constitutional amendment that allows appointed representatives would be consistent with the very essence of our Nation's reason for being and, for that reason, I oppose such amendments, including this one.

James Madison wrote in Federalist No. 57, "Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune."

Constitutional amendments that would allow appointed Members would deny that sacred heritage.

At the Constitutional Convention, according to the notes taken by James Madison, delegate George Mason argued strongly for "an election of the larger branch," that means the House, "by the people. It was to be the grand depository of the democratic principle of this government. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it."

It was arguments such as these that won the day when our Constitution was drafted. Constitutional amendments that would allow appointed Members would violate those principles the Founders believed were most important.

James Wilson at the Constitutional Convention, according to Madison's notes, "contended strenuously for drawing the most numerous branch of the legislature immediately from the people. He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible."

Mr. Speaker, H.R. 2844, which I cosponsored and which passed the House on an overwhelmingly bipartisan basis, 306 to 97 right here in this House, preserves America's essential right to elected representation. This amendment, however, would override H.R. 2844 and deny the core of America's founding principles and, for that reason, I strongly oppose it.

Ms. LOFGREN. Mr. Speaker, I would note that when the Founding Fathers spoke at that time, they were contrasting with a Senate that was appointed.

Mr. Speaker, I yield 3 minutes and 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from California for yielding me this time, and I appreciate the insight that she provided us in the Committee on the Judiciary when she asked for a delay so that we might give the kind of attention to this issue, Mr. Speaker, that I know my colleagues know it deserves.

This is a very intellectual, if you will, and high law debate. As the distinguished gentleman from Washington (Mr. BAIRD) said, it has been 3 years, so sometimes distance and absence does not make the heart grow fonder, or it certainly does not educate us about the crisis in which we are literally debating.

It is important for the colleagues who are listening to this debate and who are participating in this debate to realize what the Baird amendment actually does. He is talking about catastrophe, disaster. He is talking about a wiping out of the United States Congress, 218 Members dead or incapacitated.

It is nice to stand here and to give out pleasantries and to, if you will, assume that it could not happen to us. But, as I said this morning, the beginning of the Constitution said we have gathered to create a more perfect union, and today we are attempting to debate an issue that is to create a more perfect union in the light and the backdrop of the life we lead now: terrorism abounding throughout the world, Iraq exploding, Afghanistan exploding, and the potential of terrorist acts as the Attorney General has announced. Whether or not it is announced with any immediate evidence, he has announced it.

So what we are saying to the American people, frankly, is that we are talking about this body being incapacitated.

Now, I know that we would not want to make light of this, because some might say something about the incapacity, but we do realize that this is the most powerful law-making body in the world. This amendment deserves more than appeasement, and that is what we are getting here.

Frankly, I believe the gentleman from Washington (Mr. BAIRD) is accurate. He wanted to have a debate, he wanted to have a hearing because this is of value to him, not personally, but he believes that this is a needed constitutional amendment because we may face a catastrophe, and he wants to incorporate the gentleman from Arizona's (Mr. SNYDER) reflection.

I am interested in finding out whether there can be amendments dealing with how the appointment process goes forward.

But this is not to undermine the constitutional aspects of election. This is to suggest that there is nobody here to have an election, that we are all dead. Does anybody understand the monument of the moment that we are speaking about?

So when we begin to take this in a very calm and light manner, this is not what the gentleman from Washington (Mr. BAIRD) is talking about. He is not suggesting that we should eliminate the constitutional provisions or the commitment that we have to a democratic and free election. He is suggesting that we are in the middle of a crisis.

Now let me just cite for my colleagues the history of this Committee on the Judiciary since I have been on it. We have had the controversial hearings dealing with Waco. We have had the controversial hearings that took up a half a year dealing with the impeachment process of the President that served just a few years ago, William Jefferson Clinton. We have had those hearings. We have had the flag-burning hearings on a constitutional amendment every single year. We have had the victims of crimes amendment every single year, or a good number of them. We are going to have the same-sex hearings over and over again. I do not know if those are life-or-death matters, but we have had our set of hearings.

Can my colleagues tell me what reason there is, what reasonable men and women could disagree that we would not placate the gentleman from Washington (Mr. BAIRD) by a lousy presentation on the floor of the House? And I will say lousy not in disrespect of my colleagues but the fact that this is limited and ridiculous as it relates to the moment that we are discussing about the incapacitation of this body, 218 dead. And might I say to my colleagues, that is real. Because on 9/11, those planes were headed for the United States Capitol.

I would simply say that we need hearings, and we should recommit this back to the Committee on the Judiciary for full hearings, and we should not appease, but we should do our jobs and respond to the crisis that may come forward and work on behalf of the American people.

Mr. Speaker, I commend our distinguished colleague from Washington, Mr. BAIRD, for his effort and leadership in pursuing a legislative answer to questions left after the House passed H.R. 2844, the Continuity in Congress Act on April 22, 2004.

Like Mr. BAIRD, I sought to obtain answers to some of the issues that I found in that bill by offering an amendment, which Mr. SCHIFF was kind enough to offer in my absence.

While Mr. BAIRD's specific problems with H.R. 2844 are slightly different than those that I had, I support his legislation because it offers us an opportunity to craft a tighter legislative remedy to the need to establish a system of continuous leadership in the House of Representatives.

However, even Mr. BAIRD's attempt will not be maximized because our colleagues on the other side of the aisle have seen fit to push this bill through Committee markup without first allowing the Members to analyze it in a legislative hearing.

Although H.J. Res. 84 doesn't seek to expand the time to file suits concerning the special election process, Mr. BAIRD suggests that the question of emergency representation be answered before the vacancy can occur—when the elected Member initially takes office.

To reiterate my proposals to improve H.R. 2844, I suggested first that the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives that exceed 100 be increased. This change would expand the ability of an aggrieved party to file suit for either declaratory or injunctive relief.

Because not every state has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every state in the country. The principle of procedural due process dictates that every citizen have a realistic opportunity to obtain legal relief through our Judicial Branch.

Next, my proposal spoke more to the issue of due process for all citizens by preserving their right to appeal the announcement of a vacancy. Because the 45 day deadline for special state elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens.

Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Lastly, I proposed that the right to sue under the original bill be extended to the citizens of every state in addition to the chief executive. This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics. As H.R. 2844 is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House solely to the "executive authority," in Houston's case, the Governor.

Such very limited language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election, we must allow citizens to sue for relief.

A careful review of the Judiciary Committee's history with respect to its past treatment of constitutional amendments evidences a strong practice of holding hearings prior to any scheduled full Committee markup of that particular amendment.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That amendment was introduced in each consecutive Congress since 1994 (the year the current Majority took control of the House), and on each occasion, it was the wisdom of the Committee to schedule a hearing.

Also, consider the Committee's treatment of the constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress and each time the Committee undertook hearings prior to scheduling a markup.

Moreover, consider the Committee's treatment of the constitutional amendment to limit the federal government's ability to raise taxes. A proposal on this topic was introduced in the 105th and 104th Congress, and hearings were held on both occasions.

With this apparent and undeniably long-standing tradition, we are now told that a hearing is unnecessary under the present set of circumstances because a hearing was already held on the Baird amendment introduced in the 107th Congress. This line of reasoning lacks merit for two important reasons.

First, as previously mentioned, it has been the well-established practice of the Judiciary Committee to schedule a hearing on such proposals prior to proceeding to a markup. This hard and steadfast rule has prevailed, even under circumstances where the proposed amendments were virtually identical in nature.

Second, even assuming the general rule was subject to change, the two versions of the Baird amendment, H.J. Res. 67 (introduced in the 107th Congress) and H.J. Res. 83 (introduced in the current Congress), are distinct enough to warrant two separate hearings on their own merits. H.J. Res. 83, for example, uses a distinct threshold for making temporary appointments; places considerable limits on the discretion of the chief executive when he or she is authorized to make such appointments; and provides a mechanism for an incapacitated Member to regain his or her seat after recovery from incapacity.

Our Committee has already seen fit to schedule a series of five hearings, over the course of the next several months, to discuss the issue of same-sex marriage. With this in mind, one single hearing to discuss and consider ideas on how best to ensure the continuity of our government in the event of a catastrophic incident is more than reasonable.

Mr. Speaker, I ask that my colleagues think about the gravity of what this Constitutional amendment will entail. We need to recommit this bill to the committee of jurisdiction, the Judiciary, and revisit the important issues that I have stated above.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Committee on the Judiciary.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me this time.

I rise to relish this debate. It is precisely the type of issue that, as I was a boy first falling in love with the Constitution of the United States, as no doubt the gentleman from Washington (Mr. BAIRD) did as well, I hoped some day to be a part of here.

I congratulate the distinguished gentleman from Washington State for his passion on this issue, and I believe in his well-intentioned efforts to address what is, unfortunately, an issue that this Congress must continue to confront in the years ahead.

But with regard to House Joint Resolution 83, however well-intentioned, Mr. Speaker, I would offer that it is nonetheless bad policy.

When terrorists attacked America on September 11, I was here in the Congress, and that very next day, I witnessed that it was an elected Congress that responded in the wake of those attacks. Had the 107th Congress been comprised of appointed officials, the legislation we passed would not by definition have carried the same validity. The truth is, it would hardly have been reassuring to the American people immediately following a terrorist attack to see the faces of hundreds of strangers running their government; and, gladly, it did not occur.

The Constitution could not be clearer on this point. Article I states, "The House of Representatives shall be composed of Members chosen by the people of the several States," and that "when vacancies happen in the representation of any State, the executive authority shall issue writs of elections to fill such vacancies."

Of this point James Madison wrote in Federalist No. 52, "As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the House should have an immediate dependence on and an intimate sympathy with the people."

Frequent elections are unquestionably the only policy by which a dependence and sympathy for the people can be equally secured. In fact, it would be Madison himself who in a speech years later would suggest "a gradual abridgement of the right to suffrage or to elected representation has been the mode in which aristocracies have been built on the ruins of popular forms."

That is not what we are about here today, nor would I imply it or suggest it to my friends and colleagues. But I am here to say that this business of the People's House being the exclusive province of the national government where one must be elected by the people to serve is a principle worth defending.

For that reason, despite my admiration for the gentleman from Washington, I urge my colleagues to oppose this resolution inasmuch as it does undermine the core principle that this place on this floor should ever be the People's House.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary and the ranking member of the subcommittee.

Mr. NADLER. Mr. Speaker, we are asked today to consider the most serious question likely to come before the Congress: how to maintain our government as a democratic representative government in the event of a catastrophic terrorist attack. We must think carefully about the unthinkable, and we must do it now while we have the opportunity to do so.

Unfortunately, this proposed amendment is being brought up by the Republican leadership under a closed rule, with 90 minutes of debate, no hearing in the Committee on the Judiciary or in any committee of this Congress. An alternative proposed by a Republican colleague from California cannot even be debated under this rule. As the ranking Democratic member of the Subcommittee on the Constitution, the subcommittee with the responsibility to consider all proposed constitutional amendments, I can tell my colleagues that this proposed amendment has never been the subject of a hearing in this Congress.

Let me read what the Republican report on this bill says: "No hearings were held on H.J. Res. 83," period. We have found the time for five hearings on same-sex marriage, and we have found the time to consider a bill to declare the oak tree the official tree of the United States. We have found time for hearings on flag burning but not on how to prevent the destruction of our democratic institutions.

□ 1630

We have found the time to consider a balanced budget constitutional amendment, but no time to consider how to maintain the voice of the American people in the consideration of taxing and spending measures.

These are the twisted priorities of this Republican leadership. How do we protect our democracy in the event of a terrorist attack? Who knows. I would like to know how we can protect our democracy right now. Clearly an issue that is of the highest importance to the Nation, an issue that should be nonpartisan is being handled in a partisan manner. That is anti-democratic.

Is this amendment the right solution to a significant problem? Perhaps. Frankly, I think it goes in the right direction. I have some amendments to it that I would make, if they were in order, if we had time to consider it. We ought to hold hearings.

This House passed a bill to guarantee elections in 45 days. Frankly, I think that 45 days is too quickly. What do you do as a practical matter, especially after a catastrophe, what do you do within those 45 days? I think that the best amendment would probably be something that would be along the lines of this amendment that we are considering now, but I think there ought to be a mandate that there be a special election within a reasonable time period, not 45 days, but maybe 120, 180 days.

What is practical? I think there are other things. But the fact is how do you determine when someone is incapacitated and when he is no longer incapacitated? We ought to have serious hearings. We ought to consider this properly. We ought to consider the gentleman from California's (Mr. ROHRABACHER) suggestions, my suggestions, other people's suggestions. We ought to consider the suggestions of law professors. We ought to do this right. This is a serious matter.

Instead, what we have done is take up the chairman's bill. Why? Because he is the chairman. We do not consider anything else. We know that many people think that that is not an adequate bill, but they did not have proper hearings either. Now because of criticism, we are taking up this bill with no amendments and no other considerations.

Frankly, the trouble that Members are having answering these questions is because the Republican leadership will not allow the proper minimal consideration of this issue. That is no way to protect our democracy in these dangerous times.

I would urge that this bill should be sent back to the Committee on the Judiciary. I will vote for it because it is the best thing we have in front of us. We ought not to be in the position we are in.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to respond to the complaints about the process in the Committee on the Judiciary. It is true there were no hearings on the amendment of the gentleman from Washington (Mr. BAIRD) during this Congress. There was a hearing in the last Congress. There was not very much support for the notion of appointing replacement Members of the House of Representatives.

The gentleman from Washington (Mr. BAIRD) introduced House Joint Resolution 83. Until the day it was reported by the Committee on the Judiciary, it had no co-sponsors at all. Then there were two people who added their names to the joint resolution, including the gentleman from New York. There was one amendment that was offered during the committee markup when the resolution was open for amendment at any point, and it was subsequently withdrawn.

When the Committee on Rules had its hearing last night, none of my Democratic friends offered any amendments for the Committee on Rules to consider. The gentleman from California (Mr. ROHRABACHER) did offer an amendment.

I would point out that on November 15, 1983, when the Democrats were controlling the House, the House considered the Equal Rights Amendment, a very important constitutional amendment under suspension of the rules where there was only 40 minutes of debate and no amendments were offered. Two-thirds vote was required under suspension, as it is for constitutional amendments; and it was voted down.

But anybody who complains about this process where there is 90 minutes of debate, no amendments because it is a closed rule and, except for the gentleman from California (Mr. ROHRABACHER), nobody offering any amendments, I think really ignores how the ERA was considered 21 years ago.

Now, finally the gentleman from Washington (Mr. BAIRD) filed a discharge petition. He wanted to bring the bill up out of the regular order, without any hearings, and without any committee consideration. What I did is there was a full markup at the committee where the amendment was open for amendment at any point. There was a vote in the committee. And the majority of the committee reported it out adversely.

So I think that anybody who says we need more hearings should not have been on that discharge petition.

Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. FORBES), a member of the committee.

Mr. FORBES. Mr. Speaker, I rise today in strong opposition to House Joint Resolution 83. I myself was elected to serve in the House of Representatives 3 years ago this month in a special election when my predecessor passed away. If my predecessor had been forced to make a list of successors, would have I been on it? I do not know the answer to that question. But I do know that it is unlikely that my constituents would have wanted their representative decided for them in any other manner than by election.

In a time of national emergency, the people I represent should have a right to choose their next representative. To deny them this right would be autocratic and unjust, no matter how well intentioned the motive.

Today, Mr. Speaker, we are considering a powerful amendment that could alter the very nature of our government. It would strip the voice of the people at a time of national emergency, a time when the people's voices are most necessary and most moving. Without elections, our government becomes bureaucracy in action rather than democracy in action. It is precisely at such a time in such an emergency that we need to guard and defend the rights of our citizens to vote and not yield to the temptation to absolve that right.

This bill undermines the legitimacy of the House of Representatives. It is no accident that our Founders designed the House of Representatives to be composed solely of elected representatives of the people.

George Washington said: "The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people."

Mr. Speaker, our experiment with democracy has worked. As a Nation we have survived many national emergencies, disasters, and tragedies. We are the oldest working democracy because we make it clear that power in this government must remain with the people.

I urge my colleagues to vote against House Joint Resolution 83.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in opposition to H.J. Res. 83. And for those Members who are undecided on how they are going to vote today, I suggest two questions: First of all, have my colleagues read this proposal? If they have not, please go to the computer, pull it up, and read it. The language is confusing. It does not work. I do not believe it accomplishes the purposes that the sponsors have set out for us.

Today is not the day of the vote for this proposal. It is still in a draft form and needs more work.

The second question, What does one consider to be the essence of democracy? Is it continuity of government, or is it the right of a free people to be represented by those people whom they elect? If one believes in a seamless continuity, there has always been a way to do that. We have had kings. The king is dead. Long live the king. Succession just passes to the son or daughter.

This particular proposal says succession will pass to people who we select. We die and the government will appoint one of those two people. That, in my view, provides continuity, but it does not preserve what I think is the essence of democracy, the right of a free people to be represented by those whom they elect.

Finally, on the motion to recommit, which I believe is coming, the language that I read, I believe it is the current draft, says that this resolution will be sent back to committee for full hearings on this resolution.

In the spirit of what has been said by the gentleman from New York (Mr. NADLER) and others, I would hope that language would be modified asking the committee chair to have hearings on all the proposals out there.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this legislation. Of course, it is well intended. We have all worked together. The request was made of me that we have a chance to vote up or down on this constitutional amendment. The gentleman from Wisconsin (Mr. SENSENBRENNER) and I worked this out.

Now the author of the amendment says it is flawed. We have the ranking minority member of the Subcommittee on the Constitution saying it is flawed. We have a proposal before us. It should be unanimous that we vote "no." It is a bad idea, and it should not be done.

The thing that troubles me is while I know that my colleagues would like to ensure that there are elections, their proposal does, in fact, provide the opportunity for appointed individuals to serve in the House. There was a debate in 1787 on this very issue. Charles Pinckney, as he discussed the issue of the first branch, talked about the fact that Members of the House should be appointed. Why should they be appointed? He said the people were less fit judges.

Now, I am not claiming that the people who are proponents of this constitutional amendment believe that the people are less fit judges. I am not claiming that they do not want to have elections. But I will say that as we look at the debate in 1787, Madison, Mason, Dickenson and other Framers, I think, got it right and concluded correctly with Madison's quote when he said: "The right of suffrage elections is certainly one of the fundamental articles of democratic government. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruins of popular forms."

I think it is very important for us to note that it was the James Madison view that prevailed, ensuring that the people are elected when they serve in the people's House. Remember, it was Federalist 53 when Madison said: "Where elections end, tyranny begins."

This proposal would, in fact, have something take place before elections. So I think that we have the opportunity with this amendment before us to tragically move in the Pinckney direction, which did, in fact, say that the people are less fit judges. And that is why I believe it would be wrong for us to potentially have a totally appointive government which we conceivably could have if this constitutional amendment were to prevail. It is possible that we could have an appointed President, Vice President, an entire United States Senate and, with this proposal, appointed Members of the House. That is why James Madison was so careful, and that is why he was so correct in ensuring that at least one entity could not serve, could not have any power unless it is vested in them by the people.

Mr. Speaker, the author and other Members have now admitted that this is flawed. The gentleman from Arkansas (Mr. SNYDER) just came forward having offered a proposal to the gentleman from Washington (Mr. BAIRD) about making a modification, and he has come forward and said he would like to have another proposal.

Well, we have gone through this for a long period of time, and as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, a hearing on the constitutional amendment was, in fact, held in the last Congress. We know what it consists of. A constitutional amendment consists of having appointed, rather than elected, Members of the House. And the proposal itself is flawed, as has been admitted.

That is why I encourage my colleagues in an overwhelming bipartisan way, just as we in an overwhelming bipartisan way by a vote of 306 to 97 voted in favor of our expedited election legislation, we should come together in the same way and vote down this ill conceived measure that would fly in the face of the vision put forth, the inspired vision of the Framers of our Constitution.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of this measure and commend my good friend and colleague, the gentleman from Washington (Mr. BAIRD), for his outstanding leadership on this critical issue.

This important legislation would amend the Constitution to allow temporary appointments to fill vacancies in the House only in the event of a catastrophic attack. If we do not pass this legislation, Mr. Speaker, we risk disenfranchising large portions of the country in a time of national crisis or, worse, in the case of mass incapacitation of Members preventing the House from even convening to conduct the people's business.

Some Members will argue today that a constitutional amendment is not necessary to address the problem of congressional continuity. While I understand some of their concerns, I question whether Congress has investigated the matter enough to even come to that conclusion.

The AEI Brookings Continuity of Government Commission after studying the issue thoroughly endorsed a constitutional amendment even though some members began the process undecided or opposed to that course of action.

Mr. Speaker, others will note that the House already addressed this matter by passing legislation in April to require expedited special elections within 45 days.

□ 1645

Well, Mr. Speaker, I would point out that in the 6 weeks after the attacks of September 11, the Congress passed numerous pieces of legislation authorizing, among other things, the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriations bills, the farm bill, and legislation pertaining to bioterrorism, victims assistance and terrorism financing.

Well, Mr. Speaker, without a constitutional amendment to allow temporary appointment after a disaster, the most important decision that our body can make, the decision to declare war, could have been made with a greatly diminished or unrepresentative House.

I am disappointed that we are being given only 90 minutes to debate one of the most important topics that this Congress can address. I know that other Members have proposed their own constitutional amendment to address the issue of congressional continuity, and we deserve hearings and discussion on those recommendations as well.

Mr. Speaker, it is our duty to prepare the legislative branch for any kind of disaster; and this constitutional amendment is necessary to ensure that the House will be able to continue its work even in the worst circumstances. I urge my colleagues to support this legislation. I congratulate the gentleman from Washington (Mr. Baird) for his leadership and passion on this issue.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Cox), the chairman of the House Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I thank the author of this proposal before us. It was 2 years ago that the Speaker asked me, along with the gentleman from Texas (Mr. Frost) as my co-chair, to chair the Continuity of Congress Working Group that was a predecessor for the outstanding work that the Committee on the Judiciary has done legislatively in subsequent years.

Our working group, which existed for over a year, took a first look at these problems after the horrible events of September 11 shocked us into realizing that it could happen, that the entire Congress or virtually the entire Congress could be destroyed at once. This is a problem for the House much more than it is for the Senate because, of course, senators can be appointed. They can be replaced immediately. The House cannot because we have, as you have heard throughout this debate, since the inception of our country always been an elected body.

So the working group recommended a resolution that was adopted unanimously by this House, urging the States to advance special elections in the event of an emergency, to speed up that process. When the States did not, except for California, respond to that resolution, we passed the very thing here recently requiring that that take place. We have also, as a result of the work of the Speaker's working group, the bipartisan working group on continuity of Congress, seen a lot of our recommendations brought into effect.

I want to commend the author of this proposal, the gentleman from Washington (Mr. Baird), because he was one of the moving forces in making sure that all of this happened.

We have completed the following: There is now a reformed House resolution on expedited special elections. There is now a change that we routinely employ to the concurrent adjournment resolution so that, in the event of a catastrophe, we could reconvene in some other place other than the Capitol. There is now an emergency recess rule so that if the Speaker or whoever is presiding learns that there is an imminent attack we can adjourn under our rules, and the Congress could reconvene elsewhere under the proceeding reform.

There is a very important change in the way we account for vacancies in the House that otherwise, if there were a lot of Members killed, would prevent us from mustering a quorum. This change allows the Speaker to announce the adjustment of the whole number of the House upon notification of the death, resignation, or expulsion of a Member. And the Speaker's announcement, importantly, is not subject to appeal.

We also have changed the rules for Speaker succession. Much in the same way that the author of this proposal has suggested that we repopulate the House, we have made sure that there will be a Speaker. There is now going to be a list of Members who will succeed the Speaker in the event of a vacancy in the office, and that Member will act in this role until the House reconvenes in order to elect a new Speaker.

The challenges that are under debate today remain. We do not have a national consensus. We cannot get two-thirds in the House and Senate. We know that, but we are moving the process forward.

I will vote against this only because it is not perfect, but I commend the gentleman for offering it.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. Watt), a distinguished member of the Committee on the Judiciary.

Mr. WATT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I voted for H.R. 2844, the expedited election procedure which provides that States should try to have expedited elections in the event of a catastrophe within 45 days.

I voted for that measure because I thought it was better than nothing, and prior to that we did not have a process in place. I voted for it because, on a motion to recommit, the opposing side, the Republican side, decided that they would accept the motion to recommit to at least make whatever State procedures were in place subject to the civil rights laws of our country and other voting rights laws.

H.R. 2844 provided a transition position that will expedite an election within 45 days, but I still think that there is a need to have a debate about whether there ought to be a different process for replacing Members in the event of a catastrophe in a shorter time frame, and I am satisfied that the only way that that can happen would be through a constitutional amendment.

I am probably the least likely person to be supporting a constitutional amendment, and I rise today neither in support of nor in opposition to H.J. Res. 83, the proposed constitutional amendment that the gentleman from Washington (Mr. Baird) has offered. What I am disappointed about is that we have taken this very weighty national issue and turned it into what has essentially become a partisan issue, a political issue; and we have used this opportunity, instead of as an opportunity to hear from the people and to try to form a consensus about what should happen under these circumstances, to basically one-up the other side. Let me rush this thing to the floor without any real debate.

I think the sad thing today really is that we have not had an opportunity to review and study and have hearings on either the Baird proposal or a number of other proposals that are out there that cry out for hearings and the kind of debate that we believe are necessary and that the public deserves.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time; and I appreciate his leadership on this issue.

I rise to note a couple of important points. I would start with the proposition that Lord Churchill pointed out, and that is that democracy is the worst form of government, except for all the others. It is an inconvenient form of government even at the best of times, but the gentleman just spoke and suggested that we need to have more debate about how the People's House should have its representatives selected.

The truth of the matter is, from the inception of our Republic we have had that great debate and our Founding Fathers have solved that debate for us. They have told us that the People's House need to be elected by the people.

Speaking of the inconvenience of democracy, George Mason during that great debate suggested that "whatever inconvenience may attend the democratic principle, it must actuate one part of government." By the way, that is us. He continued, "It is the only security for the rights of the people."

Mr. Speaker, I would suggest to you that doing away temporarily with democracy is something that a lot of aspiring democracies in third world countries have done, and temporary turns out to be a long time and sometimes forever. The worst thing that we can do is to throw out our traditions because we are having a serious crisis.

It is a shame that a great, honorable debate about how we continue the traditions our Founding Fathers gave this great House, the People's House, always elected by the people of the various States, it is a shame that it has descended into sort of a partisan roughhouse here because that certainly is inappropriate. But I would point out that the Democratic party, big D, is being very undemocratic, small d, in this debate. The Republican party is being very, small r, republican during this debate because it is the Republic that our Founders gave us that we are trying to defend, especially as it relates to article 1 and how the people of this House, that represent all of the citizens of the United States, are selected.

I would end up by stating that James Madison, the prime author of our Constitution itself, suggested he "considered the popular election of one branch of national legislature an essential plan of every free government."

Mr. Speaker, I would ask every Member of the House to support Madison's version, our version, of a free government, defend elections, and do not do away with elections temporarily or ever.

Ms. LOFGREN. Mr. Speaker, I yield 3¾ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.J. Res. 83. I support this constitutional amendment not because I believe this is the best proposal or a perfect proposal but because I believe we need a constitutional amendment to assure the continuity of Congress, and the Baird proposal is the only option that we have been allowed to vote on.

I agree with the gentleman from Washington (Mr. BAIRD) that this subject deserves better treatment than it has gotten so far, and I will be voting for his motion to recommit with instructions to the Committee on the Judiciary to hold hearings on several proposals.

One of those proposals, House Joint Resolution 92, is mine. I asked the Committee on Rules yesterday to make my proposal in order as a substitute and was turned down. So I am taking this opportunity to explain my substitute to our fellow colleagues today.

My amendment would provide for a temporary acting successor, actually, a choice of five in case any of us become deceased or incapacitated. That would go for senators as well. I want to stress this point because there has been some misunderstanding. What we are talking about is the proposal on the floor today or my own proposal. The debate is not whether or not a seat should be filled by an elected representative. We keep hearing that. No. Elected representatives are certainly the best option to go whenever you have that opportunity.

The choice that we are talking about today is whether the death or incapacitation of a representative or a senator should result in a State or district going unrepresented for months or whether representation should be continued during this period by someone who has been appointed or been selected by us, by those of us who were elected, and that selection is made known to the voters prior to the selection so that the voters will approve not only the representative or senator but the choice of an alternative in case that senator or representative becomes incapacitated or killed.

We are not talking about not having an elected official or elected officials here. That is a bogus argument. I am sorry. We are talking about the 45 days in which, before there would be a special election, whether or not that our country will remain vulnerable because we do not have people representing the people of the United States or, in my proposal, whether or not during those 45 days the American people will have a chance to vote for an alternative when they vote for us to get us elected in the first place.

□ 1700

This makes all the sense in the world. We elect a Vice President of the United States that way right now. Is that to say if the President is incapacitated or dies that we have someone who is unelected when the Vice President steps up? No. He is elected even though his name is not on the ballot.

There is no reason why we should not have this in the legislative part of the government as well as the executive. This goes to the heart of whether or not we are going to be prepared for an emergency.

Let me note that on September 11, when we were in our desperate situation, I remember when we met on the steps, the gentleman from Washington (Mr. BAIRD) and I, I grabbed him and said, look, we have got to sing "God Bless America" right now because the American people need this. We are in a crisis, and they need this.

Today, the American people need a constitutional amendment to come to grips with this challenge that terrorism threatens to bring upon us. We need to make sure we are ready in case of an emergency. The Republican proposal is to leave us totally at risk for 45 days. That is ridiculous. Let us amend the Constitution and take care of this problem, and the people's right to vote will be taken care of as well.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH) a member of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, Article I, section 2 of the Constitution states as follows: "The House of Representatives shall be composed of Members chosen by the People of the several States. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies."

The Constitution emphasizes the right of the people to govern themselves through their elected representatives. We should not ignore that Constitution.

However, the constitutional amendment we are considering today would create unelected representatives. It would have vacancies during a disaster filled by appointees.

The House already has passed H.R. 2844, introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER), which passed by a three to one margin. It requires special elections to occur within 45 days of a disaster that kills more than 100 Members of Congress.

While some wonder how the government would operate while we are waiting for those elections, there is a House rule that provides that a quorum shall consist of all Members who are living. During a time of disaster when many

Members have died, the Speaker can adjust the required quorum to reflect the number of Members still living.

On the other hand, by law, Senate vacancies are filled by the governor of the affected State. So if a significant number of House and Senate Members were killed during an attack and if House Members were appointed as well, as this constitutional amendment we are considering describes, we would then have a Congress of mostly unelected officials. That is another reason we must preserve the right of the American people to have elected representatives in the House.

Some claim that a constitutional amendment providing for the immediate appointment of representatives is necessary for a government to function, but Congress has granted the President significant powers to act during a national emergency. Congress could utilize that reduced quorum until elections are held.

Mr. Speaker, any constitutional amendment that would deprive the American people of the right to elect their representatives should be defeated. Democracy is always better than bureaucracy.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD), the author of the amendment.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for the time.

I would just note that it was my distinguished colleague from Texas who, when we were given the opportunity, my colleague was asked for unanimous consent in the Committee on the Judiciary hearing to let me speak to my own bill. It was a UC request. All it needed was one member of their body to speak up and say no, and it was the gentleman from Texas.

On the one hand, the opponents of this legislation argue that we must have elected representatives. On the other hand, they suppress the rights of those elected representatives to speak to their own legislation.

Our 90 minutes are about up. I want to take a little bit of time, if I may, to thank the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX) for their outstanding work on the Working Group. I would like to commend the gentleman from Connecticut (Mr. LARSON); the gentleman from California (Mr. ROHRABACHER) for his intelligent and thoughtful comments; the gentleman from Rhode Island (Mr. LANGEVIN); the gentlewoman from California (Ms. LOFGREN) for her leadership on this issue, the gentleman from California (Mr. SHERMAN) for his work on presidential succession matters.

I would also like to commend the work of the Continuity of Government Commission. We have spent 90 minutes on this issue today. The Continuity of Government Commission spent virtually a year on the matter. All of the members of that commission began saying we should not amend the Constitution, much like my friends on the other side have. Yet, to a person, they agreed at the end that we need to or we will be without the checks and balances so fundamental to our great Republic.

I also want to thank the opponents of this bill, the chairmen of the various committees. I also want to thank the ranking members.

The discussion today I think makes the proposal we will end up with a stronger proposal. That is part of the crucible of this institution. My fear, however, is that that crucible itself is in jeopardy. There will be silence on this floor if we perish or there will be chaos and discord as partisan rancor evolves in the aftermath when this lack of constitutional clarity emerges.

People have said what the American people would want, my friends on the other side. One of the things we do far too seldom here is go back to the people themselves and ask them. I would invite my colleagues to do as I have. Hold some town halls, go to some Rotaries or Kiwanis or Lions or whatever group you want and give it a fair question. Say here is the choice, a fair and balanced question. Say do you want in the aftermath of a crisis, do you believe we should have temporary appointments, nominated by the people you most recently elected and thereby are most likely of the same party and political ideology or would you have complete vacancy for 45, possibly 75 days? Ask them and see what they say. Ask them.

If my colleagues can come back to me and say that the people I talked to would say we would rather have no voice in Congress as our Nation goes to war and my sons and daughters are committed to a conflict, we would have no voice in Congress as our civil rights are usurped, we would like to have no voice in Congress as someone accedes to the presidency who was never elected but who was, in fact, themselves appointed, ask them, and I believe with great confidence they will tell my colleagues we would like a voice imperfect, indirect though that voice may be if unelected. At least they were appointed by the person most recently elected. At least the political makeup of this great body will be preserved. At least some of the most consequential decisions in the history of this country will be made under a model of checks and balances that, yes, Mr. Madison and Mr. Jefferson and Mr. Mason and the rest of the Founders found so essential.

Elections are sacred, but so, too, is representation. I would urge my colleagues to vote yes on the motion to recommit. Let us have a full and fair debate in the committee and bring back a still better bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the chairman for yielding this time, and I rise in opposition to the underlying resolution.

I will agree with the argument that the Founders could not have envisioned airliners being used as missiles against skyscrapers, or even the U.S. Capitol. I do not, however, subscribe to the theory that the Founders were unable to envision in their minds a terrorist attack with the ability to take the lives of Members of Congress en masse.

On November 5, 1605, 13 co-conspirators placed 36 barrels of gunpowder in a cellar beneath the British House of Lords with the intent of destroying the entire British parliament and killing King James I, who was charged with convening the legislative body on that day. Only through an anonymous letter and the quick action of a few members of Parliament was a British soldier named Guy Fawkes arrested minutes before he was to light a fuse that was designed to spur a revolution in England.

My point is that the Founders were cognizant that a terrorist attack on the government resulting in the deaths of scores of Members of Congress could occur. The Founders drew a great deal of our constitutionally-formed system of government from the British parliamentary system and English common law. They were perhaps the greatest political thinkers in history. Yet, despite this knowledge of British history and clear references in the Federalist Papers to the dangers of any effort that would deny the right of elected representation, there are those who have argued today under the assumption that the Founders never contemplated such a situation.

Despite knowing that a surprising and devastating attack could befall this government, the Founders were adamant in their belief that under no circumstances were Members of the House to be selected by any means other than popular elections. Elections are the key events that connect the American people to their government, and these elections have a legitimacy no appointment process ever could.

Although we can all agree that an attack on this body would threaten the fabric of this country, that same fear should not drive us to weaken the very foundations upon which this Congress, as the Federal government's legislative branch, operates.

Federalist No. 52 says it best: "the right of suffrage is very justly regarded as a fundamental article of republican government. To have submitted it to the discretion of the states would have been improper . . . for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal government which ought to be dependent on the people alone."

In addition, I am concerned that the constitutional amendment before us today would not only override H.R. 2844, which already passed the House by an overwhelming vote of 306–97, but it would remove the Congressional authority to expedite special elections in emergencies under its existing Article I, Section 4, clause 1 authority. H.R. 2844, as passed by the House, is designed to ensure that the House can be repopulated by legitimate democratic means within 45 days after an attack causes multiple vacancies in the House.

The proposed constitutional amendment also includes a provision that states that "Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated . . ." I am quite concerned that this particular provision would deny the House its existing authority to address incapacitation by House Rules. This is an authority the House Rules Committee is already exercising. The provision of the constitutional amendment needlessly involves the Senate in how the House operates. By doing so, it would unfortunately make addressing continuity in government more difficult than it already is.

Mr. Speaker, and I continue to believe that government should neither exist nor change but with the express will of the people by whom and for whom it is created. I am hopeful that the prevailing will of this body will reflect that of our nation's Founding Fathers and will ultimately preserve its own popularly-elected nature by defeating this resolution.

With that Mr. Speaker, I urge my colleagues in the House to join me in voting against this resolution.

Ms. LOFGREN. Mr. Speaker, I yield 10 seconds to the gentleman from Washington (Mr. BAIRD) to make a correction.

Mr. BAIRD. Mr. Speaker, I apparently misspoke earlier when I mentioned it was the gentleman from Texas (Mr. SMITH) who expressed objection to my opportunity to speak in the Committee on the Judiciary. I regret that. There was a member of the majority. I thought it came from the gentleman from Texas (Mr. SMITH). I apparently was in error, and I apologize for the mistake.

Ms. LOFGREN. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary when he is not busy as chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to this resolution.

On April 22 of this year the House, overwhelmingly passed H.R. 2844 by a vote of 306 to 97, a measure introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, which would provide for the continuation of the House of Representatives in the event of a catastrophic loss of Members of the House. This legislation would also ensure that each Member of the House is elected, just as our Constitution mandates. Ensuring the election of Members of the House is the right approach for structuring legislation to provide for the continuity of government.

The direct election of Members of this body by the people is a fundamental principle established by the Founders of our Constitution. Specifically, the U.S. Constitution states, "The House of Representatives shall be composed of Members chosen by the people of the several States. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies."

This was not what the Constitution provided for the other body, and ever after we have been known as the People's House. That principle would be severely eroded with the adoption of this resolution.

Congress has a duty to set forth procedures to ensure that the government continues to function in the event of a catastrophe. However, Congress also has a duty to protect the direct link to the people that has always characterized the House of Representatives. Especially during the aftermath of a catastrophic event, it is important that we prevent the possibility that the government could consist only of unelected officials.

I have some serious concerns about House Joint Resolution 83. Specifically, I am deeply concerned about the idea that every Member of this House would designate two or more other people to effectively shadow Members of Congress under somewhat secretive circumstances. I am also concerned that if one of these officials were appointed to Congress then that person would have an inherent advantage over anyone else in the subsequent election by reason of the implicit endorsement by the former Member of Congress. This provision would chip away at the premise that the people and only the people should have the authority to determine who their representative should be.

For these reasons, I urge the opposition of this resolution and urge Members of the House to vote no on House Joint Resolution 83.

Ms. LOFGREN. Mr. Speaker, I reserve my time.

Mr. SENSENBRENNER. Mr. Speaker, I am prepared to close debate if the gentlewoman from California will do so first.

Ms. LOFGREN. Certainly.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. LOFGREN) is recognized for 4 minutes.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I think it is important that we have hearings in the Committee on the Judiciary to examine this subject matter. Several speakers have suggested that to have a constitutional amendment to provide for the temporary replacement of Members of the House so that we could have a Congress that acts before elections can be held would be the end of democracy. I think that we need to come to grips with the fact that if they kill us all, we have some bad choices. Here they are.

□ 1715

We can have an appointed government, because there is a line of succession to the Presidency, in the Senate there is a provision in the Constitution for their appointment, and no House of Representatives, which means that the appointed President would assume dictatorial powers. Or we could have a constitutional amendment that allows for the temporary appointment of Members of the House until special elections can be held so that the House is made up of elected representatives. I think those are the choices that face us.

Now, the American Enterprise Institute did a good thing. They put together a commission that looked at this whole issue, and here is what they said in their report: "While some protections," they say, "exist for reconstituting the Presidency, Congress would have a far more difficult time. It might not function well or at all. Ensuring the continuity of Congress is now a more pressing need than at any previous time in our history. According to two of the 9/11 plotters, the fourth plane that crashed in Pennsylvania was headed for the Capitol, and it is entirely conceivable the Congress will again be a target."

It is interesting that although we have proceeded on pretty much a party-line basis in the discussion of this matter, not completely but almost completely, and it was certainly a party-line vote in the House Committee on the Judiciary, the commission itself was very bipartisan. The honorary cochairmen were President Jimmy Carter and President Gerald Ford. The cochairmen were Lloyd Cutler and former Senator Alan Simpson. Tom Foley, the former Speaker, and Newt Gingrich, the former Speaker, who did not agree on a lot, agreed on this. Further, Bob Michel, who was the minority leader for so many years and is so well regarded, served on this commission with Leon Panetta, and they agreed as well that what we need is a constitutional amendment.

The alternatives to a constitutional amendment do not solve the problems of mass vacancy. They have a chapter indicating why special elections are helpful but not sufficient, and here is what they say: "The President would act without a check, extra constitutionally in some cases, until Congress reconstituted itself. In addition, there is a possibility that a Congress of greatly reduced size would act, and that the vast majority of Americans could view this Congress as illegitimate. Shorter election cycles would not eliminate any of these problems but only slightly shorten their duration."

They point out that "clarifying the quorum requirement is not a solution." And they say, "While the commission sees the value of clarifying the interpretation of the quorum requirement, it does not believe that making the requirement more lenient will ensure the constitutional continuity of Congress. Quite the opposite. A lenient quorum requirement might result in a small number of Members acting as the whole Congress and calling into question the legitimacy of congressional actions. The commission does favor a clarification of the quorum requirement, but not as a substitute for the constitutional amendment."

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have debated this constitutional amendment for almost an hour and a half now. I think that the issue is very clear, and that is whether the House should maintain its function as a House that no one enters without first being chosen by the people, or whether there should be some procedure for the appointment of Members of the House should there be a catastrophe.

This is a philosophical difference, and it is a philosophical difference that no amount of hearings will be able to bridge. Maybe this constitutional amendment is improperly drafted, maybe it is not; but the thrust of the constitutional amendment is to allow the appointment of Members of the House of Representatives to act, supposedly in the people's name, when there is a national catastrophe of unspeakable proportions. Any action by appointed officials will lack the legitimacy of action by elected officials, and that is why I think it is important to reconstitute the House with people who come to Congress with a mandate from the people should there be a disaster that wipes out most of our government.

Now, let us look at what House Joint Resolution 83 proposes to do. It says that prior to taking the oath of office, every Member elected to the House shall designate at least two temporary successors and will send that list to the Governor.

Now, during a campaign, when candidates are running against each other, there is no way that candidates will be able to avoid telling the press and the public who they will name as temporary successors. And that would be a distraction that would take away from the issue of choosing a representative in Congress who, hopefully, will serve for the full 2-year term. And all kinds of extraneous issues, such as how much the temporary successor designee contributed or whether they have special interests and things like that, will end up becoming an ancillary, but very important, issue in the campaign and take the campaign's focus away from the issues that the candidates espouse in their platforms. And that would not be good for democracy at all.

Now, it puzzles me greatly that people who have said how important it is that we deal with this issue and deal with it properly are now attacking the Committee on the Judiciary and asking for a delay. On October 23 of last year, the author of this amendment, the gentleman from Washington (Mr. BAIRD), said "The more urgent matter is to put the measure before the body." That is what is being done today, yet now I hear him and others saying, well, we need more hearings.

Well, Mr. Speaker, more hearings will just continue the debate on whether or not there should be appointed temporary successors or the House should maintain its tradition constitutionally of being entirely comprised of people who are elected by the voters of the various States.

The Continuity in Government Commission's report, which endorses appointed representatives, says "The exact details of a solution are less important than that the problem be addressed seriously and expeditiously." Today we are debating that issue. We ought to send a clear message on whether this House wants to have temporary successors appointed, which will only be done by a constitutional amendment, or whether we want to continue our tradition of having people who come here to be elected.

I urge that the motion to recommit be voted down and that the amendment be voted down so we can show the people of America and the world what this House stands for and what it stands against. I ask for a "no" vote on the motion to recommit and a "no" vote on the constitutional amendment.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.J. Res. 83, which amends the United States Constitution to allow appointed persons to fill vacancies in the House of Representatives in the event of an emergency. Since the Continuity of Government (COG) Commission first proposed altering our system of government by allowing appointed Members to serve in this body. I, along with other Members of Congress, journalists, academics, and policy experts, have expressed concerns that having appointed Members serve in the House of Representatives is inconsistent with the House's historic function as the branch of Congress most directly accountable to the people.

Even with the direct election of Senators, the fact that Members of the House are elected every 2 years while Senators run for statewide office every 6 years means that Members of the House of Representatives are still more accountable to the people than are members of any other part of the Federal government. Appointed Members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalists 52: "As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

Mr. Speaker, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power. Of course, I agree that it is very important to carefully guard our Constitutional liberties in times of crisis, and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Speaker, during a time of crisis it is all the more important to have representatives accountable to the people making the laws. Otherwise, the citizenry has not check on the inevitable tendency of government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of this plan claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only serve for a limited time. However, the laws passed by these "temporary" representatives will be permanent.

Mr. Speaker, this country has faced the possibility of threats to the continuity of this body several times throughout our history, yet no one suggested removing the people's right to vote for Members of the House of Representatives. For example, when the British attacked the city of Washington in the War of 1812 nobody suggested the States could not address the lack of a quorum in the House of Representatives though elections. During the Civil War, Virginia which borders Washington, DC, and where today many Capitol Hill staffers reside and Members stay when Congress is in session, was actively involved in hostilities against the United States Government, yet President Abraham Lincoln never suggested that non-elected persons serve in the House.

Adopting any of the proposals to deny the people the ability to choose their own representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering supporting H.J. Res. 83 will question the wisdom of handing terrorists a victory over republican government.

The Constitution already provides the framework for Congress to function after a catastrophic event. Article I Section 2 grants the governors of the various States authority to hold special elections to fill vacancies in the House of Representatives. Article I Section 4 gives Congress the authority to designate the time, manner, and place of such special elections if states should fail to act expeditiously following a national emergency. As Hamilton explains in Federalist 59, the "time, place, and manner" clause was specifically designed to address the kind of extraordinary circumstances imagined by the supporters of H.J. Res. 83. Hamilton characterized authority over Federal elections as shared between the States and Congress, with neither being able to control the process entirely.

Last month, this body fulfilled its Constitutional duty by passing H.R. 2844, the Continuity of Representation Act. H.R. 2844 exercises Congress's power to regulate the time, place, and manner of elections by requiring the holding of special elections within 45 days after the Speaker or acting Speaker declares 100 or more Members of the House have been killed. This proposal protects the people's right to choose their representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

In conclusion, I call upon my colleges to reject H.J. Res. 83, since it alters the Constitution to deny the people's right to elect their representatives at a time when having elected representation may be most crucial.

Mr. HOLT. Mr. Speaker, I rise in opposition of this amendment.

The Founding Fathers designed the House of Representatives to guarantee the preferences and will of the people was represented. They included provisions in the Constitution, such as a 2-year term of office and requiring that vacancies be filled in all events by a special election, to ensure that the Members serving in this Chamber would be held directly accountable to the people.

Although the 17th amendment expanded this ideal of representation by requiring Senators to be directly elected by citizens of their State, it still permitted the use of appointments to fill vacancies. Therefore, the unique nature of the House of Representatives remained intact and to this day no Member has ever entered this body except by the mandate and popular vote of his or her constituents.

The stark realities of the 21st century, where terrorists seek to destroy our Nation and the incapacitation of a large portion of this Chamber is no longer inconceivable, require us to reexamine the continuity of our government. However, I believe that even in a terrorist attack or other catastrophe enough Members would survive to conduct the business of the Congress. The small probability that no Members would survive to serve does not warrant amending the Constitution to circumvent the electoral process. Suffrage is fundamental to the success of our democracy, and it must be protected even in times of crisis and uncertainty.

I urge my colleagues to vote against this amendment.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the efforts of our colleague Representative BRIAN BAIRD to secure House consideration of the issue of amending the Constitution of the United States to ensure the continuity of Congress. I had hoped for hearings on this critical issue in the Judiciary Committee, followed by "regular order", and I had hoped for consideration of a number of Constitutional amendments sponsored by Members of the House, including H.J. Res. 89, which I introduced. One subcommittee hearing conducted 2 years ago does not really do this subject justice.

Many Members were looking for an opportunity to use the normal legislative process to develop and perfect their proposals regarding the continuity of the House, relying on the collective wisdom of the Members, and input from constituents. Such a discussion could have helped to educate both Members and the public on the importance of a Constitutional amendment. But because the truncated process foreclosed on that option, I did not submit my joint resolution to the Rules Committee.

Should the opportunity arise, I will vote to recommit this joint resolution to the Judiciary Committee, in the hope that there can be an open discussion, and broad debate on the matter. And I will vote for Rep. BAIRD's amendment, H.J. Res. 83, on final passage, in the hope that all Members who support the concept of a Constitutional amendment, will similarly express themselves on the worthiness of that objective, even though we may differ about which amendment would best serve this Nation. For I think this issue will arise again, and perhaps there will be an opportunity in the next Congress to more fully discuss and debate the issue. Sen. CORNYN's proposed Constitutional amendment is making its way through the Senate, so the issue is bound to arise again in some form.

While I believe the need for a Constitutional amendment is self-evident, I understand other Member's reservations about tinkering with the Constitution. Nonetheless, I have yet to hear a satisfactory answer to the question of what the Legislative Branch—not just the House—could constitutionally do in the weeks or months following an attack, if deaths and incapacitation left either chamber bereft of a quorum, incapable of legislating, or so unrepresentative as to deligitimize any actions it might take.

H.R. 2844, the "Continuity of Representation Act", which passed in April, and which called for special elections within 45 days after a certain number of vacancies occurred in the House, did not address that question. I think we need to be realistic about the consequences of a non-functional Legislative Branch at what is likely to be the most critical juncture in our Nation's history.

And I would like to put to rest the notion that the continuity of Congress debate is in any way partisan. There is no partisan content whatsoever to this issue. Neither Republicans nor Democrats are advantaged or disadvantaged by any of the ideas we are discussing. The vote on H.R. 2844 should have put that notion to rest, when a majority of Democrats voted for the bill, joining all but a handful of Republicans.

Members will no doubt recall that in the days and weeks following September 11, 2001, the House passed numerous pieces of vital legislation, which allowed the government to function both in war, and in furtherance of domestic policy goals. We did not hand out a "closed for business—trust the Executive" sign. We exercised the checks and balances essential to a stable and mature democracy, and we got the job of legislating done in record time.

In the absence of a Constitutional amendment, there is the sad prospect that the National could be governed by either martial law, or by other extra-Constitutional actions by the Executive, of potentially dubious legal status. This would be happening at the most critical time in the Nation's history, since that would be the only means left to run the government without a functioning Legislative Branch. And that would trample upon one of the core principles of the Framers of our Constitution—our system of checks and balances.

The Framers feared a powerful executive. And in the early days of our Republic, the office of President was fairly weak. However it has grown stronger over time, as the institutions of government have evolved, and as the Nation's needs have changed. The essential roles of Congress includes restraining the Executive, and that role remains paramount in maintaining our democracy today.

We cannot predict how the Executive, claiming potentially dictatorial powers, will operate in the absence of a functioning Legislative Branch, or whether such actions will withstand legal challenge. But we do know how to prevent this situation from ever occurring. We need only to remove our heads from the sand, and take the proper steps to legally address the issue under the Constitution.

While it is essential that we protect the "people's House" by populating it with popularly elected representatives from the 50 states, it is also essential that we protect the "people's interests" by taking action to prevent the Legislative Branch from ever being shut down for weeks and months following a catastrophic event.

I want to take a moment to discuss my own proposal, which I believe is less cumbersome and more straightforward than some of the other concepts. It would provide for the appointment of temporary Members of the House by state legislatures or, in some instances, by state governors, to serve pending the filling of vacancies through special elections. I think this procedure would be less cumbersome than using lists of potential successors which Members would have to create each and every time they ran for office. In the next Congress, I might consider leaving the appointment power to governors alone.

My amendment would require that all temporary replacements be from the same political party as the Members they succeeded, and that their tenure cease as soon as a popularly elected successor presents credentials to the House. I look forward to future hearings to debate that aspect of the proposal, since issues have been raised as to how someone's party affiliation can be determined in some states.

The amendment would also bar the temporary replacements from seeking office in the next election for the House, in order to ensure that they focus on representing their new constituencies, and coping with the emergency, rather than creating fund-raising committees and filming television commercials.

The subject is also deserving of significant debate, since I know some have argued that temporary replacements should have the right to present themselves to the public for election in our democratic system. I believe, however, that during a crisis following a potential attack, it is more important to keep the government running, and there is nothing in my amendment which would bar these temporary replacements from running at a future time, after they have finished discharging the responsibilities of the office to which they were appointed.

My proposed Constitutional amendment also addresses the complex subject of incapacity, by giving Congress the power, by law, to address it. The issue is better suited to examination in a law-making, or rule-making process, rather than to being specified in detail in the Constitution. As ranking member of the House Administration's Committee, which has jurisdiction over the incapacity question, I hope to press for Committee debate on the subject.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD, the text of H.J. Res. 89, and a section-by-section summary of the resolution, and yield back the balance of my time.

H.J. Res. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"Article —

"Section 1. A smaller number than the majority of the House may resolve that a vacancy exists in the majority of the number of seats of the House of Representatives provided by law.

"Section 2. After the adoption of a resolution under section 1, the legislature of any State in which a vacancy in the membership of the House of Representatives exists shall convene a special session to appoint an individual to fill the vacancy.

"Section 3. If the legislature of a State does not convene a special session under section 2 during the 5-calendar day period which begins on the day after the date the House adopts the resolution described in section 1, or if the legislature convenes a special session during such period but does not appoint an individual to fill a vacancy in a seat during the 3-calendar day period which begins on the date the legislature convenes the special session, the chief executive of the State shall appoint an individual to fill the vacancy.

"Section 4. An individual appointed under this article shall meet the qualifications for service as a Member of the House of Representatives, and shall serve as a Member until an election is held to fill the original vacancy. The State shall provide for such an election at such time and in accordance with such procedures as may be provided by law, except that the individual appointed under this article may not be a candidate in the next election for the House. An individual appointed under this article shall be a member of the same political party as the Member of the House who previously held the seat.

"Section 5. The procedures and requirements described in sections 2 through 4 shall apply only with respect to a vacancy existing as of the date of the adoption of the resolution described in section 1 or a vacancy first occurring during the 20-calendar day period which begins on such date. In the case of a vacancy first occurring during such 20-calendar day period, section 3 shall apply as if the reference to the date on which the House adopts the resolution described in section 1 were a reference to the date on which the vacancy first occurs.

"Section 6. For purposes of carrying out the provisions of this article, Congress shall have the power by law to specify circumstances constituting when a vacancy happens in the Representation from any State in the House of Representatives, and to address the incapacity of Members of the House of Representatives.

"Section 7. Congress shall have power to enforce this article through appropriate legislation.".

Summary of House Joint Resolution 89, a Constitutional Amendment Introduced by Representative John B. Larson To Allow Temporary Appointments To Fill Vacancies in the House of Representatives

Section 1. A smaller number than a majority of the House may resolve that a vacancy exists in the majority of the number of seats in the House provided by law, triggering the temporary appointment provisions.

Section 2. The legislature of any state in which House vacancies exist shall then convene a special session to appoint persons to temporarily fill the vacancies.

Section 3. If the state legislature does not convene within five calendar days after passage of the House resolution, or if the legislature does not complete selection of temporary House Members within a period of three calendar days beginning on the date of convening, the governor is required to make the appointments.

Section 4. Members serving temporarily in the House by appointment must meet the constitutional requirements for service in the House, and will exercise the full powers of membership until the vacancies are filled by election as provided by law. A temporary Member may not be a candidate in the succeeding election and must be of the same political party as the Member who previously held the seat.

Section 5. The temporary appointment authority applies to vacancies which exist at the time of adoption of the resolution by the House, or to any additional vacancies which occur within 20 days thereafter. If vacancies occur within this 20-day period, the time limits relating to action by the state legislatures and governors begin again with respect to those House seats.

Section 6. For the purposes of this article, Congress shall have the power by law to specify circumstances constituting when a vacancy happens in the House, and to address the incapacity of Members of the House.

Section 7. Congress shall have the power to enforce this article through appropriate legislation.

The article would become part of the Constitution if ratified by the legislatures of three-fourths of the states within seven years of the date of its submission to them.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 657, the joint resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read a third time.

MOTION TO RECOMMIT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentlewoman opposed to the joint resolution?

Ms. LOFGREN. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Lofgren moves to recommit the joint resolution H.J. Res. 83 to the Committee on the Judiciary with instructions to conduct hearings on the subject matter of the joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of her motion.

Ms. LOFGREN. Mr. Speaker, in the 45 days after September 11, this House first met to show the American people that their Congress was still intact, and then we went to work.

On September 13, we provided for the expedited payment for public safety officers who were killed or suffered catastrophic injury; we passed on September 13 the Victims of Terrorism Relief Act, the Emergency Supplemental Appropriations Act; on September 14 we authorized the United States Armed Forces to take action against those responsible for the attacks; we adopted the Air Transportation Safety and Stabilization Act; we made appropriations; we adopted bills to combat terrorism and adopted the Financial Anti-terrorism Act, the Bioterrorism Enforcement Act, and the list goes on and on.

Those were important activities. And if there were no Congress, those either could not have occurred or the executive would have had to assume the legislative authority that is by Constitution vested with the Congress. And as has been stated before, the Congress cannot exist unless the House of Representatives exists.

Now, we know that the temporary appointments can only be made if we are to change the Constitution. And although some think this is a bad idea, what we are asking is that we have a thorough study of this whole subject in the committee of jurisdiction in the House Committee on the Judiciary.

There are many issues that we need to discuss. There are, as the commission pointed out, several approaches that can be made, a broad approach that delegates to the Congress the ability to provide for replacements by statute, or a prescriptive approach similar to the one promoted by the gentleman from Washington (Mr. BAIRD).

What is incapacitated? How do we define that? If there is an appointment, is that person eligible to run for reelection? And if they are serving because of incapacity, will they be replaced when the incapacitated Member resumes their abilities? Who would do the appointments: the courts? the Member? the governor? the legislature of each State? These are many questions that need to be answered, and all of them should be studied.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), the author of the amendment.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

The reason I think we need to recommit this bill, and it is rare, I think, for an individual who has authored a bill to suggest a motion to recommit, because when I called for the discharge petition to bring this bill to the floor, it was not just this bill. I wanted to bring many different approaches so we could fully discuss it.

The fundamental question I would urge the chairman of the Committee on the Judiciary and its members and this body as a whole to consider is this: it is a fine thing to defeat this legislation, and I respect the judgments of the people who may choose to do so, but you have yet today, or in the prior discussion of the chairman's own bill, answered the question satisfactorily for the American people as to what happens during the 45 or 75 days. People continue to say, no one should ever serve in the House who was not elected. We would all prefer that that be the case. But you have never said clearly and unambiguously, with clear-cut constitutional justification, how our government runs without a House of Representatives. You have yet to do so. You have offered pleasantries, reassuring promises; but you have never said how the country runs.

Madison did want the representatives to be elected, but he wanted there to be representatives. The people back home want to have representatives. Who will choose to send your kids to war? Who will choose to protect your civil rights? Maybe you can just rely on someone you do not know, an unelected representative whom you do not know. Maybe you can rely on that. And if they send your kid to war wrongly or usurp your civil rights, you can take great reassurance that 75 days later you can impeach them, assuming that one of their actions in the interim has not been to somehow reduce your right to do that.

You are rolling the dice, my friends. You are rolling the dice, and you have not yet put in place a solution. Mine may not be perfect, it is not; but let us, please, have an opportunity to revisit this issue and answer that question.

Ms. LOFGREN. Mr. Speaker, I would ask only that we approach this on a bipartisan basis in the committee. We should hold hands and work on this as a team, not fighting each other on party-line votes.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, passing this motion to recommit will not serve to do anything but to continue a debate that has gone on for almost 45 years. In 1960, the Senate passed an amendment to allow for the appointment of House Members.

□ 1730

It was never voted on in the House of Representatives, and that was during the height of the Cold War when everybody was afraid that the Soviet Union would unleash a missile or massive numbers of bombers, and if we did not make it down to the bunker at the Greenbriar in West Virginia, the entire Congress would be wiped out. That was a crisis time, and the Congress did the right thing: It ignored what the Senate did in terms of appointment of House Members.

Sending this resolution back to committee is not going to change anybody's mind on whether replacement House Members should be appointed or elected. We ought to hit this issue directly on the nose and vote on the amendment after defeating the motion to recommit.

Now I am again very puzzled by the fact that many of the proponents of this amendment, including the Commission on Continuity in Government, and their spokesperson is Norman Ornstein of the American Enterprise Institute, have said that the problem should be addressed seriously and expeditiously. This is what we are doing today.

And the author of the resolution, who now wants to have more hearings, told Roll Call on October 23, 2003, that the more urgent matter is to put the measure before the body. The measure is before the body today. We ought to vote down the motion to recommit. We ought to have a clear vote on whether Members want to have temporary successors appointed or to preserve Madison's principle of having the People's House be elected by the people. It is time to stand up and be counted, not to have more hearings on the subject. Vote no on the motion to recommit and vote no on the joint resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, as ordered, on the question of passage on each of three motions to suspend the rules on which proceedings were postponed yesterday and earlier today.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 18, as follows:

[Roll No. 218]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Cooper
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp

Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Ballance
Bereuter
Carson (OK)
Conyers
Costello
Cummings
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Pickering
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1756

Ms. GINNY BROWN-WAITE of Florida and Messrs. JOHNSON of Illinois, SHERWOOD, HEFLEY, BEAUPREZ and BRADY of Texas changed their vote from "aye" to "no."

Mr. TANNER and Mr. PASCRELL changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 63, nays 353, answered "present" 2, not voting 15, as follows:

[Roll No. 219]

YEAS—63

Baird
Bell
Berkley
Blumenauer
Brown (OH)
Capuano
Case
Chandler
Crowley
Davis (TN)
DeFazio
Dicks
Dooley (CA)
Engel
Eshoo
Evans
Frost
Gephardt
Gutierrez
Hastings (FL)
Hinchey
Honda
Hooley (OR)
Inslee
Jones (OH)
Kennedy (RI)
Kilpatrick
Langevin
Larsen (WA)
Larson (CT)
Lowey
Lucas (KY)
Matheson
McCollum
McInnis
Meeks (NY)
Miller (NC)
Miller, George
Oberstar
Pascrell
Payne
Pelosi
Rangel
Rohrabacher
Rothman
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Souder
Strickland
Tauscher
Towns
Udall (CO)
Vitter
Watson
Waxman
Weiner

NAYS—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
English
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Jackson-Lee (TX)
Watt

NOT VOTING—15

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1805

Mr. EDWARDS, Ms. ROS-LEHTINEN, and Mrs. BONO changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. NAPOLITANO. Mr. Speaker, on rollcall No. 218 and 219, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S.J. Res. 28, by the yeas and nays;

H. Con. Res. 413, by the yeas and nays; and

H.R. 4109, by the yeas and nays.

The vote on H.R. 3866 will be taken tomorrow.

These will be 5-minute votes.

RECOGNIZING 60TH ANNIVERSARY OF ALLIED LANDING AT NORMANDY DURING WORLD WAR II

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate joint resolution, S.J. Res. 28.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. RYUN) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 28, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 220]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1814

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY "ROSIE THE RIVETER," WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 413.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 413, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 221]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case

Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey

Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud

Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw

Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney

Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky

Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette

DeMint
Deutsch
Emerson
Gordon
Gutierrez
McCarthy (NY)

Nadler
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SIMPLE TAX FOR SENIORS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4109, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 4109, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 222]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)

Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn

Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)

Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode

Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney

Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ballance
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon
McCarthy (NY)
Nadler
Sherwood
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to allow seniors to file their Federal income tax on a new Form 1040S.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 655) condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre.

The Clerk read as follows:

H. RES. 655

Whereas the United States was founded on the principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression, assembly, association, and religion are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the horrific events of June 3-4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, reminded the world that these universal human rights are denied to the citizens of the most populous nation on earth by the Communist Party that rules in China;

Whereas in recent days the Communist Government of China has stepped up harassment of the relatives of people who lost their lives in the 1989 crackdown on democracy protestors in Tiananmen Square, in an apparent effort to control dissent ahead of the 15th anniversary of that tragic massacre;

Whereas in recent weeks China's Communist Party leaders have been working to eliminate the residual influence of Zhao Ziyang, who was purged as Communist Party chief for opposing the 1989 crackdown on the Tiananmen protests, and are trying to erase his name from history;

Whereas Zhao was last seen in public on May 19, 1989, when he tearfully begged student protesters to leave Tiananmen Square, and was then promptly put under house arrest and purged;

Whereas the Communist Government of China declared martial law the next day and troops backed by tanks crushed the student movement on June 3-4, 1989;

Whereas the demonstrations in Tiananmen Square were the manifestation of a democratic movement that had begun to spread across China following the death of the former General Secretary of the Communist Party of the People's Republic of China on April 15, 1989, and that had given rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas the report of the Chinese Red Cross on June 7, 1989, and the United States Department of State Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, and it is now believed by many that thousands were killed;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas the Communist Government of China continues to suppress dissent by imprisoning pro-democracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner;

Whereas credible sources estimate that the Communist Government of China continues to imprison as many as 2,000 Tiananmen Square activists, such as Yang Jianli, and denies such activists their basic human rights, such as access to legal counsel, contact with their families, and trials within reasonable times;

Whereas security agents of the People's Republic of China have detained Chinese citizens who were planning activities to commemorate the 15th anniversary of the Tiananmen Square massacre, including the preparation of a video for presentation at this year's United Nations Human Rights Commission meeting in Geneva on the deaths of their relatives and other victims who perished in Tiananmen Square;

Whereas coincident with the 15th anniversary of the Tiananmen Square massacre, the Communist Government of China has frustrated the efforts of Chinese citizens in Hong Kong to establish a gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as promised at the time of the reversion of Hong Kong to China in 1997 and as envisioned by the Basic Law of the Hong Kong Special Administrative Region;

Whereas despite an unprecedented public protest in Hong Kong on July 1, 2003, reminiscent of protests in Beijing shortly before June 4, 1989, the Standing Committee of the National People's Congress of the People's Republic of China declared on April 26, 2004, that universal suffrage would not apply to the selection of the Chief Executive in Hong Kong in 2007 or to the selection of members of the Legislative Council in Hong Kong in 2008; and

Whereas June 4, 2004, is the 15th anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to the families of those killed, tortured, and imprisoned as a result of their participation in the democracy protests of June 3-4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, and to all those persons who have suffered for their efforts to keep that struggle alive during the past 15 years, and to all the people of China who lack fundamental human rights;

(2) commends all persons who are peacefully advocating for democracy and human rights in China;

(3) calls upon those nations participating in the 2008 Olympic Games in Beijing to use opportunities created by the Games to urge China to fully comply with the United Nations Declaration on Human Rights;

(4) calls upon the Communist Government of China, its National People's Congress, and any other groups appointed by the Communist Government of China to honor its pledge of a "high degree of autonomy" made at the time of the Hong Kong reversion in 1997, by permitting immediate elections for the Legislative Council of Hong Kong according to rules approved by the Hong Kong people through an election-law convention, referendum, or both, and by leaving all revisions of Hong Kong law to a legislature elected by universal suffrage; and

(5) condemns the ongoing and egregious human rights abuses by the Communist Government of China and calls on that Government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen pro-democracy activities and order formal investigations into the reported killing, torture, and imprisonment of democracy activists with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those persons still in prison as a result of their participation in the peaceful pro-democracy protests of 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in China; and

(D) release Dr. Yang Jianli, an organizer of the Tiananmen Square protests of 1989, who has been illegally detained incommunicado by the Communist Government of China since April 26, 2002, and whose wife and 2 children are United States citizens, and put an immediate end to the harassment, detention, and imprisonment of all Chinese citizens exercising their legitimate freedoms of expression, association, and religion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me time and for his exceptional service and leadership as chair of the Human Rights Caucus of the House. I also want to acknowledge the great work and leadership of the gentleman from New Jersey (Mr. SMITH). He has been a champion for human rights, and it has been my privilege to work with him over the years to promote international human rights. I thank him for his accommodation this evening.

Mr. Speaker, the forward march of freedom has often been advanced by brave souls who defied the powers of their day to demand the liberties and human rights to which all people everywhere are entitled.

This week the world pays tribute to the brave souls of Tiananmen Square who 15 years ago stood up for freedom, only to be met with a hail of bullet and a new era of repression.

Mr. Speaker, I am pleased to join with my colleague, the gentleman from California (Mr. COX), as well as the distinguished chairman, the gentleman from New Jersey (Mr. SMITH), and our ranking member, the gentleman from California (Mr. LANTOS) in sponsoring this resolution that remembers and reaffirms.

We remember the courage of the heroes of Tiananmen, and we reaffirm our Nation's commitment to the principles of freedom and democracy of which they dreamed. In doing so, this resolution keeps alive the spirit of Tiananmen Square. The spirit of Tiananmen lives in the hearts of all freedom-loving people.

We remember how millions of ordinary students, workers and citizens marched in peace. How they raised the Goddess of Democracy and the image of our own Statue of Liberty. How they quoted our own Founding Fathers. We remember with sadness and outrage how the so-called People's Liberation Army was unleashed on its own defenseless people, slaughtering thousands and searing into our consciences forever one of the most enduring images of the 25th century, the picture of a lone man before a tank, bringing a line of tanks to a grinding halt.

Fifteen springs later, the spirit of Tiananmen lives on in the prison cells across China. Today, we once again call on Beijing to release the thousands of Tiananmen activists held to this day and all the prisoners of conscience whose only crime was to demand their basic human rights. The spirit of Tiananmen lives on in the exiles who fled their beloved homeland and who today carry on the struggle. In San Francisco, which I have the privilege of sharing representation with the gentleman from California (Mr. LANTOS), we are proud that many of these talented young people have enriched our community. But even as we observe their celebrations to our Nation, we work for a day when they may return if they so choose to their own nation, a free and democratic China.

For too long the United States has pursued a policy of trickle-down liberty. First, economic freedom and then they said political freedom will follow. The 15 years since Tiananmen have exposed this policy as the illusion that it is. For a billion Chinese, freedom remains a dream deferred. After all these years, journalists, activists, academics, workers and religious believers are still persecuted and, Mr. Speaker, tortured. As this 15th anniversary nears, Beijing is still harassing and arresting dissidents and families of the Tiananmen victims. Meanwhile, Chinese elites are enriched by global trade. And despite more than a decade of concessions from Washington, our trade deficit with China has grown from $2 billion a year to over $2 billion a week, to a dangerous $124 billion a year.

The highest tribute we could pay on this anniversary would be to use our political and economic influence to advance the reforms advocated 15 years ago.

Finally, the spirit of Tiananmen lives on in the hearts of the Chinese people, especially those in Hong Kong who have tasted freedom. In taking to the streets to demand democracy, the brave people of Hong Kong have been a stirring example to the world. On this anniversary, U.S. resolve in facing Beijing would send a clear message to democratic reformers throughout Asia. Democracy in Asia is as crucial there as it is in the rest of the world.

So it is that the spirit of Tiananmen endures and inspires. Tanks and troops may crush a protest, but they can never extinguish the flame of freedom that burns in every human heart.

Mr. Speaker, on this day with this resolution we say to the people of China, including the people of Hong Kong and freedom-loving people everywhere, your cause is our cause. We will never forget. We will never forget. And in doing so we reaffirm our commitment to a common dream: the day when the world's most populous nation can at last be called the world's largest democracy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her comments and for her leadership on this, and the prime sponsor of this resolution, the gentleman from California (Mr. COX). The Cox-Pelosi resolution before us is extremely important and very timely.

Mr. Speaker, in December of 1996 here in Washington, at the invitation of President Bill Clinton, General Chi Haotian, the Defense Minister of the People's Republic of China, the general who was the operational commander of the soldiers who slaughtered pro-democracy demonstrators in and around Tiananmen Square in June of 1989, said, "Not a single person lost his life in Tiananmen Square." According to General Chi, the Chinese Army did nothing more violent than, and I quote him, "pushing of people."

General Chi not only met with Mr. Clinton in the White House but was accorded full military honors, including a 19-gun salute and visits to military bases. Rather than getting the red carpet, Mr. Speaker, I would respectfully submit that General Chi should have been held to account for his crimes against humanity.

Mr. Speaker, to counter the big lie that he proffered right here in Washington, D.C., I quickly put together and chaired a hearing of eyewitnesses to Tiananmen Square, to the massacre, including several Chinese, a former editor of the People's Daily, and Time Magazine's Beijing bureau chief. We also invited General Chi or anyone else to testify before our committee from the government of China. They were no shows, although we left a chair for them.

One of our witnesses, a man by the name of Xuecan Wu, the former editor of the People's Daily, was singled out by Li Peng for punishment and got 4 years in prison for trying to tell the truth to his readers in Beijing. Mr. WU called General Chi's lie about no one being killed "shameless" and told my subcommittee that he personally saw at least, and I quote him here, "at least 30 carts carrying dead and wounded people."

Eyewitness Jian-Ki Yang, Vice President of the Alliance for a Democratic China, testified, and I quote, "I saw trucks of soldiers who got out and started firing automatic weapons at the people. Each time they fired the weapons, three or four people were hit, and each time the crowd went down to the ground. We were there for about an hour and a half. I saw 13 people killed. We saw four tanks coming from the square, and they were going very fast at a very high speed. The two tanks in front were chasing students."

Imagine that, Mr. Speaker, tanks chasing students.

He went on to say, "They ran over the students. Everyone was screaming. We counted 11 bodies."

Mr. Speaker, Time Magazine's David Aikman, another eyewitness said, and I quote, "Children were killed holding hands with their mothers. A 9-year-old boy was shot seven or eight times in the back, and his parents placed the corpse on a truck and drove through the streets of northwest Beijing on Sunday morning. 'This is what the government has done,' the distraught mother kept telling crowds of passersby through a makeshift speaker system."

Mr. Aikman went on to say in his testimony that "officials at the Chinese Red Cross reported 2,600 people dead, but then they too were ordered to keep silent and to deny that they had ever given out such figures."

Today, Mr. Speaker, 15 years after Tiananmen Square, after a brutal massacre, the Chinese government perpetuates General Chi's Orwellian fabrication that no one died. It is now clear that thousands died and approximately 7,000 were wounded. Fifteen years after Tiananmen Square, some 2,000 people remain incarcerated for peacefully advocating human rights. To be jailed by the Chinese, as we all know, means torture, humiliation, and severe deprivations.

Mr. Speaker, in the early 1990s, the gentleman from Virginia (Mr. WOLF) and I visited Beijing Prison Number 1, a bleak gulag where 40 Tiananmen Square prisoners were being unjustly detained. We saw firsthand the price paid by brave and tenacious individuals for peacefully petitioning their government for freedom. And it was not pretty. They looked like the walking skeletons of Auschwitz.

Mr. Speaker, we do not know how many of those are still languishing in prison. Some, perhaps all of them, are still there; but of the 20,000 originally arrested and detained, like I said, approximately 2,000 continue in the gulags and in the Laogai of China.

Mr. Speaker, let me say that, despite the hopes and expectation of some that robust trade with China would usher in at least a modicum of respect for human rights and fundamental liberties, the simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats millions of its own citizens. Moreover, China is the land of the one-child-per-couple policy, a barbaric policy that makes brothers and sisters illegal. Forced abortion, force sterilization and ruinous fines are routinely deployed to ensure compliance with this Draconian and utterly cruel family planning policy.

Mr. Speaker, according to the U.S. Department of State, the government's human rights record remains poor. They start off with that in this year's report. And the government continues, the State Department goes on to say, to commit numerous and serious abuses. The Country Reports of Human Rights Practices also went on to say that there was backsliding. It was already bad and now it is even getting worse, and the word backsliding was used. And abuses including killing, torture, mistreatment of prisoners and forced confessions are among those that have gotten worse.

Finally, let me say in April the Chinese government openly gloated over the defeat once again of a U.S.-sponsored resolution at the U.N. Human Rights Commission. I would say parenthetically, given the makeup of the Commission, the outcome came as no surprise. Rogue nations proliferate and are all over that Commission. They make a beeline for that Commission to mitigate human rights adherence and enforcement and bringing rogue nations to confront these abuses.

In one stunningly absurd statement, Chinese Ambassador Sha Zukang said the U.S. proposal and the resolution was done out of, and this is his words, "disappointment and jealousy."

I would just like to say to the Chinese government and to Ambassador Sha Zukang, we proposed it because we care and we are in solidarity with the oppressed and we want to hold the oppressor to account. Disappointment and jealousy? I do not think so. This is all about trying to help those who are under the cruel boot of the Chinese dictatorship.

Mr. Speaker, I participated in the meetings in Geneva, and I confronted the Chinese leadership in an open forum. I have to say they were amazingly inept, and they were unprofessional. All they could do during the course of the debate was to deny, to deny, and to deny and to question our motives. And then, when things were not going well for them, they abruptly ended the meeting.

Mr. Speaker, someday the good and honorable people of China will live in freedom; and I believe the martyrs of Tiananmen who have suffered unspeakable horrors at the hands of a government and were jailed and were wounded and murdered will be even more revered and honored for their sacrifice than they are today. This resolution honors those courageous champions of freedom and democracy. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

☐ 1845

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Let me first pay tribute to my good friend, the gentleman from New Jersey (Mr. SMITH), who has been such an indefatigable fighter for human rights across the globe and particularly with respect to China and Tibet.

Let me also recognize the enormous contributions to this fight of the gentlewoman from California (Ms. PELOSI), the Democratic leader, my friend and neighbor and colleague, representing San Francisco, and our distinguished colleague, the gentleman from California (Mr. COX).

Listening to my friend from New Jersey, I am reminded of a picture I have in my office as one enters, and that picture, one of the most precious photos of all times, shows a lone young Chinese man standing up to a line of tanks, defying totalitarian tyranny with courage and devotion to the principles that our Constitution was built on.

Mr. Speaker, 15 years ago today, China's senior leaders huddled behind the walls of their compound near the Forbidden City. They had a critically important decision to make, whether to reach out to the students and workers gathered in Tiananmen Square and address their concerns about party corruption and lack of democracy or seek to squash the movement with force, if necessary.

Sadly for the cause of freedom and justice and for the lives of thousands of young Chinese citizens, the leadership of China made the wrong decision. Instead of entering into a meaningful dialogue with those gathered in the Square, they launched a brutal crackdown on the democracy movement, killing thousands and imprisoning many more.

China's leaders hoped that the world would forget the tragedy of Tiananmen Square, but fortunately for the cause of truth the victims of Tiananmen had mothers, mothers who have kept alive the memory of their slain children and demanded an apology from their government.

For the past 10 years, Mr. Speaker, the Tiananmen Mothers Campaign has worked to document the brutal 1989 crackdown by collecting the names of real victims and recording their individual stories. In the face of enormous pressure from the Chinese Government, the Tiananmen Mothers have respectfully requested a government investigation into the massacre and a formal apology for this gross violation of human rights. For their bravery alone, these women deserve the Nobel Peace Prize, which I earnestly urge the Nobel Committee to award them.

The Chinese Government has responded by putting the Tiananmen Mothers under house arrest and prohibited them from marking the June 4 anniversary in an appropriate manner. Once again, the government has made a shortsighted decision, repression, not dialogue.

I am proud, Mr. Speaker, that the Congress of the United States stands today united with the victims of the Tiananmen massacre and with the families of the victims who will one day be feted as heroes in a free and democratic China. I wish that Europe would stand with the Tiananmen victims as well.

Instead, the European Union is running headlong towards lifting the arms embargo it imposed on China, along with the United States, after the Tiananmen killings. In their desperate quest to earn some euros from the arms trade, France and Germany are pressuring the rest of the European Union to open the floodgates of weapons sales to China.

Mr. Speaker, the weapons that the Europeans will sell to the Chinese will be used to intimidate those who wish to speak out for freedom and to kill those who refuse to be intimidated. These weapons may also be used against American forces some day if we are ever called on to defend Taiwan against an unprovoked attack by the mainland.

Mr. Speaker, the member states of the European Union appear to have lost their moral compass; and they have forgotten that developed, democratic nations must make policy decisions which benefit human rights and international security but may harm mercantile interests back at home. It is my hope that this June 4th the European Union remembers those who were sacrificed in and around Tiananmen Square 15 years ago and will refuse to yield to Chinese pressure.

With passage of our resolution, we will tell those who continue to battle for truth, justice and freedom in China that we have not forgotten their cause. I strongly support the passage of this resolution.

Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security. He is the prime sponsor of this resolution, and we appreciate his leadership on this issue and on human rights in China.

Mr. COX. Mr. Speaker, I thank the chairman for the time.

I thank the gentleman from California and the gentlewoman from California (Ms. PELOSI), who is the cosponsor of this resolution commemorating the 15th anniversary of Tiananmen Square.

That day in June of 1989 is, of course, remembered for the tragedy, but it should also be remembered as one of the high points in the progress towards democracy in human rights in the People's Republic of China. Because prior to the troops crushing the demonstrators and their message, the message had already spread all over China, and looked at in a grander scale of time, there is no question what ultimately can and must happen here. The troops may have won the battle that day against the Chinese people, but they will not win the war so long as we remember, and we will never forget. So we are today commemorating this anniversary of the Tiananmen Square massacre.

At the same time, we are supporting the people of China in their struggle for human rights. These democracy demonstrations that began in Beijing in April of 1989 spread quickly to other major cities and provinces throughout China. They were an inspiration to the world.

As Communist regimes were falling in Russia and East Germany and Poland, Romania, Latvia, Lithuania, Estonia, Ukraine, across Eurasia, the people of China were also seizing the moment to move to the next step in the development of their astounding civilization.

The statue of the Goddess of Democracy showed the world that China's glorious civilization and their extraordinary and wonderful culture for which we all owe a great debt of gratitude would advance still further in the 21st century so that the Chinese people would have a form of government worthy of that culture and that civilization. Finally, after centuries of feudalism, colonialism and foreign interference, the people of China would have genuine human rights, the freedom of association, the freedom of assembly, freedom of speech, freedom of religion, and the freedom to choose their own leaders.

When the Chinese Army injured or killed hundreds of unarmed civilians, some people insisted that this showed the true face of China, but, of course, it did not. The true face of China was shown in the statue of the Goddess of Democracy. The true face of China was shown in those demonstrations throughout the provinces and all the major cities in the country.

We want China to become a trustworthy member of the international community; and in some respects, certainly compared to cultural revolution and the reign of terror under Mao, things in China are much improved.

Yet contrary to the drumbeat sounded by some advocates of engagement, this resolution warns that China's willingness to engage in the world economy has not yet translated into evolution toward democracy nor even an improvement in the Chinese people's religious, human or worker rights.

I will never forget the audience I had with Jiang Zemin in the Great Hall of the People when I asked him, because they were then advertising the village elections that they were having as a step on the road to democracy, when might we have elections in China for a mayor or a city council. He said to me, not for at least 20 years. I still do not know to this day whether that is exactly what he said, because he might just as well have said not in my lifetime. It would have been literally a correct translation.

Here we are many years later, and there have been no steps towards that kind of authentic democracy. In fact, in Hong Kong, where that kind of democracy under the one-country, two-systems model is eminently possible and achievable and where the people of Hong Kong wish devoutly to achieve that result, Beijing has just insisted, in violation of their guarantee in 1997 of the high degree of autonomy to the people of Hong Kong, that there will not be universal suffrage and free elections for the chief executive or for a legislative council in 2007 and 2008.

With this resolution, Congress shows we remember and we will not forget. We insist that our country's China policy promote freedom, human rights and the rule of law, religious and political freedom, free expression, free trade and free markets.

Our long-standing friendship with China can only reach its full potential when the Chinese people enjoy these freedoms. These freedoms increasingly flourish along China's borders. Peace and security for the Chinese people and all their neighbors are essential preconditions for true political, social and economic progress.

Mr. Speaker, the PRC cannot seek a spirit of cooperation between our governments, as they claim to want during a recent visit by Vice President CHENEY, and at the same time so horribly mistreat their own people. Americans, as friends of the people of China, are happy to hear words about the PRC's government's commitment to human rights. We are happy to see their proposal of new amendments to their constitution further guaranteeing these human rights, but unless these words are reflected in deeds, they are meaningless.

The reflections published in the Wall Street Journal today by Wang Dan, one of the leaders of the 1989 Chinese democracy movement, were poignant. He said, "It is clear to me as never before that the Tiananmen massacre was an unavoidable step in the long path to a free China and that true political reform can never come from within the Communist Party."

□ 1900

He lamented that "Communist leaders, be they conservatives or reformists, are all wedded to retaining the current political system, complete with its problems such as corruption and lack of accountability. And far from easing its iron grip on all forms of political dissent, the new leadership now seems intent on extending it to Hong Kong."

It is striking, with all of the progress that we have seen in other areas, that the current Communist Party leaders in China have repudiated nothing that happened 15 years ago. As Wang Dan points out, that is because they understand "that reevaluating the official description of the 1989 movement as counterrevolutionary would shake the foundations of the Communists' grip on power."

Is it not a terrible irony that the current leaders of the People's Republic of China have their power because of the system that was enforced through these brutal means in 1989.

One of the demonstrators, one of the organizers of what happened in Tiananmen Square, a student at the time, is now Dr. Yang Jianli. He and his wife and his two children have lived here in America for many years because he suffered under the punishment, as so many Chinese freedom fighters, democracy activists do of exile. It is a horrible form of punishment. You can never go back to your own country again. So he was banished and lived here in America.

He decided that he wanted to go back to China; and when he set foot in the country, he was arrested. He has been in jail, held incommunicado, held without access to legal counsel or any of the legal rights guaranteed him even under PRC law, for the last 2 years. His children have not seen their father. His wife, Christina Fu, is well known to many of us here because she has helped us enact resolutions that this Congress has passed in a show of support for the basic human rights that any human being, and certainly this American resident, is entitled to. His crime, of course, was supporting freedom and democracy. It has been nearly a year since the House of Representatives enacted House Resolution 199 by a unanimous vote of 412 to nothing.

This legislation condemned and deplored the detention of Dr. Yang Jianli and the lack of due process afforded him. It called on the Government of the People's Republic of China to release him immediately and unconditionally. The Bush administration has made the release of Dr. Yang one of its most important priorities, and the Vice President raised this at his recent summit. Yet the PRC has continued to violate its own law and to act without regard to international condemnation.

In 2003, the United Nations, through its Working Group on Arbitrary Detention, which I should point out is a group that includes Algeria, France, Paraguay, Hungary, and even Iran, a very diverse group, concluded that in this case continuing to hold Dr. Yang is a violation of the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. The U.N. working group clearly and specifically declared that Yang Jianli's detention was illegal.

It is not just that he is being detained; it is that he is being abused. He is being virtually deprived of his human rights even as a prisoner. Not only was he arbitrarily placed for lengthy periods in solitary confinement; he was handcuffed for so long that his wrists bled. He was denied access even to books, newspapers, not to mention a lawyer.

Releasing Dr. Yang would be a small, but important, gesture that the Communist Government had learned something since Tiananmen Square. No such gesture, Mr. Speaker, has come.

As we remember Tiananmen Square, we must remember that there are many, many cases like Dr. Yang's. In fact, there are many, many cases of those who were murdered, tortured, and who are still in prison today. We must remind the dictators of the world yet again that individual freedom of expression is no mere internal affair of a government. It is a human right shared by all peoples and recognized by all civilized nations.

Mr. Speaker, I strongly support the passage by this House of this important resolution marking this sad anniversary, but this joyful anniversary that eventually will see freedom in China.

Article 19 of the United Nations' Universal Declaration of Human Rights explicitly guarantees the freedom to "receive and impart information and ideas through any media regardless of frontiers."

According to Amnesty International, a growing number of Chinese people are being detained or sentenced for peacefully expressing their views or downloading information on the Internet. The detained include students, political dissidents, Falun Gong practitioners, workers, writers, lawyers, teachers, civil servants, former police officers, engineers, and businessmen.

Signing online petitions, calling for reform and an end to corruption, planning to set up a pro-democracy party, publishing "rumours about SARS," communicating with groups abroad, opposing the persecution of the Falun Gong and calling for a review of the 1989 crackdown on the democracy protests are all examples of activities considered by the PRC's dictatorial regime to be "subversive" or a danger to "state security." Such charges almost always result in prison sentences.

China is also renowned for aggressive censorship of the Internet. Web sites of human rights organizations, and numerous international news sites are regularly blocked by government-controlled routers.

There is a role for the United States to play in this fight for free expression. We can promote the exchange of ideas and disseminate accurate information. Our efforts to do so behind the Iron Curtain were instrumental in empowering citizens living under Soviet Communist rule. It is now time to focus our efforts on a different Communist regime and a new technology.

The ability of people around the world to freely access news and information via the Internet may be the greatest threat to tyranny and the most powerful weapon possessed by free people that we have seen in our lifetimes. Indeed, Internet access is rapidly expanding in China. According to official statistics, the number of Internet users had risen to 79.5 million by December 2003 from 59.1 million users in December 2002—an increase of 34.5 percent.

But, just as Communist governments during the Cold War sought to keep uncensored news from their people by jamming Radio Free Europe and Radio Liberty, the government of China today retains strict control over the information Chinese citizens can access on the Internet. During the past few years, Beijing has passed sweeping regulations that prohibit unauthorized news and commentary on Internet sites, and officials arrest and imprison those who violate these laws. Authorities in China routinely block websites they believe a danger to their hold on power, including those of dissident groups and foreign news organizations, like the Washington Post, the New York Times, the BBC, and the Voice of America.

Dictatorial regimes like China have been aggressively blocking access to the Internet with technologies such as firewalls, filters, and so-called black boxes. In addition, these oppressive governments monitor Internet, email, and message boards for key words. They also develop lists of users who visit particular sites, and when they believe that a web user or publisher is a threat to their power, they don't hesitate to act on this information.

According to Human Rights Watch, Chinese web publisher Huang Qi, after enduring a 3-year detention, was finally sentenced last summer to 5 years in prison for the crime of subversion. What was he publishing? The online equivalent of our milk carton notices about missing persons. He had dared to create a website at which people could share information about missing friends and family members and he actually helped rescue several young girls who had been abducted and sold into marriage. Because his site also featured criticism of several state-run agencies, he now spends his days in prison.

The U.S. private sector is developing a number of technologies to combat Internet blocking. Unfortunately, the U.S. government has contributed few resources to assist these efforts and to put the new technologies to use.

That is why I joined Congressman TOM LANTOS, Senator JON KYL, and Senator RON

WYDEN in authoring H.R. 48, the Global Internet Freedom Act, which would create a new Office of Global Internet Freedom within the International Broadcasting Bureau. The Office would develop and implement a global strategy to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet. The Foreign Relations Authorization Act, which passed the House on July 16, 2003 but has been stymied by the other body, authorizes $8 million per year for the Office of Global Internet Freedom.

With the Global Internet Freedom Act, within the larger State Department bill, Congress can authorize $8 million annually to the proposed Office of Global Internet Freedom so that the U.S. can devote more resources to ensuring worldwide access to information and give those who strive for true freedom the tools they need to outwit the thought police.

The Chinese people certainly still need these tools, because the thought police in Beijing have obviously not learned from the SARS tragedy. While some might have hoped that this deadly lesson would lead to greater openness on the part of the regime—and perhaps some restraint in its ongoing campaign to block the free exchange of information via the Internet and other media—recent events suggest that the tyrants of Beijing are moving in the other direction.

Despite the early release of several high-profile Tibetan dissidents, suppression of political dissent and restrictions on religious freedom continue throughout Tibet and neighboring areas of the PRC. According to the Tibet Information Network, those early releases were quickly off-set by further arrests of Tibetan dissidents in other Chinese provinces. For instance, a popular singer was detained in March 204 because of the political content of his songs, and in February, a young monk was arrested at his monastery for possessing a photograph of the Dalai Lama.

Meanwhile, in northwest China, the international war against terrorism is used to justify harsh repression in Xinjiang, home to China's mainly Muslim Uighur community. Several mosques have been closed, use of the Uighur language has been restricted and certain Uighur books and journals have been banned. The crackdown against suspected "separatists, terrorists and religious extremists" intensified following the start of a renewed security crack-down in October 2003. Arrests continue and hundreds of dissidents remain in prison.

Members of unofficial spiritual or religious groups, including some Qi Gong groups and unregistered Christian groups, continue to be arbitrarily detained, tortured and ill-treated. Detained Falun Gong practitioners, including large numbers of women, are at risk of torture, including sexual abuse, particularly if they refuse to renounce their beliefs.

It is fitting that, as we debate this resolution, the Victims of Communism Memorial is nearing construction on Capitol Hill. The Memorial, which will commemorate this struggle by paying tribute to more than 100 million victims of Communist atrocities around the world, will prominently feature a replica of the Goddess of Democracy statue created by pro-freedom activists in Tiananmen Square, in addition to an eternal flame to the victims of Communism and bronze panels with quotes from heroes of the Cold War.

Wang Dan said, "The 1989 student movement played an invaluable role in pointing out the path to democracy in China. Without it, we would still be clinging to the myth that a small group of enlightened Communist officials could rescue China from totalitarian rule. Instead we have learned from our mistakes that year, and realized that China's democratization must be a bottom-up process, driven by forces outside the Communist system."

Today, on a bipartisan basis, Congress stands united in support of freedom for the people of China. Fifteen years ago, Tiananmen Square marked not only a tragedy, but a decisive turning point in the fight for freedom. People's Liberation Army troops won the battle against the Chinese people that day, but they will surely lose the war to imprison the human spirit—because we will never forget. The day will soon come when all of the Chinese people will have the right to speak and debate freely. The hope symbolized by the Goddess of Democracy will ultimately triumph.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to my good friend, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to thank, first of all, the sponsor of the resolution, the gentleman from California (Mr. COX), for a very eloquent statement, and my good friend and colleague, the gentleman from California (Mr. LANTOS), for his very eloquent statement and for a long-standing commitment to human rights in China, as well as everywhere else in the world where those rights are abridged.

I just want to make a couple of points very briefly. I would hope that every Member, and I am sure they will by the time this is voted upon with a recorded vote, probably tomorrow, to read, those who have not read the full text. And I commend the maker of this resolution, the gentleman from California (Mr. COX), for being so comprehensive not just in the whereases but in the operative clauses.

He mentioned, I think a moment ago, about the Tiananmen mothers. They sent videos to Geneva to the U.N. Human Rights Commission. And because they presented a video to those who were there supposedly gathering information about human rights abuses anywhere and everywhere in the world where there is abuse, for that these Tiananmen mothers were not only arrested, and were subsequently, we understand, let go, but they now are being watched.

These are the mothers who have lost loved ones, sons or daughters, in Tiananmen Square and the days that followed. And the burden they carry having lost their loved ones is only exacerbated by the cruelty of the mothers now being harassed by the dictatorship in Beijing.

The resolution also calls for the release of Dr. Yang Jianli, another veteran of the Tiananmen Square protest of 1989, who has been illegally detained in China for over 2 years, so that he may be reunited with his wife and two children in the United States. It is time to let Dr. Yang go, and I hope that the Chinese get that message very, very quickly from what I hope will be a very bipartisan support for this resolution.

It also calls upon nations participating in the 2008 Olympics to use the opportunities created by the games to urge China to fully comply with the United Nations Declaration of Human Rights. I would remind my colleagues that when the Chinese wanted the Olympics 2000, they let out some very prominent dissidents, including Wei Jingsheng. I happened to be in Beijing on a human rights trip when he was let out. I met with him. When they did not get the Olympics, they went back and rearrested him and put him back into the Laogai and into the gulag in China. A very cynical approach.

This time they got the Olympics, and they did nothing whatsoever to deserve them. So, hopefully, the venue of the 2008 Olympics will be used by those who care about human dignity and human rights to raise these issues very substantively.

There is also the issue of asking for the establishment of a June 4 investigation committee. There has been an absolutely absurd whitewash of what happened the day of June 4 and the days that subsequently followed as a result of the Tiananmen Square massacre and all of the killings that occurred afterwards. The Chinese Government has made part of their three noes, or nonmentionables, the idea you cannot even mention Tiananmen Square; and if you do, you will suffer their brutality.

This is a very, very important resolution. Again, I want to thank the gentleman from California (Mr. LANTOS) for his graciousness in yielding this additional time to me. We have no further speakers, and I yield back to the gentleman.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

This Congress always does its best work when it stands united. On this issue, my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. COX) and the gentlewoman from California (Ms. PELOSI), and I stand shoulder to shoulder in striking a blow for freedom for the Chinese people.

Mr. SOUDER. Mr. Speaker, over the past couple of months, I have been working with the Victims of Communism Memorial Foundation as they and the National Park Service have searched for a suitable location for the Victims of Communism Memorial here in our Nation's Capital. The memorial, authorized by P.L. 103–199, will honor over 100 million victims of communist atrocities around the world.

With a death toll greater than that of all of the wars of the 20th century combined, communism has cast a shadow of terror from Berlin to Beijing, from Hanoi to Havana. The struggle of men and women against communism in these and other places must not be forgotten. As the world's leader in challenging Communist oppression, the United States cannot afford to forget the cost of communism and the reason for our struggle against it.

The Victims of Communism Memorial will commemorate this struggle by paying tribute to those who have lost their lives to Communist tyranny. An enduring reminder of their sacrifice, the memorial will stand as a testimony to future generations of Americans, a solemn remembrance of the lives lost to Communist oppression and of the purpose of our Nation's fight against communism and for the cause of freedom.

This story is not only an international story but also an American story. An estimated 26 million Americans trace their origins to former Communist countries.

The Victims of Communism Memorial Foundation has designed a memorial featuring a replica of the Goddess of Democracy statue created by pro-freedom activists in Tiananmen Square, including an eternal flame to the memory of the victims of communism and bronze panels with quotes from heroes of the cold war. This design is still pending approval of federal commissions.

The Chinese Embassy recently contacted the National Park Service to express objection to the design's use of the Goddess of Democracy statue, stating that it is an "anti-China sign." This week, as we remember the fifteenth anniversary of the tragic events in Tiananmen Square and the democracy protestors who stood their ground there, we remember the importance of that statue—not as a symbol that is "anti-China" but as one that is pro-democracy and pro-freedom. That statue represented the hopes of a people for democracy and freedom in their land. Their courage and sacrifice in standing firm in these hopes have inspired people around the world. A replica of their Goddess of Democracy statue will be a fitting element of the memorial commemorating the millions who have struggled against communism and for freedom.

H. Res. 655 condemns the crackdown of those who stood for these freedoms in Tiananmen Square. With the Victims of Communism Memorial, we look to honor all who have suffered as they stood for freedom in the face of Communist tyranny. I urge my colleagues to support these efforts.

We here have the great blessing of living in a country built on the ideals of democracy. We do well to remember that there are others in the world who have not enjoyed the same freedoms. May we never forget their suffering nor take for granted the "land of the free" in which we live.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATIONS TO LACROSSE PROGRAM AT UNIVERSITY OF VIRGINIA

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, I rise today to congratulate the lacrosse program at the University of Virginia. The Virginia Cavaliers' women's lacrosse team recently won the 2004 national championship, following the 2003 national championship of the men's lacrosse team. Both programs are outstanding and their championships stand as a testament to the skill and hard work of the University of Virginia's athletes, coaches, trainers, and staff.

I know that the University of Virginia is honored by both its men and women's lacrosse teams. I am proud to say that the 2004 women's lacrosse championship belongs to the University of VA from the Fifth District of Virginia.

TRIBUTE TO LANCE CORPORAL ANDREW ZABIEREK, USMC

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I rise today in honor of a true hero, Marine Lance Corporal Andrew Zabierek, who gave his life in service to our country.

Lance Corporal Zabierek died tragically on May 21, 2004, while serving on duty with the 2nd Marine Division, 2nd Marine Battalion, Third Platoon near Baghdad.

At the funeral service for Lance Corporal Zabierek on May 29 at Saint John's Church in Chelmsford, Massachusetts, Mark Zabierek delivered an eloquent tribute to his brother that touched me and others who were present. He described the lifelong dedication that Andrew gave to his beloved family and friends and the supreme sacrifice he made in service to his country.

Mark Zabierek's touching eulogy to Andrew should be of interest to all of us here. I will read an excerpt and ask that the statement be included in the RECORD in its entirety:

"In an age where many people's idea of patriotism and civic responsibility are diminished by a sense of materialism, I was touched that my brother put his life on hold to join a service that most certainly would have brought him to the thick of the fighting overseas. He abandoned any other professional and personal designs to embrace a culture of service to his country and to our flag which now, tragically, drapes his coffin."

Mr. Speaker, I think we all should take a moment to recognize Lance Corporal Zabierek. Andrew died fighting for the country he loved, alongside his comrades he respected. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, the full eulogy given by Andrew Zabierek's brother Mark is as follows:

EULOGY FOR LANCE CORPORAL ANDREW ZABIEREK, USMC

(By Mark J. Zabierek)

I've always looked up to my bother, Andrew. From when we were young he was my role model, my hero, my friend. I wanted to be just like him, do everything he did. He had a rare sense of honesty and empathy that I could only try to emulate. Even in later years, if we fought, as brother's do, there was nothing said between us that could erode my love for him. I truly admired who he was as a person and the depth of his consideration for others.

In the wake of September 11th, as he pondered joining the military, my family sometimes didn't understand why a college graduate so gifted as my brother would want to enlist for a nominal wage and risk losing what would have been such a full life. Simply, my brother was special. He wanted to be a part of something bigger than himself. He wanted to serve and honor and protect the things that he held dear in life. His sense of justice didn't enable him to accept that others would go to war for him to fight and die in his stead.

I was indescribably proud of Andrew when he decided to serve in the Marine Corps. He had a brilliant intellect and talents too abundant to mention that he left to serve a higher calling. In an age where many people's idea of patriotism and civic responsibility are diminished by a sense of materialism, I was touched that my brother put his life on hold to join a service that would most certainly bring him to the thick of the fighting overseas. He abandoned any other professional and personal designs to embrace a culture of service, service to his country and to the flag which now, tragically, drapes his coffin.

For Andrew and me, all our lives our flag was a symbol of hope, freedom, and purity. Now this flag also will remind our family profoundly of the loss of Andrew and the sorrow that comes from realizing the cost of the ideals he and I grew up cherishing. Sadly, our family will forever feel the burden of the sacrifice that enables our flag to fly.

Andrew's desire to serve, as I've said, came from a sincere longing to better the lives of the people around him, but even he couldn't have imagined just how many lives he has touched. The support, kindness, and sympathy of family, friends, this congregation and this community would have shocked my brother who was humbly unaware of the extent of the loving spirit of the people among him now. My family and I can never truly express our thanks, nor repay your altruism.

Andrew is deeply mourned in his death, but was incredibly loved in his life. We come from a large family, all who cherish the memory of Andrew. He embodied the best qualities of my parents and grandparents who loved him perfectly and completely. He had my mother's tenderness and faith and my father's honesty and humor. He had an impeccable sense of right and wrong and a heart filled with immeasurable compassion.

He never met cruelty with hatred, never met sorrow without sympathy, and we know he met death with courage and dignity.

That was our Andrew, my brother. He was kind, noble, and he was loved. We know that love will lift him up to a better place at God's right hand, and his spirit and grace will be part of us for all our lives, never to be forgotten.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TALE OF TWO ECONOMIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, during the past 3 years, we have seen a tale of two economies and an unprecedented redistribution of wealth in this country resulting in one economy for the middle-class families and one for the special interests. While there have been profit booms for corporations and a compensation boom for CEOs, there is a growing wage and benefits recession for the middle class of this country.

□ 1915

To those who say redistribution of wealth is wrong, I agree. Whether you redistribute wealth to the top 1 percent or the bottom 25 percent, that is wrong. Middle-class families are dealing with an economy that has a wage-and-benefit recession, all the while they have increasing health care costs, college costs, job insecurity, and retirement uncertainty associated with their savings.

While this administration creates tax loopholes for corporate jet use, leaving the taxpayers to pay for billions of dollars in corporate jet use, they have frozen college assistance to middle-class families. This is the essence of class warfare. As famed investor Warren Buffett once said, "If class warfare is being waged in America, my class is winning."

A report last month by Bloomberg in the Chicago Tribune showed U.S. corporate profits increased by 87 percent in the last 2 years. Average CEO pay got a big boost of 8.7 percent, while salaried employees saw the most anemic wage growth since World War II, 1.7 percent.

Bill McDonough, former chairman of the New York Fed and now chairman of the Public Company Accounting Oversight Board, describes the gap between CEO and worker pay as "grotesquely immoral." I think we can all agree that the former chairman of the New York Fed is not exactly a flaming socialist or liberal. He also noted that, in 1980, CEO pay was 40 times higher than the average worker's. Today, it is 400 times higher. I think he sums it up best, "I know a lot of CEOs from the 1980s, and I know a lot of CEOs from 2000, and they are not 10 times better than the CEOs of 1980."

At every turn, this administration tells us the economy is humming along. That may be true in the executive suites and the boardrooms, but the other economy has created the largest income disparity since the turn of the century, and today middle-class families are facing a harder time to pay for college costs, health care costs, and retirement security at the very time in which they have had nothing but an anemic wage growth.

David Rosenberg, chief economist at Merrill Lynch, said, "The income from the recovery has been locked up in the corporate sector. We have had a redistribution of income to the corporate sector."

The concentration of wealth has been accelerated by the President's economic and tax policies. A study cited by New York Times found that Americans are being taxed more than twice as heavily from earnings from work as they are from investment income, even though more than half of all investment goes to the wealthiest 5 percent of taxpayers.

While this administration has been cutting taxes for the wealthy, the rest of America have been literally going from paycheck to paycheck. Health care costs have gone from $6,500 for a family of four to $9,000 in less than 2 and a half years. College tuition costs increased in the year 2001 by 10 percent; 2002 by another 11 percent; and last year, 14 percent, all the while Pell Grants and other assistance for college have been frozen. $180 billion has been lost in 401(k) net worth and savings plans, and we are putting a squeeze on middle-class families.

What we face today is the end of the middle class as we know it. We ended welfare as we know it because it was a failed system. This administration has an economic policy that is ending the middle class as we know it. As President Bush seeks reelection, he can say he has kept his commitment to the wealthiest of America, and the other 99 percent has made out just as he planned.

This administration has two books, two sets of values, two sets of priorities, a single economic strategy that divides a country along class lines. If we want to live in a country without class divisions, we cannot deny middle-class families the same dreams of affordable health care, quality education, and a safe place to live that the most fortunate in this country have today. A government that pays no heed to that gap between the rich and the middle class does so at its own peril. To quote Supreme Court Justice Louis Brandeis, "We can either have democracy in this country or we can have great wealth concentrated in the hands of a few, but we cannot have both."

ORDER OF BUSINESS

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to utilize this time for my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TRIBUTE TO HON. STAN W. CLARK OF OAKLEY, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to pay tribute to a man of principle and faith who nobly devoted his energies to the service of others. Today, we mourn the death of Kansas State Senator Stan Clark of Oakley, Kansas, who was tragically taken from us as a result of a vehicle accident this past Saturday.

I had the honor of serving alongside Stan Clark in the State Senate for 2 years of his decade of service. As I and many of his colleagues will attest, Senator Clark was unwavering in his pursuit of issues based upon principle. He deservedly earned a reputation for being a conscientious and dedicated legislator. As peers, we valued his thoroughness in considering each piece of legislation and his deliberate, detail-oriented analysis of policy affecting his constituents. He always knew more about pending legislation than any other member of the State Senate.

Stan dedicated himself to public service on behalf of Kansans, and especially those who call northwest Kansas home, and he did it with conviction and purpose. The fact that Senator Clark sought elective office is in itself unusual. He had to convince the leadership of the Dunkard Brethren Church that public service was an appropriate calling for a Christian, for his church firmly believed that a person must not be conformed to this world. I cannot imagine a congregation that can be more proud of a decision to allow a member of their church to pursue public office. Stan did not conform to the things of this world but worked to transform the world and to perfect the will of God.

A lifelong Kansan, Stan was always true to his roots. He lived a life guided by the morals and values we in Kansas hold dear. He was motivated to do the right thing in each and every circumstance. In today's partisan arena where there is too much Republican this and Democrat that, Stan put people above politics. Although Stan was not always able to convince everyone of the rightness of his position, nor was he always in the majority when the votes were cast, he treated every person with dignity and respect.

His humility and his warm, genuine grin, which originated deep within his heart, won him the love of friends and the respect of opponents. He lived his life striving to follow Paul's instructions in Romans 12:

> "Let love be without hypocrisy. Abhor what is evil. Cling to what is good. Be kindly to one another with brotherly love, serving the Lord, rejoicing in hope, patient in tribulation, continuing steadfastly in prayer, given to hospitality. Do not set your mind on high things, but associate with the humble. Do not be wise in your own opinion. Repay no evil for evil. If it is possible, live peaceably with men. Do not be overcome by evil, but overcome evil with good."

In a speech just a few days before his death, addressing those gathered at a Vietnam moving wall displayed in his hometown of Oakley, Kansas, Stan told his neighbors his thoughts about death and as a result his thoughts about life. These are his words.

> "Thinking about death produces a true love for life. When we are familiar with death, we accept each day and each week as a gift. This acceptance helps us to see all human life as priceless. Only when we are able to accept life, bit by bit, does it become precious. Only this awareness of death creates true inward freedom from material things. When we look death in the face, we overcome ambition and greed and the love of power and the fear of losing material things. When we look at ourselves, we realize how weak and misguided we can be. If we have not had the thought of death, we cannot achieve an inward freedom to live. When we bury death's control over our own lives and experience freedom and peace of mind, life becomes a gift that we can share with others."

After his commitment to his faith, most important to Stan was his family. He devoted endless love and attention to his wife, Ruth, and their son, Will. Most common was Stan's dedication to balancing public responsibilities with a commitment to quality time shared with his family.

Today I join his many friends and admirers in extending my deepest sympathies to Ruthie and her family during this time of loss. Stan, you will be greatly missed by me, by my family, and by our many friends and your constituents, but he who does the will of God abides forever.

HOW COULD BUSH ADMINISTRATION HAVE BEEN SO WRONG ABOUT IRAQ?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, a question that should be asked here in Congress but there is resounding silence from the majority because they do not want to embarrass the Bush administration is how could the Bush administration have been so wrong about Iraq? How could they have been so wrong about the nonexistent weapons of mass destruction, about the nonexistent mobile biological warfare laboratories, about the fantasy that American troops would be greeted with flowers and there would be an immediate transition to a robust democracy in Iraq, so, therefore, there would be no need for a robust force post-war to keep the peace, no need for body armor for the troops or armored Humvees.

And, in fact, the administration fired the head of the Joint Chiefs of Staff because he did not believe that stuff and said we would need 300,000 troops or more to maintain the order. Of course, he was right; they were wrong. But how could they be so wrong?

I guess you could be wrong if you took your intelligence from a convicted fugitive, bunko artist, bank embezzler, and that was the chief source of intelligence and information for this administration. Despite the fact that the CIA severed all ties with Mr. Chalabi 7 years ago, despite the fact that the State Department rejected Mr. Chalabi quite some time ago, the Bush principals involved in planning and executing this war, particularly Mr. Wolfowitz who was one of Mr. Chalabi's dearest friends and compatriots, believed Chalabi over their own CIA, over the people at the State Department and in other intelligence agencies.

They said, oh, no, Ahmad, he is telling us what is really going on in Iraq. He is giving us good information.

In fact, Chalabi was invited to a meeting of the Defense Policy Board 9 days after September 11, and he said, hey, skip Afghanistan and go into Iraq. Luckily, that initial advice from Mr. Chalabi was ignored. But at the same time he began building the case that there would be no guerrilla warfare and there would be quickly a new democratic government with him as its chosen head and that showers of flowers would come upon the troops and Mr. Chalabi and others.

He was close and met with Condoleezza Rice, Vice President CHENEY and Secretary Wolfowitz. Mr. Chalabi, despite the protestations of this administration and all attempts to hide their ties to him, was provided $39 million for his phoney intelligence by this administration, $340,000 a month in a stipend that continued even after his lies regarding weapons of mass destruction and the post-war environment in Iraq. Even then the administration continued to give him $340,000 a month.

He was flown into Iraq before the war was over by the Pentagon with the idea that he was going to become the new anointed president and leader. They had to quickly evacuate him when they found out that the Iraqi people did not think as much about this convicted bunko artist, fugitive, bank embezzler as did the CIA and others. They basically ran him out of the country until the U.S. established control.

He is, of course, not repentant about the bad information he gave us. He said, "As far as we are concerned, we," meaning he and the other fraud members of the INC, "have been entirely successful. Saddam is gone, Americans are in Baghdad, and what we said before is not important," and that is all of the lies he told us.

He went on to say the U.S. intelligence agencies are at fault because intelligence people are supposed to do a better job for their country and did not do such a good job. That is Mr. Wolfowitz and others who believed his lies were at fault, according to Mr. Chalabi, not he or the others who lied to us, misled us, and caused death of American troops and a lot of chaos in Iraq.

Now the director of DIA testified in March that all of the intelligence he gave us was either fabricated or embellished. The National Intelligence Council now says the intelligence was useless. Of course, his money was cut off last month. But, unfortunately, he did more damage than even that.

He has compromised the U.S. dramatically in the Middle East. As we see today, a headline story in the New York Times, "Chalabi reportedly told Iran that the U.S. had broken their code" which will mean incredible problems for the United States in gathering intelligence in that region where we already had scant resources.

□ 1930

Now the Bush administration, Mr. Wolfowitz and others, are trying to pretend like they never met this guy before. They did not give him $36 million, they did not base their war strategy on his phony intelligence, and they are not "best buds."

Well, you are judged by the friends you keep, and they cannot separate themselves from this. It has caused tremendous harm to our country, and those in the Bush administration who pushed Mr. Chalabi's information should be held to account. It has caused deaths of American troops.

CREATING A SENSIBLE, MULTILATERAL, AMERICAN RESPONSE TO TERRORISM

The SPEAKER pro tempore (Mr. FEENY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in their public speeches about the war in Iraq, President Bush and Vice President CHENEY often invoke the notion of sacrifice and responsibility. They insist that every American support their war in Iraq, and those that do not are labeled un-American, traitors, even treasonous.

According to this model, then, it follows that the White House would encourage patriotic, trustworthy companies to carry out the reconstruction of Iraq's war-torn infrastructure, their schools and hospitals, public buildings, roads and more. But that is just not happening.

Halliburton, which has been awarded reconstruction contracts left and right, does not seem terribly motivated by Bush and CHENEY's notion of sacrifice and responsibility. Perhaps all those no-bid contracts have gone to their heads, or perhaps Halliburton is still reeling from the fumes of the millions of gallons of gasoline it has been contracted to import into Iraq, one of many hefty contracts specifically coordinated by DICK CHENEY'S office.

You may recall that Vice President CHENEY is the former CEO of Halliburton. The problem is that, once again, the Vice President has lied to the American people about his involvement with his old employer, an employer that still pays him nearly $200,000 each year in deferred salary and with whom he holds nearly 500,000 company shares.

On September 4 of last year, Vice President CHENEY said on "Meet the Press," "As Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form of contracts let by the Corps of Engineers or anybody else in the Federal Government."

But that statement deeply contradicts an internal Pentagon e-mail obtained by Time Magazine, sent by an Army Corps of Engineers official on March 5, 2003, stating that the Vice President's office specifically coordinated a recent multibillion dollar contract in Iraq with Halliburton. That is the Vice President's office.

The e-mail specifies that Undersecretary of Defense Douglas Feith had appallingly "coordinated" the contract with the Vice President's office.

I wonder if Vice President CHENEY's coordination of lucrative contracts for his former employer appeals to the same high patriotic standards that he regularly invokes for the rest of us in his speeches. Or perhaps there is a double standard at work, a policy of patriotism when it is convenient, and another policy of sheer greed and selfishness when Halliburton comes knocking on the door with its $200,000 in annual deferred salary for the Vice President.

There has to be a better way, because the Bush doctrine of cronyism has been tried; and it has failed utterly. It is time for a new security strategy, one that emphasizes brains instead of brawn, depends on quality and sincerity in all business negotiations, and one that is consistent with the best American values.

I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships that control the spread of weapons of mass destruction with a renewed commitment to nonproliferation; and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and education.

The United States can no longer afford foreign presidents watching as our national leaders reward their buddies with contracts worth billions of dollars and then turn around and call dissenters unpatriotic and un-American. Instead, let us rely on the very best of America, our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Let us be smart about our future. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe.

WASHINGTON WASTE WATCHERS REPORT ON USDA WASTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again today as a member of the Washington Waste Watchers, a Republican working group dedicated to rooting out rampant waste, fraud, abuse and duplication in the Federal bureaucracy.

Despite the major economic recovery that is under way, despite more new jobs and historic rates of homeownership, Democrats keep demanding that we take tax relief away from American families. Take away the tax relief that is responsible for the unparalleled growth in our economy, the tax relief that is creating jobs, the very same tax relief that has actually added revenues to our Federal Treasury. That is right, the Treasury Department reports that revenues are up due to tax relief-generated economic growth.

When it comes to the Federal deficit, Mr. Speaker, our fiscal challenges lie on the spending side, not on the taxing side; and that is where we must focus our attention. And by any measure, spending is out of control in Washington. For only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per family. This is up from just $16,000 just 5 years ago. This represents the largest expansion of the government in 50 years. Since I have been alive, the Federal budget has grown seven times faster than the family budget.

Clearly we have a spending problem, not a taxing problem. Now is not the time to raise taxes on American families, as so many Democrats seek to do; but it is time to take the trash out in Washington, the waste, the fraud, the abuse, the duplication.

Let me give you just a few typical examples we found recently in just one government department, the Department of Agriculture. The Office of Rural Rental Housing made $4.4 million in rental subsidy overpayments in just one State simply because they could not verify the income of the recipients.

Can you imagine going to a bank or an automobile dealer and having them just hand out a loan without verifying your income? Do they not typically ask for a pay stub or a tax return? It is only common sense in the rest of America, but apparently not with many Federal bureaucrats. And Democrats want to raise our taxes to pay for more of this? $4.4 million of the people's hard-earned money squandered. That is enough money to fully armor 142 Humvees in Iraq.

Because the Rural Utility Service will not allow water and waste projects to be funded by both government grants and private loan sources, American taxpayers paid for more than $85 million of unnecessary grants over a 4-year period. This same agency made loans totaling about $100 million to projects that could have been financed with private credit. Instead, taxpayers, American families, were forced to finance them. This policy does not make any sense, yet Democrats want to raise our taxes to pay for more of this? That $85 million in unnecessary grants could have been used to purchase over 53,000 Kevlar vests for our troops in Iraq.

Mr. Speaker, almost everyone believes that we should help provide adequate nutrition for the neediest Americans; but because a food stamp program State agency in the Midwest did not provide oversight over its field offices, and because they had not performed a management review in over 7 years, almost $2 million in Federal funding was improperly spent on administration of the food stamp program in the year 2000. That money could have bought 720,000 gallons of milk for food stamp recipients in Indiana.

Mr. Speaker, can you imagine starting up a small business and not reviewing your finances for over 7 years? My guess is the business would go bankrupt. Yet Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, this is just the tip of the iceberg. The list goes on and on and on, and so does the waste, the fraud, the abuse and duplication. It has been going on for decades.

Republicans are working hard to root out the waste of American tax dollars, but too often our Democrat colleagues keep fighting us every step of the way. Last year, the Committee on the Budget approved a budget asking for authorizing committees to identify just 1 percent, just 1 percent, of waste and fraud and abuse within their budgets. But again the Democrats fought us every step of the way. One of their leaders reviled our efforts, ridiculed it, and said it was "a senseless and irresponsible exercise."

Mr. Speaker, the American people disagree. With the Nation at war and with a large Federal budget deficit, there is no better time than now to root out this senseless waste, fraud and abuse, because when it comes to Federal programs, it is not how much money Washington spends that counts; it is how Washington spends it.

REASONS WHY ADMINISTRATION HAS TO GO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I can hardly stop laughing after that last speech. You would think the Republicans were not in charge here. I think he was talking about President Bush and the Republican House and the Republican Senate that is wasteful. They have shoveled it out the door to all kinds of things.

Mr. Speaker, I read a quote the other day that astonished and frightened me. I think most Americans feel the same way. Here it is:

"The world should have expected the shocking photographs of Iraqi prisoners being tortured at the Abu Ghraib prison."

That is a pretty strong message, the kind of damning statement about U.S. foreign policy in Iraq that we might expect our enemies to say and even use to recruit. But the words were spoken by the head of Amnesty International.

Amnesty International's Secretary General Irene Kahn went even further in her remarks, saying U.S. policy has actually made the world a more dangerous place. "Sacrificing human rights in the name of security at home, turning a blind eye to abuses abroad and using preemptive military force when and where it chooses, have neither increased security nor ensured liberty." And, tragically, this sentiment is likely to get worse. The world now knows that at least three prisoners have died in U.S. custody in Afghanistan. There are other allegations apparently under investigation of beatings and sexual abuse.

As it stands now, we might never know the full extent of U.S. prisoner abuse in Afghanistan, because the top U.S. general says it is classified.

The AP quotes Lieutenant General David Barno as saying anything made public will contain only "some of the key conclusions." Also being kept secret are the "specific techniques used," the commander said. Those are code words for things like beating and hooding and other abuses.

The International Red Cross has been trying to get into other U.S. prison facilities in Iraq besides Abu Ghraib, but the Red Cross has been denied access. What else is yet to be discovered? Why is the military stamping "secret" on its activities in U.S. prisons in Iraq? The AP says evidence of abuse has surfaced in at least three other detention facilities in Iraq. "Secret" is what the administration and its civilians in charge at the Pentagon are saying.

The honor of every decent U.S. soldier is tarnished by prisoner abuse that the administration refuses to account for. The safety of every decent U.S. soldier is endangered when this administration refuses to find those responsible within its own list of political appointees. It is not sergeants and PFCs at the bottom.

This President has turned worldwide goodwill and unending support after 9/11 into global disgust and worldwide mistrust of America. As long as this President remains in the White House, the United States grows increasingly isolated in the world.

The war on terror will not be won alone. And America will not win when this President's policies lead Amnesty International to say the war on terror is "bankrupt of vision" and concludes, "The U.S. has lost its high moral ground and its ability to lead on peace."

That is the legacy of this administration and the reason that George Bush is going back to Crawford, Texas, on the second of November.

□ 1945

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise once again as a member of the Washington Waste Watchers.

Mr. Speaker, as a result of Republican efforts, House committees spent a great deal of time last year finding wastes of taxpayer funds in Federal programs. Those efforts, as a matter of fact, highlighted over $85 billion in potential savings to the taxpayer.

This year, the gentleman from Iowa (Chairman NUSSLE) passed a budget resolution in the Committee on the Budget that goes a long way toward reducing and actually eliminating some of the most outrageous examples of waste, fraud, and abuse. By the way, I have to also applaud President Bush for working on implementing the President's Management Agenda, a performance-based system that seeks to reduce waste, fraud, and abuse. Mr. Speaker, we need to continue to work to eliminate waste, fraud, and abuse, because there is a lot more work that can be done.

Let us just look at a couple of examples. Let us look at the Environmental Protection Agency, for example, where, again, hard-earned taxpayer dollars are sent to ensure that our environment is protected. Yet a recent EPA Inspector General report found that an environmental advocacy group received nearly $5 million in educational grants that it used to lobby the EPA between 1998 and 2001, despite the fact that that is illegal, it is illegal to use those funds to lobby.

Another EPA audit found that they awarded a $700,000 grant without any knowledge of the work that the recipient was supposed to perform. They did not even know what it was for.

Yet another audit found that for almost half of the grants reviewed, and this is a quote, the EPA did not even attempt to measure the project's outcomes. Yet the Democrats want to raise hard-working Americans' taxes to do more of this.

The Inspector General also found that the EPA awarded a contract to an engineering firm that used some of those funds to host a golf day, but the Democrats want to raise your taxes to do more of this.

As a matter of fact, last year, the Democrats offered alternatives to major legislation that would have added almost $1 trillion to the deficit.

Let us make this very clear. The Democrat alternatives, all of their budget alternatives massively increased taxes. One of them increased taxes by $119 billion, the other one by $165 billion, and the third one by, again, a little bit over $165 billion in increased taxes on the hard-working Americans to do more of this.

That is the difference, Mr. Speaker. While the Washington Waste Watchers, while the President, while the Republican majority is trying to root out waste, fraud, and abuse, the Democrats are trying to pile on, and they have this love affair with increased taxes.

So, Mr. Speaker, while our friends, the Democrats, continue their love affair and continue to try to raise the taxes of the American people, those of us in the Washington Waste Watchers will continue to work with the President to try to root out that waste, fraud, and abuse and eliminate it as soon as possible.

FIRST-HAND KNOWLEDGE OF CONDITIONS AT GUANTANAMO BAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I could not help but notice, as I am sure many of my colleagues who are in the Chamber this evening noticed, the remarks of the gentleman from Washington State just a few minutes ago, talking about what Amnesty International thinks. Well, I want to remind my colleagues that Amnesty International is about as objective as the gentleman from Washington State; and if be anybody feels disgust toward this President, it is because of the harping and carping of people like that who really do not care about this country. They want to believe the Saddam Husseins of the world and not the President and Commander in Chief of this great country.

Mr. Speaker, I rise this evening primarily to talk about——

Mr. McDERMOTT. Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from Washington rise?

Mr. McDERMOTT. The gentleman was talking about me specifically, and I thought we would take his words down and see if they are appropriate.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. McDERMOTT. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman withdraws his request.

The gentleman from Georgia may continue.

Mr. GINGREY. Mr. Speaker, I rise this evening to talk a little bit about the situation in Baghdad at that Abu Ghraib prison and the reports of abuse by certain prison guards in one cell block.

A lot of the media, Mr. Speaker, has been suggesting that the reason this occurred was because General Miller had come from Guantanamo Bay where, over 2 years ago, we set up that facility for the enemy combatants that were captured in Afghanistan to detain them and that General Miller went over to Baghdad to Iraq to Abu Ghraib to advise them on how to obtain intelligence, actionable intelligence from the detainees, and because of that advice, this so-called "GTMO-izing" the operation in Iraq, this is what led to the abuse, that these miscreant few in this one cell block were not responsible because they were just simply following orders.

Well, Mr. Speaker, tonight I want to explain to my colleagues the opportunity that I had a week ago Tuesday to go to Guantanamo Bay, along with my colleague from the other side of the aisle, the gentleman from Florida. We were both asked to go by our chairman of the House Committee on Armed Services, the honorable gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON).

So we had an opportunity, Mr. Speaker, to go to Guantanamo Bay and see that operation firsthand. And I am proud, as I know and I feel very confident in listening to and talking with my colleague from Florida, that we did not see any abuse in Guantanamo Bay. We did not see any water torture. We did not see any use of dogs. We did not see any prisoner injury or abuse.

Mr. Speaker, what we saw, rather, was a very well-conceived, well-designed operation that included interrogation, yes, the obtaining of actionable intelligence in a humane way and in a very sophisticated way, and yet a detention facility that took into consideration the prayer activities of the detainees from Afghanistan. Indeed, in each and every cell, there was an arrow pointing to Mecca, to the east. There were prayer beads, there were prayer caps, there was a Koran, and each of these detainees were treated in a very humane fashion.

So I would say this to my colleagues, that, indeed, if we are "GTMO-izing" the operation in Iraq, amen. That is what we need to do.

UNCOVERING WASTE, FRAUD, AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, I rise to discuss what my colleagues have been discussing here today: issues of waste, fraud, and abuse. But, before I do, I would like to make one statement. I operated as a trial judge in Texas for about 21 years, and we had rules in the court at that time that if the opposing counsel for any purpose attacked or impugned the honesty or integrity of another member or got vicious and attacked them in any form or fashion, we could correct them; and if they continued in that type of style, we could actually fine them. It has been my limited experience here in Congress that if we were able to allow the Chair to issue such fines, we could probably balance the budget here in Congress without much problem at all. And I think we have seen a lot of that here today with the use of some terms like "liar" that I have heard here used today. I just as an aside wanted to say that.

Back about a year-and-a-half ago, I was in a meeting in Houston, Texas. As I said, I have been a trial judge. Before the meeting, I had an undercover Department of Public Safety officer come to me at this meeting and say he would like to talk to me in private for just a minute; and I went in and talked to him.

He said, Judge, I want to tell you about something. There is something going on here in Houston that I think you ought to know about it. There is a gang of Middle Eastern folks that are stealing baby formula from our local supermarkets and selling it to the WIC program.

Well, my first reaction would be the reaction I would think of most Americans, and that was, gee, whiz. I mean, do you guys not have anything better to do than go out and investigate shoplifting? But knowing that he was part of an undercover task force, I figured he had something to say, and I said, well, how big a deal could that be, Lieutenant?

He said, well, Judge, here in Houston it is about $1 million a month.

And I said, good Lord, $1 million a month for baby formula?

He said, yes, sir; and, you know, it is not against the law to possess baby formula. It is against the law to possess narcotics and dangerous drugs, but it is not against the law to possess baby formula. So if we catch a guy with a trunk load of baby formula, we cannot do anything to him. But we know what he is doing. He is stealing this formula, and he is selling it to the WIC program to the tune of about $1 million a month. In fact, the estimates are that in Texas alone it is $1.5 million a month Statewide.

He said, we have followed this group to Phoenix, Arizona. We have followed them to New Mexico, although I do not remember which town in New Mexico; to California, San Diego and Los Angeles. They have an operation in each one of those towns, to the possible tune of $30 million a month Nationwide. I was shocked.

And he said, we also have evidence that this is being used to fund terrorism.

Now when you want to talk about waste, fraud, and abuse, how much more fraudulent could it be than stealing from the mouths of our children and the poorest of our Nation, taking away a program that was designed to help poor mothers feed their babies, stealing from them, and letting a government agency be a fence for that purpose?

I asked him, I said, have you talked to the people in the WIC program? He said, yes, I have explained to them that they should not be buying this stuff off the street, that buying it off the street was fencing for criminal activity.

□ 2000

And he said, "Well, they do not see the seriousness in it."

Mr. Speaker, those of us who have been in criminal justice in this country have sent people to the penitentiary for a whole lot less than stealing a million dollars a month. I, for one, have done that on several different occasions.

It shocked me so that I am proud to let my colleagues know that in H.R. 3873 I got an amendment which now requires that the WIC program have certified vendors that they buy this product from. But when our government has risen to the size that it has risen, that it misses that kind of waste, fraud, and abuse; we have got a serious problem. And yet the other side of the aisle, the Democrats, want to raise our taxes to grow a bigger government, a bigger government that in many instances the right hand does not know what the left hand is doing.

For that reason, I honor the members of Waste Watchers for the hard work they are doing trying to be watch dogs.

WHAT IS THE OCEAN'S ROLE IN CLIMATE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, what I would like to do to the Members assembled here tonight is to give a perspective on whether or not to some degree the climate on the planet is changing based on observational techniques by U.S. scientists.

What I would like to do as far as this perspective is concerned is to say about 500 years ago people thought the world was flat until there was observations and exploration. And through those techniques, Columbus, for example, it was discovered that the Earth was round. Galileo, the scientist, said that the Earth revolved around the Sun. As a result of that, he was put in prison and his life was threatened because at the time the religious doctrine was that the Sun revolved around the Earth because it was not mentioned in the Bible that it was the other way around. But then through certain techniques and observation, scientific discoveries, more information being disseminated, we realized that the Earth revolves around the Sun.

The other interesting perspective about 100 years after Galileo was a man named James Usher, a bishop in Ireland, said that the Earth was formed in 4004 B.C. but that was before we had the science of geology, geologic techniques. And through a series of information-gathering, it was discovered that the Earth was several billion years old. In fact, we did not realize how old it was in the extent of the universe until the Hubbell spacecraft.

Now we have this thing called climate change. And there is a great deal of discussion on that, whether or not there is climate change or whether there is not climate change, can humans impact the Earth so that the actual climate will change.

What I would like to go through very briefly are some observational discoveries about planet Earth. For example, the oceans cover 70 percent of the surface. The oceans store 1,000 times more heat than the atmosphere. The ocean transports about 50 percent of the energy it receives from the Sun. It transports that. That means if you look at the heat that hits the equator, and the oceans have a current and they move that, that heat is moved to the northern latitudes and that moderates temperature so that it is not that cold. In the northern latitudes, the high latitudes, since the ocean currents move back the other way, some of that cold is moved down toward the equator, and it moderates the heat at the equator.

As a result of those ocean currents, the Earth, as we know it now, 21st century, has a heat balance that we are used to. But that heat balance throughout the geologic time has changed many, many, many times.

So what are the observations of the ocean? There is increased salinity as a result of some of the warming trends that the Earth has experienced in the last 100 years, and there has been a warming trend. There might be some dispute about how that warming trend has impacted, but there has been a warming trend.

We could look at some of the impact of the warming trend since in the last 50 years we have put more CO_2 back into the atmosphere than what it took nature millions of years to lock up in the form of CO_2 trapped in fossil fuel deep under the ground. If you looked at a map of the United States at night, you could see all the lights, you would see one long consistent trail, which actually is about 24 hours, from Florida to Maine of automobiles on Route 95. From Florida to Maine we would see this crease.

You will see it in all the major cities, whether it is Miami, Chicago, Pittsburgh, Los Angeles, et cetera, et cetera, and New York City certainly, Philadelphia, Baltimore, Washington, Houston, Dallas. We are spewing more CO2 into the atmosphere than the Earth's ability to absorb that and process that so we have that same balance.

We have seen a change. This kind of change in the balance or the makeup of the atmosphere has not been seen on planet Earth based on scientific ice core analysis for 400,000 years. So we see a salinity change around the equator in the ocean currents. We see elevated evaporation rates around most of the oceans because of the warmth, warming trend. We see increasing freshening of the ocean water in the northern latitudes, consequently changing the direction of these currents. And through these observations, we find some interesting perspectives that need more research on climate change.

WASTE FOUND WITHIN THE PELL GRANT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KLINE) is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, as another member of the Washington Waste Watchers, I would like to take this opportunity to highlight just one example of what we are now learning to be the vast amount of waste throughout our Federal Government. Unfortunately, no Federal agency is immune to this waste, even those that are implementing the Nation's most important Federal programs.

One particularly troubling example of waste is found within the Pell grant program. $336 million in Pell grants were improperly dispersed to applicants that understated their income in 2001. Let me be clear, American taxpayers spent $336 million in Pell grants for applicants that were not eligible.

Not only does this represent a terrible misuse of taxpayer dollars, the expenditure of these funds denies the legitimate financial assistance provided by Pell grants to the thousands of students who truly need and deserve this help.

Mr. Speaker, we belong to a Congress that has brought unprecedented increases in Federal funding to our schools. Yet the administrators in my district continue to ask why have I not seen that money. I should not have to report to the administrators, teachers, and parents in Minnesota that the money they need to provide the quality education our children deserve is not available because it has been wasted by an inattentive Federal bureaucracy.

We have got to put an end to this harmful waste. Unfortunately, some of our colleagues on the other side of the aisle would prefer to ignore this waste and simply complain about, quote, lack of funding for Pell grants. Rather than crack down on the ineffective bureaucracy responsible for this waste, they would like to create more funds by raising taxes on hard-working American families.

My colleagues and I in the Washington Waste Watchers have a more responsible approach. It begins with eliminating the waste in government spending and creating more efficiency in Federal programs.

The budgets passed by the House Republicans both last year and this year make great progress toward our goal of eliminating waste. Last year's budget led to a report that highlighted between $85 and $100 billion of wasteful spending. This year's budget instructed committees to reduce or eliminate the most egregious examples of waste.

Mr. Speaker, American taxpayers deserve better than to have their hard-earned paychecks squandered by an irresponsible bureaucracy in Washington. I ask my colleagues on the other side of the aisle to join us in creating a better Federal Government, not making it bigger through more tax increases, but helping us to expand services for those who truly need them by eliminating the waste.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BONNER) is recognized for 5 minutes.

Mr. BONNER. Mr. Speaker, Monday December 8, 2003, was truly a historic day for millions of Americans, especially our senior citizens. During the long anticipated and much planned for ceremony at the DAR Constitution Hall here in our Nation's capital, President Bush signed into law the conference report on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

This event, attended by lawmakers from both sides of the aisle, as well as from both Chambers here in this building, was a landmark moment in the history of the Medicare program. It marked the culmination of years of effort by Members from this Chamber, as well as by some of our colleagues in the other body.

Make no mistake, the revisions to the Medicare program will provide great benefits to the senior citizens of this country who need the help the most. By signing up now for the new prescription drug discount card, seniors will be eligible for at-the-register savings of between 10 and 25 percent today. Soon, 75 percent of the drug costs of up to $2,250 will be covered by Medicare; and before long, catastrophic coverage of up to 95 percent will take effect for amounts over $3,600.

This new plan includes incentives for employers to keep their current employees enrolled as well as retirees under their existing plans as well as employers who will be able to include new provisions of this Medicare plan, the expanse of which is in their new plans.

In my home State of Alabama, the Medicare program will assume responsibility for the prescription drug cost of nearly 140,000 seniors who are currently eligible for both Medicare and Medicaid coverage.

Mr. Speaker, the revisions to the Medicare program are more extensive than can be covered during the time we have this evening, but there is also one important fact to remember: this plan is purely voluntary. Many Americans may well be satisfied with the coverage that they currently have, and they do not have to do anything. They can stay where they are. Senior citizens have the right to choose whether or not they want to enroll in this important new program. Unfortunately, with all of the great news about this new program, many American seniors have failed to take action at this point largely because there is still confusion about the specifics of this program.

In a survey conducted in my district just recently, residents were asked how they felt about the new Medicare prescription drug plan. Sixty percent of those questioned said that they actually approved of the measure, although many did have additional questions and reservations about specific parts of the plan. Nearly 30 percent were not sure how they felt or had no opinion at all.

In a series of town hall meetings I recently had in my district in south Alabama, I received more questions regarding this plan and how it would impact the seniors in my district and their families. These questions and the survey results are not surprising. Such sweeping changes in a program as important as Medicare, which has basically remained consistent since its inception since the 1960s, undoubtedly has caused some confusion.

In an effort to help answer some of these questions and help clear up some of the clouds of confusion that exist, I will be hosting two senior citizen seminars on Monday, June 7, in my district in south Alabama. The primary focus of these events is to focus the attention on the Medicare bill.

I am pleased that representatives from the Department of Health and Human Services will be in attendance to help answer questions, as well as my friend and our colleague, the distinguished gentleman from Georgia (Mr. GINGREY), who will also be on hand to discuss this important issue. Before beginning his outstanding service here in the Congress, the gentleman from Georgia (Mr. GINGREY) was a practicing physician. And he is well qualified not only as a legislator but also as someone who has participated in the medical profession for so many years of his life.

☐ 2015

Moreover, I have representatives from the Social Security Administration as well as the Department of Veterans Affairs to answer other questions that are pertinent to our senior citizens at this twilight of their lives.

My hope is that these two seminars, the first in Fairhope, Alabama, and the second in Mobile, will do much to provide useful information to help answer questions that are so important and so timely.

Mr. Speaker, I would encourage my colleagues on both sides of the political aisle to do likewise in their district, to try to reach out and help explain some of the questions that still exist with this new law. The assistance this program is providing is desperately needed by our senior citizens.

HONORING OUR CONGRESSIONAL PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is my sincerest pleasure that I rise to recognize and compliment the congressional pages that will be ending their term of service this week.

The House pages have made up the critically important staff that has kept the House floor running smoothly for over 200 years. This 2003–2004 school year pages were selected from hundreds of applicants following an incredibly competitive process that scrutinizes their individual achievements in academics, leadership, and complement to social and civic service.

Page duties include delivering all types of correspondence and legislative materials throughout the Capitol and House office buildings, answering phones in the Members cloak room, relaying messages, flying flags over the Capitol, and preparing the House floor for session and many other duties.

These pages have spent their entire junior year of high school in Washington, D.C. living, taking classes, and working for the House. The typical day of a page begins very early at 5:45 a.m. or 6 a.m. to eat breakfast prior to attending classes for school at 6:45 a.m. At 10 a.m. their legislative work day begins and lasts until the House adjourns in the evening and sometimes into the wee early morning hours. These individuals, I think, Mr. Speaker, have demonstrated their true commitment to playing an important role in our Nation's future by learning and working here in the Nation's Capitol.

We honor those pages that have shown the same generosity of spirit and depth of intelligence and capacity for human service that is so important of our leaders. These exceptional students have consistently displayed their dedication, intelligence, and concern throughout their time as a page in Congress. They stand out among their peers not only because of their many achievements but also the disciplined manner in which they meet all challenges.

I compliment the administration and those that have guided these pages. And although these pages have already accomplished a great deal, these young people possess unlimited potential. The House pages are young men and women of character, ambition and initiative who have made a significant contribution to the United States House of Representatives and have learned well the value of hard work and commitment. Their efforts and dedication are very much appreciated and our very best wishes bestowed upon them in all of their future endeavors that I am sure for some will include elected office, including Congress. I suspect all will be leaders in their community.

On behalf of the United States House of Representatives, we extend our thanks and our highest praise and congratulations to each congressional page.

AMERICA NEEDS AN ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to ask the question, How long can America afford to not have an energy policy in place?

For many years we had cheap energy in this country. We had oil for over a decade at about $10 a barrel and natural gas around $2 a thousand, but that has all changed.

Today we have oil constantly popping past the $40-per-barrel mark. The natural gas that we were putting in the ground today for next winter's heating $6.47 a thousand. Last year the world was shocked when we put it in the ground at $4.60 a thousand for the next heating season during the winter.

The question I ask again and again is when will we put an energy policy on the President's desk so he can sign it? He is the first President to continually ask Congress for an energy policy, an energy plan. Other Presidents ignored it. We have an education policy, but no energy policy. We have a defense policy, but no energy policy. We have an ag policy, but no energy policy. A transportation policy, an environmental policy, trade policies, but no energy policy.

I live within 5 miles in Pennsylvania of Drake's Well, the first oil well which was drilled in 1859; and when oil was discovered, it changed the world. It brought about the industrial revolution and the modernization of our society, and today the world consumes 80 million barrels daily. We use about one fourth, 20 million barrels; and our use continues to rise.

The alarming fact is that China and India are now growing faster in energy use than us and competing with us for foreign oil. And as the world economy begins to really grow, and it is, the demand continues to rise. Our problem is 50 percent of our oil comes from unstable parts of the world. We have no control over oil prices. We have no control over energy costs. And coupling that problem with the natural gas issue, which is new, just a few years ago it was $2 a thousand. Today, they continue to sky rocket. Four years ago, it was less than 3, usually 2-something. Last year, we were putting in the ground at $4.70 at this time of the year. On the average of almost $6 over the year. Today we are putting it in the ground for next year at $6.47, and some think gas will be 7 to $8 a thousand this winter.

The problem that raises is that we are not competitive. Europe pays $3.70 a thousand. North Africa $1.20; all the others are under that. So the rest of the world has natural gas much cheaper than us.

Now, what is that doing to business in this country? It is eliminating the fertilizer business in this country as we speak. You cannot afford to make fertilizer in America because they use it as an ingredient and as a fuel. It is harming the petrochemical industry, which is quickly moving to Europe. Polymers and plastics and anybody that heats, bakes, cooks, melts or dries products with natural gas has a problem. We produce 85 percent of our natural gas in this country. We import 14.5 percent from Canada; a percent and a half of liquefied natural gas from numerous parts around the world; and we export about 1 percent of our gas to Mexico.

A decade ago, a moratorium was removed on the generation of electricity with natural gas. I think it is an issue that really needs to be debated again today. At that time, 8 percent of our natural gas was only allowed to be used for peak power, in the morning and evening time when we need that extra surge. But when they removed that moratorium, in a few short years 25 percent of the natural gas in this country is now used to generate electricity.

We have 1,000 rigs drilling, a number higher than most, than normally, but the shortage remains. All of the gas-rich areas in America are off limits to drilling, many legislatively. It has been prohibited to drill the east and west coast offshore. Around the Florida coastline where there is lots of gas, it is off limits. Forty percent of the gulf, and we know the rest of the gulf is rich with gas because we get a lot of it there, is off limits to drilling. Sixty percent of the Midwest, which is owned by the Federal Government, much of it is off limits to drilling or it takes years to get a permit.

We must somehow figure out if we are going to use natural gas to generate electricity, how we replace that supply because we are threatening homeownership, we are draining commerce, and we are threatening industries in this country that particularly use a lot of natural gas.

The question I ask again, Can we afford to float down the river aimlessly with no plan of action, no energy policy on the President's desk?

Yes, we must conserve and we must use energy more wisely and we must promote renewables, but the growth has not been there. Wind and solar are only used part of the time so you have to have an abundant source. America needs an energy plan. It needs to be on the President's desk tomorrow.

BOGUS COLLEGE DEGREES COST GOVERNMENT DEARLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, tonight I rise in support and cooperation of my colleagues, the Washington Waste Watchers, who were here earlier this evening.

I unfortunately come to the floor tonight to share another example of wasted taxpayer dollars. Mr. Speaker, according to a report released by the General Accounting Office in May, taxpayers have paid hundreds and thousands of dollars and, in reality, probably much, much more for Federal employees to obtain bogus degrees from unaccredited postsecondary schools, also known as diploma mills. These so-called diploma mills sell academic degrees based upon life experience, sometimes based on negligible academic work, and some require no academic work at all. They simply sell degrees for a price.

The first 2 days of congressional hearings on fake degree-granting institutions, the director of GAO special investigations testified the data collected on just two of those diploma mills show Federal payments of almost $170,000 for bogus degrees. He also said the number is likely an underestimate, even for those two institutions; and he expects a broader investigation of nearly 140 known diploma mills would reveal many more cases of federally financed phony degrees.

The GAO report found that 463 Federal employees, including 28 senior-level officials, have listed diploma mill degrees on their resumes. And one of those senior-level officials even received a Federal tuition reimbursement of nearly $2,000 in connection with a phony degree from a bogus school.

Mr. Speaker, Democrats want to raise our tax to pay for more of this. That is just the tip of the iceberg because the GAO only received data from eight government agencies. The other agencies could not even respond to the inquiry. As an example, the Department of Health and Human Services told the GAO that it could not produce records of employee education payments because it maintains records in five different accounting systems. It has no way to differentiate academic degree payments from other types of training and does not know whether degree payments made with credit cards are even captured in its payment records.

What is worse, Mr. Speaker, is the taxpayers have given these fake-degree employees a raise. Now while their managers contend that their promotions were based on experience and not education, the GAO does not buy it and neither do I.

Mr. Speaker, developing simple standards for assessing the degrees used as credentials by Federal employees in determining which degrees, if any, the Federal Government should pay for, these agencies could have saved hundreds of thousands of taxpayer dollars.

Mr. Speaker, it is time for the Federal Government to clean up its act. It is time to hold Federal employees accountable for its actions. And by eliminating this type of waste, fraud and abuse government-wide, we can save the taxpayers hundreds of billions of dollars.

Finally, Mr. Speaker, our measurement of success here in Washington should never be how much we spend, but simply how well we spend taxpayer dollars.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, we are here tonight, several of my colleagues will be joining me for our weekly hour that we describe as the Iraq Watch, which reviews issues of interest and concern to Members on both sides of the aisle as well as the American people.

But before we begin talking about events of the past several weeks in Iraq, Afghanistan, in the Middle East, I was conversing earlier with my colleague from the State of Washington (Mr. MCDERMOTT) regarding some of the statements given earlier on the floor by our colleagues and friends from the Republican side of the aisle. And I want to commend them and congratulate them for taking this issue of waste and fraud and abuse seriously.

□ 2030

I understand that they are describing themselves as waste watchers. I can assure them that we will work together with them. We will cooperate and we will collaborate. Because, as the gentleman who last spoke indicated, it is absolutely essential that we use taxpayers' dollars efficiently, honestly and bring the highest possible return on the investment of those dollars in the American people.

In fact, I am really pleased that this is happening, and I dare say if our Republican colleagues reach out to Democrats that we will join with them and make this a bipartisan effort. I would simply note that it is late in coming, however, because I think it is important to underscore who has been running the government here for the past 4 years.

I am joined by my friend from Pennsylvania (Mr. HOEFFEL); as I indicated earlier, the gentleman from Washington (Mr. MCDERMOTT), my colleague and friend; and, of course, the gentleman from Washington (Mr. INSLEE) and an original member of the Iraq Watch; and maybe I could pose a question to him.

Is it the gentleman's understanding that President Bush, who is a Republican, has served in that capacity for some 3½ years?

Mr. INSLEE. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, that is one of the best rhetorical questions the gentleman has ever posed and very successfully; and it is accurate that the Senate and the House are now under the control of our friends, the Republicans, for the last 2 years.

Mr. DELAHUNT. So is it true that the Republicans became a majority in this particular branch back in 1994? I was not here in 1994. I think the gentleman from Washington (Mr. MCDERMOTT) was here in 1994. But who has been setting the agenda and running the House of Representatives since January of 1995?

Mr. INSLEE. Let me answer that and quickly segue to tonight's discussion. The presidency is under control of the Republican party, the Senate is under control of the Republican party, the House is under control of the Republican party, and if there is waste, fraud or abuse, it is under the watch of the Republican party which controls the government of the United States.

Our Republican friend speaking this evening talked about waste, fraud and abuse. Let us cut to one of the most onerous, glaring, enormous, stunningly scandalous waste, fraud and abuse that the Bush administration, with Republican support, has supported, and that is that they have given almost $40 million of taxpayer money to Mr. Chalabi and his Iraqi National Congress who tonight stands accused of giving away some of our most secret information to Iran.

This President, amongst the many mistakes that he has made, squandered almost $40 million in waste, fraud and abuse, taking the money from American taxpayers and giving it to this fellow that he told us was going to be the "Spartacus of Iraq." We were told by the Vice President that we would be welcomed as liberators, with rose petals, and that this administration believed with Richard Pearl and DICK CHENEY and the whole group of them and Paul Wolfowitz, we have heard them described as the neo-cons. They are neo-cons, and they allowed Mr. Chalabi to con this administration out of $40 million, and we have not got a penny back.

Now, we 2 weeks ago, I think, tonight, held a meeting here on the Iraq Watch, and we blew the whistle on Mr. Chalabi loud and clear. Interestingly enough, the next morning, we were advised that the administration had finally cut off this spigot of taxpayer money to Mr. Chalabi. A week later, we find out that he is under investigation; and they have now raided his offices to find out if, indeed, he did give this secret information to Iran.

I just am encouraged, I suppose, that our Republican friends want to root out waste, fraud and abuse. It would have been nice if they had joined us in blowing the whistle on Mr. Chalabi months ago when we had been saying that this whole plan was based on a house of sand.

Now the administration, just to make sure people understand what happened here, Mr. Chalabi and his allies gave phony information about weapons of mass destruction. The neo-cons in the White House and the Defense Department bought it hook, line and sinker. They convinced the President, who apparently did not need much convincing, that we would just send Mr. Chalabi in there and he would be, as I said, the new Spartacus of Iraq, the De Gaulle of Iraq.

So what did we do? We put him on the payroll of one of the biggest welfare programs ever, to the tune of $40 million, and we flew him and 800 of his closest co-conspirators into Iraq about 4 days after the invasion, 2 days after the collapse of the Iraqi Army, thinking he was going to be our agent. It was a total scam, and the American taxpayers paid for it, and he is the worst case of waste, fraud and abuse.

Mr. HOEFFEL. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, is the gentleman from Washington (Mr. INSLEE) aware of how Mr. Chalabi allegedly got the information that he allegedly shared with the Iranians?

Mr. INSLEE. Well, I know, but I would like the gentleman to articulate that, actually.

Mr. HOEFFEL. It is my understanding that the fact that the Iranians have an intelligence code in order for them to communicate secretly amongst themselves, that that code was broken by America, and we were able to know exactly what the Iranians were doing in Iraq with their agents in Iraq, and that that is the information that Mr. Chalabi allegedly gave to Iran, which is your code has been broken.

The question is, how did Chalabi know? Well, he is under investigation and members of the Bush administration are being investigated because somebody had to tell Chalabi that the

Americans have broken the Iranian code.

Mr. INSLEE. And Mr. Chalabi in the press reports said, well, somebody in the agency of the United States government told me when they were drunk, and this guy who had the President give $40 million to then disclosed some of the most sensitive information possible, that we have broken the Iranian code.

Mr. HOEFFEL. Do not forget that the President sat Mr. Chalabi right behind Mrs. Bush in this year's State of the Union address, right up there in that balcony 4½ months ago. There he sat in all his double-chinned glory, Ahmad Chalabi, directly behind the First Lady of the United States in the seat of honor 4½ months ago.

Mr. INSLEE. What is so disturbing about this, at least to me, is this is almost a pattern of this administration blowing Top Secret security information. They did it through Mr. Chalabi, although perhaps unintentionally. They did it blowing the cover of a CIA agent in order to punish Joe Wilson, the ambassador who blew the whistle on the falsehood that the President gave in his State of the Union speech. Is nothing sacred? Is nothing sacred in our security information? This administration needs to be held to account.

Here we have a situation where the President of the United States okayed $40 million of taxpayer money going to this scam artist who had already been convicted of bank fraud in Jordan and could not set foot back in his home country because of his previous conviction. We have a situation where this information was found out to be totally false, all of it. We started a war based on this false information.

And how many people have the President fired as a result of this scandal, as a result of this failure? How many people has he let go? How many heads have rolled in his administration to have accountability for this Chalabi debacle? Zero. Zero. This President has shown zero accountability throughout this entire mess, and the only people he has fired are those who are the ones who have told the truth, General Shinseki and Richard Clarke.

Mr. DELAHUNT. And Paul O'Neill.

Mr. INSLEE. Paul O'Neill. He punished Joe Wilson's wife.

Mr. DELAHUNT. Larry Lindsey, and the role of those who disagree, who were independent thinkers, there is a lengthening list.

But I dare say that future generations could very well look back on this particular moment in our history and Ahmad Chalabi would have a very special status. Because, as the gentleman indicated, Mr. Chalabi is very skillful, has a sordid history, if you will; was convicted of embezzlement in the Nation of Jordan; was sentenced in Jordan, an erstwhile ally of the United States when it comes to the war on terror and an ally of the United States in an effort to resolve the Israeli-Palestinian issue; was sentenced in a Jordanian court to some 22 years.

At a meeting that the gentleman from Pennsylvania (Mr. HOEFFEL) and myself and others had with King Abdullah, I posed the question, was the king, our friend, our ally, ever consulted before Mr. Chalabi was named to the now-defunct Iraqi Governing Council? And his response was a terse no. I found that very disturbing because he went on to say that we, meaning the Jordanians, the Lebanese, have serious problems with Mr. Chalabi.

Well, I think what we are discovering is that we have serious problems with Mr. Chalabi. Mr. Chalabi has become an embarrassment to this administration.

The gentleman from Pennsylvania (Mr. HOEFFEL) indicated earlier that he sat in the gallery to my left while the President delivered the State of the Union address. He sat directly behind the First Lady.

Mr. Chalabi has a relationship with the President of the United States. One only has to see, Mr. Speaker, this picture. It is my understanding that the President, who is dressed casually here, on his trip during Thanksgiving to visit the American servicemen there, and we applaud him for that, is pictured here with Mr. Chalabi, Mr. Chalabi who provided false intelligence, according to reports emanating from the Department of State and from the CIA, which led this Nation into war. It was defectors whom Mr. Chalabi brought to the administration's attention which talked about weapons of mass destruction, which talked about links with al Qaeda, which talked about links with Osama bin Laden, all of which have been proven to be patently false.

It is very disturbing when we reflect and think that this false information was utilized in the course of the debate on the resolution authorizing war and was never questioned by the White House, by the President, by Vice President CHENEY, by Mr. Wolfowitz, by Mr. Douglas Fife and by Mr. Pearl, who at that point in time served on the Defense Policy Board. That information was simply accepted because they were, in my opinion, looking for facts to support their desire to go to war against Iraq.

And here we are. Today, a front page story in the New York Times that, if this is true, this will represent, in my opinion, a scandal that will rock this Nation.

□ 2045

Not only, Mr. Speaker, were we given false information and false intelligence, but now we read in The New York Times that Mr. Chalabi, and let me quote for a moment before I defer to my colleagues: "The Iraqi leader and former ally of the Bush administration disclosed to an Iranian official that the United States had broken the secret communications code of Iran's intelligence service, betraying one of Washington's most valuable sources of information about Iran, according to United States intelligence officials. They said about 6 weeks ago, Mr. Chalabi told a Baghdad station chief of Iran's Ministry of Intelligence and Security that the United States was reading the communications traffic of the Iranian spy service, one of the most sophisticated in the Middle East."

If that be true, we have been betrayed. It was this President, George W. Bush, standing beside Mr. Chalabi in this very House during the course of a State of the Union address, who used that term "axis of evil" when he spoke of Iraq, when he spoke of North Korea, and when he spoke of Iran as being three members of that axis of evil. And here we have, according to The New York Times, and Mr. Chalabi has to be given an opportunity to respond, like the administration has to be given an opportunity to respond, to this absolutely outrageous potential alleged act of treason against the American people. It cannot stand.

Mr. INSLEE. And, Mr. Speaker, if my colleague will yield, another thing that cannot stand is this administration essentially sort of pooh-poohing the enormity of this disaster of relying on Mr. Chalabi.

There are two groups that have suggested it is of no consequence, one of which is Mr. Chalabi. He was interviewed in a major newspaper sometime ago and the article said "an Iraqi leader accused of feeding faulty pre-war intelligence to Washington," and that is Mr. Chalabi, "said yesterday his information about Saddam Hussein's weapons, even if discredited," meaning wrong, meaning false, "had achieved the aim of persuading America to start a war."

Mr. Chalabi has just kind of laughed off the fact that his false information caused America to start a war in which over 700 Americans have died. To him, that is okay because he described himself as a "hero in error." Hero in error? Here is a man who took $40 million of taxpayers' money, gave us apparently willfully, according to Colin Powell, Colin Powell says willfully deceptive information, and started a war in which 700 Americans have died, in which thousands have been terribly wounded; and he describes himself as a hero. Well, he is no kind of hero in this Chamber or in my district or any district in this country.

But he, apparently, is still on some kind of a little bit of a working relationship with the Bush administration. How do I know that? Well, we have paid the man $40 million, and I have not heard the President of the United States say "give the taxpayers that money back." I have not heard the President of the United States say, "Mr. Ashcroft, go get that $40 million back; this man started a war, gave me false information." Still, with apparently now, or maybe people around him cooperating with the Iranians and breaking our security information, I have not heard the President say to go get that $40 million back.

What I have heard the President say, and what this administration has done, although the President says it was not with his approval, but he said, and there is a certain irony here, in the speech where the President of the United States had Mr. Chalabi sitting up in back of the First Lady, up there in the second row, at that very same speech where the President gave the American people the falsehood that Iraq was buying uranium from an African country, we now find out that was false. And we know it is false, because Ambassador Joe Wilson, who worked for the first President Bush, blew the whistle on that falsehood and indicated that that was not true. And what was the response of the administration? They blew the CIA cover of Joe Wilson's wife in an attempt to destroy her career with the CIA.

So here you have a situation where this administration has squandered $40 million of taxpayers' money and has not lifted a finger to get it back, even though that created a fraud which started a war, which destroyed the career of the person who told the truth about the falsehood that Mr. Chalabi got the President to tell the American people.

This is kind of an Alice in Wonderland moment, it seems to me, where the truth-tellers are punished, and the President still says go ahead and keep your money, I guess, that we gave to Mr. Chalabi. Something is wrong with this picture.

This administration has failed to come to grips with the multiple mistakes it has made in Iraq. And until it faces the music and admits the multiple mistakes it has made, we will continue to make them.

Mr. HOEFFEL. Mr. Speaker, I admire the fervor that my colleague from Washington has for pointing out the truth about the failings of Chalabi; but the point he just made is a lot more important, frankly, than the fun we are having piling on a guy like Chalabi, who is clearly a fraud, clearly a spinmeister, the kind of guy that my grandfather would have called a floor flusher. To meet Chalabi, as I did once, is to understand that the guy is just full of hot air.

But the question that my colleague poses to us tonight and to the Congress is, why did other people in the administrations not figure this out? And why are those who made mistakes not being held accountable for those mistakes? Because it would be a great injustice if we were to allow anybody watching tonight to get the impression that the problems of our policies in Iraq were solely the fault of Chalabi giving us bad information. He did give us bad information; and I believe, as Colin Powell believes, that it was willfully done, and he ripped us off for $40 million. And the passion of the gentleman from Washington on the subject is admirable, but the fact of the matter is, why did so many people in the administration believe what Chalabi had to say?

It seems to me that he was telling them what they wanted to hear, and they did not listen to his information and apply a critical eye to it. I know that the CIA has been skeptical of Chalabi for years. I know the State Department has been skeptical of Chalabi for years. But the civilian leadership of the Pentagon, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feith, along with the support of the Vice President, Mr. CHENEY, bought Chalabi's lies hook, line, and sinker. It is because he was telling them, in my judgment, what they wanted to hear.

They honestly believed that we would be treated as liberators and not occupiers, and they made one policy mistake after another that has led us to where we are today after a year.

Mr. DELAHUNT. Mr. Speaker, if my colleague will yield to me, does this not just come down to basic incompetence?

Mr. HOEFFEL. Oh, it absolutely does.

Mr. DELAHUNT. I mean, no one is questioning or raising at this point in time malice or inappropriate intentions on the part of those policymakers, but it is almost beyond comprehension to believe that they would have fallen for the likes of Ahmad Chalabi.

I mean, in a recent Newsweek magazine, the May 31 edition, it says it all: "Bad intel and broken trust. Ahmad Chalabi and the road to war. Our con man in Iraq." We were being conned, if you accept the validity of these allegations made by intelligence officers.

Mr. HOEFFEL. But, Mr. Speaker, I must tell my colleague that not everybody was being conned. The CIA saw through Chalabi, the State Department saw through Chalabi, and yet the civilian leadership of the Pentagon did not.

Mr. DELAHUNT. Exactly. And that is pointed out in this edition of Newsweek. Again, let me quote: "Chalabi has not always charmed his patrons. His first run as a CIA asset in the early and mid-1990s was a disaster. His case officer did not trust him. There was a lot of hanky panky with the accounting. Triple billing, things that were not mentioned, things inflated. It was a nightmare, says a former U.S. intelligence official who worked with Chalabi." His quote, "His primary focus was to drag us into a war that President Clinton did not want. But he had more luck with a group of Republican hard-liners who formed a kind of government in exile, the so-called neoconservatives like Wolfowitz and Richard Perle and Doug Feith."

As I said earlier, when we pause and think that we went to war in part because of information given by this individual standing with the President of the United States, and that we have lost how many men and women? The costs have exceeded already $200 billion, put aside the blood and the pain and the anguish that Americans serving in Iraq and their families have had to experience. This is outrageous.

And now we find on the front page of The New York Times, Mr. Speaker, a story claiming that he provided the most highly sensitive information to Iran, which, according to reports, is developing a nuclear weapons program, is being accused by the President of the United States as being a member of an axis of evil. What is happening? This is incompetence. These people are not running or managing this issue except in the most incompetent way. They are blinded by ideology.

Mr. INSLEE. If the gentleman would yield, I want to address why and how that happened. This incompetence, as the gentleman describes it, Mr. Speaker, was institutionalized. It was set up to be incompetent.

What happened here was the CIA had good reason not to trust the information they were getting from Mr. Chalabi, and they kept telling the White House that. But the people in this administration, if they have a belief, it must be right, and it really does not matter what the evidence is. So what they did was, Mr. Rumsfeld set up his own intelligence agency, heretofore never in existence in the Pentagon; and it was their special little intelligence shop which they staffed with the people who worked for the neocons, who were basically going to tell the neocons whatever they wanted to hear.

So when the CIA was telling them and the Air Force, for instance when the Air Force told them these aluminum tubes the President told us about were used to build a nuclear weapon, I think it was the Air Force told him, or the CIA, one of the agencies, I have forgotten which one now, they said that is not accurate. So they just went to the little Pentagon fiefdom of the neocons and said, sure it is. They got their yes men and made their yes men in control of America's foreign policy, and this has led to the loss of 700 American lives as a result.

□ 2100

Now what has this President done to bring accountability to that system? Has he changed the director of this Pentagon intelligence agency? No. Has he disbanded it? No. Has he taken away the washroom privileges of anyone in the Pentagon? No. Has he canned the Secretary of State? No. Has he changed the Director of the CIA? No.

The only thing he has done or his administration has done is to break the security secrecy of the identity of a CIA agent in order to punish the one man who told the truth about the falsehoods that the President gave the American people. That is the only person that has lost their job associated with this, except General Shinseki who also told the truth about needing several hundred thousand American troops to provide security in Iraq.

We are seeing that the first step to a successful Iraq policy is to admit the mistakes of the past, clean house and get some new, fresh ideas in Iraq. Clinging to these folks and these agencies which have been so wrong on Iraq so many times is not going to allow us to be successful in Iraq, is not going to allow us to bring our troops home in a reasonable period of time.

We are asking the President to finally demand some accountability; and if this Chalabi scandal does not wake up the President to this need, it is hard to imagine what will.

Mr. HOEFFEL. Mr. Speaker, it is not just that mistakes were made by American policymakers, and it is not just that Chalabi gave us bad information. The other part of the equation is that the ideologues in the civilian leadership, in the Pentagon and in the White House simplified, distorted, took information and twisted it in such a way as to persuade the Congress and the American people that Saddam Hussein had weapons of mass destruction and that we needed to invade to keep that part of the world and this country safe from attack.

Let us not forget the fact that the intelligence information being given to the White House in the fall of 2002, the Defense Intelligence Agency report of September, 2002, the National Intelligence Estimate of October, 2002, was not available to the three of us at that time when we had to vote but was made available to us 6 or 7 months later. Those intelligence reports given to the White House were replete with uncertainty and caveats about the weapons of mass destruction in Iraq.

Now, they were wrong apparently to even think they might have been there, although we do know Saddam Hussein had them in the 1980s. They were wrong to conclude that he probably had them, but the reports were saying we think he has these weapons of mass destruction. He probably has them. We have been told he has them.

None of that uncertainty was passed on to the Congress in public statements or private briefings that we all attended, or to the American people in the fall of 2002 when we were asked to vote on the war authority. We were told with complete certainty that Saddam Hussein had weapons of mass destruction and we had to go get them.

In fact, the one member of the administration who had the most credibility in my opinion, Colin Powell, repeated this didactic approach, these statements with complete certainty, 4 or 5 months later in February or March of 2003 when he spoke to the U.N. He identified where the weapons were. He showed us pictures. He told us how much they weighed. He has 500 pounds over here; he has such and such over there. They talked about those two mobile chemical labs on flatbed trucks. Colin Powell assured the United Nations and all of the world that these things existed. They did not.

The intelligence they were basing these statements on was full of uncertainties. They deceived us. They led us to war with deceptions, and we have to hold them accountable for that. It is not just the mistakes. It is not just Chalabi's lies. It is the fact that some in the Bush administration were willing to twist that information, and this goes to the President himself, to get us to go to war.

Mr. DELAHUNT. And look where we are now. The rest of the world does not believe us. A recent poll was taken in Latin America among the economic elite, not the poor, the disadvantaged, the down-trodden, if you will. It was done in seven countries. In five countries, the negative opinion of President Bush exceeded 90 percent. The average was 87 percent. This hurts us at many, many different levels.

Now we are faced with a scandal of a magnitude that I dare say we have not seen since Watergate, where we paid somebody who was conning us, that was betraying us to a potential adversary in Iran that the President of the United States described as a member of the Axis of Evil Club. Now we have the President of the United States today, according to CBS, has sought the help of an outside lawyer to represent him in the probe into who leaked the name of a CIA operative to a newspaper columnist. Believing that Bush will be interviewed or asked to testify before a grand jury, White House officials confirm that the President has put a Washington attorney on hot stand-by, CBS reported tonight.

The gentleman from Ohio (Mr. STRICKLAND) is now joining us, our other stalwart member of Iraq Watch.

What we have here is a growing morass, if you will, of investigations, of embarrassment, of loss of prestige, of the erosion of our moral authority in the world. And, most importantly, in addition to costing the American taxpayers hundreds of billions of dollars, we are now putting our men and women who have performed so valiantly and professionally in Iraq, we are putting our military at risk, we are putting our national security at risk.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, first of all, I would like to apologize for showing up late. I was detained, but I am glad you have been here spreading the truth and letting the American people know the situation.

I am struck by the fact that right up there in the balcony during the President's address to this great body with all of the Representatives and Senators and the Supreme Court members and members of the diplomatic corps present, that Mr. Chalabi, who now has been disgraced, was seated right up there near the First Lady in an honored position as a guest of the President right here in the Chamber of the House of Representatives.

And we now know, sadly, that not only is he largely responsible for much of the misinformation that was used to take us into this war, and the gentleman is right, it is costing us from our national resources, from our national treasury, but what eats at me is the fact that more than 800 precious American lives have been lost in this war. We went into this war based on bad information received from Mr. Chalabi, this friend of the Vice President, a man who was getting hundreds of thousands of dollars from this government while he was betraying us, quite frankly, betraying us.

It hurts me to look up there at that seat in the balcony of this Chamber and know that at one time he was seated up there and he received the applause of this body as the guest of the President at the same time he was deceiving us, taking our resources and ultimately giving information to our enemies. This is a disaster. I think it is a disgrace, and I hope it is thoroughly investigated and we get to the bottom of those who are responsible.

It is about time that members of this administration took responsibility for what they have done, took responsibility, and I look forward to further discussion as the American people become increasingly aware of what has happened.

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I think responsibility is the right word, and I think what has been so stunning to us is the failure of the President to hold people and agencies responsible for their multiple foul-ups. This is not the way to run a railroad or a war, and other Presidents in other difficult circumstances have had the gumption and leadership to hold people accountable.

I had the honor of joining my dad, a World War II vet, at the dedication of the World War II Memorial this weekend. We were very proud of many people, including my father, at the dedication.

The memorial is a very moving place, and I encourage people to visit it. It is a very moving place. They have 4,000 stars representing our losses in World War II, and framing that wall of stars are two pillars, both of which have quotes from President Harry Truman.

I was talking to my dad, and he reminded me that Harry Truman did something. He held somebody who was very popular at the time accountable. He fired General MacArthur. It was an extremely controversial thing for the President to do. But he recognized in war you have to have accountability and responsibility.

There is nobody in this administration as popular as General MacArthur. I can guarantee the President that. And if President Bush had half the gumption of President Truman, he would fire some of these people tomorrow to send a message that we are not going to tolerate this incompetence anymore, and we are going to send a message to the world that we are going to be accountable to it as well.

Mr. DELAHUNT. Mr. Speaker, the gentleman has provoked a thought. What we have here is the absolute converse of what occurred back in the early 1950s. We have a professional military, a military that every American supports and a military that has conducted itself with valor and a military that all Americans can be proud of, but a civilian leadership that is incompetent. If we are ever going to win the war on terror, if we are going to defeat terrorism in this world, it is absolutely essential, as the gentleman said, for a new team.

I was at a hearing today in the Committee on International Relations which the gentleman from Pennsylvania (Mr. HOEFFEL) and I serve on. We all remember, it was a unanimous vote in this Chamber to go into Afghanistan and go after the real enemy, al Qaeda, the fundamental Islamists, eliminate them and reduce the threat. We had the support of the entire world. We had a genuine coalition.

Oftentimes, the French are castigated and denigrated on this floor, but if Members remember, it was the French national paper Le Monde that on September 12 said, "Today we are all Americans," and now we have gone in another direction.

Members all know who Robert Novak is, an extremely conservative columnist, certainly not one who in most cases we would share the same viewpoint on a variety of issues, but here are his comments in a column he did recently. "The handful of valiant American warriors fighting the other war in Afghanistan is not a happy band of bothers. They are undermanned and feel neglected, lack confidence in their generals, and are disgusted by Afghan political leadership. The overlooked war continues with no end in sight. Narcotics trafficking is at an all-time high. If U.S. forces were to leave, the Taliban or something like it would regain power. The U.S. is lost in Afghanistan, bound to this wild country and unable to leave."

□ 2115

It is Special Services that is given the task of confronting armed narcoterrorists on a day-to-day basis.

Mr. Speaker, we are losing; not just in Afghanistan, but we are losing everywhere. This is a highly volatile, highly dangerous moment in our national history.

Mr. HOEFFEL. Mr. Speaker, if the gentleman will yield further, let me just add to the gentleman's wise comments.

We are at risk of losing in Iraq if we do not get security in that country. We all share the President's goals of creating a stable and peaceful Iraq with a representative self-government, hopefully a flourishing democracy. We all share that goal. But we cannot achieve that goal or any of the benchmarks without security. We cannot reconstruct that country without security, we cannot have a meaningful transfer of sovereignty on June 30 or any other day without security, and we certainly cannot have elections there without security. So we have not accomplished the fundamental task of this occupation.

The President keeps saying, well, we are going to turn things over June 30 and get out. Well, the military occupation is not ending, and it cannot end because the country is not secure, and it is not able to secure itself.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, part of the problem is we took the advice of Chalabi. It was because of information that he had given, apparently to the Vice President, that we decided we could go into Iraq with less force than we actually needed to bring stability to that country; and the result is well over 800 precious American lives have been lost, and more are being lost every day; and thousands of Americans have been terribly wounded and are being wounded every day.

We are going to have this handover, and the President boasts that that is a very large milestone in the history of this country. The fact is, the American soldier is going to be there, the American soldier is going to have a target on his or her back, and we are going to continue to lose soldiers and to have soldiers wounded.

Now, the President tries to set this up as a two-choice dichotomy. He says, stay the course, and those who question his policies want to cut and run. I do not hear anyone saying they want to cut and run. But neither do we want to stay the course, as the President has laid it out. We want to change the course. We want to internationalize and Iraqitize this situation. We want to give other countries some of the responsibility, have them carry part of the burden.

The fact is that I am tired of slogans when it comes to this war. I have talked to too many loved ones who have their sons or daughters or husbands over there fighting this war. I met with a number of them just yesterday, and they are terribly concerned, as they ought to be, and they are wondering what is going on, how long will my loved one be there, and are they being protected as much as possible while they are there.

I would just remind my colleagues that we continue to have troops over there driving around in un-armored Humvees. We finally convinced the other side of the aisle that we needed to put more money into that project, but soldiers are still being needlessly wounded, and, in some tragic cases, losing their lives, in part because we are not giving them the proper equipment.

Part of it is we were told there would be rose petals, they were going to welcome us as liberators; and much of it was based on the information that came from this Chalabi, a man who we now know was not our friend, in fact, was giving information to our enemies.

That is the sad truth. We cannot run from that truth. The administration needs to face up to the facts that they used bad information, they made bad decisions, and, as a result, we find ourselves in this quagmire; and we need to change course and move in a different direction.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. I agree with the gentleman that we have probably heard too many slogans and that slogans do not really help resolve complicated problems. But I would say to the gentleman that we need to get more troops in Iraq, preferably international troops, so we can get security. That is essential. Then we can get elections and get an Iraqi government freely elected in charge so America can get out.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, if I can just for a moment speak to the issue of America's standing in this world. I am reminded of DeTouqueville when he came to this country, a Frenchman who toured the original 13 States, and he made this observation. He spoke of America's greatness, and he said America is great because America is good.

The world has always looked towards the United States of America, not just because of its military strength or its economic power, but because of our moral authority. Americans through the generations have earned that title, that title of "American," because we are a moral and a good and generous Nation.

But that perception of the United States is changing. We hear a lot about oil and our motives in terms of why we went into Iraq.

I remember reading the book "The Price of Loyalty" that was done by an author regarding the experiences of Paul O'Neill, former Secretary of the

Treasury. I would ask my friends on all sides of this particular issue to take the time to go to page 96, because I have been asking this question for months now, and I cannot get an answer. Maybe I am simply frustrated.

But at a meeting of the National Security Council on February 27, some 7 months before our national tragedy on September 11, this is Secretary Paul O'Neill, a highly respected Republican who served in the Reagan administration, who served under this President Bush's father, let me just take an excerpt and read it to you:

"Beneath the surface was a battle O'Neill had seen brewing since the National Security meeting on January 30, which was about a week after the inauguration. There was Powell and the moderates at the State Department versus hardliners like Rumsfeld, Cheney and Wolfowitz, who were already planning the next war with Iraq and the shape of a post-Saddam country. Documents were being prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraq's oil fields and exploration areas and listing companies that might be interested in leveraging the precious asset.

"This was occurring weeks after the inauguration. There was a document entitled 'Foreign Suitors for Iraqi Oil Field Contracts.' It lists companies from 30 countries, including France, Germany, Russia and the United Kingdom, their specialties, bidding histories, and, in some cases, their particular areas of interest. An attached document maps Iraq with markings for super-giant oil fields, other oil fields, and earmarks for production sharing."

So we wonder, we wonder why the perception of this great and generous Nation is now being attacked, is now being questioned.

Recently there was a survey done by the Pew Foundation, and it was particularly disturbing because many across the world doubt our motives and believe that our real intent is to control Mideastern oil. In Russia, 51 percent of that population believes that that was why we invaded Iraq; in France, 58 percent; in Germany, 63 percent; in Pakistan, 54 percent; in Turkey, 64 percent; in Morocco, 63 percent; and in Jordan, 71 percent. This, I submit to my friends, is most disturbing.

Then we have a report in Time magazine, all Americans by now are aware that DICK CHENEY, the Vice President of the United States, whom in Bob Woodward's most recent book, "The Plan of Attack," is described as having a "fervor for war." That was by Colin Powell. Colin Powell said that, not one of us. It now appears that Time magazine reports that an e-mail from the Army Corps of Engineers says that "Douglas Feith, an Undersecretary of Defense, approved arrangements for the Halliburton contract, contingent on informing White House tomorrow. We anticipate no issues, since action has been coordinated with the Vice President's office."

And we wonder why our bona fides and our motives are being questioned? What happens now when the rest of the world reads that information in a journal that is generally regarded with respect, that represents American thinking?

Mr. INSLEE. If the gentleman will yield, I want to just kind of recap some of the things we have talked about as to why we are so adamant that this administration change and improve its policies in Iraq. We have talked about some things tonight, but I want to talk about the 10 significant failures of this administration. I just want to recap them quickly as to why we feel so strongly, why we have been here every week. I want to list them quickly.

Failure number one: the President told us, "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction." That and his other statements, many others, were false. Failure number one.

Failure number two: they told us that they had clear and convincing evidence of the connection between Saddam Hussein and the attack, the heinous attack on us on September 11. Those statements were false. Failure number two.

Failure number three: they told us we would be greeted as liberators, with rose petals at our feet. Mr. Chalabi would be the Spartacus of Iraq. That statement was false.

Failure number four: they ignored clear evidence and clear advice from General Shinseki and many others that we would need several-fold the number of troops that they gave to this effort in order to secure Iraq, and they ignored this clear advice. Why? Because they wanted to fight this war on the cheap so they would not have to pay for it. Well, we have suffered from their effort to fight a war on the cheap with a lot of dead good American people in Iraq.

Failure number five: they refused to involve the United Nations until maybe 2 weeks ago, when they finally went back on their knees to the U.N.

Failure number six: they refused to have elections.

Failure number seven: they had no command and control system on the prisoner camps.

Failure number eight: no armor.

Failure number nine: no plan to pay for this war.

Failure number ten: they gave $40 million of taxpayer money to a con man that got us into this war.

These are 10 failures, and they demand accountability from people in this administration.

PROVIDING LIFELONG OPPORTUNITIES FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. HAYES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYES. Mr. Speaker, we have tonight the subject of lifelong learning and education, making sure that our friends, our families, and working people in America have careers, opportunities, and chances to have the financial rewards that come with being American.

But, first, I would like to yield to my friend and colleague, the gentleman from Kansas (Mr. TIAHRT), who I think would like to help with the rewriting of history and set the record straight on some comments made by our colleagues across the aisle.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, I wanted to spend just a little bit of time before we talk about how we are going to bring jobs back into America talking about the things we just heard about.

Now, a lot of the Democrats and liberals want to ignore what happened on September 11, 2001. They want to ignore that terrorists brought the war on terrorism right down home to America. It was an attack on America, just like Pearl Harbor was an attack on America.

□ 2130

They have forgotten that we are at war against terrorism, and it is on a global scale.

And what do the terrorists want? They want a Taliban-style society right here in America. They want us to lose our freedom. They want our women to lose their rights. They do not want our women to have any property. They do not want them to have any voting rights. They do not want them to drive without having a male partner with them. They want them to wear burqas and look out through a mesh.

This is a total change to what our western society is. If you just look at Fallujah where we tried to give those people in the terrorist organization a chance to peacefully surrender, we backed off, we allowed the Iraqis to go in, and what happened? Well, we have a Taliban-style government there. The women are threatened to wear burqas. The men cannot shave their beards anymore. What is at stake here around the world is our culture.

The liberals want the U.N. to take charge. We heard that just over the last hour. They want the United Nations to take over this battle. Well, let us look at the record the United Nations has.

In Cambodia, after we left Vietnam because of the pressure of the liberals, 2 million people died, another million in Vietnam. But the U.N. was in control. We should be comforted, we should be satisfied that they took over, where 2 million people died in Cambodia.

Rwanda, the U.N. turned a blind eye; and 500,000 people died in Rwanda.

Today, in the Sudan, there is a racist war going on where the Arabs are killing Africans. They are killing the black people. Nearly 100,000 people may be dead as of this point.

The U.N. cannot fight the war on terrorism. The U.N. cannot make the United States safe.

Well, then they said, the liberals just said earlier that we had a bad decision because of the "neocons." What they were referring to is the neo-conservatives. It is some kind of label they are trying to put on people who are serving this country within the Department of Defense.

They said that we made a big mistake because we trusted Chalabi who was an expatriate. Well, we did make a mistake trusting Chalabi, but I have to tell my colleagues that we trust people who are expatriates all over the world today. Why do we do that? We do that because we think they have the best information coming out of the nation, and we trust them because they have the freshest information, and we trust them because we have no other alternative, thanks to the liberals and the Clinton administration.

We totally decimated our human intelligence all over the global. We decided, according to a rule that was placed on the CIA, that we could not deal with any "shady characters." Well, who knows this information? It is the people who are on the inside in these countries that are corrupt. They are all shady characters that we have to deal with, but we have no human intelligence to verify it.

That is why we trusted Chalabi. We trusted him because it was the only information we were getting was from him. We trusted it, but we needed to have some human intelligence to go inside the country of Iraq before we went in and say, yes, this is right, or, no, this is not right. But thanks to the Clintons and the liberals, we could not deal with them. We did not have anybody there to verify it. So we trusted him, and we made a mistake. I think we ought to admit that, and we ought to move on.

Chalabi passed on information to the Iranians. It was reported in The New York Times. How we got that information, the reporter from The New York Times, I do not know. We need to check that out as well, because we are talking about very important secrets that this Nation held.

But we wanted to verify what was going on in Iraq before we entered, we want to verify what is going on around the globe, and we are trying to rebuild that human intelligence network. But thanks to the Clinton administration and the liberals, we do not have any of those contacts right now.

But in Iraq what we have done as Americans is we have taken the fight to the terrorists. We are not sitting back and waiting for them to come to New York or Washington, D.C., or Wichita, Kansas. We are taking the fight to them.

Now the liberals want us to withdrawal from Iraq. We cannot do that. I think that we have to stay there.

I talked to a young soldier over in Iraq when I was there myself, and I said, what do you think about being here in this hot spot where all the terrorists from all over the globe are coming here, they are arming themselves, they are trying to take out Americans?

He said, you know, this is the one spot in the whole globe where every American here is carrying a gun. I want the terrorists to come here. I do not want them going to my home. I want them to come to Iraq. Because this is where every American is carrying a gun, and we can take care of our ourselves, and he patted his machine gun.

We have to take the fight to the terrorists. We cannot wait for them to come to us. We do not want them here on the floor of the House of Representatives. We do not want them on the streets of Washington, D.C. We do not want them in Wichita, Kansas, or New York City or anywhere else in America. We want to take the fight to them.

Well, the liberals say, now, we are in this because of the oil; and they quote people in France and in Germany. Well, if we check about the Oil for Food program that the U.N. had, all of the kickbacks that were coming out of the Oil for Food program went to France, Germany, some of them went to Russia. Does that not sound familiar when you compare that to the list of countries that would not support us in our effort to free Iraq and kill the terrorists? They are the same people that benefited from the Oil for Food program by taking kickbacks from Saddam Hussein.

Well, it is not about oil. Because you know what? We could have bought oil from Saddam Hussein. It was on the black market. It was flowing out of Iraq, thanks to these European countries. But we did not do that because we thought about justice, we thought about right, we thought about making America safe.

Well, it is not just about oil, because we could have taken care of that. It is also about making our country safe. It is about our way of life. It is about western civilization. It is about making the American people safe at home and safe across this country.

Now, the liberals would rather fight this war at home. They want to back off, but that is not what we are going to do. Thanks goodness for George Bush, who has had the courage to take this battle to the terrorists.

Now, they said we got bad information, that we got bad information about weapons of mass destruction in Iraq, that we know that they gave us bad information and we went in, and, sure enough, there was not anything there.

Well, they are ignoring several facts. Number one, we have found sarin gas used in ammunitions against our troops. Now, certainly that qualifies weapons as mass destruction. Perhaps they do not think that is the case. We have also found mustard gas. We have found containers with radiation material that has been in it. What do you define as weapons of mass destruction?

They are present in Iraq. Iraq had the will. They had the potential. They had the equipment. They had the material. They had the gas. They had the distribution systems. They had the history. They used it against their own people and against the Iranians. They had the proof.

Denial is not an option about weapons of mass destruction. They did exist. They currently do exist.

But I just wanted to spend a little bit of time talking about those who spoke here earlier and the criticism that they brought forward. But it was not right, and I think the American people need to understand that it is time for us to realize how serious this battle is. We are fighting for western civilization itself, and we need to take the fight to the terrorists instead of waiting for them to bring it to our hometown, because it is our children, it is our way of life that is at stake.

I did not come down here to talk about that. I just wanted to set the record straight before we moved on.

What I wanted to talk about was lifelong learning, and this is part of an overall program that we have developed at the Republican Conference in the House to address the problem that we have had in America about losing jobs overseas. Now, many people want to blame the companies that hire and create and keep jobs in America. Even the Presidential candidate for the Democrat party, the Presidential candidate for the Democrats said that we have Benedict Arnold CEOs that are sending jobs overseas. Well, let me say, the guys that have made the decision to send the jobs overseas did not do it on a lark or on a way of doing something that was just light-hearted. They did it because they have very few options left.

If we look at the possibilities for CEOs today, they can only control a couple of things. They can control the cost of wages, and they can control the overhead, in other words, how many buildings they have, how many people they have working for them. But if you look at a lot of the costs that are in business today, many of them are way beyond the control of the CEOs. Most of them, as a matter of fact, fall on to the burden that has been placed on them by the United States Government.

the burden that has been placed on them by the United States Government.

These are things that have occurred over the last generation. People in Congress with good intentions voted on legislation that had bad consequences, and it is time to set the record straight, and it is time to do something about it.

We have divided these problems into categories. These eight categories are listed on this placard next to me.

First is health care security. Health care costs have been rising dramatically across America, and we are having a hard time containing the costs, and it is really hurting us as far as keeping jobs in America.

We have bureaucratic red tape. We are trying to terminate that. That has really caused us to have problems with keeping jobs here in America.

This week we are dealing with lifelong learning. We are going to talk a lot more about that today, but lifelong learning is very important for creating an atmosphere in the future so that we can attract jobs and keep jobs right here in America.

Next week we are going to talk about energy self-sufficiency and security. We are going to then deal with tax relief and simplification, and we are then going to deal with trade fairness and opportunity and then spurring innovation through research and development. We are going to end our 8 weeks on the floor of the House with ending lawsuit abuse.

All of these categories were created by Congress over the last generation. All of these categories need to be changed so that we can bring jobs back into America. If we do not, we are going to see a continued loss of jobs in America, and you are either with us or you are against us. Either you support these issues and support bringing jobs back to America, or you are going to turn your back on working Americans, turn your back on the middle class, turn your back on the future for our kids and our grandchildren.

These are the issues that we are dealing with. This week, it is lifelong learning.

I am going to turn it back over to the gentleman from North Carolina, but I just want to say in closing my remarks that lifelong learning is the way that we are going to give hope not only for our children and grandchildren but for those workers who have suffered a loss of their jobs.

I just want to end with this one example. My cousin was laid off from the Boeing Company in October of 2001. Now, the Boeing Company makes commercial airplanes. He worked in the sheet metal shop working on commercial airplanes. After September 11, when people quit flying, they laid off a ton of people at the Boeing Company in Wichita alone. At one time there were 24,000 employees. Now they are down to about 12,000 employees. One of those laid off was my cousin, Mark Smith.

What he has done is he has gone back to college. He decided that he was going to fulfill his lifelong dream of being a teacher. Through the unemployment benefits provided by the Republican House, through the ability to go back to college provided by the Republican House, he has gone back to school. He has fought against the trend. He has gotten his degree now. He is practicing teaching as we speak, and he will start next fall fulfilling his dream as an educator.

He has done it because he had a vision, and that vision needs to be passed on to other Americans who are currently laid off. Let them go back to work. Let them create a future for themselves and for their families and do it.

Because we are thinking about how we can put them back to work. We do not just want to extend unemployment benefits, because the best we can do for an unemployed worker is to get them back to work. That is what they want. That is what they desire.

So lifelong learning is a tremendously important issue. It is third on the list of eight. And as we deal with that tonight I think it is important to remember that if you are going to get workers back to work you have to give them the tools to do that. Lifelong learning is one of those tools.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his efforts, and I thank him for bringing these issues to the forefront.

At this time, I will yield to my friend and colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for his leadership to come to the floor of the House tonight, along with the cochairmen of the Careers for 21st Century America, the gentleman from Kansas (Mr. TIAHRT). I serve as another one of the cochairmen of this very important part of our Republican Conference.

Tonight we are going to talk about lifelong learning and its impact on this country. As we today held a press conference, the gentleman from Kansas (Mr. TIAHRT) and I, we talked about a number of things that face America, our opportunity to make sure that the educational system that we have in this country is not only aiming at the right things but is prepared to make sure that we are ready for its future.

A number of facts came to us today that were very interesting. Among others that we learned were approximately 60 percent of corporations are prevented from updating technologies by the low educational and technically skilled level of their workers, meaning that the workers that are in today's workplace have to be retrained, have to be retrained on a regular basis, and that the corporation that today spends some $60 billion a year on training their employees and making sure that their employees can deal with not only the technologies that are new and emerging but also the tools, being able to do those things that will produce American products and make sure that America is leading edge.

In 1950, 80 percent of the jobs were classified as unskilled. Today, roughly 85 percent are classified as skilled. That is a change in the marketplace. In the coming decade, 40 percent of the job growth will require postsecondary education, so says the U.S. Chamber of Commerce. Approximately 75 percent of today's workforce will need to be retrained just to keep up with their current jobs, also from the Chamber of Commerce. Lastly, from the Chamber of Commerce, as much as 40 percent of tomorrow's jobs do not even exist today.

So as we begin talking about this, not only in the Republican Conference but also in the press conference today, we recognize that our leadership, through the leadership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY), that we needed to bring forth not only a vision statement about what we believe in, but also actual bills, pieces of legislation that will do those things that allow our country to be prepared for the future.

□ 2145

Mr. SESSIONS. And we recognize that, as we started talking about this, that three pieces of legislation, which are going to be on the floor this week, which are very, very important, one of them H.R. 4409, the Teacher Training Enhancement Act, which we are going to hear about in just a few minutes which the gentleman from Georgia (Mr. GINGREY) brought forth to our conference because he recognized that we need to make sure that we are utilizing the best effort not only from what States do, because they are responsible for education, but also to make sure that companies and people who are out there in local cities and at the local level are able to engage in those things to bring their skill sets to the educational environment.

We have H.R. 4410, the Teacher Shortage Response Act, which the gentleman from South Carolina (Mr. WILSON) has made sure is a part of our package. We need to make sure that we are able to accurately and carefully find those people who would come and be teachers in our public schools. We need to find those who have in particular a background in math and science, a high-tech background.

It is difficult for school systems to come and compete for those specialized people who might want to get out of school and be able to pay off their student loans, so they go and they work for local industry. We need them in our schools. So the gentleman from South Carolina (Mr. WILSON) saw this need and said we need to be able to compete in our school systems to have those kinds of teachers to be ready and available to teach our children. He did a good job.

Lastly, H.R. 4411, the Priorities For Graduate Studies Act. The gentleman from Georgia (Mr. BURNS) saw this as a tremendous opportunity for us to capitalize on many people who receive higher education, meaning a masters or a doctorate degree, to be a part of our school system, to be a part of the teaching system that we have in this country, to make sure that our students are challenged with not only leading-edge tool sets, the tool kits that are necessary, but also by the teachers who would be employed to do that, to challenge our bright young students to make sure that the leading-edge concepts, the leading-edge ideas that will develop tomorrow so that we can make sure that this country is prepared.

And that is what this week is about. That is why we operate Careers For the 21st Century in this week, talking about lifelong learning. We believe that if the United States Congress acts forthrightly to where we talk about what is the real job that Congress should be doing, we should be aiming this country in a direction that will allow the private sector and schools back home to not only compete and hire those people who will help our students, but also to make sure that the resources are available to do that. And that is why this Republican conference is so interested in making sure that this is a part of what is available in the tool kits for teachers and administrators back home.

I am very proud of what this will mean and what it will do. Years ago early in my career I spent time at Bell Labs in New Jersey. And I was around some of the brightest and the best of the young people that this country produced. Now we have seen a proliferation of jobs all over this country where high tech has taken off, where jobs are available in not only health care but also the employment industry where it is high tech involved in helping our military or perhaps producing things for jobs in this country.

We must continue in this country being the leading-edge producer of not only technology but also the students who will operate and make that technology work. I believe that America's greatest days are in our future because we have a vision and a dream about where we are going to go in terms of not only this generation but the next generation.

This is a part of the Republican Party's commitment to the future of this country. I am proud of what we are doing. I am proud to be a co-chairman of this very important Careers For 21st Century.

I thank the gentleman from North Carolina for taking his time tonight to make sure our message is given to our colleagues about how important our responsibility is to ensure the success of the next generation of Americans through education.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his efforts and his leadership.

This majority is making a difference as we aggressively pursue education goals that create careers and opportunities for families all across America. I might also point out, and I appreciate my colleague pointing out the gentleman from South Carolina (Mr. WILSON), the gentleman from Georgia (Mr. GINGREY), the gentleman from Georgia (Mr. BURNS).

And just today we passed a fine piece of legislation that expands on unemployment benefits by allowing people an additional $3,000 to help with finding a new job. We passed that today, House bill 444.

We are in the very near future going to deal with the family marriage amendment. We will protect America's families because education without families does not get us anywhere. Faith-based initiatives. This majority is making a difference.

Mr. Speaker, at this time I would like to yield to one of my good friends here from Georgia tonight, the gentleman from Georgia (Dr. GINGREY), for such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES). I thank the gentleman from Kansas for reserving this hour and giving us this opportunity to talk about lifelong learning and preparing our men and women, indeed our children, our students for the 21st century workplace.

It is kind of interesting, we hear all this criticism. It seems like in this Presidential election cycle the big word is the O word, "outsourcing," the outsourcing of jobs and decrying that. What is left out of that argument, of course, is the fact that with a global economy, with fair trade, you also balance that outsourcing, even though we wish no jobs would leave this country, with a lot of good jobs from insourcing.

I am a native Georgian and I represent, Mr. Speaker, the 11th District of Georgia; but I actually grew up in South Carolina just across the Savannah River on the State line, if you will. And I have seen that State, while losing over the years, the last 20 or 30 years, in fact, a number of textile jobs, unskilled jobs, in fact whole towns were affected. The town of Graniteville, South Carolina, where my dad grew up, every job in that town was a textile job, of a cut and sew, highly unskilled job from generation to generation. And all those jobs were lost.

But, thank goodness because of a global economy today, in the State of South Carolina I know my colleagues, the gentleman from Texas (Mr. SESSIONS) just mentioned it, the gentleman from South Carolina (Mr. WILSON) the good work that he has done representing my mom and my brother in South Carolina, I am sure if he were with us tonight he would talk about that BMW plant in Spartanburg, South Carolina, as I could talk about the Pirelli Tire Company up in Rome in my 11th District in Georgia.

So there is a balance. I think it is important that we make a point there, that we are concerned about losing jobs, but we are mighty thankful that there has been a lot of insourcing. And hopefully one day soon we will have more jobs coming into this country than we have had leaving the country. They will be better jobs. They will be better-paying jobs with better benefits.

But as my colleagues pointed out, we cannot attract those companies, we cannot provide these jobs unless we have an educated, highly skilled workforce. And what has happened in the past with our youngsters coming out of school without good skills in math and science and information technology, computer skills, what you see, of course, is in so many instances you do not have all these operators, you do not go back to the old television series, I Love Lucy, Mr. Speaker, when Lucy and Ethel were on that assembly line trying to keep up with those donuts. You do not have that anymore. You have a lot less need for people on the line, on the production line because they have to be skilled and they are running the computer. And a lot of this stuff is done by computer. These are good-paying jobs, but they require more skills than what we have had in the past.

That is what this hour really is all about, to talk about what this leadership, what this administration has brought forward. And certainly we lost some jobs since 9/11, nobody could control that; but the efforts that this Republican leadership, this Congress has put forward over just the 2 years that I have been here as a freshman Member. I am very proud to have had an opportunity to vote in support of things that help the lifelong learning process.

Just today, just today, Mr. Speaker, as the gentleman from Texas (Mr. SESSIONS) mentioned, we had the opportunity to bring forward H.R. 4409, the Teacher Training Enhancement Act. Now, this is a bill that improves the skills of our teachers. And it is hand in glove with the No Child Left Behind Act that was passed in 2002, the year before I arrived here. And that was nothing but the reauthorization of elementary and secondary education, which was long overdue, which finally had some accountability in it and required that Federal dollars are being well spent at the local level. But there needs to be some accountability.

So if we are going to expect that no child will be left behind by the tenets of that legislation, then it is appropriate for us to also say colleges that teach our teachers, education colleges, you need to provide the highly skilled teachers that that law, No Child Left Behind, requires, that you produce these highly qualified teachers in the classroom by date certain. And they need to also be accountable just as we are expecting our superintendents and our teachers and principals at the local level to be accountable.

So this bill, and again, Mr. Speaker, I am proud that it was passed with wide, strong bipartisan support, as well it should be, because this just enhances the State grants, these partnership grants, teacher recruitment grants to make sure that not only are we doing a better job of teaching teachers, indeed making them highly qualified so that our youngsters in secondary education, before they get to higher ed, if they decide they want to go out into the workplace and take these highly skilled jobs that we are producing, then they are ready, they are ready to go. It is just very important that we do that.

So, again, I want to thank the gentleman from North Carolina for allowing me to come and share some of my thoughts. And again it is bills like H.R. 4409 and other things that this Congress has done, this Republican leadership, that is going to result in not only almost a million jobs that we have created in the last 8 months but certainly we are going to continue to do that. I just commend my colleagues for that effort.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his leadership. I thank him for his commitment to education, his commitment to the State and to his district. I am wondering if the good doctor would yield for a question.

Mr. GINGREY. Mr. Speaker, I will yield, sure.

Mr. HAYES. Mr. Speaker, as we stand here tonight talking about the importance of lifelong learning, my colleague is a doctor, like me he is not as young as he used to be, medicine and the way it is practiced has changed somewhat since he graduated from medical school and completed his internship.

If my colleague would just speak for a few moments, if you will, about the importance of continuing education, upgrading one's skills so that one can use the newest technology, the equipment, the techniques, the procedures that have allowed us to maintain the number one health care system, no thanks to the liberals who want to give it all to the government, but speak to us about a lifetime learning and his experience as a doctor and how that not only relates to medical skills but scientific skills, government skills, and others.

Mr. GINGREY. Mr. Speaker, I am so glad that the gentleman brought that up. There is no question that in my profession, as he pointed out as a physician, we are actually required on a 2-year cycle to take a certain number of hours of continuing education. And it has to be good hours. It is not a vacation meeting. It really has to be good continuing education requirement.

And this is, as my colleague points out, as it should be, because things change. And if we practice the same medicine in the 21st century that our great forefathers practiced back in the days of Little House on the Prairie when there were no antibiotics and you only did surgery as a last resort, today if we practiced in that manner, we would be practicing below the standard of care. And we would be subject to severe penalties, maybe even lose our license.

□ 2200

So it is very important. And just as you say, you cannot rely on those things that you learned when you are 10, 15 and even 20 years old. You have got to continue to upgrade your skills in any profession.

Mr. HAYES. Mr. Speaker, I am sure that the gentleman's patients are particularly appreciative of the transparency and the accountability that you bring to the operating table and to your doctor's office by presenting those credentials and letting you know of how you have increased your skills and kept up with the latest technique.

Mr. GINGREY. There is no question about that. And it makes me think, too, we are talking about this issue of outsourcing and the weeping and gnashing of teeth over that. But the very same people that are crying about outsourcing are the ones who for my profession will not give us an opportunity for a level playing field in regard to tort reform, will not help us pass meaningful legislation to bring fairness into class action lawsuits or product liability and put all these burdens on our small businesses, men and women who employ most of the people in this country. They create the jobs.

But yet it is not just wages that is causing us to lose these jobs. It is a lot of these burdensome rules and regulations that our competitors offshore do not have to abide by. So you are absolutely right.

We want people, my patients, I always want them to know. Whenever I completed that cycle, that 2-year cycle of particular education, I would put that little diploma in my office, hang it right there on the wall or in one of the exam rooms so they could look and see where I trained and am I up to date, absolutely essential.

Mr. HAYES. Mr. Speaker, I thank the gentleman. Those patients not only appreciate but they demand accountability. It sounds like no Child Left Behind, so we are on the right track.

Mr. Speaker, a good friend from Georgia and a leader in education, agriculture, defense, it is hard to think of what he is not a leader in, but I appreciate him being with us tonight. I yield to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES), my good friend.

Mr. Speaker, I spent 20 years in public education at the university level training young men and women to practice lifelong learning. The field that I was a part of was in computer and information systems, and I began that adventure in the early 1970s. Between the early 1970s and 2000 the industry changed virtually every 18 months. So it was a constant struggle to keep up with the technology, to keep up with the concepts and the techniques, first as a practicing professional but later as a faculty member at Georgia Southern, to be able to train my students in a discipline that was a constant change.

That is what we face in our Nation today. That is what we face across the spectrum.

I think what I want to talk about tonight, I appreciate my good friend from Georgia (Mr. GINGREY) in his work on the Committee on Education and the Workforce with me and the gentleman from North Carolina (Mr. HAYES). The bills that came out of the House today were important and significant on higher education. I was glad to be a part of that for both teacher training enhancement, which included a very significant component on centers of excellence for our minority serving schools, but also the Priorities and Graduate Studies Act, which allow us to focus on math and science and special education, those components of our society and our educational environment that we have, unfortunately, neglected all too frequently over the last number of years and we have fallen behind by any measure on world standards. We have got to improve in our education department.

But tonight as a part of lifelong learning I want to shift gears and talk about a concept that maybe does not get as much attention as it should. Many families in America, when faced with the choice of sending their child to a public school, they feel that maybe their needs cannot be met as well as an alternative or two. I want to talk about those alternatives.

We seem to be reinventing the way America learns, how young people are prepared to face today's society. We have alternatives from our public schools to our private schools to our home schools to charter schools to our home schools to even our cyber schools. Especially in the technology world, the cyber schools are becoming a major component of that.

But tonight I want to talk about home school, charter schools. I have home schooled constituents in my district, I have charter schools in my district, and there are many reasons why a parent and a family might look to that alternative.

It is amazing, self-learning has really been around a long time. If you go back and you kind of look at the lore of learning and the achievement by individuals who had limited formal education, if any at all, Thomas Edison, George Washington, Abraham Lincoln, Benjamin Franklin, the Wright brothers, Helen Keller, even Albert Einstein, all self-learners, all life-long learners.

It is amazing that we are beginning to come back to the concept of a family taking responsibility for their child's education, to become a partner in the education process.

I am a teacher, and I have tremendous respect and regard for those in the teaching profession. The dream of the teacher is to help their students achieve their dreams. So that a dream of a teacher is to make the dreams of that student come true, but the partner with the teacher is the parent. And all studies are going to tell us that when parents are involved, students learn. There is more discipline in the challenge. There is more involvement. There is a better environment for learning.

Just recently the Augusta Chronicle in my district in Georgia, the 12th district of Georgia, ran a marvelous article about a young lady who was in a school that failed to meet its annual yearly projects progress as a part of No Child Left Behind. She had a choice. She and her family looked at the amenities, and she changed schools within the public system in Richmond County. And this article went on to describe the positives that were associated with that and the achievement that she received and the way in which she was able to advance so much more, basically because of lack of discipline in the environment that she was having to move from.

Charter schools and home schools oftentimes are able to handle those challenges more effectively. There is a charter school in my district in Savannah, Georgia, that I visited not long ago; and they have two fundamental expectations: appropriate behavior by the student and parental involvement in every case. Now all of a sudden many of the things and the challenges that we face have become of limited concern.

Sometimes parents choose to home school because the alternatives may instill values that they do not agree with. They may instill values that run contrary to those of the traditional family. They kind of feel caught up and bound by their tax dollars to schools that may not meet their child's needs.

Over the last two decades home schools have grown from about 200,000 to over 2 million; and you have to ask yourself, why has there been such a rapid growth in this area? Well, in 1998, there was a study done that in every subject, in every subject in every grade level, K through 12, home school students, are you ready, scored significantly higher than their public or private school counterpart. Some 25 percent of all home school students at the time that they were enrolled at either grade level or beyond, they had an average ACT score of 23, compared to a public ACT score of 21.

Federal Reserve Chairman Alan Greenspan, Alan Greenspan rejected the Democratic notion that the more money we put into a school the better the school performs. His comment says, "Putting money in is not necessarily an accurate measure of the output. We are falling behind by any measure in our secondary schools."

Greenspan went on to say, we have to increase the skills every year, every year, or we will fall behind, we will fall behind.

One of the things that I want us to talk about tonight and maybe share with the rest of House is that how can we take the lessons we have learned from home schooling and apply them to improving our public education system. Primarily, the exponential growth in home schooling is primarily a result of bad public policies and programs in our Nation.

We have unfortunately turned a deaf ear to parental input and the voice of the parent. We have not given it its proper respect and consideration. We have tended to push the parent aside, as opposed to making them a partner. I will tell you that the best schools in my district, the highest-performing schools in my district are those who have active parental involvement in every grade in every classroom.

The President has placed a strong agenda on education and the pillars the educational reform pillars, accountability and testing. We all know No Child Left Behind has four fundamentals: accountability and testing, flexibility and local control, funding that works, funding that provides a return for the investment, and, finally, expanded parental options so that we can indeed move America forward.

We have to close the achievement gap. We have to have a first-class education around our Nation. The report cards that are coming out in Georgia now that show the progress that our schools have made, and they have made great progress. I have been in every school district, in many of the schools in my district, and I will tell you they are making great progress, and I want to congratulate them.

We still have a lot of work to do. But the point is, we have to have qualified teachers. We have to have committed parents. We have to have the fundamentals of education in every environment.

We are turning the corner on success, and we are beginning to see a return on our efforts when it comes to public education. I am proud of that achievement. If we are going to become lifelong learners, if we are going to be able to move from this decade into the next and the ones beyond, we must all recognize that lifelong learning is a fundamental requirement in today's society.

So if you look at the experiences in higher education, if you look at the experiences in our great technical colleges, if you look at the experiences in our secondary schools, we have to realize that we must continue to improve at every turn in order to achieve a competitiveness and a quality standard second to none in our globe.

Mr. Speaker, there is a significant part of our agenda for America to ensure that no child is left behind regardless of their background, socio-economic, their ethnicities where they happen to live, but we also have to build that mechanism and that desire for learning.

One last illustration. Last week, during the district work week, I met with a family out of Hinesville, Georgia. They were in the military. They had a son, fine young man, 11 years old. He was in a school system that unfortunately was not meeting his needs. Not because he was too slow but because, in reality, he was advanced. He had taken the SAT score at 11. He scored 1,040 on an SAT. This young man had special needs, but they were special needs to be challenged. He was bored. He was bored in a 5th grade classroom when he could perform at 7th and 8th grade levels.

I sat there and I listened to the story, and I have got to work on this challenge. But we do not need to leave any child behind, but we do not need to hold any child back either, because there are folks out there who can really achieve.

After spending a half an hour with this young man and with his father and mother, by the way, his father is in the U.S. Army, Third Infantry Division at Fort Stewart, Georgia. He just came back from a year in Iraq. And I sat there and I listened to this young man and the challenges he faced.

☐ 2215

I asked him to do one thing, do not lose your love of learning, because that is what will sustain you throughout your entire life.

We must all have a love for learning, and he assured me that he loved to learn, and that even though in a traditional classroom he might be a bit bored, that he could make up for that as a self-learner, and that is what we must all be.

I want to thank the gentleman from North Carolina (Mr. HAYES), thank the committee for focusing on learning and recognizing the fact that learning is an integral part of all of our lives and we must do it every day if we are to remain competitive.

Mr. HAYES. Mr. Speaker, I thank the gentleman again for pointing out the many intricacies and the many pieces that this Republican majority is helping to bring together so that lifelong learning and competitive young people coming out of our school system is a reality.

Just as a matter of interest, I do not know if the gentleman from Georgia knows this, but my wife and I lived in Alaska for a year. Sometimes we think of home schooling as a choice of Republican schooling. Well, in Alaska, it is an alternative. If you live more than two miles from a bus stop, they will furnish you at no question, no cost, the materials for home schooling.

One of the things that we learned from home schooling and why it is so important is, and I give my wife the credit because she did most of it, but I helped sometimes, if you home school your children, you really appreciate the teachers in the public school because you get a feel for what they go through. One of the beauties here, again, is small class size, concentrated, strong family involvement and participation.

So, again, I thank the gentleman.

Mr. BURNS. Mr. Speaker, if the gentleman would yield, I had an opportunity at the university environment to periodically have assignments in the international setting. I spent 6 months in Australia, and my sons were in the fourth grade and the seventh grade, and even though they went to Australian schools, my wife would tutor them in their U.S. subjects.

Four years later, we were in Sweden. My sons did not speak Swedish, but yet their instruction was in Swedish, and my wife, again, assumed the role of parent/teacher, and my sons, because of my wife's dedication, never missed a beat.

Now, not all families can do this. Not all families would select that option. But I think one of the most important things we see in this model is commitment to learning by the family unit and a commitment to assisting their children in achieving very, very positive results; and once that love of learning is instilled, then it carries through for a lifetime.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his participation.

At this time, I would like to yield to my colleague, the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from North Carolina for yielding.

I want to point out this placard I have about a statement that was made by Alan Greenspan before the Committee on Education and the Workforce. It says, we need to increase our efforts to ensure that as many of our citizens as possible have the opportunity to capture the benefits that flow from that engagement. For reasons that I shall elucidate shortly, one critical element in creating that opportunity is the provision of a rigorous education and ongoing training to all members of our society.

This proposal is not novel. It is, in fact, the strategy that we have followed successfully for most of the past century and a strategy that we now should embrace with renewed commitment. That is what we are talking about tonight, the renewed commitment to lifelong learning.

Mr. Speaker, I have a statement that outlines what we intend to follow this week, the legislation that we will bring before the committee, the commitment that the Bush administration has for education.

Mr. Speaker, I also have a statement about IBM and about their commitment to lifelong learning and how they average about $3,000 per employee and how they coordinate with different universities about lifelong learning that I would like to insert in the RECORD at this point.

Learning is indeed a "lifelong" endeavor. I'd like to highlight the efforts of IBM. IBM seems to understand what it takes to create a stronger workforce and is stepping up to the plate.

IBM partners with a number of colleges and universities around the country. For example, IBM's Scholars Program (http://www-306.ibm.com/software/info/university/) allows colleges and universities to receive IBM software free to charge and also permits faculty to attend IBM training sessions at no cost to them.

In Vermont, IBM relies on the Vermont State College system to supplement the company's own internal training curriculum in a variety of engineering and computer courses. Similar relationships exist in Poughkeepsie, NY, with Marist College and Dutchess Community College; in Austin, TX, with St. Edwards; and in San Jose, CA, with Santa Clara Community College and UC Santa Clara. IBM also has a long standing relationship with the National Technical University which allows employees to take a full range of classes remotely, which will lead to advanced degrees.

It's worth noting that IBM will spend between $750 million and $800 million on employee training this year alone. Half of this will be for U.S. employees (which averages out to almost $3,000 per employee). In addition, IBM will spend $25 million more on training those employees whose jobs "may" be at risk due to global resourcing. This training is specifically aimed at equipping employees with the skills necessary to secure employment with IBM business partners, vendors, or customers if IBM does not have a position for them. Moreover, under the auspices of the U.S. Department of Labor, IBM is working with other business partners to potentially train IBM employees for positions in these other companies so that an individual displaced from IBM would never enter the public workforce system but would receive custom training that fits the needs of their new employer.

IBM's training programs work and have produced positive results. I encourage the Federal Government to join IBM and others to create a stronger workforce and keep American workers competitive in today's global economy.

Mr. Speaker, I also have a statement about a great example of a company taking the reins and bringing job training to their employees. That is about the Quaker Fabric Corporation of Fall River in southeastern Massachusetts. Their motto is, "Hire the Best, Invest in the Best and Keep the Best." It is an outline of their commitment to lifelong learning for their employees, and I will insert it in the RECORD at this point.

Mr. Speaker, in today's dynamic business environment, lifelong learning and job retraining are an essential part of the modern workplace. Businesses realize this, employees realize this, it is time for Congress to realize this.

A great example of a company taking the reins to bring job training to their employees is the Quaker Fabric Corporation of Fall River ion southeastern Massachusetts. Quaker Fabrics is a small business that manufacturers woven upholstery fabrics for residential furniture markets in the United States and abroad. Their motto is "Hire the Best, Invest in the Best, and Keep the Best."

Mr. Speaker, Quaker Fabrics realizes that new technology requires job retraining to stay competitive in today's global market. In order to compete, they opened the Quaker Learning Center to help their employees stay on top of new technology. This investment in their workers has paid them dividends. Their sales have increased by 55 percent and they have added new jobs for 1,000 people in their area. In the process, 12 of their employees have received their GED certificates, 20 employees now have certified computer training, and due to partnerships with local colleges and universities, 15 of their employees have graduated from MBA programs.

Quaker Fabric Corporation has gone a long way to empower their workers with the skills they need to compete in a global market. However, in their own words, "We can't do it alone. We need our schools and teachers from K–16 to build the foundation of literacy, critical thinking, problem solving, mathematical and interpersonal skills required to be successful in today's knowledge based society. And it is critical that we have more programs and funding available for incumbent worker education."

Mr. Speaker, lifelong learning creates new jobs and provides individuals with the skills they need to fill these new jobs. This is smart policy already embraced by American businesses across the country. The U.S. Congress should join businesses to help provide lifelong learning to American workers.

Mr. Speaker, I also have a statement about our Founding Father Benjamin

Franklin, who is highly revered for helping lead Americans to independence and guiding the construction of our government but also talks about how he realized the importance of education and advocated not only for public education systems but also for adults to continually expand their knowledge. It follows with our concept of lifelong learning and what we are committed to, and I will insert it in the RECORD at this point.

Founding Father Benjamin Franklin is highly revered for helping lead America to independence and guiding the construction of our government. But it is the lightening and key experiment that has endeared him to schoolchildren. Benjamin Franklin was even more of a Renaissance man than actual Renaissance men. He was an inventor, a printer, a scientist, writer, philosopher, statesman, economist, musician and entrepreneur. He challenged all he encountered—in person and through his writings—to think in different ways and improve themselves. Most important, he realized the importance of education and advocated not only for public education systems, but also for adults to continually expand their knowledge. Franklin wanted to ensure that Americans got the necessary training at home to compete with the best and brightest around the world.

Though his formal schooling ended at age 11 when he began his first apprenticeship, Franklin never stopped educating himself, constantly reading, writing and learning new skills. Franklin assembled philosophy and science leaders for discussions, set up a subscription library in Philadelphia and established the Public Academy in the City of Philadelphia to ensure that young people had a chance for formal schooling. His push to promote education at home as well as to attract the brightest minds to the United States has been successful.

Franklin's goal of lifelong learning holds true today, perhaps even more so. A highly-educated workforce is critical to America's competitiveness. Today's students are tomorrow's workforce, and for that reason, education is directly linked to America's ability to compete in a changing worldwide economy. Many working adults are trying to keep pace with the education required to stay ahead in their careers, or are in need of retraining to get them back into the workforce.

As part of our eight point competitiveness agenda, the House is addressing Lifelong Learning needs this week. Our public school system has given generations of Americans the tools to pursue their dreams, and it can certainly help prepare boys and girls for the demands of the new century. Now we need to make sure that our children are learning the fundamentals, that they become familiar with technology, and that math and science curriculums are enhanced so they can compete in the economy of the future. We will pass three bills to do so: the Teacher Training Enhancement Act, the Teacher Shortage Response Act, and the Priorities for Graduate Studies Act. We also highlight the need to continue to make sure that students have the opportunity to attend higher education institutions. Finally, we will address worker training and retraining needs. The Worker Reemployment Accounts Act offers new assistance for unemployed workers to enhance their skills and find new jobs and reenter the workforce.

This week the House is focused on the American worker, on how we can directly help the American worker compete in the global economy. We need to give our children the basic building blocs for 21st century jobs, make sure all Americans have access to universities and community colleges, and that workers have access to the training that will guarantee them high quality, high paying jobs.

Instead of political rhetoric, Republicans are offering real solutions. We invite our colleagues to join us in moving America forward and providing opportunity for U.S. businesses and working families.

Mr. Speaker, I would also like to point out that the Chamber of Commerce has addressed Congress, and they said that as much as 40 percent of tomorrow's jobs do not exist today. I believe that the only way that we are going to prepare for tomorrow is that if we continue our efforts for lifelong learning and heighten the awareness of people in America to their commitment to education, whether it is at the primary level, the secondary level or the graduate level or postgraduate level, so that we continue lifelong learning for all Americans; that the commitment that the Republicans have in the House of Representatives, that the administration has be carried out through our efforts.

This week we are addressing lifelong education. Again, it is number three on our list of the eight issues that we think are important to bring jobs back to America. These eight issues are issues that have been roadblocks to keeping and creating jobs.

Congress itself over the past generation through good intentions has passed bad legislation. We are trying to overcome that bad legislation by changing the environment so we can bring jobs back into America. We started out with health care security. Then we moved to bureaucratic red tape. This week we are talking about lifelong learning. Next week, we are going to move on to energy self-sufficiency and security. Following that, we will take a week and talk about tax relief and simplification. Following that, we will talk about trade fairness and opportunity. Then we are going to move to spurring innovation through research and development. We are going to end up with lawsuit abuse and changing that.

This is a commitment that the Republicans have made to address each one of these issues one week at a time over a period of 8 weeks so that we can keep and create jobs in America, bring jobs back. Instead of outsourcing, we want to insource jobs to America. This is one way that we can overcome the barriers that employers are facing so that they can bring jobs back to America.

I want to thank the gentleman from North Carolina for spearheading the effort on lifelong learning. He has done a tremendous effort and a great success in the way he has brought other Members into the circle. He has brought this issue to the entire Republican Conference. He knows it is not only important in North Carolina but it is important in Wichita, Kansas, and across the United States.

So I want to thank the gentleman from North Carolina for allowing me this time to speak on behalf of this issue, working with him on this issue, as well as the others, and I would like to conclude my remarks and yield back to the gentleman from North Carolina to complete our efforts tonight.

Mr. HAYES. Mr. Speaker, I thank my friend, the gentleman from Kansas (Mr. TIAHRT), for his wonderful leadership and pointing out how important these issues of education are.

He talked about bureaucratic red tape. Just last week, if my memory serves me correctly, we passed the Paperwork Reduction Act, which puts over $800 billion potentially back into our economy for American jobs and helping people with their career.

Mr. Speaker, in closing, there are two things that I have stressed in my time in Congress, and they are national security and economic security. My friend pointed out that on September 11 incredibly insane people flew three airliners, used them as missiles, flew them into the World Trade Center and the Pentagon. National security is critically important to our future. Fighting and winning the war on terrorism, which our brave young men and women are doing every day, is happening because of the commitment of America, the patriotism of these fine young men and women; and our commitment and our support of them is crucial for the future of our young people.

Economic security comes from education, childhood, families, middle school, high school, secondary, postgraduate. Economic security allows us to maintain the financial integrity of this Nation. Financial integrity and the things that go with it enable us to equip our military which liberates countries like Iraq and Afghanistan from terrorists, thugs and murderers.

So those are the two important issues.

To give you some firsthand information and experience from my district, we have seen how important this is. In August of this year, we had the largest single layoff in North Carolina's history. As this tragedy occurred and many people were dramatically, drastically and terrifyingly affected, retraining, education through the community colleges, through high schools, through other means, has been pointed out how important it is, and this majority and this administration has stepped in to provide the help and the guidance in every possible way that we can so these folks could be retrained so that they could be skilled for new careers.

A wonderful example is a lady named Barbara Price who worked at Pillowtech. She went back to school and I remember meeting with her at Rowan-Cabarrus Community College and hearing her describe how all of a sudden she is a 57-year-old mom who was having her high school students, who were extremely proud of her ambition, her willingness to go back to school, but they were helping her with her homework. They were encouraging her to adapt, to learn and to get these new skills.

So that is just one of many, many examples where lifetime learning continues. We are retraining for next generation, highly skilled jobs.

The question becomes, what are those jobs going to look like? Well, my answer is simply that America, with the ingenuity, the resources and the talented people we have, we can create those 40 percent of new jobs which have not yet been created, and that is what this majority is working to do with incentives, with tax cuts, with letting people keep more of their own money. Just a few of the ways that we can help do this.

In education, we are working with all of our schools, trying to find out how do we keep young people in school today. Because manufacturing jobs are not available when people drop out of school early. We have a program with the Dell Computer Company called Dell Techno, targeting at-risk and other young people in middle school, giving them the encouragement and also the excitement they need to see the connection between education, learning and earning. It has been very successful.

They come to school after hours. They learn how to take a computer apart, put that computer back together with the latest technology. After completing the course, they own that computer; and they can take it home and increase their skills.

BizWorld, teaching entrepreneurship and financial accountability. Teaches youngsters how to strive for making jobs, creating jobs, not just taking a job, teaching them the basic skills of creating a product, marketing that product, selling it and taking the profits, which not only are not a bad word but that is an imperative, taking the profits and expanding and making jobs, not taking jobs.

Congressional scholars bringing the remarkable assets of the Library of Congress into their high or middle school or college. Giving teachers additional tools. Because the way to show appreciation to these hard working teachers is, again, to give them the flexibility, the tools, the assets and resources they need.

Technology is not the only answer. We need stronger families. We need discipline in schools. We need the kinds of things and the cooperation that we have talked about tonight. This is the kind of America that we envision for our children and our grandchildren, an America that is learning, that is earning, that is taking the greatest that we have and expanding it, creating, maintaining and expanding freedom, opportunity and chances for others to enjoy the blessings that we have.

Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) and all who have participated tonight, and I thank all of my colleagues who are interested in lifelong learning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). Earlier this evening, remarks in debate included improper references to the Vice President. The Chair endeavors to take initiative to admonish such improper references to the President or the Vice President, to acknowledged candidates for those offices, or to Senators contemporaneously with their utterance.

Although in this instance no contemporaneous initiative was taken, the Chair nevertheless is constrained to remind all Members that remarks in debate may not engage in personalities toward the Vice President. Policies may be addressed in critical terms. But personal references of an offensive or accusatory nature are not proper.

ARE YOU BETTER OFF TODAY THAN YOU WERE THREE OR FOUR YEARS AGO?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

□ 2230

Mr. CUMMINGS. Mr. Speaker, it is certainly a pleasure to be here tonight along with my colleagues from the Congressional Black Caucus as we begin to look at a very critical issue, and it can be simply titled: Are you better off today than you were 3 or 4 years ago?

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members have 7 legislative days to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I cannot help but comment on the comments that were just made by my Republican colleagues. As I listened to them very carefully, I was struck by, and I know it is their good intent to make America better, but one of my colleagues talked about how he had lost jobs in his district and how he now is trying to figure out ways to make sure that people who may have lost their jobs will be in a position to get jobs in the future. I think that is a very noble objective.

But the one thing we must keep in mind is that there are millions of people who have lost their jobs since January of 2001, and it is nothing like being in a position where you have lost your job. No longer are you able to buy tennis shoes for your children, no longer are you able, in many instances, to put food on the table. And if you were in Baltimore, no longer were you able to afford to take a vacation to Disney World, let alone a faroff distant land.

So when I listened to my colleagues, I could not help but ask myself the question, What have we done and what have they done to make sure that this country does not hemorrhage jobs? And then I heard the astounding argument that I did not think I would be hearing again since our President made it not long ago, in that there is something right about outsourcing jobs; that is there is something right about, according to my colleagues on the other side, about being able to make a call in Maryland for a Maryland service and possibly ending up with an operator somewhere in India or in some far-distant land because jobs have been outsourced.

I would simply come to this floor, Mr. Speaker, and say that it is time for us to change the leadership in this country, because the jobs they talk about having been lost are jobs that did not have to be lost. Over and over again members of the Congressional Black Caucus have come to this floor and talked about so many issues with regard to jobs, with regard to education; and then I hear my colleagues talking about lifelong learning. And I shall comment in a moment on what this administration proposes to do, and that basically is to cut back on the very training that they say that their constituents need after they lose the jobs; but, Mr. Speaker, I would simply say that something is awfully wrong with the picture that they paint.

Unfortunately, America has suffered and America's people have suffered tremendously over the course of the last 3½ years. So we ask the question tonight as a Nation, Are we better off today than we were 4 years ago? This question may sound familiar to you. If you will recall, it is the same question that former President Ronald Reagan posed to the Nation during his 1980 run for the Presidency. Now, I must admit that although I probably would not agree with President Reagan on many things, I definitely agree that Americans must assess whether or not their government is working for them; and if not, they must figure out what to do about that.

I would submit that if government is not working, we should have commonsense solutions. In an employee-employer relationship, if the employee is not doing the job, he or she is fired. And I would submit this evening that we need to look at that course for this administration, and it is our plan to lay out our case tonight.

Mr. Speaker, we should never forget that this is still the people's government. We are public servants of the American people. It is no accident that the first line of the Constitution reads "We the people." And it is no accident that the people's money funds the operation of our government. Yet, Mr. Speaker, this Congress, led by Republicans in both bodies, has failed to fully provide for the people in every single way that matters.

As stewards of the government's purse, my colleagues on the other side of the aisle have run up deficits and debt to the highest levels ever. At the same time, on issues from education to health care to the cost of basic goods and services, the average American is worse off under this administration than they were 4 years ago. And now, Mr. Speaker, the administration is already making plans for further cuts in services to the American people for the next fiscal year.

We have often said on this floor that we understand and are definitely committed to our troops, but we also are committed to having a balanced approach to the problems of this country and the problems of the world. There is absolutely no doubt that anyone using common sense would make sure that you protect yourself from outside forces. I would agree with that, and I think most of my colleagues, if not all in the Congressional Black Caucus, would, as would probably all 435 Members of this Congress. But at the same time, Mr. Speaker, we have to balance that and make sure that the people in this country are taken care of too.

In other words, what good does it do to go outside of this country and defend this country and go to Iraq and go to Afghanistan seeking out the terrorists while at the same time the very people that we are supposed to be making sure that they have benefited are falling by the wayside. In other words, our children. I have often said our children are the living messages we send to a future we will never see.

But as I listened to my colleagues on the other side a few moments ago, it is interesting they never talked about the fact that children are indeed being left behind every day and every moment of the day. While they talk quite a bit about how great the No Child Left Behind legislation is, and I would agree with them to a degree that it is good legislation, and if I recall correctly most Members of this Congress voted for that legislation. It was pretty much a bipartisan effort. But the thing they did not mention is that it has been substantially underfunded.

If you go to any school district throughout this country, you will talk to teachers and you talk to people who are on the front line, and they will tell you that this underfunding has caused great grief and has put them and State and local governments in a very bad position.

I saw a recent Washington Post article revealed a secret White House budget memorandum which detailed severe cuts in a range of Federal programs that are essential to the lives of millions of Americans. Everything from Head Start, again talking about children, and homeownership programs, to Department of Veterans Affairs, yes, I said the Department of Veterans Affairs. And if I might just put a footnote here, here we are with the President just dedicating America's World War II memorial the other day, yet still the Department of Veterans Affairs is on the chopping block if this administration is reelected in November.

It is not about what is said; it is about what is being done. I would ask the American people to keep their eye on what is being done, not what is being said. And after celebrating Memorial Day and honoring our veterans, I cannot imagine how some people in this town could even propose to cut veterans benefits.

On Memorial Day, when I had an opportunity to talk to so many of the veterans in my district, one of their number one complaints was that they are not able to get the kind of medical care now that they need. They cannot even get the medical care for their spouses. And these are men and women who have given so much to their country believing that there would come a time that they would be able to get the type of benefits that they needed.

But this administration, while making wonderful, wonderful speeches at the new World War II memorial, at the same time is cutting benefits. It is unconscionable to think that the men and women who served this country would have to endure their elected officials turning their backs on them when they return home and need services.

And so it is, Mr. Speaker, that we have a situation where this administration has decreased Federal revenues, raised deficits through poor policy decisions, and is now telling the American people that they must sacrifice their children's educations or veterans benefits to pay for it all. Something is glaringly wrong with this picture when we ask our elderly veterans to take a cut, when we ask our children, now that it is their chance to get an education through Head Start and other programs that will support them and allow them to be all that God meant for them to be, it is simply not right that we would cut those things that would help our children get to where they have to go and cut the things that would help our veterans not only survive but thrive and live meaningful lives.

Mr. Speaker, I think the American people must put all of this in context of the budget conference that recently passed this House of Representatives. In order to pay for the President's prized tax cuts and to get the most political gain, this House agreed to a budget resolution that only extended out for 1 year. Traditionally, Congress considers budgets that take into account 10 years' worth of Federal spending. But knowing that a 10-year estimate would reveal their fiscal mismanagement, this administration and the Republicans in Congress chose to pass a 1-year budget that would mask the true cost of the tax cuts, a poorly crafted Medicare bill, and the war in Iraq.

Over and over again, members of the Congressional Black Caucus have come to the floor and not asked the American people but begged them to look at what was happening in this Congress and look at what this White House is doing and use a very simple commonsense measuring tool, and that measuring tool would simply be how, if you had a similar circumstance in your home, how would you handle that.

In other words, if you had an increase in problems in your home, if you had emergencies in your home, would you then go to your employer and say cut my pay? Well, basically, that is what has happened here. Here we have a war in Afghanistan, here we have a war in Iraq, here we have also a situation where we now have to have something called homeland security; and so our costs are increasing to the tune of $25 billion, the most recent request from the President. But at the same time, the President makes a decision, and my Republican colleagues agree, to cut taxes on the richest of the rich. Something is simply wrong with that picture.

□ 2245

There are many people that sit and they say to themselves, it is good that I get my money back, and I can understand that, but one of the things that we have to realize is that most of the middle class get very few funds back on this tax cut. The fact is that we have a situation where in Maryland, for example, those middle-class folks who got a tax cut of maybe $600, $700, they saw the tuition of their students at State colleges go up some 30 percent in some instances. In Baltimore, sewer taxes have gone up, and there are proposed taxes with regard to property. So taxes are going up. They are also seeing that their services are lessened because there is not as much money coming through the State coffers.

So the question is: Is this a shell game or what? Is it a shell game that on the Federal level you tell me I am getting a tax cut and at the same time tax cuts are taking place for the richest of the rich? The fact still remains that services are reduced.

Mr. Speaker, the American people should truly take a look at their household finances and their general well-being and ask themselves, is my family better off now than we were 4 years ago? I would submit that they would have to answer no. Further, will the Nation be better off 4 years from now if we continue on our current course? I would guess that the average American would answer no to both of these questions.

In 2 days the Department of Labor will release its monthly unemployment situation report. For the good of the country, I hope the numbers reflect a positive change in the unemployment situation. But, regardless, we cannot allow ourselves to forget about the unemployed people that those numbers represent. I have often said that so often what we do is we look at statistics, and we get so caught up in numbers that we forget that there are faces and there are families behind those statistics.

Although the President and others in this administration are traveling the country touting job growth, we cannot allow ourselves to forget that the economy has yet to create a single net job under this administration, not one, no, not one.

So I ask, Mr. Speaker, what should all of the millions of people who have lost jobs, the 150,000 workers who are joining the workforce every month and the college graduates, like the ones I spoke to recently at Shaw University and Carnegie Mellon University, do to find work in an economy that has not created a single job since January, 2001? Real people, Mr. Speaker, are struggling to supply the most basic needs to their families and continue to pound the pavement every day in desperate search of a job.

If I were to ask the more than 120,000 unemployed people in my home State of Maryland if they are better off than they were 4 years ago, I believe the overwhelming majority would probably say no. Not only are they without work, but this administration continues to cut the social services that are supporting their very survival.

Mr. Speaker, if you look closely, you will find that among the 2006 cuts that the administration is secretly planning to make are job training and small business programs. As I listened to my colleagues a few minutes ago on the other side talk about retraining people for jobs when they lose a job, I wonder if they are communicating with this White House which is, at the same time as they are talking about trying to train people for jobs, here we have a White House that is submitting a budget to literally cut the training from underneath those people who are unfortunate to lose their jobs. It is counterproductive and, frankly, disingenuous to talk about job creation publicly yet cut every program that will create jobs when no one is looking.

So, Mr. Speaker, as I conclude, I must say tonight that something is wrong with this picture. Our President continually talks about being a compassionate conservative, but, as many people have said, the only people he seems to show compassion to are conservatives. Everyone else just simply seems to be out of luck and out in the cold.

Mr. Speaker, the American people cannot afford 4 more years of this President. For one, our country will be bankrupt and the domestic programs that are the life-line for tens of millions of Americans, not just African Americans but all Americans, will be decimated. This is a risk we simply cannot take. This is a risk we simply cannot afford.

That is why, just as we saw yesterday in South Dakota and all across this country, Americans are exercising their civic duty to vote. We saw record numbers of people coming out during the Democratic primaries. Why? Because they are frustrated, and they want a change. They are the ones, as they march to the voting booth, who have already answered the question, am I better off today than I was 3.5 years ago, and they are saying, no. They are saying, yes, I will vote.

They ask themselves another question as they walk into the voting booth, and that is, will we be better off if we ask this question 4 years from now than we are today? And I think clearly their answer is no. I believe that after January 20, 2005, there will be new leadership in the House of Representatives, the United States Senate and 1600 Pennsylvania Avenue. This new leadership will take charge to put America back on track, will take charge to put America back to work. It will take charge to make sure that our children, whose gifts are already wrapped up in them, have an opportunity to display their gifts and be all that God meant for them to be. They will take charge to make sure that college students have an opportunity to get an education and that the Pell Grants that now have level funded, basically, are expanded so that young people can have their opportunity.

In closing, I am always reminded that we just celebrated the 50th anniversary of Brown v. Board of Education. I will never forget a young lady named Kayla from the John P. Sousa School when she came before one of our programs celebrating Brown. She came with some very simple words, but they were very profound. Here was this little girl standing on her tiptoes, very frail but very healthy.

She stood up, and she said my name is Kayla. She said I am a student at the John P. Sousa School here in Washington, D.C. She said 50 years ago my school was segregated, and she said today my school is segregated. She said 50 years ago my school was all white, and then she said, 50 years later, my school is 98 percent African American and 2 percent Hispanic. She said I have seen the pictures of my school, the John P. Sousa Middle School, from 50 years ago. She said it was a beautiful place, one of the most beautiful places I have ever seen. She said now it is much different.

Her words were so piercing and left almost everybody in the room in tears when she said this. She said, today, when I go to school, I have no library because the adults tell us we cannot afford a librarian, so we have no library. She said I have had an opportunity to look at a few books in the place they call a library, and I noticed that many of them are the same books which existed on the shelves back in 1951.

She went on to say that so often she comes to school and it is damp because rain is coming through the roof. She talked about the bathrooms and how she refused to go so often and waited until she got home to relieve herself because the bathrooms were in such bad shape.

But then she asked the question which I think we must all confront. She said, as adults, I just ask you to do this. It is now my chance to get an education. It is my chance to have a decent childhood. It is your responsibility to provide me with that so that I can grow up to be who I want to be.

So it is not just the Kaylas of the world who suffer. It is our veterans. It is our students. It is all of those people who simply want an opportunity to get across a bridge that will allow them to turn back and help others across the bridge of this great society. Mr. Speaker, we cannot continue to cut the services to them and at the same time cut the taxes for the richest of the rich.

Mr. Speaker, I yield to the gentleman from Florida (Mr. **Meek**), who has worked so hard on these issues and has been constantly at the forefront of trying to make sure that we do have balance in our country, trying to make sure that we deal with our economy, that we deal with our welfare with regard to this country in a balanced approach, but at the same time one who sits on the Committee on Armed Services and makes sure that our soldiers are supplied with the kinds of equipment that they need, that they are given the kinds of uniforms and the kind of support that they need.

I applaud the gentleman for his many, many efforts. Not only has he been at the forefront of our domestic issues and certainly those with regard to war, but he has also been one who has stood up over and over again with regard to peace and that is trying to bring peace to a foreign land called Haiti. The gentleman has spent countless hours in that country meeting with people, trying to make sure that humanitarian assistance is brought to those 8 million people who suffer.

Recently, the gentleman has spent a phenomenal amount of time trying to make sure that those flood victims in Haiti get the kinds of supplies that they need. A true leader and a true friend, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for those very kind words. It is always an honor to address not only the U.S. House of Representatives but the American people.

I think it is very important when the gentleman from Maryland (Mr. CUMMINGS) was talking about many of the issues happening to Americans versus for Americans, and I think it is important that we speak from the position of fact, not fiction.

What we are talking about here is actually fact. This is the President's budget that he has put forth. This House on the majority side has passed a budget that in some instances undercut the President's budget. I thought tonight I would share with the American people some of the things that have taken place in this budget that is really jeopardizing our national security.

I think it is very, very important for this time after Attorney General Ashcroft had his famous press conference last week unveiling potential terrorist attacks on our country, possibly these terrorists could be in the continental United States, information that even the Department of Justice admits that they have known for the last 30 days, 30 days prior to that but failed to share with the American people.

Also at that press conference, I thought it was very interesting, we have the largest Federal agency in the history of the Republic and the history of the world called the Department of Homeland Security. I thought it was something fundamentally wrong. I am looking at this great announcement taking place, and there was no Secretary Tom Ridge at the Department of Homeland Security because he did not know that this press conference was taking place.

I will share with Members that Homeland Security is a very, very important agency in communicating with local government, giving them the kinds of direction and intelligence that they need to be able to fight the fight on the front end. We call it Homeland Security. I would say front-line security when it comes down to cities and counties and even all of the way down to the school boards of things that they have to do to protect the citizenry in their area.

But I can tell Members that the budget as we look at it and look at the COPS program that the President has cut, words are inadequate to even describe it.

□ 2300

The cut in the COPS Program, which is the community policing program that so many Americans appreciate, so many young lives have been diverted from a life of crime, so many crimes have been prevented in local communities and States, all to have enough money to be able to allow individuals that are making an enormous amount of money to get a larger tax cut, I think that is unfair. I think it is unfair to our men and women that are wearing blue; I think it is unfair to firefighters that are out there where the fire program was cut. We are opening fire stations in Iraq, but we are closing fire stations in New York City. I think it is important as we say that we honor our first responders, that we do not dishonor them by cutting the very funding that they are looking for.

The Firefighter Grant program was cut by $246 million. That is a lot of money, Mr. Speaker. It was cut for the sake of making sure that individuals that are well, well, well off have an opportunity to receive their tax cut. Then, on top of that, they try to make it permanent.

Also when you look at local law enforcement, for State and local law enforcement, also $959 million was slashed from the budget by the President. As we look at interoperability, when I used to be a State trooper in Florida, sometimes you would show up on an emergency scene and you will have a city or county law enforcement officer there. Many times, because in my particular area we had what we call interoperability, we were able to talk to one another to be able to save lives. Now this has been cut out of the budget.

In so many places in America, they do not have that opportunity to be able to talk to one another. In this time of terrorist threat and living under this new threat that we have right now of individuals possibly being on U.S. soil, individuals that wake up and go to bed every night with the thought in their mind and their heart that they want to carry out some level of harm to an American, no matter who you are, if you are a woman or you are a man or you are a minority or you are not a minority, if you are Native American, as long as you are an American, there are people that wake up in this world and in the continental United States saying, how can I carry out terror on these individuals? How can I disrupt their lives?

So these cuts that are being made, we are not just talking about school lunch programs. That is important. We are not just talking about hopefully trying to get a health care plan that the 43 million people without health care can have health care one day, affordable health care. That is important. Medicare, being able to make sure that we have an affordable prescription drug program that works for the individuals that need it versus for the individuals that are making the drugs. That is important.

But I will tell you what is very important is to make sure that we do not see a disruption in the way that we live our lives day in and day out. And the way this White House, and then the Congress, turned around, the majority turned around and even made it worse in cutting the very programs and the very funding that local governments need.

Now, Mr. Speaker, I want to make sure that we are clear on this, because I want to make sure the American people understand what I am saying. If a terrorist was to carry out or attempt to carry out an act in your local town, community or city or State, Members of Congress are not going to run down there and try to take care of things. It is going to be that first responder. It is going to be that police officer, it is going to be that firefighter, it is going to be that paramedic, it is going to be the individuals working in the hospitals, it is going to be the nurse that you look at every day, the doctors that you look at every day that will respond to that act.

Guess what? If they do not have the equipment to respond appropriately, if they do not even have the radio equipment to be able to communicate with a number of agencies that they must communicate with, to be able to hopefully contain the situation or prevent it, the penny will outweigh the pound in that instance.

So one wonders why the law enforcement community has found themselves running to Senator JOHN KERRY for support or help. They are running there because they do not see it in the budget. They do not see what we are saying in the budget reflecting our real purpose here and making sure that they have what they need.

This hits right here, because I was a State trooper for 5 years; and I will tell you, equipment is important, to be able to not only make sure I was able to go home to my family, but to make sure that many others, from the State I am from, Floridians, were able to go home to see their families. If I did not have what I needed to protect them and prevent crime or accidents or what have you, then it is for naught.

Now, let us look at this. When we cut the budget here, Mr. Speaker, it is a trickle-down effect. It is something we call here in Washington "devolution of taxation." We say, well, we will cut your taxes here. We will send you a $32 check in the mail, and maybe you can go out and get a Number 2 or Number

3 at Burger King or McDonald's for you and the kids. But in reality we are passing that down to the State government.

I have shared this on the floor before in the past, but I want to make sure the American people understand what is happening right now in real time. It goes down to the State, your local State. The State does not have the prerogative that we have.

We have the opportunity to take out a credit card, swipe it and just put it on the Federal debt, which I must say right now, Mr. Speaker, is the largest debt in the history of the Republic, in the history of this country.

I am not proud of that debt, and we did not get there by providing the dollars that we provided, minimum dollars we provided to local and State law enforcement to say we are putting it out there and we have given some money here and there and had a couple of check presentations on your local television station.

But this debt came from the tax cuts for the very wealthy individuals in this country. This debt came from going into war unplanned, which I must say you pull out Time magazine and the individuals that are writing about this and have been following what has been going on in Iraq, and read about mistake after mistake after mistake that have cost American lives, that have cost the taxpayers money. We called ourselves going with the willing. We went with individuals that we helped fund to make it to Iraq.

For those individuals that have served, rotated in and out of Iraq, those individuals that are watching us right now missing a limb, have facial scars from shrapnel, those individuals' families that are watching that never made it back, we honor and appreciate them every time we get an opportunity.

But there are some individuals that are in suits and ties that are making decisions that are not only sending this country into further debt as it relates to the effort in Iraq, but also because we did it the way we did it, did not provide the troops with the very things that they needed, going back to equipment and going back to following up on our responsibility of making sure that they have the equipment that they need, the armor that they need, of making sure these Humvees have armor around the doors, making sure we are able to head off these bombs that are detonated by cellular phones, we are just catching up.

It was a DOD report that said almost 25-plus percent of the injuries that took place could have been avoided if they had what they needed.

So when you hear individuals, and I heard the chairman speak when we started talking about devolution of taxation, and I just wanted to go there with the troops for a moment so that individuals know this is not just local government, this is throughout the Federal Government, that when it goes down to the State, they have to balance the budget.

And how do they balance it? Well, they cut the resources they would ordinarily give to taxpayers and your local city or town. So when that happens, that means that the local government, they have to turn to the family. That is where the buck really stops.

Think about it in your community. How many bond referendums have taken place recently to be able to raise money to run your schools or build your schools?

□ 2310

How many opportunities where someone has said, well, you know, we no longer have the feeding program for your grandmother or your aunt or even yourself who is watching right now; we had to cut that because the funding ran out.

Let me tell my colleagues, there was a lot of money to work with before the President took office. We were around here, Congress was around here talking about how are we going to spend, how are we going to manage and spend appropriately the surplus, of making sure that we are able to make sure that Social Security was not bankrupt, make sure that we are able to get a health care plan, where we do not have individuals that are punching in and punching out every day at work, working the midnight shift, some working two jobs and still do not have affordable health care. How do we help small businesses provide that health care to individuals? How do we help our young people prepare themselves to be able to be our leaders and Members of Congress and business owners in the future? How do we do that?

How do we make sure that we raise the education commitment from the Federal Government to the State government and local governments to make sure that we have a quality early childhood education program? How do we make sure that every troop who goes into a theater of war to put his and her life on the line, every Reservist that goes on active duty, how do we make sure that they have the equipment that they need to be able to defend this country; the very freedom that veterans have provided us right now, the democracy that we live under, the flag that we stand under? How do we make sure that those individuals are not sent in? And we are saying we are right behind you and we continue to drop more and more back as we look at show me the money. Show me the commitment. Show me that you are going to stand with me.

We have individuals right now, and this is not the Kendrick Meek report, you can read about it, you can ask a Reservist, you can ask someone who has gone into theater. Yes, they used to write letters and asked to be sent cake or sent candy or sent a picture. Now they are writing letters back home saying, send me a bullet-proof vest. Send me something for my radio. Send me some duct tape because I am having to make sure for my uniform. Send me an extra pair of pants. Send me a cap. Go down to the Army Navy store and buy this canteen for me.

Mr. Speaker, individuals are sleeping right now with sand in their teeth. The last thing that they should have to do and the last thing that their loved ones should have to do is to have to worry about equipment. But, better yet, when the question is asked, who is paying on some level or experiencing some sacrifice with what these men and women are doing in Iraq and Afghanistan fighting the war against terrorism, trying to set forth a democracy in Iraq?

So I think it is important, I say to my colleagues, that we remember that it is not all about press conferences and talking about how we support the troops. On this floor, every time something flares up in Iraq, someone wants to put forth a resolution supporting the troops. We support the troops. The troops know we support them. We do not have to every time something flares up, well, let us divert, let us see who is going to vote to support the troops and who does not support the troops. Supporting the troops is making sure the troops have what they need. And as we look at it right now, I say to my colleagues, they do not, and we are still talking about how we can get more of them there.

So, Mr. Speaker, as I wrap up, I just want to say that what this administration has done has not been a proper response to a post-9/11 experience. Harvard University had former Senator Sam Nunn, who is an outstanding patriot and a member of the Committee on Armed Services for many years in the other body, well-respected from Georgia, and they had an opportunity to look at nuclear weapons and what is the picture right now? What has happened in the last 4 years? We secured more nuclear stockpiles 2 years prior to 9/11 than we did 2 years after 9/11. And what we are hearing publicly from the CIA, they are more concerned about a nuclear weapon coming on a freighter or a container that can shut down the economy in New York or Miami or any of these major port cities, Los Angeles or one of the 361 ports we have here in this country, but, better yet, they are more accessible.

So it is important. This is serious business when we start talking about national security. It is serious business when we start talking about men and women in a forward area, and it is very serious when it comes down to the fact that we are making tax cuts permanent for individuals that are out buying Hummers and things of that nature, out with major disposable income saying that we are hurting and we need another tax cut; better yet, we need to make it permanent in the light of cutting the Federal commitment to State government, cutting the Federal commitment to local government, cutting the Federal commitment to local schools, cutting the Federal commitment to our troops when it comes down to what they need.

So someone can get on the floor and they can go and talk for 2 or 3 hours talking about how much they love the troops, but it is not reflected in the budget, and it is not reflected as it relates to the equipment that they need on the ground there.

So, Mr. Speaker, I think that it is very appropriate that we share with the American people every week that this is not a Democrat, a Republican, or an independent issue. This is an American issue. This is an issue that Americans are fed up with, this continued lack of responsibility when it comes down to the Federal commitment to their local, State and local government.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his excellent statement. I am going to sum up and just reemphasize some of the things that he has said.

I think a Thursday, May 27, article by Jonathan Wiseman of the Washington Post, I just want to quote part of it, and the gentleman may have a comment on it. But the gentleman started off by talking about how real, we have to deal with real facts. And the gentleman said that the fact is that the President does submit a budget, and so we speak from that budget tonight and its devastating effect on so many Americans.

I had spoken earlier about the fact that this budget affects so many of our young people. I just want to quote from Mr. Wiseman's article. He says, "The Women, Infants and Children nutrition program was funded at $4.7 billion for the fiscal year beginning in October, enough to serve the 7.9 million people expected to be eligible." But he goes on to say, "In 2006, the program would be cut by $122 million." He says, "Head Start, the early childhood education program for the poor, will lose $177 million, or 2.5 percent of its budget, in fiscal year 2006. The $78 million funding increase that Bush has touted for homeownership programs in 2005 would be nearly reversed in 2006 with a $53 million cut. The National Institutes of Health spending would be cut 2.1 percent in 2006 to $28 billion after a $764 million increase for 2005." That brought the NIH budget to $28.6 billion.

"Finally, a subject that is near and dear to all of us: homeland security. A centerpiece of the Bush reelection campaign," says Mr. Wiseman, "would be affected. Funding would slip in 2006 by $1 billion to $29.6 billion, although that would still be considerably higher than the $26.6 billion devoted to that field in 2004, according to an analysis of the computer printout put out by the House Committee on the Budget Democrats."

So we have this situation where we are simply talking about balance, and we have often said, members of the Congressional Black Caucus, let us deal with the Nation's problems like we would deal with our most serious family problems.

Basically, what we have called for was common sense, understanding that whenever we have a family problem, we pause, we analyze the situation, we are flexible, we come up with solutions that are appropriate for the problem.

□ 2320

I seriously question whether or not we are dealing with solutions appropriate to the problem, because everything seems to be out of balance. And so it is tonight, the Congressional Black Caucus comes and simply says that we are looking for balance. Yes, we must address the issue of terrorism. Every single one of us never wants to see planes flying into any building. None of us want to see chemical weapons released out into places where they could do harm. We do not want that. We want to fight terrorism, but at the same time we fully understand that we have got to make sure that we take care of the people here in the United States.

And if I have to say it a million times, I will say it over and over again, so often when people hear members of the Congressional Black Caucus or even hear the words "Congressional Black Caucus" they assume that we are only talking about and for African American people. And, ladies and gentlemen, I am here to tell you that the people that we speak for are Americans, no matter what their color may be. We want to make sure that every American has the opportunity to be all that God meant for them to be.

One of the things that I often say, as I yield to my friend, is that when I get up in the morning, after I pray for myself and my family, I ask God to give us as a Congress, give us the opportunities and the wisdom and the discernment to increase our constituents' opportunities to be blessed so that they can live the best lives that they can.

And so that is what this is all about. Not only our constituents, but as we well know, what we do in this body not only affects the constituents in our district, the constituents in our country, but, I would submit, our constituents of the world. It is not just limited to this country.

Mr. Speaker, I would now yield to the gentleman.

Mr. MEEK of Florida. Mr. Speaker, I just want to say that the gentleman is 110 percent right. I am so glad you shared the article with the American people and the Congress.

Today I wore the World War II pin they gave us when we were there at the dedication. I went with my uncle, King Pitman, and my mother, Congresswoman Carrie Meek. It was a very proud moment in their lifetime, the experience of the time of World War II. My uncle is a Korean veteran and he is a part of the VA. He is injured. He is disabled. He is in a wheelchair. I could not help but look at the other patriots that were out there. They asked for all the veterans to stand up and those that could stand, they stood. Some just put their hand up because they could not stand. These are the individuals that fought such a wonderful, wonderful war on behalf of our freedom. There was a lot going on during that war. There was a lot going on in Congress during that war.

But I will tell my colleague this, that I could not help but think on that day we did honor them. And, yes, they were without a place in our Mall for their service. And now they have a memorial that is outstanding. And I commend those that put forth the private sector dollars and also the Members that put forth the legislation to make that happen.

But I could not help but think the reality on Tuesday morning that if they went to the VA the line and the wait would have been almost as long when it comes down to health care as it took for them to be recognized by this country.

I will tell you this: we say that we love them, we say that we appreciate them, but when it comes down to being able to provide just the simple health care that they were promised, they have to wait weeks and months. VA hospitals are being closed throughout this country. And we are adding more and more veterans as we fight this effort in the gulf, as we fight this effort in Iraq and Afghanistan and the Horn of Africa. More and more veterans are being added to the rolls. I will tell you if veterans are having it hard now, I will tell you, if this Congress, if the American people do not do what they need to do in November to make sure that we have leadership in this House, that we have leadership in the White House, and that we have leadership in the other body that is going to set that as a priority, that we need to make sure that these veterans get what they deserve. And that is respect, number one, and to make sure that they get the health care that they were promised when they signed up. They did not sign up to wait in line, especially every day.

My son, we have an American flag outside of our house in Miami. It flies. We keep the light on it. We make sure no matter what is going on in the world that we appreciate and we honor their patriotism and we honor this country. But it is just a sad commentary that we can go and say, fine, you are a wealthy individual, and I am not upset with individuals being wealthy, maybe one day I can maybe in another life. But when we have veterans that are waiting in the lines and not receiving the kind of health care that they deserve and not being appreciated in the way they should be appreciated, I think we can do better things with that money to be able to make sure that we honor them.

I thank my colleague for allowing me to be here tonight. I look forward to the Congressional Black Caucus continuing to come to the floor to share with the American people about what is going on under the dome here in Washington D.C.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman again for his leadership. The gentleman has been here for less than 2 years now, but has made a tremendous impact on so many of us. We are very proud of his leadership.

As we close, Mr. Speaker, I assume we have about a minute, let me just say this, that the gentleman did make a point that I want to reemphasize. We want to make sure we have a strong military. But young people, if they are listening to what we are saying and they are informed, a lot of times young people will go into the military, they are looking forward, they have a vision of their future, and they want to serve this country, they want to give it their best; but they also look beyond their service. They are saying what benefits will come to me? What benefits will come to my family? So I think probably one of the best recruiting tools for a strong military is for us to keep our commitment.

When they see their grandfathers doing what the gentleman just said, waiting in long lines for their relatives and friends, that does not say very much for us.

So I think as we are in this war and as we stand up for our soldiers, we must also stand up for our veterans.

Mr. MEEK of Florida. The gentleman is 110 percent right. Veterans should not get the voice mail when they call the VA. They should get the person that is going to treat them the way that they should be treated and make sure they are scheduled for whatever appointment they need in a reasonable time and not wait 3 or 4 months just to see an optometrist.

Mr. CUMMINGS. I think it is very appropriate that we end on that note, Mr. Speaker, a note about the people we just spent a day saluting and letting them know how much we love them; but now it is not only time to salute them and tell them that we love them but it is also time to make sure that we do for them as they have been promised.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as Member and First Vice Chair of the Congressional Black Caucus to warn our great nation. The current Administration—one that has made promises, one that has amassed tremendous debt, and one that has gotten us into a war and subsequent occupation that can be characterized as a financial abyss has put government agencies on notice this month that if reelected, the 2006 budget may include cuts for virtually all agencies in charge of domestic programs, including education and homeland security.

In the Administration's "accidental" memorandum proposing potential budget cuts fails to realize that when cuts are made across the board, vulnerabilities are created in each area, and we then have a homeland security problem.

A Washington Post article (May 27, 2004, Page A01) entitled "2006 Cuts in Domestic Spending on Table," a budget analyst at the conservative Heritage Foundation tried to rationalize the Administration's proposed 2006 cuts in stating, "I think the public is ready for spending cuts . . . not only does the public understand [sic] there's a whole lot of waste in the federal budget. However, the public is ready to make sacrifices during the war on terror." There is something troubling about that statement, something that is endemic to the entire Administration. The public's supposed willingness to sacrifice is obviously in respect of the need to conserve and enhance our domestic homeland security policy. Why on earth would the public not want to spend more money on improved homeland security? National Institutes of Health (NIH) spending would be cut 2.1% in 2006, to $28 billion, after a $764 million increase for 2005 that brought the NIH budget to $28.6 billion. We won't be worrying about improving our biodefense programs, apparently.

This is good news, bad news situation. The good news is that President Bush has hurt his chances of being elected again by letting people know that, if he is reelected, his budget for 2006 will include spending cuts for virtually all agencies in charge of domestic programs, including education, homeland security and others that the President backed in his campaign year. That will hurt his chances of being reelected. The bad news is that if he is reelected, his budget for 2006 will include spending cuts for virtually all agencies in charge of domestic programs, including education, homeland security and others that the President backed in his campaign year.

J.T. Young, a spokesman for the White House Office of Management and Budget, said in a memo that, "Agencies have asked for this sort of direction." Maybe that is true, but the rest of us didn't ask for such a negative policy. We need domestic programs, including education, homeland security, and others that the President backed in his campaign year.

The funding levels referred to in the memo would be a tiny slice out of the federal budget—$2.3 billion, or 0.56 percent, out of the $412.7 billion requested for fiscal 2005 for domestic programs and homeland security that is subject to Congress's annual discretion. It will not offset the enormous expense of the war in Iraq, an expense that we cannot even begin to estimate. But it will hurt the American people. We depend on these programs.

I am amazed by some of the items on his chopping block: The Education Department; a nutrition program for women, infants and children; Head Start; and homeownership, job-training, medical research and science programs all face cuts in 2006. This is very difficult to understand.

It also bothers me that the administration may have to make cuts in key government services to pay for the tax cuts that have gone to the wealthy members of our society. But with the budget deficit exceeding $400 billion this year, tough and painful cuts are unavoidable, said Brian M. Riedl, a budget analyst at the conservative Heritage Foundation, and this may be true. As I have said in the area of immigration law, we need to work together to solve our problems. If we have to cut expenses, the decision on what should be cut needs to be made on a bipartisan basis.

Another approach to offsetting our deficit would make more sense to me. We presently have between 8 and 14 million undocumented aliens living in the shadows of our society. If we brought them out of the shadows and made it possible for them to obtain good employment, they could contribute to our ability to pay off the deficit with the income taxes that they would pay.

Mr. Speaker, thank you for giving us time to discuss these important issues.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today before 5:00 p.m. on account of a death in the family.

Mr. BALLANCE (at the request of Ms. PELOSI) for today and June 3 on account of personal reasons.

Mrs. EMERSON (at the request of Mr. DELAY) for today and June 3 on account of attending daughter Katharine's graduation from Washington and Lee University.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

Mr. KLINE, for 5 minutes, today.

Mr. BONNER, for 5 minutes, today.

Mr. TERRY, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and June 3.

Mr. CHOCOLA, for 5 minutes, today.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, June 3, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8328. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2004-0136; FRL-7358-7] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8329. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ultramarine Blue; Exemption from the Requirement of a Tolerance [OPP-2004-0056; FRL-7357-6] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8330. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [OPP-2004-0090; FRL-7348-1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8331. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8332. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8333. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois [IL222-1a; FRL-7666-1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans California — San Joaquin Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour and Annual PM-10 Standards [CA 294-0450, FRL-7663-8] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8335. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units [VA141-5075a; FRL-7666-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8336. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition From North Carolina [OAR-2004-0076; FRL-7667-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8337. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion [FRL-7667-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8338. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, Ventura County Air Pollution Control District [CA 169-0440c; FRL-7665-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8339. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District, Feather River Air Quality Management District, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Bernardino County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Yolo-Solano Air Pollution Control District [CA 040-0448a; FRL-7662-2] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8340. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 04-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with Canada (Transmittal No. DDTC 027-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan and the United Kingdom (Transmittal No. DTC 030-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom and Norway (Transmittal No. DDTC 025-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles thatare firearms controlled under category I of the United States Munitions List sold commercially under a contract with Colombia (Transmittal No. DTC 130-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to The Netherlands and Belgium (Transmittal No. DDTC 028-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea and Germany (Transmittal No. DDTC 032-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8347. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2003, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104-106, and 21 July 1996, by Section 148 of Pub. L. 104-164; to the Committee on International Relations.

8348. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8349. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

8350. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8351. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Third Financial Statement for the period October 1, 2002 — September 30, 2003, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8352. A letter from the Secretary, Department of the Interior, transmitting a draft bill "To modify the boundary of the Castillo de San Marcos National Monument, in the State of Florida, and for other purposes"; to the Committee on Resources.

8353. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; [Docket No. 2002-NM-335-AD; Amendment 39-13550; AD 2004-07-06] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8354. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-101-AD; Amendment 39-13554; AD 2004-07-10] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-111, -112, and -131 Series Airplanes [Docket No. 2002-NM-17-AD; Amendment 39-13559; AD 2004-07-15] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8356. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-235 Series Airplanes [Docket No. 2002-NM-160-AD; Amendment 39-13560; AD 2004-07-16] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8357. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; Boeing Model 767-400ER Series Airplanes [Docket No. 2002-NM-287-AD; Amendment 39-13555; AD 2004-07-11] received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself, Mr. Bradley of New Hampshire, and Mr. Evans):

H.R. 4477. A bill to amend the Uniform Services Employment and Reemployment Rights Act of 1994 to require employers to post a notice of the rights and duties that apply under that Act; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H.R. 4478. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes; to the Committee on Small Business.

By Ms. CARSON of Indiana (for herself, Mr. Clay, Ms. Lee, Mr. Owens, Mr. Thompson of Mississippi, and Ms. Watson):

H.R. 4479. A bill to amend the Help America Vote Act of 2002 to prohibit States from denying certain veterans who have been convicted of a felony and who have completed their sentence the opportunity to register to vote or vote; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio (for himself, Mr. Boehner, Mr. Bradley of New Hampshire, Mr. Chabot, Mr. Chocola, Mr. English, Mr. Gerlach, Mr. Gillmor, Ms. Hart, Mr. Hobson, Mr. Hoekstra, Mrs. Johnson of Connecticut, Mr. Kline, Mr. LaTourette, Mr. Ney, Mr. Oxley, Mr. Portman, Ms. Pryce of Ohio, Mr. Regula, Mr. Rogers of Michigan, Mr. Shays, Mr. Tiberi, Mrs. Jones of Ohio, and Mr. Walsh):

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a credit against income tax for expenditures to remediate contaminated sites; to the Committee on Ways and Means.

By Mr. BLUNT (for himself, Mr. Graves, Mr. Akin, Mr. Clay, Ms. McCarthy of Missouri, Mr. Skelton, Mrs. Emerson, Mr. Gephardt, and Mr. Hulshof):

H.R. 4481. A bill to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of New York:

H.R. 4482. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit the dumping of dredged material in certain bodies of water; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of South Carolina:

H.R. 4483. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4484. A bill to suspend temporarily the duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4485. A bill to suspend temporarily the duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4486. A bill to suspend temporarily the duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4487. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Pomeroy, and Mr. Ramstad):

H.R. 4488. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4489. A bill to amend title 18, United States Code, to mandate a life sentence for repeat sex offenders; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 4490. A bill to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes; to the Committee on Resources.

By Mr. HOBSON (for himself and Mr. Ford):

H.R. 4491. A bill to amend part B of title XVIII of the Social Security Act to repeal the reduction in Medicare payment for certain items of durable medical equipment; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. LaTourette, Mr. Burns, Mr. Wilson of South Carolina, Mr. Ryan of Ohio, Mr. Gordon, Mr. Engel, Mr. Wamp, Mrs. Lowey, Mr. Hinchey, Mr. Tierney, Ms. Hart, Mr. Boswell, Mr. Spratt, Mr. Meehan, Mr. Norwood, Mr. Murphy, Mr. Barrett of South Carolina, Mr. Rahall, Mr. McNulty, Mr. DeMint, Mr. Brown of Ohio, Mr. Clyburn, Mr. Sweeney, Mr. Doyle, Mr. Brown of South Carolina, Mr. Murtha, and Mr. Ney):

H.R. 4492. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. Simpson, Mr. Serrano, Mr. Kildee, Mr. Gordon, Mr. Andrews, Mr. Green of Texas, Mr. Walsh, Mr. Wexler, Mr. Meehan, Mr. Cunningham, and Mr. Schiff):

H.R. 4493. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHERWOOD:

H.R. 4494. A bill to designate the Grey Towers National Historic Site in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 439. Concurrent resolution honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion; to the Committee on Armed Services.

By Mr. TANCREDO:

H. Con. Res. 440. Concurrent resolution expressing the sense of Congress that the United States should resume normal diplomatic relations with the Republic of China on Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. BELL (for himself and Mr. Bradley of New Hampshire):

H. Res. 659. A resolution recognizing the need for consistent information, regulations, and guidelines regarding the safe disposal of used syringes outside medical facilities; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. Flake, Mr. Renzi, Mr. Hayworth, Mr. Franks of Arizona, Mr. Kolbe, Mr. Pastor, and Mr. Grijalva):

H. Res. 660. A resolution congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ESHOO introduced A bill (H.R. 4495) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel W. N.

RAGLAND; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. MILLER of Michigan.

H.R. 99: Mr. TANNER.

H.R. 195: Mr. ANDREWS.

H.R. 303: Mr. CHANDLER.

H.R. 371: Mr. WAXMAN, Mr. GONZALEZ, and Mr. TIERNEY.

H.R. 545: Mr. CHANDLER.

H.R. 584: Mr. BOUCHER.

H.R. 623: Mr. LAHOOD and Mr. GOODE.

H.R. 737: Mr. MILLER of North Carolina.

H.R. 785: Mr. ISAKSON.

H.R. 806: Mr. SIMMONS.

H.R. 876: Mr. RADANOVICH.

H.R. 880: Mr. THOMPSON of Mississippi and Mr. VAN HOLLEN.

H.R. 935: Mr. HOEFFEL.

H.R. 1043: Mr. ROSS and Ms. MAJETTE.

H.R. 1101: Mr. DEUTSCH.

H.R. 1231: Mr. CUNNINGHAM.

H.R. 1295: Mr. ACEVEDO-VILÁ.

H.R. 1306: Mr. LAMPSON.

H.R. 1310: Mr. PEARCE.

H.R. 1386: Mr. PASTOR, Mr. BAKER, Mr. WAMP, and Mr. KILDEE.

H.R. 1429: Mr. PAUL.

H.R. 1639: Mrs. NAPOLITANO.

H.R. 1716: Mr. BRADLEY of New Hampshire.

H.R. 1746: Mr. WEINER, Mr. KUCINICH, and Mr. CARDOZA

H.R. 1755: Mr MARSHALL.

H.R. 1775: Mrs. JO ANN DAVIS of Virginia.

H.R. 1778: Ms. BALDWIN.

H.R. 1784: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1824: Mr. SENSENBRENNER, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. DEUTSCH.

H.R. 1935: Mr. HASTINGS of Florida.

H.R. 2023: Mr. GILLMOR and Mr. NORWOOD.

H.R. 2133: Ms. PRYCE of Ohio and Mr. ISAKSON.

H.R. 2176: Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. EDWARDS.

H.R. 2217: Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. OWENS, and Mr. UDALL of New Mexico.

H.R. 2260: Mr. TIERNEY.

H.R. 2300: Mr. GONZALEZ.

H.R. 2318: Mr. BERMAN, Mr. MEEKS of New York, Mr. BELL, Mr. WAXMAN, Mr. WATT, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. ABERCROMBIE, Mr. ACKERMAN, and Mr. BERRY.

H.R. 2494: Mr. DEFAZIO.

H.R. 2527: Mr. GONZALEZ, Mr. DELAHUNT, Mr. LANTOS, and Mr. ISRAEL.

H.R. 2699: Mr. BUYER, Mr. JOHNSON of Illinois, Mr. CHANDLER, and Mr. HOEKSTRA.

H.R. 2711: Mr. SCHIFF.

H.R. 2823: Mr. MILLER of North Carolina.

H.R. 2885: Mr. PICKERING, Mr. ROGERS of Alabama, and Mr. BISHOP of Utah.

H.R. 2929: Mr. WAMP.

H.R. 2950: Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. WELLER, Mr. RADANOVICH, Mr. QUINN, Mr. MEEK of Florida, and Mr. TURNER of Texas.

H.R. 2963: Mrs. NAPOLITANO.

H.R. 3014: Mr. GRIJALVA.

H.R. 3042: Mr. FOLEY.

H.R. 3085: Mr. ABERCROMBIE, Mr. TOWNS, and Ms. MCCOLLUM.

H.R. 3092: Mr. CHANDLER.

H.R. 3178: Mr. CHANDLER.

H.R. 3273: Mr. WAXMAN.

H.R. 3291: Ms. BORDALLO.

H.R. 3307: Mr. MCINTYRE.

H.R. 3329: Mr. BURGESS.

H.R. 3337: Mrs. TAUSCHER, Mrs. MALONEY, and Ms. ESHOO.

H.R. 3384: Mr. LAMPSON, Mrs. NAPOLITANO, Mr. CONYERS, Mr. LANTOS, Mr. FALEOMAVAEGA, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. DEGETTE, and Mr. MCGOVERN.

H.R. 3460: Mr. BURTON of Indiana.

H.R. 3474: Mr. PASTOR.

H.R. 3507: Mr. BACA.

H.R. 3545: Mr. VAN HOLLEN.

H.R. 3558: Ms. WATSON and Mr. SCHIFF.

H.R. 3567: Mr. KUCINICH.

H.R. 3579: Mr. BROWN of South Carolina, Mr. HASTINGS of Florida, and Ms. ROYBAL-ALLARD.

H.R. 3604: Mr. ALEXANDER and Mr. BALLENGER.

H.R. 3615: Mr. DEUTSCH.

H.R. 3684: Mr. LEVIN.

H.R. 3736: Mr. CARSON of Oklahoma.

H.R. 3755: Mrs. MCCARTHY of New York.

H.R. 3777: Mr. HINOJOSA.

H.R. 3780: Mr. HINOJOSA and Mr. WAXMAN.

H.R. 3799: Mr. BARTLETT of Maryland.

H.R. 3803: Mr. HINCHEY.

H.R. 3804: Mr. MCINTYRE.

H.R. 3805: Mr. GRIJALVA, Mr. BERMAN, Ms. ESHOO, Mr. HONDA, and Ms. WOOLSEY.

H.R. 3815: Mr. GREENWOOD.

H.R. 3901: Mr. NUSSLE, Mr. CALVERT, and Mr. WALDEN of Oregon.

H.R. 3920: Mr. BILIRAKIS.

H.R. 3953: Mr. AKIN.

H.R. 3965: Mr. GRIJALVA, Ms. WATSON, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. MCCOLLUM, Ms. PELOSI, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4003: Mr. MCGOVERN.

H.R. 4016: Mr. CRAMER and Mr. COOPER.

H.R. 4035: Mr. EMANUEL, Mr. BERMAN, and Mr. PAYNE.

H.R. 4070: Ms. DELAURO.

H.R. 4076: Mr. WAXMAN.

H.R. 4077: Mr. HOYER and Mr. COBLE.

H.R. 4091: Mr. MILLER of Florida, Mr. GILLMOR, Ms. KILPATRICK, and Mr. ETHERIDGE.

H.R. 4097: Mr. OWENS, Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. KILDEE.

H.R. 4101: Mr. KENNEDY of Rhode Island, Mr. VAN HOLLEN, and Mr. ANDREWS.

H.R. 4109: Mr. BRADY of Texas and Mrs. BIGGERT.

H.R. 4116: Mr. GOODLATTE, Mr. POMBO, Mr. CRANE, Mr. DELAY, Mr. CASTLE, Mr. NORWOOD, Mr. DREIER, Mr. GERLACH, Mr. MCCRERY, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. TOM DAVIS of Virginia, Mr. CANTOR, MR. GILCHREST, Mr. TAYLOR of North Carolina, Mr. HOUGHTON, Mr. SMITH of Texas, Mr. HUNTER, and Mr. THOMPSON of California.

H.R. 4126: Mr. HERGER.

H.R. 4131: Mr. HOSTETTLER.

H.R. 4132: Mr. HOSTETTLER.

H.R. 4133: Mr. HOSTETTLER.

H.R. 4147: Mr. JOHN and Mr. UDALL of Colorado.

H.R. 4149: Mr. FILNER.

H.R. 4152: Mr. KILDEE, Mr. UPTON, Mr. RANGEL, Mr. ROGERS of Michigan, Mr. STARK, Mr. KNOLLENBERG, and Mr. TAYLOR of North Carolina.

H.R. 4156: Mr. HINOJOSA.

H.R. 4203: Ms. GRANGER and Mr. BLUMENAUER.

H.R. 4232: Mr. GREEN of Texas, Mr. HENSARLING, and Mr. CARTER.

H.R. 4233: Mr. ABERCROMBIE.

H.R. 4242: Mr. RENZI.

H.R. 4250: Mr. ETHERIDGE, Ms. WOOLSEY, Mr. FROST, Mr. JACKSON of Illinois, Mr. DOGGETT, and Mr. LANTOS.

H.R. 4257: Mr. STUPAK, Mr. CHANDLER, and Mr. HASTINGS of Washington.

H.R. 4284: Mr. BRADLEY of New Hampshire.

H.R. 4288: Mrs. LOWEY.

H.R. 4290: Mr. SERRANO.

H.R. 4305: Mr. FOLEY, Mr. LUCAS of Kentucky, and Mr. MEEKS of New York.

H.R. 4306: Mr. SMITH of Texas.

H.R. 4307: Mr. KINGSTON and Mr. PITTS.

H.R. 4345: Mr. BRADLEY of New Hampshire.

H.R. 4347: Mr. WEXLER, Mr. COSTELLO, Ms. MCCARTHY of Missouri, Mr. WELLER, and Mr. CRANE.

H.R. 4348: Mr. HASTINGS of Florida and Mr. FARR.

H.R. 4354: Mr. GUTIERREZ.

H.R. 4363: Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. GILLMOR, Mr. GONZALEZ, Mr. COOPER, Mr. GREENWOOD, Mr. OSBORNE, Mr. WALDEN of Oregon, and Mr. NUNES.

H.R. 4367: Ms. BALDWIN and Mr. MCGOVERN.

H.R. 4376: Mrs. BIGGERT, Ms. GRANGER, and Ms. MILLENDER-MCDONALD.

H.R. 4377: Mr. ANDREWS.

H.R. 4379: Mr. OWENS.

H.R. 4383: Mr. BASS.

H.R. 4391: Mr. HOLT and Mr. FARR.

H.R. 4406: Mr. SMITH of Texas and Mr. DEAL of Georgia.

H.R. 4411: Mr. BRADY of Texas and Ms. ROS-LEHTINEN.

H.R. 4417: Mr. CASE.

H.R. 4437: Mr. KLECZKA, Mr. MCDERMOTT, Mr. BOUCHER, Ms. ESHOO, and Mr. GREEN of Texas.

H.R. 4440: Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. MICA, Mr. GOODE, and Mr. FORBES.

H.R. 4445: Mr. MCDERMOTT, Mr. FARR, Mr. RODRIGUEZ, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.

H.R. 4449: Ms. MILLENDER-MCDONALD, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. CONYERS, and Ms. JACKSON-LEE of Texas.

H.R. 4457: Ms. LEE.

H.R. 4469: Mr. SOUDER and Mr. OWENS.

H.R. 4471: Ms. WATERS.

H. Con. Res. 111: Mr. PRICE of North Carolina.

H. Con. Res. 314: Mr. VAN HOLLEN.

H. Con. Res. 371: Mr. LUCAS of Kentucky.

H. Con. Res. 405: Mr. GORDON, Mr. SIMMONS, and Mr. CARTER.

H. Con. Res. 413: Ms. DEGETTE, Mr. DEUTSCH, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON.

H. Con. Res. 425: Mr. GERLACH, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mr. SHIMKUS, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. GARRETT of New Jersey.

H. Con. Res. 427: Mr. SNYDER.

H. Con. Res. 435: Mr. LARSEN of Washington and Mr. ISRAEL.

H. Res. 21: Mr. ISRAEL and Mr. GONZALEZ.

H. Res. 466: Mrs. MCCARTHY of New York and Mr. CUMMINGS.

H. Res. 556: Mr. CARDIN.

H. Res. 632: Mr. FRANK of Massachusetts.

H. Res. 647: Mr. ISAKSON.

H. Res. 655: Mr. GEPHARDT, Mr. DEUTSCH, and Mr. MCCOTTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3113: Mr. JACKSON of Illinois.

EXTENSIONS OF REMARKS

FALLEN HEROES

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Corporal Forest Jostes who recently was killed in action fighting for freedom in Iraq.

Corporal Jostes was a 21-year-old from Albion, Illinois who served as an Army Corporal with the 1st Battalion, 1st Cavalry Division from Ft. Hood, Texas. He was a 2000 graduate of Edwards County High School, after which he joined the National Guard at the age of 17. He had only been in Iraq for about a week, when military personnel say his Humvee was hit by a rocket-propelled grenade, killing Jostes and the driver, in a suburb of Baghdad.

Corporal Jostes is survived by his parents, Von and Diane Ibbotson; a sister, Michelle Lee Teeter; two brothers Benjamin L. Jostes and Evan R. Ibbotson; and his grandparents, John and Laura Ibbotson, Glen and Darlene Kellison and Norman and Shirley Costley. I am proud of the service this young man has given to our country and the service he and others are doing everyday. Not enough can be said about Corporal Jostes and our other brave men and women who are serving in Iraq. It is troops like him that are risking their lives everyday to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

TRIBUTE TO MR. MICHAEL ROCCIA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize an outstanding member of my community, Mr. Michael Roccia. For 63 years, he has been fighting to improve the working conditions and lives of American workers. He has spent 32 years with Local 262 in New Jersey, and has served our community well.

He was Shop Chairman for Local 305, CIO from 1940–1969. During that time he organized 500 employees of the L.S. Branch Co. for Playthings, Jewelry, and Novelty Workers, CIO Local 305. When Local 305 became Local 301, he became General Organizer, and when that merged with Local 262, he continued to work, serving as Business Agent for as many as twenty shops. He would go on to serve as Local 262's General Organizer, and eventually became their President. He has been Vice President of both the IUC and the RWDSU, and has served on the Advisory Committee of the UFCW.

Mr. Roccia has lived the life of a worker and an activist. He has labored on an assembly line, organized workers, walked the picket line, negotiated contracts, handled grievances, argued arbitrations, and fought for health and welfare plans. He has led and inspired the men and women of Local 262 in New Jersey to commit to activism, working early in the morning and late at night to improve labor conditions for all workers.

In his own words, "The work of a good trade unionist can never be a 9 to 5 job—never an 8 hour day."

I salute Mr. Roccia, the oldest officer in his Union, for his lifelong commitment to serving others. I am proud to have him in my district, and I am honored to call him my neighbor.

Mr. Speaker, please join me in extending my thanks to Michael Roccia, and I invite my colleagues to join me in wishing him health and happiness throughout his well-deserved retirement.

IN RECOGNITION OF THE FRIENDS OF DAG HAMMARSKJOLD PLAZA, THE TURTLE BAY ASSOCIATION AND THE KATHARINE HEPBURN GARDEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of the Friends of Dag Hammarskjold Plaza and the Turtle Bay Association, who on May 22, 2004 will unveil in Dag Hammarskjold Plaza Park a bench once owned by the late actress Katherine Hepburn. The ceremony will not only honor Ms. Hepburn's incomparable career, but will also recognize her role as a conservationist and community leader in the Turtle Bay neighborhood.

The bench will be placed in an area of Dag Hammarskjold Park that in 1997 was dedicated to the late actress and renamed the Katherine Hepburn Garden. The garden, built during an extensive renovation of the park, has since become a gathering place for Turtle Bay residents, many of whom were longtime neighbors of Ms. Hepburn and knew her personally. The garden includes a collection of stepping stones engraved with quotes from some of Ms. Hepburn's most memorable movie roles; additionally, Ms. Hepburn's biography is posted at the garden's entrance. I am quite certain that Ms. Hepburn, who was an avid gardener, would be very pleased with how the garden's abundant shade plants have provided her neighborhood of over 60 years with a lovely, tranquil green space—a rarity indeed amid the bustle of midtown Manhattan.

Following the garden's dedication, George Vellonakis, the park's architect, and Millie Margiotta, a board member of the Friends of Dag Hammarskjold Plaza and a longtime member of my District Office staff, toured Ms. Hepburn's Fenwick, Connecticut estate and chatted with Ms. Hepburn on the very bench that will be dedicated on May 22. I am so grateful that this wonderful piece of history, which at one time was scheduled to be sold at auction, will now be available for the public to enjoy.

During the upcoming ceremony, Bill Curtis, the President of the Turtle Bay Association, will share fond memories of Ms. Hepburn's efforts to save the Turtle Bay neighborhood's trees when city planners sought to widen 49th Street, along which Ms. Hepburn's townhouse sits. Though she was protective of her privacy, Ms. Hepburn actively supported the Turtle Bay Association's appeals to preserve the character of her neighborhood for future generations to enjoy.

Mr. Speaker, I request that my colleagues join me in honoring the Friends of Dag Hammarskjold Park and the Turtle Bay Association, whose ongoing efforts to preserve the Turtle Bay neighborhood are a fitting tribute to the legacy of a true American icon, the late Katherine Hepburn. To the dedicated volunteers and friends of these fine organizations, I offer my continuing admiration, respect and support.

IN MEMORY OF CHARLETON WILHOIT SYKES

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FORBES. Mr. Speaker, I rise today to remember a true public servant, the Honorable Charleton Wilhoit Sykes.

Ms. Sykes served on the Southampton County Board of Supervisors and in other positions in Virginia government for 24 years. She contacted my office often seeking assistance for others, but not once for herself. Ms. Sykes was also a businesswoman and was a U.S. Navy veteran of World War II. She knew no strangers and cared for everyone.

I join the Honorable Dallas Jones, Chairman of the Southampton Board of Supervisors, when he said that he was "shocked and saddened" by Ms. Sykes death. "She was a strong voice for Newsons district on this board," Jones said. "She will be sorely missed by everyone." Southampton County Administrator Mike Johnson noted that Ms. Sykes was "a woman of sound judgment, outspoken candor and unquestionable commitment. Her leadership and friendship will be sorely missed."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. Sykes was also a loving mother and friend who will be missed most by those closest to her. Still, her legacy lives on in her family and in the fruits of her faithful service to a caring community and a grateful nation.

HONORING ASSISTANT SHERIFF RICHARD BRESHEARS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Assistant Sheriff Richard Breshears for 35 years of dedicated service to Stanislaus County. Richard will retire from the Stanislaus County Sheriff's Department and will be honored at an event held in California on June 23rd.

Richard began his career as a Stanislaus County Deputy Sheriff in 1970 where he worked in Patrol and Adult Detention. He was assigned to the Investigations Crimes Against Persons Unit in 1973. He was in this unit for almost 18 years, starting out as an investigator and moving up the ranks to Lieutenant. In 1991 Richard was promoted to Captain and served as Commander in both the Custodial Division and the Operations Division. In 1997 he was appointed to Assistant Sheriff and he currently commands the Operations Division.

Mr. Breshears graduated from the FBI National Academy in Virginia in 1982. He has also been a member of numerous law enforcement committees. He is an alumnus of Leadership Modesto, a training program for up and coming community leaders. Richard has served for a number of years as chair of the Law Enforcement Day. He is currently President of the Stanislaus County Police Activities League, a position he has held for 8 years, and he is a member of the Stanislaus County Advisory Board on Substance Abuse. Richard has served on the US Attorney's Eastern District Law Enforcement Executive Council for many years. In 1999 he received the Sheriff's Department "Medal of Merit" for exceptional meritorious service, the second highest award presented by the department.

Mr. Speaker, I rise today to honor Assistant Sheriff Richard Breshears upon his retirement from public service. Although his career in public service has ended, his contributions will be felt for generations to come. I invite my colleagues to join me in wishing Richard a fulfilling retirement.

IN VERMONT, FOOD FROM FAMILY FARMS IS GOOD BUSINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to recognize that two businessmen in Vermont, Steve Birge and Mark Curran, the owners of Black River Produce of Proctorsville, Vermont, were recently selected runners-up for the National Small Business Person of the Year by the Small Business Administration.

Twenty-five years ago Steve Birge began Black River Produce, today a $27 million produce company, when he saw the poor quality of the produce used in the local restaurant in which he worked. Black River originally delivered fresh, local produce to local restaurants in the Proctorsville area of central Vermont. But after he met Mark Curran (while hitchhiking!), the two expanded the company, working with local farmers so that they could supply restaurants with the freshest and most healthful produce available. Today, Black River delivers high-quality produce not only throughout Vermont, but also into parts of western New Hampshire, northern Massachusetts, and eastern New York. It supplies not just restaurants, but grocery stores, schools, hospitals, ski areas, and nursing homes.

Black River Produce has sales of more than $27 million a year, a work force of 100 employees, and a fleet of 30 refrigerated trucks and two tractor trailers.

I salute Black River Produce's commitment to providing its customers with the highest quality foods. The company distributes high-quality Vermont foods, supporting not only local farmers, but other small businesses such as Grafton Cheese, Cold Valley apples, and products from Vermont Butter and Cheese. They are an integral part of the Vermont Fresh Network, which links local farms to local chefs.

Although during out-of-season periods (Vermont, after all, has long winters) Black River distributes produce from out of state, and although it buys fish in Boston, its commitment to local agriculture and local business is noteworthy. In a time when both agribusiness and outsourcing have wrought havoc with traditional American family farms and with American businesses, I salute the remarkable accomplishment of Black River Produce in supporting local access to locally produced foods. Steve Birge and Mark Curran, and their many employees, have shown businesses around the nation that distributing the products from family farms is and can be good business, and that profits can flow both from helping local businesses, and from providing consumers with healthful foods.

CONGRATULATIONS, ECO/SPRINGFIELD, LLC IN AGAWAM, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, it is my esteemed privilege to note the exceptional achievement of eco/Springfield, LLC, Agawam, Massachusetts as the recipient of the highest honor bestowed by the Occupational Safety and Health Administration to small worksites, the approval as a Safety and Health Achievement Recognition Program (SHARP) participant in the consultation program. Currently fewer than 750 worksites in the country share this honor of SHARP recognition.

SHARP is a program created to provide incentives and support to smaller business owners who meet and exceed the OSHA standards, eco/Springfield, LLC is a strong example of such a business. With the recognition in this OSHA consultation program comes several services at no additional cost to the business owner. These services include recognizing hazards in the workplace, providing a written report that summarizes the findings of this analysis, assisting in developing and maintaining an effective safety and health program, and offering training and education to the employer and employees at the worksite.

I am very proud of all my constituents in this workforce for their tremendous efforts in working with the Massachusetts Consultation Program to receive this honor. Once again, congratulations to all of the men and women who work hard each day at the eco/Springfield, LLC, in Agawam, Massachusetts.

RECOGNIZING NATHANIEL STITT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nathaniel Stitt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 333, and by earning the most prestigious award of Eagle Scout.

Nathaniel has been very active with his troop, participating in many Scout activities and earning numerous merit badges. He has held such leadership positions as Assistant Patrol Leader, Patrol Leader, and Senior Patrol Leader. Nathaniel has also been on staff at the H. Roe Bartle Scout Reservation for the past four years. For his Eagle Scout project, Nathaniel built drying racks for the Volunteer Fire Department at the H. Roe Bartle Scout Reservation.

Mr. Speaker, I proudly ask you to join me in commending Nathaniel Stitt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FALLEN HEROES

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Torrey Stoffel-Gray, who was recently killed in action in Iraq.

Lance Cpl. Torrey Stoffel-Gray was a 19-year-old Marine from Patoka, Illinois. Patoka is a rural town in my district with a population around 630. At 16 he left Patoka to enter Lincoln Challenge, a military-style alternative school at Rantoul, Ill. Many friends and family say that Lincoln Challenge changed his life and helped him find his way. This young man was recently killed in action in Iraq when his convoy was struck by rocket-propelled grenades and gunfire in the Al Anbar Province. My condolences go out to his family and friends.

Lance Cpl. Stoffel-Gray is survived by his mother, Mary Stoffel, his stepfather Jerry Stoffel and his three brothers, Brandon, Russell, and Blake. Lance Cpl. Stoffel-Gray was awarded the Purple Heart, which was presented to his mother at the time of his burial. Not enough can be said about Lance Cpl. Stoffel-Gray and the rest of our brave men and women serving in Iraq. These soldiers are risking their lives every day to ensure our freedom here at home and for others throughout the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

REMARKS FOR SERGEANT WILLIAM E. HALL, AWARD OF THE BRONZE STAR MEDAL

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. GRANGER. Mr. Speaker, on February 3, 1953, the Headquarters of the 40th Infantry Division declared that Sergeant William E. Hall (US54024606, Infantry, United States Army, 224th Infantry Regiment) distinguished himself by heroic achievement near Kumhwa, Korea, on the 16th of June and 17th of June 1952. As Sergeant Hall's platoon advanced up an enemy-held hill, the enemy who was waiting in ambush, let loose with a murderous attack. Many casualties were sustained, including Sergeant Hall, who suffered painful wounds. With complete and utter disregard for his personal safety, Sergeant Hall fully exposed himself to enemy fire in order to rally and encourage his men. All radio communications had been knocked out by enemy fire, but Sergeant Hall courageously remained exposed to enemy small arms, automatic weapons, and mortar fire in order to maintain communications by voice and call for reinforcements. The courage, outstanding devotion to duty, and determination displayed by Sergeant Hall under extremely hazardous conditions were directly responsible for maintaining vital communications and resulted in the arrival of needed reinforcements. Sergeant Hall's outstanding courage while risking his life was inspiring to his men and reflects great credit upon himself and the United States Army. Sergeant Hall entered the Federal service from Texas.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 177, 178, and 179. I was regrettably absent from the chamber on May 17 during rollcall votes 177, 178, and 179. Had I been present, I would have voted "yea" on rollcall 177, "yea" on rollcall 178, and "yea" on rollcall five.

CONGRATULATIONS, ANTHONY F. HEISLER

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Anthony F. Heisler of Philadelphia, Pennsylvania, on his commissioning as a Second Lieutenant in the United States Army.

Lt. Heisler is a recent graduate of the George Washington University where he received a dual Bachelor of the Arts in German Languages and Literature and in History. A resident of Northeast Philadelphia, Lt. Heisler had always aspired to join the Army, and it is his work in college as a cadet in the Army Reserve Officers Training Corps (ROTC) of Georgetown University of which he is most proud.

In his capacity as a cadet, Lt. Heisler was responsible for the oversight of over 80 Army cadets. For his service, Lt. Heisler has won numerous awards, including the Lieutenant Harry W. Apraker, Jr. award, which is given to the cadet who contributes the most to the mission accomplishment of the Georgetown University ROTC program. Upon his commissioning, Lt. Heisler has been assigned to the Field Artillery branch of the Army.

I am eternally grateful to Lt. Heisler for his service to the United States, and I wish him continued success as he begins his career in the United States Army.

FALLEN HEROES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the history of our great Nation the cause of freedom has not come easily, but it has come to those who have the will to attain for themselves and for their countrymen. Our Nation has been blessed to have great leaders and visionaries who crafted the Constitution on a new independent Nation. Later, similar strength was needed to eliminate the scourge of slavery. Today, we continue the struggle to make sure that all men and women can taste the sweet nectar of freedom. While we rightfully praise and celebrate the great leaders and visionaries who created and shaped this Nation, let us never forget that even their great work would have fallen short had it not been for the millions of soldiers willing to surrender their life to give the cause of freedom to others.

It was Edmund Burke who once aptly stated: "The only thing necessary for the triumph of evil is for good men to do nothing." The birth of our Nation itself was due to good men who refused to submit to an unjust rule. Time after time, in battle after battle American men and women have not fled from mortal danger, no instead they have rushed towards it. Our brave soldiers built this Nation, first with independence, then with the righteousness of eliminating slavery, and finally in the last century they built this Nation in the eyes of the world, not only as a superpower, but as a Nation that values humanity and kindness over the tyranny of others. It has been said that the generation that came back from fighting World War II was in fact the 'greatest generation' and I would be hard pressed to disagree. Our brave soldiers went to Europe and the Far East to save massacred peoples; they had no choice but victory. Even now, we look back in pain and imagine the horror that could have been had they not been successful. They came back from this war to end all wars and raised a new generation of Americans. They created the greatest middle-class ever seen in the history of the world. Their domestic success ensured a great future for our Nation, their success abroad ensured life and liberty for millions around the world.

I see this same courage and strength in the eyes of our current generation of soldiers. They bear the burden of a new world, in which the greatest threats against our life and freedom are often unseen. They also bear the hope of a Nation and a world that clings to the hope of peace and stability. It was the great statesman Adlai Stevenson who said: "Patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime." It is clear that the torch has been passed from the 'greatest generation' to a new generation of men and women willing to dedicate their lives to protecting ours. Our Nation is truly blessed in so many ways, but our soldiers continue to be the greatest protectors of our blessings.

Perhaps the greatest literary reminder we have of the sacrifice our soldiers make in battle is the poem In Flanders Field written by Lieutenant Colonel John McCrae, MD of the Canadian Army:

> In Flanders fields the poppies blow
> Between the crosses, row on row,
> That mark our place, and in the sky
> The larks, still bravely singing, fly
> Scarce heard amid the guns below.
>
> We are the Dead. Short days ago
> We lived, felt dawn, saw sunset glow,
> Loved and were loved, and now we lie
> In Flanders fields.
>
> Take up our quarrel with the foe:
> To you from failing hands we throw
> The torch; be yours to hold it high.
>
> If ye break faith with us who die
> We shall not sleep, though poppies grow
> In Flanders fields.

This poem describes the feelings of Lieutenant Colonel McCrae after the battle of Ypres in 1915. Our soldiers go to war knowing that they may not come back; they go to war knowing their comrades may not come back with them, and yet they do not relent. The courage of our Armed Forces can not be questioned, their dedication can not be taken lightly; truly their sacrifice must be honored dearly.

During this Moment of Silence I want to acknowledge the brave soldiers from my home city of Houston who died fighting for our nation in Iraq and Afghanistan:

Spc. Adolfo C. Carballo, 20, Houston, Texas, Died: April 10, 2004, Baghdad, Iraq;

Pfc. Analaura Esparza Gutierrez, 21, Houston, Texas, Died: October 1, 2003, Tikrit, Iraq; Spc. John P. Johnson, 24, Houston, Texas, Died: October 22, 2003, Baghdad, Iraq; Spc. Scott Q. Larson, 22, Houston, Texas, Died: April 5, 2004, Baghdad, Iraq; Sgt. Keelan L. Moss, 23, Houston, Texas, Died: November 2, 2003, Al Fallujah, Iraq; Pfc. Armando Soriano, 20, Houston, Texas, Died: February 1, 2004, Haditha, Iraq; Cpl. Tomas Sotelo Jr., 20, Houston, Texas, Died: June 27, 2003, Baghdad, Iraq; Staff Sgt. Brian T. Craig, 27, Houston, Texas, Died: April 15, 2002, Afghanistan.

The names of those brave soldiers and all soldiers who have died fighting for our nation will always be synonymous with the cause of freedom. It takes that rare individual, who in fact does not see themselves as an individual, but as a piece of a greater mission. I hope and pray for the safe return of our soldiers fighting abroad, I cherish and honor our veterans who served before. Let us take this Memorial Day to heart, for everything we love and hold dear in this great nation of ours was possible because our brave soldiers were willing to defend it. I leave you now with an powerful poem on the subject of our brave soldiers and veterans from the great American poet Walt Whitman:

DIRGE FOR TWO VETERANS

The last sunbeam
Lightly falls from the finish'd Sabbath,
On the pavement here, and there beyond it is looking,
Down a new-made double grave.

Lo, the moon ascending,
Up from the east the silvery round moon,
Beautiful over the house-tops, ghastly, phantom moon,
Immense and silent moon.

I see a sad procession,
And I hear the sound of coming full-key'd bugles,
All the channels of the city streets they're flooding,
As with voices and with tears.

I hear the great drums pounding,
And the small drums steady whirring,
And every blow of the great convulsive drums,
Strikes me through and through.

For the son is brought with the father,
In the foremost ranks of the fierce assault they fell,
Two veterans son and father dropt together,
And the double grave awaits them.

Now nearer blow the bugles,
And the drums strike more convulsive,
And the daylight o'er the pavement quite has faded,
And the strong dead-march enwraps me.

In the eastern sky up-buoying,
The sorrowful vast phantom moves illumin'd,
'Tis some mother's large transparent face,
In heaven brighter growing.

O strong dead-march you please me!
O moon immense with your silvery face you soothe me!
O my soldiers twain! O my veterans passing to burial!
What I have I also give you.

The moon gives you light,
And the bugles and the drums give you music,
And my heart, O my soldiers, my veterans,
My heart gives you love.

FALLEN HEROES

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BURTON. Mr. Speaker, I rise today in observance of Memorial Day and to honor three fallen soldiers from the Fifth District of Indiana who so bravely sacrificed their own lives in Iraq so that Iraqi citizens may one day share in the same freedoms as citizens of our great Nation.

America collectively grieves at the loss of her sons and daughters, but we cannot fully appreciate the enormity of the losses their family and friends have suffered. All we can do is remember that the price of our liberty bears an enormous cost. I am reminded of the words of General George S. Patton, who commanded the U.S. Third Army in the Second World War: "We should not mourn these brave men, but rather thank God that such men lived." It is the determination and willingness of these young men and women to defend our Nation that safeguards all our freedom. We should not and will not soon forget our sons' and daughters' heroic service.

Private First Class Deryk Lyell Hallal (Marine Corps; April 7, 2004), Private First Class Christopher E. Hudson (Army; March 21, 2004), and Sergeant Jarrod W. Black (Army; December 12, 2003) from the Fifth District of Indiana will forever be remembered in the hearts and minds of their family and friends. These three soldiers gave their lives helping free an enslaved people while protecting the world from the scourge of terrorism. We are grateful that there are men like these who are willing to make the ultimate sacrifice for our great Nation. Memorial Day will forever serve as a reminder of their sacrifices as well as all of the past, present, and future heroes who have fought and will so bravely fight to protect our Nation.

FALLEN HEROES

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. McDERMOTT. Mr. Speaker, in times of great sorrow and confusion I often turn to the Bible for comfort and guidance.

Ecclesiastes 3:1–8 teaches us, "For everything there is a season, And a time for every matter under heaven . . . A time to be born, and a time to die; A time to weep, and a time to laugh; A time for war, and a time for peace."

I hope and pray that soon we will see a time for peace around the world. Brave men and women answered their country's call for duty and paid the ultimate sacrifice. They died as heroes in honorable service to our country, and words inadequately convey our sorrow.

Across Washington State, 13 families grieve over the loss of loved ones in Iraq and Afghanistan. On behalf of the nation, the House of Representatives paused recently for a moment of silence to recognize and honor our fallen heroes.

We can honor our soldiers by remembering their names and reflecting on their contributions to our lives and to our communities. Join me in honoring these brave men and women.

Second Lieutenant Benjamin J. Colgan, 30, from Kent; First Lieutenant Michael R. Adams, 24, from Seattle; Staff Sergeant Cody Prosser, 28, whose mother lives in Seattle; Specialist Jacob R. Herring, 21, from Kirkland; Specialist Jeffrey R. Shaver, 26, from Maple Valley; Lance Corporal Cedric E. Burns, 22, from Vancouver; Specialist Justin W. Hebert, of Arlington; Private First Class Duane E. Longstreth, 19, of Tacoma; Private First Class Kerry D. Scott, 21, of Mount Vernon; Specialist Robert T. Benson, 20, of Spokane; Sergeant Jay A. Blessing, 23, of Tacoma; Sergeant Curt E. Jordan, Jr., of Green Acres; and, Staff Sergeant Christopher Bunda, 29.

America is richer because of their service. America is poorer because of their loss.

The Gospel of John 14:27, offers comfort in the words of Jesus, "Peace I leave with you; my peace I give you. I do not give to you as the world gives. Do not let your hearts be troubled and do not be afraid."

FALLEN HEROES

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Kim Bigley who was recently killed in Kosovo.

Kim Bigley was an employee of DynCorp International which was serving with the United Nations as international police officers. Kim and other members were fired upon by a Jordanian police officer for unknown reason and she and two others were killed in the resulting firefight.

Kim Bigley was a 47-year-old who lived most of her life in southern and Southwestern Illinois. She was the former warden of the Shawnee Correctional Center, and had just completed her first day of job orientation when she was killed. She is survived by her parents, Jim and Janice Bigley of Greenfield; sons, Casey Morrow of Springfield and Quinn Morrow of Decatur; daughter, Karly Morrow of Paducah; and a brother, Joe Bigley of Sherman. My thoughts and prayers go out to her families and loved ones. Ms. Bigley gave her life in an effort to improve the lives of others. This sacrifice should never be forgotten.

FALLEN HEROES

SPEECH OF

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. NEUGEBAUER. Mr. Speaker, I rise to pay tribute to dedicated soldiers, marines and citizens from my district that paid the ultimate price while serving our country.

Next weekend, our Nation will commemorate Memorial Day. All too often we forget the purposes of our special days we set aside to celebrate. Memorial Day is much more than a three-day weekend that marks the beginning of summer. This day, originally known as Decoration Day, has a long history dating back to the Civil War, commemorating the sacrifices of our armed forces. During this Memorial Day it is fitting that we make a special effort to honor and acknowledge those who have made the ultimate sacrifice in defending our freedom and the freedom of others in Afghanistan and Iraq.

I would like to extend my deepest sympathy to the family and friends who are mourning the loss of Private First Class Chad Bales, Private First Class Ricky Morris, Specialist Robert Arsiaga, Specialist Israel Garza, Corporal Daniel Amaya, and Private First Class Clayton Henson. These gentlemen served our country with courage and dignity. There is no greater valor than sacrifice in the name of freedom.

I pray for the safe return of all of our servicemen and women and thank them for the sacrifice they make every day defending our country.

FALLEN HEROES

SPEECH OF

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2004

Ms. MAJETTE. Mr. Speaker, When I think of Francis Scott Key's The Star-Spangled Banner, the fourth and final stanza of our National Anthem rarely comes to mind. It reads:

> Oh, thus be it ever when free men shall stand
> Between their loved homes and war's desolation;
> Blest with victory and peace, may the heaven-rescued land
> Praise the power that hath made and preserved us a nation!

As we approach Memorial Day, it is in the spirit of these words that we honor the noble spirit of the brave American men and women who have sacrificed their lives for our nation as they served in both Iraq and Afghanistan. Their ultimate sacrifice serves as a constant reminder of the high cost of freedom and our hope for a safer and more peaceful world.

On this day, I would like to acknowledge and remember the soldiers from Georgia who have fallen while serving our nation during the past year.

We Remember: SPC Jamaal Rashard Addison, CPT Tristan Neil Aitken, SPC Marvin Antonio Campo-Siles, SGT Michael Tyron Crockett, SFC Ricky Leon Crockett, SPC Marshall Lane Edgerton, SSG Bobby Charles Franklin, PV2 Benjamin Lee Freeman, SSG Nathaniel Hart, Jr., SPC Christopher James Holland, A1C Antoine Jermaine Holt, SPC Justin Weaver Johnson, SPC Nathaniel Henry Johnson, SPC Kevin John Klinesmith, Jr., CPT Edward Jason Korn, SGT David Terrell Nutt, PFC Diego Fernando Rincon, PFC William Rodriques Strange III, MSG Thomas Ruel Thigpin, Sr., PFC Marquis Antoine Whitaker, and CSM Jerry Lee Wilson.

It is you, our brothers, and our sisters who have paid the ultimate sacrifice—and those who still fight today—who stand between our beloved home, our country, and war's desolation. It is you who will be forever etched in our memory, forever in our hearts, and to whom we will be forever thankful.

FALLEN HEROES

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. UDALL of New Mexico. Mr. Speaker, every year on the last Monday in the month of May, our Nation gathers together to remember and honor those who have so honorably served our country. We memorialize those who have made the ultimate sacrifice for our freedom and for the values we cherish so deeply.

The sacrifice a soldier makes is always in our hearts and minds, but this Memorial Day we have a special remembrance. This year, in addition to all of those brave men and women who have perished in wars past, we honor the 120 soldiers in Operation Enduring Freedom and nearly 800 soldiers in Operation Iraqi Freedom who have lost their lives. Let us pay special tribute to these soldiers, who served their country with valor, and whose sacrifices we will never forget.

On this day, we also commemorate two important anniversaries nearly upon us. June 6th with mark the 60th anniversary of the D–Day forces landing on the beaches of Normandy. As a result of the bravery, skill, and determination of the heroic Americans who served in World War II, the invasion was successful and led to the eventual destruction of a totalitarian Nazi regime and the liberation of millions of enslaved peoples in Europe. It is fitting that today many of the "Greatest Generation" gather in Washington, D.C. to dedicated the new World War II Memorial on the grounds of the National Mall in Washington, D.C.

And June 22nd will mark the 60th anniversary of the Servicemen's Readjustment Act of 1944—what we now know as the GI Bill of Rights. We are reminded this year, by those currently returning from operations abroad and by the anniversary of this celebrated bill, of the importance of caring for our veterans as they return home. The GI Bill of Rights was one of many promises we have made to those serving our country, and one of many we must keep. We must not falter in our promise to provide veterans with quality healthcare upon their return. We must ensure that when veterans pass, their widows—who also sacrifice so much as spouses of our soldiers—receive the benefits they we've promised them. And we must provide the foundation for our veterans to continue leading healthy and productive lives upon their return, in the form of home loans, vocational rehabilitation, educational benefits, and more.

I want to also take time to honor our troops from New Mexico that have lost their lives in Iraq and Afghanistan: Senior Airman Jason Cunningham of Carlsbad; Army Specialist James Pirtle of Carlsbad; Air Force Special Operations pilot Captain Tamara Archuleta of Albuquerque; Marine Private First Class Christopher Ramos of Albuquerque; and Marine Corporal Aaron Austin of Lovington. I want to acknowledge these soldiers on their bravery and for representing not only our country, but also the state of New Mexico. They have truly made their families, their state, and their Nation proud.

Throughout our Nation's history, our armed forces have been on the front lines fighting for our lives with their own. We must never take for granted the freedoms for which they fought, and we will never forget the meaning of the ultimate sacrifice.

FALLEN HEROES

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. PLATTS. Mr. Speaker, it is a great honor and privilege for me to participate today in this opportunity for members of the House to pay tribute to fallen heroes across the Nation and in our individual Districts.

It is difficult to find the right words to adequately express the deep respect I have for those who have sacrificed their lives for our great Nation. America would not have been born, nor would our Nation's citizens enjoy the unparalleled blessings of liberty, freedom, and justice for all, but for the courageous and selfless sense of patriotism of countless men and women throughout America's history such as the fallen heroes we honor today.

These are the names of the heroes, with ties to the 19th Congressional District of Pennsylvania, who gave their lives for us while serving in Iraq or Afghanistan: Army Specialist Ryan G. Carlock; Army Specialist Martin W. Kondor; Army Specialist George A. Mitchell; Navy SEAL Petty Officer 1st Class Neil Roberts; and Army Staff Sergeant Kimberly A. Voelz.

My deepest sympathies go out to the family members and friends of our fallen heroes. I hope all citizens will keep them in our prayers and forever remember the selfless sacrifices that these heroes have made on our behalf.

FALLEN HEROES

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. MCINNIS. Mr. Speaker, as America celebrates Memorial Day, it is important for us to remember those dedicated soldiers who have made the ultimate sacrifice for our country. The freedoms we enjoy today are a direct result of the sacrifices made by young men and women throughout our nation. Each generation must renew its commitment to defend our liberties, and a new generation of young Americans are today fighting bravely for freedom's cause. The War on Terrorism has claimed over 750 American lives in Iraq and Afghanistan, and four of those brave soldiers came from my district in Colorado. I know that those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like Marine Corporal Randal Rosacker, Staff Sergeant Mark Lawton, Private First Class Chance Phelps, and Sergeant First Class Randy Rehn. Our nation will long endure due to the strength and character of men and women like these four courageous soldiers who served our country.

Randal Rosacker was the oldest of three children and was known as a born leader. In high school, his teammates voted him captain of the baseball team. Randal had always wanted to become a marine and joined the corps when he turned eighteen, despite scholarship offers to play college football. By doing so, Randal was upholding the finest military traditions of both his family and this nation, and I know Randal's family and friends take pride in the uniform he wore and the ideals for which he fought.

As a young man, Mark Lawton was an excellent athlete and ran track for Moffat County High School. Prior to his service with the Army Reserves, Mark spent fourteen years in the Marine Corps, serving in the first Gulf War. In his civilian life, Mark worked for a local coal company as a heavy equipment operator. Most importantly, he was a family man who leaves behind a wife and two sons. While his family's feelings of loss and sorrow are deep, they can take solace in the fact that Mark died in the service of the people and ideals of our nation.

A tall and athletic nineteen-year-old, Chance Phelps attended Moffat County and Palisade high schools where he was known for his fun-loving nature and being an avid outdoorsman. He came from a family with a rich military tradition, his father John being a Vietnam veteran, and his sister Kelley working at the Pentagon. After the terrorist bombings of 9–11, Chance knew that he had to do something for his nation, and resolved to join the Marines. As a dedicated member of our Armed Forces and as a patriot, he answered the call of duty, embarking on a journey to defend freedom and independence.

Randy Rehn was known as an athlete and a prankster. At Niwot High School, he was a football player and an all-state wrestler. He was a loving husband and the new father of a six-month-old girl. I know that Randy's daughter, family and friends take pride in the uniform he wore and the ideals for which he fought.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice of these young soldiers and their families. Throughout our history, men and women in uniform have fought our battles with distinction and courage. At the dawn of this new century, the United States military has once again been called to defend our freedom against a new and emerging threat. Soldiers like Randal, Mark, Chance, and Randy embody America's determination to lead the world in confronting that threat, and their devotion to that cause will not be forgotten. These brave soldiers have made all Americans proud and I know they have the respect and admiration of all of my colleagues here today.

FALLEN HEROES

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SWEENEY. Mr. Speaker, as we reflect on this Memorial Day and remember our fallen heroes, I would like to offer special recognition for four incredibly brave men from my district who sacrificed their lives fighting the war on terror.

On September 10, 2003, Staff Sgt. Joseph E. Robsky, Jr. of the 759th Ordnance Company was killed when an improvised explosive device he was called on to neutralize detonated. Staff Sgt. Robsky was 31 years old.

On September 15, 2003, 31 year old Staff Sgt. Kevin Kimmerly of North Creek, New York was killed in a rocket-propelled grenade attack on the streets of Baghdad.

On April 8 of this year, a rocket-propelled grenade killed Army Spc. Isaac Michael Nieves as insurgents in Bani Saad, Iraq, ambushed his patrol. Spc. Nieves, from Sidney, New York, was 20 years old.

And on April 11, Easter Sunday of this year, 21 year old Pfc. Nathan P. Brown of South Glens Falls, New York was ambushed while on patrol with his unit in Samarra, Iraq. Nathan Brown served in the Army National Guard's 2nd Battalion, 108th Infantry, 1st Armored Division out of Glens Falls, New York.

Each of these remarkable young men left behind family and friends they loved and cared for. They were cut down in the prime of life by those who hate the very freedoms these soldiers, these Americans, these heroes, were trying to protect.

What makes their sacrifice even more special is the fact that not only were they fighting against the terrorists who have declared war on America, but that they were also fighting for millions of Iraqi citizens who yearn for the freedoms that so many of us take for granted.

With each passing day in the war on terror I think about these heroes and the ultimate sacrifice they made so our mission can be victorious. It is because of men like Joe Robsky, Kevin Kimmerly, Isaac Michael Nieves, Nathan Brown, and the hundreds of other Americans who lost their lives that we must succeed in our mission. I refuse to tarnish their memories by fighting this war in vain.

This Memorial Day, and all others afterward, will have extra significance for me. Casting a vote to send our troops into harm's way is the most difficult thing I have done since coming to Congress. While I remain convinced of the justness of our cause, I now have an even greater appreciation for our men and women fighting the war on terror thousands of miles away from their homes and families.

Mr. Speaker, thank you for the opportunity to honor the memories of the 20th District's bravest soldiers. I will spend my Memorial Day praying for their families, for the successful completion of their mission and for the safe return of all our troops. God bless them all, and God bless America.

CONGRATULATING BOB LINDNER AS HE CELEBRATES HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend Bob Lindner, who is retiring from the Baltimore District of the U.S. Army Corps of Engineers. Over our nearly twenty year working relationship, there were a few times that he may not have realized that I considered him a friend, but I am proud to state for the record that I do.

Bob Lindner is a model example of the dedicated but unsung civil servants who make our government work. Those of us who are elected or appointed to policy level positions like to think we are running things, but the truth is that policy is only as good as it is implemented. Bob is a master of understanding the underlying policy and applying it in a practical way to achieve the desired outcome.

Bob, who will turn 62 next week, is retiring after 39 years of civil service. He most recently served as the Chief of the Planning Division for the Baltimore District for the past five years. He is responsible for a staff of 75 engineers and scientists. He has led a strong Civil Works Program that includes the geographic area of our Nation's Capital and portions of six States, and includes projects in the planning, design and construction phases.

Bob's career has been highlighted by numerous accomplishments, including the Scranton and Olyphant Local Flood Protection Projects, Lock Haven Flood Protection Project and numerous projects solving flood control, navigation and erosion problems. It has been through the Wyoming Valley Levee Raising Project that I came to work most closely with Bob. In fact, it took me some time to forgive him for retiring before the project is completed; however, I have come to recognize that he has devoted much of his time in the Corps to training the next generation of managers to follow in his footsteps.

Over the years we faced many obstacles with the Wyoming Valley Levee Raising Project, including budget cuts, an audit, and conflicts among partners, but Bob always managed to keep the project moving forward. We had our battles when I thought the Corps should be more flexible, and he thought I was a bit too ambitious. However, I always knew he had the best interest of the country, the Corps, and the project at heart, and we grew to respect one another.

From 1992 to 1999, Bob was a manager in the Programs and Project Management Division. This included six years as Acting Assistant Chief of the Division. He helped oversee the development and execution of a $2 billion dollar planning, design and construction program dispersed over 27 military installations and civil works and environmental restoration projects in the Susquehanna and Potomac River Basins and Chesapeake Bay.

Prior to 1992, Bob served as Chief of the Project Development Branch in the Planning Division, where he was responsible for the study and plan formulation phase for Civil Works water resources projects. Many of the projects constructed or in construction today, started as studies under Bob's leadership—including those in Scranton, Olyphant, the Wyoming Valley and other projects that reflect highly on the Baltimore District today.

Bob is a trusted confidante. He is known throughout the Army Corps of Engineers Civil Works community for his practical solutions to complex issues.

Bob has been honored through numerous awards, including the Army Superior Civilian Service Award, the Army Commander's Award for Civilian Service, Outstanding Supervisor of the Year for the Baltimore District and Outstanding Supervisor of the Year for the Federal Executive Board for Baltimore Region.

While Bob is a hard worker, he is completely dedicated to his wife Doris and their two children, Nancy and David. They reside in Baldwin, Maryland.

I want to thank Bob for his service to the Nation through his Army and Corps of Engineers career. Bob's knowledge, skill, and abilities developed over a lifetime of dedicated service as an engineer and civil servant, his contribution to his profession and society, and his honesty and ethical standards make him deserving of our recognition today.

Mr. Speaker, I ask that you and my esteemed colleagues in the House of Representative please join me in congratulating Bob Lindner and wish him all the best for a well-deserved retirement.

RECOGNIZING THE ARTISTIC TALENTS OF TYRON MORRISON

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. DOYLE. Mr. Speaker, I rise today to recognize the tremendous artistic ability of a young man from my Congressional District, Tyron Morrison of Woodland Hills High School. Tyron is the winner in the 2004 14th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery."

Tyron's piece, entitled, "T.L.," is an impressive portrait in acrylic paint of a young man's face, with a strong use of highlight and shadow.

Tyron's artwork was selected from a number of outstanding entries to this year's competition. I am certain that his family is proud of her artistic talents as well as this accomplishment.

It gives me great pride and pleasure that Tyron's painting will be representing the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be set up in the United States Capitol in the coming weeks. The winners of the Congressional Art Competitions held in each Congressional District will be displayed in that exhibit.

I encourage my colleagues as well as any visitor to Capitol Hill to view Tyron's artwork, along with all of the other winning artwork that will be on display throughout the next year. It is truly amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country.

I would also like to recognize all the other participants in this year's 14th Congressional District High School Art Competition, "An Artistic Discovery." I would like to thank these vibrant young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular.

I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

FALLEN HEROS

SPEECH OF

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. CUBIN. Mr. Speaker, I rise today to honor Marine Private First Class Chance Phelps.

PFC Phelps, who spent much of his youth in Dubois, Wyoming, died in service to his country near Baghdad on April 9, 2004, Good Friday.

Chance, just 19, had been in Iraq for a month as part of the 1st Marine Division, based at Twentynine Palms, California. He volunteered for the mission during which he was fatally wounded, serving as a machine gunner on an escort vehicle for an Army convoy from the Syrian border to Baghdad. Chance demonstrated incredible valor and courage and will appropriately be awarded the Purple Heart.

As his mother, Gretchen Mack, noted, Chance didn't have to be a Marine, he wanted to be a Marine. After the terrorist attacks of September 11, his greatest desire was to serve his country and fight to preserve America's freedom and liberty. He did it. Both his father, John Phelps, and his mother are firm in their conviction that he willingly made the ultimate sacrifice in defense of his country.

Like many Wyoming children, Chance spent time hunting, fishing and working cows at a friend's ranch. A true All-American boy, he was a star football player who made friends easily. He leaves behind a large, loving family and many friends who will miss him dearly.

The way people felt about Chance was clear at his funeral service in Dubois. Hundreds of people lined the main street, young and old, each person holding aloft an American flag as Chance was carried to his final resting place in a horse-drawn carriage. It was a spontaneous demonstration of the love and admiration Chance inspired in anyone he met, and a testament to the sense of loss, and undying love of our country, that we all feel now that he's gone.

Chance will be sorely missed, but he will forever remain a hero in the hearts of the people of Wyoming.

FALLEN HEROES

SPEECH OF

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. KLINE. Mr. Speaker, on this Memorial Day we honor the sacrifices of a new generation of heroes who gave their lives unselfishly for the safety and security of our Nation and our world.

Private Jim Hergott is one of these brave young Americans who made the ultimate sacrifice in pursuit of democracy, freedom, and liberty.

Last July, Private Jim Hergott became the first Minnesotan killed in action in Iraq. A graduate of Shakopee High School, Private Hergott was struck by a sniper while guarding the National Building Museum in Baghdad.

Private Hergott has set an example of service to which few will be called and for which all are grateful. Jim Hergott will be missed, but his contributions endure.

We enjoy the blessings of living in America as a result of men and women throughout our Nation's history who toiled, sacrificed, and struggled to ensure we would have an unparalleled quality of life.

These blessings remain with us today as a result of the men and women who continue to toil, struggle, and sacrifice on our behalf.

We owe a debt of gratitude to Private Hergott and all of the fallen heroes of this generation and those who came before. I ask you to join me in honoring Private Hergott and remembering his fellow heroes to whom we owe so much.

FALLEN HEROES

SPEECH OF

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. ENGLISH. Mr. Speaker, I rise today to recognize and honor Mr. Billie L. Miller for his dedication to his country and exemplary service during World War II. I commend Mr. Miller for his commitment to liberty and justice and for his dutiful service in carrying freedom to the world.

World War II is filled with stories of heroism, selflessness, patriotism and a relentless desire to secure a peaceful and prosperous future for the United States of America and the international community. Brave men left their ordinary lives in order to serve a cause greater than themselves. Mr. Miller was among those great men to take up the call of service and sacrifice.

A man of courage, Mr. Miller served in the 92nd Bombardment Group as a stealth gunner on a B–17 bomber and participated in numerous flying military missions. As a prisoner of war, captured by the enemy, he was forced to trudge alongside his American comrades during an 86 day, 488 mile march from Gross Tychon, Poland to Halle, Germany. A true guardian of freedom, Mr. Miller kept his morale high and persevered, earning several honorary medals and helping America achieve greatness.

I am often reminded that our country has been blessed with great people and leaders; Americans who rose to the challenge when their country was in need. I take great pride in representing a district with so many heroes.

In June of this year, the Slippery Rock Area High School of Pennsylvania's 3rd Congressional District will honor Mr. Miller for his service and bravery during World War II.

Mr. Speaker, I hope my colleagues will join me in honoring Mr. Miller for his dedicated service to our country. The spirit of his sacrifice lives on in the strength of the United States of America.

FALLEN HEROES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. REYES. Mr. Speaker, today we honor those men and women who have fought and died for the cause of freedom. The cost of freedom is not small, and throughout history our nation has risen to accept this mortal cost so that our fellow citizens of the world could be free.

This generation of Americans, like the generations before, has been called on to serve our great nation with honor, upholding our ideals for people at home and around the world. We are in debt to our brave men and women in uniform who have heeded the call to service in conflicts around the world throughout history, most recently in Iraq and Afghanistan.

Today on the floor of the people's House, we pause to offer a special tribute to those who have paid the ultimate sacrifice on behalf of our nation. Our brave men and women in uniform selflessly sacrifice their own tomorrows so that we may live in freedom. Their families, and especially their children, make sacrifices for us too. As these children grow into young men and women, we need to remind them that their sacrifices and the sacrifices of their parents were not made in vain. We must remind them that as the Bible says, "in the path of righteousness there is life, [and] in walking its path there is no death". Most important, we need to remind them that they are the inspiration for their parents' sacrifices; that their parents sacrifice so that they and their children and grandchildren may know the blessings of liberty.

The citizens of the 16th District of Texas have volunteered to preserve freedom at home and abroad throughout our nation's conflicts. We, in El Paso, intimately know and understand the sacrifices that are made by troops and their families in times of war. We are used to seeing our soldiers leave and return, as El Paso's own Patriot battalions based at Fort Bliss are some of the most frequently deployed units in the country. The soldiers, who call Fort Bliss home, even if only for a brief time, are our neighbors, our friends, and our family.

Last year, the people of El Paso gathered together in prayer for the safe and swift return of members of the 507th Maintenance Company who were ambushed by Iraqi forces outside of Al Nasirriyah. The memories of those who were lost were not forgotten in the midst of the joy of welcoming many of them home. They will forever be sons and daughters of El Paso.

As a veteran of the Vietnam War, I know what it feels like to put on the uniform of the United States and leave my family and friends for an uncertain future in an uncertain place to defend the ideals of our nation. I was one of the lucky ones who returned home. We owe much to those who are not so lucky—to them and their families, we owe our deepest gratitude for their sacrifices.

Today, I give a solemn but proud salute to the men and women from El Paso and Fort Bliss who have lost their lives in support of Operation Iraqi Freedom. These fallen heroes will rest with their comrades from around our nation who paid the ultimate price for freedom. They will forever be honored with our sincere gratitude and respect.

IN HONOR OF TOM REEFE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FARR. Mr. Speaker, it is with great honor and pleasure that I am able to rise today to recognize Tom Reefe, the Executive Director of Leadership Santa Cruz County. Tom has held the position of Executive Director for twelve years, and will retire this coming June.

Leadership Santa Cruz County, an organization that promotes civic participation of emerging community, political and business leaders, has grown tremendously under the tutelage of Tom. He has, for the past twelve years, dedicated a tremendous amount of strength and energy into this noble endeavor.

More than 500 people, including some of my staff, have graduated from Tom's program during his tenure as Executive Director. These graduates come from all walks of life, yet they came to Tom for a common reason: they had a desire to approach the problems, issues, and needs facing our community in a matter of fact and head-on manner.

Indeed, Santa Cruz has benefited greatly from Tom's contributions. His dedication, dynamism and spiritedness have rubbed off onto everyone who has the opportunity to work with him. Our central coast community is truly indebted to Tom Reefe.

IN HONOR OF CAMERON McLEOD AND JOAN SEGERSTROM

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. OSE. Mr. Speaker, I rise today to honor Cameron McLeod and Joan Segerstrom for being chosen as the Fair Oaks Team Teachers of the Year.

Cameron and Joan provide an enriching and exciting sixth grade program for the students of LeGette Elementary School. They collaborate on their instructional program so all students receive a consistent, standards-based, academic opportunity. Along with high academic expectations, Cameron and Joan have high expectations of behavior. They teach students ethical, responsible behavior in a sensitive and caring manner. Cameron and Joan's talents lay in bringing out the best in 11 and 12 year olds. They achieve this by honoring and respecting students and providing opportunities for them to reflect on their own goals and behavior.

Cameron and Joan have worked tirelessly as a team to provide quality educational and social experiences on and off campus. They reach beyond the classroom to excite students toward achievement. Their outdoor environmental programs are the highlight of the school year: An overnight trip to Camp Winthers and the Northstar Ropes Course and a 5-day trip to Point Bonita at the mouth of the Golden Gate Bridge, provide opportunities for new curricular learning and places to practice the team spirit, pride and ethical behavior that Cameron and Joan instill in each student.

Motivating students to succeed is foremost in their program. They tailor their lessons to the learning needs of their students to make the most of their abilities. Cameron and Joan have had such an impact throughout the years, often their former students return to thank them for the influence they made on their lives.

I am honored to recognize a dedicated team whose efforts have had a profound effect on the students they teach. Please join me in congratulating Cameron McLeod and Joan Segerstrom for being named the 2004 Fair Oaks Team Teachers of the Year.

IN HONOR OF THE 395TH ORDNANCE COMPANY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the brave men and women of the 395th Ordnance Company who last week returned home after serving 10 months in Afghanistan. These soldiers played a critical role in the war on terror, and stand as a shining example of patriotism and commitment to all Americans.

In the face of reat peril and threat, the men and women of the Appleton, Wisconsin-based 395th moved essential ammunition and supplies to the battlefield for their comrades. They played a vital role in securing peace and stability in a nation once dominated by terror and oppression, and their efforts have helped nourish the seeds of democracy in Afghanistan.

Mr. Speaker, when future generations of Americans look back on the conflicts in the Middle East, they will certainly remember the service and sacrifice of the 395th. And today, I am thankful that they are home safely with us once again. On behalf of the citizens of

Wisconsin's Eighth Congressional District, and a grateful nation, it is my honor to recognize these courageous individuals.

TRIBUTE TO PROFESSOR EMERITUS ARTHUR C. TURNER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to University of California at Riverside Professor Emeritus Arthur Campbell Turner in conjunction with the Citizen's University Committee Banquet being held in his honor on June 3, 2004.

Professor Turner himself explained best his role in the creation of the University of California at Riverside (UCR), in a quote to the local newspaper, the Press Enterprise, in 1988: "I was here before the beginning. I am one of the reasons there was a beginning." No truer statement could be given. Indeed, Professor Turner stands as one of the original eight founding faculty members in 1954 when the California State Legislature deemed that the Citrus Experiment Station in Riverside should become a new campus of the University of California system.

In 1953 professor Turner was recruited from the University of Toronto by founding Provost Gordon Watkins as Chairman of the Division of Social Sciences and Associate Professor of Political Science. As Chairman, Professor Turner appointed about one-quarter of the founding faculty of the College of Letters and Sciences at UCR. In 1958, Dr. Turner became a full Professor. He remained as Chairman until 1961 and was Chairman of the Department of Political Sciences until 1966. As if that is not enough, Professor Turner proceeded to be appointed as associate dean of University of California's Graduate Division, Southern Section, and as such was instrumental in the formation of a graduate division at UCR in 1961.

Dr. Turner, professor of Political Science, was born and raised in Glasgow, Scotland. He received his undergraduate degree in History from the University of Glasgow, graduate degree in History at Oxford (Queens College), and Ph.D. from the University of California at Berkley. While at Berkeley he met and married Netty, a graduate student. Following his Ph.D., Dr. Turner joined the faculty of the University of Toronto.

His educational career at UCR also includes his membership on the Editorial Committee of the University of California Press from 1959–65 and 1980–83, and Chairman of the Committee from 1962–65. Professor Turner has published extensively on British affairs, international relations and the Middle East. Not surprisingly, he has been named in Who's Who in America for the past thirty years. Professor Turner retired in 1988.

Mr. Speaker, Professor Turner has given back to his community four-fold. His vivid memories of the early days of UCR, the joys of building a new university, seeing it grow and become a formidable institution, and recruiting faculty members, some of who are still on the faculty, serve to give us a foundation by which we may judge the progress of our community and future generations.

Professor Turner has been and continues to be a shining example of a person with passion and principles, who has strived to improve the cultural and political direction of our nation. We have a vast system of public higher education in this country; a network of great state universities and colleges. Today we enjoy academic excellence in America as it is enjoyed nowhere else in the world. Professor Turner is one of those responsible for that part of America's incredible educational experiment known as UCR.

FALLEN HEROES

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. LOWEY. Mr. Speaker, today, Congress comes together to honor those veterans who selflessly made the ultimate sacrifice for our country. More than 42 million people have served the United States in war, and more than 1 million have died in battle or service. This moment of silence is a tribute to them, but does not fully express our gratitude for their bravery and sacrifices.

Next weekend, the National World War II Memorial will officially open. More than 16 million Americans served in the Armed Forces during World War II, and more than 400,000 died. The memorial will stand as a reminder of the commitment, bravery, and sacrifice of those who died, and those who survived.

At the same time, today, more than 100,000 service members are risking their lives in the dangerous operations taking place in Iraq, Afghanistan, and elsewhere. The daily and vivid reminders of their courage provide a window into the sacrifices of the past. These reminders should harden our resolve to work for a peaceful future in a just world.

Veterans have continuously defended our democracy and renewed America's promise through their efforts. No service to our nation comes with more peril or is more deserving of our gratitude. With our silence we pay them tribute. With our actions we can begin to repay our debt.

FALLEN HEROES

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, each year, Memorial Day gives us the opportunity to honor the brave men and women who have so selflessly stood in harm's way to protect the fundamental freedoms of our great nation. Our soldiers have made so many sacrifices from the Revolutionary War, to the World Wars, to the modern day engagement in Iraq. All of our military personnel deserve our utmost respect, gratitude and care. The great sacrifices that they have made must not be forgotten.

Army Spc. Kyle A. Griffin of Emerson, New Jersey, is one such brave soldier whose sacrifice we must recognize. He laid down his very own life for liberty fighting in Iraq this past year, while defending the very freedoms and rights Americans enjoy today. He did not die in vain, but with a very noble mission in mind—to protect our nation and our citizens against those who wish to see us fail. We must always remember the valiant efforts of Spc. Griffin and continue to pay tribute to all soldiers who have paid the ultimate price.

In 1868 Major General John A. Logan established a "Decoration Day" on May 30 as a day of remembrance for the dead of the Civil War. General Logan ordered his posts to decorate the local cemeteries "with the choicest flowers of springtime" to honor the thousands killed during those four terrible years.

General Logan's original Decoration Day proclamation called us to honor those who made the ultimate sacrifice, "We should guard their graves with sacred vigilance . . . Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic."

However, the remembrance and dedication General Logan meant to preserve through Decoration Day, seems to have gotten lost over the many years. A recent Gallup poll found that just 28% of Americans are able to explain why we celebrate our modern day version of Decoration Day—Memorial Day.

We may sometimes take for granted the many liberties we enjoy in America, but they have all been earned through the sacrifice paid by so many of the members of our armed forces. Many soldiers have died for our liberty and prosperity. They acted with patriotism and commitment to their country. We owe them a huge debt of gratitude.

I urge you to take this charge to heart and honor those who made the ultimate sacrifice for our country by stopping what you are doing at 3:00 p.m. on Memorial Day to participate in the National Moment of Remembrance. Consider what the world might look like if not for the service of generations of Americans in uniform. Take a moment to remember those who gave their lives, so that you may have freedom. But, don't just stop there.

Take time throughout the rest of the year to reach out to the members of our armed services who are fighting freedom's newest enemies. While we take this day to honor those who have given so much for our freedom in the past, our thoughts should also be drawn on a daily basis to the brave men and women of our armed services who are fighting for the cause of freedom and democracy around the globe today. Tell them that the citizens of our state and nation are grateful for their service, and thank them and their families for the daily sacrifices that allow them to serve.

We must always remember our fallen soldiers, our veterans and our military currently serving as we celebrate Memorial Day. They deserve the highest praise of all.

IN HONOR OF RICHARD BEDAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Richard W. Bedal, a dedicated member of the Santa Cruz community, upon his retirement. Beginning his commitment to public service in 1970 as a Legal Clerk in the Superior Court Clerk's Office, Mr. Bedal has continued to serve the county of Santa Cruz for over 30 years. Mr. Bedal will be enjoying his retirement in the company of his family and wife, Martha.

In 1975, Mr. Bedal became a Judge Pro Tem in the Small Claims and Traffic Court before accepting the position of Assistant County Clerk in 1976. After spending 6 years supervising the Superior Court Clerk's Office, Mr. Bedal was elected in 1982 and then re-elected in 1986 and 1990 to the position of County Clerk-Recorder for the County of Santa Cruz. His public service took a new turn in 1994 when he was elected to the consolidated office of County Clerk-Recorder and Treasurer-Tax Collector, continuing to serve in this office until his retirement this year. Though a well deserved retirement, Mr. Bedal's long dedication to the county of Santa Cruz will be missed.

In addition to serving the county of Santa Cruz, Mr. Bedal also has been the President of the California Association of County-Treasurers-Tax Collectors, President of the Boys and Girls Club of Santa Cruz, President of the County Recorders' Association of California, and President of the Santa Cruz County Employee's Credit Union throughout his many years of service to his community. An avid biker, Mr. Bedal has also completed the California AIDS ride from San Francisco to Los Angeles and once even biked from Santa Cruz to Santa Barbara to visit his daughter.

Mr. Speaker, I wish to recognize Mr. Richard W. Bedal's accomplishments and contributions to our community. I am immensely grateful for his dedication and I wish him the best of luck in his future endeavors.

IN HONOR OF SYBILLE IRWIN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. OSE. Mr. Speaker, I rise today to honor an exceptional teacher at Bella Vista High School, in Fair Oaks, California. Sybille Irwin, after 32 years of dedicated service, has been chosen as the Fair Oaks Teacher of the Year.

Sybille Irwin is a German teacher who has single-handedly managed the German Program at Bella Vista High School. All German classes, German 1 through Honors German 5 are taught by Ms. Irwin. Her classes are rigorous and her standards are high. At the same time, she creates a classroom atmosphere of friendliness and fun. Over the years, her creativity, her organization and her passion for the language have resulted in many cultural events including the annual Oktoberfest celebration for the entire Fair Oaks community. She has organized trips to Germany for her students as well as invited German students to spend the year in Fair Oaks. Sybille is advisor of two clubs and opens her classroom and her heart to students who need help.

Her colleagues and students consider Sybille as the ultimate professional educator. She is always willing to take on challenges and risks to help the school and her students. She is always willing to "wear another hat" when needed. She has been the WASC (School Accreditation) Coordinator, a Department Chair, a master teacher for student teachers and a district Site Leader. Additionally, when staffing needs dictated, she has taught French and English to help the master school schedule. She has always encouraged collaboration with colleagues from all departments and is consistently on the cutting edge of new techniques in teaching. For example, she was responsible for the initial introduction of portfolios and rubrics in the Bella Vista Foreign Language department before they became routine.

I am honored to recognize an individual who has committed her life to the enhancement, enrichment and education of our youth. Through her efforts, her professional expertise and her striking and energetic personality, Bella Vista has managed to maintain a thriving German program of which we are very proud. Please join me in congratulating Sybille Irwin for being named the 2004 Fair Oaks Teacher of the Year.

FALLEN HEROES

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, today I join my fellow colleagues in recognizing the extraordinary contributions of our men and women in uniform who have lost their lives while serving in Iraq and Afghanistan.

As Memorial Day approaches, Americans are reminded of the sacrifices made by all our military service members. These courageous individuals spread the seeds of democracy to oppressed nations around the globe, helping protect and preserve the freedoms we all cherish. There's no question, our world is a safer place today because of their valiant efforts.

Today, another generation of American service members is fighting for peace and stability in the Middle East. Although they have seen great peril, these individuals, like their predecessors, continue to root out evil and terror wherever it hides. They bring honor and dignity to their mission, and they continue to make all Americans proud.

Mr. Speaker, many Americans have lost their lives in Iraq and Afghanistan—some of which were my constituents—Private First Class Nichole Frye, Staff Sergeant Warren Hansen, Private First Class Ryan Jerabek and Corporal Jesse Thiry. Their sacrifice is a stern reminder to us all that peace comes at a heavy price, and America will not soon forget their contributions to freedom. It is with solemn honor that I, along with the citizens of Wisconsin's 8th Congressional District, recognize today the efforts of our fallen warriors.

TRIBUTE TO ARTHUR L. LITTLEWORTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to one of our Nation's and California's eminent civic leaders and authority on water law. On May 27th, Arthur L. Littleworth was presented with the Frank Miller Civic Achievement Award for his contributions to the community. This annual award, given by the Mission Inn Foundation in Riverside, California, is a small step towards recognizing the enormous contributions by Art for his community, state and Nation.

Art Littleworth has always done the work of four men. His civic and professional engagements cannot help but serve as model to us all and include: senior partner at the law firm Best Best & Krieger, respected expert in water law, former board president of the Riverside Unified School District—playing a leading role in steering the district into voluntary integration of the schools in the mid–1960s, member of the task force that examined Riverside Police Department's use-of-force rules after the 1998 Tyisha Miller shooting, and first board president of the foundation that is honoring him. A dedicated leader, Art has willingly and unselfishly given of his time and talent to make our community and Nation a better place to live and work.

Born and raised in Los Angeles, Art went to Yale University on a full scholarship earning a Bachelor of Arts with Honors in American History. He later entered the U.S. Navy and saw battle in the Pacific during the final months of World War II. Returning home he proceeded to earn a Masters in American History from Stanford University and J.D. from Yale Law School in 1950. That same year he joined Best Best & Krieger.

Art soon found himself representing a local group of ranchers in a federal case regarding Santa Margarita River water in 1958. The case would be in court for five years and have Art emerge as an expert on water law. His expertise grew to a point that the United States Supreme Court appointed him "Special Master," in 1987, in a water rights case between the States of Kansas and Colorado involving the Arkansas River. The Supreme Court unanimously approved his first major finding in this case which became precedent setting in determining damages and awarding prejudgment interest approved by Court, 533 U.S. 1. The Supreme Court is scheduled to hear his most recent ruling in this case this fall.

On the hometown front, Art's reputation also continued to grow as he served on the Riverside Unified School Board from 1958 to 1972, the last 10 years as its president. As president, Art Littleworth played a leading role in overseeing the voluntary desegregation of the district's elementary and middle schools. The feat made Riverside Unified School District the first large school district in the Nation to voluntarily integrate its white and black school children populations and brought the community together as one.

In 1976, Art took the helm as founding President of the Mission Inn Foundation to help the City of Riverside take over the bankrupt hotel and revive it to its historical beauty. The foundation was able to improve the hotel to the point where it was able to be sold to a hotel developer a few years later. It now stands as a testament to the City of Riverside's progress and growth as a city.

Mr. Speaker, Art's tireless passion for water law and vital social issues has and will continue to contribute immensely to the betterment of the community of Riverside, the state of California and our Nation. I know that many community and national leaders are grateful for his service and salute him for his acceptance of the Frank Miller Civic Achievement Award—a fitting token of our appreciation and esteem.

RECOGNITION OF BENJAMIN F. WILSON AS THE IMMEDIATE PAST CHAIRMAN OF THE DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. NORTON. Mr. Speaker, longtime resident of the District of Columbia Benjamin F. Wilson is the immediate past chairman of the District of Columbia Board of Elections and Ethics who served as a member of the Board since June 29, 1990 and as its Chairman from October 1, 1991 until May 24, 2004 having been appointed by three different Mayors of the District of Columbia.

The District of Columbia Board of Elections and Ethics, a Charter independent agency, comprised of a three-member Board who are unpaid volunteers charged to carry out the agency's mission. The mission of the Board is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process.

Since the Board's inception in 1955, he is the first chairman to serve continuously for a period of fourteen years without interruption in his service providing exceptional public service to the citizens of the District of Columbia. He is the longest serving Chairman of the Board in its 49 year history.

Mr. Wilson is to be commended for leading the Board while it carried out its mission of administering the electoral process which requires wisdom, courage, and the desire to remain focused on its vision of conducting free and impartial elections conducted in a fair, efficient, and accurate manner.

He has maintained the highest level of integrity in performing the duties of the Board displaying courage and stamina while protecting the public's interest from manipulation for personal or partisan gain respecting the rights of all and maintaining the highest level of integrity.

He has taken to heart the Board's mandate to administer an impartial electoral process for the citizens of the District of Columbia both in the conduct of elections and his commitment to assuring the integrity of our election system in the Board's role as the gatekeepers of Democracy.

Mr. Wilson has been at the forefront of the core of the Board's mission which is voter education, registration, and electoral advancement in the areas of support and technology. He has served on the Board while addressing issues such as the right of homeless individuals to gain and maintain access to the franchise, developing the process for compliance with the National Voter Registration Act, Uniformed and Overseas Citizens Absentee Voting Act, the support of the right of college students to register and vote, and the Help America Vote Act.

During his long tenure on the Board, he has led the expansion of voting precincts to provide greater voter accessibility for disabled and elderly voters leading the District of Columbia to be the first major jurisdiction in the United States to provide dual voting systems in the polling place allowing blind and other disabled voters to vote in privacy and secrecy without assistance.

He has also led the Office of Campaign Finance to successfully revive and stabilize programs which were formerly dormant and addressed a backlog of cases that existed at the time of his first appointment as Chairman regarding investigative matters.

He has insisted on education for voters, candidates, and the public at-large regarding campaign finance and conflict of interest laws and on imposing and collecting fines to enforce the ethics laws in the District of Columbia.

Mr. Wilson has done outstanding work at the District of Columbia Board of Elections and Ethics, sometimes under trying conditions. For example, the Board conducted a flawless election with new voting machines that had never been used before when the two leading candidates for Mayor of the city were write-in candidates. He successfully led the Board and its staff during an extremely difficult period.

In addition to his service on the District of Columbia Board of Elections and Ethics, Mr. Wilson has actively served the community by serving as the former Chairman of the Board of Directors of Healthy Babies, Incorporated; former Co-Chairman of the Washington Lawyers' Committee for Civil Rights Under the Law; former Chairman of the Board of the Dwight Mosley Foundation; and former Chairman of the Advisory Board of WAMU public radio.

I commend Mr. Wilson for his volunteer public service to the citizens of the District of Columbia.

HONORING THE DEDICATION OF MICAELA CONNERY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the extraordinary dedication of a young woman from West Hartford, Micaela Connery, who has been awarded the 2004 Prudential Spirit of the Community Award. This award program was created five years ago and is part of a broad initiative by Prudential to encourage young people to become involved in community service. This year's honorees received national recognition, a $1,000 cash award, and an engraved silver medallion.

Among the 20,000 applicants, Micaela is one of only 104 students who received the Prudential Spirit of the Community Award for her acts of volunteerism. As a sophomore at Conard High School, Micaela was inspired by her cousin with special needs and singlehandedly created a program that showcases the talents of students with and without special needs in theatrical performances. The first production of Micaela's Unified Theater, consisting of 20 students, half with special needs and half without, raised over $500 in donations. The success of Micaela's hard work has spread throughout Connecticut and lead to the formation of Unified Theater, Inc. which provides start-up assistance to other schools.

Micaela demonstrates the highest level of compassion, dedication and achievement among the youth today. As a young adult, she already understands the positive nature of community as she describes through her work in the program, "every member is an equal. Every member works together in equal collaboration. What makes Unified Theater different is that we see ability where others see disability."

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Miss Micaela Connery for her inspiration and dedication to the West Hartford Community.

THANKING THE STUDENTS OF ALCOTT ELEMENTARY SCHOOL FOR SUPPORTING OUR TROOPS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to express my gratitude to three classrooms at Alcott Elementary School in San Diego: Mrs. Dee Murphy's class in Room B–4, Ms. Natalie Crain's class in Room 9, and Ms. Cindy Weiss' class in Room 20. All of the children in these three classes sent letters of support to my District Director, Nathan Fletcher, who is a Marine Corps reservist currently deployed in Iraq.

The students' letters included words of support, and reminders of San Diego for Nathan and his unit who are deployed out of Camp Pendleton. Their letters included funny jokes, anecdotes about the students' families and pets, praise for our armed forces for their efforts to keep America safe, and thanks for their work to liberate the children and people of Iraq.

Mrs. Murphy's class also sent "Flat Stanley" to visit with Nathan in Iraq. In the book, Flat Stanley, by Jeff Brown, Stanley is squashed flat by a falling bulletin board. One of the many advantages is that Flat Stanley can now visit his friends by traveling in an envelope. Flat Stanley has joined Nathan on patrols, and has sent pictures back to Mrs. Murphy's class from his many adventures. The students also sent books and newspapers, and some small snacks and treats.

I am so proud and appreciative of the students from Alcott Elementary. Their simple act of sending a letter has lifted the spirits of Nathan's Unit. In the midst of many long monotonous days, while our troops are missing their families and loved ones at home, these letters reminded our marines from Camp Pendleton of the wonderful things that wait for them when they arrive back home. At the same time, the students are learning about events in the world. I also hope that this exchange will help the students to better understand how very fortunate they are to live in America. Many of the children in Iraq have no shoes, and poor medical care (if any). There isn't enough room for everyone to attend schools, so often the girls go to school in the morning and the boys go to school in the afternoon. Through their interaction with Nathan, the students of Alcott Elementary are catching a glimpse of the lives of a handful of Iraqi children.

I ask my colleagues to join me in thanking the students of Alcott Elementary for their support of our troops. Their letters and gifts have helped to remind our troops that America stands firmly behind them and anxiously awaits their safe return home.

HONORING LANCE CORPORAL JAMES A. CASPER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HENSARLING. Mr. Speaker, throughout our history, when our country called, millions of American men and women have made the ultimate sacrifice so that our Nation could enjoy peace and prosperity. From Bunker Hill to Baghdad, many of America's best and brightest have paid the price of our freedom with their lives, leaving behind their friends, their families and their futures.

Recently, the Fifth Congressional District of Texas lost one of our best. Lance Corporal James A. Casper of Coolidge, Texas, was a twenty-year-old Marine assigned to 2nd Battalion, 11th Marines, 1st Division, who lost his life near Al Asad, Iraq, while serving his country in Operation Iraqi Freedom.

Lance Corporal Casper served this country well, as did the other brave men and women who have lost their lives in Iraq, helping to fight our enemies far away in order to prevent them from attacking us again here at home. Undoubtedly, it is through their sacrifice that future generations of Americans and others will enjoy freedom from terror.

As our families and friends gather together this Memorial Day to enjoy barbeques and baseball games, let us not forget the solemn purpose for this national day of remembrance.

Freedom is not free—it comes at an incredible cost. Today, let us show our deep appreciation for those who fought for our freedom and let us honor those, like Lance Corporal Casper, who died defending it. Let us commend their courage, their patriotism, their service and their sacrifice.

In the words of President Ronald Reagan, "We will always remember. We will always be proud. We will always be prepared, so we may always be free."

IN HONOR OF M.R.C. GREENWOOD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FARR. Mr. Speaker, on behalf of both Members representing Santa Cruz County, California, myself and Representative ANNA G. ESHOO, I rise today to honor M.R.C. Greenwood, former Chancellor of the University of California, Santa Cruz, and a dedicated member of the Santa Cruz community. Ms. Greenwood has recently left her position at UCSC to become Provost and Vice President of Academic Affairs for the University of California. I rise today to honor her contributions both to UCSC and to the community of Santa Cruz County.

As soon as she stepped foot on the UCSC campus in June of 1996, Ms. Greenwood began revolutionizing the institution. During her tenure, she was instrumental in the creation of the Baskin School of Engineering, as well as two new colleges on campus. As an accomplished scientist herself, Ms Greenwood was responsible for the development of many fine research institutions including the Institute for Advanced Feminist Research, the STEPS Institute for Innovation in Environmental Research, the Center for Justice Tolerance, and Community, and the Center for Ocean Health. By the end of her tenure, academic programs had been enhanced and enlarged and graduate and undergraduate enrollment increased to more than 14,000 students. With the campus now reaching a regional annual economic impact of almost $1 billion, her leadership has proven advantageous not only to the students at the university, but to the local community as well.

In addition to her dedication to the campus and academic life, Ms. Greenwood has also made important contributions to our local community. As member of the Board of Directors of Sutter Hospital, the Second Harvest Food Bank, and the United Way of Santa Cruz County, Ms. Greenwood has earned the title of "Woman of the Year" from the Santa Cruz Chamber of Commerce.

Mr. Speaker, Representative ESHOO and I would like to extend our gratitude to Ms. Greenwood for her friendship and dedicated service to the UC-Santa Cruz community. Her leadership has benefited the lives of countless students and has improved our community beyond our greatest expectations. We wish her the best of luck in her new role with the University and have no doubt that the entire University of California system will continue to flourish under her guidance.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GALLEGLY. Mr. Speaker, on Thursday, May 20, 2004, I was unable to vote on the Levin Substitute amendment to H.R. 4359, the Child Care Preservation and Expansion Act (rollcall 208). Had I been present, I would have voted "nay."

Additionally Mr. Speaker, on Thursday, May 20, 2004, I was unable to vote on passage of H.R. 4359 (rollcall 209). Had I been present, I would have voted "aye."

IN HONOR OF THE GREAT NECK VIGILANT FIRE COMPANY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the Great Neck Vigilant Fire Company. On June 6th, a parade will be held in honor of the 100th Anniversary of the founding of this extraordinary organization.

The rich history of sacrifice surrounding this courageous volunteer organization is a testament to the spirit that binds our communities together. Its medical personnel and firefighters have spent generations caring for their neighbors. At this moment, as many as sixty thousand individuals, including officers of the Unites States Merchant Marine Academy, depend on these brave fire and rescue volunteers to stave off potential disaster.

In their unflinching century of service to the people of New York, the members of the Vigilant Fire Company have exemplified the remarkable fortitude and courage America has come to associate with its firefighters. Selflessly volunteering to serve Great Neck and the surrounding communities, they have saved countless lives without expectations of reward.

Adaptability and a willingness to be innovative have long been hallmarks of this volunteer Company. It is often on the cutting edge of technological improvements in medical services and fire-fighting techniques. The Vigilant Fire Company aided in September 11th disaster relief and knows firsthand the value of preparedness. Under the leadership of Chief Conrad Singer, it has once again begun proactively engaging the community in planning for the unthinkable.

It is an honor to represent such a collection of generous individuals. Mr. Speaker, I ask all my colleagues in the House to join me now in recognizing this exceptional group of citizens.

EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO ITS PARLIAMENTARIAN, THE HONORABLE CHARLES W. JOHNSON

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. RAHALL. Mr. Speaker, as many have already stated, and as many more Members are eager to express, Charlie Johnson's departure will be a loss to this great institution we serve, and which Charlie has served so well for an amazing 40 years.

While a tremendous amount has changed in this country, and in this House, over the last 40 years, one thing that has remained constant is Charlie's dedicated service to this great institution.

Throughout his tenure, Charlie has been a wise counselor, a trusted confidant, and an impartial adjudicator who has served both parties without pride or prejudice. He has served seven Speakers, and he has served each of them—and each of us—admirably.

For those who don't readily grasp the significance of the role of Parliamentarian, it is the Parliamentarian who makes sure that we can continue to conduct the House's business every hour of every day.

Those visiting, or watching at home on C-Span, may understand the importance of the House Parliamentarian as Members come and go from the Speaker's Chair. When they see Members in the Chair making procedural decisions, they also see the Parliamentarian's staff providing helpful advice on a timely basis.

For those of us who serve in the House, the Parliamentarian is an absolute lifeline. He's also the occasional judge, father confessor, and calm in the storm of the House floor as Members and parties seek to advance their own interests.

Although it seems that we increasingly can't find ourselves in agreement on many things, too many things for that matter, one thing that is beyond dispute is that Charlie has embodied the ideal of the civil servant who tirelessly has served the interests of the American people.

I, like so many others, am proud to have served with him.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on April 28, 2004. I would like the record to show that, had I been present, I would have voted "no" on rollcall vote 138.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GERLACH. Mr. Speaker, on rollcall Vote Number 182 on passage of H.R. 3722, the Undocumented Alien Emergency Medical Assistance Amendments of 2004, I inadvertently voted "yes" when I fully intended to vote "no." The rush of constituent meetings off the floor at the time of this vote caused confusion resulting in this erroneous vote.

FALLEN HEROES

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. KING of New York. Mr. Speaker, as Memorial Day approaches, today I rise to honor the many men and women who have died in the service to our great country. Throughout our nation's history, men and women have fought for freedom and democracy; not only here in the United States, but also around the world. These people have put themselves in harm's way and paid the ultimate sacrifice so that we can continue to live the lives that we do.

This year's anniversary has special meaning for two reasons. First, our country is again at war with members of our armed services deployed to hot zones in Iraq and Afghanistan. While these two conflicts are challenging, we are committed to staying the course and assisting the new governments in creating democratic institutions. Second, the long overdue World War II Memorial will finally be dedicated this Saturday to honor arguably the "greatest generation" of Americans. This is a fitting tribute to the millions of veterans who served overseas as well as those civilians who worked on the home front.

At this time, I would like to make special mention of a constituent of mine who recently lost his life in Iraq. Marine Corporal Kevin T. Kolm of Hicksville died last month while serving in Operation Iraqi Freedom. Once again, I would like to offer my deepest sympathies to Kevin's family. There is nothing more honorable or praiseworthy than serving one's country. It is because of brave servicemen like Kevin Kolm that our country will remain free and proud.

MEMORIAL DAY 2004: HONORING THE MEN AND WOMEN OF OUR ARMED FORCES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CRENSHAW. Mr. Speaker, this past Memorial Day, as we paid tribute to the men and women who fought and died to preserve our freedoms in the past, our Nation is at war, and once again, members of our military are paying the ultimate sacrifice. This Memorial Day as we gathered in our towns to pay tributes to the sacrifices of those from past wars, we also remembered the burdens of the soldiers and sailors who followed in their footsteps and serve us today.

As in all battles, soldiers and sailors do not go to war to become heroes. They do not fight because they enjoy the heat of battle. They do not die because they do not love life. They go to war because we, as a Nation, ask them to go and because they are honorable. They go because they believe deeply in the cause of freedom, and they understand the evils of terrorism and the threats it presents to our independence. They die because their lives are taken from them on battlefields. Nevertheless, the loss of even one life weighs heavily on my heart and the heart of every American.

Operations Enduring Freedom and Iraqi Freedom have once again brought our young men and women to the front lines of battle. And, as in the past, at the core of America's military are the same type of men and women, who like their ancestors, have answered the call to arms. And like you, they will draw strength from those who served before them. On D-Day, General Dwight Eisenhower spoke to the troops and said, "You are about to embark upon the great crusade toward which we have striven these many months. The eyes of the world are upon you. . . . I have full confidence in your courage, devotion to duty and skill in battle." These same words are as true today as they were on June 6, 1944.

This Memorial Day, as in the past, we gathered in cemeteries and in parks across America. In Washington, D.C., we dedicated the long overdue World War II Memorial. We read markers and inscriptions that pay honor to our brave patriots. But, the living commemoration for them is not etched in stone on walls or tombstones but in the hearts of free men and women.

To the men and women who have served our nation so well, thank you for all that you have done for our country, continue to do to rekindle the memories of those who are no longer with us, and the support you give to those who carry the burden this day.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall Nos. 147,148,149, 150, 151, and 152, on May 6, 2004, I was unable to cast my vote because I was attending my son's commissioning as a Second Lieutenant in the Army National Guard as well as his graduation at Clemson University.

Had I been present, I would have voted the following:

Rollcall 147, Ordering the Previous Question on Providing for Consideration on Deploring the Abuse of Persons in United States Custody in Iraq, I would have voted "aye."

Rollcall 148, the Motion to Instruct Conferees to authorize appropriations for the

Coast Guard for Fiscal Year 2004, to amend various laws administered by the Coast Guard, and for other purposes, I would have voted "aye."

Rollcall 149, the Motion to Suspend the Rules and Agree on Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic, I would have voted "aye."

Rollcall 150, on Agreeing to the Resolution on Deploring the Abuse of Persons in United States Custody in Iraq, I would have voted "aye."

Rollcall 151, the Motion to Suspend the Rules and Agree on Expressing the Sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release, I would have voted "aye."

Rollcall 152, the Motion to Suspend the Rules and Agree on Expressing the Concern of Congress over Iran's development of the means to produce nuclear weapons, I would have voted "aye."

RETIREMENT OF BUDDY AND PAT DEAS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to recognize the retirement of Buddy and Pat Deas. For over 35 years, Buddy taught students of all ages, and his wife Pat was by his side in the classroom during much of that time.

I had the great privilege of learning from Mr. Deas in my high school agriculture class. As a teacher, Mr. Deas always believed in "focusing on the student rather than the subject being taught," and that "while the subject matter is important, it is often the media through which we can teach those larger lessons of life." Buddy Deas emphasized the civic duties each of us has to our nation, and why it is important to always think of ways to help others.

Buddy also influenced me in many areas other than agriculture. In fact, he taught me about public speaking and parliamentary procedure. Without that early influence and knowledge, it is difficult to imagine where I would be today. As a mentor, he taught me how to use these skills; as a friend he taught me why I should use these skills to work for other people. Buddy transcended many areas of education as he coached state champion public speakers and state champion agriculture mechanics teams. He also encouraged others to take up teaching, and even supervised student teachers as they came into their new profession. Furthermore, he taught me other life skills that I continue to use today. Outside of my own parents and God, Buddy Deas had the single largest influence on me as a young man.

Mrs. Deas has been recognized on more than one occasion as an exceptional school volunteer. She and her husband worked exceptionally well together, not just as husband and wife, but also as teachers in the same classroom. In 1993, Alachua County, Florida, recognized Mrs. Deas as its Outstanding School Volunteer of the year. The very same year, she was named the Outstanding School Volunteer for the 19–county Crown Region of the State of Florida. Mrs. Deas was one of 15 school volunteers from around the state recognized at the Commissioner of Education's Outstanding School Volunteer Awards Banquet.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate and offer my sincere commendation to Buddy and Pat Deas for reaching out and touching the lives of thousands of our nation's young people.

TRIBUTE TO KATHLEEN HYNEMAN ELAM

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Kathleen Hyneman Elam, who will turn 90 on June 10th.

After graduation from high school in Corinth, Mississippi, Kathleen Hyneman moved to Washington, D.C. to work at the Treasury Department where she became a supervisor. She also met the love of her life while in Washington, Thomas French Elam. They were married in 1945 in Washington and later moved to Union City, Tennessee.

She and her husband, Colonel Tom, quickly became stalwarts of the community, encouraging businesses to move to the area. They were instrumental in getting the Goodyear Company to locate a plant in the area and it today remains one of the largest employers in Obion County. Kathleen was right by her husband's side in this endeavor, always ready to entertain prospective business clients at a moment's notice.

Mrs. Elam is an active member of the First Christian Church of Union City. An avid gardener, she served as a member of the City Beautiful Committee for Union City. Her husband, Tom, died in 1998. During his life, Tom was a prominent supporter of the University of Tennessee. He served as a Trustee for the University as well as chairman of the Athletic Committee. After his death, Mrs. Elam continued his legacy of support to the University by serving on the UT Development Council and various other committees. Both she and her husband recognized the importance to West Tennessee of the University's campus at Martin and have made generous donations particularly in the area of capital improvements.

Mrs. Elam also supports St. Jude Children's Hospital, Le Bonheur Children's Hospital, Freed Hardeman University, Lexington Theological Seminary, the Masquerade Theatre of Union City and the Union City High School. As you can see, her philanthropic endeavors know no bounds.

One of her latest endeavors has been, along with Bill and Carol Latimer of Union City, to provide the building funds for a spectacular new library for Obion County.

While beset with health problems and confined to a wheelchair for the last few years, Kathleen Elam is still very much involved in her business endeavors and farming interests and can be seen almost on a daily basis surveying her concerns. A product of her rural roots and the great depression, Kathleen Elam is best known for her quick wit, grace, charm and unpretentious nature. She is definitely a shining example of the Greatest Generation, and a true asset to her community, her state and her country.

HONORING EDWARD L. WAYTULA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise to pay tribute to a heroic veteran of World War II, Mr. Edward L. Waytula, who at age 82 still devotes his time and continues to serve our country, most recently by participating in the Chicago World War II Veterans Anthology.

Technical Sergeant Edward L. Waytula served in the U.S. Army's Signal Corps with exceptional ingenuity, bravery and resolve. His diligence in the field helped keep supply lines open in the European theatre and throughout France.

Supplies were delivered to the general depot where Sergeant Waytula was stationed but without any precision or method of organization that could be easily or quickly extracted, as was so often needed to save American and Allied lives in the haste of war.

Among the many supplies that arrived at the depot were urgently needed components of mobile communications equipment. Under fire and tremendous pressure to meet time sensitive demands, Sergeant Waytula quickly sifted through the innumerable supplies.

Relying on sound instincts and a little good luck, he swiftly assembled this equipment vital to gathering and analysis of strategic intelligence under chain of command of General George S. Patton.

This is one story that Sergeant Waytula has shared with the Chicago World War II Veterans Anthology and the United States Library of Congress. Like so many members of "the greatest generation," Sergeant Waytula has rarely spoken of his memories of the war. I am therefore particularly grateful that he agreed to recount those experiences and for his efforts to encourage his fellow veterans to also share their recollections for the World War II Veterans Anthology.

As Memorial Day approaches, Mr. Speaker, and as we prepare to dedicate the National World War II Memorial in Washington, DC, I am privileged to pay tribute to retired Technical Sergeant Edward L. Waytula of the United States Army, one of our Nation's surviving World War II heroes and honored veterans. On behalf of a grateful Nation, we thank him for his contributions to the Chicago World War II Veterans Anthology, and more important, for his service and commitment to our Nation and the liberty we enjoy today.

EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO ITS PARLIAMENTARIAN, THE HONORABLE CHARLES W. JOHNSON

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. RAHALL. Mr. Speaker, as many have already stated, and as many more Members are eager to express, Charlie Johnson's departure will be a loss to this great institution we serve, and which Charlie has served so well for an amazing 40 years.

While a tremendous amount has changed in this country, and in this House, over the last 40 years, one thing that has remained constant is Charlie's dedicated service to this great institution.

Throughout his tenure, Charlie has been a wise counselor, a trusted confidant, and an impartial adjudicator who has served both parties without pride or prejudice. He has served seven Speakers, and he has served each of them—and each of us—admirably.

For those who don't readily grasp the significance of the role of Parliamentarian, it is the Parliamentarian who makes sure that we can continue to conduct the House's business every hour of every day.

Those visiting, or watching at home on C-Span, may understand the importance of the House Parliamentarian as Members come and go from the Speaker's Chair. When they see Members in the Chair making procedural decisions, they also see the Parliamentarian's staff providing helpful advice on a timely basis.

For those of us who serve in the House, the Parliamentarian is an absolute lifeline. He's also the occasional judge, father confessor, and calm in the storm of the House floor as Members and parties seek to advance their own interests.

Although it seems that we increasingly can't find ourselves in agreement on many things, too many things for that matter, one thing that is beyond dispute is that Charlie has embodied the ideal of the civil servant who tirelessly has served the interests of the American people.

I, like so many others, am proud to have served with him.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on April 28, 2004. I would like the record to show that, had I been present, I would have voted "no" on rollcall vote 138.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GERLACH. Mr. Speaker, on rollcall Vote Number 182 on passage of H.R. 3722, the Undocumented Alien Emergency Medical Assistance Amendments of 2004, I inadvertently voted "yes" when I fully intended to vote "no." The rush of constituent meetings off the floor at the time of this vote caused confusion resulting in this erroneous vote.

FALLEN HEROES

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. KING of New York. Mr. Speaker, as Memorial Day approaches, today I rise to honor the many men and women who have died in the service to our great country. Throughout our nation's history, men and women have fought for freedom and democracy; not only here in the United States, but also around the world. These people have put themselves in harm's way and paid the ultimate sacrifice so that we can continue to live the lives that we do.

This year's anniversary has special meaning for two reasons. First, our country is again at war with members of our armed services deployed to hot zones in Iraq and Afghanistan. While these two conflicts are challenging, we are committed to staying the course and assisting the new governments in creating democratic institutions. Second, the long overdue World War II Memorial will finally be dedicated this Saturday to honor arguably the "greatest generation" of Americans. This is a fitting tribute to the millions of veterans who served overseas as well as those civilians who worked on the home front.

At this time, I would like to make special mention of a constituent of mine who recently lost his life in Iraq. Marine Corporal Kevin T. Kolm of Hicksville died last month while serving in Operation Iraqi Freedom. Once again, I would like to offer my deepest sympathies to Kevin's family. There is nothing more honorable or praiseworthy than serving one's country. It is because of brave servicemen like Kevin Kolm that our country will remain free and proud.

MEMORIAL DAY 2004: HONORING THE MEN AND WOMEN OF OUR ARMED FORCES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CRENSHAW. Mr. Speaker, this past Memorial Day, as we paid tribute to the men and women who fought and died to preserve our freedoms in the past, our Nation is at war, and once again, members of our military are paying the ultimate sacrifice. This Memorial Day as we gathered in our towns to pay tributes to the sacrifices of those from past wars, we also remembered the burdens of the soldiers and sailors who followed in their footsteps and serve us today.

As in all battles, soldiers and sailors do not go to war to become heroes. They do not fight because they enjoy the heat of battle. They do not die because they do not love life. They go to war because we, as a Nation, ask them to go and because they are honorable. They go because they believe deeply in the cause of freedom, and they understand the evils of terrorism and the threats it presents to our independence. They die because their lives are taken from them on battlefields. Nevertheless, the loss of even one life weighs heavily on my heart and the heart of every American.

Operations Enduring Freedom and Iraqi Freedom have once again brought our young men and women to the front lines of battle. And, as in the past, at the core of America's military are the same type of men and women, who like their ancestors, have answered the call to arms. And like you, they will draw strength from those who served before them. On D-Day, General Dwight Eisenhower spoke to the troops and said, "You are about to embark upon the great crusade toward which we have striven these many months. The eyes of the world are upon you. . . . I have full confidence in your courage, devotion to duty and skill in battle." These same words are as true today as they were on June 6, 1944.

This Memorial Day, as in the past, we gathered in cemeteries and in parks across America. In Washington, D.C., we dedicated the long overdue World War II Memorial. We read markers and inscriptions that pay honor to our brave patriots. But, the living commemoration for them is not etched in stone on walls or tombstones but in the hearts of free men and women.

To the men and women who have served our nation so well, thank you for all that you have done for our country, continue to do to rekindle the memories of those who are no longer with us, and the support you give to those who carry the burden this day.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall Nos. 147,148,149, 150, 151, and 152, on May 6, 2004, I was unable to cast my vote because I was attending my son's commissioning as a Second Lieutenant in the Army National Guard as well as his graduation at Clemson University.

Had I been present, I would have voted the following:

Rollcall 147, Ordering the Previous Question on Providing for Consideration on Deploring the Abuse of Persons in United States Custody in Iraq, I would have voted "aye."

Rollcall 148, the Motion to Instruct Conferees to authorize appropriations for the

Coast Guard for Fiscal Year 2004, to amend various laws administered by the Coast Guard, and for other purposes, I would have voted "aye."

Rollcall 149, the Motion to Suspend the Rules and Agree on Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic, I would have voted "aye."

Rollcall 150, on Agreeing to the Resolution on Deploring the Abuse of Persons in United States Custody in Iraq, I would have voted "aye."

Rollcall 151, the Motion to Suspend the Rules and Agree on Expressing the Sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release, I would have voted "aye."

Rollcall 152, the Motion to Suspend the Rules and Agree on Expressing the Concern of Congress over Iran's development of the means to produce nuclear weapons, I would have voted "aye."

RETIREMENT OF BUDDY AND PAT DEAS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to recognize the retirement of Buddy and Pat Deas. For over 35 years, Buddy taught students of all ages, and his wife Pat was by his side in the classroom during much of that time.

I had the great privilege of learning from Mr. Deas in my high school agriculture class. As a teacher, Mr. Deas always believed in "focusing on the student rather than the subject being taught," and that "while the subject matter is important, it is often the media through which we can teach those larger lessons of life." Buddy Deas emphasized the civic duties each of us has to our nation, and why it is important to always think of ways to help others.

Buddy also influenced me in many areas other than agriculture. In fact, he taught me about public speaking and parliamentary procedure. Without that early influence and knowledge, it is difficult to imagine where I would be today. As a mentor, he taught me how to use these skills; as a friend he taught me why I should use these skills to work for other people. Buddy transcended many areas of education as he coached state champion public speakers and state champion agriculture mechanics teams. He also encouraged others to take up teaching, and even supervised student teachers as they came into their new profession. Furthermore, he taught me other life skills that I continue to use today. Outside of my own parents and God, Buddy Deas had the single largest influence on me as a young man.

Mrs. Deas has been recognized on more than one occasion as an exceptional school volunteer. She and her husband worked exceptionally well together, not just as husband and wife, but also as teachers in the same classroom. In 1993, Alachua County, Florida, recognized Mrs. Deas as its Outstanding School Volunteer of the year. The very same year, she was named the Outstanding School Volunteer for the 19-county Crown Region of the State of Florida. Mrs. Deas was one of 15 school volunteers from around the state recognized at the Commissioner of Education's Outstanding School Volunteer Awards Banquet.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate and offer my sincere commendation to Buddy and Pat Deas for reaching out and touching the lives of thousands of our nation's young people.

TRIBUTE TO KATHLEEN HYNEMAN ELAM

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Kathleen Hyneman Elam, who will turn 90 on June 10th.

After graduation from high school in Corinth, Mississippi, Kathleen Hyneman moved to Washington, D.C. to work at the Treasury Department where she became a supervisor. She also met the love of her life while in Washington, Thomas French Elam. They were married in 1945 in Washington and later moved to Union City, Tennessee.

She and her husband, Colonel Tom, quickly became stalwarts of the community, encouraging businesses to move to the area. They were instrumental in getting the Goodyear Company to locate a plant in the area and it today remains one of the largest employers in Obion County. Kathleen was right by her husband's side in this endeavor, always ready to entertain prospective business clients at a moment's notice.

Mrs. Elam is an active member of the First Christian Church of Union City. An avid gardener, she served as a member of the City Beautiful Committee for Union City. Her husband, Tom, died in 1998. During his life, Tom was a prominent supporter of the University of Tennessee. He served as a Trustee for the University as well as chairman of the Athletic Committee. After his death, Mrs. Elam continued his legacy of support to the University by serving on the UT Development Council and various other committees. Both she and her husband recognized the importance to West Tennessee of the University's campus at Martin and have made generous donations particularly in the area of capital improvements.

Mrs. Elam also supports St. Jude Children's Hospital, Le Bonheur Children's Hospital, Freed Hardeman University, Lexington Theological Seminary, the Masquerade Theatre of Union City and the Union City High School. As you can see, her philanthropic endeavors know no bounds.

One of her latest endeavors has been, along with Bill and Carol Latimer of Union City, to provide the building funds for a spectacular new library for Obion County.

While beset with health problems and confined to a wheelchair for the last few years, Kathleen Elam is still very much involved in her business endeavors and farming interests and can be seen almost on a daily basis surveying her concerns. A product of her rural roots and the great depression, Kathleen Elam is best known for her quick wit, grace, charm and unpretentious nature. She is definitely a shining example of the Greatest Generation, and a true asset to her community, her state and her country.

HONORING EDWARD L. WAYTULA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise to pay tribute to a heroic veteran of World War II, Mr. Edward L. Waytula, who at age 82 still devotes his time and continues to serve our country, most recently by participating in the Chicago World War II Veterans Anthology.

Technical Sergeant Edward L. Waytula served in the U.S. Army's Signal Corps with exceptional ingenuity, bravery and resolve. His diligence in the field helped keep supply lines open in the European theatre and throughout France.

Supplies were delivered to the general depot where Sergeant Waytula was stationed but without any precision or method of organization that could be easily or quickly extracted, as was so often needed to save American and Allied lives in the haste of war.

Among the many supplies that arrived at the depot were urgently needed components of mobile communications equipment. Under fire and tremendous pressure to meet time sensitive demands, Sergeant Waytula quickly sifted through the innumerable supplies.

Relying on sound instincts and a little good luck, he swiftly assembled this equipment vital to gathering and analysis of strategic intelligence under chain of command of General George S. Patton.

This is one story that Sergeant Waytula has shared with the Chicago World War II Veterans Anthology and the United States Library of Congress. Like so many members of "the greatest generation," Sergeant Waytula has rarely spoken of his memories of the war. I am therefore particularly grateful that he agreed to recount those experiences and for his efforts to encourage his fellow veterans to also share their recollections for the World War II Veterans Anthology.

As Memorial Day approaches, Mr. Speaker, and as we prepare to dedicate the National World War II Memorial in Washington, DC, I am privileged to pay tribute to retired Technical Sergeant Edward L. Waytula of the United States Army, one of our Nation's surviving World War II heroes and honored veterans. On behalf of a grateful Nation, we thank him for his contributions to the Chicago World War II Veterans Anthology, and more important, for his service and commitment to our Nation and the liberty we enjoy today.

IN HONOR OF THE 50TH ANNIVERSARY OF THE ARLINGTON COMMITTEE OF 100

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MORAN. Mr. Speaker, it is with great pleasure that I congratulate the Arlington Committee of 100 on its 50th anniversary this year. With its monthly forums on citizen education and discussion of local and regional public affairs, the committee has helped keep the citizens of Arlington County informed of the issues confronting their community.

In 1954 the Arlington Committee of 100 was formed to help counteract the polarization that developed throughout the county between the new arrivals and the established business and professional people in the community after World War II. The founders hoped to improve the quality and level of communication that existed between Arlington County's diverse commmnities and neighborhoods. In the past, poor communication had often led to animosity and misinformation between neighbors. Seeking to turn conflict into constructive discussions, the Arlington Committee of 100 brought residents together in an atmosphere conducive for them to get to know each other as people with similar concerns, thoughts and ideas for Arlington County.

For the past 50 years, the Arlington Committee of 100 has brought these groups together for a dinner-forum session preceded by a social hour to create the right atmosphere and achieve the goal of thoughtful discussions of community concerns. The committee has come together to discuss issues such as the Arlington County budget, the environment, affordable housing, community safety, public education, transportation, economic development, the death penalty, and the arts. As a citizen education group, these discussions allow for the free exchange of ideas and discussion among its members without the committee ever taking an official position.

Currently, the Arlington Committee of 100 has more than 300 members and is constantly seeking to broaden its membership to reflect the ever increasing diversity found in Arlington County. Through the committee's forums people are able to share the concerns of their friends and neighbors and help the county achieve so many great things due to this diversity. The Arlington Committee of 100 has successfully built bridges across divisive issues and strengthened a community that stands ready to deal with the challenges of today and tomorrow.

I am very pleased to congratulate and commend the Arlington Committee of 100 for its 50 years of outstanding service in providing an educational forum for Arlington's residents to learn about and discuss the local and regional affairs of their community. I wish the Committee of 100 many more years of success and serve to Arlington's diverse and vibrant community.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GREEN of Texas. Mr. Speaker, on Thursday May 13, 2004, I was unable to be present for the final two votes of the week, rollcall vote No. 175 on House Concurrent Resolution 414 and rollcall vote No. 176 on House Joint Resolution 91.

Had I been present, I would have voted "yea" on both rollcall No. 175 and No. 176.

I strongly support House Concurrent Resolution 414, which expresses the sense of Congress that all Americans are encouraged to observe the anniversary of Brown vs. Board of Education with a commitment to continuing and building on the legacy of Brown.

I also strongly support House Joint Resolution 91, which recognizes the 60th anniversary of the Servicemen's Readjustment Act of 1944, legislation which has been of great benefit to the Nation's men and women of the Armed Forces.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. On May 20, I was en route to my congressional district for official business during rollcall votes 208 and 209. Had I been present, I would have voted "yes" on rollcall vote 208 and "no" on rollcall vote 209.

200TH ANNIVERSARY OF THE BROWN FAMILY FARM IN ORLEANS COUNTY, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 200th anniversary of the Brown Family Farm in Waterport, NY, now know as Orchard Dale Fruit Farms and Brown's Berry Patch. The survival of this family farm over two centuries is a remarkable store of passion and hard work.

In 1804, Elijah and Bathshua Brown bought a 100-acre farm along the Oak Orchard River, just south of Lake Ontario, in what is now Waterport, NY. While moving his family to their new home, Elijah died, and Bathshua was left to settle her five sons and seven daughters in the unbroken wilderness of Upstate New York. Elijah Jr., planted the first apple trees in the county, and thus the Brown Family Farm began.

Bathshua began to build what would become one of the most historic and celebrated farms in Upstate New York. Years before, during the Revolutionary War, the British pillaged and burned the Browns' first farm on Fisher Island, CT. During the War of 1812, British war ships again threatened the Brown family as they patrolled the shores of Lake Ontario. In a remarkable coincidence, the very same captain who had burned the Brown's first farm was captured on the shores of Oak Orchard River and brought to Bathshua, the area's matriarch, for judgment. She let him go with a warning never to return.

Leadership of the Brown Family Farm passed from generation to generation. In 1895, Brown descendants Harry and Pearl began growing fruit on the farm. At one point, the family was said to have the largest quince orchard in the world. In the 1940's, the family transitioned out of growing fresh fruit, and began selling apples, quince, cherries, pears and plums for processing. Around 1980, Robert Brown II and his wife Deborah again transitioned the farm back into one that produced fresh fruit for consumption. They planted strawberries, raspberries, and blueberries for people to come pick themselves.

Today, under the leadership of Robert II and Deborah Brown, and Eric and Margy Brown, Brown's Berry Patch is one of the most popular agritourist destinations in Western New York, and a highly successful direct marketer of fresh produce. In 2003, the North American Farmers Direct Marketing Association Conference chose Brown's Berry Patch as a Farm Direct Marketer of the Year Finalist.

Visitors to Brown's Berry Patch come away not only with fresh, nutritious produce, but with memories that will last a lifetime. In an age when so many family farms struggle to survive, it is gratifying to know that Brown's Berry Patch is thriving, continuing to provide Western New York with fresh fruit and a greater understanding of traditional American agriculture. I congratulate Brown's Berry Patch on their 200th anniversary, and for their dedication to promoting tourism and agriculture in Western New York.

RECOGNIZING LEONARD PITTS, JR. FOR BEING AWARDED THE 2004 PULITZER PRIZE IN JOURNALISM FOR COMMENTARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to congratulate Mr. Leonard Pitts, Jr. of The Miami Herald, winner of the 2004 Pulitzer Prize in Journalism for Commentary. As a long-time fan of Mr. Pitts' work, I am delighted that he has been honored with this very prestigious award.

Leonard Pitts is a hugely talented writer with a sharp eye and a sharp wit. Newspaper readers in Miami and around the country who are fortunate to read his column would surely agree. Mr. Pitts' work is an important contribution to the social and political debate in America, and I am immensely grateful for his dedication to upholding the highest standard of his craft.

Formerly a pop music critic, Leonard Pitts was hired by The Miami Herald in 1991. By

1994 he was writing about race and current affairs in his own column. Syndicated nationally, Leonard Pitts 1999 book Becoming Dad: Black Men and the Journey to Fatherhood was a bestseller.

After the September 11 attacks on New York and Washington, D.C., Pitts' Herald column headlined "We'll Go Forward From This Moment" was widely circulated on the Internet and frequently quoted in the press. In the column, Pitts bluntly expressed his anger, defiance and resolve to an unnamed evil terrorist. He wrote, "You monster. You beast. You unspeakable bastard." These words, which I remember reading the first time, expressed what so many of us were feeling at the moment and still feel today.

Mr. Speaker, I am pleased to share this moment with Leonard Pitts, Jr. and his family. On behalf of this body, I express my congratulations to him and wish him well.

* * *

HONORING THE VETERANS OF ST. PAUL'S HOUSE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise to pay tribute to the veterans of World War II who now make their home at St. Paul's House and Health Center in Chicago.

Their wartime experiences are as varied as the paths they took following the war, but all remain united to defend the values that shape our identity as a nation: love of freedom and respect for human dignity.

Few members of "greatest generation" spoke about their wartime experiences without evoking painful physical and emotional recollections of the horrors of their experiences in World War II.

Still, in their seventies and eighties, the veterans of St. Paul's House are again demonstrating their heroism and commitment to this country by recounting these memories for the Chicago World War II Veterans Anthology and the United States Library of Congress.

As Memorial Day approaches and we prepare to dedicate the National World War II Memorial in our nation's capital, it is my honor and privilege to pay tribute to the each of St. Paul's World War II veterans—and their families—who proudly wore the uniform of their country, endured the rigors of the war, and fought for our liberty and the freedom of future generations of Americans:

Betty Barouski, Lawrence Bunge, Betty Bunge, Edward Bylica, Loraine Bylica, Milton Cohen, Leslie Cousins, Hilda Cousins, spouse, Harry DeCourres, Mildred Eiman, Margret Ehmann, Sima Eckma, Henry Faeth, Alice Faeth, Henry Grantschnig, Henry Kaster, John Lasser, Heinze Ledtje, Vladan Markovic, John Persson, William Prielozny, Fred Schubert, Frank Sontowski, Bruno Solback, Lydia Sollberger, Charles Tennent, George Wahl, Albert Wood, Lucille Wolf.

A TRIBUTE TO AMERICHOICE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of AmeriChoice for its ten years of quality health care services to the many residents of Brooklyn.

AmeriChoice began serving residents of Brooklyn in January 1994 as Managed Healthcare Systems (MHS), and today, it is a premier health plan available to beneficiaries of Medicaid, Medicare, the Child Health Plus Program and the State's Family Health Plus program.

AmeriChoice is one of the few for-profit companies that has long been and continues to remain committed to the vital public sector segment of the health care market. Currently, it serves more than 100,000 members with a staff of 170 dedicated employees.

In spite of its growing members, Americhoice has maintained a personalized focus to members' health care needs using the innovative Personal Care Model which extends beyond the traditional borders of health care to involve families, community organizations and government agencies in developing practical solutions which maintain the highest possible functional health status for members.

AmeriChoice has received a national HERA Award from the American Association of Health Plans which recognizes the significant work this health plan has done to increase the number of children receiving five or more comprehensive well-child visits with a physician during the first 15 months of life.

Mr. Speaker, AmeriChoice has been a valued organization of the Brooklyn community for ten years, serving as a premier health plan available to beneficiaries of Medicaid, Medicare, the Child Health Plus Program and the State's Family Health Plus program. As such, it is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this remarkable organization.

* * *

RECOGNIZING THE MARLA BENNETT ISRAEL DISCOVERY CENTER AND GARDEN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WAXMAN. Mr. Speaker, I rise today to recognize the Marla Bennett Israel Discovery Center and Garden at the Shalom Institute Camp and Conference Center, home of Camp JCA Shalom, located in the beautiful Malibu mountains.

The Center will be dedicated on June 6, 2004 in honor of Marla Bennett, a remarkable and vibrant young woman whose life was tragically taken on July 31, 2002 in the terrorist attack in the cafeteria at Hebrew University Mt. Scopus campus in Jerusalem.

Marla was a 24-year-old recent graduate of the University of California at Berkeley who was studying to obtain her masters' degree at Hebrew University. She was also training at the Pardes Institute to become a Jewish educator.

Marla was well-known to the Jewish community at Berkeley and was a familiar face at countless organizations, including Hillel and Bayit, the Jewish student cooperative of UC Berkeley.

Marla grew up at Camp JCA Shalom as a camper, counselor-in-training, counselor, unit head and, during the summer of 2001, the program director. During her time at Camp JCA Shalom, she touched the lives of thousands of campers and staff.

Her infectious personality and compassion for others will be memorialized in the Marla Bennett Israel Discovery Center and Garden this weekend. The Center is an interactive hands-on learning center that teaches about the land, history and people of Israel; the flora and fauna of modern and ancient Israel; the relationship between Judaism and the environment; environmental awareness and protection; Jewish traditions, thoughts and values; and organic gardening and farming.

During the summer, thousands of Camp JCA Shalom campers ages seven through 17 will have the opportunity to experience the Marla Bennett Israel Discovery Center and Garden. Throughout the year, the Center will be open to the community for field trips, weekend retreats and long-term educational studies.

The Marla Bennett Israel Discovery Center and Garden is housed at the Shalom Institute Camp and Conference Center. Nestled in a beautiful wooded canyon in the Malibu Mountains and only 45 minutes from downtown Los Angeles, the Shalom Institute provides campers of all ages positive Jewish experiences, a greater appreciation for the environment and lots of fun activities. From children to seniors, the Shalom Institute offers exciting programs throughout the year for campers of all ages.

The Marla Bennett Israel Discovery Center and Garden will be a welcome addition to the Shalom Institute and will serve to keep Marla's exuberant spirit and memory alive. I ask my colleagues to join me in the dedication of the Marla Bennett Israel Discovery Center and Garden.

* * *

ST. JOHNS RIVER VETERANS MEMORIAL BRIDGE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MICA. Mr. Speaker, on Memorial Day, May 31, 2004 a ceremony was held in Central Florida in commemoration of naming the new Interstate 4 bridge connecting Volusia and Seminole Counties as the "St. Johns River Veterans Memorial Bridge".

The designation of this structure, a principal transportation link, was made possible by action of the Florida Legislature; by an Act signed into law by Governor Jeb Bush on May 13, 2004; and by resolutions adopted by the Seminole County Commission and the Volusia County Council.

While it was my privilege to recommend naming the bridge in honor of all veterans who have served our Nation, I would like to express my appreciation—and that of all Florida veterans and citizens—to those State and local leaders who made this tribute to our veterans and special designation possible:

Governor Jeb Bush.

Members of the Florida Senate representing Seminole and Volusia Counties—Sen. Evelyn J. Lynn, Chair of the Volusia County Legislative Delegation; Sen. Lee Constantine; Sen. Anna P. Cowin; Sen. Anthony C. "Tony" Hill, Sr.; Sen. James E. "Jim" King, Jr.; Sen. Bill Posey; and Sen. Daniel Webster.

Members of the Florida House of Representatives representing Seminole And Volusia Counties—Rep. David Simmons, Chair of the Seminole County Legislative Delegation; Rep. Sandra "Sandy" Adams; Rep. Carey Baker; Rep. Joyce Cusack; Rep. Suzanne M. Kosmas; Rep. David J. Mealor; Rep. Pat Patterson; and Rep. Joe H. Pickens.

The Seminole County Commission—Chairman Daryl G. McLain and Commissioners Carlton D. Henley; Grant Maloy; Randall C. Morris and Dick Van Der Weide.

The Volusia County Council—Chairman Dwight Lewis and Council Members Joie Alexander; Frank Bruno, Jr.; Jack Hayman; Joe Jaynes; Bill Long and Patricia Northey.

Furthermore, I would like to recognize four families who lost loved ones in service to our Nation and who participated in the Memorial Day dedication ceremony. These eight individuals represented many other families and Americans who have made similar, great sacrifices:

Jesse and Arbutus Beall. Their son, Specialist 4 Charles Richard Beall, was killed in action in Kontum, South Vietnam on March 6, 1968 while serving in the United States Army.

Jim and Sandy Wetmore. Their son, Airman 1st Class Brian William McVeigh of the United States Air Force, was killed in a terrorst attack on the Khobar Towers Military Complex in Saudi Arabia on June 25, 1996.

Mrs. Jill Roberts and her son, Jacob. Jill's husband and Jacob's father, Corporal Robert D. Roberts of the United States Anny, died on November 22, 2003 while serving in Baghdad, Iraq.

Mrs. Minna Earnest and her son, Brian. Minna's husband and Brian's father, Commander Charles M. Earnest of the United States Navy, perished at sea during combat operations in North Vietnam on November 28, 1972, and Minna's son and Brian's brother, Charles Bradley Earnest, a member of the United States Army Special Forces, died on August 21, 1999 from injuries previously sustained during combat training.

Each day in Central Florida as tens of thousands of travelers cross the St. Johns River Veterans Memorial Bridge, they will be reminded of the price these and thousands of other veterans and their families have paid for the freedoms all Americans enjoy.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2004

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2004

Ms. DELAURO. Mr. Speaker, I rise in opposition to this legislation. The bills before us today do not merely amend or modernize the historic Occupational Safety and Health Act, which put in place critical workplace protections—rather, they undermine it.

One discourages OSHA from citing small employers who would otherwise be in violation of the law, while another weakens the ability of the Secretary of Labor to enforce those laws. Another allows this Administration to stack the OSHA commission for political purposes, while the last gives employers more leeway in challenging OSHA citations.

In every sense, these are blatantly anti-employee changes to existing law, intended to take power away from average working people and put it in the hands of employers in the hope that they will not abuse that power. All of this is being done under the guise of "reducing red tape."

But I suppose we should not be surprised. After all, this is merely another in a long line of anti-employee acts taken by this Administration and majority. First it was throwing out a decade of research that went into those carefully crafted ergonomics regulations—in a day, Republicans sent the American people a clear message that the corporate bottom line was more important than safety in the workplace. Then it was ramming through overtime rules that took away time-and-a-half pay for 8 million workers and endorsing the outsourcing of American jobs to other countries. Now they decimate a historic law to protect American workers from unsafe working conditions.

The American people are increasingly finding themselves at odds with this Administration and its reckless disregard for working people—and it is no wonder. To them, regulations that protect people in the workplace are, quote, "red tape."

Mr. Speaker, tell that to families of the 60,000 employees who die every year from job-related injuries or illnesses. Tell that to the 4.7 million people who are injured each year at work. Because legislation like this not only insults the work the people of this country do everyday—it reveals a total lack of appreciation for the people, the institutions and the values that built this country and made it great. Oppose these unfair, un-American bills.

CONGRATULATING BRUCE V. RAUNER OF CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate my good friend Bruce V. Rauner of Chicago and the Rauner Family Foundation for being honored by the American Red Cross of Greater Chicago, which is awarding Bruce with its prestigious Humanitarian Award at the Second Annual Hometown Heroes Awards breakfast.

The Chicago Red Cross Hometown Heroes Awards are presented to individuals "whose actions went beyond the call of duty, and whose leadership and commitment made a significant difference to a person, cause or community." This year's special Humanitarian Award is being awarded for the "critical support" provided by Mr. Rauner and the Rauner Family Foundation "for Chicago's education, health and youth development organizations." I applaud the Red Cross for its excellent selection of Bruce Rauner, one of Chicago's finest citizens, and a shining example of leadership and commitment to public service in our city.

Bruce Rauner's philanthropy benefits the entire Chioagoland area. In addition to supporting the Red Cross, Mr. Rauner has dedicated his time and resources to many other local non-profit organizations. Among them include his service on the board of The Chicago Public Education Fund, The Teacher's Academy of Mathematics and Science, The Ravinia Festival, The Golden Apple Foundation, The Academy for Urban School Leadership and the YMCA. The Rauner Family Foundation has also made generous contributions, to the YMCA of Metro Chicago and Pilsen, and the Chicago Public Education Fund.

Earlier this year, the Rauner Family Foundation donated $3 million for the construction of the American Red Cross of Greater Chicago's new state-of-the-art command center, which is designed to enhance disaster response capabilities for the entire state of Illinois. The new Rauner Center houses local Red Cross offices and the Illinois Emergency Management Agency to coordinate response in the event of a major disaster. The Rauner Foundation's generous contribution will go a long way toward helping establish this center as the model for the country of effective and lifesaving disaster response.

Professionally, Mr. Rauner continues to be one of the leaders of Chicago's financial center. He currently serves as the Chairman of GTCR Golder Rauner, LLC, a $6 billion private equity and venture capitol firm in Chicago. Mr. Rauner joined GTCR in 1981 after working in strategic consulting with Bain and Company and in econometric analysis with Data Resources, Inc.

Before his impressive career was launched, Mr. Rauner graduated with top honors—from Dartmouth College Summa cum laude and Phi Beta Kappa and from Harvard Business School. He and his wife Diana live in Winnetka and are the parents of Elizabeth, Stephanie, Eric, Margaret, Matthew, and Katherine.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois and indeed all of Chicago, I am privileged to congratulate Bruce V. Rauner and the Rauner Family Foundation for this impressive honor, and I applaud the American Red Cross of Greater Chicago for bestowing this celebrated award on such deserving recipients.

ON THE OCCASION OF MEMORIAL DAY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WEINER. Mr. Speaker, this Memorial Day we pay tribute to those who have given their lives in defense of our great Nation. The freedoms we enjoy here at home do not come cheap. They are paid for with the blood and treasure of true American heroes.

Today we reaffirm our commitment to the liberties they fought to defend. And we pledge never to forget their sacrifice.

This year, Memorial Day has a special poignancy. Here in Washington, veterans of the Second World War finally received the monument they so richly deserved. The World War Two Memorial dedicated on the National Mall provides a fitting tribute to a generation of young men and women who defended the United States against the specter of a tyranny as horrible as any the world has known. The 400,000 Americans who gave their lives in the European and Pacific theaters will never be forgotten.

In addition, this Memorial Day is special because it affords us an opportunity to honor the young men and women who are currently engaged in the War on Terror. Halfway around the world, a new generation has been called to battle. And like those that defeated our enemies in the 1940s, this new generation of Americans has faced the enemy with strength and determination. Almost 1,000 men and women have lost their lives in Iraq and Afghanistan. Those of us who enjoy the freedom they have sacrificed to defend should be immensely proud and eternally grateful.

This weekend, as we take a moment away from our normal routines, let us say a prayer and remember both those who have gone before us and those who continue to defend freedom from oppression. Our thoughts should be with those families that have lost loved ones in battle. And our thanks should go to all those who honor us by taking up arms to defend the United States.

God bless our men and women in uniform. And God Bless America.

STATEMENT OF ERIC ROSENTHAL, REPRESENTATIVE OF THE UNITED STATES INTERNATIONAL COUNCIL ON DISABILITIES (USCID) AND EXECUTIVE DIRECTOR OF MENTAL DISABILITY RIGHTS INTERNATIONAL, ON "INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED UN CONVENTION"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, "International Disability Rights: The Proposed UN Convention." This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under international law to the same extent as other human rights through a binding UN convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the CONGRESSIONAL RECORD, so that all of my colleagues may profit from their expertise, and I ask that the statement of Eric Rosenthal be placed at this point in the CONGRESSIONAL RECORD.

THE U.S. CONGRESSIONAL HUMAN RIGHTS CAUCUS: MEMBERS' BRIEFING ON THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Thank you very much, Mr. Chairman.

It is a great pleasure to be here for this historic occasion. I would like to thank Representative Lantos, the Congressional Human Rights Caucus, and the Disability Rights Caucus for making this possible.

I'm a member of the board of the U.S. International Council on Disability (USICD) and executive director of Mental Disability Rights International (MDRI). I have spent more than ten years in the field doing international human rights work for people with disabilities—documenting human rights abuses and training activists. There has been little recognition of the vast worldwide pattern of human rights abuses against people with disabilities that exists in the world today—either by the U.S. government or the United Nations. Thus, it is a great step forward to bring these concerns to public attention today. This hearing provides an invaluable opportunity to discuss what practical next steps the U.S. Government can take to bring long over-due attention to the rights of people with disabilities worldwide.

The most important leadership by a U.S. Agency, to date, has been the work of the U.S. National Council on Disability (NCD). Over the last few years, NCD has made an invaluable contribution to advancing discussion and action on international disability issues by convening International Watch, a group of experts and leaders in the U.S. disability community involved in international activities. In addition, NCD has brought attention to this issue by commissioning two important reports. In 2002, NCD commissioned Janet Lord of the Landmine Survivors Network to write a detailed legal and policy analysis of the need for a new UN disability rights convention. I recommend that report as essential background to today's discussion about the need for a UN convention.

In 2003, Professor Arlene Kanter and I had the honor of serving as consultants to NCD as authors of a report, Foreign Policy and Disability: Legislative Strategies and Civil Rights Protection to Ensure Inclusion of People with Disabilities. In this report, released at a U.S. Senate briefing on September 9th, 2003, NCD cites numerous reports over the last 10 years identifying the failure of U.S. foreign assistance programs to respond to the needs of people with disabilities. Not only have construction projects been inaccessible to people with disabilities but many programs have not been accessible to people with physical or mental disabilities. More broadly, there has not been a concerted effort to document, challenge, or overcome the vast problem of human rights abuses to which people with disabilities are subject worldwide.

NCD has called for the reform of U.S. foreign policy and foreign assistance to ensure the inclusion of people with disabilities in U.S. foreign policy, foreign assistance, and all U.S. government and its activities abroad.

If we stand for the human rights of people with disabilities, we must stand for it in our own actions as the U.S. government. We must ensure that U.S. funded assistance programs don't discriminate. Indeed, we must ensure that foreign assistance programs respond to needs and are fully inclusive of people with disabilities.

We have recently made tremendous progress in Congress. I would particularly like to acknowledge the work of Senator Tom Harkin who championed historic new legislation in the last session of Congress. The new legislation requires any construction funded by USAID around the world to be accessible to people with disabilities. It requires all U.S. programs in Afghanistan and Iraq to be accessible to people with disabilities, in conformity with USAID's Policy Paper on Disability. The most innovative new provision of legislation makes enforcement of disability rights a precondition for countries to receive funding under the new Millennium Challenge Account. By creating financial incentives for governments to take action on disablity rights, this law establishes a specialized tool of foreign policy that will help bring attention and pressure on governments to take action. In the spirit of the NCD report, it is my hope that MCA views this as more than a tool to use against governments. It should be viewed as a mandate to help governments, and non-governmental disability organizations around the world, to meet these human rights and disability rights goals. The NCD report calls on Congress to create a "Fund for Inclusion," setting aside funds to support for the development of non-governmental disability rights organizations.

Turning now to the question: why a convention? In ten years, MDRI has documented human rights abuses against people with mental disabilities in 21 countries on three continents. I have seen untold human suffering in every country I have visited. I've seen people locked away for their whole lives in psychiatric hospitals, as well as institutions for people with developmental or other disabilities. I have seen children and I've seen grown men and women left naked, covered in their own feces. MDRI recently documented a situation in Paraguay where two boys were placed in an institution by family members unable to care for them at home without any form of governmental support. When the boys were placed in the institution they probably had some form of intellectual disability, but they wore clothing, they talked, they interacted with people around them. For at least four years, these boys were held naked in isolation with no clothes, no toilet, no place to sleep other than a mat the floor of a barren cell. They ate their food off the floor. According to doctors at the facility, they became psychotic as a result of the years of isolation and abuse. When we visited them, they could no longer speak. All they did was scream, howl, and grunt.

Their lives had been thrown away. The lives of 400 men and women in that same psychiatric facility have been thrown away. They live in isolation with little hope of returning to society. Many are denied basic medical care, much less the dignity of some privacy or their own clothing. In wealthier countries, people may be detained in clean institutions with new clothing. But their isolation from society and their pain at being denied human contact may be much the same. Does the international community speak out about these abuses? No. In almost every country of the world, you can find people relegated to the bleak, back wards of institutions—or abandoned on the streets. That same experience has been going on in many societies throughout the world. And the world has failed to speak out time and time again.

The U.S. administration has said that the proper way to deal with this is through domestic legislation, rather than international human rights legislation. I beg to differ on this point. As a matter of international law, there is a very important difference between matters of purely domestic concern and issues of international human rights. The international legal framework is built upon the notion of state sovereignty. Matters of social policy and of educational policy, are protected by state sovereignty. And a government may do what it will in that area. But the international community has come to realize there are certain principles of government practice that are not just matters of state sovereignty. When governments deny their citizens basic human dignity and autonomy, when they subject them to extremes of suffering, when they segregate them from society—we call these violations of fundamental human rights. And when a country sinks so low as to deny the fundamental rights of its citizen, the world will speak out. We will hold governments accountable for the most extreme abuses. That is why we need a convention. It's not enough to offer technical assistance on how to improve the law, we must hold governments accountable for their violations.

Based on my observations as a human rights investigator over the last ten years—and based on the near void of activity by established human rights oversight bodies—I believe that the abuses experienced by people with disabilities around the world are the greatest international human rights problem that goes unacknowledged in the world today.

There are at least 600 million people with disabilities in the world. How many thousands of people are segregated from society in closed psychiatric facilities? By the thousands, children and young adults with disabilities are placed in orphanages and other institutions. I have met families in Armenia, Turkey, Russia, and Mexico who were heartbroken about placing their child in an institution—or who were afraid that they might have to do so one day if they could no longer provide care. I have met adults with mental disabilities living a life of terror that they may be one day forced into an institution if they cannot keep it together to fend for themselves. I have met fathers, mothers, brothers, husbands, wives who wanted to keep a relative at home with them, but their governments do not provide services that will allow families to stay together in the community. Heart breaking as it is, parents are often forced to put their children in orphanages. These are not orphans. These are children orphaned by social and medical policy that say they're different and shouldn't have a chance to live as a part of society at large. Social policies that needlessly segregate people from society are a form of discrimination. Legal systems that do not protect against arbitrary detention permit ongoing violations of human rights.

These are just a few of the abuses that can be addressed by a disability rights convention. This is why we must commit ourselves to speaking out. We must make it a priority of our human rights agenda to end such intolerable abuses against people with disabilities everywhere.

This Congress has adopted legislation establishing that human rights will be the core of our foreign policy. We must ensure that this promise extends to people with disabilities. When governments strip whole groups of citizens of their rights because of a disability, when governments put people away, or when they allow them to die on the streets with no dignified form of assistance, those are human rights abuses. Challenging such abuses should becomes the core of our foreign policy.

In its last session, this Congress made invaluable steps in the right direction by revising our foreign assistance laws. Now let us explicitly recognize the concerns of people with disabilities as part of the pantheon of international human rights issues. I strongly encourage and appreciate the work of those members of Congress who have supported resolution 169. I call on all members to do the same.

I would like to leave you with one last thought. Over the years, I have personally encountered hundreds of children and adults, old men and old women who have spent most of their life behind bars. It is amazingly easy to write these people off as subhuman. As if they are already the walking dead. Yet I have also seen a glimpse of hope in their eyes. With the smallest amount of respect for their dignity, people come to life. The tiniest hint of a possibility that a man or woman might one day leave the institution can give that person a reason to go on living. What does it matter that people far across the waters care about them and their rights? It is a reason to go on living. Members of Congress, you have a chance to contribute to their reason for living. You have an ability to contribute to give them hope. In your careers, this may be one of the least costly and greatest opportunities to challenge abuses of hundreds of millions of people. Please take that action. Please support Resolution 169. And please support the U.N. Disability Rights Convention.

PAYING TRIBUTE TO JAMES C. MOORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, I rise today with a heavy heart after learning that Colorado has lost one of its truly great citizens. James Moore of Pueblo, Colorado recently passed away at age eighty-six. He spent his life serving those he loved, and James loved about everybody. As his community and family mourn his passing, I believe it appropriate to recognize the life of this exceptional man before this body of Congress and this nation.

James showed up everyday at his job as an insurance agent for Equitable Life Assurance Agency with an infectious smile and a humble heart. It was no surprise when Equitable's agency managers' recognized James as their "National Honor Agent" for exemplifying excellence in professional achievement and community service from among the company's 7,500 member agency.

James' work throughout his life went far beyond the insurance industry. He answered his nation's call to duty, serving as a meteorologist in the U.S. Army Air Corps during World War II. His extensive involvement in the community included serving on the Parkview Episcopal Hospital's executive committee and as finance chairman of the campaign for the Fryingpan-Arkansas Project. He also served as financial planner for the Pueblo Regional Library, worked as an officer at the local YMCA, and served on University United Presbyterian Church's board of elders and building committee. He mentored those who would listen, gave money to those who asked, and loved those who needed a kind word.

Mr. Speaker, James Moore will be sorely missed, and although we grieve over the loss of this incredible individual, we take comfort in the lives he touched and the legacy he leaves behind. I say to his wife Mary, his son Jim, and daughter DeAnn, that I am truly honored to pay tribute to his life and memory today. He was a great person and a great American, he will be sorely missed.

FALLEN HEROES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. McCOLLUM. Mr. Speaker, it is with great reflection that I rise to recognize the hundreds of thousands of soldiers serving in our armed services today around the world, and to remember those who have made the ultimate sacrifice in the protection of our great country.

This has been a difficult year for many families in Minnesota, particularly those who have loved ones serving overseas in the armed forces. The wars in Iraq and Afghanistan and the global campaign against terrorism have required much of the American people and the sacrifices are significant. War has separated thousands of Americans from their loved ones. Many families have not seen their fathers and mothers, brothers and sisters, or friends and relatives for many months.

Today, the House rises in a moment of silence to recognize our fallen heroes. I would like to specifically mention the eight Minnesotans whose selfless acts of heroism in Iraq over the past year cost them their lives: Jim Herrgott, 20, of Shakopee; Brian Hellermann, 35, of Freeport; Dale Panchot, 26, of Northhome; Patrick Dorff, 32, of Buffalo; Matthew Milczark, 18, of Kettle River; Levi Angell, 20, of Cloquet; Moises Langhorst, 19, of Moose Lake; and Tyler Fey, 22, of Eden Prairie. Their service and their spirit live on in the memory of all Minnesotans.

This Memorial Day, I urge all Minnesotans to pause and remember those who have served our nation and those that continue to serve today. The debt of gratitude we owe these brave men and a woman is great and we must never forget their sacrifices for our freedom.

CAROL AND JERRY BERMAN'S 60TH ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to congratulate my friends Carol and Jerry Berman as they celebrate their sixtieth wedding anniversary. Carol Berman met Jerry Berman at the University of Michigan, in 1941. Their surname was the same. In 1943 they became engaged. Jerry enlisted in the Air Force, and Carol graduated from college. They were married in 1944 and after a brief honeymoon, Carol traveled with Jerry to thirteen different Air Force installations where he was an airman, and she worked on various newspapers and magazines.

After the war they returned to Ann Arbor where Jerry received his degree in mechanical engineering, thanks to the GI Bill, and Carol worked as an Editor. After a while they moved back to New York and set up housekeeping in Lynbrook, Long Island. Jerry worked as an engineer, and Carol worked for a public relations firm. Their daughter Elizabeth was born followed by their son, Charles. They then moved to their present home in Lawrence, Long Island

Carol devoted much of her time to the school, serving as President of two PTA's and then elected to the Lawrence-Cedarhurst Board of Education. While Carol was busy with this, Jerry, who now was in the family's insurance business, served in many capacities at his beloved Beth Sholom Synagogue, serving as Chairman of the Board for two terms.

Carol and Jerry also became politically active in the Democratic Party. Carol ran campaigns for many candidates and then the local offices for Assemblyman Eli Wager and Congressman Herbert Tenzer. She became a Vice Chair of the Nassau County Democratic Party. Carol was elected to the State Senate in 1978, serving for three terms, and is still the only Democrat elected to that body from a district solely in Nassau County. Her public service continued when she was appointed by Governor Cuomo to the State Division of Housing, to the Lobby Commission, and to the State Board of Elections, where she is still Commissioner.

Because of her political expertise, the community drafted her to head their fight against the SST Concorde landing at Kennedy Airport. That fight made history and just recently ended with the complete demise of the Concorde.

Terry was Democratic Leader of Lawrence-Cedarhurst, and President of the Five Towns Democratic Club, and was a close political associate of both Congressman Herbert Tenzer and Jim Scheuer. During the Vietnam War, he was appointed to the Draft Board, where he served for fifteen years. In that capacity, he accompanied Rabbi Edward Sandrow on a visit to General William Hershey, which resulted in a history making decision that enabled servicemen of other than the Quaker faith to claim Conscientious Objector status.

In addition, Jerry and Carol have donated much time to civic endeavors: among them the building of St. John's Hospital. They have been honored by the Hospital, UJA-Federation, Israel Bonds, Congregation Beth Sholom, the Five Towns Democratic Club, Cancer Care, Nassau County Democratic Party, the Village of Lawrence and Carol by NOW and The Nassau Coalition Against Domestic Violence, as well as many other civic associations.

The greatest joy and love in their lives are their children: Elizabeth married to David; and Charles, married to Lisa; and their beloved grandchildren, Sarah, Jeremy, Rebecca and Ben.

Jerry and Carol emulate the ideals of citizenship in our country, through their concern for others, their service to the community and active participation in our government. I wish to congratulate and thank my good friends, Carol and Jerry, for all that they have done for my district, their community, the State, our Country, and me.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BECERRA. Mr. Speaker, on Tuesday, June 1, 2004, I was unable to cast my floor vote on rollcall Nos. 210, 211, and 212. The votes I missed include rollcall vote 210 on the Motion to Suspend the Rules and Agree to H. Con. Res. 295, Congratulating and saluting Focus: HOPE on its 35th anniversary; rollcall vote 211 on the Motion to Suspend the Rules and Agree, as Amended to H. Res. 612, Recognizing the firefighters, police, public servants, civilians, and private businesses who responded to the fire in Richmond, Virginia, on March 26, 2004; and rollcall vote 212 on the Motion to Suspend the Rules and Agree to H. Con. Res. 417, Honoring the Tuskegee Airmen.

Had I been present for the votes, I would have voted "aye" on rollcall votes 210, 211, and 212.

FALLEN HEROES

SPEECH OF

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Staff Sergeant Joseph Fales, a World War II veteran who gave his life fighting against tyranny so that we might live free.

In honor of Memorial Day, I had the pleasure of recognizing Staff Sergeant Fales for his heroism and bravery as a U.S. Soldier who fought in the Second World War until his death in October 1943.

Staff Sergeant Fales served in the Army Air Force and heroically performed the perilous job of a waist gunner aboard a B–17 bomber. His plane was shot down over the Adriatic Sea, and an American Hero was lost. Sergeant Fales was only 20 years old.

I had the honor of presenting his family with medals Joseph Fales earned during his service to our nation. They included the World War II Victory Medal, the Honorable Service Lapel Button, the European Middle Eastern Campaign Medal with one bronze star, the Good Conduct Medal, the Air Medal and the Purple Heart, the oldest military decoration in the world more than 50 years overdue.

I am humbled by the courage and sacrifice of Joseph Fales. I am thankful for the gift of freedom that he fought to protect. We must never forget Joseph Fales and those soldiers who paid the ultimate price on our behalf.

PAYING TRIBUTE TO DAVID LORENZ

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. TANCREDO. Mr. Speaker, I would like to take a moment to recognize the importance of our community parks, and their caretakers. Often parks and cityscapes go overlooked during our busy days. However, keeping open spaces green, clean and well-kept is not an easy task. For this reason, I rise to pay tribute to David Lorenz for being awarded the 2003 Manager of the Year Award by the Special District Association of Colorado.

Mr. Lorenz has been the executive director of the South Suburban Park and Recreation District for the last 17 years. His accomplishments include overseeing the Goodson Recreation Center and the Sheridan Recreation Center. He has worked to preserve 3,000 acres of land for parks and open space, as well as a comprehensive 120 mile trail system used by walkers, joggers, and bicyclists.

David Lorenz has shown devotion to the community by maintaining and designing a variety of outdoor activities for the residents of South Suburban. He also received Honorable Mention in the Special Projects category for the "Living Well" initiative which helps to fight obesity in children and adults.

Mr. Lorenz' dedication, and the dedication of other caretakers, to the provision of recreation activities and the upkeep of our parks serve as a great benefit to all Americans.

PAYING TRIBUTE TO CAPTAIN ALAN L. TEBRINK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, to place your life in danger for the sake of others is an honorable and noble task, and that is exactly what police officers do regularly. Captain Alan TeBrink of the Colorado State Patrol will be retiring after twenty-five years of dedicated service, and I would like to take this opportunity to thank him for the important role that he has played in protecting and serving the people of Colorado.

Alan graduated from the Colorado State Patrol Academy in 1979, and was assigned to Telluride where he was the only state trooper stationed at that location. In 1983, he transferred to the Colorado State Patrol Academy and was a staff instructor for four years before being promoted to Sergeant and transferring to the Colorado Safety Institute serving as an instructor and supervisor. In 1989, Alan was reassigned as a first line supervisor for the newly created Hazardous Materials section where he was active in creating the emergency response and enforcement section, as well as developing training techniques for section personnel. Alan was promoted to the rank of Captain in 1994 and assigned to Troop 5A in Durango where his leadership and dedication earned him the admiration of his fellow troopers and community.

As a dedicated member of the Durango community, Alan is also well known for his civic participation. He is a referee for high school basketball games, and plans to continue as a referee for both basketball and football during his retirement. He is also active in the First Presbyterian Church, where he frequently teaches Sunday school and is and formerly served as church Elder.

Mr. Speaker, Captain Alan TeBrink acted with great commitment and leadership in all that he did throughout his career as a Colorado State Trooper. Alan never forgot that safety and protection came first and foremost for the people he served. It is my pleasure to recognize Alan before this body of Congress and this nation. I would like to extend my appreciation to him for everything that he has done and wish him the best in his future endeavors.

CHILD CREDIT PRESERVATION AND EXPANSION ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. McCOLLUM. Mr. Speaker, today the House considers H.R. 4359, to make the increase in the child tax credit permanent and expand it for taxpayers in the $110,000 to $300,000 range. Instead of taking responsible steps to make permanent a tax cut to help working families with children, this bill balloons our federal debt and gives thousands of dollars in extra tax breaks to the very wealthiest Americans.

Meanwhile, those who need help the most, low- to moderate-income working families with children, receive little benefit under this bill. And those at the very bottom get nothing. Even worse, this bill threatens middle-class families as the legislation fails to pay for these tax cuts—increasing record deficits that threaten economic growth, raise interest rates, and cost jobs.

I support middle-class tax cuts and the child tax credit, but middle-class families would be much better off if these tax cuts were paid for and targeted to those who need them most. I support the Democratic alternative which makes sure these tax cuts are paid for through 2010, increases the child tax credit for more than 31 million middle-income families with children, over 75 percent, currently receiving the credit, and provides the child tax credit to an additional 2.5 million working families, instead of showering more tax cuts on those who have already benefited under the Bush tax cuts.

HONORING FRANCIS (FRANK) A. DEMITA

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. McCARTHY of New York. Mr. Speaker, it is with great pleasure that I rise today to recognize Francis (Frank) A. DeMita on his retirement from the Board of Directors of the National Association of Federal Credit Unions (NAFCU). Mr. DeMita has devoted much of his life to the credit union, with more than 50 years' experience as a volunteer in the credit union community. There is no doubt in my mind that our good friends at NAFCU will feel a great void once Mr. DeMita departs.

Mr. DeMita's devotion to the credit union community was evidenced by his service as Chairman of the Board of the Nassau Educators Federal Credit Union for over 30 years. A retired teacher himself, Mr. DeMita has not only been active in the credit union movement, but also with many charitable organizations and causes on Long Island. For the last six years, Mr. DeMita has balanced his time as NAFCU Board Member in addition to his leadership at the Nassau Educators Federal Credit Union and in the Long Island community. However, one element has remained constant—Frank has always given selflessly of his time to promote and enhance the lives of credit union members in the great state of New York, as well as across the nation. But he also has remained committed to the educational background that he came from. Mr. DeMita helped start a scholarship program in 1990 that has awarded 75 scholarships every year since to outstanding high school seniors in Nassau County. To date, the program has provided over $300,000 to help these students attend college.

As a member of the NAFCU Board of Directors, Mr. DeMita worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. His work has helped maintain NAFCU's status as a leading credit union trade association.

Mr. Speaker, I congratulate Mr. Frank DeMita on all of his fine work throughout his illustrious tenure as a Board Member of NAFCU. I have worked with Mr. DeMita on issues that are important to the credit union community in the past and I am committed to continuing to do so. Congratulations on your retirement from the NAFCU Board, Mr. DeMita.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BECERRA. Mr. Speaker, on Thursday, May 20, 2004, I was unavoidably detained, and unable to cast my floor vote on rollcall numbers 203 and 204. The votes I missed include rollcall vote 203 on the Tauscher Amendment to H.R. 4200, the Defense Authorization Act for FY 2005; and rollcall vote 204 on the Ryun (KS) amendment to H.R. 4200.

Had I been present for the votes, I would have voted "aye" on rollcall vote 203 and "nay" on rollcall vote 204.

FALLEN HEROES

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Sheldon Schulman, a Vietnam Veteran who gave his life fighting for our freedom and security.

In honor of Memorial Day, I had the pleasure of recognizing the late First Lieutenant Sheldon Schulman for his heroism and bravery as a U.S. Soldier who fought in the Vietnam War until his death on June 19, 1967.

Lieutenant Schulman served his country as an officer in the Army. He was killed as the result of a gun shot wound inflicted during a battle on the Mekong Delta. Also lost that day were three of his closest friends who had served with him since their days in Officer Candidate School. Lieutenant Schulman was only twenty four.

I had the honor of presenting his family with medals Lieutenant Schulman earned during his service to our nation. They included Silver Star, Bronze Star, the Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal, the Republic of Vietnam Campaign Ribbon, the Sharp Shooter Badge and Rifle Bar, and two Marksman Badges, Machine Gun Bar, and Rifle Bar, as well as the Purple Heart, the oldest military decoration in the world.

I am humbled by the courage and sacrifice of First Lieutenant Sheldon Schulman. I am thankful for the gift of freedom that he fought to protect. We must never forget Sheldon Schulman and those soldiers who paid the ultimate price on our behalf.

PAYING TRIBUTE TO ANDY McKEAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. TANCREDO. Mr. Speaker, I would like to take a moment to pay tribute to an individual who has worked tirelessly to bring awareness of our U.S. Constitution to both school children and adults alike, Andy McKean. Mr. McKean was awarded the 2004 Daughters of the American Revolution Medal of Honor for his efforts to educate children about our common heritage and founding documents.

Mr. McKean established a large summertime "Earning by Learning" program in Denver-area libraries to encourage young children to read more often. While visiting one of those libraries, Mr. McKean was shocked to learn that none of the children knew the true meaning of the Fourth of July.

Mr. McKean decided that the children of America ought to learn about the founding of our nation and system of government before the fifth grade, when most kids are first taught a course in American history. Mr. McKean became president and eloquent spokesman for Liberty Day, the nationwide educational organization.

Mr. Speaker, Andy McKean is a person who possesses dedication, commitment, and passion for his life long pursuit of educating young people and contributing to the betterment of America's youth. It is my distinct pleasure to honor Andy here today, and wish his all the best in him future endeavors.

PAYING TRIBUTE TO SHERI ROCHFORD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Sheri Rochford, a talented fundraiser and admissions councilor from Durango, Colorado. Sheri is a dedicated Fort Lewis College employee who has been helping to educate students in Colorado for twenty-six years. She is a benevolent and kind-hearted person who has been an asset to the Fort Lewis College community and I would like to join my colleagues here today in recognizing her tremendous service and dedication to higher education.

Sheri's association with Fort Lewis College began when she was working her way through school doing odd jobs in the business school and the president's office on campus. She attributes her enthusiasm and commitment to Fort Lewis as a result of the initial encouragement she received from a college administrator. Since 1978, Sheri has had many roles at the college including Dean of Admission and Alumni Development, and Dean of Development and Alumni Relations. She will now become the Director of Foundation relations.

Sheri has made a great contribution to Fort Lewis College that will inspire many future generations to pursue their education in Durango. During her tenure, she helped to almost double the college's enrollment, raised more than one million for the Alumni Association scholarships and communications programs, and played a key role in raising funds for both the Community Concert Hall and the Center of Southwest Studies. She is responsible for raising the Fort Lewis College Foundation's assets to more than 13 million dollars. Sheri is the past recipient of the Fort Lewis College outstanding Achievement Award, and the Durango Chamber of Commerce's prestigious Athena Award for outstanding women professionals. Sheri has also served on numerous national boards and councils for college admissions, the American College Testing Program, and collegiate records associations.

Mr. Speaker, Sheri Rochford is a devoted individual who is actively involved in the education of our next generation of leaders. Sheri has demonstrated a love for Fort Lewis College that resonates in her compassionate and selfless service to the University Community. Sheri's enthusiasm and commitment certainly deserve the recognition of this body of Congress and this nation. Congratulations on your new job, Sheri, I wish you all the best in your future endeavors.

PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2004

The House in Committee of the Whole House on the State of the Union has under consideration the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes:

Ms. McCOLLUM. Mr. Chairman, I rise today in opposition to H.R. 2432, the Paperwork and Regulatory Improvements Act of 2004. The paperwork and regulatory burdens on businesses could certainly use improvement. Unfortunately, this bill is actually an underhanded way to weaken important regulations that protect our clean air, clean water, public lands, and workplaces. This bill would diminish, rather than improve the process of developing federal regulations by elevating the interests of industries over all other considerations. This bill also fails to address real current problems in federal regulation, such as the pressure on agencies to misuse or ignore science for political ends.

I strongly support the Waxman-Tierney amendment to establish an independent commission on the politicization of science in the regulatory process. The amendment responds to a growing concern among scientists and the environmental community that the Bush administration is placing politics above science. Just last month the Bush administration issued a new policy that would allow hatchery-raised salmon in the Pacific Northwest to be included in wild salmon population counts, which could have a significant impact on whether or not the species are listed under the Endangered Species Act. It has been reported that this was done over the objection of an independent panel of scientists commissioned by National Marine Fisheries Service to advise them on the issue.

I am deeply disappointed that H.R. 2432 takes us in the wrong direction by advancing a misguided concept that elevates the interests of regulated industries over the health of our communities. I understand the burden that many businesses, especially small businesses, face in filling out government paperwork. This bill, however, is more about coming up with excuses to undermine vital health, safety, and environmental regulations than about relieving the growing paperwork burden.

HONORING TUSKEGEE AIRMEN AND THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to thank the Tuskegee Airmen for their service, sacrifice and dedication for our country during World War II.

The National Airman's Association, an organization comprised of African-American pilots, along with then Senator Harry Truman worked to allow Black pilots to serve in the Civilian Pilot Training Program. This laid the foundation of the forming of the Tuskegee Airmen. The Tuskegee Airmen were the first African-American pilots in any military branch. Prior to their arrival blacks were continuously excluded from aviation training programs in the military. But they proved to be the equal of white pilots.

Under the command of Col. Benjamin O. Davis, Jr., who later became the Air Force's first Black General, the Tuskegee Airmen fought in the aerial war over North Africa, Sicily and Europe. Tuskegee pilots received hundreds of Air Medals, and more than 150 Distinguished Flying Crosses. More importantly, and most impressively, none of the bombers they escorted was lost to enemy fighters. Their lasting legacy of the Tuskegee Airmen is the desegregation of the Air Force.

By the end of the war, 992 men had graduated from pilot training at Tuskegee, 450 of whom were sent overseas for combat assignment. During the same period, approximately 150 lost their lives while in training or on combat flights.

When we remember the "Greatest Generation" and recall with appreciation the sacrifice they made to preserve our freedoms and guarantee our rights, we must include the Tuskegee Airmen. It is important to remember our history and they played a large part creating it. Without them it would have been more difficult for the United States, and our allies, to be victorious and because of this we owe them a large debt of gratitude.

SUMMARY OF OUACHITA/BLACK RIVER NAVIGATION SYSTEM FUNDING TESTIMONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ROSS. Mr. Speaker, I would like to submit the following for the RECORD.

SUMMARY OF TESTIMONY PRESENTED TO THE COMMITTEES ON AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT OF THE ARKANSAS LEGISLATURE AT CAMDEN, ARKANSAS, APRIL 29, 2004

(Prepared by the Arkansas Waterways Commission, 101 E. Capitol, Suite 370, Little Rock, AR 72201)

This summary provides a digest of testimony presented both verbally and in writing to the Committee on Agriculture, Forestry and Economic Development of the Arkansas Legislature. Although not a verbatim transcript, the summary is intended to faithfully represent the facts, statements and comments made during the hearing.

ECONOMIC CATASTROPHE

Catastrophic job loss and far reaching economic and environmental disruption to south Arkansas and northeast Louisiana will result from failure to fund Corps of Engineers' operations and maintenance of the Ouachita/Black River Navigation System. An approximately $8 million savings to the Army Corps of Engineers would result in a net loss in tax revenue to the federal treasury.

The above summarizes unanimous consensus of more than two dozen representatives of city, county and state government, business and industry who testified in support of continued funding of the Ouachita/Black River Navigation System during a meeting of the Arkansas Legislature's House and Senate Interim Committees on Agriculture, Forestry & Economic Development, April 29, 2004 in Camden, Ark. The hearing was attended by some 150 interested participants.

The 336-mile long Ouachita/Black River Navigation System that includes 117 miles in Arkansas, is facing a $8.2 million funding cut in the proposed 2005 budget that begins in October, 2004. The budget proposal of $1.9 million budget for recreation on the system will not only eliminate maintenance on the system's four locks and dams, two of which are in Arkansas, but will prohibit their operation, thus eliminating navigation on the waterway. This also puts many of the other economic, environmental and recreational activities supported by the river system in jeopardy.

The waterway was targeted for a budget cut because it falls into a category of waterway considered by the federal Office of Management and Budget as "low-use." OMB considers waterways as low-use if cargo shipped on the system is less than 1 billion ton-miles annually. The Ouachita/Black River Navigation system had more than 800 million ton miles of usage in 2001. Other economic factors or benefits of waterways projects are not considered in the "low use" definition.

Representatives from private industry, river associations, municipalities in Arkansas and Louisiana as well as federal and state agencies presented concerns in terms of the industry and economic losses in light of two possible scenarios: if navigation on the system were discontinued or if the navigation pools created by the system locks and dams were not available. Environmental and recreational losses were also addressed.

A representative from Arkansas Governor Mike Huckabee's office and congressional staff members from the Arkansas delegation presented statements in support of continued funding of the waterway at current levels. Their concerns have been expressed to the President and appropriate committees in the U.S. Congress.

Consensus emerged on several key points:

The savings to the federal government by reducing funding on the Ouachita/Black River Navigation System would be far outweighed by the tax revenue lost.

Reduction in the funding of the river system has much broader consequences than simply the loss of navigation. The river has become a source of economic development, jobs, power and water supply as well as recreation. Considerable investments by private businesses and governments to harness the resources of the river were made with the assurances that it would continue to be available for use.

Before any decision to close or change the operation of the Ouachita/Black River Navigation System is made, a thorough study should be made to identify long term environmental, social, economic and hydraulic impacts.

The modern day history of the Ouachita River begins with settlements at Monroe, La. and Camden, Ark. in 1783. More than $700 million was invested in construction of the current four locks and dams.

Colonel Rick Clapp, commander of the U.S. Army Corps of Engineers, Vicksburg District, said the Vicksburg District is capable of using as much as $18 million annually on the river system for operations, and maintenance. Clapp said the district is evaluating possible reduced operation alternatives if the Ouachita River receives only the $1.9 million as proposed in the 2005 budget.

He anticipated that in that case, the lock gates would be shut and the locks would cease operation on October 1, 2004. The dam gates would be positioned and most of the project staff would be moved or furloughed. Minimum staff would remain for safety and security purposes. Clapp speculated that the 2 budget would be used for these minimum activities and to initiate a study that would identify long term environmental, social, economic and flood control impacts of project closure. No studies have been done on the impact of closing the Ouachita/Black River Navigation System.

Clapp said that if the project were put into caretaker status, meaning the locks closed and dam gates set with minimal maintenance performed, there could be deterioration on the project that could take significant funds to put it back into operation at a later date.

LOSS OF NAVIGATION

Closure of the locks on the river system would eliminate navigation and significantly affect the area's industry and economy.

Denny McConathy, owner of Cross Oil Refining in Smackover, Ark. testified that his company, in business since 1923, uses the river to bring oil via barge from Louisiana and Texas gulf coasts to make products that go into a variety of oils, adhesives, metal working fluids, rubber compounds and other materials.

Last year the company brought 79 barges of oil up the river and expects to bring up more than 100 barges this year. That oil is valued at more than $68 million. It would take more than 11,000 trucks to transport that volume- a task that would be physically and logistically impossible as well as economically prohibitive.

Cross Oil has more than 500 customers and projects 2004 sales of between $125–150 million. Cross Oil employs 125 people, has an annual payroll of $6.5 million and the majority of employees live within 25 miles of the plant. In 2003, the company paid property taxes of more then $350,000 to Union and Ouachita Counties. Of that, $290,000 funded the Smackover school system and more than $16,000 was paid to the city of Smackover.

Investments the company has made in its facilities were made with assurances that the Ouachita River would be available for use. Loss of the use of the river threatens the company's existence and the local economy. In 1995 the company invested more than $47 million in the refinery, packaging plant and river terminal and a $2 million expansion of the lube oil packaging plant that is underway with completion expected by July. Local companies performed all the expansion work. In addition, the company has 970 accounts payable vendors, most within 100 miles of the plant, who were paid approximately $100 million in 2003.

"Cross alone puts more money back into our government in the form of payroll taxes, employee income taxes, income taxes, etc., to more than pay for the costs of maintaining the navigation system," McConathy wrote in a letter to the Arkansas Waterways Commission.

Keith Garrison, executive director of the Arkansas Waterways Commission, said that waterborne transportation has a significant economic impact in Arkansas. A 2002 report by the Mack Blackwell Center for Rural Transportation concluded that waterborne transportation had an $811 million annual economic impact on the state. He emphasized the efficiency of barge transportation, pointing out that one barge can carry the equivalent of 60 semi-trucks or 15 freight cars. It would take an additional 40 million trucks on our nation's highways or 10 million rail cars to carry what is not carried on our inland waterways nationwide, he said.

Garrison said that cuts in funding to the Corps of Engineers budgets for navigation maintenance have been going on for more than 12 years while there have been steadily increasing repair and maintenance needs on our nation's waterways.

With freight movements predicted to double to 12 billion tons by 2015, the use of the waterways will be even more important. More than 70 percent of freight currently moves by truck. Without increased use of our waterways, the U.S. would have to more than double the interstate highway miles available to meet that demand.

Paul Revis, executive director of the Ouachita River Valley Association, emphasized that the river's four locks and dams are critical to the operations on the river system. Maintenance work is 20 years behind schedule because of continued budget cuts to the Corps of Engineers. International competitors like Europe, China and Brazil have recognized the value of their inland waterways and are investing more money in them while the U.S. is cutting waterways budgets, making the U.S. less competitive. He said that benefits used for authorizing a project are frequently different from those needed to keep it open, referring to the impact the river has on industry and the economy in the area beyond its intended navigation benefits.

Doug McNeely of Bunge North America, said his company is part of the world's largest processor of grains and oil seeds. It operates in 19 states on the Mississippi River and its tributaries. Bunge employs 100 people at 13 facilities in Arkansas and 250 people in 14 locations in Louisiana. McNeely manages two grain elevators on the Ouachita River in Louisiana. These elevators purchase soybeans, corn, wheat, and sorghum from 400 local farmers. In a half-century of presence on the river, he said that the use of waterways to move grain has significantly increased farm income. McNeely said any decision by the federal government to abandon its investments in rivers like the Ouachita and Black will be immediately felt in the pocketbooks of local farmers and communities. His company estimates that loss of river transportation for the grain and soybeans shipped by these facilities would add transportation costs and decrease prices paid to farmers by approximately 14 cents per bushel. This could mean a loss to farmers of $1.4 million each year.

Greg Richardson of the Louisiana Port of Columbia, located about 25 miles south Monroe, La. on the Ouachita River, said public ports in Louisiana contribute $33 billion to state's economy each year and create 270,000 jobs. He said that the volume of tonnage has always been a problem on the Ouachita River system and that this funding battle is fought every year. Richardson emphasized the need to actively fund the river system to make it more user-friendly.

Ouachita Terminals is working to develop, construct and operate an intermodal/multimodal containerized cargo facility in West Monroe, Louisiana. With the continuance of the Ouachita's nine-foot navigation channel, Ouachita Terminals believes the facility has the potential to bring in enough cargo to end the future concerns over the ton mile criteria used for funding the river system.

In addition, representatives from Davidson Terminals and Sunshine Oil Company; Tressenderlo Davison Chemical LLC; Louisiana Oil Marketing Association; West Monroe, Louisiana Port; Placid Oil & Refinery; Valero Petroleum; Tensas Basin Levee District; and Petron, Inc. presented oral or written testimony outlining their concerns about the effects that would result from the inability to use the Ouachita River for navigation.

EXPECTED JOB LOSSES AND INCREASED COSTS

Tressenderlo said it would be a loss of 50 jobs and the jobs associated with $11 million spent on barge use.

Cross Oil, loss of 125 jobs, revenue to area including money paid in taxes and to outside vendors.

Estimated $1.4 million loss to farmers resulting from lower prices paid from Bunge.

Placid Oil, gasoline and fuel manufacturer, said closure of terminal on Black River in Archie, LA would cause prices to rise because oil would have to move by truck, increasing costs by $500 million and wear and tear on roads.

Velero Energy estimates fuel prices could rise up to 8 cents per gallon for consumers around the Monroe, LA area if terminal in Monroe is closed due to loss of navigation on Ouachita River.

The Tensas Basin Levee District in LA fears loss of navigation will mean bank destabilization, threatening 120 miles of flood control levees that would put many towns and citizens in danger with no identifiable source of revenue to fund bank stabilization projects and levee setbacks.

LOSS OF NAVIGATION POOLS

Closing of the Ouachita/Black River Navigation system presents not only a challenge for navigation, but also threatens industry and economic development as well as the economy of south Arkansas and northeast Louisiana. Although the system was built as a navigation project, over its more than 100-year history, the river's resources have been used to provide water to local communities as well as a benefit to industry. Any changes to how the river is operated and maintained has the potential to change the quality and quantity of pools of water formed between the locks. These pools of water have served as the life-blood of many cities and industries. In addition, without the ability to use the waters of the river, restrictions on the use of the ground water of the already-stressed Sparta Aquifer would have to be put into place to insure the area would have a viable water supply in the future.

Pete Parks, vice chairman of the El Dorado Water and Wastewater Commission and Ken Rudder, vice president of the Union County Water Conservation Board said El Dorado and Union County have invested $6.8 million over the last 5 years to develop the Ouachita River as an alternative water source other than the Sparta Aquifer. The aquifer, which currently provides potable water to areas along the Ouachita River and in Louisiana, is in a critical ground water area. Water from the Sparta Aquifer is being used faster than it can be replenished. The entire project will cost more than $67 million and area businesses have invested millions of dollars more in water conservation measures in addition to donations of land and right-of-ways for facilities. In addition, Union County is working on a multi-million project with several area companies to provide treated discharge water back into the Ouachita River. The great pools of water available now allow for dilution. If the water would have to be further treated to meet EPA and ADEQ standards, additional millions of dollars would have to be spent by El Dorado and Union County. This could possibly result in the closure of two El Dorado plants.

In deciding to use the Ouachita River for its water source, the Union County Water Board explored every other option to come up with a water supply. This included looking at creeks and hollows to build a dam to create a lake for water and it was not possible because the necessary water resources in that part of the state do not exist. The river was the best, most economical and viable source of water.

Georgia-Pacific Corporation, which operates seven facilities along the river in Arkansas, provides more than $2 billion to the economy of Arkansas along with more than 3,200 jobs. These plants and jobs would be threatened if Georgia-Pacific could not use the Ouachita River for its operations.

The Arkansas Electric Cooperatives use the Ouachita River to both run a power generating station near Camden and receive the fuel oil used at the facility.

The plant uses river water for power generation. The pool levels maintained as part of the navigation system are vital for allowing the plant to generate, especially during periods of low river flow and high temperatures, when electrical demand is peak. If the pool level were no longer maintained, the plant may be forced to discontinue operation during these periods due to operational concerns and environmental restraints. This would cause not only an impact on the electrical system in the area, but could result in a loss of jobs and a blow to the local economy.

Mark Bowles, environmental support manager for Entergy Services, Inc. said two Entergy power plants located in Monroe, LA rely heavily on a dependable water supply from the Ouachita River as cooling water for the power production process. The company's Sterlington plant uses its river intake system to take in approximately 1.5 million gallons of river water per day. Both plants were built along the Ouachita River in the 1950's and early 1960's with the belief that there would be an adequate and dependable supply of water to meet the area's electricity demands. The loss of pool elevation along the Ouachita River would require modifications to the intake facilities that would cost several million dollars at each plant. These costs would be passed along to ratepayers. The loss of minimum river levels would immediately cease operations at both plants and make future operations of these plants at a reasonable cost unlikely. Loss of these plants would impact Entergy's ability to provide low cost power to customers, especially during the peak electricity demand summer months.

John Terry of the U.S. Geological Survey, testified that the inability to use the water supply of the Ouachita/Black River Navigation System, would further endanger the Sparta Aquifer, the region's ground water supply that is already stressed.

Todd Fugitt, of the Arkansas Soil and Water Conservation Commission, testified that a budget cut in the operation and maintenance budget of the Ouachita/Black River Navigation Project would force the commission to consider water use permits and associated allocation of water from the river in south Arkansas. Budget cuts to the river system would threaten the growth and sustainable use goals of the surface water and ground water resources of all of southern Arkansas, and would impact Louisiana as well. If water from Ouachita River could not be diverted for use, the Commission would be forced to consider regulation of groundwater to bring areas like Union County within reasonable, sustainable water use scenarios. This would mean a reduction of about 64 percent of the current ground-water use in Union County.

James Tilley, manager of Camden Water Utilities, said that the city of Camden's only source of potable drinking water has been the pools of water created by the Ouachita/Black River Navigation System. If the river system was closed and the pool elevations change, Tilley said it would be highly likely that there would be periods during the year that Camden would be unable to provide water to its customers. In 2003, Camden drew about 900 million gallons of water out of the Ouachita River to supply 6,000 domestic customers and four water associations in the surrounding area. Recently, Camden has spent more than $11 million in upgrades to the water system. The city has no alternative water source.

In addition, representatives from TECO/Union Power Station; Union County Water Board, El Dorado Chemical/Great Lakes Chemical/Lion Oil; International Paper; and the City of Monroe, LA presented oral or written testimony expressing their concerns about the effects to their businesses or cities if the navigation pools on the Ouachita River were not available for use.

EXPECTED RESULTS OF LOSS OF POOLS ON OUACHITA/BLACK RIVER NAVIGATION SYSTEM

Increased depletion of the Sparta Aquifer resulting in ground water restrictions for areas of south Arkansas and resulting economic impact of those restrictions.

The loss of millions of dollars already invested to develop the river as a water source for El Dorado and Union County and increased expenses to treat water being returned to river by industrial users to meet EPA and ADEQ standards.

Potential closure of three electric power plants serving the area along with increased costs to area consumers for electrical power.

Potential closure of seven paper products facilities located on the Ouachita River and elimination of as many as 3,200 jobs.

Potential loss of water supply for the city of Camden, AR and resulting undetermined costs of studying and developing an alternative water source.

ENVIRONMENTAL AND RECREATIONAL LOSSES

The precise dollar value of changes to the environmental and recreational climate of to south Arkansas if the Ouachita/Black River Navigation System is closed are difficult to calculate.

The Arkansas Game and Fish Commission believes the loss of the navigation pool on the Ouachita River would have far reaching environmental and recreational impacts. The river has a high recreational value and attracts hundreds of thousands of visitors each year for fishing, boating, hunting and other recreational activities. These visitors pour millions of recreation dollars into the local economy.

In Arkansas alone, there are 37 public access areas constructed by the U.S. Army Corps of Engineers, Arkansas Game and Fish Commission and other groups on the Ouachita and Saline Rivers. Changes in the operation of the lock and dam system would make many of the rivers' boat launching sites unusable. These changes will also affect the environmental characteristics of the river and associated wetlands and overflow areas.

The Arkansas Department of Parks and Tourism reports that in 2003, travelers in the five Arkansas Counties in the Lower Ouachita River Valley spent more than $118 million, generating more than $9 million in tax revenue to state and local governments.

SUMMARY

Closure of the Ouachita/Black River Navigation System would have a profound, far-reaching effect on the economy and environment of south Arkansas and northeast Louisiana. Although the system was built as a navigation project, its economic benefit has gone far beyond its value as a navigation system. The river has become the very lifeblood of many cities, industries and recreational pursuits. Its value to the environment and as a water resource supporting the continued growth and economic vitality of south Arkansas and northeast Louisiana is beyond measure. Operation of the navigation project should not be closed, nor should it be changed, without a comprehensive study of the consequences of such actions.

TRIBUTE TO DOUGLAS P. ZIPES, M.D.

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. HILL. Mr. Speaker, I rise today to honor Douglas P. Zipes, M.D., Distinguished Professor of Medicine and of Pharmacology and Toxicology at the Indiana University School of Medicine. Dr. Zipes is retiring as Director of the Division of Cardiology and Director of the Krannert Institute of Cardiology at the Indiana University School of Medicine on June 30, 2004. Though not a native Hoosier, Dr. Zipes is a credit to his adopted state of Indiana and the institution to which he has devoted his professional life, Indiana University.

Dr. Zipes began his academic career at Indiana University School of Medicine in 1970. Despite many offers over the years to move to higher academic positions at other prestigious institutions, Dr. Zipes remained at Indiana University. There he developed the premier program dedicated to discovering the causes and treatments of heart rhythm disturbances, a leading cause of death in the United States and around the world.

The name Doug Zipes is known in every hospital and school of medicine in the world that deals with cardiovascular medicine. His research into heart rhythm disturbances has been prodigious. His publications of seminal original research in this area number in the hundreds. His breadth of knowledge in this arena, based on personal investigation and original research, is unsurpassed. His basic scientific evaluations have lead to clinical studies which have, in turn, been translated by Dr. Zipes into everyday therapies in clinical medicine. His work has saved the lives of countless individuals around the world.

Dr. Zipes has been honored across the globe for his contributions to cardiovascular medicine. He has delivered the most prestigious lectures, chaired the most important committees, edited the most-read and most authoritative textbook, advised governments and trained scores of physicians who now have assumed positions of authority in cardiovascular medicine.

Through all this, Doug Zipes remains a local physician, engaged in the community through his leadership in the Indianapolis Opera Company and other civic affairs.

He remains a physician most of all because, despite his debilitating schedule of publication deadlines, national and international travel, lectures, committee attendance, administrative details and the like, he regularly insists on attending to patients for whom he has cared for decades.

Dr. Zipes is a national and international treasure for whom the country and the world should rise and applaud. I speak for all Hoosiers when I wish him the best in his future endeavors and thank him for his contributions to the art and science of medicine, the State of Indiana and the world.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ABERCROMBIE. Mr. Speaker, on Tuesday, June 1, 2004, I was necessarily and unavoidably unable to cast my vote. Had I been present, I would have voted as follows:

Rollcall 210—House Con. Res. 295, congratulating the Focus: HOPE organization, "yes."

Rollcall 211—House Con. Res. 612 recognizing and honoring those fighting the March 26, 2004, fire in Richmond, VA, "yes."

Rollcall 212—House Con. Res. 147 honoring the Tuskegee Airmen, "yes."

PAYING TRIBUTE TO JOSEPH REISER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise and pay tribute today to Joseph Reiser of Arvada, Colorado. A true American patriot, Joe is a decorated veteran of World War II. The service and dedication that Joe has displayed in his commitment to our nation is truly remarkable, and it is my honor to recognize his achievements here today.

A native of Pennsylvania, Joe entered the Army in 1943, and with a background in maintenance, served as an automotive mechanic. In 1944 Joe was sent to Normandy and served in the European Theatre until the end of the war. His courageous service earned him numerous awards and citations, including the Purple Heart, Good Conduct Medal, and European African Middle Eastern Service Medal with five Bronze Stars. After Joe returned from the war, he took a position with the United States Postal Service, becoming Postal Supervisor for the Wyoming Valley Post Office Maintenance Garage.

Mr. Speaker, I am honored to pay tribute to the service and dedication of Joseph Reiser before this body of Congress and this nation. The freedoms we enjoy today are a direct result of the sacrifices made by veterans throughout our nation. I sincerely thank him for his dedication, and wish him and his wife Clara all the best.

FALLEN HEROES

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. DELAY. Mr. Speaker, Memorial Day this year has new, sharp meaning for us, as we remember the deaths of the American soldiers who have so recently given their lives for our freedom. By the grace of God, no soldier from my district has died in Iraq or Afghanistan, but I join the whole Nation in mourning the men and women who have given their lives in Operation Iraqi Freedom and Operation Enduring Freedom. These service men and women join the ranks of those we remember this Memorial Day—those who have died defending America, who have "fallen in the cause of the free" since the founding of our Nation.

These heroes were lowly privates and bemedaled generals. They were green volunteers and gray veterans. They were minute men and Navy seals. But the men who died at Lexington and Concord are the same as the men who died at Kandahar and Fallujah—men of dauntless courage, united in their love of country and their supreme self-denial.

Uniforms and weapons change; valor does not.

The men and women who have died defending America have kept our homes and our liberties secure for the past 228 years. More than that, they have held out to the whole world the promise that a nation conceived in liberty and dedicated to the equality of all men can indeed endure. They have preserved the fire of liberty not just for America, but for all men. We owe them a debt we cannot hope to pay, least of all with mere words.

Memorial Day is set aside for us to remember. But this day should not just be a day of remembrance, but a day of resolve. The memory of their sacrifice should inspire in us a firm purpose to live our lives in a way that will honor the heroes who have died for us—to emulate their courage in defense of the right and their devotion to the cause of liberty. We cannot honor the memory of our heroes with words alone; rather, we must honor them with actions worthy of their memory.

Today we offer our gratitude to the men and women of the U.S. Armed Forces who have fallen defending our nation. We thank them for protecting us, but most of all we thank them for reminding us, in the midst of a world torn by ugliness and war and pain, of the highest things—of duty, honor, courage, sacrifice, and love. We thank them for reminding us, even when "the machinations of tyranny" stare us in the face, "that a man can stand up."

FALLEN HEROES

SPEECH OF

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. MYRICK. Mr. Speaker, on March 11, 2004, Charlotte, NC, lost a hero, Chris Hill. Chris was originally from California, but located to Charlotte in recent years. He had already served four years in the Army when he decided to re-enlist. His wife, Cheryl Hill, said Chris was determined to go to Iraq last year: "He just couldn't stand the fact that this was going on and he wasn't doing anything about it," she said. "He wanted to help."

Chris re-enlisted in April and went to Iraq in the fall. He was assigned to the 1st Infantry Division based in Ft. Riley, Kansas. Chris' friends and family will remember a man who was outgoing and fun and loved to sing. He even had his own karaoke machine, and he never turned down a chance to imitate Elvis Presley.

After moving to North Carolina to be near his wife's family, Chris was saved in a Baptist church. His brother-in-law, Rick Cope, a Christian songwriter, has written a song for his niece called "Praying for You: Cierra's Song." Rick said, "(We) wanted his daughter to know that he's there when she rides her bike. He's there when she gets married. He's there in spirit."

Christopher Kenneth Hill was buried with full military honors. He was awarded a Purple Heart and Bronze Star for bravery. He was survived by his wife, and his daughter Cierra who is 14 months old.

Chris will be missed, but we will never forget his sacrifice for our freedoms.

TRIBUTE TO FAYETTEVILLE-MANLIUS HIGH SCHOOL'S SCIENCE OLYMPIAD TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to Fayetteville-Manlius High School's Science Olympiad Team which won first place in the national Science Olympiad Tournament.

The team won the regional and the New York State competitions to qualify for the national level where they competed against 53 other teams from the United States. At the tournament, there were 23 events related to science with medals given to the top five winners in each event. The Fayetteville-Manlius team brought home four Gold medals, five Silvers, one Bronze, one 4th place and two 5th places from the national competition, a truly exceptional accomplishment.

The Fayetteville-Manlius team is comprised of 15 members and coached by Jamie Cucinotta. Team captain Jeff Izant led Brian Bayes, Christine Chin, Mary Collins, Grayson Fahrner, Leyla Isik, David Marsh, Jordan Mandel, Samiksha Nayak, Shriddha Nayak, Sarah Rahaman, Zaki Rahaman, Brian Stoeckel, Biance Verma, and Nora Ward in representing Fayetteville-Manlius so successfully at the tournament.

I would like to express my congratulations to the team for such an outstanding achievement and wish them luck in all their future endeavors.

HEALTH, SAFETY, AND SECURITY OF PEACE CORPS VOLUNTEERS ACT OF 2004

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HYDE. Mr. Speaker, I submit for the RECORD an exchange of letters between Chairman DAVIS and me concerning committee jurisdiction with regards to the bill H.R. 4060.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 10, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On March 31, 2004, the Committee on International Relations ordered reported H.R. 4060, the "Health, Safety, and Security of Peace Corps Volunteers Act of 2004." As you know, the Committee on Government Reform was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of your willingness to consult with this Committee, and because of your desire to move this legislation expeditiously as an individual bill, I will waive consideration of the bill by this Committee. By agreeing to waive its consideration of the bill, the Committee does not waive its jurisdiction over H.R. 4060. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 4060 or related legislation.

I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, May 11, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR TOM: On March 31, 2004, the Committee on International Relations ordered reported legislation to promote the improved safety and security of Peace Corps volunteers.

H.R. 4060, the "Health, Safety and Security of Peace Corps Volunteers Act of 2004," will make a number of important reforms related to volunteer safety and security through amendments to the Peace Corps Act of 1961 (22 U.S.C. 2506) and the Inspector General Act of 1978 (5 U.S.C. App.). As you are aware, amendments to the latter are under rule X of your Committee's jurisdiction, X jurisdiction, and accordingly, H.R. 4060 was additionally referred to your Committee by the Speaker.

By this letter, I request you permit this legislation to go to the floor without the necessity of your Committee's marking it up. I understand that by waiving your Committee's consideration of H.R. 4060 in order to allow it to proceed to the floor vote without delay, you do not waive jurisdiction over the subject matter contained in the bill, and I will urge the Speaker to name Members of your Committee to any conference committee which may be convened on this legislation.

I appreciate the cooperative manner in which our Committees have worked on this matter.

Thank you for your assistance.

Sincerely,

HENRY J. HYDE,
Chairman.

PAYING TRIBUTE TO JAY LOFING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jay Lofing and thank him for his dedication to Colorado as a member of the Otero County Road and Bridge Crew. For thirty-one years, Jay worked as a heavy equipment operator and road foreman for the county. As Jay celebrates his retirement, I would like to join my colleagues here today in recognizing his tremendous service to Otero County and the State of Colorado.

In 1973, Jay was hired as a heavy equipment operator by Otero County, and in 1994 became road foreman of the Road and Bridge Crew. When he first began working on the crew, he had to work completely exposed to the elements. With technological advancements, operators now get to work in air-conditioned cabs, sheltered from the weather. As much as Jay enjoyed his recent position as road foreman, he really took great pleasure in operating the heavy equipment. Now that Jay is retired, he plans on traveling with his wife Linda and spending lots of time with their granddaughter Kelly.

Mr. Speaker, I am honored to bring the career and service of Jay Lofing to the attention of this body of Congress and this nation, and I would like to congratulate him on an outstanding career. His tireless work and leadership have helped ensure the safety of our roadways, and I wish him and Linda the best in their future endeavors.

THE PRICE OF GIVING BAD ADVICE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. LOFGREN. Mr. Speaker, William A. Whitlow is a retired major general in the Marine Corps. During his service to our nation, he served as director of the expeditionary warfare division in the office of the deputy chief of naval operations. He wrote a compelling and informative opinion piece, which appeared in last Sunday's Washington Post. In the piece, Mr. Whitlow discusses the dismal situation in Iraq, and the poor counsel the president received from his advisors leading up to the conflict.

I ask unanimous consent that this piece appear in the CONGRESSIONAL RECORD and I encourage all of my colleagues to read it.

[From the Washington Post, May 30, 2004]

THE PRICE OF GIVING BAD ADVICE

(By William A. Whitlow)

As the war in Iraq drags on, conservative citizens, mostly Republican, face a growing dilemma in the November election.

In the face of growing evidence that the president was deceived and misguided about the cause and urgency for waging war on Saddam Hussein, it is time for those responsible to stand forth and accept accountability. True, the president is ultimately responsible for the actions of his vice president, his Cabinet and the executive departments. But it has become clear that the counsel the president received from the vice president, secretary of defense, deputy secretary of defense and senior uniformed leadership was severely flawed and uncorroborated. Whether the president was intentionally misled by neoconservatives or whether their advice was a result of pure incompetence remains to be seen. The fact is that he was misled sufficiently to require him to take bold action to restore his diminished credibility.

The supposedly urgent need to attack Iraq was based partly on inflated, creative intelligence information, some of which originated with Ahmed Chalabi, an associate of the vice president and deputy secretary of defense. The information from Chalabi led the vice president and defense secretary to believe that war with Iraq would be a "cakewalk" and U.S. forces would be received with open arms. This belief resulted in a fatal flaw in developing a complete war strategy. A principal tenet of forming a strategy—have a "war termination" phase—was neglected. Although the tactical and operational phases of the war were conducted flawlessly by superior field commanders, the absence of a complete strategy has needlessly cost lives.

Our service members are the ultimate victims of this incomplete strategy, misguided policy and false intelligence. It is inconceivable and derelict not to have a viable war termination strategy for an operation as complex as a major theater war. America's citizens and our service members deserve far better for their sacrifices. This combination of things—misleading the president with false intelligence and omitting a principal element from our war strategy—is reason enough to seek change in the vice presidency and senior defense leadership, civilian and military.

It is our patriotic duty to speak out when egregiously flawed policies and strategies needlessly cost American lives. It is time for the president to ask those responsible for the flawed Iraqi policy—civilian and military—to resign from public service. Absent such a change in the current administration, many of us will be forced to choose a presidential candidate whose domestic policies we may not like but who understands firsthand the effects of flawed policies and incompetent military strategies and who fully comprehends the price.

RECOGNIZING JARED PAUL SALESKI FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jared Saleski, son of Paul and Elizabeth Saleski, a fine young man who has exemplified the optimum qualities of citizenship and leadership by actively participating in the Boy Scouts of America and earning the most prestigious award, the Eagle Scout. He is scheduled for his Eagle Court of Honor on May 25, 2004.

Jared has been very active with his troop from the age of six, participating in many Scout activities. In that time, he has held numerous leadership positions, serving as Patrol Leader, Den Chief, Troop Guide, and Assistant Senior Patrol Leader. He progressed through the rank of Tenderfoot Second Class, First Class, Star, and Life. Jared has earned forty-one merit badges in his career with the Boy Scouts. Besides these achievements, he has earned the religious emblems presented from the Catholic Church of Ad Altare Dei and Pope Pius VI. Jared is a Brotherhood member of the Order of the Arrow, Chapter Seven and a Fire-Starter member of the Tribe of Mic-O-Say. He has attended camp at Camp Naish and six sessions at the H. Roe Bartle Scout Reservation in Osceola, Missouri, as well as a Packard High Adventure Camp in Salida, Colorado. Jared's Eagle Scout Project was to construct a concrete driving slab for the barn at the Immacolata Manor Home for women in Liberty, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jared Paul Saleski for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE McMANUS DEMOCRATIC ASSOCIATION AND ITS HONOREE, BRIAN O'DWYER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Brian O'Dwyer, who on May 24, 2004 will be honored at the McManus Democratic Association's Annual Spring Cocktail Party. I am very pleased to offer my warmest congratulations to both the McManus Association, for another year of outstanding service to New York City residents, and to Mr. O'Dwyer, who has long been a leader in the New York community.

The McManus family has been a fixture of New York City politics for more than one hundred years. For the past three decades, the leader of the McManus Democratic Association, James McManus, has been an advocate, ombudsman and friend to residents of midtown Manhattan. The Association, an active social-service organization, helps its members to find jobs, housing, educational opportunities and better medical care, and continually strives to promote the interests of working-class New Yorkers through collective action. The Association has also made a longstanding commitment to young New Yorkers, introducing students to the political process and to government service. I commend the McManus Association for its tireless efforts on behalf of midtown residents; time and again, the Association exemplifies the notion that we work best when we work together.

Like Jim McManus, Brian O'Dwyer is also part of a long and proud tradition in New York political life. Mr. McManus's father, Paul, served as New York City Council President from 1974 to 1978, and his uncle, William O'Dwyer, was the Mayor of New York City from 1946 to 1950. Mr. O'Dwyer currently serves as senior partner in the law firm of O'Dwyer & Bernstien, a firm known for its work in labor law, personal injury cases and civil rights litigation.

Mr. O'Dwyer has never forgotten his roots as a descendant of Irish immigrants and has steadfastly worked to promote the rights and well-being of new Americans, regardless of their country of origin. In 1995, Mr. O'Dwyer, serving as the Chair of the Board of Directors of the Emerald Isle Immigration Center, accompanied President Bill Clinton on his historic trip to Ireland. He has also served as Counsel to the Department of Community Affairs of the Commonwealth of Puerto Rico, and was recognized by the Governor of Puerto Rico for his efforts on behalf of the Puerto

Rican people. Brian O'Dwyer is the recipient of the Ellis Island Medal of Honor Award, the Outreach Project Annual Service Award, the New York City Council Spirit of New York Award and, in July 2000, was named a Knight of the Holy Sepulchre by Edward Cardinal Egan of New York.

Mr. Speaker, I request that my colleagues join me in paying tribute to Brian O'Dwyer and the McManus Democratic Association. To Mr. O'Dwyer and the dedicated professionals, volunteers and friends of the McManus Association, I offer my continuing admiration, respect and support.

RECOGNIZING ALBERT RICHARDS, CAIRON AUSTIN-HILL, AND MARQUAY WRIGHT FOR EXTINGUISHING A FIRE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize three remarkable young men from my district.

Albert Richards, 14, Cairon Austin-Hill, 14 and Marquay Wright, 12, were walking to school in April 2004, when they noticed a fire burning in an empty field. With no thought for their own safety, they raced over and stamped out the blaze before it could cause any injuries or property damage. Their quick thinking may have averted a major disaster.

As we so often hear about the bad things young people do, it was refreshing and, indeed, encouraging to learn of Albert's, Cairon's and Marquay's actions. These young "firefighters" are examples of the best of America's young people. Their bravery and selflessness are very laudable qualities in people of any age, especially children. I am very pleased to have such fine young men living in my district.

TRIBUTE TO THE 2004 ALL-AMERICAN BOY AND GIRL PROGRAM PARTICIPANTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the students in the Third Congressional District of Illinois who participated in the All-American Boy and Girl Award Program. I am proud to report that eighty remarkable students from schools located on the southwest side of Chicago were recognized for their achievements.

I started this program in the late 1960's when I was a Recreation Supervisor for the Chicago Park District. After over thirty successful years, this program is still the cornerstone of my efforts to identify and recognize young men and women who get involved in their community while excelling in the classroom and participating in extracurricular activities.

The All-American Boy and Girl Program recognizes 7th and 8th grade students who live and attend school in the Third Congressional District of Illinois. The final award winners are selected by a panel of judges comprised of local community leaders, teachers and elected officials.

I would like to pay special tribute to the winners who were announced at a ceremony held on May 7, 2004. Third place was awarded to Emily Masek, Steve Rosenbaum, Eilis Fagan and Robert Edstrom. Second place went to Amanda Meza, Tom Costello, Jessica Jurevis and Jonathan Braun. Finally, first place was awarded to Christine Marie Molina, Damien Fox, Brooke Borowiak, and Andrew Jarzebek.

Mr. Speaker, I congratulate the 2004 All American Boy and Girl Award winners and participants on their academic and leadership achievements, and extend to them my best wishes for much success in the future.

PAYING TRIBUTE TO MAGGIE CAMPBELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you to pay tribute to a remarkable woman from my district. Maggie Campbell of Montrose, Colorado has dedicated the last thirty-two years working for the Montrose County School District, and I would like to take this opportunity to recognize her commitment to the Montrose community before this body of Congress and this nation today.

During her career reviewing lunch forms and paying the bills for the schools in her district, Maggie has seen nine superintendents pass through the school district. While Maggie understands that it is unusual to stay in the same position for an entire career, she has the pride of seeing her office grow from the ground up.

Mr. Speaker, it is with great pride that I rise before this body of Congress to pay tribute to Maggie Campbell. Maggie has demonstrated a tremendous commitment to Colorado's youth in her service to the school system and the community of Montrose. Maggie will be sorely missed and I wish her all the best in her retirement. Thank you for your service, Maggie, and good luck in your future endeavors.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes No. 210, No. 211 and No. 212. If present I would have voted "yea."

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on April 2, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 115, 116, and 117.

In addition, I was inadvertently delayed and missed votes on June 1, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 210, 211, and 212.

IN HONOR OF JOSEPH ACABA, FIRST PUERTO RICAN EVER IN A NASA ASTRONAUT CLASS

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to pay tribute to Joseph Acaba, the first Puerto Rican ever in a NASA Astronaut class. Mr. Acaba, a mission specialist and educator in Dunnellon, Florida, was recently chosen as a member of the 2004 Class of Astronaut Candidates. He is one of three mission specialist-educators, selected from a field of more than 1,000 applicants, who will train with more than 100 astronauts at the Johnson Space Center in Houston.

Joseph Acaba, 36, was born in Inglewood, California. His father Ralph was born in Arecibo, Puerto Rico, and his mother Elsie was born in San Juan, Puerto Rico.

Mr. Acaba has been teaching math and science at Dunnellon Middle School since 2000. He has degrees from the University of California at Santa Barbara and the University of Arizona. He is a former Peace Corps volunteer in the Dominican Republic and also managed a research station in the Bahamas.

Space travel has intrigued Joseph Acaba since childhood. His father would show young Joseph filmstrips he had saved of the first landing on the Moon. Now, Joseph Acaba is one step closer to being the first Puerto Rican in space or even the first "Boricua en la Luna" ("Puerto Rican on the Moon"), the title of a famous and beloved poem—later turned into a song—by Puerto Rican poet Juan Antonio Corretjer.

Mr. Acaba has said that, besides family photos and hot tamales, he plans to bring the Puerto Rican flag into space. We hope to live to see the day when this happens. In the meantime, we are very proud to have in Joseph Acaba a young, talented and dedicated Puerto Rican who will continue to educate and inspire others through his hard work, his example, his commitment, and his pioneering spirit. How fitting that the first Puerto Rican space trainee is also a much-admired middle school teacher of science and math who has broadened his students' minds.

I ask that you join me in honoring Joseph Acaba, the first Puerto Rican ever in a NASA Astronaut class.

TRIBUTE TO ELDER EDWARD STANTON, SR.

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. FORD. Mr. Speaker, I rise today to pay well deserved recognition to Elder Edward Stanton, Sr. of Memphis, Tennessee.

An ordained minister with the Memphis-based Church of God in Christ, Elder Stanton has earned a special place in the heart of his community for his service to others. Having served our country faithfully in both World War II and the Korean War, Elder Stanton carried this superior level of dedication into his 25 year tenure with the U.S. Postal Service and into his role as Assistant Pastor of Temple Church of God in Christ. His commitment is further observed in his longstanding devotion to his wife of over 50 years, Helen, as well as his entire family.

Elder Stanton's faith in action has been a guiding force for people across the Memphis community. In addition to his volunteer efforts as a District Chief Probation Officer with Memphis's Juvenile Court system, Elder Stanton has earned a special place in the hearts of many for his work to help the homeless and destitute citizens of his community. For a number of years, he owned and operated a boarding house that took in homeless individuals and others who lacked housing options. In an act of Christian love, Elder Stanton helped to manage the finances of many of these individuals and provided all of the residents with an array of amenities and free-of-charge services in an effort to help these individuals reach a better quality of life. For these services, the Memphis City Council has appropriately named the street on which this facility was located in honor of this noble man.

However, even with the street renaming, one of the most fitting and profound credits to the legacy of service he continues to bequeath is that Elder Stanton's family has followed in his sizeable footsteps by positively impacting the civic, political, non-profit, educational, business, and religious communities in Memphis.

For his over 40 years of service to his denomination and his example of leadership for his family and city, I would ask my colleagues in the U. S. House of Representatives to join with me in honoring Elder Edward Stanton, Sr.

TRIBUTE TO RAYMOND FRANCIS ROURKE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MEEHAN. Mr. Speaker, I rise to pay special tribute to Raymond Francis Rourke who passed away on Monday, May 24 at the age of 86. Ray was a loving father and husband, an outstanding public servant, and friend and mentor to many including myself.

I ask unanimous consent to enter into the CONGRESSIONAL RECORD the Lowell Sun's Editorial from May 26:

> RAY ROURKE. 1917–2004
>
> If Lowell could build a pantheon to its all-time great civic leaders, a statue of Ray Rourke would stand on a pedestal alongside those of Paul Tsongas, Telemachus "Mike" DeMoulas and others.
>
> Rourke, who died Monday at the age of 84, was a Mill City icon and a throwback to an era of Irish gentlemen who succeeded in combining a valued family life with an equally strong commitment to public service.
>
> In his essence, Rourke was a good listener and a specially good adviser. He never told people how to think; instead he kindly counseled them as to the importance of what they should be thinking about. It was a philosophy that won him hundreds, if not thousands, of lifelong friends.
>
> Of all his many accomplishments, Rourke considered his greatest legacy to Lowell and the state of Massachusetts to be his seven children. "I added to the economy seven times," he would proudly say at Mr. Al's Barbershop on Middlesex Street.
>
> Rourke will go down in political annals for his long and distinguished public service as a city councilor, mayor, state representative and state Deputy Secretary of Transportation in both the Dukakis and King administrations. Yet if we could write a fitting epithet for his statue, in our pantheon of Lowell greats, it would read:
>
> "Ray Rourke [1917–2004], one of those humble yet great working-class men from Lowell's 'Flats' neighborhood who decided to do something good for the community and succeeded."
>
> Ray is survived by his wife, Rita; his two daughters, Maureen A. Cohen and Nancy L. Vieira; his three sons, Raymond R., Richard P., and John P.; and his sixteen grandchildren and fifteen great-grandchildren.

PAYING TRIBUTE TO BRENT CURTICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Brent Curtice of Paonia, Colorado, on being recognized by the Colorado Association of Secondary School Principals as the Colorado High School Principal of the Year. The award acknowledges leaders who have provided high quality learning opportunities for students. In honor of Brent's award, the Town of Paonia also declared April 7 as "Brent Curtice Appreciation Day." This award is a well-deserved testament to his achievements in education.

Brent began his career in education twenty-two years ago as a teacher and athletic director at Hotchkiss High School. Thirteen years later he accepted a position at Paonia High School. His leadership and dedication have helped to take the school to the upper echelons of academic excellence, including achieving a top five ranking among 2A schools in Colorado for the ACT college entrance exam. Brent, however, is quick to note that it is the work of the students and teachers that really make the school a success.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Brent Curtice before this body of Congress and this nation. His efforts to continually challenge his students through a demanding curriculum is truly remarkable, and the recognition he received from the Colorado Association of Secondary School Principals as their 2004 Colorado High School Principal of the Year is a well-deserved testament to his tireless efforts. I sincerely thank Brent for his service.

HONORING MR. KENT GIBBS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Mr. Kent Gibbs of the Orange County Council Boy Scouts of America.

Mr. Gibbs became President/Scout Executive of the Orange County Council Boy Scouts of America in 1982. Immediately after he assumed his new post, his organization was faced with severe funding cutbacks and a forced thirty percent staff reduction. Despite all of these hardships, Mr. Gibbs was still able to provide services for young men and women across Orange County.

Mr. Gibbs was also heavily involved in the undertaking of a $21 million Major Gifts Initiative to provide funding to support outreach efforts into the inner city communities and needed capital improvements.

The Orange County Council has been recognized as a Quality Organization by the national organization of the Boy Scouts of America, and Mr. Gibbs was a recipient of the James E. West Fellowship and Heritage Society Award.

I would like to extend my best wishes to Mr. Gibbs on the occasion of his retirement and thank him for his service to the communities of Orange County.

2004 ENERGY STAR FOR HOMES—OUTSTANDING ACHIEVEMENT AWARDS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the following homebuilders from in or around my congressional district for their recent recognition as Oncor 2004 ENERGY STAR for Homes—Outstanding Achievement Award: Ashton Woods Homes; Beazer Homes of Dallas; Buescher Homes; Coleman Homes; D.R. Horton; David Weekly Homes; Highland Homes, LTD; History Maker Homes; KB Homes; Landstar Homes; Legacy Homes; Lennar Homes; Mercedes Homes; MHI; Morrison Homes, Oak Creek Homes, Optima Homes, Paul Taylor Homes, and Ryland Homes.

Forty-six builders participated in the 2003 Oncor ENERGY STAR Homes program. Each of the Award recipients registered with the EPA and constructed at least 50 ENERGY STAR homes in 2003. Collectively, winners built 11,505 ENERGY STAR qualified homes.

The ENERGY STAR program is a government industry partnership for promoting energy efficient products. ENERGY STAR eligible homes use considerably less energy than standard homes. Because of lower energy usage, ENERGY STAR homes save homeowners money because they cost less to heat and cool. In addition, they help to reduce air pollution—a particular concern in the Dallas/Fort Worth area. Nationwide almost 20 percent of air pollution results from energy used in homes. Just one ENERGY STAR home can reduce greenhouse gas emissions by 4,500 lbs per year.

Energy efficiency is an important part of a balanced energy policy. That is why President George W. Bush and the U.S. House of Representatives included a provision in H.R. 6, The Energy Policy Act of 2003, which would expand the ENERGY STAR program.

The homebuilders who participate in the ENERGY STAR program recognize the importance of energy conservation. Once again, I would like to thank these 21 North Texas homebuilders for their commitment to constructing ENERGY STAR qualified homes.

100TH ANNIVERSARY OF THE KENTUCKIANS OF NEW YORK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 100th Anniversary of The Kentuckians of New York. This congressional recognition will be presented on June 3, 2004 in New York City to a gathering of more than 325 persons at a Gala Dinner Dance. On the occasion, the following six Kentuckians will be honored for their distinguished careers in their chosen field, for their contributions to their community for public service, and their impact both nationally and globally: Owsley Brown II, John Y. Brown, Jr., Martha Layne Collins, Bob Edwards, Phil Simms, and Bill Samuels, Jr.

The Kentuckians of New York was organized on April 27, 1904. The first president was John C. Carlisle, who served six years. During the turn of the century, several state societies were formed. Those who had chosen New York as their new home longed to maintain contact with persons from their home state. The Kentuckians of New York is one of the few, which remain today and have reached this milestone. In the early days, it was a men's organization, which met periodically to enjoy fellowship and sampling of some of the principal Kentucky products, tobacco and bourbon.

During the term of President James C. Bowling (1974–76), Peggy Silhanek and Myra Leigh Tobin became the first two women members. I joined the organization soon after membership was opened to women. I met, not one, but all four criteria for becoming a member: born in Kentucky, lived in Kentucky for at least five years, graduated from a Kentucky college or university, and a son or daughter of a Kentuckian.

The society currently has both resident and nonresident members. The primary purpose of the organization is to share fellowship and the love of our Kentucky heritage at two dinner meetings each year. At these meetings, a reception is followed by dinner and a talk about some aspect of Kentucky by a distinguished speaker from Kentucky or with ties to Kentucky.

I was invited to be a speaker in October 2001, which followed the terrorist acts on the World Trade Center and the Pentagon on September 11, 2001. It was a very somber time in New York City and in the country. The Kentuckians of New York lost two of its members, James R. Paul and Thomas W. Hohlweck, Jr., who worked in the World Trade Center. My remarks focused on re-assuring members that Members of Congress were addressing terrorism and were concerned about the safety and security of its citizens, and in bringing justice to those who committed the terrorist acts of 9/11.

Many illustrious speakers have addressed the organization. One memorable evening was the time when former Governor A.B. "Happy" Chandler was speaker, following his induction into the Baseball Hall of Fame. Former President Richard Nixon came to the reception unannounced to extend his congratulations to "Happy" Chandler and to extend greetings to The Kentuckians of New York.

Mr. Speaker, on the occasion of The Kentuckians of New York's 100th Anniversary, I join with its members and other Kentuckians who will celebrate in its contributions to New York, to Kentucky, and to our nation.

TRIBUTE TO RALPH LIBERTO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LEVIN. Mr. Speaker, I rise to pay tribute to a dear friend and selfless public servant, Ralph Liberto. Ralph's dedication to working families spanned a lifetime, from his early days as a Marine Raider in World War II, through his service as a union leader, and finally as a trusted County Commissioner representing southwest Warren for the past 14 years. Ralph died on March 15th at the age of 80, after quietly battling leukemia.

For more than 30 years, Ralph played a major role in defining and changing Macomb County. Ralph Liberato distinguished himself as a friend to the working families and senior citizens in Macomb County, a friend to military veterans, and as an honest, dedicated and respected public servant.

After proudly serving his beloved country from 1940–1946 in the United States Marine Corps, he began working at a Chevrolet Gear and Axle plant. He quickly earned the respect of his fellow union employees, who elected him to the highest UAW office in the plant, shop chairman. He continued to champion labor rights as UAW Local 160's first president, then union leader for the AFL–CIO, and government relations director for AFSCME.

Ralph Liberato saw public service as a way to continue his deep sense of duty to the community and to his fellow citizens. A spirited political leader, he began cooking spaghetti for countless political and charitable fund raisers, providing his famous pasta at events from the shores of Lake St. Clair to Lansing.

In 1990 he was elected to Macomb County's Board of Commissioners, where he served on a variety of committees. His colleagues relied on his negotiation and debate skills, eventually electing him Vice Chair of the Board from 1996–2001. As a member of the Parks and Recreation Board and a fan of big band music, he started senior citizen swing dances held at the Freedom Hill Park and Metro Beach. To honor Commissioner Liberato's legacy, Independence Hall at Freedom Hill County Park was recently renamed " Ralph A. Liberato Independence Hall."

Later in life, Ralph continued to fight for causes he believed in. He diligently worked to raise funds for Washington D.C.'s World War II Memorial honoring his fellow veterans.

Whatever endeavor or job Ralph took on, he did it with his whole heart and a deep sense of duty for serving those around him. I ask my colleagues to join me in honoring the life of Ralph Liberto for all his tireless work on behalf of our community and citizens.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. WOOLSEY. Mr. Speaker, had I been present yesterday during rollcall No. 210, I would have voted "aye." During rollcall No. 211, I would have voted "aye." And, on rollcall No. 212, I would have voted "aye."

RECOGNIZING THE WINNERS AND SPONSORS OF THE 24 CHALLENGE MATH TOURNAMENT IN SAN DIEGO, CA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate the winners of the 24 Challenge Math Tournament in San Diego, CA and to express my appreciation to the sponsors who helped to make the tournament possible.

The 24 game is played with decks of cards with each card displaying four numbers. The numbers vary in complexity from single digits to fractions, decimals and exponents. Students combine the numbers to make 24 by using basic math operations and mental calculations. The 24 Challenge involves tournament-style programs using the 24 game to spark in-class, school wide and regional mathematics competitions. Students prepare for tournament play by practicing games both in and outside the classroom for eight to twelve weeks prior to year-end regional championship competitions.

In San Diego, the regional tournament is held each year during the Congressional Memorial Day recess at the San Diego Aerospace Museum. This year's tournament was held on Wednesday, May 26. I would like to recognize the winners of San Diego's 24 Challenge: (Alvin Balmeo of Las Palmas E.S., Grade 4/5 winner; Ling Yeung of Del Mar Hills E.S., Grade 6 winner; Sofie Christlieb of Standley M.S., Grade 7/8 winner; and Michael Kim of Standley M.S., Platinum Master.

I ask my colleagues to join me in applauding these dedicated and hardworking students. I also encourage my colleagues to host tournaments in their Congressional districts. Over the years, this exciting math program has engaged millions of students from all backgrounds. The 24 Game provides students with a common ground for developing math fluency and game play helps children develop skills such as number sense, pattern sensing, problem solving and mental math. At the same time, the 24 Challenge math tournaments encourage students to embrace the spirit of competition.

I would also like to thank the sponsors of the San Diego 24 Challenge Tournament: The San Diego Chargers; NBC 7/39; WestEd; SONY; Gen-Probe; and Greater San Diego Math Council.

These sponsors have recognized the need for students to build strong skills in problem solving, mental math and reasoning. The support of these sponsors is absolutely critical for helping San Diego's students to achieve by applying the skills that they learn in the classroom. I would like to offer a special "thank you" to Gen-Probe, a biotechnology company headquartered in my district, who sponsored the tournament for the first time this year. I would also like to thank Bob Sun and Nan Ronis for the tireless efforts to make these tournaments all across the country a success. In closing, I urge my colleagues to join me in recognizing the achievement of the winners of the San Diego 24 Challenge Math Tournament, as well as the commitment of the sponsors who helped to make it possible.

PAYING TRIBUTE TO FRED KROEGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Fred Kroeger and thank him for the remarkable civic contributions he has made to his Durango community and the State of Colorado. A lifelong resident of the Durango area, Fred was recently recognized by Club 20 for his service to Western Colorado with the prestigious Vanderhoof Award. It is with great satisfaction that I congratulate a good friend of mine for his significant contributions to the Durango Community.

Fred was born and raised in Durango where he graduated from Durango High School. He later attended Fort Lewis College for two years, and went on to receive a degree in Agronomy from Colorado State University. Using his degree, he managed his family's agriculture supply business. His natural leadership in the business arena aided in his election to the Board of the National Retail Hardware Association in 1965 where he went on to serve as the Association's President.

Fred has spent a lifetime supporting local civic matters, from the Fort Lewis College Foundation Board to the Board of the First National Bank of Durango. His most lasting contribution to Western Colorado however, will be the decades of leadership which he has contributed to Colorado's water arena. He served on the Colorado Water Conservation Board for twenty-one years, and the Southwest Water Conservation District Board since 1954 where he served the District as President. The District covers six counties and portions of three others in Southwest Colorado. Fred also dedicated countless hours over the years to secure the passage of the Animas La Plata water project, which gives the Ute Indian Tribe the water resources promised to them in an earlier treaty.

Mr. Speaker, it is my privilege to recognize Fred Kroeger before this body of Congress and this nation, and congratulate him on receiving the Vanderhoof Award from Club 20. The award is a well-deserved testament to Fred's willingness to provide his time and experience to his fellow citizens. It is my privilege to extend to Fred my sincerest thanks for his years of dedicated service and wish him all the best in his future endeavors.

HONORING THE POEMS OF STUDENTS FROM RIDLEY HIGH SCHOOL, FOLSOM, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, I had the great pleasure and honor to participate in the Ridley High School Memorial Day Program on May 28, 2004. I was presented with a very special compilation of poems composed by the students from Ridley High School's Advanced Placement American History/Honors English classes. The assignment was voluntary and those students, whose work is reflected here, searched their hearts for their feelings about America's military men and women. The result was a wonderful collection of poetry that expresses their pride and gratitude for those who make personal sacrifices to protect our freedoms and democracy.

I join with these students in their continued support and appreciation for our troops at home and abroad. I hope my colleagues find both inspiration and gratitude in their words so beautifully expressed.

WITH EVERY STEP

With every step through your daily life
Quietly, they whisper
Whisper courage to the young children
Playing under the warmth of the sun
Whisper sacrifice to all
Enjoying the freedom they provided.

From their peaceful rest they whisper
Going under with the honor of a nation
And their love of country
The willing force for freedom
Makes the land of the free
The home of the brave.

In kind words, we whisper
Do not forget the contributions
Of our fallen countrymen
In this time of terror
They protect us still.

Tabatha Sabatino

OUR SUNS

Running laps, chasing circles, rounding wheels
inside a mind fall back in time now
answer questions, which before could change a life.
Still inside is such a yearning once repressed in idol lines.
Decisions made remain unchanged
once again it's no surprise.

Unending conflict risk of fears so unfair and still not right
To rock the boat? To sink the boat? To loose the boat?
To rise? As rise the sun and sons do rise
before the settling of the matter
What matters more won't make it right
Forget what is right to love the latter.

Sara Rothemel

ORDINARY PEOPLE

War is not a poem I can write,
There were men in marshes in Asia once
Swallowing a lump in their throat
and running through a steel, cold rain
and we couldn't understand why.

Peace is not an ideal blowing among the pollen
from the windswept daisies.
There were men trapped in foreign countries once
battling for the freedom of oppressed people
and assuring that America remained most free.

Justice is not found in the barrel of a gun
It is not found in a switch or an engine
It is not in the hand of the person in control of any of those
It is in the name of intuition
and belief in a system
A whole
One nation
where most men have found freedom
found a pursuit
A man will step on the battlefield as a soldier
the hero of middle America
and return to his home
his job, and his life
like an ordinary man

our nation is watched over
by the vigilance, the gunshots,
the air patrol, the patience,
the dedication and discipline
of ordinary people.

Kim Leszak

THE SOLDIER

The American soldier emits an ineffable presence
To represent our country and to be revered
He holds his duties with a profound dignity
And sacrifices his character to defend our country
He witnesses battles, and scourges, and deaths
And gambles himself to defend our freedom
His mission should be respected by all
As he aims to keep safety for our American future.

Chris Gross

MY DADDY WAS A SAILOR

The little boy had found the trunk
Hidden beneath the bed
And when he opened the dusty lock

Old visions filled his head.

He saw his father's picture
He was dressed in starchy white
He saw the ship that carried him
And his eyes filled with fright
He picked up all the medals
As his eyes filled with tears
For his father had died long ago
And he had forgotten all these years
He admired his father's bravery
For he knew the story well
His father protected his honor
It is a story he loves to tell

"My daddy was a sailor
He wore his chevrons proud
And though he cannot tell you
He made us safe and sound
My daddy gave his life
Fighting for our country
And I think it's safe to say
His virtues are in me.
I want to serve my country
I want to stand up tall
I want to be like my daddy
I want that most of all."

The little boy grew up that day
He became a sailor too
He know the dangers facing him
But his honor was brave and true.
He will pass on the glory
That his father gave to him
He will fight for our country's honor
He will be there through thick and thin.
I want you to know I serve my country
Not because I have to
I do it because I love being free
I hope it is important to you.

Jessyca Allen

AMERICAN SOLDIERS

The sun shines on a distant land
American soldiers arise to the surrounding sand.
The heat is great, the sun is hot,
But they still fight with all they've got.

They think of home, warm and free
The yellow flags that line the street
The hopes and prayers from family and friends
Reminds them that their efforts do not go unnoticed.

But we as a nation must continue to show
Support for our troops both near and far
And though it's dirty,
We must not forget the war.

Brianne Brennan

WHY THEY FIGHT

They fight for a simple word
Engrained within our past
They leave their lives and families
To protect our cherished land.
Leaving behind everything familiar
These individuals unknown to the masses.

But continue on for us.
We Americans.
Our fearless, proud defenders return
Our simple idea is still safe
Our simple, single idea.
They defended the meaning of America
With their valor, bravery and honor.
They fight to protect our freedom.

Jeanne Fasello

WAR

Many things represent war and what it means to America today.
Each citizen is touched by war and affected in a different way.
Young men are called to battle and learn to fight with pride.
They learn to support their country despite the fears they hold inside.
Husbands and fathers uphold their duties and kiss their family goodbye.
Even though their wives grow worried and their children begin to cry.
Little boys play happily with toy guns and G.I. Joes
Dreaming of the day that they can waltz in their camouflage clothes.
Women and girls begin to step up and defend us with their hearts.
Eventually the country will unify in war and everyone will take part.
Even the ones who stay at home offer support with the small things they do.
They hang up yellow ribbons and waves flags of red, white and blue.
It is through these American symbols and citizens,
Supportive and courageous, that makes the fighting worth it,
No matter how dangerous.
We are all Americans, all sacrificing and standing tall.
In times of war our country proudly sings their patriotic song.
So let us take the time to recognize the brave on this Memorial Day
For they will always be remembered as heroes in every way.

Meaghan Shinkle

ONE LONELY STAR

One lonely star,
All alone in the front window,
Five blue points bursting from a white ocean,
Outlined with a red bank,
Yellow ribbon holds it in place,
So they may return home safe.

She sees her son out the door;
One final kiss
Good-bye.
Her motherly instincts straighten the uniform,
And she stares, pride filling her heart.
Her eyes fall to her other son,
And she wishes that he too would become such a man.

That fateful day.
Two pillars of strength—
Gone.
Destruction, Confusion, Fear
What's to come?

The news comes, as everyone knew it would.
War.
But will he go?
Yes.

She cries, her baby all grown up.
He's no longer her baby,
He's her Hero, her Protector, her Strength.

Letters come faithfully.
But her nerves are never calmed
Negative newscasts—fodder for fear,
She prays her star not turn gold.

One lonely star,
All alone in the front window,
Five blue points bursting from a white ocean,
Outlined with a red bank,
Yellow ribbon holds it in place,
May they return home safe.

Chrissy Stief

I'LL WALK BESIDE YOU

I'll walk along beside you
and sometimes take your hand,
as you suffer for my innocence
and I'll grasp a bit tighter
as you die for my smile.

I still don't know your name
but I am a close friend with happiness,
Though we have never met
you introduced me to Hope
Who had always been shy before.

And Pride, elusive as always,
is a mutual companion we can share.
You know pride through sacrifice
and your sacrifice helped familiarize me with Pride.

One day we will meet,
at a party I suspect,
and though we have never seen each other
I'll know you.
I'll know you protected me millions of times
for I can see myself in every person I meet,
though we are not familiar.

But we all know you, a still and silent soldier
who bears the scars of our freedom.

Colleen Beatty

MEMORIAL MEMORIES

Gazing out of my window, wondering,
Looking at the differences abounding,
From luscious, green, growing trees
To uniform streets connecting.
How did all of this happen?

America bears certain freedoms.
Having to sustain our personal gains,
We have to fight for our protected rights.
So, we continue to live remembering the fight.

Needing pride to stop the vain,
We have to remember those living and dead.
Who have given their lives for the cause of freedom
Our lives continue to flourish because of our veterans and fighting soldiers.

Shaleen Spuglio

THE WARRIOR

As he charges shield raised
Into the midst of battle
He remembers those who fought before
Gallantly dying in order to save the lives of others.

Woe though death's bite is strong
And quick on their mortal bodies,
The pure passion of battle carries their bodies like a trance,
Cutting down any opposition in his way.

Warrior, you are stronger than I,
For you fight for a cause much greater than mine.

David Benner

FREEDOM ON YOUR SHOULDERS

We are the shadows,
The whispers on the wind
Of one lost
For a sea of triumph.

We are the ants
Marching in a line
To harvest a field of freedom
For you.

We are the giants
And freedom rests upon our shoulders.

Cynthia Casebere

OUR PROTECTORS

The Fates, the three
Hunched over in wait
With the cord spinning
The color of dried blood and trench mud
The color of years sacrificed
The cord, the thread keeps spinning
And another generation is tugged by it into the loop.
Becoming protectors around our naked spool
Barely missing the cool, hard scissors

That threatens courageous souls.

Adrienne Showalter

FALLEN HEROES

SPEECH OF

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BOOZMAN. Mr. Speaker, I appreciate you holding a moment of silence for our fallen heroes during legislative business on Thursday, May, 20, 2004. On the eve of Memorial Day, it was extremely important that we all paused to remember the brave men and women who have given their lives in the War on Terror. I am also grateful for the opportunity to submit the following remarks on Specialist Dustin McGaugh and Private First Class Brandon Smith, the two brave servicemen from the Third District who gave their lives fighting the War on Terror in Iraq.

Specialist Dustin K. McGaugh grew up in Springdale, Arkansas. He was killed in a "friendly fire" accident in Balad, Iraq, last October.

Private First Class Brandon Smith was a resident of Fayetteville, Arkansas. He was killed in action in Al Qaim, Iraq, late last March when the Humvee he was traveling in ran over a land mine. That Humvee was rushing to assist U.S. troops who were under enemy fire.

For both these brave men, just getting into the military was quite a challenge. Dustin enlisted in the Army prior to the September 11th attacks, but he broke his shinbone in basic training. He was so intent on becoming a soldier that he completed his last three weeks of basic training despite an injury that would have sidelined most of us.

When Brandon joined the Marines, he told his friends that he had found his life's calling. However, for Brandon fulfilling his lifelong dream was no simple task. Every morning, he had to run laps around Asbell Park, lift weights and literally lose 80 pounds to be in shape for Marine Boot Camp.

Dustin and Brandon served as inspirations to their fellow soldiers in Iraq and to Americans back home. On the battlefield, Dustin's fellow soldiers said that regardless of the dangers, he could often be found handing out candy to Iraqi children. And back home, community members signed a banner in Brandon's memory, recalling the bravery of a fallen Marine who put his country and his neighbors ahead of himself.

Mr. Speaker, Dustin and Brandon made the ultimate sacrifice for their country. They selflessly put themselves in harm's way so that future generations can live in a world free of terror. Dustin McGaugh and Brandon Smith are true American heroes. I ask my colleagues to keep their family and friends in their thoughts and prayers.

IN SPECIAL RECOGNITION OF THE MINNESOTA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION ON RECEIVING THE 2004 MARK TRAIL AWARD

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to congratulate the Minnesota Division of Homeland Security and Emergency Management and the Minnesota Department of Transportation on receiving the Mark Trail Award of 2004. Two Minnesotans, Rochester resident Troy Schmidt from the Minnesota Department of Transportation and Woodbury resident Terri Smith from the Minnesota Division of Homeland Security and Emergency Management, are accepting the award at a ceremony tomorrow, June 4, 2004 in Washington D.C.

Since approaching the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service in 2000, the Minnesota Division of Homeland Security and Emergency Management and the Minnesota Department of Transportation have expanded the Minnesota NOAA Weather Radio Transmitter network from 12 to 32 transmitters, with 4 more about to go into service. As a result, 99 percent of all Minnesotans are now within broadcast range of a National Weather Radio transmitter.

The statewide NOAA Weather Radio Transmitter network will provide Minnesotans with weather announcements and other emergency messages when necessary. When tragedy strikes, this network will allow for notice of emergencies such as fire, flood, tornado or accidents involving hazardous materials to be broadcast so Minnesotans will be aware of the emergency procedures, and can keep their families safe.

Mr. Speaker, it is important services, such as the National Weather Service, that provide a safe environment for the public. It is my privilege to recognize two outstanding Minnesotans, Troy Schmidt and Terri Smith, for their work. I would like to express my appreciation for the sponsors of the Mark Trail Award and for the Minnesota Division of Homeland Security and Emergency Management and the Minnesota Department of Transportation for their help and achievements in coordinating county, state, and federal services.

HONORING BETTY JANE GORIN-SMITH

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable individual from my home state of Kentucky. Betty Jane Gorin-Smith has been a longtime volunteer and leading voice in the historic preservation efforts of the Heartland Civil War Trails Project. This extraordinary endeavor is only a footnote to her many years of service in the Taylor County community, as a distinguished teacher, author, and historian.

Mrs. Gorin-Smith taught U.S. and world history in local schools for more than two decades. She has also taught at Campbellsville University and Lindsey Wilson College. Her academic and civic awards are numerous. She has written numerous published articles and is presently completing a book on the life of Civil War General John Hunt Morgan. In addition to her work with the Heartland Civil War Trails Commission, Mrs. Smith is recognized as a primary leader of the preservation effort at the Tebbs Bend Civil War battlefield.

I would like to recognize Mrs. Gorin-Smith, before the entire U.S. House of Representatives, for her exemplary citizenship and community engagement. Her efforts, past and present, make her an outstanding American, worthy of our collective respect and honor.

On the occasion of the Civil War Trails Commission ribbon cutting, I publicly endorse Betty Jane Gorin-Smith as Historian Laureate for the Heartland Region of Kentucky.

CELEBRATING NATIONAL MARITIME DAY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ALEXANDER. Mr. Speaker, I rise today to take a moment to remember the valiant efforts of their neighbors and fellow citizens of the U.S. Merchant Marine.

America is a nation of the sea. Our oceans, lakes and rivers have left an indelible mark upon the American existence. The American Merchant Marine—both the industry and mariners who ply the oceans of the world under our Flag—are a critical part of our national infrastructure. During peace time they move the goods that keep America moving, and during war time, they protect us by ensuring that our soldiers abroad have the equipment, food and medicine that keep them fighting.

As President Ronald Reagan said in his 1988 National Maritime Day proclamation, ". . . the merchant marine continues its roles in trade and defense—and the sailors of our commercial fleets continue to exhibit the patriotism and the many skills that have ever characterized them and their predecessors. It is truly fitting that we pause to salute these seafarers and all other Americans who support them and guard the lifelines of the sea that sustain us all."

Yet despite the critical role in our national infrastructure that the maritime industry plays, it is all too easy to forget them. We see trucks every day on our roads, and we see airplanes in our skies. We do not see the hundreds of ships that sail our oceans brimming with cargo, bound for our malls and supermarkets. We do not see the thousands of men and women who leave behind their families for months at a time to crew these vessels and ensure that the goods we need to survive make it to our shores.

Every May 22, we as a nation come together to celebrate National Maritime Day, a day to remember those men and women who are so often forgotten. Today, just as it was at our nation's founding, the American Merchant Marine remains an important part of our national experience.

IN MEMORY OF SPC. MICHAEL CURTIS CAMPBELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of the death of Spc. Michael Curtis Campbell of Marshfield, MO. Spc. Campbell was killed when his combat patrol was attacked with an improvised explosive device and small arms fire near Samarra, Iraq.

Spc. Campbell chose to serve his country early. Upon graduating from St. Paul's Lutheran High School in Concordia, MO, in 1988, he entered the United States Navy where he spent four years, serving during Operation Desert Storm.

As a member of the National Guard, Spc. Campbell was called to serve following the September 11th terrorist attacks. He was first tasked with hauling debris from the remains of the World Trade Center. He was assigned to Headquarters Troop, 1st Squadron, 4th Cavalry Regiment, 1st Infantry Division, in Schweinfurt, Germany. He arrived in Germany in December, 2003, and left for Iraq in February of this year.

Mr. Speaker, Spc. Michael Campbell answered the call to service when his country needed him most. I know the Members of the House will join me in offering condolences to his friends and family.

PAYING TRIBUTE TO CONNIE DELANEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Connie Delaney, who recently passed away at the age of eighty. I knew Connie and her family very well, and she was a devoted mother, a dear friend, and a beloved member of her Glenwood Springs, Colorado community. As her family and community mourn her passing, I believe it is appropriate to recognize the life of this exceptional woman before this body of Congress and this nation.

In 1946 Connie married Robert Delaney and moved to Glenwood Springs and became an active member of her community. She dedicated most of her efforts to Valley View Hospital, accumulating over 8,000 hours of volunteer service. She was the hospital's auxiliary president in 1968, and again in 1983. Serving as the auxiliary's historian, she attended all of the hospitals functions, taking pictures at every event. She then spent many hours putting together scrapbooks that serve as a wonderful history of the hospital. She was always willing to help out in any way she could, with open arms and a beautiful smile.

In recognition of Connie and her husband Robert's extensive community involvement, the Colorado Mountain College honored them during the College's prestigious Calaway Honor Series reception. Above all of her achievements, Connie was most devoted to Robert, sons Rob and Ralph, and daughter Diane.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Connie Delaney. I am proud to have known such a great woman who enriched the lives of her family and community. My heart goes out to her family, friends, and Glenwood Springs community during this difficult time of bereavement. Connie, we will miss you.

HONORING LOIS HALE

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Lois Hale. Lois Hale has dedicated her life to education and the community of Ballico has benefited greatly from her efforts.

Signum scientis est posse docere. The touchstone of knowledge is the ability to teach.

Ms. Lois Hale has this special ability and has selflessly utilized it to the benefit of her community for nearly 40 years. In addition to successfully teaching thousands of our children essential math skills so they may have a solid foundation for future success, Lois Hale has dutifully served as a leader and role model for both students and fellow faculty members.

Ms. Hale has served as President of California's Central Valley Math Council. She has, for many years, offered herself as a mentor to her students. She has also taken upon herself responsibility for organizing and directing student activities such as the annual Math Superbowl and the biennial Washington DC trip.

She has received the recognition of her peers for her accomplishments. She has been honored with such recognitions as being a California Presidential Award Finalist, twice being listed in the Who's Who Among America's Teachers, and receiving the George Polya Award for Outstanding Teaching.

Perhaps more important and telling than her individual awards and recognitions is the success and accomplishments of those she has taught. This year alone, her Math Superbowl team brought back 28 trophies and countless other recognitions. This is notable, given the fact that her school district has little more than 300 current students.

Ms. Hale has proven her depth of knowledge and character over the past 40 years, and has embodied the idea that Signum scientis est posse docere.

We are honored to have people like Ms. Hale aiding in the development and progress of our children and our community. I would like the House to join me in thanking Ms. Hale for her many years of dedicated and honorable service and to wish her the best in her retirement.

CONGRATULATING MARK A. ANGELSON

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Mark A. Angelson for joining RR Donnelley & Sons Company and on being selected as its Chief Executive Officer and as a member of its Board of Directors.

RR Donnelley has a rich and storied history. Founded over 140 years ago in Chicago, the firm has grown to become the largest commercial printer in North America, with 50,000 employees serving clients across the globe. Aside from its unparalleled business achievements, RR Donnelley has established a reputation as a model of good corporate citizenship in the Chicagoland area and around the world.

Through the active participation of its employees in youth education projects, and through the RR Donnelly Foundation and its Corporate Giving Program, RR Donnelley has enhanced the lives of thousands of children and has made lasting contributions to the vibrancy of our communities. I applaud RR Donnelley for serving as a shining example of leadership and commitment to civic responsibility in our city.

Mr. Angelson's distinguished background as an attorney, financier and leading corporate executive will serve him well at the helm of RR Donnelley. Prior to his election as CEO of RR Donnelley on February 27, 2004, Mr. Angelson served as CEO of leading printing firm Moore Wallace Inc. He was instrumental in spearheading the merger between Moore Wallace and RR Donnelley earlier this year. Before joining Moore Wallace, Mr. Angelson practiced law for twenty-one years, including fourteen years with Sidley Austin Brown & Wood, served as a senior executive with Big Flower Press Holdings, and was Deputy Chairman of Chancery Lane Capital, a New York-based private equity firm.

Before launching his impressive career, the Caldwell, New Jersey native graduated from Rutgers University, where he received Phi Beta Kappa honors, and from Rutgers Law School. Mr. Angelson and his wife are the proud parents of three daughters.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois and indeed all of Chicago, I am privileged to congratulate Mark A. Angelson for his achievements and to welcome him to Chicago.

HONORING TUSKEGEE AIRMEN AND THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H. Con. Res. 417 and in recognition and gratitude for the lifetime of service provided to his country by Central Coast resident and Tuskegee Airman, Mr. Art Hicks.

The Tuskegee Airmen were a group of brave Americans who volunteered to become this country's first African-American military pilots. These courageous men flew airplanes for their country in the war against fascism, while enduring and waging their own struggle against racism and segregation here at home. Despite the predictions of many defenders of segregation that the Tuskegee Airmen would end in failure, they developed a record of unparalleled skill and courage.

One hundred fifty brave Tuskegee Airmen were lost during training or combat, but they destroyed more than 1,000 German aircraft. Unbelievably, despite flying over 200 bomber escort missions during the war, they never lost a single bomber under their escort.

No one exemplified the honor and service of the Tuskegee Airmen more than Art Hicks. He was born in Georgia in 1922 and grew up under the dark cloud of segregation and its daily dangers, indignities, and humiliations. During World War II, he volunteered to become a Tuskegee Airman.

He eventually served 28 years in the military, retiring in 1971. But after the War, he continued to encounter the racism that also greeted so many of his fellow comrades.

In 1989, nearly single-handedly, he fought and won a battle to remove a barrier to integration at the Elks Lodge and eliminate a stain from this venerable and honorable institution. Doubtless fueled by the same courage and commitment to fight wrong that had propelled him to sign up to be a Tuskegee Airman some four decades earlier, Mr. Hicks fought to eliminate the rule that allowed any three members of the Elks Lodge to block admission of potential members. In many cases, this rule helped to continue a pattern of exclusion based on race or religion. Mr. Hicks began a local letter-writing campaign, was eventually joined by the NAACP, and saw the rule abolished at the Elks national convention later that year.

Mr. Speaker, the Tuskegee Airmen exhibited bravery, skill and sacrifice for their country, while often facing mistreatment from the society they were defending. They showed the best of America, and we are all so proud of their accomplishments. I am privileged to count one of them among my neighbors on the Central Coast of California.

TRIBUTE TO DR. DAVID BENSON, SUPERINTENDENT OF THE BLUE VALLEY SCHOOL DISTRICT IN JOHNSON COUNTY, KS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MOORE. Mr. Speaker, it is my honor today to recognize Dr. David Benson, who is retiring this month as superintendent of the Blue Valley School District in the Third Congressional District of Kansas. Since 1993, Dr. Benson has led this outstanding school district, which has experienced exponential growth in facilities and in students. All the while, the district has continued to score exceptionally on all standardized tests and by any other measure of school excellence is one of our nation's outstanding school districts. I am lucky to represent in Congress some of the best schools in the United States, and many, many of them are in the Blue Valley District.

During his time at Blue Valley, the district has grown by 8,000 students. This phenomenal growth required two successful bond campaigns, led by Dr. Benson, and the construction of two new high schools, four middle schools, and six elementary schools. A seventh elementary school will open next fall. During Dr. Benson's tenure, the average growth in Blue Valley enrollment was larger than the total enrollment of most Kansas school districts!

During his years at Blue Valley, the district developed new programs, including foreign language programs for all elementary schools, a broadcast technology program, a new Wilderness Science Center (with wetlands and prairie environments), an alternative high school program, and a program to teach independent living skills to students 18 to 21 with moderate to severe disabilities.

In 2001, Dr. Benson was named Kansas Superintendent of the Year by the Kansas Association of School Administrators. In 2000, he was selected as Communicator of the Year by the Kansas School Public Relations Associations. His leadership extends beyond the education community. Recognizing the importance of the business community's support for public education, Dr. Benson has served as a board member for the Greater Kansas City and Overland Park Chambers of Commerce, and also served as president of United Community Services in 1999 and 2000.

Dr. Benson began his career teaching high school in Joplin, Missouri. He has served in various capacities in Salina, Moundridge, Junction City, and Kingman, Kansas, school districts; and also served as superintendent in both Fort Madison, Iowa, and Moundridge, Kansas. I know each of these districts has benefited from this outstanding public educator.

I wish Dr. Benson and his wife Donni the very best in their new community. While Dr. Benson will be missed by all students, teachers, staff, and patrons of Blue Valley, the district will continue under the excellent leadership of Dr. Tom Trigg, currently the Deputy Superintendent of Administrative Services for Blue Valley.

FALLEN HEROES

SPEECH OF

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today to pay tribute to an amazing generation of Americans, a generation that possessed both the courage and the strength to defend the United States against its fiercest enemies.

I refer, of course, to those who served our great nation during World War II, the brave Americans who stormed the beaches of Europe and who fought to defend our territories in the South Pacific.

Just this weekend, Mr. Speaker, we gave our World War II veterans the commemoration they earned and deserve with the dedication of a new memorial on the National Mall.

Visiting this new monument in person made me think about all of the great sacrifices this generation made on our behalf.

Mr. Speaker, I can only imagine the enormous pressure they faced. The Japanese had already sunk some of our greatest battleships and were gaining ground in the Pacific and across Asia.

German and Italian forces were marching across Western Europe and were gaining ground against our allies.

With the goal of world dominance, the freedoms and liberties of the United States were in jeopardy like never before.

We would have to defeat some of the most powerful military forces in history if we were to keep our independence intact and to prevent a new era of tyranny around the world.

Despite this intense pressure and the great dangers before them, our young men signed up by the thousands and were willing to take on any task no matter what the risk.

They would fight in heroic battles and many of them would never return home or would spend a lifetime with severe injuries.

Working closely with my veterans in San Diego, I have heard firsthand accounts of the heroics on the battlefield and what our young men had to endure to win the war, including one who survived the attack on Pearl Harbor, another who fought in the famous Battle for Midway, and one who was held as a prisoner of war by the Japanese for several years.

We achieved victory only because these service members were willing to fight and willing to do whatever it took to win. We must also not forget the others who were crucial to our great victory.

Women were not eligible for full military status at the time, but this did not prevent them from making vast contributions. Women worked as laborers, engineers, and managers to produce the equipment our soldiers relied upon in the battlefield.

Women also put themselves directly in harm's way by working as medical personnel in battle zones.

Women performed so well and were so crucial to our victory, the War Department would soon establish women's corps in the different branches leading to full military status for them.

We also broke stiff racial barriers during World War II. The Tuskegee Airmen, a squad of African-American pilots, were among the most elite who flew during the war and are credited with contributing to the desegregation of the Air Force.

We must also remember those from other nations who took up arms for the United States—specifically the Filipino veterans who fought alongside American soldiers in the Pacific.

As we dedicate the World War II Monument on our National Mall and celebrate the 60th Anniversary of D-Day, I hope we will remember the commitment by all of those who were crucial to our victory. Please join me in paying tribute to those who would become known as the "Greatest Generation."

FALLEN HEROES

SPEECH OF

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. STENHOLM. Mr. Speaker, I rise today in support of our military troops fighting for liberty in Iraq and Afghanistan. As we celebrated Memorial Day this past weekend, it is fitting to remember not only those heroes who have passed on, but also those who promote freedom around the world today.

I also want to take this opportunity to remember the fine young men of the 17th District of Texas who made the ultimate sacrifice for us all in Iraq and Afghanistan. They made the ultimate sacrifice in defense of freedom and liberty, and I extend my condolences to their families and loved ones. Today I honor:

Lt. Nathan White of Abilene, Texas;

Chief Warrant Officer Scott Jamar of Granbury, Texas;

Sgt. Roy Wood of Graham, Texas;

Lt. Doyle Hufstedler of Abilene, Texas;

Lance Corporal Elias Torres of Grape Creek, Texas;

Staff Sergeant Rene Ledesma of Abilene, Texas.

These men are patriots, and I salute them and thank them and their families for their priceless sacrifice.

This Memorial Day, we were especially aware of the sacrifices made by the Greatest Generation, those men and women who fought and won the most important war in our history. Last weekend, we opened a memorial to these brave men and women in a prominent location on the National Mall in Washington, D.C., in a grand setting that befits the strong and indomitable nature of these true heroes.

The veterans of World War II earned their greatness through their blood and sacrifice for a global conflict that destroyed the ambitions of tyrannical regimes. Our soldiers' dedication to country, to freedom, and to duty persevered over frightening threats to our society and way of life.

The Greatest Generation fought against these threats with the best qualities that America had to offer—courage, strength, determination, resourcefulness, fearlessness, and independence. They fought against those who would steal our freedom and replace our way of life with blind obedience enforced by secret police and fear. Today's soldiers are fighting an enemy with similar goals. Our soldiers are fighting an enemy that would take our freedoms through acts of terror and fear. But these enemies cannot defeat our indomitable spirit and our love of freedom. Our enemies cannot and will not defeat us.

This is not the first time that the United States and her allies have gone into a country representing freedom. As we remember the Greatest Generation we certainly recall the epic D–Day Invasion during World War II when we asked our military—today's distinguished veterans—to place themselves in danger to liberate Europe from the occupation of Nazi Germany. We did not ask for much in return when our troops were victorious.

And our World War II troops did not ask for much from America when they returned home. Most of them did not return to hometown parades, they just returned to their everyday, pre-war lives, even though they had not seen their loved ones in several years. In return for all they had given up, they simply came home, desiring that the world would remain free. We helped Europe, the West, and Japan rebuild under democratic principles, and today we see the fruits of that labor. We have the golden opportunity to do that for Iraq, to help them rebuild into a free country after years of tyranny.

I give my thanks, respect and gratitude to today's military who will be tomorrow's veterans. These individuals represent the long and distinguished tradition of our armed forces as exemplified by the Greatest Generation. Our current service men and women can look to those who came before them as examples of honor and courage, the very lifeblood and creed of the military, and the principles that will always carry the United States to victory.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, I missed votes on May 19 and 20, 2004. The following is an explanation on how I would have voted had I been present:

Rollcall No. 191 "Yes," Previous question—budget rule.

Rollcall No. 192 "Yes," Adoption of the budget rule.

Rollcall No. 193 "Yes," Previous question—DOD rule.

Rollcall No. 194 "Yes," Adoption of the DOD rule.

Rollcall No. 195 "Yes," H. Con. Res. 424—Memorial Day resolution.

Rollcall No. 196 "Yes," Goode amendment (DOD) military on border.

Rollcall No. 197 "No," Davis (CA) amendment—abortion.

Rollcall No. 200 "Yes," Kennedy (MN) amendment—BRAC delay.

Rollcall No. 201 "Yes," Weldon (PA) amendment—destroying Abu Ghraib.

Rollcall No. 202 "Yes," Slaughter amendment—sexual assaults policy.

Rollcall No. 203 "Yes," Tauscher amendment to H.R. 4200—bunker buster.

Rollcall No. 204 "Yes," Ryun amendment to H.R. 4200—Taiwan training programs.

Rollcall No. 205 "No," Democrat motion to recommit.

Rollcall No. 206 "Yes," DOD final passage.

Rollcall No. 207 "Yes," S. 2092—Taiwan in the World Health Organization.

Rollcall No. 208 "Yes," H.R. 4359—Child tax credit.

TRIBUTE TO SHEILA LOCKWOOD

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today on a bittersweet mission—to honor a most cherished staff member, Ms. Sheila Lockwood, on her retirement from the Transportation and Infrastructure Committee.

Sheila began her federal government service career in Washington as a clerk-typist for the Department of Housing and Urban Development (HUD). After six years at HUD, Sheila joined the staff of the Committee on Transportation and Infrastructure.

For the past 24 years, Sheila has served the Members of the Committee and its staff with grace under pressure, uncommon ability, and an irreverent style that endeared her to all. She has worked for six different Chairmen and Ranking Democratic Members including Harold "Bizz" Johnson, Jim Howard, Glenn Anderson, Bob Roe, Norm Mineta, and me. She has held many titles and roles—staff assistant, assistant office manager, assistant to the Chief Counsel, executive staff assistant, office manager, and systems administrator—to name but a few.

But titles have never mattered to Sheila; helping people and completing the job have. From Chairman of the Committee to the unpaid intern, she has always been available to help. She has been the glue that has held our Committee and its staff together and we truly appreciate her many important contributions.

Sheila has spent many years supporting our legislative staff in the preparation of documents, charts, tables, and statements. She has the innate ability to create easy-to-read materials that enable Members to read documents and charts and quickly discern the critical information. Having worked for the Full Committee for so many years, she has seen it all and always found a way to get it done.

In addition, although she began her career with the Committee using a typewriter, Sheila always served as our in-house systems administrator. With each new computer program, Sheila became the expert to whom all would appeal with any computer problem or question, of which there are always many. From Word 11 to Microsoft Word, she always had the answer—and the patience to explain it.

One prime example of both Sheila's can-do work ethic and considerable computer skills was her work on the Committee's Democratic Web site. Several years ago, we needed to find a way to more efficiently update our Committee's Democratic Web site. We wanted to be able to provide the public with immediate access to the Democratic position on Committee issues and legislation. Sheila took it upon herself to become our "Web diva", as she would say, teaching herself how to post information on the site. Over time, she redesigned the site to make it more user-friendly and to enable users to conduct searches for issues. Within the past four years, the site has received more than 50,000 hits and has become an essential tool for the transportation community.

Sheila's greatest contribution to the Committee flowed from her personal qualities—her genially irreverent style, her interest in her colleagues, and her absolute grace under pressure. Sheila started each day with the theme song to her favorite TV show, Hawaii Five-O, and, after her dance to the song, her "complaining" began—she made us all laugh. She genuinely cares about her colleagues and has always been there to help. In essence, Sheila has simply made the Committee a much better place in which to work.

Mr. Speaker, after 30 years of public service, Sheila returns home to Woodland Park, Colorado, to have the opportunity to spend more time with her beloved family, especially her mother. She carries with her our gratitude for her service, and our prayers for good health and happiness in the many years ahead.

HONORING RAYMOND T. WHITE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to pay tribute to Raymond T. White. Mr. White is stepping down from his outstanding service to veteran advocacy, and his work deserves our respect, gratitude, and admiration.

Mr. White's commitment to veteran affairs is rooted by his own service to this country. In 1953, he enlisted in the U.S. Air Force to fight in the Korean conflict. His tenure is marked with distinction, and he served as a combat air policeman, a forerunner of the Green Berets. He completed his tour at Mitchell Field, Long Island, and there began his family with his wife, Roberta.

This week, Mr. White relinquishes his duties as commander of the Jewish War Veterans of the United States of America, Department of Florida. He has also served in similar capacities over the past 20 years with veteran organizations such as the American Legion and the Disabled American Veterans. In addition, Mr. White's civic commitment led him to serve as Mayor of New Hyde Park Gardens, NY, in addition to his tenure as Chief of Police in Albertson, NY.

I am happy that Mr. White will enjoy this day in the company of his wife, five children, and nine grandchildren. I am reassured that Mr. White's service to his fellow soldiers has been returned in blessings with a bountiful family.

AMERICAN LUNG ASSOCIATION CELEBRATES 100TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, this year, the American Lung Association proudly celebrates their 100th Anniversary. On this momentous occasion, I would like to recognize this organization for their invaluable contributions to our Nation. The American Lung Association was founded in 1904 for the purpose of eliminating tuberculosis. As they neared that goal in the middle of the century, they also turned their attention to research, education, and advocacy against other lung ailments, including lung disease and asthma, and their environmental triggers. Each year, more than 360,000 Americans die of lung disease. Responsible for one in every seven deaths, lung disease is the third highest cause of death in America. While the death rates for diseases such as heart disease and cancer are beginning to decrease, the lung disease death rate is climbing. The American Lung Association is needed now more than ever, and I am confident that they will continue to fight to end asthma and other respiratory ailments. I would like to thank their excellent staff and countless volunteers who work around the clock to bring attention to these diseases and educate our communities. I am honored to have worked with this association during the past ten years in Congress, and I would like to once again congratulate the American Lung Association on 100 years of advocacy.

FALLEN HEROES

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to offer some reflections on this past Memorial Day. Every year, we as a Nation take time at the end of May to remember those men and women who have given the ultimate sacrifice—their lives—to protect and defend our great country.

For many, Memorial Day Weekend has become the traditional start of the summer season. Parades and celebrations are held across the country, and many families take their first trip of summer to the beach, or hold a big backyard barbeque, or go swimming at the newly reopened community pool. In Indianapolis, we spend the holiday weekend hosting this country's greatest auto race—the Indy 500—where we revel in the thrill of speed and marvel at the latest advancements in automotive design and engine development. The Indy Car fans and the Indy Car family of racers have shown themselves to be among the most patriotic of Americans, and I'm proud to celebrate Memorial Day weekend with such a tremendous group of people year after year. Yet, I fear that in the rush to enjoy the fruits of summer, we all too often forget that we are only able to hold these celebrations, and enjoy the freedom to travel where we want when we want, because of generations of men and women who put their lives on the line to protect and preserve our freedoms.

As our young men and women risk their lives in a global War on Terror, and continue to fight for peace and stability for those who spent years living under tyranny and oppression in Afghanistan and Iraq, I would hope that each of us will pause to remember the true meaning of Memorial Day, then give thanks, and perhaps pray, for those who have willingly put themselves in harm's way to keep us free. Each one—from the most decorated General and Admiral to the lowest ranking enlisted man or woman—from the fighter pilots and gunners to the mechanics, quartermasters, and the cooks—each and every one is a hero.

FALLEN HEROES

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. STUPAK. Mr. Speaker, as we return from observing Memorial Day in our districts, I rise to pay a tribute to a man who made the ultimate sacrifice for his country during the Vietnam War. This weekend, I had the honor of presenting Staff Sergeant Adrian J. Anglim's family with the two Bronze Stars he earned during his service in the United States Army, but never received until last year. His story serves as a shining example of courageous service to his country.

Adrian Anglim was born on January 9th, 1934 in Ironwood, Michigan. After attending St. Ambrose High School in Ironwood and Northern Michigan University in Marquette, he joined the Michigan National Guard. He was serving as a Junior ROTC instructor for Bessemer High School when he was called up to active duty and assigned to Fort Riley, Kansas where he joined the First Infantry Division.

Staff Sergeant Anglim arrived in Vietnam in April 1966 and served with distinction as a member of the First Infantry. His courage and leadership in combat earned him two bronze stars which, thanks to the efforts of his platoon leader, his family has finally received.

To illustrate the debt that our country owes Adrian Anglim, I would like to read two passages from the citations for his bronze stars. The first describes then Staff Sergeant Anglim's performance throughout his combat service. It reads:

> For meritorious achievement in connection with ground operations against a hostile force in the Republic of Vietnam during the period 28 April 1966 to 25 August 1966. Through his untiring efforts and professional ability, Staff Sergeant Anglim consistently obtained outstanding results. He was quick to grasp the implications of new problems with which he was faced as a result of the ever changing situations inherent in a counterinsurgency operation and to find ways and means to solve those problems. The energetic application of his extensive knowledge has materially contributed to the efforts of the United States Mission to the Republic of Vietnam to assist that country in

> ridding itself of the communist threat to its freedom. Staff Sergeant Anglim's initiative, zeal, sound judgment, and devotion to duty have been in the highest tradition of the United States Army.

The second citation accompanied Sergeant Anglim's Bronze Star with a "V" device, signifying valor. This medal was awarded for Anglim's heroism the day that he gave his life for his country. It reads:

> For heroism on 25 August 1966 in the Republic of Vietnam while participating in an operation in Binh Duong Province when called to assist a Long Range Reconnaissance Patrol heavily engaged with the Viet Cong Phu Loi Battalion. As his company approached the enemy camp it encountered intense enemy fire. At great personal risk, he moved among the platoon to establish a defensive position. His leadership under intense fire enabled his men to occupy defensible terrain in front of the enemy trench line. By this time, his element had been reduced to himself and one rifleman. Using one remaining radio and company mortars, the platoon leader and Sergeant Anglim devised a plan to suppress enemy mortars directly to their front. While under constant enemy fire, Sergeant Anglim was able to provide directions for the adjustment of company mortars, forcing the enemy to displace twice. While directing fire on their third location, he was killed instantly by enemy small arms fire. His heroic actions enabled other units to maneuver to engage the enemy and block their escape. Sergeant Anglim's exemplary courage was in keeping with the finest traditions of military service and reflects great credit upon himself, his unit, and the United States Army.

Mr. Speaker, I also want to mention Sergeant Anglim's family. After his tragic death, Sergeant Anglim's wife Marilyn raised their three children on her own, which is no small feat. Today, their twins Van and Ann are 46. Van is an employee of the Defense Department working on missile systems. Ann is working as the facilities manager for the Ann Arbor Public Schools in Ann Arbor, Michigan. Their son Paul is 42 and a Lieutenant with the Wyoming, Michigan Police Department.

As Adrian Anglim's children grew up and tried to learn more about the father they never really knew, they talked to James Holland, who was their father's platoon leader in Vietnam. They were able to learn what had happened to their father from someone who was there, and who benefited from his heroism.

When Mr. Holland realized that Sergeant Anglim's family had never received the additional medals that he had earned, he took steps to see that those recommendations reached the Army and that Sergeant Anglim was finally recognized for his bravery in battle. I had the honor of presenting those medals to Marilyn Anglim and her children in a ceremony at the American Legion Post #71 in Gladstone, Michigan this past weekend.

Mr. Speaker, Adrian Anglim served his country bravely and deserves our deepest gratitude for his service and his ultimate sacrifice. I ask that the House join me in honoring this fallen American soldier.

FALLEN HEROES

SPEECH OF

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. THOMAS. Mr. Speaker, I rise today to remember the brave men and women who lives have been lost in the War on Terror. I am privileged to represent several military installations, including Edwards Air Force Base, China Lake Naval Air Warfare Center, Weapons Division, Camp San Luis Obispo and Camp Roberts. Thousands of active duty military, Reservists, National and California Guardsmen and women and civilian defense contractors serve our country at these installations every day. Four young men from the 22nd Congressional District of California, that I represent, have given the ultimate sacrifice for their country, and I would like to honor them today.

Army Private First Class Michelangelo Mora Jr., age 19, of Arroyo Grande, California, was killed in Najaf, Iraq on May 14, 2004. He was buried at the Arroyo Grande District Cemetery on May 24, 2004. Pfc. Mora attended the military-style Grizzly Youth Academy at Camp San Luis Obispo and received his GED there. After working for a year, Pfc. Mora enlisted in the Army with his family's support. His family and the community of Arroyo Grande mourn the loss of an outgoing young man who was looking forward to returning home after his tour with the 3rd Squadron, 2nd Armored Cavalry Regiment, 1st Cavalry Division.

Army Sergeant Marvin Sprayberry III, age 24, of Tehachapi, California, was killed in Balad, Iraq on May 3, 2004. He was buried at Arlington National Cemetery on May 14, 2004. Sgt. Sprayberry's family journeyed across the country to bury a young man they remember as a loving husband to his wife Nadja and a devoted son who called home every Saturday to tell his parents he was okay. Sgt. Sprayberry joined the Army soon after his 1997 graduation from Tehachapi High School, and he spent a tour in Germany where he met Nadja, and two tours in Kosovo before his deployment for Operation Iraqi Freedom as a Bradley tank mechanic. The community of Tehachapi mourns his loss.

Army Staff Sergeant David S. Perry, age 36, of Bakersfield, California, was killed August 10, 2003 in Baquabah, Iraq. Perry was assigned to 649th Military Police Company, U.S. Army National Guard, Camp San Luis Obispo. Staff Sgt. Perry's 'real job' was as a prison guard at Wasco State Prison, and he was known for his reliability and love for his family. He joined the military after high school, and then later joined the National Guard; he had been assigned to the 649th for about 10 years. Staff Sgt. Perry's wife and children, along with the citizens of Bakersfield, mourn his loss.

Staff Sergeant Brian "Cody" Prosser, age 28, of Frazier Park, California, was killed in Afghanistan on December 5, 2001. He was buried at Arlington National Cemetery on December 17, 2001, and I was privileged to join his family and fellow Green Berets to pay tribute to this young man who chose to leave his close-knit community in the Los Padres National Forest to serve his country in the Special Forces. Frazier Park remembers Staff Sgt. Prosser as the captain of the Maricopa High School football team and the 'Most Spirited' in his senior class.

In addition, I would like to remember two other soldiers who died in Iraq and who are mourned by their families that are constituents in my district.

Army Sergeant Michael W. Mitchell, age 25, of Porterville, California, was killed in Sadr City, Iraq on April 4, 2004. Sgt. Mitchell's father lives in Atascadero, California, and he has been deeply affected by the loss of his son. Sgt. Mitchell was assigned to the Army's 2nd Battalion, 37th Armor Regiment, 1st Brigade, 1st Armored Division, Ray Barracks, in Friedberg, Germany, where he met his fiancée, Bianca. He is remembered by his community as a dedicated and disciplined athlete.

Army Staff Sergeant Richard A Burdick, age 24, of National City, California, was killed December 10, 2003 in Mosul, Iraq. Staff Sgt. Burdick's mother lives in Ridgecrest, California, and his wife and children were living in Lancaster, California at the time of his death. He loved his family and was dedicated to his country, coming from a family of military men. Staff Sgt. Burdick's great-grandfather served in WWI, his grandfather served in WWII, and his father served in the Navy for 21 years. His local communities mourn his loss.

I ask my colleagues to reflect with me on the lives of these six men and the many others from past and current conflicts who have given their lives in service of their country.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. JONES of Ohio. Mr. Speaker, had I been present for the following: Rollcall vote No. 212, H. Con. Res. 417, Honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force;

Rollcall vote No. 211, H. Con. Res. 612, Recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004; and

Rollcall vote No. 210, Congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States, I would have voted in the affirmative.

CONGRATULATE AND HONOR 28 OUTSTANDING HIGH SCHOOL ARTISTS FROM THE 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers in raising young men and women. I rise today to congratulate and honor 28 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts competition, "An Artistic Discovery." Their works are exceptional!

Mr. Speaker, I would like to list each of them, their high school, and their contest entries for the official Record.

We had 28 students participate. That is a tremendous response and I would very much like to build on that for next year's competition.

This year, Mr. Speaker, the winner of "An Artistic Discovery" was Elaina Filauro from Morris Knolls High School for the work entitled "Birthday Baby." Second place went to Lina Chung from Millburn High School for "Me." Third place and the Viewer's Choice Award was given to Mark Tumiski from Ridge High School for the work titled "Interface."

Honorable mentions were awarded to Sophia Casas of Ridge High School for "One Love," Jeffrey Hanft of Ridge High School for "From the Window," Patrick Marvin of Mount Olive High School for "The Fade," Eileen Choi of Millburn High School for "Still Life," Chih Chun Mei of Livingston High School for "My Life," and Miguel Cruz of Roxbury High School for "Patriotic Still Life."

Excellent art work was also submitted by Boonton High School's Cydny Pina "Self Portrait," Sarah Castronovo "Clashing," Jonathan Tindall for "Self Portrait," Nataliya Yermolenko for "Self Portrait;" Livingston High School's Nadar Lipkin for "Last Minute Study," Paul Imperio for his untitled work, Dave Krause for his untitled work, Joey Sbarro for "Transcendence;" Roxbury High School's Ryan Jouas for "Self Portrait #1;" Morris Knolls High School's Kassandra Condit for " Rock Ridge," Allyson Harvey for "Mindful Solitude," Erin Gotthelf for "Looking In a Box;" Millburn High School's Sarah Maurer for "Oska," Sarah Burford for Two-Faced;" Montville High School's Elizabeth Lagerstrom for "Reflection and Shadow," Julia Hermanowski for "Colors of Self-Reflection," Jenny Kong for "Apple Picking," Yena Lee for "Art Museum;" and Ridge High School's Alice Yan for "Through the Looking Glass."

Each year the winner of the competition's art work hangs in a special corridor here at the U.S. Capitol with other winners from across the country. Every time a vote is called, I get a chance to walk through that corridor and am reminded of the vast talents of our young men and women.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Mr. Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

50TH ANNIVERSARY OF THE VILLAGE OF WOLVERINE LAKE, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor the Village of Wolverine Lake, Michigan on the occasion of its 50th anniversary. Incorporated on April 5, 1954 under the State of Michigan's long tradition of Home Rule, the Village of Wolverine Lake's caring citizens, diligent community leaders, superior schools, and vibrant economy accumulate and constitute an exceptional civic life for its citizens.

The Village of Wolverine Lake's rich history dates back to 1919, when Dr. Howard Stuart's efforts led to the construction of a dam connecting several area lakes to form Wolverine Lake. Local residents then established the Consolidated Subdivision of Wolverine Lake Neighborhood Association to maintain and protect the beauty of Wolverine Lake. The Village of Wolverine Lake has now grown to a population of more than 4000 residents. Undoubtedly, the Village of Wolverine Lake will continue to fulfill its promise of boundless opportunity and beauty for its people.

Mr. Speaker, today I ask you and my esteemed colleagues to please join me in congratulating the Village of Wolverine Lake on their very special anniversary.

TRIBUTE TO AMBASSADOR C.J. CHEN OF THE REPUBLIC OF CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BURTON of Indiana. Mr. Speaker, soon Ambassador C.J. Chen of the Republic of China (ROC) will be returning to Taiwan after serving as his country's chief representative in the United States for the last four years. I would like to take this opportunity to congratulate and salute Ambassador Chen for everything he has done to improve the political, economic, and cultural ties between the United States and Taiwan during his service here in Washington, D.C.

The Republic of China has been one of our most important and loyal allies in the World; and Ambassador Chen has worked diligently to strengthen the ties that bind our two great Nations despite the lack of formal diplomatic relations between the U.S. and Taiwan. Today, U.S.-Taiwan relations are the best they have been since the late 1970s. In fact, Taiwan and the United States are friends and partners, not merely allies, and I think that in large measure this is due to the tireless efforts of Ambassador Chen.

An expert in international law and diplomacy, Ambassador Chen has spent 37 years in the diplomatic service of the Republic of China on Taiwan—with over half of his career spent here in the United States. In fact, he has been assigned to Washington, D.C., three different times, beginning as a third secretary in the ROC Embassy in 1971. In 1983, he began a seven-year stint as Deputy Representative far Taiwan's Representative Office, and in 2000, he started his present job as Representative. Over the course of his long and distinguished career, C.J. has also held several prominent positions within Taiwan's government, serving as Foreign Minister, Government Spokesman, and Legislator.

During the past four years, Ambassador Chen has forged many close personal relationships and made hundreds of friends—I am proud to count myself among that company—proving that he was one of the hardest-working diplomats and also one of the most gracious hosts, on Embassy Row. With respect, graciousness, and a keen sense of humor, whit, Ambassador Chen has helped many American audiences, large and small to more fully understand the sometimes difficult issues relating to Taiwan, such as Taiwan's recent Presidential elections and national referendum. He has also helped put into perspective Taiwan's military needs, Taiwan's efforts to join international organizations like the World Health Organization, and Taiwan's economic and political achievements, especially in the area of human rights and freedom of the press, where the actions of Taiwan stand in stark contrast to the brutal perpetrators of the Tiananmen Square massacre.

Mr. Speaker, I am personally sad that Ambassador Chen and his beautiful wife, Yolanda Ho, are leaving Washington. It is a little-known fact that Yolanda—a renowned designer in Taiwan's textile and apparel industry—actually designed the wedding gown for Linda Hall Daschle when she married the current Senate Minority leader, TOM DASCHLE of South Dakota. I hope that they will both look back fondly upon their years in Washington as a valuable and rewarding time. The diplomatic and cultural community of Washington will certainly be diminished by their absence. Nevertheless, we are grateful for the time they could spend here, and I know that they will both continue to make lasting contributions to the future enrichment of relations between Taipei and Washington. I wish them all the best for a successful and happy future, which they so deeply deserve.

RECOGNIZING THE BRAMLEY FUNERAL HOME IN DIVERNON, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Bramley Funeral home in Divernon, Illinois on the occasion of its 80th anniversary on June 6, 2004.

Bob Bramley helped his late father, Chester Bramley, in the family's mortuary business many years ago. Bob graduated from high school in 1939 and went to work as a clerk for the C & IM Railroad; served in the armed forces from 1942 to 1946 as a Master Sergeant in the Army Medical Corp. In 1947, he attended mortuary school in Saint Louis, Missouri and graduated in 1948. Bob and his wife Carolyn were married on December 27, 1947, and worked with his father until his father passed away in 1967. The Bramley's also operated an ambulance service, which discontinued service in 1981.

Tim Bramley, Bob and Carolyn's son, went to mortuary school in Carbondale, Illinois and received his license in 1979. Tim then went to work at the Bisch Funeral Home in Springfield, Illinois for 13 years. Tim left Bisch Funeral Home and went to work with his father when the Bramley's opened a second funeral home in Auburn, Illinois on June 4, 1991. Tim's daughter Sarah graduated from the Carl Sandburg Mortuary School in Galesburg, Illinois in May of 2003 and is currently serving as an apprentice with her grandfather and father.

In addition to the family's business, Bob has also worked for the Postal Service for 22 years, kept books for the Divernon School District for 30 years, and worked as the Village treasurer for 49 years. Bob also served many years the secretary and treasurer of the Divernon Fire Protection District and is currently the secretary and treasurer of the Brush Creek Cemetery Board, a position which he has held for 45 years.

Bob states that his wife, Carolyn, has always been there in the background; her help and support have been invaluable to him throughout the years. Mr. Bramley feels strongly about providing this service to the community, even though being in a small town is difficult because every person who passes away is your friend. Mr. Bramley has dedicated his whole life to the community and the village of Divernon has recognized June 6, 2004 as "Bob Bramley Day."

FALLEN HEROES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the brave men and women who have served our nation by paying the ultimate sacrifice in defense of freedom and democracy.

While we should honor all our nation's veterans both living and dead throughout the year, on this particular Memorial Day, we pay tribute to the nation's World War II veterans. On May 29th, the World War II memorial, a fitting tribute to "the Greatest Generation," will be dedicated on the National Mall. Hundreds of thousands of World War II veterans and their families will visit the memorial which is a permanent reminder to us and to future generations that the sacrifices made by the soldiers who served overseas, their families, and the Americans who were on the homefront, saved the world from tyranny. From the beaches of Normandy to the Battle of Midway to the construction of the China-Burma-India Road, these soldiers fought for a cause bigger than themselves.

One of these heroes, Michel Thomas, resides in my congressional district and recently was awarded the Silver Star for his extraordinary courage during World War II. I, along with Senator John McCain (R–AZ), worked with the Department of Defense on Mr. Thomas's behalf so that he finally would receive the honor he so justly deserves.

Michel Thomas was born in Poland to a Jewish family with a thriving textile business. In 1933, he fled Hitler's regime in Germany for France. Thomas last saw his family in 1937. He later learned they were all murdered at Auschwitz.

During the war, he survived two years of concentration and slave labor camps in Vichy France and narrowly escaped deportation to Auschwitz. He joined the Secret Army of the French Resistance, where he was active for two years as a commando leader. In 1943, Thomas was caught by and escaped from Klaus Barbie, the notorious Butcher of Lyon. The next year Thomas served in Combat Intelligence in the 180th Regiment of the U.S. Army 45th Division, The Thunderbirds, and was nominated for the Silver Star for his bravery.

On April 29, 1945, Thomas, an agent in the U.S. Army's Counter Intelligence Corps (CIC), arrived at Dachau concentration camp on the day of liberation. Thomas interrogated and photographed the crematorium workers. Two days later Thomas captured the "Hangman of Dachau," Emil Mahl, who was subsequently convicted of war crimes.

In early May 1945, Thomas tracked a convoy of trucks to a paper mill outside Munich, where he rescued from destruction the Nazi Party's worldwide membership card file of over ten million members. The Nazi leadership had shipped the cards, along with tons of other important Third Reich government documents, to be pulped in the final days of the war. These documents became the heart of the collections of the U.S.-run Berlin Document Center, and were crucial in the Nuremberg war crimes trials and in the denazification of Germany.

In 1946, Thomas helped to capture Gustav Knittel, who was convicted of war crimes for his role in the Malmedy massacre of American POWs at the Battle of the Bulge. I am proud to honor Michel Thomas for his heroism.

On Memorial Day, it is fitting that we honor all the men and women of the Armed Forces who have served their nation throughout history including those who are currently risking their lives around the world, including in Afghanistan and Iraq. I have been to both countries twice and have visited with soldiers from New York and across the country. I especially want to note the contributions of the 10th Mountain Division from Fort Drum under General Austin's leadership, and the 1st Battalion, 69th Infantry Division of the New York Army National Guard, located in my district, who just shipped out to Iraq on Monday. While they are serving in Iraq, I will be fighting to pass legislation to ensure that they receive full military retirement credit for their days of service at Ground Zero after the terrorist attacks of 9/11.

I am pleased to note that today we are passing legislation to correct a longstanding inequity in survivor benefits for the spouses of our fallen veterans. The "National Defense Authorization Act for Fiscal Year 2005" provides for a 5-year phase-in to eliminate the Widow's Tax. This unfair tax penalizes the widows and widowers of military retirees by reducing their Survivor Benefit Plan benefit from 55 percent of the retiree's pension to 35 percent once they reach age 62, normally the same age she or he is eligible for Social Security. The Social Security benefit the surviving spouse receives is often less than the reduction in the benefit, which results in a net loss of income. This legislation brings long overdue relief to the surviving spouses.

I will continue to support the members of Armed Forces in every way that I can. We owe all of them a debt of gratitude which we can never repay. They helped to make this country what it is today, and they have brought peace to other nations across the globe.

I would like to thank my colleagues from New York Representatives RANGEL and WALSH for organizing today's moment of silence for America's fallen soldiers.

HONORING THE FRATERNAL ORDER OF EAGLES AERIE 629 (DORT HIGHWAY)

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to bring to your attention that during the month of February 2004 the Fraternal Order of Eagles Aerie 629 (Dort Highway) of Flint, Michigan celebrated their 100th year of brotherhood.

The Fraternal Order of Eagles formerly known as the "Seattle Order of Good Things" was founded in Seattle, Washington on February 6, 1898. The organization's informal slogan is " People Helping People" (F. Hector Gauthier, North Uxbridge, Mass.) Six short years later, on February 17, 1904 the Flint Dort Highway Fraternal Order of Eagles Aerie 629 chapter was chartered with 61 members. Former Flint Mayor George McKinley was the chapter's first President and Floyd Simson a Pharmacist/Drugstore owner was the Secretary. The club held meetings in the old Woolworth building twice a month until they relocated to the 2nd floor of the State Theater in June of 1905. In 1907 they moved to Castel Hall where they occupied the entire 3rd floor. As the organization's location changed so did its membership. In 1938 their Auxiliary was chartered with 71 members while located at the Smith and Waters building, which was purchased from Dort Motor Company in 1922. The club added a 10,000 square foot addition to the building which they called home until a fire destroyed the building and forced them to move to the second floor of the Samons building located at First and Garland. They remained there until 1980 when they purchased the building known as the Freeman Ice Cream Building. The organization began remodeling efforts immediately, with most of the work being done by its members. The building was completed in 1981 and a banquet hall was added just in time for their 1984 District Wide Initiation. New candidates from all the clubs in

District Four were initiated during the event. The Fraternal Order of Eagles is an organization committed to the American people. Throughout its 100 years, they have strived on a daily basis to make this country a better place for all. This is an extraordinary club of men working for the betterment of our nation. I am proud to say that there is a chapter in my hometown of Flint addressing the needs of my community.

Mr. Speaker, many people have greatly benefited from the generosity of these fine men. They are indeed men of moral character committed to improving the welfare and dignity of those in need. I ask my colleagues in the 108th Congress to please join me in paying tribute to the Fraternal Order of Eagles Aerie 629 (Dort Highway) Flint Chapter as they celebrate 100 years of solid brotherhood and in wishing them the very best in future endeavors.

RECOGNIZING THE MERCURY NEWS FOR ITS ARTICLE "DISCOUNT CARD DOUBT"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. STARK. Mr. Speaker, I rise today to recognize an outstanding piece of journalism that appeared in The Mercury News in San Jose, California. The article, "Discount Card Doubt" presents the realistic confusion Medicare beneficiaries face in choosing a discount card. As the Centers for Medicare and Medicaid Services and individual card sponsors bombard beneficiaries with glossy marketing materials, I am proud to know that my constituents are receiving a fair and balanced account of the drug card debacle. I would like to thank Barbar Feder Ostrov for her exceptional reporting, and for informing the people of my district about the benefits and dangers of the Medicare approved drug discount card program.

It is with pleasure that I submit the attached article, "Discount Card Doubt," for inclusion in the CONGRESSIONAL RECORD. The article originally appeared in the May 26, 2004 edition of The Mercury News.

DISCOUNT CARD DOUBT

COMPLICATED SYSTEM: CHOOSING ONE OF 73 PLANS IS A HASSLE, SENIORS SAY

(By Barbara Feder Ostrov)

Betty Cozzi is trying to keep an open mind about the new Medicare discount cards. Last week, she dutifully sat through a presentation with a nice lady showing PowerPoint slides at Cambrian Center, the San Jose senior apartment complex where she lives.

But the whole thing is pretty annoying, in her view.

"They've made it so complicated," said Cozzi, who is 71. "We should be able to sit down and read the information without being talked to like we're second-graders. And I don't even know if the card will help me."

As Medicare drug discount cards go "live" next Tuesday, seniors like Cozzi are wading through a swamp of conflicting and sometimes downright inaccurate information as they assess which card they want to buy—that is, if they want to buy one at all.

The cards, which offer Medicare recipients discounts on both brand-name and generic prescription drugs, are the first of a series of Medicare prescription drug reforms providing temporary relief from rising medication costs until a larger benefit takes effect in 2006.

Some cards are free, while others can cost up to $30. They offer discounts of 15 percent to 20 percent on the average retail prices for brand-name drugs, with deeper discounts of 30 percent to 60 percent on generics, according to the Centers for Medicaid and Medicare Services, the federal agency that oversees Medicare.

About 3.2 million seniors in California could benefit from the discount cards, saving about $515 million on their medications in 2004 and 2005, the years when the cards will be available, according to a study released last week by the Business Roundtable, a trade group for chief executives of large corporations. The study also found that about 105,000 California seniors will qualify for a $600-a-year credit for low-income people that can be applied toward drug purchases made with the cards in 2004 and 2005.

But seniors may find deeper discounts purchasing from Canadian pharmacies, U.S.-based mail order houses or even Costco, as a Mercury News analysis of 10 common drugs shows (see chart).

NOT MUCH SAVINGS

A little-known state program in which participating pharmacies offer prescription drug discounts to California Medicare recipients was the most expensive option for some drugs, the analysis shows.

Cozzi, a retired executive secretary, isn't poor enough to qualify for the $600-a-year credit, but her income is limited enough that she only takes Plavix, an expensive drug that prevents strokes and heart attacks, every other day, rather than the daily dose her doctor recommends.

Plavix, which isn't available as a cheaper generic, can cost nearly $1,500 annually, and Cozzi must also take other medications like Lipitor, which can cost an additional $800-plus each year. She tries to save money by ordering her drugs through a U.S. mail-order service offered by her supplemental Medicare insurance.

Cozzi said she is just starting to research which Medicare discount card might be best for her, but it's a trying endeavor. There are 73 different Medicare-approved cards, and every one covers different drugs, with pricing that can change weekly. Once Cozzi buys a card, she won't be able to buy a different one this year.

She has a few options: She can call (800) MEDICARE and ask a representative which cards cover the medicines she takes. She can call the Health Insurance Counseling Assistance Program, which helps California seniors navigate Medicare, where a counselor can help her determine which card will provide the lowest prices on her medications.

"This should be a lot more simple," Cozzi said. "But I guess some discount is better than nothing."

Although Medicare was rapped earlier this month for long waits on its telephone hotline, it has added workers to ease the backlog. On two different afternoons last week, there was only a one-minute wait to speak to a representative on the hotline.

Cozzi also can go online to www.medicare.gov, where she will encounter a complex drug search engine that some seniors have criticized for providing inaccurate information. And she can visit her local pharmacy for card applications, but if it's a chain that offers its own card, it may not display information about competing cards that might save her more.

NOT WORTH IT FOR SOME

"People are finding it very complicated," said Vicki Gottlich, an attorney with the Center for Medicare Advocacy, a public-interest law firm.

"We're hearing from highly educated, highly competent people that it just may not be worth it," Gottlich said. "They're not sure the discounts are that great and the information they're finding is accurate."

Gottlich recommends that seniors verify with their own pharmacists the information they receive from the Medicare Web site or telephone representative, because in some cases, pharmacists haven't been notified about the discounts or whether their pharmacy is in a particular card's network.

HMO DISCOUNT CARDS

While Cozzi has a supplemental Medicare plan that allows her to purchase any card she wants, some seniors with Medicare HMOs such as Kaiser Permanente's Senior Advantage may only apply for the cards offered by their HMO.

That irks Kaiser member Caroline Castiglione of East Palo Alto. Castiglione could purchase Kaiser's Medicare discount card for $30, but it will save her only $1.40 a year on Fosamax, a brand-name osteoporosis drug, at Kaiser pharmacies. She called a nearby, non-Kaiser pharmacy to see what discount the Kaiser card might offer, but the pharmacist didn't know.

"To pay $30 to save $1.40, it doesn't make sense," said Castiglione, who is 81. "I don't buy a pig in a poke, I want to know what I'm buying. I'm very frustrated."

DISAPPOINTMENT WITH REVISED CONFERENCE REPORT REGARDING THIS YEAR'S HEALTH AND HUMAN SERVICE BUDGET PROPOSAL WITH RESPECT TO MINORITY HEALTH AND THE HEALTH OF AMERICA'S MOST VULNERABLE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to share my deep disappointment about the revised Conference Report regarding this year's Health and Human Service budget proposal and how it impacts change for minority health and the health of America's most vulnerable populations. The House conference report can only be viewed as a slap in the face and an insincere gesture to address systemic health problems faced by minorities and women. With few exceptions, the conference report includes policy-based numbers only for 2005 and provides but meaningless placeholder numbers for 2006 through 2009.

The Budget Act requires that the budget resolution cover five years: this conference report clearly violates the spirit of that requirement by providing in essence only a shell of a five-year budget resolution. It has been a quarter of a century since a budget resolution conference report covered only one year.

Mr. Speaker, this budget mainly benefits the healthy and the wealthy, because the conference agreement provides only $864.3 billion for 2005 discretionary funding, including the $50 billion for operations in Iraq and Afghanistan. Excluding funding for these operations, the total is $8.6 billion less than the President's already dismal budget sent to Congress back in February.

The conference agreement increases funding for both national defense and homeland security, and cuts 2005 funding for domestic programs by $7.6 billion—below a freeze at the 2004 enacted level and by $18.3 billion below the level needed to maintain services at the 2004 level. Excluding the increases for homeland security, the conference agreement cuts the remaining domestic programs even more. The conference agreement contained deep and arbitrary cuts to healthcare programs that are critical to serving minority populations.

Over five years, the budget cuts spending for mandatory health programs by $905 million. Medicaid constitutes over 90 percent of the dollars for these programs, so it is likely that Medicaid will bear the brunt of these spending cuts, if they are enacted. But this is just the beginning Mr. Speaker. The budget cuts funding for the uninsured by slashing HCAP, the Healthy Community access program, from $120 million to $10 million.

The House's conference report slashes Health Professions funding by 70 percent, from $409 million to $126 million, eliminating funding for important programs to address the nursing shortage and to train health professionals for cultural competence. New York alone will receive a cut of $22 million.

The House's conference report cuts the Public Health Improvement accounts in half. Reductions to this account not only jeopardize the electronic information infrastructure, and other activities needed to monitor and respond to bioterrorism, but also affect programs to eliminate racial disparities.

The House's conference report slashes rural health activities by $91 million below this year's enacted level—or by 64 percent. This cut includes eliminating the $39 million rural health flexibility grant program and drastically cutting back rural health outreach grants, used to expand clinical services in rural areas.

The House's conference report provides an inadequate increase of only 2.6 percent for NIH. According to patient and research advocates, NIH must receive budget increases of 8 to 10 percent to capitalize on the progress being made in biomedical research. The Bush budget will not even allow NIH to continue existing grants.

The House's conference report cuts funding far the Office of Minority Health by 15 percent from this year's enacted level. This office supports disease prevention, health promotion, service demonstration, and educational efforts that focus on health concerns that cause the high rate of disease in racial and ethnic minority communities. In addition, it does not propose to reauthorize the Office, whose authorization expires in 3 years. This is a very bad omen, in the face of the large and growing healthcare disparities in minority communities.

The House's conference report cuts bioterrorism hospital preparedness grants by $39 million. This will leave a host of unfunded Federal mandates and will further burden already strained resources at hospitals that serve minority and rural communities.

The House's conference report zeroes outs the healthcare facilities improvement projects, halting all healthcare infrastructure projects that are supported through Federal contracts. Many of the projects are in rural and urban communities that serve minority populations.

The House's conference report only level-funds grant programs for organ transplantation and bone marrow donor registry, which has helped a number of people in underserved communities to get transplants.

The House's conference report also levelfunds the telehealth program, which has been instrumental in providing healthcare in rural and Native American communities that currently lack healthcare infrastructure and service providers.

The House's conference report freezes funding for the Indian Health Service's health professions program, diabetes grants program, and medical equipment program. Native Americans have the highest rate of diabetes and the lowest production of health professionals in the Nation.

The House's conference report freezes funding for the mentoring of children of prisoners, for programs that address developmental disabilities, violence against women, and runaway and homeless youth programs in the Department's Administration for Children and Families.

In addition it cuts $33 million from the Early Learning Fund and $3 million from the Child Abuse Discretionary Activities account. Both programs support a number of organizations in minority communities.

Mr. Speaker, our healthcare system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for minority populations, who for almost every illness are impacted most severely and disproportionately.

Today we know that much of it happens because, even when minorities have access to care, the medical evaluations and treatments that are made available to everyone else are denied to them—not only in the private sector but in the public system as well. Acknowledging this, we worked with the other minority caucuses and the progressive caucus to close the gaps in funding for programs that would close these gaps in the CBC budget. While our measure garnered a record number of votes, it failed.

We also worked with the Senate and got an amendment included in their budget resolution for an additional $400 million to be dedicated for minority health, and it is our sincere hope that the amendment is included in the final budget report and that it will be treated as a clear signal to appropriators on the need to address the health concerns of minority populations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 3, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for May.
SD–628

10 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

JUNE 8

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine the arthritis epidemic.
SD–430

Energy and Natural Resources
To hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission.
SD–366

Finance
To hold hearings to examine the Medicare Drug Card, focusing on delivering savings for participating beneficiaries.
SD–215

Indian Affairs
To hold hearings to examine S. 2436, to reauthorize the Native American Programs Act of 1974.
SR–485

Judiciary
To hold an oversight hearing on the activities of the Department of Justice, focusing on terrorism and other related topics.
SD–226

2 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine hostility to religious expression in the public square.
SD–226

2:30 p.m.
Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the challenges and successes the U.S. Food and Drug Administration (FDA) has experienced since the passage of the Dietary Supplement Health and Education Act of 1994.
SD–342

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 931, to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land, S. 1678, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, S. 2140, to expand the boundary of the Mount Rainier National Park, S. 2287, to adjust the boundary of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and S. 2469, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

SD–366

JUNE 9

9:30 a.m.

Foreign Relations

To hold hearings to examine international intellectual property piracy.

SD–419

10 a.m.

Governmental Affairs

To hold hearings to examine the amount the Department of Defense spends on unused airline tickets.

SD–342

Indian Affairs

To hold an oversight hearing to examine the No Child Left Behind Act; to be followed by a business meeting to consider pending calendar business.

SR–485

Judiciary

To hold an oversight hearing on activities of the Department of Homeland Security, focusing on terrorism and other related topics.

SD–226

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

JUNE 10

9 a.m.

Armed Services

To hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.

SH–216

JUNE 14

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Thomas Fingar, of Virginia, to be Assistant Secretary of State for Intelligence and Research, and Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to Thailand.

SD–419

JUNE 16

10 a.m.

Indian Affairs

To hold hearings to examine S. 1530, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

SR–485

2 p.m.

Indian Affairs

To hold hearings to examine S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

SR–485

JUNE 17

9:30 a.m.

Foreign Relations

To hold hearings to examine Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the "Convention"), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism ("Convention") Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States ("OAS") Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6).

SD–419

JUNE 23

10 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian Tribal Detention facilities.

SR–485

JUNE 24

10 a.m.

Foreign Relations

To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.

SH–216

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

POSTPONEMENTS

JUNE 16

2:30 p.m.

Energy and Natural Resources
Public Lands and Forests Subcommittee

To hold hearings to examine the grounding of multi-engine fire-retardant aircraft, steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, June 3, 2004*

The House met at 10 a.m.

Rabbi Joui Hessel, Washington Hebrew Congregation, Washington, DC, offered the following prayer:

God of all people, we thank You for all that is good in our world. We acknowledge Your sovereignty and everlasting presence in our lives. Bless us as we commit ourselves to continuing Your work of creation. For our commitment to social justice and peace is our task, and You our guide.

Allow our Nation's leaders and its citizens the opportunity to work together in an effort to create a world filled with righteousness and peace. Bless our magnificent country, that it may always be a stronghold of peace and its advocate among the Nations. May satisfaction reign within its borders, health and happiness within our homes. Strengthen our relationships among the inhabitants of all lands, so that we may work together for peace.

Blessed are You, God, who grants us life, sustains us and enables us to work for a better tomorrow. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 47, answered "present" 1, not voting 39, as follows:

[Roll No. 223]

YEAS—346

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Baird
Baldwin
Bell
Cooper
Costello
DeFazio
English
Filner
Ford
Graves
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hefley
Hinchey
Hooley (OR)
Hulshof
Johnson, E. B.
Kennedy (MN)
Kucinich
Lampson
Larsen (WA)
LoBiondo
McDermott
McNulty
Miller, George
Olver
Otter
Pastor
Peterson (MN)
Ramstad
Sabo
Sandlin
Schakowsky
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—39

Ballance
Bartlett (MD)
Boehlert
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Conyers
Crane
Cummings
DeGette
Delahunt
DeMint
Deutsch
Emerson
Engel
Fossella
Gerlach
Grijalva
Herger
Hunter
Istook
Jefferson
Johnson, Sam
Kingston
Lynch
Murtha
Rohrabacher
Slaughter
Smith (MI)
Tauzin
Thomas
Thornberry
Velázquez
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1028

Mr. RUPPERSBERGER changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. LINDER) come forward and lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 2, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from The Honorable Chris Nelson, Secretary of State, State of South Dakota, indicating that, according to the unofficial returns of the Special election held June 1, 2004, the Honorable Stephanie Herseth was elected Representative in congress for the At Large Congressional District, State of South Dakota.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

Attachment.

SECRETARY OF STATE,
Pierre, SD, June 2, 2004.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on June 1, 2004 for Representative in Congress from the At-Large Congressional District of South Dakota show that Stephanie Herseth received 132,236 votes or 50.6% of the total number of votes cast for that office.

It would appear from these unofficial results that Stephanie Herseth was elected as Representative in Congress from the At-Large Congressional District of South Dakota.

To the best of my knowledge and belief at this time, there is no contest to this election.

As soon as the official state canvass has been conducted on June 8, an official certification of election will be prepared for transmittal as required by law.

Sincerely,

CHRIS NELSON.

SOUTH DAKOTA CENTRAL ELECTION REPORTING SYSTEM STATE TOTALS—JUNE 1, 2004

[Statewide: Precincts reported: 798; precincts to report: 798]

Name	Party	Votes	Pct.
Dem. Presidential:			
Howard Dean	D	4.837	.06
John Kerry	D	69.454	82
Dennis Kucinich	D	2.043	.02
Lyndon Larouche	D	2.942	.03
Uncommitted delegates	D	5,104	.06
U.S. House:			
Larry Diedrich	R	129,292	.49
Stephanie Herseth	D	132,236	.51

PROVIDING FOR SWEARING IN OF MS. STEPHANIE HERSETH, OF SOUTH DAKOTA, AS A MEMBER OF THE HOUSE

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that the gentlewoman from South Dakota (Ms. STEPHANIE HERSETH) be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

SWEARING IN OF THE HONORABLE STEPHANIE HERSETH, OF SOUTH DAKOTA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from South Dakota (Ms. HERSETH) come forward and raise her right hand.

Ms. HERSETH appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are a Member of the House of Representatives.

☐ 1030

INTRODUCTION OF REPRESENTATIVE STEPHANIE HERSETH

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as Members know, it is the custom of the House when a new Member is sworn in after a special election, the senior Member from that Member's State has the privilege of introducing the new Member to the House. Since South Dakota only has one Member of Congress, that is not possible today; and so I have that privilege.

But I do want to acknowledge the escort committee to the gentlewoman from South Dakota (Ms. HERSETH), and that does have a nice ring to it, and what a distinguished escort committee it is, indeed: our former colleague, the Democratic leader in the United States Senate, TOM DASCHLE, and another former colleague from the House of Representatives, the distinguished Senator from South Dakota, Tim Johnson.

Mr. Speaker, the gentlewoman from South Dakota (Ms. HERSETH) will bring to this House of Representatives the values of the heartland of America and a voice for her generation. She comes from a very distinguished political family in South Dakota. Her grandfather was Governor; her parents were public servants, very respected in South Dakota. She comes here, though, to make her own mark and to make the people of South Dakota very, very proud.

Mr. Speaker, I am very pleased to recognize the distinguished gentlewoman from South Dakota (Ms. HERSETH).

EXPRESSING GRATITUDE AND THANKS FOR THE OPPORTUNITY TO SERVE AS REPRESENTATIVE FROM SOUTH DAKOTA

(Ms. HERSETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, I want to thank my fellow Members of the United States House of Representatives for that gracious and warm welcome. I thank the gentlewoman from California (Ms. PELOSI) for that very kind and generous introduction. I thank Senators DASCHLE and JOHNSON for taking the time to be here with me and my family today. I also thank another native South Dakotan, Jeff Trandahl, our Clerk here in the House, for all of his work and the work of his office. And I thank you, Mr. Speaker, for allowing me to be sworn in at the earliest opportunity so that the people of South Dakota can once again have their voice in this great Chamber.

I would also like to thank our Secretary of State in South Dakota, Chris Nelson, who certified the election with great speed so that the interest of our State could be represented in this distinguished body. I would also like to say a grateful thank you to the staff of former Congressman Bill Janklow, who have continued to serve these past several months and have been true to the welcoming spirit of South Dakota.

There are too many to thank for this great honor: my grandparents, especially my Grampa Ralph Stiles, who is here with me today, who gave me his unconditional love and support; my parents, the strongest people I know who taught me to reach across disagreements and work for a common good; and the people of South Dakota, to whom I pledge that I will do everything I can to represent them honorably and to always do what is best for our entire State.

And lastly, while the months and years ahead are filled with great possibilities, the unsettling truth is that my standing here today was born from a tragedy. The opportunity for me to represent my State would not have happened if not for the heartache suffered by many. That reminder will be with me always.

But from great sorrow can come new beginnings for my State at this time in our Nation's history, for all of us as a people. I am humbled by this moment and by the trust and responsibility that South Dakota has placed in me. I will do my best, and I will always remember why I am here.

In the language of the Lakota people, "pilamaya," thank you, and may God bless this great House of the people.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from South Dakota (Ms. HERSETH), the whole number of the House is adjusted to 435.

□ 1045

WELCOMING RABBI JOUI HESSEL, WASHINGTON HEBREW CONGREGATION, WASHINGTON, D.C.

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.).

Ms. ROS-LEHTINEN. Mr. Speaker, it is a real pleasure to welcome a special guest to our House from Miami, Florida, who shared her message of prayer and inspiration with us today, Rabbi Joui Hessel. We are happy to have the Rabbi and her wonderful family, who reside in my congressional district in Miami, Florida, with us here today.

Rabbi Hessel was ordained from the Hebrew Union College Jewish Institute of Religion in New York in 2001. While in Rabbinical School in New York, she served several congregations and also served as the Education Intern at Leo Baeck Temple in Los Angeles, California.

Rabbi Hessel is currently serving at the Washington Hebrew Congregation right here in Washington, D.C., as associate Rabbi. She has been in that capacity since June of 2001 and is active in many programs, including youth activities and adult education. The Rabbi is currently working on an educational article for a book on Parenting Young Adult Children.

Thank you, Rabbi Joui Hessel, for your spiritual leadership and for your prayers and for having such wonderful parents, who are my constituents.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will entertain 10 1-minute speeches per side.

NEW PRESCRIPTION DRUG CARD REDUCES COSTS FOR SENIORS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, effective June 1, each senior on Medicare who would like one could get a Medicare prescription drug discount card. This card will be good for about a 20 percent discount in most local pharmacies.

What the senior could do is dial 1-800-Medicare or go to WWW.MEDICARE.GOV and find out which of the local drugstores has the best deal on Lipitor or Glucophage or whatever he or she uses on a regular basis, and then, if it works, if it is a good idea, invest anywhere from $20 to $30, in that neighborhood, and choose which card is the best and start enjoying a 20 percent discount.

This is a program that precedes the 2006 voluntary program which was signed by President Bush, passed by this House and the Senate and endorsed by the AARP to give seniors on Medicare a prescription drug benefit.

It is a voluntary program, it reduces drug costs by about 50 percent, and it is something that we did not have in Medicare as an option before. It is a very good program, and I invite seniors to call 1-800 Medicare and take a look at it.

OPPOSING OUTSOURCING OF JOBS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. WOOLSEY. Mr. Speaker, my constituents write each week telling me about jobs that are being outsourced, asking me what is Congress doing about it. They are amazed and they are outraged that our President can support this policy, when over 1 million Californians are out of work.

I understand their concerns, especially when the Bush administration recently awarded a massive $10 billion government contract to Accenture, a company incorporated in Bermuda, when two American-based companies actually bid for the contract. They also know that the President used outsourced workers in India to make phone calls for his Presidential campaign. All of this, Mr. Speaker, when 8.4 million people are out of work nationwide.

Outsourcing is bad economic policy, and I urge the House leadership to address this issue immediately.

TRANSITION TO IRAQI SELF-GOVERNMENT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, to the new prime minister of Iraq, Dr. Ayad Allawi, let me say you are most welcome, sir. Dr. Allawi, in addition to being selected as the new prime minister for the country of Iraq, provided a very vociferous "thank you" to President Bush and the United States of America for ridding his country of the scourge of Saddam Hussein.

We have now seen two significant events this year, the standing up of the new Iraqi constitution, a constitution that respects majority rule but also respects the rights of the minority: a constitution that contains a robust bill of rights and the protection and the involvement of women in government. There is a clear goal understood by all who are involved in that process, to see the Iraqi people free and in charge of Iraq for the first time in generations.

America's task in Iraq is not only to defeat an enemy. It is to give strength to a friend, a free, representative government that serves the people and fights on their behalf. The sooner this goal is achieved, the sooner our job will be done.

The Iraqi interim government takes power on 30 June. It will serve for only 7 months until a new government is chosen through democratic elections to be held as soon as possible, but no later than the end of January, 2005.

AMERICANS DESIRE CHANGE OF DIRECTION

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, that old question remains relevant: Are you better off today than you were 4 years ago?

Under this Republican Congress and the Bush administration, there is no doubt that people in Silicone Valley are not better off. At home, one in three households has had a layoff since Bush took office. In January, 2001, the unemployment rate in San Jose was 1.6 percent. In April of this year, it was 6.2 percent.

Across the country, the average length of unemployment is the highest in 20 years. The overall job picture is the worst in nearly 40 years.

The truth is, House Republicans do not have a real plan. Instead, they are launching a public relations offensive ironically titled Hire Our Workers, HOW.

Yes, Americans want to know "how" Republicans can explain the loss of 2.2

million American jobs. "How" can Republicans think today's sham job training bill will help the 443,000 Californians who were laid off just last month?

Democrats have a proven track record of creating 22 million jobs in the nineties. Now Americans want a change in direction, not more votes on the same tired, gimmick proposals.

IBM WORKING TOWARD LIFELONG LEARNING

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, lifelong learning is very important to the competitiveness of this country. I would like to highlight what IBM, a company with a very strong presence in my district, is doing for lifelong learning.

When I visited IBM's Austin site recently, I learned about several programs that IBM has which promote science and math for children. The company's Young Explorer is an interactive apparatus that young children have to access many of the schools in districts around the country. It targets kids up to age 8. By making science and math fun, IBM hopes that these children will decide to go into areas of science and math.

IBM also runs the Excite Science Camp For Girls at 38 U.S. sites during the summer months. Such camps give seventh and eighth grade girls the opportunity to meet with IBM female engineers, design and build their own Web sites, and hopefully come to realize that engineering is a viable career option for them.

IBM has collaborative relationships with many colleges and universities. The company and students share resources and work together on research and development endeavors. The company also goes into the community and offers computer training.

IBM has the right idea. We need to create initiatives for U.S. employees to build new skills in today's global economy. If we do not, U.S. workers will get left behind.

EX-FELON VOTING RIGHTS BILL

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, I rise today to say that we have celebrated for veterans during the Memorial Day weekend in a very proper and respectful way.

Last evening, I introduced legislation that would correct an inequity for our veterans. Many would be surprised to learn that veterans who have served honorably in the United States military who have been discharged honorably, who subsequently, because of posttraumatic stress disorder, find themselves within the walls of prisons on a felony conviction, when they are released after they have served their time, Mr. Speaker, many of them in certain States are denied the right to vote.

Disenfranchisement of those who jeopardized their lives in our defense of democratic ideas is an offense to the conscience of our Nation. Denying veterans who committed a crime and served their sentences the right to vote is unconscionable.

This bill would give liberty and justice for all people, Mr. Speaker, especially for our veterans. I would encourage every Member of the House who respects and loves and honors the veterans of this Nation to sign on as a sponsor of this legislation.

PUTTING PROFIT BEFORE PATRIOTISM MUST END

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, time and again companies like Accenture have abused loopholes in the Tax Code to shirk their duties to the United States. They incorporate on paper in countries like Bermuda for the express purpose of avoiding U.S. taxes. There is no justification in today's world for this shameful practice, none.

Accenture also outsources jobs. Now we learn that the Department of Homeland Security has given Accenture a record $10 billion contract, I assume with the blessing of this majority, which has done everything in its power to allow this practice to continue, including watering down a provision that I authored to prohibit these companies from contracting with the Department of Homeland Security. I remind my colleagues that this House passed that provision by a vote of 318 to 110, with the other body following suit.

So when I hear some actually defend this practice, I think, tell that to the families of those men and women who have given their lives in Iraq and Afghanistan. Tell them that their loved ones gave their lives defending the right of multinational corporations to cheat the American taxpayer, because that is what they are doing.

The time for putting profit before patriotism has passed. That is what these folks are doing. Rewarding companies who have abandoned our country with government contracts, as this administration is continuing to do, is not only unpatriotic, it is immoral. It should end.

SENIORS OF AMERICA DESERVE BETTER PRESCRIPTION DRUG COVERAGE

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, the seniors of America deserve better. This Republican House and Republican Senate, as well as the President, have passed a Medicare bill at 3 in the morning that is a sham on seniors.

Our seniors need and want lower prescription prices. This bill did nothing to lower prices. Medicare negotiates for lower prices for the bulk of the 40 million Americans who need assistance. This bill does not allow our seniors to go to Canada, where medicines cost two-thirds less than what they are in America.

Finally, there is the discount card that is not a discount. Seniors, if you have a discount from a pension plan from yourself or your husband, it is going to be better than this one. Use it.

Mr. Speaker, this is a sham on our seniors. Our seniors deserve more. They built our country. Let us do better. Help them get their medicines. They need them to survive.

RECOUPING MONEY STOLEN BY ENRON

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, it is high time for the Bush administration to take action to recoup the hundreds of millions of dollars that the Enron energy trading racket stole from people in the State of Washington.

We have now heard the tapes, the smoking guns, where energy traders talk about "jamming" grandmothers in Washington State, saying "burn, baby, burn," during the brownouts, just laughing at the fact that they got away with hundreds of millions of dollars of theft.

We are calling on the administration to stop protecting the Enron energy trading racket. We will offer on the floor of the House next week an amendment to compel the Federal Energy Regulatory Commission to get off the dime and get our money back from Enron.

This is a ripoff that is too obvious even for the Bush administration to ignore, and it is time for Congress to stand up on our hind legs and force this administration to take action. The people in Snohomish County deserve their hundreds of millions of dollars back, and we are going to see to it that they get it.

AARP AND THE DRUG BILL

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, AARP owes every senior an explanation. Its leader trumpeted a Republican prescription drug bill passed in the dead of night last year. It would have been dead on arrival if the administration had told the truth, but they did not.

But the seniors, including my 94-year-old mother, are really smart. So AARP, when they sent out 26,000 packets of information, only 400 signed up.

My mother and her buddies are pretty darn smart. They know the difference between a real deal and a raw deal. The administration gave seniors a raw deal, and AARP leadership helped.

Senator KERRY will give seniors a real deal with real benefits for prescription drugs.

□ 1100

Democrats are ready to do what is right, beginning with telling the truth.

It is time AARP repudiated the reckless endorsement of a Republican bill that is bad medicine for seniors. It is time for AARP to take the medicine every mother teaches her child: tell the truth and take responsibility when you do something stupid.

BUSH TAX CUTS CAUSE LARGEST DEFICIT IN NATION'S HISTORY

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, in my home State of Arkansas, nearly 75,000 people are out of work today. Unemployment has increased by 19 percent in the last 3½ years.

However, our Nation's Treasury Secretary John Snow is visiting Arkansas today to talk about how President Bush's tax policy reforms are actually creating jobs in Arkansas. All the President's tax cuts for the wealthy have given us is the largest deficit ever in our Nation's history, tax cuts that our children will be forced to pay.

For Secretary Snow to come to Arkansas today and tell Arkansans the administration's economic plan is creating jobs shows a blatant disregard for what Arkansas families are really facing. Working families do not need more rhetoric; they need jobs, they need affordable health care, they need a real Medicare prescription drug plan and, yes, they need lower gasoline prices, all things this administration has failed to do.

ALLOWING SENIORS ACCESS TO DRUG REIMPORTATION

(Mr. SANDLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDLIN. Mr. Speaker, the new drug discount card is nothing more than the old bait and switch. The Republican leadership continues to try to trick our seniors into thinking they are getting a Medicare prescription drug benefit, while in reality offering nothing more than an 18-month sham program that fails to offer any significant savings to seniors. Not surprisingly, this temporary program prioritizes the pharmaceutical companies' profit over the health care expenses of our Nation's seniors.

While the administration has claimed that these cards will have savings ranging from 10 percent to 25 percent, there is no guarantee of this; and there is absolutely no control over the prices charged.

Additionally, the drug companies determine what drugs to discount and how much seniors pay. And while seniors are locked into a drug card for a full year, the drug companies are at liberty to change what discounts they offer from week to week. As a matter of fact, some have already changed their drug prices so that it does not cut into their bottom line.

The truth is that a better solution with real benefits is available. With drug costs increasing at 3.5 times the rate of inflation, we owe it to our Nation's seniors to finally allow them access to drug reimportation.

It is time to do the right thing and offer real savings to our seniors. We cannot afford not to do so.

2006 BUDGET CUTS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, last week we learned from an internal Bush administration budget memo detailing their planned cuts.

According to the budget document, education, transportation, Social Security, the Environmental Protection Agency, National Science Foundation, and the Small Business Administration are all in line for drastic cuts in their budgets. Head Start, for example, a $177 million cut. The National Institutes of Health would be slashed by more than $600 million. The administration is planning cuts for 2006; and all the while, they are asking for an additional $25 billion to rebuild and secure Iraq. The additional $25 billion for Iraq is on top of the $165 billion the American taxpayers have already allocated and paid.

These reconstruction funds are building schools, roads, and encouraging business development in Iraq; and all the while, we are making corresponding cuts here at home. I understand that we need to rebuild Iraq and Afghanistan, but not at the expense of what we do here in the United States.

Mr. Speaker, when President Bush in 2000 declared his opposition to nation-building, who knew it was America he was talking about.

THE IMPORTANCE OF INFORMING SENIORS ABOUT MEDICARE PRESCRIPTION DRUG BENEFIT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as many know, for deeply held philosophical reasons, I opposed the creation of a prescription drug entitlement in Medicare. But I never opposed helping low-income seniors or using the private sector to give seniors more buying power to save money on their prescription drugs, which is exactly what became available this week with the new Medicare drug discount card and the $600 credit for low-income seniors. In fact, I hosted five Medicare discount drug fairs across my district, speaking to more than 1,000 of my constituents.

While many have made speeches on this floor and across the country creating anxiety about this new bill, I found it instructive to spend time with seniors. Despite my opposition to a drug entitlement, I felt I had a moral obligation to explain to seniors, particularly low-income seniors, what is available as of this week in the new Medicare drug discount card benefit.

I urge all of my colleagues, regardless of your view of this legislation, to view what is available in this law and to discharge your duty to your constituents to make knowledge available of the new drug discount card and the low-income assistance for seniors.

BACK TO WORK INCENTIVE ACT OF 2003

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 656, I call up the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 656, the bill is considered read for amendment.

The text of H.R. 444 is as follows:

H.R. 444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Back to Work Incentive Act of 2003".

SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT ACCOUNTS.

Subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 5A—PERSONAL REEMPLOYMENT ACCOUNTS

"SEC. 135A. PURPOSES.

"The purposes of this chapter are to provide for the establishment of personal reemployment accounts for certain individuals identified as likely to exhaust their unemployment compensation in order to—

"(1) accelerate the reemployment of such individuals;

"(2) promote the retention in employment of such individuals; and

"(3) provide such individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services.

"SEC. 135B. DEFINITION.

"In this chapter, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"SEC. 135C. GRANTS TO STATES.

"(a) GRANTS.—The Secretary shall—

"(1) reserve 2/10 of 1 percent of the amount appropriated under section 137(d) for use under section 135I; and

"(2) use the remainder of the amount appropriated under section 137(d) to make allotments in accordance with subsection (b).

"(b) ALLOTMENT AMONG STATES.—

"(1) IN GENERAL.—From the amount made available under subsection (a)(2), the Secretary shall allot to each State an amount that is proportionate to the relative number of unemployed individuals in the State as compared to the total number of unemployed individuals in all States in order to provide assistance for eligible individuals in accordance with this chapter.

"(2) SMALL STATE MINIMUM ALLOTMENT.—The Secretary shall ensure that—

"(A) each State (other than the United States Virgin Islands) shall receive an allotment under paragraph (1) that is not less than 3/10 of 1 percent of the amount made available under subsection (a)(2) for the fiscal year; and

"(B) the United States Virgin Islands shall receive an allotment under paragraph (1) that is not less than 1/10 of 1 percent of the amount made available under subsection (a)(2) for the fiscal year.

"(c) AVAILABILITY.—Notwithstanding section 189(g)(1), amounts made available under subsection (a) to carry out this chapter shall be available for obligation and expenditure beginning on the date of the enactment of the Back to Work Incentive Act of 2003.

"SEC. 135D. WITHIN STATE ALLOCATION.

"(a) ALLOCATION.—Of the amount allotted to a State under section 135C—

"(1) not more than 2 percent of the amount may be reserved by the Governor of the State to enhance the system of worker profiling described in section 303(j) of the Social Security Act and to establish and operate a data management system, as necessary, and carry out other appropriate activities to implement this chapter;

"(2) 5 percent of the amount shall be allocated by the State to local areas in accordance with the formula described in subsection (b) for start-up costs and other operating costs related to the provision of assistance under this chapter; and

"(3) the remainder of the amount shall be provided to local areas for the establishment of personal reemployment accounts described in section 135E for eligible individuals in such local areas.

"(b) FORMULA.—A State shall allocate funds to local areas in the State under subsection (a)(2) in an amount that is proportionate to the relative number of unemployed individuals in the local area as compared to the total number of unemployed individuals in the State.

"(c) AVAILABILITY.—Notwithstanding section 189(g)(2), amounts allotted to a State under section 135C, and amounts subsequently provided to a local area under this section, shall be available for obligation and expenditure only for the 3-year period beginning on the date of the enactment of the Back to Work Incentive Act of 2003.

"SEC. 135E. PERSONAL REEMPLOYMENT ACCOUNTS.

"(a) ACCOUNTS.—

"(1) IN GENERAL.—Funds provided to a local area under section 135D shall be used to provide eligible individuals with personal reemployment accounts to be used in accordance with section 135F. An eligible individual may receive only one personal reemployment account.

"(2) AMOUNT.—The State shall establish the amount of a personal reemployment account, which shall be uniform throughout the State, and shall not exceed $3,000.

"(b) ELIGIBLE INDIVIDUALS.—

"(1) IN GENERAL.—Each State shall establish eligibility criteria for individuals for personal reemployment accounts in accordance with this subsection.

"(2) MINIMUM ELIGIBILITY CRITERIA REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), an individual shall be eligible to receive assistance under this chapter if, beginning after the date of enactment of the Back to Work Incentive Act of 2003, the individual—

"(i) is identified by the State pursuant to section 303(j)(1) of the Social Security Act as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment;

"(ii) is receiving regular unemployment compensation under any State or Federal unemployment compensation program administered by the State; and

"(iii) is eligible for not less than 20 weeks for the regular unemployment compensation described in clause (ii).

"(B) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—A State may establish criteria that is in addition to the criteria described in subparagraph (A) for the eligibility of individuals to receive assistance under this chapter. A State may also establish criteria for priority in the provision of assistance to such eligible individuals under this chapter.

"(3) TRANSITION RULE.—

"(A) PREVIOUSLY IDENTIFIED AS LIKELY TO EXHAUST UNEMPLOYMENT COMPENSATION.—

"(i) IN GENERAL.—At the option of the State, and subject to clause (ii), an individual may be eligible to receive assistance under this chapter if the individual—

"(I) during the 90-day period ending on the date of the enactment of the Back to Work Incentive Act of 2003, was identified by the State pursuant to section 303(j)(1) of the Social Security Act as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment; and

"(II) otherwise meets the requirements of clauses (ii) and (iii) of paragraph (2)(A).

"(ii) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—A State may establish criteria that is in addition to the criteria described in clause (i) for the eligibility of individuals to receive assistance under this chapter. A State may also establish criteria for priority in the provision of assistance to such eligible individuals under this chapter.

"(B) PREVIOUSLY EXHAUSTED UNEMPLOYMENT COMPENSATION.—At the option of the State, an individual may be eligible to receive assistance under this chapter if the individual—

"(i) during the 90-day period ending on the date of the enactment of the Back to Work Incentive Act of 2003, exhausted all rights to any unemployment compensation; and

"(ii)(I) is enrolled in training and needs additional support to complete such training, with a priority of service to be provided to such individuals who are training for shortage occupations or high-growth industries; or

"(II) is separated from employment in an industry or occupation that has experienced declining employment, or no longer provides any employment, in the local labor market during the two-year period ending on the date of the determination of eligibility of the individual under this subparagraph.

"(4) NO INDIVIDUAL ENTITLEMENT.—Nothing in this chapter shall be construed to entitle any individual to receive a personal reemployment account.

"(c) LOCAL ADMINISTRATION.—

"(1) INFORMATION AND ATTESTATION.—Prior to the establishment of a personal reemployment account for an eligible individual under this chapter, the one-stop delivery system shall ensure that the individual—

"(A) is informed of the requirements applicable to the personal reemployment account, including the allowable uses of funds from the account, the limitations on access to services described under section 135F(a)(3)(C) and a description of such services, and the conditions for receiving a reemployment bonus;

"(B) has the option to develop a personal reemployment plan which will identify the employment goals and appropriate combination of services selected by the individual to achieve the employment goals; and

"(C) signs an attestation that the individual will comply with the requirements relating to the personal reemployment accounts under this chapter and will reimburse the account or, if the account has been terminated, the program under this chapter, for any amounts expended from the account that are not allowable.

"(2) PERIODIC INTERVIEWS.—If a recipient exhausts his or her rights to any unemployment compensation, and the recipient has a remaining balance in his or her personal reemployment account, the one-stop delivery system shall conduct periodic interviews with the recipient to assist the recipient in meeting his or her individual employment goals.

"SEC. 135F. USE OF FUNDS.

"(a) ALLOWABLE ACTIVITIES.—

"(1) IN GENERAL.—Subject to the requirements contained in paragraphs (2) and (3), a recipient may use amounts in a personal reemployment account to purchase one or more of the following:

"(A) Intensive services, including those types of services specified in section 134(d)(3)(C).

"(B) Training services, including those types of services specified in section 134(d)(4)(D).

"(C) Supportive services, except for needs-related payments.

"(D) Assistance to purchase or lease an automobile, if such assistance is necessary to allow the recipient to accept a bona fide offer of employment for which there is a reasonable expectation of long-term duration.

"(2) DELIVERY OF SERVICES.—The following requirements relating to delivery of services shall apply to the program under this chapter:

"(A) Recipients may use funds from the personal reemployment account to purchase the services described in paragraph (1) through the one-stop delivery system on a fee-for-service basis, or through other providers, consistent with safeguards described in the State plan under section 135G.

"(B) The one-stop delivery system may pay costs for such services directly on behalf of the recipient, through a voucher system, or by reimbursement to the recipient upon receipt of appropriate cost documentation, consistent with safeguards described in the State plan under section 135G.

"(C) Each one-stop delivery system shall make available to recipients information on training providers specified in section 134(d)(4)(F)(ii), information available to the one-stop delivery system on providers of the intensive and supportive services described in paragraph (1), and information relating to occupations in demand in the local area.

"(3) LIMITATIONS.—The following limitations shall apply with respect to personal reemployment accounts under this chapter:

"(A)(i) Amounts in a personal reemployment account may be used for up to one year from the date of the establishment of the account.

"(ii) No personal reemployment account may be established beginning 2 years after the date of the enactment of the Back to Work Incentive Act of 2003.

"(B) Each recipient shall submit cost documentation as required by the one-stop delivery system.

"(C) For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except on a fee-for-services basis as specified in paragraph (2)(A).

"(D) Amounts in a personal reemployment account shall be nontransferable.

"(b) INCOME SUPPORT.—A State may authorize recipients determined eligible under section 135E(b)(3)(B) to withdraw amounts from the personal reemployment account on a weekly basis for purposes of income support in amounts up to the average weekly amount of unemployment compensation that the individual received prior to his or her exhaustion of rights to unemployment compensation if the individual is engaged in job search, intensive services, or training that is expected to lead to employment.

"(c) REEMPLOYMENT BONUS.—

"(1) IN GENERAL.—Subject to paragraph (2)—

"(A) if a recipient determined eligible under section 135E(b)(2) obtains full-time employment before the end of the 13th week of unemployment for which unemployment compensation is paid, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash; and

"(B) if a recipient determined eligible under section 135E(b)(3) obtains full-time employment before the end of the 13th week after the date on which the account is established, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash.

"(2) LIMITATIONS.—The following limitations shall apply with respect to a recipient described in paragraph (1):

"(A) 60 percent of the remaining personal reemployment account balance shall be paid to the recipient at the time of reemployment.

"(B) 40 percent of the remaining personal reemployment account balance shall be paid to the recipient not later than 6 months after the date of reemployment.

"(3) EXCEPTION REGARDING SUBSEQUENT UNEMPLOYMENT.—If a recipient described in paragraph (1) subsequently becomes unemployed due to a lack of work after receiving the portion of the reemployment bonus specified under paragraph (2)(A), the individual may use the amount remaining in the personal reemployment account for the purposes described in subsection (a) but may not be eligible for additional cash payments under this subsection.

"SEC. 135G. STATE PLAN.

"(a) IN GENERAL.—In order for a State to receive an allotment under section 135C, the Governor of the State shall submit to the Secretary a plan that includes a description of how the State intends to carry out the personal reemployment accounts authorized under this chapter, including—

"(1) the criteria and methods to be used for determining eligibility for the personal reemployment accounts, including whether the State intends to include the optional categories described in section 135E(b)(3), and the additional criteria and priority for service that the State intends to apply, if any, pursuant to section 135E(b)(2)(B);

"(2) the methods or procedures, developed in consultation with local boards and chief elected officials, to be used to provide eligible individuals information relating to services and providers, and safeguards, developed in consultation with such boards and officials, to ensure that funds from the personal reemployment accounts are used for purposes authorized under this chapter and are not used for services or providers that are wholly unreasonable or egregious;

"(3) how the State will coordinate the activities carried out under this chapter with the employment and training activities carried out under section 134 and other activities carried out through the one-stop delivery system in the State.

"(b) PLAN SUBMISSION AND APPROVAL.—A State plan submitted to the Secretary under subsection (a) by a Governor shall be considered to be approved by the Secretary at the end of the 30-day period beginning on the date the Secretary receives the plan, unless the Secretary makes a written determination during such period that the plan is incomplete or otherwise inconsistent with the provisions of this chapter.

"SEC. 135H. PROGRAM INFORMATION.

"The Secretary may require from States the collection and reporting on such financial, performance, and other program-related information as the Secretary determines is appropriate to carry out this chapter, including the evaluation described in section 135I.

"SEC. 135I. EVALUATION.

"(a) EVALUATION.—From the amount made available under section 135C(a)(1), the Secretary, pursuant to the authority provided under section 172, shall, directly or through grants, contracts, or cooperative agreements with appropriate entities, conduct an evaluation of the activities carried out under this chapter.

"(b) CONDUCT OF EVALUATION.—The evaluation shall examine the effectiveness of such activities in achieving the purposes described in section 135A and such other purposes as the Secretary determines are appropriate.

"(c) REPORT.—The report to Congress under section 172(e) relating to the results of the evaluations required under section 172 shall include the recommendation of the Secretary with respect to the use of personal reemployment accounts as a mechanism to assist individuals in obtaining and retaining employment.".

SEC. 3. ADMINISTRATION.

Section 117(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (3)(B)(i)(I), by striking "sections 128 and 133" and inserting "sections 128, 133, and 135D"; and

(2) in paragraph (4), by inserting ", activities authorized under section 135F" after "section 134".

SEC. 4. DELIVERY OF SERVICES.

Section 134(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) shall provide access to personal reemployment accounts in accordance to section 135E.".

SEC. 5. AUTHORIZATION OF APPROPRIATION.

Section 137 of the Workforce Investment Act of 1998 (29 U.S.C. 2872) is amended by adding at the end the following:

"(d) PERSONAL REEMPLOYMENT ACCOUNTS.—

"(1) IN GENERAL.—There is authorized to be appropriated **$3,600,000,000** for fiscal year 2003 to carry out chapter 5A.

"(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) to carry out section 135I are authorized to remain available until expended.".

SEC. 6. CONFORMING AMENDMENT.

The table of contents for the Workforce Investment Act of 1998 is amended by inserting after the items relating to chapter 5 of subtitle B of title I the following new items:

"CHAPTER 5A—PERSONAL REEMPLOYMENT ACCOUNTS

"Sec. 135A. Purposes.
"Sec. 135B. Definitions.
"Sec. 135C. Grants to States.
"Sec. 135D. Within State allocation.
"Sec. 135E. Personal reemployment accounts.
"Sec. 135F. Use of funds.
"Sec. 135G. State plan.
"Sec. 135H. Program information.
"Sec. 135I. Evaluation, technical assistance, and data collection activities.".

The SPEAKER pro tempore. In lieu of the amendment recommended by the Committee on Education and the Workforce printed in the bill, the amendment in the nature of a substitute consisting of the text of H.R. 4444 is adopted.

The text of the amendment in the nature of a substitute consisting of the text of H.R. 4444 is as follows:

H.R. 4444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Worker Reemployment Accounts Act of 2004".

SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT ACCOUNTS.

Section 171 of the Workforce Investment Act of 1998 is amended by adding at the end the following:

"(e) PERSONAL REEMPLOYMENT ACCOUNTS.—

"(1) DEFINITION.—In this subsection, the term 'State' means each of the several

States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects under subsection (b), the Secretary may establish and implement a national demonstration project designed to analyze and provide data on workforce training programs that accelerate the reemployment of unemployed individuals, promote the retention in employment of such individuals, and provide such individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services.

"(3) GRANTS.—

"(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make grants, on a competitive basis, to eligible entities to provide personal reemployment accounts to eligible individuals. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(B) DURATION.—The Secretary shall make the grants for periods of not less than 2 years and may renew the grant for each of the succeeding 3 years.

"(4) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a State; or

"(B) a local board or consortium of local boards.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to provide, through a local area or areas, eligible individuals with personal reemployment accounts. An eligible individual may receive only 1 personal reemployment account.

"(B) GEOGRAPHIC AREA AND AMOUNT.—

"(i) IN GENERAL.—The eligible entity shall establish the amount of a personal reemployment account for each eligible individual participating, which shall be uniform throughout the area represented by the eligible entity, and shall not exceed $3,000.

"(ii) OPTION FOR STATES.—If the eligible entity is a State, the eligible entity may choose to use the grant statewide, if practicable, or only in specified local areas within a State.

"(C) ELIGIBLE INDIVIDUALS.—

"(i) IN GENERAL.—Each eligible entity shall establish eligibility criteria for individuals for personal reemployment accounts in accordance with this subparagraph.

"(ii) ELIGIBILITY CRITERIA REQUIREMENTS.—

"(I) IN GENERAL.—Subject to subclause (II), an individual shall be eligible to receive a personal reemployment account under a grant awarded under this subsection if, beginning after the date of enactment of this subsection, the individual—

"(aa) is identified by the State pursuant to section 303(j)(1) of the Social Security Act (42 U.S.C. 503(j)(1)) as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment, or the individual's unemployment can be attributed in substantial part to unfair competition from Federal Prison Industries, Incorporated;

"(bb) is receiving regular unemployment compensation under any Federal or State unemployment compensation program administered by the State; and

"(cc) is eligible for not less than 20 weeks of regular unemployment compensation described in item (bb).

"(II) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—An eligible entity may establish criteria that are in addition to the criteria described in subclause (I) for the eligibility of individuals to receive a personal reemployment account under this subsection. An eligible entity may also establish criteria for priority in the provision of a personal reemployment account to such eligible individuals under a grant awarded under this subsection.

"(iii) TRANSITION RULE.—

"(I) PREVIOUSLY IDENTIFIED AS LIKELY TO EXHAUST UNEMPLOYMENT COMPENSATION.—

"(aa) IN GENERAL.—At the option of the eligible entity, and subject to item (bb), an individual may be eligible to receive a personal reemployment account under this subsection if the individual—

"(AA) during the 13-week period ending the week prior to the date of the enactment of the subsection, was identified by the State pursuant to section 303(j)(1) of the Social Security Act (42 U.S.C. 503(j)(1)) as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment; and

"(BB) otherwise meets the requirements of clause (ii)(I)(bb) and (cc).

"(bb) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—An eligible entity may establish criteria that is in addition to the criteria described in item (aa) for the eligibility of individuals to receive a personal reemployment account under this subsection. An eligible entity may also establish criteria for priority in the provision of such accounts to such eligible individuals under this subsection.

"(II) PREVIOUSLY EXHAUSTED UNEMPLOYMENT COMPENSATION.—At the option of the eligible entity, an individual may be eligible to receive a personal reemployment account under a grant awarded under this subsection if the individual—

"(aa) during the 26-week period ending the week prior to the date of the enactment of this subsection, exhausted all rights to any unemployment compensation; and

"(bb)(AA) is enrolled in training and needs additional support to complete such training, with a priority of service to be provided to such individuals who are training for shortage occupations or high-growth industries; or

"(BB) is separated from employment in an industry or occupation that has experienced declining employment, or no longer provides any employment, in the local labor market during the 2-year period ending on the date of the determination of eligibility of the individual under this subparagraph.

"(iv) NO INDIVIDUAL ENTITLEMENT.—Nothing in this subsection shall be construed to entitle any individual to receive a personal reemployment account.

"(D) LIMITATIONS.—

"(i) INFORMATION AND ATTESTATION.—Prior to the establishment of a personal reemployment account for an eligible individual, the eligible entity receiving a grant, through the one-stop delivery system in the participating local area or areas, shall ensure that the individual—

"(I) is informed of the requirements applicable to the personal reemployment account, including the allowable uses of funds from the account, the limitations on access to services described in paragraph (7)(A)(iii) and a description of such services, and the conditions for receiving a reemployment bonus;

"(II) has the option to develop a personal reemployment plan which will identify the employment goals and appropriate combination of services selected by the individual to achieve the employment goals; and

"(III) signs an attestation that the individual has been given the option to develop a personal reemployment plan in accordance with subclause (II), will comply with the requirements under this subsection relating to the personal reemployment accounts, and will reimburse the account or, if the account has been terminated, the grant awarded under this subsection, for any amounts expended from the account that are not allowable.

"(ii) PERIODIC INTERVIEWS.—If a recipient exhausts his or her rights to any unemployment compensation, and the recipient has a remaining balance in his or her personal reemployment account, the one-stop delivery system shall conduct periodic interviews with the recipient to assist the recipient in meeting his or her individual employment goals.

"(iii) USE OF PERSONAL REEMPLOYMENT ACCOUNTS.—The eligible entity receiving a grant shall ensure that eligible individuals receiving a personal reemployment account use the account in accordance with paragraph (7).

"(6) APPLICATION FOR GRANTS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) if the eligible entity is a State—

"(i) assurance that the application was developed in conjunction with the local board or boards and chief elected officials where the personal reemployment accounts shall be made available; and

"(ii) a description of the methods and procedures for providing funds to local areas where the personal reemployment accounts shall be made available; and

"(B) a description of the criteria and methods to be used for determining eligibility for the personal reemployment account, including whether the eligible entity intends to include the optional categories described in paragraph (5)(C)(iii), and the additional criteria and priority for service that the eligible entity intends to apply, if any, pursuant to paragraph (5)(C)(ii)(II);

"(C) a description of the methods or procedures to be used to provide eligible individuals information relating to services and providers;

"(D) a description of safeguards to ensure that funds from the personal reemployment accounts are used for purposes authorized under this subsection and to ensure the quality and integrity of services and providers, consistent with the purpose of providing eligible individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services;

"(E) a description of how the eligible entity will coordinate the activities carried out under this subsection with the employment and training activities carried out under section 134 and other activities carried out by local boards through the one-stop delivery system in the State or local area; and

"(F) an assurance that the eligible entity will comply with any evaluation and reporting requirements the Secretary may require.

"(7) USE OF PERSONAL REEMPLOYMENT ACCOUNTS.—

"(A) ALLOWABLE ACTIVITIES.—

"(i) IN GENERAL.—Subject to the requirements contained in clauses (ii) and (iii), a recipient of a personal reemployment account may use amounts in a personal reemployment account to purchase 1 or more of the following:

“(I) Intensive services, including those type of services specified in section 134(d)(3)(C).

“(II) Training services, including those types of services specified in section 134(d)(4)(D).

“(III) Supportive services, except for needs related payments.

“(ii) DELIVERY OF SERVICES.—The following requirements relating to delivery of services shall apply to the grants under this subsection:

“(I) Recipients may use funds from the personal reemployment account to purchase the services described in clause (i) through the one-stop delivery system on a fee-for-service basis, or through other providers, consistent with the safeguards described in paragraph (6)(D).

“(II) The eligible entity, through the one-stop delivery system in the participating local area, may pay costs for such services directly on behalf of the recipient, through a voucher system, or by reimbursement to the recipient upon receipt of appropriate cost documentation.

“(III) Each eligible entity, through the one-stop delivery system in the participating local area, shall make available to recipients information on training providers specified in section 134(d)(4)(F)(ii), information available to the one-stop delivery system on providers of the intensive and supportive services described in clause (i), and information relating to occupations in demand in the local area.

“(iii) LIMITATIONS.—The following limitations shall apply with respect to personal reemployment accounts under this subsection:

“(I) Amounts in a personal reemployment account may be used for up to 1 year from the date of the establishment of the account.

“(II) Each recipient shall submit cost documentation as required by the one-stop delivery system.

“(III) For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except on a fee-for-services basis as specified in clause (ii)(I).

“(IV) Amounts in a personal reemployment account shall be nontransferable.

“(B) REEMPLOYMENT BONUS.—

“(i) IN GENERAL.—Subject to clause (ii)—

“(I) if a recipient determined eligible under paragraph (5)(C)(ii) obtains full-time employment before the 13th week of unemployment for which unemployment compensation is paid, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash; and

“(II) if a recipient determined eligible under paragraph (5)(C)(iii) obtains full-time employment before the end of the 13th week after the date on which the account is established, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash.

“(ii) LIMITATIONS.—The following limitations shall apply with respect to a recipient described in clause (i):

“(I) 60 percent of the remaining personal reemployment account balance shall be paid to the recipient at the time of employment.

“(II) 40 percent of the remaining personal reemployment account shall be paid to the recipient after 26 weeks of employment retention.

“(iii) EXCEPTION REGARDING SUBSEQUENT EMPLOYMENT.—If a recipient described in clause (i) subsequently becomes unemployed due to a lack of work after receiving the portion of the reemployment bonus specified under clause (ii)(I), the individual may use the amount remaining in the personal reemployment account for the purposes described in subparagraph (A) but may not be eligible for additional cash payments under this subparagraph.

“(8) PROGRAM INFORMATION AND EVALUATION.—

“(A) INFORMATION.—The Secretary may require from eligible entities the collection and reporting on such financial, performance, and other program-related information as the Secretary determines is appropriate to carry out this subsection, including the evaluation described in subparagraph (B).

“(B) EVALUATION.—

“(i) IN GENERAL.—The Secretary, pursuant to the authority provided under section 172, shall, directly or through grants, contracts, or cooperative agreement with appropriate entities, conduct an evaluation of the activities carried out under any grants awarded under this subsection.

“(ii) REPORT.—The report to Congress under section 172(e) relating to the results of the evaluations required under section 172 shall include the recommendation of the Secretary with respect to the use of personal reemployment account as a mechanism to assist individuals in obtaining and retaining employment.”.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and included extraneous material on H.R. 444.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the economic news over the last 8 months has been very encouraging. Republicans and President Bush have focused on creating jobs and opportunity, helping working Americans by providing tax relief, improving worker training and education to help Americans without work get back on their feet, and enhancing the competitiveness of employers both at home and abroad to ensure they continue to hire more and more American workers.

As recent data from the Labor Department shows, the U.S. is creating thousands of new jobs every month. The pro-growth agenda has created 1.1 million net new jobs over the last 8 months, and 625,000 jobs, net new jobs, I should say, in March and April alone. Moreover, the national unemployment rate declined to 5.6 percent in April, lower than the average unemployment rate during the 1970s, the 1980s, and the 1990s.

While this is welcome news for working Americans, we remain committed to ensuring that every displaced worker has the opportunity to find meaningful employment and access to job-training services that will help them find good-paying jobs. As President Bush has said, one worker out of work is one too many, and we have a responsibility to help working families in times when they need it most.

Job training and worker education is more important to this effort in today's changing economy now more than ever before. Every member of our society, including those who are most vulnerable and the hardest to employ, want to achieve independence and self-sufficiency. No American wants endless reliance on our government, and I think the President recognizes that and providing personal reemployment accounts represents one more way we are helping the unemployed by specifically tailoring job training and employment services to meet their unique needs.

Giving displaced workers the resources they need and continuing this economic expansion is critically important. That brings us to why we are here today: to highlight a new and innovative approach to helping the unemployed get back on their feet. The bill before us, the Worker Reemployment Accounts Act, allows demonstration funding under the Workforce Investment Act to be used by States and local workforce investment boards for a pilot project to offer personal reemployment accounts of up to $3,000.

With the funds from these accounts, unemployed workers may purchase a variety of different services to help them find a new job and to reenter the workforce, including job training, child care, transportation, housing assistance, relocation services, career counseling, computer classes, just to name a few. And all of these are accessible through the One-Stop Career Center system where unemployed workers already seek job training assistance.

A key component of this plan allows workers who become reemployed within 13 weeks to keep the balance of their account as a cash reemployment bonus. In addition, these reemployment accounts empower individual recipients to make choices appropriate for their own circumstances. Recipients will be able to create reemployment accounts that help them navigate all of the options that are available, such as career counseling or job training for a new profession. In providing choice and flexibility, I think we get people back to work into steady, good-paying jobs sooner.

For those who are struggling to get back on their feet, we in Congress, I think, have a responsibility to look for additional solutions to help them when they need it most. The intent of this bill is clear: this new benefit supplements and enhances the services that are already available for those who are most likely to face obstacles in finding and keeping new employment, whether it be unemployment benefits or the employment training programs offered through the Workforce Investment Act.

The bill before us is a pilot project, a scaled-back version of a more comprehensive proposal that the Committee on Education and the Workforce approved last year. Our goal here is to put this program to a test, see how it works in practice, and determine whether it truly gives unemployed workers an option, a workable option to help them improve their job search. The lessons learned through this pilot project will give Congress more information on how best to serve those who are looking for work.

Mr. Speaker, I want to thank the gentleman from Nevada (Mr. PORTER) and the gentleman from California (Mr. MCKEON) for their work on this measure and last year's bill as well. During hearings that we had last year, we heard from State leaders at a field hearing in Nevada about the practical benefits of these reemployment accounts in helping the unemployed. We also heard from Labor Secretary Elaine Chao, who said that the accounts "will empower individuals by giving them more flexibility, personal choice, and control over their job search and career."

Over the past 2 years, we have taken numerous steps to help unemployed workers, and we are also in the process of reauthorizing the Federal job-training programs under the Workforce Investment Act. Millions of jobless workers should not have to wait for job-training reform, and Congress has an obligation this year to improve those job-training opportunities for American workers. Unfortunately, it appears, though, that some in the other body want to block major job-training legislation that would help strengthen training and retraining opportunities for American workers. I think if given the opportunity, we look forward to completing work on that legislation this year.

But Congress must act now to provide new, innovative options to help workers as quickly as possible, and the choice and flexibility available through personal reemployment accounts will help more Americans get back on their feet and find good jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I rise in strong opposition to H.R. 444, and I yield myself such time as I may consume.

Mr. Speaker, this bill completely misses the mark. American workers need job creation. American workers also need extended unemployment benefits. This sour economy has lost 2 million jobs since President Bush took office. This bill does nothing to address these issues, the most pressing facing our workforce today. Instead, H.R. 444 creates an untested and risky job-training voucher scheme.

This voucher scheme cuts off workers from regular job-training benefits when they accept a PRA. This legislation also demeans workers by assuming that those receiving unemployment benefits need a financial lure to go back to work.

I am not sure about other congressional districts, but unemployed workers in Flint, Michigan, my hometown, and other areas of Michigan do not need an incentive to find work. They are in desperate search of work right now. They do not need an incentive to be able to afford their mortgage or to provide for their family. They need jobs.

□ 1115

I am surprised there are those in this body that think that American workers need a financial incentive to find a job. The real story behind this bill is that it simply fails to address the most pressing needs of the American worker. It is a sham.

Let us look at the real problems facing the American worker. Two million jobs have been lost since the beginning of the Bush administration, 8.2 million individuals are unemployed, 1.5 million workers have exhausted their unemployment benefits, wages have barely kept up with inflation, and this bill does nothing to address these problems.

Substantive help for American workers lies in an initiative to create jobs and to extend unemployment insurance. Yet this Republican Congress and the Bush administration has continually failed to address these needs. The last extension of UI benefits ran out late last year. Despite some meager job growth in the past few months, we remain two million jobs in the hole since the beginning of the Bush administration. The Republican answer to these problems is a pilot project for job training vouchers.

This bill brings no new resources to help American workers. Instead, it would steal funding from other proven job training programs. How could this respond to the needs of the American workers?

In closing, Mr. Speaker, I urge Members to oppose this bill. We need real-world solutions to real-world problems, not unfunded, untested legislation which will not address the true needs of the American worker.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), a member of the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Speaker, it seems that in these debates we so often get sidetracked into discussions of ideology, and I think it is important we focus on the bill before us. I certainly have great respect for those on the minority side and understand and appreciate some of their concerns.

I think it is important that we point out that this is a pilot bill. This is not something that is going to directly impact all workers everywhere in the country. And the reason I think this is important to point out is that, as the chairman mentioned, there will be several different programs that people can allocate their money into. And let us see if Congress cannot find out exactly where people want to put their money.

So if 50 percent of the money goes to child care, and 10 percent goes to enhancing computer skills, and 40 percent goes into career counseling, pretty soon Congress is going to get a picture as to what is really important to workers and where those resources need to be allocated. This certainly represents an innovative approach to providing assistance to unemployment workers.

As the chairman mentioned, we live in a different world. I think the average worker today may have as many as four or five different jobs. And this is not necessarily because the economy is bad, it is simply because the economy is changing consistently. So almost everyone at one time or another is going to be between jobs or without a job.

I think this approach offers some unique opportunities. It certainly offers great flexibility, and this is the critical part in job training. It may have to do with computer skills, it may be earning a license to be a realtor, a financial planner, or 1 year at a community college, which I think is a tremendous option for a great many people. We feel also that child care, transportation, career counseling, relocation services, housing assistance are viable alternatives as well.

The last thing I would like to mention, Mr. Speaker, is simply the fact that there are some incentives here for people to not only get a job but to have some money, some seed money to get started on their new career. For instance, as an example, a person had a $3,000 grant and $2,000 of it was spent, maybe some of it on community college, some for child care, and there was $1,000 remaining. This would leave $600 at employment that person could use to get back on their feet and $400 to be used after 6 months of employment.

So we think that this is certainly an interesting and flexible approach. I urge support of this bill, H.R. 444.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding and for his handling of this bill for the minority on the floor and his work on it in the committee.

And the gentleman from Michigan (Mr. KILDEE) is quite right. We should oppose this bill. I have to say that I think my colleagues on the other side of the aisle are simply describing a bill that is not before us, because they talk about this as being supplemental and providing flexibility to the unemployed worker.

Now, clearly, we would like to do that, because we have 8 million unemployed individuals in this country. We have 90,000 people who are exhausting their unemployment benefits a week in this country who still have not been unable to find employment, who are in desperate straits. So, clearly, there is a need for what they are describing.

But let us understand something. What they are describing in terms of flexibility is already available in the law under the WIA bill that we are in the process of reauthorizing. They can provide you child care stipends if it helps you take advantage of a computer training program or a program at the community college or a program of a collaborative in your community. They can provide you a transportation voucher to get to that program if that is what is necessary.

That is why we designed the law that way, because we know that the unemployed come to these programs, and their needs are varied. Some people have automobiles, and some people do not. Some people have access to transportation, and some people do not. Their child care came with the job, and now they have lost it. That is why we built in that flexibility in the current program.

What this says is if you go for the bait on the hook, which is a grant, that could be up to $3,000, you are then prohibited from participating in those programs unless you take the $3,000 or the $500 or the $700. Because at $3,000 you are only going to take care of 16,000 people. We have 90,000 people who are losing their unemployment benefits a week. But if you take the $500, you then have to pay for the programs that are currently available to you in your community under the WIA act for free.

What is the deal here, folks? You are no better off. It is not supplemental. You have just lost your eligibility to what may be very good, comprehensive training programs.

In my community, industry is coming to community colleges and to the work incentive force all of the time to say we would like to structure a program in the community to provide us X number of people in biotechnology and high technology and refining business, whatever it is. That is the needs in our community.

You take this $500 voucher, you lose the eligibility to go to those programs. This is neither flexible nor supplemental. It takes away what people now have available to them. And if you took this $50 million, which obviously, given the President's memo on 2006, is going to be cut from other job training programs, if you added $50 million, you could provide much more child care to those individuals who need that to participate in retraining and to get ready for the next employment opportunity or need transportation costs covered so they can get to the community college or they can get to the training program or to the licensure program, whatever it is they choose. That is all available in law today.

The Republicans have said this is Career Week. This is Career Week in the United States House of Representatives. The only career we keep dealing with is legislation that doesn't do anything. We are making a career out of providing answers that do not answer the questions that workers are asking. We have got to stop this.

We ought to get on with the WIA bill. We ought to get it reauthorized. We ought to make sure that the funding is there so that all of the flexibility that is in that law can be utilized by the 8 million American workers who are looking for jobs in this economy and have been unable to find them.

So I would hope that my colleagues would join the gentleman from Michigan (Mr. KILDEE) and vote against this legislation, understanding that this is harmful and, in fact, it will subtract from the total job training package that this government is making available to those unemployed and to their families.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we probably would not be here today if the other body would actually go to conference on the reauthorization of the Workforce Investment Act. But I think all of us realize that they have been unwilling to go to conference, and we believe that we have got every responsibility known to man to help those people who are unemployed and need help.

Secondly, let me say that, once again, we are getting into a debate about the perfect becoming the enemy of the good. What this bill does is set up a pilot project that allows unemployed workers who qualify the option of this $3,000 reemployment bonus. The real key here is that they, the unemployed workers, get to decide what kind of training they need, what kind of education they might need, what kind of services they may need to help them get back on their feet and into good work. They get to decide, not some bureaucrat in some office somewhere. They get to decide.

And this option of allowing them that flexibility, I think, is worth trying. That is what we are asking for today: Let us try this. Let us see what happens. Let us see if this additional flexibility for unemployed workers does, in fact, help them get the training, retraining they may need to find a good job.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Nevada (Mr. PORTER) the author of this bill.

Mr. PORTER. Mr. Speaker, I rise in strong support of H.R. 444 for multiple reasons.

First of all, we are facing an ever-changing economy both nationally and internationally. Could you imagine just a few years ago going go to the gas station and you would not have help or an attendant, you would have a piece of technology taking your credit card, you enter it into the gas pump, or go to the grocery store where people are being replaced by technology? Can you imagine going to rental car agency and it all being done electronically? So we are facing quite a change in the world and here in the U.S.

Nevada, as my colleagues know, is one of the fastest-growing states in the country but is also the entertainment and resort capital of the world. There was a day when we depended solely on the gaming economy. Not only gaming today is number one, we are the top shopping destination and restaurant destination in the world because we have had to change and change dramatically.

The National Chamber of Commerce has said that 40 percent of the jobs in the future do not exist today. They have also said that 75 percent of the workers as we know them today must change their skills and their technology.

Then we look at what happened after 9/11. September 11 changed the world. The community of Nevada was literally out of business for 90 days. But because of the resilient business community, because of labor working in concert with our resort industry, we are coming back stronger than ever.

The Nevada impacts are such that we are now the bellwether for the economy across the United States. The economy is turning around as Nevada has turned around. People are getting back to work. In Nevada alone we have created close to 60,000 new jobs in the last year. We are in a 4.3 percent unemployment rate, a true bellweather for the economy as it is improving across the country.

And credit goes to labor and business working together. As our business communities change, as has our labor community, such as the Culinary Union working closely with business. But nationwide housing starts, all-time high; gross national product, all-time high; Wall Street, every day we are seeing improvements. Nationwide, 1.1 million new jobs since last August, 625,000 jobs in March and April alone.

But, more importantly, the greatness of society, the greatness of America is not based upon our checkbooks. It is what we do to help those folks that need help. H.R. 444 does just that. It provides a voluntary program, a voluntary program for States to choose if they want to be a part of this program.

It is a demonstration project, but, more importantly, it is a new tool to train our workers in this new global environment.

The benefits, we have touched upon them this morning but I would like to cover them one more time.

Transportation. Many of these folks in Nevada have a hard time getting to the job for the interview.

Day care. Why not allow moms and dads to have some assistance? Many need a telephone, simply a telephone to help receive that call when the job is available.

And Nevada, being one of the fastest-growing States regarding the Hispanic population, we need help with language and language barriers.

There are those that will say that these tools exist today. I am sorry, but it is very complex, very confusing. This provides for a one-stop, easy access and a matter-of-fact choice. So the employee who needs help the most can make the decision and receive the balance if they are employed within the 13 weeks.

So, in summary, Mr. Speaker, I appreciate the opportunity to speak on this very important tool as we enter this new environment, provide a new tool for a new economy. It is flexible, it is voluntary, and it provides choice for the employee.

☐ 1130

Mr. Speaker, I appreciate the opportunity to speak on behalf of H.R. 444, and I appreciate Members' votes.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me time, and I thank him for his work in opposition to this bill. I think he has it exactly right, Mr. Speaker. These PRAs, as they are called, the personal reemployment accounts, are presented to us in the face of over 2 million jobs lost under this present Republican administration. One and a half million workers have exhausted their unemployment insurance benefits. President Bush and the House Republicans refuse to extend those unemployment benefits despite these facts.

Even Federal Reserve Chairman Alan Greenspan thinks it is a good idea to extend those benefits. The money is already in the trust fund. It is the right thing to do morally. We have done it in the past, in the first Bush administration. We did it five times. It is the economically wise thing to do. For every dollar invested in unemployment benefits, $1.73 comes back into the economy because people that get it have needs. They have rent or mortgage payments to make. They have health care bills, car payments, education costs, groceries. That is what this economy needs right now to give those people a boost so they can survive while they are looking for a job.

But the administration and the Republicans in the House seem afraid that extending those benefits will be an admission of their failed economic policies, the fact that we have had two tax cuts for millionaires while we are fighting two wars, and regular Americans are the ones being asked to sacrifice. So these so-called PRAs are offered, actually they are reoffered as you have heard, as this is a bill that was already presented through the House and advisedly passed. It provides no employment, no unemployment benefits, no job creation. There is no new money to get people to work. In fact, it is going to be funded through cuts in existing programs. And because we are $500 billion in deficit, it is pretty clear that there is not going to be enough money there for the $3,000 that people are talking about. It is going to in fact be far less per person.

In brief, it is robbing from proven programs that are effective job-training programs for an experiment that is designed to fail. It is built on a false premise. We had Secretary Chao come before the committee and when asked why she would not extend unemployment insurance benefits, she said because the administration thought that was an incentive for people not to look for work. That is an insulting, false premise. Two million people are involuntarily unemployed during this term. For every three people looking, there is only one job. Many people that are getting a job are getting it at 21 percent less pay than the job that they lost.

Although the bill proposes $3,000, it is more likely that people will get far less. The one-stop centers that we have now are the centers that have the flexibility. They are serving the needs of people. In fact, they provide for the other things that were talked about, as the gentleman from California (Mr. GEORGE MILLER) said. But what they want to do here is take a program that averages 5 to $6,000 in costs for job-training programs now available to individuals that have lost their jobs and substitute it for up to $3,000 which will fall far short in which they are supposed to pay for that 5 to $6,000 worth of job training and child care and transportation and housing assistance and relocation services and career counseling.

This must be a miracle $3,000 per person because it is shrinking as the needs are there. The present system, Mr. Speaker, is working. It is one that people have worked on in a bipartisan nature. This is what we need to do, not false programs, but deal with the real needs of the unemployed. Give them extended unemployment benefits and give them a chance to get a job.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentleman from California (Mr. MCKEON) wish to control the time of the gentleman from Ohio (Mr. BOEHNER)?

Mr. MCKEON. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. MCKEON) will control the time of the gentleman from Ohio (Mr. BOEHNER).

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON), the vice-chairman of the Subcommittee on 21st Century Competitiveness.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from California (Mr. MCKEON) for yielding me time. I thank the gentleman from Nevada (Mr. PORTER) for his work on this.

The discussion I have just heard was about what this bill is not. I would like to talk for a second about what this bill is.

This is a creative opportunity at the election of the local WIA board and at the election of the applicant for the grant to take a creative approach to take someone from unemployment to employment.

Now, outside the Beltway there is a real world; and in the 22 years prior to my election to this Congress, I ran a company, a company substantially all of whose employees were second or third career which meant they might have come out of a job loss, a job transfer, or a temporary unemployment because of the birth of a child or illness or whatever. And I can tell you in this unique world that we live in there is not a one-size-fits-all formula in terms of the requirements necessary for reemployment.

To allow the option for a local board to create these personal reemployment accounts and the option for an individual to accept the waiver and apply for the funds does the following things: it takes a person who is otherwise employable but in need of specific targeted help, whether it is in specific training, whether it is in child care or whether it is in transportation, to do a tailor-made job to go into employment, and I employed people that way every day for 22 years before I came to Congress.

It is a creative way to approach the needs of some people in looking for employment.

Secondly, what is so important for us to consider today is the present-day environment. The number of unemployed has been reduced from its peak because the American economy is improving. Those that are unemployed in many cases may be those who are more in need of specialized training or help that otherwise might have been true a year ago or 6 months ago. It is only right to grant that flexibility. And as long as we cannot get an agreement to go to conference on the base bill that now lies in limbo, it is only appropriate we take the right initiative.

I want to end with this. There are two basic motivators in human nature. One is risk and the other is reward. This approach takes the reward approach and the incentive approach and even in the end has the encouragement for residual funds to remain with the grantee, if they are employed earlier than they otherwise might have been.

Any other approach is for people to fear flexibility, to fear choice, and to fear creativity. Those are not things we should fear. Just as we proved in welfare-to-work, with targeted funds, with flexibility, with child care, with training, we could take a life of dependency and turn it into a life of independency. I will subscribe to that every single time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Chairman Greenspan before the Committee on Education and the Workforce indicated that he supports the extension of unemployment benefits. And after he made that statement, of course, the President of the United States announced that he would reappoint Alan Greenspan, would extend his tenure. Well, if he does that, let us extend those unemployment benefits which Mr. Greenspan supports.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Michigan (Mr. KILDEE), for yielding me time. I rise in opposition to the bill.

I suppose if you are one of the 8 million unemployed Americans listening to this debate, Mr. Speaker, you wonder what this bill would mean to you. First, if you live in one of the many, many States that would not be part of this pilot program, it means nothing. Second, if you are in one of the States or counties that has the pilot program, you keep hearing about this $3,000, there is no $3,000. This bill was not funded in the President's budget.

If money would be scraped together for it, it would come out of something else that helps unemployed people. It is up to $3,000. So someone listening to this, Mr. Speaker, should not assume that he or she is going to get a $3,000 voucher. But let us assume that you live in one of the pilot counties and the money is there to some extent. What does this mean? It means you are unemployed and you get a choice. You can either take all the services that the law presently provides like job training, like counseling, like transportation, like child care; or you can give up your right to receive those services for a year and take this check of up to $3,000 instead.

Now, if you have looked at the price of sending children to child care, $3,000 does not go very far. If you have looked at tuition at a career college or a community college, $3,000 does not go very far. If you have looked at the things that people need to do to get to work or find work, it does not go very far at all. So the premise of the bill seems to be that people are not taking jobs because it is better to stay on unemployment than it is to go get a job. I would suggest, Mr. Speaker, that anybody who thinks that has probably never been on unemployment.

The idea here is not that the $3,000 is going to be an incentive for people to go get a job. People are not taking jobs because the economy is not creating the jobs. For every three people looking for work in America today, there is one job. That is the problem that we ought to fix. We ought to extend unemployment benefits for those without a job. We ought to pass the transportation bill so that we put 300,000 Americans to work. We ought to adopt the Ryan proposal from yesterday that would create 100,000 new jobs for first responders to deal with our homeland security problems. That is the way to fix this problem. Not this bill.

I would urge my colleagues to oppose the bill.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the original author and I would describe as the father of the Workforce Investment Act. I applaud him on his good work.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 444, the Worker Reemployment Accounts Act, which offers new assistance for unemployed workers in the form of personal reemployment accounts that would help workers that need it the most return to work quickly.

I would like to thank my good friend from Nevada (Mr. PORTER) for his hard work and the things he has done in getting this legislation here, and also the gentleman from Ohio (Mr. BOEHNER) for his work and leadership in getting this bill to the floor.

With 1.1 million new jobs created in the last 8 months, and 625,000 jobs added in March and April, it is clear that our economy is strong and on the right track. The economic forecast for the manufacturing sector is also bright after adding jobs for 3 consecutive months. In fact, on Tuesday the Institute for Supply Management reported that its manufacturing employment index advanced in May for the seventh consecutive month and is now at the highest mark in 31 years. Moreover, the unemployment rate fell to 5.6 percent in April, lower than the average unemployment rate during the 70s, 80s and 90s.

As an example, my home State of California added more than 61,000 jobs from December 2003 to April 2004. Under the leadership of the President and Congress who are focusing our efforts to make America more globally competitive, our Nation's economy is strengthening and adding momentum every month. Despite these encouraging signs, we need to do more to help displaced workers get back on their feet. The Worker Reemployment Accounts Act is a step in the right direction and an innovative approach to helping workers find good paying jobs.

The bill authorizes funding for a pilot program that would help workers with personal reemployment accounts of up to $3,000 to purchase employment-related services to help them return to work. This is a flexible approach that empowers Americans to find good-paying jobs. Funds from these accounts can be used for job training, career counseling, relocation services, child care, and housing assistance among others.

One of the best elements of the plan is that any unspent balance in the account can be kept by workers who find work within 13 weeks. It is a great incentive.

The personal reemployment account will be administered through the one-stop career center system established under the Workforce Investment Act, where displaced workers already seek employment assistance. State and local workforce boards that want to participate will apply to the Secretary of Labor for competitive grants to offer personal reemployment accounts to unemployed workers.

An individual who receives an account must be receiving unemployment benefits, be identified by the State as likely to exhaust his or her benefits, and be eligible for at least 20 weeks of unemployment compensation. These accounts are a new benefit that would work in tandem with unemployment insurance as an additional vehicle for helping workers in their efforts to find good jobs. It would not create an entirely new and complicated system to administer, as some on the other side of the aisle are proposing.

Over the past 2 years, Republicans have taken numerous steps to help unemployed workers, and this is another way we are responding to needs of Americans who find themselves without work.

The U.S. economy is strong and getting stronger. By giving job seekers all the necessary resources they need to return to work, we will continue this economic resurgence to keep the U.S. jobs-creation engine running strong. The Worker Reemployment Accounts Act provides a unique approach to helping displaced workers return to good jobs and deserves every Member's support.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

□ 1145

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Michigan

(Mr. KILDEE) for his leadership on this issue and helping working people in our country; and, Mr. Speaker, let me say I wish that the comments of the last speaker, my colleague, were true in regards to the economy, but the facts speak to something quite different.

If we take a look at the jobs that have been created within the last several months, we find we have traded very good jobs, jobs in this country, for jobs that are paying much lower wages. When we look at the total record over the last 3 years, we find we have lost millions of jobs. When we look at the unemployment rate in this Nation, we find that many people have just given up hope, and that is why the unemployment rate may appear to be higher than it really is, but many people in this Nation who are looking for jobs cannot find jobs and have literally left the labor field altogether.

Mr. Speaker, we have a problem in our economy, and the problem can first be summed by saying we do not have enough jobs. We need an economic program that will create more jobs for Americans.

Number two, Mr. Speaker, we have millions of Americans who cannot find employment, and they need help called unemployment insurance, which in every prior recession and downturn Democrats and Republicans have come together to extend unemployment benefits. We have a fund to do this. There are millions of dollars in that fund, but yet the majority refuses to allow us to vote on the unemployment compensation.

So the first issue is the issue of jobs, and we need an economic plan that will create jobs. Unfortunately, the administration has pursued a fiscally reckless economic plan that has added trillions of dollars to our national debt and is killing jobs rather than creating jobs because of government debt.

The record over the last 3 years, millions of fewer jobs here in this Nation. People are hurting, Mr. Speaker. We need to do something about it. Eight million Americans are unemployed today; 1.8 million of them have been without a job for 6 months or longer. We have record numbers of people who have exhausted their State unemployment benefits.

Since we allowed last year the expiration of the Federal unemployment insurance benefits, we have found 1.5 million workers have exhausted their State benefits without the benefit of the Federal unemployment insurance; yet, the Republican leadership has refused us a vote on this floor of an extension of the Federal unemployment insurance benefits. They know that a majority of the Members of this body would vote in favor of that legislation, and yet they deny us a vote on the extension of unemployment benefits. Nineteen billion dollars is sitting in the Federal unemployment trust account, $19 billion which is accumulated exactly for this purpose, to help the unemployed worker; and the majority of Republicans refuse to allow us a vote on extending those benefits to those who need it.

So, Mr. Speaker, we have a problem. We have a problem with the wrong economic program, and we have a problem of not helping those people that are unemployed.

This bill does nothing in that regard. We should be debating programs to create new job opportunities in America, and we should be extending unemployment benefits to those who do not have the employment. I regret that we are not doing that today.

I would urge my colleagues to listen to the motion to recommit, because that is the only opportunity we are going to have that will be offered by the gentleman from Michigan (Mr. KILDEE) that at least will give us a chance to help us do something to help American workers.

Mr. BOEHNER. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) very much for the time, and it is a pleasure to work with him on the committee to protect the rights of workers and also to speak to the concern of unemployed Americans.

I rise to strongly oppose H.R. 444, the Worker Reemployment Accounts Act of 2004. I would like to begin with a reflection here.

Alan Greenspan, the Chairman of the Federal Reserve, recently appeared in Washington to talk about unemployment and about unemployment insurance, and he said "that when unemployment is created, through no fault of the workers' actions, then I think it is clearly to our advantage to find ways of creating support in our system, and as a consequence, in times like this, I have supported the issue of extension of unemployment insurance." That is Alan Greenspan, the chairman of the Federal Reserve.

Now, there is an urgency about this issue about unemployment, and I would submit that the solution that is being offered today by our friends in the majority is a false solution. We have the chairman of the Federal Reserve ready to recognize the urgency of unemployment insurance. It is obvious that we ought to be providing for an extension of unemployment insurance to meet the needs of those millions of Americans who are desperate today for Congress to take action. Why are they desperate? Well, let us look at what happened.

The economic record of this administration will show that over a period from January of 2001 to April 2004, there has, in fact, been a substantial increase in the unemployment rate from 4.2 percent in January 2001 to 5.6 percent in April of 2004. Let us look more closely at this.

What we have here is of great consequence to millions of Americans because in this period, from January 2001 to April 2004, we have seen long-term unemployment nearly triple. In other words, there are not only more people unemployed, but more people are unemployed for longer periods of time, which means a tremendous adverse economic impact on their families.

In January 2001, there were approximately 680,000 people in this country who were unemployed more than 26 weeks; but now, in April of 2004, under the economic policies of this administration, the unemployment rate for those who have been unemployed for more than 26 weeks has gone to 1.8 million, nearly three times. This, of course, means that there is real desperation on the part of many American families to get some help.

Now, let us put this in a historical context. How do we take the economic policies of this administration with respect to job creation and with respect to the lack thereof and put it against all administrations over the last 70 years? This comparison is noteworthy because what we see here is that going all the way back to the time of Herbert Hoover, there has not been a worse condition where we have seen an actual decline in private sector jobs. In this whole arc of a 70-year period, we see in one administration after another, Democrat and Republican alike, this administration has failed to meet the tests that all other administrations, Democratic and Republican alike, have met; and, in fact, we have here an actual decline in private sector jobs, only in this administration.

So what should be the solution right now with so many people suffering? We have been told this by the Chairman of the Federal Reserve. Our unemployment system is very well structured, and it has worked the way I think we wanted it to work. Alan Greenspan again said that on March 11 of this year.

So we should be here talking today about an extension of unemployment benefits. Not only is it important in terms of recognizing the abysmal failure of an administration in dealing with the creation of jobs, but with knowing the suffering of working families who are not getting any relief whatsoever at a time when the fund, as the gentleman from Maryland (Mr. CARDIN) pointed out, keep building up and up. What are we going to do with all this money? Instead, we have a bill which apparently those who crafted it believe that left to their own devices the 8.2 million unemployed workers in America would prefer to simply remain jobless.

With that analysis and thus the theory that underlies, this bill is absolutely wrong. Unemployed Americans are unemployed not because they want to be, but because they cannot find jobs. Since the recession began 37 months ago, 2.2 million private sector jobs have disappeared, a 2 percent contraction in the job market. In every previous episode of recession and job decline since 1939, the number of jobs fully recovered to above the pre-recessionary peak within 31 months at the start of the recession. This time, however, it has not happened. In fact, if employment had grown by the 2.2 percent rate that occurred in the past three recessionary cycles, today's labor market would have 5.2 million more jobs. Instead, we can all point to lost jobs, and that is all we can point to and more lost jobs.

Well, the administration has responded to the situation by refusing to extend Federal unemployment benefits, an action that is already paid for by the unemployment trust fund; 1.5 million workers remain without a paycheck and without an unemployment check. The number of individuals who have exhausted their State unemployment benefits without finding work is at the highest level ever recorded.

This bill ought to be defeated. It is a nonsolution. It is time for Congress to act in bringing unemployment insurance extension to the floor of this House.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. PORTER), the author of this bill.

Mr. PORTER. Mr. Speaker, I would like to address the top five false claims that we have heard today about H.R. 444 with some of the facts.

False claim number 5: a reemployment bonus cannot motivate workers to find jobs that do not exist. The truth: as Republicans, our tax and growth programs over the past year have created 1.1 million new jobs, 625,000 coming in March and April. These job opportunities are becoming more available, and we have to ensure that those chronically unemployed have the new tools and new skills to face this new economy.

False claim number 4: PRAs do not provide workers with greater flexibility. Rather, if workers choose a PRA, they would be prohibited from using WIA services for a full year. Mr. Speaker, the truth: reemployment accounts provide the unemployed with a means of developing an individual specific plan for regaining employment. The prohibition against WIA services is to prevent double dipping. I think that is appropriate.

False claim number 3: PRAs will be used as an excuse to not extend the Temporary Emergency Unemployment Compensation Program. The truth, Mr. Speaker: Republicans have consistently supported extending unemployment benefits. These PRAs are a supplemental approach to benefits and represent one more way that Republicans are using to help Americans find new jobs and get back to work quickly.

False claim number 2: reemployment accounts come at the expense of other WIA job training and employment programs. The truth, Mr. Speaker: while appropriators will ultimately determine the allocation of these dollars, the funding for PRAs will flow through the discretionary fund of demonstration projects, not the funds used for other services.

False claim number 1 on the top of the list: H.R. 444 would restrict, rather than expand, the amount of job training and other reemployment services. Mr. Speaker, Republicans have prioritized funding for job training. Reemployment accounts are a voluntary program that allows for personalized and streamlined reemployment services. No one is forced to use the account, and the purpose of the legislation is to provide the most effective use of funds for the unemployed.

□ 1200

Again, I encourage strong support for H.R. 444.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to say to the gentleman from Nevada (Mr. PORTER) that he ought to read the bill, because truth and facts are about what the language of the bill says.

If you read on line 16, page 15, "For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except for the fee-for-services basis."

The gentleman obviously has not read the bill. That means that you either pay for it with the stipend the gentleman says he wants to give them, which provides them no additional new services, no flexibility. So do not stand up here and talk about facts or truth. Read the bill. Read the bill, and the gentleman will find out what he is doing is denying them the services that are already available to them today.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this bill would establish a demonstration project that would ostensibly offer personal reemployment accounts to workers, providing up to $3,000 in assistance for the purpose of finding a job and paying for services that would help lead to employment.

Sounds good on the surface, but, as with every bill this administration puts forward that impacts workers, there is a catch. Employment services now offered through the One Stop Centers, at no cost to the unemployed worker, would have to be purchased, meaning that unemployed workers would now be charged for services that they can currently receive for free.

To give an idea of the difference, those who utilize One Stop job training programs right now receive an average of $5,000 to $6,000 in services, about double the maximum allowed under this bill. So we should not be fooled. The goal of this bill is not to provide additional reemployment services or job training funding for unemployed workers; rather, it is to pave the way for placing a Federal cap on these services.

In an economy with a million and a half workers who have already exhausted their unemployment benefits, reducing these services without providing any job creation program is not only bad economic policy it is outright dismissive of what these families are going through day after day, particularly women in transition, nearly half of whom are already finding Workforce Investment Act services, like local women's education and training programs, insufficient.

Mr. Speaker, the unemployed workers in this country do not need "an incentive" to look for work. Supporting a family without a job is incentive enough. What they need is a job. Congress should be expanding job training and job training access, not limiting them, as next year's budget does. We should be extending health and unemployment benefits to the unemployed, not letting them expire in the face of serious unemployment.

Historically, this country, Republican or Democrat administrations, have extended unemployment benefits in time of need. As a Nation, we have said we are going to help people on a temporary basis meet these unemployment challenges that they have. Not this administration. What do they say? They say, if we extend those benefits, people will not go out and look for a job. That is the opinion they have of working people in this Nation.

I say to my colleagues on the other side of the aisle, walk in the shoes of the unemployed; understand what it means to live paycheck to paycheck. We do not have to worry about that in this body. There are folks in this country who worry about that every single day. The unemployed workers in this country deserve better.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. BOEHNER. Mr. Speaker, I yield myself 1 minute.

There was a discussion here about what would happen if workers chose to take a $3,000 personal reemployment account and their ability to access services at the Career One Stops. I just want to set the record straight.

While it is true that recipients would be prohibited from accessing intensive or training services through the One Stop career system for 1 year after the creation of the account, unless, unless the person with the account chooses to purchase services there, however, all individuals remain eligible for the core services provided by the Career One Stop. Such services include job search and placement assistance, including career counseling, where appropriate, and access to labor market information.

Now the idea here is that we allow individuals $3,000, giving them the right to choose the types of services that they think will help them get back on their feet and find a good job. They can purchase those services at the Career One Stop or they can go down the street and go to a community college if they want. But the core services that the Career One Stops provide for all individuals, these persons with the $3,000 personal reemployment accounts, would still be eligible for those core services.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Michigan (Mr. KILDEE) has 2½ minutes remaining, and the gentleman from Ohio (Mr. BOEHNER) has 6 minutes remaining.

Mr. KILDEE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is about time we address unemployment. Unfortunately, H.R. 444 is not the legislation that will truly put Americans back to work. It offers only a temporary solution for a limited pool of unemployed workers and is a poor solution to the ongoing unemployment problem of this Nation.

Rather than PRAs, personal reemployment accounts, we need across-the-board investments in the Workforce Investment Act, WIA, and the Unemployment Insurance, UI, programs. These are the existing programs that need help so a broader number of workers stabilize their lives and develop the necessary skills to secure new jobs. Proper funding of these programs would make the difference. Finding ways to give unemployed workers real jobs is the real solution to the national unemployment problem, not a bill that puts additional burdens on the States, threatening to undo the Federal unemployment system in the first place.

Let me also remind my colleagues that $1 billion invested in highways and transit creates 47,500 new jobs. If we really want to create jobs, we should be moving forward with the transportation bill. These jobs pay a living wage, give workers the opportunity to better their communities, while at the same time supporting their families.

H.R. 444 is not a real solution. The real solution would grant unemployment extensions when finding work takes longer than the length of the initial benefits, not a bill that forces workers to choose between receiving WIA benefits or PRA benefits with no flexibility to go back to one when the other is exhausted.

Mr. Speaker, H.R. 444 is false security.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for his leadership as chairman on the Committee on Education and the Workforce. He is doing a tremendous job. I also want to thank the gentleman from Nevada (Mr. PORTER) for this important legislation that he has introduced. I am also a cosponsor.

Education and retraining are the keys to ensuring that the American worker is the most competitive in the world. Now, this is week three of 8 weeks that the House is dedicating to addressing issues to bring jobs back into America. These eight issues are all very important because they are costs that are outside the control of employers. They are costs that are driven by the Federal Government. We are going to lower those costs by undoing some of the work Congress has done over the last generation and freeing up employers to bring jobs back into America.

This week, we also have passed the Teacher Training Enhancement Act, the Teacher Shortage Response Act, the Priorities for Graduate Studies Act, and now we are addressing H.R. 444, the Worker Reemployment Accounts Act.

One of the things I notice about the complaints about this bill from the other side is that we want to tell people what to do. This bill gives them flexibility. They can go out and get job training. They can get child care. They can provide for transportation or career counseling. The opponents of this bill do not want to provide choices because they do not trust Americans. They want to tell people what to do with their benefits. On the Republican side, we say we trust people to make good choices if they are given some opportunities.

Mr. Speaker, I want to give an example of a mother of three, who was working at the Ratheon Corporation in Wichita, Kansas. She wanted to finish her degree, and she got laid off. She could not provide for her child care, so she had to bring her mother back in from out of town to live with her while she went back to Wichita State University and completed her degree. With this legislation, she would have been able to carry on her education while her children were taken care of; and her mother would not have had to quit her job and move into her daughter's house.

This bill gives people flexibility so they can go out and get the child care they need. It is a good piece of legislation. It is part of bringing jobs back to America, and I urge all my colleagues to vote for it.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition. What we should be doing today is voting to extend unemployment benefits. However, the Republican leadership will not let that amendment be offered, even though or maybe because they know it would pass.

Not only will the majority not assist workers who need jobs, but the authors of this bill assert that unemployed workers need financial incentive to get a job. Now, ask the workers whose jobs have been outsourced whether they need financial incentive to get a job. I am really shocked that the authors of this bill believe the American workers effectively need to be bribed to get a job.

American workers are not looking for handouts. They are looking for jobs. And, even worse, this bill would effectively bar the recipients of this money from receiving actual job training. Contrary to, and I must respectfully differ from the chairman, contrary to what he says, they would not get actual job services. Sure, at a job center, if they find an open computer, they might be able to use it to prepare a resume, but they will not get the counseling they need. They will not get the training they need. This bill would deny workers the important training opportunities they need.

This Nation has lost more than 2 million jobs under this administration. We should be dealing with the unemployment needs of these workers. I ask my colleagues to oppose this risky scheme.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

I think all of us realize that the American economy is changing, and I think it is changing at a more rapid pace than any of us would likely know. During a hearing several months ago, I found a number of statistics that I really found unusual. If we all think back for a moment to 1999, the American economy was in full bloom, the stock market was rising, employment levels were at all-time highs, yet in 1999 the American economy lost 35 million jobs. Yes, that is right. The American economy lost 35 million jobs. But, in 1999, the American economy also created 37 million new jobs, a net gain of 2 million jobs.

Now, let us move forward 3 years to 2002. And what happened in 2002? We had a recession, we had the effects of 9/11, we had a war going on in Afghanistan, and the American economy lost

35 million jobs in 2002. The American economy, though, in 2002, only created 33½ million new jobs.

This churning that we see in the American economy has always been there, but this churning we are now seeing is happening at a much faster pace than ever before; and, as a result, the need for job training, retraining, and educational services for American workers is at an all-time high.

During our hearing, when we had Alan Greenspan in front of our committee, he said this: "We need to increase our efforts to ensure that as many of our citizens as possible have the opportunity to capture the benefits that flow from that engagement. For reasons that I shall elucidate shortly, one critical element in creating that opportunity is the provision of rigorous education and ongoing training to all members of our society. This proposal is not novel. It is, in fact, the strategy that we have followed successfully for most of the past century and a strategy that we now should embrace with renewed commitment."

Education and training and ongoing education and training for the American workforce is absolutely critical, Mr. Speaker.

There has been a lot said here today about the nature of our economy and what is happening, but in a U.S. News and World Report that is out today, dated June 7, Mort Zuckerman, in his editorial, says this:

"The economy is well on a tear. New jobs are being generated in large numbers. Income is growing at twice the rate of last year. And the exhilaration is such that we will probably see 5 percent growth in the gross domestic product. The jobs reports of the past few months have changed market sentiment. Sixty-one percent of private industries surveyed have added workers. That is the highest in 4 years. Business confidence has surged to a 20-year high, and business spending is exploding, with even American manufacturing joining the party. Companies that once saved every nickel are laying out more and more money as capital equipment to meet growing orders in double-digit rates."

He goes on to say later in the article, "We are on a trajectory toward extraordinary growth in the second half of 2004 that will beget stronger job and income growth, stronger retail spending, and accelerating demand at a time when businesses have cut costs, raising profit margins to their highest level in years.

□ 1215

"Higher profits will beget more spending, which will beget more business expansion, which will beget more income for workers which should trigger yet another increase in demand."

Do not look now, but the surging economy may be the real October Surprise. There is a real surge in our economy; and for Americans to take advantage of that surging economy, the kind of education and training that we allow under the Workforce Investment Act and provide for them should be helpful to them. These personal reemployment accounts are a pilot project to give them the choice about the kinds of services they need, the kinds of training or retraining they need to go out and take advantage of a surging economy to get a real job for the long term.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 444, the so-called the "Back to Work Incentive Act."

This bill is based on flawed assumptions and is an insult to the 1.8 million Americans—22 percent of the total unemployed—who have been out of work for more than 6 months. The Republicans believe that all long term unemployed Americans simply aren't looking for jobs because they are living comfortably on an average weekly unemployment benefit of $256—or about 37 percent of their former wages. That's ridiculous!

H.R. 444 takes $50 million of valuable funding from effective programs within the Workforce Investment Act to fund ineffective Personal Reemployment Accounts (PRAs). The purpose of these accounts is to provide an incentive payment of up to $3,000 to unemployed workers to encourage them to find employment faster. It does this despite all of the research, which shows that PRAs don't work. You would think living off $256 a week would be enough incentive to find work. However, these out-of-touch Republicans believe that $256 a week allows households to pay for their mortgages, groceries, utility bills and college educations for their children.

If President Bush and House Republicans are so fond of linking bonuses to job performance, then we should offer the President a bonus if he actually creates jobs. Since President Bush came to office, 2 million American jobs have been lost. The problem with this economy isn't lazy unemployed workers, it's ineffective economic policy management.

Even more puzzling about this legislation is that the provisions of this bill do not make sense. Supporters argue that PRAs help workers get jobs because the money provided can be used for job training and other services such as child care and career counseling. However, if a worker were to get the maximum PRA of $3,000 it would not be enough to pay for job training alone, which costs on average $5,000–6,000. That doesn't take into account all the other costs unemployed workers confront.

Instead of wasting the American people's money on unproven programs, this Congress should extend unemployment benefits to the over 1.5 million workers who have exhausted their benefits and expand the funding for the free job training already provided under the Workforce Investment Act. These programs provide needy families with immediate economic relief and the necessary skills to find new jobs.

It is time that President Bush and the Republican Congress stop blaming unemployed workers for the lack of jobs in this country. Instead, the Republicans should show some leadership and take responsibility for their poor economic management.

I urge my colleagues to vote against H.R. 444 and ask the Republican leadership to consider legislation to actually help unemployed workers and create jobs in the United States.

Ms. WATSON. Mr. Speaker, I rise in strong opposition to H.R. 444, the Back to Work Incentive Act. The bill does nothing to help the current labor market, and offering workers reemployment bonuses does nothing to help the future of our nations unemployed and won't help put more jobs into our nation's struggling economy.

This bill is a careless attempt to replace the extension of unemployment benefits for the long-term unemployed. This bill will help less than 0.2% of the unemployed and will do nothing for millions of jobless workers, particularly those out of work for more than 26 weeks.

The Back to Work Incentive provides a $3,000 voucher for only about 15,000 eligible workers. These recipients will not be able to access free core services provided through the Workforce Investment Act and they will forfeit the opportunity to get up to $10,000 in other possible Workforce Investment Act services and benefits available without cost under existing programs.

This bill also does not address the pressing problems of lack of available jobs, the need for marketable skills, and sufficient training funds for today's unemployed workers.

Mr. Speaker, in April alone 320,000 of America's workers exhausted their unemployment benefits. The Administration must come up with solutions that will provide jobs for all, not just benefits that are temporary for some. H.R. 444 doesn't cut it and I urge my colleagues to vote "no" on this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to oppose the bill before this body, H.R. 444, the Back to Work Incentive Act of 2003. More than 8.3 million individuals are out of work, and by one estimate, there are three workers for every available job. At the same time, over 1.2 million unemployed Americans who have exhausted their federal unemployment benefits are looking to Congress for urgent relief.

This sad trend means even more to the African American community. As of January 2004, the national unemployment rate was 5.6 percent. The African American unemployment rate was nearly twice that at 10.5%. Unemployment in this community has soared by 26% since reversing the trend of the Clinton era when African American unemployment declined by 48 percent; from 14.1 percent in January 1993 to 7.3% in December 2000.

In the City of Houston, the unemployment rate has decreased steadily from 6.6% to 6.0% from November 2003 to April 2004. This kind of trend is partly indicative of the success of job training programs that give workers the ability to not only retain employment but to improve their earning potential. The bill before us today will have a negative effect on the people of my District and the Districts of all of my colleagues and should be defeated.

H.R. 444 fails to provide the nation's most vulnerable workers urgently needed assistance and undermines key provisions of the existing Workforce Investment Act.

The crux of this legislation calls for the luring of financially strapped unemployed workers out of more intensive job training with a 'buy out' that could be as little as $500 or less. Workers who are struggling must then decide whether to sign up for training or to accept additional financial support for their families.

However, if our colleagues on the other side of the aisle would really like to help these workers, they should work to extend unemployment benefits that will provide that urgently needed family support, with no draconian cap on job training services. H.R. 444 would require the unemployed to pay for otherwise free job counseling and training services and ban them from the system if they accept a Personal Re-employment Account (PRA).

H.R. 444 would undermine our workforce training and unemployment insurance systems. This bill not only ignores those families who need the help the most, it nullifies the accountability provisions contained in our job training programs. H.R. 444 would provide little if any oversight over program dollars spent on arbitrarily-chosen training providers. State certification requirements under the current WIA system would be all but removed with the PRA's—opening the door for financial abuse with no means to correct or even measures the potential abuses. Congress just revamped the job training system in 1998 to provide a comprehensive universal system of job assistance services, yet the Majority would circumvent their own system to create a new parallel program.

This bill also fails to provide relief quickly. The Congressional Budget Office says funds for this program would not even reach workers until next year—and one out of four eligible families would not be helped until fiscal year 2005. An unemployment insurance extension can provide help to workers in a matter of weeks, not months or years—and would create urgently needed short-term economic stimulus.

Rather than preparing for another extension of unemployment insurance that will be needed in the late spring, H.R. 444 seeks to utilize precious resources to provide assistance to the smallest fraction of the unemployed. This legislation is part of a strategy to undermine and cut funding to the unemployment and job-training systems and head-off another federal unemployment benefit extension that would provide assistance to those who desperately need it.

This legislation bars those who accept Personal Re-employment Accounts from receiving counseling and training services at a one-stop employment center for one year once the funds within the account are exhausted. Unemployed workers currently receive an average of $5,000 (and as high as $10,000) worth of training services under our current WIA system, and yet many of them are unable to find a sustainable job due to the jobless stagnation of the economy. H.R. 444 would cut millions of unemployed workers off from access to needed job training or re-training programs.

In addition, the infrastructure that would be required to administer the PRAs in the base bill would take several months, if not a year to set up, limiting what immediate help we can provide the unemployed.

Mr. Speaker, for the reasons stated above, I oppose this legislation and urge my colleagues to join me.

Mr. BLUMENAUER. Mr. Speaker, I would welcome a constructive approach to help people who are struggling with the consequences of long-term unemployment. For nearly three years now, Oregon has had one of the highest unemployment rates in the entire country. Largely for circumstances beyond our control—the national and international economies, the manipulation of energy markets—Oregonians have suffered. Unfortunately, this bill falls short of providing meaningful help to the 65,000 Oregonians who have lost their jobs during the Bush presidency.

This bill caps the benefit at $3,000 per unemployed worker and provides no assurance that it will approach that much for most people. The one thing that is guaranteed is that recipients are cut off from other Federal programs for one year after they use their "reemployment accounts." This is a poor bargain with no guarantee of success.

Congress can and should do better than create a cynical shell game of taking away funding from existing Workforce Investment Act (WIA) programs and reusing them in a lesser, unestablished program. Congress should place its priorities behind what the President campaigned on and existing, productive programs: enhancing Pell Grants, fully funding the WIA, and using the $14 billion already in the Unemployment Insurance Trust Fund. Congress has established programs that are useful, flexible and creative that can help our 8.2 million unemployed workers. This new draconian proposal is ill-advised and unnecessary.

Mr. BOEHNER. Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for general debate has expired.

Pursuant to House Resolution 656, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KILDEE. Mr. Speaker, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kildee moves to recommit the bill H.R. 444 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Emergency Worker Assistance Act".

SEC. 2. EMERGENCY UNEMPLOYMENT SUPPORT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following new subsection:

"(e) EMERGENCY UNEMPLOYMENT SUPPORT.—

"(1) GRANTS TO STATES.—From the amount appropriated under paragraph (2), the Secretary shall make grants to States to provide financial and employment support to individuals who have exhausted their State unemployment benefits and can no longer receive, after the week of December 20, 2003, Federal extended temporary unemployment compensation, and who continue to be unemployed as of the date of enactment of the Emergency Worker Assistance Act. The eligibility criteria and benefit amounts under this paragraph for such individuals shall be the same as for such individuals prior to December 20, 2003, under the Federal extended temporary unemployment compensation program.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 2004 and 2005 such sums as may be necessary to carry out this subsection.".

Amend the title so as to read: "A bill to amend the Workforce Investment Act of 1998 to provide continued unemployment support to ensure adequate emergency worker assistance and for other purposes."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KILDEE) is recognize for 5 minutes in support of his motion to recommit.

Mr. KILDEE. Mr. Speaker, my motion to recommit is simple: It authorizes the extension of unemployment benefits.

Mr. Speaker, 1.5 million workers have exhausted their initial unemployment benefits. These individuals have yet to find employment due to this very sour economy. Despite the need for these workers to provide for their families, this Congress has turned a deaf ear. We have continually failed to ensure the financial security of these workers and their families.

The question for this House is how can we pass legislation providing job-training vouchers when there are no jobs. We need to first ensure the financial security of those workers who have lost their jobs, and we have not done that. This amendment does that by authorizing the extension of unemployment benefits.

Mr. Speaker, we have a moral responsibility today. In Michigan and many other States around the country, job growth is nonexistent or anemic. Nationally, 8.2 million individuals are unemployed. The unemployment rate is 5.6 percent. It is quite evident that American workers want to work. The simple truth is that jobs do not exist. How long are we going to ignore the needs of the American workforce.

The underlying legislation is completely inadequate in addressing the problems facing the American worker. We cannot simply authorize a job-training voucher program. That does not meet the need. We have to act today, and we have to act now by extending unemployment benefits.

I want to remind Members that the House has considered nearly identical language to this motion to recommit during the debate on the Community

Services Block Grant bill. I urge Members to support my motion to recommit.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, I urge my colleagues to vote for the Kildee motion to recommit H.R. 444. This motion does what is needed. The real problems that our country faces today are a lack of jobs and a lack of adequate unemployment benefits for unemployed workers who cannot find jobs. There are currently over 8 million workers who are unemployed. There are also an additional 4 million workers who are so discouraged about the job situation where they live that they are no longer looking for work, and there are another 4 million workers working part-time because they cannot find full-time work. What these workers need is income support until the economy fully recovers and produces enough jobs for them to support their families. These workers are not looking for a handout. They want to work, but where they live, there are no jobs.

Extended unemployment benefits give them the hand up that they need. Average benefits are only about $200 a week. This amount is hardly enough to incentivize them to stay home indefinitely, yet that is what some would have us believe.

Mr. Speaker, 85,000 workers a week are exhausting their unemployment benefits; long-term unemployment is at the highest level in decades. The Kildee motion simply provides a minimum level of human decency to these hard-working Americans. They paid into the unemployment system, and the unemployment trust fund has over $19 billion in it. Instead of pushing ineffective reemployment account voucher schemes, we should be providing unemployment support. Even Alan Greenspan, the chairman of the Federal Reserve, has supported such an extension. I urge my colleagues to do the same.

Mr. KILDEE. Mr. Speaker, I yield myself the balance of my time.

In conclusion, I would say adoption of my motion to recommit would really begin to touch immediately the needs of those people who are unemployed, rather than this anemic approach offered in the bill itself. I urge that we support the motion to recommit.

The SPEAKER pro tempore. Does the gentleman from Ohio (Mr. BOEHNER) rise in opposition to the motion to recommit?

Mr. BOEHNER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means that deals with this.

Mr. HERGER. Mr. Speaker, I rise in opposition to this motion to recommit. This Republican Congress provided additional assistance to the unemployed when it was needed. Through laws passed in 2002 and 2003, nearly 8 million laid-off workers received more than $23 billion in special Federal-extended unemployment benefits. Let me repeat that. Nearly 8 million people received $23 billion in additional help. We continued that temporary program twice last year when unemployment was rising and the economy was shedding jobs.

Fortunately, today that situation has dramatically improved. The economy recently has been growing at the fastest rate in 20 years. President Bush's tax relief worked to turn the economy around. That is why unemployment continues to fall. During the past 12 months, unemployment rates have dropped in every region of the country, including in 47 States. Today's unemployment rate is lower than the average of the 1970s, 1980s and 1990s. Last month saw one of the steepest drops ever in the number of long-term unemployed. Nearly 1 million new jobs have been created this year alone, 138 million Americans are working now, more than ever before in our Nation's history.

This suggests what we always knew, people want to work, not collect more unemployment benefits. Republicans are working hard to keep this tremendous economic and job growth going. This Democrat motion goes in the opposite direction. It will not help provide critical training for those seeking jobs.

Mr. Speaker, let us reject this motion to recommit.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as the gentleman from California (Mr. HERGER) has pointed out, we have extended unemployment benefits on several occasions and have provided tens of billions of dollars in support for those extensions.

The motion to recommit, if Members believe this is going to provide unemployment extensions to people, they are kidding themselves. What the Kildee motion does is create a new program within the Workforce Investment Act to extend unemployment benefits. This is not the usual unemployment system that we have that works really well. Under this proposal, we create a new program that is not funded. There is no funding in this bill for the program that is being created, and all this is going to do is bring false hope to millions of Americans who are out there trying to seek work who are on unemployment.

But the worst part of the motion to recommit is that it totally eliminates the underlying bill. For those of us who believe personal reemployment accounts are a good idea and that projects ought to be initiated to allow people up to $3,000 to find the kind of training, retraining, and education they need in order to gain good employment, that entire bill is eliminated under the gentleman's motion to recommit.

I would urge my colleagues, let us not engage in a facade; let us not make empty promises to people who need our help and need our help badly. This is a new program. It is not funded. It will not extend unemployment benefits. Again, the worse part about it is it would eliminate the entire underlying bill and the personal reemployment accounts that we think will be helpful for American workers who are out of work.

Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I rise today to support the motion to recommit H.R. 444. We must support the workers who are desperately trying to find work before their benefits run out. Their families are the reason we must absolutely extend unemployment benefits, not pass legislation that will fundamentally change the Federal unemployment benefits system, like H.R. 444.

We need a real solution like extending unemployment benefits so families have the means to be healthy and safe when their jobs are no longer secure. How else will these families pay their heating bill, clothe their children, and feed their family?

These workers want work and seek work, and we must help them as they get back on their feet again. There is still too little job creation to write off the Federal Extended Benefits Program.

Mr. Speaker, today, 8.4 million people are out of work, 2.6 million private sector jobs have been lost since the beginning of the Bush Administration. Even worse, long-term unemployment is at the highest level in 10 years. As of April 2004, over 1 million people, in my home State of California, were unemployed.

My colleagues on the other side of the aisle believe they are helping unemployed workers by creating these personal reemployment accounts. But my constituents are not writing me on a weekly basis asking for a brand new unemployment system. They simply want their unemployment benefits to continue until they find a job.

H.R. 444 is not the fix they are seeking. If my colleagues really listened to what the unemployed workers wanted they would grant families the security of benefits while they continue to seek work. That's why I urge my colleagues to support this motion to recommit H.R. 444 so we can address what workers really want.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this

15-minute vote on the motion to recommit will be followed by 5-minute votes, as ordered, on passing H.R. 444 and suspending the rules and passing H.R. 3866.

The vote was taken by electronic device, and there were—yeas 199, nays 216, not voting 19, as follows:

[Roll No. 224]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Chandler
DeGette
DeMint
Deutsch
Emerson
Fossella
Gerlach
Johnson, Sam
Lynch
Quinn
Ruppersberger
Smith (MI)
Tauzin
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1252

Mr. GREEN of Wisconsin, Mr. GILCHREST, and Mrs. CUBIN changed their vote from "yea" to "nay."

Mr. LEWIS of Georgia and Mr. GORDON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 203, not voting 18, as follows:

[Roll No. 225]

AYES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca

Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
DeGette
DeMint
Deutsch
Emerson
Feeney
Fossella
Gerlach
Johnson, Sam
Lynch
Quinn
Smith (MI)
Tauzin
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1303

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. WATSON. Mr. Speaker, on rollcall No. 224, I was detained by constituents from my District. I would have voted "no" on H.R. 444.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to section 2 of House Resolution 656, the texts of H.R. 4409 and H.R. 4411 will be appended to the engrossment of H.R. 444; and H.R. 4409 and H.R. 4411 are laid on the table.

(For texts of H.R. 4409 and H.R. 4411 see proceedings of the House of June 2, 2004, at page H3628 and H3638, respectively.)

ANABOLIC STEROID CONTROL ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3866, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3866, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 3, not voting 23, as follows:

[Roll No. 226]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Kucinich
Paul

NOT VOTING—23

Andrews
Ballance
Brady (PA)
Brown-Waite, Ginny
Burton (IN)
Capuano
Carson (OK)
Clyburn
DeGette
DeMint
Deutsch
Emerson
Feeney
Fossella
Gerlach
Hobson
Johnson, Sam
Lynch
Pryce (OH)
Quinn
Sabo
Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1311

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, on three rollcall votes earlier today, I was unavoidably detained. I would have voted "nay" on No. 224; on No. 225 I would have voted "aye"; and on No. 226 I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857

Mr. PICKERING. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 857.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees: From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, PETRI, MCKEON, CASTLE, ISAKSON, PORTER, KILDEE, HINOJOSA, AND TIERNEY, and Ms. MCCOLLUM.

There was no objection.

(Ms. DUNN asked and was given permission to speak out of order.)

CATHERINE MAY BEDELL, POLITICAL PIONEER AND MENTOR TO WOMEN

Ms. DUNN. Mr. Speaker, I rise today to pay tribute to a great lady of the Republican Party in the State of Washington. We are so sorry to learn that Catherine May Bedell, our former Member of Congress from the 4th congressional district in Washington State, passed away last Friday.

We lost Catherine May Bedell last Friday. She was a rare lady, Mr. Speaker; and a couple of us wanted to stand up today on the floor and pay tribute to her and let her friends who continue to serve in the House of Representatives and those in politics in Washington State and all over the country know of her passing.

Catherine was born in Yakima. She was one of the few women in national politics at that time to win office on her own, because many people were appointed to replace their husbands or their fathers. Catherine was a strong Member of Congress, a strong woman, very articulate. She had a great time in life, and she stood up for those enterprises that she believed in.

Her political career began in 1952 in Washington State's legislature, and she served as a representative until she was appointed by the party to run against the current Congressman, Otis Halbert, who had decided to retire. She was elected to the Congress in 1958.

Catherine May Bedell was a wonderful spirit, Mr. Speaker. She was somebody who used her talents, being able to speak well, being able to write well, A PR agent, for example, who was hired on by NBC Radio to put together the Betty Crocker specials sponsored by General Mills.

She returned to Yakima before she died. Catherine May Bedell was a great fighter for interests she believed in. She was a member of the Atomic Energy Committee, the Joint Committee on Atomic Energy, and she fought for the Hanford Nuclear Reserve against people who were trying to close it down. She also was a Member of the House Agriculture Committee, and she fought for dams to protect those farmers and bargers who operated there in the 4th Congressional District.

□ 1315

The last time I talked to Catherine May Bedell was soon after she left a position on the United States International Trade Commission. She and I met at an event in San Diego, California, where Catherine continued to do what she always did when she saw a woman who had interests in politics. She urged me to run. That was a long time, 11 years before I actually ran for Congress, Mr. Speaker, but when the time came I remembered Catherine May Bedell's words and her encouragement and actually took her up on that bet and let her know through letters and cards how I was doing in the Congress.

So that was my best memory of her, because it has so much to do with the work that I have done here in the United States Congress.

Mr. Speaker, we have some folks who have followed her career and would like to say a few words.

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, Catherine May Bedell was an outstanding member of the House of Representatives. She came from our great State of Washington, from Yakima. She was a graduate of the Yakima Valley Junior College and the University of Washington. She was a noted writer, teacher, journalist and radio broadcaster. In fact, she had the first Betty Crocker radio show in the country.

She was elected, as mentioned, to the legislature in 1952, served to 1958, and then won her first campaign for Congress in the 86th Congress. She served very well on the House Committee on Agriculture, where she was a strong voice for farming, irrigation, hydroelectric power generation across the State's expansive 4th Congressional District.

She served very capably in the House from 1959 through 1970; and, after that, President Nixon appointed her to the U.S. International Trade Commission on which she served for 10 years.

She was a great role model. In fact, she was the first woman elected to the House from the State of Washington.

Many of us in this Chamber today know her son, Jim, who served as the Executive Vice President of the National Association of Broadcasters and today is the President and CEO of the Air Transport Association.

Congresswoman Catherine May Bedell was also survived by a daughter, Melinda May Mazzetti, of San Francisco. I had the honor, when serving on Senator Magnuson's staff as an assistant, to work with her. She was a delight. She was a hard worker. She was a credit to this institution.

We are very sad to learn of her passing. I had a chance to talk to Jim, her son, today; and, of course, the family was very pleased to hear that she would be remembered today on the floor of the House of Representatives.

[From the Yakima-Herald-Republic, Jun. 2, 2004]

CATHERINE MAY, POLITICAL PIONEER AND MENTOR TO WOMEN, DIES

(By Leah Beth Ward)

Yakima native Catherine Dean May, the first woman elected to Congress from Washington, died of natural causes Friday in Rancho Mirage, Calif. She was 90.

May was first elected to the 4th Congressional District in 1958 when Gen. Dwight D. Eisenhower, whom she greatly admired, was president.

Scholars have noted that she was one of the few women in national politics at the time to win office on her own. Many others were appointed to replace their husbands.

"She was very much a pioneer," her son, James C. May, said Tuesday in a telephone interview.

Described as strong and articulate by those who knew her, May inspired and personally encouraged other women to run for political office.

"When I first saw her, she was standing in a group of men and they were listening to her. She could hold her own," said Rep. Mary Skinner, R-Yakima, recalling a Republican Party luncheon more than 30 years ago. "I was a great admirer."

May's political career began in 1952 in the state Legislature, where she served as a representative until the Republican Party nominated her to run for the congressional seat of Otis Halbert, who was retiring. In what was called an upset, she beat Democrat Frank LeRoux of Walla Walla.

May was re-elected to Congress six times until 1970, when she lost to Democrat Mike McCormack, a research scientist at Hanford. That year she remarried, taking Donald W. Bedell's last name.

Born Catherine Dean Barnes on May 18, 1914, she graduated from Yakima High School in 1932 and attended Yakima Valley Junior College through 1934 before earning a bachelor of science degree in 1936 from the University of Washington. May's parents ran a Yakima clothing store.

In 1937 she received a teaching certificate and taught English for three years at Chehalis High School. She interrupted that stint in 1939 to study speech at the University of Southern California, according to her congressional biography.

Her son remembered his mother as very much the English teacher, correcting grammar whenever necessary.

"In my household you grew up watching your language," James May said.

After teaching, May parlayed her language skills into radio broadcasting, first with station KMO in Tacoma, and later stations KOMO and KJR in Seattle. From 1942 to 1944, she worked in advertising for the Strange and Prosser Advertising Agency and the Federal Insurance Co., both of Seattle.

NBC radio of New York City hired her between 1944 and 1946 to produce the first Betty Crocker show, sponsored by General Mills.

May returned to Yakima and continued in radio journalism as "women's editor" at KIT in Yakima from 1948 to 1957.

According to research of her congressional record by Washington State University, upon her election, May was the first representative from the state in six years to win a seat on the House Agriculture Committee. She held the assignment throughout her tenure and used it to fight for dams.

In her last term in office, she received a second committee assignment, the Joint Committee on Atomic Energy, where she fought an attempt to close Hanford.

Though she never touted herself as a woman's rights activist, May was a quiet champion for the cause. She supported the Equal Rights Amendment and worked to include the prohibition against discrimination based on sex in the landmark 1964 Civil Rights Act.

Political defeat far from ended May's career in public service. President Nixon appointed her to the U.S. International Trade Commission, where she served from 1971–81.

In 1982, President Reagan named her special consultant to the president on the 50 States Project. She was president of her own firm, Bedell Associates, in Palm Desert, Calif.

May's survivors include her son of Washington, DC, and her daughter, Melinda May Mazzetti of San Francisco.

In lieu of flowers, donations may be made to the Catherine May Bedell Scholarship Fund at Yakima Valley Community College.

Six women have represented the State of Washington in the U.S. House of Representatives—Rep. Jennifer Dunn (R) (1993–) Rep. Maria Cantwell (D) (1993-1995); Rep. Julia Butler Hansen (D) (1960-1974); Rep. Catherine Dean May (R) (1959-1971); Rep. Linda Smith (R) (1995-1999) and Rep. Jolene Unsoeld (D) (1989–1993).

[From The Associated Press, June 2, 2004]

Catherine May Bedell, First Washington Congresswoman, Dead at 90

YAKIMA, Wash. (AP)—Catherine Dean May Bedell, the first woman elected to Congress from Washington state and producer of the first Betty Crocker radio show, is dead at age 90.

Bedell, who was elected to six terms as a Republican in the 4th Congressional District under her married name at the time, Catherine Dean May, before losing to Democrat Mike McCormack in 1970, died of natural causes Friday in Rancho Mirage, Calif., relatives said.

A Yakima native, Bedell was one of the few women to win election to national office in that period without first being appointed to replace their husbands, and many said she inspired and encouraged other women in politics.

State Rep. Mary Skinner, R-Yakima, said she met Bedell at a Republican Party luncheon more than 30 years ago.

"When I first saw her, she was standing in a group of men and they were listening to her. She could hold her own," Skinner said. "I was a great admirer."

Born Catherine Deane Barnes, she earned a bachelor of science degree at the University of Washington, obtained a teaching certificate and taught high school English for three years in Chehalis with a brief but pivotal interruption to study speech at the University of Southern California.

She entered broadcasting in 1940 at KMO Radio in Tacoma, then went to KOMO and KJR in Seattle, spent a couple of years in advertising and was hired by NBC in new York in 1944 as writer and assistant commentator.

After working on the first Betty Crocker show, she returned to Yakima, was women's editor at KIT Radio from 1948 through 1957 and served in the state House from 1952 to 1958, when she was nominated for Congress to replace Otis Halbert, who was retiring.

An Admirer of then-President Dwight D. Eisenhower, she won election in an upset over Democrat Frank LeRoux of Walla Walla in a district that, at the time, covered a vast swath of central Washington from Oregon to British Columbia.

As the first representative from the state in decades to serve on the House Agriculture Committee, she promoted dams for irrigation and electricity production in her rural district. In her last term she was also named to the Joint Committee on Atomic Energy.

She never promoted herself as woman's rights activist but supported the Equal Rights Amendment and worked to include prohibition against discrimination based on gender in the 1964 Civil Rights Act.

She lost the seat to McCormack, a scientist at the Hanford nuclear reservation, in 1970, the same year she remarried and took the last name of her second husband, Donald W. Bedell.

Bedell served on the International Trade Commission in 1971–81, and President Ronald Reagan named her as a special consultant to the president on the 50 States Project in 1982.

At her death she was president of Bedell Associates in Palm Desert, Calif.

Survivors include a son, James C. May, of Washington, D.C. and daughter, Melinda May Mazzetti, of San Francisco.

Ms. DUNN. Mr. Speaker, I yield to the gentleman from Washington (Mr. HASTINGS), of the Fourth Congressional District of Washington State.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for yielding. I see one of my predecessors from the Fourth District is waiting to speak, too.

I want to congratulate our Members for being here to honor Catherine May Bedell. I regret that I did not know her. She represented the Fourth Congressional District. I did not know her. I knew of her. I did cast ballots for her before I got actively involved in politics. But she was certainly somebody that had leadership qualities.

I recall that in one of the articles announcing that she had passed away, one of my friends serves in the State legislature, Mary Skinner said that she first remembers when she met Catherine May, and she was impressed by the presence that she had in a group of people talking about policy. I thought that was a very high compliment.

I, too, spoke with Jim May. He kind of gave me a heads-up on Tuesday, and I did not touch bases with him until Wednesday when we had a conversation. Catherine May Bedell just turned 90 last month. My mother also just turned 90 last month. He told me that she passed away very quietly in her sleep; and she had a very, very good life. Obviously, when you lose somebody as close as your mother, it is a shock to you, but he said she lived a very, very good life.

I am certainly pleased to be here on the floor with my colleagues to honor one of my predecessors who represented my district in Washington State.

Ms. DUNN. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE) from the First Congressional District of Washington.

Mr. INSLEE. Mr. Speaker, I would like to join my colleagues in honoring Catherine May Bedell.

In my role as a previous representative of the Fourth Congressional District, before I was freed by the voters for other duties, as we say, and the gentleman from Washington (Mr. HASTINGS) took that noble office, I did not have the honor of knowing her personally, but I knew her by her legacy. That I think is maybe the nicest, most meaningful legacy a Member of Congress could have. That is when I was door-belling and going to thousands of homes when I was running in Yakima for the seat that she previously held. I had a lot of people, when her name came up, said, I remember her. She was really a nice lady. I really liked her. I heard that a lot.

When you think about a legacy that any of us might have here, I think that is the highest one we could have, that our names may come up when other people are door-belling. She was well loved in Yakima Valley, and we are thinking of her family today. It is an honor to represent her district as well.

Ms. DUNN. Mr. Speaker, I want to say, in closing, we appreciate the time allotted to us. When a door closes, often another window opens. And to all of us, I want to say that 5 weeks ago a member of my campaign staff gave birth to a little baby girl whose name is Catherine May.

Mr. Speaker, I yield back the balance of my time.

APPOINTMENT OF CONFEREES ON H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. Oberstar moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, be instructed to insist on the language contained in section 1101(a)(21)(A) and section 1120(a) of the House bill that establishes and provides funding for a safe routes to school program for the benefit of children in primary and middle schools.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted we have reached this point. I know that the point of going to conference and appointing conferees, I know that the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG) would, as I, have liked to have had this bill on the House floor last fall; and I think we could have. We could well have had this bill enacted by now, and we could well have been on our way to creating 475,000 new jobs and $80 billion in total economic activity if the committee had been allowed to work its will, as we did in committee. However, other forces intervened; and this is legislative process.

We are where we are now, thank heavens; and we will be able to move ahead and I hope to reach the outcome that we all desire of getting a robust investment in transportation through conference, through the House and the other body and to the President for signature.

I pledge, as I have done from the outset of this process and demonstrated, that we will bend every constructive effort toward that purpose on our side, working in concert with the chair and the majority.

I look forward to a good conference. We have a very good contingent on our side as on the Republican side, and I know that we are all committed together, constructively working to achieve the purpose of a major investment in transportation over the next 6 years.

The motion that I offer instructs the conferees to insist on the innovative Safe Routes to School Program included in the House-passed bill. Innovation but one that has been widely tested, is enormously popular and powerfully supported in more than 26 States across the country since the two pilot projects were undertaken in Marin County, California, and in Arlington, Massachusetts. In Marin County, basically a bicycling to school project and in Arlington, Massachusetts, principally pedestrian activity.

In Safe Routes to School, California, the nine participating elementary schools in the Marin County region that joined in this pilot program went from 2 percent of children walking and bicycling to school to 54 percent today.

This is an enormous vote of support for a healthy life-style, and it is this quality-of-life issue that is a driving force as we move ahead with this transportation bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize this motion to recommit is one I support. It is a motion that will I think make the bill's purposes be specifically spelled out. And I would suggest that what the gentleman, the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) said, this is a working instrument, bipartisan, by all Members of both sides of the aisle who have worked very long and hard to arrive at a decision and passed a bill which we believe is a very good piece of legislation.

But we requested going to conference. It is because of the differences, as usual, between the Senate and the House, as it should be. It is my hope, with the cooperation we have had in the past, we will be able to talk to the Senate and convince them that we are in the right position at the right time.

I will say, everybody knows where we came from, to begin with, it is a considerable amount of more money than passed the House. The Senate does have more money in the bill, and it is now our job to try to reach a decision to do what is best for this great Nation of ours in our infrastructure.

I have to stress that, and infrastructure is the key to our economy. Infrastructure is what makes all other things work in this legislative body. Without good transportation, we are unable to provide the monies for Medicare, Medicaid, prescription drugs, border patrol, Social Security, all those good things we talked about. The only thing that drives that is infrastructure that makes people and product move. So we believe that we have a good piece of legislation.

On the House side, it passed overwhelmingly, the largest single vote that any Congress has ever voted on a transportation bill. It was done in this House. We had less negative votes than any other time.

And, again, we passed it over to the Senate. They rejected it. We rejected what they sent us, and now it is up to us to ask for this conference. I am hoping that the Senate and House Members will work together, collectively, and we will arrive at a very rapid solution to this very, very important issue to this great Nation.

Again, I want to stress to Members that may be watching in their offices is this is a friendly motion to instruct, one which I support; and if there is a vote, and I expect to ask for a vote, I will ask for a yes vote.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 45 seconds to extol the labors of the gentleman from Illinois (Mr. LIPINSKI).

He has been a constant, solid, secure, wise, counselor as we worked our way through the various provisions of this legislation in the internal negotiations in committee and through the markup; and I look forward to his continued participation as a seasoned hand in the House-Senate Conference on Transportation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Highways, Transit and Pipelines.

☐ 1330

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for the time.

I want to say that I strongly support this motion to instruct. This is an enormously important program. It is one that the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, has worked on for a long, long period of time. It is something that I personally am very much interested in, being a cyclist myself; and it is one that I know the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) also have supported very strongly, and I appreciate their support.

But in talking about the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI), I want to once again stress the fact that the product that we have produced out of the Committee on Transportation and Infrastructure is a product that the Republicans and the Democrats shared equally in. We worked in concert. We certainly did have some disagreements. There were certainly some things that we did not see eye to eye on, but we resolved those in a very honest, open manner.

I want to compliment the gentleman from Alaska (Chairman YOUNG) once again for the patience and the persistence that he has demonstrated in moving this bill to the floor of the House of Representatives. I know it has been very difficult for him. There have been many extenuating circumstances that have delayed things, but it certainly was not any fault of his.

I know that if the Senate will be as cooperative, as helpful, as understanding as we in the House have been in putting this legislation together that it should not take long for this conference committee to agree upon a bill to bring back to the House and Senate and to move on to the President so that we can really energize this economy in this country.

There is no more important bill for the economy that this legislative body can deal with than this bill dealing with highways and mass transit in the United States of America. As my favorite President of the 20th century said, this type of bill is a jobs, jobs, jobs bill. We need that in this economy, but we need more ways to move people around, and this is the way to do it.

I thank the gentleman very much for the time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield what time he may consume to the gentleman from Ohio (Mr. LATOURETTE), the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, a member of the conference.

Mr. LATOURETTE. Mr. Speaker, I want to commend the distinguished ranking member of our full committee for making this the subject of the motion to instruct conferees, and it is a tribute to not only him but the bipartisan nature in which this committee works to build America's infrastructure, and it continues his vision and the vision of those that worked back with him in 1991 when they created ISTEA and continued through TEA-21 and now moves forward into TEA-LU in that it recognizes that there needs to be intermodalism and there is more to transportation than just concrete, asphalt and moving people in their automobiles.

The Safe Routes to School program is something that has worked very, very well; and by expanding it to a national level and asking our friends in the Senate in this motion to instruct to accede to the language that we have included in the bill is exactly the right thing to do, and I give the gentleman from Minnesota (Mr. OBERSTAR) a lot of credit for again making this the point that we are talking about today.

It is a great day for the Committee on Transportation and Infrastructure, and it is a great day for the Nation that we are moving this process forward. There have been some fits and starts on this bill. We had some differing levels when it came to funding. We had a little tip from the White House over what that funding should be, but only when we get in a conference and are able to talk with our friends and colleagues from the United States Senate about what divides us on the bill and engage the White House can we hopefully convince them that, as the gentleman from Illinois (Mr. LIPINSKI) indicated, this is a jobs bill. This bill is critically important to not only relieving congestion; it is important to make sure that men and women in this country are working.

The great thing about working is that these are jobs that cannot be outsourced. There has been a lot of talk about outsource. These are American construction jobs that are going to take place in American cities and American towns all across the country.

So I am very pleased that we are at this stage today, and I want to go back to this motion to instruct to conclude.

Sometimes around here we name things in a way that sounds nice, but they are really not good programs. That is not the case with Safe Routes to School. It is a good program, and it deserves our support; and I hope we are able to convince our friends in the Senate to do the same.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me begin my remarks by thanking both the chairman and our ranking member for such a cooperative spirit in this committee; and it is appreciated by, I am certain, Members on both sides of the aisle.

I rise in strong support of the Oberstar motion to instruct conferees to accept the Safe Routes to School program as included in H.R. 3550. The House version outlines a stronger, more flexible program than the Senate version. The House version will provide much-needed funding for infrastructure improvement and safety initiatives, ensure that States receive no less than $2 million a year, and would improve the ability of kids to safely and conveniently get to school by walking or biking.

In my home State of Texas, the requests for funding for this popular initiative have been overwhelming, with request amounts far exceeding our current budget amounts.

So I urge my colleagues to address the congestion around our Nation's schools and provide increased physical fitness opportunities for kids by supporting this motion to instruct.

Mr. YOUNG of Alaska. Mr. Speaker, I have no other speakers at this time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The inspiration for this initiative in this legislation was a report by the Centers For Disease Control of the U.S. Public Health Service, the Department of Health and Human Services some 4 years ago. I participated in this conference and listened to the presentation that over 300,000 Americans a year die of obesity and its complications, the second-leading cause of death in America. Yet 25 percent of America's 15-and-under school children are clinically obese; 36 percent of all Americans are obese or are seriously clinically overweight. We are facing a health epidemic that 75 percent of children 15 and under do not walk, do not bicycle to school or associated activities; they are driven. That is a class in our society that is mobility challenged.

I heard these numbers and others that I will not repeat here that just show an emerging health crisis with huge implications for obesity, for cardiovascular disease, stroke, diabetes, and other related illnesses.

The Centers For Disease Control raised the flag. I thought we ought to have a response. I gathered together a group of active-living organizations, those bicycling and pedestrian and other outdoor activities, cited those figures and said I have got an idea to deal with this: we will call it Safe Routes to School, to engage an entire generation of Americans in a healthier lifestyle that will follow them throughout their life. That is a wave throughout society that is starting with elementary school age children. They will carry this all through their young life into adulthood and pass it on to their children.

With that, I persuaded the National Highway Traffic Safety Administration to commit $50,000 in grants to the Marin County schools and another similar grant to honor Arlington County schools in Boston, and the project was under way. It has been an enormous success, widely imitated throughout the country, widely supported. This is a lifestyle change.

We get an opportunity to do something like this once in a career in the

Congress. I greatly appreciate the support of the chairman of the full committee; the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI); the kind words of the gentleman from Ohio; my colleague, the gentleman from Illinois (Mr. LIPINSKI); and my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

In conclusion, Mr. Speaker, I want to say that the gentleman from Alaska (Chairman YOUNG) has given us strong, vigorous, unflagging, unfailing leadership in moving this legislation from the time we conceived the bill to the time we introduced the bill to the time we moved it through committee. It was his persistence, his insistence and vision of investing in America, creating jobs, moving America forward, restoring our economic vitality, meeting congestion head-on, investing in the future of America at the base of our economy, to stimulate the whole economy. We will need that continued visionary, strong, forceful leadership as we go into conference with the differences that are considerable between the two versions of this legislation.

It is my hope that TEA-LU will prevail in policy and that we may move closer to the other body's version in investment and that at another date, after we get this enacted, we will come back and do the real bill at the $375 billion level that we all know is needed to move America forward.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the comments the gentleman has made, and he knows this has been a joint effort. The gentleman has worked well with us, and I can assure him that we are on the same page; and as we go to conference, there will be some differences of opinion, but I think if we stand shoulder to shoulder, our policy will prevail.

Now our problem is to try to get the money to take and implement that policy, and that is going to be our responsibility, and I think we can do it. I am very positive about it. I always have been, always will be because it is the right thing to do, and we will continue our efforts; and I thank the gentleman for his comments.

Mr. OBERSTAR. Mr. Speaker, the gentleman has had a positive, upbeat attitude from the outset; and that is what it is going to take to get us through the coming weeks.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 655.

The vote was taken by electronic device, and there were—yeas 377, nays 30, not voting 27, as follows:

[Roll No. 227]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Barrett (SC)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Cannon
Cantor
Culberson
DeLay
Flake
Franks (AZ)
Hayworth
Hoekstra
Hyde
Isakson
Kingston
Linder
Miller (FL)
Myrick
Northup
Norwood
Royce
Schrock
Shadegg
Tancredo
Thornberry
Tiberi
Toomey
Wilson (SC)

NOT VOTING—27

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Collins
Deal (GA)
DeGette
DeMint
Deutsch
Dreier
Dunn
Emerson
Gerlach
Istook
Jefferson
Jenkins
John
Johnson, Sam
Lynch
McInnis
Obey
Quinn
Scott (VA)
Slaughter
Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1406

Messrs. TIBERI, CULBERSON, LINDER, DELAY, ROYCE, CANTOR, TANCREDO, BONNER, FRANKS of Arizona, ISAKSON, BARRETT of South Carolina, BISHOP of Utah, HAYWORTH, SCHROCK, HOEKSTRA, TOOMEY, Mrs. NORTHUP and Mrs. BLACKBURN changed their vote from "yea" to "nay."

Mr. WELLER changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 655.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 655, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 1, not voting 33, as follows:

[Roll No. 228]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—33

Ballance
Ballenger
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Collins
Cramer
Deal (GA)
DeGette
DeMint
Deutsch
Dreier
Dunn
Emerson
Gerlach
Houghton
Hunter
Jenkins
John
Johnson, Sam
Lewis (CA)
Lynch
Marshall
McInnis
Obey
Olver
Otter
Quinn
Slaughter
Smith (MI)
Tauzin
Wilson (SC)

□ 1414

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 227 and 228. Had I been present, I would have voted "yea" on rollcall votes 227 and 228.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, for personal reasons I had to return to my District in Indiana and I was therefore unable to be on the House Floor for rollcall votes 223, 224, 225, 226, 227, and 228.

Had I been here I would have voted "aye" for rollcall vote 223, "no" for rollcall vote 224, "aye" for rollcall vote 225, "aye" for rollcall vote 226, "aye" for rollcall vote 227, and "aye" for rollcall vote 228.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 227, on Motion to Instruct Conferees on Transportation Equity Act: A Legacy for Users (H.R. 3550); rollcall vote 228, condemning the crackdown on democracy protesters in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre (H. Res. 655).

Had I been present, I would have voted "yea" for rollcall votes 227 and 228.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

APPOINTMENT OF CONFEREES ON H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, EHLERS, BACHUS, LATOURETTE, GARY G. MILLER of California, REHBERG, BEAUPREZ, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. NORTON, Mr. NADLER, Mr. MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title VI of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1602 and 3030 of the House bill, and sections 1306, 3013, 3032, and 4632 of the Senate amendment, and modifications committed to conference: Mr. BALLENGER, Mrs. BIGGERT, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of provisions of the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in section 6001 of the House bill, and sections 3005 and 3006 of the Senate amendment; and sections 1202, 1824, 1828, and 5203 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING and DINGELL.

From the Committee on Government Reform, for consideration of section 1802 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SCHROCK, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and sections 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

□ 1415

From the Committee on Resources, for consideration of sections 1117, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 3041, and 4521 through 4528 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Messrs. DREIER, SESSIONS and FROST.

From the Committee on, Science, for consideration of sections 2001, 3013, 3015, 3034, 4112, and Title V of the House bill, and Title II, sections 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Messrs. GILCHREST, NEUGEBAUER and GORDON.

From the Committee on Ways and Means, for consideration of Title IX of the House bill, and Title V of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore (Mr. OSE) laid before the House the following resignation as a member of the Committee on Agriculture:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective today, June 3rd, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

MIKE THOMPSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 661) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 661

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON AGRICULTURE: Ms. Herseth (to rank immediately after Mr. Marshall).

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of asking the majority leader about the schedule for the week to come.

I yield to my friend, the majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr Speaker, I thank the distinguished gentleman from Maryland for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and the balance of the week, we plan to consider several bills that respond to the urgent demand for national action on energy policy: The Arctic Coastal Plain Domestic Security and Abandoned Mine Lands Reclamation Reform Act, The Renewable Energy Project Siting Improvement Act, The Energy Policy Act, The Energy Science Act and The U.S. Refinery Revitalization Act.

I thank the gentleman for yielding and would be happy to answer any questions.

Mr. HOYER. I thank my friend for that information.

First, if I can ask the leader, there are not bill numbers on the energy packages to which the gentleman referred. Have these bills been introduced, are there going to be hearings held on them, have hearings been held on them, will they be considered by committee? Can the gentleman fill us in on some of that information?

Mr. DELAY. Mr. Speaker, the bills are being worked on as we speak. We anticipate many of them being introduced today, if not today, tomorrow. Most of the bills have already been considered or voted on in the past on energy policies. We do not anticipate the need for any committee action on many of these bills. Some of them are suspension-type bills, and we anticipate bringing some on suspension calendar and then others by rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

Let me clarify: Have some of these bills passed in perhaps the larger energy bill? Is that what the gentleman is saying?

Mr. DELAY. That is correct.

Mr. HOYER. So the gentleman is taking segments out of that bill to put in separate pieces of legislation?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, we are taking some of the bills and issues out of the House-passed energy bill that did not find their way into the conference report that is pending before the Senate that the House has already passed. So the major piece of legislation, the Energy Policy Act of 2004, is a restatement of the energy conference report that is pending in the Senate, the

ANWR AML bill. There are amendments against ANWR that have failed, but we have had votes on ANWR in this House in the debate on the energy bill leaving the House. The U.S. refinery revitalization bill is a bill that we anticipate being on suspension. The ANWR AML bill will be under rule.

Mr. HOYER. All right, that is the Arctic Coastal Plan Domestic Energy Security and Abandoned Mine Lands Reclamation Reform Act?

Mr. DELAY. That is correct. That is what we call the ANWR AML bill.

Mr. HOYER. I thank the gentleman.

The gentleman anticipates some of these may be introduced today. When would Members be able to have copies of these bills to review, and have these bills been reviewed by the minority on the committees of jurisdiction?

Mr. DELAY. Mr. Speaker, I am not privy to the work done by the relevant committees, the most relevant committees, the Committee on Resources and the Committee on Energy and Commerce, as to what they have done or not done with the minority, but as far as the gentleman's question on when Members will be able to see those bills, obviously, as soon as they are introduced, they will be available.

Mr. HOYER. I thank the gentleman for that information. Hopefully we will have an opportunity so that our Members, certainly on the committees of jurisdiction on the minority side, will have an opportunity to review them and advise our side of the aisle at least their views on those, in light of the fact they are not going to be considered in committee and some will be on suspension. Others will go to the Committee on Rules?

Mr. DELAY. If the gentleman will yield further, that is correct.

Mr. HOYER. I thank the gentleman for that information.

The FSC bill, there has been a lot of talk about the FSC bill. Can the leader tell me when we might anticipate a FSC bill being on the floor or being marked up in committee?

Mr. DELAY. If the gentleman will yield further, as we are doing this colloquy, the Speaker is contemplating how we can accommodate the ranking member of the Committee on Ways and Means who is going with the Speaker over the weekend for the D-Day celebration. I think we have at least tentatively worked out a schedule whereby the Committee on Ways and Means could do their markup on Wednesday or Thursday and have the bill on the floor the first of the week following.

Mr. HOYER. I thank the leader. I want to, on behalf of the gentleman from New York (Mr. RANGEL), state our appreciation for that consideration. It is my understanding the gentleman is going to Normandy with the Speaker and they will not return until approximately 5 or so Tuesday afternoon, so that meeting at 6 o'clock would have been difficult. We appreciate the consideration that has been given.

Mr. DELAY. If the gentleman will yield further, I might also add that the jobs bill contemplated by the chairman will probably be introduced by tomorrow. So Members will have at least over the weekend a chance to look at the bill before the markup of the committee.

Mr. HOYER. You say the jobs bill; the American Jobs Creation Act?

Mr. DELAY. That is correct. Some people refer to that as FSC.

Mr. HOYER. I see what the gentleman is saying. It is one and the same.

Where are those jobs, Mr. Leader?

Mr. DELAY. They are all in that bill, thousands upon thousands of them.

Mr. HOYER. Actually, I meant are they overseas or here in America?

Mr. DELAY. We are bringing them home, Mr. Whip.

Mr. HOYER. I presume that will be part of our debate, Mr. Leader.

Mr. Leader, lastly, the budget enforcement bill, is that going to be on the calendar at any time soon?

Mr. DELAY. As the gentleman knows, in March the Committee on the Budget passed a bill that would extend statutory pay-as-you-go rules on new mandatory spending to ensure that new programs are offset by spending reductions. In addition, the bill would instate statutory spending caps on statutory programs. Now that the House has passed the budget resolution conference report, we look forward to quick consideration of this bill.

We have a very busy schedule planned for next week. We had planned on bringing this bill up next week and still may do so. But we may not be able to consider this bill next week; and, therefore, we most probably would schedule it for the following week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. As the gentleman knows, I am sure both sides of the aisle feel that is a critical piece of legislation, in light of the deficits that are confronting us, as to how we can get those under control. I know there are differences of opinion on that, but I know on our side of the aisle we believe that that is a very important step for us to take in light of the budget deficits.

Lastly, Mr. Leader, if I can ask the leader, it was I think tentatively believed that we would be meeting next Friday. In light of the accommodation on the FSC or jobs bill, would Members be correct in thinking that Friday of next week may not be a legislative day?

Mr. DELAY. If the gentleman will yield further, that is very difficult to say. We do have a very ambitious schedule for next week. It could very likely take Friday to complete that schedule. However, we are going to work as hard as we can to get our work done as soon as we can; and, if we can get our work done, we may not have to work on Friday. But I would warn the Members that it is very possible that we would have to be here on Friday.

□ 1430

Mr. HOYER. Mr. Speaker, I thank the leader for his information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of the bill (H.R. 4478), to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Ms. VELÁZQUEZ. Mr. Speaker, reserving the right to object, and I do not intend to object, the legislation we are about to pass is necessary because the House still has not gotten its work done on the reauthorization of the Small Business Administration. H.R. 4478 represents the fourth extension since the Committee on Small Business unanimously passed bipartisan legislation almost a year ago, and yet the House leadership continues to block its consideration.

I am reluctantly agreeing to this because, while the legislation does extend the SBA until the end of July, it fails to address the critical needs of the 7(a) and 504 loans programs.

We need to bring the SBA reauthorization, H.R. 2802, to the floor and give small businesses the access they need to important contracting, loan, and technical assistance programs.

I hope that we do not have another extension and empty promises of action.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958.

The authorization for any program, authority, or provision, including any pilot program, that was extended through June 4, 2004, by section 1 of Public Law 108–217 is further extended through July 23, 2004, under the same terms and conditions.

SEC. 2. TECHNICAL AMENDMENT.

Section 2 of Public Law 108–205 is amended by striking "October 1, 2003" and inserting "March 15, 2004". The amendment made by the preceding sentence shall take effect as if included in the enactment of the section to which it relates.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER AUTHORITY FOR TURKMENISTAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–189)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Turkmenistan. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Turkmenistan will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER AUTHORITY FOR THE REPUBLIC OF BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–190)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the Republic of Belarus. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER AUTHORITY FOR VIETNAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–191)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

HOUR OF MEETING ON FRIDAY, JUNE 4, 2004

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow, Friday, June 4, 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ENRON TRADERS PLOT MARKET RIGGING

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I happen to represent a great and wonderful community, Houston, Texas. But in that community is a company called Enron. And I watched during the 2 or 3 years past when 5,000 employees were laid off, through no fault of their own, and through some of the crumbling and outrageous behavior of some of those now before the justice system.

But I come to condemn the outrageous comments made by Enron employees that really have no place in any part of corporate America.

As the words go: "So the rumor is true that they are taking all of the 'blank' money back from you guys; all that money you stole from those poor grandmothers in California?"

Response: "Yeah, Grandma Millie, man, she's the one who could not figure out how to 'blank' vote on the butterfly ballot."

Trader: "Now she wants her 'blank' money back for all the power you jammed up her 'blank' for $250 megawatts an hour."

Let me ask corporate America to establish a code of conduct. This is outrageous. This should be condemned, and I hope they get their due justice. This does not reflect hard-working employees who every day get up and try to do their job.

BIPARTISAN AMERICAN VISION FOR LEADERSHIP IN SPACE

(Mr. FEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEENEY. Mr. Speaker, there are some enormous issues that face America today, but something is lost, as we talk about the challenges in the war on terror and the President's leadership in Iraq and, of course, finally, the strongly recovering economy under President Bush's leadership, is the President's space vision for tomorrow.

It becomes important that we pay attention to the great things that the President has proposed. For the first time really in 2 decades, we have a new space vision to guarantee that America will continue to be the predominant space leader through the next millennium, as it has been over the last 50 years. It is important that we return the Shuttle to flight; it is important that we complete the international space station. But more importantly, the President has given us a new vision so that we can explore mid-Earth orbit and outer-Earth orbit.

Mr. Speaker, I suggest that Sean O'Keefe is doing a wonderful job. I hope this House will be able to focus in the next 5 months and after the election on a bipartisan American vision for leadership in space. The President's vision is affordable, it is visionary, it is flexible; and, most important, it will maintain America's leadership in space.

NEW DIRECTION IN AMERICA FOR JOBS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, President Bush came to northeast Ohio, Youngstown, last week to try to defend an economic program that simply is not working in any of the Great Lakes industrial States. Ohio has lost one out of six manufacturing jobs since President Bush took office. We have lost almost 200 jobs every single day of the Bush administration.

His answer to that is more tax cuts for the rich, hoping they trickle down and create some sort of economic activity, and more trade agreements like NAFTA that continue to ship jobs overseas. Those policies are not working.

What we should be doing is extending unemployment benefits to the 50,000 Ohio workers who have lost their benefits. We should reexamine these trade agreements. We should pass the bipartisan Crane-Rangel bill which gives companies incentives to manufacture in the United States, rather than giving tax breaks to the largest companies in the country which continue to outsource and continue to ship jobs overseas. That policy is not working.

We need a new direction in Ohio and across the country.

FAREWELL TO PAGES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, this is the longest 1-minute that we will see on the House floor in a year, and this is the annual farewell to our pages who have served us so well this last year. I would like to ask the page class of 2003–2004 to come on down to the well of the Chamber. Come on. Come on down, and find a place in the first two rows here.

Well, here we are. It is a special time. As you finalize your activities today on the floor and you go through your graduation tomorrow and you get loaded up, first of all, thanks. Thanks for serving us. Thanks for serving your country. We are going to miss you.

As chairman of the House Page Board, it is my privilege to acknowledge and thank this outstanding group of young men and women. Today marks your last day of service in the 2004 page class. You are starting another phase of your life, and all of these phases of life always continue. New phases, new challenges.

While today is the ending of the page experience, it is the beginning of a multitude of opportunities that may not even be revealed to you yet. Universities and careers, travels and adventures, families and friends all lie on the horizon for each one of you.

It is true that whenever one door closes, another one opens. Go boldly through each new door that presents itself during the course of your life and embrace the challenge that the world puts in front of you with the same vigor and expertise and the commitment to work that you have shown here on the floor.

We really are proud of you. You have had an insider's view that a lot of people would pay a lot of money for. As many of you know, part of my West Point experience was leadership; it is a leadership school. What we teach at West Point is that there are good examples of leadership and there are bad examples of leadership, and take the good and remember the bad and try not to replicate the bad.

As you have seen, a multitude of things happened in this last year. I challenge you to do the same thing. Look at the good qualities of the Members and the staff, not just the page program staff, from the dorm to the school, to here on the floor, but also your interaction with Members of Congress, your interaction with their staffs. Take the good. Remember that. Use that to help mold you into the kind of adult you want to be. But also remember the bad experiences, how maybe some of you saw the treatment of other individuals that you did not really think was right or proper, and use that and commit yourself to say, that is not going to be me when I am an adult. That is part of the learning and growing experience.

I am going to be able to interject as we have a chance to share, but I want to yield now to the ranking member of the Page Board, the gentleman from Michigan (Mr. KILDEE), a man who has been involved with this program, I would like to say forever, although he may not agree with that.

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently here in the 108th Congress. We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. You come from across the Nation. You represent what is good about our country.

To become a page, you have had to prove yourselves to be academically qualified. You have ventured away from the security of your homes and families to spend time in an unfamiliar city. But through this experience, you have witnessed a new culture; you have made new friends and learned the details of how government operates. And you have seen Congress at its best and sometimes at its worst. We are human beings, but this is the greatest democracy in the world.

As we all know, the job of congressional page is not an easy one, and no one knows that more than you. Along with being away from home, the pages must possess the maturity to balance the competing demands for their time and their energy. In addition, you must have the dedication to work long hours and the ability to interact with people on a personal level; from the powerful to everyone. You have had to deal with people, and I am very proud of how you have dealt with them.

At the same time, you face a challenging academic schedule of classes in the House page school. I am sure that you will consider your time spent here in Washington, DC, to be one of the most valuable and exciting experiences of your lives. With that experience, you will move ahead and lead successful and productive lives.

Franklin Delano Roosevelt back in the mid-1930s uttered these words, but they are as relevant today as they were during those very difficult times. He said, "There is a strange cycle in human events. To some generations, much is given. Of other generations, much is expected."

This generation of Americans has a rendezvous with destiny.

□ 1445

And having met all of you and seen you at work, I am confident that you will meet the challenges of that rendezvous.

Mr. Speaker, as the Democratic member of the House Page Board, appointed by Speaker Tip O'Neill, I ask my colleagues to join me in honoring this group of distinguished young Americans. I am personally proud of you. I have benefited from you. I think we all add to one another. You added to my experiences. You have presented to me a challenge to do better. And when you go back home, you will have had a special experience that no one else will have had.

There is a great program in this country called Close Up. It is a great program, and I always meet with all my Close Up students. But no one has seen this government as close up as you. When you go back home, you will have every opportunity to talk about government and how, despite the faults and shortcomings, this is a great body and this is the greatest democracy in the world. And you are one of the reasons it is.

Thank you very much, and God bless you.

Mr. SHIMKUS. Mr. Speaker, at this point, I will submit for the RECORD the names of the class of 2003–2004.

2003-2004 PAGES

REPUBLICANS

Rebecca Ball-WA, Manfred Bekeris—AK, Ryan Bieshaar—CO, Daniel Boden—CA, Anthony Bonna—FL, Clinton Brown—MO, Diamond Bruner—VA, Tiffany Cannon—GA, and Michael Capovilla—NV.

Tom Church—MI (Camp), Dominique Clay—MI, Michael Dennis—PA, Jenna Douglass—DE, Andy Duberstein—VA, Chris Fitzwater—CO, Patrick Fortune—CA, Andrew Gall—PA, and Tim George—MD.

Andrea Hall—KY, Clay Hammock—SD, Katelyn Hancock—IN, Weston Jones—SC, Clara Kang—CA, Jenna Kelsey—NJ, Craig Kreinbihl—OH, Carolina Krohne—FL, and Allison Kushner—NY.

Nicholas Lane—AR, Matthew Mazzetta—IL, Elizabeth McCune—TX, Rachael McMillan—NC, Matthew Merighi—NJ, James Orlando—NY, Sarah Reed—WY, Liesel Rickhoff—TX, and Ashley Rubenstein—WV.

Taylor St. Claire—AZ, Michael Sala—PA, Rebecca Sher—TX, Kara Skarda—NC, Nicholas Smith—MI, Katherine Souza—CA, Lynda Thorne—GA, Nicholas Vorpagel—WI, and Christine Wright—CO.

DEMOCRATS

Clarice Bennett—IL, Kathryn Byerly—KS, Joseph Carliner—MD, Melissa Eddy—NC, Alexander Gates—PA, Omar Halabi—OH, Demetrius Harrison—IL, and Ian Herron-Cary—IN.

Corinna Holden—VT, David Horvath—MA, Sarah Johnson—WI, Frances Mercedes—NY, David Miller—CA, Monica Ramos—CA, Jennifer Ridder—CO, and Mallory Scarritt—FL.

Samantha Shinberg—DC, Alison Shott—PA, Mary Swick—PA, Maza Men-asche-Untemeyer—FL, Jeffrey Waters—NY, Brian Wright—MN, and Blake Yocum—IA.

Mr. Speaker, I would like to yield to the Minority Whip of the House of Representatives, the gentleman from Maryland (Mr. HOYER), who has always been very, very supportive of the program and very gracious with his time to come down on the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I thank all of you for participating in this program. It is important for America that you do so. You have gotten, obviously, something from this program, perhaps a great deal, but, in my opinion, America is getting more from this program.

The gentleman from Michigan (Mr. KILDEE), who has served on this board for longer than any other Member and with whom I served on the board for a short period of time, observed that you have been given a unique privilege, an insight into democracy that few Americans get. They see us on C–SPAN, they read about us in the newspaper, they see short clips, the 30 seconds or the 15 seconds, but you know better than almost all of your colleagues, your peers, that that 30-second clip is not necessarily the truth of what happens.

You have seen firsthand the dedication of Members. You have seen firsthand, as the gentleman from Michigan (Mr. KILDEE) pointed out, and the gentleman from Illinois (Mr. SHIMKUS) has as well, that those of us who have the great honor and privilege of serving here are just like you but a little older.

You are all different. You have different points of view. I am sure you have had discussions about some of the issues that you have heard debated on this floor. You have seen that in your own peer group that you differ, and that, in fact, probably each of you reflects to some degree some of the sentiment expressed on this floor and you agree with that. And you will find the gal sitting next to you say that, no, I do not agree with that; I think X was right and not Y.

That is the glory of our democracy, that we have created an institution in which the different points of view can come together and be discussed and be debated. You have seen that sometimes that debate becomes relatively heated and passionate, and it is because the issues discussed on this floor are very important and impact on all of us, but on you particularly, because you will live longer under the policies that we adopt today than the rest of us, at least on average.

You have been given a special opportunity, and I would hope that you would feel that that comes with a particular responsibility. One of the concerns that those of us who are older have is that those of you who are younger do not participate in very high levels, at least in percentages, of impacting on the decisions we make in our democracy. The way most citizens impact on those decisions is, obviously, through voting in elections. Young people, as all of you know, do not vote at a very high percentage. That is of concern.

I want to read you something that was said by an Englishman. He said, "We live in an age when to be young and to be indifferent can be no longer synonymous." Think of that. "To be young and indifferent," he said, can no longer be synonymous. We must prepare for the coming hour. The claims of the future are represented by suffering millions; and the youth of a nation are the trustees of prosperity."

That was said by a gentleman who was the Prime Minister of Great Britain, Benjamin Disraeli. He said that in 1845. It is true today. It is true, in fact, as, again, the gentleman from Michigan (Mr. KILDEE) pointed out, in every generation.

We had a dedication to perhaps some of your grandfathers, the World War II Memorial, and perhaps your grandmothers as well who were called by Tom Brokaw the Greatest Generation. But, in fact, as Roosevelt indicated and as the gentleman from Michigan (Mr. KILDEE) pointed out, every generation is called upon to make its contribution.

In some generations, the challenge is greater than it is in others. In World War II, we lost 60 million people in the world. 60 million. 407,000 Americans killed in that war. We are engaged in another war today in your generation and in my generation, a war on terrorism. It calls upon a lot of young people and some middle-aged people, your parents' age, perhaps, in the Reserve or National Guard, to be deployed overseas, to confront those who would undermine our democracy and our security and our safety. And very soon, very, very soon, you will be called upon to be on the front line, perhaps not overseas but here certainly.

So I would ask you to take from this House, from this well and this room that we call the People's House, to which one can only come by election, we just had a debate on that this week that you will recall, and I hope that you will go back and you will talk to your friends, perhaps your brothers and your sisters, your schoolmates, your peers, and tell them what you have seen.

My experience has been that when I was president of the Maryland Senate, and we had a page program there, was that invariably those who were pages in the Senate, and my experience has been here with pages who have served in this House, that you leave with a more positive view than when you came. That does not mean that you have a rose-colored version of the House of Representatives. It is, after all, peopled by, as I said, people like you, with some strengths, some weaknesses, some faults and some extraordinarily good points.

So I urge all of you to return to your schools, return to your homes, return to your communities and spread the word about the fact that democracy works, that your participation makes a difference, and that in the final analysis, if democracy is to work well, if it is to work as our Founding Fathers conceived it, it will be because we all participate.

Good luck and God bless you. Thank you very much for your service.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague.

Mr. Speaker, now I would like to ask my colleague, the gentleman from Florida (Mr. FOLEY), who, as many of you know, has been very involved in following your progress and lack thereof throughout this year, to address you all.

Mr. FOLEY. Mr. Speaker, first, let us all give each other a round of applause for a very, very successful year here in Congress.

The first time you have actually been able to sit in the seats of Members on Congress and be on national TV. Congratulations. You really are living in a unique time in our country.

I think my colleagues have well expressed the sentiments all of us having watched you arrive one day as very young and excited newcomers to Washington, some with fear in your eyes because you have left friends and family, others with a sense of optimism and pride that you are getting to represent your districts from around this country.

It is fun to watch the transformation from that first day to the last week. Because I see in all of you that sense of kind of reluctance to some degree to leave this place. You have met and have established lifelong friends in this very process.

What is exciting for all of us that serve here is that you truly represent the best and brightest in this country. It is very, very difficult, as you know, to become a page in the Congress. It requires a number of skill sets that will serve you in life: leadership, intelligence, personality, perseverance, and faith; and those are attributes that, as you mature and go forward in life, will serve you in phenomenal ways.

Many of you know that several Members of Congress originated in the page class. So it is not only a training and testing ground. You certainly got a long exposure to the good and bad Congress has to offer. The good is the fact that in this democracy, in this Chamber, we get to express our opinions about what goes on in the world. We get to weigh in on behalf of the district that I represent and the other Members represent, those 600-plus thousand people who count on us to come to this Nation's Capital every day to work on their behalf.

Disagreements are the joy of democracy. You get to argue and discuss and debate and create hopeful solutions that do not reflect the partisan views of the people in this Chamber but reflect the views of all Americans.

Now, I know you have one more year of high school to conclude and that probably is some degree of relief or maybe, to those you feel like you are probably well equipped to enter your first year of college, some of you, I think, in conversing with you, some are actually mature enough to enter college right away.

I want to thank you for taking time out of your life. This is a sacrifice. It is unique.

I know my page Anthony was, and is, expected to deliver the commencement speech. So a word of warning, Anthony, the 16th district is watching you very carefully.

This Member of Congress, of course, is delighted that there is an age requirement to run for the job. He lives in my community, and he certainly has to reach 25 before he campaigns for this job.

But congratulations on behalf of our district, our mutual district that you have been selected by your peers to have this high honor; and I will be looking for transcripts of that speech.

Anthony came here as a page on the recommendation of several in our community. It was kind of interesting to watch this little mini-campaign take place and those friends that he had in the northern part of my community urging and cajoling and talking to me about submitting his name to be a page. Of course, for those Members of Congress, we get to submit names, but, ultimately, it is the choice of the Page Board and the Speaker of the House that bestows on you this high honor. So you are, in essence, the Speaker's appointment.

Take with you the valuable knowledge you have gained. Never forget your friends. Stay in touch. The interesting thing is that, years from now, as you look around the country and you have your page reunions, you will see each and every one of you doing something unique and different.

□ 1500

Hopefully, some of you will be going on to better communities by being teachers, police officers, firefighters, members of the military, nurses, veterans, whatever your chosen profession. A few may go on to be Congressmen, Congresswomen, Governors, Senators. In fact, in this very room may be the future President of the United States. God bless you. I wish you well, have a great life, and thank you for your service to this Congress.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague for his chance to share with you.

Did he not mention that maybe it might be your high privilege and honor to be the chairman of the Page Board some year? He always leaves that off. I do not know why that is.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE), who has a great history in education as a superintendent of schools, and I thank my colleague.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman.

To all of you, let me thank you. As the gentleman from Illinois (Mr. SHIMKUS) has shared with you, prior to my coming to Washington, I had the distinct privilege of being the State superintendent of schools for the State of North Carolina. I consider that a high privilege because I got to work with wonderful young folks like you every day. And I was seated back there looking at the backs of your heads and said, I really want to see your faces because I have seen you in here from day to day.

I want to associate myself with my colleagues' comments. I may repeat some of them, and I will be brief, but I do not want to. The truth is as they have said, and Lord knows how many commencement speeches I have made and groups I have spoken to, you are the future. You will move on the stage very quickly. And you will finish the work. It may be here in this Chamber or in the State legislative chamber or as a doctor, lawyer, preacher, teacher, whatever it may be. You will finish the work that others have started. And always remember that.

I think it is good to remember that there are new ideas from time to time, and we have breakthroughs, but the greatest contributions are made by those who are willing to keep their hands on the steady plow, as we say in rural North Carolina, and you plow a straight furrow. In other words, you do the right thing. You were made out of the right stuff, and we are awful proud of you.

I only wish that every student in America could have the same experiences that you have had for the last number of weeks you have been here. We would have a lot better country because they would go home with a different understanding of Washington, DC.

I started to ask for a show of hands, but I will not do it, of how many of you when you came to Washington, this was the first time you had ever been to Washington. And if that is not true, this would be the first class we have had that that is not true of. For some of you, it may be the very first time you have been away from home for an extended period of time. You have adapted and adjusted to that.

All of us can remember when we went away to camp for the first time, and a week is a long time, and you have been gone for a week and you have adapted well. You brought your school books with you. You were not sure how in the world you were going to handle all of that, right? But you did and you did a heck of a job, and we are proud of you.

You have already shown that you can achieve before you came and you have added to that knowledge. So let me thank you for coming. I have full confidence in whatever you choose to do you will do well because you have already done well.

Let me say to Melissa Eddy, who is from my congressional district, the Second District of North Carolina, we are proud of you. We are glad to have you here this week. And for all of you as you leave this week, including you, Melissa, when you leave here tomorrow and when you head home, you are going to get a little vacation probably. And depending on whether you are going to college or back to high school, it is going to be a short summer because some schools start pretty quick, college and otherwise.

This has already been shared with you, but I want to share it with you again, that is, if you have not gotten everyone's mailing addresses and their known numbers and e-mails, get it and keep it. Your paths will cross again, sometime sooner than you think.

Stay in touch. There are not many places you will ever go again in your life that you will spend and share the time you have shared one with another, with people all across America from virtually every State and have the opportunity to share ideas, whether you agree or disagree and have the kind of positive discourse and great understanding and learning you have had here.

Have a safe trip home. Have a great summer. God bless all of you because you are special, special folks. I wish you all the luck in the world in whatever you choose to do.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague.

Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. BROWN) to come up as he wants to address the group. This is a perfect example. The gentleman and I are very good friends. We do not agree very much on about anything, but one thing we agree on is the service that you all conduct and the honor of this institution and the hard work that everybody puts into it.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Illinois (Mr. SHIMKUS). I know you really want to listen to one more speech because you have not heard enough speeches since you have been here.

It is a pleasure to be here. I particularly thank the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Michigan (Mr. KILDEE) for their good work; to Wren, to all of your supervisors, your new supervisor, Joy Malleen, and to all of you especially for your public service at a very young age.

The gentleman from Michigan (Mr. KILDEE) says this is an almost 200-year tradition of pages working in the greatest legislative body in the world, and this is an achievement you can look back on. It is an achievement especially because if you are like Omar Halabi in my district, if you are like most people here, I think, it was not by accident you ended up here. You are obviously achievers at home. Many of you went through a competitive process to get here. You obviously have shown self-discipline; you are self-starters. You already have the kinds of values and the kind of work ethic that will get you ahead as you go off to college, and you go off in to the military and you go off into the workforce.

I have watched Omar from Brecksville, Ohio, in my district and watched some others of you and talked to you, for some of you it is a semester, for others as Omar got to re-up as they say. I have gotten to see the personal growth and the kind of growing into the whole idea of public service.

My short remarks, I will just say that I hope when you go home, I heard the gentleman from Maryland (Mr. HOYER) talking about young people not registering to vote in very high numbers. I hope you will go home, those of you that are 18 now or soon will be 18 or have plenty of friends that are 18, that you make it your mission to register your friends to vote, to get involved, whichever side you want to be on in the Presidential race this year, whichever side you want to be on on any number of political campaigns at home in community service and encourage people, as President Theodore Roosevelt, my favorite Republican said, "Get in the arena. That is where you really make a difference."

You have already been in the arena by working in this legislative body, by serving the Congress, by serving your country. You can accelerate that and go home and build on that and really be in the arena every day, back at school, back in the workplace, in the military, at home doing what you already know how to do. You have the leadership skills. You have the interpersonal skills. I hope that you will share those skills with people all over the 50 States of this country and get into the arena and do it.

Congratulations to all of you.

Mr. SHIMKUS. Mr. Speaker, I want to send my regards for the gentleman from Arizona (Mr. KOLBE), who has visited with many of you. He is receiving an award down at the EPA. I know he is trying to get back here on time, but it looks like he will not. As you know, he has been very close to the program. He will get a chance to extend his remarks.

To whom much is given, much is expected. And I think that is really is summary of what the Members who have come on the floor have attempted to say in their own way. We thank you for your service. We have all bled a little bit this year. We have all sweated a little bit this year. We have all cried a little bit this year, not only the pages but of course, of course, the dorm staff, the school staff, the floor staff. Make sure you go and tell them to thank the adult supervision folks who have been so patient to get us through this year.

Again, from the House of Representatives, from the Speaker, from the minority leader, thank you for your service. Have a great graduation tomorrow. May God bless you all, and may God bless the United States of America. You are now dismissed.

Mr. SMITH of Michigan. Mr. Speaker, I would like to join my colleagues in recognizing the Congressional Pages that will be ending their term of service this week. I would also like to commend Congressman SHIMKUS and Peggy Sampson for all of their hard work.

The House Pages have made up the critically important support staff that has kept the House floor running smoothly for over 200 years.

The 2003–2004 full-school year Pages were selected from hundreds of applicants, following an incredibly competitive process that scrutinizes their individual achievements in academics, leadership, and commitment to social and civic service.

Page duties include delivering all types of correspondence and legislative materials throughout the Capitol and House Office Buildings, answering phones in the Members' Cloakrooms, relaying messages, flying flags over the Capitol, and preparing the House floor for session.

These pages have spent their entire junior year of high school in Washington, D.C., living, taking classes and working for the House.

The typical day of a Page begins very early at 5:45 am or 6:00 am to eat breakfast prior to attending classes for school at 6:45 am. At 10:00 am, their legislative workday begins and lasts until the House adjourns in the evening; and sometimes into the early morning hour.

These individuals have demonstrated their true commitment to playing an important role in our Nation's future by learning and working in the nation's capitol.

We honor those Pages that have shown the same generosity of spirit, depth of intelligence, and capacity for human service that is so important to leaders.

These exceptional students have consistently displayed their dedication, intelligence and concern throughout their time as a Page in Congress. They stand out among their peers not only because of their many achievements, but also the disciplined manner in which they meet all challenges. Although they have already accomplished a great deal, these young people possess unlimited potential.

The House Pages are young men and women of character, ambition, and initiative, who have made a significant contribution to the United States House of Representatives and already learned well the value of hard work and commitment. Their efforts and dedication is very much appreciated and our best wishes bestowed upon them in all of their future endeavors that I am sure for some will include elected office including Congress. I suspect all will be leaders.

On behalf of the United States House of Representatives, we extend our thanks and highest praise and congratulations to each Congressional Page.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Farewell to the Pages 1-minute speech.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFUSING MEDICARE CARD GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this week America's seniors and disabled Americans can use the new prescription drug discount card created by last year's Republican Medicare law. This card program has not exactly been met with a resounding "yes." Nationwide fewer than 500,000 seniors out of 40 million actively chose to enroll in the card.

A little surprise when seniors in Ohio and throughout the country have found it confusing, have found it overwhelming, have found it way, way too bureaucratic, and have found it unreliable.

Under traditional Medicare, all of your benefits are available through one Medicare card that looks like this. But under the new program, seniors have to choose from a whole deck of cards. This card may be a discount for Fosamax. This card may be a discount for Zoloft. This card may be a discount for Vioxx. This card may be a discount for Lipitor. This card might be a 12 percent discount. This card might be a 16 percent discount. This card might be a 19 percent discount.

But even with that confusion, Mr. Speaker, it gets worse because one card might cover your blood pressure medicine but not your heart medicine; the discounts published in the brochure you read, the 12 percent, the 14 percent, the 16 percent, the discounts you might read could be out of date by the time you get to the drug store.

In other words, under this Rube Goldberg kind of plan, you pick one of these, in Ohio, 53 cards, you pick one of these cards, you pay $30, you are stuck with that card the whole year. Yet, the card maker, the card seller can change the discount, can change the drugs that are covered anytime during that 52 weeks. Mr. Speaker, that is not Medicare. This is Medicare. It is simple. It is reliable. It is universal.

The new program is having such problems that even one of its most widely accepted provisions is having trouble signing people up. The new law provides annual subsidies of up to $600, a good idea, on drug purchases for some, unfortunately too limited, number of low-income seniors.

☐ 1515

But even that provision did not reach its target audience. Secretary Tommy Thompson says he is somewhat concerned that low-income seniors are not signing up. A lot of us are concerned in this House that they are not signing up.

The gentleman from Michigan (Mr. DINGELL), the gentleman from California (Mr. STARK), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from California (Mr. WAXMAN), and I have introduced a bill that would automatically enroll all seniors in the new low-income subsidies program.

Like Medicare itself, our proposal is simple; it is universal and reliable. Unfortunately, because it violates the Republican privatization way of doing things, they do not want to do it. So instead of actually fixing the problem by saying all seniors who are eligible get the $600 automatically, the Bush administration's going to spend another $4 million to advertise to try to encourage people to sign up. They have already spent up to $80 million to tell seniors that this program is a good idea overall. Now they want to spend another $4 million doing something that we ought to do to reach out to those seniors that need the drug benefit.

Earlier last year when the HHS auditors said the Republican bill would cost $134 billion more than the White House said, the White House suppressed the estimate and gagged the auditor. When the initial reaction from seniors was less than enthusiastic, the Bush administration announced plans to spend, as I said earlier, $80 million of our taxpayer dollars to educate seniors on why this bill is not really this bad after all. When news coverage of the program was not favorable enough, the Bush administration was undaunted. They just rolled out their own news stories, at taxpayers' expense, complete with fake anchor, phony interviewer, bogus reporter. It is not about substance; it is about image.

I think we can show that we can do better. House Republican leadership should pass the Dingell bill this week. It would begin to enroll those people who are eligible for the $600 drug benefit, those lower-income seniors. We could pass it and get it over to the other body in plenty of time to have it on President Bush's desk by next week. I would love that to happen.

The choice, Mr. Speaker, again should be do we want one Medicare card that can give good drug discounts using the 40 million beneficiaries to negotiate a 40, 50, 60 percent discount for all seniors on this one card, or do we want to issue this privatized kind of Medicare with 53 cards, with 53 different plans, sold by private insurance, too confusing, too bureaucratic, and, frankly, a benefit that is barely worth it?

ORDER OF BUSINESS

Mr. PAUL. Mr. Speaker, I ask unanimous consent to take my 5 minutes at this time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Is there objection to the request of the gentleman from Texas?

There was no objection.

SAME OLD, SAME OLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the more things change, the more they stay the same. Our allegiances to our allies and friends change constantly. For decades, exiled Iraqi Ahmed Chalabi was our chosen leader to be in the new Iraq. Championed by Pentagon neocons and objected to by the State Department, Mr. Chalabi received more than $100 million U.S. taxpayer dollars as our man designated to be the leader of a new Iraqi government.

But something happened on the way to the coronation. The State Department finally won out in its struggle with the Pentagon to dump Chalabi and his Iraqi National Congress, delivering Iraq to a competing exiled group.

What a mess. No one should be surprised. Regime changes, whether by the CIA or by preemptive war, almost always go badly. American involvement in installing the Shah of Iran in the 1950s, killing Diem in South Vietnam in the 1960s, helping Osama bin Laden against the Soviets in the 1980s, assisting Saddam Hussein against Iran in the 1980s, propping up dictators in many Arab countries, and supporting the destruction of the Palestinian people all have had serious repercussions on American interests including the loss of American life. We have wasted hundreds of billions of dollars while the wounds in the Middle East continue to fester.

How many times have our friends become our enemies and our enemies our friends, making it difficult to determine which is which? Our new relationship with Qaddafi in Libya is an example of the silliness of this policy. Long-term interference in the internal affairs of other nations does not help us or those we support.

The invisible economic costs are enormous, but generally ignored. A policy of militarism and constant war has huge dollar costs, which contributes to the huge deficits, higher interest rates, inflation and economic dislocations. War cannot raise the standard of living for the average American. Participants in the military industrial complex do benefit, however.

The clear failure of the policy of foreign interventionism followed by our leaders for more than a hundred years should prompt a reassessment of our philosophy. Tactical changes, or relying on the U.N., will not solve these problems. Either way, the burden will fall on the American taxpayer and the American soldier.

The day is fast approaching when we no longer will be able to afford this burden. Currently, foreign governments are willing to loan us the money needed to finance our current account deficit and, indirectly, the cost of our worldwide military operations. It may seem possible now because we have been afforded the historically unique privilege of printing the world's reserve currency.

Foreigners so far have been only too willing to take our depreciating dollars for their goods. Economic law eventually will limit our ability to live off others by credit creation; and trust in the dollar will be diminished, if not destroyed. Those who hold these trillion-plus dollars can hold us hostage if it ever becomes in their interest. It may be that economic law and the hostility toward the United States will combine to precipitate an emotionally charged rejection of the dollar.

That is when the true wealth of the country will become self-evident, and we will no longer be able to afford the extravagant expense of pursuing an American empire. No nation has ever been able to finance excessive foreign entanglements and domestic entitlements through printing-press money and borrowing from abroad.

It is time we reconsider the advice of the Founding Fathers and the guidelines of the Constitution, which counsels a foreign policy of nonintervention and strategic independence. Setting a good example is a far better way to spread American ideals than through force of arms. Trading with nations, without interference by international government regulators, is superior to sanctions and tariffs that too often plant the seeds of war.

The principle of self-determination should be permitted for all nations and all demographically defined groups. The world tolerated the breakup of the ruthless Soviet and Yugoslavian systems rather well, even as certain national and ethnic groups demanded self-determination and independence.

This principle is the source of the solution for Iraq.

Instead of the incessant chant about us forcing democracy on others, why not read our history and see how 13 nations joined together to form a loose-knit republic with emphasis on local self-government. Part of the problem with our effort to reorder Iraq is that the best solution is something we have essentially rejected here in the United States. It would make a lot more sense to concentrate on rebuilding our Republic, emphasizing the principles of private property, free markets, trade and personal liberty here at home rather than pursuing war abroad. If this were done, we would not be a militaristic state spending ourselves into bankruptcy, and government benefits to the untold thousands of corporations and special interests would be denied.

True defense is diminished when money and energy are consumed by activities outside the scope of specifically protecting our national interests. Diverting resources away from defense and the protection of our borders, while antagonizing so many around the world, would actually serve to expose us to greater danger from more determined enemies.

A policy of nonintervention and strategic independence is the course we should take if we are serious about peace and prosperity. Liberty works.

EXCHANGE OF SPECIAL ORDER TIME

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to take the gentleman from Oregon's (Mr. DeFazio) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE INCOMPETENCE MUST STOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Frank) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, sadly I am here to talk about what we cannot ignore: the sad, sad chronicle of incompetence and blunder which marks this administration's conduct of national security policy.

I do not think in the history of the United States there has been a major national security effort handled so badly. I voted against the war in Iraq. I voted for the war in Afghanistan, and I am glad I did. I voted against the war in Iraq because I did not think it was justified, and I feel vindicated in that judgment; but even for those who thought it was justified, I do not understand how they can fail to join in the criticism of the shambles this administration has made of the policy.

I will insert in the Record here, Mr. Speaker, an article by Elisabeth Bumiller from the May 29 New York Times, and the headline is "Conservative Allies Take Chalabi Case to the White House."

[From the New York Times, May 29, 2004]

Conservative Allies Take Chalabi Case to the White House

(By Elisabeth Bumiller)

WASHINGTON, May 28—Influential outside advisers to the Bush administration who support the Iraqi exile leader Ahmad Chalabi are pressing the White House to stop what one has called a "smear campaign," against Mr. Chalabi, whose Baghdad home and offices were ransacked last week in an American-supported raid.

Last Saturday, several of these Chalabi supporters said, a small delegation of them marched into the West Wing office of Condoleezza Rice, the national security adviser, to complain about the administration's abrupt change of heart about Mr. Chalabi and to register their concerns about the course of the war in Iraq. The group included Richard N. Perle, the former chairman of a Pentagon advisory group, and R. James Woolsey, director of central intelligence under President Bill Clinton.

Members of the group, who had requested the meeting, told Ms. Rice that they were incensed at what they view as the vilification of Mr. Chalabi, a favorite of conservatives who is now central to an F.B.I. investigation into who in the American government might have given him highly classified information that he is suspected of turning over to Iran.

Mr. Chalabi has denied that he provided Iran with any classified information.

The session with Ms. Rice was one sign of the turmoil that Mr. Chalabi's travails have produced within an influential corner of Washington, where Mr. Chalabi is still seen as a potential leader of Iraq.

"There is a smear campaign under way, and it is being perpetrated by the C.I.A. and the D.I.A. and a gaggle of former intelligence officers who have succeeded in planting these stories, which are accepted with hardly any scrutiny," Mr. Perle, a leading conservative, said in an interview.

Mr. Perle, referring to both the Central Intelligence Agency and the Defense Intelligence Agency, said the campaign against Mr. Chalabi was "an outrageous abuse of power" by United States government officials in Washington and Baghdad.

"I'm talking about Jerry Bremer, for one," Mr. Perle said, referring to L. Paul Bremer III, the top American administrator of the Coalition Provisional Authority in charge of the occupation of Iraq. "I don't know who gave these orders, but there is no question that the C.P.A. was involved."

In Baghdad, coalition authorities vigorously denied Mr. Perle's assertion. "Jerry Bremer didn't initiate the investigation," Dan Senor, the spokesman for the Coalition Provisional Authority, said in a telephone interview.

Similarly, Mark Mansfield, a C.I.A. spokesman, called Mr. Perle's accusation that the agency was smearing Mr. Chalabi "absurd." A Defense Department official who asked not to be named said that Mr. Perle's accusations against the D.I.A. had no foundation.

Mr. Chalabi has been a divisive figure for years in Washington, where top Pentagon officials favored him as a future leader of Iraq and top State Department officials distrusted him as unreliable. Either way, Mr. Chalabi and his exile group, the Iraqi National Congress, fed intelligence to the Bush administration about Iraq's unconventional weapons that helped drive the administration toward war.

Intelligence officials now argue that some of the intelligence was fabricated, and that Mr. Chalabi's motives were to push the United States into toppling Saddam Hussein and pave the way for his installation as Iraqi's new leader.

Although Mr. Chalabi's supporters outside the administration have been caustic in their comments about his treatment, there has been relative silence so far from Mr. Chalabi's supporters within the administration. Deputy Defense Secretary Paul D. Wolfowitz, who favored going to war in Iraq and was a patron of Mr. Chalabi, did not respond to numerous requests this week for an interview.

Mr. Wolfowitz's spokesman, Charley Cooper, said in an e-mail message that Mr. Wolfowitz believed that Mr. Chalabi and the Iraqi National Congress "have provided valuable operational intelligence to our military forces in Iraq, which has helped save American lives." Mr. Cooper added in the message

> that "Secretary Wolfowitz hopes that the events of the last few weeks haven't undermined that."
>
> The current views of Vice President Dick Cheney and his chief of staff, I. Lewis Libby, are not known. Both strongly supported Mr. Chalabi before and during the war in Iraq.
>
> Last Saturday, participants in the meeting with Ms. Rice and her deputy, Stephen Hadley, said Ms. Rice told them she appreciated that they had made their views known. But she gave no hint of her own opinion, participants said, and made no concessions to their point of view.
>
> Newt Gingrich, the former speaker of the House of Representatives, also attended the meeting. A larger meeting later that day, with Mr. Hadley alone, included Danielle Pletka, a vice president of the American Enterprise Institute, a research institution in Washington.
>
> In an interview, Ms. Pletka said that Mr. Chalabi had been "shoddily" treated and that C.I.A. and State Department people had been fighting "a rear guard" action against him.
>
> "They've been out to get him for a long time," Ms. Pletka said. "And to be fair, he has done things and the people around him have done things that have made it easier for them. He is a prickly, difficult person and he drives them crazy. He never takes no for an answer, even when he should."
>
> Ms. Pletka added: "There are questionable people around him—I don't know how close—who have been involved in questionable activities in Iraq. He is close to the Iranian government. And so all of these things have lent credence to the accusations against him."
>
> Mr. Perle said the action against Mr. Chalabi would burnish his anti-American credentials in Iraq and possibly help him to be elected to political office. "In that regard, this clumsy and outrageous assault on him will only improve his prospects," Mr. Perle said.
>
> Mr. Perle said that he had no business dealings with Mr. Chalabi, but that he believed the C.I.A. and D.I.A. were spreading false information that he did. He also said that Mr. Chalabi was not alone in supplying intelligence to the United States government that turned out to be false.
>
> "I know of no inaccurate information that was supplied uniquely by anyone brought to us by the Iraqi National Congress," Mr. Perle said.

Mr. Speaker, Mr. Chalabi, if I am pronouncing it right, people will remember, is the man who we had thought was someone the President approved of, whom the President now tells us he cannot quite remember.

I do think, Mr. Speaker, as an aside, that probably we should be investigating Chamber security here because apparently at the last State of the Union address a man largely unknown to the President managed to seat himself next to the First Lady. Mr. Chalabi was seated next to Laura Bush. Now the President has no idea or only a vague idea who this man is; and when a stranger, apparently a stranger of some disrepute, if we listen to the White House, is allowed to seat himself next to Laura Bush, then I begin to feel nervous. In general, I think the people who run security do a very good job, I do not know, and this point probably was not their fault. They may have been misled by somebody in the Defense Department, but we better look into it.

We now go back to the spectacle of this administration's internal warfare. We read recently that the Secretary of State was very angry at the CIA because he now acknowledges that they gave him misinformation. I do not know if that is one of the reasons that the director of the CIA resigned. He is the man who, of course, told the President that it was a slam dunk that there were weapons of mass destruction. Apparently, he slammed when he should have dunked, and he is no longer with us, but the chaos continues.

Here we have in this story the conservative allies, according to Mr. Richard Perle, who is a close adviser to the Defense Department, and according to this article last Saturday, several of these Chalabi supporters said a small delegation of them marched into the West Wing of Condoleezza Rice, the national security adviser, to complain about the administration. For some of these people, who have been consistent advocates of war, marching into Condoleezza Rice, it was the only marching they ever did because certainly they have not been in uniform to march in any wartime conditions, but we have them denouncing the Bush administration, Bush advisers denouncing Bush advisers.

Mr. Powell was quoted in the New York Times last Sunday, well, big surprise, "we disagree with each other." That is not the problem. It is not a problem that the President's advisers disagree with each other. The problem is that the President appears to agree with each of them who disagree with each other. The President does not solve these problems. We have had this ongoing dispute. It is extraordinary to have someone being paid $40 million or more by the American Government, supported by the Defense Department, Mr. Chalabi, then overthrown by the State Department or the CIA.

Here is Mr. Perle, again, a close ally of the Defense Department, remember the Defense Advisory Board, saying there is a smear campaign under way being perpetrated by the CIA and the Defense Intelligence Agency. This is Mr. Perle, and then he denounces Mr. Bremer. We are told you, Democrats, do not be critical of the people in Iraq who are running our policy, you will undermine them.

I am nicer than Mr. Perle to these people. Mr. Perle is being much more vitriolic, and he has even managed, Mr. Perle, because he is the epitome of niceness, to find a way to defend Mr. Chalabi who we are now told by this government may have leaked important information to the Iranians.

Here is Mr. Perle's defense of Mr. Chalabi, and Mr. Perle is a man who chooses his words carefully. I wish he chose his friends as carefully as he chose his words, but he does choose his words carefully; and here is what he said about Mr. Chalabi's organization, the Iraqi National Congress, from the New York Times of last Saturday: "'I know of no inaccurate information that was supplied uniquely by anyone brought to us by the Iraqi National Congress,' Mr. Perle said."

In other words, he does not deny that Mr. Chalabi lied to us. He does not deny that Mr. Chalabi in effect boasted he gave us misinformation and does not mind that it could help us go to war. His point is that Mr. Chalabi was not the only one who lied to us. I do not think it is much of a defense of Mr. Chalabi to say he is the only one who lied to us, nor does it say much for this administration that they listened to so many liars. The incompetence must stop.

□ 1530

GRAVE SHORTFALLS IN NATO'S INTERNATIONAL SECURITY ASSISTANCE FORCE IN AFGHANISTAN

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises to inform our colleagues about grave shortfalls in NATO's International Security Assistance Force, ISAF, in Afghanistan and about efforts to ensure the mission has the resources needed for success.

This Member returned to Washington yesterday from Bratislava, Slovakia, where the spring session of the NATO Parliamentary Assembly was held. This Member serves as the President of the Assembly, which for the last 50 years has served as the parliamentary adviser and support organization for the North Atlantic Treaty Organization, or NATO.

The inability of the Alliance to meet its commitments in Afghanistan was the most important issue we discussed in Bratislava. This Member cannot overstate how critical the next few weeks will be for the future of Afghanistan and for the credibility of NATO.

Several members of the NATO Parliamentary Assembly visited Afghanistan on behalf of the Assembly 2 weeks ago. They were unanimous in their praise for the professionalism of our soldiers but were equally convinced that, without additional resources, the Alliance faces failure in Afghanistan and risks losing all that it has currently invested.

The problems, as noted by those members, relate to the unwillingness of Alliance member countries to provide the personnel and the key air assets required to deploy additional provincial reconstruction teams, or PRTs, to provide security beyond Kabul and the surrounding environs.

In addition, the allies must provide ISAF with the extra forces needed to give the forthcoming elections the best chance of success. This is a matter of great urgency. If our allies do not commit more forces and the support assets to sustain them in the next 4 to 6 weeks, the September elections in Afghanistan will likely do little more than to legitimatize the warlords and drug traffickers who are increasingly controlling much of the country.

In Bratislava, Alliance legislators urged our respective governments to examine carefully what further assets they can individually commit. We recognize, of course, that many NATO countries, like our own, already deploy substantial numbers of forces in Afghanistan and elsewhere. The United States currently has about 13,500 military personnel in and around Afghanistan, most in conjunction with Operation Enduring Freedom, the separate mission to fight the Taliban and al Qaeda in southeastern Afghan. Germany and Canada are the two largest contributors to ISAF, with about 1,800 troops each. But Canada's year-long commitment ends in August, and its forces must be replaced from elsewhere.

Compared with the total resources the Alliance can call on, the numbers needed now are not great. Their likely impact, however, is crucial. Time is not on our side. Excuses will not suffice. We must secure those assets now. To fail to do so will place in jeopardy all we have achieved thus far in improving stability in this crucial region.

Actually, this is a failure of political will, pure and simple. Make no mistake about it, this is a failure that jeopardizes the success of our mission in Afghanistan and jeopardizes the very credibility of the Alliance.

We often say that failure is not an option. Mr. Speaker, in Afghanistan, failure is a distinct possibility. And unless allied leaders in the next few weeks demonstrate the political will to deploy the necessary assets in Afghanistan, failure gradually will become a reality.

Drastic shortfalls exist despite the fact there are more than 2 million military personnel in the active and reserve forces of the European NATO allies. Less than 2 percent of those forces are deployed in missions in the Balkans and Afghanistan.

Jaap de Hoop Scheffer, the Secretary General of NATO, has stated repeatedly that the credibility of the Alliance is at stake in Afghanistan and so, it should be emphasized, is the future of the Afghan people.

Recognizing this reality, the leaders of all 26 NATO allies' parliamentary delegations to the Parliamentary Assembly, in an extraordinary, unprecedented step, authorized this Member to send a letter to all the heads of government of the NATO countries forthrightly expressing the concerns of the Assembly.

That letter strongly urges governments to provide the necessary resources for the NATO missions in Afghanistan and the fervent hope that effective action can be taken quickly and the necessary forces provided.

In addition, we agreed to raise this concern in our respective national legislatures in order to generate the widest possible parliamentary support for the required resources to be made available.

NATO already has made remarkable progress in Afghanistan and, with a little more effort, our goal of bringing peace and stability to that troubled country is achievable.

HONORING OUR NATION'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to introduce two pieces of legislation in this House that recognizes and honors the service and sacrifice of members of the United States Armed Forces throughout the history of our great Nation.

The first bill is H.R. 4425, called the Honor Our Fallen Prisoners of War Act. Currently, prisoners of war who die during their imprisonment of wounds inflicted in war are eligible for a posthumous Purple Heart recognition. However, those who die of starvation, for example, or beatings or freezing to death are causes which are not eligible for the Purple Heart.

Can this be right? There should be no false distinction indicating more courage or more sacrifice by some who died and less by others. All POWs who died in service to our Nation should be eligible for this Purple Heart recognition, and H.R. 4425 will allow all members of our armed forces who die while a prisoner of war, regardless of the cause of death, to be awarded this honor. This will apply to all wars, past and present.

I am indebted to Rick and Brenda Morgan Tavares of Campo, California, and to Wilbert "Shorty" Estabrook of Murrieta, California, who brought this issue to my attention. Shorty survived the Tiger Camp death march during the Korean War and was imprisoned for over 3 years. Brenda's uncle, Corporal Melvin Morgan, died of starvation and beatings he suffered in 1950 at the age of 20 in Korea. Surely Corporal Morgan is deserving of a Purple Heart.

I am also introducing H. Con. Res. 434, a resolution to commend all persons who were inducted for service in the United States Armed Forces during World War II. I repeat, inducted into service. This is a particularly fitting time for such recognition. We all witnessed last Saturday the World War II Memorial on the Mall in Washington, DC, being dedicated as a lasting symbol of our Nation's appreciation of these veterans. We are also approaching the 60th anniversary of D-Day on June 6, 2004, when tens of thousands of inductees, or draftees as they are usually called, were among the Allied Forces invaded Normandy, France.

To provide a bit of history, the Selective Training and Service Act of 1940 was enacted 1 year after Germany invaded Poland, and the number of men to be inducted into the Armed Forces was increased 5 days after the United States entered World War II in December of 1941. Of the over 16 million uniformed personnel serving during World War II, 10 million were draftees. They distinguished themselves in war and peace, as we know, and Tom Brokaw has called them "America's Greatest Generation."

The Blinded Veterans Association of San Diego, California, and its President William Montgomery have asked for my help in gaining national recognition for the draftees in our Armed Forces, and I am honored to do so today. H. Con. Res. 434 commends the millions who were inducted during World War II and who served with great courage to advance the cause of freedom throughout this world.

Taken together, these two pieces of legislation remind us of the gift of freedom that we have been given through the service and sacrifice of men and women who came before us. I urge my colleagues to support both H.R. 4425 and H. Con. Res. 434.

ON THE RETIREMENT OF BRIGADIER GENERAL MICHAEL F. GJEDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I rise today to commend Brigadier General Michael F. Gjede on his service to the United States of America. After more than 35 years in the Air Force, General Gjede will be retiring, and we in northeast Ohio have been very privileged to have him as the Commander of the Air Force Reserve 910th Airlift Wing at Youngstown Air Reserve Station in Vienna, Ohio.

A graduate of Northeastern University in Boston, General Gjede earned his commission through the Air Force Officer Training School program in 1968. Once he had earned his wings, he served two tours in Vietnam flying B-52s and logging over 140 combat missions.

General Gjede has held numerous command positions in the Air Force, and the 910th is the second flying wing that has had the opportunity to have him as their commanding officer. As our wing commander at the Youngstown Air Reserve Station, General Gjede's personal involvement, his encouragement, and intuitiveness have produced an overwhelming response, as recognized in the achievements of the wing's members.

The 910th's functional areas performed flawlessly, despite a stressful and turbulent atmosphere caused by the events of September 11, 2001. His superior leadership was the driving force that kept all personnel properly focused, allowing them to consistently meet and exceed requirements. Despite the challenges of the most aggressive reserve operations tempo in history, the 910th immediately responded to the homeland defense initiatives in support of Operation Noble Eagle and the worldwide requirements for Operations Enduring Freedom and Iraqi Freedom.

General Gjede's continual involvement in base renovation and new construction projects, operation and maintenance facilities, and quality of life projects will produce benefits far into the future. The accomplishments of General Gjede culminate a long and distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

On a personal note, one of the unique experiences I have had with General Gjede was an opportunity to participate in the Youngstown Air Reserve parachute program. It is not really a program. It is a simulation of parachuting. General Gjede gave me an opportunity to put on the suit, strap myself in, and look down and do the virtual reality and try to land on a carrier. Well, needless to say, I had my suit pants on, so General Gjede got to see me with suit pants, a tie, and the equipment necessary for parachuting dangling from the ceiling at the air base and missing the boat completely and going directly into the water. I do not even believe I got the parachute out in time. So General Gjede has seen his Congressman in some very compromising positions. Luckily, there was no one in there with a camera to take any pictures.

So that was a good experience I have had, among many, with General Gjede; and he is going to be sorely missed.

But I would also like to say that behind every great man is a great woman. He has a phenomenal wife, Jerylynn, who we have had the opportunity, my wife Julie and I have had the opportunity to get to know. She is a tremendous, tremendous woman. She is a great First Lady for the 910th. She has an enormous amount of class and composure and brought a lot of elegance to the air base, and we will sorely miss her as well.

So on behalf of the people of the 17th Congressional District, I want to thank you, General Gjede and your wife, and wish you and your family the best.

On a personal note, I have enjoyed our time together, our dinners together, and hope that in the future there will be many, many, many more. We are definitely wishing and hoping that you will stick around in our community after your retirement, because our community certainly is a better place and a stronger place with you and Jerylynn in it, and we will not just miss the General and his wife but we will miss our friends.

So I wish you the best of luck and hope that we get to see you in our community and look forward to many, many, many further experiences together on behalf of the air base.

THE CHALABI DEBACLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I stand here today beside this picture. On the right is President George W. Bush and on the left of the picture is a man by the name of Chalabi, Mr. Chalabi. We have heard a lot about Chalabi in recent days. The President, apparently, indicated recently that he did not know him well, that he may have met him at a rope line. But the fact is that Mr. Chalabi was in this Chamber as the honored guest of the President of the United States, seated right up there near the President's wife, Laura Bush. He was applauded by those gathered in this Chamber.

We now know that Mr. Chalabi, who we have reason to believe was paid some $40 million by this government, until just recently, those payments were finally, belatedly, cut off, but Mr. Chalabi was supposed to be providing intelligence to this administration. He is especially, apparently, close to Vice President CHENEY and to others within this administration.

□ 1545

Based in part on intelligence data that came from Mr. Chalabi, this administration made a decision to go to war. Think about that. What have we learned in recent days about Mr. Chalabi. Well, according to news reports, not only was the information that he gave us distorted, false, and in some cases apparently made up; but we now have news reports, credible news reports that Mr. Chalabi was cooperating with one of the axis of evil nations, that nation being Iran.

According to news reports, this government had broken the code that enabled us to intercept communications from the nation of Iran and that Mr. Chalabi told Iran that our government had in fact broken their code. News reports say that Mr. Chalabi further informed the Iranian Government that he received that information from someone within the United States Government who was drunk at the time.

If these reports are accurate, it means that our troops and our national security have been placed at greater risk because this administration put its confidence in this man. Not only did we give him our national resources in terms of about $40 million, not only was he invited to the State of the Union, allowed to sit near the First Lady and receive the adulation of this body, not only was he given these millions of dollars in this recognition, but we depended upon the information coming from this man; and now it appears that our national security may have been compromised.

Mr. Speaker, there needs to be a thorough investigation of what has happened here. We need to find out if our young men and women have been put in harm's way because of the actions of this man; and the President needs to explain to us why he now indicates he knows little about Mr. Chalabi, when he is here in this picture, he was invited to this Chamber for the State of the Union address, and this government invested more than $40 million into this man.

This is something that cries out for explanation and investigation, and it is my hope that the President will accept the responsibility of making sure that the news reports of the last few hours are thoroughly investigated, that all those responsible for the possible leaks regarding national security issues are identified and are thoroughly, utterly, totally discredited.

COMMEMORATING NATIONAL HUNGER AWARENESS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Madam Speaker, on March 16, 1964, President Lyndon Johnson declared a war on poverty. Yet today, 40 years later, millions of Americans continue to face poverty and hunger. It's unconscionable that in the 21st century, in the richest and most prosperous country in the world, nearly 35 million Americans—13 million of them children—go hungry every day.

Today is National Hunger Awareness Day. This initiative, sponsored by America's Second Harvest, is designed to help raise public awareness about hunger and the problems faced by millions of people who are having trouble feeding themselves and their families. Today, thousands of hunger relief advocates and volunteers will work with food banks, food-rescue organizations and agencies to help raise awareness about hunger in their communities.

Madam Speaker, the statistics are astounding. Nearly 35 million Americans go hungry each year. 13 million are children. In 2002, over 34 million Americans and 7.2 million American families lived in poverty. The problem of hunger is getting worse, not better. The percentage of households experiencing food insecurity increased from 10.7 percent in 2001 to 11.1 percent in 2002.

Hunger and food insecurity don't fit the old stereotypes of the poor and uneducated. Not only are more working families relying on food banks for help to feed their children, but over 62 percent of recipients of food from food banks have at least a high school diploma. This is intolerable. As a nation, we should not and can not continue to have lower-income families struggle to earn enough money to put food on the table. Poverty and hunger are directly related—if you don't have money, you can't buy food. It's that simple.

This year's theme for Hunger Awareness Day is "One Big Table." Hundreds of events are taking place around the country, and I would like to highlight one taking place in my district.

Today, the Worcester County Food Bank is holding a "Picnic and Food Drive Kick-Off." The Worcester County Food Bank, together with Sovereign Bank, Shaw's Supermarkets, the Worcester Telegram & Gazette, WSRS/WTAG Radio and Curry Printing, are kicking-off the 2nd Annual County-wide Grocery Bag Food Drive. Held at the Worcestrer County Food Bank, the event includes food drive sponsors, partner agencies, volunteers and staff enjoying a picnic lunch prepared by Community Kitchen student chefs. It will feature on-air radio interviews with the sponsors and agencies to raise awareness of the local hunger problem and promote the upcoming food drive.

Madam Speaker, National Hunger Awareness Day is just one day out of the year when individuals, companies, organizations, and faith-based groups can participate, but the reality is that hunger is a political problem. There is no justification for hunger to exist in this country, or around the world, for that matter. We have the food, the money, and the manpower to end hunger in the United States. What we can't seem to find is the political will to do so.

Earlier this year, this body approved bipartisan legislation reauthorizing the child nutrition programs. It's a good bill that, sadly, doesn't go far enough. For example, over 22 million low-income children participate in the free and reduced-price school breakfast and lunch program. However, only 4.7 million children receive these same lunches in the summer—a 78.8 percent drop in participation. And it's not for lack of need. No, Madam Speaker, it's from the lack of commitment by this Congress.

In another example, Madam Speaker, the Child Nutrition Reauthorization Act rightly ends the requirement that many families must pay a reduced price for breakfasts and lunches. But instead of ending this required payment now, the House-passed bill phases it out over five years.

Madam Speaker, we must do better. The Education and Workforce Committee crafted a good, bipartisan bill. It's a good start, but it must be improved. The programs to end hunger are in place. They don't need to be recreated; they just need to be fully funded. The American people deserve better, and, on National Hunger Awareness Day, I urge my colleagues in the other body to pass a broader, more inclusive Child Nutrition Reauthorization Act.

Madam Speaker, let me close by commending America's Second Harvest, the food banks around the country, the corporations, faith-based groups, volunteers and other anti-hunger advocates for their hard work and dedication to end hunger in the U.S. Today is National Hunger Awareness Day. But these individuals and groups work to end hunger every day. Food bank participation continues to rise. The need for anti-hunger programs is clear. I, for one, am grateful for America's Second Harvest's commitment to ending hunger in America. I urge my colleagues to make every day Hunger Awareness Day, to commit themselves to ending hunger in any way they can, and to find the political will to end the scourge of hunger here at home and around the world.

GENERAL LEAVE

Mr. CULBERSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADVANCING FRONTIERS OF SCIENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. CULBERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CULBERSON. Madam Speaker, it is my privilege to appear here on the House floor today to join with the majority leader and Members of Congress who will be with me here today to express our strong support for maintaining America's leadership role in the exploration of outer space, and our leadership role in advancing the frontiers of science, to demonstrate through the examples we will give today and the presentations that we have of the many, many tangible ways in which the mission of NASA, our leadership in the exploration of space, and America's leadership in the advancement of the frontiers of science have touched and changed the lives of Americans individually, and advanced the freedom and prosperity of the Nation and the world as a whole.

Madam Speaker, it is my privilege to recognize the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise today to support NASA's new vision for our continued exploration of the universe. Forty-three years ago, President John F. Kennedy laid out a vision of space exploration that became a reality 8 years later when Neil Armstrong stepped onto the Moon. With the Apollo missions, America led the world in space exploration and propelled decades of technological and biological research that continue to benefit us to this day.

Four decades later, President George W. Bush offered the Nation another bold and challenging vision of space exploration that will keep America economically, technologically, and militarily strong. Congress needs to support this mission so we can work with NASA to achieve the goal of returning Americans to the Moon and sending astronauts to Mars and beyond.

NASA's new space exploration vision comes at a time when America faces increased competition from other nations. Aside from Russia, the People's Republic of China now has an ambitious space flight program. China has already launched a spacecraft into low-Earth orbit and is intent on developing a manned aerospace and lunar exploration program.

We need to return the Space Shuttle to flight, complete the International Space Station, and extend our presence across the solar system by developing a new crew exploration vehicle.

Space exploration not only advances the Nation's vision. It provides jobs, growth and opportunity to millions of American workers. Being the leader in space flight also makes America the leader in commercial research and development. The end of the last century witnessed rapid advances in science and technology that could only have been accomplished by astronauts conducting research in space. Microgravity experiments on the Space Shuttle and the International Space Station led to the creation of next-generation silicon computer chips and laser communication. Experiments on the Shuttle in the early 1990s fostered the development of a manufacturing process known as liquid phase centering that is now being used to produce over $20 billion worth of products in the United States.

Human space flight stimulates our economy and increases our global competitiveness. A new vision must be launched if we are to maintain our lead in space and ensure our viability as a Nation for decades to come. Like it or not, other nations are sending their citizens into space and seeking to reap the rewards of those journeys.

In an ever-changing and more unpredictable world, we cannot afford to cede our leadership role in space. We have come too far and paid too high a price to turn our backs on the future. Supporting NASA's new space exploration vision and a reasonable investment in NASA's budget this year will keep us on a path toward our nation's destiny.

Mr. CULBERSON. Madam Speaker, I thank the gentleman from California (Mr. CALVERT). It is important that he mentioned that the nation of China has an aggressive space program. They have set a goal of going to the Moon. It reminds me that centuries ago, the Chinese had one of the greatest fleets in the world. The emperor who built that great fleet, composed of ships, I understand, that any one of which could have sailed up the Thames River prior to Columbus' discovery of America and conquered all of England because of their superiority in fire power and the maneuverability of the ships. That emperor who built that fleet died, and the succeeding emperor decided to keep China focused on itself and burned the fleet at the docks in order to keep the Chinese focused inward. As a result, the Chinese lost that great advantage they had in the exploration of the seas, and ceded not only control, they basically lagged far behind the rest of the world in technology, exploration, and freedom.

Mr. CALVERT. The gentleman is correct. Not only did the aforementioned emperor burn the fleet, if I remember correctly, he was the one that first ordered the construction of the wall to insulate themselves from the rest of the world. That insulation stayed for some centuries, and they put themselves way back in the pecking order of the world. The Chinese now are trying to catch up. They are putting a lot of their national treasure and expertise into outer space.

Mr. CULBERSON. Madam Speaker, the Chinese recognize the importance of reaching outward to the nations in not only exploration, but of the tremendous technological benefits to the nation as a whole, and of commerce with other nations. The American people understand that the advancement of exploration of space, the advancement of the frontiers of science bring benefits to us individually and promote the cause of freedom.

Mr. CALVERT. In the 1950s, it was the Russians that first went into outer space with Sputnik. That launched a new generation of young people to go into engineering, science, and technology. Those folks were the backbone of what was the Gemini and the Apollo programs. It was a great part of our history as we went to the Moon and did some wonderful things in outer space.

As the gentleman well knows, in recent times we have starved our science budget. We are not doing as good a job as we should be doing in space exploration, which helped us bring along the personal computer, the types of equipment that we see in our cars that can tell us where we are at any moment, all of these amazing technologies that we just count on. The gentleman is correct, if we do not continue this investment, we are going to be behind in the world, and other nations are going to be ahead of us.

Mr. CULBERSON. It is truly only the Federal Government with the resources we have available to pour into scientific research, much of the work that scientists do, much of the work that NASA does, the Jet Propulsion Laboratory, the magnificent discoveries that have been made at JPL in California, a part of NASA, have been as a result of the dedicated support of this Congress and of the United States to put the resources, the commitment necessary to run down a lot of the rabbit trails that are necessary. There may be some dead ends there. There are going to be failures and setbacks. Exploration is dangerous; it is hard. Pushing the frontiers of knowledge is hard and requires a commitment that each and every American shares in their heart and they are counting on us to be there, to give the people at NASA, at JPL, and our scientists the support that they need.

Mr. CALVERT. We are a Nation of pioneers. We are a Nation that explores the unknown, and science gives us the ability to go to outer space. Really, outside of the oceans of our Earth, which we continue to explore, space is the next frontier that has unlimited exploration and unlimited discoveries that can help us on this Earth and make us literally the leader of the world for many centuries to come.

Mr. CULBERSON. I know the gentleman has seen partnerships in California, as we have in Texas, between NASA and our universities. The research that is done between NASA and our universities has yielded tangible benefits in medical technology and in so many different ways.

We are going to be on this floor talking about those benefits which have touched the lives of individual Americans, particularly in the area of medicine, which the gentleman from Florida (Mr. WELDON) who has just joined us, is so familiar with.

Madam Speaker, I yield to the gentleman from Florida (Mr. WELDON) to join us in this colloquy to lay out the benefits individually and collectively as a Nation that have come to us from the exploration of space and the work that NASA is doing.

Mr. WELDON of Florida. Madam Speaker, I am pleased to be here and join the gentleman from Texas (Mr. CULBERSON) and the gentleman from California (Mr. CALVERT).

Space is important to the future of our country. We are a Nation of pioneers. We are a Nation of explorers. We lead the world in science and technology. Everywhere I go as I travel around the United States, I see images at schools, at universities, and in airports of our space program. Frequently I will see pictures or images of the Shuttle or of our Apollo pioneers; and the reason for that I think is obvious. It is in our blood, it is in our nature.

Indeed, the gentleman mentioned I am a physician and practiced medicine for 15 years before I was elected, and I still see patients once a month at the VA clinic in my congressional district; and I always marvel at the daily application of space technology, spin-off technologies directly from our Shuttle program, from our Apollo program, even from some of our unmanned probes.

□ 1600

I have a contractor in my congressional district who has taken the NASA coolant technology used to cool the systems in these planetary probes that we use and has placed it in car and home air conditioner units and believes he can improve the efficiency of these air conditioner units by as much as 15 percent. The potential savings in electricity demand from a product like that, if it is able to yield its full potential, could be in the order of hundreds of billions of dollars over a period of just a few years. As a matter of fact, if this product proved to be as useful as he believes it may be, it could potentially pay for the space program several times over.

Of course, as I was referring to earlier, as a physician we use space technology in many of our imaging modalities, like MRI scanning and CAT scanning. We use space technology in a lot of our pacemaker capabilities, these implantable defibrillators. Indeed, even the prosthetic devices, such as artificial limbs, some of the materials science that goes into those devices are actually spin-off benefits of the space program.

So I rise today to join my colleagues in speaking out in support of the national space initiative that I think President Bush so eloquently laid out in his speech at NASA headquarters several months ago.

It is really critical that we move ahead with this agenda, because one of the problems that I found within NASA from virtually the moment of my arrival is there was not really a clear agenda of where NASA was going. NASA had a very clear agenda when John F. Kennedy originally articulated it, I believe he was at Rice University, if I am not mistaken, in his famous speech, "We go to the moon not because it is easy, but because it is hard," and NASA had a clear agenda of getting a man on the moon. But since that time it has been a little unclear.

Now the President has laid out very clearly an agenda, and I want to underscore for all my colleagues in the House of Representatives and the other body, this is an affordable agenda. Some people have ridiculed this as costing $1 trillion and being impossible to do.

But with the tragic loss of *Columbia*, I think it has been clear and obvious to everyone that, for our manned space flight program to continue, we need to come up with a replacement for the space shuttle in the years ahead. We cannot continue to rely on this system. It has been a great system, but it is down now, it could go down again in the future, and when it goes down, we are dependent on the Russians for the support and service of the Space Station.

So the President has laid out I think an affordable initiative to come up with a replacement vehicle for the space shuttle, but this vehicle would not just go and from low earth orbit, like the space shuttle does, but it would have the flexibility to be able to go back to the moon, to go on to Mars, and it can support the Space Station in the years ahead.

Importantly included in this vision as well is the priority of reorienting the Space Station research. There have been a lot of people who have questioned what the purpose of the Space Station is, and the President has clearly put forward in his national initiative the vision of saying that we are going to focus the Space Station research on answering a lot of these questions about biological sciences in terms of how people live and work in space.

As a physician, I know a fair amount about this. If you look at people who go up to the Space Station and spend 3 or 6 months there, when they come back, they frequently have problems standing up in the gravitational field of the Earth, they have problems with anemia, there are problems with bone loss, there are problems with blood loss, actually, something called the hemoglobin hematocrit decline in the setting of a prolonged space exposure. So we need a better understanding of that if we are ever to go to Mars and if we are ever to go beyond Mars and if we are going to create a permanent presence in space, such as on the moon.

Now, the President's vision does call for going back to the moon and going on to Mars, but he lays out an initiative I think in a way that calls for international cooperation, so that this would be something that is affordable.

The most important thing that I want to say tonight in this dialogue with my colleagues here is that some Members of the House of Representatives have criticized the budget request from the President as it relates to NASA and feel that we should not go to Mars, and therefore we need to reduce this budget request. But I just want to underscore the bulk of the President's request is to get the shuttle flying again and to complete construction of the Space Station.

To say we want to cut NASA now is to basically to say, well, we do not want to fly the shuttle again, and we do not want to complete the Space Station construction. I do not think in any way there is a majority of colleagues here in this body who are saying that we do not want to do those things.

So we need to put the resources behind NASA, I think, so that they can move ahead with getting the shuttle flying again safely and getting the Space Station completed. We have international partners.

Mr. CULBERSON. Madam Speaker, reclaiming my time, if we could have a little colloquy, it is important to point out to the American people and to the fellow Members of Congress that the President's vision which he laid out so eloquently and so clearly for the future of space exploration in this Nation is simply moving money largely within NASA's budget, preprogramming $11 billion within NASA's existing, projected budget to achieve this vision. The vision itself only calls for an additional $1 billion over the next 5 years in spending above the fiscal year 2004 budget.

It is important to keep in perspective, as the gentleman from Florida (Mr. WELDON) so correctly pointed out, that at the time of Apollo, the Nation committed 4 percent of our budget, 4 percent of the Federal budget, was committed to the Apollo program. Yet today what the President is asking for is simply less than 1 percent of the Federal budget to be invested in the exploration of space and pushing the frontiers of science.

Mr. CALVERT. As my friend from Texas understands also, this is about transformation. This is a time of transformation in the military. It is a time of transformation for NASA, to become refocused upon their primary mission; and their primary mission, I think we all agree, is the exploration of outer space. This is a great opportunity for this country to once again get back to our national dream of space exploration.

As the gentleman from Florida mentioned, whether or not we can afford this, I would say we cannot afford not to. The type of technologies that we have been able to share with this country that have come out of the space program are irreplaceable.

Look what we are doing with energy. The gentleman mentioned energy. Solar. We look at solar as a renewable resource. I cannot think of many folks that have done more work on solar research than NASA, because of what we use solar for today, to help get the energy that is necessary to keep the station going.

The fuel cell technology really started with NASA. Hydrogen technology, fuel cell technology, that gives us a clean source of energy, some people really believe the next generation of energy that will sustain this country as we move away from an oil-based economy.

Communications, where would we be without our cell phones? Sometimes I wonder. But it is those satellites up there that keep us communicating with one another.

All of the types of technologies that come from this fantastic investment, and I say "investment" in the true sense, the return on this, I do not think of many things we do in government that we get a higher return than what we do with the money we put in this.

Mr. WELDON of Florida. If the gentleman would yield on that, there is another interesting aspect of that, and I think it is really an unmeasurable return on the investment.

One of the things I have been most intrigued by when I talk to teachers, and I have had conversations with teachers from all over this country on this issue, as many people know, we have a problem with not enough young people going into math and sciences. If you go to many of our colleges and universities, the bulk of the graduate students are foreigners.

If you talk to our teachers in our schools, they will tell you the thing that gets people most motivated to study math and science, young kids, what excites young kids in the third grade and the fourth grade and the sixth grade to really hunker down and study math and science, more than any other subject, it is the space program. When you take the science teaching, math teaching, and apply it to the space program, the teachers tell me it gets them excited.

How do you put a price tag on that? How do you measure that? You are talking about our competitiveness. Where are we creating jobs? We are creating jobs in the technology arenas. But if we are losing ground on technology because our young people are not studying those fields, then that can affect our whole economy. And how do you put a dollar value on that?

I think the gentleman is absolutely right, and he said it best, we cannot afford not to invest in NASA. It is one of the wisest investments that we can make in this body, because it is an investment in our future.

I would be very happy to yield to the majority leader. I am so pleased for the support the gentleman has supplied NASA over the years. It is great to have the gentleman with us.

Mr. DELAY. Madam Speaker, I appreciate the gentleman yielding, and I really appreciate his holding this special order, because it is so important to continue this debate on the President's vision, and this is a perfect way to do that, and I appreciate the gentleman from California and the gentleman from Texas and their comments.

If I could just make my comments, for four decades the men and women of NASA have done the impossible. Whether conquering Earth's gravity, or shooting the moon, or studying the vast expanse of space or just beyond our atmosphere, NASA has taken on every challenge put to it and succeeded. We owe them our thanks, and we owe them our loyalty.

But as valuable as the research NASA has conducted over the last two decades has been, both in its application in space and here on Earth, the time has come for NASA to once again dare mighty things. The President's vision asks them to do just that, to return the space shuttle to flight, to complete the International Space Station, to return to the moon and ultimately launch a manned mission to Mars.

The President's vision is bold, practical and consistent with America's tradition of leading mankind's journey into the unknown.

Now the only way this Nation could in good conscience walk away from our historic legacy in space, from the legacy of John Glenn, Allen Sheppard and Neil Armstrong, is if we determine that space exploration is no longer worth it, not worth America's expense, not worth America's risk, not worth America's time.

If the time had indeed come when mankind, and specifically the United States of America, had gotten out of space everything it could hope for, then I would be the first in line to declare victory over the unknown and move on to something else. But, of course, nothing of the sort is true. America's space program is not merely a choice but a mission in our national interests and in the interests of all nations.

Not worth the expense? Consider the value of the satellite technologies that we use to communicate which have become the basis of our national defense of this Nation; of touch tone and cellular phones; of global positioning technologies now employed in Iraq and Afghanistan to win the war on terror; of magnetic resonance imaging, which has revolutionized medicine; the automatic insulin pump, which has saved and improved millions of lives; or the portable X-ray machine.

Madam Speaker, our economy, our national defense and our ability to communicate with each other and the world, for that matter, would simply be unrecognizable to us without the expensive space travel paid for by previous generations of Americans.

Not worth the risk? Exploration, mankind's inherent curiosity and will to discover the truth, not worth the risk? Such thinking, Madam Speaker would have left Columbus in Spain, Magellan in Portugal and Lewis and Clark in Virginia.

The history of mankind is not a matter of advance despite the risks, but advance, in a sense, because of them. Of course, space travel is risky. It is the most dangerous enterprise in history but also the greatest adventure.

If space travel were easy, everyone would be doing it. We are lucky, lucky despite the hardships and tragedies that we have endured, to have been chosen by history and providence to live in a nation with the collective wealth and courage to meet such harrowing challenges, to live such an adventure. And no one knows this more than our astronauts, all of whom would gladly take on those challenges, and many more, for the opportunity to serve this Nation and all mankind in this endeavor.

Now I concede that space travel is risky, but so is anything worth doing, and the risk involved in turning our backs on space far outweigh the risk of advancing further into it, which is why questions about the President's timing are the least viable. We are at war, we are told, and facing a budget crunch. Come back when times are rosier, and then we can look at space again.

□ 1615

But, Madam Speaker, the President's assertion that the time is now for America to reestablish its space program is not only correct; it is urgent. We are at war, just as we were when Neil Armstrong walked on the Moon.

The budget is constricted; but for 4 decades, America's mission in space has been one of the surest economic investments the Federal Government has made. Rocketry, satellite technology, cellular telephony, the MRI, all of these were direct benefits of the space program, solutions to problems found in space. And they are just the tip of the iceberg of the knowledge that we have discovered and a subtle foreshadowing of what we will learn.

There is simply no telling what new innovations await our Nation, our economy, our health care, our national defense, when NASA's engineers begin staring down even larger problems of long-term space flight. What will a fully constructed international space station discover during its intensive research on bioastronautics? What engineering and medical miracles will be created to compensate for an astronaut's prolonged exposure to radiation and microgravity? What new materials and devices will be forged in the development of a new crew exploration vehicle? And what applications will these discoveries have to our life on Earth?

We cannot answer these questions without first having the courage to allow our scientists and engineers at NASA to have at them.

The President's vision is a bold challenge to each and every one of them, and to each and every one of us, to do it again. And when they do, Americans of all ages, from seniors who remember a time before NASA, to children who never saw an Apollo landing, will come together one night in the future, look up in the sky, see that tiny red dot 50 million miles away, and know that somewhere up there Americans are doing the impossible.

The President's vision is a vision of that night. It is a vision that will fulfill the promise of the Mercury Seven and inspire the dreams of their grandchildren.

Generations of scientists and engineers were drawn into their fields by the awesome images and historic competition of the space race. It is time to reignite the torch of knowledge and push deeper into the darkness. Thousands of years to get to Kitty Hawk, and only 66 more to get to the Moon.

The time has come, Madam Speaker, for our Nation to strap itself in for the next leg of that journey. We have come too far as a Nation and as a world to turn back now. Even as we fight to liberate mankind from the oppression of tyranny and terror, we have an opportunity, and I believe a calling, to liberate mankind from the ancient oppression of ignorance of the unknown that continues to hold us back.

The answers are a long and difficult road away, but despite the costs, risks, and hardship, we can get there from here. Back to space, back to the Moon, and on to Mars.

Mr. CULBERSON. Mr. Speaker, I thank the majority leader, who has so eloquently and forcefully set forth the benefits in so many ways to this Nation of the President's vision for outer space, of space exploration. Because the best evidence I could give in support of what the leader has just told us of the value of what the President has set forth is to quote Thomas Jefferson in his charge to the Lewis and Clark expedition. Two hundred years ago, President Jefferson set forth very simply to Meriwether Lewis: "The object of your mission is to explore the Missouri River." And that simple charge, that simple direction from the President of the United States to explore the Missouri River has led to the expansion of the United States to the Pacific Ocean and the innumerable benefits that flowed from that.

Madam Speaker, I am happy to yield to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, just in closing, I would like to point out that in this very building, we were in a conflict between the States and the President at that time. Abraham Lincoln made a determination that the business of the Union would go forward, and the dome of this very building was completed during the Civil War. The business of this Nation moves forward. As a matter of fact, the underpinnings of the great railroad that bound this Nation together was done while Abraham Lincoln was President of the United States while the Civil War was raging across this Nation, but the business of the Republic moved forward.

So to say that we should stop the exploration of outer space for whatever reason is not a good reason, and I thank the gentleman for holding this Special Order.

Mr. CULBERSON. Madam Speaker, as the majority leader said, the exploration of space is hard; it is a difficult task. Pushing the frontiers of science forward is also. The support of NASA is a cause that knows no political boundaries.

I am pleased to be joined by my colleague and neighbor, the gentlewoman from Texas (Ms. JACKSON-LEE); and I am pleased to yield to her at this time so that she may express in her own words her view of the importance of the mission of the National Aeronautics and Space Administration's mission to maintain America's leadership role in outer space.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas, and I am very glad that it is acknowledged that the idea of exploration, the idea of being a pioneer is not only Texan, but it is American and it is bipartisan. So I am delighted to be able to join my colleague not only in support, but also in raising the probative questions that need to be raised as we look at the vision that has been put forward in going to Mars and to the Moon.

First of all, it is exciting to see the amount of energy that has been generated by many of our advocates and supporters, particularly the entities that are engaged in research and space exploration as to the kind of thinking that is going on, the kind of vehicle that would be appropriate. I believe that it is important to note that our astronauts class is still one of the most sought-after opportunities, educational opportunities. In fact, I just met 2 days ago the first Puerto Rican astronaut who will be joining us in Houston sometime in August. That class was recently graduated, and I believe there are 600 or more that applied and only a few were able to obtain that particular high honor.

So I come to the floor today to indicate that the mission as evidenced by the administration is a bold new mission for NASA and that it only ensures a new life. I know that we are compelled to think about the issues of the day, whether it is Iraq or Afghanistan, whether or not it is the choices we have to make in the appropriations and budgeting process; but I have confidence in the American will and desire and in this Congress. I for one would hope that we would recognize that choices have to be made that require us to invest. As my good friend knows, we may have different opinions on tax cuts and other uses of our resources, but I hope that we will not couch this effort as borrowing from Peter to pay Paul. I hope that we will recognize that these goals are particularly important, as it provides opportunities for our young people in math and science, as it provides opportunity for reaching man's limits, and as well, it provides opportunity for the research that has been helpful to us in the past.

When I came to this Congress, we found it very difficult to pass the NASA budget, but we began to turn our attention to the American people. We began to educate and visit the schools and highlight the value of NASA and space exploration, and I like to call it the National Aeronautics Space Agency; but, more importantly, most of us know Johnson or Marshall or Kennedy, anyone who has had the privilege of seeing a launching of one of our very fine human space shuttles, they know the excitement and the exhilaration that comes with it, but more importantly, they know how it impacts our lives. We have seen a decided improvement in cancer research, HIV research, stroke and heart disease because of our ability to go into space.

We also know that man has pushed our own human limits, men and women, because of the ability to live on the international space station. The international space station has been one of our greatest accomplishments where people are actually living in space. So the idea of stopping off at the international space station and then going on to the Moon and Mars is something that is both understandable and achievable.

Might I say to my good friends, however, that there are certain elements that we must have a bipartisan expression of, and that, of course, is the idea of making sure that we have the resources to invest in this plan. We need to have the administration delineate for us the precise dollars that we will utilize; and, of course, we want to know, which is one of the difficulties, I say to my good friend from Texas, that we are facing is people have their advocacies, whether it is basic research, whether it is unmanned space exploration. We have to ensure that NASA remains whole and that again, we do not implode the department and take from them, but to foster the space exploration, so we must work together in a bipartisan way to ensure that.

The other thing that we must do is the question of safety. I am looking forward to very productive hearings, bipartisan hearings, that will make sure that we have the T's crossed and the I's dotted, and that we look in a combined way at space safety legislation to make sure that when we send people into space that we can assure the American people that every single I is dotted and every T is crossed.

I know that the commission that has just met in New York is going to give us a 10-point report. I hope that we do not kill the messenger, that we will look at this 10-point report and be able to go down one by one and step by step to ensure that it is followed.

Let me also say that the people going to space are heroes. How many of us remember John Glenn, growing up with him? We do not want to tell our ages, but how many remember growing up with John Glenn? How many remember the challenge that President John Fitzgerald Kennedy gave to us: the stars in our eyes, the stars in the eyes of children to come? How many of us have ever had the chance to meet an astronaut, as I have, having them come into my congressional district? And do my colleagues know that at my annual Christmas party, the astronauts are more famous and popular than Santa Claus? How about that? So we realize that they can provide an impetus of excitement.

Might I just say that I want to thank you and a number of Members who provided me with 320 cosponsors, as an aside, to honor those heroes who went into space on *Columbia* Seven. Let their heroism be not a sign or a statement to close down the space exploration; but as their family members have said, let it be a challenge, if you will, to continue it in a more safe and positive way.

I look forward to us generating the kind of space vehicle and the kind of space power, if you will, of the kinds of humans trained to go to Mars and to the Moon, to do it in a unique and very special way. But I remind my colleagues that we must as well work with the administration on an agenda that will give us the kind of roadmap that will take us through this process.

So I am delighted to be able to come not only to provide support, but to ask the hard questions and to make sure that most are aware that we are going to ask the hard questions of budget, of investment, making sure that we do not take from needed programs that I know that the gentleman supports along with many others, such as housing and education and health care, but that this investment is one that puts America just where it needs to be: at the front of the line, on the cutting-edge of science and research that will ultimately open not only the doors and minds of future mathematicians and scientists, but also it will open the doors to physicians and cardiologists and those dealing with kidney disease, because we will be able to do the kind of research there that may open the doors to better health for America, as well as a better quality of life for all Americans.

I thank the distinguished gentleman for holding this Special Order, and I hope that when we see each other next, we will be working on a definitive space exploration program that all of our colleagues will find virtue in and will be able to support in a bipartisan manner.

Mr. Speaker, thank you for calling this hearing to discuss the future of NASA's mission in space, and to understand how the President's new budget fits in that picture. NASA is at a great turning point. Our work here today, and in the upcoming months, could determine if in a century, our kids' kids' kids will be exploring Mars, or if they will be walking through a museum, learning about how long, long ago Americans used to boldly explore the heavens.

I would like to join you in welcoming Dr. Marburger and Administrator O'Keefe. I commend them for their work so far, in keeping us informed on the President's new initiative for human-space flight. Successfully crafting the new mission for NASA will take unprecedented cooperation between the Administration, and Congress, and the private sector, and the American people. I thank the gentlemen for coming today. We must keep this dialogue going.

First, I would like to commend the President for articulating his bold new vision for NASA's future. We have much work to do to ensure that we fine tune that plan, to make sure it fits our goals scientifically, meets our responsibilities, and works within our means in a tough economy. Unfortunately, we are in a time of tight budgets, due to horrible financial mismanagement by this Administration over the past three years. But space exploration is not about FY05, or even about 5-year projections. It is about an ongoing quest that captures people's minds and hearts, drives our technology to the cutting edge, and pushes our economy forward. We cannot afford to abandon progress in space every time we fall on challenging times. If we allow NASA to follow a boom-bust cycle, it will never have a committed workforce with the expertise and experience necessary to do great things.

So, I feel we must move forward boldly, but not so boldly that we allow the program to collapse under its own weight. We must be safe, and we must be prudent in making methodical steps, to the moon, to Mars, and beyond.

For example, it is exciting to think of building the next generation vehicle, and to retire the space shuttle. But if we are on schedule to decommission the shuttle in 2010, and then fall behind on the schedule to replace it due to shifting budget priorities, we could be caught in a very tough place. We may lose access to the International Space Station that we have invested so much in. We could start losing quality NASA employees to the private sector or to retirement, and lose their institutional memory as well. That could make it very difficult to restart a viable program in the future.

Of course, I am especially interested in how this new mission will affect Johnson Space Center near my district in Houston. As the hub of the manned space program over the years, Houston has so much to offer this new mission. However, instability as old programs give way to new, could be detrimental to the space community and the city as a whole.

And finally I am concerned about safety. Since the *Columbia* tragedy, we are all working together to re-focus on safety—improving the NASA safety "culture" as some call it. We still have much work to do on that. We need to make substantial improvement before we turn all of our thoughts to new things. However, space exploration is good and needed, and I am looking forward to a clear road map from the administration.

Mr. CULBERSON. Mr. Speaker, I thank my colleague from Texas, because support of NASA, the Jet Propulsion Laboratory, America's exploration of space, and keeping our leadership in space is indeed something that we can work on in a bipartisan way, because this is truly an American and Texan endeavor, to be at the frontiers of exploration.

My colleague is right about the popularity and importance of NASA's exploration to the average American. The NASA Web site, in fact, has had more hits on it than any Web site in history in a shorter period of time. NASA is now at over 10 billion hits on their Web site, in large part due to the spectacular success of the Mars exploration Rover program and the scientists at NASA. JPL, Steve Squires, all deserve our thanks and our sincere congratulations for their magnificent achievement in pulling together this extraordinary complicated mission of landing two rovers in completely separate parts of Mars to bring that program together in such a short period of time, to have it achieve such spectacular success so flawlessly. They deserve our congratulations and our admiration for what they have achieved. They are indeed a great inspiration to the Nation, to young people here in America and all over the world who recognize the value of not only exploring space, but pushing the frontiers of science.

□ 1630

As the majority leader so eloquently said and as my colleague from Texas (Ms. JACKSON-LEE) has pointed out, there are so many different technologies that have spun off from NASA that are important.

It occurred to me as I was listening to the majority leader's very eloquent remarks, and my colleague, my neighbor just to the east, the gentlewoman from Texas (Ms. JACKSON-LEE) pointing out NASA's many successes, I am reminded of a book we were just reading, my wife and I, to our daughter, Caroline Virginia, who is fascinated with Harry Houdini, the magician. We were reading a book to Caroline about Houdini, and it pointed out Houdini had a hard time succeeding when he began as a magician until someone pointed out to him that he was making it look too easy. He was so good at what he did that he made it look easy. The audience could not really appreciate how difficult it was, what he was doing. Houdini took that to heart and began to make his act look more difficult.

I do not want NASA to make it look more difficult, but I think NASA's great success at making it look easy at overcoming the spectacular hurdles that confront them has been in part perhaps one of the reasons that people take NASA's work for granted.

I would be happy to yield to my colleague.

Ms. JACKSON-LEE of Texas. Mr. Speaker, my colleague makes a very good point. I wanted to say that is why those of us on the Committee on Science, and certainly he has been working with us, and we have worked with the gentleman from Texas (Mr. LAMPSON), the ranking member on the Subcommittee on Space and Aeronautics, and before him, of course, the gentleman from Texas (Mr. HALL), but there are a number of Texans who have been engaged, the gentleman from Texas (Mr. BELL), on that committee and have had special advocacies. But what we have said is that, in addition to what you have been able to announce for us, is that NASA also has taken a hard look at safety.

I think it is important to say to the American people that we are not reckless in suggesting that we go to Mars or the moon. We know that we will bring about great research and great opportunities, but we also realize that it is important, our obligation as the United States Congress, to ensure that this is a safe process.

And might I just also say that we are fortunate that presidents, starting, of course, with John F. Kennedy and then Lyndon Baines Johnson, have been supportive of the effort in space. We are very lucky that it has been an American issue. And that carried forth with William Jefferson Clinton and other previous presidents. But, because of that, I hope that this Congress takes seriously the idea that we cannot shut it down. We must continue it, looking to make it better, but we must continue it because it is something that belongs to all of America.

Mr. CULBERSON. Mr. Speaker, certainly no better, if I may, no better expression of the importance of the mission of NASA and maintaining America's leadership role in space, what better expression of that than to have my colleague and me here, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. CULBERSON) in complete agreement on that.

I would challenge any Member of the House to show someone with a stronger fiscally conservative record than I, looking carefully at the dollars we always together, my colleague and I, have been there to support NASA, as has the majority leader, who is also our neighbor from Houston. There are no political parties, there are no political divisions, I think, between us in helping NASA and the jet propulsion laboratory and the pride that we feel in their magnificent achievements and acknowledging and congratulating them for their spectacular success with the Mars Rover and recognizing in less than 1 month that NASA's Casini mission will go into orbit around Saturn and shortly thereafter, the first of the year, NASA will be landing a European-built lander on the surface of Titan, the only other planet in the solar system, a moon of Saturn, that has an atmosphere as dense as that of the earth.

We, both of us, in representing Houston recognize the importance of the Texas Medical Center and the work that they do with NASA in so many ways has saved lives.

If I could point out something that I am sure my colleague is familiar with, the work that Dr. Michael DeBakey has done using space shuttle technology. The shuttle has these huge turbo pumps that are required to empty the spacecraft's external tanks of more than 525,000 gallons of liquid hydrogen and oxygen in less than 8.5 minutes. Dr. DeBakey got together with NASA, with a private team as well, and developed the MicroMed-DeBakey ventricular assist device using NASA's shuttle technology to pump hydrogen and oxygen out of those fuel tanks, to miniaturize that into a device that has kept people alive so they could have heart transplants, that have helped people's hearts heal so they could avoid a transplant.

As Dr. Rosenbaum pointed out, the heart pump, the MicroMed-DeBakey ventricular assist device, is a perfect blend of NASA engineering and medicine. The same laws of physics that apply to building and flying a spacecraft apply to building and operating a heart pump.

As Dr. DeBakey said, when you have got intense research going on like this, new knowledge is bound to flow from it. I know my colleague has seen that benefit as well.

Ms. JACKSON-LEE of Texas. Absolutely. We are very fortunate that we have two giants in Texas, both Dr. Benton Cooley and Dr. DeBakey, who have established outstanding hospitals, but we know that Dr. DeBakey is the founder and originator of MASH, of the MASH unit in World War II.

But it speaks to the idea of the distinguished gentleman from Texas that we are still living and learning, and the ability to be able to do this in space or do this kind of research in space gives us a greater opportunity to extend the lives of Americans and people around the world.

I think it would be important now just to note for our colleagues that this mission is on a timeline that is very crucial. And that is, of course, 2008 the crew exploration vehicle which will carry astronauts to the moon, we are looking to have scheduled and to make its first unmanned test flight. In 2008, the robotic craft will start flying to the moon to prepare for human expeditions.

The reason why I say this is because I understand that you had a distinguished gentleman from California on the floor of the House. I already mentioned the gentleman from Texas (Mr. LAMPSON) and his leadership, the gentleman from Texas (Mr. BELL) and his leadership, mentioned the gentleman from Texas (Mr. HALL). A number of them have been on the Subcommittee on Space and Aeronautics, the distinguished gentleman from Tennessee. But the reason why I mention the diversity of States and the distinguished gentleman from Florida is because this should not be looked upon as a sole purview of the great State of Texas. But, in fact, there will be opportunities for many, many people to be engaged.

The robotic craft starts flying, as I said, in 2008; 2014 the crew exploration vehicle makes its first manned flight; and then 2015 to 2020 astronauts return to the moon. So we are gradually having a wide-reaching impact.

My colleague mentioned it earlier, but I do not know if Americans realize one of our greatest international relation efforts has been space. China, India, Israel, some of our countries in South America, France, and others have been engaged in this process; and we have found commonality around space. It is crucial.

The other thing that I think it does for those of us who represent very diverse districts, it provides the teaching tools and the incentives so that not only your daughter is excited about what happens in space but that we find children who are in inner city schools, African Americans and Hispanics and Asians and others, that may not view this as an opportunity for them, people from rural America, people from Appalachia, if you will, that have not had opportunities to be exposed.

We want their children to be the next pool of astronauts and scientists and mathematicians. The only way one does that is you have something for them to do. We do not have anything for them to do. We cannot expect that they will be engaged in these disciplines, biology, chemistry, being doctors like Dr. DeBakey, as my colleague mentioned, Dr. Cooley.

Mr. CULBERSON. Mr. Speaker, if I might, ignite that spark in their heart to know that the United States, the country they are so privileged to live in, is a leader in the exploration of space, in pushing the frontiers of science, to light that spark in the heart of a young person is one of the greatest things that we can do. NASA has certainly done that.

I am probably the most fiscally conservative Member of this House. My good friend from Houston knows how carefully I examine every single request to spend money that is presented to me as an appropriator. I am working diligently to balance the Federal budget. I am a co-author of the Balanced Budget Amendment. I want to thank the majority leader, the gentleman from Texas (Mr. DELAY), and the lead author of the amendment, the gentleman from Oklahoma (Mr. ISTOOK), for bringing the balanced budget amendment to the floor of this House.

We need to pay off the national debt, balance the Federal budget. When it comes to investing in scientific research and maintaining America's leadership role in outer space, both of us, I think between the two of us we pretty much cover the political spectrum, recognize that NASA, JPL, and scientific research is our national insurance policy for the future, prosperity of the country, and it will ignite that spark in the hearts of young people. I know my colleague has seen that in her district.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would not disagree with my colleague at all on that and what that leads to. And I know that I can encourage my good friend, in spite of or alongside of his fiscal posture that he takes, and do know that he is very staunch in his review, as I am very staunch in ensuring the domestic needs of our Nation with respect to health and education and housing are as well invested in.

But as we look at space it would be important for our colleagues to know that as we fund this effort it sort of generates or springs forth opportunities in education, investing in math and science for our young people so that we can create the kinds of research experts that will be part of this program that my good friend is talking about.

So there are benefits beyond just a few going into space. It generates a whole industry, a whole chemistry between industry and between the government in creating jobs that will provide for a very strong core of people who understand the very technical aspects, the very sophisticated aspects of science and math and chemistry and physics which are so very important.

We never want to lose the cutting edge of being at the very top of having that kind of discipline and expertise in our Nation. We never want to be a Nation that does not produce something, does not manufacture something, is not brilliant enough to create new science. That is what NASA provides, that opportunity.

I would only say, in your wisdom of your own political stand on being fiscally responsible, I would also charge you as being a man that has a great understanding that America has to invest in order to have returns. So we have to make choices. Hopefully, the choice of NASA and space exploration does not eliminate our opportunities to invest our education and health and other resources.

So I thank the distinguished gentleman again for bringing us all together. I think it is extremely important that our colleagues know that we do not stand here only as Texans, that my colleague had Floridians and he had Californians and maybe some others that were here before me and there are people from Tennessee and individuals from New York, our chairman, and so we have people from all over that I hope will rally around the idea of space being valuable and having us be at the cutting edge of this very valuable program.

Mr. CULBERSON. Mr. Speaker, I thank my colleague from Texas and look forward to working with her to ensure that NASA gets the support it needs, that the President's vision that he has laid out so clearly and so eloquently for the future of NASA and for the future of scientific research in this country, that we give the President's vision the support that it deserves.

As the majority leader so eloquently pointed out earlier, the exploration of space is indeed a difficult task; and it will require the efforts of every Member of this Congress working together from every part of the political spectrum.

I am so pleased to have the majority leader's leadership on this effort, to have the full support of the gentleman from Texas (Mr. DELAY) there, here in the House of Representatives. He understands the importance of scientific research, the importance of NASA, the Johnson Space Center now being located, of course, in Houston.

The unity that has been shown here on this floor, between my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), and myself and the majority leader in supporting NASA I think speaks volumes of the kind of support that I think we will see from this Congress when the time comes to get behind NASA.

Every American out there needs to, I think, express themselves to their elected officials, to their Members of Congress, just as they have done in all the hits they have made on the NASA Web site.

I would conclude by pointing out that we will continue to be here on a regular basis pointing out the benefits of NASA's work over the years, the importance of the President's vision, supporting what he has laid out for NASA, for the jet propulsion laboratory.

□ 1645

I would also like to conclude by quoting my hero, Thomas Jefferson, who pointed out perhaps the greatest benefit of our investment in science. Mr. Jefferson was fond of saying, and it is so very true, that the first-born child of science is always freedom.

With that, I close, Mr. Speaker.

Mr. HALL. Mr. Speaker, I rise today in strong support of the Vision for Space Exploration. Since 1969, America has led the world into space and it is time to renew that vision. Our ventures into space not only keep America at the forefront of exploration and innovation, but they also are vital to our economy and our national security. This new National Vision sets America on a course toward the Moon and Mars, and we should embrace this dream and work to make it a reality.

In my mind, the first step of this new journey back to the Moon, Mars, and beyond, is to return the space shuttle to flight. I say this for several important reasons. First, our country made a commitment to our international partners that we would complete the construction of the International Space Station. Only the space shuttle is capable of completing this all-important task. Second, as the preeminent leader in human space flight, we cannot afford to sit idle and let other nations reap the rewards of our hard work, research, and sacrifice. We know that the People's Republic of China has developed a human space flight program that encompasses everything from low earth orbit to exploring the Moon and Mars. To let our space shuttle fleet, the most sophisticated and advanced space craft the world has ever seen, sit idle while other nations pass us by would be counter-productive to our space program. We must, however temper this thrust to Mars with economic realism. While people are more interested today in being able to make a trip to the grocery store than go to Mars—we agree that this is the time to initiate a sensible, stepping-stone, approach to investment in planning and carrying out our long-term mission.

It is, however, incumbent on us to do all we can to return astronauts to space safely. Last year's *Columbia* disaster underscored the sad reality that we have not done enough to ensure crew safety. I authored an amendment that was included in last year's NASA funding bill that calls for $15 million to be used to solicit the best concepts from the aerospace industry and elsewhere to improve shuttle crew survivability. It is critical that the Space Shuttle Program continue to improve survivability for its remaining service life—including making modifications for the crew, such as cabin thermal/structural hardening, improved flight suits, and search and rescue capability.

Meanwhile, as NASA develops the new crew exploration vehicle for human space flight, we need to make sure that a viable crew escape system for our astronauts is incorporated into the design of the spacecraft. I would suggest that if NASA can find the money for a multibillion-dollar probe to Jupiter, then it can find the funds to make crew survivability a priority. As we implement the new space vision, I will work to ensure that NASA fulfills this priority and minimizes the risks for our brave men and women who fly our space missions. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

America's space program continues to be an engine for our national economy. Exploration brings jobs and technological growth to America. Last year, space exploration brought over $3.7 billion in funds to universities and businesses in Texas alone. Nearly every State in the union benefits from the development of technologies needed to propel our space mission. At a time when we are all concerned about jobs leaving the United States, supporting NASA makes sense because we are providing good jobs for Americans.

The money that we put into NASA grows exponentially when we consider the scientific and technological spinoffs that space exploration provides. Experiments conducted on the space shuttle and International Space Station expand health research and move us toward cures for some of our most threatening diseases. Microgravity experiments in the 1990s led to advances in antibiotics to fight infections. These experiments also unlocked secrets to protein growth that produced medicines to treat patients who have suffered from strokes and to prepare them for open-heart surgery. Americans suffering from osteoporosis also benefit from bone-density experiments conducted on the International Space Station in microgravity environments. These tests accelerated the clinical trials of a drug that is expected to be on the market soon. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies ensure our Nation's viability, increase our Nation's competitiveness, and help drive our economy.

On January 14, 2004, we were pointed toward a new vision for space exploration and a renewed commitment to the American dream of reaching for new frontiers. For the first time in 40 years, our Nation once again has a vision. We owe it to future generations of Americans and the men and women who have kept the space mission alive for four decades to continue to forge ahead. Congress should approve the modest 5.6-percent increase in NASA funds this year so that we can continue this journey, secure our national interest, and fulfill America's destiny in space.

Mr. CRAMER. Mr. Speaker, I rise in support of our Nation's new vision for space exploration.

I represent north Alabama, which is home to NASA's Marshall Space Flight Center. Space exploration holds a special place in the hearts of my constituents. Marshall and its team designed and developed the Saturn launch vehicles which sent our Nation on its last inspiring journey to the Moon. I remember that journey—it was an exciting time for north Alabama, and it was an exciting time for our Nation.

Last year, I was one of 101 House Members who wrote a bipartisan letter to the President, urging him to focus NASA on an inspiring mission. On January 14 of this year, we received a reply.

NASA was given a bold, new path—which will take our Nation on a journey of exploration and discovery that is affordable, achievable, and exciting.

The first element of the vision includes returning the space shuttle to flight, and completing the International Space Station. In fact, the bulk of the increase in NASA's requested FY05 budget is for getting the shuttle fleet off the ground, and continued ISS construction. The ISS will be used to learn how to extend human presence in the hostile environment of space.

The vision includes implementing a sustained human and robotic program to explore the solar system and beyond. Not one or the other, but both human and robotic exploration, using the strengths of each to expand their frontiers of our knowledge.

The vision includes a goal of returning humans to the Moon by year 2020, and using this as a stepping stone for human exploration of Mars and other destinations.

Along the way, this journey of exploration will require the development of innovative technologies, key knowledge, and enabling infrastructures. This vision will further U.S. scientific, security, and economic interests, and it also promotes international and commercial participation in exploration.

Mr. Speaker, this vision is affordable to our nation. NASA's requested budget includes modest increases for an agency that has been essentially level-funded, in constant dollars, for the past 10 years. The FY05 budget request for NASA represents 0.7 percent of the Federal budget, compared to 1 percent in 1994, and a peak of 4 percent during Apollo. Between 1993 and 2002, the Federal Government's discretionary spending grew in purchasing power by more than 25 percent. But NASA's funding profile over this same decade resulted in a loss in purchasing power of 13 percent. I recognize that our Nation has many other worthy demands on the Federal budget at this time—but this is something that only a great nation such as ours can do.

This vision is also achievable. The plan is not a race to the Moon or Mars, but a continuation of the spirit of exploration that is such an important part of America's heritage. And it is based on a spiral-development philosophy where you build on your accomplishments, learning from your successes—and your failures—along the way. We know that this approach can work—it already has, as Project Apollo built on the amazing achievements and occasional setbacks of Project Mercury and Project Gemini.

Mr. Speaker, I know that there are some who say that NASA has not yet provided enough details about their exploration plan. They are working hard to provide us with the details. But we can all be assured that this body will have regular opportunities during the journey for strong congressional oversight.

We have a bold new vision for our Nation's space program laid out in front of us. This vision will help secure America's national security. This vision will help assure America's economic prosperity. And it will help strengthen America's technological competitiveness. Like the successes of Apollo, the benefits of this vision of exploration and discovery will be felt over generations.

Mr. Speaker, at the beginning of the 21st century, our Nation's space program is at a crossroads. I urge my colleagues to grasp this historic opportunity, and join me in support of this vision that will reinvigorate our Nation's space program.

Mr. SMITH of Texas. Mr. Speaker, I support NASA's new space exploration vision. Americans might ask: What is that vision? It means we are committed to these goals—

Return the space shuttle to flight;
Complete the International Space Station;
Develop the Crew Exploration Vehicle;
Go back to the Moon;
Go to Mars;
Increase NASA funding by almost 6 percent.

This new space exploration vision is a turning point for NASA.

We know there are inherent risks that come with space exploration, which is the pursuit of new knowledge and new worlds. Skepticism and doubt are often linked to NASA and its goals. But history provides the answers to those concerns.

The *Mercury, Gemini* and *Apollo* programs culminated in a great achievement: landing an astronaut on the moon.

In the past 45 years, NASA's explorations and scientific experiments have led to technological breakthroughs that have changed our lives. They include a heart pump implant system that prolongs lives, smoke detectors that have saved thousands from death and shape memory metal used in eyeglasses and golf clubs that make them bendable. Advancements have also included the unexpected, such as a new line of shock-absorbing athletic shoes.

I believe the new space exploration vision is affordable and achievable. To succeed it requires congressional support, leadership from the White House, and an unwavering belief that the impossible can one day become the possible.

Mr. Speaker, NASA has inspired the public since the *Mercury 7* astronauts had "the right stuff" to launch our space exploration program. Their legacy is secure.

Our challenge today is to honor the legacy and build upon it with a new vision. I believe we can. America still has the right stuff to make other giant leaps for mankind.

HOUR OF MEETING ON TUESDAY, JUNE 8, 2004

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12:30 p.m. on Tuesday, June 8, 2004, for morning hour debate.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

30-SOMETHING DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is always a pleasure to address the House of Representatives and also the American people on issues of importance. A part of our democracy is being able to provide information to the American people so that they can make the right decisions at the right time when they are given the opportunity. Also, to hopefully have an opportunity to speak to our colleagues about some of the issues that are facing this Congress and the American people, that they can also make the right decision at the right opportunity and at the right time.

We have more opportunities, the American people do, to make major decisions. They get an opportunity every couple of years as it relates to the House of Representatives, and in many cases every 6 years as it relates to the other body. But every 4 years they get an opportunity to vote for the leader of the free world, the President of the United States; and it is important that we understand exactly what is going on in our country, what is going on in the world.

This is an hour, Mr. Speaker, that the minority leader, the gentlewoman from California (Ms. PELOSI), has put together for our 30-something Caucus that we have on the Democratic side on the aisle. The gentleman from Ohio (Mr. RYAN) is my co-chair as it relates to our working group.

We have a number of members, some 14 Members of this House, that take time out every week to come to the floor. We have an opportunity to talk about issues that are facing young Americans and also middle-aged Americans and older Americans, because when we start talking about education, we start talking about health care, we start talking about jobs.

I think it is important we talk about Iraq. It is also important to all Americans, but we try to make sure that we be able to give voice to those individuals that are young parents and those individuals that are going into college and even young people that are looking to go to college to make sure that they have a great opportunity to do what they have to do.

I am so glad that my good friend from Ohio (Mr. RYAN) is here with me, who is just an outstanding gentleman. We both serve on the Committee on Armed Services together, and we sit next to each other, almost next to each other, but we are there on the same level on the bottom row.

I thank the gentleman for being here.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman very much.

Over the past week, we had a break. We normally are doing our 30-something event on Tuesday nights, but we are here on Thursday night tonight, and we are going to take a little different twist here. Normally, we talk about issues that are facing young students, young people trying to make their way in the workforce.

Mr. MEEK of Florida. Can I just, when the gentleman mentioned that, because we need to get into what we are getting ready to discuss right now, but I know the gentleman has a couple of e-mails. If we can just take 5 minutes and talk about this voter suppression issue.

As you know, over the last couple of weeks we have been getting phone calls and e-mails about students throughout the country going to supervisor of elections offices and being told that they cannot register to vote there. Those students that are now in summer school, students that would like to go into the fall and be able to have the opportunity to vote in the primary elections in many States and also in the general election. They are being told that they can not register to vote in that State because they are not a permanent resident. But, as you know, in 1975 the Supreme Court said you can register. It is legal.

So we got a response back from a number of people saying this has happened to me, and we asked them to go to rockthevote.com.

Mr. RYAN of Ohio. Rockthevote.com to help with voter suppression across the country. It will inform you about whatever your situation may be locally.

I just brought a couple of these that I wanted to read, because we are going to, obviously, move to another topic. We received a couple of e-mails that we pulled out here, one from a Luther Lowe from the College of William and Mary in Williamsburg, Virginia, and one also from Alleyn Harned from Columbus, Ohio, who lives in Delaware. I am going to read a couple of paragraphs out of the e-mail we got, because most adults will say why are kids not participating and being active in the process? There is youth voter apathy.

I just want to read these. This is Luther Lowe from William and Mary. "Rather than sit and watch our local representatives make laws which are unfair to young people, I decided to participate in my local democracy. I applied to register to vote at Williamsburg which required I also fill out a detailed two-page questionnaire in addition to the normal form. One week later, I received a notification of my registration denial. The reasons? I was claimed on my parents' income taxes. I drove a car owned by my mom who lives in Arkansas. According to the local registrar, I should have been voting in my parents' hometown. The problem with that is I have never voted in my parents' hometown. I voted for Al Gore from my boarding school in high school. I spend less than 2 months a year in Arkansas, so why should I be participating in local elections there? With the help of a local attorney from the ACLU, I fought back. It was only after two lawsuits that I was able to register on a technicality that I am a member of the Virginia National Guard and Governor Mark Warner is my primary commander in chief."

Give me a break. Here is a kid that wants to participate in the system, and he has got to hire a lawyer from the ACLU to get a right to vote from the university.

Mr. MEEK of Florida. And he is a National Guardsman.

Mr. RYAN of Ohio. And he is a National Guardsman. The kid loves his country, loves the State of Virginia, has not been in Arkansas all that much, and they are trying to limit his right to vote.

I think that is the perfect example of why we are doing this, why we want to keep doing this, and slowly, over time, allow us to at least communicate to the young people of this country that sometimes it is a little bit of a fight. It should not be, but let them know that there are people here working on this for them.

Mr. MEEK of Florida. It is just amazing that you have to sue. I mean, it is amazing that you have to sue to participate in democracy.

Mr. RYAN of Ohio. It would be funny if it was not so sad.

Mr. MEEK of Florida. And the level of insight that went into the letter he received from an official office of saying not only do we think you do not reside in this State but you have your mom's car, and the last time you voted you were in another State. It is very, very important that Americans understand that we have to fight day in and day out, even within the borders of our own country, to make sure that our voices are heard. And young people they are getting it handed to them right now not only by the Federal Government but the State has to do the same thing because we have cut our commitment to them.

We will talk about spending money and spending irresponsibly. But I cut the gentleman off. He was about to head down a path that we are fully prepared to talk about this afternoon. But I want to encourage our listeners and watchers to go to rockthevote.com. I understand we are going to do some things in the 30-something Caucus to make sure that does not continue to happen.

Mr. RYAN of Ohio. We will move on a little bit to the topic that we have been talking about a lot in the Committee on Armed Services and also been talking about a lot in Congress; and, obviously, the President of the United States has been talking about this a great deal.

Notice the picture that I have next to me. The gentleman on my far right, on the gentleman's far left, is President George Bush II. And on my near right here is Mr. Chalabi, who was the main informant, the main intelligence gatherer for the United States of America in leading to the war in Iraq.

The reason why we are going to talk about this is because some people may be asking, what are two 30-somethings that primarily have been focused on long-term debt for the country, increase in the deficit, annual deficits that we have in this country, student loans and college debt for students, debt for the country, debt for students, job access, outsourcing, we have talked about a lot of these issues, why are we going to talk about the war?

I think, and I know the gentleman knows this, that there has been nothing that has damaged this country fiscally or with our political bank account more than the latest war in Iraq. I was against the war, as I am for full disclosure for the American people, for a lot of reasons that we are talking about today.

And I see that there are some young students that are up in the gallery now, so we actually have a live audience here. Why should they care about what is going on in Iraq?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to make references to visitors in the gallery.

Mr. RYAN of Ohio. Why should we talk about Mr. Chalabi? Why should we talk about his relationship to President Bush? Why should we talk about his relationship to Vice President CHENEY?

This gentleman stood up in the gallery during the State of the Union address as a friend of the President of the United States; and now we see in the paper today, from CNN's Inside Politics, Condoleezza Rice is now downplaying the relationship that this administration had with Mr. Chalabi. And she says, we had a relationship with Mr. Chalabi's Iraqi National Congress just like we have relationships with a number of Iraqi organizations devoted to the overthrow of Saddam Hussein.

That is not true. It is not just like every other relationship they had, because this gentleman was sitting in this gallery during the President's State of the Union address which, as we know, it is an honor to be recognized here in this Chamber, whether it is legally or illegally acknowledged. But he was acknowledged as a friend of the administration.

Mr. MEEK of Florida. Well, obviously, he has represented himself as a friend of the United States. But there is a big discussion about him giving away the fact that we had Iran's secret codes and to be able to get intelligence on what they are doing inside Iran. Now that is major. That is major. That is just another investigation that is going on.

But how much did we pay him a month? Does the gentleman remember that number? Was it like $365,000 a month? I believe that that was the number that they had. And if I can, I pulled my credit card out last time. I pulled it out of my wallet, and my wife said, do not pull that credit card out. And I told her I was using it as a prop.

But with a little help from my graphics people, when we start looking at this we are looking at really $477 billion, which is $4.7 trillion dollars in debt right now. And this is, of course, the U.S. Treasury that this money is coming out of.

So not only did we pay for a double spy to be able to share information with Iran, had a relationship, a very close relationship and family ties to Iran, which I must say that day in and day out we are trying to do what we can to make sure that we play down the nuclear threat in the region, but we paid him. We paid him almost $400,000 to provide this information.

Mr. RYAN of Ohio. $400,000 a month.

Mr. MEEK of Florida. Almost $400,000 a month. It is between 375 and 400. But when you are dealing with a $4.7 trillion deficit, it seems like individuals that are in control of this House or the White House, they are not really concerned, or the Pentagon.

Now, I must say that it is important for us to remember that our credibility is at stake and American troops' lives are at stake. Any time we say that some folks stand behind our troops, we stand with our troops. And I will tell you right now that it is important that this information, that is bad information that we are getting from this gentleman, and also he is turning around and sharing our secrets with Iran. This is serious business, and this is nothing to play around with.

Just because we point these issues out, some may say, they are just being political. Let me tell you something. The lives that will be lost because of the information that has been shared with Iran and the information that we need to be able to fight the effort against terrorism, when it puts our troops' lives at stake, no one stops them, insurgents do not stop them and say, hey, let me ask you a question before we explode this improvised bomb here. Are you a Republican, Democrat or Independent?

□ 1700

Are you a male or a female or are you black or are you Hispanic or what have you? Are you partisan or Christian? Are you a Jew? They do not ask that question. They just carry out the act.

So we have decisions that are being made in the Pentagon, and I must say we have got to get to the whole resignation of the CIA Director, Mr. Tenet, and also what is not happening as it relates to Mr. Rumsfeld, who is kind of hard to find these days; but at the same time some of the bad decisions are still being made at the highest levels of the Pentagon. Everyone wants to get to the bottom of things, but no one wants to get to the top of it.

Mr. RYAN of Ohio. Mr. Speaker, I know the gentleman is passionate about this. I think your performance on our committee has been a passionate performance, and I think it is important for the young people who are watching it or the C-SPAN viewers who are watching this to understand at how much of a disadvantage the next generation is going to be because of the acts of today, the amount of credibility that we lost in the world, the amount of negotiating power that we have lost in the world; and I am going to give a couple of examples and tie this into something that we were talking about before a few weeks ago.

We were talking a lot about China stealing our manufacturing in the United States of America, how we are losing the manufacturing base in this country, and the majority of these jobs and companies are moving to China, exploiting the labor and human rights and everything else. How does that tie into this?

Because of the political capital that we have been expending on Iraq, we cannot deal with a greater threat, which is North Korea, which has increased their nuclear arsenal by 400 percent in the last 3 years. So because we are so bogged down in the Middle East right now, we have to ask China to deal with North Korea for us, and therefore, we cannot play tough with China on manufacturing. So this has helped us not to be able to deal with the erosion of the manufacturing base. It is the same with the oil prices.

OPEC is now saying they are going to turn the spigots on. We are not sure. We will believe it when we see it, but we have to ask Saudi Arabia to help us with our problems in the Middle East and Iraq, and we cannot talk tough with Saudi Arabia for the gasoline prices. So we have put ourselves at a weak bargaining position with China, weak bargaining position with the Saudis to deal with the oil crisis and the gas crisis in this country.

I want the American people who work two jobs and deal with their grandparents and their parents and people are sick and they are sending their kids to school, who do not have time to digest all of this, and I want them to understand that we have made bad political moves, and we hire Presidents and hire Members of Congress to put us in good political positions.

I heard many Members on the other side talk about Thomas Jefferson. Well, we bought the Louisiana territory. That was a good political position. It put the country in a good position. NASA put the country in a good position. For us to just sit here and watch our country be put in a weak position, a weak bargaining position, a weak negotiating position, all in the process of pulling out the credit card and dropping $200 billion in the Middle East, which now we have to stay and win, no one's arguing that, we have to support our troops, and I know we both voted for the Defense authorization bill. So this is not pacifist. We do not want any war ever, and we are going to support the Defense spending in this country, the Defense appropriations. We both have voted for that.

All we are saying is bad decisions have been made and they have been made because we have been taking advice from a con man who has conned everybody for the last 25 or 30 years in the world, who was found guilty of 30-some counts in Jordan, fraud, embezzlement, has been running around the Middle East and running around Europe over the past years. Everyone knew the reputation of this man; and he just told this administration what they wanted to hear, and they bought it hook, line and sinker; and now we are stuck.

Mr. MEEK of Florida. Mr. Speaker, let me just say this. I saw our con man on "Nightline" with Ted Koppel, and he said that he wanted to come before the Congress and address the Congress. He was willing to come to a congressional hearing. I am to the point that I will send him a ticket because I really want to see this one.

Mr. RYAN of Ohio. We will pay for the bus fare.

Mr. MEEK of Florida. Mr. Speaker, as you know, some of our troops secured the perimeter while Iraqi police went in and raided his office. This is the man we just cut payment off to in the last 30 days.

Also you mentioned outsourcing, and I just want, as it relates to this war and as it relates to the fight that we have tried to put on in the Committee on Armed Services, of making sure that our troops still get the things that they should have gotten when they first went in, armor, up-armoring Humvees, making sure that they have the things that they need to have so they do not have to write home and say, Mom, Honey, can you send me some equipment, can you send me a bulletproof vest. I mean, all of these things that the U.S. military is supposed to provide but did not have on hand because we went at this war in haste.

You mentioned something about outsourcing, and I want to tell you, I think maybe at this juncture, maybe 4 years into the business of trying to run the country, that one would understand past mistakes. Well, it seems like the White House is at it again.

The White House announced yesterday, led by President Bush, that they just gave the largest technology contract for passport screening, the largest contract in the history of the Department of Homeland Security to a Bermuda company, a company that has turned in its U.S. passport, moved to Bermuda to skirt paying Federal corporate taxes to be able to help this country run. Those jobs have also been encouraged and will continue to stay offshore of the United States of America to be able to provide the very jobs that individuals are looking for.

I must be able to share with you that unless some amazing magic trick happens in the next 5 months, this President will be the first President in a very, very, very long time that has not gained not one net job, one-plus net job for U.S. citizens or individuals that are here in the United States of America. I just want to make sure that we understand. The American taxpayers are paying $10 billion, okay, that is with a capital B, for the passport inspections to a company that has turned its own U.S. passports in and their bank account is offshore.

Yes, I am a Democrat; but you know something, there has to be a change, and when I said in the opening that the American people have to make a decision on when they get the opportunity, it is up to us to make sure they have good information. This is not the gentleman from Ohio (Mr. RYAN) and the gentleman from Florida (Mr. MEEK) saying, hey, what can we write to make it seem like we are right. This is straight out of the White House, and this was yesterday. It is not last week.

I encourage Americans, if you can, I do not have any stock in Time Warner, but please get this Time magazine that I am holding here, and I encourage Members of the Congress to grab a copy of this Time magazine.

I get Time in my office, and of course, the issue on obesity in America, I need to read that story, too, because I need to put down a few things. But there are a number of issues that we have been talking about in the Committee on Armed Services that I would like to talk about if we would have a public hearing for a change to be able to share with the American people about what is happening to our troops, what is happening for our troops and to be able to share with the rest of the world that we do care about the good, bad, and ugly that goes on in America, and we are able to address it.

I will tell you, I will continue and with your voice and other folks' voices, and I am so glad I was on this morning on the Washington Journal, on C-SPAN, with one of our Republican colleagues who concurs that we should have hearings about what is going on in Guantanamo Bay, Cuba, our base where we are detaining insurgents, the al Qaeda individuals that are providing us the very information that we need to be able to save American troops' lives. I want to talk about the drug issue in Afghanistan that is also putting American troops' lives at risk.

So we cannot sit here and say, well, let us pass another resolution supporting the troops. No, we should not pass another resolution supporting the troops. The troops already know that we support them. We support them. There is no question. There is no great mystery in the Congress about who does not and who does support the troops. Everyone does.

The 5-year-old kids that are walking around in this building, if you ask them do they care about our military, I guarantee you nine times out of 10 and 99.9 percent, you are doggone right, I do. I look up to them. They are heroes and sheroes. They are in the community; they serve. They are Reservists that have been in Afghanistan and Iraq and other areas and the Horn of Africa where we are fighting the issue of terrorism.

Let me share with you a few things in the Time magazine this month. This is very interesting. It has a picture in here of children that are playing in front of a painting of the famous picture in Abu Ghraib prison where the individual has the wires hooked up to him, and I think it is important for the Committee on Armed Services and this House of Representatives, to the majority, that not only we get to the bottom of it, I am sick and tired of looking at sergeants and privates. We are going to hold them accountable. We are going to court martial. We are going to put them in jail, but how do we get to the culture of how the individuals felt comfortable in doing this? By us addressing the issue all the way up to the top, okay, and it is important that we do that.

I am talking about the Secretary of Defense, Donald Rumsfeld, who I did in committee thank him for his service to the country. He was a Member of this Congress, a two-term Secretary, serving his second term as Defense Secretary, but there becomes a point when you say, you know something, maybe I need to allow someone else to lead at this point, when we gave inaccurate information about weapons of mass destruction; when we gave inaccurate information as it relates to what is going to happen after the shock-and-awe campaign that was misleading; when we gave information of the fact that we were ready equipment-wise to go into Iraq for a year and 15 months, going on 2 years, all of our troops would have what they need.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, and that intelligence was based on information that they were getting from Chalabi, who is a known criminal. I mean, you are taking the country to war on intelligence, none has been true yet. We repeatedly hear: Saddam's ties to 9/11, treated as liberators, the whole list, use the oil revenue, whole list. All of that intelligence was wasted on information that we were getting from this guy. That is what is frustrating to me.

Mr. MEEK of Florida. Mr. Speaker, let me just share with you a bid-for by the Defense Department, some $360,000 on a monthly basis.

I tell you the reason why we will not have hearings here in the House, public hearings, about what is going on in this war is that no one has the right answers for what has actually happened today. Forget about the argument of yesterday. Let us talk about today.

There was a point when the Secretary of Defense could not answer in a straight way how many U.S. troops we had on the ground. Mr. Secretary, well, we have maybe, the indicators say maybe, you know, the rotation. We do not need to hear that. The American people need to know more about what is going on with this war.

Also, in Time magazine, I must add, Halliburton. So after all, now this e-mail appears because the cream will rise to the top, or the truth will, that Vice President DICK CHENEY did have something to do with the no-bid contract and Halliburton. It is not the gentleman from Florida (Mr. MEEK) report. Check out Time magazine, and here it is in black and white, an unclassified letter that was sent to the highest levels.

Secretary Paul Wolfowitz said, one of his superiors said it is fine, go ahead, move on it, it is being coordinated by the Vice President's office.

Let me share something with you. This is not small stuff. It is huge. The whole outing of the CIA agent. This is huge. We had a young lady in harm's way, and in this White House somewhere she was outed, and then the President goes and talks to an attorney. It is not a good sign.

So I want to say that the American people have to really pay attention to what is going on. We are far beyond Democrat and Republican right now. We are far beyond that. American lives are at stake, and by the fact of us having these hearings, letting not only the world but the American people know that we are going to address prisoner abuse and that we are not going to allow it to happen because, guess what, we are not them. We are not the terrorists. We are not the insurgents. We are not individuals that are parking cars in front of buildings waiting on those cars to explode.

□ 1715

We do not gun down innocent people. We are the United States of America. We have to uphold the history and the integrity that our veterans have put forth in foreign lands and in this country of being men and women of honor and integrity. For individuals in shirts and ties to make decisions and then anyone that questions their decisions is considered helping the terrorists or being on the other side is really far beyond anything that I can remember. So I think it is important that the American people pick up that magazine.

Also, there is an article here talking about how we are in full retreat on our Iraq policy. But I think it is important that we understand that outsourcing in the White House is still going on, some of the bad decisions that are going on in the Pentagon, decisions that are being made and putting America's troops' lives at stake so that this Congress has to rise up. The chairman of the Committee on Armed Services in the other body is being criticized by his colleagues, Republican colleagues, for having open hearings about what is happening wrong in Iraq. Something is fundamentally wrong with that. His having those hearings may help save American lives.

So I think it is important we have this open government. No one wants to give away secrets, but it is important to share this information with the people and the world to protect America's interests.

Mr. RYAN of Ohio. Mr. Speaker, one of the things I think we need to add on to what my colleague just said, as we welcome our good friend from the great State of Alabama here with us, is that after 9/11, and we all have agreed that 9/11 was an intelligence failure. Everyone has agreed on that, regardless of party. So if you are in a position of power where you are about to go to war and you know that your intelligence apparatus has just failed the country completely, you would think that you would ask a million more questions. Not a hundred thousand, a million. And you would think you would be shaking the intelligence community left and right to try to get accurate information. Instead, we were relying on a con man to get the information that we wanted to hear.

So what I do not understand is why, after a major intelligence failure, you do not try to rectify that problem by having and assuring that you have good intelligence. Not to make a minor decision, but to go to war and to send 140,000 troops to war. Why are you not making sure we have good intelligence?

I think that is something that maybe in many ways Members of Congress did not ask enough questions, the media did not ask enough questions, that we were not confrontational enough as to what the Iraqi policy was going to be.

We have been talking here for a while, so I would like to yield to my colleague, the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from Ohio, and I am always glad to see my friends from Florida and Ohio with all the promise that you all represent for this institution.

Let me just share an anecdote with you and then talk about that for a moment. I was in rural Alabama, in my home district, about close to exactly a year ago now. It was mid-June of 2003. And I had the honor of being the commencement Speaker at Judson College in Perry County, Alabama.

I remember a woman walked up to me after I had done the commencement speech, and she had tears in her eyes. I made the reasonable assumption that she was tearful because her child had graduated that day and they were tears of happiness. She walked up to me and said something that has stuck in my mind for the last year.

She said, "Mr. DAVIS, I have a husband who is in Iraq right now as a member of the Alabama National Guard, and our daughter did graduate today. My husband, her father, could not be here because he is serving our country." And then she went on to say, and she said it brokenly, in the midst of her tears, she went on to say, "Every morning I get up and I turn my television on CNN and I see the little crawler at the bottom of the screen, two Americans killed, three Americans killed." And she said, "Every morning, when I see that, something just jumps up from my stomach to my throat, and I remember that they always notify the next of kin before they make a release of the names. And that gives me relief for a moment. But until I see those names, I always have the lingering sense of dread."

That is what she said to me. Mind you, that was a year ago. That was before what has happened in April, it was before what has happened in May of this year, it was before Fallujah, it was before another 300 some Americans had lost their lives. That woman still gets up every morning, and I suspect if I ran into her tomorrow it would be the same conversation.

When you talk about Alabama, when you talk about one of the conservative States in this country, there is a myth in this city that people have made up their minds about the war. There is a myth in this city that people who live in the Alabamas of the world have made up their minds. Let me tell you, people in my State and I think people all around the south are searching for some wisdom. They are searching for some guidance. They want enough humility from this city and from the institutions of power in this city to recognize that we are struggling and we are trying to find our way.

These are not easy questions by any stretch of the imagination. We know the basics. We know that we have a significant investment of forces in a faraway land and that we are losing our men and women. We know that we have made a commitment, and we know that we are not a country that shirks from commitments once we make them. At the same time, we know that there are so many uncertainties. On June 30, there will be a transfer of power. We do not know what that transfer of power will beget.

As I have told so many people who live in my district, there should be no expectation on July 1 that soldiers will be drawn down, that large numbers of soldiers will leave. We do not know what will happen if this new government of 33 people is attacked or falls under siege in the next 6 months. We do not know what will happen if Iraq has elections and they elect a government that is hostile to the United States and we are invited to leave. What would we do at that point? What are our interests at this point in Iraq? Or to put it more basically, under what circumstances will we stay and under what circumstances will we begin to think about going?

Those are the questions that the people that you represent in south Florida and the people you represent in central Ohio and the people I represent in west and central Alabama are wondering about today. They are searching for a little bit of humility and a little bit of guidance.

There are two labels that get tossed around in this town a lot, pro-war and anti-war; and it strikes me that this, of all conflicts, this, of all foreign policy crises, may be a little too subtle for those simple terms.

Like you two gentlemen, and almost all of our colleagues, I spent Monday attending Memorial Day events. And on Monday morning in Tuscaloosa, Alabama, I had a chance to stand as close as I am to you right now in proximity to the widow of a gentleman who died in Iraq. His whole family was there. And something occurred to me. What do you say to a woman in that circumstance?

She really did not want to hear from me about politics. She really did not want to hear about Bush or Rumsfeld or Tenet. I do not know if she wanted to hear anything about policy or matters of state at all. But I do know that she wanted a little bit of comfort, a little bit of solace, a little bit of understanding.

There are so many families like that. That is what they want from us. They want some sense that we empathize with their pain.

And we do. There is not a one of us who sits in this institution who does not 100 percent support the men and women who are fighting there. Because at this point they are not fighting for a policy. They are fighting for survival. They do not pick up The New York Times to see if Bush is up or KERRY is up. They are simply trying to stay alive for a few more hours. And a lot of them, by the way, are younger than we are. We are three of the youngest people in this institution. A lot of these people are far younger than we are.

So the terms pro-war and anti-war, what do they mean? We have questions in this country, and what we need right now is a little bit of candor, and what we need is a little bit of direction. We have to get past this obsessive focus on personalities.

I, like most of you this afternoon, watched the news reports on George Tenet. I do not know the outgoing CIA Director. I do not know if you all do or not, but I do not know him. This does not seem to me to be about George Tenet. It did not seem to me to be about Condoleeza Rice when my fellow Alabaman testified before the 9/11 Commission. It did not seem to me to be about even Don Rumsfeld when we saw the excesses that happened at those prison camps. It is about something larger: What kind of country are we? What kind of values do we have? And how do we operate our institutions to reflect those values? Those are questions that are deeper and more abiding than anything that we are debating from day to day in the halls of public opinion and in the halls of this Congress.

So I would just say that what the people need from the President of the United States is enough humility to acknowledge that even the President does not know all the answers.

We are close to the 60th anniversary of Normandy, and I do not know how many of my colleagues know the story of the letter General Eisenhower wrote. General Eisenhower, as he was contemplating sending thousands of young men to their fate, wrote a letter that was meant to address a failure, a failure that he personally might not have survived. And the letter said something to the effect that this is my responsibility alone. If there is an error that has been made, it is my error.

That seems like more than 60 years ago. It seems like light years ago, sometimes, in this town. Because as you two know very well, sometimes we occupy a town where "I am sorry" is the last thing people will say. "I am responsible" is the last thing people will say. Or, at best, "I take responsibility" is what you say and not what you do.

So I think as we move deeper into this election year, as we contemplate the loss of life in Iraq, we all need to find some way to appeal to the better angels in our nature and some way to be true to our spirit and our values. And if we do that, we will find our way home, literally and figuratively. We will find our way to a policy that works for our country, a policy that is oriented in the best of our instincts.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the comments of my colleague.

The gentleman brought up General Eisenhower and spurred thoughts in my mind of the gentlemen of that day, of the Churchills and the Roosevelts and the Eisenhowers and the larger-than-life figures that participated in the greatest conflict. You just cannot help but to compare them to what the behavior is today. However, it just cannot be compared.

If we look at how Roosevelt handled himself and when we look at how Churchill not only stood up and gave his great Nation an enormous amount of confidence at a time when no one thought England would be able to stand tall, the big contrast I can recognize with Churchill and President Bush is in the preparation that Churchill gave and the leadership that London gave their people before anything was happening. This is going to be a long struggle, but in the end it will be our finest hour. We are not going to surrender. Churchill just kept saying, we are not going to surrender. If you take it, you are going to take it by us being knocked senseless onto the ground, was one of the great Churchill quotes. The preparation.

In this country, I think it was the exact opposite. We are going to be greeted as liberators. It is going to be great. Do not worry. It will be a drive-by war. We will use their oil. They are going to love us and hand us roses.

Yet when you look at the monumental figures of that era, who, like the gentleman said, kind of raised everybody's eyes up and tried to put the institutions in line with the values of the country, I really did not see that during this.

Mr. DAVIS of Alabama. And the difference is, if the gentleman will continue to yield, Mr. Speaker, it strikes me that in the 1930s and the 1940s the leaders of the world had a fair amount of confidence in the people that they served. Winston Churchill and Franklin Roosevelt had a certain belief that the people they served were capable of rising to the occasion and that they would respond to candor and common sense.

□ 1730

Sometimes in this television soundbite era that we live in, we do not have enough confidence in the people of our country. We have a mind-set that we cannot tell the people in our country full information, and that we cannot let them know a commitment may be a long one because they may not have faith. We cannot let them know the money is going to be three times what we say it is because they may not have faith. We cannot let them know all of these uncertainties because we fear they may not have faith.

I have spent a fair amount of time in my life trying cases before juries, and I have won them and I have lost them; but I can confidently tell Members that every jury that I have ever appeared in front of I felt did the right thing in terms of what the facts were, whether it was what I advocated or not. I have that same kind of faith in the American people, that if we tell the American people the facts, I have confidence in our ability to apply those facts to policy and to apply our values to those policies; and maybe we need more of a sense of confidence. Maybe if the administration had had more confidence in the quality of our people, we would have had a clearer, more accurate path painted on where we are going in Iraq.

We all know from the work both of you do, we know there is a reason why certain facts were not emphasized. What was the old saying from the movie, you cannot handle the truth, a movie back in the 1990s, there was a feeling and fear that maybe the people just could not handle the truth. I do not know about other Members, but I think they can.

Mr. MEEK of Florida. Mr. Speaker, it is always a pleasure hearing the gentleman from Alabama (Mr. DAVIS) and what the gentleman brings to the table as it relates to philosophy and history. Part of our democracy is making sure we level with the American people, the good, bad and ugly. They need to know because they need to be able to prepare themselves.

The President recently asked Americans to make the sacrifice that they made in World War II, make the sacrifice that they made in World War I and other conflicts, some of the great wars that have taken place; but it was a different approach to those wars. We planned; we made sure that individuals had equipment. We made sure that we had a strategy going in and coming out.

There was a Senator from Missouri, a junior Senator during World War II. His name was Harry S Truman. He had a select committee that was dealing with contracting, dealing with the needs of World War II at that particular time; and he did what he had to do during a time of war. During the time of World War II, they had a number of hearings to make sure that the troops had what they needed and they were able to respond real-time to issues that were coming up during that war.

For us to say, well, we do not have time to do that, we should not question the Pentagon about things that they are doing, we are muzzled as a Congress. Not to clear my conscience, not to say this needs to be said, but when the annals of history are reflected upon, I want to make sure that those of us on this side of the aisle, that we did everything that we could to give the facts as we see them printed in documents.

A Pentagon report recently released said 25 percent-plus lives could have been saved if we had the right equipment at the right time.

Mr. DAVIS of Alabama. Mr. Speaker, that sparks another thought I had which I think is worth noting. There was another principle that those leaders had, and it was the principle of sacrifice. They had the moral authority and the willingness to say to this country this cause is so mighty, we have to sacrifice.

Contrast that with about a year ago. We were here when all three of us very strongly felt if we were going to continue to have to pay the cost of the war in Iraq and have to bear that burden, maybe it was time to suspend the tax cut for just the top 1 percent of Americans, or maybe just for people earning more than $1 million, and pay for the war and occupation with that money. Now that is sacrifice. It is proportionate sacrifice. It is going to those most able to bear it instead of those least able to bear it, and you are saying that our cause is so strong and righteous we are going to come to the American people and ask them to forgo something. It would have meant something a year ago if the President had done that. If the President had come to the body and said, I care so deeply about this cause, I am willing to abandon one of my own programs, I am willing to walk away from this tax cut for people earning a million dollars a year or more, not because I want to, but because this is a time of sacrifice.

That kind of inspiration I think would have moved this country and would have produced an overwhelming response from people on both sides of the aisle. But somehow we have entered a zone where we talk the language of sacrifice at Memorial Day events and events around the country, and we will talk the language again on the Normandy anniversary on June 6;

we talk the language of sacrifice, but we run from the substance of sacrifice.

Mr. MEEK of Florida. Mr. Speaker, I just want to make sure, because I was on the floor last night with the gentleman from Maryland (Mr. CUMMINGS) and the Congressional Black Caucus, and I shared that I was at the World War II memorial with my mother and uncle, who is a Korean War veteran. They asked for all of the veterans to stand up. A number of them stood up. Those individuals that could not stand up, they put their hands up. I could not help but think "America the Beautiful" playing in the background, planes flying over, what was going to be their reality on Tuesday, when they go to the VA to try to receive services, the reality of calling for help and having to wait 6 months to see an eye doctor.

When we start looking at how we treat our veterans and how we respond to them, the gentleman mentioned the deficit, and I am going to say we had this credit card made up. This is the U.S. Treasury credit card, Republican Congress. That is a big number. $477 billion. That is a lot of money. That is an awful lot of money. And we look at, hopefully, the expiration date is good through 11/04 so we can get a new majority in here to be able to do something truly about the deficit. I appreciate the gentleman's work on that committee and on the Committee on the Budget to talk about true fiscal responsibility. And I will say it is important on the Committee on Armed Services, on behalf of troops and what the gentleman from Alabama (Mr. DAVIS) has just shared with us, families, we watch the news without even worrying about a family member, will their name scroll across the screen. Will they become a picture in the wall in the backdrop of a newscast. We have that privilege of not worrying, but we have individuals not based on the troop decisions, and many of the individuals on the ground, but the decisions that are made right here in Washington, D.C. that are endangering the lives of American troops.

We are going to support them, and we want to make sure that they have the equipment that they need to have; but if we do not do our job here in this Congress in giving voice to the voices, giving voice to that Reservist and that family that the gentleman from Alabama (Mr. DAVIS) talked about where the father could not see the graduation of his own daughter, but he is fighting for the very freedom she is celebrating right now.

Do Members know why the President would not say, I am going to sacrifice one of my own programs? Because, guess what, he is never wrong. I am sorry to say it, he is never wrong. He never says, hey, I am wrong. The only thing he says, and we need to watch this word, and I need the gentleman from Ohio (Mr. RYAN) to share some of the things we discussed earlier, but when we hear that somebody is doing a superb job, watch out.

The President today said, George Tenet, and I must say after the President stood up here in the well and said we believe that Iraq has received the necessary materials they need to make a nuclear weapon, and then once we found out that was inaccurate information, he was prepared to throw George Tenet under the bus, and now he said he has done a superb job. That sounds like the same thing he said about his Secretary of Defense. It is not a personal thing, but it is an issue of decisions. Especially when you are appointed and not elected, you have to make the decision if the leader does not take the prerogative to make the right decision and say, you know something, thank you for your service. In an honorable way, we will give you a gold watch and we appreciate your service. But he is saying nothing at all. That is what inflames insurgence on American troops.

I will leave it at that.

Mr. DAVIS of Alabama. Mr. Speaker, there is another historical point worth making. None of us were here, we were all too young, but we have all read about the Bay of Pigs in 1961 in Cuba. For some of the younger people listening that do not know what the Bay of Pigs was, it was a failed effort to invade Cuba back in 1961. Lives were lost, and it was seen as a dismal policy mistake. John Kennedy had every reason politically to say this was a plan conceived by the previous President. He had every reason to say that this was something my CIA director foisted on me, this was something I did not want to do, and the military pushed it down my throat. He could have fired a number of people.

President Kennedy said something that is worth repeating. He said, "I am the responsible officer of the government. Defeat is an orphan, victory has a thousand fathers." That rings across the last 43 years. Defeat is always an orphan. It is something that happened. I did not do it; it happened. It is always something that no one wants to claim. Whereas victory, everyone wants to share in that and say, I did my part, you did your part.

We come back again to the same place. What I think so many of our people want is enough humility from up high, enough humility from the throne that we can conceive the possibility of error.

World War II is a wonderful analogy. We got some things wrong in World War II. The greatest President of all time, in my opinion, Franklin Roosevelt, signed the order that led to the internment of Japanese Americans. A Supreme Court that consisted of some of the finest jurists we have ever had approved that internment of Japanese Americans. We all know that was perfectly wrong now.

If men as great as Franklin Roosevelt and Robert Jackson and Hugo Black could be that wrong, maybe it should occur to us today that some of the individuals who sit in circles in power today could be wrong. Again, there is a lesson about humility to be learned there.

Mr. RYAN of Ohio. Mr. Speaker, I was just enjoying listening to the gentlemen talk. I want to clean up a couple of things that were mentioned. The gentleman from Florida (Mr. MEEK) mentioned that now we want to make sure that our soldiers have the equipment that they need, we want to make sure that the vehicles are up-armored and they have the vests and the plates to go into the vests and everything else.

We have gotten so caught up in the fact that we want to get it to them, we forget to ask, you are telling me we went to war and we did not have our troops properly equipped? Lack of preparation.

In the Defense appropriations bill that we just passed out of the House, we reimbursed parents or whoever for people, parents who paid for vests for their kids. I mean, you have to be kidding me. We had to reimburse parents that paid for their protective vests for soldiers in Iraq.

The general that testified about the prison abuse said that there were a couple of problems, major problems. One, lack of training. One, lack of supervision. To me, after almost 2 years on the Committee on Armed Services and a layman, civilian, lack of training and lack of supervision to me means we do not have enough troops there. If you are not training them properly, you do not have enough people to train; and if you are not supervising them properly, you do not have enough people to supervise. I think that is basic common sense to say this group has not prepared us for this war.

One other thing I would like to say because some young people are probably sitting at home listening to this, remember as soon as President Clinton got in office, there were always investigations, investigating this, Travelgate, Nannygate, this gate and that gate. They were always investigating the man. Why? The House and the Senate were Republican. The White House was Democrat. We are now in a one-party rule system. The House is controlled by the Republicans, the Senate is controlled by the Republicans, the White House is controlled by Republicans. I am not saying that they are always wrong, and I am not saying that we are always right. All I am saying is when there is one-party rule, we cannot subpoena people out of this House because the gentleman from California (Mr. WAXMAN) from the Committee on Government Reform is not the chairman of the committee.

□ 1745

If he was the Chair of the committee, we could subpoena some of these people who wear the suits and bring them before committees in the House and have them sit and tell us what happened and why and make sure we are starting to hold people responsible for their actions.

That is just what I want to say to the American people, is you cannot have one party rule the whole government. It is unhealthy for the institutions; it is unhealthy for the country.

There is no balance right now. There is no one overseeing what is going on. We get fed a line from somebody like this, and no one can stand up and question it. That is not a good way to run your country. This country was founded on all the different aspects, the branches and everything else, in order to bring some balance to these institutions we have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). Members are reminded to address their remarks to the Chair and not to the television audience, and to refer to other Members in debate only in the third person, by State designation.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 8, 2004

The SPEAKER pro tempore laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2004.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 8, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

THE CASE FOR A SPECIAL RELATIONSHIP WITH CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Mr. Speaker, "China is a sleeping giant. Let her lie and sleep, for when she awakens, she will astonish the world," wrote Napoleon Bonaparte. I would like to title this speech "The Case for a Special Relationship With China."

Great nations almost always miss important changes outside their world. Such errors threaten their future in ways they never dreamed. History also has examples of leaders who saw challenges early and responded well.

The leaders of Great Britain's late empire entirely missed the rise of the United States. Britain suffered years of combat in World Wars I and II before their American allies joined the fight. During both wars, the British Empire teetered in the balance. Conversely, President Truman wisely perceived his challenge in the Soviet Union and responded well. His actions contributed mightily to the winning of the Cold War.

In the 19th century, not everyone missed the rise of the United States. As early as 1835, Alexander de Tocqueville saw in the future clearly when he wrote, "Americans are already able to make their flag respected. In a few years, they will be able to make it feared."

Looking from Westminster across the Thames River in 1870, the British Empire's leaders did not share de Tocqueville's view. It was an easy mistake for them to make. Queen Victoria presided over the largest economic block on Earth. In the glare of an empire where the sun never set, her ministers largely ignored the significance of their American cousins.

Well-schooled leaders of the Foreign and Commonwealth Office were distracted by a number of small wars at the fringe of their empire, Abyssinia, South Africa, Egypt and Sudan, to name a few. In 1868, The Illustrated London News warned, "We can ill afford a perpetual succession of little wars," but few took notice. European continental leaders were equally unaware of the American change that was under way in their century. German Chancellor Bismarck discounted the United States when he wrote, "There is a providence that protects fools, drunkards, children and the United States of America."

After only one single Victorian generation, America's economy grew to be twice the size of Britain's. By 1900, many of the British Empire's leaders dimly perceived the threat from Germany but remained unaware of how their world had changed across the Atlantic. It was hard for many leaders to take America seriously when Belgium's Armed Forces outnumbered the U.S. Army.

As a result of their ignorance, England's leaders entered the First World War without the backing of the American arsenal. In 3 short years, from 1914 to 1917, they exhausted the wealth of the empire. Finally, America joined the allies of World War I, but only on President Wilson's terms. It took British leaders two generations of conflict to understand how important America had become to them.

Today, London's policy towards the United States is rightfully called the "special relationship." Are there changes under way which call for American attention? Could the leaders of America's foreign policy make a similar mistake? In our vision of America's future, are there any countries deserving another special relationship?

Our history is filled with examples of countries where economic growth rapidly turned into political and military power. The rise of Japan, Germany and even some Gulf states show that economic expansion has an inevitable political and military impact. For the United States to be effective in foreign policy, the President needs advisers who see the world not just as it is but as it will become. When the White House advisers fail to outline strategic change, they doom our President to using short-term expedience to cope with a long-term threat.

With a clear strategic view, the advisers of President Truman served our country well. Writing his famous long telegram from the rubble of 1946 Moscow, U.S. Foreign Service Officer George Kennan correctly outlined the emerging threat from the Soviet Union. By removing President Roosevelt's friendly "Uncle Joe" veneer from Stalin, George Kennan warned his President clearly about the coming Cold War. The Soviet Union, in his view, was becoming a colossus, demanding more than short-term American expedience. The struggle between East and West could only be won with a strategic plan by the West.

Truman's answer to the challenge of the Cold War was massive. He backed his short-term military defense of South Korea with a long-term set of new institutions: the Marshall Plan, the Central Intelligence Agency, the North Atlantic Treaty Organization, the World Bank, the Strategic Air Command, the United Nations and the Voice of America, to name a few.

After four decades of struggle, the East abandoned the Berlin Wall. In the heady days after communism's fall, many felt the U.S. stood unopposed at the dawn of a new Pax Americana. Francis Fujiyama asked in the Washington Post, "is this the end of history?"

History hardly ended, but the idea of American supremacy is now strong. America's Armed Forces won stunning victories: 1991 in Kuwait, 1995 in Bosnia, 1999 in Kosovo and 2003 in Iraq. Who can challenge America?

Despite our ascendency, we must ask the question, is there a major change in the world for which the U.S. should prepare? As Truman did in the 1940s, should the United States create institutions that respond to this change?

The American view of foreign policy has more to do with our European past than our Asian present. By a two-to-one margin, Americans believe that our policy towards Europe is more important than Asia, but our trade with

Asia surpassed Europe a generation ago. Today, American trade with Asia totals 50 percent more than our trade with Europe. The U.S. State Department has just 579 full-time Americans stationed in Asia, compared to over 1,300 in Europe and the countries of the former Soviet Union. Asian economies are both larger and growing faster than Europe. Beyond the Asian Tigers of South Korea, Taiwan, Hong Kong and Singapore, the growth rates of China and India clearly show that most of our history in the 21st century will be written in Asia.

One country looms large across the future of the United States, China. China's absence from the first rank of world powers is a historical anomaly. Throughout recorded history, the Chinese people were responsible for many of the advances of modern society: paper, gunpowder, even spaghetti.

Seventy years before Columbus, China's famous explorer, Admiral Cheng Ho, mapped much of the Arab world from a ship that was twice the size of the Santa Maria. But for the Emperor's decision to recall the fleet, China would have discovered Europe, not the other way around.

As recently as the 1830s, China produced one-third of the Earth's wealth. Most of her advances and talent were squandered by corrupt governments, wars and a Chinese dictatorship. Despite a massive population and storied culture, China declined into socialist poverty. Under Mao, the Chinese people lost two generations of progress and were home to the worst famine of the 20th century. But following Mao Zedong's death, Deng Xiaoping led a Chinese economic reform of historic proportions. It is very difficult for many Americans today to understand the breadth and scope of this historic change.

When we accurately look at today's China, we note it produces more steel than the United States, consumes twice the grain of the United States, has built highways twice the length of Germany and France combined, graduates three times the number of engineers as India, and is home to over 200 million cable TV subscribers. It replaced Mexico as America's number two trading partner, and it replaced America as Japan's number one trading partner. There are 200 cities with populations over 1 million, and the economy doubles every 8 years. We now estimate that its economy will be larger than the United States in the next decade.

China is not only growing year to year, it has sustained a growth rate of over 9 percent annually for a generation. Given the difference in price of many domestic goods in China, economists now debate how to measure the size of the Chinese economy, using a traditional gross domestic product or a more up-to-date purchasing power parity to take into account the lower cost of Chinese domestic goods.

Either way, the effect of China's sustained growth has profound proportions. Under a GDP measurement, the United States economy now stands at $11 trillion, whereas China's economy stands at only $1.5 trillion; but using purchasing power parities, our $11 trillion economy stands next to China's $7 trillion economy.

Using purchasing power measurements, the International Monetary Fund projects China will be home to the world's largest economy as early as 2007, during the next American President's administration. Koishi Ishiyama recently wrote that China's rise can be compared to the Shock and Awe operation in Iraq.

Foreign direct investment did not significantly exist in China before 1980, and while such investment in all other developing countries fell in 2002, it rose by 15 percent in China, netting $52 billion in new investments.

The pace of China's growth is also accelerating. In the next 10 years, the City of Beijing will double its supply of housing. The Chinese highway system and the number of cable TV subscribers will also double in size. While this change is dimly seen in official Washington, it is having a profound effect on the Chinese people.

China's hosting of the 2008 Olympic games will be one of many upcoming international events in China. China last year became the third country on Earth to orbit a human in one of its own space vehicles.

□ 1800

Next year, China plans to orbit a two-man vehicle, the *Shenzhou VI*, on its way to building its own space station and lunar rover.

China's progress can be overstated. Over 200 million Chinese still live on less than $1 a day. There is a great gap now opening between the poorer western provinces of China and the newfound wealth of China's east coast. Environmental challenges also loom, including over 100 of China's cities with air pollution exceeding the World Health Organization's guidelines for sulfur dioxide.

The World Bank's World Development Report still ranks China at number 76 out of 129 countries measured for personal income; and despite progress, the World Bank estimates that Chinese per capita income totals just $1,000 per year.

Such low numbers, though, hide profound progress. Between 1978 and 1998, the World Bank estimates the number of poor people in the world fell by 8 million. The number of people who were poor outside China actually rose by 82 million. But the world's total numbers were compensated by the profound reduction in Chinese poverty. From 1978 to 1999, Chinese adult illiteracy fell from 37 percent to 17 percent, while infant mortality dropped from 41 per live births in 1978 to 30 in 1999.

Changes in China had an impact on Americans as well. Motorola now employs over 10,000 people in China and owns the country's best-recognized trademark. By last year, over 1,500 U.S. firms invested $25 billion in China. One U.S. corporate executive advised the Congress that his top three issues in Washington were China, China, and China.

The story of Wal-Mart shows the profound change that is under way both in China and in the United States. Unlike traditional retailers such as Sears Roebuck or J.C. Penney, Sam Walton recognized the importance of China and the advantage of its lower-cost merchandise. Relying heavily on Chinese suppliers, Wal-Mart grew to become America's largest employer. Selling in nearly every town in America, Wal-Mart doubled its purchases of Chinese goods to $12 billion per year. And last year, Wal-Mart sold 10 percent of everything that China made. In many ways, the face of all-American Wal-Mart is really the face of China, Incorporated.

There are many examples of how China's transformation influenced America's private sector. Like British merchant bankers who understood America's rise and bankrolled the Union Pacific Railroad, companies like Boeing, General Electric, Baker MacKenzie, and hundreds of other U.S. private sector interests understand what is happening and are risking a great deal to capitalize on the opportunities presented by the rise of China.

But this understanding is not well understood by America's government. Like their British Government forefathers that missed America's rise, there is little evidence that the Federal Government perceives or is moving to realign the world to the rise of China. Many European powers discounted turn-of the-century America and its puny Armed Forces. Many Americans likewise dismissed the capabilities of the People's Liberation Army and its potential to change the course of Asian history. By China's own plan, military modernization ranks fourth in their list of four modernizations.

Following the recent victories of America's Armed Forces, the raw size of a country's army is no longer evidence of its future prowess in battle. The People's Liberation Army, numbering 2.4 million, still stands as the world's largest; but it looks anachronistic and unable to enforce the will of China's leaders very far from its borders.

A Council on Foreign Relations Task Force under former Secretary of Defense Harold Brown estimated last year that China was "at least 2 decades behind the United States in terms of military technology and capability.” According to the Pentagon, Chinese military leaders closely studied NATO's operation over Kosovo and described it as the first “no-contact” war.

In the post-Cold War world, Deng Xiaoping gave a key directive to the Chinese security establishment based on his “24-character strategy” and that was, “keep cool-headed to observe. Be composed to make reactions. Stand firmly. Hide our capabilities. Bide our time. Never try to take the lead, and be able to accomplish something.”

While seeking short-term opportunities with the United States, the Pentagon reported, “China's leaders assert the United States seeks to maintain a dominant strategic position while containing the growth of Chinese power, ultimately dividing and Westernizing China.”

Much of China's military budget and plans were influenced by scenes of conflict in the Balkans and Iraq played out on televisions tuned to the 24-hour news channels. After the U.S. victory in Kosovo, China's leaders seriously considered upgrading the fourth-ranked priority they attach to their military. The army developed a new response doctrine called the “Three Attack and Three Defenses,” focusing on attacking stealth aircraft, cruise missiles and helicopters, while defending against precision strikes, electronic warfare, and enemy reconnaissance. Chinese Air Force chief of staff Lieutenant General Zheng Shenxia noted that without adopting a preemptive doctrine, the chances of a PLA victory are limited.

In November 2002, China overhauled its Politburo Standing Committee, the center of the Chinese Government decision-making. Every member of the politburo was replaced except Hu Jintao. Following this shakeup, senior leaders reaffirmed their emphasis on economic growth, but did increase funding for military modernization. Acknowledging its weakness in the face of such complete U.S. victories, Chinese leaders tempered their sense of vulnerability, knowing that unlike Kosovo, China is a nuclear power. Its 2002 defense White Paper, in contrast to its 2000 White Paper, did not explicitly criticize U.S. deployments in Asia.

The main mission of the Chinese military is to fight and win a conflict over Taiwan. In March 2002, Chinese Finance Minister Xiang Huaicheng announced a 17.5 percent increase in its official defense spending. While China reports an official defense budget of approximately $20 billion, its actual spending ranges to twice or three times that level, totaling $45 billion to $67 billion annually. The Department of Defense and the Council on Foreign Relations both estimate that annual spending in real terms could increase three to four-fold over the levels I just quoted by 2020. Most defense modernization spending occurs outside the public defense budget.

Chinese military spending in this range roughly equals the $65 billion spent by Russia and dramatically exceeds the $43 billion Japanese defense budget or the $38 billion British military budget. A three-fold increase in spending by China would put their military budget above all other nations, except the United States.

China's rising military budget masks a structural problem in its military. Since large armies no longer guarantee success, China has cut the size of her armed forces from 1997 to 2000 by reducing 500,000 men, including 11 percent of her naval personnel, 12 percent of her air force personnel, and 18 percent of her army personnel. Sixty of 100 maneuver divisions were collapsed into the remaining structure of 40 divisions and 40 brigades. The air force retired older aircraft, dropping from over 5,000 aircraft at the end of the 1990s to 3,500 now. Of the remaining aircraft, only 150 are modern fourth-generation fighters. China still regards its military as too “infantry-heavy” with an army so large as to “impede rapid deployment and equipment modernization.”

By reducing the size of the armed forces, China provided funding dedicated to military modernization. The air force is adding advanced SU–30MKK fourth-generation fighter aircraft, AA–12/ADDER active-radar guided air-to-air missiles, and a new SU–30 naval variant capable of carrying air-launched, anti-shipping cruise missiles. The Navy added four SOVREMENNYY-class guided missile destroyers and produced its own new design SONG-class diesel-electric submarines, the first with quieter skewed propellers. It took delivery of four quiet KILO-class diesel-electric submarines and has another eight submarines under contract, all equipped with a new 3M–54E Novator Alpha anti-shipping cruise missile. Given the sum of investment and rapid modernization, China did forgo one important upgrade, and her navy has now shelved plans for its own aircraft carrier.

The pace of development accelerated for China's army. The land forces are developing a light tank, an amphibious tank, and an amphibious-armored personnel carrier, all added to over 1,500 type-96 main battle tanks that are already delivered. This kind of new equipment is now flowing to China's revamped three airborne and two marine brigades.

The Ministry of Defense now emphasizes recruitment, retention, and more training for officers and key NCOs. Training now emphasizes small-scale specialized maneuvers under the new doctrine of fighting a limited war under high-tech conditions. All infantry divisions now have armor, up from only half in 1997.

Since 1989, China has been cut off from most U.S. and European military technology. Its defense establishment cannot innovate as fast as it could if it had access to foreign equipment. China's leaders responded with a foreign policy emphasizing cooperation and good relations with the United States. Over time, such a strategy could reopen their access to key Western technologies, even in the military field.

The transformation of China's new military power is clearest in its missile force. China maintains a limited force, including 20 nuclear missiles capable of hitting targets in the United States. A number of U.S. Government agencies project that this rise in the missile force will lift by a factor of three to over 60 missiles capable of striking the United States, using the new CSS–4 Mod 2 ICBM. This Chinese force will be augmented by the brand-new solid-fuel DF–31 ICBM and an entirely new generation of Chinese nuclear submarines, the 094-class, carrying a naval variant of the DF–31. China is also developing two other classes of solid-fuel intercontinental ballistic missiles. It is also developing a heavy-lift space launch vehicle, capable of lifting 25 tons into low orbit by 2007.

These developments pale when compared to China's expanding arsenal of medium-range missiles all aimed at Taiwan. China currently has a force of 450 such missiles and is adding 75 each year. Beyond large nuclear additions to China's armed forces, China places a very high priority on information warfare. The PLA believes that the U.S. Department of Defense is too dependent on networks that are vulnerable to attack. By attacking these systems, planners in China's army believe the U.S. forces could be degraded “anonymously.”

The anonymity of information attacks could play a key role even now. The House of Representatives recently reported regular attempts by computer systems located in China to enter the main computer server of the House Committee on Armed Services. The Pentagon may have referred to this when it recently reported that China “places unusual emphasis on a host of new information warfare forces instead of information superiority and the system of systems approaches popular in the United States.”

□ 1815

There have been several official references about leveraging China's growing presence on the Internet, including references to a “people's war” in “net warfare”, suggesting a stronger role in nationalist hacking.

China also has a commitment to electronic warfare equaled only by the United States. Unlike many countries now totally dependent on U.S. leadership in this exotic field, China is developing electronic jamming aircraft for several variants and may have several programs to develop escort jammers on transports, tactical aircraft and unmanned aerial vehicle platforms. It has equipped the Su-30 with anti-radiation missiles that work on the same principle of U.S. weapons that were so crucial to our own victories. China's anti-radiation missile, the FT-2000, is described in their sales brochures as an "AWACS killer." The PLA is also producing state-of-the-art technology to improve intercept, direction finding and jamming. It may also be producing jammers for use against America's most successful weapon, the satellite-guided JDAM munition that so accurately uses the U.S. Global Positioning System.

Their efforts also include producing laser weapons, such as the man-portable ZM-87, advertised for blinding human vision and electro-optical sensors, radio-frequency weapons and possibly a ground-based anti-satellite weapon. They have also invested considerably in developing short- and medium-range unmanned aerial vehicles, including an unmanned combat aerial vehicle.

According to the Chinese military publication Junshi Wenzhai, China has already produced an "Assassin's Mace" or trump card to counter U.S. superiority in the Western Pacific. One article identifies five major, quote, Assassin's Maces, unquote, including fighter bombers, submarines, anti-ship missiles, torpedoes and mines designed to destroy foreign aircraft carriers. These systems would be backed by new research by China on other technologies, including kinetic energy and low-observable platforms.

This research can be accelerated by acquiring foreign technologies such as the recent activities of two Chinese students at universities collecting information on Terfenol-D, an invention of the U.S. Department of Energy's Ames laboratory.

These developments show that China's growing economic power may already be translating into military power. It is clear that most large American companies already perceive the size and importance of China. What is not clear is if the U.S. Government has made a similar intellectual leap to understand the new geography of the 21st century.

In 2002, the U.S. State Department conducted a major study of the needs of the U.S. Government in China. The Beyond China 2000 Action Plan cut 55 people from permanent U.S. Government desks in China. The State Department's Bureau of East Asian and Pacific Affairs noted the decision reflected, quote, hard-nosed decisions, unquote. Congress recently ordered the State Department to review the future needs of the U.S. Government in China by 2010. In its February report, it is difficult to see what measures the State Department used to justify reducing the size of the U.S. Government in China.

In 1975, the new U.S. liaison officer in Beijing under Ambassador George Herbert Walker Bush, who later became president, processed 651 non-immigrant visas to the United States. In 2003, U.S. consular officers handled 320,000 such applications. From a handful, the number of Chinese students rose to over 60,000 in the U.S. last year.

Only 38 Americans registered with the Beijing liaison office in 1975. Today, over 3,600 Americans are registered in addition to over 1 million American tourists visiting China each year. The State Department admitted to Congress noting that staffing in the U.S. embassy in Beijing and the Consulates General is currently inadequate to the growing workload.

The workload of the U.S. Government in China is growing for other reasons. In 2001 alone, China joined the international coalition against terrorism, the World Trade Organization, hosted the Asian-Pacific Economic Conference, and won the bidding of the 2008 Olympic games. These issues came in addition to key concerns regarding nuclear nonproliferation, human rights, intellectual property, and religious freedom.

The State Department projects that the number of U.S. Government agencies wishing to station personnel permanently in China will rise from 12 agencies to over 20 by 2010. Several agencies, including the Bureau of Alcohol, Tobacco and Firearms, developed but then halted plans to deploy in China. The United States broke new ground on a new embassy complex last February. With the new embassy, the State Department plans only a modest increase in official Americans stationed in China from 960 to 1,200.

Plans to expand America's eyes and ears in China do not depend only on the size of our embassy in Beijing. They also depend on increasing the number of Americans in the diplomatic service who can master a very difficult language. In 2000, the State Department launched its China 2000 Initiative. The mission of the Initiative was to develop infrastructure to meet the projected physical and human needs, including language. This Initiative is very small, modestly increasing the number of Chinese students in the State Department annually from only five to only 15. The Initiative also includes some advanced training for just five students in Beijing and a mail program for lessons to only 30 other students to maintain Chinese language proficiency.

Such efforts appear grossly inadequate compared to China's central role in the 21st century. With the largest trade surplus, the largest economy, the largest military budget outside the United States, China deserves a special relationship with the United States.

In November, 2002, a task force under Japan's Prime Minister Koizumi released their report designating China as Japan's top foreign policy priority for the future. The decision makes sense for Japan but, given China's growth, its position on the U.N. Security Council, and the future size of its economy, it may make sense for the United States to do this as well.

Our country has been the home of the world's largest economy for 130 years, but that is about to change; and this change will be one of the most profound shifts of the new century. There was a time early in the history of the United States when our national income was not at the top of the international heap. Today, under our Pax Americana, it may be difficult for us to reconnect with our forefathers and mothers who were forced to depend only on diplomacy in the face of very long odds.

Avidly, we retell parts of U.S. history, the Revolution, the Civil War, and the victories of World War I and II, all to stoke American pride; and these examples are used to confirm the superiority of our own ideals. But American history has less-well-known examples of when we struggled without our traditional advantage in material and money.

I put this question to the House, when was the last time that U.S. Armed Forces faced a military from a country whose economy was larger than our own? One summer day in August, 1814, comes to mind. British soldiers and marines marched on in Washington in one of the last acts of the War of 1812. U.S. forces met them in what we now call the Battle of Bladensburg. The battle went so badly for the Americans that British called it the "Bladensburg races" because U.S. forces ran away so quickly. Britain's 85th Foot Regiment still displays eagle-flagged standards of two American regiments captured that day. The following day British forces burned the Capitol and Executive Mansion to the ground.

History reminds us that the United States has not and will not always be the Nation on Earth with the largest economy. With an America of unquestioned commercial dominance, we can afford to make diplomatic mistakes. In a world where America holds fewer cards, we cannot afford miscalculation.

We are quickly nearing a world in which China will play a central role in the diplomatic life of the United States. British diplomats before the world wars would have scoffed at the notion of their American cousins playing a central role in world politics. Let us hope that the new American diplomats of the 21st century understand how quickly the post Cold War world has changed.

Our President Truman set the record of his time for being an unpopular president. In 1946, he stood at just 32 percent in the polls. Thankfully, he steeled his heart and made the tough decisions needed to design a successful campaign through the Cold War against the Soviet Union. America and freedom won the Cold War without fighting World War III.

When we look towards the 21st century and China's coming role in its history, will our leaders lay the foundation for America's diplomatic success? I ask that question to the House tonight.

And I thank Reed Bundy of my staff for helping me prepare these remarks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of a family medical reason.

Mr. BURTON of Indiana (at the request of Mr. DELAY) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, June 9.

Mr. BEREUTER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, June 9.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to the Committee on Resources.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

ADJOURNMENT

Mr. KIRK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 4, 2004, at noon.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

STEPHANIE HERSETH, South Dakota At Large.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John

Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8358. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 04-07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8359. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

8360. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, as expanded in scope in Executive Order 13315 of August 28, 2003; to the Committee on International Relations.

8361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 Division D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2004 (Pub. L. 108-199); to the Committee on International Relations.

8362. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8363. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8364. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8365. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8366. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8367. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8368. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8369. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8370. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8371. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8372. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule–Federal Acquisition Regulation; Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns [FAC 2001–23; FAR Case 2004–002] (RIN: 9000–AJ92) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8373. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results" for Fiscal Year 2003, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

8374. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Extension of Amended Special Regulations for the Preble's Meadow Jumping Mouse (RIN: 1018–AJ26) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8375. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To Designate Critical Habitat for the Santa Ana Sucker (Catostomus santaanae) (RIN: 1018–AT57) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8376. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Astragalus pycnostachyus var. lanisissimus (Ventura Marsh milk-vetch) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8377. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program; Correction — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8378. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Withdrawal of Regulations Governing Incidental Take Permit Revocation (RIN: 1018–AT64) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8379. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Skates Management in the Groundfish Fisheries of the Gulf of Alaska [Docket No. 031218322-4137-02; I.D. 111903A] (RIN: 0648-AR73) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8380. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting [Docket No. 031216314-4118-03; I.D. 112803A] (RIN: 0648-AR54) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8381. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 040209049-4117-02; I.D. 012204B] (RIN: 0648-AR83) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8382. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314; 3314-01; I.D. 050704A] (RIN: 0648-AR54) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8383. A letter from the Assistant Attorney General, Department of Justice, transmitting notification that during FY 2003, no claim was paid from the Victims Compensation Fund established by the Witness Security Reform Act of 1984, Pub. L. 98-473 because no claims were filed, pursuant to 18. U.S.C. 3525(b); to the Committee on the Judiciary.

8384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212 Series Airplanes [Docket No. 2002-NM-262-AD; Amendment 39-13561; AD 2004-07-17] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-226-AD; Amendment 39-13556; AD 2004-07-12] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2002-NM-174-AD; Amendment 39-13483; AD 2004-04-03] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2004-NM-57-AD; Amendment 39-13590; AD 2004-09-01] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2004-NM-42-AD; Amendment 39-13593; AD 2004-09-04] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8389. A communication from the President of the United States, transmitting a recommendation to continue in effect a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Vietnam for a further 12-month period and a determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and the reasons for such a determination, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108-191); to the Committee on Ways and Means and ordered to be printed.

8390. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108-189); to the Committee on Ways and Means and ordered to be printed.

8391. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108-190); to the Committee on Ways and Means and ordered to be printed.

8392. A letter from the Vice Chairman, Federal Election Commission, transmitting the Commission's FY 2005 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4114. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes; with an amendment (Rept. 108-520). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; with an amendment (Rept. 108-521). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2619. A bill to provide for the expansion of Kilauea Point National Wildlife Refuge; with an amendment (Rept. 108-522). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota (Rept. 108-523 Pt. 1). Ordered to be printed.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4175. A bill to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with an amendment (Rept. 108-524). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker.

H.R. 3266. Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended for a period ending not later than June 14, 2004.

S. 1146. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 9, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE (for himself, Mr. BOEHNER, and Mr. WILSON of South Carolina):

H.R. 4496. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. HINCHEY, Ms. LOFGREN, Mr. OWENS, and Mr. SIMMONS):

H.R. 4497. A bill to establish or expand pre-kindergarten early learning programs; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. JOHN, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. SMITH of Washington, and Mr. VAN HOLLEN):

H.R. 4498. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. CARTER):

H.R. 4499. A bill to amend the National Labor Relations Act to ensure that certain prevailing parties receive attorneys' fees; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mrs. Biggert):

H.R. 4500. A bill to provide for energy research and development; to the Committee on Science, and in addition to the Committees on Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. Markey, Mr. Barton of Texas, and Mr. Dingell):

H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself, Mr. Paul, Mr. Norwood, Mr. Feeney, Mr. Peterson of Minnesota, Mrs. Northup, Mr. Jones of North Carolina, Mr. Kennedy of Minnesota, Mr. McHugh, and Ms. Ginny Brown-Waite of Florida):

H.R. 4502. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 4503. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Resources, Education and the Workforce, Transportation and Infrastructure, Financial Services, Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeLAY (for himself, Mr. Herger, Mr. Cramer, Ms. Pryce of Ohio, Mrs. Johnson of Connecticut, Mr. Camp, Mr. Lewis of Kentucky, Mr. Tom Davis of Virginia, Mr. Cardoza, Mr. Murphy, and Ms. Norton):

H.R. 4504. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 4505. A bill to improve the governance and regulation of mutual funds under the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Mr. Wexler, Mr. Foley, Mr. Shaw, and Mr. Deutsch):

H.R. 4506. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for areas that experience a disaster that results in major damage to or destruction of 100 homes or fewer; to the Committee on Transportation and Infrastructure.

By Mr. LoBIONDO (for himself and Mr. Lampson):

H.R. 4507. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 4508. A bill to amend the National Parks and Recreation Act of 1978 to require the Secretary to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park; to the Committee on Resources.

By Mr. REGULA (for himself, Mr. Sam Johnson of Texas, and Mr. Matsui):

H.R. 4509. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona; to the Committee on House Administration.

By Ms. SCHAKOWSKY (for herself and Mr. Waxman):

H.R. 4510. A bill to require the Secretary of Defense to provide to Congress copies and descriptions of contracts and task orders in excess of $1,000,000 for work to be performed in Iraq and Afghanistan; to the Committee on Armed Services.

By Ms. WATERS (for herself, Mr. Leach, Mr. Frank of Massachusetts, Mr. Bachus, and Ms. Lee):

H.R. 4511. A bill to provide for the cancellation of debts owed to the International Monetary Fund by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. WU:

H.R. 4512. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs and to eliminate the gap in coverage of Medicare prescription drug benefits, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Thomas, Mr. King of New York, Mr. Burton of Indiana, Mr. Snyder, Mr. McGovern, Ms. Berkley, Mr. Evans, Ms. McCollum, Ms. Lee, Mr. Hoeffel, Mr. Pence, Mr. Chandler, Mr. Berman, Mr. DeFazio, Mr. Brown of Ohio, Mr. Kirk, Mr. Wexler, Mr. Kucinich, Mr. Sherman, Mr. Grijalva, Mr. Frank of Massachusetts, Mr. Pitts, Mr. Delahunt, Mr. Blumenauer, Mrs. Maloney, Mr. Engel, Mr. Levin, Mr. Andrews, Ms. DeLauro, Mr. Crowley, Mr. Ackerman, Mr. Rohrabacher, Ms. Watson, Mr. Souder, Mr. Tancredo, Mr. Ford, Ms. Ros-Lehtinen, and Mr. Smith of New Jersey):

H.J. Res. 97. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself and Mr. Spratt):

H. Con. Res. 441. Concurrent resolution recognizing the essential role of nuclear power in the national energy policy of the United States and supporting the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants; to the Committee on Energy and Commerce.

By Ms. McCOLLUM:

H. Con. Res. 442. Concurrent resolution recognizing the 75th anniversary of Amtrak's Empire Builder rail line; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Manzullo, and Mr. King of Iowa):

H. Con. Res. 443. Concurrent resolution expressing the sense of the Congress that the United States should formally withdraw its membership from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 661. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 662. A resolution recognizing that Flag Day originated in Ozaukee County, Wisconsin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mr. Wynn.

H.R. 299: Mr. Bishop of New York, Mrs. McCarthy of New York, and Mr. Quinn.

H.R. 303: Ms. Velázquez.

H.R. 586: Mr. Brown of Ohio.

H.R. 677: Mr. Cardoza.

H.R. 814: Mr. Davis of Illinois.

H.R. 839: Mrs. Jo Ann Davis of Virginia, Mr. Chandler, Mr. Owens, Mr. Burton of Indiana, Mr. Souder, Mr. Bilirakis, Mr. Hoekstra, Mr. McDermott, Ms. DeLauro, Ms. Norton, and Mr. Brown of South Carolina.

H.R. 852: Mr. Allen.

H.R. 962: Mr. Chandler.

H.R. 967: Ms. Linda T. Sánchez of California.

H.R. 976: Mr. Van Hollen.

H.R. 1083: Mr. Van Hollen.

H.R. 1149: Ms. Bordallo and Mr. Hinchey.

H.R. 1160: Mr. Deutsch.

H.R. 1214: Mr. Frost and Mr. Udall of New Mexico.

H.R. 1258: Mr. Fattah and Mrs. Jones of Ohio.

H.R. 1322: Mr. Evans.

H.R. 1336: Mr. Hunter, Mr. Aderholt, Mr. Fattah, Mr. Smith of Texas, and Mr. Cramer.

H.R. 1355: Mr. DeFazio, Mr. Kildee, and Mr. Berry.

H.R. 1523: Mr. Clay and Mr. Alexander.

H.R. 1565: Mr. Serrano.

H.R. 1776: Mr. Aderholt and Mr. Hostettler.

H.R. 1910: Mr. Latham.

H.R. 2037: Mr. Strickland.

H.R. 2157: Mr. Rothman.

H.R. 2181: Mr. Petri.

H.R. 2217: Ms. Solis.

H.R. 2260: Mr. Udall of Colorado.

H.R. 2598: Mr. Shuster, Mrs. Maloney, Mr. Walsh, Mr. Kanjorski, Mr. Ackerman, Mr. Holt, Mr. Gillmor, Mr. Lincoln Diaz-Balart of Florida, Mr. Waxman, Mr. Walden of Oregon, Mr. Kennedy of Rhode Island, and Mr. Filner.

H.R. 2674: Mr. Hinchey and Mr. Davis of Illinois.

H.R. 2683: Mr. Menendez, Mr. Markey, Mr. Marshall, Mr. Etheridge, Mr. Hastings of Florida, Mr. Cramer, and Mrs. Maloney.

H.R. 2711: Mrs. Johnson of Connecticut.

H.R. 2949: Mr. Smith of Washington.

H.R. 2968: Mr. Gordon and Mr. Filner.

H.R. 3180: Mr. Stark.

H.R. 3184: Mr. Weiner.

H.R. 3193: Mr. KENNEDY of Minnesota and Mr. LATOURETTE.

H.R. 3246: Mr. BARRETT of South Carolina.

H.R. 3266: Mr. STENHOLM and Mr. TURNER of Texas.

H.R. 3292: Mr. CROWLEY.

H.R. 3359: Mr. CUMMINGS.

H.R. 3360: Mr. TOM DAVIS of Virginia and Mr. SMITH of New Jersey.

H.R. 3361: Mr. MOORE, Mr. SIMMONS, Mr. OWENS, Mr. EHLERS, Mr. ROTHMAN, Mr. CAPUANO, and Mr. DOGGETT.

H.R. 3422: Ms. ESHOO.

H.R. 3476: Ms. LORETTA SANCHEZ of California and Mr. UDALL of New Mexico.

H.R. 3480: Mr. PASTOR.

H.R. 3539: Mr. MATSUI.

H.R. 3574: Mr. PRICE of North Carolina.

H.R. 3602: Mr. VAN HOLLEN.

H.R. 3615: Mr. MCDERMOTT, Mr. CHANDLER, Mr. KUCINICH, and Mr. STRICKLAND.

H.R. 3619: Mr. JOHN.

H.R. 3634: Mr. CAPUANO.

H.R. 3684: Mr. INSLEE and Mr. RYAN of Wisconsin.

H.R. 3804: Mr. PAUL.

H.R. 3809: Mr. PRICE of North Carolina.

H.R. 3831: Mr. KING of New York.

H.R. 3834: Mr. FROST.

H.R. 3953: Mr. DAVIS of Illinois and Mr. KELLER.

H.R. 3965: Mr. PRICE of North Carolina.

H.R. 3968: Mr. DAVIS of Illinois.

H.R. 3988: Mr. BERMAN, Mr. ETHERIDGE, Mr. FILNER, Mr. GRIJALVA, and Mrs. JONES of Ohio.

H.R. 4016: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4022: Mr. RANGEL, Mr. DINGELL, Mr. OWENS, and Ms. HART.

H.R. 4052: Mr. EMANUEL.

H.R. 4094: Mrs. BONO.

H.R. 4097: Mr. ORTIZ.

H.R. 4107: Mr. BRADLEY of New Hampshire and Mr. CASE.

H.R. 4116: Mrs. BONO and Mrs. MILLER of Michigan.

H.R. 4130: Mr. DEUTSCH.

H.R. 4131: Mr. DAVIS of Illinois and Mr. ENGLISH.

H.R. 4132: Mr. DAVIS of Illinois and Mr. ENGLISH.

H.R. 4133: Mr. DAVIS of Illinois and Mr. ENGLISH.

H.R. 4155: Mr. TIERNEY.

H.R. 4169: Mr. KUCINICH, Mr. KILDEE, Mr. HINCHEY, and Mr. PRICE of North Carolina.

H.R. 4188: Mr. PAYNE.

H.R. 4192: Mr. MATSUI, Mr. LANTOS, and Mr. KUCINICH.

H.R. 4194: Mr. MARSHALL.

H.R. 4230: Mr. EVANS and Mr. MARSHALL.

H.R. 4264: Mr. CHOCOLA.

H.R. 4290: Mr. STARK.

H.R. 4341: Mr. BOEHLERT, Mr. FRANK of Massachusetts and Ms. SLAUGHTER.

H.R. 4356: Mr. LARSEN of Washington and Mrs. LOWEY.

H.R. 4358: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. EHLERS, Mr. COBLE, Mr. GILLMOR, Ms. KAPTUR, Mr. BALLENGER, and Ms. HART.

H.R. 4363: Mr. SMITH of Washington.

H.R. 4370: Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, and Mr. BACA.

H.R. 4380: Mr. WEXLER, Mr. DEUTSCH, Mr. CRENSHAW, Mr. PUTNAM and Mr. MEEK of Florida.

H.R. 4391: Mr. HULSHOF.

H.R. 4392: Mrs. KELLY and Mr. GORDON.

H.R. 4413: Mr. RENZI and Mr. ENGLISH.

H.R. 4420: Mr. JONES of North Carolina and Mr. GARRETT of New Jersey.

H.R. 4435: Ms. LOFGREN and Mr. FROST.

H.R. 4449: Mr. PAYNE, Mr. MARSHALL, Ms. CORRINE BROWN of Florida, and Mr. FROST.

H.R. 4463: Mrs. LOWEY, Mr. FARR, Mr. KUCINICH, and Mr. MCDERMOTT.

H.R. 4471: Mr. NEY.

H. Con. Res. 366: Mr. LUCAS of Kentucky.

H. Con. Res. 375: Mr. BROWN of Ohio, Ms. ESHOO, and Mr. STENHOLM.

H. Con. Res. 390: Mr. CHANDLER.

H. Con. Res. 396: Mr. FILNER.

H. Con. Res. 418: Mr. EVANS and Mr. PITTS.

H. Con. Res. 427: Mr. RANGEL and Mr. CUMMINGS.

H. Res. 38: Mr. DICKS, Ms. LEE, and Mr. GRIJALVA.

H. Res. 140: Mr. ANDREWS.

H. Res. 267: Mr. HINOJOSA.

H. Res. 596: Ms. ESHOO.

H. Res. 621: Mr. RANGEL and Mr. PALLONE.

H. Res. 633: Mr. FROST.

H. Res. 646: Mr. HOEFFEL, Mr. KILDEE, and Ms. BALDWIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. PICKERING.

SENATE—*Thursday, June 3, 2004*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Steven D. Rice, First Lutheran Church, Miles City, MT.

PRAYER

The guest chaplain offered the following prayer:

In quiet moments of this Senate Chamber, the footfalls and voices of patriots past can still be heard, O God.

This forum of liberty set upon a hill cannot be hid.

Grant that the clamor of today's business not drown out distant and hallowed echoes of our heritage. Rather, grant the wisdom of the ages be present in the work of this day, that the divine genius of liberty might continue to enlighten the path of these United States.

During times of conflict and crisis, give our Senators wisdom and courage; during hours of solitude, grant them serenity and peace.

So it is, upon the work of this day, upon our heritage of freedom, upon this Senate now in session, we invoke Your name, O Lord God.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, we will have a 60-minute period of morning business, with the first half under the control of the majority and second half under the control of the minority.

Following that hour for statements, we will resume consideration of the Defense authorization bill. Under the order, we will vote on the pending amendments offered by Senators CRAPO and GRAHAM. Those amendments should be adopted by voice vote and will not require rollcalls.

Senator CANTWELL will then offer her alternative on nuclear waste, and there will be up to 4 hours for debate relative to that amendment. I hope we do not need all of that time and that some may be yielded back.

When debate is completed on the Cantwell amendment, we will proceed with four consecutive votes, first in relation to the nuclear waste amendment, to be followed by votes on the confirmation of three district judge nominations. Following those votes, we will continue consideration of the amendments to the Defense authorization bill.

There are a number of important scheduling commitments late this afternoon on both sides of the aisle. We will determine the voting schedule for the remainder of the day as we get closer to the scheduled vote series. Although we will not be voting in the evening, I expect we can continue our work and Members will remain available for other Defense amendments on the list.

Again, I will have more to say about the schedule this afternoon, as well as the schedule for tomorrow and Monday.

THE ECONOMY

Mr. FRIST. Mr. President, I want to take a few moments and comment on our economy. It was just over a year ago that the Senate passed and the President signed into law $350 billion in tax relief. That was the third largest tax cut in history. By so doing, we brought the tax burden to the lowest level in 37 years. We cut taxes across the board for 136 million hard-working, taxpaying Americans. For America's families, we increased the child tax credit from $600 to $1,000 per child, and we made those rebate checks available immediately, and they were sent out immediately.

Combined with tax cuts of 2001, which were signed into law almost 3 years ago today, this year 111 million individuals and families will receive an average tax cut of over $1,500.

If you are married, you are 1 of 49 million married couples who will have an average tax cut of $2,600. For those families with children, you are 1 of the 43 million families with children who will receive an average tax cut of $2,000.

We have 14 million elderly individuals who will see their taxes go down on average by nearly $1,900. That is $1,900 more that senior will be able to have to spend, to invest, or to use however they want.

If you are a small business owner, you are 1 of 25 million small business owners who will receive an average tax cut of $3,000. In my home State of Tennessee, more than 2 million Tennesseans will have lower tax rates this year.

President Bush's tax cuts are working. Not only are the tax relief packages, the tax cuts putting more money back in workers' pockets, they are boosting the economy, and we are seeing the results today. Since we passed the tax cuts last year, over 1 million new jobs have been created. The unemployment rate has fallen to 5.6 percent, lower than the average unemployment rates for the past three decades. The number of working Americans has reached an all-time high. In particular, manufacturing employment has done especially well. It is at the highest level in almost 20 years.

Real gross domestic product grew at its fastest pace in more than 20 years. Real disposable personal income—meaning how much money families and individuals have—is up. Household wealth is at an all-time high. Home ownership is at a record high. Consumer confidence is up. The stock market has risen from 7,000 to 10,000. Business confidence is higher than it has been in 20 years, and business spending and investing is booming.

Four years ago, President Bush inherited an economy that was in recession. Now because of his firm fiscal and tax leadership, the economy is booming. American families feel better off today because they are better off today.

The optimism shows up in national polls. A Harris poll released this week finds a clear majority of Americans feel their situation has improved since the last administration left office. Over two-thirds expect their personal situation to improve over the next 5 years. African Americans and Hispanics are particularly hopeful. A remarkable 86 percent in each group expect their lives to improve in the next 5 years.

It is imperative we keep up the pace. We can only do that by making the tax cuts permanent. My constituents have written to me again and again pleading to preserve the tax cuts. Yet there are some who would like for those tax cuts to expire. Worse yet, others are calling for immediate repeal. Not only would that be the largest tax hike in history, it would cut short America's new economic recovery.

The tax cuts are working. We need more, not less. We need to keep America moving forward, and we need to keep passing appropriate legislation that stokes the fires of the world's largest and most dynamic economy.

I urge my colleagues to continue to support these progrowth, projob policies that create opportunity for every American. Everyone who wants a job should be able to find one.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time which has not been used is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the minority leader or his designee.

Who yields time? The Senator from Kentucky.

ECONOMIC RECOVERY

Mr. McCONNELL. Mr. President, this week marks the 1-year anniversary of the Jobs and Growth Act of 2003, a bill signed into law on May 28 last year. And now, a year later, we see by every conceivable economic measure of prosperity and well-being the Bush recovery is roaring ahead.

The Bush recovery has American families on the right course. The Bush recovery has American businesses, services, manufacturing, and exports all moving ahead at full steam.

The Bush recovery has workers' income rising, their job opportunities expanding, and their take-home pay increasing. A record number of workers are working. The Bush recovery is broad, it is growing, it is substantial, and it is a record of achievement of which any President would be justly proud. But the remarkable aspect of the Bush recovery is not what it has obtained but what it has overcome.

Go back to January 2000, when President Bush was still Governor Bush. The Dow Jones industrial average peaked at 11,723. That was the peak in January of 2000. The Dow Jones industrial average peaked at 11,723. Two months later, it lost one-fifth of its total value. A couple of months later, in March of that year, Nasdaq peaked. But by the end of 2000, tech stocks had lost more than half of their value. By the fall of 2000, the economy had slipped into recession.

Again, this all occurred while President Bush was still Governor Bush of Texas.

President Bush took office with an economy already stalled, a stock market tanking, and 8 months later America suffered an unprecedented terrorist attack, on September 11. We are all aware of the toll of lives from that tragic day, but few appreciate the full effect on our freedom and on our prosperity. Planes were grounded for days, and new, expensive security measures were imposed. Business in America came to a screeching halt, each one collectively seeking to reassess the risk and the opportunity of all their endeavors, not only here but overseas. Average Americans took stock of the threats and warnings out there and acted cautiously for the sake of their loved ones.

As our freedom to act without fear was diminished, so, too, was the economic activity that is a reflection of that freedom. A new world of uncertainty was created by 9/11, and while many have completely forgotten the attacks even occurred, their full ramifications are felt today, not only militarily and politically but economically as well.

Despite all that, America is back and stronger than ever, and much of that strength can be traced back to the Jobs and Growth Act of 2003. By letting workers, families, and businesses keep more of their own money, that legislation, along with the President's 2001 tax relief, laid the foundation for economic growth and job creation, not only now but for years to come.

Mr. President, 111 million individuals and families will receive an average tax cut of $1,586; 49 million married couples will have an average tax cut of $2,602; 43 million families with children will receive an average tax cut of $2,090; 14 million elderly individuals will see their taxes fall on average by $1,883, and 25 million small business owners will receive an average tax cut of $3,001.

This tax relief has prompted the growth of a surging, vital economy. Since the President signed that bill, the stock market is up 18 percent, increasing America's capital base by more than $2 trillion. Real business investment in equipment and software is up 14 percent annually, the fastest third-quarter increase since the late 1990s. More manufacturers have been reporting increased activities and new orders than any other time in the last 20 years, and real GDP grew at a 5.6-percent annual rate, the fastest in nearly 20 years.

As tax relief has prompted a surging economy, families have benefited in the last year. Real disposable personal income rose at an average annual rate of 3.9 percent, household wealth hit a record high of $44 trillion, and home ownership has risen .4 percentage points to a record high of 68.6 percent.

With families stronger and businesses growing, the Bush recovery is building strong momentum in the jobs market. In just the last year, over 1 million new jobs have been created for America's workers. The unemployment rate fell from 6.1 percent to 5.6 percent. That is lower than the average unemployment rates in the 1970s, the 1980s, and the 1990s. If that were not enough, State unemployment rates fell in 47 out of 50 States.

America is headed in the right direction. Looking at this chart, since President Bush signed the Jobs and Growth Tax Relief Act last May, the 5.6-percent increase in GDP is the best in 20 years; 1.1 million new jobs since last May; 800,000 new jobs this calendar year alone; the stock market rebound, up 18 percent since the President signed the tax relief bill. Home ownership is up to 68.6 percent, an alltime high since the President signed the tax bill. Disposable income is up 3.9 percent—more take-home pay. All of this has occurred since President Bush signed the Jobs and Growth Tax Relief Act last May.

We have had an extraordinary period of economic growth. Some say the economy should be growing faster, but their solution is to lock up the brakes and whip a u-turn. That is what an agenda of more taxes, more regulation, and more Government spending would do.

Under President Bush's leadership, America is finally headed in the right direction. The economy is picking up steam, and families, businesses, and workers across America are reaping the benefits. This is not the time to turn backward.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader is recognized.

EDUCATION OF INDIAN CHILDREN

Mr. DASCHLE. I will use my leader time this morning.

This is the cover of a recent Parade magazine. The man in this photograph is the great-great-great-grandson of Sitting Bull, one of the most extraordinary leaders America has ever produced.

His name is Ron. His horse is Thunder. He is part of the new generation of American Indian leaders. He is a lawyer by training, but education is his life's work. He is president of the Sitting Bull College in Fort Yates, ND, on the Standing Rock Sioux Reservation, and chairman of the President's Board of Advisors on Tribal Colleges and Universities.

The subtitle of this article expresses a fundamental truth that Sitting Bull taught and that people I talk with throughout Indian Country still believe today: Education is the key to a better future for the American Indian people. Education, more than anything else, gives a person the power to determine his or her own destiny. It is the most effective tool there is to relieve the grinding poverty that exists today in too many tribal communities throughout America.

When Native Americans surrendered their lands more than a century and a quarter ago, the United States Government promised to provide the descendants of Sitting Bull and all Native Americans, free education, health care and other basic necessities of life, forever. That is one reason I am disturbed by the results of two new audits by the Interior Department's inspector general.

The first audit reveals that, over a 3-year period, the BIA's Office of Indian Education Programs used at least $5 million from a contingency fund for non-emergency purposes, including staff retreats, bean bag chairs, televisions and puppets. This misuse of contingency funds shortchanged Indian schools of money they need for emergencies.

The second audit, which concerns the BIA school construction program, also documents numerous examples of poor management and lack of accountability. It found that Indian children are being forced to try to learn, and their teachers are trying to teach, in schools that put them at undue risk of injury because "no one in BIA ensures that school buildings are not occupied" until hazards are corrected. That is shameful.

This second report also found that 30 percent of the school construction and repair projects it reviewed failed to meet the BIA's own goal of completing design and construction within 3 years.

The IG made nine recommendations that it said could strengthen the BIA school construction program and increase the program's benefits for Native Americans. Those nine recommendations were included in a draft copy of the report the IG gave to BIA officials for comment.

Incredibly, despite being given an extended deadline, Bureau officials failed to respond to the draft. As a result, when the report was released publicly, it noted that "all nine recommendations are considered unresolved."

I do not know why the BIA failed to even acknowledge those nine recommendations for improving the Indian school construction program; I do not know if it was arrogance, indifference, incompetence or simply a result of being overwhelmed. But I know that it is unacceptable.

The BIA operates or funds 187 schools in 23 States, including South Dakota. Most of these schools were built in the 1940s or 1950s. Many are decades older than that. Few are equipped to support computer labs or other sorts of modern equipment that are now considered essential in most school districts.

I have visited BIA schools where children had to place trash cans beneath the holes in the roofs to catch the rain. I have been to BIA schools in which cold winds whipped through broken windows. I visited a school, which has since been replaced, in which neither the furnace nor the bathroom plumbing worked. That is not keeping our promise to educate Indian children. That is a disgrace.

The Cheyenne Eagle Butte School and dormitories on the Cheyenne River Sioux Reservation in South Dakota were built by the BIA around 1960. The floor tiles in both the school and the dormitory contain asbestos, a known cause of lung cancer and emphysema.

To date, the BIA's remediation efforts consist of recommending that the school "keep the boiler room door shut" and keep the floors waxed so the tiles will not chip and flake.

Three years ago, the Cheyenne Eagle Butte School was first on the BIA's priority list for school replacement. Then the BIA changed its criteria, and the school dropped down on the list. Today, the tribe has no idea when the school will be replaced.

Several weeks ago, I spoke on this floor about the Crow Creek Tribal Schools in Stephan, SD.

Two years ago, Crow Creek's middle school was condemned and replaced with modular trailers. The elementary school and high school still need to be replaced. Throughout the high school, crumbling walls are supported by steel braces; one can see exposed electrical wires.

The Crow Creek Council has been lobbying for money to fix the schools on the reservation for 25 years. Recently, the Crow Creek school superintendent received this letter from the South Dakota state fire marshal. I have had it reprinted and enlarged here. I will quote:

> [T]he buildings are dangerous and represent a threat to life.

The State fire marshal "strongly recommends discontinued use of both" the elementary and high schools.

Two weekends ago was graduation weekend at Crow Creek Tribal Schools. The school had originally planned to hold the graduation ceremony outside because the gym has been condemned—but it rained on graduation day. So 1,500 people—the graduates, their families and friends—crowded into a condemned gymnasium that threatened to fall down around them.

I ask you, what other group of children would we allow to be treated this way?

The BIA has committed to replace the Crow Creek gym—but it is unclear when. Tribal officials had thought students would be playing basketball in the new gym this fall, but the construction funds have once again been delayed.

In the last several months, Crow Creek schools have experienced a crisis of suicides among students. Mental health experts call such episodes "cluster suicides." Six young people on the Crow Creek Reservation have killed themselves in the last 6 months—and many more have tried. In April, there were 21 suicide attempts; the month before, 28. Last month, a 14-year-old girl tried to hang herself behind the elementary school. She was discovered and cut down just in time. The most recent suicide was a 19-year-old young man who had dropped out of school. Had he stayed, he would have graduated last month.

Clearly, the suicide crisis at Crow Creek schools is not caused only by crumbling schools. This is a complex crisis with very deep roots. It involves public health issues and myriad other issues.

But what message does it send to young people when they are forced to try to learn in a condemned building?

There are school buildings like the Crow Creek Tribal Schools throughout the BIA system. All told, the BIA school construction backlog is estimated at $1 billion. At the current funding levels, it would take decades to get through that backlog.

In 2000, when he was running for President, then-Governor Bush met with tribal leaders in New Mexico and promised to invest $1 billion to fix crumbling BIA schools. Yet, the President's proposed budget for next year cuts funding for Indian school replacement for the second year in a row. That is wrong.

America's commitment to build new schools for children in Iraq and Afghanistan is admirable, but it does not erase our treaty obligations to provide good schools for Indian children in this country.

The JOBS bill the Senate just passed last month includes a promising program that was first suggested by tribal educators in my State. The program would allow tribal governments to issue school construction bonds; the Federal Government would pay the interest and the principal on the bonds. The BIA school construction bond program would increase by about half the number of BIA schools that are currently being replaced or repaired each year.

Yesterday evening, I met with two officials from the Porcupine school board on the Pine Ridge Sioux Reservation. Those two gentlemen are with us this morning.

The grade school in Porcupine is 40 years old and overcrowded. The foundation is unstable. The boiler is unreliable. There is no cafeteria; the children eat their meals in the hallways.

The Porcupine elementary school is number two on the BIA's school construction replacement list. School board officials say they have been told that construction on a new school could start in July—not this year, not next year, not the year after that, but in 2008—more than 4 years from now.

The new Indian school bonding program would enable us to replace and renovate more schools faster.

For the sake of the children at the Porcupine elementary school, and all the children in crumbling and inadequate BIA schools throughout America, Congress needs to get the JOBS bill—with the BIA school construction plan—to the President and get this important program up and running as soon as possible.

Once the law is signed, we are going to insist that the BIA report regularly to Congress on how the BIA school construction program is being implemented and managed. We expect progress and results. We will not tolerate the lack of accountability that is documented in the two recent audits of the BIA's Office of Indian Education Programs.

This chart says it so poetically and prophetically. More than a century ago it was said the first time. Sitting Bull implored representatives of the Federal Government:

> Let us put our minds together and see what life we can make for our children.

In that same spirit, we must now put our minds together and hold our Government accountable to keep the promises it made in trusts and treaties and laws to Native Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

THE ECONOMY

Mr. COLEMAN. Madam President, I rise today to talk about continued progress for the American economy, especially back home in Minnesota.

I have been coming down to the Senate floor now from time to time to talk about how the policies of President Bush and a Republican majority, working across the aisle with some like-minded Democratic friends in the Congress, are putting America's economy back on track and Americans back to work.

I remember back in October when I came down to the floor and talked about early signs of economic growth that would set the stage for the job creation we have been witnessing in the last 8 months. Right after I spoke, my friend the assistant Democratic leader challenged me a bit, questioning whether my prediction for a brighter economy were not a little premature.

As the saying goes, "There is nothing more horrible than the murder of beautiful theory by a brutal gang of facts."

What may have been a trickle of good economic news last October has cascaded into a steady stream of good news. Even that most persistent critics of the President's economic program must now concede. The economic engine of America is humming. Job growth is a reality.

Two weeks ago, I talked about a Minneapolis Star Tribune article appropriately entitled, "Minnesota Jobs Roar Ahead," which reported that Minnesota broke all kinds of jobs records in April when Minnesota experienced the largest one-month drop ever in its unemployment rate and more manufacturing jobs were created at a record pace as well.

Today, I want to talk a little about an article in my home town paper, the Saint Paul Pioneer Press, entitled "Factories on a Roll." The article highlights that U.S. Manufacturing activity expanded for the 12th consecutive month last month, and factories boosted employment to meet strong demand for their products.

This is true back home in Minnesota. A regional survey by Creighton University economists found that Minnesota's "Business Conditions Index" rose to a 10-year high.

Also, Minnesota enjoyed its best month-to-month gain in jobs in April since October of 1999. The progress of the last few months has led number of economists to describe Minnesota's economy as "spectacular" and "breathless," and indicates that employment opportunity in the manufacturing sector will continue to improve.

I stand by what I said in October. The President's commonsense tax relief has played the crucial role in helping the economy to rebound from the recession that began during the final months of the Clinton presidency.

More than 1.9 million Minnesota taxpayers saw their taxes decline this year under the President's tax relief. More than 1.2 million couples in Minnesota will benefit from the reduced marriage penalty and more than 475,000 couples and single parents will see an increase in their child tax credit.

I wonder if some folks on the other side of the aisle would still prefer I hold my tongue while we wait for more evidence. If so, I would suggest that perhaps "irrational exuberance" has given way to "unreasonable pessimism."

I would even go so far to say that one of the economy's chief risk factors today is those who continue to talk it down. And why? Could it be perhaps that for some, economic good news might be political bad news? Much of the howling about the economy has fallen silent. But where is the consistency? If the President was to blame for the economy before, isn't he to be praised for its performance now? I can't wait to see how this one is spun.

The economy has overcome great obstacles and is firing on all cylinders in Minnesota and elsewhere. No, we have not died and gone to economic heaven; problems remain. There is good and bad in every economic period. But considering where we are and what we have come through, this is solid, broad-based and even historic progress.

I was optimistic last October. Why? Because this is what always happens when you give people control of more of their own paychecks.

Federal programs are not the engine of economic growth: Regular folks who save, invest and consume are. But that doesn't mean there aren't things we can do right now to help.

For the sake of working families across the country, we need to focus on maintaining that economic growth and jobs creation through a forward looking legislative agenda. We need to pass an energy bill, a highway bill, and important legal reforms that alone would create 3.5 million new, and good paying jobs.

We need to make permanent the President's tax code in enforcing this economic growth. We need to keep the economy going down the track it is on.

The optimist sees the light at the end of the tunnel. The pessimist assumes it is an oncoming train. With all the evidence in hand, it is time to doubt the doubters and call them to account.

Although we saw the signs last fall for the economic growth and jobs creation that was beginning to unfold, some folks had doubt. But, as President Franklin Roosevelt put it better than a half century ago, "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith." Hopefully this continued good news from Minnesota and across America will help the doubting Thomas's still among us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I rise today to join with my colleagues in celebrating this anniversary. In 2001 and again in 2003, Congress had the wisdom to pass two bold tax cut plans. I firmly believe they were the key to turning around this economy.

When the President came to office, the economy was already taking a turn for the worse. Job growth was slowing down, the stock markets were moving in the wrong direction. A dose of strong medicine was needed. Our President came up with a bold plan for tax relief, to get more money out of Washington and put it back into the pockets of workers and the small business owners who earned it.

President Bush knows, as President Kennedy knew, and as President Reagan knew, the best way to jump-start the economy is to leave more money in the hands of the American people.

When people and businesses can keep more of their own money in their own pockets instead of having to send it to the "National Center for Income Redistribution on the Potomac," it follows they will spend more and they will invest more and they will expand their businesses more. When that happens, the result is new jobs and a growing economy. That is exactly what has happened.

I was proud to be a cosponsor of those tax relief plans which lowered the tax bills for 111 million taxpayers, including 25 million small business owners.

Americans have been using this extra money to pay their bills, get the kids in new clothes, or start a saving plans for themselves. Small businesses are investing in new equipment and expanding their operations. Workers are opening their 401(k) statements to see the numbers are going up instead of down.

As a result, our economy is on the upswing. We have had 10 consecutive quarters of economic growth. In the last 3 quarters, the economy has been stronger than any 3 consecutive quarters in nearly 20 years. Jobs are coming back, too. More than 1.1 million jobs have been created since last August and more are on the way. Manufacturing activity is picking up, and the business community is more confident than ever that they feel this turnaround taking root.

President Bush has done an outstanding job shepherding our economy through these tough times. I have one wish as we celebrate this anniversary. I wish this Congress would take one more step with these tax cuts. I wish we would do what we should have done in the first place, make these tax cuts permanent.

I have asked this question before and I will ask it again: How can anyone, how can any business, make any long-range plans for a business or for a family with a "here today, gone tomorrow" tax cut, a tax policy that has a perishable date on it, like a quart of milk?

The fastest way to show our taxpayers we are serious about tax relief, the fastest way to ensure this economic growth continues, is to make the tax cuts permanent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I compliment my colleague, Senator MILLER from Georgia, for his statement, but also for his courage last year in not only supporting this package but cosponsoring this package with me. Every once in a while we do something in Congress that makes a difference. Last year, Senator MILLER helped pass a budget that enabled the Senate to pass a tax bill.

The tax bill we passed we called the economic growth package 2003. It did a lot of things. It accelerated some tax cuts that were already passed in 2001 that were being phased in very slowly. We accelerated those. We made the maximum tax rate 35 percent. It accelerated tax changes for families, moved tax credits for children from $700 to $1,000. It gave marriage penalty relief. It meant married couples would pay 15 percent on taxable income up to $58,000. It expanded the 10-percent tax bracket. It cut capital gains tax rate from 20 percent to 15 percent. It cut the tax rate on corporate dividends. We tax the distribution of dividends from corporations higher in the United States than any other country in the world. It cut that tax by more than half. It cut it from ordinary rates to 15 percent.

It would not have happened if it were not for Senator MILLER. He cosponsored the bill. He made it possible. By passing a budget, we passed a bill. We passed it with the Vice President breaking a tie. The net result is we have had economic growth, very significant economic growth as a result of that tax bill, as a result of the budget we passed last year.

The proof is in the pudding. We have now seen the results. Both sides, Democrats and Republicans, said, We need to do something to stimulate the economy. We did. We passed the package. The President signed it a little over a year ago, May 28 of last year. Now we can look at the results. The results are outstanding. So we ought to acknowledge it.

We have had the most rapid expansion of gross domestic product in 20 years. The last 4 quarters averaged 4-point-some-odd percent: 3 percent, 8 percent, 4.1 percent, 4.5 percent—the highest in 20 years. That has happened since we passed our package a little over a year ago.

The results in the stock market have been dramatic. The Dow Jones industrial average, when we introduced this bill, I believe it was in February of last year, was less than 8,000. It is over 10,000 now—an increase of 27 percent from when we introduced the President's budget and introduced his bill. That is dramatic. I remember telling my colleagues, if we eliminate double taxation on dividends, we might have a Dow Jones industrial average above 10,000. That is the way we passed it in the Senate, but the way it came back from conference, we said the tax on dividends would be 15 percent. That is a big improvement over ordinary tax. Corporations have to pay 35 percent on their corporate profits. Then we pay individual tax of 15 percent. But as a result, we now have a Dow Jones industrial average that has risen 27 percent. The NASDAQ is actually up even more than that. It surged from about 1350 in March to today almost 2000. That is a 47-percent increase since February. That is very significant. That means the market cap has increased by trillions of dollars.

People ask, what does that mean? It means the value in your 401(k) funds has risen from $11 trillion to over 15 some trillion, an increase of about $4.5 trillion. That is phenomenal growth, that is phenomenal wealth creation, due in large part to the tax bill we passed last year because we tax corporate profits differently, because we allowed corporations to have a bonus depreciation up to 50 percent.

We made tax changes and there are consequences to those changes we made, positive changes. There are positive changes on employment and the unemployment rate. The unemployment rate has declined dramatically from over 6.3 percent in June of last year. Keep in mind, we introduced this bill in February when the unemployment rate was about 5.9 percent. It went all the way up to 6.4 percent. And now, today, we are looking at an unemployment rate of about 5.6 percent—a very significant reduction in the unemployment rate. So that is positive.

Payroll growth has increased dramatically. That is usually a lagging indicator. The stock market moved up earlier, and now payrolls are starting to increase, with over 1.1 million jobs in the last 8 months alone. You can see the growth trend is very positive. We had a decline in jobs for some time. We were experiencing significant job losses. We said: We need to do something to stimulate the economy. We did. We introduced the tax cut bill in February. We passed the bill in late May. Now you can see it is really starting to take off. We have had very significant job growth as a result of that.

Even in manufacturing—if you look at the trend in manufacturing over the last 40 years, it has been on a decline. Because of some of the changes we implemented—primarily the bonus depreciation, and, again, a change in the way we tax dividend distribution—you are now seeing investments in manufacturing plants and facilities. Investments are up in manufacturing, and investments in companies, dramatically. Now we are seeing growth in manufacturing output, which has been significant. We have had very significant manufacturing output.

We are also seeing, for the first time in a long time, actual growth in manufacturing employment. I used to be a manufacturer. That is good news. That is reversing a trend that has been on the books and, frankly, in progress for a long time.

The point I am making is a year ago we passed a bill. The bill was a big change in tax policy, a big change I think that has had very positive economic results. Senator MILLER said: Well, there is one thing we should do. This bill was passed, and it was passed under reconciliation, which means, by law or definition, it had to be for a set period of time. It sunsets. We need to make it permanent. We want these growth trends to continue. We want the growth in the number of jobs to continue. We want to see manufacturing continue to increase. We want to see GDP continue to increase.

Some people have said: Well, no, we want to take away some of those tax cuts. We want to take away some of the tax cuts for the upper 1 or 2 percent. I will tell you, that will not work. I was one of the architects of that plan. I was the principal sponsor, with Senator MILLER, to cut taxes on capital gains and dividends. If you try to do that and say, "We will leave the rate at 15 percent for everybody in America except for the upper 1 or 2 percent," that will not work.

To tell everybody in America, "Your capital gains rate is going to be 15 percent, unless you make over $200,000, and your rate is going to be 25 percent higher," that is a real disincentive. Or to tell corporations, "We are going to tax proceeds on corporate dividends at 15 percent, and, oh, if you have income over $200,000, we are going to tax yours at 35 percent"—and under some proposals it would be much higher than that; they want to increase maximum rates maybe well beyond 39.6 percent—that is distorted, and it will undermine the whole idea of saying: Wait a minute; let's not tax corporate dividends twice.

If you tax some corporate dividends at 39.6 percent on the corporate side, and have a corporate rate of 35 percent on top of it, you are taxing corporate dividend distributions of 75 percent plus, and you are discouraging people from making investments in corporations and distributing those proceeds to their owners. Therefore, it would be very counterproductive.

So those who are making those recommendations have not thought them through. I do not think they will work. Or if they did work, it would be very counterproductive, and you would see GDP declining; you would see jobs declining, and you would see a very stalled or stagnated economy.

I think we can be proud of the fact we passed the tax bill last year. The President signed it, and it has had a positive impact. Those are the facts, just the facts. I compliment my colleagues, and particularly Senator MILLER, who made it happen.

Madam President, I yield the floor.

Mr. REID. Madam President, how much time is left on the majority side?

The PRESIDING OFFICER. There is 2 minutes remaining on the majority side.

Mr. REID. We will wait until their time expires.

Madam President, how much time is remaining on the majority side?

The PRESIDING OFFICER. There is 10 seconds.

The Senator from Nevada.

BUDGET DEFICITS

Mr. REID. Madam President, I am going to yield in a minute to my friend, the distinguished Senator from New Jersey. But I would hope everyone who has heard all these speeches understands the country has a deep problem with these huge deficits. The largest deficit in the history of the world, the history of our country, was last year. This year we will exceed that.

I hope everyone understands there is spending going on like a bunch of drunken sailors here, and the spending is being paid for with borrowed money.

Madam President, I yield 15 minutes to my distinguished friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

ECONOMIC DISTRIBUTION

Mr. CORZINE. Madam President, I thank my distinguished colleague from Nevada. I very much appreciate him pointing out one of the great flaws in the discussion I am hearing on the floor. It seems we only want to focus on a very short period of time and a very limited measurement or metric on how well the economy is doing.

I have been on the floor over the last 6 or 8 weeks trying to address issues on the budget, taxes, and growth in our economy. I feel very strongly that we need to have this debate. I am glad it is happening because the American people, I think, actually understand what is happening in their pocketbook and their own sense of where we are in the economy. It is a lot different than this tsunami of good news that is being quoted and cited.

People like to talk about statistics. We need to deal with what is actually going on in people's lives. That is why a whole series of us have come down and asked that question Ronald Reagan asked in the 1980 Presidential campaign: Are you better off than you were 4 years ago?

Remember, 4 years ago, we had come through a period of creating 22.5 million jobs. This is an administration that has overseen the loss of 1.8 million jobs. So we have had the loss of 1.8 million jobs, after creating 22.5 million jobs, when we saw real income growing every single year. Now we are asked to say: Wow, isn't it wonderful we have seen such a change in the last 2 or 3 or 4 months? And at what cost has that come?

As the Senator from Nevada said, we have the largest deficits in the history of mankind. You can always spend yourself into economic growth. Maybe that is what we are doing, but it is coming at a huge cost to this generation and future generations.

But that is not what I wanted to talk about today. I want to talk about who is better off than they were 4 years ago. There is a clear, commonsensical view among people, at least in the State of New Jersey, whom I live with every day, that things are not so well in their home, in their bank accounts, in their financial condition.

I will go through some of the data. Are they better off? We have had flat wages for the last 3 and a half years. To be absolutely accurate, average weekly earnings have grown 1 percent over 4 years. College tuition costs, on the other hand, are up 28 percent at the same time; up 13 percent in New Jersey last year at State schools. Gas prices are over $2 a gallon, up 34 percent in a 4-year period. Family health care premiums are up 36 percent. These are expenses people have to pay every day out of their budgets.

Some cite macrostatistics such as the GDP is growing. What is happening is, individual average weekly earnings are up 1 percent. Health care costs are up 36 percent. Gas prices are over $2 a gallon, and there has been a 28-percent increase in college tuition. It is off the charts.

State and local taxes in almost every State in the country have gone up in the last 4 years. In New Jersey, the average property tax has gone up 7 percent each year because the Federal Government is not picking up its responsibilities, such as Leave No Child Behind, and with other mandates we have put on them for which we then don't provide the money. Now we are hearing we are going to be cutting back on some of that.

There is a case for middle-class Americans to say things are not so great. Average weekly earnings are up 1 percent. We have everything else in our budget going off the charts.

It is possible, though, when we look at this picture of middle-class America getting squeezed, that there are people who are actually doing well in this world. That is what I want to talk about because there are some people who are better off than they were 4 years ago. It comes from the concept that there is a ladder in America. People like to get on that ladder and climb up and have great opportunity. This is a country that has aspirations that are a part of people's lives.

But we seemingly want to make sure the people at the top of the ladder are doing really well and we are squeezing the folks at the bottom. Average weekly earnings, as I said, had relatively flat growth. But HMO profits are up 50 percent. There is a correlation between that 38-percent increase in family health premiums to HMO profits. I used to be a CEO so I can talk about this with some knowledge. Compensation for people who are leading corporations is up 61 percent during the same period—one percent or zero-percent average weekly earnings growth for middle-class Americans, while CEO compensation is up 61 percent.

To give a little perspective, back in 1980 the average CEO made 31 times the lowest average worker in a corporation. Today it is over 500 times. It grew 61 percent last year. Somebody is better off, aren't they?

It strikes me that the numbers are working. Somebody is getting it and somebody is not. As I said, it is most visible when you compare HMO profits versus what is going on with health care costs for average Americans. It is tough to argue that things are a lot better when we are seeing growth in HMO profits and growth in CEO compensation, and you wonder who is better off than they were 4 years ago.

Another way to look at this is to focus on the oil companies. Are they better off or not? In New Jersey, we have the average cost of gasoline at $2.04 cents a gallon. We see over $40-a-barrel oil. We could think about supply and demand conditions and maybe tap into the Strategic Oil Reserve, but that is a story for another day.

The fact is, middle-class Americans are paying the freight, $2.04 a gallon, and somebody is benefiting from that. Are the people paying the $2.04 better off or are the oil companies that have seen their profits soar as the price of a barrel of oil has gone up enormously right in front of our eyes? British Petroleum's earnings are up 165 percent, year over year; Chevron-Texaco, 294 percent; Conoco only got 44 percent; and Exxon is up 125 percent.

Thirty-four percent was the increase in the cost of gasoline for Americans. That is middle-class folks going in, pulling up to the gas pump, putting it in, paying for it. That is coming out of their pocket. Remember, those are the people who are getting a 1-percent increase in weekly earnings. And Chevron-Texaco has a 294-percent increase in profitability.

I am not against profitability. We want people to be profitable. But there needs to be some balance in how the economic pie is actually working for folks in America. It is very troubling that some are huge winners and other people are getting the scraps, with a zero-percent to 1-percent increase in real weekly earnings.

There is another group besides HMOs and CEOs and oil companies. There is the issue of those who actually despoil our environment. It sort of goes at the oil company topic. Instead of debating how we are going to get the price of oil down, House Republicans are now insisting on giving oil companies immunity in cases where they have contaminated ground water with MTBE. In New Jersey, there is a serious problem because we have MTBE all over the State, and it is increasingly thought to cause all kinds of health problems. We are proposing to give a break to the oil companies—the ones making 294 percent higher profits this year than they did last year—a $29 billion break in damages in 43 States around the country.

Who is better off today than they were 4 years ago? Is it the oil companies or the people potentially exposed to MTBE? By the way, I could go on to "polluter pays" taxes; who is paying, who is not paying, for clean air. You could go through a whole series of environmental applications and ask, who is winning, who is losing.

This is not about class warfare. This is about who is winning and who is losing: a 294-percent profit increase, or are we actually going to deal with MTBE? Are we going to have the resources to clean it up? Or are we going to take the $29 billion in damages and lay it on the shoulders of working Americans? Are we going to pass it along?

Let me talk about another issue. This gets at some of the tax discussion I hear so much about as being so beneficial to everyone in the world. You could talk about where the tax breaks go. Those making $1 million or more are getting $123,000. Those in the top 1 percent are getting about a $34,000 tax break, almost $35,000. If you do the analysis, the middle 20 percent of Americans is getting about $647. That is the average.

Anybody can talk about statistics. They can pick it out different ways. They can mush all this together. They can put the 7 footer with the 5′4″ person and come with an average height that sounds as if you are 6′2″. But the fact is, so much of the tax break is actually going to the people who make $1 million or more, the top 1 percent, and very little is going to middle-class Americans.

But that fits. We are only getting a 1-percent increase in mean weekly earnings to the middle class. We are creating tax breaks that primarily go to those who are already doing well. Again, the aspiration of Americans to try to work their way up the ladder is perfectly acceptable. That is the American dream. I know a little bit about it because I know how it happened in my life. But when you get the ladder down and you put it up, why roll it down?

That is what we are doing here. We are giving tax breaks to people who could always use them. Everybody could always use a tax break. But how are we going to fund Leave No Child Behind? How are we going to deal with making sure special education is properly funded? When are we going to get it that we need to make sure we share the benefits in this society? This makes almost no sense.

It is not an issue of class warfare. It is how do we make sure every American has an opportunity to have access to the American dream.

It is incredible to hear some of the discussions that go on. By the way, I want to take this one step further. One of the reasons this number is so high and this is so low is so much of that income comes in the form of capital—capital gains, dividends—and people with capital gains and dividends are paying 15 percent. But if you are working and you are up in the $40,000, $50,000, $60,000 area, you are paying 28 percent; your marginal rate is significantly higher.

We are charging more for working people's earnings than we are for capital. I don't think that is right. I don't think it is right that we turn around and allow situations where somebody pays a 15-percent marginal rate against some kind of income—i.e., capital income—and we charge much higher rates for the poor guy who has to go to work every day. Why are we advantaging capital over wages? It makes no sense and we end up with a distribution like this.

Again, there is nothing wrong with getting good returns on capital or with people working their way up the ladder and being successful. But we have a lot of choices in this country, and we are making them so that these guys up here are ending up with most of the benefits—unless you are one of those oil companies that get an MTBE break and huge growth in profits. But the wages are not growing. The cost of living is going up, as is health care, college tuition, and State and local taxes, and there is so much need that I don't understand why we are turning around and skewing everything the way we have.

That is why I think it is fair to ask who is better off in 2004 versus 2000. Is it the people who were at the top of that chart, the top of the ladder or is it the people in the middle of the ladder, who are aspiring to get up the ladder? Who is benefiting from this $400 billion or $450 billion budget deficit? I think it is a very hard case to make.

As the chief economist from Merril Lynch said, "We've had a redistribution of income [in this country] to the corporate sector." It is through this capital gains distribution of dividends and cutting of the marginal tax rates. It is very clear that somebody is winning, but somebody is getting a little less of that break. I think it is very hard to answer the question "who is better off today" without going back through those HMOs, CEOs, oil companies, and a lot of the folks who are gaining their income from capital as opposed to wages.

I believe that is a tough way to argue to the American people that things are going really well in the economy. I think we have an answer to the question. We have seen someone do better, and it is those who have had that redistribution to them through the tax system. That is something we need to debate on the Senate floor, we need to debate it among the American people, and we need to come to a conclusion about who really deserves to have the fair benefits as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I direct a question to my friend from New Jersey. Would my friend agree that these huge deficits that are piling up at unprecedented rates are also, long term, very damaging to our economy?

Mr. CORZINE. The Senator from Nevada asks a particularly appropriate question. Anytime the Federal Government is competing for money in the capital markets, instead of us having that money go into the private sector, instead of being invested in the kinds of growth you see in Nevada or what we hope will happen in New Jersey, it undermines the economic health of the country, and we have fewer jobs, wages are less, and you get a negative cycle. It is absolutely dangerous to the longrun health of this country.

Mr. REID. Would the Senator also agree that during the last 3 years of the Clinton administration, we were actually spending less money as a Federal Government than we were taking in—meaning we were paying down the debt? Was that not a good sign for the economy, to the rest of the world, and to our own taxpayers?

Mr. CORZINE. The Senator from Nevada is leading the witness because at that point in time we were in the process of creating 22.5 million jobs over that 4 years—10 million in the last sector. People would earn money and spend money, and it would multiply through the economic system. We were creating wealth in the greatest single period of time, when the Federal Government was running from the pulling down of capital and stayed out of the capital markets and put money where it was most efficient.

What we are doing right now is setting up a dynamic that will reverse that. We are going to see less investment over a period of time because the Federal Government has taken up all the dough and it is going to show lower growth in jobs, lower creation of wealth, and nobody will argue that the longrun deficits at the level we are running them now make any sense for this country. I don't think anybody would argue that—with the kinds of policies we have now, our taxes are about 15.5 percent of GDP. They were about 18 percent when this administration came in. But we have grown spending under this administration and the Congress, led by the other side of the aisle, up to about 21 percent. President Clinton's administration cut that to about 18 percent—a little lower, because we were running surpluses. The track we are on is absolutely a potion for disaster.

Mr. REID. Madam President, everybody within the sound of my voice should understand that the distinguished Senator from New Jersey is a person who understands the business world. Before coming to the Senate, he was one of the Nation's leading economic advisers, a person who had been so distinguished in the economic world that he was known all over the United States and in many parts of the world. When the Senator from New Jersey speaks about aspects of our economy, people should really listen.

THE HIGHWAY BILL

Mr. REID. Madam President, today many people in the Chamber came to work extremely early. The reason is they wanted to avoid being stuck in traffic. They got up early in the morning. They came to work earlier than they were required to come to work because they were afraid of being late for work because of the traffic jams in the Washington, DC, area. You may say, well, Washington is a unique place. But it is the same in Las Vegas, Reno, or anyplace else in our country. We have traffic jams, highway problems, too few mass transit systems, and those we do have need renovation and replenishment.

To mention a road in Las Vegas or here on the capital beltway as being a place to stay away from during rush hour, certainly everybody understands that. Is there going to be an accident in the morning? Maybe there was an accident. Maybe it is just routine congestion that creates difficult problems. People sit, losing precious time they could be spending with their families or getting to work and getting things done. But they are stuck in traffic.

As the Senator from New Jersey and I have talked about on the floor of the Senate a lot of times, the price of gasoline is tremendous. You sit there with your car idling, wasting precious fuel. In Nevada, there are places now where you are paying $2.70 a gallon for gasoline. People are locked in these traffic jams that are unbelievably difficult. They keep us away from our families and our work, and that also adds to the stress of the individual involved.

But while Americans are stuck in traffic all over America, a bill to get America moving again is stuck in Congress. The highway bill is stuck in Congress. Why? Where is it stuck? It is across this great Capitol in the House of Representatives. They have refused to appoint conferees so that we can go to conference.

We were able to work out an arrangement in the Senate where we appointed very good conferees. The Republicans have 11 and the Democrats have 10. They are anxious to go to work and do something about the comprehensive 6-year surface transportation bill on which we have to work.

The House passed a version. The Senate passed a version. We like ours better, but they are both bills on which we need to work out the differences.

During the Memorial Day recess, staffs held bicameral meetings to begin a dialog between the two bodies. But because the House has not appointed conferees, these meetings mostly dealt with procedural matters. In effect, we did not do much.

I cannot imagine why the House is taking so much time to appoint conferees. We are losing weeks of valuable time. Before we can get to the meat of this bill and sit down with members of the conference to take votes on issues, staffs have to spend weeks going over this very complicated bill. It is a 6-year bill. It is a bill of hundreds of pages dealing with problems we have with our highways and problems we have with our transit systems all over America. We need to have something done yesterday. We need to meet this country's growing transportation needs which are improving safety and relieving congestion.

In 2003, the last year for which we have statistics, more than 43,000 people in America lost their lives on our roads, the highest number of fatalities since 1990. In addition to the personal tragedy associated with these accidents, they cost an estimated $137 billion each year in property losses, productivity, and medical costs. There is not an amount you can put on the loss of a life. In addition, we have a situation where we talk about 43,000 people—more than 43,000 people—being killed, but hundreds of thousands of people are injured. People become paralyzed. People lose eyes. I have visited a facility in Las Vegas where they deal with head trauma. The vast majority of people in that facility are the result of automobile accidents.

This year, Americans will lose more than 3.6 billion hours to traffic congestion. That is 3.6 billion hours they will not be able to spend with their families, their friends, or at work. The cost of wasted fuel will be about $70 billion.

The bipartisan Senate bill—and it was bipartisan, led by the distinguished chairman of the committee, Senator INHOFE, and the ranking member, Senator JEFFORDS—this bipartisan Senate bill invests $318 billion over 6 years, allowing States to improve safety and reduce congestion on roads.

Even this big bill is only an effort to keep a level playing field. We do not make any advancements, as we probably should, but at least it allows us to tread water in most places to keep from drowning with the problems we have with traffic in our country. The $318 billion represents an investment in our transportation infrastructure, protects our economy and quality of life, and it creates hundreds of thousands of jobs. Why the President would pick this vehicle to flex his muscles is something I do not understand. There have been other issues that have come out of this Congress that maybe he should have taken a look at, but certainly not the highway bill. It creates hundreds of thousands of jobs.

We need to move forward on this legislation. I think we need to let everyone know that the House of Representatives is the cause of our not moving forward on this bill. If the House appointed conferees today, we might be able to complete this conference by the end of the Congress, but it is going to be a close call. There is so much work to do, and we need the House to work with us, not against us.

There are some reports that the chairman of the full committee in the House—and I have not talked with him; he is my friend—does not want a bill; that he is so disappointed with what has happened with the White House that he just says: I don't want a bill.

I hope that is wrong. I am confident the Members of the Senate and the House can work out the differences on this legislation, and we will do it with the number that will be appropriate to take care of the needs of this country. I think $318 billion is a good figure. If the President vetoes the bill, it will just be overridden. I have spoken with the leadership in both the House and the Senate, and they acknowledge that would happen. But please let the Members vote to do this.

Again, all the Senators who have come to me and asked what is happening to the highway bill, I say we have done everything we can in the Senate. It is now up to the House to appoint conferees. Once that is done, we will move as quickly as possible to solve the differences we have with the House of Representatives and move forward on this bill.

I yield my time back and urge we move to the legislation. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding, under the order that is before the Senate, the first order of business would be two voice votes on two amendments pending. Is that right?

The PRESIDING OFFICER. Two amendments were to be disposed of.

Mr. REID. Mr. President, if I could take a minute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. In our conversations before the Senate was called back into session, the Senator from Idaho indicated he would like to speak for 5 minutes prior to those two voice votes and that time would be credited against the 2 hours the majority has on the underlying Cantwell amendment. I understand he is going to make that request.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that I be allowed 5 minutes taken out of our side of the time that is allocated during this morning's debate to discuss an issue and make a unanimous consent request.

Mr. REID. Mr. President, if I could be heard, reserving the right to object, it is my further understanding this would have no bearing on our voting in 5 minutes on the two amendments. Is that right?

Mr. CRAPO. That is correct, Mr. President.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I therefore ask unanimous consent that it be made in order that I be allowed to amend my amendment in the form of amendments that are at the desk at this time. The purpose of this request is that there has been some question raised in regard to the South Carolina language, as to whether it creates any precedential value in regard to other States which are dealing with radioactive materials and the handling of them. We do not believe there is such a precedential effect and we believe it is very clear there is not, but because some have raised that question, we would like to simply amend the legislation that is before us today to make it perfectly clear there is no precedential effect of this language on any State other than South Carolina.

For that reason, I ask unanimous consent that I be allowed to amend my own amendment, which is at the desk, in the form of an amendment which we have presented to the other side.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I ask for regular order.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has the 5 minutes been used that the Senator requested for debate?

The PRESIDING OFFICER. There was an objection to the Senator's 5-minute request.

Mr. REID. Regular order.

Mr. CRAIG. I ask to speak for up to 2 minutes.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 3226.

The amendment (No. 3226) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3170, as amended.

The amendment (No. 3170) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is now my understanding the Cantwell amendment will be reported. It has not been reported yet, is that true?

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, Ms. CANTWELL, is recognized to offer her amendment.

AMENDMENT NO. 3261

Ms. CANTWELL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. HOLLINGS, Mrs. MURRAY, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 3261.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure adequate funding for, and the continuation of activities related to, the treatment by the Department of Energy of high level radioactive waste)

Beginning on page 384, strike line 3 and all that follows through page 391, line 7, and insert the following:

SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

(a) ANNUAL REPORT REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

"SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

"The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

"(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

"(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

"(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

"(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

"(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

"(D) the technologies on safeguards and security deployed or implemented during such fiscal year.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

"Sec. 4732. Annual report on expenditures for safeguards and security.".

SEC. 3118. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORITY.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.

(b) COVERED PROGRAMS AND FUNCTIONS.—The programs and functions referred to in this subsection are as follows:

(1) The functions and programs of the Office of Counterintelligence of the Department of Energy under section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b).

(2) The functions and programs of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration under section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422), including the counterintelligence programs under section 3233 of that Act (50 U.S.C. 2423).

(c) ESTABLISHMENT OF POLICY.—The Secretary shall have the responsibility to establish policy for the discharge of the counterintelligence programs and functions consolidated within the National Nuclear Security Administration under subsection (a) as provided for under section 213 of the Department of Energy Organization Act (42 U.S.C. 7144).

(d) PRESERVATION OF COUNTERINTELLIGENCE CAPABILITY.—In consolidating counterintelligence programs and functions within the National Nuclear Security Administration under subsection (a), the Secretary shall ensure that the counterintelligence capabilities of the Department of Energy and the National Nuclear Security Administration are in no way degraded or compromised.

(e) REPORT ON EXERCISE OF AUTHORITY.—In the event the Secretary exercises the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority. The report shall include—

(1) a description of the manner in which the counterintelligence programs and functions referred to in subsection (b) shall be consolidated within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and discharged by that Office;

(2) a notice of the date on which that Office shall commence the discharge of such programs and functions, as so consolidated; and

(3) a proposal for such legislative action as the Secretary considers appropriate to effectuate the discharge of such programs and functions, as so consolidated, by that Office.

(f) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority in subsection (a) may be exercised, if at all, not later than one year after the date of the enactment of this Act.

SEC. 3119. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, and separation of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) TOf the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).".

(c) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

The PRESIDING OFFICER. Under the previous order, there will be 4 hours of debate equally divided on the amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I will take but a few moments because the Senator from Washington is on the floor to debate her amendment. It is an important and serious amendment she brings, but what she has refused to allow Idaho to do this morning, by objecting to the unanimous consent request of Senator CRAPO, is to deny Idaho and Washington the right to assure that the legislation that was passed is not precedent setting to the agreements Idaho and Washington now have.

In 1995, Idaho's Governor Phil Batt, with my assistance, negotiated a milestone agreement with the Department of Energy on the cleanup and removal of nuclear waste in Idaho. After that agreement was in place, I teamed with the then-Senator, now Governor, Dirk Kempthorne, to codify that agreement into law as a provision in an annual Department of Defense authorization. What Senator GRAHAM of South Carolina has done Idaho did in 1995. That became the basis for Idaho to operate and in large part then for Washington to proceed to begin the cleanup of a very serious problem the State of Washington has at Hanford.

Certainly, the Senator from Washington and I, and my colleague from Idaho, recognize the complexity and the seriousness of this problem. That is not in dispute. When DOE then asked to change and modify some of those relationships, a judge said, no, you cannot do that without a rulemaking process. DOE has determined to go ahead with that, but up until then they have said, their attorneys have said and the attorneys at OMB have said, you do not have a clear path forward to cleanup. Idaho disagrees and Washington disagrees.

At the same time, DOE does not plan to spend the money, denying us the cleanup we expect and we believe is under the milestone agreement crafted by Idaho, accepted by DOE, and accepted by this Senate in 1995.

What the Senator from Idaho tried to do, and the Senator from Washington refused to allow him to do, which is very frustrating to understand, is to assure any action taken today that South Carolina would want to take, that their Governor, their attorney general and their environmental agencies want to take, is no way precedent setting against the court agreement or against the Idaho relationship and agreement Governor Batt crafted and that the State of Washington has.

Is that confusing to anyone? Well, it should not be. There are fairly clear lines out there. I do not understand why we are not allowed to clarify that at this moment. If we cannot, then we will clarify it in other ways over the course of the action on this bill.

There are a variety of vehicles we can take because it is paramount that we, as we think we have, assure our State agreement is in place, and most importantly that DOE can move forward in this fiscal year to spend some $97 million in cleanup they are now saying they cannot do because the advice from their attorneys and the advice from OMB is not to spend; they do not have a clear path forward.

We believe the legislation offered by Senator CRAPO offers that clear path forward, and clearly that is the direction we want to go, to assure Idaho's agreement, to assure Washington is on firm ground but, most importantly that we do not lose 12 or 14 months of cleanup and that the $97 million slated to head to Idaho drifts off and is spent somewhere else, along with the cleanup money for Washington being spent somewhere else.

We want it on the ground at Hanford. We want it on the ground at the INEEL in Idaho Falls doing what DOE and Idaho and Washington are proceeding to do. At the same time, I cannot, nor will I, step in front of a State that has worked its way through its process and believes it is on safe ground to move forward with its cleanup.

There are some five tanks in South Carolina to be cleaned up. Others are being cleaned up now. I am sure South Carolina wants that process to go forward. We all know in a rulemaking process, and the vetting that goes forward in a rulemaking process, we may well be 24 months away from that kind of a decision once the rule is made, once it is tested, once it is aired in the public and, I am quite confident, once two or three lawsuits are filed against it. Idaho does not have that kind of time, nor does the State of Washington, nor does the State of South Carolina. We want cleanup. We want cleanup now. And we want it to meet the standards under the Nuclear Waste Policy Act. We believe what we are doing offers that, profoundly.

Now we are here to debate what the Senator from Washington and I believe is a disagreement between the two of us. I don't disagree with all of her bill. I certainly support parts of it. But what I do disagree with is that the State of Washington or Idaho or South Carolina or any one of the sovereign 50 States of our Nation cannot sit down with a Federal agency, under Federal law, and craft an agreement that gets them to the appropriate cleanup, acceptable by the environmental community in South Carolina, by their Governor, by their attorney general. That is exactly what Idaho did in 1995, exactly what Idaho's Senators, myself and then-Senator Dirk Kempthorne, brought to this Senate floor and brought to the Defense authorization bill—and this Senate passed it.

Why should we deny or refuse those kinds of State relationships? Does the Federal Government in all instances totally dominate as long as the State is within the construct of the law, the Federal law that governs nuclear waste, because that is within the sole jurisdiction of the Federal Government. We all understand that. I don't think so. I think South Carolina did what they felt they needed to do. DOE agrees with them. Now, by action, a voice vote of this Senate, the Senate agrees with them. Let's affirm that, protect the State of Washington and protect the State of Idaho, make sure their agreements are what we want them to be, and move forward. The Idaho Governor and the Idaho congressional delegation stand united in that position and in that opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington. The Senator from Washington controls the time.

Ms. CANTWELL. Mr. President, I am going to start this debate on the Cantwell amendment, which is the pending amendment before us, and take 15 minutes or so, if the Chair will give me recognition of that time being up. Then, depending on how we organize the debate, I would like to defer to Senator HOLLINGS of South Carolina because this impacts him.

We are here today to talk about whether we as a body want to change the Nuclear Waste Policy Act and redefine high-level waste as something other than waste that should be taken out of tanks in Savannah River, out of Washington State Hanford tanks to be stored in a permanent repository, or whether we are going to leave some of that in the tanks in the ground and have ground water continue to be contaminated.

What my colleagues on the other side of the aisle have done is put into the Defense authorization bill a change to nuclear waste policy. It is a change in 30 years of science and policy in this country that says that spent nuclear fuel from reactors is highly radioactive, high-level waste, and should be reprocessed into glassified logs, vitrified logs, and taken to a permanent storage site.

DOE is now trying to say some of that we can leave in the tanks. We don't know how much. We would like to just say it is generally up to our discretion and leave some of that in the tanks and thereby not be clear with the Congress about what level. That is a change to the Nuclear Waste Policy Act. The Nuclear Waste Policy Act in 1982 set the standard. If my colleagues want to have a debate about changing the Nuclear Waste Policy Act, this Senator is more than willing to have that debate, have the proper hearings, have the proper process, and have the debate.

The actual jurisdiction for that is the Energy Committee, and that is what the Parliamentarian has ruled, that the DOD authorization bill through the Senate Armed Services Committee was not the appropriate authority for changing the Nuclear Waste Policy Act, the language that conflicts with that within the underlying Graham amendment that we just modified—the underlying bill language which was just modified by the Graham amendment.

Why are we in this predicament? Why are the American people waking up on this day finding out that a national debate is about to ensue about changing the definition of high-level waste? And that affects every State in this country. If you are going to allow one State and the DOE to negotiate and change the definition of high-level waste, why not just change the definition of transuranic waste or other kinds of waste and then, obviously, have that definition apply to States on transportation issues, on storage issues, and many other issues?

Let's review where we are and why I am so concerned, because it impacts Washington State. The Hanford Reservation in Washington State has 50 million gallons of highly radioactive nuclear waste that is already leaking into the ground water. You can see the Hanford Reservation site here, and the Columbia River. Imagine my concern about tanks leaking into the ground and the fact that leakage contaminates ground water, and that affects the Columbia River, a major tributary through the Northwest. It affects the vitality of our economy in many ways—in fishing, in tourism, in energy generation. No one in the region wants to believe that somehow radionuclides are now in the Columbia River—which, in fact, they are—and that it is going to grow to an amount where we cannot protect humans, fish, and safe drinking water. But that is where we are heading if we don't clean up this nuclear waste.

What does it really look like at Hanford today? I point out to my colleagues, because the Hanford site, which is on the map here—you can see this is the entire Hanford site. This is the picture showing the Columbia River. This red spot here is the contaminated ground water that is already leaking into the ground from tanks at Hanford. It is an 80-square-mile area. That is a plume of various chemicals that have already leaked out of the tank at Hanford. Similar leakage is happening at Savannah river. How this is going to be cleaned up given that the leakage is already starting to affect the Columbia River is a major issue for the Northwest.

So we don't take lightly the fact that DOE has now snuck into the Defense authorization bill a change in the Nuclear Waste Policy Act that would reclassify this waste and say some of it is low level and we can simply grout it. By that they mean they can pour cement and sand on top of it and say that it is now fixed.

I ask the question of my colleagues, If DOE and the State of South Carolina had the authority to make a decision on this and work together, why don't they just do it? If they are not trying to change existing law, why don't they just come together and make an agreement on cleanup? They are not because they are trying to change existing law. They are trying to change the definition of what is high-level waste. They are trying to do that without having the proper hearings, without going through the proper committees of jurisdiction, without giving people enough time and enough notice on this issue.

We could continue this debate for many days and not clearly give the American people the insight to 30 years of history of nuclear waste policy. But let's look at the various definitions of nuclear waste because it is an immense framework, that 50 years of disposal law, and what is high-level waste and its definition. It is under the Nuclear Waste Policy Act. What is spent nuclear fuel? It is a definition under the Nuclear Waste Policy Act. That is what this underlying bill tries to change, the Nuclear Waste Policy Act definition of "nuclear high-level waste" and how spent nuclear fuel can be treated. That is being done without a full debate and hearings in the proper committees of jurisdiction. What DOE and South Carolina are trying to do is change that definition so they can leave some of that storage in the tanks.

My colleagues would like to say this does not set a precedent. I can tell you that is not the way it is being viewed around the country. It certainly is setting a precedent. In fact, the Minneapolis Star Tribune said this provision:

> . . . would also set a troubling precedent for waste handling in other states. . . . If shortcuts can be taken at Savannah River, why not at Prairie Island?

In their site? Why not Idaho, in their facility? Why not as you deal with transuranic waste in New Mexico, in Arizona, or in other States? Because if you are going to give States and DOE the ability to just negotiate definitions and change them, why are we stopping here with tank waste?

Why aren't we considering other things? This is an issue that needs the full attention of this Congress. It needs the full attention not only of the Members who come from States where we have ground water leaking and contamination. Members should realize this vote is about changing a Federal policy that has been 30 years on the books without the debate and without the science. This is an inappropriate time to be changing this policy.

What about the waste we have in these States? One report I will read for some of my colleagues before I turn it over to the Senator from South Carolina who wants to make a few points about this, the ground water contamination at Savannah River is just as serious as it is in Washington State. Yes, they have fewer tanks than we do in Washington State, but it is some of the most contaminated waste that exists.

I am very concerned that we actually do something to clean up the ground water. This report entitled "Nuclear Dumps By The Riverside: Threats to the Savannah River from Radioactive Contamination at the Savannah River Site," which was done in March of this year, says that the contamination in the ground water and surface water often greatly exceeded safe drinking water limits in both radioactive and nonradioactive toxic materials. This material threatens the Savannah River and possibly other resources in the region and comes from the radioactive hazardous waste being dumped in trenches, contaminated soil, and from the high-level waste tanks that are not being retrieved.

This is a report saying it is leaking into the ground water at Savannah River, that it is causing an impact; it is contaminating that ground water; it is causing pollution in the Savannah River. I find that very much a concern.

In Washington State, along the Columbia River, this stretch of the Columbia River has one of the largest bedding grounds for salmon in our State. Now those fish are being contaminated in a similar way if we do not come up with an effective cleanup plan.

What is the tritium and drinking water standard at Savannah River? Water that is tritium-tainted is far more dangerous to children and developing fetuses than to adults. Recent research indicates the current safe drinking water standards for tritium are not adequate to protect developing fetuses to the level comparable for that of nonpregnant adults.

What are we saying to people at Savannah River? Do not go fishing in the Savannah River? Do not provide some sort of safety for consumers who are depending on that?

The report goes on and talks about subsistence fishing in the Savannah River. We have many tribes in the Northwest that fish out of the Columbia River, too. We are not going to protect them because the level of contamination that is already in the water now is starting to show very dangerous signs for both ground water standards and subsistence fishing?

We need to do our job and clean this up. For 30 years the policy has been to take the waste out of the tanks, move it, glassify it, and put it in a permanent storage. We are changing that with very little debate in the Senate today.

Obviously, I urge my colleagues to support the Cantwell amendment which would strike this reclassification and say to DOE: Here is the cleanup money for the States of Washington, Idaho, and for Georgia, and the money should be spent on this cleanup effort.

It continues the process of cleaning up the tanks that have been classified as high-level waste, and it makes the cleanup process continue to move forward.

We took the language from Governor Kempthorne. Governor Kempthorne said to many people, including my colleagues from Idaho, that he had concern with the current underlying bill. In fact, Governor Kempthorne, like our Governor in Washington, has had to deal with this in a major way. This is what he said about the legislation:

> [I]t would be a huge step backward, reinforcing public fears about our nation walking away from nuclear cleanup obligations.

I ask unanimous consent to have printed an article from the Idaho Statesman in which former Governors Cecil Andrus and Phil Batt said the same thing, that to adopt this legislation could jeopardize the full implementation and agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, June 3, 2004]

FORMER GOVERNORS RAISE CONCERN ABOUT DOE BILL ON NUCLEAR WASTE

Two former Idaho governors urged Idaho's senators Wednesday to defend a 1995 nuclear waste agreement as they vote today on two Department of Energy issues.

Former Gov. Cecil Andrus and Phil Batt raised concerns about an amendment to the $450 billion annual defense budget bill, which would allow DOE to leave some radioactive waste in the ground in South Carolina.

Critics say the bill threatens the agreement Batt negotiated for removal of nuclear waste from the Idaho National Engineering and Environmental Laboratory. Idaho's two Republican senators say it doesn't.

"We caution our congressmen not to adopt legislation which would in any way alter or jeopardize the full implementation of the agreement," Andrus and Batt said in a joint statement.

Idaho's Republican U.S. Sens. Mike Crapo and Larry Craig say they agree with Batt and Andrus, but believe the bill doesn't threaten Batt's agreement. They say a second amendment they sponsor, which also is up for a vote today, would restore $95 million to the budget to ensure DOE keeps its commitment to Idaho.

"We are working overtime now, not only to honor those commitments, but to secure the necessary monies to allow the cleanup to continue at the INEEL," Craig said.

Craig and Crapo find themselves at odds with Idaho Gov. Dirk Kempthorne and Idaho's two Republican U.S. Reps. Mike Simpson and C.L. "Butch" Otter, who oppose the plan to reclassify South Carolina's nuclear waste. They argue that passing the bill sets a precedent threatening to undercut an Idaho victory in federal court last year that stopped DOE from reclassifying waste sludge in buried tanks from high-level to low-level waste.

"This legislation would be a huge step backward, reinforcing public fears about our nation walking away from nuclear cleanup obligations," Kempthorne said recently.

Crapo disagrees. DOE had tried to get he and Craig and Washington senators to sign on to the reclassified definition of waste, which would allow the government to clean up Cold-War era sites like the INEEL at far lower costs: But they refused.

They agreed, however, with Republican Sen. Lindsey O. Graham of South Carolina, that states ought to be able to negotiate separate waste deals that would reclassify the waste differently than elsewhere, Crapo said.

"Each state has different needs and circumstances," Crapo said.

Democratic Sen. Maria Cantwell of Washington has introduced an amendment that would pull Graham's agreement out of the defense bill. She has criticized Graham, Crapo and Craig for proposing the reclassification in South Carolina without a public hearing and national debate.

"If somebody thinks this is an issue that affects the state of Washington, or affects just Idaho, or affects South Carolina—it doesn't," she said. "There are bodies of water, with the potential of nuclear waste in them, that flow through many parts of our country."

Crapo said he and Craig are willing to strengthen the language in Graham's amendment to ensure it doesn't threaten Idaho, if necessary. Under the 1995 agreement, the federal government is required to remove specific nuclear waste at the INEEL to certain specifications and under deadlines, or face monetary penalties.

If DOE doesn't respect the deal, shipment of spent nuclear fuels to the INEEL from Navy reactors would have to stop.

"All I'm saying is leave our agreement alone," Batt said.

Ms. CANTWELL. Obviously, we want to move forward with the language that Kempthorne's office and others in our State of Washington and others say to DOE, to move ahead on your cleanup plans under the current law, which says that hazardous nuclear fuel, spent nuclear fuel, needs to be taken out of tanks, glassified, and put into a permanent repository. That is what we have been working toward.

This is not a debate we should be having in one afternoon on the Senate floor. It is far more complex than that. This Senator certainly did not want to have this complex debate on the Senate floor. This Senator wanted this policy to go through the normal channels for discussion.

This Senator did not fill the amendment tree last week with a process in which this Senator had to object just to get a vote. So now we are having a debate which gets a time limit on my amendment. But this Senator was not the person who set this process in motion. I will stand here and debate the policy that is before the Senate.

Mr. ALLARD. Will the Senator yield?

Ms. CANTWELL. I yield.

Mr. ALLARD. We did have a committee hearing on February 25, 2004. We had the committee hearing and Mr. Roberson testified in front of that committee. On March 23, 2004, there was a committee hearing on the very same issue. Those two previous committees were within my subcommittee on Armed Services. On March 31, 2004, Senator DOMENICI in his committee had this debate. It has been going on in the Environment and Public Works Committee back to 2000. We have testimony from there. There has already been a lot of discussion about this subject and the proper way of disposing it.

This is the same kind of procedure we have used in Colorado to clean up Rocky Flats where we have had an expedited procedure. The people of Colorado are delighted because now we have closure and we have it ahead of time and under budget, so far. Hopefully, we can get this to apply to other areas.

Ms. CANTWELL. Does the Senator have a question? I don't know that I heard the question, but let me say the underlying Graham language was never debated by the Energy Committee. The underlying Graham language was never seen prior to the Energy Committee—before this bill came out of the SASC Committee. In fact, the ranking member of the Energy Committee sent a letter saying that this SASC Committee did not have jurisdiction over this issue.

So the Graham language in this bill has not been before the Energy Committee regarding its exact language and the impact of that language.

Now, broad concepts about whether DOE has the right to reclassify waste, yes, have been a big subject of debate. In fact, that is why I believe the courts basically said the Department of Energy does not have jurisdiction over this issue and that they have to change the Nuclear Waste Policy Act if they want to have this authority.

Mr. ALLARD. If the Senator will yield, I would like to clarify that it was not the Energy Committee, it was the Appropriations Energy and Water Development Subcommittee. Make that clear for the RECORD.

The PRESIDING OFFICER. The Senator has used her 15 minutes.

Ms. CANTWELL. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Washington, Senator CANTWELL, and my colleague from Michigan, Senator LEVIN. They have been carrying the ball for a national policy particularly as it affects my State of South Carolina.

The truth is, I just heard that the Appropriations Energy and Water Development Subcommittee, upon which I serve, had hearings about Savannah River. I had never heard of the hearings. I know they did not have hearings in the Armed Services Committee and they did not consider it in the Armed Services Committee.

Now, right to the distinguished request made by my wonderful colleague from Idaho, they seem to think there is sort of a States rights.

Mr. ALLARD. Will the Senator yield?

Mr. HOLLINGS. I will get through my thought and I will yield.

They seem to think there is sort of a States rights to high-level radioactive nuclear waste. I can tell you, I have the distinction of standing at the desk of John C. Calhoun, the grandfather of States rights. But there are no States rights when it comes to high-level radioactive waste.

I am having a hard time getting a logical grasp to this particular problem because I want to be super cautious and understanding of my colleague, Senator GRAHAM. He is a wonderful Senator. He and I work together on everything, but we differ on this one. It is not a political difference; it is a matter of policy.

I have been involved with nuclear policy over some 50 years. Forty-nine years ago, as Lieutenant Governor of the State of South Carolina, I was chairman of the Regional Advisory Council on Nuclear Energy. It was a compact of some 17 States. We were talking about the high-level radioactivity waste. At that particular time we were cautioned by the experts in nuclear fission that the Savannah River was not a place for permanent storage, whatever, in that we had the Tuscaloosa aquifer, which is the water supply going into the Savannah River that now furnishes Savannah, Augusta, and other cities along that river their water supply.

Otherwise, it is on the very edge of an earthquake fault. The earthquake fault comes right through from Calhoun County to Orangeburg County over to Aiken County. I had hearings about the San Andreas earthquake fault out in California in the Commerce Committee some 30 years ago. I know how dangerous this is.

We are all familiar about the dangerous nature of trying to store high-level radioactive waste in the Savannah River site. We were told at that time: Don't worry they will only be there for 2 years. And now, as I stand on the Senate floor, the 2 years has become 4, the 4 has become 8, the 8 has become 16, the 16 has become 32; and now it is almost 50-some years and we are still dealing with this problem.

It is a complex problem, but it has been dealt with nationally with the Atomic Energy Act of 1954 and the Nuclear Waste Policy Act of 1982. They ascribed to the Department of Energy the administration of high-level radioactive waste.

Along came the State of Kentucky, along with this so-called scheme that is afoot—the Kentucky case against the United States—and Kentucky tried to redefine high-level radioactive waste.

In the Kentucky decision, under the exclusionary clause, the court found they could not do that; that is, States were only relegated to solid waste, not radioactive or high-level waste.

So under that particular decision, citing, of course, the Resource Conservation and Recovery Act of 1976, they said the States could, yes, deal with the solid waste but not with the high-level radioactive waste. And we had subscribed. That is what is confusing to this Senator and the Senators from Idaho and California and the State of Washington and everywhere else, because under that exclusionary clause of the 1954 Act, you cannot just come around with a little State amendment, and try to redefine high-level radioactive waste for the other 49 States or the other 48 States.

That is why, if it were able to be handled just at the State level, the Senators from Idaho or the Senators from Georgia or the Senators from South Carolina could handle it on their own. It would just be handled on their own. That is the dilemma we are in. Because my distinguished colleague has not only put in what the New York Times has called a stealth amendment, with no hearings and no consideration whatsoever, and gone around to his colleagues, obviously, over on the other side of the aisle, because he has been looking for assistance from Georgia and Idaho and Washington and all the other States that could be affected, and he said: Now this only affects my State. My Governor is for it and I am for it. I have talked to the Energy Department, and this is how to get moving and accelerate the removal of this waste. And what I am interested in is the removal of this waste.

Well, I am interested in the removal of the waste just as expeditiously and as safely as possibly can be done. Let me emphasize—and it will show in an affidavit by David E. Wilson, the Assistant Bureau Chief for Land and Waste Management of the Department of Health and Environmental Control of South Carolina. I ask unanimous consent to have printed in the RECORD the entire affidavit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASE NO. CV-01-413-S-BLW—AFFIDAVIT OF DAVID E. WILSON, JR., P.E.

Carlisle Roberts, Jr., General Counsel; Samuel L. Finklea, III, Chief Counsel for Environmental Quality Control, Office of General Counsel, SC Department of Health and Environmental Control, Columbia, SC.

United States District Court for the District of Idaho, Natural Resources Defense Council, Inc.; Snake River Alliance, Petitioners, vs. Spencer Abraham, Secretary, Department of Energy; United States of America, Respondents.

David E. Wilson, Jr., P.E., being duly sworn upon oath deposes and says:

1. The U.S. Department of Energy (DOE) owns the Savannah River Site (SRS) located in South Carolina.

2. Reprocessing of nuclear fuel at the Savannah River Site (SRS), reprocessing occurred at the F and H-Area Chemical Separations Facilities, otherwise known as the F and H-Area Canyons.

3. Each facility used different suites of chemicals to derive preferred radioactive isotopes, including, but not limited to plutonium, uranium, and neptunium.

4. Although different suits of chemicals were used in reprocessing, the general process was the same; irradiated nuclear fuel and targets were first dissolved in corrosive chemicals, then other chemicals were added to separate the preferred radioactive isotopes from the fission and activation products in the fuel and targets.

5. The preferred isotopes were then used for weapons manufacture and other uses, and the separated fission and activation products, along with the chemicals they were suspended in (first and second cycle raffinate streams), were disposed of in under ground tanks.

6. During the course of reprocessing at SRS, approximately 37 million gallons of liquid wastes were generated containing approximately 426 million curies of radioactivity.

7. The waste placed in these tanks over the years have settled and precipitated out solid materials in a layer of sludge at the bottom of the tanks.

8. There are 3 million gallons of this sludge (8% of the volume) containing 226 million curies of radioactivity (55% of the curies).

9. The material above the sludge layer consists of concentrated supernate liquids and post-evaporation salt cake.

10. There are approximately 34 million gallons (92% of the volume) of supernate and salt cake containing 200 million curies of radioactivity (45% of the curies).

11. The reprocessing wastes were placed in 51 underground tanks at SRS, ranging in size from 750,000 gallons to over 1,300,000 gallons.

12. Twenty-four (24) of the 51 tanks are constructed of carbon steel inside concrete containment vaults and do not have fully secondary containment.

13. The remainder of the tanks have full secondary containment.

14. All 24 tanks that do not have full secondary containment tanks are well beyond their design lives and 9 of the 24 have had known leaks to their secondary containment.

15. Two of these tanks have been closed through a process approved by the State of South Carolina.

16. To date, the Defense Waste Processing Facility (DWPF) has treated approximately one million gallons of liquid waste containing 30 million curies radioactivity.

Further your affiant sayeth naught. David E. Wilson, Jr., P.E.

March 24, 2003, Columbia, SC.

SWORN TO before me this 24th day of March, 2003.

Notary Public for South Carolina.

My commission expires 12/5/05.

Mr. HOLLINGS. Let me just state at the outset that South Carolina has 70 percent of all of the Nation's defense-related radioactivity. Under section 8 of Mr. WILSON's affidavit, there are 3 million gallons of this sludge containing 226 million curies of radioactivity, 55 percent of the curies. That is over half of the radioactivity. You are not dealing with just little remains and harmless sludge that we can pour sand over and then seal with concrete.

Incidentally, it is not going to leak from the top. The only thing that leaks from the top is the Ship of State. That is the White House. We all know that. These containers ship and leak from the bottom. We have three types of containers: the one single wall, the second type is the single wall with a saucer underneath, and then they made the double wall.

We have found, from a recent report by the Alliance for Nuclear Accountability, the type 1s and 2s have leak sites. The third type tank has small amounts of ground water that have leaked into the tanks, and so forth.

So we are dealing with fire, and we are dealing with it on a national basis. Heaven knows, I have worked with it on an international basis.

In earlier years, they had a plane that, unfortunately, let go of a hydrogen bomb into the Mediterranean. If anybody wants to travel to the Cote d'Azur or the Mediterranean, all they have to do is come to Aiken, SC, because they loaded up the marsh and the sand all where this bomb had been dropped in the Mediterranean, put it in 55-gallon drums, brought it across the harbor there at Charleston, carried it up and buried it in Aiken, SC.

I have worked with the 5-year compacts, and that is why I was astounded and aghast at this idea that somehow this is a little problem for South Carolina and it would be easily handled. It is not that easily handled.

This is what the amendment says, and this is, I think, the intent of the distinguished colleague from South Carolina, because we have to sign off on it.

Well, under the Kentucky case, there is not any signoff on it. Now, of course, the Department of Energy—and they are all friendly with the distinguished Secretary Abraham. But I do not trust them—not honest-wise. I know Senator Abraham is as honest as the day is long, but I do not trust his disposition with respect to nuclear. In fact, I had to stand on the floor when he was trying to abolish the Department of Commerce and Energy. President Bush's Secretary of Energy wanted to abolish his Department before he became Secretary.

This particular amendment has been put on the Armed Services bill, without hearings, without us knowing anything about it, and certainly without the Attorney General knowing about it. I called two members of the South Carolina Department of Health and Environmental Control, and they did not know anything about it.

They were appalled and aghast. It says:

> Notwithstanding any other provision of Law with respect to materials stored at a Department of Energy site at which activities are regulated by the State—

"At which activities are regulated by the State." Now, that goes to that 1976 act, which says that the States under that particular provision regulate solid waste but not radioactive. That is why we have had this difference. One lawyer would say, reading that: Why, it starts off "at which activities are regulated by the State," and that could only relate to solid waste, not radioactive waste. It doesn't amend the Nuclear Waste Policy Act of 1954 which exclusively relegates to the Congress and to all 50 States the designation of high-level waste.

But then he goes on to add this language:

> High level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel that the Secretary of Energy determines is in deep geological repository and has, to the maximum extent practical, in accordance been removed.

And you get into these fancy words "to the maximum extent practical." Now, why do I say what I do? On the one hand, you know what the intent is. The intent of Senator GRAHAM of South Carolina is the same intent of Senator HOLLINGS of South Carolina: to protect South Carolina from this high-level radioactive waste. But that doesn't happen that way because of the Kentucky case and everything else of that kind.

You can go and read the Kentucky decision. I don't want to take up all of the time. In other words, it isn't the intent. And if I was seated as a judge on a court saying, well, let's try to find out what the congressional intent was, the congressional intent was not to redefine high-level radioactive waste; it was just to allow an agreement with the State of South Carolina and the Department of Energy to work out how to remove that sludge. But it didn't go to the basic law. That would be one argument.

Another argument would say: Wait a minute; with the State of South Carolina, we can do whatever we want, and we could give permission to the Department of Energy, the right to reclassify high-level radioactive waste.

So you have this duplicity in this particular amendment, particularly as you see how it is drawn. Section D of the amendment says: Defined in this section, the term "State" means the State of South Carolina.

So all you have to do is run around to the colleagues and work the amendment and legislation in the same way. I don't fault my colleague, but I think he is making a grievous error in the sense that he is saying this just applies to the State of South Carolina, and we can protect the State.

The Governor of South Carolina, Mark Sanford, has been strong on the environment. I knew he wouldn't approve it. Now I have his letter purportedly approving it.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA,
Columbia, SC, May 20, 2004.

Hon. LINDSEY O. GRAHAM,
United States Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to support Section 3116, Defense Site Acceleration Completion, in the FY 2005 Department of Defense Authorization bill, S. 2400. More specifically, this section of the bill will allow for an accelerated clean up of the Savannah River Site in South Carolina.

This Administration is concerned about the prospect of long-term storage of radioactive waste in aging tanks at the Savannah River Site. Under the current Nuclear Waste Policy Act, the cleanup process could leave the waste in those storage tanks for an additional 30 years.

However, the amendment allows the U.S. Department of Energy, working with the South Carolina Department of Health and Environmental Control, to move more quickly to clean up the Savannah River Site. In fact, the estimated cleanup time will be reduced by 23 years, at a savings of $16 billion to the taxpayers.

Most important is ensuring that the State of South Carolina will be able to retain an oversight role in the cleanup process. According to analysis by the South Carolina Department of Health and Environmental Control, the state's environmental regulatory agency, the clean up process will still require an equal partnership with the State.

As you move through the legislative process, we urge you and your colleagues to retain two very important goals for South Carolina: 1. allow for a more accelerated clean up process, and 2. provide strong language to protect the State's sovereignty within the process of accelerated cleanup.

Thank you for your leadership in the United States. I look forward to working with you on this and many other matters of importance to our State.

Sincerely,

MARK SANFORD,
Governor.

Mr. HOLLINGS. This is on May 20. He addresses it to Senator GRAHAM and says: I am writing about this section to allow an accelerated cleanup. The administration is concerned—he is talking about the prospect of long-term storage at Savannah River. However, the amendment allows the Department of Energy, working with the State of South Carolina Department of Health and Environmental Control, to move more quickly to clean up the Savannah River site. He doesn't say to reclassify high-level waste. And in fact, the estimated cleanup time will be reduced. Here is the key paragraph of this particular letter:

> Most important is ensuring that the State of South Carolina will be able to retain an oversight to the cleanup process.

No. Under the exclusionary clause, there is no oversight by the State of South Carolina, the State of Idaho, the State of Colorado, the State of Michigan, the State of Washington. There is no oversight to that particular provision because you have the categorical law under the Nuclear Waste Policy Act where the Congress alone defines it and not by agreement between the health and environmental department of a particular State and the U.S. Department of Energy.

So you can see that the Governor thinks he has something. But then he cancels it out. It reminds me when we had the reorganization of our insurance department. The Capital Life Insurance Company was reorganizing and looking for a slogan. And the winning slogan was by Sam B. King. He said: Fritz, do you know what the new slogan is? Capital Life will surely pay if the small print on the back don't take it away.

So you have a similar kind of situation here in this amendment and in this letter and in this understanding and this intent. You have to go to congressional intent. He says: It ensures that the State of South Carolina will be able to retain an oversight. You don't retain an oversight over the exclusionary clause of the definition of high-level waste by an agreement between a DEHC department and the Department of Energy. Come on. That is exactly what we have in play here.

The House of Representatives over on the congressional side, they considered this and said: Wait a minute; if we are going to redefine high-level radioactive waste in America, let's go to the National Academy of Sciences and get an expert. Don't listen to Senator HOLLINGS or Senator GRAHAM or any other Senators or any other Secretary that is trying to save money because they have been engaged in this over the years. Let's go to the National Academy of Sciences. Let's have hearings. Let's get the expert opinion. And if there is a redefinition of high-level radioactive waste, we will have it. But let's not do it this way.

I have many an authority here with respect to it, but the most recent authority is the State itself. You can get a letter from the Governor, but here is the amicus brief in the National Resources Defense Council v. Spencer Abraham whereby in Idaho they have already lost the case. The council brought it in the State of Idaho. The State of Idaho joined with them and everything else like that, and they lost at the district level.

Then on appeal, we have a brief signed by Samuel L. Finklea, the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC, dated 23 March. So as of March 23, the State of South Carolina on appeal said: No way; we are with Idaho. We are with the decision. We are not redefining high-level radioactive waste.

And yet you have the State of South Carolina's Governor writing this letter but saying, provided further that the State has a sign-off, which legally it can't. You can't designate to the State under the exclusionary clause one State sign off to the thing. That is what has caused the confusion here and the misunderstanding between the particular colleagues.

I am going to cut it short because I know everybody wants to move today. I think I have made our position clear. I have letters here. I ask unanimous consent that letters and citations from the South Carolina Wildlife Federation, the Sierra Club, and various other organizations that I will enumerate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA
WILDLIFE FEDERATION,
Columbia, SC, June 2, 2004.

Senator FRITZ HOLLINGS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: Today I am writing you because we at the South Carolina Wildlife Federation are concerned and appalled at the effort to reclassify certain categories of nuclear waste at the Savannah River Site (SRS). Merely changing the name of the waste from high-level with the wave of a magic wand does not make the risk to the environment any less. On the contrary, it means that an unnecessary and unacceptable risk will be inflicted upon the citizens and wildlife of South Carolina, Georgia and the country as a whole.

The South Carolina Wildlife Federation opposes the proposed changes to the Defense Authorization bill to reclassify these high-level wastes as "incidental" thereby lowering the standard for cleanup.

The 1982 Nuclear Waste Policy Act is specific in its policy regarding the disposal of nuclear waste as it clearly states for this waste to be buried deep underground in a repository chosen for disposal of this waste. The Department of Energy (DOE) has made several attempts in the past to shirk its responsibility and the courts have soundly rejected its reclassification attempts.

Failing to clean up the tanks and remove the waste can lead to serious long-lasting pollution of the Savannah River and the groundwater resources of South Carolina, resources that provide water for drinking, industry, and agriculture. The Savannah River is also an extremely important recreational resource for boating and fishing, and it provides critical wildlife habitat for diverse fishery, waterfowl and other species.

Thank you for once again coming to the rescue of the environment through your cosponsorship of the Cantwell-Hollings Amendment to the Defense Authorization Bill, S. 2400. Your amendment would remove the reclassification language from the Defense Authorization bill. We fully support you in this effort.

Such an important change in the nuclear waste storage policy should only be given serious consideration in a stand-alone bill where it can be put forth for full debate in the light of day, not bobtailed onto a spending bill. Thank you.

Sincerely yours,

ANGELA VINEY,
Executive Director.

SIERRA CLUB
SOUTH CAROLINA CHAPTER,
Columbia, SC, June 2, 2004.

Re: S. 2400 Defense Authorization

Senator ERNEST HOLLINGS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: The South Carolina Chapter of the Sierra Club thanks you for the Cantwell-Hollings Amendment to S. 2400, the Defense Authorization Bill.

Senator Lindsay Graham has decided that the best way to eliminate an environmental hazard is to redefine it. We find this unacceptable.

When Department of Energy Secretary Abraham visited the Savannah River Site (SRS) recently he named SRS a national laboratory specializing in nuclear waste cleanup. For a moment we rejoiced in thinking that both the environment and economic development would benefit simultaneously.

That thought did not last long. Senator Graham said we do not need to make every effort to clean-up highly radioactive waste. According to him it can be abandoned on the site permanently with an amendment to the Defense Authorization Bill.

Congress is needlessly debating whether to lower our standards for protecting our water supplies from radioactive waste leaking from nuclear weapons production sites. We appreciate you being on the right side of this issue.

The SRS complex houses approximately 37 million gallons of high-level radioactive waste, much of it in the form of liquid sludge. That is enough radioactive waste to fill every bathtub in Richland, Lexington and Aiken counties in South Carolina.

When SRS was built in the 1950's, the plan was to move out the waste from nuclear weapons production within 10 years. The deadly waste is still there 50 years later. If Graham's amendment passes, South Carolina will be stuck with it forever.

This dangerous waste is stored in old tanks that have been known to leak. The tanks sit in the water table in one of the largest and most important watersheds in the Southeast. The Savannah River and the entire watershed serve agriculture, industry, fishing, and recreational activities. Failing to clean up the tanks will lead to a serious and long-lasting pollution threat that is detrimental to the entire nation.

Graham proposes mixing the radioactive sludge with grout and using the tanks as permanent waste depositories. This action was declared illegal by a federal judge in Idaho. That is why Graham has introduced his amendments, to make what is now illegal, legal.

Before jumping into this risky method of waste storage, most studies need to be done on the potential for water supply contamination by waste leaching out of the grout. This method of storing the waste may actually make it more difficult to retrieve it in the event of a leak.

State Attorney General Henry McMaster has filed an amicus brief on behalf of South Carolina agreeing with the National Resources Defense Council, the environmental group that initiated the lawsuit, that the waste not remain in its current location.

Another concern about Senator Graham's provision is that it would allow DOE sole discretion in deciding what constitutes high-level radioactive waste in South Carolina, severely limiting the state's voice on such matters. The state would no longer be the final say on what defines high-level waste in our own backyard and the state would have limited or no power to halt DOE from abandoning this highly radioactive waste. So much for "states rights" and "checks and balances."

The Sierra Club urges the deletion of sections 3116 and 3119 of the Defense Authorization Act. Please do not allow the abandonment of high-level radioactive waste at SRS.

Again, Senator Fritz Hollings, thank you for standing up for South Carolina and safeguarding the welfare of our future generations by opposing the Graham amendment.

Sincerely,

DELL ISHAM,
SC Chapter Director,
Sierra Club.

Mr. HOLLINGS. The South Carolina Wildlife Federation; South Carolina Sierra Club; South Carolina Coastal Conservation League; Carolina Peace Resource Center; Environmentalists, Inc.; the mayor of Savannah; Action For a Clean Environment; Atlanta Women's Action for a New Direction; Center for Environmental Justice; Coosa River Basin Initiative; Georgia Conservation Voters; Georgia Peace and Justice Coalition; Physicians for Social Responsibility in Atlanta; Southern Alliance for Clean Energy; Alliance for Nuclear Accountability; National Council of Churches; Sierra Club; National Resources Defense Council; Public Citizen; Episcopal Church; United Methodist Church; American Rivers; League of Conservation Voters; Church Women United; GreenPeace; a number of Native American tribes; and the Idaho Conservation League.

Incidentally, Mr. President, this particular editorial that appeared timely this morning, "Shortcut on Nuclear Waste," in the New York Times, outlines the particular problem. It emphasizes why we don't have States' rights with respect to high-level radioactive waste. We are playing with fire here on the Armed Services bill. This is a stealth amendment with no hearings and no consideration. I know my State as well as anybody. In the majority of the State, everybody is against this.

I ask unanimous consent that the New York Times editorial be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHORTCUT ON NUCLEAR WASTE

The Senate may consider today whether to allow the Energy Department to reclassify certain nuclear wastes at a weapons plant in South Carolina so they can be disposed of faster and cheaper than if the department complied with current law. Although many senators may be tempted to skim over this issue as a matter of parochial concern to South Carolina, they need to consider this matter carefully lest they set a terrible precedent. The Energy Department has a notoriously poor record in handling environmental issues. It should not be granted such unbridled power to define its waste problems away with the stroke of a pen.

The Savannah River site in South Carolina has accumulated a huge inventory of radioactive wastes left over from weapons production, some 37 million gallons held in 51 underground tanks. Under the 1982 Nuclear Waste Policy Act, virtually all of this material is deemed high-level waste, which must be disposed of in a deep repository like the one being built at Yucca Mountain in Nevada.

For some years now, the Energy Department has been hoping to separate its wastes into two streams, reserving deep burial for only the part with high radioactivity. In the case of the South Carolina site, the department is prepared to pump most of the waste out of the tanks for disposal through deep burial. But it wants to leave a hard-to-remove residue of sludge in the tanks and bury it under grout.

Officials estimate that this approach could save $16 billion and trim 23 years from the lengthy cleanup process. But those plans were stymied when a federal judge in Idaho concluded that the scheme violated the waste-policy act.

Now Senator Lindsey Graham, Republican of South Carolina, has inserted language in a defense authorization bill that would achieve the same end. It would allow the department to reclassify the wastes in South Carolina in a way that would allow the disposal of some material on the site. Mr. Graham notes that the state's governor and its health and environmental regulators have signed off on the plan, and he says the decisions on how to handle each tank will be made collaboratively by federal and state officials.

Senator Graham's language is potentially a highly significant change in nuclear waste policy, yet it was inserted into a broad military authorization bill behind closed doors, without the benefit of hearings or open discussion. This is unacceptable, given that few areas could have more potential impact on public health for thousands of years into the future.

The Energy Department is largely empowered to set its own waste disposal policies, with only minimal oversight from the Nuclear Regulatory Commission. Before allowing the department to reclassify its waste products, the Senate should follow the lead of the House and call for an in-depth study of the approach by the National Academy of Sciences. The decision should not be left to an agency that is desperate to get past a staggeringly difficult waste disposal problem.

Mr. HOLLINGS. Mr. President, I yield the floor and thank my distinguished colleague from Washington for her leadership, and also Senator LEVIN for alerting me to this particular danger. This is a highly dangerous matter. We should not be running around with a little legislative rider on the Armed Services bill on a single State exception, even if it were legal. I don't think it is legal. But even if it were legal, it would all of a sudden indirectly, and without other States being involved, redefine high-level radioactive waste. We don't want to do that. This is no way to legislate, and no way to treat this highly dangerous element.

I thank the Chair.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

The Senator from Colorado is recognized.

Mr. ALLARD. In a moment, I will call on the junior Senator from South Carolina.

First of all, I want to clarify this for the RECORD. We have had three hearings this year on this very issue. Prior to this year, we have had a number of hearings dealing with the disposal of nuclear waste. I know for a fact the Environment and Public Works Committee had a hearing in 2000 on the disposal of nuclear waste.

On February 25, 2004, the Strategic Forces Subcommittee of the Armed Services Committee held a hearing on the development of an energy environmental management program, and a key witness was Jesse Roberson, and we talked about this very issue.

On March 23, 2004, in the Armed Services Committee hearing we had on the Department of Energy programs, a key witness in that particular hearing was Secretary Spencer Abraham.

On March 31, 2004, at the Appropriations Energy and Water Subcommittee hearing on environmental management, a key witness was Jesse Roberson.

Having clarified that for the RECORD, I yield 10 minutes to the junior Senator from South Carolina.

The PRESIDING OFFICER. The junior Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, in terms of my senior Senator, who I respect greatly, there is no doubt in my mind that he loves his State. Secondly, this is not about who loves South Carolina. We have a policy disagreement about what is best for our State. That happens on occasion in politics. Senator HOLLINGS has been more than gracious in terms of helping me adjust to the Senate and coming to my office, and I publicly acknowledge that. I regret that we differ, but we do.

I assure my colleagues that I just did not wake up one day, as the junior Senator from South Carolina, sneaking around everybody to come up with an amendment that would change the whole national policy on nuclear waste for the heck of it. I didn't do that. I have been in Congress now for 10 years and in the Senate for a little over a year and a half. In the House, I represented the Savannah River site, our State's largest employer. It is the facility that was intricately involved in winning the cold war. We have over 50 tanks full of high-level liquid waste.

The Clinton administration and myself had a bumpy road. I think it is fair to say I did not agree with the Clinton administration a lot, but one thing that we did find common ground about in the 1997 timeframe and I think Senator ALLARD probably remembers this—is that the Clinton administration came up with a new way of looking at high-level waste, how you characterize it.

There was a hearing about this in 2000 in the Senate before I got here. During the Clinton administration, the policy was—and before the Clinton administration—that if the material started out life as high-level liquid waste, no matter what happened in the intervening time or whatever characterization it had after being treated, it would have to be considered high-level waste—defense material, high-level waste. The Clinton administration said that is not very logical. What we need to do is look at the characterization of the waste at the end, not where it came from. There was a hearing in May of 2000 about that concept. I supported that concept then and I support it now.

In all due deference to my senior Senator, there is nothing in this amendment that changes the definition of high-level nuclear waste. The way you look at high-level nuclear waste and the way you characterize it was changed in the Clinton administration in a logical way. We have cleaned up two tanks. That has been lost in this debate. There are 50-plus tanks of high-level liquid waste. Two of them have been dried up and cleaned up. The procedures to clean up those tanks have worked. That has been several years ago. This amendment allows more money to be put on the table to clean up the rest of the tanks.

Here is what we have been able to do. We have been able to strike an agreement between the environmental regulators in South Carolina and the Department of Energy defining what "clean" is in terms of those tanks. All of the liquid waste will be taken out. There will be about an inch and a quarter of material left in the bottom of the tank, like the other two tanks that have already been closed. There will be a process to treat that inch and a quarter. The NRC has been consulted and has blessed this project, saying what is left in the bottom of the tank after it is treated is waste incidental to reposit.

About people and their opinions regarding what is best for the safety of my State, my senior Senator has been an advocate for my State for a very long time. I respect him. I can assure you I share his concerns about what is best for the environment of this region.

I have some letters I would like to introduce. I have a letter from the Governor of South Carolina that I think he has already introduced. Last week, when we talked about this, Senator HOLLINGS said he cannot believe the Governor would support this. He has been a great environmentalist.

Mark Sanford, our Governor, does have a very good environmental record, depending on what scorecard you want to look at. But Mark comes from the coast. I think most people would say he has been environmentally sensitive.

The letter that Senator HOLLINGS read, please do not misunderstand at all, this is an absolute total endorsement of this amendment by our Governor. I am not the type of Senator who would not tell our Governor what we are doing. The Governor was given the language a long time ago.

On April 27, we had a delegation meeting about this language. I have been shopping this language around for weeks. We have been talking about how to clean up Idaho, Washington, and South Carolina for years. We have had hearings in Senator ALLARD's committee about this very topic, where DOE came in and talked about the plan to clean up these tanks and talked about the two tanks that had already been cleaned up.

There have been negotiations going on between Idaho, Washington, and South Carolina, independent of each other, with the DOE to try to find a common ground in those States as to how to clean up this high-level liquid waste.

To my colleague in Washington, who truly is a friend, and I am sorry we got so off stripped on this, we will get over it and work together for the common good when this is over.

On January 26, 2004, Congressman HASTINGS, Senator MURRAY, and Senator CANTWELL sent a letter to Governor Locke and Secretary Abraham and asked them to work together to resolve the ongoing dispute over waste classification. They did a very good thing in that regard. I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 26, 2004.

Hon. GARY LOCKE,
Governor, State of Washington,
Olympia, WA.
Hon. SPENCER ABRAHAM,
Secretary, Department of Energy,
Washington, DC.

DEAR GOVERNOR LOCKE AND SECRETARY ABRAHAM: We have become increasingly concerned about the lack of an agreement between the State of Washington and the Department of Energy to resolve the ongoing dispute pertaining to the classification of High Level Waste.

Our primary and overriding concern is the safe and timely cleanup of the Hanford site. We know that we share this goal with both the State of Washington and the United States Department of Energy.

We are calling on you to take the initiative to establish immediate high level discussions between the State of Washington and the Department of Energy to resolve this issue. We would like to see a commitment to continue the dialogue until such time as a mutually acceptable agreement can be reached.

We know the parties have legitimate disagreements. We would ask that such conversations take place without preconditions being set, which could serve to hinder successful negotiations.

The stakes are incredibly high and the price of failure is the continued exposure of the people and the environment to unnecessary risks, by potentially slowing the pace of cleanup activities.

We know you share our commitment to making our communities safe. We ask for your leadership to create momentum for a successful resolution of this issue.

In the past when seemingly intractable problems have faced cleanup obstacles, they have been solved by your common commitment to rise above the obstacles to reach shared objectives. We are confident that working together this outcome can be reached.

Sincerely,

Congressman Doc Hastings,
Senator Patty Murray,
Senator Maria Cantwell.

Mr. GRAHAM of South Carolina. Mr. President, the letter was an effort by the legislative delegation in the State of Washington to get the DOE to come up with some classification system for Hanford.

Our distinguished Presiding Officer from the State of Idaho has been working for months now for his State to see if they could come up with a classification system for the State of Idaho. In February 2004, the Governor of Washington indicated he would designate someone to enter into discussion on behalf of the State of Washington. Governor Locke's chief of staff called the Deputy Secretary to indicate he was the Governor's designee to hold discussions with the Department of Energy. Shortly thereafter, the Department of Energy shared draft language with the State of Washington.

What has been going on here for a very long time is a collaborative process between the three States and the Department of Energy to remediate the environment when it comes to high-level waste in a manner acceptable to the State. That is the process. That has always been the process, and that must be the process.

But here is what we do not want to do as we negotiate individually. We do not want to, as my senior Senator said, have a State have the ability to define high-level waste because it is a national concern and a national issue. So we have been jealously guarding that concept. This amendment does not give the State of South Carolina the ability to define high-level waste because we would have 50 different versions. What it does do is it requires a collaborative process. We have already closed two tanks, and before those two tanks could be closed, South Carolina had to issue a permit saying: Yes, they are able to be closed. This amendment gives the State of South Carolina permitting authority over tank closure. That is exactly what Washington and Idaho are trying to pursue.

Governor Locke has been working with DOE. The difference is South Carolina has gotten there, and to my friend from Washington, there will come a day—soon, I hope—where you can negotiate classification of waste with DOE satisfactory to Washington. And there will come a day when the Governor of Washington, whoever that may be, will say: That is a good deal. And the regulators in the State will say: That is a good classification with which we can live.

The truth is, if that day ever arrives, because of the way the Nuclear Waste Policy Act is written, you are going to need legislative language to bless that agreement.

Washington has a severe problem with tank leakage. I want to tell my friends from Washington, if that day arrives to where you can find a standard acceptable to your State—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. GRAHAM of South Carolina. I ask for 5 more minutes.

Mr. ALLARD. I yield an additional 5 minutes.

Mr. GRAHAM of South Carolina. If that day ever arrives, the Senator from Washington is going to come to this body, and I am going to help her. I say the same to my friend from Idaho. That day has arrived in South Carolina. We have vetted this proposal with everybody I know.

I ask unanimous consent that a letter from the Speaker of the South Carolina House, David Wilkins, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

South Carolina
House of Representatives,
Columbia, SC, May 27, 2004.

Hon. Lindsey Graham,
U.S. Senate,
Washington, DC.

Dear Senator Graham: It has come to my attention that you have included language in the FY 2005 Department of Defense Authorization bill, S. 2400, which would allow for accelerated cleanup of the Savannah River Site. I write today to express my support of Section 3116.

I understand that the South Carolina Department of Health and Environmental Control has worked with you since August of last year to craft legislation that gives South Carolina "a seat at the table" when determining what radioactive materials will remain in South Carolina. I support that goal and the expedited cleanup of the radioactive waste tanks at the Savannah River Site.

South Carolina and the Department of Energy have had a good working relationship over the years. It is my sincere hope that your legislation will allow this partnership to continue in a mutually beneficial way which cleans up SRS more expeditiously and in a fiscally prudent manner.

I concur with Governor Sanford. This language will allow for a more accelerated cleanup process and will help protect the State's sovereignty with respect to the accelerated cleanup.

Thank you for your service to the State. I look forward to working with you on this and other issues of importance to the State and Nation.

Sincerely,

David H. Wilkins,
Speaker of the House.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that a letter from the deputy commissioner of the South Carolina Environmental Quality Control, Robert King, Jr., be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

South Carolina Department of
Health and Environmental Control,
Columbia, SC, May 18, 2004.

Hon. Lindsey O. Graham,
U.S. Senate, Washington, DC.

Re: Sec. 3116. Defense Site Acceleration Completion

Dear Senator Graham: The Department has reviewed the above referenced language proposed to be added to the S. 2400 National Defense Authorization Act for FY 2005. As you are aware, the Department considers the storage of high-level radioactive waste in aging tanks at the Savannah River Site to be the single most potentially hazardous condition to the environment and people of South Carolina. In fact, the Department has worked closely with the Department of Energy (DOE) to safely close two of the original fifty-one storage tanks.

It is the Department's position that the above referenced language will provide a process to close the remaining storage tanks in a similar manner. This will include removing highly radioactive radionuclides to the maximum extent possible and will also provide for public participation in the decision-making process.

As always, alternative language could be developed; however, this proposed language allows DOE to move forward with the important task of removing the high-level radioactive waste from the storage tanks while providing a decision-making framework in which the State is included.

If you have any questions or need any further information, please have your staff contact David Wilson at (803) 896-4004.

Sincerely,

Robert W. King, Jr.,
Deputy Commissioner, Environmental Quality Control.

Mr. GRAHAM of South Carolina. Mr. President, this letter to me says that the agreement they have achieved with DOE is environmentally sound for South Carolina; we would like to move forward with tank cleanup. Here is why this is so important to my State: It will allow $88 million to be put on the table. It will allow these tanks, now that we have reached an agreement to become dry and safe and secure and closed up, to be closed 23 years ahead of schedule. I invite everybody in this body to come to Aiken, SC, and the surrounding community to enjoy golf, leisure, and fishing. I will take you fishing in the Savannah River, if you would like to go.

I do not want 23 years to go by and the chance of the tanks leaking to grow. I do not want the problem that Washington has. I want Washington to be able to fix their problem, and I will help the State of Washington. But I have a chance to do something in my State that we have not had a chance to do in 10 years. The origin of this being done started in the Clinton administration, and we are building on what happened then.

This amendment is focused only on the agreement in South Carolina. Senator CRAPO, Senator CRAIG, and Senator ALEXANDER have an amendment to make it absolutely certain. I think it already is, but I am not here to put any other State in a bad situation. I am not here to make Washington do what we are doing in South Carolina or to prejudice Idaho at all. I am just simply asking this body to listen to the people who are responsible for the ground water who tell me this is a good agreement, it will help my State if we move forward on it, and it will safe $16 billion, for whatever that is worth.

The attorney general of South Carolina was mentioned by my distinguished senior Senator. I have a letter from him supporting this agreement. I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF SOUTH CAROLINA,
OFFICE OF THE ATTORNEY GENERAL,
May 18, 2004.

Re: Sec. 3116. Defense Site Acceleration Completion

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: It is my understanding that the South Carolina Department of Health and Environmental Control supports your proposed amendment to be added to the S. 2400 National Defense Authorization Act for FY 2005.

DHEC considers the storage of high-level radioactive waste in aging tanks at the Savannah River Site to be potentially the most hazardous environmental situation in South Carolina. Your proposed amendment allows federal authorities to remove this radioactive hazardous waste, while ensuring that the State is statutorily included in the process, with ultimate "veto" power on removal decisions.

Please allow this letter to serve as my official statement of support for your amendment.

Thank you for all that you do on behalf of South Carolina and its grateful citizens.

Yours very truly,

HENRY MCMASTER.

Mr. GRAHAM of South Carolina. Mr. President, when we talk about people with agendas, there are all kinds of political agendas when one talks about nuclear programs. That is just politics, and that is the strength of America. There is nothing wrong with that.

I have a letter from the Aiken County, SC, legislative delegation—Democrat and Republican house members and senators—who say please approve this agreement because it will clean up these tanks ahead of schedule, and it will be a good thing for our community. The difference between them and the New York Times, which is a great paper, is they live there. The Savannah River site is located in Aiken, SC.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIKEN COUNTY,
LEGISLATIVE DELEGATION,
Aiken, South Carolina, May 25, 2004.

Hon. LINDSEY O. GRAHAM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: We are writing to support Section 3116, Defense Site Acceleration Completion, in S. 2400. As we understand it, this section of the bill will allow The Savannah River Site to accelerate cleanup of the Site's remaining waste tanks in a manner consistent with the way Tanks 17 and 20 were closed in the late 1990s.

We believe that your language will allow the establishment of environmentally prudent regulations regarding tank waste that will allow the Department of Energy, in conjunction with the South Carolina Department of Health and Environmental Control, to move more quickly to clean up the Savannah River Site.

We especially appreciate your efforts to work with the State to ensure the State of South Carolina will have a seat at the table when determining the ultimate disposition of any materials left in the state. We concur with Governor Sanford that according to analysis by the South Carolina Department of Health and Environmental Control, the cleanup process envisioned by Section 3116 will provide "a decision making framework in which the State is included."

We appreciate your efforts on behalf of the Aiken Community to get this cleanup done expeditiously and your continued efforts to do it in a way that decreases the impact on the taxpayers of this nation.

Senator W. Greg Ryberg, Senator Thomas L. Moore, Senator Nikki Setzler, Representative Robert S. Perry, Jr., Representative Donald C. Smith, Representative William "Bill" Clyburn, Representative J. Roland Smith, Representative James "Jim" Stewart, Jr., Representative Ken Clark.

Mr. GRAHAM of South Carolina. Mr. President, I have another letter from the mayor of Aiken, Fred Cavanaugh, who worked at this site, supporting this agreement. In addition, I have a letter from Ronnie Young, the chairman of the Aiken County Council, where the council endorses this amendment.

I have a letter from the Chamber of Commerce, the people who have to make a living. I can assure you the Aiken County Chamber of Commerce believes this will not poison the area. It will do absolutely the opposite. It will make it more attractive.

I ask unanimous consent to print those letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF AIKEN, SC,
May 26, 2004.

Hon. LINDSEY GRAHAM,
Russell Senate Building,
Washington, DC.

DEAR SENATOR GRAHAM: I want to thank you for the positive work you are doing on behalf of the citizens of our country, South Carolina and closer to home, Aiken County. More precisely, thank you for seeking a resolution to the questions related to the definition of—radioactive waste incidental to reprocessing (WIR). As we know, radioactive waste stored in underground tanks is the greatest potential risk to public health and the environment at the Savannah River Site (SRS), and unless resolved, the WIR lawsuit and related issues will stop these critical activities. Your amendment to the Senate Armed Services Committee Authorization Bill will allow for the continued removal and disposition of the waste in a safe manner, and we believe it is critical that it be enacted into law.

Your amendment allows SRS to continue to remove waste and close tanks to the same standards and with the same diligence as in the past. It has the endorsement of SC/DHEC and the Governor of South Carolina. Under your amendment SC/DHEC will continue to oversee and approve all SRS waste removal and disposal activities thus assuring continued protection to the public and environment.

Conversely, without your amendment, activities to remove and dispose of high level radioactive waste will be stopped and wastes will remain in the less safe liquid form in fifty year old underground tanks. Instead of completing waste removal by 2018, wastes will remain in the old tanks. Equally critical will be the loss of trained and skilled SRS workers because this critical work will stop. I support your amendment as being in the best interest of the citizens of South Carolina who are interested in the safe removal and disposition of high level radioactive wastes. Please convey my position on this important matter to your colleagues in Congress.

Sincerely,

FRED B. CAVANAUGH,
Mayor.

AIKEN COUNTY COUNCIL,
Aiken, SC, May 25, 2004.

Hon. LINDSEY O. GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: This letter comes as confirmation of my support of Section 3116, Defense Site Acceleration Completion in the FY 2005 Department of Defense Authorization Bill, S. 2400. This bill will allow for an accelerated clean up of the Savannah River Site.

Aiken County is very concerned with the storage of high level radioactive waste in aging tanks at the Savannah River Site. Under the present Nuclear Waste-Policy Act, the cleanup could leave the waste in the aging storage tanks for approximately 30 additional years. This possibly is the most potentially hazardous condition to the people and environment of South Carolina.

However, with the acceptance of Section 3116, Defense Site Acceleration Completion, the Department of Energy and the South Carolina Department of Health and Environmental Control will be able to move much more quickly to cleanup the Savannah River Site, with an estimated savings of $16 billion to the taxpayers.

During the cleanup, it is of major importance to the citizens of South Carolina that we are allowed to retain an oversite role in the cleanup process.

I urge you and your fellow statesmen to allow for the accelerated cleanup process at the Savannah River Site and to provide a decision making framework in which the State of South Carolina is included.

If you have additional questions or need other information, please contact me at (803) 642-1690.

Sincerely,

RONNIE YOUNG,
Chairman, Aiken County Council.

GREATER AIKEN CHAMBER OF COMMERCE,
May 25, 2004.

Hon. LINDSEY GRAHAM,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: Let me begin by saying thank you for your efforts in seeking a resolution to the uncertainties related to the definition of radicactive waste incidental to reprocessing (WIR). Radioactive waste stored in underground tanks is the greatest potential risk to public health and the environment of the Savannah River Site, and unless resolved, the WIR lawsuit and related issues will stop those critical activities. Your amendment to the Senate Armed Services Committee authorization bill will allow for the continued removal and disposition of waste in a safe manner.

SRS has safely removed radioactive wastes from underground tanks for almost ten years and has permanently closed two tanks. These efforts were permitted by the South Carolina Department of Health and Environmental Control (SC/DHEC) with the oversight of the U.S. Environmental Protection Agency. The Nuclear Regulatory Commission has reviewed the SRS program and stated that it is comparable to commercial requirements and standards.

The Chamber supports your amendment as being in the best interest of those citizens in Aiken and South Carolina who are interested in the safe removal and disposition of high-level radioactive wastes.

Without your amendment, activities to remove and dispose of high level radioactive wastes will be stopped and wastes will remain in the less safe liquid form in fifty-year old underground tanks. Instead of completing waste removal by 2018, wastes will remain in tanks for a significantly longer period of time. Additionally, the SRS cannot afford to loose these highly trained and skilled employees.

In closing, the Greater Aiken Chamber of Commerce, representing 900 businesses and 40,000 employees within the region believes that it is critical that your amendment be enacted into law. Again, thank you for your continued support of the greater Aiken region.

Signature,

CHARLES WEISS,
President & CEO.

Mr. GRAHAM of South Carolina. Mr. President, I have letters from the mayor of Jackson, SC, which is down site; the Aiken Electric Cooperative; the Economic Development Partnership from Aiken; the Nuclear Regulatory Commission has blessed this project saying that what is left in the tank is waste incidental to reprocessing; the Defense Nuclear Facilities Safety Board has looked at this amendment; the North Augusta Chamber of Commerce, a community on the other side of the site; and the SRS Retiree Association, people who worked their whole lives out there supporting this.

Mr. President, quickly, we will have more time to talk. This is a big deal to my State. Similar efforts are ongoing in other States, and I hope they get there. I am not going to do anything to prejudice their ability to get there on their terms. I am simply asking that the deal struck between the environmental regulators and our Governor in South Carolina be approved so that we can clean up the rest of these tanks, the 49 remaining, in an economically and environmentally sound fashion.

That is all this has ever been about.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Who yields time?

The Senator from Colorado.

Mr. ALLARD. I yield 6 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank Chairman ALLARD for yielding to me at this time.

I rise today in opposition to the amendment by the Senator from Washington, but I do so by first saying that this is an extremely complex issue. I happened to be presiding one night when the Senator from Washington stood up and talked about her amendment. I respect very much the issues she has delineated. She has done a very good job of articulating the complexity of this issue and why it needs to be thought through so carefully before we vote, as we are going to do today.

After carefully reviewing the facts, I am convinced the language adopted in the Armed Services Committee related to disposal of nuclear waste at the Savannah River Site is prudent and that this language should not be struck.

The Savannah River site is located in Aiken, SC, right on the South Carolina-Georgia border. About half the folks who work at the Savannah River site live in my State. Operations and the treatment of waste at the Savannah River Site affect my State, as well as South Carolina, because if there is any polluting, if there is any leakage, it will go into the Savannah River which is on the border of South Carolina and Georgia.

Current provisions of the Nuclear Waste Policy Act in the fiscal year 2005 funding for the Savannah River Site restrain and preclude planned risk reduction activities in the treatment and disposition of radioactive waste. Section 3116 is extremely important to the Department of Energy's environmental remediation and cleanup efforts at the Savannah River Site. It will resolve both the nuclear waste policy and funding issues and allow these risk-reduction activities to continue.

This provision will allow the cleanup of these materials 23 years earlier and at an estimated cost savings of $16 billion. Regardless of the cost savings, it is imperative that the cleanup of the Savannah River Site be completed at the earliest date possible.

The Savannah River Site is currently home to 49 tanks containing 35 million gallons of radioactive material that is divided into three types of waste: liquid, sludge, and sediment. Section 3116 will allow South Carolina and the Department of Energy to execute the agreement that has been reached on how best to treat this tank waste.

In 1997, the Savannah River Site became the first site in the Department of Energy complex to close a high-level waste tank. The language in the bill was worked out with great care between the State of South Carolina, State environmental regulators, Senators on both sides of the aisle, and the Department of Energy.

I quote from a letter sent to the Secretary of Energy from the Defense Nuclear Facility Safety Board in relation to section 3116 of the Defense bill, the section this amendment will strike.

The letter states:

> The Board believes that disposal of wastes as contemplated in Section 3116 can be accomplished safely and should enable efficient disposition of the radioactive waste.

It is true that an Idaho district court struck down the DOE rule which set procedures for nuclear waste disposal across the board. However, the court struck down this rule based not on the content of the rule but because they thought the rule exceeded DOE's jurisdiction. I agree DOE should not have unilateral ability to determine nuclear waste disposal policy. However, I believe the procedures DOE has implemented at the Savannah River Site are sound and that these procedures should be allowed to continue while the question of who has the authority to set cleanup standards and policies is resolved. In fact, the procedures which section 3116 would allow have been in place since the early 1980s.

I would also like to note, in response to those who believe the low-yield sludge should be removed in the tanks at the Savannah River Site and other facilities, that the process of removing that sludge would increase the risk to workers by sevenfold and significantly increase the risk to the environment based on the risk of extracting the tanks and transporting the additional fuel thousands of miles across country, significantly increasing the exposure to the population at large.

Section 3116 in the underlying bill will prevent substantial delays, the accompanying health and safety risks, and increases in the expense of removing and disposing of this material, a delay in expense not driven by public health and safety considerations but, in fact, contrary to public health and safety.

Without clarifying the law, the delay would likely create more serious health and safety risks to workers and members of the public by leaving the waste in tanks longer and risking leaks to ground water. Delays in increased costs will require DOE to divert resources from other efforts across the complex in a manner that would significantly distort the Department's cleanup and other priorities. There is less risk to the workers, the environment, and the communities by removing the waste from the tanks, extracting the high-level waste from the other types of waste for appropriate disposal, and stabilizing any small amount of low-level waste residues in place in the tanks using a cement grout.

Physicists, not lawyers, should determine if radioactive waste is high- or low-level waste. The physical characteristics, not the source, of radioactive waste should determine if it is high-level or low-level waste.

I hope my colleagues will join me in opposing this amendment by supporting an expeditious and safe cleanup of the nuclear waste at the Savannah River site.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I will yield to the Senator from New Mexico, the ranking member of the Energy Committee, to give a statement, but before that I want to enter into the record a couple of documents and make a statement.

First, I have great respect for the junior Senator from South Carolina and his work on so many issues. He did a great service for many men and women in this country by leading a battle in getting health care coverage for the National Guard. There is a large percentage in our State serving in the National Guard in both Iraq and Afghanistan, and I know my State thanks him on this.

On this issue, we certainly disagree. I think it is a change in strategy, or at least a deal that has been cut behind closed doors, because I do view it as a change to the Nuclear Waste Policy Act. That is the way my State views it. That is the way 20 newspapers across the country view it. That is the legal opinion of staff, that it is a change to the definition of what is high-level waste.

I point out that South Carolina, up until the Senator's amendment, has been pretty consistent. I have an August 12, 2003, letter sent to the Secretary of Energy from the State of South Carolina, signed by the State of South Carolina saying DOE already has the tools it needs to address this issue; that it does not need to use a sledge hammer to get the job done, and goes ahead and says they should use the current definition of the law.

Also in March 2004, a couple of months ago, South Carolina said DOE cannot ignore Congress's intent by simply calling high-level waste by a different name. And later, South Carolina goes on to say this poses a threat to the citizens' health and natural resources.

So I find it very interesting that the State of South Carolina filed those documents in court, sent letters to the Secretary of Energy making those statements, and now all of a sudden South Carolina has changed its position. I don't know if they were saying they didn't believe in their case and that is why they wanted to spend the State's legal time and money filing it. I don't know if they have their cabinet officials signing letters to the Secretary of Energy that they don't believe. But I think actually the issue is the State of South Carolina has been pretty consistent. In fact, the House Members, when this issue was before the House of Representatives, said let's not put any language in changing the definition of what is high-level waste. If there needs to be a study, we are willing to study it. That is what the members of the South Carolina delegation voted on. So I think they have been pretty consistent.

While my colleague, the junior Member from South Carolina, is trying to move ahead on nuclear waste cleanup, I think we have a disagreement among ourselves and with what South Carolina's position has been consistently for several years now, and that is that DOE has the authority. What DOE wants to do is leave waste behind. They don't have the authority to do that, nor does science think that is a prudent way to deal with this issue.

I ask unanimous consent to have that material printed in the RECORD, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF ARGUMENT

NATURAL RESOURCES DEFENSE COUNCIL, ET AL. VERSUS SPENCER ABRAHAM, SECRETARY, DEPARTMENT OF ENERGY, ET AL.

In the late 1970s and early 1980s, Congress recognized that spent nuclear fuel and radioactive waste generated as a result of the reprocessing of spent nuclear fuel pose a grave, long-term threat to public health and the environment. As a consequence of this threat, Congress enacted the NWPA to ensure that this waste is permanently isolated in a deep geologic repository. In both the NWPA and the Atomic Energy Act (AEA), Congress defined "high-level radioactive waste" to require DOE to consider first, the source of the waste and second, the concentration of fission products in solidified wastes. The definition follows: "(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including the liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation." 42 U.S.C. 10101(12). The AEA incorporates this definition by reference. 42 U.S.C. 2014(dd).

By using the same definition in the NWPA and AEA, Congress made plain its intent to include spent nuclear fuel reprocessing waste resulting from defense activities within the scope of the HLW disposal scheme that Congress established in the NWPA. Congress clearly intended that the definition of HLW would apply to both commercial and defense waste and that HLW from both sources would be permanently isolated. This intent becomes even clearer when reading this definition in the context of Congress's reasons for enacting the NWPA, to wit, permanently isolating radioactive waste because of the long-term danger it poses to human health and the environment.

The evaluation method of DOE Order 435.1, however, establishes a system for reclassifying high-level radioactive waste that provides DOE unlimited discretion to determine whether a large volume of highly radioactive waste stored in or near our states is required to be disposed of in a deep geologic repository. Such unfettered discretion is not provided for in the NWPA or AEA and this Court should affirm the District Court's decision invalidating DOE's attempt, through Order 435.1, to ignore the criteria in these statutes.

AUGUST 12, 2003.

Hon. SPENCER ABRAHAM,
U.S. Department of Energy,
Washington, DC.

DEAR SECRETARY ABRAHAM: The Department of Energy and states affected by DOE facilities face technical, political, and fiscal challenges as we decide how to treat and dispose of high-level waste created by Cold War-era reprocessing. It will take our combined efforts to devise and implement responsible, effective policies that protect human health and the environment as well as respect taxpayer dollars.

We write to express concern with DOE's current strategy for addressing this key issue. DOE's recent proposal to reopen the Nuclear Waste Policy Act runs counter to our mutual interests.

Fortunately for our shared high-level waste challenge, reasonable solutions exist within the current law without undermining public trust in DOE's efforts to properly manage nuclear waste. DOE already has the tools it needs to address this issue by making internal policy changes; it doesn't need a sledgehammer to do the job.

DOE's recent statements to Congress appear to exaggerate the impacts of the recent judicial decision on high-level waste classification. The federal court decision only confirmed long-standing national policy, which requires disposal of high-level waste in a geologic repository while allowing properly treated, less radioactive wastes to be disposed elsewhere.

The court's ruling allows DOE to proceed with retrieval and treatment of liquid waste from tanks at Hanford, Savannah River and INEEL. If the wastes in question are not highly radioactive following treatment, DOE has the ability now to develop a classification strategy to qualify these wastes for management, including disposal, outside a high-level waste repository. What the court rejected was giving DOE free rein to override national policy as expressed in the Nuclear Waste Policy Act.

The States of Idaho, Oregon, South Carolina and Washington participated in the lawsuit, not as parties, but as friends of the court to protect our interests in safe, cost-effective, timely cleanup and responsible use of repository capacity. As you may know, last November the states made a concrete proposal to resolve these issues outside of litigation, outlined, the legal and practical risks associated with continuing to litigate this matter, and offered to enter into mediation with the parties. DOE rejected our efforts and choose to litigate instead.

Today we renew our offer to work with DOE to develop a waste classification strategy that ensures protective, cost-effective, and timely disposal of the nation's defense high-level radioactive waste in a manner consistent with the court's opinion.

We urge you to reconsider your strategy and to work with the states on a reasonable solution within the framework of existing law. By doing so, we can do the job right without jeopardizing progress on repository development, slowing down cleanup or undermining public trust in our efforts.

C. STEPHEN ALLRED,
Director, State of Idaho Department of Environmental Quality.
TOM FITZSIMMONS,
Director, State of Washington Department of Ecology.
R. LEWIS SHAW,
Deputy Commissioner, South Carolina Department of Health and Environmental Control.
MICHAEL W. GRAINEY,
Director, State of Oregon Department of Energy.

Ms. **CANTWELL**. I yield 20 minutes to the Senator from New Mexico who, as the ranking member from the Energy Committee, knows of our efforts to try to get the Senate Armed Services Committee not to deal with this issue since they didn't have jurisdiction over it. He sent a letter to the committee urging them on that and has had a great deal of history on this issue.

I yield the floor to the Senator from New Mexico.

The **PRESIDING OFFICER**. The Senator from New Mexico is recognized for 20 minutes.

Mr. **BINGAMAN**. I thank the Senator from Washington for yielding me time to speak to her amendment to strike section 3116 and follow-on sections. Section 3116 is labeled the Defense Site Acceleration Completion. That is the name of the section. That is a fair characterization of what the provision intends to do. It does propose to hasten the day when the Department of Energy can declare its work complete.

In my view, it does not accelerate in any way the cleanup of DOE defense sites. It does accelerate the date that DOE can declare its responsibility completed. In fact, to the contrary, the provision allows the Department of Energy to abandon its commitment to clean out these sites and to walk away from them while there are substantial amounts of high-level radioactive waste still in the ground.

Section 3116 is not a model of clarity. I am told the provision no longer applies to DOE sites in Washington State, Idaho, and in New York as it once did. It now only applies to high-level radioactive waste tanks at Savannah River, S.C. There is not specific language in the provision saying that, but I am certainly willing to accept the intent of the provision.

The obvious question is, what is in the Savannah River tanks? From 1953 until the end of the cold war, the Department of Energy at Savannah River has made plutonium for our nuclear weapons. It did so by irradiating uranium fuel in five nuclear reactors on that site and it then reprocessed the spent fuel to separate the plutonium from the highly radioactive waste products. The waste material consists of a mixture of highly toxic, hazardous chemicals used in the chemical separation process—a mixture of that along with a wide variety of highly radioactive fission products and transuranic elements, formed during the nuclear reaction. Some of these fission products emit intense amounts of radiation over a short period of time. Others emit less intense amounts of radiation over a much longer period of time. Both pose a serious danger to the public health and to the environment.

The short-lived radionuclides remain dangerous for hundreds of years. The long-lived ones remain dangerous for thousands of years.

The Department of Energy has been storing this mixture in 51 steel tanks at Savannah River. The tanks each hold on average about a million gallons of waste. In other words, each is about the size of our Capitol dome. I repeat, we have 51 of those tanks, each about the size of the Capitol dome, located at Savannah River. The waste in the Savannah River tanks is, by definition, high-level radioactive waste. We have been using that term in our laws now for over 30 years. Different laws have worded the definition differently, but they have all said essentially the same thing, and that is that high-level radioactive waste is the material that results from reprocessing spent fuel, and that includes both the liquid waste produced directly in reprocessing and any solid material that settles out of the liquid or is derived from it.

There are two important legal consequences that flow from this tank waste being defined as high-level radioactive waste. The first legal consequence is that its disposal is subjected to licensing and regulation by the Nuclear Regulatory Commission. That is required under the Energy Reorganization Act of 1974, which was signed into law by President Ford.

The second legal consequence is the waste must be buried in a deep geological repository, rather than being left where it is. This is a requirement we put into law in the Nuclear Waste Policy Act of 1982 which was signed into law by President Reagan.

The Department of Energy has begun removing the liquid waste from the tanks at Savannah River and turning it into glass logs and storing the glass logs until they can be buried in a geologic repository which is expected to be built at Yucca Mountain. Removing all of the sludge that has settled to the bottom of these tanks clearly is going to prove difficult and expensive. So to sidestep that requirement, the Department of Energy would like to reclassify the waste as something other than high-level radioactive waste and leave it where it is.

Years ago the Department of Energy adopted an administrative order asserting that they had the authority to do that. Last fall a Federal judge in Idaho held the order was unlawful.

The Department is now asking Congress to change the law and to give the Department of Energy the power the court said the Department did not have. Section 3116 would do that, so far as the Savannah River tanks are concerned. The language of 3116 is very clear. It says notwithstanding all of the laws that say Savannah River wastes are high-level radioactive wastes, the Secretary of Energy, in his discretion or her discretion, can decide they are not high-level radioactive wastes.

The Secretary's discretion would not be entirely without limits. Section 3116 imposes three tests that have to be met for the Secretary to exercise this discretion, but on close examination those tests impose very few restrictions on the Secretary. Let me talk a minute about each of these three tests.

The first test is that the material "does not require permanent isolation in a deep geologic repository." As I said before, the high-level radioactive waste is made up of both intensely radioactive short-lived radionuclides and less intensively radioactive long-lived radionuclides. The first step speaks to the second group of less intensely radioactive long-lived radionuclides. The need for permanent isolation correlates with the length of time the material remains radioactive. According to the Department of Energy, over 99 percent of the radioactivity now present in the high-level waste tanks is from short-lived radionuclides. These will remain dangerous for several hundred years. But because they will decay to safe levels sometime before the end of this millennium, they do not, according to the Department of Energy, require permanent isolation in the deep geologic repository.

The first test in section 3116 may look like a serious hurdle, but according to the Department of Energy, 99 percent of the radioactivity in the tanks passes that test.

The second test is no better. It requires the secretary to determine that "highly radioactive radionuclides have been removed to the maximum extent possible." The second test speaks to the first proof of radionuclides, intensely radioactive, short-lived ones which DOE believe make up 99 percent of the radioactivity in the tanks.

The second test is no test at all. It does not require DOE to reduce the highly radioactive short-lived radionuclides to meet a public health and safety standard based on the maximum safe dose to the public or a maximum concentration level. It simply says do what can be done "to the maximum extent practicable."

That means, as the court said last summer, "if DOE determines that it is too expensive or too difficult to remove short-lived radionuclides from the waste, DOE is free to say the waste is no longer high-level radioactive waste, even though it will remain dangerous for centuries."

The third test is the most illusory of the three. At first glance it appears to subject the disposal of the tank wastes to State regulation. If the third test is meant to do that, it marks a major departure in the law. The courts have consistently held that the Atomic Energy Act preempts the States from regulating nuclear waste disposal. The third test confers no authority on the State to regulate nuclear waste disposal. It clearly states that South Carolina's Regulatory Authority must be "conferred on the State outside this Act." So far as I am aware, there is no Federal law that gives South Carolina or any other State the authority to regulate the disposal of high-level radioactive defense waste.

The only agency with authority to regulate the disposal of high-level radioactive waste is the Nuclear Regulatory Commission. The NRC has had that authority for 30 years. Section 3116 strips it of that authority, limits its role to one of "consultation" and "review" of criteria.

My conclusion is that section 3116 is a very troubling provision. It deregulates the disposal of the Savannah River tank waste in all but name. It is essentially the legislative equivalent of the "Mission Accomplished" banner we saw on the aircraft carrier that allowed the Department of Energy to declare its work was done and to walk away from its obligations.

Section 3116 also sets a terrible precedent, in my view. If we agree to give DOE this authority at Savannah River in this bill this year, why not give the same authority with regard to Hanford next year and with regard to the Idaho National Engineering and Environmental Laboratory next year? And with regard to West Valley Demonstration Plant the year after that?

Enactment of section 3116 may also toll the death knell from the Civilian Nuclear Waste Program that we have had in place for many years. That program is already in serious jeopardy. It is years behind schedule. It is likely to be grossly underfunded this year. It is beset by lawsuits and serious technical challenges. Shipping nuclear waste on the public highways and railways will be extremely unpopular. Section 3116 sends the message that we do not need a deep geologic repository for Savannah River tank waste, that it is safe to leave those wastes where they are.

The obvious question is, If it is safe to leave high-level waste in the Savannah River tanks, why not leave those same kinds of wastes at Hanford and at the Idaho laboratory? If it is safe to leave defense wastes where they are, why not leave commercial powerplant wastes where they are, as well?

For all these reasons, I urge my colleagues to vote for Senator CANTWELL's amendment and to strike section 3116 from the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. I yield myself 5 minutes.

I reiterate for the record this was a collaborative approach between the State of South Carolina and the Department of Energy. They sat down for hours and they looked at wherever jurisdiction was and said: We have a common goal. We would like to remove this waste as soon as possible. So they have worked out an agreement.

That is what this amendment is all about that Senator GRAHAM is talking about. It is good science. We have a lot of support out there. In fact, in an Environment and Public Works hearing in the year 2000, my colleague from South Carolina mentioned that particular hearing where they talked about the disposal of nuclear waste. The Natural Resources Defense Council actually said the regulation of radioactive waste should be based on its hazardous characteristics and not when it was generated.

That is what has been proposed by the Department of Energy. The Nuclear Regulatory Commission had this to say about what the Department of Energy is trying to do with the work:

> In all cases, the NRC staff found that DOE's proposed methodology and conclusions met the appropriate WIR criteria and therefore met the performance objectives and dose limits that would apply to near-surface low-level waste disposal and would protect public health and safety.

This was out of the letter sent May 18, 2004, to the Chair of the Committee on Environment and Public Works, JAMES INHOFE.

I have another letter from the Defense Nuclear Facilities Safety Board. When it comes to safety, they are strong advocates for safety. One sentence illustrates what this letter is all about, dated May 14, 2004:

> The Board believes that disposal of waste as contemplated in Section 3116 can be accomplished safely and should enable efficient disposition of the radioactive waste.

This is the agreement, again, worked out between South Carolina and the Department of Energy.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. How much time remains?

The PRESIDING OFFICER. There is 61 minutes for the Senator from Washington and 86 minutes 41 seconds for Senator ALLARD.

Ms. CANTWELL. Mr. President, I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am strongly in support of the Cantwell-Hollings amendment. To me, this debate is about process, policy, and precedent. In my view, the provision in the underlying bill that the Cantwell amendment replaces fails all three tests.

As my colleagues have explained, the reason we are in the Senate debating this issue is that the Armed Services Committee added language to the Department of Defense authorization bill, giving the Department of Energy broad new authority to reclassify nuclear waste so it can be left in place rather than disposed of according to the best technical know-how.

Along with the Presiding Officer, I am privileged to serve on the Armed Services Committee. I consider it a great honor and responsibility. However, I simply do not think we should be including a shift in nuclear waste cleanup policy in the DOD bill. Any major change to the Nuclear Waste Policy Act, which is what the underlying language represents, should be considered by the committees of jurisdiction, the Energy Committee and the Environment and Public Works Committee. Any major change in the Nuclear Waste Policy Act should be considered in open hearings where a range of views can be expressed.

Instead, a major change was made to this essential policy of our Nation in a closed markup of the Armed Services Committee. The committees of jurisdiction were not consulted about the language in the bill. We have had no hearings about this language yet here we are on the Senate floor debating it. Even some of my friends on the other side of the aisle who are supporting it have cloaked their support in lukewarm language because it is not all clear what the full implications of these changes would be.

A few years ago, the Department of Energy decided to change the definition of high-level waste by its own fiat, notwithstanding years of precedent and statutory language to the contrary.

Now, I do not have enough technical knowledge—I do not even dream of understanding all that would go into making a decision about how to define high-level nuclear waste—but people were concerned about that decision by the Department of Energy, and so they sued over the change.

When the Department of Energy lost in court, a suit on which my State of New York filed an amicus brief, in support of overturning the Department of Energy change, then, obviously, the Department of Energy chose a different route.

They first tried it on the Energy bill. But because of other conflicts over the

Energy bill, they were not successful. So then they came back with the Department of Defense bill. Unfortunately, this was a closed process, and many people who would otherwise have an opinion were not able to participate.

I think this is not in the best interests of making policy on such an important issue. It may very well be that an open policy process—with hearings with the committees of jurisdiction being involved—would lead to the State of South Carolina having different options than other States. I could understand that. But that is not how this has come before us.

Certainly, on behalf of the State of New York, they are very much opposed to the underlying language in the DOD authorization. I want to express the State's opposition.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Gov. George Pataki, dated May 6, 2004, addressed to Senator LEVIN, as well as an editorial from the Buffalo News dated May 10, 2004.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
Albany, NY, May 6, 2004.

Hon. CARL LEVIN,
Ranking Member, Armed Services Committee,
Washington, DC.

DEAR SENATOR LEVIN: I urge you to oppose language proposed by the Department of Energy (DOE) in the FY05 Department of Defense Authorization Act that could allow DOE to reclassify high level radioactive waste contained in underground tanks at several DOE sites across the country, including the former spent nuclear fuel reprocessing facility at West Valley, New York. In July 2003, a federal district court ruled that DOE's order permitting such reclassification violates the Nuclear Waste Policy Act. DOE has appealed that decision to the United States Circuit Court of Appeals, and the appeal remains pending. New York and the States of Washington, Oregon, Nevada, and South Carolina filed an amicus brief in that case opposing DOE's position that it has the authority to reclassify high level radioactive waste in order to shirk its responsibility to safely remove it.

The reclassification of high level radioactive waste would allow DOE to leave the high level waste in the ground where the tanks are located, instead of shipping the high level waste to a federal repository, as required under the Nuclear Waste Policy Act. This reclassification would be particularly egregious at West Valley, where DOE is proposing to close underground storage tanks containing thousands of gallons of radioactive material, and then leave it to New York State to monitor and maintain the closed tanks to protect the groundwater for thousands of years.

While I am in favor of expediting the cleanup of radioactive waste, speed should not come at the expense of completing cleanups essential to protecting public health and safety. It is my understanding that there is sufficient work for DOE to do at all of the sites in question, including West Valley, while DOE works with the states, tribes, and public health and environmental advocates to develop final cleanup solutions that are acceptable to all parties.

Very truly yours,
GEORGE E. PATAKI,
Governor.

[From the Buffalo News, May 10, 2004]

DANGEROUS GAMES—FEDERAL EFFORT TO BURY NUCLEAR WASTES AT WEST VALLEY IS UNCONSCIONABLE

The federal Department of Energy is trying to use administrative sleight of hand to avoid its responsibility in the cleanup of nuclear waste at West Valley and several other states.

This contemptible effort involves downgrading the threat of nuclear waste, thereby allowing the government to bury that dangerous material at West Valley and other sites instead of shipping it to a permanent repository as called for in a 1982 law.

Fortunately, New York Sens. Charles E. Schumer and Hillard Rodham Clinton recognized this downgrading for what it was, a threat to West Valley and surrounding areas from the possibility of future leakage of this radioactive material. After they protested the legislation, Sen. Lindsey Graham, a Republican from South Carolina who introduced the bill that would have allowed the DOE to downgrade the threat of nuclear wastes, altered his bill. It now will apply only to the waste remediation project at Savannah River, S.C.

But that doesn't remove the danger. The House, essentially led by Republican Majority Leader Tom DeLay, still has to consider the DOE legislation. That cannot be a comforting thought to residents living near West Valley.

The department argues that the wastes should be classified as "high-level" based only on how they originated, not what they are. But what they are is still bad, still radioactive and still a federal responsibility.

Decades of expensive cleanup progress have improved safety at West Valley, but the work is far from over. The radioactive liquid wastes from a nuclear fuels reprocessing effort have been solidified into safer glass logs, which were supposed to be stored elsewhere. But the anticipated long-term storage facility at Yucca Flats is years from completion. Tanks and residual wastes still remain at West Valley, and an underground plume of water is contaminated with radioactive strontium. Covering wastes with concrete won't help that.

The 600,000 gallons of West Valley wastes have their counterpart in nuclear weapons production wastes at other sites—53 million gallons at Hanford on the Washington-Oregon border, 34 million gallons at Savannah River near Aiken, S.C., and 900,000 gallons at the Idaho National Engineering and Environmental Laboratory.

West Valley is the only site where the state shares the cost of cleanup.

Those costs may run into the tens of billions of dollars over decades, but the mess remains a federal issue. At West Valley, the risk includes not only the site's land but water drainage that flows into Buttermilk Creek, Cattaraugus Creek and Lake Erie. Trace amounts of that radioactivity have been tracked as far as Buffalo.

The DOE also is threatening to withhold $350 million in cleanup money from military-related cleanup efforts unless it gets a change in the definition of what constitutes high-level waste. That bit of weaseling does the department no credit. These sites were created by the federal government, and the federal government should not be allowed to walk away from them.

Acceptable cleanup at West Valley involves removal of all wastes and dismantling and removal of the contaminated structures that were used to process and store them. The government cannot be allowed to escape that responsibility through administrative trickery.

If the federal government truly could end a problem by renaming it, we'd already be at "mission accomplished" in Iraq.

Mrs. CLINTON. I am concerned how this is being portrayed, and I am sure it is meant to be a fix for a specific situation in South Carolina, but it is setting a precedent. That is what we do around here. We set precedents. It is hard to imagine that the Department of Energy would be satisfied only taking their new definition to one State. It would be South Carolina first, but then what would be next?

In particular, I am concerned about western New York where we have a site known as West Valley. Through the West Valley Act, the Federal Government and the State of New York agreed, decades ago, to partner to reprocess commercial nuclear waste. In many respects, this project has been a success, but in the last several years the site has been the subject of a bitter debate between the Federal Government and the State of New York. Why would that be? Because, in New York's view, the Department of Energy is not fulfilling its responsibilities for the cleanup obligations it assumed under the West Valley Act.

I bring this up because it is directly relevant, even though it is not the same act. The West Valley site has the same type of waste that the Department of Energy would be able to reclassify at Savannah River under section 3116 of the Department of Defense bill. That is no coincidence.

Rather, the language that the Department of Energy originally sought to include in both the Energy bill last year and the DOD bill this year would have provided the DOE with general authority to reclassify high-level wastes at Hanford, Savannah River, the Idaho labs, and West Valley.

Now, obviously, West Valley does not have the mind-boggling quantities that are present at other sites, but we are still talking about 600,000 gallons of waste. That is a significant amount. It is not a problem that New York State or the local governments in the area will be able to handle if the Department of Energy decides it can wash its hands literally of its responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. CLINTON. Mr. President, I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. So when the Department of Defense markup approached, New York Governor George Pataki wrote to Chairman WARNER and Ranking Member LEVIN urging them not to include DOE's language in the bill.

While the provision was changed before the markup, and it is now intended only to affect the Savannah River site, DOE's original language would have affected West Valley and the other sites I have mentioned. We know that is exactly what DOE is aiming for. That is their goal and their objective, to try to reclassify nuclear waste.

So New York State remains opposed to section 3116 of the bill. On behalf of the Governor and my State, I am supporting the Cantwell amendment, because I think we need a different process to get to the point of determining what our nuclear waste classification system should be.

It is certainly a very difficult issue. I respect the Presiding Officer's concern about the cost. I share that concern. These are incredibly expensive undertakings that go on for decades. But, in effect, we are cleaning up the mess we made. We made it for military purposes. We made it for commercial purposes. We owe it to ourselves and future generations to do it as well as it can be done. I, for one, hope we can take this issue off the floor of the Senate by passing the Cantwell amendment. Then let's have the hearings in the Energy Committee and the EPW Committee. If there is a role for the Armed Services Committee, let's do it there, also, because, for me, this is setting a precedent that is very troubling, to have a matter this important decided in such a quick consideration in a closed markup of the Armed Services Committee. I hope we will support the Cantwell amendment, and then put our heads together to determine if there are differences between Savannah River, Hanford, and West Valley that merit different classifications. If there are new advances in dealing with how we would grout over the high-level nuclear waste—we know that has not worked in the past; maybe it can work now—then we can proceed in a more sensible manner that protects the health and safety of our people and preserves the environment in the areas where this waste is stored and dispose of it appropriately.

I thank the Senator from Washington for being such a leader on this issue.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from New York for coming to the floor and speaking on this issue, and for her leadership in the Senate Armed Services Committee.

Before my colleague from Washington and I got a whiff of this plan, because the Senate Armed Services Committee met behind closed doors on this issue and the language was considered behind closed doors—I appreciate the fact that the Senator from New York was there fighting, at the very beginning, this language being put into the DOD bill. I appreciate her comments about the fact that basically we are taking a bill that is about defense authorization and now changing waste policy, and weighing down the process.

Why would we want to weigh down the process of moving something that is about supporting our troops and supporting our efforts with a change in nuclear waste policy? The House dealt with this responsibly. They said: If you want to look at this policy, let's study it and get information. So that is what the House has done.

Mr. President, I yield the Senator from Washington 15 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, I rise today in support of the Cantwell amendment. I thank my colleague from Washington State for her tireless effort on this issue and her commitment to assuring the Federal Government meets its responsibility to the people of our State by fully cleaning up the Hanford site.

Today, on the Senate floor, there is an unprecedented attack on my State's ability to ensure that we clean up the nuclear waste that threatens the families I represent. I am here to fight it. I am here to send a clear message to the administration: You should be back at the table working with all the States and all of Congress instead of trying to get the Senate to bail you out of a court case that you lost.

The handwriting is on the wall. The White House wants Washington families to accept a lower cleanup standard. They are holding our funding hostage. They are fighting us in court. They are pushing misguided legislation right here on the Senate floor.

If the White House wins this attempt to leave more nuclear waste untreated, then Washington State families will lose. That is why I am on the Senate floor with my colleague from the State, Senator CANTWELL, fighting the bill's nuclear waste provisions and standing up for my State.

I know my colleague from Washington agrees that the fastest, most effective way to clean up America's contaminated nuclear sites is for the DOE to work as a partner with the States. But sadly, we are here today seeing a new attempt by the White House to overreach its authority, to circumvent a court case it lost and blackmail my State into accepting a lower cleanup standard. That threatens the families I represent, and I am not going to stand for it.

What is at stake is the cleanup of the Hanford nuclear reservation in the tricities in Washington where we developed the plutonium that helped our country win World War II and the cold war. My grandfather settled in the tricities in 1916. My dad grew up there. My dad saw how much those communities sacrificed to help our Nation have a strong military. Our country has an obligation to make those communities whole, not leave them with high nuclear waste that has leaked from underground tanks.

Any time someone has threatened our cleanup efforts, I have taken them on, and it doesn't matter if they are Democrats or Republicans. In the 1990s, when the Clinton administration proposed inadequate budgets for the Hanford cleanup, I took them on, and I used my position in committee and on the Senate floor to get my State the funding we needed. Every time the Bush administration has tried to cut Hanford funding, it had a fight on its hands from this Senator. It is one of the reasons I joined with my colleagues in 2001 to create the Senate Nuclear Cleanup Caucus so that all communities across the country that are dealing with nuclear waste will have a strong bipartisan voice in the Senate.

Time and again I have taken on this White House when it tried to hurt the families I represent, and I have the scars to prove it. In fiscal year 2002, the Bush administration tried to cut Hanford funding by $57 million. I worked in committee and on the floor to deliver $145 million more for Hanford than the President's budget. Then in fiscal year 2003, the Bush administration tried to cut Hanford funding by $300 million. They also tried to hold our cleanup dollars hostage unless we would jump through the hoops they set out for us. With my support, the Senate rejected the White House's misguided attempts. And through my work on the Energy and Water Appropriations Subcommittee, instead of a $300 million cut, we added $433 million to the President's budget for Hanford.

Time and again I have used my position on the Budget Committee and the Energy and Water Appropriations Subcommittee to protect my State, and I have gone toe to toe with this administration over nuclear cleanup. In February of 2002, I sharply questioned the President's budget director on their plans to shortchange Hanford. In April of 2002, I chaired a hearing of the Energy and Water Appropriations Subcommittee to review the Bush administration's work at Hanford and other sites. So don't think for a minute that we in Washington State are going to accept these attacks on our ability to get a fast and thorough cleanup of the nuclear waste that is at Hanford.

For more than a year, the Department of Energy has been trying to change the ground rules so it can leave more waste untreated, declare victory, and walk away from our Nation's most contaminated nuclear sites. They tried to do it in the courts, and they lost. Today they are trying to do it on the floor of the Senate.

As my colleagues know, I have been raising warning flags about this effort by the administration for many months. I warned about it in August of last year. In September, upon passage of the energy and water bill, I once again raised concerns about this matter. But this attempt is part of a much longer and disturbing effort.

I want to take a few minutes to review the history because it shows an administration that is venturing far outside the standard practice in ways that threaten my State and many others.

Let me first offer some background on the Department of Defense bill that is before the Senate. The underlying bill contains two provisions dealing with high-level nuclear waste and the Department of Energy's authority for cleaning up nuclear waste sites in our country. One provision seeks to withhold funding from States that don't agree to give up their regulatory oversight of certain high-level waste. The second provision deals directly with the cleanup of the Savannah River site in South Carolina. But in reality, it has serious implications for every nuclear waste site in the country.

The Department of Energy is making a great deal of noise about a court case it lost. The DOE is claiming it cannot proceed with cleanup sites in Idaho, South Carolina, and Washington State until legislation is passed that essentially overturns that court's decision.

I believe it is important to look at how we came to this position today, because it clearly illustrates how DOE has refused good-faith offers to resolve this issue between the original litigants, six States, and the Department. So let me give you all a short history of how the issue developed.

In 1999, the Department of Energy issued regulations giving itself broad authority to reclassify nuclear waste. Essentially, the Department wanted to make unilateral decisions about what it needed to treat and remove from leaking underground storage tanks and what waste it could leave in the ground forever. This would be a dramatic departure from our current system where DOE must work with State and Federal regulators on such matters.

To prevent that type of game playing, the Natural Resources Defense Council brought a lawsuit against the Department of Energy in Idaho district court. Before that case went to trial, the NRDC and the States offered to settle the issue. Unfortunately, the Department of Energy did not appear to take that effort seriously, and they rejected that cooperative approach. This is an important point. When the NRDC and the States offered to work out these issues outside of the court system, DOE rejected their offer. So the case went forward and DOE lost. They lost in July of 2003.

One would expect at this point that DOE would go back to the plaintiff and the States to settle the issues. But that is not what happened. Instead, the Department appealed to the ninth circuit and immediately came running here to Congress asking for legislation to do what the Idaho court had rejected.

Shortly after that decision, the Idaho district court sent out an order asking parties to consider mediation. The NRDC and the States quickly agreed to the court's request. Amazingly, DOE rejected the court's request. I believe this is an absolutely critical point because it demonstrates the Department has never approached this issue with a mindset open to considering the States' concerns or those of the winning plaintiff. This is the second time DOE rejected offers by other interested parties to cooperatively address this issue. This was a tremendous opportunity to try and reach broad consensus, and DOE passed it up. The court's mediation offer would have had a neutral court-appointed mediator and a very good forum for resolving differences. In fact, this could still happen, and it should.

My point in walking through the history of the issue is to highlight the fact that the Department of Energy has had many opportunities to resolve this issue with the States and with the original litigants. It rejected State offers to resolve issues before litigation went forward. And more amazingly, it rejected the Idaho district court's request for parties to use mediation after it lost the case. The States and litigants accepted the court's offer. DOE rejected it, and that is inexcusable. Bluntly, to me, it appears that DOE has allowed this issue to be taken over by its legal people.

Recently environmental management Assistant Secretary Jesse Roberson testified to us that DOE and Washington State have agreed upon a plan for cleaning up the tanks, and that is largely correct. My State is very eager to work through this and for this work to proceed. The fact is DOE seems to be the only one that feels new legislation is needed. It is not. The original litigants and States want to proceed with cleanup and don't believe the Idaho district court ruling presents any obstacles.

Unfortunately, this tactic of fighting the states and trying to do an "end run" around the other partners in the cleanup is not new for this administration. The truth is that the fastest, most effective way to clean up these sites is for the DOE to work in partnership with the states and Federal regulators. Time and time again, however, this administration has tried to go it alone to the detriment of the residents who live near these contaminated sites.

The Department of Energy needs to get back to working in partnership with the states and federal regulators. A unilateral approach will simply cost more money and will only create further delays.

Governor Kempthorn of Idaho and Governor Locke of Washington are both opposed to the legislative language currently in the underlying bill. In fact, I have a letter last month from Governor Locke of Washington state outlining his concerns.

For years, Senators and Congressmen with these waste sites located in their states and districts have had to fight tooth and nail to get adequate funding to ensure cleanup of these sites. Further, as a group we have had to fight back simplistic notions of erecting fences and calling the sites clean and safe. This constant struggle on behalf of our States and districts brought together bi-partisan groups of Members in both the House and Senate to fight on these issues.

The House and Senate Nuclear Waste Cleanup caucuses have made a tremendous difference in how the administration and our fellow congressional members view the cleanup program. I believe the strength of these caucuses have been our unity and commitment to protect our state and citizens interests in cleanup. We have worked together to make sure the federal government lives up to its responsibility to clean up these sites. But the language in this bill is a license for the federal government to walk away from those very responsibilities. Leaving more waste permanently in the ground is not a real cleanup.

What should be of equal concern to every member of this body is the attempt to make such a dramatic legislative end run around the Nuclear Waste Policy Act without any hearing. This is a real, substantive weakening of a carefully crafted law.

Yet, we are weakening it without any broad consensus in this body, any hearing before a Senate committee, or any mark-up before the committee of jurisdiction—the Energy and Natural Resources Committee.

I propose to my colleagues that we—remove the offensive language in the underlying bill, allow cleanup to proceed at all three sites, and then set about carefully considering any new legislation.

We need more time to address this issue in a more thoughtful manner. There is plenty of time for the Energy and Natural Resources Committee to hold a hearing on this issue and move consensus legislation if necessary. We should not give in to DOE's efforts to leverage out of Congress bad policy that gives away the legal protections our states and citizens have currently.

The blatant attempt by DOE to withhold funding and stop work should not be accepted by this Congress. Six States have filed an amicus brief opposing DOE's efforts. The Governors of Idaho and Washington object to DOE's efforts. The House has not accepted DOE's language.

I urge my colleagues to support our States and citizens, uphold the Federal Government's responsibility to full and real cleanup, and not reward DOE's unilateral approach to cleanup. This isn't just about court orders and bureaucratic agreements. This is an obligation that we have to communities in my state that produced the plutonium that helped our country win World War II and the cold war.

And there is no way that I am going to let the Bush administration or the Department of Energy or Senators from other States do things that threaten the families I represent.

I have got a message for anyone who tries to threaten my State and force us to accept a lower standard for cleanup. Don't you dare try to tie our hands as we work to protect our communities. The only way we are going to clean it up—quickly and thoroughly is through a real partnership with all of the players. I urge the Department of Energy to get back to its job of cleaning up the waste, rather than wasting valuable time seeking help from Congress over a court case that it lost.

I urge my colleagues to reject the administration's approach and support this amendment. Don't tie the hands of communities who are working hard to clean up nuclear waste. Don't reward the Department of Energy's heavy-handed tactics. Don't leave the families I represent with untreated waste that threatens their health and safety.

I urge my colleagues to support this amendment.

Mr. ALLARD. Mr. President, I yield 10 minutes to the Senator from Idaho.

Mr. CRAPO. Mr. President, I want to weigh in on this issue and try to bring clarity to what it comes down to. As has been said by virtually every speaker today, this issue was caused as a result of the outcome of a lawsuit in Idaho with regard to the authority and jurisdiction and prerogatives of the Department of Energy in managing high-level waste as a result of reprocessing.

When the court case came down the way it did, it threw into question the manner in which the Department of Energy would proceed with its cleanup operations in three States—Washington, Idaho, and South Carolina. There are people on all sides of that issue. Some say it is clear what they have to do. There are those who say it is unclear. There are those who say we can find clarity if we take some time to work it through between the States and the DOE.

The bottom line is there was an issue. As a result of this issue, the question of funding availability for the ongoing cleanup became paramount. It was the DOE's position, as taken by the Office of Management and Budget, that if we didn't have a clear path forward on these cleanups, approximately $350 million that would have been available and was authorized and appropriated for cleanup in these three States would not be available in the next year. So the first urgent hurdle that came up was we had to make clear that the cleanup had to go on while we are trying to resolve these issues.

The second issue that came up is, how do we resolve them? In that context, the Senator from South Carolina is exactly correct. Each of the three involved States—Idaho, my State; his State, South Carolina; and the State of Washington—got involved in negotiating with the Department of Energy. In fact, in the beginning, there was some concern from the States, as to whether they were going to be allowed to be engaged in these negotiations, and Senator CRAIG and I, from Idaho, and the Senator from South Carolina, Senator GRAHAM, made it clear we would take no steps that our States did not authorize and approve. We actually provided the incentive for these negotiations to take place.

As we began moving forward, a dynamic developed where it became evident that the State of South Carolina, because of differences in the State of South Carolina's issues, was going to make it through to and reach an agreement with the Department of Energy. This agreement, as has already been indicated, is one supported by the Governor of South Carolina, the attorney general, the applicable environmental regulator, and many others in the State whose input the Senator from South Carolina has brought forth as part of the record.

The States of Washington and Idaho, however, were not able to reach an agreement. Then we came forward and this bill came to the floor, and we have now found ourselves here with the State of South Carolina having an agreement, and the States of Idaho and Washington not having an agreement, and the question as to the money.

A very important issue that seems to have immediately passed in the debate today is what happened in the beginning of the debate. Today, my amendment and the amendment of the Senator from South Carolina, joined in by Senator CRAIG, were passed with a voice vote. Those amendments did a very critical and important thing. They made it clear the authorized cleanup dollars, the $350 million, were going to largely be able to be made available for continuing operations while we continue to try to work out these negotiations. I think that is a big part of the story today that needs to be made clear, because a big success for the country has been achieved already through those amendments.

Secondly, we are now dealing with the question of the South Carolina language. When you boil down the debate today, it comes down to a question we have been focusing on in Idaho. And that is, does the South Carolina language create a precedent or some kind of a pressure which would cause us to have to deal with this issue in the State of Idaho or the State of Washington any differently?

The answer to that is simply no. In fact, I think if there is any precedent in what is happening in this dynamic today, it is the opposite, because the State of Idaho, Senator CRAIG, and I made it very clear to the committee, to the Department of Energy, and to everyone—and Senator GRAHAM of South Carolina joined us in making it clear—there would be no language in this bill relating to the State of Idaho unless and until the State of Idaho agreed to such language and Idaho's Senators brought that language forward. That is why we have very clear language in the bill that says the language that deals with South Carolina deals with South Carolina only.

Having said that, there still has been a debate promulgated around the country, and it is raging in Idaho with regard to this very issue. Is there any precedential value in the South Carolina language that would cause a threat to any other State, particularly Idaho or Washington?

Senator CRAIG and I strongly believe the answer to that is no, but there is a question about it. Idaho's Governor, Governor Kempthorne, has been quoted on this floor as raising the question. So Senator CRAIG and I, working with the Senator from South Carolina and other Senators, decided we would make it ironclad clear, if it was not so clear already.

This morning, before this whole debate began, I asked unanimous consent to bring a further amendment that would have made it crystal clear, if it is not already crystal clear, that there is no precedential value here. Let me say before I go through what this amendment is, we believe it was crystal clear already in the statutory language, and Senator GRAHAM, Senator CRAIG, and I and others have made it clear in the record developed in the debate on this bill that there is no precedential impact of this language because each State is dealing with its own circumstances and working out its own solutions with the Department of Energy.

Having said that, here is the language, frankly, we were not given unanimous consent to put into the bill this morning. The language would have said:

> Nothing in this section shall alter or jeopardize the full implementation of the settlement agreement entered into by the United States with the State of Idaho. . . .

And then there is a description of that agreement.

> Or the Hanford Federal facility agreement and consent order, or the Federal facility agreement with the State of Idaho.
>
> Furthermore, nothing in this section establishes any precedent or is binding on the States of Idaho, Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

We were stopped this morning from getting unanimous consent—I still do not understand why—we were stopped this morning from getting unanimous consent to put this amendment into the amendment we adopted earlier dealing with the funding stream. That is not going to stop us from moving this language in an amendment and putting it on the bill to make it very clear to anybody who still has any doubt that there is no intention here of creating any kind of precedent or pressure with regard to any other State.

I want to make it very clear we have now provided this language to the desk in the form of an amendment. That amendment will immediately follow the action on this vote with regard to the amendment of the Senator from Washington. Presuming that we still have an opportunity because of the vote, we will proceed with this amendment to make it very clear to anybody who has any lingering doubts that this Congress has no intention and this statutory language is not intended to create any precedential pressure or value, whether it be in court or in legislative negotiations, with regard to how Idaho, Washington, or, frankly, any other State will negotiate with the Department of Energy.

It should be absolutely ironclad clear already, but Senator CRAIG and I worked with our Governor, and he is supportive of this effort to resolve this issue, and we are going to make it very clear to the Nation that this debate over whether there is some precedential value here is simply a debate that is contrived to object to allowing South Carolina to reach its own solution.

It seems to me as we approach this issue, we must recognize that nothing will happen with regard to the management of radioactive material in the States of Idaho or Washington or, frankly, South Carolina, for that matter, unless and until those States agree. That is why Senator CRAIG and I have been on this floor advocating States rights and why we will continue to do so.

Senator CRAIG and I have made a very strong, a very clear position to the administration and to this Congress, which is that our Idaho agreement—which, by the way, was entered into in 1995 and ratified by this Congress—will not be weakened or altered or modified, and that no agreement will be reached on these management issues regarding radioactive materials and hazardous waste unless and until the State of Idaho agrees to that solution. Those two principles are hard rock, base positions Senator CRAIG and I have made very clear.

Like I say, if there is any question about what the precedent of these proceedings means, the precedent is that Senator CRAIG and I will not allow—we will not allow—this Congress to move forward with these kinds of issues.

The PRESIDING OFFICER. The Senator from Idaho has used 10 minutes.

Mr. CRAPO. I thank the Senator for this time. I encourage us to support the efforts to make certain these things will move forward and particularly when we bring this amendment that we were not allowed to bring this morning, we encourage the entire Senate to support it to help make this issue crystal clear to anyone who has lingering doubts.

Mr. ALLARD. Mr. President, I ask unanimous consent that the vote occur in relation to the Cantwell amendment at 2:10 p.m. today, with the remaining time until then divided so Senator CANTWELL controls her remaining time and the remaining time under the control of Senator ALLARD or his designee.

Mr. REID. Reserving the right to object, if I can ask the Chair, how much time does the Senator from Washington, Ms. CANTWELL, have?

The PRESIDING OFFICER. The Senator from Washington has 33 minutes, and the Senator from Colorado has 75½ minutes.

Mr. REID. I say to the distinguished manager of the bill, you are probably going to have about 10 minutes on your side.

Mr. ALLARD. We have one speaker remaining.

Mr. REID. No objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I yield the floor.

Mr. LEVIN. Will the Senator yield me 10 minutes?

Ms. CANTWELL. I yield the Senator from Michigan 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LEVIN. Mr. President, the Department of Energy has over 100 million gallons of high-level radioactive waste stored in 177 underground storage tanks, many of which are leaking. The Department of Energy and its predecessors have been generating and storing this high-level radioactive waste for 50 years.

The high-level radioactive waste is stored basically at three sites—Idaho, South Carolina, and Washington. It was generated by years of reprocessing nuclear reactor fuels to recover plutonium and highly enriched uranium for use in nuclear weapons and other defense purposes.

The DOE has a small amount of highly radioactive waste stored in two tanks in New York that was generated as a result of a failed effort to process spent nuclear fuel from commercial nuclear power reactors.

At the time the Nuclear Waste Policy Act was debated, the Department of Energy wanted the ability to reclassify high-level radioactive waste, including sludge, to low-level or waste incidental to reprocessing, for example. Congress denied this authority to the Department of Energy when the Nuclear Waste Policy Act was adopted.

The high-level radioactive waste that is stored in the Department of Energy tanks is highly radioactive. According to the State of South Carolina Department of Health and Environmental Quality, the 37 million gallons of high-level radioactive waste at the Savannah River site contain 426 million curies of radioactivity.

The Department of Energy was required under its obligation to clean up the nuclear weapons complex to pump the liquid waste out of those tanks. The layer of sludge, semihard material that was generated over the years as solids in the waste that sank to the bottom of the tanks, was included. It is to be left if the DOE has its way. They would like to leave that sludge in the tanks forever. They want to cover the solids with grout and declare the tanks are cleaned up. But by law, by the Nuclear Waste Policy Act, that sludge is high-level radioactive waste and, as such, must be disposed of as high-level radioactive waste.

This sludge accounts for only 8 percent of the volume of material in the tanks, but it accounts for over half of the radioactivity. So under the DOE plan, over half of the radioactivity in the tanks at Savannah River would remain in the ground, covered by grout, presumably forever.

Again, this sludge is high-level radioactive waste as defined in the Nuclear Waste Policy Act. So for the Department of Energy to succeed in leaving the sludge at the bottom of the tanks, the waste has to somehow or another be redefined. So they issued an order to DOE under which it gave itself the authority to reclassify high-level radioactive waste. That way it could leave the sludge in the tanks.

Under that order, the Department of Energy would have reclassified the high-level radioactive waste in the tank—the sludge—either as low-level radioactive waste or as waste incidental to reprocessing activities. By issuing that order, the Department of Energy sought to give itself what Congress had previously denied it, which was the authority to reclassify high-level radioactive waste.

So the lawsuit began with the Natural Resources Defense Council suing the Department of Energy in Federal district court in Idaho, claiming that the Department of Energy did not have the authority to reclassify high-level radioactive waste and that the sludge, as high-level radioactive waste, had to be disposed of in an NRC licensed geologic depository. The States of South Carolina, New York, Washington, and Idaho, the States where the waste is stored, and other States, filed friend-of-the-court briefs on behalf of the Natural Resources Defense Council. The Federal district court in Idaho ruled in favor of the States and against the Department of Energy. The Department of Energy has appealed that decision.

The Department of Energy, in an effort to force States to accept the notion that it should be allowed to reclassify waste, has determined in its budget request to hold hostage the funds that were to be used to pump the liquid waste from the tanks until the States resolved the lawsuit in the DOE's favor or that there would be legislation giving the DOE the authority to reclassify the high-level radioactive waste.

Senator CANTWELL's amendment would strike the section in the bill that would allow the Department of Energy to ignore the law. The law says it is high-level radioactive waste.

Section 3116 in the bill has many important provisions, but there are not six more important words in this section than the words "notwithstanding any other provision of law." What that means is that notwithstanding the Nuclear Waste Policy Act or perhaps a number of other environmental laws, the Department of Energy is allowed to enter into contracts and agreements such as they have with the State of South Carolina.

Now, one can quibble as to whether that is an amendment of the law. I believe it has been argued on the floor of the Senate today that this language in 3116 does not amend the Nuclear Waste Policy Act. One can perhaps argue that, but it is a quibble because the law or the section we are talking about by its very words allows the Department of Energy to ignore the Nuclear Waste Policy Act. Whether that constitutes an amendment is not the point. It is an effective amendment of the law for another law to come along and say one can ignore the first law. That is what this language does. It says:

> Notwithstanding any other provision of law, with respect to material stored at a Department of Energy site at which activities are regulated by the State pursuant to approved closure plans or permits issued by the State, high-level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel that the Secretary of Energy determines . . .

Then they go 1, 2, 3, 4, which obviously the Secretary of Energy has already determined. That is what the issue is all about. It is whether we are going to maintain language in the bill which says that the law which exists as to what constitutes high-level nuclear waste can be ignored and that the Department of Energy is authorized to spend all the money in this bill—$350 million—in carrying out activities which would be in violation of the Nuclear Waste Policy Act, except for the fact that section 3116 says, "notwithstanding any other provision of law."

The heart of this matter is that this language in the bill, unless it is stricken, authorizes the Department of Energy to spend all of the money we provide on activities which are inconsistent with the Nuclear Waste Policy Act. We should not be authorizing the Department of Energy to ignore the Nuclear Waste Policy Act by spending money pursuant to an agreement with South Carolina which is inconsistent with the Nuclear Waste Policy Act, activities which are not allowed by the Nuclear Waste Policy Act.

So those words, which sound awfully legalistic—and I guess they are—"notwithstanding any other provision of law," tell the Department of Energy they are hereby authorized to ignore the law that Congress wrote.

The Department of Energy and its predecessor tried to get the very authority that it now would have by contract if we approve that contract, notwithstanding the provision of the Nuclear Waste Policy Act which this Congress adopted and adopted very consciously to make sure that the waste—sludge—was included in high-level nuclear waste.

Finally, this language was debated quite heatedly in our markup at committee. There were a couple of close votes that were cast. In my judgment, the Senate Armed Services Committee is not the place where we either should be amending the Nuclear Waste Policy Act or authorizing the Department of Energy to ignore the Nuclear Waste Policy Act. I, therefore, support the Cantwell amendment and hope that this Senate adopts the amendment.

Mr. WARNER. Mr. President, on May 20, 2004, there was some question whether the Senate Armed Services Committee was the correct committee of jurisdiction to consider the matter of cleaning up and closing tanks filled with defense nuclear waste.

During the discussion on May 20, 2004, there were to have been printed in the RECORD materials including the President's budget request, appropriations acts, and authorization acts, which prove, irrefutably, that the funds for the cleanup and closure of the nuclear waste tanks at the Hanford Site in Washington, Idaho National Engineering and Environmental Laboratory, and the Savannah River Site in South Carolina, are appropriately within the jurisdiction of the Senate Armed Services Committee.

I will ask that this material be printed in the RECORD, today.

Additionally, I am including the pertinent portions of the Standing Rules of the Senate regarding committee jurisdiction. Listed under the section on the Committee on Armed Services it expressly includes "the national security aspects of nuclear energy;" under the section on the Committee on Energy and Natural Resources it expressly includes "nonmilitary development of nuclear energy;" and under the Committee on Environment and Public Works it expressly includes "nonmilitary environmental regulation and control of nuclear energy." I believe these Rules show clearly and unambiguously that the Senate Armed Services Committee is the proper committee to consider defense nuclear waste cleanup issues.

Finally, it is worth noting that, in 1982, the portion of the Nuclear Waste Policy Act dealing with defense nuclear waste was sent to the Senate Armed Services Committee for consideration.

For all of these reasons, I assert that the Senate Armed Services Committee is the correct committee to consider cleanup and closure activities concerning defense nuclear waste.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STANDING RULES OF THE SENATE

(c)(1) Committee on Armed Services, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.
2. Common defense.
3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.
4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.
5. Military research and development.
6. National security aspects of nuclear energy.
7. Naval petroleum reserves, except those in Alaska.
8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.
9. Selective service system.
10. Strategic and critical materials necessary for the common defense.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.

(g)(1) Committee on Energy and Natural Resources, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coal production, distribution, and utilization.
2. Energy policy.
3. Energy regulation and conservation.
4. Energy related aspects of deepwater ports.
5. Energy research and development.
6. Extraction of minerals from oceans and Outer Continental Shelf lands.
7. Hydroelectric power, irrigation, and reclamation.
8. Mining education and research.
9. Mining, mineral lands, mining claims, and mineral conservation.
10. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.
11. Naval petroleum reserves in Alaska.
12. Nonmilitary development of nuclear energy.
13. Oil and gas production and distribution.
14. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.

15. Solar energy systems.

16. Territorial possessions of the United States, including trusteeships.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

DEPARTMENT OF ENERGY FY 2005 CONGRESSIONAL BUDGET REQUEST

PROPOSED APPROPRIATION LANGUAGE

For the Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities and classified activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; [$5,651,062,000] *$5,620,837,000*, to remain available until expended[; Provided that the Secretary of Energy is directed to use $1,000,000 of the funds provided for regulatory and technical assistance to the State of New Mexico, to amend the existing Waste Isolation Pilot Plant Hazardous Waste Permit to comply with the Provision of section 310 of the Act]. (Energy and Water Development Appropriations Act 2004.)

EXPLANATION OF CHANGE

None.

FUNDING PROFILE BY PROGRAM

	FY 2003 comparable appropriation	FY 2004 original appropriation	FY 2004 adjustments	FY 2004 comparable appropriation	FY 2005 request
Defense Site acceleration Completion:					
2006 Accelerated Completions	1,234,037	1,248,453	−9,435	1,239,018	1,251,799
2012 Accelerated Completions	2,102,613	2,236,252	−36,914	2,199,338	2,150,641
2035 Accelerated Completions	1,811,563	1,929,536	−11,161	1,918,375	1,893,339

This PBS supports the mission of the high-level waste program, at the Savannah River Site, to safely and efficiently treat, stabilize, and dispose of approximately 37 million gallons of legacy highly radioactive waste. This waste is stored in 49 underground storage tanks (approximately 33.1 million gallons of radioactive salt waste and 3.9 million gallons of radioactive sludge waste). In addition, the Savannah River Site will: reduce the volume of high-level waste by evaporation to ensure that storage tank space is available to receive additional legacy waste volume from on-going nuclear material stabilization and waste processing activities; pretreat the high-level waste by segregating the waste into sludge, low curie salt, low curie salt with higher actinide content, and high curie salt with higher actinide content allowing less costly treatment methods to be used on the waste containing lower curie levels (radioactivity) and shorter lived radionuclides; vitrify sludge and high curie/high actinide high-level waste into canisters and then store and ship the canisters to the Federal Repository for final disposal; treat and dispose the low-level waste fraction resulting from high-level waste pretreatment as Saltstone grout; treat and discharge evaporator overheads through the effluent treat facility; empty and permanently close in place using grout all high-level waste tanks and support systems; and ensure that risks to the environment and human health and safety from high-level waste operations are eliminated or reduced to acceptable levels.

The end-state of this project will result in the permanent disposal of all the liquid high-level waste currently stored at the Savannah River Site as well as all legacy high-level waste from planned nuclear materials stabilization activities by FY 2019. It will also result in the permanent closure of the remaining 49 underground storage tanks by FY 2020 (two of the original 51 tanks have already been closed in place in FY 1997 using grout).

Because of uncertainties associated with a recent court ruling that finds the Department's plans to reclassify some high-level waste (Waste Incidental to Reprocessing) in violation of the Nuclear Waste Policy Act, the Department believes it is inadvisable to proceed with certain planned FY 2005 activities at this time. Therefore, those activities that are impacted by the court decision are presented in the High-Level Waste Proposal under the Defense Site Acceleration Completion appropriation including both the design and initial construction of the Salt Waste Processing Facility. Funding for this project will be requested only at such time as the legal issue is resolved.

In FY 2003 and FY 2004 this PBS included appropriations of $4,842,000 and $51,196,000, respectively, for design of the Salt Waste Processing Facility under line-item 03–D–414, Project Engineering and Design. Additionally, $20,139,000 was appropriated in FY 2004 and $43,827,000 is requested in FY 2005 for the construction of the Glass Waste Storage Building #2, line-item 04–D–408.

In FY 2005, the following activities are planned to support the accelerated cleanup of the Savannah River Site.

Fill 250 canisters with vitrified waste, complete fabrication of Melter Number 3, and place procurement contracts for Melter Number 4 at the Defense Waste Processing Facility.

Continue preparation of Sludge Batch 4 with the removal of bulk waste from three High-Level Waste tanks.

In support of the High-Level Waste system, continue capacity-based operation of the H and F Tank Farm Disposition and Effluent Treatment Projects.

Continue construction of an additional high-level waste canister storage facility (Glass Waste Storage Building II) in support of accelerated Defense Waste Processing Facility production.

Metrics	FY 2003	FY 2004	FY 2005	Cumulative complete FY 2005	Life-cycle quantity	FY 2005 complete (percent)
Liquid Waste in Inventory Eliminated (thousands of gallons)	0	1,300	1,900	3,200	33,100	10
Liquid Waste Tanks Closed (Number of Tanks)	0	2	0	4	51	8
High-Level Waste Packaged for Final Disposition (Number of Containers)	115	250	250	1,952	5,060	39

Key Accomplishments (FY 2003)/Planned Milestones (FY 2004/FY 2005).

Completed installation of Tank 18 bulk waste removal equipment (FY 2003).

Completed D&R of the neutralization dike and tanks at the 2H Evaporator and returned Tank 37 to service as a concentrate receipt tank for the 3H Evaporator (FY 2003).

Completed Tank 51 receipt of americium/curium material from F-Canyon (FY 2003).

Replaced the Defense Waste Processing Facility Glass Melter, and returned the Defense Waste Processing Facility to canister production (FY 2003).

Implemented the 10 CFR 830 Documented Safety Analysis for the High-Level Waste Tank Farms (FY 2003).

Restored Building 512S to operability (FY 2003).

Produced 115 canisters of vitrified high-level waste (FY 2003).

Regulatory close two high-level waste tanks (Tanks 18 and 19), which completes the closure of the first tank grouping (September 2004).

Produce 250 canisters of vitrified high-level waste (September 2004).

Prepare and feed Sludge Batch 3 to the Defense Waste Processing Facility (September 2004).

Complete 512-S modifications necessary to support Actinide Removal Salt Processing and begin hot operations with salt solutions (September 2004).

Complete the conceptual design for an optimal scale Salt Waste Processing Facility (September 2004).

Complete the Tank II Waste Removal Project and Bulk Waste Removal from Tank II to accelerate the preparation of Sludge Batch 4 (September 2004).

Complete the dissolution of low curie salt in Tank 41 (September 2004).

Pretreat and process 1,300,000 gallons of low-level radioactive salt waste into saltstone grout (September 2004).

Initiate construction of an additional high-level waste canister storage facility (Glass Waste Storage Building II) (September 2004).

Initiate dissolution of low curie salt in Tank 29 (September 2004).

Produce 250 canisters of vitrified high-level waste (September 2005).

Begin preparing tanks 4 and 6 for bulk waste removal (September 2005).

Complete bulk waste removal in Tank 5 (September 2005).

Prepare Sludge Batch 4 and initiate preparation of Sludge Batch 5 (September 2005).

FISCAL YEAR 2005 APPENDIX OF THE U.S. GOVERNMENT—DEPARTMENT OF ENERGY

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities, and classified activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; [$5,651,062,000] $5,620,837,000, to remain available until expended[: *Provided*, That the Secretary of Energy is directed to use $1,000,000 of the funds provided for regulatory and technical assistance to the State of New Mexico, to amend the existing WIPP Hazardous Waste Permit to comply with the provisions of section 310 of this Act]. (Energy and Water Development Appropriations Act, 2004.)

2006 Accelerated Completions.—Provides funding for completing cleanup and closing down facilities contaminated as a result of nuclear weapons production. This account includes all geographic sites with an accelerated cleanup plan closure date of 2006 or earlier (such as Rocky Flats, Fernald and Mound). In addition, this account provides funding for Environmental Management (EM) sites where overall site cleanup will not be complete by 2006 but cleanup projects within a site (for example, spent fuel removal, all transuranic (TRU) waste shipped off-site) will be complete by 2006.

2012 Accelerated Completions.—Provides funding for completing cleanup and closing down facilities contaminated as a result of nuclear weapons production. This account includes all geographic sites with an accelerated cleanup plan closure date of 2007 through 2012 (such as Pantex and Lawrence Livermore National Laboratory—Site 300). In addition, this account provides funding for EM sites where overall site cleanup will not be complete by 2012 but cleanup projects within a site (for example, spent fuel removal and TRU waste shipped off-site) will be complete by 2012.

2035 Accelerated Completions.—Provides funding for completing cleanup and closing down facilities contaminated as a result of nuclear weapons production. This account provides funding for site closures and site specific cleanup and closure projects that are expected to be completed after 2012. EM has established a goal of completing cleanup at all its sites by 2035.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

DEFENSE ENVIRONMENTAL MANAGEMENT (SEC. 3102)

The House bill contained a provision (sec. 3102) that would authorize $6.8 billion for the Department of Energy for defense environmental management (EM) activities for fiscal year 2004, including funds for defense site acceleration completion and defense environmental services.

The Senate amendment contained a similar provision (sec. 3102) that would authorize $6.8 billion for defense environmental activities.

The conferees agree to authorize $6.8 billion for defense environmental management, the amounts of the budget request, including $5.8 billion for defense site acceleration completion and $995.2 million for defense environmental services.

The conferees support the continuing efforts of the Department of Energy to accelerate cleanup at all of the environmental management (EM) sites, which will result in reducing risk to the environment, workers, and the community, shortening cleanup schedules, and saving tens of billions of dollars across the EM complex. The conferees also support a policy that would take funds made available due to the cleanup completion of Fernald, Mound, Rocky Flats and other sites, and roll them into the remaining EM sites to help accelerate their completion even sooner, if possible.

MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND FOR OTHER PURPOSES—CONFERENCE REPORT—ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides a total of $6,626,877,000 for Defense Environmental Management instead of $6,748,457,000 as proposed by the House and $6,743,045,000 as proposed by the Senate. This funding is provided in two separate appropriations: $5,651,062,000 for Defense Site acceleration Completion and $991,144,000 for Defense Environmental Services, and also includes a rescission of $15,329,000 from the Defense Environmental Management Privatization account.

DEFENSE SITE ACCELERATION COMPLETION

The conference agreement provides $5,651,062,000 for defense site acceleration completion, instead of $5,758,278,000 as proposed by the House and $5,770,695,000 as proposed by the Senate.

Accelerated Completions 2006.—The conference agreement provides $1,248,453,000, an increase of $3,282,000 over the request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Accelerated Completions 2012.—The conference agreement provides $2,236,252,000, an increase of $7,938,000 over the request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Accelerated Completions 2035.—The conference agreement provides $1,929,536,000, a reduction of $49,061,000 from the budget request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

From within available funds, the conferees direct the Department to provide a total of $6,000,000 for worker training programs and supporting communications infrastructure, oversight, and management activities at the Hazardous Materials Management and Emergency Response Training and Education Center. The conferees direct the Department to provide $8,500,000 for the Hazardous Waste Worker Training Program from within available funds. The conference agreement provides $750,000 from within available funds to the State of Oregon for its oversight activities related to the Hanford cleanup.

The conferees direct the Department to pay its title V air permitting fees at the Idaho National Laboratory consistent with prior year levels, and to bring the Pit 9 litigation to an end as expeditiously as possible. The conference agreement includes the budget request of $1,356,000 for activities at Amchitka Island, Alaska.

Waste Isolation Pilot Plant.—The Department's activities at the Waste Isolation Pilot Plant (WIPP) are primarily funded under the Accelerated Completions 2035 subaccount within the Defense Site Acceleration Completion account. From within available funds for Accelerated Completions 2035, the conferees direct the Department to provide an additional $3,500,000 to the Carlsbad community for educational support, infrastructure improvements, and related initiatives to address the impacts of accelerated operations at WIPP and an additional $1,500,000 to consolidate at Carlsbad all record archives relevant to the operations of WIPP and the transuranic waste in WIPP.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. GRAHAM of South Carolina. I thank the Senator for yielding.

The long and short of this is that all three States—South Carolina, Idaho, and Washington—have been negotiating to define waste classification standards in their States for a long time.

On January 26, 2004, Congressman HASTINGS, Senator MURRAY, and Senator CANTWELL sent a letter to Governor Locke and Secretary Abraham that asked them to work together to resolve the ongoing dispute over waste classification. Please listen to what I just said. There has been a process in place in Washington since January 26 to try to find a way to reach an agreement with the Department of Energy to classify waste in that State so cleanup can move forward.

The letter did not say, call LINDSEY GRAHAM from South Carolina and see if you can get his permission. It did not say, call LARRY CRAIG and MIKE CRAPO. It said, call Spence Abraham and see if you all can work together.

The Governor wrote back to the Deputy Secretary of Energy and said that the Governor's chief of staff would be the point of contact for negotiations February 12, 2004. From mid-February to April 13, they have been sending drafts back and forth about how to define cleanup and what is clean in Hanford. They have been doing the same thing in Idaho. We have been doing the same thing in South Carolina. All of us have one thing in common: We oppose the Department of Energy's efforts to unilaterally determine what "clean" is and walk away.

That is why we had the lawsuit. That is why South Carolina joined as a friend of the court. The letters my friend from Washington read, about South Carolina objecting to DOE's moving forward, was an objection to a unilateral process where DOE would have the final say about how to clean up the tanks and remove waste.

All of us in all three States believe we should be involved. But it has never been the policy or the process where all three States have to agree to the same standard because, Members of the Senate, that is impossible to achieve because the waste scenario and the waste stream problems in Idaho are completely different.

The film we are trying to leave behind in South Carolina, that inch and a quarter of film that will be left in South Carolina and not sent to Yucca Mountain, doesn't exist in the tanks in Idaho, and the tanks in Washington have a totally different design.

Three States have been working in the defense arena to find a common ground with DOE to make sure the States don't get left holding the bag, and we also made sure no State can take over defining "high-level radioactive waste." That stays with the Federal Government. But the agreement we have achieved said the State of South Carolina has the final permitting authority and you cannot leave those tanks in a condition that will hurt South Carolina.

They are trying to do the same thing in Washington and Idaho. I hope they get there. But if they do get there, they are going to have to do the same thing I am doing today. They are going to need legislative language blessing that agreement. There will be an amendment of the Waste Policy Act. That is going to have to happen. In 1995, legislative language was brought to the Senate to bless an agreement Idaho achieved regarding another waste stream. That is going to have to happen. I hope I will be man enough, Senator enough, not to stand in the way. If the Governor of Idaho, the Governor of Washington, the attorney general, the environmental regulators, the chamber of commerce, the mayor of the Hanford community, the communities involved in Idaho—if they say we have a deal that doesn't affect or prejudice my State or change nuclear policy in any significant way, I hope I will say: Go forward; God bless you; I am glad you were able to reach an agreement to clean up your States because you fought very hard to win the cold war.

For those who are worried about the safety issue in my State, I appreciate the concern. I did not make up this scenario. I am reacting to input from my State. I have been involved in the negotiations. They called me. They drafted the language and they have told me, and sent letters—the Governor and the environmental regulators: We have a deal, LINDSEY, that we can live with. We have already closed up two tanks of the 51. So we know in South Carolina, unlike the other two sites, we can extract the liquid waste, grout the tank, and have it not affect the ground water because we have done it twice and we are trying to move forward at a faster rate.

They are telling me: LINDSEY, we have a deal that will allow us to clean up the tanks and get the liquid waste out 23 years ahead of schedule and save $16 billion.

I say to my colleagues, I cannot make that happen unless you allow it to happen. If it does happen in Idaho and it does happen in Washington, and I believe it will one day, you are going to have to do the same thing for those States.

To my friends in New York, the waste stream you are discussing and that you talked about on the floor is not remotely similar to the waste stream we are talking about here. This is defense waste.

To my friends in Maine who have spent nuclear fuel, it is covered under a whole different section. Here is what you have to understand. If you have spent fuel rods in your State, defense waste has priority in Yucca Mountain. If we are going to insist the cleanup standards be beyond what good science says and we are going to take that extra 23 years and spend that extra $23 billion, you are going to run out of space in Yucca Mountain to send your spent fuel.

I say to my friend, Senator ENZI, thank you. Every State has an obligation to help where it can. South Carolina can retain the film on the bottom of these tanks in a safe and sound manner, and it is not necessary to extract it, take 23 years, and spend $16 billion to send it to Nevada. We can safely take care of it in South Carolina. We have done it twice and we want to do it more so we can get this waste out of the tanks, because the biggest threat to my State and to all the States is seepage and leakage of the waste.

Washington has a problem. Of all the States, Washington needs to reach agreement to make these tanks dry. I don't want to be a Washington. I don't want to look back 10 years from now and have this process slowed down to a crawl and my ground water get contaminated.

The NRC has said this is safe and that what is left in the tank is no longer high-level waste; it meets the definition of low-level waste. About hearings, Senators ALLARD, INHOFE, DOMENICI, have been talking about the plans to clean up the tanks in three States for well over 4 years. The Department of Energy has been working with each State with a separate cleanup plan for a long time. They have been negotiating with Washington since January. We have discussed how you would treat South Carolina, Idaho, and Washington through hearings in an exhaustive manner.

If you make us have more hearings, I am going to be right back here asking you to bless this agreement because the agreement has been a collaborative process that has been going on for 2 years and all you are going to do is throw us in chaos because if we can veto each other, then we will never clean up. If you are insisting on a standard that fits all of these sites, it will never be reached.

Mr. President, I commend to my colleagues the transcripts from the Armed Services hearing of February 25, 2004—what we talked about, the waste cleanup process; Senator DOMENICI's Energy and Water Subcommittee hearing of March 31, 2004, same topics discussed; and pages 1 through 47 of the EPW committee hearing of July 25, 2000.

My colleagues, I need your help. I want to make sure the tanks don't leak. We have a sound plan that will not affect your States. It will only help mine. I want to help you. Please help me.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. LEVIN. Mr. President, how much time do both sides have?

The PRESIDING OFFICER. The proponents control 22½ minutes. The opponents of the amendment control 1 minute. Who yields time? The Senator from Washington.

Ms. CANTWELL. Mr. President, I appreciate my colleague's characterization of this issue. I think we have had somewhat of a debate this morning. I think probably for most people, including my colleagues, what we have done is shown that this is a very complex issue, a very complicated issue, and that it needs more discussion than a few hours on the Senate floor, because what is at stake here is the lives of individuals who are living in these communities, whose ground water may be contaminated, whose safe drinking water in the future may be contaminated at levels that are not sustainable in these areas.

Let's recap for a second where we have been in this debate, because I will have printed in the RECORD, for my colleagues to understand, the 1989 agreement between Washington State and DOE, and the 1995 agreement between the State of Idaho and DOE on cleanup.

Let me point out, we have agreements. We have agreements with the Department of Energy on cleanup. They are agreements that basically say: DOE, keep making progress on cleanup and please continue to follow the Federal statute. The issue at hand is that somehow my colleague from South Carolina has been persuaded by the Department of Energy—an argument the State of Washington refused to buy, I might add, an argument the State of Idaho refused to buy—that somehow cleanup means we have to reclassify waste.

So, yes, States in this country have continued to push DOE on agreement. We had agreements on the books. It is unfortunate that DOE has not been able to be trusted to get cleanup done in a timely fashion. That is why States have continued to push them.

Agreements are in place. And our State continues, as Idaho and South Carolina admit in a court filing that they do not trust DOE and that DOE should move forward and it doesn't need the sledge hammer of this legislation. That is South Carolina's own testimony in court and its own testimony to the Department of Energy in a letter.

Why are we having this discussion then? We are having this discussion because, even though agreements are already in place and DOE is failing to live up to cleanup, DOE would like to now change the rules of the game and change the definition of high-level waste.

If you think about it, the point of the Senator from South Carolina is that his State should have the right to agree with DOE to clean things up, and that he is not changing current law.

If that were the case, why are we here arguing today? The Senator from South Carolina and DOE should just go and proceed. The reason they do not is because the Senator from South Carolina knows all too well that his language is changing current law and that he needs that change if DOE wants to leave high-level waste in the ground.

The point is for all Americans to understand that nuclear waste in States such as Washington, Idaho, and South Carolina only have the authority to argue these issues about cleanup within the framework of a Federal statute. That Federal statute is the Nuclear Waste Policy Act.

What the Senator from South Carolina is doing in the underlying bill is threatening the rights of States, including his own State, to protect itself from DOE as DOE reclassifies waste. It leaves our States at jeopardy. It leaves all States where there are nuclear facilities in jeopardy because of DOE's insistence that the nuclear waste policy definition of spent nuclear fuel does not have to meet the standard of high-level waste. It leaves all of these States with a debate with DOE that DOE can say this waste is no longer high level. We can transport it. We can do whatever we want with it. We can fill tanks with grout. It is a very dangerous precedent.

The Senator is getting rid of the Federal framework. No State has the ability to negotiate on its own a Federal cleanup standard. Imagine if the State of Michigan discussed with EPA this is what the clean air standard should be for the State of Michigan? What if Florida and the EPA decided what safe drinking water standards are for the State of Florida? We have never operated that way.

The Senator from South Carolina refuses to address that his State can only deal with leaving tank waste in the ground, which he is proposing we do, by changing the Federal standard. The Department of Defense authorization bill changes the definition of high-level waste. It is changing the Federal standard. It is then leaving those States subject to DOE's whim on how much ground waste and water pollution will be there in those tanks at Hanford, at Savannah River, and in Idaho.

The Senator talks about contaminated ground water. His ground water in Savannah River is already contaminated. The ground water in Washington State at Hanford is already contaminated. There are other parts of the country with high-level contaminated waste.

The question is, What are we going to do to hold DOE's feet to the fire to make sure they get this waste cleaned up? This body, for the last 3 years, has seen various changes at this administration level try to undermine current environmental standards and environmental law. The current environmental law of the day regarding nuclear waste is the Nuclear Waste Policy Act. The Senator's language in the underlying bill threatens that language.

Washington State agreements, which have been fighting DOE to live up to the Nuclear Waste Policy Act, will no longer be able to argue that effectively, nor will Idaho, unless we pass my amendment.

My amendment specifically says we are not changing the definition of high-level waste but the Department of Energy needs to have dollars appropriated, which this bill authorizes, for $350 million of cleanup, and the DOE must spend that money on cleanup. We actually crafted that language with Senator LEVIN with the help and support of Governor Kempthorne of Idaho. We put the Kempthorne language in our amendment. Why did we do that? Because we wanted to be clear with the Kempthorne language that we were not going to be held hostage; Idaho, Washington, and even Savannah River were not going to be blackmailed by DOE to saying, they only get the cleanup dollars if, in fact, they agree to a lesser standard which allows us to leave more pollution in the ground water in your State. We refused to agree to this policy and be held hostage by DOE.

The Senators from Idaho do not need any other language. They want their State protected on this issue. They want their dollars for cleanup protected. The Cantwell amendment protects the State of Idaho. I am sure that is what the response will be from the State of Idaho and the State of Washington and others as they look at this policy. It corrects onerous activities that happened when the Defense authorization bill moved through the Senate Armed Services Committee and marked up policy changes to environmental policy of which that committee does not have oversight.

My colleagues can say we have had lots of debate about cleanup and lots of budget discussions. I don't think anyone can seriously stand in the Senate and say the change in definition of hazardous nuclear waste is the jurisdiction of the Senate Armed Services Committee. It is not. The Parliamentarian has already ruled on that. That is the jurisdiction of the Energy Committee.

My colleagues on the other side of the aisle are ignoring the hard facts. This is not about individual States having agreement; it is about changing the Federal standard for nuclear waste cleanup.

This administration and DOE ought to be embarrassed. They are trying this sneaky process behind closed doors and putting language in that now we all have to come to the Senate and fight to take out.

What Member wants to vote against the Defense authorization bill that has this language in it? What does this language have to do with troops in Afghanistan or troops in Iraq? What does it have to do with giving men and women the support they deserve to fight for our country? It is creating a controversy around change to a Federal policy that has not been debated.

There is no Lindsey Graham bill or bill by any of my other colleagues that has the Graham language in it that was brought before the Energy and Natural Resources Committee and debated. My colleagues are wrong on this.

Let's see what the rest of America is saying about this because I guarantee this debate will not end today. It is very important the third parties that have looked at this issue have validated exactly what my colleagues on this side of the aisle are saying about this issue.

In fact, the Savannah Morning News says:

> It's good for the government to save billions of dollars and to clean up nuclear waste. But a money-saving plan that does a poor job of tidying up is no bargain.

The Minneapolis Star Tribune said:

> Quicker and cheaper can be valid considerations . . . but only after the highest level of

> safety has been guaranteed. And those guarantees must satisfy national standards, not the terms of a side deal.

That is exactly what this is, a side deal between a State and an agency that has neglected its cleanup responsibilities for years. The court said they needed to move forward but not by changing the definition of high-level waste that they did not have, but move forward on the plans they have in place. This is a side deal.

The Boston Globe said:

> If the Senate isn't careful, it could vote this week to allow the Department of Energy to cover some of the nation's most hazardous nuclear waste with grout instead of treating it properly. . . . The Senate should strip the defense spending bill of this toxic measure.

The Oregonian, from another part of the country that is greatly impacted by this issue because of the Columbia River and the huge impact that river has, already with that plutonium leaked into the river, said:

> It's remotely possible that [this] policy is worth debating, but this sneaky approach suggests the Department of Energy isn't interested in a public discussion of the issue.

What did the Seattle Times say? In our State, we have been battling DOE for years because they always want to take a shortcut. They always want to take a shortcut and say we can do it quicker. What are the Washington agreements about? The Washington agreements are about forcing DOE to live up to Federal cleanup standards. That is what the agreements are. In fact, they always try to get out of it. The Seattle Times wrote:

> The Senate should slap down a sneaky ploy . . . that would give the Department of Energy the right to single-handedly change the rules about how it handles highly radioactive waste.

The Washington Post took a look at this situation and said:

> . . . a situation in which states compete to reach private agreements with the Energy Department and then rush to put them into legislation is untenable.

What did the Atlanta Journal Constitution say? It is a State that is affected by the Savannah River which flows into their State. The Savannah River already has pollution problems with radionuclides affecting fish and affecting safe drinking water conditions. It said:

> . . . words do matter, and some semantic contortions can be dangerous. Recent efforts by the U.S. Department of Energy to circumvent the 1982 Nuclear Waste Policy Act by slipping through a linguistic wormhole are an outrageous case in point.

What about the Omaha-World Herald? They know a little bit about this issue. They have debated the nuclear waste issue. They said:

> We hope Congress will listen to commonsense views . . . and yank this terrible idea back out of the bill. It's not merely wrongheaded; it would result in a hazard to the public well-being.

And there are newspapers in my State weighing in on this issue. The Tri-City Herald, which is in the heart of this cleanup effort at Hanford, the largest tank waste cleanup in the country, where we already have 1 million gallons of tank waste leaking in a plume that is an 80-square-mile area that is going to the Columbia River, said:

> Senators considering [this issue] should ask themselves this: If reclassification really is such a great and worthy idea, why isn't the Energy Department making the argument in the light of day?

If they really thought reclassifying waste was such a great idea, why don't they put a bill before this legislative body saying so, driving it through the normal channels and the normal process of legislation? They know they do not have this authority. They tried by their own executive administrative order to do it, and the courts told them they did not have the ability to do it. But instead of coming through the proper channels with a bill and legislation, they have chosen, instead, to sneak language into the Defense authorization bill—probably one of the most unpatriotic things I can think to do.

These men and women gave a serious amount of their lives to fighting in World War II and the cold war by producing plutonium and giving us a tool to win in those areas. They did that in record time. Now they expect this country, just like businesses all across America, to clean up their waste. We expect the Federal Government to clean up their waste. We do not expect a short-end process where they say you can simply grout over nuclear radioactive waste and put sand and gravel on top of it and somehow stabilize the situation.

So the Tri-City Herald said Senators should ask themselves this: If reclassification is such a great idea, why don't they make the argument in the light of day?

What did the Idaho Statesman say? The Idaho Statesman said:

> The Energy Department's shameful record on this issue—

Why would a paper like the Idaho Statesman say it is a "shameful record"? Because it is true. DOE fails to live up, time and time again, to the process of moving forward, and so States have had to enter into agreements that comply with Federal law—not circumvent Federal law, but comply with Federal law—and hold DOE's feet to the fire and say: DOE, you must meet the Federal standard and move forward. So the Idaho Statesman said:

> The Energy Department's shameful record on this issue is even more troubling. Remember recent history . . . Suggesting there's no precedent—and no potential effect on Idaho—is politically naive.

That is from the Idaho Statesman.

What did the Bangor Daily News say? Well, the Bangor Daily News said:

> The long-term implications of such an important change in waste-storage policy are too serious to give the issue a free ride in a spending bill.

So we have heard from over 20 newspapers across America. My colleague from New York submitted editorials from both the New York Times and the Buffalo News. I talked about the Minneapolis Star earlier and their comments on this issue.

Show me a newspaper in America that is saying this is a good policy. In the limited amount of time we have had to get this debate in front of the public, the public has basically, in these editorials and letters to the editors, raised serious questions about this policy, serious questions about why the Senate would be moving forward on this issue.

As my colleague, the senior Senator from Washington, mentioned earlier, the House of Representatives, when posed with this question, figured it out and said: Listen, if this is such a good idea, let's have a study. Let's have a study and analysis of this issue and see exactly what people can come up with as far as science. Well, that is what is in the House version of this legislation—a study—because my colleagues over there understood that this was a change to Federal policy.

So what about the underlying effects of this legislation if the Cantwell amendment is not adopted? The Cantwell amendment says two things: We are not changing the definition of what is high-level waste and the definition of spent nuclear fuel. We are leaving that the same. But we are giving the authorization and requiring that DOE spend $350 million on cleanup in Washington, in Savannah River, and in Idaho. So we are pushing them ahead. So there is no holdup on cleanup, no issue. DOE, get back to your job of taking the waste out of the tanks and putting it into a glassification and storage process. Why are we spending billions of dollars on a glassification process—that is, the process of taking this spent fuel and turning it into glass logs and moving it into storage—if we are going to leave so much of it in the ground in these tanks? Why would we be spending so much money on it?

As my colleagues are trying to paint a picture that somehow our language does not take care of the blackmail clause, we are simply not—in Washington or in Idaho—going to be blackmailed by DOE into sneaking in language or having our funds held up. As my colleague from Washington said, we have successfully, as a caucus, fought these efforts in the past and have not been peeled off by DOE, that likes to play a switch-and-run game, just because OMB or somebody says we don't have the money in the budget to do the cleanup.

Well, nuclear waste cleanup costs money. The plume in our State already has 1 million gallons of ground water leakage; I will point out to my colleagues, these tanks started leaking years ago. This is not a recent phenomenon. So the fact that these tanks were built, and that DOE knew they were leaking. We all became aware of this; I know this body changes, you have turnover in membership, but my colleagues knew these tanks were leaking. The thing we should have done is continued to push DOE, just as Washington has, just as Idaho has, and just as Savannah River has in legal documents.

I have, again, great respect for the junior Senator of South Carolina, but he is wrong as it relates to his State's history. His State has said, on numerous occasions, that DOE is wrong on this issue. Now, I get that they have an advocate in the Senate today to make a different point for them, but why do they spend the taxpayers' money in South Carolina arguing in a Federal court case that DOE was wrong to try to change this policy and send letters to Spencer Abraham, the Secretary of Energy, saying he was dead wrong on this policy? Why did they spend the money of the taxpayers in South Carolina fighting this battle, along with Washington and along with Idaho, if they did not believe in it?

I know. Because the State of South Carolina does believe that Federal cleanup policy should be preserved, that the States can only be protected by having a Federal statute, that negotiating cleanup policy standards is not the prerogative of individual States. It is something that is designated under the Nuclear Waste Policy Act. If that law is to be changed, then it ought to be done in the broad daylight of this body and this organization.

So what are we left with today? I think some people at home, who may have been watching this debate, are asking themselves this question. I hope the Cantwell amendment is adopted because it will remove this debate from this bill that we need to move forward with to protect our troops, to continue to give them the resources they need, and move the nuclear waste debate off of something that is so important for us to get done.

But if the Cantwell amendment is not adopted, what we will leave the people with is legislation that basically says the Department of Energy can grout these tanks and can leave this waste in the ground. I do not want safe drinking water affected. I do not want ground water contamination. I want the Senate to do its job and uphold the Federal standard.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield 10 seconds to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Augusta Chronicle, which is the major newspaper at the Savannah River site, supporting my efforts with this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Augusta Chronicle, May 15, 2004]

RESCUING SRS CLEANUP

A way apparently has been found that will get the accelerated cleanup project at Savannah River Site back on track.

The project was dealt a severe setback last summer, when a federal judge ruled that the Department of Energy's plan to reclassify residual sludge in tanks at SRS and other nuclear weapons sites from high-level radioactive nuclear waste to low-level waste violated the 1982 Nuclear Waste Policy Act.

That act requires nuclear facilities to route all their high-level N-waste to the permanent storage facility approved, but not yet built, at Yucca Mountain, Nev. The energy agency is charged with removing strontium-90, plutonium, uranium and other highly radioactive wastes from tanks that have held the nuclear bomb making substances for nearly five decades during the Cold War.

That highly radioactive waste is extremely expensive and difficult to remove. Reclassifying it and treating it on site would save $16 billion in cleanup costs and shorten SRS cleanup time by 23 years, according to the energy agency that sought the reclassification.

But the federal court said no, the agency cannot arbitrarily reclassify nuclear waste to suit its convenience.

The ruling made sense, but it wreaked havoc with the accelerated cleanup plan. DOE is trying, so far unsuccessfully, to get Congress to change the law to allow the agency to reclassify the contaminated waste.

More successful is U.S. Sen. Lindsey Graham's proposal, which he got included in the defense bill approved last week by the Senate Armed Services Committee. Although the measure applies only to the Savannah River Site, it could serve as model legislation for other states concerned about residual liquid radioactive waste left in DOE facilities.

The South Carolina senator's plan would allow DOE to leave in place the highly radioactive sludge that lines the tank's sides and bottom, but it would have to be diluted with grout, thus turning it into "low level" nuclear waste in accordance with the state's Department of Health and Environmental Control.

The provision, said Graham, still "allows South Carolina and DOE to define high-level waste in a very reasonable manner. There's nothing going to be left behind . . . that will not be secured through environmental remediating to protect South Carolina."

The next move is to make sure the Graham plan stays in the defense bill as it works its way through the rest of Congress. The stakes are high. DOE was planning to withhold cleanup funds if it couldn't move ahead on its accelerated cleanup project. The Graham plan would put the agency back in business.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself the remainder of our time.

I happen to believe that the sooner you clean up a nuclear waste site the better. And you do it within the guidelines of the Nuclear Regulatory Commission. That is what we are trying to do with the WIR project. That is what the Department of Energy is trying to do. I think quicker is better because it means less seepage throughout the ground, less pollution.

And there is a cost. If we stay with the original plan that was drawn out, we do not get cleaned up until 2065. It is going to cost well over $138 billion. With rapid cleanup, we save $86 billion and we help clean up the environment quicker, which means less pollution. I think it is better for the citizens of these States.

I ask my colleagues to join Senator WARNER, myself, the Senator from Idaho, Mr. CRAPO, and the Senator from South Carolina, Mr. GRAHAM, in voting no on the Cantwell amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). The assistant Democratic leader.

Mr. REID. Mr. President, do we have 1 minute on each side between votes on the judges?

The PRESIDING OFFICER. That order has not been entered.

Mr. REID. I ask unanimous consent that prior to the judges, there be 1 minute to speak in relation to those judges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to print in the RECORD a letter from the National Congress of American Indians. And I commend to my colleagues the 1995 Idaho settlement agreement and the Washington Tri-Party Agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF
AMERICAN INDIANS,
Washington, DC, June 3, 2004.

To: Members of the United States Senate.
Re Tribal Support of Cantwell-Hollings Amendment to Defense Authorization.

DEAR SENATOR: On behalf of the over 250 member tribes of the National Congress of American Indians—the oldest and largest intertribal organization in the US—I write this letter to urge you to support the Cantwell-Hollings amendment to the Defense Authorization Act that will prevent the Department of Energy (DOE) from leaving hazardous and harmful nuclear waste in underground tanks to contaminate our soil and water. The health and environmental hazards of this practice notwithstanding, many tribes believe that the Earth is our Mother, and that these leaking tanks are a wound to her that must be healed.

DOE's high-level waste (HLW) remains dangerous for hundreds or thousands of years. For this reason, they must be disposed in a geological repository along with nuclear power spent fuel. Under the NWPA, the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) regulate the geologic disposal of HLW—and decide what is (and what is not) HLW. The Graham amendment eliminates NRC and EPA legal protections and gives DOE sole authority to transform these lethal materials into "waste incidental to reprocessing."

These provisions establish a dangerous precedent for the country. They would allow DOE to redefine about 70 percent of the total radioactivity of all the nation's defense high level wastes stored at the Savannah River site, while preventing access to necessary funds for other states that support the existing, more protective legal framework as Washington and Oregon do for the Hanford site—which is very important to our member tribes in the Northwest.

We urge you to support efforts by Senators Cantwell and Hollings to strike these provisions. The costs of cleaning up DOE sites are expensive. However, the costs of allowing DOE to regulate itself in terms of our nation's natural resources are incalculable. The Indian people of the United States—because we are so dependent on the Earth—will suffer mightily if DOE is able to shirk its responsibilities relative to cleaning up nuclear waste sites.

Please consider NCAI's resolute support for the Cantwell-Hollings amendment as you determine how you will vote on the amendment. If you have any questions, please contact NCAI at 202.466.7767.

Thank you for your work for Indian Country, and thank you for your support on this issue.

Sincerely,

TEX HALL,
President, NCAI.

Mr. REID. Mr. President, the staff indicates we have 10 minutes prior to the vote on the judges. That should be more than enough to talk about the three judges. I ask unanimous consent that the 1 minute between the judges, which is unnecessary, be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Have the yeas and nays on the Cantwell amendment been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 3261. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—48

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith
Specter
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Baucus
Campbell
Edwards
Kerry

The amendment (No. 3261) was rejected.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I ask the next vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, could we make all of them 10-minute votes?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The next vote will be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I ask unanimous consent that the next votes all be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF SANDRA L. TOWNES TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of three nominees. The clerk will report.

The assistant legislative clerk read the nomination of Sandra L. Townes, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between the two leaders or their designees prior to three consecutive votes.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Justice Sandra Townes, who has been nominated to the United States District Court for the Eastern District of New York.

Justice Townes comes to us with an impressive record of public service and accomplishment. She left a successful teaching career to attend Syracuse University College of Law. Following her graduation, she went to work in the Onondaga County District Attorney's Office, where she had a long and successful career as prosecutor. She left the district attorney's office in 1987, when she was elected judge of the Syracuse City Court—becoming the first African American woman to do so. She made history again in 1999, when she became the first African American to be elected locally to the New York State Supreme Court. Two years later, Gov. George Pataki appointed her to associate justice of the Appellate Division of that court, where she now sits.

I applaud President Bush for his nomination of Justice Townes and am confident that she will continue her outstanding record of public service on the Federal bench in the Eastern District of New York.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate is proceeding to confirm Sandra Lynn Townes to the U.S. District Court for the Eastern District of New York. Justice Townes is currently an associate justice of the New York State Supreme Court, Appellate Division, where she has served for several years. She previously served as a judge in the Fifth Judicial District of the New York State Supreme Court. According to press reports, Justice Townes is the first African-American woman to serve on the appellate bench in New York and the first African-American Judge elected to the New York Supreme Court in the Fifth District. She was also a judge of the City Court of Syracuse from 1988 to 1999.

Her extensive record of judicial experience commends her for this lifetime appointment, and I am pleased to join her home-State Senators in support of her nomination.

Today's confirmation will make the 178th judicial nominee to be confirmed for this President. With 78 judicial confirmations in just the past year and a half alone, the Senate has confirmed more Federal judges than were confirmed during all of 1995 and 1996, when Republicans controlled the Senate and President Clinton was in the White House. It also exceeds the 2-year total for the last Congress of the Clinton administration, when Republicans were in the Senate majority. We have already exceeded the totals for the last two Congresses leading up to presidential elections.

When Democrats controlled the Senate for 17 months in 2001 and 2002, we worked diligently to confirm 100 of President Bush's judicial nominees. We are now confirming the 78th in the other 24 months that have transpired during this most divisive presidency. With 178 total judicial confirmations in 3½ years, the Senate has confirmed more lifetime judicial appointees of this President than were allowed to be confirmed in President Clinton's entire term from 1997 through 2000. We have already surpassed the number of judicial confirmations during President Reagan's entire term from 1981 through 1984, and he is acknowledged to have appointed more Federal judges than any other president in our history.

The Republican Senate leadership has again chosen to avoid debate of the nomination of J. Leon Holmes and Judge Dora Irizarry. Just so that there is no confusion, it is the choice of the Republican Senate leadership to skip those nominations.

The Holmes nomination will take some significant debate. The nomination was sent by the Judiciary Committee to the floor without recommendation, a highly unusual circumstance. That means that there was not a majority vote in committee to report the nomination favorably. The committee disserved the Senate by not doing its job of fully vetting the nomination and reaching a consensus or even a vote on the merits.

It is also the decision of the Republican leadership to skip the nomination of Judge Irizarry, which has been pending on the Senate floor since last October. She is one of many Bush nominees with a "not qualified" or partial "not qualified" rating from the ABA. With the support of Senator SCHUMER, her nomination was considered and favorably reported by the committee. For months Democrats have been ready to vote on that district court nomination. The delay in considering her nomination since last October, a delay of 7 months, is attributable to the reluctance of the Republican Senate leadership to consider her nomination.

It is reminiscent of the way the Republican leadership treated the nomination of other Hispanics. For example, President Clinton's nomination of Judge Sonia Sotomayor to the 2nd Circuit was delayed for 16 months and was likewise stalled by Republicans on the Senate calendar for 7 months. Judge Richard Paez's nomination to the 9th Circuit was delayed for more than 4 years and was stalled by Republicans on the Senate calendar for more than 18 months alone. More recently, Republican Senate leadership even delayed Senate consideration of President Bush's nomination of Judge Edward Prado of Texas to the 5th Circuit for a month on the calendar, until we called them on it. Considering Judge Prado's nomination in a timely fashion would not have fit with the partisan political characterizations that Republicans wanted to draw of Democrats so they just left him on the shelf for a time.

The Republican leadership must be accountable for its scheduling priorities and the delays that it is causing in the consideration of the President's judicial nominations.

I congratulate Justice Townes and her family on her confirmation today.

Mr. President, I thank the Senators on both sides of the aisle who have worked with me and others in the past few weeks to get through this logjam on judges.

I yield back any remaining time.

The PRESIDING OFFICER. Is all time yielded back?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Sandra Townes, of New York, to be United States District Judge for the Eastern District of New York.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—95

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Baucus
Campbell
Edwards
Kerry
Miller

The nomination was confirmed.

NOMINATION OF KENNETH M. KARAS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of New York.

NOMINATION OF KENNETH M. KARAS

Mr. HATCH. Mr. President, I am pleased today to speak in support of Kenneth Karas, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Karas, a graduate of Columbia University School of Law, is a distinguished veteran of the U.S. Attorney's Office for the Southern District of New York, where he is co-chief of that office's unit specializing in terrorism cases. He is known among his peers as an "al-Qaida expert," for his assistance in successfully prosecuting four of Osama bin Laden's followers for the 1998 embassy bombings in East Africa. He is currently the lead prosecutor in the case against alleged al-Qaida terrorist Zacarias Moussaoui.

Mr. Karas is, by all accounts, a gifted prosecutor whose familiarity with Federal trial procedure will benefit him immensely on the Federal bench.

I applaud President Bush for his nomination of Mr. Karas and am confident that he will serve on the bench with compassion, integrity and fairness.

Mr. LEAHY. Mr. President, this evening the Senate considers the nomination of Kenneth Karas to be a United States District Judge for the Southern District of New York. For the past 11 years, Mr. Karas has served as an assistant United States attorney for the Southern District of New York. He received a favorable rating from the American Bar Association and he has the support of both Senators from his home State.

In sharp contrast to so many judicial nominees of this President, apparently selected for their political viewpoint, Mr. Karas appears to be a well-qualified, moderate nominee. He has advocated for civil rights and the rights of the indigent and has served the public as an assistant U.S. attorney for 11 years.

Mr. Karas's testimony and answers to my questions have made me confident that he will treat all who appear before him with respect. The nomination of Mr. Karas is an example of how effectively Democrats and Republicans can work together when we have qualified, moderate nominees.

Mr. Karas will be the ninth of President Bush's nominees confirmed to Federal court vacancies in New York, leaving only one vacancy on the Federal judiciary in the State. The nominee to that vacancy was favorably reported by the Judiciary Committee to the Senate 7 months ago. It has been the decision of the Republican leadership not to move the nomination of Judge Dora Irizarry, a Latina nominee. Democrats have been ready to vote on Judge Irizarry's nomination.

With 79 judicial confirmations in just the past year and a half, the Senate has confirmed more Federal judges than were confirmed during either Congress leading to a presidential election with a Democratic President and Republican Senate majority in 1996 and 2000.

This marks the 179th judicial confirmation since President Bush took office. That is more than President Reagan, the acknowledged all-time champion, achieved in his entire 4-year presidential term from 1981 through 1984 working hand in hand with a Republican Senate majority. It is more than President Clinton was able to achieve in his entire 4-year presidential term from 1993 through 1996, having to work with a Republican Senate majority during 1995 and 1996.

I congratulate Mr. Karas and his family on his confirmation today.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of York?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—95

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Baucus
Campbell
Edwards
Kerry
Miller

The nomination was confirmed.

NOMINATION OF JUDITH C. HERRERA TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. DOMENICI. Mr. President, I rise in support of a New Mexican named Judith Herrera to be United States District Judge for the District of New Mexico. I believe everyone knows that the administration of justice is one of the most significant pillars of good government. I think in this instance the President has sent us an extraordinary person to be a judge in the District of New Mexico.

We have a vacancy there because of a justice who took senior status. We have a tremendous overload, and I am very pleased that we finally got to the point where we could have another judge. Maybe we can begin to take care of this enormous overload. I thank everyone who worked on this nomination. Her credentials are impeccable. Every group that needed to recommended her.

Judith Herrera is a resident of Santa Fe, NM. She attended the University of New Mexico.

She then attended the Georgetown University Law Center where she earned her law degree.

We, in New Mexico, are fortunate that Judy decided to return to New Mexico upon completion of her law degree.

She began her career in public service shortly after returning to New Mexico, serving on the Santa Fe City Council from 1981 to 1986.

She continued her service by sitting on the boards of St. Vincent Hospital in Santa Fe, St. Michael's High School Foundation, also in Santa Fe, and the University of New Mexico in Albuquerque.

She has practiced law for more than 20 years in New Mexico, amassing in impressive resume and reputation in the legal community.

I am confident she will be an outstanding member of the federal judiciary.

I look forward to Judy Herrera's tenure on the bench.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I join my colleague, Senator DOMENICI, in urging the Senate to support this nomination. Judith Herrera is very qualified. I compliment the President for nominating her for this position. I compliment my colleague for recommending that nomination. She will serve us well on the district court in New Mexico.

Ms. Herrera began her career as a prosecutor, and has spent many years in private practice. Currently, she is a partner at Herrera, Long, Pound & Komer in Santa Fe, NM. She has also served on the Santa Fe City Council and on the University of New Mexico's Board of Regents. Mrs. Herrera has served with distinction in all of these positions.

I urge my fellow Senators to support her nomination.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Judith Herrera, who has been nominated to the United States District Court for the District of New Mexico.

Ms. Herrera is an exceptional nominee and has a distinguished record of service in both the private and public sectors. After graduating from Georgetown Law School, Ms. Herrera worked as an Assistant District Attorney in Santa Fe, New Mexico where she prosecuted a variety of misdemeanor and felony offenses. She later entered the private sector and practiced in the areas of education and employment law.

Ms. Herrera distinguished herself as one of the most effective advocates in New Mexico for employers defending wrongful discharge and discrimination cases. She later founded her own law firm, and currently serves as shareholder and president of that firm. Ms. Herrera has also served the local community of Santa Fe in a variety of ways. She was a member of the Santa Fe City Council, the Board of Trustees for St. Vincent Hospital, and the Board of Regents for the University of New Mexico. Ms. Herrera's broad experience as a trial attorney and her many hours of community service have prepared her for the challenges she will face as a Federal judge. I am confident that she will make a fine addition to the federal bench in the District of New Mexico.

I yield the floor.

Mr. LEAHY. Today the Senate is proceeding to confirm Judith Herrera to the U.S. District Court for the District of New Mexico. Ms. Herrera is a partner with the Santa Fe firm of Herrera, Long, Pound & Komer, which she cofounded in 1987. She appears in court frequently on behalf of employers, and their insurance companies, serving as defense counsel in employment discrimination and wrongful discharge cases. Before starting this practice, she handled education cases and also served briefly as a local prosecutor. She also previously served on the Sante Fe City Council. She has the support of both of her home-state Senators.

Democratic support for the confirmation of Ms. Herrera, an active Republican, is yet another example of our extraordinary cooperation in this Presidential election year. Today's confirmation will make the 180th judicial nominee to be confirmed since this President took office. With 80 lifetime judicial appointments confirmed in just the past year and a half alone, the Senate has confirmed more Federal judges than were confirmed during the all of 1995 and 1996, when Republicans first controlled the Senate and President Clinton was in the White House. It also exceeds the 2-year total for the last Congress of the Clinton administration, when Republicans held the Senate. This Senate has now confirmed more Federal judges than were confirmed during either Congress leading to a presidential election with a Democratic President and Republican Senate majority in 1996 and 2000.

This marks the 180th judicial confirmation since President Bush took office. That is more than President Reagan, the acknowledged all-time champion, achieved in his entire 4-year Presidential term from 1981 through 1984 working hand in hand with a Republican Senate majority. It is more than President Clinton was able to achieve in his entire 4-year Presidential term from 1993 through 1996, having to work with a Republican Senate majority during 1995 and 1996.

I have already noted that at the Republican Senate leadership has again chosen to avoid debate of the nomination of J. Leon Holmes and Judge Dora Irizarry. These two district court nominees have been pending on the Senate floor longer than any of the other pending district court nominees. Just so that there is no confusion, that is the choice of the Republican Senate leadership to skip those nominations.

The Holmes nomination will require significant debate. It was sent by the Judiciary Committee to the floor without recommendation, a highly unusual circumstance. That means that there was not a majority vote in committee to report the nomination favorably. The committee disserved the Senate by not doing its job of fully vetting the nomination and reaching a consensus or even a vote on the merits.

With regard to Mr. Holmes, to excuse widely shared misgivings about this nomination partisan Republicans are falsely claiming that the opposition to him is based on his religion. That is a slander. Nonetheless, right wing groups like the Committee for Justice have run outrageous and false ads and propaganda against Democrats and have posted assertions that Democrats are anti-Catholic.

Ms. Herrera is, of course, another among the scores of judicial nominees we have confirmed who are active in their faith. Ms. Herrera has stated in her Senate questionnaire that she is on the Board of Directors of the St. Michael's High School Foundation, a local Catholic high school, and she is a parishioner at St. Francis Cathedral. It is wrong for Republican partisans to seek political benefit by falsely claiming that Democrats are anti-Catholic and insulting for them to claim that Catholic Democrats are somehow not Catholic enough. Senator DURBIN just released a study this week that shows that Democrats actually vote more often in agreement with the U.S. Conference of Catholic Bishops on domestic and international issues than their counterparts across the aisle. Yet the destructive Republican politics of division persist. These are unfortunate and dangerous schemes that will only further divide our people and our Nation. Anna Quindlen's recent column in Newsweek, Casting the First Stone, captures the heart of this current tendency to mix religion and politics into a concoction that some Republican strategists hope will help them at the ballot box. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, May 31, 2004]

CASTING THE FIRST STONE

(By Anna Quindlen)

It was nearly 25 years ago that Robert Drinan, a member of Congress and an outspoken Jesuit (a redundancy if there ever was one), so enraged the Vatican with his defense of abortion rights that an order came down from Rome demanding priests withdraw from politics.

It appears that someone has had a change of heart.

Or at least that's how it seems now that certain segments of the Roman Catholic hierarchy are behaving like wholly owned subsidiaries of the Republican Party, hellbent on a course that will weaken the church's moral authority and eventually deplete its membership. And all because of abortion, the issue the celibate male leadership is least equipped to personally understand.

To paraphrase a Gospel passage, my Father's house is a house of prayer, but they have made it a den of partisanship. The archbishop of St. Louis announced that if John Kerry, the Democratic candidate, showed up for mass he would be denied communion. After threats from clerics in New Jersey, the pro-choice Democratic governor saved himself the embarrassment of being turned away by saying he would no longer present himself for the sacrament; the Democratic majority leader of the state Senate responded by quitting the church and saying he will likely join the Episcopalians. And in Colorado a bishop went a step further, saying that any Catholic who supports politicians who favor abortion rights, same-sex marriage or stem-cell research should not take communion.

Surely the next step is to put ushers at the door each Sunday with a purity checklist. Adulterer? Out. Gay? Out. Tax cheat? Gossip? Condom in your pocket? Out. Out. Out. My, how empty those pews have grown. And the altar, too, where we learned that too many priests had a secret life of sexual abuse. Why were known pedophiles permitted to give communion for years, while people of conscience at odds with Vatican teaching (not church dogma) are prohibited from receiving it? It brings to mind the always topical injunction that it's he who is without sin who gets to cast the first stone.

Too many bishops seem to have missed key seminary lessons: the ones on the teachings of St. Thomas Aquinas that civil and moral law are often two different things, or those on the tradition in Catholic thought that a good law must be enforceable, not a law like one prohibiting abortion that will be so often broken that it leads to disregard for all laws. Too many bishops seem to have forgotten the notion of the individual examination of conscience. Instead they have decided to examine conscience for us, particularly if we are liberal Democrats.

Leaders of the church began a schism between pew and pulpit in 1968 with the publication of the encyclical Humanae Vitae. The majority of the members of a papal commission on contraception recommended that the church change its opposition; the minority members won out, mainly because they based their argument on the primacy of the pope. Even then, power politics overrode the well-being of the people.

But over time there was an unforeseen result of the encyclical. The use of contraception became the church prohibition millions of Catholics ignored, in part because the directive was so out of step with modern life (as the majority report suggested), in part because the issue was so private. Little by little Catholics made their peace with consulting their conscience instead of Father, especially on intimate issues. The intermediaries became increasingly irrelevant, especially when, in recent years, the full extent of priestly sexual predation became known.

These member of the church were derided by conservatives as "cafeteria Catholics," picking and choosing their beliefs. Now we have cafeteria clergy, picking and choosing which prohibitions they emphasize and which politicians they damn. What of the pro-life policies of a living wage or decent housing? The church is opposed to the death penalty, yet no bishop has yet suggested he will deny the sacrament to those who support capital punishment. And sanctions for Democratic candidates have far outnumbered those for Republicans, even Republicans who favor legal abortion. The timing of all this is curious as well. It coincides with that new Catholic holy day, the feast of the first Tuesday in November, known to secularists as Election Day.

It is one thing to preach the teachings of the church, quite another to use the centerpiece of the faith selectively as a tool to influence the ballot box, that confessional of democracy. Even a member of Congress opposed to abortion complained that church leaders were "politicizing the eucharist." If citizens who are Methodist, Muslim or Jewish begin to suspect that Catholic politicians are beholden first and foremost to Rome, a notion we thought was laughable and bigoted when John F. Kennedy ran for president, who could blame them? Next month American Catholic bishops meet for a retreat in Colorado. There they should speak out against grievous sin. the sin of using communion to punish by those who have not the moral authority to persuade.

Mr. LEAHY. I also want to focus briefly on how Republicans continue to delay consideration of some Hispanic judicial nominees. For some time the only Hispanic nomination of this President to the first 42 circuit court vacancies was the ill-fated nomination of a young man whose record was kept from the Senate by the Bush administration and who was opposed by the Congressional Hispanic Caucus, prominent Latino leaders of the civil rights community and by many others. This single nomination was in sharp contrast to the many Hispanic nominees sent to the Senate by President Clinton. In fact, eight of the Hispanic jurists serving on our circuit courts today were named by President Clinton, and at least three other Clinton Hispanic circuit nominees would be sitting on the bench now if they had not been denied consideration by a Republican-controlled Senate.

When Democratic Senators supported the confirmation of Judge Edward Prado, President Bush's nominee to the U.S. Court of Appeals for the Fifth Circuit, the Senate Republican leadership delayed consideration of that nomination for a month on the floor for no good reason, other than to allow us to vote on this Hispanic nominee would undercut their false charges that Democrats were anti-Hispanic. Judge Prado had a fair record, years of experience as a Federal District Court judge, and broad support from both sides of the aisle. Nonetheless, in order to get Judge Prado a vote, I had to come before the Senate on a number of occasions to urge his consideration because the Republican leadership was delaying final Senate consideration of his nomination.

Now the Republican leadership seems to be returning to its earlier ways and is again passing over Hispanic nominees without explanation. Last October, 7 months ago, the Senate Judiciary Committee favorably reported the nomination of Judge Dora Irizarry of New York to be a United States District Court Judge for the Eastern District of New York. This was not a nomination without some controversy. The American Bar Association accorded her a majority rating of "not qualified," as it has several of this President's judicial nominees. Nonetheless, the Judiciary Committee held a hearing on her nomination. The Members of the Committee examined the nomination on the merits and reached their own judgment. With the support of Senator SCHUMER of New York, the nomination was favorably reported. While Senate consideration will include some brief debate, there is no reason this matter has not been scheduled and considered in the last seven months. It could easily have been considered during the course of an extended quorum call during any one of the many days when there is no significant business taking place on the Senate floor. As I have reiterated for months, there is no Democratic hold on this nomination. It merits a brief discussion, but we are prepared to vote on it. Republican delay has prevented action on this nomination.

I do not recall this lengthy a delay in scheduling debate on a Latina nominee since the untoward Republican obstruction of Senate consideration of President Clinton's nomination of Judge Sonia Sotomayor to the U.S. Court of Appeals for the Second Circuit in 1999. That nomination of an outstanding judge, who had been appointed to the federal bench by President George H.W. Bush, was delayed for more than 400 days in all and waited 7 months on the Senate floor, before we were able to force action and a vote on her confirmation. According to some accounts, she was delayed over Republican concerns that she would be chosen by President Clinton for the Supreme Court if a vacancy arose.

Likewise, the Senate's Republican leadership has not yet scheduled a vote on the nomination of Ricardo S. Martinez to be a United States District Court Judge for the Western District of Washington or Juan R. Sanchez to be a United States District Court Judge for the Eastern District of Pennsylvania.

Despite Republican delays in the consideration of President Bush's Hispanic nominees, the Senate has already confirmed, unanimously, three of his Hispanic nominees to the circuit courts and 11 to the district courts. Ms. Herrera will be the 12th Latino district court nominee and 15th overall confirmed by the Senate.

Unfortunately this White House's commitment to diversity seems shallow when compared to its devotion to ideological purity. The President has nominated many more members of the Federalist Society than members of the nation's fastest growing ethnic group. The White House has sent over the nominations of more than 45 individuals active in the Federalist Society, which is more than twice as many Latinos as he has nominated. In fact, the President has chosen more individuals involved in the Federalist Society than Latinos, African Americans, and Asian Americans combined.

We have made significant progress over the last three years in reducing Federal judicial vacancies. As of today, there are only 43 total vacancies in the Federal court system. That stands in sharp contrast to the treatment Republicans accorded President Clinton's nominees. Indeed, under Republican leadership, from 1995 to the summer of 2001 the number of vacancies in the federal courts rose from 63 to 110. We have now made up that 67 percent increase in vacancies the Republican Senate leadership had engineered between 1995 and 2001, and we have reduced vacancies from the 1995 level by one third, to the lowest vacancy level in 14 years. In spite of the way more than 60 of President Clinton's nominees were defeated by Republicans' objections, Senate Democrats have cooperated in the consideration and confirmation of 180 of this President's judicial nominations.

We now have 16 vacancies in the circuit courts. That is the number of vacancies that existed when Republicans took majority control of the Senate in 1995. Unfortunately, through Republican obstruction of moderate nominations by President Clinton, those circuit vacancies more than doubled, rising to 33 by the time Democrats resumed Senate leadership in the summer of 2001. We steadily reduced circuit vacancies over the 17 months that Senate Democrats were in charge. Even though since 2001 an additional 15 circuit vacancies have arisen, we have done what Republicans refused to do when President Clinton was in the White House by not only keeping up with attrition but actually working to reduce vacancies. We have now reduced circuit vacancies to the lowest level since before Republican Senate leadership irresponsibly doubled those vacancies in the years 1995 through 2001.

We should recognize the progress we have made. I certainly recognize the entirely different approach to judicial nominations Republicans have taken with a Republican President's nominations in contrast to their systematic obstruction of Senate action on President Clinton's judicial nominations. I would hope that we will be able to find ways to work together without too much more delay to consider the Hispanic nominees to the federal bench who Democrats are supporting.

I congratulate Ms. Herrera and her family on her confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—93

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Baucus
Biden
Campbell
Corzine
Edwards
Kerry
Miller

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3263

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from California, Mrs. FEINSTEIN, the Senator from Rhode Island, Mr. REED, the Senator from New Jersey, Mr. LAUTENBERG, and the Senator from Wisconsin, Mr. FEINGOLD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD, proposes an amendment numbered 3263.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP))

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. PROHIBITION ON USE OF FUNDS FOR NEW NUCLEAR WEAPONS DEVELOPMENT UNDER STOCKPILE SERVICES ADVANCED CONCEPTS INITIATIVE OR FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities may be obligated or expended for the following:

(1) The Stockpile Services Advanced Concepts Initiative for the support of new nuclear weapons development.

(2) The Robust Nuclear Earth Penetrator (RNEP).

Mr. KENNEDY. Mr. President, I see my friend and colleague, who offered this amendment on a previous occasion, in the Chamber. We have worked closely together. Because of the necessities of time, I hope the Chair will recognize her to make remarks, and then I will try to gain recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts. I particularly thank him for being the main sponsor of this amendment.

This amendment is something about which I feel passion, and the reason I do is because the country, of which I am a part, in this bill authorizes the opening of a nuclear door to the development of new nuclear weapons.

One of the things I realized is Americans forget what a nuclear weapon does. Both Senator KENNEDY and I were very young teenagers when the first nuclear bomb was dropped. The first nuclear bomb that was dropped was 15 kilotons, and it was dropped on Hiroshima. This is what Hiroshima looked like when that bomb was dropped.

Let me show you what a 21-kiloton nuclear bomb did, because that was the second bomb that was dropped, and that was on Nagasaki. In the course of a year, between the two cities, 200,000 people died—200,000—many of them in the most horrible of ways from radiation sickness.

Radiation is a major problem whenever you look at a new nuclear weapon—where it can be contained, how it can be contained, and where it cannot be contained.

In this bill, there is authorization for a 100-kiloton nuclear bunker buster. In this bill, there is a request for authorization of $9 million for advanced nuclear weapons concepts which translates into strategic battlefield nuclear weapons under 5 kilotons—battlefield nuclear weapons.

Let me show you the depth to which a bomb has to penetrate to prevent nuclear fallout. If it is two-tenths of a kiloton, it has to go down 70 feet, to 120 feet, and then it throws off 25,000 tons of radioactive fallout.

If it is 1 kiloton, at 80 feet, it throws up 60,000 tons of radioactive fallout and would have to go down to 220 feet not to throw out any radioactive fallout. Five kilotons, if it goes down 320 feet, it will not throw off radioactive fallout, but at 130 feet, it throws out 220,000 tons of radioactive fallout. At 100 kilotons, it would have to go down to 800 to 1,000 feet not to throw off any radioactive fallout.

That is what we are talking about. That is what is authorized in this bill: a nuclear bunker buster of 100 kilotons, and there is no known way to drive a bomb 800 to 1,000 feet into the earth because there is no known casing strong enough to drive that bomb down to that depth.

So I ask the question: Why are we doing this? Why are we spending what over 5 years will be $500 million on this program? And why are we doing it when it is going to encourage the very proliferation everything about us wants to prevent?

We now know through newspaper articles that India may be looking at what is called a boutique nuclear weapon, a battlefield nuclear weapon. We lead the way. We do not want other nations to go ahead and develop this, and this country has the most sophisticated conventional military in the world.

I support this amendment which essentially would eliminate the authorization for the robust nuclear earth penetrator and the advanced nuclear weapon concept.

I want to point out when this administration came into office, they put out a document called the Nuclear Posture Review in 2002. This Nuclear Posture Review, according to press reports, actually stated the United States would countenance a first use of nuclear weapons in certain circumstances.

This document named seven countries against whom we would consider launching a nuclear first strike. Those seven countries as listed in 2002 were North Korea, Iraq, Iran, Syria, Libya, China, and Russia. It also proposed a new triad in which nuclear and conventional weapons coexist along the same continuum. This effectively blurs the distinction between nuclear and conventional weapons and suggests that they could be used as an offensive weapon.

In addition, the Nuclear Posture Review said we need to develop new types of weapons so we can use them in a wider variety of circumstances and against a wider range of targets, such as hard and deeply buried targets, or to defeat chemical or biological agents.

I have now asked Secretary Rumsfeld, as a member of the Defense Appropriations Committee 2 years running, about this. The first year he said this is just a study; that is all. This year a week ago when I asked him, he said clearly, with the amount of underground activity that exists in the world, and it is pervasive in country after country that people have tunneled underground—North Korea is a perfect example; certainly Iran is—we have found this in country after country, and the question is, If that is a problem, what might be done about it. Your first choice would be to find some obviously conventional way to do it. They have looked and looked and looked, and this additional way is at least, in my view, worth studying.

In addition, the Congressional Research Service says the fiscal year 2005 budget request seems to cast serious doubt on the assertions that the Robust Nuclear Earth Penetrator is only a study because budget projections over the next 5 years is nearly $500 million for this program. So it is more than a study. It is a real program that is underway. I think it is a huge mistake.

I indicated that there is no way today to sink a nuclear weapon deeply enough into the earth to prevent radioactive fallout. Let me show what that fallout would do. This is the predicted radioactive fallout from a 300-kiloton explosion in west Pyongyang, North Korea, using historical weather data for the month of May. We see what the fallout would be. This makes no sense. We are not going to use a weapon either on a battlefield or as a bunker buster that spews out radioactive nuclear fallout. Why reopen the nuclear door? Why have other nations look at America and say, America is going to do this; maybe we should do it? India, Pakistan, historic enemies, both nuclear capable countries, rumors are that one now is going to develop a tactical battlefield nuclear weapon. They see us doing it; therefore, it is all right for them to do it.

According to press reports, in a Nuclear Posture Review, one of the countries we might consider a first use, North Korea. We then find North Korea breaks the agreed formula. North Korea is producing a nuclear capability. It makes no sense for the strongest military on Earth, the most sophisticated conventional military on Earth, to say, once again, we must reopen the nuclear door, and we must begin a new generation of nuclear weapons.

The people of California do not want this. I do not think the people of any State want that. So I believe very strongly in this amendment. I hope to discuss it more on Tuesday. I will do everything in my power to fight every way I can the reopening of this nuclear door.

The Robust Nuclear Earth Penetrator, and Advanced Concepts Initiative are only part of a movement to expand the development of new nuclear weapons. There are also plans to develop a modern pit facility, and that modern pit facility would provide the capacity to create up to 450 more plutonium pits per year. The plutonium pit is the shell which is effectively the trigger of a nuclear device which compresses and therefore detonates. That is not necessary to maintain the current nuclear numbers that we have. It is only necessary if you are going to build new nuclear. In addition, last year the Administration urged Congress to eliminate the Spratt-Furse provision which for the past 10 years provided that there could be no research, no development, no study of low-yield nuclear weapons.

So the evidence is there that this administration is proceeding along the lines to reopen the nuclear door to develop a new generation of nuclear weapons while at the same time preaching to the world, thou shalt not; we are opposed to nuclear proliferation. Yet we are willing to open that door and proliferate ourselves.

In my view, this is hypocrisy. In my view, this is not good public policy. In my view, this is immoral and unethical.

I represent a constituency that does not think we need a new generation of nuclear weapons. So this amendment would remove that authorization from the Defense authorization bill, and I stand in support of it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I rise in opposition to the amendment and would like to first reflect on some remarks that would have been presented by the chairman of the Armed Services Committee, Senator WARNER, were he able to be here. Then I will make a couple of comments on my own as well.

He points out that for the past 2 years, the Department of Energy has requested funding or legislation for several nuclear-weapons-related activities, including a feasibility study on the robust nuclear earth penetrator and the advanced concepts initiative.

These requests generated significant debate in the Congress, both last year and in the previous year. Last year, Congress decided to authorize research and the feasibility studies on advanced concepts and the robust nuclear earth penetrator, while ensuring that the Congress has the final say on whether more advanced development activities may proceed in the future.

So it is strictly up to Congress as to whether we would authorize anything in the future, and that has nothing to do with the bill that is before us today.

Specifically, the National Defense Authorization Act for fiscal year 2004 prohibits the Department of Energy from proceeding to the engineering/development, production or deployment phases of the robust nuclear earth penetrator, or a low-yield nuclear weapon, unless specifically authorized by Congress.

This is a prudent way to handle a very sensitive issue, which is deserving of the Congress's most careful oversight. I believe we struck a proper balance which will allow our weapons scientists, engineers, and technicians to conduct necessary research and studies to ensure that they maintain the ability to respond to any future military requirements from the Department of Defense.

We know rogue nations are increasingly developing hardened and deeply buried targets where they can conduct command, control, and communications operations, operate laboratories to produce and store weapons of mass destruction, and engage in other activities.

Pursuant to military requirements from the Department of Defense to address hardened and deeply buried targets, the National Nuclear Security Administration is doing a feasibility study to determine whether an existing nuclear weapon can be modified so that it can destroy these hardened targets—I repeat, an existing nuclear weapon, not a new nuclear weapon. The feasibility study is also trying to determine what collateral damage would result in such an event.

The need for validating this capability is well documented over several preceding administrations. Increased urgency to develop a capability to destroy hardened and deeply buried targets, both conventional and nuclear, was identified in the Quadrennial Defense Review, also in the Nuclear Posture Review, and the Hard and Deeply Buried Target Capstone Report and the HDBT report to the Congress. Advanced penetrators armed with conventional warheads have a very limited capability. They can only address relatively shallow targets whose location is known precisely.

I would parenthetically note that we also have photographs at the very beginning of the gulf war where we thought we had identified the location of Saddam Hussein. Very precise weaponry was deployed to try to penetrate the bunkers and facilities in which we thought the command and control was located. You remember the photographs of the concrete, layer upon layer upon layer, and hardened steel intermeshed with that concrete, none of which, of course, was penetrated enough to destroy the target we wanted to destroy. Only nuclear weapons can address the deeply buried targets that are protected by manmade or even hard geology. Our current nuclear penetrator, the B6–111, is only capable of penetrating a few feet of frozen soil and is incapable of attacking successfully a growing number of these hardened targets.

The feasibility study on the Robust Nuclear Earth Penetrator is focused on technical issues related to adapting an existing nuclear weapon to meet a spectrum of nuclear requirements for hardened and deeply buried targets, including survival through impact and penetration of hard geology. While the feasibility study on the Robust Nuclear Earth Penetrator will allow the Department of Energy to determine if the capability of destroying the HDBTs is possible, the current authorization will not result in a new or modified nuclear weapon.

Again I want to emphasize that the National Defense Authorization Act for the fiscal year 2004 included a provision requiring a specific authorization from the Congress before the Secretary of Energy can proceed to the engineering/development phase or subsequent phase of a Robust Nuclear Earth Penetrator or a low-yield nuclear weapon.

I support the National Nuclear Security Administration's ability to continue the feasibility study and the Advanced Concepts Initiative, and I urge my colleagues to oppose the amendment, which is, if anything, premature because of the points I have just made.

I will note in closing that it is possible to show photographs of a flattened Tokyo during World War II that was not bombed with a nuclear weapon or a burned-out Dresden, Germany. It is possible to show a lot of destruction in war caused by either nuclear or conventional weapons. But that is not what we are talking about nor are we talking about opening the nuclear door, as was mentioned. No new nuclear weapon is envisioned here. What we are talking about, again, is a feasibility study to use something we already have to destroy a target.

I would answer the question, Why would we want to do this? There are a lot of intelligence reports we cannot get into on the Senate floor that discuss the propensity for potential enemies of the United States to deeply bury what they don't want us to be able to destroy—whether it be weapons of mass destruction, production or storage or launch capability facilities or command and control or other kinds of targets we may need to deal with in a time of war. Why would we want to deny ourselves the ability to destroy those kinds of targets?

The point was mentioned that Secretary Rumsfeld testified. What did he testify to? That this was worth studying. He never said we were proceeding, because the law would prohibit that. That is all he said, that this is worth studying. Indeed it is.

Why does the 5-year budget requirement carry out a larger sum of money? Simply because that is what we require. We say to the DOE: Even though you have a 1-year number here, what would it look like if you proceeded 5 years out? And they have to tell us. But that is a hypothetical number because we have not authorized anything beyond the number we are talking about here.

The final point. Once we start talking about nuclear weaponry, a lot of very extraneous arguments get brought into the picture. I suggest we not go down that road because it is not necessary. It has nothing to do with this debate.

One of the arguments is, why would we want to begin testing nuclear weapons when we are trying to convince these other countries such as Pakistan and India, and so on, not to do so? I remind my colleagues that long after the United States imposed a moratorium on all nuclear testing, it was not just India or Pakistan but the North Koreans who were trying to develop a weapon. The French and the Chinese tested weapons after our moratorium was declared. So it is fallacious to say if only we would forego any testing of any kind, then the other countries would forego it as well. History shows that is a fallacious argument.

My point is let's not get into the scary discussion of reopening the nuclear window with an amendment that would prohibit us from continuing to study something that all of our defense people say we need to continue to study, and that is whether an existing weapon could be used to destroy a target we may need to destroy at some time in the future. As long as Congress has the ultimate say as to whether we would proceed with the development or deployment of the weapon—and we have not done that—it is absolutely not necessary for us to adopt an amendment such as this that would cripple us from even looking into the subject. That would be a Luddite position for a country like the United States with all of the responsibilities we have to take.

I urge my colleagues to vote against this amendment when we have the opportunity to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with my colleague and friend, the Senator from California, offering this amendment with my other colleagues.

Just to summarize very briefly, the development of these nuclear weapons signals a dangerous direction in our nuclear policy. It weakens our ability to ask other countries to give up their nuclear programs. If we build these nuclear weapons, the costs are clear. No one will believe we are serious about nuclear nonproliferation. Developing new nuclear weapons sends a mixed message that undermines all of our calls for nonproliferation. When we criticize Iran and North Korea for their nuclear weapons development, they point back to ours.

There is little doubt that we would be starting a new arms race. Although it is too soon to tell who will follow suit, few developments in the quantity or quality of nuclear weapons have gone unmatched by other powers. To start a costly new arms race for these weapons of little utility is, I believe, a mistake.

At the same time, the benefits are not clear. Opponents will just build deeper bunkers, out of the range of new weapons. We will build weapons with deeper range and our enemies will again build deeper bunkers.

But even more compelling is the fact that conventional weapons will do the job against deeply buried targets. All bunkers must have air intakes, energy sources, and entries; and secure those through conventional means and you have essentially secured the bunker, making these new nuclear weapons programs effectively useless.

In the end, the Department of Energy would like us to buy something that we do not need, that we will never use, that endangers us by its mere existence, and that makes our important diplomatic goals much more difficult to achieve.

I hope we will have the acceptance of our amendment.

Mr. President, having outlined what I believe to be the principal reasons for the amendment, I am going to take a few moments to go into some detail now about what is at risk.

As I mentioned, we are on the threshold of a new nuclear arms race. Instead of curbing the spread and the development of nuclear arms, the Bush administration wants us to build a new generation of nuclear weapons. I believe this is a dangerous and reckless policy that will put Americans at even greater risk in an increasingly dangerous world.

The nuclear weapons the administration is developing go by such terms as "mini-nukes" and "bunker busters." They may not possess the yield of the nuclear warheads of the cold war era, but a mushroom cloud is still a mushroom cloud. They can still cause monumental destruction, massive casualties, and long-term environmental damage to entire regions of the world. They will encourage other countries to follow our example and produce a new generation of nuclear weapons of their own. Their existence makes it even more likely that nuclear weapons could fall into the hands of terrorists.

On issue after issue, the Bush administration has arrogantly abandoned cooperation of the allies in favor of "my way or the highway" policies that alienate us from the world, from its rejection of the Kyoto Treaty against global warming to misguided occupation of Iraq. This administration's policies have made the world more dangerous for Americans, and the development of a new generation of nuclear arms is another such policy. These nuclear weapons programs must be stopped.

The administration requested a total of $34.2 million for the development of these new nuclear weapons. Our amendment would stop this money from going toward these new nuclear weapons and would direct the money toward other priorities such as increasing the safety of our existing stockpile, or environmental cleanup of nuclear materials.

The administration's funding request for these programs is a continuation of the dangerous new direction this administration is taking in our nuclear weapons policy.

The administration's Nuclear Posture Review acknowledged this, stating it "puts in motion a major change in our approach to the role of nuclear"—this is in the Nuclear Posture Review, 8 January 2002. Building on the QDR—the overall review of our defense capability—the Nuclear Posture Review "puts in motion a major change in our approach to the role of nuclear offensive forces in our deterrent strategy and presents the blueprint for transforming our strategic posture."

Why? Because the administration intends to go ahead not only in the research but in the development of these weapons systems. We will hear from the other side: "Oh, no, we aren't, Senator." All you have to do is look in the legislation itself. There it is on page 378—the limitation of availability of funds for advanced nuclear weapons concept limitation. Under the funds authorized to be appropriated this year, they may be obligated or expended for the purpose of additional or exploratory studies under an advanced nuclear weapons concept initiative until 30 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a detailed report on the activities for such studies on the initiatives that are planned for 2005.

There it is. Is that what the administration and is that what the Senate is relying on to say they are going to have to come back here for another action in terms of the development and the testing of nuclear weapons?

Look at what the language says—until 30 days after the date on which a report goes to the committee. They can go ahead.

Let us see what they are intending. This is a pass. Those who rely on that language said, "Senator KENNEDY, Senator FEINSTEIN, we have effectively addressed your needs." They cannot go ahead in terms of development or testing because we have language in there to prohibit it.

That is not accurate. That is not accurate. I have read the operative language in the Defense authorization bill for this year's funding. They can do anything they want after they give notification. That isn't any prohibition for this year.

We can ask, What do they mean? What do they intend?

Let us look at what Linton Brooks, Administrator of the National Nuclear Security Administration, says. He is the top person on nuclear weapons. He says on December 5, 2003: "On behalf of the administration, I would like to thank you"—

This was a memoranda to the directors of some of the laboratories. I will include the page in the RECORD.

"On behalf of the administration, I would like to thank you and your staff for helping us to support this important effort. We are now free to explore a range of technical options."

This is after Congress repealed the amendment which prohibited mini-nukes. That was in the law. And the last Congress repealed that action. Here is the head of the National Nuclear Security Administration:

"We are now free to explore a range of technical options. We should not fail to take advantage of this opportunity."

Look what else Linton Brooks said:

"I have a bias in favor of things that might be usable. I think that's just an inherent part of deterrence. If it is usable, they can be developed, and we ought to use it."

You can ask, How do we know the administration is serious in pursuing the bunker buster? How do we know that? All we have to do is look at the 5-year budget the administration has submitted.

As it moves on through in the development of the bunker buster, you will find as it increases—it has a total appropriations for this whole project of some $484 million over the next 5 years. For studies? For technical research? That is for the robust nuclear penetrator. Research is $484 million and $82 million for the small nuke. If you look in their budget, that is what it has.

Look in the details of what they expect each year. And when you come to 2007, you will find it is planning development in 2007. It has the technical language.

If I am wrong, I hope those on the other side will correct me. If this language does not mean development, correct me. If applicable, RNEP will move to level 6.3 authority, given the appropriate authorization—that means effectively the development in 2007 and the testing in 2009. It is in the 5-year program. This is what they are intending to do. That is why this amendment is so important.

It is very clear what the intention of the budget proposal is from the statement of the key administration officials who are dealing with the development of nuclear weapons and by the statement of the Nuclear Posture Review in and of itself. That is the direction we are going.

We believe we should say we are not going to go in this direction. We do not want to have another nuclear arms race.

One of the great successes of Democratic and Republican Presidents over the period since the end of World War II was being able to contain the nuclear arms race. We came dangerously close during the Cuban missile crisis of a nuclear exchange. But we have been able to avoid it, and we have seen progress made with the different arms control agreements which have been signed and supported by Republicans and Democrats alike.

Why in the world, when we are trying to contain the nuclear capability of North Korea and Iran, are we going out and beginning to have another nuclear arms race when we have the most feared military in the world right now? That is the argument that must be addressed on the other side to those who want to support this particular program.

Development of these nuclear weapons is part of that ill-advised transformation. It returns us to the dangerous dynamics of the world when our nuclear scientists competed with our rivals to develop the latest technology, our arsenals were on highest alert, and we were only minutes away from nuclear attack.

The administration's nuclear posture review directs the Department of Defense to look into the possible modification to existing weapons to provide additional yield flexibility in the stockpile and improve the earth-penetrating weapons to counter the increased use of potential adversaries of hardened and deeply buried facilities, referring to the bunker buster. In addition, the nation's nuclear weapons laboratories were to look into the weapons that reduce collateral damage, the so-called mini-nukes.

Last year, the House Energy and Water Subcommittee raised serious concerns about our Nation's nuclear weapons program. They had extensive hearings on this. The Department of Energy is proposing, and this is their conclusion of the House committee report:

> The Department [of Energy] is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the last forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons.

That is what the Republican House committee concluded, after extensive hearings on this particular issue. The House Energy and Water Subcommittee thought the pursuit of a broad range of new initiatives was premature until the Department of Energy could demonstrate that it could adequately care for the nuclear weapons we already have, which makes sense.

The committee cut the funding for the mini-nukes program, refusing to "support redirecting the management resources and attention to a series of new initiatives."

Chairman HOBSON's criticisms ring just as true today. Our amendment would similarly cut the funding for new nuclear weapons programs.

The President's budget for fiscal year 2005 contains $9 million for the Advanced Concepts Initiative, which funds research into the programs. This is an increase of 50 percent from last year's level of $6 million.

The low-yield nuclear weapons are nuclear weapons with a yield up to 5 kilotons. But these mininukes are very deadly. A 5-kiloton bomb is half the size of the bomb we dropped on Hiroshima, capable of killing hundreds of thousands of people and making the target radioactive for decades to come.

Based on questions about their battlefield utility, Congress banned the research and development of these weapons for over 10 years. As Chairman of the Joint Chiefs of Staff during the first gulf war, Colin Powell asked for a review of options for using tactical nuclear weapons on the battlefield. He rejected all of them. Colin Powell rejected all of them because he concluded they have no usefulness on the battlefield.

Unfortunately, last year, at the administration's request, Congress repealed the ban and allowed research into these weapons to go forward. I disagreed with that action and joined with my colleague from California in an amendment to retain the ban. Many supported repealing the ban because they believed the administration would not field these new weapons. This is simply not true.

The administrator's nuclear weapons chief, Linton Brooks, says, as I mentioned: "I have a bias in favor of the lowest useable yield because I have a bias in favor of . . . things that might be useable."

That is a clear intention of what a leading person for the administration believes and feels about the usability of small nuclear weapons.

The administration wants these weapons because it believes our existing nuclear weapons are too large to be used. It wants to develop a generation of more useable nuclear weapons. In creating a more useable nuclear weapon, the administration is making it more likely that the United States would use such a weapon, increasing the risks of escalation and nuclear war.

This chart shows a detonation outside of Damascus. This would be a 5-kiloton bomb that was detonated in a hypothetical bunker in the Middle East, in Damascus, on a typical day. Over half a million people would be wounded or killed from such explosion, and the fallout pattern would extend from Damascus into the Mediterranean Sea. The detonation of even a 1-kiloton nuclear weapon at a depth of less than 50 feet will create a crater larger than the World Trade Center and spew a million cubic feet of radioactive dust into the atmosphere.

According to Michael May, the former Director of Lawrence Livermore Nuclear Laboratory, one of our premier research labs, "Scientists say even a low-yield nuclear strike on a bio-warfare storage bunker will dig a large, hot crater and blast a witches's brew of weaponized germs and radioactive fallout into the air."

This next chart gives some idea about what that might look like. We can realize the size of the hole only if we can see the observation post that allegedly can hold 20 people. They are right on the edge of that very substantial crater for the 1-kiloton bomb, with the thousands of tons of radioactive material which comes from that.

For those who argue that the advanced weapons concepts program is necessary to preserve the intellectual base of nuclear weapons scientists, one of the prime reasons being recommended before our committee is because we want to keep occupied our nuclear scientists so they will be energized in their work.

This amendment would not stifle their ability to study nuclear weapons. There is plenty of work to be done on stockpile security, on the nuclear weapons capability of other nations. This amendment would leave the money available for research in the nuclear weapons field but would prevent it from being spent on nuclear weapons research.

The robust nuclear earth-penetrator, the so-called bunker buster, is a nuclear weapon that will burrow into the ground 10 to 50 feet before detonating. The administration is currently studying the feasibility of putting existing nuclear weapons with yields up to 300 kilotons into an earth-penetrating casing. The bunker buster is designed to strike deeply buried, hardened bunkers, which could be fortified below 100 to 300 feet of concrete.

Earth-penetrating weapons would spray millions of tons of radioactive waste into the atmosphere, creating a plume of deadly fallout, according to nuclear physicists.

Robert Peurifoy, the retired vice president of Sandia National Laboratories, another premier nuclear weapons laboratory, had this to say:

"If you can find somebody in a uniform in the Defense Department who can talk about the need for nuclear bunker busters without laughing, I'll buy him a cup of coffee. It's outlandish. It's stupid. It is an effort to maintain a payroll at the weapons labs."

Opponents will argue that we are simply funding a study, that there is no intent to go any further. But last year Fred Celec, former Deputy Assistant Secretary of Defense for Nuclear Matters in the Bush administration, was asked about these bunker busters and he stated that if a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, "it will ultimately get fielded."

In May 2003, Secretary Rumsfeld said the bunker buster "is a study. It is nothing more and nothing less." This study was planned to cost $15 million for fiscal years 2003 to 2005. In fiscal year 2004, based on concerns about the program, Congress cut the appropriations to $7.5 million. But this year, the President's fiscal year 2005 budget request challenged that and the administration requested $27.6 million for the study and revealed that it planned to spend $485 million over the next 5 years.

Surely an investment of that magnitude is not just a study but a quantum leap towards deployment of this dangerous weapon. In fact, in that plan the administration stated its intent to move in a development stage.

Whatever their size, current deployed nuclear weapons must be detonated close to the ground in order to kill chemical or biological agents, creating a great deal of nuclear fallout. If the detonation is underground, all the debris becomes radioactive and disperses through the air. Fallout can be reduced by detonating the weapons at a higher altitude, but that reduces their effectiveness against chemical or biological weapons.

Bunker busters require pinpoint accuracy to hit deeply buried, hardened bunkers that may contain chemical or biological weapons. They require precise intelligence on the location of the target because even an enhanced radiation weapon has a very short range of effectiveness to neutralize a biological agent. If the bomb is even slightly off target, the detonation may cause the spread of chemical bioagents in addition to the radioactive fallout instead of vaporizing the agent.

In fact, the administration's own Nuclear Posture Review acknowledges that "significant capability shortfalls currently exist in: finding and tracking mobile relocatable targets and WMD sites" as well as "locating, identifying, and characterizing hard and deeply buried targets."

Given our current failure to locate WMD in Iraq, do we have sufficient confidence to drop a nuclear bomb on a suspected hardened, deeply buried bunker? According to noted Stanford physicist Sidney Drell, the blast effects of such a weapon "extend beyond the area of very high temperatures and radiation they create for destroying such agents." The consequences of using such a weapon extend far beyond the limited area of a suspected bunker.

In the months leading up to the war in Iraq, the administration refused to rule out—isn't this interesting—in the months leading up to the war in Iraq, the administration refused to rule out the use of nuclear weapons. If we had mininukes last spring, would we have used them against suspected chemical or biological bunkers, bunkers which turned out not to have existed?

Using a low-yield nuclear weapon against a suspected bunker around Baghdad could have killed a half a million people or more. Imagine the geometric increase in the resentment of the Iraqi people to our occupation, what it would have been had we done so.

Couple the administration's interest in these weapons with its newly declared preventive war doctrine and we face the potential of a nuclear first strike against a nonnuclear nation. This would violate our obligations under the Nuclear Nonproliferation Treaty. Use of a nuclear weapon against a country preemptively would instantly transform America from the great beacon of hope in the world to a pariah.

So, as I mentioned, the development of these new weapons signals a dangerous direction in our nuclear policy. It weakens our ability to ask other countries to give up their nuclear programs. And the costs are clear. No one will believe we are serious about nuclear nonproliferation. Developing the new nuclear weapon sends a mixed message that undermines all of our calls for nonproliferation. When we criticize Iran and North Korea for their nuclear weapons development, they point back to ours. There is little doubt that we would be starting a new arms race. Though it is too soon to tell who will follow suit, few developments in the quantity or quality of nuclear weapons have gone unmatched by other powers. To start an arms race with these weapons of little utility is a mistake.

Opponents, as mentioned, will just build deeper bunkers, but even more compelling is the fact that conventional weapons will do the job against deeply buried targets. We have not heard on the Armed Services Committee testimony that we do not have the capacity or capability to deal with the deep bunkers with conventional weapons today. I will wait for those who are opposed to this amendment to justify that position.

So this is a matter of enormous importance and consequence. The materials I mentioned are here on my desk. It is quite clear the direction this administration is intending to go. It is clear not only from the statements of those who have the prime responsibility for the development of nuclear weapons, it is clear in their statement for their 5-year proposal. You cannot read that proposal and not see where they are looking for development and testing. It is all out there for everyone to see.

For those to suggest on the floor of the Senate that under the existing Defense authorization bill we have effectively prohibited that kind of conduct in terms of the testing and the development defies the language I have read previously. The only hindrance would be the fact that the Department of Defense is required to send studies here to the appropriate Defense committees and then, after 30 days, is free this year to take whatever action they want. That is not the way for us to move into another nuclear arms race. That is what this amendment is meant to address. That is why I hope it will be accepted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me compliment the Senator from Massachusetts. I fully intend to support this amendment. I have spoken about this issue on the Senate floor previously. It is in my judgment that job one for this country is to attempt to stop the spread of nuclear weapons around the rest of the world, to prevent the proliferation of nuclear weapons, to make certain the nuclear weapons that do exist are protected and safeguarded, and then for this country to lead in this world to try to reduce the stockpile of nuclear weapons.

But for this country to be talking about building new nuclear weapons, earth-penetrating, bunker-buster nuclear weapons or low-yield nuclear weapons, and have people in this administration talk about nuclear weapons as if they are just another weapon to be used in a war—drop a nuke on a cave someplace; just another weapon, that is what they are talking about—that this country should be wanting to build more, it is absurd.

There are roughly 30,000 nuclear weapons on this Earth. The stealing of one of those weapons or the acquisition of one by terrorist groups would cause an apoplectic seizure for people who live in the major cities of this country that would be targeted by the detonation of a nuclear weapon.

Our job is not to be talking about building new nuclear weapons. There are plenty of nuclear weapons on this Earth—far too many, in fact. Our job is to be a world leader in stopping the spread of nuclear weapons and to find ways to reduce the stockpile of existing nuclear weapons. That is the way we create a safer world, not talking about building more, not talking about resuming testing, not talking about bunker buster, earth penetrators, low-yield, usable nuclear weapons. That is, in my judgment, reckless talk. I intend to support this amendment.

Mr. President, I am going to be offering an amendment to this Defense authorization bill dealing with the White House plan to use a military aircraft to broadcast Television Marti to the Cuban people. I want to talk about that just for a moment.

It is almost unbelievable. When someone listens to the logic of all of this, they would say: Are you nuts? Is no one thinking at all about this?

Cuba, as we know, is a Communist government, run by Fidel Castro. He, I think, has lived now through 10 American Presidencies, with an embargo on the country of Cuba through 40-some years.

So we want to convince the Cubans that Fidel Castro is a bad deal for them. Well, I have been to Cuba. I do not think they need much convincing. They understand. They do not live in a free country. They understand that they live under the yoke of a Communist government. They would love to come to this country. If we had no immigration laws and Castro let them go, we would have an exodus to this country. So they do not need a great deal of convincing. But, nonetheless, we spend a lot of money on Television and Radio Marti.

So Radio Marti actually gets into Cuba, and people listen to it. I have been to Cuba. The dissidents and others in Cuba indicated that Radio Marti is effective, although they can also pick up the radio stations from Miami easily. All those commercial stations are available to be listened to by the folks in Cuba.

I support Radio Marti. It is fine with me. It gets into the Cuban broadcast range, the Cuban people listen to it, and I have been told by the Cubans in Cuba that it is effective. But TV Marti, broadcasting television signals into Cuba, let me talk about that for a moment.

All those television signals are blocked so the Cuban people can't see it. We broadcast it. I want to show you what we have been doing with the taxpayers' money. This is a picture of something called Fat Albert. It is a tethered dirigible or balloon that goes up, and using Fat Albert we send television signals at Cuba. Traditionally, we have done it from 3 until 7 in the morning. We broadcast 4 hours a day through Fat Albert. The Cuban Government blocks the signal. So we spend the money for nothing. We have a balloon-enhanced signal to Cuba and nobody can see the image.

In fact, here is how the television screen in Cuba looks. As you see, it is a scrambled screen. There is no TV picture.

The President announced recently that he is going to get much more aggressive on TV Marti. One would think if what we are doing is a colossal, tragic, complete, thorough waste of taxpayers' funds, you would stop it. No, not us, not now, not with Cuba. We want to spend more money. The President says it doesn't matter that they can't see it. It doesn't matter that it doesn't work. What we want to do is phase out these balloons because they are old. What we want to do is take an EC–130 special operations aircraft, under the control of the Department of Defense, and use it to transmit TV Marti broadcasts to Cuba. The broadcasts may well still be jammed, and the Cuban people still won't be able to see them. But the President and the White House are talking about $18 million to be able to send these television messages into Cuba that the Cubans can't see.

We have spent $180 million on TV Marti since 1989, $180 million on broadcast signals the Cubans haven't seen. One wonders if there is any depth to which foolishness will move in this Chamber, if we continue to do this. Is there anything that is beyond the pale? We just want to keep doing this? In fact, we want to get rid of the balloon, and we can put this aircraft up, run by a military special operations unit.

There are only six of these aircraft in the world. They are extraordinarily valuable in the Middle East. We have used these airplanes to great value in the Middle East. They broadcast important messages to support U.S. military operations in places like Afghanistan and Iraq. But they will not be used to great value in Cuba.

So if something doesn't work, the President and the White House announce we want to do more of it, and do it with more sophisticated equipment.

We want to divert this aircraft from missions in war theaters—Afghanistan, Iraq—and see if it can replace Fat Albert; put it up in the air and push television signals out the carcass of this airplane that the Cuban people probably cannot see or receive.

It is unbelievable to me that the White House is pushing this nonsense. I am going to offer an amendment that will say we will prohibit the use of EC–130 special operations aircraft and other aircraft for transmission of TV Marti broadcasts to Cuba or radio broadcasts to Cuba. We already get the radio broadcasts in. We don't need to do it with special operations aircraft. Having a special operations aircraft available probably will not get TV signals in effectively.

My point is, why waste the money? We were told yesterday that we are short of money for DOD. We were told we should have a $25 billion reserve fund. This Congress voted for it without a dissenting vote. Why? Because we are short of money. We need it, so the Congress provided it. Do we want to use scarce resources for flying a special ops airplane, of which there are only six in the entire world, so that we can send signals that will be jammed by Fidel Castro?

I don't have any use for Fidel Castro. I want the Cuban people to be free. But I want the American people to be free from this nonsense. These are taxpayers' moneys that come from the pocketbooks of the American people, and they ought not be wasted. This is a tragic waste of the taxpayers' money.

While I am at it, let me make one more point. We have folks who are in the Treasury Department in an organization called OFAC, Office of Foreign Assets Control. Their job is to track terrorist funds, the funds that support terrorists groups. Down at the Office of Foreign Assets Control, they have 21 people tracking American tourists who travel to Cuba. And they have fewer than four who are tracking assets that are supporting Osama bin Laden. That is unbelievable to me.

Recently I brought a picture of a woman named Joanie Scott to the Senate floor, a wonderful young woman who came to see me. She went to Cuba to distribute free Bibles. But she found out those fearless warriors in OFAC were not tracking Osama bin Laden. They were tracking Joanie Scott who was distributing free Bibles to the people of Cuba and slapping her with a $10,000 civil fine.

And it is not just Joanie Scott. It is a whole series of others, such as a man whose father died, and his last wish was that his ashes be buried at the church in which he ministered in Cuba. His son takes them there, and OFAC, instead of tracking Osama bin Laden's funding, is going after this guy with a civil fine for taking his dead father's ashes to bury them in Cuba. That is the kind of nonsense that is going on. It has nothing to do with sound public policy. It has everything to do with politics in Florida. This administration is playing it like a violin.

The fact is, this ought to stop. I will support the Defense authorization bill, but I hope my colleagues will agree with me that diverting money from the Defense Department to put up a special operations EC–130 to broadcast television signals to the Cuban people who probably won't be able to see it is a waste of taxpayers' money, and it ought to stop.

REGULATORY AGENCIES

Mr. DORGAN. Mr. President, I read in the paper a story that reminded me that we have some real problems with respect to regulatory agencies these days. I happen to think there is a significant role for effective regulation in government, especially in areas where you have monopolies or the potential of abuse of consumers and citizens. That is why you have regulatory authorities, and there is a requirement for them to regulate effectively.

I noticed in the paper that "SEC Seeks Psychologist to Boost Morale." It says:

> Some former SEC officials find the idea of an SEC psychologist laughable.

This is a full-time position that will pay $147,000 a year, and they want to improve employee attitudes and job satisfaction, reduce burnout, conflict, and stress by hiring a psychologist.

I don't doubt there is plenty of need for psychologists in Washington, DC.

This came on the heels of a report in the newspaper about the Bureau of Indian Affairs sending a number of employees to Tony Robbins' motivational course in Chicago, IL, at a cost of tens of thousands of dollars. At a time when we don't have enough money to fund health care needs for Indian children, to fund Indian tribal colleges, to deal with the social service needs of most of these children on Indian reservations, we are sending people off to the Tony Robbins motivational course in Chicago, spending a small fortune.

As I was thinking about these things, which seemed to me to be a waste of the taxpayers' money, I was thinking about the issue of regulation.

Last evening, I saw the CBS report about what had happened in California with electricity prices. I held hearings and I chaired the subcommittee in Commerce holding hearings on the issue of the fleecing of west coast consumers who were paying prices for electricity that were outrageous a couple of years ago. We subpoenaed Kenneth Lay, former head of Enron. He came in and took the fifth amendment in front of our committee. We had Jeffrey Skilling. He actually testified. He is now under indictment. I was thinking about this issue of regulation, when I read last evening the transcript of Enron employees talking about going ahead and shutting down the electric plant.

That way, you have less supply of electricity out there. You inflate the price and we can maximize profits, manipulate the supply in order to maximize profits. They say: Well, all the money you guys stole from those poor grandmothers. The other guy says: Yes, Grandma Millie, that's Grandma Millie.

They laughed about stealing money from people by manipulating and shutting down electric plants. This all happened while we had the FERC, Federal Energy Regulatory Commission—people who are paid by the taxpayers who are supposed to regulate—sat on their hands; they did their imitation of a potted plant and did absolutely nothing.

One might ask consumers on the west coast about the $5 billion to $10 billion that was stolen from them by manipulating supply and demand and the inflating of prices by cartels, by traders who created schemes named "get shorty," "fat boy," "death star," and "load shift."

These are organizations—and there is more than one—that, in my judgment, stole billions of dollars. Yes, there are some indictments, but some are still living in their gated communities and counting that money.

The Federal regulatory agency here, called FERC, did the American public an enormous disservice by deciding their job wasn't to regulate, it was to observe. If a regulatory agency is not going to regulate in cases where you have the stealing of billions of dollars, then we don't need that agency at all. We ought to dissolve it and create one that will work.

Here is another regulatory agency, the Federal Communications Commission. They are not regulating, either. They are content to just observe. They just came up with new rules on broadcast ownership. They said, oh, by the way, it will be all right with us if, in one major city in this country, the same company owns eight radio stations, three television stations, the cable company, and the major newspaper. That will be fine. That is what the FCC said.

You talk about abridging the rights of people in this country. This is a decision that means a handful of people—fewer and fewer people—will decide what the American people see, hear, and read in the future. Hundreds and hundreds of thousands of people wrote to the FCC complaining about the proposed rule. It didn't matter a bit. They went ahead and adopted it anyway. This is not a regulatory agency. At least they are not representing the interests of the American people. It is what the big interests want; let us move in that direction. It is what the big and powerful interests want—that is what we will do. That is true with FERC, with the FCC, the Surface Transportation Board, STB, and the SEC.

The Surface Transportation Board took the place of the Interstate Commerce Commission, the ICC, which I always thought was dead from the neck up. We replaced it with something called the STB. It doesn't matter. They are supposed to look after the railroads and make sure consumers are not cheated.

In North Dakota, we are overpaying rail rates by $100 million. Does the STB care about that? They don't give a whip. They are supposed to regulate and they are content to sit on their hands and observe. I met with them yesterday; same old story.

The Securities and Exchange Commission wants to hire a psychologist because of employee stress. It is interesting to me that the investment banking firms were investigated in this country and reached a settlement because they internally, some of them, were trying to sell stocks to the public that internally they called dogs. They said, we have these stocks that are real dogs, not worth anything, but let's market them to the public. They had sales people trying to sell the stocks that they described as dogs. Do you know who uncovered all that double dealing going on, the basic conflicts of interest? Was it the SEC, the ones that have hundreds of lawyers who are supposed to be doing this? No, the Securities and Exchange Commission, which wants to hire a psychologist because they have such stress on their jobs, didn't do a thing. It was the attorney general of New York State.

How about the scandal with the mutual funds? Was that the SEC, the organization that is so stressed out they want to hire a psychologist for employees? Unfortunately not. They were busy observing. The first Chairman under this administration said it would be a kinder and gentler SEC, we are probusiness. That is the message he wanted to send.

Well, that is certainly true. They have done nothing. It was Elliot Spitzer, the attorney general of New York, who unearthed both of those scandals. So much for the SEC, and so much for job stress for people who don't do anything.

The FDA is supposed to regulate as well. They seem content to represent the pharmaceutical industry. They have spent their time in recent months trying to prevent the Congress from providing for the reimportation of FDA-approved drugs from Canada. Why? Beats me. When the question is asked, whose side are you on, they come down on the side of the pharmaceutical industry, not the consumer.

We are trying to put downward pressure on prescription drug prices. They are in the wrong corner. I don't need to mention much about the FTC. When gas prices are $2.10 or $2.20 a gallon, you would hope to have an agency like the FTC that would be aggressive and active, and that you would see a cloud of dust from an investigating agency trying to find out what is happening. We know some of what is happening. There is a lot of trading and speculation going on, and a great deal of concern that consumers are being taken advantage of. Do we see much activity out of the Federal Trade Commission? Not much going on there, either. It is a great place to nap, apparently.

There is a good reason, it seems to me, for us to start asking: Is there not a requirement for a regulatory authority that regulates? I know this notion of deregulation is wonderful. But if you deregulate in the face of monopolies, the American people, in my judgment, are going to be injured severely. Ask people in California, Oregon, and Washington, who paid sky-high rates for electricity, about the need for effective regulation. Why did they pay those rates? Because a company such as Enron, and others, I might add, got involved and found ways to cheat. They created schemes, such as "get shorty," "fat boy," "death star," and others, by which they could cheat the ratepayers, the consumers. I think there is a time when you need effective regulation.

Going back to one more point, I mentioned all of these agencies—the SEC, FDA, Federal Communications Commission, Surface Transportation Board, and others. They are all there for a purpose. If they are not serving that purpose, maybe we don't need them at all. It is a purpose, however, that I embrace.

I believe the American people deserve someone who fights for them. When the railroad overcharges somebody, in my judgment, they ought to be able to file a complaint and find due process in a regulatory body that is not on the railroad's side, or that automatically decides for the railroads, but in a way that fairly and effectively deals with those complaints.

When the FCC is looking at what the impact is of the concentration of broadcast properties, I hope they will not come up with the conclusion that it is not a problem for the consumers if one company owns eight radio stations, three television stations, the newspaper, and the cable company in the same town.

I do not know what school you go to learn that sort of nonsense, but that is not the right thing for this country.

Incidentally, on that subject, the Senate agrees with the position I have articulated. We voted on this issue and by a wide margin the Senate voted to overturn the Federal Communications Commission's rules on broadcast ownership, but it is not going anyplace because the leaders in the House of Representatives are blocking that resolution.

My hope is as we proceed through this year and work on appropriations issues we might be able to address some of these issues with regulatory agencies. If we are going to have regulatory agencies—and I think we should in a good many areas; I do not think they need psychologists, they need leadership—they need an administration that says: Your job at the FCC, FDA, FERC, and others is to effectively represent the interests of the American people, and when you have big interests confronting small interests, you need to be the fair referee here, the one that evens the score a bit.

I mentioned many times the refrain in Bob Wills and the Texas Playboys song from the 1930s, but it applies pretty well:

> Little bee sucks the blossom and the big bee gets the honey.
>
> The little guy picks the cotton and the big guy gets the money.

With respect to Government, there ought to be a mechanism that provides protection for the smaller interests when confronted by the larger interests that want to take advantage of it. What happened on the west coast should never have happened with respect to electric grids because the Federal Energy Regulatory Commission should have stepped in immediately, but they would not; they did not. The President, in fact, when he took office bragged: There will be no price caps; we won't put any caps on prices because we want the market to work.

The market was not working. There was massive stealing and cheating going on of west coast consumers by some folks who got rich in the Enron Corporation, and others. That is not speculation on my part. We now know this as a function of criminal filings that have been made in these cases. We now know it as a result of tape recordings that were made available only under duress by the U.S. Justice Department in the last couple of days. "Enron Traders Caught on Tape," "Enron Tapes Anger Lawmakers."

The American people deserve better. The American people deserve much better than they are getting with these regulatory agencies that decide they do not want to regulate.

I wanted to visit about these regulatory agencies. Some will not like what I have to say. Frankly, I do not like their inattention to the issues facing the American people in a manner that is not fair to many people.

I come back to where I started, the amendment I discussed earlier about prohibiting the use of special operations aircraft to broadcast TV Marti signals into Cuba. My amendment is a prohibition on the use of money for that purpose.

Radio Marti is effective. I have been to Cuba. They hear those signals. It is effective. We have spent nearly $180 million on TV Marti. It has been a tragic waste of the taxpayers' money. Those signals are not able to be seen in Cuba. They are blocked. To appropriate military aircraft for the use of sending signals that will likely still be blocked and not seen by the Cuban people seems folly to me.

I ask unanimous consent that we lay the current amendment aside so I may formally offer the amendment I have described.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Let me ask the Senator from Nevada the status of the legislation in the Senate. It is my intention to offer the amendment. Of course, I will have the opportunity. Is it the intention of the floor managers not to allow amendments the rest of the day?

Mr. REID. Yes, there may come a time when there are six or seven amendments the managers cleared. As far as setting the Kennedy amendment aside, we are not able to do that this afternoon.

Mr. DORGAN. Let me also say—I know the managers of the bill are not here—as an observation, it would make a lot of sense to move amendments. There is always the case of people coming to the floor of the Senate saying: Boy, we don't want any delays; this is taking too long. And yet on a fair number of occasions, when I have come to the floor, there is someone—in this case it is not the Senator from Nevada himself. Well, I guess it is the Senator from Nevada at this point saying someone objects.

I would prefer we offer amendments, get them to the desk, and consider them with votes in due course. If there is a decision or an objection at this point to setting aside the current amendment, which is the course that must be taken, then I will come back, I guess, on—on Monday or Tuesday, will we be open for amendments?

Mr. REID. Monday.

Mr. DORGAN. Then I will come back on Monday and offer the amendment I described and hope it may be seen by the Senate as something that represents an enhancement to this underlying Defense authorization bill.

Mr. President, I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from North Carolina wishes to speak for 20 minutes; is that right?

Mrs. DOLE. Yes.

Mr. REID. Is that in morning business or on this amendment?

Mrs. DOLE. Morning business.

Mr. REID. I ask unanimous consent that the Senator from North Carolina be recognized for 20 minutes.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. Following the Senator from North Carolina recognized in morning business, that Senator LAUTENBERG be recognized for 20 minutes to speak as in morning business. It is my understanding we have cleared amendments now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NOS. 3274, 3275, 3236, 3276, 3233, 3277, AND 3278, EN BLOC

Mrs. DOLE. Mr. President, I have a set of amendments to the Defense bill that have been cleared by both managers. Therefore, I ask unanimous consent that the amendments be considered and agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. These have been cleared by Senator LEVIN. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3274, 3275, 3236, 3276, 3233, 3277, and 3278) were agreed to, en bloc, as follows:

AMENDMENT NO. 3274

(Purpose: To provide for the conveyance of land at the Sunflower Army Ammunition Plant, Kansas)

At the end of subtitle C of title XXVIII, insert the following:

SEC. 2830. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the "entity" and the "Board", respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

AMENDMENT NO. 3275

(Purpose: To clarify the protection of military personnel from retaliatory action for communications made through the chain of command)

On page 280, after line 22, insert the following:

SEC. 1068. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking "or" at the end of clause (iii)"; and

(2) by striking clause (iv) and inserting the following:

"(iv) any person or organization in the chain of command; or

"(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.".

(b) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

AMENDMENT NO. 3236

(Purpose: To authorize and improve Operation Hero Miles)

On page 131, between lines 17 and 18, insert the following:

SEC. 653. ACCEPTANCE OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE THE AIR OR SURFACE TRAVEL OF CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

Section 2608 of title 10, United States Code, is amended—

(1) by redesignating subsections (g) through (k) as subsections (h) through (l), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) OPERATION HERO MILES.—(1) The Secretary of Defense may use the authority of subsection (a) to accept the donation of frequent traveler miles, credits, and tickets for air or surface transportation issued by any air carrier or surface carrier that serves the public and that consents to such donation, and under such terms and conditions as the air or surface carrier may specify. The Secretary shall designate a single office in the Department of Defense to carry out this subsection, including the establishment of such rules and procedures as may be necessary to facilitate the acceptance of such frequent traveler miles, credits, and tickets.

"(2) Frequent traveler miles, credits, and tickets accepted under this subsection shall be used only in accordance with the rules established by the air carrier or surface carrier that is the source of the miles, credits, or tickets and shall be used only for the following purposes:

"(A) To facilitate the travel of a member of the armed forces who—

"(i) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

"(ii) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member.

"(B) In the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such deployment, to facilitate the travel of family members of the member to be reunited with the member.

"(3) For the use of miles, credits, or tickets under paragraph (2)(B) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

"(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

"(B) the number of family members who may travel; and

"(C) the number of trips that family members may take.

"(4) Notwithstanding paragraph (2), the Secretary of Defense may, in an exceptional case, authorize a person not described in subparagraph (B) of that paragraph to use frequent traveler miles, credits, or a ticket accepted under this subsection to visit a member of the armed forces described in such subparagraph if that person has a notably close relationship with the member. The frequent traveler miles, credits, or ticket may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the miles, credits, or ticket.

"(5) The Secretary of Defense shall encourage air carriers and surface carriers to participate in, and to facilitate through minimization of restrictions and otherwise, the donation, acceptance, and use of frequent traveler miles, credits, and tickets under this section.

"(6) The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

"(A) to promote the donation of frequent traveler miles, credits, and tickets under paragraph (1), except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

"(B) to assist in administering the collection, distribution, and use of donated frequent traveler miles, credits, and tickets.

"(7) Members of the armed forces, family members, and other persons who receive air or surface transportation using frequent traveler miles, credits, or tickets donated under this subsection are deemed to recognize no income from such use. Donors of frequent traveler miles, credits, or tickets under this subsection are deemed to obtain no tax benefit from such donation.

"(8) In this subsection, the term 'family member' has the meaning given that term in section 411h(b)(1) of title 37.".

AMENDMENT NO. 3276

(Purpose: To require a report on the training provided to members of the Armed Forces to prepare for post-conflict operations)

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

AMENDMENT NO. 3233

(Purpose: To express the sense of the Senate regarding the funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy).

On page 35, between lines 6 and 7, insert the following:

SEC. 232. SENSE OF THE SENATE REGARDING FUNDING OF THE ADVANCED SHIPBUILDING ENTERPRISE UNDER THE NATIONAL SHIPBUILDING RESEARCH PROGRAM OF THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget for fiscal year 2005, as submitted to Congress by the President, provides $10,300,000 for the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency in the national technology and industrial base.

(3) The leaders of the United States shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method for exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all components of the industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) that the Senate—

(A) strongly supports the innovative Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program as an enterprise between the Navy and industry that has yielded new processes and techniques that reduce the cost of building and repairing ships in the United States; and

(B) is concerned that the future-years defense program of the Department of Defense that was submitted to Congress for fiscal year 2005 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2005; and

(2) that the Secretary of Defense should continue to provide in the future-years defense program for funding the Advanced Shipbuilding Enterprise at a sustaining level in order to support additional research to further reduce the cost of designing, building, and repairing ships.

AMENDMENT NO. 3277

(Purpose: To require a study regarding promotion eligibility of retired warrant officers on active duty)

On page 79, between lines 10 and 11, insert the following:

SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.

(a) Requirement for Study.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

AMENDMENT NO. 3278

(Purpose: To convert appropriations transfer authority in section 123 to authority for transfers of authorizations of appropriations)

Strike section 123 and insert the following:

SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.

(a) Establishment.—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) Authority.—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) Amounts Available for Transfer.—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) Limitations.—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) Merger of Funds.—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) Relationship to Other Transfer Authority.—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) Final Report.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) Termination of Program.—No transfer may be made under this section after September 30, 2012.

Ms. SNOWE. Mr. President, today, I rise to speak to an amendment to Section 841 of the National Defense Authorization Act for fiscal year 2005 revising the authority for the Commission on the Future of the National Technology and Industrial Base.

This amendment is intended to ensure that small business interests are represented in the membership of the commission and are considered in its studies.

I applaud Chairman Warner and the Armed Services Committee for creating this Commission in Section 841 of this Act. This esteemed commission will be composed from persons with backgrounds in defense industry, foreign policy, trade, labor, economics, and other relevant fields. Further, this commission is charged with studying and reporting on various important issues affecting the future of the national technology and industrial base.

However, as chair of the Small Business Committee, I was surprised to find that Section 841 contains no requirement to appoint small business persons to the commission. I was also disappointed to see that the commission is not currently required to study small business issues.

There is no reasonable basis for retaining these omissions in the act. Persuasive studies from the Office of Advocacy of the Small Business Administration have shown that small businesses are crucial to job creation, economic development, and technological innovation. Further, the Small Business Act sets forth the goal of directing 23 percent of defense procurement dollars to small business prime contracts. Clearly, the commission's studies will be incomplete without taking into account small business contributions to our Nation's defense.

My amendment provides for appointment to the commission of persons with background in small business contracting. It also gives this commission the mandate to study the ways to strengthen the role of the small business sector as a vital component of our national technology and industrial base.

NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, 1 year ago, I shared my thoughts on the Senate floor on a matter that weighs heavily on my mind. I reserved my maiden speech for a topic I chose to make one of my top priorities as a Senator. Hunger is the silent enemy lurking within too many American homes and a tragedy I have seen firsthand far too many times throughout my life in public service.

Today, on National Hunger Awareness Day, I call once again for a hunger-free America. The battle to end hunger in our country is a campaign that cannot be won in months or even a few years, but it is a victory within reach. What we need is to help our fellow Americans understand the terrible reality of hunger and how to put a stop to it.

As Washington Post columnist David Broder said:

> America has some problems that defy solution. This one does not. It just needs caring people and a caring government working together.

We are fortunate, indeed, to have a President who strives to lead our Government and our Nation in a compassionate direction. President Bush has said poverty runs deep in this country, and we need to take the war on poverty a step further by recognizing the power and promise of faith-based and community-based groups that exist not because of Government, but because they have heard the universal call to love somebody in need.

I am curious if the majority of the American public knows how many of their fellow citizens go hungry each and every day. The number is astounding. The Census Bureau reports that in the year 2002, 34.6 million Americans were living in poverty. Within that figure, over 7 million families, families with children, young little ones fall asleep with an empty stomach. It is hard to believe that here in America, where we are desperately trying to get a handle on obesity, there are literally millions of children who do not have enough to eat.

Families in my home State of North Carolina are especially struggling. According to the most recent studies from the U.S. Department of Agriculture, we are one of the few States that has an increasing rate of food insecurity. From 1996 to 2002, food insecurity among North Carolina households rose from 9.6 percent to 12.3 percent. That means tens of thousands of families have difficulty affording food at some point each year.

A great deal of this can be attributed to the significant economic hardship we have faced over the last few years. Once-thriving towns have been decimated by the closing of furniture and textile mills. In the summer of 2003, less than 1 year ago, North Carolina experienced the largest layoff in State history when textile giant Pillowtex closed its doors forever. That day alone, 4,400 people lost their jobs, and eventually nearly 5,000 were laid off.

In eastern North Carolina, plant closures have resulted in more than 2,200 layoffs since last summer, and in the last few months, the western region of North Carolina has lost more than 1,500 jobs.

Now there are signs that the situation is improving, but even as our employment numbers rise, there are families struggling to put a balanced meal on their table. Sadly, their story is not unlike so many others across the country. There are many Americans who, after being laid off, were fortunate enough to find new employment. But in the changing climate of today's workforce, simply being able to hold down a job will not necessarily guarantee your family three square meals a day.

A recent report from the U.S. Conference of Mayors found that many of the jobs lost between the years 2001 and 2003 will be replaced by jobs paying at least 20-percent less. The face of the hungry has changed over the last 10 years. While many associate those who struggle with hunger as being unemployed Americans, the sad truth is that the number of the working poor has escalated in the last decade.

There are 43 million people in low-income families. That means millions of those lining up at soup kitchens, low-priced pantries, and other charitable organizations are men and women working anywhere from one to three jobs, raising children, and under daily pressure to make ends meet. They have been called the new poor in the editorial sections of our newspapers.

I think of families such as Danny and Shirley Palmer of rural Ohio, a State such as North Carolina that has been devastated by thousands of job losses. Danny worked for a quarter of a century at a local power company until he was let go in November 2002. After over a year of job searches, he obtained a union card as a pipefitter. He pays union dues but has yet to be tapped for a job. He works now as a Wal-Mart employee, but with bills, including a $343-a-month mortgage, their savings account is almost empty. Their frustration is not being able to find suitable employment, and that frustration is growing rapidly.

Our food banks are having a hard time finding food to feed these families. As America struggles in today's economic hardships, financial donations have dropped off or corporations have scaled back on food donations. As recent numbers have shown, many times there are just too many people and not enough food.

In the year 2003, at least 23 million Americans stood in food lines. In any given week, it is estimated that 7 million people are served at emergency feeding sites around the country. The numbers in specific parts of our country are just as disheartening.

In western North Carolina, the Manna Food Bank says over 68,000 people seek food assistance throughout the year, with over 20,000 seeking assistance each week. This means many of the same people are coming back again and again.

Since I came to Congress, I have visited homeless and hunger shelters, food distribution sites and soup kitchens. I went through the process of applying for Government assistance through the WIC Program, helping women, infants and children. As I learned more about the efforts to combat hunger, I gained a great respect for groups such as the Society of St. Andrew.

For the last 25 years, this organization has been doing yeoman's work in the area of gleaning. That is when excess crops that would otherwise be thrown out or taken from farms, packing houses, and warehouses are distributed to the needy. Gleaning also helps the farmer because he does not have to haul off or plow under crops that do not meet exact specifications of grocery chains, and certainly it helps the hungry by giving them not just any food but food that is both nutritious and fresh.

Last year, the Society of St. Andrew told me $100,000 would provide at least 10 million servings of food for hungry North Carolinians. Just before last year's National Hunger Awareness Day, I set out to raise that amount for the society. Thanks to the compassionate hearts of several individuals, companies, and organizations, we surpassed the original goal and raised $187,000 in 2 weeks. That money was enough for at least 18 million servings of food.

The Society of St. Andrew is the only comprehensive program in North Carolina that gleans available produce and then sorts, packages, processes, transports, and delivers excess food to feed the hungry. In the first few months of this year, the society hosted over 168 events, gleaning 4.2 million pounds of food. Between January and March, they gleaned 12.8 million servings.

Incredibly, it only cost one penny a serving to glean and deliver this food to those in need. All of this work is done by the hands of the 9,200 volunteers and a minimal staff.

Like any humanitarian effort, the gleaning system works because of cooperative efforts. Clearly, private organizations and individuals are doing a great job, but they are doing so with limited resources. It is up to us to make some changes on the public side and help leverage scarce dollars to feed the hungry.

Transportation is the single biggest concern for gleaners. As the numbers tell us, the food is there. The issue is simply how to transport such a large volume. I am proud to say that with the help of organizations such as the American Trucking Association and America's Second Harvest we are making progress at easing that transportation concern.

I have introduced a bill with cosponsor Senators CHRIS DODD, RICHARD LUGAR, and LAMAR ALEXANDER that will change the Tax Code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. Such tax incentives would be especially helpful to organizations such as Relief Fleet. This food distribution system is run through transportation companies who donate empty trailer space to move food donations to the proper sites.

Last fiscal year, Relief Fleet moved 16.7 million pounds of food free of charge. More than 555 truckloads traveled to 130 food banks, generating a savings of $382,000 in shipping costs.

Gleaning and transportation efforts are just some of the possible initiatives to help end hunger. There is so much more that can be done. Take, for example, child nutrition programs. There is no question that far too many of our children are going hungry each and every day. Of the 23 million Americans being fed at soup kitchens, 9 million of those are hungry children under the age of 18. This is why the School Lunch Program is so important.

In fact, recent research at Tufts University indicates that even mild undernutrition experienced by young children during critical periods of growth may affect brain development and lead to reductions in physical growth. Under the current School Lunch Program, children from families with incomes at or below 130 percent of poverty are eligible for free meals.

Additionally, children from families with incomes between 130 and 185 percent of poverty are eligible for reduced price meals, no more than 40 cents per meal. This may seem like a nominal amount, but for struggling families with several children, the costs add up. School administrators in my State tell me they hear from parents who just do not know how they will be able to pay for their child's school meals. These income eligibility guidelines are not consistent with the WIC Program and other Federal assistance.

For example, families whose incomes are at or below 185 percent of poverty are eligible for free benefits through WIC. It makes sense to harmonize these income eligibility guidelines, allowing us to clarify this bureaucratic situation. Doing so would enable us to immediately certify children from WIC families for the national school lunch and breakfast programs.

Difficulty paying the reduced price fee is an issue that is real across America. More than 500 State and local school boards have passed resolutions urging the Congress to eliminate the reduced price category, thereby expanding free lunches and breakfasts to all of those children whose families' incomes are at or below 185 percent of poverty.

In addition, the American School Food Service Association, the Association of School Business Officials, the National Association of Elementary School Principals, and the American Public Health Association have endorsed this idea. Why? Because it is the right thing to do.

I was pleased when the Senate agriculture panel went on record in the child nutrition reauthorization bill in favor of eliminating the reduced price meal program. This initiative will begin through a pilot program in five States. I thank Chairman COCHRAN, Ranking Member HARKIN, and my colleagues on the Senate Agriculture Committee for their support and assistance. Since introducing this legislation, colleagues on both sides of the aisle have joined me and two bills have been introduced in the House of Representatives. Of course, this is only the first step. There is far more to be done.

Our work to end hunger stretches outside of our own country, of course. There are more than 300 million chronically hungry children in the world. More than half of these children go to school on an empty stomach and almost as many do not attend school at all but might if food were available. I believe the distribution of food in schools is one of the most effective strategies to fight hunger and malnutrition among children. Studies have shown this encourages better school attendance which in turn improves literacy rates and helps fight poverty. This increased school attendance for students in poor countries may very well protect some children who would otherwise be susceptible to recruitment by groups that would offer them food in return for attending extremist schools or participating in terrorist training camps.

I was proud to introduce a joint resolution with Congressman JIM MCGOVERN of Massachusetts that recognizes the worldwide problem of hunger and acknowledges the vital significance of food distribution to millions of starving children. This resolution recognizes the benefits of increased school attendance due to food availability for needy children, benefits ranging from improved literacy rates and job opportunities to protection from root causes of terrorism. In short, children who attend school on a regular basis have a much brighter future. Let us build on this foundation.

On this third annual Hunger Awareness Day, I urge Americans to join me in the campaign to end hunger. As I have said before, hunger does not differentiate between Democrats and Republicans, and just as it stretches across so many ethnicities, so many areas, so must we.

Bill Shore, director of Share Our Strength, an antihunger organization, said it best.

> There are two kinds of poverty in America. There are those who don't have and there are those who don't know. The majority of Americans are fortunate not to be in the category of those who don't have. Too many have been willing to remain in the category of those who don't know. Men and women of conscience must do more than accept or reject allegations about the conditions of the society in which they live. They must find out for themselves. Those who do will learn that hunger is a serious but solvable problem. It is only as invisible as Americans allow it to be.

It is a privilege to work with colleagues from both sides of the aisle toward the goal of ending hunger.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR FRITZ HOLLINGS—A CAREER OF SUPPORTING ISRAEL AND AMERICAN JEWS

Mr. LAUTENBERG. Mr. President, I want to talk for a little while about a matter that has come up regarding one of my distinguished colleagues who, like me, served in Europe during World War II, who was a very brave and proud soldier, and who was decorated for his service there. That is Senator HOLLINGS.

Senator HOLLINGS has served for some years in this body as a junior Senator, even when he was well into 70 years of age. That was one of the more unusual circumstances, although I think I, too, bring a junior status at a fairly advanced age to my being here as a freshman.

But in the delegation that is going to go to Normandy tonight, I am one of several who served in World War II. The other names are among the bravest of all: Senator DANIEL INOUYE, who lost his arm in Italy after being struck three times by enemy fire. And, as he described it to me, in one of those incidents he had not felt any part of the wound from the bullet which apparently passed through his body—a rifle shot through his body, or a machine gun shot through his body. He was knocked down. He got up to continue to lead his platoon into a murderous battle in Italy.

Although it took some 50 years for Senator DANIEL INOUYE to get his medal, it finally arrived. Those of us who were privileged to be here were so proud of Senator INOUYE'S service as the medal was bestowed on him for the service he so bravely gave to his country.

It was noted also that even though DANIEL INOUYE, now Senator INOUYE, was volunteering for service in the U.S. Army which at first was denied, he continued to be as loyal as he could to his country, brave and courageous. We are proud of the opportunity to serve with him and to know him as a friend.

In addition to Senator INOUYE, Senator HOLLINGS, Senator WARNER—and Senator STEVENS had an illustrious military record flying in China, Burma, India—and Senator AKAKA and Senator WARNER—all of us join together in the bond we received as a result of serving in World War II and being given then the privilege to serve in this distinguished body.

I want to talk about FRITZ HOLLINGS, a good friend of mine for more than 20 years, now the senior Senator from South Carolina, a good friend to all of us, an outstanding public servant, someone who has given more years to public service than some of the people who are serving here have. He was accused of being anti-Semitic because of an op-ed piece he wrote that appeared recently in the Charleston Post and Courier.

The charge has been made on the Senate floor by the junior Senator from Virginia who apparently heads up the National Republican Senatorial Committee and serves as the chief fundraiser for Republican incumbents and candidates for the Senate.

It is very unusual. Frankly, I don't remember in almost 20 years of service that one Senator issues a press release criticizing another for something the person did in a public press release. That tells us where it was going. It was going to politics.

I also heard the junior Senator from Virginia repeat the charge again earlier this week while he was a guest on the Don Imus radio show. The charge he leveled is outrageous. I encourage the junior Senator from Virginia to cease and desist.

I am a Jewish American and fully support the American-Israeli relationship, not because I am a Jewish American but because it is good for America. It is good for us to have an ally that is as strong as she is, an ally that is the only democratic society in the entire Middle East with over 100 million of those who would declare they are the enemy of Israel and the United States. Israel is a very valuable part of our support for freedom and liberty in this world.

I have known the senior Senator from South Carolina for almost a quarter of a century. I am proud of his longstanding service to the people of this country. I treasure our friendship. Although he will be leaving this Senate in January of next year, he will be missed. I certainly will be one of those who will miss him.

He is one of the strongest Senate supporters of the State of Israel and the American Jewish community we have. He doesn't just "talk the talk." As an appropriator, he has "walked the walk."

Israel is safer and more secure as a result of the votes Senator HOLLINGS has cast in the Appropriations Committee and on the floor of the Senate.

The senior Senator from South Carolina has a well-deserved reputation for candor. And, frankly, we could use a little bit more of that around here.

The op-ed in question is his candid assessment of why President Bush took us to war with Iraq despite the fact Iraq did not have weapons of mass destruction or links to al-Qaida.

I want to make it positively clear I don't necessarily agree with everything the senior Senator from South Carolina said in the op-ed, but I reserve the right to disagree with the best of friends on an issue. But to construe the op-ed piece or its author as representing anti-Semitism is patently unfair.

Senator HOLLINGS was critical of Paul Wolfowitz, Richard Perle, and the journalist Charles Krauthammer for being three of the architects of a dubious policy to forcibly democratize the Middle East, starting with Iraq. They believe that such policy will make Israel more secure. That is something all of us want and need.

The problem with that policy is that it is not quite working the way the architects envisioned. This may have something to do with the fact that none of them, to my knowledge, have any combat experience. People who do have experience in combat, such as former President Bush, Secretary of State Colin Powell, are a little more circumspect about what we can achieve and how we can achieve it.

I, too, have been critical of this policy which the administration swallowed hook, line, and sinker. I called for Deputy Secretary of Defense Wolfowitz and Under Secretary of Defense Douglas Feith to resign, along with Secretary of Defense Rumsfeld. Does that make me an anti-Semite? I would say not.

We are all kind of holding our breath right now as we wait to see the fallout from the resignation of Mr. Tenet, the head of the CIA, so abruptly, so quickly. We want to know what it is that caused that sudden change. He was a loyal, faithful servant. Perhaps mistakes were made. We will find out more about that very soon.

The bottom line is that these high-ranking civilian officials to whom I just referred in the Pentagon have misled America and they have let our troops down. Senator HOLLINGS' contention that Israel is less secure as a result of this misguided policy certainly cannot be dismissed.

It is time for that cadre of people who run the Pentagon to go. It has nothing to do with anti-Semitism. It has everything to do with the fact that Iraq is becoming a quagmire and has already claimed over 800 brave young American men and women.

When I heard the junior Senator from Virginia attack Senator HOLLINGS, I asked my staff to research his voting record with regard to Israel and other matters of concern to the American Jewish community.

The memo my staff prepared is 10 pages long. I could not find a single vote that could be construed as opposition to Israel or American Jews.

I will cite a few examples. In 1978, he voted against S. Con. Res. 86, a measure to disapprove the sale of jet fighters to Israel. He voted against the disapproval of the sale. The resolution was defeated 44 to 54.

In 1980, he voted to table an amendment to S. 2714, the foreign aid authorization bill, that would have withheld $150 million in aid to Israel because of the settlements being erected in the West Bank.

In 1981, he opposed President Reagan's decision to sell AWACs and other military equipment to Saudi Arabia.

In 1986, Senator HOLLINGS supported Senator BYRD's amendment to H.J. Res. 738, the continuing resolution for fiscal year 1987 to ensure that funds appropriated for aid to the Philippines did not come at the expense of aid to Israel or Egypt.

Senator HOLLINGS also supported recognizing Jerusalem as the undivided capital of Israel. As the ranking member and former chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, he has insisted that the annual appropriations bill under his jurisdiction contain the following three provisions: One, that people born in Jerusalem be allowed to list Israel as their country of origin; two, that all relevant official U.S. Government documents list Jerusalem as the capital of Jerusalem; and three, that U.S. policies treat Jerusalem as the capital of Israel.

I note that these provisions have been eliminated in conference at the insistence of House Republicans and the administration.

Does that make them anti-Semites? Absolutely not. The Senator from South Carolina is eloquent and certainly able to defend himself and his record.

But when I hear his reputation repeatedly besmirched, the reputation and integrity of a man that I know to be one of the staunchest supporters of Israel and the American Jewish community, a man who fought hard, almost gave his life to defend his country, I will not sit by and be quiet.

To paraphrase our former colleague, Lloyd Bentsen: I know FRITZ HOLLINGS. FRITZ HOLLINGS is a friend of mine. FRITZ HOLLINGS is no anti-Semite.

To state otherwise goes beyond the pale of partisan rhetoric, even by the standards of a heated election campaign.

Frankly, I think the senior Senator from South Carolina is owed an apology, not just by the junior Senator from Virginia but from Senators who believe it was an inappropriate besmirching of character and reputation dutifully earned by years and years of service to this country and certainly to this body. Silence on the other side, in my view, is implicit approval of what was said.

I hope we hear something different in the not-too-distant future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

FTAA NEGOTIATIONS AND FLORIDA CITRUS

Mr. NELSON of Florida. Mr. President, I take this opportunity to bring to the Senate's attention to some recent news about the ongoing negotiations of the Free Trade Area of the Americas, or the FTAA. These negotiations have been going on for some period of time. I look at these with significant interest, as they dramatically affect my State of Florida.

There are many mutual benefits that will accrue to the nations of the Western Hemisphere from a Free Trade Area of the Americas agreement. I am someone who has consistently supported free and fair trade. That is why I am hopeful these negotiations are going to yield an agreement that ultimately can be supported here.

However, there is a critical issue with respect to the negotiations of the FTAA that is absolutely crucial to my

State. It involves the Florida citrus industry. It involves tens of thousands of jobs, and it involves basically the production of frozen concentrate that supplies the fresh orange juice on the breakfast tables of so many Americans every morning.

Here is the news. Last week, Reuters reported that "the United States signaled for the first time that some agriculture products would be excluded altogether from the [Free Trade Area of the Americas agreement] FTAA.

There was another publication called "Inside U.S. Trade," which reported that this new proposal from the United States would "allow for some market access negotiations to yield results other than total elimination of tariffs."

Well, that is a significant change from what we have been told. It is, from my standpoint and my State's standpoint, clearly a step in the right direction. But while this would appear to be welcome news to Florida's citrus industry, we need some more information.

I am going to continue to fight to preserve the tariff on imported frozen concentrated orange juice and ask for a commitment from the President. I believe the President must state publicly, in clear language, that we will not negotiate any reduction of the tariff on imported orange juice. It is not only important to Florida, it is important to the consumers of orange juice all over this country.

Now, why is this so important? Let me tell you. Because if the FTAA negotiated out an elimination of the tariff, it would not be free and fair trade because Brazil would become a monopoly. Here is what happens. Right now, basically, of the world's production of frozen concentrated orange juice, you have Brazil basically producing about 60 percent and the remainder—around 40 percent—is produced by the Florida citrus industry.

Of the world's production, the Florida citrus industry basically produces the supply for the domestic orange juice market; that is, the U.S. market. Brazil supplies some of that domestic United States market, and basically the markets in the rest of the world. There are other producers, but I am simplifying it. The two big producers are the United States—mainly Florida—and Brazil.

Now, what happens? If you eliminate the tariff protecting the Florida citrus growers, and therefore the 40 percent that is produced in Florida, since Brazil has cheaper land and cheaper labor, Brazil then takes over 100 percent of the world's market for frozen concentrated orange juice. That is not free trade. That would be a monopoly. And what happens in a monopoly? In a monopoly, then, the producers can determine whatever price they want because they are the sole suppliers. And what happens to the consumer? The consumer gets it in the neck, and the price goes up.

Well, you will hear those people who say: Oh, don't worry. There is competition among the growers in Brazil. The truth is, there are about five major producers in Brazil and, in effect, they operate as a cartel with collusion among themselves. So if they took over the entire world's market, ran the Florida citrus industry out of business, they would start to set the price, and that is not free and fair trade.

I can tell you, this Senator, who is someone who is for free and fair trade, and has voted that way—is not going to stand for that because that is not in the best interests of consumers.

I might also tell you when I went to Brazil last December, I had several very pleasant meetings with members of the Brazilian Government, including the chief negotiator for the FTAA, and a number of other ministers in the Government. I visited with the Acting President, who is the Vice President of Brazil, and he becomes Acting President when the President is out of the country, as the President was in South America in a Mercosur meeting at the time.

When I told the Brazilian Vice President about this problem for Florida, his response was—half in jest, but half seriously—well, why don't you just have the Florida citrus growers move to Brazil where our land is cheaper and our labor is cheaper? That is exactly what we do not want to happen. We want to keep a vital industry alive in the United States.

Florida has 12,000 growers, many of whom operate small family-owned operations. Unlike almost all agricultural commodities, the citrus industry receives no U.S. production subsidies. The tariff on Brazilian orange juice is the only offset the industry receives. Any reduction in that tariff would simply devastate Florida's citrus industry.

This citrus industry is Florida's second largest. It is responsible for generating over $9 billion for the economy and providing nearly 90,000 jobs. It accounts for $1 billion in revenue for the State and local governments, which, of course, funds our public hospitals and our schools and our fire and our police services.

So back on Brazil, I am disappointed that Brazil reportedly does not view a proposal to exclude certain agricultural products from "total tariff elimination" as a constructive step. I do not think we are going to see them take that position.

Excluding the tariff on imported orange juice from the negotiations would actually represent an important step toward completing, not retarding, an FTAA agreement that will benefit all of the Western Hemisphere. And regardless of the progress of the FTAA negotiations, our industries should focus on expanding global markets for orange juice and not waste our efforts on fighting over the tariff. Greater cooperation is needed between Brazil and the United States.

On a tangential matter, I want to encourage the administration to select Miami as the U.S. candidate city to serve as the home of the FTAA secretariat. Miami's special and close relationship with our Latin American neighbors makes the city a natural choice as the city to play this important role. The administration should announce this decision soon so we can put the full efforts of the U.S. Government behind one U.S. city; and that is logically Miami.

As a matter of fact, from different destinations in Latin America, it is a lot easier to get to Miami from those locations in Latin America, in many cases, than it is to get from one location in Latin America to another.

Miami is the logical choice. It is a place of significant Hispanic culture and population. La lingua is spoken there every day on la calle, on the street. It is a place that is a logical location for the everyday transaction of business for trade in the Americas.

Miami is the gateway to Latin America. It should be the gateway for the FTAA. I believe the administration should act right now in going ahead and determining that so as they negotiate between different cities in the hemisphere, the United States will be unified behind one city it is putting forth, which should be Miami, FL.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL AND THANK YOU TO THE SENATE PAGES

Mr. DASCHLE. Mr. President, I would like to say farewell to a wonderful group of young men and women who have served as Senate pages over the last 5 months and thank them for the contributions they make to the day-to-day operations of the Senate.

This particular group of pages has served with distinction and has done a marvelous job of balancing their responsibilities to their studies and to this body. Their final day as Senate pages is tomorrow, but I hope we will see some—or all—of them back in the Senate someday, as staffers or Senators.

I suspect few people understand how hard Senate pages work. On a typical day, pages are in school by 6:15 a.m. After several hours of classes each morning, pages then report to the Capitol to prepare the Senate Chamber for the day's session. Throughout the day—and sometimes into the night—pages are called upon to perform a wide array of tasks—from obtaining copies of documents and reports for Senators to use during debate, to running errands between the Capitol and the Senate office buildings, to lending a hand at our weekly conference luncheons.

Once we finish our business here for the day—no matter what time—the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep.

Despite this rigorous schedule, these young people continually discharge their tasks efficiently and cheerfully. In fact, as one page put it, "We like working hard. When things get hectic, that's when we like it best."

This page class had the good fortune to witness some historic moments.

They saw President Bush present the Congressional Gold Medal to Dorothy Height, one of the giants of the modern civil rights movement in America.

They were present for important debates in this Chamber over such critical issues as the budget and the wars in Iraq and Afghanistan.

They've seen—and had their photos taken—with celebrities, including Governor Arnold Schwarzenegger.

Just yesterday, they saw another famous visitor, the actor Mike Myers—better known to some as "Austin Powers, International Man of Mystery."

I hope the close-up view that these exceptional young people have had of the Senate at work these last few months has made this institution a little bit less of a mystery. Our government "of the people, by the people, and for the people" requires the active involvement of informed citizens to work.

I understand that many, if not most, of this semester's pages have decided to volunteer on political campaigns—both Republican and Democractic—when they return home. I'm told the campaigns run the gamut from local school board candidates to United States Senate candidates.

I am sure I speak for all Senators when I say, we applaud your continued involvement in the democratic process. We are very grateful for your outstanding service to the Senate this semester. And we wish you well in all that you choose to do in your future.

I ask unanimous consent to print in the RECORD the names and hometowns of each of the Senate pages to whom we are saying goodbye today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE PAGES—SPRING SEMESTER 2004

Andrew Blais, Rhode Island; Katherine Buck, New Hampshire; Sam Cannon, Utah; Erin Chase, South Dakota; Eric Coykendall, Arizona; Julie Cyr, Vermont; Joe Galli, Maine; Watson Hemrick, Tennessee; Jennifer Hirsch, Arkansas; Garrett Jackson, Mississippi; Kara Johnson, Illinois; Ben Kappelman, Montana; Andrew Knox, Vermont; Adam Lathan, Alabama; Betsy Lefholz, South Dakota; Brittney Moraski, Michigan; Alex Ogden, North Carolina; Jaclyn Pfaehler, Montana; Aaron Porter, Tennessee; Ingrid Price, Utah; Laura Pritchard, Virginia; Laura Refsland, Wisconsin; Ryan Smith, Kentucky; Kyra Waitley, Idaho; Nathanael Whipple, California; and Elizabeth Wright, Montana.

NATIONAL HUNGER AWARENESS DAY

Mr. SANTORUM. Mr. President, today in Palmyra, PA, volunteers at the Lebanon Valley Brethren Home will collect food and sell baked goods for the "Great American Bake Sale" to support their local food bank. In hundreds of small towns, suburban communities, and cities from New York to California, thousands of volunteers will help collect food, glean fields, prepare meals, and raise awareness as a part of National Hunger Awareness Day.

These dedicated volunteers and their compassionate acts represent a grassroots citizens' movement motivated to reduce hunger in America. These volunteers are the people who prepare the dinners and stock the shelves of the local charities that serve more than 9 million kids who lack basic food supplies. They are motivated by appalling statistics that show that more than 13 million children live in what the Federal Government deems "food insecure" households. And, of course, they are motivated by knowing the needs and faces of the vulnerable people in their communities.

Last year, an estimated 23 million low-income people—many of whom are from working families with children, are elderly, or have disabilities—received a meal or an emergency food box from one of the estimated 50,000 local hunger relief charities that dot the Nation's landscape. These charities, of which three-quarters are faith-based organizations, play an important and complementary role to State, local and Federal Government efforts to help low-income families achieve self-sufficiency. But for the family whose benefits have been exhausted, or the single mother who is waiting for the benefits to begin, or for those who simply don't want government help, these charities are the last line of defense against hunger.

Despite the selfless extraordinary work of these charities and their estimated one million volunteers, the need in many communities too often exceeds the available resources. At the same time, the United States throws away nearly 96 billion pounds of food each year.

Legislation I have sponsored, the Charity Aid, Recovery and Empowerment Act, or the CARE Act, would help close the gap between the need and available resources. The CARE Act provides farmers and ranchers, small businesses, and franchisees with a tax incentive that would allow these smaller business entities to enjoy the same tax incentives that large corporations receive when they donate food to charity. The CARE Act's food donation tax incentives will enable farmers with surplus crops to donate the food to a food bank or emergency shelter, recouping some of the cost of production and transportation—and preventing them from having to plow the crops back into the ground. The CARE Act gives a restaurant owner the incentive to donate surplus meals to a soup kitchen rather than throwing good food into a dumpster. America's Second Harvest, the Nation's food bank network, estimates that the CARE Act will help generate more than 878 million new meals for hungry people over the next 10 years.

This legislation, despite broad, bipartisan support for the food donation tax incentives and the other provisions in the act, is now stalled in the Senate, not being allowed to go to conference. The CARE Act is in jeopardy, and with its fortunes go the hopes of tens of thousands of people that serve America's most vulnerable families. We cannot allow partisan differences, unrelated to this legislation, to undo the promise that the CARE Act offers to millions of Americans. The CARE Act should be allowed to go to a bipartisan conference and thereby ensure that no food bank, pantry or soup kitchen will have to turn away a hungry family, senior, or child because the cupboard is bare.

Mr. KENNEDY. Mr. President, today is National Hunger Awareness Day, and it is an opportunity for all of us in Congress to pledge a greater effort to deal effectively with this festering problem that shames our Nation and has grown even more serious in recent years.

The number of Americans living in hunger, or on the brink of hunger has increased every year during the current administration. It now includes 13 million children—400,000 more than when President Bush took office.

These Americans deserve higher priority by all in Congress. Day in and day out, the needs of millions of Americans living in poverty have been overlooked, and too often their voices have been silenced.

These are real people, struggling every day to get by. They are single mothers serving coffee at the local diner at 5 a.m. and cleaning houses in the afternoon, yet are still unable to afford both shelter and food. They are low-wage workers holding down two jobs, yet still forced to make impossible choices between feeding their family, paying the rent, and obtaining decent medical care. They are children who go to bed hungry every night whose parents can't afford to give them more than a single slim meal a day.

The World Food Summit in 1996 called global attention to this crisis and in response the Clinton administration pledged to begin an effort to cut hunger and food insecurity in half in the United States by 2010. In the boom of the Clinton years, we made progress toward that goal—hunger decreased steadily through 2000. We now have 6 years left to fulfill our commitment, and we must not fail.

The answer is a renewed commitment to reaching that goal. The fastest, most direct way to reduce hunger in the Nation is to improve and expand the current Federal nutrition programs. Sadly, it is difficult to persuade the current administration and the current Congress to fund important child nutrition programs such as the school breakfast and school lunch programs and the summer food program, but numerous groups throughout the Nation are doing their best to make a difference.

Project Bread in Massachusetts helps fund nearly 400 food pantries, soup kitchens, food banks and food salvage programs across the State, and also coordinates local efforts to develop effective solutions to reduce hunger.

Congress can also do better. The Senate Agriculture Committee approved a bipartisan child nutrition bill last month to strengthen and expand nutrition programs, and it deserves to be enacted into law as soon as possible.

A strong job market will also significantly reduce hunger. A major challenge in today's troubled economy is that it has been creating just one job for every three out-of-work Americans. We need an economy that works for everyone, and a job creation plan that enables every American to afford a decent quality of life.

That means jobs that pay a living wage. Right now, we are sending the wrong message to low-income workers. We are telling them that hard work does not pay. We are saying that workers who play by the rules deserve little or even nothing in return. Why can't we all agree that no one who works for a living should have to live in poverty, constantly wondering where the next meal is coming from?

For too many adults of all ages, the fight against hunger is a constant ongoing struggle. It undermines their productivity, their earning power, and even their health. It keeps their children from concentrating and learning in school.

It makes no sense to allow the gap between rich and poor to grow wider. We can not ignore the poorest in our Nation, and all those who need our help the most. National Hunger Awareness Day is our chance to rededicate ourselves in Congress to this cause, and we can't afford to miss it.

Mr. SMITH. Mr. President. I rise today to speak about a problem impacting communities across the United States and throughout the world. As many of my colleagues know, today is National Hunger Awareness Day. It is a day meant to focus our attention on our friends, coworkers, classmates, and neighbors for whom putting food on the table continues to be a daily struggle. Sadly, for the nearly 35 million Americans who are "hungry" or "food insecure," hunger is more than a statistic, it is an insomnia within the American dream. This is a reality that the people of my home State of Oregon know far too well.

For the last several years, Oregon has been at or near the top of repeated nationwide studies of hunger and food insecurity in the United States. And I can tell you that as a member of this chamber and an Oregonian, the statistics on hunger and food insecurity continue to confound me. Despite all of our advances in agriculture technology and food distribution, children and families in my State and around the country will go to bed hungry tonight. The sad irony is that many of the communities most affected by hunger are the very ones that grow the food upon which the rest of us rely.

On the horizon, Oregon's economy appears to be brightening. While there are no quick fixes, I believe that solving hunger is within our grasp. Later today, Senator LINCOLN and I will be announcing the creation of the Senate Hunger Caucus. This caucus will serve as a forum to raise awareness and foster cooperation among business interests, community leaders, and local, State, and national non-profits to work with Congress to address hunger.

As policymakers, our job is to take the pieces of this puzzle and put them together in a way that leaves our communities whole and healthy. Government cannot act alone to solve the problem but must work in concert with those who are best able to help. I believe the creation of the Senate caucus is an important step in focusing on this problem. I look forward to working with my colleagues in Congress and groups back in Oregon to address these issues.

In Oregon, we have been blessed with a number of organizations and individuals who have taken it upon themselves to help in this effort and assist their neighbors in need. Groups such as Birch Community Services and the Oregon Food Bank have shown themselves to be true assets to their communities. As an Oregonian, I can tell you that I am especially proud of how they have responded to what has been a difficult last couple of years in our State, and I look forward to continuing to work with them in the fight against hunger.

Mrs. LINCOLN. Mr. President, I rise today to bring attention to the fact that it is National Hunger Awareness Day and to raise the visibility of issues of hunger in America.

What is the face of hunger in America? A child. A mother. A father. A single working parent. A homeless person. A grandmother raising grandchildren. A grandfather. A senior citizen living off of social security. An unemployed person. A disabled worker. A military veteran. People of all races and ethnicities.

These are the faces of the almost 35 million Americans that live in households that are food insecure. Food insecurity is not isolated to one region. These 35 million Americans live in the small towns of New England, in the large cities of New York, Boston, Chicago and Atlanta. They live in the deltas of Arkansas, Louisiana and Mississippi and the plains of the Dakotas down to Kansas. There is food insecurity and hunger in the timber regions of Washington and Oregon and on the beaches of California. Food insecurity affects the States of the four corners down into Texas and Oklahoma. No region of this country is without hunger.

Today is National Hunger Awareness Day. I have come to the Senate floor to talk about hunger in America and to raise awareness about the complex issues surrounding hunger.

When many Americans think of hunger they often think of starving people in developing countries around the world, and the number of hungry people living around the world is staggering.

Eight hundred million people, including children, are hungry and food insecure in the world today. America must continue to lead in its generosity to aid the world's food insecure. But hunger is not just a distant problem for developing countries. Hunger exists among our own citizens here in America.

Because today is National Hunger Awareness Day, I will focus my remarks on the less recognized face of hunger and that is the face of the Americans, our neighbors, and our fellow citizens who are hungry and food insecure.

What does food insecurity mean? Food insecurity is limited or uncertain access to nutritional food. Food insecurity is not knowing from where the next meal is coming.

Food insecurity is not unique among the homeless and unemployed. On the contrary, many food insecure households in America have at least one working adult. We need only compare the national unemployment numbers with the food insecurity numbers to see that they don't match up. There are far more food insecure individuals than there are unemployed people. America's working poor are finding it difficult to make ends meet and at times provide the most basic needs for their family—nutritious food.

Perhaps our most vulnerable food insecure individuals are our children and seniors. Due to the high costs of healthcare and living expenses, many seniors often find themselves choosing between medicine and groceries because they may not be able to afford both. Programs such as Meals on Wheels and local community senior programs are so important to the health of our seniors.

Children rely on parents to provide for their basic needs. Of the 35 million people who are food insecure in America, just over 13 million are children. This is the same number of children that are receiving free lunches through the National School Lunch Program. This vital program provides many children with the most nutritious meal they will receive in a given day. We must continue to find opportunities to fill in the gaps because the National School Lunch Program only covers Monday through Friday during the school year. The traditional three months of summer vacation from school is a critical time when many children are missing essential nutrition in their diets.

One example of a successful program in my home State of Arkansas is helping feed children outside of school. The Arkansas Rice Depot's Food For Kids program provides hungry children with a quick, high-energy snack during school and then provides a backpack filled with nutritious foods children can prepare for themselves at home. The Food For Kids program is serving 329 schools and 15,000 students in Arkansas. Founded in 1995, this program is the first of its kind in the Nation and now 20 cities across the Nation have established similar programs.

Throughout my remarks I have mentioned the word nutrition. In the fight to end hunger, providing access to nutritious food is key. Many Americans are now waking up to the long-term health complications caused by obesity. It may seem strange to talk about obesity and hunger at the same time but the reality is that people with limited access to money and food typically consume the cheapest food that they can purchase in large quantities, and often these foods lack important nutrients for a balanced diet. We can fight obesity early on by educating children about nutrition and help provide opportunities for children to access nutritious foods at school and at after school programs. Additionally, through food assistance programs we must continue to encourage adults to access nutritious foods and help provide opportunities to learn about nutrition.

For Americans, hunger does not mean entire towns and villages full of starving people—people literally starving and dying because they cannot eat. Fortunately, we are able to provide the citizens most in need with access to some kind of food to meet basic needs through Federal and State assistance programs such as Food Stamps, WIC, the National School Lunch Program, and thousands of non-profit organizations, churches, faith-based groups, and dedicated individuals.

The challenges in America are to continue to find ways to provide Americans that are food insecure with access to nutritious meals and opportunities to gain skills to improve their economic situation and quality of life.

To that end, today, along with my friend from Oregon, Senator SMITH, I am pleased to announce the formation of the U.S. Senate Hunger Caucus. We are delighted that many of our colleagues are joining us in this bipartisan effort to work on national and international hunger issues. The Senate Hunger Caucus will be a vehicle through which Senators can work together to promote initiatives to help address the root causes of hunger and to help form partnerships with the many valuable organizations and programs that are committed to ending hunger.

Just a few hours ago, I was joined by my good friends, Senators SMITH and DOLE, at the D.C. Central Kitchen where we announced the formation of the Senate Hunger Caucus and discussed many of the key hunger issues in America. The D.C. Central Kitchen is located just a few blocks from the U.S. Capitol and is a nationally known food rescue organization. The D.C. Central Kitchen converts rescued or donated food into 4,000 meals each day, 365 days a year, which feed the hungry in the Washington metropolitan area. As a part of the D.C. Central Kitchen program, unemployed people are trained to gain job skills that enable them to find work in the culinary arts industry. The D.C. Central Kitchen is a great model for taking wasted food and turning it into nutritious meals and economic opportunities for people in need.

We were pleased to be joined at today's event by representatives of many of the national anti-hunger groups that we look forward to partnering with in this effort: Some of these groups include: America's Second Harvest, American School Food Service Association, Bread for the World, Congressional Hunger Center, Food Research and Action Center, Share Our Strength, the World Food Program and Heifer International.

At this time, I want to recognize many of the Arkansas groups working to fight hunger and encourage nutritious living, and they include: Arkansas Hunger Coalition, Arkansas Foodbank Network, Harvest Texarkana, Potluck, Inc., Arkansas Rice Depot, Northwest Arkansas Foodbank, Northeast Arkansas Foodbank, North Central Arkansas Foodbank, Southwest Arkansas, Food bank, Bradley County Helping Hand, Ozark Foodbank, Memphis Foodbank, Winrock, Heifer International, Arkansas School Food Service Association, Arkansas Advocates for Children and Families, Arkansas Community Action Agencies, Arkansas Farmers and Hunters Feeding the Hungry, local food pantries, churches and many others who work to feed Arkansans in need. Many of these groups are also using today as a time to talk about hunger and food insecurity.

In closing, it's easy for me to be passionate about the issue of hunger. As a farmer's daughter I was raised with an understanding of the value of having access to food—to good, safe and nutritious food. As the daughter of two compassionate, Christian parents I was taught to help others and to share my blessings with those in need. As a mother of two young boys I can empathize with the fear that a parent feels when they must answer a hungry child when there is no food to be eaten. Just the other day, one of my boys ran into the house and said "Mom, I'm starving." And I replied, "what would you like?" Later on I thought about the mothers whose children ask the same question but they don't have food to offer, they can't just reach into the cabinet to pull out food. It was a devastating thought and my heart goes out to the mothers and fathers who at times are not sure where the next meal is coming from.

My home State of Arkansas knows hunger. With almost 600,000 Arkansans living below the national poverty line, hunger, food insecurity, obesity and limited access to nutritious foods are key issues. With a State population of 2.6 million, approximately 380,000 Arkansans live in food insecure households.

I look forward to working with my colleagues in the Senate as well as hunger non-profit organizations in my State and across the Nation to find solutions to hunger problems plaguing our nation and world. And to dream of the day when globally, working together to harness our vast resources, we can end hunger.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

David Blair, also known as Steve Perry, was found dead by the Ketchikan, AK, police department on July 26, 2001. Terry Simpson, Jr., 19, and Joshua Anderson, 20, were arrested in response to a tip in which the informant said he overheard the two men bragging that they were planning to "beat up and rob Blair because he is a fag."

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

ADVANCING MEDICAL RESEARCH

Mr. BIDEN. Mr. President, I joined 56 of my Senate colleagues and over 200 in the House of Representatives in writing the President asking that he work with the Congress toward a policy that will enable important medical research to proceed utilizing stem cells from frozen embryos that were created to treat infertility problems and which are now slated to be discarded. Continued studies using stem cell technology offer hope for a better future for millions of people afflicted with a wide range of illnesses and conditions, including Alzheimer's disease, diabetes, Parkinson's disease, cancer and others.

Presently there are estimated to be more than 400,000 in vitro fertilized embryos that were developed to enable couples to have children, but that are now not needed for that purpose. These frozen embryos are likely to be destroyed. The President could hasten the progress of this important research by modifying his present policy to permit these embryos to be donated, with the consent of the couple, for stem cell research. I look forward to working with the President toward this goal.

PARTIAL-BIRTH ABORTION RULING

Mr. BROWNBACK. Mr. President, I rise to address the alarming decision handed down earlier this week by a District Court in California on partial birth abortion.

The judge's decision was wrong on many fronts. It is wrong on the medical facts, and it is wrong in its blatant disregard of Congressional findings. Most importantly, the decision is also wrong on the law. This ruling is unconstitutional, as well as violative of fundamental human rights, because it drives a wedge between biological humanity which prenatal human offspring undeniably have, and legal personhood i.e., the right to the equal protection of the law. The repellant notion underlying Roe v. Wade—that there are "subhuman" members of the human species—conflicts directly with the very purposes of the thirteenth, fourteenth, and fifteenth amendments, which undid the great injustice of treating black Americans as slaves and property instead of as human beings entitled at law to full respect. I realize that the Supreme Court has not yet repudiated this holding of Roe, which it imposed upon the Nation in 1973, but this case decided by one district court in California is clearly going in a direction that contradicts everything we value about the Constitution and the principles under which this Nation and its people operate.

First, Judge Phyllis Hamilton dismisses the overwhelming medical evidence that it is never medically necessary—to save the life of the mother or any other reason—to perform the gruesome partial-birth abortion procedure—in which a young human is partially born, so that only the head remains in her mother, and then a sharp object pierces the back of the child's head and sucks the child's brain out, killing the child.

Think about that, a baby—a young human baby—is partially born, so that only her head remains in her mother's birth canal. Then an abortion-provider punctures the back of the child's head with a surgical instrument. Then the abortion provider suctions the young human's brains out, leaving the child dead, dead, dead.

There is no recourse for the young human. This is a cold-blooded murder. And if this District Court has its way, the young child will never receive justice for her gruesome murder.

Before I address Judge Hamilton's disregard of Congressional findings, I want to talk in particular about the issue of fetal pain, which Judge Hamilton alleges is "irrelevant."

I would submit that were we to see a puppy have its head punctured and brains sucked out, we would not consider it irrelevant. We would be moved to protect the puppy.

Yet, we are not talking about a dog; we are talking about a young human. And the judge in California says that pain is irrelevant when we are talking about a young human.

We are elected representatives. We have an obligation to defend the Constitution. This includes defending the right to life, liberty and the pursuit of happiness. First among these 3 is life. We have an obligation to defend the right to life for the most defenseless and helpless among us. Our laws should protect the sanctity and dignity of every innocent human life from the moment of conception.

Judge Hamilton notes that there is some debate within the medical community on the issue of fetal pain. Then she acknowledges that: "the position that Congress has taken [on pain experienced by unborn children] is neither incorrect nor entirely unsupported."

But then she disregards the Congressional finding that partial-birth abortion is never medically necessary and writes something incredibly callous: "[Pain experienced by unborn children] is, however, irrelevant to the question of whether the Act requires a health exception, as discussed in this court's conclusions of law."

Irrelevant? First, partial-birth abortion is never medically necessary, and since the gruesome partial-birth abortion procedure is never medically necessary, an essential reason for abolishing this dreadful form of death is the terrible pain inflicted on the unborn child.

Pain experienced by an unborn child is very relevant.

Just before the recess, I introduced the Unborn Child Pain Awareness Act, S. 2466, with nearly a quarter of the Members of this chamber as original cosponsors.

This legislation would require those who perform abortions on unborn children 20 weeks after fertilization to inform the woman seeking an abortion of the medical evidence that the unborn child feels pain.

The bill would also ensure that the woman, if she chooses to continue with the abortion procedure after being given the medical information, has the option of choosing anesthesia for the child, so that the unborn child's pain is less severe.

Women should not be kept in the dark; women have the right to know what their unborn child experiences during an abortion. Unborn children should be spared needless, deliberately-inflicted pain.

Many among us are unaware of the scientific, medical fact that unborn children can feel, but it is true. Not only can they feel, but their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

An expert report on fetal development, prepared for the partial birth abortion ban trials, notes that while unborn children are obviously incapable of verbal expressions, we know that they can experience pain based upon anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults.

Unborn children can experience pain. This is why unborn children are often administered anesthesia during in utero surgeries.

Think about the pain that unborn children can experience, and then think about the more gruesome abortion procedures. Of course, we have heard about partial birth abortion, but also consider the D&E abortion. During this procedure, commonly performed after 20 weeks—when there is medical evidence that the child can experience severe pain—the child is torn apart limb-from-limb. Think about how that must feel to a young human.

Pain is absolutely relevant to the subject at hand.

Oddly, one of Judge Hamilton's reasons for ruling against the partial-birth abortion ban is that: "[Fetal pain] appears to be irrelevant to the question of whether [partial-birth abortions] should be banned, because it is undisputed that if a fetus feels pain, the amount is no less and in fact might be greater in D&E by disarticulation than with the [partial-birth abortion] method."

Apparently, Judge Hamilton believes that fetal pain is irrelevant to the issue at hand because other abortions might be more painful. Clearly, Judge Hamilton's logic is flawed.

Judge Hamilton's decision crosses the line. What we have seen in this week's District Court decision is judicial bias and judicial activism at its extreme. Judge Hamilton egregiously reveals her own bias in favor of abortion when she writes: "The court found all of the plaintiffs' experts not only qualified to testify as experts, but credible witnesses based largely on their vast experience in abortion practice. However, of the four government witnesses who were qualified as experts in ob/gyn, all revealed a strong objection either to abortion in general or, at a minimum, to the D&E method of abortion. The court finds that their objections to entirely legal and acceptable abortion procedures color, to some extent, their opinions on the contested intact D&E procedure."

By her logic, those with moral objections to abortion are biased—or "colored"—in their views against abortion, but those who perform abortions for money are not at all biased—or "colored"—in their views favoring abortions.

Sadly, the action of this California District Court is simply the latest instance of arrogant judges riding roughshod over the democratic process and constitutional law alike in a quest to impose a radical social agenda on America—in this case abortion on demand for any reason or no reason.

We are a democracy, not a people ruled by judicial dictate.

This district court decision is yet another example of why we need to reign in an increasingly reckless judiciary one, by means of stripping courts of authority they have usurped from the people and their legislative representatives, and two, through impeachment, when necessary at both the Federal and State level.

Policy-making decisions—particularly those that have such sweeping social implications—must be made by the representatives of the people in a way that is respectful of long-established traditions and principles of our social order. When activist judges use their positions to achieve policy goals, they must be resolutely opposed.

As the partial-birth abortion ban litigation continues in Nebraska and New York, I remain hopeful that we will see much more restraint and reasonable rulings coming forth from the judiciary.

TENNESSEE VETERANS

Mr. ALEXANDER. Mr. President, I recently received an invitation to an annual reunion of Tennessee veterans who served together in the 236th Combat Engineers Battalion in Burma, India and China during World War II. Veterans of the 236th have been getting together every year for nearly 50 years, and the story of the reunions of the 236th is almost as interesting as those of the action they saw in northern Burma fighting the Japanese.

What began as a picnic at Memphis City Park in 1956 has evolved into an annual reunion of surviving members of the 236th, and their families, on the second Sunday in July in Nashville. Veterans from the 236th, who spent one of the most significant periods in history together, now sit around and reminisce about the experience that made them men, rekindle old friendships, and honor the memories of their fallen comrades. Meanwhile, their families swim, shop, and attend events together. In recent years however, only a handful of veterans of the 236th are still able to attend, so the group has elected their children to take over responsibility for holding the reunions, even after the last member of the 236th has passed on.

The 236th was created during World War II, an offspring of the 44th Engineer Combat Regiment at Camp McCoy, WI. After practicing maneuvers in Tennessee in 1943, the 236th was deployed to the China-Burma-India Theater, where they started work on the Ledo Road, a necessary allied supply route through harsh jungle terrain at the base of the Himalayan Mountains, and on the edge of Japanese-occupied territory.

Work on the Ledo Road was halted by a Japanese garrison, dug in, in the town of Myitkyina, along the path of the road. General Stillwell, Chief Commander of the China-Burma-India Theater, had tried to dislodge the Japanese from Myitkyina in mid May, 1944, and had succeeded in taking a nearby airstrip, but was repelled from the town by unexpectedly strong Japanese defenses. With these defenses and a front line force already weakened from fatigue, disease and wounds, Stillwell called up the 236th to the front lines. Men who had been used to driving trucks and operating heavy equipment were suddenly picking up a rifle and heading into battle.

The Japanese had managed to assemble nearly 2,500 soldiers in Myitkyina in the final days of May to engage the 236th and another battalion of combat engineers, the 209th. The battle for Myitkyina raged for 2 months and the engineers, fighting alongside poorly trained Chinese soldiers, bore the brunt of the Japanese forces, defending against infantry attacks as well as artillery and mortar fire. The battle resulted in victory for the allies, but at a heavy price: 56 killed in action and another 142 wounded from the 236th alone. One of these casualties was SGT Fred Coleman, who threw himself on a grenade in order to save the lives of his comrades.

The members of the 236th distinguished themselves in the battle for Myitkyina and earned the praise of their commanders. Stillwell himself was impressed with the performance of the 236th, many of whom had not picked up a rifle since basic training: "hats off to the engineers!" And both battalions of combat engineers received the Presidential Unit Citation for their valiant efforts in battle.

Tennessee is the Volunteer State and the spirit of Tennessee is embodied in the 236th. From the battle of King's Mountain in the Revolutionary War, through the Mexican War, the Civil War, and our great World Wars, Tennesseans have answered the call. We have honored those volunteers, and we have honored them as veterans.

We should especially honor our Tennessee sons and daughters today because so many—thousands—are serving in the war against terrorism—men and women in active duty, the National Guard, and the reserves.

This summer, as we celebrate Armed Forces Day, Memorial Day, the dedication of the new World War II Memorial and the 60th anniversary of D-Day, we should not only remember the actions and sacrifices of the great men and women who have come before us, such as those of the 236th, but what their sacrifices have ensured for us: our freedom.

The best thing we can do this summer as we pay tribute to our veterans and soldiers is this: to try to show as much respect and honor to these great volunteers as they have always shown our country.

ROBERT A. BEAN: A LIFETIME OF CONTRIBUTION

Mr. PRYOR. Mr. President, I join the Senate community in mourning the loss of a long-time friend and colleague Robert A. Bean. Throughout his life, Bob was a hard worker, devoted to public service and a man of great integrity and character. Bob began his public service career as a congressional page at the young age of 15. Many promotions and two decades later, he continued to help the U.S. Senate run smoothly. During these years, Bob forged countless friendships with those around him and made immeasurable contributions to the community.

Each and every day, Bob went above and beyond the call of duty to help

Members of Congress, staff members and Capitol visitors find their way, whether it was through complex parliamentary procedure or to the nearest elevator in the Capitol. His vast knowledge of the Senate's operations was garnered from decades of public service. Following Bob's days as a page, he served in the Democratic cloakroom, and was later promoted to deputy sergeant-at-arms, deputy assistant undersecretary of legislative affairs at the Department of the Treasury, and Democratic staff director for the Committee on House Administration. Bob retired from the Hill in 2002, having accrued enough years of service to make him eligible for retirement. Too young and active, however, Bob returned to work just months later at the Jefferson Consulting Group, where he quickly made a name for himself.

My dad, former Senator David Pryor, first met Bob during page school and saw in him the same quality as everyone else: a passion to help others. Throughout the years, they remained close friends. Bob traveled to Arkansas to campaign several times for my dad, and later he joined me in Little Rock on the campaign trail. Even with all his qualifications and prestige, no job was too small. I remember him canvassing in the Arkansas heat, stuffing envelopes and hammering yard signs into the ground. And no job was too big or difficult. Following my campaign, Bob helped me coordinate inauguration events and setup my office, and he helped orient a number of my staff members who were new to Washington and the Senate. His willingness to do anything for anybody at anytime is what made Bob loved by so many.

Jim English, a former assistant Secretary of the Senate, said Bob was "the kind of person who would give you the shirt off his back. He was a man with loyalty to the Senate and to his friends."

Longtime friend Bill Norton who worked with Bob in the cloakroom and earlier as a page added, "Bob loved Congress as an institution; those were his happiest days."

While he took his work seriously, Bob was also known to enjoy his weekends with friends and family on the *Margaret B* while fishing on the Chesapeake. It was on such a day when Captain Bob was enjoying the afternoon on his boat, having just caught a 36-inch striper, when God chose to take Bob home.

Bob was also a devoted family man. As good as a friend he was to us, Bob was an even better son, brother and uncle. I want to express my deepest condolences to the Bean family: his mother Margaret; brothers, John, Kenneth and Brian; sister-in-law Patti; niece Rachel and nephew Christian.

Bob's commitment to service provides inspiration to us all. We will miss Bob Bean. We will remember him well. We will celebrate his life, and we will try to live up to his dedication and generosity.

ADDITIONAL STATEMENTS

TRIBUTE TO FRENCHBURG JOB CORPS

• Mr. BUNNING. Mr. President, I pay tribute today to the Frenchburg Job Corps Center in Frenchburg, KY. On June 24, 2004 this center will celebrate a milestone anniversary. For 30 years the Frenchburg Job Corps Center has taught a variety of skills to our Kentucky workforce, helping the men and women of Kentucky to improve their job skills and their general well being.

I am grateful for all the work that the Frenchburg Center has done over the last 30 years. Their contribution to the Commonwealth of Kentucky should not be underestimated. Through the work of this center many men and women have been enabled to become valuable pillars of their local and state economies.

The skills that these men and women learned range from the culinary arts to apartment maintenance. But all of these skills have been of inestimable value when it comes to doing one of the most important things in life, providing for yourself, your family and your community.

I believe the Commonwealth would not be the same without the dedication of these men and women and I thank the Frenchburg Job Corps for its 30 years of dedication to the workforce of the Kentucky.•

TRIBUTE TO JIM AYERS

• Mr. ALEXANDER. Mr. President, I wish to honor the extraordinary efforts of one man who exemplifies the spirit which makes Tennessee the volunteer state.

That man is Jim Ayers of Parsons, TN. Parsons sits at the intersection of Highway 412 and 69, just west of the banks of the Tennessee River. It is the largest town in rural Decatur County. At 18, Jim left home to attend Memphis State University. Working 30 hours a week, he paid his way through college, graduating with a degree in business administration. Jim was the first in his family to earn a college degree. He went on to success in a number of industries—from banking and real estate to manufacturing and health care.

Many American success stories would end right there. For Jim, this was just the beginning.

In 1999 Decatur's Riverside High School graduated 129 students and sent 36 on to post-secondary education. That's 27 percent. This month 101 of 111, 90 percent, of students graduating from Riverside, will go on to 2 and 4-year colleges and universities.

The difference between 1999 and 2004? Jim Ayers.

You see, Jim realized the opportunities he had because his parents had motivated him to further his education. To perpetuate this encouragement, Jim created the Ayers Foundation Scholars Program. The program supplies counselors to assist every student with college counseling and planning and grants renewable scholarships of up to $4,000 to any Decatur County student who wants to go on to college.

This year Jim's foundation disbursed $578,000 to more than 300 young men and women attending 13 different schools. To meet any remaining tuition bills, counselors found an additional $800,000 in Federal and State grants and other scholarships. Since its inception, the foundation has also spent in excess of $175,000 to help 68 teachers from Decatur and Henderson counties to obtain masters degrees or plus 30 certification.

Last week at a dinner in honor of this first class of Ayers' foundation graduates, Jim announced the foundation will begin funding scholarships for students at Henderson County's Scotts Hill High School. In addition, Jim committed to extend funding for advanced degrees for teachers in Perry County.

Decatur's favorite son came home to make this a place where the American dream thrives.

Mr. President, I have spent a lot of time thinking about leadership, character, and education. Men like Jim serve as examples to us all of the opportunity education provides and the difference one man can make in the fabric of the American character.

Thank you for allowing me to honor my friend Jim Ayers.•

TRIBUTE TO LINDA KURZ

• Mr. BOND. Mr. President, Sieglinde Kurz received her Bachelor of Arts degree from Fontbonne College, St. Louis, Missouri in 1961 and her Masters Degree in Health Care Management from Northwestern University, Evanston, Illinois in 1976.

Linda Kurz started her career with Department of Veterans Affairs in November 1965 as a Research Chemist in Renal Hypertension Research at the St. Louis VA Medical Center.

Linda Kurz, during her government career was the Administrative Assistant to the Associate Director, Hines, Illinois; Associate Director, VA Medical Center, Tomah, Wisconsin; Associate Deputy Regional Director, Northeastern Region, Albany, NY; Associate Director, VA Medical Center, Marion, Illinois; Director, Construction Project Coordination and Budget, VA Headquarters, Washington, DC; Director, VA Medical Center, Marion, Illinois. She left the Marion VAMC to accept the position of Director at the St. Louis VAMC.

Linda Kurz served as Director of the St. Louis VA for 5 years and 8 months from May 1998 through January 2004, one of the largest and most complex VA facilities in the Nation.

Linda Kurz provided leadership for this dual division hospital, providing care for in excess of 36,000 veterans annually, within a primary service area of metropolitan St. Louis, including 9 counties in Missouri and 14 counties in West Central Illinois and lead a care team of 1900 full time employee equivalents.

Linda's lifetime achievements include: A leader in the health care management field, mentor for VHA Health Care Management Trainees, Executive Career Field Director Trainees and achieved the status of Diplomat in the American College of Healthcare Executives.

Linda Kurz, was listed as one of the top female directors in Missouri Hospital Association Newsletter, Summer 2003 Edition and in Who's Who Among Top Executives in 1998–1999 and during her tenure as Director St. Louis VA Medical Center was recognized in 1999, with the Vice-Presidential "Hammer and Scissors" award for her efforts in piloting the first Department of Veterans Affairs Canteen Integration.

During her tenure at the St. Louis VA, Linda has worked tirelessly to improve access to care for veterans and opened three health clinics; she supported her employees by providing educational opportunities for mid-level managers through programs such as mini-MBA and she promoted an open policy, communicating with staff at all levels by establishing employee and supervisory forums.

Linda Kurz will retire after 37 years of government service, having devoted countless hours and years to the welfare of the American Veterans.●

TRIBUTE TO MELISSA CENTRELLA

• Mr. CORZINE. Mr. President, today I wish to recognize and to remember an extraordinarily courageous young lady from New Jersey, Ms. Melissa Anne Centrella. It is with great sadness that I inform you that Melissa passed away 2 years ago. She was 25 years old when she died. In Melissa's short time here on Earth she displayed an uncommon grace and dignity which we all should emulate.

As a child, Melissa was like every young girl—she was cheerful, she loved her parents, and she loved to dance. However, Melissa was diagnosed at an early age with the rare disorder called dystonia. Dystonia is a neurological disorder characterized by powerful and painful involuntary muscle spasms that cause twisting of the body, repetitive muscle movements, and sustained postural deformities. Melissa lived with the constant pain of dystonia for 18 years. As the years passed, Melissa's life became more and more constrained. She was eventually confined to a wheelchair and then bedridden. Melissa passed away from complications of this disorder.

Melissa endured many painful medical procedures to assess and attempt to treat dystonia. She suffered through a series of spinal taps, intrathecal pump implantations, and the preparations for deep brain stimulation surgery. Melissa, on several occasions, was overdosed with her medication leading to seizures and once to a 3-day coma. Through all the pain, she accepted her suffering with dignity and never once complained.

Melissa believed she was put on Earth for a reason, that God had a plan for her. That reason was to be a part of the mission to find a cure for dystonia, so that no one else would have to experience the torture that she experienced in her short life. Many in her position would have given up, but not Melissa. Melissa was relentless in pushing Claire, her mother, to establish the New Jersey Chapter of the Dystonia Medical Research Foundation, DMRF.

The chapter today holds many events to raise funds for dystonia research and promotes awareness of dystonia. Whenever Claire became depressed or understandably overcome with distress, Melissa would gently prod her along and remind her of their mission together as a family. Melissa was the only child of Claire and August Centrella. I would like to salute Claire Centrella and her family for picking up the mantle and running with it in memory of Melissa.

Melissa's body lost its battle; however, her soul battles on in her mother and the New Jersey Chapter to improve the quality of life for others with dystonia. Melissa Centrella's memory will live on in those of us she touched and in those who share her mission. Melissa will never be forgotten, and her mission will continue through her family's and friends' hard work and determination.●

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute and to remember a courageous young lady from New Jersey, Ms. Melissa Anne Centrella. Sadly, Melissa passed away 2 years ago, at the age of 25, from complications due to a disease known as dystonia. Much of Melissa's short life was dedicated to battling dystonia, which affects more than 300,000 people in North America.

Melissa was diagnosed at an early age with dystonia, which is the third most common movement disorder after Parkinson's disease and tremor. This neurological disease is characterized by powerful and painful involuntary muscle spasms that cause twisting of the body, repetitive muscle movements and sustained postural deformities. Although she endured many painful medical procedures to treat her dystonia, Melissa never once complained. Instead, she became a part of the effort to find a cure for dystonia, so no one else would have to experience the pain she suffered in her short life.

Along with her mother Claire, Melissa worked relentlessly to establish the New Jersey Chapter of the Dystonia Medical Research Foundation. The chapter today holds many events to raise funds for dystonia research and promotes awareness of dystonia. I would like to salute the Centrella family for the work they have done to found and support the New Jersey Chapter of the foundation. Today, because of Melissa Centrella, her family and others who have fought alongside them against dystonia, we are closer than ever to a cure.

Mr. President, it is important that we recognize the fight against dystonia. Although there is not yet a cure for dystonia, we will continue the work of Melissa Centrella and remember her fight against this disease.●

THE 250TH ANNIVERSARY OF HAMPSHIRE COUNTY

• Mr. ROCKEFELLER. Mr. President, on this 3rd day of June, in the year 2004, I am honored to commemorate the 250th birthday of Hampshire County. This historically and culturally rich county showcases the best of West Virginia, and I am very proud to represent the citizens of this great county.

Hampshire County has a vibrant history beginning in the early 1700s, when tradesmen and hunters eager to begin a new life settled in the beautiful wilderness. Settlers, such as John and Job Pearsall, built houses in the area that would become known as Romney which has served as the county seat since 1762—some 200-plus years, which is longer than Washington, DC has served as our capital city.

The history of Hampshire County encompasses many of the great conflicts in our Nation's early history. It was the turmoil of the French and Indian War that prevented official organization of the county in 1757, despite actual creation several years earlier. In 1794, men from Hampshire County serving under General Daniel Morgan took part in overcoming the Whiskey Rebellion. These brave men volunteered to quell the rebellion. The county also endured the Civil War, and was frequently occupied by either Confederate or Union Armies. In fact, according to surviving records, Romney changed hands at least 56 times which is more frequently than any other city during the Civil War except for Winchester, VA.

Only a few years later, in 1870, Hampshire County became home to the State School for the Deaf and Blind through the efforts of Professor H.H. Johnson. The Romney Literary Society donated several buildings and land for the school, which was crucial to the decision regarding the school's location in

Romney. The school now serves over 275 students on the 40-acre campus, and plays an integral role in the community.

Today, Hampshire County continues to be a great asset to the State of West Virginia and our country. Hampshire County remains a pristine example of West Virginia's natural beauty. Its many rivers and streams flow through the county and provide residents and visitors alike with recreational and fishing opportunities. An area along the South Branch of the Potomac River, known as the Trough, is visited frequently by those hoping to view the bald eagles that occupy the area. Ice Mountain is another excellent location to observe eagles and the beautiful West Virginia scenery viewed from its peak. Ice Mountain contains small caves where ice can be found throughout the hot summer days. Hampshire County is a fine example of all West Virginia has to offer—its sense of history and culture, its fine citizens, and its natural beauty.

Since its beginning, courageous settlers, who returned time and again to Hampshire County, laid the foundation that is now a well-known trait of all West Virginians—loyalty to the State they love. I am proud to recognize Hampshire County, WV, on its 250th anniversary.●

TRIBUTE TO LIEUTENANT COLONEL WILLIE J. BROWN

● Mr. MILLER. Mr. President, it is my pleasure to honor an extraordinary marine, LTC Willie J. Brown. Lieutenant Colonel Brown has served for 29 years, 4 months and 4 days in service to our Nation. He began his military service as an ensign in the Navy and later earned a commission as a second lieutenant in the U.S. Marine Corps. He has served in times of war and peace, and throughout he has given a full measure, as marines are renowned for doing. His awards include the Meritorious Service Medal, Navy and Marine Corps Achievement Medal, the Joint Meritorious Unit Award, a Meritorious Unit Commendation, the National Defense Service Medal with two stars, and the Sea Service Deployment Ribbon.

During Lieutenant Colonel Brown's last active duty assignment, he served as a legislative liaison officer in the Marine Corps' Office of Legislative Affairs. That office supports Members of Congress and the congressional committees on issues relating to the Marine Corps and the security of our Nation. In this position, Colonel Brown played a vital role in ensuring that responses to all inquiries and congressional requests for information and inquiries were provided quickly, accurately, and completely; thereby, allowing Members of this body the ability to readily address issues of national importance.

Some of Lieutenant Colonel Brown's many responsibilities included expert preparation of Marine Corps leadership for congressional testimony on high-interest military programs and assisting Members on congressional travel to visit military installations throughout the continental United States. His attention to detail in all matters was unsurpassed, and his complete grasp of the facets of naval warfare helped to ensure a bright future for our Marine Corps.

Prior to joining the Office of Legislative Affairs, Lieutenant Colonel Brown spent the majority of his Marine Corps career in the aviation field. He started as a second lieutenant with the 2nd Marine Aircraft Wing and continued to rise through the ranks. He went on to become the commanding officer of Marine Aviation Logistics Squadron 26. Under his superb leadership, that squadron won the wing's "Squadron of the Year" award for three consecutive years. The commandant also recognized his squadron with the Marine Corps Quality Improvement Award for Excellence.

Lieutenant Colonel Brown is a learned, professional marine, as evidenced by his attendance at the School of Advanced Warfare, and the Marine Corps Command and Staff College. Further, he is a well-rounded, native Georgian who willingly serves his fellow man. While assigned as the special assistant to the Assistant Secretary of the Navy for Manpower and Reserve Affairs, he was awarded the Roy Wilkins Distinguished Service Award by the NAACP. This award is granted each year to one marine who has made personal sacrifices resulting in significant contributions in the areas of civil and human rights.

As a leader of marines, Lieutenant Colonel Brown has made a lasting contribution to the Marine Corps and will be sorely missed by those who have had the opportunity to serve with him. I join with his friends and family as he celebrates this richly deserved retirement. I wish him, his wife Cynthia, and their family my best as he enjoys every day of this new journey. Semper Fidelis.●

SAMUEL JOHNSON

● Mr. FEINGOLD. Mr. President, I wish to pay tribute to the life of Samuel Johnson, an environmental champion, an inspired business leader and one of Wisconsin's greatest philanthropists.

Sam Johnson, who passed away on May 22, 2004, was known internationally for taking his 118-year-old family business called Johnson Wax and turning it into the consumer products giant, SC Johnson & Son, Inc. Sam was as generous as he was successful. He was beloved by his home community of Racine as well as the entire State of Wisconsin for his generous donations to the communities where he did business, and to the long list of organizations and causes that he served. Sam's generosity was instrumental in revitalizing his home community of Racine.

After attending Cornell and Harvard, Sam served as an Air Force intelligence officer. When Sam returned to Wisconsin, he joined the family business, helping make products like Pledge and Glade household names. Sam became the fourth generation to take over the family business in 1966 and helped it grow into four global businesses employing over 28,000 people before retiring in 2000 and leaving the business to a fifth generation.

Sam was widely recognized as a defender of the environment. In 1975, he proactively banned the use of harmful CFCs in aerosol products 3 years before the U.S. banned the ozone-harming substances. He served as chairman of the board for the Nature Conservancy, to which he donated $1 million in 1994 and later donated 18,000 acres in Brazil. In 1993, Fortune Magazine called him "corporate America's leading environmentalist."

A few years ago, I had the distinct pleasure of participating in a project undertaken by Sam, as well as Fisk and Curt Johnson, two of his children. Sam and his sons took their piloting skills to Brazil to recreate and document a flight made by Sam's father, Herbert, in 1935, while searching for carnauba palm wax in Brazil. The documentary that resulted from the trip was a moving testimony to Sam's own troubles with alcoholism and distant relationship with his father. The film earned national attention and helped people across the country deal with their own problems with alcohol. I was deeply honored when I was asked to help host a screening of this incredible film.

That documentary was just one of the many achievements for which Sam Johnson will be remembered and just one of the many reasons he will be so deeply missed. I know that I am grateful for his lasting contributions to the State of Wisconsin, and for his unwavering commitment to the communities and causes he served so well.●

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR THE REPUBLIC OF BELARUS—PM 81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the Republic of Belarus. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR VIETNAM—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR TURKMENISTAN—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Turkmenistan. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Turkmenistan will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

MESSAGES FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Mr. Chiappardi, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 28. Joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3908. An act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 4109. An act to allow seniors to file their Federal income tax on a new Form 1040S.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 413. Concurrent resolution honoring the contributions of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, and for other purposes.

The message further announced that the House agree to the amendment of the Senate to the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 28. Joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 444. An act to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to reauthorize title II of the Higher Education Act of 1965; to amend Title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3866. An act to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes.

H.R. 4478. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, arid improving performance accountability, and for other purposes and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: From the committee on Education and the Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. PETRI, Mr. MCKEON, Mr. CASTLE, Mr. ISAKSON, Mr. PORTER, Mr. KILDEE, Mr. HINOJOSA, Mr. TIERNEY, and Ms. MCCOLLUM.

The message further announced that the House disagree to the amendment of the Senate to the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, EHLERS, BACHUS, LATOURETTE, GARY G. MILLER of California, REHBERG, BEAUPREZ, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. NORTON, Messrs. NADLER, MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on the Budget, for consideration of sections 8001-8003 of the House bill, and title VI of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1602 and 3030 of the House bill, and sections 1306, 3013, 3032, and 4632 of the Senate amendment, and modifications committed to conference: Mr. BALLENGER, Mrs. BIGGERT, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in section 6001 of the House bill, and sections 3005 and 3006 of the Senate amendment; and sections 1202, 1824, 1828, and 5203 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING, and DINGELL.

From the Committee on Government Reform, for consideration of section 1802 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SCHROCK, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and sections 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 1117, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 3041, and 4521–4528 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS, and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Messrs. DREIER, SESSIONS, and FROST.

From the Committee on Science, for consideration of sections 2001, 3013, 3015, 3034, 4112, and title V of the House bill, and title II, sections 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Messrs. GILCHREST, NEUGEBAUER, and GORDON.

From the Committee on Ways and Means, for consideration of title IX of the House bill, and title V of the Senate amendment, and modifications to conference: Messrs. THOMAS, MCCRERY, and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 444. An act to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to reauthorize title II of the Higher Education Act of 1965; to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3908. An act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3866. An act to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; to the Committee on the Judiciary.

H.R. 4109. An act to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 413. Concurrent resolution honoring the contributions of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2498. A bill to provide for a 10-year extension of the assault weapons ban.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 3, 2004, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 28. Joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7740. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Optional Rider for Proof of Additional NVOCC Financial Responsibility" (FMC Doc. No. 04–02) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7741. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Re-issuance of the NASA FAR Supplement Subchapters A and B Consistent with the Federal Acquisition Regulations System Guidance and Policy" (RIN2700–AC65) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7742. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Government Property—Instructions for Preparing NASA Form 1018" (RIN2700–AC73) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7743. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Groundfish with Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea (RKCSS) of the Bering Sea and Aleutian Islands Management Area" received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7744. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Grant and Cooperative Agreement Announcement Numbering" (RIN2700–AC98) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7745. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Re-Issuance of NASA FAR Supplement Parts 1813 through 1817" (RIN2700–AC83) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7746. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Re-issuance of NASA FAR Supplement Subchapter D" (RIN2700–AC84) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7747. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Certifications, Disclosures, and Assurances" (RIN2700–AC96) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7748. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2003 Missile Technology Control Regime Plenary Agreements" (RIN0694–AD01) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7749. A communication from the Chair, National Oceanographic Partnership Program, transmitting, pursuant to law, the Program's March 2004 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–7750. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Protective Equipment Export Licensing Jurisdiction" (RIN0694–AC64) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7751. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Nineteenth Annual Report of Accomplishments under the Airport Improvement Program (AIP) for Fiscal Year 2003; to the Committee on Commerce, Science, and Transportation.

EC–7752. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Iowa Regulatory Program" (IA–013–FOR) received on

June 1, 2004; to the Committee on Energy and Natural Resources.

EC-7753. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program; Correction" received on June 1, 2004; to the Committee on Energy and Natural Resources.

EC-7754. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, a report relative to the investment priorities of the Inland and Intracoastal Waterway transportation industry; to the Committee on Environment and Public Works.

EC-7755. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's Fiscal Year 2001 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act (LWA); to the Committee on Environment and Public Works.

EC-7756. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to a lease prospectus for the Department of the Navy in Northern Virginia; to the Committee on Environment and Public Works.

EC-7757. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Analytical Method for Uranium" (FRL7668-9) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7758. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating Permit Programs" (FRL7669-6) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7759. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Implementation Plans: Illinois" (FRL7666-1) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7760. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for California—San Joaquin Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour and Annual PM-10 Standards" (FRL7663-8) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7761. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units" (FRL7666-5) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7762. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Determination To Extend Deadline for Promulgation of Action on Section 126 Petition From North Carolina" (FRL7667-3) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7763. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion" (FRL7667-5) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7764. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State Has Corrected a Deficiency in the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL7665-3) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7765. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, E. Dorado County Air Pollution Control District, Feather River Air Quality Management District, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Bernardino County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Yolo-Soland Air Pollution Control District" (FRL7662-2) received on June 1, 2004; to the Committee on Environment and Public Works.

EC-7766. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled the "U.S.-Russia Polar Bear Agreement Implementation Act of 2004"; to the Committee on Environment and Public Works.

EC-7767. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to Fiscal Year 2003 Competitive Sourcing Efforts; to the Committee on Environment and Public Works.

EC-7768. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-7769. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, two documents related to the Agency's programs; to the Committee on Environment and Public Works.

EC-7770. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulations Governing Incidental Take Permit Revocation" (RIN1018-AT64) received on May 20, 2004; to the Committee on Environment and Public Works.

EC-7771. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Foreign Sales Corporations—Advance Payment Transactions" received on June 1, 2004; to the Committee on Finance.

EC-7772. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Uniform Capitalization of Interest Expense in Safe Harbor Sale and Leaseback Transactions" (RIN1545-BB62) received on June 1, 2004; to the Committee on Finance.

EC-7773. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2004 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC-7774. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to Fiscal Year 2003 Sourcing Efforts; to the Committee on Finance.

EC-7775. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2004" (Rev. Rul. 2004-54) received on June 1, 2004; to the Committee on Finance.

EC-7776. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Regarding Royalties Under Section 6050N" (Rev. Rul. 2004-46) received on June 1, 2004; to the Committee on Finance.

EC-7777. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Title II Cost of Living Increases in Primary Insurance Amounts" (RIN0969-AF14) received on June 1, 2004; to the Committee on Finance.

EC-7778. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communique"; to the Committee on Foreign Relations.

EC-7779. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communique"; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1129. A bill to provide for the protection of unaccompanied alien children, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1887. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices.

S. 2363. A bill to revise and extend the Boys and Girls Clubs of America.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 5. A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE (for herself, Mr. DODD, Mr. LUGAR, and Mr. ALEXANDER):

S. 2494. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Finance.

By Mr. BREAUX:

S. 2495. A bill to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects; to the Committee on Environment and Public Works.

By Mr. BAYH:

S. 2496. A bill to provide for the relief of Helen L. O'Leary; to the Committee on Armed Services.

By Mr. LIEBERMAN:

S. 2497. A bill to amend the securities laws to provide for enhanced mutual fund investor protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG):

S. 2498. A bill to provide for a 10-year extension of the assault weapons ban; read the first time.

By Mr. TALENT:

S. 2499. A bill to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 2500. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2501. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office"; to the Committee on Governmental Affairs.

By Mr. CRAIG:

S. 2502. A bill to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Finance.

By Mr. KYL:

S. 2503. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself and Mr. HARKIN):

S. Con. Res. 114. A concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; considered and agreed to.

ADDITIONAL COSPONSORS

S. 309

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 309, a bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes.

S. 556

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 955

At the request of Mr. ALLEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 955, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1292

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1292, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1476

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1476, a bill to amend the Internal Revenue Code of 1986 to encourage investment in facilities using wind to produce electricity, and for other purposes.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1559

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1748

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1748, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 1861

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1861, a bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 1900

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1909

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1934

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1934, a bill to establish and Office of Intercountry Adoptions within the Department of State, and to reform United States laws governing intercountry adoptions.

S. 2015

At the request of Ms. CANTWELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2015, a bill to prohibit energy market manipulation.

S. 2062

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2141

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2141, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on soybean base acres.

S. 2152

At the request of Mr. MILLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2152, a bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes.

S. 2192

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2195

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2195, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 2214

At the request of Mr. BURNS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2214, a bill to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2236

At the request of Ms. CANTWELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2353

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2353, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 2363

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2363, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2363, supra.

At the request of Mr. SHELBY, his name was added as a cosponsor of S. 2363, supra.

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Mississippi (Mr. LOTT) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2363, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2363, supra.

S. 2411

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 2411, a bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes.

S. 2425

At the request of Mr. BYRD, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2434

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2434, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes.

S. 2439

At the request of Mrs. HUTCHISON, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2439, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 2449

At the request of Mr. DASCHLE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Idaho (Mr. CRAIG) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2449, a bill to require congressional renewal of trade and travel restrictions with respect to Cuba.

S. 2451

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2451, a bill to amend the Agricultural Marketing Act of 1946 to restore the application date for country of origin labeling.

S. 2461

At the request of Mr. DEWINE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. MILLER), the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2463

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2463, a bill to terminate the Internal Revenue Code of 1986.

S. 2468

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2468, a bill to reform the postal laws of the United States.

S. CON. RES. 113

At the request of Mr. SMITH, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 330

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ('OPEC') cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 357

At the request of Mr. CAMPBELL, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 2497. A bill to amend the securities laws to provide for enhanced mutual fund investor protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation that would bring needed changes to our financial markets so that the interests of America's small individual investors are protected and defended.

The recent revelations about unethical and illegal practices in the mutual fund industry have been deeply disturbing—to me and to ordinary investors throughout the country. In November 2003, the Governmental Affairs Committee's Subcommittee on Financial Management, the Budget, and International Security heard testimony from the Director of the Securities and Exchange Commission's (SEC's) Enforcement Division about a survey of fund practices that the SEC had just completed. The survey found that half of the largest 88 mutual funds had permitted a practice called market-timing, which allows some investors to trade quickly in and out of the funds, even though many of those funds had explicit policies against such trading because of its detrimental impact on other investors in the fund. The survey also found that a full one-quarter of the brokerage firms it looked at indicated that they had allowed certain customers to engage in late-trading, an illegal practice that allows favored investors to execute trades based on that day's price after the market had closed, when new information had come to light. Perhaps most shocking, the survey found that, in some cases, fund company officials profited personally at the expense of their customers by market-timing their own funds. In a later hearing, we learned about the problem of excessive fees at some funds and the fact that such fees may not be prominently disclosed to investors or, as is the case with some types of fees, not disclosed at all.

These concerns are of particular importance because, in a very real sense, mutual fund investments are investments in the American dream. They hold the nest eggs, the retirement savings, and the college funds for millions of America's working families. But they also feed capital into today's economy, fueling the engine that creates and maintains American jobs. Mutual funds are where so many Americans put their money: 95 million people, at last count, own shares in these funds. Indeed, in the wake of the Enron scandal, when investigators uncovered widespread deceptions and conflicts of Wall Street stock analysts, conventional wisdom said average investors would find safe haven in mutual funds rather than in individual stocks. It is therefore particularly—and—ironically disheartening to see the scandals and breaches of trust that have now afflicted the mutual fund industry.

The recent revelations about mutual funds, however, provides us with the opportunity and the responsibility to accomplish real, structural reform in the fund industry. That is why I have joined with Senator AKAKA and Senator FITZGERALD in introducing S. 1822, the Mutual Fund Transparency Act, and why I have also joined Senators CORZINE and DODD in introducing S. 1971, the Mutual Fund Investor Confidence Restoration Act. Both of these bills take on many of the significant mutual fund problems that have come to light in recent months. Together, they bar late trading and discourage market timing; reform mutual fund governance rules to require that the chairman and 75 percent of board members of mutual fund companies be independent and strengthen the definition of independent; require far more extensive disclosure of fund fees and expenses; and work to increase financial literacy.

But beyond these important, basic reforms, we need to craft new approaches that address the changing nature of this country's investor class. In the last two decades, a near-revolutionary expansion in the number of people participating in the financial markets has occurred. Since 1980, we've seen the share of U.S. households owning mutual funds soar from less than 6 percent to nearly 50 percent in 2002. The number of families owning stocks, directly or indirectly through funds, has increased 60 percent in the last fifteen years and, as of 2001, exceeded half of all families. Along with this phenomenon, and contributing to it, we've seen individuals increasingly taking responsibility for investing their own retirement money—a responsibility that was once entrusted to professionals . It used to be that employees were typically enrolled in so-called "defined benefit" pension plans that guaranteed them certain income and for which the employer took responsibility for investing the money properly. Now individuals are more frequently given responsibility for investing their retirement savings themselves through 401(k) plans. In fact, since 1983, the number of defined-benefit plans has declined over 70 percent, while participation in 401(k) plans has been increasing. Forty-eight million Americans now have 401(k) plans.

Neither changes in the law, nor changes by federal regulators, however, have kept pace with the increasing participation and the increasing responsibilities of small investors. When the Investment Company Act was enacted in 1940, it brought sweeping changes, and, for the first time, Federal regulation, to the fund industry, which had been fraught with fraud and abuse in the 1920's. The 1940 Act and the other securities laws passed in the wake of the 1929 stock market crash were instrumental in restoring investor confidence and in establishing the basic disclosure regime that continues to undergird securities regulation today. But the 1940 Act remains much as it was when it was enacted, and disclosure requirements that once appeared radical now often result in forms of technical compliance that little serve average investors who have neither the time nor guidance to find their way through the verbiage of fund disclosures. Nor has the SEC, created in the same era and charged with protecting investors, adequately kept up with the shifting makeup and needs of contemporary investors. To its credit, the SEC in recent months has made a number of changes and proposals specifically to address the problems uncovered in the mutual fund industry, and in the 1990's it undertook a serious effort to ensure that more securities documents were written in "plain English." The Commission, however, has not accomplished the more fundamental reorientation that I believe is called for—and that indeed I did call for in the aftermath of the Enron scandal—to an agency that does not merely regulate and punish the securities industry but affirmatively and proactively seeks ways to assist and protect ordinary investors.

The Small Investor Protection Act that I am introducing today would bring about these needed changes by ensuring that the SEC is more routinely attuned to the needs of average investors. In doing so, this bill serves as an important complement to, though surely not a replacement for, the other mutual fund reform legislation I have cosponsored. And I am pleased that the bill has the support of the Consumer Federation of America, Fund Democracy, Inc., Public Citizen's Congress Watch, Consumer Action and Consumers Union.

To accomplish the goal of better protecting small investors, the bill would take the following four steps:

1. Create a Division of the Investor. Too often in recent years, the interests of ordinary investors have not seemed to be the driving force behind the Commission's regulatory actions. Wall Street's representatives regularly meet with Commission staff to comment on each new Commission proposal but the voice of the small investor has been harder to hear. To ensure that the voices of small investors are heard, my bill would create a separate division within the Commission—coequal with the other four major divisions at the SEC—to provide for a permanent and institutionalized advocate for the interests of ordinary investors. The Division of the Investor would be responsible for such things as providing the small investor's perspective on new rule and policy proposals, identifying new issues of particular concern to small investors, and serving as a conduit for the concerns of outside advocates for small investors.

2. Establish an Office of Risk Assessment. As part of the Governmental Affairs Committee's investigation into the Enron scandal, former Senator Thompson and I released a bipartisan staff report concluding, among other things, that the SEC needed to move away from simply reacting to cases of financial fraud to actively rooting out fraud. In other words, the SEC needed to "reconceptualize its role as a more proactive force in protecting the marketplace against financial fraud." This conclusion has only been reinforced by the fact that the recent and widespread problems in the mutual fund industry were apparently not identified by the Commission but were uncovered by others. I am therefore very encouraged that Chairman Donaldson has announced the creation of an Office of Risk Assessment to gather and analyze data on new trends and risks and identify new areas of concern for the Commission. This effort, in my view, is critical to protecting small investors because it will increase the likelihood that practices detrimental to small investors will be proactively identified and addressed before they reach scandalous proportions. To ensure the SEC continues to pursue this important function, my bill would provide formal legislative recognition to the Office of Risk Assessment and institutionalize its responsibilities.

3. Require Consumer Research to Gauge Whether Disclosures are Easily Understood by Consumers. The disclosure of information to investors is fundamental to securities regulation in the U.S. With respect to mutual funds, for instance, the SEC requires a wide array of disclosures to be made in prospectuses, annual reports to shareholders, advertising, and in other media. None of these disclosures, however, is likely to serve its intended purpose if ordinary investors can't understand them. There is little empirical evidence on whether investors do in fact understand the disclosures being made. Although the SEC has from time-to-time engaged in consumer research, such as surveys, focus groups, etc., it does not routinely or systematically test its proposed disclosures to determine if they are likely to be understood by ordinary investors. My bill would change that by requiring that the Commission consider empirical consumer research to determine whether a proposed disclosure—including its wording, format, and the context in which it appears—is likely to improve the understanding of ordinary investors.

4. Require Investment Companies to Provide Brief, Easy-to-Understand Disclosures of Mutual Fund Characteristics. All too often, the important details of a mutual fund purchase are lost among the pages and pages an investor receives from his or her investment company. That is why the Small Investor Protection Act would also require investment companies to provide purchasers with a brief summary that will clearly and succinctly outline the relevant characteristics of a mutual fund. Ideally, this summary would be on a single page, and it could not exceed four pages; it would include information such as expenses and risks associated with the fund, as well as the degree to which the fund is diversified. By providing this information in an easy-to-understand format, the Act would help investors make decisions about which funds are best suited to their particular needs and financial goals.

If enacted, these proposals, taken as a whole, would go a long way towards reorienting the regulation of our financial markets to better address the needs of the small investors who have become such an integral part of our economy and for whom investments in the market have become such a large part of their economic security. These proposals would ensure that the concerns of ordinary investors receive as much prominence in regulatory decisions as the concerns of Wall Street giants, that average investors receive relevant information in a form they can understand, and that they are better protected from existing conflicts of interest.

In short, this legislation would help level the playing field for small investors. That is something that we need to do to restore confidence to our financial markets, which have been damaged by more than two years of scandals, and that we must do because it is the right thing for the millions of Americans who are saving and investing to provide a better future for themselves and their children. They deserve nothing less.

I ask unanimous consent that a letter in support of this legislation from Consumer Federation of America, Fund Democracy, Inc., Public Citizen's Congress Watch, Consumer Action and Consumers Union be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA,
FUND DEMOCRACY, INC., PUBLIC CITIZEN'S CONGRESS WATCH, CONSUMER ACTION, CONSUMERS UNION,
May 18, 2004.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: We are writing on behalf of Consumer Federation of America, Fund Democracy, Public Citizen, Consumer Action, and Consumers Union, to express our strong support for your draft bill to give greater prominence to the concerns of individual investors, particularly small investors, in the policy and rulemaking of the Securities and Exchange Commission.

The last several decades have seen a dramatic expansion of the investor class. Many of these new investors are middle class workers with little financial sophistication and less experience with the securities markets. The major laws that govern our markets were not written with these investors in mind. Although the laws have been continually updated and revised to address changing market conditions, individual investors often find it difficult to have their voices heard during those policy debates.

The recent mutual fund reform efforts offer a number of examples of how policies are often developed with little apparent thought to the needs of average, unsophisticated investors. One such example involves the Securities and Exchange Commission's efforts to improve mutual fund cost disclosure. Among other reforms they advocated, investor advocates argued in favor of individualized cost disclosure on mutual fund account statements on the grounds that this was the place where the disclosures were most likely to be seen by average investors and their impact understood. The SEC quickly rejected that approach, however, echoing industry arguments that the disclosures would be too costly.

In reaching its conclusion, the Commission gave little apparent consideration to how the account statement disclosures might be provided. In fact, one mutual fund company, MFS, has since announced that it has found an economical way to do so. This suggests that, had the SEC not been so quick to dismiss the views of investor advocates, it might have been equally successful in finding a cost-effective way to provide account statement cost disclosures. Instead, the Commission opted for new hypothetical disclosures in annual and semi-annual reports. Again, despite serious questions raised by investor advocates, the Commission appears to have made no effort to determine whether their alternative approach would be effective in reaching the unsophisticated investors who are not well served by the current disclosure system.

Your legislation would help to rectify this situation through several means. First, it would create an office with a formally recognized role representing the interests of individual investors, and small investors in particular, in identifying areas of concern or where additional protections are needed, analyzing rule proposals, and serving as a liaison between investor organizations and the Commission. In particular, the provision requiring that the views of the Director of the Division of the Investor be included, in summary form, in all rule proposals should help to give real clout to this office as those rule proposals are being developed.

We also support the requirement that the Commission consider content, format, and placement when developing new disclosure proposals to ensure that they are likely to be effective. Too often, disclosures investors receive read as though they had been written by lawyers to communicate with other lawyers. Your legislation should help to ensure that new disclosures are written with an eye toward how to convey information effectively to average investors. We would like to see this provision expanded, to require a review over several years of all existing disclosures in light of the same considerations.

The bill's specific requirement for pre-sale disclosure covering key information about mutual funds would also benefit investors by giving them the bare minimum information they need to make an informed decision, at a time when it is useful to them in making their purchase decision, and in a form they are able to understand. Investor advocates have long advocated such an approach, and our organizations have recently reiterated our support for simplified pre-sale disclosure as part of a comprehensive mutual fund reform agenda.

Finally, our organizations have applauded Chairman Donaldson for his publicly stated commitment to improving the Commission's risk assessment practices. Your legislation supports that goal by codifying it. This will help to ensure that this important initiative does not get left by the wayside once new leadership, with new priorities, takes over the agency.

Small investors play a crucial role in our markets. They should be given equally prominent consideration in the policies that govern those markets. Your legislation would help to bring that about. We look forward to working with you to win its passage.

Respectfully submitted,

BARBARA ROPER,
Director of Investor Protection.

TRAVIS PLUNKETT,
Legislative Director Consumer Federation of America.

FRANK CLEMENTE,
Director Public Citizen's Congress Watch.

SALLY GREENBERG,
Senior Counsel Consumers Union.

MERCER BULLARD,
Founder and President Fund Democracy, Inc.

KENNETH MCELDOWNEY,
Executive Director Consumer Action.

By Mr. LUGAR:

S. 2500. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004.

The unprecedented AIDS orphan crisis in sub-Saharan Africa has profound implications for political stability, development, and human welfare that extend far beyond the region. Sub-Saharan African nations stand to lose generations of educated and trained professionals who can contribute meaningfully to their countries' development. Orphaned children, many of whom are homeless, are more likely to resort to prostitution and other criminal behavior to survive. Most frighteningly, these uneducated, poorly socialized, and stigmatized young adults are extremely vulnerable to being recruited into criminal gangs, rebel groups, or extremist organizations that offer shelter and food and act as "surrogate" families. It is imperative that the international community respond to this crisis that threatens stability within individual countries, the region, and around the world.

An estimated 110 million orphans live in sub-Saharan Africa, Asia, Latin America, and the Caribbean. The HIV/AIDS pandemic is rapidly expanding the orphan population. Currently an estimated 14 million children have been orphaned by AIDS, most of whom live in sub-Saharan Africa. This number is projected to soar to more than 25 million by 2010. The pandemic is orphaning generations of African children and is compromising the overall development prospects of their countries.

Most orphans in the developing world live in extremely disadvantaged circumstances. Poor communities in the developing world struggle to meet the basic food, clothing, health care, and educational needs of orphans. Experts recommend supporting community-based organizations to assist these children. Such an approach enables the children to remain connected to their communities, traditions, rituals, and extended families.

My bill seeks to improve assistance to orphans and other vulnerable children in developing countries. It would require the United States Government to develop a comprehensive strategy for providing such assistance and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Orphans are less likely to be in school, and more likely to be working full time. Yet only education can help children acquire the knowledge and develop the skills they need to build a better future. Studies have shown that school food programs provide an incentive for children to stay in school. School meals provide basic nutrition to children who otherwise do not have access to reliable food.

For many children, the primary barrier to an education is the expense of school fees, uniforms, supplies, and other costs. My bill aims to improve enrollment and access to primary school education by supporting programs that reduce the negative impact of school fees and other expenses. It also would reaffirm our commitment to international school lunch programs.

Many children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children.

The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region, affecting governments and people worldwide. Every 14 seconds another child is orphaned by AIDS. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that Senators will join me in backing this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than 110,000,000 orphans live in sub-Saharan Africa, Asia, Latin America, and the Caribbean. These children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses.

(2) It is estimated that 121,000,000 children worldwide do not attend school and that the majority of such children are young girls. According to the United Nations Children's Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time.

(3) School food programs, including take-home rations, in developing countries provide strong incentives for children to remain in school and continue their education. School food programs can reduce short-term hunger, improve cognitive functions, and enhance learning, behavior, and achievement.

(4) The lack of financial resources prevents many orphans and other vulnerable children in developing countries from attending school because of the requirement to pay school fees and other costs of education. Providing children with free primary school education, while simultaneously ensuring that adequate resources exist for teacher training and infrastructure, would help more orphans and other vulnerable children obtain a quality education.

(5) The trauma that results from the loss of a parent can trigger behavior problems of aggression or emotional withdrawal and negatively affect a child's performance in school and the child's social relations. Children living in families affected by HIV/AIDS or who have been orphaned by AIDS often face stigmatization and discrimination. Providing culturally appropriate psychological counselling to such children can assist them in successfully accepting and adjusting to their circumstances.

(6) Orphans and other vulnerable children in developing countries routinely are denied their inheritance or encounter difficulties in claiming the land and other property which they have inherited. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow, even if she has young children, to claim property after the death of her husband.

(7) The HIV/AIDS pandemic has had a devastating affect on children and is deepening poverty in entire communities and jeopardizing the health, safety, and survival of all children in affected areas.

(8) The HIV/AIDS pandemic has increased the number of orphans worldwide and has exacerbated the poor living conditions of the world's poorest and most vulnerable children. AIDS has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. An estimated 14,000,000 orphans have lost 1 or both parents to AIDS. By 2010, it is estimated that over 250,000,000 children will have been orphaned by AIDS.

(9) Although a number of organizations seek to meet the needs of orphans or other vulnerable children, extended families and local communities continue to be the primary providers of support for such children.

(10) The HIV/AIDS pandemic is placing huge burdens on communities and is leaving many orphans with little support. Alternatives to traditional orphanages, such as community-based resource centers, continue to evolve in response to the massive number of orphans that has resulted from the pandemic.

(11) The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, human welfare, and development that extend far beyond the region, affecting governments and people worldwide, and this crisis requires an accelerated response from the international community.

(12) Although, section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) establishes the requirement that not less than 10 percent of amounts appropriated for HIV/AIDS assistance for each of fiscal years 2006 through 2008 shall be expended for assistance for orphans and other vulnerable children affected by HIV/AIDS, there is an urgent need to provide assistance to such children prior to 2006.

(13) Numerous United States and indigenous private voluntary organizations, including faith-based organizations, provide assistance to orphans and other vulnerable children in developing countries. Many of these organizations have submitted applications for grants to the United States Agency for International Development to provide increased levels of assistance for orphans and other vulnerable children in developing countries.

(14) Increasing the amount of assistance that is provided by the Administrator of the United States Agency for International Development through United States and indigenous private voluntary organizations, including faith-based organizations, will provide greater protection for orphans and other vulnerable children in developing countries.

(15) It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children in developing countries. A comprehensive approach would ensure that important services, such as basic care, mental health and related services, school food programs, increased educational opportunities and employment training and related services, and the protection and promotion of inheritance rights for such children, are made more accessible.

(16) Assistance for orphans and other vulnerable children can best be provided by a comprehensive approach of the United States Government that—

(A) ensures that Federal agencies and the private sector coordinate efforts to prevent and eliminate duplication of efforts and waste in the provision of such assistance; and

(B) to the maximum extent possible, focuses on community-based programs that allow orphans and other vulnerable children to remain connected to the traditions and rituals of their families and communities.

SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following section:

"SEC. 135. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN.

"(a) FINDINGS.—Congress finds the following:

"(1) There are more than 110,000,000 orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

"(2) The HIV/AIDS pandemic has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. The pandemic is deepening poverty in entire communities, and is jeopardizing the health, safety, and survival of all children in affected countries. It is estimated that 14,000,000 children have lost one or both parents to AIDS.

"(3) The orphans crisis in sub-Saharan Africa has implications for human welfare, development, and political stability that extend far beyond the region, affecting governments and people worldwide.

"(4) Extended families and local communities are struggling to meet the basic needs of orphans and vulnerable children by providing food, health care, education expenses, and clothing.

"(5) Providing assistance to such children is an important expression of the humanitarian concern and tradition of the people of the United States.

"(b) DEFINITIONS.—In this section:

"(1) AIDS.—The term 'AIDS' has the meaning given the term in section 104A(g)(1) of this Act.

"(2) CHILDREN.—The term 'children' means persons who have not attained the age of 18.

"(3) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given the term in section 104A(g)(3) of this Act.

"(4) ORPHAN.—The term 'orphan' means a child deprived by death of one or both parents.

"(c) ASSISTANCE.—The President is authorized to provide assistance for programs in developing countries to provide basic care and services for orphans and other vulnerable children. Such programs should provide assistance—

"(1) to support families and communities to mobilize their own resources through the establishment of community-based organizations to provide basic care for orphans and other vulnerable children;

"(2) for school food programs, including the purchase of local or regional foodstuffs where appropriate;

"(3) to reduce barriers to access to primary education through the elimination of school fees where appropriate, helping to otherwise cover costs of education, and improving the quality of teaching and education infrastructure;

"(4) to provide employment training and related services for orphans and other vulnerable children who are of legal working age;

"(5) to protect and promote the inheritance rights of orphans, other vulnerable children, and widows with children; and

"(6) to provide culturally appropriate mental health treatment and related services to orphans and other vulnerable children.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2005 and 2006.

"(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended and are in addition to amounts otherwise available for such purposes.

"(3) RELATIONSHIP TO OTHER LAWS.—Amounts made available for assistance pursuant to this subsection, and amounts made available for such assistance pursuant to any other provision of law, may be used to provide such assistance notwithstanding any other provision of law.".

SEC. 4. STRATEGY OF THE UNITED STATES.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of enactment of this Act, the President shall develop a strategy for coordinating and implementing assistance programs for orphans and vulnerable children.

(b) CONTENT.—The strategy required by subsection (a) shall include—

(1) the identity of each agency or department of the Federal Government that is providing assistance for orphans and vulnerable children in foreign countries;

(2) a description of the efforts of the head of each such agency or department to coordinate the provision of such assistance with other agencies or departments of the Federal Government or nongovernmental entities;

(3) a description of a coordinated strategy to provide the assistance authorized in section 135 of the Foreign Assistance Act of 1961, as added by section 3 of this Act; and

(4) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section.

By Mr. CRAIG:

S. 2502. A bill to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am introducing the Simple Tax for Seniors Act. This bill would allow seniors age 65 and older with Social Security and pension income to file a short form similar to the 1040EZ Internal Revenue Service form.

Under current IRS rules, millions of Americans are prohibited from using the 1040EZ short form simply because they are age 65 or older. Many currently file using only the standard deduction.

The Simple Tax for Seniors Act would crate the new 1040S form, allowing seniors who receive pension income to avoid filing the burdensome and complicated itemized deduction forms. As many as 11 million seniors would be able to file in the first year, in less time, on a simplified, two-page form. Seniors no longer would be forced annually to disclose more information on their retirement savings and pension plan than necessary.

The Simple Tax for Seniors Act makes no change in the tax code itself, so taxpayers using the new form would pay the same amount as under Standard Form 1040.

This is common sense legislation. It is a win for seniors because it will make life easier and it is a win for taxpayers since it will cost less to process the new form. It is also non-controversial. On Tuesday, the House of Representatives passed similar legislation by a vote of 418–0.

I invite my colleagues to cosponsor this sensible legislation. I ask unanimous consent that the text of the bill appear with this statement in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Simple Tax for Seniors Act of 2004".

SEC. 2. FORM 1040S FOR SENIORS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as "Form 1040S", for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3)), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2004.

By Mr. KYL:

S. 2503. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Finance.

Mr. KYL. Mr. President, I join my colleagues in celebrating the first anniversary of the Jobs and Growth Tax Reconciliation Act of 2003, which was signed into law by President Bush on May 28, 2003. Also, I want to announce that today I am introducing legislation to make the dividends and long-term capital gains tax cuts permanent.

It has been one year since Congress and President Bush joined together to enact pro-growth, supply-side tax cuts. Now, since some in the Senate are proposing that we repeal the tax cuts—this would be one of the largest tax increases in history—let's review the impact these cuts have had on our economy.

The 2003 tax cuts have triggered the fastest growing economy in two decades. Real gross domestic product grew at an annual rate of 8.2 percent in the third quarter of 2003, 4.1 percent in the fourth quarter, and 4.4 percent in the first quarter of 2004. If we sustain this pace, our economy will double in 13 years. When the tax cuts were enacted last year, the national unemployment rate was 6.3 percent. Today, it has dropped nearly 11 percent to 5.6 percent, which is lower than the average unemployment rate of the 1970s, 1980s, and 1990s. A growing economy means good, high-paying jobs and a better quality of life for all Americans.

I want to draw my colleagues' attention to research published by the National Bureau of Economic Research (NBER)—the Nation's leading nonprofit economic research organization. This study demonstrates that the 2003 tax cuts corrected a terrible mistake we made in 2001 when we phased in the marginal rate cuts. The phase-in of the 2001 tax cuts prompted workers and firms to delay work until the tax cuts were fully implemented. Employment, output, and investment actually fell in response to the phased-in tax cuts.

The NBER study found that, "Just as the phased-in nature of the 2001 tax law may have delayed production and employment, the immediate tax relief included in the 2003 law may have contributed towards the increased pace of economic activity in the second half of 2003." I am confident that, as more economic data comes in and as the 2003 tax cuts are studied further, we will find that the 2003 tax cuts are directly responsible for the economic growth we are seeing today.

The NBER study demonstrates that individuals really do delay economic activity in anticipation of lower future tax rates. It also corroborates the theory that high marginal tax rates cause individuals to restrict economic activity in order to minimize the tax burden imposed on their next dollar earned. Because the tax cuts were accelerated in 2003, individuals had an incentive to work harder and longer immediately because their next dollar of income would be taxed at a lower rate.

Among the taxpayers benefited by the reductions in the individual rate are America's small businesses. The top individual rate is often called the small business rate because most small businesses are organized as pass-through entities, which pay at individual rates. Owners of pass-through entities, including small business owners and entrepreneurs, comprise more than two-thirds, about 500,000, of the 750,000 tax returns that benefited from speeding up the reduction in the top tax bracket. These small business owners received 79 percent, about $10.4 billion, of the $13.3 billion in tax relief from accelerating the reduction in the top tax bracket to 35 percent.

The task for us now is to make the individual rate reductions permanent. If Congress fails to act, the tax cuts will expire at the end of 2010. The bottom rate would increase from 10 percent to 15 percent, an increase of 33 percent; the top rate would increase from 35 percent to 39.6 percent, an increase of 11 percent. The effect such tax increases would have on our economy would be devastating.

Not only did Congress and President Bush work together to bring down individual income tax rates, but we also reduced the tax on dividend distributions and long-term capital gains. Before the 2003 tax cuts, our tax code actually discouraged dividend payouts. The 2003 tax cut lowered the tax rate imposed on dividends from 38.6 percent to 15 percent through 2008. Before 2003, corporate earnings were taxed once at the corporate level, 35 percent, and again at the individual rate, as high as 38.6 percent, meaning they were double-taxed. It made no sense for investors to seek out dividend-paying stocks, from a tax perspective.

While dividends are still double-taxed, the tax penalty is greatly reduced. This has made dividend-paying stocks more attractive to investors, which has helped companies raise capital to expand and grow their businesses. Further, because dividends must be paid from cash, companies that pay dividends must have actual profits, thus making it more difficult for companies to hide financial mismanagement.

Some of my colleagues want to repeal the dividend tax cut. This is obviously misguided, since we have strong evidence that the dividend tax cut has worked. Since the 2003 tax cut was signed into law, 374 companies on the S&P 500 pay dividends—an increase of 22 companies. Companies have increased dividend payments to shareholders by 40 percent, reversing a two-decade decline. The Dow Jones Industrial index has risen more than 1,400 points since the 2003 tax cuts were signed into law.

Similarly the capital gains tax cut has also encouraged economic growth. It reduced the tax imposed on long-term capital gains from 20 percent to 15 percent. This has made it more attractive for individuals to risk their hard-earned money by investing it in businesses. The result is that it is easier for businesses to raise needed capital to expand and create new jobs. Stock market gains, the strong GDP we have experienced, and falling unemployment all indicate that the economy has recovered.

Now, to help our economy to continue to grow and create new jobs, the dividend and capital gains tax cuts must be made permanent. If we allow the dividend rate to return to the individual rate, we will increase taxes on dividends by 62 percent. Allowing the capital gains rate to return to 20 percent will be a 25 percent tax increase. We must make the 15 percent rate for each permanent, and then we must work to reduce both the dividends and the capital gains rates to zero, so that we eliminate the double-taxation of corporate earnings. The Senate bill actually would have brought the dividend tax rate to zero for three years, but the agreement that we worked out with the House was to tax dividends at 15 percent. The dividends and capital gains tax relief will expire in 2009.

The most important thing we can do next year is make the 2003 tax cuts permanent. Today I am introducing legislation that will make the dividends and capital gains tax relief permanent. I will work to make the individual income tax rate cuts permanent as well. To allow the tax cuts to expire—or worse, to seek to higher taxes at the very time our economy has pulled out of the recession and is growing strong—would be unthinkable.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. COCHRAN. Mr. President, today I am introducing a Senate Joint Resolution appointing a citizen regent to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, Senators FRIST and LEAHY, are cosponsors.

The Smithsonian Institution Board of Regents recently recommended the following distinguished individual for appointment to a 6-year term on the on the Board: Eli Broad of California.

I ask unanimous consent that his biography and the text of the joint resolution be printed in the RECORD.

There being no objection, the biography and the joint resolution were ordered to be printed in the RECORD, as follows:

ELI BROAD

Eli Broad is a renowned business leader who built two Fortune 500 companies from the ground up over a five-decade career in business. He is chairman of AIG Retirement Services Inc. (formerly SunAmerica Inc.) and founder-chairman of KB Home (formerly Kaufman and Broad Home Corporation).

Today, he is focused on philanthropy. The Broad family's commitment to philanthropy and community is both deep and wide-ranging. It includes ongoing leadership roles in art, education, science and civic development.

Avid supporters of contemporary art, Mr. Broad and his wife, Edythe, have created one of the worlds finest collections. Since 1984, The Broad Art Foundation has operated an active "lending library" of its extensive collection to more than 400 museums and university galleries worldwide. In 2001–2003, an exhibition of the Broads' collection was shown at the Los Angeles County Museum of Art, the Corcoran Gallery of Art in Washington, DC, the Museum of Fine Arts in Boston: and the Guggenheim Museum in Bilbao, Spain. Mr. Broad was the founding chairman of the board of trustees of The Museum of Contemporary Art in Los Angeles, and is currently a trustee and member of the executive committee of the Los Angeles County Museum of Art, where the Broads recently announced a major gift to build The Broad Contemporary Art Museum.

In 1999, the Broads founded The Broad Foundation, whose mission is to dramatically improve urban public education through governance, management and labor relations. In its first five years, the Foundation has committed over $400 million to support new ideas and innovative leadership in the nation's largest urban school systems. The Foundation also has launched four national flagship initiatives—The Broad Prize for Urban Education, The Broad Center for Superintendents, The Broad Residency in Urban Education and The Broad Institute for School Boards. Mr. Broad has said, "I can imagine no more important contribution to our country's future than a long-term commitment to improving urban K–12 public schools."

In 2001, The Eli and Edythe L. Broad Foundation created the Broad Medical Research Program, which seeks to stimulate innovative research that will lead to progress in the prevention, therapy or understanding of inflammatory bowel disease.

In June 2003, in an unprecedented partnership with the Massachusetts Institute of Technology, Harvard University and Whitehead Institute, the Broads announced the founding gift to create The Eli and Edythe Broad Institute for biomedical research. The Institute's aim is to realize the promise of the human genome to revolutionize clinical medicine and to make knowledge freely available to scientists around the world.

The Broads have been tireless advocates of Los Angeles, their adopted hometown. Committed to the belief that all great cities need a vibrant center. Mr. Broad is currently leading the effort to turn Los Angeles' Grand Avenue into a truly "grand avenue," to rival the main boulevards of the world's greatest cities. In 1996, he and Mayor Richard Riordan took on the task of raising sufficient funds to build the Frank Gehry-designed Walt Disney Concert Hall, which opened to worldwide acclaim in October 2003.

Strong believers in higher education, the Broad Foundations have made a major contribution to the School of Arts and Architecture at UCLA toward the construction of The Broad Art Center, designed by Richard Meier. Mr. Broad is a member of the board of trustees of CalTech, where the Broads gave the cornerstone gift to create the Broad Center for the Biological Sciences, designed by James Freed. Mr. Broad also served as chairman of the board of trustees of Pitzer College and vice chairman of the board of trustees of the California State University system. In 1991, the Broads endowed The Eli Broad College of Business and The Eli Broad Graduate School of Management at Michigan State University, from which Mr. Broad graduated cum laude in 1954.

S.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, resulting from the death of Barber B. Conable, Jr., is filled by the appointment of Eli Broad of California. The appointment is for a term of 6 years, beginning upon the date of enactment of this joint resolution.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 114—CONCERNING THE IMPORTANCE OF THE DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN AROUND THE WORLD

Mrs. DOLE (for herself and Mr. HARKIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern-Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern-Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern-Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3261. Ms. CANTWELL (for herself, Mr. Hollings, Mrs. Murray, Mrs. Clinton, Mrs. Feinstein, Mr. Lautenberg, and Mr. Schumer) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3262. Mr. CRAPO (for himself, Mr. Craig, Mr. Alexander, and Mr. Graham, of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3263. Mr. KENNEDY (for himself, Mrs. Feinstein, Mr. Reed, Mr. Lautenberg, and Mr. Feingold) proposed an amendment to the bill S. 2400, supra.

SA 3264. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3265. Ms. SNOWE (for herself, Mr. Allen, and Mr. Coleman) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3267. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3268. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3269. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3270. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3271. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3273. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3274. Mrs. DOLE (for Mr. Roberts) proposed an amendment to the bill S. 2400, supra.

SA 3275. Mrs. DOLE (for Mr. Levin) proposed an amendment to the bill S. 2400, supra.

SA 3276. Mrs. DOLE (for Mr. Lieberman) proposed an amendment to the bill S. 2400, supra.

SA 3277. Mrs. DOLE (for Mr. Miller) proposed an amendment to the bill S. 2400, supra.

SA 3278. Mrs. DOLE (for Mr. Stevens (for himself and Mr. Inouye)) proposed an amendment to the bill S. 2400, supra.

SA 3279. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3280. Mr. INHOFE (for himself, Mr. Bingaman, Ms. Collins, Mr. Dorgan, Ms. Cantwell, Mr. Kohl, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3261. Ms. CANTWELL (for herself, Mr. Hollings, Mrs. Murray, Mrs. Clinton, Mrs. Feinstein, Mr. Lautenberg, and Mr. Schumer) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 384, strike line 3 and all that follows through page 391, line 7, and insert the following:

SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

(a) Annual Report Required.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

"SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

"The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

"(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

"(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

"(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

"(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

"(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

"(D) the technologies on safeguards and security deployed or implemented during such fiscal year.".

(b) Clerical Amendment.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

"Sec. 4732. Annual report on expenditures for safeguards and security.".

SEC. 3118. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authority.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.

(b) Covered Programs and Functions.—The programs and functions referred to in this subsection are as follows:

(1) The functions and programs of the Office of Counterintelligence of the Department of Energy under section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b).

(2) The functions and programs of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration under section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422), including the counterintelligence programs under section 3233 of that Act (50 U.S.C. 2423).

(c) Establishment of Policy.—The Secretary shall have the responsibility to establish policy for the discharge of the counterintelligence programs and functions consolidated within the National Nuclear Security Administration under subsection (a) as provided for under section 213 of the Department of Energy Organization Act (42 U.S.C. 7144).

(d) Preservation of Counterintelligence Capability.—In consolidating counterintelligence programs and functions within the National Nuclear Security Administration under subsection (a), the Secretary shall ensure that the counterintelligence capabilities of the Department of Energy and the National Nuclear Security Administration are in no way degraded or compromised.

(e) Report on Exercise of Authority.—In the event the Secretary exercises the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority. The report shall include—

(1) a description of the manner in which the counterintelligence programs and functions referred to in subsection (b) shall be consolidated within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and discharged by that Office;

(2) a notice of the date on which that Office shall commence the discharge of such programs and functions, as so consolidated; and

(3) a proposal for such legislative action as the Secretary considers appropriate to effectuate the discharge of such programs and functions, as so consolidated, by that Office.

(f) Deadline for Exercise of Authority.—The authority in subsection (a) may be exercised, if at all, not later than one year after the date of the enactment of this Act.

SEC. 3119. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, and separation of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a)."

(b) Sites.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

SA 3262. Mr. CRAPO (for himself, Mr. Craig, Mr. Alexander, and Mr. Graham of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, line 15, strike "by rule in consultation" and all that follows through page 385, line 21, and insert "by rule approved by the Nuclear Regulatory Commission;

(2) has had highly radioactive radionuclides removed to the maximum extent practical in accordance with the Nuclear Regulatory Commission-approved criteria; and

(3) in the case of material derived from the storage tanks, is disposed of in a facility (including a tank) within the State pursuant to a State-approved closure plan or a State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act.

(b) Inapplicability to Certain Materials.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the State.

(c) Scope of Authority To Carry Out Actions.—The Department of Energy may implement any action authorized—

(1) by a State-approved closure plan or State-issued permit in existence on the date of enactment of this section; or

(2) by a closure plan approved by the State or a permit issued by the State during the pendency of the rulemaking provided for in subsection (a).

Any such action may be completed pursuant to the terms of the closure plan or the State-issued permit notwithstanding the final criteria adopted by the rulemaking pursuant to subsection (a).

(d) State Defined.—In this section, the term "State" means the State of South Carolina.

(e) Construction.—(1) Nothing in this section shall effect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SA 3263. Mr. KENNEDY (for himself, Mrs. Feinstein, Mr. Reed, Mr. Lautenberg, and Mr. Feingold) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. PROHIBITION ON USE OF FUNDS FOR NEW NUCLEAR WEAPONS DEVELOPMENT UNDER STOCKPILE SERVICES ADVANCED CONCEPTS INITIATIVE OR FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities may be obligated or expended for the following:

(1) The Stockpile Services Advanced Concepts Initiative for the support of new nuclear weapons development.

(2) The Robust Nuclear Earth Penetrator (RNEP).

SA 3264. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 364. TRACKING AND CARE OF MEMBERS OF THE ARMED FORCES WHO ARE INJURED IN COMBAT.

(a) Findings.—The Senate makes the following findings:

(1) Members of the Armed Forces of the United States place themselves in harms way in the defense of democratic values and to keep the United States safe.

(2) This call to duty has resulted in the ultimate SACRIFICE of members of the Armed Forces of the United States who are killed or critically injured while serving the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to honor the SACRIFICE of the members of the Armed Forces who have been killed or critically wounded while serving the United States;

(2) to recognize the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians; and

(3) to support advanced medical technologies that assist the medical personnel of the Armed Forces in saving lives and reducing disability rates for members of the Armed Forces.

(c) PROCEDURES FOR TRACKING OF WOUNDED FROM COMBAT ZONES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations procedures for the Department of Defense to—

(A) notify the family of each member of the Armed Forces who is injured in a combat zone regarding such injury; and

(B) provide the family of each such member of the Armed Forces with information on any change of status, including health or location, of such member during the transportation of such member to a treatment destination.

(2) The Secretary shall transmit to Congress a copy of the procedures prescribed under paragraph (1).

(d) MEDICAL EQUIPMENT AND COMBAT CASUALTY TECHNOLOGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, $10,000,000 of the amount in Program Element PE 0603826D8Z shall be available for medical equipment and combat casualty care technologies.

SA 3265. Ms. SNOWE (for herself, Mr. ALLEN, Mr. COLEMAN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 167, strike line 6 and all that follows through page 169, line 21, and insert the following:

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(D) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(E) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(F) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(G) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(H) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(I) The role of small business concerns in strengthening the national technology and industrial base.

SA 3266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON ACCESS TO MILITARY TREATMENT FACILITIES BY MEMBERS OF THE DISABLED AMERICAN VETERANS.

(a) REPORT.—Not later than days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the policy of the Department of Defense on the access of members of the Disabled American Veterans (DAV) to military treatment facilities, including any encumbrances to the access of such members to such treatment facilities.

(b) ADDITIONAL ELEMENT.—The report shall include proposals to grant national service officers of the Disabled American Veterans access to wounded members of the Armed Forces at military treatment facilities.

SA 3267. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On line 1, insert "subsection (b) of" after "Strike".

SA 3268. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SA 3269. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following

SEC. 1022. REPORT ON COMMUNICATIONS WITH FAMILIES REGARDING CASUALTY INVESTIGATIONS AND REPORTS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth proposals for means of improving the procedures of the Department of Defense regarding the transfer of information on Department casualty investigations and reports to and from the families of the members of the Armed Forces concerned.

(b) PROCEDURES FOR ADDRESSING FREEDOM OF INFORMATION REQUESTS.—The report shall include appropriate procedures for addressing requests of families for information on Department casualty investigations and reports under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

SA 3270. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 811(b).

SEC. 1068. REQUIREMENT TO PERMIT FAMILY MEMBERS OR DESIGNEES TO GREET BODIES OF MEMBERS OF THE ARMED FORCES KILLED IN ACTION OVERSEAS UPON THE RETURN TO THE UNITED STATES.

(a) Requirement.—The Secretary of Defense shall permit the family members of a member of the Armed Forces killed in action overseas, or the designees of such family members, to greet the body of the member of the Armed Forces at Dover Air Force Base, Delaware, upon the return of the body of the member of the Armed Forces from overseas.

(b) Limitation on Number in Greeting.—The number of individuals who may greet the body of a member of the Armed Forces under subsection (a) may not exceed two individuals.

(c) Purpose.—The purpose of the greeting of a body of a member of the Armed Forces under subsection (a) shall be to permit the individuals greeting the body to escort the body to its place of burial.

SA 3271. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON CONTINUITY OF CARE FURNISHED BY DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR COMBAT INJURIES.

Not later than   days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the status of efforts of the Department of Defense and the Department of Veterans Affairs to ensure that—

(1) members of the Armed Forces who are wounded or injured in combat receive the health care to which they are entitled from each Department;

(2) emerging trends in combat-related wounds and injuries are being identified and addressed by each Department in its programs of care; and

(3) the Department of Veterans Affairs receives from the Department of Defense in a timely and effective manner pre-deployment and post-deployment screening data on members of the Armed Forces collected by the Department of Defense that will assist the Department of Veterans Affairs in its clinical evaluation of veterans of combat.

SA 3272. Ms. Snowe submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. REQUIREMENT TO PROVIDE DOCUMENTS TO CONGRESS TO ENHANCE TRANSPARENCY IN DEPARTMENT OF DEFENSE CONTRACTING.

(a) Requirement To Provide Requested Documents.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2333. Congressional oversight: submittal of contract documents

"(a) Requirement To Provide Requested Documents.—Not later than 14 days after receiving from the chairman or ranking member of a committee of Congress named in subsection (b) a request for documents described in subsection (c) regarding a Department of Defense contract, the Secretary of Defense shall transmit an unredacted copy of each such document to the chairman or ranking member making the request.

"(b) Requesting Committees.—The committees of Congress referred to in subsection (a) are as follows:

"(1) The Committee on Armed Services of the Senate.

"(2) The Committee on Armed Services of the House of Representatives.

"(3) The Committee on Small Business and Entrepreneurship of the Senate.

"(4) The Committee on Small Business of the House of Representatives.

"(5) The Committee on Governmental Affairs of the Senate.

"(6) The Committee on Government Reform of the House of Representatives.

"(c) Documents To Be Provided.—The requirement under subsection (a) applies to documents, relating to a contract, that are required to be maintained in the contracting office contract file, the contract administration office contract file, and the paying office contract file pursuant to subpart 4.8 of the Federal Acquisition Regulation, including—

"(1) copies of the contract and all modifications;

"(2) orders issued under the contract;

"(3) justifications and approvals;

"(4) any Government estimate of contract price;

"(5) source selection documentation;

"(6) cost or price analysis;

"(7) audit reports;

"(8) justification for type of contract;

"(9) authority for deviations from regulations, statutory requirements, or other restrictions;

"(10) bills, invoices, vouchers, and supporting documents; and

"(11) records of payments or receipts.

"(d) Contract Includes Task or Delivery Order.—In this section, the term 'contract' includes a task or delivery order under a task or delivery order contract.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2333. Congressional oversight: submittal of contract documents.".

SA 3273. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, between lines 6 and 7, insert the following:

SEC. 805. REVISION AND EXTENSION OF AUTHORITY FOR ADVISORY PANEL ON REVIEW OF GOVERNMENT PROCUREMENT LAWS AND REGULATIONS.

(a) Relationship of Recommendations to Small Businesses.—Section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 106–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Issues Relating to Small Businesses.—In developing recommendations under subsection (c)(2), the panel shall—

"(1) consider the effects of its recommendations on small business concerns; and

"(2) include any recommended modifications of laws, regulations, and policies that the panel considers necessary to enhance and ensure competition in contracting that affords small business concerns meaningful opportunity to participate in Federal Government contracts.".

(b) Membership.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" after "(b) Membership.—"; and

(3) by adding at the end the following new paragraph:

"(2) The Chief Counsel for Advocacy of the Small Business Administration, or a representative of the Chief Counsel designated by the Chief Counsel, shall be an ex officio member of the panel.".

(c) Revision and Extension of Reporting Requirement.—Subsection (e) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking "Report.—", and inserting "Reporting Requirements.—(1)";

(2) by striking "one year after the establishment of the panel" and inserting "one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005";

(3) by striking "Services and" both places it appears and inserting "Services,";

(4) by inserting ", and Small Business" after "Government Reform";

(5) by inserting ", and Small Business and Entrepreneurship" after "Governmental Affairs"; and

(6) by adding at the end the following new paragraph:

"(2) If the panel completes the report under paragraph (1) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, the panel may submit the report in accordance with that paragraph, but shall also—

"(A) review its findings and recommendations for consistency with subsection (d); and

"(B) not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, submit to the committees of Congress specified in paragraph (1) a supplemental report that contains the conclusions of the panel upon review under subparagraph (A), together with any revised or additional recommendations resulting from the application of subsection (d)(2).”.

SA 3274. Mrs. DOLE (for Mr. ROBERTS) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, insert the following:

SEC. 2830. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the “entity” and the “Board”, respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

SA 3275. Mrs. DOLE (for Mr. LEVIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking “or” at the end of clause (iii)”; and

(2) by striking clause (iv) and inserting the following:

“(iv) any person or organization in the chain of command; or

“(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.”.

(b) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

SA 3276. Mrs. DOLE (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

SA 3277. Mrs. DOLE (for Mr. MILLER) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 79, between lines 10 and 11, insert the following:

SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

SA 3278. Mrs. DOLE (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year

2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Strike section 123 and insert the following:

SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.

(a) Establishment.—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) Authority.—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) Amounts Available for Transfer.—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) Limitations.—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) Merger of Funds.—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) Relationship to Other Transfer Authority.—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) Final Report.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) Termination of Program.—No transfer may be made under this section after September 30, 2012.

SA 3279. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, between lines 2 and 3, insert the following:

(f) Report on Relationships Between the Government of Venezuela and Terrorist Organizations in Colombia.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that describes—

(A) any relationships between the Government of Venezuela and foreign terrorist organizations based in Colombia, including the provision of any direct or indirect assistance to such organizations; and

(B) United States policies that are designed to address such relationships.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 3280. Mr. INHOFE (for himself, Mr. Bingaman, Ms. Collins, Mr. Dorgan, Ms. Cantwell, Mr. Kohl, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Permanent Extension.—Effective September 30, 2003, section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(b) Payment of Costs.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting ", water, or wastewater treatment" after "payment of energy".

(c) Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(C) the increased efficient use of existing water sources in either interior or exterior applications.".

(d) Energy Savings Contract.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.".

(e) Energy or Water Conservation Measure.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551; or

"(B) a water conservation measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.".

(f) Extension of Authority.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing originally scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Wednesday, June 16th, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building, has been indefinitely postponed.

The purpose of the hearing was to receive testimony on: 1. the grounding of multi-engine fire-retardant aircraft, 2. steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and 3. the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

For further information, please contact Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 3, 2004, at 9:30 a.m. to conduct a hearing on "Bank Secrecy Act Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 3, 2004, at 9:30 a.m. in Dirksen Senate Building room 226.

Agenda

I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer, Biden];

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees [Chambliss];

S. 1129, Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer];

S. 2013, Satellite Home Viewer Extension Act of 2004 [Hatch, Leahy, DeWine, Kohl];

S. 1887, A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices Act of 2003 [Hatch, Levin, Biden];

S. 2363, A bill to review and extend the Boys and Girls Clubs of America Act of 2004 [Hatch, Leahy, DeWine, Kohl, Biden];

S. Con. Res. 5, A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854 Act of 2003 [Grassley, Durbin, Kohl, Feingold];

S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003 [Hatch, Feinstein, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter];

S. 1700, Advancing Justice though DNA Technology Act of 2003 [Hatch, Leahy, Biden, Specter, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards];

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, June 3, 2004 at 2:30 p.m. on "The Child Custody Protection Act: Protecting Parents' Rights and Children's Lives" in the Dirksen Senate Office Building room 226. The witness list is attached.

Panel I: The Honorable John Ensign, United States Senator [R–NV].

Panel II: Mr. John C. Harrison, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Mr. Peter J. Rubin, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Teresa Stanton Collett, Professor of Law, University of St. Thomas School of Law, Minneapolis, MN.

Panel III: Ms. Joyce Farley, Victim, Dushore, PA; Ms. Crystal Lane, Victim, Dushore, PA; and the Reverend Dr. Katherine Hancock Ragsdale, St. David's Episcopal Church, Pepperell, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructures be authorized to meet on Thursday, June 3, 2004, at 2:30 p.m. on Thread Act revisited.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent for the permission of the use of the floor for Matthew Stump, a fellow in our office, during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. CRAPO. Mr. President, I ask unanimous consent that all first-degree amendments to the Defense authorization bill which are in order from the previous list be filed at the desk no later than 5 p.m. on Monday, June 7.

Mr. REID. Reserving the right to object, those who are listening should understand that this means you must file your amendments by 5 o'clock for them to be considered on the Defense bill. They must be filed. Everyone should also note that there is no need to refile. If there is an amendment at the desk you have already filed, that is all you have to do.

The two leaders have decided, in conjunction with the two managers of the bill, that we need to move down the road with this bill. We first had a finite list of some 250 or 260 amendments. We would hope there would be fewer amendments than that when this filing takes place. The managers have disposed of some. They will do more later.

Senator WARNER is off to Normandy, as he is a World War II veteran. But Monday will be an opportunity for Members to offer amendments. We received an agreement on this side that on Monday we will allow the setaside of the Kennedy amendment. I haven't seen all of them. The distinguished chairman is going to go through that. But I hope we have a time set up for completing work on the Kennedy-Feinstein amendment on Tuesday morning, early.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 610 and 654. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Matthew G. Whitaker, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

DEPARTMENT OF STATE

Constance Berry Newman, of Illinois, to be an Assistant Secretary of State (African Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 114, submitted earlier today by Senator DOLE.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 114) concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAPO. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern-Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern-Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern-Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2004

Mr. CRAPO. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1233

Resolved, That the bill from the Senate (S. 1233) entitled "An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Great Black Americans Commemoration Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Black Americans have served honorably in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, yet their record of service is not well known by the public, is not included in school history lessons, and is not adequately presented in the Nation's museums.

(2) The Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, a nonprofit organization, is the Nation's first wax museum presenting the history of great Black Americans, including those who have served in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, as well as others who have made significant contributions to benefit the Nation.

(3) The Great Blacks in Wax Museum, Inc. plans to expand its existing facilities to establish the National Great Blacks in Wax Museum and Justice Learning Center, which is intended to serve as a national museum and center for presentation of wax figures and related interactive educational exhibits portraying the history of great Black Americans.

(4) The wax medium has long been recognized as a unique and artistic means to record human history through preservation of the faces and personages of people of prominence, and historically, wax exhibits were used to commemorate noted figures in ancient Egypt, Babylon, Greece, and Rome, in medieval Europe, and in the art of the Italian renaissance.

(5) The Great Blacks in Wax Museum, Inc. was founded in 1983 by Drs. Elmer and Joanne Martin, 2 Baltimore educators who used their personal savings to purchase wax figures, which they displayed in schools, churches, shopping malls, and festivals in the mid-Atlantic region.

(6) The goal of the Martins was to test public reaction to the idea of a Black history wax museum and so positive was the response over time that the museum has been heralded by the public and the media as a national treasure.

(7) The museum has been the subject of feature stories by CNN, the Wall Street Journal, the Baltimore Sun, the Washington Post, the New York Times, the Chicago Sun Times, the Dallas Morning News, the Los Angeles Times, USA Today, the Afro American Newspaper, Crisis, Essence Magazine, and others.

(8) More than 300,000 people from across the Nation visit the museum annually.

(9) The new museum will carry on the time honored artistic tradition of the wax medium; in particular, it will recognize the significant value of this medium to commemorate and appreciate great Black Americans whose faces and personages are not widely recognized.

(10) The museum will employ the most skilled artisans in the wax medium, use state-of-the-art interactive exhibition technologies, and consult with museum professionals throughout the Nation, and its exhibits will feature the following:

(A) Blacks who have served in the Senate and House of Representatives of the United States, including those who represented constituencies in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia during the 19th century.

(B) Blacks who have served in the judiciary, in the Department of Justice, as prominent attorneys, in law enforcement, and in the struggle for equal rights under the law.

(C) Black veterans of various military engagements, including the Buffalo Soldiers and

Tuskegee Airmen, and the role of Blacks in the settlement of the western United States.

(D) Blacks who have served in senior executive branch positions, including members of Presidents' Cabinets, Assistant Secretaries and Deputy Secretaries of Federal agencies, and Presidential advisers.

(E) Other Blacks whose accomplishments and contributions to human history during the last millennium and to the Nation through more than 400 years are exemplary, including Black educators, authors, scientists, inventors, athletes, clergy, and civil rights leaders.

(11) The museum plans to develop collaborative programs with other museums, serve as a clearinghouse for training, technical assistance, and other resources involving use of the wax medium, and sponsor traveling exhibits to provide enriching museum experiences for communities throughout the Nation.

(12) The museum has been recognized by the State of Maryland and the City of Baltimore as a preeminent facility for presenting and interpreting Black history, using the wax medium in its highest artistic form.

(13) The museum is located in the heart of an area designated as an empowerment zone, and is considered to be a catalyst for economic and cultural improvements in this economically disadvantaged area.

SEC. 3. ASSISTANCE FOR NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER.

(a) ASSISTANCE FOR MUSEUM.—Subject to subsection (b), the Attorney General, acting through the Office of Justice Programs of the Department of Justice, shall, from amounts made available under subsection (c), make a grant to the Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, to be used only for carrying out programs relating to civil rights and juvenile justice through the National Great Blacks in Wax Museum and Justice Learning Center.

(b) GRANT REQUIREMENTS.—To receive a grant under subsection (a), the Great Blacks in Wax Museum, Inc. shall submit to the Attorney General a proposal for the use of the grant, which shall include detailed plans for the programs referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available through the end of fiscal year 2009.

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOYS AND GIRLS CLUBS OF AMERICA

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2363, reported out earlier today by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2363) to revise and extend the Boys and Girls Clubs of America.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing the legislation that Senator HATCH and I introduced together to reauthorize and expand the Department of Justice grant program for the Boys & Girls Clubs of America. We reported it out of the Judiciary Committee this morning, and I thank the Senate for moving our bipartisan legislation so quickly. I also thank our 30 bipartisan cosponsors, including the Democratic leader, Senator DASCHLE, the assistant Democratic leader, Senator REID, and Judiciary Committee members Senators DEWINE, KOHL, BIDEN, FEINSTEIN, CRAIG, SESSIONS, DURBIN, EDWARDS, SCHUMER and CHAMBLISS, for supporting our legislation to support the Boys & Girls Clubs of America.

Too often the public sees Republicans and Democrats disagreeing. From time to time, even Senator HATCH and I disagree on important issues. But when it comes to the Boys & Girls Clubs of America, there is no doubt that we see eye-to-eye. This bill shows the unified support of Republicans and Democrats for the good works of Boys & Girls Clubs across the nation.

Children are the future of our country, and we have a responsibility to make sure they are safe and secure. I know firsthand how well Boys & Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys & Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys & Girls Club in his district rather than helping him get a couple more police officers.

In Vermont, Boys & Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 62 years ago. Now we have 22 club sites operating throughout the State: seven clubs in Brattleboro, one in Springfield, two clubs in Burlington, one in Winooski, two clubs in Montpelier, five clubs in Randolph, one club in Rutland, two clubs in Vergennes, and one in Bristol. There are 10 additional project sites that will be on board and serving kids by the end of 2005: one in Bennington, two in Burlington, one in Duxbury, one in St. Johnsbury, one in Hardwick, three in Randolph, and one in Ludlow. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys & Girls Clubs. Since 1998, Congress has increased Federal support for Boys & Girls Clubs from $20 million to $80 million in this year. Due in large part to this increase in funding, there now exist 3,300 Boys & Girls Clubs in all 50 States serving more than 3.6 million young people. Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $20 million for fiscal year 2005. That request will leave thousands of children and their clubs behind and we cannot allow such a thing to happen.

In the 107th Congress, Senator HATCH and I worked together to pass the 21st Century Department of Justice Appropriations Authorization Act, which included a provision to reauthorize Justice Department grants to establish new Boys & Girls Clubs nationwide. By authorizing $80 million in DOJ grants for each of the fiscal years through 2005, we sought to establish 1,200 additional Boys & Girls Clubs nationwide. This was to bring the number of Boys & Girls Clubs to 4,000, serving no less than 5 million young people. This bill will build upon this: we authorize Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys & Girls Clubs to help establish 1,500 additional Boys & Girls Clubs across the Nation with the goal of having 5,000 Boys & Girls Clubs in operation by December 31, 2010.

If we had a Boys & Girls Club in every community, prosecutors in our country would have a lot less work to do because of the values that are being instilled in children from the Boys & Girls Clubs of America. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents, and law enforcement officers who tell me "Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs and crime."

You cannot argue that these are just Democratic or Republican ideas, or conservative or liberal ideas—they are simply good-sense ideas. We need safe havens where our youth—the future of our country—can learn and grow up free from the influences of drugs, gangs and crime. That is why Boys & Girls Clubs are so important to our children.

I thank the Senate for taking up and passing our bipartisan bill to expand Federal support for the Boys & Girls Clubs of America. Our country's strength and ultimate success lies with our children. Our greatest responsibility is to help them inhabit this century the best way possible and we can help do that by supporting the Boys & Girls Clubs of America.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2363) was read the third time and passed, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOYS AND GIRLS CLUBS OF AMERICA.

Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a)(2)—

(A) by striking "1,200" and inserting "1,500";

(B) by striking "4,000" and inserting "5,000"; and

(C) by striking "December 31, 2005" and inserting "December 31, 2010";

(2) in subsection (c)—

(A) in paragraph (1), by striking "2002, 2003, 2004, 2005, and 2006" and inserting "2006, 2007, 2008, 2009, and 2010"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "1,200" and inserting "1,500"; and

(ii) in subparagraph (B)—

(I) by striking "4,000" and inserting "5,000"; and

(II) by striking "2007" and inserting "2010"; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $80,000,000 for fiscal year 2006;

"(B) $85,000,000 for fiscal year 2007;

"(C) $90,000,000 for fiscal year 2008;

"(D) $95,000,000 for fiscal year 2009; and

"(E) $100,000,000 for fiscal year 2010.".

MEASURE READ THE FIRST TIME—S. 2498

Mr. CRAPO. Mr. President, I understand that S. 2498 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2498) to provide for a 10-year extension of the assault weapons ban.

Mr. CRAPO. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 4, 2004

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Defense bill on Tuesday, June 8, there then be 50 minutes under the control of Senator KENNEDY or his designee and 50 minutes under the control of the chairman or his designee. Further, I ask unanimous consent that following that debate, the Senate proceed to a vote in relation to the Kennedy amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask my distinguished friend to amend the unanimous consent request to allow 10 minutes of the Kennedy 50 minutes to be under the control of the ranking member of the committee, Senator LEVIN.

Mr. CRAPO. I have no objection to such a modification of the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. Mr. President, tomorrow the Senate will resume consideration of the Department of Defense authorization bill. It is the leader's hope that we will be able to dispose of any cleared amendments during tomorrow's session. However, there will be no rollcall votes. We would like to debate amendments during Friday's session so that we may stack rollcall votes beginning on Tuesday. We also hope to debate amendments on Monday, but, again, we will stack those votes for Tuesday as well.

The leader has stated that it is his intention to complete action on this bill next week. We were just able to lock in a filing deadline for all first-degree amendments for Monday at 5 p.m. The next rollcall vote will, therefore, occur on Tuesday prior to the policy luncheon recess.

Mr. REID. Mr. President, if I may continue before we adjourn for the evening.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We will not get consent tomorrow to set aside the Kennedy amendment for the offering of other amendments. We would, however, as we were earlier today, if the two managers have cleared amendments, be willing to move those tomorrow. But as far as Senators being allowed to offer amendments, that will not be possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Friday, June 4, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3, 2004:

DEPARTMENT OF STATE

CONSTANCE BERRY NEWMAN, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

SANDRA L. TOWNES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

KENNETH M. KARAS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JUDITH C. HERRERA, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

DEPARTMENT OF JUSTICE

MATTHEW G. WHITAKER, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DUANE GERREN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Duane Gerren and thank him for his outstanding commitment to serving the people of Colorado as a Dolores County Commissioner. As he celebrates his retirement, let it be known that he leaves behind a wonderful and strong legacy of dedication to the citizens of Dolores County and the State of Colorado.

For the past four years, Duane has served Dolores County as a county commissioner. He also serves on the Dolores County Senior Advisory Board where he represented Dolores County to the 2002 Philanthropy Days for the Southwest. This enabled the Dolores County Senior Services to receive grants to help sustain the senior program. Duane's extensive civic involvement also includes serving on the Canyon of the Ancients Advisory Board, San Juan Basin Area Agency on Aging, and Housing Solutions for the Southwest.

Mr. Speaker, it is clear that County Commissioner Duane Gerren has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Dolores County. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Duane, and I wish you all the best in your future endeavors.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Sergeant William John Tracy, Jr. of Webster, New Hampshire. He bravely served the Army's Company B, 5–158th Aviation, supporting Operation Enduring Freedom. Sgt. Tracy made the ultimate sacrifice to protect his country and aid the Afghani people when his Blackhawk helicopter tragically crashed in Kuwait on February 25, 2003.

I ask my colleagues to join me in honoring Sergeant William John Tracy, Jr. and our other service men and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

INTRODUCTION OF THE VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CASTLE. Mr. Speaker, I rise in support of this bill, which I am offering to ensure the continued success of vocational and technical education programs into the future. The bill, the Vocational and Technical Education for the Future Act, includes a number of positive reforms that will help strengthen vocational and technical education programs and improve opportunities for students.

Vocational and technical education, authorized under the Carl D. Perkins Vocational and Technical Education Act and known as the Perkins program, aims to prepare youth and adults for the future by building their academic and technical skills and ensuring they are equipped to proceed with postsecondary education or pursue other avenues. This program represents one of the largest federal investments in our Nation's high schools and is a key component of our secondary and postsecondary education systems.

According to the National Center for Education Statistics, 66 percent of all public secondary schools have one or more vocational and technical education programs with approximately 96 percent of high school students taking at least one vocational and technical course during their secondary studies. Vocational and technical education is an important postsecondary option as well. Over 2,600 postsecondary sub-baccalaureate institutions, such as community colleges, technical institutes, skill centers, and other public and private colleges, also offer vocational and technical education.

Reforms made to the Perkins Act in 1998 increased the focus on ensuring that participating students at both the secondary and postsecondary levels acquired academic and technical skills, as well as completed their respective programs and transitioned into successful employment or further education. Some progress has been made as states have created an initial performance accountability system and the focus on academic performance among students participating in vocational and technical education courses has been strengthened.

Today, I am offering the Vocational and Technical Education for the Future Act to build on the 1998 reforms, and ensure vocational and technical education continues to prepare students for whatever they choose to pursue upon graduation. Should a student choose to proceed with postsecondary education, enter the military, or pursue other opportunities, the goal of the Perkins program must be to prepare students with the right combination of academic and technical skills so that they may succeed in whatever path they choose.

The bill I am offering includes a number of reforms designed to enhance achievement and accountability, streamline programs so that states may better utilize federal dollars, and provide a model sequence of courses that will enhance vocational and technical education programs and partnerships.

The bill include important steps to increase accountability, and emphasizes continued improvement in student achievement. The bill establishes separate performance indicators for secondary and postsecondary students, improving on current law by recognizing the need for distinct measures to be applied to differing students. The bill also requires states to make continued and substantial improvement in the academic and vocational and technical achievement of students, and establishes incentive grants for states exceeding their own high standards.

To increase accountability and achievement at the local level, the bill requires local programs to establish local adjusted levels of performance similar to current statewide performance level expectations. The Vocational and Technical Education for the Future Act also establishes local improvement plans and permits states to apply sanctions for local recipients that, after receiving technical assistance, fail to show improvement or continually do not meet local adjusted levels of performance.

To better streamline and target federal funding, the bill combines funding for the TechPrep and Perkins state grant programs into one program funding stream, and incorporates the activities of Tech-Prep into the basic grant program. This consolidation will increase flexibility for states, streamline funding, and ensure current activities continue to exist while the program as a whole is updated to meet the challenges of the future.

The Vocational and Technical Education for the Future Act includes an important new element that will build upon efforts to coordinate secondary and postsecondary vocational and technical education. The bill requires states to develop model sequences of courses for vocational and technical programs to be used as an option at the local level. These model sequences of courses will incorporate both secondary and postsecondary elements, include rigorous and challenging academic and vocational and technical content in a coordinated, nonduplicative progression of courses, and lead to a degree or credential.

Technology and economic competition are combining in ways that are changing the nature of work and are redefining the American workplace. The need for higher literacy, numeracy, communication, and interpersonal skills in the workplace has grown over the past decade and will continue to be an important factor in the workplace in the future. The skills needed to be successful in postsecondary education are similar to the skills that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are required by employers. The need for a strong academic and technical background makes it imperative that the current vocational and technical education system adapt in order to provide the knowledge and skills needed to succeed.

The bill I am offering today seeks to meet the challenges of a changing economy and workplace by building upon the current successes of vocational and technical education. Our challenge is to ensure that all vocational and technical education students have access to programs that are sufficiently rigorous in both their academic and technical content, as well as provide clear connections with the education and training beyond high school that most Americans need for continued workplace success. I believe this bill fulfills those high standards, and I am pleased to be offering it today.

H. CON. RES. 413

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MALONEY. Mr. Speaker, I rise today in support of the resolution honoring the contributions of the more than 6 million American women, symbolized by "Rosie the Riveter", who served our country on the homefront during World War II and the changes to our society that came about because of them. These women stepped forward when our country needed them to work as engineers and welders and riveters to produce the ships and planes and tanks necessary for us to win the war.

I recently visited a factory in Athens, New York, that makes electric boats. They told me that even in this town of less than 4000 people, this boat factory was filled with women workers during World War II. The women factory workers made hundreds of thousands of life rafts to support the troops serving at sea. The whole country turned into a big factory to support the war effort, and the women workers were the force behind that factory.

The legacy of Rosie the Riveter is a broadening of opportunities to all Americans. For the first time in America, during World War II, women and minorities gained access to high-paying jobs in industry. Employee-sponsored health care and services such as child care for children of workers originated at this time. I join my colleagues today in applauding the improvements in the workplace and our society during the Rosie the Riveter Era and in honoring these women for stepping forward when their country needed them.

A TRIBUTE TO THE CITY OF SAN DIEGO COMMUNITY AND ECONOMIC DEVELOPMENT

SPEECH OF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the City of San Diego Community and Economic Development. The City of San Diego Community and Economic Development is the winner of the Economic Development Administration's Excellence in Economic Development Award for 2004 in the category of Excellence in Urban or Suburban Economic Development. San Diego Community and Economic Development was given this honor for the program of Business Finance Section by a panel of economic development experts. The city of San Diego and the state of California should be extremely proud of this achievement.

Helping businesses in San Diego grow and flourish is a major focus of the City of San Diego. The Community and Economic Development Department is dedicated to helping foster the region's economic base to improve the quality of life for its citizens and business community. Through many continuing programs and projects, the City creates opportunities for businesses to succeed. The Department is a key component in attracting, retaining and expanding businesses, creating jobs and increasing investment in San Diego.

San Diego Community and Economic Development's Business Finance Team works to facilitate the flow of capital and other resources to the underserved areas of the city. Activities of the Business Development Team include issuance of industrial development bonds and direct loans. The Team also works closely with the banking community and encourages banks to develop and commit to San Diego-specific programs that provide expanded credit and banking services access for low-income communities and small and minority-owned businesses.

In 2002, 83 percent of the operating expenses of the Business Finance Team came from portfolio earnings and outside grants. Beginning in 1993, the Economic Development Administration has awarded three revolving loan fund investments for economic development in the city of San Diego. These investments were, in large part, possible due to the excellent stewardship exhibited by the Community and Economic Development's Business Finance Team.

Mr. Speaker, I ask that my colleagues join me in recognizing the outstanding achievement of the City of San Diego's Community and Economic Development and applaud their success in creating jobs and business growth in the San Diego region.

THE BENEFITS OF BIOTECH FOODS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 20, 2004, Omaha World-Herald. The editorial highlights the findings in a recent report issued by the U.N. Food and Agriculture Organization. As the U.N. report noted, biotech foods have been found to be safe and hold the potential to alleviate world hunger and disease. Biotech crops have already provided improved crop yields and reduced the demand for chemicals. While reasonable safeguards must remain in place, the continued research and use of biotech foods should be expanded. Those suffering from hunger in developing countries should not be deprived of the benefits of biotech foods simply due to irrational and unscientific fears.

[From the Omaha World-Herald]

BIOTECH'S BENEFITS

A United Nations food agency's new report offering a positive outlook on biotech foods should spur more thoughtful research and regulations on the world stage.

The U.N. Food and Agriculture Organization's report found that genetically modified crops have been a help to the world's small farmers without posing any food safety threats. In fact, the group said, the major problem is that the technology hasn't spread fast enough or focused enough on the most beneficial crops.

Basic food crops of the poor such as cassava, potato, rice and wheat receive little attention from scientists, the agency said. Biotechnology holds promise for other important applications, too, such as animal vaccines and breeding.

The recent U.N. report notes that scientists are almost universally agreed that GM crops currently on the market are safe to eat. Even the European Union, where activists have poisoned consumers with fears of GM foods' hazards, has bowed to science and recently ended a moratorium on approving new biotech crops. (Approval of new crops will likely continue to be slow, however, and consumer acceptance limited.)

The U.N. agency offers no blank check for genetic engineering, however, nor should it. Careful environmental scrutiny is needed for each new crop, as the possibility of genes' reaching wild populations exists. Keeping medicinal crops, like those which erroneously reached an Aurora, Neb., co-op elevator a few years ago, in proper channels also must be considered.

But GM foods have brought real help already to the world's poor farmers—more money from improved crop yields, fewer dangers through the reduced use of pesticides. On the horizon is the promise of more nutritious foods and crops that grow in water-parched areas.

World efforts and research dollars should be funneled into those areas.

At the very least, we hope the U.N. report chokes off the fears that have left donated foods rotting in ports while African populations starve.

FALLEN HEROES

SPEECH OF

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. THORNBERRY. Mr. Speaker, on this Memorial Day, let us remember Air Force Captain Eric Das. He was a young man from my district who loved our country, and who lost his life fighting for its ideals in Iraq.

Captain Eric Das, 30, of Amarillo, Texas, was an Air Force pilot for the 333rd Fighter Squadron of the 4th Fighter Wing at North Carolina's Seymour Air Force Base. He was pronounced killed in action on April 18, 2003. Eric was on a bombing mission, flying an F–15E Strike Eagle jet over Iraq, when his plane was shot down on April 6, 2003. Eric has been awarded the Purple Heart, the Meritorious Service Award, and the Distinguished Flying Cross. He has also been installed in the Amarillo High School Hall of Fame. He will be remembered for his strong, sure faith in God.

Eric leaves behind his wife, 1st Lieutenant Nikki Das; parents, Bruce and Rosie Das of Amarillo; two sisters, Melody Neumann and Elisa Das, both of Amarillo; and his grandmother, Jessie Renne of Minnesota. Eric was not only a soldier, but a friend to many, a committed husband, and he will be remembered for the lasting impact he had on those who knew him.

Those who wish for the liberty of all people will forever owe a debt to Captain Das. This young man from the Texas Panhandle became a hero when he refused to be governed by fear and sacrificed his life for us and our safety.

Captain Eric Das has joined an unbroken line of patriots who dared to die so that freedom might live and grow and increase its blessings.

May God continue to bless our Nation with such heroes.

RECOGNIZING GREG GROUNDS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Greg Grounds, Mayor of Blue Springs, Missouri from 1990 through April 2004 and former Alderman of Ward 1. Greg's community involvement has always been extensive whether it be in public office or in volunteer work. In the past, he has served in such capacities as the Mid-America Regional Council Board of Directors, Chairman of the Jackson County Suburban Mayors Association, and worked with the National League of Cities' Finance, Administration and Intergovernmental Relations Policy Committee. Greg is also a past Co-Chair and Member of the Eastern Jackson County Betterment Council and a past President of the West Gate Division of the Missouri Municipal League.

Greg's efforts as Mayor and Alderman contributed heavily to the development and successful growth of Blue Springs over the past fifteen years. Greg has helped lead many important projects such as the development of the Adams Dairy Corridor that included the construction of the Adams Pointe Golf Club and the Adams Pointe Conference Center, construction of several new parks and recreation facilities for the community including Wilbur Young Park, the Hidden Valley Park Sports Complex, and Vesper Hall, and residential and commercial development valued in excess of $310 and $140 million respectively. In addition, his leadership resulted in the addition of 980,000 square feet of new retail space and the annexation of 2,000 acres in south Blue Springs for which Greg helped to develop a South Annexation Plan in preparation for its future growth.

Greg is a fine asset to the city of Blue Springs and the entire Sixth District of Missouri. Through his rich career in community, volunteer and public service, he is the epitome of an ideal citizen. Mr. Speaker, I proudly ask you to join me in commending the career, as well as the future of Greg Grounds, who exemplifies stellar qualities of dedication and service to Northwest Missouri.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SOUDER. Mr. Speaker, on 4 June 1989, communist Chinese tanks rumbled into Tiananmen Square. Since that bleak day 15 years ago, when the communist hardliners quashed liberty under the treads of a tank, China has undergone many changes. Despite the liberalization that appears to have taken place, China remains dedicated to absolute control by the communist government. No where is this commitment more evident than in a 421 square mile economic and political haven called Hong Kong.

In 1997, the United Kingdom returned Hong Kong to the People's Republic of China. As part of the agreement transferring sovereignty, China pledged to keep Hong Kong's democratic and capitalist system in place for 50 years. Hong Kong's Basic Law, which is based on an agreement between Great Britain and the PRC, guarantees freedom of speech, freedom of the press, freedom of association, freedom of assembly, and freedom of religion. Private property rights and protection from arbitrary or unlawful arrest, detention or imprisonment are also guaranteed. Residents of the Hong Kong have the right to vote and the right to stand for election.

The freedoms and liberties enshrined in the Basic Law sound remarkably like the freedoms and liberties that we enjoy in the United States by virtue of the Constitution. The only difference is that no one in the United States is actively working to destroy the Constitution. Over the last few years, the honeymoon between Beijing and Hong Kong has ended. Beijing has tightened its grip on the region, and has begun to undermine the fundamental freedoms promised under the Basic Law. Perhaps not coincidentally, Hong Kong's economy has foundered in the last few years.

When the British left Hong Kong, the Communist government reassured the world that nothing would be done to undermine Hong Kong. After all, it was argued, in their eagerness to show the world a new face, why would China destroy one of the premier trading and financial centers in the Orient. Why, indeed?

After 7 years, we see that the Communist government has every intention of destroying Hong Kong. Last year Beijing proposed a law that would have restricted freedom of the press and the ability of residents to criticize the government. In response over 500,000 of Hong Kong's 6.8 million people demonstrated against the PRO's attempts to stifle democracy. The Mainland government backed off—but only temporarily. Hong Kong's Chief Executive Tung Chee-hwa has promised to revisit the issue.

In April, Beijing ruled out universal suffrage for Hong Kong's chief executive in 2007 and the legislature in 2008. One mainland official said direct elections might not be possible until 2050.

In early May, Beijing warned legislators in Hong Kong that they have no right to criticize the government's decision to rule out full democracy. Beijing also sent eight Chinese warships—two submarines, four frigates and two destroyers—through Hong Kong's Victoria Harbor. Is this display of force a prelude to a Tiananmen-style crackdown? This provocative display of force certainly sends an ominous warning to Hong Kong's democrats and the rest of the world that the People's Republic of China will dictate policy in Hong Kong, and that dissension will be dealt with in a resolute manner.

All of the PRO's actions lay bare Beijing's contempt for the rule of law. It is apparent that the PRC wants to rule Hong Kong like the rest of China—corruptly, inefficiently, heavyhandedly. Hong Kong will not remain the vibrant capitalist center without freedom. Politics and economics are inextricably tied to one another.

China's mishandling of Hong Kong sends an unmistakable message to other observers around the region. If China ever hopes to entice Taiwan into the Chinese fold, their policies, vis-à-vis Hong Kong do not offer very reassuring prospects. I believe it is up to the people of Taiwan to decide whether or not they will be united with the Mainland; but Beijing's current attempts to choke democracy and capitalism in Hong Kong certainly do not make unification an attractive option for Taiwan.

Beijing's current attitudes toward Hong Kong show us the real meaning of One China, Two Systems. As the Beijing's true definition of this policy becomes apparent, it is imperative that we support Taiwan's efforts to resist Beijing's hostile advances. It is also imperative that we support democracy in Hong Kong before it is too late.

RECOGNIZING DR. GLENDA VITTIMBERGA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the life and legacy of Dr. Glenda Vittimberga, a leader in the field of psychology who recently passed away.

Dr. Vittimberga was a young and vibrant scholar who dedicated her life to teaching and enriching the minds of college students at California State University, Los Angeles. Born in Warwick, Rhode Island on June 29, 1967, she earned her Bachelor of Arts degree in Clinical Psychology from the University of

Rhode Island in 1988, earning Summa Cum Laude honors. Shortly after, she received both a Masters degree in 1991 and a Doctorate degree in 1994 in Clinical Psychology from West Virginia University.

In 1988, Dr. Vittimberga obtained a tenure-track position at Cal State L.A., where she proudly shared her expertise and taught clinical psychology at the university's psychology department. Her position included teaching courses in behavior theory, individual assessment, counseling skills, intervention of severe behavior problems, and supervising graduate interns.

A licensed psychologist and active community leader, she provided direct client services to families with children who suffered from severe mental disabilities at the Kennedy Krieger Institute in Baltimore, Maryland. In addition, she served on the Board of the California Association of Behavior Analysts and also provided consulting to faculty and students of local public schools.

Dr. Vittimberga's life was cut short on February 16, 2004. Her parents, Bruno and Jacklyn Vittimberga, her two sisters Gwenn and Gail, and her brother, Anthony survive her.

She will always be remembered for her contribution to the field of psychology, higher education, and for brilliantly enriching the minds and hearts of her students and colleagues.

PAYING TRIBUTE TO JIM BAUGHMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jim Baughman and thank him for his exceptional contributions to his community and the State of Colorado as a Mesa County Commissioner. A two-term commissioner, Jim will always be remembered as a dedicated public servant and leader of his community. As Jim celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Mesa County and the State of Colorado.

A fifth generation Mesa County native, Jim graduated from Grand Junction High School and attended Mesa State College. He became interested in politics when he attended a Grand Junction City Council meeting, and realized he could make a positive impact on his community. In 1991, he was elected to the City Council where he served until his election as a Mesa County Commissioner in 1996. During his tenure as a County Commissioner, he also served on the Riverfront Commission, the Museum Board, the Community Corrections Board, the Grand Valley Air Quality Board, and Associated Governments of Northwest Colorado. He was Chairman of the Board of Mesa County Commissioners in 1998 and 2003.

Mr. Speaker, I am honored to pay tribute to Commissioner Jim Baughman before this body of Congress and this nation, and to congratulate him on an outstanding career of public service. His selfless dedication to his community and the people of Colorado as a Mesa County Commissioner is truly remarkable. I wish him all the best in his future endeavors. Thanks for your service.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Sergeant 1st Class Robert Edward Rooney of Nashua, New Hampshire. He bravely served the U.S. Army National Guard's 379th Engineer Company, supporting Operation Iraqi Freedom. Sgt. Ferguson made the ultimate sacrifice to protect his country and aid the Iraqi people when he died of injuries he sustained in an accident at the Shuabai Port in Kuwait on September 25, 2003.

I ask my colleagues to join me in honoring Sergeant 1st Class Robert Edward Rooney and our other service men and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

FALLEN HEROES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CASTLE. Mr. Speaker, as we approach Memorial Day, I would like to rise in honor of a courageous young soldier who died September 7, 2003, of injuries suffered August 30 when the truck he was driving in a supply convoy was hit by a civilian vehicle in Iraq. United States Army Specialist Jarrett B. Thompson, was a member of the Lewes, Delaware-based 946th Transportation Company, and sadly was our State's first war casualty from a Reserve or National Guard unit.

At only 27 years of age, Jarrett was a brave young reservist who valiantly served his State and Country. A Dover resident who grew up in Millington, Maryland and played high school football, Jarrett joined the Army in March of 1994. Following a 3-year tour of active duty at Fort Campbell, Kentucky, he continued his commitment to service as a member of the Army Reserve. When he was called to active duty in January 2003, Jarrett dutifully accepted service in the Middle East, where his fellow reservists described him as an energetic, mission-oriented soldier.

In civilian life, Jarrett was a design engineer for Ashland Equipment, Inc. A proud son and devoted husband and father, Jarrett will be deeply missed by his parents, Judy Coleman Thompson and Allen B. Thompson, his wife Kelly, and their sons Conner and Collin. At his funeral in September, Jarrett received a 21-gun salute and the Bronze Star Medal in honor of his noble service to our Nation.

Mr. Speaker, it is my sincere privilege to honor the life of a proud soldier and heroic representative of the State of Delaware. Army Specialist Jarrett B. Thompson was an honorable defender of liberty, and he deserves our gratitude and respect.

FALLEN HEROES

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the brave men and women who have served our nation by paying the ultimate sacrifice in defense of freedom and democracy.

While we should honor all our nation's veterans both living and dead throughout the year, on this particular Memorial Day, we pay tribute to the nation's World War II veterans. On May 29th, the World War II memorial, a fitting tribute to "the Greatest Generation," will be dedicated on the National Mall. Hundreds of thousands of World War II veterans and their families will visit the memorial which is a permanent reminder to us and to future generations that the sacrifices made by the soldiers who served overseas, their families, and the Americans who were on the homefront, saved the world from tyranny. From the beaches of Normandy to the Battle of Midway to the construction of the China-Burma-India Road, these soldiers fought for a cause bigger than themselves.

One of these heroes, Michel Thomas, resides in my congressional district and recently was awarded the Silver Star for his extraordinary courage during World War II. I, along with Senator JOHN MCCAIN (R–AZ), worked with the Department of Defense on Mr. Thomas's behalf so that he finally would receive the honor he so justly deserves.

Michel Thomas was born in Poland to a Jewish family with a thriving textile business. In 1933, he fled Hitler's regime in Germany for France. Thomas last saw his family in 1937. He later learned they were all murdered at Auschwitz.

During the war, he survived two years of concentration and slave labor camps in Vichy France and narrowly escaped deportation to Auschwitz. He joined the Secret Army of the French Resistance, where he was active for two years as a commando leader. In 1943, Thomas was caught by and escaped from Klaus Barbie, the notorious Butcher of Lyon. The next year Thomas served in Combat Intelligence in the 180th Regiment of the U.S. Army 45th Division, The Thunderbirds, and was nominated for the Silver Star for his bravery.

On April 29, 1945, Thomas, an agent in the U.S. Army's Counter Intelligence Corps (CIC), arrived at Dachau concentration camp on the day of liberation. Thomas interrogated and photographed the crematorium workers. Two days later Thomas captured the "Hangman of Dachau," Emil Mahl, who was subsequently convicted of war crimes.

In early May 1945, Thomas tracked a convoy of trucks to a paper mill outside Munich, where he rescued from destruction the Nazi Party's worldwide membership card file of over ten million members. The Nazi leadership had shipped the cards, along with tons of other important Third Reich government documents, to be pulped in the final days of the war. These documents became the heart of the collections of the U.S.-run Berlin Document Center, and were crucial in the Nuremberg war crimes trials and in the denazification of Germany.

In 1946, Thomas helped to capture Gustav Knittel, who was convicted of war crimes for his role in the Malmedy massacre of American POWs at the Battle of the Bulge. I am proud to honor Michel Thomas for his heroism.

On Memorial Day, it is fitting that we honor all the men and women of the Armed Forces who have served their nation throughout history including those who are currently risking their lives around the world, including in Afghanistan and Iraq. I have been to both countries twice and have visited with soldiers from New York and across the country. I especially want to note the contributions of the 10th Mountain Division from Fort Drum under General Austin's leadership, and the 1st Battalion, 69th Infantry Division of the New York Army National Guard, located in my district, who just shipped out to Iraq on Monday. While they are serving in Iraq, I will be fighting to pass legislation to ensure that they receive full military retirement credit for their days of service at Ground Zero after the terrorist attacks of 9/11.

I am pleased to note that today we are passing legislation to correct a longstanding inequity in survivor benefits for the spouses of our fallen veterans. The "National Defense Authorization Act for Fiscal Year 2005" provides for a 5-year phase-in to eliminate the Widow's Tax. This unfair tax penalizes the widows and widowers of military retirees by reducing their Survivor Benefit Plan benefit from 55 percent of the retiree's pension to 35 percent once they reach age 62, normally the same age she or he is eligible for Social Security. The Social Security benefit the surviving spouse receives is often less than the reduction in the benefit, which results in a net loss of income. This legislation brings long overdue relief to the surviving spouses.

I will continue to support the members of Armed Forces in every way that I can. We owe all of them a debt of gratitude which we can never repay. They helped to make this country what it is today, and they have brought peace to other nations across the globe.

I would like to thank my colleagues from New York Representatives RANGEL and WALSH for organizing today's moment of silence for America's fallen soldiers.

FALLEN HEROES

SPEECH OF

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. THORNBERRY. Mr. Speaker, on this Memorial Day, let us remember Marine Lance Corporal Aaron Austin. He was a young man from my district who loved our country and who lost his life fighting for its ideals in Iraq.

Lance Corporal Aaron Austin was a 21-year old from Sunray, Texas. He was part of the 2nd Battalion, 1st Marine Regiment, and 1st Marine Division, Camp Pendleton, California. Aaron died April 26, 2004 near Fallujah on his second tour of duty in Iraq.

His family and friends described him as a warrior who was not afraid of anything. After joining the Marines, Aaron quickly became a leader of his machine gun team. He was the product of a small town and enjoyed the outdoors, sports and hanging out with his friends.

Survivors of Corporal Austin are parents, Doug Austin of Amarillo and De'on Miller of Lovington, New Mexico; two brothers, Eric Austin of Amarillo and Mike Austin of Las Vegas, Nevada; his maternal grandparents, Harvey Grigsby and Virgie Thomas of Lovington; his paternal grandmother, Juanita Austin of Yorba Linda, California; and many aunts and uncles. Aaron had planned to wed his fiancée, Tiffany Frank of Phoenix, Arizona on December 11, 2004. Aaron was loved by many and will be remembered as a courageous Marine.

Those who wish for the liberty of all people will forever owe a debt to Corporal Austin. This young man from the Texas Panhandle became a hero when he refused to be governed by fear and sacrificed his life for us and our safety.

Lance Corporal Aaron Austin has joined an unbroken line of patriots who dared to die so that freedom might live and grow and increase its blessings.

May God continue to bless our Nation with such heroes.

HONORING THE CITY OF WARSAW ON ITS SESQUICENTENNIAL

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. SOUDER. Mr. Speaker, it is my pleasure to rise today to congratulate the City of Warsaw, Indiana, and its residents on the city's sesquicentennial anniversary.

When Mathew Springer built Warsaw's first permanent residence—a tamarack log cabin on the edge of a swampy wilderness—in 1836, America was a young, vibrant nation, expanding rapidly across the continent from its eastern shores. Warsaw then was in the crossroads of this westward movement, and the region was rapidly populated by an intrepid collection of settlers much like Springer. Among those who came to inhabit this western land were traders, trappers, merchants and farmers, who put down roots and laid the foundation for the thriving community we see today.

Within two short decades of the construction of Springer's cabin, Warsaw had become a permanent community, a county seat worthy of incorporation in its own right. The original traders and merchants had constructed stores to sell their wares, community associations had formed, schools were constructed and a local government was firmly in place. The majestic courthouse, built by the citizens of Warsaw during this time of exciting development, still stands in the heart of the city as a symbol of the longevity of the city and its institutions.

It is striking to imagine the extent to which Warsaw's 19th century commercial enterprises have developed and informed the current economic engines of the region. In 1895, for example, Revra DePuy founded a small company to manufacture rather innocuous medical equipment like wire mesh and wooden splints. Today, firms such as Zimmer, Biomet, and DePuy have made Kosciusko County the center of the world's orthopedic manufacturing industry.

When thinking of the history of Warsaw and Kosciusko County, one cannot forget the natural splendor of the surrounding region, which has served as an attraction for settlers and visitors, alike, since the early 19th century. In addition to the simple enjoyment that the local community derives from them, Kosciusko's many lakes are a foremost recreational and tourist center in the State of Indiana. Kosciusko not only hosts visitors from across the state, but, indeed, from across America because of the county's beauty.

As Warsaw celebrates the 150th anniversary of its incorporation, it is my sincere pleasure to join in recognizing the valuable contributions that the City of Warsaw and Kosciusko County have made to the region, the State of Indiana and America itself.

RECOGNIZING MICHAEL A. FELIX

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Michael Felix, a leader in my district who has dedicated his life to educating students of all ages and improving the quality of life of military veterans in El Monte, California.

Mr. Felix served his country proudly during the Vietnam War and is a decorated army veteran. Motivated and eager to realize his full academic and professional potential, he enrolled in Citrus Junior College where he received his Associate of Arts degree in 1970. Immediately after, he enrolled in California Polytechnic University, Pomona (Cal Poly) and in 1973 Mr. Felix earned his Bachelor of Science in Physical Education and Recreation Administration.

Throughout his illustrious career, Mr. Felix has been a devoted educator, counselor, and leader for those in need. Whether in teaching children in elementary school or adults English as a Second Language and General Education Development courses, his commitment to education is admirable. Mr. Felix serves as a Senior Counselor and Administrator for the El Monte Union High School District, is an active member of professional organizations such as the California Teachers Association and the California Council for Adult Education, and is a member of my district's Congressional Nomination Committee for Military Academy Admissions.

Mr. Felix is a strong advocate for military veterans. He is a role model and a leader for countless veterans seeking federal and state assistance and serves as the Chairperson and

Commissioner of the Veterans and Homeless Affairs Commission of El Monte. Mr. Felix is also a founding member of the Veterans of Foreign Wars Post 10218 of Greater El Monte and an active member of American Legion Post 261.

Mr. Speaker, I salute Michael Felix for his numerous years serving the people of El Monte and my Congressional District, and I wish him the best of luck in all his future endeavors.

A TRIBUTE TO INTERNATIONAL SCIENCE COMPETITION FINALISTS KYLE PLUM, COURTNEY DUNAR AND OLIVIA LITSEY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to three special students from my district. Kyle Plum, Courtney Dunar and Olivia Litsey have been recognized for their outstanding achievement in science and are finalists in the International Science Competition, sponsored by Toshiba and the National Science Teachers Association. Mr. Plum, Ms. Dunbar, and Ms. Litsey have traveled to Washington, D.C. with their families to be honored at the ExploraVision awards gala next week. ExploraVision is the largest international science competition in the world with thousands of projects, and over 14,000 students participating this year.

These three bright young students each will be presented with a $5,000 U.S. Savings bond for their outstanding work on their school science project entitled "The Sleep Doctor". ExploraVision asked students in its competition to envision technology that may exist in the next 20 years, and to describe how it would work. Kyle, Courtney, and Olivia envisioned a project called "The Sleep Doctor". This project creatively explores the four stages of sleep, rapid eye movement, and the sleep cycle. Using the innovative EEG Sleep Doctor technology, Kyle, Courtney, and Olivia were able to determine whether or not test subjects were having a nightmare during the rapid eye movement phase of the sleep cycle. Using the wireless EEG technology the students would be able to sense a subject's nightmare, and activate pre-programmed soothing sounds and smells to successfully restore feelings of safety and to generate a good night's sleep. Kyle, Courtney, and Olivia have been working tirelessly on this project since October of last year, and their efforts are quite evident by the outstanding final product.

Mr. Speaker, I ask that you urge my colleagues to join me in recognizing the outstanding achievements of Kyle Plum, Courtney Dunar, and Olivia Litsey, and applaud the success of their educational endeavors and innovative technological ideas.

PAYING TRIBUTE TO JEAN BIONDO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Jean Biondo and thank her for her leadership and contributions to Colorado as District Manager of the Grand Junction Social Security Office. The level of integrity and honesty that she has brought to the Department of Social Security throughout her thirty-eight years of service are truly outstanding. As Jean celebrates her retirement, let it be known that the citizens of Colorado and I are eternally grateful for the outstanding service she has given to countless citizens over the years.

Jean began working for the government in Pittsburg, Kansas, and was later transferred to the social security office in St Joseph, Missouri. In April of 2000 she was offered the job of District Manager of the Colorado Social Security branch that covers the Grand Junction area. During her time as district manager, her leadership has helped create an efficient district operation for serving the people of Southwest Colorado.

Jean has also been an active member of her community, dedicating her efforts to numerous civic organizations. She has been involved in Altrusa, an international association of professional women and men who volunteer their energies and expertise in projects dedicated to community betterment. This year Jean was the Treasurer and played an integral role in organizing their Cancer Walk. She is very involved in her church where she teaches Sunday School and helps with youth groups. Jean's newest hobby is golf, and one I hope she has a lot of time for in the coming months and years.

Mr. Speaker, it is clear that Jean Biondo has been an invaluable resource for the State of Colorado and to our Social Security system. Her hard work and selfless dedication to her job was extraordinary and is worthy of acknowledgment before this body of Congress and this nation. Thanks, Jean, for all your hard work, and I wish you and your husband, Mike, all the best in your well-deserved retirement.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Master Sergeant Richard Lee Ferguson of Conway, New Hampshire. He bravely served the Army's 10th Special Forces Group supporting Operation Iraqi Freedom. Master Sgt. Ferguson made the ultimate sacrifice to protect his country and aid the Iraqi people when the military vehicle he was riding in tragically rolled over in Somara, Iraq on March 30, 2004.

I ask my colleagues to join me in honoring Master Sergeant Richard Lee Ferguson and our other servicemen and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

FALLEN HEROES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CASTLE. Mr. Speaker, I rise today in honor of a brave young Army Ranger who died Thursday, April 3, 2003, due to a suicide car-bomber at a checkpoint northwest of Baghdad. United States Army Specialist Ryan P. Long was a proud Ranger who gave his life, along with two of his fellow soldiers, helping the Third Battalion of the Seventy-fifth Ranger Regiment operate a checkpoint outside of Baghdad.

At only twenty one-years of age, Ryan was an inspirational young Delawarean who graduated from Seafood High School in June of 1999, where he had been vice commander of the Naval Junior ROTC program. Ryan joined the Army and became an Army Ranger, where he was part of an elite group chosen to carry out special missions. He was stationed in Fort Benning, Georgia and was deployed twice to Afghanistan before his service in Iraq, where he continued the noble fight against terror.

Ryan was a patriotic American who enjoyed soccer, golf, snowboarding, and motorcycles. Ryan was a fourth generation soldier, his father is retired Major Rudolf "Rudy" Long. Ryan followed in his family's tradition and chose to serve his country. He will be deeply missed by his parents, Rudy and Donna, and brother, his friends, teachers, and fellow soldiers.

Mr. Speaker, it is my sincere privilege to honor the life of a proud Ranger and heroic representative of the State of Delaware. Army Specialist Ryan P. Long deserves our gratitude and respect.

HOUSE OF REPRESENTATIVES—*Friday, June 4, 2004*

The House met at noon and was called to order by the Speaker pro tempore (Mr. RENZI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 2004.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend John Boyles, President, Faith Prepared Network, National Capital Presbytery, Washington, D.C., offered the following prayer:

O Lord God, we come before You now to ask that You would bless and sanctify the service of this body on this day.

O Lord, bring both wisdom and knowledge to bear upon this Chamber's governance, that its rules of law, its business, done by and for this Nation's people, through those representing them here today, might in turn be an inspiration and example to those of other lands, who can now, in new time of liberation, begin to act together on a new path of freedom. May what is done here today in this body be a model for all of righteous governance.

May this Chamber and its offices, its Members and staffs, have Your strengthening, O God, for their work and draw upon Your guidance for their planning, Your vision for their path, Your compassion for their service to the people of our Nation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2363. An act to revise and extend the Boys and Girls Clubs of America.

S. Con. Res. 114. Concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1233) entitled "An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.".

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 2363. An act to revise and extend the Boys and Girls Clubs of America; to the Committee on the Judiciary.

S. Con. Res. 114. Concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; to the Committee on International Relations.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 8, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8393. A letter from the Assist. Gen. Counsel, Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Institutional Eligibility Under the Higher Education Act of 1965, as Amended (HEA); Patricia Roberts Harris Fellowship Program, Student Assistance General Provisions; Federal Perkins Loan Program; Federal Work-Study Programs; Federal Supplemental Educational Opportunity Grant Program; Federal Family Education Loan Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program; and National Early Intervention Scholarship and Partnership Program (RIN: 1840-AC47) Received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8394. A letter from the Assist. Gen. Counsel, Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program (RIN: 1840-AC84) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8395. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's final rule — Nondiscrimination on the Basis of Age in Programs or Activites Receiving Federal Financial Assistance From the Department of Labor (RIN: 1291-AA21) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8396. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Class Exemption for the Acquisition and Sale of Trust REIT Shares by Individual Account Plans Sponsored by Trust REITS [Prohibited Transaction Exemption 2004-07; Application Number D-10659] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8397. A letter from the Director, Corp. Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Participant Notice Voluntary Correction Program (RIN: 1212-AB00) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8398. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-438, "American College of Cardiology and the American College of Cardiology Foundation Real Property Tax Exemption Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8399. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-435, "Retail Incentive Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8400. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-434, "Teacher Retirement Incentive Program Temporary Amendment Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8401. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-433, "Honoraria Temporary Amendment Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-432, "Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Temporary Amendment Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-426, "Deed Recordation Tax and Related Amendments Amendment Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-425, "Sibley Memorial Hospital Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-431, "Lot 878, Square 456 Tax Exemption Clarification Temporary Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-430, "Lead-Based Paint Abatement and Control Temorary Amendment Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-429, "Lower Income, Long-Term Homeowner Credit Administration Temporary Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-428, "National Capital Medical Center Memorandum of Understanding Approval Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-427, "Office of Administrative Hearings Independence Preservation Amendment Act of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8410. A letter from the Vice Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3932. A bill to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; with amendments (Rept. 108-525). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO:

H.R. 4513. A bill to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 4514. A bill to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 4515. A bill to promote natural gas production from the abundant natural gas hydrate resources on the outer Continental Shelf and Federal lands in Alaska by providing royalty incentives, and for other purposes; to the Committee on Resources.

By Mrs. BIGGERT (for herself and Mr. DAVIS of Tennessee):

H.R. 4516. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; to the Committee on Science.

By Mr. BARTON of Texas:

H.R. 4517. A bill to provide incentives to increase refinery capacity in the United States; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, and Mr. BERMAN):

H.R. 4518. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 4519. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. HAYWORTH, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, and Mr. RYAN of Wisconsin):

H.R. 4520. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

350. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 110 memorializing the President and Congress of the United States to restore funding for the Juvenile Accountability Block Grant; to the Committee on Education and the Workforce.

351. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 64 memorializing the Congress of the United States to require that government uniforms and equipment be manufactured in the United States; to the Committee on Government Reform.

352. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resoultion No. 39 memorializing the Congress of the United states to oppose the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system; to the Committee on Transportation and Infrastructure.

353. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 168 supporting the maintaining of the current federal truck size and weight limitations and opposing proposals to experiment with longer and heavier trucks on public highways; to the Committee on Transportation and Infrastructure.

354. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 126 memorializing the Congress of the United States to increase funding for the continuation and expansion of veterans benefits and services; to the Committee on Veterans' Affairs.

355. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 60 memorializing the Congress of the United States to continue to provide southwest Louisiana veterans a community based outpaitent clinic in Jennings, Louisiana; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 742: Mr. BARRETT of South Carolina.

H.R. 2950: Mr. CULBERSON, Mr. YOUNG of Alaska, Mr. MEEKS of New York, and Mr. SCHROCK.

H.R. 4433: Mrs. EMERSON, Mr. DAVIS of Illinois, Mr. SHAYS, Mr. TOWNS, Mr. TERRY, Mr. MEEKS of Florida, Mr. KIRK, Mr. JEFFERSON, and Mr. NETHERCUTT.

SENATE—*Friday, June 4, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of love and laughter, what can we give You for all of Your benefits? You send the sunshine and rain and bring the bountiful harvest. You dispatch angels to protect us from dangers that we do not even see. You save us from ourselves and fill the void of our spirits with Your abiding presence. You keep us from wariness and despair. Great and marvelous are Your works; just and true are Your ways.

Thank You for the peace You give each of us, even in the midst of life's storms. Supply all the needs of our Senators out of the abundance of Your celestial riches. Transform our gratitude into service to those who know daily the pain of privation and hopelessness. Help us to express our faith in deeds of love. We pray in Your great name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 4, 2004.*
>
> *To the Senate:*
>
> Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SCHEDULE

Mr. SESSIONS. Mr. President, this morning the Senate will resume consideration of the Department of Defense authorization bill. It is the leader's hope that we would be able to temporarily set aside the pending amendment so that other Senators can offer and debate their amendments. Senators are encouraged to come to the floor to speak on the merits of the bill. There will be no rollcall votes today.

The next rollcall vote will be in relation to the Kennedy bunker-buster amendment and that vote will occur Tuesday of next week prior to the policy luncheons.

I remind all Senators that under an agreement reached yesterday, all first-degree amendments to the Defense bill must be filed at the desk no later than 5 p.m. on Monday. It is the leader's intention to complete action on this bill next week. Senators should expect a busy week next week as we move toward completion of the Defense authorization bill.

I see Senator DASCHLE is in the Chamber and yield any time that he would consume.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

COMPLETING DEFENSE AUTHORIZATION

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Alabama and share his and the leader's view that given the agreements we have reached with regard to consideration of amendments on the DOD authorization bill, that we can work in a way that will accommodate that goal of completing our work on the bill before the end of next week.

FAREWELL TO SENATE PAGES

Mr. DASCHLE. Mr. President, I would like to again say farewell this morning to a wonderful group of young men and women who have served as Senate pages over the last 5 months and thank them for their contributions to the day-to-day operations of the Senate. This particular group of pages has served with distinction, and they have done a marvelous job of balancing their responsibilities to their studies and to this body. Today is their final day as Senate pages.

I want to say thank you to Andrew Blais of Rhode Island; Katherine Buck of New Hampshire; Sam Cannon of Utah; Erin Chase of South Dakota; Eric Coykendall of Arizona; Julie Cyr of Vermont; Joe Galli of Maine; Watson Hemrick of Tennessee; Jennifer Hirsch of Arkansas; Garrett Jackson of Mississippi; Kara Johnson of Illinois; Ben Kappelman of Montana; Andrew Knox of Vermont; Adam Lathan of Alabama; Betsy Lefholz of South Dakota; Brittney Moraski of Michigan; Alex Ogden of North Carolina; Jaclyn Pfaehler of Montana; Aaron Porter of Tennessee; Ingrid Price of Utah; Laura Pritchard of Virginia; Laura Refsland of Wisconsin; Ryan Smith of Kentucky; Kyra Waitley of Idaho; Nathanael Whipple of California; and Elizabeth Wright of Montana.

I suspect few people understand how hard Senate pages work. On a typical day, pages are in school by 6:15 a.m. After several hours of classes each morning, pages then report to the Capitol to prepare the Senate Chamber for the day's session.

Throughout the day, and sometimes into the night, pages are called upon to perform a wide array of tasks, from obtaining copies of documents and reports for Senators to use during debate, to running errands between the Capitol and the Senate office buildings, to lending a hand at our weekly conference luncheons. Once we finish our business here for the day, no matter what time, the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep.

Despite this rigorous schedule, these young people continually discharge their tasks efficiently and cheerfully. In fact, as one page said, "We like working hard. When things get hectic, that's when we like it best."

This page class had the good fortune to witness some historic moments. They saw President Bush present the Congressional Gold Medal to Dorothy Height, one of the giants of the modern civil rights movement in America. They were present for important debates in this chamber over such critical issues as the budget and the wars in Iraq and Afghanistan. They have seen, and had their photos taken with, celebrities, including Governor Arnold Schwarzenegger. Two days ago, they saw another famous visitor, the actor Mike Myers, better known to some as "Austin Powers, International Man of Mystery."

I hope the close-up view that these exceptional young people have had of the Senate at work these last few months has made this institution a little bit less of a mystery. Our Government "of the people, by the people, and for the people" requires the active involvement of informed citizens to work.

I understand that many, if not most, of this semester's pages have decided to volunteer on political campaigns, both Republican and Democratic, when they return home. I am told the campaigns run the gamut from local school board candidates to Senate candidates.

I am sure I speak for all Senators when I say, we applaud your continued involvement in the democratic process. And we wish you well in all that you choose to do in your future. We hope we will see some of you back here some day, as staffers, or as Senators. We are grateful for the excellent work you have already given the Senate these past 5 months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. I thank the distinguished Democratic leader for his excellent remarks. They are timely, and I would join in them. The pages have added so much to the Senate's ability to function. We appreciate them. I know Adam Lathan from Alabama has been a big help to me, and each Senator has had pages who have helped tremendously. I think it appropriate we express our appreciation at this time for their superb service.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Kennedy amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP).

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

EDUCATION

Mr. REID. Mr. President, it is now quarter to 7 in Nevada. Children are walking on their way to school. Here in the East, children are already at school. In Nevada we have a wide range of school districts. We have 17 school districts, one for each county. The school district in Las Vegas, the Clark County School District, is approaching 300,000 students. It is one of the largest school districts in America. Esmeralda County, Goldfield, has 84 students. Because of the feeling I have and the complaints I received about the Leave No Child Behind Act, I thought it appropriate that I meet with those 17 school superintendents. I did that last week when I was home during the Memorial Day break. Jim Hager, the superintendent from Washoe County—that is Reno, which is the second largest school district—is the president of the Superintendents Association. At my request he convened this meeting.

I have had many meetings over the years, as we all have, dealing with a broad range of subjects, but I have never had a meeting that was more meaningful, more informative, more educational to me that the meeting I had with the school superintendents. My only regret is I didn't spend more time with them. We spent an hour and 15 minutes. That is what we had scheduled. It was a tremendously good meeting.

I had no agenda with the superintendents other than to listen to them. I didn't bring them into the room and proceed to give a Senate filibuster to them. I wanted to make sure that every one of the 17, from the smallest school district to the largest, had an opportunity to speak—and that is what we did.

Every one of the 17 has tried so hard to comply with the intent and the actual substance of the Leave No Child Behind Act. They simply said, though, that in an effort to comply with this new law, they have robbed Peter to pay Paul with their budgets. They have compromised on all kinds of very important programs within the school districts. They have tampered with and eliminated art programs, programs for the academically talented, athletic programs, music programs, and history classes in an effort to meet the requirements of Leave No Child Behind.

There is no question, when I went to high school, that the courses I took—English, math, and sciences—were important. I was taught those subjects, of course. But also it was important that I have a full education, that I have the opportunity to participate in athletics, that teachers be given the opportunity to teach other subjects than math, science, and English. A superintendent said they had even had to shorten the time allotted for recess. Some say, Good, the kids are out too much. You know, recess time is time just like the time people take for coffee breaks. People take a break to get away from the drudgery, or even if somebody loves their job, a break is important. Children need a break just like adults. They have even shortened the time allotted for recesses.

Instead of just ignoring the law, they have tried to comply with it, all 17 superintendents. I commend them for their unified efforts in that regard. But there is only so much they can do with a law that is basically flawed, a law that is flawed because there are no resources to fulfill the requirements of that law. One after the other, these educators gave examples of how the No Child Left Behind Act is leaving these children behind. It is simply not reaching its goal.

One superintendent said: What if you, in Washington, passed a law that every child, to graduate from high school, had to dunk a basketball?

It didn't matter how hard I tried. I could never dunk a basketball. I couldn't dunk the basketball when I graduated high school at age 17.

If they passed a law saying every child who graduated from high school had to high jump 6 feet, they could not do it; if every child had to run a mile in 6 minutes, they could not do it. Physically and emotionally, it is impossible for children to do those things. A select few can do it but not very many. But that is what we have required.

The Leave No Child Behind Act is based on the premise that we can track the progress of every school by using a one-size-fits-all approach, including standardized tests.

What I heard from these superintendents was their problems aren't standardized. The one-size-fits-all approach doesn't always work.

The Clark County School District is the fastest growing school district in the country. The New York Times published this week an article on education in Las Vegas, painting a very realistic picture of what we are facing. We are in the midst of a massive program to build 88 new schools to accommodate about 12,000 new elementary and secondary aged students who move into the county every year. This number is going to increase.

Clark County's teacher recruitment effort spans nationwide and costs more than $1 million a year—just to recruit the teachers. According to Superintendent Carlos Garcia, about 2,000 were hired last year. They need 1,600 more teachers, as we speak.

To cite one pervasive challenge that Nevada as a whole and Clark County in particular faces, the Clark County School District has 81 documented foreign language barriers—not 18. I didn't make a mistake; 81 different languages are spoken in the Clark County School District.

There are so many children entering our public schools who do not speak

English that, under the Leave No Child Behind, most of our public schools will eventually be on the "watch list" or considered a "failing school." Like many parts of this country, we know it costs more to educate these children.

The Leave No Child Behind Act promises that resources will be provided, but we haven't kept that promise to the 17 superintendents in Nevada—and the rest of this country. We have underfunded the Leave No Child Behind—not by a little but by billions and billions of dollars every year. We have not kept our promise, but we still expect fourth grade children who are struggling to learn English to perform well on a test they can't understand.

I don't say this to be boastful, but I did OK in school. But if I did not speak English, it would not have mattered what my mental capacity was. In the fourth grade, I would have had problems with a fourth grade test.

We haven't kept our promise. I don't think for one minute that these children are not aware they are part of a cell group causing their schools to fail—simply because they do not comprehend the language.

Superintendent Garcia told me something that certainly got my attention. He said: I am so tired of walking into a classroom of fourth graders and seeing kids with their heads down on their desks crying because they can't read the test.

He said: I see children with their heads on their desks crying—not because they are stupid, not because they are dumb, but because they cannot understand what they are being asked to do.

As a result, not only is that child failing but the whole school district is failing. The school that the child is in could be failing as a result.

These children are being left behind because they are forced to take tests in a language they can't speak, and it hasn't changed a thing. They still can't dunk a basketball. Testing a child doesn't make him any smarter any more than weighing a steer makes that steer heavier.

Superintendent Garcia said the obsession with testing is actually causing some children to learn because they are taking fewer lessens. Many high school kids are so worried about standardized tests that they only want to take math. They are afraid of failing the standardized tests, leaving no time for other classes—sometimes even history courses.

The distinguished junior Senator from Tennessee and I have sponsored legislation talking about having American government taught in school. We are not going to be able to do that.

Does this program we have make a child better prepared to succeed in college or in life? No.

I personally would have been a failing student in a failing school if this law had been enacted when I was growing up.

I decided to go to law school because I had a part-time counselor and teacher by the name of Mrs. Dorothy Robinson who pulled me out of the junior class in high school and said: I have looked over all of your tests and I think you should be a lawyer. I don't know what tests I took. I think she was trying to be nice to me. But I followed what she suggested. From that minute forward, I said: I am going to be a lawyer. I had never met a lawyer, I had never been to a courthouse, and I had never been involved in a court case, but because of Mrs. Robinson having confidence in me—not because of some standardized tests—I decided that was what I wanted to do, even though my grammar was atrocious. My parents were uneducated. She was able to do that, and it wouldn't have happened if she had been more concerned about punitive measures in our school if I had failed a standardized test.

It is easy to look at Clark County's woes under this law because it educates more than half of our State's elementary and secondary students. However, there are other counties in Nevada facing challenges that are much different but no less significant.

A school system right next door to Clark County is Nye County, which has seen much slower growth than Clark County but still growth. It is the largest school district in the continental United States. It is huge. Superintendent Rob Roberts is a West Point graduate who worries about problems such as children riding schoolbuses in the desert with no air-conditioning. Nye County can only buy used buses because they are spending so much money on the Leave No Child Behind Act. They literally drive a million miles a year to get kids to school and back. And they are going to eliminate an extra bus which allows students from some of these outlying districts to participate in athletics and music programs and other enrichment programs. They are going to eliminate that. They can't afford it. Gas prices are going to speed up that demise.

Other counties have seen enrollment decline as industries such as mining went through cycles. Lincoln County is one of them, and it is struggling to keep its head above water to provide transportation for its increasingly scattered student population.

Elko County has been gradually slowing the decline in its enrollment. But they have increased expenses because of the Leave No Child Behind Act. They did what 14 or 15 other school districts wanted to do; that is, hire a grant writer. They had to pay a lot of money to do this. Most school districts can't afford a grant writer. They have people who try to write for grants but don't know how. One of the superintendents said: I tried to write for a grant. I do not know how.

Mineral, Lander, and Carson City Counties are also in the position of needing to hire grant writers—just to find new ways to supplement their financially strapped school districts, because the Leave No Child Behind Act is bankrupting the school districts.

In Esmeralda County, some of the children travel up to 160 miles every day to school. Transportation expenses are 70 percent of their budget. They are cutting special events because of rising transportation costs.

The Humboldt County superintendent concurred—that there are all kinds of problems with this Leave No Child Behind Act. They are concerned about the costs associated with the transfer of students to new schools, if one of the schools fails its annual yearly progress.

Under the Leave No Child Behind Act, if you do not like a school and it is failing, you can demand that your child go to a school someplace else.

These counties can't afford to haul these kids around. These are not schools located two or three blocks away, or 2 miles away—it could be 180 or 190 miles away.

White Pine County has two local schools that perform well. Parents know that they do a good job. But because of a situation with one or two special education students struggling in math—these are children who are emotionally or physically or mentally handicapped—these two fine schools will be classed as "failing" schools.

Douglas County's superintendent knows about the stigma of a failing school. Superintendent John Soderman said he appreciates the accountability principles in the law but the punitive implications are brutal. It is the "label of blame" law.

Pershing County is fretful over the way its 23-percent special education students are being left behind.

Pershing County: The largest city in Pershing County is Lovelock, with 23 percent of the students in special education in that school district. They will be left behind.

Churchill County asked me when the Federal Government planned to fully fund this law. I said I did not know. Storey County is the historic county seat of Virginia City. The superintendent said the law was too inflexible.

Again, you cannot legislate a child to be able to dunk a basketball.

Every one of these counties agreed that providing teachers with professional development, ensuring that they are highly qualified in their subject—or, as in the case of Lyon County, multiple subjects—is proving to be expensive and frustrating.

The meeting with these superintendents took place in Nate Mack Elementary School in Henderson, NV. We were greeted by a student band featuring drums and xylophones. Another class presented a wax museum of famous Nevadans in history. They were dressed as historical characters. The first child, a little girl, was a special education student. She was physically handicapped, but she played her part very well.

Now, is this little girl going to make that school a failing school? If we had a law that was meaningful and fair and educated students, that little girl would not make it a failing school. She would make it a successful school. This law is going to make it a failing school because of this little girl.

I was so impressed with this wax museum of famous Nevadans. They were trained not to smile. They did not frown. They were mimes, there to be wax. They were not to move. They did a wonderful job dressed as the historical characters they studied.

These are examples of how experienced, creative teachers can find exciting ways to help children learn. Music and history are integral to education, but the Leave No Child Behind law focuses on standardized tests.

I hope these children and their instructors will continue their lessons in music and in history, their athletics and art classes, even though there will not be standardized tests on these subjects.

This was one of the best meetings, if not the best, I have ever had. It opened my eyes. But I am not alone. I am sure many Senators have heard similar stories from educators in their States. I hope we can work together to fix this law, mainly by either changing it or funding it, and do the other things needed that we have to do to achieve the laudable goal of ensuring that no child is ever left behind.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada. He is a thoughtful and excellent speaker on issues important to the country.

I do not agree with him that the big problem we have in education today is the No Child Left Behind Act. My home county of Mobile is a large school system. What the Federal goal of No Child Left Behind set to accomplish was to encourage systems to confront schools that are failing; that we, in fact, have schools in America today that are not functioning well. As a matter of fact, they are failing. Some are failing utterly.

Who is the person who loses? Is it the wealthy American who, if their children are sent to a failing public school, do they leave them there? No, they do not leave them there. They move to another part of town, or perhaps they put them in a private school they believe is better. That happens all over America.

What about our low-income people who are sent by law to a school in Nevada or any other State and that school is failing by objective standards and those children are not learning and they are not gaining the kind of education critical to their success later in life?

In most aspects of the No Child Left Behind bill that passed—and I was on the Education Committee when we marked it up. Senator KENNEDY was there with other Democrats, and I believe it passed unanimously out of committee and moved forward in a bipartisan way to the Senate. If there is something wrong with it, I am willing to look at it and fix it.

Frankly, I would like to have accountability and virtually no controls, objective evaluation of how children are doing, and allow the school system to function as it will.

If we love these children, if we care about children deeply, and they are in a school that is failing, don't we want to help them?

What happened to the superintendent in my hometown? He realized they had schools that were not functioning well. They created a bonus to encourage outstanding teachers to go to those poor school systems to raise that level up because he cared about them. He did not want to ignore it and did not want to go along with some idea that self-esteem is the only thing that counts. If a child cannot read, how can they have self-esteem as they move forward? We have to confront that early and move in that direction.

No Child Left Behind basically requires the school system to have tests to make sure children are progressing. If they are not progressing, we want to act to help them. If the whole school is not progressing, students in the whole school are not progressing in a rational way. They ought to be held to account and improvement ought to be made.

We simply cannot and will not continue to shuffle children through a system when they are not learning. That is what it is all about. If we care about children, we want them to have the best. If we care about children, we want to inquire as to whether or not their school is functioning and whether or not they are learning.

I feel strongly about this. I have talked to superintendents and teachers throughout my State. My wife taught a number of years. I taught 1 year. I don't think teachers are sufficiently appreciated. A lot of the problems are Federal regulations. One of them is IDEA, the Disabilities Act Program. We can do better with those. We are working, and I have been working, as a lead sponsor to give more flexibility and respect to the teachers and principals—many of them with master's degrees in special education—to help those children in the best way and remove them from Federal court and State court and lawsuits.

I note under President Bush's leadership, we have had greater increases in education since he has been President in funding from the Federal Government than we have throughout the entire time that President Clinton was President. There has been increased funding on the Federal side, but we do not want the Federal Government to be the prime sponsors of education in America. It is a local school deal that we care about.

IRAQ

I want to share a few thoughts about the war in Iraq. It is an important matter for the entire world. It is a defining moment for us as we confront terrorism and instability and violence in the world. How can we make this world better?

I had the honor Wednesday of hosting seven Iraqi citizens at the meeting of the Senate Steering Committee which I chair. These were courageous men who wanted to personally thank the Senate and the American people for liberating their nation. They urged us to stay the course in Iraq. I ask unanimous consent that the article in the Washington Post about these seven men be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. SESSIONS. These Iraqis have a special perspective on the Abu Ghraib prison. It was there that they each had their right hand amputated by the Saddam Hussein regime. Their crime? Doing business with American dollars. Those were atrocities. That was life in Abu Ghraib before the liberation in Iraq, substantially different than under the American Army, even allowing for the physical abuse and psychological abuse we have seen in the photographs recently.

There were several hours of videotapes that were discovered and found of other atrocities that came to my attention. This was discovered in the seizure of records and documents in Iraq by the American soldiers. People's hands, fingers, tongues, heads being cut off, as well as people being pushed off buildings—all on videotape.

These were not low-level rogues. These were not isolated instances. It was systematic torture by a regime that used torture, mutilation, and murder as a means to a political end. The videotapes were made, in fact, at Saddam Hussein's request and direction so he could be certain his brutal orders were carried out. In fact, that is what dictators such as Saddam Hussein do. If you have seen some of the films of the history of Saddam Hussein's regime, you know he used random terror, random violence, death and destruction and mutilation as a tool to instill fear throughout the populace and help strengthen his hold on that country and to make sure nobody would cross him.

America can never make these Iraqi men whole, but the sacrifice of our troops has made them free and has given each one of them a new life and a new hope. Thanks to the good will of doctors and businesses that donated money and services, they have been fitted with prosthetic hands. As I greeted each one of them in the Mansfield Room Wednesday, they proudly extended their newly restored right hands. I have shaken many important hands during my political life, but never was I more honored to shake a hand of one than these men.

Sunday is June 6, the 60th anniversary of D-Day. I would like to read a prayer that President Roosevelt delivered after the invasion. As I read it, I ask my colleagues to reflect on our mission and our troops in Iraq and Afghanistan.

President Roosevelt said:

> Almighty God, our sons, pride of our Nation, this day have set upon a mighty endeavor; a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity . . . They fight to end conquest . . . They fight to liberate . . . They yearn but for the end of battle, for their return to the haven of home.
>
> Success may not come with rushing speed, but we shall return again and again; and we know by Thy grace and the righteousness of our cause, our sons will triumph.

Just as we did 60 years ago, our President and our people today pray for our brave soldiers in Iraq. They are serving superbly. They are serving with professionalism. They are serving with restraint and poise and discipline under very difficult circumstances. They are out in crowds every day. Most people are friendly. You never know when someone out there may not be. Sometimes there are protests and people are shouting and raising guns in the air and chanting or even throwing rocks. We have seen them on television show discipline and poise and restraint and allow this spasm of anger to vent itself because, in the long run, that is probably going to be healthy as the Iraqis go through this painful transition from oppression to a decent government.

So we pray for their return home. We celebrate the magnificence of their service and the triumphs of their cause. Our cause is just. Our resolve must be firm. Our troops are brave and courageous. Some things have changed in 60 years. We have the ability to win a war much faster with less risk to our troops but still at great risk, and much less risk to innocent civilians.

Medical technology allows us to heal wounded soldiers faster and provide help to amputees. The Internet allows photographs of misconduct to reach the public with lightning speed. But some things remain the same. Mothers and wives of soldiers worry just as much. The pain felt by the families of a lost soldier hurts just as much. Those who live under tyranny, fear, with a thirst for liberty and a desire for peace, are just as grateful to those who bring them peace, liberty, and freedom. We pray for the Iraqi people that their suffering be ended, that they be liberated from tyranny.

Shortly before I met with the seven Iraqis who had their hands cut off as punishment by Saddam Hussein, I was meeting a group of schoolchildren from Alabama. I told them I was going to be meeting with these Iraqis, and the schoolteacher called me aside, a young teacher who was with the group. He said: Just tell them—this was so sincere—just tell these people we care about them. We want nothing but them to have a good government, and we wish them the best in the future. He said: Tell them that is not Washington talking. That is the people of America. That is what we want.

I shared that with them because I thought it was a meaningful expression of American love and affection for the good and decent people of Iraq who suffered so long.

So we pray for the Iraqi people. We pray that their suffering will be ended, that their liberation will continue, that tyranny will not return, and that economic progress and scientific advancement and education will flourish in their country.

D-Day brought about the last days of Nazi tyranny. As we liberated the country and the world was horrified to see the images of brutality, torture and murder that were brought to light in the prison camps, the world will forever remember what occurred there. We have a permanent record of those horrible events at the Holocaust Museum. They remind us to be vigilant forever against tyrants, wherever they be.

I urge my colleagues to meet with these seven Iraqis, to view the videotapes that showed what happened in those days under Saddam Hussein. This was Abu Ghraib prison not long ago. As we look at the unfortunate actions at Abu Ghraib, as our military proceeds to investigate and take actions about our failures there, I urge my colleagues to reflect on the liberation of Abu Ghraib and to gather some perspective. Nothing we can say makes what happened in Abu Ghraib by our soldiers right. It was wrong. It cannot be justified. Our Nation was humiliated, and it occurred under our watch.

But to put it in perspective, we must reflect on who we are as a people, what is our purpose. Our Government investigated the images of abuse with the intent to prosecute those who committed criminal acts. Saddam Hussein investigated the images of mutilation to ensure that his torture was carried out.

American soldiers have shed their own blood to bring freedom to the Iraqi people and security to America and the world. Saddam Hussein spilled the blood of others to maintain his rein of terror and to expand his dictatorship. America wants peace, democracy, and freedom for the people of Iraq and Afghanistan. The terrorists want to destroy America and the values we hold dear.

President Bush, Secretary Rumsfeld, Condoleezza Rice, Secretary Powell, the Joint Chiefs of Staff, our troops, this very day are working to secure our Nation, to secure Iraq, and to establish a framework for an Iraqi government where state-sponsored torture, mutilation, murder, and terrorism can be a painful memory of the past. And the American people understand it. They understand what we are trying to do, that we only want the best for Iraq. They want our Government to succeed. But this is an election year and we have had some comments that, frankly, are wrong and need to be talked about.

I have waited. I have not responded aggressively. But the senior Senator from Massachusetts, summarizing his take on the Abu Ghraib abuses and photographs that came out, said:

> Shamefully, we now learn that Saddam's torture chambers reopened under new management: U.S. management.

That is not correct, Mr. President. That is absolutely wrong. It has undermined and is an attack on our soldiers who serve in Iraq. It makes their job more difficult, it puts them at greater risk, and it provides ammunition for those in Iraq who are frustrated and want to oppose American efforts there. It was not good and it was wrong and should not have been said. You watch Saddam's torture videos and try to explain to the American people how the actions of President Bush or Secretary Rumsfeld or General Myers or General Abizaid or General Sanchez equate with this kind of activity. No, sir, that is not correct. It is wrong.

Saddam persecuted the people in prison. We are prosecuting people who violated the law of the United States concerning how to handle prisoners. Within days of the report being made public, a single young soldier brought forth this information. Within a day, a criminal investigation was ongoing. Within a week, a public statement was made that abuses had occurred and an investigation was ongoing. A formal investigation by a two-star general was commenced. And we are making every effort to find out what happened, who did it, and punish those who did it. Some have already been court-martialed and sentenced to prison, and others will be. That is what the American people do.

When I was with the seven Iraqis who had their hands cut off by Saddam Hussein in his prison, one of the reporters asked one of them about these abuses. He said, well, President Bush—that is not his policy; it was Saddam Hussein's policy. The American people are punishing those who did wrong. They were not punished under Saddam Hussein. They were encouraged.

I think we need to talk about this. Former Vice President Gore, in a recent speech at New York University, said:

> How dare they subject us to such dishonor and disgrace. How dare they drag the good name of the United States of America through the mud of Saddam Hussein's torture prison.

That is the kind of broad-based condemnation of the American soldiers who, at this moment—because three-fourths plus of this body sent them to Iraq to carry out an American policy to strike down terrorism and create a new government there—are putting their lives at risk for us because we sent them there. They ought not to be condemned in this fashion by the former Vice President of the United States of America. I don't know what has gotten into his head. It is wrong.

Last night, I was at Walter Reed and I met great soldiers. Time and again, they told me they want to go back. Some of them have lost limbs. Some are in serious condition. Some are coming along nicely and, in fact, are going back to Iraq. These are the best of America. They love this country, and they love the rule of law. They care about doing the right thing, and they want to see our policies succeed—the policies we sent them to carry out. We sent them. We owe them support and help and affirmation. We don't need political second-guessing by armchair quarterbacks.

Mr. President, I ask unanimous consent that an article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the Washington Post, May 24, 2004]

For Seven Iraqis, A Vital Part of Life Is Restored

(By Vince Bzdek)

HOUSTON.—Nine years ago in Abu Ghraib prison, on the night before doctors were to cut off his right hand, Nazaar Joudi wrote a letter to his wife. It was the final act he was to perform with the hand, which was to be methodically removed on Saddam Hussein's orders as punishment for the crime of doing business in American dollars.

"Do not be sad," Joudi wrote to Um Fuqaan that night. "Hopefully Allah will replace my hand with an even better one. . . . God will reward you for standing next to your husband and being my right hand."

Thanks to a Fairfax-based film producer, a half-dozen health care providers and businesses in Houston, and a legendary "white knight in blue spectacles," Joudi's promise to his wife came true last Monday.

Doctors and prosthetists moved by the plight of Joudi and six other Iraqi merchants whose right hands were amputated at Abu Ghraib finished fitting each of the men with $50,000 "bionic" hands. Black tattoos of crosses that had been carved into the men's foreheads to label them criminals were removed by a Houston plastic surgeon a few weeks earlier. All the services and products were donated.

As resentment of Americans in Iraq seems to swell each day, these seven Iraqis are unabashed in their gratitude, not just for their new hands, but for the U.S. role in ending what they call the "reign of horror" that claimed the lives of as many as 2.5 million of their countrymen.

"Tell the American people what all Iraqis want to tell to them," Salah Zinad said. "Tell them: Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you."

The other six Iraqis were equally effusive, their appreciation undimmed by the current prisoner abuse scandal at Abu Ghraib, outside Baghdad, and other occupation worries back home.

"We have freedom in Iraq. Now we say anything we want," Zinad said. "Under Saddam we whispered."

In recent interviews, the seven Iraqis were unflagging in their confidence about Iraq's future and the U.S. role in it.

Zinad on the prisoner abuse: "Some American soldiers are a problem. Not all Americans. These Americans who did this will be punished. Under Saddam, such abuses were rewarded and praised. Iraqis understand the difference."

Qasim Kadhim on Americans who think the invasion of Iraq was a mistake: "I think those people have made a mistake, because under Allah, all people are brothers. We must help each other if we have a problem. . . . How do we do it if nobody helps us?"

Basim Al Fadhly on why many Iraqis are angry: "They have good reasons to be angry. There have been many mistakes because of cultural differences. Iraq is not a country like America yet. We were 35 years under Saddam. But that does not mean Iraqis don't want democracy. People like freedom, but with freedom you need life."

The seven have become celebrities in Houston as they learn how to use their artificial limbs and soak up a bit of Texas hospitality when not at the hospital. They've watched an Astros game in the owner's box, donned cowboy duds for a barbecue at the historic Y.O. Ranch, even spent a night at the dog track.

This week, they make a pilgrimage to Washington to employ their new limbs shaking the hands of more Americans they want to thank, including soldiers at Walter Reed Army Medical Center who have undergone amputations. They also plan to lay a wreath at the Tomb of the Unknowns.

"Saddam is the past," Kadhim said. "Now we must make business contacts in America."

AMPUTATION CITY

Their odyssey began almost exactly a year ago, with an overheard conversation in a Baghdad cafe.

Don North, a former correspondent for both ABC and NBC who is currently a freelance producer, was in Baghdad last June helping set up the U.S.-sponsored Iraq Media Network when he received a videotape from one of the Iraqi journalists working for him. It showed doctors amputating the hands of nine Iraqi prisoners in Abu Ghraib in 1995.

"I'd seen a lot of videotape, but this was truly gruesome and shocking," North said. In Baghdad, the owner of a small video production shop had been asked to make 10 copies of the tape by secret police in 1995. He clandestinely made an extra to keep as evidence of the atrocities. That was the copy that found its way to North.

Al Fadhly said that, after a year in hellish prisons and five months in Abu Ghraib, he was almost relieved when he heard he and the eight other merchants were going to be freed after having their hands amputated.

"We were the lucky ones," Al Fadhly said. "Others stayed in prison much longer. Thirty thousand in Abu Ghraib went to the hangman's noose."

Their trial lasted 30 minutes. Al Fadhly said all nine men believe they were scapegoated by Hussein because his economy was collapsing after the Persian Gulf War, and U.S. currency was anathema to him. Two weeks after the men lost their hands, they said, the law banning trade in foreign currency was thrown out.

Hussein had the nine hands brought to him, to be sure the sentence was carried out, said Farhad Taha, an attending physician at the amputations who was later interviewed by Al Fadhly, who now works for the media network.

Amnesty International estimates that hundreds, perhaps thousands, of Iraqis had their hands amputated for similar crimes. "Baghdad is Amputation City," North said. "Within a block you run into two to three people without a leg, or an arm, or an ear." Hussein's secret police, like Hitler's, kept meticulous records of who was killed or maimed, and why. A committee of former prisoners is sorting through 2 million to 4 million files in hopes of accurately quantifying the scope of the depravity.

One of the nine maimed men escaped to Europe after his release, and another has died. Over the next nine years, the seven who remained in Baghdad kept a low profile, living the life of scarred outcasts. They also became their own support system, forever bonded by their time in prison.

"They were their own best friends," North said.

HOUSTON'S "WHITE KNIGHT"

After viewing the tape. North was determined to make a documentary about the men. "It was already a famous story in Baghdad." When he met the seven, North decided he would shed his role of detached observer. "I decided I wasn't going to leave it up to chance that some doctor who saw my documentary would offer to help," he said.

An oil engineer from Houston, Roger Brown, overheard North talking about the men in a Baghdad cafe. He suggested North contact Houston's "white knight in blue spectacles," famed TV newsman Marvin Zindler.

Zindler is the kind of institution only Texas could spawn: a woofer-voiced champion of underdogs and the underprivileged who sports white pants, a silver hairpiece and blue-tinted eyeglasses.

Although Zindler made his name with muckraking, populist journalism—he uncovered the scandal memorialized in "The Best Little Whorehouse in Texas"—these days he uses his airtime on the ABC affiliate's "Eyewitness News" more to comfort the afflicted than to afflict the comfortable. "Why'd we do this?" Zindler replies to a question. "Because the guys had their hands cut off."

Zindler is 82 but looks much younger thanks to 30 reconstructive surgeries. ("I was fired from my first TV job for being too ugly," he explains.) Those surgeries yielded a good friend in Joe Agris, Zindler's plastic surgeon. After talking to North, Zindler called Agris to get the good deeds rolling.

Agris, who has volunteered time in Vietnam and Nicaragua doing reconstructive surgery on children, rounded up the doctors, nurses, hospitals and clinics to give the men new hands. North spent his days off making the logistical arrangements. It took months to line up all the benefactors and cut through the red tape, but by early April the amputees were bound for Houston.

The Methodist Hospital, the Institute for Rehabilitation and Research, and Dynamic Orthotics and Prosthetics in Houston donated the operating rooms, rehab and training; Houston-based Continental Airlines paid for the seven Iraqis' flight; the Marriott and Warwick hotel chains housed them; and the Minneapolis branch of a German prosthetics company, Otto Bock, provided the artificial hands.

The Iraqis were met with a surprise in their first days in Texas: the prospect of another round of surgeries to further shorten their arms. Agris and another surgeon he'd enlisted, Fred Kestler, determined that the Abu Ghraib surgeries had left the men with far too much real pain and "phantom pain"—painful sensations where the limb used to be. Operations were needed to repair the nerves and create a new, smooth surface for the artificial hands.

Last week, the men had recovered enough for the final fitting of their bionic hands, microprocessor-assisted marvels that receive instructions from the brain via electrodes attached to muscles in the arm. The Iraqis are training themselves to fire the right muscles to control hand functions, a process that will take months. Already, they can throw balls, shake hands, raise a glass.

Agris and North will go back to Baghdad with the seven in early June to make sure they have the proper medical support. Agris has arranged to visit other amputees, and he will help Baghdad hospitals upgrade their knowledge about amputations and prosthetics.

"The thing that'll win hearts and minds in the humanitarian effort, not guns," Agris said. "You take care of someone's child, not only do you help the child but you win over the family. And the family talks to the neighbors and you win over the neighbors. It just escalates."

He thinks Al Fadhly, Joudi, Kadhim, Salah and the other three men—Laith Aggar, Hassan Al Gereawy and Al'aa Hassan—will change some minds, too.

"I think we're going to see a ripple effect, especially with a guy like Al Fadhly who's got a job working for the coalition's new TV station. They're bringing back a different attitude, a different look."

READY FOR HOMECOMING

No one turned down North, Zindler or Agris when they asked for help. L. Paul Bremer, the U.S. administrator of Iraq, wrote an executive memo authorizing the trip. The Homeland Security Department issued seven "medical emergency" visa waivers, and the Air Force transported the group to Germany to catch the Continental flight to Houston.

"This is really who we are as a country," Agris said.

After nearly two months in Houston, the Iraqis admit they are getting homesick. Kadhim has developed what he says is too much of a fondness for Budweiser, Aggar is eager to get back to his jewelry shop, and the seven men have run up a $6,000 phone and laundry bill at the hotels.

North is shopping his documentary about the men to major television networks. He worries, however, that the publicity the Iraqis have received and their new, expensive hands might make them targets back home. "Anybody in Iraq who is a decent, productive member of society has become a target," he said.

But the Iraqis themselves aren't that worried. "Saddam's friends don't have much power any more," Aggar said. "Iraq is many millions of people. They are only hundreds. They are the ones who live in fear now"

"Allah will watch over us," Kadhim added. "Once Saddam has his trial, it will be over. Hopefully, it will be quickly."

When Al Fadhly gets home, the first thing he plans to do with his new hand is wave vigorously to his friends and neighbors. Kadhim plans to embrace his seven boys and daughter all at once. Aggard said he will, for the first time, properly shake the hand of the friend who watched over his house and family while he was in prison.

Last week at Dynamic Orthotics, Joudi didn't answer when asked what he would do first. He was already busy using his prosthetic to try something he hadn't done since the night before he lost his hand. He was writing a letter to his wife.

Mr. SESSIONS. Mr. President, I was moved last night to be with those supersoldiers and have dinner with them and talk with them and their families. They are so fine and so indicative of the strengths and values of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, as the Senate continues its consideration of the National Defense Authorization Act, I wish to commend our military forces for the exemplary and successful performance of their missions in the war on terrorism.

This bill provides the authorization for appropriations of funds needed to enable them to continue to protect our national security interests in Iraq, in Afghanistan, and elsewhere in the world. In Afghanistan, the Taliban leadership has been removed and is no longer able to provide a safe haven for al-Qaida operatives or to train terrorists or to plan attacks against people around the world. In Iraq, Saddam Hussein is in prison, and 46 of the most wanted operatives in his regime are no longer a threat to others.

Our military forces have helped provide an opportunity for Iraq to start a transition to democracy. The President's envoy to Iraq, Ambassador Paul Bremer, has led this impressive transition to peace and sovereignty. Under Ambassador Bremer's leadership, and with the assistance of many courageous Iraqi citizens, unemployment has fallen by nearly one-half. And for the first time in decades, Iraq's marketplaces are filled with consumer goods. More than 395,000 jobs have been created for the Iraqi people. All 22 universities and 43 technical institutes and colleges are open. Almost 2,500 schools have been rehabilitated, and 240 hospitals and more than 1,200 health clinics are now open for the Iraqi people.

Five million children have been immunized for measles, mumps, and rubella. Electricity generation has surpassed prewar levels and is more evenly distributed now than it was before. The number of telephone subscribers, including cell phone users, is nearly one-third above the level it was before the liberation began. More than 90 percent of Iraqi towns and provinces have local government councils. These are individuals who have voluntarily assumed responsibilities for moving their communities into this new era of self-government.

Iraq has a functioning judiciary now and is on its way to providing true and equal justice for all. More than 200,000 Iraqis are now serving in their own security forces, and 25,000 troops from other countries are present in Iraq as well, contributing to the peacekeeping operations.

This authorization bill also provides support for other defense activities in the central command area of responsibility and elsewhere around the world where our interests are threatened. It is important that we pass this bill.

Chairman WARNER and Senator LEVIN and their committee staff members have worked hard to put together a comprehensive authorization bill for the day-to-day operation and activities of our military forces. The bill provides essential authority for the funding that is necessary to keep our troops safe in the field, enabling them to protect themselves with the latest technologies and innovations that are available.

The amendment that has been offered by the chairman and ranking minority member authorizes an additional $25 billion in supplemental appropriations for operations in Afghanistan and Iraq.

The other day, our Appropriations Committee, the Subcommittee on Defense, conducted a hearing with General Pace, the Vice Chairman of the Joint Chiefs of staff, and representatives from the Office of Management and Budget and the Department of Defense, the civilian leadership. We were able to question them about the use of these funds and what it was for.

It is specifically allocated to services. It is not just a lump sum of money available to spend in any way the Department or the military chooses, but it is described in this supplemental appropriations bill that will be before the Senate as well.

This contingent emergency reserve fund is important to ensure that the Department of Defense has the ability to respond to the rapidly changing environment in which our troops are currently operating. The authorization for this additional funding helps ensure that the core funding authorized in the bill for routine operations of the Department, such as the training of troops, base operations, maintenance, and the planned procurement of equipment continue uninterrupted in the next fiscal year, while still ensuring that our troops in Afghanistan and Iraq have the resources needed to perform their important missions.

This funding will likely be used to provide ammunition and supplies, fuel for aircraft and vehicles, and maintenance for the equipment, and to provide force protection needs, such as body armor and other armor for vehicles that are used by our troops.

In my State of Mississippi, more than 3,000 National Guard and Air National Guard troops have been deployed since Operation Iraqi Freedom began. A few weeks ago, we welcomed home to our State a battalion of combat engineers who had been sent to Iraq right after the airport at Tikrit had been overtaken. They built a perimeter around that airfield to protect it and to protect this operation from those who would do harm to our troops. They built structures for the defense of other military forces and activities throughout northern Iraq. Then they came home. They came home to the welcome that was earned—well earned—because of their brave service. They suffered not one casualty in the performance of their duties. They were under fire, but they protected themselves successfully. Thirty-two members of that battalion received Bronze Medals for their heroism and their courage under fire.

It makes me very proud that these soldiers from my State carried out their mission so successfully and with such distinction. I am proud of them and other troops from our State and throughout the country who have been called on to serve in this war on terrorism, many without complaints, many volunteering for that service in particular.

It has been a very impressive performance in behalf of the security interests of our great country. We appreciate their service, we appreciate their skill, and we want to be sure this legislation contains the resources that will be necessary for them to continue to safely carry out their duties in the future.

I urge my colleagues to support this bill.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, first, I wish to thank my good friend from Alabama. Who says that words do not have weight and they are not remembered a long time. I was glad he recited the prayer from President Roosevelt on the eve of D-Day some 60 years ago this weekend. Words do have weight, and they are remembered a long time.

When we hear that prayer, maybe we ought to start thinking as a body and as representatives of our constituencies that maybe this might be the better approach to completing the mission in Iraq. Last night, the Senator from Alabama and 32 other Senators visited Walter Reed Army Medical Center. It is a moving experience whenever one sees warriors come home with limbs gone, but it is also moving to see the miracles of healing, of what modern-day medicine and technology has done to rehabilitate these young people to put them back into the mainstream of American life.

It is remarkable to see their spirit because everything around them is negative. Yet they find a way to say this is my country, this one I will die for because I also understand there are generations behind us to which we must pass this great country.

Some of us inherited these freedoms. We have not paid for them. They were given to us. Sometimes we use them a little loosely because we did not earn them. That makes a lot of difference.

Last night was a remarkable night. I visited a young man from Montana who just within the last week returned. He lost one leg, the whole leg. With a series of surgeries and skin grafts and probably 6 or 8 months of hard rehabilitation, he will be back home again in the central part of Montana.

Earlier this week, we also got the word that a soldier, Owen Witt, from Sand Springs, MT—Sand Springs has one grocery store and one post office; that is all that is there—was killed in the line of duty in Iraq. David and Karen, his folks, ranch in that part of the world. Of course, we send them our prayers and our thoughts at this time.

When I talked with his mother, she said two of them in that community went into the Army as soulmates. Both of them wanted to go to the same outfit. His good friend, Kevin Rogge, is still over there, and we will be in touch with him, we hope, before the next couple of weeks are out.

Again, I go back to that prayer. Maybe it would be a good approach for every representative to go back and read that prayer because we all understand what the mission is. The people on the ground understand what the mission is. They are willing to take the risk. They are willing to see it through to victory: to liberate and do away with a tyrant, to give freedom to people who have never known it in their lifetime. That is a high calling and a calling worth our attention.

I was struck also a while ago when the distinguished minority leader was talking about No Child Left Behind. I remind this body that No Child Left Behind, when it went to the States, had enough flexibility in that law that the States could set their rules and regulations on how they wanted this to apply. If there is a little bit of tension or nervousness from our teachers or a little bit of pressure and they are a little uncomfortable because of testing, they are supposed to be a little uncomfortable because, for the first time, we are looking at not only the job they are doing but the job the administration of the school is doing and how we are doing as supporters of public education.

We all better be a little bit nervous, and if there is something wrong in my State and I can help it, I will go after it now. Do not come to the floor and make excuses why it isn't working if you have not been involved.

There was some nervousness among my teachers. We are slowly getting those worked out. We are finding there is a comfort level whenever we see the progress of young people who are now being taught the basics, and the basics are the Three R's: reading, writing, and arithmetic.

That is what it is all about. The funds from the Federal Government are flowing at a level never seen before in the history of this country. Now, is it a perfect law? No. Is it a step in the right direction? It is.

I congratulate my friend from Mississippi, who talked about the contingency report. It is very important.

My good friend from New Mexico was with us last night, and it was truly a moving event when talking to those young people.

Let us comment a little bit about the budget. We are having a tough time. I do not think we as individuals have seen the urgency of having a budget. Having a budget is bigger than any one of us in this Senate. I urge my colleagues this coming week, as we go into the appropriations season, to work doubly hard to come up with a budget.

Also, my good friend from New Mexico has worked on an energy bill. That needs passing, too, this next week. Look around us and see what is happening in energy in this country and how it can slow down this economy.

This economy is booming. More people own homes now than at any time in the history of the country. More people are working in my State of Montana than ever before. We did not have huge unemployment. Even though our economy nationwide was stagnant, we continued to grow.

A lot of things in this country are working to the positive side, and we are not talking about them. More people are working today than at any time in the history of this country. More homes are being bought. There are more first-time home buyers. That is an accomplishment. We are putting more people back to work. That is an accomplishment.

I thank my good friend from Alabama this morning for allowing me this 5 or 10 minutes. I wanted to remind people that it is not all doom and gloom. If my colleagues think it is doom and gloom, then it is going to be doom and gloom. If my colleagues think we cannot win in Iraq, we will not win in Iraq.

Last night, I heard a young man comment—and my colleagues think words do not have weight? He said: Senator, you can pull us out of Iraq and bring us home, but the people who want to bring us down will follow us. They will be here. I do not think we want that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

RECENT ECONOMIC NEWS

Mr. DOMENICI. Mr. President, I rise to talk this morning about good news. This morning we just received a current report on how many new jobs were created in America in the past quarter. There were 248,000 jobs created in May.

There is so much talk about unemployment. People say this Presidential race is going to depend on jobs and the performance of our President with reference to jobs and the American economy during his term. We all know that about the time he was elected, this country was going into recession. That means the big growth that occurred for about 4 years prior to that had reached its peak and was on the way down. That means if something was not done, we would have to wait for the natural give and take of the American economy to right itself. Who knows how long that would have taken. Perhaps it would have taken 2, 3 or 4 years to right itself because the lessons of economics take that long. Once the economy starts down, one has to wait for the economy to right itself, and who knows how long that will take. That recession was coupled with the bust of the stock market. Who knows when it would have filled that gap.

The recession did not last very long because somebody did something right. I surmise that Congress did not do anything right because I can look around and see what happened. They did not do anything. The President did something that was right. He suggested that we ought to interrupt that recession and startup the American economy again by cutting taxes.

I have been here when numerous tax bills were passed. They were passed in the name of new jobs, in the name of putting people to work, in the name of making sure there was some kind of fairness—whatever reason they were passed. Essentially one has to look at them and see how they worked and how good were they in comparison to the tax cuts that were done at the request of President Bush.

Frankly, I looked down the other day and saw this list of tax cuts that have occurred during this President's time. They were pushed and shoved through Congress, Democrats voting almost to a man against them. But if one looks at the list, it is the most astounding list of appropriate tax cuts for growth I have ever seen in my 31 years.

Normally, we pass all kinds of irrelevant tax cuts when we pass a tax cut bill. I think the Senator from Alabama knows that. This tax package, with Congress usually working its way to change the President's approach and do the wrong thing, adopted all of the essential features of the President's tax bill. They were directed at small business in America.

Guess what. It worked. Small business in America is booming. The job creator in America, small business, is absolutely moving ahead. Jobs are being added. Families that own businesses are buying trucks, adding on to their buildings because we were smart enough to adopt a tax bill that invited investment, invited growth type items for them.

My colleagues can look at the list. Even Congress went along with the President and adopted the right ones. I will admit there were two that were socially minded. That was the child credit and trying to get the marriage tax penalty closer to reality, closer to fairness, but all the rest had to do with growth.

What happened to all the clamor about jobs? In the last 10 months, this economy in America has created 1.4 million new jobs. Now, there was a lot of talk about the President and 2 million jobs that he lost. What a joke. First, he did not lose them. We had a recession going and he did not create that, but he did cause a shallow recession. Now we are kind of up, up and away on job creation.

I surmise this will continue right up and through the election. If it does, that 2 million jobs argument going on across America can be wiped out, and we will be back to the best way to create jobs is to create a tax system and tax cuts that are directed at corporate and small business in America so they can add jobs and still grow and prosper or indeed do better than they were doing. That is what the President did.

Unemployment had reached 7.8 percent during that shallow recession. It is now down to 5.6 percent. That is not too shabby. As a matter of fact, I predict it will continue to go down. I say to my friend that it has gone from 7.8 to 5.6 and holding steady or coming down.

The second argument being made is that these tax cuts caused this big deficit.

Let me suggest there are at least three things that can cause a deficit to grow. One is if you spend more, and one is if you have a recession or a downturn in the economy, and then the third one is if you cut taxes. Of course, if you cut taxes and assume it will not do anything in the economy, then you will do a straight line and say the tax cuts created part of the deficit.

Let me tell you, the numbers are absolutely startling. If they are correct, for those who think we will fix this by increasing taxes, they have to be in some way reading tea leaves that have already lost all their flavor and are not good for anything. That is because the Congressional Budget Office, which is a neutral body, has said the weak economy caused 40 percent of the deficit we have accumulated. Let me repeat. When a recession occurs, you don't collect taxes—you collect less, I should say, because there are fewer workers and businesses are making less money, and in a sense the weak economy causes losses in the tax take by the American Government and other things that create growth. So 40 percent came from that, from that one thing, the recession.

Increased spending? We know what we increased the spending for. Some was of our own doing, just because we spent it, but most of it was because of homeland security, increased defense costs, and the like. Who would not have done that? That had to be done. That was increased spending by 36 percent. So we have 40 and 36 that had nothing to do with taxes. You would think, from those who are talking about it, that the tax cut created it all. It created the total of 40 plus 36, which is 76 percent. That leaves something like 24 percent that came from tax cuts.

If the tax cuts stimulated the economy and pulled us out of the recession, then you can almost say if we wait around that one will disappear because, with significant economic growth, the tax revenues of the country will go up almost automatically.

I can remember at one point when I was chairman of the Budget Committee, we were getting estimates of the tax take of the United States. We were so inept at measuring the result of the tax cuts and economic growth that every quarter we underestimated by a substantial amount how much revenue was coming into the Government. We had three successive quarters when the revenues came in at $50 billion more than we expected. As a matter of fact, I assume that within the next 4 or 5 months with this growth, if it remains and is sustained, we will start seeing the revenue numbers of America change.

They are not going to change for the worse; they are going to change for the better. There is already a slight change, but I am not willing to brag about it yet because it has not passed $20 billion. It is under $20 billion. You know, we have to be careful assuming that estimates are going to remain right because they change from being right to being wrong, in terms of their validity.

We will get there, though. Soon this prosperous economy will start producing more revenue. The deficits will have to be affected positively. If we continue to restrain our budget growth, the country will have everything right. It will have the tax cuts that we have done still in place—there are a couple of more that we need to do. They will be in place and America will be able to say under the leadership of George Bush, the country came out of recession and started growing. Even with a war we did it right, and the Americans at home are investing in small businesses. And it is growing. American corporations are incurring more and more surplus and are looking around for investments, and that is good.

I repeat, I am very proud of what this President did. As with Iraq, this President has courage. On the economy, he exercised courage. There were more people around, including some Republicans—maybe more than a few—who were beating down his door, saying: Don't cut taxes. We are in a recession and the deficit is growing. Don't cut taxes.

He was steadfast. He said the only way to fix it is to cut taxes and cut them in a way that investment will occur, that savings will occur. That is what we did, at his behest and under his leadership.

I yield the floor.

Mr. SESSIONS. Mr. President, before the Senator leaves, I thank him for his excellent comments. He served so ably as chairman of the Senate Budget Committee. He has been a Member of this Senate 31 years and has seen a lot of things occur.

I guess my question to the Senator is this: For some reason, the media or whatever, created an image—and some of the speeches on this floor nurtured that image—that President Bush created this economic slowdown that occurred. But as I remember, and I ask the Senator is it not correct, the third quarter of President Clinton's last year in office was negative growth, and the first quarter—and the President didn't take office until mid-January when he got sworn in—the first quarter of the year he inherited was negative growth. Then we had the September 11 attack. So a number of things that came together were not his fault. Is that fair to say?

Mr. DOMENICI. That is absolutely correct. Incidentally, in my list of things that have hurt the economy, that we had to eliminate, I failed to mention that we, the United States, had imposed upon us the 9/11 incident. It caused a lot of turmoil in this economy. I am not saying that trying to ignore the terrible deaths that occurred and the wrath that Americans have for the terrorists. But that should be in the list, also, of things that would add to the economic downturn.

But the Senator is correct. The President not only inherited a recession, but it continued afterwards, and it could not have been caused by President Bush because it occurred too quickly. With an economy this size you can't do anything in 2 months. If you wanted to hurt it, you couldn't hurt it. It is too big, too powerful. As a matter of fact, if you want to cut taxes, you have to be patient because they do not bring the economy back tomorrow or next week. It takes a while.

It took a while. While the doubters ran around the country talking about no jobs, the economy was percolating underneath and created the jobs. That is what happened today.

I forgot to mention one thing we did not do that is currently a political issue and is in this campaign. That is, what do we do about the fact that most of these tax cuts—I just told you what my view is about them, which is that they help—are temporary? They should not have been temporary; Congress would have made them permanent. But the problem is, the Budget Act of the United States, which governs budgets and governs the mandatory change in taxes, has provisions in it that mean you cannot cut taxes permanently. You can only do it over a number of years and your authority runs out. So many of these tax cuts are going to run out.

I am grateful they are not going to run out before this growth, but they are going to stop growth because those people involved in investing are expecting to have the same tax cut for a while. They don't expect to be turned off and on like a spigot. If you want them to respond, you have to tell them when you act on them you don't have to worry about next month that you are going to be in a business that you lost a hundred-thousand-dollar tax credit, or you lost whatever it was. You have to leave them in. I think we ought to have a full-blown debate on that. I hope we can. I don't know if we can because we don't have that budget and I am not sure we can do a tax bill without a budget.

Senator NICKLES is trying hard. There are some on our side who will not let us do it. I regret it because I believe for those who talk about "no more tax cuts because of the deficit," they actually have it backwards. Because of the deficit, you should be making sure the tax cuts remain because you can put more people to work. You can cause more revenues to come into the country. You can stabilize for long periods of time the status of the American economy, which is good at this point, not bad. I thank the Senator.

Mr. SESSIONS. I thank the distinguished Senator from New Mexico. His wisdom should not be lost on this body. It is very valuable, and we thank him for that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I want to follow up on Senator DOMENICI's comments and those of Senator BURNS about the growth we have in the economy.

This was a great announcement today about the 248,000 new jobs created last month. The month before that, we created 288,000 jobs, and the month before that, 315,000 new jobs. This is some of greatest growth we have had in many years. The third quarter of last year was over 8-percent growth.

People started to dismiss the economic growth. Where are jobs? All the experts told us that jobs follow growth. They don't come in the same week in which there is growth. We have had tremendous growth over the last four quarters. Actually, certainly the last three quarters represent the highest growth in 20 years. That 8-percent growth was the highest growth in 20 years, and this job expansion today is something we have to celebrate. It is the kind of thing that gives us confidence in America. We did it not by not raising taxes, creating bureaucracies, make-work programs and governmental deals; we did it by allowing the American people to have more of their own money so they could invest in their communities.

I know the Senator from North Carolina traveled her State as I traveled my State the last recess, and every city mayor I talked to said his sales taxes were up. Those are real numbers, aren't they? When a town's sale taxes are up—little and big towns—that means something good is happening out there. People are able to have more money to buy and spend and create growth in the economy.

Manufacturing jobs are up—something I know the Senator from North Carolina worries about as I do in Alabama. We see growth in manufacturing jobs for the first time in a long time.

Those are good things that are happening. If we stay the course, if we invest in the American people to allow freedom, productivity, innovation, and the dream of profit and progress to occur and continue to occur, I believe we will continue to have good growth in America.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3281, 3282, 3283, AND 3244, AS MODIFIED, EN BLOC

Mr. SESSIONS. Madam President, on behalf of the managers, I have a set of amendments to the Defense bill that have been cleared by both managers. Therefore, I ask unanimous consent that the amendments be considered and agreed to and the motions to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3281

(Purpose: To express the sense of the Senate that the Department of Defense should support the construction of schools in housing privatization agreements that severely impact student populations)

At the end of subtitle F of title III, insert the following:

SEC. 353. SENSE OF THE SENATE REGARDING THE IMPACT OF THE PRIVATIZATION OF MILITARY HOUSING ON LOCAL SCHOOLS.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States.

(2) Approximately 650,000 of those students are currently being served in public schools across the United States.

(3) The Department of Defense has embarked on military housing privatization initiatives using authorities provided in subchapter IV of chapter 169 of part IV of subtitle A of title 10, United States Code, which will result in the improvement or replacement of 120,000 military family housing units in the United States.

(4) The Secretary of each military department is authorized to include the construction of new school facilities in agreements carried out under subchapter IV of chapter 169 of part IV of subtitle A of title 10, United States Code.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should support the construction of schools in housing privatization agreements that severely impact student populations.

AMENDMENT NO. 3282

(Purpose: To require a Comptroller General study and report on use of alternative technologies to address groundwater contamination at Department of Defense installations)

At the end of subtitle C of title III, add the following:

SEC. 326. COMPTROLLER GENERAL STUDY AND REPORT ON ALTERNATIVE TECHNOLOGIES TO DECONTAMINATE GROUNDWATER AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General of the United States shall conduct a study to determine whether or not cost-effective technologies are available to the Department of Defense for the cleanup of groundwater contamination at Department installations in lieu of traditional methods, such as pump and treat, that can be expensive and take many years to complete.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) An identification of current technologies being used or field tested by the Department to treat groundwater at Department installations, including the contaminants being addressed.

(2) An identification of cost-effective technologies described in that subsection that are currently under research, under development by commercial vendors, or available commercially and being used outside the Department and that have potential for use by the Department to address the contaminants identified under paragraph (1).

(3) An evaluation of the potential benefits and limitations of using the technologies identified under paragraphs (1) and (2).

(4) A description of the barriers, such as cost, capability, or legal restrictions, to using the technologies identified under paragraph (2).

(5) Any other matters the Comptroller General considers appropriate.

(c) REPORT.—By April 1, 2005, the Comptroller General shall submit to Congress a report on the study under subsection (a). The report shall include the results of the study and any recommendations, including recommendations for administrative or legislative action, that the Comptroller General considers appropriate.

AMENDMENT NO. 3283

(Purpose: To authorize a program to commemorate the 60th anniversary of World War II)

At the end of subtitle G of title III, add the following:

SEC. 364. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF WORLD WAR II.

(a) IN GENERAL.—For Fiscal Year 2005, the Secretary of Defense may conduct a program—

(1) to commemorate the 60th anniversary of World War II; and

(2) to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(c) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 60th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary as a single account.

(2) There shall be deposited in the account, from amounts appropriated to the Department of Defense for operation and maintenance of Defense Agencies, such amounts as the Secretary considers appropriate to conduct the program referred to in subsection (a).

(3) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

(4) Not later than 60 days after the termination of the authority of the Secretary to conduct the program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(d) ACCEPTANCE OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary may reimburse a person providing voluntary services under this subsection for incidental expenses incurred by such person in providing such services. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

AMENDMENT NO. 3244, AS MODIFIED

(Purpose: To prohibit the storage of mercury from the National Defense Stockpile at certain facilities)

On page 411, after line 6, add the following:

SEC. 3303. PROHIBITION ON STORAGE OF MERCURY AT CERTAIN FACILITIES.

(a) PROHIBITION.—The Secretary of Defense may not store mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States.

(b) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

MORNING BUSINESS

Mr. SESSIONS. Madam President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LADIES AUXILIARY DEPARTMENT PRESIDENT LYNN MUSSELMAN

Mr. SPECTER. Madam President, we often recognize military veterans for their many contributions to our country. Where would this country be were it not for their sacrifices made in times of wars? Today, I would like to recognize other Americans who also give freely of their time and energy to the public good. These unsung heroes are the women of veterans' auxiliaries who conduct youth activities, community service and promote the ideals of America without compensation and without sufficient recognition.

One such woman is Lynn Musselman, the Pennsylvania department president for the VFW's Ladies Auxiliary. Lynn's late father Otto Musselman was a combat engineer in the European Theatre during World War II. As a result of her father's service, Lynn decided to join the VFW Ladies Auxiliary in Sellersville, PA, in 1973. The rest is a lifetime of very active public service. While serving as auxiliary president, she has held a number of chairmanships and has served as a trustee. On the department level, Lynn has chaired the Youth Activities, Voice of Democracy, Community Service, Scotland School, Americanism and Loyalty Day and Membership Committees. For her ability in gaining high participation by Auxiliaries in each program under her direction, the National Office of the Veterans of Foreign Wars has cited her accomplishments. It is no wonder that in June 2003 she was elected as department president.

In addition to her full time job as the controller for a commercial roofing company, she is also a member of the Quakertown American Legion Auxiliary No. 242 and a life member of Freedom Valley Girl Scout Council for 39 years.

In June 2004, President Musselman completes her tour of duty as Department President; and I officially recognize her for her outstanding service to veterans and her country.

AMVETS DEPARTMENT COMMANDER REGIS W. RILEY

Mr. SPECTER. Madam President, today, I would like to recognize an American patriot, one who has served his country faithfully and dutifully for over 30 years both in military service and as a leader of one of Pennsylvania's most active veteran service organizations—the American Veterans or, AMVETS as it is called. In June 2004, Regis W. Riley will complete his elected tour of duty as AMVETS Department Commander. As he departs this position of responsibility, it is appropriate that he be recognized not only for his successful year as Department Commander, but also for his many contributions and his many years of leadership in AMVETS.

Following his honorable discharge from active duty in the U.S. Army in 1974, Rege, as he is known to all, worked his way through the ranks of AMVETS in a number of leadership positions including Post Commander for 9 years, Commander of the Western Region, and President of the Pennsylvania State War Veterans Council. Rege is also a voting member of the Pennsylvania State Veterans Commission.

His dedication to the cause of veterans has been his hallmark including coordination of the Memorial Day, Pearl Harbor Day, and Veterans Day Ceremonies in the Mon Valley and surrounding areas and service in the cause of homeless veterans as Chairman of the National Homeless Veterans Committee. He is a recipient of the Leadership of Excellence Pin, the National AMVETS' Recruiter of the Year Award and in 2001, he was honored as the Department of Pennsylvania AMVET Member of the Year.

As Rege departs the position as Department Commander, it is appropriate that Pennsylvanians, particularly Pennsylvania's veterans say thank you for dedication and leadership and a job well done.

VFW PENNSYLVANIA STATE COMMANDER CHARLES PRINCE

Mr. SPECTER. Madam President, today, I would like to recognize an American patriot, one who has served his country faithfully and dutifully for over 50 years. During this period when recognition was recently given to America's greatest generation through the World War II Memorial in Washington, DC, it is my honor and pleasure to recognize an American patriot, one who has served his country faithfully and honorably not only in World War II, but also in the Korean War. Charles Prince served in the United States Navy aboard four Navy men-of-war, the USS *Missouri*, the USS *South Dakota*, and USS *Quincy* and the USS *Donaldson*. For his service, he received the Victory Medal, American Campaign Ribbon, Asiatic Pacific Ribbon with seven stars, the Philippine Liberation Ribbon with two stars and the Good Conduct Medal.

Following his military service, Charles Prince did what many veterans returning to Pennsylvania did; he joined the Veterans of Foreign Wars and the American Legion. He rose through the ranks of the VFW and became the Post Commander in Confluence, PA and All American District Commander for the 23rd District in 1996. On June 28, 2003, Charles Prince was elected State Commander, Veterans of Foreign Wars and in June 2004, he will complete this tour of duty. In addition, Charles has been an advocate for national security and veterans employment and has served on VFW committees in support of these endeavors.

His government service did not end with the military. After 17 years of service in the Somerset county Assessment Office, he retired as Somerset County Appraiser.

While Commander Prince is rightfully proud of his service to his country, I suspect that he ranks as the greatest event in his life his 55 years of marriage to his wife Jean. I wish them continued health and happiness.

AMVETS LADIES AUXILIARY DEPARTMENT PRESIDENT DELIA ANN KREILING

Mr. SPECTER. Madam President, on the occasion of completion of her tour as Pennsylvania's President of the AMVETS Ladies Auxiliary, it is honor and pleasure to cite Delia "Dee" Ann Kreiling for her leadership, her many years of service with AMVETS and her compassion in the care of veterans.

Dee's late father Elmer was a World War II veteran and like the daughters of many veterans, she saw service in the cause of veterans as a duty. As the coordinator of Veterans Services at the University of Pittsburgh, she has overseen for many years a staff of student veterans who assist eligible veterans and family members in receiving their education benefits. During the past year, Dee has focused her energies on "Sharing and Caring," a program of service to hospitalized veterans. In 2001, she was the recipient of the Pennsylvania AMVETS Ladies Auxiliary Member of the Year Award.

In addition to her enthusiasm in addressing veterans' issues, Dee has also been active for several years in "Shoes for the Needy" and the St. Jude's Ranch for Children.

On behalf of Pennsylvanians and Pennsylvania veterans, I salute her for her many contributions and for her leadership.

VEST BUSTER

Mr. LEVIN. Madam President, I have long been concerned about a new .50 caliber handgun manufactured by Smith and Wesson Corporation declared the "most powerful production revolver in the world today." Now, the Violence Policy Center reports that these handguns can blast through the body armor of our nation's law enforcement officers. This should disturb all Americans and all who care about the safety of our law enforcement personnel.

This new weapon fires a .500 Smith and Wesson Magnum bullet packing a muzzle force of 2,600 foot-pounds. The bullet is half an inch wide and is more powerful than comparable ammunition because it is much longer and contains more gunpowder. According to the Violence Policy Center's analysis, the .500 Smith & Wesson Magnum round far exceeds the protection level of the highest grade of concealable body armor normally used by law enforcement officers.

Body armor has saved the lives of countless numbers of law enforcement officers because of its ability to stop handgun rounds. The .500 Smith & Wesson Magnum round is more powerful than some rifle rounds. According to data compiled by the Violence Policy Center, during the 1990 to 1999 period, 20 officers were killed by gunshot wounds as a result of rounds penetrating their body armor. A rifle fired each one of these rounds. However, the .500 Smith & Wesson Magnum takes pistol power to rifle-power level and presents a deadly challenge to the lifesaving record of law enforcement's body armor.

The decision to produce the .50 caliber handgun represents a great step backward in efforts to improve gun safety. Instead of sensible steps to make guns safer and keep guns from getting into the wrong hands, this moves in the opposite direction, creating a handgun that is reported to have double the power of most assault rifles.

I am a cosponsor of the Military Sniper Weapon Regulation Act, a bill which would change the way .50 caliber sniper rifles are regulated by placing them under the requirements of the National Firearms Act. This bill would subject the sniper rifles to the same regimen of registration and background checks as other weapons of war, such as machine guns. The new Smith and Wesson .50 caliber handgun should be included in this legislation.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 10, 2001, in North Richland Hills, TX, David Israel Avery, 17, was charged with criminal mischief for allegedly attacking two gay teens.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2498. A bill to provide for a 10-year extension of the assault weapons ban.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 2504. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Governmental Affairs.

By Mr. McCAIN (for himself and Mr. LEAHY):

S. 2505. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 2015

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2015, a bill to prohibit energy market manipulation.

S. 2072

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2072, a bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for elder care expenses.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself and Mr. LEAHY):

S. 2505. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Madam President, I rise today to introduce the Low Power Radio Act of 2004. This bill would allow the Federal Communications Commission (FCC) to license Low Power FM stations on third adjacent channels to full power stations without limitations and eliminate the requirement that the FCC perform further testing on the economic impact of Low Power FM radio. Additionally, the bill seeks to protect stations that provide radio reading services, which some have suggested are more susceptible to interference than other stations because they are carried on a subcarrier frequency. I am pleased to be joined in this effort by Senator LEAHY who is a co-sponsor of the bill. I thank him for his support.

This bill would also right a serious wrong. Four years ago, Congress wrongly delayed the full implementation of a new community based radio service called "Low Power FM" due to broadcasters' grossly exaggerated claims of interference. The FCC recently found, based on data from an independent engineering study, that the broadcasters' claims of interference are groundless. As required, the FCC sent a report to Congress in February describing the study's results and suggesting legislative actions to further the growth of Low Power FM. This bill would implement these recommendations.

In January 2000, the FCC launched Low Power FM radio service to "enhance locally focused community-oriented radio broadcasting." Low Power FM stations are just that—low power radio stations on the FM band that generally reach an audience within a 3.5 mile radius of the station's transmitter. In rural areas, this signal may not reach many people, but it provides rural citizens with another media outlet—another voice in the market. In urban areas, this signal may reach hundreds of thousands of people and provide not just local content, but very specific neighborhood news and information.

Localism is increasingly important in today's changing media landscape. Rampant ownership consolidation has taken place in the radio industry since passage of the Telecommunications Act of 1996. Since that time, many Americans have complained that the large media conglomerates fail to serve local communities' interests and seem to use their local station license as a conduit to air national programming. Low Power FM was introduced, in part, to respond to such complaints.

Low Power FM is an affordable broadcasting option for many community organizations because a full power radio station license is extremely expensive and broadcast spectrum is very scarce. In 2003, the average cost to acquire a commercial radio station was more than $2.5 million dollars.

Between May 1999 and May 2000, the Commission received over 3,400 applications for Low Power FM stations from non-commercial educational entities and community organizations. However, before the Commission could act on many of the applications for this new community service, broadcasters frightened legislators into halting the full implementation of Low Power FM. Broadcasters masqueraded their true concerns about competition from a real local radio broadcaster in thinly veiled claims of interference.

Due to the broadcasters' subterfuge, Congress added language to a 2000 appropriations bill requiring the FCC to hire an independent engineering firm to further study broadcasters' claims of interference. Well, the results are in! I am not happy to report that after spending almost two years and over two million dollars, the independent study revealed what the FCC and community groups had said all along: LPFM will do no harm to other broadcasters. The study has stripped the broadcasters of their veiled claims by concluding that Low Power FM stations on third adjacent channels would cause virtually no interference to other broadcast stations.

The broadcasters masquerade has now cost American taxpayers over two million dollars. This was two million dollars taken from the FCC's budget that could have been used to further study efficient spectrum use to promote public safety needs, process license applications faster, hire more high quality engineers for the FCC and much more. Perhaps, we should send a bill to the National Association of Broadcasters. Nevertheless, that is the past, and it is time to focus on the future.

That brings us to the future of Low Power FM. The FCC, as required by the appropriations language, has reported the study's findings to Congress and recommends full implementation of Low Power FM. This bill simply follows the FCC's recommendation: begin licensing Low Power FM stations on third adjacent channels to full power stations without limitations. Additionally, the bill seeks to protect full power stations that provide radio reading services. It is estimated that about 1.1 million people in the U.S. are blind, and it is important to ensure this helpful radio reading service remains interference free.

The enactment of this bill will immediately make available a number of Low Power FM frequencies. By some estimates, Congress' legislation delaying the full implementation, which mostly affected metropolitan areas, led to the elimination of half the Low Power FM applications filed during 2000.

For example, Congress' action eliminated the LPFM slot in Fresno applied for by El Comite de los Pobres. The group had hoped to address the dearth of local programming for the Latino community by airing bilingual coverage of local issues. New Orleans' Music Business Institute's application was eliminated as well. The Music Business Institute teaches young people how to get into the music business. The Institute had planned to use the station to help start the musical careers of local artists, and to educate listeners about the city's jazz and blues musical heritage. Let's get these valuable stations on air.

There are some wonderful LPFM stations that are up and running. A recent article published in The Nation called these stations, "beacons of grassroots democracy." The article discussed WRFR in Rockland, Maine: "Shunning the canned programming approach of Rockland's two Clear Channel stations, WRFR offers an array of local talent, tastes and interests, and was recently named Maine station of the year by a state music association. Although country music, a Maine favorite, is heavily represented, hardly any WRFR deejay restricts himself to a single era, genre or Top-40 play list." Started by a local city council member who was concerned about the lack of local media outlets in his town, today, WFRF has over half the city listening. This is what scares broadcasters about LPFM: competition.

In 2000, the Southern Development Foundation established a Low Power FM station in Opelousas, Louisiana, which sponsors agriculture programs, leases land to farmers, raises money for scholarships for needy kids and helps citizens learn to read. The station director told a local community newsletter: "You've got local radio stations that are owned by larger companies. There should be some programming concerning the music that is from here, and the people from here. But there's not."

I ask the public and commercial broadcasters to come clean and join us in promoting LPFM. More good radio brings about more radio listening and that's good for all broadcasters. Therefore, in the interests of would-be new broadcasters, existing broadcasters, but most of all, the listening public, I urge the enactment of the Low Power Radio Act of 2004.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The passage of the Telecommunications Act of 1996 led to increased ownership consolidation in the radio industry.

(2) At a hearing before the Senate Committee on Commerce, Science, and Transportation, on June 4, 2003, all 5 members of the Federal Communications Commission testified that there has been, in at least some local radio markets, too much consolidation.

(3) A commitment to localism—local operations, local research, local management, locally originated programming, local artists, and local news and events—would bolster radio listening.

(4) Local communities have sought to launch radio stations to meet their local needs. However, due to the scarce amount of spectrum available and the high cost of buying and running a large station, many local communities are unable to establish a radio station.

(5) In 2003, the average cost to acquire a commercial radio station was more than $2.5 million dollars.

(6) In January, 2000, the Federal Communications Commission authorized a new, affordable community radio service called "low power FM" or "LPFM" to "enhance locally focused community-oriented radio broadcasting".

(7) Through the creation of LPFM, the Commission sought to "create opportunities for new voices on the air waves and to allow local groups, including schools, churches and other community-based organizations, to provide programming responsive to local community needs and interests".

(8) The Commission made clear that the creation of LPFM would not compromise the integrity of the FM radio band by stating, "We are committed to creating a low power FM radio service only if it does not cause unacceptable interference to existing radio service.".

(9) Small rural broadcasters were particularly concerned about a lengthy and costly interference complaint process. Therefore, in September, 2000, the Commission created a simple process to address interference complaints regarding LPFM stations on an expedited basis.

(10) In December, 2000, Congress delayed the full implementation of LPFM until an independent engineering study was completed and reviewed. This delay was due to some broadcasters' concerns that LPFM service would cause interference in the FM band.

(11) The delay prevented millions of Americans from having a locally operated, community based radio station in their neighborhood.

(12) Approximately 300 LPFM stations were allowed to proceed despite the congressional action. These stations are currently on the air and are run by local government agencies, groups promoting arts and education to immigrant and indigenous peoples, artists, schools, religious organizations, environmental groups, organizations promoting literacy, and many other civically-oriented organizations.

(13) After 2 years and the expenditure of $2,193,343 in taxpayer dollars to conduct this study, the broadcasters' concerns were demonstrated to be unsubstantiated.

SEC. 2. REPEAL OF PRIOR LAW.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, (Pub. Law 106–553; 114 Stat. 2762A–111) is repealed.

SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.

The Federal Communications Commission shall modify its rules to eliminate third-adjacent minimum distance separation requirements between

(1) low-power FM stations; and

(2) full-service FM stations, FM translator stations, and FM booster stations.

SEC. 4. PROTECTION OF RADIO READING SERVICES.

The Federal Communications Commission shall retain its rules that provide third-adjacent channel protection for full-power noncommercial FM stations that broadcast radio reading services via a subcarrier frequency from potential low-power FM station interference.

● Mr. LEAHY. Madam President, I am pleased today to join Senator MCCAIN in introducing important legislation to increase the number of frequencies available for low power radio stations in America. Low power stations serve their communities with broadcasting that reflects local needs and local preferences. In this way, low power FM offers a valuable counterpoint to nationwide media consolidation. For this reason, I have been a strong supporter of low power FM for many years now. In fact, I recently urged FCC Chairman Powell to expedite licensing for new low power stations.

Unfortunately, for many years now, the number of low power FM stations the FCC could license has been limited by unrealistic and unnecessary rules requiring these small stations to find available frequencies far from any full power broadcaster. Interference must be avoided if we are to make use of the airwaves. The current rules, however, go beyond what is necessary to protect full power stations from interference, and instead protect them from competition. The focus of today's legislation is the so-called "third-adjacent rule," which requires that a low power station not broadcast within three frequency intervals of a full power station.

For example, if a full power station were broadcasting at 101.1, the first-adjacent frequencies would be 99.9 and 101.3 and those would be unavailable for broadcasting. The second-adjacent frequencies would be 99.7 and 101.5 and they too would be off-limits. Finally, the third-adjacent frequencies would be 99.5 and 101.7, and under the current rule, those frequencies would also be unavailable. Thus, the existence of just one full power station effectively keeps low power radio from broadcasting anywhere between 99.5 and 101.7. It is easy to see how a radio dial can quickly become off-limits for any low power broadcaster.

A recent study by the FCC concludes that this third-adjacent rule is not necessary to protect full power broadcasters from unreasonable interference. Our new bill simply implements those findings and conclusions. It eliminates the third-adjacent rule, and allows the FCC to license low power stations in accordance with its own studies and findings about potential interference from these stations.

Of course, the need for low power FM radio must be balanced against other important uses of nearby frequencies. I have worked hard to protect reading services for the blind, and this bill protects those services by retaining the third-adjacent rule where such services would be affected. In addition, this bill protects commercial broadcasters of all sizes from actual interference by leaving intact the FCC's expedited interference claim review procedures.

I look forward to working with my colleagues to move this important bill forward, to strengthen local broadcasting.●

AMENDMENTS SUBMITTED AND PROPOSED

SA 3281. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3282. Mr. SESSIONS (for Mr. MCCAIN) proposed an amendment to the bill S. 2400, supra.

SA 3283. Mr. SESSIONS (for Mr. WARNER (for himself and Mr. LEVIN)) proposed an amendment to the bill S. 2400, supra.

SA 3284. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3281. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle F of title III, insert the following:

SEC. 353. SENSE OF THE SENATE REGARDING THE IMPACT OF THE PRIVATIZATION OF MILITARY HOUSING ON LOCAL SCHOOLS.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States.

(2) Approximately 650,000 of those students are currently being served in public schools across the United States.

(3) The Department of Defense has embarked on military housing privatization initiatives using authorities provided in subchapter IV of chapter 169 of part IV of subtitle A of title 10, United States Code, which will result in the improvement or replacement of 120,000 military family housing units in the United States.

(4) The Secretary of each military department is authorized to include the construction of new school facilities in agreements carried out under subchapter IV of chapter 169 of part IV of subtitle A of title 10, United States Code.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should support the construction of schools in housing privatization agreements that severely impact student populations.

SA 3282. Mr. SESSIONS (for Mr. MCCAIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 326. COMPTROLLER GENERAL STUDY AND REPORT ON ALTERNATIVE TECHNOLOGIES TO DECONTAMINATE GROUNDWATER AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General of the United States shall conduct a study to determine whether or not cost-effective technologies are available to the Department of Defense for the cleanup of groundwater contamination at Department installations in lieu of traditional methods, such as pump and treat, that can be expensive and take many years to complete.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) An identification of current technologies being used or field tested by the Department to treat groundwater at Department installations, including the contaminants being addressed.

(2) An identification of cost-effective technologies described in that subsection that are currently under research, under development by commercial vendors, or available commercially and being used outside the Department and that have potential for use by the Department to address the contaminants identified under paragraph (1).

(3) An evaluation of the potential benefits and limitations of using the technologies identified under paragraphs (1) and (2).

(4) A description of the barriers, such as cost, capability, or legal restrictions, to using the technologies identified under paragraph (2).

(5) Any other matters the Comptroller General considers appropriate.

(c) REPORT.—By April 1, 2005, the Comptroller General shall submit to Congress a report on the study under subsection (a). The report shall include the results of the study and any recommendations, including recommendations for administrative or legislative action, that the Comptroller General considers appropriate.

SA 3283. Mr. SESSIONS (for Mr. WARNER (for himself and Mr. LEVIN)) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle G of title III, add the following:

SEC. 364. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF WORLD WAR II.

(a) IN GENERAL.—For fiscal year 2005, the Secretary of Defense may conduct a program—

(1) to commemorate the 60th anniversary of World War II; and

(2) to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(c) Establishment of Account.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 60th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary as a single account.

(2) There shall be deposited in the account, from amounts appropriated to the Department of Defense for operation and maintenance of Defense Agencies, such amounts as the Secretary considers appropriate to conduct the program referred to in subsection (a).

(3) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

(4) Not later than 60 days after the termination of the authority of the Secretary to conduct the program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(d) Acceptance of Voluntary Services.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary may reimburse a person providing voluntary services under this subsection for incidental expenses incurred by such person in providing such services. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

SA 3284. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, after line 22, insert the following:

SEC. 3122. REPORT ON EFFORTS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION TO UNDERSTAND PLUTONIUM AGING.

(a) Study.—(1) The Administrator for Nuclear Security shall enter into a contract providing for a study group of scientists to carry out a study to assess the efforts of the National Nuclear Security Administration to understand the aging of plutonium in nuclear weapons. In contracting for the performance of such services, the Administrator shall seek to enter into that contract with the study group of scientists that is affiliated with MITRE Corporation and known as the JASON group.

(2) The Administrator shall make available to the contractor under this subsection all information that is necessary for the contractor to successfully complete a meaningful study on a timely basis.

(b) Report Required.—(1) Not later than two years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the contractor on the efforts of the Administration to understand the aging of plutonium in nuclear weapons.

(2) The report shall include the recommendations of the contractor for improving the knowledge, understanding, and application of the fundamental and applied sciences related to the study of plutonium aging.

(3) The report shall be submitted in unclassified form, but may include a classified annex.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Madam President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Friday, June 4, 2004, at 10 a.m., on a judicial nomination in the Dirksen Senate Office Building, Room 226. *Witness List:*

Panel I: Members of Congress.

Panel II: Judge Michael H. Watson to be U.S. Circuit Judge for the Southern District of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Madam President, I ask unanimous consent that privilege of the floor be granted to Mark Kaniut of my staff during consideration of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2498

Mr. SESSIONS. Madam President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2498) to provide for a 10-year extension of the assault weapons ban.

Mr. SESSIONS. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

UNANIMOUS CONSENT REQUEST—H.R. 4478

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4478, the SBA reauthorization bill, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, this bill passed the House yesterday. Senator Snowe and a number of our colleagues on both sides of the aisle are negotiating with the White House to accommodate women's businesses in particular. It is my understanding there is the real possibility that some accommodation can be reached in the next couple of days. In order to accommodate that possibility, I object to moving at this point.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, JUNE 7, 2004

Mr. SESSIONS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1:30 p.m., on Monday, June 7. I further ask consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2:30 p.m., with the time equally divided between the two leaders or their designees; provided that at 2:30 p.m. the Senate resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. On Monday, following morning business, the Senate will resume consideration of the Department of Defense authorization bill. Again, it is the leader's hope that we could set the pending amendment aside so other Senators could offer their amendments. We will debate the Defense bill throughout the afternoon on Monday. As announced earlier, there will be no rollcall votes on Monday. The next vote will occur on Tuesday morning prior to the weekly party luncheons. That vote will be in relation to the Kennedy earth-penetrator amendment.

I also remind Senators that under an agreement reached yesterday, all first-degree amendments to the Defense bill must be filed at the desk by no later than 5 p.m. on Monday. This agreement will allow us to move the bill forward, and it is the leader's intention to complete action on the bill next week. Therefore, Senators should expect a busy week, with rollcall votes throughout.

ADJOURNMENT UNTIL MONDAY, JUNE 7, 2004, AT 1:30 P.M.

Mr. SESSIONS. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:27 a.m., adjourned until Monday, June 7, 2004, at 1:30 p.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mrs. MALONEY. Mr. Speaker, on June 1, 2004, I was unavoidably detained and missed rollcall votes numbered 210 and 211. Rollcall vote 210 was on the motion to suspend the rules and pass H. Con. Res. 295, a resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States. Rollcall vote 211 was on the motion to suspend the rules and pass H. Res. 612, a resolution recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004.

Had I been present I would have voted "yea" on rollcall votes numbered 210 and 211.

FALLEN HEROES

SPEECH OF

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. RYAN of Wisconsin. Mr. Speaker, this Memorial Day we honored the sacrifices that every generation of U.S. soldiers, sailors, airmen and Marines has made to protect our country and ensure that the hope and light of liberty never dies. This includes the current generation of America's military men and women who are defending us right now, as we gather in peace and freedom.

Our troops today are following in the proud tradition of those who have gone before them to defeat tyrants and oppressors and keep America secure and free. In doing so, they have taken on great risk, putting their lives on the line to accomplish their mission. In Wisconsin and throughout our nation we have lost some of our bravest young men and women in the ongoing operations to combat terrorism and help freedom take root in Iraq and Afghanistan.

Among them, a soldier from the district I represent, Private First Class Sean Schneider, was killed in Iraq in March when a bomb hit his convoy.

Sean grew up in Janesville, Wisconsin, and graduated from Craig High School—the same school I graduated from. Sean liked to hunt, canoe, and tinker with cars and motorcycles. His high school teachers talk about what a caring individual he was and how he was the kind of student you respected. At the same time, he was an independent young man who knew what he wanted to do with his life.

Sean joined the Army in 2002 with a strong desire to serve and protect his country. In doing so, he made that incredible commitment that our military men and women and our veterans throughout history have made: he was willing to make the ultimate sacrifice and put his life in danger to preserve our rights and freedoms.

It is because of Sean and people like him that our country remains free today. America owes Sean and all who have given their lives serving in our Armed Forces a tremendous debt that can never be repaid. We must commit to remembering forever their lives and valiant sacrifices. And we must be grateful for our veterans who have stood up, like Sean did, for our country and the cause of freedom.

Our thoughts and prayers are with our fallen servicemen and women and their families. May God bless them and all Americans serving with honor today.

FALLEN HEROES

SPEECH OF

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. PENCE. Mr. Speaker, Memorial Day is a day set aside to remember all of the brave men and women that have died serving the United States in the name of freedom. I rise on this day to express my fervent prayers and sympathy to the families and friends of all the American heroes who unselfishly fought for a cause greater than them. I want to specifically highlight those who served in Iraq, recently bringing hope and freedom to a people who have never known it before.

Indiana's Sixth Congressional District lost three brave men during the War in Iraq in 2003, and I want to recognize and honor them. Lance Corporal Matthew R. Smith, of Anderson, died in a Humvee accident on May 10 while serving in Kuwait. Staff Sgt. Frederick L. Miller Jr., of Hagerstown, was killed on a security patrol when terrorists struck his vehicle with an improvised explosive device on September 20 in Ar Ramadi, Iraq. Chief Warrant Officer Brian D. Hazelgrove died January 23 in an OH–58 helicopter that crashed on its way back from a combat mission near Mosul, Iraq.

Mr. Speaker, these men deserve to be remembered for their great service and sacrifice for the United States, and for the welfare of humanity. My thoughts and prayers are with them and their families each day.

Mr. Speaker, their job was to serve their country. Our job this Memorial Day is to remember them. I hope that their service and sacrifice may be an encouragement to many, as they have been for me.

PAYING TRIBUTE TO RICHARD WYATT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Richard "Rick" Wyatt and thank him for his outstanding commitment to serving the people of Colorado as a Jackson County Commissioner. As he celebrates his retirement, let it be known that he leaves behind a wonderful and strong legacy of dedication to the citizens of Jackson County and the State of Colorado.

Born in Wyoming, Rick has spent most of his life as a resident of Jackson County. He graduated from North Park High School and attended college for two years before answering his nation's call to duty by joining the Marines and serving in Vietnam. When Richard's tour was over, he returned to Jackson County, working in construction until he started a business with his brother that he still operates today. In 1986, Rick was elected the Mayor of Walden, Colorado, and served in that position until 1990. As a commissioner, Rick has worked hard for responsible and sustainable use of the natural resources in the county.

Mr. Speaker, it is clear that County Commissioner Rick Wyatt has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Jackson County. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Rick, and I wish you and your wife Sarah all the best in your future endeavors.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Staff Sergeant Randy Scott Rosenberg of Berlin, New Hampshire. He bravely served the Army's Company B, 1st Squadron, 9th Cavalry, supporting Operation Iraqi Freedom, and was considered a Task Force "All-American" soldier. Staff Sgt. Rosenberg made the ultimate sacrifice to protect his country and aid the Iraqi people when a vehicle-based improvised explosive device detonated near a U.S. checkpoint in Khalidiyah, Iraq, on January 24, 2004.

I ask my colleagues to join me in honoring Staff Sergeant Randy Scott Rosenberg and our other servicemen and women who have courageously given their own lives in order to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

FALLEN HEROES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the heroic life of United States Army Staff Sergeant Joseph Garyantes who died May 19, 2004, while securing freedom for the people of Iraq. Staff Sergeant Garyantes was patrolling Muqdadiyah, Iraq, just outside of Baghdad when his vehicle was attacked by sniper fire, ending the life of this dedicated soldier.

Staff Sergeant Garyantes was born in Wilmington, Delaware, and for most of his childhood called the Rehoboth Beach area home. He attended Epworth Christian School in Laurel, and at an early age contemplated a life in the Christian ministry. Eventually his selflessness and unwavering desire to help others drew him to military service. From what I have learned about this remarkable young man, it is apparent that Staff Sergeant Garyantes truly enjoyed helping others overcome the difficulties in their lives. For example, he wrote a letter to the editor while stationed in Germany, in response to a young soldier's complaint about the difficulties of Army life. His response was not negative or demeaning, he offered solutions and words of encouragement to this fellow soldier.

Staff Sergeant Garyantes, because of his inherent desire to lead and guide others to greatness, certainly would have found a way to inspire others in any career he chose, but he chose to join the U.S. Army. He chose to subject himself to the daily rigors of military service because he valued the well-being of others—ultimately at the cost of his own life. And although he will be missed tremendously by his wife and children, his family and friends, and his fellow soldiers, it is my hope that they can take comfort in his devotion to serving those in need, which will be his legacy.

Mr. Speaker, it is not often that I have the opportunity to honor the life of a true hero and American patriot such as Staff Sergeant Joseph Garyantes. His devotion to his fellow man is truly amazing, and he deserves our utmost respect and admiration.

RECOGNIZING KRIS ANNE VOGELPOHL FOR RECEIVING THE GOLD LANTERN AWARD FROM THE GALVESTON ISLAND RAILROAD MUSEUM AND TERMINAL

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. LAMPSON. Mr. Speaker, the Galveston Island Railroad Museum and Terminal is one of Texas's most outstanding historic places, recognizing the importance of the railroads in building our great state. Galveston's success as a major American port was built on railroads, and the Museum celebrates that heritage.

In May the Museum gave its distinguished Gold Lantern Award to Mrs. Kris Anne Vogelpohl of Galveston. Mrs. Vogelpohl personifies the mission of the Museum—to build a better community, illuminate the lives of Galvestonians, and teach thousands of visitors about its heritage.

Mrs. Vogelpohl is legendary in the gift of her time and energy to many local and national humanitarian organizations, including the Salvation Army and Prevent Blindness Texas.

Galveston has grown in greatness in recent years, and we have Mrs. Kris Anne Vogelpohl to thank for her tireless efforts toward making it a very special place.

FREEDOM FOR PEDRO PABLO ALVAREZ RAMOS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Pedro Pablo Alvarez Ramos, a prisoner of conscience in totalitarian Cuba.

Mr. Alvarez Ramos is a true leader for freedom, human rights, and worker rights for the Cuban people. He is President of the United Cuban Workers Council (CUTC), an organization dedicated to improving the condition and treatment of workers in totalitarian Cuba. As the President of CUTC, Mr. Alvarez Ramos has been a constant advocate for every Cuban worker currently toiling under the nightmare of repression called the Castro regime. Mr. Alvarez Ramos has bravely denounced the cruel policies of the tyrant and demanded that every Cuban laborer be allowed their inalienable human rights and worker rights.

Because Mr. Alvarez Ramos committed himself to achieving workers rights for every Cuban, he has been a constant target for the dictator's thugs. According to Amnesty International, Mr. Alvarez Ramos has been the subject of harassment and detention for his trade union activities since at least 1996. In October 2000, in connection with his work in preparing the first CUTC congress, Mr. Alvarez Ramos was thrown in the totalitarian gulag. Eventually, in November 2001, he was charged with resisting arrest and Mr. Alvarez Ramos was finally released from the horrors of the gulag in late January 2001.

On March 19, 2003, as part of the tyrant's brutal crackdown on peaceful pro-democracy; activists, Mr. Alvarez Ramos's home was searched and his private library confiscated. He was subsequently sentenced by a sham court to 25 years in the totalitarian gulag because. of his efforts for worker rights in Cuba.

Mr. Alvarez Ramos is languishing in the inhuman conditions of the totalitarian gulag, because he believes every Cuban worker should have rights, not repression. It is unconscionable that, at the dawn of the 21st century and just 90 miles form our shore, Mr. Alvarez Ramos is imprisoned in a gulag because he is attempting to achieve workers rights for the citizens of Cuba.

Mr. Speaker, this Congress convenes in a building that represents freedom to those languishing in the darkness of repression. It is incumbent on those of us who have the privilege of serving in this monument to liberty to demand freedom for all pro-democracy activists locked in infernal gulags. My Colleagues, we must demand the immediate release of Pedro Pablo Alvarez Ramos, and every prisoner of conscience in totalitarian Cuba.

WORLD WAR II MEMORIAL STORY IS CLASSIC AMERICAN DEMOCRACY

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. RYAN of Ohio. Mr. Speaker, on Saturday, May 29, the National World War II Memorial was dedicated on the National Mall here in Washington. This memorial honors the courage and sacrifice of the millions of men and women who served our Nation during one of the most critical times in history.

How this monument came about is a classic story of American democracy. The spark came from Roger Durbin of Berkey, Ohio, who made the request to his U.S. Representative, MARCY KATPUR. With the help of America's veterans, Congresswoman KAPTUR led the effort to pass legislation that authorized the memorial. I commend my distinguished colleague and good friend for her deep commitment to all our Nation's veterans and her extraordinary work on behalf of those who served in WWII.

The story of this legislation was told in an article which appeared in a special section of The Washington Post Sunday Magazine on May 23. For the benefit of my colleagues, I present the full text of the article.

[From the Washington Post, May 23, 2004]

A DREAM REALIZED

(By Suzan Richmond)

"This is really an American story," Rep. Marcy Kaptur (D., Ohio) began. "It all started at a township trustees fish fry, in February 1987. I was standing in the middle of a very large room, holding my plate. And all of a sudden, this big booming voice shouted across the large room: 'Congresswoman Kaptur, why is there no World War II memorial in Washington, D.C.?'

"I turned. I see this man, standing erect, shoulders squared.

The man was Roger Durbin, then age 67, a retired letter carrier from Berkey, Ohio, population 272, who once was a tank mechanic in the Battle of the Bulge. "He had everyone's attention," Kaptur recalled.

She replied: "There is one."

"Oh, yeah?," he said. "What is it?"

"Iwo Jima."

"Wrong." he shot back. "That memorial is to one service in one campaign.

"I'm telling you, there's no place. I wanted to bring my grandchildren to a memorial when I was in Washington to show them what had affected my life. It's not there."

Once back in Washington, Kaptur did some research.

"I was stunned to find we had no central place in the capital to pay tribute to this generation. Durbin was right. I thought, this kind of omission couldn't be possible.

"I had been a member of Congress for a few years by then, but I really understood what being a representative was about after I met Roger," Kaptur continued.

"After that, we entered a marathon effort to pass the legislation essential to placing a memorial to World War II in Washington. I thought it would be easy. Boy, was I wrong."

Indeed, from fish fry to legislation to site selection to design competition to winning design to construction to a World War II Memorial ready for dedication took 17 years.

Roger Durbin died in February 2000 without ever seeing the memorial he inspired. "In a sense," said his granddaughter, Melissa Growden, an art historian who has served on the WWII Memorial Advisory Board since 1994, "the torch has been passed to me." Just after the war, she said her grandfather "had the mindset of a lot of that generation. They went over there. They had a job to do. Then they went home and picked up life where they'd left it."

It was only years later, Growden said, that Durbin began to talk in detail about his time with the 10th Armored Division, the force led by the legendary Gen. George Patton that stormed across northern Europe and into Germany.

"He did a lot of public speaking then," Growden said. "And when he spoke he always cried." Over the years, she saw evidence of his wartime service. "I remember once seeing his scrapbooks and its photos of a concentration camp—people stacked eight deep."

"My brother and I were raised with this incredible sense of patriotism and gratitude. Our grandfather said to us, 'We fought so that you can enjoy the freedom and liberties that we have today. I never want you and your generation and the generations that follow to ever fight a war like the one we fought in.'

"He usually closed his talks by saying, 'The World War II generation is an endangered species. Soon we'll be extinct.' With this memorial they won't be."

PAYING TRIBUTE TO JOHN KLOMP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to John Klomp and thank him for his dedication to Colorado as a two-term Pueblo County Commissioner. His dedication and tireless efforts have done much to ensure a promising future for his constituents. As John celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Pueblo County and the State of Colorado.

Before being elected county commissioner, John worked for thirty-four years in education, retiring in 1994 as Associate Superintendent of Pueblo School District 70. During his tenure as commissioner, John has worked hard on a vast array of issues, including welfare reform, county growth, educational and recreational programs for the county's youth, and law enforcement programs. A dedicated member of the community, John is also involved in several local organizations. He currently serves as the Chair for the Citizens' Advisory Commission for the Pueblo Chemical Dept for the Pueblo Area Council of Governments and for the Front-Range County Commissioners. He is also a board member of the Pueblo Chamber of Commerce, Pueblo Latino Chamber of Commerce, and Junior Achievement. In addition to his community involvement and work as commissioner, John is the Outdoor Editor for the Pueblo Chieftain Newspaper for which he writes a bi-monthly article.

Mr. Speaker, it is clear that County Commissioner John Klomp has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Pueblo County. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, John, and I wish you and your wife Pat all the best in your future endeavors.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Private 1st Class Andrew D. Stevens of Stratham, New Hampshire. He bravely served the Army's 10th Mountain Division supporting Operation Iraqi Freedom and earned his Expert Infantry Badge. Pfc. Stevens made the ultimate sacrifice in service to his country when the Blackhawk helicopter he was riding in tragically crashed during a training accident at the Fort Drum, New York on March 11, 2003.

I ask my colleagues to join me in honoring Private 1st Class Andrew D. Stevens and our other servicemen and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

FALLEN HEROES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to Marine Sgt. Brian McGinnis of the Marine Light Attack Helicopter Squadron 169, who made the ultimate sacrifice for his country on March 30, 2004 in southern Iraq. In the words of his fellow Marines, Sgt. McGinnis was a trusted mentor, a brother, and a hero.

Sgt. McGinnis, a graduate of William Penn High School and native of St. Georges, Delaware joined the Marine Corps because as he stated, he, "wanted to be a part of the best." As a member of the United States Armed Services, Sgt. McGinnis had fulfilled his goal of becoming a part of the best fighting force in the world. Sgt. McGinnis had the opportunity to take part in activities he loved in the Marine Corps and had received his crew wings the day before he met with tragedy in southern Iraq. The most important aspect of Sgt. McGinnis' service in Iraq was the sense of pride he felt knowing that he was serving his country.

Mr. Speaker, it is not possible to quantify the sense of loss our great nation feels when faced with the loss of life of our men and women in the United States Armed Services. Nonetheless, I will say that Sgt. Brian McGinnis will be deeply missed by his family, his friends, the Marine Corps, and by his nation. His service for our nation and the service of countless men and women before and after him will never be forgotten.

RECOGNIZING OSF SAINT FRANCIS ON 20TH ANNIVERSARY OF LIFE FLIGHT

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. LAHOOD. Mr. Speaker, I rise today to commend OSF Saint Francis Medical Center, based in Peoria, Illinois, for the 20th Anniversary of their Life Flight program. The OSF Life Flight program is the largest of its kind in Illinois. Due to the central location of Peoria, the Life Flight helicopter travels great distances to ensure my constituents, and others in surrounding areas, access to lifesaving medical technology at their innovative medical center.

In 1984, OSF Saint Francis initiated the Life Flight air transport service to serve 18 Central Illinois counties and 26 area hospitals. Since its inception, 20,000 critically-ill patients have been successfully transported by Life Flight, making it the busiest such service in Illinois. The flawless safety record and level of medical care maintained by Life Flight is a testament to the professionalism of the pilots, mechanics, nurses, communication specialists, and physicians involved in every voyage. With the addition of a second helicopter in 2002, OSF St. Francis now has the unique honor of being the only hospital-based, two helicopter program in Illinois.

It is with great pride that I recognize OSF Saint Francis on the 20th Anniversary of their Life Flight program and thank them for the past two decades of outstanding service to Central Illinois.

PERSONAL EXPLANATION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MICHAUD. Mr. Speaker, on the legislative day of Tuesday, June 1, 2004, the House had votes on H. Con. Res. 295, H. Res. 612, and H. Con. Res. 417. On these House rollcall votes—#210, #211 and #212—I was unavoidably detained at the airport while in transit. Had I been present, I would have voted "yea" on each.

INTRODUCING THE LONG-TERM CARE (LTC) ACT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. TERRY. Mr. Speaker, I rise today to call the House's attention to the Long-term Care (LTC) Act. This act, which was introduced today by myself and nine bi-partisan cosponsors, would allow individuals to use their IRAs, 401(k), and 403(b) plans to purchase long-term care insurance with pretax dollars at any age and without early withdrawal penalty. Under the LTC Act, the consumer has the option to purchase LTC insurance at the most appropriate amounts for their needs for themselves and their spouses.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt, or relying on government assistance.

Nineteen percent of seniors over 65 years old and 55 percent of those 85 years and older require long-term care—the personal assistance that enables impaired people to perform daily routines such as eating, bathing, and dressing. This care is expensive:

For nursing home care, the nationwide average cost of care is $181.24 a day; for assisted living, the nationwide average cost of care is $78.21 a day; and for home care, the nationwide average cost of care is $18.12 a day.

Further, Medicare covers only 14 percent of long-term care expenditures while traditional health insurance programs typically do not cover daily living assistance costs for long periods of time. Poverty is required to qualify for Medicaid. This Catch 22 causes many Americans who become chronically ill to spend their entire life savings at a time when they need it most.

Last year, Congress passed and President Bush signed into law legislation creating Health Savings Accounts (HSAs) which allows the public to set up reserves to use for medical purposes, like the purchase of LTC insurance. This was a great step toward consumer-directed health care; however, as Baby Boomers retire, the number of individuals age 65 and older will double and most will not have the advantage of building an HSA to provide for the purchase of LTC.

The LTC Act is a low-cost, common sense approach to providing long-term care to more Americans. It is not a solution for all retirees. But it is one more tool to provide all Americans with adequate health insurance coverage, the freedom to use their own resources how they determine, and to reduce costs to the government under Medicaid.

Thank you, Mr. Speaker. I yield back the balance of my time.

HONORING KAREN SCHOENFELD AND LA CROSSE ROADS SCHOOL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. KIND. Mr. Speaker, rise today to recognize Karen Schoenfeld and all of the faculty and students at La Crosse Roads School, which is a high school in my district in western Wisconsin. The students and faculty at the school are performing a great service to our country and deserve our praise and recognition.

Four years ago, after listening to my father and uncle talk about their experiences serving our country overseas, I realized that our Nation needed to record the valuable stories of our veterans and those Americans who supported them. And it was this simple experience that led me to author the Veterans Oral History Project Act. After passing the House and Senate unanimously and being signed into law by President Clinton, the project was turned over to the able staff at the Library of Congress's Folklife Center. This small but dedicated staff relies heavily on volunteers to collect the stories of veterans, and La Crosse Roads School has risen admirably to this challenge.

Partnering with the local Rotary Club, of which Karen is a member, the students and faculty at La Crosse Roads have taken on the task of contacting and interviewing veterans and submitting their interviews for inclusion in the Veterans History Project. The interaction between these high school students and our Nation's veterans has been an amazing one to watch. The teenagers tell me that they have never before been interested in history; by hearing our veterans' stories first-hand, they are not only interested, but they also feel that they are a part of preserving an important part of American history. They are making a significant contribution to our country and get enormous satisfaction from doing so. The veterans, some of whom have never talked about their experiences before, feel gratified that their stories are important to others. The excellent work done by Karen and the students has been aided by the National Court Reporters, led by my wife Tawni, who are transcribing the interviews. In all, the work that Karen and the students have done has been incredibly successful. They are an excellent example of the kind of partnerships that make the Veterans History Program a national success.

Karen is truly a remarkable person who brings her enthusiasm and energy to the classroom working with these "at-risk" students. There is no half-effort or lower gear for Karen, and that is reflected in the success her students achieve. She not only has had her students involved with the Veterans History Project for the past three years; she has also worked with the local CESA office to develop a website and lesson plan for other teachers and students to use for the project. And every year Karen teams with a WWII veteran, Bill Bruring, to have an awards ceremony in La Crosse to recognize the students and particularly the veterans. It is a very moving and patriotic ceremony that I have had the pleasure of attending.

Many of us were lucky enough to be on the Mall this past weekend and visit with some of the veterans who were here for the dedication of the National World War II Memorial. It was truly inspiring to talk to these great men and women, who had sacrificed so much and have a great deal to teach us. I believe that Karen and her students have learned many important lessons from our veterans, and I would like to end by reading a poem Karen wrote that beautifully expresses the experience she and her students have had with the veterans:

I NEVER SAW YOUR FACE BEFORE

I never saw your face before.
I never knew your name.
But now our paths have crossed
And I will never be the same.

I never saw the flag before.
Not really, not its soul.
I only saw the stars, the stripes,
a fabric on a pole.

Now as I gaze upon the flag
I can see young faces.
All called away from our proud land
to other distant places.

They did what they were called to do.
They put their dreams on hold.
They knew that others needed them.
They did what they were told.

And you, my friend, have taught me this—
the sacrifices made.
You helped me know what I have earned
From the price that others paid.

I've been in class, I've read the books.
I've seen the movies too.
But now I know our freedom's price—
All this I've learned from you.

Karen Schoenfeld

HONORING LOWELL BRYANT STANBERRY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a distinguished constituent of mine, Mr. Lowell Bryant Stanberry of Dade City in Pasco County, Florida.

Mr. Stanberry is a loving husband of fifty-one years, father of one, and grandfather of three. After serving his country in the U.S. Army in the Korean conflict, Lowell moved to Dade City in my district in 1964.

A former board member of First National Bank of Pasco, Lowell is a 32nd degree Mason and a member of the Shrine. He is an active supporter of the Highway Patrol and Sheriff's auxiliaries.

Affectionately known as the "grandfather of Pasco County's Republican Party," Lowell and his beloved wife, Evelyn, are known far and wide for their passion and dedication. In addition, he is a charter member of the East Pasco Republican Club and was the first recipient of their Lincoln Heritage Award in 2004.

I am grateful to have a civic leader as dedicated to his convictions and community as Lowell Stanberry. His lifelong commitment to his ideology and neighbors has improved the lives of countless Floridians. I am proud to call him my constituent and honor him on the floor of this House.

PAYING TRIBUTE TO DON DAVIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Don Davis and thank him for his exceptional contributions to his community and the State of Colorado as a Rio Blanco County Commissioner. He will always be remembered as a dedicated public servant and leader of his community. As Don celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Rio Blanco and the State of Colorado.

For the last twenty-two years Don has dedicated his efforts to public service. He served on the School Board for seven years, and was President of Colorado Counties Incorporated in 1993. He has been very active in public land issues, serving on various commissions and committees, and was a part of the team that assisted in lobbying for the increase in PILT. He also was able to lead NACO into supporting the energy bill. Above all, Don is dedicated to his lovely wife Paula.

Mr. Speaker, it is clear that County Commissioner Don Davis has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Rio Blanco County. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Don, and I wish you and Paula all the best in your future endeavors.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Sergeant Jeremiah "Jay" Holmes of Dover, New Hampshire. He bravely served the Army National Guard's 744th Transportation Company of Hillsborough, N.H., supporting Operation Iraqi Freedom. Sgt. Holmes made the ultimate sacrifice to protect his country and aid the Iraqi people when his vehicle hit a roadside bomb on a bridge near Balad, Iraq, on March 29, 2004.

I ask my colleagues to join me in honoring Sergeant Jeremiah "Jay" Holmes and our other servicemen and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

RECOGNIZING ALEX STEPHEN ECKARD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alex Stephen Eckard, son of Stephen and Linda Eckard of Saint Joseph, Missouri. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many Scout activities. Over the eight years Alex has been involved with scouting, he has earned 51 merit badges and 21 special scouting honors. Alex has participated in such major scouting activities as a Venture Trip to Quetico, Canada, New York, the Bimini Islands, Durango, Colorado, and a Junior Leadership Camp where he served on staff.

Alex helped preserve natural, botanical, and historic Saint Joseph, Missouri for his Eagle Scout project. In conjunction with Mount Mora Cemetery, Alex located, mapped, photographed, and identified all bushes and shrubs in the cemetery. Mount Mora has been working to produce a brochure detailing all trees, shrubs, and bushes in the cemetery.

Mr. Speaker, I proudly ask you to join me in commending Alex Stephen Eckard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FALLEN HEROES

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. RANGEL. Mr. Speaker, the minute of silence observed by Members of the House of Representatives on Thursday, May 20 was an appropriate way of showing our deep respect for the servicemen and women who have made the ultimate sacrifice while fighting for our country in Iraq.

The Democratic and Republican leaderships have invited all members to submit written statements, honoring our fallen soldiers, for publication in the CONGRESSIONAL RECORD. A special section of the CONGRESSIONAL RECORD, dedicated to Memorial Day statements, will be kept open for submissions until Thursday, June 3.

I encourage you to submit such a statement. The fallen soldiers and their families deserve our highest recognition.

WINSTON CHURCHILL REMARKS FOR THE RECORD

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. DELAY. Mr. Speaker, I was honored to serve as Honorary Co-Chair of the Churchill Centre and Churchill Archives Centre Gala Dinner on June 1, 2004, along with Senators WARNER and LIEBERMAN and Sir David Manning, KCMG, British Ambassador to the United States.

Over the past few months and until July 10, 2004, the Churchill Centre and the Churchill Archives Centre have been instrumental in bringing the exhibit "Churchill and the Great Republic" to the Library of Congress.

This is the first major exhibit in the United States dedicated to the memory of a man who saved a nation, a leader who stood in defiance of evil, and a warrior-poet who gave voice to mankind's will to freedom.

Winston Churchill understood that the battle his nation faced in World War II was not a test of weapons as much as it was a test of will.

He understood—as a matter of fundamental reality—that evil, no matter how terrifying, only exists to the extent that people of good-will allowit to exist.

That was the lesson of World War II: that sooner or later, evil will become aggressive.

While the outsize proportions of what was being prepared inside the Third Reich throughout the 1930s could hardly be imagined, the fact remains that throughout Hitler's military build-up, the continent of Europe and the rest of the world whistled past the graveyard.

And while perceptive voices—most notably that of Sir Winston himself—implored the West to act before it was too late, the West chose not to act, at a cost of 60 million lives.

Today, the civilized world faces a similar choice. An aggressive evil that spent a decade steeling itself for war finally pounced.

As we did 60 years ago, the United States and Great Britain have led a coalition in opposition to it.

That aggressive evil, while down, is not out.

What is not open to debate, it seems to me, is the need for the trans-Atlantic alliance to maintain its moral and political clarity about the war on terror.

Our enemy, like it was 60 years ago, is not so much a collection of men as a collection of ideas, or rather, a collection of lies, principal among them the lie that with enough violence and intimidation, human cruelty can subdue human freedom.

Politics aside, the responsibility today of the two nations honored by Churchill's citizenship is to remain vigilant—and vigilantly honest—about the earth's gathering storms.

Mistakes will be made, and lives will be lost, but in the end, civilization must be defended, and the sword and shield of that eternal defense must remain the cooperation and friendship of the British and American people.

That is the legacy of Churchill, a legacy which—despite our individual loyalties and prejudices—we can all agree on and honor.

TRIBUTE TO FAYETTEVILLE-MANLIUS HIGH SCHOOL'S SCIENCE OLYMPIAD TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to Fayetteville-Manlius High School's Science Olympiad Team which won first place in the national Science Olympiad Tournament.

The team won the regional and the New York State competitions to qualify for the national level where they competed against 53 other teams from the United States. At the tournament, there were 23 events related to science with medals given to the top five winners in each event. The Fayetteville-Manlius team brought home four Gold medals, five Silvers, one Bronze, one 4th place and two 5th places from the national competition, a truly exceptional accomplishment.

The Fayetteville-Manlius team is comprised of fifteen members and coached by Jamie Cucinotta. Team captain Jeff Izant led Brian Bayes, Christine Chin, Mary Collins, Grayson Fahrner, Leyla Isik, David Marsh, Jordan Mandel, Samiksha Nayak, Shriddha Nayak, Sarah Rahaman, Zaki Rahaman, Brian Stoeckel, Biance Verma, and Nora Ward in representing Fayetteville-Manlius so successfully at the tournament.

I would like to express my congratulations to the team for such an outstanding achievement and wish them luck in all their future endeavors.

* * *

EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO ITS PARLIAMENTARIAN, THE HONORABLE CHARLES W. JOHNSON

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. HYDE. Mr. Speaker, I rise today to oppose the acceptance of the ill-advised attempt by the finest Parliamentarian I have ever known to tender his resignation. While I do not disagree with any of the language contained in H. Res. 651 expressing the House's gratitude to Charlie Johnson, I will vote to table the consideration of the resolution since I strongly oppose the House accepting Charlie's resignation.

Charlie Johnson has served two separate roles during his distinguished 40-year career in the Office of the Parliamentarian. First, he has steadfastly guided the proceedings of the House on a day-to-day basis by assisting the presiding officer in a fair and evenhanded manner. His objectivity, dedication to fairness, and respect for precedent have made him an invaluable asset to the people's House.

Just as importantly for the long-term continuation of the fair and consistent workings of the House, Charlie has been an educator. He has assembled what I consider to be the very best office on Capitol Hill, and clearly the most professional. Charlie and his staff work in a collegial and dedicated manner, frequently in the eye of the hurricane, and sometimes even in front of it. The Office of the Parliamentarian has historically been nonpartisan.

One of the very best things Newt Gingrich did when he was elected Speaker in 1995 was to ensure that the Rules and Precedents of the House would continue to guide the proceedings of the House. He recognized that Charlie and his staff are the institutional memory of the House. Speaker Gingrich knew it was important to have nonpartisan professionals guiding the proceedings of the House.

While Members come and go, the Office of the Parliamentarian, led by Charlie for the last decade, has continued its proud history. Charlie has continued the legacy of his mentor and friend, the late Bill Brown.

My own experience with Charlie has been gratifying and truly educational. When I was in the minority, I learned to understand and appreciate the nonpartisan nature of the Office of Parliamentarian, and of each and every member of that staff. While I'm sure Charlie has his own strong personal opinions on the great issues of the day which we debate, I do not know what those opinions are, nor, I venture, does any other Member. Those personal feelings have never been a part of the way in which Charlie carries out his professional duties.

When I became the Chairman of the Judiciary Committee in 1995, and as part of the new majority, the Committee took on the responsibility for consideration of many of the items outlined in the Contract with America. At that time, I became even more aware of the importance of the Parliamentarian and the necessity of that office being nonpartisan. A great majority of the matters in the Contract, including amendments to our founding document, the Constitution, were considered and processed by the Judiciary Committee. Having the advice and counsel of Charlie was crucial to that endeavor. It was a difficult and heated period of leadership transition, and, through it all, Charlie maintained his impartiality, professionalism, and desire to preserve the integrity of the proceedings of the House.

Little did I know at that time that I was to find myself in a position several years later when I would need Charlie's help in an even more difficult and heated endeavor—the consideration of the impeachment of the President of the United States. Throughout those long and agonizing proceedings, Charlie was always in the background with answers to questions, and a nonpartisan professional attitude. He was a crucial part of the proceedings in the Committee and on the House floor.

During the entirety of my working relationship with Charlie, he has taken his job seriously, but not himself. He is a man with a wonderful sense of humor. That quality helped both him and the Members get through some difficult times. I know Charlie is a great fan of the one-liner. One of his favorite comedians was the late Henny Youngman of "Take my wife—Please" fame. I have it on good authority that when Henny Youngman visited the House, Charlie was given a gift of two of his joke books which Henny autographed, and which Charlie keeps right next to his House Manual. It has been said that, occasionally, Charlie has grabbed the wrong volume and based some of his rulings on the Henny Youngman book, but I doubt that.

We frequently throw around clichés in this body, but, in this case, I say without a doubt that Charlie Johnson has served his country well. He has also served well the Members of this House, the House as an institution, and the American people with distinction and dignity, and I honor him here today.

I wish Charlie and his family a long and happy retirement.

* * *

PAYING TRIBUTE TO MARIANNA RAFTOPOULOS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Marianna Raftopoulos and thank her for her dedication to Colorado as a Moffat County Commissioner. Her dedication and tireless efforts have done much to ensure a promising future for her constituents. As Marianna moves on in her career, let it be known that she leaves behind a terrific legacy of commitment to the people of Moffat County and the State of Colorado.

Marianna attended Grand Junction High School and graduated from University of Colorado at Boulder. Before being elected county commissioner in 1996, she was the public relations director for Memorial Hospital in Craig, Colorado. Marianna's commitment to her community includes serving as chair of Colorado Works Allocation Committee, Yampa Valley Economic Development Commission, Yampa Valley Partners, a member of NACO Telecommunication & Technology Committee, and extensive involvement with United Way. She is also a past president of Colorado Counties Incorporated, serving on the General Government, Tax & Finance, Transportation & Telecommunication, and Health & Human Services Committee.

Mr. Speaker, I am honored to pay tribute to Commissioner Marianna Raftopoulos before this body of Congress and this nation, and to congratulate her on an outstanding career of public service. Her selfless dedication to her community and the people of Colorado as a Moffat County Commissioner is truly remarkable. I wish her and her husband John all the best in their future endeavors.

* * *

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor LCpl Peter J. "P.J." Sora, Jr. of Londonderry, New Hampshire. He bravely served the 3rd Battalion, 5th Marine Regiment, 1st Marine Division as an assistant machine gunner and was awarded the National Defense Service Medal.

Lance Corporal Sora made the ultimate sacrifice in service to his country when the military vehicle he was riding in tragically rolled over during a training accident at the Marine Corps Air Ground Combat Center, in Twentynine Palms, California on May 4, 2004.

I ask my colleagues to join me in honoring LCpl Peter J. "P.J." Sora, Jr. and our other service men and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

HONORING THE TUSKEGEE AIRMEN AND THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. RUPPERSBERGER. Mr. Speaker, today I rise in support of H. Con. Res. 417 honoring the Tuskegee Airmen and their amazing contributions during World War II and the impact they had in creating an integrated United States Air Force.

As the first African-American combat unit in the Army Air Corps, the Tuskegee Airmen helped shatter stereotypes by fighting for freedom both abroad and here at home. Through their heroism in the skies above North Africa and Europe, the Airmen demonstrated that African-Americans could be effective members of the military. Completing over 500 missions during the war, the Tuskegee Airmen destroyed over 250 enemy aircraft without losing a single American bomber. Their individual and collective acts of courage helped pave the way for the desegregation of the Army in 1948.

I would also like to take this opportunity to recognize four members of the Tuskegee Airmen with ties to my hometown of Baltimore, Maryland. Alfred L. Woolridge, Gordon T. Boyd, Leroy A. Battle, and Alfred McKenzie were four individuals with separate lives and histories. Each brought unique skills to their service and each helped to form this historic group of Tuskegee Airmen. I would like to take this opportunity to speak briefly about each of these incredible men and share a bit about them with you.

Mr. Alfred L. Woolridge, a Baltimore resident, joined the Tuskegee Airmen after enlisting in the Army in 1942 and being assigned to the Tuskegee Army Air Field in Alabama. A scientist with a master's degree in chemistry and mathematics, Mr. Woolridge worked as an aircraft engineering officer ensuring that the planes were safe to fly every morning. After leaving the Army in 1946, Mr. Woolridge worked as an analytical chemist in Maryland until 1974. He remained an active member of his Baltimore community until his death in March of 1998.

After being inducted into the Army Air Corps during World War II, Mr. Gordon T. Boyd Jr. became a bombardier and a navigator. He joined the Tuskegee Airmen after being assigned to the Tuskegee Institute in Alabama. Mr. Boyd ascended to the rank of First Lieutenant and is credited with helping newer cadets adjust to military life. After being honorably discharged in 1946, Mr. Boyd worked as a management specialist for the U.S. Census Bureau until his retirement in 1979. Before his death on May 5, 1995, Mr. Boyd became a charter member of the East Coast Chapter D.C. Tuskegee Airmen Inc.

Mr. Leroy A. Battle was a jazz musician who played with Billie Holliday before he was drafted into the Army in 1943. He volunteered to join the Tuskegee Airmen and soon became a bombardier and a navigator. On April 5, 1945, Mr. Battle along with 100 other airmen, defied orders by attempting to desegregate the officer's club at Freeman Field in Seymour, Indiana. The Freeman Field Incident played an important role in African-American attempts to combat racism in the Armed Forces and eventually paved the way for President Truman's order to desegregate the Army in 1948. After being honorably discharged from the Army, Mr. Battle spent 29 years teaching before retiring in 1978. He continues to be an active member of his community by speaking out about his experiences as a Tuskegee Airman.

Mr. Alfred McKenzie joined the Tuskegee Airmen after being drafted into the Army in 1942. After completing advanced training, Mr. McKenzie became a B–25 pilot. He was sent to Freeman Field in Indiana where he later joined Mr. Battle and 100 other airmen in attempting to desegregate the officer's club. After World War II ended, Mr. McKenzie continued to fight for the cause of civil rights. After being passed over for a promotion numerous times at the Government Printing Office, McKenzie filed a class action lawsuit. The suit resulted in an order to end discrimination in promotions and a $2.4 million award in back pay to over 300 people. He continued to work for various civil rights causes until his death on March 30, 1998.

These four men exemplified the bravery of the legendary Tuskegee Airmen. They served their country both on the battlefield and off and were valued members of their Maryland communities. Mr. Speaker I am honored to speak today on behalf of H. Con. Res. 417 honoring all of the Tuskegee Airmen including these four gentlemen. At a time in our history when we mark the unbelievable accomplishments of the Greatest Generation, dedicate the new World War II Memorial, and commemorate the 60th Anniversary of D-Day—I think it is only fitting that we recognize these men and their fellow airmen of Tuskegee.

A TRIBUTE TO TAIWAN VICE PRESIDENT ANNETTE LU

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. LANTOS. Mr. Speaker, this weekend the eyes of the world will return to the beaches of Normandy as we commemorate the 60th Anniversary of D-Day, a seminal event in the liberation of Europe from tyranny that ensured peace and prosperity for generations. And as it turns out, D-Day was not the only event sixty years ago that would have a major impact on world history and the cause of freedom and justice. On June 7th, we will also celebrate the 60th birthday of Annette Lu, who has become one of most tireless fighters for democracy, women's rights and equality, and who has just been re-elected vice president of Taiwan.

Mr. Speaker, Vice President Lu's understanding of human rights is rooted in part in her graduate studies in the United States. She received her Masters degrees in Law from both the University of Illinois and Harvard University. After that, it would have been relatively easy for Annette Lu to stay in the United States to practice law, or to pursue a quiet legal career in Taiwan. Instead, she returned home in 1978 to run for Taiwan's National Assembly. In 1979, the authoritarian regime threw Annette Lu in jail because she had the temerity to make a speech commemorating International Human Rights Day. She spent five years and four months behind bars, but she took up the cause again immediately upon her release.

Out of prison, Annette Lu continued her fight for democracy and international recognition for Taiwan. As a local official, as the National Policy Advisor to former President Lee Teng-hui, and as a leading member of the Legislative Yuan—Taiwan's highest lawmaking body—Annette Lu fought successfully for a greater role for her homeland in international affairs, for women's rights in Taiwan and around the world, and for adherence to internationally-recognized human rights.

In May 2000, Annette Lu was elected Taiwan's first female Vice President, which is no small achievement. Vice President Lu has since traveled the world demonstrating Taiwan's efforts and achievements in human rights, democracy, and humanitarianism. She has built bridges to the people of Tibet and India, and for her efforts has received the Peace Corps Academy's World Peace Prize.

In short, Annette Lu has made a great contribution to Taiwan and to the international community, thanks to her steadfast beliefs and her unwillingness to remain silent in the face of injustice.

In that same spirit, Mr. Speaker, we here in Washington should take meaningful steps to end a continuing injustice: the manner in which our nation treats senior officials from Taiwan, including the President and Vice President. When former President Lee Teng-hui was invited to give a speech at his alma mater, Cornell University, in 1995, it was my great honor to win passage of a resolution demanding that the State Department grant him a visa. Despite fierce resistance from an administration reluctant to defy China, we won that battle, and the world kept spinning after President Lee's visit to Ithaca. Now that Taiwan's Presidential elections are past, it is high time that President Chen and Vice President Lu be welcomed in Washington, DC.

This coming Sunday in San Francisco, I will have the enormous privilege of presenting Annette Lu with an award for her untiring efforts in the cause of human rights, her devotion to equal rights for women, and the personal sacrifices she has made to help uplift those who are suffering injustice. I will bring her a copy of this statement as a sign of the respect that she commands in the U.S. Congress. But Mr. Speaker, the day is coming when the Vice President and President of Taiwan will be able to visit our nation's capital and we in this body should do all that we can to hasten that historic day.

RECOGNIZING BRANDYWINE HEIGHTS HIGH SCHOOL MARCHING BAND

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the Brandywine Heights High School Marching Band. The Marching Band was selected as one of the few bands to represent the Commonwealth of Pennsylvania at the official dedication of the World War II Memorial over Memorial Day weekend.

The Brandywine Heights High School Marching Band is unique in that is one of few bands in the country that is modeled after a Revolutionary war music regiment. The Marching Band is steeped in this tradition and is able to maintain its revolutionary style by wearing authentic reproductions of Continental army uniforms and by marching with precise military bearing. The only songs performed by the marching band are patriotic, again keeping with the tradition set forth by the Continental soldiers in the 18th century.

The Brandywine Heights High School Marching Ensemble consists of four parts: the Marching Band, the Fife and Drum Corps, the Band Front, and the Bugle Corps. The Marching Band consists of 70–80 musicians and to maintain its military bearing, the band strives for not only for uniformity in dress, but also in marching. The goal of the Marching Band is to be recognized as a single unit rather than as individuals. In order to achieve this, the band performs the "Drill of Attention," which is a check list to focus band members and assemble them with correct stance and posture.

The Fife and Drum Corps consist of ten to fifteen fifes and three drummers. They play a selection of fife tunes that were played over 200 years ago by their revolutionary counterparts. As one of the very few fife bands in the country, the corps has done much to enhance the image of the band as a whole.

The Band Front consists of an honor guard, flag corps, and majorette squad. The honor guard carries the national and state flag as well as many revolutionary artifacts. The flag corps performs routines with flags that represent each of the original thirteen colonies and the majorette squad performs precise routines with flags in synchronization with the band.

In 2003, the band introduced a new aspect to their ensemble, the Bugle Corps. The Buglers have many responsibilities, most importantly calling to the band to formation and playing taps.

The Brandywine Heights High School Marching Band has made quite an impact on their community and has been given the opportunity to perform in numerous local and national parades. In 2002, the band was awarded 1st place in the King Frost Parade and 2nd place in the Miss America Parade. The Fife and Drum Corps was given the prestigious honor to perform at the ceremony marking the movement of the Liberty Bell to a new location in Philadelphia and the Band Front won first place at the Ephrata Fair parade.

Mr. Speaker, I ask that my colleagues join me today in recognizing the Brandywine Heights High School Band for their unique style, hard-work and dedication, and great enthusiasm that have made the band one of the most successful and unique bands in Berks County, Pennsylvania.

RECOGNIZING CAPTAIN DON REDD

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize the achievement of Captain Don Redd, who was presented with the General Douglas MacArthur Army Leadership Award on May 26, 2004. The MacArthur Leadership Award is presented to 27 recipients each year to company grade officers and warrant officers who show exceptional leadership in command and embody the principles of duty, honor, and country that are central to the Army tradition. Captain Redd's selection recognizes his proven ability to motivate and inspire his fellow soldiers, and to provide leadership at critical moments.

Captain Redd currently serves as commander of Headquarters and Support Company, 3rd Battalion, 10th Special Forces Group (A) in Fort Carson, Colorado. He has served in combat tours in Kosovo and twice in Iraq. He also has a Master's Degree in National Security Affairs from Georgetown University.

I am honored to have this opportunity to recognize Captain Redd for his achievement and to thank him for his exceptional service in defense of our country.

PAYING TRIBUTE TO COURTNEY HUTTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, today I stand to pay tribute to Courtney Hutton for her poem voicing the resolve of the American people in support of our troops and our country. Courtney is a student at Riverside Middle School in New Castle, Colorado. I wish to share this poem with you:

DEAR SOLDIER

Do you sing the Star Spangled Banner before you head out to war? Are the Star Spangled Banner's words held close to your heart as you serve our country and it's beliefs? Your eyes have witnessed so much devastation because of your dedication to America. But yet citizens continue to take for granted our lives. Dear Soldier you have so much integrity so much honor. Thank you dear soldier.

Can you see as you gaze into the horizon at dawn a bright and hopeful flag waving diligently in the breeze? Frances Scott Key could, on a morning during the war of 1812 he jotted down a poem as he remembered the Star Spangled Banner that had waved there just the night before. It was transformed though, into the flag that Americans would honor and love for years to come. He asked himself through the next few verses, whose stars and stripes could last through so many rockets and bombs that flew from the forts below? Only the flag of America could stand true through so much hardship. The red glare of the bombs gave him proof that the American flag stood. It waved valiantly over the land of the free and the home of the brave.

I remember 9/11/01 the first time this song ever meant anything to me. Though I'm sure has always meant so much to you Dear Soldier. It, I'm sure, inspired your love for the service and your country; our country's national anthem, a symbol of America, the majestic Star Spangled Banner. It stands for our lives, Dear Soldier. Your memories are filled with guns, flags, blood, fights between great people and enemies, and acts of integrity. That is how your life is the Star Spangled Banner in action. Americans alike turned to the words of the Star Spangled Banner for hope and wisdom during 9/11, and because of its special place in the hearts of citizens around the country we will continue to act with the same love and honor as you Dear Soldier. Although the rise and fall of people and their beliefs will always be constant in the US, the meaningfulness of our dear anthem will never change.

I once read, "To follow the path of an American, is to honor the words of the Star Spangled Banner," and I believe that to be true because you have shown me how Dear Soldier. You honor the Star Spangled Banner with your devotion, patience and love to the USA and your job. In doing this you, Dear Soldier, you see destruction beyond the thinkable. You have followed the American path and have been strong. Yet I am concerned, during the days of 9/11 America was brought together, but now everything is back to normal, we fight and compete. Citizens forget or even ignore the words of the Star Spangled Banner and take our lives for granted. They forget the many treacherous battles both won and lost in Iraq, Korea, and Afghanistan. I have hope though that the few good acts of kindness and compassion will expand to millions over the years and the Star Spangled Banner will be kept in mind when making choices.

So my heart, my soul, my feelings, about the Star Spangled Banner, and its definitions, to me and to America have been poured out to you dear soldier, my gratitude for your service and devotion. Your life is the Star Spangled Banner in action. Strong feelings arise in my heart when those verses are sung. Thank you Dear Soldier for the service and love you so freely give America, the world, and me.

Mr. Speaker, I am honored to share Courtney's poem with you. Her support is indicative of the strength of our proud nation, and I want to thank her for voicing this support.

IN SUPPORT OF THE TEACHER TRAINING ENHANCEMENT ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my concern over the fact that we are taking the time to once again vote on legislation that is good, but not great. I would like to ask my colleagues why, if we are going to do the same job again, we are not taking the opportunity to do it better?

I support the Teacher Training Enhancement Act, H.R. 4409, and I voted for this legislation the first time it was offered on the House floor as H.R. 438, the Teacher Training and Recruitment Act. By extending loan forgiveness for up to $17,500 for qualified math and science teachers in secondary schools and special education and reading teachers in elementary schools who work for five years in low-income areas, H.R. 4409 will help those schools attract qualified teachers. But, this legislation could be significantly improved by expanding loan forgiveness to all teachers in high poverty schools, head start teachers and teachers in extremely rural school districts.

When we passed the No Child Left Behind Act, we made a promise to parents and children that there would be a qualified teacher in every classroom. In the 1999–2000 school year, over a fifth of secondary school students took at least one class from a teacher who neither majored nor minored in the subject they are teaching; over a third received instruction in at least one class from a teacher who was not certified in the subject taught and did not have a major in that subject. There is an extreme shortage of qualified teachers across all of the academic disciplines, especially in areas that are economically depressed. Unfortunately, this legislation only provides assistance to math, science and special education teachers. While there are shortages in these fields on a national basis and they need and deserve our support, our most disadvantaged school districts and communities need highly qualified teachers in all subjects and early education.

We should be taking advantage of our second chances. As long as we are going to take the time to re-vote on legislation, I urge my colleagues to take the time to ensure that we are passing the best legislation possible. Our constituents deserve nothing less.

TRIBUTE TO A DIPLOMAT

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CLAY. Mr. Speaker, it is my honor to pay tribute today to Taiwan's top representative in the United States, Ambassador C.J. (Chien-Jen) Chen who is planning to return to Taiwan. A great diplomat and close friend of our Nation, C.J. has served with distinction in Taiwan's Foreign Service for thirty seven years. He has spent most of that time working to improve and strengthen the close and friendly ties that exist between Taiwan and the United States.

After he arrived in Washington, DC in 1971, C.J. became the Third Secretary assigned to the Republic of China Embassy in the United States. He was present when formal diplomatic relations between our two countries were terminated in 1979. By then he had been promoted to First Secretary and from that position he was to play a pivotal role in the establishment of a new framework for relations between the people of Taiwan and the people of the United States.

During the 1980s and the 1990s, as C.J. earned a series of promotions to posts of greater and greater responsibility—both in Taipei and in Washington—he continued to serve as an effective catalyst for bringing Taiwan and the United States even closer together. As Taiwan's Deputy Foreign Minister and later Foreign Minister, he insured his nation's foreign policy reflected the tremendous economic progress and democratic development taking place in Taiwan. And, by emphasizing the common values and joint interests that the United States and Taiwan share, C.J. helped to foster mutual trust and cooperation between successive administrations—from Ronald Reagan to George W. Bush in the United States and from Chiang Ching-kuo to Chen Shui-bian in Taiwan.

Over the past four years, C.J. Chen has, in his capacity as Taiwan's chief representative in the United States, endeavored to further enhance the military, political, cultural and economic aspects of our bilateral relationship. Along with his personal friendships with a number of high-ranking administration officials, he has built quite a following in Congress. He strongly encouraged and supported the establishment of the House Taiwan Caucus and the Senate Taiwan Caucus and working closely with members of Congress he has earned our highest respect and affection.

Mr. Speaker. As C.J. concludes his very successful tour of duty in Washington and returns to Taipei, I bid him a fond farewell and wish him all the best in the future. He has been a true friend to so many American people; he is a man of principle and integrity and we will surely miss him on Capitol Hill.

BUILDING A CULTURE OF PEACE FOR THE CHILDREN OF THE WORLD

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, while we face unfinished work to create stability and peace both in Iraq, and throughout the Middle East, the challenges we face there and the lessons we have learned there make it all the more compelling that we set upon the task of planting firmly the seeds of peace.

In the words of Dr. Martin Luther King, Jr., "We must concentrate not merely on the negative expulsion of war but the positive affirmation of peace. We must see that peace represents a sweeter music, a cosmic melody that is far superior to the discords of war. Somehow, we must transform the dynamics of the world power struggle . . . to a positive contest to harness humanity's creative genius for the purpose of making peace and prosperity a reality for all the nations of the world."

It is with this in mind that I am proud to introduce the exhibit "Building a Culture of Peace for the Children of the World" which is being presented in cooperation with the Congressional Children's Caucus and will be on display in the foyer of the Rayburn House Office Building on Thursday–Friday, June 3–4, 2004.

This exhibit brings together the creative ideas and examples of hundreds of people, organizations and movements and focuses on the potential of the individual to build peace and security in today's world. It seeks to promote a sense among viewers of empowerment as well as an awareness of the United Nations declaration of the years 2001–2010 as the Decade of Building a culture of Peace and Non-violence for the Children of the World.

I also want to recognize the role of Soka Gakkai International which has created this remarkable exhibit, and the work of its president, Daisaku Ikeda, a widely recognized educator and peace activist, in persisting as a voice for peace during these challenging times.

I urge each of my colleagues to not only view this exhibit; but to be mindful of the example we set today for the generations of tomorrow. More important for our children than model of the brave warrior, is the example of the courageous and creative peace builder. For as the noted writer James Baldwin observed: "Children have never been very good at listening to their elders, but they have never failed to imitate them. . . ."

HEALTH, SAFETY, AND SECURITY OF PEACE CORPS VOLUNTEERS ACT OF 2004

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MEEHAN. Mr. Speaker, as we consider H.R. 4060, the Health, Safety, and Security of Peace Corps Volunteers Act of 2004, I want to bring to my colleagues' attention the tragic disappearance of a Peace Corps Volunteer from my Congressional District, Walter Poirier of Lowell, Massachusetts.

Walter Poirier served as a tourism advocate in the Zongo Valley of Bolivia from August of 2000 until May of 2001 when he was officially declared missing by the U.S. Embassy. He has never been seen since. Following Walter's disappearance, I requested a GAO investigation of this case, which concluded that the Peace Corps failed to adequately supervise Walter and eventually lost track of him. The GAO also found that the Peace Corps provided "uneven" implementation of its own safety and security procedures that could pose a risk for its volunteers. I am now writing a letter to Peace Corps Director Gaddi Vasquez urging him to appoint an official to focus solely on the investigation of Walter's disappearance.

Unfortunately, the case of Walter Poirier is not unique. The GAO reports that the incident rate for major physical assaults nearly doubled from an average of 9 per 1,000 volunteer years from 1991–93 to an average of 17 per 1,000 volunteer years in 1998–2000. Despite concerns from Congress and the public that the Peace Corps has not provided the necessary safety and security for its participants, the organization continues to send volunteers alone to remote and isolated areas and fails to provide adequate housing, supervision, or jobs to keep volunteers busy. I remain very concerned about the ability of the Peace Corps to implement its own safety and security policies in the face of rising violence.

I applaud the House International Relations Committee for holding hearings on the safety and security of Peace Corps volunteers and swiftly reporting out the Health, Safety, and Security of Peace Corps Volunteers Act. I also thank the committee for inviting Walter Poirier's father to testify and share his personal story about the tragic loss of his son. I have urged the Senate Foreign Relations Committee to follow suit.

This legislation takes a number of critical steps to enhance safety and security procedures within the Peace Corps, including creating an ombudsman to receive complaints, questions and concerns from current or former volunteers regarding safety and security. The bill also establishes an Office of Safety and Security of the Peace Corps responsible for all safety and security activities at the agency and requires the Peace Corps to report to Congress on the effects of limits imposed on the duration of Peace Corps assignments and a study on medical screening procedures used by the agency.

For decades, Peace Corps volunteers have played a critical role in promoting stability and prosperity in developing countries. Today they are asked to play an even more important role in correcting the misperceptions that many have of America. It's a troubling fact that anti-Americanism is on the rise in many parts of the world. That makes the mission of the Peace Corps more important than ever. But it also makes the task of protecting volunteers more urgent than ever.

While the passage of this legislation is by no means a solution to all of the Peace Corps' security problems, it is certainly a positive step forward. If the Peace Corps wants to fulfill its goal of doubling the size of its agency over the next five years—a goal we all share—it must provide its volunteers the safety and security they need.

I therefore strongly support the passage of this bill.

HONORING FRANKENMUTH FIRE DEPARTMENT 100TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the residents of Frankenmuth, Michigan, to recognize their fire department for 100 years of skilled and dedicated service. On Friday, June 4, 2004, the Frankenmuth community will gather to celebrate this milestone during a special open house and ceremony to be held at the Frankenmuth fire station.

The Frankenmuth Fire Department was organized in 1904. Martin Eischer was named the fire chief, and he held the post until his retirement in 1937. The department at the time of establishment had an appointed staff of 19 men, a $750 steam powered and horse drawn fire engine, and a $535 hose and hose cart. Although the department was fully equipped and staffed, it did not acquire a home until 1905 when the Village Hall was constructed. The hall would serve as the home of the fire chief and fire engine. To ensure a reasonable water supply, the village council provided fire cisterns throughout the village. In 1918, they purchased a Waterous Motor Propelled fire engine, which would be considered as the forerunner of the modern fire engine. The department retained the original horse-drawn engine, and relocated it to a garage across the river. The department assigned a crew of men to the garage to provide fire protection during floods, when normal access across the river was blocked.

In 1937, the department appointed a new chief, Herman "Whitey" Eischer; son of retired Chief Martin Eischer. He held the post until resigning in 1947, and Waldemar Veitengruber was appointed. During Chief Herman Eischer's tenure, which was during the onset of World War II, 22 volunteers were added to the roster, the department purchased a 1942 Ford engine, and a Civil Defense team was organized. In the late 1940s, the department received its first gas mask, and in 1979 the Frankenmuth Women's Club donated money to purchase the "Jaws of Life." In 1976 George Reinert was appointed fire chief, after the sudden death of Chief Veitengruber. He served 10 years and was succeeded by Gene Rittmueller. Chief Rittmueller resigned in 1997 and was replaced by the current chief, David Wright.

Aside from work and training, the department is also a community group. They have sponsored several community and station events, including the annual community picnic, fireman's ball, Christmas party, and in the last few years they have sponsored the fire muster. This year over 200 participants are expected. Currently, the department roster for 2004 lists 30 volunteers, including the chief, two assistants and three captains. The department with its skilled crew has handled each emergency over the years with great attention to detail and duty. In the wake of September 11th, the American public has come to better understand and acknowledge the heroic commitment and responsibility that is charged to our nation's fire departments. We are all indebted to you for protecting our community each day.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me paying tribute to the Frankenmuth Fire Department for 100 years of service to the community.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. TANCREDO. Mr. Speaker, on Wednesday, June 2, I was unavoidably detained and unable to vote on rollcall votes 213, 214, and 215. Had I been present, I would have voted "aye" on rollcall 213, "aye" on rollcall 214, and "aye" on rollcall 215.

FALLEN HEROES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. SOLIS. Mr. Speaker, I rise today to recognize the men and women who sacrifice their lives every day in support of our nation as members of the armed services, both in times of peace and war. In the two and a half years since our nation was attacked, the service of America's armed services has been priceless—both in helping defend America at home and serving abroad. We should be thankful and grateful to all service members.

This Memorial Day marks the dedication of the World War II memorial in Washington, DC, the 60th anniversary of the D-Day Invasion at Normandy, and the 60th anniversary of the passage of the GI Bill of Rights. We recall with love and gratitude the 16.1 million that served in World War II and remember the 292,000 service members killed in action. Today our government provides care and services to the hundreds of thousands of disabled veterans of World War II.

While today we reflect on our veterans that have fought and our troops that serve, we must also commit ourselves to ensuring better lives for these people and their families. I will continue to fight to protect and honor our troops and their families. We must guarantee health care, adequate burial and bereavement services, support services for military families, and financial security to those who serve this nation.

As we take time this Memorial Day to remember our service men and women, I am sad to add the names of six fallen heroes from my community to those whose lives we celebrate and deaths we mourn. Marine Corporal Jorge A. Gonzalez, Army Sergeant Atanasio Haro Marin, Army Private First Class Jose Casanova, Marine Private First Class Francisco A. Martinez Flores, Army Specialist Leroy Harris-Kelly III, and Marine Corporal Rudy Salas are among the more than 700 service members that have died fighting in Iraq. Their service to this community and to this nation will not be forgotten.

CONGRATULATING KRISTOPHER TANTILLO ON HIS SELECTION TO REPRESENT FLORIDA AT THE NATIONAL PANASONIC ACADEMIC CHALLENGE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to congratulate Kristopher Tantillo, a high school student who attends Lincoln Park Academy in Port St. Lucie, Florida. Kristopher was recently selected as one of six students in Florida to represent the State at the National Panasonic Academic Challenge to be held this June.

The 17th annual Panasonic Academic Challenge is a "quiz-bowl"-type tournament in which teams of our nation's top students test their knowledge with difficult questions in mathematics, science, English, social studies, fine arts, foreign language, and computer science. This Academic Challenge, started years ago as a small local effort, has now blossomed into one of the premier high school academic tournaments in the United States, involving thousands of students from every state and U.S. territory.

Kristopher Tantillo exemplifies exceptional academic skills and scholarship, and I hope that he will continue to dedicate himself to further study and academic opportunities. Once again, I offer my congratulations to Kristopher on this noble achievement and wish the best of luck to him in all of his future endeavors.

RECOGNIZING JAMES A. SWANSON

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my friend James A. Swanson, Supervising Biologist for the Central Coast region of Department of Fish and Game, who is being honored on the occasion of his retirement after over 30 years.

A native of California, Jim Swanson grew up in Pasadena and received his Bachelors Degree in Wildlife Management from Humboldt State University. He began his outstanding career in the Department of Fish and Game as a Fish and Wildlife seasonal aide in California in 1969.

In 1975, Jim became a Junior Wildlife Manager-Biologist in the Central Coast Region. From 1977–78 he was the Project Manager coordinating the San Francisco Bay Study. He then returned to work as an Assistant Wildlife Manager-Biologist and went on to work as an Associate Wildlife Biologist. In 2001, he assumed the duties of Supervising Biologist for the Central Coast Region.

As Supervising Biologist for the Central Coast Region he served many counties including: Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, Santa Cruz, San Luis Obispo, San Mateo, Santa Clara, Sonoma, and part of Solano. He helped to acquire over 14,000 acres for the Napa-Sonoma Marshes State Wildlife Area and was instrumental in the restoration of that habitat.

Mr. Swanson and his wife, Kathey, have two daughters, Renee and Jamie as well as three grandchildren. Jim is an avid fisherman and bird watcher.

Mr. Speaker, it is appropriate at this time that we recognize James A. Swanson for his contributions to the preservation of the natural resources of our nation. He will be missed and we extend our best wishes to him in his retirement.

NATIONAL TRAILS DAY

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BLUMENAUER. Mr. Speaker, this Saturday, June 5, marks the American Hiking Society's 12th annual National Trails Day. This year's theme: "Trails and Health . . . A Natural Connection." More than 1 million people across the country will participate in a trail related activity in observation of this special day.

All 50 states have participated in National Trails Day, along with the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. The significant role trails play in Americans' lives often goes underappreciated—nearly 70% of all Americans 16 or older participate in at least one trail-related activity on the United States' 200,000 miles of trails. The use of trails appeals to almost any individual, allowing access to nature for exercise, study, photography, camping, relaxing, and a variety of other recreational activities.

With an increased rate of obesity amongst Americans and a growing trend of sedentary lifestyles, it makes more sense than ever to take advantage of trails, which provide an excellent means for individuals to incorporate exercise into their lifestyles. I urge every member to take note of the National Trails Day events in their Congressional District and to become involved in a day that celebrates important aspects of livability—health, fitness, and the great outdoors.

TRIBUTE TO MELISSA CENTRELLA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize and to remember a courageous young lady from my home state of New Jersey, Ms. Melissa Anne Centrella, the only child of Claire and August Centrella. It is with great sadness that I inform you that Melissa passed away two years ago on June 4th, 2002; she was only 25 years old.

As a child, Melissa was like every young girl—she was cheerful, she loved her parents, and she greatly enjoyed dancing. However, at an early age, Melissa was diagnosed with a rare illness called Dystonia. Dystonia is a neurological disorder characterized by powerful and painful involuntary muscle spasms that cause a twisting of the body, repetitive muscle movements, and sustained postural deformities. Melissa lived with the constant pain of Dystonia for 18 years. As the years passed, Melissa's life became increasingly constrained. She was eventually confined to a wheelchair and then bedridden until she passed away from complications of this disorder.

Melissa endured many medical procedures to assess and attempt to treat her Dystonia. She suffered through a series of spinal taps, intrathecal pump implantations, and preparations for deep brain stimulation surgery. On several occasions, Melissa was overdosed with medication, leading to seizures and once, to a three-day coma. Through all the pain, she accepted her suffering with dignity and, according to her family and friends, never once complained.

Melissa believed she was put on earth for a reason, that God had a plan for her. That reason was to be a part of the mission to find a cure for Dystonia so that no one else would have to experience the torture that she did in her short life. Many in her position would have given up, but not Melissa. She was relentless in pushing her mother, Claire, to establish the New Jersey Chapter of the Dystonia Medical Research Foundation (DMRF). Whenever Claire became depressed or overcome with distress, Melissa would gently prod her along and remind her of their shared family mission. I would like to salute Claire Centrella and her family for making such strides against Dystonia in Melissa's memory. Today, the Chapter holds many events to raise funds for Dystonia research and to promote awareness of the disorder.

Sadly, Melissa's body lost its battle with Dystonia; however, her soul continues on in her mother and with the New Jersey DMRF Chapter, whose goal is to improve the quality of life for people with Dystonia. Melissa Centrella will never be forgotten and her legacy, to find a cure for Dystonia, will be carried forth through the hard work and determination of her family and friends.

HONORING ST. LUKE'S EPISCOPAL CHURCH ON ITS 160TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join The Reverend Dr. Victor Rogers, members of the congregation, and the New Haven community in extending my sincere congratulations to the St. Luke's Episcopal Church as they celebrate its 160th Anniversary. This is a remarkable milestone for this community treasure and I am proud to help them celebrate this momentous occasion.

Our churches play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. By strengthening our bonds of faith, St. Luke's gives its members a place to find their spiritual center and to solidify and support their values. The members of the St. Luke's have also given much to the City of New Haven. Throughout the years, as their membership grew so did their commitment to the enrichment of our community.

Over the course of its history, St. Luke's has been a prominent member of our community, not only providing traditional worship services, but by offering much needed outreach programs for those most in need. From an emergency food pantry to GED classes to volunteers who care for the sick and shut-in, the clergy and congregation have worked hard to identify the problems faced by members of our community and to establish programs which will make a difference in their lives. By providing these resources, the St. Luke's Parish has touched the lives of thousands and made New Haven a better place in which to live.

For one hundred sixty years, the St. Luke's Episcopal Church has been a fixture in New Haven. In fact, St. Luke's was recently placed on the National Register of Historic Places—a reflection of its deep roots and cultural importance. Through their ministry and outreach efforts, they have left an indelible mark on our community and continue to enrich the lives of others. I am proud to stand today and extend my very best wishes to them as they mark this milestone in their history. Happy 160th Anniversary!

IN RECOGNITION OF PAULSBORO, NEW JERSEY'S CENTENNIAL CELEBRATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. ANDREWS. Mr. Speaker, I rise today in honor of the Centennial Celebration of the Borough of Paulsboro, New Jersey. Paulsboro has a long and colorful history, as well as a promising future of which its citizens should be quite proud.

The town of Paulsboro lies next to the Delaware River across the border from—Philadelphia, Pennsylvania. Though the Borough was officially established in 1904, the history of the region dates back many more years. Settlers first came to the Delaware River area in 1623 and, over time, Paulsboro developed into a small farming community. On March 2, 1904, Paulsboro joined with a nearby town by the name of Billingsport, and the two were together incorporated as the Borough of Paulsboro.

William Penn once said that the land that Paulsboro now sits on would never become a great industrial center because it was an island with a swamp on one side and a creek on the other. However, just before World War I, Paulsboro was selected as the location for an oil refinery. The Paulsboro Plant, which began in 1917, was designed to manufacture lubricating oil, and began the transformation of Paulsboro from a residential town into an industrial town. While the plant, which still exists today as an ExxonMobil research laboratory, is actually located in neighboring Gibbstown, it is still referred to as the Paulsboro Plant, and many of its loyal employees are residents of Paulsboro.

With a keen eye on the future, the Borough of Paulsboro is now considering a proposal for the creation of a deep-water port on the Delaware River. County officials predict that such a port could create 2,300 jobs, and generate $100 million each year in revenues and taxes, becoming a vital component of the community's future. From its humble beginnings at the turn of the century, Paulsboro is set once again to reinvigorate and diversify our regional economy and community.

The residents of Paulsboro should be proud that their community has prospered for 100 years, an accomplishment in and of itself. The Paulsboro area has made significant cultural and economic contributions to our country throughout its history, and I am certain that there is a bright future ahead for the Borough and its citizens. Mr. Speaker, I ask that you join me in congratulating the citizens of Paulsboro, New Jersey as they celebrate 100 years of pride and accomplishment.

FALLEN HEROES

SPEECH OF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor the heroes who have so far given their lives in Iraq. Every generation of Americans has been asked to leave their farms and towns and cities so that freedom could be spread through the world. As a citizen of this great nation I am here to honor the sacrifice of the fallen in Iraq, and those who before them paid the ultimate price for freedom.

Like their forefathers in World War II, the 23 Floridians who gave their lives in the name of freedom were selfless citizens who answered the call of duty. Among these I would like to personally honor the 4 soldiers from South Florida. I and all of the citizens in my district are thankful for their service.

This nation can never repay the debt owed to these 4 men; their honor and service however, will never be forgotten. Private First Class Charles M. Sims was only 18 when he died in Baghdad on October 3, 2003, Sergeant Edmond L. Randle was 26 when he perished in the north of Taji on January 17, 2004, 1st Lieutenant Christopher J. Kenny was 32 when he fell in Balad on May 3, 2004, and Private First Class Jeremy Ricardo Ewing, who at 22 gave his life in Baghdad on April 29, 2004.

These men remind us that freedom is indeed not free. We must forever be vigilant to the rise of tyranny and be willing to fight it wherever it rises. We must never take for granted our democratic government, we must remember that in places like Cuba, North Korea, and Iran, human beings are still oppressed by their horrible dictators. Let us fight these regimes, until freedom rings in every nation of the world.

God bless all the men and women who gave their lives so that others may live in freedom.

FALLEN HEROES

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BECERRA. Mr. Speaker, I rise today to honor the members of the United States armed services who make sacrifices daily in defense of our nation, and to pay my respects to those who have made the ultimate sacrifice in the service of their country. As our men and women in uniform continue to answer the highest calling and place themselves in harm's way, their sacrifices have touched us all—regardless of race, economic status, or party lines. We all must honor the bravery and commitment that each of these men and women have so proudly displayed, as well as the courage and resilience of their families and loved ones.

This moment of silence provides an opportunity for us to remind our troops that they remain in our thoughts and prayers. In my own district, California's 31st District, our community has suffered the loss of a heroic, noble, and admirable young man—Eric A. Ayon. I wish to take this opportunity to recognize his strength, valor, and bravery as well as the sacrifice endured by his wife, son and family. This family is just one of hundreds whose sacrifice we are recognizing and honoring today.

Let us continue to pay our respects to our fallen soldiers and their families who suffer the greatest loss. Through this honor and remembrance, we can stand unified with gratitude for their sacrifice.

HONORING MAJOR GENERAL ROGER E. COMBS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Major General Roger E. Combs, former Assistant Adjutant General/Air of the Missouri National Guard, Deputy Commander of the Missouri Joint Forces Headquarters, and Air National Guard Assistant to Commander, First Air Force, Tyndall Air Force Base, Florida. Major General Combs was recently promoted and re-assigned to a most prestigious position as Director, J–5, at the National Guard Bureau in Washington, DC.

The General has been a member of the armed services since 1968 when he attended Officer Candidate School in the United States Marine Corps. Having served a tour of duty in Vietnam as a helicopter pilot, he is an aircraft commander and has earned ratings as a Naval Aviator and Senior Army Aviator even though he holds no United States Air Force rating. General Combs is nationally recognized for his expertise in long range and strategic planning and is a former member of the ANG Director's Committee of Advisors serving on two committees at the national level. In 2002, he was appointed to the Air Reserve Forces Policy Committee. Major General Combs is a former member of the 139th Airlift Wing located in St. Joseph, MO.

Mr. Speaker, I proudly ask you to join me in commending the career as well as the future of Major General Roger E. Combs, who exemplifies stellar qualities of dedication and service to Northwest Missouri and the United States of America.

DEMOCRACY ON DRUGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. STARK. Mr. Speaker, I rise to draw my colleagues' attention to a new report by Common Cause, "Democracy on Drugs, The Medicare Prescription Drug Bill: A Study on How Government Shouldn't Work." This report does a very good job of highlighting the egregious methods used to gain passage of the Medicare prescription drug legislation. I encourage each of you to review this report to remind yourselves how democracy was trampled in the passage of the Medicare prescription drug law.

The Medicare/Prescription Drug Bill: A Study in How Government Shouldn't Work

DEMOCRACY ON DRUGS

(A report by Common Cause)

Introduction

Our Constitution reflects the over-arching concern of the Founding Fathers that the rights of the minority be jealously preserved and protected, even in the presence of a strong majority. From start to finish, the $535 billion Medicare bill passed by Congress and signed by President Bush late last year has been a study in shutting out opposing voices and suppressing the flow of vital information.

This Common Cause report chronicles a series of incidents, large and small, that add up to a consistent effort by the Administration and Congressional leadership to bypass or undermine the rules and laws that are in place to ensure that our government works in an open and accountable manner and that all voices are heard on critical public policy issues.

The Medicare bill (see appendix) is the product of a process that included:

Charges of bribery, delayed votes, inappropriate cabinet member lobbying and censoring of C-SPAN cameras.

The Administration misleading Congress by withholding its own cost estimates for the prescription drug legislation—estimates that greatly exceeded what the President was telling the public. A career civil servant being threatened with his job if he told Congress the truth.

Congressional Members excluded from the House-Senate conference committee that finalized the bill. Only a "coalition of the willing" was invited to participate.

A principal author of the bill was forced to step down as head of a powerful House committee after it was reported that he was negotiating a $2 million a year lobbying job with the drug industry while he was moving the proposal through his committee. And a key Administration official involved in pushing the legislation was also offered lucrative private sector healthcare jobs.

The drug industry showered Congress with campaign contributions and spent millions of dollars on highly paid lobbyists who swarmed Capitol Hill while the bill was being considered.

A propaganda campaign waged by the Department of Health and Human Services. The Administration paid people to pose as journalists in television segments that praised the benefits of the new Medicare law, and spent tens of millions of dollars on a campaign promoting the new program.

Charges of Bribery on the House Floor

At the break of dawn on Nov. 22, 2003, Representative Nick Smith (R-MI) was about to cast his vote against a Medicare/prescription drug bill so flawed and controversial that the Republican House leadership held the vote open for three hours while they pressured their own Republican colleagues to vote for the bill. Votes in the House typically are open for 15 minutes.

Strong-arming Members of the House to vote with the leadership is routine business, but what went on in those early morning hours appears to have slid over the line from political pressure to outright bribery.

A Nov. 23, 2003 column written by Rep. Smith appearing on his website reads: "I was targeted by lobbyists and the congressional leadership to change my vote, being a fiscal conservative and being on record as a no vote. Secretary of Health and Human Services Tommy Thompson and Speaker of the House Dennis Hastert talked to me for a long time about the bill and about why I should vote yes. Other members and groups made offers of extensive financial campaign support and endorsements for my son Brad who is running for my seat. They also made threats of working against Brad if I voted no."

On Dec. 1, 2003, in a radio interview with Kevin Vandenbroek of WKZO in Kalamazoo, Mich., Rep. Smith said: "They started out by offering the carrot, and they know what's important to every member, and what's important to me is my family and my kids. And I've term-limited myself, and so Bradley my son is running for [my congressional seat] and so the first offer was to give him $100,000-plus for his campaign and endorsement by national leadership. And I said No, I'm gonna stick to my guns on what I think is right for the constituents in my district."

Since Rep. Smith went public with his allegations, he has made several attempts to modify his original statement. Speaking to David Frownfelder of the Daily Telegram in Adrian, Mich. Rep. Smith said: "I was told there would be aggressive, substantial support for my son, Brad [in his race for Congress] if I could vote yes on the bill. There were offers of endorsements and so maybe a member [of Congress] sitting close by said, 'Boy that really could be big money.' Tens of thousands or hundreds of thousands. But never was I offered any exact amount of money in exchange for my vote. Technically, in the legal description that I later reviewed on what a bribe is, probably it didn't meet the legal description of a bribe."

Censoring C-SPAN

C-SPAN cameras perched above the House floor have for 25 years allowed the public to see for themselves how their representatives are carrying on the public's business. But the night of the vote on the prescription drug bill, the House leadership censored the public's view of the chamber.

In an interview on the 25th anniversary of C-SPAN's television coverage of Congress, the head of C-SPAN, Brian Lamb, noted that the congressional leadership has always controlled the cameras in the House and Senate chambers, generally focused on whoever is speaking, but also panning across the chamber to show activity on the floor. Lamb pointed out how the leadership's control of the cameras can subvert C-SPAN's studiously nonpartisan, objective coverage of Congress. Lamb said: "You saw what happened in the middle of the night over the vote on Medicare on the floor of the House of Representatives, when they controlled the cameras. And I noticed that the camera wasn't moving from—it usually moves constantly from side to side. For almost the entire two or three hours that they had it open, the camera was showing the Democratic side. And that's where people don't get a fair shot."

In other words, the Republican leadership of the House intentionally diverted the C-SPAN cameras away from the Republican side of the House floor. Consequently, there is no visual record of who was talking to who that night while votes were sought by the leadership.

HHS Secretary on the House Floor

Rep. Smith said he was pressured during the three-hour vote by his own House leadership, but also, to his surprise, by the Department of Health and Human Services (HHS) Secretary Tommy Thompson, who made an unusual appearance on the House floor that night.

While House rules allow federal department heads to be in the House chamber, it is rare for such an official to be lobbying for legislation being considered by the House. According to National Journal's CongressDaily, Secretary Thompson defended the fact that he had broken House customs by lobbying members on the House floor during the final, three-hour roll call vote on the Medicare reform bill. "I spent five months working on this bill. I think it was only proper my being on the floor," Thompson said. But it appears Thompson's activities that night were a sharp departure from House customs.

Misleading Congress and Withholding Pivotal Information

In 1997, Rep. Bill Thomas (R-CA) added language to the Balanced Budget Act conference report citing the importance of access by Congress to the estimates of HHS chief actuary (then, as now, Richard Foster). Some of that language in the conference report reads as follows: "It is important to emphasize that the Senate Committee on Finance, the House Committee on Ways and Means, and the House Committee on Commerce all rely on their ability to seek estimates and other technical assistance from the Chief Actuary, especially when developing new legislation. . . . The process of monitoring, updating and reforming the Medicare and Medicaid programs is greatly enhanced by the free flow of actuarial information from the Office of the Actuary to the committees of jurisdiction in the Congress. When information is delayed or circumscribed by the operation of an internal Administration clearance process or the inadequacy of actuarial resources, the Committees' ability to make informed decisions based on the best available information is compromised."

Flying in the face of this statement, Foster, who has been the chief auditor in HHS for several years, said that he was threatened with dismissal if he released his official estimate of the cost of the prescription drug bill. His estimate added $156.5 billion to the estimated cost and likely would have led to several conservative Republicans voting against the bill.

In a public statement, Foster said: "For many years my office has provided technical assistance to the administration and Congress on a nonpartisan basis. But in June 2003, the Medicare administrator, Tom Scully, decided to restrict the practice of our responding directly to Congressional requests and ordered us to provide responses to him so he could decide what to do with them. There was a pattern of withholding information for what I perceived to be political purposes, which I thought was inappropriate."

Foster has said that he gave analyses in June 2003 to the White House and the Office of Management and Budget—which were not shared with Congress—predicting that prescription drug benefits being drafted on Capitol Hill would cost about $156 billion more than President Bush said he wanted to spend. Since Congress passed the Medicare bill, the Administration has revised its estimated 10-year cost of the program to $534 billion. Its original estimate was $395 billion.

Foster, the government's chief analyst of Medicare costs, says that he was warned repeatedly by his former boss, Thomas A. Scully, the Medicare administrator for three years, that he would be dismissed if he replied directly to legislative requests for information about prescription drug bills pending in Congress. In an email released by Foster, Scully's assistant, Jeffrey Flick, instructed the actuary to answer Republican queries regarding provisions in the Medicare bill but was warned—in bold font—not to provide information for Democratic requests "with anyone else until Tom Scully explicitly talks with you—authorizing release of information. The consequences for insubordination are extremely severe," Flick wrote in bold type. Interviews with federal officials, including Foster and Scully, make clear that the actuary's numbers were circulating within the Administration, and possibly among some Republican supporters of the bill on Capitol Hill, throughout the second half of last year, as Congress voted on the prescription drug bill, first in June and again in November.

At a hearing on Feb. 10, Secretary Thompson told lawmakers as much. Thompson said, "we knew all along" that the administration's cost estimates would be higher, but said he did not have a final figure until Dec. 24, 2003, after the bill was already signed into law.

On April 26, the Congressional Research Service issued a letter on the legality of Scully's decision to withhold information from Congress. Its conclusions read in part as follows: ". . . actions which purposefully result in the transmission of knowingly false information to the United States Congress, and actions that involve the intentional and active prevention of the communication of accurate information to Congress in derogation of Federal law or responsibilities, might in certain circumstances involve activities which constitute violations of federal criminal provisions . . . The issuance by an officer or employee in a department or agency of the Federal Government of a 'gag order' on subordinate employees, to expressly prevent and prohibit those employees from communicating directly with Members or committees of Congress, would appear to violate a specific and express prohibition of federal law."

Conference Committee Lockout

When the House and Senate each passed their own version of the Medicare bill, the Republican leadership at first followed routine procedure by appointing a 17-member conference committee to work out the differences between the two pieces of legislation. Seven Democrats were appointed to the committee. However, only two of those Democrats, Senators Max Baucus (MT) and John Breaux (LA), were included in the closed-door meetings that had actually produced the final legislation. Why? Because they were among the few Democrats who would not raise significant objections to the bill. According to conference members from both parties, when the bill was made available to the rest of the committee, they were given just one hour to review the 678-page document before they voted.

The ranking Democrat on the Ways and Means Committee, Rep. Charles Rangel (NY), was among the members of the original conference committee. However, he was excluded from the closed-door meetings. He arrived uninvited to one meeting, and Rep. Thomas, the conference chairman, stopped substantive discussion of the legislation until Rep. Rangel left.

Democrats and others have complained the tactics like those employed during the conference on the Medicare bill are becoming more common. Similar lockouts were staged during crucial conference committee meetings on huge energy and transportation bills. More and more the role of the full conference committee is perfunctory while the details of the legislation are hammered out in closed meetings that include only a small coterie handpicked by the party leadership.

Scully Cashes In

In December 2003, as the ink of the President's signature was drying on the Medicare bill, Thomas A. Scully, the government official responsible for Medicare, announced that he was leaving the government for lucrative healthcare jobs in the private sector. He joined Alston & Bird, a law firm that represents hospitals, drug manufacturers and other companies in the health care industry. Scully also accepted a job with Welsh, Carson, Anderson & Stowe, a New York investment firm specializing in telecommunications and health care.

Surprisingly, even though federal law generally bars presidential appointees such as Scully from discussing possible employment with firms involved in matters handled by those officials, Scully obtained a waiver from the HHS ethics officer so that he could negotiate with potential employers while he helped write the Medicare law. These jobs did not just drop into his lap in December. He had apparently been negotiating with healthcare-related firms at the same time he was helping the Administration push the controversial prescription drug legislation through Congress, which directly affected those industries.

Apparently in response to criticism of Scully's waiver, the White House ordered federal agencies to cease issuing ethics waivers for senior Administration appointees that would allow them to pursue jobs with private companies while influencing federal policies that could affect those companies. A memo issued on Jan. 6, 2004 by the White House Chief of Staff stated that, effective immediately, such waivers could only be approved by the White House.

Tauzin Negotiates PhRMA Job While Negotiating Prescription Drug Bill

As Medicare chief Scully was job searching while also helping pass the drug legislation, a powerful Member of Congress was also looking for a new job.

The Pharmaceutical Research and Manufacturers Association (PhRMA), the trade group for name-brand drug producers, reportedly offered Representative Billy Tauzin (R-LA) the top position at PhRMA and a compensation package that "would be the biggest deal given to anyone at a trade association," around $2 million a year, according to The Washington Post. The offer came just two months after Rep. Tauzin helped negotiate a $534 billion Medicare prescription drug bill widely viewed as a boon to pharmaceutical companies, which stand to make billions in profits while avoiding government price restrictions.

In February 2004, Common Cause called on Tauzin to resign his chairmanship of the powerful House Energy and Commerce Committee, saying "Even if your job negotiations with PhRMA began after your work on the Medicare bill was over, as you have reportedly said, it leaves one wondering whether you were trying to please PhRMA and what PhRMA may have promised you in return."

Tauzin denied there were any dealings with industry in exchange for his work on the bill, but he stepped down from the chairmanship of the House Energy and Commerce Committee in early February, while negotiations over the PhRMA lobbying post continued. The job remains open and Tauzin may still be eligible if it remains open at the end of his term.

Drug Industry Money Undermined the Process

As the Congressional fight on prescription drugs loomed, the drug industry drew up plans for raising millions of dollars to defeat efforts to reduce drug prices. The financial stakes were huge and the industry began to spend enormous amounts of money on campaign spending, lobbying, and advertising to influence the outcome of the legislation.

No group epitomized this more than PhRMA. PhRMA not only had a tremendous stake in the bill, but also turned out to be a major winner. The law prohibits the federal government from negotiating for lower drug prices and prohibits the reimportation of prescription drugs that are produced in the U.S. but sold for significantly less in other countries, which would also bring down the price of drugs.

PhRMA increased its yearly budget 23 percent to $150 million in anticipation of the upcoming Medicare fight. While PhRMA's interests range from international policy to local initiatives, industry protection in the Medicare reform bill was its top priority. According to published reports, PhRMA planned to spend $1 million for an "intellectual echo chamber of economists—a standing network of economists and thought leaders to speak against federal price control regulations through articles and testimony, and to serve as a rapid response team." Says one PhRMA document, "Unless we achieve enactment this year of market-based Medicare drug coverage for seniors, the industry's vulnerability will increase in the remainder of 2003 and in the 2004 election year."

PhRMA is well known as one of Washington's most powerful lobbying forces. The trade group alone spent $16 million on lobbying in 2003, according to federal lobby disclosure reports filed with the Senate Office of Public Records. Including lobbying spent by all of PhRMA's companies, the group spent at least $72.6 million lobbying in 2003—or roughly $135,701 per member of Congress.

PhRMA has capitalized on hiring former Members of Congress and their staffs as part of its lobbying army. According to reports, PhRMA lobbyists include former Reps. Vic Fazio (D-CA), Vin Weber (D-MN) and Bill Paxon (D-NY). Other drug industry lobbyists include David W. Beier, former domestic policy advisor for Vice President Al Gore; Dave Larson, former health policy advisor to Senator Bill Frist (R-TN); and Edwin A Buckham, former chief of staff to Rep. Tom DeLay.

The industry maintains a constant presence among policymakers. For example, in the weeks following the House and Senate's passage of their respective Medicare bills in June, pharmaceutical companies organized parties for congressional staffers that worked on the legislation. According to The Washington Post, the drug company Johnson & Johnson planned a cocktail party near the Capitol. The invitations read, "in recognition of your part in the historic passage of Medicare drug bills by both houses of Congress . . ." After Common Cause sent letters to Senate conferees and House leaders stating that attendance by staff members to the party could violate congressional ethics rules, the leadership discouraged their staff from going and the party was later cancelled. Congressional staff still had the opportunity, however, to attend a "Rooftop Rendezvous" thrown by PhRMA and hospital trade groups.

HHS Propaganda Campaign

Once legislation passes Congress and is signed into law by the President, it is the job of the executive branch to implement the new law, including informing the public of the effect or the benefits of the new law. HHS, charged with implementing the new prescription drug law, immediately launched a multi-million dollar campaign promoting the new prescription drug benefit under the guise of public service advertising.

Early this year, HHS created a TV ad designed to educate the public on the new drug benefits, but many criticized the ads as being political advertisements for the Administration that mislead the public about the facts of the new program. Adding to the concern about politicization of the prescription/drug program was a contract for $9.5 million for producing and distributing the ads that went to a partisan media company, National Media, Inc.

HHS has also produced videos that were sent to broadcasters around the country touting the new program. The videos feature hired "reporters" who appear to be delivering straight news stories, but do not identify the government as the producer. Two videos end with the voice of a woman who says, "In Washington, I'm Karen Ryan reporting." The "reporter" in the commercial is reading from a script written by HHS.

The General Accounting Office (GAO) is now investigating these 'fake video news' clips. The GAO will determine if they constitute illegal "covert propaganda." Federal law prohibits the use of federal money for "publicity or propaganda purposes" not authorized by Congress.

Conclusion

Posted on Congressional websites is a document called "How Our Laws Are Made." [http://thomas.loc.gov/home/lawsmade.toc.html]. No one really believes the process meticulously detailed in the document is followed exactly—legislating is a messy process. But the laws, rules and procedures cited in the document are there to ensure that democratic principles are not empty words in the Constitution, but inform the way our government operates on a daily basis.

This report has told a tale of the rush to pass a thinly supported prescription drug bill that was a prime political goal of the Administration. In that rush, supporters showed disregard for the law, congressional rules, and other procedures and customs. We must reform and strengthen some of those laws and rules and, perhaps more importantly, those public officials must be held accountable. Americans must be assured that democracy is not just another word, but an integral part of how our government operates.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BEREUTER. Mr. Speaker, on June 1 and 2, 2004, this Member unavoidably missed nine rollcall votes due to official business serving as president of the NATO Parliamentary Assembly. On the following eight votes, this Member would have voted "aye," had he been present. The eight votes were:

(1) Rollcall No. 210, passage of H. Con. Res. 295, a resolution congratulating the Focus: HOPE program on its 35th anniversary;

(2) Rollcall No. 211, passage of H. Res. 612, a resolution recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Va., on March 26, 2004;

(3) Rollcall No. 212, passage of H. Con. Res. 417, a resolution honoring the Tuskegee Airman and their contribution in integrating the United States Air Force;

(4) Rollcall No. 213, ordering the previous question on H. Res. 657, the rule for consideration of H.J. Res. 83, which proposes a constitutional amendment regarding the appointment of individuals to fill vacancies in the House of Representatives.

(5) Rollcall No. 214, passage of H. Res. 657, the rule for H.J. Res. 83.

(6) Rollcall No. 215, ordering the previous question on H. Res. 656, the rule for the consideration of H.R. 444, the Back to Work Incentive Act.

(7) Rollcall No. 216, passage of the Pryce amendment to H. Res. 656.

(8) Rollcall No. 217, passage of H. Res. 656, the rule for H.R. 444.

On Rollcall No. 218, a motion to recommit H.J. Res. 83 with instructions, this Member would have voted "no" had he been present.

SPEECH BY HUNGARIAN PRESIDENT FERENC MADL AT OPENING OF HUNGARIAN HOLOCAUST MEMORIAL AND DOCUMENTATION CENTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. LANTOS. Mr. Speaker, on April 15, 2004, the Holocaust Memorial and Documentation Center in Budapest, Hungary, was opened at a solemn ceremony attended by the President of Hungary, the President of Israel, and a number of other distinguished official guests.

With the establishment of an official Holocaust Memorial, the government of Hungary has formally acknowledged the responsibility of Hungarian governments in the 1930s and 1940s and of Hungarian citizens for atrocities committed during the Holocaust in Hungary. In the past it has been fashionable for Hungarians to blame the German Nazis for the atrocities of that era. Unfortunately, many Hungarian citizens were complicit with the Nazis in committing atrocities, and the Hungarian Arrow Cross organization was as vicious and brutal as the German Nazis in their despicable deeds.

Mr. Speaker, the timing of the opening of the Hungarian Holocaust Memorial and Documentation Center is particularly appropriate, because this year marks the 60th Anniversary of the darkest days for Hungarians during WWII. It was on March 19, 1944, that the German army occupied Hungary, and German officials began the systematic effort to exterminate Hungary's Jewish population. Over half a million Hungarian Jews were deported and met their deaths in Nazi gas chambers, the largest portion of them at Auschwitz.

It is my sincere hope, Mr. Speaker, that the opening of this Memorial in Budapest will teach future generations of Hungarians that intolerance, racism, hatred and bigotry have no place in the free and open and democratic society that Hungary is becoming.

Mr. Speaker, perhaps the most moving statement at the Holocaust Memorial dedication was that given by the President of Hungary, Ferenc Madl, who headed the long list of dignitaries at the ceremony and presided at the opening of the Memorial. President Madl's speech was moving and eloquent. I ask that it be placed in the RECORD and I urge my colleagues to give it thoughtful attention.

Distinguished commemorating community: What we are remembering here should never have happened. The building we are standing in used to be a synagogue. It is a sacred place, not only because it was a place of worship, but also because over the time it has become a venue for remembrance. Human suffering—the suffering of people—the remembrance of unforgettable pain, the pain felt by millions of people makes this place sacred. Commemorations and writings all discuss the genocide of the Jewish people as an event of historic tragedy. There is however something more important than history: man himself. Thus for this reason, the Holocaust is not simply "history" but the past of a whole generation. It is here with us in many different ways in the fate of Jews and non-Jews alike. Every life is a complete world in itself. Every deceased person has a unique face. This uniqueness tends to get lost in history. We cannot experience the extent of the tragedy in a thousand or one hundred thousand different ways. Individually however, we all have—direct or indirect—personal memories of those who perished. It is in these memories that the indescribable horror gains a face of its own.

This venue of remembrance is required to help preserve the personal touch in us, which tends to fade with time. If hundreds of thousands of people suffering is a mere piece of data for someone, then being faced with but a single real story of fate, will ensure that this person will never be ignorant of our common past. Remembrance shall elevate the Holocaust into a personal drama.

Distinguished remembering community, nowadays the depths of the tragedy, the numbers, are mentioned more frequently than its human-spirit content. Perhaps numbers with their abstract nature are not so painful for our conscience.

It is human nature to flee from pain. If numbers call up individual faces and fates then the burden of looking to the past becomes almost unbearable. We should not shun this burden away.

We do not only need to remember, because a parent, child, brother and sister sent to their deaths are there in our hearts and souls or for sinners to gain absolution from their sins, but to make sure that we are vigilant of the sins of past horrors haunting us again somewhere.

In 1938 Hungarian writer Milan Fust wrote that lifting inhumanity to the level of law is without precedent, just as the fact that the human kind "should approve its own sadism so much, that it should be proud of its animal like nature."

Nobel laureate Imre Kertesz in the blinding light of survival saw in Auschwitz the symbol of moral status of humanity in the 20th century. Is the moral state that made the Holocaust possible now a thing of the past? We can see that mad dictators still commit mass killings among their own people, even today. We can find contemporary examples of genocide too. How horrible, that humankind has not managed to this day, to reach the moral level, where the commandment "Thou shall not kill" binds the hands of every Cain. How many times do we see the strangling sorrow among us over the lack of love? How many times are we still obliged to extinguish the brushfires of racial, religious, political and ethnic hatred here and in many corners of the world?

This place of remembrance is not in a randomly selected spot of the world, but in Hungary, in Budapest, not far from where the ghetto was established in the dark period of 1944. This place of remembrance does not speak generally about inhumanity, brutality, about lowly instincts, the institutionalized system of murder somewhere else, but here, where we are, where all that we are discussing happened.

Although the final chapter of the tragedy may have taken place elsewhere, this does not change the fact that all this was made possible here. This is where the guilty accomplices lived; this is where the guilty ignorance of those not involved prevailed. It is no excuse to say that the world too remained silent. All this happened here. We lacked the will to resist here. We failed to extend a helping hand here. This is what makes the tragedy our personal issue, a spiritual burden for all of us. It is here that we have to rely on the faith we have in conciliation, to remember all those who perished and to apologize to our surviving brothers and sisters.

Being present here today is not only to remember and show solidarity, but also to express our national and human repentance. When quoting Miklos Radnoti, we say that "we are guilty like all other nations", we use the words of a Hungarian poet, who in his poems adopted all of us as his dear brothers and sisters, only to be marched to his martyr's death because of his provenance.

This is what makes this tragedy so universal, yet Hungarian. We, the ones living here, should know what happened and how something that should have never taken place actually did happen.

Distinguished remembering community, this is not a place of remembrance for only the martyred Jews. It is for all of us, the whole Hungarian society. Someone with feelings and thoughts will never have two kinds of dead. We feel the pain of every dead. In World War II, Hungary was one of the countries to suffer the largest loss of its population. Death was victorious in wars and dictatorial regimes. Every exterminated Jew is a loss for humanity: every Hungarian Jew murdered is a loss for all the Hungarian people.

Jewish martyrs perished amidst the horror of defenselessness and exclusion, deprived of the hope that their individual sacrifice can help the survival of the community. The incomparable horror of the Holocaust lies in this.

Today we remember them as the loss suffered by all of us Hungarians. We incessantly search for reparation for having them march to their deaths after being torn from the Hungarian society.

This memorial place reminds us that we need to assume the pain of remembrance again and again in our souls. The catharsis of honest remembrance will make us better, will lend meaning to the day after and will help to look for the integrity of mankind in our communities and in every individual. May the Lord Almighty give us strength for everyone!

FALLEN HEROES

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Dustin Schrage, a Corporal with the United States Marine Corps, who lost his life in Iraq while on a daring, classified mission on May 3, 2004.

A graduate of Satellite Beach High School in Florida, Schrage joined the Marines right after graduation in 2001. He served his country honorably and with distinction. At the time of his death, Corporal Schrage was a member of the 4th Marine Regiment, 1st Marine Division assigned to the 2nd Battalion. He was a rifleman and a squad leader much loved by his unit.

Corporal Schrage died in the line of duty while participating in Operation Iraqi Freedom II. He was found on May 6 after attempting to cross a body of water while conducting combat operations on May 3 in Al Anbar Province, Iraq. He had served in Iraq for one year prior to his death. He gave his life defending and protecting the United States from terrorism and bringing freedom and democracy to the people of Iraq who have only known tyranny.

Known for his infectious good humor, Schrage was fondly remembered by many of the members from his unit in letters written to his mother and father, Nina and Preston Schrage.

A devoted Marine and true patriot, it has been said of Corporal Schrage that he was one of a kind, possessing a quick wit and displaying a unique talent. His ultimate sacrifice for his country will long be remembered.

President Lincoln once wrote that as a nation we should "have faith that right makes might, and in that faith, let us, to the end, dare to do our duty." Dustin dared to do his duty and in so doing he gave the ultimate sacrifice for our continued freedom. We owe him a debt of gratitude that can never be repaid.

A PROCLAMATION HONORING CHESTER L. COLLINS FOR EARNING THE PHILIPPINE LIBERATION MEDAL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. NEY. Mr. Speaker:

Whereas, Chester L. Collins of Chillicothe, Ohio honorably served his country in the United States Navy during World War II; and

Whereas, Chester L. Collins has earned the Philippine Liberation Medal for the exceptional service he provided his country, his fellow service members, and the Philippine islands; and

Whereas, Chester L. Collins' bravery and courage are exemplified in the Philippine Liberation Medal and the many other military decorations presented him;

Therefore, I join with the residents of Ross County, members of VFW Post 108, and the entire 18th District of Ohio in commending Chester L. Collins upon receiving the Philippine Liberation Medal.

IN HONOR OF THOMAS PENASKOVIC

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Thomas Penaskovic for years of dedicated public service to this nation and his community. Mr. Penaskovic was honored by the Marine Corps League, Bayonne Detachment on Monday, May 31, 2004, at the Veterans of Foreign Wars Post in Bayonne, New Jersey.

Mr. Penaskovic was selected as the 2004 recipient of the Lance Corporal Stanley Kopcinski Award, which is named in honor of Stanley Kopcinski, a Marine from Bayonne who died in the Vietnam War. The award is given to an individual who has made significant contributions in the veteran community and to the City of Bayonne. This year, the Bayonne Detachment of the Marine Corps League unanimously selected Thomas Penaskovic as the 38th recipient, for his outstanding commitment to the community.

Mr. Penaskovic enlisted in the United States Marine Corps on June, 30, 1966. After completing basic training, he served one tour in the Republic of Vietnam, from January 1967 through February 1968, after which he was honorably discharged with the rank of Corporal.

After completing his military service, Mr. Penaskovic became a catalyst in assisting other veterans and the community as a whole. He served as Commandant of the Bayonne

Detachment, Marine Corps League, is a member of the Veterans of Foreign Wars Post 226, and is a lifetime member of Disabled American Veterans, Chapter 5.

Mr. Penaskovic has been an integral part of the Annual Toy Drive by the Marine Corps League, volunteering for over twenty years, and providing underprivileged children gifts during the holidays. He has also tallied over one thousand hours of volunteer service at the Bayonne Medical Center.

Today, I ask my colleagues to join me in honoring Thomas Penaskovic for his distinguished military service, his outstanding leadership and devotion to the veteran community, and his dedication to improving the quality of life for the residents of Bayonne.

HONORING THE 100TH ANNIVERSARY OF THE FORTUNA VOLUNTEER FIRE DEPARTMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Fortuna Volunteer Fire Department in Humboldt County, California.

The members of the Fortuna Volunteer Fire Department, organized on June 20, 1904, are dedicated to the protection and preservation of life and property when threatened by the perils of fire.

In 1932 the Fire Department became a fire protection district to better serve the people of this spectacular part of the Redwood Empire. In 1957 the district expanded its services with the addition of a second fire station in Hydesville. In 1967 a third fire station was formed in Campton Heights. A new main station was opened in Fortuna in 1998.

The Fortuna Volunteer Fire Department currently consists of a force of 68 people at three fire stations covering 26 square miles and protecting a population of more than 20,000 people. Each member completes a minimum of 156 hours of training.

The members of the Fortuna Volunteer Fire Department provide fire prevention, education for students in local schools and residents of senior care homes. The volunteers maintain an on-going disaster preparedness program and serve the community with fire prevention inspections of new construction, day care facilities, senior care facilities and schools. In addition, members hold scholarship fundraisers, take part in Christmas programs serving needy families and handicapped children.

The Fortuna Volunteer Fire Department is a vital part of the life of our Eel River Valley community.

Mr. Speaker, it is appropriate at this time that we recognize the Fortuna Volunteer Fire Department on the occasion of its 100th anniversary.

TRIBUTE TO DR. MARYANNE LONGO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Dr. Maryanne Longo. Dr. Longo has been an important participant in the education system of the City of Philadelphia for the past 35 years.

Dr. Longo has served as a loyal leader of William H. Hunter Elementary School. She has proved her self able to juggle the role of both educator and student in that she earned a doctoral degree from Temple University while serving as an elementary classroom instructor. Dr. Longo's pursuit of the establishment of a positive educational foundation for the youth of Philadelphia, led her down a path that extended beyond the boundaries of classroom walls and into the community. She has received many honorable awards during her years of service and remains a positive role model for the young inner-city children.

Dr. Longo has set an admirable standard for new teachers on the verge of beginning their educational journey. She is a primary example of what a teacher and a leader of a community should strive to contribute in order to positively influence the lives of those around them.

Dr. Longo will be honored by the City of Philadelphia Department of Education on the occasion of her retirement on June 4, 2004. To extend our utmost gratitude and thank Dr. Longo for her service, I ask that you and other distinguished colleagues rise to congratulate her on her retirement today.

A TRIBUTE TO REVEREND DOCTOR ARLEE GRIFFIN, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Doctor Arlee Griffin, Jr. in recognition of his dedication to his community through spiritual leadership and participation in numerous civic organizations.

Dr. Griffin is a native of Elizabeth City, North Carolina where he was an honor graduate of Northeastern High School. He received scholarships to attend the University of North Carolina Chapel Hill where he earned a Bachelor of Arts degree in Zoology. Later, he attended Shaw Divinity School, earning a Master of Divinity degree from Southeastern Baptist Theological Seminary. He has done additional study at East Carolina University, Oxford University in Oxford, England and New York University. In May 1988, he graduated from Boston University with the Doctor of Ministry degree. In April 1992, Shaw Divinity awarded him the honorary Doctor of Divinity degree.

For nearly ten years, Dr. Griffin served as Pastor of the Cornerstone Missionary Baptist Church in Greenville, North Carolina. During his tenure, the church experienced unprecedented growth and many new ministries were established, including the Cornerstone Christian Child Care Center. While in North Carolina, Dr. Griffin served in several leadership positions of organizations such as President of Pitt County Black Ministerial Alliance, Moderator and Vice-Moderator of the Old Eastern Missionary Baptist Association, Parliamentarian of the General Baptist State Convention of North Carolina, and Trustee of Pitt County Memorial Hospital. He was selected in 1985 as "Pastor of the Year." He served for one year as campus minister at the University of North Carolina Chapel Hill.

In April 1989, Dr. Griffin became the Senior Pastor of the historic Berean Missionary Baptist Church in Brooklyn, New York. Pastor Griffin has brought to the church a commitment to the pursuit of excellence in the practice of a holistic ministry. Under his leadership, the Community Service Center has been revitalized, offering a full range of social services including: emergency food distribution; meals to homeless and needy people; Alcohol Anonymous and Narcotics Anonymous groups; employment counseling and training programs; and a Senior Citizens Program. In 1996, the church completed Berean Gardens, a $7 million Senior Citizens Housing Complex and recently broke ground on its $7 million Community and Family Life Center.

Dr. Griffin serves as President of the Berean Bible Institute, the Berean Housing Development Fund Corporation, and Chairman of the Board of Directors of the Berean Federal Credit Union. He has also served as President of the American Baptist Churches of Metropolitan New York, Historian of the Progressive National Baptist Convention, and as a member of the General Board of the American Baptist Churches, USA, Progressive National Baptist Convention, and National Council of Churches. He has served as Vice Chairman of the Board of Directors of the American Baptist Churches Ministers' and Missionaries Benefit Board and is currently a member of the Board of Trustees of Shaw University and AmeriChoice Corporation of New York. He serves as clergy liaison for the 77th Precinct of the New York City Police Department as well. Most recently, he was elected Vice President of the American Baptist Churches, USA, Biennial 2004–2005.

Dr. Griffin has done missions work in Senegal and Gambia, West Africa and was a delegate to the First African and African American Summit in the Ivory Coast in 1991. He was selected to be an Official International Election Observer in the first free South African Election in April 1994. He is also an Associate Professor of Church Administration at New York Theological Seminary.

Dr. Griffin is married to Mrs. Angela Farr Griffin, a licensed Physical Therapist, who serves as Executive Director of the Berean Community and Family Life Center. They have two daughters: Angel Arlecia and Ariel Arlyce.

Mr. Speaker, Reverend Doctor Arlee Griffin, Jr. has committed himself to helping people and families through his pastoral work in the church and his community-based efforts. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

FALLEN HEROES

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. GODDLATTE. Mr. Speaker, recently we celebrated Memorial Day, a sacred time of remembrance where we pay tribute to the brave men and women who have sacrificed their lives to protect the freedoms we hold so very dear. We, the beneficiaries of this seemingly endless stream of valor, often fall short in our efforts to commemorate those who bought with blood the freedom that is our birthright. But try we must . . . for theirs is a noble story . . . full of sacrifice for a cause greater than one's self.

And so it is with great sorrow but immense pride that I recognize one of my own constituents who paid the ultimate price for freedom. Sergeant Michael Vernon Lalush, United States Marine Corps, was killed on March 30, 2003 while proudly serving his country in Iraq.

Sergeant Lalush, who was only 23 years old at the time of his death, grew up in California but moved to Troutville, Virginia in 1994. He was a typical all-American boy. He loved baseball, golf, riding dirt bikes and his maroon pickup truck. In high school Sergeant Lalush was a member of the football, baseball and golf teams. In 1997, he graduated from Lord Botetourt High School, where he is remembered by teachers and friends as "a real nice kid who was considerate of others and a hard worker."

After graduation, Sergeant Lalush enlisted in the Marines and was sent to boot camp at Parris Island, South Carolina. Upon his completion of boot camp, Sergeant Lalush was sent to Camp Lejeune, North Carolina and then to Camp Pendleton near San Diego.

Sergeant Lalush's passion for mechanics flourished in the Marines. His hobby, which began when he was just a teenager rebuilding a pink 1965 Volkswagen Beetle, took him from helicopter mechanic to crew chief to inspector and instructor.

Sergeant Lalush's unit, the Marine Light Attack Helicopter Squadron deployed to the Persian Gulf in February 2003. The unit flew support missions, ferrying troops, wounded soldiers, ammunition, food, water and other supplies.

Sergeant Lalush was a proud Marine, enlisting for another four years right before his death. Sergeant Lalush wanted to help people and in one of his last letters home, he recounts the story of his helicopter unit helping an injured soldier get to a base where he could receive the necessary medical treatment.

To Dave and Becky Lalush, Sergeant Lalush's parents—not only did your son answer the call of his country and in doing so protect the freedoms that we so cherish, but he also paid a dear price to bring freedom to people he had never met.

In 1962, speaking to a gathering of cadets at West Point General Douglas MacArthur delivered stirring remarks in which he described the "American man at arms." He said, "His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me, or from any other man."

In an age when the word "hero" is tossed around casually to describe everything from sports stars to singers in bands, Sergeant Michael V. Lalush is a hero in the truest sense of the word—a possessor of courage and strength who pursued feats of noble purpose.

FALLEN HEROES

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2004

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Edward Jason Korn, a Captain with the U.S. Army, who lost his life in Iraq on April 3, 2003, while involved in a combat action approximately 15 miles South of Baghdad.

Captain Korn honorably served his country as an enlisted member for several years before attending college, obtaining his degree and his commission. Korn was a member of the 3rd Infantry Division assigned to the Headquarters Company, 4/64th Task Force, 2nd Brigade. His service included duty in Desert Storm.

Known by his fellow soldiers as a "can do" officer, he had only been with his unit in Iraq for six days before his death. He had volunteered for an assignment to the elite task force and he quickly gained the admiration of his commanders and his men. He gave his life defending and protecting the United States from terrorism and bringing freedom and democracy to the people of Iraq who have only known tyranny.

Captain Korn is survived by his father, Richard Korn of Malabar, Florida, his mother, Sally Davenport of Trenton, Ohio, and his stepmother Annette Hale of Savannah, Georgia.

President Lincoln once wrote that as a nation we should "have faith that right makes might, and in that faith, let us, to the end, dare to do our duty." Jason dared to do his duty and in so doing he gave the ultimate sacrifice for our continued freedom. We owe him a debt of gratitude that can never be repaid.

A PROCLAMATION RECOGNIZING HOCKING-ATHENS-PERRY COMMUNITY ACTION AGENCY AS THEY CELEBRATE 40 YEARS OF SERVICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. NEY. Mr. Speaker:

Whereas, Hocking-Athens-Perry Community Action Agency is celebrating 40 years of excellence in service to the tri-county region; and

Whereas, the Hocking-Athens-Perry Community Action Agency operates and administers over 60 programs in the areas of child development, housing and community development, food and nutrition services, and employment services; and

Whereas, the Hocking-Athens-Perry Community Action Agency has distributed over $45 million in federal employment and training funds, been named the "Large Employer of the Year" by the Ohio Department of the Veterans of Foreign Wars, and operates such programs as the Regional Food Center that serves over 5000 meals daily; and

Whereas, the Hocking-Athens-Perry Community Action Agency has an established reputation as an organization that is dedicated to the betterment of the community by assisting individuals with programs, services, and resources;

Therefore, I join with the residents of the entire 18th Congressional District in celebrating Hocking-Athens-Perry Community Action Agency's 40 years of outstanding service.

IN HONOR OF MONO SEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mono Sen for his years of public service and promotion of social unity. Mr. Sen was honored by the Ram Mohan Mission at the Birth Anniversary of Mahatma Raja Rammohan Ceremony on Saturday, May 22, 2004, in Kolkata, India.

Mr. Sen was awarded the Rammohan Puraskar 2004 for his outstanding work in public affairs, his promotion of social unity, and his efforts on behalf of the community as a whole in the United States of America. Mr. Sen's involvement in the community is unparalleled, dedicating his life to helping those in need, and working tirelessly without discrimination. Mr. Sen has contributed greatly to helping immigrants with the many challenges they face when settling in America, thereby enriching their American experience.

Mr. Sen has been involved in many programs that help Asian-Americans and seniors. Before moving to New Jersey, he served as management consultant at the William Hudson Center in the South Bronx and as director of the Caring Community Center in New York City. In 1980, Mono Sen founded the United Ethnic Congress in America to promote the election and appointments of Asians to the U.S. government.

For his numerous contributions to the people of New Jersey and his many years of extraordinary leadership, Mr. Sen has received countless awards and citations. Most notably, on May 10, 2000, Jersey City, New Jersey honored Mr. Sen by renaming Liberty Avenue as Mono Sen Plaza.

Today, I ask my colleagues to join me in honoring Mono Sen for his distinguished public service, his dedication to promoting social unity, and his outstanding leadership and devotion to his community.

HONORING THE HUMBOLDT CRABS BASEBALL TEAM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. THOMPSON of California, Mr. Speaker, I rise today in recognition of the Humboldt Crabs, the oldest continuously operating collegiate summer baseball team in our nation.

Founded in June of 1945 in Humboldt County, California by Lou Bonomini, the team is celebrating its 60th season. Made up of local players, the team played its first game on June 17, 1945. 2004 has been designated as the Year of the Alumni and several celebrations have been planned for over 900 past players.

Playing teams from all over California and Southern Oregon, the Humboldt Crabs originally played at Albee Stadium in Eureka and moved permanently to the Arcata Ballpark in the early 1960's. In 1995 the Humboldt Crabs became a registered non-profit organization managed by an all-volunteer community-based board of directors. The Crabs organization provides the community with outstanding summer baseball while also supporting local youth baseball summer camps and providing training and education for youth baseball coaches and umpires.

The Crabs recruit college baseball players from all over the western United States. Players are provided with summer jobs as well as housing and the opportunity to play in 45 to 50 baseball games during the months of June and July. Forty former Crabs players have played or are presently playing on major league teams. The Crabs have won 17 California State Championships and the team has an overall winning record of 1,924 wins and 578 losses for a winning percentage well over .700.

Founder Lou Bonomini, who managed the popular Crabs from 1945 to 1986, joined by Ned Barsuglia and Don Terbush in the early 1960's, played a major role in guiding the successful team. Jerry Nutter, who served as president of the board from 1995 to 2000, and Ken Ames who has managed the team for 13 years, have carried on the tradition of selfless commitment to the organization.

Mr. Speaker, it is appropriate at this time that we recognize the Humboldt Crabs baseball team on the occasion of its 60th season as a cherished summer tradition on the North Coast of California.

TRIBUTE TO GIRLS INCORPORATED OF GREATER PHILADELPHIA AND SOUTHERN NEW JERSEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the efforts and the success of Girls Incorporated of Greater Philadelphia and Southern New Jersey. This non-profit agency has provided services to girls and families in high risk situations for over 40 years.

The agency was established in 1961 with the admirable cause of delinquency prevention in adolescent girls. It continued on to become a full member of the National Organization, Big Brothers Big Sisters of America Inc. in 1979, and an associate member of the national organization, Girls Inc., in 1998. With its extensive collection of programs in mentoring, community building and in-house counseling, the agency provides services to more than 1,400 girls and families each year. The presentation of the Williams Award for Excellence from the Philadelphia Foundation and the Better Business Bureau Award for Most Dramatic Growth for a Non-profit agency exemplifies the agency's excellence in aiding adolescent girls and their families.

Girls Incorporated of Greater Philadelphia and Southern New Jersey continues to advance their cause and to strengthen their community by aspiring to open a Girl's Center for Philadelphia. Undoubtedly, an extension of this organization's current services will help to improve the overall well-being of youth in our community. I ask that you and my other distinguished colleagues rise to congratulate the organization in recognition of all its accomplishments.

INTRODUCTION OF THE COASTAL RESTORATION ACT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. LOBIONDO. Mr. Speaker, I rise to introduce the Coastal Restoration Act of 2004 for myself and Representative LAMPSON. Since 1995, we have seen several attempts to change Federal policies in an effort to cripple the Federal beach nourishment program.

The Coastal Restoration Act (CRA) restates the congressional intent regarding the importance of the Federal beach nourishment program. The CRA makes it clear that changes in administration policy will not prevent feasibility and other types of studies from being processed through the Corps of Engineers and sent to Congress. The legislation emphasizes the role of Congress in determining which beach nourishment projects should be authorized for construction. It also restates and strengthens existing law that periodic renourishment is an integral part of the ongoing construction of a beach nourishment project.

This legislation states that in deciding which projects should receive Federal assistance, Congress intends that preference shall also be given to areas: (1) where regional sediment management plans have been adopted to integrate coastal beach nourishment, navigation, and environmental projects; or (2) where the project promotes human health and safety, as well as the quality of life for individuals and families. These additions will encourage states to adopt regional sediment management plans to identify areas for the disposal of dredged spoils and the projects to that promote their beneficial reuse, as well as ensure that public safety and other quality of life issues are taken into account when recommending a project for implementation.

The Coastal Restoration Act also raises the low priority now accorded by the U.S. Army Corps to the recreational benefits of beach nourishment, giving equal consideration to all national projects. It provides a mechanism to begin the project reauthorization process and it allows the Corps to better manage their funding and schedules to work around the times when endangered species are present at the project site.

In the United States, nearly 17 million people are employed in the tourism industry. Beaches are the leading tourist destination in the Nation. Beach tourists contribute about $260 billion to the U.S. economy overall. Each year about 180 million Americans make 2 billion visits to the ocean, the gulf, and our inland beaches. That is almost twice as many visits as those made to State and National Parks and wilderness areas combined.

In my home State of New Jersey, tourism is a $31 billion industry, supporting over 836,000 jobs and generating $17.7 billion in wages. The vast majority of that revenue is generated by the millions of people who visit our 127 miles of shoreline on an annual basis. These projects provide the businesses and residents located along our shore and driving our economy an important layer of protection from ocean storms. It also lowers Federal flood insurance premiums and reduces the number of claims. Finally, these projects provide vital habitat for numerous species of plants and animals and often protect vital coastal habitats such as wetlands or fresh-water resources.

The Coastal Restoration Act is needed to maintain the Federal program so we can continue to protect and restore our beaches as the national treasures they are.

FALLEN HEROES

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Petty Officer 2nd Class Robert Boyd Jenkins, who lost his life near Al-Andar province while on active duty with the U.S. Navy in Iraq on May 2, 2004.

Jenkins honorably served his country for 15 years and was a member of 1st Marine Expeditionary Force assigned to the Naval Mobile Construction Battalion 14 of the Seabees. While he was a member of the reserves he also served as a member of the Martin County Field Operations Team. It was Jenkins intention to enter full time active duty service sometime in the future. He gave his life defending and protecting the United States from terrorism and bringing freedom and democracy to the people of Iraq who have only known tyranny.

Petty Officer Jenkins is survived by his father, David Jenkins, Rockledge, FL, his wife, Elizabeth Jenkins, and his stepmother, Linda Jenkins.

President Lincoln once wrote that as a nation we should ". . . have faith that right makes might, and in that faith, let us, to the end, dare to do our duty." Robert dared to do his duty and in so doing he gave the ultimate sacrifice for our continued freedom. We owe him a debt of gratitude that can never be repaid.

A PROCLAMATION RECOGNIZING FRANK A. PARTLOW, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. NEY. Mr. Speaker:

Whereas, Frank A. Partlow, Jr. has shown outstanding service and contributions to the United States Government Printing Office (GPO) during his tenure beginning November 29, 2002; and

Whereas, because of his distinguished career, Frank was asked to serve as the Chief of Staff to the Public Printer of the United States, Bruce R. James; and

Whereas, Frank is a solid leader and demonstrated the ability to effectively juggle many competing priorities. In addition to advising the Public Printer on all aspects of the GPO's business, he also directed strategic planning for the GPO; and

Whereas, until his retirement from the United States as an Army Brigadier General in 1990, Frank served as the Director of Estimates of the Defense Intelligence Agency, U.S. Arms Control Delegation in Geneva and saw combat with an infantry division in Vietnam. He is a graduate from the U.S. Military Academy; and

Whereas, Frank is a team player, known for his integrity, fairness, principles, dedication, and solid steady demeanor—he has made GPO a better place. He has served the GPO and our country as a true patriot, and we extend our thanks to him for his service, and wish him all the best for continued success in his retirement; and

Therefore, I join with members of Congress and their staff in recognizing Frank A. Partlow, Jr. for his exceptional work and immense contributions, and in wishing him well in all his endeavors.

IN HONOR OF JOHN "DOC" FENICK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor John "Doc" Fenick for his years of dedicated public service to his community. Dr. Fenick was honored by the City of Carteret with the naming of the city clock tower on Friday, May 28, 2004, in Carteret, New Jersey.

Dr. Fenick moved to the City of Carteret in 1958, after his service in the United States Air Force during World War II. He was honorably discharged with the rank of first lieutenant, and began his work as a family doctor in Carteret. Dedicated to helping those less fortunate and others within his community, Dr. Fenick provided free physicals for the American Legion and local youth for sports purposes as well as other programs. During his 35 years of practice, he worked closely with the First Aid Squad and Rahway Hospital, where he served as the chairman of the family practice and president of the hospital medical staff.

Dr. Fenick's passion to improve the quality of life for the people in Carteret led him to be elected Mayor. Under his leadership, he helped the City of Carteret obtain funding for the current Police and Fire Department station. He also implemented the Ethnic Day Celebration, which has become an annual event honoring the people in the county and borough.

Dr. Fenick has displayed his leadership skills, serving as the Democratic committeeman, president of the Rotary Club, president of the Honorary PBA, and vice commander of the Catholic War Veterans. He is also a lifelong member of the American Legion, Elks Club, and an honorary member of the Woodbridge Volunteer Fire Company #1.

For his outstanding work and dedication, Dr. Fenick has been the recipient of numerous awards, including the Andrew J. Hila Community Service Award, the Rahway Hospital Humanitarian Award, and was honored with a Joint Legislative Resolution for his work with the American Legion, "Remembering Pearl Harbor Day."

Mr. Fenick received his bachelor's degree from Rutgers University and his degree in Medicine from George Washington University Medical School.

Today, I ask my colleagues to join me in honoring John "Doc" Fenick for his distinguished public service, his dedication to promoting a better quality of life for the residents of Carteret, and his outstanding leadership and devotion to his community.

INTRODUCING THE SMALL DISASTER ASSISTANCE ACT OF 2004

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Small Disaster Assistance Act of 2004. This legislation is critically needed. All too often, communities are denied federal assistance from natural disasters because the number of people affected by the disaster do not meet an arbitrary threshold which fails to consider human needs.

An unofficial threshold exists under current Federal Emergency Management Agency regulations that require a minimum of 100 homes to be destroyed or receive major damage during a natural disaster for a major disaster declaration to be warranted by the president. Some may argue that, on the surface, this is a fair regulation. But in practice, it is not. In practice, thousands of Americans are forced to pick up the pieces following a natural disaster with no help from their government.

Every year, thousands of Americans have their homes damaged or destroyed by natural disasters. Yet, the Federal government fails them when it denies a state's request for federal emergency assistance regardless of the number affected.

Just last August, hundreds of my constituents in Riviera Beach and Palm Beach Gardens, Florida were left in the dark and heat—literally—when three tornadoes touched down in Palm Beach County. I, along with Florida's two Senators and Palm Beach County's Congressional delegation, worked with Florida's governor and urged the President to issue a major disaster declaration.

The economic impact of the storms, combined with continued rain, was estimated to be between $70 million and $80 million. To make matters worse, many of those affected by the storm were unable to depend on insurance for relief and assistance in recovering from the storm. According to the joint assessment that was done at the time by FEMA, the State of Florida, and Palm Beach County, 81 percent of the homeowners affected were uninsured. For the uninsured, federal assistance was virtually the only way for them to recover.

The effect of the storm was drastically compounded when the historical economic and social hardships of the communities most affected were included in the assessment. Although it is difficult to place a dollar amount on this reality, such consideration was certainly appropriate in this instance.

Nevertheless, our request was denied. In his letter to Florida's Governor, Undersecretary for Preparedness and Response Michael Brown's denial noted that the extent of the damage in Palm Beach County was "not of the severity and magnitude" to warrant a disaster declaration. This was a response that I found to be quite troubling.

There is no difference between a home that is destroyed during a disaster when less than 100 homes are affected and a home that is destroyed during a disaster when 1,000 homes are affected. To a family who loses its home because it happens to be located in the wrong place at the wrong time, their life comes to a screeching halt by no fault of their own.

The Small Disaster Assistance Act amends the major disaster assistance title of the Stafford Act to provide assistance for disasters where 100 or fewer homes receive major damage to or are destroyed during a natural disaster. My bill requires the President to give special consideration to areas that are historically and economically disadvantaged, have a median family income below the national, state, or local average, high unemployment, a large population of uninsured homeowners or renters, and a large elderly population.

The bill places a limitation of relief at $1 million for disasters where less than 50 homes qualify for assistance, and $2 million for disasters where between 51 and 100 homes qualify for assistance. These numbers were generated from the national averages of disasters where 100 or less homes qualify for assistance.

This level of authorization will cover the clear majority of small disasters. In instances where more assistance is needed, the bill gives the President the authority to exceed the limitation if (A) continued disaster assistance is needed, (B) there is a continuing risk to public safety, or (C) necessary assistance will not otherwise be provided on a timely basis.

When mechanisms do not exist in our public policy to help those in need, then it's time for us to change our laws. Failing to provide the President with the ability to authorize assistance to smaller disasters is just plain irresponsible. My legislation provides such authority. I ask that it be brought swiftly to the floor for consideration, and I urge my colleagues to support my efforts.

FALLEN HEROES

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Michael R. Creighton Weldon, a Private with the United States Army, who lost his life as a result of a suicide bombing attack near the city of Najaf in Iraq on March 27, 2004.

Weldon had just completed his first year of uniformed service to his country. He was a member of 3rd Infantry Division assigned to Company A and had been in country since January, 2004. He was one of four soldiers killed in the terrorist attack. He gave his life defending and protecting the United States from terrorism and bringing freedom and democracy to the people of Iraq who have only known tyranny.

Private Weldon choose to follow in the footsteps of another American hero, his mother, Jean Weldon who is a retired Army Sergeant Major.

This 20-year-old soldier was striving to be the best soldier he could be. In his sacrifice of service to his country, he succeeded in bringing honor to his family, his unit and his nation.

President Lincoln once wrote that as a nation we should " . . . have faith that right makes might, and in that faith, let us, to the end, dare to do our duty." Michael dared to do his duty and in so doing he gave the ultimate sacrifice for our continued freedom. We owe him a debt of gratitude that can never be repaid.

A PROCLAMATION RECOGNIZING R.C. DELA CRUZ

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. NEY. Mr. Speaker:

Whereas, R.C. Dela Cruz has completed his education at St. Clairsville High School in the class of 2004; and

Whereas, R.C. Dela Cruz was a National Honor Society member and a National Honor Roll Member. His hard work and dedication earned him the St. Clairsville Chamber of Commerce 4.0 Award, the Ohio Valley Athletic Academic Award, and recognition in the National Society of High School Scholars; and

Whereas, R.C. Dela Cruz was a member of the baseball, football, and swim teams. As the co-captain of the football team R.C. earned the Most Valuable Player award, the East Ohio District Football Special Mention, and the Times Leader Athlete of the Week Honorable Mention for both his offensive and defensive positions; and

Whereas, R.C. Dela Cruz is to be commended for the dedication and excellence he displayed while attending St. Clairsville High School; and

Whereas, R.C. Dela Cruz has demonstrated a commitment to meet challenges with enthusiasm and confidence;

Therefore, I join with the family and friends of R.C., and the entire 18th Congressional District of Ohio in congratulating R.C. Dela Cruz, graduate of St. Clairsville High School class of 2004, for his outstanding performance in school. We wish you the best of luck in all your pursuits.

FALLEN HEROS

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. MENENDEZ. Mr. Speaker, on Memorial Day, America honors those who gave their lives to keep this country free and bring the world peace by defending the helpless, promoting democracy throughout the world and protecting the freedoms and liberties we enjoy as Americans. Those who defend this country, after all, are men and women from every town and every walk of life.

These honored dead have not died in vain, as Abraham Lincoln solemnly pledged during the most divisive war this Nation had yet faced. We have a long, proud history of service and sacrifice given by those men and women who quit the safety of everyday life and friends "to hazard all in freedom's fight." Today, we have such men and women deployed in Afghanistan, Iraq, and elsewhere around the world, and we hold them and their families in our thoughts and prayers.

The oath to defend the Constitution has been sworn by every soldier, sailor, flyer, and Marine, living and dead. On Memorial Day, we recall those who gave everything to preserve the security and liberty of those they loved and those they never knew. I would hope this day is only one of many on which the living remember and salute those who served our Nation in uniform and now lie at eternal rest.

We have honored their graves and their lives since the end of our own Civil War. In 1866, spontaneous rites of remembrance were held in Carbondale, Illinois, in Columbus, Mississippi, and Waterloo, New York. The families of the men killed in that war came together to place flowers by their gravestones. The veterans joined this practice, honoring their fallen comrades with their own recollections of courage and devotion on battlefields. Ever since then, veterans and their families have led the observance of Memorial Day.

On this day, it is a time for us to remember our family members, our loved ones, our neighbors, and our friends who have given the ultimate sacrifice by visiting the cemeteries where they lie beneath small flags of red, white, and blue. It is also a time to renew our promise to the widows, widowers, and orphans of those lost in war. And it is time to renew our fight for our veterans because those still living deserve the benefits that have been promised to them by a grateful nation.

On Memorial Day 2004, as our young men and women are fighting overseas in Iraq and Afghanistan, our country dedicates a World War II Memorial in Washington, D.C., finally paying tribute to those who fought over a half century ago. In fact, the 60th Anniversary of the invasion of Normandy by the Allied forces (known as D-Day) is June 6, 2004. This new Memorial honors the 16 million who served in the armed forces of the United States during World War II, the more than 400,000 who died, and the millions who supported the war effort from home. Symbolic of the defining event of the 20th Century, the Memorial is a monument to the spirit and sacrifice of the American people. On this day, we honor them and the many others who died in service to our country, and the contributions all of them have made for us.

Service of this country in uniform has been, since the beginning, one of the greatest sources of unity and equality, in our national life. More than half a century ago, President Franklin Roosevelt reminded the American people that, "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them." I hope on this Memorial Day, we as a Nation, and each of us as individuals, will take to heart President Roosevelt's reminder that it is the sacred duty and great privilege of the living to honor and remember those who have died to protect the American ideals of freedom and democracy. The men and women who have died in service to America and to all of us deserve no less.

HONORING LESTER CROWN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate and recognize Lester Crown on the occasion of his 79th birthday.

One of Chicago's most respected business and civic leaders, Mr. Crown Lester got an early start with the family business, the Material Service Corporation, working in the quarries as a teenager. He then enrolled in Northwestern University and earned a degree in chemical engineering in 1946.

After teaching mathematics at Northwestern for a year, Mr. Crown went on to receive his MBA from the Harvard School of Business in 1949. After working as a research chemist, he eventually returned to the family company. Today, Mr. Crown serves as the chairman of both Material Service Corporation and of Henry Crown and Company.

In addition to his achievements in the business world, Mr. Crown has been extremely active in numerous philanthropic and civic organizations. Both he and his family are strong supporters of the arts, education, Jewish interests, health care, and community development.

He serves on the boards of Northwestern University, Children's Memorial Medical Center, the Lyric Opera of Chicago, The Jewish Theological Seminary, General Dynamics, Maytag Corporation, and was recently elected chairman of the Chicago Council on Foreign Relations, just to name a few of the organizations to which he so generously gives his time and energy.

On top of his business and civic accomplishments, Mr. Crown has also become the patriarch of a large and growing family. He and his wife Renée are proud parents of seven children and 22 grandchildren.

Mr. Speaker, Lester Crown has gained well-deserved respect in both the business world and in the community. His generosity has touched many people, in Chicago and beyond. We in Chicago are proud to share our city with someone who truly values public service. I thank Lester Crown for his service to the public, and wish him and his family continued good fortune on the occasion of his 79th birthday.

IN MEMORY OF ALAN BRENNER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Alan Brenner who passed away May 16th 2004 after a prolonged battle with cancer. He has been an active member of our community and will be missed by all who knew him. He is survived by his wife, Jeannie, son, Michael, stepchildren Alex, Scott, and Diane Wilsdon, and ten grandchildren.

Born and raised in Palo Alto, California, Alan was no stranger to the nearby Monterey Bay, as he completed his basic training at the former Fort Ord. After serving for two years in the United States Army, Alan began his lifelong career in the hospitality industry. He returned to the Monterey Peninsula in 1971 to become the General Manager of the La Playa Hotel in Carmel. In 1978 he began managing the new Monterey Conference Center, where his accomplishments led his colleagues to name him "World's Best Convention Services Manager" in 1979.

Alan's famous generosity led to his involvement in several local organizations such as the Pacific Repertory Theater, Forest Theater Guild in Carmel, the Carmel Rotary Club, Pacheco Club, and All Saints Episcopal Church. He often took on leadership roles, and was an active supporter of local artists and musicians. The Carmel Bach Festival board benefited from his eleven years of service, and he put in countless volunteer hours helping to renovate the Sunset Theater while on, the Building Committee for the Sunset Theater Project.

Even with his busy schedule at home, Alan never missed a chance to travel with his wife, Jeannie. They visited such diverse places as Bhutan, Niger, and India, always eager to meet new people. Alan and Jeannie made first contact with the Kumbi people in Irian Jaya, and during a trip last fall to China met the Miao people. Alan's travels and interactions with other cultures truly made him feel connected to the global community in a way that few people have the chance to experience.

Mr. Speaker, I applaud Alan's many accomplishments, and I commend him for his lifelong dedication to his community and friends. He was a remarkable figure, and his memory will live on in the many people whose lives he has touched. I join the Monterey Bay community, and friends and family in honoring this truly admirable man and friend for all of his lifelong achievements.

HONORING ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. HYDE. Mr. Speaker, every year in my district, I ask students in grades 8 and 12 to participate in an essay contest. This year's contest focused on the issue of combating terrorism.

I am pleased that so many students chose to enter this essay contest. Unfortunately, however, there can only be one winner in each group: 8th and 12th grade. This year's 8th grade winner was Kevin Pohl, who attends St. Pius X School in Lombard, Illinois. The 12th grade winner was Stefanie Panno, who attends Addison Trail High School in Addison, Illinois.

This is Mr. Kevin Pohl's essay, entitled "What is the Role of the United Nations in Fighting Terrorism?":

"As of September 28, 2001, acting under Chapter VII of the United Nations Charter, the Security Council adopted Resolution 1373, reaffirming its unequivocal condemnation of the terrorist action which took place in New York, Washington, DC, and Pennsylvania on September 11, and expressed its determination to prevent all such acts."

Violence, war, hatred, and terrorism are imposed for many reasons. The role of the United Nations is to protect the rights of all throughout the world from terrorist acts. It is their responsibility to protect the lives of the innocents and the oppressed. People all over the world are at risk from those who seek violence to solve world problems. The United Nations, in contrast, is elected to control and eliminate violence and protect the people. It is hoped that the majority of the people believe the same. People should not have to hide in their homes, take shelter from bombs every day or keep their children inside for fear of attack. This way of life must come to an end. The United Nations was created to this end.

The United Nations takes upon itself this great responsibility, and undertakes this role in the fight against terrorism. The United Nations' officials are charged with the task of international well-being. It is their responsibility to protect the world from terrorist acts. Therefore, they must work every day to defeat terrorism, and keep a close eye on world events. Good intelligence is the key to the method used by the United Nations in fighting terrorism. Codes, practices, and the monitoring of secret communications among military units are vital tools and essential in implementing Resolution 1373. The United Nations has served as a listening post for intelligence-gathering and espionage for many years. However, the members of the United Nations must also cooperate to use their advanced techniques to monitor, search, track, and analyze communications that are carried on the Internet by terrorists. Collecting this essential information comes at a risk. The United Nations has to be careful, so as not to alienate friendly nations or inhibit their cooperation in obtaining further information.

The United Nations has to make sure that the entire international community agrees on devised tactics. A truly international coalition is essential. Real authority would derive from such a coalition. We must treat each other as true partners. The United Nations members must work towards trust among themselves in order to fight terrorism, which is a complex process and calls for an international effort.

The United Nations' primary task at this time in history is to assume leadership in the establishment of peace in our very fragile world. Each nation must begin to compromise its wants and needs to this end. The wealthier and more powerful countries must become more aware that peace cannot be achieved by isolationist policies. Through a united world view, problems of poverty and hunger (which often are the roots of wars) can begin to be solved and in time, hopefully, ended. If the United Nations continues to solve these societal ills, then terrorism will have failed in their objectives.

This is Miss Panno's essay, entitled "Combating Terrorism":

Recently, terrorism has been thrust into the limelight and seen by many as a frightening entity that may cause devastation without warning. To allay these fears, the United Nations has approached this problem from three different angles: conflict prevention, peace building and peace making. By using methods that look at the problem both preventatively and in retrospect, the United Nations helps countries avoid devastation and recuperate quickly when disaster strikes.

The problem of terrorism is decidedly not a simple one; therefore, the solution is not a simple one either. To deal with this quandary's complexity, the United Nations is implementing multiple preventative tactics, attempting to quell the threat of terrorism by using every possible front. Some of the main strategies include dissuading dissatisfied groups from committing terrorist acts, denying groups the means to carry out acts of terrorism and sustaining international cooperation. Since terrorism often emanates from areas where human rights are routinely violated, the United Nations is attempting to protect the rights of those in other countries and expand the lines of communication between us and them, thus dissuading groups from causing us harm. It often occurs, however, that attempting to open lines of communication still fails to elicit the positive relationship we desire. This is generally due to differences in beliefs. Many terrorists claim to be Islamic, but their views are radical with a disregard for the value of human lives and do not accurately portray Islam. The true form of Islam denounces wars and violence. We could attempt to deter some radicals by exposing them to the root of their religion, rather than the extreme sect they've always known. This could be done by encouraging Muslims to spread the true voice of their religion and dissuade radicals from causing more harm. This sounds a bit implausible, but if it changes even a few terrorists, we've lessened the threat.

A big, big part of prevention comes from denying terrorists the opportunity to obtain weapons or to strike. The United Nations is doing its best to locate known terrorist groups, and monitor them closely, making sure to keep them from accessing weapons of mass destruction. Locating the terrorists may be the most difficult aspect of fighting terror. This can only be done through persistence and monitoring suspects. Also, international cooperation is the key. As we have seen many times in the past, there is "strength in numbers." Terrorists may not fear punishment from one country, but an entire group of countries all banded together may seem more imposing and help prevent attacks from happening. Another advantage of uniting countries together would be an improved ability to weed out terrorist activity. With nations all over the world working together, different countries could monitor certain areas for suspicious activity. We may even consider enlisting the help of groups such as MEK (Mujahedeen-e Khalq) who have been jilted by former terrorist friends. These people, who have a grudge against some terrorists, have a good knowledge of the inside of the terror business and may be willing to help discover new and helpful information.

When danger seems imminent, or after a war, peace building and peace keeping are also a necessity. Peace building tries to uncover the foundations of problems between countries. Once unearthing the basic problem, the peace builders begin to encourage democracy and respect for human life. Peace keepers are also put in place to keep violence from breaking out between disagreeing parties. Even when faced with difficult situations, the peace keepers do their best to resist using force. For this reason, they are only lightly armed, providing little, if no, danger to civilians. The peace keepers are intentionally impartial, to avoid causing further conflicts. While our biggest efforts are preventative, peace building and peace keeping is just as important because it maintains the balances that we struggled to create.

Combating the strength of terrorism requires a collective effort from many different fronts. By banding countries together to deny groups the ability to commit acts of terrorism and educate them about more peaceful solutions, the United Nations can provide a true defense against terror. The United Nations also maintains a sense of harsh reality, acknowledging that, despite the great defenses they've set up, there is always the threat of terrorism. To be prepared for this, peace builders and peace keepers are kept on hand, always ready to pick up the pieces. By having plans for both before and after terror attacks, the United Nations has a firm plan to significantly reduce the danger of violence.

TEACHER TRAINING ENHANCEMENT ACT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BACA. Mr. Speaker, I rise in support of H.R. 4409 and H.R. 4411, despite my concerns that they do not do enough to address the problems facing colleges and K through 12 schools in this country.

In the past year, college tuition has increased an average of 14 percent a year at public institutions and by 6 percent at private colleges.

Under President Bush, students are taxed more on college loans. College students in this country will be taxed an additional $3.8 billion over the next 10 years.

While campaigning in 2000, President Bush promised to raise the Pell grant to $5,100—which would help make college more affordable for the students who need scholarships the most. But the Pell grant has been frozen at $4,050 for the 3rd year in a row. It freezes funding for Pell Grants and cut funding for Perkins loans by nearly $100 million.

Since No Child Left Behind was enacted in 2002, it has been underfunded by $27 billion. This year, President Bush's budget underfunds No Child Left Behind by $9.4 billion. It provides only half of the funding promised to after school programs. And it cuts $316 million from vocational education and community colleges—again.

What do those numbers mean to the young boy or girl in San Bernardino? What do they mean to our children across the country?

It means that 2.4 million children will not get the help with reading and math they were promised. It means that over 1 million children who were promised after school programs will not get them. It means that many of them will not be able to afford the cost of college.

There should be more Title III funding, which provides for bilingual programs for LEP (Limited English Proficient) students. California will receive over $138 million in Title III funding, but this is not enough to reach these students' needs.

Last school year, 25.3 percent of students in California were English learners. And this number is likely to grow significantly.

I am grateful that this House passed my amendment to H.R. 2211, the Ready to Teach Act, last summer which will allow the use of funds for teacher training on technology for bilingual students. I am also looking at legislation to address teacher retention and an increase in incentives for teaching in minority serving institutions.

There is a long list of problems not addressed by H.R. 4409 or H.R. 4411 and more must be done. Our students and teachers deserve more than merely lip service. They need the funds and support from this Congress to provide equal educational opportunities for all.

IN VERMONT, FOOD FROM FAMILY FARMS IS GOOD BUSINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to recognize that two businessmen in Vermont, Steve Birge and Mark Curran, the owners of Black River Produce of Proctorsville, VT, were recently selected runners-up for the National Small Business Person of the Year by the Small Business Administration.

Twenty-five years ago Steve Birge began Black River Produce, today a $27 million produce company, when he saw the poor quality of the produce used in the local restaurant in which he worked. Black River originally delivered fresh, local produce to local restaurants in the Proctorsville area of central Vermont. But after he met Mark Curran (while hitchhiking), the two expanded the company, working with local farmers so that they could supply restaurants with the freshest and most healthful produce available. Today, Black River delivers high-quality produce not only throughout Vermont, but also into parts of western New Hampshire, northern Massachusetts, and eastern New York. It supplies not just restaurants, but grocery stores, schools, hospitals, ski areas, and nursing homes.

Black River Produce has sales of more than $27 million a year, a work force of 100 employees, and a fleet of 30 refrigerated trucks and two tractor trailers.

I salute Black River Produce's commitment to providing its customers with the highest quality foods. The company distributes high-quality Vermont foods, supporting not only local farmers, but other small businesses such as Grafton Cheese, Cold Hollow Cider Mill, and products from Vermont Butter and Cheese. They are an integral part of the Vermont Fresh Network, which links local farms to local chefs.

Although during out-of-season periods (Vermont, after all, has long winters) Black River distributes produce from out of State, and although it buys fish in Boston, its commitment to local agriculture and local business is noteworthy. In a time when both agribusiness and outsourcing have wrought havoc with traditional American family farms and with American businesses, I salute the remarkable accomplishment of Black River Produce in supporting local access to locally produced foods. Steve Birge and Mark Curran, and their many employees, have shown businesses around the nation that distributing the products from family farms is and can be good business, and that profits can flow both from helping local businesses, and from providing consumers with healthful foods.

IN MEMORY OF CAPTAIN CEVIE DUE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. SKELTON. Mr. Speaker, I have the sad duty to inform the House of the death of Captain Cevie Due of the Richmond Police Department. Captain Due was killed in a head-on collision while traveling with his wife, Linda, through Jackson County, MO.

Captain Due was dedicated to public service. In order to set a good example he taught the D.A.R.E. program in the Richmond school district, a duty he performed since 1992. He was also involved with Community 2000, Ray County Coalition, and other agencies that benefit the children of his community. Along with his wife, Captain Due was in charge of Trick or Treat Street, which provided a safe environment for the children on Halloween. Captain Due was also a dedicated foster parent. He was a member of the Missouri Foster Parent Association and served 60 children in-home.

Captain Due served the people of his community in the Richmond Police Department since 1973. He held the positions of Patrol Officer, Corporal of Patrol, Sergeant of Patrol, Lieutenant of Police, Commander of Investigative Unit, Press Release Officer, member of the Missouri Rural Case Squad, and Reserve Deputy in the Ray County Sheriff's Department. Captain Due was honored as Police Officer of the Year in 1974 and 1989 and was named Who's Who in State Law Enforcement in 1988.

Mr. Speaker, in addition to serving his community Cevie Due served his country in the U.S. Navy from 1964 to 1969 as a 3rd Class Yeoman. He served in Vietnam from 1965 to 1966. His dedication to public service should be an example to us all. I know my fellow Members of the House will join me in extending condolences to his family and friends.

TRIBUTE TO RICHARD MATTHEWS: EDUCATOR, EDUCATION ADMINISTRATOR AND COMMUNITY LEADER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to recognize the contributions and achievements of Mr Richard Matthews, who will be retiring as Assistant Principal of Phyllis Ruth Miller Elementary School in Miami, Florida after thirty-five years in education.

Phyllis Ruth Miller Elementary School is the educational home for over 1,000 students, ages three through eleven. The student body is comprised mainly of recent immigrants who are primarily from Haitian-Creole linguistic backgrounds and have limited proficiency in English. Many of the students come from economically disadvantaged homes. Meeting the educational needs of these students is one of the toughest jobs in education, but it is one of the most important in the United States of America, a nation of immigrants. Richard Matthews was up to task.

He spent much of his adult life as an educator in the Miami-Dade County Public Schools, and his judgement, skill and experience have been invaluable. Mr. Matthews advocated learning from the past, assessing the present and managing for the future. But when it came to preparing for his own retirement, he reflected on what he called the fallacy of misplaced prudence, proclaiming that life is what happens while you're out making other plans.

Although teaching is a full time job, Richard Matthews found the time to contribute to the lives of young people in many other ways, including as Executive Vice President, Dade County, School Administrator Association, Local 84; Minister of the Eucharist, St. Catherine of Siena Catholic Church; Chaperone, Miami Killian Marching Band; Retired Commander, U.S. Navy Supply Corps: Past Union Steward, United Teacher of Dade, Arvida Middle School; Past President, Catholic Alumni Club of Miami; Past Troop Leader Boy Scouts of America; Past Advisor Sea Scouts of America; and Cofounder, Peter Flores Scholarship Fund, Learning Experience School of Miami.

Mr. Speaker, I know that my colleagues join with the students, parents, and staff of Phyllis R. Miller Elementary School, and with all of those in our community whose lives have been touched by his, in expressing our thanks and appreciation to Mr. Matthews for all that he has contributed and for doing an important job, and doing it well.

We wish you great happiness and success as you begin this next new chapter in your life.

RECOGNIZING 75TH ANNIVERSARY OF WISCONSIN MEMORIAL UNION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the proud tradition of the Wisconsin Memorial Union as it nears the conclusion of its seventy-fifth anniversary celebration.

The Union opened its doors on October 5, 1928 in dedication to the men and women of the University of Wisconsin who served in our country's wars. Since then the Union has functioned as a gathering place for both students and Madison community members. The Union has been a staple of university life since its opening; any University graduate can relate fond memories of eating in the Rathskeller dining room, the first site at a public university union to serve beer, or enjoying a refreshing summer breeze while sitting on the infamous "sunburst" chairs on Union Terrace. Students go to the Union to relax and to study; it truly is, as past University President Glenn Frank described, the University's "living room, which converts the University from a house of learning into a home of learning."

Today students flock to the Union at the beginning of the school year for Wisconsin Welcome, which includes an ice cream tasting contest at the Daily Scoop, the Multicultural Orientation and Reception, free boat rentals courtesy of the Hoofers Outdoor Club, and live band performances. During the academic year students and Madison community members can visit its impressive art gallery, throw pottery at the Craftshop, take a mini course, view the Paul Bunyan murals painted during the New Deal, participate in the annual Kites on Ice event, and hear speakers at the Union Theater through the Distinguished Lecture Series.

I am proud to rise today and honor the Wisconsin Union for its seventy-five years of outstanding service to University students and the Madison community. It stands as a symbol of the many different kinds of learning that the University promotes. Over the years the Union has established a long-standing tradition of promoting volunteerism and community involvement, while also serving as a center for University festivities. The Union's impressive past presents exciting prospects for its future.

FALLEN HEROES

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SULLIVAN. Mr. Speaker, this Memorial Day, I rise to remember the service and sacrifice of our fallen heroes fighting in the War on Terror and to honor all of the brave men and women who have served in our nation's military.

This Memorial Day we recognize the sacrifices of so many brave men and women who gave their lives for the freedom of others around the world and for the defense of our Nation. This past weekend, we celebrated a generation of heroes with the dedication of the World War II Memorial in Washington, D.C. This memorial serves as a fitting tribute to our greatest generation who fought the war and the more than 400,000 Americans who made the ultimate sacrifice for the freedom of others enslaved by tyranny and oppression. The memorial will provide future generations of Americans with a real sense of the enormity of the conflict and they will learn how our Nation joined together during the darkest hour in the history of the world, to rise up and defeat the regimes of Germany, Italy and Japan.

Much like World War II, we find ourselves a nation at war. However, instead of having a clear picture of our enemy, we find them cloaked and hidden in terrorist camps and harbored by rogue nations. They do not have a country to call their home and their motives cannot be understated. They abhor the human virtues of freedom, liberty, and democracy and aim to destroy America and our way of life.

Four Oklahoman's from the 1st Congressional District have died in operations overseas in Iraq. To honor their service and sacrifice, I would like to take a moment to pay tribute to them.

Army Specialist Kyle A. Brinlee, 21 of Pryor, Oklahoma, died serving his Country in Iraq on May 11, 2004;

Army Specialist James E. Marshall, 19 of Tulsa, Oklahoma, died serving his Country in Iraq on May 5, 2004;

Army Private Jason M. Ward, 25 of Tulsa, Oklahoma, died serving his Country in Iraq on October 22, 2003;

Marine Lance Corporal Thomas A. Blair, 24 of Broken Arrow, Oklahoma, died serving his Country in Iraq on March 24, 2003.

These men gave their lives to bring freedom to a Nation which has never known it and end the scourge of terrorism around the globe. My prayers and condolences go out to all the families of those brave men and women who have fallen to make our homeland and the world a safer place. They gave their lives selflessly to protect the virtues of freedom and protect our way of life. Our debt to them will forever be beyond our power to repay. It is vitally important that we keep them in our memory and remind future generations of their selflessness and heroism.

RECOGNIZING UPWARD BOUND PROGRAM

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize the Upward Bound program. Upward Bound is a college preparation program aimed at helping high school students who are from low-income families and students who are from families where neither parent graduated from college. Upward Bound is designed to increase the rate at which these students enroll and graduate from college. This U.S. Department of Education program enables students, who wouldn't normally have the opportunity or information, to attend a post-secondary school due to their life circumstances. Testimonials from students involved with the California State University of San Marcos Upward Bound program express the impact this program has had on their lives through tutoring, friendships, and college trips. These testimonials highlight the lives that this program has touched and the opportunities this program has given to students.

Upward Bound provides tutoring for its students in literature, composition, math, and science. Tutoring provides a way for Upward Bound to be involved in these students' lives and ensure their success. Fermin Soto, an Upward Bound participant, from San Marcos High School states, "If Upward Bound was taken away from us our grades would go down, because we need the tutors. They help us so much and push us study and do homework." Another participant, Adrian Blount, feels, "Upward Bound is a program with tremendous opportunity. It supplies tutors for those who need extra help and they motivate you to do your best."

The tutoring Upward Bound provides has given many students the motivation to reach their potential in high school to enable them to continue their education. Megan Day from Escondido High School believes, "Upward Bound is a group that motivates you to go to college. They have tutors to help you after school two times a week. Upward Bound helps let me have time after school to do homework or help study for tests and quizzes." This time set aside for students to concentrate on their schoolwork is very valuable to them and their future, as well. Mia Bryson from Camino High School feels the tutoring has been imperative for her success, "The tutors at Upward Bound have helped me out a lot. Everyone is so motivated it helps when you're around people with the same goals as you."

Many of these students feel that without tutoring college would not be an option for them because they would not have the study skills or knowledge to excel in college. Recia Comfort from Rancho Buena Vista High School feels the tutoring has given her a brighter future, "Since Upward Bound holds tutoring twice a week, it provides us with needed skills. So if the Upward Bound program was no longer available I wouldn't feel like college would be in my future." Megan Moore acknowledges the importance of the study skills she learned from tutoring, "Upward Bound has helped me by being forced to go to tutoring because without that I would not have the study skills I do now." One tutor also believes, "Through tutoring that is provided, students are able to strengthen their knowledge, hence alleviating the weight of new information offered in college."

Tutoring helps keep the students focused on their goals and teaches them self-discipline, when it comes to challenging schoolwork or difficult decisions in life. Raven Rogers is thankful for the discipline Upward Bound has taught her, "Upward Bound has made me dedicate myself more to my schoolwork, I guess that's why I feel thankful for being accepted in the program. It has really shown me how to deal with stuff in life. So in my opinion I feel that in the long run it will really help me." Raquel from El Camino High School says, "My favorite part of the Upward Bound program is the tutoring. The tutors help me with all my work when it can be challenging."

The tutors provide support for the students on a personal level as well as educational level. Jose Aguilla from El Camino High School states, "I'm so successful now because of the program and if it no longer existed then I would not know who to get help from. The staff and tutors are great and they show that they care for us and it makes me feel good." The support the tutors provide for the students increases their confidence in their schoolwork and their goals in life.

Another beneficial aspect for students involved in Upward Bound is its Summer Residential Program, which gives students a chance to visit colleges. This experience provides the students with valuable information about college life and what they should expect in the future. If Upward Bound did not give their students the chance to visit colleges most of the students wouldn't have the chance to visit colleges or know the options available to them for college. Belen Aduino from Oceanside High School appreciates this sneak preview of college life, "I like the classes they give us during summer, it's like we are there at the university and taking real classes. I like to experience how it is like to go to college at least during summer. During summer Component I learned many things such as how real college students live, the classes they study, and how their classrooms and colleges look."

Many students would not receive much information about college without the support of Upward Bound, which would decrease the chance these students would enroll in college. Elyana Sotelo from San Marcos High School feels the information she receives about college is very valuable, "So if the program, Upward Bound, were to be taken away from us, students, we probably won't get a lot of information about college as we are getting right now. And we won't be able to get prepared and have the possibility about going to college." Michelle Sevilla from San Marcos High School also feels she wouldn't know much about college without Upward Bound, "Without the Upward Bound program I wouldn't know much about colleges, financial aid, and tests. Upward does an excellent job keeping their students informed with what's going on with universities."

The students enjoy the opportunity to visit colleges because it gives them a chance to experience the way college life is, first-hand. For Shanea Blout of El Camino High School, her favorite part of Upward Bound is the summer program, "I have met a lot of new people this year because of the summer residential component which has always been one of my favorite parts of Upward Bound. We have the chance to go to different colleges and experience what it is like living on our own and taking college classes." Another fan of the Summer Residential Program is Michaelangelo Medina, "My favorite part about the program is when we spend time in the university during summer. The reason I like it so much is because you experience the college life in the dorms." Alex Pantoja from Oceanside High School also appreciates the opportunity to receive support and information about college, "My favorite part of Upward Bound is I meet new people and visit colleges. Upward Bound has helped me out by picking out the best college."

Many students would not know about the application process, financial aid, or scholarship options without these informational college trips. Sandra Virias attributes her knowledge about college to Upward Bound, "It taught me to communicate with other people and to learn how to apply and information about colleges and universities. If Upward Bound was taken we wouldn't have anywhere to learn and be taught." River Resendiz from San Marcos High School also says, "My favorite part of Upward Bound is that we get help from college students and also field trips that we take to go see colleges. I also like that they help you with college and scholarship applications."

Summer college trips let the students experience a part of the ultimate goal, attending college, they are aiming to achieve. Nayeli Borja from Escondido High School uses the college trips to keep her focused on her goals, "When we go visit universities that encourages me even more to keep my education up and maintain my grades as high as possible." Ashli Tiller uses the college trips to absorb as much information as possible, "The best part of the program is the summer component. It gives me a taste of what living on a college campus may be like. This program has helped me in many ways from financial aid to seeing what university is right for me." This "taste" of college as Ashli puts it, helps the students to remain focused and motivated towards their schoolwork because they get to experience the goal they are working towards.

Upward Bound does not only provide these students with educational resources, but gives them a sense of community and belonging. Juan Muro says, "Upward Bound has become a part of my life. Upward Bound is like, my family, if I was to loose that part of my life I would not know what to do. Upward Bound gives me confidence everyday, and I am afraid to loose that." The community of Upward Bound encourages the students and gives the students more confidence in their academic as well as personal lives. Yadira Estrada from Oceanside High School said, "Upward Bound taught me to value the things that I have and the opportunity of being in this program. I have developed my self-esteem and I know that I can make it as far as I would like to."

Upward Bound helps students stay focused, when they may be experiencing problems at home or at school. Aydee Reyes from Vista High School says, "This program I would say helps me when I have school problems, sometimes even home or family problems." Danil McGill from San Marcos High School also feels this sense of comfort of Aydee, he states, "Upward Bound has helped me, because when I get sidetracked, they're the one's that call and ask what's going on, and help me figure out what I need to do to get back on track. They also encourage me and make the best out of sometimes bad situations." Erin Hedgecock, a tutor for Upward Bound, also notes the sense of family Upward Bound provides for its students, "Every week the students meet for tutoring and also meet every other Saturday. On these Saturdays all of the students from different community high schools come together to learn and study. These Saturday meetings also give the students a chance to get to know one another and to have fun. This is very important for the students to know that no matter what is going on in their lives at the moment; they still have a group of people that they belong to."

This community encourages the students to follow their dreams and set high goals because they know there is always someone there for them. Samantha Sandoval from Oceanside High School uses this support system to her full advantage, "Upward Bound has helped me to follow my dreams and not let anything stop me from doing it. It also taught me not to be shy and always act like myself. If the program was taken away I would feel like my whole life is taken away because Upward Bound is like a big family that gets along really well." Jasmine Clark from Rancho Buena Vista High School also says, "The Upward Bound program has helped me create steady goals that will help me reach my goal." The students rely on the people at Upward Bound to help them set and one day achieve their future goals.

Upward Bound is not just a program, but it is an inspiration. It gives students the tools needed to set goals and fulfill their dreams. These honest and heartfelt testimonies from students involved with Upward Bound show the importance of this program in their lives. Without the support and information provided by Upward Bound for students many of these students would not be aware of their full potential and not view college as an option in their future. This program strengthens the futures of the individual students involved, as well, as the communities these students are from. I urge my colleagues to join me in supporting this program, and I thank these students for taking the time to share the importance of the program.

FALLEN HEROES

SPEECH OF

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. WATT. Mr. Speaker, I appreciate this opportunity to honor all those who have died in military service with a moment of silence. I am particularly reminded of the courage and sacrifice of our World War II soldiers as we celebrate the long-awaited opening of the monument to those who died in that war. As Americans we express our gratitude to them this year as we reflect on the fact that men and women are again fighting and dying for our country.

Almost 800 American soldiers have died since the beginning of hostilities in Iraq. I would like to recognize four of these individuals, all reservists and residents of the 12th Congressional District of North Carolina, who died this past year. Specialist Mark A. Bibby, a twenty-five year old student at North Carolina A&T State University in Greensboro, NC, was killed on July 21, 2003 when a bomb exploded near his Humvee in Baghdad. Specialist Lunsford Brown, also a native North Carolinian and student at North Carolina A&T, died on September 20, 2003, in a mortar attack at the Abu Ghraib Prison in Baghdad. He was twenty-seven years old and the father of a three-month-old baby girl, Amber.

On April 23rd, 2004 the remains of Army Sergeant Elmer C. Krause, also a resident of Greensboro, North Carolina were identified. Sergeant Krause had been listed as missing on April 9th when his convoy came under attack. He was forty years old and had a nine-year-old son, Jonathan. Relatives said he wanted to go to Iraq "so someone else could come back home." Most recently, on May 3rd, Sergeant Gregory L. Wahl, of Salisbury, North Carolina, died when his vehicle flipped into a canal in Balad, Iraq. He was thirty years old and the father of four-year-old Alexis. I extend my condolences to the families, friends and communities in my congressional district who mourn the loss of these men.

Today, I honor all our fallen heroes and sincerely hope that our soldiers in Iraq will soon come home safely and honorably.

TRIBUTE TO HOWARD J. RUBENSTEIN ON THE 50TH ANNIVERSARY OF RUBENSTEIN ASSOCIATES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. LANTOS. Mr. Speaker, I rise today to commend the exceptional contributions to New York City and to our nation made by Howard J. Rubenstein. Tonight his outstanding firm, Rubenstein Associates, Inc., will mark half a century of success in public relations. Joining in the celebration will be leaders in the national, state and local government, as well as the worlds of commerce and culture—and what a fitting tribute this broad selection of friends and admirers will be!

Howard Rubenstein's name is associated with quality clients across the nation, from the San Francisco Opera to the Miami Convention & Visitors Bureau. But most typical of his long and impressive list of 450 clients are the unique institutions of New York, such as the Yankees, the Guggenheim Museum and the Plaza Hotel. Howard has stood by New York City through thick and thin, hard times and flush times, and always he has displayed a unique talent for making the world see New York through his loving eyes. He's helped the city in its quest to be the quintessential American metropolis of our time.

The investment he has made in the future of New York—and by extension in the country at large—has helped to further the concept of public-private partnerships. Nobody better understands the symbiotic inner workings among business, the media, politics and the civic sector than Howard does. His ability to see the big picture enables him to understand where different entities can form alliances for the betterment of all. One of Howard's most significant successes is his participation in the co-founding of the Association for a Better New York. ABNY, which remains as influential today as when it was formed 30 years ago, is a civic organization that brings together leaders from every facet of New York life to work together to improve all aspects of the City.

Mr. Speaker, my respect for Howard Rubenstein was made all the more profound by his response to the September 11th attacks. Howard worked tirelessly to help the city and our nation recover. He threw himself into the task of expeditiously rebuilding downtown at a time when people worried that it might never recover. And he worked energetically to bring tourism back to New York after that terrible day.

But Howard Rubenstein doesn't need a crisis to inspire his vision. He has been an instrumental force in the city's bid to bring the 2012 Summer Olympic Games to New York City. He helped transform the New York Marathon from a four-lap road race in Central Park into the most significant running event in the world. His firm has also been a huge factor in the phenomenal success of the Tribeca Film Festival—another boost to Lower Manhattan. And his efforts have brought about and transformed important institutions—for example, Howard was one of the original founders of the Museum of Jewish Heritage—A Living Memorial to the Holocaust.

Mr. Speaker, Howard is one of the true mainstays of the New York City business community. Decision-makers and young, talented individuals seek out his advice and counsel all the time, and he makes himself available to assist them. Governors, senators and mayors have all turned to Howard at some point, and his firm maintains a huge civic and nonprofit practice. Organizations such as the Partnership for New York City, NYC & Co., the UJA Federation and Covenant House all acknowledge a tremendous debt to Howard Rubenstein.

Howard also serves on numerous boards. A particular concern of his has been helping at-risk young people receive quality education and athletic opportunities after school. Howard serves on the boards of both the Inner City Scholarship Fund and the Board of the Police Athletic League. He's also been a long time board member of the Federal Law Enforcement Foundation, which helps raise money for families of officers who have fallen in the line of duty. His service on the board of the Central Park Conservancy has been crucial in finding private support to maintain that great urban park.

Howard is always looking for ways to reinvest in New York. He never forgets how much the city has given to him in his rise to the prominent position he enjoys today. His professional and personal life testifies to his gratitude to the city—and to the country that allowed a youngster from Brooklyn to achieve his dreams. His wife, Amy, has been his strongest supporter in all of his endeavors.

And his children continue to share in those dreams: His sons Steven and Richard, and daughter Roni, work side by side at his firm.

Mr. Speaker, in honor of the 50th anniversary of the founding of Rubenstein Associates, and in recognition of his many contributions to his hometown and his neighbors, I ask my colleagues to join me in offering a heartfelt congratulations and thank you to Howard J. Rubenstein.

CONGRATULATING MONSIGNOR ALEXANDER KULIK AS HE CELEBRATES HIS GOLDEN JUBILEE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you to join me in congratulating Monsignor Alexander Kulik, who recently celebrated the 50th Anniversary of his ordination at St. Mary's Church of the Maternity in Wilkes-Barre with a testimonial dinner following at Convention Hall in Pittston.

Monsignor Kulik is the son of the late Frank and Jennie Pesta Kulik. His family includes a sister, Mrs. Shirley Polaski, and brothers, Rev. Francis Kulik and Mr. Daniel Kulik. Monsignor was born and raised in Avoca, Pennsylvania. He received his bachelor of science degree from St. Mary's College in Orchard Lake, Michigan, in 1950. After that, he went on to complete his theological studies at St. Cyril and Methodius Seminary, Orchard Lake, Michigan.

Monsignor Kulik was ordained into the priesthood on June 5, 1954 by the late Auxiliary Bishop of Scranton, the Most Reverend Henry Klonowski, at St. Peter's Cathedral in Scranton.

Monsignor Kulik's first assignment was as assistant pastor at St. Ann's Church in Tobyhanna. He went on to Transfiguration Church in West Hazleton, St. Mary's Church of the Nativity in Plymouth and St. Mary's Church of the Visitation in Dickson City.

On the diocesan level, Monsignor Kulik served as assistant rector and professor of Catechetics and Pastoral Theology at St. Pius X Seminary in Dalton. He also worked as Director of Camp St. Andrew Diocesan Boys' Camp.

Monsignor Kulik became pastor of Corpus Christi Church in Montdale in 1971. He subsequently became pastor of St. Mary's Church of the Maternity. In 1978, he was elevated to the rank of Chaplain to His Holiness by Pope John Paul I with the title of Monsignor.

During his 50 years in the priesthood, Monsignor Kulik has been active in many religious and civic organizations. He currently serves on the board of the St. Vincent de Paul Kitchen and the Reverend Walter Ciszek Prayer League.

Of his many accomplishments, Monsignor Kulik is perhaps best known as a gifted spiritual leader. With all the fundraising, renovating and administration that are the daily routine of a Pastor, first and foremost to Monsignor Kulik has always been the spiritual guidance and needs of his parishioners.

With social ministry in mind, Monsignor Kulik established a food pantry for people so that people would not go hungry. He also established a grief support group to help people through their times of bereavement.

Mr. Speaker, it is my pleasure to represent a man who has demonstrated such devotion and service to his fellow man throughout his life. I ask you and my esteemed colleagues in the House of Representatives to congratulate Monsignor Alexander Kulik on the occasion of his Golden Jubilee.

INTRODUCTION OF THE DEPARTMENT OF ENERGY HIGH-END COMPUTING REVITALIZATION ACT OF 2004

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce H.R. 4516, the Department of Energy High-End Computing Revitalization Act of 2004, which outlines how the Department of Energy will help ensure that America remains a leader in the development and use of supercomputers.

On April 27, I introduced H.R. 4218, the High-Performance Computing Revitalization Act of 2004. H.R. 4218 addresses the need for an on-going, coordinated interagency process to guide federal decision-making in high-performance computing investments. That bill strengthens the interagency process by requiring the Director of the Office of Science and Technology Policy (OSTP) at the White House to "develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems for use by the research community in the United States." By putting OSTP in charge of developing the program's long-term vision, this provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

H.R. 4218 lays out the foundation for a planning process involving several Federal agencies. It also makes clear that the Department of Energy, through its Office of Science, and the National Science Foundation, are the two lead agencies within the Federal Government responsible for providing U.S. researchers with access to the most advanced computing facilities in the world.

The legislation I am offering today complements H.R. 4218 by addressing in more detail the high-performance computing activities at the Department of Energy. This new legislation authorizes the implementation of a specific program that the Department will need to meet the mandate laid out in H.R. 4218.

More specifically, the bill I offer today requires the Secretary of Energy to establish and operate high-end computing facilities that are among the most elite machines in the world—truly "leadership-class" machines, sometimes referred to as "ultrascale" computers. My bill directs the Secretary to conduct advanced scientific and engineering research and development using these leadership class systems, and to continue to advance the capabilities of high-end computing hardware and software. These leadership-class computing facilities will be available on a competitive, merit-reviewed basis to researchers in U.S. industry, institutions of higher education, national laboratories, and other Federal agencies.

Last fall, the Department of Energy's Office of Science released its 20-year facilities plan, a prioritized list of the most important scientific facilities needed to advance multiple fields of scientific endeavor over the next two decades. The second highest priority identified on the Department's list was "ultrascale computing."

Ultrascale computing ranks highly on the Department of Energy's priority list because these computers are essential tools for achieving the next suite of scientific breakthroughs in a variety of disciplines. These powerful machines are used in the development of pharmaceuticals, in modeling the Earth's climate, and in applications critical to ensuring our national and homeland security. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics, and genomics. In many cases, dramatic breakthroughs will require increasing computing power by a factor of a hundred, or in some cases, by a factor of a thousand. While attaining these increases may seem daunting, the history of computer development has taught us that with a sustained commitment to research, such gains are within our reach.

I am pleased that the legislation I am offering today also complements a new initiative recently advanced by the Department. Last month, Secretary Abraham announced the selection of a team including Argonne National Laboratory, Oak Ridge National Laboratory, and other partners to develop and build a new, ultrascale computing facility. When completed, this new facility will outpace the world's current "number one" computer, Japan's Earth Simulator. By renewing our commitment to high-end computing research and development at the Department of Energy and other Federal agencies, the United States can regain its distinction as home to the world's most powerful computer.

INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. CROWLEY. Mr. Speaker, ten years ago, the United States joined with 178 other nations in endorsing the International Conference on Population and Development (ICPD) Program of Action. The ICPD Program of Action sets a series of quantitative social and health targets central to achieving development efforts and women's rights. Included under these broad goals are universal access to reproductive health care; education for all and closing the gender gap in education; eradication of sexually transmitted diseases like AIDS; and bringing women into mainstream development.

Many nations are implementing or attempting to implement the Program of Action. Success has not been easy or uniform, particularly in the world's least developed nations. A key concern is that expenditures for implementing family planning and reproductive health programs have fallen well short of the $6 billion pledged by industrialized nations.

Last month, policymakers, opinion leaders, and practitioners from around the world gathered in Washington, DC, as part of the "Global Population Forum," hosted by Population Institute and Population 2005, to discuss the successes and obstacles to the implementation of the Program of Action. Out of these meetings, the Conference developed and adopted a statement, called the "Washington Declaration." This document reaffirms the importance of the ICPD Program of Action and challenges developing and developed nations alike to strive to meet the financial goals set out 10 years ago.

I ask unanimous consent that the Washington Declaration be printed in the Record.

DECLARATION

The Forum:

Reaffirms the principles, objectives and actions in the Program of Action (POA) of the International Conference on Population and Development as well as the Key Actions for Further Implementation of the Program adopted in 1999.

Recognizes that while much progress has been achieved in many countries in implementing the recommendations of the POA, progress has not been uniform and much needs to be done, particularly in the world's least developed countries.

Reiterates that achieving the ICPD goals is essential for the attainment of Millennium Development Goals (MDGs).

Stresses that a number of priority issues, programmatic constraints and emerging concerns in the areas of reproductive health, HIV/AIDS, migration, ageing, closing the resource gap, and strengthening partnerships need to be addressed urgently in the future, in particular, the following:

POPULATION AND DEVELOPMENT

Population growth continues to be high in many developing and especially least developed countries; in combination with poverty and trends in urbanization, it is placing enormous stress on fresh water resources, threatening the sustainability of agriculture and worsening the quality of air through emission of green-house gases. As a matter of priority, concerned countries should further strengthen their population, gender, education, particularly for girls, reproductive health and sustainable development programs.

REPRODUCTIVE HEALTH

Despite praiseworthy efforts to achieve interim ICPD goals, the Forum 2004 cautions that significant gaps remain, notably in the provision of services supporting adolescent reproductive health, prevention and treatment services related to HIV/AIDS, combating the growing scourge of trafficking in women and children and gender-based violence, and addressing the increase in abortion rates, where contraception is unavailable or unaffordable.

When the POA was formulated in 1994, family planning represented an important component of many national population programs. Given the current large unmet needs for contraception of women, men and adolescents, as well as the limited availability of contraceptive commodities and supplies in many countries, family planning programs require continued attention.

Programs are urgently required to meet the growing needs of adolescents, including services that attend to their sexual health. Sadly, insufficient attention is being drawn to this important and sensitive issue. Also, adolescents should be directly involved in all decisions regarding their reproductive health and rights.

The Forum, moreover, laments the fact that program resource levels have fallen far below those set in 1994. The failure of many donors to fully meet their commitments has impacted negatively on programs in reproductive health in many countries of the world, particularly in the least developed countries and countries with economies in transition.

The Forum recommends an approach that would effectively:

Involve policymakers in program strategy development and in the creation of programs.

Seek to improve access to quality service delivery and care, and work to build infrastructure and capacities at the local level and in outlying rural areas, encouraging the growth of NGOs and other interested partners, and promoting the involvement and support of the private sector and of the media.

Mobilize youth to adopt and develop their own agendas, as is increasingly being done in efforts designed to empower women.

Shift from excessive concern with data and statistics to human issues having a "human face."

Support efforts by education authorities to incorporate sex education materials into ongoing teaching programs, while stressing that materials and approaches be developed and/or adapted by teachers, parents, and, most importantly, by youth.

As nations must increasingly resort to solving their population problems themselves, major concerns are those of committing adequate resources, setting priorities, and ensuring proper monitoring and evaluation of programs during their implementation.

Close the gaps, where apparent, between policymaking and program practice—for example, availability of services and contraceptives.

For donor countries, renew funding commitments consistent with the clearly articulated ICPD needs.

HIV/AIDS

The Forum noted with alarm that some 40 million people are currently infected with HIV/AIDS, that three million AIDS-infected persons are dying each year, and that an estimated five million new cases are being added annually to the total of those afflicted. In some regions, it is estimated that along with sex workers, intravenous drug users are a major source of infection to the larger society; but poverty, population mobility, gender inequality, rampant sexual transmitted infections (STIs) and high propensities for engaging in unprotected sex are the drivers of the current explosive epidemics in the most affected countries. One of the most affected groups is young people between the ages of 15 and 24.

The Forum recommends:

That the viability of any and all steps taken to combat the disease depends on funding—for prevention programs (to include everything from condoms and contraceptives to comprehensive sexual and transmittance education) to reduce the number of new infections, and for treatment for those 40 million persons already living with HIV/AIDS. For instance, funding at a level of $10.5 billion, against current levels closer to $4.3 billion, would save an estimated 29 million lives by the year 2010.

That funding must be directed to proven prevention, treatment, and coping methods, with consideration given to demographically targeted education programs that address the specific risks unique to different groups and geographies.

That special attention must be paid to the problems facing women, who suffer disproportionately from the disabilities and stigma of the disease, not to mention greater physiological vulnerability.

That the importance of initiatives dealing with the social side effects of HIV/AIDS, especially at the community level, cannot be forgotten. Orphans, decreased productivity, and food insecurity are but a few of the social side effects of HIV/AIDS—the disease must be addressed in all of its forms.

That greater efforts are made to provide the much-needed medical treatment—specifically, supplies of antiretrovirals—at universally affordable cost, while vigorous support is directed to research for an effective vaccine.

That funding towards treatment and prevention of HIV/AIDS should not have to come at the cost of sacrificing other ICPD and Millennium Development Goals; they must all be considered in the broader context of improving the quality of human life worldwide.

INTERNATIONAL MIGRATION

In the decade since Cairo, the number of international migrants has grown to some 175 million. Migration has become a priority issue for both developed and developing countries and for the international community as a whole. Also, since Cairo international migration has been the subject of a large number of regional and sub regional meetings covering all geographical regions. An ongoing independent Global Commission on International Migration is expected to provide the United Nations and interested stakeholders in 2005 with a set of recommendations on this major international concern.

The importance of this issue is further highlighted by the fact that the UN General Assembly will devote its 2006 high-level dialogue to an exploration of "the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts . . . and should have a strong focus on policy issues including the challenge of achieving international agreed development goals."

In order to best build upon these encouraging developments the Forum:

Recommends that all involved parties make maximum efforts to ensure that due attention is paid to each of the following important migration issues: to increase knowledge about factors involved in migration and its implications, especially as they relate to poverty, family break-up, remittances, the brain drain, linkages to security concerns, to the aging phenomena in many countries, and to the health care needs, including the reproductive health and HIV/AIDS care needs of migrants and refugees;

Promotes cooperation among countries of origin, transit and destination for international migratory movements in order to enhance their positive effects and promote respect for the human rights of migrants and their families through compliance with the international instruments now in force; and

Urges the adoption of measures to prevent all forms of trafficking in persons and smuggling of migrants, including for purposes of sexual exploitation, especially women, girls and boys.

AGING

The Forum recognized the increasing urgency of aging as global issue and noted that in the next 50 years the number of elderly will rise from 600 million to two billion. Population aging affects not only the most developed regions, but also the wide range of developing countries. In response to the increasing proportion of elderly people, countries have adopted a wide variety of actions and measures, among others, to improving countries' social security systems, achieving better living arrangements, improving the self-reliance of the elderly, and delivering a wider range of services appropriate to the elderly populations.

Specific actions include the following:

National governments, international organizations and non-governmental organizations should help identify better the specific implications of the aging process.

Countries, non-governmental organizations and the international donor community should intensify their efforts to achieve the goals and objectives of the ICPD Program of Action in the area of aging.

The relevant UN organizations, in particular UNFPA, also should strengthen their efforts to help countries formulate and implement appropriate policies and programs on aging and to seek adequate resources.

CLOSING THE RESOURCE GAP

The Forum participants underscored that most of the constraints in implementing the POA are further exacerbated by the inadequacy of financial and other resources.

The Forum:

Recognizes that the HIV/AIDS pandemic and the spread of sexually transmitted infections are worsening in developing countries with limited resources to combat these continuing and lethal health crises.

Recognizes that economic constraints and shifting priorities have led to a reduction of levels of support for population and reproductive health programs from donor countries, reflected by a $3 billion funding shortfall among these countries and that this gap is a major reason that greater progress has not been made.

Recognizes that developing countries are committing their own resources for population and reproductive health, demonstrating their view of the vital importance of these efforts.

Encourages policymakers and appropriate agencies at all government levels to review, revise, and update, as necessary, the resource needs and requirements of meeting these targets.

Calls upon governments, international agencies, foundations and the private sector to provide greater resources for information and services to prevent diagnose and treat STIs, particularly HIV/AIDS.

Calls upon developing countries to continue to expand their level of support and urge donor countries to increase their resources for implementing the Program of Action.

Also, urges the U.S. to resume funding to UNFPA.

STRENGTHENING PARTNERSHIPS

Recognizes the crucial role of non-governmental organizations, which often have taken the lead in both proving that there is a demand for population and reproductive health services and offering programs to deliver these services.

Recognizes that international organizations often engender a level of confidence, trust and sustained support that other providers of population and reproductive health services may not.

Calls upon governments to build and maintain partnerships with nongovernmental organizations and international organizations to both explore new opportunities and work toward constructive and innovative co-operative and complementary approaches to accelerating progress toward achieving the goals of the Program of Action.

COMMITMENT

In closing, all of us assembled here realize, at this halfway mark in the 20-year Program of Action, that the time has come for the international community to stand tall and remain resolute in its commitment to implement the Program of Action. We must turn the dream of Cairo into a full reality during the next decade by rededicating ourselves to implementing the Program of Action with renewed vigor, political solidarity and adequate resource commitments; this in turn will contribute to eradication of poverty and improvement of quality of life for all people. If we fail to do it, the ICPD POA will be swept into dustbins of history.

We, the Forum participants, unequivocally commit ourselves today the 14th May 2004 to supporting and implementing this Declaration.

FALLEN HEROES

SPEECH OF

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. KINGSTON. Mr. Speaker, on this day of Memorial, I rise in honor of the soldiers and airmen in my district who were killed while fighting to stamp out the tyranny of terrorism in Iraq and Afghanistan. They died while protecting freedom and liberty—and for the hope of democracy. Their purpose was just, and we are deeply indebted to them. These brave soldiers were uniquely courageous—they gave the ultimate sacrifice for their country, and our Nation will forever honor them. Our thoughts and prayers are continually with their families and loved ones.

As a humble token of my appreciation, I recognize them and request that their names be submitted to the CONGRESSIONAL RECORD to demonstrate our permanent gratitude:

Captain Tristan N. Aitken, United States Army, age 31, from Savannah, GA, assigned to the 1st Battalion, 41st Field Artillery. He died on April 4, 2003.

Captain Edward J. Korn, United States Army, age 31, from Savannah, GA, assigned to 2nd Armored Tank Battalion, Fort Knox, KY. He died on April 3, 2003.

Sergeant First Class Wilbert Davis, United States Army, age 40, from Hinesville, GA, assigned to 3rd Battalion, 69th Armor, 3rd Infantry Division. He died on April 3, 2003.

Sergeant First Class Ricky L. Crockett, United States Army, age 38, from Broxton, GA, assigned to Company D, 51st Signal Battalion, 35th Signal Brigade. He died on January 12, 2004.

Staff Sergeant Nathaniel Hart Jr., United States Army, Age 29, from Valdosta, GA, assigned to the 416th Transportation Company, 260th Quartermaster Battalion. He died on July 28, 2003.

Technical Sergeant Bruce E. Brown, United States Air Force, age 32, from Coatopa, AL, assigned to Robins at 78th Air Base Wing Logistics Readiness Squadron. He died on September 3, 2003.

Sergeant David T. Nutt, United States Army, age 32, from Blackshear, GA, assigned to the 494th Transportation Company. He died on May 14, 2003.

Specialist Christopher J. Holland, United States Army, age 26, from Brunswick, GA, assigned to Battery A, 4th Battalion, 27th Field Artillery Regiment, 1st Armored Division. He died on December 17, 2003.

Private Benjamin L. Freeman, age 19, from Valdosta, GA, assigned to K Troop, 3rd Squadron, 3rd Armored Cavalry Regiment. He died on October 13, 2003.

Senior Airman Jason Cunningham, age 26, from Camarillo, CA, Pararescueman, 38th Rescue Squadron, Moody AFB. He died March 5, 2002.

Lt. Col. John Stein, age 39, from Bardolph, IL, HH–60 pilot, 41st Rescue Squadron, Moody AFB. He died on March 23, 2003.

1st Lt. Tamara Archuleta, age 23, from Los Lunas, NM, HH–60 Copilot, 41st RQS, Moody AFB. Lt. Archuleta died on March 23, 2003.

Staff Sgt. John Teal, age 29, from Dallas, TX, HH–60 Flight Engineer, 41st RQS, Moody AFB. He died on March 23, 2003.

Staff Sgt. Jason Hicks, age 25, from Jefferson, SC, HH–60 Flight Engineer, 41th RQS, Moody AFB. He died on March 23, 2003.

Master Sgt. Michael Maltz, Pararescueman, age 42, from St. Petersburg, FL, 38th RQS, Moody AFB. He died on March 23, 2003.

Senior Airman Jason Plite, Pararescueman, age 21, from Lansing, MI, 38th RQS, Moody AFB. He died on March 23, 2003.

Specialist Edward John Anguiano, United States Army, age 24, from Brownsville, TX, Fort Stewart. He died on March 23, 2003.

Specialist Gregory Paul Sanders, United States Army, age 19, from Hobart, IN, Fort Stewart. He died on March 24, 2003.

Sergeant Roderic Antoine Solomon, United States Army, age 32, from Fayetteville, NC, Fort Stewart. He died on March 28, 2003.

Private First Class Michael Russell Creighton-Weldon, United States Army, age 20, from Palm Bay, FL, Fort Stewart. He died on March 29, 2003.

Corporal Michael Edward Curtin, United States Army, age 23, from Howell, NJ, Fort Stewart. He died on March 29, 2003.

Private First Class Diego Fernando Rincon, United States Army, age 19, from Conyers, GA, Fort Stewart. He died on March 29, 2003.

Sergeant Eugene Williams, United States Army, age 24, from Highland, NY, Fort Stewart. He died on March 29, 2003.

Staff Sergeant George Edward Buggs, United States Army, age 31, from Barnwell, SC, Fort Stewart. He died on April 3, 2003.

Private First Class Wilfred Daveyrussell Bellard, United States Army, age 20, from Lake Charles, LA, Fort Stewart. He died on April 4, 2003.

Specialist Daniel Francis Cunningham Jr., United States Army, age 33, from Lewiston, ME, Fort Stewart. He died on April 4, 2003.

Private Devon Dimilo Jones, United States Army, age 19, from San Diego, CA, Fort Stewart. He died on April 4, 2003.

Sergeant First Class Paul Ray Smith, United States Army, age 33, from Tampa, FL, Fort Stewart. He died on April 4, 2003.

Staff Sergeant Stevon Alexander Booker, United States Army, age 34, from Apollo, PA, Fort Stewart. He died on April 5, 2003.

Staff Sergeant Lincoln Daniel Hollinsaid, United States Army, age 27, from Malden, IL, Fort Stewart. He died on April 7, 2003.

First Lieutenant Jeffrey J. Kaylor, United States Army, age 24, from Clifton, VA, Fort Stewart. He died on April 7, 2003.

Private First Class Anthony Scott Miller, United States Army, age 19, from San Antonio, TX, Fort Stewart. He died on April 7, 2003.

Specialist George A. Mitchell Jr., United States Army, age 35, from Rawlings, MD, Fort Stewart. He died on April 7, 2003.

Sergeant Henry Levon Brown, United States Army, age 22, from Natchez, MS, Fort Stewart. He died on April 8, 2003.

Sergeant First Class John Winston Marshall, United States Army, age 50, from Los Angeles, CA, Fort Stewart. He died on April 8, 2003.

Private First Class Jason Michael Meyer, United States Army, age 23, from Swartz Creek, MI, Fort Stewart. He died on April 8, 2003.

Staff Sergeant Robert Anthony Stever, United States Army, age 36, from Pendleton, OR, Fort Stewart. He died on April 8, 2003.

Private First Class Marlin Tyrone Rockhold, United States Army, age 23, from Hamilton, OH, Fort Stewart. He died on May 8, 2003.

Sergeant Michael Tyron Crockett, United States Army, age 27, from Soperton, GA, Fort Stewart. He died on July 14, 2003.

Specialist Joel Lin Bertoldie, United States Army, age 20, from Independence, MO, Fort Stewart. He died on July 18, 2003.

Private First Class Charles Marques Sims, United States Army, age 18, from Miami, FL, Fort Stewart. He died on October 3, 2003.

Specialist Andrew Lee Tuazon, United States Army, age 29, from Chesapeake, VA, Fort Stewart. He died on May 10, 2004.

Captain James F. Howard, United States Army, age 21, from Springfield VA, Fort Stewart. He died on April 2, 2003.

Specialist Matthew George Boule, United States Army, age 22, from Dracut, MA, Fort Stewart. He died on April 2, 2003.

Chief Warrant Officer Four Eric Nders Halvorsen, United States Army, age 40, from Bennington, VT, Fort Stewart. He died on April 2, 2003.

Chief Warrant Officer Two Scott Jamar, United States Army, age 32, from Abilene, TX, Fort Stewart. He died on April 2, 2003.

Sergeant Michael Francis Pederson, United States Army, age 26, from Flint, MI, Fort Stewart. He died on April 2, 2003.

Chief Warrant Officer Three Eric Allen Smith, United States Army, age 41, from Rochester, NY, Fort Stewart. He died on April 2, 2003.

Specialist Ryan Gene Carlock, United States Army, age 25, from Macomb, IL, Fort Stewart. He died on September 9, 2003.

Private Gregory Paul Huxley Jr., United States Army, age 19, from Forestport, NY, Fort Stewart. He died on April 6, 2003.

Private Kelley Stephen Prewitt, United States Army, age 24, from Birmingham, AL, Fort Stewart. He died on April 6, 2003.

Sergeant Terry Wayne Heminway, United States Army, from Willingboro, NJ, Fort Stewart. He died on April 10, 2003.

First Sergeant Joe Jesus Garza, United States Army, age 43, from Robstown, TX, Fort Stewart. He died on April 28, 2003.

Sergeant Todd James Robbins, United States Army, age 33, from Hart, MI, Fort Stewart. He died on April 3, 2003.

Sergeant First Class Randall Scott Rehn, United States Army, age 36, from Longmont, CO, Fort Stewart. He died on April 3, 2003.

Specialist Donald Samuel Oaks Jr., United States Army, age 20, from Erie, PA, Fort Stewart. He died on April 3, 2003.

Private First Class Jeremiah David Smith, United States Army, age 25, from Independence, KS, Fort Stewart. He died on May 27, 2003.

* * *

FALLEN HEROES

SPEECH OF

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. HINCHEY. Mr. Speaker, I rise for Memorial Day to remember our fallen soldiers. On this day, we remember the outstanding men and women who gave their lives in service to this country, and to them we owe our deepest gratitude and respect. No words can express the immeasurable debt that we owe these brave people; we must never take for granted the freedom that their sacrifices made possible. This freedom manifests itself everyday, all over the world, in countries where democracy has flourished because of the commitment of our service members.

I also commend and thank the World War II veterans living in the 22nd District of New York, which I proudly represent. This spring marks the opening and dedication of the World War II Memorial in Washington, DC as well as the 60th anniversary of the D-Day forces landing on the beaches of Normandy, France. For these two significant events, our entire country takes time to reflect and thank those people involved.

The new memorial is a fitting tribute to the sacrifices that were made by members of our military during World War II, as well as by their families. I only wish that the World War II Memorial had been created sooner, so that more of the people this memorial commemorates could have been on hand to be thanked and honored by it. But we remember these citizens with our thoughts and with the tokens of appreciation placed on the memorial. The hundreds of thousands of people who came to Washington to witness the historic dedication provide evidence of the high esteem in which we hold these ordinary Americans who accomplished extraordinary things.

On this Memorial Day, we remember the fallen soldiers of all wars fought in our country's history, and humbly thank them for making the ultimate sacrifice to ensure our future.

* * *

HONORING THE ACCOMPLISHMENTS OF THE DEPTFORD TOWNSHIP SCHOOL DISTRICT NAVAL JUNIOR ROTC CADETS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. ANDREWS. Mr. Speaker, it is my honor to rise before you today to congratulate the members of the Deptford Township School District Naval Junior ROTC for their commitment to citizenship, leadership, and community. On June 8, 2004, the Deptford Naval Junior ROTC will hold a ceremony to honor these dedicated cadets, and several exemplary individuals will be receiving awards of distinction. I ask that my colleagues in the House of Representatives join me in congratulating the following individuals who will be recognized at Tuesday's award ceremony: Johnathan Rivera and John Porteous will receive the Military Order of the World Wars Leadership Award, which is awarded to the individuals who best exemplify the spirit of ROTC leadership; Cadet Petty Officer Third Class Christine D'Ottaviano will receive the Military Order of the World Wars Award, which is awarded to the individual who has demonstrated outstanding accomplishment and service to the ROTC Unit; Cadet Petty Officer Second Class Andrew Horvat will receive the Stephen Decatur Jr. Award, awarded to an outstanding junior cadet; Cadet Petty Officer Second Class Sherri Baskerville and Adam Kucera will receive the Military Officers Association of America Award, which is awarded to the individuals who have demonstrated exceptional potential for military leadership; Cadet Petty Officer Second Class Jacob Callahan will receive the National Sojourners Award, which is awarded to the most outstanding cadet with patriotism; Cadet Petty Officer Second Class Adam Kalb will receive the Order of Daedalians Award, which is awarded to the individual who has demonstrated scholastic and leadership excellence with a desire to pursue a military career; and Cadet Petty Officer Second Class Travis Hanson will receive the American Veterans (AMVETS) JROTC Award, which is awarded to an individual with a positive attitude, outstanding personal appearance, dependability, and sound judgment.

The Junior ROTC program serves our great nation by training the future leadership of our armed forces and fostering the development of our youth into contributing and responsible members of society. All of the cadets of the Deptford Township School District Naval Junior ROTC are to be commended for their commitment and outstanding achievement.

HONORING MAZAL MENASCHE UNTERMEYER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. DEUTSCH. Mr Speaker, I rise today to express my appreciation for the work of an exceptional young woman, Ms. Mazal Menasche Untermeyer of the Ben Lipson Hillel Community High School in North Miami Beach, FL. Mazal, a confident, bright, and charming high school junior, has worked as my nominee for the U.S. House of Representatives Democratic Page Program during the 2004 spring session. Sadly, today is her last day.

While in Washington, Mazal completed her duties as a Page with the same enthusiasm with which she approaches all of her numerous, diverse commitments. Mazal is an honor student, an award-winning member of her school's debate team, and volunteers at a local homeless shelter, tutors in a number of subjects, and has visited disadvantaged children in her home town. Mazal has not only done a wonderful job as a House Page, but she has also been a caring member of the South Florida community, earned the highest marks as student, and, as my staff can attest, has also mastered the arts of the brownie-baking and legging out an infield single in Congressional softball. Mr. Speaker, it was a pleasure to have a Page as hard-working and enthusiastic as Mazal. She has a bright future ahead of her and I wish her the very best.

CONGRATULATING MONSIGNOR DONALD McANDREWS AS HE CELEBRATES THE 50TH ANNIVERSARY OF HIS ORDINATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. KANJORSKI. Mr. Speaker, today I call the attention of the House of Representatives to Monsignor Donald McAndrews, who celebrated the 50th Anniversary of his ordination with a Mass at St. Aloysius Church in Wilkes-Barre followed by a banquet that was held on Sunday, where he was joined by hundreds of friends and parishioners.

Monsignor McAndrews has served as a priest, social worker, teacher and community leader throughout the past 50 years. He received his bachelor of arts degree in honors philosophy in 1950 from the University of Western Ontario, London, Ontario, Canada. He pursued his theological studies at St. Peter's Seminary in London in 1954.

Monsignor McAndrews was ordained into the priesthood on June 5, 1954 in St. Peter's Cathedral in Scranton by the late Auxiliary Bishop of Scranton the Most Reverend Henry T. Klonowski.

Monsignor McAndrews then received his master's degree in social work at Catholic University in Washington, D.C. in 1960.

I have known Monsignor McAndrews for many years, and I was particularly impressed with his dedication as a member of the Flood Recovery Task Force for the Wyoming Valley. I admired Monsignor's unrelenting commitment to helping the thousands of people affected by the horrible tragedy of the Agnes Flood. The Task Force provided programs of assistance in the form of cash grants, food, clothing, furniture and medicine.

Monsignor's first assignment in the Diocese of Scranton was as assistant pastor of St. Ann's Church in Shohola. After four years there, he was assigned as assistant pastor of St. Patrick's Church in Milford. Monsignor served as assistant pastor of Immaculate Conception Church in West Pittston.

Monsignor served as chaplain and lecturer in the Sociology Department of College Misericordia in Dallas, Pennsylvania, for 10 years. He was then appointed executive director of Catholic Social Services of Wyoming Valley, as well as executive director of Catholic Social Services of Hazleton.

Monsignor McAndrews was pastor of St. Mark's Church in Inkerrman, Pennsylvania and subsequently became pastor of St. Aloysius Church in Wilkes-Barre, a position in which he has served since 1982.

Monsignor McAndrews had many great accomplishments while he served the Diocese of Scranton, including the founding of the St. Vincent de Paul Kitchen, which serves meals to 400 people every day. He later established a medical clinic there in conjunction with the Rural Health Corporation.

Monsignor McAndrews developed several social programs during his 50-year career, including the Court Advocate Program for the treatment of drug and alcohol addiction and the Prison Counseling Program at the Luzerne County Correctional Facility.

In 1983, Pope John Paul II named him Prelate of Honor.

Monsignor McAndrews developed the Big Brothers/Big Sisters program in our area. He also started Helping Experienced Adults Develop, a program that now serves nearly 5,000 senior citizens. In 1984, Monsignor McAndrews opened the Gabriel House in Pittston to provide safe and low-cost housing for single women.

Mr. Speaker, it is truly a privilege to represent a man who has devoted his life to his faith. I ask you and my fellow Members of Congress to join me in congratulating Monsignor Donald McAndrews on the joyous 50th anniversary of his ordination in the Catholic Diocese of Scranton.

100 YEAR ANNIVERSARY OF THE COWETA COUNTY, GEORGIA COURTHOUSE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to the proud history of Newnan, Georgia, the Coweta County Seat, and the beautiful courthouse that has resided there for a century.

Mr. Speaker, on February 12, 1825, a group of Creek Indians led by General William McIntosh signed the Treaty of Indians Springs, in which they ceded their remaining land to Georgia. Subsequently, the Georgia General Assembly divided the land into five parcels, which would later become the counties of Lee, Muscogee, Troup, Coweta, and Carroll.

Coweta County was named for a group of Creek Native Americans that lived in and around Coweta, one of the largest and most important towns of the Lower Creek Nation, and to honor General McIntosh, the chief of the Coweta Towns. The official act of naming the county on December 11, 1826, took place in the home of James Caldwell, which then became the very first official courthouse of Coweta County.

For two more years, the Coweta County courts would meet in Mr. Caldwell's home until Newnan was designated the county seat and an official log courthouse was constructed in 1828. In 1904, the spectacular building that now stands was built.

Mr. Speaker, as you can see, the Coweta County Courthouse has a long and proud history and it has come a long way from its humble beginnings in a log cabin. Mr. Speaker, I ask that you join me in commending the great work of the people who have dedicated so much to keep this courthouse beautiful and its history alive. I am proud to represent the good people of Coweta County in the House of Representatives and I look forward to being with them during this 100-year celebration.

FALLEN HEROES

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. EDWARDS. Mr. Speaker, I represent the brave men and women of Fort Hood, TX, the installation that has sent more soldiers to Iraq than anywhere else in the Nation. Tens of thousands of Fort Hood soldiers have served in Iraq, and tens of thousands of families have waited anxiously for their loved ones to return home. All of these soldiers and families have made sacrifices for this mission, but this day we take a moment to remember the words of President Abraham Lincoln, as we honor those who have "given their last full measure of devotion" for this Nation.

Osbaldo Orozco, Narson Sullivan, Rasheed Sahib, Nathaniel Caldwell, Kenneth Bradley, Atanacio Hammarin, Jesse Halling, Christian C. Schultz, Daniel K. Methvin, Jonathan P. Barnes, Wilfredo Perez Jr., Leif Nott, Matthew D. Bush, Steven W. White, Sean K. Cataudella, Richard Arriaga, Anthony O. Thompson, James C. Wright, Robert L. Lucero, James D. Blankenbecler, Analaura Esparza-Gutierrez, James H. Pinkile, Joseph C. Norquist, James E. Powell, Donald L. Wheeler Jr.

John R. Teal, Animus D. Brassfield, Steven Acosta, Michael P. Barrera, Isaac Campoy, Karma S. Lau, Anthony D. D'Agostino, Frances M. Vega, Rayshawn S. Johnson, Genaro Acosta, Alexander S. Coulter, Scott M. Tyrrell, George A. Wood, Eddie E. Menyweather, Clarence E. Boone, Gregory B. Hicks, Edmond L. Randle, Larry E. Polley Jr.

Cody J. Orr, Gabriel T. Palacios, James D. Parker, Ervin Dervishi, Jason K. Chappell, Randy S. Rosenberg, William R. Sturges Jr., Juan C. Cabral, Holly J. McGeogh, Eliu A. Miersandoval, Roger C. Turner Jr., Henry A. Bacon, Christopher E. Hudson, Sean M. Schneider, Robert R. Arsiaga, Ahmed A. Cason, Yihjyh L. Chen, Israel Garza, Stephen D. Hiller, Forest J. Jostes, Casey Sheehan, Gerardo Moreno, William W. Labadie Jr.

Felix M. Delgreco, Justin W. Johnson, Adolfo C. Carballo, Lawrence S. Colton, Wesley C. Fortenberry, Michael A. McGlothin, Edward W. Carman, Stacey C. Brandon, Arthur L. Felder, Patrick W. Kordsmeier, Billy J. Orton, Kenneth A. Molton, Abraham D. Pena-Medina, Kendall Thomas, Adam W. Estep, Ervin Caradine Jr., Jeremy L. Drexler, Bradley G. Kritzer, James E. Marshall, Hesley Box Jr., Rene Ledesma. I send my prayers, my sympathy, and my deep gratitude to their families. Their nation will not forget their sacrifice.

FALLEN HEROES

SPEECH OF

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CARTER. Mr. Speaker, as we approach Memorial Day, we should take a moment to remember the young men and women who are fighting bravely for the freedom and democracy of this nation and others. At the same time we must remember the families of those men and women who have made the ultimate sacrifice.

All Texans fighting for a just cause will forever be ingrained in my mind, especially those who have become our fallen heroes:

Spc. Zeferino E. Colunga, Belville, Texas.
Pfc. James D. Parker, Bryan, Texas.
2nd Lt. Jonathan D. Rozier, Katy, Texas.

TRIBUTE TO MR. BRIAN WRIGHT OF HOYT LAKES, MINNESOTA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 4, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize and express my profound appreciation to Brian Wright of Hoyt Lakes, Minnesota who spent his junior year of high school at the Congressional Page School and worked as a congressional page for the U.S. House of Representatives. As Brian completes his page experience in Washington, I want to acknowledge and thank Brian and the entire Page Class of 2003–2004 for their outstanding work and superb service to the House of Representatives throughout the school year.

Congressional pages fulfill a multitude of tasks to ensure that the U.S. Congress operates effectively. Throughout the school year, Brian was responsible for delivering materials throughout the U.S. Capitol, answering phones in the Members cloak room, relaying messages Members of Congress, and preparing the House floor for session; Brian fulfilled these important responsibilities with enthusiasm, commitment, and dedication.

I know Brian will continue to apply the same dedication and energy to all his future endeavors in the future and I wish him great success.

FALLEN HEROES

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. WALSH. Mr. Speaker, I rise today with my colleagues on both sides of the aisle to extend praise and remembrance to those who have given their lives in the defense of this nation.

We stand before this House, not in an effort to politicize the ultimate sacrifice so many have endured, but rather to express a collective gratitude for these brave soldier's willingness to embrace the virtues of America and band together under this nation's flag.

For as long as this nation has known war, we have embraced the heroes it has produced. Americans have rightfully noted the honor and nobility of courage under hostile fire and thanked those who perished in their defense. I believe Congress has a duty to do so as well; not simply as a body of legislators, but more importantly as a community of friends, neighbors, parents and Americans.

Since the United States was attacked on September 11, 2001, our nation and the world have changed a great deal. The way many Americans view the global climate are rooted, for many, in the context of our nation's defense against those who wish us ill. Never, since the fall of communism, has it been so abundantly clear that an ethos exists, which is loath to accept the freedoms and prosperity we hold sacred in this nation.

With this realization, came a growing need for men and women willing to take up arms in an effort to protect our American way of life and the freedoms so many of our ancestors died to entrench. Many have embraced this call as members of our active duty armed forces and the Reserve/National Guard. For that, this nation is grateful. The selfless actions of these heroes have removed them from their families, businesses and homeland to fight, so that others may experience the liberty awaiting our troops upon safe return to America.

For some, however, there will be no return. This inevitability of conflict motivates us today and echoes the reminder that freedom is not given away and our national security is not achieved without sacrifice. We cannot forget this, nor can we assert that honoring those who have fallen is political posturing. It is an obligation for members of this body to show Americans we have not ignored their sacrifices.

I consider it a privilege to join my colleagues in offering this contrite praise and remembrance as Memorial Day approaches. We must never forget or diminish the sacrifices of those who gave everything for this nation.

I urge my friends in this House to join in thanking those fallen heroes including, from the State of New York: Pfc. Tamario Burkett (USMC), Pvt. David Evans (USA), Cpl. Bernard Gooden (USMC), Pfc. Gregory Huxley (USA), Lance Cpl. Eric Orlowski (USMC), Cpl. Robert Rodriguez (USMC), Spc. Rasheed Sahib (USA), SSgt. Riayan Tejeda (USMC), Lance Cpl. William White (USMC) and Sgt. Eugene Williams (USA). Their courage over the past two years and throughout the centuries has enabled this republic to endure tragedy and face the future with optimism.

SENATE—*Monday, June 7, 2004*

The Senate met at 1:31 p.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, generous giver of wonderful gifts, thank You for the life of former President Ronald Wilson Reagan and for the gift of talented leaders. We praise You for people with vision who see things that are not and ask, why not. Thank You for visionaries who call us out of the night of selfish living to the sunrise of sacrifice and service. Help us to celebrate the lives of faithful leaders while they can still hear our appreciation.

Thank You for the Members of Congress who provide stellar leadership. Keep them from evil and infuse them with a spirit of kindness.

As death reminds us of life's brevity, we turn our eyes toward You, O God. You are our refuge and strength and not even death can separate us from Your love. We pray in Your changeless Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today is a solemn day. In fact, this is a solemn week for the Senate as well as the entire country, as we pay special tribute to the life and to the Presidency of the late Ronald Reagan, the 40th President of the United States.

Many Members are asking about the schedule for this week and when they may have the opportunity to make appropriate remarks. In light of the events surrounding this occasion, I do not expect the Senate to conduct normal business this week. I believe we should postpone the scheduled votes in relation to Defense authorization until next week. This week we will have several resolutions relating to the passing of President Reagan. In a moment we will pass the first of these resolutions.

Members should be aware that although we will not be voting in relation to the Defense bill, rollcall votes may be scheduled this week in relation to the various resolutions scheduled over the course of the week saluting the life and legacy of Ronald Reagan. No votes will occur prior to 2:15 p.m. on Tuesday in any event. I will have more to say on the voting schedule later today.

In addition, we will have extended morning business periods through Wednesday to accommodate Senators who desire to speak.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that the order providing for the consideration of the Defense authorization bill for today be vitiated and that the Senate continue in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FILING OF AMENDMENTS

Mr. FRIST. Mr. President, I further state that the filing deadline for amendments will remain in place for 5 p.m. today.

AUTHORIZATION FOR THE LYING IN STATE OF THE LATE RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 115 which is at the desk.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 115) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 115) was agreed to, as follows:

S. CON. RES. 115

> *Resolved by the Senate (the House of Representatives concurring),* That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late Ronald Wilson Reagan, the 40th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from June 9 until June 11, 2004, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. FRIST. Mr. President, this week we mourn the passing of Ronald Wilson Reagan, the 40th President of the United States. My wife Karyn and I, and indeed the entire Senate family, extend our deepest sympathies to his beloved Nancy and the entire Reagan family. More than 15 years have passed since Ronald Reagan gave his final cheerful salute as President of the United States. He left the Oval Office with the highest approval rating since Franklin Delano Roosevelt.

Ronald Reagan had restored our confidence and our optimism in what it meant to be an American. The countless tributes and recollections of the past few days have brought forth a flood of memories, not only of his extraordinary leadership but of his truly exceptional character. We remember Ronald Reagan and love him as we did the day he left the highest post in the land. We feel a strong personal and unbreakable connection with our 40th President.

Some attribute Ronald Reagan's ability to connect with the American people to his abilities as an actor. No politician was better or more comfortable around the camera. When he looked into the lens, he was looking directly into the eyes of the American people. His timing was flawless, and he had a soft touch that could disarm even his most stubborn political opponents.

After being wounded by an assassin's bullet as he lay on a hospital gurney drifting towards unconsciousness, Ronald Reagan quipped to his beloved Nancy:

> Honey, I forgot to duck.

So many stories like this remind us that Ronald Reagan was a man of remarkable courage, coupled with boundless good humor. There was more to him than what he said and how he said it, as there was more to Abraham Lincoln than his stirring speeches, and more to Franklin Roosevelt than his fireside chats. Ronald Reagan believed in what he said, and that conviction came through. He believed there is good and evil in the world and that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

America stands for the good. He believed we must protect freedom wherever it may be threatened and plant its seeds wherever freedom may take root. He believed democracy to be not the privilege of a fortunate few but the rightful and ordained destiny for all mankind.

At the 1992 Republican convention in Houston, TX, he expounded on these beliefs, telling the American people:

> Whether we come from poverty or wealth, whether we are Afro-American or Irish-American, Christian or Jewish, from big cities or small towns, we are all equal in the eyes of God. But as Americans, that is not enough; we must be equal in the eyes of each other.

There was one thing—second only to the Almighty—in which he had more faith than all else, and that was the American people. We trusted Ronald Reagan, we respected Ronald Reagan, we loved Ronald Reagan, because he trusted, respected, and loved each and every one of us.

This week we will bear witness to a rare and extraordinary tribute to one of our greatest leaders. Half-masted flags will snap in the wind. Cannons will pound the air with salutes. And a horse-drawn caisson will solemnly pull the flag-draped casket of Ronald Wilson Reagan up to the Hill of our Capital City.

Americans will line up by the thousands to pause at his side, bow their heads, and pay their final respects. Hundreds of leaders will gather at the National Cathedral to show their deep appreciation of a grateful Nation and a grateful world, and on Friday, when President Reagan is laid to rest, each of us will give a moment of our day to remember a man who gave us his very best.

All of this is right and fitting. This is how we honor the lives of great leaders whom we love. But our tribute to Ronald Reagan must be more than a passing historical moment. Although we say goodbye to the man, we must never say goodbye to his values. Let this week reaffirm the goodness of our Nation. Let it reaffirm our faith in freedom. Let it reaffirm democracy as the destiny of all mankind. And let our fond memories, our deep affection and regard for Ronald Wilson Reagan reaffirm that we believe, above all, in ourselves as Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, this past weekend we lost one of America's greatest leaders, Ronald Reagan. I had the privilege of serving under President Reagan's strong, principled leadership for 7 years—2 years in his White House as assistant to the President, or public liaison, and almost 5 years as his Secretary of Transportation.

Greatness in a President is marked by the ability to chart and implement a new course, a better course, and by his level of decency and integrity. Ronald Reagan knew why he wanted to be President. He came to office with the clearest of vision, a passion for achieving his goals and in conveying them with an eloquence almost unsurpassed.

Ronald Reagan made all of us, the American people, believe in ourselves again. He literally changed the world. Despite conventional wisdom, he determined that communism had to be defeated, not tolerated. He rejected the Iron Curtain, rejected the status quo, and his legacy to the world is freedom. His strength of character and bedrock belief in right and wrong ended the cold war, and his leadership unshackled the yoke of tyranny for millions upon millions of people who had known only oppression.

I will always remember his remarkable rapport with the American people and what a true gentleman he was. During my time on his White House staff, I brought scores and scores of people, organizations, and groups into the Oval Office, the Cabinet Room, the Roosevelt Room, and he treated every person with courtesy and respect. Occasionally, there would be some who had a difference of view with him on some issue or another, and they were going to give him a piece of their mind. Well, they came into his presence and you could almost see that anger just fading away. He would express his views, he would address their concerns, and then he might sit back and tell them a story or two—perhaps a humorous one—and maybe pass jellybeans around. They would be ready to climb any hill for Ronald Reagan. When the President would explain his position, obviously, he did it in a very eloquent manner.

What a remarkable person his wife Nancy is. What a tremendous partner. She was his best friend, his confidant, his trusted, beloved spouse. She deserves great credit for his accomplishments and hers.

When I left the Cabinet, a farewell function was planned, and we talked about the fact that it would be nice to invite to that farewell party people who would not otherwise be able to meet the President of the United States. He readily agreed.

I can remember one young woman from Arkansas. She was a part of the Make a Wish group. She had a terminal illness and her great desire was to meet President Ronald Reagan. I can still see her there in the White House and the compassionate way in which he greeted her and talked with her.

There was a young man named Tommy, from my hometown of Salisbury, NC, who was in a wheelchair; he had to wear a helmet most of the time because if he were to fall, it would be very severe. His mother and his uncle very tenderly brought him to Washington to carry out his wish to meet the great Ronald Reagan, President of the United States. Once again, to watch the President and his compassion as he talked with Tommy is something I will remember forever.

One of the things that will really be an inspiration to me for the rest of my life is a conversation I had with the President when the two of us were alone. We were waiting in the holding room for him to give a speech. You don't often find yourself alone with the President of the United States. On this particular day, we were waiting for a speech and I said: Mr. President, I just cannot resist. I have to ask you how in the world, when you have the weight of the world on your shoulders, are you able to be so gracious, so thoughtful, and so kind? I never see you flustered or frustrated. How do you do it with such weight on your shoulders?

He kind of leaned back, and he loved to tell a story and to reminisce. He said: Well, Elizabeth, when I was Governor of California, it seemed like every day yet another disaster would be placed on my desk, and I had the urge to hand it to someone behind me to help me. One day I realized I was looking in the wrong direction; I looked up instead of back. I am still looking up. I don't think I could go 1 more day in this office if I didn't know that I could ask God's help and it would be given.

There is no doubt in my mind that President Reagan was welcomed into the gates of Heaven with open arms and with the words: Well done, good and faithful servant. Well done, indeed.

God bless President Ronald Reagan and his family, and God bless this great land of the free, America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, a few years ago when Ronald Reagan was President of the United States, he attended one of the many press dinners which are held. I think it was the gridiron dinner. I think it is well known that maybe 90 percent of the press corps in Washington had a different point of view on issues than President Reagan did, but they liked him anyway, and they respected him and he had fun with them, just as they did with him.

I remember on that evening he strode into the gridiron dinner looking like a million dollars, smiling big. The press rose, smiling back, applauding. He stood in front of them until it subsided, and then he said to his adversaries in the media: Thank you very much. I know how hard it is to clap with your fingers crossed. And they laughed, and they had a wonderful time with President Reagan.

The first thing we think about, those of us who had any opportunity to get to know him—a great many of us—was that Ronald Reagan was a very friendly man. He was a congenial person, an easy person to know, the kind of person you want to spend a lot of time with, if you had the opportunity, and that what you saw in private was what everyone else saw in public.

Howard Baker, the former majority leader of the Senate when Ronald Reagan was President, got to know him especially well, and then in 1987, President Reagan invited former Senator Baker to come to be his Chief of Staff, which he was for nearly 2 years.

I remember Senator Baker telling me that, to his surprise, when his 9 a.m. meetings came every morning with President Reagan, he discovered that Mr. Reagan had a funny little story to tell to Senator Baker, his Chief of Staff. What surprised Senator Baker even more was President Reagan expected Senator Baker to have a funny little story to tell back. So for that whole 2 years, virtually every morning at 9 a.m. when the President of the United States and the Chief of Staff of the White House met, they swapped funny little stories. It is very reassuring to me that two men who have maybe the two biggest jobs in the world were comfortable enough with themselves, each other, and their responsibilities to begin the day in that sort of easy way. That is the part of Ronald Reagan we think more about.

Another part of Ronald Reagan which I think is often overlooked is that he was a man of big ideas. I would say intellectual, although I guess there is a little difference between being devoted to ideals and being intellectual but not much difference.

Unlike most people who are candidates for President of the United States, Ronald Reagan wrote many of his own speeches. When he had a few minutes, he would sit in the back of a campaign airplane and make notes on cards in the shorthand that he had. His former aide, Marty Anderson, has written a book about that and told that, to a great extent, Ronald Reagan's words were his own words, ideas he expressed or ideas he gathered himself and ideas he had thought through and wanted to promulgate.

Maybe that is partly why he seemed so comfortable with himself when he finally entered public life. He came to it late in life. He was age 55 when he became Governor of California, so by then he knew what he thought, and he had a sense of purpose, and he knew what he wanted to do.

I got an idea of that kind of big thinking when I went to see President Reagan in my second year as Governor—third year, I guess it was, his first year as President in 1981. I talked to him about a big swap which I thought would help our country.

I suggested: Mr. President, why doesn't the Federal Government take over all of Medicaid and let the State and local governments take over all responsibility for kindergarten through 12th grade? That would make it clear, I said, where the responsibility lies. You cannot fix schools from Washington, and it would make more efficient our health care system if we did things that way. He liked the idea. It fit his unconventional brand of thinking. He advocated it. It was a little too revolutionary for most people in Washington in the early 1980s.

He had the same sort of unconventional attitude toward national defense policy. Many people overlooked the fact that Ronald Reagan did not just want us to have as many nuclear weapons as the Soviet empire did, he wanted to get rid of nuclear weapons. He saw them as wrong, as bad, and he wanted a world without nuclear weapons. Instead of mutual assured destruction, which was the doctrine at the time, he built up our strength so we could begin to reduce nuclear weapons and then unilaterally begin to do it before the Soviets did, hoping they would then follow. We can see the results.

At the time, some people said Ronald Reagan was naive to think we could transfer power from Washington, from an arrogant empire, at home or naive to think we could face down an evil empire abroad, and especially naive to think our policy should be based upon getting rid of nuclear weapons. It turned out Ronald Reagan saw further than most of those critics did.

Perhaps his most famous speech, not my favorite speech—my favorite speech is the one we heard a lot about this weekend, 20 years ago at Normandy, which moved the whole world to tears and reminded Americans why we are Americans and what we fought for—but his most famous speech may be the one in 1987 at the Brandenburg Gate in Berlin where he said:

> Mr. Gorbachev, tear down this wall.

Earlier this year, I visited Berlin with John Kornblum who at the time was U.S. minister and deputy commandant in the American sector of West Berlin where tanks challenged tanks and white crosses marked grave sites of those who were killed trying to escape over the wall from East Berlin. Mr. Kornblum talked about the development of that speech that Ronald Reagan gave that day. Those words, or the thought, "tear down this wall," went into the speech at an early stage. Some fought to keep it in. Many fought to take it out. Those who had thought Ronald Reagan was wrong to say the Soviet Union was an evil empire were not anxious for him to say:

> Mr. Gorbachev, tear down this wall.

Some suggested that President Reagan try his hand at German as President Kennedy had in a memorable speech at the Berlin Wall in the early 1960s. Some suggested that the speech should not be made at the Brandenburg Gate. That was too provocative, Mr. Kornblum remembers. But the speech was made at the Brandenburg Gate, and Mr. Reagan did keep his words in that speech. He did make his point, and his point was clear:

> Mr. Gorbachev, tear down this wall.

For those of us who had a chance to see the new countries of Eastern Europe and their enthusiasm for freedom and for a free market system, we can see the legacy of Ronald Reagan and his unconventional thinking.

So I think it is important for us to remember that this genial President was a man of ideas, of all the Presidents I have worked with, as much a man of ideas as any one of those Presidents.

Ronald Reagan also taught us something about leadership. I recall in 1980 when he and Mrs. Reagan visited the Tennessee Governor's mansion during the Presidential campaign. I had not known him very well. He had served as Governor. He was several years older. He was from the West. It was really my first chance to meet him.

After 1 hour or an hour and a half of breakfast with him the next morning, I remember going away thinking this man has a better concept of the Presidency than anyone I have ever been privileged to meet.

Ronald Reagan understood what George Reedy said in his book, "The Twilight of the Presidency," is the definition of Presidential leadership: No. 1, see an urgent need; No. 2, develop a strategy to meet the need; and, No. 3, persuade at least half the people that you are right.

Ronald Reagan was as good as anyone at persuading at least half the people that he was right. He taught that and he also taught us the importance of proceeding from principles.

Sometimes we are described in Washington these days as being too ideological, too uncompromising, too partisan. President Reagan was a principled man. He operated from principles in all of his decisions, insofar as I knew. He advocated his principles as far as he could take them, but he recognized that the great decisions that we make here are often conflicts between principles on which all of us agree. It might be equal opportunity versus the rule of law. And once we have argued our principle and the solution, and strategy has been taken as far as it could go, if we get, as he said 75, 80, or 85 percent of what we advocated, well, then that is a pretty good job.

So he was very successful because he argued from principles. He argued strenuously. He was good at persuading at least half the people he was right.

Then he was willing to accept a conclusion because most of our politics is about the conflict of principles.

There is another lesson that he taught us, and that was to respect the military. Now, that seems unnecessary to say in the year 2004 where we have a volunteer military that is better than any military we have ever had in our history; when we have witnessed the thousands of acts of courage, charity, kindness, and ingenuity in Iraq and Afghanistan recently; when the men and women of our National Guard and Reserves are also being called up. We have a lot of respect for our military.

In 1980, we were showing a lot less respect for the men and women of our military. I remember riding with President Reagan in a car in Knoxville during the 1980 campaign. As we pulled out of the airport by the National Guard unit, there were a number of the soldiers waving at him, understanding and sensing that he respected them. He turned to me and said something like this: I wish we could think of some way to honor these men and women more. He said: We used to do that in the movies in the 1930s and 1940s. We would make movies honoring men and women in the military and that is how we showed our respect for them.

Well, he did find a way to honor them during his Presidency in the 1980s, and by the time he left at the end of that decade there was no question but that the American people remembered to honor the men and women in the military.

There is one other aspect of President Reagan's leadership that I would like to mention, which is probably the most important aspect of the American character, and that is the belief that anything is possible. The idea that we uniquely believe in this country, and people all around the world think we are a little odd for believing it, is that no matter where you come from, no matter what race you are, no matter what color your skin, if you come here and work hard, anything is possible.

That is why we subscribe to ideals such as all men are created equal, even though we know achieving that goal will always be a work in progress and we may never reach it. That is why we say we will pay any price, bear any burden, as President Kennedy said, to defend peace, even though we know that is a work in progress and we may never reach it.

That is why we say more recently we want to leave no child behind when it comes to learning to read. We know that is a work in progress and we may not reach it, but that is our goal.

We Americans say that anything is possible, and nothing symbolizes that more than the American Presidency. And no President has symbolized that more in the last century than Ronald Reagan. He has reminded us of what it means to be an American. He lifted our spirits, he made us proud, he strengthened our character, and he taught us a great many lessons.

HONORING THE 278TH ARMORED CAVALRY REGIMENT

Mr. ALEXANDER. I rise today to comment on some of those military men and women that President Reagan felt so strongly about. On Saturday, I went to Knoxville, TN, for the casing of the colors of the 278th Armored Cavalry Regiment. Four thousand troops, the largest unit in the Tennessee National Guard, are being sent to Mississippi for training, then to California and then, just before Christmas, to Iraq. This was a large number of men and women from across Tennessee, mostly east Tennessee. While their command headquarters are in Knoxville, their squadron headquarters are in Athens, Cookeville, and Kingsport. The whole community had organized a tremendous day of celebration and parade to honor these men and women.

Randy Tyree, the former mayor of Knoxville, was the master of ceremonies. Joe Alexander was the parade chairman. The East Tennessee Veterans Memorial Association was the event sponsor. It was a bright, sunny day. It came during a week we had filled with honoring the men and women in our military. Earlier in the week was Memorial Day and before that the opening of the World War II memorial. The week ended with the celebration of the 60th anniversary of D-day, honoring those military heroes of the past.

But Saturday was not about the past. The men and women we honored in Knoxville, TN, on Saturday live among us. We know them. We see them in those communities every day. They are members of the Knox County Sheriff's Office. They include McMinn County school superintendent John Fogerty. They are Casey Boring, Tony Loveday, Kevin Fuller, Roger Lawson, and Randy Cruz all from Blount County, my home county's sheriff's office. They are our fathers, brothers, sons, sisters, and daughters. They are not all 24 or 26 or 30 years old either. They are in their thirties and their forties. Some are in their fifties.

Jim Leinart is an Anderson County deputy who fought in Vietnam and is a grandfather. He is a part of the 278th and is heading to Iraq, a month after he was supposed to have retired from the military. He is a tank mechanic, and he and nearly 4,000 other members of the 278th leave June 14 for Mississippi for training.

This is what he had to say about it:

> Right after I got that alert, I figured out I wasn't going to be able to retire. I kind of dread it in a way and kind of look forward to it in a way. It'll be different; an adventure in another country.

The families there, and the men and women in the 278th, all knew the truth. They are not going to Iraq and Afghanistan for support activities. They will be the first National Guard unit from Tennessee in a long time to be on the front lines, to be combat troops. But there was not a word of complaint that day, and the men looked forward to that.

This unit has a fantastic history. The 278th traces its roots to the American Revolution in what may have been the first early American war of preemption. A British colonel named Patrick Ferguson on the eastern side of the Great Smokey Mountains sent word across the mountains to Tennessee that the mountaineers should lay down their arms or the British would come across the mountains and arrest them and hang their leaders.

This angered the mountaineers so they gathered, in October of 1789 near Watauga, TN, near Sycamore Shoals. They marched across the mountains to find this general who sent this warning, killed him, won that battle, destroyed the left wing of Cornwallis's army and, according to President Theodore Roosevelt, changed the course of the Revolutionary War. These militiamen were the early members of the 278th.

At the ceremony on Saturday, MAJ Charles R. Southerland, who is Adjutant of the 278th ACR, gave a beautiful speech, setting out the history of the 278th and its significance.

I ask unanimous consent to have the text of Major Southerland's address, as well as a story from the Knoxville News Sentinel of Saturday, June 5, about Anderson County Deputy Jim Leinart to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS GIVEN ON 5 JUNE 2004 BY MAJOR CHARLES R. SOUTHERLAND, ADJUTANT OF THE 278TH ACR, FOR THE PARADE IN KNOXVILLE, TN

Today the 278th Armored Cavalry Regiment writes another page in our rich history of military service for Tennessee. In 1780, Colonel John Sevier called for 100 good men and 200 men answered the challenge. Tennessee has been known as the Volunteer State ever since. The 278th ACR is the only enhanced Armored Cavalry Regiment within the National Guard, and one of only two Armored Cavalry Regiments in the United States Army.

The history of the 278th Armored Cavalry Regiment began before the American Revolution when local militia units formed throughout communities in East Tennessee. These units were organized to protect the early settlers in Tennessee from the Creek and Cherokee Indians who often raided settlements in East Tennessee. Once these militia units were formed, the Indian raids subsided and life on the Tennessee frontier settled down.

During the American Revolution, these militia units joined along the Nolichucky River in East Tennessee under the command of Colonel John Sevier to form a mounted Militia Company of east Tennesseans. They formed with other "Over the Mountain Men" and defeated a superior British force under the command of General Patrick Ferguson in the Battle of Kings Mountain, North Carolina. The battle, fought on October 7, 1789, destroyed the left wing of Cornwallis' army and effectively ended the Loyalists in the Carolinas. The victory halted the British advance into North Carolina, forced Lord Cornwallis to retreat from Charlotte into South Carolina, and gave General Nathaniel Greene the opportunity to reorganize the American Army.

In 1796, Tennessee became the sixteenth state to join the union. Colonel John Sevier became the State's first governor. He organized the State's Militia into three brigades with the Third Brigade of the Militia in East Tennessee.

During the War of 1812 with Great Britain, Militia units from East Tennessee marched with General Andrew Jackson and fought engagements at Pensacola, Florida and defeated a superior English force on 8 January 1815 in New Orleans.

In 1846, a call went out for 2,800 Volunteers from the State of Tennessee to take part in the War with Mexico, 38,000 Tennesseans answered the call, sealing the Tennessee Militia the ever-lasting nickname of "Volunteer." From that heritage, the 278th Armored Cavalry Regiment's motto "I Volunteer Sir" was derived.

The Third Brigade of the Tennessee Militia was absorbed into the National Guard of the United States on March 25, 1887 as the Third Tennessee Infantry Regiment with Headquarters in Knoxville, TN.

On 29 April 1977, the 278th Infantry Brigade was reorganized and re-designated the 278th Armored Calvary Regiment. Colonel Russell A. Newman was appointed as the 1st Colonel of the Regiment.

Today we will embark on yet another journey to answer our nation's call to protect the freedom and quality of life for our families, communities and the citizens of our great nation. The Casing of the Regimental Colors today symbolizes the end of our current mission in the State of Tennessee. The colors represent the soldiers, past and present, which comprise the Regiment and are the physical symbols of its spirit, tradition and lineage. The act of casing the colors is symbolic of the Regiment's upcoming journey and expresses our rich heritage and the heroism of our forefathers. The Regimental Colors will be uncased again when the Regiment arrives at our new location as we begin our next mission. This tradition carries on our willingness to preserve the rights and privileges of our great nation and our resolve against terrorism. Today is one step in our journey to a foreign land with our Regimental Colors encased during this transition and will be soon unfurled to fly freely in our new location with the gesture of freedom and the future for that area. The pride and love we have for our families and the state of Tennessee will go with us as we take this journey and we will return with a richer and more affluent value for these people and places in our hearts. We look forward to the part of the journey that will return us back here to Knoxville and the uncasing of our Regimental Colors with the knowledge that we made a difference.

The Regimental Command Sergeant Major, who is in charge of the Colors, will case the Colors on command from the Regiment's 8th Commander, Colonel Dennis J. Adams.

[From the News Sentinel, June 5, 2004]

ANDERSON DEPUTY'S PLANS FOR RETIREMENT PUT ON BACK BURNER

(By Bob Fowler)

CLINTON.—An Anderson County deputy who fought in Vietnam and is a grandfather is heading to Iraq—a month after he was supposed to have retired from the military.

Shift Supervisor Jim Leinart is one of five Anderson County Sheriff's Department officers—three of them in leadership positions—who will begin an 18-month deployment June 14.

Their departures create a huge void in the already short-staffed sheriff's department that will likely delay responses to non-emergency calls, Chief Deputy Lewis Ridenour said.

"Some calls may have to be prioritized," he said. "It may also take away from proactive law enforcement."

As for Leinart's upcoming duty in Iraq, "I'm sure that's the last thing he was expecting, to be re-commissioned to a war 30 years after serving his country in Vietnam," Ridenour said.

Leinart is a 54-year-old resident of the tiny, remote Briceville community, tucked into the mountains of Anderson County near Lake City.

He has four children and eight grandchildren and is a member of Troop B of the National Guard's 278th National Armored Cavalry Regiment.

A tank mechanic, he and nearly 4,000 other members of the 278th will leave June 14 for Camp Shelby in Mississippi for training. They'll be on the way to Iraq in the fall.

For Leinart, his upcoming tour of duty is tinged with irony: He was supposed to have retired May 16 from the National Guard.

But that retirement was put on hold in March when he was placed on "stop-loss," the military's term for stopping a soldier from leaving the military during an operation.

"Right after I got that alert, I figured out I wasn't going to be able to retire," said Leinart, a burly man with a quick wit, ready laugh and a neatly trimmed moustache fading to gray.

"I kind of dread it in a way and kind of look forward to it in a way," Leinart said. "It'll be different; an adventure in another country."

He said he and his wife, Joyce, a dispatcher with the county's 911 emergency communications center, are preparing for his departure.

"I'm getting all the stuff done around the house that needs to be done," he said.

His wife, their children and grandchildren "are accepting it, but they don't like it," Leinart said of his marching orders.

Leinart joined the army when he was 17 and was shipped out to Vietnam shortly after his 18th birthday. He said he was stationed next to Saigon in 1967–68 and was involved in the Tet Offensive, when the Vietcong staged simultaneous attacks on major South Vietnam cities in January 1968.

It was a time, he said, "when there was a lot of confusion" and when he was "shot at a few times."

After Vietnam, Leinart joined the Army Reserves in 1981 and transferred to the National Guard's 278th in 1988.

Ridenour said Leinart has been a shift supervisor in the sheriff's department for more than a year. "It was apparent he was someone we wanted in a leadership role," Ridenour said. "He's just the type of person who has that ability."

Other shift supervisors who are headed to Iraq include Sgt. Chucky Beach and Sgt. David Davis. Deputies, Steve Alcorn and Daniel McFee are also on their way to Iraq.

Ridenour said even with the assignment changes made to fill in while the five men are in Iraq, the sheriff's department "will still be short three people on a full-time basis."

A school drug awareness program may be put on hold next year so the officer assigned to that job can go on patrol, Ridenour said.

Two drug enforcement officers have been placed on patrol, and a training officer will become a road deputy three days a week, he said.

"It's going to be a very big problem for us, but these guys are making a bigger sacrifice than we are," Ridenour said of the five National Guardsmen.

Mr. ALEXANDER. The men and women of the 278th are going across the ocean to fight for us so we can live safely at home. They are doing that the same way militiamen in Tennessee did more than 200 years ago, men who went across the mountains to fight for the settlers so they could live safely in the pioneer villages. What I said to them on Saturday in Knoxville I would like to say to them and to their families again today:

We are proud of you. We support you. We will pray for your safety, and we are grateful that you are going across the ocean to fight so we can be safe at home.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Mississippi.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. COCHRAN. Mr. President, with the death of President Ronald Reagan, our Nation has lost a very successful and inspirational leader. He led us to believe in ourselves and our system of Government, our market economy, and our ability to defend freedom and liberty against all threats.

President Reagan had a contagious sense of optimism. He believed deeply America was capable of solving our problems through our democratic process of self-government, and that other nations could do the same.

His greatest success was improving our economy and establishing a more peaceful and cooperative relationship with the former Soviet Union, in particular with the former Communist countries of Eastern Europe.

The Berlin Wall was a symbol of intransigent tyranny. He called for it to be torn down and it was, giving the people of Eastern Europe the opportunity for freedom and hope for a brighter future. We will always remember President Reagan's great smile, his good humor, his sincerity, and his love of country. We are a better Nation and the world is a safer place because of Ronald Reagan.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE CONTROLLED SUBSTANCES ACT TO LIFT THE PATIENT LIMITATION ON PRESCRIBING DRUG ADDICTION TREATMENTS BY MEDICAL PRACTITIONERS IN GROUP PRACTICES

Mr. COCHRAN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 542, S. 1887.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1887) to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices and to amend the Controlled Substances Act, and so forth, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1887) was read the third time and passed, as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF THE 30-PATIENT LIMIT FOR GROUP PRACTICES.

Section 303(g)(2)(B) of the Controlled Substance Act (21 U.S.C. 823(g)(2)(B)) is amended by striking clause (iv).

Mr. LEVIN. Mr. President, this legislation, S. 1887, ensures that all appropriately trained group practice physicians may prescribe and dispense certain recently approved drugs for the treatment of heroin addiction. It addresses the unintended effect of the Drug Abuse and Treatment Act of 2000, DATA, that hinders access to new treatments for thousands of individuals who seek such help.

When Congress passed DATA as Title XXXV of the Children's Health Act of 2000, Public Law 106-310, it allowed for the dispensing and prescribing of Schedule III drugs, like buprenorphine/naloxone, in an office-based setting, for the treatment of heroin addiction. As a result of DATA, access to drug addiction treatment is significantly expanded; patients no longer are restricted to receiving treatment in a large clinic setting, but now may receive such care from specifically trained physicians in an office-based setting.

DATA limits qualified individual physicians to treating no more than 30 patients at a time. The interpretation of the law results in the same 30-patient limit on physician groups. For example, the physician members of the Duke University Medical School faculty practice plan may treat only 30 patients at one time, even though they may have ten individual physicians trained and willing to treat patients and more than 30 patients would benefit from newly available treatment. The difficulties that have arisen, including the dashed hopes for treatment of many, due to the patient limitation on group practices, are detailed in a May 30 article in the Boston Globe, by Peter DeMarco. I would like to share a few excerpts from that article with my Colleagues, as follows:

> When buprenorphine became available as a treatment for OxyContin and heroin addiction 18 months ago, many medical professionals and addicts hailed it as a miracle drug, bringing addicts back from the brink and helping them lead normal lives when all else had failed. But for many addicts, buprenorphine remains one of the hardest drugs to obtain. Approved by the Federal Food and Drug Administration in 2002, buprenorphine is an opiate like heroin or the painkiller OxyContin. Unlike those drugs or methadone, the prescribed drug it's meant to replace, buprenorphine doesn't cloud the minds of patients, allowing them to work or study as if they're not on any drug at all. Nearly all who take buprenorphine, meanwhile, say they lose all physical cravings for street drugs.
>
> But a combination of federal limits on the distribution of buprenorphine, and reluctance on the part of some physicians to offer it to patients has kept thousands of opiate addicts from receiving the drug in Massachusetts and across the country. At the heart of the issue is federal legislation passed in 2000—two years before the drug was approved by the FDA—that restricts individual clinical practices from treating more than 30 patients with buprenorphine at a time.
>
> While many substance-abuse experts say the 30-patient figure is too low for some practices, their main quarrel with the Drug Addiction Treatment Act of 2000 is its failure to differentiate single-physician practices, hospitals, and health care organizations. For example, all the doctors who work for Tufts Health Plan can treat a combined 30 patients—the same total as can be seen by a physician practicing alone.
>
> Boston health officials, along with their counterparts in the State and Federal governments, say the Federal legislation erred on the side of caution, and needs to be changed to allow wider access to buprenorphine.
>
> "Boston Medical Center's main practice has 200 or more general internal-medicine doctors, and within that practice, we can only treat 30 people. It's the craziest loophole," said Colleen Labelle, nurse-manager of the hospital's Office-Based Opioid Treatment Program. "We get 20 calls a day from across the state. People are begging, desperate to get treated, who we can't treat."
>
> The Federal Substance Abuse and Mental Health Services Administration has begun an internal process to increase the 30-patient cap. But because any proposed change would be subject to the public-review process, approval could take as long as two years, said Nick Reuter, a senior public health analyst with the agency.

It clearly was not the intention of DATA that individuals seeking treatment have less access to new medications simply because they receive care from a physician practicing in a group, or from a group-based or mixed-model health plan. Nevertheless, this is the is the effect and it is having a severe effect. The problem is addressed by removing the 30-patient aggregate limit on medical groups. The patient limitation would remain on individual treating physicians. This is achieved in the bill, S. 1887, which I introduced along with Senators HATCH and BIDEN. It simply removes the statutory limit on the number of patients for whom doctors in medical groups may prescribe certain newly available, FDA-approved medications to treat heroin addiction.

I would like to close with another excerpt from Mr. DeMarco's article regarding the positive impact buprenorphine treatment has had on an individual who was fortunate enough to seek and help and not be turned away. It is as follows:

> Timothy Tigges says his addiction began after he wrenched his back and bummed a few Percocet pills, a prescription analgesic, from a friend to dull the pain. Before he knew it, he was hooked on opiates, alternating between OxyContin and shooting up heroin as his life went to pieces.
>
> In October, Tigges, a 27-year-old East Boston carpet installer, began taking buprenorphine, placing an orange pill the size of a dime under his tongue until it dissolves, four times daily. He hasn't touched an illegal drug since the day he started the program, has put on 80 pounds from lifting weights at the gym, and has yet to miss a day of work. For the first time in three years, Tigges hopes to see his 5-year-old daughter, whose mother has refused to let him visit.
>
> "I've had clean urines, 100 percent, for nine months now. There's nothing I'm prouder of than that," he said, choking back emotion. "What I read on the front page of the paper every day is 18- and 20-year-old kids dying of garbage drugs. There's just no need for it. I would take every ounce of heroin off the street and give them this stuff. You watch the crime rate go down."

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent I be allowed to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. CORNYN. Mr. President, as the whole world knows by now, America and the world lost a great man, Ronald Reagan, last Saturday. After battling Alzheimer's disease for the last 10 years, he finally succumbed and left this life for the next.

This week, in this Senate, on television, in the newspapers, and all around the world we will hear people talking of their memories of this great man and what a difference he made in this country and to freedom-loving people all around the world. I offer a few of my own comments in that regard out of respect for him and his family and the great example he was for all who believe in freedom, hope, and opportunity.

Ronald Reagan, perhaps during his entire political career, was underestimated. He was written off by some as an actor or by some as a nice man but maybe not particularly effective. Because he was a man of good humor who loved a good joke, some thought he could not and should not be taken seriously.

The fact is, Ronald Reagan demonstrated for everyone how a serious person—that is, someone who believes deeply in their principles, indeed in the principles upon which this country was founded, and who is willing to put themselves out in the public domain and to argue and fight, sometimes to lose but sometimes to win, in advocacy of those principles—Ronald Reagan reminded us that a good man, indeed a kind human being, a gentle person, a loving husband and father, can also survive in this sometimes difficult, some might even say ugly, world of electoral politics.

In many ways, his death gives another reason to remember that politics today seems in many ways to become personal, so adversarial. Indeed, it need not be. There is no reason why individuals cannot disagree about public policy and differing points of view. There is no reason they cannot do that without becoming personal and hurtful.

I believe it was Margaret Thatcher who once said that a person who reverts to name-calling simply has run out of anything else to say. Indeed, what we ought to be focused on is the policies we believe are in the best interests of the American people and avoid the sort of personal acrimony and hurt which too often seems a characteristic of our modern politics.

Ronald Reagan taught us you can be a successful politician, you can rise to the greatest heights in our system—indeed, to be the leader of the free world—and still keep your good humor, still treat every person with dignity and respect, and still show the milk of human kindness to others.

The one thing that made Ronald Reagan such an attractive person in public life was his basic principles. Indeed, there are some who underestimated him his entire political career. What they failed to appreciate was the power of his convictions and the ideals for which he stood. One of those convictions was putting people first. Ronald Reagan said putting people first has always been America's secret weapon. It is the way we have kept the spirit of our revolution alive, a spirit that drives us to dream and dare, and to take great risks for a greater good.

I know Ronald Reagan has been touted as a great man. I believe he was a great man. But he never considered himself to be a great man, merely a man committed to great ideas.

He also was sometimes criticized for being too much of a dreamer, but he made no apologies about that. He said:

> There's no question I am an idealist, which is another way of saying I am an American.

But when I think of the policies of the Reagan administration and the successes of what some have called the "Reagan Revolution," but which I think in many ways was not revolutionary as much as it was a restoration of our basic principles upon which this country was founded, I think of the fall of communism and the subsequent liberation of tens of millions of people who had known nothing other than oppression and tyranny and dictatorship, and, also, the resurgence of the American economy.

First, so far as his role in the fall of communism, although he was a genial, friendly, humor-loving optimist, he was a hardnosed realist when it came to the terrible impact and consequences of communism on people across this globe. Indeed, he knew it was important for us to maintain a strong military and made no apologies when it came to the importance of peace through strength, not going hat in hand to our allies or our enemies asking them to do us a favor but recognizing that America has a unique role in the world as the one remaining superpower, after the fall of the Soviet Union, and recognizing the failure of communism as an alternative to freedom and democracy.

But it was, in large part, his commitment to rebuilding our military and peace through strength and hardnosed negotiating across the conference table with various opponents of our country and leaders of other countries that caused freedom to reign for tens of millions of people who had never known freedom due to the fall of communism.

The other thing he believed in was the freedom here at home. He believed that big government was the enemy of individual freedom, and that if, in fact, we were going to be able to continue to enjoy the kind of prosperity and opportunity that has been synonymous with America, we needed to get a handle on big government. Indeed, when Ronald Reagan became President, it is hard to believe now, but the highest marginal income tax rate was 70 percent. By the time he left office, it was 28 percent. Today it stands at 35 percent.

But Ronald Reagan understood, as all Americans understand—all folks outside of Washington especially understand—that in order to grow the economy you do not tax it more, you cut taxes, because only then can you provide the incentive for the individual American worker to work hard, save their money, invest their money, perhaps in their small business, and then create jobs and opportunity for others who may not have those jobs or that opportunity. It was by growing the economy, by providing that incentive for work and investment and savings and risk taking that we have all been the beneficiaries of that new economic freedom was brought in, in modern times, by Ronald Reagan's leadership.

Most of all, I think my memories of Ronald Reagan center around his call for us to believe in ourselves once again, to believe in America again, and believe in the ideals we all identify with this great country of ours. America is different from virtually every other country in the world in that it was founded on ideals, on an ideal of liberty and justice for all, something not shared by any other country in the world that was formed or based on history or collective experience. But, of course, our country was formed on the basis of these ideals, and Ronald Reagan believed in them fervently and, more importantly, he fought for them, even against those who suggested that perhaps it was not possible for America to be great again.

There were those who suggested that somehow America's greatest days were behind us. Ronald Reagan never believed that. He always believed America's greatest days lay ahead of us. And indeed they do, even today.

He understood and preached, perhaps better than anyone, that big government and high taxes are the enemy of individual freedom, that smaller government and lower taxes would be an incentive to work and savings.

I mentioned a moment ago his belief in the individual initiative of risk takers, of entrepreneurs, of those who would take the risks, make the investment, and create jobs for the American people. At one point he said:

> Too often entrepreneurs are forgotten heroes. We rarely hear about them. But look into the heart of America, and you will see them. They are the owners of that store down the street, the faithful who support our churches, schools, and communities, the brave people everywhere who produce our goods, feed a hungry world, and keep our homes and families warm while they invest in the future to build a better America.

Now, those who only saw the genial, friendly, humor-loving side of Ronald Reagan did not know the entire man. As I mentioned, behind that genial countenance was a man of strong principle and a man as tough as they come. For example, when the air traffic controllers defied a back-to-work order, he fired them, emphasizing the fact that the greater good is always paramount and more important than special interests.

Of course, he survived an assassin's bullets with great humor, telling his wife, "Honey, I forgot to duck," and expressing to his physicians, the ones who saved his life in the emergency room: "I hope you're all Republicans."

With every fearsome challenge he encountered in life, he met it with good humor, humanity, kindness, and optimism in a way that inspired and continues to inspire the American people, which, to me, will be one of his greatest legacies.

He also taught us that politics can be a noble calling. Unfortunately, today, it seems that is forgotten too often and people ask: How in the world can you be involved in politics and be a good person? How can you believe in doing the right thing and be involved in politics since it is all about getting reelected and raising money and a fight for power? But, indeed, Ronald Reagan exemplified the fact that a good person, with strong convictions, committed to great ideals and the principles upon which this country was founded, can be successful in life and in politics, which, indeed, he was as the leader of the free world.

Mr. President, as the Nation grieves with his family, we also celebrate the life of this great man, a quintessential American whose hopes and dreams knew no bounds.

Ronald Reagan loved America, and America loved him back.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Madam President, I come to the floor today after receiving the news over the weekend of the passing of President Reagan. I see today these young folks called pages who work for us on the floor of the U.S. Senate. They will be here this week during a very historic period. Here are young people who never met President Reagan. They have never seen him give a speech live, nor have had conversations with him, and never really will be able to hold the man in their hearts like some of us who were inspired to go into political life by his words and by the example that he set for political life. It is too bad they didn't get to do that. But that is not their fault.

This week, we will be celebrating his life. He will come to this town, and there will be a lot of recollections from those who knew him. I did not get to serve with him because he left the Presidency the same year that I was elected to the Senate. I came here under the Presidency of President George Herbert Walker Bush.

One of the photographs of which I am most fond, of the President and me, one I shall cherish to the end of my life, was taken in 1982 when he came to Billings, MT. We had a little bit to do with that meeting. I think it was the first personal meeting I ever had with the President. You could tell from the way he carried himself, the way he walked, the way he spoke, the way he treated people, the handshake, that he was not only the Commander in Chief and President of the United States, but he was also a man of the people. He had Midwestern roots—Illinois, the great prairies. He was successful in Hollywood. He was a successful broadcaster. He was of an age, at the time he was called to political life, that basically everyone said he was too old. Yet he went on to serve two terms.

You may not have agreed with everything he stood for, but you didn't ever have any problem figuring out where he stood. He never wavered. He was the same the day he left office as the day he came into office. That example probably put into public life a lot of us who never thought of it.

I can remember something that happened in 1988, when I ran. In this political life, they said you have to come back to Washington, DC, and you have to have your picture taken with President Reagan. They gave me the date to be here. I said: I am sorry, I can't be there that date.

They reminded me and said: This is the White House calling. This is the date.

I said that I wasn't concerned about what color their house was, but on that date I happened to have an auction. I am an auctioneer. I had to make a living first, in 1988.

So that conversation closed. Then all at once, the political director called up. I explained the same thing to him. I said: It is not that important, no big deal. I am busy, he is busy, we have a date, they didn't jibe, so we will move on.

Well, as it turned out, even the President called. He said: I understand about auctions, once you have one advertised. You go ahead and have the auction.

That surprised me a lot. He was something. He was one of those who really won the cold war without firing a shot. And the chemistry between him and Prime Minister Thatcher of England was one of an unbelievable partnership. They stood alone against the world on the deployment of tactical nuclear weapons as a deterrent to the aggression of a country that he called evil. You see, he had come to the Presidency knowing that about communism. He knew it for what it was—degrading, dehumanizing. There was no upward mobility, no chance of any individual ever attaining any kind of freedom—either economically or politically. There was no opportunity to take their own talents and go into the field of their endeavor. He understood communism for what it was and he said: This cancer has to go.

As a result, through his steadfast leadership—and I know there were lonely times with decisions that he made—he brought down the Berlin Wall without a shot being fired.

We honor him. This should be a week of celebration of a life—a life in the history of this country that will live as long as the country lives, as long as free men want to breathe. His name will be remembered. He has made his mark.

At that first meeting in Billings, I was sitting on a horse, and we were getting ready to take him into a building. There were two others who were supposed to escort the stagecoach. I can remember him saying: You know, the rowels on those spurs aren't very big. And I said: You don't need a big rowel if you have a spirited horse. He said: I understand that.

We will celebrate this man's life this week. We named a post office in Billings, MT 59105, after Ronald Reagan this year. I am proud of that.

But what a gifted man he was, the way he could communicate, the way he could touch people, the time he gave to this country for which we should be very thankful. He wasn't a perfect man. I haven't seen one yet who didn't have a few bruises, scars, marks, bumps, warts, and such. But he was an American, and he was an American who took those principles to heart. He lived them every day he drew breath—while he was in the White House and after he left the White House.

Mr. President, we welcome you back to Washington this week to celebrate your life and your contribution to this great country. We say, Thank you.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, I thank all Senators for their cooperation in regard to the work that the committee, Senator LEVIN and I, and all Members of the committee have performed on the National Defense Authorization Act, which is currently the pending business before the Senate.

I state to all Senators that the amendments are in now. We have quite a few. In such time as staff will have this week, I and other Members of the committee will be working through these amendments. When the Senate resumes its business next week, my understanding is the leadership intends to bring up this bill and we will continue our work. We are making progress.

At the same time, I commend the leadership of the Senate. It is most appropriate as a tribute to our late President and the deep respect so many hold him in that this Senate will not be conducting its normal workload this week.

Our committee had planned to have a very important hearing on Thursday. We had confirmed witnesses and the hearing was set to have the Deputy Secretary of State, Deputy Secretary of Defense, and Chairman of the Joint Chiefs before the committee. The principal agenda we were going to address was the transition taking place in Iraq, the government, our concerns regarding the hopeful U.N. Resolution, as well as documents being in place that will give a specific clarity to the question of the status of forces and how they will operate under the evolution of this new government. It is very important, not only for the safety of each member of the Armed Forces of the United States but our coalition partners, as we continue to pursue the goal as laid down by our President and the Prime Minister of Great Britain and others in bringing about peace in Iraq and providing for a security situation such that they can enjoy the freedoms we in this country and other countries enjoy.

I myself am anxious to receive the report of our majority leader and others who were in Iraq meeting with officials. I will leave that for the moment.

In conversations with the majority leader over the weekend, I was very encouraged by the positive observations he provided.

We will not be able to move forward on this bill this week for very important reasons, nor will we have our hearing. I thought of having the hearing the following week but, again, it is extremely difficult for a committee to pursue a bill of this magnitude—and I think there are probably 200 amendments at the present time—and then have a hearing, which hearing would take 4 or 5 hours, in all probability. Consequently, I will not schedule a hearing that week, but I will be in consultation with the Senate leadership and the members of the Senate Armed Services Committee, Senator LEVIN and all members of the committee, as to the course of action we will take to continue to pursue the hearings we deem necessary to fulfill the basic parameters of the investigation regarding the prisoner situation that were laid down in my opening statement on May 7 at which time the Secretary of Defense appeared before the committee.

There had been a lot of press speculation, comments, and inquiries to my office about any changes. The answer, speaking for myself, is clearly no. It is my intention to try to achieve the necessary oversight. We cannot predict every course of action of the committee but basically the oversight we deem necessary on this important issue. At the same time, we must recognize important work is being done by the committee in getting this bill through and adopted. It is important because the Appropriations Committee, I understand, is awaiting the bill and the House is anxious to get started with the conference. All aspects are coming together.

So for the present time I am not able to give an exact prediction. We are looking at the possibility of the earliest possible hearing to replace the one we are not going to have on Thursday. Thursday's hearing was going to be devoted to the transition of government and the security of our forces and the framework within which our coalition will operate in carrying out its mission. We nevertheless anticipated we would get an update from the Departments of Defense and State with regard to the various inquiries and investigations now underway, all of which were instituted by the executive branch. As far as I am concerned, the Department of Defense is pursuing those investigations in a very fair and objective and serious manner.

Speaking for myself, I think the Department of Defense has been totally cooperative with me as chairman of the committee in bringing certain documents and other matters to the attention of the committee. There was a situation regarding General Taguba's report. I worked with the Department. The Department, in a timely way, is bringing to the Senate for its examination such other records as we deem to have been within the framework of that report and bringing them to the Senate in a timely fashion. They have been cooperative.

I thank all Senators. We will be resuming our series of hearings on not only the prisoner situation but the transition in the government and other issues as quickly as we can following the completion of our bill in the Senate.

I also at this time draw the attention of all Senators to an amendment which I put into the RECORD. The amendment is a very short one. It states the title of this bill, subject to the adoption of this amendment, will become the "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005."

I have a number of cosponsors to this amendment at this time. I hope tomorrow other Senators might consider becoming cosponsors.

I was privileged to be in the Senate through his Presidency and, at various times, served as ranking member of the committee. His steadfast determination to strengthen America's defense is one of the hallmarks of his administrations. I was so privileged, as were other Members of the body, to have worked with him on that buildup.

That buildup, in my judgment, clearly laid the foundation for the eventual demise of the Soviet Union and the ability of diplomacy to work more effectively because, undoubtedly, through his actions and his remarks, the world clearly knew this President was going to guide this Nation to the position of such strength as necessary to back up diplomacy. After all, I think as a doctrine well established, diplomacy can only be as effective as a nation is capable of backing it up if it fails and have the determination to use such other assets as necessary to achieve its goals, in our case, in the area of the security and freedom of our great Nation; namely, national defense.

Mr. President, with that, I think I will conclude my remarks, again drawing the attention of Senators to this amendment that I was privileged to submit together with Senator FRIST, Senator STEVENS, and, I must say, Senator LEVIN and Senator INOUYE. So it is bipartisan in every respect. And Senator LIEBERMAN has joined us. So I hope other Senators might consider joining us as cosponsors during the course of business tomorrow.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I would like to take this opportunity to explain an amendment that I offered and was accepted by unanimous consent on Friday, June 4, 2004. The amendment expresses the sense of the Senate that the Department of Defense should set aside funds to assist those school districts with school-aged populations that are severely affected by the Army's Residential Communities Initiative—RCI. In essence, it urges the Department to build and improve its housing with an eye toward the needs of the surrounding civilian community, to contribute to that community's public school system and to assist with those expansions and accommodations that are driven by an increased military presence.

In 1996, the Department began a project that will result in approximately 120,000 new housing units at 34 installations across the United States. The increase in family housing units will bring a corresponding increase in school-age children to these bases. These children will be educated primarily at public schools. Indeed, of the approximately 750,000 current school-aged children of members of the active duty Armed Forces in the United States, approximately 650,000 attend public schools.

President Truman created the Impact Aid Program in 1950 to reimburse public school districts for the loss of traditional revenue sources resulting from a Federal presence or Federal activity. Since that time, numerous school districts throughout the country have received direct assistance from the program. Impact Aid is unique among the Federal education programs because it is one of the only programs in which funds are sent directly to the school district with little or no intervening bureaucracy.

Although in recent years the program has not been fully funded, it still provides critical support to school systems that contain Federal bases. School systems have three main sources of revenue for each student: State aid, local property taxes, and local taxes on businesses. Districts that contain Federal installations do not have the benefit of collecting property taxes on the property upon which military bases sit. Their schools educate children whose parents are stationed on base, but they do not receive the benefits of a tax base that includes the property that these parents would occupy in normal school districts. In other words, these districts have less money per child with which to support their public schools.

The Impact Aid Program was created to alleviate some of the pressures created by a large military presence by providing funding for additional students and programs to meet growth-related needs. But the Department's RCI program presents a unique situation for communities across the country, including that of Anne Arundel County, which contains Fort Meade. On the one hand RCI provides a commendable solution. By rehabilitating dilapidated military housing, our service men and women have safer, more comfortable places to live. We in Maryland are very proud of and grateful for our military presence and strongly support the right of military families to have livable dwellings. But on the other hand our communities must have the Department participate as a full partner in those facilities its personnel use.

It is only proper that the Department, as it improves its housing, consider the impacts those improvements are likely to have on the surrounding community, particularly the school system. My amendment asks the Department to do just that—to not only build and improve housing, but to think of the community it is creating and to contribute to that community's needs as a partner. I believe this is the only responsible way for the Department of Defense to proceed and I thank my colleagues for supporting this amendment.

Ms. SNOWE. Mr. President, last Thursday, I submitted amendment No. 3273 to the National Defense Authorization Act for fiscal year 2005 revising and extending the authority for the advisory panel to the Administrator for Federal Procurement Policy on review of government procurement laws and regulations

This amendment is intended to ensure that small business interests are represented both in the membership of the panel and in its activities.

The advisory panel was created in Section 1423 of the National Defense Authorization Act for fiscal year 2004, and was mandated to focus on laws and regulations concerning the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines of responsibility, and the use of government-wide contracts. The panel was required to issue a report a year after appointment, but, otherwise, the panel has no subset date.

While the panel was to study contracting laws in different contexts, small business was not one of them. Further, Section 1423 provided that appointments were to be made in consultation with several government agencies and Congressional committees involved in procurement policy. Again, neither the Small Business Administration nor the Congressional Small Business Committees were mentioned. Finally, there as no mention of small business with regard to the panel's report.

As Chair of the Small Business Committee, I am profoundly troubled by the omission of small business interests from the work of this panel. The contracting practices to be studied by the panel have an enormous impact on the ability of small business to participate in the Federal procurement marketplace. The Senate must assure small businesses that their opinions about acquisition reforms will be heard.

My amendment is simple and straightforward. It would require participation on the panel by the Chief Counsel for Advocacy of the Small Business Administration or his designee. The Chief Counsel's Office of Advocacy, created by Public Law 94-305, has a unique mandate to be an independent voice of small business before Congress and Federal agencies. Under Executive Order 13272 signed by President George W. Bush, Federal agencies must consider the chief counsel's comments on any proposed rules in order to ensure that our government's policies will not cause harm to America's small business.

As we know, small businesses have been struggling to gain and retain access to Federal contracts. Problems like contract bundling continue to persist, and many agencies still fail to meet their statutory small business contracting goals. The Chief Counsel for Advocacy and his capable staff have worked hard to tackle challenges faced by small companies in doing business with the Federal Government. Naming the chief counsel or his designee to this panel will enable the Office of Advocacy to better carry out its statutory mandate, and it will facilitate the implementation of President Bush's Executive order on consideration of small business interests. The chief counsel, Mr. Thomas M. Sullivan, advised my committee that such an appointment will be in the interest of small business.

This amendment also requires the panel to consider small business issues in its studies and in its report, provides for an extension in the deadline for completing or supplementing its report to reflect the small business perspective, and mandates accountability to the small business committees of the House and the Senate.

This amendment gives small businesses a seat at the table to have their views heard as recommendations are made that could significantly impact their future viability as government contractors. Senators COLEMAN and KERRY have already expressed their support for this amendment by becoming cosponsors. I urge the rest of my esteemed colleagues to support America's small business and this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPENING THE RAIN GARDEN

Mr. DURBIN. Mr. President, earlier today the Architect of the Capitol and I had the opportunity to participate in the ribbon cutting for a small, but important project on the Senate side of the Capitol.

At my request, the Architect and his staff built a demonstration rain garden, also known as a low impact drainage project, last month just outside of parking lot 16 at the corner of First and D Streets, Northeast. A rain garden captures and filters runoff from parking lots to reduce stormwater flooding and keep pollutants from entering local streams and rivers.

In the case of the Senate's rain garden, oil, gas, brake fluid, and other toxic substances from automobiles are filtered though a garden that measures 18 ft x 65 ft x 5 ft just outside of the Lot 16 fence. The garden, which is a very attractive addition to the landscaping here on Capitol Hill, is not flat; it is built on an angle to pull runoff into it. The water is filtered through rocks and a coarse mix of soil. The soil is 50 percent sand, 30 percent topsoil, and 20 percent organic materials, such as composted leaf mulch. The annual and perennial plants in the rain garden were selected by the Landscape Architect due to their ability to withstand periods of heavy saturation, drought, and also their ability to thrive in an environment that occasionally includes a steady diet of pollutants.

Once the water is filtered, it is discharged into the existing stormwater sewer system which, during periods of heavy rainfall can discharge directly into the Anacostia River and, eventually, the Chesapeake Bay. However, the rain garden filters out as much as 90 percent of the pollutants that would otherwise go directly into the stormwater sewer. As it turns out, a rain garden is a simple, inexpensive, yet attractive solution to a very difficult problem in most urban areas.

While this rain garden will not solve all of the runoff problems on Capitol Hill, it will serve as a model that can be replicated throughout the Capitol complex. As Members of the Senate we represent all 50 States, but we must never forget that we have a responsibility to be thoughtful and caring stewards of our Nation's Capital.

Now that the rain garden project is complete, I extend my thanks to Doug Siglin of the Anacostia River Initiative for bringing the concept to my attention last year, to the Architect of the Capitol, for moving the project forward, and to Ecosite, the Maryland-based contractor, that did the physical construction work on the project.

However, special thanks are reserved for the two people most responsible for making this project a reality, Nancy Olkewicz, who works for the Legislative Branch Appropriations Subcommittee, and Matthew Evans, the Landscape Architect of the Capitol.

Matthew brought his great vision and gentle determination to bear on this project and it shows in the way the rain garden blends seamlessly into the overall Capitol Hill landscape plan. He has been pleasant and responsive throughout this entire process and I appreciate his hard work.

I asked Nancy to investigate whether a demonstration rain garden could be built on Capitol Hill given all of the restrictions and rules that govern everything that takes place within the Capitol complex. Nancy took my request and ran with it. In large part, the rain garden is a product of her determination and doggedness in seeing it through to completion. I have great admiration for such perseverance and appreciate all that she does for me and the Senate, which she has made her professional home for 25 years.

The Senate rain garden was completed on time and under budget and will undoubtedly contribute to a cleaner environment on Capitol Hill and throughout the region. I am pleased to have played a small role in its development.

COMMEMORATING THE 60TH ANNIVERSARY OF D-DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Allied invasion of Western Europe.

Sixty years ago yesterday, Allied troops landed on the beaches and parachuted into the fields of Normandy in an effort that would lead to the eventual destruction of the German Army and the liberation of the European continent.

On the early morning of June 6, 1944, after years of logistical coordination and deceptive intelligence operations, U.S. troops and their counterparts from Britain, France, Canada, and Poland brought to bear their enormous power and tremendous bravery on Hitler's military.

On that momentous day, over 150,000 Allied servicemen, including 73,000 Americans, 5.000 ships, and more than 1,000 planes started to beat back the German Army.

The attack began just after midnight when more than 13,000 paratroopers carrying between 70 and 90 pounds of equipment jumped down into German-occupied territory. As these men fell through enemy fire to the fields and farmland of Normandy, the largest armada ever assembled steamed across the English Channel toward the French coast.

At 6:30 a.m., the first wave of troops arrived on the beaches, unloading tens of thousands of soldiers in the face of mortar, artillery, and machine gun fire from the cliffs above the Normandy beaches.

A second wave of Allied Forces landed at 7 a.m., charging up hills and scaling cliffs through continued firepower. The fighting continued throughout the day, and at day's end, the Allied casualties numbered nearly 10,000, of which 2,500 had died, including more than 1,400 Americans.

But more than 100,000 Allied soldiers had made it ashore and secured French coastal towns. On D-Day Plus Five, June 11, over 325,000 Allied troops, 54,000 vehicles, and 104,000 tons of supplies had arrived in Normandy.

The D-Day invasion was one of the most daring military operations in history and it succeeded because of the courage of Allied soldiers and the careful planning of Allied military leaders. These brave troops and their leaders knew that this attack would determine the fate of Europe and much of the world for many years to come.

With success on the coast of Normandy, the Allies advanced across France, liberating village after village on the path to Berlin. The massive landing and subsequent arrival of troops had allowed for a relentless advance and cleared the way to a conclusion of the war.

The Americans who survived that day and that war are no longer young. Indeed, there are fewer D-Day veterans this year than last, and there will be fewer still next year. Yet the men who fought on that day 60 years ago, and the Americans who supported their efforts at home and abroad, have created a legacy of peace and prosperity that continues to reign across Europe today.

Europe is united, not by force of arms or tyranny, but by economic strength and cooperation. Last month, 10 new countries joined the European Union. Former battlefield adversaries now enjoy freedom of movement, a single currency, and a secure future for themselves and their children.

The legacy of those D-Day veterans is also apparent in our Nation today. Just last week, thousands of veterans came to Washington, DC, to celebrate the opening of the World War II Memorial. These veterans reminded us that the prosperity we have enjoyed for most of the past 60 years came at a price—the 400,000 American lives that were lost during World War II.

The remarkable advancements in our Nation and the world during the past 60 years would not have been possible without the extraordinary effort undertaken by this generation of Americans and our allies who shared our commitment to freedom.

Today, courageous soldiers, sailors, marines, and, pilots continue to serve and sacrifice for this country. As we remember the brave individuals who served in Normandy and across the globe during World War II, we must also honor the men and women of today's military who are in harm's way.

As of June 3, 126 American soldiers have died in Afghanistan and another 818 have died in Iraq. Thousands more have been injured. These men and women, along with their families, have made the ultimate sacrifice for our country. Today, I honor them and the approximately 140,000 soldiers who continue to serve in the Middle East.

June 6, 1944, was a crucial day in the history of this Nation and the history of the world. Today we recognize the contribution of those who served our Nation on that day and thank them for staring down tyranny and liberating Europe. They continue to serve our nation through the undiminished memory of a battle fought far from home for the good of all people.

MANIPULATION OF THE CALIFORNIA ENERGY MARKET

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the callous attitudes of Enron employees that were brought to light recently in transcripts released by the Snohomish County Public Utility District in Washington and broadcast on CBS News.

These tapes provide concrete evidence of the manipulation and fraud that was perpetrated by energy companies in the 2000-2001 energy crisis in California.

This manipulation resulted in the cost of energy in California increasing from $7 billion in 1999 to $27 billion in 2000 and 2001, respectively.

This type of price gouging and market manipulation can and will happen again if the energy market is not restructured.

I urge the California State Legislature to take action on Speaker of the Assembly Fabian Nunez's bill—AB 2006, the Reliable Electric Service Act.

This bill would re-regulate the energy market and protect small consumers served by utilities from this type of unethical behavior.

In more than a dozen taped conversations, the Enron power traders show complete disdain for consumers throughout the West, and particularly those in California.

While I cannot read the transcripts verbatim due to the coarse language used by the traders, I would like to read to you some excerpts: One trader sang: "Burn, baby, burn. That's a beautiful thing."

This was in reference to a wildfire that shut down a major transmission line, decreasing power supplies and raising energy prices.

Another trader said: "Just cut 'em off. They're so [expletive]. They should just bring back . . . horses and carriages, . . . lamps, . . . kerosene lamps." (Expletives Deleted)

To have traders say these things shows a complete disregard for the health and safety of Californians. And this was not an isolated trader—this was a mentality apparently endemic to Enron employees.

The only thing these traders cared about was how much money they could bleed from the California marketplace.

Let me read you a second excerpt: One trader complained: "They're [expletive] taking all the money back from you guys? All the money you guys stole from those poor grandmothers in California?"

A second responded: "Yeah, grandma Millie, man."

The first responded: "Yeah, now she wants her [expletive] money back for all the power you've charged right up, [expletive phrase], for [expletive] $250 a megawatt hour."

To thumb your nose at a grandmother on a fixed income is completely reprehensible, but it was how these traders operated—with no compassion for those suffering from their behavior—that galls me the most.

When I heard these tapes, I knew that we could not expect any ethical conduct from traders in this energy market.

Let me read you another excerpt, this one illustrating the lengths these traders would go to manipulate the market:

> Tom: The headline before that is "California Grid Operators Call Stage 2 Power Emergency as Reserves Drop."
>
> Matt: Yeah. They're on the ropes today. I exported like a [expletive] 400 megs.
>
> Tom: Wow.
>
> Matt: I bought it all. I'll see you guys—I'm takin' mine to the desert.
>
> Tom: [Expletive] 'em, right?
>
> Matt: I think those gamblers in Las Vegas need the power more than you.

Matt goes on to say that he and Enron were getting rich off of exporting power out of California when Californians needed it most.

The transcripts prove that Enron intentionally congested transmission lines and used its influence to delay wholesale price caps in order to maximize its profits.

Other transcripts also prove that Enron traders made secret deals with power producers, deliberately driving up prices by ordering power plants shut down.

But Enron did not act alone in manipulating the California energy market. In fact, this type of manipulation was pervasive among many energy companies operating in California. Here are several more examples.

Reliant, for instance, decided to game the market by deliberately holding back power generation for two days at its facility near Barstow in late June 2000. This is when the State needed power the most. Worse, these decisions were made from the top. The vice-president of power trading at Reliant directed traders to manipulate the market in this manner.

At one point, Reliant charged the State of California $1,900 per megawatt-hour for electricity, or approximately 6300 percent more than the historic standard of $30 per megawatt-hour. Yet the Federal Energy Regulatory Commission only fined Reliant $13.8 million and the company did not have to admit any guilt or wrongdoing.

Dynegy also demonstrated manipulative behavior such as load shifting, false reporting, and double selling. The company deliberately reported false gas market data to publications and created bogus trades to drive up the price of electricity.

Dynegy was only concerned with its bottom line in the first quarter of 2001, the company posted a recurring net income of $137.5 million, a 73 percent increase in net income from the $79.4 million it reported in 2000 and a 102 percent increase from the company's reported first quarter income in 1999.

For this manipulative behavior, FERC levied a fine of only $3 million, and, again, Dynegy did not have to admit any guilt.

In yet another instance, El Paso Merchant Energy and its affiliates inflated the price of natural gas by reducing deliveries to the State. In fact, El Paso withheld capacity from at least 21 percent of its pipelines that delivered natural gas to the California border. It is estimated that El Paso's price manipulation cost California's consumers $3.7 billion.

FERC settled with El Paso, letting them walk away, again, without admitting any wrongdoing, for a $1.5 billion fine. That is only a fraction of the cost that California consumers were forced to bear due to El Paso's misdeeds.

These companies used many deliberate strategies to manipulate the market, which included: Death Star, Get Shorty, Fat Boy, Load Shift, Black Widow, and Red Congo.

California is still suffering from this unethical conduct.

Californians are forced to pay higher prices for electricity because of long-term contracts that were signed when wholesale prices were artificially inflated by price manipulation.

And Californians still have not gotten the $9 billion in refunds they deserve, which were overcharges as a result of Enron and other companies' manipulation of the energy markets.

These tapes provide concrete evidence that there was intentional manipulation and fraud perpetrated by energy companies during the 2000–2001 energy crisis in California.

That is why I have joined my colleague, Senator BOXER, in calling upon the Federal Energy Regulatory Commission to immediately refund California the $9 billion that it is owed and to order a renegotiation of the long-term contracts that were made under manipulated prices.

These transcripts further prove that the rates Californians paid for electricity were not "just and reasonable."

Consumers are not served well by a deregulated marketplace where traders from companies including Enron, Dynegy, Reliant, Mirant, Williams, AES, CMS, El Paso Merchant Energy, and Duke can manipulate the market in the grossest way.

Absent strong action, I have no doubt that this unethical, immoral and illegal behavior will continue.

That is why I support re-regulating California's energy markets. Speaker Nunez's bill would create a regulatory framework that will put California back in charge of its energy future.

The bill would attempt to ensure reliable electricity at stable and affordable rates for small customers; require California's utilities to meet a renewable portfolio standard of 20 percent by 2010; and require utilities to have enough generation capacity to meet the demands of their consumers and have a significant reserve on hand in case of an emergency.

This bill will provide Californians the protection they need from exorbitant energy prices and energy traders with no ethical standards.

California was the first to experiment with de-regulation. Sadly, the 1996 deregulation was a total failure for consumers in California.

We learned the hard way that energy is not a commodity like pork bellies or frozen orange juice, but is a public good.

California needs to put in place a new framework to take regulate the energy market in order to ensure reliability and reasonable prices for consumers.

In other words, consumers should be protected from price spikes, market manipulation, and blackouts.

In closing, I cannot express how disgusted I am by the newest Enron transcripts.

I wish we could have prevented the manipulative behavior in the first place.

Congress still has not acted to pass bills that would prevent this kind of unethical and immoral manipulative behavior in the energy markets, such as those that were offered by me, Senator CANTWELL and others.

As a result, I feel that California must act on its own to control its own energy supplies in order to prevent further manipulation of our markets and keep our lights on.

CBS News is to be commended for bringing these tapes to light.

It is imperative that we learn as much as we can about Enron's behavior—so that we know its impact on the western energy markets and so that this type of fraud and manipulation can be prevented from ever happening again.

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERT CLIFFORD UERZ

• Mr. JEFFORDS. Mr. President, today I pay tribute to Robert Clifford Uerz, an outstanding Vermonter and a national leader in the not-for-profit sector. As he prepares to retire from his position as president and CEO of the American Lung Association of Vermont, it is important to reflect on how much one person can accomplish in serving others.

Robert "Bob" Uerz has had a distinguished career with the American Lung Association. He has served the organization for a quarter of a century working in various chapters in the States of New York, Connecticut, and most recently serving in Vermont.

Bob has been on the forefront of the association's efforts in Vermont to carry forward its worthy goals of reducing the presence of lung disease and improving lung health in our communities through preventive measures.

He was the primary force in establishing the American Lung Association's Asthma Clinical Research Center at the University of Vermont, an institution that has served Vermonters and others by advancing medical knowledge through research. I was indeed impressed with the national implications of this study and responded by securing $500,000 in Federal funds to further our understanding of ways to prevent and treat asthma.

Bob has proven himself to be an effective educator and advocate in Vermont by striving to protect and improve the quality of indoor and outdoor air and by expanding services to residents with lung disease or those at risk of developing lung disease. His leadership was key to the establishment of the Better Breathers Support Group Network in Vermont.

Bob has always brought a high level of integrity and dignity to every task. It has become impossible to separate the identity and good name of the American Lung Association of Vermont from the name of Robert Clifford Uerz.

Bob's unwavering commitment toward improving the quality of life of Vermonters of all ages is a model for all who aspire to lead in the not-for-profit sector. The people of our Green Mountain State are truly indebted to him. He has our best wishes for the future.•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred on November 18, 2001 in Huntington, WV. Michael Fife, 28, was beaten, robbed of $20 and left in an alley for dead while walking home from a gay nightclub. Mr. Fife suffered a fractured skull and internal bleeding. Due to a rash of hate crimes biased against gays in the area, some believe that Mr. Fife may have been attacked because the alleged perpetrators thought he was gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7780. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Compensation" (Doc. No. 00-035-3) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7781. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, transmitting, pursuant to law, the report of a rule entitled "Flexible Marketing Allotments for Sugar" (RIN0560-AH08) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7782. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nonvaluron; Pesticide Tolerance" (FRL#7359-2) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7783. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Streptomyces Iydicus WYEC 108; Exemption from the Requirement of a Tolerance" (FRL#7361-3) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7784. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Overseas Surplus Property"; to the Committee on Armed Services.

EC-7785. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to the International Traffic in Arms Regulations; to the Committee on Armed Services.

EC-7786. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Senate Armed Services Committee Report 107-62 relative the use of decision support information tools to impact clinical outcomes and the quality of care in the Military Health System; to the Committee on Armed Services.

EC-7787. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the Republic of Korea (South Korea); to the Committee on Banking, Housing, and Urban Affairs.

EC-7788. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Government Securities Act Amendments of 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-7789. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Government Securities Act Amendments of 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-7790. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary, Department of Housing and Urban Development, received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7791. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary-Designate, Department of Housing and Urban Development, received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7792. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 17606" (44 CFR

67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7793. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 17600" (44 CFR 65) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7794. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 17312" (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7795. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 64 FR 17310" (44 CFR 64) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7796. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 17608" (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7797. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 17597" (44 CFR 65) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7798. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report of the Bank for Fiscal Year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7799. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Implementation of Requirement in HUD Programs for Use of Data Universal Numbering Systems (DUNS) Identifier" (RIN2501–AD01) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7800. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's 90th Annual Report which covers the Board's operations for calendar year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7801. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Labor for the period October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7802. A communication from the Deputy Director for Management, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing initiative; to the Committee on Governmental Affairs.

EC–7803. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the President's Management Agenda; to the Committee on Governmental Affairs.

EC–7804. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7805. A communication from the Chairman, Board of Governors, Postal Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7806. A communication from the Director, Office of Personnel Management, Division for Strategic Human Resources Policy, transmitting, pursuant to law, the report of a rule entitled "Final Rule on Repayment of Student Loans" received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7807. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Program Performance Report for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7808. A communication from the Attorney-Advisor, Office of the Federal Register, transmitting, pursuant to law, the report of a rule entitled "Addresses Change for Inspection of Materials Incorporated by Reference" received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7809. A communication from the Director of the Federal Register, National Archives and Records Administration, transmitting, pursuant to law, the report relative to a rule entitled "Addresses Change for Materials Incorporated by Reference" received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7810. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Sixty-Third Financial Statement for the period of October 1, 2002 through September 30, 2003; to the Committee on Governmental Affairs.

EC–7811. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report required by the Government in the Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC–7812. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001–22" (FAC2001–22) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7813. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001–21" (FAC2001–21) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7814. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, several annual reports from the Corporation in relation to the Foreign Assistance Act; to the Committee on Governmental Affairs.

EC–7815. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7816. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, Council Resolution 15–514, "Sense of the Council on Opposing a Constitutional Marriage Amendment Resolution of 2004"; to the Committee on Governmental Affairs.

EC–7817. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report to Congress on agencies' use of the Federal student loan repayment program in Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7818. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7819. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–7820. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Micrographic Records Management" (RIN3095–AB06) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7821. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Disposition" (RIN3095–AB01) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7822. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products; Final Rule and Notice" (RIN0910–AB27) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7823. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report required by the Prescription Drug User Fee Act of 1992; to the Committee on Health, Education, Labor, and Pensions.

EC–7824. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Doc. No. 2002F–0181) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7825. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Bar Code Label Requirement for Human Drug Products and Biological Products; Correction" (Doc. No. 2002N–0204) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7826. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period" (Doc. No. 2002N–0278) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7827. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period" (Doc. No. 2002N–0276) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7828. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Removal of Delegations of Authority and Conforming Changes to Regulations" (Doc. No. 2002N–0142) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7829. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives; Polymers; Technical Amendment" (Doc. No. 1996F–0176) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7830. A communication from the Regulations Coordinator, Center for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Procedure for Designating Classes of Employees as Members of the Special Exposure Cohort Under the Energy Employees Occupational Illness Program Act of 2000" (RIN0920–AA07) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2507. An original bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes (Rept. No. 108–279).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1822. A bill to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office".

H.R. 2130. To redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office".

H.R. 2438. A bill to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major Henry A. Commiskey, Sr. Post Office Building".

H.R. 3029. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

H.R. 3059. A bill to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office".

H.R. 3068. A bill to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

H.R. 3234. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

H.R. 3300. A bill to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building".

H.R. 3353. A bill to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building".

H.R. 3536. A bill to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office".

H.R. 3537. A bill to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office".

H.R. 3538. A bill to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office".

H.R. 3690. A bill to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

H.R. 3733. A bill to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office".

H.R. 3740. A bill to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

H.R. 3769. A bill to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building".

H.R. 3855. A bill to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

H.R. 3917. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

H.R. 3939. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

H.R. 3942. A bill to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

H.R. 4037. A bill to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

H.R. 4176. A bill to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

H.R. 4299. A bill to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

S. 1596. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

S. 1763. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street, in Liberty, New York, as the "Ben R. Gerow Post Office Building".

S. 2017. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the "Luis A. Ferre United States Courthouse and Post Office Building".

S. 2104. A bill to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

S. 2153. A bill to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

S. 2214. A bill to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2255. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office Building".

S. 2291. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

S. 2415. A bill to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building".

S. 2441. A bill to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

S. 2442. A bill to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. SANTORUM):

S. 2506. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 2507. An original bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes; from the

Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DOMENICI:

S. 2508. A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. McCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, Mr. VOINOVICH, Mrs. BOXER, Mr. HAGEL, Mr. KENNEDY, Mr. STEVENS, Mr. DAYTON, Mr. KERRY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. SARBANES, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. WYDEN, and Ms. CANTWELL):

S.J. Res. 39. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. CANTWELL:

S. Res. 370. A resolution designating September 7, 2004, as "National Attention Deficit Disorder Awareness Day"; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 371. A resolution relative to the death of Ronald Wilson Reagan, the 40th President of the United States; considered and agreed to.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. LOTT, and Mr. DODD):

S. Con. Res. 115. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1398

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1702

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1702, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2351

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2411

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2411, a bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes.

S. 2425

At the request of Mr. BYRD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2434

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2434, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes.

S. 2460

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2460, a bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

S. 2493

At the request of Mr. GREGG, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2493, a bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes.

S. 2503

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2503, a bill to make permanent the reduction in taxes on dividends and capital gains.

S. 2505

At the request of Mr. McCAIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. RES. 221

At the request of Mr. SARBANES, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 322

At the request of Mr. HAGEL, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mrs. DOLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from California (Mrs. BOXER) and the Senator from

Utah (Mr. HATCH) were added as cosponsors of S. Res. 322, a resolution designating August 16, 2004, as "National Airborne Day."

S. RES. 324

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 324, a resolution expressing the sense of the Senate relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week."

AMENDMENT NO. 3175

At the request of Mr. REID, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 3175 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3246

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3246 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. SANTORUM):

S. 2506. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to introduce a bill that will restore flexibility to small communities in the use of Federal transit funding. As chairman of the Senate's Surface Transportation Subcommittee, I recognize the value of mass transit. Public transit is the first choice of transportation for many Americans. Local options such as buses, light rail and subways are affordable, friendly to the environment, and reduce traffic congestion.

I know the limited availability of Federal funds for the Nation's extensive transportation needs requires creative solutions. For this reason, I have introduced this bill to correct an inequity in current law. The 1998 TEA–21 bill phased out operating assistance for mass transit except in small communities, using a population of 200,000 as the benchmark. Nationwide, more than 30 cities that are generally considered small transit communities because they operate fewer than 100 buses at peak hours exceeded that threshold in the 2000 Census. In Texas, the city of Lubbock is caught in this discrepancy. The 2000 Census also treated metropolitan areas composed of two or more adjacent cities as one statistical unit, and many of these units, such as Denton and Lewisville in Texas, subsequently ceased to qualify as small transit communities without increasing the size of their transit systems.

This bill would allow the Secretary of Transportation to make grants to a transit system for mass transportation operating costs in an urbanized area with a population of more than 200,000 if such transit system operates less than 100 buses. Smaller communities have always relied on Federal operating assistance for public transportation. Although bus systems may generate profits, the revenues of such limited offerings are not enough to finance administrative and other overhead costs not associated with capital purchases.

While Congress works to reauthorize highway and other surface transportation programs for another 6 years, the need for this technical correction cannot be ignored. To ensure quality mass transit in States, small transit communities operating fewer than 100 buses should be permitted to use Federal funding as needed for capital investments or operating expenses.

I am proud to offer this bill that provides an important correction for small transit systems, and I urge my colleagues to support it. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transit System Flexibility Protection Act of 2004".

SEC. 2. GENERAL AUTHORITY.

Section 5307(b)(1) of title 49, United States Code, is amended by adding at the end of the following:

"The Secretary may make grants under this section to a transit system to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of more than 200,000 if such transit system operates less than 100 buses on fixed route service during peak service hours.".

By Mr. DOMENICI:

S. 2508. A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today with great honor and privilege to introduce a bill that would rename Ridges Basin Reservoir in Colorado as Lake Nighthorse after my dear friend and colleague, the Senior Senator from Colorado, BEN NIGHTHORSE CAMPBELL. It is fitting that the Ridges Basin Reservoir, which was created pursuant to legislation introduced and shepherded through congress by Senator CAMPBELL, bear his name. I hope the United States Congress will give this legislation its every consideration.

A veteran, Olympian, and public servant, Senator CAMPBELL has selflessly devoted himself to serving his State and country for over half a century. During his seventeen years in the United State Congress, Senator CAMPBELL has earned respect on both sides of the aisle as a consummate statesman and staunch advocate for the State of Colorado.

As you know, Senator CAMPBELL recently announced that he will not seek a third term to the United States Senate. This is a great loss to the Nation and to the great State of Colorado, but most of all, it is a significant loss to the Senate. His leadership and presence will be greatly missed by all of us. I wish him the best of luck in all of his future endeavors.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF RESERVOIR.

The reservoir known as the "Ridges Basin Reservoir" located on the Animas River in Colorado, constructed under section 6(a) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (102 Stat. 2975; 114 Stat. 2763A–260), shall be known and designated as "Lake Nighthorse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the reservoir referred to in section 1 shall be deemed to be a reference to Lake Nighthorse.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, Mr. VOINOVICH, Mrs. BOXER, Mr. HAGEL, Mr. KENNEDY, Mr. STEVENS, Mr. DAYTON, Mr. KERRY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. SARBANES, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. WYDEN, and Ms. CANTWELL):

S.J. Res. 39. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. McCONNELL. Mr. President, along with 52 of my colleagues I am reintroducing a resolution to renew the import restrictions contained in the Burmese Freedom and Democracy Act of 2003. This resolution is identical to the language in S.J. Res. 36, introduced by myself and others on April 29, 2004, except that the preamble has been stricken. I am pleased that Secretary of State Colin Powell has written in support of this legislation.

I again urge the Senate Finance Committee to expedite consideration of this legislation, which enjoys broad bipartisan support in the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 370—DESIGNATING SEPTEMBER 7, 2004, AS "NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY"

Ms. CANTWELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 370

Whereas Attention Deficit/Hyperactivity Disorder (also known as AD/HD or ADD), is a chronic neurobiological disorder, affecting both children and adults, that can significantly interfere with an individual's ability to regulate activity level, inhibit behavior, and attend to tasks in developmentally appropriate ways;

Whereas AD/HD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the justice system, interpersonal difficulties, and substance abuse;

Whereas AD/HD, the most extensively studied mental disorder in children, affects an estimated 3 percent to 7 percent (2,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socioeconomic lines;

Whereas scientific studies clearly indicate that AD/HD runs in families and suggest that genetic inheritance is an important risk factor, with between 10 and 35 percent of children with AD/HD having a first-degree relative with past or present AD/HD, and with approximately 50 percent of parents who had AD/HD having a child with the disorder;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with AD/HD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder are receiving treatment;

Whereas poor and minority communities are particularly underserved by AD/HD resources;

Whereas the Surgeon General, the American Medical Association (AMA), the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry (AACAP), the American Psychological Association, the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention (CDC), and the National Institute of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of AD/HD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of AD/HD, and the dissemination of inaccurate, misleading information contributes to the obstacles preventing diagnosis and treatment of the disorder;

Whereas lack of knowledge, combined with the issue of stigma associated with AD/HD, has a particularly detrimental effect on the diagnosis and treatment of AD/HD;

Whereas there is a need to educate health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper and comprehensive diagnosis and treatment, the symptoms of AD/HD can be substantially decreased and quality of life for the individual can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 7, 2004, as "National Attention Deficit Disorder Awareness Day";

(2) recognizes Attention Deficit/Hyperactivity Disorder (AD/HD) as a major public health concern;

(3) encourages all people of the United States to find out more about AD/HD and its supporting mental health services, and to seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise public awareness about AD/HD; and

(B) continue to consider ways to improve access to, and the quality of, mental health services dedicated to the purpose of improving the quality of life for children and adults with AD/HD; and

(5) requests that the President issue a proclamation calling on Federal, State and local administrators and the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 371—RELATIVE TO THE DEATH OF RONALD WILSON REAGAN, THE 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 371

Resolved, That in recognition of the long and distinguished service rendered to the Nation by the late Ronald Wilson Reagan, the 40th President of the United States, when the Senate recesses or adjourns on each of the days during the period from June 7 through June 11, 2004, it do so as a further mark of respect to the memory of Ronald Wilson Reagan.

SENATE CONCURRENT RESOLUTION 115—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LOTT, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late Ronald Wilson Reagan, the 40th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from June 9 until June 11, 2004, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3285. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3286. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3287. Ms. MIKULSKI (for herself and Mr. SARBANES) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3288. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3289. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3290. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3291. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3292. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3293. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3296. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3297. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3298. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3300. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3301. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3302. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3303. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3304. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3305. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3306. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3307. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3309. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3310. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3311. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3312. Mr. DODD (for himself, Mr. BAUCUS, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3313. Mr. DODD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3314. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3315. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3316. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3317. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3318. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3319. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3320. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3321. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3322. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3323. Mr. FITZGERALD (for himself, Ms. CANTWELL, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3324. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3325. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3326. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3327. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3328. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3329. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3330. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3331. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3332. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3333. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3334. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3335. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3336. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3337. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3338. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3339. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3340. Mr. LEVIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3342. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3343. Ms. CANTWELL (for herself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3344. Mr. BYRD (for himself, Ms. SNOWE, Mr. KERRY, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3345. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3346. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3347. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3348. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3349. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3350. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3351. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3352. Mr. REED (for himself, Mr. Hagel, Mr. McCain, Mr. Corzine, Mr. Akaka, and Mr. Biden) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3353. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3354. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3355. Mr. REED (for himself and Mr. Kohl) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3356. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3357. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3358. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3359. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3360. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3361. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3362. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3363. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3364. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3365. Mr. GRAHAM of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3366. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3369. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3370. Mr. FRIST (for himself, Mr. Crapo, and Mr. Craig) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3371. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3372. Mr. SESSIONS (for himself and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3373. Mr. BENNETT (for himself and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3374. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3375. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3376. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3377. Mr. KENNEDY (for himself, Mr. Leahy, Mr. Dayton, and Mr. Feingold) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3378. Mr. BIDEN (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3379. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3380. Mr. BIDEN (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3381. Mr. BIDEN (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3382. Ms. CANTWELL (for herself and Mrs. Murray) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3383. Mr. BOND (for himself, Mr. Harkin, and Mr. Talent) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3384. Mr. BOND (for himself, Mr. Harkin, and Mr. Talent) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3385. Mr. INHOFE (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3386. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3387. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3388. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3389. Mr. HARKIN (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3390. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3391. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3392. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3393. Mr. REID (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3394. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3395. Ms. COLLINS (for herself, Mr. Bayh, Mr. Roberts, Mr. Reed, Mr. Dorgan, and Mr. Biden) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3396. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3397. Mr. HARKIN (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3398. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3399. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3400. Mr. FEINGOLD (for himself, Mrs. Murray, Mr. Corzine, and Mr. Dayton) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3401. Mr. DODD (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3402. Mr. GRASSLEY (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3403. Mr. BENNETT (for himself, Mr. Hatch, and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3404. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3405. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3406. Mr. FRIST (for himself and Mr. Brownback) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3407. Mr. FRIST (for himself and Mr. Brownback) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3408. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3409. Mr. DASCHLE submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. Grassley (for himself and Mr. Baucus) and intended to be proposed to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

SA 3410. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3411. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3412. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3413. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3414. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3415. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3416. Mr. REID (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3417. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3418. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3419. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3420. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3421. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3422. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3423. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3424. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3426. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3427. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3428. Mr. GRAHAM of South Carolina (for himself, Mr. Crapo, Mr. Alexander, and Mr. Craig) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3429. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3430. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3432. Mr. WARNER (for himself, Mr. Frist, Mr. Stevens, Mr. McConnell, Mr. Levin, Mr. McCain, Mrs. Hutchison, Mr. Inhofe, Mr. Kyl, Mr. Santorum, Mr. Roberts, Mr. Allard, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham of South Carolina, Mrs. Dole, Mr. Cornyn, Mr. Inouye, Mr. Cochran, Mr. Grassley, Mr. Lugar, Mr. Nickles, Mr. Burns, Mr. Lott, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3433. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3434. Mr. McCONNELL (for himself and Ms. Snowe) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3435. Mr. McCONNELL (for himself and Mr. Graham of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3436. Mr. McCONNELL (for himself, Mr. Bunning, Mr. Bingaman, Mr. Grassley, Mrs. Clinton, Mr. Domenici, Ms. Cantwell, Mr. Voinovich, Mr. Schumer, Mr. Alexander, Mr. Kennedy, Mrs. Murray, Mr. DeWine, and Mr. Talent) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3437. Mr. McCONNELL (for himself, Mr. Bunning, Mr. Bingaman, Mr. Grassley, Mrs. Clinton, Mr. Domenici, Ms. Cantwell, Mr. Voinovich, Mr. Schumer, Mr. Alexander, Mr. Kennedy, Ms. Murkowski, Mrs. Murray, Mr. DeWine, and Mr. Talent) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3438. Mr. McCONNELL (for himself, Mr. Bunning, Mr. Bingaman, Mr. Grassley, Mrs. Clinton, Mr. Domenici, Ms. Cantwell, Mr. Voinovich, Mr. Schumer, Mr. Alexander, Mr. Kennedy, Ms. Murkowski, Mrs. Murray, Mr. DeWine, and Mr. Talent) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3439. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3440. Mr. ENSIGN (for himself, Mr. Graham of South Carolina, and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3441. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3442. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3443. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3444. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3445. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3447. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

PREVIOUSLY SUBMITTED

SA 3285. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 208, between lines 16 and 17, insert the following:

SEC. 906. HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) Authority.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 116. Homeland security activities

"(a) Use of Personnel Performing Full-Time National Guard Duty.—The Governor of a State may, upon the request by the head of a Federal agency and with the concurrence of the Secretary of Defense, order any personnel of the National Guard of the State to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out homeland security activities, as described in subsection (b).

"(b) Purpose and Duration.—(1) The purpose for the use of personnel of the National Guard of a State under this section is to temporarily provide trained and disciplined personnel to a Federal agency to assist that agency in carrying out homeland security activities.

"(2) The duration of the use of the National Guard of a State under this section shall be limited to a period of 179 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

"(c) Relationship to Required Training.— A member of the National Guard serving on full-time National Guard duty under orders authorized under subsection (a) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that subsection. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out homeland security activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

“(d) Readiness.—To ensure that the use of units and personnel of the National Guard of a State for homeland security activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland security activities that units and personnel of the National Guard of a State may perform:

“(1) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

“(2) National Guard personnel will not degrade their military skills as a result of performing the activities.

“(3) The performance of the activities will not result in a significant increase in the cost of training.

“(4) In the case of homeland security performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

“(e) Payment of Costs.—(1) The Secretary of Defense shall provide funds to the Governor of a State to pay costs of the use of personnel of the National Guard of the State for the performance of homeland security activities under this section. Such funds shall be used for the following costs:

“(A) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses (including all associated training expenses, as determined by the Secretary), as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of homeland security activities.

“(B) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of homeland security activities.

“(2) The Secretary of Defense shall require the head of an agency receiving support from the National Guard of a State in the performance of homeland security activities under this section to reimburse the Department of Defense for the payments made to the State for such support under paragraph (1).

“(f) Memorandum of Agreement.—The Secretary of Defense and the Governor of a State shall enter into a memorandum of agreement with the head of each Federal agency to which the personnel of the National Guard of that State are to provide support in the performance of homeland security activities under this section. The memorandum of agreement shall—

“(1) specify how personnel of the National Guard are to be used in homeland security activities;

“(2) include a certification by the Adjutant General of the State that those activities are to be performed at a time when the personnel are not in Federal service;

“(3) include a certification by the Adjutant General of the State that—

“(A) participation by National Guard personnel in those activities is service in addition to training required under section 502 of this title; and

“(B) the requirements of subsection (d) of this section will be satisfied;

“(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general), that the use of the National Guard of the State for the activities provided for under the memorandum of agreement is authorized by, and is consistent with, State law;

“(5) include a certification by the Governor of the State or a civilian official of the State designated by the Governor that the activities provided for under the memorandum of agreement serve a State security purpose; and

“(6) include a certification by the head of the Federal agency that the agency will have a plan to ensure that the agency's requirement for National Guard support ends not later than 179 days after the commencement of the support.

“(g) Exclusion From End-Strength Computation.—Notwithstanding any other provision of law, members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 2003 otherwise implementing) this section shall not be counted toward the annual end strength authorized for Reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.

“(h) Annual Report.—The Secretary of Defense shall submit to Congress an annual report regarding any assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

“(1) The number of members of the National Guard excluded under subsection (g) from the computation of end strengths.

“(2) A description of the homeland security activities conducted with funds provided under this section.

“(3) An accounting of the amount of funds provided to each State.

“(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland security activities under this section.

“(i) Statutory Construction.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

“(j) Definitions.—For purposes of this section:

“(1) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.”.

(b) Clerical Amendment.—The table of sections at the beginning of such section is amended by adding at the end the following new item:

“116. Homeland security activities.”.

SA 3286. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, between lines 6 and 7, insert the following:

SEC. 805. PROHIBITION RELATING TO ACCEPTANCE OF COMPENSATION BY FORMER SENIOR OFFICIALS FOR CONTRACTOR EMPLOYMENT.

(a) Prohibition.—Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2)(A) A person who has served in a position described in subparagraph (B) may not accept compensation from a contractor as an employee, officer, director, or consultant of a contractor for the period applicable under subparagraph (C) or for any work performed during such period if that person, while serving in the position described in subparagraph (B), engaged in the performance of any official duties described in subparagraph (D) that resulted in a financial benefit for such contractor.

“(B) Subparagraph (A) applies to the following persons:

“(i) A person who has served in an office of the executive branch to which appointed by the President.

“(ii) A person who has served in a Senior Executive Service position.

“(iii) A person who has served in a position in the executive branch in a grade above grade GS–12 under the General Schedule.

“(iv) A commissioned officer of the uniformed services who has served in a position involving the performance of official duties described in subparagraph (D).

“(C) The period applicable under subparagraph (A) to a person who formerly served in a position described in subparagraph (B) is the two-year period beginning on the date on which the employment or assignment of that person in that position terminated.

“(D) Subparagraph (A) applies, in the case of a person who served in a position described in paragraph (B), with respect to—

“(i) each procurement program of the United States that such person supervised or administered, or for which such person was involved in prescribing any of the requirements to be met by such procurement, in the performance of official duties while serving in such position;

“(ii) each procurement policy of the United States that such person prescribed or administered in the performance of official duties while serving in such position; and

“(iii) each procurement policy of the United States on which such person, in the performance of official duties, contributed recommendations in the formulation of such policy.”; and

(2) by adding at the end the following new paragraphs:

“(6)(A) As a condition for employment or assignment of a person in a Federal Government position described in paragraph (1) or paragraph (2)(B), that person shall enter into an agreement with the Director of the Office of Government Ethics to comply with the restriction on acceptance of compensation provided in paragraph (1) or (2), respectively. The agreement shall include a clause that requires the person, upon separation from active service in the Federal Government, to file with the Office of Government Ethics a declaration of all programs, projects, activities, and (in the case of a person to whom paragraph (2) applies) policies on which the person performed official duties that disqualify such person from accepting compensation from affected contractors under paragraph (1) or (2), and the dates on which the person performed work on such programs, projects, activities, and policies.

"(B) Before accepting a position as an employee, officer, director, or consultant of a contractor, a person referred to in subparagraph (A) shall provide the contractor with a copy of the declaration filed by that person with the Office of Government Ethics under such subparagraph. The person may not accept the position unless an officer of the contractor authorized to do so executes an acknowledgement of receipt of the declaration (including an acknowledgement of receipt of notice of the programs, projects, activities, and policies set forth in that declaration) and the contractor complies with the requirement in subparagraph (C).

"(C) Promptly after executing an acknowledgement under subparagraph (B), the contractor shall file the contractor's acknowledgement with the Office of Government Ethics. A contractor that fails to file such an acknowledgement promptly shall be subject to penalties and administrative actions as set forth in subsection (e).

"(D) The Director of the Office of Government Ethics shall make available to the public all declarations filed under subparagraph (A) and all acknowledgements filed under subparagraph (C).

"(E) Promptly after the end of each half of a fiscal year, the Director of the Office of Government Ethics shall submit to Congress a report on the declarations and acknowledgements received under subparagraphs (A) and (C) during such half of a fiscal year. The report shall include the following information:

"(i) A summary of the information included in the declarations and acknowledgements.

"(ii) A summary of the programs, projects, activities, and policies identified in such declarations and acknowledgements as being those on which the persons filing such declarations have performed official duties as described in subparagraph (D), displayed by executive agency in which the persons performed such duties and by the grade of the persons when performing such duties.

"(iii) The number of such persons who are employed by contractors, displayed by executive agency in which such persons performed official duties as described in subparagraph (D) and by grade of the persons when performing such duties.

"(7) In this subsection:

"(A) The term 'contractor' includes any division or affiliate of the contractor.

"(B) The term 'compensation' includes deferred compensation.

"(C) The term 'procurement policy' means a policy prescribed in the implementation of laws that are implemented through the Federal Acquisition Regulation.

"(D) The term 'procurement program' means any program, project, or activity for the procurement of property or services to which the Federal Acquisition Regulation applies.

"(E) The term 'Senior Executive Service position' has the meaning given such term in section 3132(2) of title 5, United States Code.

"(F) The term 'uniformed services' has the meaning given such term in section 101(a)(5) of title 10, United States Code.".

(b) INCREASED PERIOD OF PROHIBITION FOR OTHER PROCUREMENT PERSONNEL.—Paragraph (1) of such section 27(d) is amended by striking "one year" and inserting "two years".

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to service in positions in the Federal Government that ends on or after such date.

(2) In the case of a person who, on the date of the enactment of this Act, is serving in a position in the executive branch referred to in subparagraph (A) of paragraph (6) of section 27(d) of the Office of Federal Procurement Policy Act (as added by subsection (a)), the agreement required by subparagraph (B) of such paragraph shall be executed not later than 30 days after such date.

SA 3287. Ms. MIKULSKI (for herself and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, in the table preceding line 1, insert before the item relating to Naval Surface Warfare Center, Indian Head, Maryland, the following new item:

	Presidential Helicopter Program Support Facility, Naval Air Station, Patuxent River.	$80,000,000

On page 305, in the table preceding line 1, strike "$815,578,000" in the amount column and insert "$895,578,000".

On page 309, line 11, strike "$70,000,000" and insert "$150,000,000".

SA 3288. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1055. REDESIGNATION AND MODIFICATION OF AUTHORITIES RELATING TO INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) REDESIGNATION.—(1) Subsections (b) and (c)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) are each amended by striking "Office of the Inspector General of the Coalition Provisional Authority" and inserting "Office of the Special Inspector General for Iraq Reconstruction".

(2) Subsection (c)(1) of such section is further amended by striking "Inspector General of the Coalition Provisional Authority" and inserting "Special Inspector General for Iraq Reconstruction (in this section referred to as the 'Inspector General')".

(3)(A) The heading of such section is amended to read as follows:

"SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.".

(B) The heading of title III of such Act is amended to read as follows:

"TITLE III—SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION".

(b) CONTINUATION IN OFFICE.—The individual serving as the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) PURPOSES.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking "of the Coalition Provisional Authority (CPA)" and inserting "funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund";

(2) in paragraph (2)(B), by striking "fraud" and inserting "waste, fraud,"; and

(3) in paragraph (3), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of State".

(d) RESPONSIBILITIES OF ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking "of the Coalition Provisional Authority" and inserting "supported by the Iraq Relief and Reconstruction Fund".

(e) SUPERVISION.—Such section is further amended—

(1) in subsection (e)(1), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of State and the Secretary of Defense";

(2) in subsection (h)—

(A) in paragraphs (4)(B) and (5), by striking "head of the Coalition Provisional Authority" and inserting "Secretary of State"; and

(B) in paragraph (5), by striking "at the central and field locations of the Coalition Provisional Authority" and inserting "at appropriate locations of the Department of State in Iraq";

(3) in subsection (j), by striking "the head of the Coalition Provisional Authority" each place it appears and inserting "the Secretary of State"; and

(4) in subsection (k), by striking "the head of the Coalition Provisional Authority" each place it appears and inserting "the Secretary of State".

(f) DUTIES.—Subsection (f)(1) of such section is amended by striking "appropriated funds by the Coalition Provisional Authority in Iraq" and inserting "amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund".

(g) COORDINATION WITH INSPECTOR GENERAL OF DEPARTMENT OF STATE.—Subsection (f) of such section is further amended striking paragraphs (4) and (5) and inserting the following new paragraph (4):

"(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

"(A) The Inspector General of the Department of Defense.

"(B) The Inspector General of the United States Agency for International Development.

"(C) The Inspector General of the Department of State.".

(h) REPORTS.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "and every calendar quarter thereafter," and all that follows through "the Coalition Provisional Authority" and inserting "again on July 30, 2004, and every year thereafter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Inspector General and the programs and operations funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund";

(B) in subparagraph (B), by striking "the Coalition Provisional Authority" and inserting "the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable,";

(C) in subparagraph (E), by striking "appropriated funds" and inserting "such amounts"; and

(D) in subparagraph (F), by striking "the Coalition Provisional Authority" and inserting "the contracting department or agency";

(2) in paragraph (2), by striking "by the Coalition Provisional Authority" and inserting "by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund";

(3) in paragraph (3), by striking "June 30, 2004" and inserting "July 30, 2004"; and

(4) in paragraph (4), by striking "the Coalition Provisional Authority" and inserting "the Department of State".

(i) TERMINATION.—Subsection (o) of such section is amended to read as follows:

"(o) TERMINATION.—The Office of the Inspector General shall terminate on the date that is 10 months after the date, as determined by the Secretary of State, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.".

SA 3289. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes: which was ordered to lie on the table; as follows:

On page 39, between lines 7 and 8, insert the following:

SEC. 304. AMOUNT FOR ONE SOURCE MILITARY COUNSELING AND REFERRAL HOTLINE.

(a) AUTHORIZATION OF APPROPRIATION OF ADDITIONAL AMOUNT.—The amount authorized to be appropriated under section 301(5) is hereby increased by $10,000,000, which shall be available (in addition to other amounts available under this Act for the same purpose) only for the Department of Defense One Source counseling and referral hotline.

(b) OFFSETTING REDUCTION.—The amount authorized to be appropriated under section 421 is hereby reduced by $10,000,000, to be derived from the amount for military personnel, Air Force.

SA 3290. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 22, insert the following:

SEC. 867. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO THE DEPARTMENT OF DEFENSE SOLE SOURCE CONTRACT FOR THE RECONSTRUCTION OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The effective reconstruction of Iraq and efficient use of taxpayer dollars are best served by competitive, transparent, and accountable contracting practices.

(2) In March 2003, in highly unusual circumstances, the Army Corps of Engineers awarded a sole source contract to Halliburton for the repair of potential oil infrastructure damage during the war.

(3) This noncompetitive contract grew in scope and size to $2,500,000,000 until it was competed 10 months later as two successor contracts.

(4) Recent reports reveal that the award of the no-bid contract to Halliburton before the war was coordinated with the Vice President, that company's former Chief Executive Officer.

(5) It is in the public interest for Congress to call for the appointment of a special counsel of integrity and stature, with independence from the administration, to conduct an investigation into the coordination of this contract between the Office of the Vice President and the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a special counsel of the highest integrity and stature should be appointed to conduct a fair, independent, and thorough investigation of the circumstances involved in the selection of Halliburton on a sole source basis for the March 2003 award of the Army Corps of Engineers contract for the repair of potential oil infrastructure damage in Iraq and the involvement of the Office of the Vice President in the selection of Halliburton for such contract.

SA 3291. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 364. PROTOCOL ON MEDIA COVERAGE OF RETURN TO UNITED STATES OF REMAINS OF MEMBERS OF THE ARMED FORCES KILLED OVERSEAS.

(a) PROTOCOL REQUIRED.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall develop a protocol that permits media coverage of the return to the United States of the coffins containing the remains of members of the Armed Forces who are killed overseas.

(2) The protocol shall ensure the preservation of the dignity of the occasion of the return to the United States of members of the Armed Forces who are killed overseas.

(3) The protocol shall ensure the preservation of the confidentiality of the identity of each member of the Armed Forces whose remains are returning to the United States.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the protocol developed under subsection (a).

SA 3292. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

SEC. . WAR PROFITEERING PREVENTION.

(a) PROHIBITION OF PROFITEERING.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or any other country in which members of the United States Armed Forces are engaged in any military or combat activities, knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq, Afghanistan, or such other country;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or such other country,

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

``1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''

(c) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ``1038,'' after ``1032,''.

(d) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ``or 1030'' and inserting ``1030, or 1038''.

(e) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ``section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts),'' after ``liquidating agent of financial institution),''.

SA 3293. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. COMPTROLLER GENERAL ANALYSIS OF USE OF TRANSITIONAL BENEFIT CORPORATIONS IN CONNECTION WITH COMPETITIVE SOURCING OF PERFORMANCE OF DEPARTMENT OF DEFENSE ACTIVITIES AND FUNCTIONS.

(a) REQUIREMENT FOR ANALYSIS.—Not later than February 1, 2005, the Comptroller General shall submit to Congress an analysis of the potential for use of transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense.

(b) SPECIFIC ISSUES.—The analysis under this section shall—

(1) address the capabilities of transitional benefit corporations—

(A) to preserve human capital and surge capability;

(B) to promote economic development and job creation;

(C) to generate cost savings; and

(D) to generate efficiencies that are comparable to or exceed the efficiencies that result from competitive sourcing carried out by the Department of Defense under the procedures applicable to competitive sourcing by the Department of Defense; and

(2) identify areas within the Department of Defense in which transitional benefit corporations could be used to add value, reduce costs, and provide opportunities for beneficial use of employees and other resources that are displaced by competitive sourcing of the performance of activities and functions of the Department of Defense.

(d) TRANSITIONAL BENEFIT CORPORATION DEFINED.—In this section, the term ``transitional benefit corporation'' means a corporation that facilitates the transfer of designated (usually underutilized) real estate, equipment, intellectual property, or other assets of the United States to the private sector in a process that enables employees of the United States in positions associated with the use of such assets to retain eligibility for Federal employee benefits and to continue to accrue those benefits.

SA 3294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 19 and 20, insert the following:

``(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

``(1) Printing, binding, or blank-book work to which section 502 of title 44 applies.

``(2) Services available under the FEDLINK program pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 114 Stat. 2187; 2 U.S.C. 182c).

SA 3295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. AERIAL FIREFIGHTING EQUIPMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Interagency Fire Center does not possess an adequate number of aircraft for use in aerial firefighting and personnel at the Center rely on military aircraft to provide such firefighting services.

(2) It is in the national security interest of the United States for the National Interagency Fire Center to purchase aircraft for use in aerial firefighting so that military aircraft used for aerial firefighting may be available for use by the Armed Forces.

(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING EQUIPMENT.—(1) The Secretary of Agriculture is authorized to purchase 10 aircraft, as described in paragraph (2), for the National Interagency Fire Center for use in aerial firefighting.

(2) The aircraft referred to in paragraph (1) shall be—

(A) aircraft that are specifically designed and built for aerial firefighting;

(B) certified by the Administrator of the Federal Aviation Administration for use in aerial firefighting; and

(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—

(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and

(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).

SA 3296. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

``CHAPTER 1201—[RESERVED]''; and

(2) by inserting the following:

``CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

``Sec.

``120101. Organization.
``120102. Purposes.
``120103. Membership.
``120104. Governing body.
``120105. Powers.
``120106. Restrictions.
``120107. Duty to maintain corporate and tax-exempt status.
``120108. Records and inspection.
``120109. Service of process.
``120110. Liability for acts of officers and agents.
``120111. Annual report.

``§ 120101. Organization

``(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the `corporation'), incorporated in the State of New York, is a federally chartered corporation.

``(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

``§ 120102. Purposes

``The purposes of the corporation are as provided in its articles of incorporation and include—

``(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

``(2) providing a means of contact and communication among members of the corporation;

``(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

``(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

``§ 120103. Membership

``Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated .... 120101".

SA 3297. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting after the first sentence the following new sentence: "During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to such a qualified retiree described in subsection (c)(1)(A) is subject to subsection (c)."; and

(B) in the last sentence, by inserting "(other than a qualified retiree covered by the preceding sentence)" after "such a qualified retiree"; and

(2) in subsection (c)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following new paragraph (11):

"(11) INAPPLICABILITY TO VETERANS WITH TOTAL DISABILITIES AFTER CALENDAR YEAR 2004.—This subsection shall not apply to a qualified retiree described by paragraph (1)(A) after calendar year 2004.".

SA 3298. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, in the table preceding line 1, insert before the item relating to Naval Air Station, Fallon, Nevada, the following:

	Indian Springs Air Force Auxiliary Field.	$8,000,000

On page 305, in the table preceding line 1, strike the amount identified as the total in the amount column and insert "$823,578,000".

On page 307, line 8, strike "$1,825,576,000" and insert "$1,833,576,000".

On page 307, line 11, strike "$676,198,000" and insert "$684,198,000".

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. EXTENSION OF PHASED-IN CONCURRENT PAYMENT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO MILITARY RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS 40 PERCENT.

(a) EXTENSION.—Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking "50 percent" and inserting "40 percent"; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

"(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent, $.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended by striking "**50 percent**" and inserting "**40 percent**.

(2) The table of sections at the beginning of chapter 71 of such title is amended in the item relating to section 1414 by striking "50 percent" and inserting "40 percent".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of January 1, 2005, and shall apply to payments for months beginning on or after that date.

(2) CONSTRUCTION OF CERTAIN AMENDMENT.—The addition of subparagraph (G) to paragraph (1) of section 1414(c) of title 10, United States Code, by reason of the amendment made by subsection (a)(2) shall not be treated as entitling a military retiree described by such subparagraph to concurrent receipt of retired pay and veterans' disability compensation under such paragraph during calendar year 2004, but is added to facilitate the calculation of the amount of concurrent receipt of such pay and compensation to which such a military retiree shall be entitled under such section during calendar years 2005 through 2013.

SEC. 643. COORDINATION OF ELIGIBILITY UNDER COMBAT-RELATED SPECIAL COMPENSATION AUTHORITY AND DISABLED MILITARY RETIREE COMPENSATION AUTHORITY FOR CHAPTER 61 DISABILITY RETIREES.

(a) COORDINATION OF ELIGIBILITY.—Paragraph (3) of subsection (b) of section 1413a of title 10, United States Code, is amended to read as follows:

"(3) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—

"(A) CAREER RETIREES.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with 20 or more years of service otherwise creditable under section 1405 of this title, or at least 20 years of service computed under section 12732 of this title, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(B) DISABILITY RETIREES WITH LESS THAN 20 YEARS OF SERVICE.—Paragraph (1) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the member's retirement.".

(b) CONFORMING AMENDMENT.—Subsection (c) of section 1413a is amended by striking "is a member of the uniformed services entitled to retired pay" and all that follows and inserting "is a member of the uniformed services (other than a member described by subsection (b)(3)(B)) entitled to retired pay who has a combat-related disability.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2005, and shall apply to payments for months beginning on or after that date.

SA 3300. Mr. GRAHAM of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. AMENDMENTS TO HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) GROUND FOR INADMISSIBILITY FOR DOCUMENT FRAUD DOES NOT APPLY.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A),".

(b) DETERMINATION WITH RESPECT TO CHILDREN.—Section 902(d) of such Act (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an alien is a child of a parent shall be made using the age and status of the alien on the date of enactment of this section.

"(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application filed under this subsection based on an alien's status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(c) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note), an alien who is eligible for adjustment of status under that Act, as amended by subsections (a) and (b), may submit an application for adjustment of status under that Act not later than the later of—

(A) 2 years after the date of enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this Act are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) that are affected by the amendments made by subsections (a) and (b).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens who filed applications for adjustment of status under that Act before April 1, 2000.

SA 3301. Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 14 and 15, insert the following:

SEC. 217. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts authorized to be appropriated for fiscal year 2005 by section 201(4) for research, development, test, and evaluation for Defense-wide activities, $25,000,000 shall be made available for Program Element 0601114D8Z for the Defense Experimental Program to Stimulate Competitive Research.

SA 3302. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. INCREASE IN MAXIMUM AMOUNT OF VETERANS HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) of title 38, United States Code, is amended by striking "$60,000" each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting "the maximum guaranty amount (as defined in subparagraph (C))".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

"(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.".

SA 3303. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NONREGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

SA 3304. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, insert the following:

SEC. 1055. PROMOTING SOVEREIGNTY AND SELF-GOVERNANCE IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States should seek to encourage the Government of Iraq to exercise the roles and responsibilities of full sovereign authority in Iraq on the earliest possible date.

(b) REPORTS TO CONGRESS.—(1) Not later than 30 days after the date of the enactment of this Act, and not less often than once during each 90-day period thereafter until the President submits the certification described in paragraph (3), the President shall submit to Congress a report on the responsibilities and activities of the United States policy advisors in Iraq, the role of the United Nations in Iraq, and the progress of the authorities in

Iraq in exercising the roles and responsibilities of full sovereign authority.

(2) The reports required by paragraph (1) shall include a description of the following:

(A) The responsibilities of United States policy advisors in Iraq, including the name of any state institutions of Iraq with which such advisors are working.

(B) Any law, directive, policy, regulation, rule, or international agreement prepared by a United States policy advisor and submitted to a state institution of Iraq or an official of such institution.

(C) Any action taken by a United States policy advisor to identify or select individuals in Iraq to lead or serve in state institutions of Iraq or to increase the effectiveness and capacity of such individuals or institutions.

(D) The role of United Nations officials in Iraq with regard to—

(i) any law, directive, policy, regulation, rule, or international agreement; or

(ii) any identification or selection of individuals in Iraq to lead or serve in state institutions of Iraq or to increase the effectiveness and capacity of such individuals or institutions.

(E) Progress made by officials of the Government of Iraq in exercising the roles and responsibilities of full sovereign authority, including progress made in taking full responsibility for—

(i) formulating, promulgating, and implementing the laws, directives, policies, regulations, rules or international agreements for the governance of Iraq; and

(ii) identifying and selecting the leadership and staff of the state institutions of Iraq.

(3) The certification referred to in paragraph (1) is a certification submitted to Congress by the President that a democratically elected Government of Iraq has assumed power pursuant to a permanent constitution.

(4) The reports required by paragraph (1) shall be submitted in an unclassified form and may include a classified annex, if such an annex is necessary to protect the national security of the United States.

(5) In this subsection:

(A) The term "law, directive, policy, regulation, rule, or international agreement" includes any law, directive, policy, regulation, rule, or international agreement related to—

(i) the budget of the Government of Iraq, including any revenue and expenditure of such Government, the disposition of any asset held by the Development Fund for Iraq established by United Nations Security Council Resolution 1483 (2003) or any successor fund, and any contract or procurement made by the Government of Iraq;

(ii) elections, political parties, or the media in Iraq, or the exercise of civil liberties by the people of Iraq;

(iii) the constitution of Iraq or the establishment of the legislature, executive, and judiciary, including related judicial procedures, of the Government of Iraq; or

(iv) the police, security, or military forces of Iraq.

(B) The term "state institution of Iraq" includes—

(i) any agency, department, ministry, office, or other entity controlled by the executive branch of the Government of Iraq;

(ii) the police, security, or military forces of Iraq;

(iii) a company or enterprise owned or operated by the Government of Iraq;

(iv) any entity controlled by the legislative or judicial branch of the Government of Iraq;

(v) any election commission or other entity responsible for the regulation of elections or political parties in Iraq; and

(vi) any convention or committee responsible for the drafting of the constitution of Iraq.

(C) The term "United States policy advisor" means an individual who is engaged in formulating and recommending policies that will be carried out by a state institution of Iraq, or who will be involved in identifying or selecting leadership or staff of a state institution of Iraq and who—

(i) is employed by the Government of the United States; or

(ii) has entered into a contract to provide assistance to a state institution of Iraq with the Government of the United States or an organization or company which has received funding from the Government of the United States.

(c) PUBLICATION OF THE OFFICIAL GAZETTE.—(1) The Secretary of State shall work with the appropriate officials of the Government of Iraq to help ensure that—

(A) the publication of the official gazette begins immediately after the date on which the United States transfers political sovereignty in Iraq from the Coalition Provisional Authority to the Government of Iraq;

(B) the content of each official gazette that is published is—

(i) disseminated to the broadest possible audience; and

(ii) made available to the public by posting such content on an Internet website maintained by the Government of Iraq; and

(C) the official gazette is published and the content posted on the website described in subparagraph (B) on a regular basis.

(2) The Secretary of State shall maintain on the Internet website of the Department of State an English language translation of each official gazette that is published.

(3) The term "official gazette" means the official gazette referred to in Article 30(B) of the Law of Administration for the State of Iraq for the Transitional Period of March 8, 2004, or similarly designated in any subsequent applicable law or regulation.

SA 3305. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 22, insert the following:

SEC. 867. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section:

"§2383. Contractor performance of acquisition functions closely associated with inherently governmental functions

"(a) LIMITATION.—The head of an agency may enter a contract for the performance of acquisition functions closely associated with inherently governmental functions only if the Secretary determines that—

"(1) appropriate military or civilian personnel of the Department of Defense cannot reasonably be made available to perform the functions;

"(2) appropriate military or civilian personnel of the Department of Defense are—

"(A) to supervise contractor performance of the contract; and

"(B) to perform all inherently governmental functions associated with the functions to be performed under the contract; and

"(3) the contractor does not have an organizational conflict of interest or the appearance of an organizational conflict of interest in the performance of the functions under the contract.

"(b) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given such term in section 2302(1) of this title, except that such term does not include the Secretary of Homeland Security or the Administrator of the National Oceanic and Atmospheric Administration.

"(2) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

"(3) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

"(4) The term 'organizational conflict of interest' has the meaning given such term in subpart 9.5 of part 9 of the Federal Acquisition Regulation.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

"2383. Contractor performance of acquisition functions closely associated with inherently governmental functions.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 2383 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for program management or oversight of contracts for the reconstruction of Iraq, regardless of whether such program management or oversight contract was entered into before, on, or after the date of enactment of this Act.

SA 3306. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. REQUIREMENTS AND LIMITATIONS ON OVERSIGHT CONTRACTS RELATING TO IRAQ.

(a) NON-RENEWABILITY OF CURRENT OVERSIGHT CONTRACTS.—The Secretary of Defense may not renew or extend any oversight contract entered into by the Coalition Provisional Authority (CPA), or any successor entity, after the initial expiration of such contract, notwithstanding any term or provision of such contract to the contrary.

(b) Prohibition on Future Entry Into Oversight Contracts.—(1) It is the policy of the United States Government that the oversight of contractors of the United States Government is an inherently governmental function.

(2) The Secretary may not, after the date of the enactment of this Act—

(A) enter into an oversight contract with respect to Iraq reconstruction, repair, or maintenance contracts; or

(B) enter into any contract or arrangement similar to an oversight contract with respect to any reconstruction, repair, or maintenance contract of the Department of Defense in any other location.

(c) Oversight by Inspector General of Coalition Provisional Authority.—(1) Subsection (e)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) is amended by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of Defense, acting through the United States Chief of Mission in Iraq".

(2) Such section is further amended—

(A) in subsection (j)—

(i) in paragraph (1), by striking "the head of the Coalition Provisional Authority" and inserting "the United States Chief of Mission in Iraq who shall transmit the report to the Secretary of Defense";

(ii) in paragraph (2), by striking "the head of the Coalition Provisional Authority" each place it appears and inserting "the Secretary"; and

(B) Subsection (k)—

(i) in paragraph (1), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary of Defense"; and

(ii) in paragraph (2), by striking "the head of the Coalition Provisional Authority" and inserting "the Secretary".

(3) Such section is further amended—

(A) by redesignating subsections (m) and (n) as subsections (n) and (o), respectively; and

(B) by inserting after subsection (l) the following new subsection (m):

"(m) Expiration.—The Office of the Inspector General of the Coalition Provisional Authority shall terminate 90 days after the date, as determined by the Secretary of Defense, on which all contracts of the Coalition Provisional Authority, or any successor entity, for the reconstruction of Iraq have expired.".

(4) The amendments made by this subsection shall take effect on the later of—

(A) June 30, 2004; or

(B) the date of the enactment of this Act.

(d) Definitions.—In this section:

(1) The term "oversight contract" means a contract between the Coalition Provisional Authority, or any successor entity, and a non-governmental entity pursuant to which the non-governmental entity provides, through personnel of the non-governmental entity, dedicated program management and coordination support activities (including oversight, evaluation, and coordination of the performance of contracts by non-governmental entities) with respect to Iraq reconstruction, repair, or maintenance contracts, including but not limited to contracts as follows:

(A) The contract awarded to AECOM, in the amount of $21,610,501 to provide support to manage the activities of the 6 sector program offices and report to the Coalition Provisional Authority Program Management Office.

(B) The contract awarded on March 10, 2004, to CH2M Hill/Parsons in the amount of $28,494,672 to provide dedicated support to the Public Works and Water Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(C) The contract awarded on March 10, 2004, to Berger/URS in the amount of $8,458,350 to provide dedicated support to the Transportation/Communication Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(D) The contract awarded on March 10, 2004, to Berger/URS in the amount of $8,458,350 to provide dedicated support to the Security/Justice Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(E) The contract awarded on March 10, 2004, to Berger/URS in the amount of $10,754,664 to provide dedicated support to the Buildings/Education/Health Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(F) The contract awarded on March 10, 2004, to Iraq Power Alliance Joint Venture in the amount of $43,361,340 to provide dedicated support to the Electrical Services Sector Program Management Office under the Coalition Provisional Authority Program Management.

(G) The contract awarded on March 10, 2004, to Foster Wheeler, in the amount of $8,416,985 to provide dedicated support to the Oil Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(2) The term "Iraq reconstruction, repair, or maintenance contracts" means contracts or other agreements entered into with public or private entities for reconstruction, repair, or maintenance activities in or related to Iraq.

SA 3307. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, insert the following:

SEC. 1055. COMPENSATION FOR FORMER PRISONERS OF WAR.

Any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the 17 citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

SA 3308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON MILITARY AND SECURITY END STATE IN IRAQ.

(a) Report Required.—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the military and security end state in Iraq.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) Content.—The report shall include the following:

(1) A description of the desired United States military and security end state in Iraq, including minimal and desirable levels of policing and border control capabilities of Iraqis in Iraq, the counterinsurgency capabilities of Iraq security forces, the role and place of militias and other ethnic-based, tribal-based, or communal-based armed groups in Iraq in maintaining national cohesion in Iraq, and the level of politically-inspired violence in Iraq in such an end state.

(2) A description of a series of event-driven milestones to evaluate progress toward the end state described in paragraph (1).

(3) An outline of objective and subjective metrics to support the milestones described in paragraph (2).

(4) An estimate of the number of United States and coalition military forces and the level of funding necessary to achieve the end state described in paragraph (1).

(5) An explanation of the key assumptions underlying the estimate described in paragraph (4).

(6) A presentation of at least two alternative scenarios for the assessments made in paragraphs (4) and (5).

(c) Form of Report.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3309. Mr. DODD (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION D—ASSISTANCE TO FIREFIGHTERS

SEC. 4001. SHORT TITLE.

This division may be cited as the "Assistance to Firefighters Act of 2004".

SEC. 4002. AUTHORITY OF SECRETARY OF HOMELAND SECURITY FOR FIREFIGHTER ASSISTANCE PROGRAM.

(a) In General.—Subsection (b)(1) of section 33 of the Federal Fire Prevention and

Control Act of 1974 (15 U.S.C. 2229) is amended by striking "Director" in the matter preceding subparagraph (A) and inserting "Secretary of Homeland Security, in consultation with the Administrator,".

(b) Conforming Amendment.—Such section is further amended by striking "Director" each place it appears and inserting "Secretary of Homeland Security".

(c) Technical Amendment.—The heading of subsection (b)(8) of such section is amended by striking "Director" and inserting "Secretary".

SEC. 4003. GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE ORGANIZATIONS.

(a) Authority To Award Grants to Volunteer Emergency Medical Service Squads.—Paragraph (1)(A) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting "or to volunteer emergency medical service organizations" after "fire departments".

(b) Use of Grant Funds.—Paragraph (3)(F) of such section is amended by inserting "or volunteer emergency medical service organizations that are not affiliated with a for-profit entity" after "fire departments".

(c) Special Rule for Applications for Volunteer Emergency Medical Services.—Paragraph (5) of such section is amended by adding at the end, the following new subparagraph:

"(C) Special rule for volunteer emergency medical services.—The Secretary of Homeland Security shall permit an applicant seeking grant funds for volunteer emergency medical services under paragraph (3)(F) to use the same application form to seek grant funds for one or more of the other purposes set out in subparagraphs (A) through (O) of paragraph (3).".

SEC. 4004. GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.

Paragraph (3) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by adding at the end the following new subparagraph:

"(O) To obtain automated external defibrillator devices.".

SEC. 4005. CRITERIA FOR REVIEWING GRANT APPLICATIONS.

Paragraph (2) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended to read as follows:

"(2) Criteria and review of applications.—

"(A) Preliminary review criteria.—

"(i) In general.—The Secretary of Homeland Security shall establish specific criteria for the preliminary review of an application submitted under this section. If an application does not meet such criteria, the application may not receive further consideration for a grant under this section.

"(ii) Annual review of criteria.—Not less often than once each year, the Secretary of Homeland Security, in consultation with the Administrator, shall convene a meeting of individuals who are members of a fire service and are recognized for expertise in firefighting or in emergency medical services provided by fire services, and who are not employees of the Federal Government for the purpose of reviewing and proposing changes to the criteria established under clause (i).

"(B) Selection through review by experts.—

"(i) Requirement for review.—The Secretary of Homeland Security shall award grants under this section based on the review of applications for such grants by a panel of fire service personnel appointed by a national organization recognized for expertise in the operation and administration of fire services.

"(ii) Role of the secretary.—The Secretary of Homeland Security shall provide for the administration of the review panel described in clause (i) and shall ensure that an individual appointed to such panel is a recognized expert in firefighting, medical services provided by fire services, fire prevention, or research on firefighter safety.".

SEC. 4006. FINANCIAL ASSISTANCE FOR FIREFIGHTER SAFETY PROGRAMS.

(a) Authority.—Paragraph (1)(B) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting "and firefighter safety" after "prevention".

(b) Expansion of Existing Program.—

(1) Firefighter safety assistance.—Paragraph (4) of such section is amended—

(A) in subparagraph (A)(ii), by striking "organizations that are recognized" and all that follows and inserting "organizations eligible under subparagraph (B) for the purposes described in subparagraph (C)."; and

(B) by striking subparagraph (B), and inserting the following new subparagraphs:

"(B) Eligibility for assistance.—An organization may be eligible for assistance under subparagraph (A)(ii), if such organization is a national, State, local, or community organization that is not a fire service and that is recognized for experience and expertise with respect to programs and activities that promote—

"(i) fire prevention or fire safety; or

"(ii) the health and safety of firefighting personnel.

"(C) Use of funds.—Assistance provided under subparagraph (A)(ii) shall be used—

"(i) to carry out fire prevention programs; or

"(ii) to fund research to improve the health and safety of firefighting personnel.

"(D) Priority.—In selecting organizations described in subparagraph (B) to receive assistance under this paragraph, the Secretary of Homeland Security shall give priority—

"(i) to organizations that focus on preventing injuries from fire to members of groups at high risk of such injuries, with an emphasis on children; and

"(ii) to organizations that focus on researching methods to improve the health and safety of firefighting personnel.

"(E) Allocation of funds.—Not less than 66 percent of the total amount of funds made available in a fiscal year to carry out this paragraph shall be made available of the programs described in subparagraph (A)(ii).".

(2) Conforming amendment.—The heading of such paragraph is amended to read as follows:

"(4) Fire prevention and firefighter safety programs.—".

(c) Availability of Funds for Fire Prevention and Firefighter Safety Programs.—Paragraph (4)(A) of such section, as amended by subsection (b), is further amended in the matter preceding clause (i), by striking "5 percent" and inserting "6 percent".

SEC. 4007. ASSISTANCE FOR APPLICATIONS.

Paragraph (5) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 3(c), is further amended by adding at the end the following new subparagraph:

"(D) Assistance to prepare an application.—The Secretary of Homeland Security shall provide assistance with the preparation of applications for grants under this section.".

SEC. 4008. REDUCED REQUIREMENTS FOR MATCHING FUNDS.

(a) Amount Required.—Paragraph (6) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) In general.—Subject to subparagraphs (B) and (C), the Secretary of Homeland Security may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

"(B) Requirement for small community organizations.—In the case of an applicant whose personnel—

"(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; or

"(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.".

(b) Exception.—Such paragraph, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(C) Exception.—No matching funds may be required under this subsection for assistance provided under subparagraph (A)(ii) of paragraph (4) to an organization described in subparagraph (B) of such paragraph.".

(c) Special Rule for Requests for Automated External Defibrillator Devices.—Section 33(b) of such Act is further amended by adding at the end the following new paragraph:

"(13) Special rules for grants for automated external defibrillator devices.—

"(A) Limitations.—The Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds for a grant as described in subparagraph (B) if—

"(i) the applicant is requesting grant funds to obtain one or more automated external defibrillator devices, as authorized by paragraph (3)(O);

"(ii) the award of such grant will result in the applicant possessing exactly one such device for each first-due emergency vehicle operated by the applicant;

"(iii) the applicant certifies to the Secretary of Homeland Security that the applicant possesses, at the time such application is filed, a number of such devices that is less than the number of first-due emergency vehicles operated by the applicant and that the applicant is capable of storing, in a manner conducive to rapid use, such devices on each such vehicle; and

"(iv) the applicant has not previously received a grant under this subsection to obtain such devices.

"(B) Matching requirements.—If an applicant meets the criteria set out in clauses (i), (ii), (iii), and (iv) of subparagraph (A), the Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds required by paragraph (6) by 2 percentage points for all assistance requested in the application submitted by such applicant.

"(C) First-due defined.—In this paragraph, the term 'first-due' means the firefighting and emergency medical services vehicles that are utilized by a fire service for immediate response to an emergency situation.".

SEC. 4009. GRANT RECIPIENT LIMITATIONS.

(a) Limitations on Grant Amounts.—Subparagraph (A) of section 33(b)(10) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is amended to read as follows:

"(A) LIMITATIONS ON GRANT AMOUNT.—

"(i) GENERAL LIMITATION.—Subject to clause (ii), a recipient of assistance under this section may not receive in a fiscal year an amount of such assistance that exceeds the greater of $2,250,000 or the amount equal to 0.5 percent of the total amount of funds appropriated for such assistance for such fiscal year.

"(ii) LIMITATIONS ON BASIS OF POPULATION.—Subject to clause (iii), a recipient of assistance under this section that serves a jurisdiction of less than 1,000,000 individuals may not receive more than $1,500,000 of such assistance for a fiscal year, except that such a recipient that serves a jurisdiction of less than 500,000 individuals may not receive more than $1,000,000 of such assistance during a fiscal year.

"(iii) WAIVER.—With respect to assistance provided in a fiscal year before fiscal year 2007, the Secretary of Homeland Security, in consultation with the Administrator, may waive the limitations set out in clause (ii) if the Secretary determines that a waiver is warranted by an extraordinary need for assistance for fire suppression activities by a jurisdiction, whether such need is caused by the likelihood of terrorist attack, natural disaster, destructive fires occurring over a large geographic area, or some other cause.".

(b) LIMITATIONS ON GRANTS FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Such section, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(C) LIMITATIONS ON EXPENDITURES FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Not more than 3.5 percent of the funds appropriated to provide grants under this section for a fiscal year may be awarded to volunteer emergency medical service organizations.".

SEC. 4010. OTHER CONSIDERATIONS.

Section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 8, is amended by adding at the end the following new paragraph:

"(14) OTHER CONSIDERATIONS.—In providing assistance under this section, the Secretary of Homeland Security shall—

"(A) consider the extent to which the recipient of such assistance is able to enhance the daily operations of a fire service and to improve the protection of people and property from fire; and

"(B) ensure that such assistance awarded to a volunteer emergency medical service organization will not be used to provide emergency medical services in a geographic area if such services are adequately provided by a fire service in such area.".

SEC. 4011. REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS.—

(1) STUDY.—The Secretary, in conjunction with the National Fire Protection Association, shall conduct a study—

(A) to assess the types of activities that are carried out by fire services;

(B) to determine whether the level of Federal funding made available to fire services is adequate;

(C) to assess categories of services, including emergency medical services, that are not adequately provided by fire services on either the national or State level; and

(D) to measure the effect, if any, of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) on the needs of fire services identified in the report submitted to Congress under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-363).

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study described in paragraph (1).

(b) REPORT BY GAO.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the administration of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229); and

(2) the success of the Secretary in administering the Federal Emergency Management Agency.

(c) REPORT ON WAIVER OF AMOUNT LIMITATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the instances, if any, of the use of the waiver authority set out in section 33(b)(10)(A)(iii) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)(A)(iii)), as added by section 9.

(d) DEFINITIONS.—In this section:

(1) FIRE SERVICE.—The term "fire service" has the meaning given that term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 4012. TECHNICAL CORRECTIONS.

(a) REPEAL OF DUPLICATIVE DEFINITION.—Subsection (d) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is repealed.

(b) REDESIGNATIONS NECESSITATED BY DUPLICATIVE NUMBERING.—The sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2230 and 2231) that were added by sections 105 and 106 of Public Law 106-503 (114 Stat. 2301) are redesignated as sections 34 and 35, respectively.

SEC. 4013. AUTHORIZATION OF APPROPRIATIONS.

(a) FIREFIGHTER ASSISTANCE PROGRAMS.—Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking the first sentence and inserting "There are authorized to be appropriated for the purposes of this section $900,000,000 for fiscal year 2005, $950,000,000 for fiscal year 2006, and $1,000,000,000 for each of the fiscal years 2007 through 2010.".

(b) STUDY ON ASSISTANCE TO FIREFIGHTERS.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000 for fiscal year 2005 to carry out the requirements of section 4011(a).

SA 3310. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. FEDERAL LAW ENFORCEMENT PAY.

(a) ADJUSTED DIFFERENTIALS.—

(1) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after "follows:" and inserting the following:

"Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area	21.47%
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	19.48%

“Area	Differential
Rest of United States Consolidated Metropolitan Statistical Area	14.19%”.

(2) SPECIAL RULES.—For purposes of the provision of law amended by paragraph (1)—

(A) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA–NH–ME–CT–RI Consolidated Metropolitan Statistical Area; and

(B) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)—

(A) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(B) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Paragraph (2) shall be applied in a manner consistent with the preceding sentence.

(b) SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this paragraph, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled “A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers”.

(2) DEMONSTRATION PROJECT.—

(A) IN GENERAL.—If, after completing its report under paragraph (1), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in paragraph (1)) would result in improved Federal personnel management.

(B) APPLICABLE PROVISIONS.—Any demonstration project under this paragraph shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this paragraph shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(C) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(i) its evaluation of the system tested under the demonstration project; and

(ii) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(3) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this subsection, the term “Federal law enforcement officer” means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

(c) LIMITATION ON PREMIUM PAY.—

(1) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(A) in subsection (a), by striking “5545a,”;

(B) in subsection (c), by striking “or 5545a”; and

(C) in subsection (d), by striking the period and inserting “or a criminal investigator who is paid availability pay under section 5545a.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1239).

SA 3311. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1055. IMPOSITION OF OFFSETS UNDER CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

(a) REQUIREMENT TO IMPOSE ON CERTAIN CONTRACTORS AND SUBCONTRACTORS.—(1) Notwithstanding any declaration of policy in section 123 of the Defense Production Act Amendments of 1992 (Public Law 102–558; 106 Stat. 4198; 50 U.S.C. App. 2099 note), the Secretary of Defense shall impose an offset on a contractor or subcontractor under a contract of the Department of Defense for defense goods or services if the preponderance of goods or services supplied by the contractor or subcontractor under the contract are produced, manufactured, grown, or extracted in a foreign country that imposes, whether by law or practice, offsets in excess of 100 percent on United States suppliers of goods or services.

(2) The offset imposed on a contractor or subcontractor under paragraph (1) shall be at least equal in percentage to the percentage imposed by the foreign country concerned on United States suppliers of goods and services.

(b) AUTHORITY TO IMPOSE ON CERTAIN CONTRACTORS AND SUBCONTRACTORS.—Notwithstanding any declaration of policy in such section 123, the Secretary may impose an offset on a contractor or subcontractor under a contract of the Department for defense goods or services if the preponderance of goods or services supplied by the contractor or subcontractor under the contract are produced, manufactured, grown, or extracted in a foreign country that imposes, whether by law or practice, offsets (other than offsets described in subsection (a)) on United States suppliers of goods or services under contracts in excess of $5,000,000.

(c) OFFSET DEFINED.—In this section, the term “offset” means any arrangement or understanding between a supplier of defense articles or defense services (as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.) and a country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by persons of the supplier's country of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in such country in consideration for the purchase by such country of defense articles or defense services from the supplier.

(d) REPORT ON IMPOSITION OF OFFSETS.—The Secretary shall submit to Congress a report on each imposition of offsets under this section.

SA 3312. Mr. DODD (for himself, Mr. BAUCUS, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—(1) Subject to subsection (b), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation.

(2) A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(b) LIMITATIONS.—(1) In the case of armor or protective equipment for high mobility multi-purpose wheeled vehicles (known as HUMVEEs), reimbursement shall be made under subsection (a) only for armor or equipment purchased during the period beginning on September 11, 2001, and ending on July 31, 2004.

(2) In the case of any other protective, safety, and health equipment, reimbursement shall be made under subsection (a) only for equipment purchased during the period beginning on September 11, 2001, and ending on December 31, 2003.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—(1) Subject to paragraph (2), protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a soldier intercommunication device.

(2) Non-military equipment may be treated as protective, safety, and health equipment for purposes of paragraph (1) only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications.

(d) FUNDING.—Amounts for reimbursements under subsection (a) shall be derived from amounts any amounts authorized to be appropriated by this Act.

SA 3313. Mr. DODD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. PROHIBITIONS ON USE OF CONTRACTORS FOR CERTAIN DEPARTMENT OF DEFENSE ACTIVITIES.

(a) PROHIBITION ON USE OF CONTRACTORS IN INTERROGATION OF PRISONERS AND COMBAT MISSIONS.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the use of contractors by the Department of Defense is prohibited for activities as follows:

(A) Interrogation of prisoners, detainees, or combatants at any United States military installation or other installation under the authority of United States military or civilian personnel.

(B) United States-led combat missions that require routine engagement in direct combat on the ground, except in cases of self-defense.

(2) The President may waive the prohibition in paragraph (1) with respect to the use of contractors to provide translator services under subparagraph (A) of that paragraph if the President determines that no United States military personnel with appropriate language skills are available to provide translator services for the interrogation to which the waiver applies.

(3) The President shall, on a quarterly basis, submit to the appropriate committees of Congress a report on the use, if any, of contractors for the provision of translator services pursuant to the waiver authority in paragraph (2).

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the utilization of contractor personnel in contravention of the prohibition in subsection (a), whether such funds are provided directly to a contractor by a department, agency, or other entity of the United States Government or indirectly through a permanent, interim, or transitional foreign government or other third party.

(c) PROHIBITION ON TRANSFER OF CUSTODY OF PRISONERS TO CONTRACTORS.—No military or civilian element of the United States Government may transfer any prisoner, detainee, or combatant under the custody or control of such element to the custody of a contractor or contractor personnel.

(d) RECORDS OF TRANSFERS OF CUSTODY OF PRISONERS TO OTHER COUNTRIES.—(1) No military or civilian element of the United States Government may transfer any prisoner, detainee, or combatant under the custody or control of such element to the custody of another country without making an appropriate record of such transfer that includes the reasons for the transfer.

(2) The Secretary shall ensure that—

(A) the records made of transfers by a transferring authority as described in paragraph (1) are maintained by that transferring authority in a central location; and

(B) the location and format of the records are such that the records are readily accessible to, and readily viewable by, the appropriate committees of Congress.

(3) A record under paragraph (1) shall be maintained in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Foreign Relations, and the Judiciary of the Senate and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, International Relations, and the Judiciary of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3314. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Louisiana (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the State shall—

(1) maintain at least 13,500 acres of such property for the purpose of military training, unless the Secretary determines that fewer acres are required for such purpose;

(2) ensure that any other uses that are made of the property conveyed under subsection (a) do not adversely impact military training;

(3) accommodate the use of such property, at no cost or fee, for meeting the present and future training needs of Armed Forces units, including units of the Louisiana National Guard and the other active and reserve components of the Armed Forces;

(4) assume, starting on the date that is five years after the date of the conveyance of such property, responsibility for any monitoring, sampling, or reporting requirements that are associated with the environmental restoration activities of the Army on the Louisiana Army Ammunition Plant, and shall bear such responsibility until such time as such monitoring, sampling, or reporting is no longer required; and

(5) assume the rights and responsibilities of the Army under the armaments retooling manufacturing support agreement between the Army and the facility use contractor with respect to the Louisiana Army Ammunition Plant in accordance with the terms of such agreement in effect at the time of the conveyance.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3315. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. FULL SBP SURVIVOR BENEFITS FOR SURVIVING SPOUSES OVER AGE 62.

(a) PHASED INCREASE IN BASIC ANNUITY TO 55 PERCENT.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning before October 2005, 40 percent for months beginning after September 2005 and before April 2006, 45 percent for months beginning after March 2006 and before April 2007, 50 percent for months beginning after March 2007 and before April 2008, and 55 percent for months beginning after March 2008.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under paragraph (1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—(1) Section 1457(b) of title 10, United States Code, is amended—

(A) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(B) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning before October 2005, 15 percent for months beginning after September 2005 and before April 2006, 10 percent for months beginning after March 2006 and before April 2007, and 5 percent for months beginning after March 2007.".

(2) Effective on April 1, 2008, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) October 2005.

(B) April 2006.

(C) April 2007.

(D) April 2008.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

(e) OPEN ENROLLMENT PERIOD FOR SURVIVOR BENEFIT PLAN COMMENCING OCTOBER 1, 2005.—(1)(A) An eligible retired or former member may elect to participate in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, during the open enrollment period specified in paragraph (5).

(B) An eligible retired or former member who elects under subparagraph (A) to participate in the Survivor Benefit Plan at the maximum level may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(C) For purposes of subparagraphs (A) and (B), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(i) is entitled to retired pay; or

(ii) would be entitled to retired pay under chapter 1223 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(D) A person making an election under subparagraph (A) by reason of eligibility under subparagraph (C)(i) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(E) A person making an election under subparagraph (A) by reason of eligibility under subparagraph (C)(ii) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(2) A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period, elect to—

(A) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(B) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(3)(A) A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(B) Except as provided in subparagraph (C), a person is eligible to make an election under subparagraph (A) if on the day before the first day of the open enrollment period the person—

(i) is a participant in the Survivor Benefit Plan at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under paragraph (2) of this subsection; and

(ii) under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(C) A person is not eligible to make an election under subparagraph (A) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan is to be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section 1451(e). Any such election is irrevocable. A person making such a waiver may make an election under subparagraph (A) as in the case of any other participant in the Survivor Benefit Plan.

(4) An election under this subsection shall be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under paragraph (1) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code. Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(5) The open enrollment period under this section shall be the one-year period beginning on October 1, 2005.

(6) If a person making an election under this subsection dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(7) The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this subsection in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(8) The Secretary of Defense may require that the premium for a person making an election under paragraph (1)(A) or (2) include, in addition to the amount required under section 1452(a) of title 10, United States Code, an amount determined under regulations prescribed by the Secretary of Defense for the purposes of this subsection. Any such amount shall be stated as a percentage of the base amount of the person making the election and shall reflect the number of years that have elapsed since the person retired, but may not exceed 4.5 percent of that person's base amount.

(f) REPORT CONCERNING OPEN SEASON.—Not later than July 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the open season authorized by subsection (e) for the Survivor Benefit Plan. The report shall include the following:

(1) A description of the Secretary's plans for implementation of the open season.

(2) The Secretary's estimates of the costs associated with the open season, including any anticipated effect of the open season on the actuarial status of the Department of Defense Military Retirement Fund.

(3) Any recommendation by the Secretary for further legislative action.

SA 3316. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

Since it is the mission of the Armed Forces Radio and Television Service to provide high-quality news, information and entertainment to US forces;

Since a key principle of Department of Defense internal information is to make available a free flow of general and military information without censorship or propaganda to the men and women of the Armed Forces and their dependents;

Since the Armed Forces Radio and Television Service seeks to represent in its programming what is seen and heard in the United States;

Since it is the policy of Armed Forces Radio and Television Service, as outlined in

Department of Defense Regulation 5120.20R, to provide a free flow of political programming and public affairs programs selected to provide balance and diversity from available nationally recognized program sources: Therefore be it determined, That it is the sense of the Senate—

That the Armed Forces Radio and Television Service should strive to ensure that it fully serves its mission and listeners by seeking to present all sides of important public questions fairly and with balance by basing programming decisions for each of its news, public affairs and uninterrupted voice program services on a diversity of educational and informational needs, not only on commercial market share determinations.

SA 3317. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, insert the following:

SEC. 3122. BERYLLIUM SCREENING IN MASSACHUSETTS.

(a) Availability of Funds.—Of the amount authorized to be appropriated for the Department of Energy for fiscal year 2005 by section 3103 for other defense activities, $250,000 shall be available for beryllium screening, and related outreach, for employees of vendors who supplied beryllium to the Atomic Energy Commission for use in the nuclear weapons program.

(b) Employees of Vendors Defined.—In this section, the term “employees of vendors” means employees of vendors in Massachusetts as follows:

(1) Wyman Gordon, Incorporated.

(2) Norton.

(3) Nuclear Materials and Equipment Corporation.

(4) The Massachusetts Institute of Technology.

(5) Any other beryllium vendor identified as such for purposes of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

SA 3318. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 10 and 11, insert the following:

SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCHES.

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of portable range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launches.

SA 3319. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 844. REPEAL OF CERTAIN REQUIREMENTS AND LIMITATIONS RELATING TO THE DEFENSE INDUSTRIAL BASE.

(a) Essential Item Identification and Domestic Production Capabilities Improvement.—Sections 812, 813, and 814 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542, 1543, 1545; 10 U.S.C. 2501 note) are repealed.

(b) Elimination of Unreliable Source for Items and Components.—Section 821 of such Act (117 Stat. 1546; 10 U.S.C. 2534 note) is repealed.

SA 3320. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) Authority.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2539c. Waiver of domestic source or content requirements

“(a) Authority.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

“(1) in a foreign country that has a Declaration of Principles with the United States;

“(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

“(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

“(b) Covered Requirements.—For purposes of this section:

“(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

“(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

“(c) Applicability.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

“(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

“(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

“(d) Limitation on Delegation.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

“(e) Consultations.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

“(f) Laws Not Waivable.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

“(1) The Small Business Act (15 U.S.C. 631 et seq.).

“(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

“(3) Sections 7309 and 7310 of this title.

“(4) Section 2533a of this title.

“(g) Relationship to Other Waiver Authority.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

“(h) Construction With Respect to Later Enacted Laws.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

“(i) Declaration of Principles.—(1) In this section, the term ‘Declaration of Principles’ means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

"(A) harmonization of military requirements and acquisition processes;

"(B) security of supply;

"(C) export procedures;

"(D) security of information;

"(E) ownership and corporate governance;

"(F) research and development;

"(G) flow of technical information; and

"(H) defense trade.

"(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

"2539c. Waiver of domestic source or content requirements.".

SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SA 3321. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS FOR COUNTRIES ENGAGED IN CERTAIN OPERATIONS IN THE GLOBAL WAR ON TERROR.

(a) AUTHORITY.—Except as provided in subsection (e), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) to items that are grown, reprocessed, reused, produced, or manufactured in a foreign country that has supplied air, naval, ground, or stabilization forces under the United States Central Command or the International Security Assistance Force in Operation Enduring Freedom or Operation Iraqi Freedom and, in so waiving such requirement, thereby authorize the procurement of such items.

(b) COVERED REQUIREMENTS.—For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of title 23, United States Code).

(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

(1) application of the requirement would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items between a foreign country and the United States in accordance with section 2531 of title 23, United States Code; and

(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(d) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

(e) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

(1) The Small Business Act (15 U.S.C. 631 et seq.).

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

(3) Sections 7309 and 7310 of title 23, United States Code.

(4) Section 2533a of title 23, United States Code.

(f) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

(g) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SA 3322. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. MISSILE DEFENSE COOPERATION.

(a) DEPARTMENT OF STATE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) EXPEDITED PROCEDURES.—The Secretary of State shall, in consultation with the Secretary of Defense, establish procedures for considering technical assistance agreements and related amendments and munitions license applications for the export of defense items related to missile defense not later than 30 days after receiving such agreements, amendments, and munitions license applications, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) DEFINITION OF DEFENSE ITEMS.—In this section, the term "defense items" has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

SA 3323. Mr. FITZGERALD (for himself, Ms. CANTWELL and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. LIMITATION AS TO PERSONS WHO MAY PERFORM EYE SURGERY FOR DEPARTMENT OF VETERANS AFFAIRS.

Section 1707 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Eye surgery at a Department facility or under contract with the Department may be performed only by an individual who is a licensed medical doctor, a licensed doctor of osteopathy, or a licensed dentist whose practice is limited to the specialty of oral or maxillofacial surgery.

"(2) For purposes of this subsection, the term 'eye surgery' means any procedure involving the eye or the adnexa in which human tissue is cut, burned, frozen, vaporized, ablated, probed, or otherwise altered or penetrated by incision, injection, laser, ultrasound, ionizing radiation, or by other means, in order to treat eye disease, alter or correct refractive error, or alter or enhance cosmetic appearance. Such term does not include the following noninvasive, nonsurgical procedures: removal of superficial ocular foreign bodies from the conjunctival surface, from the eyelid epidermis, or from the corneal epithelium; corneal debridement and scraping; forceps epilation of misaligned eyelashes; the prescription and fitting of contact lenses; insertion of punctal plugs, diagnostic dilation or irrigation of the lacrimal system; the use of diagnostic ultrasound; orthokeratology; or the treatment of emergency cases of anaphylactic shock (with subcutaneous epinephrine, such as that included in a bee sting kit).".

SA 3324. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, in the table preceding line 1, insert after the item relating to Hill Air Force Base, Utah, the following new item:

Wyoming	F.E. Warren Air Force Base.	$5,500,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert "$452,023,000".

On page 314, line 7, strike "$2,487,824,000" and insert "$2,493,324,000".

On page 314, line 10, strike "$446,523,000" and insert "$452,023,000".

On page 322, line 21, strike "$214,418,000" and insert "$221,818,000".

SA 3325. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 867, and insert the following:

SEC. 867. APPLICABILITY OF RANDOLPH-SHEPPARD ACT AND JAVITS-WAGNER-O'DAY ACT TO MILITARY TROOP DINING SERVICES.

(a) SERVICES UNDER EXISTING JAVITS-WAGNER-O'DAY ACT CONTRACTS.—(1) The Randolph-Sheppard Act (20 U.S.C. 107 et seq.) does not apply to any contract described in paragraph (2) for so long as the services provided under that contract remain on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47).

(2) Paragraph (1) applies to any contract for the procurement of military troop dining services that—

(A) was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); and

(B) is in effect on such date.

(b) SERVICES UNDER EXISTING RANDOLPH-SHEPPARD ACT CONTRACTS.—(1) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) does not apply to—

(A) any contract described in paragraph (2) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract; or

(B) any successor contract for the same military troop dining services.

(2) Paragraph (1) applies to any contract for the procurement of military troop dining services that—

(A) was entered into before the date of the enactment of this Act with a State licensing agency under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.); and

(B) is in effect on such date.

(c) SOURCE SELECTION PROCEDURE FOR AWARDING NEW CONTRACTS.—(1) The selection of a source to which to award a contract for the procurement of military troop dining services, other than contracts described in subsections (a) and (b), shall be made according to the procedures provided under this subsection.

(2) As soon as practicable before the date for commencement of the performance of a contract to which this subsection applies, but not less than 180 days before such date, the procuring official shall transmit to the Commissioner of the Rehabilitation Services Administration of the Department of Education a notification of the proposed contract.

(3) Upon the receipt of a notification of a proposed contract for the procurement of military troop dining services under paragraph (2), the Commissioner shall timely determine whether one or more State licensing agencies request that the contract be awarded in compliance with the Randolph-Sheppard Act. If the Commissioner timely receives such a request, the procurement shall be conducted in a manner that applies the priority provided to State licensing agencies under the Randolph-Sheppard Act. If the Commissioner does not timely receive such a request, the procurement shall be conducted under applicable law, including the Javits-Wagner-O'Day Act. The procuring official shall prescribe the time requirements for determinations and requests under this paragraph in relation to performance requirements.

(4) If, in accordance with section 3 of the Javits-Wagner-O'Day Act, a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped enters into a contract for the procurement of military troop dining services to which this subsection applies, then the Randolph-Sheppard Act does not apply to the performance of the services covered by that contract, but only for so long as that contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(d) GEOGRAPHIC APPLICABILITY.—This section applies to a contract for the procurement of military troop dining services to be provided at a military installation in a State, the Commonwealth of Puerto Rico, or any territory or possession of the United States, including a contract for the procurement of military troop dining services that are to be provided in more than one State.

(e) DEFINITIONS.—In this section:

(1) The term "military troop dining services" means any services related to the provision of Government-furnished meals to members of the Armed Forces, including meals provided in a military mess hall, a military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(2) The term "State licensing agency" means an agency designated under section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)).

(3) The terms "qualified nonprofit agency for the blind" and "qualified nonprofit agency for other severely handicapped" have the meanings given such terms in section 5 of the Javits-Wagner-O'Day Act (41 U.S.C. 48b).

(f) REPEAL OF SUPERSEDED LAW.—Section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1556) is repealed.

SA 3326. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, between the matter following line 17 and line 18, insert the following:

SEC. 915. AUTHORITIES OF THE JUDGE ADVOCATES GENERAL.

(a) DEPARTMENT OF THE ARMY.—(1) Section 3019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 3037 of this title, the General Counsel".

(2)(A) Section 3037 of such title is amended to read as follows:

"§ 3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties

"(a) POSITION OF JUDGE ADVOCATE GENERAL.—There is a Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Judge Advocate General's Corps. The term of office is four years, but may be sooner terminated or extended by the President. An appointee who holds a lower regular grade shall be appointed in the regular grade of lieutenant general.

"(b) APPOINTMENT.—The Judge Advocate General of the Army shall be appointed from those officers who at the time of appointment are members of the bar of a Federal court or the highest court of a State or Territory, and who have had at least eight years of experience in legal duties as commissioned officers.

"(c) DUTIES.—The Judge Advocate General, in addition to other duties prescribed by law—

"(1) is the legal adviser of the Secretary of the Army, the Chief of Staff of the Army, and the Army Staff, and of all officers and agencies of the Department of the Army;

"(2) shall direct and supervise the members of the Judge Advocate General's Corps and civilian attorneys employed by the Department of the Army (other than those assigned or detailed to the Office of the General Counsel of the Army) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Army;

"(4) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions; and

"(5) shall perform such other legal duties as may be directed by the Secretary of the Army.

"(d) POSITION OF ASSISTANT JUDGE ADVOCATE GENERAL.—There is an Assistant Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Army who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Assistant Judge Advocate General is four years, but may be sooner terminated or extended by the President. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.

"(e) APPOINTMENTS RECOMMENDED BY SELECTION BOARDS.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Assistant Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.".

(B) The item relating to such section in the table of sections at the beginning of chapter 305 of such title is amended to read as follows:

"3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties.".

(b) DEPARTMENT OF THE NAVY.—(1) Section 5019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 5148 of this title, the General Counsel".

(2) Section 5148 of such title is amended—

(A) in subsection (b), by striking the fourth sentence and inserting the following: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate."; and

(B) in subsection (d)—

(i) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(ii) by inserting after paragraph (1) the following new paragraph (2):

"(2) direct and supervise the members of the Judge Advocate General's Corps in the performance of their duties;".

(c) DEPARTMENT OF THE AIR FORCE.—(1) Section 8019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 8037 of this title, the General Counsel".

(2) Section 8037 of such title is amended—

(A) in subsection (a), by striking the third sentence and inserting the following: "The Judge Advocate General, while so serving, has the grade of lieutenant general."; and

(B) in subsection (c)—

(i) by striking "General shall," in the matter preceding paragraph (1) and inserting "General,";

(ii) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5), respectively, and, in each such paragraph, by inserting "shall" before the first word; and

(iii) by inserting after paragraph (1) the following new paragraphs:

"(1) is the legal adviser of the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Air Staff, and of all officers and agencies of the Department of the Air Force;

"(2) shall direct and supervise the members of the Air Force designated as judge advocates and civilian attorneys employed by the Department of the Air Force (other than those assigned or detailed to the Office of the General Counsel of the Air Force) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Air Force;".

(d) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.".

SA 3327. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. . REPORT ON ESTABLISHING NATIONAL CENTERS OF EXCELLENCE FOR UNMANNED AERIAL VEHICLES.

(a) REPORT REQUIRED.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit a report on the need for one or more national centers of excellence for unmanned aerial vehicles to the congressional defense committees.

(b) PURPOSE OF CENTERS.—(1) The goal of national centers for excellence shall be to promote inter-service cooperation and coordination in the following areas:

(A) development of doctrine for the use of unmanned aerial vehicles;

(B) joint procurement, or, where not possible, maximization of shared platforms and components;

(C) identification and coordination, in conjunction with private sector and academia, of research priorities for future development of unmanned aerial vehicles;

(D) monitoring the development and utilization of unmanned aerial vehicles in other nations for both military and non-military purposes; and

(E) identification and development of needed UAV specialists

(c) REPORT REQUIREMENTS.—(1) The report shall include at a minimum:

(A) a list of facilities where the Defense Department currently conducts or plans to conduct research, development, and testing activities on unmanned aerial vehicles;

(B) a list of facilities where the Defense Department currently deploys or has committed to deploying unmanned aerial vehicles;

(C) extent to which existing facilities listed in (A) and (B) above have sufficient unused capacity and expertise to research, develop, test, and deploy the next generation of unmanned aerial vehicles;

(D) extent to which efficiencies on research, development, testing, and deployment of existing or future unmanned aerial vehicles can be achieved through consolidation at one or more national centers of excellence for unmanned aerial vehicles;

(E) a list of potential locations for national centers of excellence. When considering potential locations for these centers, the report should take into consideration existing Air Force facilities which possess skilled personnel, existing capacity of runways and other facilities to accommodate the research, testing, and deployment of current and future unmanned aerial vehicles, and minimal restrictions on the research, development, and testing of unmanned aerial vehicles caused by proximity to large population centers or airspace heavily utilized by commercial flights.

SA 3328. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. ATTRITION RESERVE FOR B–1 BOMBER AIRCRAFT FLEET.

The Secretary of the Air Force shall maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet.

SA 3329. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 7 and 8, insert the following:

SEC. 326. AMOUNT FOR RESEARCH AND DEVELOPMENT FOR IMPROVED PREVENTION OF LEISHMANIASIS.

Of the amount authorized to be appropriated for the Defense Health Program for research, development, test, and evaluation under section 303(a)(2), $10,000,000 shall be available for the Military Infectious Diseases Research Program for research and advanced development of products to improve the prevention, diagnosis, and treatment of leishmaniasis.

SA 3330. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 364. AUTHORITY TO MAKE AVAILABLE TO INDIAN TRIBES EXCESS NONLETHAL SUPPLIES OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—Subsection (a) of section 2557 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense may make available to any Indian tribe any nonlethal excess supplies of the Department of Defense.".

(b) DISTRIBUTION.—Subsection (b) of such section is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Excess supplies made available to Indian tribes under this section shall be provided directly to such tribes in accordance with such procedures as the Secretary of Defense shall establish.".

(c) DEFINITION OF INDIAN TRIBE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'Indian tribe' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).".

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2557. Excess nonlethal supplies: availability for homeless veterans initiatives, humanitarian relief, and Indian tribes".

(2) The table of sections at the beginning of chapter 152 of title 10, United States Code, is amended by striking the item relating to section 2557 and inserting the following new item:

"2557. Excess nonlethal supplies: availability for homeless veterans initiatives, humanitarian relief, and Indian tribes.".

SA 3331. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, between lines 9 and 10, insert the following:

SEC. 133. B–1B BOMBER AIRCRAFT.

(a) MINIMUM FORCE LEVEL.—The Secretary shall maintain a fleet of 77 B–1B bomber aircraft in active service.

(b) FUNDING.—(1) The amount authorized to be appropriated under section 103(1) is hereby increased by $95,800,000 to be available for restoration of 10 B–1B bomber aircraft to the fleet of B–1B bomber aircraft in active service.

(2) The amount authorized to be appropriated under section 301(4) is hereby increased by $149,900,000 to be available for operation and maintenance of the fleet of B–1B bomber aircraft.

SA 3332. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SECTION 1. IMPACT AID.

Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

"(I) AVERAGE DAILY ATTENDANCE DETERMINATION.—

"(i) IN GENERAL.—For the purpose of determining the eligibility for and amount of a basic support payment made under this paragraph for a heavily impacted local educational agency described in clause (ii), the Secretary shall calculate the number of children who were in average daily attendance in the schools of such agency for a fiscal year by multiplying—

"(I) the negotiated ratio described in clause (ii)(II); by

"(II) the number of such children for the preceding fiscal year.

"(ii) ELIGIBLE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—A heavily impacted local educational agency referred to in clause (i) is a heavily impacted local educational agency—

"(I) that does not collect average daily attendance data for purposes of distributing State education assistance; and

"(II) for which the Secretary has approved a negotiated ratio for purposes of calculating a basic support payment under paragraph (1).".

SA 3333. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. PERIODIC DETAILED ACCOUNTING FOR OPERATIONS OF THE GLOBAL WAR ON TERRORISM.

(a) MONTHLY ACCOUNTING.—Not later than 30 days after the end of each month, the Secretary of Defense shall submit to the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives and to all the members of the Committees on Appropriations of the Senate and the House of Representatives, for such month for each operation described in subsection (b), a full accounting of all costs incurred for such operation during such month and all amounts expended during such month for such operation, and the purposes for which such costs were incurred and such amounts were expended.

(b) OPERATIONS COVERED.—The operations referred to in subsection (a) are as follows:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Operation Noble Eagle.

(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

(c) REQUIREMENT FOR COMPREHENSIVENESS.—For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for operations described in subsection (b), the Secretary shall account in the monthly submission under subsection (a) for all costs and expenditures that are reasonably attributable to such operations, including personnel costs.

SA 3334. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON GLOBAL POVERTY AND NATIONAL SECURITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to Congress a report on global poverty and national security.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an evaluation of the impact of global poverty and the barriers to sustainable development and political stability in developing countries, including the effects of—

(A) the human immunodeficiency virus (HIV), the acquired immune deficiency syndrome (AIDS), tuberculosis, malaria, and other diseases;

(B) unemployment;

(C) hunger;

(D) illiteracy;

(E) the status of women;

(F) internally displaced persons and refugees; and

(G) environmental degradation;

(2) a description of the direct and indirect relationships between global poverty and the most important barriers to sustainable development and political stability, including the relationship between such barriers and civil conflict, regional instability, the war on terrorism, the national security interests of the United States, and global stability; and

(3) the recommendations of the Secretary of Defense, if any, for addressing the barriers to sustainable development and political stability in developing countries, including such barriers described in subparagraphs (A) through (G) of paragraph (1), including recommendations for—

(A) the appropriate role of the Department of Defense in addressing such barriers;

(B) the appropriate role of other departments or agencies of the Federal Government in addressing such barriers;

(C) organizational changes to improve the ability of the Department of Defense or other departments or agencies of the Federal Government to address such barriers; and

(D) methods or organizational arrangements to coordinate actions to address such barriers among the Federal Government, nongovernmental organizations, foreign countries, and international organizations.

(c) REQUIREMENT TO CONSULT.—The Secretary of Defense shall consult with the head of each appropriate department or agency of the Federal Government in preparing the report required by subsection (a).

SA 3335. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON CAPACITIES OF UNITED NATIONS AND REGIONAL GOVERNMENTAL ORGANIZATIONS TO CONDUCT STABILIZATION AND POST-CONFLICT OPERATIONS.

(a) STUDY ON CAPACITIES.—The Secretary of Defense shall, in coordination with the Secretary of State, conduct a study assessing the capacities of the United Nations and regional organizations of governments to contribute to stabilization and post-conflict operations.

(b) MATTERS TO BE INCLUDED IN STUDY.—The study under subsection (a) shall specifically—

(1) assess the capacity of each existing and proposed regional security initiative in Latin America, Africa, Asia, and Europe to train and deploy military or civilian units for international peace operations or stabilization operations;

(2) evaluate the policies, programs, and strategies of the United States Government regarding each regional security initiative referred to in paragraph (1);

(3) assess whether international capacities for stabilization and post-conflict operations could be enhanced by the provision of training, equipment, or logistical support to regional security forces in Africa (as opposed to training, equipment, or logistical support provided on a strictly bilateral basis);

(4) evaluate the efficacy of the United Nations Stand-By Arrangements System, including the costs and benefits of the United States upgrading its participation in the Stand-By Arrangements System to a level higher than level 1;

(5) identify means of improving international constabulary and civilian policing capabilities, including through the development of joint projects with other nations that would—

(A) identify areas in which the recruitment of personnel and expertise in the rule of law for peacekeeping operations is insufficient; and

(B) develop a standardized certification process for nations to verify that individuals who serve as civilian police in operations carried out by the United Nations have the skills required to effectively carry out such operations; and

(6) identify the incidences in which the United States has sought a waiver under paragraphs (1) and (2) of section 10(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287e-2(a)) and analyze whether such instances have impacted United States ability to provide timely or effective support to multinational peace operations.

(c) REPORT ON STUDY.—Not later than March 15, 2005, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the result of the study conducted under this section.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Foreign Relations of the Senate; and

(B) the Committees on Armed Services and International Relations of the House of Representatives

(2) The term "regional security initiative" means a coordinated effort of a regional or subregional governmental organization to organize, train, or equip the armed forces or civilian assets of the countries in such region or subregion for the purpose of increasing the capacity of such countries to undertake peacekeeping missions, peace support operations, or stabilization operations.

SA 3336. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. DEMOLITION OF FACILITIES AND IMPROVEMENTS ON CERTAIN INSTALLATIONS APPROVED FOR CLOSURE UNDER THE DEFENSE BASE CLOSURE OR REALIGNMENT PROCESS.

(a) AUTHORITY TO DEMOLISH.—Notwithstanding any other provision of law, the Secretary of the military department concerned may demolish or provide for the demolition of any facilities or other improvements on real property at an installation approved for closure under any round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) if such real property is located at a military installation in a rural area portions of which were transferred or designated for transfer under section 2905(b)(4)(B)(ii) of the Defense Base Closure and Realignment Act of 1990, as amended by section 2903(b) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1911).

(b) REQUIREMENT FOR APPLICATION.—Facilities or improvements may be demolished under subsection (a) only upon application by the redevelopment authority concerned or another official representative of the community to which real property concerned was or will be transferred.

(c) FUNDING.—Amounts in the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 shall be available for the demolition of facilities and improvements under this section.

SA 3337. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations during the post-major combat operations phase of Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) CONTENT.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address such shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military and political objectives of the international coalition conducting the post-major combat operations phase of Operation Iraqi Freedom, and the military strategy selected to achieve such objectives, together with an assessment of the execution of the military strategy.

(B) The mobilization process for the reserve components of the Armed Forces, including the timeliness of notification, training and certification, and subsequent demobilization.

(C) The use and performance of major items of United States military equipment, weapon systems, and munitions (including items classified under special access procedures and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of such items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(D) Any additional requirements for military equipment, weapon systems, munitions, force structure, or other capability identified during the post-major combat operations phase of Operation Iraqi Freedom, including changes in type or quantity for future operations.

(E) The effectiveness of joint air operations, together with an assessment of the effectiveness of—

(i) the employment of close air support; and

(ii) attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support from other nations and from international organizations and organizations and individuals from the private sector in Iraq.

(H) The incidents of accidental fratricide, including a discussion of the effectiveness of the tracking of friendly forces and the use of the combat identification systems in mitigating friendly fire incidents.

(I) The adequacy of spectrum and bandwidth to transmit information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(J) The effectiveness of strategic, operational, and tactical information operations, including psychological operations and assets, organization, and doctrine related to civil affairs, in achieving established objectives, together with a description of technological and other restrictions on the use of information operations capabilities.

(K) The effectiveness of the reserve component forces used in the post-major combat operations phase of Operation Iraqi Freedom.

(L) The adequacy of intelligence support before and during the post-major combat operations phase of Operation Iraqi Freedom, including the adequacy of such support in searches for weapons of mass destruction.

(M) The rapid insertion and integration, if any, of developmental but mission-essential equipment, organizations, or procedures during the post-major combat operations phase of Operation Iraqi Freedom.

(N) The adequacy of coordination, communication, and unity of effort between the Armed Forces, the Coalition Provisional Authority, other United States government agencies and organizations, nongovernmental organizations, and political, security, and nongovernmental organizations of Iraq.

(O) The role and performance of all contracting and subcontracting operations and contractor support.

(P) The adequacy of training for military units once deployed to the United States Central Command, including training for changes in unit mission and continuation training for high-intensity conflict missions.

(Q) An assessment of the funding required to return or replace equipment used to date in Operation Iraqi Freedom, including equipment in prepositioned stocks, to mission-ready condition, and an identification of the assumptions used to formulate the assessment.

(R) The effectiveness of military civil affairs and reconstruction efforts, including through the Commanders Emergency Response Program.

(S) The adequacy of the requirements determination and acquisition processes, acquisition, and distribution of force protection equipment, including personal gear, vehicles, helicopters, and defense devices.

(T) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces or the Department of Defense.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM DEFINED.—In this section, the term "post-major combat operations phase of Operation Iraqi Freedom" means the period of Operation Iraqi Freedom beginning on May 2, 2003, and ending on December 31, 2004.

SA 3338. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1044. REALLOCATION OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE PROGRAM INTERCEPTORS TO HOMELAND DEFENSE AND COMBATING TERRORISM.

(a) REDUCTION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $515,500,000, with the amount of the reduction to be allocated to amounts available for the Missile Defense Agency for Ground-based Midcourse interceptors.

(b) ALLOCATION OF INCREASE.—In addition to amounts otherwise authorized to be appropriated in this Act—

(1) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $210,800,000, with the amount of the increase to be allocated to the Global Threat Reduction Initiative;

(2) the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $50,000,000, with the amount of the increase to be allocated to North American Aerospace Defense (NORAD) for low-altitude threat detection and response technology;

(3) the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $13,300,000, with the amount of the increase to be allocated to Northern Command consequence management networks to facilitate military support to civil authorities;

(4) the amount authorized to be appropriated by this Act is increased by $130,000,000 for domestic installations Antiterrorism/Force Protection and Antiterrorism/Force Protection exercises and training identified by Northern Command, with authorizations of appropriations to be increased so that—

(A) the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is increased by $19,000,000;

(B) the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is increased by $15,000,000; and

(C) the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is increased by $96,000,000;

(5) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $15,000,000, with the amount of the increase to be allocated to the Combating Terrorism Technology Support Working Group for programs to detect explosives at stand-off distances, blast mitigation, and information security; and

(6) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $30,000,000, with the amount of the increase to be allocated to the megaports program;

(7) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $15,000,000, with the amount of the increase to be allocated to the Defense Threat Reduction Agency for Weapons of Mass Destruction Defeat Technologies-Radiation/Nuclear Detection;

(8) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $20,000,000, with the amount of the increase to be allocated to basic research on radiation and other standoff detection devices, and for stand-off explosive detection;

(9) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $10,000,000, with the amount of the increase to be allocated to the Chemical-Biological Defense Program for Chemical Agent Standoff Detection; and

(10) the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by $21,400,000, with the amount of the increase to be allocated to Chemical/Biological Detection Equipment for Explosive Ordnance Disposal detachments and chemical-biological protective equipment for Navy and Marine Corps aircrews.

SA 3339. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. MODIFICATION OF PRIORITY AFFORDED APPLICATIONS FOR NATIONAL DEFENSE TANK VESSEL CONSTRUCTION ASSISTANCE.

Section 3542(d) of the Maritime Security Act of 2003 (title XXXV of Public Law 108–136; 117 Stat. 1821; 46 U.S.C. 53101 note) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) shall give priority consideration to a proposal submitted by an applicant who has been accepted for participation in the Shipboard Technology Evaluation Program as outlined in Navigation and Vessel Inspection Circular 01–04, issued by the Commandant of the United States Coast Guard on January 2, 2004; and".

SA 3340. Mr. LEVIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND BASE REUSE AUTHORITY AND REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND, CALIFORNIA.

(a) AUTHORITY.—The Secretary of the Navy may pay funds as agreed to by both parties, in the amount of $2,100,000, to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, in settlement of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland v. the United States, Case No. C02–4652 MHP, United States District Court, Northern District of California, including any appeal.

(b) CONSIDERATION.—As consideration, the Oakland Base Reuse Authority and Redevelopment Agency shall agree that the payment constitutes a final settlement of all claims against the United States related to said case and give to the Secretary a release of all claims to the eighteen officer housing units located at the former Naval Medical Center Oakland, California. The release shall be in a form that is satisfactory to the Secretary.

(c) SOURCE OF FUNDS.—The Secretary may use funds in the Department of Defense Base Closure Account 1990 established pursuant to section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for the payment authorized by subsection (a) or the proceeds of sale from the eighteen housing units and property described in subsection (b).

SA 3341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 4 and 5, insert the following:

SEC. 313. AMOUNT FOR REPAIR AND RESTORATION OF ARMY EQUIPMENT.

Of the amount authorized to be appropriated under section 301(1), $557,000,000 shall be available for repair and restoration of Army equipment used in Operation Iraqi Freedom and Operation Enduring Freedom.

SA 3342. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI add the following:

SEC. 1107. FULL IMPLEMENTATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE LABORATORIES.

(a) INDEPENDENT ASSESSMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall enter into a contract with an appropriate person or entity in the private sector to provide for an assessment of various means by which the personnel management authorities referred to in subsection (b) may be best implemented at the Department of Defense laboratories covered by such authorities in order to achieve the objectives as follows:

(1) To increase the mission responsiveness, efficiency, and effectiveness of such laboratories.

(2) To make such laboratories fully competitive with their industrial, academic, and foreign counterparts.

(b) PERSONNEL AUTHORITIES.—The personnel authorities referred to in this subsection are as follows:

(1) The personnel management authorities applicable to Department of Defense science and technology laboratories under the personnel demonstration projects carried out pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The special personnel management authorities for research and development projects administered by the Defense Advanced Research Projects Agency under section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(3) The National Security Personnel System under section 9902 of title 5, United States Code, with respect to the laboratories referred to in subsection (c)(2) of such section.

(c) IMPLEMENTATION PLAN.—(1) The Under Secretary shall develop a plan to implement fully the authorities referred to in subsection (b) in order to achieve the objectives specified in subsection (a).

(2) The Under Secretary may include in the plan recommendations for such modifications of the authorities referred to in subsection (b), or such additional personnel management authorities, as the Under Secretary considers appropriate to achieve the objectives specified in subsection (a).

(3) The Under Secretary shall take into account the results of the assessment under subsection (a) in carrying out this subsection.

(d) SUBMITTAL OF ASSESSMENT AND PLAN TO CONGRESS.—(1) The Under Secretary shall submit to Congress a report on the assessment under subsection (a) not later than June 1, 2005.

(2) The Under Secretary shall submit to Congress the implementation plan developed under subsection (c) not later than February 1, 2006.

SA 3343. Ms. CANTWELL (for herself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, between lines 9 and 10, insert the following:

SEC. 3147. LIMITATION ON USE OF FUND FOR CONTRACT FOR NATIONWIDE MEDICAL SCREENING OF DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS OR RADIOACTIVE SUBSTANCES.

(a) LIMITATION.—The Secretary of Energy may not obligate or expend any funds for the evaluation, award, execution, implementation, or administration of a nationwide contract or cooperative agreement for medical screening of Department of Energy workers exposed to hazardous or radioactive substances under the program under section 4643 of the Atomic Energy Defense Act (50 U.S.C. 2733) until the accomplishment of each of the following:

(1) The Secretary of Energy enters into an agreement with the Secretary of Health and Human Services through the National Institute for Occupational Safety and Health on the program as required by subsection (c) of such section.

(2) The Secretary of Energy consults with the Director of the National Institute for Occupational Safety and Health on the means, methods, and implementation plans for medical screening of such workers, as currently proposed by the Secretary of Energy, in order to address—

(A) the performance of site-specific hazard identification and risk assessments to determine the appropriate methods and means for identifying health affects;

(B) the methods for ensuring the collaboration and participation of workers and their representatives;

(C) the establishment of local advisory committees of individuals and stakeholder organizations with knowledge of the site concerned or the ability to contribute to the appropriate methods of screening, or both;

(D) the participation of local health care providers with knowledge and expertise in the field of occupational medicine;

(E) the implementation of site-specific education and outreach to former workers;

(F) physician independence in such medical screening;

(G) requirements for ongoing medical evaluations under such section;

(H) early lung cancer detection using advanced technology; and

(I) lessons learned from medical screening pilot projects previously conducted at Department of Energy facilities.

(3) The Secretary of Energy consults with organizations listed in subsection (b)(3) of such section on matters relating to the program under subsection (b)(1) of such section and paragraph (2) of this subsection.

(4) The Secretary of Energy submits to the congressional defense committees a report setting forth—

(A) the assessment and recommendations of the Secretary of Health and Human Services on the program, which assessment and recommendations shall be based upon internal review and peer review of the program by the National Institute of Occupational Safety and Health;

(B) the recommendations of the organizations listed in subsection (b)(3) of such section;

(C) a description of the manner in which the Secretary has taken into account the recommendations of the National Institute of Occupational Safety and Health and the organizations listed in subsection (b)(3) of such section in modifying program; and

(D) the proposed schedule of the Secretary for a revised request for applications for such contract or contracts for medical screening, including a description of the manner in which the revisions to the program, if any, conform to the recommendations of the National Institute of Occupational Safety and Health and the organizations listed in subsection (b)(3) of such section.

(b) DEADLINE FOR REPORT.—The report referred to in subsection (a)(4) shall be submitted not later than 120 days after the date of the enactment of this Act.

(c) EXISTING MEDICAL SCREENING PROGRAMS UNAFFECTED.—Nothing in this section shall be construed to affect the implementation of any medical screening program for former workers exposed to hazardous or radioactive substances that was in effect during fiscal year 2004.

SA 3344. Mr. BYRD (for himself, Ms. SNOWE, Mr. KERRY, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 167, strike line 6 and all that follows through "(4)" on page 170, line 10, and insert the following:

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) Any current or projected shortages of a critical technology (as defined in section 2500(6) of title 10, United States Code), or the raw materials necessary for the production of such technology, that could adversely affect the national security of the United States.

(D) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(E) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(F) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(G) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(H) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(I) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(J) The role of small business concerns in strengthening the national technology and industrial base.

(e) REPORT.—Not later than March 1, 2007, the Commission shall submit a report on its activities to the President and Congress. The report shall include the following matters:

(1) The findings and conclusions of the Commission.

(2) The recommendations of the Commission for actions by Federal Government officials to support the maintenance of a robust national technology and industrial base in the 21st century.

(3) The recommendations of the Commission for addressing shortages in critical technologies, and shortages of raw materials necessary for the production of critical technologies, that could adversely affect the national security of the United States.

(4) Any recommendations for legislation or changes in regulations to support the implementation of the findings of the Commission.

(5)

SA 3345. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 21, insert the following:

SEC. 717. SCREENING FOR EXPOSURE TO DEPLETED URANIUM.

(a) PERSONNEL BEING DEPLOYED.—(1) The Secretary of Defense shall require all members of the Armed Forces being deployed to Afghanistan, Iraq, or elsewhere in the Persian Gulf region to provide, prior to and immediately following such deployment, a sample of urine solely for the purpose of analysis under paragraph (2).

(2) The Secretary shall promptly analyze each urine sample provided under paragraph (1) by mass spectrometry to determine—

(A) the concentration of uranium in the urine; and

(B) the ratios of—

(i) uranium-238 to uranium-235;

(ii) uranium-234 to uranium-238; and

(iii) uranium-236 to uranium-238.

(b) PERSONNEL PREVIOUSLY DEPLOYED.—(1) The Secretary of Defense shall require each member of the Armed Forces who departed for or returned from a deployment to Afghanistan, Iraq, or elsewhere in the Persian Gulf region before the date of the enactment of this Act to provide to the Secretary, as soon as practicable, a urine sample solely for the purpose of analysis under paragraph (2).

(2) Not later than 30 days after the receipt of a sample under paragraph (1), the Secretary shall subject the sample to the analysis described in subsection (a)(2).

(c) FOLLOWUP SCREENING.—The Secretary shall provide health screening at regular intervals for any member of the Armed Forces who demonstrates—

(1) a concentration of depleted uranium (as determined under paragraph (2)(A) of subsection (a)) in the urine that—

(A) in the case of a member providing samples under paragraph (1) of such subsection, is significantly higher in the sample provided after service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region than the corresponding value for the sample provided by such member before the service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region, as the case may be; or

(B) in the case of a member providing a sample under paragraph (1) of subsection (b), is significantly higher in the sample provided than in samples provided by age-matched and gender-matched members of the Armed Forces who have not served in Afghanistan, Iraq, or elsewhere in the Persian Gulf or; or

(2) a ratio of uranium isotopes (as determined under paragraph (2)(B) of subsection (a)) that—

(A) in the case of a member providing samples under paragraph (1) of such subsection, is significantly different in the sample provided after service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region than the corresponding value for the sample provided by such member before the service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region; or

(B) in the case of a member providing a sample under paragraph (1) of subsection (b), is significantly different in the sample provided than in samples provided by age-matched and gender-matched members of the Armed Forces who have not served in Afghanistan, Iraq, or elsewhere in the Persian Gulf region.

(d) IDENTIFICATION AND DECONTAMINATION OF AREAS OF HIGH DEPLETED URANIUM CONCENTRATION.—(1) The Secretary of Defense shall identify all areas in Iraq and Afghanistan in which depleted uranium has been used.

(2) For each area identified under paragraph (1), the Secretary shall—

(A) remove or otherwise decontaminate all soil contaminated with depleted uranium;

(B) remove any equipment that is radioactive;

(C) prevent access of children and adults to the area; and

(D) monitor the groundwater for contamination with depleted uranium.

(3) The Secretary shall award grants to independent researchers to conduct ongoing epidemiological studies on—

(A) cancers occurring in children in the areas identified under paragraph (1); and

(B) birth defects in children born in such areas.

SA 3346. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. REDUCTION OF BARRIERS FOR HISPANIC-SERVING INSTITUTIONS IN DEFENSE CONTRACTS, DEFENSE RESEARCH PROGRAMS, AND OTHER MINORITY-RELATED DEFENSE PROGRAMS.

Section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)) is amended—

(1) in subparagraph (A), by inserting "and" after the semicolon;

(2) in subparagraph (B), by striking "; and" and inserting a period; and

(3) by striking subparagraph (C).

SA 3347. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 3 and all that follows through page 385, line 21.

SA 3348. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, line 3, strike "**DEFENSE**" and all that follows through page 385, line 21, and insert "**NATIONAL ACADEMY OF SCIENCES STUDY ON MANAGEMENT BY DEPARTMENT OF ENERGY OF HIGH-LEVEL RADIOACTIVE WASTE**.

(a) STUDY REQUIRED.—The Secretary of Energy shall enter into an arrangement with the National Research Council of the National Academy of Sciences to carry out a study of the plans of the Department of Energy to manage the waste streams specified in subsection (b) that are not currently planned for disposal in a high-level repository.

(b) COVERED WASTE STREAMS.—The waste streams referred to in subsection (a) are the streams of high-level radioactive waste at—

(1) the Savannah River Site, Aiken, South Carolina;

(2) the Idaho National Engineering and Environmental Laboratory, Idaho; and

(3) the Hanford Site, Richland, Washington.

(c) ELEMENTS OF STUDY.—The study required under subsection (a) shall evaluate—

(1) the physical, chemical, and radiological characteristics of the waste referred to in subsection (b), including the waste proposed to be left indefinitely in storage tanks;

(2) the probability that such waste, if left indefinitely in storage tanks, will leak into the environment and the range of potential dangers such leakage would represent;

(3) the plans of the Department of Energy for the disposal of the high-level radioactive waste that the Department had planned, before certain litigation in Federal district court in 2003 on "Waste Incidental to Reprocessing", to reclassify as low-level waste;

(4) treatment and disposal alternatives to the plans referred to in paragraph (3), including, for each such alternative, assessments of the technology approaches and of the implications with respect to cost, worker safety, and long-term environmental and human health;

(5) the adequacy of the plans referred to in subsection (a), including Department of Energy Order No. 435.1, to protect, for the long term, the environment and population surrounding each site referred to in subsection (b); and

(6) any other matters that the National Research Council considers appropriate and directly related to the subject matter of the study.

(d) RECOMMENDATIONS REQUIRED.—In carrying out the study, the National Research Council shall develop recommendations relating to the subject matter of the study. The recommendations shall include—

(1) recommendations for improving the scientific basis for managing the waste covered by the study, including alternative criteria for determining what waste should be managed as "Waste Incidental to Reprocessing"; and

(2) any other recommendations that the National Research Council considers appropriate and directly related to the subject matter of the study.

(e) REPORTS.—The National Research Council shall submit to the Secretary of Energy and the congressional defense committees—

(1) not later than six months after entering into the arrangement required under subsection (a), an interim report on the study with respect to the waste proposed to be left indefinitely in storage tanks, including the tentative findings, conclusions, and recommendations with respect to such waste; and

(2) not later than one year after entering into the arrangement required under subsection (a), a final report on the study, including all findings, conclusions, and recommendations.

(f) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all information that the National Research Council considers necessary to carry out, in a timely manner, its responsibilities under this section.

(g) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2005 by section 3102 for environmental management activities in carrying out programs necessary for national security, $1,500,000 shall be available only for carrying out the study required under this section.

SA. 3349. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Section 563(h) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 360) is amended to read as follows:

"(h) CHARLESTON, SOUTH CAROLINA.—

"(1) IN GENERAL.—The Secretary may convey to the City of Charleston, South Carolina all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, together with any improvements thereon, that is known as the Equipment and Storage Yard and is located on Meeting Street in Charleston, South Carolina, in as-is condition.

"(2) CONSIDERATION.—As consideration for the conveyance of property under paragraph (1), the City of Charleston, South Carolina shall provide the United States, whether by cash payment, exchange of property or facilities, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

"(3) DISCHARGE OF AUTHORITY THROUGH DIVISION ENGINEER, SOUTH ATLANTIC DIVISION.—The Division Engineer, South Atlantic Division, may, on behalf of the United States, execute deeds of conveyance and accept the consideration described in paragraph (2) in connection with the conveyance of property under paragraph (1).

"(4) USE OF PROCEEDS.—Amounts received as consideration under this subsection may be used by the Corps of Engineers, Charleston District—

"(A) to cover costs associated with the lease, purchase, or construction of an office facility within the boundaries of Charleston, Berkeley, and Dorchester Counties, South Carolina, notwithstanding any requirements in the Plant Replacement and Improvement Program (PRIP), or existing PRIP balances;

"(B) to cover any of the costs previously incurred in connection with the move of the District Headquarters of the Charleston District; or

"(C) to cover any of the costs previously incurred in connection with the Equipment and Storage Yard.".

SA 3350. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. REPEAL OF LIMITATION ON BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING PROJECTS UNDER ALTERNATIVE AUTHORITY FOR THE ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2883(g) of title 10, United States Code, is amended by striking "shall not exceed" and all that follows and inserting "for the acquisition or construction of military unaccompanied housing shall not exceed $150,000,000.".

SA 3351. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 217. PROTOTYPE LITTORAL ARRAY SYSTEM FOR OPERATING SUBMARINES.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $5,000,000 shall be available for Program Element PE 0604503N for the design, development, and testing of a prototype littoral array system for operating submarines.

(c) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Program Element PE 604421F for counterspace systems project A002.

SA 3352. Mr. REED (for himself, Mr. HAGEL, Mr. MCCAIN, Mr. CORZINE, Mr. AKAKA, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 7, strike "482,400" and insert "502,400".

SA 3353. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, insert the following:

SEC. 224. LIMITATION ON OBLIGATION AND EXPENDITURE . OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE PROGRAM PENDING SUBMISSION OF OPERATIONAL TEST REPORT.

Of the amount authorized to be appropriated for fiscal year 2005 by section 201(4) for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency for Ground-based Midcourse interceptors, and long-lead items for such interceptors, $550,500,000 may not be obligated or expended until the occurrence of each of the following:

(1) The Director of Operational Test and Evaluation has approved, in writing, the adequacy of the plans (including the projected level of funding) for operational test and evaluation to be conducted in connection with the Ground-based Midcourse Defense program in accordance with section 2399(b)(1) of title 10, United States Code.

(2) Initial operational test and evaluation of the program is completed in accordance with section 2399(a)(1) of such title.

(3) The Director of Operational Test and Evaluation has submitted to the Secretary of Defense and the congressional defense committees a report stating whether the test and evaluation performed were adequate and whether the results of the test and evaluation confirm that the Ground-based Midcourse Defense system is effective and suitable for combat, in accordance with section 2399(b)(3) of such title.

(4) The congressional defense committees have received the report under paragraph (3).

SA 3354. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, insert the following:

SEC. 224. BASELINES AND OPERATIONAL TEST AND EVALUATION FOR BALLISTIC MISSILE DEFENSE SYSTEM.

(a) OPERATIONAL TESTS.—(1) The Director of the Missile Defense Agency shall prepare for and conduct, on an independent basis, operationally realistic tests of each block configuration of the Ballistic Missile Defense System being fielded.

(2) The tests shall be designed to permit the evaluation of each block configuration of the Ballistic Missile Defense System being fielded by the Director of Operational Test and Evaluation.

(3) The Director of the Missile Defense Agency shall carry out tests under paragraph (1) through an independent agent, assigned by the Director for such purpose, who shall plan and manage such tests.

(b) APPROVAL OF PLANS FOR TESTS.—The Secretary of Defense shall assign the Director of Operational Test and Evaluation the responsibility for approving each plan for tests developed under subsection (a).

(c) EVALUATION.—(1) The Director of Operational Test and Evaluation shall evaluate the results of each test conducted under subsection (a) as soon as practicable after the completion of such test.

(2) The Director shall submit to the Secretary of Defense and the congressional defense committees a report on the evaluation of each test conducted under subsection (a) upon completion of the evaluation of such test under paragraph (1).

(d) COST, SCHEDULE, AND PERFORMANCE BASELINES.—(1) The Director of the Missile Defense Agency shall establish cost, schedule, and performance baselines for each block configuration of the Ballistic Missile Defense System being fielded. The cost baseline for a block configuration shall include full life cycle costs for the block configuration.

(2) The Director shall include the baselines established under paragraph (1) in the first Selected Acquisition Report for the Ballistic Missile Defense System that is submitted to Congress under section 2432 of title 10, United States Code, after the establishment of such baselines.

(3) The Director shall also include in the Selected Acquisition Report submitted to Congress under paragraph (2) the significant assumptions used in determining the performance baseline under paragraph (1), including any assumptions regarding threat missile countermeasures and decoys.

(e) VARIATIONS AGAINST BASELINES.—In the event the cost, schedule, or performance of any block configuration of the Ballistic Missile Defense System varies significantly (as determined by the Director of the Ballistic Missile Defense Agency) from the applicable baseline established under subsection (d), the Director shall include such variation, and the reasons for such variation, in the Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

(f) Modifications of Baselines.—In the event the Director of the Missile Defense Agency elects to undertake any modification of a baseline established under subsection (d), the Director shall submit to the congressional defense committees a report setting forth the reasons for such modification.

SA 3355. Mr. REED (for himself and Mr. Kohl) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. MANUFACTURING EXTENSION PARTNERSHIP FUNDING.

(a) Findings.—Congress makes the following findings:

(1) More than 13 percent of Army and Navy aircraft are grounded at any one time due to problems in defense supply chains that prevent timely availability of parts necessary for the maintenance and repair of such aircraft.

(2) Problems in defense supply chains comprise the predominant cause of chronic shortages of parts needed for Navy aircraft.

(3) Because firms with fewer than 500 employees comprise more than 80 percent of the defense supply chains, programs that improve the performance of the defense supply chains can also improve the readiness of the Army and Navy to protect the national security interests of the United States.

(4) The Manufacturing Extension Partnership of the National Institute of Standards and Technology is active within United States defense supply chains to assist small sub-tier suppliers to reduce costs, boost productivity, and accelerate deliveries.

(5) Large suppliers have expressed reliance on the Manufacturing Extension Partnership to promote improvements in the cost and quality of products of the small manufacturing firms on which they rely for component parts and assemblies.

(b) Funding of MEP Centers and Offices.—The Secretary of Commerce shall use funds from the working capital fund established under section 301 of the Act of June 28, 1944 (58 Stat. 415; 15 U.S.C 1521) for rent, utilities, and information technology payments for the Manufacturing Extension Partnership centers and offices established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(c) Prohibition on Reimbursement.—The working capital fund referred to in subsection (b) may not be reimbursed from any source for amounts transferred or disbursed from the working capital fund under that subsection.

(d) Period of Applicability.—This section shall take effect as of October 1, 2003. The requirement under subsection (b) shall terminate at the end of September 30, 2004.

SEC. 1069. CLARIFICATION OF FISCAL YEAR 2004 FUNDING LEVEL FOR A NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACCOUNT.

For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108-199) to matters in title II of such Act under the heading "National Institute of Standards and Technology" (118 Stat.69), in the account under the heading "industrial technology services", the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and shall submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

SA 3356. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

1 of each year thereafter". This section shall become effective one day after enactment.

SA 3357. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 389, strike line 24 and all that follows through page 391, line 7, and insert the following: later than one year and one day after the date of the enactment of this Act.

SEC. 3119. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) The Department of Energy shall continue all activities related to the storage, retrieval, treatment, separation and on-site disposition of tank wastes currently managed as high-level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).

(c) Sites.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho

(2) The Savannah River Site, Aiken, South Carolina

(3) The Hanford Site, Richland, Washington.

(d) Section 3116 of this bill shall have no effect on other states. Nothing in section 3116 shall alter or jeopardize the full implementation of the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement, the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order, or the Hanford Federal Facility Agreement and Consent Order. Furthermore, nothing in this section establishes any precedent or is binding on the States of Idaho, Washington, or any other state for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SA 3358. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116 and insert the following:

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, separation and on-site disposition of tank wastes currently managed as high-level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).

(c) Sites.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho

(2) The Savannah River Site, Aiken, South Carolina

(3) The Hanford Site, Richland, Washington.

(d) Section 3119 of this Act shall have no effect.

SA 3359. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116 and insert the following:

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, separation and on-site disposition of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to cleanup and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).

(c) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho

(2) The Savannah River Site, Aiken, South Carolina

(3) The Hanford Site, Richland, Washington.

(d) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(e) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgement of the National Research Council directly relate to the focus of this study.

(f) TIME LIMITATION.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(g) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(h) PROVISION OF INFORMATION—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(1) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(j) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

(k) Section 3119 of this Act shall have no effect.

SA 3360. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116 and insert the following:

SEC. 3116. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) MATTERS TO BE ADDRESSED IN STUDY—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgement of the National Research Council directly relate to the focus of this study.

(c) TIME LIMITATION.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(d) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

SA 3361. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116.

SA 3362. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

"1 of each year thereafter". This section shall become effective one day after enactment.

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, separation and on-site disposition of tank wastes currently managed as high-level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).

(c) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho

(2) The Savannah River Site, Aiken, South Carolina

(3) The Hanford Site, Richland, Washington.

(d) Section 3119 of this Act shall have no effect.

SA 3363. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

"1 of each year thereafter". This section shall become effective one day after enactment.

SEC. 3116. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgment of the National Research Council directly relate to the focus of this study.

(c) TIME LIMITATION.—The National Research Council shall conduct the review over a one-year period beginning upon execution of the contract described in subsection (a).

(d) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDINGS.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

SA 3364. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

1 of each year thereafter". This section shall become effective one day after enactment.

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, separation and on-site disposition of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to cleanup and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).

(c) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho

(2) The Savannah River Site, Aiken, South Carolina

(3) The Hanford Site, Richland, Washington.

(d) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(e) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgment of the National Research Council directly relate to the focus of this study.

(f) TIME LIMITATION.—The National Research Council shall conduct the review over a one-year period beginning upon execution of the contract described in subsection (a).

(g) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(h) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(i) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(j) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

(k) Section 3119 of this Act shall have no effect.

SA 3365. Mr. GRAHAM of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING.

(a) PROGRAM REQUIRED.—The Director of the National Security Agency shall carry out a pilot program on cryptologic service training for the intelligence community.

(b) OBJECTIVE OF PROGRAM.—The objective of the pilot program is to increase the number of qualified entry-level language analysts and intelligence analysts available to the National Security Agency and the other elements of the intelligence community through the directed preparation and recruitment of qualified entry-level language analysts and intelligence analysts who commit to a period of service or a career in the intelligence community.

(c) PROGRAM SCOPE.—(1) The pilot program shall be national in scope.

(2) The pilot program shall be carried out at not more than four institutions of higher education selected by the Director for purposes of the pilot program.

(d) PROGRAM PARTICIPANTS.—(1) Subject to the provisions of this subsection, the Director shall select the participants in the pilot program from among individuals qualified to participate in the pilot program utilizing such procedures as the Director considers appropriate for purposes of the pilot program.

(2) Each individual selected to participate in the pilot program shall evidence a commitment to service in the intelligence community after such individual's completion of post-secondary education.

(3) Each individual selected to participate in the pilot program shall be qualified for a security clearance appropriate for the individual under the pilot program.

(4) The total number of participants in the pilot program at any one time may not exceed 400 individuals.

(e) PROGRAM MANAGEMENT.—In carrying out the pilot program, the Director shall—

(1) identify individuals interested in working in the intelligence community, and committed to taking college-level courses that will better prepare them for a career in the intelligence community as a language analysts or intelligence analyst;

(2) provide each individual selected for participation in the pilot program—

(A) financial assistance for the pursuit of courses at institutions of higher education selected by the Director under subsection (c)(2) in fields of study that will qualify such individual for employment by an element of the intelligence community as a language analyst or intelligence analyst; and

(B) educational counseling on the selection of courses to be so pursued; and

(3) provide each individual so selected information on the opportunities available for employment in the intelligence community.

(f) DURATION OF PROGRAM.—(1) The pilot program shall terminate six years after the date of the enactment of this Act.

(2) The termination of the pilot program under paragraph (1) shall not prevent the Director from continuing to provide assistance, counseling, and information under subsection (e) to individuals who are participating in the pilot program on the date of termination of the pilot program throughout the academic year in progress as of that date.

(g) FUNDING.—(1) Of the amount authorized to be appropriated by section , $20,000,000 shall be available for activities under the pilot program.

(2) The amount available under paragraph (1) shall remain available until expended.

SA 3366. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 574. HIGH-DEPLOYMENT ALLOWANCE.

(a) PLAN FOR PAYMENT OF ALLOWANCE.—The Secretary of Defense shall include in the budget of the President for each fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to pay during such fiscal year a high-deployment allowance under section 436 of title 37, United States Code, to members of the Armed Forces whose deployments exceed the high-deployment threshold specified in subsection (a)(2) of such section in such fiscal year.

(b) PLAN ELEMENTS.—Each plan for a fiscal year under subsection (a) shall include—

(1) the amount of the high-deployment allowance that will be payable under section 436 of title 37, United States Code, during such fiscal year, set forth by duration of deployment and by frequency of deployment;

(2) a list of the duty assignments that will be excluded from the payment of the allowance during such fiscal year under section 436(f) of such title (as amended by subsection (c) of this section);

(3) the number of members of each Armed Force who are anticipated to exceed the high deployment threshold under section 436(a)(2) of such title during such fiscal year, regardless of whether the duty assignments of such members are excluded from the payment of the allowance during such fiscal year as specified under paragraph (2); and

(4) the estimated aggregate amount of allowances to be paid during such fiscal year.

(c) REPEAL OF NATIONAL SECURITY WAIVER ON PAYMENT.—Effective January 1, 2005, section 436 of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) PERIOD OF DEPLOYMENT.—In paying high-deployment allowances under section 436 of title 37, United States Code, the Secretary of the military department concerned shall take into account days deployed by a member of the Armed Forces on or after January 1, 2003.

SA 3367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 21, add the following:

SEC. . USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: " or in a case in which the pregnancy is the result of an act of rape or incest".

SA 3368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, insert the following:

SEC. 224. LIMITATION ON DEPLOYMENT OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE NATIONAL BALLISTIC MISSILE DEFENSE SYSTEM.

The ground-based midcourse defense element of the national ballistic missile defense system may not be deployed for initial defensive operations before the Secretary of Defense certifies to Congress that the capabilities of the system to perform its national ballistic missile defense missions have been confirmed by operationally realistic testing of the system.

SA 3369. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3119 and insert the following:

SEC. 3119. TREATMENT OF DISPOSITION WASTE FROM REPROCESSING OF LOW-LEVEL OR TRANSURANIC WASTE.

(a) IN GENERAL.—The Secretary of Energy shall continue all activities relating to the storage, retrieval, treatment, and separation of tank wastes currently managed as high-level radioactive waste in accordance with treatment and closure plans approved by the State in which such activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) FUNDING.—Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for activities to be undertaken pursuant to subsection (a) and for activities under section 3116.

(c) COVERED SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

(d) CONSTRUCTION OF OTHER AUTHORITY.—(1) Section 3116 shall have no effect on States other than the State referred to in subsection (d) of that section.

(2) Nothing in section 3116 shall alter or jeopardize the full implementation of the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement, the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order, or the Hanford Federal Facility Agreement and Consent Order.

(3) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, or any other State for the management, storage, treatment, or disposition of radioactive or hazardous materials.

SA 3370. Mr. FRIST (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 385, between lines 21 and 22, insert the following:

(e) CONSTRUCTION.—(1) Nothing in this section shall affect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SA 3371. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the President, in consultation with the Secretary of Defense, shall submit to Congress a draft of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to $350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of $100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An increase, each fiscal year, of the amount of the death gratuity provided under section 1478 of title 10, United States Code, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code.

(3) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(4) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(5) Retroactive applicability of the benefits referred to in paragraphs (1) through (4) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(c) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include the following:

(1) The amounts that would be necessary for funding the benefits covered by the draft legislation required to be submitted under subsection (b).

(2) The amounts that would be necessary for funding the organizational and administrative enhancements, including increased personnel, that are necessary to ensure efficient and effective administration and timely payment of the benefits provided for in the draft legislation.

(d) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (3) of subsection (b) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

SA 3372. Mr. SESSIONS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CONTRACTOR ACCOUNTABILITY.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

"(A) employed as—

"(i) a civilian employee of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

"(ii) a contractor (including a subcontractor at any tier) of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

"(iii) an employee of a contractor (or subcontractor at any tier) of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;".

SA 3373. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXIX—UTAH TEST AND TRAINING RANGE

SEC. 2901. SHORT TITLE.

This title may be cited as the "Utah Test and Training Range Protection Act".

SEC. 2902. DEFINITIONS.

In this title:

(1) The term "covered wilderness study areas" means the wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units identified by the Department of the Interior pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(2) The term "Utah Test and Training Range" means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

SEC. 2903. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness study areas in this title, such use would not impair the suitability of such areas for designation by Congress as wilderness in the future, and it is not the intent of Congress that passage of this title shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(4) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) Overflights.—Nothing in this title or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall preclude the military from conducting low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness study areas, including military overflights and operations that can be seen or heard within the covered wilderness study areas.

(c) Special Use Airspace and Training Routes.—Nothing in this title or the Federal Land Policy and Management Act of 1976 shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness study areas.

(d) Communications and Tracking Systems.—Nothing in this title shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements in the covered wilderness study areas, so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems complies with section 603 of the Federal Land Policy and Management Act of 1976.

(e) Emergency Access and Response.—Nothing in this title or the Federal Land Policy and Management Act of 1976 shall preclude the continuation of the memorandum of understanding in existence as of the date of the enactment of this Act between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) Prohibition on Ground Military Operations.—Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit a military operation to be conducted on the ground in a covered wilderness study area in the Utah Test and Training Range unless such ground operation is otherwise authorized under Federal law and consistent with the Federal Land Policy and Management Act of 1976.

SEC. 2904. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1712) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of Interior.

SEC. 2905. RELATION TO OTHER LANDS AND LAWS.

(a) Other Lands.—Nothing in this title shall be construed to affect any Federal lands located outside of the covered wilderness study areas or the management of such lands.

(b) Conforming Repeal.—Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) is amended by striking subsection (d).

SA 3374. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —ALASKA NATURAL GAS PIPELINE

SEC. 01. SHORT TITLE.

This title may be cited as the "Alaska Natural Gas Pipeline Act".

SEC. 02. DEFINITIONS.

In this title:

(1) Alaska natural gas.—The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees north latitude.

(2) Alaska natural gas transportation project.—The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section 03.

(3) Alaska natural gas transportation system.—The term "Alaska natural gas transportation system" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.) and designated and described in section 2 of the President's decision.

(4) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(5) Federal coordinator.—The term "Federal Coordinator" means the head of the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects established by section 06(a).

(6) President's decision.—The term "President's decision" means the decision and report to Congress on the Alaska natural gas transportation system—

(A) issued by the President on September 22, 1977, in accordance with section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e); and

(B) approved by Public Law 95-158 (15 U.S.C. 719f note; 91 Stat. 1268).

(7) Secretary.—The term "Secretary" means the Secretary of Energy.

(8) State.—The term "State" means the State of Alaska.

SEC. 03. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) Authority of the Commission.—Notwithstanding the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, in accordance with section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) Issuance of Certificate.—

(1) In general.—The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) Considerations.—In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through the project to markets in the contiguous United States.

(c) Expedited Approval Process.—Not later than 60 days after the date of issuance of the final environmental impact statement under section 104 for an Alaska natural gas transportation project, the Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity for the project under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section.

(d) Prohibition of Certain Pipeline Route.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from land within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that—

(1) traverses land beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees north latitude.

(e) Open Season.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, the Commission shall issue regulations governing the conduct of open seasons for Alaska natural gas transportation projects (including procedures for the allocation of capacity).

(2) Regulations.—The regulations referred to in paragraph (1) shall—

(A) include the criteria for and timing of any open seasons;

(B) promote competition in the exploration, development, and production of Alaska natural gas; and

(C) for any open season for capacity exceeding the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thomson units.

(3) Applicability.—Except in a case in which an expansion is ordered in accordance with section 05, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations issued under paragraph (1).

(f) Projects in the Contiguous United States.—

(1) In general.—An application for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made in accordance with the Natural Gas Act (15 U.S.C. 717a et seq.).

(2) Expansion.—To the extent that a pipeline facility described in paragraph (1) includes the expansion of any facility constructed in accordance with the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), that Act shall continue to apply.

(g) Study of In-State Needs.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that the holder has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) Alaska Royalty Gas.—

(1) In general.—Except as provided in paragraph (2), the Commission, on a request by the State and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project by the State (or State designee) for the transportation of royalty gas of the State for the purpose of meeting local consumption needs within the State.

(2) Exception.—The rates of shippers of subscribed capacity on an Alaska natural gas transportation project described in paragraph (1), as in effect as of the date on which access under that paragraph is granted, shall not be increased as a result of such access.

(i) Regulations.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 04. ENVIRONMENTAL REVIEWS.

(a) Compliance With NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 03 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) Designation of Lead Agency.—

(1) In general.—The Commission—

(A) shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) shall be responsible for preparing the environmental impact statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 103.

(2) Consolidation of statements.—In carrying out paragraph (1), the Commission shall prepare a single environmental impact statement, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the Alaska natural gas transportation project covered by the environmental impact statement.

(c) Other Agencies.—

(1) In general.—Each Federal agency considering an aspect of the construction and operation of an Alaska natural gas transportation project under section 03 shall—

(A) cooperate with the Commission; and

(B) comply with deadlines established by the Commission in the preparation of the environmental impact statement under this section.

(2) Satisfaction of NEPA requirements.—The environmental impact statement prepared under this section shall be adopted by each Federal agency described in paragraph (1) in satisfaction of the responsibilities of the Federal agency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the Alaska natural gas transportation project covered by the environmental impact statement.

(d) Expedited Process.—The Commission shall—

(1) not later than 1 year after the Commission determines that the application under section 03 with respect to an Alaska natural gas transportation project is complete, issue a draft environmental impact statement under this section; and

(2) not later than 180 days after the date of issuance of the draft environmental impact statement, issue a final environmental impact statement, unless the Commission for good cause determines that additional time is needed.

SEC. 05. PIPELINE EXPANSION.

(a) Authority.—With respect to any Alaska natural gas transportation project, on a request by 1 or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of the Alaska natural gas project if the Commission determines that such an expansion is required by the present and future public convenience and necessity.

(b) Responsibilities of Commission.—Before ordering an expansion under subsection (a), the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that a proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the tariff of the Alaska natural gas transportation project in effect as of the date of the expansion;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) Requirement for a Firm Transportation Agreement.—Any order of the Commission issued in accordance with this section shall be void unless the person requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within such reasonable period of time as the order may specify.

(d) Limitation.—Nothing in this section expands or otherwise affects any authority of the Commission with respect to any natural gas pipeline located outside the State.

(e) Regulations.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 06. FEDERAL COORDINATOR.

(a) Establishment.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) Federal Coordinator.—

(1) Appointment.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve a term to last until 1 year following the completion of the project referred to in section 03.

(2) Compensation.—The Federal Coordinator shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) Duties.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this title.

(d) Reviews and Actions of Other Federal Agencies.—

(1) Expedited reviews and actions.—All reviews conducted and actions taken by any Federal agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines under this title.

(2) Prohibition of certain terms and conditions.—No Federal agency may include in any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project any term or condition that may be permitted, but is not required, by any applicable law if the Federal Coordinator determines that the term or condition would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(3) Prohibition of certain actions.—Unless required by law, no Federal agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the action would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(4) Limitation.—The Federal Coordinator shall not have authority to—

(A) override—

(i) the implementation or enforcement of regulations issued by the Commission under section 03; or

(ii) an order by the Commission to expand the project under section 105; or

(B) impose any terms, conditions, or requirements in addition to those imposed by the Commission or any agency with respect to construction and operation, or an expansion of, the project.

(e) STATE COORDINATION.—

(1) IN GENERAL.—The Federal Coordinator and the State shall enter into a joint surveillance and monitoring agreement similar to the agreement in effect during construction of the Trans-Alaska Pipeline, to be approved by the President and the Governor of the State, for the purpose of monitoring the construction of the Alaska natural gas transportation project.

(2) PRIMARY RESPONSIBILITY.—With respect to an Alaska natural gas transportation project—

(A) the Federal Government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses Federal land or private land; and

(B) the State government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses State land.

(f) TRANSFER OF FEDERAL INSPECTOR FUNCTIONS AND AUTHORITY.—On appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary under section 3012(b) of the Energy Policy Act of 1992 (15 U.S.C. 719e note; Public Law 102–486), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

(g) TEMPORARY AUTHORITY.—The functions, authorities, duties, and responsibilities of the Federal Coordinator shall be vested in the Secretary until the earlier of the appointment of the Federal Coordinator by the President, or 18 months after the date of enactment of this Act.

SEC. 07. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this title;

(2) the constitutionality of any provision of this title, or any decision made or action taken under this title; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this title.

(b) DEADLINE FOR FILING CLAIM.—A claim arising under this title may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(d) AMENDMENT OF THE ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended—

(1) by striking "(c)(1) A claim" and inserting the following:

"(c) JURISDICTION.—

"(1) SPECIAL COURTS.—

"(A) IN GENERAL.—A claim";

(2) by striking "Such court shall have" and inserting the following:

"(B) EXCLUSIVE JURISDICTION.—The Special Court shall have";

(3) by inserting after paragraph (1) the following:

"(2) EXPEDITED CONSIDERATION.—The Special Court shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2."; and

(4) in paragraph (3), by striking "(3) The enactment" and inserting the following:

"(3) ENVIRONMENTAL IMPACT STATEMENTS.—The enactment".

SEC. 08. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) LOCAL DISTRIBUTION.—Any facility receiving natural gas from an Alaska natural gas transportation project for delivery to consumers within the State—

(1) shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)); and

(2) shall not be subject to the jurisdiction of the Commission.

(b) ADDITIONAL PIPELINES.—Except as provided in section 103(d), nothing in this title shall preclude or otherwise affect a future natural gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State for consumption within or distribution outside the State.

(c) RATE COORDINATION.—

(1) IN GENERAL.—In accordance with the Natural Gas Act (15 U.S.C. 717a et seq.), the Commission shall establish rates for the transportation of natural gas on any Alaska natural gas transportation project.

(2) CONSULTATION.—In carrying out paragraph (1), the Commission, in accordance with section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall consult with the State regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State.

SEC. 09. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) REQUIREMENT OF STUDY.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission by the date that is 18 months after the date of enactment of this Act, the Secretary shall conduct a study of alternative approaches to the construction and operation of such an Alaska natural gas transportation project.

(b) SCOPE OF STUDY.—The study under subsection (a) shall take into consideration the feasibility of—

(1) establishing a Federal Government corporation to construct an Alaska natural gas transportation project; and

(2) securing alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the Alaska natural gas transportation project.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Chief of Engineers).

(d) REPORT.—On completion of any study under subsection (a), the Secretary shall submit to Congress a report that describes—

(1) the results of the study; and

(2) any recommendations of the Secretary (including proposals for legislation to implement the recommendations).

SEC. 10. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) SAVINGS CLAUSE.—Nothing in this title affects—

(1) any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g); or

(2) any Presidential finding or waiver issued in accordance with that Act.

(b) CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.—Any Federal agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or rescind any term or condition included in the certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), if the addition, amendment, or rescission—

(1) would not compel any change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision; or

(2) would not otherwise prevent or impair in any significant respect the expeditious construction and initial operation of the Alaska natural gas transportation system.

(c) UPDATED ENVIRONMENTAL REVIEWS.—The Secretary shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. 11. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Labor (in this section referred to as the "Secretary") shall make grants to the Alaska Workforce Investment Board—

(A) to recruit and train adult and dislocated workers in Alaska, including Alaska Natives, in the skills required to construct and operate an Alaska gas pipeline system; and

(B) for the design and construction of a training facility to be located in Fairbanks, Alaska, to support an Alaska gas pipeline training program.

(2) COORDINATION WITH EXISTING PROGRAMS.—The training program established with the grants authorized under paragraph (1) shall be consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(b) REQUIREMENTS FOR GRANTS.—The Secretary shall make a grant under subsection (a) only if—

(1) the Governor of the State of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of the Alaska natural gas pipeline system will commence by the date that is 2 years after the date of the certification; and

(2) the Secretary of Energy concurs in writing to the Secretary with the certification made under paragraph (1) after considering—

(A) the status of necessary Federal and State permits;

(B) the availability of financing for the Alaska natural gas pipeline project; and

(C) other relevant factors.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $20,000,000. Not more than 15 percent of the funds may be used for the facility described in subsection (a)(1)(B).

SEC. 12. SENSE OF CONGRESS CONCERNING USE OF STEEL MANUFACTURED IN NORTH AMERICA NEGOTIATION OF A PROJECT LABOR AGREEMENT.

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should make every effort to—

(A) use steel that is manufactured in North America; and

(B) negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 13. SENSE OF CONGRESS AND STUDY CONCERNING PARTICIPATION BY SMALL BUSINESS CONCERNS.

(a) DEFINITION OF SMALL BUSINESS CONCERN.—In this section, the term "small business concern" has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(c) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes results of the study under paragraph (1).

(3) UPDATES.—The Comptroller General shall—

(A) update the study at least once every 5 years until construction of an Alaska natural gas transportation project is completed; and

(B) on completion of each update, submit to Congress a report containing the results of the update.

SEC. 14. SENSE OF CONGRESS CONCERNING NATURAL GAS DEMAND.

It is the sense of Congress that—

(1) North American demand for natural gas will increase dramatically over the course of the next several decades;

(2) both the Alaska Natural Gas Pipeline and the Mackenzie Delta Natural Gas project in Canada will be necessary to help meet the increased demand for natural gas in North America;

(3) Federal and State officials should work together with officials in Canada to ensure both projects can move forward in a mutually beneficial fashion;

(4) Federal and State officials should acknowledge that the smaller scope, fewer permitting requirements, and lower cost of the Mackenzie Delta project means it will most likely be completed before the Alaska Natural Gas Pipeline;

(5) natural gas production in the 48 contiguous States and Canada will not be able to meet all domestic demand in the coming decades; and

(6) as a result, natural gas delivered from Alaskan North Slope will not displace or reduce the commercial viability of Canadian natural gas produced from the Mackenzie Delta or production from the 48 contiguous States.

SEC. 15. SENSE OF CONGRESS CONCERNING ALASKAN OWNERSHIP.

It is the sense of Congress that—

(1) Alaska Native Regional Corporations, companies owned and operated by Alaskans, and individual Alaskans should have the opportunity to own shares of the Alaska natural gas pipeline in a way that promotes economic development for the State; and

(2) to facilitate economic development in the State, all project sponsors should negotiate in good faith with any willing Alaskan person that desires to be involved in the project.

SEC. 16. LOAN GUARANTEES.

(a) AUTHORITY.—(1) The Secretary may enter into agreements with 1 or more holders of a certificate of public convenience and necessity issued under section 03(b) of this title or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g), or with an entity the Secretary determines is qualified to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States, to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project.

(2) Subject to the requirements of this section, the Secretary may also enter into agreements with 1 or more owners of the Canadian portion of a qualified infrastructure project to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project as though such owner were a holder described in paragraph (1).

(3) The authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project. A final certificate shall be considered to have been issued when all certificates of public convenience and necessity have been issued that are required for the initial transportation of commercially economic quantities of natural gas from Alaska to the continental United States.

(b) CONDITIONS.—(1) The Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity under section 03(b) of this title or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) has been issued for the project, or after the Secretary certifies there exists a qualified entity to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States. In no case shall loan guarantees be issued for more than one qualified project.

(2) The Secretary may issue a Federal guarantee instrument under this section for a qualified infrastructure project only if the loan or other debt obligation guaranteed by the instrument has been issued by an eligible lender.

(3) The Secretary shall not require as a condition of issuing a Federal guarantee instrument under this section any contractual commitment or other form of credit support of the sponsors (other than equity contribution commitments and completion guarantees), or any throughput or other guarantee from prospective shippers greater than such guarantees as shall be required by the project owners.

(c) LIMITATIONS ON AMOUNTS.—(1) The amount of loans and other debt obligations guaranteed under this section for a qualified infrastructure project shall not exceed 80 percent of the total capital costs of the project, including interest during construction.

(2) The principal amount of loans and other debt obligations guaranteed under this section shall not exceed, in the aggregate, $18,000,000,000, which amount shall be indexed for United States dollar inflation from the date of enactment of this Act, as measured by the Consumer Price Index, except that the total amount of principal that may be guaranteed for a qualified liquefied natural gas project may not exceed a principal amount in which the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), exceeds $2,000,000,000.

(d) LOAN TERMS AND FEES.—(1) The Secretary may issue Federal guarantee instruments under this section that take into account repayment profiles and grace periods justified by project cash flows and project-specific considerations. The term of any loan guaranteed under this section shall not exceed 30 years.

(2) An eligible lender may assess and collect from the borrower such other fees and costs associated with the application and origination of the loan or other debt obligation as are reasonable and customary for a project finance transaction in the oil and gas sector.

(e) REGULATIONS.—The Secretary may issue regulations to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees under this section, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). Such sums shall remain available until expended.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) The term "Consumer Price Index" means the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics, or if such index shall cease to be published, any successor index or reasonable substitute thereof.

(2) The term "eligible lender" means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of

1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(3) The term "Federal guarantee instrument" means any guarantee or other pledge by the Secretary to pledge the full faith and credit of the United States to pay all of the principal and interest on any loan or other debt obligation entered into by a holder of a certificate of public convenience and necessity.

(4) The term "qualified infrastructure project" means an Alaskan natural gas transportation project or system consisting of the design, engineering, finance, construction, and completion of pipelines and related transportation and production systems (including gas treatment plants and liquification plants and liquefied natural gas tankers for transportation of liquefied natural gas from Southcentral Alaska to the West Coast), and appurtenances thereto, that are used to transport natural gas from the Alaska North Slope to the continental United States.

SA 3375. Mr. VOINOVICH (for himself, Mr. Akaka, Ms. Collins, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. PAYMENT OF FEDERAL EMPLOYEE HEALTH BENEFIT PREMIUMS.

(a) Authority To Continue Benefit Coverage.—Section 8905a of title 5, United States Code is amended—

(1) in subsection (a), by striking "paragraph (1) or (2) of";

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking "and" at the end;

(B) in paragraph (2)(C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) any employee who—

"(A) is enrolled in a health benefits plan under this chapter;

"(B) is a member of a Reserve component of the armed forces;

"(C) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

"(D) is placed on leave without pay or separated from service to perform active duty; and

"(E) serves on active duty for a period of more than 30 consecutive days."; and

(3) in subsection (e)(1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) in the case of an employee described in subsection (b)(3), the date which is 24 months after the employee is placed on leave without pay or separated from service to perform active duty.".

(b) Authority for Agencies To Pay Premiums.—Subparagraph (C) of section 8906(e)(3) of such title is amended by striking "18 months" and inserting "24 months".

(c) Effective Date.—The amendments made by this section shall take effect on March 1, 2003.

SA 3376. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 10 and 11, insert the following:

SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCH RANGES.

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of portable range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launch ranges.

SA 3377. Mr. KENNEDY (for himself, Mr. Leahy, Mr. Dayton, and Mr. Feingold) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.

(a) Initial Report.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States for stabilizing Iraq. The report shall, at a minimum, contain a detailed explanation of the strategy together with the following information:

(1) A description of the efforts of the President to work with the United Nations and the North Atlantic Treaty Organization to assist the nearly 140,000 members of the Armed Forces of the United States who were serving in Iraq as of June 2004, including efforts to ensure that—

(A) more military forces of other countries are deployed to Iraq;

(B) more police forces of other countries are deployed to Iraq; and

(C) more financial resources of other countries are provided for the stabilization and reconstruction of Iraq.

(2) As a result of such efforts—

(A) a list of the countries that have committed to deploying military and police forces;

(B) with respect to each such country, the schedule and level of such deployments;

(C) a list of the countries that have committed to providing financial resources for the stabilization and reconstruction of Iraq; and

(D) with respect to each country that has committed to providing such financial resources, the level of, and the schedule for providing, such assistance.

(3) A description of the efforts of the President to develop the police and military forces of Iraq to assist the nearly 140,000 members of the Armed Forces of the United States who were serving in Iraq as of June 2004.

(4) As a result of such efforts—

(A) the number of members of the police and military forces of Iraq that have been recruited;

(B) the number of members of the police and military forces of Iraq that have been trained; and

(C) the number of members of the police and military forces of Iraq that have been deployed.

(5) A description of the anticipated United States military force posture in the region during the next year, including an estimate of—

(A) the number of members of the Armed Forces that will be required to serve in Iraq during the next year;

(B) the number of members of the Armed Forces that will be serving in Iraq as of December 31, 2005; and

(C) the percentage of such forces that will be composed of members of the National Guard and Reserves.

(6) A description of the efforts of the United States, Coalition forces, and the people of Iraq to assist in the reconstruction of essential infrastructure, including the oil industry, electricity generation capabilities, roads, schools, and hospitals, in Iraq.

(7) A description of the efforts of the United States, Coalition forces, relevant international agencies, pro-democracy organizations, and the people of Iraq to assist in the development of political institutions and prepare for democratic elections in Iraq.

(b) Updated Reports.—The President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) that describes the strategy of the United States for stabilizing Iraq and updates the information required under subsection (a)—

(1) not later than 180 days after the date of the enactment of this Act; and

(2) not later than one year after the date of the enactment of this Act.

SA 3378. Mr. BIDEN (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—FOREIGN ASSISTANCE AND ARMS EXPORT MATTERS

SEC. 1301. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) Transfers for Concessions.—

(1) Authority.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with

the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) VALUE OF CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFERS.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

SEC. 1302. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEARS 2004 AND 2005.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2004 and 2005"; and

(2) in subparagraph (B), by striking "for fiscal year 2003" and inserting "for a fiscal year".

SEC. 1303. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (6), in" and inserting "In";

(B) by striking "Act for $50,000,000" and inserting "Act for $100,000,000";

(C) by striking "services for $200,000,000" and inserting "services for $350,000,000";

(D) by striking "$14,000,000" and inserting "$50,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "before such letter";

(2) in the first sentence of paragraph (5)(C)—

(A) by striking "Subject to paragraph (6), if" and inserting "If";

(B) by striking "costs $14,000,000" and inserting "costs $50,000,000";

(C) by striking "equipment, $50,000,000" and inserting "equipment, $100,000,000";

(D) by striking "or $200,000,000" and inserting "or $350,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "then the President"; and

(3) by striking paragraph (6).

(b) EXPORT LICENSES.—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (5), in" and inserting "In";

(B) by striking "$14,000,000" and inserting "$50,000,000";

(C) by striking "services sold under a contract in the amount of $50,000,000" and inserting "services sold under a contract in the amount of $100,000,000"; and

(D) by inserting "and in other cases if the President determines it is appropriate," before "before issuing such";

(2) in the last sentence of paragraph (2), by striking "(A) and (B)" and inserting "(A), (B), and (C)"; and

(3) by striking paragraph (5).

(c) PRESIDENTIAL CONSENT.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking "Subject to paragraph (5), the" and inserting "The";

(B) by striking "$14,000,000" and inserting "$50,000,000"; and

(C) by striking "service valued (in terms of its original acquisition cost) at $50,000,000" and inserting "service valued (in terms of its original acquisition cost) at $100,000,000"; and

(2) by striking paragraph (5).

SEC. 1304. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEFENSE ITEMS.—The term "defense items" has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

"(A) AUSTRALIA.—Subject to the provisions of section 1304 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

"(B) UNITED KINGDOM.—Subject to the provisions of section 1304 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.".

(2) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking "A bilateral agreement" and inserting "Except as provided in paragraph (4), a bilateral agreement".

(d) CERTIFICATIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) NOTIFICATION OF BILATERAL LICENSING EXEMPTIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) REPORT ON CONSULTATION ISSUES.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and

the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) Special Notifications.—

(1) Required notifications.—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) Content.—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

SEC. 1305. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking "to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government" and inserting "to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government".

SEC. 1306. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.

(a) Authority To Waive Restrictions and Eligibility Requirements.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) Certification and Report.—

(1) In general.—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) Form of report.—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1307. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) In General.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) Marketing Information.—In this section, the term "marketing information" means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) Exception.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

SEC. 1308. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) Authority To Transfer by Grant.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) Chile.—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) Portugal.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12).

(b) Authority To Transfer by Sale.—The Secretary of the Navy is authorized to transfer on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(c) Grants Not Counted in Annual Total of Transferred Excess Defense Articles.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) Costs of Transfers.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(e) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) Expiration of Authority.— The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1309. ADDITIONAL INFORMATION IN CERTIFICATIONS BY THE PRESIDENT WITH RESPECT TO APPLICATIONS FOR LICENSES FOR THE EXPORT OF DEFENSE ARTICLES OR DEFENSE SERVICES SOLD UNDER A CONTRACT.

Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended by striking "and (C) a description of the items to be exported" and inserting "(C) a description of the items to be exported, and (D) the date on which the contract was signed and the identities of the parties to the contract".

SA 3379. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

Sec. ___. (a) Provision of Funds for Security and Stabilization of Iraq Through Partial Suspension of Reduction in Highest Income Tax Rate for Individual Taxpayers.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	The corresponding percentages shall be substituted for the following percentages:			
	28%	31%	36%	39.6%
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 and 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	36.0%".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

(c) Application of EGTRRA Sunset to This Section.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 3380. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 12, strike "106,800" and insert "106,842".

On page 62, line 24, strike "12,253" and insert "12,271".

On page 65, line 7, strike "$104,535,458,000" and insert "$104,538,108,000".

On page 36, line 7, strike "$4,366,738,000" and insert "4,367,985,000".

SA 3381. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 12, strike "106,800" and insert "106,842".

On page 62, line 24, strike "12,253" and insert "12,271".

SA 3382. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 372, after line 17, insert the following:

SEC. 2844. LIMITATIONS ON CONVEYANCE OF NAVY PROPERTY AT DISCOVERY PARK, SEATTLE, WASHINGTON.

(a) Prohibition on Conveyance Through Housing Privatization Initiative.—The Secretary of the Navy may not convey the Navy property at Discovery Park pursuant to the authority in section 2878 of title 10, United States Code, or any other authority under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of such title.

(b) Conveyance for Public Parks Purposes.—(1) If the Secretary determines that the Navy property at Discovery Park is excess property of the Department of the Navy, the Navy property at Discovery Park may be disposed of only through the authority provided under paragraph (2) for the conveyance of such property.

(2) The Secretary may convey, without consideration, to the State of Washington or the City of Seattle, Washington, all right, title, and interest of the United States in and to the Navy property at Discovery Park, for the purpose of establishing, expanding, or improving a public park or recreation area.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey or surveys satisfactory to the Secretary.

(d) Responsibility for Environmental Cleanup.—The Secretary shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the property conveyed under subsection (b) as of the date of the conveyance under that subsection.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(f) Definitions.—In this section:

(1) The term "Navy property at Discovery Park" means the following parcels of real property, together with any improvements thereon, located within the boundary of Discovery Park, Seattle, Washington:

(A) The parcel consisting of approximately 23.91 acres known as the Capehart Housing Complex.

(B) The parcel consisting of approximately 3.47 acres located at Montana Circle.

(C) The parcel consisting of approximately 3.76 acres located at Washington Avenue North.

(D) The parcel consisting of approximately 1.93 acres located at Washington Avenue South.

(2) The term "excess property" has the meaning given such term in section 102 of title 40, United States Code.

SA 3383. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of May 13, 2004, the rule has yet to be finalized.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7384*l*(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Subject to the provisions of section 3612A, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinckrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.".

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

"SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

"(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

"(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

"(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.".

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting "(1)" before "Subject"; and

(B) by adding at the end the following new paragraph:

"(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) shall be derived from amounts authorized to be appropriated by section 3612A(a).".

SA 3384. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of May 13, 2004, the rule has yet to be finalized.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384l(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Subject to the provisions of section 3612A, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.".

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

"SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

"(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

"(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

"(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.".

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting "(1)" before "Subject"; and

(B) by adding at the end the following new paragraph:

"(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) shall be derived from amounts authorized to be appropriated by section 3612A(a).".

On page 373, line 18, strike "$6,674,898,000" and insert "6,494,898,000".

SA 3385. Mr. INHOFE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 19 and 20, insert the following:

"(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

"(1) Printing, binding, or blank-book work to which section 502 of title 44 applies.

"(2) Services available under the FEDLINK program pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 114 Stat. 2187; 2 U.S.C. 182c).

SA 3386. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, insert the following:

SEC. 1055. HUMANE TREATMENT OF DETAINEES.

(a) FINDINGS.—Congress makes the following findings:

(1) After World War II, the United States and its allies created a new international legal order based on respect for human rights. One of its fundamental tenets was a universal prohibition on torture and ill treatment.

(2) On June 26, 2003, the International Day in Support of Victims of Torture, President George W. Bush stated, "The United States is committed to the world-wide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.".

(3) The United States is a party to the Geneva Conventions, which prohibit torture, cruel treatment, or outrages upon personal dignity, in particular, humiliating and degrading treatment, during armed conflict.

(4) The United States is a party to 2 treaties that prohibit torture and cruel, inhuman, or degrading treatment or punishment, as follows:

(A) The International Covenant on Civil and Political Rights, done at New York December 16, 1966.

(B) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(5) The United States filed reservations to the treaties described in subparagraphs (A) and (B) of paragraph (4) stating that the United States considers itself bound to prevent "cruel, inhuman or degrading treatment or punishment" to the extent that phrase means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(6) Army Regulation 190-8 entitled "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees" provides that "Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).... All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.... All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind.... This list is not exclusive.".

(7) The Field Manual on Intelligence Interrogation of the Department of the Army states that "acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or an aid to interrogation" are "illegal". Such Manual defines "infliction of pain through ... bondage (other than legitimate use of restraints to prevent escape)", "forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time", "food deprivation", and "any form of beating" as "physical torture", defines "abnormal sleep deprivation" as "mental torture", and prohibits the use of such tactics under any circumstances.

(8) The Field Manual on Intelligence Interrogation of the Department of the Army states that "Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear. Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.".

(b) Prohibition on Torture or Cruel, Inhuman, or Degrading Treatment or Punishment.—(1) No person in the custody or under the physical control of the United States shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(c) Rules, Regulations, and Guidelines.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (b)(1) by the members of the United States Armed Forces and by any person providing services to the Department of Defense on a contract basis.

(2) The Secretary shall submit to the congressional defense committees the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(d) Report to Congress.—(1) The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (b)(1) by a member of the Armed Forces or by a person providing services to the Department of Defense on a contract basis.

(2) A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (b)(1).

(e) Definitions.—In this section:

(1) The term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) The term "Secretary" means the Secretary of Defense.

(4) The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

SA 3387. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

TREATMENT OF FOREIGN PRISONERS

Sec. . Policy.—(a)(1) It is the policy of the United States to treat all foreign persons captured, detained, interned or otherwise held in custody of the United States (hereinafter "prisoners") humanely and in accordance with standards that the United States would consider legal if perpetrated by the enemy against an American prisoner.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibition against torture, cruel, inhuman or degrading treatment.

(3) If there is any doubt as to whether prisoners are entitled to the protections afforded by the Geneva Conventions, such prisoners shall enjoy the protections of the Geneva Conventions until such time as their status can be determined pursuant to the procedures authorized by Army Regulation 190-8, Section 1-6.

(4) It is the policy of the United States to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of prisoners, which is contrary to the legal principles and security interests of the United States.

(b) Reporting.—The Department of Defense shall submit to the appropriate congressional committees:

(1) A quarterly report providing the number of prisoners who were denied Prisoner of War (POW) status under the Geneva Conventions and the basis for denying POW status to each such prisoner.

(2) A report setting forth: (A) the proposed schedule for military commissions to be held at Guantanamo Bay, Cuba; and (B) the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and the reason(s) for not bringing such individuals before a military commission.

(3) All International Committee of the Red Cross reports, completed prior to the enactment of this Act, concerning the treatment of prisoners in United States custody at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Such ICRC reports should be provided, in classified form, not later than 15 days after enactment of this Act.

(4) A report setting forth all prisoner interrogation techniques approved by officials of the United States.

(c) Annual Training Requirement.—The Department of Defense shall certify that all federal employees and civilian contractors engaged in the handling and/or interrogating of prisoners have fulfilled an annual training requirement on the laws of war, the Geneva Conventions and the obligations of the United States under international humanitarian law.

SA 3388. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

(a) Inspector General Reports.—The Inspector General of the Department of Defense, in consultation with the Inspector General of the Department of State and the Inspector General of the Central Intelligence

Agency, shall conduct an inquiry into the programs and activities of the Iraqi National Congress (INC) and submit a report, which may include a classified annex, to the appropriate Congressional Committees no later than 60 days after enactment of this Act and every 180 days thereafter until September 30, 2005.

(b) CONTENTS OF REPORTS.— The reports shall include the following information:

(1) The total amount of funding the INC received from the Department of State and the Department of Defense;

(2) A description of the uses of these funds, including an assessment of whether they were used for purposes inconsistent with Section 540 of Division D of Public Law 108–199 and similar provisions of law;

(3) The total amount of funds the Department of State Inspector General or any other appropriate entity of the United States Government has determined the INC owes the United States and a description of the measures the United States Government has taken to collect these funds;

(4) A description of the activities and responsibilities pertaining to each INC office that was or currently is supported by United States Government funds;

(5) A description of INC activities concerning broadcasting and an assessment of the efficacy of these activities in building support for the efforts of the United States inside Iraq;

(6) A description of the INC's Information Collection Program (ICP) and an assessment of the value of the information collected by the ICP prior to May 1, 2003, including any efforts to pass along intelligence to the United States Government that has subsequently been determined to be inaccurate or deceptive;

(7) A comprehensive list of senior United States Government officials in the Department of State, Department of Defense, National Security Council, Office of the Vice President, and White House who met with representatives of the INC or were recipients of information derived from the ICP;

(8) A comprehensive list of senior United States Government officials in the Department of State Department of Defense, National Security Council, Office of the Vice President, and White House who were involved with policy decisions concerning the INC;

(9) A description of efforts the United States Government is taking to bring to justice any individuals associated with the INC who violated United States laws concerning the use of intelligence information or the use of United States Government funds;

(10) An assessment concerning whether the efforts mentioned in subsection (b)(9) are adequate; and

(11) Any other issues the Inspector General of the Department of Defense, the Inspector General of the Department of State, or the Inspector General of the Central Intelligence Agency believes are relevant to a comprehensive inquiry of the activities of the INC.

(c) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on International Relations of the House of Representatives.

SA 3389. Mr. HARKIN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of May 13, 2004, the rule has yet to be finalized.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) The employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

"(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

"(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

"(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.".

SA 3390. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1055. SENSE OF CONGRESS ON ACTIVITIES AT GROUP OF 8 SUMMIT REGARDING GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

It is the sense of Congress that, at the June 2004 Group of 8 summit, the President should, with respect to the Global Partnership Against the Spread of Weapons of Mass Destruction—

(1) affirm the commitment of $10,000,000,000 by the United States and $10,000,000,000 by the other original members of the Group of 7 to the Partnership as a matter of high national security;

(2) expand the membership of donor nations to the Partnership;

(3) insure that Russia remains the primary partner of the Partnership while also seeking to fund through the Partnership efforts in other countries with potentially vulnerable weapons or materials;

(4) develop for the Partnership clear program goals;

(5) develop for the Partnership transparent project prioritization and planning;

(6) develop for the Partnership project implementation milestones under periodic review; and

(7) develop under the Partnership agreements between partners for project implementation; and

(8) give high priority and senior-level attention to resolving disagreements on site access and worker liability under the Partnership.

SA 3391. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) Reports Required.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of detainees held by the Department of Defense and on the facilities in which such detainees are held.

(b) Report Elements.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department during the six-month period ending on the date of such report, including the following:

(A) The total number of detainees in the custody of the Department at any time during such period.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees in the custody of the Department as of the date of such report.

(D) The total number of detainees released from the custody of the Department during such period.

(E) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(F) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period.

(G) For each country to which detainees were transferred as described in subparagraph (F)—

(i) the policies and practices of such country on the torture and treatment of prisoners; and

(ii) the status of such transferred detainees.

(2) For each foreign national detained by the Department of Defense during the six-month period ending on the date of such report the following:

(A) The name.

(B) The nationality.

(C) The place at which taken into custody.

(D) The circumstances of being taken into custody.

(E) The place of detention.

(F) The current length of detention or, if released, the duration of detention at the time of release.

(G) A categorization as a military detainee or civilian detainee.

(H) The intentions of the United States Government on such detainee, including whether or not the United States will—

(i) continue to hold such detainee with justification;

(ii) repatriate such detainee; or

(iii) charge such detainee with a crime.

(I) The history, if any, of transfers of such detainee among detention facilities, including whether or not such detainee been detained at other facilities and, if so, at which facilities and in what locations.

(3) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

(c) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3392. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 21, add the following:

SEC.   . VACCINE HEALTHCARE CENTERS NETWORK.

Section 1110 of title 10, United States Code, is amended by adding at the end the following:

"(c) Vaccine Healthcare Centers Network.—(1) The Secretary shall carry out this section through the Vaccine Healthcare Centers Network as established by the Secretary in collaboration with the Director of the Centers for Disease Control and Prevention.

"(2) In addition to conducting the activities described in subsection (b), it shall be the purpose of the Vaccine Healthcare Centers Network to improve—

"(A) the safety and quality of vaccine delivery and protection of members of the armed forces;

"(B) the submission of data to the Vaccine-related Adverse Events Reporting System to include comprehensive content and follow-up data;

"(C) the quality, access, and delivery of clinical management services to members of the armed services who experience vaccine adverse events;

"(D) the satisfaction of members of the armed services with vaccine-related healthcare services;

"(E) the knowledge and understanding by members of the armed services and vaccine-providers of immunization benefits and risks;

"(F) networking between the Department of Defense, the Department of Health and Human Services, the Department of Veterans Affairs, and private advocacy and coalition groups with regard to immunization benefits and risks; and

"(G) clinical research on the safety and efficacy of vaccines.

"(3) To achieve the purposes described in paragraph (2), the Vaccine Healthcare Centers Network shall carry out the following:

"(A)(i) Establish a network of centers of excellence in clinical immunization safety assessment that provides for outreach, education, and confidential consultative and direct patient care services for vaccine related adverse events prevention, diagnosis, treatment and follow-up with respect to members of the armed services.

"(ii) Such centers shall provide expert second opinions for such members regarding medical exemptions under this section and for additional care that is not available at the local medical facilities of such members.

"(B) Develop standardized educational outreach activities to support the initial and ongoing (on at least an annual basis) provision of training and education for providers and nursing personnel who are engaged in providing immunization services to the members of the armed services.

"(C) Develop a program for quality improvement in the submission and understanding of data that is provided to the Vaccine-related Adverse Events Reporting System, particularly among providers and members of the armed services. Such program shall ensure that data is collected concerning adverse events associated with vaccines, including smallpox, anthrax, and multiple vaccine exposures.

"(D) Develop and standardize, in collaboration with the medical departments of the military services, a quality improvement program for the Department of Defense relating to immunization services. Such program shall include the design and implementation of data collection tools and processes that validate and enhance the program.

"(E) Develop and support, in collaboration with the Centers for Disease Control and Prevention and the Clinical Immunization Safety Assessment network, a multi-center platform for clinical research on rare but serious vaccine adverse events, both in relation to establishing new case definitions as needed, and in relation to the diagnosis, treatment, prevention, and quality-of-life impact of temporally associated adverse events.

"(F) Develop an effective network system, with appropriate internal and external collaborative efforts, to facilitate integration, educational outreach, research, and clinical management of adverse vaccine events.

"(G) Provide education and advocacy for the fair treatment of vaccine recipients to include fair access to vaccine safety programs, medical exemptions, and quality treatment.

"(H) Develop and conduct, in collaboration with the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, clinical studies with respect to the safety and efficacy of vaccines, including outcomes studies on the implementation of recommendations contained in the clinical guidelines for vaccine-related adverse events existing on the date of enactment of this subsection.

"(I) Develop, in collaboration with the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, implementation recommendations for vaccine exemptions under this section or alternative vaccine strategies for members of the armed services who have had prior, or who are susceptible to, adverse events, including those with genetic risk factors, and the discovery of treatments for adverse events that are most effective.

"(4) There is authorized to be appropriate to carry out this subsection, $10,000,000 for fiscal year 2005, and such sums as may be necessary for each fiscal year thereafter.".

SA 3393. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2826 and insert the following:

SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—The Secretary of the Navy shall transfer to the jurisdiction, custody, and control of the Administrator of General Services the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) AUTHORITY TO RETAIN MILITARY FAMILY HOUSING.—The Secretary of the Navy may retain jurisdiction, custody, and control over the portion of the Complex that the Secretary considers to be necessary for continued use as Navy family housing.

(c) TIME FOR TRANSFER.—The transfer of jurisdiction, custody, and control over the Complex to the Administrator under subsection (a) shall be completed not later than January 1, 2005.

(d) RELOCATION OF NAVY ACTIVITIES.—As part of the transfer of the Complex under this section, the Secretary of the Navy shall relocate Department of the Navy activities at the Complex to other locations.

(e) PAYMENT OF RELOCATION COSTS.—Subject to the availability of appropriations for this purpose—

(1) the Secretary of Homeland Security shall be responsible for the payment of all reasonable costs related to the initial relocation of Department of the Navy activities from the Complex, including costs to move furnishings and equipment, and all reasonable costs incidental to initial occupancy of interim leased space (including rent for the first year); and

(2) the Administrator of General Services shall pay any reasonable costs for interim leasing of space beyond the first year until Department of the Navy activities have occupied new permanent Department of Defense-controlled space, and any additional reasonable costs not paid under subsection (e)(1) that are incurred, or will be incurred, by the Secretary of the Navy to permanently relocate Department of the Navy activities from the Complex under subsection (d).

(f) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act, but not later than January 1, 2005, the Secretary of the Navy shall submit to the congressional defense committees an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the Complex. The Secretary shall include in the estimate anticipated land acquisition and facility construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(g) CERTIFICATION OF RELOCATION COSTS.—At the end of the five-year period beginning on the date of the transfer of the Complex under subsection (a), the Secretary of the Navy shall submit to Congress written notice—

(1) specifying the total amount expended under subsection (e) to cover the costs of relocating Department of the Navy activities from the Complex;

(2) specifying the total amount expended to acquire permanent facilities for Department of the Navy activities relocated from the Complex; and

(3) certifying whether the amounts paid are sufficient to complete all relocation actions.

(h) PARTICIPATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Secretary of the Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount required to cover both the initial and the permanent costs of relocating Department of the Navy activities from the Complex under this section.

SA 3394. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1055. PROHIBITION ON USE OF EC–130 SPECIAL OPERATIONS AIRCRAFT AND OTHER AIRCRAFT FOR TRANSMISSION OF RADIO MARTI OR TV MARTI BROADCASTS TO CUBA.

(a) PROHIBITION.—No EC–130 special operations aircraft or other military aircraft under the control of the Department of Defense may be utilized for purposes of transmitting Radio Marti or TV Marti broadcasts to Cuba.

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated for the Department of Defense by this Act or any other Act may be obligated or expended for purposes of utilizing EC–130 special operations aircraft or other military aircraft under the control of the Department to transmit Radio Marti or TV Marti broadcasts to Cuba.

SA 3395. Ms. COLLINS (for herself, Mr. BAYH, Mr. ROBERTS, Mr. REED, Mr. DORGAN, and Mr. BIDEN) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. ENERGY SAVINGS PERFORMANCE CONTRACTS.

The Secretary of Defense shall, to the extent practicable, exercise existing statutory authority, including the authority provided by section 2865 of title 10, United States Code, and section 8256 of title 42, United States Code, to introduce life-cycle cost-effective upgrades to Federal assets through shared energy savings contracting, demand management programs, and utility incentive programs.

SA 3296. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—IMMIGRATION

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the "Agricultural Job Opportunity, Benefits, and Security Act of 2004".

(b) Table of Contents.—The table of contents for this division is as follows:

Sec. 4001. Short title; table of contents.
Sec. 4002. Definitions.

TITLE XLI—ADJUSTMENT TO LAWFUL STATUS

Sec. 4101. Agricultural workers.
Sec. 4102. Correction of Social Security records.

TITLE XLII—REFORM OF H-2A WORKER PROGRAM

Sec. 4201. Amendment to the Immigration and Nationality Act.

TITLE XLIII—MISCELLANEOUS PROVISIONS

Sec. 4301. Determination and use of user fees.
Sec. 4302. Regulations.
Sec. 4303. Effective date.

SEC. 4002. DEFINITIONS.

In this division:

(1) Agricultural employment.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) Employer.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) Job opportunity.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

(5) Temporary.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) United states worker.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) Work day.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

TITLE XLI—ADJUSTMENT TO LAWFUL STATUS

SEC. 4101. AGRICULTURAL WORKERS.

(a) Temporary Resident Status.—

(1) In general.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the following requirements are satisfied with respect to the alien:

(A) Performance of agricultural employment in the united states.—The alien must establish that the alien has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on August 31, 2003.

(B) Application period.—The alien must apply for such status during the 18-month application period beginning on the 1st day of the 7th month that begins after the date of enactment of this division.

(C) Admissible as immigrant.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) Authorized travel.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) Authorized employment.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) Termination of temporary resident status.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this division that the alien is deportable.

(5) Record of employment.—

(A) In general.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) Sunset.—The obligation under subparagraph (A) terminates on August 31, 2009.

(b) Rights of Aliens Granted Temporary Resident Status.—

(1) In general.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) Terms of employment respecting aliens admitted under this section.—

(A) Prohibition.—No alien granted status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) Treatment of complaints.—

(i) Establishment of process.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) Initiation of arbitration.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator.

(iii) Arbitration proceedings.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) Effect of arbitration findings.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) Treatment of attorney's fees.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) Nonexclusive remedy.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) Effect on other actions or proceedings.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) Civil penalties.—

(i) In general.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) Limitation.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) Adjustment to Permanent Residence.—

(1) Agricultural workers.—

(A) In general.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) Qualifying employment.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the period beginning on September 1, 2003, and ending on August 31, 2009.

(ii) Qualifying years.—The alien has performed at least 75 work days or 430 hours, but in no case less than 430 hours, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the period beginning on September 1, 2003, and ending on August 31, 2009. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) Qualifying work in first 3 years.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the period beginning on September 1, 2003, and ending on August 31, 2006.

(iv) Application period.—The alien applies for adjustment of status not later than August 31, 2010.

(v) Proof.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) Disability.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) Grounds for denial of adjustment of status.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States.

(C) Grounds for removal.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) Spouses and minor children.—

(A) In general.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) Treatment of spouses and minor children prior to adjustment of status.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status; and

(ii) granted authorization to engage in employment in the United States or be provided an "employment authorized" endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(d) Applications.—

(1) To whom may be made.—

(A) Within the united states.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) Outside the united states.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) Preliminary applications.—

(i) In general.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an "employment authorized" endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this division.

(ii) Definition.—For purposes of clause (i), the term "preliminary application" means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) Eligibility.—An applicant under clause (i) must be otherwise admissible to the United States under subsection (e)(2) and must establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) Travel documentation.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) Designation of entities to receive applications.—

(A) In general.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89-732, Public Law 95-145, or the Immigration Reform and Control Act of 1986.

(B) References.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this division as "qualified designated entities".

(3) Proof of eligibility.—

(A) In general.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or subsection (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) Documentation of work history.—(i) An alien applying for status under subsection (a)(1) or subsection (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or subsection (c)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(A) or subsection (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) Treatment of applications by qualified designated entities.—Each qualified

designated entity must agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but not to forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) Limitation on access to information.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) Confidentiality of information.—

(A) In general.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) Crime.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) Penalties for false statements in applications.—

(A) Criminal penalty.—Whoever—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(B) Inadmissibility.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) Eligibility for legal services.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) Application fees.—

(A) Fee schedule.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) Prohibition on excess fees by qualified designated entities.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) Disposition of fees.—

(i) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) Use of fees for application processing.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) Waiver of Numerical Limitations and Certain Grounds for Inadmissibility.—

(1) Numerical limitations do not apply.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) Waiver of certain grounds of inadmissibility.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) Grounds of exclusion not applicable.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) Waiver of other grounds.—

(i) In general.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

(ii) Grounds that may not be waived.—The following provisions of such section 212(a) may not be waived by the Secretary under clause (i):

(I) Subparagraphs (A) and (B) of paragraph (2) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses).

(IV) Paragraph (3) (relating to security and related grounds).

(iii) Construction.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) Special rule for determination of public charge.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) Temporary Stay of Removal and Work Authorization for Certain Applicants.—

(1) Before application period.—Effective on the date of enactment of this division, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) During application period.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) Administrative and Judicial Review.—

(1) In general.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) Administrative review.—

(A) Single level of administrative appellate review.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) Standard for review.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) Judicial review.—

(A) Limitation to review of removal.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) Standard for judicial review.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) Dissemination of Information on Adjustment Program.—Beginning not later than the 1st day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) Regulations.—The Secretary shall issue regulations to implement this section not later than the 1st day of the 7th month that begins after the date of enactment of this Act.

(j) Effective Date.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) Funding.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, $40,000,000 for each of fiscal years 2004 through 2007 to the Secretary to carry out this section.

SEC. 4102. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2004,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien was granted lawful temporary resident status.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the 1st day of the 7th month that begins after the date of enactment of this Act.

TITLE XLII—REFORM OF H–2A WORKER PROGRAM

SEC. 4201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) In General.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

"H–2A EMPLOYER APPLICATIONS

"Sec. 218. (a) Applications to the Secretary of Labor.—

"(1) In general.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) Accompanied by job offer.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question.

"(b) Assurances for Inclusion in Applications.—The assurances referred to in subsection (a)(1) are the following:

"(1) Job opportunities covered by collective bargaining agreements.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) Union contract described.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) Strike or lockout.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) Notification of bargaining representatives.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(E) Offers to United States workers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) Job opportunities not covered by collective bargaining agreements.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) Strike or lockout.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(C) Benefit, wage, and working conditions.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) Nondisplacement of United States workers.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(E) Requirements for placement of nonimmigrant with other employers.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) Statement of liability.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) Employment of United States workers.—

"(i) Recruitment.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) Contacting former workers.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) Filing a job offer with the local office of the State employment security agency.—Not later than 28 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) Advertising of job opportunities.—Not later than 14 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) Emergency procedures.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) Job offers.—The employer has offered or will offer the job to any eligible

United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers prior to the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Prior to referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

"H–2A EMPLOYMENT REQUIREMENTS

"SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which must accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. However, an employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—In lieu of offering housing pursuant to subparagraph (A), the employer may provide a reasonable housing allowance, but only if the requirement of clause (ii) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. However, no housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters (i.e., housing provided by the employer pursuant to paragraph (1), including housing provided through a housing allowance) and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2004 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—Unless Congress acts to set a new wage standard applicable to this section, effective on December 1, 2006, the adverse effect wage rate then in effect shall be adjusted by the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the preceding year and December of the second preceding year, except that such adjustment shall not exceed 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Effective on March 1, 2007, and each March 1 thereafter, the adverse effect wage rate then in effect shall be adjusted in accordance with the requirements of clause (i).

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in one or more written statements the following information:

"(i) The worker's total earnings for the pay period.

"(ii) The worker's hourly rate of pay, piece rate of pay, or both.

"(iii) The hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4)).

"(iv) The hours actually worked by the worker.

"(v) An itemization of the deductions made from the worker's wages.

"(vi) If piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the General Accounting Office shall jointly prepare and transmit to the Secretary of Labor and to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall address—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H-2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H-2A employer that uses or causes to be used any vehicle to transport an H-2A worker within the United States.

"(ii) USES OR CAUSES TO BE USED.—(I) In this subsection, the term 'uses or causes to be used' applies only to transportation provided by an H-2A employer to an H-2A worker, or by a farm labor contractor to an H-2A worker at the request or direction of an H-2A employer.

"(II) The term 'uses or causes to be used' does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H-2A worker himself or herself, unless the employer specifically requested or arranged such transportation; or

"(bb) carpooling arrangements made by H-2A workers themselves, using one of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(III) The mere providing of a job offer by an employer to an H-2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iii) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H-2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(iv) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H-2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H-2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section or sections 218 or 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS

"SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H-2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section

212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

‘‘(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

‘‘(d) PERIOD OF ADMISSION.—

‘‘(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of up to 1 week before the beginning of the period of employment (to be granted for the purpose of travel to the work site) and a period of 14 days following the period of employment (to be granted for the purpose of departure or extension based on a subsequent offer of employment), except that—

‘‘(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

‘‘(B) the total period of employment, including such 14-day period, may not exceed 10 months.

‘‘(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this division.

‘‘(e) ABANDONMENT OF EMPLOYMENT.—

‘‘(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

‘‘(2) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Secretary within 7 days of an H–2A worker's having prematurely abandoned employment.

‘‘(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

‘‘(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

‘‘(f) REPLACEMENT OF ALIEN.—

‘‘(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

‘‘(A) who abandons or prematurely terminates employment; or

‘‘(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

‘‘(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this division.

‘‘(g) IDENTIFICATION DOCUMENT.—

‘‘(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

‘‘(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

‘‘(A) The document shall be capable of reliably determining whether—

‘‘(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

‘‘(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

‘‘(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

‘‘(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

‘‘(C) The document shall—

‘‘(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

‘‘(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

‘‘(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

‘‘(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

‘‘(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

‘‘(A) for a period of more than 10 months; or

‘‘(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

‘‘(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—In the case of an alien who is lawfully present in the United States, the alien is authorized to commence the employment described in a petition under paragraph (1) on the date on which the petition is filed. For purposes of the preceding sentence, the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition. The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States. Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

‘‘(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

‘‘(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

‘‘(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

‘‘(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

‘‘(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

‘‘(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

‘‘(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any other provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2004, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

‘‘(1) may be admitted for a period of 12 months;

‘‘(2) may be extended for a continuous period of up to 3 years; and

‘‘(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

‘‘WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

‘‘SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

‘‘(1) INVESTIGATION OF COMPLAINTS.—

‘‘(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

‘‘(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph

(C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 213(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H-2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H-2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H-2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H-2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—There is hereby authorized to be appropriated annually not to exceed $500,000 to the Federal Mediation and Conciliation Service to carry out this section, provided that, any contrary provision of law notwithstanding, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H-2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this division, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H-2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn prior to the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this division shall be construed to diminish the rights and remedies of an H-2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this division.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this division shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this division. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H-2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"DEFINITIONS

"SEC. 218D. For purposes of sections 218 through 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—In the case of an application with respect to 1 or more H–2A workers by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

TITLE XLIII—MISCELLANEOUS PROVISIONS

SEC. 4301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this division, and a collection process for such fees from employers participating in the program provided under this division. Such fees shall be the only fees chargeable to employers for services provided under this division.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 4201 of this division, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this division, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 4201 of this division, and the provisions of this division.

SEC. 4302. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this division.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this division.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this division.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 4201, shall take effect on the effective date of section 4201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 4303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 4201 and 4301 shall take effect 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of the Congress a report that describes the measures being taken and the progress made in implementing this division.

SA 3397. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the measure, add the following new division:

DIVISION

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

1. (a) SHORT TITLE.—This Act may be cited as the 'Code Talkers Recognition Act'.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expression of recognition.

TITLE I—SIOUX CODE TALKERS

Sec. 101. Findings.
Sec. 102. Congressional gold medal.

TITLE II—COMANCHE CODE TALKERS

Sec. 201. Findings.
Sec. 202. Congressional gold medal.

TITLE III—CHOCTAW CODE TALKERS

Sec. 301. Findings.
Sec. 302. Congressional gold medal.

TITLE IV—SAC AND FOX CODE TALKERS

Sec. 401. Findings.
Sec. 402. Congressional gold medal.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definition of Indian tribe.
Sec. 502. Medals for other Code Talkers.
Sec. 503. Provisions applicable to all medals under this Act.
Sec. 504. Duplicate medals.
Sec. 505. Status as national medals.
Sec. 506. Funding.

SEC. 2. EXPRESSION OF RECOGNITION.

The purpose of the medals authorized by this Act is to express recognition by the United States and citizens of the United States of, and to honor, the Native American Code Talkers who distinguished themselves in performing highly successful communications operations of a unique type that greatly assisted in saving countless lives and in hastening the end of World War I and World War II.

TITLE I—SIOUX CODE TALKERS

SEC. 101. FINDINGS.

Congress finds that—

(1) Sioux Indians used their native languages, Dakota, Lakota, and Dakota Sioux, as code during World War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sioux Code Talkers;

(3) under some of the heaviest combat action, the Code Talkers worked around the clock to provide information that saved the lives of many Americans in war theaters in the Pacific and Europe, such as the location of enemy troops and the number of enemy guns; and

(4) the Sioux Code Talkers were so successful that military commanders credit the code with saving the lives of countless American soldiers and being instrumental to the success of the United States in many battles during World War II.

SEC. 102. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to each Sioux Code Talker, including—

(1) Eddie Eagle Boy;
(2) Simon Brokenleg;
(3) Iver Crow Eagle, Sr.;
(4) Edmund St. John;
(5) Walter C. John;
(6) John Bear King;
(7) Phillip 'Stoney' LaBlanc;
(8) Baptiste Pumpkinseed;
(9) Guy Rondell;
(10) Charles Whitepipe; and
(11) Clarence Wolfguts.

TITLE II—COMANCHE CODE TALKERS

SEC. 201. FINDINGS.

Congress finds that—

(1) the Japanese Empire attacked Pearl Harbor, Hawaii, on December 7, 1941, and Congress declared war on Japan the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Axis powers, and United States military intelligence sought to develop a new means to counter the enemy;

(3) the Federal Government called on the Comanche Nation to support the military effort by recruiting and enlisting Comanche men to serve in the United States Army to develop a secret code based on the Comanche language;

(4) at the time, the Comanches were—

(A) considered to be second-class citizens; and

(B) discouraged from using their own language;

(5) the Comanches of the 4th Signal Division became known as the 'Comanche Code Talkers' and helped to develop a code using their language to communicate military messages during the D-Day invasion and in the European theater during World War II;

(6) to the frustration of the enemy, the code developed by those Native Americans—

(A) proved to be unbreakable; and

(B) was used extensively throughout the European war theater;

(7) the Comanche language, discouraged in the past, was instrumental in developing 1 of the most significant and successful military codes of World War II;

(8) the efforts of the Comanche Code Talkers—

(A) contributed greatly to the Allied war effort in Europe;

(B) were instrumental in winning the war in Europe; and

(C) their efforts saved countless lives;

(9) only 1 of the Comanche Code Talkers of World War 11 remains alive today; and

(10) the time has come for Congress to honor the Comanche Code Talkers for their valor and service to the United States.

SEC. 202. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to each of the following Comanche Code Talkers of World War II, in recognition of contributions of those individuals to the United States:

(1) Charles Chibitty.
(2) Haddon Codynah.
(3) Robert Holder.

(4) Forrest Kassanovoid.
(5) Willington Mihecoby.
(6) Perry Noyebad.
(7) Clifford Otitivo.
(8) Simmons Parker.
(9) Melvin Permansu.
(10) Dick Red Elk.
(11) Elgin Red Elk.
(12) Larry Saupitty.
(13) Morris Sunrise.
(14) Willie Yackeschi.

TITLE III—CHOCTAW CODE TALKERS

SEC. 301. FINDINGS.

Congress finds that—

(1) on April 6, 1917, the United States, after extraordinary provocations, declared war on Germany and entered World War I, the War to End All Wars;

(2) at the time of that declaration of war, Indian people in the United States, including members of the Choctaw Nation, were not accorded the status of citizens of the United States;

(3) without regard to this lack of citizenship, many members of the Choctaw Nation joined many members of other Indian tribes and nations in enlisting in the Armed Forces to fight on behalf of the United States;

(4) members of the Choctaw Nation were—

(A) enlisted in the force known as the American Expeditionary Force, which began hostile actions in France in the fall of 1917; and

(B) incorporated in a company of Indian enlistees serving in the 142d Infantry Company of the 36th Division;

(5) a major impediment to Allied operations in general, and operations of the United States in particular, was the fact that the German forces had deciphered all codes used for transmitting information between Allied commands, leading to substantial loss of men and materiel during the first year in which the military of the United States engaged in combat in World War I;

(6) because of the proximity and static nature of the battle lines, a method to communicate without the knowledge of the enemy was needed;

(7) a commander of the United States realized the fact that he had under his command a number of men who spoke a native language;

(8) while the use of such native languages was discouraged by the Federal Government, the commander sought out and recruited 18 Choctaw Indians to assist in transmitting field telephone communications during an upcoming campaign;

(9) because the language used by the Choctaw soldiers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions;

(10) the Choctaw soldiers were placed in different command positions to achieve the widest practicable area for communications;

(11) the use of the Choctaw Code Talkers was particularly important in—

(A) the movement of American soldiers in October of 1918 (including securing forward and exposed positions);

(B) the protection of supplies during American action (including protecting gun emplacements from enemy shelling); and

(C) in the preparation for the assault on German positions in the final stages of combat operations in the fall of 1918;

(12) in the opinion of the officers involved, the use of Choctaw Indians to transmit information in their native language saved men and munitions, and was highly successful;

(13) based on that successful experience, Choctaw Indians were withdrawn from frontline units for training in transmission of codes so as to be more widely used when the war came to an end;

(14) the Germans never succeeded in breaking the Choctaw code;

(15) that was the first time in modern warfare that the transmission of messages in a Native American language was used for the purpose of confusing the enemy;

(16) this action by members of the Choctaw Nation—

(A) is another example of the commitment of Native Americans to the defense of the United States; and

(B) adds to the proud legacy of such service; and

(17) the Choctaw Nation has honored the actions of those 18 Choctaw Code Talkers through a memorial bearing their names located at the entrance of the tribal complex in Durant, Oklahoma.

SEC. 302. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design honoring the Choctaw Code Talkers.

TITLE IV—SAC AND FOX CODE TALKERS

SEC. 401. FINDINGS.

Congress finds that—

(1) Sac and Fox Indians used their native language, Meskwaki to transmit military code during World War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sac and Fox Code Talkers; and

(3) under heavy combat action, the Code Talkers worked without sleep to provide information that saved the lives of many Americans.

SEC. 402.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to each of the following Sac and Fox Code Talkers of World War II, in recognition of contributions of those individuals to the United States:

(1) Frank Sanache.
(2) Willard Sanache.
(3) Dewey Youngbear.
(4) Edward Benson.
(5) Judie Wayne Wabaunasee.
(6) Mike Wayne Wabaunasee.
(7) Dewey Roberts.
(8) Melvin Twin.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITION OF INDIAN TRIBE.

In this title, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506).

SEC. 502. MEDALS FOR OTHER CODE TALKERS.

(a) PRESENTATION AUTHORIZED.—In addition to the gold medals authorized to be presented under sections 102, 202, and 302, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to any other Native American Code Talker identified by the Secretary of Defense under subsection (b) who has not previously received a congressional gold medal.

(b) IDENTIFICATION OF OTHER NATIVE AMERICAN CODE TALKERS.—

(1) IN GENERAL.—Any Native American member of the United States Armed Forces who served as a Code Talker in any foreign conflict in which the United States was involved during the 20th Century shall be eligible for a gold medal under this section.

(2) DETERMINATION.—The Secretary of Defense shall—

(A) determine eligibility under paragraph (1); and

(B) not later than 120 days after the date of enactment of this Act, establish a list of the names of individuals eligible to receive a medal under paragraph (1).

SEC. 503. PROVISIONS APPLICABLE TO ALL MEDALS UNDER THIS ACT.

(a) MEDALS AWARDED POSTHUMOUSLY.—A medal authorized by this Act may be awarded posthumously on behalf of, and presented to the next of kin or other representative of, a Native American Code Talker.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For purposes of any presentation of a gold medal under this Act, the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury.

(2) DESIGNS EMBLEMATIC OF TRIBAL AFFILIATION.—The design of the gold medals struck under this Act for Native American Code Talkers who are members of the same Indian tribe shall be emblematic of the participation of the Code Talkers of that Indian tribe.

SEC. 504. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck under this Act—

(1) in accordance with such regulations as the Secretary may promulgate; and

(2) at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the bronze medal).

SEC. 505. STATUS AS NATIONAL MEDALS.

A medal struck under this Act shall be considered to be a national medal for the purpose of chapter 51 of title 31, United States Code.

SEC. 506. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as are necessary to strike and award medals authorized by this Act.

(b) PROCEEDS OF SALE.—All amounts received from the sale of duplicate bronze medals under section 404 shall be deposited in the United States Mint Public Enterprise Fund.

SA 3398. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, between lines 9 and 10, insert the following:

SEC. 3147. HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING AND EDUCATION CENTER.

(a) TRANSFER OF RESPONSIBILITY FOR MANAGEMENT AND OPERATIONS.—(1) The Secretary of Energy shall transfer to the Office of Energy Assurance of the Department of Energy responsibility for the management and operations of the Hazardous Materials Management and Emergency Response

Training and Education Center (referred to in this section as "HAMMER") authorized under section 3142 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1948).

(2) The Secretary of Energy shall ensure that the Office of Energy Assurance carries out the worker safety and health training programs, including computer-based, hands-on, and simulation training, that are conducted at HAMMER in support of cleanup efforts at the Hanford Site, Richland, Washington.

(3) The Secretary of Energy may enter into partnering arrangements with other Federal and non-Federal entities to use excess capacities and develop new homeland security, environmental, and health and safety capabilities at HAMMER. Activities under such arrangements may include the establishment and operation of a training center of excellence at HAMMER.

(b) Funding.—Of the amounts authorized to be appropriated by section 3102 for environmental management activities, $6,000,000 shall be made available in fiscal year 2005 for the Office of Energy Assurance for carrying out activities under this section.

SA 3399. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—VETERANS' ENHANCED TRANSITION SERVICES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Veterans' Enhanced Transition Services Act of 2004".

SEC. 1302. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) Preseparation Counseling.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "shall provide for individual separation counseling" and inserting "shall provide individual separation counseling";

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

"(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

"(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.".

(2) Subsection (b)(4) of such section 1142 is amended by striking "(4) Information concerning" and inserting the following:

"(4) Provide information on civilian occupations and related assistance programs, including information about—

"(A) certification and licensure requirements that are applicable to civilian occupations;

"(B) civilian occupations that correspond to military occupational specialties; and

"(C)".

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

"(c) Additional Requirements.—(1) The Secretary concerned shall ensure that—

"(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

"(B) the locations at which preseparation counseling is presented to eligible personnel include—

"(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

"(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

"(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

"(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

"(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

"(d) National Guard Members on Duty in State Status.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

"(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

"(3) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).".

(4)(A) The heading for section 1142 of such title is amended to read as follows:

"§ 1142. Members separating from active duty: preseparation counseling".

(B) The item relating to such section in the table of sections at the beginning of chapter 58 of such title is amended to read as follows:

"1142. Members separating from active duty: preseparation counseling.

(b) Department of Labor Transitional Services Program.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

"(c) Participation.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

"(A) Each member who has previously participated in the program.

"(B) Each member who, upon discharge or release from active duty, is returning to—

"(i) a position of employment previously held by such member; or

"(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.".

(2) Subsection (a)(1) of such section is amended by striking "paragraph (4)(A)" in the second sentence and inserting "paragraph (6)(A)".

(c) Study on Coordination of Job Training and Certification Standards.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by occupational licensing or certification agencies of governments and occupational certification agencies in the private sector.

SEC. 1303. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.

(a) Plan for Maximum Access to Benefits.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to benefits delivery at discharge programs for members of the Armed Forces. The plan shall include a description of efforts to ensure that services under such programs are provided to the maximum extent practicable—

(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) Benefits Delivery of Discharge Programs Defined.—In this section, the term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits together with other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which eligible.

SEC. 1304. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) Improvement of Medical Tracking System for Members Deployed Overseas.—(1) Section 1074f of title 10, United States Code, is amended—

(A) in subsection (b), by striking "(including an assessment of mental health" and inserting "(which shall include mental health screening and assessment";

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(C) by inserting after subsection (b) the following new subsections:

"(c) Medical Examinations.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

"(2) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

"(3) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening mental health disorders, and in the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, shall specifically include questions to identify stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

"(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

"(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a post-deployment medical examination carried out under the system established under this section, receives an indication for a referral for followup treatment from the health care provider who performs the examination.

"(2) Assistance required to be provided a member under paragraph (1) includes the following:

"(A) Information regarding, and any appropriate referral for, care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

"(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

"(ii) Any other care, treatment, and services.

"(B) Information on the private sector sources of treatment that are available to the member in the member's community

"(C) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.".

(2) In the development of questions regarding stressors to include in assessments under subsection (c)(3) of section 1074f of title 10, United States Code (as added by paragraph (1)), consideration shall be given to using the same questions as those that were included in the post-deployment assessment questionnaire that was used in post-deployment assessments under such section in May 2004 or similar questions.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include the following information:

(A) The number of persons treated.

(B) The types of interventions.

(C) The programs that are in place for each of the Armed Forces to identify and treat cases of post-traumatic stress disorder and related conditions.

SEC. 1305. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Veteran-to-veteran preseparation counseling

"(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

"(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

"(c) LOCATIONS.—The program under this section shall provide for access to members—

"(1) at each installation of the armed forces;

"(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

"(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

"(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

"(e) DEFINITIONS.—In this section:

"(1) The term 'benefits delivery at discharge program' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which eligible.

"(2) The term 'veterans' service organization' means an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1154. Veteran-to-veteran preseparation counseling.".

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1709. Veteran-to-veteran counseling

"(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

"(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

"(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

"(d) VETERANS' SERVICE ORGANIZATION DEFINED.—In this section, the term 'veterans' service organization' means an organization that is recognized by the Secretary for the representation of veterans under section 5902 of this title.".

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

"1709. Veteran-to-veteran counseling.".

SEC. 1306. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 1305(a), is further amended by adding at the end the following new section:

"§ 1155. College credit for training in the armed forces

"The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1305(a)(2), is amended by adding at the end the following new item:

"1155. College credit for training in the armed forces.".

SA 3400. Mr. FEINGOLD (for himself, Mrs. MURRAY, Mr. CORZINE, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 17 and 18, insert the following:

Subtitle F—Leave for Military Families

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Military Families Leave Act of 2004".

SEC. 662. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) Conditions and time for taking leave.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues directly relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) Limitation.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) Schedule.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) Substitution of Paid Leave.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) Notice.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) Notice for leave due to family member's active duty.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.".

(e) Certification.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) Certification for Leave Due to Family Member's Active Duty.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(f) Regulations.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe such regulations as are necessary to implement the amendments made by this section.

SEC. 663. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) Entitlement to Leave.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues directly relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) Schedule.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) Substitution of Paid Leave.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) Notice.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.".

(e) Certification.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

(f) Regulations.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations necessary to implement the amendments made by this section. The regulations prescribed under this subsection shall, to the extent appropriate, be consistent with the regulations prescribed by the Secretary of Labor under section 663(f).

SEC. 664. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

SA 3401. Mr. DODD (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION D—ASSISTANCE TO FIREFIGHTERS

SEC. 4001. SHORT TITLE.

This division may be cited as the "Assistance to Firefighters Act of 2004".

SEC. 4002. AUTHORITY OF SECRETARY OF HOMELAND SECURITY FOR FIREFIGHTER ASSISTANCE PROGRAM.

(a) In General.—Subsection (b)(1) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by striking "Director" in the matter preceding subparagraph (A) and inserting "Secretary of Homeland Security, in consultation with the Administrator,".

(b) Conforming Amendment.—Such section is further amended by striking "Director" each place it appears and inserting "Secretary of Homeland Security".

(c) Technical Amendment.—The heading of subsection (b)(8) of such section is amended by striking "Director" and inserting "Secretary".

SEC. 4003. GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE ORGANIZATIONS.

(a) Authority To Award Grants to Volunteer Emergency Medical Service Squads.—Paragraph (1)(A) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting "or to volunteer emergency medical service organizations" after "fire departments".

(b) Use of Grant Funds.—Paragraph (3)(F) of such section is amended by inserting "or volunteer emergency medical service organizations that are not affiliated with a for-profit entity" after "fire departments".

(c) Special Rule for Applications for Volunteer Emergency Medical Services.—Paragraph (5) of such section is amended by adding at the end, the following new subparagraph:

"(C) Special rule for volunteer emergency medical services.—The Secretary of Homeland Security shall permit an applicant seeking grant funds for volunteer emergency medical services under paragraph (3)(F) to use the same application form to seek grant funds for one or more of the other purposes set out in subparagraphs (A) through (O) of paragraph (3).".

SEC. 4004. GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.

Paragraph (3) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by adding at the end the following new subparagraph:

"(O) To obtain automated external defibrillator devices.".

SEC. 4005. CRITERIA FOR REVIEWING GRANT APPLICATIONS.

Paragraph (2) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended to read as follows:

"(2) Criteria and review of applications.—

"(A) Preliminary review criteria.—

"(i) In general.—The Secretary of Homeland Security shall establish specific criteria for the preliminary review of an application submitted under this section. If an application does not meet such criteria, the application may not receive further consideration for a grant under this section.

"(ii) Annual review of criteria.—Not less often than once each year, the Secretary of Homeland Security, in consultation with the Administrator, shall convene a meeting of individuals who are members of a fire service and are recognized for expertise in firefighting or in emergency medical services provided by fire services, and who are not employees of the Federal Government for the purpose of reviewing and proposing changes to the criteria established under clause (i).

"(B) Selection through review by experts.—

"(i) Requirement for review.—The Secretary of Homeland Security shall award grants under this section based on the review of applications for such grants by a panel of fire service personnel appointed by a national organization recognized for expertise in the operation and administration of fire services.

"(ii) Role of the secretary.—The Secretary of Homeland Security shall provide for the administration of the review panel described in clause (i) and shall ensure that an individual appointed to such panel is a recognized expert in firefighting, medical services provided by fire services, fire prevention, or research on firefighter safety.".

SEC. 4006. FINANCIAL ASSISTANCE FOR FIREFIGHTER SAFETY PROGRAMS.

(a) Authority.—Paragraph (1)(B) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting "and firefighter safety" after "prevention".

(b) Expansion of Existing Program.—

(1) Firefighter safety assistance.—Paragraph (4) of such section is amended—

(A) in subparagraph (A)(ii), by striking "organizations that are recognized" and all that follows and inserting "organizations eligible under subparagraph (B) for the purposes described in subparagraph (C)."; and

(B) by striking subparagraph (B), and inserting the following new subparagraphs:

"(B) Eligibility for assistance.—An organization may be eligible for assistance under subparagraph (A)(ii), if such organization is a national, State, local, or community organization that is not a fire service and that is recognized for experience and expertise with respect to programs and activities that promote—

"(i) fire prevention or fire safety; or

"(ii) the health and safety of firefighting personnel.

"(C) Use of funds.—Assistance provided under subparagraph (A)(ii) shall be used—

"(i) to carry out fire prevention programs; or

"(ii) to fund research to improve the health and safety of firefighting personnel.

"(D) Priority.—In selecting organizations described in subparagraph (B) to receive assistance under this paragraph, the Secretary of Homeland Security shall give priority—

"(i) to organizations that focus on preventing injuries from fire to members of groups at high risk of such injuries, with an emphasis on children; and

"(ii) to organizations that focus on researching methods to improve the health and safety of firefighting personnel.

"(E) Allocation of funds.—Not less than 66 percent of the total amount of funds made available in a fiscal year to carry out this paragraph shall be made available of the programs described in subparagraph (A)(ii).".

(2) Conforming amendment.—The heading of such paragraph is amended to read as follows:

"(4) Fire prevention and firefighter safety programs.—".

(c) Availability of Funds for Fire Prevention and Firefighter Safety Programs.—Paragraph (4)(A) of such section, as amended by subsection (b), is further amended in the matter preceding clause (i), by striking "5 percent" and inserting "6 percent".

SEC. 4007. ASSISTANCE FOR APPLICATIONS.

Paragraph (5) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 3(c), is further amended by adding at the end the following new subparagraph:

"(D) Assistance to prepare an application.—The Secretary of Homeland Security shall provide assistance with the preparation of applications for grants under this section.".

SEC. 4008. REDUCED REQUIREMENTS FOR MATCHING FUNDS.

(a) Amount Required.—Paragraph (6) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) In general.—Subject to subparagraphs (B) and (C), the Secretary of Homeland Security may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

"(B) Requirement for small community organizations.—In the case of an applicant whose personnel—

"(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; or

"(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.".

(b) Exception.—Such paragraph, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(C) Exception.—No matching funds may be required under this subsection for assistance provided under subparagraph (A)(ii) of paragraph (4) to an organization described in subparagraph (B) of such paragraph.".

(c) Special Rule for Requests for Automated External Defibrillator Devices.—Section 33(b) of such Act is further amended by adding at the end the following new paragraph:

"(13) Special rules for grants for automated external defibrillator devices.—

"(A) Limitations.—The Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds for a grant as described in subparagraph (B) if—

"(i) the applicant is requesting grant funds to obtain one or more automated external defibrillator devices, as authorized by paragraph (3)(O);

"(ii) the award of such grant will result in the applicant possessing exactly one such device for each first-due emergency vehicle operated by the applicant;

"(iii) the applicant certifies to the Secretary of Homeland Security that the applicant possesses, at the time such application is filed, a number of such devices that is less than the number of first-due emergency vehicles operated by the applicant and that the applicant is capable of storing, in a manner conducive to rapid use, such devices on each such vehicle; and

"(iv) the applicant has not previously received a grant under this subsection to obtain such devices.

"(B) Matching requirements.—If an applicant meets the criteria set out in clauses (i), (ii), (iii), and (iv) of subparagraph (A), the Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds required by paragraph (6) by 2 percentage points for all assistance requested in the application submitted by such applicant.

"(C) First-due defined.—In this paragraph, the term 'first-due' means the firefighting and emergency medical services vehicles that are utilized by a fire service for immediate response to an emergency situation.".

SEC. 4009. GRANT RECIPIENT LIMITATIONS.

(a) Limitations on Grant Amounts.—Subparagraph (A) of section 33(b)(10) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is amended to read as follows:

"(A) Limitations on grant amount.—

"(i) General limitation.—Subject to clause (ii), a recipient of assistance under this section may not receive in a fiscal year an amount of such assistance that exceeds the greater of $2,250,000 or the amount equal to 0.5 percent of the total amount of funds appropriated for such assistance for such fiscal year.

"(ii) Limitations on basis of population.—Subject to clause (iii), a recipient of assistance under this section that serves a jurisdiction of less than 1,000,000 individuals may not receive more than $1,500,000 of such assistance for a fiscal year, except that such a recipient that serves a jurisdiction of less than 500,000 individuals may not receive more than $1,000,000 of such assistance during a fiscal year.

"(iii) Waiver.—With respect to assistance provided in a fiscal year before fiscal year 2007, the Secretary of Homeland Security, in consultation with the Administrator, may waive the limitations set out in clause (ii) if the Secretary determines that a waiver is warranted by an extraordinary need for assistance for fire suppression activities by a jurisdiction, whether such need is caused by the likelihood of terrorist attack, natural disaster, destructive fires occurring over a large geographic area, or some other cause.".

(b) Limitations on Grants for Volunteer Emergency Medical Services.—Such section, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

"(C) Limitations on expenditures for volunteer emergency medical services.—Not more than 3.5 percent of the funds appropriated to provide grants under this section for a fiscal year may be awarded to volunteer emergency medical service organizations.".

SEC. 4010. OTHER CONSIDERATIONS.

Section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 8, is amended by adding at the end the following new paragraph:

"(14) Other considerations.—In providing assistance under this section, the Secretary of Homeland Security shall—

"(A) consider the extent to which the recipient of such assistance is able to enhance the daily operations of a fire service and to improve the protection of people and property from fire; and

"(B) ensure that such assistance awarded to a volunteer emergency medical service organization will not be used to provide emergency medical services in a geographic area if such services are adequately provided by a fire service in such area.".

SEC. 4011. REPORTS TO CONGRESS.

(a) Study and Report on Assistance to Firefighters.—

(1) Study.—The Secretary, in conjunction with the National Fire Protection Association, shall conduct a study—

(A) to assess the types of activities that are carried out by fire services;

(B) to determine whether the level of Federal funding made available to fire services is adequate;

(C) to assess categories of services, including emergency medical services, that are not adequately provided by fire services on either the national or State level; and

(D) to measure the effect, if any, of the assistance provided under section 33 of the

Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) on the needs of fire services identified in the report submitted to Congress under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–363).

(2) Report.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study described in paragraph (1).

(b) Report by GAO.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the administration of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229); and

(2) the success of the Secretary in administering the Federal Emergency Management Agency.

(c) Report on Waiver of Amount Limitations.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the instances, if any, of the use of the waiver authority set out in section 33(b)(10)(A)(iii) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)(A)(iii)), as added by section 9.

(d) Definitions.—In this section:

(1) Fire service.—The term "fire service" has the meaning given that term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(2) Secretary.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 4012. TECHNICAL CORRECTIONS.

(a) Repeal of Duplicative Definition.—Subsection (d) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is repealed.

(b) Redesignations Necessitated by Duplicative Numbering.—The sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2230 and 2231) that were added by sections 105 and 106 of Public Law 106–503 (114 Stat. 2301) are redesignated as sections 34 and 35, respectively.

SEC. 4013. AUTHORIZATION OF APPROPRIATIONS.

(a) Firefighter Assistance Programs.—Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking the first sentence and inserting "There are authorized to be appropriated for the purposes of this section $900,000,000 for fiscal year 2005, $950,000,000 for fiscal year 2006, and $1,000,000,000 for each of the fiscal years 2007 through 2010.".

(b) Study on Assistance to Firefighters.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000 for fiscal year 2005 to carry out the requirements of section 4011(a).

SA 3402. Mr. GRASSLEY (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after the matter following line 18, insert the following:

SEC. 1055. DRUG ERADICATION EFFORTS IN AFGHANISTAN.

(a) Findings.—Congress makes the following findings:

(1) The United States engaged in military action against the Taliban-controlled Government of Afghanistan in 2001 in direct response to the Taliban's support and aid to Al Qaeda.

(2) The military action against the Taliban in Afghanistan was designed, in part, to disrupt the activities of, and financial support for, terrorists.

(3) A greater percentage of the world's opium supply is now produced in Afghanistan than before the Taliban banned the cultivation or trade of opium.

(4) In 2004, more than two years after the Taliban was forcefully removed from power, Afghanistan is supplying approximately 75 percent of the world's heroin.

(5) The estimated value of the opium harvested in Afghanistan in 2003 was $2,300,000,000.

(6) Some of the profits associated with opium harvested in Afghanistan continue to fund terrorists and terrorist organizations, including Al Qaeda, that seek to attack the United States and United States interests.

(7) The global war on terror is and should remain our Nation's highest national security priority.

(8) United States and Coalition counter drug efforts in Afghanistan have not yet produced significant results.

(9) There are indications of strong, direct connections between terrorism and drug trafficking.

(10) The elimination of this funding source is critical to making significant progress in the global war on terror.

(11) The President of Afghanistan, Hamid Karzai, has stated that opium production poses a significant threat to the future of Afghanistan, and has established a plan of action to deal with this threat.

(12) The United Nations Office on Drugs and Crime has reported that Afghanistan is at risk of again becoming a failed state if strong actions are not taken against narcotics.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the President should make the substantial reduction of drug trafficking in Afghanistan a priority in the war on terror;

(2) the Secretary of Defense should, in coordination with the Secretary of State, work to a greater extent in cooperation with the Government of Afghanistan and international anti-drug agencies to assist in the protection of anti-drug personnel in Afghanistan; and

(3) because the trafficking of narcotics is known to support terrorist activities and contributes to the instability of the Government of Afghanistan, additional efforts should be made by the Armed Forces of the United States, in conjunction with and in support of coalition forces, to significantly reduce narcotics trafficking in Afghanistan and neighboring countries, with particular focus on those trafficking organizations with the closest links to known terrorist organizations.

(c) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) progress made towards substantially reducing the poppy cultivation and heroin production capabilities in Afghanistan; and

(2) the extent to which profits from illegal drug activity in Afghanistan fund terrorist organizations and support groups that seek to undermine the Government of Afghanistan.

SA 3403. Mr. BENNETT (for himself, Mr. Hatch, and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. REQUIREMENT OF SPECIFIC AUTHORIZATION OF CONGRESS FOR FULL-SCALE UNDERGROUND NUCLEAR TEST OF ROBUST NUCLEAR EARTH PENETRATOR.

Section 3117 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1746) is amended by inserting ", or conduct a full-scale underground nuclear test of such weapon," after "Robust Nuclear Earth Penetrator weapon".

SA 3404. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, at the beginning of line 4, insert the following:

(a) Process and Standards for Measuring Program Effectiveness.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process and standards for measuring the effectiveness of the test program for negotiation of comprehensive small business subcontracting plans carried out under section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note). The Secretary shall consult with the Comptroller General in developing the standards.

(b) Notification of Compliance.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General shall notify Congress regarding whether the deadline in subsection (a) was met.

(c) Review by the Small Business Administration.—Until the Secretary of Defense develops and implements the process for measuring the effectiveness of the test program required under subsection (a), the Secretary shall not approve a new subcontracting plan under the test program without review of, and consent to, such plan by the Administrator of the Small Business Administration, acting through the appropriate area Office of Government Contracting of the Small Business Administration. The purpose of the review of a plan under this subsection shall be to determine compliance with section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

(d) Monitoring.—The Comptroller General shall monitor the administration of the test program and, not later than three years after the date of the enactment of this Act, submit to Congress a report on the effectiveness of the program.

(e) EXTENSION OF PROGRAM.—

SA 3405. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 164, after line 18, insert the following:

SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST INFLATION ON THE VALUE RANGE OF THE CONTRACTS TO WHICH A SMALL BUSINESS CONTRACT RESERVATION APPLIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in the administration of the requirement for reservation of contracts for small businesses under subsection (j) of section 15 of the Small Business Act (15 U.S.C. 644), the maximum amount in the contract value range provided under that subsection should be treated as being adjusted to the same amount to which the simplified acquisition threshold is increased whenever such threshold is increased under law; and

(2) the minimum amount specified in paragraph (1) of such subsection should not be increased on the basis of cost inflation.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term "simplified acquisition threshold" has the meaning give such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SA 3406. Mr. FRIST (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

"(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

"(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

"(ii) a court-appointed managing conservator or guardian;

"(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

"(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e); or

"(D) the physician performing the abortion—

"(i) concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function; and

"(ii) certifies in writing to the appropriate medical official of the Department of Defense, and in the patient's medical record, the medical indications supporting the physician's judgment that the circumstances described by clause (i) exist.

"(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

"(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

"(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

"(B) a court-appointed managing conservator or guardian.

"(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

"(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor in compliance with regulations prescribed by the Secretary of Defense.

"(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

"(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

"(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

"(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

"(3) An application under this subsection shall be made under oath and include—

"(A) a statement that the minor is pregnant;

"(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

"(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

"(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

"(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

"(5) The court may appoint to serve as guardian ad litem for a minor—

"(A) a psychiatrist or an individual licensed or certified as a psychologist;

"(B) a member of the clergy;

"(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

"(D) another appropriate person selected by the court.

"(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

"(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

"(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

"(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

"(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

"(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

"(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

"(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

"(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

"(f) DEFINITIONS.—In this section:

"(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

"(2) The term 'appropriate district court of the United States' means—

"(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

"(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

"(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

"(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

"(3) The term 'fetus' means an individual human organism from fertilization until birth.

"(4) The term 'guardian' means a court-appointed guardian of the person of the minor.

"(5) The term 'physician' means an individual licensed to practice medicine.

SA 3407. Mr. FRIST (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(b) of title 10, United States Code, is amended by inserting before the period at the end the following: ", but only if the identity of the perpetrator of such act of incest is provided to a designated officer, at the time the abortion is sought, for transmission to the appropriate military or civilian law enforcement authorities, or, in the case of rape, only if the identity of the perpetrator of that act of rape, if known to the victim, is provided to a designated officer, at the time the abortion is sought, for transmission to the appropriate military or civilian law enforcement authorities".

SA 3408. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. ASSURANCE OF ADEQUATE FUNDING FOR VETERANS HEALTH CARE.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 320. Assured funding for veterans health care

"(a) For each fiscal year, there is authorized to be appropriated to the Secretary of Veterans Affairs an amount determined under subsection (b) with respect to that fiscal year. Each such amount is authorized to remain available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (c).

"(b)(1) The authorized amount applicable to fiscal year 2005 under this subsection is the amount equal to 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (c).

"(2) The authorized amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following:

"(A) The sum of—

"(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

"(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

"(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

"(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

"(i) the amount specified in paragraph (1), divided by

"(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

"(B) With respect to any fiscal year, there shall be a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

"(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

"(c)(1) Except as provided in paragraph (2), the purposes for which amounts are authorized pursuant to subsection (a) shall be all programs, functions, and activities of the Veterans Health Administration.

"(2) Amounts authorized pursuant to subsection (a) are not available for—

"(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

"(B) grants under subchapter III of chapter 81 of this title.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"320. Assured funding for veterans health care.".

"(b) For each fiscal year, the amount determined under subsection (b) with respect to that fiscal year shall be made available to the Secretary of Veterans Affairs subject to appropriations. The amount appropriated shall be mandatory spending.".

SA 3409. Mr. DASCHLE submitted an amendment intended to be proposed to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§320. Funding for veterans health care to address changes in population and inflation

"(a) For each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (b) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (c).

"(b)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

"(A) 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (c), minus

"(B) the amount appropriated for those purposes for fiscal year 2004.

"(2) The amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (c) for fiscal year 2004:

"(A) The sum of—

"(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

"(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

"(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

"(3)(A) For purposes of paragraph (12)(B), the term 'per capita baseline amount' means the amount equal to—

"(i) the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (c), divided by

"(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

"(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

"(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

"(c)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (a) shall be all programs, functions, and activities of the Veterans Health Administration.

"(2) Amounts made available pursuant to subsection (a) are not available for—

"(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

"(B) grants under subchapter III of chapter 81 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"320. Funding for veterans health care to address changes in population and inflation.".

SA 3410. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 2. DEMONSTRATION PROGRAM FOR MILITARY INSTALLATIONS IN NEW JERSEY.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a demonstration program in the State of New Jersey, and in one or more additional States or regions selected by the Secretary, to develop and test policies, procedures, and practices that improve the level of security, reliability, quality, and economic efficiency of defense contractors and subcontractors used for construction, renovation, maintenance, and repair services on military installations.

(b) PROGRAM GOALS AND REQUIREMENTS.—The goals of the demonstration program under subsection (a) are to identify, develop, and implement strategies that—

(1) minimize risks to national security caused by failures to conduct full background checks on contractor personnel working on military installations;

(2) ensure that all necessary and reasonable precautions are taken by the Department of Defense and its contractors and subcontractors to conduct effective background checks and follow other appropriate security clearance procedures regarding contractor personnel (including management employees, professionals, craft labor personnel, and administrative personnel) to avoid the employment of persons who may pose a risk to military installations or otherwise present a threat to national security; and

(3) promote increased contracting opportunities for contractors and subcontractors offering effective, reliable staffing plans to perform Department of Defense contracts that ensure all contractor personnel employed for such projects (including management employees, professional employees, craft labor personnel, and administrative personnel) undergo effective background checks, are subjected to other appropriate security clearance procedures, and are properly qualified to perform services required under the contract.

(c) REQUIREMENTS FOR SECURITY PROCEDURES.—In developing and carrying out the demonstration program under subsection (a), the Secretary of Defense shall—

(1) review existing policies, procedures, and practices pertaining to security clearances required for access to military installations, including national agency checks, background investigations and other security clearance procedures;

(2) identify potential weaknesses and areas for improvement in existing security policies, procedures, and practices;

(3) develop and implement reforms to strengthen, upgrade, and improve security clearance policies, procedures, and practices of the Department of Defense and its contractors and subcontractors;

(4) utilize the social security number verification service of the Social Security Administration to review social security numbers of contractor and subcontractor personnel employed on military installations and to detect the use of false or fraudulent identification documents used by contract employees;

(5) cooperate with appropriate Federal, State and local agencies and authorities, including the Secretary of Homeland Security, the United States Attorney for New Jersey, the New Jersey Motor Vehicles Commission, and the New Jersey State Police, as well as local communities, to detect and prosecute the use of false or fraudulent identification documents by contractor personnel employed on military installations;

(6) provide for the imposition of available sanctions (including criminal prosecution, civil penalties, and debarment) against any contractor who willfully or recklessly fails to conduct full background checks regarding contractor personnel who work at military installations; and

(7) provide for a review and analysis of reforms developed pursuant to this subsection in order to identify for purposes of national implementation those reforms that are most efficient and effective.

(d) REQUIREMENTS FOR CONTRACTING AND PROCUREMENT PROCEDURES.—In developing and carrying out the demonstration program, the Secretary of Defense shall—

(1) review existing policies, procedures, and practices pertaining to the manner in which it procures and contracts for construction, renovation, maintenance, and repair services for military installations;

(2) provide for expansion, to the maximum extent practicable, of the use by the Department of Defense of contracting by competitive proposals, regulated under part 15 of the Federal Acquisition Regulation, for construction, renovation, maintenance, and repair services for military installations;

(3) identify, develop, and implement reforms in the competitive proposal contracting process of the Department of Defense to improve the level of security, reliability, and economic efficiency of contractors and subcontractors used for construction, renovation, maintenance, and repair services on military installations, including—

(A) providing in contract solicitations and requests for proposal documents for significant weight or credit to be allocated to reliable, effective workforce security programs that are offered by prospective contractors and subcontractors, provide security clearance procedures, background checks, and other measures for contractor employees beyond the minimum security requirements imposed by the Secretary of Defense, and promote security on military installations; and

(B) providing in contract solicitations and requests for proposal documents for significant weight or credit to be allocated to reliable, effective project staffing plans that are offered by prospective contractors and subcontractors, specify for all contractor employees (including management employees, professionals, and craft labor personnel) the skills, training, and qualifications of such persons and the labor supply sources and hiring plans or procedures used for employing such personnel; and

(4) provide for a review and analysis of reforms developed pursuant to this subsection in order to identify for purposes of national implementation those reforms that are most efficient and effective.

(e) IMPLEMENTATION.—The Secretary of Defense shall commence the demonstration program under this section not later than 90 days after the date of the enactment of this Act.

(f) REPORTING REQUIREMENTS.—For the monitoring and evaluation of the progress of the demonstration program required under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) not later than 90 days after the commencement of the demonstration program, an initial report setting forth the reforms instituted and other progress made in the implementation of the demonstration program;

(2) semiannual reports setting forth in detail the reforms instituted and other progress made in the implementation of the program; and

(3) not later than 2 years after the commencement of the demonstration program, a final report setting forth a review of the demonstration program together with recommendations regarding nationwide implementation of the program.

(g) DEFINITION.—In this section, the term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

SA 3411. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DATA-MINING REPORTING ACT OF 2003.

(a) SHORT TITLE.—This section may be cited as the "Data-Mining Reporting Act of 2003".

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifies to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of the enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

SA 3412. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. . CLARIFICATION OF AVAILABILITY OF PRIVATE RIGHT OF ACTION FOR STATE VIOLATIONS OF UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994.

(a) FINDINGS.—Congress makes the following findings:

(1) The Federal Government has an important interest in attracting and training a military to provide for the National defense. The Constitution grants Congress the power to raise and support an army for purposes of the common defense. The Nation's military readiness requires that all members of the Armed Forces, including those employed in State programs and activities, be able to serve without jeopardizing their civilian employment opportunities.

(2) The Uniformed Services Employment and Reemployment Rights Act of 1994, commonly referred to as "USERRA" and codified as chapter 43 of title 38, United States Code, is intended to safeguard the reemployment rights of members of the uniformed services (as that term is defined in section 4303(16) of title 38, United States Code) and to prevent discrimination against any person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service. Effective enforcement of the Act depends on the ability of private individuals to enforce its provisions in court.

(3) In Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996), the Supreme Court held that congressional legislation enacted pursuant to the commerce clause of Article I, section 8, of the Constitution cannot abrogate the immunity of States under the 11th amendment to the Constitution. In addition, in Alden v. Maine 527 U.S. 706, 712 (1999), the Supreme Court held that this immunity also prohibits the Federal Government from subjecting "non-consenting states to private suits for damages in state courts." Some courts have cited the sovereign immunity prinicples of Alden and Seminole Tribe to prohibit state employees from maintaining a private suit to enforce their USERRA rights. As a result, although USERRA specifically provides that a person may commence an action for relief against a State for its violation of that Act, persons harmed by State violations of that Act lack important remedies to vindicate the rights and benefits that are available to all other persons covered by that Act. Unless a State chooses to waive sovereign immunity, or the Attorney General brings an action on their behalf, persons affected by State violations of USERRA

may have no adequate Federal remedy for such violations.

(4) A failure to provide a private right of action by persons affected by State violations of USERRA would leave vindication of their rights and benefits under that Act solely to Federal agencies, which may fail to take necessary and appropriate action because of administrative overburden or other reasons. Action by Congress to specify such a private right of action ensures that persons affected by State violations of USERRA have a remedy if they are denied their rights and benefits under that Act.

(b) CLARIFICATION OF RIGHT OF ACTION UNDER USERRA.—Section 4323 of title 38, United States Code, is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a district court of the United States or State court of competent jurisdiction.";

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following new subsection (j):

"(j)(1)(A) A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this chapter for the rights or benefits authorized the employee by this chapter.

"(B) In this paragraph, the term 'program or activity' has the meaning given the term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).

"(2) An official of a State may be sued in the official capacity of the official by any person covered by paragraph (1) who seeks injunctive relief against a State (as an employer) under subsection (e). In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).".

SA 3413. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, line 10, strike "and technology skills" and insert ", technology skills, foreign language skills, and".

On page 285, line 1, insert ", the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives" after "Representatives".

On page 285, between lines 9 and 10, insert the following:

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

"(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1101 of the National Defense Authorization Act for Fiscal Year 2005.".

On page 285, line 9, strike "(g)" and insert "(h)".

SA 3414. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, insert the following:

SEC. 1107. FELLOWSHIPS FOR STUDENTS TO ENTER FEDERAL SERVICE.

(a) IN GENERAL.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by inserting after section 802 the following:

"SEC. 802a. FELLOWSHIPS FOR STUDENTS TO ENTER FEDERAL SERVICE.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' means the Department of Defense.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given to such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) NATIONAL SECURITY POSITION.—The term 'national security position' means an employment position determined by the Board, in consultation with an agency, for the purposes of a program established under this section, to involve important homeland security or national applications.

"(b) IN GENERAL.—The Board shall establish and implement a program for the awarding of fellowships (to be known as 'National Security Fellowships') to undergraduate and graduate students who, in exchange for receipt of the fellowship, agree to employment with the Federal Government in a national security position. The Board may provide for the program to apply to, and be administered with respect to, 1 or more organizational units of an agency.

"(c) ELIGIBILITY.—To be eligible to participate in the program established under subsection (b), a student shall—

"(1) have been accepted into a undergraduate or graduate school program at an accredited institution of higher education within the United States and be pursuing or intend to pursue undergraduate or graduate education in the United States in the discipline of foreign languages that are critical areas of national security (as determined by the Board);

"(2) be a United States citizen, United States national, permanent legal resident, or citizen of the Freely Associated States; and

"(3) agree to employment with an agency or office of the Federal Government in a national security position.

"(d) SERVICE AGREEMENT.—In awarding a fellowship under the program under this section, the Board shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

"(1) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Board) and provide regularly scheduled updates to the Board on the progress of their education and how their employment continues to relate to a national security objective of the Federal Government;

"(2) will, upon completion of such education, be employed by the agency for which the fellowship was awarded for a period of at least 3 years as specified by the Board; and

"(3) agrees that if the recipient is unable to meet either of the requirements described in paragraph (1) or (2), the recipient will reimburse the United States for the amount of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Board, but not higher than the rate generally applied in connection with other Federal education loans.

"(e) FEDERAL EMPLOYMENT ELIGIBILITY.—If a recipient of a fellowship under this section demonstrates to the satisfaction of the Board that, after completing their education, the recipient is unable to obtain a national security position in the Federal Government because such recipient is not eligible for a security clearance or other applicable clearance necessary for such position, the Board may permit the recipient to fulfill the service obligation under the agreement under subsection (d) by working in a non-national security position in the agency, for a period of not less than 3 years, in the area of study for which the fellowship was awarded.

"(f) FELLOWSHIP SELECTION.—

"(1) IN GENERAL.—The Board shall consult with agencies in the selection and placement of national security fellows under this section.

"(2) FUNCTIONS.—The Board shall carry out the following functions:

"(A) Develop criteria for awarding fellowships under this section.

"(B) Provide for the wide dissemination of information regarding the activities assisted under this section.

"(C) Establish qualifications for students desiring fellowships under this section, including a requirement that the student have a demonstrated commitment to the study of the discipline for which the fellowship is to be awarded.

"(D) Provide for the establishment and semiannual update of a list of fellowship recipients, including an identification of their skills, who are available to work in a national security position.

"(E) Not later than 30 days after a fellowship recipient completes the study or education for which assistance was provided under this section, work in conjunction with agencies to make reasonable efforts to hire and place the fellow in an appropriate national security position.

"(F) Review the administration of the program established under this section.

"(G) Develop and provide to Congress a strategic plan that identifies the skills needed by the Federal national security workforce and how the provisions of this Act, and related laws, regulations, and policies will be used to address such needs.

"(g) SPECIAL CONSIDERATION FOR CURRENT FEDERAL EMPLOYEES.—

"(1) SET ASIDE OF FELLOWSHIPS.—Twenty percent of the fellowships awarded under this section shall be set aside for Federal employees who are working in national security positions on the date of enactment of this section to enhance the education and training of such employees in areas important to national security.

"(2) FULL- OR PART-TIME EDUCATION.—Federal employees who are awarded fellowships under paragraph (1) shall be permitted to obtain advanced education under the fellowship on a full-time or part-time basis.

"(3) PART-TIME EDUCATION.—A Federal employee who pursues education or training under a fellowship under paragraph (1) on a part-time basis shall be eligible for a stipend in an amount which, when added to the employee's part-time compensation, does not exceed the amount described in subsection (i)(2).

"(h) AMOUNT OF AWARD.—A National Security Fellow who complies with the requirements of this section may receive funding under the fellowship for up to 3 years at an amount determined appropriate by the Board, but not to exceed the sum of—

"(1) the amount of tuition paid by the fellow; and

"(2) a stipend in an amount equal to the maximum stipend available to recipients of fellowships under section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) for the year involved.

"(i) CONSULTATION WITH CHIEF HUMAN CAPITAL OFFICERS.—The Board shall consult with the chief human capital officers of participating agencies in carrying out this section.

"(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to authorize the Board to determine national security positions for any other purpose other than to make such determinations as are required by this section in order to carry out the purposes of this section; and

"(2) as a basis for determining the exemption of any position from inclusion in a bargaining unit under chapter 71 of title 5, United States Code, or from the right of any incumbent of a national security position determined by the Board under this section, from entitlement to all rights and benefits under such chapter.

"(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of enabling the Board to provide for the recruitment and retention of highly qualified employees in national security positions, there are authorized to be appropriated $10,000,000 for fiscal year 2005, and such sums as may be necessary for each fiscal year thereafter.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended—

(1) in section 803(b)—

(A) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) The Secretary of Homeland Security.

"(6) The Attorney General of the United States.";

(2) in section 803(c), by striking "subsection (b)(6)" and inserting "subsection (b)(8)";

(3) in section 804(b)(1), by inserting ", including section 802a" before the semicolon;

(4) by inserting after section 807, the following:

"SEC. 807a. NONAPPLICATION OF PROVISIONS TO CERTAIN STUDENT FELLOWSHIPS AND THE NATIONAL SECURITY SERVICE CORPS.

"Sections 805, 806, and 807 shall not apply with respect to section 802a."; and

(5) in section 808(4), by striking "The term" and inserting "Except as provided under section 802a, the term".

(c) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

"(ii) the candidate is a participant in the national security fellowship program under section 802a of the David L. Boren National Security Education Act of 1991.".

SA 3415. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, line 10, strike "and technology skills" and insert ", technology skills, foreign language skills, and".

On page 285, line 1, insert ", the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives" after "Representatives".

On page 285, between lines 9 and 10, insert the following:

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

"(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1101 of the National Defense Authorization Act for Fiscal Year 2005.".

On page 285, line 9, strike "(g)" and insert "(h)".

SA 3416. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2826 and insert the following:

SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—The Secretary of the Navy shall transfer to the jurisdiction, custody, and control of the Administrator of General Services the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) AUTHORITY TO RETAIN MILITARY FAMILY HOUSING.—The Secretary of the Navy may retain jurisdiction, custody, and control over the portion of the Complex that the Secretary considers to be necessary for continued use as Navy family housing.

(c) TIME FOR TRANSFER.—The transfer of jurisdiction, custody, and control over the Complex to the Administrator under subsection (a) shall be completed not later than January 1, 2005.

(d) RELOCATION OF NAVY ACTIVITIES.—As part of the transfer of the Complex under this section, the Secretary of the Navy shall relocate Department of the Navy activities at the Complex to other locations.

(e) PAYMENT OF RELOCATION COSTS.—Subject to the availability of appropriations for this purpose—

(1) the Secretary of Homeland Security shall be responsible for the payment of all reasonable costs related to the initial relocation of Department of the Navy activities from the Complex, including costs to move furnishings and equipment, and all reasonable costs incidental to initial occupancy of interim leased space (including rent for the first year); and

(2) the Administrator of General Services shall pay any reasonable costs for interim leasing of space beyond the first year until Department of the Navy activities have occupied new permanent Department of Defense-controlled space, and any additional reasonable costs not paid under subsection (e)(1) that are incurred, or will be incurred, by the Secretary of the Navy to permanently relocate Department of the Navy activities from the Complex under subsection (d).

(f) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act, but not later than January 1, 2005, the Secretary of the Navy shall submit to the congressional defense committees an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the Complex. The Secretary shall include in the estimate anticipated land acquisition and facility construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(g) CERTIFICATION OF RELOCATION COSTS.—At the end of the five-year period beginning on the date of the transfer of the Complex under subsection (a), the Secretary of the Navy shall submit to Congress written notice—

(1) specifying the total amount expended under subsection (e) to cover the costs of relocating Department of the Navy activities from the Complex;

(2) specifying the total amount expended to acquire permanent facilities for Department of the Navy activities relocated from the Complex; and

(3) certifying whether the amounts paid are sufficient to complete all relocation actions.

(h) PARTICIPATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Secretary of the Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount required to cover both the initial and the permanent costs of relocating Department of the Navy activities from the Complex under this section.

SA 3417. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. SENSE OF THE SENATE CONCERNING OIL MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of American families, the potential for national economic recovery, and the economic security of the United States;

(2) on Friday, May 7, 2004, crude oil prices reached a 13-year high of $40 per barrel, the weighted national average retail price of gasoline was $1.96 per gallon, and the average retail price of gasoline has broken all-time record highs for 2 consecutive months;

(3) despite the fact that crude oil prices were already approaching record highs, the Organization of Petroleum Exporting Countries (OPEC) announced on April 1, 2004, its commitment to reduce oil production by 1,000,000 barrels per day;

(4) the Strategic Petroleum Reserve (SPR) was created to enhance the physical and economic security of the United States, and the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(5) the proper management of the resources of the SPR could provide gasoline price relief to American families and provide the United States with a tool to counterbalance OPEC supply management policies;

(6) it has been reported that the Administration's current policy of filling the SPR at a rate of hundreds of thousands of barrels per day, despite the fact that the SPR is more than 94 percent full, has contributed to record high gasoline contract prices on the New York Mercantile Exchange;

(7) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(8) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(9) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF THE SENATE CONCERNING OIL MARKETS.—It is the sense of the Senate that—

(1) the President should directly confront OPEC and challenge OPEC to immediately increase oil production;

(2) the President should direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the American people from price gouging and unfair practices at the gasoline pump; and

(3) to lower the burden of gasoline prices on the American economy and to circumvent OPEC's efforts to reap windfall crude oil profits, the President should suspend deliveries of oil to the SPR and release 1,000,000 barrels of oil per day from the SPR for 30 days following the date of adoption of this resolution, and if necessary, for an additional 30 days beyond that.

SA 3418. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of Title X, add the following:

SEC. 1068. SENSE OF THE SENATE CONCERNING OIL MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of American families, the potential for national economic recovery, and the economic security of the United States;

(2) on Friday, May 7, 2004, crude oil prices reached a 13-year high of $40 per barrel, the weighted national average retail price of gasoline was $1.96 per gallon, and the average retail price of gasoline has broken all-time record highs for 2 consecutive months;

(3) despite the fact that crude oil prices were already approaching record highs, the Organization of Petroleum Exporting Countries (OPEC) announced on April 1, 2004, its commitment to reduce oil production by 1,000,000 barrels per day;

(4) the Strategic Petroleum Reserve (SPR) was created to enhance the physical and economic security of the United States, and the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(5) the proper management of the resources of the SPR could provide gasoline price relief to American families and provide the United States with a tool to counterbalance OPEC supply management policies;

(6) it has been reported that the Administration's current policy of filling the SPR at a rate of hundreds of thousands of barrels per day, despite the fact that the SPR is more than 94 percent full, has contributed to record high gasoline contract prices on the New York Mercantile Exchange;

(7) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(8) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(9) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF THE SENATE CONCERNING OIL MARKETS.—It is the sense of the Senate that—

(1) the President should directly confront OPEC and challenge OPEC to immediately increase oil production;

(2) the President should direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the American people from price gouging and unfair practices at the gasoline pump; and

---

SA 3419. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the "Authorization for Multilateral Iraq Stabilization Force Act of 2004".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establishs a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under United Nations Security Council resolution 1547 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire on July 1, 2006, unless—

(1) the President determines and certifies to Congress that an extension of the use of force authority in subsection (a) is required for the purposes of national security; or

(2) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3420. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the "Authorization for Multilateral Iraq Stabilization Force Act of 2004".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support

to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) Authorization.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1546 to assist Iraq authorities in providing security and stability in Iraq.

(b) Sunset of Authority.—The authority in subsection (a) shall expire on July 1, 2006, unless—

(1) the President determines and certifies to Congress that an extension of the use of force authority in subsection (a) is required for the purposes of national security; or

(2) Congress enacts an Act providing for the termination of the authority.

(c) Limitation on Placement of Members of the Armed Forces Outside United States Chain of Command.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) War Powers Resolution Requirements.—

(1) Specific statutory authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of other requirements.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) Construction of Authority.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) Relationship to Other Authority.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) Reports.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) Elements.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3421. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the "Authorization for Multilateral Iraq Stabilization Force Act of 2004".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) Authorization.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1546 to assist Iraq authorities in providing security and stability in Iraq.

(b) Sunset of Authority.—The authority in subsection (a) shall expire when—

(1) the President determines and certifies to Congress that Iraq forces have assumed authority for security in Iraq;

(2) the President determines and certifies to Congress that foreign military forces or international organizations have assumed responsibility for stabilization efforts in Iraq;

(3) the President determines and certifies to Congress that the Iraq government has requested that United States forces or the United Nations-created multinational force withdraw from Iraq; or

(4) Congress enacts an act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligation supon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3422. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—BENEFITS FOR RESERVES ON EXTENDED TOURS OF ACTIVE DUTY

SEC. 1301. SHORT TITLE.

This title may be cited as the "Guard and Reserve Enhanced Benefits Act of 2004".

Subtitle A—Family Assistance Benefits

SEC. 1311. MILITARY FAMILY LEAVE.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) QUALIFIED MEMBER.—The term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.".

(3) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.".

(4) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking "(A), (B), or (C)" and inserting "(A), (B), (C), or (E)".

(5) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR MILITARY FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.".

(6) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR MILITARY FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(b) MILITARY FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code; and

"(8) the term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.".

(3) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.".

(4) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by striking "(A), (B), (C), or (D)" and inserting "(A), (B), (C), (D), or (E)".

(5) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.".

(6) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(1)(E) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 1312. CHILD CARE FOR MILITARY DEPENDENTS.

(a) IN GENERAL.—The Secretary of Defense shall permit the children of covered members of the Reserves to attend military child development centers and participate in child care and development programs and activities under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law, to the same extent, and subject to the same terms and conditions, as children of members of the Armed Forces in the regular components are permitted to attend such centers and participate in such programs and activities.

(b) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD DEVELOPMENT CENTERS.—(1) In any case where the children of a covered member of the Reserves who are geographically dispersed and do not have practical access to a military child development center, the Secretary shall satisfy the requirement in subsection (a) with such funds as are necessary to permit the member's family to secure access for such children to child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under that subsection.

(2) Funds may be provided under this subsection in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(c) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under this section in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(d) FUNDING.—Amounts available to the Department of Defense and the military departments for operation and maintenance shall be available for the costs of the attendance and participation of children in military child development centers and child care and development programs and activities under this section.

(e) DEFINITIONS.—In this section:

(1) The term "covered members of the Reserves" means members of the Armed Forces who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term "military child development center" has the meaning given such term in section 1800(1) of title 10, United States Code.

Subtitle B—Education Benefits

PART I—MONTGOMERY GI BILL BENEFITS

SEC. 1321. BASIC EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE SERVING EXTENDED OR RECURRING PERIODS ON ACTIVE DUTY.

(a) ENTITLEMENT.—(1) Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 11, 2001, while a member of the Selected Reserve—

"(i) serves at least 12 months of continuous active duty in the Armed Forces; or

"(ii) during any 60-month period, serves an aggregate of 24 months of continuous active duty in the Armed Forces;".

(2) Subsection (d)(3) of such section is amended by striking "The period of service" and inserting "Except in the case of an individual described in subsection (a)(1)(D), the period of service".

(b) EXCLUSION FROM CONTRIBUTIONS FOR INCREASED ASSISTANCE.—Subsection (e)(1) of such section is amended by inserting "(other than an individual described in subsection (a)(1)(D)" after "Any individual".

(c) AMOUNT OF ASSISTANCE.—Section 3015(a) of such title is amended by inserting after "three years" the following: "or an individual whose service on active duty on which such entitlement is based is described in clause (i) or (ii) of section 3011(a)(1)(D) of this title".

SEC. 1322. INCREASE IN AMOUNT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.

(a) INCREASE IN AMOUNTS.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "$251" and inserting "$400";

(2) in subparagraph (B), by striking "$188" and inserting "$300"; and

(3) in subparagraph (C), by striking "$125" and inserting "$200".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to monthly rates of educational assistance for months beginning on or after that date.

SEC. 1323. MODIFICATION OF TIME LIMITATION FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF SELECTED RESERVE.

Section 16133(a)(2) of title 10, United States Code, is amended—

(1) by inserting "that is five years after the date" after "on the date"; and

(2) by striking "first" and inserting "later".

PART II—OTHER EDUCATION BENEFITS

SEC. 1326. STUDENT LOAN DEFERMENTS.

(a) FFEL AND DIRECT SUBSIDIZED LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in clause (ii), by striking "or" after the semicolon;

(2) in clause (iii), by inserting "or" after the semicolon; and

(3) by inserting after clause (iii) the following:

"(iv) during which the borrower is a member of the reserve components of the Armed Forces on active duty for a period of more than 30 days under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, and for 3 months following discharge or release from such active duty.".

(b) CONSOLIDATION LOANS.—Section 428C(b)(4)(C)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(4)(C)(ii)) is amended—

(1) in subclause (II), by striking "or" after the semicolon;

(2) in subclause (III), by striking "or (II)" and inserting ", (II) or (III)";

(3) by redesignating subclause (III) (as so amended) as subclause (IV); and

(4) by inserting after subclause (II) the following:

"(III) by the Secretary, in the case of a consolidation loan of a student who is on an active duty deferment under section 428(b)(1)(M)(iv); or".

(c) FFEL AND DIRECT UNSUBSIDIZED LOANS.—Section 428H(e)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(e)(2)) is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (A), interest on loans made under this section for which payments of principal are deferred because the student is on an active duty deferment under section 428(b)(1)(M)(iv) shall be paid by the Secretary.".

(d) PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in clause (iii), by striking "or" after the semicolon;

(2) in clause (iv), by inserting "or" after the semicolon; and

(3) by inserting after clause (iv) the following:

"(v) during which the borrower is a member of the reserve components of the Armed Forces on active duty for a period of more than 30 days under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, and for 3 months following discharge or release from such active duty.".

SEC. 1327. PRESERVATION OF EDUCATIONAL STATUS AND TUITION.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), as amended by section 1 of Public Law 108–189 (117 Stat. 2835), is further amended by adding at the end the following new section:

"SEC. 707. PRESERVATION OF EDUCATIONAL STATUS AND TUITION.

"(a) LEAVE OF ABSENCE.—A servicemember who is a member of the reserve components on active duty for a period of more than 30 days under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, and who is enrolled as a student at an institution of higher education at the time of entry into the service on active duty, shall be granted a leave of absence from the institution during the period of the service on active duty and for one year after the conclusion of the service on active duty.

"(b) EDUCATIONAL STATUS.—

"(1) IN GENERAL.—A servicemember on a leave of absence from an institution of higher education under subsection (a) shall be entitled, upon completion of the leave of absence, to be restored to the educational status the servicemember had attained before entering into the service on active duty as described in that subsection without loss of academic credits earned, scholarships or grants awarded, or, subject to paragraph (2), tuition and other fees paid before the entry of the servicemember into the service on active duty.

"(2) TUITION.—

"(A) REFUND.—An institution of higher education shall refund tuition or fees paid or credit the tuition and fees to the next period of enrollment after a servicemember returns from the leave of absence, at the option of the servicemember. Notwithstanding the 180-day limitation referred to in subsection (a)(2)(B) of section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b), a servicemember on a leave of absence under this section shall not be treated as having withdrawn for purposes of such section 484B unless the servicemember fails to return upon the completion of the leave of absence.

"(B) AMOUNT OF REFUND.—If a servicemember requests a refund for a period of enrollment, the percentage of the tuition and fees that shall be refunded shall be equal to 100 percent minus—

"(i) the percentage of the period of enrollment (for which the tuition and fees were paid) that was completed (as determined in accordance with subsection (d) of such section 484B) as of the day the servicemember withdrew, provided that such date occurs on or before the completion of 60 percent of the period of enrollment; or

"(ii) 100 percent, if the day the person withdrew occurs after the servicemember has completed 60 percent of the period of enrollment.".

(b) CLERICAL AMENDMENT.—The table of contents of that Act is amended by adding at the end the following new item:

"Sec. 707. Preservation of educational status and tuition.".

Subtitle C—Retirement Benefits

SEC. 1331. REDUCED MINIMUM AGE FOR ELIGIBILITY FOR NON-REGULAR SERVICE RETIRED PAY.

Section 12731(a)(1) of title 10, United States Code, is amended by striking "60 years of age" and inserting "55 years of age".

SA 3423. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, strike lines 4 through 11 and insert the following:

(1) The number of United States military personnel assigned for temporary or permanent duty in Colombia in connection with support of Plan Colombia may not exceed 500.

(2) The number of United States individual citizens retained as contractors in Colombia in connection with support of Plan Colombia who are funded by Federal funds may not exceed 500.

SA 3424. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the "Authorization for Multilateral Iraq Stabilization Force Act of 2004".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1547 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire when—

(1) the President determines and certifies to Congress that Iraq forces have assumed authority for security in Iraq;

(2) the President determines and certifies to Congress that foreign military forces or international organizations have assumed responsibility for stabilization efforts in Iraq;

(3) the President determines and certifies to Congress that the Iraq government has requested that United States forces or the United Nations-created multinational force withdraw from Iraq; or

(4) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the "Authorization for Multilateral Iraq Stabilization Force Act of 2004".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1547 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire when—

(1) the President determines and certifies to Congress that Iraq forces have assumed authority for security in Iraq;

(2) the President determines and certifies to Congress that foreign military forces or international organizations have assumed responsibility for stabilization efforts in Iraq;

(3) the President determines and certifies to Congress that the Iraq government has requested that United States forces or the United Nations-created multinational force withdraw from Iraq; or

(4) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3426. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the "Authorization for Multilateral Iraq Stabilization Force Act of 2004".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under United Nations Security Council resolution 1546 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire on July 1, 2006, unless—

(1) the President determines and certifies to Congress that an extension of the use of force authority in subsection (a) is required for the purposes of National Security; or

(2) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3427. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. CHILD CARE FOR CHILDREN OF MEMBERS OF THE RESERVES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) IN GENERAL.—The Secretary of Defense shall permit the children of covered members of the Reserves to attend military child development centers and participate in child care and development programs and activities under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law, to the same extent, and subject to the same terms and conditions, as children of members of the Armed Forces in the regular components are permitted to attend such centers and participate in such programs and activities.

(b) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD DEVELOPMENT CENTERS.—(1) In any case where the children of a covered member of the Reserves who are geographically dispersed and do not have practical access to a military child development center, the Secretary shall satisfy the requirement in subsection (a) with such funds as are necessary to permit the member's family to secure access for such children to child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under that subsection.

(2) Funds may be provided under this subsection in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(c) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under this section in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(d) FUNDING.—Amounts available to the Department of Defense and the military departments for operation and maintenance shall be available for the costs of the attendance and participation of children in military child development centers and child care and development programs and activities under this section.

(e) DEFINITIONS.—In this section:

(1) The term "covered members of the Reserves" means members of the Armed Forces who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term "military child development center" has the meaning given such term in section 1800(1) of title 10, United States Code.

SA 3428. Mr. GRAHAM of South Carolina (for himself, Mr. CRAPO, Mr. ALEXANDER, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, line 15, strike "by rule in consultation" and all that follows through page 385, line 21, and insert "by rule approved by the Nuclear Regulatory Commission;

(2) has had highly radioactive radionuclides removed to the maximum extent practical in accordance with the Nuclear Regulatory Commission-approved criteria; and

(3) in the case of material derived from the storage tanks, is disposed of in a facility (including a tank) within the State pursuant to a State-approved closure plan or a State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act.

(b) INAPPLICABILITY TO CERTAIN MATERIALS.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the State.

(c) SCOPE OF AUTHORITY TO CARRY OUT ACTIONS.—The Department of Energy may implement any action authorized—

(1) by a State-approved closure plan or State-issued permit in existence on the date of enactment of this section; or

(2) by a closure plan approved by the State or a permit issued by the State during the pendency of the rulemaking provided for in subsection (a).

Any such action may be completed pursuant to the terms of the closure plan or the State-issued permit notwithstanding the final criteria adopted by the rulemaking pursuant to subsection (a).

(d) STATE DEFINED.—In this section, the term "State" means the State of South Carolina.

(e) CONSTRUCTION.—(1) Nothing in this section shall affect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SA 3429. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, between the matter following line 18 and line 19, insert the following:

SEC. 1055. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(2) DEFENSE ITEMS.—The term "defense items" has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

"(A) AUSTRALIA.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

"(B) UNITED KINGDOM.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.".

(2) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking "A bilateral agreement" and inserting "Except as provided in paragraph (4), a bilateral agreement".

(d) CERTIFICATIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) NOTIFICATION OF BILATERAL LICENSING EXEMPTIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the

United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) REPORT ON CONSULTATION ISSUES.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) SPECIAL NOTIFICATIONS.—

(1) REQUIRED. NOTIFICATIONS.—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) CONTENT.—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

SA 3430. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REQUIREMENTS FOR CONTRACTS FOR LEASING OF HOUSING.—Section 2874 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

"(b) CONTRACT TERMS.—Any contract for the lease of housing units under subsection (a) shall include the following provisions:

"(1) That the obligation of the United States to make payments under such contract in any fiscal year shall be subject to appropriations being available for such fiscal year and specifically for the project covered by such contract.

"(2) A commitment to obligate the necessary amount for a fiscal year covered by such contract when and to the extent that funds are appropriated for the project covered by such contract.

"(3) That the commitment described in paragraph (2) does not constitute an obligation of the United States.".

(b) INVESTMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—Section 2875(a) of such title is amended by inserting ", subject to the availability of appropriations for such purpose," after "may".

(c) REPEAL OF CERTAIN AUTHORITIES.—

(1) RENTAL GUARANTEES.—Section 2876 of such title is repealed.

(2) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is repealed.

(3) ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO HOUSING UNITS.—Section 2882 of such title is repealed.

(d) INCREASE IN AMOUNT OF BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING.—Section 2883(g)(1) of such title is amended by striking "$850,000,000" and inserting "$850,000,001".

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the items relating to sections 2876, 2877, and 2882.

SA 3431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, after the matter following line 18, insert the following:

SEC. 1014. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER BY GRANT.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12) and the OLIVER HAZARD PERRY class guided missile frigate USS SIDES (FFG 14).

(b) AUTHORITY TO TRANSFER BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961

(22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SA 3432. Mr. WARNER (for himself, Mr. FRIST, Mr. STEVENS, Mr. MCCONNELL, Mr. LEVIN, Mr. MCCAIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. INOUYE, Mr. COCHRAN, Mr. GRASSLEY, Mr. LUGAR, Mr. NICKLES, Mr. BURNS, Mr. LOTT, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, beginning on line 2, strike "National Defense Authorization Act for Fiscal Year 2005" and insert "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005".

SA 3433. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, in the table preceding line 1, insert after the item relating to Hill Air Force Base, Utah, the following new item:

Wyoming	F.E. Warren Air Force Base.	$5,500,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert "$452,023,000".

On page 314, line 10, strike "$446,523,000" and insert "$452,023,000".

On page 315, line 3, strike "$863,896,000" and insert "$858,396,000".

SA 3434. Mr. MCCONNELL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 164, after line 18, insert the following:

SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST INFLATION ON THE VALUE RANGE OF THE CONTRACTS TO WHICH A SMALL BUSINESS CONTRACT RESERVATION APPLIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in the administration of the requirement for reservation of contracts for small businesses under subsection (j) of section 15 of the Small Business Act (15 U.S.C. 644), the maximum amount in the contract value range provided under that subsection should be treated as being adjusted to the same amount to which the simplified acquisition threshold is increased whenever such threshold is increased under law; and

(2) the minimum amount specified in paragraph (1) of such subsection should not be increased on the basis of cost inflation.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term "simplified acquisition threshold" has the meaning give such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SA 3435. Mr. MCCONNELL (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Berkeley County Sanitation Authority, South Carolina (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 23 acres and comprising a portion of the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind services, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal acceptable to the Secretary, of the property conveyed under such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Authority to cover costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including appraisal costs, survey costs, costs related to compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and environmental remediation, and other administrative costs related to the conveyance. If the amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3436. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. WORKERS COMPENSATION.

(a) IN GENERAL.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385*o*) is amended to read as follows:

"Subtitle D—Workers Compensation

"SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

"(a) IN GENERAL.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of

Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

"(b) EXCLUSION OF ILLNESS THROUGH EXPOSURE AFTER COMMENCEMENT OF NEW PROGRAM.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

"SEC. 3662. WORKERS COMPENSATION.

"(a) IN GENERAL.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

"(b) ELECTION TO PROCEED UNDER STATE WORKERS' COMPENSATION SYSTEM.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

"(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

"(c) FUNDING.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

"(a) EMPLOYEES COVERED BY PREVIOUS DETERMINATION OF ENTITLEMENT TO COMPENSATION AND BENEFITS.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

"(2) A determination, pursuant to activities under paragraph (2) of section 3161(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

"(b) OTHER EMPLOYEES.—In the case of a Department of Energy contractor employee not previously covered by a determination described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

"(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

"(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

"(c) DETERMINATIONS REGARDING EMPLOYEES NOT PREVIOUSLY COVERED BY DETERMINATION OF ENTITLEMENT.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

"(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

"(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

"(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

"(a) IN GENERAL.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

"(b) INAPPLICABILITY OF CERTAIN STATE WORKERS' COMPENSATION SYSTEM LIMITATIONS.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

"(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

"(2) Exposure rules, including minimum periods of exposure to toxic substances.

"(3) Causation rules more stringent that the standard in section 3663(b).

"(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

"(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

"(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

"(c) DETERMINATION OF AMOUNT.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

"(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

"(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

"(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

"(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

"(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

"(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

"SEC. 3665. MEDICAL BENEFITS.

"(a) IN GENERAL.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

"(b) FUNDING.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

"(a) STATUS AS DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

"(b) ELIGIBILITY AND AMOUNT OF WORKERS COMPENSATION.—A Department of Energy contractor employee may seek the review of any determination as follows:

"(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

"(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

"(c) REVIEW.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

"(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

"(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

"(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

"(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

"(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

"(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2) unless there is substantial evidence to the contrary.

"(d) REVERSAL OF DETERMINATIONS.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

"SEC. 3667. ATTORNEY FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

"(b) ATTORNEY FEE SCHEDULE.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

"(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

"SEC. 3668. ADMINISTRATIVE MATTERS.

"(a) IN GENERAL.—The Secretary of Labor shall administer the provisions of this subtitle.

"(b) CONTRACT AUTHORITY.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

"(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

"(c) RECORDS.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

"(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

"(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

"(d) REGULATIONS.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

"SEC. 3669. OFFICE OF OMBUDSMAN.

"(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

"(b) HEAD.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

"(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(c) DUTIES.—The duties of the Office shall be as follows:

"(1) To assist individuals in making claims under this subtitle.

"(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

"(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

"(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

"(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

"(d) INDEPENDENT OFFICE.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

"(e) ANNUAL REPORT.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

"(2) Each report under paragraph (1) shall set forth the following:

"(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

"(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

"(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

"(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

"(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

"(f) OUTREACH.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

"SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

"(1) the provision of compensation and benefits under this subtitle; and

"(2) the administration of the provisions of this subtitle.

"(b) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

"(c) AVAILABILITY OF AMOUNTS SUBJECT TO APPROPRIATIONS ACTS.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.".

(b) CONFORMING AMENDMENT.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking "The acceptance" and inserting "Except as provided in subtitle D, the acceptance".

(c) REGULATIONS.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) TRANSITION.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) PROVISION OF RECORDS.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) SITE PROFILES.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term "site profile", in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) FUNDING FOR ADMINISTRATION IN FISCAL YEAR 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3162. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3163. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

(a) FINDINGS.—The Senate makes the following findings:

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3161 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SA 3437. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. COVERAGE OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384l) is amended to read as follows:

"(3) The term 'atomic weapons employee' means any of the following:

"(A) An individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

"(B) An individual employed—

"(i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled 'Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities', or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;

"(ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and

"(iii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.".

SEC. 3162. UPDATE OF REPORT ON RESIDUAL CONTAMINATION OF FACILITIES.

(a) UPDATE OF REPORT.—Not later than December 31, 2006, the Director of the National Institute for Occupational Safety and Health shall submit to Congress an update to the report required by section 3151(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 42 U.S.C. 7384 note).

(b) ELEMENTS.—The update shall—

(1) for each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present, determine whether significant residual contamination was present;

(2) for each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;

(3) for each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to

which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities; and

(4) if new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

(c) Publication.—The Director shall ensure that the report referred to in subsection (a) is published in the Federal Register not later than 15 days after being released.

SEC. 3163. WORKERS COMPENSATION.

(a) In General.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385*o*) is amended to read as follows:

"Subtitle D—Workers Compensation

"SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

"(a) In General.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

"(b) Exclusion of Illness Through Exposure After Commencement of New Program.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

"SEC. 3662. WORKERS COMPENSATION.

"(a) In General.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

"(b) Election To Proceed Under State Workers' Compensation System.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

"(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

"(c) Funding.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

"(a) Employees Covered by Previous Determination of Entitlement to Compensation and Benefits.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

"(2) A determination, pursuant to activities under paragraph (2) of section 3163(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

"(b) Other Employees.—In the case of a Department of Energy contractor employee not previously covered by a determination described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

"(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

"(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

"(c) Determinations Regarding Employees Not Previously Covered by Determination of Entitlement.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

"(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

"(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

"(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

"(a) In General.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

"(b) Inapplicability of Certain State Workers' Compensation System Limitations.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

"(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

"(2) Exposure rules, including minimum periods of exposure to toxic substances.

"(3) Causation rules more stringent that the standard in section 3663(b).

"(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

"(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

"(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

"(c) Determination of Amount.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

"(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

"(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

"(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

"(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

"(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

"(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

"SEC. 3665. MEDICAL BENEFITS.

"(a) In General.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

"(b) Funding.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

"(a) Status as Department of Energy Contractor Employee.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

"(b) Eligibility and Amount of Workers Compensation.—A Department of Energy contractor employee may seek the review of any determination as follows:

"(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

"(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

"(c) Review.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

"(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

"(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

"(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

"(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

"(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

"(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2) unless there is substantial evidence to the contrary.

"(d) Reversal of Determinations.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

"SEC. 3667. ATTORNEY FEES.

"(a) In General.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

"(b) Attorney Fee Schedule.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

"(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

"SEC. 3668. ADMINISTRATIVE MATTERS.

"(a) In General.—The Secretary of Labor shall administer the provisions of this subtitle.

"(b) Contract Authority.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

"(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

"(c) Records.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

"(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

"(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

"(d) Regulations.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

"SEC. 3669. OFFICE OF OMBUDSMAN.

"(a) Establishment.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

"(b) Head.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

"(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(c) Duties.—The duties of the Office shall be as follows:

"(1) To assist individuals in making claims under this subtitle.

"(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

"(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

"(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

"(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

"(d) Independent Office.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

"(e) Annual Report.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

"(2) Each report under paragraph (1) shall set forth the following:

"(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

"(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

"(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

"(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

"(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

"(f) Outreach.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

"SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

"(1) the provision of compensation and benefits under this subtitle; and

"(2) the administration of the provisions of this subtitle.

"(b) Availability Without Fiscal Year Limitation.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

"(c) Availability of Amounts Subject to Appropriations Acts.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.".

(b) Conforming Amendment.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking "The acceptance" and inserting "Except as provided in subtitle D, the acceptance".

(c) Regulations.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) Transition.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) PROVISION OF RECORDS.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) SITE PROFILES.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term "site profile", in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) FUNDING FOR ADMINISTRATION IN FISCAL YEAR 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3164. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3165. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

(a) FINDINGS.—The Senate makes the following findings:

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3163 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SA 3438. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. COVERAGE OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

(a) COVERAGE.—Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*) is amended to read as follows:

"(3) The term 'atomic weapons employee' means any of the following:

"(A) An individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

"(B) An individual employed—

"(i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled 'Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities', or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;

"(ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and "(iii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.".

(b) Funding Offset Relating to Extension of Customs User Fees.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) by striking "Fees" and inserting "(A) Except as provided in subparagraph (B), fees"; and

(2) by adding at the end the following new subparagraph:

"(B) Fees may not be charged under paragraphs (1) through (8) of subsection (a) after June 1, 2005.".

SEC. 3162. UPDATE OF REPORT ON RESIDUAL CONTAMINATION OF FACILITIES.

(a) Update of Report.—Not later than December 31, 2006, the Director of the National Institute for Occupational Safety and Health shall submit to Congress an update to the report required by section 3151(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 42 U.S.C. 7384 note).

(b) Elements.—The update shall—

(1) for each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present, determine whether significant residual contamination was present;

(2) for each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;

(3) for each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities; and

(4) if new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

(c) Publication.—The Director shall ensure that the report referred to in subsection (a) is published in the Federal Register not later than 15 days after being released.

SEC. 3163. WORKERS COMPENSATION.

(a) In General.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385*o*) is amended to read as follows:

"Subtitle D—Workers Compensation

"SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

"(a) In General.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

"(b) Exclusion of Illness Through Exposure After Commencement of New Program.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

"SEC. 3662. WORKERS COMPENSATION.

"(a) In General.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

"(b) Election To Proceed Under State Workers' Compensation System.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

"(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

"(c) Funding.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

"(a) Employees Covered by Previous Determination of Entitlement to Compensation and Benefits.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

"(2) A determination, pursuant to activities under paragraph (2) of section 3163(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

"(b) Other Employees.—In the case of a Department of Energy contractor employee not previously covered by a determination described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

"(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

"(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

"(c) Determinations Regarding Employees Not Previously Covered by Determination of Entitlement.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

"(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

"(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

"(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

"(a) In General.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

"(b) Inapplicability of Certain State Workers' Compensation System Limitations.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

"(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

"(2) Exposure rules, including minimum periods of exposure to toxic substances.

"(3) Causation rules more stringent that the standard in section 3663(b).

"(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

"(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

"(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

"(c) Determination of Amount.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

"(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

"(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

"(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

"(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

"(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

"(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

"SEC. 3665. MEDICAL BENEFITS.

"(a) In General.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

"(b) Funding.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

"(a) Status as Department of Energy Contractor Employee.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

"(b) Eligibility and Amount of Workers Compensation.—A Department of Energy contractor employee may seek the review of any determination as follows:

"(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

"(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

"(c) Review.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

"(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

"(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

"(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

"(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

"(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

"(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2), unless there is substantial evidence to the contrary.

"(d) Reversal of Determinations.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

"SEC. 3667. ATTORNEY FEES.

"(a) In General.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

"(b) Attorney Fee Schedule.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

"(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

"SEC. 3668. ADMINISTRATIVE MATTERS.

"(a) In General.—The Secretary of Labor shall administer the provisions of this subtitle.

"(b) Contract Authority.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

"(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

"(c) Records.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

"(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

"(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

"(d) Regulations.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

"SEC. 3669. OFFICE OF OMBUDSMAN.

"(a) Establishment.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

"(b) Head.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

"(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

"(c) Duties.—The duties of the Office shall be as follows:

"(1) To assist individuals in making claims under this subtitle.

"(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

"(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

"(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

"(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

"(d) Independent Office.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

"(e) Annual Report.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

"(2) Each report under paragraph (1) shall set forth the following:

"(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

"(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

"(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

"(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

"(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

"(f) Outreach.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

"SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

"(1) the provision of compensation and benefits under this subtitle; and

"(2) the administration of the provisions of this subtitle.

"(b) Availability Without Fiscal Year Limitation.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

"(c) Availability of Amounts Subject to Appropriations Acts.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.".

(b) Conforming Amendment.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking "The acceptance" and inserting "Except as provided in subtitle D, the acceptance".

(c) Regulations.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) Transition.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) Provision of Records.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) Site Profiles.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term "site profile", in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) Sense of Congress.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) Funding for Administration in Fiscal Year 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3164. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3165. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

(a) Findings.—The Senate makes the following findings:

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) Sense of Senate.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3163 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SA 3439. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. DESIGNATION.

Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2697. Designation of the Ronald Reagan National Defense Building

"(a) Designation.—The Pentagon Office Building located in Arlington, Virginia shall be known and designated as the 'Ronald Reagan National Defense Building'.

"(b) Reference.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pentagon Office Building referred to in subsection (a) shall be deemed to be a reference to the 'Ronald Reagan National Defense Building'.".

SA 3440. Mr. ENSIGN (for himself, Mr. GRAHAM of South Carolina, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after the matter following line 18, insert the following:

SEC. 1055. UNITED NATIONS OIL-FOR-FOOD PROGRAM

(a) Responsibility of Inspector General of the Department of Defense for Security of Documents.—(1) The Inspector General of the Department of Defense, in cooperation with the Director of the Defense Contract Audit Agency and the Director of the Defense Contract Management Agency, shall ensure, not later than June 30, 2004, the security of all documents relevant to the United Nations Oil-for-Food Program that are in the possession or control of the Coalition Provisional Authority.

(2) The Inspector General shall maintain copies of all such documents in the United States at the Department of Defense.

(b) Cooperation in Investigations.—Each head of an Executive agency, including the Department of State, the Department of Defense, the Department of the Treasury, and the Central Intelligence Agency, and the Administrator of the Coalition Provisional Authority shall, upon a request in connection with an investigation of the United Nations Oil-for-Food Program made by the chairman of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Governmental Affairs, the Select Committee on Intelligence, or other committee of the Senate with relevant jurisdiction, promptly provide to such chairman access to such information and documents under the control of such agency as are responsive to the request, and assistance relating to access to and utilization of such information and documents.

(c) Information From the United Nations.—(1) The President shall instruct the Secretary of State and the United States Representative to the United Nations to request from the United Nations copies of all audits and core documents related to the United Nations Oil-for-Food Program.

(2) It is the sense of Congress that, pursuant to section 941(b)(6) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427 of the 106th Congress, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A-480), the Comptroller General of the United States should have full and complete access to financial data relating to the United Nations, including information related to the financial transactions, organization, and activities of the United Nations Oil-for-Food Program.

(3) The Secretary of State shall facilitate the providing of access to the Comptroller General to the financial data described in paragraph (2).

(d) Review of Oil-for-Food Program by Comptroller General.—(1) The Comptroller General of the United States shall conduct a review of United States oversight of the United Nations Oil-for-Food Program. In accordance with Generally Accepted Government Auditing Standards, the review should not interfere with any ongoing investigations or inquiries related to the Oil-for-Food program.

(2) The head of each Executive agency shall fully cooperate with the review under this subsection.

(e) Executive Agency Defined.—In this section, the term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

SA 3441. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

Before committing to the acquisition of any aerial refueling aircraft for the Air Force, the Secretary of the Air Force shall comply with the statutory provisions regarding operational test and evaluation by providing for full operational test and evaluation of such aircraft in a fully coordinated Test and Evaluation Master Plan.

SEC. 869. INTEGRATED SUPPORT FOR AERIAL REFUELING AIRCRAFT UNDER THE TANKER PROGRAM OF THE AIR FORCE.

(a) Selection of Provider of Support.—For the selection of a provider of integrated support for the tanker aircraft fleet under the tanker lease program of the Air Force, the Secretary of the Air Force shall—

(1) before selecting the provider, perform all analyses required by law of—

(A) the costs and benefits of—

(i) the alternative of using Federal Government personnel to provide such support; and

(ii) the alternative of using contractor personnel to provide such support;

(B) the core logistics requirements;

(C) use of performance-based logistics; and

(D) the length of contract period; and

(2) select the provider on the basis of full and open competition that has been conducted fairly.

(b) Definition.—In this section, the term "full and open competition" has the meaning given such term in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).

SA 3442. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. LEASING OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

(a) Commercial Item Procurement.—The Assistant Secretary of the Air Force (Acquisition) shall discontinue the commercial item procurement strategy for the leasing of aerial refueling aircraft for the Air Force and replace fixed-price contracts for initial development, modification, and integrated fleet support with cost or fixed-price incentive type contracts that would require the aircraft manufacturer to provide cost or pricing data directly to the Government.

(b) Cost or Pricing Data.—Before the Secretary of the Air Force commits to the leasing of any aerial refueling aircraft for the Air Force under the aerial refueling aircraft lease program of the Air Force, the aircraft manufacturer shall provide cost or pricing data for aerial refueling aircraft that reflects the prices at which the same item has been previously sold in identical quantities and negotiate prices for aircraft engines directly with the engine manufacturers.

(c) Audit Services.—The Secretary of the Air Force shall contact the Office of the Inspector General for the Department of Defense for review and approval of any Air Force use of non-Federal audit services for any contract for the acquisition of aerial refueling aircraft under the tanker lease program of the Air Force.

(d) Restrictions.—(1) The Secretary of the Air Force shall not enter into a lease for any aerial refueling aircraft for the Air Force previously authorized under section 8159 of the Department of Defense Appropriations Act, 2002 or section 135 of the National Defense Authorization Act for Fiscal Year 2004 that provides for use of a public-private partnership, a special purpose entity, or any other form of third-party financing for leasing the aircraft.

(2) The Secretary of the Air Force shall not enter into the proposed lease for any aerial refueling aircraft for the Air Force until an entity independent of the Air Force (on the basis of a study not funded out of funds available to the Air Force) determines that leasing rather than purchasing aerial refueling aircraft for the Air Force represents the best value for the Government.

SA 3443. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

Consistent with direction from the acting Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of the Air Force regarding the execution of an aerial refueling analysis of alternatives (AOA), the Secretary of the Air Force shall not enter into the proposed lease of any aerial refueling aircraft until the Secretary completes and certifies to a valid requirements document tailored to the joint service requirements of the warfighter for aerial refueling tankers (as set forth in the missions needs statement) and operational parameters for aerial refueling aircraft. The system specifications developed for the first spiral of aerial refueling aircraft shall include all threshold requirements that are set forth in the missions needs statement. While the requirements document is being developed, the Secretary of the Air Force shall not provide the contractor with anything other than answers to factual questions when asked. The Secretary of the Air Force shall not have other input or interaction with the contractor.

SA 3444. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. RESTRICTION ON LEASE OF AERIAL REFUELING AIRCRAFT BY THE AIR FORCE.

The Secretary of the Air Force shall not enter into a lease for any aerial refueling aircraft for the Air Force until—

(1) authority for the Secretary to enter into a lease-purchase contract for the procurement of such aircraft is provided in a law enacted after the date of the enactment of this Act; or

(2) in the case of a lease of such aircraft that provides for use of a public-private partnership, a special purpose entity, or any other form of third-party financing for leasing the aircraft, the Secretary has negotiated (or renegotiated) the lease terms to meet the requirements of Office of Management and Budget Circular A–11 (as revised for 2003) that are applicable to such an arrangement.

SA 3445. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. PROHIBITION OF LEASING OF CERTAIN AIRCRAFT FOR THE AIR FORCE.

(a) Prohibition.—The Secretary of the Air Force may not lease Boeing 767 aircraft for the Air Force.

(b) Repeal of Existing Authority.—(1) Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413; 10 U.S.C. 2401a) is amended by striking subsections (a), (b), and (d).

(2) Section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284) is amended—

(A) in subsection (a), by striking "Boeing 767 aircraft and"; and

(B) in subsection (f), by striking "100 Boeing 767 aircraft and".

SA 3446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1068. SENSE OF THE SENATE CONCERNING OIL MARKETS.

(a) Findings.—Congress finds that—

(1) this Act authorizes $120,509,301,000 for operation and maintenance;

(2) the President's fiscal year 2005 budget request for the Department of Defense for operation and maintenance includes $2,889,655,000 for the purchase of fuel; and

(3) if left unchecked, the unprecedented cost of oil may force the Department of Defense to expend more funding than anticipated to meet its fuel needs.

(b) Sense of the Senate Concerning Oil Markets.—It is the sense of the Senate that, in order to ensure that the amount of funding authorized for fuel expenditures is adequate to meet the needs of the Department of Defense, the President should suspend deliveries of oil to the Strategic Petroleum Reserve and release 1,000,000 barrels of oil per day from the Strategic Petroleum Reserve for 30 days following the date of enactment of this Act and, if necessary, for an additional 30 days beyond that.

SA 3447. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. DESIGNATION.

(a) Designation.—The Missile Defense Agency shall be known and designated as the "Ronald Reagan Missile Defense Agency".

(b) Reference.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Missile Defense Agency referred to in subsection (a) shall be deemed to be a reference to the "Ronald Reagan Missile Defense Agency".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 8, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2436, a bill to reauthorize the Native American Programs Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 9, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the implementation in Native American communities of the "No Child Left Behind Act."

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, June 10th, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding crude oil supply, gasoline demand and the effects on prices.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Lisa Epifant at 202–224–5269 or Shane Perkins at 202–224–7555.

IN MEMORY OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 371, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 371) relative to the death of Ronald Wilson Reagan, the 40th President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 371) was agreed to, as follows:

S. RES. 371

Resolved, That in recognition of the long and distinguished service rendered to the Nation by the late Ronald Wilson Reagan, the 40th President of the United States, when the Senate recesses or adjourns on each of the days during the period from June 7 through June 11, 2004, it do so as a further mark of respect to the memory of Ronald Wilson Reagan.

150TH ANNIVERSARY OF THE GRAND EXCURSION OF 1854

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 544, S. Con. Res. 5.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 5

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the "Grand Excursion of 1854";

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854.

UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the filing deadline, the managers be permitted to introduce managers' amendments which have been cleared by the chairman and ranking member.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that the order with respect to the pending Kennedy amendment be delayed to begin under the same provisions on Tuesday, June 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 8, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., on Tuesday, June 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business with Senators permitted to speak for up to 10 minutes each. I further ask that the Senate recess from 12:30 to 2:15 for the weekly policy luncheons to meet.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate will be in a period for morning business to allow Senators to pay tribute to President Reagan. As I stated earlier today, we will delay action on the Defense bill until next week. We do now have copies at the desk of all amendments that may be offered to the Defense authorization bill. Although we will not be debating those amendments on the floor this week, we now have an opportunity for the chairman and ranking member to review the language of the amendments.

Tomorrow we will also be considering any additional resolutions relating to the passing of our former President and therefore rollcall votes may occur. However, no rollcall votes will occur prior to the recess for the party policy luncheons tomorrow.

I would also remind my colleagues that when the Senate completes its business on Wednesday afternoon, we will adjourn until Monday, June 14 to accommodate the ceremony and services relating to the death of President Ronald Reagan. Having said that, I invite my colleagues to come to the floor over the course of the next 2 days to express themselves during this solemn time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are totally comfortable and think the leader has done the right thing regarding the schedule. It is totally appropriate and we will, of course, cooperate as much as we can to make sure we do our work on the Defense bill next week. It is important legislation, and we need to complete that.

I direct a question, through the Chair, to the distinguished majority leader. There will be some votes, or at least one vote, tomorrow on some resolutions, I would assume. Does the majority leader have any idea when?

Mr. FRIST. Mr. President, we should continue our conversation. We will be voting on several resolutions in all likelihood. Whether there will be rollcall votes has not been determined. I expect that through joint discussions we will decide whether rollcall votes will be necessary. We certainly will not be voting, as we talked earlier, before 2:15. It may be that we will have no rollcall votes tomorrow, but that decision will be made with further discussion among the leadership.

ADJOURNMENT UNTIL 9:45 TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 371, as a further mark of respect to the memory of Ronald Wilson Reagan.

There being no objection, the Senate, at 6:03 p.m., adjourned until Tuesday, June 8, 2004, at 9:45 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 8, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine completing the digital television transition.

SR–253

Foreign Relations

To hold hearings to examine international intellectual property piracy.

SD–419

10 a.m.

Governmental Affairs

To hold hearings to examine the amount the Department of Defense spends on unused airline tickets.

SD–342

Judiciary

To hold an oversight hearing on activities of the Department of Homeland Security, focusing on terrorism and other related topics.

SD–226

Intelligence

Closed business meeting to consider pending intelligence matters.

SH–219

2 p.m.

Conferees

Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine successes in the field of adult stem cell research.

SR–253

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation

Oceans, Fisheries and Coast Guard Subcommittee

To hold hearings to examine S. 2066, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2004, 2005, 2006, 2007, and 2008.

SR–253

JUNE 14

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Thomas Fingar, of Virginia, to be Assistant Secretary of State for Intelligence and Research, Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to Thailand, James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Suzanne Hale, of Virginia, to be Ambassador to Micronesia.

SD–419

JUNE 15

9:30 a.m.

Foreign Relations

To hold hearings to examine the status report on the global partnership against weapons of mass destruction relating to the Sea Island G8 Summit.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System.

SD–538

2:30 p.m.

Foreign Relations

To hold hearings to examine the current situation in Sudan.

SD–419

JUNE 16

9:30 a.m.

Foreign Relations

To hold a closed briefing on Pakistan counterterrorism cooperation.

S–407, Capitol

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 1530, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

SR–485

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Charles P. Ries, of the District of Columbia, to be Ambassador to Greece, Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium, and John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia.

SD–419

Indian Affairs

To hold hearings to examine S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

SR–485

JUNE 17

9:30 a.m.

Foreign Relations

To hold hearings to examine Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the "Convention"), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism ("Convention") Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States ("OAS") Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6).

SD–419

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne W. Patterson, of Virginia, to be Deputy Representative of the United States of America to the United Nations, and to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Deputy Representative of the United States of America to the United Nations, and James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

SD–419

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 23

10 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian Tribal Detention facilities.

SR–485

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

JUNE 9

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

JUNE 10

9:30 a.m.

Foreign Relations

To receive a closed briefing regarding Iraq.

SD–419

10 a.m.

Energy and Natural Resources

To hold hearings to examine crude oil supply, gasoline demands and the effects on prices.

SD–366

POSTPONEMENTS

JUNE 9

10 a.m.

Indian Affairs

To hold an oversight hearing to examine the No Child Left Behind Act; to be followed by a business meeting to consider pending calendar business.

SR–485

JUNE 10

9 a.m.

Armed Services

To hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.

SH–216

JUNE 16

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the grounding of multi-engine fire-retardant aircraft, steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

SD–366

JUNE 24

10 a.m.

Foreign Relations

To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.

SH–216

SENATE—*Tuesday, June 8, 2004*

The Senate met at 9:45 a.m. and was called to order by the Honorable KAY BAILEY HUTCHISON, a Senator from the State of Texas.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Dr. Prentice Meador, of Prestoncrest Church of Christ, Dallas, TX.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Holy Father, we affirm You as Lord of our lives and our Nation. We are comfortable to come into Your presence on this special moment because You have invited us before Your throne. Gratitude and praise flows from our hearts for giving our Nation blessings that would have astonished our ancestors.

Lord, in this historic week, our Nation mourns the death of President Ronald Reagan. Father, we celebrate his patriotism, optimism, and courage. Bless Mrs. Reagan, her family, and our Nation with peace from Your heart.

And, Father, may we never forget our heritage. Sovereign Lord, we are keenly aware that 60 years ago today, heroic men were fighting their way off the beaches of Normandy. Lord, we shall never forget places like "Bloody Omaha," Carentan, Sainte-Mere-Eglise, Caen, Bastogne. Keep in our memory those who fought together and now lie together in death that we might be free. Father, may their voices of valor be heard in this Chamber in clear, crisp tones.

Merciful Father, in a world that sometimes drowns out such voices, empower the women and men of this great body to hear again words from our past: integrity, faith, bravery, sacrifice, and godliness. At this special time, I pray that each Senator might recommit to the clarity of Your truth, the depth of Your wisdom, and the power of Your love.

Father, help the Senators to know that many in this Nation pray for them and their faithfulness to their most solemn obligations. May they bow their knees before You so they may know what is right for our country. Lord, sanctify this assembly by dwelling in the hearts of each of these respected leaders. May glory, honor, and dominion be Yours forever and ever.

In Your most holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KAY BAILEY HUTCHISON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 8, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KAY BAILEY HUTCHISON, a Senator from the State of Texas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mrs. HUTCHISON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. This morning and throughout today's session, Members will have the opportunity to give remarks and pay tribute to President Reagan. I announced yesterday and again last night that the Senate would delay its work on the pending Defense bill until Monday next week. The filing deadline for amendments to that bill passed at 5 p.m. yesterday. Now the two managers of the legislation will be able to look over the legislative language of those submitted amendments. We will start Monday and work aggressively on that bill and will likely have multiple votes on Monday.

For the remainder of this week, in addition to today's morning business period, Senators will have until 3 p.m. tomorrow to come to the floor to speak on the life and legacy of our 40th President, Ronald Wilson Reagan.

The Senate will honor that life through a Senate resolution, which is deserving of a rollcall vote. However, that vote will not occur until tomorrow.

I will talk to the Democratic leader about the precise timing and we will let our colleagues know as that is scheduled for Wednesday. Therefore, we will not have any rollcall votes today.

As a reminder, we will recess today from 12:30 until 2:15 for our weekly policy luncheons.

Today we will also pass an adjournment resolution which will allow both Houses to adjourn on Wednesday and to reconvene on Monday to accommodate the ceremonies and services relating to the death of President Reagan.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Ms. SNOWE). The minority leader is recognized.

THIS WEEK'S SCHEDULE

Mr. DASCHLE. Madam President, I thought it might be helpful if the majority leader would walk through the week's schedule. I have had a number of questions about the schedule.

As I understand it, we will have the vote tomorrow, and tomorrow will be dedicated primarily to remarks on the floor by colleagues and Members in tribute to the President. Then beginning as early as noon—is it on Wednesday?—we will not anticipate any session. Then at 7 o'clock Wednesday night, it is my understanding the memorial service here in the Capitol be will held for Members only.

Mr. FRIST. Madam President, we can talk about earlier than 3 o'clock, but right now it is until 3 o'clock tomorrow. At 3 o'clock, we will recess.

Mr. DASCHLE. Is it the majority leader's intention to be in session on Thursday?

Mr. FRIST. Madam President, we will not be in session on Thursday or Friday.

Mr. DASCHLE. Madam President, then we have the official memorial service in the National Cathedral at 11:30 on Friday morning. Is that correct?

Mr. FRIST. That is correct. That is by invitation. Of course, our colleagues and spouses are invited.

Mr. DASCHLE. Senators should be aware they have all day today and up until 3 o'clock tentatively tomorrow to come to the floor to make presentations. Obviously, Senators are welcome to speak about any issue.

My hope is we would want to accommodate Senators who wish to speak in memory of President Reagan and perhaps defer other remarks unrelated to these tributes to next week. Obviously, as I say, it is every Senator's prerogative to make that decision.

I appreciate the majority leader's clarification on the schedule.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Texas.

ORDER OF PROCEDURE

Mr. REID. Madam President, will the Senator yield for a parliamentary inquiry?

Mrs. HUTCHISON. Certainly.

Mr. REID. Madam President, there are a number of people who wish to speak. I know Senator HUTCHISON wishes to speak regarding our prayer this morning. But it is my understanding the distinguished Senator from New Hampshire wishes to speak. If I could inquire through the Chair, how long does the Senator wish to speak?

Mr. GREGG. Madam President, Senators are permitted to speak for up to 10 minutes in morning business.

Mr. REID. If I could, I ask unanimous consent that after the Senator from Texas completes her remarks the Senator from New Hampshire be recognized for 10 minutes, the Senator from Maine for 10 minutes, and the Senator from California, Mrs. BOXER, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

GUEST CHAPLAIN, DR. PRENTICE MEADOR

Mrs. HUTCHISON. Madam President, it is my pleasure to introduce our guest chaplain, Dr. Prentice Meador, from Dallas, TX, the minister at Prestoncrest Church of Christ. Dr. Meador hails from Nashville, TN. Our majority leader and Dr. Meador have known each other for a long time.

He is a graduate of David Lipscomb College and holds a Ph.D from the University of Illinois. He and his wife Barbara, a registered nurse, have three married children and 10 grandchildren.

Dr. Meador served at the South National Church of Christ in Springfield, MO for 14 years before moving to Dallas in 1988. There he started serving as a pulpit minister for the Prestoncrest Church of Christ.

Not only did our distinguished leader come over to say hello to our chaplain this morning, but also Senator BOND from Missouri, who when he was Governor worked with Dr. Meador on a summit for children. Dr. Meador has been very active in that regard as well.

So we came in today, and not only was he there with me as his hometown Senator but also the Senator from Tennessee and the Senator from Missouri came to greet him, which I think shows what a great impact he has wherever he goes.

Dr. Meador has in fact adopted a wonderful philosophy of the modern church. He offers grace to imperfect people. He doesn't want to save the world and lose our own families. He offers God to people entangled in the web of today's culture.

That take on the urban church has attracted large audiences of young adults. In fact, the average age in his church in Dallas is 28. Dr. Meador has done an excellent job of cultivating their interest by emphasizing relationship building, mentoring, and accountability groups.

He is a member of the board of trustees of a great university, Abilene Christian University in Abilene, TX, and he is on the chancellor's council of another great university, Pepperdine University in California. Dr. Meador is listed in "Who's Who in Religion" as well as "Who's Who in the Southwest." He has spoken throughout the world and has given frequent lectures throughout the United States.

He is an accomplished author who has written several books, and has been the managing editor of 21st Century Christian magazine starting in 1992. He is a regular television contributor, including as a weekly panelist on the American Religion Town Hall, which is a national program.

Dr. Meador has received numerous awards for his leadership and citizenship. It is an honor to have him with us today.

I was so pleased to be able to be with him this morning. We had a good visit at our prayer breakfast about what we do in the Senate. I thank Dr. Meador for sharing his blessing on us at a very important time in our country.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. GREGG. Thank you, Madam President.

I rise today, as many Americans, to pay my respect and thanks, and also to celebrate the life of Ronald Reagan, an extraordinary man who has had such a huge impact on our generation and the generations to come in the world—especially Americans' place in the world.

I have a lot of fond and personal memories about Governor and President Reagan. First, I had the opportunity to meet him with my wife Kathy when he and Nancy Reagan came to New Hampshire to campaign in 1976. He was running against a sitting Republican President, Gerald Ford, appointed, of course, coming out of the Watergate era. Some in our party thought maybe it was time to move on, put a new face on our party, and put someone forward who had a certain charisma and attitude which was a little different. Certainly Reagan met that test.

As we traveled around New Hampshire, he was not the national figure he is today, although he was a significant figure. In fact, he was a movie star. People were flocking to meet him and see him. They wanted to hear what he had to say. But as we traveled around, a fairly small contingent in a bus and a few cars, we had a chance to get to know him a little bit. What came through most apparently to myself and Kathy was he was a genuine person who had a real sense of self and who had a way of making people feel at ease around him. He had a charisma, to say the least.

Then I had the great fortune of being elected to Congress in 1980. Prior to that, ironically I had been at the famous national debate in January of 1980 where President Reagan actually set the course for getting the nomination and moving on to become the President with the famous comment, "I paid for this microphone, Mr. GREEN." Ironically, I was at the site and in charge of the site in advance of the nomination. So I had a chance to see a bit of history there.

But in 1990, along with 54 other Republicans, I was elected to the House of Representatives, and we came here with President Reagan. We had a purpose. We had a definite purpose. People will recall at that time coming out of the 1970s the inflation rate was 12 percent, interest rates were 22 percent, and we had American citizens being held captive in Iran. The President—then-President Jimmy Carter—said we were in a period of national malaise. We didn't feel that way. We felt America was a great and wonderful Nation. Ronald Reagan epitomized that view of the future being bright rather than dark—the future being one of unlimited opportunities rather than one of a decreasing pie. So 54 of us arrived in the House of Representatives.

It was a unique situation because the House of Representatives was being controlled at that time—and people do not appreciate it today, but it had been controlled by the Democratic Party for 26 years; continuously controlled by the same party, and it produced a lot of very interesting and very aggressive and strong individuals to manage the House. The strongest, of course, was "Tip" O'Neill, who was then the Speaker. He was not going to tolerate those 54 new Republican Members who arrived in the House of Representatives and were carrying the water for President Reagan. We were treated with an experience in education on how politics really works by "Tip" O'Neill, as we were exposed to what real power can do and how it can be managed in a congressional body.

We continued to charge the Hill, however, for the President, because President Reagan had a clear and defined agenda. He intended to fundamentally shift this country. The shift was going to be toward strengthening our national defense capabilities, toward reducing the burden of Government, toward reducing the burden of taxation, and toward reestablishing our confidence as a nation. There was a lot of legislation brought forward, with very difficult battles over the budget, very difficult battles over issues of making our defense capability stronger once again.

We became known as "Reagan's robots." That was a derisive term used by some of our friends in the media and it was thrown at us. As Reagan's economics were called Reaganomics, a derisive term put out in the intelligentsia community by our friends who saw it as inappropriate economics and saw it as water bearers for a President who they considered to be superficial, and in some cases a caricature, but we took that as sort of a red badge of courage, those who came in that class. We enjoyed the fact we were tweaking the institution of the House at the time led by Speaker O'Neill, who I happened, over the years, to come to like as an individual very much. He obviously had a very strong personality and led the House very aggressively in a very partisan way. It was a unique and special time to have a chance to serve under a President such as President Reagan.

Going to the White House with Kathy and our two oldest children, I remember a lot of fond personal memories of how kind he was. Our daughters were then quite young. I think they were 4 and 5 or maybe 5 and 6. He took them aside and got hotdogs for them; he got popcorn for them.

He was just a wonderful, inclusive individual and had a naturalness about him that was extraordinary and made everybody who was around him, when they had the chance, feel good. It was that personality that I think caused him to be able to be President during a time when there was a fair amount of strident partisanship. At the same time, there was less of a personal vindictiveness in the atmosphere, which was nice at that time, to have at least that sort of atmosphere where people were not into the personal assassination level that we sometimes see occur in politics, although it did happen to some degree.

The fond memories are there from an individual standpoint, but the real memory, the real force of President Reagan goes beyond the personal contact. It goes to what his mission was, what he accomplished for our Nation, which was so extraordinary, and what he accomplished for the world. It has been discussed. There is nothing unique about the discussion because it is so broadly accepted now what he did accomplish.

That was, essentially, this: He took a nation which was, as I said by its own definition, by its then leader, Jimmy Carter, in a period of national malaise and he turned us and reawakened our natural optimism. We are a nation of optimists. We are a nation that believes we can accomplish whatever we seek to pursue, whatever goal we set. He made us believe in that again. His "city on the hill" belief in our Nation was deep in him, but, more importantly, he was able to project it across our country and give people a sense of self and a sense of purpose that was optimistic and upbeat, that was essential to our country at that time.

Probably equally important to the world, he set America back on a course of leading us in what was then the true great confrontation of the 20th century, which was the question of whether Communist, Socialist economics, and a totalitarian state would dominate or whether democracy and market-oriented economies would dominate.

There were three major trends of the 20th century that were tested. The first, of course, was the issue of the philosophy of Communist versus market-oriented economies. The second, of course, was totalitarianism, first presented in fascism and secondly presented in the Communist states of Stalin, by Stalin and Mao versus democracy. The third was the issue of relativism. On those first two issues, he led the world and delivered the results which said unequivocally that democracy and market-oriented economies were the future for mankind and that individual rights meant something.

In accomplishing that, he passed on to our generation and all the generations to come a gift of freedom and a gift of possibility in the area of economic well-being that was not necessarily a given. It would not necessarily have occurred without him. It is possible the Soviet Union and certainly the mutations of the Soviet Union could have proceeded for a considerable amount of time. We could still be dealing with that issue today had he not been willing to stand up, because he had unequivocal confidence in our Nation and in the values that drive our Nation, had he not been willing to stand up and say essentially that we were going to compete in that race at a level that would essentially make it impossible for the Soviet Union and Communist-style regimes to compete with us. That is what he did.

He did it first in the military where he essentially said to the Soviet Union, we are just simply going to outbuild you and we are going to exceed your ability to compete, so they crumbled from within. Second, he did it by establishing, once again, that the basic values of democracy far exceeded any values that were being put forward, and clearly our much better lifestyle than anything being put forward by a Soviet Communist state.

So we owe him a great debt of thanks and we certainly owe his family a great debt of thanks. We thank Nancy Reagan for her wonderful service to this Nation. We thank his family for the gift of this great man to our country.

I yield the floor.

The PRESIDING OFFICER. Under the unanimous consent, the Senator from Maine is recognized.

Ms. SNOWE. Our Nation mourns the passage of a man who called Americans to their common purpose and renewed our age-old faith in the limitless possibilities of freedom.

With heavy but immensely grateful hearts, our country grieves the passing of President Ronald Reagan and extends our collective thoughts and prayers to his extraordinary wife Nancy and his children, Michael, Patti, and Ron.

Reflecting today on the hope that President Reagan inspired in America, I am reminded of the story of Benjamin Franklin near the close of the Constitutional Convention. Franklin pointed to the painting behind Washington's chair, a landscape of the Sun just on the horizon and remarked:

> I have often . . . looked at that sun behind the President without being able to tell whether it was rising or setting. But now . . . I have the happiness to know it is a rising and not a setting sun.

Let the record forever show that in a time of great consequence, President Reagan assured an uncertain nation that ours remains always a rising sun. He brought a passionate belief in American ideas to bear in advancing freedom as a force for good in the world and heralded a new dawn of confidence at home.

Like so many Americans, I remember well the steep challenges facing the Nation in 1980. At that time, having already served 2 years in the House of Representatives, we could look back to the late 1970s as an incubator of change that foreshadowed the transformation to come.

Before President Reagan, we had become conditioned to accept limitations on what we might aspire to as individuals and as a nation. But out of those days of national disillusionment and political drift came a bold leader to inspire confidence.

The year 1980 was the culmination of a period of self-doubt for America. Internationally, our country was mired in the cold war and reeling from the Iranian hostage crisis. On the domestic front, our economy had been sapped by double-digit inflation, double-digit prime interest rates, and stifled by massive tax burdens, including a top tax rate of 70 percent. We also had been undercut by a serious energy crisis. In fact, we had gasoline lines here in Washington and all through the country. So suffice it to say, these were not bright days in Washington or America. As I said at the time, whoever won the White House would bear the responsibility for making America productive once again, and President Reagan did. With his conviction that the greatest untapped potential lie in the American people themselves—by embracing hope, not resignation, and by projecting an optimism in our Nation and her people that was as genuine as the man himself—he charted a course for America for greater prosperity and security.

As President, as we know, he confronted the world's only other superpower, laying the foundation for victory in the cold war. He campaigned to reduce the size of the Federal bureaucracy, to return tax dollars to the families that had earned them, and to devolve out of Washington and back to local governments—all ideas whose time had come, just as President Reagan's had. Not only that, but he reinvigorated America with his unabashed faith in her essential goodness.

The other night, I had the opportunity to recount the Reagan era with my husband, former Governor Jock McKernan, who also served 4 years in Congress under the Reagan Presidency representing the other congressional district in the State of Maine. We were recalling a time in which we visited the White House, regarding the shaping of defense policy. As Senator GREGG has mentioned, we were building up our national defense.

We remembered the statement the President made at the time, which I think summed up his belief in trying to make a distinction between the United States of America and the Soviet Union. He said: You know, it tells something about a country when more people want to leave the country than want to come in. His simple logic was indeed compelling.

President Reagan was a conservative Republican from California, and I, of course, was a moderate Republican from New England. Obviously, there were times—and many times, in fact—when we differed on policy. Yet I can also recall meeting with him and other members of the Republican caucus, as well as Democrats. We had numerous meetings at the White House either in the Cabinet room or within the Oval Office itself. We were able to negotiate our differences, whether it was within our party or across party lines. The issues ranged from defense policy, to the MX missile, to Central America, to the budget. Indeed, we had numerous budget discussions where we negotiated the actual budget resolutions and the budget numbers themselves.

Thinking back this week, I also recall how the President was willing to hear disparate views on trade policy. In fact, Jock and I met with the President in the oval office to discuss the potential negative impact of trade proposals on Maine's industries such as potatoes, shoes and lumber in advance of the President meeting with Canadian Prime Minister Brian Mulroney. Indeed, coincidentally, I saw the former Prime Minister in the Capitol prior to the viewing in the Rotunda on Wednesday night, and I recounted that meeting with the President.

Moreover, I spearheaded an effort for Republican women in the House and Senate to meet with President Reagan to discuss matters critical to America's women. In the end, these initiatives led to ultimately passing landmark child support enforcement legislation and pension reform for widows that previously had not even been part of the Federal lexicon, let alone part of federal policy. And in speaking of women's issues, I fondly reflect on my cherished friendship with the President's daughter, the late Maureen Reagan who died in 2001, and how we also worked together on behalf of issues of concern for women in this country.

And on an entirely different issue again, to this day I have on my wall a letter of appreciation from President Reagan for my efforts to help develop and pass the 1986 Omnibus Diplomatic Security and Antiterrorism Act, which he signed and which contained a provision I authored to create an accountability review board within the State Department to investigate all incidents involving serious security failures.

He was always respectful of divergent views and willing to keep his Oval Office door open, even as he always knew what he believed. In terms of his principles, his compass was steady. At the same time, he was certainly committed to the fine and, in Washington, all too rare art of listening. He was also willing to seek consensus, even though we surely had a partisan environment at that time.

We had a divided Government, and obviously a Republican Presidency. But again, he was willing to forge consensus because he believed that was the only way you could get things done. Rather than by controversy and division, in the end he recognized you had to reach your goals with persuasion and openness. So he was willing to develop pragmatic approaches in the final analysis because he was a problem solver. Actually, he gave life to what he once said: "If I can get 70 or 80 percent of what it is I'm trying to get . . . I'll take that and then continue to try to get the rest in the future."

He certainly did live by that axiom throughout his tenure of 8 years, irrespective of differences. Ultimately, he wanted to achieve the great things he set out to do when he became President and also to ensure he could be resolute in implementing his vision for this country.

He was entirely comfortable with stepping outside of others' conventional perception of himself and his politics. He was extremely credible as Commander in Chief, as leader of this country when he set about to build up our military and to defy the Soviet Union and to ultimately bring down the Wall. The fact is, he also, on the other side of the coin, ultimately negotiated the first pact to reduce the United States and Soviet nuclear arsenals—he negotiated that with Mikhail Gorbachev—because, again, he understood what needed to be accomplished in the end.

His legacy will forever be his vision that brought about the end of the cold war because, again, he saw the difference between dictatorships and democracy and our ability to foster liberty in the dark corners of the world. Indeed, I will never forget the meeting I participated in with members of Solidarity in January, 1988 in Poland. There was no question that, for them, knowing of our resolutions in Congress in support of freedom for the people of Poland, Vice President Bush's 1987 visit to Warsaw, and certainly President Reagan's relentless pursuit of the ideal of freedom for people everywhere, gave them a hope they translated into strength and persistence in finally prevailing. How extraordinary that Solidarity's leader would become Poland's President—and how fitting that Lech Walesa would attend President Reagan's funeral to express his profound appreciation and deepest respect.

And who would have predicted two decades ago that Mikhail Gorbachev—leader of the former Soviet Union—would be attending the funeral of President Ronald Reagan, who brought about the collapse of the Soviet Union and urged Gorbachev to "tear down" the Berlin Wall? But that is yet another testament to President Reagan's legacy.

Some thought President Reagan's bold descriptions of the wide chasm that separated democracy from despotism were ill-considered. Yet he viewed the world through that crystal clear prism of, in the words of Shakespeare, "simple truth miscalled simplicity." I believe that says it all because President Reagan understood that in order to be an effective leader, to be a strong President, to be the leader of this country who was a force for good and to project that force for good, you ultimately had to move the process, and you had to work within the system and with the other branch of Government to make that happen.

Another great of the 20th century refused praise for having lent his lionhearted strength to an entire nation. Instead, Winston Churchill remarked, it was his nation that had the "lion's heart" all along, and it fell to him only to "give the roar."

So it was with President Ronald Reagan. His words summoned our resolve and our goodness, and his steady hand guided America to a triumph for all free people. As providence would have it, President Reagan gave America's roar during what would become—in no small part, thanks to him—the last decade of the cold war. With peace through strength, Ronald Reagan called America to a purpose he described in his own hand in 1980 when he wrote:

> I believe it is our pre-ordained destiny to show all mankind that they too can be free without having to leave their native shore.

For this legacy, the American people and free people everywhere are in his debt, just as he is in our hearts and his family, as well, in our prayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I rise today to pay my respects to one of California's own, President Ronald Reagan.

I first met President Reagan right after I was elected to Congress in 1982. We were a large Democratic freshman class, and when I was invited to the White House, I wondered how President Reagan would greet us. After all, he had campaigned hard for a Republican Congress, and having lost an election myself I knew the feeling of disappointment. When we arrived at the White House, President Reagan could not have been more gracious to us; the same for Mrs. Reagan. I still have the photo from that evening hanging in my home office.

Twenty-two years ago, Ronald Reagan taught me that you can disagree without being disagreeable, that you could set aside those disagreements even though they were deep.

President Reagan once said:

> A lot of trouble in the world would disappear if we were talking to each other instead of about each other.

He believed if we were all respectful and pleasant to one another, we could find those areas of common ground. We can reach across the aisle. We can get things done. Believe me, that was a good lesson for me and for all of us that evening because clearly, in the Senate, with the rules of the Senate, the only way to get things done is by working together. I look at the occupant of the Chair, and I know that with our disagreements on many issues, we have come together on a few occasions, and we have won for our constituents and for this country.

When I look back to President Reagan's record, I realize that not only did he bring this kind of an attitude of working together to Washington, but that had been his hallmark in California as well. As a Republican Governor, he was working with a Democratic State legislature. So it seems President Reagan had to learn how to do this both in the State and in the Nation's Capital.

In those years as Governor, in keeping with the values and wishes of most Californians, he helped to establish the Redwood National Park. He regulated auto emissions to reduce pollution. He signed a bill that liberalized a woman's right to choose. He opposed the State proposition that discriminated against teachers based on sexual orientation. You can see Governor Reagan was willing to reach across and find consensus.

Ronald Reagan, of course, did continue to reach across the aisle when he became President. Although there were serious disagreements, he worked closely with a Democratic House to ratify and sign important arms control agreements, increasing funds for math and science education, reauthorizing the Superfund hazardous waste cleanup program, which is so important. The basis of the program is the polluter should pay. Interestingly, we don't seem to have that kind of support today.

President Reagan once said: "There is no limit to what a man can do or where he can go, if he doesn't mind who gets the credit." And how important that quote is when it comes to politics. President Reagan was a conservative. He was not an ideologue. He fulfilled a campaign promise to appoint the first woman to the Supreme Court. He chose Sandra Day O'Connor as the first woman Justice of the U.S. Supreme Court, even though she was considered too moderate by many conservatives. He tried to abolish the National Endowment for the Arts but, after losing that fight, he moved on. I remember that. He moved on without trying to force the issue through the backdoor. I respect that.

I remember the fight to keep the National Endowment for the Arts. Many Republicans in my State didn't agree with President Reagan. They mobilized with the Democrats. President Reagan said, Well, this is what I think. He went forward, and when he lost, that was it.

Of course, there are other issues of disagreement—from offshore oil drilling to the role of the national Government, to the fight against AIDS, to policies in Central America. Those disagreements were deep, but they were never taken personally by President Reagan. He and House Speaker Tip O'Neill were genuinely fond of each other. They often shared a drink after work, and they laughed after a day of locking horns. Their good nature was infectious. It raised the level of comity throughout the Nation's Capital. How I long for those days. It is time that in the spirit of Ronald Reagan and Tip O'Neill, we see more bipartisan spirit in our work.

In California, there are tributes to Ronald Reagan running around the clock. I know it is true nationally, but because he was our Governor and we are so proud he is part of our legacy, we are seeing and listening to Ronald Reagan's stories and Ronald Reagan quotes. I found one of these very interesting.

There was a question asked to President Reagan after he had completed his 8 years in office. The question was: What do you most want to be remembered for? His answer was this: The millions of jobs that were created while he was President and America regaining respect in the world. Millions of jobs created and America regaining respect in the world. You think about how universal those two achievements are because right now that is a lot of the focus of attention—job creation and respect in the world. It is interesting how prophetic those words are.

I personally believe that 50 years from now, if not now, President Reagan will be remembered for his focus on freedom for the people behind the Iron Curtain. He saw in Soviet President Mikhail Gorbachev a man he could successfully challenge to step to the plate. And when President Reagan said, tear down this wall, he said it directly to Mr. Gorbachev. He touched Mr. Gorbachev, and he touched America. He touched people around the world.

In a moving eulogy in yesterday's New York Times Mr. Gorbachev wrote:

> Reagan was a man of the right but while adhering to his convictions, with which one could agree or disagree, he was not dogmatic. He was looking for negotiations and for cooperation.

In that, you have to understand that respect for other people and their ideas, the ability to step into their shoes is very important.

We name buildings and rooms and public places after leaders, and we have named many public places after Ronald Reagan. But I truly believe that now the greatest thing we can do in Ronald Reagan's memory is to find a cure for the disease that took his life and took him away from his loved ones and the world stage long before his physical life ended.

Alzheimer's disease is a plague that ravages millions of Americans and those who love them. Caused by abnormal plaques and tangled nerve fibers in the brain, the disease attacks the cells that control thought, memory, and language. The brain, if you look at it, becomes more and more like a child's brain. It kills nerve cells that are vital to memory. If you think about it, when you lose your memory, you lose who you are. And to see someone like Ronald Reagan, who held all the power for 8 years that anyone could ever dream to hold, and to have him not be able to remember that is a tragedy.

Alzheimer's lowers the level of chemicals that carry messages between nerve cells and the brain. The progress of Alzheimer's is usually slow, but it is inexorable. Beginning with mild symptoms, such as forgetfulness, Alzheimer's gradually robs its victims of the ability to think clearly, speak clearly, understand others, or care for themselves in any way.

Ten years ago Ronald Reagan knew he was battling Alzheimer's. He knew he was losing the battle. In an act of tremendous courage and in a handwritten open letter, he told the American people he was suffering from the illness. He wrote:

> I now begin the journey that will lead me into the sunset of my life.

And he movingly wrote:

> I know that for America there will always be a bright dawn ahead.

So even in his darkest hour, President Reagan's eternal optimism shone through.

Nancy Reagan stood by her husband throughout this long ordeal, protecting him in his most vulnerable time. In recent years, she has become a leading advocate of increased funding for medical research to fight Alzheimer's and other diseases. She has been brave and courageous in her advocacy.

Ironically, just a few weeks ago, I wrote an open letter to her praising her for her strength and moving forward to use her considerable influence to push forward stem cell research.

To honor Ronald Reagan and relieve the suffering of millions of American families, we must pursue every avenue of research and treatment for Alzheimer's and other diseases.

In memory of Ronald Reagan and all of the families who have lost loved ones to Alzheimer's, let us seek a brighter dawn for Alzheimer's victims and their families.

So, Mr. President, Californians are speaking across party lines for a man who was able to set aside ideology to make progress, to work with those who might not have agreed with him on every point. I think it is a terrific lesson to all of us in this time and in this place in our Nation's history.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. REID. Mr. President, Ronald Reagan is seen by the State of Illinois as being his birthplace, as well it should. They feel very strongly about the legacy of Ronald Reagan in Illinois. California, of course, is where Ronald Reagan became famous. They have tremendous ties to Ronald Reagan. The State of Nevada has lots and lots of ties to Ronald Reagan. Not only are we a neighbor to the State of California, but the history of Ronald Reagan and the State of Nevada are intertwined. I come to the Senate today to join a procession to praise Ronald Reagan as a great leader and a fine man.

My first trip to the Oval Office was to meet with Ronald Reagan. I was a young Congressman and I was called to the Oval Office to discuss with the President the situation in Nicaragua, aid to the contras. I was joined there by three other Members of Congress. Vice President Bush, at the time, was there. It is the first time I had the opportunity to visit with, in any depth, Ronald Reagan as President of the United States.

There was a time when I was Lieutenant Governor of Nevada, and Governor O'Callaghan was unable to go to an event at Lake Tahoe. I represented the State. Governor Reagan, at the time, and I spent time together, but it was in a public setting and really not a time where you got to know anyone well.

My first trip to the Oval Office was one that I will always remember. Not only was it my first trip to the Oval Office, it was my first experience in sitting down and talking with Ronald Reagan, President of the United States. His personality came through in that meeting. I have often repeated the story of my visit there.

A Congressman asked Ronald Reagan at the time: Mr. President, I'm afraid you are going to invade Nicaragua. President Reagan did not wait a second. He came back so quickly, with that smile on his face, and said: I'm not going to invade Nicaragua, but I want those SOBs going to bed every night thinking I'm going to.

That was Ronald Reagan. His views of the world were views that all of us could understand. He made it very clear to us that he was not going to invade Nicaragua but he was not about to show any weakness to the Nicaraguans. That is exactly how he said it. From where I come, that was talk that I understood.

I have fond memories of Ronald Reagan. Ronald Reagan, of course, is someone we all watched on TV, "Death Valley Days." But those in Nevada remember him also, and the papers in Nevada have been full the last few days about his entertainment qualities in Las Vegas.

He came to Las Vegas as an entertainer. He appeared on the Las Vegas strip as an entertainer. We were discussing what he did. I don't know what he did, but he came all the time. He was a headliner. I don't know if he sang or danced. I don't know what he did. He made money and they kept bringing him back.

He was born in the Midwest but he was really a son of the West. He stood for a lot of what we now identify with Ronald Reagan. He believed in freedom, independence, and opportunity. These are the values that all Americans share. We probably understand them a little better in the West.

He handled the Soviet Union much as he handled the situation in my first meeting in the Oval Office. He was direct and to the point with us about how he felt about Nicaragua. In the situation with the Soviet Union, he was direct and to the point.

The first breakthrough in peace for Israel in the Middle East came as a result of a hawk by the name of Menachem Begin. Menachem Begin was the leader of the underground against the British. He was someone who fought the British as no one else did. He did it in secret. But he was the leader. And Menachem Begin's own family did not know that he was the leader of the underground until after the British announced that he was. It took Menachem Begin, somebody who was very hawkish, to make a deal with Egypt. None of the other Israeli leaders could have done it because they would have been seen as capitulating to the Egyptians.

The same with President Reagan. No one could take away his Communist-fighting credentials. He had them from the time he was an actor, with the Screen Actors Guild, Governor, and President.

I watched a TV program, and the same speech that Ronald Reagan gave as head of the Screen Actors Guild, he gave as Governor, he give as President. He was a certified anti-Communist. So who could better make a deal with the Communists than Ronald Reagan?

No one could question his credentials, no more than they could question the credentials of Menachem Begin. Had it been Jimmy Carter or Bill Clinton, it would not have happened. But no one could question his Communist-fighting credentials, and, therefore, people accepted the deal we made with the Soviet Union, which was good for the world and good for our country.

Ronald Reagan has been a good neighbor to the State of Nevada. The State of Nevada shares a national treasure. It is called Lake Tahoe. There is only one other lake like it in the whole world, and that is in Russia, Lake Baikal. I acknowledge that Lake Tahoe is smaller than Lake Baikal, but so is every other lake in the world. But it is an alpine glacial lake that is a wonder of beauty. Ronald Reagan identified that something needed to be done about this beautiful lake.

I spoke yesterday to Paul Laxalt. Paul Laxalt and I have been political adversaries all of my adult life and a lot of his life. But I do not have a better friend than Paul Laxalt. We are friends. We call each other all the time. We have done that for many years. Even though we have been political adversaries, we are friends.

Anyway, I called Paul Laxalt yesterday and said: Talk to me about your relationship with Ronald Reagan. Everyone in Nevada knows and most everyone knows in Washington—my distinguished friend from New Mexico is in the Chamber who served with Senator Laxalt in the Senate—Ronald Reagan's No. 1 guy in the Senate was Paul Laxalt, period. I do not say that saying, oh, somebody may question that. That is a fact of life. Ronald Reagan said it. That is the way it was.

Paul Laxalt said Ronald Reagan should be remembered for two things by Nevadans. No. 1 is the bi-State compact to which the two Republican Governors, Laxalt and Reagan, agreed. They sent it to the California and Nevada State legislatures, and it was ratified eventually by both legislatures. They recognized that something had to be done to preserve Lake Tahoe.

No. 2 is what he did to stop the MX missile from coming to the State of Nevada. The MX missile—most people don't know what that means—but it was a missile, the MX, with 10 warheads on each missile. It was to cover hundreds and hundreds of square miles through Nevada and parts of Utah. That would have been a blight to the environment there, but it was also deemed to be wasteful moneywise. So Ronald Reagan personally intervened, and that never came to be.

That is what Paul Laxalt wanted the people of Nevada to remember about his best friend, Ronald Reagan—what he did for the State of Nevada. Of course, there were many other things.

Paul told a story that they were campaigning together. Paul Laxalt gave every one of his nominating speeches, the time he did not win and the two times he won. Paul Laxalt gave his nominating speeches. He said Ronald Reagan was such a forgiving man that he never held a grudge. They were campaigning in some northeastern State, and somebody had given a speech—somebody Ronald Reagan had helped a lot—and he gave a speech blasting Ronald Reagan's economic program. He was a Republican, and everybody around Reagan was mad at him. So he was getting ready to give this speech, and he says to Paul: I can't remember, why am I mad at this guy? It was because he did not hold grudges. It was not in his nature.

So it is wonderful we had someone like Paul Laxalt who had such close contact with the President of the United States. But not only did he have contact with Paul Laxalt, President Reagan did many other things for the people in Nevada.

Sig Rogich was a special assistant to the President. Because of Ronald Reagan, Sig Rogich developed a great personal friendship with the first President Bush. They are friends. People wonder why President Bush always comes back to Nevada. It is to see his friend Sig Rogich. He, of course, made Sig Rogich an Ambassador to Iceland, where Sig Rogich was born.

Sig Rogich is an extremely successful businessman. But people should also understand Sig Rogich was head of the Tuesday Team that developed that great campaign slogan for President Reagan: "It's morning in America."

Rogich wrote and directed most of those pieces. He was heavily involved in the life of President Reagan. He came and moved back here. But, as a result, not only do we have Rogich back here, but Frank Fahrenkopf became chairman of the National Republican Committee. I talked to Frank Fahrenkopf today. He said Reagan did this in typical fashion. He had been offered the job in 1980. He had a great law practice in Nevada and did not want to come to Washington.

Jim Baker called him and said: The President wants you to give a report about what happened in the 1982 elections—where the Democrats did very well; the Republicans did very poorly. He was asked to come back and give a report.

Frank said: Well, I have to fly all night because I'm going with 10 State chairs. We are going to China.

And Baker said: I think it would be a good idea if you came. The President wants you to come back here.

So he got back here. And Senator Laxalt said to Frank Fahrenkopf: Would you reconsider being the national chairman of the Republican Party?

And Frank said: Well, Paul, I have the same problem. I have this law practice.

He said: Well, think about it. He said he knew he was in trouble when he went to breakfast at the White House and they seated him right across from the President, and the President said: Dick Richards is retiring as chairman of the National Republican Party. He said: We have here Frank Fahrenkopf who has said he is going to think about it.

So he knew right then he was going to be the national chairman because the President asked him to do it. So Frank Fahrenkopf became the national chairman of the Republican Party.

But my favorite Ronald Reagan memento—I have always been opposed to term limits. I have opposed term limits for the House and Senate. I have always spoken forcefully against that. I think it is wrong. It is wrong that we have the 22nd amendment to limit the Presidents to two terms.

Ronald Reagan agreed with me. He did not like term limits. He thought the 22nd amendment was bad. I offered a resolution to do away with the 22nd amendment. I spoke out against term limits. President Reagan, after he had retired as President of the United States, wrote me a handwritten note. Here is what he said: "Dear Harry, I'm glad . . ."—it is in Ronald Reagan's handwriting, and I have that in my scrapbook. I love my scrapbook and have this in it. I had announced that I supported repeal of the 22nd amendment. Here is what he wrote:

> I'm glad you are moving on repeal of the 22nd Amendment. I've made a number of speeches to national business groups. . . . In every speech I've announced my support for repeal and have received an ovation from every audience. I charge that the 22nd is a violation of the people's right to vote for whomever they want.

Signed: "Ronald Reagan."

Here is the guy. He believed in States rights. He believed in people being able to make their determination, not some arbitrary law that we passed saying: You can't serve in the Senate because you have been there two terms. He believed the people have the right to choose their representatives.

I have a number of pictures with Ronald Reagan. I liked him as a person. I did not agree with everything he did politically, as we all know, but I liked him as a person.

So I stand here today honored that I had a chance to work with President Ronald Reagan, someone with whom I knew and felt comfortable. He surrounded himself with good people. They were not mean-spirited. They were good people. They were pragmatists. I liked the people with whom he surrounded himself.

He is going to be remembered in history, of course, as one of our great Presidents. This is a time to mourn his death, but it is more important to appreciate his life.

I can remember a person with whom I practiced law when Ronald Reagan was President. He said: He has no chance of winning. He is an actor. Look how old he is.

Well, people liked him for who he was, not how old he was or what he had done before he was elected Governor of the State of California. His amazing journey was the American dream come true. He helped bring the dream a little closer to all of us.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I was privileged to become chairman of the Senate Budget Committee at the same time Ronald Reagan was sworn in as President. I never thought I was going to have that job, but with his victory, we took over the Senate. I recall Senator Howard Baker called me at home, and his greeting was "Mr. Chairman." I kind of wondered what he was talking about, and then he told me. That was quite startling because I knew I was going to be chairman when Ronald Reagan would be asking that we carry out his program.

From January of 1981 until President Reagan left office in January of 1989, it was my privilege to work closely with him and his senior advisers, as with any President before or since. I suspect I saw President Reagan exhibit all his legendary traits: the man of principle, the man of strength, the man of strong convictions, the man of humor, and, in one famous case, a man with an Irish temper on occasion.

Even before he was sworn in, Mr. Reagan asked Cap Weinberger to head up his transition team for the Reagan budget and fiscal policy. I worked closely with Cap and then Dave Stockman, whom I knew when he was a Member of the House. He was announced to be the incoming OMB Director.

I was impressed by the three principles that Ronald Reagan insisted on in my budget that I would prepare: Restraint of domestic spending, long overdue increases in defense spending, and tax cuts to stimulate the economy. The economy was a dormant economy. Those three principles guided every decision that I had with the President and his senior staff. He was not going to compromise on these three principles.

I saw his strength on many occasions, most notably, of course, after the assassination attempt. But I also saw his strength when he insisted that the air traffic controllers either go to work or lose their jobs. That signal, clear and strong, persuaded me this man was, in fact, a man who would risk political standing in order to stand for the good of the public.

I saw his humor time and time again. Once when I showed up late for a meeting with him, there were other Senators present. It was very embarrassing. He was amused. And when my good friend, Senator Howard Baker, became Chief of Staff to the President, he told me one of his jobs was to try to come up with a good joke to tell the President, that Reagan's humor came from the same sense of perspective that produced his strength and commitment to the American people.

I learned firsthand that the Irish in President Reagan also included a bit of an Irish temper. In 1993, I had the delicate task of telling the President that I would not put off my budget for the upcoming fiscal year, and that I would not be able to supply him with the entire increase in defense spending for the upcoming fiscal year. Cap Weinberger had made that request on behalf of the President. I would not put in my budget in the upcoming year that entire defense request. Cap Weinberger and I discussed this for weeks, and we put off this action over the Easter holiday and for weeks to give them a chance to work on their defense budget.

The Senate Armed Services Committee chairman, Senator John Tower, and I discussed it, and Senator Tower knew we couldn't get the entire request. Finally, just as the markup of the budget was to occur, at about 10 minutes until 10 in the morning, the President called me on the telephone in the back room of the Budget Committee's hearing.

"Hello," I said to the President.

"Hello, Pete," he said pleasantly. "You know, I really need you to put off the markup of the budget until we can get an agreement on the defense spending."

"Mr. President, I really appreciate and am honored by your call, but I have delayed this for too long and just cannot get the full number that you have requested for defense."

"Well, will you postpone the markup?" he asked with little amiability in his voice.

"No, sir; I cannot do that," I replied.

At that point, the President said goodbye. At least I think that is what he said. I was told later by someone who was present in his office during the call that the President turned a little red in his face and threw the phone on the floor. Yet he was absolutely wonderful to me after that. He campaigned for me. He turned his budget over to me for implementation. And I had a great relationship not only with him but with those who served him, in particular Dave Stockman.

Let me note something about the first budget exercise. The President and his staff had some thoughts about the proper legislative approach. I disagreed and argued for something we now know and have learned to use, and we understand it well. But it was truly historic, the use of a process called reconciliation. That was the first time we ever did it. Nobody understood it. The President, with the guidance of Leader Howard Baker, went along with our recommendation. Senator Fritz Hollings joined me in this historic reconciliation effort. We had all the President's budget restraints in it. We had his tax cuts in that extraordinary document. And in the budget resolution for fiscal year 1992, we had room for all the President's defense spending increases to which he ended up agreeing.

Some Members of the Senate expressed dismay and even anger over the use of this process called reconciliation. Even some Republicans were perplexed by its complications and wondered how it would really work. I know the President and his staff relied on us in the Senate and on the committee to carry out what we promised.

It is to President Reagan's credit that he supported us every step of the way. Perhaps that was one of the things I admired most of this man. He made a decision, entrusted it to those on whom he relied, and used all of his power to make a plan succeed.

I cannot tell you how complimented I felt when Howard Baker came to me and said: The President says if you and I think we can do this, then he will back us all the way. And he did.

What a great President. What a great American. What a great man. It was truly my privilege to work with him. I think history will record that our work was of historic importance as the President moved toward making this economy stronger than ever, this Nation more secure than ever, and the world safer than ever.

In closing, let me say I honestly wish I had had occasion to know him even better. I didn't have the opportunity to get to know him on a personal basis. Most of what I learned of him is expressed and explained in the remarks I have made. But the wonderful stories I have heard about him are clearly believable, because what I saw of him was remarkable. What I saw of him in the numerous meetings was truly incredible.

Some spoke ill of him during those days. It is wonderful to note that most of those have forgotten those days and are now part of this great chorus in our country that is praising him as one of our greatest.

I knew most about the economic situation because of the Budget Committee, but it is easy for me to see how he succeeded in foreign affairs. It is clear no one could have accomplished with the Soviet Union what he did, because most Presidents would not be believed, and most Presidents would not be permitted to propose and make the kind of agreements with the Soviet Union that he did.

To sum it up, he made a stronger America. Our economy grew somewhere between 18 million and 20 million jobs. Think of that. We are now talking about 2.2 million jobs. He took an economy that was in terrible shape. Does anybody remember 21-percent interest? We have grown so accustomed to low inflation and low interest rates in the last few years that most of us don't understand inflation was so rampant and interest rates so high that, in our grocery stores, those who filled the shelves would also bring along a stamp and they would change the price as they walked down the aisles, because the foodstuff had to go up day by day, week by week. Can you imagine what Americans would think about that today? But we had to take it back then and we had to wait for something else to work. That something else was Ronald Reagan's policy, his approach to lower taxes, which stimulated this economy.

So it is with deep regret that I join with many others and many in the Senate who will have words to say about him. Again, my best to his wife Nancy and his family. I understand their great grief. But they had him for a very long time, and I am sure with the passage of time they will begin to understand that. I hope they can and I hope they will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the passing of President Ronald Reagan, and to comment about the great legacy he has left and the occasions when I had an opportunity to meet and deal personally with President Reagan.

While I had met him prior to the 1980 election cycle, I had an opportunity to work with him during that Presidential election year when he was elected President of the United States and I was first elected to the Senate. I recollect his presence in Philadelphia on one August day, when the timing for his presentation was to coincide with the beginning of the 6 o'clock news cycle, so he would be carried live over the broadcast stations. I recollect standing behind the curtains at the Bellevue-Stratford Hotel, where he was later to be the guest of honor at a fundraiser on my behalf.

What a sense of expectation there was by then-Governor Reagan and Mrs. Nancy Reagan, with Mrs. Reagan expressing the question: Do you really think it is possible we will be successful in this Presidential bid? I commented that I thought the chances were excellent. Precisely at 6 o'clock, the curtain was pulled back, and the President-to-be stepped forward and made an eloquent speech.

He traveled to Pittsburgh where again he was the guest of honor at a fundraiser. I recollect attending that event, and at one appropriate moment he demonstrated his insight into the drama and to the field by grabbing my hand by the wrist and lifting it high in a traditional victory celebration. Watching him as a campaigner was a very instructive opportunity.

The day after the election, when he was victorious, I, along with the other 15 Republican Senators who were elected on that same day, 16 of us were elected, and Republicans took control of the Senate in the 1980 election with a 53 Senate majority, was called by President Reagan to congratulate us and to hear words of congratulations. President Reagan's sense of cheer and sense of optimism was with him at all times. I was to learn as I got to know him better that he really liked to make congratulatory phone calls when there was good news in the offing. As President, he had the practice of calling every nominee to the Federal bench to personally tell the nominee that he, the President, had nominated the individual to be a Federal judge, and, of course, that is great news, but that was the sort of moment that President Reagan relished.

When we were sworn in, in January of 1981, Senator Howard Baker, the majority leader, designated me as spokesman for the group. He did that because I was last in seniority. Seniority at that time among Republican Senators was decided on the basis of alphabetical listing, after the preference was given to former Members of the House and former Governors.

As the spokesman for the class, I had the honor of sitting next to the President during our frequent luncheon meetings. At one of the meetings, Senator Mack Mattingly was seated across the table. This was after the President had been reelected in 1984. Senator Mattingly said to the President: Why is it, Mr. President, that you don't age at all?

President Reagan was fast with one of his famous stories. He said: Well, Mack, it is like the two psychiatrists who came to work the same time every day. Both were immaculately dressed. When they left in the afternoon at the same time, one psychiatrist was totally disheveled, and the other continued to be immaculately dressed. After day after day, week after week, month after month of this happening, finally one day when they left, the disheveled psychiatrist said: How is it that we come to the office the same time every day to see our patients, and day after day, week after week, month after month, you leave immaculately dressed and I am disheveled? The immaculately dressed psychiatrist looked at his colleague and said: Who listens? This was President Reagan's way of saying he can take all of the tough spots of the Presidency and still retain his composure and still retain his vigor and his freshness.

I was very much impressed with President Reagan when he was near the end of his first term and he was asked a question about whether he was going to run for reelection. His answer was: The people will tell me whether I should run for reelection. I have been asked the same question from time to time. I have used President Reagan's answer because I believe it is a really terrific answer.

The first legislation which I proposed after being elected to the Senate involved the armed career criminal bill. I sought a meeting with the President. That was a bill, which has been enacted into law, that provides for mandatory sentences of 15 years to life for career criminals who have three or more major felonies on their record.

When I described it and discussed it with President Reagan, he referred to a James Cagney movie in which there was a three-time loser, immediately relating that to his own experience, and became a supporter and ultimately signed that bill into law.

President Reagan traveled frequently to Pennsylvania and on those occasions would invite Senator Heinz and I to join him. One such occasion was extraordinarily memorable. It was on the 200th anniversary of the signing of the U.S. Constitution. It was a real experience to ride with the President in Air Force One and in a limousine and to have a chance to talk with him and discuss with him some of the major issues.

He had made a comment that when we develop the strategic defense initiative, we would share it with other nations. I asked him about those plans and how he could carry that forward since the strategic defense initiative was not likely to be accomplished for many years and it would require an act of Congress to share one of our national assets. The President's reply was that this was a matter of leadership, and that in moving toward the strategic defense initiative, we wanted to assure other countries we would not use it only for ourselves but would make it available to others.

At that time, the mutual assured destruction doctrine was operative with the stalemate between the United States and the Soviet Union, each knowing that if there were to be an aggressive act, it would be responded to. So the mutual assured destruction doctrine was in effect, and to move to a strategic defense initiative required assurances that this kind of defense would be shared.

President Reagan leaves a phenomenal legacy. Perhaps his greatest achievement was presiding over the end of the Cold War, in which the United States defeated the Soviet Union. When the United States was rearmed, the Soviet Union could not keep up and ultimately was bankrupt.

President Reagan led the arms control talks with Soviet President Gorbachev. With his famous words at the Berlin Wall to tear the wall down, and ultimately with the demise of the Soviet Union, all of Eastern Europe was free, and liberty and democracy has come to so much of Eastern Europe and to so many people in the world because of President Reagan's leadership.

His optimism and sense of buoyancy were just what the United States needed when he came to office in 1981. His emphasis on less Government, his determination to lower taxes, and his spirit of determination to defeat communism were trademarks and legacies which will last forever.

One final note. When President Reagan came to Independence Hall on the 200th anniversary of the signing of the Constitution on September 17, 1987, we arrived at the Hall and there was an enormous wheel with George Washington and then sequenced, John Adams, Thomas Jefferson, and the wheel came all the way around and Ronald Reagan was situated right next to President George Washington. I asked President Reagan how it felt to be on that wheel right next to President Washington. He said: Arlen, it is a humbling experience.

I think the humility of President Reagan in the context of his great achievements is another addition to a really great legacy.

Mr. President, in the absence of any other Senators seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we have heard many remembrances of President Reagan these last 3 days. One of my own favorite stories about President Reagan appeared in the Boston Globe on St. Patrick's Day, 1983. It begins:

> In his corner office, House Speaker Thomas P. O'Neill Jr. has proudly hung a photograph of President Reagan. It shows the two men, their faces agitated in the heat of a argument over jobs and the economy, each jabbing a finger at each other.
>
> Underneath, a puckish inscription from 'Ron Reagan' to 'Tip' reads, 'From one Irishman to another—Top o' the morning to you.' That photograph conveys the flavor of perhaps the most important political relationship in Washington, for it juxtaposes the sharp partisan confrontations between the two men with the personal cordiality that suits the current mood of bipartisanship.

The headline on that article read: "Reagan and O'Neill: Each One Needs the Other."

Ronald Reagan was many things in life: An actor, a Governor, the President.

For countless millions throughout the world, he was the voice and the image of American confidence and optimism.

Even those who disagreed strongly with many of his policies admired his sunny disposition, his easy grace and charm, his quick wit, and his unshakable conviction, as he said so often, that America's best days are just ahead of us.

He was a self-made son of small-town, middle America who loved this Nation because of the chance it gave him—and generations of Americans before and after him—to go as far in life as their talents and ambitions could take them.

Historians will still be taking the measure of Ronald Reagan and his presidency for decades to come. But even now, it is clear that President Reagan presided over, and helped bring about, enormous changes in America, and in the world.

His unflinching opposition to communism helped bring down the wall and bring about the end of the Soviet Union. For that, the world owes Ronald Reagan a great debt of gratitude.

Americans, and friends of America throughout the world, are saddened by President Reagan's death.

Our hearts go out to the Reagan family, especially Mrs. Reagan and the Reagan children and grandchildren, as well as to President and Mrs. Reagan's friends. Even when someone has been slipping away for a long time, as President Reagan did, the final goodbye is still heartbreaking. We wish them comfort in this time of great sorrow.

In his 1987 autobiography, "Man of the House," Tip O'Neill recalled the time President-elect Reagan visited him in his office in early 1981. The Speaker told the man who was soon to be President that in the House, Democrats and Republicans "are always friends after 6 o'clock and on weekends."

For the next 6 years, until he retired, Tip O'Neill recalled, President Reagan always began their phone conversations by asking, "Tip, is it after 6 o'clock?"

It has been nearly 10 years since President Reagan wrote his courageous letter to America telling us that he had Alzheimer's disease.

In the decade since President Reagan began his quiet withdrawal from public life, the civility and personal decency that we associate with him seems, at times, to have all but disappeared from much of our public discourse. The elbows in politics have become sharper, the words have become meaner—and the accomplishments have become scarcer.

Sadly, there is a tendency today to assume ill will and bad motives of those who belong to the other party—or even another wing of one's own party.

This decline of civility in politics and public discourse is not good for America. It does not make us safer, or stronger.

President Reagan spoke to all that was good and decent in America. We would honor him by restoring decency to our politics.

Ronald Reagan was a man who believed deeply in his core principles. He would not want any of us to compromise our own core principles in his memory. But there is such a thing as principled compromise. President Reagan understood that. He knew that accommodation was needed to make the system work.

Like many conservatives, President Reagan had some basic philosophical qualms about Social Security. But he appointed a bipartisan commission to find ways to save Social Security from imminent insolvency—and he backed the commission's plan. That was principled compromise at work.

Twenty-four years ago this week, Ronald Reagan had just clinched the delegates needed to win his party's 1980 Presidential nomination. It was a nomination he had worked for for 12 years.

A newspaper reporter asked him what he thought he needed to do next.

He replied that he wanted to dispel the notion that he was a hard-nosed radical who would oppose compromise on principle. As he put it:

> You know, there are some people so imbued with their ideology that if they can't get everything they want, they'll jump off the cliff with the flag flying. As governor, I found out that if I could get half a loaf, instead of stalking off angrily, I'd take it.

Perhaps because he himself was a Democrat early in his life, President Reagan never demonized his political opponents—even when he disagreed profoundly with them.

When Tip O'Neill turned 70, President Reagan hosted a reception for him at the White House. There they were: the opposing champions of laissez-faire economics and New Deal liberalism. President Reagan toasted Tip O'Neill by saying:

> Tip, if I had a ticket to heaven and you didn't have one too, I would give mine away and go to hell with you.

President Reagan and Tip O'Neill, I am convinced, are reunited in heaven now.

As we prepare here in the Capitol to say our final goodbye to President Reagan, let us remember his capacity to see the best in everyone, including those whose political views differed starkly from his own. Let us remember that there is no dishonor in accepting a half a loaf.

In the months ahead and for as long as we are given the honor of serving in Congress, let us search and work for principled compromises that serve the interests of the vast majority of Americans. In that way, we can help to preserve President Reagan's great belief and hope that America's best days are, indeed, just ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Idaho, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Oklahoma, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. SHELBY. Mr. President, I rise today to pay tribute to the life and the legacy of former President Ronald Reagan. President Reagan served our country with honor and distinction, and I feel privileged to have the opportunity to reflect on the contributions he made to our country and to the world.

Upon hearing the news of his death, I thought back to the footprints he left on my memory. He was, indeed, one of the greatest leaders, I believe, of our time, and I was honored to know him.

President Reagan provided our country with an enormous amount of hope following a period of national remorse and confusion about the direction of our country and about its place in the world. Let us not forget the context into which he emerged to seize his place in history and to move the United States forward with a determination and an optimism about the future that was so recently lacking.

The ghost of Vietnam haunted our foreign policy and the specter of Watergate informed our politics.

The election of Ronald Reagan, however, truly changed America. He instilled hope that every American could be optimistic about his or her future; hope that communism would not endure and that freedom and democracy could ultimately vanquish the forces that sought to pull our country, and many others, into the abyss of despair and hostility that permeated much of the world; hope that personal freedom without the encumbrances of big government would revitalize the economy; hope that the rejuvenated armed forces he would lead as Commander-in-Chief could make the United States once again truly the leader of the Free World in a struggle for survival against the Soviet Union.

President Reagan's eternal optimism gave our country a renewed sense of self, a belief that the American dream was possible and that every individual had the opportunity to create his or her own success. Ronald Reagan believed that each new day was filled with high purpose and opportunity for accomplishment. He gave America back the hope we had lost for many years.

President Reagan's leadership and courage were central to ending the Cold War. He was certain that freedom and democracy could prevail in all corners of the globe if only the one country with the capacity to do so would step in and show the way.

Many Americans who were not yet born or were too young to understand could not appreciate what this man accomplished. The first half of the 20th Century was marked by warfare on a global scale. The First World War—the war to end all wars—had decimated much of Europe. A generation was lost to the trenches and newly introduced technologies of destruction such as the machine gun and the tank.

The war that followed, World War II, managed to go well beyond its predecessor, as the failure of European diplomacy once again dragged the continent into the horrors and devastation that man continued to wrought. The epic struggle against the forces of fascism, a struggle we remembered this past weekend with the anniversary of the Normandy landings, was a fight against evil in every sense of the word. Its ending, however, set the stage for a new type of conflict—a conflict that would take the second half of the century to resolve, mercifully without the nuclear war that existed as the logical culmination of the stand-off that came to be known as the cold war.

The skills, strengths and enormous fortune that kept the cold war from turning hot transcended, of course, multiple presidential administrations. It was brought to its successful resolution, however, through the vision and strength of exactly one man: President Reagan. Decades of conflict management, in which experienced diplomats and elected officials sought primarily to prevent nuclear war and to contain the Soviet threat, had succeeded in preventing nuclear war. That was an incredible feat, to be sure.

What set Ronald Reagan apart, however, was his vision of a world without the nuclear stand-off that had become an indelible image in the public psyche of virtually the entire world. What set Ronald Reagan apart was his visceral belief that the United States, and the freedom and prosperity it represented, had to, and could, not just contain the threat but eliminate it without the awful specter of nuclear war coming to fruition.

Derided by his opponents both here and abroad as a dangerous cowboy, President Reagan stood firm in his beliefs and led the country to victory. He believed, correctly, and at variance with the views of many a university professor and politician, that the United States could force the Soviet Union over the cliff on which it rested, buttressed on the backs of the millions it held in its tyrannical grip.

This was a truly great man.

Limited government, lower taxes, and individual responsibility will also be part of President Reagan's legacy. He believed that each American and each community were the best problem-solvers. Rather than making Government bigger to address the challenges our country faced, Reagan stood firm in his commitment to the contributions that could be made through personal empowerment and a renewed sense of political and social responsibility.

I was just a second-term congressman when President Reagan came into office. Although a Democrat at the time, I closely identified with his commitment to lower taxes, limit government and rebuild the military. I shared President Reagan's conservative philosophies, and he helped me, and millions of other Americans, have a restored faith in the purpose of our Government.

I also recall a time when President Reagan asked me to breakfast at the White House. I, a second-term Congressman at the time, was certainly impressed. I had always been a conservative Democrat, and he had hoped that I would change parties, as he had done when the Democratic Party ceased to represent the values he held dear. I declined his offer to do so at the time, explaining my strong desire to work to fix the Democratic Party from within. The President knew better, telling me that the party was in the midst of a transformation that would not be reversed any time soon. It took me more years to fully appreciate the President's wisdom. But appreciate it, I did, and I followed his lead in abandoning the party of my youth in deference to another. While I took a little longer to change than he would have liked, he did provide me with much of the foundation as to why I needed to leave the Democratic Party. I have always appreciated his guidance, humility and humor.

I believe history will treat Ronald Reagan well. He uplifted a frustrated country through his optimism and hope. He changed a troubled world with his devotion to the spread of freedom. Ronald Reagan embodied the American spirit, and our country and the world are forever grateful for his service.

I offer my condolences to Mrs. Reagan and the entire family. They have endured much heartache with his illness, much grief with his passing, and much joy with his life. My thoughts and prayers are with them in this difficult time.

May God bless Ronald Reagan and his memory.

Mr. FITZGERALD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I rise to speak as if in morning business.

The PRESIDING OFFICER. We are in morning business. The Senator is recognized.

Mr. ALLEN. Mr. President, my colleagues and Americans, President Ronald Reagan will be returning to Washington tomorrow for the very last time. I rise to honor the memory and life of the greatest leader of the 20th century and to express my sympathy to his wonderful and loyal family—in particular, his loving wife and partner Nancy.

Nancy Reagan has always been an outstanding and inspirational role model for our entire Nation. And that has never been more clearly displayed than through her wonderful courage and love during the difficult journey she and President Reagan traveled during the past decade.

Like so many, I was inspired to actually answer the call of public service because of then-Governor Ronald Reagan's positive, principled message. In 1976, I began as a young lieutenant in the Reagan revolution when I was asked to chair Young Virginians for Reagan. Today, I am still motivated to work to advance his individual-empowering philosophy in government.

Ronald Reagan entered the political stage in 1964 with a speech which summed up a philosophy that would guide him through his Presidency two decades hence, and which turned the tide of world history.

Mr. Reagan said in 1964, "You and I have a rendezvous with destiny. We can preserve for our children this, the last best hope of man on Earth, or we can sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children say of us we justified our brief moment here. We did all that could be done."

Indeed, Ronald Wilson Reagan did have a rendezvous with destiny. President Reagan rejuvenated the spirit of America. His determined, optimistic leadership lit the torch of liberty and allowed it to shine in the dark recesses of oppressed countries around the world.

Ronald Reagan believed in the innate goodness of mankind. He believed and advocated the wisdom of our country's foundational principles. He believed that given the opportunity, all men and women would seek freedom and liberty and with it unleash creativity, ingenuity, hard work, and economic growth.

He touched deeply the hearts and minds of Americans through his genuinely believed, commonsense conservative words of encouragement—from his first inaugural speech in 1981, to his inspirational State of the Union Addresses, to his moving memorial tribute to our lost Challenger explorer, to his strong demand to tear down the wall of oppression, to his passionate tribute to the defenders of liberty at Normandy 20 years ago this week. Those were the words he delivered. Those words which he delivered are now as much a part of the fabric of America as the threads of our flag, Old Glory. Lee Greenwood's song, "God Bless the U.S.A.," was an anthem to Ronald Reagan's renewed America.

Historians will surely discuss and debate the impact of Ronald Reagan's 8 years as President for generations to come. But there is no doubt his legacy has already been revealed. In fact, he foresaw his legacy. He was there at the bicentennial in 1981 of the Battle of Yorktown. He gave a wonderful speech at Yorktown, VA.

He said as follows, "We have come to this field to celebrate the triumph of an idea—that freedom will eventually triumph over tyranny. It is and always will be a warning to those who would usurp the rights of others. Time will find them beaten. The beacon of freedom shines here for all who will see, inspiring free men and captives alike, and no wall, no curtain, nor totalitarian state can shut it out."

To put this in context, when Ronald Reagan became our 40th President, Americans had lost their faith in our leaders and in the role of America in the world. Government at home was restraining its citizens with oppressive taxation and burdensome regulations. Our national malaise led to historically high unemployment, high interest rates and inflation, low productivity, and a stagnant stock market.

Our moral authority around the world had been eroding, and confidence in the ideals of liberty and democracy were replaced by the fear of expanding tyranny, communism, and repression.

America yearned for a leader who could change the direction of our Nation and make them proud of our heritage once again. Ronald Reagan answered that call.

Many tributes this week rightfully point to President Reagan's unwavering optimism and belief in the inner strength of Americans, and indeed all human beings. He understood that they could be motivated and inspired to higher ideals with our competitive nature. No more hand-wringing. He wanted action. Indeed, he challenged us to look no further than his administration and ourselves for solutions. He said, "If not us, who? If not now, when?"

Beyond his unshakable faith in mankind was his consistent adherence to principles which were unfashionable and often scorned when he came to office but today which are solidly embraced and winning the minds of people across our country and throughout the world. He acted on his beliefs that government interference should be restrained and that free people should be unrestrained, without limits. We prospered and we thrived with the creation of jobs and opportunities.

One of my very favorite principles of President Reagan was declared in his 1985 State of the Union address when he said, "Every dollar the government does not take from us, every decision it does not make for us, will make our economy stronger, our lives more abundant and our future more free."

And so it is. Through tax cuts that return tax dollars to those whose hard work and ingenuity earned them, to reducing burdensome regulations, President Reagan presided over the beginning of the most robust peace expansion of our economy in the history of our Nation.

But President Reagan believed the blessings of liberty must not be bestowed only on a few nations and only to those blessed to be born on free soil; Ronald Reagan, with the strength of his convictions, exported and advanced democracy to continents, countries, and people yearning to taste the sweet nectar of liberty.

He knew the evil communistic empire could not be sustained and would collapse under the weight of a determined effort to challenge the Soviets on their failed policies, both foreign and domestic. He reversed decades of policy calling for containment of that oppressive tyrannical system, and he boldly asserted that the advancement of freedom and liberty must be America's No. 1 foreign policy objective. Indeed, he believed that it is our solemn moral obligation to do so.

Now we are seeing his greatest legacy. Hundreds of millions of free people, from the Baltics in Lithuania, Estonia, Latvia through Poland, Hungary, Slovenia, Slovakia, the Czech Republic, Bulgaria and Romania, all people once repressed behind the Iron Curtain are now joining NATO. They are true friends and allies. Yes, they are breathing that invigorating wind of freedom.

One of the last public statements Ronald Reagan made was in 1983. He provided us with a vision which will guide us now and in the future. Ronald Reagan said, "History comes and history goes, but principles endure and ensure future generations to defend liberty—not as a gift from the government, but a blessing from our Creator. Here in America the lamp of individual conscience burns bright. By that I know we will all be guided to that dreamed of day when no one wields a sword and no one drags a chain."

It is Ronald Reagan's inspiring character, courage, unflinching adherence to principles, policies, and eloquence that brought forth a renaissance for the United States of America, a rebirth of freedom, and the world also experienced that renaissance at a crucial juncture in history. He fanned the flames of freedom and that torch of liberty will continue to burn brightly by his inspiration and example. We all thank God for blessing the United States and the world with Ronald Reagan.

President Reagan, as you finally enter the gates of that shining city on the hill you always talked about, rest peacefully, knowing you left the world a much better place than it was when you arrived. For that, the free people of your Nation are eternally grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that following my remarks Senator KYL be recognized and then Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I come to the Senate today to join others to remember a good friend and a great American leader.

In 1977, I was elected to the Senate leadership and served as Assistant Minority Leader until the 1980 election. I don't think anyone at that time could have predicted the sweeping changes that were about to take place. When Ronald Reagan was elected, he ushered in a new era of government so profound it became known as the "Reagan Revolution." That was an exciting time in Washington.

As I became assistant majority leader and began a new life—Howard Baker was the majority leader. The day before I was to marry my wife Catherine, Howard called and asked me to replace him on a trip to China because Deng Xiaoping wanted to understand what "Reaganism" meant. My wife Catherine and I were married on December 30, and we left for China on December 31. To prepare for those talks, I reviewed all of President Reagan's actions as Governor of California and his promises made during the election. I was honored to be offered the opportunity to explain and defend his record.

When Congress convened in 1981, those of us in the Senate leadership went down almost weekly for meetings at the White House. Occasionally, President Reagan came up to Howard Baker's office as Majority Leader to meet with us. I don't think any other President has done that as often as Ronald Reagan. President Reagan always tackled very serious subjects in these meetings, but he kept us relaxed. He usually began our discussions in the Cabinet room with a joke or a story. His leadership brought out the best of all of us.

During his administration we were able to accomplish a lot for the American people and set the Nation and the world on a new course. Much has been said already about the mark President Reagan left on our national defense and foreign policy. Those were his greatest contributions as President, and I viewed those decisions from a unique advantage point.

I was sworn in as chairman of the Senate Appropriations Defense Subcommittee just days before President Reagan took the oath of office. He immediately began to move toward a 600-ship Navy, new aircraft development, and space-based missile defense systems. President Reagan understood that the first thing we had to do was restore our military capability. The Soviets were outspending us at that time and stealing our secrets. The President took control of that situation, and in the years since President Reagan left office, either Senator INOUYE or I have been chairman of the Appropriations Defense Subcommittee. Each of us has carried forth the vision President Reagan had for our military.

History has overlooked President Reagan's personal commitment to arms control, however. In 1985, the President supported the creation of the Arms Control Observer Group in the Senate, a group of Senators that served as official observers at any arms control negotiations involving the United States. I co-chaired that group along with Senators LUGAR, Nunn, and Pell. Our goal was to avoid the problems we faced in the 1970s when three successive arms control treaties were unable to achieve ratification in the Senate. Our group went to Geneva 3 or 4 times a year and came back and briefed the President, Secretary Shultz, and the Senators who were involved in arms control matters.

The President encouraged the Soviets to decrease the size of their arsenals and to reduce the size of our nuclear forces. This was one of the most significant parts of the Reagan agenda, the overall concern with arms control.

The President also created a revolutionary new approach to defense space research. He brought down the walls between isolated research projects and advocated a more comprehensive approach. A lot of the aspects of the missile defense system, which he called Star Wars, were based upon the research he put into effect then.

When President Reagan passed away on Saturday, I noted that his death coincided with another sad day in American history: On June 5, 36 years ago, another great American leader, Senator and Presidential candidate Robert Kennedy, was struck down by an assassin's bullet in Los Angeles. Although they were from different generations and different political parties, Robert Kennedy and Ronald Reagan had a lot in common. Both men were leaders who did more than just point the country in the right direction. In the words of Bobby Kennedy, they inspired Americans to envision a "world that never was and ask 'Why not?'"

On June 12, 1987, President Reagan inspired all of us to envision a new world when he gave his famous speech at the Brandenburg Gate. I will never forget the image of President Reagan standing before that gate demanding that Gorbachev "Tear down this wall!"

Weeks before he gave that speech, the President learned that his remarks would be carried in East Germany over the radio, and in one part of the speech he spoke directly to the people of East Germany. One can only imagine the hope the people on the other side of that wall must have felt when they heard the President of the United States declare in their native tongue: "There is only one Berlin."

Here at home, President Reagan built, as he called it, a "shining city upon a hill." He borrowed that phrase from John Winthrop, an early Pilgrim who used it to describe the kind of America he envisioned.

For Reagan, the idea of a "shining city" was:

> A tall proud city built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace, a city with free ports that hummed with commerce and creativity, and if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get there.

I will always be grateful to President Reagan for teaching us to believe in that shining city and for opening its doors so Alaska could finally enjoy full citizenship.

Under President Ronald Reagan, the freeze on the transfer of Alaskan lands to our new State and to the Alaskan Native people was finally lifted, and we began to receive the land that rightfully belonged to us under the Statehood Act that admitted Alaska into our Union. President Reagan instructed the Department of the Interior to move quickly as possible on that. I do not believe it would have happened that fast had he not been elected.

Under President Reagan, the Village Built Clinic Program began, and we set out to establish Indian health service clinics in every Native village in Alaska.

Under President Reagan, we finally addressed the injustice of Aleut internment during World War II by awarding reparations to Aleuts who had been taken from their homes and sent to what were called "duration villages" in southeastern Alaska for the duration of the war.

President Reagan understood Alaska's military and geopolitical significance better than any other President. The modernization of Alaska's military bases accelerated during his administration.

What most Alaskans probably remember best about President Reagan is how well he understood our State and our way of life. When he came to Fairbanks to meet Pope John Paul II, he told the crowd that every time he came to Alaska he thought of the poet Robert Service and threatened to recite "The Shooting of Dan McGrew." In fact, he did that just that one night when Catherine and I were attending a dinner in Chicago. We had just flown in from Fairbanks, and I told the crowd that was present that the 20-degree weather in Chicago could not compete with the harsh weather back home, where the temperature was 50 below. Ronald Reagan got up to give his remarks, and he recited Robert Service's poem "The Shooting of Dan McGrew" from memory.

I distinctly remember him saying this phrase from Service's poem:

> When out of the night, which was fifty below, and into the din and the glare, there stumbled a miner fresh from the creeks, dog-dirty, and loaded for bear.

On the plane ride home, the President told my wife Catherine that his mother had kept a first edition of Robert Service's poetry by his bedside and read those poems to him as a child. Catherine later sent him a first edition of Robert Service that she found in a bookstore in New York, and he wrote her a nice letter back telling her he planned to memorize "The Cremation of Sam McGee" once more.

I tried many times to get the President to come back to Alaska, but, unfortunately, he decided, as the years went by, that he wanted to go back to California to ride horses.

We understood that, and honored him for it. Alaskans took comfort in knowing that even if his heart belonged to California, he was raised on the words of Robert Service, our favorite poet.

One of my fondest memories of President Reagan is, strangely enough, a phone call I received from him as chairman of the Appropriations Subcommittee on Defense. The President called to ask me if I had placed funding in the Defense bill that year to procure a new pair of Air Force 1 airplanes. I told him that I had. President Reagan told me that he had not requested that funding and would veto the bill.

He said: "Ted, I'm the President."

I said: "Sir, I understand that, but you won't be President by the time the new planes arrive."

There was silence on the other end of the line, and when he finally spoke, the President said: "Ted, do you have a design for these planes?"

I will never forget that because the first time a President flew in those new planes was when one of them took the retired President and Nancy back to California in 1989.

This week, President Reagan will fly back to Washington for the last time. Thousands of Americans will pay tribute to him in the Capitol Rotunda and millions more will reflect on his life. Catherine and I extend our deepest sympathies to Nancy and the Reagan family, as all of us will mourn the loss of a true American hero.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DORGAN. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. DORGAN. Mr. President, my understanding is, by unanimous consent, Senator BROWNBACK will follow Senator KYL. I ask unanimous consent that I be allowed to follow Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, America mourns the loss of an epoch-making leader, Ronald Wilson Reagan.

As the biographer Lou Cannon has said, Reagan "possessed a special 'something' that transcended the appeal of ordinary politicians" and he knew it. Even so—and this is an important point—he was neither a vain man nor in love with power. In not misusing that special appeal that he had, he showed such character and goodness. He could have been, but was not, a demagog. He was trying to accomplish his exalted vision of this country, only that. And in large measure, he succeeded.

Militarily, he rebuilt America's capacity to defend itself and its allies. Reagan's defense buildup led to U.S. victories in the cold war, the Persian Gulf war, and beyond. In fact, dealing skillfully with a Congress controlled during most of his Presidency by the other party, he secured funding for weapons systems that are still being used.

Diplomatically, he achieved with the Soviet Union, our adversary during most of the last century, an accord that eliminated whole classes of nuclear weapons from the stockpiles of both countries.

Politically, he enabled us to regain confidence in America. His confidence in his country and its goodness was utterly unshakeable, so he was just the right leader to rise to the fore when the national spirit had been battered by our withdrawal from Vietnam, the scandal of Watergate, and the malaise that his predecessor identified but could not seem to counteract.

Economically, he slew the dragon of double-digit inflation. He braved unpopularity to stay the course with Paul Volcker, Chairman of the Federal Reserve, in tightening the money supply. This steadfastness saw the United States through its worst economic crisis in 50 years. The economy slid deep into a recession before recovering in late 1982.

Along with tightening the money supply to kill inflation, Reagan was convinced that marginal tax rates must be cut to stimulate growth. These anti-inflation and tax policies defied the conventional wisdom of that time. But they worked. They gave us what the late, great journalist Robert Bartley called "the seven fat years," a time of unprecedented job creation and economic expansion in America.

Even as Ronald Reagan won through in domestic policy, he was a statesman who left his mark on the world.

During his two terms in office, early 1981 to the end of 1988, he championed the cause of human rights in the Soviet Union and Central and Eastern Europe, standing up for freedom, democracy, and civil society. He spoke passionately of God-given rights and said self-government and free markets were the only way to vindicate those rights. He wanted the people who were living under oppression to regain their dignity, and his words gave hope to millions.

In his 1982 Evil Empire speech before the British House of Commons, President Reagan said:

> While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings.

The Reagan administration fostered democracy around the world in the 1980s, in Central America, South America, Asia. The Philippines, Taiwan, and South Korea all liberalized their societies in ways that may not have been possible without the Reagan administration's support.

President Reagan will go down in history for his doctrine of peace through strength. It turned this country around militarily and diplomatically and turned the course of the cold war dramatically in our favor. It was also a negotiating strategy—the right one, it turned out—for dealing with a Communist power that was ailing economically but still aggressive. The Soviet Union had last invaded a country the year before he was elected, Afghanistan in 1979. The U.S.S.R. was engaged in the 1970s in a rapid military buildup.

Remember also that the prevailing nuclear standoff between the two superpowers when Reagan came into office was frightening. They were locked in a decades-old equilibrium under which neither attacked the other because each could, at the push of a button, destroy the other's populations with nuclear weapons. President Reagan once said this nuclear standoff, which was called mutual assured destruction, was "a sad commentary on the human condition."

He had the courage and the imagination to think of a way out of it: erecting a defense against nuclear arms. This would end the practice of holding civilian populations hostage to the atomic bomb. It was, he believed, both militarily and morally necessary to strike off in this new direction. As he pointed the way, he endured heavy criticism and even ridicule, but it didn't faze him.

His idea was brilliant, for even if embarking on this high-tech shield against missiles did not lead to a deployable U.S. system right away, he knew the Soviets would pour their resources into matching our progress toward missile defense. It was a competition they could ill afford. The extra burden—economically, and even psychologically, of keeping up with missile defense and the entire Reagan military buildup—hastened the collapse of the Soviet economy and the Communist system itself.

People who didn't agree with President Reagan called him a saber rattler and worse. Opponents wrung their hands at this peace-through-strength approach, insisting a buildup of U.S. military capabilities couldn't possibly help us if the goal was a safer and more peaceful world. Yet the critics were wrong. President Reagan, the so-called saber rattler, sat down with Soviet leader Mikhail Gorbachev in Washington in December of 1987 and the two men signed the Intermediate Nuclear Forces Treaty which abolished the use of all intermediate and shorter range missiles by the United States and the Soviet Union.

The following year the Reagan administration created the On-Site Inspection Agency to conduct U.S. inspections of Soviet military facilities and to aid Soviet inspections at our facilities. The Reagan-Gorbachev diplomacy set the stage for the 1990 signing between NATO and the Warsaw Pact of the Conventional Forces in Europe Treaty.

One of the well-known personal traits of Ronald Reagan was that he didn't care who got credit for successful policies. Goodness knows, his detractors, then and even now, will deny him any credit he might deserve for making the world safer. He did make the world safer, though. That is the truth of it. And history will remember him that way.

We can say of Ronald Reagan what Lincoln said in praise of his, Lincoln's, personal role model Henry Clay:

> He loved his country partly because it was his own country, but mostly because it was a free country.

The role model of our time is Ronald Reagan. His principles are the principles we now embrace. They will help us to keep this a free country and to help others who want to be free.

As we continue in the wake of September 11 to fight the war on terror, we all take comfort and inspiration from the jaunty optimism and the seriousness of purpose of Ronald Reagan. And President George W. Bush practices Reagan's doctrine of peace through strength. He has done so by confronting and defeating tyranny in Afghanistan and Iraq; by pursuing deployment of missile defenses; by leading the international community to stop the spread of weapons of mass destruction; and by demonstrating to the world that the United States is willing to rally free peoples in defense of our civilization and our democratic way of life.

Thank you, Ronald Reagan, for showing the way.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to pay tribute to Ronald Reagan, my political guiding light. I came to Congress on the second Reagan wave in the 1994 election, when Republicans took over the House of Representatives. Many of us were raised on Ronald Reagan. His was my first Presidential campaign in 1976, when I was still a student at Kansas State University. I was riding in a tractor in Kansas when I heard the Evil Empire speech. I started pounding on the dashboard, saying: That is right, that is right. Then all the pundits came on afterward and said how terrible it was. I was a bit confused but decided Reagan was right and the pundits were wrong. He went on to prove that.

He was a great contributor to our time and our legacy. I only had the pleasure of meeting Ronald Reagan once. I was a White House fellow in the Bush 1 White House. We met him in southern California. People had always given examples of his legendary humor. This meeting was no exception. We were having a meeting for a period of time, and then one of the people with whom I was traveling asked him a question: What one thing didn't you get done as President that you wish you had gotten done. I think he had heard this question before and he had given this line before, but he tilted his head back, and you could see the glint in his eye and the smile comes across the face, and he said: I wished I had brought back the cavalry. That was a line people enjoyed at the time, and it was the sort of humorous thing he was so known for in his policies. It was part of his greatness.

While he was a great President, he didn't consider greatness to be inherent to him. In other words, he was not full of himself. He considered this country great. He considered the position of President to be great. But he wasn't full of the feeling of greatness for himself, and he always had self-deprecating humor. That was part of him.

Following on the previous speaker, Senator KYL, I had a chance several years back to talk with Eduard Shevardnadze, Foreign Secretary under Mikhail Gorbachev, about when Reagan and Gorbachev were negotiating on missile reduction and nuclear weapons reduction. This was a meeting that took place within the last 3 or 4 years with Mr. Shevardnadze. I asked him to reflect on that time period when we were having a military defense buildup here under Ronald Reagan and what took place in the Soviet Union in that time period. I wanted to get a measure from him on that.

He said of Reagan: Reagan saw the central weakness of the Soviet Union. That was its inability to produce goods and services. They were spending somewhere between 60 to 80 percent of the GDP of the Soviet Union on the military. Along comes Reagan and says: I am moving more chips on the table. You will have to match me if you want to stay in this race.

The Soviet Union then was looking around saying, how do we stay in the race when we are putting virtually every chip we have right now into this military buildup for the cold war. And it was a long way from secure at that point in time that the Soviet Union was going to fall any time soon. This was a very well-established, militarily strong country. What it forced in the Soviet Union was for them to restructure their economy and move to openness to try to get more chips on the table to grow their economy.

They introduced the likes of glasnost and perestroika, openness and restructuring of the economy. But when you looked at the totalitarian Communist system, glasnost and perestroika were inherent inconsistencies and led to the demise of the Soviet Union, that along with Ronald Reagan's words. These words are from Eduard Shevardnadze. Many talked about star wars and how the Soviet Union, at that time when Reagan announced star wars—the Soviet Union's leadership sent its best scientists to come back and appraise it and tell the political leadership if the Americans could do this. The Soviet scientists came back after a few months of studying the American proposal—the Reagan proposal—for star wars and said we could not. They spent another few months looking at it and then returned to the Soviet leadership and said if the Americans are willing to stay on this path and put the money into doing it, they can do it.

It sent a shock wave through the leadership in the Soviet system that the United States could get this accomplished. Clearly, the deciding factor of opening that system led to the demise of the Soviet Union and the end of the cold war. There was this wave of freedom for people who had been in oppressed societies for their entire existence, and that was Ronald Reagan. He understood the source of our national greatness was not our wealth or our military power but, rather our belief in the dignity of the individual and in the God-given freedom of ordinary people to order their lives as they wished. That was the source of his view of the United States being a shining city on a hill and a model to people the world over, and an inspiring example of a political system that put power in the hands of the people, not bureaucrats or judges. That was Ronald Reagan.

We remember President Reagan for restoring our national confidence at a time when our country was on the heels of the Vietnam war and the impeachment of a President, uncertain about the way forward. We remember him for his staunch defense of innocent, unborn human life—an issue on which he never wavered—and for the extraordinary step he took in authoring a book as President, entitled "Abortion and the Conscience of a Nation," because he felt so strongly about the pro-life cause. We remember his brave challenge to a new Soviet leader to "tear down this wall," because it was an affront to human dignity. We remember his vital role in bringing the cold war to an end--an end hastened by both President Reagan's military buildup and his revitalization of the American economy.

In all of Ronald Reagan's political life was his passionate belief in two core principles: human freedom and human dignity, both inalienable because they were given by God. He believed in the unbounded inventiveness and ingenuity of the individual freed from the tyranny of government but firmly rooted in our recognition of a higher moral authority. He understood that, in his words, "The city of man cannot survive without the city of God, that the visible city will perish without the invisible city."

President Reagan recognized that the vitality of our society and culture has always been dependent on the religious faith and practice of the people. As he said, "Those who created our country . . . understood that there is a divine order which transcends the human order. They saw the state, in fact, as a form or moral order and felt that the bedrock of moral order is religion."

Ronald Reagan was never reticent in speaking about his own faith and the primary place it held in his life. In all of these things, President Reagan was, and continues to be, an inspiration to millions, and certainly to me. He transformed the world for the better, and we are thankful he graced this Nation with his life, his example, and his divine calling.

Our thoughts and prayers go out to him and to his family. And for all of us who mourn his passing, may we continue to be inspired and elevated by all he was, all he achieved, and all he sought for us to be.

God bless you, Ronald Reagan.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I would like to extend my deepest sympathy to the Reagan family, and to send a thank you from a grateful Nation to someone who served this country so well. And I know that the citizens I represent in North Dakota feel the same way.

President Reagan had a profound impact on the demise of the Soviet Union and the end of the cold war. I recall in the 1980s, in the middle of the cold war, when the lives of two men intersected: Ronald Reagan and Mikhail Gorbachev. These two men were very different in many ways, but they changed the course of history. Together, President Reagan and Mikhail Gorbachev sat down together to reduce the threat of nuclear weapons, to reduce the stockpile of nuclear weapons in both countries.

The Soviet Union no longer exists. Eastern Europe and the Warsaw Pact no longer exist. The Communist threat and cold war that stemmed from them is gone. And much of the credit, in my judgment, belongs to President Ronald Reagan.

We all recall the historic occasion when he stood at the wall in Berlin and said, "Mr. Gorbachev, tear down this wall." It was a moment I will never forget.

But President Reagan was defined by more than this moment.

When hundreds of American troops were killed in Lebanon, it was Ronald Reagan who went to the press room and said: I am accountable. You don't see many in politics do that, but he did.

In 1986, I served on the House Ways and Means Committee, in which we provided the most significant tax reform that had been done in many decades in this country—under the leadership of a President who said let's reduce tax rates for all Americans and get rid of some of the tax loopholes. This President led and the Congress followed. I was proud to be a part of that.

His Presidency was not without substantial controversy and difficulty. I felt his fiscal policy would produce very large budget deficits, and it did. And the Iran-Contra scandal was a serious problem for the administration. Yet, despite those problems and setbacks and controversies, I think President Reagan provided leadership in some very important areas.

The charm of President Reagan was considerable. He had that cowboy hat kind of cocked back on his head. He had movie-star good looks. He had that famous smile. He was a great storyteller with a gleam in his eye. He told the story often about the pile of manure and the child who insisted that if there is a pile of manure, there must be a pony somewhere. The President loved to regale people with stories.

I don't pretend to have known him well, but I sat behind him on the west front of the Capitol in 1981, when he gave his inaugural address. I recall that he announced to the country that planes had just left the tarmac in Iran with the American hostages, now freed. It was a gray, cold day and the first inaugural of President Reagan. As he began to speak, the clouds began to part and rays of sunshine began to come through. It was a remarkable moment.

And I was a freshman member of the House when, one day, I was called to the bank of telephones in the Democratic cloakroom. They told me it was President Reagan calling.

The President wanted my vote for a policy he was proposing to the Congress. I listened to him, but in the end, I felt he was not right on that particular issue, and I said I could not support him on it. He said: Well, you are a good man, and thanks for taking my call. It was just like him to frame it that way.

I had the opportunity to have breakfast with him, along with a handful of my colleagues, one morning in the White House. Once again, he regaled all of us with wonderful, charming stories.

I have always said that if you could have dinner with anyone, you could not do better than Ronald Reagan or Tip O'Neill, both Irish, both wonderful people with a wit and a charm, and both great storytellers.

I believe that for President Reagan, politics was not bitter or rancid. In fact, he used to talk about the "11th commandment" for his party: Thou shalt not speak ill of someone in his own political party. It is a commandment that has been long forgotten, regrettably. I am afraid that today's politics have taken a turn for the worse.

President Reagan was aggressive in debate but always respectful. I believe he personified the notion that you can disagree without being disagreeable.

He was a man of great strength. After he was shot during an assassination attempt—seriously wounded—he was wheeled into the hospital emergency room, and he was ready with a quip for the doctors.

He was a remarkable person. When the *Challenger* accident occurred and this country was horrified by seeing the explosion of the *Challenger* and the death of those astronauts, it was Ronald Reagan who came on television and talked about that ill-fated flight. But he did it in such an inspiring way, and finished with the refrain from that poem: They have slipped the surly bonds of Earth and touched the face of God.

Later in life, as President Reagan lived in retirement in California, he began a long journey into the darkness of a devastating illness called Alzheimer's. His last statement to the American people was a poignant statement, in which he described his illness and its consequences.

This is a man who served his country with great distinction, someone with whom I had disagreements from time to time, but someone who I believe is owed the admiration of an entire nation.

I am reminded of a book that David McCullough wrote about another President, John Adams. In the book, you learn that John Adams wrote to his wife Abigail, as our Founding Fathers tried to put this country of ours together—and he asked these questions: From where will the leadership come? Who will be the leaders? How will the leadership emerge to create this new country of ours? And then he would plaintively say to his wife: There is only us. There is me. There is Ben Franklin. There is George Washington. There is Thomas Jefferson and James Madison. There is George Mason.

Of course, in the rearview mirror of history, we recognize that these men were some of the greatest human talent ever assembled on Earth. But every generation has asked that same question for this great democracy. From where will the leadership come? Who will be the leaders? And this country has been fortunate that, in generation after generation, men and women of virtually all political persuasions have stepped forward to say: Let me serve this great country.

Ronald Reagan was one of those leaders. He served in California as Governor and then served two terms as President of the United States. He had, in my judgment, a kind of a peculiar quality, a quality that gave him an almost quenchless hope, boundless optimism, an indestructible belief that something good was going to happen, and he communicated that to a grateful nation.

So today we say thank you. Thank you for your service. God bless your memory, and God bless your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, some people have the capacity to change your life. For me, Ronald Reagan was one of those people. Ronald Reagan's message of strengthening individual liberties, maintaining a strong national defense, cutting through the thicket of Government regulations and lowering taxes inspired me to run for public office in the 1980s. He made me believe it is possible to bring about change for the better.

I first ran for the Colorado State senate in 1982, the second year of Reagan's Presidency, and fought to pass resolutions there supporting the policies that the President advocated, such as the balanced budget amendment.

I was a small businessman. I operated a private veterinary practice. So Ronald Reagan's vision of strengthening America's small businesses, because they are the backbone of our economy and way of life, had a great deal of appeal. His belief in small Government and cutting taxes to allow people to decide how best to spend their own money have been two of my guiding principles since I was first elected to public office. I believe him to be the father of the modern Republican Party.

My wife Joan and I never had the opportunity to meet Ronald Reagan until he came to Colorado in 1988. Talking to him one on one was an emotional high point of my life. We smiled all the way back home to Loveland, CO. I have kept his picture hanging in my office, first in the U.S. House of Representatives and now in the Senate, ever since.

It is hard to describe to the young people who live in our vibrant economy and confident culture just how unsure and discouraged Americans were in the late 1970s. Everything that could go wrong had. America seemed to be shrinking before our eyes. Those in charge of our Government had apparently given up on winning the cold war. The Soviet Union loomed dangerous and, we were told, invincible. We were being admonished to get used to a dysfunctional economy that combined high inflation with low growth, a demoralized military, an ever more intrusive and intruding Government, a depressed and depressing spiritual malaise that left many in doubt about our fundamental values. No one offered a way out.

Ronald Reagan's fresh voice of optimism was like manna to our hungry spirits. He talked about how our idling economy could regain its formidable power. He talked about how great our country was and how much greater it could be. He talked about facing down our foes and our fears. He talked about restoring American pride and patriotism. He, more than any other individual in the second half of the 20th century, brought America back from the brink of self-imposed defeat and despair. He made us proud once again.

Ronald Reagan was a monumentally gifted man, and a man of many gifts.

To those in doubt, he brought the gift of optimism.

To his supporters and allies, he brought the gift of confidence and assurance.

To an audience, he brought a magnificent gift of humor.

To his opponents, he brought the gift of disagreeing without being disagreeable.

His gift to the world was even more significant. He brought about the end of a cold war that had cast a 50-year shadow of fear over all the people on the planet.

Ronald Reagan never doubted his country's need to defend itself from all foes. "Of the four wars in my lifetime," President Reagan said, "none came about because the United States was too strong."

It is of paramount importance for us to remember, during this period of threat and conflict, the wisdom of one of his favorite phrases: "Peace through strength." Among his greatest achievements was to rearm us, to reinvigorate the American military, and to let our adversaries know, beyond any doubt, that they were in a race they were not going to win.

In the past 15 years or so, the United States has decisively fought and won two significant wars. The keys to those victories were highly motivated and skilled combat personnel fighting with unmatched military equipment and employing unprecedented tactics.

How did this renewed and reinvigorated American military might come about?

Let's look back to Ronald Reagan's acceptance speech at the 1980 Republican nominating convention. As only the Great Communicator could, he laid out his vision for us with not only clarity, but with a conviction that rings true and is still good counsel today.

He said:

> We are awed—and rightly so—by the forces of destruction at loose in the world in this nuclear era. But neither can we be naïve or foolish. . . . We know only too well that war comes not when the forces of freedom are strong, but when they are weak. It is then tyrants are tempted.

He added:

> Let our friends and those who may wish us ill take note: the United States has an obligation to its citizens and to the people of the world never to let those who would destroy freedom dictate the future course of human life on this planet. . . . This nation will once again be strong enough to do that.

He was, of course, as good as his word. Once assuming office, President Reagan launched a military renaissance that not only led to the demise of the Soviet Union, Soviet communism, and the cold war, but also set the course for our military leadership that continues to this day ensuring our safety.

President Reagan's initiative was threefold: upgrade our military equipment; improve the training and morale of our service men and women to improve recruitment and retention; and restore national pride in—and global respect of—the United States' military.

A major accomplishment of President Reagan's was the development of a credible, modern strategic deterrent. He reinvested in our strategic ballistic missile weapons inventories, modernized a complement of land, sea, and aircraft-based platforms to project our strategic force.

This display of offensive force proved to be an effective deterrent, but President Reagan envisioned a world with far fewer of these destructive weapons, and pressed throughout his Presidency for significant reductions of nuclear weapons. In 1983, President Reagan launched the Strategic Defense Initiative in the hopes of one day rendering all such ballistic missiles "impotent and obsolete."

Today we are building on his legacy by deploying strategic missile defenses and aggressively eliminating excessive nuclear stockpiles. President Reagan's legacy to us, of a safer world, is one we must constantly guard and honor.

There is no doubt that President Reagan was one of the greatest Presidents of the modern era. A man of huge confidence and unwavering principle, he revived the American spirit, revitalized our economy and engineered the fall of communism. He changed the world for the better. We share his family's grief, and keep them in our prayers.

In his memory, let us recommit ourselves to President Reagan's goal of ensuring that America always remains the "bright, shining city on the hill."

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, on January 20, 1981, Ronald Reagan, after being sworn in as the 40th President of the United States, looked out over The Mall and addressed the Nation. He told us that the challenges of our day required:

> Our best effort, and our willingness to believe in ourselves and to believe in our capacity to perform great deeds; to believe that together, with God's help, we can and will resolve the problems which now confront us. And, after all, why shouldn't we believe that? We are Americans.

I remember the celebrations that evening as if they happened yesterday. It was a bitterly cold evening. As our Nation celebrated a new beginning, it was as if the cold January winds swept away a nation's doubts and fears and replaced them with a renewed American spirit.

Ronald Reagan was a unique American leader who understood the greatness and the goodness of America. He knew who he was and what he believed. Over the last century, no American President was as well grounded as Ronald Reagan. He had faith and confidence in the people of America, and that trust was reciprocated.

As much as anyone who came before or after him, Ronald Reagan possessed an innate understanding of the significance of the American Presidency. Ronald and Nancy Reagan set the gold-standard for grace, dignity and class in the White House. Reagan understood the weight and consequences of his office beyond the borders of the United States. The world looked to him as a standard bearer of freedom. Reagan also understood the importance of the Presidency to young people. The responsibility of being a role model to a nation's youth rested easily on his shoulders.

Ronald Reagan is known as the great communicator. While he certainly was one of the best communicators ever to hold the Presidency, he was far more than just a talented communicator. Reagan was a thinker and a writer. He was constantly writing beautiful letters and his speeches in long-hand. Today, these speeches and letters are national treasures. Reagan thought deeply about the great issues of his time without getting dragged down into the underbrush of detail and trivia. He was not a superfluous man. Our Nation was guided by his clarity of purpose, understanding of the purpose of power and the limitations of government.

Since President Reagan left the American political stage, we have missed his imagination and creativity. Since his days of sitting in a radio studio doing play-by-play broadcasts for baseball games from news wire service copy, he had a genuineness that served him well. He was a masterful storyteller. In today's age of processed politics and politicians, President Reagan's candor and humor are sorely lacking.

Ronald Reagan was a child of humble beginnings who never forgot the little guy. He believed every American had something special to contribute. Reagan let people know that each thread of the American fabric mattered. In late September of 1980, I was working as an adviser on the Reagan-Bush campaign.

One evening, I was part of a group invited to an estate near Middleburg, VA, where then-Governor and Nancy Reagan were staying. They wanted to thank us for the work we had done for the campaign with a wonderful dinner. As the evening was ending, an aide to Governor Reagan asked me to remain after the dinner because Governor Reagan wanted to speak with me. I was taken into the house where Governor Reagan was staying. He sat down next to me and told me he wanted to talk about Vietnam. He wanted to know about my experience and what I thought about the war. That was the kind of man he was. He wanted to understand things. He wanted to know things and he wanted to make the world better than it was.

Though his individual accomplishments are great, Ronald Reagan will be remembered for something far greater than the sum of his individual accomplishments; he will be remembered for renewing the American spirit. He was a true American original. We will never see one like him again.

Over the last decade as we struggled to meet the challenges of our time, Ronald Reagan slipped away from us. He now belongs to the warmth of eternity and the pages of history. However, he has not left us to meet our challenges alone. The lessons of his leadership and the strength of his spirit that swept across our country on a cold day in January 24 years ago, guide us still today.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise today to pay tribute to a man who meant a great deal to me and a great deal to my State and to our country. That, of course, is President Ronald Reagan. It is with sadness that he has recently passed away. But I have great confidence he has passed away and moved on to a better home. I express my condolences and sympathies to his family and also thank them for their generosity in sharing Ronald Reagan with us in the public life, both as Governor of the great State of California, and also as President of the United States for eight wonderful years.

I had the privilege, in the same year as Ronald Reagan was elected President, to be elected to the Senate. I have many fond memories of Ronald Reagan. I remember very well during his Inaugural Address when the rumors were coming out, and then later confirmed, that the American citizens who were held hostage in Iran for 444 days were released. I remember the euphoria that came across the stage. I remember the euphoria that came across America. It was such an exciting, positive change. Americans really felt great. This was suppressing our country, the very fact that we had American citizens held hostage for over a year, in many cases being beaten or tortured or abused, with American flags burning in Tehran continually. It was such a great day when they were released.

I happen to think it was because, in many respects, the leadership of Iran decided they did not want to worry about this new President, Ronald Reagan, and what actions he might take. I think they made a very good decision. I was very pleased they did so. I was very euphoric at the time and probably could not have been much more excited at that time.

When we were sworn in, there were 18 new Senators elected in 1980 and sworn in early in 1981. Of the 18, 16 were Republicans. The leadership of the Senate changed for the first time, I believe, since 1954. So we had new committee chairmen; we had new leadership. Howard Baker assumed the responsibility and role as majority leader and did an outstanding job. The Senate was a great place to work and to serve, and to work with a President as generous, as humorous, and with such strong leadership as Ronald Reagan.

I look at the economy that Ronald Reagan inherited, and I see great accomplishments. A lot of people do not remember that in 1980 the inflation rate was 13.5 percent and it fell to 4.8 percent by 1989. The interest rate in 1980 was 15.27 percent and fell to 10.87 percent by 1989. Actually, the interest rate had risen to 18.87 percent in 1981. I remember that now. Interest rates were at 18 and 19 percent. The unemployment rate in 1980 was over 7 percent. In 1981 it reached 7.6 percent but by 1989 it was down to 5.3 percent.

So we had record high inflation rates, record high interest rates, and maybe not record high but very high unemployment rates. We inherited an economy that was going nowhere fast. It was going in the wrong direction. You could not afford to build a home. You could not afford to expand your business. It was a very difficult time.

Ronald Reagan came in with such great enthusiasm, such an optimist. He did not say, "let's moan about it," but "let's do something about it." He had an economic game plan for which we fought, and we passed in the House and the Senate. These were remarkable accomplishments when I think about it.

He actually was responsible for pushing Congress, Democrats and Republicans, to pass enormous changes in the Tax Code. I happened to enjoy working on taxes, and during his 8 years he actually moved the maximum tax rate from 70 percent to 28 percent. That is a phenomenal accomplishment. Phenomenal. And he was able to do it with a bipartisan majority. It was not a strictly partisan House and Senate. As a matter of fact, the House was always controlled by the Democrats. "Tip" O'Neill, who was the Democrat leader, the House Speaker at the time, was opposed. So we had big confrontations, political confrontations, big battles over the tax cuts, and over the budgets. Yet they passed them.

Even though we had big battles, we had a certain dignity and respect in large part because of Ronald Reagan. And because of his affection for individuals, Democrats and Republicans, even political adversaries who would have political battles still had a collegial, working relationship. They respected each other and respected individuals regardless of their political philosophy. As a result, he was able to enact enormous changes in the Tax Code and budgets, and increase defense.

Ronald Reagan came in with an agenda, and he largely accomplished those objectives. The result has been economic freedom in this country.

He was not satisfied, frankly, with just expanding and improving the economic lot of Americans. He wanted to improve the economic lot and the freedom of people throughout the world. Ronald Reagan was the leader of the free world, and he spoke eloquently and often and encouraged freedom through the world and countless countries that have been oppressed or suppressed through Communist leadership. Ronald Reagan was speaking to them. He would go right over the leaders of Congress. If he wanted to get something done budget-wise, tax-wise, or defense-wise, and if Congress was not listening, he would go to the American people. And when he would travel internationally he would go over the leadership of those countries and speak to their people with great success.

We all remember his speech when he was in Berlin, the speech that says: "Mr. Gorbachev, tear down this wall."

The favorite picture of all my memorabilia that I have in my home is a picture of me standing before the Berlin Wall, and behind it somebody spray-painted on the wall: "When this wall falls, the rest will, too." And they did. The Berlin Wall did fall, and I think it was in large part because of Ronald Reagan's leadership.

When that wall fell, other countries that had been suppressed and under the reins of the Iron Curtain of communism began speaking up, exercising their rights, and demanding freedom and obtaining it.

Ronald Reagan was the leader in winning the fight in the cold war. As Mr. Gorbachev said, probably no one else in the world could have done it, but Ronald Reagan did it. And he was able to do it with Mr. Gorbachev. Many times they were political adversaries in negotiating arms control treaties and so on. Yet they still became friends as only Ronald Reagan could do. He could become friends with his adversaries and eventually that kind of friendship and bond would lead to arms control reduction, would lead to a significant reduction in nuclear weapons, would lead to agreements with our NATO allies and other countries to expand freedom.

Ronald Reagan, probably more than any individual since Churchill or Roosevelt, was responsible for expanding freedom throughout the world. I compliment him for his great contributions in doing so.

He became somewhat of a role model for many of us. I was elected with this group in 1980. Many of us called ourselves Reaganites and considered ourselves part of the soldiers in the field trying to get an agenda done to expand freedom. I am proud to have been part of that. I am proud to have had the opportunity to serve with such a great individual.

I remember many times going down to the White House, talking issues. I remember Ronald Reagan almost always having humor, almost always not caring who got the credit as long as we accomplished our objective.

I remember many times he let other people wrestle with the details, but he knew where he wanted to go. He knew the course he was trying to direct our ship of state, and he managed it very well.

I have a lot of fond memories. I remember Ronald Reagan coming in to campaign for me in 1986. We had him visit Norman, Oklahoma, the University of Oklahoma, Lloyd Noble Arena. We packed the place. It was more than packed. The fire marshal had to turn down people who could not get in. We had thousands and thousands of people. I told President Reagan: This is Reagan country. They love you here. You don't need to make a prepared speech. You can say whatever you want. They will applaud. They love you here.

There was a nice, big sign: "This is Reagan country." Very positive. The entire rally speech could not have gone better from my standpoint. There were thousands and thousands of people. It was great.

Ronald Reagan concluded his speech. He said: "That is why we need Don Rickles in the Senate." And I thought: Did he really say that? I told him to wing it, and he did. I have had that honor of being able to call myself Don Rickles for a long time.

But Ronald Reagan leaves a legacy. He leaves a legacy of decency. He leaves a legacy of integrity. I think he helped restore so much pride in America. He was a true patriot, a patriot who loved this country from the very inner core of his being. And it was contagious. It was contagious through the fact that not only did he love America, but he made Americans feel better about our country.

He made other people envy us to some extent. They wanted to be like us. They wanted to be free. What does America have that we don't have? They have freedom, optimism. And that freedom would be economic freedom, personal freedom, and political freedom.

Ronald Reagan wanted to expand it all for all people. He believed everybody—even if they lived in China or Russia or North Korea or El Salvador—if people were trying to take that freedom away, he was freedom's friend. He carried that banner very well.

He helped people learn to love and respect the United States. I can honestly say I have the greatest admiration and respect for Ronald Reagan. I loved Ronald Reagan. He has moved this country forward in a way that I think all of us can be very proud.

Again, I express my condolences and sympathy to Nancy Reagan and to the family. Nancy Reagan was one great First Lady. The love and affection she showed toward her husband throughout not only his Presidency and governorship but, frankly, throughout the last 10 years is more than commendable, and it is the kind of role model that, frankly, we expect from Nancy Reagan. She is a first-class First Lady, a first-class lady for all of us.

Again, my condolences and sympathy to her. And I thank her and her family for allowing us to share Ronald Reagan for many years as the leader of our country. He has made this country and, frankly, this world a much better place to live.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, rise in memory of President Ronald Reagan. President Reagan will be remembered for his strong convictions, his unfailing optimism, and his deep and abiding patriotism.

My heartfelt condolences go out to the Reagan family. They have been through so much in the last 10 years.

Our former First Lady, Nancy Reagan, has met one of the greatest challenges that one can face with grace, dignity, and dedication. Her courage is a model for the Nation. I know how tremendously difficult it is for a family when a loved one has Alzheimer's. My own dear father suffered from this disease. And, my family and I know what the long goodbye meant.

So, I speak for my family, and I think all families who have endured this disease when we salute Nancy Reagan as we pay our respects to our President.

RONALD REAGAN ALZHEIMER'S BREAKTHROUGH ACT OF 2004

Mr. President, as our country reflects on President Reagan's life, many will ask, how should we honor him? I believe the greatest tribute we could give to President Reagan and the Reagan family is a living memorial, something that he would want to see us do, not something we would like to do, and something that would have lasting value. Therefore, I would like to issue a bipartisan call to support legislation that Senator KIT BOND and I will be introducing next week, legislation to create breakthroughs for Alzheimer's disease.

Let's honor President Reagan's life with new research and new initiatives on how to prevent Alzheimer's, how to care for those who have it, how to support the gallant caregivers, and how, ultimately, to find a cure.

President Reagan was a man of vigor. Let's attack Alzheimer's with the same type of vigor that President Reagan demonstrated during his life.

The time to act for real breakthroughs is now. Just last month, Senator BOND and I held a hearing on Alzheimer's research. Expert after expert told us: We are on the verge of amazing breakthroughs; we will lose opportunities if we don't move quickly; we are at a crucial point where NIH funding can make a real difference.

Researchers, families, and advocates all said the same thing, we need to do more, we need to do better.

Let's answer that call by introducing and passing the Ronald Reagan Alzheimer's Breakthrough Act of 2004.

Friends, we are on the brink of something that could make a huge difference in the lives of American families. We know that families face great difficulties when a loved one has Alzheimer's. There is great emotional cost as well as financial cost. We know that for our public investment we could get new treatments that would prolong a patient's cognitive abilities.

Each month we delay admission to a long-term care facility is important to the family and to the taxpayer. Everybody wants a cure; that is our ultimate goal. But even if we keep people at home for 1 or 2 more years, to help them with their memory, their activities of daily living, it would be an incredible breakthrough, and what a great tribute it would be to President Reagan.

It is amazing how far we have come. From the time President Reagan took office in 1981 until the time he wrote that incredibly moving goodbye letter to the Nation—and I note it with great emotion because, again, I know how my own father felt. Back in the early 1980s, when President Reagan first came to office, Alzheimer's was a catch-all term. Today, doctors diagnose Alzheimer's with 90-percent accuracy. Every day NIH is making progress to identify risks, looking at new kinds of brain scans for appropriate detection, and understanding what this disease does to the brain.

How did we get this far, this fast? With a bipartisan commitment like the one represented by Senator BOND, Senators SPECTER and HARKIN, the Alzheimer's Task Force that is lead by Senators COLLINS and CLINTON, and all of us who are working on this issue. With a bipartisan commitment of the authorizers and appropriators, we have been working to increase the funding for the National Institute on Aging. Remember, there are 19 institutes at the NIH. One of them is the National Institute of Aging.

In 1998 the National Institute on Aging was funded at approximately $500 million. Thanks to our bipartisan effort, it is at $1 billion. Now is the time to do more.

That is why I want to join with my esteemed colleague, Senator KIT BOND, who himself has been a very strong advocate for research and breakthroughs, to introduce the Ronald Reagan Alzheimer's Breakthrough Act of 2004.

We want to strengthen our national commitment to Alzheimer's research, to increase and double the funding of research at NIA, to give them the resources they need to make those breakthroughs they say they are on the horizon of doing. This will mean more clinical trials to test the best way to detect, prevent, and treat Alzheimer's.

NIH is looking at a range of behaviors and therapies that can make an incredible difference.

In our legislation, we also call for a national summit on Alzheimer's to bring together the best minds to examine current research, to look at priorities, and also to look at how we can help families.

While we are looking at research to find the cure or the cognitive stretch out, we have to support the caregivers. God bless the caregivers. These are family members, often spouses, who take care of someone with Alzheimer's. The first caregiver is always the family. We saw that with Nancy Reagan who went from being First Lady to first caregiver.

We need to support families. We need to give help to those families practicing self-help. We now have legislation on the books to do that. But, we need to add more to the Federal checkbook. Most families don't know where to turn to get what services are available. I have a family caregiver tax credit that would reimburse families for prescription drugs, home health care, and specialized daycare. Too often, for families with Alzheimer's, family responsibility brings them to the brink of family bankruptcy.

There are other things we want to be able to do with this legislation, such as providing news people can use. The legislation would establish a network so information can get out people about the advances, and things that could be done right now to slow the onset of symptoms. We need to get the word out, such as the wonderful program developed by the Alzheimer's Association called "Maintain Your Brain." But, private philanthropy cannot be a substitute for public policy and public funding. We have to fund these initiatives.

I believe very strongly in this. There are 4.5 million people with Alzheimer's. They live in every State, in cities and suburbs and on farms. They are from every walk of life, like my father, who owned a small grocery store, or a man who was the President of the United States. Alzheimer's is an all-American disease. It affected an all-American President. Now we need an all-American effort to find the breakthroughs.

I encourage everyone to consider this when Senator BOND and I introduce this legislation. This research and treatment is very important. I do not want to be so bold as to speak for Mrs. Reagan, but based on what I know she has gone through and what other families have gone through, I believe the legacy she would approve of is an all-American effort. An effort to speed up the day when no family ever has to have that very long goodbye.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank and commend my colleague from Maryland who has been a great champion of the effort to deal with the terribly distressing and fatal disease of Alzheimer's in proposing—and I am happy to join her—a measure to honor Ronald Reagan, his memory, his life, his work, and his family with a living tribute, a redoubled effort on behalf of this Nation to deal with Alzheimer's.

Senator MIKULSKI and others who have lived with and lost a loved one from Alzheimer's can say very clearly how difficult it must have been for Mrs. Reagan and the Reagan family as this true leader went through the final stages of his life, crippled and debilitated by Alzheimer's, to see this man who was so vigorous, who had contributed so much be reduced to the indignities of Alzheimer's.

His life and legacy can be honored in many ways. People will remember him for many reasons. I will speak of those in a moment. But by increasing research for Alzheimer's disease, helping to limit the number and maybe even eliminate Alzheimer's, providing assistance to families who must deal with patients with Alzheimer's, and providing assistance in identifying and preventing Alzheimer's is vitally important.

One of the facts that struck me as we listened to the experts was that as we get older more and more of us are going to suffer from Alzheimer's disease. We were told in our hearing about a month ago that if you reach 85, you have a 50-percent chance of getting Alzheimer's disease. What a tragic figure. There is something we must do, and we believe this legislation is one way of making a major effort, showing a commitment, reaching out a hand of hope to the families of those who have Alzheimer's, providing information to all of us on what we might be able to do to lessen the likelihood we will be struck with Alzheimer's.

As Senator MIKULSKI said, this bill will serve as a tribute to President Reagan by doubling the funding for Alzheimer's research at the National Institutes of Health. It would increase funding for the National Family Caregiver Support Program to $250 million. It would reauthorize the Alzheimer's demonstration grant program that provides grants to States to fill in gaps in Alzheimer's services, such as respite care, home health care, and daycare.

I have done a fair amount of work in home care and daycare. I can tell you that a family living with a patient with Alzheimer's needs a break. They need someone to care for that loved one so they can get out and renew their batteries, refresh their view on life. This can help.

We would authorize $1 million for a safe return program to assist in the identification and safe, timely return of individuals with Alzheimer's disease and related dementias who too frequently wander off from their caregivers. We hear the tragedies where they can't find their way home and fall victim to natural or even automobile accidents while they are gone. We would establish a public education program to educate members of the public about prevention techniques, how you can maintain your brain, as you age, based on the current research being undertaken by NIH.

We would establish a $5,000 tax credit to help with the high health costs of caring for a loved one at home.

Today, as Senator MIKULSKI said, about 4.5 million Americans have Alzheimer's, costing about $100 billion a year. But if current trends continue, and as more of us age, by 2050, 11 to 16 million individuals could have this disease.

Over the past 20 years tremendous progress has been made in the prevention, diagnosis, and treatment of Alzheimer's. It is now possible to diagnose Alzheimer's with more than 90-percent accuracy. There are new drugs, new treatments introduced each year, and investments in research have set the stage for scientific and medical advances to prevent or slow down the progression of Alzheimer's. Quite frankly, most of the successful research to date has been in slowing the impact, not preventing it. But this research offers hope for the 4.5 million people and their families who suffer from the disease today.

These are some of what we can do as an honor to the President. It is my great pleasure to speak in this Chamber about the life and leadership and the truly remarkable legacy of the 40th President of the United States, Ronald Reagan.

We mourn his loss. We pray for comfort for his family. But most of all, we give thanks for his life, his leadership, and his contributions. Truly, he is a man who changed the mood of the country. He changed the economy of the country. And in many ways, he changed the mood and the attitude of the world.

People talk about President Reagan as the Great Communicator. Nobody could deliver a line better than he could. But do you know something about communication? Communication is only as good as the message you have to communicate. The power of Ronald Reagan was that he delivered with enthusiasm, with optimism, with cheer, with love, a message of hope, freedom, and opportunity, not just for Americans but for the world.

I had the pleasure of getting to know Ronald Reagan. He was a genuinely optimistic person who brought the spirit of optimism and hope to us as Americans and to enslaved peoples around the world. Ronald Reagan was a man who took disappointment and moved on. He was a man of unfailing good humor, care, and thoughtfulness. Even people who disagreed with his policies across the board could not help but like him.

And those of us who may have disappointed him found it did not interfere with his friendship. He campaigned for me in 1972 when I was a 33-year-old kid running for Governor of the State of Missouri. I had never seen anything like it. When he came into town, we had all of the security and escorts. But it wasn't until he went up on stage and started making his presentation that I saw what it was that had brought so many people from southwest Missouri in to hear this leader. He had a message then—the same message—of optimism, growth, and hope for the future.

I was fortunate enough to be elected and to serve with him for 2 years. Two years after that, I hosted the Republican National Convention, and I had made a commitment to our President at the time, who selected our State for the national convention. So I supported him and not President Reagan. But about 10 years later, when I was running for the Senate, he came to Missouri three times and he put on the most amazing campaign rallies I ever had. We still talk about it, because people came to hear his message. I stood there, side by side with Jack Danforth, and we smiled and glowed in the wonderful feeling he generated. He helped me a great deal.

President Reagan helped the United States. He came to the Presidency at a time when a lot of people were saying maybe the Presidency cannot work, maybe nobody can govern this country, maybe it is too much to expect somebody to lead. Well, he led very boldly. Quite simply, he thought that if you returned tax dollars to the average American and took off the fetters on small business, you would create jobs and build the economy. By the significant lowering of the tax rates, as my friend from Oklahoma, Senator NICKLES, said, he put money back into the pockets of small businesses, and small business became the engine of economic growth, creating three-quarters of the new jobs. He built an economy, and that economy allowed us to put money into defense.

He tried to negotiate with the Soviets. He asked Mr. Gorbachev if he would sit down and talk with him about how we could end the competition between Soviet communism and the United States. Mr. Gorbachev didn't respond. So he built up our defenses and showed the Russians, the Soviets, that they could not defeat us. He went boldly to Berlin and called on Mr. Gorbachev—much to the distress of the State Department, I might add, and some of his own team—"Mr. Gorbachev, tear down this wall."

Well, that wall came down literally and figuratively. He had a message that went far beyond Mr. Gorbachev. That message went to the enslaved peoples behind the Iron Curtain. I had the pleasure of visiting some of those countries right before and right after they fell, a few years after President Reagan had set in motion the inexorable machine of freedom. His message of hope, freedom, and opportunity continues to reverberate around the world. I have had the pleasure of meeting with people and traveling to other countries and seeing how this message—the American dream—he championed is taking hold. He wasn't the only one responsible for it, but we never had a better proponent of it. I believe this message of the American hopes and the American ideals, for which Ronald Reagan spoke so eloquently, is winning the battle.

Finally, in his last and boldest move, when Ronald Reagan learned he had Alzheimer's—a disease which was not spoken about often because people hated to think of what would happen to their loved ones, so they didn't talk about it—he said, "I have Alzheimer's disease," and Americans woke up and they thought, this is a world leader who is suffering from this disease; let's do something about it. Let's get serious about Alzheimer's disease. That public announcement gave us a push that I believe we can continue by carrying on with his work with a living memorial.

So as we say goodbye to this remarkable American, we join in our prayers and thoughts with Mrs. Nancy Reagan and her family, and we celebrate the life of a great American who made a real difference for people throughout the world. Let us honor his memory by helping millions more whom we might be able to save from the scourge of Alzheimer's disease and the burdens and the sorrow that imposes on their families.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, in the elections of 1980 and 1984, the State of Oregon sent its electors to the electoral college to vote for Ronald Reagan. He was the last Republican to win the State of Oregon in a Presidential election, and he did so at a time of great peril both for my State and our country.

When that occurred, America was in economic malaise, communism seemed to be in its ascendency, and America was struggling for leadership. Winston Churchill once said of a predecessor as British Prime Minister, "He had had the misfortune to live in a time of great men and small events." When you think of where America was and where it ended after 8 years of the administration of Ronald Reagan, truly it can be said that all free men and women are better and freer, more prosperous and more at peace because Ronald Reagan was a great man called to a great time.

As I contemplated what I could do in my small way to add some measure of tribute to the life of Ronald Reagan and to express to Nancy Reagan and her family my heartfelt condolences, I thought I should keep my words to a minimum and focus, instead, on the warm and wise words of President Reagan in his farewell address. It has been the practice of the Senate for the last 140 years that on or around the birthday of George Washington, a Senator is selected to read Washington's farewell address. I thought I would begin that tradition this day, with President Reagan's great speech, to come to the floor on or around President Reagan's birthday, and share his speech—or if one of my colleagues would like to do so, I would offer them the opportunity. I believe that this new tradition would be a fitting tribute to Ronald Reagan, to let Ronald Reagan's words speak again to the American people, far more eloquently than I could on an occasion when we all struggle to find the right superlatives to say thank you to him.

So with the Chair's indulgence, I will read the farewell address of President Ronald Reagan, given shortly before he left the Oval Office and George Herbert Walker Bush became the President.

The words of President Reagan:

This is the 34th time I'll speak to you from the Oval Office and the last. We've been together 8 years now, and soon it'll be time for me to go. But before I do, I wanted to share some thoughts, some of which I've been saving for a long time.

It's been the honor of my life to be your President. So many of you have written the past few weeks to say thanks, but I could say as much to you. Nancy and I are grateful for the opportunity you gave us to serve.

One of the things about the Presidency is that you're always somewhat apart. You spent a lot of time going by too fast in a car someone else is driving, and seeing the people through tinted glass—the parents holding up a child, and the wave you saw too late and couldn't return. And so many times I wanted to stop and reach out from behind the glass, and connect. Well, maybe I can do a little of that tonight.

People ask how I feel about leaving. And the fact is, "parting is such sweet sorrow." The sweet part is California and the ranch and freedom. The sorrow—the goodbyes, of course, and leaving this beautiful place.

You know, down the hall and up the stairs from this office is the part of the White House where the President and his family live. There are a few favorite windows I have up there that I like to stand and look out of early in the morning. The view is over the grounds here to the Washington Monument, and then the Mall and the Jefferson Memorial. But on mornings when the humidity is low, you can see past the Jefferson to the river, the Potomac, and the Virginia shore. Someone said that's the view Lincoln had when he saw the smoke rising from the Battle of Bull Run. I see more prosaic things: the grass on the banks, the morning traffic as people make their way to work, now and then a sailboat on the river.

I've been thinking a bit at that window. I've been reflecting on what the past 8 years have meant and mean. And the image that comes to mind like a refrain is a nautical one—a small story about a big ship, and a refugee, and a sailor. It was back in the early eighties, at the height of the boat people. And the sailor was hard at work on the carrier *Midway*, which was patrolling the South China Sea. The sailor, like most American servicemen, was young, smart, and fiercely observant. The crew spied on the horizon a leaky little boat. And crammed inside were refugees from Indochina hoping to get to America. The *Midway* sent a small launch to bring them to the ship and safety. As the refugees made their way through the choppy seas, one spied the sailor on deck, and stood up, and called out to him. He yelled, "Hello, American sailor. Hello, freedom man."

A small moment with a big meaning, a moment the sailor, who wrote it in a letter, couldn't get out of his mind. And, when I saw it, neither could I. Because that's what it was to be an American in the 1980's. We stood, again, for freedom. I know we always have, but in the past few years the world again—and in a way, we ourselves—rediscovered it.

It's been quite a journey this decade, and we held together through some stormy seas. And at the end, together, we are reaching our destination.

The fact is, from Grenada to the Washington and Moscow summits, from the recession of '81 to '82, to the expansion that began in late '82 and continues to this day, we've made a difference. The way I see it, there were two great triumphs, two things that I'm proudest of. One is the economic recovery, in which the people of America created—and filled—19 million new jobs. The other is the recovery of our morale. America is respected again in the world and looked to for leadership.

Something that happened to me a few years ago reflects some of this. It was back in 1981, and I was attending my first economic summit, which was held that year in Canada. The meeting place rotates among the member countries. The opening meeting was a formal dinner of the heads of government of the seven industrialized nations. Now, I sat there like the new kid in school and listened, and it was all Francois this and Helmut that. They dropped titles and spoke to one another on a first-name basis. Well, at one point I sort of leaned in and said, 'My name's Ron.' Well, in that same year, we began the actions we felt would ignite an economic comeback—cut taxes and regulation, started to cut spending. And soon the recovery began.

Two years later, another economic summit with pretty much the same cast. At the big opening meeting we all got together, and all of a sudden, just for a moment, I saw that everyone was just sitting there looking at me. And then one of them broke the silence. 'Tell us about the American miracle,' he said.

Well, back in 1980, when I was running for President, it was all so different. Some pundits said our programs would result in catastrophe. Our views on foreign affairs would cause war. Our plans for the economy would cause inflation to soar and bring about economic collapse. I even remember one highly respected economist saying, back in 1982, that 'The engines of economic growth have shut down here, and they're likely to stay that way for years to come.' Well, he and the other opinion leaders were wrong. The fact is what they call 'radical' was really 'right.' What they called 'dangerous' was just 'desperately needed.'

And in all of that time I won a nickname, 'The Great Communicator.' But I never thought it was my style or the words I used that made a difference: it was the content. I wasn't a great communicator, but I communicated great things, and they didn't spring full bloom from my brow, they came from the heart of a great nation—from our experience, or wisdom, and our belief in the principles that have guided us for two centuries. They called it the Reagan revolution. Well, I'll accept that, but for me it always seemed more like the great rediscovery, a rediscovery of our values and our common sense.

Common sense told us that when you put a big tax on something, the people will produce less of it. So, we cut the people's tax rates, and the people produced more than ever before. The economy bloomed like a plant that had been cut back and could now grow quicker and stronger. Our economic program brought about the longest peacetime expansion in our history: real family income up, the poverty rate down, entrepreneurship booming, and an explosion in research and new technology. We're exporting more than ever because American industry became more competitive and at the same time, we summoned the national will to knock down protectionist walls abroad instead of erecting them at home.

Common sense also told us that to preserve the peace, we'd have to become strong again after years of weakness and confusion. So, we rebuilt our defenses, and this New Year we toasted the new peacefulness around the globe. Not only have the superpowers actually begun to reduce their stockpiles of nuclear weapons—and hope for even more progress is bright—but the regional conflicts that rack the globe are also beginning to cease. The Persian Gulf is no longer a war zone. The Soviets are leaving Afghanistan. The Vietnamese are preparing to pull out of Cambodia, and an American-mediated accord will soon send 50,000 Cuban troops home from Angola.

The lesson of all this was, of course, that because we're a great nation, our challenges seem complex. It will always be this way. But as long as we remember our first principles and believe in ourselves, the future will always be ours. And something else we learned: Once you begin a great movement, there's no telling where it will end. We meant to change a nation, and instead, we changed a world.

Countries across the globe are turning to free markets and free speech and turning away from the ideologies of the past. For them, the great rediscovery of the 1980's has been that, lo and behold, the moral way of government is the practical way of government: Democracy, the profoundly good, is also the profoundly productive.

When you've got to the point when you can celebrate the anniversaries of your 39th birthday you can sit back sometimes, review your life, and see it flowing before you. For me there was a fork in the river, and it was right in the middle of my life. I never meant to go into politics. It wasn't my intention when I was young. But I was raised to believe you had to pay your way for the blessings bestowed on you. I was happy with my career in the entertainment world, but I ultimately went into politics because I wanted to protect something precious.

Ours was the first revolution in the history of mankind that truly reversed the course of government, and with three little words: 'We the People.' 'We the People' tell the government what to do; it doesn't tell us. 'We the People' are the driver; the government is the car. And we decide where it should go, and by what route, and how fast. Almost all the world's constitutions are documents in which governments tell the people what their privileges are. Our Constitution is a document in which 'We the People' tell the government what it is allowed to do. 'We the People' are free. This belief has been the underlying basis for everything I've tried to do these past 8 years.

But back in the 1960's, when I began, it seemed to me that we'd begun reversing the order of things—that through more and more rules and regulations and confiscatory taxes, the government was taking more of our money, more of our options, and more of our freedom. I went into politics in part to put up my hand and say, 'Stop.' I was a citizen politician, and it seemed the right thing for a citizen to do.

I think we have stopped a lot of what needed stopping. And I hope we have once again reminded people that man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts.

Nothing is less free than pure communism—and yet we have, the past few years, forged a satisfying new closeness with the Soviet Union. I've been asked if this isn't a gamble, and my answer is no because we're basing our actions not on words but deeds. The detente of the 1970's was based not on actions but promises. They'd promise to treat their own people and the people of the world better. But the gulag was still the gulag, and the state was still expansionist, and they still waged proxy wars in Africa, Asia, and Latin America.

Well, this time, so far, it's different. President Gorbachev has brought about some internal democratic reforms and begun the withdrawal from Afghanistan. He has also freed prisoners whose names I've given him every time we've met.

But life has a way of reminding you of big things through small incidents. Once, during the heady days of the Moscow summit, Nancy and I decided to break off from the entourage one afternoon to visit the shops on Arbat Street—that's a little street just off Moscow's main shopping area. Even though our visit was a surprise, every Russian there immediately recognized us and called out our names and reached for our hands. We were just about swept away by the warmth. You could almost feel the possibilities in all that joy. But within seconds, a KGB detail pushed their way toward us and began pushing and shoving the people in the crowd. It was an interesting moment. It reminded me that while the man on the street in the Soviet Union yearns for peace, the government is Communist. And those who run it are Communists, and that means we and they view such issues as freedom and human rights very differently.

We must keep up our guard, but we must also continue to work together to lessen and eliminate tension and mistrust. My view is that President Gorbachev is different from previous Soviet leaders. I think he knows some of the things wrong with his society and is trying to fix them. We wish him well. And we'll continue to work to make sure that the Soviet Union that eventually emerges from this process is a less threatening one. What it all boils down to is this: I want the new closeness to continue. And it will, as long as we make it clear that we will continue to act in a certain way as long as they continue to act in a helpful manner. If and when they don't, at first pull your punches. If they persist, pull the plug. It's still trust by verify. It's still play, but cut the cards. It's still watch closely. And don't be afraid to see what you see.

I've been asked if I have any regrets. Well, I do. The deficit is one. I've been talking a great deal about that lately, but tonight isn't for arguments, and I'm going to hold my tongue. But an observation: I've had my share of victories in the Congress, but what few people noticed is that I never won anything you didn't win for me. They never saw my troops, they never saw Reagan's regiments, the American people. You won every battle with every call you made and letter you wrote demanding action. Well, action is still needed. If we're to finish the job. Reagan's regiments will have to become the Bush brigades. Soon he'll be the chief, and he'll need you every bit as much as I did.

Finally, there is a great tradition of warnings in Presidential farewells, and I've got one that's been on my mind for some time. But oddly enough it starts with one of the things I'm proudest of in the past 8 years: the resurgence of national pride that I called the new patriotism. This national feeling is good, but it won't count for much, and it won't last unless it's grounded in thoughtfulness and knowledge.

An informed patriotism is what we want. And are we doing a good enough job teaching our children what America is and what she represents in the long history of the world? Those of us who are over 35 or so years of age grew up in a different America. We were taught, very directly, what it means to be an American. And we absorbed, almost in the air, a love of country and an appreciation of its institutions. If you didn't get these things from your family you got them from the neighborhood, from the father down the street who fought in Korea or the family who lost someone at Anzio. Or you could get a sense of patriotism from school. And if all else failed you could get a sense of patriotism from the popular culture. The movies celebrated democratic values and implicitly reinforced the idea that America was special. TV was like that, too, through the mid-sixties.

But now, we're about to enter the nineties, and some things have changed. Younger parents aren't sure that an unambivalent appreciation of America is the right thing to teach modern children. And as for those who create the popular culture, well-grounded patriotism is no longer the style. Our spirit is back, but we haven't reinstitutionalized it. We've got to do a better job of getting across that America is freedom—freedom of speech, freedom of religion, freedom of enterprise. And freedom is special and rare. It's fragile it needs production [protection].

So, we've got to teach history based not on what's in fashion but what's important—why the Pilgrims came here, who Jimmy Doolittle was, and what those 30 seconds over Tokyo meant. You know, 4 years ago on the 40th anniversary of D-day, I read a letter from a young woman writing to her late father, who'd fought on Omaha Beach. Her name was Lisa Zanatta Henn, and she said, 'we will always remember, we will never forget what the boys of Normandy did.' Well, let's help her keep her word. If we forget what we did, we won't know who we are. I'm warning of an eradication of the American memory that could result, ultimately, in an erosion of the American spirit. Let's start with some basics: more attention to American history and a greater emphasis on civic ritual.

And let me offer lesson number one about America: All great change in America begins at the dinner table. So, tomorrow night in the kitchen I hope the talking begins. And children, if your parents haven't been teaching you what it means to be an American, let 'em know and nail 'em on it. That would be a very American thing to do.

And that's about all I have to say tonight, except for one thing. The past few days when I've been at that window upstairs, I've thought a bit of the 'shining city upon a hill.' The phrase comes from John Winthrop, who wrote it to describe the America he imagined. What he imagined was important because he was an early Pilgrim, an early freedom man. He journeyed here on what today we'd call a little wooden boat; and like the other Pilgrims, he was looking for a home that would be free. I've spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall, proud city built on rocks stronger than oceans, windswept, God-blessed, and teeming with people of all kinds living in harmony and peace; a city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here. That's how I saw it, and see it still.

And how stands the city on this winter night? More prosperous, more secure, and happier than it was 8 years ago. But more than that: After 200 years, two centuries, she still stands strong and true on the granite ridge, and her glow has held steady no matter what storm. And she's still a beacon, still a magnet for all who must have freedom, for all the pilgrims from all the lost places who

> are hurtling through the darkness, toward home.
>
> We've done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made the city stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all.
>
> And so, goodbye, God bless you, and God bless the United States of America.

I would only add, God bless Ronald and Nancy Reagan, and God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wyoming.

Mr. ENZI. Mr. President, this past weekend, the news quickly made its way across the country and around the world. Ronald Reagan, our 40th President, had died. For many of us, we received the news with a mixture of sadness together with a sense of relief that his long battle with illness was now over and he had now found peace at the end of his life.

I first met Ronald Reagan when I was president of the Wyoming Jaycees at the national convention which was held in California, and he was the Governor. I next met the President when I was mayor of Gillette, WY, and the National League of Cities held its national meeting and the President flew to California and addressed it.

Now the greatest thinkers and writers will take up their pens in an attempt to determine his place in history and his significance as one of our greatest Presidents. For those of us who observed his service as our President and admired his leadership, those questions had been long since answered. For us, his place in history was long ago determined by his place in our hearts.

Many of those who will examine his life in detail will tell a story about a man who was born without the great privileges and trappings you might expect of such a successful life. That is true, but there is so much more to the story.

Ronald Reagan was born in Illinois, the son of a traveling shoe salesman. Growing up he was strongly influenced by his mother who taught him how to read at an early age. She urged him to read good books that would encourage him to dream and set goals in his life. She knew that he could be anything he wanted to be if he was willing to work hard and expect more of himself than anyone else had any reason to expect. That, more than anything else, really determined his character and ultimately mapped his destiny.

His natural confidence and determination began to show itself during his school years and again, later, when he began his career as an actor. He was a natural leader and he took a leadership role at virtually every stage of his life. In his college days he served as student body president. In his acting days he served as the president of the Screen Actors Guild. In between he worked hard and built a career as a successful actor in film and on television.

If that had been all he had done, it would have been a remarkable life. He would have earned the rags to riches label and inspired others to follow his path just by his success in Hollywood and on television. That would have been enough for just about everyone. It was not, however, enough for Ronald Reagan.

With his beloved wife, Nancy, by his side, Ronald Reagan began to pursue his dream. He wanted to make a greater impact on the world than he could by being a television and movie star, so he began to take a more active role in politics. He discovered he had a talent for that, too. After a great deal of thought and deliberation, he decided to put his vision for America to the test. He took his case to the people and began a run for Governor of California.

People thought it was an impossible dream and he could never win a State like California. Ronald Reagan proved them wrong. He put together a coalition of both Republican and Democratic voters and, when all the votes were counted, he had made it happen and he was elected Governor by almost a million votes.

Reagan then set his sights on the Presidency of the United States and, after a narrow loss to Gerald Ford, he spent the next few years traveling around the country, sharing his dream for a better United States with the people who came to hear him speak. Many doubted he could do it, but once again, he found the support he needed to win the Republican nomination. The contest for the Presidency put him up against an incumbent who talked about the serious problems facing the Nation. Ronald Reagan, on the other hand, spoke with passionate certainty that working together the Nation could overcome them. When the votes were counted, Ronald Reagan had won the presidency in a landslide.

As President, Ronald Reagan proved himself to be a man of principle, someone who said what he believed and believed what he said. He had excellent communication skills, and his speeches on television were extremely effective.

When he took the oath of the office as our 40th President, he took over the reins of a country that had great problems. He had often referred to our economic woes as the "misery index." There was high inflation, high interest rates, and high unemployment. Perhaps worst of all, the Nation seemed to have lost its confidence in its ability to dare to do great things—and succeed.

There was a lot of doubt and cynicism that any one individual could do much to change things and re-energize the Nation. Again, Ronald Reagan proved the doubters wrong. As President, his spirit of optimism, patriotism and personal pride in his country proved to be infectious. Before long, there was a new spirit in the United States, a renewed sense of pride and excitement about our Flag and our Nation that hadn't been around for a while. Ronald Reagan was just what we needed. He inspired a generation to look toward the future with hope and a renewed commitment to the principles upon which our Nation was founded. It is still alive today. It is his legacy that he left with us, his gift to the younger generations of the Nation.

During his two terms in the White House, Ronald Reagan spoke the truth, regardless of the sensitivities of those who might not want to hear it. It was over the objections of much of his staff that he challenged Soviet leader Mikhail Gorbachev to "tear down this wall" when he was in Berlin. It was against the advice of much of his staff to refer to the Soviet Union as an "evil empire." For Ronald Reagan, it was simple. If it was the truth, it must be said. For him, there was good guys and bad guys in the world. If the good guys worked hard and were determined to succeed, they won. In Ronald Reagan's world, we were the good guys. And, during Ronald Reagan's Presidency, more often then not, we won.

For historians and the history books, Ronald Reagan will be remembered as the President who brought a successful end to the cold war; had a great deal to do with the collapse of communism in the Soviet Union and the destruction of the Berlin Wall; and, dramatically turned the Nation's economy around. For those of us who observed his style as our President, he will also be remembered for his spirit, and his attitude of patriotic optimism, which rejuvenated the Nation when our spirit was low. He was a great leader and a great American. His words and his actions will long be remembered.

Ronald Reagan dared to do the impossible, not because it was easy but because it had to be done. The challenges he encountered in his life brought out the best in him, and the challenges we faced as a Nation under him brought out the best in all of us. His is a legacy that we will always cherish. We will miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, does the Senator from Florida wish to speak about the subject of the day?

Mr. NELSON of Florida. That is correct.

Mr. INHOFE. I yield for the Senator and ask unanimous consent that I follow the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. I will be very brief. I thank the Senator from Oklahoma.

Mr. President, on this occasion, when the Nation is mourning the loss of President Reagan, I wish to bring to the attention of the Senate a couple of stories which are fresh in my memory about President Reagan.

I had the privilege during his two terms as President of serving in the House of Representatives, representing a district from the State of Florida.

The first story I wish to share is of a time of great loss to this country, the loss of the Space Shuttle *Challenger*. The American people could hardly believe it. The entire technological prowess of our country was symbolized by America having a very successful space program. We were the first to the Moon. This new contraption called a space transportation system was reusable, with new technologies that had been developed. America was quite proud.

I had the privilege of flying on the 24th flight of the space shuttle, 6 days in orbit, returning on January 18, 1986. Only 10 days later, the crew that we had stayed with in quarantine—we had been one of the most delayed flights in the history of the space program—was the crew of the *Challenger*.

We all know the story. Ten miles high in the Florida sky, the *Challenger*'s solid rocket booster had hot gasses escaping from a field joint in that rocket. They happened to come out at a place where the strut was burned. That caused the solid rocket motor to then cantilever and it punctured the big apricot-colored fuel tank that held all of the liquid hydrogen and liquid oxygen. The whole space shuttle then disintegrated.

Naturally, the feelings I had were very raw and very emotional on that day, having trained with that crew and having just returned from space 10 days earlier.

America's feelings were as raw and as emotional because our whole symbol of technological and scientific prowess had suddenly disintegrated in front of our eyes on our television screens.

At a time of a grieving nation, there can be only one person who can speak for the country. That is the President. President Reagan rose to the occasion. That speech on television that night, delivered from the Oval Office, was a masterpiece, in which he ends up quoting a Canadian pilot from World War II—a pilot who had experienced the joys of flying—and those immortal words that ended the poem that he had reached out and he had touched the face of God.

President Reagan applied that poem to the feelings of the country at the time about what the seven astronauts had experienced. That is political genius. That is a leader. That is a leader who has the ability through communication to connect, to inspire, and in this particular case, on January 28, 1986, to help the Nation through the process of grieving, to accept what had happened and then pick up and move on, which we have.

And of course, 17 years later, we had another very similar kind of experience when we lost an additional seven astronauts.

That speech, in my mind, was only exceeded by the speech that occurred 3 days later by President Reagan at the Johnson Space Center in Houston in a memorial service for the astronauts, the astronauts, whose bodies at that point still had not been recovered from the floor of the Atlantic Ocean where, hopefully, they had perished before they ever hit the water. Hopefully, somehow that crew compartment had been punctured at that altitude and therefore there would have been instant decompression and there would have been instant loss of consciousness.

But with all of that swirling in all of our minds, with all of that swirling in the minds of that NASA community—NASA really is a family—again, the leader of the Nation had to rise to the occasion to summarize and to continue the process of healing in the time of grief.

I saw rough, tough test pilots who were some of the best of the best of our astronaut pilots grabbing each other and hugging in that time of grief. And President Reagan, in the moment, gave comfort to all of those, especially to the families of that crew who were lost, led by the commander of that mission, Dick Scobee.

Another story I wish to tell about President Reagan is very personal to me as well. It was just about the middle of the decade of the 1980s. I was a Member of the House of Representatives. There was a particular vote coming up that was critically close. I had already made up my mind that the way I was going to vote in this particular case was the way President Reagan had wanted the vote to go but had not telegraphed that to the leadership of either side because there was something I wanted to tell the President.

There was a 6-month-old infant in my hometown of Melbourne, FL, who was dying because he needed a liver transplant. Mind you, this is 20 years ago. Twenty years ago we did not have the very sophisticated system we have set up today which allowed people to exchange information about organ donors. Twenty years ago it was catch as catch can. Twenty years ago, if a donor became available, it was just almost accidental that you found out if there was a donor of a particular organ. And when it involved an infant, like a 6-month-old infant, you not only had to match the blood type for a liver transplant, but the liver had to be the exact size in order to successfully transplant. You can see the difficulty. You can see this child lie dying, with only hours to live.

The preparation had been made for the jet airplane to fly the child to the University of Pittsburgh Medical Center where all the surgeons were standing by. They kept waiting and waiting for a donor. No donor was produced because we did not know when any became available. There was not an exchange of information.

So at my home in Melbourne, on a weekend, the call from the President of the United States came. He said: Bill, this is President Reagan. We are going to have a close vote and I need your vote. I said: Mr. President, I have already decided that I am voting with you. Now there is something that I would like to ask you, to help in the saving of the life of a child. I told him the story, and he said he would have Margaret Heckler, the Secretary of HHS, call me the next day and get the particulars, which he did.

Margaret Heckler immediately held a press conference, and because of that press conference, within 3 days, a tragic death of a child on the west coast of the United States that we would have never known about was known, and the parents donated the child's liver, which was of the same blood type and the same size. That liver was packaged and cooled and flown to Pittsburgh, arriving at the same time Ryan Osterblom arrived, as they wheeled him into surgery.

Mr. President, as you can see, I have a catch in my voice because that little boy is going to college this year. He wants to be a surgeon. After that successful transplant, the President had called the mother, Karen Osterblom, and for years he continued to correspond with them.

It is going to be my pleasure to have the family come up here on Thursday as the President is lying in state and have them walk through the line in the Rotunda of the U.S. Capitol to show their respects to President Reagan.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we have heard so many stories about a great man, the Gipper, and none of them are surprising because he was always such a gentle person. I have to share with you that I had the honor, about a month ago, of giving the commencement address at Oral Roberts University. When I did, I used a lot of the 1964 speech "A Rendezvous With Destiny." I said it should be required reading for anyone to graduate at any level in America to read "A Rendezvous With Destiny." It is a speech that changed my life. Ronald Reagan gave it in 1964. I remember I almost memorized that speech. In fact, I still have most of it memorized. As a result of that, the next year I decided, well, if he did it, if he really feels this concerned, I should, too, and I went and filed for office and ran for the State legislature. So that is how I happened to get started.

But that is not as far back as we go. I believe I have had the honor of knowing Ronald Reagan longer than any other Member of this U.S. Senate. In fact, I am sure that is true. Even though I represent the State of Oklahoma, I moved to the State of Oklahoma when I was 8 years old. I moved from Des Moines, IA. We were enjoying the poverty of the Depression at that time. Everyone was poor, not just us.

My dad was an insurance adjuster. Ronald Reagan was a sports announcer for WHO Radio in Des Moines, IA, and they shared the same office. They became very close friends, and they used to play the pinball machine at that time. You guys would not know what that is. I guess they don't have those anymore. On Saturdays they would play cards for a couple hours. All I know is, it was a room above the drugstore.

But the man I had seen occasionally at that time I thought of as a giant. He was a very large person. We were not all that large. I remember that when I was growing up.

Well, we moved to Tulsa, OK, shortly after that. But we did not lose contact. As the years went by, Ronald Reagan, who my dad affectionately referred to as "Dutch," "Dutch Reagan"—every time there was a "Dutch" Reagan movie we would see it. You see, we never went to movies. In those days, we just didn't go to movies except when there was a "Dutch" Reagan movie. It did not matter what it was conflicting with.

One time we went to Durant, OK, in the southern part of Oklahoma. My home was in the northern part. I remember driving on those roads at that time. I say to my good friend from Minnesota, the roads were—if you could average 30 miles an hour, you were doing well. So we drove 5 hours down, watched a "Dutch" Reagan movie, and drove 5 hours back. We never would consider missing a "Dutch" Reagan movie.

Then, of course, the famous speech took place in 1964. That is when he expressed his interest in politics. But at that time my father had gotten to where he was much better off, our family was. So when "Dutch" Reagan was going to run for Governor of California, my father became one of his first large contributors. Again, the friendship had never stopped at any point. So he won.

At the time, after he served in that capacity and ran for President—I know that the Presiding Officer right now knows what I am talking about because he and I were both mayors of major cities back at the same time in 1980 when Ronald Reagan was elected President. I was the mayor of Tulsa, OK, for 4 years. Ronald Reagan and I were closer together than we had ever been before—I was out in Oklahoma—because he had me do his domestic policy stuff. He would have me on TV. At that time, they did not have CNN and Fox, but they had "Good Morning America" and the "Today" show. So I would be debating all these liberal Democrat mayors on the Reagan policy, which was the dynamics of the free enterprise system as opposed to the Government doing everything, and they worked beautifully. So I am sure I spent 10 times as much time with him at that time than I do with George W. today, and I am here in Washington. But it was a real pleasure.

Those of us present—and right now I see in the Chamber the Senator from Minnesota, Mr. NORM COLEMAN, and the Senator who is presiding, Mr. VOINOVICH—all three of us were mayors. We understand what a hard job it is. When I was mayor, I was able to build a low-water dam, and President Reagan referred to it in his speeches as the largest totally privately funded public project in America. That was the dynamics of Ronald Reagan. That is what he thought, that Government should be doing less, people doing more. And it worked.

What a visionary the guy was. When I see things that are going on today and I remember things that he said many, many years ago—right now, we have a serious problem in America. Probably one of our most serious problems is we do not have an energy policy. So we make speeches. All of us make speeches on a regular basis about why we do not have an energy policy and why we should have one. I would like to read to you what Ronald Reagan said. This was in 1979. Listen carefully because this applies to today, but it was 1979:

> Solving the energy crisis will not be easy, but it can be done. First we must decide that "less" is not enough. Next, we must remove government obstacles to energy production. And we must make use of those technological advantages we still possess.
>
> It is no program simply to say "use less energy."

Sound familiar?

> Of course waste must be eliminated and efficiency promoted, but for the government simply to tell the people to conserve is not an energy policy. At best it means we will run out of energy a little more slowly. But a day will come when the lights will dim and the wheels of industry will turn more slowly and finally stop.
>
> The answer obvious to anyone except those in the administration it seems, is more domestic production of oil and gas. We must also have wider use of nuclear power within strict safety rules, of course. There must be more spending by the energy industries on research and development of substitutes for fossil fuels.

And on and on and on. That speech very well could have been made today because the problem still exists today. And he knew it was coming.

When he talked about the SDI, the Strategic Defense Initiative, that was something no one seemed to care about. They did not see there was any great risk facing the American people. Yet he saw that risk. The risk was there. We all know now the risk is very real, even today. So he looked back at the ABM treaty that was put in place in 1972.

He said: This is senseless now. It may have made sense in 1972 when Henry Kissinger and Richard Nixon put this in, but the policy of mutual assured destruction is not a good policy. So he said: What we will have to do is have a very strong country. And he was quite scriptural. He quoted from Luke: If a strong man shall keep his court well guarded, he shall live in peace. And that is exactly what he was doing in his rebuilding of the defense system of America. We are so thankful he did that in those days. But he was saying we must do away with the ABM treaty. Finally, after all this time, we recognized 2 years ago he was right, and we got rid of the ABM treaty—how prophetic.

Tax cuts, this is something that he gave credit to his predecessors. He said: We do need more money. The best way to get more revenue for Government is to reduce tax rates. He said: That is what President Kennedy did 25 years ago. He said: He reduced tax rates. And keep in mind, that was a Democratic President. And by reducing tax rates, he almost doubled the revenue coming in at the end of his term. It gave people the freedom and money to invest and to breathe and to reinvest in the country. So that is the problem. That is what this President George W. Bush has been trying to do. That is the reason we are out of the recession he inherited, and we are now coming out because we have reduced some of those marginal rates. We know we need to do more. This is what the President did.

If you remember, in 1980, the total amount of revenue that was generated from marginal rates, taxes paid by people, was $244 billion. In 1990, it was $446 billion. It almost doubled in that 10-year period. Yet that 10-year period was the period where we had the largest reduction in taxes, thanks to Ronald Reagan, of any 10-year period or 8-year period in our Nation's history: marginal rates going down from 70 percent to 28 percent. Yet it had the effect of doubling the revenues. This guy knew it, and he did it. That is good advice for us today.

I have mentioned quite often that it should have been required reading for all of our graduates to read "Rendezvous With Destiny." Let me read a couple things to remind us on this very solemn occasion how grateful we are now to have had a President who was so prophetic.

In talking about the freedom of our country, he told a story about Castro and how a Cuban had escaped Cuba in a small craft and had floated over to the south shores of Florida. As his small craft came up there was a lady there, and he told the lady about the atrocities of Castro's Communist Cuba. After he was through, she said: I guess we don't know how lucky we are in the United States.

He said: How lucky you are? We are the ones who are lucky. We had a place to escape to.

That is what Ronald Reagan said, that we would be the beacon of freedom, the last place in the world to escape to. If we lose it here, there is nowhere else to escape to.

On the recognition of the dynamics of the free enterprise system, he said:

> They also knew, those Founding Fathers, that outside of its legitimate functions, government does nothing as well or as economically as the private sector of the economy.

He practiced that. It worked. His domestic policies worked.

He was prophetic. He accurately described such things as:

> We have so many people who can't see a fat man standing beside a thin one without coming to the conclusion that the fat man got that way by taking advantage of the thin one.

Ronald Reagan talked about bureaucracy, how difficult it would be for him to cut down the size of Government. He is the one who said, in that very famous speech in 1964, there is nothing closer to life eternal on the face of this Earth than a Government agency once formed. And he went on to explain the reason for it. The reason for it is very simple. Once a Government agency is formed to respond to a problem, the problem goes away, and the bureaucracy stays there. The longer they stay there with nothing to do, the stronger they become. So that happens. He was able to cut that down by reminding people that that problem did exist.

He said in 1964:

> Let's set the record straight. There is no argument over the choice between peace and war, but there is only one guaranteed way that you can have peace—and you can have it in the next second—surrender.

That was the message he had. You had to be strong. You had to have a Nation that believes in God, and you had to stand up for those things and not lie down and surrender. That is what people were trying to do at that time.

He said in that speech:

> There is a price we will not pay. There is a point beyond which they must not advance.

That was his rendezvous with destiny.

I look at American heroes like the senior Senator from Hawaii who fought so valiantly and is very familiar with what this President did for our U.S. military.

I will say this: The rendezvous with destiny was a very real one. Military historians have looked at us and said there is no way we could have won the Revolutionary War. Here we were, a handful of farmers and trappers with crude weapons and the greatest army on the face of the earth was marching toward Lexington and Concord, and they fired the shot heard round the world.

As Ronald Reagan would reflect on that great speech by Patrick Henry, he said there are three sentences in that speech that answer the questions of military historians, but people have forgotten about it. We are not weak when we make the proper use of those means which the God of nature has placed in our power. Armed in the holy cause of liberty in such a country as that which we possess, we are invincible by any force our enemy will send against us. And besides, we will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends to fight our battles with us.

Those are the favorite three sentences out of the "give me liberty, give me death" speech Patrick Henry made.

For me, I think about the honor to be able to stand here in the Senate and, on behalf of the American people and on behalf of my wife and myself and our family of 20 children and grandchildren, to say we thank Ronald Reagan for his sacrifices. We thank God for Ronald Reagan. We thank God for his life. We thank God for allowing us to share that rendezvous with destiny with Ronald Reagan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I share that sense of humility that has been so eloquently expressed by my friend from Oklahoma, to be able to stand on this Senate floor and to thank God for Ronald Reagan, for what he gave us and what we learned from him. I must admit to being a bit envious to be in the Chamber with my friend from Oklahoma who knew Ronald Reagan when he was a young man.

My friend, the Presiding Officer, on the way to the Chamber—again, we were all fellow mayors—talked about when he was mayor of Cleveland. There were some difficult times, and he talked to the President. He talked about what a good man the President was. What a good man, that he really cared, that he listened, and that he wanted to do things, wanted to make a difference. Sometimes when those around him were not making a difference, he took care of it and got it done. I think my colleagues were part of history being made.

I was able to watch history during that time. But I am honored and humbled to be here today. To those of us who grew up in the Midwest and for those like myself who made it our home, Ronald Reagan has a very special significance. Places like Dixon, IL have been dubbed fly-over zones by sophisticated, powerful people who live on the coast. But we know places like that are the heartland, strong, simple, and true. That was Ronald Reagan.

What we love about the Midwest is what America and the world came to know and understand and love about Ronald Reagan.

To go on and on in flowery rhetoric about Ronald Reagan would not fit the subject matter. Like he did so well, his life deserves a few well-chosen words.

Oscar Wilde once said:

> Life is not complex. We are complex. Life is simple and the simple thing is the right thing.

Ronald Reagan could have said that because, surely, he lived it.

Democracy is superior to communism. America is the world's best hope. Liberty requires limited government. The best is yet to come. Those were Ronald Reagan's moral anchors from the start of his public life to the end. Without deviation, they shaped his outlook and actions for half a century.

He certainly didn't originate any of them, but we all know they are far more prominent in the fabric of American life today because of the power of his witness, as he lived his life, the power of what he did with those moral anchors as part of him.

In the last few days, we are hearing a lot about Reagan as the Great Communicator. I think we put too much emphasis on the craft. As far as Ronald Reagan was concerned, the key to being a good communicator was having something to say. He was the message he delivered, and so he touched hearts and changed minds.

He understood the key to American progress was our spirit. Resources, wealth, and past accomplishments have ruined more people and nations than they have made. He knew we needed a sense of the heroic, a stirring of our souls to rise above selfishness, division, and fear. He inspired us.

He restored our confidence in the idea of leadership. Vietnam, Watergate, inflation, gas lines, and the hostage crisis were causing many to wonder if the American hour had passed. Not Ronald Reagan. He stubbornly held onto a wonderful vision of the future rather than focus on temporary negative circumstances. He led us.

And perhaps of greatest importance, by his own choice, Ronald Reagan was not the star of our dramatic national resurgence. Neither was Government. In Reagan's mind and words, the heroes who restored the American economy and won the cold war were ordinary Americans doing simple things, doing their duty—kind of like a national bond raising. He united us.

Mr. President, I also grew up as a Democrat. President Reagan deeply inspired me, and he had a lot to do with the fact that I am standing on this side of the aisle today. He inspired me with ideas, such as if you want to grow an economy, you cut taxes and put money in people's pockets; they will spend it on a product or service, and there is a job connected to that. He understood that. He showed the power of it. I understood that. It wasn't just about policy, it was about optimism.

When I ran for mayor in St. Paul in 1993, my slogan was "St. Paul's best days are yet to come." When I switched parties in 1996, Jack Kemp came over to my house, and I made the announcement. It was that spirit of hope, optimism, entrepreneurship, and opportunity that he showed worked. That was the key, by the way. For him, it was not about politics; it was about results.

My friend from Oklahoma quoted President Reagan saying that solving the energy crisis wasn't easy, but that it can be done. He understood the importance of getting it done.

I think Ronald Reagan would be honored to know we are shutting down the Federal Government on Friday. His only concern might be that we are starting it again on Monday. He changed us and transformed the world, without a doubt. Some days, Mr. President, I get concerned that we are changing back.

As we remember his life, I hope we all remember that the simple things are the right things: Freedom, hope, liberty, and optimism.

I thank God that he gave us Ronald Reagan when we needed him most. Now, this is our time. I pray that we will courageously follow his example and embrace America's destiny in this challenging hour.

I yield the floor.

Mr. McCAIN. Mr. President, the strength of Abraham Lincoln's resolve to restore the Union, whatever the terrible cost to do so, was his unshakeable faith that in America any father's child could come to occupy the same place that his father's child had attained. That uniquely American conviction also inspired Ronald Reagan to reach his great place in our country's history and in the hearts of his countrymen. I doubt Ronald Reagan was much surprised to become President, despite his humble origins. And I know for certain he never took for granted a single day he occupied the office. He believed such an honored privilege was within the reach of any American with principles, industry and talent, and that once attained, it was to be held with great care to preserve for succeeding generations the blessings of liberty that had so enriched his own life. His patriotism, which he expressed eloquently and often in his public remarks, was never affected. He believed every word. Nor was his unfailing good humor and optimism an actor's performance. He lived in a shining city on a hill, and he never forgot it.

I first met President Reagan and his lovely wife, Nancy, not long after I returned from Vietnam. But I knew of him in the years before I regained my liberty, when my fellow prisoners-of-war and I would discuss in tap codes and whispered conversations the Governor of California who was giving such eloquent voice to the convictions we believed we had been sent to war to advance. In the more than 30 years that have passed since I first met him, I have never lived a day that I wasn't grateful for the privilege of the Reagans' friendship, and the strength of his faith in America that inspired my own, and so many others.

His accomplishments in office were historic, and will be long remembered as will the humility, grace and decency with which he achieved them. It was an honor to have known him, and Cindy and I shall miss him very much. We offer our sincerest condolences to Nancy, and to Michael, Patti and Ron, and pray that God grants this good man eternal life, reunites him with his daughter, Maureen, and with all his loved ones who have preceded him.

Mr. HOLLINGS. Mr. President, at a luncheon with Bernard Baruch, Mr. Baruch commented that Harry Truman "had a good memory" and "he also had a good bad memory." We are hearing both at the passing of former President Ronald Reagan. There is no question that if a President is to be credited for the end of the Cold War that credit should go to Ronald Reagan. We were anxious about the depletion of our defenses in the U.S. Senate in the year preceding President Reagan's administration so we passed a 5 percent across-the-board increase in the Defense budget. But President Reagan came on board and really moved to strengthen our defenses, building a 600-ship Navy and not hesitating to deploy intermediate missiles in Europe. He also moved to formalize our ballistic missile defense system, calling it the Strategic Defense Initiative and increasing its support. President Reagan can also be credited with a competitive trade policy. Though he had the power to rescind the anti-dumping order on the importation of motorcycles, he let the order stand; reviving as we all know the Harley Davidson industry. Moreover, he imposed voluntary restraint agreements in steel, semiconductors, machine tools and automobiles. There is no question, for example, that Intel would have had a hard time surviving had it not been for Sematech and Reagan's VRA on semiconductors.

But at this time of praise, those with "good bad memory" forget it was Ronald Reagan who started supply side economics. Former Senator Bob Dole led the opposition to its forerunner, Kemp-Roth, and former President George Herbert Walker Bush characterized this cutting revenues to increase them as "voodoo." With Reagan looking for an issue at a low point in his administration, he locked onto supply side, ignoring his campaign pledge to "balance the budget within one year." It is good to note that in this country after 200 years existence, with the cost of all the wars from the Revolution up to the War in Vietnam, the national debt stood at less than $1 trillion. Reagan's supply side or "voodoo" gave us the first trillion dollar debt and he left office having increased the national debt $1.7 trillion. Under Bush 41, in 4 years the debt increased $1.4 trillion. President Clinton over 8 years slowed the increase of the debt to $1.6 trillion with spending cuts and tax increases, leaving a projected surplus. President George W. Bush, with three tax cuts or Reagan "voodoos," has eliminated the surplus and increased the debt over $2 trillion in 4 years. As his chief counselor Vice President CHENEY said, "Deficits don't matter." Since the beginning days, this country has shown sacrifice at a time of war by adopting a tax measure to pay for the war. But not for the War on Terrorism. We in the Congress need a fourth tax cut, voodoo, to get reelected. Today the GI fighting the war is also going to have to pay for the war. At this time of remembrance, let's not forget that Reagan dignified "voodoo."

Mrs. FEINSTEIN. Mr. President, on Saturday, our Nation lost a strong leader and the State of California lost an adopted son.

As a citizen, Ronald Wilson Reagan embodied the American dream. He personified the image of California—can-do, risk-taking, cutting-edge. Ronald Reagan was all of those things.

As a President, he unified a country and helped bring an end to the cold war, the premier struggle of his time in public life.

My fondest memory of President Reagan took place while I was mayor of San Francisco at a March 1983 dinner the President and First Lady hosted for Queen Elizabeth II in San Francisco. The Queen was thrilled to visit California for the first time and especially pleased to be welcomed by a President from California.

During that trip the Queen quipped at one point that she knew England had exported many traditions to the United States, but she hadn't realized the weather was one of them.

San Francisco's London-like weather aside, as Mayor I was enormously proud of the wonderful welcome we had provided for the Queen of England.

Growing up in small-town central Illinois in the years leading up to the Great Depression, President Reagan was instilled with the values that would guide him as a person and as a leader. There he learned the importance of hard work and optimism as the key ingredients for success.

It was this optimism combined with his ever-present sense of humor that characterized him best, enabling him to both "fill the screen" and make a stellar entrance wherever he went.

After 4 years at Eureka College, where he was known as a gritty, though undersized tackle on the football team, he began searching for a job in broadcasting. In 1932, at the height of the Depression, he headed into the job market confident that a job would be his soon.

After several years as a broadcaster covering University of Iowa football games and later recreating Chicago Cubs' games based on telegraph reports, a young Ronald Reagan traveled to California to cover the Cubs' spring training.

It was his first trip west of Kansas City and it nurtured his fascination with Hollywood. While he was there, he used his considerable charm to convince a movie agent to arrange a screen test for him at Warner Brothers Studios.

Before long, he returned to the Midwest, packed his bags and started the quintessential American journey westward in search of opportunity. Of course, he found it as a movie star.

He won many fans through his on-screen charisma. The optimism he inspired was exemplified by his role as Notre Dame football player George Gipp in the film "Knute Rockne—All-American." Years after Gipp's death, Coach Rockne gave a pep talk to his team urging them to "win one for the Gipper" one of the more memorable lines in American sports history.

But President Reagan's greatest impact on the world was as a politician. As a labor leader with the Screen Actors Guild, his roots as an activist were shaped significantly by a deep concern about communism.

Yet despite his strongly anti-communist views, he condemned the unfair smearing of many liberals by Senator Joseph McCarthy and the House Un-American Activities Committee. He refused to reveal names publicly, but exposed some people to the FBI privately.

As Governor of California he had a strong record of environmental protection: adding 145,000 acres to the State's park system, protecting Lake Tahoe from rampant development, blocking the construction of dams on the Dos Rios and Eel rivers, and stopping the paving of a federal highway through the Sierra Nevada Mountains that would have cut through the John Muir Trail.

He also signed legislation to protect rivers on California's north coast and approved strict car emissions standards that forced the Nation's automakers to manufacture cleaner-burning cars. But he lobbied against the Coastal Protection Act approved by voters in 1972 and resisted air pollution controls imposed by the federal government.

Despite his personal opposition to abortion, Governor Reagan loosened an 1872 statute to allow abortion in cases of rape, incest, when a mother's health was at stake, or when there was a high risk that a baby would be born with birth defects. Many States followed Governor Reagan's lead on this important issue.

However, his move to close down mental health facilities in California resulted in widespread homelessness in urban areas. Though he sought to steer the mentally ill into community-based mental health facilities the end result was a spike in homelessness, a problem that we continue to deal with to this day.

While in Sacramento, he generally approached fiscal policy as a moderate, first presiding over a $1-billion tax increase to balance the State budget and another subsequent increase. He eventually lowered taxes, but in his two terms as Governor, State spending doubled overall and the State's workforce grew by 34,000.

As President, he was a unifier and an optimist. His infectious, upbeat attitude rallied people to his goals. He was extremely successful in passing legislation by joining that optimism with a willingness to compromise with a Democratic Congress.

In his dealings, he was tough, but ready to negotiate. There is no better example of this than his relationship with former Soviet leader Mikhail Gorbachev. He often used harsh rhetoric in challenging the actions of our cold war adversary, but it was always backed by his core beliefs.

Once, as he prepared for his first summit with the Soviet leader, he met with a room full of foreign policy advisors, each offering their suggestions about what he should say. After a half-hour of discussion, President Reagan turned to his advisors and said, "Gentlemen, I've been thinking about what I'm going to say to this man my whole life. And I know exactly what I'm going to say."

Gorbachev described Reagan as "a great President, with whom the Soviet leadership was able to launch a very difficult but important dialogue."

His tough negotiating stance yielded some important accomplishments including signing treaties reducing intermediate-range nuclear missiles and limiting strategic arms. These acts of diplomacy combined with his relentless advocacy for freedom played a major role in bringing about an end to the cold war.

At the same time, Reagan had a tendency to overreach in the area of foreign policy. The invasion of Grenada, the intervention in Lebanon that left American soldiers uncertain of their role and vulnerable to attack, and, above all, the Iran-Contra scandal—were all cases in which the Reagan Administration went too far in seeking to reshape the world.

At home, President Reagan sought to limit the size of government and tap the entrepreneurial spirit of the American people. And though he was famous for cutting taxes, he approved two tax increases during his first term in the White House.

Unfortunately, the tax cuts were coupled with sharp increases in defense spending that resulted in massive deficits. The Federal budget finally recovered from those years of deficit-spending during the late 1990s, but the surpluses that were generated disappeared in the blink of an eye under the current administration's fiscal policies.

President Reagan's cuts to public housing, job training, and the broader social safety net were another serious blow domestically. And, as cities and mayors across the country were reeling from the advent of AIDS—no place suffered more than San Francisco—President Reagan failed to act. He would not even publicly comment on the AIDS crisis.

Though people did not always agree with his policies, it cannot be denied that President Reagan redefined politics through his tremendous skills as a communicator. In particular, his ability to define clear goals and persuade others to support those goals earned him the admiration of many Americans.

As we all know, President Reagan suffered from Alzheimer's Disease during the last decade of his life.

As we honor his memory in the days and weeks to come, it is my hope that we will consider what we can do here in Congress to battle this terrible disease.

A good first step would be to approve legislation that supports embryonic stem cell research. This research offers tremendous hope, not only to those who suffer from Alzheimer's, but also the millions of people with cancer, diabetes, Parkinson's, multiple sclerosis and spinal cord injuries. What a fitting tribute passage of this bill would be to President Reagan.

In closing, there probably is no American who has more fully lived the American dream from actor to Governor to President than Ronald Reagan. Today, we mourn his loss, but recognize that his was a full life.

Thank you for your service to this country, President Reagan.

Mr. FEINGOLD. Mr. President, today I pay my respects to a beloved leader who, with grace, wit, and charisma, led our country through some of the great challenges of the twentieth century. President Ronald Wilson Reagan was a dedicated public servant whose confidence and optimism reinvigorated the American people and made him one of the most honored and respected Presidents in our Nation's history.

Although he lived most of his life in California, President Reagan was a fellow Midwesterner. Born in 1911 in Tampico, IL, Ronald Wilson Reagan attended high school in nearby Dixon and worked his way through Eureka College. There he earned his B.A., played on the football team, and participated in school plays. He eventually won a contract in Hollywood and appeared in 53 films over two decades.

The father of four children became increasingly involved in politics and in 1966 was elected the governor of California, and was reelected in 1970. His optimistic message, at a time when the country was beset by inflation and by the taking of American hostages in Iran, helped him to win the presidency in 1980. Four years later, he was reelected in a 49-state sweep.

In foreign affairs, it is impossible to separate President Reagan's legacy from the astounding change in world affairs that began while he was in office: the collapse of the U.S.S.R. and the end of the Cold War. President Reagan spoke frankly and frequently about the bankruptcy—both moral and economic—of the Soviet regime. His words and actions energized dissidents and activists struggling for change and for justice in the face of Communist repression and tyranny. His optimism helped to give them confidence that they were, indeed, on the right side of history.

President Reagan not only recognized the monstrous nature of Communist totalitarianism, but he also understood the horror of a geopolitical reality that made the entire world hostage to the threat of nuclear annihilation. He had the courage to act, to reach out to the Soviet leadership and to craft landmark arms control agreements, including one that, for the first time, eliminated a class of nuclear weapons.

On the domestic front, it was under the leadership of President Reagan that the solvency of the Social Security program was extended through reforms to the existing program. Although modest in their overall scope, those reforms were seen by many as politically risky, and President Reagan provided critical leadership that helped assure both a reluctant Congress and an uncertain public. Today, we should build on the Reagan reforms, and strengthen the existing program, as he did.

Another significant domestic policy challenge that President Reagan tackled was the simplification of our tax code. In the face of special interest pressures, and under the leadership of his Secretary of Treasury, Donald Regan, as well as a bipartisan group of members of the House and Senate, President Reagan was able to push through the last significant reforms to our increasingly complex tax code in 1986.

At the time, I was the Chairman of the Taxation Committee in the Wisconsin State Senate and we were holding a variety of hearings around the State, addressing parallel reforms. These hearings and reforms were driven by President Reagan's proposal. Though far from perfect, that reform effort is another model for action we need to undertake again. And policymakers in Congress and the executive branch would do well to follow President Reagan's example in this matter.

Of course, no review of President Reagan's legacy would be complete without acknowledging his Alzheimer's disease which, sadly, defined the last 10 years of his life as well as the lives of his family. As the author of Wisconsin's Alzheimer's program, I have become all too aware of the heartbreaking tragedy that this dread disease brings to a family.

President Reagan's brave, public acknowledgment of the disease, and the wonderful efforts of his wife Nancy, have done a great deal to educate the country about this horrible affliction. They have also helped to spur government investment in the research needed to find a cure, and to raise awareness of the need for long-term care services for those suffering from Alzheimer's.

President Ronald Wilson Reagan helped to transform America and the world. He and his achievements will forever be honored and remembered.

Mr. PRYOR. Mr. President, the Capitol today is overflowing with visitors, flags stand at half-staff, and the Nation has collectively stopped this week—all to honor a remarkable man who accomplished remarkable things during a remarkable time.

President Ronald Reagan gave his life to public service and has left a legacy of leadership that will always be remembered.

We remember President Reagan's strong vision for political and economic freedom which was instrumental in the fall of communism and the spread of democracy in Eastern Europe. The world held its breath as America stared communism in the face, but in the end we peacefully won over the respect and cooperation of our enemy. Less than a year after Reagan left office, Mr. Gorbachev stepped down, the Berlin Wall fell and the cold war ended.

I will never forget President Reagan's historic speech on June 12, 1987, in front of the Brandenburg Gate near the Berlin Wall when he called on Mikhail Gorbachev to "Open this gate! Mr. Gorbachev, tear down this wall."

Today, the United States is working with Russia to replace tyranny and fear in Iraq with peace and stability.

Of President Reagan, Gorbachev said, "A true leader, a man of his word and an optimist, he traveled the journey of his life with dignity and faced courageously the cruel disease that darkened his final years. He has earned a place in history and in people's hearts."

We also remember Dutch, the Great Communicator, the Gipper as a man of great optimism and humor. My kids' history books recall the dates and facts of this time, but they do not convey this Hollywood actor turned President's good-natured spirit or genuine optimism for a better tomorrow. Nor can they express his unyielding dedication and love for our country. However, I believe the outpouring of respect and affection shown by the American public this week says we will forever remember his character and personality.

Finally, we remember a man who never stopped believing, never stopped advocating America's ability to succeed and prosper. He stuck to his convictions and his visions for America, whether popular or not.

Ronald Reagan's initiatives didn't please all Americans and Democrats and Republicans did not always agree on President Reagan's foreign policy or domestic agenda, but he never encouraged or played the biting partisan games that exist today. Even with those people whom he had genuine ideological differences, President Reagan always showed a level of respect and acknowledged that we are all Americans and we are in this together.

Years ago, President Reagan and Speaker of the House Tip O'Neill used to joke that, "between 9 and 5 we are enemies, but at 5 o'clock let's go have a cocktail together." To truly honor and remember President Reagan—this man of great accomplishment, optimism, and oratory—perhaps we could find ways to work better together for a better tomorrow.

I extend my deepest sympathies to the Reagan family in their time of sorrow, and I hope it is of some comfort that Americans and many others throughout the world mourn by their side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEORGE TENET

Mr. INOUYE. Mr. President, we all learned recently that an outstanding public servant, the Director of Central Intelligence, George Tenet, has decided to step down. I am personally saddened by this announcement because I believe the country has been well served by Mr. Tenet.

George Tenet started his career in public service as part of the Senate family working for the late Republican Senator John Heinz. He served on the professional staff of the Senate Intelligence Committee rising to become the committee staff director for my good friend Senator David Boren.

I was the chairman of the Senate Appropriations Defense Subcommittee during that period. Our committee works closely with the Intelligence Committee in determining the funding for our classified programs. So I believe I can speak with some authority in saying that George was a top-notch staff director. And, I believe his tenure in the Senate prepared him well for the position of Director of Central Intelligence.

I have known every CIA Director since Allen Dulles. I have worked closely with each Director for the past 30 years. All of them have been honorable men, well-meaning and decent public servants, but none was a better Director of Central Intelligence than George Tenet.

Intelligence is a critical part of our national security. Obviously it does not get the public scrutiny that most Government functions receive. To do so would jeopardize the lives of countless agents and analysts who serve this Nation. We limit the number of people who receive sensitive information to lessen the chance that it will be inadvertently disclosed and harm our national security. As such, much of the good news in intelligence is never brought to light.

When the CIA breaks up a terrorist cell in Albania or Egypt it cannot be disclosed. When critical information is discovered by our intelligence community about weapons trafficking on the high seas, the weapons can be confiscated, but the American people are not told.

Unfortunately, only the operations that fail become public. So our CIA Directors are generally not known for their successes, only for their failures.

It is an historical fact that there has been great temptation to use intelligence operations and analysis to achieve political objectives.

As most of my colleagues know, the Senate established the Select Committee on Intelligence in the mid-1970s to review intelligence activities in response to improprieties which occurred in the 1960s and 1970s. During that period, I was fortunate to serve as the first Chairman of the Senate Intelligence Committee.

There have been other unfortunate incidents when individuals in the executive branch have circumvented the law to further their objectives. We all remember the Iran-contra scandal when rogue elements ran an extra legal operation out of the White House.

Some have suggested that intelligence was recently politicized to justify the war on Iraq.

It is my view, and I think history will one day prove that any politization of intelligence that might have occurred on Iraq did not come from George Tenet.

Those who are charged with oversight of intelligence for the Congress have a difficult task. We must review intelligence activities and practices, but the universe is truly enormous. There are not enough hours of the day for us to know all the details of intelligence. We could never amass enough staff to monitor every action of the intelligence community. Therefore, we need to be able to trust our intelligence leaders.

The Senate could trust George Tenet to tell the truth and be forthright with this institution. Perhaps it was because of his background as a Senate staff member, but George was always eager to inform and consult with the Senate to share important information regardless how sensitive it might have been.

My experience with the CIA has been that many past Directors were reluctant to provide detailed information to the Congress. Perhaps it was the ingrained culture that protects secrets, or perhaps it was the lack of trust between the executive and legislative bodies, but for whatever reason, they didn't want to tell the Congress any more than they had to.

With George it was different. He would take time to explain controversial and highly classified issues in detail. At times he would direct his associates in the community to be more forthright in their responses when he felt they might be holding back.

George Tenet trusted the Congress with the Nation's secrets as partners in national security, not adversaries or impediments.

I know the Director has his critics, but they do not come from the Defense Subcommittee. I think I can speak for my chairman when I tell you we both had the utmost confidence in George Tenet. And, no one in the Senate or the House has spent more years overseeing the intelligence community than Ted and I.

George Tenet is depicted today by some as the Director of Intelligence who failed to stop the tragedy of 9/11 and criticized for the description by author Bob Woodward that the case for weapons of mass destruction in Iraq was a "slam dunk." Both of those miss the point.

George Tenet should be remembered as one of the finest Directors in the history of Central Intelligence. He should be remembered as the most honest and forthright of any CIA Director. He should be thought of as the Director who took an agency from the cold war mentality and started to reshape it for the 21st century. I know he will be remembered by the thousands of CIA employees as a great leader who did his very best to support them and the entire intelligence community.

I will remember him as a tremendous public servant who served honorably, effectively and tirelessly.

Mr. President, someday when the records are declassified and the analysis is completed, historians will likely remember George with great regard. It is my view that he should not have to wait. We should all thank him for his dedication to duty and his service to our country.

ELIMINATION OF THE 30-PATIENT LIMIT FOR GROUP PRACTICES

Mr. LEVIN. Mr. President, S. 1887, which the Senate adopted yesterday, ensures that all appropriately trained group practice physicians may prescribe and dispense certain recently approved drugs for the treatment of heroin addiction. It addresses the unintended effect of the Drug Addiction and Treatment Act of 2000, DATA, that hinders access to new treatments for thousands of individuals who seek such help.

When Congress passed DATA as Title XXXV of the Children's Health Act of 2000, Public Law 106–310, it allowed for the dispensing and prescribing of Schedule III drugs, like buprenorphine/naloxone, in an office-based setting, for the treatment of heroin addiction. As a result of DATA, access to drug addiction treatment is significantly expanded; patients no longer are restricted to receiving treatment in a large clinic setting, but now may receive such care from specifically trained physicians in an office-based setting.

DATA limits qualified individual physicians to treating no more than 30 patients at a time. This same 30-patient limit applies to medical groups as to individual physicians. For example, the physician members of the Duke University Medical School faculty practice plan may treat only 30 patients at one time, even though they may have 10 individual physicians trained and willing to treat patients and more than 30 patients would benefit from newly available treatment. The difficulties that have arisen, including the dashed hopes for treatment of many, due to the patient limitation on group practices, are detailed in a May 30 article in the Boston Globe, by Peter DeMarco. I would like to share a few excerpts from that article with my Colleagues, as follows:

> When buprenorphine became available as a treatment for OxyContin and heroin addiction 18 months ago, many medical professionals and addicts hailed it as a miracle drug, bringing addicts back from the brink and helping them lead normal lives when all else had failed. But for many addicts, buprenorphine remains one of the hardest drugs to obtain. Approved by the Federal Food and Drug Administration in 2002, buprenorphine is an opiate like heroin or the painkiller OxyContin. Unlike those drugs or methadone, the prescribed drug it's meant to replace, buprenorphine doesn't cloud the minds of patients, allowing them to work or study as if they're not on any drug at all. Nearly all who take buprenorphine, meanwhile, say they lose all physical cravings for street drugs.
>
> But a combination of federal limits on the distribution of buprenorphine, and reluctance on the part of some physicians to offer

> it to patients has kept thousands of opiate addicts from receiving the drug in Massachusetts and across the country. At the heart of the issue is federal legislation passed in 2000—two years before the drug was approved by the FDA—that restricts individual clinical practices from treating more than 30 patients with buprenorphine at a time.
>
> While many substance-abuse experts say the 30-patient figure is too low for some practices, their main quarrel with the Drug Addiction Treatment Act of 2000 is its failure to differentiate single-physician practices, hospitals, and health care organizations. For example, all the doctors who work for Tufts Health Plan can treat a combined 30 patients—the same total as can be seen by a physician practicing alone.
>
> Boston health officials, along with their counterparts in the State and Federal governments, say the Federal legislation erred on the side of caution, and needs to be changed to allow wider access to buprenorphine.
>
> Boston Medical Center's main practice has 200 or more general internal-medicine doctors, and within that practice, we can only treat 30 people. It's the craziest loophole," said Colleen Labelle, nurse-manager of the hospital's Office-Based Opioid Treatment Program. "We get 20 calls a day from across the state. People are begging, desperate to get treated, who we can't treat."
>
> The Federal Substance Abuse and Mental Health Services Administration has begun an internal process to increase the 30-patient cap. But because any proposed change would be subject to the public-review process, approval could take as long as two years, said Nick Reuter, a senior public health analyst with the agency.

It clearly was not the intention of DATA that individuals seeking treatment have less access to new medications simply because they receive care from a physician practicing in a group, or from a group-based or mixed-model health plan. Nevertheless, this is the effect it is having and it is a severe effect. The problem is addressed by removing the 30-patient aggregate limit on medical groups. The patient limitation would remain on individual treating physicians. This is achieved in the bill, S. 1887, which I introduced along with Senators HATCH and BIDEN. It simply removes the statutory limit on the number of patients for whom doctors in medical groups may prescribe certain newly available, FDA-approved medications to treat heroin addiction.

I would like to close with another excerpt from Mr. DeMarco's article regarding the positive impact buprenorphine treatment has had on an individual who sought help with his addiction, and was fortunate enough not to be turned away. It is as follows:

> Timothy Tigges says his addiction began after he wrenched his back and bummed a few Percocet pills, a prescription analgesic, from a friend to dull the pain. Before he knew it, he was hooked on opiates, alternating between OxyContin and shooting up heroin as his life went to pieces.
>
> In October, Tigges, a 27-year-old East Boston carpet installer, began taking buprenorphine, placing an orange pill the size of a dime under his tongue until it dissolves, four times daily. He hasn't touched an illegal drug since the day he started the program, has put on 80 pounds from lifting weights at the gym, and has yet to miss a day of work. For the first time in three years, Tigges hopes to see his 5-year-old daughter, whose mother has refused to let him visit.
>
> I've had clean urines, 100 percent, for nine months now. There's nothing I'm prouder of than that," he said, choking back emotion. "What I read on the front page of the paper every day is 18- and 20-year-old kids dying of garbage drugs. There's just no need for it. I would take every ounce of heroin off the street and give them this stuff. You watch the crime rate go down.

Mr. President, I thank my colleagues for their wisdom in adopting this much-needed legislation.

TRIBUTE TO LORRAINE PERONA

Mr. LIEBERMAN. Mr. President, I rise to express my deep gratitude to my long-time office manager, Lorraine Perona, who, after more than 27 years of outstanding and dedicated service to the U.S. Senate, is retiring on June 30, 2004.

When I first took office as a U.S. Senator from the State of Connecticut on January 3, 1989, Lorraine was one of a small group of staff members I had assembled to assist me as I began my service. I was fortunate to have a person of Lorraine's extensive knowledge and years of Senate staff experience to set up my office. She did a wonderful job and has kept my office running for more than 15 years, as office manager and financial director; and she has done so with style and grace. She has been an influential leader in my office, and her contributions have been many. Many staff and interns have passed through the doors of my office over the years. All have benefitted from Lorraine's caring guidance, common sense, and expertise.

Lorraine studied international relations at American University and subsequently worked at Dartmouth College in charge of foreign study programs. Through a contact there, she learned of an opening in the office of Senator John Durkin, Democrat from New Hampshire, and thus began her Senate career in March 1977. Following her work in Senator Durkin's office, Lorraine built her career in the Senate setting up offices for newly elected Members, including Senator CARL LEVIN, Democrat from Michigan, in 1979, Senator FRANK LAUTENBERG, Democrat from New Jersey, in 1982, and, of course, myself in 1989. Lorraine is an expert at creating attractive, functional and comfortable work spaces, not an easy task given our limited space and resources. She is respected and beloved among her office manager colleagues and throughout the Senate community, where she has made many friends.

For the past few years, Lorraine has been faced with many serious health problems. She has faced these personal challenges with great courage. Despite her suffering and hardship, she has continued to do her utmost in service to me and the citizens of Connecticut. Lorraine has been an inspiration to us all.

I know it is difficult for Lorraine to leave my office and her extended Senate family; she often speaks of the Senate as "home." It is difficult for us, as well, for we will miss her kindness, warmth, and wise counsel. But hers is a retirement well earned, and Lorraine can be very proud of her public service and contributions to the work of the Senate. As she completes her Government career, I wish Lorraine good health and every happiness. I know she has a great deal to look forward to with her husband, Bernie Rooney, and lovely daughter, Shannon, and I wish them all the best.

I extend to Lorraine Perona my personal thanks and congratulations for more than 27 years of exemplary service to the U.S. Senate.

ALLIED HEALTH REINVESTMENT ACT

Ms. CANTWELL. Mr. President, last week I introduced S. 2491, the Allied Health Reinvestment Act, with my colleagues, Senators BINGAMAN and LIEBERMAN. As I mentioned at that time, the Allied Health Reinvestment Act will encourage individuals to seek and complete high quality allied health education and training by providing additional funding for their studies. This funding will help provide the U.S. healthcare industry with a supply of allied health professionals support the nation's health care system in this decade and beyond.

The bill has a number of supporters. I would particularly like to express my appreciation to the Association of Schools of Allied Health Professions, ASAHP, for its support of the legislation as well as its ongoing efforts to address the need for allied health professionals and allied health faculty.

ASAHP, founded in 1967, has a membership that includes 105 institutions of higher learning throughout the United States, as well as several hundred individual members. ASAHP publishes a quarterly journal and also conducts an annual survey of member institutions. This annual survey, called the "Institutional Profile Survey," is used for, among other purposes, collecting student application and enrollment data. These data substantiates that there is a pressing need to address existing allied health workforce shortages, which have been further exacerbated by declines in enrollment that have occurred for 4 straight years.

Using data from the Institutional Profile Survey, as well as the General Accounting Office, U.S. Census Bureau, and other sources, ASAHP has compiled what I believe to be a compelling rationale in its support for the Allied Health Reinvestment Act that I introduced. Mr. President, I ask unanimous consent that the text of this Rationale for an Allied Health Reinvestment Act from the Association of Schools of Allied Health Professions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RATIONALE FOR AN ALLIED HEALTH REINVESTMENT ACT

Led by the Association of Schools of Allied Health Professionals, a Washington-DC based organization with 105 colleges and universities as members, a coalition of 30 national organizations supports the enactment of an Allied Health Reinvestment Act. S. 2491 was introduced in the 108th Congress by MARIA CANTWELL (D–WA), JEFF BINGAMAN (D–NM), and JOSEPH LIEBERMAN (D–CT) and H.R. 4016 was introduced in the House by CLIFF STEARNS (R–FL) and TED STRICKLAND (D–OH).

The well-being of the U.S. population depends to a considerable extent on having access to high quality health care, which requires the presence of an adequate supply of competently-prepared allied health professionals. Workforce, demographic, and epidemiologic imperatives are the driving forces behind the need to have such legislation enacted.

THE WORKFORCE IMPERATIVE

Many allied health professionals are characterized by existing workforce shortages, declining enrollments in academic institutions, or a combination of both factors. Hospital officials have reported vacancy rates of 18 percent among radiologic technologists and 10 percent among laboratory technologists, plus they indicated more difficulty in recruiting these same professionals than two years prior.

Fitch, a leading global rating agency that provides the world's credit markets with credit opinions, indicates that labor expenses due to personnel shortages will continue to plague hospitals and is the biggest financial concern for that sector because it typically costs up to twice normal equivalent wages to fill gaps with temporary agency help.

The Bureau of Labor Statistics (BLS) projects that in the period 1998–2008, a total of 93,000 positions in clinical laboratory science need to be provided in the form of creating 53,000 new jobs and filling 40,000 existing vacancies. Of the 9,000 openings per year, academic institutions are producing only 4,990 graduates annually. BLS projections in 2004 show that nine of the 10 fastest growing occupations are health or computer (information technology) occupations.

Accredited respiratory therapy programs in 2000 graduated 5,512 students—21% fewer than the 6,062 graduates in 1999. In 2001, the number of graduates from these schools fell another 20% to 4,437. The BLS expects employment of respiratory therapists to increase faster than the average of all occupations, increasing from 21% to 35% through 2010. The aging population and an attendant rise in the incidence of respiratory ailments, including asthma and COPD, and cardiopulmonary diseases drive this demand.

Employment growth in schools will result from expansion of the school-age population and extended services for disabled students. Therapists will be needed to help children with disabilities prepare to enter special education programs.

The American Hospital Association has identified declining enrollment in health education programs as a factor leading to critical shortages of health care professionals. That assessment is buttressed by data from 90 institutions belonging to the Association of Schools of Allied Health Professions. The following professions were unable to reach enrollment capacity over a three-year period: cardiovascular perfusion technology, cytotechnology, dietetics, emergency medical sciences, health administration, health information management, medical technology, occupational therapy, rehabilitation counseling, respiratory therapy, and respiratory therapy technician.

Given the level of anxiety over the possibility of terrorist attacks occurring in this country, in a study released by the General Accounting Office (GAO) on April 8, 2003 that focused on the nation's adequacy of preparedness against bioterrorism, it was reported that shortages in clinical laboratory personnel exist in state and local public health departments, laboratories, and hospitals. Moreover, these shortages are a major concern that is difficult to remedy.

Laboratories play a critical role in the detection and diagnosis of illnesses resulting from exposure to either biological or chemical agents. No therapy or prophylaxis can be initiated without laboratory identification and confirmation of the agent in question. Laboratories need to have adequate capacity and necessary staff to test clinical and environmental samples in order to identify an agent promptly so that proper treatment can be started and infectious diseases prevented from spreading.

Meanwhile, the U.S. population continues to become more racially and ethnically diverse. A health care workforce is needed that better reflects the population they serve. Practitioners must become more attuned to cultural differences in order to facilitate communication and enhance health care quality.

THE DEMOGRAPHIC IMPERATIVE

The U.S. Census Bureau reports that rapid growth of the population age 65 and over will begin in 2011 when the first of the baby boom generation reaches age 65 and will continue for many years. The larger proportions of the population in older age groups result in part from sustained low fertility levels and from relatively larger declines in mortality at older ages in the latter part of the 20th century. From 1900 to 2000, the proportion of persons 65 and over went from 4.1 percent to 12.4 percent.

In the 20th century, the total population more than tripled, while the 65 years and older population grew more than tenfold, from 3.1 million in 1900 to 35.0 million in 2000.

Among the older population, the cohort 85 years and over increased from 122,000 in 1900 to 4.2 million in 2000. Since 1940, this age group increased at a more rapid rate than 65-to-74 year olds and 75-to-85 year olds in every decade. As a proportion of the older population, the 85 and over group went from being four percent of the older population to 12 percent between 1900 and 2000.

THE EPIDEMIOLOGICAL IMPERATIVE

The baby-boom generation's movement into middle age, a period when the incidence of heart attack and stroke increases, will produce a higher demand for therapeutic services. Medical advances now enable more patients with critical problems to survive. These patients may need extensive therapy.

According to Solucient, a major provider of information for health care providers, profound demographic shifts over the next twenty-five years will result in significant increases in the demand for inpatient acute care services if current utilization patterns do not change. An aging baby boom generation, increasing life expectancy, rising fertility rates, and continued immigration will undoubtedly increase the volume of inpatient hospitalizations and significantly alter the mix of acute care services required by patients over the next quarter century. Nationwide, demographic changes alone could result in a 46 percent increase in acute care bed demand by 2027. Total acute care admissions could also increase by almost 13 million cases in the next quarter century—a growth of 41 percent from the current number of national admissions. Currently, the aged nationwide account for about 40 percent of inpatient admissions and about 49 percent of beds. By 2027, they could make up a majority of acute care services—51 percent of admissions and 59 percent of beds.

Along with the aging of the population came an increase in the number of Americans living with one, and often more than one, chronic condition. Today, it is estimated that 125 million Americans live with a chronic condition, and by 2020 as the population ages, that number will increase to an estimated 157 million, with 81 million of them having two or more chronic conditions. Twenty-five percent of individuals with chronic conditions have some type of activity limitations. Two-thirds of Medicare spending is for beneficiaries with five or more chronic conditions.

Many individuals with chronic conditions rely on family caregivers. Approximately nine million Americans provide such services, and on the average, they spend 24 hours a week doing so. Caregivers age 65–74 provide an average of 30.7 hours of care per week and individuals age 75 and older provide an average of 34.5 hours per week.

Women are more likely than men to have chronic conditions, in part because they have longer life expectancies. These same women are caregivers to other chronically ill persons. In addition, 65 percent of caregivers are female, and of all caregivers, nearly 40 percent are 55 years of age and older.

Physicians report that their training does not adequately prepare them to care for this type of patient in areas such as providing education and offering effective nutritional guidance. Allied health professionals can provide those aspects of care, but many of them need better preparation to treat and coordinate care for patients with chronic conditions. While much emphasis is placed on curative forms of care, additional efforts must be devoted to slowing the progression of disease and its effects.

ADDITIONAL STATEMENTS

IN REMEMBRANCE OF HAROLD "HAL" RUBIN

• Mrs. BOXER. Mr. President, it is my honor to speak in memory of Harold "Hal" Rubin, a professor and activist who will always be remembered for his love of family, politics and the environment.

Hal Rubin was an excellent example of a citizen who consistently worked to make his community a better place. Mr. Rubin's love for politics motivated his involvement in numerous local issues and political races in Placer County. He was passionate about issues such as campaign spending limits, the environment and preserving the rural characteristics of Placer County.

Hal had an exceptional career as a professor. He began his teaching career as a professor of English and Political Science at Sierra Community College. At Sierra, he was voted by the students as their favorite professor. He continued his teaching career as a professor of journalism at California State University, Sacramento.

His strong writing skills coupled with his concern for the environment led him to a job as a senior technical writer for what is now GenCorp Incorporated, where he wrote about nuclear propulsion in the Nation's space program. Those traits combined with his interest in politics also led him to a freelance writing career, with articles published in various California magazines.

In addition to his dedication to politics, teaching and the environment, Hal was devoted to serving his country. His service during World War II as a member of the Army Air Force was an act of selfless dedication to protecting our Nation. He also served as a member of the Veterans of Foreign Wars, Post 1942.

Hal Rubin committed his life to his community, his Nation and most of all his family. He touched the lives of many, and his impact on his community will be long remembered.●

TRIBUTE TO HAROLD O. DAVIES

● Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor Mr. Harold O. Davies, a Seaman on the USS *Yorktown* in the Battle of Midway during World War II.

During the Memorial Day holiday, we have honored many of our service men and women who risked their lives for their country. We have especially honored what Americans call "our greatest generation"—the men and women who fought in WWII—and Mr. Davies is an extraordinary addition to this generation.

Mr. Harold Davies fought on the USS *Yorktown* at the Battle of Midway. Shortly after the attack on Pearl Harbor, the United States' retaliation emerged in a grueling war of the Pacific. The Battle of Midway was the major turning point in the Pacific in which Japan lost all four aircraft carriers and all of the airmen and planes in the battle. On June 4, 1942, before the last Japanese aircraft carrier sunk, it struck the USS *Yorktown*, leaving the ship dead in the water. The crew worked diligently to repair the damage and returned the ship to fully operational. The USS *Yorktown*, also known as the "Fighting Lady," launched fighters for three more days, gaining a major victory for the United States before sinking on June 7.

Mr. Davies never left his post during this battle. He remained courageous and loyal to his crew and duties. As the ship was sinking, he refused to board the lifeboat until all the wounded were aboard. After the ship sank, he remained in the water for two and a half hours before being picked up by a whaleboat. Mr. Davies was not injured in the battle. He lives today as a prominent member of his community and church in Hebron, KY and is able to share the story of the legendary Battle of Midway. This type of valor should not go unrecognized. Therefore, I join my fellow Kentuckians to honor Mr. Harold O. Davies and thank him for his service in the United States Navy.●

HONORING DAVID TIDMARSH

● Mr. BAYH. Mr. President, I wish today to recognize David Tidmarsh from South Bend, IN, as the champion of the 77th annual National Spelling Bee. On June 3, 2004, David became the first Hoosier to win the National Spelling Bee in more than 75 years.

In his quest to be the Nation's top speller, David triumphed over 265 of the best spellers from across the Nation. He successfully disposed of his competition in 15 rounds over three days and claimed victory with the correct spelling of "autochthonous." David and his fellow top spellers, including fourteen other from Indiana, emerged from a pool of more than 9 million 9- to 15-year-olds through winning their local spelling contests.

David's achievement is a testament to his perseverance and dedication. This was David's second time participating in the competition. He tied for 16th place in last year's National Spelling Bee. His hard work and commitment to his goal of winning the National Spelling Bee will serve as an example and inspiration to students across the country and around the world.

Hoosiers throughout Indiana can take immense pride in David's accomplishment, as he represents the full academic potential that exists in the young people of our State. David's parents and educators also deserve a great deal of credit for David's success. Their support and encouragement throughout David's schooling have been critical to his success and will continue to play an important role in his future academic achievement.

I am honored to enter the name of David Tidmarsh into the CONGRESSIONAL RECORD, to officially congratulate him on his accomplishment as champion of the 2004 National Spelling Bee.●

TRIBUTE TO WILMINGTON'S REVOLUTIONARY MAYOR

● Mr. BIDEN. Mr. President, I rise today to pay tribute to a mayor of Wilmington, DE, who created a revolutionary government and was beloved by all.

Mayor John E. Babiarz Sr. was a legend in his native city of Wilmington. He was first elected to office in 1948, then served as president of city council before being elected to Mayor in 1960. His reign was made all the more remarkable because he was the city's leader throughout the turbulent 1960s. He was a voice of calm and reason when Delaware's Governor ordered the National Guard to patrol the streets of Wilmington in 1968 after Martin Luther King Jr.'s death.

Despite the troubled times in which he served as mayor, he will be forever remembered and credited with creating a revolution toward a modern form of government for Delaware's largest city and corporate hub. He changed the old commission form of government into a modern, merit political system.

On a personal note, I owe my start in politics to the integrity, guidance, and friendship of Mayor Babiarz. He was a confidant and a friend.

Mayor Babiarz' best friend in life was his wife of 65 years, Adele. She and their two sons, John Jr. and Francis, were the joys of his life.

Wilmington has truly lost one of its greatest native sons.●

IN RECOGNITION OF THE CHURCH OF THE PRECIOUS BLOOD

● Mr. LEVIN. Mr. President, today I invite my colleagues to join in recognizing a wonderful celebration that will take place in my hometown, Detroit. On Sunday, June 13, 2004, the Church of the Precious Blood will celebrate its 75th Anniversary.

Founded in 1929 by Father William Hermes with a congregation of only 94, the church grew to a membership of nearly 900 families. Its numbers are moderately lower today, but the work performed in the community by the active members has never waned and is no less vital.

The Church of the Precious Blood, under the outstanding and accomplished leadership of Father Hermes, succeeded by Father Marvin Young, succeeded by Father Leo Priemer and then Father Donald Clark, followed by Father Ronald Kurzawa, succeeded by Bishop Moses Anderson and now led by Deacon Wyatt Jones, has experienced great transition, encountered enormous challenges, overcome monumental obstacles and celebrated wonderous victories to become the oasis, the Hidden Treasure, in Detroit's northwest community.

For 75 years, the Church of the Precious Blood has been committed to ministering to a diverse community, ethnically, culturally, socially, economically, providing the kind of support and encouragement necessary to confirm the spirit of faith and hope in humankind and our ability as nurturing and loving individuals to make this world a better place. Sunday's celebration is a major milestone on Precious Blood's committed journey on the path of fostering spiritual and economic growth, raising educational standards and providing a multitude of services to the women, men and children in the area.

It is an honor and a pleasure for me to ask my colleagues to join in extending our congratulations and the sincere wish for even greater victories over the next 75 years for the members and community of the Church of the Precious Blood.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

A COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES OFFICIALLY NOTIFYING THE CONGRESS OF THE UNITED STATES OF THE DEATH OF FORMER PRESIDENT RONALD REAGAN—PM 84

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

By this message, I officially inform you of the death of Ronald Reagan, the fortieth President of the United States.

Ronald Reagan was a great leader and a good man. He had the confidence that comes with conviction, the strength that comes with character, the grace that comes with humility, and the humor that comes with wisdom.

Through his leadership, spirit, and abiding faith in the American people, President Reagan gave our Nation a renewed optimism. With his courage and moral clarity, he enhanced America's security and advanced the spread of peace, liberty, and democracy to millions of people who had lived in darkness and oppression. As America's President, he helped change the world.

The sun has now set on Ronald Reagan's extraordinary American life. Just as he told us that our Nation's best days are yet to come, we know that the same is true for him.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 8, 2004.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7831. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Provider Qualifications for Audiologists" (RIN0938-AM26) received on June 1, 2004; to the Committee on Finance.

EC-7832. A communication from the Director, Regulations Policy and Management Staff, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Natamycin" (Doc. No. 1995F-0221) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7833. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, the Foundation's Annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-7834. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on May 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7835. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Access to Information for Performance of Radiation Dose Reconstructions"; to the Committee on Health, Education, Labor, and Pensions.

EC-7836. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to a final rule to implement the Age Discrimination Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

EC-7837. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rules Relating to Health Care Continuation Coverage" (RIN1210-AA60) received on May 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7838. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Participant Notice Voluntary Correction Program" (RIN1212-AB00) received on May 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7839. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Medical Device Reports; Reports of Corrections and Removals; Establishment Registration and Device Listing; Premarket Approval Supplements; Quality System Regulation; Importation of Electronic Products; Technical Amendment; Correction" received on May 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7840. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Clauses Authorized for Use in Commercial Acquisitions" (RIN2700-AD00) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7841. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the 2003 report relative to certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC-7842. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances; Placement of 2,5-Dimethoxy-4-(n)-propylthiophenethylamine[2C-T-7] and B-Benzylpiperazine [BZP] Into Schedule I of the Controlled Substances Act" () received on June 1, 2004; to the Committee on the Judiciary.

EC-7843. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances; Extension of Temporary Placement of Alpha-methyltryptamine and 5-methoxy-N,N-diisopropyltryptamine Into Schedule I of the Controlled Substances Act" () received on June 1, 2004; to the Committee on the Judiciary.

EC-7844. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC-7845. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the Fiscal Year 2003 Accounting of Drug Control Funds report; to the Committee on the Judiciary.

EC-7846. A communication from the Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the 2003 Audit of the Naval Sea Cadet Corps; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 2509. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 2510. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the installation of hydrogen fueling stations and to exclude earnings from hydrogen fuel sales from gross income; to the Committee on Finance.

By Mr. **DOMENICI** (for himself and Mr. BINGAMAN):

S. 2511. A bill to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. **CONRAD**:

S. 2512. A bill to amend title XVIII of the Social Security Act to simplify the medicare prescription drug card program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. **INOUYE** (for himself and Mr. COLEMAN):

S. Res. 372. A resolution designating January 1 of each year as "Global Family Day"; to the Committee on the Judiciary.

By Mr. **FRIST** (for himself and Mr. DASCHLE):

S. Con. Res. 116. A concurrent resolution providing for conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1411

At the request of Mr. KERRY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1700

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 2015

At the request of Ms. CANTWELL, the names of the Senator from Nevada (Mr. REID), the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2015, a bill to prohibit energy market manipulation.

S. 2056

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2056, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2283

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2298

At the request of Mr. BREAUX, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2298, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2417

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2421

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2421, a bill to modernize the health care system through the use of information technology and to reduce costs, improve quality, and provide a new focus on prevention with respect to health care.

S. 2425

At the request of Mr. COCHRAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2426

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2426, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 2496

At the request of Mr. BAYH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2496, a bill to provide for the relief of Helen L. O'Leary.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S.J. RES. 39

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.J. Res. 39, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 74

At the request of Mrs. CLINTON, the names of the Senator from Utah (Mr. HATCH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 74, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the deep concern of

Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. CON. RES. 111

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. RES. 221

At the request of Mr. SARBANES, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 269

At the request of Mr. LEVIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week."

AMENDMENT NO. 3400

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3400 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3432

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 3432 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3437

At the request of Mr. BUNNING, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 3437 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2511. A bill to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr DOMENICI. Mr. President, my home State of New Mexico is currently facing the greatest threat to its prosperity that I have witnessed during my 31-year tenures as a United States Senator. The threat is one that we all too often take for granted: the availability of water.

I rise today to introduce a bill that would address New Mexico's most urgent water needs.

The water problems facing New Mexico are twofold. The State faces both water supply shortages and the contamination of the scarce water resources it does have. This has resulted in inadequate water supplies to meet our State's needs, causing great hardship to New Mexico communities.

New Mexico faces significant contamination of both surface and subsurface water stores. Nowhere is this more evident than in the centuries-old community of Chimayo. The 3,000 citizens of this unincorporated community rely on individual wells for their potable water and rely on largely deteriorated septic systems to dispose of waste water. Hydrologists have determined that, because of absence or deterioration of sewer and water infrastructure in the basin, an alarming 75 percent of well samples taken had significant contamination of both total coli form and fecal coli form. Their individual wells are further tainted by high levels of total dissolved solids. Because of the unreliability of the well water, many residents use water from irrigation ditches for drinking. This water, too, was found to have high levels of fecal coli form contamination.

The water contamination in Chimayo is so desperate that in 2001, then-Governor Gary Johnson declared the region an emergency area and had the National Guard bring in tanker trucks to provide potable water to the area every other day. Chimayo is still in "emergency status" and the tanker trucks still provide the only potable water to many of the citizens. This state of affairs is clearly unacceptable in the most technologically advanced and wealthy country on earth.

The bill I introduce today would provide emergency water treatment assistance to Chimayo so that its communities' citizens no longer have to rely on water tankers for their water. In addition, it would direct the Interior Secretary to perform an assessment of water resources in the area and to help the city of Chimayo to make good decisions about a regional water system.

Ever decreasing water supplies in Espanola, New Mexico have also reached critical levels and require immediate action.

The city of Espanola's current water system produced approximately 1,000 gallons per minute less than is needed to provide for its current population. This production shortfall has resulted in insufficient water pressure throughout the city. The chronic lack of pressure is prevalent especially in the portion of the city where the Espanola Hospital is located. The city has twice declared a state of emergency due to lack of adequate water and water pressure. As a result, the city has called on the National Guard to supply water to the hospital.

Further exacerbating the problem, the city has been unable to make good use of its water resources. Although it has been allocated 1,000 acre feet per annum of San-Juan Chama Project water by the Bureau of Reclamation, the city is unable to divert this water due to inadequate water infrastructure. Instead of making use of its available San Juan Chama water, the city has been depleting its limited groundwater, a resource which the city needs to save for years of reduced surface flows.

I commend the efforts of Espanola to secure funding for infrastructure necessary to make use of its San-Juan Chama Project water. To date, the city has secured funding for a necessary diversion project and has identified a site for the project. It has also raised from State, local and Federal sources nearly all the money required to build a water filtration facility to treat its San Juan Chama Project water.

The bill I introduce today would provide the sum of $3 million at a 25 percent Federal cost share to complete this critically necessary project.

These are two problems are representative of many we have just begun to address. There are no easy answers or solutions to the western state's water woes. New Mexico and much of the Western United States will face these and other problems for years to come. However, preserving the livelihood of my home state requires that we address these issues instantly and vigorously. I hope the Senate will give this bill its every consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chimayo Water Supply System and Espanola Filtration Facility Act of 2004".

TITLE I—CHIMAYO WATER SUPPLY SYSTEM

SEC. 101. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(2) STUDY AREA.—The term "study area" means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.

(3) SYSTEM.—The term "system" means a water supply system described in section 102(a).

(4) TOWN.—The term "Town" means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

(1) consider operating the system in connection with the Espanola Water Filtration Facility; and

(2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;

(3) consider reusing or recycling water from local or regional sources;

(4) consider using alternative water supplies such as surface water, brackish water, nonpotable water, or deep aquifer groundwater; and

(5) determine the total lifecycle costs of the system, including—

(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

(B) management costs (including personnel costs).

(c) DEADLINE FOR STUDY.—As soon as practicable after the date of enactment of this Act, but not later than 3 years after the date of the enactment of this Act, the Secretary shall complete the study.

(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

(e) EASEMENTS; DRILLING.—

(1) EASEMENTS.—The Secretary may reserve any easements on Bureau of Land Management land adjacent to the study area that are necessary to carry out this section.

(2) DRILLING.—The Secretary, in cooperation with the Director of the United States Geological Survey, may drill any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study as soon as practicable after the date of enactment of this Act, but not later than the earlier of—

(1) the date that is 1 year after the date of completion of the feasibility study; or

(2) the date that is 4 years after the date of enactment of this Act.

SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

(1) hauling water;

(2) the installation of water purification technology at the community wells or individual point-of-use;

(3) the drilling of wells;

(4) the installation of pump stations and storage reservoirs;

(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

(6) the engineering, design, and installation of an emergency water supply system; and

(7) any other eligible activity, as the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of any activity assisted under this section shall be 75 percent.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) to carry out section 102, $2,000,000 for the period of fiscal years 2005 through 2008; and

(2) to carry out section 103, $3,000,000 for the period of fiscal years 2005 through 2010.

(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

TITLE II—ESPANOLA WATER FILTRATION FACILITY

SEC. 201. DEFINITIONS.

In this title:

(1) COMPONENT.—The term "component" means a water delivery resource or infrastructure development described in section 202(b).

(2) FACILITY.—The term "facility" means the Espanola water filtration facility described in section 202(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 202. ESPANOLA WATER FILTRATION FACILITY.

(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola, New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

(A) presedimentation basins for removal of sediments;

(B) an influent pump station to supply water into treatment facilities;

(C) a pretreatment facility;

(D) filtration facilities;

(E) finished water storage facilities;

(F) a finished water booster pump station;

(G) sludge dewatering facilities; and

(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

(b) PARTICIPATION.—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery resource and infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

(c) COST SHARING.—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

(d) LIMITATION ON USE OF FUNDS.—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the construction of the facility $3,000,000 for the period of fiscal years 2005 through 2009.

By Mr. CONRAD:

S. 2512. A bill to amend title XVIII of the Social Security Act to simplify the medicare prescription drug card program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Drug Discount Card Simplification Act, which will take needed steps to improve the Medicare-approved drug discount card program.

The drug discount card program was designed to provide seniors with temporary relief from high drug costs until the full Medicare drug benefit starts in 2006. This program has the potential to give real help to low income seniors in particular, because it will give them up to $600 both this year and next year toward their prescription drug purchases.

Unfortunately, the way the program has been implemented is unnecessarily confusing. In talking to North Dakotans, I have heard repeatedly that seniors are finding it extremely difficult to figure out which card, if any, is right for them. And no wonder. The media are full of stories detailing how difficult it is to get accurate information about the program.

The 1-800-MEDICARE phone help line is continuously busy. When someone finally answers the phone, the operators often can't answer seniors' questions or, even worse, give incorrect information.

The web site is easier to access, but many seniors don't have access to the Internet. Those who do have Internet access have found that the pricing information is often incomplete or out-of-date, or pharmacy access information is incorrect.

The bottom line is that the program, as implemented, overwhelms seniors with too many choices. Don't get me wrong. I like choice. But when it comes to 60,000 different drugs purchased with 73 discount cards at over 50,000 pharmacies, the combinations seem endless for a senior with several different prescriptions to be filled. On top of that, the prices can change weekly.

Besides the number of cards, seniors also hesitate to purchase a card because they are concerned about the lack of reliability in coverage and available discounts.

Once seniors choose a card, they are locked into that card until the open enrollment period at the end of the year. During the time when they are locked in, the drug card program sponsor is allowed to reduce the discounts provided, drop coverage of a drug, or even drop its program altogether—leaving seniors without drug coverage and forcing them to go through the sign up procedure over again. I don't think this is fair for seniors or a wise policy for Medicare.

Faced with this complexity, seniors are simply choosing not to sign up. So far, of the 15 million seniors estimated to be eligible for the drug card program, fewer than 500,000 have signed up voluntarily. Another 2.4 million have been signed up automatically by their HMO.

If seniors want anything, it's simplicity, consistency, and reliability. That's why I am introducing the Drug Discount Card Simplification Act. My bill has three provisions.

First, my bill would require the Secretary to select the best three discount cards in each region. The Secretary would choose among the existing approved cards and base his decision on the following three factors: (1) which cards give the deepest discounts; (2) which cards cover the widest range of drugs; and (3) which cards make it easiest for seniors to get their drugs by having the widest network of participating pharmacies.

Second, my legislation would prohibit drug card sponsors from offering discounts that are less than the discounts seniors are promised during the sign-up period.

Finally, the bill I introduce today will protect seniors' access to drugs by requiring discount drug card sponsors to continue offering coverage of a drug throughout the duration of the program.

By simplifying the program, my bill will increase participation, ensuring that seniors can benefit from the discounts that are being provided. And it will help smooth the path for successful implementation of the drug benefit itself in 2006.

Now, some may argue that my bill will eliminate competition. I disagree. My bill will increase competition by encouraging sponsors to offer the best discounts available in order to be approved as one of the three cards. In addition, my idea is not new; in fact it is consistent with the Administration's proposal to limit the PPO options in the Medicare Modernization Act MA to just three per region.

I believe my legislation will provide better discount drug cards for seniors and make it easier for them to sign up for these benefits. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 372—DESIGNATING JANUARY 1 OF EACH YEAR AS "GLOBAL FAMILY DAY"

Mr. INOUYE (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 372

Whereas in this perilous time of international unrest, it is vital that all means possible for the restoration of peace and the reduction of hate, terror, hunger, and disease be pursued with diligence;

Whereas the people of the world are inextricably linked as 1 human family;

Whereas the people of the world are in need of a shared tradition to acknowledge and celebrate mutual kinship;

Whereas shared holidays strongly influence the creation and maintenance of bonds among faiths and cultural and national groups, and the lack of such bonds may invite mistrust and conflict;

Whereas the United Nations General Assembly, through the passage of United Nations General Assembly Resolution 54/29 of November 18, 1999, and United Nations General Assembly Resolution 56/2 of October 30, 2001, and many foreign heads of state have recognized the importance of establishing an annual shared global tradition of 1 day of peace;

Whereas the Congress, through the unanimous adoption on December 15, 2000, of Senate Concurrent Resolution 138, 106th Congress, has encouraged the adoption of a day dedicated to all those members of the human family who are suffering and to the development of strong global family values; and

Whereas on this 1 day of peace and sharing, now commonly called "Global Family Day", people around the world are called to recognize and celebrate its mission by gathering with their family, friends, neighbors, faith communities, and with people of another culture, to share food, traditions, and mutual pledges of nonviolence: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 1 of each year as "Global Family Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe this day of peace and sharing with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, I am pleased to submit a resolution to designate January first of each year as Global Family Day.

More than 30 years ago, a small group of inner-city children conceived of a holiday devoted to peace and understanding amongst the global community. They envisioned a day to celebrate life and extend hands in friendship, rather than in violence, in an effort to overcome world events that have produced fear, hate, and grief.

In the years leading up to the turn of the new millennium, this small group of children and their mothers petitioned Congress and the United Nations for the establishment of a one-day peaceful celebration. As a result of their efforts, "One Day of Peace January 1, 2000" was officially designated by the United Nations General Assembly and supported by more than 1,000 organizations, more than 100 governments, and 25 U.S. Governors. "One Day of Peace January 1, 2000" was a 24-hour period during which the people of the world united for a virtually violence-free day devoted to positive interactions amongst different races and cultures.

The U.S. Congress unanimously approved a resolution recognizing "One Day of Peace January 1, 2000."

The resolution I am submitting today will give our nation's citizens an opportunity to renew the teachings of "One Day of Peace January 1, 2000" by designating January first of each year as Global Family Day. Congressional recognition of Global Family Day will provide an opportunity for Americans to discuss and educate themselves on how to end inter-cultural fear, mistrust and alienation.

I invite my colleagues to join me in support of Global Family Day and the designation of January first of every year as a day to appreciate and learn about other cultures and communities, in an effort to bring people all over the world closer together.

SENATE CONCURRENT RESOLUTION 116—PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, June 9, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 14, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, June 9, 2004, it stand adjourned until 12:30 p.m. on Monday, June 14, 2004, for morning-hour debate, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the postponement of a hearing scheduled before the Committee on Energy and Natural Resources.

The hearing which was previously scheduled for Thursday, June 10 at 10 a.m. has been postponed until Tuesday, June 15th at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding crude oil supply, gasoline demand and the effects on prices.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record shall send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Lisa Epifani at 202-224-5269 or Shane Perkins at 202-224-7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Thursday June 17th at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding the Environmental Management Program of the Department of Energy and Issues Associated with Accelerated Cleanup.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Dr. Pete Lyons at 202-224-5861 or Shane Perkins at 202-224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 8 at 10 a.m. to consider the nomination of Suedeen G. Kelly, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 8, 2004, at 10 a.m. in 215 Dirksen Senate Office Building, to hear testimony on Medicare Drug Card: Delivering Savings for Participating beneficiaries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 8, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2436, a bill to reauthorize the Native American Programs Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, June 8, 2004 at 10 a.m. on "DOJ Oversight: Terrorism and Other Topics" in the Dirksen Senate Office Building Room 226. The Honorable John Ashcroft, U.S. Attorney General, will testify.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2004 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on Arthritis: A National Epidemic during the session of the Senate on Tuesday, June 8, 2004, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "Beyond the Pledge of Allegiance: Hostility to Religious Expression in the Public Square" on Tuesday, June 8, 2004, at 2 p.m. in SD-226.

Panel I: The Honorable CHET EDWARDS, United States Representative, (D-TX); The Honorable MARY LANDRIEU, United States Senator, (D-LA); The Honorable RICHARD SHELBY, United States Senator, (R-AL).

Panel II: William "Barney" Clark, Balch Springs, TX; Nashala Hearn, Muskogee, OK; The Honorable Roy Moore, Former Chief Justice, Supreme Court of Alabama, Birmingham, AL; Steven Rosenauer, Bradenton, FL; Kelly J. Shackelford, Chief Counsel, Liberty Legal Institute, Plano, TX; J. Brent Walker, Executive Director, Baptist Joint Committee on Public Affairs, Washington, DC.

Panel III: Professor Richard W. Garnett, Associate Professor of Law, Notre Dame Law School, South Bend, IN; Professor Vincent Phillip Muñoz, Civitas Fellow, American Enterprise Institute, Assistant Professor of Political Science, North Carolina State University, Washington, DC; Professor Melissa Rogers, Wake Forest University Divinity School, Winston-Salem, NC.

Witnesses are listed in alphabetical order, not necessarily in order of testimony.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 8, 2004 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 931, to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land; S. 1678, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; S. 2140, to expand the boundary of the Mount Rainier National Park; S. 2287, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; and S. 2469, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. SELBY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, be authorized to meet on Tuesday, June 8, 2004 at 2:30 p.m. for a hearing entitled, "Dietary Supplement Safety Act: How is FDA Doing 10 Years Later?"

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Patricia Kimpan, a fellow in Senator BUNNING's office, be given the privilege of the floor during consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. COLEMAN. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, the Senate proceed to a resolution introduced by Senator FRIST, the text of which is at the desk, relative to the death of former President Reagan. I further ask the Senate then proceed to a vote on the resolution's adoption; provided that there be no amendments in order to the resolution or preamble, and no intervening action or debate prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 116, which is at the desk; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 116) was agreed to, as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, June 9, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 14, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, June 9, 2004, it stand adjourned until 12:30 p.m. on Monday, June 14, 2004, for morning-hour debate, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR WEDNESDAY, JUNE 9, 2004

Mr. COLEMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day, and that the Senate begin a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COLEMAN. Mr. President, tomorrow, the Senate will be in a period of morning business throughout the day. Senators who have not had a chance to deliver their statements commemorating President Reagan are encouraged to do so tomorrow.

In addition to tribute statements, at 11:30 a.m. tomorrow, the Senate will vote on a resolution honoring our former President. That vote will be the first and only vote of tomorrow's session.

As the majority leader stated this morning, when we adjourn early tomorrow afternoon, we will remain adjourned until next Monday to accommodate the services and ceremonies surrounding President Reagan's funeral. We will be back on the Defense bill next week, and Senators should expect rollcall votes to occur Monday evening.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COLEMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 371 as a mark of further respect for President Ronald Wilson Reagan.

There being no objection, the Senate, at 6:10 p.m., adjourned until Wednesday, June 9, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 2004:

ENVIRONMENTAL PROTECTION AGENCY

LUIS LUNA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MORRIS X. WINN.

MILLENNIUM CHALLENGE CORPORATION

KENNETH FRANCIS HACKETT, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

CHRISTINE TODD WHITMAN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

DEPARTMENT OF STATE

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

DOUGLAS L. MCELHANEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

ALDONA WOS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

WILLIAM T. MONROE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF, ARMY NURSE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3069:

To be major general

COL. GALE S. POLLOCK, 1175

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) WILLIAM V. ALFORD JR., 4792
REAR ADM. (LH) JAMES E. BEEBE, 2459
REAR ADM. (LH) STEPHEN S. OSWALD, 2861

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) PAUL V. SHEBALIN, 4813

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT J. BLOK, 0664

IN THE MARINE CORPS

THE FOLLOWING NAMED SERVICE MEMBER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 6222:

To be first lieutenant

MICHELLE A. RAKERS, 3846

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TOBIAS J BACANER, 5671
CHRISTOPHER M CULP, 0774
LOUIS A DAMIANO, 8040
RONALD F DOMMERMUTH II, 3564
ANN P FALLON, 3373
RUSSELL C GILBERT, 0492
WILLIAM M HALL, 4516
BRETT HART, 1649
JERRY J HODGE III, 5058
ROBERT B HUNTER III, 3800
JOHN S KELLOGG, 3592
JAMES E LAMAR, 8859
DAVID A LANE, 2182
MICHAEL R MADDOX, 5591
SHAWNO E MAY, 0896
GEORGE J MCKENNA, 8205
MICHAEL F MCNAMARA JR., 8582
ROBERT MORALES, 2104
CHARLES R NIXON II, 2632
PHILIP W PERDUE, 2017
LORING I PERRY, 5486
JAMES K RADIKE, 9351
PETER D SHERROD, 7610
JOSEPH B SLAKEY, 5509
MARK D TURNER, 1517
GREGORY UTZ, 8387
MICHAEL S WENZEL, 7971
SCOTT W ZACKOWSKI, 4346

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624

To be captain

CHARLENE M AULD, 4842
DANIEL P CLIFFORD, 7592
MARK V COLAIANNI, 5805
EDWIN R CONNELLY, 1373
DANIEL O ELLERT, 4105
JOHN E FREEMAN, 3947
RICHARD E GERHARDT, 1409
DOUGLAS E HOBAUGH, 8890
ANN L LAGRECO, 3182
PAUL G LUEPKE, 4651
JEROME MCSWAIN JR., 9626
MERLIN P OHMER, 6119
ROBERT J PETERS, 8170
NANCY L REEVES, 5299
PHILIP J RINAUDO, 0073
MICHAEL F ROCKLIN, 8698
SCOTT M SMITH, 2533

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624

To be captain

DON C B ALBIA, 5924
GREGORY M BEAVERS, 7289
WILLIAM P BRADLEY, 8510
MITCHELL DUKOVICH, 7598
ELAINE C EHRESMANN, 4693
LINO L FRAGOSO, 4888
GAIL L HATHAWAY, 2752
WILLIAM M HENDERSON, 2673
CYNTHIA J HILL, 2663
DIANE L HOOVER, 6310
BRIAN G KERR, 9642
PETER E KOPACZ, 5959
BRYCE E LEFEVER, 2221
JEFFREY A MACDONALD, 5033
MICHAEL MATHIEU, 0109
SHARON M MCDONALD, 1673
JOHN R MORRISON, 7238
MARTIN A PETRILLO, 8288
DAVID E PRICE, 2976
CORLEY E PUCKETT, 6767
DANIEL J RYAN, 5943
THOMAS J SAWYER, 8629
DAVID P SMITH JR., 0558
DAVID B STRATTON, 9843
STEPHEN D TELA, 5671
WILLIAM J UPHAM, 2316
EILEEN D F VILLASANTE, 8128
DANIEL G WHALEN, 0194
LEIGH M WICKES, 8812
SHARON K WINKLERPEISER, 7908
GREGG W ZIEMKE, 5131

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRENDA C BAKER, 2061
LINDA M BROWNVIDAL, 2418
JAIME A CARROLL, 0575
PAMELA G GRANT, 5599
KRISTE J M GRAU, 2088
ANNETTE N HASSELBECK, 8515
LINDA A IRELAND, 4182
PAULA M JONAK, 8269
RANDOLPH J KIRKLAND, 6001
RUTH A LONGENECKER, 2135
JAIME A LUKE, 5899
CRUZ MATA, 7093
MARYALICE MORRO, 4317
JOSEPH E PELLEGRINI, 8357
MARY K PERDUE, 0159
SONJA M PYLE, 1400
VANESSA M SCOTT, 2017
DANETTE M SVOBODNY, 8644
MICHAEL VERNERE, 5336
DEBRA M WILBERT, 7520
MAUREEN J ZELLER, 0445

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624

To be captain

MICHAEL J ARNOLD, 6305
ALLEN D BOOKER, 8002
MARK E BOWER, 2111
GARY A BROADWELL, 8540
JESUS V CANTU, 7931
MORRIS A CAPLAN, 1759
JAMES R DOLAN, 2169
MARION A EGGENBERGER, 0795
ROBERT J A GILBEAU, 7550
CARL R HATHCOCK, 9666
JOSEPH P HENNESSY, 2031
CRAIG L HERRICK, 6072
JOHN G KING, 8596
JAMES J KRNC, 8418
JAMES E MARLER JR., 5547
LESLIE D MARTIN, 5968
PATRICK O MCCABE, 8893
MARK A OHL, 8843
DANIEL A PALKO, 1469
DAVID A PRY, 9358
JEROME L D REID JR., 5779
TOMMY L RICHARDSON, 9910
RAYMOND J RODRIGUEZ, 1472
BRIAN D SHEPPARD, 3458
JAMES L SHIELDS III, 5701
JOHN S SPICER, 3555
JOSEPH L SPRUILL, 3088
MARK A STILES, 2679
ROBERT W THERRIAULT, 9576
DANA S WEINER, 9035

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEPHEN S BELL, 8466
KENNETH W BRANCH, 0394
DONALD B CAMPBELL JR., 7066
WILLIAM F CORDS, 3863
THOMAS W CUNNINGHAM, 3484
HENRY V DOBSON JR., 5915
ROBERT G FAHEY, 0429
ROBERT J GIBBS, 9836
PAZ B GOMEZ, 3925
EDUARD GONZALEZ, 5005
SHAWN K HAMILTON, 1995
JOSEPH D HEDGES, 8987
JOHN J HEINZEL, 8065
CHRISTOPHER H KIWUS, 2267
CAMERON A MANNING, 6995
CLIFFORD M MAURER, 2705
BRET J MUILENBURG, 8508
GEORGE A PREGEL, 7432
JAMES A WORCESTER, 1089

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM D DEVINE, 9318
JONATHAN M FRUSTI, 7772
JAMES W JOSLYN, 3141
MICHAEL W LANGSTON, 4498
TIMOTHY S LANTZ, 2669
EMILIO MARRERO JR., 0067
ROBERT W MARSHALL, 0829
WILLIAM G PERDUE JR., 1815
FRANK A PUGLIESE, 1196
BRYAN J WEAVER, 6307
PAUL R WRIGLEY, 9105

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD L. AUSTIN, 9224
NICHOLAS BALICE, 5418
JANE E. CAMPBELL, 9909
DARRYN C. JAMES, 8707
DAVID C. SIMS, 4206
DORA U. L. STAGGS, 7671
JOSEPH A. SURETTE, 1162
DAVID H. WATERMAN, 4513

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CARLA C BLAIR, 5547
KAREN M BONABY, 2785
ANN M BURKHARDT, 5588
ERIC D CHENEY, 7893
JOANNE T CUNNINGHAM, 0313
RUSSELL J DELANEY, 6421
HOPE E DOLAN, 1446
CHRISTOPHER A HARRIS, 3936
MARION W D JACOBS, 8658
RONI S JOHNSON, 6233
MARY C KELLY, 4209
RICHARD T KING, 6881
SHERRY L KIRSCHE, 0680
MARY E LEWELLYN, 9051
THERESA A LEWIS, 6926
CATHERINE M MASAR, 1990
DEBORA R MONROE, 7290
JULIE J ONEAL, 9599
MARY J O PERRY, 8505
JOHN P RAFFIER, 3936
ANN H RENNIE, 2922
KARAN A SCHRIVER, 6973
PAUL G SIMPSON, 2937
SHANNON E M THAELER, 2730
KARIN A VERNAZZA, 3046
PAT L WILLIAMS, 9680
CYNTHIA M WOMBLE, 7467

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

NORA A BURGHARDT, 8283
WILLIAM W EDGE, 8400
DANIEL P GRANADOS, 9663
MICHAEL R HUFF, 0496
JOHN G KEMNA, 6817
LANCE E MASSEY, 9800
SCOTT E ROBILLARD, 4335
WILLIAM B SEBRING, 7274
THOMAS L STRAUB, 3322
CRAIG J WASHINGTON, 1509

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TERRY S BARRETT, 4880
RALPH R BRAUND III, 9633
BEAU V DUARTE, 4093
DAVID M ECCLES, 0047
JEFFREY T ELDER, 2572
JAIME W ENGDAHL, 1316
SEAN P FULLER, 5088
BRENT K GEORGE, 6774
PAUL A GHYZEL, 4018
EDWARD W KNELLER, 2993
TODD G KRUDER, 6466
DARRELL D LACK, 3889
PATRICK J MCKERNAN, 8252
NIGEL A NURSE, 7415
DONALD J PARKER, 3225
ROBERT D PORTER, 7188
CARLOS M RIPPE, 6782
DONALD B SIMMONS II, 4402
ROBERT E STEVENS II, 5786
MICHAEL J VANGHEEM, 1246
DEAN A WILSON, 9991

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DANELLE M BARRETT, 6844
BRUCE J BLACK, 1262
GISELE M BONITZ, 7182
LEDA M L CHONG, 0710
RONALD J HANSON, 1920
LETITIA D HAYNES, 6087
RODNEY HEARNS, 1173
LEE A HEATON, 0771
CHRISTINE Y HEISER, 7776
JOEL T HICKS, 0941
ALAN L KOLACKOVSKY, 9368
JULIE M LAPOINT, 5496
LYNN T MACKOVICK, 3875
REECE D MORGAN, 3656
YVONNE D NORTON, 3347
PATRICK M OWENS, 8236
VERA PARKER, 1561
DANELLE T SADOSKI, 6091
SANDRA J SCHIAVO, 6396
JULIE A SCHROEDER, 2088
MICHAEL L THRALL, 8942

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL D BOSLEY, 0992
SUSAN K CEROVSKY, 7014
KIMBERLY D COBB, 3157
DONALD E ELAM, 0415
THOMAS M ERTEL, 4572
KARLA J NEMEC, 3550
DOUGLAS A POWERS, 6963
LAMIA ROLLINS, 4393
KENNETH L WEEKS III, 7894
STEVEN G WELDON, 4262
KEVIN D ZIOMEK, 0900

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624

To be commander

WILLIAM H ANDERSON, 0771
MITCHELL APPEL, 6552
JAMES L BOCK JR., 5576
ERIC E BORIO, 2174
STEVEN V BROCK, 2961
MICHAEL A BROOKES, 1632
GARY M BRUCE, 2077
LLOYD V CAFRAN, 3306
GEOFFREY D COGAN, 3032
JOHN P COLES, 4657
ROBIN A Y DAHLIN, 5165
SUSAN V DENI, 5275
GARRY W DILDAY, 6133
JOSEPH A ELLENBECKER, 3316
VICTORIA L GNIBUS, 1484
PAUL T HARASTY, 3291
MARK A HOOPER, 1763
DARRYL F JACKSON, 3065
VINCENT M KAPRAL, 2640
BRYAN S KOHN, 4976
ERIC H LAW, 4803
PATRICK W LUEB, 1603
DAVID H MCALLISTER, 6220
LANCE A MONTGOMERY, 5843
JANE M MORASKI, 8710
DOUGLAS A PEABODY, 3023
DAVID A QUACKENBOS, 3924
STEPHEN G RADY III, 9915
CATHERINE M READ, 0265
SHERYL S RICHARDSON, 3468
KELLY A ROBINSON, 7110
JAMES R RONKA, 3916
KENT E RUSHING, 5125
MARK N RUSSELL, 5544
DION M SARCHET, 1414
ERIC M STEPHENS, 3638
MARK A STROH, 3888
PAUL J TORTORA, 8546
MATTHEW WAKABAYASHI, 1630
FRANK D WHITWORTH, 4677

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624

To be commander

THOMAS W ARMSTRONG, 8623
WALTER L BANKS, 1281
KENNETH L BARKER, 2010
WILLIAM D BLACKBURN, 1987
GUNTER I BRAUN, 7245
FRANK V BULGES, 1090
ALDEN E CARVER, 9773
CHRISTOPHER N COLLINS, 1581
MARCUS CULVER, 9831
MICHAEL R CURTIS, 7154
DAVID L DILLENSNYDER, 3509
JAMES C DYKEMA, 9119
HILARIO A ESTRADA, 5453
PIERRE A FULLER, 9424
PAUL HARVEY, 4776
ROGER J LERCH JR., 0739
JANET K MAHN, 3511
ROBERT L MEEKER JR., 9236
PHILIP J MORAN, 7433
PATRICK R MUELLER, 9812
JOHN P NEWCOMER, 8652
HAROLD O OAKLEY, 9456
EDWARD OLEYKOWSKI, 6166
TIM RAINWATER, 6605
RANDALL B SHOCKEY, 5853
MICHAEL J SINGLETON, 8316
JOHN P SIPES JR., 3997
EHRICH W STEINMETZ, 0085
BENJAMIN J STEVENS, 0304
EDWARD J STOCKTON, 1573
RICHARD A THIEL JR., 6838

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSEPH R BRENNER JR., 6828
GERALD J CAVALIERI JR., 1140
JOHN L DUMAS, 5053
ASHLEY D EVANS, 9612
DAVID M HONE, 9834
RICHARD A JEFFRIES, 0218
PATRICK J MURRAY, 1488
DAVIS B REEDER, 0892
ARTHUR J REISS, 1156
ERIKA L SAUER, 9699
STEVEN P SOPKO, 2096
GREG A ULSES, 8974

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TODD S BOCKWOLDT, 6069
JAMES W COFFMAN, 4098
WALTER A COPPEANS III, 0444
BRUCE A DICKEY, 1999
MICHAEL E ELMSTROM, 4896
DAVID C FADLER, 4789
GARRETT J FARMAN, 3759
DENNIS E FLORENCE, 5661
DAVID L FORSTER, 5033
JOHN V FUNN, 1833
JOSEPH D GOMBAS, 3312
JAMES E HASSETT JR., 5799
DAVID S HUNT, 1052
JOSEPH Y C KAN, 9365
JOHN J KEEGAN, 9960
QUINTEN M KING, 2791
BRYAN J KLIR, 9701
DAVID K KOHNKE, 4866
ANDREW S LAMBLEY, 4097
JAMES H LEE, 3147
MATTHEW B LONG, 9456
FERNANDO MALDONADO, 1291
TODD A MAYFIELD, 4566
CHRISTOPHER P MERCER, 1145
JOHN J PARK, 4692
DARREN R PLATH, 5224
VICTOR RECK JR., 3930
ANTONIO P SANJOSE JR., 8696
WAYNE F SLOCUM, 5877
MICHAEL W TEMME, 0064
THOMAS A TRAPP, 6783
PHILLIP H TURNER, 0401
RAJAN VAIDYANATHAN, 4341
SALLY A VANHORN, 3974
JON D WALTERS, 2621
ROBERT A WILLIAMS, 7494
FORREST YOUNG, 3192

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

STEVEN W ANTCLIFF, 9060
RONNY W ARMSTRONG, 5960
WILLIAM M BEGLAU, 0308
BYRON K BENARD, 8009
JERRIS L BENNETT, 5432
JERRY S BLACKWELL, 0672
DARRYL BROWN, 7695
DAVID V BUSH, 7933
JONATHAN M BUTZKE, 7032
BRIAN M A CHILES, 2714
BRADY J DRENNAN, 5416
VINCENT D GARCIA, 8491
BRET M GRABBE, 9394
JEFFREY L HAAS, 2586
MICHAEL J HARRIS, 5431
SCOTT B HATTAWAY, 6507
FRANKLIN R HUBBARD, 7000
DANIEL W KURIGER, 5093
JASON R LEACH, 0051
CLAYTON E MASON, 2443
CAROL E MCKENZIE, 9053
KEVIN O MOLLER, 1526
JEFFREY A NESHEIM, 2695
WILLIAM S NICOL, 7935
BRIAN J NOWAK, 0075
JEFFREY M ODONNELL, 8881
MICHAEL B ODRISCOLL, 2242
GREGORY J OSTDIEK, 7258
SAMUEL E PENNINGTON, 3824
HARRY T PHELPS, 5856
JAMES M PYLE, 9573
BLANE T SHEARON, 2817
ORLANDO A TEOFILO, 2967
JOHN T VOLPE, 1680
MATTHEW J WUKITCH, 0542
MARK W YATES, 6150

HOUSE OF REPRESENTATIVES—*Tuesday, June 8, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 8, 2004.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

REMEMBERING RONALD REAGAN

Mr. DREIER. Mr. Speaker, not 24 hours after Ronald Reagan had passed away, I had the opportunity to talk to a great American, Ronald Reagan's Secretary of State, George P. Shultz. He already by Sunday afternoon had penned a statement, which was so moving that I asked him if I could share it with my colleagues. Secretary Shultz agreed, so I would like to do that at this point, Mr. Speaker.

He entitles this "Remembering Ronald Reagan." It reads as follows:

"We have lost Ronald Reagan, but his ideas remain with us, as vital as ever. We can remember the gifts he gave us, his advocacy of freedom, his contributions to our security, his belief in America and his restoration of our belief in ourselves.

"When he took office as Governor of California, Ronald Reagan took responsibility for a state that was in rocky shape; when he left office, California was golden again. When Ronald Reagan took office as the President of the United States, the country was adrift, inflation was out of control, the economy was in the doldrums, and the Cold War was as cold as it had ever been. When he left office inflation was under control, the economy was expanding, the Cold War was all over but the shouting, and America once again stood tall.

"Ronald Reagan brought so much to this country. He started with carefully thought-out ideas and he put them to work effectively. He had a strong and constructive agenda, much of it labeled impossible and unattainable in the early years of his presidency. He challenged the conventional wisdom: On arms control, on the possibility of movement toward freedom in the communist-dominated world, on the need to stand up to Iran in the Persian Gulf, on the superiority of market and enterprise-based economies. The world learned when Ronald Reagan faced down the air traffic controllers in 1981 that he could dig in and fight to win. The world learned in Grenada that he would use military force if needed. He did not accept that extensive political opposition doomed an attractive idea. He would fight resolutely for an idea, believing that, if it was valid, he could persuade the American people to support it. He changed the national and international agenda on issue after issue. He was an optimist; he spoke the vocabulary of opportunity. He had a vision of what he stood for and what we aspire to as a nation.

"Ronald Reagan had and could express a clear and simple view of a complex world. Every Sunday, he brought acorns down from Camp David to feed the squirrels outside the Oval Office. The squirrels at the White House hadn't had it so good since Ike cleared the area to put in a putting green. His most endearing aspect was his fundamental decency. He appealed to people's best hopes, not their fears; to their confidence, rather than their doubts.

"Ronald Reagan was a doer, a pragmatist, a man who enjoyed hard physical tasks, as in the ranch work he loved to do. But that brush clearing and fence fixing was a symbol, too; he wanted to be doing it himself because from the land came not only strength and clarity, but a vision, the vision of the West and the endless horizon. The American people liked Ronald Reagan and reelected him in one of the biggest landslides in history because he trusted them and he conveyed to them that they need not be bound, tied down by class or race, or childhood misfortune, or poverty, or bureaucracy. They, the people, could make something of themselves; indeed, they could remake themselves endlessly.

"But beneath this pragmatic attitude lay a bedrock of principle and purpose with which I was proud to be associated. He believed in being strong enough to defend our interests, but he viewed that strength as a means, not an end in itself. Ronald Reagan had confidence in himself and in his ideas and was ready to negotiate from the strength so evident by the mid-1980s.

"He was a fervent anti-communist who could comprehend and believe that people everywhere would choose to throw off the communist system if they ever had the chance. And he worked hard to give them that chance. He favored open trade because he had confidence in the ability of Americans to compete, and he had confidence that an integrated world economy would benefit America. He stuck to his agenda.

"The points he made, however consummate the delivery, were unmistakably real in his mind and heart, an American creed: Defend your country, value your family, make something of yourself, tell government to get off your back, tell the tyrants to watch their step. Ronald Reagan conveyed simple truths that were especially welcome because 'nowadays everything seems so complicated.' What he said ran deep and wide among the people.

"Reagan as president was a Republican, a conservative, a man of the right. But these labels will mislead historians who do not see beyond them, for Americans could see some of Ronald Reagan in themselves. You couldn't figure him out like a fact, because to Reagan, the main fact was a vision. He came from the heartland of the country, where people could be down-to-earth, yet feel the sky is the limit, not ashamed of or cynical about the American dream.

"Not far from Ronald Reagan's small town of Dixon, Illinois, is Jane Addams' small town of Cedarville; not far from Cedarville is Ulysses Grant's small town of Galena. And not far from Galena is Carl Sandburg's Galesburg. Reagan had something of them all: His heart going out to the people; his will ready to fight for the country; his voice able to move the nation. And, as Carl Sandburg wrote it, 'The republic is a dream. Nothing happens unless first a dream.'"

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO RONALD REAGAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Kansas (Mr. RYUN) is recognized during morning hour debates for 5 minutes.

Mr. RYUN of Kansas. Mr. Speaker, there are few leaders who we can look to who truly embody the characteristics of what a leader should be. Ronald Reagan embodied them all.

He was a man of principle; he was a man of action. Unlike many who just talk about their convictions, he was a man who acted upon them. As a man of deep faith, he brought conviction to the presidency, knowing what he believed and why he believed it. Yes, he was "Mr. President;" and indeed a role model, a man of conviction and courage.

He once said, "A leader, once convinced a particular course of action is the right one, must have the determination to stick with it and be undaunted when the going gets rough."

It was this conviction and courage that enabled him to lead the world out of the Cold War into an age when communism no longer thrived. As he put it, "We did not seek the role of leadership that has been thrust upon us. But whether we like it or not, the events of our time demand America's participation."

My wife Anne and I had the privilege of meeting President Reagan at the White House for a St. Patrick's Day event in 1982. As we chatted for a few minutes, I remember being in the presence of someone great. I told him that we were praying for him. He shook my hand, and in a genuine, soft-spoken voice, he thanked us.

His convictions guided him on social issues as well. In 1983, on the tenth anniversary of Roe v. Wade, he wrote a 9 page article to the American people laying out his opposition to the abominable practice of abortion. In it he wrote:

"We cannot thrive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion and infanticide. My administration is dedicated to the preservation of America as a free land, and there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning."

Our founders believed in the idea of America. It was an idea of freedom and justice for all. Reagan believed in America, and, more significantly, he believed in the American people. Rather than simply imposing his principles upon others, he redefined the mainstream by giving them something to believe in. It was this quality of principled, caring leadership that inspired many, including me, to act upon our convictions, believing that the American way was just and right.

As we mourn the passing of our 40th President, we must not allow his legacy to die with him. His legacy is a continued belief in the idea of America. To carry it on, we must not only look to what has been, but we must look forward to what will be. Because of the work of Ronald Reagan, the idea has prevailed. It is up to us to ensure that we continue his optimism for the future. President Reagan left us a legacy to uphold.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Mr. RYAN of Wisconsin) at 2 p.m.

PRAYER

The Reverend John Boyles, National Capital Presbytery, Washington, D.C., offered the following prayer:

O Lord God, we come before You on this day to ask that You would be with all here today as servants of Your will, and that of this Nation's people, in giving honor for service to country, this land of the free. And strengthen all here today in the work of this body, to establish steadfast and righteous rules of law to guide and direct the way of this Nation.

O Lord God, that here would be frontiers of freedom just as there were in foreign fields on beachheads of liberation which are remembered and honored in these days.

O Lord God, before You, and gathered here, we are met to lift up to You and remember those who have given of themselves in highest service to this Nation. O Lord, You have been our dwelling place in all generations and now this House, this Chamber would prepare to receive under its dome, a hallowed place of honor for one who served as highest leader of this Nation. Prepare here now, O Lord, those assembled to give honor for service and dedication to America of Ronald Reagan, that in honoring his service, that the service to Nation given by those here in this House might be rededicated and strengthened; that in honoring the grace and goodness of a man who served his Nation's people, that all here would be renewed in their dedication to the good of all, and the building up of all, and even then knowing, before You, O God, that if this earthly house of a tabernacle were desolved that there is a building of God, a house not made with hands, eternal in the heavens. May you, O God, bless the work of our hands here today. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PITTS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PITTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WOLF) come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1887. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices.

S. Con. Res. 5. Concurrent resolution expressing support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

S. Con. Res. 115. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

IN TRIBUTE TO PRESIDENT RONALD REAGAN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I join with others in the House in expressing the deepest condolences to Nancy Reagan and the Reagan family on the passing of Ronald Wilson Reagan, the 40th President of the United States of America, and in paying tribute to President Reagan as we remember his Presidency and what he meant to our country and, indeed, to the world.

I deeply admired and respected President Reagan. I had the good fortune to run for the 10th Congressional District of Virginia seat in Congress in November of 1980 when he was elected to his first term. Some called my victory then "on Reagan's coattails." I have no doubt that I am in Congress today because of President Reagan.

I will always be grateful that after my two successful bids for Congress Ronald Reagan led the ticket I was on and I became a member of the class of 1980. I am sure all members of the class of 1980 would agree, President Reagan made us feel good again. He gave us hope. He inspired us. He gave us optimism because he was an optimist. His legacy belongs not only to America but to the world.

I saw a woman in California being interviewed. She was holding a bouquet of flowers and tears were streaming down her face. She had a broken English accent and identified herself as a Russian immigrant. She said she had to come to the makeshift memorial outside the funeral home where President Reagan was resting because, "I owe my life to President Reagan."

Mr. Speaker, I will close by sharing his own words spoken in August 1992 about how he wanted to be remembered. President Reagan said, "Whatever else history may say about me when I am gone, I hope it will record that I appealed to your best hopes, not your worst fears, to your confidence rather than your doubts, and may all of you as Americans never forget your heroic origins, never fail to seek divine guidance, and never, never lose your God-given optimism."

Mr. Speaker, we thank God for the life of Ronald Wilson Reagan.

RONALD WILSON REAGAN—HELPING US REMEMBER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week as I reflected on the anniversary of D-Day, I recalled President Reagan's speech on the 40th anniversary of that first day of liberation of Europe on June 6, 1984. President Reagan spoke of "the men of Normandy" who "had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead, or on the next."

As he so often did, his conviction and passion, his grace and sincerity connected a distant event to the struggle each and every human being faces every day, fighting to know what we are doing is right.

Later that day he told a different audience, "We will always remember. We will always be proud. We will always be prepared so that we may always be free."

Newsweek called this freedom, which President Reagan mentioned in 1984, the freedom "from self-doubt, from the Soviet threat, from uneasiness about our national power and capacity to do great things.".

This was Reagan's gift to his country. He knew that America was great and that our greatness had not come without a price. Indeed, we will always remember, Mr. President. We will always remember so that we may always be free.

HONORING PRESIDENT RONALD REAGAN

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I was farming and in the Michigan legislature when Ronald Reagan took office. With President Reagan, he not only led the country but restored America's confidence. He renewed our sense of America's goodness and America's greatness. And with that assurance, the American people achieved great things.

When Ronald Reagan came into office, we had Watergate, defeat in Vietnam, we surrendered control over the Panama Canal. Vietnam fell to Communism and Cambodia soon followed. The Sandinistas took control of Nicaragua. The Ayatollah Khomenini held 52 American hostages for more than a year at our embassy in Tehran.

Inflation stood at 13.5 percent and interest rates reached 21 percent. People in America had lost their optimism and pride in our country, and it was Ronald Reagan that brought us back. It was Ronald Reagan who turned it around. He never lost faith in the American people, and he had enough optimism to restore our lost confidence and get America back on its feet.

That is what impressed me so much in those days, that tremendous turnaround from so many being down to being proud again of America. He believed that we could cut taxes and restore our economy, and we did. By the end of his term, the U.S. economy had grown by a third.

He believed we could stand up proudly for American values around the world and stand up to the Soviet Union, and we did. It was President Reagan's resolve that halted the march of Communism in Central America and Afghanistan. It was Reagan's resolve that nurtured the Solidarity movement in Poland, and gave heart to the dissidents of the Soviet Bloc.

Ultimately, it was President Reagan's faith in American ideals and his steadfast determination that led to the fall of the Berlin Wall and the liberation of Eastern Europe.

In conclusion, Mr. Speaker, it was that leadership and vision for America that made Ronald Reagan special. And now the country mourns and the world remembers in the death of a great world leader.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1803

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 03 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
Washington, DC, June 8, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 8, 2004 at 2:37 p.m. and said to contain a message from the President whereby he notifies the Congress of the death of Ronald Reagan.

With Best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

THE DEATH OF RONALD WILSON REAGAN, THE 40TH PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the Congress of the United States:

By this Message, I officially inform you of the death of Ronald Reagan, the fortieth President of the United States.

Ronald Reagan was a great leader and a good man. He had the confidence that comes with conviction, the strength that comes with character, the grace that comes with humility, and the humor that comes with wisdom.

Through his leadership, spirit, and abiding faith in the American people, President Reagan gave our Nation a renewed optimism. With his courage and moral clarity, he enhanced America's security and advanced the spread of peace, liberty, and democracy to millions of people who had lived in darkness and oppression. As America's President, he helped change the world.

The sun has now set on Ronald Reagan's extraordinary American life. Just as he told us that our Nation's best days are yet to come, we know that the same is true for him.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 8, 2004*.

EXPRESSING PROFOUND REGRET AND SORROW OF THE HOUSE ON THE DEATH OF RONALD WILSON REAGAN, FORMER PRESIDENT OF THE UNITED STATES OF AMERICA

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 663) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 663

Resolved, That the House of Representatives has learned with profound regret and sorrow of the death of Ronald Wilson Reagan, former President of the United States of America.

Resolved, That the House tenders its deep sympathy to the members of the family of the former President in their bereavement.

Resolved, That in recognition of the many virtues, public and private, of one who served with distinction as President, the Speaker shall appoint a committee of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President.

The SPEAKER. The gentleman from Texas (Mr. DELAY) is recognized for 1 hour.

Mr. DELAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, he was a gift to us: the healthy, hearty child handed down from God to John and Nelle Reagan in Tampico, Illinois, in 1911; the strong, athletic young man handed up from the bustling, laughing, big-shouldered Midwest of his youth; the underrated actor, the underrated labor leader, the underrated politician; and the visionary who foresaw America's victory in the Cold War and brought about that victory with wit, will, and undaunted valor for 8 heroic years.

Everything that America is, and everything that mankind can be, was in our 40th President: wisdom, mercy, humor, honesty, honor, and courage.

In an hour of doubt and fear, Ronald Reagan rose in the West, reminded his Nation of its unique mission in history, and with the help of a few million friends, worked the great miracle of the age. And he did it all smiling through the condescending insults of his critics, who, bless their hearts, could never quite get past his infuriating optimism.

They said Ronald Reagan could ruin the economy, but in fact he led it to heights of strength and prosperity never before witnessed in history.

They said Reagan would provoke our enemies to war, but in fact he bent our enemies to surrender without firing a single shot.

They said Ronald Reagan was an "amiable dunce," but in fact he was a fearless intellectual warrior, who marshaled words like soldiers to fight battles of ideas across a table or across a continent, and won.

Which is why his death, even after a decade of slow, agonizing decline, comes as a shock to all of us. For Ronald Reagan was not just a man. He was the personification of an idea. And not just an idea, but the idea: the irreducible American idea that this Nation, founded by a generation of heroes upon the self-evident truth of equality under God, is possessed of a special commission in the affairs of men.

According to Ronald Reagan, and according to Washington, Lincoln, Roosevelt, and Kennedy before him, America is not just another Nation. Instead, we are the last, best hope on Earth; the torch of freedom guiding mankind through the darkness; the living promise to all times and men that despite the relentless march of tyranny, the ultimate victory of liberty is assured.

And people wonder where he got his optimism. Of course Ronald Reagan was an optimist. He was an American. In his life, the United States pulled the world through the Great Depression, two great world wars, and back from the brink of nuclear holocaust. And all the while, despite all the hardship, indeed perhaps because of it, America got stronger, richer, and, as far as he was concerned, better.

Reagan's confidence and optimism in his country were simply extensions of his confidence and optimism in his countrymen. He knew the things Americans had done, repelling the British, freeing the slaves, settling the West, liberating Europe, shooting the Moon, and simply could not see this arc of history as anything but the irresistible advance of freedom against oppression; or as Reagan sublimely put it: "We win, and they lose."

"We" are those who seek to defend human dignity, and "they" are those who seek to stifle it. This was not a mere political calculation. To Ronald Reagan, the innate dignity of man was a spark of the Divine, a light created in God's image that the darkness could not overcome. He saw it as his role in our Nation and America's role in the world, for that matter, to liberate people from the shackles of government, so that they might first enjoy their right of self-determination, and then share with their neighbors the blessings of faith, hope, and charity.

Reagan knew these were the virtues that built our Nation and remain the essential ingredients of American achievement, the tonic that has sustained the United States for more than 200 years, in Emerson's words, as "the country of tomorrow."

Reagan loved that quote, and the idea behind it; that even as we stand today as the oldest democracy on Earth, we remain the youthful champion of liberty and justice, best poised of all nations to lead mankind in the uncertain future. He believed it was true because he knew it had to be.

He knew that without the American Nation, that is without the American people and their steadfast adherence to the true and the good, the West could fail in the Cold War and fail the cause of freedom around the world. And so he never let failure become an option.

From the earliest days of his administration, President Reagan stood before the world and proclaimed the United States' commitment to freedom. He called the Soviet Union the Evil Empire and declared that "regimes planted by bayonets do not take root." He met with Pope John Paul II and pledged to assist and equip the Solidarity movement in Poland. He called the Soviet's bluff at Reykjavik and went to the Brandenburg Gate to challenge Soviet Leader Mikhail Gorbachev to "tear down this wall."

Around the world, his words and deeds filtered down to the oppressed citizens behind the Iron Curtain who knew, for the first time, that the American President and his people were coming to the rescue; that the truth about the evils of Communism was being exposed to the world, and that the West had made a conscious decision that the Cold War was not to be managed, but fought and won.

To Ronald Reagan, the answers to the world's problems were "not simplistic," "but they were simple." In foreign policy, evil must be confronted. Domestically, more government is not the solution; it is the problem. Publicly, honesty is the best policy. And privately, follow the golden rule.

This was not merely the recipe for a spectacular career, which dominated and forever altered the map of the world, or for the national pride he restored to an America that, under his watch, became freer, stronger, and more prosperous than any nation in history. It was also the recipe for a full life of love and friendship, an ineffable romance with his wife, Nancy.

In short, he left the world a better place than he found it and left his country with policies in place to solve problems great and small. It is for us, then, who inhabit the world he shaped, to finish the work he began. For we honor him best not by our words today, but our deeds tomorrow, and the next day and the next, to do right by each other, right by our Nation, and right by our responsibilities to history.

Though he may no longer be with us, Mr. Speaker, we still live in an Age of Reagan. Come Friday afternoon, he will be laid to rest, after making one final journey home to his beloved California coast. But even as we say our tearful goodbyes that evening, and the sun sets out West over the Pacific, we will find in ourselves the strength to carry on without our hero.

We will simply do as Reagan did at the end of any long and difficult day. We will turn and look to the east with anticipation and wonder, and wait for another hopeful dawn.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the minority leader.

□ 1815

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, with the death of Ronald Reagan and the dignity with which he left us, there is truly mourning in America. If the meaning of a life can be measured by the hearts touched by one's death, the outpouring of grief at the death of our 40th President speaks to the distinctly American life that was Ronald Wilson Reagan.

We Californians mourn Ronald Reagan as our Governor; all Americans mourn Ronald Reagan as our President; and people the world over mourn Ronald Reagan, the passionate voice for freedom.

Today a grateful Nation remembers Ronald Reagan the man. We remember his indomitable optimism and abiding love of country. Ronald Reagan understood the greatness of America has always been the character of the American people. As Americans, we have always dared to dream. And so President Reagan appealed to the enduring belief that sustains us as a people: That America's best days are yet to come.

We remember his leadership. Those of us on this side of the aisle may not have always stood with him on matters of policy, but we always knew where he stood, as he did us, when it came to matters of principle. And though firm in his convictions, President Reagan was not afraid of compromise. Indeed, the lifelong crusader against communism will be remembered for signing the first agreement with the Soviet Union to actually destroy nuclear weapons.

We remember his eloquence. After the loss of our *Challenger* astronauts, President Reagan consoled a grieving Nation. And whether in front of the Berlin Wall, or overlooking the beaches of Normandy, he echoed the democratic aspirations of freedom-loving people everywhere.

We remember his grace and humor. This is a story that perhaps our colleague, the gentleman from California (Mr. LEWIS), understands and appreciates better than most in the Chamber. When Ronald Reagan was Governor of California, he came to the legislative chamber to deliver the State of the State Address. Because it was near the time of his birthday, they wheeled in a birthday cake and sang Happy Birthday to then-Governor Reagan. I have to add at that time, the Speaker of the Assembly of California was a giant of a man, Jess Unruh, and who sometimes did not see eye to eye with then-Governor Reagan. They sang Happy Birthday, and Governor Reagan blew out the candles. Someone said, "Governor, did you make a wish?"

Mr. Speaker, the Governor looked up and said, "Yes, I made a wish, but it did not come true; he is still there," as he spoke to the then-speaker.

At the end of the day, though, President Reagan knew whatever may divide us by party is dwarfed by what unites us as Americans. Speaker Tip O'Neill famously told of how he and the President clashed by day, but were friends after 6 p.m., prompting the President to begin his phone calls, "Tip, is it after 6 p.m.?"

We remember Ronald Reagan's faith in his country, in his family, and in his God. In that poignant letter 10 years ago announcing his battle with Alzheimer's disease, President Reagan wrote, "When the Lord calls me home, whenever that may be, I will leave with the greatest love for this country of ours and eternal optimism for its future. I know that for America, there will always be a bright new dawn ahead," that dawn referenced by the gentleman from Texas (Mr. DELAY).

We remember Ronald Reagan's dignity, the dignity with which he lived and led our country, and the dignity with which he died, turning the long good-bye of his final years into a lesson for all of us.

And all Americans, and I know everyone who serves in the Congress of the United States for sure, have been touched by the dignity, private strength and public grace of Nancy Reagan and the Reagan family to whom we offer our prayers and deepest condolences. Our Nation is in your debt for the care and love you gave our President and the dignity with which you held his hands at the end.

I hope it is a comfort to Mrs. Reagan and the Reagan family that the whole world mourns their loss and is praying for them at this sad time.

For his eloquent defense of freedom, for his leadership style of conviction and compromise, for his eternal optimism for the future, America pays tribute to President Ronald Wilson Reagan.

May God bless Ronald Reagan, may God bless this country that he loved and led, may Ronald Reagan rest in peace.

The SPEAKER. Would the gentleman from Illinois (Mr. LAHOOD) please assume the Chair.

Mr. DELAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Speaker HASTERT).

Mr. HASTERT. Mr. Speaker, I rise today to honor the life and the legacy of our Nation's 40th President, Ronald Wilson Reagan.

He was born in the small town of Tampico, Illinois, which is in my congressional district, and grew up in Dixon, another town some of my constituents call home. It was there that he learned the common-sense values and virtues that helped him reshape not only our Nation, but also the world.

When I first ran for public office in 1980, for the Illinois Legislature, Ronald Reagan was running for President. Back then people did not have a lot of faith in America and what America could do. What made him so special was his willingness to step forward at a time when the rest of the world was stepping back and remind us what made America "The Shining City on the Hill." He restored our faith in America, and he made us proud to be Americans again.

His easy-going personality and a sense of humor endeared him to the people he served. His word was his bond. It was genuine. His honesty and sincerity were the foundation of his strength while working with Democrats and Republicans in both Houses of Congress.

The world struggled against communism, but our country stood tall as Ronald Reagan's perseverance led the world to freedom. As a former history teacher, I have taught students about George Washington and Thomas Jefferson. I have taught them about our fellow Illinoisan, Abraham Lincoln, and I have taught them about FDR and JFK. History has now called Ronald Reagan to take his place alongside the most noble of our countrymen. Here in the People's House, thousands of Americans will file in the Capitol Rotunda to honor the People's President.

He will be remembered as a symbol of peace through strength, but most of all we will remember him for the hope he gave to the rest of the world that freedom was possible. His grit, his sheer willpower made it possible for more people to walk in freedom today than at any other time throughout history.

Not only was he an ambassador of the American people and the American way of life, President Reagan was an ambassador of faith. He reminded us of his faith when America grieved the loss of the seven astronauts of the *Challenger* space shuttle. He said, "We will never forget them, nor the last time we saw them, this morning as they prepared for the journey and waved goodbye and 'slipped the surly bonds of Earth' to 'touch the face of God.'"

Tonight, as we honor the man who believed America was a "Shining City on the Hill," we should remember his words to the students of his alma mater, Eureka College in Illinois. He said, "Live each day to the fullest. Live each day with enthusiasm, optimism and hope. If you do, I am convinced that your contribution to this wonderful experiment we call America will be profound."

With Godspeed, Mr. President. God bless Ronald Reagan. God bless America.

Mr. DELAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 0, not voting 80, as follows:

[Roll No. 229]

YEAS—355

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—80

Ackerman
Alexander
Ballance
Becerra
Bilirakis
Brady (PA)
Burns
Capps
Carson (OK)
Carter
Case
Clay
Collins
Conyers
Cubin
Delahunt
DeMint
Deutsch
Dingell
Dooley (CA)
Doolittle
Dunn
English
Evans
Fattah
Frost
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Hastings (FL)
Houghton
Jones (NC)
Kaptur
Kilpatrick
King (NY)
Kingston
Kucinich
Lampson
Larson (CT)
Lee
Lofgren
Lynch
Majette
McCarthy (MO)
McDermott
McInnis
Menendez
Millender-McDonald
Miller, Gary
Mollohan
Moran (VA)
Murtha
Ney
Ose
Payne
Pombo
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Royce
Rush
Sanders
Shadegg
Skelton
Solis
Souder
Spratt
Stark
Stupak
Tauzin
Tiahrt
Turner (TX)
Wexler
Woolsey

☐ 1855

So the resolution was agreed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 229 on the Bereavement resolution I was unavoidably detained. Had I been present, I would have voted "yea".

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 318, noes 29, answered "present" 1, not voting 86, as follows:

[Roll No. 230]

AYES—318

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom

Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (IA)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moore
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—29

Capuano
Costello
Filner
Gillmor
Hart
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Larsen (WA)
LoBiondo
Moran (KS)
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Sabo
Sandlin
Slaughter
Strickland
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—86

Ackerman
Ballance
Becerra
Bilirakis
Brady (PA)
Burns
Capps
Carson (OK)
Carter
Case
Clay
Collins
Conyers
Crane
Cubin
Cummings
Delahunt
DeMint
Deutsch
Dingell
Dooley (CA)
Doolittle
Dunn
English
Evans
Fattah
Frost
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Houghton
Jefferson
Jones (NC)
Kaptur
Kilpatrick
King (NY)
Kingston
Kucinich
Lampson
Larson (CT)
Lee
Lofgren
Lynch
Majette
McCarthy (MO)
McDermott
McInnis
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Ney
Osborne
Ose
Payne
Pombo
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Royce
Rush
Sanders
Shadegg
Skelton
Solis
Souder
Spratt
Stark
Stupak
Tauzin
Tiahrt
Turner (TX)
Wexler
Woolsey

☐ 1913

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 230 on approving the journal, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevented me from being present for legislative business scheduled for today, Tuesday, June 8, 2004. Had I been present, I would have voted "yea" on H. Res. 663, a privileged bereavement resolution for former President Ronald W. Reagan (Rollcall vote No. 229), and "aye" on approving the Journal (Rollcall vote No. 230).

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote No. 229, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America (H. Res. 663); and rollcall vote No. 230, a vote on the Journal. Had I been present, I would have voted "yea" for rollcall vote Nos. 229 and 230.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H. RES. 664, MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

Mr. DELAY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House House Resolution 664:

the resolution shall be considered as read for amendment;

the previous question shall be considered as ordered on the resolution to final adoption without intervening motion, except (1) 2 hours of debate on the resolution on the legislative day of June 8, 2004, equally divided and controlled by the Majority Leader and the Minority Leader or their designees; (2) one motion to adjourn offered by the Majority Leader or his designee on the legislative day of June 8, 2004; and (3) 3 hours of debate on the resolution on the legislative day of June 9, 2004, equally divided and controlled by the Majority Leader and the Minority Leader or their designees;

on each demand of the Majority Leader or his designee, it shall be in order to debate the resolution on the legislative day of June 8, 2004, for an additional hour equally divided and controlled by the Majority Leader and Minority Leader or their designees; and,

notwithstanding the operation of the previous question, the Chair at any time may postpone further consideration of the resolution until a time designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 15, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 14, 2004, it adjourn to meet at 8:30 a.m. on Tuesday, June 15.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, JUNE 15, 2004, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY HAMID KARZAI, PRESIDENT OF THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN

Mr. DELAY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, June 15, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving a joint meeting of His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TUESDAY, JUNE 15, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, June 15, 2004.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

Mr. LEWIS of California. Mr. Speaker, pursuant to the order of the House of today and as designee of the majority leader, I call up the resolution (H. Res. 664) mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 664

Whereas President Ronald Reagan reminded us that our great Nation was founded and built by people with great dreams and the courage to take great risks;

Whereas President Reagan reminded his countrymen of the Nation's calling in world history: "From our forefathers to our modern day immigrants, we've come from every corner of the earth, from every race and every ethnic background, and we've become a new breed in the world. We're Americans, and we have a rendezvous with destiny.";

Whereas President Reagan championed freedom and democracy throughout the world, bringing courage to millions of people suffering the bondage of tyranny and oppression;

Whereas on June 12, 1987, President Reagan stood at the Brandenburg Gate, the symbol of communism's brutal oppression, and demanded: "General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and eastern Europe, if you seek liberalization: Come here to this gate. Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!";

Whereas on November 9, 1989, the Berlin Wall was torn down, signifying the end of the Cold War;

Whereas President Reagan, and his wife Nancy, brought dignity and respect to the White House and dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world;

Whereas on May 16, 2002, Congress bestowed the congressional gold medal in recognition of their service to the Nation;

Whereas Ronald Reagan's eloquence united Americans in times of triumph and tragedy;

Whereas on January 28, 1986, President Reagan comforted a grieving nation as Americans mourned the death of seven American astronauts who "slipped the surly bonds of earth to touch the face of God";

Whereas President Reagan spent the twilight of his life as he always lived, leading a fight against Alzheimer's disease with faith, courage, and dignity, with the greatest love for the Nation and eternal optimism for its future;

Whereas by opening his heart to the Nation about his affliction with Alzheimer's disease, President Reagan promoted greater awareness of this condition; and

Whereas President Reagan appealed to the best hopes of the American people, not their worst fears, and to their confidence rather than their doubts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest appreciation for the profound public service of President Ronald Reagan;

(2) expresses its condolences to Nancy Reagan and to Patti, Michael, Ron, and the entire Reagan family;

(3) calls on the people of the United States to reflect on the record of President Reagan during this national period of remembrance and to remember always his encouraging words: "We have every right to dream heroic dreams."; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the family of President Reagan.

□ 1915

The SPEAKER. Pursuant to the order of the House of today, the resolution shall be debatable on this legislative day for 2 hours, equally divided and controlled by the Majority and Minority Leaders or their designees which may be extended for an additional hour on each demand of the Majority Leader or his designee.

The resolution shall be debatable on the legislative day of June 9, 2004, for 3 hours equally divided and controlled by the Majority and Minority Leaders or their designees.

The Chair at any time may postpone further consideration of the resolution until a time designated by the Speaker.

The gentleman from California (Mr. LEWIS), as the designee of the Majority Leader, and the gentleman from California (Mr. WAXMAN), as the designee to the Minority Leader, each will control 1 hour.

The Chair recognizes the gentleman from California (Mr. LEWIS).

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, through the years of having the opportunity to know President Ronald Reagan, one could go down many a pathway in recalling his greatness. My first recollection of Ronald Reagan, I can recall clearly I was lying on the living room floor, and he was giving this speech on behalf of Barry Goldwater. The remarks in that speech entitled, "A Time For Choosing," never to forget, "You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth, or we will sentence them to take the last step into a thousand years of darkness." I will never forget rolling over on the floor and saying to my family, "This guy ought to be Governor of California." And, by golly, just 2 years later, he was: Governor Ronald Reagan, elected in 1966 by the people of California.

Two years after that, a group of seven Republican freshmen legislators were invited to the Governor's home for a little dinner. They had a set of card tables in the living room, a couple sat down at one card table, I sat on an extra chair, and, lo and behold, the Governor sat down beside me. The gentleman from California (Mr. WAXMAN) may remember that I was a bit more brash in those days than I choose to be now.

And so almost immediately, I raised the subject of interest to me to the then-Governor Reagan. I asked him what he thought about preschool and child care. It did not take 30 seconds for me to begin to understand that I had asked the right question, for Governor Reagan knew an awful lot more about preschool and child care than I ever thought of knowing. He and Nancy had been thinking about this subject for some time. And indeed, as a result of that beginning point of working together in this very special area of education, the Child Development Act was signed in 1972 by Governor Reagan and became the first major State quality day care programming that included health components and education components and involved parental responsibilities as well.

The Governor was way ahead of the curve, as one might see: for some 25 years later, Washington discovered the importance of child care.

Another illustration of an interesting side of the Governor who by many was considered to be some way out there, far out on the right; but quickly those who would observe carefully recognized that this Governor was looking out for the benefit of all people of California and because of that, shortly he became very well known as an environmental Governor. He joined quickly with Governor Laxalt of Nevada, and together hand in hand they literally saved Lake Tahoe.

A leader way ahead of his time, it was my privilege to spend so much time in those early days with Governor Ronald Reagan. At another time in this evening's discussion I would like to spend a moment discussing with all of you my first experience with Governor Reagan when he became President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to pay tribute to President Ronald Reagan. President Reagan has been a part of my entire political life. President Reagan got his start in politics when he was elected Governor in 1966. Two years later, I got my start in politics when I was elected to the California legislature. I served in the State legislature until 1974, the last year of Governor Reagan's term. And, of course, I served in the Congress of the United States for the entire 8 years of his Presidency.

I knew from those early days that President Reagan had remarkable political skills. He is known as the Great Communicator and, truly, he was. President Reagan knew how to connect with people. And he could articulate values and resonate across America and around the world with his ideals. He was also likable and charming.

For many years, President Reagan was actually my constituent. Hollywood, the place and the industry associated with it, had a great impact on his life. It refined his communication skills and honed his sense of drama and delivery. And it gave him something that many people do not fully appreciate, an understanding that in America, with hard work and honest values, Hollywood endings really can come true.

President Reagan thought our Nation should be a shining example to the world. And under his leadership, we were really admired and respected around the world. He viewed America as a city on the hill, a beacon for freedom and a model for democracy.

And here is another thing many people do not fully appreciate: President Reagan was a pragmatic leader. He had strong convictions, but if he learned that those convictions were taking America in the wrong direction, he had the confidence and the wisdom to change course.

As everyone knows, President Reagan was afflicted with Alzheimer's disease in the last 10 years of his life. President Reagan struggled with this terrible condition with great dignity. And with great courage he and his wife Nancy shared his struggle with the American people. It is a true tragedy that this country lost the opportunity to have this elder statesman involved and seek his advice and leadership in the last years of his life.

I know that all of us in this body would like to find a fitting way to honor President Reagan's life. For my part, I can think of no better tribute than an accelerated effort to address the horrific disease known as Alzheimer's. Mrs. Reagan, the President's beloved wife, bravely spoke out about this just last month. In her moving words she said, "Science has presented us with a hope called stem cell research which may provide our scientists with many answers that for so long have been beyond our grasp. We have lost so much time already. I just really cannot bear to lose any more." Well, it is past time for us to seize the potential that Nancy Reagan identified. There could be no important or more lasting legacy to her husband.

America has lost a devoted citizen and a dedicated leader. I want Mrs. Reagan and the Reagan family to know they are in my heart and in my thoughts. President Reagan's passing is truly felt among Democrats and Republicans, by all Americans, and people of goodwill all around the world. We will certainly miss him.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

President Reagan came to Washington at a moment when our country was in great malaise. Interest rates had risen as high as 21½ percent. Inflation was raging the country. Jobs were very, very difficult to come by. And in typical Ronald Reagan fashion, the President for whom the glass was always more than half full, he began setting forth policies that reduced interest rates, that impacted inflation, and created jobs. He set a stage for tomorrow that would lead us all to believe in America again and have new hope and opportunity within our country.

It is my privilege, Mr. Speaker, to yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I want to thank the gentleman from California (Mr. LEWIS) for yielding this time to me and leading this important recognition today.

I also want to thank you, Mr. Speaker, for your special understanding of President Reagan from your work in the military serving alongside him in his days in the White House.

What all of those that served with the President or watched him from afar were able to see was how his optimistic leadership reinvigorated the American spirit and how it redefined the politics of his time. Born in a small town near the middle of America, this son of a shoe salesman rose to heights of gigantic proportion and lifted his countrymen along with him.

After facing his last great challenge with courage and patience, Ronald Reagan now takes his place where his vision is once again clear, his faith rewarded, and his storied sense of humor returned. He placed his faith in God along with economic and permanent freedom. And the world is a better place because of those beliefs.

President Reagan helped raise individuals up and helped tear down the Berlin Wall. He inspired us, and he was inspired by us. President Reagan's leadership inspired more current members of our conference on my side of the aisle than any other political figure in the 20th century.

When I became the majority whip in this Congress, I named the conference room in the whip's office the Reagan Room for the brief time I am privileged to make that designation. And I hope many of my colleagues come by that room during this week on the third floor of the Capitol and view the photographs there chronicling the life of this remarkable man from his days as a radio announcer to those that foreshadowed the end of the Soviet Union.

□ 1930

President Reagan said, We are a powerful force for good. With faith and courage we can perform great deeds and take freedom's next step, and we will.

America is taking freedom's next step, and we are doing so in large part because of President Ronald Wilson Reagan.

Today America's light shines a little dimmer because he is gone, but, Mr. Speaker, it shines much brighter than it would have if he had not been here. He made a difference in America. He made a difference in the world. Today people all over the world are remembering and recognizing that difference.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), distinguished member of the Committee on Government Reform, to offer his presentation on this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the ranking member of the Committee on Government Reform for yielding me the time.

Mr. Speaker, I rise today to join with my colleagues as we pay tribute to the life and legacy of President Reagan. A bigger-than-life screen actor and television personality, Ronald Reagan moved from being Governor of California in the 1960s to President of the United States and dominating American politics in the 1980s. He was the first President to be reelected to a second term since Dwight D. Eisenhower.

Media-made and media-presented, President Reagan got millions of Americans to feel proud of their Nation. America's 40-year Cold War with the Soviet Union cooled considerably and perhaps actually ended during Reagan's Presidency. Many Americans credit him with having achieved that significant outcome.

Born the son of a shoe salesman in small-town Illinois, President Reagan's impoverished but loving parents instilled in him a sense of optimism that carried him through college as an average student. After graduation, he worked for a few years as a sports broadcaster in Midwestern radio before landing a film contract with Warner Brothers, which took him to Hollywood in 1936.

Over the next 30 years, President Reagan made scores of films, including Army films produced during World War II. He hosted two popular television series and was actively engaged in politics as president of the Screen Actors Guild.

In the 1950s, President Reagan changed from being a Roosevelt New Deal Democrat to a conservative Republican. In 1966, he became Governor of California and was reelected in 1970. Using his popularity in California, he unsuccessfully challenged President Gerald Ford for the Republican nomination in 1976. He tried again and won the nomination in 1980 and thereafter defeated the incumbent Democrat Jimmy Carter. With his 1984 reelection victory, President Reagan became the most politically successful Republican President since President Eisenhower.

In the last 7 years, as President Reagan battled Alzheimer's disease, our Nation went from having zero drugs for this devastating disease to today having five new prescriptive drugs to help manage and treat the progression of Alzheimer's. Today it is even possible to diagnose Alzheimer's with more than 90 percent accuracy. It is clear that Alzheimer's does not discriminate on whom it affects, regardless of gender, ethnicity, socioeconomic status, political ideology or if one worked the fields, in the factories or in the Oval Office.

With now more than 4.5 million people suffering from this disease, the upsetting effects of Alzheimer's is growing faster than modern medicine can manage. This is only likely to become more complicated with the aging of the baby boomers, boosting the number of Alzheimer's patients to an astounding 11 to 16 million people by the middle of the century.

As a way to honor President Reagan, let us make the greatest commitment that we can to real investment in research for Alzheimer's disease and follow through with clinical trials to translate the research into treatments. We must now act to make the lives of all Alzheimer's patients more comfortable with a better quality of life, while hopefully being able to prevent this disease in the future.

Mr. President, as one might say in a western movie, you had a good ride and our country is proud to say, "Much obliged."

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) for bringing this resolution to the floor today.

President Reagan's impact on America and the world is immeasurable. He ended the Cold War and restored America's confidence. His Republican administration rebuilt our economy with the help and support of a Democratic House of Representatives.

President Reagan achieved such successes because when you sat in a room with him, there could be over 1,000 people in the room, yet you felt like there was only the two of you, and his wonderful wit would put you at ease. That was a tremendous gift.

That is why some of his biggest political enemies were among his closest personal friends. It is why a staunch anti-Communist could negotiate with the President of the Soviet Union. President Reagan reached across and President Reagan connected with people.

President Reagan is now at rest. We mourn his passing, but we are grateful for the gifts he gave us: a safer world, strong economic base, and a renewed belief in America's greatness.

Mr. Speaker, President Reagan will be laid to rest at his Presidential library in Simi Valley, California. It is where I began my political career as mayor and city councilman. It has been my home for more than 35 years.

President Reagan often spoke about a shining city on a hill. The Ronald Reagan Presidential Library is such a place. President Reagan will be laid to rest at the edge of a high hill where his library stands. His grave overlooks the farmlands, ranches and chaparral of the Tierra Rejada Valley. On a clear day, one can see the Channel Islands in the Pacific Ocean more than 30 miles away. It is a fitting place for America's greatest son.

Mr. Speaker, it is the end of an era, but it is the beginning of a legacy that will last forever. We will miss him.

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Texas (Mr. STENHOLM) is recognized as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, today we remember a true leader, a statesman and a great man who led our country with dignity, with grace and with strength. President Reagan was the quintessential American who exemplified unbridled optimism, a strong sense of faith and the idea that our Nation was a true beacon for the world.

There is no doubt that among his greatest achievements was his resolve to end the Cold War so that other Nations could experience the glory of freedom and the power of democracy. His combination of political strength and personal appeal, his ability to communicate set the forces in motion for the walls of communism to crumble, and for this he will always be remembered.

However, President Reagan should also be remembered, especially in this House, for his willingness to fight in the political arena with dignity, with respect for his opponents, and his strong belief that democracy was for all of our citizens, even those with whom he might have disagreed. President Reagan exemplified civility and honor in an arena that is often lacking in both, and because of that he earned the goodwill not only of his supporters, but often of his friendly adversaries. In the end we remember a man, Ronald Reagan, not only as a great leader, but as a good and decent man.

My condolences and prayers are with his family and with his wife Nancy, who shared him with our country.

Mr. Speaker, we are all called by God for a special purpose with this turn at light that he gives us. Some nobility of purpose is embedded in each of us with that calling, and as it is the case with Ronald Reagan, there will be on his tombstone 1911 to 2004, but the most important thing on his tombstone will be the dash in between. For the fundamental call from God is always what will we do with the dash.

Ronald Reagan did great things with his dash. For those 93 years in that dash was actor, head of a union, broke down the barriers of communism, the Star Wars defense system, his legacy of rebuilding the Republican Party.

Yes, Ronald Reagan was a great man, and he, as so many of us, have heeded the call, and as I think of Ronald Reagan, I am reminded of the great prophet Isaiah who said in that great conversation when God called and said, who will go for us and whom shall we send, that great prophet Isaiah said, at no hesitation, here I am, Lord, send me.

Ronald Reagan responded the same way. I can almost see it. When the Lord called and said, who will go for us and who will we send to perform that nobility of purpose in life that Ronald Reagan did, which is the legacy of his Presidency, I can see him getting to attention and saying, here I am, Lord, send me.

God bless Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, it is my honor to yield 6 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, we are all going to talk about President Reagan, Commander-in-Chief Reagan, leader of the free world Reagan. Some of us were privileged to know him in a different context. My friend from California (Mr. LEWIS), the chairman, has talked about his relationship with him when he was Governor of California.

I knew him in a number of different contexts, and I was always amazed at one thing, and that was he was the same person regardless of the context in which you met him, worked with him and was led by him.

In 1974, I decided that I would run for public office. He was then in the last year of his governorship, and he decided to come to Bakersfield, and so I planned an event for the Governor. We decided that we would charge what seemed to be an appropriate amount, $25 a head, and almost 500 people came to see the Governor. I had no doubts about why they were coming.

We picked him up at the airport, and when we got in the car, he started quizzing me about me, and so I was visiting with him. But as we got closer, I said, well, do you want to take just a little time now so that you can get ready for the event? He said, Bill, if I am not ready now, 5 minutes will not make any difference.

□ 1945

He was always prepared. He was always on time, whether it was a minor event or if it was a debate with other leaders of the world.

And you see him in a bunch of different contexts and you say, well, of course, because he was a movie star and he is supposed to carry himself. And the point I want to make, if I do not make any other point, is he was that way because of who he was, not because of what he did. Because, frankly, if you tried to write a script and went to Hollywood on Ronald Reagan's life, you would last about 2 minutes in the room. Because people are willing to suspend belief, but not that much.

And what I like most about the juxtaposition of Ronald Reagan and his career, which was kind of molded out of the context that he found himself in, was that the American people were wise enough, first of all to choose him as Governor of California for the traditional two terms, had he chosen to run for a third term he probably could have gotten elected; and the American people chose him for two terms as President, a now constitutionally limited period of time. Were it not for that constitutional limit, he may have been elected again.

And so when you watch people recognizing Ronald Reagan as they pass the casket, as they did in California, many people will have an individual memory, perhaps a general shared one, and perhaps a personal one. For me, Ronald Reagan's life means that any American can do anything any American wants to do. For Ronald Reagan, the public person, it means he made sure that he set up a structure which allows any American to do whatever any American wants to do; and his justification and enabling of that is, he would tell you, because I did.

You are going to hear him called the Great Communicator a lot. What you also need to know was he was a great compromiser. It can be put no more clearly than a comment he made when he was Governor of California, because he became Governor with an enormous debt at that time for the State of California. California did not have a withholding tax, and he needed to create a front load for money to solve the problem that he was facing. He had, however, made a statement earlier that his feet were in concrete over not having a withholding tax. Once he looked at the options in front of him and he realized he did not have any options other than instituting a withholding tax, having worked with the legislature, he then went to the microphone and said, "That cracking sound you hear is the cement breaking away from my feet."

And so when you wonder why Ronald Reagan could get along with so many different people in so many stages of life, whether small or great, it was because Ronald Reagan was the same person regardless of the job the American people gave him. He was always prepared, he was always on time, and he was a very, very sincere man. He was also quite smart, in ways that many people never understand.

So what I want to do tonight is to just share briefly the memoirs of someone who, if you are looking for an example, he certainly stands out, not just in what he did but the way in which he lived his life and the way in which he recognized his condition later in life and the way in which he concluded his life. All of us should pause and remember that he was an amazing, amazing person. He was an American.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time. I am particularly pleased that the gentleman from Texas is managing the time, because I think if Ronald Reagan were here, he would say, CHARLES STENHOLM was one of those who stood with me on principle, who believed that we needed to get this country moving, and believed that we needed to have sound policy; and CHARLES STENHOLM stood with me. And as the gentleman from California (Mr. THOMAS) just related, for Ronald Reagan the concrete cracked again, frankly, when he viewed the program adopted and thought that perhaps some changes needed to be made.

Mr. Speaker, like every Member of this House, I offer my sincere condolences to the family and friends of former President Reagan, particularly, of course, his beloved wife, Nancy, and his children. What a wonderful example Nancy Reagan set for our country. Ronald Reagan and Nancy Reagan clearly loved one another deeply and cared for one another, and Nancy Reagan has shown extraordinary courage and fidelity not only throughout the course of their marriage but particularly in the course of Ronald Reagan's final illness.

Mr. Speaker, Ronald Reagan loved this Nation and served it with distinction; and he will ever be remembered for his humor, his grace, his irrepressible optimism which mirrored the American spirit and buoyed it in periods of difficulty.

The last decade, when this man who had lived life with such physical vigor slowly slipped away, was an especially cruel blow. However, let us be comforted today that he has been summoned to a far better place.

Having been elected to Congress just 4 months after he took office, and just 6 weeks after an assassin's bullet nearly claimed his life, I had a front-row seat during President Reagan's 8 years in Washington. He was a man I both liked and respected. I liked him for his warmth and for the respect that he accorded others, and I respected him for the honesty of his convictions and the intellectual integrity that he displayed in pursuing them.

After signing into law what was then the largest tax cut in American history in 1981, President Reagan had the fortitude to face fiscal reality, just as the gentleman from California (Mr. THOMAS) reflected upon. His policies caused yawning deficits and spiraling debt, consequences that he subsequently tried to address, although not as successfully as I am sure he would have hoped. Without question, Ronald Reagan held strong ideological beliefs. But one of his real strengths was his willingness to put pragmatism above ideology, to make sure that his country had programs that were working.

I also remember him as a person who early in life committed to equality and justice for all, and later in life to the success of freedom and democracy around the world. I believed he was right in that endeavor, and like the gentleman from California (Mr. LEWIS), supported his efforts to build up our defenses, to deploy those Persian and cruise missiles, to, yes, even provide for multiple warheads on the MX missile, and say to the Soviet Union, if you want to compete, we are prepared to compete; but we would rather seek peace together. And he had the courage to build up, and he had the courage to make peace.

While Democrats disagreed with and strongly opposed much of his domestic agenda, our political differences never hardened into paralyzing personal animosity on his side or on ours. We were blessed by the fact that we were led by two great Irishmen, Ronald Reagan and Tip O'Neill. They were friends. And they had a third friend, his name was Michel, Bob Michel, an extraordinary leader of this House. And they, together, believed that country was more important than partisanship and party.

For the most part, they worked together. On those matters that they disagreed on, they took their own separate ways. But when they could agree, they did. The Social Security reform of 1983 was probably the most stark example of that cooperative spirit. It was good for the country, it was good for Social Security, and they came together, worked together, and succeeded together.

That was due in great measure to the leadership styles and personalities of President Reagan and Speaker O'Neill. These two men, the most powerful political figures in our Nation in the 1980s, one a Republican, the other a Democrat, demonstrated to all Americans that our elected leaders could disagree politically without being disagreeable personalities or personally. They reminded all of us that cynicism and mean-spiritedness are inimical to American democracy, and that our real adversaries lie beyond our shores, not here.

The surest tribute that we can pay to Ronald Reagan today is to commit ourselves to recapture the generosity of spirit that always guided him. In a very real way, Ronald Reagan's life was the embodiment of the American Dream. Both President Reagan and President Clinton, like Harry Truman, gave credence to the promise that in America neither privileged birth nor economic advantage is necessary to enable one to become the President of the United States of America. It was, for them, and for millions to follow their example, the land of opportunity.

President Reagan's leadership renewed the conviction that the future would be better, better than the past, and that America's best days were still ahead. That is a philosophy that all of us should embrace and convey to our fellow citizens. I believe it is the case, Ronald Reagan believed it was the case, and may God bless his soul and comfort his beloved wife, Nancy.

Mr. LEWIS of California. Mr. Speaker, it is a great honor to yield 6 minutes to the gentleman from California (Mr. ROHRABACHER), who served Ronald Reagan as a part of his staff before coming to Congress.

Mr. ROHRABACHER. Mr. Speaker, it is a blessing that Ronald Reagan did not die immediately after leaving office in 1989. In these last 16 years that we have had Ronald Reagan with us, it has given America a chance to take a look at who Ronald Reagan was and what he meant to our country. And now, with 16 years that have passed, we can look back and see what an enormous difference Ronald Reagan made not only to our lives as Americans but to the entire world.

Let me note that Ronald Reagan was 56 years old when I first met him, and that was when he was running for the first time for public office. He ran for public office for the first time when he was 56 years old. And all of these things we are talking about, a man who accomplished so much and changed the world for the better, happened after he was 56 years old. He had already had a successful life, a full career.

And he did come from a relatively poor family. I know his first job was being a lifeguard. That affected his way of looking at things his entire life. He saved 77 people's lives as a lifeguard. And having gotten to know him as President and also during his campaigns, I think he always had that conscioiusness, that he was there to save the day for the people who were in some type of a crisis.

He was a sports broadcaster, and he was a moderately successful film actor. But all of that seemed to be over when he was 50 years old. And then, when he was 56, he jumped into political life. Now, why did he do that? Because California was a mess in 1966.

□ 2000

And he came and stepped forward because he felt he had a contribution to make. He jumped into the political waters to save the day.

I was a youth volunteer in that first campaign, and I got to meet him personally, and it was one of the joys of my life.

Let me note that years later after I got finished with school, I became a journalist, and I covered Ronald Reagan's last 2 years as Governor as a journalist. I remember that he had a press conference one day, it was near the end of his term, where he was announcing the findings of his law and order task force. One of their findings was an expanded use of the death penalty. And just as I am now, I was then always trying to get to the heart of the matter and ask the tough questions, and I asked President Reagan, who was then Governor, well, how can you be in favor of expanding the use of the death penalty when you are a committed Christian? And, you know, he sat forward, and he leaned forward to the mike, he says, I take that question very seriously. I prayed about this, about using the death penalty more frequently and taking people's lives. I have sought help. I have read the scripture, and I have talked to other people about this, and I have come to the conclusion that if we are executing people for revenge, that it is inconsistent with the principles that Jesus Christ taught us, but if we are executing murderers in order to deter people from killing other human beings, we are doing it then to save people, to save innocent people, and that is totally consistent with Christianity.

At that point Evelle Younger who was the attorney general of the State, reaches over and grabs the mike and says, oh, this religious and philosophical stuff does not mean anything. The voters of this State voted for the death penalty, and they are going to get it. Well, my opinion of Ronald Reagan's sword, I knew that he was a man who did not take these things lightly, a man of strong conviction, but a man who deeply cared about people enough to think about it and to pray about decisions like this. He was not just a great communicator, and I worked for him as a speechwriter for 7 years in the White House. He was, yes, someone who understood the fundamentals of communication, but that is not what made him great. He was not the great communicator. He was America's great leader. He had ideals that helped direct his decisions.

We have heard about his strong convictions. We know today that most people with strong convictions are not very pleasant to be around. When they talk about people with philosophies, there is a saying that you cannot change somebody's mind, and he will not change the subject. Ronald Reagan was a person who taught me that you can have strong principles and have a solid philosophy, but be a pleasant person and care about people at the same time. It was that type of humane approach that permitted Ronald Reagan to capture the hearts of the American people and inspire us.

When our country was in such terrible peril economically and in retreat internationally, and our spirit had been destroyed, people were not even waving the American flag back in the late 1970s, Ronald Reagan dove into the political waters again to save the day. And he saved us. He was the lifeguard who saved us, and he saved the world.

Jim Bruelte, a political person in California, noted on D-Day the American soldiers liberated half of Europe. Ronald Reagan liberated the other half of Europe and did it without firing a shot.

We live in a more prosperous country, a safer country, and hundreds of millions of people now live in relative freedom than if he would not have been here. We are so grateful to Ronald Reagan for having dove in to save us, and he did. He saved America, and he saved us personally.

I am now 56 years old, the same age Ronald Reagan was when he first entered politics. I am so grateful that he spent those years of his life making this a better world for my children. I just had three children just 6 weeks ago today, and I am so grateful that he made it a better world for them.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM) for this time.

Mr. Speaker, it is with great sadness that we devote this week to honor the memory and the contributions of our 40th President Ronald Reagan. My thoughts and prayers are with President Reagan's family and all of the Americans who grieve this week.

Mr. Speaker, President Reagan was a true patriot, committed to the ideals of a democratic Nation, and dedicated to maintaining the strength of America as a world power. His abilities as a strong leader and a communicator gave Americans confidence and strength during a time of economic hardship and struggling with the Soviet Union.

President Reagan once said, "There is no limit to what a man can do or where he can go if he does not mind who gets the credit." We should follow this example and remember that public service is not about partisan battles or taking credit, it is about serving the American people to the best of our ability.

I am honored to be here in Washington during this week of memorial services. I am grateful to all of those involved with arranging the safety and logistics during a week when thousands of Americans will journey to our Nation's Capital to pay their respects to President Reagan.

Mr. Speaker, as we face a new decade and new challenges, let us honor the life and contributions and remember the debt of gratitude we owe our 40th President, Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Ronald Reagan became President in 1981 after an election in 1980. At that point in our history, our defenses had been reduced to such significant levels, all of us were concerned about the future of America's ability to defend itself. Indeed, there were great leaders who recognized the importance of building our defenses. Among those who have come here since President Reagan was with us is the gentleman from California (Mr. CUNNINGHAM).

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise to honor and mourn Ronald Reagan.

But first I would like to thank Mrs. Nancy Reagan. The wisest of men knows it takes a good woman to make a good man, and what a good wingman she has been, both in sickness and in health. This Nation also owes Nancy Reagan a debt of gratitude; both of them good and decent people. Ronald Reagan was one of the most respected and effective Presidents in American history.

Mr. Speaker, the Irish have a toast, and it goes like this. It is to those who support Ronald Reagan, and everybody lifts their glass; to those who may support Ronald Reagan, and everybody lifts their glass; and to those that will never support President Ronald Reagan, may God strike them in their shins so we shall know them by their limping. But there are not many of those, Mr. Speaker.

President Reagan said, you know, the United States was never meant to be the second best Nation. We set our sights high for the stars, and we are going for the gold. He said that back in the 1980s. He came to the job with one underlying goal, and that was freedom. Freedom for you, Mr. Speaker, and people all over the world, much to the same challenges that we have today; the freedom in Bosnia, in Kosovo, in Afghanistan and in Iraq, and with the United Nations signing a resolution today following in suit much as Ronald Reagan guided us through troublesome times when he was President.

Ronald Reagan restored the economy of a double-digit inflation, interest rates the same thing. He gave this Nation tax relief, much as President Kennedy and President Bush. He increased the coffers by three times the amount. Unfortunately, it was Congress that spent a lot of that money.

He followed his pledge to restore our military. Ronald Reagan believed in peace through strength, and I think it showed through. He eliminated an entire class of nuclear weapons. He is responsible for bringing down the Berlin Wall, ended the Cold War, and challenged governments to have a new way of life to bring freedom to their people. It is a task that we face today in this body and in this Nation.

For his imprint on history, for his legacy which will be felt for generations to come, this Nation owes President Reagan and Nancy Reagan a debt of gratitude.

The President has many legacies, including Navy's newest nuclear carrier, the USS *Ronald Reagan*, which will reside in San Diego. That aircraft carrier will travel all over the world, much as Ronald Reagan did, and serves as a symbol of the respect and elegance of his family. Throughout his political career, President Reagan always concluded his campaign in San Diego. He called it his lucky city. We feel fortunate that he considered San Diego so. It is only fitting that this great new shining city on the hill, San Diego, will be called the home of the USS *Ronald Reagan*, our latest and newest nuclear aircraft carrier.

Mr. Speaker, we bid Ronald Reagan adieu and thank the Reagan family for what they have given to this Nation. God bless you, Nancy Reagan, and your family and the President.

Mr. STENHOLM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, my friend and colleague, and also thank the gentleman from California (Mr. LEWIS) for allowing us to come at this time.

I imagine this time is the reason why so many of us, in fact I would say this entire House, cherishes this body and cherishes this institution, because it allows us to come at a time like this and shed our Democratic and Republican labels and simply approach this tribute as Americans. I would imagine that is what these times, although sad, allow us to do.

I am proud as an American to come forward and to salute an American President, and to be able to join the millions of Americans mourning the passing of President Ronald Reagan and celebrate his service to the people of the United States and his leadership in promoting the cause of freedom for all of the people of the world.

Protest has its place, protest is good in life, but protest has no place in death, and so this opportunity is to acknowledge the principles by which this President lived and stood for during his Presidency. The love that President Reagan had for this Nation was infectious to the point that it reflected on everyone who listened to him, here in America and abroad.

Even when his actions did not agree with the policies and initiatives of many of us who wear a different political hat, he maintained himself with integrity and engaged in honest and open debate. We have heard repeatedly over these last couple of days that despite partisan disagreements, former President Reagan followed the tenet that at 5 p.m., we are no longer Democrats or Republicans; rather, we are Americans, families and friends.

I am reminded of the stories told about he and Speaker of the House Tip O'Neill, who shared in their Irish heritage a bit of good conversation and maybe a little bit of drink.

□ 2015

The differences may have been real; but because of the way President Reagan led, he taught us that there is a big difference between strong beliefs and bitter partisanship. As the Commander in Chief, he was the voice of America in imparting both good news and bad news. As we mourned the loss of our brave astronauts in the *Challenger* tragedy, it was President Reagan who reminded us, "Nothing ends here. Our hopes and our journeys continue." We in Texas at that time appreciated his strong leadership and that in fact even in spite of the *Challenger* tragedy at that time, we would prevail and we would go forward.

President Ronald Wilson Reagan was an American who will always be remembered. He will be forever remembered for the warmth and the respect with which he accorded others. Furthermore, our thoughts and prayers are with Nancy and his children at this difficult time.

Strong beliefs and a love of our country are the only way to bring this country forward as we face a costly and difficult war in Iraq and a budget that is struggling to survive. Strength and leadership is what we need now. Strength and leadership will be required to bring this Nation back to the standards by which we have always been known. I believe it is appropriate to read his famous words: "We have every right to dream heroic dreams. Those who say that we're in a time when there are no heroes, they just don't know where to look."

President Reagan himself admitted that he was an optimist and he believed that this Nation had an optimistic future, and so he was always able to rise to the occasion and share words of encouragement. President Reagan always stressed that America is a "can do" country. I would say to you that we Democrats agree. We can and will get back on the right track, largely through his legacy of integrity and hard work. With strong leadership and a real commitment to confronting the problems facing American families, we can improve upon our weaknesses. Optimism, the true challenge for all Americans, something President Reagan has left as his legacy.

He once said, "The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say, we lived in freedom, we lived lives that were a statement, not an apology."

It was interesting to hear over these last couple of days the number of young people, then young people, who were amazed that they had the opportunity to work in President Reagan's administration. Sixty-nine years old when he took office, it seemed that he gravitated toward young people. Now being able to recite their wonderful experiences again, a tribute to a man who had a great history.

We will always remember him as the man who tore the Iron Curtain down. He did it with a kind of leadership and integrity but sternness and determinedness. I will simply say no one will ever forget him challenging Mr. Gorbachev by saying, "Open this gate" and, "Mr. Gorbachev, tear down this wall." We are better for it. He did it with a sternness but also with an attitude of peace.

I am grateful also for the shining example of the wonderful relationship between him and his wife Nancy, the great love that they shared and the fact that they were married for some 52 years. Might I share with you some words that he wrote in 1983 on their 31st wedding anniversary as he was riding on Air Force One, and might I commend to you Nancy's book, "I Love You, Ronnie," published in 2000, but hear these words. He wrote, "I more than love you, I'm not whole without you. You are life itself to me. When you are gone I'm waiting for you to return, so I can start living again." That is a true testament to the value of marriage and partnership and they did it unabashedly and without fear.

Mrs. Reagan wrote in 1989, "Some of the reporters who wrote about me felt that our marriage was at least partly an act. But it wasn't and it isn't." And I believe her.

Finally, in 1998 she told Vanity Fair magazine: "Our relationship is very special. We were very much in love and still are. When I say my life began with Ronnie, well, it's true. It did. I can't imagine life without him."

Mr. Speaker, I started by saying that is why I cherish this institution, because it allows us now to come together again, not wearing any partisan hat but simply saying that we are Americans. I do not know if she would mind me saying this, but my daughter is now 24, I remember her as a small girl, very small, and she always used to refer to Ronald Reagan as the grandfather. I had to kind of clarify that for her, but it was out of the mouth of a child that described him as such.

And so I simply leave you with the idea of why we have come today to be able to honor this American President. It is because he did leave us with a sense of optimism and an ability to go forward, to look at the troubles that we might be facing both to the left and to the right and forward and back but yet to say that we are determined to succeed. I would only say that in his passing, let us maintain the legacy of optimism for this country. "We are the showcase of the future. And it is within our power to mold that future, this year and for decades to come. It can be as grand and as great as we make it. No crisis is beyond the capacity of our people to solve, no challenge too great," the words of Ronald Reagan on January 5, 1974.

With that, Mr. Speaker, I simply say, farewell, farewell. And though we say farewell to a great and wonderful American President, his legacy will live on that America's future is founded in our optimism and our belief in freedom and democracy and certainly this day our understanding that we all are Americans.

Mr. Speaker, I rise in strong support of the resolution offered by my colleague, Representative LEWIS of California, to mourn the passing of President Ronald Reagan and to celebrate his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world.

The love that President Reagan had for this Nation was infectious to the point that it reflected on everyone who listened to him—here in America and abroad. Even when his actions did not agree with the policies and initiatives of my Democratic colleagues, he maintained himself with integrity and engaged in honest and open debate.

Despite partisan disagreements, former President Reagan followed the tenet that "at 5 p.m., we are no longer Democrats or Republicans; rather we are Americans, friends, and family."

The differences were real, but because of the way President Reagan led, he taught us that there is a big difference between strong beliefs and bitter partisanship.

As the Commander-in-Chief, he was the voice of America in imparting both good news and bad news. As we mourned the loss of our brave astronauts in the *Challenger* tragedy, it was President Reagan who reminded us that "Nothing ends here; our hopes and our journeys continue."

President Ronald Wilson Reagan was an American icon. He will be forever remembered for the warmth and the respect he accorded others. Furthermore, our thoughts and prayers are with Nancy and his children at this difficult time.

Strong beliefs and a love of our country are the only way to bring this country forward as we face a costly and difficult war in Iraq, the largest budget deficit in history, escalating health care costs, and two million jobs lost over the past three years. Strength and leadership will be required to bring this Nation back to the standards by which we have always been known.

We must follow his famous words: "We have every right to dream heroic dreams. Those who say that we're in a time when there are no heroes, they just don't know where to look."—January 20, 1981

President Ronald Reagan always stressed that America is a "can do" country. We Democrats agree. We can and will get back on the right track, largely through his legacy of integrity and hard work. With strong leadership and a real commitment to confronting the problems facing American families, we can improve our weaknesses.

The President once said: "The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology."

So when we return to work next week, I hope this House will be inspired by the leadership of Ronald Reagan instead of mired in the partisan politics and a lack of integrity that have too often affected our work as of late. We should be inspired by his patriotism and devotion to our country. Moreover, we should remember his faith, his optimism, and his unwavering commitment to his convictions as we do the work of the American people.

The Soviet Union and the Cold War

President Reagan had a calm speaking voice and forceful diction that earned him the title of "the Great Communicator." This task was surely the work of a leader of fortitude and commitment to the betterment of our diplomatic relations with that Nation.

Mr. Reagan's efforts and tenacity contributed greatly to the end of the Cold War. His policies included strong support of the U.S. military and the doctrine of "peace through strength."

In a few days it will be exactly seventeen years to the day that President Reagan stood at the Brandenburg Gate in what was then West Berlin, Germany, in which he famously proclaimed: "General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!" The speech was made to the free people of West Berlin, but it was clearly audible on the East side of the Wall, and soon those words would help make it possible that the people of East and West Berlin could finally hear each other. For all of his achievements and acclaim, I am certain that President Reagan's greatest accomplishment will be the demise of the Soviet Union. As

Margaret Thatcher said, he was the man who "won the cold war without firing a shot."

The world President Reagan faced when he came in to office in 1981 was very different from the world we see today. Today the United States is the unquestioned superpower of the world, but two decades ago this world was dominated by the struggle between two superpowers: the United States and the Soviet Union. President Reagan came in to office with his own vision on how this great struggle could be dealt with. He succeeded in maintaining the stand-off with the Soviet Union so that the world did not have to witness the consequences of a brutal nuclear war. He fought the Soviet Union indirectly wherever they sought to threaten the freedom of the world's people. In Afghanistan he mobilized our allies and our resources in the region to ensure that the Soviet's would not have a stranglehold on the continent of Asia. The Reagan Doctrine succeeded in a time where grave danger not only threatened our Nation, but indeed the fate of the world as we know it.

President Reagan used his great communication skills to help end the Cold War without the necessity of another World War. As with his speech at the Brandenburg Gate, President Reagan inspired people throughout the world to believe that freedom and prosperity were indeed possible.

President Reagan made Americans believe again that our Nation was the greatest on Earth and that we would indeed be victorious. Finally, his words made the leadership of the Soviet Union believe that they were fighting from a side of weakness, that the good of our beliefs and our national system would prevail. His words were inspirational two decades ago, but today they have been proven true. The Soviet Union no longer threatens our world, and we must always pay tribute to President Reagan for that accomplishment.

REAGAN'S RELATIONSHIP WITH WIFE NANCY

At a time when war and bloodshed are one of the biggest thoughts on the minds of Americans, the history of President Reagan's relationship with his wife is a refreshing thought that has restored a feeling of compassion in our hearts.

Relationships—whether they be diplomatic, spousal, or plantonic, have not been placed in the greatest light as of late in America. We have been marred by accounts of human rights abuse and other examples of a disregard for the rights and personhood of our neighbors.

In contrast, the relationship between Ronald and Nancy Reagan was one of the greatest love stories in U.S. presidential history. The two were utterly devoted to each other, and Nancy was said to have been a key adviser and confidante during her husband's two-term presidency from 1981 to 1989. Though they were married 52 years, Nancy has told with great pain how her husband did not recognize her during the final years of his struggle with Alzheimer's disease.

Nancy, who was herself a Hollywood starlet in the 1940s and '50s, said it was virtually love at first sight when she met Mr. Reagan in 1949 when he was president of the Screen Actors' Guild. President Reagan left messages of love for his wife at the White House and wrote a constant stream of love letters; some were published in Nancy's book "I Love You, Ronnie," published in 2000. No matter where he was in the world, he made sure he wrote to his wife.

In 1983, on the 31st anniversary of their wedding, the President was on Air Force One when he wrote: "I more than love you, I'm not whole without you. You are life itself to me. When you are gone I'm waiting for you to return, so I can start living again."

At official engagements, including even his swearing-in, the couple sometimes embarrassed their staff by just gazing at each other. In her 1989 autobiography, Mrs. Reagan wrote: "Some of the reporters who wrote about me felt that our marriage was at least partly an act. But it wasn't, and it isn't." Finally, in 1998 she told Vanity Fair magazine: "Our relationship is very special. We were very much in love and still are. When I say my life began with Ronnie, well, it's true. It did. I can't imagine life without him."

CONCLUSION

Mr. Speaker, again, I support Mr. LEWIS'S resolution saluting a leader whose influence and positive legacy will live on with not only the American people but the entire international community. Thank you, Mr. President, and may you rest in peace. May your family find strength and courage through these very difficult days.

I conclude now by reciting some of President Reagan's spirited words to us as Americans:

> The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology.
>
> The challenge of statesmanship is to have the vision to dream of a better, safer world and the courage, persistence, and patience to turn that dream into reality.—March 8, 1985
>
> We have every right to dream heroic dreams. Those who say that we're in a time when there are no heroes, they just don't know where to look.—January 20, 1981
>
> We are the showcase of the future. And it is within our power to mold that future—this year and for decades to come. It can be as grand and as great as we make it. No crisis is beyond the capacity of our people to solve; no challenge too great.—January 5, 1974

Again, farewell, Mr. President. May your optimism live on.

Mr. LEWIS of California. Mr. Speaker, the eloquence of our colleagues from both sides of the aisle reflect the best of Ronald Reagan. His leadership indeed recognized that there was little partisanship when you were really working towards solving problems for America's people.

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, some of my first impressions of Ronald Reagan were back in the 1950s when I was yet in grammar school, and I observed him as he hosted the "General Electric Theater." And then again I remember him just after graduating from high school in 1964 when he campaigned and he spoke out for Barry Goldwater. Ronald Reagan stood for ideals that simply were not being expressed anyplace else.

The appropriately named Reagan Revolution was precisely that. He was one of the main reasons I ran for political office. In the late 1970s, we heard our leaders talk about lowering expectations and the good times are over and that our Nation is in a, quote, general malaise. This was mirrored in high inflation that reached 10 to 12 percent, unemployment rates that were over 10 percent or more, and a prime interest rate that reached as high as 21.5 percent.

But then in stepped Ronald Reagan saying America could do better and America would do better. When Ronald Reagan said it, you believed it. His vision of the shining city on the hill gave hope to countless millions of Americans. Back then I, as a small business owner who grew up on a ranch, the American dream appeared endangered by high taxes and big government. In California, property taxes were doubling and tripling. With Ronald Reagan, there was someone we could rally around. His hope, his direction, and his moral clarity gave us all renewed energy. Ronald Reagan had the great ability to say what so many of us were thinking, what we were thinking about our national budget, about our national defense, about taxes; and, yes, about a better America.

The first time I ever met Ronald Reagan was in 1980 when I was running for the State Assembly in California and I journeyed to Simi Valley to get my picture taken with him. I can remember growing up hearing my mother talking about President Franklin Roosevelt, how she would listen to President Roosevelt on the radio during the Great Depression and during World War II. President Roosevelt gave hope to her generation. Ronald Reagan was to my generation what FDR was to my parents.

In Congress I had the privilege to meet Ronald Reagan six or seven times. Just being around President Reagan was inspiring. He lit up the room. To those of us who believed strongly in the American dream, in traditional values and the Judeo-Christian faith, Ronald Reagan was indeed a shining light in the city when there seemed to be none. His spirit will live on in the hearts of Americans. He was truly one of our Nation's greatest Presidents.

Ronald Reagan, thank you, thank you, for all you have done for me. Thank you, thank you, for all you have done for our great Nation.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my friend from Texas for yielding me this time.

Mr. Speaker, I rise in joining my colleagues on both sides of the aisle in mourning the loss of President Reagan. I did not agree with the President on every issue, but there were three values that he exuded which I do share deeply: first, a respect for the democratic process and the building of consensus to move us forward and to make us safer; secondly, a fundamental belief in a strong military and a strong defense; and, third, as we have heard before, a boundless optimism about America's capacity and our potential and our role in making the world safe for democracy.

I never had the privilege of personally meeting President Reagan, but I did work here in Congress during his administration for a former Member of Congress, and I have a sense that even tonight, President Reagan and former Speaker Tip O'Neill are looking down upon this House with rather wry and proud smiles wishing us the best as we join together, as they join together to move our country not to the left, not to the right but forward, and they guide us not from the left, not from the right, they guide us from above.

Several months ago, I had the privilege of participating in an issues forum in New York with Ronald Reagan, Jr. Tonight my thoughts and prayers are with him and the entire Reagan family as they mourn the loss of a father and a husband and as America mourns the loss of a President.

Mr. LEWIS of California. Mr. Speaker, it is my privilege to yield 5 minutes to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, let me say at the outset I think it is extraordinarily appropriate that the gentleman, the former mayor of Simi, California, the home of the Ronald Reagan Library and what will be the final resting place for Nancy and Ronald Reagan, is presiding over this institution at this moment. I would also like to thank my friend, the true dean of our California congressional delegation, for yielding me this time.

A generation was inspired by Ronald Reagan is what we have been hearing, but it was really a generation and then some inspired by Ronald Reagan. The gentleman from California (Mr. LEWIS) heard Ronald Reagan's speech in behalf of Barry Goldwater in 1964. Two years later, Ronald Reagan was elected Governor of California, and 2 years after that the gentleman from California (Mr. LEWIS) was elected to the California State Assembly, serving 6 of the 8 years that Ronald Reagan was Governor of California. In fact, he is the only Republican Member here who did serve while Ronald Reagan was Governor of California. He went on to inspire many others. I am among them.

I was pleased this morning to be able to include in the RECORD very thoughtful remarks that were provided by a great American, George Shultz, who Sunday afternoon read his statement to me and I read it into the RECORD this morning, and I would like to commend it to my colleagues because it talks about the vision and the perspective that Ronald Reagan offered in a wide range of areas. Ronald Reagan made it very clear that the Republican Party is the party of ideas. We constantly hear about Ronald Reagan being the Great Communicator, but he had a message to communicate. Members on both sides of the aisle have talked about that message.

To me it embraced four very simple points: his commitment to a free economy, limited government, a strong national defense, and personal freedom. Those are the bases from which Ronald Reagan made his decisions on public policy issues, but he had those deeply rooted principles. And because they were so deeply rooted, he was able to communicate them extraordinarily well. Why? Because it came right from the heart. It came right from his heart.

We have heard a lot of very serious statements made about Ronald Reagan; but, of course, one of the most memorable things as people talked about his ability to communicate was his ability to communicate with that amazing sparkle, that twinkle in his eye. There were some wonderful things that he said that were able to, in fact, break the ice and really entertain all of us. Remember, it was Ronald Reagan who said, "Hard work never killed anybody, but I figured, why take the chance?" It was Ronald Reagan who after he had been hit by that bullet, right up Constitution here at the Washington Hilton when the statement was made to him shortly thereafter that the government was working as usual and he looked up and said, "Why would that make me happy?"

□ 2030

There was, of course, his last speech which really stuck with me. It was on February 3 of 1994, and the Republican National Committee was having a dinner over here at the Pension Building, and Ronald Reagan was obviously quite elderly then, and the speech was delivered literally months before he wrote his famous letter in November of that year to the American people stating that he had Alzheimer's. So when he stood up at this meeting, I remember that Bill Clinton had been elected President of the United States the year before, and we as Republicans were gathering, we were poised to win our majority, and Ronald Reagan stood up without a great deal of strength as he got up for this speech.

He stepped up to the lectern, and he looked out at the audience, and he said, "Well, I flew into town today to give this speech this evening, and as we came in, we circled the White House, and as I looked out the window, I looked down there, and there was everything just as I remembered it, the south lawn, the rose garden, David Gergen," who was at that moment working for President Bill Clinton. And we knew then that even though the President was obviously not in the most robust of health, that sparkle continued. He still had that amazing wonderful sense of humor.

I see my friend from San Diego Mr. Lowery here on the House floor. I was very pleased to, along with Bill Lowery and 51 others, be part of the Reagan Revolution. We came here to the House of Representatives, elected in November of 1980, and we made Ronald Reagan an honorary member of our class in 1980, and that is because he was leader of the revolution that brought all of us here and allowed us to vigorously pursue those goals that we shared in common.

We stand on his shoulders. George W. Bush stands on his shoulders. The similarities, to me, are so striking. The "ism" that Ronald Reagan stood up to was communism. The "ism" that George W. Bush is standing up to is terrorism. Ronald Reagan had broad, across-the-board tax cuts to stimulate economic growth. That is exactly what we have done. He did it in 1981. George W. Bush has started it in 2001. The party of ideas is strong and vibrant. It is doing extraordinarily well, and it is the vision that Ronald Reagan put forward.

And I thank my friend for taking this time, and I thank my colleagues on the other side of the aisle who are joining in this very important recognition of one of our Nation's greatest leaders.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is not just nostalgia that makes us remember President Ronald Reagan especially so fondly upon the occasion of his death. Politics, ideology, geography aside, there is a mark of leadership and charisma which undeniably stamps some men and women.

Ronald Reagan was one of those men whose leadership was felt by all who encountered him. When President Reagan first came to office, he quickly understood that enacting his economic agenda would require bipartisan support in Congress, which was under Democratic control, 242-192 and 1 absent. It took 52 bipartisan votes to enact anything, and President Reagan understood that.

I met with the President on several occasions as he sought to build that bipartisan coalition to pass his legislation. I met with President Reagan one on one in the Oval Office as well as in Air Force One, and for a second-termer in 1981 that was pretty tall cotton for a Jones County cotton farmer.

In 1981, I was just in my second term and was a member of the conservative Democratic forum better known as the Boll Weevils, the precursor to today's

Blue Dogs. In the very first month Reagan was in office, he had to pass into law an increase in the debt limit, and so he invited me to meet with him. Now, mind you, this was the first major piece of legislation of the Reagan administration. In the past, prior to President Reagan's being elected, Republicans had always opposed increasing the debt limit. Republicans had denounced Democrats for voting to increase the debt limit. So here was the first Republican President in many years coming to ask conservative Democrats for support in passing this very thing into law, something members of his own party had opposed on many occasions in the past.

We had a lengthy talk. The twinkle in the eye that many of those who had known him much better from California was there, and we finally struck a deal. We had an understanding that if the President could deliver 100 votes from Republicans, then we would do our best to deliver the necessary Democratic votes. President Reagan more than held up his end of the bargain. He ultimately delivered 150 Republican votes. So in the spirit of bipartisanship and on a very tough issue, Reagan successfully secured the votes he needed, from Democrats and Republicans, and got the increase in the debt limit, just as he and we needed it.

I was proud to have several opportunities to work with the President in the months and years ahead to build bipartisan coalitions, especially on his economic agenda. I still proudly display a picture in my home in Abilene, Texas, of President Reagan signing the 1981 tax bill. I got one of the pens and one I treasure.

Reagan had very strong principles and very strong values. We know what they were. But he also understood that in order to govern, it was important to find a middle ground. And I was lucky enough to be in the middle of many of those compromises.

One of his greatest strengths was his ability to communicate, a skill that he used to great effect when courting votes in Congress. His courting of Members of Congress was the best of any President I have served with, and I have now been privileged to serve with five. If the Members can imagine a second-termer sitting in the Roosevelt Room in the White House talking about some issues with the President's Cabinet members and others and having the President walk in unannounced and put his hands on his shoulder; some telephone calls that we had many times when there was a vote and the President had to work the phones like no President that I have seen since, rounding up the votes, and he was very effective at doing that.

President Reagan's private and public demeanor was the same. What one saw was what one got. That is the mark of a great leader.

Ronald Reagan was a very decent man, and he understood how he could use his office to make a difference in countless lives. This aspect of his personality was always very clear to me because it was this decency, this understanding of the power of the office that gave me the most rewarding opportunity I had to work with President Reagan.

The context was very personal. In May of 1983, I was contacted by the grandfather of Ashley Bailey, a baby girl in Abilene, Texas, who needed a liver transplant to survive. At that time organ donations and organ transplants were not as common as now, and the organ donation system was not organized to the extent it is today.

I spoke to President Reagan's folks about it to ask for his help in getting the baby girl a new liver. Shortly after receiving my letter, President Reagan used his weekly radio address to publicize Ashley's situation and encourage all Americans to fill out organ donor cards. He also called Ashley's mother, Annette.

Unfortunately, the President's plea did not result in finding a liver in time to save Baby Ashley, but it did end up saving the lives of dozens of other babies who needed liver transplants. President Reagan later started a national organ donor awareness program, which led to the designation of National Organ Donation Awareness Week every April. To this day I consider this one of the highlights of my 25 years in Congress.

Reagan knew how to disagree without being disagreeable, rise above politics, and these qualities, unfortunately, are rare today. President Reagan and House Speaker Tip O'Neill, the Massachusetts liberal, were good friends who got along very well during their years of service together. They never lost their philosophical convictions, and they never let those philosophical convictions hijack their understanding that America's democracy requires respect for all opinions and a practical determination to work out our differences for the good of the country.

President Reagan spoke of hope and a better tomorrow. He reminded us that we live in the greatest country in the world, and he made us believe it and believe in ourselves. He believed that we, as Americans, had a special duty to promote peace and freedom for the rest of the world. He always told us that for America. the best was yet to come.

It is good for all of us to remember Ronald Reagan's optimism, his kindheartedness, and his cordiality. As we remember this great man this week, it would do us good to remember how we should behave today and in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, on this second week of June, 17 years ago, President Ronald Reagan stood in the then-divided city of Berlin and called on Soviet President Mikhail Gorbachev to "tear down this wall." Then, as perhaps now, critics did what they so often do. They cast aside the genuineness of his statement and, in fact, said that his speech was a publicity ploy. The Soviets and East Germans called it an infringement of East German sovereignty, an unwarranted meddling by the American President.

Two years later the wall came down.

Mr. Speaker, President Reagan was a leader with the foresight and strong conviction to get things done. He believed in America so much that he made America believe in itself again. He valued freedom, especially for those who had none. He understood that for America to be great, it first had to be good. He understood that America's problems, the malaise of the years preceding his Presidency, were simply America's not understanding how great it was and how great it could be.

Mr. Speaker, I was just a soldier during the period leading up to Mr. Reagan's becoming President Reagan, but I was a businessman starting a business from scratch when President Reagan came to office, and I recognized overnight that this was a special time to be an American, a time when we had a President who was saying that an American hero was somebody who took chances, who made a difference for the world, but particularly somebody who cared enough to work those extra hours and to care enough about his country.

Ronald Reagan knew America. He knew what was right about our Nation. What was right about our Nation and what was right about America would set the world in a better direction. Ronald Reagan led America, and the rest of the world became a freer place. Under his leadership we headed toward more than 400 million people in 27 countries finding a freedom they did not have. Today the soldiers of some of those democracies now fight side by side in Iraq and Afghanistan.

President Reagan showed us that our freedom and our determination can tear down walls.

Many Speakers will come here tonight, and they will talk of how profoundly President Reagan affected them, and I would be no different, but perhaps I can be slightly different tonight by saying that the only way to honor President Reagan's legacy is to take it to the next step. Today we are trying to do that for people in the Arab and Muslim world, and we have not finished that job. Today Communist China still denies rights to the people of its own country and is attempting to stifle the freedom and independence of Hong Kong. Today Cuba, to our south, is still a Communist nation, having little or no respect for the rule of law and for its people.

All of these and more need to be part of the American struggle because, Mr. Speaker, only if we determine that America's greatness will be in our willingness to set a course for the world in a positive way, not to dominate, but, in fact, to liberate, I think that is the legacy that Mr. Reagan would want.

And if I can take a personal liberty on behalf of Mrs. Reagan, I believe that continuing to look for a cure to the terrible illness that plagued President Reagan for his last 10 years of life and promote and continue stem cell research consistent with what this body has passed would also be a tremendous addition to the Reagan legacy.

☐ 2045

I am determined to work for both of these, and I ask this body to take those steps to free those who were not freed under President Reagan, and to commit itself to the research to end the terrible illness that the Reagan family has suffered under for 10 long years.

Mr. LEWIS of California. Mr. Speaker, it is my privilege to yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from California for allowing me to mix in with the Californians tonight.

I think like most of us, we all have our own different, but very similar, inspirations from President Reagan. I first heard about Ronald Reagan probably around the dinner table when I was a kid when he was Governor of California and when he first decided to run for President. But I had grown up in an era that was pretty difficult. I grew up thinking assassinations were normal, remembering the assassinations of Martin Luther King and Robert Kennedy; that government corruption was normal, remembering Watergate; and that a failure of government to properly serve its people was normal. Very high inflation, for example.

But I remember also the things that my dad and my mom and my grandfather, who was an immigrant, told me about America. They were patriotic people. Ronald Reagan was a patriotic man. And I heard his message, and it resonated with me, because it was something that I had always heard at home, but, unfortunately, had not seen much in practice in government. I became interested, and, as I guess somewhat of a precocious seventh-grader, wrote an editorial in my middle school newspaper supporting Ronald Reagan for President. He did not win that time, but it was not because I did not try. But that legacy and what he stood for stuck with me.

My family paid attention. I was very fortunate. Our normal dinner conversation often dealt with politics. So when I turned 18 in 1980, Ronald Reagan was running for President, and I volunteered. I found out that politics is a means of achieving a greater good and could be respected. I was hooked. He showed for us the America that we all knew could exist. It was the America that my parents believed in. It was the America we knew we could get back.

Ronald Reagan said, it is not my intention to do away with government, it is rather to make it work. Make it work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it. It must foster productivity, not stifle it. Government is to walk with us. That is the most important thing, and it is important because it is the American dream.

After 10 years of volunteering on campaigns, and after Ronald Reagan was elected that first time, through law school, through the private practice of law, it led me to take part in the process in a big way, to dream big dreams, and to take some risks. So at 28 I ran for the State senate, unseated an incumbent, and had the opportunity to pursue the same dream.

Ronald Reagan said America is too great for small dreams. There are many of us here in Congress today who agree with him. Let us in government remember him and his legacy and act on that legacy.

Mr. LEWIS of California. Mr. Speaker, I could not feel more strongly than I do about the gentlewoman's remarks. Indeed, one of the wonderful things that has happened in recent years in the House is the advent of young women like this stepping up to the plate, running for Congress, and making a big difference in the People's House.

It is my honor, Mr. Speaker, to yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I came to the United States Congress in 1981, the same year President Reagan was sworn in as our President. I examined the brochures that he ran on and looked at the brochures that I ran on, and I found them to be almost identical: jobs and security, and jobs meant dignity; a strong military; a concern for the unborn; strong second amendment rights. All of those things we totally agreed upon. At that time I was a Democrat. I was a member of the Boll Weevils and the Conservative Democratic Forum.

We have heard others speak here before us tonight and know of the respect and admiration that we all had for President Reagan. I had the pleasure of going out to Camp David with him and spent times and hours, and had the opportunity for discussions, and we discussed everything from the problems of the day to his times in the movies. He was a good, down-to-Earth guy that you could talk to.

I just know that he knew of our needs. He knew that our military had atrophied away. He knew that we needed to have an injection there, and that United Airlines could employ one of our pilots the minute they graduated and had spent their time. He knew that the enlisted men, 35 percent of them were eligible for food stamps, and he knew something had to be done there. I think he is responsible for the strong position that we have, the strong financial position we have, the strong geopolitical position we have in the world.

I know that I have had a lot of occasions to visit with him. Jim Baker was in his Cabinet at that time, and Jim and I had been longtime friends when I was 10 years in the Texas Senate. I knew Jim Baker, Hines Baker, Rex Baker and all of his folks. That gave me access to President Reagan. George Bush, I had been a Navy pilot with George Bush. He was his Vice President, so I had access to the President, and I enjoyed that access, enjoyed visits with him over there.

One time I went in and the President said, Congressman HALL, what would it take to get you to vote for my budget cuts? I said, well, Mr. President, I have a brother that always wanted to be a Federal judge. He said, well, that should not be any problem. He turned to George Bush and he turned to Jim Baker and said, can you get one of Ralph's brothers, can you get him approved by the Senate and go through confirmation there? They said, I think we can. I said, well, wait just a minute, Mr. President; he is not a lawyer. And the President got a big kick out of that. He never really forgot that. Any time he would see me out in a group, he would come shake hands with me. But he liked me. Sometimes he really could not think of my name, but he would say, how is your brother. He liked my brother because he was not a lawyer.

I just think that this country is stronger today and this country is great today because of the gifts of Ronald Reagan, for the time he gave us, for the honesty that he brought to the office, for the common man background that he had, that he understood frailty of men and women and their need for help.

I am honored to have known him. I am very lucky to have been a friend of Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, we appreciate the comments of our colleague from Texas. I am reminded of that tragic day when Ronald Reagan, shortly after he became President in March of 1981, and the assassination attempt took place. As they rolled him on a gurney into the emergency room, he looked up and said to his wife, I guess I forgot to duck, honey. Ronald Reagan, a man who was always ready to try to calm down the other person and make sure they felt okay, our President.

Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from California (Chairman LEWIS) for yielding me this time and for undertaking this great opportunity to honor President Reagan.

Asked in 1980 what Americans saw in him, Ronald Reagan replied, "Would you laugh if I told you that I think maybe they see themselves?" Mr. Speaker, hardly would we laugh.

A few years ago I had an opportunity to visit Rancho del Cielo, President Reagan's beloved "Ranch in the Sky." The home reflects the man. It does not feel like a museum; quite the opposite, with Nancy's and his TV trays still standing by their respective recliners, both facing the old black-and-white television. It seems they have just gone out for an afternoon ride and will return at any moment.

At purchase the ranch was a mere 600 square feet. Reagan labored diligently with his own hands to remodel and expand it. Even so, the only grand thing about it is the natural surroundings. Asked once to explain the ranch's almost magnetic appeal for him, Reagan replied with a quote from Psalms: "I look to the hills from whence cometh my strength."

Mikhail Gorbachev, Margaret Thatcher, and Queen Elizabeth were among the notables that he hosted there. Gorbachev is said to have been disappointed by the humble ranch, knowing the lavish palaces of European leaders. However, it is fitting that the place at which Reagan felt most at ease disarmed the world's dignitaries.

He always related best with the common man, yet he was far from ordinary. To the contrary, he lived an extraordinary life which had a profound impact on the landscape of our Nation and the greater span of human history.

He left us on the eve of the 60th anniversary of the D-Day liberation, and almost 20 years ago to the day of one of his most beloved speeches on the cliffs overlooking the beaches of Normandy. Looking out at faces wizened by time, calling them the "boys of Point du Hoc," Reagan offered a compelling picture of how these young men, freedom's army, struck a death knell to the nazism and fascism which had a stranglehold on formerly-free Europe.

He extended this same moral clarity to the great conflict of his day, possessing a steadfast commitment not just to containing communism, but to transcend it, and transcend it he did.

Bursting on the national political scene during the 1964 Presidential campaign with his now famed "A Time For Choosing" speech, he spoke to a divided and searching Nation: "You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us, we justified our brief moment here. We did all that could be done."

These words reflected his eternal optimism not just in America, this great experiment in self-governance, but in Americans.

In 1979, we were in the throes of a nationwide recession, the Soviets had invaded Afghanistan, and the hostage crisis in Iran dominated the nightly news. Yet Reagan saw us as a "shining city on a hill," the hope of the world.

Reflecting on his death, may we find consolation in his own words spoken to a grieving Nation in the wake of the *Challenger* disaster, whose crew perished on his watch. They, and now he, has "slipped the surly bonds of Earth to touch the face of God."

In his farewell address from the Oval Office, a place where he refused to remove his suit jacket out of a humble respect for the post he held, Reagan described how he envisioned the shining city he had invoked countless times. He went on to observe this of his time in office: "We weren't just marking time. We made a difference. We made the city stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all."

"Not bad" reflects the modesty of the man, but not the magnitude of his accomplishments. In rebuilding the military and facing down the tyranny, of communism, calling the Soviet Union the evil empire that it was, and calling on President Gorbachev, calling upon him to tear down the Berlin Wall, in restoring our faith in the free enterprise system through cutting taxes and encouraging innovation, and, most importantly, in raising our spirits, he made us proud to be Americans.

☐ 2100

He set this Nation on a new course that still inspires us today. We have a right to dream great dreams, he said, because after all, we are Americans. Yes, Mr. President, we do see ourselves in you. We still dream great dreams of freedom and opportunity around the world. And I am honored to pay tribute tonight to President Reagan, the greatest President of the last century.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, tonight, certainly, our prayers go out to Nancy Reagan and to the Reagan family. And in the true spirit of the character that has been exemplified over and over by those that have known President Reagan tonight, I yield the balance of my time to my classmate and the gentleman from California (Mr. LEWIS) to use in whatever manner he might see fit tonight.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I very much appreciate my colleague from Texas joining with us in this discussion this evening of perhaps America's greatest President, Ronald Reagan. In his words, Ronald Reagan said, "Some argue that we should encourage democratic change and right-wing dictatorships but not in communist regimes. Well," he said, "to accept this preposterous notion, as some well-meaning people have, is to invite the argument that once countries achieve a nuclear capability, they should be allowed an undisturbed reign of terror over their own citizens. We reject this, of course."

As Ronald Reagan rebuilt America, his defense budget designed to restrengthen our country's ability to defend itself, he stared down the Evil Empire and negotiated a nuclear arms treaty with Gorbachev. As two enemies became close friends, think of that, two enemies became close friends, Gorbachev was heard to say, Who would have thought it.

Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I was a young intern in 1984. I had been through medical school and college and had not really followed politics much, but I was rotating through the cardiologist service. And I remember asking one of our attendees who he was going to vote for in the 1984 election. Ronald Reagan was running against Walter Mondale. He said he was voting for Ronald Reagan because he had a wife and three kids at home and the tax cuts that Reagan had put through were putting about $200 a month more in his pocket. And it was just making it easier for him to take care of his family.

I had not followed politics much, but I was very much impressed by Rick Monsor's comments and began to read more and more about the policies of Ronald Reagan. And over time I came to realize, like millions of other Americans, that his economic policies had been reducing taxes on Americans, actually had precipitated a great economic recovery. It had resulted in a doubling of revenue into the Federal Treasury, a dramatic reduction in unemployment. It was essentially the right economic policy. And it is an economic policy that we still follow to this day.

Of course, Ronald Reagan is most well known for ending the Cold War, precipitating the break up of the Soviet Union, and allowing millions of people in Eastern Europe to taste freedom, freedom of speech, freedom of religion, freedom of assembly for the first time in their lives. Millions of people besides those of us here in America were positively affected by the policies of Ronald Reagan.

But what is most dear to my heart about Ronald Reagan was his indefatigable optimism, belief in the power of

American ingenuity, the American spirit, the can-do attitude. At the time that he took office, we were facing, as many of us know, terrible problems with inflation and a declining economy and as well our defenses were in decline. It was not only his policies that moved us in a positive direction but his attitudes and beliefs that lifted our Nation and helped us to move on to better things.

And he once said the following, "Whatever else history may say about me when I'm gone, I hope it will record that I appealed to your best hopes, not your worst fears; to your confidence rather than your doubts. My dream is that you will travel the road ahead with liberty's lamp guiding your steps and opportunity's arm steadying your way."

President Reagan, your desire has become a reality. You did appeal to our best hopes and not our worst fears. And your confidence in us is leading us in the right direction today. We salute your great accomplishments.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, earlier today I joined my colleagues in voting for a resolution expressing the profound regret and sorrow of the House of Representatives on the death of Ronald W. Reagan, former President of the United States of America. I did not cast that vote as one Member of this, the people's House, nor as a Congressperson for 654,000 New Yorkers who it is my privilege to represent here in our Nation's capital. Rather, that vote reflected the profound regret and sorrow felt far beyond the borders of one district, one State, one Nation.

It is illustrative of the sincere sentiment of a world community in collective mourning. President Reagan was so much more than a head of state. He was an inspiration to all whose lives he touched, not just by his words, which reached across the great divides that separate people, but by his deeds which always sought to bring people together in common cause.

The President's noble achievements, and there were so many, have been and will continue to be chronicled by historians for time immemorial.

So many of my colleagues who preceded and those who will follow have been and will be eloquent in their tributes to the lasting legacy of this great man, and deservedly so. For my part, I simply want to add a listing of the words which come immediately to mind when recalling President Reagan: words like integrity, conviction, honor, faith, grace, dignity, friendship, humor, values, honest, humble. The list of positives in the life of this man of principle and character is endless.

To President Reagan and his beloved partner, Nancy, who was always at his side and in his heart, I am but one of so many who say a heart felt thank you for leading by example and serving so many so well for so long. You will always be an inspiration and you will always be in our thoughts and prayers.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I was driving down to Corpus Christi last Saturday afternoon with my wife, Terry, and her daughter Lindsey and her cousin Jackie and Terry's family for a brief family vacation when my staffer Andy Black called me on the telephone and said, Have you heard the news that President Reagan died this afternoon? And I said no, I have not heard that, but we immediately switched on the radio; and sure enough, there was a news bulletin from California that President Reagan had passed away.

And so as we continued to drive down to Corpus, I began to reminisce about the President. My mind went back to the late 1970s when this country was mired in recession and interest rates were sky high and we had hostages in Iran and there was a spirit of pessimism that America could not be great anymore. And Governor Reagan came out of California and announced for the Presidency and said that there was hope, that not only could we be great again, but we would be great again. And that inspired me to campaign for him to be President of the United States in the 1980 election.

And the night that he won in November of 1980, I dusted off an old White House Fellows application and changed the date and signed it and mailed it in. White House Fellows is a program that takes young men and women from all over the country and puts them in positions to observe the workings of the Federal Government either in the White House or in the Cabinet agencies. The year that I applied there were about 1,600 applications, and I was fortunate enough to be one of like 15 or 16 that got selected.

I worked in the Department of Energy as a White House Fellow for Secretary of Energy James P. Edwards. The spring of 1982 the Secretary called me into his office and said, Joe, I am going over to the White House this afternoon for a Cabinet meeting. Would you like to go with me? I said, Mr. Secretary I would love to go with you. He said, There is one thing: you cannot say anything. You can only sit in the back of the room and listen. So I said, I promise.

So we went over to the White House, and they walked us into the Cabinet room, and I was seated directly behind Vice President Bush, who was seated directly across from President Reagan. The President came in from the Oval Office and shook hands with his Cabinet, and he reached over and got a handful of jelly beans out of a jar in the middle of the cabinet table and ate the jelly beans and asked if anybody wanted them.

Then he said, Gentlemen, what is the agenda for the day? And a Cabinet Secretary said it is the Caribbean Basin initiative and what to do about sugar quotas. The Secretary of Agriculture Jack Block raised his hand, he said, Mr. President, you have tasked me to try to help the American farmers and we are doing the best that we can, but sugar prices are low in the world market. And I think it would be disastrous for American farmers if you let more sugar into our country. And the President said, Thank you, Mr. Secretary.

Then the Secretary of State, I think it was General Haig, raised his hand and said, Mr. President, I am the Secretary of State and you have tasked me with creating this Caribbean initiative to help the emerging democracies in the Caribbean. Their largest export crop is sugar. It would really help my job as Secretary of State if you allowed more sugar to come into the United States. And the President said, Thank you, Mr. Secretary.

He said, Is there any other discussion? The rest of the Cabinet just sat there. The President said, Well, what we ought to do is take American wheat and Caribbean sugar and create cookies and create a cookie export, cookies for peace program maybe, to the Third World. The Cabinet chuckled about that; but he said, Really, I have heard what is best for the State Department and I have heard what is best for the Agriculture Department, now I want you gentlemen to tell me what is best for America. And there were no cameras and he really said that.

And I just was absolutely inspired when he said it. I was sitting directly across from him behind Vice President Bush. Of course, I had been told I could not say anything, but when the President said that, Gentlemen tell me what is best for America, it kind of jumped out from me, I said, Right. That is why I voted for you. And, of course, the Secretary of Energy was aghast that I had said something. But the President looked over and he looked around the Vice President, he looked at me with a twinkle in his eye, did not say anything, he just smiled. And I knew then that that is why the American people trusted him, because he wanted to do whatever the issue was, what was right for America.

So when I finished my White House Fellows program, I went back to Texas. And in 1984, John Tower announced that he was not going to run for the U.S. Senate, and Congressman Phil Gramm of the 6th district announced that he was going to run for the Senate and Joe Barton announced that he was going to run for the 6th district as a Republican. Because I wanted to be a part of the Reagan revolution in Washington.

I was very fortunate that I got elected that year. I primarily got elected because my entire campaign was Reagan-Gramm-Barton. And when people went to vote for President Reagan and Senator Gramm, they also voted for me.

So now as a senior member of the majority in the House of Representatives, I simply hope that I can do what little I can to help foster the Reagan vision for America, which is always do what is right for America.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding his time back, and now we know why he is chairman of the Committee on Energy and Commerce.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak this evening.

As we observe the news, we have commentators rushing to give an assessment of the legacy of Ronald Reagan. Conservative commentators will credit him with the fall of the former Soviet Union, new approaches to the economy, especially with tax cutting strategies. And, in large measure, the rise of today's Republican Party can trace its roots to his leadership. His was a strong voice for the conservative perspective from corporate spokesperson to the governorship of our country's largest State, to two terms as our President.

□ 2115

There were, of course, areas of policy disagreement, some of which I had strong feelings about. There were also areas of mistakes, blunders for which President Reagan characteristically and clearly assumed personal responsibility.

Balanced commentary will spotlight his pragmatic approaches as Governor and President; his ability to reach across party lines, to listen, to work, to add a human touch. There was his willingness to protect the economy and work with moderates, for instance, in both parties, even to the point of significant tax increases when he was faced with spiraling budget deficits and felt that it was important for our country.

I personally am content for history and the passage of time to sharpen the focus and place his entire career in perspective, but I am thinking this evening of how he became a leader and a symbol in his last years as he made a stark admission that he suffered from Alzheimer's disease. His wife Nancy became a champion in this great struggle to help lead the fight against Alzheimer's.

At a time when there are some who would put ideology ahead of meeting the needs of victims and families, Nancy Reagan stood tall and spoke out forcefully on the needs and benefits of stem cell research. Because of the affection for President Reagan and the strength of Nancy Reagan, millions will someday be spared this suffering.

My personal memory of President Reagan will be dominated by his almost magic ability to reach out and touch the American people. Along with Franklin Roosevelt and John Kennedy, Ronald Reagan stands out as someone who could truly communicate with the American people. Would that the American public today would be able to hear his calm, confident, friendly voice.

He has earned our respect and our thanks. The American people send their condolences and best wishes to Mrs. Reagan and the entire family.

Mr. LEWIS of California. Mr. Speaker, it is my honor to yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), my favorite coach.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for providing so many of us with this opportunity.

I would like to express my appreciation to President Reagan for his adherence to principle rather than to expediency; for standing firm against America's enemies when so many urged containment and conciliation; for displaying a sense of humor when events were grim; for being decent when indecency was so common; for realizing that an offensive strategy is superior to defense when confronted by grave danger; for restoring a troubled economy by putting more resources in the people's hands and less in the government's hands; for promoting optimism when many were discouraged; for his capacity to disagree without being disagreeable; for his willingness to reach out to members of both parties in uniting, rather than dividing, this country; for showing kindness in the face of hostility; for communicating so clearly with words from his own heart and mind, written by his own hands; for inspiring courage in others through his own courage; and finally, for displaying trust in God, rather than human institutions, through an unwavering faith in God's sovereignty and mercy.

Mr. LEWIS of California. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I am humble to be one of the many Americans from all across our Nation who are paying tribute to President Ronald Reagan this week.

Members of Congress, including myself, came to this floor in February to celebrate President Reagan's 93rd birthday, but it is with a sad heart tonight that we come to the floor of the House of Representatives to eulogize one of our greatest Presidents.

It was appropriate that Ronald Reagan, a small-town American from Dixon, Illinois, would make a career and a home in California, would represent the very best of American life. As Governor of California, President Reagan became adept at representing the diverse nature of our country and cared deeply for all Americans.

As he is laid to rest, Ronald Reagan's legacy for America will carry on eternally in the annals of history. Not since Lincoln and Roosevelt has one man touched the core of what it means to be an American: Through unity and strength, we can achieve peace; and through self-determination, responsibility and character, we can live the American dream.

Ronald Reagan restored faith in America during one of our darkest hours of self-doubt. He gave us hope and promise when we needed it most. Reagan's true legacy is the restoration of the dream that is America. Even with his passing, Reagan's sense of hope and strength lives on.

As someone who has been inspired by his leadership and courage in the face of the evil empire of the Soviet Union, I deeply thank President Reagan for restoring our Nation's confidence and our hope.

God bless you, Ronald Reagan, and may God continue to bless the America whose spirit of eternal optimism you helped renew.

Mr. LEWIS of California. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me the time.

On an October evening in 1975, before he announced that he would seek the Republican nomination for President, Ronald Reagan addressed the 20th birthday celebration of The National Review. It was an uplifting and humorous speech until the end, when he somberly quoted Whittaker Chambers. Two decades earlier, Chambers had written, "It is idle to talk of preventing the wreck of Western civilization, it is already a wreck from within. That is why we can do little more now than snatch a fingernail of a saint from the wrack, or a handful of ashes from the fagots, and bury them secretly in a flower pot against that day, ages hence, when a few men begin again to dare to believe that there once was something else, that something else is thinkable, and need some evidence of what it was, and the fortifying knowledge that there were those who, at the great nightfall, took loving thought to preserve the tokens of hope and truth."

Chambers spent 13 years in the service of the Soviet Union as a spy. He always believed that the world was engaged in a battle between the two great religions, communism and freedom. He believed that communism could not survive in a world where people believed in a higher power. Freedom, on the other hand, could not survive in a world where people did not. A nascent faith took hold in Chambers, and in 1937 he left communism for freedom. As he did so, he told his wife that he feared they were moving to the losing side.

This is what Ronald Reagan was thinking of in October of 1975. Communism was ascendant, and free people were losing their confidence, becoming fearful and timid of the future, and over the following 4 years, the Soviet Union increased its influence in 14 sovereign nations around the globe.

I was privileged to travel in his campaign plane in 1976 when he was in the Southeast, and in several meetings thereafter, with large numbers of people or small numbers of people, he always spoke less than anyone else in the room, enjoyed watching others have it out, and indeed, the next day he may not have remembered the name of everyone in the room, but he never forgot who he was. He never forgot who he was.

Michael Deaver tells a wonderful story about walking on a street with Ronald Reagan in 1978. By this time, he was easily recognized. A fellow kept inching close to him on the street wanting to say hello. Reagan saw him, looked over, reached out his hand and said hello. The man said, "May I have your autograph, Mr. Milland?" Reagan wrote Ray Milland on his paper and walked on. Michael Deaver said, "Why didn't you tell him who you were?" Reagan said, "I know who I am. He wanted to meet Ray Milland."

That was pure Ronald Reagan. He was not interested in making sure a stranger knew of his importance. He cared about making this one stranger happy.

Four years later he was President. He faced a military where one-third of our fleet was in dry dock, one-third of our planes could not fly for lack of spare parts. Our soldiers were practicing with pretend bullets. The economy had a 21 percent interest rate and a 14 percent inflation rate, and we were in trouble.

On January 20, 1981, President Reagan addressed these challenges and then said this: " . . . together, with God's help, we can and will resolve the problems which now confront us.

"And, after all, why shouldn't we believe that? We are Americans."

Over the next 8 years, his economic policies took an economy from $2.5 trillion to $5 trillion. Revenues to the Federal Treasury went from $519 billion to $1.054 trillion. We created 20 million new jobs, and on the foreign front Reagan was the first President since 1917 to ignore the bureaucracy and speak truth to evil. Eight years later the evil empire was crumbling, and the Cold War was over.

I always thought that the biggest missed opportunity of the past 60 years was to not have celebrated the end of the Cold War. Ronald Reagan deserved that, and now he takes his leave.

It has been a very difficult decade for Mrs. Reagan and the family, but for those of us who love freedom, we remember a man who dared to believe that there once was something else, that something else was thinkable. He gave us evidence of what it was in the fortifying knowledge that he would be there at the great nightfall to take loving thought to preserve the tokens of hope and truth, and he was there. Not a bad final act for a B actor from Dixon, not bad at all.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I would like to thank the gentleman from California (Mr. LEWIS) for his leadership tonight to pay tribute to the Gipper, President Ronald Reagan.

Mr. Speaker, the world is grieving this week over the loss of a true American hero, President Ronald Wilson Reagan. Words cannot describe the admiration and respect that I have for this great man. He led a revolution for free enterprise, for victory of democracy over communism and for national political realignment.

For many Americans in mourning, including myself, Ronald Reagan was not just a good President, he was our President. He defined the honor and dignity of the office of the Presidency, and he lifted the spirit of a Nation with his hope and joyfulness that sprang from an abiding faith in God and deeply held belief in the American dream.

I am grateful to have lived the Reagan revolution as a foot soldier promoting his vision of a dynamic economy, creating jobs through tax cuts and free markets, his support of America's military to achieve success in liberating millions by victory in the Cold War, and his transformation of developing the Republican Party which today holds the majority of State legislative seats across America for the first time since 1952. He reinvigorated the Republican Party with optimism and vision.

He entered office during a time of doubt and despair and malaise, with the economy sputtering in a looming Cold War that threatened our families. With these seemingly insurmountable problems he faced, many critics underestimated the former California Governor. Yet President Reagan brought with him his conservative principles of individual freedom, limited government, personal responsibility, and peace through strength. He also brought an optimism that America's greatest days were ahead of us.

Proving all of his detractors wrong, President Reagan won the Cold War, spurred the economy to robust growth and restored our national confidence and patriotism. As author and former Presidential staffer Peter Robinson said recently, "Ronald Reagan was great, because Ronald Reagan was right."

His straightforward speeches began to change minds across America, and many became Reagan Democrats. Today in my home State, Republicans hold most statewide offices, a complete turnaround that has occurred throughout the South thanks to the leadership of Ronald Reagan.

He started a revolution where in 1980 Republicans in South Carolina held only 16 seats in the statehouse, and now there is a Republican supermajority of 76 out of 124 members. In the State senate, Republicans soared from three members in 1980 to now a supermajority of 27 of 46 members.

For 2 years I was honored to work in the Reagan administration as Deputy General Counsel to the Secretary of Energy Jim Edwards. I am a proud Reagan alumni association member, and in 1990, because of his efforts to win the Cold War and bring freedom to the oppressed people of the Soviet Union, I was asked by former Republican National Committee Chairman Lee Atwater to observe the first democratic elections in Bulgaria.

I saw firsthand the Reagan legacy of peace and freedom, as Central and Eastern Europe rose from the ashes of communism to become strong democracies and American allies. The people I have met over the years from Bratislava, Slovakia, to Novosibirsk, Russia, regard President Reagan as their own hero, a man who was unafraid to tell the truth about the evil empire.

While we mourn his passing, President Ronald Reagan will never be forgotten. Children will read for centuries to come about the "Happy Warrior" who helped liberate tens of millions from totalitarian communism and restored America's position in the world as "the shining city on a hill."

□ 2130

Democracy is more widespread today in the world than any time in history due to President Reagan's success of peace through strength.

We cannot help but be reminded of his legacy as America faces similar battles today against the oppression of terrorism, and his critics deride our President, much as they did President Reagan 20 years ago. America is under attack because we are a symbol of liberty in the world, and we must meet this challenge with the same courage and conviction that Ronald Reagan had.

As he said in the 1964 Goldwater campaign in what has simply become known as "the speech" and was earlier referenced by Chairman Lewis, "You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on earth, or we will sentence them to take the last step into a thousand years of darkness."

May God bless the Reagan family, God bless our troops, and may God continue to bless America.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from South Carolina (Mr. WILSON) very much for those very eloquent comments. I am reminded of the fact that in very simple form, Ronald Reagan challenged the world on behalf of liberty, on behalf of peace. He had this remarkable relationship that developed over time with Mikhail Gorbachev. After he described the Evil Empire in straightforward terms, they began to communicate as leaders of two great countries. Indeed, together over time they reduced the nuclear threat by coming to agreement with one another.

It has been said earlier, but let me repeat the words of Ronald Reagan: "Mr. Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek the liberalization, come here to this gate, open this gate. Mr. Gorbachev, tear down this wall."

And indeed, within a couple of years, that wall came down. The East-West confrontation began to thaw; and between these two leaders, the world has seen a different kind of opportunity for peace. Today we face the challenge that involves the war on terrorism; and, indeed, that struggle is bound to last for years to come. It was the legacy of Ronald Reagan that laid the foundation for America to best be prepared to defend itself for liberty and for freedom.

Mr. Speaker, it is my privilege to yield 5 minutes to my colleague, the gentleman from California (Mr. CALVERT).

The SPEAKER pro tempore (Mr. BURGESS). The gentleman from California has 2 minutes remaining of his original time.

Mr. LEWIS of California. Mr. Speaker, pursuant to the order of the House today and as the designee of the majority leader, I request an additional hour of debate on the resolution.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) is recognized for 30 minutes.

The gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

Mr. CALVERT. Mr. Speaker, I thank my good friend from California, our dean, Chairman Lewis, our able chairman of the Subcommittee on Defense, for yielding me this time.

Mr. Speaker, I rise today to pay tribute to one of the greatest Presidents in the history of our Nation, Ronald Wilson Reagan, the 40th President of the United States.

He was a leader when our country needed it most, at a time when many Americans, including myself, had found ourselves disaffected by politics. His optimism gave our Nation the confidence and motivation to resume its place as a world leader.

I well remember the 1970s after President Nixon's resignation and the pessimism that followed, when many Americans disassociated themselves from public service. Ronald Reagan came onto the Presidential scene and reminded us that the "best was yet to come," that we are not to blame for the world's problems; and yet, as a great Nation, we had a place of responsibility and a role to play.

President Reagan believed, as our Declaration of Independence states, all men are created equal, that they are endowed by their creator with certain unalienable rights, life, liberty and the pursuit of happiness. Additionally, he knew better than most that strength comes from within, from the people. Therefore, first and foremost, Reagan used his first term as President to bring these rights back to Americans starting with what was then known as Reaganomics.

He sought to restore America to the people by giving them back control of their pocketbooks. Uncle Sam was put on a diet of lower taxes, sound money and fewer regulations, allowing us the benefits of hard work. By the time that Reagan left office, only two income brackets existed, with a top rate of 28 percent, compared to the 14 income brackets, with the top rate of 70 percent, that existed when he took office. Additionally, government was scaled back and red tape eliminated, allowing Americans to take care of themselves. As Reagan was apt to say, "Government is not the solution to our problem; government is the problem."

He saw the rebuilding of America's military. After years of low morale and interest in the armed services, President Reagan made a return to the pre-Vietnam days of faith and professional appeal in our military. As Commander in Chief, he oversaw the largest peacetime buildup of military spending in history, leading to the collapse of the Soviet Union and the end of the Cold War. His revolutionary policies regarding investment in military technology, good training, and pay laid the foundation for a strong military that later claimed victory in Operation Desert Storm and continues to protect our national security well into the 21st century and, now, in the war on terror.

Ronald Reagan lived a life worth living. He saw both the birth and death of Communism. He won the hearts of Americans and world leaders. How? He believed in peace through strength, and he lived his convictions based on experience, intuition, and love of life.

I will end with one of my favorite quotes: "Above all, we must realize that no arsenal, no weapon in the arsenal of the world is so formidable as the will and moral courage of free men and women."

Thank you, President Reagan. May God bless you and your family, and may God bless America.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding me this time, and I join my colleagues tonight and rise in tribute to a great man, President Ronald Reagan.

In 1980, I turned 18, and the first person I ever voted for was Ronald Reagan. With that vote, the world changed. It changed because President Reagan clearly understood that the greatest strength of this Nation is the American people. He believed in us so much that he inspired us to believe in ourselves.

And in his typical humble fashion, during his last speech from the Oval Office, he said, "I wasn't a great communicator, but I communicated great things, and they didn't spring full bloom from my brow; they came from the heart of a great Nation."

Mr. Speaker, President Reagan captured the hearts of the American people and he unleashed the power, the hope, and the optimism that comes with a sincere understanding and love of freedom and democracy. President Reagan changed the world by simply reminding us all of exactly who we are. He inspired us to become the Nation we were all along. He always saw the shining city on the hill, and he gave us the vision to see it with him.

Although we deeply mourn his passing, Ronald Reagan's life was a gift to the world, a gift that will never be forgotten by all who love freedom and the shining example he gave us.

Thank you, Mr. President, and God bless Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, first let me thank my dear friend and colleague, the gentleman from California (Mr. LEWIS), for his leadership tonight in honoring such a wonderful man. President Ronald Reagan was a good man who became a great President. His leadership has inspired me throughout my career in public service, as I am sure Reagan inspired many folks presently serving in the public arena.

One of my favorite Ronald Reagan quotes comes from his 1986 State of the Union address, and I quote: "Government growing beyond our consent had become a lumbering giant, slamming shut the gates of opportunity, threatening to crush the very roots of our freedom. What brought America back? The American people brought us back, with quiet courage and common sense; with undying faith that in this Nation under God the future will be ours, for the future belongs to the free."

That is one of my favorite Reagan quotes for a number of reasons. First, it addresses one of the main reasons I switched parties. Like President Reagan, I began my career not as a Republican but as a Democrat; and, like Reagan, I switched parties because I felt that "big government was slamming shut the gates of opportunity, threatening to crush the very roots of our freedom."

Ronald Reagan's conservative principles, put into successful action, changed our Nation's attitude on the role of government and personal responsibility. Without President Reagan, there would not have been a bipartisan effort to reform welfare and end that vicious cycle of government dependency.

The other thing I like about this quote is that it reveals so much about the character of Ronald Reagan: his unbridled optimism, his belief in the American people, and his humbleness. He was too humble to take sole credit for the United States' return to greatness, even though had his measures failed he would have assumed the blame. Instead, he gave the credit to the American people, because he believed in the American people.

One of his favorite quotes was: "There is no limit to what you can accomplish if you don't care who gets the credit." And he lived that quote on a daily basis.

One of the other things I admired about Ronald Reagan was his steadfast determination to stand up to communist aggression. Even though he knew such a determined view may not be popular, he never backed away from his firm belief that communism was wrong. In 1982, speaking before the British Parliament, Reagan said, and I quote: "It is the Soviet Union that runs against the tide of history. It is the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history, as it has left other tyrannies which stifle the freedom and muzzle self-expression of the people."

No truer words have been spoken. I believed it then, and I believe it now. We all saw Reagan's words validated when the Soviet Union fell apart shortly after President Reagan left office.

Finally, even when facing a devastating diagnosis, President Reagan still delivered the news with his typical optimism for America and his belief for the American people. On November 5, 1994, he wrote a letter to the American people announcing that he had Alzheimer's disease: "In closing, let me thank you, the American people, for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead."

I do believe that the United States does face a bright dawn. And President Reagan and his leadership can take a large part of the credit for that fact. While I am saddened that President Reagan is no longer with us, I rejoice knowing that he has met his maker, and his maker is looking him in the eye and saying, President Reagan, the Gipper, you are a good and faithful servant.

He is now in a far better place. He is looking down on the country and the people that he loved. May God bless and protect America and the vision that was Ronald Reagan's for us and our future; that the freedom belong to the free.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services, and I understand that somewhere in the building his son and his son's bride are wandering around. His son, Sam, was not born when the gentleman came to these Chambers, so because of family relations and otherwise, I now yield to him.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) for yielding me this time, and I want to thank my great friend also for not only helping to preside over this special tribute, but for everything that he did in helping to lead the California delegation to be a source of strength for President Reagan when he put forth those monumental changes in the direction of our government.

I have listened to his statements and just now to the statement of the gentleman from North Carolina (Mr. HAYES), and many others, in talking about this wonderful American, Ronald Reagan; and I thought I might just touch on a couple of the things he did in the way of national security.

We have short memories, Mr. Speaker; and President Reagan was not always popular, especially with the media and often with our European allies. I can remember in the 1980s, when he responded to the Soviet Union's ringing Western Europe with the SS–20 missiles and he started to move those Persian missiles and ground launch cruise missiles into Europe to offset the Soviet strength of their strategic programs and their intermediate range ballistic missiles that they were moving in. And there were massive demonstrations against Ronald Reagan and against those who supported him in Europe and lots of sniping by the press in this country.

□ 2145

And yet because of that strength and because he rebuilt national security, the Russians at one point, especially after the Reykjavik summit when he refused to give up the Strategic Defense Initiative, that is missile defense, the right of Americans to defend themselves against incoming ballistic missiles, after he did that, there was lots of hand-wringing among the elite media and lots of our European allies who said, there it goes, the last chance for peace, and lo and behold, the Russians picked up the phone and said, can we talk?

Ronald Reagan at that point started to negotiate with the Soviet Union, and not just to negotiate a peace, but to negotiate the disassembly of the Soviet empire, the tear-down of the Soviet empire, which is manifest today in numerous free states where once there was one state ruled by tyranny.

Mr. Speaker, I remember the gentleman from California (Mr. LEWIS) was present as one of our senior members, and the gentleman from California (Mr. HERGER) had not been elected yet, along with the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. DREIER), and Bob Lagomarsino, and John Rousselot, and Chip Pashayan, and my colleague Bill Lowery, and Bobby Fever, new Republicans who had come in in the Reagan win of 1980, and the President invited us to Blair House. The President invited us to Blair House even while President Carter was still in the White House. We were standing in the foyer, celebrated this victory of our Commander-in-Chief-to-be because he had not been sworn in yet, and the President-elect came down the stairs, and he talked to us about being up on his ranch in Santa Barbara and killing an especially big rattlesnake the day before while he was cutting brush. We had a great time talking with the President-elect. After a while he said, I am tired, I am going to go upstairs and hit the hay. He said, you guys turn off the lights when you leave. He went right upstairs; we continued to have a good time. That represented that western hospitality, that great charm that Ronald Reagan had that brought so many people, attracted so many people, even people of very different political persuasion.

My son Sam was not even born in those days when we first came in. I remember the picture of the cowboy that the President drew for my other son Duncan, who is now a United States marine and deployed overseas.

I think the one thing that this President sold in boatloads was inspiration. He was great at inspiration. He realized a little secret, and that is this country runs on inspiration. Whether it is the markets or the economy or people deciding whether or not they are going to join the uniformed services, inspiration is the fuel that this country runs on, and that is something that Ronald Reagan had an endless supply of.

He was tough during the tough times. You have to have good endurance to be a good President, and he had great endurance. He was able to handle the difficult times, the times when he was not real popular, and outlast his critics. It has been kind of fun in the last couple of days to watch people who criticized him very severely to seem now to remember that he was not such a bad guy after all. Not only was he not such a bad guy, but he brought this country together as a family. He was, of course, the head of the family.

It is a time for us to mourn this President, but also to celebrate his great life and the big piece of this life that he gave to our Nation. I will never forget when I was first running for Congress, I was practicing law on behalf of a barbershop on the waterfront in San Diego. My dad came in and said, you can be a Member of Congress. He said, Ronald Reagan is running. He is going to run on a platform of national defense and jobs, and in San Diego that is the same thing. I said, what do I need to start running? He said, we need one thing; you need a picture with Ronald Reagan, and we are going to go up and get it, and we went up and got it in L.A. That launched my foray into politics. So many of us won that year who had no chance of winning because we were riding along with a guy named Ronald Reagan.

Let us take a message and a lesson from this great American and proceed ahead with optimism and with dedication to the idea that you get peace through strength. That was a trademark of Ronald Reagan's foreign policy. I think we are following it with this President. I think we need to stay the course and stay steady.

Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) for letting me say a few things.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California (Mr. HUNTER) reminds me of another time when Ronald Reagan was trying to bring together Republicans to form a majority. It was 1969, and there was a majority for approximately 2 years in the California lower house for the assembly, and Ronald Reagan was then Governor of California. He came into this room, and there were 41 members of the new majority sitting there in front of him. He is sitting at a table in front of us, his legs dangling from the table, he has argyle socks on.

He said, I was trying to think about what I should say to you all. We have not had a majority before. We have to govern, he said, and he said, it is possible from time to time we may disagree with each other as we go about making decisions on public policy.

As I was thinking about what to say to you, I was reminded of my father-in-law, who is a dentist. It seems he had this fellow sitting in the chair, and the guy had an abscessed tooth which had to come out. And my father-in-law began to put this needle in his jaw. About that time my father-in-law felt kind of a groping at the lower part of his abdomen. He looked down startled, and the fellow looked back up and said, we are not going to hurt each other, are we, Doc?

For those who knew Ronald Reagan, he would get just to the edge of color, but nonetheless, he knew how to make a point to bring people together in a very special way; a man never to be forgotten, recognizing how important it is that we work together.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, this week millions of Americans and people around the globe mourn the loss of one of our Nation's greatest heroes, Ronald Reagan. From the time that he took the oath of office until he left the White House, few American Presidents ever enjoyed the popularity, support and love that Ronald Reagan engendered. He developed a special bond with the American people, and one can see from the tremendous outpouring of sympathy and support across our great Nation that that special bond still endures today.

More than any other person, President Reagan is responsible for winning the Cold War. He engaged his Communist adversaries in the battle of ideas and achieved victory by winning the war for the hearts and minds of people. In his heart he knew these people. He knew the Bulgarian student who was never allowed to read Thomas Jefferson. He knew the East German mother who wanted a better life for her children. He knew the Polish factory worker who longed to be free of Soviet subjugation.

One 65-year-old Czech who lived under the Soviet regime said, "For us, Reagan was important because we knew he was really anti-Communist, emotionally anti-Communist. For us, he was a symbol of the United States' genuine determination to bring communism to an end."

A Romanian man who was recently interviewed struggled to find the words to describe President Reagan's legacy, and then he simply said, "It is due to him that we are free."

Thanks to Ronald Reagan's determined leadership, untold millions were liberated from Communist tyranny and from the palpable fear of nuclear annihilation.

America was fortunate to have Ronald Reagan. At a time when our country needed a hero, Ronald Reagan was able to rekindle the American spirit. He inspired us with his powerful words and unwavering optimism. He had a steadfast belief in the goodness of America. No amount of pessimism, strife or tragedy could discourage that thinking or blur his vision of America as a "shining city on a hill."

I was one of perhaps hundreds of thousands of people that had the privilege to shake the hand of the former President, look him in the eyes and thank him for all he did for America. Frankly, next to my marriage and the birth of my children, it was one of the most profound moments in my life. An earlier generation was inspired to public service by Barry Goldwater. Many in my generation were inspired to serve by Ronald Reagan.

A woman in Santa Monica recently stated, "When I think of him, I think of America. What is that saying, American, like Mom and apple pie. He should be in that, too, because he represented what this country is all about."

President Reagan was what this country is all about. He believed in the American dream. He believed in the power of free men and free markets. He championed less government, lower taxes and lifting regulation. He believed in our country's ability to produce boundless possibilities and limitless opportunity. His policies ushered in a new age of entrepreneurship and innovation, and led to one of the greatest economic expansions in our Nation's history.

We believed in President Reagan because he believed in us. He always saw the best in us, and he never stopped believing in the decency and ingenuity of the American people. He believed deeply in the strength of democracy and never lost hope of America realizing its "rendezvous with destiny."

Our Nation will deeply miss Ronald Reagan. Undoubtedly future generations of Americans will remember him among the pantheon of America's great leaders, among the names of Washington, Jefferson and Lincoln, but there will never be another President Reagan.

Let us remember his words the way he wished to be remembered: "Whatever else history may say about me when I am gone, I hope it will record that I appealed to your best hopes, not your worst fears, to your confidence rather than your doubts. My dream is that you will travel the road ahead with liberty's lamp guiding your steps and opportunity's arm steadying your way."

Mr. Speaker, today should serve more than just a memorial, it should serve as a reminder. As President Reagan also said, "There is much work before us. Not easy tasks perhaps, but I would remind you, they are not impossible, because after all, we are Americans," and perhaps none more so than Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), Ronald Reagan's home State.

Mrs. BIGGERT. Mr. Speaker, unlike many other Members of this body, I never had the great privilege of serving with Ronald Reagan. When President Reagan was elected in 1980, I was raising my four children and running a law practice out of my home in Hinsdale, Illinois. Back then I did not follow world events or political developments like I do now. In those days, it was all I could do to keep up with kids' soccer games, make it to the school board meetings on time, and ensure that I did not miss a court deadline for an important client.

This week, like most Americans, I revel in the stories that my colleagues and others who knew him well have recounted about their special moments with our 40th President. Like most Americans, I cannot get enough of Ronald Reagan.

What strikes me as I think back through the years of those Reagan times of the 1980s are two very important things. They are the things that he said that touched my life and my interests as a busy mother and a died-in-the-wool Republican.

First is what later became known as the Reagan 11th commandment. Ronald Reagan said, and practiced this principle, "Speak no ill of a fellow Republican."

Second was the Reagan rule for success: "There is no limit to the good a man can do in this world if he does not care who gets the credit."

Mr. Speaker, tonight my thoughts and prayers go out to the Reagan family. It is true I never met him, but they will never know how much his words, his deeds and his common sense have influenced and will continue to positively affect the generations of leaders that will follow him.

□ 2200

Mr. LEWIS of California. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Mississippi (Mr. WICKER), a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. WICKER. I thank the gentleman for yielding me this time, and I thank him for controlling the time tonight and affording us the opportunity even at this hour to pay tribute.

Mr. Speaker, I too rise and join so many of my colleagues on both sides of the aisle in paying tribute to Ronald Wilson Reagan, the 40th President of the United States. I agree with so much of what has been said here today and throughout the Nation in the past few days about the incredible legacy of Ronald Reagan and what he left to America and to the world. Ronald Reagan will always be larger than life to millions of people around the world who were freed from the shackles of Communism because he stood firm against what he so correctly called the Evil Empire. Ronald Reagan's determination and leadership forced an end to the Cold War. His philosophy of cutting taxes and easing Federal regulations brought about one of the largest periods of economic growth in American history. And his eternal optimism and hope for a brighter day lifted the spirits of a Nation.

Much has been said about Ronald Reagan's charisma, quick wit and ability to put people at ease. He was also blessed with a great asset for anyone in public life, a sense of timing. Whether it was one of his famous one-liners or the ability to do just the right thing at the right time, he always seemed to disarm a tough national press corps or defuse a difficult political issue.

Mr. Speaker, I had the privilege of witnessing an example of his instinctive timing and humor in 1980 in Mississippi when then-candidate Ronald Reagan and his wife, Nancy, came to the Neshoba County Fair in Philadelphia, Mississippi. The Neshoba County Fair is called Mississippi's largest house party and has been the premier gathering for political speeches during the hot Mississippi summers for more than a century. Ronald Reagan's visit was the first ever by a Presidential candidate to this most celebrated political event in my home State.

One of the issues that had surfaced in Mr. Reagan's Presidential campaign was the question of his age. He was 69 years old. Some questioned whether he might be too old for the job. At the Neshoba County Fair an incident occurred which could have potentially exaggerated the issue of his age. After Mr. Reagan's speech, a local craftsman, Gary Harkins of Mississippi, presented Mr. Reagan with a rocking chair. I am sure some of the candidate's advisers and staff were horrified to think of the prospect that the one image coming from this appearance was a picture of the 69-year-old former Governor sitting in a rocking chair. But without hesitation, Ronald Reagan sat down in the chair, grabbed his wife, Nancy, by the hand and pulled her onto his lap. They appeared at that moment to be the very picture of vitality and energy. The widely distributed photograph and film footage which followed went around the Nation and nobody seeing that image thought Ronald Reagan was too old to be President.

Mr. Reagan's quick thinking probably boosted his candidacy and dispelled doubts in the minds of some voters. The incident also changed the life of Greg Harkins, the craftsman who made the rocking chair and whose fledgling business was energized by his short encounter on the national stage. Mr. Harkins soon began receiving hundreds of requests for chairs from across the Nation and around the world. His business is still going strong today nearly 25 years later, and Ronald Reagan provided the spark for that little bit of business success. Harkins was quoted recently as saying, "What they did was give me a foothold on something that I can be able to carry on for the rest of my life."

Mr. Harkins represents just one small example of how Ronald Reagan touched the lives of people in ways that are hard to quantify. We may not know all of their names or their unique stories, but his fellow citizens gained inspiration from Ronald Reagan's leadership and his attitude that it really was "morning in America."

Whether it was a young American answering a call to public service or becoming involved in the growing conservative movement or simply taking the initiative to exercise their rights and register to vote for the first time, Ronald Reagan energized many Americans to action. They followed him because they trusted this man of principled beliefs and because he captured their imagination, and they simply liked him.

Ronald Reagan, some people said, would be limited because he was only an actor. He was perhaps the best example of an actor turned politician; but he ended up being the real thing, the true article, the genuine American; and, Mr. Speaker, I believe he will be recorded as being the greatest President of our time.

Mr. LEWIS of California. Mr. Speaker, before I proceed any further, pursuant to the order of the House of today and as the designee of the majority leader, I request an additional hour of debate on the resolution.

The SPEAKER pro tempore (Mr. BURGESS). The gentleman is recognized for 30 minutes.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, first I want to thank the gentleman from California for allowing me a couple of minutes during this period of tribute. The death of President Reagan reminded Americans and many around the world of the achievements of his 8 years in office. A significant part of his legacy is that he helped the United States to feel good about itself again and the tax cuts that he advocated in the early 1980s stimulated the economic boom that lasted until the end of the century.

History may well show that President Reagan's greatest accomplishment was reestablishing our military strength and bringing about the collapse of the Soviet Union, which had been the principal adversary of the free world in the Cold War that had raged since the close of World War II. The strengthened military was the one that waged Desert Storm successfully and laid the foundation for the United States military that is leading the war on terrorism. President Reagan rekindled the American spirit and patriotic fervor in this country. We shall never forget the grace and style with which President and Mrs. Reagan represented America. Our country will always remember Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for taking the leadership tonight. The previous speaker, the gentleman from Virginia (Mr. GOODE), myself, and President Reagan all shared one thing in common as many do in this House and that is we used to be Democrats and we are Republicans. That brings me to what I want to share tonight, which is the change in the political landscape brought about by the life and service of Ronald Wilson Reagan; but I want to start by saying that I believe, and I think this honors his memory, that neither party has an exclusive on integrity or ideas, neither party always has it right or always has it wrong and the two-party system continues to serve our country extremely well.

I am proud of the first half of my life when I was a Democrat and proud of the second half of my life as a Republican, but the story in my life as a Southern conservative Democrat goes way back generations. My father's great great grandfather, Enoch Alldredge, served in the 19th century in the Alabama General Assembly for in excess of 40 years. My mother's great uncle Reuben Alldridge served in the 20th century in the Alabama General Assembly for a number of years, both very prominent political figures from the northern part of Alabama, all as Democrats. So I grew up honestly as a Southern conservative Democrat.

As a matter of fact, my first real memory of it all as a young person was watching my parents be involved in local campaigns and then, in the fall of 1976, going to Woolen Gym at the University of North Carolina at Chapel Hill as a 19-year-old freshman and voting for Jimmy Carter as President of the United States and then having my parents attend the inaugural in Washington here with Franklin and Emmy Haney, two of the biggest Democrats in the State of Tennessee and being proud that my parents were here and saluting the new President, Jimmy Carter.

But the years that followed in my formative years certainly gave me an opportunity and hope when I saw Ronald Reagan. I saw the malaise we were in. Let me say that Jimmy Carter has proven what a fine and outstanding man he is over these last 24 years since leaving office. It was a low point in our country's history, but he is a good and decent man; and frankly I will stand by that vote as a Democrat at that time, but over those next 4 years at the University of North Carolina, we saw a real low in our country's history and then all of a sudden there was a new day in 1980, and it seemed like someone came from the West and actually kind of showed us the hope and opportunity that you heard repeated on this floor over and over and over again.

I can remember as the campaign generated momentum in 1980 at UNC, my fraternity, the Sigma Nu house, got real energized about the campaign and by the convention when they had that strong conservative Governor from the West team up with maybe the best person on paper that had run in 100 years, George Herbert Walker Bush. It was like that did it. That sealed the deal. What a great team. And on election night in the fall of 1980 we loaded up in cars from UNC. It was Lee Ives and Tom Nesbit and Tony Floyd and Allen Miller and Lyn Thornburg and a group of us, and we drove to Washington, D.C. and we were here that night in 1980 when Ronald Reagan was elected President of the United States.

I was a Southern conservative Democrat who became a Republican. Our entire family shifted from our party identification over the hope, the opportunity, the fresh start that Ronald Reagan brought to the political process. That changed the political landscape in the United States of America, and it moved our country from what was more left of center to slightly right of center.

The Founding Fathers did not want things to change dramatically. This is like a big ship of state. If you turn it one degree, you arrive at a different destination. The country went from being left of center to right of center over the leadership, the strength and what I would say is the constancy of Ronald Reagan. He stood for something, and he simply articulated to this country what he stood for, and he never wavered. When people elect a President, they want a strong leader that can make a decision, that will stand his ground. When the wind blows, he stands firm. Ronald Reagan did that.

That is why the 8 years is a legacy beyond measure. As the previous speaker said, in our lifetime, the model, the great leader is Ronald Reagan. I salute him. He made a Republican out of me, and I have been in the House of Representatives as a Republican elected official for 10 years. I ran once and lost to get here, and I am proud of the whole story. I am very typical of a lot of Southern boll weevil conservatives that believed in that simple limited government, personal responsibility, traditional values, strong national defense, lower taxes, take care of yourself and your family first and your extended family, look to the government last, but do it with a smile on your face and love in your heart. He is like a father, a big brother, a great leader who we could trust and have confidence in. Today we remember a truly great American President, Ronald Wilson Reagan.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Tennessee, I must say, reminds me a bit of my own youth, for I was raised in a family where my father was a Republican, my mother was a Democrat. I was somewhat confused. But the gentleman reminds me of another thing. I remember as a student at UCLA having the chance to participate in a pre-Peace Corps people-to-people program. I was headed with a group of 11 other students on our way to India to talk about freedom and hope and opportunity.

During that time, I was really confused myself. Would I become a member of one of our great parties, the Democratic Party, or would I become a member of the Republican Party? It was amazing what that summer did. I made that decision for myself in the summer in India. Why? Because one of our great parties was of the view that maybe individuals in our society needed a little help, maybe individual people could not do it for themselves and government was a requirement. It was another of the great parties that thought the individual was critical, made a difference in our future, and if you apply your spirit, your talent, your energy within that party, the survival of the individual was the key. That is how I made my decision. The gentleman from Tennessee reminded me a lot of that tonight. It is a pleasure to be with him.

Mr. Speaker, it is my pleasure to yield such time as she may consume to my dear friend, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I am tempted to begin by saying that I come to honor the life of Ronald Reagan; but the truth is nothing I can say, nothing anyone can say can speak more loudly than Reagan's own achievements do. His legacy will endure and his memory will remain.

☐ 2215

Many leaders have changed history. Ronald Reagan changed the future. How soon we forget the environment he inherited in 1981, double-digit inflation, high interest rates at home, and Soviet aggression combined with American malaise abroad. Yet through his conviction, his courage, and his commitment, Ronald Reagan changed the Nation and the world.

The story of Ronald Reagan is the story of America. He was an ordinary man who led a most extraordinary life. Born in poverty, Reagan rose to the greatest political office in the world. Along the way he did not merely argue for American values, he lived them. His determination was matched only by his decency, his leadership equaled only by his love of country.

He was a great President who was also a good man, and he was a man so unlike any other in politics. Politics is filled with people who go with the flow, change with the times, and exchange principles for polls. These politicians are like tugboats, pushed back and forth by the waves. Not Reagan. He was like a battleship, always moving forward in its destination, always certain of victory.

Though he has now left us, his impact never will. Every time we see a free person in a foreign land vote in a democratic election, Ronald Reagan is there. Every time we see a new job created through innovation and creativity, Ronald Reagan is there. And every time we see an American taking pride in his country, Ronald Reagan is there.

Ultimately we mourn for ourselves, not for Reagan, for his life was one of victory. Like few other leaders in history, he lived to see his vision vindicated. Just as he had predicted, he saw communism repudiated and freedom spread across the globe.

Ronald Reagan always knew who he was and what he believed. He knew why America was great and why America must lead. We recognize tonight his achievements and his legacy, but also let us also remember his style and his self-deprecating humor. We give him the credit he did not seek or think important.

At the end of his Presidency, Reagan was asked if he objected to all the favorable press coverage that Mikhail Gorbachev got. "Good Lord, no," Reagan responded. "I co-starred with Errol Flynn once."

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, tonight it is my deepest heart-felt honor to remember and to celebrate the life of Ronald Wilson Reagan. President Reagan was a man of unfettered principle. He was not afraid to do what was right. And not only was he not afraid, he was tenaciously committed to doing only that that he thought was right in his own heart.

Mr. Speaker, President Reagan warned us all to beware of the temptation to ignore the facts of history and the "aggressive impulses of any evil empire, to simply call the arms race a giant misunderstanding and thereby remove ourselves from the struggle between right and wrong, good and evil." Mr. Reagan understood that some things were worth fighting, even dying, for, and he was resolute about them in his heart.

President Reagan made us all believe that America still had what it takes to be victorious, to rise above and out of difficult circumstances, and to face devastating challenges. He said, "Every promise, every opportunity, is still golden in this land. And through that golden door, our children walk into tomorrow with the knowledge that no one can be denied the promise that is America. Her heart is full, her future bright. She has arms big enough to comfort and strong enough to support." By the grace of God, those words are still true today.

Mr. Speaker, President Reagan on so many occasions simply shared his wisdom and experience with us. He stated that "the future does not belong to the fainthearted; it belongs to the brave." I believe he would want us to continue to make this Nation great by preserving its goodness. He would want us to continue in the struggle between right and wrong and good and evil.

Mr. Speaker, Ronald Reagan's life was a transformed one, one that reflected the light from within, and he shared that light with all of us in the brightness and warmth of his smile and in his grace and good humor.

Mr. Reagan said this of his Savior: "He promised there will never be a dark night that does not end, and by dying for us, Jesus showed how far our love should be ready to go: all the way." Ronald Reagan's dark nights on this Earth have ended, and he is at this moment in the presence of his precious Savior. And now for Mr. Reagan each day has a bright new dawn and a shining sunset, and while he was here, he went all the way. And, Mr. Speaker, if he could speak to us one last time, I truly believe that he would tell us the same message that he told us so many times before when he said, you and I have a rendezvous with destiny. We can preserve this, the last best hope of mankind on Earth, for our children, or we can sentence them to take that very last step into a thousand years of darkness. If we do fail, at least let our children and our children's children say of us that we justified our brief moment here. We did all that could be done.

Thank you, Mr. President, for your life, and thank you for reminding us all of our rendezvous with destiny.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for yielding me this time.

It is an amazing thing to join our colleagues tonight and to thank President Reagan and his family for their decades of service. And as I have listened to our colleagues tonight, I thought about the first time I had the opportunity to see and hear President Reagan, and this was back in the early 1970s, and he had come into Jackson, Mississippi, for a Republican Party event. And I attended that event with my parents and was absolutely amazed at several things as I listened to and watched Ronald Reagan. It was his warmth, his ability to communicate, the way he used simple words for a very strong message, one that really showed his principle and his commitment in those still convictions that never ever wavered.

And one of the things that really impressed me was that this was a man who really loved America. He loved everything that America stood for. And I think that it is fitting that we have a world that stands in awe today as they look back and they remember those commitments in and accomplishments.

Mr. Speaker, I had the opportunity to return today with some of my colleagues from being in Normandy to celebrate and to commemorate the 60th anniversary of D-Day and the fight for freedom that was so important to our allies and also to our Nation, and to have an opportunity to share with so many of those individuals their love of President Ronald Reagan. And I think they all saw in him something that we appreciated and maybe could not always put into words. But he promised a renewal of American spirit for us, and by sheer willpower, he made that happen. And I think, yes, that he believed in us more than we believed in ourselves as he became the President of this great country, and he taught us how to enact that belief.

He also taught us that tax relief would make our economy boom, and that indeed happened with an unprecedented economic expansion. He also showed us how one could say, I am not going to hide behind diplomatic platitudes, and I am not going to allow the Soviet Union to slowly eat away at the West. He simply communicated the truth about communism and exposed it for what it was: a cruel system built by thugs and murderers.

And President Reagan truly was the quintessential American hero, the small-town boy with the can-do attitude who set out with a dream and ended up changing the world. He had courage, he had wisdom, and he believed in the best that there was with America. God bless, Ronald Reagan. He was a true American original.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from the days I knew Ronald Reagan as Governor, and he was a key leader who sponsored early development of child care in our State, recognizing the importance of quality daycare in terms of the future of America's children, the environmental governor who saved Lake Tahoe, to the days that I had a chance to watch him rebuild America's strength by building our defense, he always was straightforward, candid with the American people.

And not so long ago he was heard to say: "In closing let me thank you, the American people, for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, whenever that may be, I will leave with the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead."

God bless you, Ronald Reagan. To Nancy and their family, all of us share with you our prayers for our great President, Ronald Wilson Reagan.

Mr. SAXTON. Mr. Speaker, I rise today to support this resolution, a fitting tribute to a personal hero of mine, the fortieth President of these great United States, President Ronald Wilson Reagan.

Mr. Speaker, President Reagan was and is today the personification of all that is good in America. All that knew him have commented on the eternal optimism he exuded, much like the hope America presents to the rest of the world.

He was a beacon of light for freedom and for freedom loving people everywhere. The fact is that today there are not hundreds, not thousands, but millions of people in the world who live in freedom, and these people are free because of the leadership of President Ronald Reagan. He had a vision that set this nation down a path of greatness that historians shall look back on as a vital turning point for not only this country, but indeed the world as well.

There is an old military axiom that there are no bad battalions only bad leaders. As a corollary, I propose that there are no great nations, only great leaders.

President Reagan was indeed one of this country's greatest leaders. During the eight years he was President, he turned this country around militarily, economically and diplomatically. And as a result, he stands with many of the great leaders of our country's past—like George Washington, Abraham Lincoln, Franklin Roosevelt, and Dwight D. Eisenhower.

What he left most importantly was a legacy of optimism and a restored faith in the American presidency. In 1984, the year I was elected to Congress, President Reagan said while speaking to students at Fudan University in Shanghai, China, "We're an optimistic people. Like you, we inherited a vast land of endless skies, tall mountains, rich fields, and open prairies. It made us see the possibilities in everything. It made us hopeful." He made us hopeful even in the face of adversity.

Who can forget that cold, grim day the hours after the *Challenger* disaster, when our nation was stunned and weeping? He comforted us with a poem:

"We will never forget them, nor the last time we saw them this morning, as they prepared for their journey, and waved goodbye, and slipped the surly bonds of earth to touch the face of God."

And today, we as American people, are comforted for it is most certain that as he heads on his final journey, we wave goodbye to our fortieth President and he "slips the surly bonds of earth to touch the face of God." Well done, Mr. President. I will miss you and America will miss you, but we will never forget you.

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to Ronald Reagan—a beloved President who changed America and the world.

I first want to express my deepest condolences to Former First Lady Nancy Reagan and the Reagan family. An entire nation shares your sadness over the loss of our former President; a man of humble beginnings who rose to capture our hearts and minds, our hopes, and our aspirations.

Ronald Reagan embodied the spirit of what it means to be an American. As much as he was a leader of the people, he was also a product of the people, which helped him to relate with people from all different backgrounds. He was born to a working family in a small rural town, and brought up to respect traditional values such as family, hard work, God and country. Blessed with an unmistakably entrepreneurial spirit, he set out to pursue the American Dream.

Ronald Reagan lived through and endured tremendous economic hardship during the Great Depression. Despite these challenges, he put himself through college by earning a scholarship, washing dishes, waiting tables, all while sending some of his earnings home to his parents to help support his family. His strong character was forged by hard work.

Driven by the belief that all people should be able to live freely, Ronald Reagan joined the American people and the world community to rally against the tyrannical oppression of the Axis powers and to defeat Nazism in Europe. United behind the many brave soldiers fighting for freedom in Europe and the Pacific, Ronald Reagan volunteered his talents to create instructional videos critical to the training of Army recruits during World War II. A staunch defender of freedom and democracy, Ronald Reagan would, after the defeat of the Axis powers, turn his attention to vanquishing from the world another threat to liberty: Communism.

Ronald Reagan began his political ascendancy in 1966 during his campaign for Governor of California. He would go on to win the first of two terms as California's governor before reaching the White House in 1980. His conservatism appealed to many across political and cultural lines. We will always remember his optimism and confidence in America's future.

From "sea to shining sea," President Reagan, recognized the importance and value of every individual and every community to our country's strength. On two separate occasions, President Reagan visited Guam, America's most distant Territory. On these occasions, I had the honor of hosting President Reagan as First Lady of Guam along with my husband Governor Ricky Bordallo, experiences I remember fondly. Donning "islandwear" rather than more formal business attire, President Reagan was approachable and personable and put those around him at ease. His charm and grace left a lasting impression on those he came into contact with. He was as genuine and real in person as he was behind the podium or in front of the camera.

He recognized the importance of Guam in promoting American values in the region, calling our island "America's flagship in the western Pacific." President Reagan declared: "It's said that it's here on Guam each morning that the Sun first casts its rays upon the Stars and Stripes. Well, my friends, I can't think of a more beautiful way for America's day to begin." While these words are recorded in history, it is the grace and sincerity with which he delivered those words that are remembered by the people of Guam.

The outpouring of love and affection President Reagan has received from family, friends and the entire American family is a testament to his life and all of those he touched. Through courage, clarity and compassion, he led the people of this great nation and the entire world from the perils of the Cold War to the hope of liberty, freedom and dignity. His spirit will continue to live in the hearts and minds of all of us for whom he dedicated his life of public service. The advent of freedom in the former Soviet Bloc and the spread of democracy throughout the world will forever be linked to his famous challenge, "Mr. Gorbachev, tear down this wall!" On behalf of myself and the people of Guam, I want to say "Adios, esta ki." Goodbye until we meet again.

Mr. GREEN of Texas. Mr. Speaker, Americans and people across the world respect and admire Ronald Reagan. My greatest admiration is for his steadfast opposition to communist threats to our national security and the security of our allies.

Many credit Ronald Reagan for winning the Cold War, a bipartisan war begun under President Truman and lasting forty-five years under bipartisan U.S. governments. When President Reagan spoke out against the evils of communism, as he often did, he spoke out for all Americans: Republican, Democratic, and Independent.

In this long running struggle, President Reagan excelled by working with America's strong belief in freedom and our patriotic love for our country.

He was instrumental in keeping the nation united against the threat that Soviet communism posed to our national security, an important and difficult task after the domestic and foreign policy conflicts of the 1960s and 1970s.

President Reagan's ability to lead a united America, during eight years of bipartisan government is conclusive proof that he was a natural leader who knew to treat all Americans with dignity and respect. The sincerity of his patriotism and his beliefs were crucial for uniting America against the threats of communism. Any American leader could learn from him.

Reagan was also inspiring for an America hit by tragedy. His underlying faith in America and Americans shone through in a powerful speech after the *Challenger* tragedy.

He made it clear, when directly addressing the millions of American schoolchildren who had watched the disaster, that tragedy was a painful setback, but was no reversal. The President said on January 28, 1986: "The future doesn't belong to the fainthearted; it belongs to the brave. The *Challenger* crew was pulling us into the future, and we'll continue to follow them." That also applies today.

By bringing America to common terms during international tyranny and national tragedy reinforced the strong, shared goals of the American people: to live in freedom, to excel in technology, and the belief in something larger than ourselves.

Today we mourn the passing of an American giant.

Mr. HOLDEN. Mr. Speaker, this weekend marked the passing of one of the most influential Presidents of our era. Our thoughts and prayers are with his wife, Nancy, and his children at this difficult time.

President Reagan was an American icon. No matter what your politics, he had a special way of making every citizen feel good about their country. He made us proud to be Americans. He will be forever remembered for his warmth and the respect he accorded others.

Even when he disagreed with those who did not share his political philosophy, President Reagan lived by the noble ideal that at the end of the day, partisanship ended and we are all fellow Americans and friends. He taught us that there is a big difference between strong beliefs and bitter partisanship.

President Reagan is credited with many great accomplishments, not the least of which is ending the Cold War. In spite of all he achieved, he once said that the greatest leader is not the one who does great things—it is the one who gets the people to do the greatest things. Ronald Reagan's glass was always half full. His optimism, his patriotism and his sense of duty inspired several generations of Americans to do great things.

In life, President Reagan enjoyed the affection of a grateful nation. We all join together to mourn the passing of this great American.

Mr. BACA. Mr. Speaker, I rise to honor the life of Ronald Reagan, 40th President of the United States. I am proud to be a cosponsor of Congressman LEWIS' resolution. Today, Republicans and Democrats alike honor in unity the life of a man who left a permanent mark on the history of our nation and the world.

Today we praise the life and accomplishments of the Great Communicator, and we give our condolences to Nancy, and the entire Reagan family. President Ronald Reagan was a man who meant much to all free peoples in the world through his many noble accomplishments. President Reagan's policies, many of which I disagreed with, were nevertheless motivated by a commitment to preserve and enhance our nation's greatness. I remain firm in my admiration of this great leader whose intellectual integrity was always unquestioned.

As the oldest serving president in American history, President Reagan was an inspiration for seniors. He showed us that youthfulness can be found in people of all ages, and that life does not expire at 65. When President Reagan was diagnosed with Alzheimer's disease, he brought awareness and understanding to an illness that is too often ignored.

President Reagan will be remembered for his dedication to the American dream. Although many Americans may have disagreed with his policies, they were still inspired by his enthusiasm and optimism.

President Reagan should be remembered not just for his role in Washington, but for his hard work in the State of California as well. As Governor of California for eight years, he led the state with dedication and commitment to his convictions. As an actor, he provided us with entertainment in over 50 motion pictures.

On behalf of myself, the residents of the 43rd Congressional District in California, and a grateful world that is safer and freer, I pay homage to President Ronald Reagan—leader, statesman, actor, father, husband and American hero.

And now, let's make this resolution "one for the Gipper."

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to honor a man who I believe to be the greatest President of the 20th Century.

President Ronald Reagan succeeded in defeating the most powerful and dangerous military empire in the history of humanity, without firing a single shot. Reagan knew instinctively that, despite the imperfections inherent in every human enterprise, the United States of America represents good and communism represents evil.

President Reagan never wavered in his conviction that freedom is the birthright of all mankind. His firm belief that freedom is the inalienable right of all people changed the world, and is his most enduring legacy. However he also realized the liberties we hold sacred must be constantly protected against the forces of tyranny and oppression. President Reagan proved that when one fights for justice, for human rights, and for the liberty of those suffering under repression, one must persevere in spite of the strength of the opposition and the apparent magnitude of the obstacles one must confront.

The enemies of the United States never forgave him for his firmness, for his character, for his faith in the people of the United States and in the cause of liberty. Even in his death they continue to attack him. This hatred is evidenced by the declaration made by the tyrannical regime in Havana yesterday, "He, who never should have been born, has died." That monstrous statement illustrates the ultimate evil of the tyrant who has enslaved the Cuban people for over 45 years. President Reagan knew that Castro, and every Communist tyranny, represents the antithesis of liberty, freedom and human dignity.

At home, Ronald Reagan forever changed the political landscape of America. He was a union leader. In fact, he was the only president in the history of the United States to have been a union leader. He was also at first a member of the Democratic Party, having campaigned for Franklin Roosevelt and Harry Truman. However, ideas and times change. When he became a Republican at the age of 52, he convinced millions of members of his former party that the superior ideas and the better reforms of our age belonged to the Republican Party. Inspired by his leadership and his example, my brother, Congressman MARIO DIAZ-BALART and I proudly became Republicans.

May Ronald Wilson Reagan, apostle of freedom, democracy and human rights, rest in peace.

Mr. ISSA. Mr. Speaker, on this second week of June, 17 years ago, President Ronald Reagan stood in the then divided city of Berlin, and called on Soviet leader Mikhail Gorbachev to, "tear down this wall." President Reagan's critics at home called his speech a publicity ploy. The Soviets and East Germans called it an infringement of East German sovereignty—unwarranted meddling by the American President. Two years later, the wall came down.

President Reagan was a leader with foresight and strong conviction. He believed in America—then he made America believe in itself again. He valued freedom—so he brought it to those who had none.

Through wise policies, force of will, and a kind demeanor, President Reagan conveyed strength and determination alongside reason and optimism to America and those who yearned for freedom behind the Iron Curtain. He never doubted what America could do—and he wouldn't let us doubt ourselves. When tragedy struck, he told us to move forward—and we listened.

Ronald Regan knew America. He knew what was right about our Nation, what was right for our Nation, and what America could set right in the world. Ronald Reagan led America and the rest of the free world against communism. When his work was finished, the free world had expanded by over 400 million people in 27 countries.

Today, soldiers from these new democracies fight side by side with Americans against the new enemies of freedom in Iraq and Afghanistan. President Reagan showed us that freedom can tear down walls. He reaffirmed for us that America is a force for good in the world, and that our proudest achievements will never come without criticism or sacrifice.

I never had the opportunity to meet Ronald Reagan, but knew him, like most Americans, as someone who had faith in our ability to achieve great things for ourselves and the world.

Mr. Speaker, history will remember Ronald Reagan for bringing freedom to more people throughout the world than has ever been done before. The America and the world Ronald Reagan leaves behind is a better place because of him.

President Reagan, we still carry the confidence you gave our Nation and will never forget what we accomplished together. A grateful Nation thanks you.

Mr. KING of Iowa. Mr. Speaker, I rise today to honor the memory of President Ronald Reagan.

Ronald Reagan leaves an enduring legacy of character and a dedication to the American ideal of liberty. His philosophy and values were not political calculation; they were inscribed in his heart.

I recognize Ronald Reagan as a true leader that remained true to American principles of the individual over government, sense of duty toward neighbors, and expansion of freedom.

Moreover, Reagan was a man with vision on a grand scale. He knew America's greatest achievement was spreading democracy throughout the world. He was resolute in this endeavor and faced each challenge with both vigilance and grace. No American did more to spread the gift of liberty and respect for human dignity to people who had never enjoyed them. No American did more to persuade our Nation that the contribution of democracy and human rights to all is the proper goal of the United States.

Throughout our history, when evil and iniquity has been the common enemy, Americans have displayed a resolve to create a better country and a better world. Ronald Reagan personified that American trait. Reagan's service is considered recent in history's timeline, but his character and deeds are a model of leadership for all time. We need to remember in our hearts the dedication to higher purpose. We are duty-bound to advance each society to Ronald Reagan's shining city on the hill.

Thank you Mr. Speaker. I conclude by saying that this week's passing should not be seen as the loss of a man but rather the beginning of a legend.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to add my voice to the chorus extolling the life of Ronald Reagan. On a similar occasion over a century ago, Lincoln said of Washington, "How do you add glory to the sun?" And I must confess, I feel same futility at trying to add my few words to a life and legacy that shines so bright.

Ronald Reagan came to the stage when it appeared that America was grasping at the complexities of modernity. Inflation, recession, and unemployment appeared permanent and the light of freedom appeared to be dim. Europe was enthralled with socialism and communism and the American exception was denounced as arrogant and on the edge of failure. Much like today, we were told what we needed was more government not less; higher taxation, not less; more regulation, not less. Reagan saw all of this and he smiled.

I was at his inauguration. When he said "It is time for us to realize that we're too great a nation to limit ourselves to small dreams," my spine stiffened. I got goose bumps when he called out "that peace is the highest aspiration of the American people. We will negotiate for it, sacrifice for it; we will not surrender for it, now or ever."

From that day, I knew America was back. You see many people speak of the Reagan Revolution, I like to think of it as the Reagan restoration. Reagan restored our optimism, our belief in our ability to create, and the belief that God put man on this earth to be free and made America to prove it.

I was in Washington the day Reagan was shot. I held my breath and was glued to the TV. The humor, strength and courage that were Reagan's came through and, along with the rest of America, I laughed when he said "honey, I forgot to duck."

Ronald Reagan changed the paradigm. He changed America's foreign policy from one of benign containment to active confrontation and for the first time since communism began extending its sinister reach, we saw its hand pushed back, and that gave us hope.

Reagan confronted the evil he saw in the world and he did it without apology. He battled communism. He armed the resistance in Afghanistan; he sent troops to Grenada; Lebanon; and Pershings to Europe. In a courageous move he walked away from negotiations at Reykjavik. To the cries of the left and chattering classes he held firm to the belief that America never should and never would surrender her right to defend herself. Mikhail Gorbachev has said Reykjavik was the turning point. His strength broke the back of the Soviets.

Before the British Parliament, Reagan envisaged that the last pages of communism were being written and in those famous words predicted that totalitarianism would be consigned to the "ash heap of history." He was derided. Yet few could know how prophetic his words would be, or how fast the fall would come.

In 1989, Soviet citizens voted for the first time. Pro-democracy demonstrations were held in Tiananmen Square. Lech Walesa was elected president of Poland. Shortly thereafter, the Eastern European Soviet Bloc closed the door on communism for democracy. In November, the Berlin Wall was opened and, as Reagan would have it, an anonymous German struck the first blow at tearing down wall. The following year, in free elections defeated the communist Sandinistas and the Soviet Union was dissolved. The light of freedom extended its reach.

Reagan has been so often called the Great Communicator, but I like to think about his time in office and his legacy in a different way. His victory was not of communication, but a triumph of content—the content of his ideas. He reignited the light of freedom. He cut taxes and regulation and in 8 years created 19 million jobs. He reminded us that the path to prosperity was one of individual freedom and personal responsibility. As Reagan has said, these were not his ideas, but they were American ideas. Reagan thought his revolution was "more like the great rediscovery, a rediscovery of our values and our common sense."

So, as we honor President Reagan let us remember his humility, his dignity, his kind words and most of all his courage. Let us honor the legacy of President Reagan with a renewed commitment to the exceptionalism that makes us American. Let us renew freedom's promise to those who live in oppressive tyranny. Let us renew our determination, our courage, and our strength. And let us renew our faith and our hope.

There are many who stand against freedom and peace. There are many who criticize and compromise, but let us honor Ronald Reagan by standing firm, with resolve, in this time of war.

We can do it. Why? As Reagan would say, "After all, we are Americans."

Mr. SMITH of Michigan. Mr. Speaker, I share with my colleagues a poem by Albert Carey Caswell.

AND TO THIS END

And to this end
Approach Heaven, our True American Hero . . . America's finest of all true friends
Rest now . . . our Great American Patriot . . . as up to Heaven your magnificent soul as so ascends.

And to this end
And oh, what to this our Country you have so been
With that, your warm smile and that thick brown hair . . . and what your heart of gold has so meant.

And to this end
The promise, and your gift . . . the pride and the respect . . . believing in us as if . . . as you'd begin
Bringing your Nation back to shore, our savior . . . rescuing & seeing the light that others so ignored.

And to this end
Breaking down walls, hearing the children's calls . . . wearing your heart on your sleeve
To believe . . . In God and Country, and in all of those things which made us free . . . all in you we see.

And to this end
To dream . . . to start from nothing, as it would so seem
As was yours . . . this The Great American Dream . . . as is this, our Nation's greatest of all themes.

And to this end
Returning and The Pride and The Respect . . . to America's greatest of all assets
Her fighting Women & Men . . . her one true fine reason why we all can dream, you'd not let us forget.

And to this end
As you brought the light, into that battle against the darkness . . . this your courageous fight
As you have brought us hope, where there was none . . . as your journey begun . . . for what was right.

And to this end
Yes, Ron . . . there are jelly beans up in Heaven my dear friend
And to you, I so salute . . . this one's for you Gipper . . . as the swollen tear drops so roll down my chin.
And to this end . . . "Well, There You Go Again"
And now, and forever . . . whenever, I look into our flag . . . I'll see your face
For such men of heart, such men of warmth & character & grace, Heaven . . . so surely holds a place.

Mr. SMITH of Michigan. Mr. Speaker, people say that a truly great athlete is not only gifted himself, he makes those who play with him better. The same is true of President Reagan, who not only led the country, but restored America's confidence. He renewed our sense of America's goodness and America's greatness. And with that assurance, the American people achieved great things.

When Reagan came into office, America was demoralized. President Carter had even spoken of our "malaise." Watergate and our defeat in Vietnam shook our self-confidence. We surrendered control over the Panama Canal which we had built.

The Soviet Union was at the height of its power and communism seemed to be on the march. After Vietnam fell to the communists, Cambodia followed. The Sandinistas took control in Nicaragua and communist insurgencies were under way in Ethiopia, Angola, and Mozambique. The Soviets invaded Afghanistan in 1979 and were in the process of suppressing the Solidarity movement in Poland.

At the same time, the Shah fell in Iran, and supporters of Ayatollah Khomenini held 52 Americans hostage for more than a year at our embassy in Tehran. Worse, the American military expedition to free them failed in the desert, with the crash of two helicopters and the death of eight servicemen.

The economic situation was just as dire. In 1980, inflation stood at 13.5 percent, and interest rates reached 21 percent. The turmoil in the Middle East sparked gasoline shortages. People waited for hours in line just to fill up their cars and worried about people stealing the gas out of their cars.

People lost their optimism. America no longer seemed special, or a world leader. It felt like the divine spark at the center of the American experiment had gone out.

It was Ronald Reagan who turned it around. He never lost faith in the American people. And he had enough optimism to restore our lost confidence and get America back on its feet.

He believed we could restore our economy—and we did. By 1990 the U.S. economy had grown by a third, or roughly the size of the entire German economy. And 35 million jobs were created.

He believed we could stand up proudly for American values around the world and stand up to the Soviet Union—and we did. It was President Reagan's resolve that halted the march of communism in Central America, and in Afghanistan. It was Reagan's resolve that nurtured the Solidarity movement in Poland, and gave heart to the dissidents of the Soviet bloc. Ultimately it was President Reagan's faith in American ideals that led to the fall of the Berlin wall and the liberation of Eastern Europe and the Soviet Union.

It was that leadership and vision for America that made Ronald Reagan special. Like FDR during the depression, he taught us that there was nothing to fear but fear itself. Like Winston Churchill during World War II, he spoke for an entire nation at a time of stress. It restored our confidence, and that made all the difference.

Let us remember Ronald Reagan. Let us remember what Ronald Reagan wanted for America. He wanted us always to be that shining city on a hill. And he wanted us to know that America's best days always lie ahead.

May God bless Ronald Reagan and Mrs. Reagan and may God bless America.

Mr. WOLF. Mr. Speaker, I join today with others in the House in expressing deepest condolences to Nancy Reagan and the Reagan family on the passing of Ronald Wilson Reagan, the 40th President of the United States of America, and in paying tribute to President Reagan as we remember his presidency and what he meant to our country and indeed to the world.

I deeply admired and respected President Reagan. I had the good fortune to run for the 10th District of Virginia seat in Congress in November 1980 when he was elected to his first term. Some called my victory then "on Reagan's coattails." I have no doubt I'm in Congress today because of him.

I will always be grateful that after my two unsuccessful bids for Congress, Ronald Reagan led the ticket that I was on and I became a member of the Class of 1980.

As we remember President Reagan today, I have been moved by the outpouring of love and support we have been seeing over the past few days across our Nation and especially in California, where he served the Golden State as governor for two terms.

"Thank you, President Reagan. You made us proud again."

That was the sentiment on one of the many posters and other mementos in memory of President Reagan placed outside the entrance to his presidential library in Simi Valley, California, the day after his death on June 5. And that sentiment could well sum up the legacy of President Reagan, who lost his 10-year battle with Alzheimer's disease at age 93.

He was the leader of our Nation when Americans needed to know and more importantly to believe that indeed it was "morning again in America," and the best was yet to come for our great country—that we could be proud to stand up and be called an American. He made us feel good again. He gave us hope. He inspired us. He gave us optimism because he was an optimist.

And when we needed to be comforted at a time of our own Nation's mourning in the wake of the space shuttle *Challenger* disaster in 1986, he was there for us, speaking to us much like a father, telling us it would be all right: "It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. . . . Nothing ends here; our hopes and our journeys continue."

The June 7 edition of National Journal's Hotline headlined, "Ronald Wilson Reagan," described Mr. Reagan's presidency well:

> The optimism of Morning in America left little room for mourning in America. So instead of grief, there is respect for the man, celebration of his boldness, relief for his widow, and memories of leadership with purpose, grace and humor.
>
> He literally disarmed his enemies aboard with his tenacity. He gently disarmed his political enemies at home with his modesty. If he was overestimated as an actor, he was underestimated as a political leader. Because he never quite fit in with official Washington, he stayed connected inseparably with the people. And for an entire generation of Americans, he defined the Presidency.
>
> He dreamt, acted out, and embodied the American dream. He was a leader. Those who agreed with his policies cherished his principles. Those who doubted his capacities wondered at his accomplishments.
>
> Friend and foe have come to see him as an American icon, whose light may forever shine from his city on the hill.

In many ways, President Reagan's profound conviction that every human being had the right to live in freedom inspired my work for humanitarian and human rights causes. While he didn't always outwardly show it, he was a man of deep faith. He said in a speech before the House of Commons in 1982: "We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings."

I saw a poignant television news report from southern California on Sunday evening which also reminded me that another crucial part of his legacy belongs not only to America, but to the world. A woman was interviewed. She was holding a bouquet of flowers. Tears were streaming down her face.

She had a broken English accent and identified herself as a Russian emigrant. She said she had to come to the makeshift memorial outside the funeral home where President Reagan was resting because, "I owe my life to President Reagan."

I was also reminded of how President Reagan gave hope to the persecuted peoples of the world when I read an opinion article from the June 6 edition of The Jerusalem Post written by former Soviet political dissident Natan Sharansky. I will insert the entire text of that article for the RECORD. Mr. Sharansky wrote:

> In 1983, 1 was confined to an eight-by-ten foot prison cell on the border of Siberia. My Soviet jailers gave me the privilege of reading the latest copy of Pravda. Splashed across the front page was a condemnation of President Ronald Reagan for having the temerity to call the Soviet Union an "evil empire."
>
> Tapping on walls and talking through toilets, word of Reagan's "provocation" quickly spread throughout the prison. We dissidents were ecstatic. Finally, the leader of the free world had spoken the truth—a truth that burned inside the heart of each and every one of us.

Who will ever forget Ronald Reagan calling the Soviet Union "an evil empire" and his challenge to then-Soviet Premier Mikhail Gorbachev outside the Brandenburg Gate in Berlin: "Mr. Gorbachev, tear down this wall."

And who would ever have imagined the relationship President Reagan forged with Mr. Gorbachev which ultimately led to the fall of communism and indeed, the tearing down of the Berlin wall. Mikhail Gorbachev will honor that legacy of President Reagan by his attendance at Mr. Reagan's funeral service at the National Cathedral in Washington on Friday, June 11.

Ronald Reagan was a remarkable man and I believe will be remembered by history as one of the greatest presidents of our Nation. I will close by sharing his own words spoken in August 1992 about how he wanted to be remembered:

> Whatever else history may say about me when I'm gone, I hope it will record that I appealed to your best hopes, not your worst fears, to your confidence rather than you doubts, and may all of you as Americans never forget your heroic origins, never fail to seek divine guidance, and never, never lose your God-given optimism.

We thank God for the life of Ronald Wilson Reagan.

Republican Members who were elected in 1980 on the ticket with President Reagan:

Wendell Bailey, Missouri; Cleve Benedict, West Virginia; Tom Bliley, Virginia; Hank Brown, Colorado; Greg Carman, New York; Gene Chappie, California; Dan Coats, Indiana; Jim Coyne, Pennsylvania; Larry Craig, Idaho; Hal Daub, Nebraska; Larry DeNardis, Connecticut; David Dreier, California; Jim Dunn, Michigan; Bill Emerson, Missouri; T. Cooper Evans, Iowa; Bobbi Fiedler, California; Jack Fields, Texas; Steve Gunderson, Wisconsin; and Judd Gregg, New Hampshire.

James Hansen, Utah; Tommy Hartnett, South Carolina; Bill Hendon, North Carolina; John (Jack) Hiler, Indiana; Duncan Hunter, California; Gene Johnston, North Carolina; John LeBoutillier, New York; Bill Lowery, California; Bill McCollum, Florida; Bob McEwen, Ohio; Ray McGrath, New York; David Martin, New York; Lynn Martin, Illinois; Guy Molinari, New York; Sid Morrison, Washington; John Napier, South Carolina; and Jim Nelligan, Pennsylvania.

Mike Oxley, Ohio; Stan Parris, Virginia; Clint Roberts, South Dakota; Pat Roberts, Kansas; Hal Rogers, Kentucky; Marge Roukema, New Jersey; Claudine Schneider, Rhode Island; Clay Shaw, Florida; Mark Siljander, Michigan; Joe Skeen, New Mexico; Albert Lee Smith, Alabama; Chris Smith, New Jersey; Denny Smith, Oregon; David (Mick) Staton, West Virginia; Ed Weber, Ohio; Vin Weber, Minnesota; Frank Wolf, Virginia; and George Wortley, New York.

[From the Jerusalem Post, June 6, 2004]

THE PRISONERS' CONSCIENCE

(By Natan Sharansky)

In 1983, I was confined to an eight-by-ten-foot prison cell on the border of Siberia. My Soviet jailers gave me the privilege of reading the latest copy of Pravda. Splashed across the front page was a condemnation of President Ronald Reagan for having the temerity to call the Soviet Union an "evil empire." Tapping on walls and talking through toilets, word of Reagan's "provocation" quickly spread throughout the prison. We dissidents were ecstatic. Finally, the leader of the free world had spoken the truth—a truth that burned inside the heart of each and every one of us.

At the time, I never imagined that three years later, I would be in the White House telling this story to the president. When he summoned some of his staff to hear what I had said, I understood that there had been much criticism of Reagan's decision to cast the struggle between the superpowers as a battle between good and evil.

Well, Reagan was right and his critics were wrong.

Those same critics used to love calling Reagan a simpleton who saw the world through a primitive ideological prism and who would convey his ideas through jokes and anecdotes. In our first meeting, he told me that Soviet premier Brezhnev and Kosygin, his second-in-command, were discussing whether they should allow freedom of emigration. "Look, America's really pressuring us," Brezhnev said, "maybe we should just open up the gates. The problem is, we might be the only two people who wouldn't leave." To which Kosygin replied, "Speak for yourself."

What his critics didn't seem to understand was that the jokes and anecdotes that so endeared Reagan to people were merely his way of expressing fundamental truths in a way that everyone could understand.

Reagan's tendency to confuse names and dates, something I, too, experienced first-hand, also made him the target of ridicule. In September 1987, a few months before a summit meeting with Gorbachev in Washington, I met with Reagan to ask him what he thought about the idea of holding a massive rally of hundreds of thousands of people on behalf of Soviet Jewry during the summit. Some Jewish leaders, concerned that if the rally were held Jews would be accused of undermining a renewed hope for peace between the superpowers, had expressed reservations about such a frontal challenge to the Soviet premier.

Seeing me together for the first time with my wife Avital, who had fought for many years for my release, Reagan greeted us like a proud grandparent, knowing he had played an important role in securing my freedom. He told us about his commitment to Soviet Jewry. "My dear Mr. and Mrs. Shevardnadze," he said, "I just spoke with Soviet Foreign Minister Sharansky, and I said you better let those Jews go."

Not wanting to embarrass the president over his mistake, I quickly asked him about the rally, outlining the concerns raised by some of my colleagues. His response was immediate: "Do you think I am interested in a friendship with the Soviets if they continue to keep their people in prison?" You do what you believe is right."

Reagan may have confused names and dates, but his moral compass was always good. Today's leaders, in contrast, may know their facts and figures, but are often woefully confused about what should be the simplest distinctions between freedom and tyranny, democrats and terrorists.

The legacy of president Reagan will surely endure. Armed with moral clarity, a deep faith in freedom, and the courage to follow his convictions, he was instrumental in helping the West win the Cold War and hundreds of millions of people behind the Iron Curtain win their freedom.

As one of those people, I can only express my deepest gratitude to this great leader. Believe me, I will take moral clarity and Shevardnadze any day.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to pay tribute to former President Ronald Reagan who passed away on Saturday June 5, 2004. At this time, I extend my deepest condolences to his loving wife, Nancy, and his children, and I join with our Nation in mourning the loss of a great leader.

Ronald Wilson Reagan was born in Tampico, Illinois to Nelle Wilson and John Edward "Jack" Reagan. In 1928, Ronald Reagan graduated from Dixon High School where he served as student body president. From 1928–1932, Reagan attended Eureka College, a small liberal arts institution in Illinois. He majored in economics and sociology.

In 1937, Reagan enlisted in the Army Reserve as a Private and was soon promoted to 2nd Lieutenant in the Officers Reserve Corps of the Cavalry. While in the Army, an agent for Warner Brothers discovered Ronald Reagan. In 1940, Reagan wed Jane Wyman.

In 1942, the Army Air Force called Reagan to active duty. He was assigned to the 1st Motion Picture Unit in Culver City, California where he made over 400 training films. Reagan was discharged from the Army in 1945 at the rank of Captain.

After the war, Reagan resumed his acting career and in 1952 wed Nancy Davis. In 1956, Reagan campaigned as a Democrat for Eisenhower. In 1960, he campaigned for Richard Nixon. In 1962, he officially changed his party registration to Republican.

In 1966, Reagan was elected Governor of California and was re-elected in 1970. On November 4, 1980, Ronald Reagan Wilson became the 40th President of the United States.

Ronald Reagan wished to be remembered as the President who wanted Americans to believe in themselves. We will remember him for much more.

We will remember Ronald Reagan as a political leader who worked diligently to stimulate economic growth, increase employment and strengthen national defense. He was "The Great Communicator" whose words and actions spoke of honor and peace.

Through his convictions, we witnessed the fall of the Berlin Wall and the end of the Cold War. "Peace through strength" is what he sought and achieved.

In his own words taken from 1986 as he sought to comfort us after the *Challenger* Disaster, "We will never forget [him], nor the last time we saw [him] . . . as he prepared for [his] journey, and waved good-bye, and 'slipped the surly bonds of earth' to 'touch the face of God.'"

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURGESS). Further proceeding on this question will be postponed.

COMMUNICATION FROM THE HON. EDWARD L. SCHROCK, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. ROHRABACHER) laid before the House the following communication from the Honorable EDWARD L. SCHROCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
June 3, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for documents, issued by the United States District Court for the Southern District of Illinois.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,
EDWARD L. SCHROCK,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CASE (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. LAMPSON (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. MENENDEZ (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of family medical reasons.

Ms. SOLIS (at the request of Ms. PELOSI) for today and the balance of the week on account of official business in the district.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of family reasons.

Mr. TURNER of Texas (at the request of Ms. PELOSI) for today and June 9 on account of a funeral in the district.

Mr. KING of New York (at the request of Mr. DELAY) for today on account of being detained on official business.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today and June 9 on account of illness.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1887. An Act To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices; to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. LEWIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), pursuant to House Resolution 663, the House adjourned until tomorrow, Wednesday, June 9, 2004, at 10 a.m. in memory of the late Honorable Ronald Wilson Reagan, former President of the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8411. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill Regulations — Loan Eligibility Provisions (RIN: 0560-AG81) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8412. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Tolerances for Residues; Technical Correction [OPP-2004-0169;FRL-7362-4] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8413. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Humates; Exemption from the Requirement of a Tolerance [OPP-2004-0166; FRL-7361-6] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8414. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Streptomyces Iydicus WYEC 108; Exemption from the Requirement of a Tolerance [OPP-2004-0041; FRL-7361-3] received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8415. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerance [OPP-2004-0125; FRL-7359-2] received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8416. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Bill for FY 2005; to the Committee on Armed Services.

8417. A letter from the Secretary, Department of Health and Human Services, transmitting a report to Congress on the Native Hawaiian Revolving Loan Fund (NHRLF) for Fiscal Years 2000 and 2001, pursuant to Section 803A(g)(1) of the Native American Programs Act of 1974, as amended; to the Committee on Education and the Workforce.

8418. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Programs; Provider Qualifications for Audiologists [CMS-2132-F] (RIN: 0938-AM26) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8419. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Amendment for Final Monograph [Docket No. 1978N-036T] (RIN: 0910-AC82) received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8420. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District [CA 295-0441a; FRL-7667-8] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8421. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Nevada Division of Environmental Protection — Bureau of Air Pollution Control [NV053-0076a; FRL-7670-1] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8422. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Capacity Building for Morocco NGOs and the Department of Environment — received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8423. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN79-3; FRL-7620-5] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8424. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Nevada — Las Vegas Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment for the Annual and 24-Hour PM-10 Standards [NV-040-0075; FRL-7663-4] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8425. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards for Portable Fuel Containers in the Metropolitan Washington, DC Ozone Nonattainment Area [VA 148-5078a; FRL-7671-1] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8426. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Regulations for General Compliance Activities and Source Surveillance; Correction [VA133-5066a, FRL-7670-8] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8427. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; VOC Emission Standards for Solvent Metal Cleaning Operations in the Metropolitan Washington, D.C. Ozone Nonattainment Area [VA149-5076a; FRL-7671-6] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8428. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Analytical Method for Uranium [OW-2003-0067; FRL-7668-9] (RIN: 2040-AE62) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8429. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan; Revisions of Definition of Applicable Requirement for Title V Operating Permit Programs [FRL-7669-6] (RIN: 2060-AJ36) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8430. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Label for Email Messages Containing Sexually Oriented Material (RIN: 3084-AA96) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8431. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Inspection of Alloy 82/182/600 Materials Used in the Fabrication of Pressurizer Penetrations and Steam Space Piping Connections at Pressurized-Water Reactors — received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8432. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8433. A letter from the Administrator, Agency for International Development, transmitting the Inspector General's Semiannual Report for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8434. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8435. A letter from the Acting Assistant Secretary for Management, Department of the Treasury, transmitting purusant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts; to the Committee on Government Reform.

8436. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to Public Law 95—452, section 5; to the Committee on Government Reform.

8437. A letter from the Acting Assitant Secretary for Legislative Affairs, Department of State, transmitting the Department's report concerning minority employment and recruitment submitted pursuant to Sections 324 and 325(c) in the Foreign Relations Authorization Act for Fiscal Year 2003

(Pub. L. 107-228); to the Committee on Government Reform.

8438. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8439. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting the Agency's 2003 Competitive Sourcing Report, as required by Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199; to the Committee on Government Reform.

8440. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8441. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8442. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Actions Resulting from Audit Reports for the period of October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8443. A letter from the Chairman, National Endowment for the Humanities, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004 (Pub. L. 108-199), a report stating that the Endowment did not undertake any competitive sourcing activities in FY 2003, nor is it conducting any such competitions in the current fiscal year; to the Committee on Government Reform.

8444. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector Generalfor the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8445. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8446. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill "To modify the boundary of the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes"; to the Committee on Resources.

8447. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Buckle Up America: The National Initiative for Increasing Safety Belt Use, Sixth Report To Congress and Fourth Report to the President" June 2004, as required by House Report 105-188 and Executive Order 13043; to the Committee on Transportation and Infrastructure.

8448. A letter from the Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2003, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

8449. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations of the Army, pursuant to Public Law 108-87, section 8006; jointly to the Committees on Armed Services and Appropriations.

8450. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program: Elimination of Statement of Intent Procedures for Filing Medicare Claims [CMS-1185-F] (RIN: 0938-AK79) received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4226. A bill to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty"; with an amendment (Rept. 108–526). Referred to the Committee of the Whole House on the State, of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4012. A bill to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act (Rept. 108-527). Referred to the Committee of the Whole House on the state of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1731. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; with an amendment (Rept. 108–528). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 530. A bill for the relief of Tanya Andrea Goudeau (Rept. 108–529). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 712. A bill for the relief of Richi James Lesley (Rept. 108–530). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 867. A bill for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan (Rept. 108–531). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 103. An act for the relief of Lindita Idrizi Heath (Rept. 108–532). Referrred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI (for himself and Mr. Davis of Alabama):

H.R. 4521. A bill to amend section 502 of the Housing Act of 1949 to allow borrowers under the rural single family housing guaranteed loan program to finance the amount of the guarantee fee; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 4522. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the safety of the International Space Station and its crew; to the Committee on Science.

By Mr. ANDREWS:

H.R. 4523. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 4524. A bill to expand the Central Command Rest and Recuperation Leave Program to cover transportation by members of the Armed Forces who are stationed inside or outside of the United States, but not in an area previously designated for inclusion in the program, and are granted leave in anticipation of deployment overseas in connection with a contingency operation; to the Committee on Armed Services.

By Mr. MILLER of Florida (for himself, Mr. Bishop of Utah, Mr. Bradley of New Hampshire, Mr. Doolittle, Mr. Foley, Mr. McCotter, Mr. Pence, Mr. Rogers of Alabama, Mr. Souder, Mr. Weldon of Florida, Mr. Feeney, Mr. Lincoln Diaz-Balart of Florida, Ms. Harris, and Mr. Jones of North Carolina):

H.R. 4525. A bill to require the Secretary of the Treasury to redesign the half dollar coin to commemorate Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. PALLONE:

H.R. 4526. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 4527. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Con. Res. 444. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Ronald Wilson Reagan, the fortieth President of the United States; to the Committee on House Administration.

By Mr. PALLONE:

H. Con. Res. 445. Concurrent resolution recognizing the invaluable contribution of Native American Veterans and honoring their service to the Nation; to the Committee on Armed Services.

By Mr. DeLAY:

H. Res. 663. A resolution expressing the profound regret and sorrow of the House of

Representatives on the death of Ronald Wilson Reagan, former President of the United States of America; considered and agreed to.

By Mr. LEWIS of California (for himself, Mr. WAXMAN, Mr. DREIER, Mr. GEORGE MILLER of California, Mr. COX, Mr. THOMAS, Mr. HUNTER, Mr. GALLEGLY, Mr. HERGER, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. CALVERT, Mr. MCKEON, Mr. POMBO, Mr. ROYCE, Mr. FARR, Mr. RADANOVICH, Ms. LORETTA SANCHEZ of California, Mrs. BONO, Mrs. CAPPS, Mr. GARY G. MILLER of California, Mr. OSE, Mr. ISSA, Mr. NUNES, Ms. LOFGREN, Mr. SCHIFF, Mr. CARDOZA, Mr. SHERMAN, Ms. PELOSI, Mr. COSTELLO, Ms. HARMAN, Mr. BERMAN, Mr. NEUGEBAUER, Mrs. DAVIS of California, Mr. LANTOS, Mr. FILNER, Mr. SHADEGG, Ms. ESHOO, and Mr. MATSUI):

H. Res. 664. A resolution mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world; to the Committee on Government Reform.

By Mr. BURTON of Indiana:

H. Res. 665. A resolution providing for enclosing the visitors' galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, and Mr. BLUMENAUER):

H. Res. 666. A resolution congratulating the people and Government of the Republic of Indonesia on successfully completing elections for national, provincial, and regional parliamentary representatives, and praising the growing friendship between the United States and Indonesia; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. DEUTSCH.

H.R. 623: Mr. BOEHLERT and Mr. GORDON.

H.R. 645: Mr. DUNCAN.

H.R. 716: Mr. OLVER.

H.R. 742: Mr. SCOTT of Georgia.

H.R. 745: Mr. LANTOS.

H.R. 756: Mrs. JO ANN DAVIS of Virginia.

H.R. 897: Mr. GEORGE MILLER of California.

H.R. 977: Mr. INSLEE.

H.R. 1002: Mr. RAMSTAD.

H.R. 1039: Ms. ESHOO.

H.R. 1043: Mr. EVANS.

H.R. 1083: Mr. ANDREWS, Mr. LARSON of Connecticut, Mr. MENENDEZ, Mr. WOLF, and Mr. SCHROCK.

H.R. 1084: Mr. UPTON.

H.R. 1102: Mr. UPTON.

H.R. 1155: Mrs. BLACKBURN and Mr. PAYNE.

H.R. 1205: Mr. ENGEL.

H.R. 1214: Mr. DEUTSCH.

H.R. 1231: Ms. WATERS and Mr. DOGGETT.

H.R. 1306: Mr. DEFAZIO.

H.R. 1532: Mr. CHOCOLA.

H.R. 1639: Mr. DOGGETT.

H.R. 1708: Mr. TIERNEY.

H.R. 1716: Ms. HARRIS.

H.R. 1919: Mr. HASTINGS of Florida.

H.R. 2069: Mr. PAYNE.

H.R. 2096: Mr. GRAVES, Mr. DAVIS of Alabama, and Mr. BACA.

H.R. 2135: Mr. COLLINS.

H.R. 2176: Mr. BOOZMAN and Mr. BARTLETT of Maryland.

H.R. 2260: Mr. ABERCROMBIE, Mr. MOORE, and Mr. MICA.

H.R. 2387: Mr. CONYERS, Ms. WOOLSEY, Mr. CAPUANO, and Mr. VAN HOLLEN.

H.R. 2404: Mr. CUNNINGHAM, Mr. JONES of North Carolina, Mr. SMITH of Washington, Mr. TANNER, and Mr. BALLANCE.

H.R. 2464: Mr. EMANUEL.

H.R. 2494: Mr. CASTLE.

H.R. 2509: Mr. RAMSTAD.

H.R. 2621: Ms. DELAURO, Mr. STARK, Mr. JACKSON of Illinois, and Ms. SCHAKOWSKY.

H.R. 2680: Mr. SCHIFF and Mrs. LOWEY.

H.R. 2699: Mr. NUSSLE, Mr. JOHN, and Mr. BROWN of South Carolina.

H.R. 2762: Mr. PAYNE and Mr. KINGSTON.

H.R. 2932: Mr. CUMMINGS.

H.R. 2956: Mr. VAN HOLLEN.

H.R. 3133: Mr. CARDIN.

H.R. 3190: Mr. NUSSLE.

H.R. 3203: Mr. VAN HOLLEN.

H.R. 3266: Ms. JACKSON-LEE of Texas and Mr. PASCRELL.

H.R. 3308: Ms. BALDWIN.

H.R. 3350: Mr. ISRAEL.

H.R. 3425: Mr. BROWN of Ohio.

H.R. 3429: Mr. TERRY.

H.R. 3432: Mr. CUMMINGS.

H.R. 3459: Mr. MATSUI.

H.R. 3473: Mr. GRIJALVA.

H.R. 3474: Mr. GOSS and Mr. GALLEGLY.

H.R. 3545: Mr. ABERCROMBIE and Mr. SHAYS.

H.R. 3558: Mr. ISSA.

H.R. 3574: Ms. MCCOLLUM and Mr. HALL.

H.R. 3575: Mr. DAVIS of Florida, Mr. MEEKS of New York, Mr. SNYDER, Mr. ROSS, and Mr. RANGEL.

H.R. 3582: Mr. CUMMINGS.

H.R. 3615: Mr. RAHALL.

H.R. 3633: Mr. MILLER of Florida.

H.R. 3634: Ms. NORTON.

H.R. 3704: Mr. TERRY.

H.R. 3729: Mr. HOLT, Mr. KING of New York, Mr. ROHRABACHER, Mr. PLATTS, Mr. GEORGE MILLER of California, and Mr. DEUTSCH.

H.R. 3800: Mr. STEARNS.

H.R. 3809: Mr. MEEHAN.

H.R. 3816: Mr. VAN HOLLEN and Mr. FILNER.

H.R. 3831: Mr. CUMMINGS and Mr. HOLT.

H.R. 3924: Mr. ENGLISH.

H.R. 3936: Ms. HARRIS.

H.R. 3953: Mrs. BIGGERT and Mr. KIND.

H.R. 3968: Mr. FILNER, Mr. RAHALL, Mr. EMANUEL, and Mr. MICHAUD.

H.R. 3988: Mr. CUMMINGS and Mrs. DAVIS of California.

H.R. 3999: Mr. GORDON.

H.R. 4011: Mr. DEUTSCH.

H.R. 4022: Mr. GREEN of Texas and Mr. FROST.

H.R. 4026: Ms. VELÁZQUEZ, Mr. UDALL of New Nexico, Mr. PETERSON of Minnesota, Mr. LATHAM, Mr. WILSON of South Carolina, Mr. BACHUS, and Mr. KELLER.

H.R. 4067: Mr. FARR, Ms. WOOLSEY, Ms. MCCOLLUM, and Mr. EVANS.

H.R. 4082: Mr. COOPER, Mr. MEEHAN, Mr. MCINTYRE, Mr. CROWLEY, Mr. SANDERS, and Mr. ROTHMAN.

H.R. 4101: Mr. THOMPSON of California, Mr. CARDIN, and Mr. MCGOVERN.

H.R. 4113: Mr. MATSUI and Mr. KINGSTON.

H.R. 4123: Mr. MCGOVERN.

H.R. 4147: Mr. SCOTT of Georgia.

H.R. 4150: Mr. KLINE.

H.R. 4154: Mr. HINCHEY.

H.R. 4191: Mr. FATTAH, Mr. CROWLEY, Mr. CLYBURN, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, and Mr. KILDEE.

H.R. 4214: Mr. BRADY of Pennsylvania.

H.R. 4236: Mr. KUCINICH, Mr. MCDERMOTT, and Mr. MCINNIS.

H.R. 4237: Mr. KUCINICH, Mr. MCDERMOTT, and Mr. MCINNIS.

H.R. 4248: Ms. HARRIS.

H.R. 4255: Mr. KUCINICH, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MICHAUD.

H.R. 4256: Ms. BERKLEY and Mr. MCNULTY.

H.R. 4260: Mr. PAYNE.

H.R. 4261; Ms. LINDA T. SÁNCHEZ of California, Mr. FROST, Mr. FATTAH, and Mr. MCNULTY.

H.R. 4262: Mr. TOWNS, Mr. OWENS, and Mr. RUSH.

H.R. 4343: Mr. GALLEGLY, Mr. WICKER, and Mr. HAYES.

H.R. 4357: Ms. BALDWIN, Mr. BERMAN, Mr. ROSS, Mr. OBERSTAR, and Mrs. LOWEY.

H.R. 4363: Mr. DEUTSCH, Mr. SIMMONS, and Mr. MARSHALL.

H.R. 4370: Mr. CUMMINGS, Mr. BEREUTER, and Ms. SCHAKOWSKY.

H.R. 4376: Mr. ALLEN, Mr. MOORE, Mr. BURR, and Mr. COOPER.

H.R. 4379: Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. MARSHALL.

H.R. 4387: Ms. KAPTUR, Mr. VAN HOLLEN, Mr. CONYERS, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. BROWN of Ohio, and Mr. GRIJALVA.

H.R. 4414: Mr. SERRANO, Mr. BECERRA, Mr. GUTIERREZ, and Mr. ACEVEDO-VILÁ.

H.R. 4420: Mr. BAKER, Mrs. BLACKBURN, Mr. BARTLETT of Maryland, Mr. HALL, and Mr. KENNEDY of Minnesota.

H.R. 4425: Mr. ETHERIDGE.

H.R. 4449: Mr. MEEKS of New York, Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. WEXLER, Mr. WEINER, Mr. JACKSON of Illinois, Mr. WYNN, Mr. ETHERIDGE, Mr. FOLEY, and Mr. BELL.

H.R. 4450: Mr. BERMAN and Mrs. LOWEY.

H.R. 4468: Mr. UDALL of New Mexico.

H.R. 4498: Ms. NORTON.

H.R. 4499: Mr. VITTER.

H.J. Res. 56: Mr. TAYLOR of North Carolina, Mr. BURR, and Mr. BONILLA.

H. Con. Res. 213: Mrs. MCCARTHY of New York.

H. Con. Res. 298: Mr. GARRETT of New Jersey and Mr. SCHROCK.

H. Con. Res. 405: Ms. HART, Mr. COOPER, Mrs. CAPITO, Mr. BURNS, Mr. KINGSTON, and Mr. SNYDER.

H. Con. Res. 425: Mr. FROST, Mr. MCINTYRE, and Mr. ADERHOLT.

H. Con. Res. 434: Mr. MCDERMOTT.

H. Con. Res. 443: Mr. BARTLETT of Maryland and Mr. FLAKE.

H. Res. 38: Mr. MEEHAN.

H. Res. 60: Mr. CUMMINGS.

H. Res. 363: Mr. NEAL of Massachusetts.

H. Res. 466: Mr. NADLER.

H. Res. 485: Mr. QUINN.

H. Res. 550: Ms. BALDWIN and Mr. KENNEDY of Rhode Island.

H. Res. 570: Mr. MENENDEZ.

H. Res. 604: Mr. MARSHALL, Mr. PAYNE, and Mr. CUMMINGS.

H. Res. 632: Mrs. MALONEY and Mr. KUCINICH.

H. Res. 662: Mr. GREEN of Wisconsin and Mr. KLECZKA.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING LANCE CLIFFORD ON HIS 85TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. NEY. Mr. Speaker:

Whereas, Lance Clifford was born on May 18, 1919; and

Whereas, Lance Clifford is celebrating his 85th Birthday; and

Whereas, Lance Clifford, an American World War II veteran who served in the China-Burma theater of war, is to be commended for his great service to our Nation; and

Whereas, Lance Clifford is loved and appreciated by all his family members; and

Therefore, I join with the family of Lance and the residents of the entire 18th Congressional District of Ohio in wishing Lance Clifford a very happy 85th birthday.

COMMEMORATING THE TWENTY-FIFTH ANNIVERSARY OF SANTA BARBARA'S EASY LIFT TRANSPORTATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to Easy Lift Transportation as they celebrate their 25th anniversary of providing transportation services to the disabled and elderly in the Santa Barbara area.

Easy Lift Transportation is a charitable, non-profit organization dedicated to helping the disabled and frail elderly live independently while remaining in their own homes. Easy Lift has been providing wheelchair accessible transportation services in southern Santa Barbara County since 1979. Beginning with one motor home in 1979, Easy Lift Transportation has grown to operate eighteen vehicles, eighteen hours a day, 363 days per year.

Easy Lift Transportation provides door-to-door transportation to individuals in the communities of Goleta, Santa Barbara, Montecito, Summerland and Carpinteria. Easy Lift Transportation is preparing to serve its one-millionth rider. They currently provide over sixty thousand rides a year.

In addition to helping many Santa Barbara area residents gain independence by ensuring that they can get to doctor's appointments and other events, Easy Lift helps the broader Santa Barbara community as well. Easy Lift Transportation provides transit services and driver training to other non-profit organizations in the Santa Barbara area. I would like to commend Easy Lift Transportation of Santa Barbara for their work and congratulate them on their twenty-fifth anniversary of operation.

APPOINTMENT OF CONFEREES ON H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BACA. Mr. Speaker, I rise in support of the Oberstar Motion to Instruct Conferees on the Safe Routes to Schools program.

The Safe Routes to Schools is a good program designed to save the lives of children and the many commuters that drive near schools. This program helps create infrastructure so that children can safely walk or bike to school.

Our children will also be safer while walking to school because the Safe Routes to Schools program also encourages greater enforcement of traffic laws, educates the public, and explores ways to create safer streets.

As a nutrition advocate, I am also concerned about the growing obesity epidemic that is affecting our children. Sedentary lifestyles, too much television, and far too many non-athletic activities are causing our children's waistlines to grow out of control. That is why I support this program. We need to promote walking and biking to school as alternatives.

Mr. Speaker, I urge my colleagues to please support this Motion to Instruct the Conferees so that our children can live safer, healthier, and happier lives.

HONORING THE LATE REVEREND DOCTOR RONALD FREEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. PORTER. Mr. Speaker, I rise today to remember the late Reverend Doctor Ronald Freel. Dr. Freel was a pillar of the community in Southern Nevada and a friend and inspiration to all who knew him.

Dr. Freel was born in Detroit, Michigan in October, 1931 and served in the United States Army for 12 years. He received advanced degrees in education and ministry and, after leaving the army, became the principal of Gaylord St. Mary's School in Michigan. Subsequently he served as the Wolverine, MI, School Superintendent and as pastor of Topinabee Community Church. Dr. Freel also served as the health education coordinator for the Cheboygan, Otsego, and Presque Isle Intermediate School District in Indian River, MI.

Dr. Freel moved to Henderson, Nevada 12 years ago and served as the senior pastor at Grace Community Church in Boulder City for the last 5 years. There he was instrumental in the founding of Grace Christian Academy. Dr. Freel is survived by his wife Ellen Anne, 3 daughters and 7 grandchildren. I urge the House to join me in remembering Ronald Freel for his service to the community and extending our condolences to his family.

A PROCLAMATION FOR DOCTOR WILLIAM F. EMLICH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. NEY. Mr. Speaker:

Whereas, Doctor William F. Emlich has served continuously as the Medical Director for the Central Ohio Joint Fire District and its predecessor Hilliard Township/Centerburg Volunteer Fire Department since July 1959; and

Whereas, Doctor Emlich provided his services as Medical Director continuously since 1959; and

Whereas, Doctor Emlich's service to the people of the Centerburg and the surrounding area displays his dedication to helping those in need. He should be commended for the help that he provided to the people of Centerburg and the surrounding area.

Therefore, I join with the Ohio's entire 18th Congressional District in celebration Doctor William F. Emlich's forty-five years of service to the Central Ohio Joint Fire District.

TRIBUTE TO ARMSTRONG MIDDLE SCHOOL'S SCIENCE OLYMPIAD TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to Armstrong Middle School's Science Olympiad Team which won first place in the New York State Science Olympiad Tournament and 18th place at the national tournament, a truly exceptional accomplishment.

The Armstrong Middle School team is comprised of sixteen members and coached by Paulette Bodak. Team members are Allison Kritall, Emily Hoogesteger, Gage Howard, Jamie Wisner, Stephan Wagner, Ashley Stanley, Brianna Kelleher, Jessica Bellingham, Julie Weidner, Ryan Lattanzio, Ben Mears, Dan Frederes, Emma Fink, Eric Frauel, Randy Mason and Paul Whitmire.

The team won the regional and the New York State competitions to qualify for the national level where they competed against other

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

teams from the United States. At the national level, medal winners from the Armstrong Middle School were Ben Mears and Dan Frederes, first place in Meteorology; Ben Mears, Dan Frederes, and Julie Weidner, fourth place in Experimental Design; and Paul Whitmire, fourth place in Compute This.

I would like to express my congratulations to the team for such an outstanding achievement and wish them luck in all their future endeavors.

RECOGNITION OF DR. MANUEL CEREIJO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, today I would like to recognize a truly remarkable member of the Florida community, Dr. Manuel Cereijo. A proven leader in the fields of science, engineering, education and technology, Dr. Cereijo was previously acknowledged in 1991 for his Lifetime Achievement Award by the Hispanic Engineer National Achievement committee and his exceptional dedication to the advancement of his profession and students.

Dr. Cereijo currently serves as President of the Professional Advancement Corporation and Lecturer of Engineering at the University of Miami, while simultaneously presiding as member of the Board of Directors on several prominent business, research, and engineering organizations in the Miami area.

Dr. Cereijo has furthermore received several reputable awards such as the Faculty Teaching Award at Florida International University in 1999 and his induction into the Hall of Fame of the National Association of Hispanic Engineers in 1998.

Dr. Manuel Cereijo consistently employs his expertise through means beneficial to his colleagues and students and is an outstanding representative of the state of Florida. It is my honor to recognize him and thank Dr. Cereijo for his incredible service and dedication.

PAYING TRIBUTE TO ANN RUDOLPH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to a very special resident of the 23rd Congressional District, Ann Rudolph, as she retires from Hollister School. As Office Manager, Ann has touched the lives of countless Hollister School students, parents and faculty over the past 18 years.

One of the Principals who worked with Ann described her as the centerpiece of the school. Her caring nature and generosity extended well past her job description as she corralled stray dogs, helped paint office walls and provided after-school academic assistance to students in need. In addition to providing countless hours of her time to school projects and to helping each student succeed, Ann assisted in jog-a-thons, created a scholarship fund for sixth grade science camp and contributed to the school band. Ann provided for the Hollister School community as if each child were her own. She valued every individual, working with parents and teachers to make each student's experience at Hollister the best it could be.

When talking about Ann to students, one might hear a story of Ann waiting until late afternoon with a student until her parents arrived, or inviting a child to her home for after school tutoring. In addition to her extensive work with the students, Ann also assisted members of the Santa Barbara community by washing all of the school's unclaimed "lost and found" clothes so that they could be given to needy families.

Ann Rudolph has served the Hollister School community in so many ways over her 18 years of employment. She has touched the lives of many and will be missed by each parent, teacher and student who had the privilege of knowing her. Dedicated and devoted people like Ann are what make our community so special. I wish Ann the best as she begins retirement and thank her for all that she has done.

A PROCLAMATION HONORING JOHN THOMAS O'ROURKE, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. NEY. Mr. Speaker:

Whereas, John and Carolyn O'Rourke are celebrating the arrival of their son, John Thomas O'Rourke, Jr.; and

Whereas, John Thomas O'Rourke, Jr. was born in the second day of April, 2004 and weighed seven pounds and twelve and a half ounces; and

Whereas, John and Carolyn O'Rourke are proud to welcome their new son into their home; and

Whereas, John Thomas O'Rourke, Jr. will be a blessed addition to his family, bringing love, joy, and happiness for many years to come;

Therefore, I join with members of Congress and Congressional Staff in celebrating with John and Carolyn O'Rourke and wishing John Thomas O'Rourke, Jr. a very Happy Birthday.

BACK TO WORK INCENTIVE ACT OF 2003

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 444. H.R. 444 authorizes a pilot program to allow unemployed workers to receive job-training vouchers.

Unfortunately, the bill does not even fund the voucher program. The funding must come from existing job-training programs. These vouchers could be as small as $500 and as large as $3000. Voucher recipients could purchase job-training and child-care services, or use the funds to cover some transportation expenses. However, job-training services would no longer be free, but would have to be purchased for a one-year period.

We are stealing Peter's training money to give Paul a voucher. Tell me how this improves job training in our country? This is not the solution for the millions of Americans that don't have a job and can't put food on the table. The White House and Republican Congress have failed to create jobs. They have failed to respond in thoughtful way to the needs of the American workers or the basic needs of our sluggish economy. Where is the compassion in the White House's conservatism for the 1.5 million Americans that have exhausted their unemployment benefits?

H.R. 444 is a misguided response to the great needs of our country. We need more jobs, not to privatize the job training. Millions need to put food on the table with their unemployment checks, not a tax cut that rewards corporations that move jobs overseas. I have had enough of nonsense legislation from this White House and Republican Congress. I will not vote for a bill that will result in cuts to the very job-training that will help people get a job.

In sum, this bill siphons money away from job training programs, limits people's access to that training, and does not even fund the pilot project. The motivation for this bill must have been, "why help people, when you can just pretend."

I urge my colleagues to reject this ineffective and purely cosmetic bill.

HONORING THE LATE ROGER PELTYN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. PORTER. Mr. Speaker, I rise today to remember Roger Peltyn, who passed away suddenly last Thursday at the age of 60. Roger Peltyn helped build the modern Las Vegas that has become one of the wonders of the world, and will be remembered by all who knew him, and admired by everyone who sees the marvelous buildings he created.

Roger Peltyn was born in Brooklyn, New York in 1944 and moved to Las Vegas to work as a structural engineer at the Golden Nugget. From this work Roger Peltyn's genius was recognized, and he went on to serve as an engineer at the Bellagio, Mirage, Venetian and many other world class resorts in Las Vegas. Roger Peltyn was also a major contributor to our community in other ways, and helped raise more than $4 million for various charities.

Thanks to Roger Peltyn, the Las Vegas skyline has become one of the great symbols of America, whose beauty, strength, and success are reminders of everything our nation stands for. I urge the House to join with me in honoring Roger Peltyn and extending our condolences to his wife Sandy and his two sons on his untimely passing.

HONORING THE NCAA NATIONAL CHAMPIONSHIP VICTORIES OF LE MOYNE COLLEGE AND SYRACUSE UNIVERSITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. WALSH. Mr. Speaker, I rise in honor of two NCAA national championship athletic programs from Syracuse, NY. This past weekend, both the Syracuse University and Lemoyne College Men's Lacrosse teams won NCAA titles in Baltimore, MD.

Though Central New York is known as a breeding ground for the nation's finest lacrosse players, never before has Syracuse been the home of two reigning NCAA National Champions in the sport. I am extremely proud of both teams and applaud the determination and skill they showed throughout the 2004 season.

Syracuse University has been a dominant force in NCAA Division I lacrosse for decades under the leadership of Roy Simmons, Roy Simmons, Jr. and current skipper John Desko. The program has built a tradition of excellence and produced the finest individual players in the history of collegiate lacrosse.

The current team is a proud extension of the SU lacrosse legacy and under the leadership of Coaches John Desko, Kevin Donahue, Roy Simmons III and Ryan Powell; they have proven their dominance once again.

Mike Powell, the undisputed leader of the SU Lacrosse team, along with his teammates carried on throughout the 2004 season in the spirit of the Gait Brothers, Tom Marachek, Charlie Lockwood and the other great teammates and talents who gave rise to the formidability of SU Lacrosse.

The Orangemen came into the NCAA tournament with a number 4 seed. Some considered that lower ranking to be an affront to the depth and talent the program had demonstrated during the course of the season. It became obvious as the tournament progressed, however, that any weaknesses perceived in the 2004 team were gone.

With Mike Powell, the leading scorer in the history of SU lacrosse on the crease, a strong group of senior leaders including Dan DiPietro, Nick Donatelli, Kevin Dougherty, Sean Lindsay, Brian Nee, Michael Powell, Andy Shin, Steve Vallone and Alex Zink, underclassmen John Bone, Andrew Boyle, Evan Brady, Danny Brennan, Steven Brooks, Brett Bucktooth, Crian Crockett, Chris DiMarco, Scott Ditzell, Zack Fields, John Gallagher, Kevin Gowin, Ryan Hogan, James Hsiao, Jon Jerome, Geoff Keough, Steve Lykudis, Mike MacDonald, Kieran Murphy, Brooks Neal, Dustin Palmer, Steven Panarelli, Jarett Park, Jay Pfeifer, Jake Plunkett, Timmy Raschdorf, Greg Rommel, Andrew Sullivan, Thomas Theodorakis, Donn Vidosh, Hank Vohrer, Scott Wallace, Zack Wallace, John Wright and supporting staff Troy Gerlt, Katherine Hatch, Gary Audet and Judy Quattrone the Orangemen beat very strong Georgetown and Johns Hopkins squads to advance once again to the NCAA Division I title game.

With their stunning 14–13 victory over the Midshipmen of the U.S. Naval Academy, the Syracuse University Men's Lacrosse Team won their 9th national championship and the third NCAA Division I title in the 5 year tenure of Coach Desko.

The consistency and talent of the Syracuse University Men's lacrosse program deserves the recognition of this House and the nation at large. Very rarely has collegiate sport seen such a shining legacy and I am extremely proud to represent Syracuse University in the House of Representatives.

Chancellor Kenneth "Buzz" Shaw, the students, faculty, alumni and fans of Syracuse University deserve praise for their continued dedication to the Orangemen lacrosse legacy. I would like to extend my thanks for the great work they do and the honor and dignity they bring to Central New York.

Lemoyne College, the only Jesuit institution of higher learning in Syracuse has emerged on the national scene in recent years as a NCAA Division II powerhouse. The small, yet distinguished college has maintained a tradition of athletic success, though since being chartered in 1946 had never won a national championship in any sport.

That all changed May 30th, 2004 when the Lemoyne Dolphins defeated Limestone College 11–10 in double overtime, before nearly 20,000 fans at M&T Bank Stadium. The stunning win, led by Junior Brandon Spillett's amazing performance on attack, gave Lemoyne and Head Coach Dan Sheehan the first NCAA National Championship in the history of the school. This achievement has brought a great measure of pride to the friends, faculty and alumni of Lemoyne College, all of whom had watched the men's lacrosse program develop from obscurity to national prominence in only a few years.

The NCAA Division II National Championship title for the Dolphins Men's Lacrosse team means a great deal to Central New York, home to most members of the Dolphin Lacrosse team, but also to the Lemoyne College family as well. All of the students, faculty and staff of Lemoyne endured a difficult year that saw the College bond together in support of senior midfielder Adam Carne, who nearly died last summer after a brutal and senseless attack by a stranger. Adam's remarkable recovery and presence on the sidelines during the 2004 season inspired the Dolphin Lacrosse team to achieve a level of success unimaginable just a few years ago.

I am immensely proud of Coach Dan Sheehan, his assistants Brian Datellas, Kevin Michaud and Bradley Carr, as well as the members of the Lemoyne Dolphins Men's Lacrosse team including seniors Travis Morgia, Corey Sullivan, Adam Carne, Rob Trowbridge, Pat Hooks, Chris Geng, Joel Dorchester and Justin Wnuk; underclassmen Brannan Karg, Travis Tarr, Ryan Fennell, Brandon Spillett, Travis Ames, Chris Doran, Collin Knowles, Nate Evans, Chris Moore, Matt Juriga, Kyle Reichel, Jared Corcoran, Ben Lanman, Ted Rund, Ed Street, Jordan Witt, Matt Emerson, Eric Roberts, Ryan Lewis, Kevin Kohl, Brendan Flynn, Joe Maslak, Joe Weaver, Matt Holdridge, Craig Rosecrans, Jeff Norton, Russ Oechsle, Mike Lindstrom and support staff Mike Wilson, Rachel Russell, Carissa Barallaro and Shannon Holliday.

Lacrosse is a way of life in Central New York and has been since the Iroquois Federation created the game centuries ago. I feel privileged to represent such outstanding college athletic programs in my Congressional District and once again express my sincere congratulations to the Syracuse University and Lemoyne College Men's Lacrosse teams for their great efforts this season and NCAA National Championship titles.

A PROCLAMATION IN MEMORY OF RICHARD W. SANDY OF NEW PHILADELPHIA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. NEY. Mr. Speaker:

Whereas I hereby offer my heartfelt condolences to the family and friends of Richard W. Sandy of New Philadelphia; and

Whereas, Richard W. Sandy was a caring and loving individual. Sandy was active in his church, the Special Olympics program as a state champion bowler and as a client of Starlight Enterprises, Inc.; and

Whereas, Richard W. Sandy will certainly be remembered by all those who knew him; and

Whereas, Richard W. Sandy touched many lives and his memory will stand as a monument to a truly fine person; and

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Richard W. Sandy.

FAREWELL SPEECH FOR TAIWANESE AMBASSADOR C.J. CHEN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, we are honored to be here today to bid farewell to a great statesmen and friend, Ambassador C. J. (Chinn-Jen) Chen. The Taiwanese government has much to be proud of from the Ambassador's long career of selfless service to his country. He is a distinguished diplomat who has served Taiwan's foreign service for thirty-seven years, and in many ways served all of us, and the world. Ambassador Chen has spent much of his career strengthening the close and friendly ties between Taiwan and the United States.

He first came to Washington, D.C. in 1971 as a Third Secretary assigned to the Republic of China Embassy in the United States where he served through 1979. By then, he had been promoted to First Secretary, and from that position, he was able to play an important role in the formulation of a new framework for improved relations between the people's of Taiwan and the United States.

During the 1980's and 1990's, as the Ambassador earned a series of promotions to posts of greater and greater responsibility—both in Taipei and in Washington—he continued to serve as an effective bridge from bringing Taiwan and the United States closer together. As Taiwan's Deputy Foreign Minister and then Foreign Minister, he insured that his country's foreign policy reflected that tremendous economic progress and democratic development taking place on Taiwan. And, by emphasizing the common values and joint interests that the United States and Taiwan share, Ambassador Chen has fostered mutual trust and cooperation between successive administrations: from Ronald Reagan to George W. Bush in the United States; and from Chiang Ching-kou to Chen Shui-bian in Taiwan.

Over the last four years, the Ambassador has, in his capacity as Taiwan's chief representative in the United States, endeavored to further enhance the military, political, cultural and economic aspects of our bilateral relationship. Apart from his personal friendships with a number of high-ranking administration officials, he has built quite a following in Congress. He strongly encouraged and supported the establishment of the House Taiwan Caucus and the Senate Taiwan Caucus. Working closely with us, he has earned our respect and affection.

Most importantly, thanks to diplomats like Ambassador Chen, Taiwan and the United States are truly friends and our relationship is stronger now than at any other time. Having visited Taiwan myself, I have seen how much the Ambassador's country has been able to benefit from better relations, and I'm sure that his work has made Taiwan a better place.

Mr. Speaker, as Ambassador Chen concludes his tour of duty in Washington and his returning to Taipei, I bid him a fond farewell and wish him all the best. He has been a true friend, a man of principle and integrity, and we will surely miss him.

FALLEN HEROES

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. WOLF. Mr. Speaker, it is my pleasure today to recognize those hereos who have made the ultimate sacrifice for our nation. There is no tribute too great that we can offer these courageous men and women.

These men and women join a lengthy list of hereos from the 10th District of Virginia who have fought and died so that others might be free. Starting with the French and Indian War before our nation was formed to those serving today in hostile environments in the War on Terrorism, our district has proudly served the Armed Forces of the United States.

I take this opportunity today not only to honor those who made the ultimate sacrifice but to honor the loved ones they left behind and let them know that this nation has not forgotten the pain they must endure.

The fallen lived and died with a nobility of purpose which those of us left behind have a sacred duty to carry on. Each one of us must fight to keep this nation free and worthy of sacrifice. There is no greater love for humanity than to give one's life for the freedom we all cherish.

I ask that everyone pray for the men and women in uniform who are in harm's way in Iraq, in Afghanistan and other parts of the world where we have a military presence. They need and deserve our support.

FALLEN HEROES

SPEECH OF

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. PRYCE of Ohio. Mr. Speaker, there are no words that can lessen the intensity of families' grief and profound loss after learning that a son, daughter, or relative serving in the Armed Forces has fallen in the line of duty. I have recently written to five central Ohio families who have suffered such a loss as Part of Operation Iraqi Freedom and Operation Enduring Freedom, and each time it weighs heavily on my heart.

Army Pfc. Kevin Ott, Army Pfc. Branden Oberleitner, Pfc. Nicholaus Zimmer, Army Staff Sgt. Aaron Reese, and Army Master Sgt. George Fernandez were the truest of all patriots. These soldiers will be greatly missed by all who knew and loved them, and their families are in my thoughts and prayers.

The unique sacrifice that fallen soldiers share, giving their lives for the development and protection of freedom, place them among those in our history who will be remembered for dedicating themselves to the greatest of all ideals that we as Americans hold dear.

America is eternally grateful to these and all of our soldiers for their courageous and dedicated service to our great nation and their valor in bringing freedom to the Iraqi and Afghani people. They have not only worked to bring liberation and justice to these oppressed people, but have also made America safer from the threat of terrorism by rooting out evil where it is hiding around the globe. I am extremely impressed by the poise and sense of duty and purpose with which all our young men and women in the armed forces conduct themselves. Their resolve to finish the job, because it means doing the right thing for the world even in the face of making the ultimate sacrifice, is truly inspiring.

This Memorial Day, I will reflect on the sacrifices made by these soldiers and the long list of men and women who viewed their lives as subject to the preservation of liberty. May God bless our troops, and may God continue to bless the United States of America.

A PROCLAMATION IN MEMORY OF RAMA MAE GROVES STEEN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Rama Mae Groves Steen; and

Whereas, Rama Mae Groves Steen was a loving sister, daughter, aunt, and wife to the members of her family. Rama Mae was a member of the Alpha Rho Chapter of Delta Kappa Gamma Society International of Guernsey and Noble County, a National Teachers Honorary, life member of the Ohio retired Teachers Association, Caldwell Woman's Literary Club; Order of the Eastern Star, Order of the White Shrine of Jerusalem, Rosa Shrine 8 of Zanesville; and

Whereas, Rama Mae Groves Steen served in the past as chairman of the Central and Executive Committees of Noble County Republican Party, Noble County Republican Woman's Club; and

Whereas, Rama Mae Groves Steen will certainly be remembered by all those who knew her because of her loving nature towards her family, friends, and community; and

Whereas, the understanding and caring to which she gave to others will stand as a monument to a truly fine person. Her life and love gave joy to all who knew her; and

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Rama Mae Groves Steen.

IMMIGRATION REFORM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. GRAVES. Mr. Speaker, I rise today still afraid for our Nation's security. Not because of terror alerts, but because our borders remain porous. The enforcement of our immigration policy is impotent, resulting in a continued flood of illegal immigrants across our borders.

It is time for the federal government to stop letting unchecked mass immigration undermine the wages, safety, and benefits in one occupation after another. It is time for the federal government to moderate immigration and to treat American workers, citizen and immigrant, with the respect they deserve.

Our constituents did not elect us to help cheapen the quality of their lives by importing foreign workers at six to eight times the historical average. There is no getting around the fact that when we cheapen labor with unchecked illegal immigration, we cheapen our neighbors, both citizens and immigrants alike.

If we moderate immigration in the context of an historical average, we will remain the most open society in the world, and begin to halt America's slide from a middle class, to a poverty class, society.

I call on my colleagues to join me in working to reform our immigration policies and to halt the cheapening of America's citizen and immigrant workers. Without real immigration reform, our borders will not be safe and our citizens will be at risk.

RECOGNIZING MARO EMPLOYMENT AND TRAINING ASSOCIATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize MARO Employment and Training Association. This organization will be celebrating thirty years of community service in June 2004. MARO Employment and Training Association represents 60 not-for-profit community organizations, providing vocational training, employment and support services for people with disabilities and other barriers to employment and community access.

MARO Employment and Training Association assists members by sharing information with community organizations regarding how to serve people with a number of varying disabilities. The group works on both the state and federal level to increase opportunities for people with barriers to employment. Members are offered affordable Workers' Compensation Insurance and prescription drug coverage through self-insured programs as well an array of networking opportunities.

MARO Employment and Training Association works together with the Michigan Community Mental Health agencies, the Department of Labor and Economic Growth, Michigan Rehabilitation Services, Michigan Works! agencies, the Michigan Department of Corrections, the Michigan Commission for the Blind, and with local schools.

MARO Employment and Training Association provides a critically important service. The work the organization does is respected throughout the state and it has proven to be a great asset in Michigan for 30 years.

I urge my colleagues to join me in recognizing MARO Employment and Training Association for the service and opportunities the organization has provided for Michigan citizens.

HONORING AMBASSADOR C.J. CHEN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. KING of New York. Mr. Speaker, today I rise and join my colleagues in honoring a unique man and a graceful diplomat.

After 4 years of exemplary service as the head representative of the Taipei Economic and Cultural Representative Office (TECRO), the quasi-embassy of the Republic of China (ROC), Ambassador C.J. Chen is returning to Taiwan. In fact, since joining his country's foreign service 37 years ago, Ambassador Chen has continuously been involved with U.S.-Taiwan relations in his many job assignments both in Taiwan and in the United States.

In 1979 when the United States severed diplomatic relations with Taipei and recognized Beijing, Ambassador Chen was then working in Taiwan's embassy in Washington. He spent days and nights negotiating and communicating with U.S. government officials and lawmakers in helping draft the Taiwan Relations Act (P.L. 96–8). Signed into law on April 10, 1979, this important legislation has enabled Taiwan to grow both economically and politically during the last quarter century.

In subsequent years, Ambassador Chen has played many key roles in Taiwan's foreign ministry. He has encouraged the U.S. to act as a balancer and facilitator in handling its relations with both Taiwan and the People's Republic of China (PROC). In addition, Ambassador Chen and other leaders in Taiwan have been successful in urging the U.S. to continue to provide Taiwan with military aid necessary for its self-defense.

During the last 4 years, Ambassador Chen has aimed to strengthen U.S.-Taiwan relations which are now at their highest point since 1979. While there have been no major changes in U.S. policy toward either side of the Taiwan strait recently, the U.S. stance toward Taiwan has improved significantly, largely due to Taiwan's democratic government.

In addition to the Bush Administration's goodwill towards Taiwan, support on Capitol Hill continues to grow. Since the start of the 108th Congress, both the House and Senate have introduced and/or passed various resolutions relating to Taiwan including support for: (1) Taiwan's participation in the World Health Organization (WHO); (2) A U.S.-Taiwan free trade agreement and; (3) Taiwan's security. Ambassador Chen has played a critical role in building support for each and every one of these resolutions.

Mr. Speaker, while Ambassador Chen is indeed leaving Washington, I have no doubt that he will continue to contribute to the enhancement of U.S.-Taiwan relations in the future. I wish C.J. and his wife Yolanda all the best. They will be greatly missed here in Washington.

COMMEMORATING THE 250TH ANNIVERSARY OF THE FRENCH AND INDIAN WAR AND THE KICK-OFF OF THE CELEBRATION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. MURTHA. Mr. Speaker, I rise today to recognize the 250th anniversary of the French and Indian War and the commemorative activities planned to revisit this important time in our Country's history.

As a former soldier, I believe that remembering and recognizing the bravery and courage of those who fought before us is essential to keeping history alive and fully appreciating the freedom we now enjoy. Today, our troops are faced with the conflict in Iraq. As we commemorate the 250th anniversary of the French and Indian War, let us remember that it is through the bravery of the young men in Iraq that there will be a new country, new government, and new opportunities, much like the result of the French and Indian War 250 years ago.

Beginning in 1754, the French and Indian War changed everything. The political climate during and after the war directly resulted in the American Revolution and the creation of the United States as an independent nation. The war also gave America its first introduction to George Washington, the beginning of a friendship that would help to build this great Nation.

Laura Fisher, the Executive Director of the French and Indian War 250, Inc., along with former Pennsylvania First Lady Michele Ridge, National Co-Chair of the French and Indian War Advisory Committee, and Chuck Queenan, Chairman of the Board of the French and Indian War 250, Inc., have helped to build the national commemoration of the French and Indian War from a regional event to a multi-state initiative that spans a twenty-state area from Maine to South Carolina.

Official commemoration activities began in Pittsburgh, Pennsylvania, April 16–18, 2004, at the historic Point Park. The Point was the site of Fort Duquesne, later Fort Pitt, and one of the most sought after locations thanks to the accessibility of the Ohio, Allegheny, and Monongahela Rivers.

The next several years will commemorate the anniversary through large-scale re-enactments at historic sites, exhibitions of rare historical artifacts, educational symposia and a major public television series, and I encourage my colleagues and their constituents to participate in remembering some of the most important milestones and sacrifices made leading to America's founding.

The National Governor's Association meeting held recently in Washington, D.C., was a great victory for the French and Indian War 250th Anniversary as several of the nation's governors reaffirmed their support of the importance of the commemoration by signing their name to the French and Indian War Memorandum of Understanding. I applaud Governor Ed Rendell of my state of Pennsylvania, and all the Governors who have pledged their continued commitment to developing programs to attract and educate visitors about the rich heritage and contribution that each state made during this era of conflict.

Governors who signed the Memorandum of Understanding have pledged to continue working to create French and Indian War trails, new marketing strategies to inform the public of this exciting initiative and educational programs to aid teachers in the classroom.

In commemoration of the French and Indian War's 250th anniversary celebration and the Memorandum of Understanding regarding the importance of this celebration and the importance of recognizing the sacrifices made in battle, I respectfully request that the French and Indian War Memorandum of Understanding be printed in the CONGRESSIONAL RECORD. I thank the Speaker and I yield the floor.

Memorandum of understanding between the State of Connecticut, the State of Delaware, the State of Illinois, the State of Indiana, the State of Maine, the State of Maryland, the Commonwealth of Massachusetts, the State of Michigan, the State of New Hampshire, the State of New Jersey, the State of New York, the State of North Carolina, the State of Ohio, the Commonwealth of Pennsylvania, the State of Rhode Island, the State of South Carolina, the State of Tennessee, the State of Vermont, the Commonwealth of Virginia, the State of

West Virginia, and War for Empire, Inc d/b/a French and Indian War 250, Inc.

The following represents an understanding between the State of Connecticut, the State of Delaware, the State of Illinois, the State of Indiana, the State of Maine, the State of Maryland, the Commonwealth of Massachusetts, the State of Michigan, the State of New Hampshire, the State of New Jersey, the State of New York, the State of North Carolina, the State of Ohio, the Commonwealth of Pennsylvania, the State of Rhode Island, the State of South Carolina, the State of Tennessee, the State of Vermont, the Commonwealth of Virginia, the State of West Virginia (hereinafter "the States") and War for Empire, Inc., d/b/a French and Indian War 250, Inc. (hereinafter "French and Indian War 250").

Whereas, the States represent the geographical area in which the French and Indian War historical sites are located and French and Indian War 250 represents the official commemoration of the 250th anniversary of the French and Indian War.

Whereas, the 250th anniversary of the French and Indian War is fast approaching, spanning the years from 2004 to 2010, and the opportunity exists to connect the unparalleled collection of historic sites in these States.

Whereas, by developing a common storyline, educational materials and marketing strategies, these important, but mostly rural, sites in the States will be given new visibility.

Whereas, the occasion of this major anniversary will serve as a springboard in the States for tourism, education and economic development as we develop new programs and projects to attract visitors, educate the general public about the lasting importance of this conflict, and elevate this regional story to national prominence.

Whereas, commemorative plans revolve around four basic goals: to improve and connect the battle sites, both regionally and nationally; to create programming to attract visitors and educate the public; to stage commemorative events nationwide over the life of the anniversary period; and to elevate the visibility and significance of the commemoration.

Whereas, connecting battle sites, located in the States, from the spread of the war through southwestern Pennsylvania to its neighboring colonies and related sites from Pontiac's Rebellion, which occurred on the frontier as the immediate aftermath of the war, gives greater context for a new understanding of the critical role played in this era by Native American nations.

Whereas, the States' large network of battle sites from the French and Indian War can offer visitors a living historical storyline. The National Park Service has already begun programmatic efforts at several sites, including the well-known national battlefield Fort Necessity, and is supportive of the efforts to link these activities to the French and Indian War commemoration.

Whereas, it is important to translate the story into specific exhibit and public presentation strategies, including development of a shared logo, brochures and marketing plans to reach new audiences with targeted and effective messaging.

Whereas, a major centerpiece of the celebration will be a four-hour public television special, aimed at a broad general audience and aired as a national prime time television event. The reach and lasting effect of this national television event can be extended with cutting-edge technological tools to reach teachers and students nationwide with curricula and other related materials.

Whereas, Parkman Prize winning historian Fred Anderson is authoring an heavily illustrated popular book based on the film, which will also encourage new interest in the States' sites.

Whereas, the States will enjoy tourism opportunities through regional and multi-state tour and thematic guides that will be distributed at the 40-plus National Park Service Revolutionary War/18th century sites. Also, a new national French and Indian War thematic trail will be developed, linking the States and their sites.

Whereas, a national calendar of commemorations, reenactments and public programming in the States will generate and sustain interest for the life of the anniversary period. A national media strategy will be developed, including a press tour, to reach diverse markets.

Now therefore, the States and French and Indian War 250 have established a working relationship and agree in good faith to work together to focus on the commemoration of the 250th anniversary of the French and Indian War and commence the aforementioned activities as of February 22, 2004 and continue these activities until 2010 or terminated by any party.

In witness whereof, the State of Connecticut, the State of Delaware, the State of Illinois, the State of Indiana, the State of Maine, the State of Maryland, the Commonwealth of Massachusetts, the State of Michigan, the State of New Hampshire, the State of New Jersey, the State of New York, the State of North Carolina, the State of Ohio, the Commonwealth of Pennsylvania, the State of Rhode Island, the State of South Carolina, the State of Tennessee, the State of Vermont, the Commonwealth of Virginia, the State of West Virginia and French and Indian War 250 have evidenced their good faith intent of the undersigned to work toward the goals herein enumerated.

IN HONOR OF ANDREW D'AMICO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. ANDREWS. Mr. Speaker, with this month being Autism Awareness Month, I ask that you join me in recognizing the efforts of Andrew D'Amico and his parents, Mr. Frank D'Amico and Mrs. Nancy D'Amico in supporting this cause. With autism occurring in 1 in every 250 births nationwide, more scientific research in regard to causes and treatments would prove to be beneficial. The D'Amicos participate in the National Alliance for Autism Research (NAAR), an organization that as its name suggests funds and promotes scientific research to determine both the biological origin and possible cure for this condition. In 1994, NAAR became the first association in the United States to uphold a mission dedicated to research concerning autism. More recently, on April 1st of last year, the D'Amicos along with other representatives of NAAR lobbied on NAAR's Hill Day for increases in the NIH budget specifically geared towards researching this condition.

In addition to boosting financial resources for research, NAAR builds a supportive community of friends and family connected to autism. This group's major fundraiser, Walk F.A.R. for NAAR, takes care of both bases by raising funds and by connecting many individuals through one powerful goal of spreading awareness and deepening knowledge. NAAR hosts this special 4-mile long walk in numerous locations throughout the Nation. Since May 2000, 150,000 walkers have together raised over $15 million. The dedication and care of those involved in the walk survive any obstacle, as is evident in last year's Delaware Valley Walk. Rain drenched this site, but 2,000 supporters completed every bit of the 4 miles and collected $204,000. The commitment of NAAR's members simply shines. Walkers can take part in this event separately or within a team. Andrew and his parents formed Team Andrew, a team that at fifty walkers strong donated $10,000 alone last year at the previously mentioned walk. Andrew along with the rest of his team intends to continue their strong showing and partake in the 2004 Delaware Valley Walk on June 12th, exactly two months before his 18th birthday.

Aside from his activities with NAAR, Andrew devotes himself to high achievement within his high school and surrounding communities. Currently a junior at West Deptford High School, he has earned upstanding academic marks and the esteem of the faculty. Such accomplishment secured for Andrew the Principal's Award for the second marking period of the current school year and an invitation to apply for membership to the West Deptford Chapter of the National Honor Society. Acceptance into this society revolves around scholarship, service, character, and leadership. Further solidifying his involvement within West Deptford High School, Andrew serves through the Key Club and Students Against Destructive Decisions (SADD). Rather than taking a back seat, Andrew actively and admirably becomes involved.

Andrew combines his interest in service and ability to lead by volunteering at the Gloucester County Camp that focuses on Asperberger Syndrome. Those exhibiting symptoms of this condition show signs of deficient socialization and difficulty in coping with changes in routine. This 4-week program aims to comfortably increase social interaction amongst its participants. Andrew, a two-year veteran, decided to take another step up and reach out to those willing to put out a hand. The construction of this tight network offers a foundation for the individuals of the camp to gain support from. Mr. D'Amico described his son's incredible ripple effects when he commented, "Andrew has made our family stronger and each of us a stronger person. We were all blessed on the day he was born." Andrew chooses not to view his state as a heavy weight or crutch. He instead aspires to not only take care of himself and his responsibilities but to also touch and invigorate those around him. For a myriad of reasons, Andrew D'Amico unquestionably deserves acknowledgment.

HONORING THE MEMORY OF THE REV. DONALD WINHOLD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the memory of the Rev. Donald A. Winhold, the father of Laura Sue Gaines. Laura Sue is a former staff member of mine whom I highly regard. Her father passed away on May 24, 2004.

Laura Sue's father was a man of strong convictions, untiring dedication and infinite compassion. He was a devout Christian who dedicated his life to serving the Lord and helping his fellow man. As a Southern Baptist minister and area missionary, Rev. Winhold helped charter five churches during his tenure. Those churches are the First Christian Missionary Alliance Church in Sioux City, Iowa; the Trotwood Baptist Church in Trotwood, Ohio; the First Baptist Church in Napoleon, Ohio; the First Baptist Church in Azle, Texas; and the Greeneville Baptist Church in Greeneville, Ohio. He also was responsible for establishing the first public library in Raymond, Illinois.

Rev. Winhold used every means at his disposal to spread the gospel, including through his television and radio ministries. He was truly a man of vision who understood the nature of the people he ministered.

Rev. Winhold was also a man who valued family life and service to his country. He was a U.S. Navy veteran who served during the Korean War. And he was married 46 years to his beloved wife, Rosalie. They had four children: Michael Winhold, Michelle Hopkins, William Winhold and Laura Sue.

I commend Rev. Winhold for his full and rewarding life. He will be remembered as a true servant of God, and he will be sorely missed by his family, his church and the communities for which he worked.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY "ROSIE THE RIVETER," WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to offer my support of H. Con. Res. 413, which honors the contributions of Rosie the Riveter—the brave women who served on the home front during World War II.

Over six million women served this county during World War II by taking on jobs that had been traditionally held by men. They served as welders, and engineers, and helped produce planes, trucks, guns and ammunition that were crucial to helping the U.S. achieve victory.

These brave women opened the doors toward equal rights and new employment opportunities, and highlighted the needs of working mothers, which in turn led to the creation of child care programs. Their efforts helped change social attitudes of traditional gender roles and allowed the women greater opportunities and independence.

I would like to join my colleagues in honoring the life and work of these great women and thank them for their contributions to this nation.

ON OCCASION OF THE RETIREMENT OF DWIGHT (SPIKE) HELMICK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. THOMPSON of California. Mr. Speaker, today I rise in honor of the retirement of Mr. D.O. 'Spike' Helmick Commissioner of the California Highway Patrol (CHP). Mr. Helmick has served the state of California in the California Highway Patrol for 35 years. Mr. Helmick has served as commissioner for the last 9 years and was appointed as the State's first director of Homeland Security.

Born in Texas in 1945 and raised in California, Commissioner Helmick graduated from Oroville High School. He is a graduate of the FBI's National Executive Institute and has completed graduate work in public administration through Golden Gate University. He holds a Bachelor of Arts degree in Administration of Justice from Golden Gate University and received Associate of Arts degrees in Police Science and Business Administration from Yuba and Glendale Colleges. Mr. Helmick, who left his job in a clothing store in his Northern California hometown of Oroville to join the California Highway Patrol, graduated from the training academy in 1969. His first assignments were patrol duty in Glendale and other parts of Los Angeles County.

Commissioner Helmick has held every rank from Cadet to Deputy Commissioner. Prior to appointment as Commissioner in 1995, he served as Deputy Commissioner for six years. Before that he served as Chief of the CHP's Coastal Division, which encompasses ten area offices and two inspection facilities from Santa Cruz to Ventura. Prior to being appointed Chief of the Division he served as Assistant Chief of Coastal Division from December 1986 through February 1989. From 1975 through 1986, Commissioner Helmick was assigned to the Office of Special Representative to the Legislature and commanded that office beginning in 1981. He also served in the South Los Angeles and Glendale Areas. On November 1, 1995, 'Spike' Helmick was appointed Commissioner of the CHP, commanding 6,730 uniformed and 3,200 nonuniformed personnel, located in 8 field divisions, 99 area commands, 16 commercial vehicle inspection facilities, 6 communications centers, and headquarters staff and executive offices. Mr. Helmick's duties ranged from heading up the state's homeland security programs in the aftermath of September 11, 2001, to assisting in riot control and aiding local departments in the fight against street gangs.

As Commissioner, Mr. Helmick initiated the concept of High Performance Policing within the CHP. Under his guidance, each CHP commander assesses the needs and expectations of the community served by their command. Delivery of service is tailored to satisfy both community and statewide needs.

Commissioner Helmick has continually emphasized the importance that the CHP workforce be representative of the state's diverse population so that the best services will be provided to all Californians. To this end, recruitment, hiring and promotion of women and ethnic minorities have been established as departmental priorities.

Support for Commissioner Helmick is widely based throughout California. His genuine concern for the needs of our state's citizens is evidenced by such diverse Department programs as Spanish language instruction of CHP employees, inclusion of cultural awareness training modules in recurrent training, and direction of Department resources to address specific crime and public safety issues.

There is no doubt that D.O. 'Spike' Helmick has been an outstanding public servant for the people of California. His distinguished career record speaks for itself. It has been my honor to work with Commissioner Helmick as both a State Senator and now as a Congressman. He is my friend and a friend to everyone in the California Highway Patrol. For these reasons I move that we recognize and honor D.O. 'Spike' Helmick for his outstanding achievements and service to the people of the State of California.

AMERICA'S BEST VA CLINIC

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. SANDERS. Mr. Speaker, I want to call the nation's attention to the exemplary work done by the staff of the Department of Veterans Affairs Clinic in Bennington, Vermont. Recently, the Federal Executive Association gave its "Federal Employee of the Year Award" to the entire Bennington VA Clinic staff.

As the Community Based Outpatient Clinic (CBOC) housed at the Vermont Veterans Home in Bennington, the facility and its staff serves the primary health care needs of eligible veterans in the region of southwestern Vermont. Over 1800 veterans in Vermont get exceptional medical care from Dr. Peter King and his colleagues in the clinic. As a sign of their remarkable dedication to the health and well-being of veterans, the Bennington VA Clinic was rated among the top ten clinics in the nation in ten of twelve categories. Ranking so highly among the more than 850 community-based VA clinics is a clear indication of the extraordinary work done by the Bennington staff,

Established in 1998, the Bennington VA Clinic affords veterans a single primary care provider to coordinate their care on an ongoing basis. It, along with the Fort Ethan Allen CBOC in Colchester, the CBOC in Rutland, and the CBOC in Littleton, NH (which serves veterans in the St. Johnsbury area), makes primary medical care more accessible to those who cannot always make the long journey to our excellent VA facilities in White River Junction.

We in Vermont are proud both of our veterans, and of the dedicated people who honor them by meeting their medical needs.

HONORING KEN HAMLIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the members of American Legion Post 18 of Bay City, Michigan to pay tribute to their past Commander and life-time member, Mr. Ken Hamlin. The Legion will honor Mr. Hamlin during a special recognition ceremony to be held in Bay City.

Ken Hamlin was born in Bay City on June 15, 1928. He served in the U.S. Naval Reserve during World War II and the Korean War. He retired honorably from the Reserve in 1966. Ken has spent the majority of his life serving and protecting. His commitment to the U.S. Navy and American Legion Post 18 is without doubt commendable. Ken has been a member of the American Legion Post 18 of Bay City for 29 years. During his 29 years of service with the Post he has had the honor of being a post service officer for 23 of those years. Ken's dedication to the post and its veterans have not gone unnoticed. In 1994 he was named Post 18 Commander, and later was granted Life Membership status for outstanding service. Also during 1994 he was awarded the Bay County Veteran of the Year award. Aside from Post 18, Ken is also a member of VVA Chapter 494 and a lifetime member and Past Commander (5 times) of AMVETS Post 22. He was the Past Chef DeGear Voiture 690 Bay County, and Past President Bay City Bowling Association. He was elected to the Bay City Bowling Hall Of Fame in 1998, is a member of Post 18 Baseball committee, and a member of the Bay County Naval Ship Committee. One of his most noted contributions to the Bay City Veterans Council was the assistance he provided in forming the Bay County Color Guard with the late George Rowell. Ken's strength, pride and steadfastness in getting the job done whenever and however will always be remembered. He is a leader of high moral standards. Many veterans are thankful for his generosity and kindness. Without his guidance and the assistance that the many veterans' organizations provide, many of our American Heroes would be forgotten.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in paying tribute to an outstanding veteran, Mr. Ken Hamlin, for his past service to our Nation and his continued commitment to assisting veterans.

NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2003

SPEECH OF

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CARDIN. Mr. Speaker, I rise in enthusiastic support of the National Great Black Americans Commemoration Act of 2003, and I want to thank my distinguished colleagues from Maryland, Senator BARBARA MIKULSKI and Representative ELIJAH CUMMINGS, for their leadership on this legislation.

The bill before the House, S. 1233, provides key funding for an important Baltimore institution. The National Great Blacks in Wax Museum will help preserve our nation's history. Located in East Baltimore, the Museum features nearly 200 exhibits and commemorates Black Americans in the fields of government, law, military service, science and religion. More than 300,000 visitors each year view its exhibits and participate in its programs. I have visited the museum several times, most recently for the unveiling of the image of our friend and former House colleague, Kweisi Mfume.

In the words of noted historian Carter G. Woodson, "If a race has no history, if it has no worthwhile tradition, it becomes a negligible factor in the thought of the world, and it stands in danger of being exterminated." If Dr. Woodson were alive today, he would applaud the work of Drs. Elmer and Joanne Martin. Back in 1983, these two pioneers recognized the importance of going beyond textbooks to expand the horizons of young minds, to stimulate their imaginations, to bring historical figures to life. The National Great Blacks in Wax Museum has helped preserve and celebrate the legacy of Black America, which I would emphasize is important for all Americans, including nascent immigrant communities.

Enactment of this bill will also expand the educational opportunities provided by the Museum, which works in coordination with religious and art groups to offer after-school and community activities in East Baltimore. This bill also authorizes $15 million for expansion of the Museum's existing facilities through a grant from the Department of Justice, and it will establish the Justice Learning Center.

This bill has passed the Senate unanimously and I look forward to its passage in the House and enactment. I urge my colleagues to visit the Great Blacks in Wax Museum, to recommend it to their constituents, and to vote in favor of S. 1233.

IN HONOR OF MICHAEL W. DAVIS'S DEDICATION TO THE BURBANK FIRE DEPARTMENT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Michael Davis for 35 years of dedicated service to the Burbank Fire Department.

Mike Davis joined the Burbank Fire Department as a probationary firefighter in 1969. He promoted through the ranks of the Fire Department and has served as Fire Chief for the past 14 years. He has held positions including Fire Engineer, Fire Captain, Fire Battalion Chief and finally Fire Chief. He has worked in all divisions of the department including Fire Suppression, Fire Prevention, Fire Training, Emergency Medical Services, Disaster Preparedness and Fire Administration.

His education includes an A.A. Degree in Fire Science from Los Angeles Valley College, and a B.S. Degree in Fire Protection Administration and Technology from California State University Los Angeles. His background also includes seven years of experience as a football player while at L.A.V.C. and Utah State University. He played professionally with the Toronto "Rifles" of the now-defunct Continental Football League as well as the New York "Jets" organization of the American Football League.

Chief Davis is a proud member of the International Association of Fire Chiefs where he serves on the Elections Committee. He is a member of the Western Fire Chiefs' Association and has faithfully served on the board of directors for the California Fire Chiefs' Association for 11 years. In addition, he maintains a membership in the Los Angeles Area Fire Chiefs' Association where he serves on several subcommittees, the Foothill Fire Chiefs' Association, and the Burbank Chapter of Rotary International. Michael Davis is one of Burbank's shining role models and outstanding citizens. He has brought prestige to the Burbank Fire Department's past, present, and future.

I ask all Members of Congress to join me today in congratulating Michael Davis for an exemplary professional and public service career, and for his immense commitment to the City of Burbank and its residents.

HONORING U.S. ARMY LIEUTENANT KEN BALLARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. STARK. Mr. Speaker, I rise to honor U.S. Army Lieutenant Ken Ballard who was tragically killed on Sunday, May 30th in Najaf, Iraq. Lt. Ballard served as a platoon leader in the U.S. Army's 2nd Battalion, 37th Armored Regiment, 1st Armored Division.

Lt. Ballard grew up in the Bay Area of California. After graduating from Mountain View High School in 1995, he joined the Army where he served in Germany, Bosnia, and Macedonia. He won an ROTC scholarship to Middle Tennessee State University and earned a bachelors degree in international relations prior to his deployment to Iraq.

Lt. Ken Ballard comes from a proud tradition of military service. He is the fourth generation on both sides of his family to serve our country in uniform going back to World War I. Lt. Ballard served courageously and with honor through unimaginable circumstances, acting bravely to protect the lives of those with whom he served.

Ken Ballard gave his life at the age of 26 with a bright and promising future ahead of him. It is with both sorrow and pride that we remember Lt. Ballard. As many in his hometown of Mountain View and across the Bay Area gather to mourn his loss, we honor Lt. Ballard's leadership, selfless sacrifice, and courageous service to our nation. Lt. Ballard was an outstanding American and a great Californian.

Our thoughts and condolences go out to his mother Karen Meredith and father Tom Ballard and all his family.

RECOGNIZING 60TH ANNIVERSARY OF ALLIED LANDING AT NORMANDY DURING WORLD WAR II

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor the 60th Anniversary of D–Day, the Allied landing at Normandy during World War II by American, British, Canadian and other Allied troops. Our nation's enduring gratitude goes out to the courageous veterans whose foresight and sacrifice brought the Allied forces perhaps the most crucial victory of World War II.

The 60th anniversary of D–Day commemorates a pivotal point in the war and a unique moment in time when coordination and valor forged unprecedented advancement of the Allied forces against the Nazis and their Axis powers. Operation Overlord, the most extensive amphibious operation ever to occur involved 153,000 members of the Allied Expeditionary Force who stormed five separate beaches at Normandy. It was a battle labeled 'The Great Crusade in Europe' by Allied Supreme Commander Dwight D. Eisenhower. Facing exceptional danger, 800 planes, full of airborne paratroopers carrying ninety to one hundred twenty pounds of extra weight on their back, invaded occupied Normandy with a mission to secure crucial high grounds, roads and bridges. In close succession, 30,000 vehicles charged the five separate beaches at Normandy, carrying soldiers who became the first to cross the formidable English Channel since 1688.

Poised to attack the disciplined German Army and seized with the loss of most of their radios and 60% of their supplies during landing, the men at D–Day could not rely on superior technology. In one of history's defining moments, the liberation of occupied France depended on human skill and will power, on anticipating the enemy and charging courageously forward. Ultimately, on D–Day, bravery in combat changed history. The soldiers of six valiant divisions met the most uncertain of risks to defend the freedom we cherish today, suffering close to 9,000 casualties. As Winston Churchill said of his British troops, 'Never in the field of human conflict was so much owed by so many to so few.'

Today, as we remember the invasion of Normandy as the turning point of World War II, we commemorate what the defeat of Hitler's army symbolized to the United States and to the world, a landmark in the struggle for Liberty and Democracy.

June 6, 1944, marked the beginning of the end of Hitler's ambition for world domination.

In honoring the anniversary of this democratic touchstone, we acknowledge the legacy of America's historic charge—wars fought for truly just causes. We etch this day into our Nation's profound memory so that we may convey to new generations the respect that liberty commands and the gratitude we owe to courage.

A TRIBUTE TO PAUL AZEVEDO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to Paul Azevedo, a resident of Pacifica, California, located in my Congressional district, who passed away on May 9th. Mr. Azevedo was a popular columnist at the Pacifica Tribune, a local paper, a historian of his beloved town, and above all, a family man.

Mr. Azevedo was born in Sonoma County, California on March 20, 1931. He served in the U.S. Army and earned a degree from San Jose State University. Mr. Azevedo moved with his wife Lydia to picturesque Pacifica 41 years ago where they raised four children, Mike, Rena, Martin and Joane, in this picturesque Peninsula town.

Mr. Azevedo joined the Pacifica Tribune in 1966 as an ad salesman and proceeded to hold almost every imaginable job at the paper before eventually settling into his role as a columnist. Known as "The Reactor", Mr. Azevedo eloquently opined on all matters that affected the Peninsula. Sometimes he merely related historical anecdotes that he thought relevant to the present day. A bit of a maverick, he did not always write the conventional column, but inspired praise nonetheless for engaging his readers on a variety of diverse and interesting subjects.

Mr. Speaker, no one knew more about the Pacifica and no details escaped his steel trap of a mind. In the last &ldquo;Reactor&rdquo; column, his family recalled all of the places around town that he loved with no area left out.

As one would expect of a vocal columnist, Mr. Azevedo had strong opinions about politics, however despite those opinions his overriding desire was to insure that his beloved democracy was upheld. That is why in addition to writing his column, he also worked in the local election's office, proofreading election material in English, Chinese and Spanish and although not fluent in Chinese and Spanish, he spotted errors in the materials that fluent speakers overlooked by finding inconsistencies in the text. Mr. Azevedo also looked to preserve the natural beauty of Pacifica as a member of the Open Space Committee.

Mr. Speaker, Mr. Azevedo was as much apart of Pacifica as the fog that rolls in off the ocean and the waves that crash on his beloved beaches. Both his personality and his column will be sorely missed. I invite my colleagues to join me in paying tribute to him, and all that he meant to family, friends, and neighbors on the Peninsula.

IN HONOR OF THOMAS REEFE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Thomas Q. Reefe, whose lifelong dedication to the Santa Cruz community consists of over 35 years of volunteerism and leadership with local organizations. Tom will be retiring from his current position as Executive Director of Leadership Santa Cruz County where he has diligently worked to advance the interests of the organization for the betterment of the community for over 13 years.

Tom first became involved in local politics while attending UC Berkeley in the 1960's. He was soon recognized by many as a community organizer and anti-war activist. His education was interrupted by military service while he served in the U.S. Army in Vietnam. After a distinguished tour, Tom returned to receive his PhD in African History in 1974. Following the receipt of his degree, Tom taught History at the University of North Carolina. After a fruitful career as a professor, Tom accepted a position at the University of California Santa Cruz as Director of Career Services where he worked until 1993.

Beyond his extensive professional experience, Tom has been an integral part of the local Santa Cruz community as well. A member of the first graduating class of Leadership Santa Cruz in 1986, Tom has remained loyal to the organization since its inception. Due to his innovative and sustainable proposals, Leadership Santa Cruz has blossomed into a much relied upon organization within our community. Under his tutelage, over 600 members of our community, including members of my district staff, have been guided through an extensive course intended to outline the various facets that make up Santa Cruz County.

Mr. Speaker, I wish to congratulate Tom on his much deserved retirement and thank him for his contribution to our society. Tom has continuously gone above and beyond the roles bestowed upon him and has left in his wake a legacy of community leadership. I wish him all the best in his retirement.

RECOGNIZING MR. DAVID SICKLER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Mr. David Sickler, a lifelong champion for working families.

Mr. Sickler serves as the Director of the Southern California State Building and Construction Trades Council. Under his leadership, Mr. Sickler has successfully advanced the goals of the Council and has proven to be one of the most talented and effective union organizers in the country. In particular, he is at the forefront of the national movement to promote and protect the rights of immigrant workers.

For over a decade, Mr. Sickler has served as Chair of the University of California at Los Angeles (UCLA) Labor Center's Advisory Committee. His dynamic and compassionate leadership on the Committee make him an excellent role model for people of all ages who seek social justice in their communities.

The celebration of the 40th anniversary of the UCLA Labor Center is a testament to the hard work and tireless leadership of David Sickler and so many others who have dedicated their lives to advancing the causes of working families in this nation. I salute David Sickler, and other great labor leaders such as Dolores Huerta, Reverend James Lawson, and Tom Rankin, for their commitment and determination to bring social justice to our country.

Mr. Speaker, I urge the body to recognize labor leaders of the past, the UCLA Labor Center, and all union organizers throughout America.

TRIBUTE TO ARMY RESERVE SPECIALIST MICHAEL J. WIESEMANN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. VISCLOSKY. Mr. Speaker, It is with great pride and respect that I pay tribute to Army Reserve Specialist Michael J. Wiesemann for his bravery in the field of battle and his willingness to fight for his country. Specialist Wiesemann lost his life Saturday, May 29, 2004, in a non-combat related injury, while bravely serving in Operation Iraqi Freedom for the United States Army. His sacrifice will be remembered at funeral services on Wednesday, June 9, 2004, by a community that has been struck hard by the devastating loss of one of its own.

Specialist Wiesemann, 20, was born in Valparaiso, Indiana. He later moved to North Judson, Indiana, a small town with a population of fifteen hundred, and graduated from North Judson-San Pierre High School in 2002. He was known as a great artist with a witty sense of humor. After high school, Specialist Weisemann decided to join the Army Reserves with the hope that it would assist him financially with college, help him fulfill his dream of becoming an artist, and allow him to find himself through the discipline and order that it provides.

Michael's sacrifice for his country is a tribute to his dedication and willingness to put others before himself. Those who knew Michael best describe him as a kind, fun-loving person, who always wanted to help others. He ultimately gave his life while protecting his fellow Americans. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he fought.

Specialist Wiesemann is survived by his mother, Karen Bubac, his stepfather, Robert Bubac, his father, Duwain Wilson, his brother, Travis Bubac, his half-sister, Tori Bubac, and his fiancée Abigail Trusty, whom he planned to marry when he returned home from Iraq. These individuals were the heroes to a true patriot, so I rise today to honor them and recognize their sacrifice during these tumultuous times.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Reserve Specialist Michael J. Wiesemann. Specialist Wiesemann is the twenty-third service member from Indiana to sacrifice his life during Operation Iraqi Freedom, and his passing comes as a difficult setback to a community shaken by the realities of war. Specialist Wiesemann will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

WELCOME HOME DUSTIN TULLER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to welcome home Army Staff Sergeant Dustin Tuller and to thank him for patriotically answering his nation's call to duty.

America has put our power at the service of principle. We believe that liberty is the design of nature, the direction of history, and that human fulfillment and excellence come in the responsible exercise of liberty. Last, we believe that freedom—the freedom we prize—is not for us alone, it is the right and the capacity of all mankind.

By definition, the success of freedom rests upon the choices and the courage of free peoples, and upon their willingness to sacrifice. In the trenches of World War I, through a two-front war in the 1940s, the difficult battles of Korea and Vietnam, to battling the faceless enemy in the war on terror and in missions of rescue and liberation on nearly every continent, Americans have amply displayed our willingness to sacrifice for liberty and freedom.

Just two days before Christmas, Dustin had just positioned his squad outside a building in Iraq to provide security during the raid when the soldiers came under fire. Despite being shot four times in the legs and pelvis, he returned gunfire and started looking for a concealed position. Soon after, Dustin arrived at a hospital and learned that he would have to have both legs amputated. Having hopes of becoming a physical education teacher, the interruption in his life has not deterred his plans.

On a daily basis, we are reminded of the tremendous costs that freedom often requires. Throughout the history of the United States of America, men, woman and families have given their all to further our constitutional hopes and dreams.

Mr. Speaker, on behalf of the United States Congress; we are humbled by and appreciative of men, women and families like Dustin Tuller's who are willing to answer their nation's call.

Thank you Dustin, Alisha, Dillyn, Zachery, Dammyn, and Lexi. We all owe you a heartfelt debt of gratitude. Welcome Home.

RECOGNIZING FAITH IN ACTION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today in recognition of Faith in Action, a national program of the Robert Wood Johnson Foundation and the many dedicated individuals who servé in this interfaith volunteer caregiving program.

I had the pleasure of meeting with numerous volunteers from throughout my Congressional District during their visit to Washington, and I was uplifted and inspired by the stories they shared with me.

FAITH IN ACTION FOR CASS COUNTY

Esther is an 83-year-old woman who has osteoporosis and spinal fractures. She is a lovely lady who has lived alone for 30 years since her husband died, in a home built in 1908 in great need of repair. Esther has no children and is on a fixed income.

When she was diagnosed with spinal fractures, she was in a lot of pain and was told there was nothing she could do. She had lost hope. She first came to the attention of Faith in Action when the agency was told the water in her home was undrinkable. A septic system repairman told her he punctured her well and she should not drink the water. Faith in Action found a volunteer who brings her clean water every week. For years she used a flashlight to find her way in the bathroom, as the light fixture did not work. She feared asking a repairperson to help as another repairperson had taken her valuables. The Faith in Action AmeriCorps Vista Worker fixed her light fixture, and there is now a team of Faith in Action volunteers who takes her to the doctor, to the grocery store, and out to lunch. They clean her house, repair her furnace when needed and wrap her frozen pipes. Faith in Action is there for her whenever she needs help; she is always so grateful and occasionally pays $5 or $10 to Faith in Action.

Esther is determined to stay in her home so she can feed the deer and chipmunks. Faith in Action volunteers help to provide comfort and assistance so she can stay in her home as long as possible.

LAKES AREA INTERFAITH CAREGIVERS

Faith in Action in the Lakes Area received a call last fall from the wife of an 84-year-old veteran of 30 years and two wars. She stated that they needed a ramp because he is confined to a wheelchair, she has a bad back, and it is very difficult to get him out of the house. She even stated that she had dropped him down the cement front stairs onto the cement sidewalk the previous week.

This was in late November and within one week Faith in Action had six volunteers over and completed a ramp for them. It snowed the next day. Faith in Action received a nice thank you from her stating that they love the ramp, they feel much safer now, and her back feels much better.

Faith in Action also received a note a while ago thanking them for giving a woman a ride everyday for 18 days to see her husband in intensive care. She stated that without wonderful volunteers who brought her 30 miles in the morning and home again 30 miles in the afternoon, she would not have been able to visit her husband of 66 years before he died.

NORTHWOODS INTERFAITH CAREGIVERS ARE ESSENTIAL

Tessie has been a transportation volunteer for Northwoods Interfaith for nearly 4 years and has provided over 500 hours of priceless services to several Carereceivers. Not only has she made her car available when someone needed a ride to a medical appointment, to the bank, or to the grocery store, but she has also made herself available, as a friend, to each Carereceiver that she helps. When asking a Carereceiver what she thinks of Tessie, the Carereceiver responded:

"I consider Tessie to be my own special angel. I thank God for sending her every day. She is a true champion, and there's nothing she wouldn't do for me. For the past 3 years, Tessie has driven me to dialysis 3 times a week and even when she had to pick me up at 5:30 in the morning, she was always cheerful and kind. She helps me with errands, takes me out to eat when I don't feel good enough to cook a meal, and keeps me updated on our church news. She has shared her grandchildren with me, her pets, and her home. She is my family. I can't say enough about Tessie. She is a true example of volunteers at their extreme best."

FAMILY PATHWAYS SENIOR SERVICES

Every month volunteers are asked to report their activities with clients and turn in their mileage report so they can be reimbursed for their mileage and Family Pathways can tabulate statistics for funding sources. Vicki sent in her report and had driven 1,496 miles for the month. That was much higher than usual. The Volunteer Coordinator visited with Vicki and asked if she had to relinquish 2 of her 5 clients which ones would she be able to give up to another volunteer. After some discussion and consideration, she said, "Oh, I couldn't give up any of them." Her clients can't say enough positive things about Vicki and her unrelenting energy and willingness to help others. Vicki is 90 years old.

Family Pathways also assists a couple that lives in a trailer home in the country. He has severe dementia, she has diabetes and has left-sided weakness due to a stroke. Their children all work, and, although they live nearby, they wanted some company for their parents on a weekly basis. Family Pathways found an older couple that wanted to volunteer together. The Volunteer Coordinator brought the volunteer couple to their home to visit to see if it would be a good match. The couples began talking and visiting, and before long an hour had gone by. There was laughter, teasing, story telling and a whole bunch of good feeling around the room. Yes, it was a good match. This couple now goes out once a week to visit. They have driven them into town for shopping, helped plant flowers around their trailer and thoroughly enjoy their time together.

I am proud to rise on the floor today to commend these altruistic individuals and to recognize a program that is bringing together people of different faiths to care for their neighbors. Faith in Action was created in the spirit of community volunteerism and the nearly 1,000 interfaith volunteer caregiving programs that have developed across the country provide the balm of Gilead. The stories of changed lives as a result of their presence in the community has touched me and clearly provides hope to many individuals in need.

GENOCIDE IN SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. WOLF. Mr. Speaker, I would like to submit for the record a letter sent to Secretary General Kofi Annan signed by 45 Members of Congress asking Mr. Annan to go to Darfur, Sudan, to end the genocide.

I would also like to submit for the record an article from the Washington Post, "In Sudan, Staring Genocide in the Face." The author is Jerry Fowler, staff director of the Committee on Conscience, The United States Holocaust Memorial Museum.

We are staring genocide in the face. Will the world fail to act as it has so many times in the past? Over the next few weeks I will continue to submit stories from leading news sites on this issue. I want the world to know that when historians are looking back at the Darfur genocide and wondering why more was not done, there will be evidence in the CONGRESSIONAL RECORD that the world knew.

CONGRESS OF THE UNITED STATES,
June 4, 2004.

Hon. KOFI ANNAN,
Secretary General, United Nations
New York, NY.

DEAR MR. SECRETARY GENERAL: We are extremely concerned that the crisis in Darfur, Sudan, has not received the international attention or response that is needed to save the lives of hundreds of thousands of innocent civilians. With the rainy season just weeks away, the window of opportunity is closing.

The situation on the ground is deteriorating at an alarming rate. Urgent, immediate action is needed to prevent the deaths of hundreds of thousands of innocent civilians. Your going to Darfur would call to the world's attention the ongoing slaughter. Precious time is slipping away.

We greatly appreciate your leadership on this crisis but the situation calls for even bolder action from the United Nations. We urge you to go to Darfur and stand in solidarity with the people.

The international community must act swiftly. Failure to act will bring certain death to the thousands languishing in camps. The world will wake up 10 years from now and wonder why more was not done to protect humanity. The evidence is clear. We cannot say that we did not know.

Sincerely,

Frank R. Wolf; Donald M. Payne; Tom Lantos; Edward R. Royce; Henry J. Hyde; Christopher H. Smith; Sheila Jackson-Lee; Peter A. Defazio; Michael R. McNulty; Peter Deutsch; Lois Capps; Chris Bell; Wm. Lacy Clay; Martin T. Meehan; Michael M. Honda; Elijah E. Cummings; James P. McGovern; Raul M. Grijalva; Todd W. Akin; Vic Snyder; Barbara Lee.

Ken Calvert; Maurice D. Hinchey; Julia Carson; James T. Walsh; Wayne T. Gilchrest; Carolyn B. Maloney; Edolphus Towns; Michael E. Capuano; Mark Steven Kirk; Chris Van Hollen; Jesse L. Jackson; Sue Wilkins Myrick; Betty McCollum; Brad Sherman; Lucille Roybal-Allard; James P. Moran; Henry A. Waxman; Thomas G. Tancredo; Jo Ann Davis; Luis V. Gutierrez; Gerald D. Kleczka; Timothy V. Johnson; Nita M. Lowey; Sam Farr.

[From the Washington Post, June 6, 2004]

IN SUDAN, STARING GENOCIDE IN THE FACE

(By Jerry Fowler)

In the cool desert dawn on May 16, at the Touloum refugee camp in eastern Chad, 2-year-old Fatima put her hands on her stomach, groaned and died. Her mother, Toma Musa Suleiman, in describing the death to me the next day, said that Fatima had been sick for 10 days. By the time she died, her skin was pallid and felt like plastic—the effects of malnutrition.

I was seeing with my own eyes what I had been hearing about for several months: Children are dying almost every day in refugee camps in eastern Chad, despite a vigorous international effort to get food, water and other essentials to the more than 100,000 who have fled in fear from the Darfur region of neighboring Sudan.

They are among the 1 million Darfurians who have been displaced from their homes, most of whom are still in Sudan, according to aid groups.

Abukar Adam Abukar, a member of a community health team organized by Doctors Without Borders in the Iridimi refugee camp, one of half a dozen such sites, told me that seven children had died there between May 3 and May 14.

He took me to the dusty flat on the edge of the camp where some of them were buried, in a forlorn line of small mounds of earth.

Why did Toma and thousands like her leave their homes and walk for days through the desert, risking their own lives and those of their children? Their stories were remarkably consistent. Person after person in the camps told me that they had fled after attacks on their villages by Arab Janjaweed militias, who have burned hundreds of villages and killed thousands of civilians belonging to black African ethnic groups. To make matters worse, the Janjaweed are backed by the Sudanese government, which wants to put down rebels drawn from those tribes. Many of the refugees said that the Janjaweed had stolen their animals and other property and that relatives or neighbors, usually men and boys, had been killed before their eyes. The refugees fled with little more than the clothes on their backs and the few things they could load onto a donkey. Many also said they were attacked from the air by the Sudanese government's Antonov bombers, either in their villages or as they fled toward the border.

I went to Chad last month on behalf of the U.S. Holocaust Memorial Museum's Committee on Conscience, which has issued a genocide warning for Sudan. Having now heard firsthand the refugees' accounts of the terror they faced in Sudan and of being driven into the desert, where their government is blocking assistance from the outside world, I have no doubt whatsoever that mass death will ensue in Darfur unless far more international assistance is immediately allowed to reach the displaced who are still there. In short, I fear the specter of genocide.

I interviewed refugees spread over hundreds of miles in eastern Chad. One woman, Hadiya Adam Ahmed, had crossed into Chad only two days before and was living under a tree near the remote border town of Bahai. Spread around her were her few remaining possessions: a blanket, some water jugs, a few bowls. She had left home without food and in two weeks of travel had depended on her fellow refugees for occasional handfuls of soaked sorghum for herself and her nine children. Hadiya had two bullet wounds in her right leg. She said she had been shot by a Sudanese soldier when she and a 17-year-old girl went to draw water from a well for themselves and others who were fleeing.

When asked why their villages were attacked and burned, most of the refugees said it was because of their black skin. They believe that the Khartoum-based government of President Omar Hassan Bashir wants to give their land to his Janjaweed allies who, like him, are Arab. Members of the Zaghawa, Masalit, Fur and other black African tribes will simply have to go. Like the Janjaweed, the Darfurians are Muslims. But culturally and ethnically they retain an African identity, of which they are proud. They also tend to be more settled than the nomadic Janjaweed. Racism undoubtedly does play a part in Bashir's support of the Janjaweed, as the blacks are seen as inferior.

Ironically, the prospects for peace in southern Sudan also contribute to the conflict. Fearing that an end to the generation-long rebellion in southern Sudan will divide access to the country's resources between the ruling elite in Khartoum and the southerners and condemn Darfur to permanent second-class status, some Darfurians launched an armed rebellion in early 2003. Khartoum responded by unleashing the Janjaweed and its own military on the black African civilian population. The result was what a team of U.N. investigators last month called a "reign of terror."

Those who have crossed into Chad are relatively lucky. An underfunded international relief effort by organizations such as Catholic Relief Services and Doctors Without Borders is providing some food, water, shelter and health care. For the displaced Darfurians who are still in Sudan, however, the situation is more dire. Khartoum has severely limited international access to them. And in the unforgiving desert, the stealing of food and animals, burning of homes and blockage of access to wells—in short, the campaign of the Janjaweed and the government—is tantamount to a death sentence. The U.S. Agency for International Development estimates that 350,000 Darfurians will die in the coming months unless the government in Khartoum allows international aid groups dramatically better access to the region.

That raises the question of genocide. Under the U.N. Genocide Convention, adopted in 1948 in the shadow of the Holocaust, genocide is defined as certain actions undertaken "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." The actions include "killing members of the group," "causing serious bodily and mental harm to members of the group" and—particularly relevant to Darfur—"deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part." The convention obliges parties to the treaty, including the United States and 130 other nations—to "undertake to prevent and punish" the crime of genocide.

In cases like Darfur, there is always a great deal of hand wringing about what is and is not genocide. But such discussion misses the point: A key element of the Genocide Convention is prevention. It calls for action once it is apparent that genocide is threatened. There is no need for an absolute determination, which is inevitably elusive, that genocide is underway.

And in Darfur there can be no doubt that genocide is threatened. As former U.S. Ambassador David Scheffer once said of Kosovo, there are "indicators of genocide." Whatever the formulation, there is more than enough going on in Darfur to justify preventive action.

Time is of the essence. The rainy season will begin in the next few weeks, making access to Darfur—where major roads become impassable with flooding—difficult, if not impossible.

The government in Khartoum will do whatever it can to forestall any decisive international action. It is well practiced at giving the illusion of taking a step forward while really taking two steps backward. For example, it now is making a show of promising to streamline humanitarian access. But the record suggests that the government simply cannot be trusted. Even as it was claiming that the situation in Darfur was stable, its Janjaweed allies killed several dozen people on May 22. Allowing better access to aid groups will mean little if the militias continue to run rampant in the countryside.

What is needed now is a U.N. Security Council resolution mandating unrestricted humanitarian access to Darfur and laying the groundwork for the displaced Darfurians to return home safely. The Security Council should invoke the collective obligation to prevent genocide as well as its authority to maintain international peace and security, which is threatened by Janjaweed incursions into Chad and conflicts between the Chadian and Sudanese militaries. A statement issued by the Security Council on May 25, expressing "grave concern" about Darfur, is a step in the right direction. But it is no substitute for a formal resolution.

The United States has been lobbying in the Security Council, but it cannot do it alone. Darfur presents an opportunity for Secretary General Kofi Annan to avoid a repetition of the United Nations' failures during the Rwanda genocide of a decade ago, when warnings of mass murder were ignored. Indeed, in marking the 10th anniversary of the start of the Rwanda genocide on April 7, Annan said that reports from Darfur filled him "with a sense of deep foreboding."

Since then, however, he has said little in public other than to welcome Khartoum's promise to ease restrictions on international relief. His reticence is all the more remarkable because other U.N. officials, such as Mukesh Kapila, until recently the top U.N. humanitarian official in Sudan, have been outspoken in sounding the alarm.

Annan must say, simply, "This must stop" and use all his skill, energy and influence to forge an international consensus to back up that statement. To do otherwise, to welcome empty gestures from perpetrators of the gravest abuses, merely encourages them to continue to murder and pillage.

During both the Holocaust and the Rwanda genocide, warnings were received and ignored. Today we say "never again." The question now is whether we will ignore the warnings while the Africans of Darfur perish and then—once again—say "never again." Or will we act while lives can still be saved?

SALUTING SERVICE ACADEMY STUDENTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a tremendous honor to salute our soldiers of tomorrow—the service academy bound students of the Third District of Texas. This district of Texas is home to some of the best and the brightest young people.

I'm truly confident that they are ready to join the premier military force of the world. It is a privilege to send such fine young people on to our nation's prestigious service academies.

We lift them and their families up in prayer for their future service and ssacrifices.

God bless them and God bless America. I salute them.

The appointees and their hometowns follow.

THIRD CONGRESSIONAL DISTRICT—SERVICE ACADEMY APPOINTMENTS

U.S. MILITARY ACADEMY

Ryan Brence, Plano, Texas, Plano Senior High School; Katherine Palesky, Plano, Texas, Plano Senior High School; Steven Solaja, Dallas, Texas, Episcopal School of Dallas.

U.S. NAVAL ACADEMY

Travis Atkins, Allen, Texas, Allen High School; Michelle Ellenburg, Frisco, Texas Frisco High School.

U.S. AIR FORCE ACADEMY

David Jung, Garland, Texas, Garland High School; Kelly Lewis, Plano, Texas, Plano West Senior High School; Christopher Mahan, Rowlett, Texas, Garland High School; Price Paramore, Allen, Texas, Allen High School; Blake Shaid, Richardson, Texas, Berkner High School; Theodore Shiveley, Plano, Texas, Plano East Senior High School; Aubrey Sperier, Frisco, Texas, Frisco High School.

U.S. MERCHANT MARINE ACADEMY

Amy Harman, Garland, Texas, Naaman Forest High School; Robert Williams, Plano, Texas, Plano West Senior High School.

FALLEN HEROES

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BACHUS. Mr. Speaker, the recently celebrated Memorial Day Holiday was a reminder for all Americans to unite behind our Commander-in-Chief and support our soldiers. The men and women who valiantly and selflessly fought to rid the world of the evil Iraqi regime and today continue in the fight against terrorism deserve our support and even more, our gratitude and admiration. Alabama has a strong representation in the war on terror through the activation of the Alabama Army and Air National Guard as well as our citizens who serve in the Armed Forces full time. Operation Enduring Freedom and Operation Iraqi Freedom are noble pursuits that will protect the United States from the threat of terrorism and will bring democracy to a region of the world that so desperately needs assistance.

As the father of a Marine, I can sympathize with the concerns and fears faced by families of those who have loved ones fighting the global war on terrorism. In the unfortunate case where a member of our military sacrifices his or her life to preserve our values of liberty and freedom, it is our duty to offer sympathy and support for the family and friends of our fallen heroes. Nineteen Alabamians have made the ultimate sacrifice and will never be forgotten:

Aubrey Bell, Tuskegee.
John E. Brown, Troy.
Paul J. Bueche, Daphne.
Armed Cason, McCalla.
William Channell, Tuscaloosa.
Timothy M. Conneway, Enterprise.
Jeremy D. Foshee, Pisgah.
Charles G. Haight, Jacksonville.
Brian Hazelgrove, Fort Rucker.
Stephen D. Hiller, Opelika.
Howard Johnson, II, Mobile.
Phillip Johnson, Alabama.
Jason D. Jordan, Elba.
Cedric Lennon, West Blocton.
Mark O'Steen, Alabama.
Kelley Prewitt, Birmingham.
John T. Sims, Alexander City.
Christopher M. Taylor, Daphne.
Christopher R. Willoughby, Phoenix City.

As we remember the veterans of World War II who were known as the "Greatest Generation", those who have fallen in the war on terror remind us that our military and those who serve in it have not lost their greatness. I have the utmost respect for these servicemen and women and their families. God bless our troops.

RETIREMENT OF WILLIAM OROS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize the conclusion of an outstanding educator's career in the State of Connecticut. With the retirement of William Oros, Connecticut is losing a respected and dedicated educator who has committed more than three decades of his life to the enlightenment of Connecticut's youth.

Over 36 years of service to Connecticut education, Mr. Oros has left an everlasting impression on his students. From his direct contact with the youth of Connecticut's Northwest Corner as a science and math teacher in Cornwall, to his leadership as Supervising Principal at the Cornwall Consolidated Elementary School, Mr. Oros has deeply affected the lives of each of his pupils. His ability to influence the lives of young students has been unparalleled.

Moreover, Mr. Oros has achieved undying respect from his students and peers alike. Most recently, as Assistant Superintendent of Schools for the New Fairfield School District, Mr. Oros has worked with staff to develop inservice training programs and professional development for educators, as well as serving as a resource of support and assistance for individuals who serve in all areas of education. Mr. Oros' exemplary leadership throughout his extended career is an example for all to follow, not just in the field of education, but for anyone concerned with the future of our state and Nation.

The enthusiasm and dedication Mr. Oros displays towards the educating of the youth in Connecticut has been both commendable and contagious. It is imperative for individuals such as he to nurture the growth of tommorow's leaders. I wish Mr. Oros the best towards a happy and healthy retirement.

IN MEMORY OF GERTRUDE HOLDER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. MARKEY. Mr. Speaker, I stand today to celebrate the memory of Gertrude Holder, who recently passed away on the 30th of May at the age of 85. Gertrude was a dedicated citizen who served her Nation and community throughout her life. A daughter of Russian immigrants, for 35 years Ms. Holder helped federal agencies of the United States better serve the public while employed by the General Services Administration. As a retiree, she continued to benefit her surrounding citizens. She could be often found volunteering to help voters at the polling place of her local senior citizens' center in Revere, Massachusetts.

A tribute to the vitality of her public service, her grandson served as a Congressional Page under the late Congressman Joseph Moakley. Unquestionably, her spirit of public service will be passed on to her daughter, son, five grandchildren, three great-grandchildren, and community.

HONORING MR. JAMES McILVAIN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Mr. James McIlvain upon his retirement after 37 years of service to Wayne-Westland Community Schools.

Mr. James McIlvain has had a long and distinguished career in academia. Following his graduation from Ohio State University where he developed a love of history, government and politics, James was led to the noble profession of teaching. Beginning his career in 1967 at Adams Junior High School, he taught United States History and Geography contributing to the education of countless students and enriching the lives of the students, families, staff and faculty around him. After advancing excellence in the classroom, James became a guidance counselor where he served as a role model promoting good character and helping students as they made the transition into adulthood. Undoubtedly, the everlasting legacy of James's work can be seen in the community, as he has helped create the future generation of leaders.

His wife, Susan, and his two daughters, Becky and Kelly, should be extremely proud of the undeniable mark he has left on the community. We at home will remember and always benefit from his dedication and leadership.

Mr. Speaker, I extend my sincere appreciation to Mr. James McIlvain upon his retirement as a John Glenn High School Guidance Counselor and for his fine service to our country.

CONCORD, NORTH CAROLINA ALL-AMERICA CITY AWARD

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. HAYES. Mr. Speaker, I rise today to honor the people of Concord, North Carolina as they compete for the 2004 All-America City Award.

It has been my distinct honor to represent the people of Concord since I was first elected to represent the 8th Congressional District of North Carolina. This opportunity is especially dear to me because this is my home town and where much of my family still resides. In fact, my family has called Concord home for decades, and we have had the privilege of watching this community grow. Concord personifies the term, "Southern Hospitality," and is home to some of the most engaging, welcoming, and civically responsible citizens in the state of North Carolina.

Through the close relationships I have forged with the citizens of Concord, and the pride I have in this community, it is truly an honor for me to highlight this great city today. Because of Concord's hard work, the rest of America is getting to see the positive spirit of accomplishment that I have been fortunate to witness my entire life.

The All-America City Award is a 55-year-old program sponsored by the National Civic League that recognizes civic excellence. The Award is given annually to 10 communities that exemplify and display a positive spirit of grassroots involvement and collaborative problem solving in an effort to better their community.

The current nominees, including Concord, exhibit the American spirit of hard work and cooperation as they seek to identify and correct community-wide challenges. Concord is a community where citizens, businesses, volunteers, and government officials work together to address issues that are vitally important to their citizens. Concord should take pride in the fact that they are in contention for recognition by this national organization for their hard work. Truly, Concord is a great example for other communities to emulate as other communities seek to overcome the many challenges that face all communities, large or small.

To qualify for the All-American City Award, Concord representatives first had to submit a detailed application highlighting the city's three most pressing challenges. They are: addressing the medical needs of the uninsured and underinsured, eliminating substandard housing in the community, and extending the mentoring and civic responsibility of the Boys and

Girls Club of Concord. Programs such as the Community Care Plan, Cabarrus Housing Partners, and the Boys and Girls Club of America have been designed and implemented to ensure these aforementioned areas are addressed.

I am pleased to represent such a fine community where the citizens come together to solve problems at a local level rather than waiting on someone else to fix things. A wise man once said that there are three types of people in this world: those who watch what happens, those who make things happen, and those who wonder what happened. Rest assured, the people of my home town, Concord, North Carolina are people who make good things happen. It is my honor and privilege to represent these good folks and I am hopeful the National Civic League will recognize the City of Concord's success by awarding them the All-America City Award.

HONORING THE OCEANSIDE HIGH SCHOOL CLASS OF 2004

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. ISSA. Mr. Speaker, I rise today to congratulate the Class of 2004 graduates of Oceanside High School in Oceanside, CA and to wish the students continued success as they pursue their dreams and goals.

I would like to also extend a special thanks to Superintendent Kenneth Noonan, Principal Kimo Marquardt and to all of the teachers and administrators who contribute to the quality educational experience that students receive at Oceanside High School. It is through the hard work and caring of these leaders that students are able to graduate from Oceanside High School with the tools they need to become successful members of society and future leaders in our communities. I commend and congratulate you all.

Mr. Speaker, Oceanside High School is a great example of how a public school should work. Students at Oceanside High School have the opportunity to learn a challenging academic curriculum in a positive learning environment that stresses the importance of civic responsibility and cultural diversity. It is important that our future leaders receive a strong education, work ethic, and an awareness of our global society—Oceanside High School has succeeded in providing the students with this knowledge.

The graduates of Oceanside High School have taken an important step forward today as they don their cap and gown and walk across the stage to accept their diplomas. Each student graduating today has the potential to achieve great success and it is up to each one of them to determine how they are going to make a difference in our communities. I congratulate you all for your accomplishment today and encourage you to pursue your goals and continue to build on the knowledge you have learned.

Your accomplishments at Oceanside High School have opened many doors for you. From this point forward, the only limits on your future are those you place on yourself—anyone who says otherwise is wrong. If you have the determination, are equipped with knowledge and you outline a goal, you have the ability to accomplish great things. Again. I congratulate the Class of 2004 and wish you all continued success.

HONORING MRS. BARBARA WHITE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Mrs. Barbara White upon her retirement after nearly 40 years of service to the citizens of the City of Garden City, Michigan and the students of Garden all City Public Schools.

Barbara White began her career in the Garden City Public School District in 1964 where she served as Head Secretary for Memorial, Maplewood, Cambridge, and Marquette Elementary Schools. Over the next 23 years, she contributed to the education of the countless students enriching the lives of the students, families, staff and faculty around her. Following her retirement in 1987, Mrs. White was elected to the Garden City School Board. During her tenure as a Board Member, she served on the Finance, Facilities, and Policy Committees where she helped to create and implement policies that would educate and prepare students to be knowledgeable, responsible, contributing citizens. Serving 16 years on the school board, she tirelessly acted as an advocate for an intellectually alive and meaningful curriculum for all students in Garden City Public Schools.

Her husband, Dwight, and her sons, Glen, Howard, and Noel, should be extremely proud of the undeniable mark she has left on the community. We at home will fondly remember and always benefit from her dedication and leadership.

Mr. Speaker, I extend my sincere appreciation to Mrs. Barbara White upon her retirement from Garden City Public Schools and for her fine service to our country.

IN HONOR OF LIEUTENANT COLONEL MICHAEL J. DELANEY

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. HAYES. Mr. Speaker, I rise today in recognition of the meritorious service of Lieutenant Colonel Michael J. Delaney to our Army and our nation. Lieutenant Colonel Delaney will soon complete 23 years of service and has distinguished himself as an outstanding American Soldier I have worked with LTC Delaney during the past several years during his time in the Army Office of Legislative Liaison and have had the privilege to travel with him. He will retire on August 1, 2004.

Most recently, LTC Delaney served as a congressional liaison for the United States Army. This position holds great importance as these individuals are often the "voice" of the Army for Congressional Members. I have often asked LTC Delaney for his advice, thoughts, opinions or help matters concerning the US Army, and he has always provided the highest level of professionalism and service to me. Perhaps this assignment was preordained, however, as Lieutenant Colonel Delaney's wife, Susan, and mother-in-law, Shirley, both served on the staffs of several Senators.

Over his 23 years of selfless service, Lieutenant Colonel Delaney served in many command and staff positions worldwide. As a junior officer, he stood at the forefront of freedom during the Cold War in Germany and earned his wings as an aviator, qualifying on a variety of rotary wing and fixed wing aircraft. During Desert Shield and Desert Storm, Lieutenant Colonel Delaney commanded an aviation unit based at Fort Belvoir. Despite the wide dispersion of his unit throughout the combat theater, they were able to successfully accomplish their mission due to his exceptional and inspirational leadership. Lieutenant Colonel Delaney has since served in a variety of positions of increasing responsibility throughout the continental United States.

Lieutenant Colonel Delaney's work as a legislative liaison and as the Chief of the Programs Division enabled the Army to provide this Congress the information we need to accomplish our constitutional duties. His efforts have been exceptional and noteworthy in working with Congress during a critical time as the Army undertook Transformation, in the aftermath of the 9/11 terrorist attacks, and during our current efforts with the Global War on Terrorism. Throughout this critical time Lieutenant Colonel Delaney has fostered a personal relationship between members of Congress and the United States Army.

Lieutenant Colonel Delaney represents the epitome of what the Army seeks in a congressional liaison and the country expects from our officers. His dedication to soldiers, commitment to excellence, and performance of duty have been extraordinary throughout his career. As he pursues new endeavors and challenges, I wish LTC Mike Delaney well and ask God to bless him and his family.

PROPER PERSPECTIVE ON THE PADILLA CASE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. UDALL of Colorado. Mr. Speaker, the Justice Department recently released information about the alleged offenses of Jose Padilla, described by the Deputy Attorney General as "a trained, funded, and equipped terrorist."

If the allegations are accurate—and I have no reason to doubt them—that description seems very apt. But that cannot be the end of the story.

That's because, as the Rocky Mountain News notes, Jose Padilla is something else as well—"an American citizen who was arrested on U.S. soil two years ago and who thus enjoys, or should enjoy, certain rights—including the right to either be charged with a crime or freed from detention."

But, as the same editorial correctly points out, "Instead, he still faces no charges, and the legality of his imprisonment awaits a ruling by the U.S. Supreme Court."

When this case was considered by the Supreme Court, the Administration argued that by passage of Public Law 107–40, a resolution "to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States," Congress authorized such detentions. But as one who voted for that resolution, I disagree with that interpretation of its terms.

Here, too, I share the view of the Rocky Mountain News that "surely Congress did not mean to grant the executive branch unchecked discretion over the imprisonment of Americans for as long as the war against Islamic jihadists continues. That would amount to the suspension of a fundamental right for years—perhaps for generations, for all we know."

And I share the hope that the Supreme Court will "reaffirm the right of citizens—every citizen—to full and timely access to legal counsel and the judicial system. And that includes even those who may have been in league with international terrorists and who planned to blow up high-rise apartment buildings on their behalf."

For the benefit of our colleagues, I attach the full text of the editorial cited above:

[From the Rocky Mountain News, June 3, 2004]

PADILLA'S PLOTS DON'T NEGATE HIS RIGHTS

We are perfectly willing to entertain the likelihood that the Justice Department's latest portrayal of alleged terrorist Jose Padilla is accurate, including the monstrous plan to blow up high-rise apartment buildings. Padilla met with top al-Qaida leaders, according to Deputy Attorney General James Comey, discussed detonating a "dirty bomb" in the United States and finally agreed to a scheme involving apartment buildings. He would rent rooms in several complexes, seal them and fill them with natural gas, and detonate them all at once.

Padilla is "a soldier of our enemy, a trained, funded and equipped terrorist" who accepted "an assignment to kill hundreds of innocent men, women and children," Comey told reporters this week, and the description sounds about right. But Padilla is something else, too: an American citizen who was arrested on U.S. soil two years ago and who thus enjoys, or should enjoy, certain rights—including the right to either be charged with a crime or freed from detention. Instead, he still faces no charges, and the legality of his imprisonment awaits a ruling by the U.S. Supreme Court.

With its latest revelations, the Justice Department obviously is seeking to influence public opinion and perhaps even the court itself, although we don't begrudge it the attempt. But the new information fails to alter the basic problem with designating U.S. citizens arrested in this country as "enemy combatants" for purposes of removing them from normal criminal justice procedures and then interrogating them over lengthy periods of time without benefit of counsel. If the president's say-so is enough to have kept Padilla in custody for two years without a criminal charge, then nothing in principle prevents any one of us from the same fate. Federal agents have been known to arrest the wrong people, after all, and then to resist admitting their mistakes.

Fortunately, Padilla's case is apparently unique in the war on terror, despite routine claims that the Bush administration tramples indiscriminately on constitutional rights. Another U.S. citizen who also has been held in a Navy brig without normal access to counsel, Yaser Esam Hamdi, was captured in Afghanistan by the Northern Alliance. He too deserves full constitutional protections, in our view, but there is at least some sense in which being arrested at O'Hare Airport and then held incommunicado for months on end, as Padilla was, is more worrisome for civil liberties than being treated in the same fashion after capture in a foreign combat zone.

We realize courts in this nation's past have said Congress has the authority to suspend certain civil liberties during wartime emergencies. Moreover, a congressional joint resolution passed after 9/11 authorized the president "to prevent any future acts of international terrorism against the United States." But surely Congress did not mean to grant the executive branch unchecked discretion over the imprisonment of Americans for as long as the war against Islamic jihadists continues. That would amount to the suspension of a fundamental right for years—perhaps for generations, for all we know.

No, the Supreme Court must reaffirm the right of citizens—every citizen—to full and timely access to legal counsel and the judicial system. And that includes even those who may have been in league with international terrorists and who planned to blow up high-rise apartment buildings on their behalf.

A HERO RETURNS TO NORMANDY

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. LATOURETTE. Mr. Speaker, this past Saturday the world marked the 60th Anniversary of D-Day in Normandy. President Bush, Queen Elizabeth, and other world leaders were there, but the true heroes were those whose sacrifice is reflected by the sea of white crosses, and the surviving veterans who returned to France some six decades later. Glen Dunlap, 86, of Chardon Township was one of those veterans to return to Normandy.

Glen Dunlap served as a U.S. Army staff sergeant in World War II. There were a number of young guys who served from our area, and from Hambden and Concord townships, particularly. Even though Glen was in his early 20s, Mr. Speaker, he was considered the elder statesman of the group. The local guys actually called him "Pop."

Glen Dunlap worked hard, put his own life in danger every single day, and had his men's backs. He was the guy who made sure that supplies got from the factory to the foxhole, and he's part of what Tom Brokaw calls "The Greatest Generation." Glen was away at war for 2 years, and left behind his wife, a daughter and his two boys. When he returned home, he resumed his life and work, raised his family, and never once complained. He felt blessed to have survived when so many didn't.

On Saturday, Glen and 99 other Americans who traveled to Normandy were awarded the French Legion of Honor Medal, which is akin to our Congressional Medal of Honor. It is the highest honor bestowed by the French government and rarely is given to foreigners.

No one is more deserving of this award than Glen Dunlap, who fought for the survival of democracy. On behalf of the 14th Congressional District of Ohio, I thank Glen Dunlap for his service to our country, and congratulate him on receiving the Legion of Honor Medal. May God bless Glen Dunlap and his family, and may He bless the United States of America.

RECOGNIZING SHERRI AND ROBERT VINES FOR COMMUNITY SERVICE IN SAN BERNARDINO, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. LEWIS of California. Mr. Speaker, today it is my pleasure to recognize Sherri and Robert Vines for more than 30 years of community service in San Bernardino County, California. The Vines, who are being honored with the Norman F. Feldheym Award from Congregation Emanu El in our community, exemplify the volunteerism that is the backbone our American communities.

Currently the President of the United Jewish Welfare Fund of San Bernardino County, Robert Vines has been serving his Congregation and his community for 30 years. Robert has been a respected member of the California State Bar since 1973 and served as the Deputy District Attorney for the County of San Bernardino from 1973–1975. As a member of Congregation Emanu El, Robert has served in a number of important positions, including Financial Secretary of the entire Congregation.

His wife Sherri has served Congregation Emanu El in many capacities, including teaching at the School of Jewish Living, chairing the Community Sedar and three terms as Sisterhood President.

Mr. Speaker, together they have been leading members of their community serving as officers in the Arrowhead United Way, as host family for the Western Regional Little League Tournament, and as coaches in the local Little League and AYSO. They have contributed their skills and resources to programs of Congregation Emanu El, including sponsoring temple events and serving as a host family for NFTY Conclave.

Sherri and Robert Vines will receive the Rabbi Norman F. Feldheym Award on June 12, 2004 on the 113th anniversary of the founding of their Congregation. They are certainly deserving of the award, which pays tribute to members who most closely resemble the Rabbi Feldheyin's qualities of love and loyalty to the synagogue, service to the community, and personal traits of humility, kindness, care and love. Please join me, Mr. Speaker, in recognizing Sherri and Robert for their outstanding service to their community.

CONGRATULATING THE CHESTNUT RIDGE LIONS CLUB ON ITS 50TH ANNIVERSARY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Chestnut Ridge Lions Club on its 50th Anniversary and to recognize the club's unyielding service to the community.

The selfless desire to help those in need is rare throughout the world, yet here in America the culture of charitable giving thrives. This is a nation that takes enormous pride in its legacy of generosity and equality. It is out of this legacy that numerous organizations have sprouted and grown upon the foundation of service to others.

At its inception, the Chestnut Ridge Lions Club adopted the creed, "we serve," which reflects the very cornerstone upon which this nation was built. Since 1954, the club has maintained its commitment to service by contributing to countless scholarship funds, school activities, and community projects. Members of the club have worked tirelessly to improve the community in any way possible and have dedicated much of their time to inspiring children to make their mark in society.

Without the Chestnut Ridge Lions Club, numerous high school students would not have gone to college, countless public works projects would have remained incomplete, and many of those in need would still be without aid. Additionally, the festivities organized to celebrate holidays, the changing of seasons, and local milestones have provided an atmosphere in which the community has been able to strengthen its cohesion as well as its culture.

The legacy of service that instills a unique pride in the hearts of every American citizen has penetrated the walls of the Chestnut Ridge Lions Club and influenced the lives of scores of people. For its commitment to the citizens of Pennsylvania throughout the last 50 years, I am extremely grateful to the Chestnut Ridge Lions Club.

IN RECOGNITION OF THE SERVICE OF NANCY OSTAPOWICZ TO THE RESIDENTS OF MICHIGAN'S THIRD CONGRESSIONAL DISTRICT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. EHLERS. Mr. Speaker, I rise today to pay special tribute to one of my staffers, Nancy Ostapowicz, who last month retired after serving the residents of West Michigan for 25 years.

As most of us know, being a staff member in a Congressional district office is often a thankless and relatively anonymous job. They usually do not receive the credit they deserve for a job well-done, and all too often they must deal with concern, frustration or anger of constituents who are upset by government actions or have been ill-treated by the bureaucratic system.

Nancy, who has directed my constituent services since I joined Congress in 1993, handled such situations with incredible aplomb, working tirelessly and compassionately with the people who contacted our Grand Rapids office in search of assistance. I was fortunate to have inherited Nancy, as she first started working for Congressman Hal Sawyer in 1979, then continued with Congressman Paul Henry when he took office in 1985.

Over the past quarter-century, Nancy helped literally thousands of people with a wide variety of problems too numerous to list here today, although it is safe to say that she was especially gratified by her efforts helping immigrants and reuniting families so that they could come to the United States and pursue the American dream.

Without a doubt, Nancy's biggest legacy is that those thousands of people would be willing to line up and thank her for the help she gave them. She has served so many people over the years that it is not unusual to see someone walk up to Nancy to thank her for assistance that she provided 10 or 20 years ago.

And so, today, add me to the list of people who have said "Thank you" to Nancy Ostapowicz. Others will ably do her job, but no one can ever replace her.

Congratulations, Nancy, on a fine career of public service, and best wishes to you and Dan in your retirement.

RECOGNIZING AND HONORING FIREFIGHTERS, POLICE, PUBLIC SERVANTS, CIVILIANS, AND PRIVATE BUSINESSES WHO RESPONDED TO DEVASTATING FIRE IN RICHMOND, VIRGINIA, ON MARCH 26, 2004

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. SCOTT of Virginia. I rise today in support of H. Res. 612, introduced by my colleague from Virginia, Mr. CANTOR.

On March 26, 2004, there were a series of devastating fires in Richmond, Virginia. The first fire began shortly after 12:30, and spread quickly. Wind gusting to nearly 20 mph blew burning debris onto other buildings.

The fires resulted in the destruction of numerous buildings and property, and spread through city blocks and a section of the Virginia Commonwealth University campus. A total of 29 buildings suffered damage, with 19 being condemned by either water or structural damage. Yet, the destruction and damage could certainly have been worse. It was only through the combined efforts of the firefighters who responded to the scene that the fire was contained as quickly as it was. Local firefighters who initially answered the call were later assisted by firefighters from fire stations throughout the region. There were about 200 firefighters on the scene, along with 50 pieces of equipment. Together, they worked to defeat the blaze—and fought the challenging wind, smoke and heat conditions in order to save the remaining area. We thank them today for their heroic efforts to contain the damage and to protect human lives.

It is appropriate for us to also recognize the efforts of the police on March 26th. As always, they were instrumental in keeping our citizens safe. For example, they evacuated several buildings and about 50 nearby homes, going door to door.

And last, today, we recognize the countless private citizens, volunteers and organizations that—along with the firefighters, police, and public servants—worked as a seamless team preserving and protecting human lives, defending property, and providing food and comfort to all affected.

All of these individuals deserve our recognition, and our gratitude. They met their community's call to duty by providing brave and steadfast assistance and upholding the finest traditions of the Commonwealth of Virginia. We, and all Americans, thank you for your supreme efforts.

FALLEN HEROES

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. DELAY. Mr. Speaker, James Vincent DePierri was a soldier of the greatest generation and one of my constituents. He passed away on August 7, 2000. The following eulogy was written by his son-in-law, Dalton Smith, and delivered at the funeral by his son, Jim DePierri.

JAMES VINCENT DEPIERRI—SOLDIER, SURVIVOR

He was only 21 years old that cloudy overcast day. It was the 6th of June, 1944. He had been anxiously waiting just offshore for hours that seemed like days. Men beside him were saying prayers and writing their last letters to their loved ones, for they knew what lay before them that fateful day, D-Day—the Allied Invasion of Normandy. Thousands of American soldiers died that day on the beaches of Normandy, the worst casualties having been inflicted on Omaha Beach. As luck would have it, that is where a young soldier named James Vincent DePierri would be going ashore.

Young Jim DePierri would be lucky that day. He survived one of the worst battles and the greatest infliction of casualties the United States Armed Forces has ever endured. Jim DePierri was a survivor.

It no doubt comes as news to even his closest friends that Jim was even in World War II, much less that he was one of those brave souls who stormed Omaha Beach on D-Day. Jim was not the kind to brag of his exploits or for that matter even mention his experience. It would probably also be news that Jim DePierri participated in 4 other of the major battles of World War II, including the Battle of the Bulge. Jim DePierri was a survivor.

It may be that having seen so many of his fellow soldiers die all around him that Jim considered every day he had on earth thereafter to be a blessing. His service to the church may have been his way of trying to silently repay what I am sure he believed to be a gift from God, the gift of life.

The real benefactors of that gift are here today embodied in his children, Carol, Patty, Jim and Sharon along with the love of his life, his wife, Rose, and their grandchildren.

His first grandson, my son Jordan Vincent Smith, asked me one day if Papa Jim had been in the war. When we inquired, we were astonished to learn of how much Jim, who never spoke of the war, was involved in World War II. That was many years ago, but I had read of soldiers who had never received their medals, so I gave the information to Jim and he wrote off to the Army. What came back was a box full of medals, that would have filled the chest of any soldier's uniform, including a medal for 114 days of duty on the front lines. But you would have never known from Jim that he had even been in the Army.

It has been said that his was the greatest generation. With quiet heroes like Jim DePierri, a man of character, determination and forthrightness, there is no doubt in my mind that his was the greatest generation.

Those of my generation can only read about or see the film of those great battles. To have been there was clearly a privilege. They considered it their duty. A duty owed to one's country that those of us who were not there can only imagine. That is not to say that we should forget or let pass into distant memory, the heroes of this country. Soon they will all be gone, but to those of you who knew Jim DePierri, who know a silent hero like Jim, or who may have been one of those fortunate souls to have been afforded the honor of fighting for their country and the freedom that we now enjoy, please do not let another day go by without thanking them and their generation of heroes or knowing how much you are appreciated.

Luckily, we had the opportunity to thank Jim. On the 50th anniversary of D-Day, we took Jim and Rose out to dinner, without saying why (I am not sure I even told his daughter, Patty, my wife). The Italian restaurant was full that evening, but I took it upon myself to stand up, get the attention of the whole restaurant and propose a toast to Jim DePierri and all of the soldiers who risked their lives for us on that 6th day of June 1944. Jim was embarrassed, but glad someone cared.

In subsequent years, I would send Jim clippings of editorials on Veterans Day and subsequent anniversaries of D-Day. He would not say anything to anyone else, except maybe Rose, but he always appreciated someone remembering.

Today we are here to remember Jim DePierri, a soldier, a survivor, that most never heard of, but without whom we may not be here today enjoying the freedom he helped to preserve.

Thank you Jim DePierri and I will assure you that your grandchildren and all future generations will remember their grandfather and great grandfather and his service to his country.

Jim DePierri, a hero, of the greatest generation.

NORTHWEST INDIANA FEDERATION OF LABOR AFL–CIO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. The Northwest Indiana Federation of Labor AFL–CIO will recognize these individuals for their dedication during a banquet to be held at the Avalon Manor Banquet Hall in Hobart, Indiana, on Thursday, June 10, 2004. These individuals, in addition to the other Northwest Indiana Federation of Labor members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the exemplary American worker: loyal, dedicated, and hardworking.

Mr. Johnathan Comer will receive the Old Warrior Award. Mr. Comer was the first African American to be elected to a major basic steel local—Youngstown Sheet & Tube, USWA 1011. He has spent many years dedicating his life to the interests of the labor community as well as his community in Northwest Indiana. The years of hard work he has put forth are a true inspiration to all.

Mr. Robert Cashman will receive the George Meany Award. Mr. Cashman has contributed graciously to the youth of our community. His dedication and devotion to the youth of our nation is a goal we should all strive to achieve.

Ms. Robin Rich is being honored with the Service to Labor Award. She has been a devoted organizer for the United States Steelworkers of America in District 7. Ms. Rich is a bold, strong, and loyal person, and is willing to fight for what she believes in. She has organized various events and programs for USWA District 7. Ms. Rich has given her time and effort selflessly to the people of Northwest Indiana and Illinois throughout her career.

Mr. Bob Anadell is being honored with the Community Service Award. Bob has spent nearly 40 years dedicating his life to the interests of Local 697 as well as his community in Northwest Indiana. His career at Loom 697 has allowed him the opportunity to touch the lives of numerous people.

Portage Mayor Doug Olson and City Council Members Elizabeth Modesto, David Fagen, David Highlands, Ed Gottschling, Richard Turnak, Mark Oprisko, and Olga Velazquez, are being honored with the Union Label Award. The exceptional service they have provided to the community deserves our admiration and respect. The dedication and commitment these elected officials have demonstrated for their community is exemplary of the values we cherish in Northwest Indiana.

David Chlebek is being honored with the 23rd Annual President's Award. David is a fine example of the tenets embodied by those who have dedicated their lives to enhancing the well being of workers throughout Northwest Indiana. He has mastered his trade and has consistently performed at the highest level throughout his hard work and self sacrifice.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These individuals are all outstanding examples of these qualities. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding citizens, in addition to all the hardworking union men and women in America. I am proud to represent such dedicated men and women in Congress. Their hard labor and resolute courage are the achievement and fulfillment of the American dream.

HONORING CORPORAL DENNISON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Corporal LaVerne Dennison, a World War II veteran who fought bravely to protect our freedom and to keep the world safe for democracy.

On June 5, 2004, I had the pleasure of recognizing Corporal Dennison for his heroism and bravery as a U.S. Soldier who fought with the Army-Airforce in the Second World War from September 11, 1942 until January 3, 1946.

During his service in the Pacific theater, Corporal Dennison developed a reputation for deadly accuracy with the M9A1 bazooka. For this he earned the nickname "Deadhead" among his comrades. He fought bravely and honorably throughout his service and made a significant contribution to the Allied cause.

I had the honor of presenting Corporal Dennison with medals he earned during his service to our Nation. They include the Army Good Conduct Medal, the American Campaign Medal, the Asiatic-Pacific Campaign Medal with four Bronze Service Stars, the World War II Victory Medal, and the Philippine Liberation Medal.

I am humbled by the courage and service of Corporal Dennison, a true American patriot. I am thankful for the gift of freedom that he fought to protect.

HOUSE OF REPRESENATIVES—*Wednesday, June 9, 2004*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Throw open the great doors. Let the standard bearers raise their flags. Mount the steps of this city built around the Hill, for he comes.

Prepare the Rotunda. Command the military to stand at attention. Let the people of the Nation and the world gather, for he comes.

Human mortality and dignity is framed for us at this moment, Lord, as a great man awakens from his sleep and enters Your new day.

May both Chambers and all parties, rich and poor alike, with all our greatness and all our frail diversity, prepare ourselves to welcome the 40th President of the United States. Echoes of Psalm 24 resound within us, O Lord, as we receive today the body of Ronald Wilson Reagan.

As he rests in our midst, may the memory of his warm smile melt our differences with candor and humor. May the openness of his faith in an optimistic tomorrow become promise for us all. May the cold walls of indifference and superiority crumble before our eyes. Be with us, Lord, as he sheds the "surly bonds of Earth" and we prepare President Ronald Reagan and ourselves to touch Your face, O God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 116. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

RONALD W. REAGAN

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I come to the floor as my colleagues have before me saddened by the death of one of our Nation's greatest leaders and humbled by the far-reaching impact his life has had on millions of people throughout the world. He was a great man and a gentle spirit. Optimistic, cheerful in service and buoyed by the confidence that comes with unwavering conviction, President Reagan reignited the feeling of promise for this country.

Ronald Reagan is the reason I became a Republican. And for many Democrats, he was the pathway to the Republican Party. He reminded us all that government cannot replace individual empowerment and told us in 1995 that every dollar the Federal Government does not take from us, every decision it does not make for us will make our economy stronger, our lives more abundant, and our future more free.

We join together with people across the globe in mourning the loss of Ronald Reagan. His decisive leadership during the twilight years of the Cold War indeed made him a beacon of hope for freedom-loving people throughout the world.

Our thoughts and prayers and our love go out to Mrs. Reagan and the entire family. Because of Ronald Reagan our Nation is stronger and our future is more free. Here we honor him and are continually working toward the dreamed-of-day he spoke of when no one wields a sword and no one drags a chain.

TEXAS AIR NATIONAL GUARD 147TH FIGHTER WING DINING-OUT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise today to thank the men and women of the 147th Fighter Wing of the Texas Air National Guard, the Ace-in-the-Hole Texans, for inviting me to speak at their annual Dining Out recently in Houston.

The 147th Fighter Wing is based at Ellington Field in Houston, Texas. Every day the 147th continues to guard the skies over Houston and our Nation and protect the millions of residents in southeast Texas from drug traffickers, terrorists, and other airborne threats. They are on call 24/7 and keep guard over the fourth largest city in the United States and the vital energy infrastructure that powers our Nation.

They also perform an essential readiness mission by training many of our Nation's pilots as they prepare to protect our national interest overseas.

Houston is fortunate to have such a committed and patriotic group of men and women living and working in our community.

In addition to giving me the chance to meet many of the individuals of the 147th Fighter Wing, it was also an honor to meet and be joined at the dinner by Lieutenant General Wayne D. Marty, the Adjutant General for the State of Texas at the dinner.

I would like to thank the 147th and their wing commander, Colonel McNeely, for their hospitality. I was impressed with the fun these men and women can have as a team.

They gave me this T-shirt to wear that shows the F–16 that these Texans in the 147th fly when protecting their community and our Nation. The Ace-In-the-Hole 147th Texans.

HONORING MARCELLE WILDER

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, when I was elected to the Tennessee State senate, one of the first lessons that I learned was that the senate in Tennessee is a family. This week we have lost a member of that family. Ms. Marcelle Ann Morton Wilder left us this week at the age of 83 after a lifetime of dedication to her Lord, her State, and her husband, my former colleague in the Tennessee senate, Lieutenant Governor and Speaker of the State senate, John Wilder.

Ms. Wilder is an example of a life well lived, a life of grace and dignity. And her 63 years of marriage to Governor Wilder can only be described as a match made in heaven. He will miss his Ms. Marcelle. We will all miss her, and our thoughts and prayers are with the Wilder family.

REMEMBERING PRESIDENT RONALD REAGAN

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise today to express my sincere condolences to former first lady Nancy Reagan and the entire Reagan family. And I join our Nation in expressing profound sorrow at the loss of our 40th President.

Ronald Reagan had a special place in the hearts of Nevadans. Long before he came to the White House, Ronald Reagan in a another life headlined on the Las Vegas Strip as an entertainer in the early 1950s. Later as Governor of California, he worked with his counterpart from Nevada, former U.S. Senator and Governor Paul Laxalt, to address environmental threats to Lake Tahoe.

While in the White House, Ronald Reagan would often turn to his old friend from Nevada, Senator Laxalt, who was one of his closest advisers during his time in our Nation's Capital.

Ronald Reagan served our Nation with honor and distinction. He will long be remembered for his warm wit, his quiet strength, and ability to inspire through his words and his deeds. His actions as President reshaped the course of the 20th century, and his unbridled optimism helped restore America's faith in itself.

Today we also remember Ronald Reagan for his leadership and for his unwavering vision that Americans remain for all a land of hope, promise, and opportunity.

HOW ONE MAN REMEMBERS REAGAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a few years ago I had the privilege of visiting with Natan Sharansky, a former Soviet dissident who is now an Israeli cabinet minister. I asked him what his reaction was, as he was in the Soviet Gulag at that time, to the "Evil Empire" speech. Here is his reaction as expressed in a recent quotation:

"In 1983 I was confined to an 8 by 10 foot prison cell on the border of Siberia. My Soviet jailers gave me the privilege of reading the latest copy of Pravda. Splashed across the front page was a condemnation of President Ronald Reagan for having the temerity to call the Soviet Union an 'evil empire.' Tapping on walls and talking through toilets, word of Reagan's 'provocation' quickly spread throughout the prison. We dissidents were ecstatic. Finally, the leader of the Free World had spoken the truth, a truth that burned inside the heart of each and every one of us.

"At the time, I never imagined that 3 years later I would be in the White House telling the story to the President. When he summoned some of his staff to hear what I said, I understood that there had been much criticism of Reagan's decision to cast the struggle between superpowers as a battle between good and evil. Well, Reagan was right and his critics were wrong."

There is no doubt that Natan Sharansky speaks for millions of people who today are free. A great President, with a great legacy, Ronald Wilson Reagan.

DEPARTMENT OF AGRICULTURE'S DRACONIAN EMERGENCY ORDER

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I find it somewhat ironic after the fumbling underreaction to mad cow disease that the United States Department of Agriculture is considering a Draconian emergency order for all Oregon nurseries in order to deal with an infection of sudden oak disease on one nursery.

The State Department of Agriculture has already appropriately quarantined the nursery. But before we create a regulatory nightmare for hundreds of small businesses and a huge regulatory roadblock, I would hope that the U.S. Department of Agriculture will work with the experts and our industry to protect both the environment and the vital commerce in nursery products.

There is no reason that we cannot do right by the environment and do it in a way that promotes proper treatment of this dangerous disease but avoids doing more harm than we do good.

REMEMBERING THE GIPPER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the world is grieving this week over the loss of a true American hero, President Ronald Wilson Reagan. Ronald Reagan defined the honor and dignity of the office of the Presidency, and he lifted the spirits of a Nation with his hope and joyfulness that sprang from an abiding faith in God and a deeply held belief in the American dream.

President Reagan entered office during a time of doubt and despair and malaise with the economy sputtering and a looming Cold War that threatened our families. Yet he brought his conservative principles of individual freedom, limited government, personal responsibility, and peace through strength.

President Reagan led a successful revolution to promote tax cuts, recognizing taxes are the people's own money. He achieved victory in the Cold War, expanding democracy worldwide. And he realigned America's political process with an open door especially for young people.

His legacy lives on today as America unites to fight the war on terror liberating millions from tyranny to protect American families as our economy is booming through tax relief.

May God bless the Reagan family. May God bless our troops. And may God continue to bless America.

☐ 1015

TRIBUTE TO FORMER PRESIDENT RONALD W. REAGAN

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, I rise today, as so many others have, to pay tribute to one of our Nation's finest sons and political leaders. Former President Ronald Reagan is worthy of respect and admiration both as a man and world leader, and his passing this weekend leaves each of us with a sense of loss and sadness.

His lasting mark on American politics is unquestionable. At a time when it was fashionable to declare one's political moderation, Reagan fearlessly changed the face of American politics by standing up and boldly declaring himself to be a conservative. He fought for principles and causes that, before his Presidency, were considered heresy. Balanced budgets, tax cuts, smaller government, and a robust national defense were the hallmarks of his ideology, and he never shied away from articulating and fighting for those views.

He proudly became the father of political conservatism and made it possible for people like me to become a Member of Congress. In the late 1970s and early 1980s, those who espoused conservative political views had few outlets from which to share their philosophies, but Reagan ushered in an era of conservatism whose tide has yet to wane. The makeup of today's political world is due, in large part, to the legacy of Ronald Reagan.

PEACE THROUGH STRENGTH

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, what distinguished President Reagan among American Presidents in the last century? Where many Chief Executives saw gray and moral relativism on the international landscape, he saw good and evil, right and wrong.

What relationship should we in the United States have with the Soviet Union, a tyranny that trampled freedom, starved its people, imprisoned dissidents, choked its economy and wrapped its tentacles around its neighbors? Do we engage them? Do we fight them in one corner of the world while doing business with them in the other? Can we coexist under the constant threat of mutual destruction and endless arms races? Do we practice detente, containment?

Ronald Reagan was the President who said, Americans cannot live like this, and I do not think the world's other citizens should. The day he stood at the Berlin Wall and defiantly challenged the Soviet tyranny with the unforgettable words, Mr. Gorbachev, tear down this wall, was the beginning of the end of the Cold War. God bless President Reagan.

PROGRESS IN THE FREEDOM OF IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, in the midst of our national loss, gain. In the progress of freedom in Iraq, after months of sacrifice by U.S. and coalition forces, yesterday the United Nations Security Council agreed unanimously to a resolution outlining a free and democratic future for the people of Iraq.

By a 15 to 0 vote, which included France, Germany and Russia, the United Nations agreed to declare a formal end to occupation on June 30 and set into motion the process of an interim and permanent democracy in Iraq.

Make no mistake about it, Mr. Speaker, international approval of the progress of freedom in Iraq is a victory for this President and, I would add, a fitting tribute to the President in whose memory we will gather later today.

PAYING TRIBUTE TO PRESIDENT RONALD WILSON REAGAN

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise this morning with so many of my friends to pay tribute to the 40th President of the United States, Ronald Wilson Reagan, and to extend my condolences to his wife Nancy and to his family.

President Reagan will always be remembered as the architect of policies that ended the Cold War, peace through strength. He more than anyone else was directly responsible for giving us the possibility of a world that could live in peace. He ended the Cold War. He ended the threat of hostilities between the United States and Russia, and he brought an end to the Soviet domination in Eastern Europe.

He unleashed the power of the American economy. Yes, it cost money to defeat the Soviet Union. It cost money to defeat Soviet tyranny, but in the long run, was it worth it? You bet it was, for this generation and for the generations to come.

PRESIDENT RONALD REAGAN WAS AN INSPIRATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, President Ronald Reagan was an inspiration to me and millions of others throughout the U.S. and even all over the world. He saw the American dream come true in his life, rising from humble beginnings and achieving great, great success in almost every way.

He will certainly go down in history as one of our greatest Presidents, but his greatness may have been achieved in large part because, as one of his closest friends said a couple of days ago, he did not worry about how history would view him.

It has been said his greatest legacy will be leading us to victory in the Cold War, but his domestic achievements were great, too, especially in lowering taxes and helping curb the greed of government.

I had the privilege of meeting President Reagan on many occasions, starting when he was Governor of California. He was always so kind to me and to everyone, and possibly one of his greatest attributes may have been in showing us that you can have strong views on important issues, but still treat opponents with kindness, compassion and even good humor.

We are all better people, Mr. Speaker, because of the life and example of President Ronald Reagan.

PRESIDENT RONALD REAGAN WAS LIVING PROOF THAT IDEAS WIN BATTLES

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, for many years I have heard comments about the power of ideas. I learned as a youngster that the pen is mightier than the sword and that there is nothing so powerful as an idea whose time has come. President Ronald Reagan demonstrated that these and similar statements, are true. He was living proof that ideas win battles.

He was not regarded as an intellectual, but yet he understood the importance of the basic, simple ideas that this country is founded upon, the ideas of peace and freedom, freedom to worship, freedom to speak, freedom of the press, but he also went beyond that. He recognized that these are not ends in themselves, but these are means to an end, and freedom to worship is meaningless unless you use it to worship. Freedom of the press is meaningless unless you use it to print ideas that are for the betterment of the Nation.

Simple ideas, valiantly fought for. With grace, charm and a twinkle in his eye, he succeeded where others had failed. He inspired a troubled Nation. He brought us together. He conquered the symbolic Iron Curtain and brought it down, along with the very real Berlin Wall. He led to nuclear disarmament, the greatest threat to humanity during his tenure.

I rise today to thank President Reagan for what he did for this country, for the ideas he fought for and the transformation he made in the culture and the attitudes of this Nation.

RONALD REAGAN DEFINED THE AMERICAN DREAM

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, we rise today with solemn hearts for the loss of an American hero, a man with an optimistic vision of this country that was infectious. I stand as an individual who felt the energy of the Reagan era.

As a 19-year-old in 1980, I attended my first Republican convention where Ronald Reagan accepted the GOP nomination for President. My first vote for President was for Ronald Reagan, and I spent the beginning of adulthood under the spirit of a man who defined the American dream.

Today we stand in awe of a life of passion and accomplishment. Ronald Reagan crumbled walls of oppression in Europe and rebuilt the American spirit. He was forever the gentleman statesman, a man who thought that politics, no matter how tough the battle with your opponent, should never leave scars.

In the end he bore no ill will to anyone, and in that mold he was the definition of a leader, a leader who inspired confidence in those around him and who led by example.

He feared not an assassin's bullet or political setback because he always looked to tomorrow, always believed the best days of America were ahead beyond the horizon, and that he would chart the course to take us to a better tomorrow. We stand here as a testament to that simple, yet powerful, truth.

EXPRESSING SORROW AND GRATITUDE TO THE REAGAN FAMILY

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I am here to really just first express my sorrow and my gratitude to the Reagan family.

Through President Reagan's optimism and courage and strength, he carried this country from a state of what some people said was a state of malaise to further greatness. He understood and never apologized for his understanding that the United States was a source of good around the world, a source of freedom around the world.

I recall when he said his famous remark about the evil empire how all of the experts said he could not say that, that he was wrong, that they were not bad. Well, he was right, and he tried and fought hard and worked hard to spread freedom across the globe, to strengthen the United States and, therefore, also strengthen our allies to spread freedom.

He succeeded by tearing down the Berlin Wall, by tearing down the evil empire, by spreading freedom to millions of people around the globe.

Mr. Speaker, I am here again in awe of the life of President Ronald Reagan, his achievements, his success in spreading freedom, his success in making this country what it is today. The greatness that we have achieved today, in great part, is due to the optimism, the greatness, the spirit of Ronald Reagan. We can never thank him enough.

AUTHORIZING USE OF ROTUNDA OF CAPITOL FOR LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE RONALD WILSON REAGAN, FORTIETH PRESIDENT OF THE UNITED STATES

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 444) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Ronald Wilson Reagan, the fortieth President of the United States.

The Clerk read as follows:

H. CON. RES. 444

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered to the Nation and the world by Ronald Wilson Reagan, the 40th President of the United States, the rotunda of the Capitol is authorized to be used for the lying in state of the remains of the late Honorable Ronald Reagan from June 9 until June 11, 2004. The Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all steps necessary for carrying out this event.

The SPEAKER pro tempore (Mr. RADANOVICH). Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this may seem like a routine resolution because we must pass these resolutions to allow the use of the rotunda of the Capitol for certain events, but frankly, this is a very auspicious moment.

By statute, we have defined how state funerals are to proceed in this Nation's Capital. We have very few of them. I believe the last one was at the time of the death of President Lyndon Johnson of Texas. It is a great honor to host an event such as this in the rotunda, and today I rise to present a resolution which will grant permission to have the body of President Ronald Reagan rest in state in the rotunda of the Capitol so that the Members of Congress and members of the public may join in honoring him by viewing the casket.

This is, as I said, a very auspicious event, and fortunately, we do not have to do this often. But it inspires in us, again, respect for the ideals of our Nation and for the things that we do and that we believe in.

When President Reagan's body will arrive, the casket will be placed on a caisson, according to tradition and law, and that horse-drawn procession will proceed from near the White House to the Capitol. It will be followed by a black, riderless horse, indicating a fallen leader. The boots on that horse will be placed in the stirrups backwards, indicating the fallen leader reviewing the troops behind him. When that arrives at the Capitol, with great pomp and circumstance, an honor guard will present the casket and the body and carry them inside the Capitol, displaying the casket in the rotunda.

This evening we will have a memorial ceremony, restricted to the Members of Congress, in the Rotunda. Following that, the people of this Nation, anyone who wishes, may stand in line and view the casket and give their respects to our fallen President.

It is my pleasure to be able to present this resolution honoring President Ronald Reagan and providing the opportunity for the Members of Congress and for the public to view the casket and to pay their respects to this great man. It is the least we can do, and I wish we could do more because he did a marvelous job of leading this Nation in a very troubled time. When we had a broken economy and a dispirited people, he restored their spirits with grace, charm and a twinkle in his eye and eventually helped us prevail over the Soviet Union, which had threatened us for decades with nuclear weapons.

The world is a far better place because of Ronald Reagan, what he did, and the leadership he provided, and it is my pleasure to present this resolution and honor him in this way.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is with great sorrow that I join the distinguished chairman, or the appropriate person in his place, in support of this legislation to authorize use of the Capitol rotunda for this very sad occasion.

□ 1030

There can be no more proper use of the rotunda, the center of the temple of our democracy, than to honor the late former President Ronald Reagan with a state funeral and lying in state.

With this observance, President Reagan will take his proper place in the pantheon of American heroes who have lain in state in this temple, benefiting their vast contributions to the fabric of our National political life.

Although I did not have the honor to serve in the Congress during President Reagan's term, I greatly admired him as a statesman, and his skills as the Great Communicator, and am grateful for everything he did for our country.

Mr. Speaker, it is especially fitting that Congress and the Nation pay their respects to our 40th President in this temple because several memorable events of his 8 years in office took place here. Of course, he delivered all of his State of the Union messages right here in this Chamber, including the one in which he dropped several pounds of paper onto the rostrum and urged Congress not to send him any more massive, catch-all spending bills.

In 1985, President Reagan returned from a Geneva summit meeting with Soviet leader Mikhail Gorbachev, flew directly from Andrews Air Force Base to the Capitol by helicopter, and addressed a joint session, reporting hopeful progress on arms control and reassuring the Nation and the world.

Perhaps more relevant to the resolution before us, many Americans will recall that the bitter cold of January 21, 1985, forced President Reagan's second inaugural ceremony to come indoors and take place in the rotunda itself in order to protect the multitudes attending and participating in the inauguration, who would otherwise have been at great risk from the elements and frostbite.

Throughout his life and career, President Reagan was always considerate of others. And like others who have preceded him in the Nation's highest office, Ronald Reagan hailed from a humble background. Born in 1911 in Illinois, Reagan grew up in the town of Dixon, was active in sports, drama, and student politics, all of which would serve him well later. In 1932, the future President graduated from Eureka College with a degree in economics and sociology. He embarked on a radio career that eventually led him to Hollywood, where he worked in the entertainment industry for 2 decades, principally in motion pictures.

He appeared in over 50 movies, including one of my favorites, the 1940 "Knute Rockne: All American." In the film, Reagan portrayed the legendary Notre Dame athlete George Gipp, who set numerous football records during a 5-year career before succumbing in 1920 to an infection that struck 20 years before the discovery of antibiotics. In the movie's climax, Reagan earned his lifelong nickname when the dying Gipp asked Coach Rockne to urge his teammates to go out there and "win one for the Gipper." For us football fans, especially one who has a son who played football, the scene is priceless. My son loved the movie, and he certainly loves football as well. And I have little doubt that today, for millions of Americans, the legends of George Gipp and the man who portrayed him on film have become inextricably linked.

In the 1960s, when the Gipper became active in politics, he generally supported Republican candidates, including Richard Nixon and Barry Goldwater. Like Nixon and Goldwater, Reagan became known as an ardent anti-Communist. In 1966, he became a Republican candidate himself, winning the first of two terms as Governor of California.

Two years after leaving office in Sacramento, Governor Reagan challenged President Gerald Ford for the GOP nomination for the Presidency, and nearly won it. In 1980, he won both the Republican Presidential nomination and the general election, where he received nearly 51 percent of the popular vote and carried 45 States and 489 electoral votes.

Of course, we all recall that in 1981 an assassin nearly ended our new President's life in a hail of gunshots here in Washington. Fortunately, the would-be assassin failed to achieve his demented purpose, and the President went on to survive not only gunshot wounds but also colon cancer.

The President also survived the bruising political battles so common in this capital city. He did so simply by refusing to take politics personally. President Reagan's ability to build and maintain a lasting friendship with House Speaker Tip O'Neill, with whom he disagreed on many political issues, exemplified an approach to politics and to governing which I greatly admire, and one that I wish others would emulate.

In 1984, President Reagan won reelection, with nearly 59 percent of the popular vote, the electoral votes of 49 States, and completed his two momentous terms. By the time he left office in 1989, he was, despite large budget deficits and the Iran-contra scandal, one of our most beloved Presidents.

The massive outpouring of grief seen across this country and the world since his death on Saturday is abundant proof of the esteem Americans hold for their 40th President throughout every city, suburb, and hamlet in this land.

Mr. Speaker, the state funeral and the lying in state authorized in the rotunda this week will be solemn state occasions whose purpose is to provide the public with an opportunity to view the body and mourn the passing of a head of state. Ceremony, history, and protocol will permeate these rites.

Among them, it is worth noting, that when President Reagan's body lies in state in the rotunda, his remains will rest upon the historic catafalque constructed for the funeral of our 16th President, Abraham Lincoln, another son of Illinois. All those who have lain in state in the Capitol rotunda have rested on the Lincoln catafalque, made of simple pine boards and draped in black velvet.

It is fitting that this relic, built for one who became, if not in life, one of the most cherished and beloved Presidents, will now be used to support the body of our 40th President, a cherished and beloved successor to Lincoln. As a people, we are truly grateful for President Reagan's long service to our country and for the opportunity to honor him and his memory in this way.

Mr. Speaker, I am honored to play a role in these proceedings by managing this resolution for the minority, in the absence of our ranking member. I hope that all my colleagues will join in paying tribute to our 40th President by supporting this very important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. COX), a representative of the home State of President Reagan to offer some comments on this resolution.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time, and it is entirely fitting that we pass this resolution authorizing the remains of President Reagan to lie in state in the Nation's Capitol.

It was in this building that President Reagan took the oath of office in January 1981. Eight years later, he yielded his authority as President and Commander in Chief in this building, in that quiet peaceful transfer of power that is the hallmark of our democracy.

Many of the shining moments of his two Presidential terms took place right here in this Chamber. None are more thrilling than that 1982 State of the Union that marked his triumphant return shortly after he was shot by a would-be Presidential assassin.

And some of his greatest challenges have close associations with this Chamber as well. In his second term, after President Reagan had won Senate passage of his request for aid to the freedom fighters in Nicaragua, the challenge he faced was in this House. The President asked permission to address the House, but Speaker O'Neill said no. I served then as legal counsel in the White House, and I was asked whether the Speaker of the House could deny the President the opportunity to come and address the Congress in the people's House. And my answer, swiftly delivered, was "absolutely."

President Reagan did not mind the legal advice. He asked, "They all have televisions, don't they?" And he addressed the Nation from the Oval Office. As a result of that magnificent address, intended for all of us here but absorbed equally by the American people, this Congress did the right thing and democracy did move forward in Nicaragua. The Soviet Union was not able to establish a beachhead in our own hemisphere. And whereas upon President Reagan's assumption of office there were only 56 electoral democracies in the world, today there are 117, and over 1 billion people now live in democracies that otherwise would not.

When President Reagan took the oath of office here in this building, he was facing west. The west front of the Capitol was the staging area for that inauguration. He was the first President to do so. He thought it was important to face west, because not only was he a Westerner, not only was he a Californian, but the history of our country moving westward signified the spirit of frontier, the pioneer spirit, and entrepreneurship that President Reagan thought was the genius of America.

When his body is placed in the rotunda later today, it will come to the Capitol up those same steps on the west front and all of us will be looking west to his beloved State of California thinking about what President Reagan meant by that symbolism.

So it is entirely appropriate that we pass this resolution we address now. I know that each of us will take personal pride in recalling his contributions to our country, to our sense of patriotism as we observe the ceremonies in the rotunda later today and as we have our own personal moment to walk by that casket.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

As we heard of the death of our 40th President, Mr. Speaker, I could not help but think of the friendship that I had with his daughter who preceded him in death, Maureen Reagan. For 15 years, Maureen and I worked tirelessly for women's issues internationally. And for the respect that I had for her, and certainly did not know her father, I will say to all of my colleagues to please pass this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is a pleasure to present this resolution. I have pointed out the historical significance of it, and I urge the entire Congress to cast a unanimous vote. It is the last time to win one for the Gipper, and it is appropriate for us to express our appreciation to a previous leader and President at the time of his death.

Mr. LARSON of Connecticut. Mr. Speaker, I join with the distinguished gentleman from Michigan (Mr. EHLERS) and the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD) in support of this motion to suspend the rules and pass the resolution to authorize the use of the Capitol Rotunda to honor President Reagan and I would urge all Members to do likewise.

Mr. Speaker, this is a very sad occasion for our country. Last Saturday, June 5, 2004, Ronald Wilson Reagan, the 40th President of the United States, departed this life, and now belongs to the ages.

Since I was first elected to this House in 1998, I did not have the privilege of serving with President Reagan. But I certainly wish I had known him. President Reagan's engaging smile, his reassured demeanor, and his boundless optimism about America, her people and her future, were literally contagious.

And the contagion surely did spread, Mr. Speaker. The overwhelming grief since President Reagan's death reflects the American people's respect for the man, and their gratitude for what he accomplished for present and future generations. While he may now be gone, he will never be forgotten.

Mr. Speaker, as the Congress and the nation mourn our 40th President in the Capitol Rotunda, we might recall the many memorable moments that occurred under this great Dome during his 8 years in office. Indeed a harbinger of things to come, President Reagan asked that his inauguration take place for the first time on the West Front of the Capitol, so he could look out across the Mall toward the west. Not only did this vista accommodate more people attending the ceremony in person, it symbolically shifted the ceremony's focus toward the vast reaches of the country, where most Americans live.

Of course, President Reagan delivered all of his State of the Union messages, and addressed other joint sessions of Congress, from right here in the House Chamber. Once, after Congress had wrapped an entire year's worth of appropriations bills into one mammoth measure, he dramatically plopped a huge stack of paper—not even printed, but instead, Xeroxed copies—onto the desk with a "thud." He implored lawmakers never to repeat the practice. Unfortunately, it has done so repeatedly in the years since that speech. It was a bad practice in President Reagan's time, and it is a bad practice today.

President Reagan's second inaugural took place in the Rotunda, driven inside by the cold winter of 1985. While some television viewers might have been disappointed at the cancellation of the outdoor inaugural and the accompanying parade, I am sure many parents of high-school students scheduled to march in the festivities were relieved. In another thoughtful gesture, the President paused during his inaugural address to note the passing of a Democratic Representative, Gillis Long of Louisiana, who had died hours before.

Throughout his life and career, President Reagan was always considerate of others. Perhaps this attribute reflected the Midwestern values of his native Illinois, and the fact that Ronald Reagan came from humble beginnings.

Born in 1911 in Tampico, Illinois, Reagan's family soon moved to the town of Dixon, where he was active in swimming and other sports, drama, and the student government at the local high school. In 1932, the future President graduated from Eureka College, with a degree in economics and sociology. Popular among his peers and clearly blessed with a radio announcer's voice, after graduation Reagan embarked on a radio career. A journey to Los Angeles to cover a sporting event led to a Hollywood screen test, which in turn led to a contract at Warner Brothers studios.

Reagan made more than 50 movies, including "Knute Rockne: All-American," from which he earned his lifelong nickname for playing the famous Notre Dame athlete George Gipp. In the last reel of the film, legendary Notre Dame football coach Knute Rockne inspired his 1928 team, who was losing a game to Army, by telling them George Gipp's dying remarks, which were:

> Some time, Rock, when the team is up against it, when things are wrong and the breaks are beating the boys, tell them to go in there with all they've got and win just one for the Gipper. I don't know where I'll be then, Rock, but I'll know about it, and I'll be happy.

Needless to say, the inspired Fighting Irish went on to win the game despite their numerous injuries and underdog status. Today, millions remember Reagan as "the Gipper," and far fewer remember George Gipp. Reagan became even better known in the 1950s by working in television, appearing on such early programs as "Death Valley Days" and the "General Electric Theater."

Reagan lived the rest of his life in California, where in the 1960s, he became active in politics. Though a Democrat, even becoming president of the Screen Actors' Guild, he supported Richard Nixon in 1960 and Barry Goldwater in 1964. In 1966, as a Republican, Reagan won the first of two terms as governor of California. In the tumultuous year of 1968, Governor Reagan briefly sought the Republican presidential nomination, but lost to his fellow Californian, Richard Nixon.

In 1976, the Governor challenged President Gerald Ford for the GOP presidential nomination, and nearly won it at the Kansas City convention. In 1980, he won the nomination and the election, where he received nearly 51% of the popular vote and carried 45 states. Of course, we were all stunned on March 30, 1981, when an assassin shot the President and several others outside the Washington Hilton. Little did we know at the time how close the President came to dying of his wounds. The President went on to survive not only his 1981 gunshot wound, but also, in 1985, a bout with colon cancer.

President Reagan was, and his memory is, beloved in this town. He readily agreed with House Speaker Tip O'Neill's admonition, at an early meeting, that "after 6 o'clock, we're all friends." President Reagan worked to make friends not only with Speaker O'Neill, with whom he often disagreed on policy matters, but with countless others in Congress and around the country. The President's willingness to reach across the aisle and work in a constructive way, refusing to take politics personally, was a hallmark of his approach to governing. I wish others would follow his example in today's poisonous political environment in this city.

In 1984, President Reagan handily won reelection with over 58% of the popular vote carrying 49 states. By the day he left office in January 1989, he was, despite massive budget deficits and the Iran-Contra arms-for-hostages scandal, one of our most beloved presidents.

Mr. Speaker, the solemn state occasion authorized in this resolution will provide an official opportunity for the American people to mourn our former a head of state. This ceremony will be rich in history, and include the use of the Lincoln catafalque, originally built for the state funeral of our 16th President in 1865. This observance will enable Americans, through the Congress and others able to attend, to bid an official, fond farewell to President Reagan for his long career and many contributions to the rich fabric of our nation.

I am honored to play a role in these proceedings in my position as Ranking Minority Member of the Committee on House Administration and to represent the many residents of Connecticut who revere President Reagan and his memory. In their behalf, and mine, I offer Mrs. Reagan and the entire Reagan family the condolences and the thanks of a grateful nation for the President's service. I would like to close by joining our Committee on House Administration's Vice Chairman in urging our colleagues to pass this resolution and win one last victory for the Gipper.

Mr. NEY. Mr. Speaker, I rise today to introduce House Concurrent Resolution 444, to allow the use of the Rotunda of the Capitol for the late Honorable Ronald Wilson Reagan, the Fortieth President of the United States of America, to lie in state.

More than any leader in my lifetime, Ronald Reagan embodied the noble ideals and irrepressible optimism of the American spirit. As President, he led our country into an era of renewed faith in the American Dream. Ronald Reagan guided the United States to victory over Communism in the Cold War, and his domestic policies ushered in an age of unprecedented prosperity. As we stand in the wake of Ronald Reagan's recent passing, we mourn his loss, but we celebrate the remarkable legacy he leaves to the country he loved and served so faithfully.

Ronald Reagan was born into humble circumstances in the small town of Dixon, Illinois. It was in this quintessential Midwestern setting that Ronald Reagan recognized the near-limitless opportunities that flow from liberty, and consequently developed his deep and abiding appreciation for the founding ideals of our great country.

Rising from these modest origins, Ronald Reagan set off on a life journey that was both rich and diverse in experiences. As a young man, he spent seven summers as a lifeguard on a hazardous section of river near his hometown where he saved the lives of 77 swimmers. He went on to become a college athlete and then traveled to Hollywood, where he became one of the most popular actors of the '50s and early '60s. But, it was in the realm of politics where Ronald Reagan would make his most meaningful and lasting impact, first as a two-term governor of the State of California and then, most significantly, as the President of the United States from 1981 through 1989. Quite, simply, Ronald Reagan changed the world, and we are all the better for it.

Ronald Reagan, more than any other individual, was responsible for winning the Cold War, the epic struggle that pitted the United States and its allies against a Communist force armed with enough nuclear weapons to threaten the existence of humanity. Relying on his deeply held beliefs of the supremacy of liberty and democracy, Reagan assumed the office of President and sought not to accommodate or merely contain Communist expansionism, but to defeat it. He had the courage to speak the truth about the former Soviet Union, to accurately label it as an "evil empire" that would ultimately be consigned to the "ash heap of history." He realized that for democracy to prevail in this twilight struggle of differing ideologies with monumental consequences, he had to become a relentless warrior on behalf of the American ideals of liberty, free enterprise, and the primacy of the individual in society. His fortitude provided the American people with purpose and victory over Communism.

Ronald Reagan buoyed up our nation not only with his ever-present smile, his genial nature, and his self-deprecating humor but also with the substance of his ideas: his enduring faith in the innate goodness and creativity of the American people; his steadfast belief in the exceptionalism of our constitutional democracy and economic order; and his unyielding conviction that freedom and democracy will triumph over oppression and tyranny. Ronald Reagan was, and will always remain, a giant on the stage of history, a commanding presence and respected leader whose commitment to freedom and democracy will inspire generations to come. Truly it can be said that Ronald Reagan lifted the spirits of the American people by appealing to our best hopes, not our worst fears, and because of that, he will remain forever in the hearts of the American people.

Walking side-by-side with Ronald Reagan through his life's journey was his wonderful wife and best friend, Nancy. Her dignity and grace as First Lady were exemplary, but even more inspiring has been the strength and resiliency she has demonstrated since her husband was diagnosed with Alzheimer's disease 10 years ago. Nancy's devotion to the former President has been nothing less than heroic, and our prayers and the prayers of a nation are with here during this time.

Though our hearts are heavy as we mourn the loss of a beloved leader, we are comforted knowing that Ronald Reagan has gone onto a better place. To borrow the words he used to comfort the nation following the *Challenger* disaster, Ronald Reagan has "slipped the surly bonds of earth" to "touch the face of God."

Passage of this resolution will allow us to pay tribute to this great man and his legacy. It will allow all those who loved and admired Ronald Reagan a final opportunity to say a final goodbye. As he lies in state, the American people will have the opportunity to pay their respects by coming to the Capitol Rotunda. I expect that many thousands will do so.

Therefore, I urge my colleagues to support this Resolution.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RADANOVICH). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 444.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 444.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING USE OF ROTUNDA OF CAPITOL FOR LYING IN STATE OF REMAINS OF LATE RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES FROM JUNE 9 UNTIL JUNE 11, 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 115) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late Ronald Wilson Reagan, the 40th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from June 9 until June 11, 2004, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 444) was laid on the table.

☐ 1045

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

Mr. COX. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 664) mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world, and ask for its immediate further consideration.

The SPEAKER pro tempore (Mr. RADANOVICH). The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Time for debate on the resolution on the legislative day of June 8 had expired.

Pursuant to the order of the House of that day, it is now in order to conduct a further period of debate on the resolution.

The gentleman from California (Mr. COX) and the gentleman from Utah (Mr. MATHESON) each will control 1½ hours.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HYDE), the Land of Lincoln and the birthplace of Ronald Reagan, and the chairman of the Committee on International Relations.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me this time.

I have given much thought to what I might usefully contribute to the chorus of those thousands who will be called upon or be moved to voice their respect and their sadness at the death of President Reagan. His accomplishments will be rightly celebrated, his humanity and character justly praised, his passing mourned in words of elegance and emotion. How large a stone can one hope to add to this touring mountain?

President Reagan was the oldest person to be elected President in our history, and this is proof that you get the sweetest music from the oldest violins.

In the play Camelot, King Arthur says, "We are all of us tiny drops in a vast ocean, but some of them sparkle." President Reagan was never a tiny drop in a vast ocean, but he did indeed sparkle.

By his life and service he put the "sacred" back in honor. Not through exhortation, but by example, Reagan's gentle leadership reminded a country disoriented by doubt of its enduring beliefs. In this, his guiding principle was that of George Washington's, "Let us raise a standard in which the wise and honest can repair. The event is in the hand of God."

He was a rare and subtly powerful speaker, able to instill in others a confident belief in their own capacities and goodness. And he could also inspire oppressed millions to demolish empires.

His eloquence reminds me of the story of ancient Greeks who, when Pericles spoke, said, "How well he speaks." But when Demosthenes spoke, they said, "Let us march."

Among his many virtues was his defense of the powerless unborn. President Reagan understood that the precious gift of life was not confined to the privileged, the planned, and the perfect. Some have said that the most fearful aspect of dying is the terrible aloneness you must endure at the particular judgment; no advocate, no relative, no spouse, no child, just you, your sins and God. But I am sure President Reagan is not alone. I believe the silence was broken by the voices of thousands of little children, voices that were never heard in this world but are heard in the next, all pleading, "Dear Lord, spare him, for he loved us very much."

And then I can imagine Mr. Reagan heard a gentle voice, "Come, beloved of my father, and enter the kingdom which has been prepared for you since the beginning of time."

Mr. President, "The shadows have lengthened, evening has come, and the busy world is hushed. The fever of life is over, and your work is done. May God in his mercy give you a safe lodging and a holy rest and peace at the last."

Mr. MATHESON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor President Ronald Reagan. We can all admire the journey of his life. It was a life built on love of family and a profound love of our country.

In this time of mourning, I offer my sincere condolences and prayers to the President's family, especially to his wife Nancy. I hope that the sincere good wishes of all of their fellow countrymen can help to bring them some comfort at this time.

Above all else, the President was a leader who had strong opinions, yet he always respected the institution of government and worked within both parties to provide enduring success to millions of Americans.

Before he was President, Ronald Reagan was the Governor of a Western State and a leader who understood issues important to the West. As a Member of Congress from the Rocky Mountain West, I hold a deep appreciation for President Reagan's efforts to protect the Western way of life.

One issue that stands out is that of the MX missile. In the 1970s and 1980s, the Department of Defense was working to build the massive MX missile racetrack system in Utah's west desert, despite Utah's opposition. President Reagan was a strong advocate for national defense, and the military initially thought he would be a supporter of this proposal. As a fellow Westerner, President Reagan understood Utah's desire to protect its ranching and farming heritage. He understood why the State and its citizens adamantly opposed the project.

My father was Governor of Utah at that time. He found an open door in the Reagan administration, and he worked in a bipartisan manner with the administration to put an end to this plan. Thankfully for my State, President Reagan came into the situation with an open mind, and he was willing to listen to local stakeholders about their concerns with the MX proposal.

President Reagan established a process by which affected people could actually make their feelings known, which even now is a testament to the importance of a responsive Federal Government.

That was Reagan's approach. While he was a man of strong convictions, he was known for his civility and kindness in a business that is often abrasive. Ever the gentleman, his example is a good reminder to all of us in elected office of what it takes to truly serve our constituency.

I honor President Reagan's service to this great Nation. He will be missed.

Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding me this time.

I first met Ronald Reagan over 40 years ago when I was an undergraduate student at Stanford University in California. He and I and some others were involved in a primary election campaign for a United States Senator from California which proved to be very unsuccessful. But in the meetings that I attended that Mr. Reagan chaired, I recognized him as being a unique person with an uncanny knack to bring out the best in everybody.

He certainly proved that during his subsequent career: two successful terms as Governor of California and two successful terms as President of the United States, leaving office with the highest approval rating of any departing President since Franklin Roosevelt.

Look at the shape America was in when Ronald Reagan was elected in 1980. We went through a horrible decade of the 1970s. There was a Vietnam War, there was Watergate, there was Nixon's resignation, Gerald Ford's unsuccessful Whip Inflation Now campaign, Jimmy Carter's malaise, and long lines at the gas pump to buy 5 gallons of gas.

When President Reagan took office, he got us out of our national funk. His Morning in America speech and his philosophy gave us as a Nation and as individual Americans the self-confidence to do what America has always done; that is, to achieve the ultimate dream, to overcome the impossible, and to have each and every one of us reach our highest and best.

Much is said about Reagan turning around the economy and winning the Cold War, and some of the debate on the Cold War was about the so-called Strategic Defense Initiative, but there was a decision that Ronald Reagan made earlier that laid the groundwork for the collapse of communism. He persuaded then German Chancellor Helmut Schmidt to deploy Pershing II and cruise missiles in West Germany. That was extremely controversial at the time both in Europe and the United States. People said putting more missiles would encourage an arms race.

Well, Mr. Schmidt agreed to deploy them. He might have lost his job as a result of it, but he was able to see the fall of the Berlin Wall and the unification of Germany during his lifetime, and we have got to give credit to Ronald Reagan's international skills for doing that.

God bless you President Reagan, may you rest in peace.

Mr. MATHESON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, this past weekend Americans learned of President Ronald Reagan's death. The President was an honorable and decent man whose legacy forever will be linked with the great love and optimism he had for his country. Unfortunately, his long and courageous struggle with Alzheimer's disease took him from us long before his death.

As a fellow Midwesterner, I appreciated the traditional American values he brought to Washington: his good humor, his love for his family, and belief in America. At a time when Americans had lost confidence in themselves, President Reagan reminded us we could achieve any goal, no matter how lofty.

When President Reagan addressed a grieving Nation after the Challenger explosion, he honored the astronauts for the way in which they lived their lives and affirmed that we would never forget them. Eloquently, he quoted the poem "High Flight," declaring the astronauts had "slipped the surly bonds of Earth to touch the face of God."

Mr. Speaker, today in this House, we are honoring President Reagan for the way in which he lived his life and led our Nation. And as he takes his own journey to touch the face of God, I am confident in this statement: That his life and achievements will forever be remembered by this grateful Nation.

As the country and the world mourn his death, we will remember President Reagan as a great American who was a beacon of freedom for people everywhere. I think I speak for all of the Hoosiers in offering my condolences to his wife Nancy and the children.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from California (Mr. COX) for yielding me this time.

Mr. Speaker, I rise with the formidable challenge in 2 minutes to convey the thoughts and prayers of Arizonans and Americans as we remember our 40th President. While it is true that Ronald Reagan was a son of Illinois and a Governor of California before becoming the President of us all, it is also true that Arizona played an important part in his life.

Arizona was the place where Ronald and Nancy Reagan honeymooned. Arizona was the place where some of their children attended high school. Arizona was the place where Nancy's parents lived; and Arizona was the site of one of President Reagan's final political appearances. Even as our favorite son, Barry Goldwater, gave birth to then Ronald Reagan's political career in that epic speech A Time For Choosing in 1964, telecast nationally, which really put Ronald Reagan on the political stage, it was former President Reagan who arrived in downtown Phoenix 5 days before the 1992 election to offer words of support to candidates of our party.

□ 1100

I had the privilege of emceeing this gathering, and I was offstage with the former President as our now senior Senator offered remarks of introduction, and those remarks included the statement from Margaret Thatcher that the Cold War was won by one man, Ronald Wilson Reagan, and that victory came without a single shot being fired.

Mr. Speaker, I was in a unique position to hear the words of my friend from Arizona and to look at the reaction on the face of our former President.

Mr. Speaker, it is well known that many of us who enter the public arena suffer from no lack of self-esteem.

Mr. Speaker, I can tell you that President Reagan was incredibly humble, and that humility was expressed on his face as he offered a characteristic shrug of the shoulders before going out to offer his words to the assembly.

In closing, Mr. Speaker, and to my colleagues, let me simply say this. In observation from one of my constituents whose daughter-in-law escaped from behind the Iron Curtain, she said, "President Lincoln freed the slaves of America. President Reagan freed the enslaved millions of Eastern Europe."

God bless America. God bless Ronald Reagan.

Mr. MATHESON. Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I join my colleagues today in paying tribute to a man who influenced my life personally, and I think I speak for many of my colleagues when I say that we would not be in politics, I indeed would not be in Congress, if it were not for Ronald Reagan.

President Reagan embodied the values that made America the shining city on the Hill: faith, family, freedom, and personal responsibility. Born to humble beginnings, he never lost the common touch. Few public officials had more empathy for the common people. He could make us laugh or cry, depending on what the situation called for. Most of all, he made us proud, proud to be Americans.

Ronald Reagan came into office during a great malaise. He made us believe again in ourselves, in our capacity to achieve great things. He ignored his critics and the cynics. He shouldered on with unstoppable optimism. He consigned Communism to the ash heap of history. As Margaret Thatcher said, he won the Cold War without firing a shot. He changed our party. He changed the way Americans see themselves; and in the end, he changed the world.

Borrowing from the song, I said to my wife, Mary, when he left office, he was a long time coming. He will be a long time gone. I thank God for giving us such men.

Mr. MATHESON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROYCE), the home State of our dearly departed President.

Mr. ROYCE. Mr. Speaker, first, both personally and on behalf of my constituents in Orange County, let me offer my condolences to Mrs. Reagan and the Reagan family. I, like so many of my colleagues, probably would not be standing here today if it were not for Ronald Reagan.

He was an inspiration for a whole generation of young Americans, and his message of limited government and unlimited freedom, as well as his boundless optimism about America's future, motivated me and so many others to get involved in the affairs of our Nation. I first met Ronald Reagan as a student in California. That experience led me to become involved in the Youth For Reagan movement.

Over the years, I was privileged to meet him many more times. It was one of the most memorable meetings in 1986. I was visiting the White House as a State senator on the day that President Reagan ordered the bombing of Libya because of their open support for international terrorism. The President told me what a difficult decision it was, but how the future of our Nation and the safety of our citizens depended on firm action.

President Reagan was never afraid to take a stand, never afraid to do what was right, even if it was not popular at the moment.

In 1964 Ronald Reagan spoke these words to a generation of Americans: "You and I have a rendezvous with destiny. Will we preserve for our children this, the last best hope of man on earth, or will we sentence them to take the last step into a thousand years of darkness?"

President Reagan understood the evil of communism. He knew the Cold War would end. He knew that there would be winners and there would be losers. Thanks to his resolve, freedom won. Thanks to his resolve, millions of people were set free.

President Reagan also understood that free markets go hand in hand with individual liberties. In 1981 he said:

"We who live in free market societies believe that growth, prosperity and ultimately human fulfillment are created from the bottom up, not the government down. Only when the human spirit is allowed to invent and create, only when individuals are given a personal stake in deciding economic policies and benefiting from their success, only then can societies remain economically alive, dynamic, progressive and free."

At his second inauguration, speaking inside the rotunda of this Capitol building, President Reagan said:

"Our Nation is poised for greatness. We must do what we know is right, and do it with all our might. Let history say of us, these were golden years, when the American revolution was reborn, when freedom gained new life and America reached for her best."

Throughout his career, Ronald Reagan was always helping America reach for her best. He inspired us with his spirit, with his optimism; and he led us with his commitment to principle and unwavering resolve. America and the rest of the world are better, safer, and freer places today because of Ronald Reagan. We will miss him dearly.

Mr. MATHESON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. I thank my colleague for yielding me this time.

Mr. Speaker, it is with a profound sense of loss and sadness that I rise today to honor the memory of one of our Nation's most influential leaders, former President Ronald Reagan. Much has been said, and rightfully so, about President Reagan's infectious love of this great Nation. Ronald Wilson Reagan firmly believed that the United States of America had a unique role to play in the world and a singular place in history. In his first inaugural address he reflected on this faith in country in attributing the unparalleled prosperity and opportunity of this great land to the fact that "freedom and the dignity of the individual have been made more available and assured here than in any other place on Earth."

Mr. Speaker, his singular commitment to the inherent worth of the individual is a hallmark of Ronald Reagan's personal and political legacy. His sincere devotion to that core idea defined his personality, and it defined his Presidency. President Reagan defied then conventional wisdom that American heroes were a thing of the past. He said, "Those who say that we are in a time when there are no heroes just don't know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter, and they are on both sides of that counter." President Reagan's heroes were, in his words, "the citizens of this blessed land."

Mr. Speaker, President Reagan has often been called the Great Communicator, but President Reagan told us himself that he preferred to think of himself as a communicator of great things. However, to reduce Ronald Reagan to the words he spoke would be a tremendous disservice to his legacy, just as it would be wrong to reduce Abraham Lincoln's legacy to the Gettysburg Address or FDR's to the eloquent power of his fireside chats. President Reagan truly believed the ideas he communicated, and that faith drove in many ways a shift in the course of American politics.

Mr. Speaker, President Reagan was a unique figure in our politics. His devotion to principle, his commitment to the American people, his singular faith in the power of one were infectious. Yet despite his unrepentant drive to achieve what has been appropriately called the Reagan Revolution, he pushed his agenda with a smile and he relished open and honest debate. Notwithstanding sometimes profound disagreements, President Reagan understood that at the end of the day, we were not Democrats and Republicans but, rather, Americans and friends. He truly understood that there is a tremendous difference between strong beliefs and bitter partisanship.

Mr. Speaker, President Reagan was an eternal optimist who changed the world with hope and taught Americans that, even in the face of trials and tragedy, "nothing ends here; our hopes and journeys continue." It has been said of President Reagan that although he was our oldest President, he made America young again.

And so, Mr. Speaker, I rise today to express my deepest sympathies to Mrs. Reagan and to the President's children and their families and to honor the memory of a great American who loved America at least as much as she loved him.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of our former, President, the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, today I rise in support of the resolution paying tribute to President Ronald Reagan who once said, "America is too great for small dreams." Whether through his faith in God's providence, his deep love for his wife, Nancy, his career as an actor, his service as Governor of the State of California and ultimately as our Commander in Chief, President Ronald Reagan envisioned and achieved big dreams. These dreams included lowering the tax burden on citizens through his advocacy of smaller government and striving for peace in the tenuous times of the Cold War.

As a boy in the fourth grade, I had the honor of shaking Mr. Reagan's hand at the Mariposa airport when he was on his way to Yosemite after he became the Governor of the great State of California. He is the very reason that I later became a Republican and devoted my life to public service.

President Reagan died on the very weekend of the commemoration of D-Day where just 20 years ago he heralded the heroes that lay before him in Normandy as those who "helped end a war." Fittingly, we now herald this American hero for his unmatched achievements, including ending the Cold War. History will forever remember him for removing this threat of nuclear holocaust.

There are good men in the world, and there are great men. Great men employ their power humbly and create peace quietly. President Reagan embodied these traits and reminded us to believe in ourselves as the greatest country in the world.

Mr. MATHESON. Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise on the floor today to join my colleagues and the legions of Americans and freedom-loving people around the world in honoring the memory and the legacy of President Ronald Wilson Reagan. In the days that have passed since President Reagan slipped the surly bonds of this world, much has been said about our Nation's 40th President, of his boundless energy, eternal optimism, strong character, good judgment and, most important of all, his unmatched ability to lead and to deliver hope to America and the world at a time when it was needed most. Despite those who would suggest otherwise, the accomplishments and good fortune that befell this Nation and ultimately those behind the Iron Curtain on President Reagan's watch did not happen accidentally or through luck or simply being in the right place at the right time.

☐ 1115

No, Mr. Speaker. Providing unfailing hope and guidance to a grateful Nation and all the world in a time of much despair is not luck. It is called leadership. And President Reagan will be remembered as a leader without peer, period.

Winston Churchill once said, "The price of greatness is responsibility." President Reagan understood and accepted that responsibility like no one else, and he left greatness in his wake.

Mr. Speaker, if the measure of a man is the difference that he makes, then history will record that President Ronald Reagan was nothing less than a giant. He will be missed, but his legacy of leadership will live on in the history of this Nation.

Mr. MATHESON. Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a distinguished Member of this body, a true Reaganite.

Mr. PENCE. Mr. Speaker, I thank the chairman, my favorite Reagan protege in the Congress, for yielding me this time.

Mr. Speaker, Ronald Reagan will be remembered as a great man and a great American leader, who personified the highest ideals of the American people at home and abroad. After 8 years of his Presidency, the communism of Soviet Russia was collapsing, the American military was rebuilt, the Nation's economy restored, and its moral fabric renewed.

Many remember him as the "Great Communicator," but as the President said many times, he was not a great communicator, he communicated great things. Those were the traditional American values of this Midwesterner turned national leader. They came from the profound Christian faith inculcated in a young Dutch Reagan by his beloved mother Nelle and from his heart. And, as the President said, "They came from the heart of a great Nation."

Those ideas were simple, straightforward, and distinctly American. President Reagan believed that freedom depended on limited government. He fiercely advanced the principles of less government, less taxes, a strong military, and a commitment to traditional moral values.

And President Reagan changed the course of my life. While youthful ambition led me to politics, it was the voice and the values of Ronald Reagan that made me a Republican. The Bible says, "If the trumpet does not sound a clear call, who will get ready for battle?" Ronald Reagan's great gift was to sound a clear call to return our Nation to the ideals of its Founders, and it was said that when he spoke, people just did not just agree. From coffee shops to tractor seats to high offices in tall buildings, when the American people heard Reagan speak, they said, "Darn right."

I had the privilege in 1988 as a candidate for Congress to sit with the President in the Blue Room of the White House and speak to him personally, and on that occasion, that great privilege of my life, I was able to look the President in the eye as he asked me how my campaign was going. I said, "Mr. President, it is going fine, but I just want to thank you for everything you have done for our country and to encourage my generation of Americans to believe in this country again."

I said then, and I say again, thank you, Mr. President. May God bless you, as, through you, God most certainly blessed the United States of America.

Mr. MATHESON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise today to honor President Reagan's legacy to our country. I was elected in 1978, 2 years before Ronald Reagan assumed the Presidency. I served in Congress the entire 8 years of his Presidency and had the opportunity to observe him at close range. We often disagreed on domestic policy; however, we were largely in agreement on foreign policy, and Reagan, indeed, left an indelible mark in the field of foreign affairs. He correctly understood the economic vulnerability of the Soviet Union and exploited this to win the Cold War without firing a shot. He increased U.S. defense spending, an effort which I supported, and when the Soviet Union tried to keep pace, it fell apart from the economic strain.

The watchword of his administration was peace through strength. President Reagan brought hope and optimism to our country at a time when it was sorely needed. Also, he demonstrated through word and deed that one could disagree with their domestic political adversaries and still be friends at the end of the day. This is an element that is sorely missing from today's highly charged partisan atmosphere in Washington.

Ronald Reagan won his share of battles in Congress, but he did it without lasting rancor. That was perhaps his greatest legacy. We could use a little bit of that spirit today.

Mr. COX. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from the State of Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise today to pay tribute to a great man, a great President, and a true friend to the people of Wyoming.

We all probably have our way of remembering President Reagan, but for me I will always see him atop his big white horse, pointing out to the distance as if to say, "The future is that way, and we must ride into it." Here is the picture that I remember so well.

Today we are lucky enough to live in that future. The millions once enslaved behind the Iron Curtain are free, and the Cold War is over, with freedom the victor.

They say that fortune favors the brave, and fortune favored President Reagan. He helped us to believe in ourselves again and to believe in common dreams that bind us together as Americans.

When President Reagan took office, we were gripped with the fear that perhaps America's greatest days were behind us. Eight years later when he walked out of the Oval Office and into the sunset of his life, we knew that in America our best days will always be on the horizon.

Mr. Speaker, the people of Wyoming will be eternally thankful to Ronald Reagan. We will be eternally thankful that he was there on that white horse to point the way not into the sunset, but instead into a shining new morning in America.

Mr. MATHESON. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, the death of President Reagan, given his publicly known battle with Alzheimer's, did not come as a surprise to many. Still, those of us in the United States and around the world are greatly saddened by his departure and by our loss.

He was an indelible figure, known not only in American history, but known throughout world history. The man that helped bring about the end of the Cold War will always be praised for his eternal optimism, love of country, principle stance on issues, the eloquence in which he communicated with the Nation, and his abundant faith.

It is my firm belief that President Reagan saw the best in everyone. As with most Americans, Reagan understood America's greatness lies within its people. It is the character of the American people that has guided us through all the obstacles we have had to overcome. And we recently celebrated the American spirit during the 60th anniversary of D-Day.

President Reagan was perceived as a man guided by principles. No matter what side of the aisle we were on, we always knew where he stood. His legacy will be the challenge that he opened to bring about peace between two superpowers. His work can be best summed up by the English author Richard Adams: "The thinker dies, but his thoughts are beyond the reach of destruction. Men are mortal, but ideas are immortal."

The man of abundant faith in country, family, and God, Reagan embodied the American spirit. Even in knowing his time on Earth was nearing, he wrote: "When the Lord calls me home, whenever that may be, I will leave with the greatest love for this country of ours and eternal optimism for its future."

Our thoughts and prayers are with Mrs. Reagan and their children at this difficult time. May God bless them, and may God bless the United States of America.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, most Presidents have been defined by the events of their day. Whether it is war, the economy, or domestic policy, these leaders have all been forced to react to the issues. Ronald Wilson Reagan, however, did not fit this mold. His Presidency defined the events of his day, which boldly resembles the world that we each live in.

Taking office in a relatively peaceful period in our history, where the Cold War was in an assumed perpetual state, rather than a quid pro quo acceptance of an evil empire on the other side of the globe, President Reagan challenged the conventional wisdom of appeasing the Soviet Union and challenged them directly, helmet to helmet, on the field of ideology.

President Reagan's administration had an exceptional consistency through his 8 years, life, liberty, and the pursuit of happiness, words we often take for granted while denying ourselves a conscious thought that there are many who are denied these God-given, inalienable unalienable rights.

On June 12, 1987, what from what was West Germany's Brandenburg Gate, President Reagan spoke directly to Communist states, telling them what was painfully obvious to the Western world: A totalitarian system just did not work.

"We see failure, technological backwardness, declining standards of health, even want of the most basic kind: too little food. After four decades there stands before the entire world one great and inescapable conclusion: Freedom leads to prosperity. Freedom replaces the ancient hatreds among the nations with comity and peace. Freedom is the victor."

This, of course, was the famous speech where President Reagan asked Mr. Gorbachev to tear down the Berlin Wall and to let men and women be free. President Reagan pledged cooperation in reducing nuclear weapons, maintaining peace, but doing so in a setting befitting civilized nations. This declaration, while a defining moment in his

Presidency, was consistent of a President who believed, truly believed, in a free-market economy and in a world that called on personal responsibility and a hand up rather than a handout; limited government; the right of men and women to live free, and children to grow up in a world that did not require them to know the duck-and-cover routine.

Mr. Speaker, God bless the Gipper, and may God rest his soul.

Mr. MATHESON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to pay tribute to the life of President Ronald Wilson Reagan, a man whose legacy will be remembered for generations to come.

I remember President Reagan as an optimistic leader who stood up for what he believed in and who led our Nation with passion, grace, and wit. President Reagan believed in the resourcefulness of the American people and believed that their ingenuity, courage, and hard work could build a better America and a better world.

President Reagan envisioned America as a can-do country, and he was devoted and unwavering in his commitment to the American people. His message of optimism provided hope for many Americans during challenging times for our Nation and for the world.

Today we remember his service and his leadership and join the rest of the country in mourning his passing. My thoughts and prayers are with his devoted wife Nancy and his entire family.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I thank the chairman for yielding me this time for an opportunity to speak about a great American, a great statesman, a great leader for our Nation and for all of the free world.

I will submit my written statement for the RECORD, but I am honored to state just briefly how much I admired and how grateful I am for the service of President Ronald Reagan.

I am honored to say that the first vote I cast in a Presidential election as an 18-year-old freshman in college was in 1980 on behalf of Ronald Reagan. He turned the tide for our Nation at a difficult time in our Nation's history. He taught us to again believe in our Nation and believe in the principles for which our Nation stood and continues to stand this very day. He also reminded us to be grateful for the blessings we have as Americans.

My mom and dad showed me by example the importance of caring about our fellow citizens, and they taught me about community service and led me to an interest in public service.

□ 1130

Ronald Reagan furthered that interest and further inspired my desire to serve, first in the statehouse and now here in Congress.

On behalf of all of the people in the 19th Congressional District, I am honored to say, Mr. President, thank you on a job well done and on a life well lived. My deepest sympathies go to your family at this time of great loss. May God bless you and your family, and may God continue to bless the country which you so deeply loved, the United States of America.

Mr. Speaker, I rise to pay tribute to Ronald Wilson Reagan, our Nation's 40th President, a true statesman and patriot, a husband and father, and a Great American. I offer my sincerest condolences to Mrs. Reagan and the entire Reagan family. My prayers are with them in this time of mourning and remembrance.

When Ronald Reagan was elected President in 1980, America was facing a crisis. The crisis went deeper than the economic problems of double-digit inflation, rising unemployment, long gas lines, and threatening military actions of the Soviet Union. After Vietnam, Watergate, and the hostage situation in Iran, America actually began to experience a crisis of faith in itself. More than any other person, President Reagan helped us to overcome our doubts and remind us that America is, in fact, a "shining city on a hill."

Ronald Reagan was the eternal optimist, a believer in America's abilities, ideals, and innate goodness. His faith in the greatness of our Nation was perhaps best expressed when he said, "In this land of dreams fulfilled where greater dreams may be imagined, nothing is impossible, no victory is beyond our reach, and no glory will ever be too great." Through his outlook and conviction, President Reagan restored America's confidence in itself.

As a result of Ronald Reagan's inspiring leadership as our President, the world changed dramatically. Economic stagnation was replaced with a dynamic economy. President Reagan challenged the Soviet Union to "tear down this wall," and the Berlin wall came down. He saw a day when Eastern Europe would join the Free World, and it did. He stayed firm at Reykjavik and, for the first time, Russia and America stopped building, and started destroying, nuclear weapons.

Ronald Reagan understood the price of freedom. Forty years after D-day, and 19 years and 364 days before he passed away, President Reagan commemorated "the boys of Pointe du Hoc" who took the cliffs at Normandy for the Allies during World War II. He said:

> The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or on the next. It was the deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest. You were here to liberate, not to conquer, and so you and those others did not doubt your cause. And you were right not to doubt.
>
> You all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you.

It is this understanding of history, this moral clarity, that helped Ronald Reagan to lead us to the freer world we have today. It is what helps to make President Reagan one of the giants of the 20th Century, along with his personal hero, Franklin Delano Roosevelt.

Six years ago, in commemoration of Ronald Reagan's 87th birthday, I had the pleasure of joining First Lady Nancy Reagan and Ambassador Jeane Kirkpatrick at the Reagan Library in California. I was there as an elected member of the Pennsylvania General Assembly. But I was there, most importantly, as an American citizen who was honored to pay tribute to and to express my deep gratitude to President Reagan for his tremendous service to our Nation. In my conversation with Mrs. Reagan that day, my message was simply one of thanks. Thanks to her and, through her, to President Reagan for their dedicated, hard-working and outstanding service to our great Nation and its citizens.

Ronald Reagan's service to others, his statesmanship, his love of country, and his unwavering commitment to the principles of freedom, liberty, and justice for which our Nation stands, were great examples for all of us fellow citizens to emulate. President Reagan was truly inspiring to countless citizens. His example helped to affirm my own commitment to the ideals of public service, to the ideals of giving back to one's Nation, and certainly helped to affirm my interest in serving the public office, including here in Congress.

I am greatly honored to join with fellow Americans in saying: Mr. President, thank you for a job well done and a life well lived. You will long be missed and never forgotten. God bless you and God bless this great Nation you loved so dearly, the United States of America.

Mr. COX. Mr. Speaker I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, as we mourn the passing of President Ronald Reagan, I remember one experience in 1985 that to me defines President Reagan best. It was my daughter Katharine's first visit to the White House with the Emerson family. As we approached the Oval Office, outside of which we were to wait for the President, the door swung open. Katharine had been obediently holding my hand, but at that moment she broke away from me and she ran towards President Reagan. The Secret Servicemen standing between us and the President moved to stop her. "No, no," President Reagan calmly said to them. Katharine flew past the Secret Servicemen and jumped into the President's arms, and he lifted her up high.

The genuine joy on both of their faces struck me then. Today the memory reminds me that as strong a man as he was, President Reagan could easily match the enthusiastic happiness of a 2-year-old.

Even before she met him, Ronald Reagan was my daughter's hero. It was not the President's rhetoric that won her. It was not his stalwart countenance under the distress of terror in the Middle East, his unwavering courage in the face of communism, or his passionate leadership in the shadow of a nuclear threat. Not even the lure of the jelly bean jar on his desk made Reagan a great man to Katharine.

Plainly put, the quality that won her was the same one that won us all: his sincerity.

He was quintessentially American. He was a Midwesterner. He was a success story. He was a visionary. And finally, Ronald Reagan was not just a leader whom we believed in; he was a leader who believed in us.

But when I remember Ronald Reagan, I think of him calling off the Secret Service agents and happily sweeping Katharine up into his arms. He swept us all up that same way, and the tide of sincerity on which he carried us is the same one welling up in the eyes of our Nation right now.

A photo of Katharine in President Reagan's arms, taken seconds after she defied us to pursue a hug from her hero, today hangs in the front room of my Washington office. Every time I walk through that door, I see the photo and think of him as millions of us do: as a member of our family.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Kansas (Mr. MOORE) is recognized as the designee of the minority leader.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States of America lost one of our giants with the passing last Saturday of our 40th President, Ronald Wilson Reagan.

We come together today and this week in Congress, Democrats and Republicans, to pay tribute to the man who played a primary role in ending our Cold War with the Soviet Union and who, as the Center for American Progress said earlier this week, projected "a never-failing sense of optimism which restored faith in the American Presidency in a Nation still scarred by Vietnam and Watergate."

The Los Angeles Times said this week, "His sunny self-assurance, his insistence that there really were simple answers to difficult problems, his knack for actually making things happen, all were soothing changes for a country that had endured Vietnam, Watergate, a Presidential resignation, an energy crisis, double-digit inflation, and the seizing of American hostages in Iran in the course of one tumultuous decade."

In particular, Mr. Speaker, we remember Ronald Reagan for standing firmly with Federal Reserve Chairman Paul Volcker in the early 1980s to drive down inflation and revive the economy, thus setting the stage for the prolonged American economic expansion of the early 1990s.

While President Reagan had deeply held core convictions, as a national leader he was also able to compromise and change directions when policies were not working. After instigating a large tax cut in 1981, for example, he later asked for tax increases to fight an exploding Federal deficit and tight monetary conditions. Without President Reagan's active support, the Gramm-Rudman-Hollings Act, which ultimately led to deficit reductions through imposition of pay-as-you-go rules, would never have become law.

President Reagan signed into law bills protecting 1.9 billion acres of wilderness in Washington State and Oregon. Known as a lifelong crusader against Communism, President Reagan combined military and diplomatic strength to develop a relationship with Soviet leader Mikhail Gorbachev that ultimately led to limits on nuclear weapons and the end of the Cold War.

The Washington Post recently said, President Reagan was able to win the respect of Europeans through his "commitment to winning the Cold War and his willingness to work peacefully to bring about the demise of the Soviet Union."

Even in times of failure and disappointment, President Reagan stood tall, and he won the respect of all. Following the disaster at the Marine barracks in Lebanon and the Iran contra scandal, President Reagan accepted responsibility saying, "This happened on my watch" and "if there is to be blame, it properly rests here in this office and with this President. And I accept responsibility for the bad as well as the good." That was a quote from President Reagan, and I think that shows the measure of the man that President Reagan was.

In the twilight of his life, President Reagan again provided hope and inspiration for millions of Americans with his valiant battle, with the devoted support of his wife, Nancy, against the ravages of Alzheimer's disease. Mr. Speaker, my father is afflicted with this cruel and debilitating condition. I share the hope of Nancy Reagan and millions of others that expanded stem cell research will some day unlock new discoveries needed to treat successfully Alzheimer's disease, diabetes, Parkinson's disease, and cancer.

I respect, I greatly respect the religious convictions of those people who are concerned about the expansion of stem cell research, but I hope soon we will find some middle ground between the two extremes and enable us to go forward with this research which one day may save the lives of millions of Americans. One of the legacies of our 40th President will be that we worked together to find a way to join in harnessing this technology and promise. The potential human health and scientific benefits of stem cell research are simply staggering, and I hope that we can join and leave a legacy for President Reagan and for Nancy Reagan as well.

In conclusion, I reflect back on Ronald Reagan's last major public address, his speech to the 1992 Republican National Convention. He could have been speaking, though, to all Americans, Mr. Speaker, because he said, he closed with these words: "My fellow citizens, I want you to know that I have always had the highest respect for you, for your common sense and intelligence, and for your decency. I have always believed in you and in what you could accomplish for yourselves and for others. And whatever else history may say about me when I am gone, I hope it will record that I appealed to your best hopes, not your worst fears; to your confidence rather than your doubts. My dream is that you will travel the road ahead with liberty's lamp guiding your steps and opportunity's arm steadying your way."

I hope that we in Congress, Mr. Speaker, can come together for the American people for an agenda; and I truly believe that even though we have honest, good-faith differences between the parties, we can put aside some of the rancor, some of the partisanship, and work on the American agenda the way that Ronald Reagan wanted us all to do.

Mr. Speaker, I could think of no better way to remember the legacy of President Ronald Reagan than by those words that he gave.

Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, like many Americans, I feel a real and personal sense of loss with the death of President Ronald Reagan. He was a great man and a great President, ranking in the top tier of all of our chief executives. He will be remembered as a pivotal historical figure; but, at the same time, many Americans feel as though they have lost a member of their family. Such was the unique character and legacy of Ronald Reagan, the President and the man.

My wife, Sally, and I each had the honor of serving as political appointees during the second term of the Reagan administration. We were down in the bowels of the bureaucracy, but proud to be working for and certainly inspired by President Reagan. With his optimism and his confidence in America, he inspired at least a generation of conservatives to be involved in public life and to advance the ideals for which he stood.

As important as his accomplishments domestically and internationally were, perhaps his most important success was to help the American people believe in themselves again. After the tumult of assassinations, Vietnam, Watergate, and malaise, Ronald Reagan came to remind us of the core values of the Founding Fathers and the special place that the United States has in the history of the world, that "shining city on a hill."

President Reagan was called The Great Communicator, but he said that what was truly great were the ideas he communicated. Those ideas were fundamental in the creation of the United States. As he noted in his farewell address, he communicated "great things that came from the heart of a nation, from our experience, our wisdom, and our belief in the principles that have guided us for 2 centuries." Ronald Reagan brought out the best in us because he knew the best of us.

Our Nation was blessed to have been given Ronald Reagan, the President and the man.

Mr. Speaker, I believe that the accomplishments which cause Ronald Reagan to stand among our greatest Presidents can be traced to a set of fundamental beliefs to which he adhered throughout his political career.

One of them was strong, steadfast confidence in the American people. President Reagan knew that government must be limited so that the unlimited potential of individual Americans could be unleashed. He knew that when families were able to keep more of the money they earned, not just the family but the whole country would benefit. The result of his tax relief and restraint of government was the longest period of economic growth in the nation's history.

President Reagan also believed, with the signers of the Declaration of Independence, that freedom is a gift of God, intended for all peoples. In his speech to the British Parliament in 1982, which he viewed as among his most important, he said:

> We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings.

President Reagan was often underestimated. But, his clear words required clear thoughts, and those clear thoughts came from a clear vision and clear values, the articulation of which was refined over a lifetime of work. The amount of work and thought Ronald Reagan put into developing and expressing his views are only now becoming known, with the publication of some of the thousands of articles and letters written with his own hand.

He clearly believed that one must not be afraid to speak the truth, sometimes to the discomfort of his advisors. In the well-known speech in which he called the Soviet Union the "focus of evil in the modern world" he went on to urge his listeners and the country to

> [S]peak out against those who would place the United States in a position of military and moral inferiority. . . . I urge you to beware the temptation of pride—the temptation of blithely declaring yourselves above it all and label both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil.

Throughout his career of public service, Ronald Reagan did not remove himself from the struggle between right and wrong, good and evil. He engaged in that struggle, and he changed the course of history.

Before the British Parliament, President Reagan repeated the question asked by Winston Churchill in one of his wartime speeches: "What kind of people do they think we are?" President Reagan answered, "Free people, worthy of freedom and determined not only to remain so but to help others gain their freedom as well."

Being a "free people, worthy of freedom" and help[ing] others gain their freedom as well" remains America's challenge. My hope is that we pursue those aims with the determination and spirit that Ronald Reagan displayed throughout his career.

A President whose basic political philosophy about the role of government continues to occupy center stage in our domestic debates more than a decade after he left office; a President who changed the course of world history and helped free millions of people from totalitarian bondage; a man who restored a nation's confidence in itself and continues to inspire defenders of freedom everywhere—

Quite a record. Quite a life.

Again, our Nation was blessed to have been given Ronald Reagan.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I rise on behalf of the people I represent in the Third Congressional District to express my sincere condolences to the Reagan family and to memorialize our 40th President, Ronald Wilson Reagan.

I had the opportunity to serve for 2 years in the Congress when Ronald Reagan was President of the United States, and I also had the opportunity when I was Speaker of the State legislature to work with President Reagan on behalf of the National Conference of State Legislators.

Mr. Speaker, Ronald Reagan was one of the most effective Presidents in the history of our Nation. He brought an agenda of change to Washington, and he developed public support for that change and then congressional support for that change. He did it using the process, to bring about a change of policy and expectation of our country. He also established America as a world leader, proud of our commitment to democracy and willing to get involved in international events to bring about change for the good. He laid the foundation for the end of the Cold War.

As I said, Mr. Speaker, he was a remarkable President and will be missed by all.

On January 20, 1981, President Reagan spoke of his abiding commitment to a special interest group that has too long been neglected. It knows no sectional boundaries or ethnic and racial divisions, and it crosses political party lines. It is made up of men and women who raise our food, patrol our streets, man our mines and our factories, teach our children, keep our homes, and heal us when we are sick; professionals, industrialists, shopkeepers, clerks, cabbies, and truck drivers. They are, in short, "we the people," this breed called Americans.

Mr. Speaker, he will be missed by all.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

America mourns these past few days the passing of a true American, one who reflects not only the values of the country in the 21st century or the 20th century, but Ronald Reagan had inherent in his body and his soul and his mind and his heart the idea that each of us has a passion for freedom, that each of us has a sense of urgency for justice.

Jefferson will be remembered for many, many things; but we will all remember those words, "We hold these truths to be self-evident, that all men are created equal."

And Lincoln will be remembered for many, many things, but we will all remember those words after the Civil War: "With malice toward none, with charity for all, let us work together to bind up the Nation's wounds."

And a century later, another American that reflected the true values of our country said that "you will not be judged by the color of your skin, but by the content of your character."

These men through the centuries brought America together. They united America. They had a vision for America.

Ronald Reagan will be remembered for many, many things, but we will all remember with a sense of seriousness and joy when he said, "Mr. Gorbachev, tear down that wall."

So what Mr. Reagan was trying to do was to impart that passion for freedom, that urgency for justice, not only for Americans and the vast array of cultures that we have here but for the rest of the world.

Mrs. Reagan, the Reagan family, America, President Ronald Reagan will be missed, but always remembered.

□ 1145

Mr. MOORE. Mr. Speaker, I reserve the balance of our time.

Mr. COX. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I entered college in the late 1970s, and so I remember well those times and the challenges that we faced: soaring inflation, soaring interest rates, soaring unemployment, gas prices that were sky high, on the world stage hostages in Iran, and the Cold War loomed large.

I remember that as President Reagan took office some pundits, some experts out there arguing that the office of the Presidency had become too big for one man. And they said maybe it was time to look at a different institution, co-Presidency or something like that. And then on to the stage came Ronald Reagan.

Through shear force of character, through his inspirational leadership, I am proud to say that he shaped the modern Republican Party, he shaped the office of the Presidency, he shaped a new America, indeed he shaped a new world, a new world that offered hope for freedom-loving people all around the world.

Mr. Speaker, not a bad accomplishment for one man.

Mr. COX. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, it has been said that Ronald Reagan loved Texas and Texas loved Ronald Reagan right back. So it was especially poignant that news of his passing occurred during our State Republican convention this past weekend. Indeed, State Senator Jane Nelson from my district in north Texas was quoted in the newspaper as saying, "We stopped at that point. We had a preacher on hand that gave him a beautiful tribute. We were able to come up with a picture, and we all sang 'Amazing Grace.' There were a lot of tears, mine included."

County judge Mary Horn was quoted in my local paper as saying, "He was the same up close as you perceived him to be on television. He was very sincere and very nice. When he talked to you, he talked to you. He didn't pay attention to things going on around him. You had his full attention."

State representative Myra Crownover said, "I remember that while Reagan was the oldest elected President, what sticks in my mind was the way he connected to young people. We had been through a decade of young people being disconnected with taking pride in America, and he lit that spark again." Representative Crownover went on to say, "You have to be appreciative of what his family is living through." Someone described it once as being halfway to heaven. I am so glad he has been released so he could go the rest of the way.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, for all Americans, Ronald Reagan was a happy warrior who fought all of his life for freedom with a gracefulness and a confidence that inspired all of America. But for American contemporary conservatives like myself, Ronald Reagan was more than that. He was our Plato, laying the philosophical groundwork for limited government, freedom, and self-responsibility.

He was our Moses. After Lincoln, republicanism had been adrift in fighting our way out of a desert filled with statist tendencies and the march towards bigger government and welfare dependency, something Frederick Hayek described as "The Road to Serfdom." Reagan reminded conservatives that America had a great rendezvous with destiny ahead.

Reagan was our Washington, the first contemporary President to consistently lay out conservative principles and steadfastly, calmly, and timely lead us during threats to freedom from big government and taxation at home, threats from tyrannical hegemony from abroad, to secure what our first President called the "sacred fire of liberty."

Finally, Ronald Reagan was a Churchill, warning of external threats not only to our homeland's freedom but of gathering storms building globally which endangered the aspirations of freedom fighters across the globe. And like Churchill, he then led us and led the free world in refusing to appease or coexist with totalitarian threats but instead insisting, like King Henry at Agincourt, that we wade into the enemy and win.

Finally, to quote Senator Benjamin Hill when he was speaking of the death of Robert E. Lee, I would like to quote him with respect to Ronald Reagan: "He was a foe without hate; a friend without treachery; a soldier without cruelty; a victor without oppression; and a victim without murmuring. He was a public officer without vices; a private citizen without wrong; a neighbor without reproach; a Christian without hypocrisy; and a man without guile. He was a Caesar, without his ambition; Frederick, without his tyranny; Napoleon, without his selfishness, and Washington, without his reward."

This week America gives President Reagan his very just reward.

By 1980, America's leaders were presiding over a self described "national malaise" domestically, 12 percent interest rates, 20 percent mortgage rates, and a rising misery index across the land.

Internationally, America seemed resigned to coexistence with an Evil Empire that had enslaved and killed tens of millions, and drawn down upon two-thirds of the world's people an "iron curtain" of suffering and hopelessness.

A decade later, it was morning again in America. Tax rates were cut from 70 percent to 25 percent, Gross Domestic Product rising at the fastest rates since World War II, stock markets booming and the American spirit transcending long forgotten malaise.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today as we pay our respects to one of the greatest leaders that this Nation has ever known, a man who will forever be held as a model for what is great about America.

As we take this time to mourn the loss of one of our Nation's greatest leaders, we should also celebrate his heroic and historic life that he lived. Ronald Reagan exemplified the best qualities that you would ever want in a leader. He was compassionate, he was caring, he was visionary, and he was strong. He took our Nation from a crisis in confidence to a country the entire world would view as a standard bearer of justice and liberty.

Americans, they put their trust in Ronald Reagan and, in turn, Ronald Reagan put his trust in each one of us. He had faith in the American individual, in one's ability to care for one's self. Ronald Reagan knew that we could do more for ourselves than any oversized bureaucratic burdensome Federal Government could ever do. Ronald Reagan believed that doing more for ourselves was really the best way that we could regain that long missing self-confidence in our American pride again.

So today, in the wake of the President's death, we must continue to learn from his teachings. And we must long remember after today the contributions that Ronald Reagan made to this Nation both for this Nation, and his actions, and their meanings.

So may the legacy of Ronald Reagan live on as long as we are all proud to raise up the Stars and Stripes and call ourselves the United States of America.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I just wanted to rise and join my colleagues in expressing my love and admiration and respect for President Ronald Reagan. I very much appreciate that here on the House floor last night and today colleagues from both sides of the aisle have stepped up to express their respects. I think that is an important thing. It is an indicator of what a truly great man, a great President, a great leader we had in Ronald Reagan.

Those of us who had the privilege and honor of working closely with President Reagan, and I was very fortunate that in his first months in office I had the position of being his Marine Corps aid and carrying the nuclear football, the codes, traveling with him, and having the opportunity to share some thoughts, it usually was him sharing the thoughts and me listening in rapt attention, but what a wonderful man.

When you were with and near Ronald Reagan, it really was morning in America. I never knew any one of us who worked with him or anyone who was in his presence that could not feel his love for life, his love for our country, his unstoppable optimism. And on the one hand he was, as we have heard many of our colleagues say, friendly, loveable, affable, ready with the joke; and on the other hand he was truly a man of steel.

He had a wonderful vision for America, a vision as he articulated of a city on the hill, a beacon of hope and opportunity for the world. And his resolute determination that we would not continue in the impossible impasse of the Cold War, the very Cold War that necessitated me and my colleagues to carry those nuclear codes; he refused to accept that as inevitable and he set out with the determination that is hard to imagine today, to end that impasse, to win the war, to defeat the Evil Empire. I was proud to serve with him.

I just want to express my love to him and my love to his family.

Mr. COX. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Speaker, I insert at this point in the RECORD my celebration of President Ronald Reagan's life, truly a man that made a great difference in this country and this world.

Mr. Speaker, I join this House and all the American people in mourning the loss of former President Ronald Wilson Reagan. His passing is not only a sad time for America, but for all nations.

President Reagan gave hope and optimism to a world fearful of an uncertain future. He stirred forgotten emotions of patriotism at home while evoking courage in millions abroad struggling under the yolk of communism.

He helped to end the Cold War and his legacy is much in evidence today as once again a strong and patriotic America leads the world against the evil of tyranny.

Another legacy of President Reagan—one for which he was attacked by the shortsighted—was his vision of a strategic missile defense for our Nation and our allies. Thank God Ronald Reagan did not waiver in his resolve to pursue research into a missile defense for America. His unbridled determination to protect America from nuclear annihilation ultimately brought the Soviet Union to its knees.

Today, 20 years later, President Bush is leading the launch of a long-awaited missile defense system that will make America more secure from the threat of nuclear attack by a rogue nation or terrorist organization. The groundwork research and development of this vital defense program, the Strategic Defense Initiative, was begun under President Reagan.

I am honored to chair the House Armed Services Subcommittee on Strategic Forces which has a direct role in the funding and oversight of this landmark missile defense system. And, I am proud to know that my subcommittee's efforts are the continuation of the promise made by Ronald Reagan to bring about a safer future for our families.

On a personal note, the people of the Second District of Alabama have a special love for Ronald Reagan. On July 10, 1986, Air Force One landed at Dothan Airport and President Reagan joined hundreds of our citizens of the Wiregrass for fried chicken and a discussion of his tax cut plan. His charm and conservative message were very warmly received. It was clear to everyone there that he hated to leave, and we hated to give him up.

Now Alabama and America must say a final farewell to our beloved former President. Frankly, I can't imagine an America without Ronald Reagan. He symbolized more completely than anyone else in modern history what we loved so much about our country. He made America 'America' again and for that we will always be grateful.

On behalf of the people of the Second District of Alabama, I send my condolences to Nancy Reagan and her family. We join with the nation and the world in sharing in your grief.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, Ronald Reagan is a large part of why I have the honor of standing here today. I am from Washington State but in the mid-1960s I lived in California. In 1966 I had the privilege of casting my first vote for Ronald Reagan in the gubernatorial primary and subsequently in the general election when he was elected Governor.

I moved back to Washington in 1976, and I served as a Reagan delegate to the Presidential Convention in Kansas City. He inspired me to get involved in public service. And 2 years later, I was elected to the Washington State legislature.

Reagan viewed the government as a servant of the people, not their master. Throughout his career, he worked for less government control over our lives. During his first inaugural address he said, and I quote, "It is not my intent to do away with government. It is rather to make it work, work with us, not over us; stand by our side, not ride on our back. Government can and must provide opportunity, not smother it, foster productivity, not stifle it."

While he made no apologies for what he believed, he was a pragmatist, not willing to sacrifice the good for the perfect. He has been quoted as saying, and I quote, "Die-hard conservatives thought that if I could not get everything that I asked for, I should jump off the cliff with the flag flying, go down in flames. No," he said, "if I can get 70 or 80 percent of what I am trying to get, I will take that and then continue to try to get the rest in the future."

We can all point to a handful of people who shaped us into what we are today. My list certainly includes Ronald Reagan, who helped shape both my political ideology and the day-to-day manner in which I try to govern: without acrimony, with a touch of humor, and with an unwavering faith in the American people.

Mr. COX. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the State of Florida (Ms. HARRIS).

□ 1200

Ms. HARRIS. Mr. Speaker, tonight we join Americans from all walks of life and every political persuasion in mourning a President whose courage, vision, optimism and resolve renewed the Nation he loved.

As we look back with the clarity and assuredness that history affords, how easily we forget the staggering challenges that Ronald Reagan inherited January 20, 1981.

Haunted by the ghost of Vietnam, America seemed in retreat as Soviet aggression either enslaved or threatened significant regions of four continents. Meanwhile, the American people struggled as stagnant economic growth, double-digit inflation, and 20 percent interest rates ate away their life savings and crushed their hopes for the future. Most ominously, our leaders spoke of a crisis in the American spirit, of a pervasive malaise that appeared to have infected our hopes, our dreams and our will to persevere.

These problems seemed so severe and so insoluble that pundits and politicos wondered if the burdens of the Presidency had become too large, too complex and too demanding for any one person to handle, but not Ronald Reagan.

They also believed that the United States could only hope to become comfortable in its prison of mutually assured destruction with the Soviet Union and that the era of nuclear tyranny was with us forever, but not Ronald Reagan.

These so-called experts were even convinced that a vibrant economy was impossible without double-digit inflation, but not Ronald Reagan.

Rising from the humblest of beginnings, Ronald Reagan taught us once again how to embrace the extraordinary. His historic Presidency restored our spirit, revitalized our economy and transformed yesterday's garrisons of tyranny into today's arsenals of liberty.

Mr. Speaker, Ronald Reagan brought us together by reminding us of the unique blessings that we enjoy as a Nation, and as we grieve his passing this week, let us celebrate a life that exemplified the strength, the character and the resiliency of the American spirit

Mr. COX. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I am honored to stand here today on behalf of myself and the citizens of the 6th District of Georgia and express my deep sympathy to the family of Ronald Reagan and my grateful appreciation for the life of Ronald Reagan.

I had the occasion to meet Mr. Reagan for the first time in 1970 when he began his pursuit on the national political stage, and I watched in amazement as this man transformed a decade of dissent and discord into a decade of hope and prosperity through the power of his positive attitude and to his great patriotism to his country.

As a young man in the 1950s, I remember crawling under the bomb shelters and under my desk when we prepared for the Cold War and the worst of the tyranny of communism, and I watched 35 years later as, through his powerful persuasiveness, Ronald Reagan broke down the Berlin Wall, broke down the Soviet Union and brought peace and prosperity to more of the world.

On this day on behalf of all of my constituents, my children and my grandchildren, I give thanks for the life of Ronald Reagan, and I thank God that Ronald Reagan came America's way.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to add my thanks to the gentleman from California (Mr. COX) for granting me the time to speak this afternoon.

I rise today to express my most sincere and heartfelt condolences to the family of Ronald Wilson Reagan and to the millions of Americans, Mr. Speaker, who join me and all of us in mourning the passing of this great leader this week.

I also rise to voice a great sense of loss and bereavement felt by a multitude of my fellow Nevadans who are now reflecting upon and celebrating the tremendous impact that our Nation's 40th and arguably most influential President has had on all of our lives.

Reagan's political accomplishments alone could fill volumes; yet his political goals would have been far more difficult to come by if not for his eternally honorable character and personality. This week, as Americans mourn this great loss together, we will reflect not only on his political legacy, but also upon Reagan's personal contributions to America and to our culture.

Ronald Reagan was more than a President or a Commander-in-Chief. President Reagan was a small-town boy who mastered his own destiny to become an inspiration and great motivating force for the principles and policies that many of us continue to fight for every day in the House of Representatives.

During my tenure in Congress, it has been one of my most distinguished honors and personal joys to lead my colleagues on multiple measures designed to pay homage to Mr. Reagan. Most notably, in May of 2002, legislation I sponsored to grant Ronald and Nancy Reagan the Congressional Gold Medal became a reality when President Bush presented Nancy Reagan with this award, the highest honor Congress can bestow, in the Capitol rotunda.

Ironically, in light of the tremendous impression his life has left upon the American public, even the Congressional Gold Medal seems a tiny token of appreciation that can only be overshadowed by the monumental outpouring of respect, reverence and appreciation flowing from all corners of our great Nation this week.

So as we contemplate the magnificent life of President Ronald Reagan and mourn his passing, we are reassured by the fact that this body can and should keep his legacy alive. Congress can best honor President Reagan by continuing progress along a path of conservative policies that Reagan himself would be proud of, and with that, I once again send my warmest regards to the Reagan family.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, today our Nation weeps in a very sad week when we recognize that we have lost a President who changed the Nation and acted upon a policy that created positive change not only for this Nation, but for the entire world.

Those of us who went into politics in the 1980s, as I did, many of us went in because we were inspired by Ronald Reagan. I actually ran for office the first time in 1980, and something that I will never forget is that Ronald Reagan took the time for a young, just-getting-started fellow who is running for the State representative in Texas, to drop me a personal note of encouragement. Here was a man who was going to lead the Nation, and yet he took the time for one small elected official. I will never forget that.

Ronald Reagan believed in America. He knew America to be the most noble Nation on the face of the Earth, and he absolutely trusted the American people, that they would do the right thing, because he knew them to be the noble people who created this Nation. That message, as he inspired our country with that message, brought us out of malaise and started us on the path of glory to know that we are doing the right thing.

We have missed Ronald Reagan. We will miss him tremendously because he inspired us to the greatness that we have, and for that reason, he has been a blessing upon this Nation. We will not forget.

Back in Williamson County, where I come from, we celebrate Ronald Reagan's birthday every year, and that is our big birthday celebration because we know Ronald Reagan is the modern founder of the Republican Party today, and that inspiration causes us to celebrate his birthday.

Our thoughts and prayers are with his family, and we hope that they get through this with not too much crisis for all the blessings they have bestowed upon our Nation.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise today with a heavy heart to honor one of America's greatest statesmen, President Ronald Reagan.

As Ronald Reagan makes his final trip to Washington, we remember this truly humble American hero. We remember a man with an ordinary beginning who went on to do extraordinary things, to chart the course for a generation, for a Nation and for the world.

Mr. Speaker, Washington is a town of leaders, and each of us who comes to Washington has a vision for the direction of our Nation. Rarely is there a man like Ronald Reagan who cannot only lead leaders, but who can do so with such integrity, principle and honesty.

In the midst of a Nation whose spirit had been crushed with war and economic burden, in the midst of people gripped with fear from the spread of communism, Ronald Reagan picked us up and breathed hope into our hearts. He reminded us of what we were fighting for. He said, "The ultimate determinant in the struggle now going on for the world will not be bombs and rockets but a test of wills and ideas, a trial of spiritual resolve: the values we hold, the beliefs we cherish and the ideals to which we are dedicated."

He reminded us that as Americans we have a responsibility to help those in need: "We cannot turn away from them," he said, "for the struggle here is not right versus left; it is right versus wrong." How true his words still ring today.

Ronald Reagan reminded us that government is not the answer to our problems, people are. "The government's view of the economy could be summed up in a few short phrases," he said. "If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it."

By exposing and destroying burdensome and oppressive regulation and taxes, he restored the spirit that America's built upon: optimism, opportunity and self-reliance. In doing so, he not only energized the economy, but he rejuvenated the pride and self-worth of Americans.

Finally, Ronald Reagan reminded us of the importance of faith in our democracy. He said, "Freedom prospers when religion is vibrant and the rule of law under God is acknowledged." He will be missed, but his words and spirit will continue on.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, President Reagan changed our hearts with his optimistic outlook on life, the world and our place in it. He came to office at a time in our history when we were a little bruised and battered, and, simply said, he pulled us up by our bootstraps and taught us how to get back on the horse that knocked us off.

"America is too great for small dreams," he once said, but to Ronald Reagan these were not merely words that were used in a 30-second sound bite. These were words that went to the core of the man.

He reminded us that even though we may have our differences, our common bond as Americans sets us apart from the rest of the world. He believed in all that is good in America because he believed there is good in every American.

Ronald Reagan was a hero to me and a hero to an entire generation. He leaves a legacy of hope and prosperity that will last for generations to come.

I know there is a special place in heaven for Ronald Reagan, and I know in my heart he heard the words, "Well done."

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from California (Mr. COX) for the time.

Mr. Speaker, I rise today to honor a man who I believe to be the greatest American President of the 20th century. President Ronald Reagan defeated the most powerful and dangerous military empire in the history of the world without firing a single shot. President Reagan knew instinctively that America represents good, and he knew that communism represents evil. He never wavered in his conviction that freedom is the birthright of all mankind.

The enemies of the United States never forgave him for his firmness, for his character, for his faith in the people of the United States and his faith in the cause of liberty. Even in his death, they continue to attack him. His hatred is evidenced by the declaration made by the tyrannical regime in Havana a few hours ago: "He, who never should have been born, has died." That monstrous statement illustrates the ultimate evil of the tyrant who has enslaved the Cuban people for over 45 years. President Reagan knew that the Cuban tyrant and that Communist tyrants everywhere have represented and represent the antithesis of liberty, freedom and human dignity.

I think he was an extraordinary leader, Mr. Speaker, someone who inspired us all, changed America for the better and saved the world from tyranny.

May Ronald Wilson Reagan, apostle of freedom, democracy and human rights, rest in peace.

☐ 1215

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am one of those fortunate to have worked and served in the Reagan administration for 4½ years. I started off as a legislative aid, and I ended up being in charge of congressional affairs at OMB under Director Stockman and then under Director Jim Miller. Ronald Reagan had a vision, an agenda; and he knew how to get things done. He surrounded himself with good people that were smart, who shared his vision, and in fact knew the political process to get things done.

Back then, times were tough. We had the Cold War, we had double-digit inflation, double-digit unemployment, double-digit interest rates; and yet he was still able to get his agenda through and move the country forward. The odds were stacked against him. Man, Republicans did not control the Senate; and in this body, in the House, they did not control the House either. In fact, the margin was 70 or 80 votes short in the House. Yet he was still able to get his agenda through.

On the minority side, the Republican side, we had two terrific dynamic leaders, John Rhodes and Bob Michel, two Republicans that were minority leaders, never Speaker. They were both good, decent, honest people; but they never had the votes, or not the Republican votes. So Ronald Reagan appealed to the American people for his support. "Reaganesque" is a word today that you will find in the dictionary, a powerful word; and in fact he put policy over politics, and look at the results.

He beat an incumbent President, a good honest, decent guy, Jimmy Carter, who has done wonderful things since his Presidency; but the real test is your reelection, and Ronald Reagan won 49 of the 50 States. If that was not a mandate in terms of his agenda, I do not know what is. That mandate, winning 49 States, I think will serve as the record for any President running for reelection.

Yes, history will judge where he stands, rightfully so. But in large part it already has. Ronald Reagan was a great American President, a wonderful man who touched tens of millions of lives across this country in every respect of their life. I was proud to serve a wonderful President for those years.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

The first time I met Ronald Reagan was the day I began work for him in the White House. We shook hands and exchanged pleasantries in the Oval Office. Of course, it is difficult to forget one's first meeting with the President of the United States, but what I particularly remember is how quickly he put me at ease. Of course, he told a joke.

Learning that I was a Harvard graduate, he told me the story of a friend of his who had graduated from Harvard Law School, had become a partner in a large firm but had lost his position due to a problem with drinking and drugs, and consequentially, in succession, he lost his wife, his family, his income, and even ran afoul of the law, being put in jail for shoplifting. But now he was out of jail. He had cleaned up his life and, most importantly, he had met a wonderful woman to whom he wished to propose marriage. But, and it was on this point that he asked the President's advice, he had not told this woman about his background for fear of losing her. So he asked the President, should I tell her that I went to Harvard?

I knew immediately where I stood. Two years later, I was with the President in the Oval Office, and I have a picture hanging on my desk of this moment, and I am sitting across from his desk, across from him, just the two of us. He has a big smile on his face, and I am about to burst out laughing because he was, of course, telling another joke.

It was a special privilege to travel with the President on Air Force 1, and what I particularly remember is the way the President came back to cheer up the staff, to regale us with stories and jokes. I was particularly fond of his amazingly authentic Irish brogue.

But I will not forget especially the last time I saw him as President. It was here in this Capitol. He had summoned us, the Republican Members, just days before the inauguration to give us a private valediction. No press, no public, just us. And he spoke from the Democratic sides of the aisle, from the rostrum on the left, a mistake I attributed to his lack of familiarity with House procedure. It was a mistake of mine, however. He knew exactly what he was doing. And as he described his political career, he described how I did not leave the Democratic Party, the Democratic Party left me; and he strode purposefully to this other rostrum to the delight of the Republican Members.

But what he told us that day rose far above party and partisanship. Because, of course, he saw a consistent thread throughout his career in his support for FDR, his campaigning for Harry Truman, his support and campaigning for Ike, and of course his own administration. A few moments after he finished here on the floor, we went to Statuary Hall and he mingled with the Members and we had a few private moments there. This was, of course, just a few feet from where in the rotunda later today his body will lie in repose. He did not tell me a joke at that time. Instead, after congratulating me on my recent election to Congress, something we had had the chance more exuberantly to celebrate after me and my new colleague, the gentleman from California (Mr. ROHRABACHER), visited with him in the Oval Office in June, he told me never forget to trust the people who sent you here and always fight for the principles that you and I share.

It was the serious side of him because he was all about ideas. And while his humor, his gregariousness, his avuncularity has been much remarked upon in recent days, that was an important aspect of his leadership; but it does not tell us about the substance of his leadership, where he was taking the country. And it was the ideas that President Reagan brought to Washington that mattered most of all.

It is well known and much remarked upon that Ronald Reagan won the Cold War without firing a shot. He led the global movement to tear down the Berlin Wall. He led an economic renaissance at home by dramatically reducing the burden of taxes across the board, from a marginal rate of 70 percent down to 28 percent. But it is just as important to recognize the leading role that President Reagan played in supporting our country, such issues as the civil rights of women and men here at home.

President Reagan, of course, appointed the first woman to be ambassador of the United Nations. He appointed the first woman to be a Justice of the United States Supreme Court. He appointed the first woman to be Secretary of Transportation, the first Latina to be Treasurer of the United States.

On November 2, 1983, he made Martin Luther King's birthday a national holiday. He appointed the first African American chairman of the U.S. Civil Rights Commission, my good friend and great American, the late Clarence Pendleton. He extended the Voting Rights Act for a quarter century. He named the first Hispanic to the Cabinet, Lauro Cavasos, as Secretary of Education.

On August 10, 1988, he provided compensation to Japanese Americans who had been deprived of their civil liberties and their property during the infamous internment of World War II ordered by FDR.

Today, we can see the wisdom of President Reagan's policies from a distance. He appointed the first-ever Presidential Commission on AIDS and gave national direction to the effort to stop the spread of this terrible disease.

His was the statesmanship of a true leader. While fighting Soviet expansion in Africa, he fought apartheid and imposed sanctions on the racist Government of South Africa by executive order. He demanded as a condition of lifting those sanctions the release of Nelson Mandela. And yet he refused to declare economic warfare against the civilian population of that country, black, white, and all races as the United Nations had done in imposing its sanctions on Zimbabwe. So today, whereas Zimbabwe has become a living hell, an autocracy that has stripped away all pretense of law or property or personal safety, South Africa has a real democracy where all men and women can vote and where all are equal before the law.

In Central America, he prevented the Soviet Union from establishing a beachhead in our own hemisphere, and likewise in Nicaragua. And throughout Central and South America and the Caribbean, just as in Central Europe and Asia, democracy grew and prospered.

Mr. Speaker, from that day in January of 1981, when President Reagan was sworn in, until last Saturday, the American people always knew where to look for a hero. President Reagan did great things not only for our country but for our world. Today, more than 1 billion people live in freedom because of his global leadership. In fact, all of the people of the world, those who enjoy the sweet blessings of liberty and those who still yearn for freedom, will always know where to look for a hero.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time, this opportunity to share a few words about President Reagan.

Mr. Speaker, when our country was confronted with a terrible menace of dangerous ideology, Reagan rallied America and united the world to decisively defeat the threat of Communism. We are grateful for that leadership.

Ronald Reagan elevated the office of President. When mistakes were made, Ronald Reagan personally accepted responsibility. It did not matter what focus groups, polls, his advisers, political consultants said, he understood that the buck stopped with him and him alone.

He was an American icon, forever remembered for his warmth and the respect he afforded to others, and our thoughts and prayers today are with Nancy and his children and his family at this very difficult time.

Even when President Reagan broke the hearts of the Democrats, he was respected for his honesty, his beliefs, and the dedication he displayed in pursuing them.

As a young elementary student during the *Challenger* disaster, it was enormous comfort to those of us who were all watching, because there was a teacher on the *Challenger* at that time, to listen to President Reagan as we began to question why America was sending these astronauts up into space; why was there a teacher on the *Challenger* at that time. And President Reagan said to us that the future does not belong to the faint-hearted, it belongs to the brave, and communicating to us what America was all about.

I also remember as a young man President Reagan interacting with then-Speaker Tip O'Neill, in the way they got along, and they laughed and they talked and they joked. And that was a great example for those of us who were beginning to get acquainted with the political system.

I remember the courage and the humor that President Reagan showed when he was shot, hoping that the doctors were all Republican and telling his wife, who was terrified, that he forgot to duck.

I also cannot help but remember President Reagan, during the Washington Redskins ceremony at the Rose Garden after winning the Super Bowl, hitting Gary Sanders on the money as he ran a drag pattern across the Rose Garden.

The differences then, despite our disagreements, were real; but because of the way President Reagan led, he taught us that there is a big difference between strong beliefs and bitter partisanship. Strong beliefs and a love of country are the only way to bring this country forward as we face the enormous challenges that we have before this body today.

Ronald Reagan always stressed that we are a can-do country. Democrats and Republicans both believe this. And I believe it is that sense of optimism, as we look back on history, that the Presidents that moved the Nation forward were optimistic and believed the best and the brightest in this country would continue to move us forward.

□ 1230

Mr. Speaker, I believe we can get back on the right track with strong leadership and a real commitment to confronting the problems that face American families today. In the words of Ronald Reagan, we can do better. With tolerance and inclusion, uniting rather than dividing, we can continue the legacy of Ronald Reagan.

So when we return to work next week, I hope this House will be inspired by the leadership of Ronald Reagan instead of mired in the partisan politics that have too often affected our work as of late. We should be inspired by his patriotism and devotion to our country, and we should remember his faith, his optimism, and his unwavering commitment to his convictions as we do the work of the American people.

In the words of President Reagan, those comforting words he gave us some 18 years, and we will never forget Ronald Reagan, nor the last time we saw him, for now he has slipped the surly bonds of Earth to touch the face of God. We will miss him.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, like so many Americans, President Reagan was not only my President, but also my inspiration. My own calling to public service in 1981 was in no small part as a result of President Reagan's example. Without his leadership and passion for our great Nation, I would not be standing in this great Chamber before Members today.

He was a shining light and a beacon of hope not only for our Nation, but also for the world. At a time in history when it was desperately needed, he sought peace in our world and was a champion of democracy and freedom. We are all better as a result of his contributions, and his legacy will live forever.

If I had to describe President Reagan with just one adjective, it would not be courageous, optimistic or kind, or any number of other fitting adjectives for such a great man, it would be American. Above all things, President Reagan was an American. He so embodied the spirit, courage and hope of America that he was able to reach out and touch his fellow citizens. He trusted the American people to be able to make decisions for themselves, and in turn they trusted him. He had a dream to make America stronger by putting more responsibility back into the hands of the people. He understood that Americans could manage their hard-earned dollars better than any government agency. He empowered the citizens to work harder and to improve our Nation from the ground up.

I am proud to model my views on government after one of our great Presidents, President Reagan. Even those who have never met him or who disagree with him politically felt a special connection with President Reagan. He was a people's President, arguably unlike any others before or after.

He invigorated and inspired those young men for the battle ahead, just as he invigorated and inspired a Nation while he was in office. President Reagan always celebrated life, and he loved every day of it. I am honored to be celebrating the life of such a great American with Members today. We were blessed and honored as a Nation to have President Reagan as both our leader and as our friend.

Mr. President, you were not just marking time. You made a tremendous difference in the lives of all Americans. You made the Nation stronger and the world a safer place for democracy. Today we still enjoy the fruits of the Reagan revolution. You fought for freedom, and today it does not waver. You were the inspiration of so many, including myself, and today we remember and say thanks to you. On behalf of the entire First Congressional District of South Carolina, a grateful Nation and myself, thank you, Mr. President, and may God bless you and your family.

Mr. MOORE. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, the great communicator, an all-American patriot, relentless pursuer of freedom, these qualities describe America's 40th President, Ronald Reagan.

We can all agree that President Reagan's enduring love for his country and his idealistic outlook renewed faith and hope to a generation of Americans. My fond memories of President Reagan will include, among others, that defining moment nearly 14 years ago as I watched with pride as he, as a former President, chiseled away at the Berlin Wall. I was truly moved by the immense joy and pride that he radiated and that radiated on the faces around him. You see, it had not been that many years before that in his famous speech he said, "Mr. Gorbachev, tear down this wall."

President Reagan's commitment and service to our country and the world will be forever remembered in the hearts and minds of people around the globe. I join millions of others throughout the world who continue to keep Mrs. Reagan and their family in my heart and in my prayers as we pay tribute to the 40th President of the United States of America, former President Ronald Reagan.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, there are few men in our history whose lives can be said to have changed the world. Ronald Reagan was one of those men.

Ronald Reagan was an inspiration to me personally and politically. In 1984, I was honored to head his reelection campaign in Oklahoma. I also served as chairman of the Oklahoma Republican Party during his Presidency. A favorite memory of mine is of a meeting with the President and Republican State party chairmen from the South at the White House in 1988. A 15-minute meeting turned into an hour-long treasure as he regaled us with one hilarious political story after another. Ronald Reagan loved politicians, he loved politics, and he loved public service.

I cannot claim to have known Ronald Reagan well. I was privileged to be with him on more than a few occasions. All the same, he changed my life and the lives of millions of others. He was a voice of faith, faith in America, faith in her people, faith in their future, and, most profoundly, faith in freedom.

Ronald Reagan inspired us to do great things. With him we accomplished much. It is for us to continue to build that shining city on a hill to which he so often referred. There is much yet to do. Ronald Reagan was my hero; but more importantly, he was an American hero. We mourn his passing, but we celebrate his life of achievement and patriotism.

Mr. Speaker, there are few men in our history and there will be few men in our future who live their lives in such a way that the world will be changed because of their existence. Ronald Reagan is one of those men. His dignity, character, strength and convictions will distinguish him in the pages of history and define him as one of the greatest presidents of the twentieth century. President Reagan was an inspiration to many and his optimism for America's future encouraged those across all party lines. He knew there was a brighter tomorrow through the path of strong values, hard work, tough decisions and perseverance. His leadership pulled America through the end of the Cold War, pushed the Soviet Union and the eastern Bloc onto the "ash heap of history" and restored the virtues of idealism and optimism to our country. He was a visionary who instigated the rebirth of conservatism and shaped the Republican Party into the governing national majority we see today.

Ronald Reagan was a source of inspiration to me both personally and politically. I was serving as Executive Director of the Oklahoma State Party when Reagan was elected. In 1984, I was honored to head his re-election efforts in Oklahoma. I also served as Oklahoma GOP Chairman during his presidency, so I had opportunities to meet and work with him.

Ronald Reagan had a magic that really appealed to people. A favorite memory is of a meeting with the president and Republican state party chairmen from the South in 1988. A 15 minute meeting turned into an hour-long treasure as he regaled us with one hilarious political story after another. His wit and humor are as fresh in my memory today as they were 20 years ago. I was privileged to see up close what so many Americans intuitively felt when watching him on television. He was an extraordinary man who lived life and enjoyed being with people. It is no wonder he was able to move thousands of people and mobilize them to support his efforts. It's a gift few of us have—and he had that magic in abundance.

Not only is Ronald Reagan a personal hero to me, his influence has shaped a generation of politicians. And by doing that he instilled the values that the Republican Party embraces today. Countless Republican officeholders got into elective politics because he fired their imagination. More profoundly, he showed that the institution of the presidency does work. We seldom remember that after the trials of Watergate and twenty years of failed or shortened administrations, some thought our country was too big for one man to govern, inspire and shape. No one, particularly those who worked with Ronald Reagan, question that today.

And let us not forget that he was a very effective politician whose drive to succeed and will to win were intense. He lost primary after primary in 1976 before coming back from the political graveyard in North Carolina, Texas and Oklahoma. Former Republican National Chairman Frank Farenkopf tells the story that on election day in 1984, the president was so far ahead in the polls that he and Ed Rollins cancelled a rally in Minnesota. He did not need to be bothered, they reasoned. After he won 49 states and only lost Minnesota by about 2,500 votes, the president liked to tease both of his advisors about their election day gaffe. It became a joke, but the president wanted Minnesota in his column.

Much has been made in recent days of Ronald Reagan's courage. We saw his physical courage when an assassin sought to take his life in early 1981. We saw it again when he confronted the ravages of Alzheimer's with grace, candor and sensitivity. But President Reagan also had the courage of his ideas and an ability to see the right path for his party and for is country.

One of Ronald Reagan's biographers, Edmund Morris, tells of his astonishment when he read the president's diaries from his time in office. He learned how many of the major and complex decisions of the Reagan Administration were made by the president, alone and in private. Ronald Reagan did not care, Morris recounts, who got the credit as long as his decisions were implemented and his goals for America came closer to realization. Recently Kiron K. Skinner and Marty Anderson's fine works detailed the depth and breath of Reagan's view of the world—a view he implemented in office.

In describing another great man at another time in history, Winston Churchill writes in his History of the English Speaking Peoples that Robert Peel was " . . . the dominating force and personality in English politics . . ." who "whether in Opposition or in office . . . towered above the scene. He was not a man of broad and ranging modes of thoughts, but he understood better than any of his contemporaries the needs of the country and he had the outstanding courage to change his views in order to meet them." Robert Peel, Mr. Churchill added, saw the industrial revolution in Britain that made her the pre-eminent world power in the nineteenth century was driven not by the government but by private enterprise, by capital, by entrepreneurs, by a free people willing to take risks.

There are many differences between Robert Peel and Ronald Reagan. Mr. Peel split his party and destroyed a governing coalition to support Free Trade—a decision validated by history. As a governor and then as a president, Ronald Reagan united a party badly divided over ideas and led it out of the political wilderness. The Republican ascendancy in national government today is a direct result of his leadership. But in reading Winston Churchill's appraisal of Robert Peel's political biography. He was the dominating personality in American politics for a generation.

From the vantage of the early twenty-first century, it is hard to recall the mood of the country and its troubles at his election in 1980. Watergate, defeat in Vietnam, unrestrained Soviet adventurism, double digit inflation and interest rates, massive unemployment, an energy crisis, American hostages in Tehran, the end of the post-War U.S. domination of the global economy—all these combined to give some a sense America's best days were behind her; that perhaps free enterprise and freedom were not the answer; that we had to accept totalitarian communism as a legitimate and equally plausible alternative to our own way of life. Ronald Reagan rejected these ideas. He was optimistic about America, he believed the United States was "a shining city on the hill", a beacon of hope and freedom to the world. He understood communism was evil and free peoples must defend themselves against the darkness of tyranny and oppression. He saw a bright and prosperous future for all Americans, one where their work could carry them as far as they dared to dream. Looking back, we take all these things for granted, but Ronald Reagan was ridiculed by the intellectuals and so-called realists of his day. It took real courage to stand up for his beliefs to put them into practice, and to defend them from the faint of heart while they took root and blossomed. To paraphrase Mr. Churchill's assessment of Mr. Peel, Ronald Reagan understood his countrymen better than anyone else on the political stage. They needed leadership, he gave it and they loved him for it.

Like Mr. Peel, Ronald Reagan also had the courage to change his views. A New Deal Democrat, his partisan affiliation and ideological vantage point slowly shifted over time from a liberal Democrat who believed in government intervention to a conservative Republican who trusted Americans and the people of the world to solve their own problems. As anyone who has even a passing understanding of Hollywood and it's cultural and political outlook knows, this was not an easy thing to do. Ronald Reagan learned about communists first hand when he battled to keep them out of the entertainment industry. Much of his later political success was based on a willingness to stand up to Soviet aggression. Yet, when a glimmer of light came through the darkness behind the Iron Curtain, President Reagan saw America's chance for victory through negotiation and began to talk to the Soviets and their leader, Mikhail Gorbachev. Many of his longtime supporters decried his decision and they did so with good reason because the Soviets historically did not negotiate in good faith. But the president had the courage and the vision to see the great opening and he took it. And, like so many times in the past, he was right. And we are better for it.

Mr. Speaker, like many Americans I cannot claim to have known Ronald Reagan well. I was privileged to be with him on more than a few occasions, but more often I watched him on television or read about him in the morning's newspapers with the rest of the country. All the same, he changed my life. And he changed the lives of millions around the world. His was a voice of faith. Faith in America, in her people, and in freedom. He inspired us to do great things. With him we accomplished much. Though he has gone to a better place, it is for us to continue to build that shining city on the hill. There is much yet to do. But Ronald Reagan's legacy and memory will inspire us in our task.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Kansas (Mr. MOORE) and the gentleman from California (Mr. COX) for their bipartisan leadership in this tribute to President Ronald Reagan.

I would like to share a personal story, one little vignette about my experience with President Reagan. It was during my student days, during my college senior year. Then-Governor Reagan came to Stanford to speak. The speech was organized. It was sometime between his 1976 Presidential campaign and his 1980 Presidential campaign. He had been Governor of California.

His speech at Stanford was organized by the Young College Republicans or the Young College Conservatives. Whoever organized it, they carefully screened the audience, and a lot of folks were screened out. But for whatever reason, I was screened in.

Then-Governor Reagan gave a very good speech, after which he took questions. I was one of the ones who rose to ask a question. Of course, it was a challenging question. As I was going into the question, members of the audience started to boo me, and the moderator rose to cut off my question. It was at that point that Mr. Reagan stepped up and said, "No, no, no, I want to hear the young man out, and I want to answer his question." I had my say, he answered the question, and of course he got a standing ovation.

But I think it is that moment, that image of Mr. Reagan, that I remember, his graciousness, his openness, his generosity of spirit, the willingness to hear folks out and hear debate. That is a sign of greatness in any individual, and there were lessons for that day almost 30 years ago, and they are perhaps lessons today for the Washington in which we work today.

My best wishes to the family, and God bless Ronald Reagan.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I, like all of my colleagues, would like to extol the wonderful accomplishments of President Reagan, the economy coming back from the doldrums, the destruction of the Berlin Wall, and the Communist menace that we faced so much back in the 1960s, 1970s and 1980s. But what I want to talk about today are personal experiences I had with Ronald Reagan.

When I was running for office over a period of 10 or 12 years, I promised my mother, who was a waitress for many, many years at L.S. Harris & Company, that if I ever got elected to the Congress of the United States, the first thing I would do is take her in the front door of the White House and introduce her to the President of the United States.

I got elected in 1983. I called the White House and they said, yes, we can give you a couple of minutes with the President. I called my mom, and I took her in the front door of the White House expecting a very perfunctory kind of meeting where he would shake hands and take a picture, and that would be it. Unbeknownst to me, he contacted my office and tried to find out everything he could about me. When we walked in, he put his arm around me and said to my mother, "This is one of the finest young Congressmen in the Congress. I want you to know that I really appreciate all of the things he has done," and he reeled off three or four things I had accomplished that I did not think he had any idea about.

I could see my mother's chest expanding, expanding, and expanding. Here is a little lady from the Midwest who had a very tough life, was abused as a wife, and protected me and my sister from abuse from my father. She had nothing but a tough life, and here was the President of the United States telling her what a great guy her son was. I will never forget that as long as I live. She walked out of that office with my stepfather and me, and she was so proud. She carried a picture of the President and us together for the rest of her life. She was so proud to the day she died. He was that kind of a guy.

I remember another time I debated Al Gore when he was in the House and Tom Downey of New York on the Strategic Defense Initiative when the President first started talking about defending this country from an incoming missile attack. I debated Al Gore and Tom Downey on a Special Order for probably 30 or 40 minutes, and I thought that was the end of it. And 2 days later, I got a personal handwritten letter from the President thanking me for sticking up for him. Who would believe the President of the United States would take the time to write a handwritten note to a new Congressman just because he took a position that paralleled the President's? He was a wonderful, down-to-Earth man.

One more little anecdote, and then I will let the rest of my colleagues talk. When I first got elected, they had a dinner for all of the freshmen Congressmen. After the dinner, we were walking around the Green Room, and everybody was patting the President on the back and saying what a great job he had done with the tax cuts. As he walked by me, I thought I better talk about something besides tax cuts because he is just walking past everybody, and I really wanted to talk to the guy.

As he walked by, I said, "President Reagan, one of my favorite movies was King's Row." He said, thank you very much, took two steps past me, stopped, turned around and came back, and talked for 10 minutes about that movie. It was one of the greatest thrills of my life to get a real insight into what he did as a movie actor. He really enjoyed it as well. All my colleagues gathered around. It was one of the highlights of the evening.

That is the kind of guy Ronald Reagan was. He cared about people in addition to being a great President.

I would like to say to his family, God bless you, all of you. Mrs. Reagan, you were great to us when you were First Lady. God bless you and your family. The good Lord, I am sure, has a very high place in heaven for Ronald Reagan.

Mr. MOORE. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I do not have stories like the gentleman from Indiana (Mr. BURTON), personal interaction with former President Reagan, but as somebody growing up and loving politics, I obviously watched his Presidency as a student of politics.

Here was a guy known as a great communicator, an eternal optimist. It makes sense when one thinks about it: A guy who grew up in Dixon, Illinois, a troubled home, faced a series of disadvantages, and one day wakes up in the White House.

□ 1245

What is there not to be optimistic about? And he had that sense of optimism, and everybody can talk about different skills or techniques or tactics as a communicator; but the truth is he never left Dixon, Illinois. He had that common touch. He knew about walking-around folk, and he understood their lives, and he could tell a great story that gave people a sense of his ideas. So he spoke of our common wisdom and our common sense.

One of the other things that I very much admired on the policy, although I do have differences obviously, was President Reagan's commitment to the earned income tax credit. In 1986, he greatly expanded the earned income tax credit; and if I can quote him, "This is the best antipoverty, the best profamily, the best job creation measure to come out of Congress."

That was President Reagan on the earned income tax credit; and he understood that through a tax credit we can help create jobs, help be profamily, did not have to have a government bureaucrat to do it, but it was something we could do through the Tax Code to reward work, reward responsibility, and fight poverty at the same time.

I think that was a tremendous program. We expanded it in 1993 and again later on in 1997, but Ronald Reagan in 1986 really put the muscle behind the earned income tax credit, a great program that I think lifted millions of American families and children out of poverty and did it by rewarding work, not dependency.

Lastly, Ronald Reagan spoke to our patriotism and our sense of love. He came into office at a time when people did not think you could do the job of the Presidency. It was just so overwhelming. And with his ease, his grace and his confidence, he restored people's confidence in that office.

Mr. Speaker, he has a legacy of patriotism and confidence in America and the American people, and it will endure. Our hearts go out to Mrs. Reagan and his entire family, to a great, great patriot.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, Ronald Reagan's belief in the ideals of individual liberty reassured America to believe in itself and inspired people all over the world.

Like a flower perfect in its bud and as it is in its bloom, it spreads its seeds before it dies. So did Ronald Reagan as he spread the seeds of liberty and its attributes to the people of the world through the pursuits of freedom.

His critics viewed him as a throwback in time, almost antediluvian; but what Ronald Reagan possessed were principles and ideals that were ageless. They served as guideposts for our country in time.

I will always remember his courage to take a stand in the face of adversity, especially the evils of tyranny. He understood that liberty is protected by the vigilant who must be ready to prepare and defend freedom, thereby preserving peace.

I will always remember his charm and smile. They were infectious. He was always able to stay above the fray, undetracted and undeterred with his calm demeanor and balanced temperament. I believe his optimism inspired people in more ways than this body could ever articulate. To Ronald Reagan, one cannot believe impossible things, for it oppresses the soul and forks hope.

He dared Americans to dream big and made it fashionable to be a dreamer of dreams. His sentimentality reflected his care and concern for people. I thank the Reagan family for permitting the state funeral so that people can mourn their President.

On behalf of my constituents in Indiana, I extend their thoughts and prayers of many Hoosiers to the Reagan family.

Mr. MOORE. Mr. Speaker, I am proud to yield 2 minutes to the distinguished gentlewoman from South Dakota (Ms. Herseth), the newest Member of this body.

Ms. HERSETH. Mr. Speaker, many Members of this House worked closely with President Reagan and were fortunate to call him their friend. Many were inspired to service by his example and point to his Presidency as a turning point in their lives. For many in my generation, he is the first President we really remember from the beginning of his Presidency to the end. He is the first President who inspired us with his confidence and optimism as well as his humility.

He is the first President in our memory to truly embody that graceful strength that we seek from our leaders in times of crisis and uncertainty. We will all remember President Ronald Reagan in our own way, shaped by our own perspective. What I will always remember most is the respect, the dignity, and the sincerity with which he treated others, as will all America for generations to come. My thoughts and prayers are with his wife, Nancy Reagan, his family, and his many friends.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, our country had suffered its fair share of lumps in the 1970s, and in 1980 we were looking for a leader who would draw a line in the sand and say "no more." We found that rare man in Ronald Reagan. Ronald Reagan succeeded where others failed because throughout his public life he concerned himself with getting things done, not winning applause. In fact, one of Reagan's hallmarks was the plaque he kept on his desk that said: "There is no limit to what you can accomplish if you don't care who gets the credit."

As a businessman, I admired Ronald Reagan's dedication to this seemingly modest goal. Putting success ahead of personal accolades is a difficult lesson for many to learn, but a talent all great men seem to instinctively possess. It is an axiom that turns productive individuals into innovative leaders, and it turned Ronald Reagan into one of the greatest leaders and greatest Presidents we have had. Ironically, the more Reagan sought to distance himself from the successes he knew grew from the sweat and tears of the American people, the more it turned out that those people admired him for his principled leadership. That leadership earned Ronald Reagan widespread respect and helped Reagan form broad bipartisan coalitions to renew America. The results were immediate, winning historic legislative victories on providing tax relief and strengthening our military. The economy flourished as our national pride returned.

I can recall what a difference Ronald Reagan made in my own life, from the depressed job market I entered after graduating from college in 1978 to the vastly improved job opportunities I found after graduating from business school in 1983. The world was a wholly different place in those 5 years because the Reagan Era had become the Reagan Revolution.

The impact that Ronald Reagan had on our world is immeasurable. When he took office, our collective national spirit had been lulled to sleep in the morass of the 1960s and the 1970s. Reagan seized the sleeping giant and shook it wide awake with a jolt of optimism and patriotism and a reminder of our destiny as Americans that our best days lay ahead.

May God bless the spirit and family of Ronald Reagan, our 40th President, and one of our true national heroes.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for yielding me this time.

Mr. Speaker, on behalf of the people of the Second District of North Carolina, I rise to pay my respects to the late Ronald Reagan, the 40th President of the United States of America. My wife, Faye, and I join all North Carolinians and all Americans in expressing our condolences to former First Lady Nancy Reagan and the entire Reagan family.

Ronald W. Reagan served two terms in our Nation's highest office after winning overwhelming margins of victory in the Presidential elections of 1980 and 1984. His time in office was marked by renewed pride in America, and he is to be commended for his steadfast devotion to liberalization from the oppression of communism and that vicious rule in nations throughout the world.

Regardless of one's position on President Reagan's policies and politics, all Americans remember his warmth of spirit and the respectful manner in which he engaged in public debate. This approach kept acrimony to a healthy minimum even when conflicting views on vitally important issues were debated in this House and in this city. That example stands in marked contrast to the divisiveness and bitter partisanship we have too often witnessed since his Presidency.

Finally, Mr. Speaker, all Americans stand in solidarity and salute Nancy Reagan and the whole Reagan family for the dignity and grace that they have displayed through the former President's long and difficult struggle with Alzheimer's disease. Their struggle has been our struggle, for it reminds us of the afflictions millions of Americans face in anonymity every day. The Federal Government must act to ease this needless suffering by increasing research funding and modernizing regulations to allow for potentially lifesaving research using stem cells and other medical techniques. The pain on Mrs. Reagan's face should prod the conscience of this country to end the cruel victimization of stricken patients who require potentially lifesaving research.

In conclusion, the passing of President Reagan closes an important chapter in American history. As the leaders of the 20th century pass from the scene, we must endeavor to carry on their legacy of progress at home and American leadership in the world. On behalf of the people of North Carolina, I rise today to say, rest in peace, Mr. President.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, on behalf of the people of the Seventh District of New Jersey, I rise to pay tribute to the life and legacy of one of the great Presidents in the history of the United States, Ronald Reagan. In a farewell address at the end of his second term, President Reagan said that those in his generation "were taught very directly what it means to be an American. And we absorbed, almost in the air, a love of country and an appreciation for its institutions."

In many ways, President Reagan was my first President. His presence was the dominant force in America and in politics when I first started thinking about policy issues, the role of government, and America's unique place of leadership in the world. And I believe, for my generation and for so many more, President Reagan enabled us to do just what he had been taught in his generation: to absorb, almost in the air, a love of country and an appreciation for its institutions.

After the turmoil and tumult of the 1960s and the 1970s, President Reagan helped America regain its confidence. He helped us to remember who we were, what being an American meant, and the greatness which would allow America to play a pivotal role on the world stage. Ronald Reagan believed in peace through strength, and he won the Cold War. He believed in the dignity and the value of every human person, and he believed in an optimistic vision for the future of America which resulted in one of the golden ages of American patriotism, prosperity, and progress. He was able to be a tough leader and a formidable adversary; and he did it with his own human touch, with a warm sense of humor, and his ever-present humility.

Future generations will teach their children just as we are teaching ours that the life and legacy of President Ronald Reagan will take its rightful place alongside the greatest leaders in our Nation's history and as one of the pivotal figures of the 20th century who quite literally changed our world for the better. For this, we will forever be in his debt. May he rest in peace.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. I thank the gentleman for yielding me this time.

Mr. Speaker, it is probably somewhat appropriate that I follow my friend from New Jersey (Mr. FERGUSON) because, like some other Members in this body, I passed from being a child to being a grown man under the Reagan Presidency during those 8 years. And it is appropriate and I am honored to stand here today as part of the great bipartisan tradition in this country to express my condolences to the Reagan family.

This is not a moment for party. It is a moment for solemn reflection about America and about someone who cared very deeply about America. Make no mistake, there are some on my side of the aisle who, including myself, have profound disagreements with the direction of what has been called the Reagan Revolution.

□ 1300

All of us in this Chamber do not share the same vision or the same viewpoints on a number of the President's policies during the 1980s, but this is a time to give him his due, and this is a time to remember what the best tradition of Ronald Reagan's conservatism meant.

One of my strongest memories of Ronald Reagan was one of his last great speeches when he went to the

Berlin Wall about 24 years after John F. Kennedy went there, and he said symbolically to Mikhail Gorbachev, then the leader of the Soviet Union, Mr. Gorbachev, if you are serious about reform, if you are serious about freedom, come to this place, open this gate, and tear down this wall. And somehow 15 months later the wall was gone.

Ronald Reagan was fortunate that he lived to see successes on his own terms, he lived to see the wall come down in Berlin. And I have to believe this: We can debate as historians what caused the Soviet empire to fall without a shot being fired. We can debate as people who follow history what caused the Soviet Union to implode. But we ought to be generous enough this week to say that Ronald Reagan's courage was a part of that. His willingness to stand up to the Iron Curtain was no small part in the dismantling.

How do we honor Ronald Reagan? There are different opinions in this Chamber about how we do that. Let me close my time today by giving just one Member's opinion. President Reagan spoke very eloquently of a shining city on a hill. If we are to ever build a shining city on a hill that is America, we have to recognize that a shining city has no hollows, a shining city has no walls, and a shining city is one where all of our people somehow have a foundation and a chance for growth.

Ronald Reagan's conservatism, properly understood, oriented to the needs of our times, ought to mean at least this: It ought to mean that we believe in one community in America. It ought to mean that we believe in a community that is strong enough to raise up all of our people and strong enough to reconcile all of our differences.

So I end today by saying that whatever our differences with our friends on the other side of the aisle, whatever our differences with the direction of the 1980s, we ought to be secure in the sense that we are all Americans, and we ought to be secure in the sense of freedom that Ronald Reagan spoke about that day in Berlin, because there are all kinds of walls that still need to come down, and to truly salute this man's legacy, that ought to be our business today.

Mr. COX. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my friend and colleague for yielding me this time.

Madam Speaker, I first met Ronald Reagan through a local leader in our State, Faith Whittlesey, who was one of Ronald Reagan's earliest supporters in the eastern part of America for the Presidency. And it was a glorious day in 1984 when Ronald Reagan came to my home county, stood on the steps of the courthouse where I was then the vice chairman, and held my hand up alongside of another famous American, Tug McGraw, and endorsed me for the congressional seat. I did not win that year, Madam Speaker, but I came within 412 votes of unseating a 10-year, very popular incumbent. I won the seat 2 years later and have been here ever since.

But I took up two of Ronald Reagan's key issues: his work with the Soviet Union, now Russia, and his work on missile defense. And over the past 18 years that I have been in Congress, it has been my pleasure to try to live up to the expectations and to the role model that Ronald Reagan established for all of us.

Madam Speaker, he was someone who understood the Russian people, and he was someone who taught us in America that in the end, if we would simply trust but verify, if we would simply stand up and be candid with them, that in the end they would respect us. On the issue of missile defense, it was Ronald Reagan who said that we should not leave America unprotected and vulnerable.

How amazing it is 18 years later, Madam Speaker, that one of the most popular officials in Russia today is Ronald Reagan. In polls that have been conducted in Russia, they look to Ronald Reagan because he was a leader of stature and because he was someone who the Russian people respected, because he saw through the Communist leadership and held fast with the Russian people for a better time. So it was appropriate that when I last traveled to Russia 3 weeks ago for my 37th trip that we discussed a new initiative with the Russian people, in honor of Ronald Reagan, taking their radar systems and using them with our radar systems to develop a joint missile defense system. How proud Ronald Reagan would be.

But for all of his work in helping us defeat communism, in helping us move toward missile defense, and helping to reinvigorate our economy, I will remember Ronald Reagan, Madam Speaker, most for what he was as an individual person. He was a very humble man. He would take the time to meet with anyone regardless of their stature in life.

As a first-term Republican, I had the honor of being invited to the Oval Office with my family. I took my five kids down to the Oval Office with my wife, and my youngest was then 4 years old, and he was more concerned with the inside furnishings of the Oval Office than he was with the stature of the President. That did not matter to Ronald Reagan. In fact, I would later find out that in the book of the favorite photographs of Ronald Reagan, this photograph would appear, which is also on the wall of the Reagan Presidential Library in California. How proud I am that my family had the chance to meet Ronald Reagan and that my 4-year-old son, who is now 21 years old, who is here making faces at the camera, received a signed personal photograph from Ronald Reagan and received words of encouragement back then that are still important to each of my five kids today.

I remember Ronald Reagan most for not just what he did for the world, but what he was as a role model for everyone that met him. He was someone who genuinely cared about people. He was someone who would take the time to reach out to a 4-year-old or a 6-year-old and give them words of encouragement.

Ronald Reagan is a role model for all of us, and for that we give thanks, and we thank his wife and send our sympathies to the entire Reagan family.

Mr. MOORE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Madam Speaker, President Reagan's long struggle with Alzheimer's disease has ended, but the legacy of his extraordinary life remains.

In 1998, my mother died as a result of the impact of Alzheimer's disease; so I know what families go through during times like that. And I will always be inspired by Nancy Reagan and the other members of the family for their tender caregiving to the former President over that very long period of time.

Many people today have mentioned the occasion of the tearing down of the Berlin Wall by the people, and I recently looked at those pictures of the former President when he participated in chipping away at the wall. I was on the Committee on Armed Services at the time, and I had a chance to do that, too. As I was standing there watching people chipping away at the wall, tearing it down piece by piece, I noticed as the pieces were falling off the wall, some of them would catch the pieces and put them in their pockets. I said to myself, aha, they are taking souvenirs of the Berlin Wall, and I thought I might like to do that.

And already capitalism being in evidence, I looked down, and there were vendors selling pieces of the wall. They were in little cellophane wrappers marked with the date they were taken off the wall. But ever the skeptic, I said to myself, how do I know that those pieces came off the wall?

So I further looked around, and I saw this guy walking back and forth with hammers and chisels, renting them out. So I went over with my translator and made the deal and gave him some money, and I did what President Reagan did, and I chipped off some pieces of the wall. I brought them back home, and I gave them to veterans as a thank you to them for their dedication through the years and for the fact that they were responsible for what was happening on that particular day and at that particular time in history.

President Reagan was a proud and patriotic American whose persistent advocacy for democracy led in part to the breakup of the Soviet Union and its devolution into 15 individual democratic republics. And I was in one of those republics as a member of a delegation from Congress on their independence day. In Armenia, and I watched in awe as 95 percent of all of the people in that country went out and voted. I watched them stand in long lines for the privilege of voting in a free election for the first time in their lives. I noticed they brought covered dishes with them, and after they voted, they held little celebrations and banquets in each of the polling places.

And what a thrill it was to be with them the next day in the streets of Yerevan, their capital, as they danced and shouted and sang, "Ketze asat ankakh Hayastan," which means "Long live free and independent Armenia." Then they pointed to the United States of America as their example of what they wanted to be as a democracy.

So I thank all of the men and women who served in the uniform of the United States military through the years for helping to make that happen, and I also thank the Commander-in-Chief for 8 years, Ronald Reagan, for helping to make that happen.

Today I join with all Americans in mourning his passing and in expressing deep gratitude for his tremendous public service as both Governor and as President.

Mr. MOORE. Madam Speaker, for purposes of debate, I yield 25 minutes, about half of my time, to the gentleman from California (Mr. COX).

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the gentleman from California (Mr. COX) now controls an additional 25 minutes.

There was no objection.

Mr. COX. Madam Speaker, I sincerely thank the gentleman for yielding me this time.

Madam Speaker, I yield 2½ minutes to the distinguished gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Madam Speaker, I thank the gentleman from California for yielding me this time.

Madam Speaker, I rise to proudly pay tribute to the greatest President of the 20th century, Ronald Wilson Reagan, whose suffering has ended and heavenly life begun.

My fellow Minnesotans join me in mourning the loss of America's 40th President and celebrating the life of a man who personified both the greatness and goodness of America. All Americans and freedom-loving people around the world owe President Reagan our deepest gratitude for his strong, principled leadership that ended the Cold War and brought freedom to millions of people.

As we celebrate President Reagan's remarkable career and historic legacy, we also celebrate a man of strong character, deep conviction, unforgettable charm, and wonderful wit. No Minnesotan will ever forget President Reagan braving the below-zero windchill to ride in a convertible in St. Paul's Winter Carnival Parade and proclaim, "I thought my ears would fall off." It was that cold.

Madam Speaker, as America honors our beloved 40th President, we also thank God for a leader who restored pride and made the American people believe in themselves again. Always the eternal optimist, President Reagan instilled confidence and optimism at a time both were in short supply in our country.

Thanks to President Reagan's strong leadership and undying belief in free-market capitalism, the great entrepreneurial spirit of the American people was unleashed, and prosperity was restored here at home.

Madam Speaker, our hearts go out to Nancy Reagan and the Reagan family on their great loss. Mrs. Reagan has showed the whole world the true meaning of love and loyalty these past 10 very painful years as her beloved husband suffered from cruel Alzheimer's disease, the same deadly, debilitating disease that took the life of my own mother just months ago.

So today, Madam Speaker, as we celebrate the life and legacy of Ronald Reagan, let us honor this great President by keeping his legacy alive, a legacy of love for his faith, family, friends, and country; a legacy of freedom, liberty, and opportunity for all people; a legacy of public service deeply rooted in faith, principle, character, and conviction. And let us always remember President Reagan's warm, infectious, kind smile that lit up every audience, inspired us and gave us hope, just as we remember our "rendezvous with destiny."

Rest in peace, Mr. President, in the loving embrace of our Lord and Savior.

Mr. MOORE. Madam Speaker, I reserve the balance of my time.

Mr. COX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. PUTNAM).

☐ 1315

Mr. PUTNAM. Madam Speaker, I was in grade school when President Reagan was elected, so my thoughts and observations are not based on any particular policy, but on the man, on the spirit himself.

We took great courage as a Nation in watching him as he dealt with an attempt on his own life. We watched in awe at his unwavering commitment to freedom everywhere around the world and his commitment to peace through strength, which allowed him to win the Cold War without a shot being fired.

He moved an entire generation of young people to that same cry for freedom, the battle to spread liberty and democracy and freedom and equality around the world, and he did it with a sunny, hopeful, cheerful, optimistic demeanor. He appealed to the very best in us, never preying on our worst fears, but backed up by a steely resolve, backed up by principle, backed up by the notion that it was better to be right than to be popular. In doing so, he succeeded with an understanding, a very clear understanding, of the power of the American spirit when it is unencumbered, when it is let loose to achieve its own potential and carve out its piece of the American dream. He always believed in the goodness of the American spirit and the human spirit around the world. He understood that the strength of America, the resilience of America is in her people. He inspired in us all of those great factors without preying on the worst.

Madam Speaker, may we ever be vigilant gatekeepers of his shining city on the hill. God bless the Reagan family, God bless America, and God bless this institution to whom President Reagan has given so much.

Mr. COX. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I want to thank the gentleman from California for yielding me this time, and I rise today in tribute to a great American, Ronald Reagan.

We have heard extensive remarks this morning about his two major accomplishments, I believe: the end of the Soviet Union as we know it, and setting in place employer tax rates leading to an economic recovery. If we think about what happened, he was the first to call for the end of the Soviet Union and, frankly, the first to predict the end of the Soviet Union as we knew it. No one in my lifetime has done more to spread freedom around the world than Ronald Reagan, and we all owe him a great debt not only here in our country, but around the world.

His tax policies of the early 1980s led to an economic recovery in the 1980s, and I believe the entire expansion of the 1990s can be traced back to the lower tax rates set in the early 1980s, giving investors a reason to invest in our economy.

But I think Ronald Reagan's greatest contribution to our country was his optimism, his hope, and his belief in the strength of the American people. One only has to look at what we went through in the 1960s and the 1970s and what Ronald Reagan inherited when he took office. America, to say the least, was on its heels. We had gone through the problems of the Vietnam era; we had gone through problems with the Presidency; we had gone through the problems of the energy crisis; and this new animal that came upon our economy called inflation.

America was beginning to wonder about itself, and it was Ronald Reagan who talked about the shining city on the hill and all that America could be. It was Ronald Reagan that knew and said that our best days lie ahead, not in the past, and he was right. The hope that he brought, the enthusiasm he brought, and the belief in the American people was something that did, in fact, renew the American spirit.

His patriotism and the patriotism he brought to our country was something that we have not seen for some time. I know in my case, I and my entire family grew up in the Democrat Party, and it was Ronald Reagan, it was Ronald Reagan, who showed me that I was a Republican. It was Ronald Reagan who encouraged me to take a more active role in my community. I was proud to be a volunteer on his campaign in 1980. And, Mr. President, let me say this: You were my hero then; you continue to be my hero.

It was Ronald Reagan who inspired me to make a commitment to public service and to do my share on behalf of the American people, and forever I will be grateful.

Mr. President, we still love you.

Mr. COX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, those of us who have had the good fortune to be born and raised in Arizona have always had the words and life of Barry Goldwater to shape our political philosophy. It was during the Goldwater campaign of 1964 that Ronald Reagan came to national prominence. During that campaign, Reagan delivered a speech so memorable that it was known thereafter simply as "The Speech." It was, in my opinion, the greatest political speech ever delivered.

In it, Reagan included the words, "You and I are told that we must choose between a left or right, but I would suggest that there is no such thing as a left or right. There is only an up or down: up to a man's age-old dream, the maximum in individual freedom consistent with law and order, or down to the antheap of totalitarianism."

Equally memorable was the line: "This is the issue of this election. Whether we believe in our capacity for self-government or whether we abandon the American revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves."

Madam Speaker, having now spent 4 years in the far distant capital, I can attest that this insight from Ronald Reagan still bears remembering.

I was never able to meet President Reagan personally. It is one of my great regrets in life. But like all Americans, I am well acquainted with his goodness. I will always be grateful that he was my President.

Mr. COX. Madam Speaker, I yield 1½ minutes to the distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, America has lost a great patriot with the passing of President Ronald Reagan. My fellow West Virginians join me in mourning his death.

As our President, he shepherded America through tough times, cutting taxes and invigorating our Nation's economy. President Reagan's service as a statesman reflected the good freedom could do when waged against tyranny.

In June of 1987, President Reagan stood in front of the Brandenburg Gate in Germany, calling upon Mikhail Gorbachev to "tear down this wall."

Reagan aimed to replace the instability brought by fear of nuclear war with the firm backing of freedom.

When the wall fell, a wave of sovereignty rolled through Eastern Europe, washing away suppressive governments and leaving in its wake democracies firmly backed by individual liberty.

Americans will always measure their President against the high bar Ronald Reagan has set for the Presidency. But along with being a statesman, a peacemaker, and a leader, Ronald Reagan was a kind man who I was very honored to have met, a loving husband and father, and a compassionate human being.

I will always remember Ronald Reagan for his ability to lift up the American people, inspiring us to rely on ourselves, not on our government, to overcome challenges in our lives. His legacies will be remembered for years to come. Freedom over fear, the individual before its government, and the strength of America overall.

May God bless America, and may God bless our President, Ronald Reagan.

Mr. COX. Madam Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, as we mourn the loss of President Ronald Reagan, let us also celebrate the absolutely incredible life that he lived, a life that had such a positive impact certainly on our Nation and, in fact, the entire world.

Madam Speaker, I live in Macomb County, Michigan. That is the home of the so-called "Reagan Democrats." That term really had its genesis in Macomb County and has become certainly part of our nomenclature. It describes a huge block of citizens, average Americans, principally ethnic, blue collar, who had voted Democratic for literally generations.

And then along came Ronald Reagan, and he captured their hearts and he captured their minds with the power of his ideas and the vision for America, ideas that were powerful, yet very, very simple: that freedom is a universal right of every human being; ideas about personal responsibility and the fundamental values that built our Nation, and the eternally optimistic idea that America is a great Nation whose best days continually lie in our future.

President Reagan never wavered, never backed down from his defense of freedom, of his belief that we could achieve peace through strength. Of course, his strong stand created countless critics, and yet today those critics must recognize the rightness of his cause and his methods. History has certainly proven him to be right.

Because of the leadership of President Reagan, Soviet communism collapsed and hundreds of millions of people who lived under Soviet domination now live as free people.

Because of the leadership of President Reagan, our national spirit and the spirit of free enterprise rose up and has spread across the entire globe.

Because of his leadership, the world continues to look to America to continue to export liberty and freedom and democracy.

Our Nation and the world owe a debt to President Reagan that can really only be repaid in one way: We must continue to fight for democracy, for freedom, and for liberty, and so we shall.

God bless President Ronald Wilson Reagan. May he rest in peace.

Mr. MOORE. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my good friend from the great State of Kansas for yielding me this time.

Madam Speaker, I, too, rise today to mark the death of President Ronald Reagan and to pay tribute to a great American. I extend my deepest sympathies and prayers to Mrs. Reagan and the entire Reagan family. With President Reagan's death, our country lost yet another member of the greatest generation, a member who typified his generation with his work ethic, his optimism, and his patriotism.

I believe that all of us, regardless of political affiliation, were impressed by how much President Reagan loved America, how much he believed in its basic goodness and the decency of this great country. He was so proud to represent a country that stood for freedom and equality, and he worked for many years to help spread freedom across the globe.

I was fortunate enough to witness firsthand the effect of freedom spreading across the world. After graduating from college, I had the privilege of traveling to Europe and spending time in the countries that were formerly part of the Soviet Union that were struggling to gain a place in the world as free nations. My travels included a stop in Berlin to celebrate the reunification of Germany. I hammered away with a sledgehammer at the Berlin Wall with thousands of people from all over the world. I still have a piece of that wall, which sits on my desk.

It was inspiring to be a part of history in this way, and I can only imagine how wonderful it must have been for President Reagan to have played such a seminal role in the transformation of the Soviet Union and the Eastern Bloc nations. With the end of the Cold War, we face an exciting new world of independent nations throughout Eastern and Central Europe.

As we face current challenges throughout the world, I look back to the patriotism and optimism with which President Reagan approached international and domestic issues, and I feel grateful that we have his example.

Aside from his leadership on issues of international importance, I also appreciate President Reagan's willingness to find bipartisan compromise in order to achieve results. To him, politics was not a blood sport; it was the art of the possible. Coming to Congress several years after both President Reagan and Speaker Tip O'Neill had retired, I always enjoyed listening to my colleagues tell of the two men swapping stories and jokes as they negotiated important pieces of legislation.

President Reagan's bipartisan spirit and constant optimism are testament to his leadership skills and his love for his country. It is an approach to governing and it is an approach to leadership that we need to restore.

May God bless his soul.

Mr. COX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, today I rise to pay tribute to and express my sympathy on the passing of one of Illinois' greatest sons, Ronald Reagan.

□ 1330

I was inspired by Ronald Reagan some 40 years ago when he, the Great Communicator, first outlined his vision for America. His vision was one of free enterprise, strong defense, and limited government. I was so drawn to these principles that I worked with fellow conservatives to nominate him for President in 1968 and again in 1976.

The biggest heartbreak in my political career came in 1976 when we were unable to secure Reagan the nomination. But we stayed at it. Ronnie stayed true to his principles; and, finally, in 1980 we had a man in the White House who I knew would turn this country around. Reagan did just that. He turned around our economy, he ended the Cold War, and he renewed hope for Americans.

Reagan was able to accomplish so much in his years as President because he approached everything as a gentleman. He never allowed politics to become personal. He treated everyone with respect even when he disagreed with you. And always his wit and humor won you over.

I am proud to say that I knew Ronald Reagan not so much for his accomplishments, and there were many, but I am more proud to have known him for the man he was. As President, Reagan brought his hometown-Illinois values with him to the White House. And these are the same values we all share in Illinois, the value of hard work, of faith, family, and unlimited opportunity.

Reagan was, as history will bear, one of America's greatest Presidents. And I ask my colleagues to join me in remembering his family and this Nation during our season of mourning. And may God bless us all.

Mr. MOORE. Madam Speaker, I yield 10 minutes to the other side. I understand they have a number of speakers who would like to address the House.

Mr. COX. Madam Speaker, I thank the gentleman very much for his kindness.

Madam Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, what do you say about a man like Ronald Reagan that has not already been said? Ronald Reagan took the oath of office here in Washington D.C. in 1981 and, actually, just a short distance from where we are standing here this afternoon. At that time that he took office, I was 15 years old. I did not realize at that time the impact that this new President would have on this Nation and the world. I did not realize the moral and strong leadership that he would provide this Nation.

Ronald Reagan served in the highest office of our land throughout my time in high school, college, and my first couple of years of law school. And with most of America, I listened to the tributes as they started pouring in over this past weekend. During the weekend and since that time, President Reagan's speeches, his remarks and comments have been played and reviewed time and time again.

However, over the weekend I heard one speech that I had never heard before. It was a speech that President Reagan delivered at a prayer breakfast in Dallas, Texas, on the morning of August 23, 1984. It is so relevant to our situation today that if you did not know better, you would think he delivered the speech just a few days ago.

He discussed religion and its role in the political life of our Nation. He made clear from the beginning of his speech that he was not speaking as a theologian or as a scholar, but rather as someone who had been around for quite a few years.

He talked about the critical role in the political life of this Nation that faith and religion had played and, furthermore, how that had worked to benefit our Nation.

He went on to say that the Founders understood that there was a divine order which transcends the human order. He then eloquently stated that he believed George Washington knew the city of man cannot survive without the city of God, and that the visible city will perish without the invisible city.

While time will not permit me to discuss all of his remarks today, I would like to include his remarks in the RECORD that President Reagan made at that prayer breakfast in Dallas in 1984. Of course, it would not be appropriate to talk about Ronald Reagan without talking about how much he loved life and how much he valued life. He was a man of compassion, and people of all ages would do well to emulate Ronald Wilson Reagan.

REMARKS AT AN ECUMENICAL PRAYER BREAKFAST IN DALLAS, TEXAS, AUGUST 23, 1984

Thank you, ladies and gentlemen, very much. And, Martha Weisend, thank you very much. And I could say that if the morning ended with the music we have just heard from that magnificent choir, it would indeed be a holy day for all of us.

It's wonderful to be here this morning. The past few days have been pretty busy for all of us, but I've wanted to be with you today to share some of my own thoughts.

These past few weeks it seems that we've all been hearing a lot of talk about religion and its role in politics, religion and its place in the political life of the Nation. And I think it's appropriate today, at a prayer breakfast for 17,000 citizens in the State of Texas during a great political convention, that this issue be addressed.

I don't speak as a theologian or a scholar, only as one who's lived a little more than his threescore ten—which has been a source of annoyance to some—[laughter]—and as one who has been active in the political life of the Nation for roughly four decades and now who's served the past 3½ years in our highest office. I speak, I think I can say, as one who has seen much, who has loved his country, and who's seen it change in many ways.

I believe that faith and religion play a critical role in the political life of our nation—and always has—and that the church—and by that I mean all churches, all denominations—has had a strong influence on the state. And this has worked to our benefit as a nation.

Those who created our country—the Founding Fathers and Mothers—understood that there is a divine order which transcends the human order. They saw the state, in fact, as a form of moral order and felt that the bedrock of moral order is religion.

The Mayflower Compact began with the words, "In the name of God, amen." The Declaration of Independence appeals to "Nature's God" and the "Creator" and "the Supreme Judge of the world." Congress was given a chaplain, and the oaths of office are oaths before God.

James Madison in the Federalist Papers admitted that in the creation of our Republic he perceived the hand of the Almighty. John Jay, the first Chief Justice of the Supreme Court, warned that we must never forget the God from whom our blessings flowed.

George Washington referred to religion's profound and unsurpassed place in the heart of our nation quite directly in his Farewell Address in 1796. Seven years earlier, France has erected a government that was intended to be purely secular. This new government would be grounded on reason rather than the law of God. By 1796 the French Revolution had know the Reign of Terror.

And Washington voiced reservations about the idea that there could be a wise policy without a firm moral and religious foundation. He said, "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man (call himself a patriot) who (would) labour to subvert these . . . finest [firmest][1] props of the duties of men and citizens. The mere Politician . . . (and) the pious man ought to respect and to cherish (religion and morality)." And he added, ". . . let us with caution indulge the supposition, that morality can be maintained without religion."

I believe that George Washington knew the City of Man cannot survive without the City of God, that the Visible City will perish without the Invisible City.

Religion played not only a strong role in our national life; it played a positive role. The abolitionist movement was at heart a moral and religious movement; so was the modern civil rights struggle. And throughout this time, the state was tolerant of religious belief, expression, and practice. Society, too, was tolerant.

But in the 1960's this began to change. We began to make great steps toward secularizing our nation and removing religion from its honored place.

In 1962 the Supreme Court in the New York prayer case banned the compulsory saying of prayers. In 1963 the Court banned the reading of the Bible in our public schools. From that point on, the courts pushed the meaning of the ruling ever outward, so that now our children are not allowed voluntary prayer. We even had to pass a law—we passed a special law in the Congress just a few weeks ago to allow student prayer groups the same access to schoolrooms after classes that a young Marxist society, for example, would already enjoy with no opposition.

The 1962 decision opened the way to a flood of similar suits. Once religion had been made vulnerable, a series of assaults were made in one court after another, on one issue after another. Cases were started to argue against tax-exempt status for churches. Suits were brought to abolish the words "under God" from the Pledge of Allegiance and to remove "In God We Trust" from public documents and from our currency.

Today there are those who are fighting to make sure voluntary prayer is not returned to the classrooms. And the frustrating thing for the great majority of Americans who support and understand the special importance of religion in the national life—the frustrating thing is that those who are attacking religion claim they are doing it in the name of tolerance, freedom, and openmindedness. Question: Isn't the real truth that they are intolerant of religion? [Applause] They refuse to tolerate its importance in our lives.

If all the children of our country studied together all of the many religions in our country, wouldn't they learn greater tolerance of each other's beliefs? If children prayed together, would they not understand what they have in common, and would this not, indeed, bring them closer, and is this not to be desired? So, I submit to you that those who claim to be fighting for tolerance on this issue may not be tolerant at all.

When John Kennedy was running for President in 1960, he said that his church would not dictate his Presidency any more than he would speak for his church. Just so, and proper. But John Kennedy was speaking in an America in which the role of religion—and by that I mean the role of all churches—was secure. Abortion was not a political issue. Prayer was not a political issue. The right of church schools to operate was not a political issue. And it was broadly acknowledged that religious leaders had a right and a duty to speak out on the issues of the day. They held a place of respect, and a politician who spoke to or of them with a lack of respect would not long survive in the political arena.

It was acknowledged then that religion held a special place, occupied a special territory in the hearts of the citizenry. The climate has changed greatly since then. And since it has, it logically follows that religion needs defenders against those who care only for the interests of the state.

There are, these days, many questions on which religious leaders are obliged to offer their moral and theological guidance, and such guidance is a good and necessary thing. To know how a church and its members feel on a public issue expands the parameters of debate. It does not narrow the debate; it expands it.

The truth is, politics and morality are inseparable. And as morality's foundation is religion, religion and politics are necessarily related. We need religion as a guide. We need it because we are imperfect, and our government needs the church, because only those humble enough to admit they're sinners can bring to democracy the tolerance it requires in order to survive.

A state is nothing more than a reflection of its citizens; the more decent the citizens, the more decent the state. If you practice a religion, whether you're Catholic, Protestant Jewish, or guided by some other faith, then your private life will be influenced by a sense of moral obligation, and so, too, will your public life. One affects the other. The churches of America do not exist by the grace of the state; the churches of America are not mere citizens of the state. The churches of America exist apart; they have their own vantage point, their own authority. Religion is its own realm; it makes its own claims.

We establish no religion in this country, nor will we ever. We command no worship. We mandate no belief. But we poison our society when we remove its theological underpinnings. We court corruption when we leave it bereft of belief. All are free to believe or not believe; all are free to practice a faith or not. But those who believe must be free to speak of and act on their belief, to apply moral teaching to public questions.

I submit to you that the tolerant society is open to and encouraging of all religious. And this does not weaken us; it strengthens us, it makes us strong. You know, if we look back through history to all those great civilizations, those great nations that rose up to even world dominance and then deteriorated, declined, and fell, we find they all had one thing in common. One of the significant forerunners of their fall was their turning away from their God or gods.

Without God, there is no virtue, because there's no prompting of the conscience. Without God, we're mired in the material, that flat world that tells us only what the senses perceive. Without God, there is a coarsening of the society. And without God, democracy will not and cannot long endure. If we ever forget that we're one nation under God, then we will be a nation gone under.

If I could just make a personal statement of my own—in these 3½ years I have understood and known better than ever before the words of Lincoln, when he said that he would be the greatest fool on this footstool called Earth if he ever thought that for one moment he could perform the duties of that office without help from One who is stronger then all.

I thank you, thank you for inviting us here today. Thank you for your kindness and your patience. May God keep you, and may we, all of us, keep God.

Thank you.

Mr. COX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Madam Speaker, the people of Pennsylvania join me in offering their sympathies and prayers to Nancy Reagan and all the members of the Reagan family. But more so, we offer our gratitude for sharing this great man.

In his memory, I humbly offer these words: While flags fly low we gather here to offer words of praise. With tributes to our leader gone, reflect, remember, pray. Our Nation's forests, oceans, plains, majestic mountain skies where some saw only clouds above, he saw hopes spirit rise.

While enemies in shadows crept where evil's hatred stood, some brooded and in weakness slept. He saw strength in our good. America, your song shall soar over this Nation blessed, though some will turn to doubt and fear, his hope shall never rest. The sun shall set and darkness fall, yet stars their beacons give. Do not ye grieve that he is gone, rejoice that he has lived.

Mr. COX. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Madam Speaker, I rise to offer a long delayed thank you to President Reagan for his help with a personal matter of mine. By the time I turned 15 in 1980, I had grown acutely aware of a quadrennial rift between my parents. My father was a Truman Democrat, my mother was an Eisenhower Republican, and my brother and myself were, of course, KISS fans.

Then one cold November night, there was a thaw. My father walked in the door, sat my mother down and, in a hushed, tremulous tone, as if every fellow Irish Catholic Democrat he had known from his days in the St. Francis Home for Boys Orphanage, every worker in a Detroit Labor Day parade, and everybody on every St. Patrick's Day pub crawl might somehow overhear him, Dennis Vincent Patrick Mullen McCotter admitted to his wife, quote, "I cannot believe I went and did it, Joan, I voted for him." Him was Ronald Wilson Reagan.

This vignette of American democracy's unifying force occurred in millions of homes across our Nation in 1980. The resulting national unity, which was brought about through the thawing of so many families' political Cold Wars, ultimately led to the end of the global Cold War.

---

[1] White House correction.

Madam Speaker, today the words of Albert Camus ring true: "A man does not show his greatness by being at one extremity or the other, but rather by touching both at once." Truly, President Reagan was a unifying force for moral good in our Nation and our world. And thus his great humility would have precluded him from ever agreeing. Ronald Reagan was a great man. He will be mourned and missed and forever remembered.

I offer my perpetual gratitude to the man, and my profound condolences to his family.

Mr. COX. Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE), the chairman of the Republican conference.

Ms. PRYCE of Ohio. Madam Speaker, the citizens of Ohio join me in my sincere condolences to Mrs. Reagan and her family during these very difficult times and to express my humble thoughts on the legacy of Ronald Reagan. While we have all heard him called the Great Communicator, he was so much more. He had a commanding presence. He captivated all who listened by his simple and eloquent demeanor, but he was so much more. He was great at communicating, yes, but, more importantly, he communicated great things.

His ideas resonated with the American people because they were the people's ideas. His vision for America made sense to us all because we had those same dreams in our very own hearts. His principles were clear because they were the very values we all held so dearly then as we do now: freedom, responsibility, peace through strength.

The irony is that Ronald Reagan did not speak to the people; we somehow spoke through him. We saw ourselves and we heard our own hearts in the words that he spoke. He was one of us, and that is why this Nation truly mourns his loss this week.

May we all seek to promote the principles that Ronald Reagan embodied, lived and enunciated so courageously over the course of his magnificent life.

Mr. COX. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. BURR).

Mr. BURR. Madam Speaker, I rise today to join my colleagues and the rest of the Nation to mourn the passing of one of our Nation's greatest Presidents, but also to celebrate his legacy. While Ronald Reagan is considered by almost everyone as an extraordinary leader and one of the greatest Americans, it was not Ronald Reagan's vision, his confidence, his charm or his strength that truly set him apart.

It was his boundless optimism and his overflowing love and concern for his fellow men that made Reagan who he was and which were his underlying source of everything he accomplished. Reagan saw himself as an ordinary man, called to serve his country to the best of his ability, and serve he did.

He inspired a Nation to rediscover the principles of freedom that have made our country great. We remember Ronald Reagan as a man who maximized his gifts from an unknown to an actor to a Governor to the leader of the Free World. Our President was one who never stopped growing and giving.

President Reagan's life provides a witness to how we should all live, stirring up whatever gifts and potentials we have so that the world is a better place when we leave, more so than when we arrived. We remember President Reagan as one who named bad leadership for what it was, and turned his people towards a nobler path. He said the only places communism would work are in heaven because they do not need it and in hell because they already have it.

Today, we are enjoying a world where communism is de-fanged and former communist nations rank among our closest allies, much of which is due to President Reagan's unflinching commitment and resolve to seeing peace and freedom flourish throughout the world.

President Reagan was a true man of the people. What Reagan did more than anything else, and it will be his lasting legacy, is replace despair with hope. Most people, even his detractors, admired and respected his integrity. He never thought that he had all the answers or that he was put on Earth to reveal and implement God's plan for the rest of us.

Madam Speaker, he has now, and as he noted in the eulogy of the crew of the *Challenger* shuttle, and I quote, "slipped the surely bonds of Earth and put out his hand and touched the face of God."

The days of this week will be remembered for many, many years. Let them be remembered well. Let them be the passing of the torch. A new day is dawning. Leadership, vision, optimism, and faith most of all are needed at every level in our great country and in our homes. Reagan used to say that America's greatest days are ahead of it. Now it can be said so are his.

Mr. COX. Madam Speaker, I yield 2¼ minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Madam Speaker, I rise today to join my colleagues in expressing condolences to the family of President Ronald Reagan but also, of course, to celebrate the life of one of America's true heroes.

President Reagan once announced America is too great for small dreams. It was this optimism about America and his confidence in the American people that I remember most vividly when I first met him in 1981. He had an infectious optimism that, like so many, I was infected with. It had a lasting impression on me.

Shortly after taking office, President Reagan acted on his optimism and his certain beliefs launching the boldest economic plan since Franklin Roosevelt's New Deal.

□ 1345

His program for economic recovery called for the largest tax cuts in American history. Think about this. Over his tenure, our Federal tax system went from 14 income tax brackets with a top rate of 70 percent to a much simpler 2 brackets with a top rate of 28 percent. This unleashed growth and brought America's economy roaring back.

He also acted on his strong beliefs in dramatically strengthening our Armed Forces. He chose to go toe to toe with the Soviet Union in the Cold War and confront the failure of communism, leading to the freedom of millions of citizens in Eastern Europe and what was to become the former Soviet Union.

I see that legacy of Ronald Reagan today. I see it in our approach to the economy that this body has undertaken to try to strengthen the economy and grow jobs, and I see it in our effort to win another global war, this one against terrorism.

For all of his accomplishments, one of Ronald Reagan's traits I most admired was his humility. He was a regular guy. His Midwestern modesty and intuitive understanding of the role of leadership in an America founded on equality and democracy made him a natural leader and a beloved figure.

One also had to appreciate President Reagan's humor. He once said, "Politics is a very rewarding profession. If you succeed, there are many rewards. If you disgrace yourself, you can always write a book." Well, fortunately for our country and the world, he was a very successful politician, and we all, all of us, continue to share in the rewards.

In his 8 years as President, so much of his ambitious vision for American and the world was accomplished. And for his optimism, his ideas, his humility, his humor and public service, our Nation and the world are better off today. May God bless him and his family and continue to bless the country he so loved.

Mr. COX. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Madam Speaker, last Saturday our Nation lost one of its greatest leaders. As we mourn Ronald Reagan's passing, we celebrate his life of service as a lifeguard, an entertainer, a union leader, a spokesman, a Governor and a President.

As leader of the free world, he not only defended liberty, he expanded the realm of freedom. He liberated millions with the power of his ideas.

As President, he revitalized the American political system. The bipartisan celebration of his life here is a tribute to his greatness. Let us remember Mr. Reagan's example and work to improve civility and public discourse in American politics.

President Ronald Reagan was an American hero and a personal hero of mine. I met him 18 years ago, but it feels like yesterday. We all feel we knew Ronald Reagan. When he stepped off Air Force One in Spokane, we realized that he was a big man. He was larger than life. He was very personal. He was gracious. He wowed the crowd, and he touched each individual.

Having met Mr. Reagan, I know firsthand how his unwavering vision for our shining city willed the Nation to new heights. Even after his passing, his vision must and will continue to guide us.

God bless Ronald Reagan and his family and his lasting legacy of freedom.

Mr. COX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I rise, as my colleagues before me, to recognize this great President, Ronald Reagan. He was a visionary leader who challenged the entire political order of his day. He had the courage to call evil evil; the Soviet empire the evil empire. For that, and for his conviction that freedom would prevail, he was bitterly criticized by his detractors.

Along the same lines, he pioneered a concept of economics that said if we have lower taxes, that it would energize the economy and ultimately that the government would raise more revenue. That was also bitterly criticized. It was called Reaganomics, and yet it worked, and it has worked again to bring us out of the last recession, the same principles.

He believed in the concept of defending America. It was the idea of a missile defense. They called it Star Wars, his detractors, and yet we are building those very things.

He was a man who challenged the political order of his day and redefined an entire political movement and advanced the cause of freedom around the entire world, and for that we all need to say to God, thank you for this great President.

Mr. COX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CANTOR), the chief deputy whip.

Mr. CANTOR. Madam Speaker, I thank the gentleman from California for the time.

I rise today to proudly stand with my friends and colleagues to pay tribute to President Ronald Reagan. President Reagan had the courage to lead America to greatness again after so many others had written us off as a country whose best days had passed. He was a lone voice who dared to believe that the Cold War could be won and communism could be conquered peacefully through strength.

He led United States from double-digit inflation, skyrocketing interest rates and recession to unprecedented economic growth and prosperity. His commonsense ideas of lower taxes and limited government brought us out of those troubling times. His ability to inspire and effect change was truly unique.

I remember fondly my parents' pride in being delegates to the 1980 Republican convention and casting votes to nominate Ronald Reagan to be President. While in high school and college during his Presidential term, I was dramatically impacted by his moral clarity and courage.

President Ronald Reagan had the positive spirit and courage of his convictions that inspired our generation and future generations to enter public service and make a difference in our country.

My family and I send our condolences to Mrs. Reagan and the Reagan family. Nancy Reagan deserves our steadfast support at this time and has earned our respect alongside her husband for her faithful service to our country.

Religion played a crucial role in his life. Ronald Reagan knew he could set out and accomplish his goals because of his strong faith in God. His mother Nelle taught her son to believe in a loving and merciful God. Her teaching helped guide her son throughout his life as actor, Governor, and President.

Having spent several decades battling the evils of Communism as president of the Screen Actors Guild and as Governor of California for two terms, Reagan held strong convictions that were based on his faith in God and led him to run for President in 1980. He would win in a landslide and become our nation's 40th President.

Reagan's religious convictions would immediately be put to the test. After surviving an assassin's bullet in the third month of his Presidency, Reagan believed God saved his life. He wrote, "I've always believed that we were, each of us, put here for a reason, that there is a divine plan for all of us. I know now that whatever days are left me belong to Him [God]."

He believed God saved his life for a reason, and he set out to ensure that he fulfilled God's plan for him in the White House. In an era when people tried to diminish the role that faith and religion play in the political life of the United States, Reagan knew that the United States was "richly blessed with His [God's] love and generosity." Reagan also knew that if we failed to remember that the United States is a Nation under God, then the United States would be a "Nation gone under."

During the 1980s, Reagan's religious convictions allowed him to set an agenda that was new and optimistic. His strong faith enabled him to preserve and never waiver when opponents called his economic and foreign policy plans "radical" and "dangerous." As a result, Reagan played an integral role in winning the Cold War, in restoring economic prosperity to the United States, and in helping liberate millions of people from the evils of Communism. He entered the White House with a goal to change the country—he ended up changing the world. He led his life with a mission to fulfill God's plan and, in turn, accomplished so much for all of us.

My family and I send our condolences to Nancy Reagan and her family. Nancy Reagan deserves our steadfast support at this time and has earned our respect alongside her husband for her faithful service to our country.

Mr. COX. Madam Speaker, I yield 2¼ minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Madam Speaker, today we come before this House in a saddened state. A man of unquestioned integrity and strong character has passed from our Nation's midst into the hands of God. Ronald Reagan was a man with a good heart, and he had more of an impact on the world than any living American today.

We express our condolences to Mrs. Reagan and the Reagan family.

Many of us are very grateful because of how Ronald Reagan inspired us, encouraged our activity in public service, and I know he encouraged my involvement in public service. I cast my first vote in 1976 for Ronald Reagan in the Republican primary, and I had the privilege just 5 years later to serve in the Reagan administration. I have many fond memories of Ronald Reagan.

Man is not measured by what we say, but by what we do. President Reagan believed in the right of freedom for individuals and nations. He spoke honestly of the need for government reform in the United States and publicly hoped for a brighter future for the citizens of the Soviet empire.

Yet his words were not empty and did not ring hollow. President Reagan backed up these beliefs by reducing the government's burden of taxes on individuals. He committed himself to rebuilding our American military. He inspired Americans to believe in themselves and their country, and, through almost sheer will, defeated communism without firing a single shot. As he spoke, the world listened because the force of America was behind his voice.

When President Reagan uttered those fateful words, "Mr. Gorbachev, tear down this wall," a collective shiver shot down the spine of the Soviet Union, as if communism's death knell was being rung for all the world to hear. Even President Reagan's opponents concede that he defeated the Soviet empire.

Under President Reagan's leadership, America experienced an unmatched period of economic growth. Under President Reagan's legacy, hundreds of millions of people around the world now live safe from the fear of the threat of communism, free from the threat of Marxist-Leninism, and eager to extend an open hand to our former enemy and now our friend, Russia and the former Soviet states.

The spirit Ronald Reagan embodied was of a special sort. Whether it was reinvigorating the American economy or comforting the loved ones of those lost on the *Challenger* space shuttle, President Reagan never forgot who he worked for and what cause he was dedicated to. Ronald Reagan was committed to the American citizen, the American dream and the American spirit.

Madam Speaker, as a man, a patriot, a fellow Illinoisan and United States President, Ronald Reagan will be greatly missed, and I deeply mourn his passing, but I cannot help but think that long after the pain and sorrow of his departure has diminished, the legacy that President Reagan left with us of commitment to one's country, of faith in one's resolve, of hope for a better tomorrow will be remembered and live on in the hearts and minds of Americans for generations to come.

Mr. MOORE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I thank the distinguished gentleman, my colleague, for yielding me the time.

Madam Speaker, I rise today to join with my colleagues in marking with sadness the passing of President Ronald Reagan. I send my deepest condolences to Mrs. Reagan and the entire Reagan family and to those friends who knew the President best.

Ronald Reagan was a man of principle, deep patriotism and great humor. He loved his country, and he loved the American people. His was, in many ways, the quintessential American life: moving from a small town to chase the American dream in California, achieving success through hard work and determination, and finally giving back through public service.

One of the things I most admired about President Reagan was his ability to disagree without being disagreeable. During the 1980s, I was a staff member for the late Congressman Joe Moakley from Massachusetts. We had a front row seat to the great political battles between the Reagan White House and the House of Representatives under Speaker Tip O'Neill. While President Reagan and Tip O'Neill had sharp political differences, they never had sharp words. Their arguments were never nasty. They were never personal. At the end of the day, their battles shifted from policy to who could tell the most outlandish story or the funniest Irish joke. It is an example that I believe all of us should try to do a better job of following.

Madam Speaker, I would also like to take a moment to say just how much respect and admiration I have for Nancy Reagan. These last several years have been extremely difficult for her as President Reagan battled Alzheimer's disease. Mrs. Reagan has faced this tremendous adversity with strength, dignity and class, and she serves as an inspiration to us all.

Again, my wife Lisa and I send our sympathy and our prayers to the Reagan family during this sad time, and I thank the gentleman for yielding me the time.

Mr. COX. Madam Speaker, I yield 1 minute to the distinguished gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to mourn the death of President Ronald Reagan and to pass along the thoughts and prayers of the people of the Second District of Kentucky to the Reagan family.

So much of President Reagan's life was dedicated to public service. From the summer shores of his Illinois hometown to the silver screens of Hollywood, to Sacramento, Washington, D.C., and his final heroic battle with Alzheimer's disease, President Reagan's vision and confident leadership continues to inspire national spirit, improving quality of life in the United States and extending freedom and democracy across the globe.

□ 1400

During his inaugural address in 1981, President Reagan remarked, "We are too great a Nation to limit ourselves to a small dream." His dream, family, work, neighborhood, peace, and freedom embodied the hopes of millions of Americans, shepherding the Nation into economic recovery and renewed national pride while demonstrating an uncompromising moral leadership abroad that brought communism to its knees.

He was a man whose love for his country stirred the spirit of his countrymen to a new age of patriotism and pride in America. His keen understanding of right and wrong, good and evil provided the leadership needed to defeat an Evil Empire.

His was an exemplary life, uniquely American, and worthy of the love and admiration of so many men and women across the world. May he rest in peace.

Mr. COX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I proudly rise with my friends and colleagues today to pay tribute to a man who inspired a Nation and a generation. His America was a strong Nation, where opportunities were limitless.

His list of accomplishments is long and distinguished. He won the Cold War, he brought back our confidence, he cut taxes and grew the economy. He was an outstanding leader throughout the world.

I did not have the pleasure of knowing President Reagan personally; but like millions of Americans, I marveled at his abilities. He comforted us after the *Challenger* disaster, he stood tall against communism, and he made it morning again in America.

Ronald Reagan's enduring legacy, though, will be that he was a people's President. His concern for every American was genuine. He spoke with a twinkle in his eye and always had a story that illustrated his point perfectly. He was for us, because he was one of us.

America will soon say goodbye to one of our greatest Presidents. Mr. Speaker, his courage, humor, and grace will be missed by all of America. The shining city on the hill will continue, but for now with a heavy heart.

Mr. COX. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, once or twice a century we are given a President who stands above the rest. President Reagan was such a leader. He united this country in a way that we have not been united since. He did so by simply speaking out for what the vast majority of the people of this country knew to be the truth: President Reagan declared that there is a God and that we, as a Nation, are under his authority.

Like President Washington before him, he made no apology to anyone's sensibilities. He called the Evil Empire of communism exactly what it was and committed this Nation to defeating it. He was the first President to begin the battle to reverse the overreach of Federal bureaucracy in the lives of our citizens.

Let us truly honor the memory of Ronald Reagan by never ending the fight he so nobly waged for God and for country.

Mr. MOORE. Mr. Speaker, may I inquire as to how much time remains.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Kansas (Mr. MOORE) has 11½ minutes remaining, and the gentleman from California (Mr. COX) has 9 minutes remaining.

Mr. MOORE. Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, on behalf of the citizens of Indiana's Eighth Congressional District, I rise not only to pay tribute to Ronald Wilson Reagan but to also thank him for a Commander in Chief we could always be proud of.

The most important role of any American President is that of Commander in Chief of our Armed Forces; and I, for one, do not need to wait for history to conclude that he was one of the greatest Commanders in Chief this Nation has ever had.

Last year, my son Matthew and I were honored to attend the commissioning of the newest U.S. Super Carrier, CVN–76. I could not think of a better namesake for CVN–76 than Ronald Wilson Reagan. The ship's motto is appropriately, "Peace Through Strength." While he is rejoicing in heaven, the American people should feel comforted in knowing that his legacy lives on in a mighty U.S. warship that bears his name and will provide firepower for freedom for another 50 years.

So Communists and terrorists and other enemies of freedom, you have been forewarned. You have not heard the last from Ronald Reagan. And as he used to say when he was President, "You can run, but you cannot hide."

In conclusion, Mr. Speaker, may the prayers and thoughts of a loving free world comfort his wife, Nancy, and their children during their time of supreme sorrow and unimaginable loss.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is truly unfortunate that it takes a time of crisis or tragedy to bring our Nation together. This week, for example, we have seen and heard from Members of both sides of the aisle a tribute to a great President, Ronald Reagan. He was a humble man; he was a gracious man and kind. We may have had differences of opinion on policy, but I think we all concede he was a good, good, decent man.

I never presume to speak for my friends on the other side of the aisle, but I think all of us would agree that we have the greatest Nation in the whole world, and one of the things that makes us so great as a Nation are the personal liberties and individual freedoms that we all share here in this country. The Bill of Rights of our Constitution gives us more economic and personal freedoms than people almost anywhere in the world, and we are a better Nation for that. And I think that is something Ronald Reagan would say if he were here right now.

I think we can learn a lot of important things, and a lot of speakers on both sides of the aisle have annunciated some of those things this morning. We should try harder to disagree without being disagreeable. We should always treat each other with respect. And we should understand that we are all Americans and we are all in this together. We all want basically the same thing for our country and for our people.

If we can do that, I think we are going to be better as a Nation and stronger as a people. We need to find ways to bring us together and not to divide us. I think 85 to 90 percent of the people in this body are good, decent, honorable people who want to do the right thing for our country, Republicans and Democrats.

We need to understand that even when we have honest good-faith differences on policy issues, such as the $7 trillion debt we have right now, and the $500-plus billion deficit, this should not be about Republicans and Democrats; this should be about what is right for our country, and this should be about what is right for our children and our grandchildren and future generations in this country.

I hope that we will take this occasion, the passing of a great President, Ronald Reagan, to come together and again dedicate ourselves to doing what is right for our country and putting aside partisan politics.

Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to add my voice to the chorus extolling the life of President Ronald Reagan. On a similar occasion, over a century ago, Lincoln said of Washington, "How do you add glory to the sun?"

I was at President Reagan's inauguration, and when he said, "It is time for us to realize that we are too great a Nation to limit ourselves to small dreams," my spine stiffened, and so did that of so many people in the crowd. I got goosebumps when he called out that "peace is the highest aspiration of the American people. We will negotiate for it, sacrifice for it; we will not surrender for it, now or ever."

From that day on, I knew America was back. You see, many people speak of the Reagan Revolution. I like to think of it as the Reagan restoration. Reagan restored our optimism, our belief in our ability to create, and the belief that God put man on this Earth to be free and that he made America to prove it.

President Ronald Reagan changed the paradigm. He changed America's foreign policy from one of benign containment to active confrontation. And for the first time since communism began extending its sinister reach, we saw its hand pushed back.

Our sympathies certainly go to the entire Reagan family.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, as we consider world history, we know that each generation will be faced with its own challenges. And though I am certain that the human race will survive; for a Nation to survive these challenges, each generation must continually produce men and women who are sufficient to the moment and equal to the task. It needs to generate men and women who see without limits, who work without tiring, and who sacrifice without restraint. A nation must find within itself in these times of trouble those who will forego comfort and give up the beaten paths of certainty to find new courses of action and overcome all obstacles in pursuing the truth. Mr. Reagan was sufficient for the moment and equal to the task.

Mr. Speaker, we are here to mourn the passing of a President, but we are here to celebrate the life of leadership and sufficiency that Mr. Reagan represented.

Mr. MOORE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to join with my colleagues in recognizing the lessons of the life of Ronald Reagan and his legacy. Among those lessons would be a sense of civility in debate. Among those lessons would be disagreeing without being disagreeable. Among those lessons would be the ability to recognize the humanity of our opponents, and they are lessons that we should all take to heart.

Another part of the legacy, and I think the lasting legacy of President Reagan, will derive from the painful period as we watched Alzheimer's take this vibrant and warm and really great person into, as Mrs. Reagan said, a different place, a different world. And I hope we will use this to rededicate ourselves to research in Alzheimer's and stem cell research so that others will not follow the former President in this path that was really painful for all of us to watch.

Mr. COX. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I first heard about Ronald Reagan in probably 1970, when Joan Baez, on my Woodstock album, referred to the Governor of California as Ron Ray Gun. And this was a young person, so I thought if Joan Baez is against him, it is probably a good thing. Yet as I went through my years and got in college, I had an opportunity to hear Mr. Reagan speak at the Kansas City Republican convention in 1976. And in his concession speech on the nomination going to Gerald Ford, he gave a great speech and he talked about what we have to do as Americans to preserve the great life-style that we live. I was very impressed with that speech. So in 1980, when he ran for President and was the nominee, certainly I was very enthusiastically in support of him.

He was elected in a year when we had hostages in Iran, the economy was in the tank, and the spirit of America was in the doldrums. He won by a landslide, with great expectations, though, and a great mandate. He needed to cut taxes, and he did. He moved along and created an economy that gave 19 million new jobs over the next 8 years. Inflation was reduced, as well as interest rates. He built defense to the extent that we got over, finally, Vietnam. He talked about things like the Evil Empire of the Soviet Union and peace through strength. And he said things that were politically incorrect at the time, like "Mr. Gorbachev, tear down that wall," even though people in our own party did not like him saying those things.

He was very basic. Nancy Reagan led the Just Say No to Drugs campaigns, and I think it was very effective in getting young people to think twice about it.

He had that Irish twinkle in his eye. And when he got shot, even though it was a very serious wound, he said, gee, I hope you are all Republicans. He had that kind of calmness and happiness about him as he went through things. And I, as so many young people, were inspired by him. So when I ran for the State legislature in 1984, I pulled out a photograph that Libby, my wife, and I had taken with Ronald Reagan in 1980, and I ran an ad that said, "Reagan/Kingston: Face it, we need conservatives at all levels of government."

□ 1415

But I believe that was a key factor in helping me. He had those kind of coattails. He believed in family, America. He loved Nancy. He showed us a husband-and-wife relationship at its finest. He was kind. The Carter-Reagan, Mondale-Reagan campaigns were not nasty, mean or vicious. In fact, he would say to Jimmy Carter if he disagreed with some of Mr. CARTER's facts, "There you go again."

He liked joke-telling and told the jokes about the Soviet Union and got his point across, but when he was in the Oval Office, he always wore his coat out of respect for the Oval Office and the office of the Presidency.

In his final speech as he left Washington, D.C., he said, and I quote, "As I walk off the city streets, my final words to the men and women of the Reagan revolution: My friends, we did it. We were not just marking time. We made a difference. We made the city freer and left her in good hands."

The lights of this city shine, but the future will burn brightly because of men and the leadership of Ronald Reagan.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that the gentleman from Kansas (Mr. MOORE) has 8 minutes remaining, and the gentleman from California (Mr. COX) has 3½ minutes remaining and the right to close.

Mr. MOORE. Mr. Speaker, I yield 6 minutes to my friend, the gentleman from California (Mr. COX).

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. COX) controls 6 minutes.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. COX) has 6½ minutes remaining.

Mr. COX. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I count my blessings for President Ronald Reagan. I count my blessings for this man because he spoke from his heart and he spoke the truth. Obviously he was an exceptional communicator, but he was also extraordinarily honest. You did not have to wonder where Ronald Reagan was coming from. He had core principles: confronting tyranny, expressing strength to the world, believing in our market economy, reducing the size of government.

The bottom line is, he had extraordinary faith in our country, in the promise of America that the best of America is yet to come. And the best generations of Americans are yet to come. He trusted Americans to spend their own money and lead their own lives. In the process he knew our country and the world would benefit.

I am absolutely convinced President Reagan totally changed the debate. He helped our country recognize that people have their own sense of self-worth and that we trust them to do the right thing.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when President Reagan took office on that cold day in 1981, the world needed a hero, and on that day President Reagan sent a message to every American and to every human being enslaved by the Soviet empire. Confronting not the armies of Saddam Hussein or Slobodan Milosevic, but the largest military machine in the history of the world, President Reagan simply said, "No weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

Then he led a worldwide movement for individual liberty and the human rights of all people. Today the Soviet Union sits on the ash heap of history, and the Reagan legacy can be measured in lives liberated and dreams fulfilled.

Before Ronald Reagan became President in 1981, there were 56 electoral democracies on Earth. Today there are 117. Today more than a billion more people are living in freedom than on the day that he took office.

President Reagan also liberated America, the land that he called the last best hope of mankind. Many Washington pundits at the time believed that the United States was suffering from an inevitable decline. President Reagan had a different view. He believed that America's greatest days were ahead, if only we could free our people from the shackles of big government. He knew that people, not governments, create prosperity, and that markets are the dynamic expression of individual freedom reinforced by property rights and the rule of law.

He believed that the government management of an economy, whether in the form of wage controls, price controls, or regulation of production, produced growth and misery in direct proportion to the loss of freedom. Upon assuming the Presidency, he immediately ended price controls on oil, and within 4 months the price of oil fell over 60 cents per gallon.

When a government union broke the law and mounted an illegal strike against the taxpayers, President Reagan upheld the rule of law, and even the Soviet Union noticed. Secretary of State George Schultz said this may have been the best foreign policy decision Ronald Reagan ever made.

Ronald Reagan and a Democratic Congress cut marginal income tax rates from 70 percent to 28 percent and ushered in the longest peacetime economic expansion in American history. Inflation fell from over 12 percent to 1 percent, and interest rates dropped dramatically. People were free to work and keep most of what they earned and to save for their family's future instead of relying on the state.

In 1981, Ronald Reagan was the first President to take the oath of office on the west front of the Capitol. He said he wanted to be looking west to symbolize the pioneer vision and spirit that he knew still lived in America. Later today his body will be carried up those same western steps of the Capitol. In just a few hours, President Reagan will lie in State a few feet from where we are now gathered.

As we imagine him looking up at the monumental artwork in the dome, at the Apotheosis of George Washington, perhaps we will hear him again speaking to us in the words he once used in this very place: Now we are standing inside the symbol of our democracy. Now we hear again the echoes of our past. A general falls to his knees in the hard snow of Valley Forge; a lonely President paces the darkened halls and ponders his struggle to save the Union; the men of the Alamo call out encouragement to each other; a settler pushes West and sings a song, and the song echoes out forever and fills the unknowing air.

As we gather in the rotunda and gaze upon the flag-draped vault that holds the mortal remains of our 40th President, I know that if we listen, we will hear those echoes of the past. We will hear that pioneer song because it is the American sound. Like Ronald Reagan, it is hopeful, big-hearted, idealistic, daring, decent and fair.

Mr. President, we loved you in life because you helped us love America, and you so nobly represented the country we love. As we lay you to rest, we will always respect and honor your leadership, your humility, your strength, your humor and your character. You told us that those who say we are in a time when there are no heroes just do not know where to look.

Mr. President, all of America now knows where to look. You and our beloved First Lady, Nancy Reagan, will be our heroes for as long as there is an America and as long as love of freedom is carried in human hearts.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I thank the gentleman from California (Mr. COX) for his very cogent remarks, and I really appreciate the civility with which this has been conducted today.

The gentleman from California mentioned the fact that President Reagan and a Democratic Congress presided over large tax cuts back during President Reagan's term, and I grant that. But at the same time, President Reagan was not a strict ideologue and he understood that when large deficits appeared, that we as a Nation needed to do something to deal with those large deficits and not put our country deeper and deeper in debt.

He agreed to actions to correct that course, and I think we as Democrats and Republicans hopefully can come together here and recognize that a $7 trillion debt and deficits of over half a trillion dollars cannot go on, and our kids and grandkids and the future generations of this Nation cannot sustain that kind of problem if it continues.

I hope we will come together with an attitude of civility that was characterized by President Reagan and work on these problems together because we have a lot more in common than we have differences. We are all Americans. We all love our country, and we want to do what is right by our country.

Mr. Speaker, I want to conclude by saying that I think if we work together and understand that we are all in this together, we will do the very best we can for the Nation we love, the United States of America.

May God bless Mrs. Reagan and the Reagan family, and may God hold Ronald Wilson Reagan in His loving arms.

Mr. BRADY of Texas. Mr. Speaker, heaven is a little sunnier and little more optimistic with the arrival of one of the greatest American patriots and Presidents of the 20th Century, President Ronald Reagan.

He inspired me, as he did many others. Across the country and around the world, millions are mourning the death and remembering the life of this man, patriot, and President. There is a sense of profound loss, and rightly so, in a the hearts of all Americans. This week we will all search for a way to pay our respects to a man who made it "morning in America" again.

President Reagan's message of hope restored America's faith in what we could become. He loved this country, and he believed in the people that called it home. His optimism was infectious and at the end of his term as President—Americans had caught his vision and understood their place in the world.

Reagan's stewardship ushered in an era of peace and economic prosperity. Reaganomics—reducing the size of government, allowing Americans to keep more of their own hard earned money instead of having it taxed away—brought about an economic revival in our nation.

Reagan's leadership ended the Cold War, brought down the Berlin Wall, and charted a new course for both America's and the world's future. A future that was secure—made possible by "peace through strength." We would do well to bear this wisdom in mind as we continue to defend America against the threats posed by adversaries.

It is very difficult for one person or a single nation to pay tribute to a life as big, as bold, and as heroic as Ronald Reagan's. His own words are perhaps the best testament of his convictions. His actions are the most sincere depictions of the character that defined his life. His humility and grace endeared him to all American's hearts.

In announcing to the world that he had been diagnosed with Alzheimer's disease, Mr. Reagan wrote, "Let me thank you, the American people, for giving me the great honor of allowing me to serve as your president. When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead."

President Reagan's legacy will live on in the hearts and memories of all Americans. His integrity, dignity and wisdom are immortal and will challenge us each day to 'act worthy of ourselves'—worthy of America.

Thanks to Ronald Reagan—there are bright days ahead for America.

Mr. SOUDER. Mr. Speaker, I rise today to honor Ronald Wilson Reagan, the 40th President of the United States, Great American Patriot, and conservative stalwart.

This past weekend, I joined a delegation of Members from this body in honoring the veterans—both living and fallen—who brought freedom to Europe by storming the beaches of Normandy. Unfortunately, transportation problems have prevented me from participating more fully in commemorating the passing of a truly great president. Had I been able, I would have certainly joined my colleagues in unanimously voting to mourn the passage of Ronald Reagan.

Ronald Reagan was born in Tampico, Illinois, a small town in the heart of America. His Midwest Christian upbringing helped to mold Reagan into the conservative icon that he has become. When I was 14 years old, living in a small rural Midwest town, I heard Ronald Reagan's "A Time for Choosing" speech for Barry Goldwater. That speech and many of his other speeches, which I would listen to on records, inspired me to get involved in politics and to fight for conservative values. I know Reagan did not inspire me alone.

Ronald Reagan did not just speak about conservative ideals. He lived them and led with them. At a time when conservatives and conservatism were derided and ridiculed, he showed young politicians a new way to be a conservative.

In 1981, President Reagan became the President of the United States. A boy from a small town had proven the American dream was still alive. At a time when a belief in America and freedom seemed to be at an all time low, Reagan's optimism renewed the confidence of a Nation. Reagan's plans for economic revitalization, smaller government, and a strong military moved the United States toward a brighter future.

Over the course of two terms, he turned the United States and the world around. He was not content with the status quo domestically or internationally. Today, the world and the country are better for it. Our current prosperity is based on the course he charted. The freedom that millions of people enjoy can be attributed in part to him.

This past weekend was the 20th anniversary of Reagan's moving D-Day speech. This Saturday marks the 17th anniversary of his Berlin Wall speech. Both of these speeches were devoted to freedom. As one of the 20th Centuries greatest advocates of freedom—both political and economic—Ronald Reagan has few equals.

As Ronald Reagan ends his journey, I mourn his passing, but I am overwhelmed with gratitude that he was able to accomplish so many things for the United States of America.

Mr. SHADEGG. Mr. Speaker, Ronald Reagan ran for President to change America. In the end, he had changed the world. As Arizonans, we can be proud that our state played a vital role in the "Reagan Revolution".

Barry Goldwater started what became the Reagan Revolution with his own run for the Presidency. For the first time since Calvin Coolidge, conservatives had a champion. Some dismissed Goldwater's loss as the end of the nascent conservative movement, but they were wrong: it was just the beginning.

Reagan took to the national political stage during the Goldwater campaign 40 years ago with his seminal speech "A Time for Choosing."

In losing the battle for the White House, Goldwater passed the conservative torch to Ronald Reagan to continue the war of ideas. Together they nurtured the conservative movement and helped it grow. In 1966, Reagan's campaign for Governor of California struck the same themes as Goldwater's presidential campaign. He won in a landside. It was the biggest political victory of the conservative movement since Goldwater had defeated the sitting U.S. Senate Majority leader in 1952.

My father, Stephen Shadegg, was Goldwater's campaign manager, speechwriter and a close friend. Growing up in Goldwater's shadow and being a part of the conservative movement from birth gave me a special appreciation for who Reagan was. Just as Goldwater, Reagan's greatest tool was the truth. When Ronald Reagan said something, you knew it came from the heart.

Reagan was one of the few politicians who had deeply held beliefs and never strayed from fundamental principles. The rarest commodity in Washington, D.C. is courage, yet Reagan was nothing if not courageous.

He also touched people's lives. Just look at the hundreds of thousands of people who stood in line for hours this week to pay their last respects. A telling tribute to a man who had done so much for his country and whose citizens admired and loved him in return.

President Reagan is rightly remembered for numerous accomplishments. We are all better off today thanks to the economic revolution that brought double-digit interest rates and inflation to its knees. His tax policy proved that "a rising tide" of economic recovery "lifts all boats."

Reagan is best known as the aggressive opponent of communism, the strong cold warrior that stood up to the Soviets and their allies across the globe. Less known is that this doctrine of "peace through strength" allowed President Reagan to sign the largest arms reduction treaty at the time.

Ronald Reagan was a normal citizen who used his charm and steadfast beliefs to shape the United States into the Country it is today. He provided great optimism, sparked economic growth, gained military superiority, and bridged international relations.

We all have a special memory of Reagan. Obviously for me, the 1964 speech was a formative part of my political life. In the speech he outlined his dedication to limited government and personal responsibility, ideals that guide me as I serve the people of my district and Arizona.

> This idea that government was beholden to the people, that it had no other source of power is still the newest, most unique idea in all the long history of man's relation to man. This is the issue of this nation: Whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves.

He had a simple vision. He knew that individual choice and freedom was essential for people to feel pride in themselves, instead of dependence on the government. Reagan knew that the true American dream was to be free to live your life and achieve your goals without government interference or regulation.

President Reagan was one of the towering figures of the 20th century and one of the greatest defenders of freedom that America and the world has ever known. Ronald Reagan was an heir to Barry Goldwater's vision that the greatness of America lies not in its government but in its people. His faith in the individual, belief in free enterprise, and unending conviction in providing freedom of choice in everyday decisions, helped to restore "the great, confident roar of American progress, growth, and optimism."

Rather than mourn our loss following the passing of President Ronald Reagan, we should instead celebrate his life and his countless contributions to our country. And, we should renew the promise to keep America "that shining city upon the hill."

Mrs. BONO. Mr. Speaker, I rise today to pay tribute to one of our Nation's greatest Presidents and a fellow Californian, President Ronald W. Reagan.

A child of America's heartland, he became a man of the west. A towering presence, he gained fame as a movie star and entertainer before turning his considerable gifts to public service. A man of great wit, faith, optimism, conviction and conscience, he believed fervently in the good of all men but especially the American people.

It was from his unwavering faith and from the people, first in his adopted state of California and later throughout the nation, that he drew his great strength. A natural leader, he commanded respect and loyalty from all who had the honor of serving with him. President Reagan brought grace and dignity to the high office he held, always treating those around him with respect and kindness. He never lost his connection to the working people and spoke to all Americans with such clarity and honesty that he will be forever known as "the great communicator."

Along with his beloved wife, Nancy, President Reagan was a frequent visitor to the Palm Springs area which I have the honor of representing in Congress. The Reagans frequently spent New Year's Eve with their dear friends, Ambassador and Mrs. Walter Annenberg, enjoying the relaxing desert environment and a friendly round of golf. A playground for movie stars and Presidents, the Palm Springs community was a welcome haven from the hectic world of celebrity and politics. The Reagans had many local friends and contacts, and the Palm Springs area was and still remains Reagan country.

As someone who has always said that it is perhaps harder to be the spouse than the individual holding elected office, First Lady Nancy Reagan was a reservoir of strength for the President throughout their remarkable life together. His most fervent supporter and staunchest defender, Nancy deserves our recognition and thanks for her role in this most American story.

President Reagan's many achievements are now part of our Nation's proud history, and the contributions he made ensured a safer world and a brighter future for the American people. History will recall that his words helped bring down the walls that kept the people of the Soviet Union oppressed and isolated from the freedom of the west. His economic policies and the strength of his convictions laid the foundation for the greatest economic boom in America in the "American century." But, the history lessons will never be able to convey the sense of purpose and pride he instilled in our nation through the sheer strength of his spirit and the optimism of his words.

We owe this remarkable American a tremendous debt of gratitude. His leadership redefined the political landscape in our country and energized our people with purpose and hope. To paraphrase the poet, "we shall not soon see his like again."

Mr. Speaker, on behalf of the people of California's 45th district, I extend my deepest sympathy and condolences to First Lady Nancy Reagan, their children and the entire Reagan family. I have no doubt that President Reagan has seen his faith rewarded as he goes to his rest. May God Bless President Ronald Reagan.

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to join my colleagues and remember the vision and achievements of our 40th President, Ronald Wilson Reagan. Ronald Reagan came to Washington with a core set of values that guided him through his two terms as our Nation's leader. President Reagan fought to reduce taxes, diminish the role of an intrusive Federal bureaucracy, and to end forever the oppressive Communist regime in the Soviet Union and Eastern Europe.

The times during which Reagan sought to achieve these goals could not have been more daunting. America in 1981 was a land of broken spirit. Many citizens could not live the American dream due to interest rates in the double digits. The Soviet Union had surpassed the United States in military capability. But Ronald Reagan achieved what he set out to do through a combination of ideology, pragmatism, charm, self-effacing humor, and, yes, hard work.

When the President left office in 1989, the Nation was in the midst of an economic renaissance. The Reagan tax cuts led to 96 straight months of economic growth. Record numbers of Americans were experiencing the pride that goes along with home ownership and economic self sufficiency. The Communist bloc would soon be a memory due to Reagan's determination. Ending communism was a stand upon which Reagan absolutely would not compromise. To him, the Soviet Union was truly an "evil empire" which was morally at odds with the United States and the principles of human dignity. Reagan battled head-to-head with Gorbachev at five peace summits and at home secured more money for our Nation's defense. Thanks to this combination, millions upon millions now live in freedom and Russia is a valued ally in America's quest for global freedom.

Perhaps the most enduring legacy of Ronald Reagan was his ability to make us proud to be Americans. Reagan gently lifted our spirits with his cheery optimism and geniality. He soothed our fears with a good joke or a funny story. He could have been our friendly neighbor or our favorite uncle. A reporter once asked Reagan what Americans saw in him, to which he replied "Would you laugh if I told you that I think, maybe, they see themselves, and that I'm one of them? I've never been able to detach myself or think that I, somehow, am apart from them."

On a personal note, I cannot forget the warmth and kindness that I was shown by this great man. I first met Reagan in 1976 and later visited him at the Oval Office. He provided me with invaluable advice during my first run for Congress. During this meeting, he spoke of the beauty of our mountains and the kindness of the people of North Carolina. He remembered fondly his visits to Western North Carolina before he was a candidate and afterwards. During every meeting with Ronald Reagan I was treated with kindness, grace, and great humility.

Few political leaders have had the vision and integrity of Ronald Reagan. He had the guts and the courage to tackle the toughest problems of 1980s America. He left his office with a stronger and prouder nation than he inherited. He made us want to believe in ourselves and he made us a better people. Mr. Speaker, I and my constituents in Western North Carolina will always be grateful for Ronald Reagan's service to our Nation.

Mr. CRENSHAW. Mr. Speaker, this week our Nation lost an individual who had an enormous impact on our country and the world. Ronald Wilson Reagan, our Nation's 40th President, had a great and positive impact on our economy, our security, and our national pride. I believe that just as his achievements will remain with us for many decades, so too will his legacy of exercising sincerity and consistency in all actions, both inconsequential and monumental.

President Reagan was an ordinary man who became an extraordinary leader. I will remember him most for his sense of optimism and hope. In the most difficult of times, it was President Reagan who had the power to allay our worries, raise our spirits, and guide this Nation to prosperity.

Working on Ronald Reagan's first campaign in Jacksonville in 1980, I saw first hand his strength of character and his sense of optimism and hope. Ronald Reagan lifted this Nation up at the time when we needed it the most. He made us feel good about being American. Ronald W. Reagan knew who he was and he knew what he believed. These are the qualities of a great leader.

President Reagan's strength of character and firm beliefs led to revolutionary policies in dealing with the economy, national security, and federal taxation.

Under the presidency of Ronald W. Reagan, our Nation experienced a lengthy period of economic revival where inflation was brought under control, employment grew, and a stifling federal tax burden was lifted from millions of hard working Americans.

President Reagan's defense policies were pivotal in the collapse of the Soviet Union and the end of the Cold War. His commitment to a strong national defense and a safe and secure world is personified through the phrases, "Trust but verify," "Peace through strength," and most of all, "Mr. Gorbachev, tear down this wall!"

At the end of his two terms in office, the Reagan Revolution had succeeded in giving the Nation its longest recorded period of peacetime prosperity without recession or depression. President Reagan succeeded in keeping his campaign promise of restoring the great, confident roar of American progress and growth and optimism.

Mr. Speaker, I am so very pleased to have known this man. I am even more pleased that Ronald Reagan answered the call to public service and contributed all that he did. His leadership blessed our great Nation. Our country will never forget his awesome contributions. For now and years to come, may the people of the United States examine the life of our 40th President, and reflect upon his great achievements. Ronald Wilson Reagan lifted this Nation, and changed the world.

Mr. ISTOOK. Mr. Speaker, like millions of Americans, I want to pay tribute to President Ronald Reagan, the 40th President of the United States. I have shed many tears this week, because I loved Ronald Reagan, and I know how much he loved this country and the American people.

President Reagan inherited a country disillusioned and with serious economic problems, yet when he left office eight years later, it was truly "Morning in America." This was more than an economic boom. President Reagan restored pride and dignity to the United States and to the office of the presidency. He advocated personal responsibility and limited government—government that gives a hand up, not a hand out.

He deserves more credit than anyone else for the collapse of communism and the fall of the Iron Curtain, bringing freedom to many millions of people. He spoke proudly and freely of morals and principles, of right and wrong, of good and evil. He believed in the goodness of the American people, and he helped us believe in ourselves.

Recently, my wife and I made a special trip to visit the Reagan ranch near Santa Barbara, California. The humble and simple nature of his beloved ranch home reflects the genuine basic values that he cherished and lived by. America is a better place because of Ronald Wilson Reagan, who greatly loved our country and who championed our ideals.

Mr. SMITH of Texas. Mr. Speaker, I was honored to have served in Congress for the last 2 years of President Reagan's second term.

President Reagan devoted his life to the preservation of freedom. He believed that "no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

His global fight against communism is one of the most significant events in world history. Many said this enemy of freedom could not be conquered. But the Berlin Wall fell because President Reagan made it fall.

Since the president's death last Saturday we have heard all or parts of the speeches that inspired so many for so long. They earned him the nickname "The Great Communicator."

Mr. Speaker, President Reagan will always be The Great Communicator because of what he said and did. But his public remarks were also notable for what he did not say and what he did not do.

He did not pound the podium. He did not flail his arms, or yell. He did not substitute manufactured emotion for reason. He did not exploit human suffering.

The style and manner of his speech combined with the power of his ideas made verbal and physical gimmicks completely unnecessary.

Mr. Speaker, there are many ways to judge a president's place in history. I believe a question we must ask is: What kind of impact on world and national events does a President have after he leaves office? By that standard President Reagan is a historical giant. Consider two examples:

First, President Reagan initiated the largest peacetime expansion of our military ever. It gave him the strength to win the Cold War without firing a shot.

But would our soldiers, sailors and airmen have achieved such rapid success in the first Gulf War if we sent our 1980 forces and weapons to fight? Would we have won the ground war in 100 hours without President Reagan's military build-up? Of course not. I believe we would have prevailed, but not with such stunning success.

And our modern, 21st Century military that is fighting the war on terror in Iraq today would be years, if not decades away, without President Reagan's "Peace Through Strength" doctrine.

Second, President Reagan launched the boldest economic growth plan since the New Deal. When he came to office 14 income tax brackets, with the top rate a suffocating 70 percent. After he left office there were only two income tax brackets existed, with a top rate of 28 percent. Yes, we know this created the longest economic boom in history throughout the 1980's. But what about the 1990's?

Mr. Speaker, without President Reagan's three-year across-the-board tax reduction plan in 1981, and without the fundamental restructuring of the nation's income tax code in 1986, we would not have experienced the job creation machine of the 1990's. We would not have created a new class in America—the Investor Class. And our economy certainly would not have survived and rebounded as it did after the 9–11 terrorist attacks and corporate scandals.

President Reagan left office with a united America, a strong America, and a prosperous America. His America is the country every president—every American—aspires to live in.

Mr. MEEK of Florida. Mr. Speaker, Ronald Reagan forever changed the landscape of American politics. He will be remembered as a President who loved his country and inspired us all to be better Americans.

President Reagan was a principled leader, and many times his beliefs put him at odds with Democrats. Despite these disagreements, he taught us that there is a big difference between bitter partisanship and strong beliefs.

My thoughts and prayers are with Mrs. Reagan and her children at this difficult time.

Mr. SULLIVAN. Mr. Speaker, on the passing of President Reagan it is right and good that our Nation gathers for mourning, prayer, and remembrance.

As I inventory my memories of Ronald Reagan, I can't help but smile at the recollection of such a good and sensible man. The first time I voted for a President, I voted for Ronald Reagan. Each time since I cast my first ballot, I have compared every candidate to President Reagan.

That's because Ronald Reagan set the standard, he personified leadership. He . . . was . . . America. He was our greatness, our promise, our free will, and our character.

Ronald Reagan showed us love of family, even in the midst of challenges to our values and barbs to tradition.

He and Nancy were unafraid to show their affection, to put their pure love for each other on display. When you saw the Reagans together, you couldn't help but feel part of their family. Their mutual fondness and love brought true meaning to the term "first family."

Not only a defender of traditional values, Ronald Reagan brought common sense to bear on government. He reigned in the scope of the federal government, while spurring growth in the private sector.

Ronald Reagan changed the world. He spread democracy to places where freedom was a term without meaning. President Reagan stood up to the rising tide of communism, instead presenting the future that liberty ensures.

He changed the world by example, showing the power of a free people. He ended the cold war with fearless resolve, lifting our fears of imminent attack by soviet missiles and giving a future to nations ravaged by the ills of communism.

Not only did Ronald Reagan change the world, he changed America. He led us back to prosperity. He made us proud to be Americans again. Ronald Reagan brought us closer to his image of a "shining city on a hill," and showed us that we could be great again. Under Reagan's guidance the rest of the world came to look to us for our leadership again.

And although we are saddened by his death, we are comforted by the promise he restored in America. President Reagan said "For while I take inspiration from the past . . . I live for the future." So must we.

Mr. REHBERG. Mr. Speaker, I remember working in Washington during Ronald Reagan's transition in 1980. It was heartening to see the change in attitude and renewed patriotism among the public and in Washington. You see, in those days so many Americans felt discouraged about their government and their future.

And then the sheriff rode into town. He brought with him a wholesome, Western perspective. His optimism was contagious, and he had a love for this country and its people as big and as colorful as the Montana sky. His was a kind of hope that people hadn't seen in our Nation since well before Vietnam, Watergate, and the tough economic times that he came to vanquish.

"Sheriff" Reagan's determination and infectious charm disarmed this town of its grip on the American taxpayer, in favor of limited government, free enterprise, and a renewed faith in the power of the American Dream. Abroad, our President's unwavering stand for liberty brought down the Iron Curtain, ended the Cold War, and helped restore freedom to millions of people around the world. He made us—made me—proud to be an American.

Several years ago, that sense of pride motivated me to successfully lead the effort in Montana to change the name of our annual Republican Lincoln Day Dinners to Lincoln-Reagan Day Dinners, in honor of the two greatest Republicans, Abraham Lincoln and, of course, Ronald Reagan.

Mr. REYES. Mr. Speaker, I rise to express my sorrow on the passing of President Ronald Reagan.

I had the privilege of meeting President Reagan twice—once when I participated in a G.I. Forum event in El Paso, TX, honoring veterans, and the other time while I was in the Border Patrol providing security as the President visited Brownsville, TX.

It was easy to see that President Reagan was blessed with a good nature and positive spirit. All Americans remember his abiding love of country and strong defense of freedom.

President Reagan has left a lasting legacy in the way he confronted communism and helped to end the Cold War. He was the kind of leader we needed during those difficult years. For that, our Nation, and the world, will be forever grateful.

On behalf of my constituents in El Paso, I extend heartfelt condolences to the Reagan family during this very sad time.

Mr. GINGREY. Mr. Speaker, during our week of mourning for President Ronald Reagan, I want to take a moment to honor the life and memory of a great Reagan Republican, Jack Vaughan, who died June 11, 1994, at the age of 33. Jack campaigned for Ronald Reagan on both Presidential campaigns, worked for Newt Gingrich out of college, and served three terms in the Georgia General Assembly before falling victim to cancer 10 years ago.

Jack was a College Republican who really took Reagan's message of optimism to heart. His love for his country and State propelled him into public service and led him to three unopposed terms in the Georgia State House of Representatives. He was a leader to Cobb County, the State of Georgia, and served as inspiration for young Republicans seeking careers in public service.

Since his death in 1994, the Georgia Republican party has named their young Republican of the year award after Jack Vaughan, for the most distinguished individual going above and beyond his or her means to serve party and country.

Jack Vaughan was the son of Gretchen and Jack Vaughan; he is survived by his wife Diane Vaughan Rainey and son John Vaughan III.

Although Mr. Vaughn is no longer with us, his spirit of hard work and dedication lives on in the hearts and memories of all those who wish to better our country and see the worth and value of the American people and citizens of Georgia.

Mr. LATHAM. Mr. Speaker, former President Reagan's influence on the world was tremendous. He was bigger than life. Whether it was on the silver screen or before thousands of cheering Americans—he was, in so many ways, the American dream. His messages of hope and possibility touched so many people around the world.

Many Iowans have a special place in their heart for Ronald Reagan or "Dutch" as he was known to those who used to listen to him on the radio during the 1930s.

In 1932, after graduating from college, Reagan began working as a temporary staff announcer for radio station WOC in Davenport, IA. In 1933, WOC merged with radio station WHO in Des Moines, and Reagan was hired as chief sports announcer for the new station. Here, Reagan announced Chicago Cubs baseball games—reading them from teletype reports. I remember him recounting how he was forced to improvise games for as long as 15 minutes when the teletype machine would unexpectedly stop.

At the time, radio personalities were treated as big stars and what a great place to start a career in entertainment—in Iowa. As we all know, Mr. Reagan went on to a career in movies but many Iowans remembered listening to his sportscasts and helped him in pursuit of higher office in the 1970s and 80s.

I can remember "Dutch's Dollies"—a group of ladies who were longtime fans cheering wildly at his campaign events. They were loyal supporters with very long memories of their man Dutch.

There are many great stories about Ronald Reagan and his ties to Iowa, but I want to express my admiration for the entire Reagan family.

Ronald Reagan touched me in a manner I could not anticipate—through Alzheimer's disease.

For the better part of the last decade I shared the sadness of this disease with the Reagan family. Like all Americans, we read about the Reagan family's long goodbye to the President. During their painful days, the entire Latham family was saying their own long goodbye to my father Willard Latham, who succumbed to the disease in 2001.

Ronald Reagan will be remembered for many things but for millions this week we are reminded of the ravages Alzheimer's disease has on its victims and their families. Let us all pray for those who are devastated by this affliction and let us keep the Reagan family in our thoughts and prayers.

Mr. PORTER. Mr. Speaker, today is a day of reflection. We reflect on the life and leadership of former President Ronald Wilson Reagan. We remember all that is good in our country, and all our Nation has to offer its people. Ronald Reagan made a significant and lasting contribution to the strength of our economy, our military, and restored America's self-confidence.

President Reagan was an inspiration to me as I embarked upon a political career in Boulder City, NV, more than 20 years ago. He instilled in me that America was indeed a place everyone can rise as high and as far as his ability will take him. His own humble beginnings are proof of that. He taught me the meaning of civility, and to respect your political adversaries despite your disagreements.

President Reagan changed the course of history, for both the United States and the world. He implemented foreign policy that would later end the cold war and free many nations from the iron curtain.

President Reagan strengthened our economy. His leadership taught us that the Federal Government is not the solution for our problems and set us on a course that would lessen taxes and decrease inflation, helping many Americans achieve the American dream.

On behalf of the people of the Third Congressional District from the great State of Nevada, I offer my deepest sympathy to Mrs. Reagan and the entire Reagan family.

To conclude, let me recap the final words of President Reagan's farewell address to the American people from the Oval Office—"My friends: We did it. We weren't just marking time. We made a difference. We made the city stronger. We made the city freer, and we left her in good hands. All in all, not bad, not bad at all."

Mr. President, thank you for all you've done for the Nation and the world. Americans will miss you.

Mr. TIAHRT. Mr. Speaker, we have lost a giant in American politics and world history. Ronald Wilson Reagan was not only a great President, he was a good man. He will be remembered fondly for his character and with great appreciation for his tremendous triumphs in spreading peace and freedom throughout the world.

In addition to tearing down the iron curtain of communism, rebuilding America's military, presiding over the Nation's longest period of growth and prosperity, it was the little things that made him great. He cared about people, including the smallest among us. His heart of kindness reflected that of his Creator's in its compassion toward "the least of these."

Ronald Reagan comforted us when we grieved. Whether to the families of the 101st Airborne Division or to a Nation in shock after losing the space shuttle *Challenger*, President Reagan knew what to say and how to say it. He also knew when to be silent and simply offer a reassuring embrace. He was the most powerful man in the world, yet he exuded the warmth and kindness of a gentle grandfather. We respected not just the office he held, but the man who held it.

President Reagan earned his respect. He knew what he believed, established his goals upon those beliefs and committed to achieve his dreams. The world is a much improved place because he lived by his deeply held convictions.

Ronald Reagan knew you shouldn't penalize people for working hard, so he fought to enact sweeping tax relief that spurred unparalleled economic growth. He knew there was a difference between good and evil, so he called out the "evil empire," and it ultimately crumbled. Ronald Reagan knew people wanted to feel good about this country again, so he told us it was morning in America—and we saw that it was.

He touched numerous lives in the Fourth Congressional District of Kansas. Every year I attend the Lincoln Day Celebration in Independence, KS, I am reminded by local residents of Ronald Reagan's visit there in 1966. They remember it as if it were yesterday. And they still love him.

We love Ronald Reagan. We have named our national airport, Washington's largest government building and more than 50 other sites across this country in tribute to our Nation's 40th President. He captured our hearts with his next-door-neighbor kindness, rekindled our patriotism with his effusive and infectious love for this country, and he inspired us with his principled leadership.

In his personal and moving letter disclosing his bout with Alzheimer's disease, the President conveyed the essence of his entire being. In that letter, he was optimistic about America, and he asked us to take care of his beloved Nancy because he was concerned about the burden she would bear. There was not a word of self pity or dread. Ronald Reagan wrote about the sunset of his life, but proclaimed for America, "a bright dawn ahead."

Mr. Speaker, we too believe that America's future is bright, but it pales in comparison to the place where Ronald Reagan now lives.

President Reagan had a strong faith in God and spoke of his reliance on prayer in both good and difficult times. During his address at the National Prayer Breakfast in 1982, President Reagan said he believed the United States was a blessed land that had been set apart in a special way. But, he also had the following warning:

> Sometimes, it seems we've strayed from that noble beginning, from our conviction that standards of right and wrong do exist and must be lived up to. God, the source of our knowledge, has been expelled from the classroom. He gives us His greatest blessing, life, and yet many would condone the taking of innocent life. We expect Him to protect us in a crisis, but turn away from Him too often in our day-to-day living. I wonder if He isn't waiting for us to wake up.

President Reagan went on to urge Americans of faith to get involved and to restore "our spirit of neighbor caring for neighbor." In his conclusion he added:

> We are told in II Timothy that when our work is done, we can say, "We have fought the good fight. We have finished the race. We have kept the faith."

Ronald Reagan's struggles on this earth are finished, but his work carries on. He indeed fought the good fight, and we are all better off because of it.

May God bless Ronald Wilson Reagan, and may God provide strength, peace and encouragement to Mrs. Reagan and the Reagan family in the days ahead.

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor America's 40th President, Ronald Wilson Reagan.

President Reagan was an ordinary man who led an extraordinary life. He came from a middle-American family of modest means to become the leader of the most powerful Nation in the world, inspiring its people along the way.

President Reagan was a decisive leader. He was a strong commander-in-chief. He was a statesman. He was a gifted communicator. He was a skilled political adversary. He was an eternal optimist. He was a patriot. He was, above all, an American. He used these skills, and his love for our country, to change the course of history for the better.

President Reagan accomplished much during his presidency. He helped defeat communism and end the Cold War. He rebuilt our national defenses. He advanced freedom throughout the world. He led the longest economic recovery in our Nation's history. He lowered taxes. He fundamentally changed the way we think about government. "We meant to change a nation," he said in his farewell address to the American people, but instead, "we changed the world."

President Reagan literally helped save a world that needed saving.

President Reagan also convinced us to believe in ourselves again. He took charge of a wounded Nation that doubted itself and helped us rediscover our pride and patriotism. He reminded us that America and its people are fundamentally good, decent and deserving of God's blessings. He restored America's greatness and instilled in us his eternal optimism that our best is always yet to come.

President Reagan left America better, stronger, freer and more prosperous than we ever had been. Looking back on his accomplishments in the White House, he said that he was proud that "we weren't just marking time; we made a difference," adding with his usual humility "all in all, not bad, not bad at all."

Not bad at all, Mr. President.

President Reagan battled Alzheimer's disease with the same dignity and courage with which he lived his life. He asked us, in his last letter to America, to remember that he had "the greatest love for this country of ours and eternal optimism for its future." We know he loved America. I think it is clear America loved him.

Mr. Speaker, I am proud to have known President Reagan and am honored to have, in some small measure, done my part to ensure that his vision for America and the world came to pass. We all owe him a debt of gratitude for dedicating his life to improving ours.

In this time of great sadness for the Reagan family and the American people, let us take comfort in the knowledge that the leader we so loved has fulfilled his earthly mission and has finally reached the place of peace in which we all may one day rejoice. May God eternally bless Ronald Reagan and continue to watch over the shining city on a hill he so loved.

Mr. COLLINS. Mr. Speaker, today, I pay tribute to a great American, our 40th ' President, Ronald Reagan.

Under Ronald Reagan's presidency and leadership, America stood tall again in the world as a "shining city on the hill." Americans were proud once again to be Americans.

Ronald Reagan assumed the presidency when America was facing an Iranian hostage crisis, a rising inflation rate, increasing unemployment, and an energy crisis that saw Americans waiting in lines to purchase gasoline.

Upon assuming the presidency, Ronald Reagan proposed a bold economic and defense program. His economic policy created the longest peacetime job expansion in history. Under his leadership, our defenses were rebuilt to handle any adversary. It was his leadership that saw America triumph as the communist evil empire that scarred Europe fell.

President Reagan fought for his convictions and followed up his campaign promises with successful action. Under his leadership, government bureaucracy and regulations were reduced. Taxes were lowered and a strong national defense was rebuilt to fight against the spread of communism. These moves won him a landslide re-election victory.

I agree with the words of this great President when he said, "government is not the solution. Government is the problem."

I also agree with President Reagan's words at the 1992 Republican National Convention in Houston, TX, when he said:

> A lot of liberal democrats are saying it's time for a change; and they're right; the only trouble is they're pointing to the wrong end of Pennsylvania Avenue. What we should change is a Democratic Congress that wastes precious time on partisan matters of absolutely no relevance to the needs of the average American. It's time to clean house. Clean out the privileges and perks. Clean out the arrogance and the big egos. Clean out the scandals, the corner-cutting and the foot-dragging.

Ronald Reagan was a president who, in a time of politicians, proved himself a statesman. He was a leader who, when others demanded compromise, preached conviction; a gentleman who, in time of average men, stood taller than anyone else.

He ranks as one of the finest men ever to hold the office. He was successful as a radio broadcaster, actor, union leader, Governor and President. But, above all else, he was a successful American whose legacy lives on in these halls and across this land. May God bless this great man, his family and this land that he so dearly loved.

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Alan VanderMeer on his retirement from the Plumbers Local Union 210. Alan has spent over 40 years dedicating his life to the interest of the Plumbers Union as well as his community in Northwest Indiana. There will be a celebration of his accomplishments on June 10, 2004 at the Plumbers Local Union 210 in Merrillville, IN.

Alan has accomplished many visionary goals throughout his career. After being initiated into Plumbers Local 130 in Illinois, Alan admirably served in the Armed Forces in 1962. He also served as an Apprentice for

Plumbers Local 130 from 1960 to 1964, and in 1978 he transferred to Local 519 in Miami, FL.

Alan later demonstrated his loyalty by his outstanding service to Plumbers Local 307 in Hammond, IN. He transferred to Local 307 in 1980 and was appointed J.A.T.C. member in 1984. In July 1990, he was elected as Business Manager and he served as J.A.T.C. Chairman, Retirement Trustee Chairman, Welfare Trustee Chairman, Arbitration Board Chairman, Property Trustee Chairman, Local 307/433 Joint Organizing Trust Co-Chair, PAC Chairman, and Golf Committee Chairman. During the years 1991, 1996, and 2001 he was a Delegate to the United Association Convention. He is presently a Delegate to the Indiana State Pipe Trades, where he served as Vice President from 1990 to 2000.

Alan was initiated into Plumbers Local 210 in July 2000 and was appointed Business Agent. He currently serves as J.A.T.C. member, Retirement Fund Trustee, Welfare Fund Trustee, Vacation Fund Trustee, Market Recovery Fund Trustee, Arbitration Board Member, Property Fund Trustee, and Golf Committee Chairman.

While Alan has dedicated a substantial portion of his life to the betterment of union members he has always found the time to serve his community as well. Since 1990 he has been the Chairman of Plumbers Local 307 and Local 210 Children's Christmas parties. Alan currently serves on the Board of Directors for the Lake County Contractors Licensing Board, the Hammond Urban Enterprise Association, and the Workforce Investment Board. He is a member of Pirates and the American Legion. Alan was also awarded the 2004 Sagamore of the Wabash by Governor Joe Kernan.

Mr. Speaker, Alan VanderMeer has given his time and efforts selflessly to the people of Northwest Indiana throughout his years of service. His family and friends can be proud of the contributions this prominent individual has made. I sincerely wish Alan VanderMeer a long, happy, and productive retirement. Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring and congratulating Mr. Alan VanderMeer for an outstanding career, not only with the Plumbers Union, but in service to his community as well.

Mr. SCHROCK. Mr. Speaker, today I rise to honor and remember a great man, a great leader and a great President.

Ronald Wilson Reagan is a man none of us will soon forget. In the annals of American and world history, Ronald Reagan will be recognized and remembered with the great leaders of our past like Winston Churchill, George Washington and Abraham Lincoln.

As a principled leader, he challenged political leaders in our Nation, in both parties, to go beyond the status quo, to think beyond the realms of the possible, to reach new heights in public discourse by doing more than debate the problems ailing the American people, and to actually find a solution.

He actively worked to enact new policies that brought our Nation out of the malaise of the 1970's.

He fought communism and tyranny, bringing freedom to more people in the world than has ever been achieved in history.

His principle of, "Peace through strength," not only led our Nation to become the preeminent superpower in the world, but it also brought the Soviet empire down to its knees, ending the Cold War once and for all.

When was the last time we have seen a world leader stand boldly on the doorsteps of an enemy and challenge him to "Tear down this wall"? President Reagan knew what had to be done and he did it. Why? Because it was the right thing to do.

I think most Americans will remember Ronald Reagan for the inspiration he gave us all. He helped us to believe in ourselves again. After our failed efforts in Vietnam and the protests and marches against our actions there, after Watergate, after economic malaise, and after the Iran Hostage Crisis, America was in a state of despair with very little hope in the future.

But President Reagan helped us to believe we could be better, and became better. He showed us America could be strong and win the Cold War, and we became strong and won it. He promised us he would invest in the American people to turn the economy around. He made that investment and dividends are still paying off today.

President Reagan optimistically led the way. The Nation followed and we are better off because of it.

In spite of all that President Reagan did for our Nation, the one thing that speaks volumes about his character and the man that he was, was the way he loved Nancy. He was not embarrassed about his love for her, rather he demonstrated it at every opportunity.

President Reagan was committed to his family, to his Nation and to the world. He was dedicated to his integrity, principles and the belief that America could become that shining city on a hill.

Today, we say goodbye to this great man, leader, President and husband. We miss President Reagan. May God bless him and his family.

Mr. ORTIZ. Mr. Speaker, my memories of Ronald Reagan are much like the memories of so many of those who met President Reagan and who were absolutely charmed by him.

Ronald Reagan wasn't just called the "Great Communicator" because he could give good speeches; he was a brilliant communicator on all levels. He understood how the everyday person on the street understood issues, and he framed things in such a way that people believed him. He presented his ideas simply and eloquently.

He was also excellent one-on-one. His Irish charm was all encompassing. That charm made him an agreeable opponent when we disagreed on issues. He welcomed opposition on a matter; he understood that democratic societies only flourish when both sides of an issue are clearly heard. He relished debate.

President Reagan's acting career was helpful to him in his political career, although his detractors often denigrated him for it. But he was a good actor; his performance in Kings Row was widely hailed. But World War II intervened and his advancing career was diverted to military service, making movies for the troops.

My personal memories of the President were times we saw each other in the White House or the Capitol. The first time we met, my 10-year-old daughter, Yvette, accompanied me to the White House party for new Members of Congress. After being rebuffed by a security guard when she asked if she could get Reagan's autograph, the President found out and obliged her with his autograph.

I remember another meeting with him that was rather high stakes on the international stage. I'd just returned from El Salvador in the mid 1980s with a CODEL of House Members where we'd sought to bring back good information about the rebel uprisings in Central America, particularly there in El Salvador.

Talking about—and debating at points during the conversation—international policy with the President of the United States in the Oval Office was a heady moment. We marveled that a migrant worker from Robstown and a lifeguard from Illinois would wind up in this room, talking about such important things.

He loved this Nation and felt a great responsibility to it. When his tax cuts and economic policies produced mountains of massive deficit, he stepped up and reversed his policy, raising taxes higher than any president before him—or since—has ever done. His insistence that the Soviets tear down the Berlin Wall rang truer than anyone would have believed at the time.

He had a sweet soul. This was one of the central tenets of the man. He loved his wife deeply, and the entire Nation has come to love her even more after they left the White House. Nancy Reagan's monumental strength in the face of facing her dear husband's illness, without him entirely with her, might have broken lesser people.

One of the President's greatest contributions to humanity, and to this Nation, may have come after he left office to begin the long dark walk away from us, and his beloved family. That this strong, vigorous man was so removed, so empty, was chilling for all of us. The eyes that danced with Irish charm began to narrow with confusion.

The Nation was deeply moved watching this much-loved president face the indignities of Alzheimer's so bravely and with such conviction. We have been moved to seek new science and new treatments for the cruel disease that claims the last decades of many Americans, and drains their families.

For all we have said here today, Ronald Reagan will be remembered most profoundly as an eternal optimist, embodying the quintessential American spirit. At our core, we are all optimists, thinking about tomorrow. Former House Speaker Tip O'Neill once illustrated President Reagan's indomitable optimism with a story the President told him. President Reagan compared himself to the kid who walks into a room full of horse dung, and asks excitedly, "Where's the pony?"

I join the House of Representatives today in honoring the life and service of Ronald Wilson Reagan and offer my condolences, those of my family, and those of my South Texas constituents, to Mrs. Reagan and the rest of their family.

May the Lord bless President Reagan's soul, and comfort Mrs. Reagan and their family in this time of loss.

Mr. KILDEE. Mr. Speaker, I remember Ronald Reagan as an enthusiastic American patriot. He truly enjoyed being President. He was just like everyone's uncle or grandfather. He always had a kind word to say. He could disagree, without being disagreeable.

I have served with six Presidents, and I liked him personally.

Even one of his principal opponents, House Speaker Tip O'Neill, liked him.

President Reagan was well known for his great sense of humor. On Saint Patrick's Day, Tip O'Neill invited President Reagan to the Speaker's dining room to have lunch with the Irish Members of Congress. In his remarks, President Reagan said, with great humor, "I am told that on Saint Patrick's Day, one should spend time with saints and scholars, so you know that when I leave here I will have to go to two other places."

We all loved it.

On the international level, President Reagan made it difficult for the Soviet Union to compete with us, either economically and militarily.

May he rest in peace.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor former President Ronald Wilson Reagan and to extend my deepest sympathies to former First Lady Nancy Reagan and the Reagan family. I join with the millions of Americans who mourn the death of our 40th President. President Reagan demonstrated an unwavering commitment to freedom, justice and democracy and left an indelible mark upon our Nation and the world.

On this occasion of remembrance, we are reminded of the pain and devastation wrought by Alzheimer's disease, a neurological illness which President Reagan endured during the last decade of his life. From this challenge, Mrs. Reagan has led a valiant effort to enable ongoing embryonic stem cell research, in the hope for a cure for this debilitating disease, as well as Parkinson's, Diabetes, Cancer and Multiple Sclerosis.

On April 28, I joined more than 200 of my colleagues in the House of Representatives in sending a letter to President George W. Bush in support of Mrs. Reagan's efforts on behalf of scientific research on stem cells. In February 2003, Senators HATCH, FEINSTEIN, KENNEDY, SPECTER and HARKIN introduced legislation to ban human reproductive cloning but allow nuclear transplantation research to continue under strict federal guidelines. I commend them for their leadership on this important issue and know that with the continued support of Mrs. Reagan, progress toward a cure for Alzheimer's and other diseases will be possible, ensuring a brighter future for millions of Americans.

As we honor the life and legacy of President Reagan and extend our condolences to his family and friends, let us remember the dignity and grace with which he lived his life and provide a fitting tribute to his memory by renewing the commitment to this noble cause.

Mr. HOBSON. Mr. Speaker, I rise today to join my colleagues, indeed all Americans, in paying tribute to a great man, the 40th President of the United States—Ronald Wilson Reagan.

President Reagan was an extraordinary and visionary leader, who saw our great Nation as having a unique role, purpose, and destiny in the world. He saw it as a beacon of freedom, a land of unlimited opportunity, and in his words, a shining city on the hill.

Mr. Reagan took office during a time of great pessimism. There was Watergate; Vietnam; the hostage crisis in Iran; and gas lines, runaway inflation, and double-digit interest rates here at home. There were those who told us that we had to lower our expectations, that we could no longer shape our destiny, and that our best days were behind us.

Ronald Reagan saw a different future. It was a future in which we were limited only by the size of our dreams; where the spirit of our pioneer ancestors was still alive, it just needed to be rekindled. It was a vision where hard work, imagination, creativity, and a little luck would allow ordinary men and women to accomplish extraordinary things.

Taxes were cut, inflation and interest rates were reduced, and gas lines disappeared. Americans went back to work; the economy roared forward; and in the process, Mr. Reagan restored our confidence, uplifted our spirits, and made us proud to be Americans again.

The rebirth here at home was accompanied by equally dramatic changes abroad. The march of totalitarianism, that seemed inevitable a few years earlier, was halted as Mr. Reagan rebuilt our defenses. The creaky Soviet system disappeared quietly, without a shot being fired. And the Berlin Wall, the greatest symbol of oppression, fell, and millions of people around the world tasted freedom for the first time.

We Americans, and indeed all freedom loving people around the world, owe President Reagan an enormous debt. We will miss him, but history will never forget what he accomplished in 8 short years. As a grateful nation comes together to say goodbye, our collective thoughts and prayers go to Mrs. Reagan and her family.

Mr. NUSSLE. Mr. Speaker, I rise to honor President Ronald Reagan. Ronald Reagan once said, "We in government should learn to look at our country with the eyes of an entrepreneur, seeing possibilities where others see only problems." It is that spirit that brought me and many others into the public service profession. I am proud to have cast my first presidential vote for Ronald Reagan in 1980. Fortunately for this country and the world, a majority of my fellow citizens agreed.

Ronald Reagan served as a beacon of hope and inspiration. His vision of a stronger, optimistic America inspired me to action. In 1980 I was a young student at Luther College in Decorah, Iowa and I jumped right into grassroots politics on my campus. I was selected to attend the Republican National Convention that summer and was one of the youngest delegates there.

Iowans are proud of our connection to President Reagan. WOC, a Davenport radio station in my district, gave Ronald Reagan his first job out of college and he lived in Iowa for several years.

Ronald Reagan made the future something to charge toward rather than fear. His philosophy was based on a brilliant truth: He knew without a doubt that having faith in Americans would create the best America.

The Reagan Revolution is still the foundation for my core beliefs: The American people make better decisions about their daily life than the government can for them. Keeping America secure is job one. Peace is best achieved when you negotiate from a position of strength.

I keep a plaque on my desk with a quote from Ronald Reagan. It reads "There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

Today, I join my colleagues, thousands of Iowans and millions of Americans in giving credit to Ronald Reagan for renewing our nation and for changing the world forever with his leadership and ideals.

Thank you, Mr. President for reminding us why we should be proud to be Americans and for making us feel safe when nothing in the world seemed safe. Above all, thank you for your humor, optimism and for believing the best in us. We will never forget you.

Mr. SMITH of New Jersey. Mr. Speaker, Ronald Reagan was great world leader with a fierce devotion to freedom, democracy, and the sacredness of human life—including the unborn.

He advocated peace through strength and played a major role in dismantling Soviet Communism which he rightly called the evil empire and stopped its extension into Latin America and elsewhere. I remember some of his critics laughing when he challenged Gorbachev in Berlin to "tear down this wall." They're not laughing any more.

Ronald Reagan championed the 1981 tax cut—the largest tax cut in history—totaling $750 billion by 1986. All wage earners—low, moderate and upper income levels—got a 25 percent across-the-board cut in personal income taxes. Long term capital gains were also cut and the results were stunning—19 million new jobs created as Americans began to believe and hope again.

Ronald Reagan was strongly pro-life and fervently believed that women deserved better than abortion and that unborn children are precious and deserve respect.

Having been elected to Congress in 1980 along with President Reagan, I saw firsthand and often how genuine he was. He was a man of abiding principle who inspired our Nation to greatness, always believing America's best years lay ahead.

He endured personal hardship—including an assassination attempt—with incredible poise, dignity, and even humor.

Who can forget President Reagan telling Nancy after he was shot, I forgot to duck.

President Reagan will be missed, but his legend will endure.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to one of the greatest leaders of the past century, a man who committed himself to making our Nation more powerful, united, secure, prosperous, and proud.

By definition, a leader is one who guides, and as President of this great country, Ronald Wilson Reagan guided us with grace and dignity through one of the most critical periods in our country's history. His optimism led our county into a new era and brought hope and freedom to millions of people in the world.

When the Cold War pitted the United States and the Soviet Union against each other in an ideological struggle of the highest stakes, President Reagan steered the nation and led the free world with steady resolve and confidence.

Throughout his time in office, President Reagan stood for the principles and ideals of the American people. His steadfast moral clarity was not expressed in political rhetoric but implemented by action. His style was clear and bold. He redefined and transformed his political party with a new image and momentum. He set a new standard of political cooperation in American government. He created a new economic policy. Finally, he reestablished American leadership through the force of his vision and the power of his personality. Most poignantly, it was with that vision that he spoke boldly before the Brandenburg Gate in Berlin in 1987 to demand Soviet President Mikhail Gorbachev to "open this gate . . . tear down this wall". The rest is history. Within months the wall came down, Eastern Europe was free, and the Soviet Union collapsed.

Ronald Reagan spent 8 years turning American hopes and dreams into reality and affirming our status as the greatest nation on earth, and for that, America is forever indebted to him.

God bless Ronald Reagan.

Mr. JENKINS. Mr. Speaker, steadfast leadership, eternal optimism, profound faith, inspirational articulation, fierce patriotism: when America needed these qualities in a leader, President Ronald Reagan stepped in to fill the void. We come here to the Congress today to celebrate and honor the life of a man whose will forever be etched in history as one of the greatest leaders of the 20th Century.

The stories have been told so often by those of us who supported President Reagan over the years that they seem mundane, almost like a fictional novel or a movie script. High taxes, a struggling economy, a need for international stature and respect, and low morale affected the nation. At that time, a man who had come from the most humble beginnings stepped up to offer his vision for America. Washington politics tend to bring a variety of characters to the capital city, and Ronald Reagan was the unlikeliest of candidates: a child of a transient family with little income. He dreamed of being a writer or an artist, became a sports broadcaster, then a Hollywood actor, later a union leader, even later a governor, and finally a President.

His political affiliation would change over the course of a lifetime, but his core belief system remained essentially unchanged. Throughout his life, Ronald Reagan believed America is capable of great things and its people could and would lead the way if left unburdened by taxation and regulation. President Reagan also had an insatiable thirst to let the rest of the world enjoy the gifts of freedom and liberty. The "shining city on the hill" would be the beacon for the rest of the world.

Often dismissed or underestimated by political opponents, President Reagan had the most valuable weapon in the political arsenal: a bond with the people. Even in the face of his political defeats, it was the support of the American public that sustained and invigorated him.

In 1980, a nation in need of change selected Ronald Reagan to restore the shine to a tarnished America. Over the course of two terms, President Reagan revolutionized the Republican Party and changed the political atmosphere in a way still being felt today. He did what he said he would do. He lowered taxes, igniting an economic boom that reverberates to this day. A more streamlined tax code was authored. Regulatory burdens were challenged. Our armed forces were restored and then strengthened. The threatening scourge of communism was confronted in a way that America's enemies had not anticipated. Not only did President Reagan turn to face this menace, he out-argued his opponents and used the tools of freedom and democracy to win a war few thought could be won without the use of massive weaponry.

After achieving these monumental victories, one would think that perhaps President Reagan's ego would match the size of his victories. Nothing, however, was further from the truth. President Reagan always gave the credit to the American people and American ideals. He treated his job as a valuable temporary loan from the American people, a loan that should be respected and returned with dutiful appreciation. He left the office of the Presidency with a poignant farewell from the Oval Office:

> We've done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for eight years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made the city stronger. We made the city freer, and we left her in good hands. All in all, not bad, not bad at all.

Truer words have never been spoken, as President Reagan left Washington having achieved the triad of goals he was elected to accomplish in eight short years: improving the economy, restoring American prestige internationally, and reestablishing the confidence of the American psyche.

Just a few years later, his quiet exit from public life was as graceful as his exit from the White House. Ronald Reagan's well documented final battles with Alzheimer's disease were fought with the same conviction and courage that his many public battles were fought. We all knew the "long goodbye" would eventually knock at the door. And, while we sadly mourn our loss today and send our deepest sympathy to Nancy and the rest of the Reagan family, we can also take solace in and celebrate one last Reagan victory: the "Great Communicator" now has been welcomed to a place where his faculties are restored, his great skills have been returned to him, and he probably smiles down on us as a grateful America says "Thank you, Mr. President" once again.

Mr. MORAN of Kansas. Mr. Speaker, we are blessed to live in a country filled with so many men and women willing to go beyond the call of duty, to accomplish great things for the benefit of their fellow citizens. Each day, ordinary souls are called upon to perform extraordinary tasks. I rise to pay tribute to one of the greatest individuals of our time—President Ronald Reagan.

Like the WWII veterans honored last week during the dedication of the National WWII Memorial in Washington, D.C., and those honored this past Sunday on the 60th anniversary of D-Day in Normandy, President Reagan was a great American, steadfast in his appointed duty, thorough in thought, long on compassion and short on vanity.

His love of freedom and embrace of optimism were virtues of many in the Greatest Generation. Let us pray that our generation, and the generations to come, remember that freedom is a worthy cause.

I traveled to the beaches of Normandy this week, joining President Bush, Speaker HASTERT, and others, to commemorate the 60th anniversary of D-Day. During the ceremonies, I could not help but feel Reagan's presence.

In his own speech on that shore twenty years ago, President Reagan said, "The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or on the next. It was the deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest."

President Reagan understood, like our WWII soldiers, that what they were doing was not to harm, but to help. That even though sacrifices would be made—the greater good was at stake and no price was too high.

In announcing that he had Alzheimer's disease, Ronald Reagan said that he was beginning the journey that would lead him "into the sunset" of his life. He said, "I know that for America there will always be a bright dawn ahead." Since 1994, Reagan had suffered the cruelty of Alzheimer's. So our sorrow today is tempered by the knowledge that the President has indeed gone to a better place—a place where he has a front row seat to watch all the bright dawns that lie ahead for America.

President Reagan is responsible for so many of those bright dawns that we have to look forward to. He changed the world by living his convictions. Not "clinging to" them or "sticking to" them, but living them. Reagan's core beliefs were exactly that. They were at his core and were therefore part of his every action.

Reagan's convictions gave him confidence. He was a man of the people. He listened. And when he heard what the people needed, he took action, in accordance with his convictions. On the domestic front, the people said they were tired of their economy spiraling downward, so Reagan worked to reverse that trend.

To accomplish these feats, President Reagan was not afraid to take hard stances. But he also knew that these changes would take bipartisan efforts. We should all remember, respect, and try to live up to Reagan's model of bipartisanship. His efforts to change America were based upon his philosophy and beliefs—not upon any partisan gamesmanship.

On foreign policy, Americans said they were tired of living in fear, so Reagan worked to bring security. President Reagan engineered the end of the decades-long Cold War. Because of his policies, and his faith that freedom would prevail, our children and grandchildren are not growing up with the constant fear of mutual destruction. We all are able now to live in a world that, though still imperfect, strives toward peace, works for justice and rejects tyranny.

I call upon my colleagues to remember Reagan's strength. Remember him as he was while in office. In his final radio address as president, on January 14, 1989, Reagan said, "The hope of human freedom, the quest for it, the achievement of it, is the American saga." Reagan's hope, his quest, and all his achievements—those are what we all honor and remember.

Now, too, the Great Communicator, has gone the way of so many of our greatest generation. I rise not only in sadness for his passing, but more importantly in celebration of his life, his accomplishments and his deeds. I rise to pay tribute to President Reagan in the words he used to honor the crew of the *Challenger* Space Shuttle in 1986—"We will never forget him, nor the last time we saw him, as he prepared for the journey, waved goodbye and slipped the surly bonds of earth to touch the face of God."

Mr. NUNES. Mr. Speaker, I rise today to extend my condolences to First Lady Nancy Reagan, as well as the children, family and close friends of former President Ronald Reagan.

Mr. Reagan was a visionary leader who guided our great country through difficult and dangerous times. He faced adversity with a smile and quick wit. He solved problems with sober determination. He gave us hope for the future of freedom and prosperity. He reminded us what it meant to be proud Americans.

We mourn his loss but remember that he left us with a rich heritage of memories, ideals, and a trail of lives changed at home and abroad because of his efforts. For that, we will be eternally grateful.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of our 40th President and Illinois native, Ronald Reagan, and in strong support of H. Res. 664. Many words come to mind when President Reagan's name is invoked; principled, loyal, patriotic, compassionate, caring, and humble, to name a few.

His philosophy in life was the same philosophy that he employed in his approach to politics and government; believe in the good of people, believe that what is right will eventually triumph, believe in the value of each and every human life, and believe in the strength and the power of freedom and individual liberty. He once said that "America is too great for small dreams". He truly saw our great Nation as the shining city on the hill and as the beacon of freedom for oppressed people throughout the world. Nowhere else in the world and at no other time or place in history has one nation been so prepared and had the means to promote freedom, peace, and stability than the United States does right now. Ours is a heavy burden but one that must be borne. Reagan understood that.

He also once said that "you can tell a lot about a fellow's character by his way of eating jellybeans". In this simple way, he told us that, in the end, character is what matters and that life is really a series of simple choices between what is right and what is wrong. No one person is responsible for another person's destiny. It is the choices that we make everyday that we must account for. Reagan believed, as I do, that an individual's personal initiative and the willingness to accept the consequences and rewards for their actions and, most importantly, the freedom to do so, is what make our Nation great.

He believed in people. He believed in America. He traveled to towns in what is now my Congressional district, like Charleston, Illinois in 1976 and Mattoon, Illinois in 1980 because every person was important to him. The people in rural Illinois and similar places across the country believed in him, because he believed in them. He often asked, "did we forget that government is the people's business, and every man, woman and child becomes a shareholder with the first penny of taxes paid?" Reagan constantly promoted this philosophy of government. The government of the United States belongs to all of us and public servants have an obligation to the people to be good stewards of their dollars, uphold the Constitution, and protect them from all enemies both foreign and domestic.

He believed in peace. When naysayers told him that building our military and our nuclear arsenal would finally push us into a war with the former Soviet Union, he knew that principled diplomacy, firm, yet reasonable rhetoric, the economic power of our nation, and the promotion of freedom would bring communism to its knees. And when it did, he called on the scientific community who gave us nuclear weapons to "direct their talents to the cause of mankind and world peace to give us the means of rendering these nuclear weapons impotent and obsolete." He believed in peace through strength and he proved that it works.

I will miss President Reagan and I send my deepest sympathies and condolences to his family with the thanks for sharing him with me and the rest of the nation. He inspired many. He lived by example. Rest in peace, Mr. President.

Mr. OXLEY. Mr. Speaker, the leadership that Ronald Reagan provided changed the country and the world.

I had the privilege to be elected to Congress during the heady days of the 'Reagan Revolution.' I had barely won a special election in June 1981 to keep the Fourth Ohio District in Republican hands, and as a young freshman congressman was quickly invited to the White House to meet the President and his aides.

It was more than a welcome to Washington because the President's tax cut package was pending on the floor the next week, and I think they were there to take my temperature as well as to make sure that I was going to vote for the tax cut.

I was proud to support the tax cut, the military buildup that helped win the Cold War, and the President's policies up and down the line.

President Reagan's economic program lifted us out of the malaise of the late 1970s, when America was doubting its greatness, and set the stage for a historic period of prosperity that benefitted all segments of our society.

Still, I believe that Ronald Reagan is most likely to be celebrated as the President who led the way in winning the Cold War. People in the past had always talked about the containment of Soviet communism and yet Reagan's theory behind the Cold War was essentially, we win and they lose. He was able to lead the country and Congress into modernizing our military and ultimately brought about the end of what he called the Evil Empire.

For those of us who grew up in the shadow of nuclear annihilation, what could be more important than the victory that was won without firing a shot? It was won with ideas, and was something that I honestly thought I would never see in my lifetime.

I had the thrill of traveling with President Reagan on the Heartland Express during a whistlestop campaign tour through Ohio in 1984. Everytime there would be a crowd gathered in a crossroads in a small town, the President would stand in the back of the train and wave. He was obviously in a buoyant mood. Large crowds cheered him during stops in Sidney and Lima, and people still remember that today.

We remember President Reagan for his vision, leadership, and infectious optimism.

I don't think I ever met anybody in politics or anywhere else who didn't like Ronald Reagan as a person. They may have disagreed with him on a number of issues but they never disliked him personally. I think President Reagan's legacy in politics is this ability to disagree without being disagreeable, to see politics as a noble calling and that you have your debates and arguments and have a beer afterwards. That is missed very much today in Washington and I don't think we're the better for it.

Our country will accord its highest honors to Ronald Reagan as we pay our heartfelt respects to him this week. But he will be remembered each day that men and women live in freedom, because what Ronald Reagan ultimately believed in was dignity and liberty for each individual.

Mr. RYAN of Wisconsin. Mr. Speaker, first, I would like to share my heartfelt condolences with Nancy Reagan and the Reagan children. Our nation owes them a special debt of gratitude for their strength in caring for their husband and father over the past decade as he battled Alzheimer's disease and for everything they've done to uphold his dignity and legacy for our country.

As we prepare to lay former U.S. President Ronald Reagan to rest, it's important that we reflect on his brave and principled leadership—and the hope he gave to countless individuals in our country and around the world.

Looking back at the footage of Reagan's speeches and other public appearances, one of his most striking qualities was his enduring optimism. At the time that he entered the White House, self-doubt and pessimism had practically paralyzed our nation and most Americans saw no end in sight to soaring inflation, economic stagnation and the Cold War.

Though he had a realistic view of the challenges that faced the United States, Reagan believed in us. He knew that free individuals have immense potential for good, and he knew the strength of our American system of free enterprise and self-government. His "can-do" spirit infused our country and brought a renewed sense of hope and opportunity to those who had nearly forgotten what America stands for.

Fundamentally, Ronald Reagan trusted us. He trusted that Americans know how to spend the money they earn better than the federal government does. He trusted that, once barriers to private enterprise and economic growth were lifted, American creativity and drive would bring our economy and jobs back. He trusted American resolve in defense of liberty. And he trusted people enough to speak plainly with them about his beliefs and intentions.

President Reagan's words carried weight because we knew he meant what he said—and the Soviets and the rest of the world knew it too. He was not a poll-watcher. He was a man of conviction—a man with a clear philosophy that guided his actions. This philosophy was rooted in a love of freedom and a deep faith in God.

Speaking to students at Moscow State University on May 31, 1988, Ronald Reagan said "Democracy is less a system of government than it is a system to keep government limited, unintrusive: A system of constraints on power to keep politics and government secondary to the important things in life, the true sources of value found only in family and faith."

Imagine what it must have been like for him to bring this message to the heart of an empire where government had for decades superceded individual rights. Reagan's commitment to actually winning the Cold War, his determination to secure peace through strength, and his recognition that communism is a bankrupt, immoral ideology were essential to ending the Soviet threat and liberating the Eastern bloc nations and their people.

When you consider the countless individuals who owe their freedom in part to Ronald Reagan's leadership and the many Americans who today have close friends or family with whom they have reunited in areas formerly off-limits—who had been shut away behind the Iron Curtain—you get a sense of why so many across the world feel a personal connection with Reagan.

On top of all his achievements, beyond all that Reagan did to rejuvenate our economy, win the Cold War, and renew our country's sense of purpose and optimism, there was the man himself. He had great confidence in America's founding values as well as an excellent sense of humor. And he succeeded in raising the level of discourse in our political arena. People might have disagreed with him on policy decisions, and his opponents in Congress argued fiercely with him, but at the end of the day they respected one another. It was a time of greater civility in politics, and we should strive to recapture that.

We look to Ronald Reagan's example as an inspiration today and express once more the thanks of a very grateful nation.

Mr. MEEHAN. Mr. Speaker, this week, America is united in mourning for President Ronald Reagan.

President Reagan will be remembered as a great optimist who helped convince America to believe in itself again.

He believed that the Cold War would end and the Berlin Wall would fall during his lifetime. And he was right. His words inspired people living behind the Iron Curtain to believe that freedom was attainable.

Ronald Reagan was a loyal Republican but an American first. With his profound personal decency and disarming sense of humor, he rose above the kind of bitter partisanship that infects American politics today.

Personal attacks were below him. He was a patriot and a man of integrity—and he never questioned the patriotism or integrity of others.

Our politics were polarized then as they are now. But President Reagan knew how to compromise and get things done for the American people.

The Speaker of the House during the first six years of his presidency was Tip O'Neill of Massachusetts. Speaker O'Neill was a staunch Democrat with a very different vision for government, and a great leader in his own right.

Working across party lines, President Reagan and Speaker O'Neill passed reforms to preserve and strengthen Social Security. They enacted sweeping tax reform to close tax loopholes and lower marginal rates.

As we mourn and honor President Reagan, this Congress should pledge to follow in his example.

Hold firm in your beliefs, but respect those who differ. Compete vigorously at election time, but then go to work for the American people. Stand united in times of sorrow and adversity.

Ronald Reagan's final accomplishment will endure as one of his most important—bringing attention to the tragedy of Alzheimer's with his eloquent letter to the American people.

One of the best ways to honor him is to rededicate our efforts to find a cure for this terrible disease.

I join my colleagues in honoring the memory of President Ronald Reagan.

Mr. CANNON. Mr. Speaker, I rise today to celebrate the life of President Ronald Reagan.

First, let me extend my condolences to Nancy Reagan and the entire Reagan family for this tremendous loss. But let me also thank Nancy and her family for taking care of the President for all these years. Rest assured the nation mourns with you today.

When I think of President Reagan the feeling that stirs within me is hard to put in words. In reflecting on what to say I realized the best way for me to explain my feelings is to explain who I am. Simply, I am a Reaganite!

Being a Reaganite provided me the wonderful opportunity to come to Washington and work in the Reagan Administration. I did not come to Washington for a job but I came to Washington to be a foot solider in the Reagan Revolution. I had the opportunity to trade in the walking of precincts to walking the halls of his Administration. And for this I am forever grateful.

This opportunity allowed me to play a small part in President Reagan's goal of giving America back to America. As a result of his leadership, we did not hang our heads any longer but rather we raised them up and remembered our moral standing in the world. Through his leadership, a nation was motivated.

At the time President Reagan was elected to office, the country was losing faith and confidence in its being. In 1980, the Soviets had invaded Afghanistan, inflation was in double-digits, homeownership was near impossible and optimism was nonexistent. By the time his Administration ended, the Soviet empire crumbled, inflation's back was broken, homeownership soared and morning dawned in America. With a set of principles, one man who wanted to make a difference set out and changed the world.

But to see President Reagan's legacy, as George Will stated, one has to see what no longer exists. We no longer see Soviet expansion and aggression, we no longer see the Berlin Wall and we no longer see devastating economic plight. These are testaments to his courage and his ability to communicate his resolve to the nation.

President Reagan realized another decade of detente would not protect America and another decade of stagnant economic policies would not free the individual. Through his force of personality and conviction he set about changing our future. And he relegated our worries to the ash heap of history.

President Reagan pursued policies that resulted in derision and loathing from some. But he had no hesitation in pursuing his goals because he knew what was right. His beliefs were steadfast and unwavering. He set his course and plowed through the skeptics. He was not Teflon. He was Iron.

Being a Reaganite is not solely relegated to a certain place and time or a certain individual. Instead, it is set a set of beliefs. A set of beliefs imbued in many Members of Congress, their staffs and individuals throughout this country. It is a longing to assert and maintain America's rightful place in the world, as the shining city on the hill.

President Reagan, thank you for restoring hope in America. It has been Morning In America since your Presidency.

Mr. RAHALL. Mr. Speaker, President Ronald Reagan wrote an indelible chapter in America's and in the World's history. As our Country mourns his loss, our prayers go out to Mrs. Reagan and his family, and our future will long hold to the lessons of his public service.

It is the lesson of public service that defined our 40th President's life that also defines the good work of West Virginia's National Guard. And, as our former President lies-in-state at the Nation's Capitol I will be honoring his legacy with the West Virginia's finest as they help Southern West Virginians recover from another round of devastating floods.

As our Nation is mourning President Reagan's loss, many West Virginians are rebuilding their homes and their lives, as again last week, West Virginia bore the brunt of Mother Nature's wrath. But, as we always have done, we will join together and move forward once again.

Recent storms produced flooding throughout my home State of West Virginia, and joined with Governor Wise in requesting that President Bush issue a federal major disaster declaration. Tuesday, June 8, 2004, President Bush honored that request declaring the State of West Virginia a federal disaster area. and making residents of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Nicholas, Putnam, Raleigh, Roane, Wayne, Webster, Wirt, and Wyoming Counties eligible for federal assistance to help them pick up the pieces.

This week as America honors President Reagan in our Nation's Capital, I will be in Southern West Virginia with our coalfield residents as we pick up the pieces and move forward. I have already seen some of the damage first hand, and I was in Mingo and Logan Counties last week when members of the West Virginia National Guard, fresh off their tour of duty in Iraq and overseas, arrived to help Southern West Virginians start putting their lives back together.

Moving forward, after such losses, is never easy. The old saying goes, Rome wasn't built in a day. Neither were the homes and towns that were washed away by the torrents of recent rains. It will take more than a day to build them back. But the West Virginia National Guard will help the steadfast residents of those counties pick up the pieces so they can rebuild their houses, businesses, and lives as quickly as possible.

The destruction caused by flooding in Southern West Virginia over the past few years has been unprecedented, and the relief should equal the need. Just as these heroes in uniform returned from the dry sands of the Iraqi desert, they were called to help out the waterlogged residents of Southern West Virginia.

In West Virginia, our people always band together to help their fellow man, and our National Guard is displaying the genuineness of this testament. All of those who have joined in the help, we want to thank them. With God's help, we will make it through this. Again.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to President Ronald Reagan, an Illinois native, as the nation celebrates his many contributions to the United States and the world. While I did not always agree with him, he always had my admiration and respect for his strong leadership and his dedication to the American people. His relationship with the citizens of this great country may be his ultimate legacy. President Reagan spoke directly to their hopes and fears and was embraced for his role as the "Great Communicator." Above all else, he made us feel good about America again.

From humble beginnings, President Reagan went on to play a pivotal role in some of the great events of the 20th Century, most notably the Cold War and eventual fall of the Soviet Union. While never afraid to take a hard line, he was a pragmatic leader who acted without malice, which was evident in the support he received from Democrats. It was this aspect of his leadership that we should all try to replicate. President Reagan's impact on American politics was profound, inspiring legions of young people to public service, not unlike what President Kennedy accomplished years before.

Mr. Speaker, Ronald Reagan loved the United States of America, and he was a stalwart leader in the pursuit of freedom and democracy. President Reagan had a personal vision for the country that was undeniable and unshakeable, and the lines of people waiting to view his casket are a testimony to the fact that he had a tremendous emotional impact on this nation. I would like to extend my condolences to his wife Nancy and the rest of their family, and I join the rest of America in honoring his dedicated service.

Mr. LEACH. Mr. Speaker, Americans often measure history in Presidential cycles. When we look at the individuals who have served in the White House it is the conjunction of character and circumstance that defines and demarcates administrations.

It would be misguided to suggest that any individual "won" the Cold War, but it was Ronald Reagan's inspiration—"Mr. Gorbachev, tear down this wall"—that symbolized American resolve. He gave hope to those oppressed and he gave voice to those who stood tall. Communism imploded, largely on his watch.

Domestically, President Reagan articulated the values of the frontier. "Government is not the solution, it is the problem," he said in his first inaugural address. But he was not a "no government" ideologue. While his administration contrasted in many ways with the social activism of Franklin Roosevelt, he did not favor undoing the New Deal. "How can we love our country and not love our countrymen?" he asked, "and loving them not reach out a hand when they fall?"

Reared on the sweeping plains of the Midwest and, later, an adopted westerner, he loved open spaces—of the land and of the mind. He put his faith in freedom.

Ronald Reagan understood the timber of the American character. With the most authentic voice in the history of democratic politics, he spoke to a world hungry for values. He succeeded because his was the voice of American optimism.

Mr. TAUZIN. Mr. Speaker, I share your grief at the passing of former President Ronald Reagan and join you in remembering his remarkable service to our country.

I was fortunate to have served as a Member of Congress during President Reagan's eight year tenure. At the time, I was a member of the democratic Boll Weevils, a group frequently called upon to help President Reagan with his legislative agenda. I can attest to what some of you know and what others have read or heard about him—he was among the greatest of our nation's presidents. He was permanently grounded in principle, so much that no one who worked for him had any doubt about what was expected of him.

President Reagan is rooted in the essence of our nation's character. He appealed to our better instincts and was unyielding in his devotion to our country. I was always amazed at the way he appealed to young people. I think it was because they could see the truth in him. Like a grandfather who had seen it all and abandoned the notion of judging us, he preferred to see the goodness in us all. We, in turn, could imagine that goodness leading us to that shining "city on the hill." Those who came later missed the opportunity to encounter true greatness. Those who experienced him will never forget it.

Thank you for your compassionate support in honoring the legacy of our former President Ronald Reagan.

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the life of the 40th President of the United States, Ronald Wilson Reagan. President Reagan was the most courageous, daring and fearless president that I have had the pleasure of serving with in my 22 years in the United States House of Representatives. Ronald Wilson Reagan was one of the two greatest presidents of the 20th Century. Ronald Wilson Reagan was one of the most outstanding presidents in the history of the American Republic. I was a great fan of and on many occasions, a very strong supporter with my vote of President Reagan.

I will always remember the day when my wife, Rose Marie, and I met with President Reagan in the Oval Office. He was as friendly and down to earth as the man-next-door. We had our picture taken with him and asked him to autograph cards with the presidential seal for each of our children, Laura and Dan, which he did. President Reagan first wrote the cards out differently for each my daughter and son, but said he should have known better and so he wrote the same greeting for both of them.

It was a great honor to meet President Reagan and serve with him in the United States of America's government for many, many reasons. But, I believe mainly because he gave back to America its optimism, its pride, its enthusiasm, and its belief in itself. There can be no greater service than that of a president who can render to America these qualities; and for that, President Reagan truly was one of the greatest Presidents of the United States.

Mr. PAUL. Mr. Speaker, all Americans mourn the death of President Ronald Reagan, but those of us who had the opportunity to know President Reagan are especially saddened. I got to know President Reagan in 1976 when, as a freshman congressman, I was one of only four members of this body to endorse then-Governor Reagan's primary challenge to President Gerald Ford. I had the privilege of serving as the leader of President Reagan's Texas delegation at the Republican convention of 1976, where Ronald Reagan almost defeated an incumbent president for his party's nomination.

I was one of the millions attracted to Ronald Reagan by his strong support for limited government and the free-market. I felt affinity for a politician who based his conservative philosophy on ". . . a desire for less government interference or less centralized authority or more individual freedom . . ." I wish more of today's conservative leaders based their philosophy on a desire for less government and more freedom.

Ronald Reagan was one of the most eloquent exponents of the freedom philosophy in modern American politics. One of his greatest achievements is the millions of Americans he helped convert to the freedom philosophy and the many he inspired to become active in the freedom movement. One of the best examples of President Reagan's rhetorical powers is his first major national political address, "A Time for Choosing." Delivered in 1964 in support of the presidential campaign of Barry Goldwater, this speech launched Ronald Reagan's career as both a politician and a leader of the conservative movement. The following excerpt from that speech illustrates the power of Ronald Reagan's words and message. Unfortunately, these words are as relevant to our current situation as they were when he delivered them in 1964:

> It's time we asked ourselves if we still know the freedoms intended for us by the Founding Fathers. James Madison said, "We base all our experiments on the capacity of mankind for self-government."
>
> This idea—that government was beholden to the people, that it had no other source of power—is still the newest, most unique idea in all the long history of man's relation to man. This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves.

> You and I are told we must choose between a left or right, but I suggest there is no such thing as a left or right. There is only an up or down. Up to man's age-old dream—the maximum of individual freedom consistent with order, or down to the ant heap of totalitarianism.
>
> Regardless of their sincerity, their humanitarian motives, those who would sacrifice freedom for security have embarked on this downward path. Plutarch warned, "The real destroyer of the liberties of the people is he who spreads among them bounties, donations and benefits."
>
> The Founding Fathers knew a government can't control the economy without controlling people. And they knew when a government set out to do that, it must use force and coercion to achieve its purpose. So we have come to a time for choosing.

One of the most direct expressions of Ronald Reagan's disdain for big government came during a private conversation when we where flying from the White House to Andrews Air Force Base. As the helicopter passed over the monuments, we looked down and he said, "Isn't that beautiful? It's amazing how much terrible stuff comes out of this city when it's that beautiful."

While many associate Ronald Reagan with unbridled militarism, he was a lifelong opponent of the draft. It is hardly surprising that many of the most persuasive and powerful arguments against conscription came from President Reagan. One of my favorite Reagan quotes comes from a 1979 article he wrote for the conservative publication Human Events regarding the draft and related "national service" proposals:

> . . . it [conscription] rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state—not for parents, the community, the religious institutions or teachers—to decide who shall have what values and who shall do what work, when, where and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea.

I extend my deepest sympathies to Ronald Reagan's family and friends, especially his beloved wife Nancy and his children. I also urge my colleagues and all Americans to honor Ronald Reagan by dedicating themselves to the principles of limited government and individual liberty.

Mr. BECERRA. Mr. Speaker, I rise today in solemn remembrance of President Ronald Reagan. I do not stand alone. All across the country, and the world, we mourn. We remember a strong governor, President, husband, and father. Let us stand firmly by Mrs. Nancy Reagan and her family, offer our prayers and show our support and appreciation—let us through our actions bring comfort to the Reagan family to help them cope during this difficult time. Little can be said to make this difficult time easier. Given the outpouring of support that this country and his family have received from the world, words are not necessary.

Words are not necessary to honor a man whose popularity stemmed from his ability to communicate. No words I can say today can erase the sorrow and feelings of loss shared by so many communities that he touched throughout his tenure as governor of my state of California and as the President of our nation. Even the "Great Communicator" often relied on actions—not words—to help those who needed it. At a time when the immigrants of our nation had nowhere to turn, President Reagan signed the historic Immigration Reform and Control Act, granting hard-working and deserving families legal permanent residence, paving the way for new American citizens, and thus uniting our nation.

Today, as a united nation, we stand together as fellow Americans and with the world to mourn the loss of Ronald Wilson Reagan, fortieth President of the United States—the picture of unity communicating our sorrow, remembrance and honor for a leader.

Mr. BURGESS. Mr. Speaker, as we pause to remember the life and service of the late President Ronald Reagan, no greater testament to his achievements as leader of this nation exists than the sentiments of gratitude being offered by millions of Americans. It is my great honor to lift up just a handful of the reflections on the passing of President Reagan made by residents of my congressional district:

> He was a great American; his message was one that still resonates today.—The Honorable Jane Nelson, Texas Senate.
>
> I had a chance to tell him how much I wanted him to run for president and that if he did, I promised to work really hard for him. He was just the same up close as you perceived him to be on television. He was very sincere, very nice. When he talked to you, he talked to you. He didn't pay attention to things going on around him; you had his attention. The world is certainly a better place because of Ronald Reagan being here and serving as the president of the United States. I'm sad we lost him, but it's wonderful he's now receiving his just rewards.—The Honorable Mary Horn, Denton County, Texas.
>
> President Reagan made us feel good again about being Americans, and not just being proud of our country, but really invoking that patriotic spirit again. We've lost a great, great man.—Dianne Edmondson, Chair, Denton County GOP.
>
> I remember that while Reagan was the oldest elected president, what sticks in my mind was the way he connected to young people. We had been through a decade of young people being disconnected with taking pride in America, and he lit that spark again.—The Honorable Myra Crownover, Texas House of Representatives.

He will always be remembered as the architect of the policies that ended the Cold War—peace through strength. He, more than anyone else, was directly responsible for giving us the possibility of the world living in peace: He ended the Cold War, ended the unspoken hostilities between the United States and Russia, and brought an end to the Soviet domination in Eastern Europe. He unleashed the power of the American economy. Yes, it cost money to defeat the Soviet Union; it cost money to defeat Soviet tyranny. Was it worth it in the long run? You bet it was.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to remember the life and legacy of Ronald Reagan.

This past weekend, it was fitting, and in some ways almost proper, that we paid tribute to the brave young soldiers of D-Day and simultaneously remembered the life and service of President Ronald Reagan. Like those soldiers who sacrificed on Normandy Beach, Reagan inspired a country at a critical time in our nation's history through his optimism and advocacy for the ideals of democracy, freedom and love of liberty.

He helped end the "Cold War," confronted the curse of communism, rebuilt American self-confidence and our Armed Forces, and above all, made America a standard bearer for freedom and justice.

Many of our children are not old enough to remember the dangers that stood before us at the height of the Cold War or how President Reagan's resolve helped end it.

Still, over the next few days, maybe even weeks, and certainly in the history books to be written, they will learn, as will our children's children, about who Reagan was and what he did for America.

Like so many of us, I continue to read with interest about the life and times of our former President. One recent newspaper column touched me and I would like to share just a few lines of that with my colleagues.

The columnist wrote: "What an era his was. What a life he lived. He changed history for the better and was modest about it. He didn't bray about his accomplishments but saw them as the work of the American people."

Mr. Speaker, this is the sign of a leader. We are a grateful nation for his good humor and inspiration.

Thank you Mr. President—for your service; for your optimism; and for your belief and commitment to doing what is right for America.

Our thoughts and prayers remain with the Reagan family during this time of mourning.

Mr. HOBSON. Mr. Speaker, I rise today to join my colleagues, indeed all Americans, in paying tribute to a great man, the 40th President of the United States—Ronald Wilson Reagan.

President Reagan was an extraordinary and visionary leader, who saw our great Nation as having a unique role, purpose, and destiny in the world. He saw it as a beacon of freedom, a land of unlimited opportunity, and in his words, a shining city on the hill.

Mr. Reagan took office during a time of great pessimism. There was Watergate; Vietnam; the hostage crisis in Iran; and gas lines, runaway inflation, and double-digit interest rates here at home. There were those who told us that we had to lower our expectations, that we could no longer shape our destiny, and that our best days were behind us.

Ronald Reagan saw a different future. It was a future in which we were limited only by the size of our dreams; where the spirit of our pioneer ancestors was still alive, it just needed to be rekindled. It was a vision where hard work, imagination, creativity, and a little luck would allow ordinary men and women to accomplish extraordinary things.

Taxes were cut, inflation and interest rates were reduced, and gas lines disappeared. Americans went back to work; the economy roared forward; and in the process, Mr. Reagan restored our confidence, uplifted our spirits, and made us proud to be Americans again.

The rebirth here at home was accompanied by equally dramatic changes abroad. The march of totalitarianism, that seemed inevitable a few years earlier, was halted as Mr. Reagan rebuilt our defenses. The creaky Soviet system disappeared quietly, without a shot being fired. And the Berlin Wall, the greatest symbol of oppression, fell, and millions of people around the world tasted freedom for the first time.

We Americans, and indeed all freedom loving people around the world, owe President Reagan an enormous debt. We will miss him, but history will never forget what he accomplished in eight short years. As a grateful nation comes together to say goodbye, our collective thoughts and prayers go to Mrs. Reagan and her family.

Mr. FORD. Mr. Speaker, President Reagan led the nation with resolve and courage. He showed these same qualities in his battle against Alzheimer's disease.

President Reagan will be remembered for many things—a great communicator, devoted husband and an unflinching patriot.

But I will remember him most for reminding America that when we are at our best, very little can deter or defeat us. God bless you Mr. President and thank you for your service to our country.

Mr. STUPAK. Mr. Speaker, President Ronald Reagan was an American icon. He's the President who won the Cold War. And he'll always be remembered for his eternal optimism, his strength, great wit and charm.

Even when he disagreed with Democrats, he was respected for the honesty of his beliefs and the dedication he displayed in pursuing them. He taught us the difference between strong beliefs and bitter partisanship. He lived by the noble idea that at the end of the day Democrats and Republicans were simply Americans and friends. I wish we had more of that today.

We should be inspired by this 40th American President's patriotism and devotion to our country. And we should remember his faith, his optimism and his unwavering commitment to his convictions as we do the work of the American people.

Mr. UDALL of New Mexico. Mr. Speaker, this week our Nation mourns the death of Ronald Wilson Reagan, our 40th President of the United States. It has been stated in many of the newspaper and television commentaries that he was one of the more complex figures of the 20th century. As with all our major political leaders, he had his share of triumphs and failures.

Ronald Reagan's irrepressible spirit and his conception of America as a "shining city on the hill" engendered a sense of renewal in America. Indeed, his optimism in our Nation and her people was as genuine as the man himself. Simply put, Ronald Reagan was a great American and a President who honored the office and considered it a privilege to serve.

Without question, President Reagan represented the best of civility in American politics and the finest traditions of standing up for what you believe in. Even during the most intense political showdowns, he and former House Speaker Tip O'Neill could always sit down together after the day was done, as friends and fellow Americans. It was an era of bipartisan cooperation that seems, unfortunately, to have waned in recent years.

President Reagan's legacy will forever be his vision which played a role in bringing about an ultimate end to the Cold War, as well as his drive to foster liberty and democracy where previously only tyranny had thrived. Former Soviet President Mikhail Gorbachev says he believes his dialogue with President Reagan "kick-started the process which ultimately put an end to the Cold War."

President Reagan also understood the art of political compromise. He followed his 1981 tax cut with two large tax increases. In fact, no peacetime President raised taxes so much on so many people. This is not a criticism: The lesson of those increases tells you a lot about what was just with President Reagan's leadership. President Reagan, confronted with evidence that his tax cuts were fiscally irresponsible, changed course. His actions in this area contrast dramatically with today's Washington.

Mr. Speaker, in my opinion, one of Ronald Reagan's greatest legacies is focusing attention on the disease that took his life—Alzheimer's. People are now receiving earlier diagnoses and better treatments for the incurable brain-wasting disease partly because he supported Alzheimer's research as President, and more importantly, because he went public with his diagnosis in 1994, increasing awareness of the need for more research.

As her husband's health declined, former First Lady Nancy Reagan spearheaded public awareness campaigns and described what it was like to be a caretaker for an Alzheimer's patient, which she referred to as "the long goodbye." She continued to publicly advocate for stem cell research as a way to help others with the disease.

Doctors now are better able to diagnose the disease early, and provide patients with drugs and other measures to delay its progression. I pledge to do everything possible to help fight the plight of Alzheimer's disease. I challenge every member of this body to respond to Mrs. Reagan's plea to do more for life-saving research.

Ronald Reagan was of a kind and gracious mind, and at the same time, a man of grit, determination and leadership. He served his country the way he lived his life.

My thoughts and prayers go out to his extraordinary wife Nancy and his children, Patti Davis, Ron Prescott Reagan, and Michael Reagan. I hope it is a consolation to the entire Reagan family that so many people grieve their loss and are thinking of them during this difficult time.

Mr. GARY G. MILLER of California. Mr. Speaker, President Ronald Reagan will be remembered in the annals of history as one of the greatest leaders of the United States. His deeds and words will echo in time as the foundation for a smaller, more efficient government, a fairer tax system and the liberation of millions of oppressed people throughout the world.

Ronald Reagan was known as the Great Communicator. His words brought hope to those in need, comfort to those who suffered and optimism to an entire Nation trampled by economic and governmental insecurity. Yet President Reagan's ability to communicate went beyond the words that he spoke. He reached out to the nation and the world using not only his voice, but his strength of spirit and supreme character.

President Reagan's passing is mourned by each of us. But his legacy will continue through the ideals he aspired for America. A grateful Nation thanks Ronald Reagan, a true American Hero.

Mr. YOUNG of Florida. Mr. Speaker, on behalf of myself and the people of the 10th Congressional District of Florida who I have the privilege to represent here in the United States Congress, I rise in support of this resolution to pay tribute to the life of President Ronald Reagan and to express condolences to his family.

President Reagan was a true American patriot who always kept life's priorities—God, country, and family—in order. He assumed the Presidency at a time when Americans were being held hostage in Iran, our fighting forces were fraying around the edges, and raging inflation and interest rates were stifling our economy, sending our Nation into the turmoil of recession, and driving our government deeper and deeper into debt.

Beginning with his swearing-in as the 40th President of the United States, President Reagan restored in the American people a feeling of pride and patriotism that had been lost in the late 1970s. The hostages were brought home, the morale of our fighting forces rose, and the economy began to rebound.

People flew the American flag with pride again. The United States resumed its leadership role in protecting freedom and peace around the world and at the pinnacle of the world economy. He stared down communist leaders throughout the world and set the stage for its fall in the Soviet Union and throughout Eastern Europe. He reduced the world's supply of nuclear weapons and allowed democracy to flourish again in our hemisphere and eventually in the former Soviet states.

He battled Congress to reduce taxes to allow the American people to keep more of their hard earned money and to reduce the size and scope of the government programs and bureaucracy. He also ensured the long term security of the social security trust fund by leading a bipartisan legislative effort to preserve and protect the retirement benefits of workers long into the 21st century.

President Reagan was our Nation's leading cheerleader and consoler. He used his wit and humor to entertain and to drive home an important point. He led a Nation in mourning when we lost the Challenger crew and our Marines in Lebanon. Throughout his eight years in office we laughed together and we cried together. In the end though, we all gained a renewed sense of pride in being Americans.

He taught us the value of the simple phrases of "peace through strength" and "trust but verify" and he shared with all of us his simple vision of a nation where we would be the "shining city on the hill."

The United States and the world are better places today because of Ronald Reagan's service not only as President of our great country, but as a true patriot. He was a good man whose love and commitment to his wife Nancy was an inspiration to us all.

Perhaps the greatest testament to his strength of personality, of character, and of leadership is the fact that even in death he can make us feel good about ourselves as individuals and as a Nation. You can feel the pride of our Nation surge yet again as we reflect on his life and times.

Mr. Speaker, we all will recall that President Reagan would end his conversations with America by saying "God Bless America." This week, Mr. Speaker, our Nation and the world say "God Bless Ronald Reagan." Thank you for your lifetime of reminding us to always take pride in living in the greatest Nation in the world.

Ms. MCCOLLUM. Mr. Speaker, today as this House honors the life of the Fortieth President of the United States, Ronald Reagan, we remember both the man and the public servant. As President Reagan lies in state under the dome of this Capitol, the American people reflect on a man of optimism, a leader committed to freedom and a citizen who personified the American spirit of boundless ambition and achievement.

President Reagan lived a life unlike any other American president. A sports broadcaster, a movie star and a television personality, President Reagan entertained Americans with his charm, smile and warmth. He combined the skills of an actor with the determination of a pioneer to transform public life as he entered the political realm in California and finally was elected by the American people to the White House.

As President of the United States, Ronald Reagan won two large election victories in 1980 and 1984 to set this Nation on a course to transform our economy and confront communism. The outcomes and consequences of his policies will be interpreted by historians for years to come, but there is no doubt President Reagan motivated a new generation of conservatives to join his crusade as well as a generation of progressives to unite in pursuit of an alternative path of action.

Our State of Minnesota had a unique relationship with President Reagan. Minnesota was the only State in the Union to never give President Reagan an electoral victory. Minnesotans stood twice with our homegrown son, but we respected the President, his skills as a communicator and his determination to elevate the American spirit.

President Reagan lived a truly American life and, in his final years, stood hand in hand with Mrs. Reagan to encounter Alzheimer's with dignity and grace. The life of President Reagan the leader and Ronald Reagan the man will be remembered, honored and celebrated this week by Congress, the American people and people in nations around the world.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to Mrs. Nancy Reagan, her children and all of the family and friends of President Reagan.

Mr. SESSIONS. Mr. Speaker, Ronald Wilson Reagan first entered into our national consciousness in 1964, asking Americans to make a choice in the face of the growing threat of socialism both at home and abroad. We know him as the eternal optimist, the "Great Communicator", and the man who maintained that Communism would surely fall aside onto the "ash heap of history."

I had the personal privilege of knowing President Reagan when my father, Judge William S. Sessions, served as Director of the FBI during his administration. Like many of my generation, I was inspired by the optimism of Ronald Reagan, a leader who never lacked the courage and the principle to do what he felt was right even in the face of great obstacles. President Reagan saw the world in black and white, whether it was confronting the programs of the "Great Society" as the beginnings of a new "undemocratic socialism" or chiding the actions of the "Evil Empire" in Eastern Europe.

This moral clarity was the hallmark of his Presidency. Ronald Reagan came in to office with three core principles and an agenda by which to implement them. He believed that the government was too big, that it taxed too much, and that the Soviet Union was an evil empire, getting away with atrocities across the world. From the first day of his Presidency, Reagan began to move systematically towards enacting his campaign promises, and, in so doing, he rejuvenated the American spirit.

America is forever indebted to this President whose resolve and determination to pursue "peace through strength" helped to end the Cold War and ensured that, as the President himself said, "America's best days are yet to come. Our proudest moments are yet to be. Our most glorious achievements are just ahead." Thank you, President Reagan. May God bless you as you enter your rest in that shining city.

Mrs. CAPPS. Mr. Speaker, I rise today in support of H. Res. 664 honoring the late Honorable Ronald Wilson Reagan. I was proud to add my name as an original cosponsor of this resolution.

The former president was devoted to his country and will long be remembered for his service to America. My heart goes out to his family during this time of loss.

President Reagan was also a long time member of our Santa Barbara community. Santa Barbara County was home to the spectacular mountaintop ranch the former president and first lady affectionately referred to as the "Western White House".

President Reagan carried with him traits characteristic of California's Central Coast—a sunny disposition and optimistic outlook—to Washington and to the world. His "morning in America" slogan changed the tone of politics in our Nation's capital and enabled him to work in a constructive bipartisan manner on a number of important issues.

The Reagans should also be commended for the strength and honesty they demonstrated during their long struggle with Alzheimer's. Their example brought much needed attention to the challenges facing millions of American families that deal with this affliction every day.

And their ongoing commitment to this disease is demonstrated at the various Alzheimer's research, awareness, and prevention efforts around the country. On the Central Coast, for example, The Ronald and Nancy Reagan Family Fund provides grants for respite care services for Alzheimer's patients in Santa Barbara County.

Today I join my colleagues in celebrating the service of the late President Ronald Reagan. The best honor we can bestow upon him is to carry on his optimistic spirit and faith in the American people for generations to come. That is what Ronald Reagan—a great American and great Californian—would have wanted.

Mr. MICHAUD. Mr. Speaker, I rise to honor the life of President Ronald Wilson Reagan and to extend my condolences to the entire Reagan family.

Regardless of political affiliation, I think we can all agree that President Reagan was a tireless public servant who cared a great deal about this country. Leading our country during a difficult period President Reagan earned the respect of many throughout the world—a respect that has become all the more evident since his passing on Saturday.

As this body and our Nation remembers the late President throughout the week, we would be remiss not to reflect upon the disease with which he was afflicted—Alzheimer's.

President Reagan's leadership extended to the fight against Alzheimer's beginning in 1983, when he designated November as National Alzheimer's Disease Month, and continuing in 1994 when he announced that he was affected by the disease. In 1995 he and his wife Nancy lent their name to create the Alzheimer's Association's Ronald and Nancy Reagan Research Institute.

As was evident in President Reagan's battle with the disease, Alzheimer's does not discriminate: It afflicts the rich and the poor, the famous and the regular hardworking citizen alike. Four and a half million Americans live with Alzheimer's, and it is the fourth leading killer of older Americans. It is a progressive disease that robs many of precious memories and beautiful relationships.

With an aging baby boom generation, our country will soon see a sharp increase in those affected by Alzheimer's. The time to act is now. As a member of the Congressional Task Force on Alzheimer's Disease, I urge my colleagues to renew our efforts to battle this disease. I can think of no better tribute to President Reagan than to join together to fight the disease that afflicted him in his later years.

Mr. BONILLA. Mr. Speaker, I rise to honor the life and legacy of President Ronald Wilson Reagan. As we mourn this great loss we reflect on the many ways our country is stronger, freer and more prosperous as a result of President Reagan's fearless leadership.

A firm believer in lower taxes, sound fiscal policies and reduced regulation, President Reagan launched the boldest economic plan since Franklin Roosevelt's New Deal. As a result of his leadership and tenacity, the federal tax code was greatly simplified and taxes were reduced, ushering in the restoration of prosperity. He encouraged people to have confidence in their nation and trust that things really were getting better—a sentiment that economic and social indicators would eventually confirm. In fact, President Reagan's reforms led to the longest period of peacetime growth in U.S. history.

President Reagan's leadership also sparked a nation, movement against drugs which resulted in dramatic declines in illicit drug use in America and around the world. President Reagan was committed to reversing the permissive attitudes of the 1960s and 1970s that illegal drug use was glamorous, harmless and victimless. President Reagan inspired and convinced the nation that the drug problem was not hopeless and could be solved. As a result of his leadership, the nation spoke with one voice in denouncing drug sue. Largely due to his efforts, illicit drug use was cut in half and crime, drug related hospital admissions and highway deaths declines.

President Reagan restored America's sense of optimism and patriotism. A true believer in the American Dream, he proclaimed America as a place where "everyone can raise as high and as far as his ability will take him," and referred to his own humble beginnings as proof. He taught all Americans and newly liberated people across the globe that hard work and faith in God could result in prosperity and a better outlook for tomorrow.

President Reagan will perhaps be most remembered for his efforts to stomp out communism world wide and end the Cold War. President Reagan simply refused to accept Communism's claim to moral superiority. From the beginning of his presidency, Reagan realized that America could not afford passiveness or weakness in the face of Soviet defiance and escalating nuclear threats. President Reagan recognized that peace could only be achieved through strength and diligently worked to restore faith in our military and a sense of American pride in the efforts of our servicemen and women. Efforts to restore our military superiority were coupled with a willingness to dialogue and a sincere desire to negotiate an end to the nuclear arms race. President Reagan was able to negotiate a treaty with the Soviet Union to launch the process of real arms reduction. His efforts eventually led to the destruction of the Berlin Wall, the fall of communism and the end of the Cold War. President Reagan's leadership ushered in a new era of freedom and democracy, not only in the Soviet Union, but throughout the world.

President Reagan planted democracy in regions of the world that have never tasted the joys of freedom. He swept up a downtrodden America with little response to or respect for leadership and reenergized their faith in freedom, the Presidency, and our military. President Reagan's vision and convictions brought ALL Americans together, raised our morale and once again made us the proudest citizens in the world. He will be remembered not only in the minds of Americans, but in our hearts as well.

Mr. MOORE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

Pursuant to the order of the House of Tuesday, June 8, 2004, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 60, as follows:

[Roll No. 231]

YEAS—375

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—60

Ackerman
Baca
Ballance
Bilirakis
Brady (PA)
Capps
Carson (OK)
Case
Clay
Conyers
DeMint
Deutsch
Dingell
Dunn
Evans
Fossella
Gonzalez
Goss
Grijalva
Gutierrez
Hastings (FL)
Houghton
Kaptur
King (NY)
Lampson
Larson (CT)
Leach
Lee
Lofgren
Lynch
Majette
McCarthy (MO)
McInnis
Miller, Gary
Ney
Ose
Oxley
Payne
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Rush
Sanders
Shadegg
Skelton
Smith (MI)
Solis
Souder
Spratt
Stark
Tauzin
Tiahrt
Towns
Turner (TX)
Waters
Wexler
Woolsey

☐ 1456

Mr. ISTOOK changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 231 on mourning the passing of President Reagan I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. BACA. Mr. Speaker, on rollcall No. 231, because I was in California to attend my daughter's graduation, I was unable to be in the chamber when the time elapsed on the vote. Had I been able to vote, I would have voted "yea" for the vote.

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 231 (H. Res. 664—Honoring the late Honorable Ronald Wilson Reagan), I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. TIAHRT. Mr. Speaker, on June 9, I was unavoidably detained in France for the D-Day ceremonies and missed rollcall vote No. 231.

Rollcall No. 231 was on agreeing to the resolution for H. Res. 664, mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world. Had I been present, I would have voted "yea" on H. Res. 664.

PERSONAL EXPLANATION

Mr. SHADEGG. Mr. Speaker, on rollcall vote Nos. 229, 230, and 231, had I been present, I would have voted "yea". I went on the CODEL to Normandy to honor the 60th Anniversary of D-Day and the sacrifices of those who liberated Europe from Nazi control. Unfortunately, our Air Force plane had mechanical difficulties over the past 2 days that prohibited our travel back to the United States to participate in these votes. I regret the fact that I was not here to honor President Reagan and his legacy, but am honored to be present at tonight's state funeral.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. BURGESS) laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Capitol, Washington, DC.

DEAR SPEAKER HASTERT: Please accept this letter as official notification of my intention to resign my position as United States Representative of the First Congressional District of North Carolina due to my current health condition. The effective date of my resignation will be Friday, June 11, 2004.

Although I appreciate the honor, privilege and opportunity to have served the citizens of the First Congressional District of North Carolina during the 108th Congress, at this juncture, I feel that I am no longer able to carry out my requisite duties effectively.

Enclosed herewith please find a copy of the letter that I have tendered to North Carolina's Governor, Mike Easley providing him with notice of my decision to resign.

Respectfully,
FRANK W. BALLANCE, Jr.,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2004.

Hon. MIKE EASLEY
Governor—North Carolina, Mail Service Center, Raleigh, NC.

DEAR GOVERNOR EASLEY: Please accept this letter as official notification of my intention to resign my position as United States Representative of the First Congressional District of North Carolina due to my current health condition. The effective date of my resignation will be Friday, June 11, 2004.

Although I appreciate the honor, privilege and opportunity to have served the citizens of the First Congressional District of North Carolina during the 108th Congress, at this juncture, I feel that I am no longer able to carry out my requisite duties effectively.

Respectfully,
FRANK W. BALLANCE, Jr.,
Member of Congress.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 116) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 116

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, June 9, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 14, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, June 9, 2004, it stand adjourned until 12:30 p.m. on Monday, June 14, 2004, for morning-hour debate, or until the time of any reassembly pursuant to section 2 or this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 664.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise to inquire of the majority leader the schedule for the week to come.

I will say at the beginning when the majority leader got up to ask unanimous consent, I thought maybe something had happened and he was going to ask unanimous consent to have me give him the schedule. But hope springs eternal.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding to me and dreaming.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' office by the end of this week. Any votes called on these measures will be postponed until 6:30 p.m.

On Tuesday and the balance of the week, we plan to consider several bills under a rule: H.R. 4513, the Renewable Energy Project Siting Improvement Act; H.R. 4503, the Energy Policy Act; H.R. 4517, the U.S. Refinery Revitalization Act; and H.R. 4529, the Arctic Coastal Plain Domestic Energy Security and Abandoned Mine Lands Reclamation Reform Act.

In addition, we expect to consider H.R. 4520, the American Jobs Creation Act, the fiscal year 2005 Department of Interior appropriations bill, and the fiscal year 2005 Department of Homeland Security appropriations bill as well.

And, finally, I would like to make all Members aware that we will have votes next Friday perhaps well into the afternoon.

I thank the gentleman for yielding to me and would be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, I thank the gentleman and tell him that we simply refer to it as the ANWR bill. It is so much easier.

Mr. Speaker, the majority leader has listed several pieces of energy legislation for consideration next week. Can he tell us the procedures that he anticipates these bills will be considered; specifically will amendments and/or substitutes be allowed, and will the rule bundle the bills to send them over to the other body, or will we pass them seriatim one at a time to the other body?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

☐ 1500

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I can say that substitutes would certainly be allowed, I would assume. I do not want to preempt what the Committee on Rules might do. As far as amendments to these bills, I would have to refer to the Committee on Rules, as we do not know what they might rule.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman. I would hope that perhaps we could, particularly in light of the fact that these bills, although they are component parts, as I understand, of the larger energy bill that passed the House, but because they are not going to be considered in committee, that there would be some more flexibility as to the possibility of amendments in that regard.

The gentleman did not answer, because perhaps he does not know at this point in time. Is it our expectation that the energy bills the gentleman referenced would be sent to the Senate separately as individual bills, or would the rule bundle them at the end? I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. No decision has been made, but I think the gentleman can assume that these bills will be sent separately to the Senate.

Mr. HOYER. Mr. Speaker, with respect to the appropriation bills, two are listed for next week, Interior and Homeland Security. Does the gentleman think it is possible that we will get to the Defense bill next week, or not?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I cannot foresee that we could get to the Department of Defense appropriations bill next week with all of the bills that we are trying to get to the floor, but I do anticipate the Department of Defense appropriations bill being one of the first bills we would do the following week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

With respect to the two appropriation bills that the gentleman has listed, the Homeland Security and the Interior, does the gentleman expect them to come on an open rule to the floor?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I would assume, without preempting what the Committee on Rules might do, that both appropriation bills would come under the normal, traditional rules that we have had in the past on appropriations bills, which is pretty open rules.

Mr. HOYER. Mr. Speaker, I thank the gentleman. The FSC bill is also listed for the floor next week. Again, I think that bill will clearly not go to committee; but let me ask the gentleman first, is it the gentleman's expectation that the FSC bill will be marked up in committee?

Mr. DELAY. If the gentleman will yield, yes, the Committee on Ways and Means will mark up the Americans Jobs Creation Act on Monday, which would give us time, if the markup went well, we could see that bill on the floor either Thursday or Friday.

Mr. HOYER. And again, reclaiming my time, would it be the gentleman's expectation either that the substitute would be made in order, amendments may not be as a Committee on Ways and Means tax bill, but what we are reading, of course, is that there will be many extraneous or some extraneous provisions in the bill unrelated to direct tax consequences of FSC; can the gentleman tell us whether he is expecting at this point in time to provide for either amendments and/or a substitute?

I yield to my friend.

Mr. DELAY. Mr. Speaker, as the gentleman knows, the bill was introduced last Friday. Members should be aware of that for those who are interested to see what is in the bill.

It is very difficult to answer the gentleman's question, not having the bill marked up and looking at what the ultimate outcome of the bill might be. And again, I do not want to preempt what the Committee on Rules does. As the gentleman knows, a bill coming from the Committee on Ways and Means, particularly a bill like this which has so many issues in it, amendments are traditionally not allowed, but substitutes are considered. And we will just have to work through that as we work through next week to decide one way or another whether a substitute or a number of substitutes would be offered, or allowed to be offered.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, it is not our intention to go into further discussions at this time with reference to the schedule. The substance of the legislation, that will be left for weeks to come. But this week is set aside to honor our former President, Ronald Reagan, and certainly we intend to participate with the majority in doing just that.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857

Mr. GRAVES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 857.

The SPEAKER pro tempore (Mr. BURGESS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNING AS FURTHER MARK OF RESPECT TO THE MEMORY OF THE LATE HONORABLE RONALD WILSON REAGAN, FORMER PRESIDENT OF THE UNITED STATES

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns pursuant to Senate Concurrent Resolution 116, it do so as a further mark of respect to the memory of the late Honorable Ronald Wilson Reagan, the former President of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. EVANS (at the request of Ms. PELOSI) for June 8 and 9 on account of official business.

Mr. KING of New York (at the request of Mr. DELAY) for today on account of being detained on official business.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1086. An act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

THE SPEAKER pro tempore. Accordingly, pursuant to Senate Concurrent Resolution 116, the 108th Congress, the House stands adjourned until 12:30 p.m. on Monday, June 14, 2004, for morning hour debates; and pursuant to the order of the House of today, it does so as a further mark of respect to the memory of the late Honorable Ronald Wilson Reagan, the former President of the United States.

Thereupon (at 3 o'clock and 6 minutes p.m.), pursuant to Senate Concurrent Resolution 116, the House adjourned until Monday, June 14, 2004, at 12:30 p.m., for morning hour debates, and pursuant to the order of the House of today as a further mark of respect to the memory of the late Honorable Ronald Wilson Reagan, former President of the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8451. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Malcolm I. Fages, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8452. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Garry L. Parks, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8453. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8454. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-519, "Transfer of Jurisdiction of the New York Avenue Animal Shelter Expansion Site Resolution of 2004," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8455. A letter from the Executive Director, National Capital Planning Commission, transmitting the Commission's report on FY 2003 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act, Pub. L. 108-199; to the Committee on Government Reform.

8456. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8457. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled "Audit of Advisory Neighborhood Commission 8D for FY 2000 Through 2003, as of March 31, 2003"; to the Committee on Government Reform.

8458. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

8459. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8460. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Yakima, WA [Docket FAA-2003-16266; Airspace Docket 01-ANM-11] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8461. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kalispell, MT. [Docket FAA 2003-16214; Airspace Docket 02-ANM-11] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8462. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; District of Columbia, Maryland, Virginia, and West Virginia [Docket No. FAA-2004-17295; Airspace Docket No. 04-AEA-02] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8463. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E4 Airspace; Homestead, FL [Docket No. FAA-2004-16861; Airspace Docket No. 04-ASO-1] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8464. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Akhiok, AK [Docket No. FAA-2004-16914; Airspace Docket No. 04-AAl-01] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8465. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Parsons, KS. [Docket No. FAA-2004-16986; Airspace Docket No. 04-ACE-4] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8466. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clinton, MO. [Docket No. FAA-2004-16984; Airspace Docket No. 04-ACE-2] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8467. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Muscatine, IA. [Docket No. FAA-2004-16985; Airspace Docket No. 04-ACE-3] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8468. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace, Amendment of Class E Airspace; New Smyrna Bech, FL [Docket No. FAA-2004-16919; Airspace Docket No. 04-ASO-3] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8469.. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Jamestown, KY; Correction [Docket No. FAA-2004-16904; Airspace Docket No. 04-ASO-2] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8470. A letter from the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting a copy of the Report of the Chairman for FY 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4259. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes (Rept. 108–533, Pt. 1). Ordered to be printed.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4248. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes; with an amendment (Rept. 108–534). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4115. A bill to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation (Rept. 108–535). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3754. A bill to provide additional civil and criminal remedies for domain name fraud; with an amendment (Rept. 108–536). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4158. A bill to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes (Rept. 108–537). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4231. A bill to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes; with an amendment (Rept. 108–538). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Select Committee on Homeland Security discharged from further consideration. H.R. 4259 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4259. Referral to the Select Committee on Homeland Security extended for a period ending not later than June 9, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HAYWORTH:

H.R. 4528. A bill to require the Secretary of the Treasury to redesign the face of $10 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. POMBO:

H.R. 4529. A bill to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE:

H.R. 4530. A bill to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. ACKERMAN:

H.R. 4531. A bill to authorize the Secretary of Health and Human Services to conduct and support research using human pluripotent stem cells; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA:

H.R. 4532. A bill to amend title 10, United States Code, to allow nationals of the United States to attend military service academies and receive Reserve Officers' Training Corps (ROTC) scholarships on the condition that the individual naturalize before graduation; to the Committee on Armed Services.

By Mr. FLAKE (for himself and Mr. SHADEGG):

H.R. 4533. A bill to require the temporary reinstatement of contracts for large air tankers that were canceled on May 10, 2004, by the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 4534. A bill to suspend temporarily the duty on Pigment Red 176; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4535. A bill to extend the temporary suspension of duty on Pigment Red 208; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4536. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4537. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4538. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4539. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4540. A bill to suspend temporarily the duty on Acid Blue 80; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4541. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4542. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 4543. A bill to provide for research on, and services for individuals with, post-abortion depression and psychosis; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 4544. A bill to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-earth asteroids and comets; to the Committee on Science.

By Mr. WALSH:

H. Con. Res. 446. Concurrent resolution honoring the LeMoyne College men's lacrosse team on winning the NCAA Division II National Championship; to the Committee on Education and the Workforce.

By Mr. WALSH:

H. Con. Res. 447. Concurrent resolution congratulating the Syracuse University men's lacrosse team on winning the NCAA Division I National Championship; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H. Con. Res. 448. Concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol; to the Committee on House Administration.

By Mr. COX (for himself, Mr. LANTOS, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. BURTON of Indiana, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 667. A resolution expressing support for freedom in Hong Kong; to the Committee on International Relations.

By Mr. DAVIS of Florida (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAW, Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, and Mr. YOUNG of Florida):

H. Res. 668. A resolution congratulating the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003-2004 season; to the Committee on Government Reform.

By Mr. DEAL of Georgia:

H. Res. 669. A resolution expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options, and for other purposes; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 138: Mr. EDWARDS.

H.R. 296: Mr. POMEROY.

H.R. 583: Mr. BURR.

H.R. 976: Mr. EMANUEL.

H.R. 1165: Ms. BALDWIN.

H.R. 1228: Mr. RAHALL.

H.R. 1268: Mr. THOMPSON of Mississippi.

H.R. 1294: Ms. SCHAKOWSKY.

H.R. 1563: Mr. NADLER and Mr. FILNER.

H.R. 1746: Mr. RAMSTAD and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1811: Mr. CHANDLER, Mr. HOYER, Mr. FILNER, Mr. OSBORNE, and Mr. CLAY.

H.R. 1818: Mr. INSLEE, Mr. POMBO, Mr. BRADY of Pennsylvania, Mr. REHBERG, Mr. KIRK, Mr. EMANUEL, and Mrs. BONO.

H.R. 1863: Mr. GREEN of Texas, Mr. McNULTY, and Mr. LAMPSON.

H.R. 1916: Mr. PETERSON of Minnesota and Mr. HASTINGS of Florida.

H.R. 2071: Mr. GONZALEZ.

H.R. 2217: Mrs. LOWEY.

H.R. 2519: Ms. ROS-LEHTINEN.

H.R. 2807: Mr. DOGGETT.

H.R. 2823: Mr. LEVIN.

H.R. 2832: Mr. RAHALL.

H.R. 2900: Mr. SESSIONS.

H.R. 2933: Mr. RENZI.

H.R. 3035: Mr. EMANUEL.

H.R. 3148: Mr. WEINER, Ms. NORTON, Mr. WELLER, and Mr. MORAN of Virginia.

H.R. 3193: Mr. BOYD, Mrs. NORTHUP, Mr. BURR, and Mr. SHIMKUS.

H.R. 3266: Mr. MARKEY and Mrs. McCARTHY of New York.

H.R. 3292: Mr. FILNER.

H.R. 3293: Ms. ESHOO and Mr. McGOVERN.

H.R. 3323: Mrs. MALONEY.

H.R. 3438: Mrs. LOWEY, Mr. LAMPSON, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3474: Mr. OTTER and Ms. McCARTHY of Missouri.

H.R. 3483: Mr. BOUCHER, Mr. SANDLIN, Mr. RODRIGUEZ, Mr. BELL, Ms. BORDALLO, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. BROWN of Ohio, Mr. GRIJALVA, and Mr. PALLONE.

H.R. 3574: Mr. FRANKS of Arizona and Mr. CHANDLER.

H.R. 3579: Mrs. NAPOLITANO, Mr. LARSON of Connecticut, and Mr. BISHOP of New York.

H.R. 3593: Mr. OLVER.

H.R. 3684: Mr. WELDON of Pennsylvania.

H.R. 3938: Mr. OWENS.

H.R. 3953: Mrs. MILLER of Michigan and Mr. EHLERS.

H.R. 3980: Mrs. JO ANN DAVIS of Virginia.

H.R. 4064: Mr. NEUGEBAUER, Mr. SULLIVAN, Mr. HERGER, and Mr. SHAYS.

H.R. 4104: Mrs. TAUSCHER, Mr. GREEN of Texas, Mr. EMANUEL, and Mr. PASCRELL.

H.R. 4116: Mr. SAXTON, Mr. KINGSTON, Mr. BURTON of Indiana, Mr. KELLER, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mr. ISAKSON, Mr. PITTS, Mr. THORNBERRY, and Mr. OSBORNE.

H.R. 4128: Mr. CRANE, Mr. PITTS, Mr. GREEN of Wisconsin, Mr. SOUDER, and Mr. OTTER.

H.R. 4149: Mr. COOPER.

H.R. 4151: Mr. NORWOOD and Mr. GORDON.

H.R. 4156: Mr. PAUL.

H.R. 4217: Mr. JOHNSON of Illinois and Mr. CUMMINGS.

H.R. 4261: Mr. GRIJALVA and Mrs. DAVIS of California.

H.R. 4268: Mr. CUMMINGS.

H.R. 4284: Mr. BURGESS.

H.R. 4290: Mr. GREEN of Texas and Mr. KUCINICH.

H.R. 4334: Mr. WOLF and Mr. PAYNE.

H.R. 4341: Mr. RAHALL.

H.R. 4343: Mr. BRADY of Texas.

H.R. 4348: Mr. GEORGE MILLER of California, Mr. GRIJALVA, and Mr. PAUL.

H.R. 4363: Mr. GORDON, Mr. SHIMKUS, and Mr. McDERMOTT.

H.R. 4373: Mr. MANZULLO.

H.R. 4380: Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4391: Mr. KELLER, Mr. COLLINS, and Mr. WAXMAN.

H.R. 4399: Mrs. LOWEY.

H.R. 4445: Mr. MORAN of Virginia, Mr. FROST, and Ms. JACKSON-LEE of Texas.

H.R. 4448: Mr. GRIJALVA, Ms. KILPATRICK, Mr. STARK, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mr. WYNN.

H.R. 4449: Mr. OLVER.

H.R. 4475: Mr. KING of Iowa.

H.R. 4498: Mr. WU.

H.R. 4499: Mr. NORWOOD and Mr. BRADY of Texas.

H.R. 4520: Mr. FEENEY, Mr. SESSIONS, Mr. BURR, Ms. HARRIS, and Mrs. BLACKBURN.

H.J. Res. 22: Mr. HOYER.

H.J. Res. 94: Mr. KINGSTON.

H. Con. Res. 99: Mr. EMANUEL.

H. Con. Res. 213: Mr. McDERMOTT and Mr. GUTIERREZ.

H. Con. Res. 247: Mrs. CAPITO.

H. Con. Res. 261: Mr. GONZALEZ.

H. Con. Res. 375: Mr. SIMMONS.

H. Con. Res. 405: Mr. DREIER, Mr. PLATTS, and Mr. PORTER.

H. Con. Res. 435: Mr. FILNER and Mr. COSTELLO.

H. Con. Res. 443: Mr. SAM JOHNSON of Texas and Mr. CULBERSON.

H. Res. 66: Mr. MCINTYRE.

H. Res. 647: Mr. LARSEN of Washington, Mrs. MILLER of Michigan, and Mr. HOEKSTRA.

H. Res. 664: Ms. ROS-LEHTINEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. GRAVES.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2, by Mr. MARSHALL on House Resolution 251: Stephanie Herseth.

Petition 8, by Mr. EDWARDS on House Resolution 584: Stephanie Herseth.

SENATE—*Wednesday, June 9, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore, Mr. STEVENS.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, author of true freedom and shelter from life's storms, as our Nation pays its final respects to former President Ronald Reagan, we look again to You, the source of our hope for years to come.

In a world of change and decay, You remain the same yesterday, today, and forever. Undergird this land with a foundation of right living that exalts a nation. Deliver us from the evils that bring national decline. Surround our military with the shield of Your presence and give wisdom to all warriors for freedom. Guide our lawmakers as they seek to keep America strong. Strengthen them with Your spirit and inspire them with Your precepts.

In these challenging days, we place our confidence in You, for Your steadfast love and faithfulness sustains us.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate has convened again to allow Members to pay tribute to the life of Ronald Wilson Reagan, our 40th President. Later this morning, at 11:30, the Senate will honor that life by voting on a memorial resolution regarding President Reagan. I expect that to be the only vote of the day.

ORDER OF PROCEDURE

I ask unanimous consent that the final 10 minutes prior to the vote be equally divided and reserved for the two leaders.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we will conclude our business by 3 p.m. today in order to allow the Capitol to prepare for this evening's services. The Rotunda service will begin at 7 p.m. tonight, and all Senators are asked to be in the Senate Chamber at 6:15 p.m. in order to depart at 6:25 p.m. to take our place in the Rotunda for the ceremony. Each Senator's office has received a fairly extensive memo outlining today's and the rest of the week's events, including plans for the Friday service, and that memo provides details for the Senators.

A final note. In looking ahead to next week, when we finish today, we will adjourn until Monday. On Monday, we will resume consideration of the Defense authorization bill, and it is my expectation to have multiple votes on Monday, probably stacked in the afternoon. We will need to make considerable progress on Monday on the Defense authorization bill in order to finish the bill as early as possible next week.

I thank my colleagues who have come to the floor in the last several days to give eloquent remarks regarding the life and legacy of Ronald Reagan.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

VOTES ON MONDAY

Mr. REID. Mr. President, if I can, through the Chair, does the majority leader think those Monday votes will start around 5 o'clock, or has he made a decision?

Mr. FRIST. Mr. President, we will be in discussion with the Democratic leadership, but I think around 5 o'clock or not before 5 o'clock. I think it is important we make substantial progress Monday. We set aside, very appropriately, this entire week in honor of President Reagan, and it means that if we are to finish the business before us, we will need to start fairly early Monday and work hard through the day and the week.

TRIBUTE TO FORMER PRESIDENT RONALD WILSON REAGAN

Mr. FRIST. Mr. President, I wish to make a few remarks regarding President Ronald Reagan. It was in January 1977, as Jimmy Carter prepared to take the oath of office as President, that Ronald Reagan met with the man who would become his chief foreign policy adviser for the next several years, Richard Allen.

The two spent several hours together discussing in detail the vast array of issues. As Allen recalls—and some people have heard this on the news—as he has recounted it, Reagan said a whole range of memorable things, but none was more profound than this:

> My idea of American policy toward the Soviet Union is simple and some would say simplistic. It is this: We win and they lose. What do you think of that?

Ronald Reagan's words would have been shocking to the trained ears of any foreign policy expert of that day. The consensus was the cold war simply could not be won. We could not defeat communism. That is what people thought. That is what they felt. All we could do was to hope to contain the Soviet Union and chip away at the fringes of its influence.

After his meeting with Ronald Reagan, Richard Allen never looked at the world in the same way. When Ronald Reagan entered the White House and laid out his vision for winning the cold war, America never looked at the world the same way. And when Ronald Reagan left the White House and events he helped put in motion came to pass, the world, indeed, would never be the same.

What were the reasons for Ronald Reagan's historic foreign policy success? How did he come to leave a more indelible mark on the world than any American President since Franklin Delano Roosevelt?

First, Ronald Reagan believed in a strong military to defend our Nation and to protect peace. He marshaled the resources from this body for a remarkable 35-percent increase in defense spending during his Presidency. Critics accused Reagan of unnecessarily provoking the Soviet Union and putting America on a path to nuclear war. But for Ronald Reagan, a strong national defense was an instrument for peace. It was Government's first and foremost duty to its people. He knew the Soviet Union could not match our capacity to fund our national defense, and should the Soviets attempt to keep pace, as they did, the Communist state would be unable to sustain itself.

Second, Ronald Reagan believed that America, our allies, and our common values were on that winning side of history. The destiny of mankind was not to live in the shadow of tyranny, dictatorship, but to be guided by the light of liberty, by the light of democracy. That was the destiny.

As Reagan said in his watershed Westminster speech:

> The march of freedom and democracy . . . will leave Marxism-Leninism on the ash-

> heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people.

Third, Ronald Reagan viewed the world through a lens of moral clarity. He believed there was right and wrong and good and evil, strength and weakness, but, most importantly, he was not afraid to talk about the world as he saw it or use his words to help shape the world in that vision.

He called the Soviet Union the "evil empire." Why? Because the Soviet regime was repressive and godless and imperialist.

In 1987, he stood before the Brandenburg Gate in Berlin and challenged the Soviet leadership:

> Mr. Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall.

Within months, the wall was torn down. The cold war was won, and the new and lengthy era of peace for America and among the major powers of the world was born.

In this week of tribute to the life of Ronald Reagan, let us remember the simple ideas upon which his foreign policy was based: a strong military as an instrument of peace; liberty and democracy as the destiny of mankind; and the moral clarity to see the world as it was and what it should be.

Let us also remember that without the courage and the character of Ronald Reagan, his ideas would have remained just ideas, and the world would have remained the same.

As Reagan once wrote of his determination to stand up for what he believed:

> But bearing what we cannot change and going on with what God has given us, confident there is a destiny, somehow seems to bring a reward we wouldn't exchange for any other. It takes a lot of fire and heat to make a piece of steel.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Massachusetts.

TRIBUTE TO FORMER PRESIDENT RONALD WILSON REAGAN

Mr. KENNEDY. Mr. President, I join my colleagues on both sides of the aisle in paying tribute to Ronald Reagan. As all of us who had the privilege of working with him know, he brought a special grace to the White House and the country in everything he did. We often disagreed on specific issues, but he had an undeniably unique capacity to inspire and move the Nation.

The warmth of his personality always shone through, and his infectious optimism made us all feel that it really was "morning in America." It was impossible not to respect and admire the way he revived the spirit of the Nation in that era, restored the power and vitality of the Presidency, and made it a vigorous and purposeful place of effective national and international leadership.

It was no coincidence that he opened his 1984 re-election campaign year by citing two Democratic Presidents, John F. Kennedy and Franklin D. Roosevelt, in his State of the Union address. Nor was it a coincidence that at the Republican Convention that year, not the Democratic Convention, the band played "Happy Days Are Here Again."

He governed as a conservative Republican, often very conservative. But he had a special genius for reaching out to all Americans. Somehow, the hard edges of his policies always seemed smoother when he discussed and defended them. He was willing to step back from them when necessary, such as when it proved impossible to cut taxes, increasing spending for defense, and balance the budget at the same time.

He was an intense competitor who wanted to win, not just for himself but for his beliefs. But his goal was to defeat his opponents, not destroy them. He taught us that even though the battle would inevitably resume the next morning, at the end of each day we could put aside the divisions and debates. We could sit down together and laugh together, especially at his endless stream of stories. He took issues seriously, but he had a sense of perspective that never let him or us take ourselves too seriously. As a leader, he was a President of large principles, not small details. Some criticized him for that, but it was often the source of his strength.

On foreign policy, he will be honored as the President who won the cold war, and his famous words "Mr. Gorbachev, tear down this wall" will be linked in history with President Kennedy's "Ich bin ein Berliner." He came to office convinced that we could not trust the Communists, or perhaps even negotiate with them, and his commitment to a strong national defense was never doubted by Soviet leaders.

But he also understood the importance of working with our allies to protect our security, and he also understood the madness of "mutually assured destruction." He had an instinct that Michail Gorbachev might be different, and was quick to respond when I learned on a visit to Moscow in 1986 that President Gorbachev was prepared to negotiate a separate arms control treaty on the critical issue of nuclear missiles, in Europe. The Intermediate-Range Nuclear-Force Treaty they negotiated the following year eased tensions in Europe, and became the needed breakthrough in U.S.-Soviet relations that made it possible to see light at the end of the long dangerous tunnel of the cold war.

President Reagan was never afraid to be controversial, to confront when he had to, and lead where he believed. There were intense disagreements with many of his policies, then and now. But beyond all that was a defining reality. He came to power at a time of self-fulfilling pessimism, a pervasive belief that public policy could barely move molehills, let alone mountains. The true achievement of the Reagan Revolution was the renewal of America's faith in itself:

It was more than the fact that he was a superb communicator. Some attributed at least part of his success to the fact that he had been an actor. But his deepest convictions were matters of heart and mind and spirit, and on them, he was no actor at all.

He was very generous to the Kennedy family on many public and private occasions. Caroline and John went to see him in the White House early in 1985 to ask if he might be willing to participate in some way in a dinner we were planning at my home in support of my brother's presidential library. He was delighted to attend. "Of course I'll help you," he said. "You don't have a father to help."

At the dinner a few weeks later, he stood with us in the receiving line and shook the hand of every guest. He was quick to mention that he had not supported President Kennedy in 1960. "I was for the other fellow," he told us. "But you know, it's true, when the battle's over and the ground cooled, well, it's then that you see the opposing general's valor."

He proceeded to give one of the finest tributes that my brother ever received. As he said of Jack, "He seemed to grasp from the beginning that life is one fast-moving train, and you have to jump aboard and hold on to your hat and relish the sweep of the winds as it rushes by."

He summed it up by saying of my brother, "You have to enjoy the journey. . . . I think that's how his country remembers him, in his joy, and it was a joy he knew how to communicate." That's how America remembers Ronald Reagan, too.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise to pay tribute to the memory of our 40th President, Ronald Wilson Reagan.

Mary and I have deep sadness today and we send out our heartfelt condolences to Nancy and the rest of the Reagan family.

I didn't personally meet Ronald Reagan until 1983, but I wish I had known him before.

I will never forget how even though we hardly knew each other, he was there when I needed him.

This first happened when I was running for Governor of Kentucky in 1983. To be honest, not many people were helping me. I entered the race late to try to help the Republican party because we didn't have a candidate. Most people either weren't very interested or weren't giving me much of a chance. But I called President Reagan and he helped me and even came out to campaign for me. I'm sure some of his advisers told him not to, and told him there was nothing in it for him. But he came anyway.

At a time when not many other people believed in me, Ronald Reagan did. That was very special to me personally.

I didn't win that race, but President Reagan's faith in me and his support transformed me from someone who had merely watched him from afar to an appreciative admirer.

He had no reason to come and assist me other than to help because of the goodness in his heart.

I asked, and that was enough for him.

Later I was at the 1984 Republican Convention in Dallas when he gave the great speech about believing in America and how our Nation symbolized hope to the world as a shining city on the hill.

It was spellbinding and uplifting. Even though it was a political convention, I think his message of optimism and his belief in the goodness of America touched all Americans.

President Reagan believed in me again when I ran for Congress in 1986. To be honest, I wasn't really interested at first in coming to Washington. But when Ronald Reagan and his White House turned on the power of persuasion, it was almost impossible to say "no." And with Ronald Reagan's support, I was fortunate enough to win and to come join him as a Member of Congress for his last 2 years in office. Again, he believed in me and I've never forgotten it.

I attended his last two State of the Union speeches as a Member of the House and they were spectacular performances.

I remember during his last State of the Union when he dropped a copy of the enormous continuing resolution spending bill Congress had passed in late 1987 and warned us that we'd better get our work done on time because he wouldn't sign another bill like that.

We knew he meant it and Congress listened and the next year we did get our work done on time.

I believe the secret to Ronald Reagan's appeal was that he had such strong and profound fundamental beliefs about the role of Government and he was so confident in his ability to communicate those beliefs in simple, but powerful ways that average Americans could understand.

People sensed that he was sincere in his own beliefs. They knew he was comfortable in his own skin and had a clear idea of the direction where he wanted to lead the country. Because he was confident in himself and believed in America and its people, the American people returned that faith. They believed in him and they listened to him. When he led, they followed.

They followed Ronald Reagan when it came to his staunch opposition to taxes.

They listened to him when he warned us about the evils of communism and asserted our moral superiority in the struggle between the East and the West.

Many in Washington criticized him when he warned that the old Soviet Union was an evil empire.

But Ronald Reagan understood that the Soviets were a moral threat to our way of life, and that we were engaged in a struggle that we had to win.

The naysayers said Ronald Reagan was dangerous, but the American people knew he was fundamentally right, and history will show him to be a visionary who probably saved our Nation and the world.

Like every other President, Ronald Reagan had his critics. And he made mistakes. But there is no doubt that the strong consensus among the American people is that Ronald Reagan was a great President.

He was an unusually strong and optimistic leader that we all want to emulate. That's why his passing has hit so many of us so hard.

Even his strongest critics will tell you that they liked Ronald Reagan the man and human being. They knew that even though he might disagree with their policies that he still liked them as people and that he would treat them with respect.

That was a hallmark of Reagan and another strength of his administration—he was always a gentleman and treated others with respect. He might not have won every policy and political argument, but he fought cleanly and conducted himself with civility and grace.

In the end, I believe that few of us will see another leader the likes of Ronald Reagan during our lifetime.

I believe that when he took office he set out to change not only the Nation but the face of the world. That is exactly what he did.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, on the passing of former President Reagan, my mind, like everyone else's, goes back to a personal experience—not one that I had with Ronald Reagan himself because I did not know him that well, but in 1976, I was being interviewed for a job in the Reagan campaign for President. The individual, the former President's campaign manager at the time, who was conducting the interview, went through all of the specifics of the job he wanted me to take. The interview went very well. I seemed to have the credentials they wanted, and it was clear that a job offer was sitting there on the table. But I was a little troubled, even though things were going well, because I wanted to make something very clear.

I did not know Ronald Reagan. I had met him, but I did not know him. I only knew the caricature of Reagan which was out there in the media, which was that he was a rigid, ideological, hard-line conservative who would never, ever budge from an ideological position. So I said, in the spirit of full disclosure in this job interview, I want to make one thing clear. I said: I am not a true believer.

The individual conducting the interview smiled a little and he said: That's all right, neither is the Governor.

That was my first glimpse into what made Ronald Reagan a truly successful politician. He was a politician of absolutely firm resolve, there is no question about that. There were things he believed and he believed with such passion that he would never, ever deviate from them. But there were also some things he realized could be compromised that did not require an absolute, hard-line ideological stance, and the great genius of the man is that he had the wisdom to be able to discern which issue fell into which category, which issue was one in which there must be no compromise, and which issue was one where he could, in the words of former Senator Dole, take 80 percent of the deal and be happy with it. That requires a degree of wisdom and sensitivity that very few of us possess. Ronald Reagan possessed it, and that was the core of his genius.

In the words of the country music song, he knew when to hold them and when to fold them.

On the issue of the evil empire, that was a time when he would hold them. On the issue of the evil empire, he would give no quarter, and he was criticized firmly for that, even within his own administration. The story is told of a meeting where members of the administration were discussing how they would deal with the Soviet Union in a certain situation, and after one point of view was presented President Reagan turned to the individual and said: If you believe that, what are you doing in this administration? He was that firm in his determination that the Soviet Union was, indeed, an evil empire and had to be confronted as such.

But when the confrontation truly came and the Soviet Union found they were up against an immovable object in Ronald Reagan and they began to maneuver, then he could see the areas in which 80 percent was good enough. He could discern the difference between where he had to stand absolutely firm and where he had to negotiate. He skillfully exploited all of those differences in such a way that the "evil empire" first ceased to be evil and then ultimately ceased to be an empire.

I find one of the great ironies of history the fact that upon his passing, on the pages of the New York Times, Mikhail Gorbachev is quoted in praise of Ronald Reagan. The man whom Reagan outmaneuvered, outnegotiated, and ultimately forced from office was singing his praises at his passing. That is an indication of how good Ronald Reagan was at the job of being President of the United States.

We have all talked about how optimistic he was, how filled with hope he was, what a congenial fellow he was, what a great communicator he was. And all of that is true and all of that is right and proper in this eulogy. But we should not allow ourselves to forget in these discussions of his wonderful qualities how effective a President he was. We live in Ronald Reagan's America. Indeed, we live in Ronald Reagan's world. He is more responsible for the kind of America we have today than any other man. He is more responsible for the kind of world in which we live than any other man.

That does not mean he is solely responsible, by any means, because there are many people who have affected America and have affected the world for good and ill, and no one man can be solely responsible for what happened. But he is more responsible than any other individual for the kind of country we have and for the kind of world in which we live—and both are substantially better than that which he found when he became President.

Let us look back for a minute at what America was like when Ronald Reagan became President.

We think of the Great Depression and how devastating that was as an economic event in our lives. When Ronald Reagan came to the Presidency, we were in the midst of the great inflation. I remember it very clearly. I was delighted in that period—absolutely delighted—to be able to get a bank loan, so I could meet payroll in the business I was running, at an interest rate of 21 1/5 percent. I remember talking to my banker who said to me, Today the Treasury auction has sold 30-year Government securities at 15 percent. It was absolutely stunning. The great inflation was destroying value, destroying confidence, and created what is the most serious recession we have had since the Great Depression—the double digits of the 1980s which occurred in Reagan's Presidency but were the consequence of the great inflation that went before. This President stood absolutely firm on his economic policy that was being ridiculed, that was being castigated, that was being sneered at; and his message to the country was stay the course. We did stay the course. His party lost a lot of seats in that next election, but he stood firm. Along with Paul Volcker at the Federal Reserve, they squeezed inflation out of the economy, created an economic situation where today as the heirs of that enormously difficult but significant effort we find the time when interest rates are at their lowest in 20, 30, or 40 years.

I remind people who derided Ronald Reagan as the playboy, lifeguard, football player with no intellectual base that he was the only President of the United States who had a degree in economics—classic economics, Keynesian economics—and he viewed the world in Keynesian terms and set an economic course that produced the base of prosperity we live in today. Yes, he was an optimist. Yes, he was a politician of joy. Yes, he was a pleasant fellow. But he was an enormously successful President in his domestic policies.

During his Presidency, the American economy grew as measured in terms of gross domestic product as much as if it had acquired the entire economy of Germany. We added as much gross domestic product—that is as much output in the American economy—during the time he was President as the entire economy of Germany.

Let us not forget that contribution as we remember and properly celebrate his sterling personal qualities.

Internationally, of course, we have talked about that. Other Senators have talked about that. But let us remember once again at the time his policies were very controversial, at the time his policies were derided by the wise men, at the time they said he was a cowboy who was going to set off all kinds of danger internationally, and at the end of his Presidency, as I say, the "evil empire" was no longer evil and very quickly it was no longer an empire. And instead of setting off dangerous international consequences, what he did by standing firm on his resolve was transform the world by ridding it of its greatest threat. That was not bad for a B actor who presumably didn't know anything beyond what was on those 3-by-5 cards.

The best summary comes from one of his staffers who wrote a book. The staffer was named Dinesh D'Souza. He wrote a book called "Reagan," and the first chapter of that book is entitled, "The Wise Men and The Dummy."

In that chapter, D'Souza said when Reagan came to the Presidency, it was widely assumed among all the liberal wise men in the country that he was a dummy. The untold secret is the conservative wise men felt the same way. The conservative wise men thought he won the Presidency because he was a great actor: He looks good on television, but we can't allow him to make any of the decisions. He is a front, and we will put together the conservative agenda. Then we will have him as our puppet to go out and sell it to the American people, and we will have the best of all possible worlds.

Well, as D'Souza records, at the end of the day, on every major issue that came before the Reagan Presidency, it turned out the wise men were wrong and the dummy was right. And the dummy, because he was President of the United States and because he understood the proper use of power and he exercised it with tremendous skill, had views that prevailed, and we are the beneficiaries of his wisdom.

At this time of his passing, I do not mourn because Ronald Reagan has been released by death from a tremendously debilitating, frustrating, and ultimately tragic situation. Ronald Reagan is now in a better place that does not require us to mourn but to rejoice. This time is a time to celebrate, a time to be grateful, and a time to thank Providence for giving America at this time in its history this particular statesman, the one who knew when to stand with absolute resolve, when to be willing to make the deal, and possess the innate wisdom to know the difference.

We live in Ronald Reagan's America. Indeed, we live in Ronald Reagan's world, and we are all better off for that fact.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, it is a great honor for me to be a Member of this body at this point in history and to be able to have the privilege of making a few comments on the life and career of Ronald Reagan.

My words are inadequate to the task. Many have spoken more eloquently than I. Many have written beautifully about his life and the meaning of his Presidency.

I will just say that I do remember being personally inspired by him. As a young high school student, I came to believe Barry Goldwater would be a good President. I believed that from the values he was articulating. I did what I could. I put a bumper sticker on my daddy's pickup truck. Although he had never been involved in politics in any way, he allowed me to do that.

Of course, things did not go well in that election. Things were going poorly. But on the eve of that election, the

Nation and many of the people who shared those basic values about classical America, what we as a nation represent—limited government, individual responsibility, personal freedom, a strong national defense—were electrified by a speech by Ronald Reagan. I think they call it "Rendezvous With Destiny." Some just call it "The Speech." I remember it to this day.

After the Goldwater campaign ended—and it certainly was a major defeat for him—Ronald Reagan sort of inherited the flame of classical American values and made them the basis of his personal beliefs and his campaign for the Presidency.

I was also later honored to be President Reagan's U.S. attorney for the Southern District of Alabama. It was a Presidential appointment, confirmed by the Senate. I was a U.S. attorney, and I served in that job as one of his lieutenants in the war on crime for the entire two terms of his Presidency, and, indeed, for 4 more years under former President Bush. That was a great honor for me.

As we talk about what President Reagan accomplished, I do want to take a moment to talk about crime and drugs. Crime and drugs had been surging for 20 years when President Reagan took office. The elites in this country actually believed that prison was noneffective, that it did not work, that it was counterproductive, that you should not put people in prison, that we ought to ask how they committed the crime, what the root causes of criminal behavior were, and what we could do to help the criminal.

We lost sight of the victim. We lost sight of accountability. We lost sight of righting wrong. And it resulted in crime rates that doubled and tripled in the 20 years prior to President Reagan taking office.

Drug use had surged during the 1960s and 1970s. By the time President Reagan took office, one-half of high school seniors in America admitted to having used an illegal drug in their life. That is a stunning number. That is according to a University of Michigan study.

Nancy Reagan began her "Just Say No" program. President Reagan passed mandatory sentencing policies. He eliminated parole and passed through the Congress the Federal Sentencing Guidelines that eliminated parole, had guaranteed sentences for incarceration, with many substantial sentences for serious violations of the law. I believe the sentencing guidelines were probably the biggest change in law enforcement in the history of this country since its founding.

The result was that drug use went down. It went down every year President Reagan was President. For 12 years it declined steadfastly. We now have less than half of high school seniors who say they have used an illegal drug in their life. The crime rate began to fall. We are still seeing declines in crime. That is because we went back to the fundamental precepts of crime and punishment, and how you do it. Some people are just dangerous. They need to be incarcerated. They need to be removed from society for the protection of society.

States picked up on this. Most crimes are prosecuted in the States, but that leadership of the bully pulpit by the President led to State reforms and crackdowns and improved capacity in prisons to deal with repeat offenders. It has been a key element in the reduction of crime and why Americans are safer today than they were in 1980. It is something that I think we have not heard much about in the discussion of the accomplishments of President Reagan.

I was also honored to have been his nominee for a Federal judgeship. It turned into a very unpleasant experience for me and my nomination did not clear the Senate Judiciary Committee, of which I am now a member and on which I am honored to serve. But he stood steadfastly for me. The fact he believed in my ability to be a Federal judge was something I cherish. And I cherish the letter he wrote me when I asked that my name be withdrawn from that appointment. It is something I will always cherish. It was personal and meaningful to me.

Ronald Reagan had a deep and fully formed philosophy about America and American ideals when he came to office at age 69. This is something that did not come to him lightly. It was over a lifetime of evaluation. Even in the face of the most fierce opposition, he never wavered in those beliefs. Indeed, his very life seemed to embody the highest and best of American values. His very life, the way he carried himself, embodied American values. His courage to remain true to the highest of these ideals was his greatest strength, I believe.

His goal was to free the greatness of individual Americans, assured that their goodness and industry would lift the Nation and inspire the world to freedom and progress. He believed in the individual American citizen. He believed that government should allow their creativity and industry to flourish, and as they flourished, and as they worked hard, and as they were creative, the world and America would benefit from it.

His courage to be true to those ideals, I believe, was his secret strength. He understood that intuitively, and he remained true to it. He called us, in his very special way, to the natural optimistic spirit of America.

His record of achievement was extraordinary. He led us with courage and steadfastness to defeat the evil empire. He cut our taxes. He called on us to renew our spiritual, moral, and family values. He said criminals should be punished. He not only communicated these values with words, but his actions and policies and life were dedicated to that.

As a result of his constancy and courage to fight for these values, a serious period of pessimism abounding in our land at that time ended. The Soviet Union collapsed. The economy began its 20 years of remarkable growth. Matters of faith, morality, and family were lifted up. The crime rate fell, and drug use fell.

The success of the Reagan Presidency was stunning in its scope, and it could not have come at a better time for the country. Like President Washington, President Reagan's life was given over to the country. He loved his country and he was selfless in his commitment to it. His selflessness and the purity of his principles inspired those who worked for him.

I remember—and I will close; I know there are others who would like to speak—but I do remember how, as a U.S. attorney, we did not need to be told in detail what the President wanted. We heard his philosophy. We heard his campaign. We knew he wanted us to be more productive. We knew he wanted us to take charge of our governmental office and make it work for the people and produce as high an output as it could possibly achieve. We also knew he expected us to crack down on criminals and crime.

I think that was good leadership because all the departments of the Government understood where Reagan came from, what administration they were a part of. They did not have to be instructed in detail on how to accomplish the goals of his administration. That was one of his great strengths. The impact of it was incalculable in many ways around the world.

I will just close with this story. In 1993, several years after President Reagan left office, I had the opportunity to go with a church group to Russia. It was a Methodist group. We went and stayed in a town 5 hours from Moscow, about 40,000 people, many of whom had not seen Americans before. We had a very nice time there. I stayed for a number of days with a Russian family.

The first day we got there, the Russian host's daughter was to be baptized. Father Gannati was the Russian orthodox priest. He came and he did a nice service, and it took some time. Then we had dinner after the baptism. Father Gannati explained that just 2 years before, he was not able to wear his robes in public. The state caused him to be moved from town to town every year so that he could not build bonds and roots in a given community. He could not meet the governmental leaders. They would not meet with him because they were atheists and they would not meet with believers. So it was a very interesting time.

He described how since then he could wear his robe, the mayor had him down to meet with him the day before this event, and that he was able to stay and rebuild the church there that had been damaged ever since the Russian revolution had occurred.

At the conclusion of those remarks, our host jumped up and said: I propose a toast to Ronald Reagan, who allowed us to believe in God again. Right in the center of the evil empire, the impact Ronald Reagan had to change the nature of the world in which we lived was felt in a very real way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to join other colleagues in talking about President Ronald Reagan, the Great Communicator, the great humanitarian.

> I will lie down and bleed awhile, and then I will rise and fight again.

Ronald Reagan quoted Sir Andrew Barton's words after returning home from campaigning against Gerald Ford. Poignant words for a man who just 4 years later was elected the 40th President of the United States.

The Nation and the world have lost a great treasure. Ronald Reagan was a master wordsmith, an international diplomat, a man whose genuine humanity gave Americans and people around the world a new sense of self-worth. He loved America first and foremost, so we stood behind our leader, our captain, our coach—to win one for the Gipper.

Ronald Reagan held a deep devotion to principle, sought peace through strength, and encouraged everyone to believe in their convictions. He had a keen intellect, but he was underestimated by his critics. He disarmed many naysayers with his quick wit, crooked smile, thoughtful words, and a jar of jelly beans.

He will forever be remembered by ending the cold war. His words "Mr. Gorbachev, tear down this wall" echo in our mind's eye. Known as the Great Communicator, his philosophies changed the political direction this country was taking. His domestic policies gave us a smaller government rather than a larger one. These are just a handful of changes that will be the legacy left by Ronald Reagan. Certainly, we can all be very proud of the leadership he has given and follow the example he left behind.

Beneath the steely smile, Ronald Reagan was a cowboy. Westerners remember Reagan for his love of horses, his Wrangler jeans, his cowboy hats, something we all appreciated out West. In fact, in 1968, Ronald Reagan came to Wyoming to speak to the Wyoming Republican State Convention in Cheyenne. Clarence Brimmer, now a U.S. district judge in Cheyenne, remembered the cowpoke from California who delivered a motivating speech. He said recently:

> He was really outstanding, not just as a speaker, but in a cowboy suit he was really sharp. He wowed all the ladies.

The passing of Ronald Reagan has brought about a great deal of grief for all of us in the country and throughout the world. But through his dignified leadership, universal diplomatic skills, and his energetic persona, Ronald Reagan established a legacy that will live for generations to come. We should take pride in his life, in his accomplishments, and recognize what he left us—the great dawning of a new America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I, too, rise to join my colleagues in honoring our Nation's 40th President, Ronald Reagan. It is most fitting and I know that I have watched, as have Americans across the country, as we see the stories of Ronald Reagan and his life and his contributions to this country, stories coming from not only those of us standing on the Senate floor but from other countries, from small communities. People are focusing on the man that was Ronald Reagan, a great leader for this country. The stories that have been told have been wide-ranging, covering President Reagan's role in the cold war, his truly undying sense of optimism for the country, the discussions about Reaganomics, and, of course, all those personal stories that make President Reagan so unforgettable.

Alaska certainly has its stories to add and to share as well. President Reagan's impact on Alaska began before he even entered the office of the Presidency. In 1980, the Alaska National Interest Lands Conservation Act, putting over 100 million acres of land under Federal control, was pending before the Congress. With Reagan's election that year, leaders in the House and Senate—at the time, both were under Democratic control—knew that if they were going to get a bill signed into law, it would have to be then, before President Reagan was sworn in, and the Act, for better or for worse, was signed into law on December 2, 1980. But President Reagan understood Alaska and Alaskans.

In his book, entitled "Reagan, In His Own Hand," the President asked this very important question:

> Will Alaska wind up as our biggest state, or will it be our smallest state surrounded by our biggest national park?

He tried to ease the impact these land withdrawals had on Alaskans living in and around the new parks and refuges. He fought for access to these lands to provide for economic development, and it was his administration that determined that oil drilling should be allowed in a small section of the Arctic National Wildlife Refuge, a debate that continues today.

Alaskans remembered all that President Reagan did for us in both Presidential elections by giving him wide and broad-based support throughout the State.

President Reagan had the opportunity to visit Alaska several times. He liked to talk about his ties to the State. He was a big fan of Robert Service, and one of his favorites was a poem entitled "The Shooting of Dan McGrew." It is a poem about a particular barroom brawl, and most people may remember the beginning of it:

> A bunch of the boys were whooping it up at the Malamute Saloon.

It is a wonderful, kind of down-and-dirty, rough-and-tumble poem that personified what many wanted to believe about Alaska and the last Frontier.

But President Reagan was quite fond of that. I had an opportunity last night to pull out "The Shooting Of Dan McGrew" and read it yet one more time, and it brought good smiles to my face.

I ask unanimous consent to have printed in the RECORD the full contents of "The Shooting Of Dan McGrew."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SHOOTING OF DAN MCGREW

A bunch of the boys were whooping it up in the Malamute saloon;
The kid that handles the music-box was hitting a jag-time tune;
Back of the bar, in a solo game, sat Dangerous Dan McGrew,
And watching his luck was his light-o'-love, the lady that's known as Lou.

When out of the night, which was fifty below, and into the din and glare,
There stumbled a miner fresh from the creeks, dog-dirty, and loaded for bear.
He looked like a man with a foot in the grave and scarcely the strength of a louse,
Yet he tilted a poke of dust on the bar, and he called for drinks for the house.
There was none could place the stranger's face, though we searched ourselves for a clue;
But we drank his health, and the last to drink was Dangerous Dan McGrew.

There's men that somehow just grip your eyes, and hold them hard like a spell;
And such was he, and he looked to me like a man who had lived in hell;
With a face most hair, and the dreary stare of a dog whose day is done,
As he watered the green stuff in his glass, and the drops fell one by one.
Then I got to figgering who he was, and wondering what he'd to,
And I turned my head—and there watching him was the lady that's known as Lou.

His eyes went rubbering round the room, and he seemed in a kind of daze,
Till at last that old piano fell in the way of his wandering gaze.
The rag-time kid was having a drink; there was no one else on the stool,
So the stranger stumbles across the room, and flops down there like a fool.
In a buckskin shirt that was glazed with dirt he sat, and I saw him sway.

Then he clutched the keys with his talon hands—my God! but that man could play.
Were you ever out in the Great Alone, when the moon was awful clear,
And the icy mountains hemmed you in with a silence you most could hear;
With only the howl of a timber wolf, and you camped there in the cold,
A half-dead thing in a stark, dead world, clean mad with the muck called gold;
While high overhead, green, yellow, and red, the North Lights swept in bars?—
Then you've a hunch what the music meant . . . hunger and might and the stars.
And hunger not of the belly kind, that's banished with bacon and beans,
But the gnawing hunger of lonely men for a home and all that it means;
For a fireside far from the cares that are, four walls and a roof above;
But oh! so cramful of cosy joy, and crowded with a woman's love—
A woman dearer than all the world, and true as Heaven is true—
(God! how ghastly she looks through her rouge,—the lady that's known as Lou.)
Then on a sudden the music changed, so soft that you scarce could hear;
But you felt that your life had been looted clean of all that it once held dear;
That someone had stolen the woman you loved; that her love was a devil's lie;
That your guts were gone, and the best for you was to crawl away and die.
'Twas the crowning cry of a heart's despair, and it thrilled you through and through—
"I guess I'll make it a spread misere," said Dangerous Dan McGrew.
The music almost dies away . . . then it burst like a pent-up flood;
And it seemed to say, "Repay, repay," and my eyes were blind with blood.
The thought came back of an ancient wrong, and it stung like a frozen lash,
And the lust awoke to kill, to kill . . . then the music stopped with a crash,
And the stranger turned, and his eyes they burned in a most peculiar way;
In a buckskin shirt that was glazed with dirt he sat, and I saw him sway;
Then his lips went in in a kind of grin, and he spoke, and his voice was calm,
And "Boys," says he, "you don't know me, and none of you care a damn;
But I want to state, and my words are straight, and I'll bet my poke they're true,
That one of you is a hound of hell . . . and that one is Dangerous Dan McGrew."
Then I ducked my head and the lights went out, and two guns blazed in the dark;
And a woman screamed, and the light went up, and two men lay stiff and stark.
Pitched on his head, and pumped full of lead, was Dangerous Dan McGrew.
While the man from the creeks lay clutched to the breast of the lady that's known as Lou.
These are the simple facts of the case, and I guess I ought to know.
They say that the stranger was crazed with "hooch," and I'm not denying it's so.
I'm not so wise as the lawyer guys, but strictly between us two—
The woman that kissed him and—pinched his poke—was the lady known as Lou.

Ms. MURKOWSKI. I have a wonderful personal anecdote about President Reagan. He visited Fairbanks, Alaska, in 1984. It was a monumental visit because he joined Pope John Paul II in Fairbanks for a summit there. The President and Nancy Reagan arrived in Fairbanks on their way back from China. The following day, the Pope was arriving on his way to Korea. As we do in Alaska, we can facilitate great unions because of our strategic location at the top of the globe. So they were able to meet at the Fairbanks International Airport.

During his stopover in Fairbanks, the President spent his time at my parent's home out on the Chena River. They were there for a couple of days. It would not be much of a story except that the home was brand spanking new. It had not yet been furnished. So in an effort to make sure the President and Mrs. Reagan were comfortable, the community literally furnished the home, complete with very fine Alaskan artwork. It was perhaps a showcase home for a couple of days. Everything from the city's artwork to the china ultimately had to be returned to wherever it came from. The community went all out for the President and Mrs. Reagan.

Because this was a new house, there were some kinks that still needed to be worked out, specifically the water. It didn't have hot water. Apparently, after a long flight, it is quite nice to stop and take a shower, or perhaps Mrs. Reagan needed a warm bath. But there was no hot water. A call was made to then-Senator Murkowski at about 3 a.m. asking how come there was no hot water. As the story goes, the President and my father were wandering around outside trying to figure out how to make the hot water come on. They learned you had to keep the water running for a while. That was the way President Reagan was. He was willing to go out and try to be helpful and fix the problem. He was a man who wanted to make things work, to cut through the redtape and bureaucracy, reduce the size of Government, and a man who was not afraid to stand up and promote his vision for America, but also knowing when it was time to compromise on issues. He was an individual who truly made America feel good about itself again.

I will close by reading a quote from Ronald Reagan during his speech at the 1992 National Republican Convention. I feel it is truly a fitting reminder of this great man's legacy. I read as follows:

> My fellow citizens—those of you here in this hall and those of you at home—I want you to know that I have always had the highest respect for you, for your common sense and intelligence, and for your decency. I have always believed in you and in what you could accomplish for yourselves and for others.
>
> And whatever else history may say about me when I'm gone, I hope it will record that I appealed to your best hopes, not your worst fears, to your confidence rather than your doubts. My dream is that you will travel the road ahead with liberty's lamp guiding your steps and opportunity's arms steadying your way.
>
> My fondest hope for each one of you—and especially for the young people here—is that you will love your country, not for her power or wealth, but for her selflessness and her idealism. May each of you have the heart to conceive, the understanding to direct, and the hand to execute works that will make the world a little better for your having been here.
>
> May all of you as Americans never forget your heroic origins, never fail to seek divine guidance, and never lose your natural, God-given optimism.
>
> And finally, my fellow Americans, may every dawn be a great new beginning for America and every evening bring us closer to that shining city upon a hill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT AGREEMENT—S. RES. 374

Mr. TALENT. Mr. President, on behalf of the leader, I ask unanimous consent that following the scheduled vote, the Senate proceed to a second resolution, which is at the desk, and further that the resolution and preamble be agreed to, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, it is an honor for me to join the Senate in honoring the memory and celebrating the life of Ronald Reagan. I want to say, first of all, how much I have appreciated the eloquence and the personal memories that have been offered on the Senate floor and in public by those who knew and remembered President Reagan. I, of course, remember him. I didn't know him personally.

I also want to say how much especially I have appreciated the grace and the charity shown to the former President by those here who were, when he was in office, his political opponents. I think it is a great testimony to their charity of spirit that they have done so and also a comment on how our system operates in times such as this. We can remember and appreciate a person for his good qualities without necessarily having to retreat from any disagreements we may have had with that person over political issues.

I am reminded of what Winston Churchill said on a similar occasion when he was offering remembrances of a colleague who had died, with whom he had had many differences. He said:

> The fierce and bitter controversies which hung around him in recent times were hushed by the news of his illness and are silenced by his death. In paying a tribute of respect and of regard to an eminent man who has been taken from us, no one is obliged to alter the opinions which he has formed or expressed upon issues which have become a part of history; but at the Lychgate, we may all pass our own conduct and our own judgments under a searching review. It's not given to human beings, happily for them for otherwise life would be intolerable, to foresee or to predict to any large extent the unfolding course of events. In one phase men

> seem to have been right, in another they seem to have been wrong. Then again, a few years later, when the perspective of time has lengthened, all stands in a different setting. There is a new proportion. There is another scale of values. History with its flickering lamp stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days. What is the worth of all this? The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however the fates may play, we march always in the ranks of honour.

I stand here for a few minutes to remember a man who always marched in the ranks of honor and whose shield was the sincerity and rectitude of his actions at all times. He was not a mentor, because I did not know him personally, but he was a hero of mine.

Much has been said in the last few days about his humor and amiability. I agree that was a very important part of Ronald Reagan, of who he was and of his success. When I think of him, when I visualize him, I visualize him smiling, telling a joke, or offering some witticism or some piece of humor. I think that was a big part of his success.

It is important not to take yourself too seriously. That is a quality that often is lacking in this town. I think I can say that without being deemed uncharitable. But it was not a quality that was lacking in Ronald Reagan. He thought deeply about issues. He thought deeply about the country. I think people underestimated, to some extent, how deeply he thought and understood what was going on. He never pretended to know everything. I think that helped him a lot in his Presidency.

We should also remember President Reagan, however, not just for his qualities and his personality, but also for what he believed. He thought ideas were important, and he was right. I remember George Will said a few years ago—and I am paraphrasing him; he probably said it more eloquently than this—but the gist of his remarks was, the collapse of the Soviet Union proves that ideas not only have consequences, but that maybe only ideas have consequences.

President Reagan's friends and opponents have sometimes characterized his political philosophy as being an anti-Government philosophy or a simplistic belief in making Government smaller whatever the circumstances the country was confronting. I do not think that is correct. I think at best it is oversimplistic.

President Reagan understood that the issue of our time during his Presidency and the issue of our time now, I suggest, is not whether Government is going to be big or small, certainly in an absolute sense and often in a relative sense as well, but whether the Government, in doing whatever functions we believe it ought to do, will consistently respect the values and institutions of private life.

It is not a question of whether Government is important, because it is; it is a question of whether the Government believes it is more important than the private society and culture and people it is governing. That is where President Reagan drew the consistent line of his philosophy in his public life. His faith was in what the American people had built and have built and are continuing to build on their own, and in the associations and networks of private life that give life meaning, that give people a chance for happiness and opportunity. He believed in what people build in their families, in their small businesses, in their local schools, in their voluntary associations and organizations, in their churches, synagogues, and temples. He believed in the great traditions of American culture. He knew those traditions and the institutions that represent them grow and evolve organically over time and that they represent the wisdom of many generations of people about how we ought to live in our society so that we can have the maximum amount of justice and freedom and opportunity for all of our people.

What he wanted was for the Government to be vigorous in the areas it was supposed to operate but to respect those institutions rather than trying to overthrow them.

He said once in 1970:

> It is not my intention to do away with government. It is rather to make it work—work with us, not over us; stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

I remember a few years ago when we were debating welfare reform in the Congress—and I was in the House at the time—a key point in that debate was when the Congress decided collectively that we were not talking about whether we were going to try in some sense to get rid of the welfare system. We were not going to retreat from the impulse of the 1960s to help people who were in poverty get out of poverty.

What we wanted, however, was a system that tried to do that in a way that respected and upheld the values that generations and generations of Americans have relied on to move up the economic ladder. We wanted a system that instead of punishing work, encouraged and required it. We wanted a system that instead of providing incentives against marriage, encouraged marriage and talked about its importance. We wanted a system that did not uproot neighborhoods and neighborhood institutions, that did not sweep them aside in the name of an all powerful and prescriptive government, but rather a system that helped build up again the vital parts of neighborhoods.

The reason that bill has been so successful, the reason it was supported by a vast majority in both Houses, and why it has been successful all over the country is not because it represented, I submit, a retreat by the Government from its commitment to helping people achieve the American dream, but rather because it represented a conscious commitment by the Government to work with the values of Americans, to respect those values and not to uproot them.

There is no question where President Reagan would have been in that fight, where he was in that fight, because the seeds of welfare reform were planted during his administration.

I am not going to go on. There are others who wish to speak. I thank the Senator from Florida for allowing me to go out of order because we try to go back and forth on both sides of the aisle.

Let me close with one of my favorite quotes from President Reagan. We are all doing that. It is from his second Inaugural Address in January 1985, and many have commented on President Reagan's optimism about America, how he was optimistic about America because he not only believed in those values and the institutions that represented them, but he had a tremendous faith in their power. I think he knew we were going to triumph over the Soviet Union in the cold war because he knew what we believed in was right, was powerful, and was good, and he was not afraid to state it in those terms.

Here is an example of his optimism from his second Inaugural Address:

> Now we hear again the echoes of our past: a general falls to his knees in the hard snow of Valley Forge; a lonely president paces the darkened halls, and ponders his struggle to preserve the Union; the men of the Alamo call out encouragement to each other; a settler pushes west and sings a song, and the song echoes out forever and fills the unknowing air.
>
> It is the American sound. It is hopeful, bighearted, idealistic, daring, decent, and fair. That's our heritage; that is our song. We sing it still. For all our problems, our differences, we are together as of old, as we raise our voices to the God who is the Author of this most tender music. And may he continue to hold us close as we fill the world with our sound—sound in unity, affection, and love—one people, under God, dedicated to the dream of freedom that he has placed in the human heart, called upon now to pass that dream on to a waiting and hopeful world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, later today, the body of President Ronald Reagan will be brought into this Capitol so that all Americans can pay their final respects.

Much has been said, much has been written about our 40th President and the impact he had on our Nation and the world. In at least one respect, I believe part of his legacy has been mischaracterized, and I rise today, as has my friend and colleague from Missouri, to set the record straight.

The issue that I would like to address is Ronald Reagan's view of the size of Government. It is true that President Reagan believed the Federal Government was too large and too costly, but he did not believe that was true of all governments.

As a former Governor of California, he believed governments closer to the people, governments at the State and local level, had the primary responsibility for essential public service and, thus, they should have the resources to respond to public needs.

The people would serve as the control of whether the State and local officials had fulfilled the voters' expectation of the role of their State, their county, or their city. I know this firsthand.

My tenure as Governor of Florida overlapped with President Reagan's administration for 6 years. During that time, President Reagan and key members of his administration, even as they attempted to eliminate the U.S. Department of Education and shrink Federal spending on education, helped me pass a tax increase in Florida that led to great improvements in our State education system.

An education reform movement swept the country in 1983 and 1984 with the issuance in April of 1983 by the National Commission on Excellence in Education of a landmark report entitled "Nation at Risk: The Imperative for Educational Reform."

At the time that report was issued, President Reagan made this statement:

> Parental authority is not a right conveyed by the state; rather, parents delegate to their elected school board representatives and state legislators the responsibility for their children's schooling.

During a meeting of the National Governors Association in 1983 President Reagan told the Governors they would be responsible for implementing reforms, including how to cover the costs of those reforms. He was not interested in having the Federal Government play a larger role; in fact, he was intent on cutting the Federal role in education.

I recalled those words when back in Tallahassee I began to push a major educational reform package through the legislature. I was not alone. For instance, our colleague, the then-Governor of Tennessee, Lamar Alexander, was instrumental in the development and adoption of a similar reform package in Tennessee, and we had the opportunity to work together during that process with then-Governor Alexander talking to Republican members of the Florida legislature as I reciprocated in conversations with Democratic members of the Tennessee legislature.

The Florida package had a goal. The goal was we would raise the level of education in Florida as judged by student performance on standardized tests and other measurements and also per-student funding of education to among the top 25 percent of the States in America. We increased student performance standards at all levels and had the most challenging standards for graduation from high school of any State in the Nation.

The package included basic things such as smaller class sizes, more class and curriculum opportunities for students, and a career ladder with pay increases which recognized our best teachers. But all of those reforms depended upon additional State financing. I proposed several steps to raise the necessary revenue, including a revision of our corporate profits tax. I advocated the plan with the assurance that better schools would improve our State's economic climate. We even printed up buttons which read: "Education Means Business."

I was therefore very disturbed that the success of the educational reform program was threatened by the lack of support by Republicans in the State Senate and the State House of Representatives. I called President Reagan's Education Secretary, Dr. Terrell Bell from Utah. I reported that I was attempting to do exactly what the President had said States should be doing, but could not get any Republican support.

After consulting with the White House and gaining the President's personal permission, Secretary Bell called me back and asked: What can I do to help?

I gave him the names of a half dozen or more Republican legislators. Secretary Bell called them on behalf of the President to ask them to support the reform package. I am pleased to say that with strong bipartisan support, the education reform program in Florida passed in 1983, and then by 1986 Florida had moved to 13th in the Nation in our per-pupil spending, and our test scores had the greatest rate of increase in 1986 of any State in the Nation.

This program showed that greater gains in student performance can be achieved through the right set of educational reform. This would not have happened without the support of President Ronald Reagan.

My point is Ronald Reagan was a more nuanced political leader in terms of his view of the role of Government than he is generally given credit for by both his critics and his fans. On behalf of all Floridians, I express my appreciation for his support of improved education in Florida, and on behalf of all Floridians I express my condolences to President Reagan's family, especially his beloved Nancy.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I would feel really bad if I didn't take a few moments to speak about my friend, Ron Reagan. I, as much as anybody in this body, revered him, respected him, and loved him.

When I was running back in 1976, I filed literally on the last day, May 10. I had zero name recognition except among the legal community and among my initial church community. But it was zero in the public polls. I ran through the preconvention, the convention, and came out second in the convention, which enabled me to force a primary, and through the primary on $35,000, $18,000 of which was my own, which was a lot of money then back in 1976. I was about 9 points ahead and pulling away at that time against the favored in the race—the Republican Party favorite and the favorite of most of the delegates of the State convention. But he had spent about $150,000, and he was starting to slip. I was starting to pull ahead by about 9 points, according to the polls.

Since I was the first to come out for Ronald Reagan in that race at that particular time in Utah as a candidate, we decided to ask Ronald Reagan if he would pre-primary endorse me in my race for the U.S. Senate.

I have to say when I called it didn't take them long, recognizing my friendship and my support for the first time in his political career, as far as I know—at least that is what I was told by those who were running his campaign, that he was going to pre-primary endorse me, and he did. By that time I was probably known by about 60 to 65 percent of the people in Utah.

After the endorsement, I won the primary. I probably would have won the primary between 10 or 15 percentage points. But after his endorsement, I won the primary 2 to 1, and I was known by, I believe, well over 95 percent of my fellow constituents in Utah.

I went to 36 States for Ronald Reagan as one of his major surrogates. I went to New Hampshire, and I was Nancy Reagan's date that night as I spoke for Ronald Reagan in the cattle call. That is what it was called in New Hampshire.

In 1980, I gave the keynote address at Plains High School, Jimmy Carter's own high school in Plains, GA, before 2,000 people.

I did everything in my power to elect Ronald Reagan. We had a friendship that transcended the usual friendships that are lovely and wonderful around here but nevertheless usually don't rise to the level that his friendship for me and mine for him really rose to.

I truly love Ronald Reagan. I know what a great President he was. I know he did bring down the Iron Curtain, that he was the primary mover and articulator of the themes that actually ended the cold war.

Most scholars will now say there are four reasons why Reagan was able to win the cold war: No. 1, his military buildup; he put too much pressure on the Soviets; No. 2, the placing of the Pershing II missiles in Europe, which was a very gutsy thing to do at the time, and highly criticized; No. 3 was the threat to build SDI, the Space Defense Initiative, and the Soviets knew we could do it; and, No. 4 was a placing of the Stinger missiles Afghanistan. I was here through all of those times.

I honor this great President, and I honor his dear wife who has been a wonderful wife and supporter, who I know deeply, who has been an advocate for so many things that are right, and especially in later times. Embryonic stem cell research—she is right on that issue, and I support her. I honor both of them this day.

I join my colleagues, millions of Americans, and indeed countless more around the world in mourning the loss of the greatest American President of the 20th century, President Ronald Wilson Reagan.

After suffering nearly a decade, our beloved President died this weekend. I join those in this body here today in sending our condolences to Mrs. Reagan and their entire family.

It is hard to imagine any American alive who has not been touched by the legacy of Ronald Reagan. Even those born after he left office in 1989 have benefited from his selfless service, as they grew up in an era of unprecedented global freedom, a result of the end of the cold war brought on by President Reagan's bold vision of this country and our faithful mission in the world.

Certainly, I was touched by the life of President Reagan.

Perhaps I might not be here today were it not for the invigorating support of this great leader, whose endorsement of my candidacy in my first Senate run was certainly instrumental in my service to the people of Utah.

I was pleased and honored to return the favor at every opportunity—and, in 1980 and 1984, I campaigned for Ronald Reagan in almost every State of the Union.

Let no one believe that this repaid my debt, political or personal, to this great man—because I believe I will remain in his debt as long as I live, and so will our country.

President Reagan was both political mentor and inspiration to me as a young Senator.

We both started as Democrats.

We were inspired by our country's bold international leadership and sacrifice during World War II, under a Democratic president.

Yet we both saw the political landscape shift early in our adult lives.

We both grew dismayed at our country's direction, as citizens lost faith, lost optimism and lost the dynamism that once made this land great.

At the same time, we both grew to appreciate the principles of the Republican Party, where individual initiative and personal freedom are enshrined, and where the fight against international communism took a backseat to no other foreign policy.

When I came to the Senate in 1977, our country was still fresh from the defeat symbolized by communist tanks crashing into Saigon in 1975.

By the time Ronald Reagan became President, the defeat in 1975 had been interpreted by our global nemesis, the Soviet Union, as a weakness in American resolve; it inspired the Soviets to proxy adventures in Latin America, Africa and Asia.

As the liberal elites of the 1970s denounced and disparaged our international sacrifices of the past decade, as it became commonplace to equate the use of American force with the encroachments of communist tyranny, America became uncertain of itself and turned inward.

It was not our finest moment.

Our late colleague, Senator Moynihan, once remarked, "the central conservative truth is that it is culture, not politics, that determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself."

In the 1970s, liberal culture had brought this country to a period of social decline and international withdrawal.

As communist tyranny gained around the world, drug use here reached an all-time high.

The economy of the most productive nation in the world was unraveling with high taxes and higher inflation.

Our sense of mission was gone; our belief in our natural strengths and goodness receded.

One of the things I loved the most about Ronald Reagan was that he recognized his duty to lead a conservative movement back into the political majority; by so doing he declared that we would never concede to cultural decline.

Reagan's victory in 1980 put an end to this malaise and changed our country forever.

Originally from the Midwest, Reagan moved to California and found his talent in the industry of American dreams, showing our country that an American everyman could be a star.

Many scorned Reagan the actor for seeking political office.

But, once again, he showed them wrong. He won our hearts as a President—as he had as an actor—showing us all that a man well-practiced in the arts of both heart and mind could be a perfect leader for a nation which had lost its sense of imagination.

Only in America could a man from the middle class, from the middle of the country, rise to become the greatest American leader of the 20th century.

Ronald Wilson Reagan achieved this by appealing to the essential American values in all of us—the values of individualism and enterprise, initiative and optimism, charity and sacrifice. And he restored those values in our country's policies.

Many misjudged Reagan. Many underestimated him. Many confused a man of simple beliefs with a simple man.

Those of us who knew him well recognized Reagan as a man of deep convictions. Deft of wit, he always deflected a tough moment with humor. But, under it all, a gravity of purpose shone through.

What I came to admire in Ronald Reagan was his core belief that government could lead society, but not build society. He recognized that government's most important economic role was to foster American innovation and industry. And his policies followed that principle.

In foreign policy, he knew that communism was an abominable scourge on the face of the planet. He eagerly tackled that challenge as he had most obstacles in his life, and in so doing left a legacy unparalleled by any American leader.

Who can forget his momentous call, "Mr. Gorbachev, tear down that Wall?"

And who can forget watching as the wall fell just 2 years later?

In the most fundamental way, President Ronald Reagan inspired us all to believe in our great nation, and what it could do to help its people lead better lives.

As a junior Senator, I watched President Reagan take office, facing his first challenge: an economy misfiring on all cylinders, mired in the mud of inflation, high taxes and bureaucracy.

With a strong voice of optimism, President Reagan unfurled an ambitious plan to rejuvenate the economy and lead the nation to economic recovery.

I remember how excited we were to see his bold plan, the change in direction that our new President charted.

He led us to pass the landmark Economic Recovery and Tax Act, including the Kemp-Roth personal income tax cuts of 25 percent over three years.

This major initiative stimulated the economy by providing for accelerated depreciation deductions and an investment credit.

It also enhanced the retirement of millions of Americans by introducing Individual Retirement Accounts.

And perhaps most significantly, it indexed income tax brackets to inflation, limiting this punishing form of spending growth.

The result? The economic boom in the 1980s.

Inflation dropped from 13.5 percent in 1980 to 3.2 percent in 1983.

By 1986, the fourth year of the tax cuts, economic growth had increased a cumulative 18 percent.

And, when Ronald Reagan left office in January 1989, more than 18 million jobs had been created.

Some have criticized the Reagan era as years of profligate spending and an irresponsible increase in the federal deficit.

However, only in 1 year, 1983, did either personal income tax collections or total receipts go down from the previous year. It is true that the budget deficit did increase during the Reagan presidency, but this was clearly due to large increases in spending, not because of the Reagan tax cuts, without which we would not likely have had the increase in prosperity most Americans enjoyed.

President Reagan also led the way for Congress to approve the landmark 1986 Tax Reform Act.

Despite the naysaying of critics, President Reagan did it again. The 1986 Act lowered the top marginal income tax rate from 50 percent to just 28 percent. Also, it reduced the number of tax brackets from 14 to just 2.

While I did not support some of the provision in the final product of the 1986 Act, particularly some of the drastic changes in depreciation, which I believed would help contribute to a crisis in real estate and the savings and loan industry, the Act itself with its simplification and lower tax rates was a major accomplishment.

The fact that subsequent presidents and Congresses have reversed the gains made in terms of simplicity does not take away from the monumental victory that President Reagan scored by his leadership of the Tax Reform Act of 1986.

Throughout the Reagan era, I had the privilege of serving on the Labor and Human Resources Committee, much of it as chairman. I worked closely with the President and his staff on issues related to public health and welfare issues showcasing the President' compassion and dedication to improving the quality of life of all Americans.

The country was still in a major recession, and we worked to pass the Job Training Partnership Act. This legislation changed the emphasis of job assistance from providing government jobs to unemployed workers to providing them job training which would help unemployed find jobs in the private sector.

The President's initiatives often focused on releasing decision-making initiatives from an old federal bureaucracy, as with the innovative health block grants that returned decision-making to the states, providing them with the resources and flexibility to deliver preventive services, maternal and child health care, and mental health services in a totally new model.

As chairman of the committee, I was criticized for putting this legislation through. But we are vindicated when the General Accounting Office reviewed these initiatives several years after their creation, it included that they were successful, and provided a more efficient way to address the health needs of America's diverse population.

I also remember how strongly the Reagan administration supported biomedical research, a love for and appreciation of the power of scientific inquiry Mrs. Reagan carries forward to this day.

Other key accomplishments under President Reagan's tenure were significant Food and Drug Administration legislation, such as the Orphan Drug Act, the Drug Price Competition and Patent Term Resolution Act, the National Organ Transplantation Act, pediatric emergency medical services, vaccine compensation, tobacco warning labels, and the national practitioner data bank.

How well I remember the battle President Reagan waged to seat C. Everett Koop as the Surgeon General.

Again recognizing that the country needed inspired leadership more than bureaucracy, President Reagan informed us that he wanted to nominate C. Everette Koop to be the Surgeon General.

Many balked, citing Dr. Koop's age—65—as a barrier. The Public Health Service Act limited the age of PHS Commission Corps officers to 64½.

But our President, himself past that age, recognized the superior leadership skills of Dr. Koop.

It was a long battle, but one which one which had to be fought. Dr. Koop defined the modern-day role of Surgeon General, and today is revered by all, Democrats and Republicans alike, for his independent minded advocacy of public health, from AIDS awareness and prevention to anti-tobacco initiatives.

I would be remiss if I didn't highlight President Reagan's other significant healthcare accomplishment.

As we know, the use of illegal drugs had hit a historic high in the late 1970s.

Again, President Reagan recognized that government needed to find new ways to address this social blight. He proposed and we legislated the creation of the Office of National Drug Control Policy, which has taken the leadership role in anti-drug policy ever since.

Once again, however, the President recognized that leadership was as much in the message as in the bureaucracy.

His beloved First Lady introduced the "Just Say No" campaign, a flat rebuttal to an ingrown acceptance of drug use in our society.

Derided by some elites, this program of declaring unequivocally the unacceptable use of illegal drugs has become a foundation of all subsequent drug use.

No one suggests—then or now—that the problem of drug use is simple, and that prevention and treatment policies can be cauterized from interdiction policies.

But no one suggests, after years of confirming studies, that a drug policy can be effective absent a strong component of social rhetoric.

I loved President Reagan, and I loved his personal style of leadership.

But I loved even more his undying love and affection for one of the classiest first ladies this country has come to know.

Nancy Reagan's quiet support of her husband, so evident in all his successes, is often overlooked, as is her courage in leading the "Just Say No" campaign.

I remember as if it were today when President Reagan signed the 1986 drug law, the one that created the Office of the drug Czar and gave added resources to prevention and treatment.

I was standing behind the President when he signed the bill. He said with that special twinkle in his eye, "I am going to give this pen to the women who has crusaded to end drug use in this country."

With that, he walked past expectant advocates and lawmakers straight to his wife Nancy, and presented her with the pen.

Some focus on President Reagan's talents as an actor and image-maker. Yet I have never known a more authentic man.

And when he concluded that AIDS was a challenge to the public health that was reaching emergency proportions, he declared this as national policy.

At the time, some criticized his administration. They wanted him to act sooner. They wanted more money. They wanted more research.

But what I remember was a compassionate man, who recognized that we needed to build the research infrastructure to make effective use of new funding.

While the HIV virus was not identified until 1983, the Reagan administration invested close to $6 billion in fighting the disease by the end of his term in 1989. Once the President recognized the challenge, he radically increased the response of the government, and the breakthroughs with retroviral medicines in the 1990s would simply have not occurred were it not for those investments.

We all know that one of a President's greatest legacies is his nominations to the third branch of government.

In appointing more judges than any president in American history, President Reagan's judicial legacy can be seen on two levels.

First, he described, in both principled and practical terms, the kind of judge America needs.

We had seen decades of judicial activism, through which judges took more and more control over the policies governing the country and the culture in which Americans lived.

President Reagan came into office not just saying judges were going too far, but explaining why. He refocused Americans on the principles America's founders laid down at the dawn of the Republic: the people, through their elected representatives, decide how they wish to be governed and make the law to do so. Judges can only interpret and apply that law, they cannot make or change it.

Implementing those basic principles, President Reagan shaped the judiciary by the individuals he nominated and appointed. He appointed some of the legal academy's best minds to the U.S. Court of Appeals—such as Ralph Winter to the Second Circuit, Frank Easterbrook and Richard Posner to the Seventh Circuit, and of course Robert Bork to the District of Columbia Circuit.

I served on the Judiciary Committee during those years, seeing first hand the depth and breadth and quality of President Reagan's nominees.

America's founders insisted that this separation of powers, this restriction on judicial power, was absolutely critical for the freedom that self-government under a written constitution makes possible.

For some whose agenda the people do not favor, however, a judiciary that won't make law means their preferred law just won't get made. And they fought President Reagan's nominees with increasingly intensity.

The first cloture vote ever taken on an appeals court nominee, for example, occurred during President Reagan's first term, and the confirmation process changed entirely in his second.

The seeds sown then have borne fruit today in the filibusters being used against President Bush's nominees. But the issue remains the same, whether unelected federal judges may take over from the people the business of making law and defining the culture.

President Reagan's record of judicial appointments is certainly a profound legacy. He truly blazed a trail on this issue and, through his leadership, Americans now know more about how appointing the right kind of judge is so important to protect their freedom.

Many believe that President Reagan's lasting legacy will be his successful leadership during the last stage of the cold war.

Ronald Reagan's tenure began at what was our lowest point in the cold war. The loss in Vietnam and the Watergate debacle led to a withdrawal from our global policy of containment. The Soviets filled the gap, and their proxies gained around the globe.

Emboldened, the Soviet Union engaged in its most extensive military expansion in that dictatorships history; during the 1970s, the Soviets expanded their nuclear missile arsenals as well as their conventional arsenals in virtually every armament category. At the end of the 1970s, the previous president as left shame-faced, following the invasion of Afghanistan, declaring his "surprise" at Soviet behavior.

President Reagan came to office dedicated to redressing the military balance and engaging the Cold War.

His administration saw the largest peace-time growth of military spending in modern American history. That escalation combined American resolve with American ingenuity, and this was no more evident than in President Reagan's Strategic Defense Initiative.

The President rejected conventional deterrence doctrine when he stated, "We must seek other means of deterring war. It is both militarily and morally necessary . . . I propose to channel our technological prowess toward building a more secure and stable world . . . Our only purpose is to search for ways to reduce the danger of nuclear war."

What President Reagan imagined, when he stated this back in 1984, is slowly coming to be, 20 years later. We have moved too slowly, but not because we lacked in vision.

President Reagan was willing to challenge the Soviets diplomatically, militarily and by proxy. He was unabashed in declaring that regime an "evil empire". Who today denies the inherent evil of the gulag?

He was bold in responding to the emplacement of Soviet SS-20s in occupied Europe with Pershing's in Germany. Who today denies that this didn't signal to the Soviets our new-found resolution to combat them geopolitically?

Ronald Reagan rejected the so-called "Vietnam syndrome" long before our victory in the first Gulf War allowed Americans to believe in the justice of our use of force. He knew that the U.S. had a role in the world, that the use of American force was not immoral and that the U.S. could do good for the world.

This military escalation challenged the Soviet leadership and ultimately bankrupted its coffers. The decision to roll-back directly challenged and refuted the fundamental ideological tenet of communism, that it would prevail as an inexorable law of history.

This perverted notion was based, of course, on the acceptance that the highest stage of history would be rest on imprisoning nations and extinguishing history.

Reagan knew in his heart that this was the greatest falsehood perpetrated on modern history and he built his foreign policy—the Reagan Doctrine—on the idea of rolling back this ideology, this tyrannical power, and tearing down the walls that kept its citizens imprisoned.

Ronald Reagan did not accept the status quo.

He did not accept a static geopolitical division of the world between the free nations and the captive nations of the evil empire.

He and his allies—and I will be proud to my dying day to have considered myself one of his allies—believed that we could roll back communism, on the ground, and in the minds of people.

Ronald Reagan went to England in 1983, before the leftist Oxford Union, and announced the creation of what would become the National Endowment for Democracy, which would support programs around the world fostering democratic principles and practices.

Last year, on the 20th anniversary of this bold initiative, President Bush announced a major push by the NED into the Arab world.

Democracy remains relevant after it has triumphed over communist tyranny.

But for democracy to succeed, people striving to break the yoke of tyranny had to have a friend in the United States. Ronald Reagan did not limit his friendship to diplomacy and military posturing.

A key aspect of the Reagan legacy was the Reagan Doctrine's policy of support for anti-communist movements around the world. We supported Solidarity in Poland, using the International Labor Organization.

We supported the resistance in Nicaragua—and the wars over that policy were sometimes almost as intense here on Capitol Hill.

And we supported the Afghan resistance.

We've had democracy in Poland for over a decade, and Poland is the shining example of the New Europe, a country whose government and soldiers have bravely and proudly served besides ours in Iraq.

Nicaragua has also had democratic elections over the past decade.

And while the Iran-Contra episode was a policy debacle, I remain proud of my service in this Senate during that investigation, as I remain unflinching in my belief that it was right to help Nicaraguans resist the tyranny and thuggery of the Sandinistas.

And our support for the Afghan resistance led to the withdrawal of Soviet forces from Afghanistan, dealing the Soviet Union a military, financial and psychological blow from which it would never recuperate. This blow created a major fissure in the notion of communist inevitability that, many of us believe, would lead to the crumbling of the Soviet empire.

Many are quick to disparage that policy, because of what arose from the tumult of the Afghan resistance and the rise of the Taliban. We made mistakes in implementing the policy, we now see, primarily having to do with recruiting Saudi participation and relying on Pakistani management of arms flows.

But our biggest mistake was abandoning Afghanistan after the collapse of the Soviet puppet regime, leaving that poor country an orphan child of the cold war. But we made no mistake in contributing to a devastating Soviet defeat, a defeat that brought about the end of the cold war.

When Ronald Reagan left office, this country had been transformed.

Malaise was not associated with the American economy, nor the American spirit.

Optimism, that personal trait of Ronald Reagan, was what characterized our standing in the world, our economy, and our belief in ourselves.

Reagan, a child of the Midwest who understood mythically the role of the western frontier in the American psyche, left us looking to the horizon, to the future.

Ronald Reagan was a humble man, who left office gladly, having served his term, but who never stopped loving the American people.

It was such love that led to one of the most moving letters to the American public ever written in our history, the letter he wrote on November 5, 1994, announcing that he was slowly succumbing to Alzheimer's Disease.

This is a horrible disease, as so many American families know.

My colleagues in the Senate know that, after much soul-searching and study, I have become a strong proponent of embryonic stem cell research, because of the promise it offers for treatment of some of the most wrenching illnesses Americans face today, such as Alzheimer's, Parkinsons and juvenile diabetes.

President Reagan's widow, my dear friend Nancy, knows that I will remain dedicated to supporting this research through all my days in the Senate.

Even though retired and enjoying the privacy that was always important for him and his family, President Reagan wrote on November 5, 1994 one of the bravest and most moving letters in American history.

He said:

> Upon learning this news, Nancy and I had to decide whether as private citizens we would keep this a private matter or whether we would make this news known in a public way. So now, we feel it is important to share it with you. In opening our hearts, we hope this might promote greater awareness of this condition. Perhaps it will encourage a clearer understanding of the individuals and families who are affected by it.

After speaking of the burdens he knew his long illness had in store—not for him, but for his beloved Nancy, he thanked his fellow Americans. He said:

> Let me thank you, the American people, for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, whenever that may be, I will leave with the greatest love for this country of ours and eternal optimism for its future.
>
> I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead.

These are the virtuous and loving words of a patriot, of a brave and humble man, of a man who lived every day in the belief that our best days lie ahead. It is America that pauses this week, and I thank God for the gift of the greatest American president of the twentieth century, Ronald Reagan.

We have lost a great American.

I think it is fitting to quote another great American, Daniel Webster who spoke so eloquently about the passing of two other Presidents, Thomas Jefferson and John Adams. Webster's words were never more true than today:

> A superior and commanding human intellect, a truly great man, when Heaven vouchsafes so rare a gift, is not a temporary flame, burning brightly for a while, and then giving place to returning darkness. It is rather a spark of fervent heat, as well as radiant light, with power to enkindle the common mass of human kind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire from the potent contact of its own spirit.

I pray that America will always be alight with the spirit of Ronald Reagan.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent the remarks of our former colleague, Senator Connie Mack, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RONALD W. REAGAN

1911–2004

(A tribute by former U.S. Senator Connie Mack (R–FL))

RONALD REAGAN WAS MORE THAN THE PRESIDENT, HE WAS AN INSPIRATION, HE WAS MY FRIEND

As America mourns the passing of former President Ronald Reagan, one of the most loved American Presidents in history, it is appropriate that our nation take a moment to reflect on the life of this remarkable man. He will not only be remembered for his vision and leadership, but also for his conviction to principles, his sense of pride and love of country.

President Reagan made a difference in my life both personally and politically. When he was elected in 1980, I remember vividly saying to my wife Priscilla "this is such an important election for our nation that I have to become involved. I had no idea his election would one day lead me to seek elective office and eventually to represent Florida in the United State Senate.

Knowing Ronald Reagan and serving in the U.S. Congress when he was President of the United States has been one of the greatest honors of my life. I remember when he came to Florida in 1988 to campaign for me in my race for the United States Senate. I introduced him saying: "Mr. President, we will never forget that you gave us back a belief in ourselves and our nation. You restarted our economy giving people hope and opportunity. You rebuilt America's military and led the fight for freedom around the world." Ronald Reagan was more than the president, he was an inspiration . . . he was a friend.

Each year, the magnitude of President Reagan's accomplishments at home and abroad become increasing apparent. As recognition of his achievements and their impacts on our lives today grows so does the nation's gratitude toward him. He embodied the American Spirit that helped lift the morale of our country.

American Presidents affect history in their own way, but fewer have made more of an impact or shaped the history of their times than Ronald Reagan.

In the election of 1980, Americans were faced with one of the most simple, yet defining questions in American politics: "Are you better off now than you were four years ago?" Were we as Americans willing to accept that the once proud land of the free and the home of the brave was now worn and tired and lacked direction? America said: "No!"

Ronald Reagan reaffirmed my philosophy as well as that of a whole generation which believed that wealth and prosperity emerge from the spirit of creativity that resides in individuals not government, and to the belief in the principles of less taxing, less spending, less government and more freedom. Freedom deeply mattered to Ronald Reagan, and freedom deeply matters to me.

With Ronald Reagan's election came a renewed vitality in America. He brought a belief that freedom must ring from the bells of this great nation and that opportunity should not be limited. He reminded us of the America that was there all along. A freedom loving country waiting to be unshackled from a Government that had grown too big and cost too much which dictated what was best for us. No, we wanted better and Ronald Reagan led us there.

Under President Reagan's leadership, the spirit of America was rekindled and the flame of freedom burned bright free markets, free ideas, free trade and freedom as the centerpiece of our foreign policy. The Reagan Revolution had no boundaries. The winds of freedom swept across America and gained momentum throughout the world. Freedom's ring was heard in Latin America, where nations turned back communism and accepted the free will of the people. In Eastern Europe, freedom broke the rusted chains of totalitarianism and caused the Berlin Wall to fall.

Ronald Reagan never lost faith in the freedom, dignity and liberty of mankind. He understood that freedom is never more than one generation away from extinction. He never doubted that freedom was more than a virtue. It was a right given to each of us by a sovereign God.

Rondald Reagan did not invent freedom. He defined it. For through his wit and humility, he carried his role in history as the man who gave freedom a face. And through his undying faith in those who entrusted him the role as their leader, Ronald Reagan achieved greatness.

Even though President Reagan has now completed the journey he began so many years ago, our nation has not yet completed the path we began under his leadership. Ronald Reagan made America stronger, more prosperous and more confident. We still need to do more to make our country and the world a better and safer place to live, work and raise a family. We must continue his legacy so as to ensure that America remains that shinning city on the hill that President Reagan described to us.

To Nancy and the Reagan family, our nation is forever in your debt for sharing this unique and special individual with us, the American People.

President Reagan, we say goodbye for now. You have touched our lives deeply. You have indeed lived the words of sacred scripture: "You have fought the good fight, you have finished the race, you have kept the faith."

Godspeed Mr. President.

RELATIVE TO THE DEATH OF RONALD WILSON REAGAN

The PRESIDENT pro tempore. The hour of 11:30 having arrived, the Senate will proceed to consideration of a resolution honoring the former President Ronald Wilson Reagan, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 373) relative to the death of Ronald Wilson Reagan, a former President of the United States.

S. Res. 373

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Ronald Wilson Reagan, a former President of the United States, and a former Governor of the State of California.

Resolved, That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation, and as a mark of respect to one who has held such eminent public station in life, the Presiding Officer of the Senate appoint a committee to consist of all the Members of the Senate to attend the funeral of the former President.

Resolved, That the Senate hereby tender its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The PRESIDENT pro tempore. By request, Senators are asked to vote from their desks.

The majority leader is recognized.

Mr. FRIST. Mr. President, these past few days we have seen an extraordinary outpouring of affection for our 40th President, Ronald Wilson Reagan. In a few short hours, he will lie in state under the Capitol dome where dignitaries from around the world and citizens from across the country will pay their respects to the man from Dixon.

In his 1982 State of the Union address, President Reagan told the Nation: We don't have to turn to our history books for heroes; they are all around us. In life, Ronald Reagan was a hero to millions. To the freedom fighters in the Soviet Union, to his fellow citizens striving toward that American dream, Ronald Reagan told the world that we are meant to be free.

He was a man of faith and deeply held convictions. Like James Madison, Ronald Reagan believed that in the creation of our Republic was the hand of God. He believed our freedoms flow not from the State but from the Almighty. Our task was and remains to awaken in the people this essential truth.

I close with a story I believe captures Ronald Reagan's remarkable character, his courage, and his vision. It was 1997. From a news report was a story of an emigre.

> Walking in Arm and Hammer Park near his home, Reagan was approached by an elderly tourist and his 12-year-old grandson, Ukranian emigres now living near Toledo, OH. They spoke with him for a moment and the grandfather snapped a picture of the boy sitting with the former president. An article about the encounter and the picture appeared first in the Toledo Blade and then in newspapers around the country. The other day, the grandfather recalled their meeting. We went to the park for a picnic with our friends, he said, and then he saw President Reagan. And we began to cheer him and said, Mr. President, thank you for everything you did for the Jewish people, for Soviet people, to destroy the Communist empire. And he said, yes, that is my job.

Ronald Wilson Reagan was raised in a small town. Part of him remained a small town citizen all of his life. Not in the self conscious way one thinks of a politician stumping on the campaign trail. Ronald Reagan's small town roots informed the way he viewed the body politic—what he believed people wanted from life, from each other and from government.

As he explained, when a person grows up in a small town,

> You get to know people as individuals, not as blocs or members of special interest groups. You discover that, despite their differences, most people have a lot in common . . . [W]e all want freedom and liberty, peace, love and security, a good home, and a chance to worship God in our own way; we all want the chance to get ahead and make our children's lives better than our own. We all want the chance to work at a job of our own choosing and to be fairly rewarded for it.

Ronald Reagan believed that the government should serve the people. He believed that the strength of our economy came from the creativity, ingenuity and productivity of the individual, not from the plans and schemes of government bureaucrats or intellectual elites.

This view of America's economic success guided his economic policies here at home, and, in no small way, shaped his political policies abroad.

When Ronald Reagan became President, the American economy was in a shambles. Inflation was in the double digits. Interest rates were soaring. Americans had to wait in endless lines to pump overpriced gas. Real incomes had stagnated and the American worker was demoralized. In his 1989 "Speaking My Mind" collection of essays and speeches, Ronald Reagan reflected that:

> Here we were, a country bursting with economic promise, and yet our political leadership had gone out of its way to frustrate America's natural economic strength. It made no sense. My attitude had always been—let the people flourish.

So, he set about slashing Federal income taxes and cutting burdensome regulations. It was his mission to free the American worker and unleash the American entrepreneur. When he came to office, the top marginal tax rate was 70 percent. By the time he left, it was a mere 28 percent. His sweeping tax reforms overhauled the tax code and removed 6 million taxpayers from the tax rolls.

At the same time, President Reagan gave Federal Reserve chairman Paul Volcker free reign to tighten the money supply and bring down inflation.

Together, these policies worked.

True to the President's forecast, as the economy grew, so, too, did tax revenues. Tax revenues increased faster than GDP. By 1990, the economy had grown by a third—or as the Wall Street Journal put it, "roughly the size of Germany." Over the course of his presidency, the economy created 19 million jobs and the stock market hit a record high. America enjoyed the longest economic expansion up to that time.

Throughout, President Reagan was assailed for the growing deficit. In typical Washington fashion, he got the blame for adverse economic numbers, but never the credit for economic success. Contrary to his critics, however, the Federal deficit fell from 6.3 percent of GNP in fiscal year 1983 to 2.3 percent in 1988. The deficit actually shrank as a percentage of Gross National Product.

At the time, his policies were dubbed, "Reaganomics." Now, they're considered common sense. President Reagan's guiding principle was simple, yet profound: government policies should grow the economy, not manage [or redistribute?] it. The impact of this idea was so great that, now, even the other side of the aisle speaks of targeted tax cuts and tax credits, and no longer openly campaigns to raise our taxes.

Indeed, President Clinton crystallized the Reagan Revolution when he declared, "The era of big government is over."

President Reagan believed in the dreams and dignity of the individual. As he said in his second inaugural address, "There are no limits to growth and human progress, when men and women are free to follow their dreams."

Ronald Reagan reminded the American people that economic liberty and human freedom are two sides of the same coin.

Some call it the Reagan Revolution. Others call it the Reagan Restoration. I prefer the latter term. The man from Dixon—lifeguard, radio announcer, actor, governor, father, adoring husband, and President of the United States—restored not only our confidence, but our fundamental understanding of the source of America's greatness: the American people.

Indeed, America was blessed to have such a President. Now he will enter the history books as one of our greatest. God bless Ronald Wilson Reagan. God bless America.

Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Baucus
Kerry

The resolution (S. Res. 373) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HONORING PRESIDENT RONALD WILSON REAGAN

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, S. Res. 374 is considered and agreed to, the preamble is agreed to, and the motion to reconsider is laid upon the table.

The resolution (S. Res. 374) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 374

Whereas Ronald Wilson Reagan, the 40th President of the United States, was born on February 6, 1911, in Tampico, Illinois, to Nelle and John Reagan and raised in Dixon, Illinois;

Whereas as a lifeguard at Rock River in Lowell, Illinois, a young Ronald Reagan saved the lives of 77 swimmers;

Whereas Ronald Reagan enrolled in Eureka College where he played football, acted in amateur theater, and graduated with a bachelor's degree in economics and sociology;

Whereas Ronald Reagan landed his first job as a radio announcer for WOC in Davenport, Iowa, and went on to become a popular sports announcer;

Whereas Ronald Reagan launched a movie career that spanned 50 movies, including his most famous role as the football legend, "The Gipper";

Whereas Ronald Reagan, who received more fan mail than any other actor at Warner Brothers Studios except Errol Flynn, served as president of the Screen Actors Guild from 1947 to 1960;

Whereas on March 4, 1952, Ronald Reagan married his great love, Nancy Davis, who was to become his lifelong confidante and companion;

Whereas Ronald Reagan was the father of 4 children: Maureen, Michael, Patti, and Ronald Prescott;

Whereas Ronald Reagan hosted the popular television series "GE Theater" from 1954 to 1962;

Whereas in 1962, Ronald Reagan switched his party affiliation from Democrat to Republican and 2 years later delivered a major televised speech in support of Presidential candidate Barry Goldwater;

Whereas in 1966, Ronald Reagan won the governorship of California and in 1970 was reelected to a second term;

Whereas Governor Reagan campaigned for the Republican nomination in 1968, and again in 1976;

Whereas on July 16, 1980, the former Governor won the Republican nomination and on November 4, 1980, won the United States Presidency in a landslide vote;

Whereas President Reagan appointed the first woman to the United States Supreme Court, Justice Sandra Day O'Connor;

Whereas on March 30, 1981, only 2 months into his Presidency, Ronald Reagan survived an assassination attempt and upon meeting Nancy in the hospital, quipped with characteristic good humor, "Honey, I forgot to duck";

Whereas President Reagan delivered on his promise to cut taxes for American workers in 1981, and achieved the historic tax cuts of 1986 which overhauled the Federal tax code and reduced tax rates for almost all taxpayers, including removing 6,000,000 Americans from the tax rolls;

Whereas under President Reagan's leadership, inflation fell, interest rates declined, and by the seventh year of his Presidency, the stock market hit an all-time high;

Whereas President Reagan presided over the longest economic expansion in the history of the United States until that time and rebuilt the national defenses of the United States;

Whereas President Reagan won reelection in 1984 carrying 49 out of 50 States—one of the biggest electoral victories in the political history of the United States;

Whereas during summit meetings with Soviet Union President Mikhail Gorbachev in December 1987, President Reagan signed a treaty to eliminate intermediate-range nuclear forces;

Whereas President Reagan's steadfast opposition to communism, his unshakeable resolve to defeat the "Evil Empire", and his secure belief in government for and by the people, led to the collapse of the Berlin Wall and victory in the Cold War;

Whereas President Reagan's belief in freedom as a God-given right of all peoples led to a democratic revolution across Central America; and

Whereas Ronald Wilson Reagan, father, husband, actor, and dedicated public servant, restored the pride, optimism and strength of the United States and earned the deep respect and affection of his fellow citizens: Now, therefore, be it:

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of Ronald Wilson Reagan.

Resolved, That the Senate extends its heartfelt sympathy to the wife and family of President Reagan.

Resolved, That the Senate commends the former President for his Presidency and its many accomplishments.

Resolved, That the Senate calls on all the people of the United States to reflect on the record of the 40th President of the United States during this national period of remembrance.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President

The PRESIDING OFFICER. The Senator from Kentucky.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. McCONNELL. Mr. President, I rise today because a mighty oak has fallen. Ronald Reagan has left his life here on Earth, but oh what a life it was. Born in the middle of our great Republic in the beginning of the last century, his was an American tale from start to finish.

Jack and Nelle Reagan brought a son into the world in Tampico, IL, in 1911. Jack was a shoe salesman with an Irishman's flare for storytelling. Nelle was a devout Christian who made ends meet by doing other people's sewing out of their home. When Jack first saw their healthy baby in his crib, he looked at this little baby and said he looked like a "little fat Dutchman." And the nickname stuck, "Dutch."

Times were hard for the Reagans. He commented years later that:

> Our family didn't exactly come from the wrong side of the tracks, but we were certainly within sound of the train whistles.

Even then, it was in Ronald Reagan's character to look for the Sun behind the clouds. Growing up, he lived a typical American boy's life. He was a lifeguard in the summer and a football player in the fall. In the fading years, when Alzheimer's robbed him of most of his memory, he could still summon up his youth in Illinois, proudly recalling the 77 lives he saved as a lifeguard from the teeming Rock River, notching each one on a log on the shore.

In Illinois, he discovered there was more to life than just football and lifeguarding. There was also acting. Connecting with an audience plugged him into a broader world. As he later said:

> For a kid suffering childhood pangs of insecurity, the applause was music.

Ambition led him westward out of Illinois; Hollywood, to be exact. There, as we all know, he started his successful acting career and, more importantly, met a young actress from Chicago named Nancy Davis. She became the love of his life. Nancy was focused, smart, and loved her Ronnie. Jimmy Stewart once remarked:

> If Ronnie had married Nancy the first time, he would have won an Academy Award.

But gradually his time in front of an audience changed from the stage and screen to the assembly hall. Time constraints prevent me from following his ascent to the highest office in the land. Let me simply comment that for most of us being a successful actor and pitchman, union president, two-term Governor of our Nation's largest State, and a national figure to boot would have been enough of a career, especially at the age of 69. But Ronald Reagan had other thoughts, and so began his run against President Jimmy Carter for the Presidency in 1980.

Neck and neck until the debate a week before the election, Reagan broke it wide open when he closed by asking Americans a simple question: Are you better off than you were 4 years ago?

On election day, Reagan won a smashing victory, winning 44 of 50 States. He would top that mark in 1984, winning 49 out of 50 States.

I have listened to and read countless people reflecting on what President Reagan meant to them and to America. Were there enough time, I would fill up the rest of the afternoon with my thoughts about this great man. But I will limit my observations to what I think will be, in addition to restoring America's faith in itself, the way history will remember Ronald Reagan, the peacemaker.

I want to address the question, What does it mean to have won the cold war? Revisionists suggest that Ronald Reagan had little to do with the Soviet Union's fall which they now claim was just inevitable. I can tell you no one thought that in 1979. Communism was on the rise and freedom was in retreat. The United States was the toothless tiger with the uncertain future. Energy shortages crippled us, and rampant crime hunted us down. Interest rates for homes, cars, and businesses were sky high. Our economy was wrenched back and forth between bouts of recession and inflation, both at the same time. America's decline was marked by new, unfamiliar words. We learned stagflation, "taxflation," and, of course, we learned malaise.

America's economy was not the only thing in decline. So, too, was our foreign policy. Still suffering from a Vietnam syndrome, we watched and did nothing as Afghanistan was invaded by the Soviets, as hostages in Iran were seized, and as Cuban puppets invaded Africa and Central America. Our Navy was weak. Our planes couldn't fly. Our Army lacked volunteers and morale. The nuclear balance was tipping, and our intelligence services were ravaged by firings and mismanagement.

We were declining and the Soviet Union was rising. Some people were ready to give up. Others suggested the Presidency was too big and complicated a job for any single person. It seemed as if we had lost our nerve. But not Ronald Reagan. You see, he had a vision.

In 1982, he explained his "sick bear" theory:

> The Soviet Empire is faltering because rigid centralized control has destroyed innovation, efficiency and individual achievement. . . . The Soviet dictatorship has forged the largest armed force in the world . . . by preempting the human needs of its people and, in the end, this course will undermine the foundations of the Soviet system.

With his customary humor, he had a memorable way of explaining this. He talked of a Soviet citizen who went to a Soviet bureau of transportation to buy a car. After paying and filling out all the forms, he is told by the seller of the car: Come back in 10 years to get your car.

The man asks: In the morning or the afternoon?

The official responds: Well, we are talking about 10 years from now; what difference does it make whether it is the morning or afternoon?

The man replies: Well, the plumber is coming in the morning.

Beneath the humor, President Reagan knew the serious truth. The Soviet Union was as inherently weak as the U.S. economy was inherently strong, a fact too few recognized. So when President Reagan's policies began to revitalize our economy, the confidence restored here was matched by new uncertainty over in the Soviet Union.

Others have and will talk about the Reagan revolution here at home, but in terms of our victory in the cold war, the Reagan economic recovery was the first body-blow that eventually exorcized the demon of communism from the Soviet Union.

The real trouble for the Soviet Union was not Reagan's policies, but Reagan's values, his courage, and his willpower. Before he was ever elected, President Reagan recognized that the Soviet Union was an "arsenal of anarchy" throughout the world. It was a sickness of the human condition, he said. And President Reagan was never afraid to do that which so many leaders lack the courage to do: look at evil and call it by its name. In this regard, Reagan was like Churchill. Reagan was the nemesis of communism, just as Churchill was of nazism. He understood the evil that communism represented and what it would do if unchecked.

Interestingly, Reagan's understanding of this evil did not begin with the fate of millions, but of just one. In May of 1975, a 5-year-old boy fell into the Spree River, which divided then-Communist East Berlin from free West Berlin. As firemen from West Berlin—firemen, not soldiers—started to go to the boy's rescue, an East German patrol boat barred their entry into East German waters. The boy drowned.

The mayor of West Berlin described that refused rescue as "an incomprehensible and frightful act, placing political considerations before the saving of a human life." But for Reagan, it was the sad personification of a harsh and enduring reality: Communism is a system where every human life is sublimated to the ruthless needs of the state.

Focused on the value of a single human life, Ronald Reagan looked across the globe and saw 600 million people living like slaves under the Communist lash. He did not mince words or deeds. He dubbed the Soviet Union the "evil empire," a description brutally accurate, yet offensive to the tender sensibilities of most of the media and intelligentsia here at home. He called for a massive defense increase—"peace through strength," he called it—and some even in his own Cabinet opposed it.

In the face of criticism, Reagan strengthened our defense. He quoted Demosthenes in dismissing the Soviets' empty assurances of their good intentions on arms control:

> What sane man would let another man's word rather than his deeds tell him who is at war and who is at peace with him?

He then translated that demand into a Russian saying of no uncertain words—doveryai, no proveryai. In Russian, that means "trust but verify."

Ronald Reagan did not have timid dreams. He wasn't interested in slowing the decline of freedom or just holding its position steady; he wanted freedom to ring across the globe and communism to be relegated to the ash heap of history. So he went to the Berlin Wall to call out in front of that colossal affront to freedom: "Mr. Gorbachev, tear down this wall."

He left Reykjavik when it was clear that Mr. Gorbachev was only bargaining for the end of the Strategic Defense Initiative, which matching, the Soviets knew, would spend them into oblivion. Margaret Thatcher notes that Reykjavik, deplored as a loss by Reagan's critics, particularly by the European and American intelligentsia, marked the beginning of the end of the Soviet Union.

Of course, all the significant arms control reductions came after Reagan walked away from Reykjavik. But today, President Reagan is vindicated by some 600 million people who breathe freely because of the collapse of the Soviet empire.

So what does it mean to liberate almost 600 million from fear and terror? It means 49 million Ukrainians will never again worry about a class purge.

It means 17 million former East Germans will never be grabbed in the night by the STASI, the secret police of Eric Honneker.

It means 38 million Poles will never fear General Jaruzelski attempting to crush the Solidarity free labor movement.

It means 22 million Romanians will never know the tortured madness and human experimentation of Nicolae Ceausescu.

It means 16 million in the Czech Republic and Slovakia will never hear tanks rumbling through their city streets to crush self-rule.

It means tens of millions of former West Germans lead lives oblivious to the cosmic nervousness that gripped their mother's and father's generation.

It means that 5 million in Finland no longer look across the Gulf of Finland with dread at 7.2 million people in Latvia, Estonia, and Lithuania, who lived in slavery as a warning to any neighbors who would dare dissent from the Soviet world view.

In all, 600 million lives were emancipated by the victory in the cold war—the greatest liberation in the history of mankind, and hopefully for all time.

Now, having said all of that, let me just mention how much I miss that sweet-hearted man, especially his sense of humor. I have been reminded from all the replayed speeches just how wonderful he was. For example, during an exchange with the press one day, he said:

> I have given my aides instructions that if trouble breaks out in any of the world's hot spots, they should wake me up immediately—even if I am in a cabinet meeting.

It makes you wonder what President Reagan said to Saint Peter. Something witty, no doubt, and delivered with a warm smile.

So now the long goodbye that Mrs. Reagan, his rock and strength and the love of his life, has spoken of so movingly is nearly complete. So I will close with President Reagan's own words in his courageous letter to the American people upon discovery of the disease that would ultimately bring about his fall. President Reagan said 10 years ago:

> When the Lord calls me home, whenever that may be, I will leave the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead.

God bless Ronald Reagan, an American hero.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, our Nation has come together this week to mourn the passing of former President Ronald Reagan. However anticipated his death may have been, it is still a profound loss for the Reagan family. Our thoughts and prayers are with them all and especially with former First Lady Nancy Reagan.

However, knowing the kind of man Ronald Reagan was, knowing his relentless optimism and his sunny disposition, something tells me he would prefer that Americans spend this week remembering and celebrating his unique character and quality. "America in mourning" just does not seem Reaganesque because Ronald Reagan was always about "morning in America." He always looked at the bright side of every situation or circumstance. I remember the story he told about the little boy who walked into a barn and encountered a huge pile of manure. The boy, who was not the least bit disappointed, broke into a big smile and said: I just know there is a pony in here somewhere. That was the Ronald Reagan we remember and admire.

Iowans relate strongly to Ronald Reagan because his roots were our roots. He grew up next door in smalltown Illinois and spent 5 formative years in Iowa. In fact, this was where the young Ronald Reagan found his voice as the Great Communicator—first as a radio announcer at WOC Radio in Davenport and later at WHO Radio in Des Moines where he became one of the most popular sports broadcasters in the region. That was at the height of the Great Depression.

He remembered this period with obvious fondness. In his autobiography, "An American Life," he wrote:

> I spent four years at station WHO in Des Moines and they were among the most pleasant of my life. At 22, I'd achieved my dream; I was a sports announcer. If I had stopped there, I believe I would have been happy the rest of my life.

During his two terms in the White House, I met President Reagan on many occasions, and just about every time he would eagerly tell me he had been an announcer at WHO Radio. He regaled me with stories of how, sitting in his studio in Des Moines, he faked the play by play of the Chicago Cubs baseball game based upon wire reports as they came through. He seemed to have this fixed in his mind, that when he would see me, it was TOM HARKIN and WHO. If this is HARKIN, I am going to tell him about my time at WHO. It sort of became a thing that every time we met, he, again, would tell me some story about his time at WHO Radio. So that was my experience with the Reagan charm.

We disagreed on many important issues, but you could not come into contact with this man and not feel his personal warmth and charm. In fact, I have been struck this week by the bipartisan affection for this former President. He was the genuine article, a man who embodied so many of the traits we hold dear as Americans. We remember his conviction, his courage, his lack of pretentiousness, and, yes, his optimism.

On a personal note, I will always be grateful to President Reagan for signing into law my bill to establish the National Institute on Deafness and Communication Disorders at the National Institutes of Health in 1988. Quite frankly, his advisers urged him to veto the bill, but the President, who himself suffered from hearing loss, vetoed his advisers. He signed the bill into law. As a result, we have had a series of medical breakthroughs that are helping millions of Americans cope with hearing loss and communication disorders.

Lastly, he and Nancy fought a heroic battle with Alzheimer's disease, and they did a great deal to raise the level of awareness and understanding of this terrible disease. I am especially proud of the courageous leadership Nancy Reagan has displayed in our efforts to find a cure for this deadly disease by her advocating a more expanded stem cell research program in America.

As I said, the most fitting way to pay tribute to President Reagan is not so much to mourn his death as to celebrate his life and to honor his service to our country. As he lies in state at the Capitol this week, a thankful American nation will say farewell to a truly unique American.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise today to pay tribute to an American legend, President Ronald Reagan. Like all Americans, I was saddened to learn of his passing over the weekend. I had left our Republican State convention at a time when it was moving across the floor that he might be in his final hours. Of course, all of us started reminiscing. It was a moment of great loss, but yet a recollection of his humor, his contagious optimism, and the historic accomplishments he made for our country really were comforting and engendered so many wonderful moments.

Although I was not a Member of this body while he was in office, I have lived and served under his conservative principles and ideologies. He was in his political prime when I was just beginning in politics. During his first campaign, my husband Ray was chairman of the Texas Republican Party and spent many hours traveling with him across Texas. In 1992, I was honored to be temporary chair of the Republican National Convention in Houston, TX, when he delivered his very important message that turned out to be his goodbye to America. It was there that he left us with these final thoughts:

> Whatever else history may say about me when I'm gone, I hope it will record that I

> appealed to your best hopes, not your worst fears, to your confidence rather than your doubts. My dream is that you will travel the road ahead with liberty's lamp guiding your steps and opportunity's arm steadying your way. . . . May each of you have the heart to conceive, the understanding to direct, and the hand to execute works that will make the world a little better for your having been here. . . . My fellow Americans, may every dawn be a great new beginning for America and every evening bring us closer to that shining city upon a hill.

At a time of great despair in our Nation, Ronald Reagan came into office and restored hope. He was an unequaled champion of freedom, smaller Government, and market-oriented principles. His philosophies guided our Nation to become the economic and military superpower it is today. Of course, he was often called the Great Communicator for his ability to give a rousing speech that could both rally the troops and yet make an individual in the crowd of thousands feel as if they were having a heart-to-heart talk.

Beyond his optimism, his confidence, and graceful charm was a man of action who implemented great change in the United States of America. Under his leadership, our Nation sowed seeds of prosperity and reduced regulatory burdens on small business. He lowered taxes for all Americans, including reducing the top marginal rate from an oppressive 70 percent to approximately half that, offering new incentives to create wealth and jobs and rebuild America.

He encouraged Americans to embrace their own destiny and realized that Government was not the answer to social ills; people were. Good people working in concert to better their communities and their fellow man could accomplish far more than bureaucracy, from his vantage point.

Perhaps most important, President Reagan took the steps to ultimately win the cold war. He pursued peace through strength and achieved an overwhelming victory that was inconceivable to a generation that was raised with fallout drills and backyard bunkers.

Who can forget the famous challenge he laid down when he cried, "Mr. Gorbachev, tear down this wall"? They were indeed great, dramatic words but more importantly words of action. Two and a half years later, what once seemed a permanent divider through the heart of Berlin was torn down piece by piece, section by section, until it was reduced to a pile of rubble.

Visitors to the Ronald Reagan Building and International Trade Center in Washington, DC, can view a section of that wall donated by the people of Berlin in honor of the President and in recognition of his leadership. The segment, which is over 9 feet high and weighs almost 3 tons, is from a section of the wall near the Brandenburg Gate where President Reagan issued that challenge. It stands as a stark reminder of the great shift in global politics that spread freedom in Europe and encouraged new generations to pursue democracy.

Today, we again find ourselves in a fight for freedom. This generation, like their World War II grandparents and cold war parents, has been called to stand and fight for freedom. Today, we are grappling with a new threat: global terrorism, an enemy with no borders, no uniforms, no respect for traditional rules of war, and more importantly no respect for human life.

World War II took bitter years of fighting and sacrifice. The cold war took decades of dedication and patience. This battle against terrorism requires all that and more. The question is: Will our generation meet the test? Will we have what it takes to win the peace? I believe we do. I believe the strength, perseverance, and patriotism that Ronald Reagan embodied will help see us through.

In 1987, he addressed a joint session of Congress saying:

> Let it never be said of this generation of Americans that we became so obsessed with failure that we refused to take risks that could further the cause of peace and freedom in the world.

Since learning of his passing last weekend, elected officials, former Cabinet members, and newspapers across the world have been penning eulogies, remembrances, and tributes to the beloved President.

James Baker, his former Chief of Staff and Treasury Secretary:

> President Reagan restored America's source of pride and confidence in itself. He was a wonderful person to work for and a truly great President. His willingness to stick to his principles changed the world.

Former Prime Minister Margaret Thatcher:

> He will be missed not only by those who knew him, and not only by the nation that he served so proudly and loved so deeply, but also by the millions of men and women who live in freedom today because of the policies he pursued. To have achieved so much against so many odds and with such humor and humanity made Ronald Reagan a truly great American hero.

Secretary of State Colin Powell, who served as his National Security Adviser, said:

> President Reagan fueled the spirit of America. His smile, his optimism, his total belief in the ultimate triumph of democracy and freedom, and his willingness to act on that belief, helped end the Cold War and usher in a new and brighter phase of history.

Mikhail Gorbachev, once Reagan's adversary, called him:

> A true leader, a man of his word and an optimist . . . He has earned a place in history and in people's hearts.

Finally, his Vice President, later our President, George H.W. Bush, has been giving interviews about how much fun he was and how they had lunch every week together and sometimes they would talk substance, sometimes they would talk policy, and sometimes they would just have a good time. They were very close, and yet he never lost that laser beam focus on the big issues, the things that really mattered that would move us one step toward the peace through strength that was his guiding principle.

Indeed, his lasting place in the hearts of all Americans has been evidenced by the outpouring of love and admiration that we have seen across the Nation and around the world. Ronald Reagan was a leader who touched people with his words, inspired them with his actions, and led by his example.

On November 5, 1994, nearly a decade ago, President Reagan announced to the world that he had been diagnosed with Alzheimer's disease, the illness that would ultimately take his life. His poise and hopeful spirit, even in the face of the heartbreaking years ahead, were remarkable. He said:

> . . . Let me thank you, the American people, for giving me the great honor of allowing me to serve as your president. When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead. Thank you, my friends. May God always bless you.

Standing by his side through good times and bad, his beloved wife Nancy, a beautiful woman, very slight in stature but strong as steel. Theirs was a partnership in every respect and one of the great love stories of our time. Ronald Wilson Reagan was a great President. He left an indelible impression on our country. As we say farewell, our thoughts and prayers are with Nancy and his family. We thank them and we thank the Lord that he gave us Ronald Reagan at a time when our country needed him the most.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, as Americans gather in our Capitol and across the country to remember and pay tribute to President Ronald Reagan, we have been provided a very special opportunity to reflect on his great achievements as our Commander in Chief, as well as the tremendous personal strength which he brought to the Oval Office.

But as we salute President Reagan for his leadership, his integrity, and his vision, I am struck by the very personal nature of so many of these memories and stories. Whether here in Washington or out across the country, whether it is a U.S. Senator or a teacher in a small school, it seems that so many of these recollections begin with phrases such as, "I remember seeing him during his first visit to our State," or "I shook his hand when he visited our factory," or "I recall a story that President Reagan loved to tell," or even "because of Ronald Reagan, I chose to run for office."

These recollections are enormously personal, but I think they are a testament to the way he touched people in a very deep and unique way. He affected the lives of millions of people in America and around the world in countless encounters. Many of these encounters may have been for only a moment or two in a life that spanned decades, but his gift was in his ability to make a strong connection that had real power, the power to bridge generations, the power to last a lifetime, and the power to change a life as well.

We remember his touch, his smile, and his encouragement, not simply because when he walked into a room Ronald Reagan conveyed a great personal warmth. That was certainly special in and of itself, and something that anyone who had the chance to meet him or see him in person would always remember, but it was because this personal connection conveyed a sense of purpose, a sense of kindness, and an enormous love for public service. That was the power of the Great Communicator, the power of the personal connection that he made.

I consider this the greatest tribute of all. Despite the myriad and extraordinary legislative and foreign policy victories of President Reagan such as cutting taxes and reforming the code, rebuilding our Nation's defenses, turning back the Soviets in Afghanistan, or leading the West to a lasting victory in the cold war—despite the enormous substance of these achievements, Ronald Reagan, in the end, is not remembered first and foremost as a clever politician with great machinations of political strategy or hardball political tactics. Instead, the descriptive words that we heard here and across the country over and over again are integrity, character, courage, and leadership. These are qualities that transcend politics and qualities that transcend time. They are qualities that inspire the young and comfort the aged. They are the qualities of heroes.

Ronald Reagan was fond of describing the heroes he saw in audiences at every speech he made or heroes he would see as he traveled across the country in every corner of America and coming from every walk of life. He saw in these men and women the very strength of character, courage, integrity, and leadership that he knew made our country unique and which kept our country prosperous and free. But by bringing these very same qualities to the Oval Office and drawing on them time and time again to guide our Nation through demanding and even dark times, he left a legacy that shined like the city on a hill which he knew America could be and would again become. It is a heroic legacy, and it is the legacy of a great American.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I join with my colleagues in paying profound respects to our late President Ronald Reagan, and I do so with a deep, deep sense of humility.

It is interesting, I walked into my reception room just the other day. No matter how long one is around here, I think you sort of have to go back and refresh your recollection as to what you put up in your reception room, and I found six different photographs of myself with the good fortune to be in the presence of our former great President.

I think back over my 26 years in the Senate, having had the privilege of working with all the Presidents in that period of time and, prior thereto, those Presidents when I was in the Department of Defense. Again, I say with a deep sense of respect and humility, I believe it is clear in my mind that I had the greatest opportunity to work with President Reagan, and probably had more opportunities to be with him in a professional capacity than any other President.

I was ranking for a period of time on the Armed Services Committee and in every way supported him in his remarkable vision to build and restore the Armed Forces of the United States, which buildup, in my judgment, was a major contributor, if not the major contributor, to the eventual demise of the Soviet Union.

There are several pictures of when he visited my home, which was a farm in Virginia, a farm in an area where I grew up in the summers as a very young man. He loved coming down to the farm. My farm was adjacent to the home of former President Kennedy, and the owner at that time was Bill Clements, who was a former Deputy Secretary of Defense. I served under him as Secretary of the Navy. He and I were very close friends. I introduced him to that countryside, and he bought the Kennedy home, which is a very small, modest home, reconstructed, so to speak, and enlarged by President Kennedy and Jacqueline Kennedy, his lovely, dear wife.

President Ronald Reagan and Bill Clements set it up so he could come down there and spend some quiet downtime. And he loved to ride horses. In those days, I had a pretty good collection of horses, and I was happy to share them with him on occasion. He rode around on my farm. I certainly enjoyed being with him on several occasions. I have one of the pictures of the two of us riding together.

I mention that because in that informal setting when there was just the two of us riding horses—I remember one time Mrs. Reagan was with us—this particular time I remember very well. We rode high up on the hill on the back of the farm. The hill has a vista down into the valley of Virginia. We checked the horses and began to talk about his great admiration for Stonewall Jackson and the various campaigns Jackson had up and down that valley during the Civil War.

I was so impressed with his remarkable knowledge of the facts of that period of history, and in later years, in other discussions with him, again he would frequently make reference to the history of the United States. His knowledge was really second to none. He had a magnificent command of American history.

But on this particular day, he reflected on a little self-deprecating humor, which he was very good at. He told me when Pearl Harbor occurred, he was a lieutenant in the Army Reserve Cavalry, again because he loved horses, he loved to ride. He promptly went down, Pearl Harbor Day or the day after, whatever the case may be, and said: I want to be activated. And sure enough, he was eventually activated. He wanted to take, as we say in the horse world, the bit in his teeth and charge—"Send me right away out to the front."

I remember he gestured with his hand. But, no, they sent him to an old cavalry post, which was down in one of the Indian territories, and he laughed and joked and said: When we put those posts out there, the primary thing was to secure the settlers and to hopefully strike a peaceful balance with the Indians and make life such that those territories could be developed.

But he said: I did a little homework—as he always did—before I went to this cavalry post and studied who the commanding officer and the other officers were.

Well, in those days, the custom in the military, particularly the Army, was that when a soldier reported, perhaps with his wife, whatever the case may be, the commanding officer would have them over to pay their respects, to get to know each other as soon as they arrived on the post. In the old days with the covered wagons, it was a long journey. By the time they reached their destination, they were pretty well exhausted—food and otherwise. So this was a chance to introduce them.

Reagan described the evening with great humor. He said: I walked in and there was the little colonel. He was a rather short fellow. He was all dressed in his uniform, with his riding boots, his Sam Browne belt. I was there in my lieutenant's uniform. He greeted me very warmly. He looked at me.

And President Reagan had a remarkable way of cocking his head. His body language was extraordinary. His walk, his mannerism, it was a great part of his character that I admired, how he conveyed so much feeling with just the way he would use his hands and his head, his stride. It emulated such tremendous confidence he had in himself.

But anyway, the colonel said: Now, Reagan, where have I seen you? Do I know you?

Lieutenant Reagan said: No, sir, we have never met.

The colonel failed to guess. He circled back again and said: Look here, young man, I know somehow I have seen you. Let's figure out where that was. What do you do?

And Lieutenant Reagan said: Well, sir, I am involved in making movies.

Suddenly this colonel became silent. Then he said: That is where I have seen you. You were in that movie called "Brother Rat," which was about the Virginia Military Institute, and that movie didn't exactly, in my judgment, properly characterize the magnificence of that institute. As a matter of fact, I think it reflected dishonor upon that institute. And I remember you were in that movie. Lieutenant, your duty on this post is over. I will transfer you.

In due course the President said he was transferred off the post, but I mention that because those of us who had the opportunity to be with him, particularly in informal settings, remember so well the magnificence of this man, the lessons he taught each of us.

Again, going back to those days in the buildup of the Soviet Union, he was very conscious of the fact that the Soviet Union was on pretty shaky financial status at that stage and that the cold war posed a threat to the United States—intercontinental missiles, the threat to the standard forces of NATO, the Warsaw Pact nations, all of which are now, save one, members of NATO.

Those of us who worked in the Senate—I remember John Stennis and Barry Goldwater, Scoop Jackson, John Tower, to name but a few—formed a group to work with the President in a bipartisan way on trying to strengthen America such that we could send a strong signal to the world, particularly the Soviet Union, that we mean business. Don't ever entertain the idea of striking out against the free world, be it the United States or our NATO allies.

And the rest is history. "Tear down that wall, Mr. Gorbachev." And that wall did come down. Those were extraordinary days I was able to share with him, and I say that with the deepest sense of humility. But I don't want to prolong my remarks.

I do want to tell one other chapter. Just a few days ago I was a part of a delegation that went over to the Normandy 60th anniversary. Senator AKAKA was with me and the distinguished Senator from New Jersey and his lovely new bride were with me. So there were three of us who had some experience in World War II, of the six here in the Senate. We spent a wonderful day at the ceremonies. But the next day we took time to go out to Pointe du Hoc. It was fascinating.

There on June 6, 2004, I had been on that same spot of land 20 years before with Ronald Reagan. I remember the delegation. Strom Thurmond led it. Three of us went with him. Of course, Senator Thurmond had made a landing on the beaches on D-day. Other Senators, the Senator from Nevada, and Howard Cannon had likewise participated in the D-day landings. Of course, I was at that time the youngster, 17 years old, in that group back in the United States getting prepared to take our training and become replacements someday. That is all history. There I stood on that ground, and he had passed away within that 24-hour period.

So I thought today I would read some of the remarks he made.

I ask unanimous consent to print the entire speech, a very short speech, in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT REAGAN'S SPEECH IN NORMANDY ON D-DAY 40TH ANNIVERSARY

JUNE 6, 1984

We're here to mark that day in history when the Allied peoples joined in battle to reclaim this continent to liberty. For four long years, much of Europe had been under a terrible shadow. Free nations had fallen, Jews cried out in the camps, millions cried out for liberation. Europe was enslaved, and the world prayed for its rescue. Here in Normandy the rescue began. Here the Allies stood and fought against tyranny in a giant undertaking unparalleled in human history.

We stand on a lonely, windswept point on the northern shore of France. The air is soft, but forty years ago at this moment, the air was dense with smoke and the cries of men, and the air was filled with the crack of rifle fire and the roar of cannon. At dawn, on the morning of the 6th of June 1944, 225 Rangers jumped off the British landing craft and ran to the bottom of these cliffs. Their mission was one of the most difficult and daring of the invasion: to climb these sheer and desolate cliffs and take out the enemy guns. The Allies had been told that some of the mightiest of these guns were here and they would be trained on the beaches to stop the Allied advance.

The Rangers looked up and saw the enemy soldiers—at the edge of the cliffs shooting down at them with machine-guns and throwing grenades. And the American Rangers began to climb. They shot rope ladders over the face of these cliffs and began to pull themselves up. When one Ranger fell, another would take his place. When one rope was cut, a Ranger would grab another and begin his climb again. They climbed, shot back, and held their footing. Soon, one by one, the Rangers pulled themselves over the top, and in seizing the firm land at the top of these cliffs, they began to seize back the continent of Europe. Two hundred and twenty-five came here. After two days of fighting only ninety could still bear arms.

Behind me is a memorial that symbolizes the Ranger daggers that were thrust into the top of these cliffs. And before me are the men who put them there.

These are the boys of Pointe du Hoc. These are the men who took the cliffs. These are the champions who helped free a continent. These are the heroes who helped end a war.

Gentlemen, I look at you and I think of the words of Stephen Spender's poem. You are men who in your "lives fought for life . . . and left the vivid air signed with your honor". . .

Forty summers have passed since the battle that you fought here. You were young the day you took these cliffs; some of you were hardly more than boys, with the deepest joys of life before you. Yet you risked everything here. Why? Why did you do it? What impelled you to put aside the instinct for self-preservation and risk your lives to take these cliffs? What inspired all the men of the armies that met here? We look at you, and somehow we know the answer. It was faith, and belief; it was loyalty and love.

The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or on the next. It was the deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest. You were here to liberate, not to conquer, and so you and those others did not doubt your cause. And you were right not to doubt.

You all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you.

Mr. WARNER. I thought I would read part of this very moving speech. It starts midway in the speech and lays out the history of the brave men who participated in D-day landings, and in particular the Rangers.

Behind me is a memorial that symbolizes the Ranger daggers that were first thrust into the top of these cliffs. And before me are the men who put them there.

These are the boys of Pointe du Hoc. These are the men who took the cliffs. These are the champions who helped free a continent. These are the heroes who helped end a war.

Gentlemen, I look at you and I think of the words of Stephen Spender's poem. You are men who in your "lives fought for life . . . and left a vivid air signed with your honor."

Forty summers have passed since the battle that you fought here. You were young the day you took these cliffs; some of you were hardly more than boys, with the deepest joys of life before you. Yet you risked everything here. Why? Why did you do it? What compelled you to put aside the instinct for self-preservation and risk your lives to take these cliffs? What inspired all the men of the

> armies that met here? We look at you, and somehow we know the answer. It was faith and belief; it was loyalty and love.
>
> The men of Normandy had faith that they were doing what was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or on the next. It was the deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest. You were there to liberate, not to conquer, and so you and those others did not doubt your cause. And you were right not to doubt.
>
> You all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you.

The Presiding Officer, with his distinguished military service, understands, as do I, those words. The vision that he had not only for America but the free world, the strength of his convictions, the strength of his actions—it reestablished the strength of the Armed Forces which today have carried on, since that speech, with missions in the Balkans, Afghanistan, Iraq, and other areas of the world.

It takes time to restructure and build up a military. I find this President is doing just that, President Bush. I am happy and privileged to be a part of the team that is working in the Senate to achieve that. As a matter of fact, the bill for the Armed Forces in 2005 is the current business before the Senate.

Before I leave the speech, I was privileged, because of Senator Thurmond and the other Senators with me, we were not more than 15, 20 yards from the President when he gave the speech, right on this little spit of land that I visited 2 days ago.

And suddenly you saw the Secret Service men sort of break and go off and quickly perform the duties they have to protect the President. There was this figure which came up the cliff unexpectedly, unannounced, because there had been a reenactment with men of the Armed Forces currently on duty to scale the cliffs for all to see. So that part was over. Yet suddenly there appeared another individual who had scaled the cliffs and the Secret Service tackled him. I remember the President, always composed, stood there and looked at this scene. Suddenly, an aide went over and whispered in his ear and the President went over and grasped this man and gave him a hug. He was one of the original rangers who scaled that cliff. He wanted to show the President and the world that he was still able to do it. He had bits and pieces of his own uniform on.

Last, what are the ways in which we can honor this great President? Our hearts are so filled with gratitude and a sense of deep remorse at his loss. But it was his wisdom and foresight that strengthened America's military, and I think that requires some special recognition. I don't have all the answers now. I will be happy to work with others.

I am not trying to be the sole author of anything, but some thought has been given to the Department of Defense—and I went back last night and did a little research, and this morning I called the former Secretary of Defense Melvin Laird, a very dear and valued friend, under whom I served as Secretary of the Navy, and we reminisced about our days and some of the initiatives he took. He mentioned one specifically. There was some thought about naming the Department of Defense building for President Eisenhower. After some very considerable thought, the decision was made not to do that. One of the main reasons—and I remember this very well—is that that building stands as a symbol of the bipartisanship that must be present as we work with the men and women in the Armed Forces. I strive to achieve that, as does the Presiding Officer and many others.

I am proud of the committee on which I have served—Armed Services—for 26 years, under a series of chairmen and ranking members. We have always tried to put partisanship aside and we have been successful. But it is important that the building be viewed as bipartisan.

Therefore, I remember Secretary Laird saying the naming of the building was not, in his judgment, what we should do. He confirmed that this morning, and I shared that feeling. He said he conceived the idea of naming a corridor for General Eisenhower. There is a technical thing there. The corridor is named after him as a general of the Armed Forces, a five-star general. His picture in uniform and many other pieces of memorabilia are along the corridor by the office of the Secretary of Defense. Previous Secretaries of Defense have honored the commanders in chief, the Presidents. So there is a corridor set aside for the commanders in chief, with portraits of every President since George Washington. Five living Presidents are there. You have Ford, Carter, George Herbert Walker Bush, President Clinton, and our current President Bush. All of their portraits are there. The way the Department of Defense has handled this in the past is to treat with equality the Presidents and their portraits, the recognition being bipartisan in nature in that building.

We will have to put our minds together to see how best to do it. There is no question that Ronald Reagan gave a tremendous impetus to the concept of defending this Nation against missiles—missiles fired in anger or accidentally. Those things happen. He had the star wars concept. I was on the committee and we looked at this program. We began to do the initial work in the Congress to give support to the President's program. But eventually, from the standpoint of technology and costs, we looked at different ways to achieve our defense against missiles. It started way back under President Reagan when we put emphasis on this situation. Some of the thinking preceded President Reagan on how to defend this country against missiles. Today, we don't have a thing to interdict an intercontinental ballistic missile that would be fired in the direction of our 50 States. That is a separate matter.

Therefore, I think we have to give a lot of careful thought and be ever mindful of how we recognize our commanders, with five still living, in terms of their contributions to the defense of this country. We will come up with an idea. I hope we can, in some way, appropriately recognize this great President for his extraordinary accomplishments in strengthening America.

I conclude my remarks with the deepest sense of humility and gratitude toward the recollection, modest friendship, and the teachings I received from this great President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Delaware.

Mr. CARPER. Mr. President, today and this week, as we pause to reflect on the life of Ronald Reagan and his role in leading our Nation and the State in which I lived when I was in the Navy, I was thinking back and talking with my children this week about my first recollection of Ronald Reagan.

My first recollection was when I was about their age, early in my teenage years, seeing him on television. I may have seen him earlier than that as a kid in the movies, but I do not remember. I remember fully—and the Presiding Officer is probably too young to remember this—a television show called "Death Valley Days" and watched later, I remember, a television show called "GE Theater." He was the host and introduced each week's segment. My family would watch those shows, not religiously, but regularly. I enjoyed them as a kid growing up in Danville, VA.

At the time, Ronald Reagan, who, I guess, was maybe in his fifties at that time, or maybe forties, had a reasonably successful career in motion pictures, certainly a lot more successful than any of us, except for former Senator Fred Thompson. But he had a reasonably successful career. We were in this in-between place where television was coming of age and playing a role with respect to "Death Valley Days" and "GE Theater."

I remember my first thoughts of him were that he was a nice-looking guy, a handsome kind of rugged fellow. He seemed to be amiable. He came across as amiable and exuded a certain warmth and also a sense of sincerity that came across clearly on that small television screen that we owned back in those days.

I remember being surprised in 1964. I think I was 17 years old. I was about to enroll in Ohio State University. I was going to be a Navy ROTC midshipman. I was at the age of 17 a young Republican for Barry Goldwater. I do not know how I ended up on this side of the aisle. Churchill said: If you are young and not liberal, you don't have a heart; if you are old and not conservative, you don't have a brain. Somehow I ended up as a 17-year-old supporting Barry Goldwater.

I remember watching the convention which was in San Francisco at the Cow Palace. Ironically, another one of our colleagues was there as a Goldwater supporter, too. She was there as a "golden girl." Her seat is right behind me. It is ironic we both ended up where we are in the U.S. Senate. I remember watching on television the 1964 Republican Convention and actually watching the Democratic Convention that year.

I remember being surprised to see Ronald Reagan speak and address the convention. I knew he had been a film star. I knew he played a role on these two television shows I watched as a kid growing up, but I had no idea. I heard he had been involved in the Actors Guild, sort of a labor union for actors, but I had no idea he was involved in politics to any extent and that he would end up with a major role at that convention speaking on behalf of Barry Goldwater.

He came across in this speech a bit differently than he did in his other roles on television, but he did project a great deal of sincerity, a lot of conviction.

He also suggested a good-naturedness and a certain warmth I have always found refreshing and enduring about him.

We learned that evening, as we watched that speech, that this was a man who had some strong convictions and gave a powerful speech and one who got a lot of people to think about him as a future leader. Not long after that, he was elected Governor of California, served there for the most part with distinction and then ran against Gerald Ford for President, lost and came back a couple of years later, ran against Jimmy Carter and won.

It is interesting, conventions were different then. The first convention I ever remember paying much attention to was in 1964. It was a convention with serious questions about who was going to be the President.

We had the Republicans. Conservatives were supporting Barry Goldwater and we had the Rockefeller Republicans. There was a lot of give and take, and real primaries. It was hard fought right up until the convention.

I remember in 1968 I was a supporter for Eugene McCarthy who was running for President. I respected both McCarthy and Goldwater because they were standup guys. They were willing to take tough positions and not mince their words. I respected them both for that. Conventions were different than they are today.

Although I was impressed by the speech that then-citizen Ronald Reagan gave, I never imagined he would be Governor of California, and I certainly never imagined he would be President of the United States. I never imagined I would be a Congressman, Governor, or Senator, either. I am probably more surprised by that than I am about him ending up as Governor and President.

As luck would have it, he ended up as President of the United States and I ended up here serving with our Presiding Officer, and that is something I enjoy very much.

Before I was Governor, I served in the House of Representatives for 10 years. Ronald Reagan was elected President in 1980; I was elected to the House in 1982. I had a chance to interact with him from time to time during limited opportunities as a Democratic Congressman. He had qualities I admired all those years ago when he was hosting those television shows. His warmth, his sincerity, his good humor, those were qualities he possessed in the real world off the TV screen.

Sometimes the folks we see or admire on television and film or other venues do not turn out to be quite the same when we meet them in person. He was very much the same.

While I did not always see eye to eye with him on environmental issues, for example, and I had concerns about the budget deficits we were starting to rack up, and questions about deploying space weapons, star wars, and the way we conducted our business in Central America, there was a lot he wanted to do and sought to do with which I did agree. He was an early proponent of welfare reform. He was a guy who believed work should pay more than welfare. We have all heard of the earned income tax credit. He was a major proponent of the earned income tax credit because he felt people who worked ought to be better off than folks who were on welfare.

He presided over big tax cuts in the early 1980s, 1981, and later on, faced with ever-growing tax deficits, he presided over some of the largest tax increases that were adopted in our Nation's history.

He was a staunch opponent of communism, but a fellow who could reach out not just across the aisle but across the world to Gorbachev to become friends, and they embraced one another at the end of their tenures as they together helped to change the world in a better way.

I find in Ronald Reagan that he was someone who would stake out a position; he would adhere to that position with his convictions for as long as he could, and at the end, if he had to change, he would. He was willing to do that, but he did not back off easily or readily. He was willing in the end to compromise.

In reacting to folks in my own State in Delaware this week who asked me for my reaction to what he was like, I said, well, whether or not you liked the man's policies, it was hard not to like the man.

Since his death, there has been a fair amount of conjecture about what we should do to pay tribute to him and his memory. Some people have suggested we ought to rework Mount Rushmore and find a way to put his image on Mount Rushmore. We have had a few people suggest maybe Ronald Reagan's picture should be on the $10 bill instead of Alexander Hamilton. I heard our Republican leader suggest yesterday that maybe we should rename the Pentagon in honor of Ronald Reagan. I do not know that those are good or bad ideas. I have not given those a lot of thought.

I ask we consider a couple of other legacies that might even be more important and more enduring. One of those deals with the disease that dogged him for the last years of his life, Alzheimer's disease, a disease my mom also suffers from. She lives in Kentucky. I visited her over the weekend. She does not remember much. Actually, she remembers a few things that happened a long time ago, but she does not have any recollection of Ronald Reagan and all of those years we watched him on television when I was a kid growing up.

My mom is going to be 82 years this August and my hope is she will live to be as old as Ronald Reagan. I do not think that is likely, but that would be wonderful if it happened. My mom is one of 4 million people in the world today who suffers from Alzheimer's disease. It was something we saw the first signs of 5, 6, 7 years ago, and we knew where it was leading. Her mom suffered the same fate. Her grandmother had suffered the same fate as well.

While there are roughly 4 million Americans today who suffer from Alzheimer's disease, by the year 2020 we are told there could be as many as 14 million Americans who suffer from Alzheimer's disease. It is a tough disease not so much for the person who suffers from it but certainly for their families and those who love them and who are unable to have the kind of relationship we once did.

I know Senator MIKULSKI is going to be leading the effort, I think with Senator BOND, for us to focus anew as a Congress, as a Senate, on providing meaningful increases in funding to find a cure for Alzheimer's disease; not simply a way to treat the symptoms, but a way to stop it dead in its tracks. I commend them for their actions and I stand fully ready to support them. I hope others will as well.

The other legacy I suggest that may be as important or we may be inspired to address and do something about other than dealing with Alzheimer's disease is civility. I am not the first person who has noticed this of late, but there has been a huge loss of civility not only in Washington, DC, but shortly after I heard of President Reagan's death I was flipping through the radio channels in my car and I came across one of these right-wing talk shows. There was pure vitriol coming out of the speaker on my radio. I find it hard to listen to that stuff so I turned it off. I find it hard to watch the television shows anymore because it seems there is no meaningful discourse; they are really shouting matches.

Ronald Reagan, for whatever faults he may have had, was a civil person, he was a gentleman, and at a time when that kind of behavior characterizes too little of what not only goes on here but what takes place in politics throughout our country, he is a good role model in that the way he treated people was the way he would like to have been treated. It is a lesson that was good and meaningful then and it is one we can certainly take again today.

I have heard our own leader, TOM DASCHLE, begin to speak of late of a new civility, and we need a new civility. We need some civility, not going through the formalities, but treating one another the way we would want to be treated; not just in this Chamber, not just in this Capitol, but throughout this country, even in a Presidential election year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, as one of the two Senators from Illinois, I am very proud of Ronald Reagan and his contributions to this country. Ronald Reagan is the only American President who was, in fact, born in Illinois. Many people think of Abraham Lincoln as having been born in Illinois, but he was actually born in Kentucky and later moved there. Of course, I think there is no question that Ronald Reagan will join Abraham Lincoln as one of our Nation's greatest Presidents. I only want to say a few words about him.

I didn't actually serve in the Senate when he was President. I didn't ever have the opportunity to get to know him. I did, however, get the opportunity to meet him once as a very young man, when I was about 20 years old or so and he was campaigning for President in 1980.

But my first real recollection of him came from watching his address on television in 1976 at the Republican National Convention. He had lost the primaries to incumbent President Gerald Ford but had nonetheless had a very strong showing. He gave a speech at that 1976 convention that literally brought down the house and fired up the delegates. I remember watching that at home and thinking, What an outstanding leader. You could see that this man certainly still had a great contribution to make.

He won against all the odds. All the pundits and many of the commentators dismissed Ronald Reagan. They thought he was too old. They thought he was too conservative to run and be elected President in 1980. But he proved them all wrong.

I think a pivotal moment came in 1980 during his primary elections. At that time he lost the Iowa caucuses and he had a lot of pressure on him to win the New Hampshire primary. Many of us will recall that New Hampshire primary debate where he grabbed the microphone as they tried to shut it off. He grabbed the microphone and said: "Mr. Green, I paid for this microphone." He wanted his other opponents to be allowed the opportunity to speak at that debate, as opposed to just having a one-on-one debate with George Bush, who later became his Vice President and succeeded him as President.

I remember watching that Nashua, NH, debate in 1980 from the basement television room of my fraternity house in Hanover, NH, at Dartmouth College. I was very much paying attention to that primary because it was happening in New Hampshire where I was attending college. I will never forget seeing Ronald Reagan in that debate and his remarkable performance.

Later, in 1980, I had the opportunity to meet him when he came to Illinois to campaign for a U.S. Senate candidate in October of 1980, about a month before Reagan was elected President. I was actually an intern on the campaign of a fellow by the name of Dave O'Neal who was running for the Senate in Illinois. He actually lost. But as an intern on that campaign, I had the opportunity to meet Ronald Reagan and to welcome him into the back room before we had the dinner in honor of Dave O'Neal.

I will never forget Ronald Reagan. Everybody called him Governor at that time. That was the most recent office he had. They didn't call him President Reagan yet. But when he walked into the holding room, the bartender immediately told him: Governor Reagan, we have squeezed some fresh oranges for you. We have some freshly squeezed orange juice for you. Would you like some of this?

Governor Reagan looked at him and said: I'll take it if you put a little vodka in that.

I was struck immediately at the time by his charm and his sense of humor and his relaxed nature, even though he was just a few weeks out from the election day in what everyone thought would be a very close election with President Carter. But, of course, as we know, Ronald Reagan went on to win in a landslide.

He had a remarkable career. He was an enormous source of inspiration to me as I was finishing college and going on to law school. I was very proud at the time to be a Republican and to have him as the leader of our party, but also to be an American and have him lead our country and represent us in the world. I thought he handled himself with incredible poise and dignity.

His achievements are monumental. You will recall that he had few allies in Congress. The other party controlled both Houses of Congress while he was President. Yet he was able to work his will through Congress by calling upon the American people to lobby Congress for some of his important initiatives, such as lowering taxes. President Reagan succeeded in lowering the highest tax rates, which at that time were up to 70 percent. He dramatically lowered the tax rates and unleashed a flurry of economic activity that is with us today.

He went on to achieve major arms control agreements, and also, with the threat of his willingness to spend whatever it took to defend our country—his will in that regard, his sheer will to succeed in defeating what he saw as an evil ideology, communism—in ending the cold war with the Soviet Union, he ultimately succeeded in doing that. No one has a greater claim on ending the cold war than Ronald Reagan and, as Margaret Thatcher has said, he did so without firing a single shot.

I think one of his greatest accomplishments occurred in his second term, and that was the simplifying of the Tax Code. If you recall, we went for a time where we got rid of a lot of the Swiss cheese loopholes and deductions that are in our Tax Code. We dramatically simplified the Tax Code, collapsed the rates, and it held for a few years. We have gone back now and allowed all the special interests to fill up the Tax Code with all sorts of special interest loopholes and giveaways to politically connected interests. Sometimes I wish we were rereading what Ronald Reagan said at the time about the necessity of cleaning up that Tax Code.

One of the most cherished treasures in the State of Illinois is the boyhood home in which Ronald Reagan grew up in the 1920s, in Dixon, IL. That home has been purchased and lovingly restored by a foundation and by members of the Dixon, IL, community. It is a wonderful place for Americans who want to pay their respects to Ronald Reagan and his legacy, to go by and visit on Interstate 88 in Dixon, IL, just off Interstate 88. I certainly hope a lot more Americans who are interested in the history of Ronald Reagan will visit that home.

Ronald Reagan himself went back to visit it, I believe, after he left the White House even. He has recounted many tales of his growing up there.

He was actually born in Tampico, IL, in an apartment above a commercial building in downtown Tampico, and later moved to Dixon, IL. Some of his fondest memories are of growing up in Dixon, along the Rock River.

Of course, many people will remember Ronald Reagan talking about one of his proudest accomplishments in life was actually saving 77 people from drowning over the 7 years that he was a lifeguard along the Rock River in Dixon, IL.

If you go to Dixon, IL, you can see this wonderful small town that shaped Ronald Reagan, his character, his values, his common sense, his Midwestern way of thinking, of looking at the world. I don't think that ever left him.

There is also an interesting story not many people are aware of, but President Reagan wrote about this in his biography. He graduated from Eureka College, about 130 miles south of Dixon, in Illinois. After graduating from college, he went back to Dixon and he applied for a job in the sporting goods department, I believe, at a Montgomery Ward store in Dixon, IL.

Guess what happened. Montgomery Ward turned down Ronald Reagan for that job. That set him off in different pursuits, and he ultimately went to Iowa and became an announcer, did Cubs games from a regional radio station there. But he wrote in his biography he wonders what would have happened had he actually gotten that job at the Montgomery Ward store in Dixon, IL. He suspected he might never have left Dixon, IL.

We need to thank somebody who failed to hire Ronald Reagan at Montgomery Ward in 1932, I think, because it was that little twist, that little turn in his life that turned out for the better, not only for him but certainly for our entire Nation and the world.

I ask that we not forget the example of Ronald Reagan and his cheerful optimism about our country and our future. No one could communicate their thoughts as well as Ronald Reagan, in my judgment. I know of no equal he had in public service in terms of communicating with people. He was an inspiring leader.

Ronald Reagan came to the presidency of a self-doubting nation, a nation more suspicious of its power than inspired by its possibilities. And he understood—as magnificently as any American leader—the restorative force of faith, of conviction, of pride. He was the Great Communicator, not because he mastered the sound bite, but because this midwestern man of 10,000 handwritten letters knew that words matter—words with simple, self-evident integrity, words that reach into the vagueness of a volatile democracy and perfectly describe the essential goodness of our character.

Ronald Reagan returned us to ourselves. He did not work miracles. But he emboldened us to see the grace of God in the destiny of our great Nation. He enabled us to hear the still, small voice in the clamor of great historical conflicts. He reminded us to treasure the simple miracles of life, laughter and love.

This man, who survived into the 21st century, embodied as perhaps none other the panoramic sweep of America's 10th century. Reagan was born in the small town of Tampico, IL. It was 1911, the year of the first coast-to-coast airplane flight, a 49-day ordeal with 69 stops and 16 crash landings. It was also the year of the first aircraft landing—crude though it was—on a ship anchored in San Francisco Bay. A series of ropes stopped the aircraft. Ninety years later, on March 4, 2001, the United States christened the Navy's newest Nimitz-class aircraft carrier, the USS *Ronald Reagan*, a 90,000-ton nuclear-powered fighting ship, and the pride of the most powerful navy in the world.

Ronald Reagan fundamentally changed the face of American politics—and profusely contributed his name to the new political lexicon. What American before or since Ronald Reagan has become the popular namesake for a theory of economics, a political and electoral sea change, and a decisive partisan crossover? I speak of Reaganomics, the Reagan Revolution, and Reagan Democrats.

The man was that large. He had strong and distinct views which he was able to communicate with remarkable effectiveness. He had a irresistibly winning personality and was irrepressibly optimistic. Though the establishment of both political parties often ridiculed his beliefs, the people somehow always seemed to have faith and confidence in him. In fact, they loved as perhaps they have loved no other President in modern history.

Conventional intellects and comfortable pundits were aghast when President Reagan spoke so freely of "evil" in the world. In a world where "evil" is neatly banished because it is too judgmental, the moral declarations of Ronald Reagan were inevitably revolutionary. The Great Communicator understood perfectly well that communication without a moral compass becomes all talk. And so we are the heirs of a more civilized and less menacing world because Ronald Reagan had the courage to maintain firm beliefs and to stand up for those beliefs.

As a Senator from Illinois, I am proud to remark briefly and comparatively about another great son of Illinois, the only President to be elected from Illinois, Kentucky-born but Illinois-settled Abraham Lincoln, whom our history honors as few others. Lincoln and Reagan both grew up humbly and gained a natural comfort with people from all walks of life. They were both frequently underestimated by opponents who imagined themselves intellectually, culturally or socially superior. They both possessed an equanimity and fortitude that kept them serene while navigating treacherous waters. They both loved the United States of America. And they both cherished American freedom and staked their public lives on the resolute promotion of it—for Lincoln, against the forces of disunity and enslavement at home, and for Reagan, against a godless imperial tyranny abroad. I am proud to hail from the State of Illinois.

When we finally measure the worth of a statesman, the words of political or ideological adversaries can speak volumes. And here Ronald Reagan—a statesman with many more converts than implacable enemies—is a shining beacon in his own shining city. When President Clinton announced in 1996 that "the era of big government is over," it was homage to the durable influence—across the political landscape—of Ronald Reagan's faith in the American people. When Mikhail Gorbachev recently said of Ronald Reagan, "he was sincere," he captured with fitting simplicity the worldwide power of the American dream in the hands of America's finest dreamer.

Ronald Reagan stayed the course, throughout and after his presidency, until a progressive illness consumed him. Indeed, sliding irretrievably into forgetfulness a decade ago, Ronald Reagan remembered to say goodbye to his beloved American people. "When the Lord calls me home, whenever that may be, I will leave with the greatest love for this country of ours and eternal optimism for its future," Reagan wrote. "I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead. Thank you my friends. May God always bless you."

May God rest his soul, and may God bless Nancy Reagan, who is also from Illinois, and all the Reagan children and their families.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Illinois.

Mr. DURBIN. Mr. President, I join my colleague from Illinois in paying tribute to the late President Ronald Reagan.

Today the Senate passed by an overwhelming vote a resolution commemorating Ronald Reagan for his service to America and recalling his legacy.

There has been a lot said on the floor about President Reagan. I come to this task with a little different perspective than some. Were it not for Ronald Reagan, I wouldn't be in the Senate today. I say that because I made three vain and futile attempts to be elected to public office. In 1982, I ran for the House of Representatives against an incumbent Republican Congressman. Were it not for the sorry state of the economy in Illinois after the first 2 years of President Reagan's Presidency, I would have lost. But because of the economy and the troubles faced at that moment in time, I was successful in my campaign against a long-time Republican incumbent Congressman.

I will not mislead anyone before making these remarks. I will tell you that while a Member of the House of Representatives during the 6 remaining years of President Reagan's Presidency, there were very few things I agreed with in reference to him. In fact, over 90 percent of the time we didn't see eye to eye. I had some very strong philosophical differences with President Reagan on economic policy, foreign policy, and many other things. But I will tell you this: He was an extraordinary person, and I think even those of us who disagreed with him politically respected him very much.

I recall when I was elected in one of the largest new classes of Congressmen since Watergate, in 1982, that President Reagan and Mrs. Reagan invited all of the new Members of the House of Representatives and their spouses to come for a dinner at the White House. It was an amazingly heady experience to walk in as Congressmen-elect with our wives and shake hands with the President and Mrs. Reagan, realizing full well that most of the people in the room were new Democratic Congressmen who had been running against President Reagan and his policies. But he was gracious to a fault and could not have been more cordial to all of us who gathered that evening. One of my great memories of that period of time between the election and being sworn in was sitting there in the White House at this dinner hosted by President Reagan and Mrs. Reagan. At the same table was my Senate colleague, then-Congressman MIKE DEWINE, and his wife Fran, who had made the trip from Ohio for that special dinner with the Reagans and new Members of Congress days after she had given birth to a little baby girl, whom she brought to the same dinner in a basket which she had right next to the table. We have laughed about it all the time, because obviously after 23 years that little girl has grown up to be a remarkable young woman.

But those are some of the memories I have of President Reagan opening the door and welcoming in some new Congressmen who had spent months running against him and his policies.

The same thing held true when it came to his State of the Union Addresses. I can remember so many different times when I marched to the House of Representatives' Chamber for the State of the Union Address by President Reagan. After a while I came to understand what the rules were. The rules were these: You didn't have a chance as a Democrat to say anything critical and be successful the night of President Reagan's speech. He had such a magical style and was so affable and friendly and approachable that after he concluded his State of the Union Address, the best for the loyal opposition was to wave and leave the stage because he was so good. He was one of the best. We did learn that after 24 or 48 hours had passed, perhaps a closer look at what he said could lead to some constructive criticism. But we knew right off the bat when President Reagan took to the floor of the House of Representatives for the State of the Union Address and walked up those stairs, the best thing the loyal opposition could do was to be quiet.

There was another aspect of Ronald Reagan which I miss so much. It is part of the political life which unfortunately we don't have enough of. He was President in an era of some great people—Tip O'Neill, Speaker of the House of Representatives, and Bob Michel, Republican minority leader from Illinois. They brought to this business of politics a certain humanity and civility which we have lost almost completely.

I can recall the bitter battles we had on the floor of the House of Representatives with President Reagan over very contentious issues and the debates going on for days. Ultimately, someone would prevail, and many times it would be President Reagan and his position. Without fail, when it came to those critical votes, Tip O'Neill, then Speaker of the House, the leading Democrat, would pick up the phone, call the President and congratulate him. It was a gesture, but it was an important gesture to say that, frankly, we have both given it a good fight; the decision has been made; now let us move on to the people's business.

President Ronald Reagan understood that, Tip O'Neill understood that, and Bob Michel understood that. I wish our generation of leaders could understand that more, that even though we disagree, and disagree with a great deal of conviction, we should try to look for that human side we can all share. I think time and again President Reagan did that. I commend him for it.

Even though you have disagreed with him during the course of the debate, when it was all over, you knew you would be treated with respect.

Time and again, my wife Loretta and I would go down to the White House for the Christmas party, the barbeques and picnics. It was always a warm welcome and greeting, even though the President was of a different party where there were very serious differences.

I would like to reflect, too, for a moment on the former First Lady, Nancy Reagan. She has been a pillar of strength since it was announced that the late President was suffering from Alzheimer's; 10 years watching the man she loved the most of any in the world slip into darkness. She said in a few interviews since President Reagan passed away, the worst part was the advancing years and not being able to share memories anymore because President Reagan was inflicted with Alzheimer's disease. That takes a toll.

We have had friends who have gone through it. It takes a special commitment and sacrifice to make it through that terrible illness. My heart goes out to Nancy Reagan and her family, all of them, for what they have endured for 10 years, standing by the former President while he was afflicted with this disease.

My colleague Senator CARPER mentioned earlier that many people are now talking about tributes to President Reagan, and he is deserving. Despite my differences with him politically, I voted for the renaming of the Washington National Airport in his memory. I thought that was appropriate for someone who had served our Nation as President of the United States. Now people are trying to think of other things they can do. They are kind of upping the ante: Well, you know, not the 50-cent piece, maybe the $10 bill; no, maybe Mount Rushmore. I would like to suggest to them the most enduring legacy for this President would be to help others in his name. I can't think of anything more important to ask for when the time comes for those to consider what to do in his memory than the contribution suggested by our colleagues Senators MIKULSKI and BOND, one which I think is worthy of our immediate consideration. They called for the establishment of the Ronald Reagan Alzheimer's Breakthrough Act of 2004. They believe we are near a breakthrough in treating Alzheimer's and they want us to put special attention and special resources and special efforts in that regard. That not only will serve the memory of President Reagan and his courageous family who stood by him, but it will also serve to help 4⅕ million Americans inflicted with Alzheimer's disease today, and their husbands, wives, children, and their loved ones who stand by helplessly at their side as they drift into the darkness of this dreaded disease. That would be such a great tribute to President Reagan. I hope we can do it on a bipartisan basis with the civility and humanity which President Reagan demonstrated during the course of his life.

I might also add that the First Lady's commitment to stem cell research is an exceptional statement on her part. She has broken with some members of the Republican Party on this issue. I know her position is controversial, even within this administration, but she understands, as many do, that unless we are committed to medical research, including stem cell research, the chances that we can successfully deal with Alzheimer's, diabetes, spinal cord injuries, and other terrible afflictions will be diminished. I salute the First Lady and I hope we will, in recognition of her commitment and in memory of President Reagan, also decide we will step forward in this critical area of medical research involving stem cells.

I am honored that President Reagan was a friend, at least in passing, on a political basis. I am happy he came from Illinois and happened to believe that perhaps his Midwestern roots might have helped him in his various careers. It certainly helped him serving this country as President.

He had an amazing record of victories. I know because I was on the losing end of a lot of those campaigns. I campaigned for his opponents with little or no success. He carried 44 States in the first election and 49 States in the second. Probably few Presidents in history have had a mandate that substantial when they were reelected. It is a tribute to the fact that America loved that President, America wanted Ronald Reagan to serve, and he served our Nation so well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, over the past few days, more than 100,000 Americans have stood in line in California for 12 hours or even more to pay their respects to President Ronald Reagan. This great show of respect and affection will be repeated during the coming days in Washington.

This overwhelming outpouring cannot be explained by merely citing the traits for which he was so well-known—his likability, his wit and optimism, his courage when attacked by a would-be assassin's bullet or, at the end of his life, by a devastating disease, or even his skills as the Great Communicator. Americans are standing in line because of President Reagan's ideas and the principles and convictions that gave those ideas their power: The God-given right to freedom, responsibility for one's own actions, and charity toward others—the very ideas that are the foundation of this great Nation were the foundation of President Reagan's character.

President Reagan became President at a time when the world had begun to question the strength of that foundation. It was a time when freedom, balanced by personal responsibility and justified by charity, was in danger of becoming just one of the many ways in which human society could be organized. Rather than appease or accommodate communism, he confronted it and exposed its moral bankruptcy.

President Reagan emboldened freedom-loving people everywhere—those behind the Iron Curtain and those in danger of being enveloped by it—and gave them faith and strength. He believed, as he said in his first inaugural address, that no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women. He was right.

President Reagan became President at a time when America had begun to question its place in the world and the values upon which this great Nation was built. He opened the gate of the American spirit. He tore down the wall of doubt.

Ronald Reagan was a great communicator because he had something great to communicate. He was the right man for his time; and now he belongs to all time.

He will be missed, but President Reagan's ideas will always be part of the American experience.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I have, for the last day, listened to a good number of my colleagues reminisce about the late President Ronald Reagan, many of them quoting from his speeches, many of them quoting from books written about him, about his phenomenal life, and his phenomenal presence in this city as one of our Presidents. So I would guess that by this moment nearly everything that can be said about Ronald Reagan has been said but, then again, not everyone has said it.

I find myself in that situation in these moments just prior to the adjournment of the Senate and hours before a coffin bearing President Ronald Reagan will arrive at the Rotunda of our great Capitol.

What I might do for just a moment is reminisce about a couple of personal experiences I had the privilege of having with the late President that, to me, speaks volumes about the gentleman's personalty, his style of Presidency, and what he meant to my State of Idaho.

Idaho, by its conservative character and its independence, was always a strong Reagan State. It spoke out loudly for the President. It voted in large numbers for the President. There was never a question where Idahoans would be when it came to supporting Ronald Reagan for his Presidency.

My relationship with him began at the very time he came to Washington. I was a freshman in the House of Representatives in the winter of 1981. Both President Reagan and I were elected at the same time. I was one of those of the large class of 54 Republican freshmen who entered the U.S. House, many of them because of the strength of Ronald Reagan, and we all became known as "Reagan babies." I suspect that is a title that at the age of 58 I still bear with some pride. Because we came at a time when we had a President who was speaking of change; and the American people were wanting it, demanding it, and his Presidency embodied it.

The situation I want to relate for the record this afternoon occurred during the first budget process of the Reagan administration. David Stockman, a Congressman, had just been appointed Director of OMB. Of course, the major tax cut that our President was so well known for—that began to stimulate the economy and turn the American people back into entrepreneurialism—was all at hand. But there were deficits. So David Stockman came up with the idea that we should sell off our strategic minerals stockpile.

Well, that is something you do not hear talked about hardly at all today, but following World War II, Congress had passed legislation saying that we should stockpile silver and magnesium and titanium and zinc and a variety of other metals in case we got in another war, so we would have these supplies of metals available for industrial purposes.

By 1981, it was largely determined on the part of the Reagan administration and David Stockman that they were just not necessary any longer. It was probably true that some Members of Congress believed the same thing. So when the announcement of the sale of these stockpiles became public—and the money then from their sale was to return to the Treasury, and that money would offset some of the deficits that might occur as a result of the tax cuts—the silver market plummeted. The price of silver on the world market dropped because the large supply of silver being held by our Government was going to enter the market at some point. So the market out there was beginning to adjust and prices fell.

Because Idaho at that time was a primary silver producer, not only did prices fall in Idaho, but when they fell, many of our mines closed. There were 400 or 500 miners—men and women—out of work in the Silver Valley of Idaho, known as the Coeur d'Alene mining district, that was in part a direct result of this announcement.

I was a freshman Congressman. That was my congressional district. I had people out of work. This was largely still an old line labor Democrat stronghold in north Idaho, and the hue and cry was very loud. These men and women were out of work because of President Ronald Reagan.

I had thought that if Ronald Reagan really understood the impact of what he was doing, he might change his approach. But because it was a directive from OMB, because it was a part of the budgetary policy of this administration, my small voice simply was not getting heard.

I appealed one evening in a conversation to the then-Secretary of the Interior, Jim Watt. I said: Secretary Watt, how do I get to the President? How do I tell my story, our story, Idaho's story, about this particular problem?

He said: Well, Larry, you have to get to the President directly. Obviously, David Stockman is not interested in hearing your story. The sale of the strategic metals, the sale of the stockpiles, is his idea. He's not going to be your champion. So if you're ever down at the White House, see if you can get the President's ear.

Well, freshmen Congressmen do not often go to the White House. But because of the key tax votes that were coming up, I got invited to the White House to visit with Ronald Reagan. I had presented on one, small sheet of paper, on one side, a very brief, clear explanation of the impact of the sale of the silver stockpile out of the strategic metals stockpile on the people of Idaho. I put it in an envelope, and wrote across it "To President Ronald Reagan," and stuck it in my pocket.

Now I am down at the White House and conversations go forward. At the end of the conversation, I say: Mr. President, here is a note I would like to have you read. It's important to my people in Idaho. By your actions, you have put 500 Idahoans out of work.

He said: Really?

I said: Yes, selling off the strategic metals.

He smiled and said: We are?

Well, that did not surprise me. The longer I am here in Washington, I know not everybody knows every detail about everything. That is why you hire and have around you competent people, and Presidents are certainly no different than many of us.

He kept the note. I saw it go into the breast pocket of his suit coat. A day and a half or two later, I got a call from the White House saying: Congressman CRAIG, can you come down and visit with the President about your problem in north Idaho and the sale of the silver stockpile?

My, I was impressed. I went to the White House. There in the Oval Office was the President and David Stockman, the Director of OMB, the man who had established the policy of selling off the stockpiles to bring money to the Treasury. We discussed it at length. In fact, David Stockman and I had a small debate in front of the President about the pros and cons of doing so.

What I said at that time was: Mr. President, I am not opposed to you selling off the stockpile of silver, but it's how you are approaching it, and how you are approaching it has had a dramatic impact on the market. As a result of that, it has dropped the price of silver worldwide, and men and women in Idaho are now out of work.

He said: Well—in his inevitable way—let me think about that.

A week later, there was a very small but very important announcement that no longer would there be any more sale of the silver stockpile, and, of course, the prices came back and the men and women in north Idaho went to work.

What is the message? The message is that when this President, Ronald Reagan, understood the impact of an action—if it was hurting people or impacting them adversely, or if it was doing something that was against his market ideas and his philosophical belief in limited government and that government should not be the arbiter nor should government infringe upon the well-being of citizens—he would make changes. And he did. And of course, I have told that story many times in Idaho. It was very clear to Idahoans that the market changed because Ronald Reagan saw what he was doing or saw what his administration was doing and was willing to make a very important change to impact people's lives.

Lastly, I remember coming to the U.S. Senate in 1990, certainly after President Reagan had left this city. The first office I took in the Hart Building had on a conference wall a very large map of the world. It filled the whole wall, and it still had the Socialist Republics of the Soviet Union written across that map. That will tell you how old it was in 1990. I remember at the time looking at that map and saying: Thank you, Ronald Reagan. You have made that map of the world obsolete. You as the President—not single-handedly but certainly by the force of your beliefs and by the force of your efforts—have made the Soviet Union obsolete in such a way that it simply withered and died, almost without a whimper. And that, of course, is one of the great legacies of our President, and many of our colleagues have spoken about that.

We are not going to let revisionist historians suggest that the Soviet Union would have crumbled anyway. There was a reality they had to face. The reality was Ronald Reagan and the national resolve of this country in the cold war, built on the strength and the beliefs of a great President by the name of Ronald Reagan, that we not only could overcome communism but we would, in essence, arm ourselves and build a military ready and capable of defeating the Soviet Union. That combination of efforts, put together with his willingness to deal with Gorbachev and others, obviously changed the dynamics of world politics and the environment I grew up in as a child, known as the cold war.

I will attend the ceremony in the Chamber tonight, and I will mourn the loss of Ronald Reagan. But more importantly, I will celebrate. I will celebrate a great President, a President who came to our country's call at the right time in our history, to lead us with optimism and enthusiasm and vision in a way few Presidents have. So while I will certainly miss the presence of the man, I celebrate his record and the history that will be written about him.

I send my prayers and the prayers of my wife Suzanne to Nancy Reagan and all of the Reagans. They stand with a great legacy they are obviously very proud of, as we all are as Americans.

To Ronald Reagan I say: Thank you, you built a place in history that is well deserving of the actions you took as President of the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I wanted to be sure to have an opportunity to make some comments about President Reagan before we went out of session tonight. I will take the opportunity to do so right now.

I join with my colleagues, so many of whom have already spoken, in tribute to our Nation's 40th President, Ronald Reagan. My first term in the Senate coincided with the last 6 years of his Presidency. I had the opportunity to work with him on several occasions. As someone who came from modest beginnings and a working-class family, I understood the fact that he rose from his humble beginnings to become one of the crucial world leaders. He was respected greatly. I had a chance to work with him on several occasions, not the least of which was something as simple as raising the drinking age to 21 across the country, thereby saving thousands of families a year from having to mourn the loss of a young person in their household. The bill was signed in the morning at the White House, and I was pleased I was able to return from a convention in San Francisco in time to be there and share those good moments with President Reagan and then-Secretary of Transportation ELIZABETH DOLE.

We did a lot of good for families across America with that legislation, and also offered support to say to those who would pollute our environment, "If you pollute, you must pay to clean it up," and that was Superfund. It had a very important beginning in those days.

President Reagan is appropriately being remembered for his overpowering sense of optimism and rock-solid faith in the fundamental goodness of America. Many of his actions stand as examples of ideas that we ought to consider as we carry out our responsibilities in Government. There was no doubt that he was the Great Communicator, and his ideas and his words will long be remembered.

I just returned yesterday from the D-day celebration and commemoration in Normandy. No one will ever forget President Reagan's speech 20 years ago at Normandy commemorating the 40th anniversary of the D-day invasion; it will be permanently etched in our memories. Or his poignant remarks when the Space Shuttle *Challenger* exploded, and how he helped America recover from that terrible national tragedy. Or who can forget his insistence that helped break the iron grip of the Soviet Union on millions of people around the globe?

President Reagan was known for his ideological zeal. But the interesting thing about him at the same time was that he ultimately was a pragmatist. Perhaps the clearest example of his pragmatic side is what happened after he pushed through a massive tax cut in Congress in 1981. One thing that President Reagan disliked enormously was Federal budget deficits. He thought the idea of borrowing from future generations was truly repugnant.

On the campaign trail in 1980, he promised he would work to balance the budget. When he took office, he argued that a tax cut was necessary to stimulate the economy. He believed the Federal Government would end up with more, not fewer, revenues. But when the revenues didn't materialize as predicted, and the Federal Government began running huge annual budget deficits, his pragmatism took over and he followed his 1981 tax cuts with tax increases that were necessary in 1982 and 1984, determined to reduce the burgeoning budget deficits. His tax increases were a tacit admission that the plan wasn't working as expected. He was pragmatic enough to change the course.

His personality was so unique for someone in that high office. As Mikhail Gorbachev wrote in Monday's New York Times op-ed page, President Reagan was ultimately someone with whom you could negotiate. His suggestion was that he was human enough, he was collegial, funny, and gracious, and you could discuss serious issues with him and accomplish goals.

One of President Reagan's last great acts of public service was to acknowledge 10 years ago to the American people and to the people of the world that he was suffering from Alzheimer's disease.

He handled his affliction with his customary grace, saying that he was sharing the news with the public in the hope that it might "promote a greater awareness of this condition." That was a courageous thing to do. He went on further to say that he hoped it might encourage a clearer understanding of the individuals and families who are affected by it. He really brought a focus on the disease that ultimately consumed his remaining years.

One truly meaningful way that we can honor President Reagan is to pursue the kind of research that might produce a treatment, or even a cure, for Alzheimer's disease and a host of other illnesses, something his beloved wife Nancy has called for. Since we witnessed the pain of the deterioration of this great individual, we have to be mindful of that for the future.

His life yielded so many more things, besides those obvious ones, during his service as President of the United States.

Mr. CHAFEE. Mr. President, I pay tribute to President Ronald Reagan, a man for whom I had the utmost respect.

A strong, principled leader, President Reagan used his optimism and humor to help the Nation feel better in a post-Vietnam, post-Watergate country coping with an energy crisis and high inflation.

He brought strong leadership and could relate to people from all walks of life very, very easily. Democrats controlled the House during both of his terms, and the Senate during his last 2 years in office. In order to advance his priorities, he had to bridge the partisan divide and work with members of the other party. He was also very proud of his good personal relations with Tip O'Neill and other Democratic leaders. The proof of his appeal was his ability to carry a Democrat stronghold like my state of Rhode Island in the 1984 election. He was the last Republican Presidential candidate to do so.

With tremendous vision and dignity, President Reagan will ultimately be remembered for ending the cold war and promoting freedom and democracy throughout the world in a peaceful way.

In closing, I recall a large color photograph on my father's office wall. It is a picture of merriment, Senator Robert Dole having just cracked a joke, with President Reagan, Alan Simpson and John Chafee standing by, smiling from ear-to-ear.

Later, my father obtained a copy of the photo and at a later meeting with the President, slid it down the table towards him and asked if he would sign it. Without hesitation, Reagan penned a line and slid it back.

It read simply, "John—some times it is fun, isn't it?"

Some times it is fun, isn't it? Ronald Reagan, with unfailing good humor and optimism, made Americans feel good about their country again. I believe that is his lasting legacy.

The Chafee family offers our sincere condolences to Nancy, and the Reagan family.

Mr. DODD. Mr. President, I rise today to offer words in memory of America's 40th president, Ronald Wilson Reagan.

Ronald Reagan was elected President on the same day that I was first elected to the United States Senate. I was somewhat of an anomaly that year, being one of only two freshman Democrats elected to the Senate, compared with 16 Republicans.

Over the years, there is no question that when it came to matters of policy, Ronald Reagan and I disagreed, in a very fundamental way, on a great many occasions.

But in today's very partisan atmosphere, it is easy to forget that personality can be much more important than agreements and disagreements. Many of the qualities that distinguished Ronald Reagan—as a president, as a leader, as an individual—went beyond policies and politics.

Ronald Reagan was one of our Nation's most personable presidents. His congeniality, wit and trademark sense of humor could bring a smile to the face of even the most ardent political opponent. And he had the uncanny ability to communicate his thoughts to the American people.

As a Member of the opposite side of the political aisle, I had a particular appreciation for Ronald Reagan's openness. As we all know, President Reagan was a man of great conviction. It wasn't easy to change his mind. But he was willing to sit down and talk. He was open to listening to views that were different from his own, even if he ultimately chose to disagree with them. Ronald Reagan was able, as the saying goes, to disagree without being disagreeable.

Though we had our differences on many issues, I would never doubt for a minute Ronald Reagan's commitment to this Nation, just as I don't believe he doubted the patriotism of his political adversaries. Ronald Reagan believed deeply in our country and in its values, and in its place in the history of humankind. He correctly saw the former Soviet Union, with its regime of repression, imprisonment, and stifling of the individual spirit, as antithetical to everything in which we believe. He presided over a historic time period during which we witnessed the beginnings of a dramatic, global political sea change.

Ronald Reagan was a leader who reflected the optimism and spirit of this great Nation. At the time he was elected president, our country was experiencing a crisis of confidence. Many wondered if America's best days were behind it. Ronald Reagan had an unflagging belief in America, and he helped restore a sense of possibility in our land.

As a society, we often elevate our public figures to practically mythological proportions, and our presidents are no exception. Towards the end of Ronald Reagan's life, though, we were reminded of his humanity. All of us, particularly those of us who have watched a loved one struggle late in life, were inspired by the dignity, grace, and courage with which he and his family battled a terrible and devastating disease—a disease that ultimately took Ronald Reagan, in the words of his wife Nancy, to a place where she could no longer reach him.

Many tributes have been and will be paid to President Reagan's memory. But I can't think of a greater tribute than to commit our Nation to fully researching the causes of, and cures for, diseases like Alzheimer's that cause such great suffering for such great numbers of people.

At this difficult time, my heart goes out to Nancy and the entire Reagan family. America celebrated with you on so many happy occasions. This week, we all join you in your sorrow.

I yield the floor.

Mr. JEFFORDS. Mr. President, I join my colleagues in remembering our Nation's 40th President, Ronald Reagan, who passed away last weekend at his home in Bel-Air, CA.

Of course, much has already been said, both in this Chamber and in the media, about the legend of his large life. His career in movies, his entry into politics and, of course, his two terms as President during a most tumultuous time have been well documented in the past several days.

By all of these accounts, Ronald Reagan was a most admired politician, and while he and I had our policy differences, I have always shared in that admiration.

Ronald Reagan held true to a strong conservative philosophy, which often made it hard for the two of us to find common ground. I was a Member of the House of Representatives during his 8 years as President, and you might say I was often a thorn in his side. We were on opposing sides when it came to many issues, most notably tax cuts and funding for the arts.

But through all of our sometimes heated discussions and debates, it was so evident to me that President Reagan held a deep and abiding passion for his country, and an equally deep conviction for what he believed was right.

As Americans take time this week to honor the life of President Reagan, it is that passion and conviction that they will remember and reflect upon. I believe, that those memories of our Nation's 40th President will inspire our future leaders.

I extend my condolences to his wife Nancy, and to the entire Reagan family on the passing of President Ronald Reagan. May the memories of his life's accomplishments sustain them in their time of grief, and may the Nation's prayers bring them comfort.

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to former President Ronald Wilson Reagan, our Nation's 40th President.

Like many Americans, I admired President Reagan's eternal optimism and his belief in America and her people.

I am struck by the numbers of mourners who have paid their respects to our former President. The outpouring of respect and grief is a testament to the great impact that he had on so many Americans. I am sure that one of the reasons so many have taken time to honor President Reagan is because of the great optimism and purpose that he showed. His trust in the fundamental decency and goodness of the American people is a guide and inspiration to us all.

I admired his sense of civility and his ability to disagree with his opponents without being disagreeable. He fought hard for the policies in which he believed, but after the fight, he shook hands and moved on. We need more of that kind of statesmanship in Washington today. And I hope my colleagues will join me in trying to follow his example.

During one of our Nation's greatest challenges—the cold war—President Reagan was a strong voice against the enemies of freedom. His leadership and vision helped us to overcome our enemies.

In the final years of his life, he and Mrs. Reagan were an example of the kind of sacrifice and love that we should all seek to emulate. Mrs. Reagan's quiet dignity and support for her husband during the most difficult of times should be an inspiration to us all.

My thoughts and prayers go out to his wife, Nancy, his sons, Michael and Ronald, Jr., and his daughter, Patti.

Ronald Reagan lived a full life and was a great American. His contributions to the American political system and to our way of life will not soon be forgotten.

Ms. STABENOW. Mr. President, I rise today to pay tribute to Ronald Reagan, our Nation's 40th President. First, my condolences and prayers go out to Nancy Reagan, the Reagan family, and all of those who are mourning his passing.

Ronald Reagan was an optimist. He was the best kind of optimist—a living example of the fulfillment of the American dream. From a small Midwestern town, he rose to become leader of the free world and was respected around the world by both our allies and our Soviet bloc opponents alike.

President Reagan was called the Great Communicator for a reason. Many of his speeches touched the heartstrings of all Americans. Whether it was his speech at the Berlin Wall or his 1984 tribute to those who died on D-Day, President Reagan always conveyed a positive, optimistic sense of our shared destiny. His words will long be remembered.

President Reagan loved America, and this love for our country shaded every word he spoke to the Nation as President. He always wanted our country to be the "shining city" on a hill.

I also pay tribute and convey my genuine respect to our former First Lady Nancy Reagan, a woman whose unwavering commitment to her husband not only provided a testament to their love but also extended hope and empathy to countless Americans who share in the role of caregiver.

As we begin now to consider ways to pay proper tribute to our admired former President, let us go beyond the erecting of a monument or the etching of a portrait. Instead let us act to help the many Americans who needlessly suffer from the debilitating effects of Alzheimer's disease.

We should increase research funding for Alzheimer's and expand stem cell research, which Nancy Reagan supports.

I am pleased to be a cosponsor of a Mikulski-Bond bill that will double our investment in Alzheimer's research and refocus our efforts to find a cure. This bipartisan measure, if passed, would leave a lasting legacy to President Reagan.

Earlier this month, I joined with 57 other Members of this body, both Republican and Democrat alike, to urge President Bush to broaden the current Federal policy regarding stem cell research. By expanding stem cell research beyond those stem cells derived by August 9, 2001, we will take the necessary first step of helping millions of Americans who are plagued by Alzheimer's—Americans, who like President Reagan, live out their daily lives traveling an unknowable journey of solitude.

If we allow the medical experts to do stem cell research, we can begin the work Mrs. Reagan so steadfastly promotes: finding a cure to this devastating disease.

To find a cure of Alzheimer's would indeed be the greatest tribute we could ever give to President Reagan.

In this time of grief, let us evoke President Reagan's gentlemanly service, swift wit, jovial candor, and unconditional patriotism. With differences in philosophy and politics aside, let's all praise a man whose decorum and distinguished character exemplified the office for which he held.

Mr. CONRAD. Mr. President, I want to take a few moments today to join my colleagues in celebrating the life of our 40th President, Ronald Wilson Reagan.

In many ways, Ronald Reagan embodied the American dream. He was born in the small town of Tampico, IL, and grew up 30 miles down the road in Dixon, another small town. His was a normal, middle class American family, and he was the all-American boy-next-door: Good-looking, popular, an actor, and an athlete. And from that modest background he fulfilled the American democratic ideal that anybody can grow up to become President of the United States.

That ideal—that anyone can grow up to become President—captures America's optimism, so it is fitting that the word that comes most to mind when remembering President Reagan is exactly that: optimism. President Reagan was an incurable and infectious optimist when it came to America. By insisting that, as he said, it was morning again in America, he connected with Americans, lifted their spirits, and restored their confidence in our future.

This power to communicate and connect with Americans from all walks of life was central to his success as President. He could sway skeptics and charm supporters with his simple eloquence and self-deprecating wit. People came to know him and feel comfortable with him; and they were moved by his simple, clear messages. President Reagan perfected the art of selling his policies to the American people and using that ability to pressure Congress to work his will. Not surprisingly, the Great Communicator, as he came to be known, left office with the highest approval rating of any recent President.

President Reagan was one of the truly larger than life figures of the post World War II era. He brought a new conservative philosophy to the White House, and he championed freedom at home and abroad. One of the reasons for his success, I believe, was his willingness to compromise, to put aside partisan politics and ideological purity to do what was right for the country. When his 1981 tax cuts caused deficits to skyrocket, President Reagan supported tax increases in 1982 and 1983 to contain the damage. After tagging the Soviet Union as the Evil Empire, he negotiated historic arms control treaties with the Soviets, coining the famous phrase "trust, but verify" in the process. He had, as his chief of staff Howard Baker once put it, "a capacity to surprise."

And throughout it all, he was a wonderful man, someone who you couldn't help but enjoy being with. I met with president Reagan several times during the last years of his presidency. The last time I was with him, President Reagan was telling two or three of us in the White House an Irish story full of warmth and wit. I believe that best describes President Reagan himself—a man of endearing wit and great personal warmth.

As America mourns his passing, my thoughts and prayers are with Nancy and the rest of President Reagan's family and many, many friends. It is my hope that their memories of his life, laughter, and legacy will be of some small comfort in these days and weeks ahead.

Mr. CORZINE. Mr. President, on Saturday, June 5, 2004, President Ronald Wilson Reagan, the 40th President of the United States, passed away after a decade-long battle with Alzheimer's disease. I extend my deepest sympathies to the members of his family, who have suffered a terrible loss, and I want them to know that Americans throughout our Nation, regardless of their political party or ideology, share in their loss and mourn with them.

Ronald Reagan was an exceptional national leader who loved this country and its people. He will long be remembered for his infectious optimism and his faith in America's future. To President Reagan, America was always a shining city on a hill—a beacon of hope for all mankind. He understood just what a great country America is, and always remained a committed advocate for the ideal of freedom that helps define us as Americans.

President Reagan was known as the Great Communicator, and he richly deserved the accolade. Few politicians, if any, have had his ability not just to connect with the American people but to inspire them. His speeches didn't just make a point, they touched a chord. He talked to Americans in a powerful and personal way.

As is widely understood, Ronald Reagan had strongly held views about public policy, from his support for lower taxes to his strong anticommunism. But as is less widely appreciated, President Reagan was not inflexible or dogmatic. He actually was a practical and pragmatic leader who was willing to adjust his approach, sometimes dramatically, when circumstances called for change.

For example, after pushing through a large tax cut at the start of his Presidency, he reversed course and increased taxes when the deficit started to explode. Perhaps most importantly, after denouncing the Soviets as an "evil empire," he was willing to work closely and cooperatively with Mikhail Gorbachev, helping not only to end the cold war but to liberate millions of people and change the course of world history. In doing so, he was not following his party. He was not following the polls. He was following his conscience. And the entire world community owes him a deep debt of gratitude for his vision and his leadership.

There were many issues about which I strongly disagreed with President Reagan. But I always had great respect for him personally and for the way he conducted himself while in office. President Reagan knew how to disagree without being disagreeable. He knew that those in the other party were not enemies. He knew that, at the end of the day, we are all Americans and, though we may disagree about particular policies, we all share a love of our country and a commitment to its future.

President Reagan's life was marked by his fundamental personal decency and his sense of dignity. That was never more evident than when he announced to the world his struggle with Alzheimer's disease in 1994. His and Nancy Reagan's courageous fight against this debilitating disease brought a new awareness to the devastation that accompanies this illness. I hope it also will bring a new commitment to do what it takes to find a cure for this horrible affliction.

In conclusion, Americans throughout our Nation are saddened at the passing of President Reagan, and our hearts go out to his family. Ronald Reagan was an extraordinary man whose impact on our Nation, and our world, will be felt for generations to come. Today, we join together to honor his memory and to give thanks for his historic service on behalf of the country he loved so deeply.

Mr. KYL. Mr. President, Robert Robb is one of the great columnists in American journalism today, and his tribute to Ronald Reagan is among his best work. I ask unanimous consent to have the following article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, June 9, 2004]

MY FIRST FAN LETTER WAS SIGNED "REAGAN"

(By Robert Robb)

Ronald Reagan wrote my first fan letter.

When he announced for president in 1976, I was editor of the student newspaper at Occidental College in Los Angeles.

The Los Angeles Times had developed an obsessive dislike for Reagan. And it pounded on his announcement speech, denouncing it and him for superficiality and a lack of specifics.

Of course, it's standard fare for announcement speeches to enunciate broad themes. And the only thing that would have unhinged the Times more than a lack of specifics form Reagan would have been if he had been specific.

And so I wrote a column for the student newspaper having a bit of sport with the Times' hypocrisy and disequilibrium.

Not much later, I was astonished to receive a letter from Reagan. Apparently being defended in a student newspaper was an unusual enough event to catch the attention of his campaign.

Reagan thanked me for my "generous words," and allowed that "a great part of my pleasure was your masterful handling of the Times.

That purposeful understatement was characteristic of Reagan in political combat. He was far more inclined to give his opponents a gentle and humorous poke in the ribs, rather than a rhetorical knife in the stomach—a restraint he maintained even as the invective and bile against him mounted.

Bill Buckley invented modern American conservatism—a sometimes uneasy blend of anti-communism, free-market economics and traditional cultural values inspired and informed by religious faith. Barry Goldwater launched it as a political movement.

But Ronald Reagan embodied the conservative movement. He was the glue that held its factions and strands together long enough, for a time, to be politically triumphant.

This was no small feat. American conservatism is more naturally a dissenting movement than a governing one.

Yet Reagan not only governed, he transformed the country, indeed the world.

What began as Reagan Democrats are now simply Republicans, and the Republican Party now competes with the Democratic Party for majority status, rather than the semi-permanent minority role the party seemed consigned to before Reagan.

To complete with Reaganism, Democrats had to overcome their legacy from the 1960s and 1970s, a belief that there was as much wrong as right about America. Democrats reconciled themselves to America's essential goodness, as well as its defining institutions and values: free markets, enterprise, faith and family.

Bill Clinton was a reaction to Reaganism, and today's Republican Party, unfortunately, is as much a reaction to Clintonism as it is a legitimate heir to Reaganism.

Winston Churchill believed that history was the story of great men altering its course. In his History of the English Speaking Peoples, writing about Alfred the Great, who united much of modern-day England in the ninth century, Churchill described his "sublime power to rise above the whole force of circumstances."

As much as Reagan dominated and transformed the domestic political landscape, his greatness—his sublime power to rise above the whole force of circumstances—was in the way he managed the Soviet Union and communism.

Early in his presidency, Reagan described the Soviet Union as an evil empire and said it and Marxism-Leninism would be deposited on the "ash heap of history."

This was denounced by foreign policy sophisticates at the time as naive and dangerously provocative.

Yet he quickly embraced Mikhail Gorbachev, who gained power in 1985, and his perestoika reforms. This made conservatives highly nervous, and they openly wondered whether Reagan was being had.

But Reagan, having lived through the Hungarian and Polish rebellions, intuited that the Soviet Union could not both liberalize and remain intact.

Reagan also knew the moment to apply pressure, as in 1987, when he stood before the Berlin Wall and, against the advice of his entire foreign policy team, famously called upon Gorbachev to tear it down.

A few years later, I was in Berlin, after the wall had been torn down figuratively, but not yet physically. You could travel freely in eastern Berlin, but it was like Dorothy stepping from black-and-white into the colorful land of Oz, only in reverse—from the vibrant feel of a free people into the still-stale desolation of the repression of the human soul.

You could visit the wall and even take a blow against it yourself. So, I clawed loose a few chunks and brought them home.

They're mounted now, pieces of history's sadness and joy. I can never look at those chunks of concrete without thinking about Ronald Reagan, a champion of freedom for our time.

Mr. EDWARDS. Mr. President, I rise today to pay tribute to the late President Ronald Reagan.

We were of different parties and very different political philosophies but I respected him as a strong leader—a man of principle and dignity. He was also good-natured and affable, never letting political differences drag him down into bitter partisanship.

I was always impressed with President Reagan's ability to communicate and persuade and his talent for soothing our Nation in difficult times. In good times and bad, he sought to appeal to the best in all of us, to our hopes and better instincts, not our doubts and fears. And while he enjoyed a good political fight, he never demonized his opponents or accused those who differed with him of being unpatriotic. Ronald Reagan seemed to understand that we could disagree without being disagreeable and that we all love our country, even as we debate the best way to move toward a more perfect Union. All of us can learn from his example.

As we pay tribute to our 40th President, this man who rose from humble beginnings to the greatest heights, I offer my condolences to Nancy Reagan and the Reagan family. I join my colleagues in saying farewell to Ronald Reagan, a modest man who was larger than life.

Thank you, President Reagan, for your service to our Nation and for the important example you set for us all.

Mr. BYRD. Mr. President, on Saturday, our Nation lost a good man and a great American, the 40th President of the United States, Ronald Wilson Reagan.

A former sports announcer, actor, television performer, and Governor, this man from a small mid-western town was eventually elected to our Nation's highest office, not once, but twice, in landslide victories. His was a success story, an American success story. He demonstrated that the key to the American dream is still determination, hard work, and perseverance. He did it by appealing to our "best hopes," not "our worst fears."

Historians will study and evaluate the impact of the Reagan administration—his role in ending the cold war and the results of his domestic policies.

What is beyond debate was his uncanny ability to connect with the American people. He knew where he wanted to take the country and attempted to do it with remarkable determination and charm. He restored a much needed sense of optimism in America, and he did it with a cheerfulness that was absolutely contagious.

His optimism was prevalent and penetrating and inspiring even during the darkest moments of his administration. With the *Challenger* explosion, we grieved and despaired, but when President Reagan spoke of how those courageous astronauts reached out and "touched the face of God," suddenly all of us realized that we, as a country, would make it through this grievous hour, and the American adventure into space would go on. He was truly the Great Communicator.

I came to know and work with Mr. Reagan from a unique and important perspective. I was the leader of the opposition party in the U.S. Senate during both of President Reagan's terms.

From this position, I came to understand and appreciate, probably even more than his strongest supporters, his hold on the American people, and the importance of the leadership that he provided.

In fact, I found him to be as charming in person as he was when speaking to an audience or appearing on television.

Never once did I hear him engage in personal attacks on his challengers.

When we disagreed, which was more often than not, it was always in civil tones. He was always smiling, patting you on the back, asking you about your family, and wishing you the best. You simply could not help but like him. He seemed not to confuse differences of opinion with differences of ideals or values. After all, he liked to point out, "we are all Americans."

That is the way American politics is supposed to be. That was the decency of Ronald Wilson Reagan. He might consider me a political opponent, but never a personal enemy. Just as I understood his difficulties as the leader of the free world during 8 years of trial and turmoil, he understood my role as the loyal opposition

As much as I admired and respected him when he was President, never was my appreciation for him and his wife Nancy stronger than in their dealing with his last and greatest struggle—the struggle he eloquently and heartbreakingly called the "journey" that would lead him "into the sunset" of his life—his battle with Alzheimer's disease. He and Nancy confronted this cruel, crippling disease with an openness and dignity that inspired a Nation.

Mr. President, my wife Erma and I extend our most heartfelt condolences to Mrs. Reagan. She has been an inspiration to America, gracefully fulfilling the role of loyal, loving spouse even as she has watched her greatest love drift away into the fog of Alzheimer's. In the years when they should have been able to enjoy the warm memories of their storybook life together, she endured personal emotional tortures that are difficult to imagine. In these last years, the vigilance and caring she displayed throughout their marriage led her to become an outspoken advocate for medical research, a role for which she has earned the immense respect and gratitude of the Nation.

A Sunset Fancy

(A poem by an unknown author)

I saw the sun sink in the golden west
No angry cloud obscured its latest ray;
Around the couch on which it sank to rest
Shone all the splendors of a summer day,
And long—though lost of view—its radiant light
Reflected from the skies, delayed the night.

Thus when a good man's life comes to a close,
No doubts arise to cloud his soul with gloom;
But faith triumphant on each feature glows
And benedictions fill the sacred room;
And long do men his virtues wide proclaim,
And generations rise to bless his name.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the information of Senators, we are going to do our wrap-up business, have a couple of closing statements, and then we will adjourn for the ceremony tonight.

ADDITIONAL STATEMENTS

JUDGE RICHARD MILLS DELIVERS MEMORIAL DAY ADDRESS

• Mr. DURBIN. Mr. President, one of the most articulate and literate members of our Federal judiciary, U.S. District Judge Richard Mills, recently delivered an extraordinary Memorial Day address in my hometown of Springfield IL. I share it with my colleagues because I believe it is not only insightful but because it comes from a person uniquely suited to speak to the historical impact of World War II.

Judge Mills is a major general in the Illinois State Militia and a retired colonel in the U.S. Army. He served for 14 months in Korea with the 3rd Infantry Division and headed counterintelligence for the 65th Infantry Regiment and the Greek and Belgian Battalions attached to the 3rd Division. Among his decoration are the Bronze Star, Meritorious Service Medal, Joint Service Commendation Medal, Korean Service Medal with battle star, and both the U.S. and Republic of Korea Presidential Unit Citations. General Mills retired after 33 years in the military, Active and Reserve.

I am honored to count Judge Mills as a friend and hope you will value his remarks as much as I do.

I ask that the remarks of Judge Mills be printed in the RECORD.

The address follows:

Address of Major General Richard Mills

In 1935, when the Italian fascist military machine invaded the undeveloped and primitive nation of Ethiopia on the African continent, Emperor Haille Selassie issued this mobilization order to his people: "Everyone will now be mobilized and all boys old enough to carry a spear will be sent to Addis Ababa. Married men will take their wives to carry food and cook. Those without wives will take any woman without a husband. Women with small babies need not go. The blind, those who cannot walk, or for any reason cannot carry a spear are exempted. Anyone found at home after the receipt of this order will be hanged."

The imperial edict of the Conquering Lion of Judah, although admittedly harsh, was unquestionably effective. And its very tenor reflects the ultimate hopelessness of a nation invaded by a far superior force and struggling to survive in military conflict. The conscription laws of this country, of course, have never been so elementary, desperate or severe, yet they shared an identical purpose—to provide immediate manpower to defend the nation!

Since July 1, 1973, not a single person has been drafted into the armed forces of the United States. Since then, the Selective Service System has operated in its prescribed standy role. And since then we have been an all-volunteer military force in a peacetime capacity, and the role of the Selective Service System is, and will continue to be, one of simply assuring that necessary military manpower will be available in case of an emergency.

The Selective Service System, more commonly referred to across the country as "the draft", is nothing new because men have been drafted since Biblical time. It is related the Book of Numbers in the Old Testament that God ordered Moses to take a census of men 20 years of age and older. When he and Aaron had accomplished this, they found an army of over 600,000 men. Under Julius Caesar in the Roman Empire, men were drafted for military service for 10 years and had to supply their own equipment. The Greek City States required military service of all male citizens, regardless of age, and thereby maintained their independence. But the first really modern draft was instituted by Napoleon, and when he told his generals, "I need up to 25,000 men a month", universal military training established itself in France. As a matter of fact, this very policy was adopted after the Napoleonic wars by most European countries, with the exception of Great Britain.

During World War 1 and before the end of the war in 1918, nearly 3,000,000 men had been inducted and 24,000,000 had been registered. And in World War II, more than 50,000,000 men were registered and 10,000,000 of those were inducted into the armed forces. I am confident that many of you present today answered the call in this manner.

The veterans of America, what kind of people are they?

General of the Army Douglas MacArthur answered this question in his famous speech before the U.S. Military Academy's corps of cadets in May 1962: "Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the nation will be destroyed, that the very obsession of your public service must be duty, honor, country."

The May 22, 1941 edition of Army Field Manual (FM) 100–5, Field Service Regulations: Operations, which was republished in 1997 by the U.S. Government Printing Office in Washington, DC, spells out the battlefield doctrines used to fight and win World War II. Here is what it says: "Man is the fundamental instrument of war; other instruments may change but he remains relatively constant. In spite of the advances in technology, the worth of the individual man is still decisive."

World War II was the most important and far reaching event of the 20th century.

The total number of people killed, wounded or missing can never be calculated. More than 10 million Allied servicemen and nearly 6 million military men from the Axis countries lost their lives. More than 50 countries took part in the war and the whole world felt its effects.

America suffered nearly 300,000 U.S. forces and merchant seamen killed and almost 700,000 wounded. We had 157 navy ships and submarines sunk and 866 merchant ships sent to the bottom.

At Pearl Harbor, the heart of the U.S. fleet—18 ships—was destroyed in about 100 minutes. As historian John Keegan wrote, "It killed 50 million human beings, left hundreds of millions of others wounded in mind or body, and materially devastated much of the heartland of civilization."

World War II became a war of liberation after three decisive turning points: Midway, North Africa and Stalingrad.

By autumn 1942, the Allies also were on the offensive in the European theater, successfully landing in North Africa and beginning the trek toward Rome. "Now this is not the end," Winston Churchill said as 1942 closed. "It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

The Allies invaded Sicily. Then came Anzio Beach and the terrible bloody battle for Monte Cassino, and on up through Italy. The greatest naval armada of all time was assembled for the invasion of Normandy on D-Day, June 6, 1944, where we suffered 14,000 killed in action and 63,000 wounded.

In the Pacific, it was a bloody invasion, island by island, "leapfrogging" toward Japan. Iwo Jima and Okinawa took heavy tolls. General MacArthur did return to the Philippines as he had promised, but 14,000 were killed and 62,000 were wounded in the battle of Luzon.

The crucial year was 1945. For Nazi Germany and the 1,000-year German Reich, it was the end.

In Italy, communist partisans captured "Il Duce"—Benito Mussolini—and his mistress. They were executed and hung by their feet at a Milan gas station on April 28th. The very day Mussolini died, Adolph Hitler married his longtime mistress, Eva Braun, in his bunker. Within hours the same day, Hitler shot himself with the same pistol he carried when he first tried to seize power in a Munich beer hall years before.

Also in 1945, America took its final giant steps across the Pacific to victory. Submarines strangled the home islands of Japan. American B–29 bombers incinerated Japan's major cities, reducing industrial production by a third and leaving 14 million homeless. Admiral of the Fleet Chester Nimitz, Pacific commander, convinced Pentagon planners to create airfields even closer than Formosa by capturing Iwo Jima and Okinawa.

Kamikaze suicide planes sank 38 ships, damaged 368, and killed over 5,000 sailors. Soldiers of the U.S. 10th Army and the Marines suffered almost 72,000 killed and wounded.

But on August 6, 1945, a Boeing B–29 Superfortress named Enola Gay lifted from the runway at Tinian in the Marianas and headed for Japan, nearly 1,500 miles across the open Pacific. Six and a half hours later the atomic bomb was dropped on Hiroshima. It detonated above the city with the force of 20,000 pounds of TNT. Several thousand members of the Second Japanese Army, then outside doing calisthenics, were wiped out in a millisecond and the city was flattened.

Three days later Nagasaki suffered the same fate. On August 14 the Japanese emperor finally overruled his military chiefs and accepted Allied surrender terms.

Americans of World War II understood that to bring down a form of tyranny, it was necessary to sacrifice lives. In liberty and in prosperity, the world after 1945 became a far, far better place than it had been in 1939. World War II was worth fighting, after all. To have lost would have brought unimaginable sorrow and slavery.

To the veterans here today that we honor—particularly from World War II—I salute you. You stood tall, you did your duty, you survived, you returned. And we remember with heavy hearts those of our comrades that paid the supreme sacrifice, that were wounded, that were prisoners of war. We who are here are the fortunate ones. It has been truly said: "In war there are no victors, only survivors."

My fellow veterans, I salute you.

God Bless America.●

CONGRATULATING EASTER SEALS GOODWILL INDUSTRIES REHABILITATION CENTER

● Mr. DODD. Mr. President, I rise to honor the 35th anniversary of the merger between Easter Seals of New Haven, CT, Goodwill Industries of South Central Connecticut, and the New Haven Area Rehabilitation Center. The celebration of this historic occasion will occur on Monday, June 14, 2004.

For 35 years, Easter Seals Goodwill Industries Rehabilitation Center has made remarkable achievements in its mission to enhance employment opportunities and the quality of life for people with disabilities and other special needs.

1930 marked the initial formation of Goodwill Industries of Central Connecticut. The New Haven Area Rehabilitation Center and the New Haven Easter Seal Society for Crippled Children and Adults were created in 1954. Eventually, the leaders of these three organizations recognized that they could accomplish far more working together than they could as separate entities. They made the decision to put aside any feelings of personal or institutional pride, and to come together for the benefit of those they served. The merger in 1969 was the first in our Nation's history that involved two major American non profit organizations.

The results speak for themselves. In the 35 years since the merger, the Easter Seals Goodwill Industries Rehabilitation Center has served approximately 50,000 individuals with disabilities and special needs throughout the New Haven area.

Today, Easter Seals Goodwill Industries Rehabilitation Center continues to provide valuable assistance in career exploration and job placement, work skill development and training, and various other employment support services to individuals with disabilities and special needs. The center also offers vital social assistance to individuals with disabilities, enabling them to connect with others and to become active participants in their local communities. Finally, Easter Seals Goodwill Industries works throughout Connecticut to help our State's residents find proper housing, transportation, and education.

I especially congratulate my good friend Malcolm Gill, who has contributed 20 years of dedication and leadership as President of the Easter Seals Goodwill Industries Rehabilitation Center. I also recognize the hard work of the Board of Directors, the staff, and community volunteers who selflessly continue to serve the New Haven community.

On behalf of the State of Connecticut, and the United States Senate, I congratulate Easter Seals Goodwill Industries Rehabilitation Center on 35 outstanding years of service. I wish them continued success for many years to come.●

A TRIBUTE TO BETTY STRONG, THE GRANDE-DAME OF IOWA POLITICS

● Mr. BIDEN. Mr. President, in the early 1950s, at a time when political backrooms were still smoke-filled and the sound of a woman's voice was still a cause for heads to turn, Betty Strong involved herself in politics in her home State of Iowa and did not hesitate to speak her mind. She turned many heads and made folks in Iowa listen in those days and folks have been listening to what she has had to say ever since.

A strong and rare woman, she had a deep and abiding commitment to the rough-and-tumble of the political process and will long stand as an inspiration to all of us, to every American who believes in the great idea of representative democracy, to all those whose values and dreams are represented by a political party and by the process through which we elect our representatives.

She held firm her deep beliefs. She was, first and foremost, a Democrat. In fact, Betty Strong was the grande-dame of Democrats in Iowa. She was an organizer who knew how to bring people together for a cause, a woman who understood the issues, knew the process better than almost anyone, and felt with every fiber of her being that she had not only the right but the duty as a citizen to fight for what she believed was right and fair and just. She fought on behalf of organized Labor and through the Central Labor Council for the basic dignity of the American worker, and for a host of causes in her community, and did not hesitate to make her opinion known, did not waver when it came to bringing about the changes necessary to elect those who agreed with her. But partisanship was not what we should remember when we remember Betty Strong today.

To watch her in action was to understand what America is all about. To see her build a coalition, to rally support, to bring out the best in her community to rise to an issue, to support a candidate, to lay out a platform, to build consensus, was truly a lesson in the best of the American political dynamic. And, every four years without fail, she was in the vanguard of the unique process we have come to understand as the Iowa Caucuses.

I first met her in 1987 when I entered the Iowa Caucuses, and I can say without hesitation or equivocation: I will never forget Betty Strong. She was with me then and her memory will remain with me always. I wrote her a letter in 1988 thanking her for her help and for her lifelong service, and I am honored to know that the letter hung on her living room wall all these years. I will long be beholden to Betty for her commitment, for her support, for her help, for the extraordinary grace she showed me and the dignity with which she lived her life and fought for the causes to which she was so committed.

Iowa has lost a great woman and I would ask my colleagues to join me in recognizing the lasting contribution that Betty Strong made to that fundamental Tip O'Neill-notion that all politics is local. Today we mourn her loss and offer to her family and all of her friends in Iowa and across America, the thanks of a grateful Nation.●

TRIBUTE TO PRESIDENT EDWARD PARRISH, PRESIDENT OF WORCESTER POLYTECHNIC INSTITUTE

● Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the distinguished president of Worcester Polytechnic Institute, Edward Parrish, as he nears his retirement this year.

Ed Parrish came to WPI as president in 1995 after an impressive career in engineering at NASA and in teaching and academic research. From the University of Virginia to Vanderbilt and finally to WPI, he was widely recognized for his skill and dedication in engineering and engineering education. He has led regional and national efforts to expand the recruitment of students and the scope of engineering programs, and he has demonstrated his commitment to the future in these fields by joining in the management of a magnet school for the sciences with the Worcester public schools.

He has been a pioneer in improving the quality of education, and expanded the program at WPI to include more integrated projects, cross-science working groups, and problem-solving education. He has created new opportunities for faculty and students to participate in research and international study. By modernizing the infrastructure of the university, he made it one of the earliest and best-wired campuses in the Nation.

Since its founding in 1865, WPI has been a unique institution widely recognized as a pioneer in technology and higher education. Ed Parrish has led a world-class university into the 21st century, expanding both the number and the knowledge of undergraduate and graduate students by offering opportunities to work with professionals in real situations on campus, in Massachusetts, and around the world, solving real problems that have an immediate impact on society.

Fortunately, Ed has agreed to serve on the Goldwater commission to provide a continuing source of scientists by awarding scholarships to college students, so that his experience and talent will continue to benefit the lives of students and the life of the Nation in the years ahead. His 9 years at WPI have been a time of growth and expansion for the university, and all of us in Massachusetts have much to thank him for as he enters this next chapter of his outstanding career. Ed and his family have my best wishes for the future, and I look forward to many opportunities to work with him and learn from him in the future.•

TRIBUTE TO HENRY D. MOODY, A DEDICATED ALABAMA PUBLIC SERVANT

• Mr. SHELBY. Mr. President, I rise today in recognition of Mr. Henry Moody, a dedicated civil servant from Alabama, who passed on April 26, 2004.

Born on April 1, 1932, in Jemison, AL, to Henry and Mattie Moody, Henry was one of 13 children. He was raised on the Moody Farm in Jemison, attended Jemison High School and Auburn University. Upon graduating from college, he enlisted in the military and went on to receive many honors.

Following Henry's military service, he began work at the Department of Veterans Affairs in Montgomery, AL, where he dedicated 36 years of his life. He served in a number of capacities including loan examiner and appraiser and chief appraiser with the Construction and Valuation Service. In 1976, he was appointed to assistant loan guaranty officer, and in 1982, he became loan guaranty officer. Henry served this position with dedication and commitment, and was regarded as a top loan guaranty officer in the country.

There are few people in this world who dedicate so much of themselves to their work. Everyday, Henry Moody remembered the mission of his job—to provide quality housing for all veterans. Despite his numerous accomplishments, Henry retained a humble spirit. He always banked a person's character and not just their worth, and wanted every person who came into his office to leave with a good experience. He never allowed his office staff to use the excuse, "the computers are not working." If that was the case, Henry would find the files himself since many families had driven for miles to see him. His favorite part of working at the VA was that every day was different, providing him with new challenges, and with new people to meet. Everyone who came in contact with him was encouraged by his smile and his helpful spirit.

Henry was recognized for his dedication and devotion to his job with many honors including induction into Home Builders Association of Alabama's, HBAA, prestigious Alabama Building Industry Hall of Fame in 1990. Additionally, former Alabama Governor Fob James proclaimed July 3, 1995, as "Henry Moody Day." Both awards were a fitting tribute for Henry's commitment to providing quality housing to our country's veterans.

Henry Moody will be remembered as a pioneer who served as an example for others. He made an impact on all who had the pleasure of meeting and knowing him. He lived by two important phrases, "This too shall pass," and "God grant me the serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference." Alabama is certainly a better place for having Henry Moody as one of our own. He will be greatly missed.•

MESSAGE FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to House Resolution 663, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America.

ENROLLED BILLS SIGNED

At 3:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

At 3:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 115. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7847. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tire Safety Information, Response to Petitions for Reconsideration" (RIN2127–AJ36) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7848. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G–IV Airplanes Doc. No. 2000–NM–101" (RIN2120–AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7849. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 and MD-11F Airplanes; Doc. No. 2002–NM–292" (RIN2120–AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7850. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Model 500, 501, and 551 Airplanes; Doc. No. 2000–NM–65" (RIN2120–AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation .

EC–7851. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: HPH s.r.o. Models Glasflugel 304CZ, 304CZ–17, and 304C Sailplanes; Doc. No. 2003–CE–63" (RIN2120–AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7852. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems (Operations) Limited Model BAE 146–100A and 200A Series Airplanes Doc. No. 2001–NM–272" (RIN2120–AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7853. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-300 Series Airplanes Doc. No. 2003-NM-125" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7854. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes Model A300 B4-600 B4-600R and F4-600R (Collectively Called A300 and 600) Airplanes Model A310 Airplanes; Doc. No. 2001-NM-216" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7855. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200C Series Airplanes Doc. No. 2003-NM-208" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7856. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Airplanes Doc. No. 2002-NM-198" (RIN2120-AA64) received on June 7, 2004 to the Committee on Commerce, Science, and Transportation.

EC-7857. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes Doc. No. 2002-NM-163" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7858. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4-600, 600R, F4-600R, and C4-605R Variant F (Collectively Called A300-600) Airplanes and A310 Series Airplanes Doc. No. 2001-NM-111" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7859. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Airplanes Doc. No. 2003-NM-130" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation .

EC-7860. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Doc. No. 2002-NM-341" (RIN2120-AA64) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7861. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction to Modification of the Houston Class B Airspace Area; TX Doc. No. 04-AWA-04" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7862. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Parsons, KS Doc. No. 04-ACE-4" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7863. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clinton, MO Doc. No. 04-ACE-2" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7864. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace and Modification of Class E5 Airspace; Farmington, MO Doc. No. 04-ACE01" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7865. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Washington, D.C. Doc. No. 04-AEA-01" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7866. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Yakima, WA Doc. No. 01-NM-11" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7867. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kalispell, MT Doc. No. 02-ANM-11" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7868. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; District of Columbia, Maryland, Virginia, and West Virginia Doc. No. 04-AEA-2" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7869. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace, Greenville Donaldson Center, SC Doc. No. 04-ASO-04" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7870. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace Jamestown, KY Correction Doc. No. 04-ASO-02" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7871. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace, Amendment of Class E Airspace; New Smyrna Beach, FL Doc. No. 04-ASO-03" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7872. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Muscatine, IA Doc. No. 04-ACE-3" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7873. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E4 Airspace; Homestead, FL Doc. No. 04-ASO-01" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7874. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Restricted Area 2938, Horseshoe Beach, FL Doc. No. 04-ASO-4" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7875. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Akhiok, AK Doc. No. 04-AAL-01" (RIN2120-AA66) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7876. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Theft Prevention Standard" (RIN2127-AI46) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7877. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Delay of Effective Date" (RIN2137-AC68) received on June 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7878. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; VOC Emission Standards for Solvent Metal Cleaning Operations in the Metropolitan Washington, D.C. Ozone Nonattainment Area" (FRL#7671-6) received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7879. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Regulations for General Compliance Activities and Source Surveillance; Correction" (FRL#7670-8) received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7880. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards for Portable Fuel Containers in the Metropolitan Washington, D.C. Ozone Nonattainment Area" (FRL#7671-1) received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7881. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Nevada—Las Vegas PM 10 Nonattainment Area; Serious Plan for Attainment of the Annual and 24 hour PM-10 Standards" (FRL#7663-4) received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7882. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Minnesota" (FRL#7670-5) received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7883. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Capacity Building for Morocco NGOs and the Department of Environment" received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7884. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Nevada Division of Environmental Protection—Bureau of Air Pollution Control" (FRL#7670-1) received on June 7, 2004; to the Committee on Environment and Public Works.

EC-7885. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District" (FRL#7670-1) received on June 7, 2004; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 2513. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 2514. A bill to authorize the transfer of funds for foreign countries to participate in international peacekeeping or peace enforcement operations, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 2515. A bill to establish the Inspector General for Intelligence, and for other purposes; to the Select Committee on Intelligence.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 373. A resolution relative to the death of Ronald Wilson Reagan, a former President of the United States; considered and agreed to.

By Mr. FRIST:

S. Res. 374. A resolution honoring President Ronald Wilson Reagan; considered and agreed to.

By Mr. LUGAR:

S. Res. 375. A resolution expressing the sense of the Senate regarding initiatives for Greater Middle East reform and modernization including a Twenty-First Century Trust; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself, Mr. ROBERTS, Mr. SPECTER, and Mr. SANTORUM):

S. Con. Res. 117. A concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on the Judiciary.

By Mr. ALLARD:

S. Con. Res. 118. A concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 847

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1477

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1477, a bill to posthumously award a Congressional gold medal to Celia Cruz.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1963

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from North Dakota (Mr. DORGAN) was withdrawn as a cosponsor of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2364

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2364, a bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2467

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2467, a bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 335

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 335, a resolution expressing the sense of the Senate that Major League Baseball clubs and their players should take immediate action to adopt a drug-testing policy that effectively deters Major League Baseball players from using anabolic steroids and any other performance-enhancing substances that create a competitive advantage for, and pose a serious health risk to, such players and the children and teenagers who emulate them.

AMENDMENT NO. 3366

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 3366 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3400

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3400 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2513. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce a bill that authorizes the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System (ENMRWS). The water supply to be made available by this project is absolutely critical to the region's future. I look forward to working with my colleagues here in the Senate to help make this project a reality.

The source of water for the ENMRWS is Ute Reservoir, a facility constructed by the State of New Mexico in the early 1960s. In 1966, Congress authorized Reclamation to study the feasibility of a project that would utilize Ute Reservoir to supply water to communities in eastern New Mexico (Pub. L. 89-561). Numerous studies were subsequently completed, but it was not until the late 1990s that several communities, concerned about their reliance on declining and degraded groundwater supplies in the area, began to plan seriously for the development of a regional water system that would make use of the renewable supply available from Ute Reservoir.

As part of that process, the Eastern New Mexico Rural Water Authority was formed to carryout the development of the ENMRWS. The Authority consists of nine communities and three counties in eastern New Mexicop and has been very effective in finalizing the studies and planning necessary to move forward with the project.

This is a very important bill to the citizens of New Mexico. It has the broad support of the communities in the region, as well as financial support from the State of New Mexico. There is no question that completion of the ENMRWS will provide communities in Quay, Roosevelt, and Curry counties with a long-term renewable source of water that is needed to sustain current economic activity and support future growth and development in the region. I hope my colleagues will support this legislation, thereby helping to address water needs in the rural West.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern New Mexico Rural Water System Act of 2004".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Entrada Aquifer and the Southern High Plains (Ogallala) Aquifer—

(A) provide 100 percent of the municipal and industrial water supplies for communities in East Central New Mexico; and

(B) serve a large majority of the agricultural water users in East Central New Mexico;

(2) the Entrada and Southern High Plains Aquifers are declining in quantity and deteriorating in quality;

(3) despite voluntary conservation efforts and improvements in agricultural water use efficiencies, current estimates indicate that present levels of groundwater use in some areas of eastern New Mexico are not sustainable beyond 12 to 25 years after the date of enactment of this Act;

(4) in 1959, the State of New Mexico began construction of the Ute Dam and Reservoir on the Canadian River to develop a long-term sustainable water supply for eastern New Mexico;

(5) section 2 of Public Law 89-561 (80 Stat. 711) authorized the development of a feasibility study for a water supply project in eastern New Mexico;

(6) since the feasibility study was authorized, a number of studies have been completed as part of the feasibility study process, including a 1994 study by the New Mexico Interstate Stream Commission estimating the firm annual yield of water from Ute Reservoir at 24,000 acre-feet per year;

(7) in March 1997, the New Mexico Interstate Stream Commission and the Ute Water Commission entered into an agreement for the purchase of 24,000 acre-feet of water per year for beneficial consumptive use in eastern New Mexico;

(8) the Eastern New Mexico Rural Water Authority was established to plan, finance, develop, and operate the Eastern New Mexico Rural Water System;

(9) the conceptual design report for the Eastern New Mexico Rural Water System—

(A) was finalized in August 2003;

(B) incorporates a Bureau of Reclamation willingness and ability to pay report prepared in August 2002; and

(C) was subject to a peer review process that resulted in a supplement to the conceptual design report, the Eastern New Mexico Rural Water System Conceptual Design Peer Review Final Report (December 2003);

(10) the State of New Mexico—

(A) strongly supports the development of the Eastern New Mexico Rural Water System; and

(B) has appropriated amounts to the New Mexico Water Trust Fund to assist communities in eastern New Mexico in securing the financial resources necessary to provide an acceptable cost share for development of the system; and

(11) completion of the Eastern New Mexico Rural Water System would provide Quay, Roosevelt, and Curry Counties in the State of New Mexico with a long-term reliable and renewable source of water that would—

(A) sustain current economic activity; and

(B) support future economic development and growth in the region.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial and technical assistance to the Eastern New Mexico Rural Water Authority to plan, design, and construct the Eastern New Mexico Rural Water System to provide a long-term reliable and renewable source of water to communities in eastern New Mexico.

SEC. 3. DEFINITIONS.

In this Act:

(1) Authority.—The term "Authority" means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) Conceptual design report.—The term "Conceptual Design Report" means the Eastern New Mexico Rural Water System final report dated August, 2003, as supplemented by the Eastern New Mexico Rural Water System Conceptual Design Peer Review Final Report (December 2003).

(3) Logan sewer project.—The term "Logan sewer project" means the project to improve the water quality in Ute Reservoir, as described in the Village of Logan Wastewater System Preliminary Engineering Report (November 2003).

(4) Plan.—The term "plan" means the operation, maintenance, and replacement plan required by section 5(b)(1).

(5) Portales energy recovery system.—The term "Portales energy recovery system" means the infrastructure to reduce pressure in the water system and generate useable power, as described in the Eastern New Mexico Rural Water System Conceptual Design Peer Review Final Report (December 2003).

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

(7) State.—The term "State" means the State of New Mexico.

(8) System.—

(A) In general.—The term "System" means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 24,000 acre-feet of water per year from the Ute Reservoir to communities located in Quay, Roosevelt, and Curry Counties in eastern New Mexico, as described in the Conceptual Design Report.

(B) Inclusions.—The term "System" includes—

(i) the Logan sewer project;

(ii) the Tucumcari advanced wastewater treatment facility; and

(iii) the Portales energy recovery system.

(9) Tucumcari advanced wastewater treatment facility.—The term "Tucumcari advanced wastewater treatment facility" means the project to improve the water quality in the Ute Reservoir, as described in the Eastern New Mexico Rural Water System Conceptual Design Peer Review Final Report (December 2003).

(10) Ute reservoir.—The term "Ute Reservoir" means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

SEC. 4. EASTERN NEW MEXICO RURAL WATER SYSTEM.

(a) Financial Assistance.—

(1) In general.—The Secretary may provide financial assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(2) Use.—

(A) In general.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under section 6(a)(2).

(B) Limitations.—Financial assistance provided under paragraph (1) shall not be used—

(i) for any activity that is inconsistent with developing the facilities described in the Conceptual Design Report, including development of the Logan sewer project; and

(ii) to plan or construct facilities used to supply water to supply irrigation for agricultural purposes.

(b) Cost-Sharing Requirement.—

(1) In general.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this Act shall be 80 percent of the total cost of the System

(2) System development costs.—For purposes of paragraph (1), the total cost of the System shall include any costs incurred by the Authority on or after October 1, 2003, for the development of the System.

(c) Limitation.—No amounts made available under this Act may be used for the construction of the System until—

(1) a plan is developed under section 5(b); and

(2) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(d) Title to Project Works.—Title to the infrastructure of the System shall be held by the Authority, the Town of Logan, New Mexico, the City of Tucumcari, New Mexico, or as may otherwise be specified under State law.

SEC. 5. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) In General.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(b) Operation, Maintenance, and Replacement Plan.—

(1) In general.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering the quantities of water described in the Conceptual Design Report.

(2) Modifications.—The allocation of water to the communities specified in the Conceptual Design Report may be modified to adjust the rates and fees in a manner that ensures that the purposes of the plan are addressed.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) Cooperative Agreements.—

(1) In general.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this Act.

(2) Cooperative agreement for provision of financial assistance.—

(A) In general.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance or any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(B) Requirements.—The cooperative agreement entered into under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(i) ensuring that the cost-share requirements established by section 4(b) are met;

(ii) completing the planning and final design of the System;

(iii) any environmental and cultural resource compliance activities required for the System; and

(iv) the construction of the System.

(b) Technical Assistance.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(c) Effect.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal rights to—

(A) the water of a stream; or

(B) any groundwater resource.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Secretary to carry out this Act $250,000,000 for the period of fiscal years 2005 through 2016.

(b) Adjustments.—

(1) In general.—The amount authorized under subsection (a) shall be adjusted as necessary to account for increases in development costs after the date of enactment of this Act, as determined using appropriate engineering cost indices (as determined by the Secretary).

(2) Allocation.—The Federal share and non-Federal share of the cost increases determined under paragraph (1) shall be allocated in accordance with the cost-sharing requirements established by section 4(b).

(c) Nonreimbursable Amounts.—Amounts made available to the Authority in accordance with the cost-sharing requirement under section 4(b) shall be nonreimbursable and nonreturnable to the United States.

(d) Availability of Funds.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this Act shall be retained for use in future fiscal years consistent with the purposes of this Act.

By Mr. LUGAR:

S. 2514. A bill to authorize the transfer of funds for foreign countries to participate in international peacekeeping or peace enforcement operations, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, this legislation supports the President's Global Peace Operations Initiative. That initiative contemplates a multi-year program to enhance global peacekeeping capacity by training and equipping military and security forces to facilitate the deployment of trained forces to international peace support operations.

The initiative stems from recognition of the concerns that have been identified in dealing with peace support operations. Specifically it has become clear that many countries have the political will to participate in peace support operations, but lack the capabilities and resources required to deploy and sustain themselves in the field. Similarly, some countries have the capacity to conduct traditional peacekeeping, but many missions, such as in Liberia, require combat-like peace enforcement tasks.

The Group of Eight, meeting this week, has endorsed the President's idea that the Group should pursue the goal of training at least 75,000 international peacekeepers over the next several years and develop a plan to provide logistical support around the world.

The Group of Eight has had a longstanding interest, expressed at both the Kananaskis and Evian summits, in providing technical and financial assistance to sustain and strengthen peacekeeping capacity worldwide, particularly in Africa.

This bill supports that goal by authorizing a transfer of funding from the Department of Defense to the State Department for these activities. The administration has made clear to me that the Department of Defense believes that the costs for this program would be more than offset by the savings realized by not having to deploy U.S. military units to international peace operations.

The President's leadership and initiative demonstrates the strong U.S. interest in peace and prosperity worldwide and is an expression of U.S. confidence in growing African attention to and capacity in addressing security problems on and beyond the continent.

By Ms. SNOWE:

S. 2515. A bill to establish the Inspector General for Intelligence, and for other purposes; to the Select Committee on Intelligence.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that will address what I believe are fundamental deficiencies in the Intelligence Community's organization and methods of accountability.

For some time, we have been engaged in an ongoing national debate about the scope, methods, organization and mission of our intelligence agencies. Since the creation of our modern Intelligence Community as part of the National Security Act of 1947 there have been numerous recommendations to strengthen the Intelligence Community leadership and mission to foster better communications and better serve the national security of the nation. Events over the last decade have highlighted some disturbing intelligence failures—we have all spoken sadly of the 1993 World Trade Center Bombing, the Khobar Towers tragedy, the attack on the USS Cole, the bombs at our embassies in East Africa and of course, September 11. As a Congress we have an obligation to address these incidents and work to better our intelligence gathering and disseminating capabilities to ensure this list is not added to.

As a member of the Senate Select Committee on Intelligence—and a former member of committees on international relations and armed services in both this body and the other—I have participated in this national debate on many fronts and for many years. Irrespective of the events surrounding Director Tenet's recent resignation, I have believed strongly in the need for reform of the Intelligence Community for some time.

There is no question that the Intelligence Community requires systemic changes. Specifically, increases in human intelligence, better information sharing and greater accountability are all issues that desperately need to be addressed, and more importantly, acted on. It is my hope that the Intelligence Committee aggressively pursue specific recommendations based on a Committee-authored report to make substantive changes that will address the flaws that have been tragically revealed.

Americans need to know that their intelligence services are doing the best job possible in protecting their security. I say this even while I must recognize the dedication and professionalism of the thousands of Americans who make up our Intelligence Community. Each day across this country and around the world, they labor, mostly without recognition, to keep this country safe from harm. Our intelligence employees work under very demanding conditions and in environments that are extremely dangerous and can often shift without notice. They operate in a dizzing world of "what ifs" where the rules change daily. It is their vigilance upon which we rely to give us the forewarning necessary to counter the many dangers present in our world. Although it is impossible to directly express our deep appreciation for their efforts, I charge this body to relay our eternal gratitude to those who serve America so well.

But too often, breakdowns can occur that put Americans' lives at risk. There are many of us in Congress who believe that we have gone too long without making any real efforts to reform the Intelligence Community.

However appreciative we are of the service done by those who work in the fifteen agencies that make up our nation's Intelligence Community, we as a Congress have a responsibility to continue to work to find ways to help them do an even better job, and more importantly, to ensure that any failures are not repeated and that we learn from past mistakes. And at the same time, we have an obligation to the people of this country to ensure that both pride and comfort in our intelligence services exist. The people of this nation, and those of us elected to represent them, have a right to know that when mistakes are made, corrections soon follow.

A major focus of mine for many years now has been accountability—ensuring, for example, that government employees who issue travel visas to known terrorists are accountable to the American public for their actions. In this same vein, I'd like to see greater accountability brought to the Intelligence Community.

The bill I am introducing today—the "Intelligence Community Accountability Act of 2004"—creates an independent Inspector General for Intelligence. This IG is not housed within any one agency, rather, it is an Inspector General for the entire Intelligence Community—all fifteen agencies and department members.

We must recognize that fifteen government agencies with fifteen different heads, fifteen different missions, fifteen chains of command and fifteen institutional paradigms are often handicapped in promulgating national intelligence. This in turn can lead to disconnects. And sadly in this business, such failures can lead to loss of life as we have been so graphically reminded over and over.

Intelligence comes from a variety of sources and in a wide array of forms. The fifteen members of the Intelligence Community must adequately interpret what they see, hear and find and then communicate that to policy-makers who decide best how to use it in the defense of our homeland and interests abroad. The often used but highly appropriate cliche, "connecting the dots" requires extensive inter-agency cooperation for this to happen. And if that doesn't happen and failures occur as a result . . . who do we hold accountable? How do we ensure it doesn't happen again?

Let me be clear, the Inspector General for Intelligence, or IGI, that this legislation creates will not diminish the power of the IG's that already exist within each of the Intelligence Community member agencies. Rather, it will enhance their powers, giving them an overarching body to turn to when their own institutional limits are reached—when their investigations or complaints involve other Intelligence Community members who may be unwilling to cooperate or unable to provide answers or where roadblocks caused by inter-agency "turf wars" are reached. It helps to fill a void in the accountability and oversight responsibilities of the Director of Central Intelligence in his role as head of the entire Intelligence Community.

In the recent committee report to accompany the FY 2005 Intelligence Authorization bill, the committee acknowledged the need for changes in the Intelligence Community and stated that it believes the process of reform "must begin." Therefore, I submit that we begin as soon as possible—I know that the Chairman of our committee is committed to this effort and I hope that by bringing my legislation forward at this time, my colleagues can see that I too am eager for progress and momentum.

Make no mistake—this effort is intended to be part of a larger push to overhaul the entire intelligence community's organizational structure. I welcome such a push and as we move forward in that endeavor, I will work to ensure my legislation is included in the deliberations. But until that happens, I implore my colleagues to study the issue, read my legislation and work with me to create this office.

In looking at the Intelligence Community, we need to recognize that we are dealing with an amorphous entity made up of fifteen agencies, parts of departments, and independent bodies all spread out within our federal government. They each have their own mission, chain of command, procedures, history and institutional paradigms.

By law, and specifically according to Executive Order 12333 issued by President Reagan in 1981, the Director of the Central Intelligence Agency wears a "double hat" by serving as the Director of the entire Intelligence Community.

Within the structure created, he often does the best he can. But as head of one of the agencies in the Community, his hands are often tied when it comes to exercising his authority over the other 14 members of a community over which he has jurisdiction.

Currently the Director of Central Intelligence has limited budget authority over the Pentagon's intelligence budget—which represents approximately 85 percent of the total intelligence community budget. According to Executive Order 12333, which also defines the responsibilities of the Director of Central Intelligence, the DCI is charged with working with the Secretary of Defense to ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs. This provides him with limited authority over the DoD intelligence budget, although historically this authority has not been exercised.

My legislation will essentially preserve the powers and role that the Director of Central Intelligence currently enjoys as adivsor to the President and head of the Intelligence Community, but it would make his office a separate entity and a member of the President's Cabinet.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my twelve years as ranking member of the House Foreign Affairs International Operations Subcommittee and chair of the International Operations Subcommittee of the Senate Foreign Relations Committee. It was this lack of coordination that permitted the radical Egyptian Sheik Rahman, the mastermind of the first World Trade Center bombing in 1993, to enter and exit the U.S. five times unimpeded even after he was put on the State Department's Lookout List in 1987, and allowed him to get permanent residence status by the INS even after the State Department issued a certification of visa revocation.

And after the attacks of 9-11, I worked hard to point out the importance of the "Three C's" that has been lacking among federal agencies that are integral to preventing terrorism: coordination, communication, and cooperation.

This legislation that I am introducing today, is an extension of my efforts then.

The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network—therefore, we must ensure that the only "turf war" will be the one to protect American turf. In our fight against terrorism, we can do no less.

We must move heaven and earth to remove the impediments that keep us from maximizing our defense against terrorism, and that means changing the prevailing system and culture by re-focusing on the "Three C's": coordination, communication and cooperation.

Many of our greatest victories—those won by the men and women in our intelligence services—will be measured by the attacks that never happen . . . in battles we win before they ever have a name . . . in conflicts we prevent before they ever claim one American life. I hope we will pass and enact legislation that will help make that possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 373—RELATIVE TO THE DEATH OF RONALD WILSON REAGAN, A FORMER PRESIDENT OF THE UNITED STATES

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 373

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Ronald Wilson Reagan, a former President of the United States, and a former Governor of the State of California.

Resolved, That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation, and as a mark of respect to one who has held such eminent public station in life, the Presiding Officer of the Senate appoint a committee to consist of all the Members of the Senate to attend the funeral of the former President.

Resolved, That the Senate hereby tender its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

SENATE RESOLUTION 374—HONORING PRESIDENT RONALD WILSON REAGAN

Mr. FRIST submitted the following resolution; which was considered and agreed to:

Whereas Ronald Wilson Reagan, the 40th President of the United States, was born on February 6, 1911, in Tampico, Illinois, to Nelle and John Reagan and raised in Dixon, Illinois;

Whereas as a lifeguard at Rock River in Lowell, Illinois, a young Ronald Reagan saved the lives of 77 swimmers;

Whereas Ronald Reagan enrolled in Eureka College where he played football, acted in amateur theater, and graduated with a bachelor's degree in economics and sociology;

Whereas Ronald Reagan landed his first job as a radio announcer for WOC in Davenport, Iowa, and went on to become a popular sports announcer;

Whereas Ronald Reagan launched a movie career that spanned 50 movies, including his most famous role as the football legend, "The Gipper";

Whereas Ronald Reagan, who received more fan mail than any other actor at Warner Brothers Studios except Errol Flynn, served as president of the Screen Actors Guild from 1947 to 1960;

Whereas on March 4, 1952, Ronald Reagan married his great love, Nancy Davis, who was to become his lifelong confidante and companion;

Whereas Ronald Reagan was the father of 4 children: Maureen, Michael, Patti, and Ronald Prescott;

Whereas Ronald Reagan hosted the popular television series "GE Theater" from 1954 to 1962;

Whereas in 1962, Ronald Reagan switched his party affiliation from Democrat to Republican and 2 years later delivered a major televised speech in support of Presidential candidate Barry Goldwater;

Whereas in 1966, Ronald Reagan won the governorship of California and in 1970 was re-elected to a second term;

Whereas Governor Reagan campaigned for the Republican nomination in 1968, and again in 1976;

Whereas on July 16, 1980, the former Governor won the Republican nomination and on November 4, 1980, won the United States Presidency in a landslide vote;

Whereas President Reagan appointed the first woman to the United States Supreme Court, Justice Sandra Day O'Connor;

Whereas on March 30, 1981, only 2 months into his Presidency, Ronald Reagan survived an assassination attempt and upon meeting Nancy in the hospital, quipped with characteristic good humor, "Honey, I forgot to duck";

Whereas President Reagan delivered on his promise to cut taxes for American workers in 1981, and achieved the historic tax cuts of 1986 which overhauled the Federal tax code and reduced tax rates for almost all taxpayers, including removing 6,000,000 Americans from the tax rolls;

Whereas under President Reagan's leadership, inflation fell, interest rates declined, and by the seventh year of his Presidency, the stock market hit an all-time high;

Whereas President Reagan presided over the longest economic expansion in the history of the United States until that time and rebuilt the national defenses of the United States;

Whereas President Reagan won reelection in 1984 carrying 49 out of 50 States-one of the biggest electoral victories in the political history of the United States;

Whereas during summit meetings with Soviet Union President Mikhail Gorbachev in December 1987, President Reagan signed a treaty to eliminate intermediate-range nuclear forces;

Whereas President Reagan's steadfast opposition to communism, his unshakeable resolve to defeat the "Evil Empire", and his secure belief in government for and by the people, led to the collapse of the Berlin Wall and victory in the Cold War;

Whereas President Reagan's belief in freedom as a God-given right of all peoples led to a democratic revolution across Central America; and

Whereas Ronald Wilson Reagan, father, husband, actor, and dedicated public servant, restored the pride, optimism and strength of the United States and earned the deep respect and affection of his fellow citizens: Now, therefore, be it:

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of Ronald Wilson Reagan.

Resolved, That the Senate extends its heartfelt sympathy to the wife and family of President Reagan.

Resolved, That the Senate commends the former President for his Presidency and its many accomplishments.

Resolved, That the Senate calls on all the people of the United States to reflect on the record of the 40th President of the United States during this national period of remembrance.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

SENATE RESOLUTION 375—EXPRESSING THE SENSE OF THE SENATE REGARDING INITIATIVES FOR GREATER MIDDLE EAST REFORM AND MODERNIZATION INCLUDING A TWENTY-FIRST CENTURY TRUST

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 375

Whereas one of the greatest threats in the 21st century is the nexus between terrorism and weapons of mass destruction, which is fueled by failed states and instability that arises in large part from extremist organizations from the Greater Middle East region including nations of the Middle East, North Africa, and Central and South Asia;

Whereas the United States must promote security and stability in this troubled region where demographics, religious extremism, autocratic governments, isolation, stagnant economic systems and war have often overwhelmed the talents of the people and the wealth of the region's natural resources;

Whereas poverty and economic underdevelopment do not cause terrorism, but, by promoting economic prosperity, political reform, peace and security in the Greater Middle East, the United States and the international community can help reduce the potential that such countries become a source of international terrorism;

Whereas advancements in communications, transportation, health and educational opportunities have yet to reach large percentages of the people of the Greater Middle East;

Whereas reform and modernization must come from the people and nations within the Greater Middle East and cannot be imposed from countries or individuals outside;

Whereas the best way to achieve these goals is to cooperate with our traditional partners and with other countries, specifically in the Greater Middle East on a new paradigm of reform and development;

Whereas the Arab Human Development Report of 2003 commissioned by the United Nations Development Programme identified the lack of knowledge, freedom, and the empowerment of women as the most serious challenges to development;

Whereas the United States launched the Middle East Partnership Initiative in 2002 to support economic, political, educational reform and the empowerment of women in the Middle East and has undertaken similar programs in North Africa and Central and South Asia that are creating educational and economic opportunity, fostering private sector development, and strengthening civil society;

Whereas other members of the Group of Eight (Canada, France, Germany, Italy, Japan, Russia, and the United Kingdom), and the European Union have established and supported similar programs and objectives; and the European Union, in particular, established the Euro-Mediterranean Partnership in Barcelona in 1995 which includes development of economic and financial cooperation and greater emphasis on social, cultural, and political issues;

Whereas many nations of the Greater Middle East have individually and multilaterally expressed their interest and intentions to move towards implementing governmental and civil society modernization and reform, and many such countries have declared their commitment to support universal principles of democracy, human rights, and individual freedoms, including freedom for women;

Whereas the Alexandria Library in Egypt hosted a conference in March 2004 entitled Critical Reforms in the Arab World: From Rhetoric to Reality to bring together members of civil society in the Middle East including intellectuals, business people, and academics and the conference participants made a statement declaring that they "are fully convinced that reform is a necessary and urgent matter," and that they embraced "without ambiguity, genuine democracy";

Whereas the Arab League Summit in May 2004 resulted in an assertion of the firm resolve of these nations to reaffirm human rights and freedoms and to carry on reform and modernization, including consolidation of democratic practice, broadening participation of all components of civil society and widening women's participation in the political, economic, social, cultural and educational fields; and

Whereas the members of the Group of Eight met in Sea Island, Georgia in June 2004 and committed to cooperate with the countries of the "Broader Middle East and North Africa" to assist in advancing their aspirations for political, economic and social reforms: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON GREATER MIDDLE EAST INITIATIVES FOR REFORM AND MODERNIZATION, INCLUDING A TWENTY-FIRST CENTURY TRUST.

It is the sense of the Senate that—

(1) in June 2004, the President encouraged the Group of Eight (the United States, Canada, France, Germany, Italy, Japan, Russia, and the United Kingdom) to outline a plan to engage with the countries of the "Broader Middle East and North Africa" in a way that allows such countries to establish priorities for reform and modernization in the new millennium;

(2) reforms in the countries of the Greater Middle East, including nations of the Middle East, North Africa, and Central and South Asia, must be generated from within by the people and governments of such countries, and can only be effective if undertaken in the context of people taking charge of their own futures;

(3) the President should seek to build on the initiatives of the Group of Eight and establish specific mechanisms for accomplishing the goals of reform and modernization of the Greater Middle East such as establishment of a Greater Middle East Twenty-First Century Trust, as described in section 2; the two-way nature of the functions of such a Trust confers "ownership" of the processes of reform in the countries of the Greater Middle East and will invite renewed dialog;

(4) the members of the Group of Eight and the nations of the Greater Middle East region should follow-up the G-8 Summit with official and private meetings, conferences, and other events to further explore and implement initiatives, including establishing terms of reference for a Greater Middle East Twenty-First Century Trust;

(5) the members of the Group of Eight can help effect long-term political and economic change in the Greater Middle East by leveraging financial contributions from Europe, Asia, and the wealthy countries of the region, and by providing the imprimatur of the broad international community;

(6) the President should use his considerable leverage with allies inside and outside the region to assist in the promotion of democratic reforms and political freedom; and

(7) recognizing that social and political change would be more difficult in an atmosphere of violence, the President should work with other industrialized democracies and with the countries of the Greater Middle East to promote peace and maintain a stable environment for long-term progress.

SEC. 2. MODEL FOR ESTABLISHING A GREATER MIDDLE EAST TWENTY-FIRST CENTURY TRUST.

The Senate urges the President to consider generating support for a Greater Middle East Twenty-First Century Trust (hereinafter referred to as the "Trust") in coordination and partnership with the members of the Group of Eight and the countries of the Greater Middle East in a quest for political, economic, and educational reform and for modernization in such countries. The Trust could be organized with the following guidelines:

(1) Donors to the Trust could pool resources to deliver grants and work together to define the funding criteria for the Trust based on high priority needs identified by the recipients of such grants.

(2) The contributors to the Trust could include wealthy countries of the Greater Middle East, such as Saudi Arabia, Kuwait, and others willing to invest in their own futures and take a stake in the Trust's success.

(3) The Trust could be sensitive to cultural concerns of the people and governments of the countries of the Greater Middle East and could respect Islamic financial principles to ensure that the Trust will be accepted in the region.

(4) The Trust could reflect advances in understanding of international development and be based on the models of the Africa Action Plan of the Group of Eight, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the Millennium Challenge Corporation, which represent a new form of social compact between governments and donors that does not superimpose a plan from donors but, instead, works with the recipient countries to plan and set priorities for assistance.

(5) Contributors to the Trust could use independent indicators to judge if a candidate country is making strides to promote

the rule of law, political and civil rights, combat corruption, and modernize economic and education systems.

(6) The Trust could be a vehicle for action that would set broad goals and criteria and should include specific programs developed and offered by the countries that will receive assistance from the Trust.

SENATE CONCURRENT RESOLUTION 117—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mr. BROWNBACK (for himself, Mr. ROBERTS, Mr. SPECTER, and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 117

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing 2 significant cases before the United States Supreme Court, 1 criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, spearheaded the efforts of the American Legion to develop legislation seeking to ensure that these Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, during an emergency meeting of the American Legion leadership, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world into the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 7,800,000 men and women, including 2,200,000 in college, 3,400,000 in other schools, 1,400,000 in vocational education, and 690,000 in farm training and, in addition, 2,100,000 World War II veterans purchased homes through the GI Bill;

Whereas as a result of the benefits available to veterans through the initial GI Bill, the Nation gained over 800,000 professionals as the GI Bill transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order No. 11085, the Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to "(1) the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors"; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

Mr. BROWNBACK. Mr. President, I rise today to submit a resolution honoring the life of Harry W. Colmery of Topeka, KS, and expressing the sense of Congress that the President should award Mr. Colmery the Presidential Medal of Freedom posthumously.

As my colleagues know, the Presidential Medal of Freedom is this Nation's highest civilian honor. Thus, my colleagues may ask, "What in particular makes the life of Harry Colmery stand out?" I would answer that just two weekends ago, we in Washington saw the answer to this question when thousands of veterans gathered on the National Mall for the dedication of the World War II Memorial. These individuals and millions of their fellow soldiers benefited from the work of Harry Colmery, the author of the initial draft of the Servicemen's Readjustment act of 1944, also known as the GI Bill of Rights.

The Servicemen's Readjustment Act of 1944 was aimed to aid military veterans as they transitioned back into civilian life following the conclusion of World War II by providing certain useful benefits. Among the historic benefits of this bill was a new educational benefit that would revolutionize America's higher education system. More than 2 million eligible men and women went to college using these educational benefits in the decade following World War II. The result was an American workforce enriched by 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another million college-educated men and women. An estimated 5 million additional men and women received other schooling or job training under the provisions of the GI Bill.

The success of the GI Bill of Rights was unmistakable. A Veterans Administration study in 1965 showed that the increased earning power of GI Bill college graduates led to Federal income tax revenues rising by more than a billion dollars annually. In less than 20 years, the $14 billion cost of the original program had been recovered. Americans like programs that work and, in the decades following World War II, Congress built on the success of the original GI Bill. The most recent Montgomery GI Bill, approved in 1985, was designed not only to help veterans make a transition into the workforce through additional education and training benefits, but also to help support the concept of an all-volunteer military. As my colleagues know, the promise of educational benefits has been one of the most successful tools given to our Nation's military recruiters.

Harry Colmery's dedicated service to the veterans of this Nation and the long reach of his work into the lives of millions of Americans certainly make him an individual worthy of the Presidential Medal of Freedom. I call on my fellow Senators to support this resolution so that Harry Colmery, even posthumously, may receive the honor he is due.

SENATE CONCURRENT RESOLUTION 118—EXPRESSING THE SENSE OF CONGRESS THAT AN ARTISTIC TRIBUTE TO COMMEMORATE THE SPEECH GIVEN BY PRESIDENT RONALD REAGAN AT THE BRANDENBURG GATE ON JUNE 12, 1987, SHOULD BE PLACED WITHIN THE UNITED STATES CAPITOL

Mr. ALLARD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 118

Whereas the people of the United States successfully defended freedom and democracy for over 40 years in a global Cold War against an aggressive Communist tyranny;

Whereas President Ronald Wilson Reagan's demonstration of unwavering personal conviction during this conflict served to inspire millions of people throughout the United States and around the world to seek democracy, freedom, and greater individual liberty; and

Whereas Ronald Wilson Reagan's determined stand against the Soviet empire during his eight years as President served as the catalyst for the end of that regime· Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, during which he uttered the immortal lines "Mr. Gorbachev, tear down this wall!", should be placed within the United States Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3448. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 3200 submitted by Mr. INHOFE and intended to be proposed to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3448. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 3200 submitted by Mr. INHOFE and intended to be proposed to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1055. ASSISTANCE FOR FOREIGN COUNTRIES TO ENGAGE IN PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense, with the concurrence of the Secretary of State, may transfer funds to the Secretary of State to provide assistance during fiscal year 2005 to military or security forces in a foreign country to enhance the capability of such country to participate in an international peacekeeping or peace enforcement operation.

(b) TYPES OF ASSISTANCE.—Assistance provided under subsection (a) may be used to provide equipment, supplies, training, or funding.

(c) FUNDING LIMITATION.—Assistance provided under subsection (a) may not exceed $100,000,000 in fiscal year 2005 from funds made available to the Department of Defense.

(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to a foreign country or the military or security forces of such country.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday June 17th, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2513, a bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water Systems and for other purposes; S. 2511, a bill to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning design, and construction of a water supply, reclamation, and filtration facility for Espanola, NM, and for other purposes; S. 2508, a bill to redesignate the Ridges Basin Reservoir, CO, as Lake Nighthorse; S. 2460, a bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; and S. 1211, a bill to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at 202–224–2179 or Shane Perkins at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 9, 2004, at 9:30 a.m. on digital TV.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 2004, at 9:30 a.m. to hold a hearing on Evaluating International Intellectual Property Piracy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 9, 2004, at 10 a.m. for a hearing titled "Going Nowhere: DOD Wastes Millions of Dollars on Unused Airline Tickets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 9, 2004, at 10 a.m. on "DHS Oversight: Terrorism and Other Topics" in the Dirksen Senate Office Building Room 226. The Honorable Tom Ridge, Secretary of Department of Homeland Defense, will testify.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 9, 2004, at 10 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that John Kennedy of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR THE APPOINTMENT OF ELI BROAD

Mr. FRIST. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 38 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 38) providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 38) was read the third time and passed, as follows:

S.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, resulting from the death of Barber B. Conable, Jr., is filled by the appointment of Eli Broad of California. The appointment is for a term of 6 years, beginning upon the date of enactment of this joint resolution.

RESOLUTION OF CLAIMS RELATING TO CONFISCATION OF CERTAIN PROPERTY

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 341, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 341) to urge the resolution of claims related to the confiscation of certain property by the Government of Italy.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the resolution?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want the RECORD spread with my appreciation for the work done by the chairman, Senator LUGAR, and the ranking member, Senator BIDEN. This is an issue that goes back to the days when the Italian Government was confiscating property and not in any way compensating those whose property was taken. This is an effort to rectify that situation. I cannot adequately express my appreciation to the committee that worked so hard on this issue and to the leadership of that committee. This is very important.

This involves a prominent family from Nevada. They owned property in Italy. The Italian Government wrongfully confiscated the property decades ago, but to date, they have yet to provide compensation to the family.

Adequate compensation is required under treaties we have entered into with Italy. This resolution simply calls upon the Italian Government to make an effort to satisfy this claim and encourages our State Department to work with the Italian Government to see that the claim is resolved. It is noncontroversial and does not cost one penny.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 341

Whereas the Government of the Italian Republic confiscated the property of Mr. Pier Talenti, a citizen of the United States, and has failed to compensate Mr. Talenti for that property;

Whereas the Government of Italy has an obligation under the Treaty of Friendship, Commerce and Navigation, signed at Rome February 2, 1948 (63 Stat. 2255) between the United States and the Italian Republic to provide compensation to Mr. Talenti for the confiscated property;

Whereas the failure of the Government of Italy to compensate Mr. Talenti runs counter to such Government's treaty obligations and to accepted international standards;

Whereas section 1611 of H.R. 1757, 105th Congress, as passed by the Senate on June 17, 1997, expressed the sense of Congress that the "Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti's case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti's claim.";

Whereas the Government of Italy has not responded to Diplomatic Note 674 issued in 1996, urging such Government to negotiate a settlement with Mr. Talenti; and

Whereas Mr. Talenti has exhausted all legal remedies available to him under the Italian judicial system and has not received "just and effective compensation" for the confiscated property from the Government of Italy as required under the Treaty of Friendship, Commerce and Navigation: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the Government of Italy should—

(A) fulfill the requirements of the Treaty of Friendship, Commerce and Navigation signed at Rome February 2, 1948 (63 Stat. 2255) between the United States and the Italian Republic with respect to the property of Mr. Pier Talenti that was confiscated by such Government; and

(B) make reasonable efforts to effect a prompt resolution of Mr. Talenti's claims under such Treaty; and

(2) the Secretary of State should—

(A) continue to press the Government of Italy to resolve Mr. Talenti's claims; and

(B) take any further measures, including all appropriate diplomatic initiatives, that the Secretary determines could assist Mr. Talenti in receiving such compensation from the Government of Italy.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration Calendar Nos. 546 through 571, en bloc.

The PRESIDING OFFICER. Is there objection to proceeding en bloc? Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

LUIS A. FERRE UNITED STATES COURTHOUSE AND POST OFFICE BUILDING

The bill (S. 2017) to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the "Luis A. Ferre United States Courthouse and Post Office Building," was considered, order to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LUIS A. FERRÉ UNITED STATES COURTHOUSE AND POST OFFICE BUILDING.

(a) DESIGNATION.—The United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, shall be known and designated as the "Luis A. Ferré United States Courthouse and Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper or other record of the United States to the courthouse and post office building referred to in subsection (a) shall be deemed to be a reference to the Luis A. Ferré United States Courthouse and Post Office Building.

MIKE MANSFIELD POST OFFICE

The bill (S. 2214) to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MIKE MANSFIELD POST OFFICE, MISSOULA, MONTANA.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, shall be known and designated as the "Mike Mansfield Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mike Mansfield Post Office".

ROBERT J. OPINSKY POST OFFICE BUILDING

The bill (S. 2415) to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT J. OPINSKY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4141

Postmark Drive, in Anchorage, Alaska, shall be known and designated as the "Robert J. Opinsky Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert J. Opinsky Post Office Building".

DOSAN AHN CHANG HO POST OFFICE

The bill (H.R. 1822) to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office," was considered, ordered to a third reading, read the third time, and passed.

NEW BRIDGE LANDING POST OFFICE

The bill (H.R. 2130) to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office," was considered, ordered to a third reading, read the third time, and passed.

MAJOR HENRY A. COMMISKEY, SR. POST OFFICE

The bill (H.R. 2438) to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major Henry A. Commiskey, Sr. Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

S. TRUETT CATHY POST OFFICE BUILDING

The bill (H.R. 3029) to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

LLOYD L. BURKE POST OFFICE

The bill (H.R. 3059), to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office," was considered, ordered to a third reading, read the third time, and passed.

BRIGADIER GENERAL (AUS-RET.) JOHN H. McLAIN POST OFFICE

The bill (H.R. 3068) to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office," was considered, ordered to a third reading, read the third time, and passed.

BEN R. GEROW POST OFFICE BUILDING

The bill (H.R. 3234) to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

WALTER F. EHRNFELT, JR. POST OFFICE BUILDING

The bill (H.R. 3300) to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

GEORGE HENRY WHITE POST OFFICE BUILDING

The bill (H.R. 3353) to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

ARMY STAFF SGT. LINCOLN HOLLINSAID MALDEN POST OFFICE

The bill (H.R. 3536) to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office," was considered, ordered to a third reading, read the third time, and passed.

ARMY PVT. SHAWN PAHNKE MANHATTAN POST OFFICE

The bill (H.R. 3537) to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office," was considered, ordered to a third reading, read the third time, and passed.

MARINE CAPTAIN RYAN BEAUPRE SAINT ANNE POST OFFICE

The bill (H.R. 3538) to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office," was considered, ordered to a third reading, read the third time, and passed.

BARBER CONABLE POST OFFICE BUILDING

The bill (H.R. 3690) to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MYRON V. GEORGE POST OFFICE

The bill (H.R. 3733) to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office," was considered, ordered to a third reading, read the third time, and passed.

OSCAR SCOTT WOODY POST OFFICE BUILDING

The bill (H.R. 3740) to designate the facility of the United States Postal Service located at 223 Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

BEN ATCHLEY POST OFFICE BUILDING

The bill (H.R. 3769) to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

GENERAL JOHN J. PERSHING POST OFFICE

The bill (H.R. 3855) to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office," was considered, ordered to a third reading, read the third time, and passed.

MAXINE S. POSTAL UNITED STATES POST OFFICE

The bill (H.R. 3917) to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office," was considered, ordered to a third reading, read the third time, and passed.

MARY ANN COLLURA POST OFFICE BUILDING

The bill (H.R. 3939) to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building," was considered, ordered to a third reading, read a third time, and passed.

RHODE ISLAND VETERANS POST OFFICE BUILDING

The bill (H.R. 3942) to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY

The bill (H.R. 4037) to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility", was considered, ordered to a third reading, read the third time, and passed.

BOBBY MARSHALL GENTRY POST OFFICE BUILDING

The bill (H.R. 4176) to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

DR. MIGUEL A. NEVAREZ POST OFFICE BUILDING

The bill (H.R. 4299) to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. LIEBERMAN. Mr. President, I am honored to have the opportunity to rise today to join my colleagues and, indeed, my country men and women in paying tribute to our departed and, I would say, sincerely beloved former President Ronald Reagan. We mourn his loss and we give our condolences, of course, to Mrs. Reagan and their family.

I cannot claim, as some can in this Chamber, to have known President Reagan personally and well. In fact, we met a few times while he was serving in the White House. I was attorney general of Connecticut and visited with attorneys general. We did have one remarkable rendezvous.

Our paths crossed, figuratively speaking, as President Reagan was departing Washington, having completed his second term as President. I was arriving as a freshman Senator from Connecticut. It was January 14, 1989, and the outgoing President was set to give his final weekly radio address Saturday morning.

As always, he gave a masterful and moving performance, engaging the Nation with his wisdom and his wit. Senate Majority Leader George Mitchell, the new Senate majority leader, asked me to give the Democratic response to President Reagan that Saturday morning in January. It was a high honor, of course, for me as a freshman Senator to be asked to give the weekly radio address but it was, needless to say, a tough act to follow.

I looked back to my remarks and in them I see I praised President Reagan for his love of country, his fervent devotion to freedom, and his commitment to the values of faith, flag, and family. I said I was "inspired and encouraged by his sense of patriotism," and I urged all Americans to work together on our unfinished business with "the spirit of purpose and confidence that is the legacy of the Reagan years."

Today, 15 years later, I am very proud I was able to speak those words, and proud of their truthfulness. My admiration and respect for President Reagan has only grown with time. The optimism, the idealism, the patriotism, and confidence he radiated infected us all and are exactly what we need today.

President Reagan won the trust of the American people and used that trust to lead. I believe he won the trust of the American people because he reflected their values and they knew he was the real thing, that he stuck to what he believed was right, whether it was popular or not. His leadership was classic democratic leadership, with a small "d." His moral conviction, combined with his pragmatism, enabled him to do an awful lot for our country and the world. He understood what America was about, which was freedom and opportunity, and extended both in America and throughout the world.

After all, he led our country and the free world to victory in the final battle of the cold war against communism.

Ronald Reagan's message of optimism and purpose was carried by one of the most effective messengers ever to occupy the Oval Office. His rhetoric, after all, made us swell with pride, sometimes harden with indignation, often resonate with emotion. He also made us laugh.

I loved President Reagan's jokes and borrowed them often, sometimes with attribution, sometimes not. One of my favorites was the one that said a lot about him and about what he believed, what he was for, and what he was against. It was about the commissar who visited the Communist collective farm in Russia. He greeted the farmer, who was the head of the farm, on an inspection tour and asked the farmer how the potato crop had been that year.

The farmer said: Oh, commissar, the potato crop has been excellent. As a matter of fact, if we took all the potatoes we grew on this farm this year and put them one on top of the other, they would reach all the way up to the feet of God.

Troubled, the commissar from Moscow said, comrade farmer, I am glad to hear you did so well raising potatoes, but what do you mean about reaching up to the feet of God? This is a Soviet Communist collective farm. There is no God.

The comrade said, that is okay, because there are no potatoes, either. So it was.

I heard someone in the last few days since President Reagan's death repeat a one-liner of his where the press was getting on him because they said he was not working hard enough as President. At some public gathering, President Reagan said he was aware of these criticisms and he was also aware of the old line that hard work never killed anybody, but, President Reagan said, I figure why should I run the risk? And so it was.

His sense of humor and exuberance served him and the country well. Yes, he was a cold warrior, our leader in the final battle of the cold war, but he was also a happy warrior. In this and in so many other ways, Ronald Reagan reflected the personality and values of the American people. You could disagree with his policies, but you could never find his personality or his sincerity disagreeable.

He treated Democrats and Republicans alike, which is to say with respect. That attitude was contagious and even infected both Chambers of Congress. President Reagan once urged an audience of young people to live lives "that were a statement, not an apology."

This week we remember a true American giant, whose life was a statement, not an apology—a statement of America's values and its transcendent spirit of our faith in God and our love of country, of our national purpose, which is to uphold and extend the reality of freedom and opportunity in the world.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask the record to reflect my appreciation for the courtesy of Senator FRIST. He has a very busy schedule. He has people waiting in his office and it would have been very easy for him to go out without giving Senator LIEBERMAN the opportunity to speak. So we appreciate very much his courtesy.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments of my colleague.

Indeed, it has been a different week, a very solemn week, and a week that has required all of us to work together from an organizational standpoint and to pull together what has been almost a celebration of this legacy of Ronald Reagan.

This evening members will gather in the Senate Chamber and right around that period of time a number of people will be proceeding to the arrival ceremony. It will indeed be a historic moment for the Senate, for this body, but indeed for the American people. Over 150,000 well-wishers are expected to line the streets as President Reagan's flag-draped caisson is drawn up to this building, the Capitol, by a single riderless horse.

In the past 5 days, we have witnessed a remarkable unity in the country, a fraternity of spirit in many ways. Partisanship has fallen away, and old political foes have set aside disagreements. Americans have come together to celebrate the remarkable achievements of a truly remarkable man. Lifeguard—the pictures are imprinted in everybody's mind—radio announcer, actor, Governor, father, husband, and finally President of the United States. Ronald Wilson Reagan achieved extraordinary heights.

But he would tell you, I suspect—and it was reflected in so many of the comments among his friends and colleagues over the last several days—that he was simply being an American, fulfilling the American dream. He described the American dream once as "a song of hope that rings through the night air; vivid, tender music that warms our heart when the least among us aspires to the greatest things."

Ronald Reagan brought that song back to our hearts. He believed we could achieve great things, that America could achieve great things, and because of his unshakeable belief in freedom and liberty and democracy and his ironclad faith in progress, his love and respect for his fellow citizen, we did. We triumphed over the Soviet empire. We created one of the longest economic expansions in American history. We regained our strength and our optimism. We remembered the special privilege it is to be an American.

But we also remembered that freedom is not for us alone. It is the right of every man and woman across the globe, in every age, in every civilization.

In 1964, two decades before he would be reelected in a landslide victory carrying 49 of the 50 United States, Ronald Reagan told the Nation:

> You and I have the ability and the dignity and the right to make our own decisions and determine our own destiny.

As we would learn later, it was our destiny to choose Ronald Reagan to be our leader, our standard bearer, and our hero. The history books will record Ronald Reagan as one of our greatest Presidents. Of this I have no doubt. And the American people will remember him with love and with affection for generations to come.

ORDERS FOR MONDAY, JUNE 14, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, June 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, equally divided between the two leaders or their designees; provided that following morning business the Senate resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Monday, following morning business, the Senate will resume consideration of the Defense authorization bill. Chairman WARNER and Senator LEVIN have been reviewing the submitted amendments and will be here on Monday to resume work on that bill. I expect Members to come to the floor to offer amendments on Monday. We anticipate setting votes on amendments for Monday afternoon.

On Monday, we will order any votes to begin at 5:30 on those amendments to be disposed of. Again, I encourage Members to work with the chairman and the ranking member to schedule consideration of their amendments. There were a large number of amendments filed, and I hope that most of those amendments will not be offered.

It will be a busy week next week as we return to regular business. We need to proceed expeditiously toward completing our work on the Defense authorization bill by the conclusion of next week.

With that said, I again thank all of my colleagues who have participated during these past several days in honoring our former President.

ADJOURNMENT UNTIL MONDAY, JUNE 14, 2004, AT 1 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Res. 371 as a mark of further respect for President Ronald Wilson Reagan.

There being no objection, the Senate, at 3:15 p.m., adjourned until Monday, June 14, 2004, at 1 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO WEST GENESEE'S HIGH SCHOOL BOYS' LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the West Genesee High School Boys' Lacrosse Team, which won the Class A state championship title.

The team won the Section Three championship in order to move on and become one of only 8 teams from around New York State to play in the state playoffs. In the state playoffs, they won their quarterfinal and semifinal games, placing them in the state final. The West Genesee team then traveled to Long Island, where they captured their third straight Class A championship title and ended their season with a record of 23 wins and only one loss.

Team captains Brian Stanton, Andrew Hanover, Tom Donahue, and Mike Malone led the state champion West Genesee Boys' Lacrosse Team made up of players Brian Griffin, Dave Osier, Joel Derrigo, Brian Cost, Jake Moulton, Mark Cometti, Josh Begley, Jeff Ryan, Alex Bily, Ben Mercado, Steve Prosonic, P.J. Motondo, Tim Spillett, Dan Balestra, Tim Griffin, Andrew Vecchio, Kevin Joy, Marc Cizenski, Tim Gearhart, Jaren Woeppel, Matt Pompo, Kevin Simon, Tom Collins, Chris Duffy, Sean Leahy, Shane McConnell, Jon Keuchler, Mark Keida, Jeff Cleland, Tom Geiss, and Dan McKeon. Head coach Mike Messere, and assistant coaches Bob Deegan and Dave Metz guided the team in their outstanding accomplishments.

I would like to express my congratulations to the team for such an outstanding achievement and wish them luck in their future endeavors.

IN HONOR OF AMBASSADOR C.J. CHEN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. SESSIONS. Mr. Speaker, it is with great pleasure that I join my colleagues in honoring a unique man and a graceful diplomat.

Ambassador Chen is returning to Taiwan after four years of exemplary service as the representative of the Taipei Economic and Cultural Representative office, the quasi embassy of the Republic of China. In fact, since joining his country's foreign service 37 years ago, Ambassador Chen has always been involved with the U.S.-Taiwan relations in his many job assignments both in Taiwan and in the United States. His diplomatic career mirrors very much the ups and downs of U.S.-Taiwan relations.

The nadir of U.S.-Taiwan relations came in 1979 when the Carter Administration severed diplomatic ties with Taipei and recognized Beijing. C.J. Chen was then working in Taiwan's embassy in Washington. He spent days and nights negotiating and communicating with U.S. government officials and lawmakers in drafting the Taiwan Relations Act which became U.S. law on April 10, 1979. The TRA has enabled Taiwan to grow economically and politically in the last quarter of century.

In the subsequent years, in his many key roles in Taiwan's foreign ministry, C.J. made sure that the U.S. would play a role as balancer, stabilizer and facilitator in handling its relations with both Taiwan and the mainland. In addition, C.J. and other leaders in Taiwan have been successful in urging the U.S. to continue to provide Taiwan with the military sales necessary for Taiwan's self defense.

In the last 4 years, C.J., in his capacity as Taiwan's top diplomat in Washington, has further strengthened U.S.-Taiwan relations. U.S. confidence in Taiwan continues to rise and U.S.-Taiwan relations are now at its best since 1979. While there have been no major changes in the U.S. policy towards the two sides of the Taiwan Straits, U.S. tone towards Taiwan has markedly improved, since Taiwan is a democracy and democracies count for something.

In addition to the Bush administration's goodwill towards Taiwan, congressional support and friendship continues to grow, especially in the last 4 years. Since the inception of the 108th Congress, both the Senate and the House have introduced or passed a number of pro-Taiwan bills and resolutions such as Taiwan's participation in the WHO, a U.S.-Taiwan Free Trade Agreement, security in the Taiwan Strait, welcome for transits by Taiwan President Chen Shui-bian etc. All these achievements are directly attributable to the efforts of Ambassador C.J. Chen.

Mr. Speaker, C.J. and his wife Yolanda will be missed in Washington. I wish C.J. and Yolanda all the best and hope they will keep in touch with their many friends in Washington.

HONORING DR. CHARLOTTE GROFF

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. UPTON. Mr. Speaker, I rise today to honor the inspiring career of Dr. Charlotte Groff, of Berrien Springs, Michigan. A dedicated and selfless individual, Charlotte has enthusiastically educated students of St. Joseph and Coloma schools over the past 50 years.

Since 1954, Charlotte's contributions to our community have been tremendous. Over this time she has played a role in the development and success of countless students, and watched as these students grew into pillars of the communities of southwest Michigan and beyond.

Throughout her vast career, Charlotte has held many teaching positions and has taught in diverse teaching capacities—all with great distinction. Charlotte has taught every summer in the Coloma migrant program since its inception in 1968—except for the 2 years she worked on a doctoral degree. Also, since 1975 she has been a reading specialist for children from disadvantaged homes.

As Charlotte retires this summer, she closes one chapter of her inspiring and remarkable legacy of educating our youth. I am confident that this retirement is far from being the end to Charlotte's teaching. The numerous lives that will be educated and touched by Charlotte will no doubt continue for many years to come. The passion that she has for teaching is everlasting and I wish her all the best in retirement. Charlotte will be truly missed in Coloma Community School and throughout southwest Michigan.

HEALTH, SAFETY, AND SECURITY OF PEACE CORPS VOLUNTEERS ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today in support of H.R. 4060, the Health, Safety, and Security of Peace Corps Volunteers Act of 2004.

The Peace Corps represents our nation's enduring commitment to progress, opportunity, and expanded development—beginning at the grassroots level.

Since 1961, more than 170,000 Peace Corps Volunteers have served in 137 countries to promote the Peace Corps' mission of world peace and friendship.

Volunteers offer skills in education, healthcare, business, agriculture and the environment. They respond to the world's most challenging crises like poverty, hunger and HIV/AIDS. They are to be commended for their sacrifice, their hard work and their commitment to improving the lives of others.

Today, more than 7,500 Peace Corps Volunteers—young and old—serve in 71 countries around the world, including 25 volunteers from my Congressional District.

With an increase in volunteers comes a greater challenge for the Peace Corps to ensure the safety and security of all Volunteers. Expanding the Peace Corps' missions in Africa, the Middle East and other volatile regions increases the chance of criminal activities and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

requires the dedication of greater time, energy and resources toward safety issues.

H.R. 4060 takes a good step toward strengthening the Peace Corps and making sure all Volunteers are safe. The bill creates a Peace Corps Ombudsman to receive and inquire into complaints, questions, or concerns raised by current or former volunteers or employees of the Peace Corps. This legislation also establishes an Office of Safety and Security within the Peace Corps to help coordinate all security activities. These are important steps which I support.

I believe a Volunteer's safety is both the responsibility of the Peace Corps and the Volunteers themselves. Weeks of safety training and country background preclude any Volunteer's departure overseas and Volunteers are advised of the precautions necessary before integrating into some of the poorest and disparaged communities in the world. As Ambassador and Returned Peace Corps Volunteer, Tony Hall said, "You have to go into the service with your eyes open". Nonetheless, it is appropriate that the House International Relations Committee worked with the Peace Corps to address the needed improvements to security for Volunteers and the Peace Corps has begun implementing these changes.

As a member of the House International Relations Committee and a strong supporter of the Peace Corps, I urge passage of this legislation. We must do everything we can to ensure the mission of the Peace Corps is carried on and our Volunteers are protected.

SET A GOOD EXAMPLE CONTEST

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the community of Harlingen, Texas, where area children are recognized for doing good deeds in their homes, schools, and communities.

With school resources so overtaxed, our community has partnered with the Concerned Businessmen's Association of America to sponsor the Harlingen area's Set A Good Example Contest, offered to all children from the surrounding communities.

The original school contest was launched in 1982 to recognize schools supporting student-oriented programs that positively influence other students by promoting moral values such as honesty, trustworthiness, responsibility, competence, and fairness.

The Concerned Businessmen's Association of America is a non-profit educational organization incorporating successful business strategies to combat the social ills and problems that face young people.

We watch our children with new eyes every day, wondering what is going on inside their minds and what motivates them. The Harlingen community's parents, business people, educators, counselors—and most importantly, children themselves—are working together to ward off problems that are plaguing society today.

The best messenger for young people is other young people. There will never be one single answer to preparing our children to withstand the complex social issues they encounter each day. But future behavior, future understanding, will be based on the foundation our communities provide now.

I ask my colleagues to join me in commending the people of Harlingen, Former Mayor Connie De La Garza, and Mayor Rick Rodriguez for their efforts to be part of the solution to a problem that affects all of us in America. I thank them for leading the way to a better world for us all.

TRIBUTE TO ST. ELIAS ANTIOCHIAN ORTHODOX CHRISTIAN CHURCH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to St. Elias Antiochian Orthodox Christian Church of Syracuse which celebrates its 75th anniversary this year.

The Church's history begins a hundred years ago when St. Raphael, who is considered the father of the Archdiocese St. Elias belongs to, was the first Orthodox bishop consecrated in the New World. At this time, immigrants from Middle Eastern countries such as Syria, Lebanon and Palestine settled in Syracuse and formed the nucleus of the Antiochian Orthodox community there. Until the formal formation of St. Elias, visiting clergymen came to the community to administer the various sacraments to the faithful settlers.

St. Elias Syrian Orthodox Church of Syracuse, the forerunner of St. Elias Antiochian Orthodox Christian Church, was born November 10, 1929. First incorrectly incorporated as an Episcopal Church in 1930, this was corrected and reincorporated in 1960 and again reincorporated in 1988 when the Archdiocese changed its official name. The first home of the church was at 241 West Lafayette Street and the first permanently assigned Pastor was the Reverend John Khoury.

In 1939, a gathering which would become the social event of the year for the Arabic speaking community of Central New York and a tremendous fund-raiser was instituted. This event has turned into a successful Middle Eastern Festival bringing hundreds of people of Arabic and other backgrounds together to enjoy each other's company while becoming a large part of the St. Elias Parish Annual Budget when combined with the souvenir journal of the festival.

Over time the Church has evolved to include a Church School Program (1945), an English Liturgical Choir (1945), a Youth organization (1953), and the St. Elias Antiochian Orthodox Christian Women group (1966). In 1963, land was purchased on Onondaga Hill and the new St. Elias Church was consecrated on August 17, 1969 by Metropolitan Philip Saliba.

The founders of this parish established an ethnic church in the inception, in that most of the parishioners were of Arabic speaking background. However, St. Elias has become an American church made up of the melting pot that has made America. I congratulate the St. Elias parish on its 75th anniversary and wish the church continuing success.

HONORING THE 43RD ANNUAL YMCA YOUTH GOVERNOR'S CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 43rd Annual YMCA Youth Governor's Conference scheduled to be held in Washington next week. I am pleased to once again have the honor of being the Congressional sponsor for the Youth Governor's breakfast with my fellow colleagues in the House.

The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government.

Mr. Speaker, I would like to personally recognize each of this year's YMCA Youth Governors for their dedication and service to America's youth.

Grant Reid of Texas; Jason Hill of South Carolina; William Bloom of Alabama; Cori Trazwell of Arizona; Xavier Lopez-Ayala of California; Elizabeth Brittenham of Connecticut; Angelyn Tinsman of Delaware; Nithya Krishnam of Florida; Jess Morgan of Georgia; James Hess of Idaho; Dustin Herr of Illinois; Lisa Wanninger of Indiana; R.T. Lowry and David Padron of Kentucky; Patrick Coco of Louisiana; Ben Crockett of Maine; Allison Korycki of Maryland; Emily Sheehan of Massachusetts; Brandon Laventure and Shaundra Crittenden of Michigan; Zachary Skalko of Minnesota; Robert Goggins of Mississippi; Alex Ricke of Missouri; David Earl of New Jersey; Jackie Burns of Model United Nations; Jamie Brooks of New Mexico; Alex Bowerman of New York; Rob Stephens of North Carolina; Joshua Watkins of Oklahoma; Jakob Wilson of Oregon; Sara Gellatly of Pennsylvania; George Richardson and Patrick Fox of Tennessee; Matthew Sundquist of Virginia; Joseph Jenkins of Washington; Nathaniel Cole of the District of Columbia; and Loren Balhorn of Wisconsin.

I wish all of the 2004 Youth Governors a very successful conference here in Washington, and I encourage them to continue their sincere devotion to leadership and public service in this and their future endeavors.

HONORING MONSIGNOR SEARS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. UPTON. Mr. Speaker, I rise today to honor the inspiring and passionate career of Monsignor Sears, of St. Joseph Parish of Michigan. For the past 20 years, Monsignor

Sears has devotedly served the community of St. Joseph and beyond.

Since being assigned to St. Joseph Parish in 1984, Monsignor's contributions to our community have been remarkable. Monsignor has brought guidance, knowledge, and inspiration to all who had the blessed opportunity of meeting with or hearing one of his famous homilies. It is well-known that Monsignor always used story-telling and anecdotes as a way of teaching and inspiring his congregation. His ability to reach and move all those fortunate enough to cross his path has been well-known throughout Southwest Michigan for sometime now.

Highlights of Monsignor Sears' wonderful career include meeting with Mother Teresa in 1979, and speaking with Pope John Paul II during a visit to Rome. Locally, Monsignor was instrumental in starting the church's tithing in 1985—the church tithes about $100,000 a year to various local and national needs. Although these accomplishments are extraordinary, Monsignor's greatest achievements may lie in his daily work and prayers with the parish staff and parishioners, as well as implementing influential local programs over the years.

There is no doubt that Monsignor Sears will be greatly missed as the pastor of St. Joseph Parish. However, knowing his passion for the community and devoutness to charity, Monsignor will continue his service to God and will continue to impact the communities of Southwest Michigan.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY "ROSIE THE RIVETER," WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H. Con. Res. 413 honoring the contributions of the more than 6 million American women, symbolized by "Rosie the Riveter," who served our country on the homefront during World War II and the changes to our society that came about because of them. I am extremely proud to join all 62 women Members of Congress as cosponsor on this legislation as well.

Today, we recognize the contributions to those who may not have faced enemy fire but were no less a part of our decisive victory in those dark times: the millions of Americans who across the Nation heeded a call to serve when their country needed them.

During World War II, this remarkable band of women picked up the rivet guns left on factory floors and shipyard docks by their departing husbands, boyfriends, sons and dads and those women started building the tanks, airplanes, and ships that America needed to win the war.

The legacy of Rosie the Riveter is the creation of opportunities to all Americans. For the first time in America, during World War II, women and minorities gained access to high-paying jobs in industry. Employee-sponsored health care and services such as child care for children of workers were developed during this time. I am proud to join my colleagues today in applauding the improvements in the workplace and our society during the Rosie the Riveter Era and in honoring these women for stepping forward when their country needed them.

TRIBUTE TO FRANCISCO SALDIVAR

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a unique American patriot, Francisco Saldivar, a man who, after having spent over 40 years with the Brownsville Independent School District, has recently retired as principal of Yturria Elementary School.

Mr. Saldivar comes from an educator's background. His mother, a teacher from Mexico, helped make an early impression on his life-long desire to educate and give back to the community. To this end, Mr. Saldivar has served in a number of roles and duties within the school district, from teacher to administrator.

Mr. Saldivar spent over 12 years teaching fourth grade before becoming an assistant principal at Victoria Heights Elementary. Since then, he has also served as an assistant director of adult education as well as the principal of several elementary schools, most recently with Yturria.

With each new role he took on, Mr. Saldivar invariably displayed his selfless dedication to providing a well-rounded and worthwhile education. Indeed, as principal of Yturria Elementary, Mr. Saldivar still managed to take the time to help ease the transition of transfer students.

And after 6 years as principal of Yturria, Mr. Saldivar is finally retiring; and while he will certainly miss his old position, we will miss his commitment to our children's education even more.

There is no question that the education of our young people constitutes an important priority in our society. Education does more than simply impart knowledge; it prepares our children for the challenges they will meet in adulthood. Mr. Saldivar has worked with children for nearly half a century; he knows the problems they face, and has actively worked to alleviate them.

Our Nation is strengthened by dedication of educators like Mr. Saldivar in our school systems. The origins for our Nation's future will always lie within our youngest generations.

I ask my colleagues to join me in commending Principal Francisco Saldivar, for his indelible influence over the young minds in the Valley. His legacy is in the bright young minds he touched and shaped. We wish him the best of luck in his future endeavors.

TRIBUTE TO THE LOCKHEED MARTIN PLANT IN SYRACUSE, NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the men and women of Lockheed Martin Plant in Syracuse, New York, which was recognized as one of the top ten plants in the United States by Industry Week magazine.

IndustryWeek looks to reward plants that are leading the nation in their efforts to develop competitiveness, increased customer satisfaction and an outstanding work environment. The 2,039 men and women employed at this Lockheed Martin plant were recognized for their accomplishments of $650 million in sales and $1.0 billion in backlog. Among these employees are 1,250 scientists and engineers and 350 manufacturing and support staff. The payroll for this honored Lockheed Martin plant in Syracuse is greater than $108 million per year and has been in operation since 1948.

I would like to express my congratulations to the employees of the Lockheed Martin plant in Syracuse for receiving such an outstanding honor. They work very hard and deserve such recognition. I offer them my sincere congratulations.

IN HONOR OF BILL B. PASSMORE, THE FATHER OF LAKE HIGHLANDS EDUCATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to the father of Lake Highlands Education, Bill B. Passmore. I am proud to represent the Lake Highlands community in the 32nd Congressional District of Texas, and Mr. Passmore's commitment to education in the community has been long and distinguished. Mr. Passmore is being honored this Sunday afternoon, June 13, 2004 for his career achievements, and I congratulate him and his family on a lifetime of accomplishments.

After graduating from The University of Texas at Austin with a BBA degree in 1949, he taught for two years in Angleton High School before moving to Dallas. Mr. Passmore resumed his teaching career at Richardson High School in the fall of 1952. He taught business subjects for two years before being named the Business Manager and assistant to Superintendent J.J. Pearce for the 1954–55 school year.

Mr. Passmore was selected in 1955 as the principal to open the first school in the Lake Highlands area: Lake Highlands Elementary School. He was later named as the third principal to serve the school in 1976. Named principal of Richardson High School in 1956, he remained in that capacity for nine years.

When the Dallas County Community College District (DCCCD) opened El Centro College as its first campus, Passmore was hired as the first of eight counselors for the college. During six years at El Centro, he left the counseling department to serve as Dean of the Evening School and later as the Associate Dean of Instruction. When the Richland College opened in 1972, he moved to the new campus to serve as Association Dean of Instruction until 1976 when he returned to the RISD as principal of Lake Highlands Elementary School.

In 1979, Mr. Passmore was again asked to serve as principal of a new school in the Lake Highlands area: Merriman Park Elementary. He retired from Merriman Park Elementary in 1989, and since that time has worked ten years for the University of North Texas on a part-time basis as a University Supervisor of Student Teachers.

During his professional career, Mr. Passmore earned his Master's Degree from the University of North Texas and some 36 hours of post-graduate credit from the University of Texas at Austin. He was a member of the Richardson Kiwanis Club for 12 years and served for one year as its president. He was a staff member or an administrator during the opening of seven new campuses in Angleton, Richardson, and DCCCD. Mr. Passmore's personal commitment to education and the Lake Highland's community have been exceptional for several decades, and I congratulate him for his lifetime of public service.

TRIBUTE TO MR. KENNETH WENTS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute today to a man who served his country with dignity, and lived his life with honor. Mr. Kenneth Wents of Hacienda Heights, California, will always be remembered for his courage and heart.

Mr. Wents led a full and exciting life. Even as a prisoner of war during World War II for forty-two months, he faced extraordinary challenges with determination and optimism.

Mr. Wents touched the lives of many, especially the generous volunteers of the Greater La Puente Valley Meals on Wheels, who valued him and appreciated his warm spirit.

Mr. Speaker, the life of Mr. Kenneth Wents has greatly impacted the lives of many in a positive way. It is my honor to join his family and friends in commemorating his legacy.

150TH ANNIVERSARY OF FLOWER MOUND PRESBYTERIAN CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. BURGESS. Mr. Speaker, heralded as the first Presbyterian church in Denton County, Flower Mound Presbyterian Church is celebrating its 150th Anniversary. I am proud to congratulate Flower Mound Presbyterian on this great accomplishment.

Flower Mound Presbyterian Church's main priority is to foster a sense of "family" within its membership and, at the same time, open its doors wide to welcome the community. They continue the church's rich legacy of religious service to Flower Mound residents.

The church has lovingly preserved its original furnishings and all of the cherished memories that go with them. Each Sunday, the sanctuary is flooded with music from an old-style piano donated years ago. The original pews still sit in their initial circular arrangement around the lectern which also dates back to the church's beginnings in 1854.

The church remembers its past with numerous photo albums depicting the congregation as it has grown in number and traditions through the years. Images of the church's steeple being constructed provide a visual representation of the changes the church has undergone over time.

The church's white clapboard building, located in the area formerly known as "the Long Prairie," witnessed Flower Mound's growth from a sleepy rural hamlet to a vibrant suburban community. Flower Mound Presbyterian Church will commemorate its 150 years by erecting a historical marker in its cemetery.

Congratulations to the congregation at Flower Mound Presbyterian Church on their anniversary. One hundred and fifty years of worship is a milestone to be celebrated.

HONORING THE MARIPOSA COUNTY COURTHOUSE ON ITS 150TH ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Mariposa County Courthouse on its 150 years of service to the needs of the community of Mariposa. The courthouse is holding numerous anniversary events throughout 2004 leading up to the actual anniversary.

Founded on September 8, 1850, the courthouse was built on land donated by Mr. John C. Fremont and cost a mere $9,300 to construct. Throughout the last century and a half, the courthouse underwent several additions, including a clock tower in 1866, its first telephone in 1895, and electric lights in 1907. In 1958, the courthouse was officially recognized as a California State Landmark and was added to the National Register of Historic Places in 1977.

The court has operated continuously ever since it's opening in 1850, making it the oldest, active courthouse west of the Rocky Mountains. Today, the original clock keeps the residents of Mariposa on time, just as it had done for the last 100 years. In addition, the services of the court have expanded into seven departments, including criminal, family law, small claims and traffic.

Mr. Speaker, it is my sincere pleasure to congratulate and honor the residents of Mariposa for their preservation and dedication to the Mariposa County Courthouse for the last 150 years. I urge my colleagues to join me in wishing the Mariposa County Courthouse many more years of continued success.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. CARTER. Mr. Speaker, on June 8, 2004, during Rollcall votes 229 and 230 I was unavoidably detained. If I had been present, I would have voted "yea" on Rollcall votes 229 and 230.

MR. ROBERT ERVIN TAYLOR, IN HONOR OF HIS RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Mr. Robert Ervin Taylor in honor of his retirement as City Manager of Colonial Heights, Virginia for serving 20 years of dedicated service from 1984 to 2004.

In 1968, Mr. Taylor received his Bachelor of Science in History and Political Science from Appalachian State University. Upon the completion of his Master of Public Administration from the University of Tennessee in 1972, he became the Senior Administrative Analyst in the Budget Office of the Finance Department for the City of Nashville-Davidson County. From 1973 to 1979, Mr. Taylor served as Assistant to the City Manager and Director of Personnel and Budget for the City of Suffolk, Virginia. He later served five years as City Manager for the City of Red Bank, Tennessee.

As City Manager for Colonial Heights, Mr. Robert Ervin Taylor has been responsible for the implementation of policies adopted by the City Council under the direction of five mayors and 22 council members. In addition, he has been in charge of enforcing all city laws and ordinances, the appointment and supervision of heads of 12 departments, and the preparation and execution of an annual $38 million operating and $3,5 million capital improvements budget.

With a penchant for community service and natural leadership, Mr. Taylor has served on several state, local and regional organizations. He has served as chairman of the Central Virginia Waste Management Authority and the South Central Wastewater Authority. Moreover, he was the Treasurer/Secretary of the Appomattox River Water Authority, and was on the Board of Directors for the Crater Planning District Commission and the Colonial Heights Chamber of Commerce. Additionally, he served as the President of the Colonial Heights Kiwanis Club.

Mr. Taylor has worked closely with the community to ensure the best quality of care for the citizens of Colonial Heights. He has been instrumental in carrying out the vision that has been set forth for the community; as such, the people have been able to rely on the dedicated and dependable service of Mr. Taylor.

Because of Mr. Taylor's resounding success, and his dedicated years of service the Colonial Heights community has benefited immensely from his leadership. He has consistently demonstrated a remarkable spirit of unity in his relations with other leaders in the community and an equal level of enthusiasm for serving the Colonial Heights area.

Mr. Speaker, please join me in honoring Mr. Robert Ervin Taylor for his loyal and dedicated service and the many contributions he has made to his community.

A TRIBUTE TO AMBASSADOR CHIEN-JEN CHEN

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. CHABOT. Mr. Speaker, I'd like to take this opportunity to join my many colleagues in offering best wishes to our great friend, Ambassador Chien-Jen Chen of Taiwan as he finishes his tour of duty here in the United States and returns home.

C.J. Chen has a long and distinguished career in public service. A highly-respected academic, he still holds the position of Associate Professor at the Graduate School of Diplomacy at National Chengchi University.

Prior to his appointment as his nation's representative to the United States, Ambassador Chen served in the Legislative Yuan of the Republic of China, rising to the position as Chairman of the Foreign Affairs Committee. Immediately preceding his current assignment, he served as Taiwan's Foreign Affairs Minister.

I had the opportunity to attend a farewell reception for Ambassador Chen yesterday evening here in the Capitol—an event sponsored by the Majority and Minority Leaders of both the House and Senate. The bipartisan participation in the fond farewell was a great illustration of the wonderful friendships C.J. has nurtured while serving his country here in Washington.

As C.J. prepares to return to Taiwan, I want to offer my thanks to him for his professionalism and his friendship. The people of Taiwan should know that they have been ably served by an outstanding diplomat.

We will miss him and we wish him well.

HONORING THE 29TH ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 29th Annual Capital Pride Festival, a celebration of the National Capital Area's Gay, Lesbian, Bisexual and Transgender (GLBT) communities, their families and friends.

Since its beginning in 1975, the Capital Pride Festival has grown from a small block party to a seven-day series of events. This year, the Pride Parade will be held on June 12th and will culminate in a Street Festival on Pennsylvania Avenue, attended by people of all backgrounds from the District and the region. To emphasize the universality of human rights and the importance of enacting congressional bills addressed to the human rights of the GLBT community, I have marched in the Pride parades since coming to Congress. I have seen the festival and parade grow bigger and better each year and with it the spread of support of equal rights for this community.

This year's theme of "Pride + Vote = Power" holds special meaning for the citizens of the District of Columbia and its GLBT community in particular. It has been nine years since the District of Columbia lost the first vote we ever won on the floor of the House of Representatives, the delegate vote in the Committee of the Whole. That vote was retracted when the Republicans assumed control of the House. Our city of nearly 600,000 residents, the only jurisdiction in the United States subject to "Taxation Without Representation," is entitled to that vote now and to the full voting representation that has always been our birthright.

American citizens who live in our nation's capital, have fought in every American war, including the present war in Iraq and Afghanistan, are taxed without full representation in the House and do not have any representatives in the Senate. The joy of the Capital Pride Festival contrasts with the lot of GLBT soldiers who have volunteered to protect our country with their lives and must serve in silence and without the open support of their chosen families and communities, neither asking nor telling.

Neither here nor elsewhere has Congress protected sexual orientation from discrimination in our country. Despite increasing reports of violence and physical abuse against Gay, Lesbian, Bisexual and Transgender Americans, Congress has not enacted protections against hate crimes. Congress must pass the Hate Crimes Prevention Act. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Permanent Partners Immigration Act. And Congress must pass the No Taxation Without Representation Act.

In June we will rejoice in the accomplishments of the Gay, Lesbian, Bisexual and Transgender community. We will also remember those who live on only in our hearts and prayers. As we gather to celebrate and reflect, we must continue the fight for full democracy in the District of Columbia and full civil rights for the Gay, Lesbian, Bisexual and Transgender people in the United States of America.

Mr. Speaker, I ask the House to join me in saluting the 29th Annual Capital Pride Festival, its presenter, Whitman-Walker Clinic, and the sponsors and volunteers whose dedicated and creative energy make the Capital Pride Festival possible.

CONGRATULATIONS TO WESTMINSTER CHRISTIAN ACADEMY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. CLAY. Mr. Speaker, I rise today to recognize Westminster Christian Academy in St. Louis, Missouri for winning the "Foundations of Democracy" unit award in the "We the People: The Citizen and the Constitution" 2004 program. The "We the People" program is a competition on the U.S. Constitution and Bill of Rights in which students are challenged to apply their knowledge of constitutional principles and understanding of historical facts to contemporary situations. The program is designed to promote an understanding of the rights and responsibilities of citizens in our constitutional democracy.

Westminster Christian Academy is an independent, coeducational, college preparatory school serving grades 7–12 located in St. Louis County. Mr. Speaker, it is my pleasure to congratulate the individual members of Westminster's team for their outstanding performance in this year's competition: Britney Bennett, Chris Collum, Ryan Dabler, Jessica Degnan, J.D. Gustafson, Gerrod Heise, Nina Hiles, Rebecca Keffler, Angela Ludwinski, Lindsay McClure, Joeana Middleton, Neil Peterson, Katie Poland, Jennifer Reinwart, Amanda Rill, Jennifer Schaffner, Elizabeth Simon, Lily Strand, Steve Vitale, and their teacher, Ken Boesch.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. GRAVES. Mr. Speaker, on Tuesday, June 8, 2004, I was unavoidably detained and thus missed Rollcall No. 229 and No. 230. Had I been present, I would have voted "yea" on Rollcall No. 229, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America, and "nay" on Rollcall No. 230, on approving the journal.

HONORING SALVATORE PUNZO ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues who have gathered to extend my best wishes to my good friend, Salvatore Punzo, as he celebrates his retirement after 35 years in education.

I have often spoke of our Nation's need for talented educators ready to help our children learn and grow. Sal has been just that kind of teacher and administrator. In a career that has spanned over three decades, he has touched the lives of thousands of our young people—helping them to build a strong foundation for their future success. We owe a debt of gratitude to teachers like Sal, who so willingly dedicate themselves to ensuring that our children have access to the best possible education.

Our teachers and school administrators spend many hours with our children, ensuring that they develop the tools and skills they will need as they continue their education and move into adulthood. Sal began his career in education as a teacher with the New Haven Public School system, where he spent the next 16 years in teaching grades three through five. In that time, he developed a strong reputation for his commitment to education and to meeting the needs of his students. After being appointed to a new administrator's mentoring program, he went on to serve as an assistant principal and finally, for nearly two decades, as the Principal of East Rock Magnet School.

After 17 years, Sal will now retire as the Principal of East Rock Magnet School—one of the most successful magnet schools in the State of Connecticut. Under his tenure, East Rock has blossomed—receiving numerous awards and recognitions, including being named a Vanguard School. In fact, just last year, I was honored to join Sal at East Rock to celebrate the success of the Model Laptop Program. This program, funded by one of only five such U.S. Department of Education grants in the country, tests the impact of introducing laptops in third through fifth grade classrooms. The success of East Rock, with this program and so many others, is remarkable and testament to Sal's leadership.

Salvatore Punzo has dedicated a lifetime to making a difference in the lives of children through education. We are so fortunate to have people like him working with our young people. Teacher, administrator, and advocate—he embodies all that an educator should be. I am proud to stand today and join his wife, Carmela; his children Sal and Michael; his five grandchildren, family, friends, and colleagues in congratulating Salvatore Punzo on the occasion of his retirement. My best wishes for many more years of health and happiness.

RECOGNIZING 60TH ANNIVERSARY OF ALLIED LANDING AT NORMANDY DURING WORLD WAR II

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues a poem written by one of my constituents, Benedict Panzarella of Plainview, NY. Mr. Panzarella is an author, journalist and poet. He served as a U.S. Army Glider Crew member at the Invasion of Normandy on June 6, 1944. I was proud to present him recently with the Liberty Medal for his service and courage on that day. The events of D-Day inspired Mr. Panzarella's poem "Normandy."

NORMANDY

(By Benedict P. Panzarella)

Sleep tight tonight.
Pack your gear
Check it twice
The time is near

Tomorrow we go
On board the craft
to take us
We know not where.

THEY know the place
We are to land.
It's marked by them
on tables of sand.

With children's toys
They play their games
But this is war, WE
May go down in flames.

A ship of canvas
On tubes of steel
A motorless ship
Pulled by a rope.

A trailer load
Filled with life
(K Rations)
And death (Gas and ammo)

We pray the pilot
On this night
Will guide us true
On this fateful flight.

We fly in darkness
On this flimsy craft.
We reach our target
At last.

We know we're there.
We know for sure
Hitler's greetings
Are loud and clear.

The rope is cut!
The shaking stops.
We smoothly glide
Over tall tree tops.

We stop abruptly
As we hit some poles.
Planted by Rommell
To clip our wings.

We are here
For us
The battle
Has just begun.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this chamber on June 8 and June 9, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 229, 230 and 231.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall No. 228, "Condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre," I regret that I was unavoidably detained and therefore unable to cast my vote. Had I been present, I would have voted "aye."

A SALUTE TO HARLAN AND JEFF LEE AND JOSEPH T. EDMISTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. BERMAN. Mr. Speaker, I rise today to salute my good friends Harlan and Jeff Lee at The Lee Group and Joseph T. Edmiston, Executive Director, of the Santa Monica Mountains Conservancy, who are being honored by the Westside Urban Forum on June 11, 2004.

Harland and Jeff Lee are receiving the Westside Prize for successfully creating liveable urban communities in urban Los Angeles while protecting the neighborhoods and the environment. The Lee Group has been one of the premier real estate development companies and market leaders in Southern California for the past six decades. I have known first hand of their good work for many years. The Lee Group is at the forefront of the "Smart Growth" movement that seeks to link jobs, housing, and economic development in compact, livable environments to revitalize urban areas and preserve open space. Their projects serve as models for future development. They address housing needs, offer affordable ownership and provide senior and disabled rental housing without sacrificing aesthetics and financial feasibility.

For many years Harlan and Jeff have been recognized for their great vision, their social consciousness and their excellent taste. They have received many well deserved accolades. In 1998, they were selected by the White House Office of Science and Technology Policy to participate in Partnership for Advancing Technology in Housing (PATH), a new housing initiative by President Clinton. On May 4, 1998, President Clinton attended the ground breaking for Village Green, a project of The Lee Group, to announce the national kickoff for the PATH program and designate Village Green as the first national PATH pilot site.

The first Westside Legacy Award is being presented to Joseph Edmiston and the Santa Monica Mountains Conservancy (SMMC). His extraordinary vision and success has helped preserve, protect, restore and enhance significant open spaces in Southern California. I have known and worked with Joe for over two decades and am pleased he has been chosen to receive this award. He helped enact the Santa Monica Comprehensive Plan which enabled me to introduce state legislation establishing the Santa Monica Mountains Conservancy in 1979.

For the past twenty-four years, Joe, the staff, the board and volunteers of the SMMC have saved over 55,000 acres of land for public use. The SMMC has reclaimed land in Los Angeles' urban areas for innovative park use.

I ask my colleagues to join me in paying tribute to my good friends and distinguished individuals, Harlan and Jeff Lee and Joe Edmiston for their outstanding contributions to our community.

CO-SPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31st.

On May 5th the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of co-sponsors to a bill once the committee report has been filed, I am not able to formally add another Member of Congress as a cosponsor of this legislation.

I ask that the record show that Mr. FRANK of Massachusetts is in support of my bill and should be considered by this body as a cosponsor of H.R. 4061.

HONORING THE SHEDD AQUARIUM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. EMANUEL. Mr. Speaker, I wish to extend my best wishes to everyone associated with Chicago's John G. Shedd Aquarium on the occasion of its Gala 2004 Night Tide Tango.

Chicagoans are very proud to be home to the world's largest indoor aquarium. More than two million visitors who travel to our city to visit this lakefront treasure each year discover a diverse and contemporary institution dedicated to conservation, education and family fun.

The gala event, to be held on June 12, gives me the opportunity to commend so many committed Chicagoans who have dedicated countless hours ensuring that the aquarium remains one of our city's brightest gems.

I want to specifically recognize Chairman Stephen Byron Smith, Senior Vice Chairman Philip D. Block III, President and CEO Ted Beattie, and Gala Chairmen, Paula Epstein and Linda Mengelt. Each deserves high praise for devoting their time and energy to this undoubtedly worthwhile cause.

I would also like to take this opportunity to express my admiration for the museum's originality and innovation. Visitors can enjoy the marine mammal pavilion featuring the crowd-pleasing beluga whales and Pacific white-sided dolphins, and I continue to be particularly impressed by the aquarium's emphasis on conservation and preservation.

The Shedd Aquarium has also developed some of the most innovative preservation projects in the nation. These include breeding programs for animals such as the Tahitian land snail, African cichlids fish and West Indian rock iguanas, and Project Seahorse, which is working for the longterm survival of wild populations of seahorses in the Philippines.

Most recently, the Shedd Aquarium opened the Wild Reef, an incredible exhibit with the most sharks in captivity anywhere on the planet. And we are looking forward to the new children's exhibit on sea stars.

The Shedd Aquarium is much more than one of our city's top tourist destinations—it is also a place where students can learn about the importance of saving our environment and where researchers spend countless hours trying to preserve marine life.

Mr. Speaker, I am honored on behalf of the Fifth District and indeed all of Chicago to call attention to all of the meaningful work occurring at the Shedd Aquarium at the time of its 2004 gala event. I offer my heartfelt thanks to those officers, leaders, scientists, researchers and staff members who have dedicated their lives to ensuring that one of Chicago's favorite institutions is also making its impact felt throughout the rest of the world.

HONORING CHIEF WARRANT OFFICER 5 ERIC L. SNOW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. PORTER. Mr. Speaker, I rise today to honor one of our great military servicemen, Chief Warrant Officer 5 Eric L. Snow, for his service to our country. CW5 Snow served the United States for 38 years and he will retire on June 11, 2004 whereupon he will reside in Las Vegas, Nevada. His service assignments have sent him to Vietnam, Panama, and Haiti. His dedicated exemplary service has earned him the Meritorious Service Medal, Armed Forces Reserve Medal, Viet Nam Service Medal, Army Service Ribbon, and a United Nations Medal.

As we celebrate our patriotic holidays such as Memorial Day and July 4, I reflect upon the many opportunities and privileges that we as citizens enjoy because of the sacrifices of our military men and women. I stand here today in honor of one such individual whose life has been dedicated to his country. It is my hope that we as Americans remember the sacrifices of these brave men and women, not only on patriotic holidays, but all year, as they serve to protect and preserve those essential freedoms we enjoy.

Mr. Speaker, Chief Warrant Officer 5 Snow has served his country with honor and I urge the House to join me in thanking him for his service to our country.

IN MEMORY OF ARNOLD PLANK

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Ms. HARMAN. Mr. Speaker, Arnold Plank was my wonderful friend. He was blessed with smarts, passion, vision and athletic prowess.

Arnold was among a handful of my constituents who captured my attention early in my political career. He made a huge difference to my life and my ability to serve the people of the 36th Congressional District. For him, education was an adventure and an opportunity. His special gift was his ability to share that passion with others.

He's left us much too early, and leaves a huge void. Somehow, running a 1OK will be less fun and much harder without him. Just having him at my side seemed to make my feet feel a little lighter.

My thoughts and thanks are with Arnold's wife Janice, his daughters Rhonda and Lisa, and their four grandchildren. My thoughts are also with the school kids, parents and administrators who benefited from knowing Arnold, and with those who, sadly, will miss an extraordinary opportunity to learn from him.

CONGRATULATING KRISTEN MURPHY ON WINNING THE PATRIOTISM ESSAY CONTEST

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. MILLER of Florida. Mr. Speaker, it is my honor today to recognize Kristen Murphy and congratulate her on winning the top national award for the Fleet Reserve Patriotism Essay Contest.

As a typical 18-year-old from Pensacola, Florida, she usually joined the rest of her community celebrating America's most patriotic holiday, the 4th of July, by spending time with friends and family, and participating in traditional Pensacola events. Little did she know that one day soon, her father, Army National Guard Staff Sgt. Scott Murphy, would be deployed to Iraq. From that day forth, "patriotism" took on a whole new meaning to Kristen.

Starting out as a class assignment and 350 words later written on "What Patriotism Means to Me," she took home the top national award, earning more than $20,000 in savings bonds from the Fleet Reserve Association.

Mr. Speaker, I would like to take a moment to share with you Kristen's award winning essay.

"When I think of the word patriotism, many images and words come to mind. Over this past year, though, the actual meaning of the word has changed considerably for me. A year ago, patriotism simply meant hanging an American flag on our flagpole in the front yard and barbecuing out on the Fourth of July. Since my dad has been deployed and is now stationed overseas in the heat of battle, my perception of patriotism has changed drastically. Patriotism no longer means showing support for my country through waving a flag during a Fourth of July parade. It has now become a way of life.

A year ago, patriotism meant knowing that many nameless, faceless soldiers did their job to keep me free. It meant going to the Blue Angels show on the beach or showing support for my country through a bumper sticker or a ribbon attached to my car antenna. It meant knowing that I lived in a free country where I enjoyed more rights than most but not caring how I got those rights.

But now, that meaning has changed. Patriotism means knowing that my dad and others like him are fighting for our freedom, and it means being behind them 100 percent. It means honoring all those that have fought for this great country and knowing that I am free and safe because of them. It means realizing that without our brave soldiers and courageous leaders, we would not be the great country that we are today. It means living life every day knowing that thousands of men like my dad are the only reason why I can get up every morning and know I am free. Patriotism now means being truly proud that I was born and live in the greatest country in the world and that I am protected because of the greatest military in the world. Patriotism now means being truly proud of my dad and knowing he is doing his job for me."

Mr. Speaker, these words are an inspiration to all who hear them. On behalf of the United States Congress, I would like to congratulate Miss Kristen Murphy on her national achievement and for sharing a glimpse of what patriotism means to her with the rest of our great Nation. May God bless all of our military men and women overseas and may God bless America.

CONGRATULATING REPRESENTATIVE ROBERT BADHAM

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. COX. Mr. Speaker, this week, as we mourn the passing and commemorate the life of Ronald Reagan, we have another occasion for unabashed celebration. My predecessor in this office, Representative Robert Badham, who blazed trails for President Reagan in Sacramento and in Washington, celebrates his 75th birthday today.

Bob Badham won election to the California State Assembly at a remarkably young age, four years before Ronald Reagan won the governorship. He won election to the U.S. House of Representatives four years before Governor Reagan won the presidency. As soon as he arrived in Washington he was elected president of his incoming class of Members, and he remained a leader throughout his tenure here. From the 117 feet of his records held by the University of California at Irvine to the GOP records stored by the Policy Committee on the fourth floor of the Longworth House Office Building, Bob's name stands out as one of our party's most energetic spokesmen and most articulate advocates for our agenda; as an active litigant for electoral fairness; as an international diplomat supporting our critical security alliances; and as a Member of Congress who set a standard for constituent service and attention that I must work very hard to approach.

Most significantly, as Bob rose to becoming the ranking Member on the House Armed Services Procurement Subcommittee, he helped President Reagan rebuild our military, and, through the policy of peace through strength, win the Cold War. As President Reagan headed back to California in 1989, Representative Badham chose to leave one of the most secure Congressional seats in the nation and to return to California as well. Needless to say, the career of our colleague, Duncan Hunter, and my own, were both advanced by Bob's decision that a quarter century in elected office was enough.

The people of southern California are fortunate that giving up elected office has not meant giving up public service to Bob Badham. Since his return to California, Bob has remained an active leader in Orange County. He and his wife, Anne, remain two of Orange County's most active and energetic citizens. They are among the kindest and most interesting people anyone will ever know.

Mr. Speaker, I hope you will join the people of Orange County, all of Bob's colleagues in the House of Representatives, and all of those who are fortunate to call Bob Badham a friend, in wishing him the happiest of birthdays on this, his 75th!

IN MEMORY OF LESLIE REIF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Ms. PELOSI. Mr. Speaker, I rise today on behalf of my colleagues, Mr. STARK and Ms. LEE, and myself, to offer tribute to Leslie Reif, who died on February 7, 2004. Leslie Reif devoted himself in exceptional ways to service in the communities in which he lived and worked. He served the Oakland community by choosing a career in public education, and bringing his exceptional talents to first and fourth grade students at the Jefferson Elementary School in Oakland. Mr. Reif served the San Francisco community by demonstrating an abiding concern for others in his neighborhood of Bernal Heights, and at his faith community at the First Unitarian Universalist Society of San Francisco on Franklin Street.

At the Jefferson Elementary School, Leslie Reif wore many hats. He was a fourth grade classroom teacher, responsible for mathematics, English, writing, geography and other subjects. Beyond his classroom, Mr. Reif was the school coordinator for the Martin Luther King Oratorical Fest held each year in February. During the fest, classes perform poems, plays and music to honor the memory of the Reverend Dr. Martin Luther King, Jr., and to advance his goal of equality for all persons. For the last 2 years, Mr. Reifs class placed first at the Jefferson Elementary Fest and then went on to place second and win a medal at the regional competition encompassing all schools in Oakland.

Leslie Reif could always be counted on to help other teachers hang photographs and educational exhibits in their classrooms, be a sounding board for advice or just to lend a sympathetic ear when someone was having a bad day. Mr. Reif was also the Fourth Grade teacher representative on the Faculty Council, a group that handles issues that affect working conditions at the school.

Mostly, those who knew him described him as a caring individual and a tireless teacher. Mr. Reif typically arrived at school at 7:15 in the morning and often stayed late into the afternoon correcting papers, setting up the classroom for the next day, working on his lesson plan, directing extra-curricular activities or assisting other teachers with their own classroom projects.

There is perhaps no better testament to his contribution to the students at Jefferson Elementary than in their own words and those of other teachers who were his colleagues there. On the Monday morning following his death, the school placed a giant banner in the central corridor for students to express their feelings. That banner, large as it was (ten feet long and four feet tall), turned out to be too small. Within hours, it was filled with messages of sadness, loss, love and grief. Another banner was added. When that one filled up, yet a third was put out. By the next day, that one had been filled as well.

The messages are poignant and speak volumes about the respect and love that his students felt for him. Many of the messages were surrounded by hearts. For example, one elaborately decorated, bleeding heart contained the Spanish words for "Rest in Peace"—"Que en Paz descanse, Maestro, Reif" A few others: "I remember your kindness. I will miss you bunches." "I'm sad but have happy memories." "Dear Mr. Reif, I hope your family will never forget you." "You were a wonderful teacher. I miss you. I love you." "The school will be your home." "I miss you very much. You were my best teacher."

A Kindergarten class that barely knew Mr. Reif put up his picture and surrounded it with lighted candles in tribute. The students in his current class also wrote touching letters to Mr. Reifs family. Several referred to Mr. Reifs concern that his students not be the victims of violence, a real concern of his after he was held up at gunpoint one morning while parking near the school. Said one student, "He was helpful by telling us not to open the door because someone could come in and shoot us . . . that it would be better if someone shoots him than someone shoots us." Another student wrote to Mr. Reifs son, Daniel, "He was a really nice man. I bet he was a very good father." Many referred to the academic achievements they made under his direction, such as the ability to write properly composed letters, and to his efforts to teach them good manners.

Similarly, fellow teachers at the school are honoring Mr. Reifs achievements and contributions by having a plaque made up in his honor and memory, which will be placed on the lectern in the auditorium which is used at all school assemblies and the Martin Luther King Oratorical Fest. In addition, a scholarship fund has been established in his name by the Marcus A. Foster Educational Institute in cosponsorship with the Oakland Education Association.

Mr. Speaker, Leslie Reif was the kind of teacher students remember 10 and 20 and even 40 years later, because he made a real difference in their young lives. He began each morning by having his students recite "The Happiness Formula," a statement written by a former colleague that promotes non-violence, high self-esteem and kindness to others. They will remember him for his tireless dedication to excellence, his infectious optimism, and his deep caring for them and their achievements. He will be remembered as a man who loved working with children.

That public education became his vocation is not terribly surprising. When he was only 16, he was already teaching younger children to play chess, a particular talent of his, and tutoring public school students in New York City, where he grew up. He was, in fact, born in New York City, educated at Bowdoin College and Princeton University, from which he received his B.A. Cum Laude, and Columbia University's School of Journalism, from which he received a Masters Degree.

He moved to the San Francisco Bay Area in 1987, and had been a resident of San Francisco's Bernal Heights neighborhood since 1989. His was a friendly and familiar face to neighborhood residents, shopkeepers and others. He always had a warm greeting on the street or in a store and became involved in community events and activities. For example, when Mr. Reifs son, Daniel Reif, started attending kindergarten at the Paul Revere Elementary School 6 years ago, Mr. Reif volunteered extensively in school activities. He met and was mentored and inspired by the Principal of Paul Revere at the time, Randy Haves.

Not one to allow the inspiration of a great educator to go to waste, Mr. Reif had, within a year, obtained emergency teaching credentials to be a first grade classroom teacher at Jefferson Elementary in Oakland across the bay, and had gone back to school to gain his full teaching credentials. It was only the first step in his involvement at Jefferson Elementary.

Leslie Reif was a member of the First Unitarian Universalist Society of San Francisco, where a memorial service was held for him on February 11. More than 150 people attended, including several of his students and their parents. He is remembered by church members for his involvement in the Forums Committee and the children's Religious Education program.

Mr. Reif died of complications from an epileptic seizure. In the last decade, Mr. Reif had helped educate others about epilepsy, including working as a health educator for the former Epilepsy League of the East Bay, now the Epilepsy Foundation of Northern California. His death helps to illustrate how much more needs to be done to learn more about, to treat and ultimately to find a cure for this neurological disorder.

Finally, last but certainly not least, Leslie Reif was a loving husband to his wife, Millie Phillips, a devoted father to his son Daniel Reif, and an attentive and supporting stepfather to Ms. Phillips' son, Jeffrey Morgan. Mr. Reif was born to an Irish Catholic mother and a Czech Jewish father, who emigrated to the United States in 1940. It is not surprising that the term used most often by his friends to describe him is the Yiddish term "mensch." He was a kind, modest man who downplayed most of his own accomplishments, while working hard to encourage the success of others. That is the lasting legacy he leaves to his family, his school, our communities and our country.

H.R. 3619, THE EMPLOYEE FREE CHOICE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. UDALL of Colorado. Mr. Speaker, I have agreed to become a co-sponsor of H.R. 3619, the Employee Free Choice Act, but not before considerable thought and deliberation. Among other things, this legislation gives workers the right to unionize and be recognized by the National Relations Labor Board (NLRB) when a majority of the workers sign a card circulated by union organizers. I continue to remain skeptical of any election system in which voters are not free to make their decisions in private. A simple card check system could arguably provide opportunities for group pressure and even coercion and I am convinced that the secret ballot process works best in most cases. However, I am disturbed by reports citing example after example of employers using heavy handed techniques to discourage workers from organizing a union shop in the first place and intimidating and even illegally firing workers who decide to join a union.

I am particularly troubled by a recent decision by the National Labor Relations Board (NLRB) that gives employers carte blanche to intimidate union organizers. In a 2–1 party line vote, the NLRB has decided that an employer may explicitly inform workers who are about to vote on whether to form a union that workers in two other facilities lost their jobs after they formed a union. It is my understanding that the regional NLRB director ruled against the employer, saying that the memo circulated by the employer "clearly implied" the union was responsible for the firings at the other two hotels and insinuated similar firings could happen if the workers voted for the union. However, the two NLRB Bush appointees overruled the regional director's decision and claimed the memo "did not exceed the bounds of permissible campaign statements." The Democratic appointee was the lone dissenter.

This decision sends a clear message to employers that just about anything goes when it comes to union busting. And the message is equally clear to unions: if you try to organize, you could be fired. This is an untenable situation and the Employee Free Choice Act is, therefore, an opportunity to try to equalize the playing field between union organizers, union busters, and now the NLRB. In short, Mr. Speaker, I have come to the reluctant conclusion that the NLRB under the Bush Administration is more interested in busting unions than in protecting workers' rights to form and join unions. In this atmosphere, a shot across the bow is needed and this legislation does that.

On balance, I would prefer a policy that energizes and funds the NLRB. But it is becoming increasingly clear that we may have to wait for a new Administration to provide this balanced leadership. Co-sponsorship of this legislation, even with its flaws, sends an important and necessary message to the Administration to clean up its act.

FREEDOM FOR JOSÉ UBALDO IZQUIERDO HERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about José Ubaldo Izquierdo Hernández, a prisoner of conscience in totalitarian Cuba.

Mr. Izquierdo Hernández is a peaceful pro-democracy activist who has worked for basic human rights for the people of Cuba. As a correspondent for the Decorum Task Force and the operator of the private "Sebastian Arcos Bergnes" Library, he devoted his energies to depicting the true, decrepit, reality of totalitarian Cuba.

Because he bravely defied the communist regime as he worked to bring freedom to Cuba, Mr. Izquierdo Hernández was constantly harassed by the tyrant's thugs. According to Amnesty International, on March 8, 2002, he was arrested on his way to participate in an event connected with International Women's Day. His house was stoned the same night. Amnesty International also reports that on December 4, 2002, Mr. Izquierdo Hernández was threatened with imprisonment if he attended an event honoring the Virgin of Santa Barbara.

On March 18, as part of the unconscionable crackdown on peaceful pro-democracy activists in March 2003, Mr. Izquierdo Hernández was arrested. In a sham trial, he was subsequently sentenced to 16 years in the totalitarian gulag.

Reporters Without Borders reports that on June 27, 2003, Mr. Izquierdo Hernández fell down a stairway with no banister as prison guards escorted him to a courtyard. The fall resulted in head wounds and two wrist fractures. Let us be very clear, Mr. Izquierdo Hernández is suffering, and has suffered serious injury, in the infernal, inhuman, gulag, because he desires freedom for his country.

This week we mourn the passing of President Ronald Reagan, a man who knew that freedom is the birthright of all mankind. As we remember the President who made freedom and democracy for all the objective of U.S. foreign policy, let us not forget those, such as Mr. Izquierdo Hernández, who currently languish in the darkness of repression.

Mr. Speaker, it is categorically unacceptable that peaceful pro-democracy activists are locked in dark gulags because they believe that freedom is the essential right of man. My Colleagues, we must demand the immediate release of José Ubaldo Izquierdo Hernández, and every prisoner of conscience throughout the world.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. NEY. Mr. Speaker, on June 8 and 9, 2003, I was unable to be present for rollcall votes: 229 on H. Res. 663 expressing profound regret and sorrow on the death of President Ronald Wilson Reagan, 230 on approving the journal, and 231 on H. Res. 664, mourning the passing of President Reagan.

Due to technical difficulties with our mode of transportation, a number of colleagues and I were unable to return from the events commemorating the 60th anniversary of the invasion of Normandy, and the veterans that served there, in time to cast these votes. Had I been present I would have proudly voted "aye" on all three resolutions.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. TIAHRT. Mr. Speaker, on June 8, 2004 I was unavoidably detained in France for the D-Day ceremonies and missed Rollcall "votes Nos. 229 and 230. Rollcall 229 was on agreeing to the resolution for H. Res. 663, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America. I also missed rollcall vote No. 230, approving the Journal. Had I been present, I would have voted "yea" on both H. Res. 663 and approving the Journal. I would ask that my statement appear in the appropriate location in the CONGRESSIONAL RECORD.

HONORING KATIE WRIGHT FOR HER OUTSTANDING COMMUNITY SERVICE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, I am honored to bring attention and praise to one of my young constituents. Katie Wright, a soon to be sixth grader at Randolph Howell Elementary in Columbia, Tennessee, was recently named National Safety Patroller of the Year by AAA. This award is presented to those patrollers who demonstrate outstanding dedication to the program and community.

Katie, nominated by Ms. Paula Ensinger, the physical education teacher and safety program director at Randolph Howell was selected among thousands of nominees. After winning the regional competition, Katie was flown down to Universal Studios in Orlando, Florida where she competed against 32 other regional finalists. While in Orlando, Katie met many dignitaries including NASA astronauts.

AAA started the national school safety patrol in 1920. Today, the AAA School Safety Patrol is an organization of 500,000 boys and girls nationwide in 50,000 schools. Katie is following in the footsteps of former safety patrollers like Presidents Jimmy Carter and Bill Clinton.

Katie should be proud of herself, as I am for her. She has demonstrated leadership qualities well beyond her age. I look for many good things to come from her as she matures and further distinguishes herself.

MOORESTOWN ECUMENICAL NEIGHBORHOOD DEVELOPMENT, INC.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Moorestown Ecumenical Neighborhood Development, Inc. (MEND), a nonprofit MR. organization celebrating its 35th anniversary of service to the low and moderate-income citizens who have been and still are in need of affordable housing in Burlington County, New Jersey.

The Federal Government has worked hand-in-hand with this organization, a significant contributor to the vitality, diversity and growth of southern New Jersey, helping it meet the region's affordable housing needs,

On October 15, 2004, MEND will celebrate its 35th Anniversary with a Gala Dinner Dance. This private, non-profit, faith-based corporation was founded in 1969 by 9 Moorestown churches to provide affordable rental and for-sale housing to low and moderate income individuals, families, senior citizens and the disabled.

The concerned people of MEND who strive to help their Burlington County neighbors are deserving of recognition for their selfless concern for those in need, and for their efforts to improve the lives of the residents of Burlington County.

IN RECOGNITION OF THE 75TH BIRTHDAY OF THE CITY OF OAKLAND PARK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the City of Oakland Park, Florida as its residents celebrate their city's 75th birthday.

Originally named Floranada, Oakland Park was incorporated with its current name in June of 1929. The official census of the time reported the budding town's population at only 562 residents. In those days, the town was so eager for growth that one could get a free lot in Oakland Park just by buying a 30-day subscription to Miami Movie Magazine; it was thought that the town would soon become a home for all the stars of the "Motion Pictures."

While the city has grown up a lot since the 20's, now boasting a population of over 30,000 residents, small town values have always been a fundamental part of living in Oakland Park. As late as the 1950's and 60's, residents always left their keys in the ignition, and only locked their houses during hurricanes to keep the doors from blowing off.

Even today, though these practices do not persist, the values they embody make Oakland Park a great place to live and work. This is perhaps owing to the many community related programs and activities the residents of Oakland Park have organized, all of which have grown and evolved along with the city. For example, the Oakland Park Recreation Center opened its doors in 1960 with only two part time employees supervising children's activities. Today, the center maintains a staff of over 50, who are in charge of overseeing the care and maintenance of all parks and athletic complexes. Beyond activities for children, citizens can now partake in a wide variety of activities, from youth T-ball, to adult tennis, to ceramics for seniors.

Today, Oakland Park continues to grow and thrive. Recently the city embarked on a $19 million facelift plan to be completed in 2008. The redevelopment is designed to further the friendly "small town" atmosphere that has always belonged to Oakland Park. The primary goal of the plan is to compliment Oakland Park's already safe and attractive neighborhoods and good schools with all of the social, cultural, and business opportunities of a city.

Mr. Speaker, I am proud to represent the City of Oakland Park in the U.S. House of Representatives, and extend my best wishes to the Mayor, Commissioners, and residents of Oakland Park as they celebrate their first 75 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 10, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Thomas Fingar, of Virginia, to be Assistant Secretary of State for Intelligence and Research, Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to Thailand, James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Suzanne Hale, of Virginia, to be Ambassador to Micronesia.

SD-419

JUNE 15

9:30 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine pipeline safety.

SR–253

Foreign Relations

To hold hearings to examine the status report on the global partnership against weapons of mass destruction relating to the Sea Island G8 Summit.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System.

SD–538

Energy and Natural Resources

To hold hearings to examine crude oil supply, gasoline demands and the effects on prices.

SD–366

Finance

To hold hearings to examine U.S.-Australia and U.S.-Morocco free trade agreements.

SD–215

Governmental Affairs

To hold hearings to examine current efforts to combat terrorism financing.

SD–342

Indian Affairs

To hold hearings to examine S. 1530, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

SR–485

Judiciary

To hold hearings to examine S. 2324, to extend the deadline on the use of technology standards for the passports of visa waiver participants.

SD–226

Health, Education, Labor, and Pensions Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine substance abuse prevention and treatment services for adolescents.

SD–430

Aging

To hold hearings to examine certain measures to strengthen social security, focusing on what personal retirement accounts do for low-income workers.

SD–628

2:30 p.m.

Foreign Relations

To hold hearings to examine the current situation in Sudan.

SD–419

4:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Joseph D. Stafford III, of Florida, to be Ambassador to Gambia, Lewis W. Lucke, of Texas, to be Ambassador to Swaziland, and R. Niels Marquardt, of California, to be Ambassador to Cameroon, and to serve concurrently and without additional compensation as Ambassador to Equatorial Guinea.

SD–419

JUNE 16

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 2281, to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications.

SR–253

Foreign Relations

To hold a closed briefing on Pakistan counterterrorism cooperation.

S–407, Capitol

10 a.m.

Indian Affairs

Business meeting to consider S.J. Res. 37, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States, S. 297, to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, S. 1529, to amend the Indian Gaming Regulatory Act to include provisions relating to the payment and administration of gaming fees, S. 1696, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and S. 2277, to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation, and motion to authorize the chairman to issue subpoenas in regards to tribal lobbying matters; to be followed by an oversight hearing to examine the No Child Left Behind Act (Public Law 107–110).

SR–485

Judiciary

To hold hearings to examine the nominations of Richard A. Griffin, of Michigan, David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit, and Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida.

SD–226

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Charles P. Ries, of the District of Columbia, to be Ambassador to Greece, Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium, and John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia.

SD–419

Indian Affairs

To hold hearings to examine S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

SR–485

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine measures to enhance border security.

SR–253

Foreign Relations

To hold hearings to examine Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the "Convention"), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism ("Convention") Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States ("OAS") Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6).

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the regulation of the bond markets.

SD–538

Energy and Natural Resources

To hold hearings to examine the Environmental Management Program of the Department of Energy and issues associated with accelerated cleanup.

SD–366

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne W. Patterson, of Virginia, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Deputy Representative of the United States of America in the Security Council of the United Nations, and to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations, and James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

SD–419

JUNE 23

10 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian tribal detention facilities.

SR–485

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

POSTPONEMENTS

JUNE 16

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the grounding of multi-engine fire-retardant aircraft, steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.
SD-366

JUNE 24

10 a.m.
Foreign Relations
To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.
SH-216

SENATE—*Monday, June 14, 2004*

The Senate met at 1:01 p.m. and was called to order by the President pro tempore, Mr. STEVENS.

PRAYER

The chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Accept, O Lord, our thanks and praise for all You have done for us. We thank You for the splendor of creation, for the wonder of life, and for the mystery of love. Thank You for family and friends and for the loving care that surrounds us on every side. Thank You for work that demands our best efforts and for the satisfaction of a job done well. Thank You also for disappointments and failures that teach us to depend only on You.

Bless our Senators today. Give them the gift of Your spirit that they may make You known by their thoughts, words, and actions at all times and in all places. Strengthen and protect our military people. Imbue them with courage and loyalty. Remind us all to strive to glorify You in every action, both large and small.

We pray this in Your blessed Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate returns to regular business. Last week the Nation and the world bid a final farewell to President Ronald Wilson Reagan. The services and ceremony were fitting tributes to our 40th President. I remind my colleagues that we will be printing a memorial book that will include all of the floor tributes and services related to the passing of our former President. For those Members who were unable to speak on the floor, we will allow Senators to submit statements on Ronald Reagan until June 25 in order to have those tributes printed in the memorial book.

ROTUNDA TRIBUTES TO FORMER PRESIDENT RONALD REAGAN

At this time, I ask unanimous consent that the tributes during the Rotunda services by our distinguished President pro tempore, currently in the Chair, Speaker of the House, and our Vice President be printed in today's CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEAKER'S REMARKS AT THE STATE FUNERAL OF THE LATE PRESIDENT RONALD WILSON REAGAN

(WASHINGTON, DC).—The Speaker of the House, J. Dennis Hastert (R–IL) made the following remarks at the State Funeral of the late President Ronald Wilson Reagan tonight in the Capitol Rotunda:

Mrs. Reagan, Mr. Vice President, Members of Congress, Distinguished Guests: Ronald Reagan's long journey has finally drawn to a close.

It is altogether fitting and proper that he has returned to this Capitol Rotunda, like another great son of Illinois, Abraham Lincoln, so the nation can say, good-bye. This Capitol Building is, for many, the greatest symbol of democracy and freedom in the world. It brings to mind the "shining city on a hill" of which President Reagan so often spoke. It is the right place to honor a man who so faithfully defended our freedom, and so successfully helped extend the blessings of liberty to millions around the world.

Mrs. Reagan, thank you for sharing your husband with us—for your steadfast love and for your great faith. We pray for you and for your family in this time of great mourning.

But as we mourn, we must also celebrate the life and the vision of one of America's greatest Presidents His story and values are quintessentially American. Born in Tampico, IL, and then raised in Dixon, IL, he moved west to follow his dreams. He brought with him a Midwestern optimism, and he blended it with a western "can do" spirit.

In 1980, the year of the "Reagan Revolution," his vision of hope, growth, and opportunity was exactly what the American people needed and wanted. His message touched a fundamental chord that is deeply embedded in the American experience.

President Reagan dared to dream that America had a special mission. He believed in the essential goodness of the American people and that we had a special duty to promote peace and freedom for the rest of the world.

Against the advice of the timid, he sent a chilling message to authoritarian governments everywhere, that the civilized world would not rest—until freedom reigned—in every corner of the globe.

While others worried, President Reagan persevered. When others weakened, President Reagan stood tall. When others stepped back, President Reagan stepped forward. And he did it all with great humility, with great charm, and with great humor.

Tonight, we will open these doors and let the men and women who Ronald Reagan served so faithfully, file past and say goodbye to a man who meant so much to so many. It is their being here that I think would mean more to him than any words we say, because it was from America's great and good people that Ronald Reagan drew his strength.

We will tell our grandchildren about this night when we gathered to honor the man from Illinois who became the son of California and then the son of all America. And our grandchildren will tell their grandchildren—and President Reagan's spirit and eternal faith in America will carry on.

Ronald Reagan helped make our country and this world a better place to live. But he always believed that our best days were ahead of us, not behind us. I can still hear him say, with that twinkle in his eye, "You ain't seen nothing yet!"

President Reagan once said, "We make a living by what we get; we make a life by what we give." Twenty years ago, President Reagan stood on the beaches of Normandy, to honor those who made a life, by what they gave. Recalling the men who scaled the cliffs and crossed the beaches in a merciless hail of bullets, he asked, who were these men—these ordinary men doing extraordinary things? His answer was simple and direct: They were Americans.

So I can think of no higher tribute or honor or title to confer upon Ronald Reagan than to simply say: He was an American. Godspeed, Mr. President, God bless you, and God bless the United States of America.

REMARKS BY THE VICE PRESIDENT AT THE STATE FUNERAL OF RONALD W. REAGAN

Mrs. Reagan, members of the President's family, colleagues, distinguished guests, members of the diplomatic corps, fellow citizens: Knowing that this moment would come has not made it any easier to see the honor guard, and the flag draped before us, and to begin America's farewell to President Ronald Reagan. He said goodbye to us in a letter that showed his great courage and love for America. Yet for his friends and for his country, the parting comes only now. And in this national vigil of mourning, we show how much America loved this good man, and how greatly we will miss him.

A harsh winter morning in 1985 brought the inaugural ceremony inside to this Rotunda. And standing in this place for the 50th presidential inauguration, Ronald Reagan spoke of a Nation that was "hopeful, big-hearted, idealistic, daring, decent, and fair." That was how he saw America, and that is how America came to know him. There was a kindness, simplicity, and goodness of character that marked all the years of his life.

When you mourn a man of 93, no one is left who remembers him as a child in his mother's arms. Ronald Wilson Reagan's life began in a time and place so different from our own, in a quiet town on the prairie, on the 6th of February, 1911. Nelle and Jack Reagan would live long enough to see the kind of man they had raised, but they could never know all that destiny had in store for the boy they called Dutch. And if they could witness this scene in 2004, their son taken to his rest with the full honors of the United States, they would be so proud of all he had done with the life they gave him, and the things they taught him.

President Reagan once said, "I learned from my father the value of hard work and ambition, and maybe a little something about telling a story." That was the Ronald Reagan who confidently set out on his own from Dixon, IL during the Great Depression, the man who would one day speak before cameras and crowds with such ease and self-command. "From my mother," said President Reagan, "I learned the value of prayer. My mother told me that everything in life happened for a purpose. She said all things were part of God's plan, even the most disheartening setbacks, and in the end, everything worked out for the best." This was the Ronald Reagan who had faith, not just in his own gifts and his own future, but in the possibilities of every life. The cheerful spirit that carried him forward was more than a disposition; it was the optimism of a faithful soul, who trusted in God's purposes, and knew those purposes to be right and true.

He once said, "There's no question I am an idealist, which is another way of saying I am an American." We usually associate that quality with youth, and yet one of the most idealistic men ever to become president was also the oldest. He excelled in professions that have left many others jaded and self-satisfied, and yet somehow remained untouched by the worst influences of fame or power. If Ronald Reagan ever uttered a cynical, or cruel, or selfish word, the moment went unrecorded. Those who knew him in his youth, and those who knew him a lifetime later, all remember his largeness of spirit, his gentle instincts, and a quiet rectitude that drew others to him.

See now, at a distance, his strengths as a man and as a leader are only more impressive. It's the nature of the city of Washington that men and women arrive, leave their mark, and go their way. Some figures who seemed quite large and important in their day are sometimes forgotten, or remembered with ambivalence. Yet nearly a generation after the often impassioned debates of the Reagan years, what lingers from that time is almost all good. And this is because of the calm and kind man who stood at the center of events.

We think back with appreciation for the decency of our 40th president, and respect for all that he achieved. After so much turmoil in the 60s and 70s, our Nation had begun to lose confidence, and some were heard to say that the presidency might even be too big for one man. That phrase did not survive the 1980s. For decades, America had waged a Cold War, and few believed it could possibly end in our own lifetimes. The President was one of those few. And it was the vision and will of Ronald Reagan that gave hope to the oppressed, shamed the oppressors, and ended an evil empire. More than any other influence, the Cold War was ended by the perseverance and courage of one man who answered falsehood with truth, and overcame evil with good.

Ronald Reagan was more than an historic figure. He was a providential man, who came along just when our Nation and the world most needed him. And believing as he did that there is a plan at work in each life, he accepted not only the great duties that came to him, but also the great trials that came near the end. When he learned of his illness, his first thoughts were of Nancy. And who else but Ronald Reagan could face his own decline and death with a final message of hope to his country, telling us that for America there is always a bright dawn ahead. Fellow Americans, here lies a graceful and a gallant man.

Nancy, none of us can take away the sadness you are feeling. I hope it is a comfort to know how much he means to us, and how much you mean to us as well. We honor your grace, your own courage, and above all, the great love that you gave to your husband. When these days of ceremony are completed, the Nation returns him to you for the final journey to the West. And when he is laid to rest under the Pacific sky, we will be thinking of you, as we commend to Almighty the soul of His faithful servant, Ronald Wilson Reagan.

EULOGY FOR PRESIDENT RONALD REAGAN

(By Senator Ted Stevens)

Mrs. Reagan, Patti, Ron, Michael, distinguished guests, members of the Reagan family, and friends of Ronald Reagan in America and throughout the world:

Tonight, President Ronald Reagan has returned to the people's house to be honored by millions of Americans who loved him.

Since 1824, under this Rotunda, our Nation has paid final tribute to many dedicated public servants. President Abraham Lincoln was the first president to lie in state under this Capitol dome. In the coming days, thousands will come to these hallowed halls to say good-bye to another son of Illinois who, like Lincoln, appealed to our best hopes, not our worst fears.

In the life of any Nation, few men forever alter the course of history. Ronald Reagan was one of those men. He rose from a young boy who didn't have much to a man who had it all, including the love of a faithful partner and friend he found in his wife Nancy.

The true measure of any man is what he does with the opportunities life offers. By that standard, Ronald Reagan was one of America's greatest. He first proved that as governor of California and later as the President of the United States.

When Ronald Reagan was sworn in as our 40th President, this Nation was gripped by a powerful malaise, inflation and unemployment were soaring, and the Soviet Union was winning the Cold War.

By the time President Reagan left office, he had reversed the trend of ever-increasing government control over our lives, restored our defense capabilities, guided us through the worst economic downturn since the Great Depression, and set in motion policies which ultimately led to the collapse of the "Evil Empire."

His integrity, vision and commitment were respected by all. But history's final judgment, I believe, will remember most his ability to inspire us.

President Reagan put it best when he said: "The greatest leader is not necessarily the one who does the greatest things. He is the one that gets [the] people to do the greatest things."

This President inspired Americans by reaching out far beyond what he could attain. Like a good coach, he understood the value of a goal isn't always in achieving it: sometimes it is enough to simply look out into the future and remind people what is possible. And, often he achieved the impossible.

He reminded us that "government is not the solution." The solution lies in each of us. True American heroes are ordinary people who live their lives with extraordinary character and strength.

President Reagan showed us freedom was not just a slogan; he actually brought freedom to hundreds of thousands of people around this globe by opposing oppressive regimes. Those of us from the World War II generation looked up to him for his moral courage; in him we saw the leadership of great men like Eisenhower who led the way and moved us to follow.

On a winter day in 1981, Ronald Reagan stood on the steps that lie just beyond these doors to deliver his first inaugural address. He spoke of a journal written by a young American who went to France in 1917 and died for the cause of freedom. From that journal he read these words: "I will work, I will save, I will sacrifice, I will endure, I will fight cheerfully and do my utmost, as if the issue of the whole struggle depended on me alone."

Throughout his life, Ronald Reagan bore our burdens as if the outcome did depend on him alone. We will all remember him as an unparalleled leader and an exceptional man who lifted our Nation and set the world on a new path.

President Reagan achieved greatness in his life; some might even argue he transcended it. He could not have accomplished this without Nancy. Nancy is one of the finest First Ladies these United States have ever known. And the love Ronald and Nancy Reagan shared touched the hearts of people everywhere.

In 1989, President Reagan delivered his farewell address from the Oval Office. In that speech, the President spoke of "the shining city upon a hill" that, "after 200 years, two centuries . . . still stands strong and true on the granite ridge." Now, it is our turn to thank Ronald Reagan for making us believe in that shining city. As we say farewell, his last words as President echo across this great Nation. If we listen, we will hear him whisper the humble words he used to sum up his revolution: "All in all, not bad, not bad at all."

Mr. FRIST. Mr. President, today following the 60-minute period for morning business, we will resume consideration of S. 2400, the Department of Defense authorization bill. That will begin our third week of consideration on the Defense authorization bill. It is important that we finish this critical piece of legislation this week. I hope Senators will cooperate to that end. The amendments have been reviewed, and Chairman WARNER and Senator LEVIN will be looking to schedule floor consideration of those amendments.

Last week, I announced we will vote on Defense-related amendments this evening beginning at 5:30 p.m.. Although we have not locked in any votes at this time, it is my hope that this afternoon Members will come to the floor with their amendments so we can begin voting promptly at 5:30. We will alert all Senators when we reach consent concerning these votes.

In addition, this week we will need to consider a number of judicial nominations which were delayed from last week. Members should be prepared for consecutive votes on these nominations. We will be scheduling those votes throughout each day.

On this side of the aisle, we are not going to need rollcall votes on each of these nominations. I will be talking to the Democratic leadership to see if the Senate can act at least on some of these noncontroversial judges without a rollcall vote in the interest of schedule and time.

Finally, we face a number of scheduling challenges this week with other events that are going on. So it is important we use each Senator's time efficiently. We will be trying to accommodate as many of those events as possible. But we absolutely must have the cooperation of all Senators in order to get our work done this week.

I will turn to the assistant Democratic leader for his comments, and then I have a statement to make in morning business.

Mr. REID. Mr. President, we will be very happy to be on the Defense bill. We on this side have a number of amendments that will be offered immediately. I think they will be substantive amendments and they should not be controversial, at least as far as I know.

I ask the distinguished majority leader if President Karzai is going to speak here tomorrow.

Mr. FRIST. Mr. President, it is my understanding he will be speaking tomorrow. The details of that will be announced later today. But it is my understanding it will be early in the morning to a joint session of Congress.

Mr. REID. Mr. President, we look forward to working on this legislation. As the leader knows, we have a lot of amendments. I am glad we are able to focus on these today. I am sure we can dispose of a lot of these with the two managers. We have done that in the past. We still have to have several votes, and we will work to do our best over on this side to get votes and move forward.

The PRESIDENT pro tempore. Is the leader using leadership time?

Mr. FRIST. I will use leader time.

VISIT TO IRAQ

Mr. FRIST. Mr. President, 10 days ago I had the opportunity to travel to Iraq to visit our troops on the front line and the troups serving in support of Operation Iraqi Freedom. On that same trip to Baghdad, I had the opportunity to spend time with Ambassador Jerry Bremer as well as the new Prime Minister of the Iraqi interim government. He was appointed Prime Minister 3 or 4 days before our arrival. His name is Dr. Ayad Allawi. He happens to be a neurologist who spent part of his time and his training in England several years after I had the opportunity to do some of my training in England.

Also during this trip, we had the opportunity to discuss with, listen to, and receive briefings from our Nation's senior military officers who are currently leading our efforts in Iraq. I was joined by my colleagues Senator BOB BENNETT and Senator JOHN ENSIGN.

I will take a few moments to share with my Senate colleagues some of what we saw and learned on this trip. We didn't say very much about it because of the tributes last week. But about 8 days ago we were in Baghdad in Iraq. Some of what I will say you have heard before, but a lot of it you have not heard in large part because the media—both the media in Iraq and here in the United States—tends to cover the terrorist events, and it is very appropriate, but tends not to see what is going on on the ground in terms of what our soldiers see and what the Iraqi people are seeing. Given what we read and what we see in the media every day, we had the same experience today of waking up and opening the newspaper with yet another terrorist act. We expected to see things getting worse and worse on a daily basis. We expected to find a mission that was struggling, demoralized troops, collapsed infrastructure, and distressed Iraqi people. However, we found the opposite. We found hope. We found optimism. We found progress. Yes, we were there when terrorist activities were occurring, but in balance to that, and juxtaposed, we saw tremendous success. We went, in part, to encourage others. We actually came back very encouraged and inspired.

The transfer to sovereignty, I am absolutely convinced, having just been there, will be successful. The transfer of responsibility is well underway. Again, I did not realize fully until going over there 9 days ago that most of the responsibility has already been transferred to the interim Iraqi government. The 33 new ministers have all been appointed. Most, or a majority of them, are already running their cabinet position or their department. The new Iraqi government, the interim government, which will serve until the elections, appears to be very strong. People have tremendous respect for these leaders.

We began our trip in Kuwait. On the outskirts of Kuwait City, we visited Camp Wolverine. We were briefed there by the Deputy Commander of U.S. Central Command, LTG Lance Smith. We learned how the command is fighting throughout the very large theater that begins in East Africa, the border being the Sudan area and extending across the globe to the "Stans." That entire theater is aggressively and with a great deal of success carrying out its responsibility, including fighting this war on terror. The 25 or 26 countries are all involved, both as a region and also as individual countries, in fighting this war on this global network of terror.

In countries such as Iraq and Afghanistan, we are actively engaged in combat operations. They were described in great detail to us. Alongside our coalition partners and others, we are fighting a preventive war with diplomacy and economic and other nonmilitary means. It is a global effort. It is a comprehensive war on terror that is being fought. Like weeds in a garden, our commanders realize if you do not take action promptly, aggressively, and broadly, terrorism will take root, it will grow deep, and it will spread uncontrollably.

After our briefings, Senators BENNETT and ENSIGN and I met with the service men and women, the soldiers who are out there literally on the front line day in and day out. In Kuwait City there is an entryway where everybody coming to that part of the world is channeled—our soldiers—as well as when they exit to go home on leave for a few weeks. It is remarkable how our soldiers are briefed and debriefed and that transition is made.

Later that day we had the opportunity to dine with soldiers from our respective States. I had the pleasure of sharing a meal with many soldiers from Tennessee, including Tech SGT Kenneth Clark from Millington, MAJ Jon Hays from Chattanooga, MSG John Russell from Bluff City, and SGT Otis Fox from Memphis. I understate when I say that being able to have a meal with them, with the Tennessee flag up next to us, made me and Tennessee quite proud.

The next day we spent in Iraq where, as I mentioned, we met with Ambassador Bremer and his staff. This is a view from the ground from where we were 8 to 9 days ago. He made very clear he is encouraged by the caliber of the new Iraqi interim government. It was in that meeting that I realized much of the responsibility for sovereignty has already taken place. The new ministers are actually up and running right now.

We also had an update on the Iraqi economy and reconstruction efforts, which, again, are doing much better than what our media or a sampling of our media in the United States would ever imply. The statistics speak for themselves: Unemployment is nearly half of what it was before the war; inflation has been cut in half; oil production is nearly nine times higher than it was a year ago at this time; bank deposits are up; microcredit loans are flowing.

From a medical standpoint, 85 percent of the Iraqi children have been immunized, and 240 hospitals—all of the hospitals—have been opened. As we walked through hospitals, they are open and serving people. There is actually some very good equipment there that Saddam had purchased, but it was sitting in containers for years and years after he purchased it and left in the hallways. That equipment is now being brought online.

Over 1,200 preventive medical clinics are operating. The CPA and the coalition forces have completed over 18,000 individual reconstruction projects. About $7 billion to $8 billion of the reconstruction money has been committed as of June 5.

We also learned that the reconstruction money which is so important in terms of giving hope to the Iraqi people but also in rebuilding the infrastructure has begun to flow much more freely now that a lot of the contracting issues have been worked out on the ground. These projects are going a long way in terms of reinvigorating the Iraqi economy, getting the country back on its feet, and giving hope to that individual Iraqi person or that individual Iraqi family after decades of neglect of this infrastructure, with no hope for decades because of Saddam Hussein.

Reducing unemployment is a critical need. That is why the reconstruction money, in part, is so important. Unemployment must be improved before we will have a truly secure situation on the ground. It is critical to move toward a full-blown democracy in Iraq.

I mentioned I had the opportunity to meet with Dr. Allawi, who I was very impressed with. He is a British trained neurologist, a longstanding opponent of Saddam Hussein's regime. He is the new Prime Minister. He will serve for the next 6 months. He is a man of great character. He shares our strategic goals and approach. He had talked to his country the day before and was covered extensively by the media in that part of the world. He talked about the sacrifice the United States has made, the fact that, yes, the security and elections are first and foremost, but it will be important to have the coalition forces and the United States present as we turn over to sovereignty but also help them rebuild their police forces and rebuild their military. We were the first delegation to have the opportunity to meet with Dr. Allawi, and, again, we were very impressed. I will say more about that meeting tomorrow.

Regarding the cabinet itself and the 33 ministers, I asked the people on the ground about the 33 ministers who have been appointed. They are a broad, very educated group, very diverse group, geographically representative. There are six women. Two out of three have Ph.D.s. It seems to be both from a civilian—the Iraqi people—and a military viewpoint there is a tremendous amount of respect for the quality and the caliber of this cabinet.

A highlight for me personally, which occurred later in the day, was to visit the U.S. military hospital in Baghdad. Again, as a physician, it was invigorating to be able to meet our doctors and our nurses, our thoracic surgeons, our vascular surgeons who are treating anywhere from 70 to 100 patients in that facility every day.

We were able to meet a number of our service members who were being treated in the hospital who had been injured in the last several days. Again, to see their real patriotism, their pride, their optimism, even though they had just been injured the day before, was really gratifying.

I met with Greg Kidwell, a soldier from Clarksville, TN, who is serving in the military and serving his country by caring for patients in the hospital. It is a very impressive hospital facility. As a physician, as someone who spent 20 years in hospitals, this is top-notch, high-quality care from some of the most competent and dedicated professionals our country can muster.

Following the visit to the hospital, we visited with the 1st Armored Division near Baghdad. We had lunch with soldiers from the 1st Armored Division. Again, a number of Tennesseans who worked with the 1st Armored Division, such as SP Tim Griswold of Fayetteville, MSG Ron Miller of Clarksville, CAPT Mike Loyeall of Gallatin, and SP Michael Johnson of Chattanooga were there. We were joined by several other soldiers from the 168th Military Police Battalion from Tennessee as well.

Afterwards, we were briefed by senior officers from the division. They gave us an overview of the situation, which was interesting because it was their responsibility to address the soldier militias. We had the opportunity to talk to them. This was several days after they had a huge amount of success in terms of addressing and defeating many of Muqtada al Sadr's militias in a number of cities throughout the south, having been moved from Baghdad down south. It is clear to them, and everybody we talked to, that Sadr is not supported by most Iraqis, but only by the disenfranchised and a fringe element.

Quite clearly, we owe the success of the 1st Armored Division to the competency, training, and motivation of our soldiers, and the overall success in all these activities to the success of our soldiers and our marines who risk their lives on a daily basis to bring freedom and democracy to Iraq.

Later that afternoon, we journeyed to the headquarters of the Multinational Forces Iraq, which was formerly the CJTF-7. Again, we had a comprehensive overview of the situation in Iraq. We left there impressed with our troops, with their character, with their courage, and with their determination to so selflessly accomplish their assigned mission. They are answering the call to duty to bring freedom and security so others may live free of tyranny.

I say all this saddened and well aware of the news that was presented last Friday, Saturday, and Sunday; and that is, this increased level of terrorism and violence in Iraq, including the murder of the Deputy Foreign Minister, Bassam Salih Kubba, which is a terrible loss. But we must be aware of and I think it is important for the American people to understand both what we were told and what we saw. We were told by our military commanders, we were told by the Prime Minister, and we were told by the President of Iraq, who was here this past week, that there is going to be an increased level of terrorist activity. The terrorists want to defeat—they say the United States and they say the coalition, but they want to defeat any government, any governing authority. So that level of terrorism is likely. We should not be surprised if it increases between now and June 30, and indeed after sovereignty is passed off to the Iraqis in the weeks after the new government takes hold.

After June 30, the relationship between the United States and Iraq is going to be one of a strategic partnership, as we move from an occupying force to that of a mission and a very large embassy there. Our focus is going to be twofold. No. 1 is going to be security and No. 2 is to make sure, in terms of a strategic partnership, that these elections occur and that they occur in a free and fair way. So it is security and elections. That is what the focus will be over the next 6 months.

We, of course, will continue with the reconstruction progress that has been made, improving the Iraqi economy. At the same time, we will continue to fight terrorism now in partnership with the interim Iraqi government. The terrorists want, and the terrorists have as their objective, to derail the sovereignty to the Iraqi people. They are targeting the growing middle class in Iraq. They want to keep Iraqis out of voting booths. They want to keep them out of hospitals. They want to keep them out of schools. They want to keep them out of markets. And they want to accomplish that through fear.

But it is clear, in talking to the Iraqi people and the civilians and our military, that they simply are not going to succeed. That is what we left with: They simply are not going to succeed. Most Iraqis do not support these groups. They understand the terrorists are attacking the people of Iraq. It is going to be very helpful that when the Prime Minister, who had not met anybody from our legislative branch—the first words he said to me and to the Iraqi people were, using the Iraqi voice: The terrorists are not after you, the United States, and not even after the coalition. The terrorists are after the Iraqi people. Every action—blowing up an oil line, blowing up a water line—hurts the Iraqi people, not the United States and not the coalition itself. That voice coming from the Iraqi leadership I think will be hugely helpful.

Iraqis do not like the U.S. occupation in and of itself. They are a proud people and they want that sovereignty. Yes, we are going from occupation to mission. Iraqis do want freedom. They do want democracy. But the President this week, with whom many of us had the opportunity to meet, and the Prime Minister said the goal is democracy.

Last week—and I will close shortly—the U.N. Security Council unanimously approved a new U.S. resolution. The resolution outlines that transfer of sovereignty to the new interim Iraqi government and the role of the coalition forces after June 30. The world community is now united behind the Iraqi people, and with every passing day the Iraqi people, with the coalition's help, are building the capacity to govern themselves.

As in the past, we must stay the course. We will stay the course. We will keep true to the principles. We will have continued faith in our superb Armed Forces. We know that history in the end will be on our side.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the unused leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the time equally divided between the two leaders or their designees.

Who seeks recognition?

The Senator from Wyoming.

IRAQ

Mr. THOMAS. Mr. President, I was very pleased to hear about the leader's trip to Iraq. Having been there several months ago, I think things have changed some, certainly. I think they are even stronger there than they were and things are better than we hear about here. So I say to the majority leader, I am delighted you were there.

DEFINING THE ISSUES

Mr. THOMAS. Mr. President, we are faced now with a relatively short period of time to finish our work for this year. We are down to a certain number of weeks—not very many—to do many things. We have a short time to finish the jobs that need to be finished. So I wish to comment a little on some of the things I have been thinking about in terms of the broader aspect of what our responsibilities are in the Senate.

In the Senate, we are faced, of course, with many and varied issues. We have to deal with all kinds of things that happen and all kinds of issues that are brought up which are very legitimate. I guess this is my point: Our job is also to define the kinds of issues that are appropriate to be handled in the Senate, to be handled in the Congress, to be a part of the Federal activity.

Sometimes I think we find ourselves having all kinds of issues come up in this Chamber which one could question as to whether this is the role of the Federal Government. Of course, our basic decisionmaking comes from the Constitution. But the Constitution is obviously fairly broad in its terms, so there is always a different kind of feeling, a different definition for what are the appropriate roles, the appropriate issues in which the Federal Government should be involved.

I guess I am sometimes reminded that the Federal Government is only one of the functions that we have in this country to carry out the leadership and the activities for our country.

It is the United States of America, so that the Federal Government's role is to bring together those things that affect a number of States, and the States to do those things that are involved in their State. They are closer to the people in the State.

We also, of course, have county governments. We have State governments, and we have city governments. We have nongovernmental units. We have voluntarism. We have all kinds of things that are there.

One of the elements of our work is to decide what should be treated as legitimate Federal issues and the kind with which we should be concerned here. I think we are challenged every day with that kind of definition. I am not going to try to cite all the different ones that come up, but I can tell you there are things that come up that you would have a hard time saying: Hey, that is the role of the Federal Government to decide.

It is particularly appropriate to bring this up, after having spent the weekend celebrating Ronald Reagan's work as President and the job he did in leadership. His basic thought, you remember, all through his whole involvement was less government rather than more and wanting it to be more efficient rather than less efficient. So it does seem appropriate that we talk about those kinds of things as we go about our struggle.

We are involved now, for instance, with the establishment of a budget. Frankly, a lot of people say: What do you want a budget for; you don't pay any attention to it anyway.

That isn't true. The budget is kind of that definition of where we are going, and the Federal Government has some control in that if you go beyond the budget in the appropriations process, which often happens, then there is the defense mechanism that you can raise a point of order where it takes 60 votes to get it passed. So it is interesting to me that now we are having time for the budget. In fact, time for the budget has actually passed. Remember, this is the fiscal year that ends at the end of September, and we are supposed to have all of our appropriations finished by that time. To do that, you really should have a budget. And we are here on the cusp of having a budget, yet with some fairly insignificant differences why we are held up and don't have one.

I was struck the other day by reading a little quote from James Madison. He said:

> In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

That is difficult, a large event like we have in the Federal Government, to control the size and the activities of the Federal Government. So I think in many ways it has grown beyond what most people would have envisioned in years past. Whenever there seems to be a problem here, now we have continued to create the notion that you need some money for this, you need some money for that on the local level. Let's get the Federal Government to pay it. Then, on the other hand, we say: taxes are too high. Why should we be paying this much?

So there is this built-in contradiction that is always there. But we need to take a look at the dollars spent. We need to take a look at the size of the Federal Government, the number of employees in the Federal Government, the number of agencies we have, and more difficult than anything else is to kind of keep track of the number of programs that are funded by the Federal Government. It is difficult sometimes.

One of the difficulties is programs become established, and they continue. Times change. What was appropriate to do 10, 15 years ago may not be appropriate now, but it seems to be very difficult to ever do anything about the programs that exist, that sort of perpetuate themselves.

So I think it really is interesting to deal with this issue and, again, to think about the role of the Federal Government.

We are doing something in the committee that I chair, the Parks Subcommittee, where we have more and more heritage areas. We find ourselves having heritage areas most everywhere, and you get a little advantage locally. I understand that. But we are trying now to put down the definition of what a national heritage area ought to be. There are State heritage areas; there are local heritage areas; and then there are national ones, each of which has different characteristics. So these are the kinds of things at which I believe we have to continue to look.

As we have grown, I wanted to bring a little exhibit. I asked the general services office to make for me a list of all the programs that are federally funded. This is the book of federally funded programs. I am not saying they are not all excellent, but I am saying this thing continues to get bigger, continues to get larger, continues to have more and more programs and not much of an effort to go back and evaluate them to see if they are still appropriate, to see if they need to be changed, to see, indeed, if they need to be there. We don't really evaluate as closely as we might the new programs that are thrown out there, whatever they may be, to see, is this an appropriate thing for us to do at the Federal level or, indeed, should it be done somewhere else.

So I have been feeling fairly strongly about this point. I am not sure we all recognize the size of the things that we do have. For example, how many employees do you suppose there are in the Federal Government? Quite a few? Yes, about 1.9 million. It has gone up the first part of this administration, and now it went down by about 29,000. Now it is 1.861 million employees. And they are good employees, I understand that. I am not critical of the employees. But I am saying this is the size of the Government. We try to do some things to hold down the size, to hold down the spending. Maybe even more importantly is to keep Government as close as can be to the governed. I think we see this regionally quite a bit.

I happen to be from a State in the West, a small population State. The kinds of programs, the kinds of administration, the kinds of governmental activities you need in our State are quite different from what they are in New York City or in Philadelphia. So having it closer to the people allows for the kinds of changes that need to be there. We are concerned about spending. Indeed, we should be. We spent, last year, about $826 billion on discretionary programs, not defense and those others. As a matter of fact, nonmilitary spending last year was up 8.7 percent over the last 2 years. So that is an awful lot of dough.

At any rate, I just couldn't resist the idea of saying, let's take a little look at each of these programs, and let's see if they are still current, if they are still doing the job they were designed to do, if they are appropriate to be done on the Federal level as opposed to some other level of government, and what can we do to make them even more efficient.

I was very impressed over the weekend with all of our recognition of President Reagan, his efforts to sort of do some of these things, keep them as small as possible, keep them as appropriate as possible. I think it is a job that we have as well, and one that I hope we will take up with more vigor.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Arizona.

ENDING THE COLD WAR

Mr. KYL. Mr. President, I, too, would like to comment on one of the legacies of our late President Ronald Reagan, the legacy of ensuring that the free world would prevail over the Soviet Union in the cold war.

I thought it was interesting that in one of the comments about Reagan very recently made on National Public Radio, June 8 of this year, Mr. Gennady Gerasimov, spokesman for Mikhail Gorbachev, said this:

> I see President Reagan as a grave digger of the Soviet Union and the spade that he used to prepare this grave was SDI, a Strategic Defense Initiative, so-called "Star Wars." The trick was that the Soviet leadership believed that this SDI defense is possible and then—because it's possible, we must catch up with the Americans. And this was an invitation to the arms race, and the Soviet economy could not really afford it and this way Reagan really contributed to the demise of the Soviet Union.

Who better to know that than the spokesmen for Mikhail Gorbachev who have said similar things? Twenty-one years ago, President Reagan posed a very important question to the American people. He asked us to consider whether the free people of the world should continue to have to rely upon the threat of a massive retaliation of nuclear weapons to prevent an attack by the opposition. He asked: What would it take to free the world from this threat? He answered as follows:

> I know this is a formidable, technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it's reasonable for us to begin this effort. It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs. . . . But isn't it worth every investment necessary to free the world from the threat of nuclear war? We know it is.

We began making that investment. It was one of the reasons we had a deficit during the Reagan years. It was part of the so-called defense buildup, to invest billions of dollars in the research—yes, there were failures, but there were many successes—to develop a Strategic Defense Initiative, an ability to defend ourselves against a ballistic missile attack from an enemy. A lot of Americans probably think we developed that strategic defense, that we have that capability today. They might remember that during the first Persian Gulf war Patriot missiles shot down some of the Scuds that were fired by Saddam Hussein.

But the grim reality is strategic defense is still not a reality. We still don't have the ability to defend against a missile attack. What happened during the Persian Gulf war? We used an air defense system to shoot down airplanes, and in the field, literally, as we shipped it from the United States to Israel and to Saudi Arabia and to Kuwait, made modifications in it so that we hoped it might work to shoot down some of the missiles that Saddam Hussein shot toward Saudi Arabia and Kuwait. In fact, some of those missiles—roughly a third of them—were intercepted by the Patriot. It was a crude weapon that was modified in the field. It had never been tested against other missiles. Yet we used what we had at the time because of the threat that existed.

Throughout the Clinton years and the first Bush administration, research continued. Every time we got close to, as they say, bending metal, actually building a missile, somebody would object and say we are not quite there yet. We haven't proven it can work. It is going to cost a lot of money, or the Russians—then the Soviets—might be unhappy with it.

After the demise of the Soviet Union, we agreed to scrap the ABM Treaty, and both President Putin and President Bush agreed that there was no need for a treaty that would define how many missiles each country could have and how many nuclear warheads because, frankly, we didn't have the need for them anymore and they were costly to maintain. We would destroy as many of ours as we wanted to destroy, and they could destroy all of theirs that they wanted to destroy. It was too expensive to keep around. There are still some. There are still some in Russia, I might add, where some believe it still might be worth trying to develop this offensive capability because the U.S. has never deployed a ballistic missile defense. There are those in China who believe the same thing, and also in North Korea, who I suspect believe we are bluffing.

Let me quote something from a high-ranking official in Iran, from Iran's clerical hierarchy, delivered at Tehran's Al-Hussein University very recently, and reported in the May 28 edition of a newspaper in London:

> We have a strategy drawn up for the destruction of Anglo-Saxon civilization and for the uprooting of the Americans and the English. The global infidel front is a front against Allah and the Muslims, and we must make use of everything we have at hand to strike at this front, by means of our suicide operations or by means of our missiles. There are 29 sensitive sites in the U.S. and in the West. We have already spied on these sites and we know how we are going to attack them.

There is more that we could bring to the information from the intelligence community, that is open material that we are all aware involve plans by leaders in North Korea, Iran, and other places to try to develop missile technology and nuclear technology to attack places such as the United States. The North Koreans already have the capacity to attack Hawaii and Alaska, and we don't yet have a missile defense system in place to stop it.

Thanks to President Bush and the efforts of the Congress and the missile act that we passed, we have put into place a program to actually develop and deploy a missile defense system. It is not the be-all and end-all. It would not destroy everything the Soviet Union used to be able to use against us, but it would stop the kinds of missiles that North Korea, Iran, and perhaps others might want to send our way.

Yet today we are at a crossroads. We begin debating today the Defense Authorization Act and expect amendments to be offered once again to cut the heart out of the missile defense program, prevent it from being deployed to actually be able to shoot down the missiles of an attacking country. It is interesting what is at work here. I say cut the heart out. They want to cut out over half a billion dollars—$515.5 million—from the missile defense program. Why? They claim it hasn't yet been operationally tested. What does operational testing mean? It means you take it out of the laboratory kind of testing and put it into the ground; put the missile into the silo, and you run against it a real test with an offensive missile like the one you want to be able to defend against and see if you can knock it down. That is real operational testing, battlefield conditions.

Sometimes you cannot afford to do that kind of testing, and you have to go with what you have just as we did in the first Persian Gulf war. There are other examples. The JSTAR is a program that had never been operationally tested, but we found that we needed it and, as a result—it is the Joint Surveillance and Target Attack Radar System, which is an aircraft that played an important role in the 1991 Persian Gulf war by providing warning to forces on the ground when the Iraqi military was on the move. This had never been tested. JSTAR was in preproduction; it was a preproduction aircraft. They literally had to outfit it on the way to the theater. We used it and it worked.

The Predator is another example, and the Global Hawk. Unmanned aerial vehicles have been valuable assets on the war on terrorism. They were not operationally tested. They were hardly ready for use, but we needed something that could do what they did. That is the way it is with missile defense today. We need to have the ability to shoot down a missile aimed at us by, for example, Iran or North Korea or some other enemy that might think we are bluffing.

What about this claim that it hasn't been operationally tested? Mr. President, this is how we operationally test it. We put it into the silo, erect the radars, send a target missile against it, and see if it will work. We have had many tests—something like 18 tests, and all of the most recent tests have been successful. We are quite confident it will work. It needs to be tested in battlefield conditions, and this is the way to get it done. But the cuts that are being proposed would prevent us from buying the number of missiles we need in order to conduct this testing and still have enough left in the ground to prevent an attack should there be one launched against us.

There is a basic catch-22 being imposed against us. That catch-22 is that you cannot deploy it until you can operationally test it, and you cannot test it until you deploy it.

It would be folly for us to support an amendment that would prevent us from fielding these missiles. Eventually, we are only talking about 20 interceptors based at Fort Greeley in Alaska and Vandenberg Air Force Base. The money that has been set aside for the first tranche of these missiles is already now producing the missiles to put in the first set of silos. We are now talking about the downpayment on the additional interceptors, No. 21 through No. 30. We have already cut the long lead procurement funding for interceptors No. 31 through 40. So we have already delayed that, which will make it much more costly.

The bottom line is, as we have been told by General Kadish—the general who runs this program—it will be much more time-consuming and expensive if we cut the money out of the budget this year to prevent the production of these missiles that are going to be needed both for operational testing, as well as to be prepared to defend against an enemy attack should it come.

The point I want to make today is this: The Soviet Union was brought to its knees because it believed President Reagan when he said we are going to develop a means of countering your most effective weapon, so you might as well not even try to spend the money and the effort and the time to create this program because we will be able to defeat you; we are not kidding.

It has been over 20 years since President Reagan made that announcement, and we still do not have the missiles in the ground. I am afraid some of our potential enemies are going to conclude that we were bluffing all along, that we do not have the will to spend the money and to put the program in place to provide this kind of defense.

The point of this defense is not just to be able to operationally test it and have it in the ground to stop a missile should one be launched against us, but to deter nations that might believe we are bluffing, to deter nations from spending the money to build these offensive weapons in the first place, to deter these leaders, these people in places such as North Korea and Iran, from concluding that if they will simply spend the money it will take to build the nuclear weaponry and the missiles to fire them, that we will somehow forget about developing missile defenses or conclude that it is too expensive, and the richest Nation on Earth, the Nation that has the financial capability of providing this kind of defense, will decide not to do it.

The point of our exercise today is to move forward with the bill that the committee has put before us. It is a good bill. The bill has an authorization for enough money to buy the next group of missiles we need to put in the silos for testing purposes, for the purpose of shooting down a missile should one be launched against us—we do not have that ability today—and third, to deter countries that might be thinking they can go ahead with the development of this kind of a system because the United States will never get around to deploying an effective missile defense system.

Now is the time for us to act. It is not the time for us to blink in the face of these dictatorial countries. Should we support the amendment that would cut the heart out of missile defense funding for this year, it would send a signal to these countries that the United States has been bluffing all along. We were not bluffing when Ronald Reagan made that important announcement. The Soviet Union understood that. Can we do any less today than to make it crystal clear to our would-be enemies that we are not bluffing, that we mean what we say, that we intend to protect America, that we intend to protect others who are our allies, and that we will not permit an offensive ballistic missile to strike our land and kill our people? To do anything else would be morally irresponsible.

As President Reagan said, if we have the capability of defending ourselves and preventing this kind of conflagration, should we not take advantage of that wonderful capability? I am optimistic about our ability, and I am confident about the American people, and I am sure they want us to confirm to the world that we mean what we say, just as Ronald Reagan meant what he said.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2516 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

HONORING OUR ARMED FORCES

STAFF SERGEANT ERICKSON H. PETTY

Mr. INHOFE. Mr. President, I rise today to honor the memory of a courageous Oklahoman who died saving the lives of his men. Staff Sergeant Erickson H. Petty grew up in Fort Gibson, where he graduated from high school in 1993. Eric, as he was known, aspired to military service early, enlisting in the Oklahoma Army National Guard when he was 17. Upon graduation, he joined the active duty Army, where he served for nearly 10 years.

Eric has an extremely successful career in the Army, serving as a recruiter for a time and as a scout in the 1st Armored Division. On May 3, Staff Sergeant Petty and his men were guarding a weapons cache in Salman Al Habb when they came under small arms fire. Petty ordered his soldiers into the protection of their Humvees, taking cover last to ensure the safety of his men. That decision, which so clearly demonstrated his sacrificial leadership, cost him his life.

Staff Sergeant Petty had two passions: his family and his country. Those who speak of him constantly refer to his devotion to his wife Kimberly, and especially to Colton, his 9-year-old son. In the words of a longtime friend, his relationship with his son was "his center." Still, the call of duty was strong. Staff Sergeant Petty had the option to stay a recruiter, to stay with his family. He chose to serve, and for our sakes gave up safety, family, and finally his life.

America needs more committed servants like Staff Sergeant Petty. His life and death stand as a clear example of what it means to be a patriot, even at great cost. Eric Petty heeded his country's call, and for that we are all grateful. We would do well to remember his sacrifice as we celebrate his commitment to family, friends, and nation. He was Oklahoma's son and America's hero—Staff Sergeant Eric Petty.

SPECIALIST JAMES E. MARSHALL

Mr. President, I also pay homage to Army Specialist James E. Marshall, who last month made the ultimate sacrifice for his country—his life. Although he was only 19 years old, Specialist Marshall was a dedicated defender of America and knew the value of freedom and the sacrifices freedom sometimes demands. For his service and his sacrifice, I am proud to honor him on the Senate floor today.

Specialist Marshall was a member of the First Battalion, 21st Field Artillery Regiment, of the First Cavalry Division based at Fort Hood, TX. A native Oklahoma from my hometown of Tulsa, Marshall was raised by his mother, Pamela. Specialist Marshall and his mother were very close; indeed, he pursued military service both to protect his country and to help provide for her, as she had done for him for so many years. We hold her in our prayers.

During his senior year, when classmates were pursuing scholarships and jobs, James Marshall was planning a different route. He had been considering military service for some time, and he saw it as an opportunity for personal development and a chance to prove himself.

Specialist Marshall died tragically on May 5 when the vehicle he and a fellow soldier were riding in was struck by an improvised explosive device in Baghdad, Iraq. On behalf of the U.S. Senate, I ask that we now pay tribute to James Marshall, who knew the true meaning of service and sacrifice. I am proud of him, and proud of his demonstrated commitment to winning the freedom of those he did not know. We will not forget this Oklahoma hero, this American patriot—Specialist James Marshall.

CORPORAL SCOTT MICHAEL VINCENT

Mr. President, I rise today to honor the memory of a remarkable man. Corporal Scott Michael Vincent was a classic Oklahoman: a hard worker and a leader who was dedicated to his family, his faith, and his country.

Corporal Vincent hailed from one of Oklahoma's great small communities, Bokoshe, where he graduated from Bokoshe High in 2000. He had longtime aspirations to join the Marine Corps. When choosing a quote for his high school yearbook, he selected "semper fidelis," the Marine Corps slogan he exemplified through his life—and his death. He achieved his goal of serving with the Corps when he joined last year, completing a tour in Afghanistan before volunteering for an extra tour in Iraq.

On Friday, April 30, Corporal Vincent was serving as a scout near Fallujah, in Iraq's Al Anbar province. While his unit was halted, a suicide bomber approached his vehicle from the rear and detonated his explosive device. Corporal Vincent and one other marine were killed, and six of their comrades were wounded.

Scott Vincent's remarkable life was confirmed by the way people in his hometown reacted to his death. Over 400 people in a town of 405 came to funeral services on May 6. Our small towns are like families, and they are the fertile ground from which outstanding, selfless leaders like Corporal Vincent emerge to take on the mantle of service to their nation.

In this time of trouble, we remember Corporal Vincent. We remember his family, and we grieve with them for their fallen son. In his life and his death, he set a high standard for all of us to follow. We will never forget him—Corporal Scott Michael Vincent.

CHIEF WARRANT OFFICER TWO LAWRENCE S. COLTON

Mr. President, I rise today to honor the memory of a courageous Oklahoman who gave his life in defense of his Nation and his fellow soldiers. Chief Warrant Officer Two Lawrence Shane Colton hailed from Guthrie, OK. Shane was serving as an attack helicopter pilot in Iraq with the 1st Armored Cavalry division's Company C, 1st Battalion, 227th Aviation Regiment.

Shane joined the military as a clerk in 1992, eventually working his way up to Staff Sergeant and then through Warrant Officer Candidate School. He was highly decorated and regarded as a skilled and capable pilot by his fellow soldiers. On Easter Sunday, April 11, CW2 Colton and CW3 Chuck Fortenberry answered a call for help: a Coalition convoy had been ambushed after being halted by an improvised explosive device. The soldiers were pinned down under heavy fire and significantly outnumbered, and in desperation they called for relief. Shane and Chuck headed right for the scene of the battle and opened fire on the insurgent positions with 30-millimeter chain guns, killing many of the terrorists and destroying a building they were using. The convoy was able to escape, but the Apache was shot down by a small surface-to-air missile, and their rescuers were lost with it.

Shane was a man beloved by his friends and fellow soldiers because of his selflessness and optimism. To quote one of his comrades,

> Shane would help you whenever you needed it too. If you had a problem with your car all you had to do was call him up and he would be there. He was also a whiz on computers and electronics. If it was broke he could fix it. The best thing about Shane was his attitude. No matter how crappy things were he always had a smile on his face and would say something to make you feel better.

Chief Warrant Officer 2 Colton was 32 years old when he lost his life. He left a young family to defend his country, knowing full well the risk he was taking. Ultimately, his commitment to his fellow Americans in Baghdad and at home would require his life. I know his friends and family realize that he died a true hero, worthy of the respect and gratitude of every American. They will miss him dearly, and our thoughts and prayers are with them today, particularly with his wife Inge and their children Jennifer and Lance, and with his parents Loren and Kathy Colton. And though we are all grieved by the loss of this man, we shall never cease to be proud of him—Oklahoma's son and America's hero—Chief Warrant Officer 2 Lawrence "Shane" Colton.

Mr. ALLARD. Mr. President, I request 10 minutes in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLARD. Mr. President, I rise today to pay tribute to a distinguished American. Lieutenant General Ronald T. Kadish, United States Air Force, will soon be retiring from the U.S. military after 34 years of exceptional service to our Nation.

Many of my colleagues have come to know and respect General Kadish. Over the past 5 years, he has served as the Pentagon's Director of the Missile Defense Agency and the Program Manager for the Ballistic Missile Defense System. General Kadish's performance as Director has been nothing short of superb.

Throughout his unprecedented 5-year tour of duty, General Kadish applied his unparalleled experience and knowledge of public and private industry in the pursuit of effective defenses against enemy ballistic missiles.

He succeeded in motivating and aligning our political, scientific, and engineering communities to tackle the challenges of evolving a layered, mulitnational missile defense capability. And, he succeeded in transforming and focusing a large defense bureaucracy into a true joint planning, joint operating system acquisition and business activity.

Today, because of his singular and tireless efforts, we stand on the threshold of eliminating our Nation's longstanding vulnerability to the very real threat of ballistic missile attack.

General Kadish was commissioned into the Air Force in 1970 after completing the Reserve Officers Training Corps program at St. Joseph's University in Philadelphia, PA. He went on to earn his master's of business administration at the University of Utah, and continued his professional military education at the Air University, the Industrial College of the Armed Forces, and the Defense Systems Management College.

In the early 1970s and 1980s, he was a pilot and instructor for the C–130 aircraft and served in tactical airlift squadrons in the United States and Germany. Over his career, he flew more than 2,500 hours in aircraft that form the airlift and fighter backbone of our Air Force—the C–130s and C–17s, and the F–15s and F–16s, respectively.

As a young acquisition professional, he participated in the Education-with-Industry program in Dallas with the Vought Corporation, and then got 3 years of hands-on management experience in the F–16 development program. A few years later, he was appointed the director of manufacturing and quality assurance for the B–1B bomber, one of the most technologically complex production efforts ever undertaken by our Nation up to that time.

The Air Force later called upon his managerial talents to serve in three successive high visibility, high pressure, and high impact positions as program director for the F–15 fighter, the F–16 fighter, and the C–17 military transport acquisition programs.

Some of my colleagues will remember the developmental difficulties the C–17 program faced. It was General Kadish's expertise that straightened out this troubled program. Our troops in Iraq and Afghanistan, and indeed in all points of the globe, remain the beneficiaries of his managerial accomplishment.

As the current Bush administration came into office, Secretary Rumsfeld looked to General Kadish to lead a major transformation of the Ballistic Missile Defense program. The daunting task of realigning a multi-billion-dollar, cutting-edge defense technology program into a streamlined, capability-focused effort did not deter General Kadish. His charge was to produce reliable defenses that will protect our citizens and friends across the globe from the growing threat posed by ballistic missiles. We are on the threshold of providing that capability as I speak.

Armed with his 20-plus years of military acquisition experience, it was clear to General Kadish that enhanced authorities and improved techniques were needed to accomplish the mission. General Kadish was never satisfied with business as usual when a better way could be found. Bureaucratic change is tough enough to execute under any circumstance. It is doubly so in a culture reinforced by longstanding legal requirements and administrative procedures. Add to that a measure of healthy and vocal skepticism from critics, and his missile defense transformation achievements stand out in stark relief.

Defense acquisition has historically been an activity carried out by the individual military services. General Kadish has broadened that vision by pioneering a joint acquisition strategy for the Department of Defense. This approach has been more responsive to the needs of our troops, more effective for the funds under his charge, and more attuned to the complexities of missile defense, than traditionally could have been possible. He leaves an important legacy of example and accomplishment for those who follow, inspiring a new generation of program managers for the joint arena.

In so doing, General Kadish earned the trust and respect of his associates in the Pentagon and my colleagues here in the Senate. We could always count on him to be clear in his goals, demanding in his standards, and forthright in acknowledging issues. He never promised more than he could deliver.

Indeed, one of my distinguished colleagues in this body, a declared skeptic of the missile defense program, has called him "a class act." I, personally, am privileged to be able to call him a friend, and to have him as a thoughtful and experienced advisor.

We will miss his leadership and his counsel as he moves on to a most well-earned retirement from the Air Force. We owe him a profound debt of gratitude and deep thanks for his extraordinary contributions to our Nation and our Nation's security over a lifetime of selfless service. I am sure I speak for all of us in this body in saying we wish him and his family health and happiness in the years ahead.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and other purposes.

Pending:

Kennedy amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the robust nuclear earth penetrator, RNEP.

Mr. WARNER. We are hopeful to get off to a vigorous start this afternoon. In consultation with the leadership on both sides at a later time, we will confirm the likelihood of at least one, and possibly two, votes occurring sometime after 5 o'clock. We will address that later.

At this time, the distinguished Senator from Colorado is going to lay down an amendment which could result in a second degree; then colleagues on the other side, and the distinguished Senator from Nevada, will lay down an amendment. We will have a flurry of activity for a little while.

I congratulate the distinguished majority leader for a very fine set of remarks regarding his trip. For those Senators who were not able to hear the remarks, I hope they will take the time to examine them in the RECORD. It is a very helpful perspective about the current situation in Iraq. I found it encouraging and upbeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. What is our order of business?

The PRESIDING OFFICER. The Kennedy amendment is pending.

Mr. ALLARD. I ask unanimous consent that we lay aside the Kennedy amendment so I can send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3322

Mr. ALLARD. Mr. President, I call up amendment No. 3322.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3322.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote international cooperation on missile defense)

On page 280, after line 22, insert the following:

SEC. 1068. MISSILE DEFENSE COOPERATION.

(a) DEPARTMENT OF STATE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) EXPEDITED PROCEDURES.—The Secretary of State shall, in consultation with the Secretary of Defense, establish procedures for considering technical assistance agreements and related amendments and munitions license applications for the export of defense items related to missile defense not later than 30 days after receiving such agreements, amendments, and munitions license applications, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) DEFINITION OF DEFENSE ITEMS.—In this section, the term "defense items" has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

Mr. ALLARD. I rise today to offer this amendment in order to draw attention to the importance of encouraging missile defense international cooperation.

My amendment accomplishes the following: First, it requires the Secretary of State, in consultation with the Secretary of Defense, to establish an expedited process for considering the transfer of missile defense-related agreements and licenses within 30 days. The Secretary of State may use more time if he determines the proposed transfer necessitates a careful review to prevent the proliferation of U.S. ballistic missile technology.

Second, the amendment requires the Secretary of State, in consultation with the Secretary of Defense, to conduct a study on major project authorizations for missile defense. The purpose of this study would be to examine the feasibility of providing major project authorizations for projects related to missile defense.

Third, the amendment requires the Secretary of Defense to prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review applications for technical assistance agreements and licenses related to missile defense.

These provisions are limited in scope and have been refined considerably over the last month. They are specifically designed to provide a mechanism for increasing our cooperation on missile defense with our closest allies.

Why is this amendment important? Why should we work with our closest allies on missile defense? Let me take a moment to explain why.

Widespread proliferation of ballistic missiles and illegal weapons technology is a major threat to the United States as we enter the 21st century. Today, unfortunately, the United States remains defenseless against a ballistic missile attack.

President Bush, who is committed to eliminating this vulnerability, has taken extraordinary measures to remove obstacles to developing a missile defense capability. The technology has been proven. The timing is right. As a result, the President's vision for a national missile defense system will likely become a reality this fall.

Yet we must acknowledge this complex system could become even more complicated without the assistance of other nations. We need early warning and tracking sensors in other countries in order to predict and intercept an incoming ballistic missile. We also need intelligence other countries may have on the activities of those who may threaten our Nation.

Without this information, it could become extremely difficult for us to defeat a ballistic missile attack. A prudent step on our part would then be to recognize the value of this assistance and exhibit a willingness to help those who have been so willing to help us.

We cannot forget that while the United States may have a legitimate missile defense capability, most of our allies do not. For example, Japan, Australia, and South Korea are perhaps more vulnerable than the United States due to their close proximity to the North Korean ballistic missile threat. Yet these three close allies are defenseless against most ballistic missile attacks. Our NATO allies in Europe are also vulnerable to a similar threat from the Middle East.

We also cannot forget hundreds of thousands of U.S. soldiers, sailors, airmen, and marines are deployed in many tough regions around the world, and many of these regions have rogue states that have substantial offensive ballistic missile capability. We cannot ignore this looming threat to our troops overseas. Having allies with missile defenses would greatly reduce the threat offensive ballistic missiles could pose against our troops overseas.

Some might suggest cooperation on missile defense could lead to the proliferation of ballistic missile technologies. This is a legitimate concern, and I certainly agree we must do everything we can to protect our most sensitive technologies. That is why I included in my amendment an exception that authorizes the Secretary of State to conduct an extended review of a proposed transfer if there is a concern about the transfer of ballistic missile technologies. None of us want to see ballistic missile technologies fall into the wrong hands.

We must recognize, though, that international cooperation on missile defense can greatly reduce the proliferation of ballistic missiles. It does so by directly devaluing the ballistic missile as an offensive weapon of terror. With missile defenses deployed, as in Operation Iraqi Freedom, an enemy can no longer be assured of success when considering a missile attack. It thus acts as a counterproliferation tool that forces our adversaries to think twice about investing billions of their scarce resources into ballistic missiles.

I commend President Bush for already taking the lead on international cooperation on missile defense. At his direction, the Pentagon is planning wide-ranging cooperative missile defense activities with the United Kingdom, Australia, Japan, Germany, Italy, other NATO allies, and friends. The Pentagon is also looking into other opportunities with Russia in the wake of the decision to cancel the Russian-American Observation Satellite, or what we refer to as the RAMOS Program.

Yet our Government has only limited experience with large-scale missile defense cooperation abroad. This limited experience has drawn out inefficiencies and problems that could limit cooperative missile defense programs. Here are two recent examples that have troubled me.

First, it took almost 6 months to execute the United States-Japanese cooperative program on the Aegis-based Standard Missile-3. This holdup was despite Japan's sterling nonproliferation reputation, a detailed United States and Japan memorandum of understanding, and a United States-Japanese exchange of diplomatic notes underpinning the MOU.

Similarly, for our joint operations centers in NORAD, where we conduct missile defense operator training and exercises, we require numerous special authorizations, taking months to review, to permit our industry experts to work with Canadian military operators already in place behind the computer terminals providing missile defense early warning in Colorado Springs.

I believe we should be thinking beyond our own borders and begin looking at ways to assist our friends and allies. My amendment takes a small step forward in this direction. It still provides for a case-by-case review and permits a careful and close review of a transfer that might be of vital importance to our Nation. Perhaps most importantly, it upholds the virtue of our nonproliferation regimes and helps develop another counterproliferation tool for the President's use in the future.

I urge my colleagues to support this amendment.

I yield the floor.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. ALLARD. I will yield to the Senator from Oklahoma.

Mr. REID. Mr. President, I have no objection to the Senator speaking, but he has no right to yield to him.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. ALLARD. I yield to the Senator from Oklahoma for a question.

Mr. INHOFE. Well, I appreciate that. First of all, I appreciate all the Senator from Colorado has done in this field.

I say to the Senator, in your statement, when you talked about that some of our allies, some of our friends, such as the Japanese, might be more susceptible because of their proximity to North Korea, I remind my colleagues what happened 6 years ago this coming August when the North Koreans did in fact fire a multistage rocket that had the capability of reaching the United States of America. So that threat is still there for us.

I was going to ask my colleague a couple questions about his amendment. But if somebody else desires the floor, that is perfectly all right.

Mr. REID. Mr. President, I have no objection if the Senator from Oklahoma wishes to speak. I am simply going to offer a second-degree amendment.

Mr. INHOFE. I will ask one question. In your amendment, you talked about 30 days for considering technical assistance agreements and licenses. Will you explain what that 30 days is and the significance of that?

Mr. ALLARD. Well, the 30-day mandate is to emphasize the importance of considering these agreements and licenses for international cooperation on missile defense in a timely manner, not being dragged out forever and ever. Too often, applications for technical assistance programs and licenses for missile defense are held up for months at a time, causing our allies needless frustrations, in my view.

The process is so cumbersome for missile defense agreements and licenses that it takes weeks to get an application approval for something as simple as permitting the British Ministry of Defense officials to attend the Missile Defense Agency's annual conference we have here in DC.

We are trying to bring a stroke of common sense in our cooperation with our allies. There are cases, obviously, when more time is needed. So the judgment can be applied by the Secretary of Defense, as well as the Secretary of State, to use more time to determine the feasibility of extending licensing agreements to our allies.

What we are trying to reach is a proper balance. There are times when it is not necessary to delay this for extended times. Sometimes we may take longer because of the type of technology we are dealing with. We are trying to have a proper balance so we can adequately protect our technical systems, defense systems, as well as to have a format out here so we can work in an effective manner with our friends and allies.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3449 TO AMENDMENT NO. 3322

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEVIN, proposes an amendment numbered 3449 to amendment No. 3322.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on the nonproliferation of ballistic missiles)

Beginning on page 2, line 4, of the amendment, strike "not later than 30 days" and all that follows through the end and insert "on an expedited basis, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) DEFINITION OF DEFENSE ITEMS.—In this section, the term "defense items" has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.

(a) POLICY.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) Sense of Congress.—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3292

Mr. REID. Mr. President, I ask unanimous consent that the amendment that is now pending be set aside and that I be allowed to call up Senator Leahy's amendment No. 3292.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. Leahy, proposes an amendment numbered 3292.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts)

At the appropriate place, and insert the following:

SEC. . WAR PROFITEERING PREVENTION.

(a) Prohibition of Profiteering.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts

"(a) Prohibition.—

"(1) In general.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or any other country in which members of the United States Armed Forces are engaged in any military or combat activities, knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq, Afghanistan, or such other country;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or such other country,

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

"(2) Fine.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) Venue.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(b) Table of Sections.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts."

(c) Civil Forfeiture.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1038," after "1032,".

(d) Criminal Forfeiture.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1038".

(e) Money Laundering.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)," after "liquidating agent of financial institution),".

AMENDMENT NO. 3307

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3307.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] proposes an amendment numbered 3307.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that any plan for compensation to individuals in military prisons in Iraq include provisions for compensation to former prisoners of war held by the regime of Saddam Hussein)

At the end of subtitle F of title X, insert the following:

SEC. 1055. COMPENSATION FOR FORMER PRISONERS OF WAR.

Any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the 17 citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

Mr. REID. Mr. President, this amendment is very straightforward. The Secretary of Defense, in testimony to Congress several weeks ago, said that he is looking at ways to compensate the Iraqi nationals who were abused in American run prisons. I have no doubt that may be appropriate, but as the Defense Department considers its compensation plan, we should not forget about the American servicemen who were tortured and brutalized in this same prison, the Abu Ghraib prison, during the first Gulf War. I know many of my colleagues will remember the 17 American servicemen—including Colonel Jeff Tice from Las Vegas—who were captured and subjected to weeks of torture, beatings, electrocutions, starvation, and other despicable acts ordered by Saddam Hussein and carried out by the Iraqi intelligence service.

The Federal Government, unfortunately, has turned its back on these heroes. Instead of working with them to deliver some means of compensation for their many injuries,—in fact, the money at one time was Saddam Hussein's money—the Bush administration has been outmaneuvering them at every turn, fighting them in court, moving to vacate earlier judgments they received, and trying to quash any efforts to bring them some relief. In fact, just last week the judgment was rescinded.

I regret to say that the Justice Department has been effective, prevailing on the American POWs in this recent court of appeals case. The American POWs are back to square one. They have nothing except the permanent wounds which they suffered in Saddam's prisons.

My amendment says that as the Secretary develops the compensation plan for the Iraqi nationals, he also needs to include a provision which addresses the injuries suffered by brave American prisoners of war. I don't know what the provision will say or should say, but the Defense Department cannot continue to turn its back on the brave men we sent into battle. I welcome their entry into this debate. They have been silent about this issue for too long. Nothing about this amendment prevents the Iraqis from being compensated; it just asks for some fairness.

Our own brave service men and women are entitled to it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before we started addressing the bill, the Senator from Nevada and I discussed this matter. I think we can work on this one. But the other amendment—I do not recall your mentioning that you were going to bring up a Leahy amendment.

Mr. REID. I did not specifically mention that. I said I would be offering an amendment. Senator LEAHY will not be here until Wednesday, so he asked that I lay it down. He will not be in the Senate until Wednesday. He has a personal situation that does not allow him to be here until the day after tomorrow. He asked me last week to do this.

Mr. WARNER. So there will be no further addressing of that amendment until Wednesday.

Mr. REID. Senator LEAHY will not be back until Wednesday.

Mr. WARNER. But you felt the necessity to it put it down now.

Mr. REID. Yes. He has been waiting around. He wanted to lay it down after Senator KENNEDY, but, of course, with the circumstances we have had, he has been unable to do that. The only amendment I did discuss with you was mine. I didn't discuss Senator DODD's.

Mr. WARNER. I understand. I discussed it with the Senator from Connecticut.

Mr. REID. I thought we were trying to get some amendments down. Some of them, the managers will decide, along with the leadership, as to votes that may even take place this evening. We can pick and choose what will be done with these other amendments. The only thing I mentioned to the distinguished chairman of the committee is that it is our understanding the junior Senator from Idaho is going to lay down an amendment, which we have no objection to his laying that down, but we would not want to vote on that until there is a side-by-side with Senator CANTWELL. That is the issue that has held up this bill for some time.

Mr. WARNER. Mr. President, the distinguished leader made that very clear to me. It is just the Leahy amendment which caught me somewhat unprepared. I would hope I would have a chance to look at it.

Mr. REID. If the Senator is concerned, I would be happy to discuss this prior to laying down any future amendments.

Mr. WARNER. I would hope so.

Mr. REID. Senator LEAHY has been very patient.

Mr. WARNER. I am not suggesting that anyone else has been impatient. It is just the first we have heard of it. I would hope to have, as a matter of comity, an amendment from this side and an amendment from that side, and we would go back and forth and not have too many up here, gatekeepers to hold, have to lay them all aside seriatim.

Mr. REID. Maybe I should have waited until you offered one on the Republican side before I offered mine.

Mr. WARNER. The distinguished leader and I have never had a problem we could not work out. If this is a problem, we will work it out

Mr. REID. Our next amendment will be by the senior Senator from Connecticut.

Mr. WARNER. I understand. We are prepared to address that amendment. For the moment, I will take a look at the Leahy amendment and figure out if there is a problem, and then I will bring it to the Senator's attention.

I turn now to the Senator from Colorado, his second-degree amendment. Is he prepared to address that?

Mr. ALLARD. Mr. President, I haven't had an opportunity to review this particular amendment that I understand has just been laid down to my amendment, and I need a little time to review that. I did have another amendment that we are sharing with the other side, expecting them to introduce another amendment. I am going to have to take some time here and look at this particular amendment because I have not seen this amendment.

Mr. WARNER. I fully understand that. So that we can then have the efficiency of time, perhaps the Senator from Connecticut could then move to introduce his.

AMENDMENT NO. 3312, AS MODIFIED

Mr. DODD. Mr. President, I would be glad to. I am impressed by the distinguished chairman's indulgence and patience as we wander through this maze of amendments. I believe I have to ask unanimous consent to set aside the pending amendment, and I make such a request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I call up amendment No. 3312 and send a modification of that amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3312, as modified.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to provide reimbursement for certain protective, safety, or health equipment purchased by or on behalf of members of the Armed Forces for deployment in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom)

At the end of subtitle G of title X, add the following:

SEC. 1068. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—(1) Subject to subsections (c) and (d), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(b) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—(1) Subject to paragraph (2), protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multipurpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a soldier intercommunication device.

(2) Non-military equipment may be treated as protective, safety, and health equipment for purposes of paragraph (1) only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications.

(c) LIMITATIONS REGARDING DATE OF PURCHASE OF EQUIPMENT.—(1) In the case of armor or protective equipment for high mobility multi-purpose wheeled vehicles (known as HUMVEEs), reimbursement shall be made under subsection (a) only for armor or equipment purchased during the period beginning on September 11, 2001, and ending on July 31, 2004 or any date thereafter as determined by the Secretary of Defense.

(2) In the case of any other protective, safety, and health equipment, reimbursement shall be made under subsection (a) only for equipment purchased during the period beginning on September 11, 2001, and ending on December 31, 2003 or any date thereafter as determined by the Secretary of Defense.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The aggregate amount of reimbursement provided under subsection (a) for any protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) OWNERSHIP OF EQUIPMENT.—The Secretary may provide, in regulations prescribed by the Secretary, that the United States shall assume title or ownership of any protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) FUNDING.—Amounts for reimbursements under subsection (a) shall be derived from amounts any amounts authorized to be appropriated by this Act.

Mr. DODD. Mr. President, I will go through and explain what this amendment does. At the outset of my remarks, let me begin by commending the distinguished Senator from Virginia, the chairman of the Armed Services Committee, and Senator LEVIN of Michigan. The amendment I am raising here has been in many ways addressed by actions taken by the Armed Services Committee. I begin my comments by commending the chairman and the ranking member for the tremendous job they have done of improving what was a request by the administration in the area I am going to cover. I commend them as well for other matters but particularly on this point.

Like all of my colleagues, without regard to party or ideology, we have been concerned over the last number of months with the increasing number of reports that our men and women in uniform have had to dig deep into their own pockets to pay for their own safety equipment. Most disheartening have been the news accounts of men and women in uniform having to buy their own body armor here at home or having it bought for them by their loved ones before they deploy to Iraq and Afghanistan or while they have been on duty.

There are stories like that of SPC Bill Palifka, a member of the Connecticut National Guard's 248th Engineering Company which was stationed in the west of Baghdad last year. He learned shortly before deploying that his unit wouldn't have the interceptor vests that it needed in order to be safe in Iraq. So his mother Pene, from East Hartford, CN, went out and bought a vest for $1,100 from a private company.

These stories, unfortunately, have been all too common, as this chart shows. I brought up the news article from the New York Times, reported just 3 weeks ago, an article entitled "Bulletproof Vests Collected To Help A Son's Unit in Iraq." A New Jersey couple solicited donations of body armor from the New Jersey City police so their son could lay down protecting vests on the floor of his Humvee, currently in Iraq. I quote:

> Before his unit shipped from Kuwait to Iraq in March, First Lt. Christian Boggiano, 23, made a special appeal to his mother, Mary, by e-mail message. Please, he asked, scrounge around for a few old police bulletproof vests and mail them to [me]. "Once I get up north, we'll use them on the doors and floors of the Humvees so that when roadside bombs go off, they'll catch a lot of shrapnel."

This is what the young lieutenant wrote to his parents, a 2002 graduate of West Point.

The Jersey Police Department and about 50 other police departments across New Jersey came through for Lt. Boggiano.

His unit came through in ways our Government did not.

In my mind, no U.S. soldier should have to get his mother or father to help send body armor for his missions in Iraq. But people like Mr. and Mrs. Baggiano and the good citizens associated with New Jersey police departments were driven to act. Why? Because there was a critical need to fully equip our troops. Unfortunately, Lt. Baggiano is not alone. A USA Today article recently reported on the village of Foley, AL, which held fundraisers, and eventually raised enough money to build and assemble their own protective steel armor for the Humvees of the AL National Guard's 711th Signal Battalion Charlie Company. That community should be commended. But this situation seems ludicrous to me. Our troops and their loving neighbors should not be spending their own money to make sure our soldiers can have the protection they need.

For this reason, I am introducing an amendment today that will give our troops the support they deserve. My amendment will require the Secretary of Defense to reimburse soldiers, loved ones, and nonprofit organizations who have dug deep into their own pockets to provide our troops with the equipment their Government should have provided them all along. This amendment will serve the health, safety, and protection of our soldiers, covering expenditures on items such as body armor, vehicle protection, hydration equipment, advanced combat helmets, and other gear needed to serve our troops in Iraq and Afghanistan.

Not a day goes by when we don't hear of an incident in Iraq where a so-called "improvised explosive device" or IED, has detonated, killing or maiming some of our brave men and women. At the outset of our post-war operations, it was reported that nearly one-quarter of American troops serving in Iraq did not have ceramic plated body armor, which can stop bullets fired from assault rifles and shrapnel. It took months and hundreds of U.S. casualties before the administration finally changed its priorities and decided to outfit all our deployed troops with the most modern interceptor body armor, and to outfit their vehicles with protective armor.

In addition, according to the Army, soldiers have been spending upward of $300 per person on equipment to outfit themselves for war. In response, the Army established the "Rapid Fielding Initiative" designed to outfit our soldiers with the most modern equipment available so that they do not have to spend their own money on the latest combat helmets or hydration systems. With this program, our soldiers—many of whom are less than the age of 21, making under $20,000 a year—will have the right gear for their mission, and they won't have to dig deep into their own pockets to buy their own equipment. But unfortunately, not all of our soldiers in Iraq have access to this program, because in the past, it hasn't been fully funded. That needs to be remedied, and my amendment will make sure that our troops don't have to shell out their own money to get the Camelbak hydration systems, advanced combat helmets, and proper clothing they need to do their jobs.

This chart shows what an average foot soldier is wearing in Iraq—60 pounds of body armor plus tactical equipment in the hot desert heat, heavy Kevlar vests, high-tech GPS compass gear, special frame backpacks, and other survival gear. In 120 degrees, carrying all of this equipment becomes quite burdensome, and has made special hydration systems necessary for our troops to safely survive the desert heat. Water-pack systems called Camelbaks are now being attached to soldiers' backpacks, to allow them easy access to water even while they are in patrolling the streets of Iraq. And let's be honest about this. Camelbaks are no longer a matter of convenience. If a soldier has to stop moving to take out his canteen for a sip of water, he may be a sitting duck for a sniper or insurgent fire.

Unfortunately, with a shortage of funds, the Army cannot afford to equip all its soldiers with this kind of equipment, so many soldiers are still using bulky canteens that quickly heat up in the desert sun. Most of the canteens do not have adequate capacity to carry all the water they need in Iraq's extreme heat. In other cases, soldiers are paying hundreds of dollars out of their own pocket to buy the equipment themselves, everything ranging from these Camelbaks to radios, because, in spite of the Army's stated priorities, the administration did not procure enough personal equipment for our fighting men and women. We need to do better than this.

I want to commend the Armed Services Committee for recognizing the importance of this program as well as that of critical body armor systems. I was pleased to see the Senate Armed Services Committee override the President's considerably low budget request for force protection. Under the leadership of Senators WARNER and LEVIN, the Armed Services Committee increased the Rapid Fielding Initiative from the Bush administration's requested $57.2 million to $262 million. They also demonstrated their usual good sense and further added to the

President's considerably low-budget request for personal body armor and armored vehicles. The Army told Congress the President's budget was shortchanging them by $295 million in interceptor body armor. And the Marines said they would be short $16.6 million if the Bush budget were to prevail. In spite of the President's proposals, the committee fully funded those programs.

In addition, $905 million was put toward the Stryker armored vehicles that are already proving valuable in military operations in Iraq. Almost $1.1 billion, an increase of $927 million over the President's proposed budget, was used to accelerate procurement of uparmored humvees, as well as add-on ballistic armor for medium and heavy trucks, to protect our troops on patrol in hostile environments. As a result of these provisions, critical resources will be sent to our troops to enhance their safety while in harm's way.

I applaud these efforts. I know some of my colleagues will suggest that because the committee has now funded these programs, my amendment is unnecessary. Or, as I have already been hearing, perhaps they will say that we are encouraging our troops to go out and buy new equipment since we'll just reimburse them in the end. I have the official DOD position paper with talking points opposing my amendment. I would like to address each of the issues raised, point by point.

First, DOD says, "the amendment may not support the purchase of the proper equipment. The DOD spends millions to test and procure the needed protective, safety, and health equipment for our service members. The DOD will have no way of knowing what testing personally procured items went through or whether the equipment is effective." This seems to be an unreasonable argument. In spite of the millions DOD spent on testing equipment, the fact remains that they failed to outfit our soldiers with the gear they needed. The Department acknowledged as much, saying that our soldiers did not receive enough personal body armor until January of this year and will still not have adequately armored vehicles until July. In my modified amendment, we say that a soldier's company commander has the discretion to decide which protective gear would be appropriate for reimbursement. These commanders on the ground know our soldiers' needs the most. And it makes sense for them to be the ones determining what equipment the soldiers lacked when they headed over to Iraq and Afghanistan. This addresses another concern DOD seems to have that my amendment is somehow too broad—this amendment says that if and only if a soldier purchased an item that he absolutely needed, according to the most knowledgeable soldiers in the field, he will be reimbursed for that item.

DOD's talking points also suggest that my amendment will encourage service members and their loved ones to purchase equipment on their own outside this accountability with the exception of receiving future reimbursement." That is absolutely misleading.

This amendment only applies to purchases made during finite periods, and by the Army's own admission they had not provided adequate supplies to our troops. This amendment only applies to purchases for personal body armor and other safety equipment that can be made only for the period between September 11, 2001, and December 31, 2003. For purchases to provide Humvee protection, claims can be made only for the period of September 11, 2001, and July 31, 2004.

We allow an exception to that if the Army decides they will have all the necessary equipment by these dates. If for some reason they are unable to do it, we do not need to come back with another amendment. It seems to me we ought to leave it up to the military people to decide. If they are not able to meet the dates, then they have authority to reimburse later. I leave that up to them to avoid any future need of talking about this issue on the floor of the Senate. We are dealing with finite periods. It is the field commanders who make the decisions.

Finally, to address the charge my amendment sets an unmanageable precedent that the DOD claims will saddle the Department of Defense with an open-ended financial burden, we also modified the amendment to set a $1,100 cap on money that can be reimbursed for purchases made on behalf of any one individual. I was going to make it $1,000, I changed it to $1,100. Candidly, a family in Connecticut paid $1,100 for the vest their child needed while in combat. So we made the cap at that level. I believe, therefore, my colleagues will find this proposal more reasonable and, most importantly, necessary. It is a finite period of time, there are individual caps on the amount that can be reimbursed, field commanders would make the decision, and any extension of time would have to come from a unilateral decision by the Department of Defense.

I think it is reasonable. If people went out, such as my constituents or in communities in New Jersey or towns in Alabama and provided additional protection for our service men and women, the very least, it seems to me, we can do is reimburse their individual soldiers, their families, or the organizations that provided that protection.

I, again, think we all understand how these things can happen. Certainly, there should have been better preparation to see to it these young men and women would have all the protection necessary, but for a variety of reasons, which we do not need to pore over, they were not. And by the Department of the Army's own admission, we were not able to provide that body armor until December 31 of last year. So there is a gap of almost 2 years where people were acquiring that equipment, and up until July of this year, the Humvee protections will not be in place.

I do not think it is asking too much during a finite period of time for a limited amount of money, where field commanders make the decisions, that we cannot say to these families: Show us the proof of what you paid for this equipment, let the field commanders decide, and if you meet those tests, then your Government is going to say you should not have to dish out money from your own pockets, particularly when we are talking about 21-year-old kids making $20,000 a year, where they may have invested $1,000 in decent vests to protect from IEDs and other attacks occurring on the dangerous streets of Iraq and Afghanistan.

I believe this is a reasonable proposal we have offered. If we fail to adopt this amendment, I believe my colleagues and I will once again be forced to answer tough questions, as we all do, when we go back and meet our returning soldiers from the Guard and Reserve and their families in our respective States.

At every meeting I have had in the State of Connecticut with families of men and women serving in Iraq, this issue has come up: Why are we not providing the protection these men deserve?

I, along with General Cugno, my National Guard commander in Connecticut, tried to address these questions of how these things happen. I told him we would make an effort to see that any costs they incurred of these items would be reimbursed. They believe that is the right thing to do. I hope my colleagues do as well.

I know money is tight this year. We are facing enormous budget deficits. Again, I commend my friends and colleagues on the Armed Services Committee. Mr. President, they have done a very good job in beefing up the numbers that otherwise come from the Department of Defense and the White House, and by adding additional resources, they have made it possible to do this.

The amendment provides Secretary of Defense discretion to determine from which accounts moneys will be sought to reimburse our soldiers. One obvious place from which these moneys could be drawn is the $2.5 billion contingency fund that was added by the Warner amendment a few days ago as part of the $25 billion supplemental for operations in Iraq and Afghanistan.

That is my argument. That is the amendment. My hope is we will be able to adopt it without much fanfare. It seems to be a reasonable request to make on behalf of our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague. Let me say at the offset, he has been most cooperative in working on this amendment, and he recognizes the concerns the Department of Defense had and the staff for the majority had. We have determined that the Senator has met each and every one of those concerns with a modification to his original amendment. So I am prepared to indicate acceptance of that amendment, but I wish to engage the Senator from Connecticut in a short colloquy.

This is a most unusual type of situation, Mr. President. We had the call-up of a number of reservists, units put together rather hurriedly in some instances. As the Department of Defense—most specifically the Army—stated, some errors were made, but I do not believe, as I listened very carefully to the Senator's presentation, that the total number of errors is very large.

I do not find that it was a widespread situation. I say that only to indicate to the American public that following that unusual type of amendment, which is necessary and we are prepared to accept it, but I do not want to leave the impression with the American public that our commander, starting with the Commander in Chief, the President, sent men and women into harm's way where there was a widespread lacking of the necessary equipment to give them the protections needed.

The concept of the use of body armor has been evolving over the years. It is now proven to have been very successful in the operations in Afghanistan and Iraq. The orders the Army had placed somewhat fell short, as the Senator said, over a period of time last fall. Our committee, indeed the other means of financing—I think some of the money in the supplemental that the Congress has adopted went to provide the necessary funds, but it was not a widespread situation. I think the Senator would concur with me on that point; would he not?

Mr. DODD. Mr. President, if my colleague will yield, I certainly do not disagree. I do not know the numbers myself. Others may have more detailed information. We know there were some large stories—I do not have all of them here. There have been widespread reports of it.

I accept in part what my colleague has said, that it would be unnecessary for massive amounts of this kind of armor. There was an anticipation about a different reception after the military victory in Iraq. We discovered otherwise. Of course, somebody argued we should have anticipated that. Nonetheless, there was concern.

I am not prepared to make a case here that this is terribly widespread. I do not know that. I do know there were enough examples of it that I thought it warranted an issue.

I point out, again—I say this to my friend and Senator LEVIN as well—my colleagues have done a terrific job. There is a difference in this budget between what was sent and what the committee is asking us to support when it comes to these issues, and the significant increase, from $57 million to $262 million for buying additional equipment, is a significant amount of money. I commend both Senators for doing that.

There were other areas where additional resources were provided by the committee that were not otherwise requested by the DOD. I applaud my colleagues for that. I do not know what the numbers reflect in terms of widespread use. The committee did a very good job, and, as I said at the outset, I commend you immensely for having recognized this issue and jumped into the void so that today it looks as though, based on assessments, by July 31 of this year the issue involving the Humvees will be addressed, and back in December of last year the issue looks as if it was addressed in terms of body armor. So we cover those periods where there apparently was a lack of resources.

I do not think the issue would have come to closure if it had not been for the Senator from Virginia, and I also say this to my colleague from Michigan. It made a significant difference, and I thank my colleagues immensely on behalf of my constituents and literally thousands of soldiers serving in dangerous places.

Mr. WARNER. I thank my colleague for his statement. I would like to address the Humvees because our committee had a special session on that issue. We should understand the Humvee was designed at the time to meet the array of weaponry and other types of threats to it.

The proliferation, primarily in the campaign in Iraq, of the use of buried munitions in the roadway activated by a series of electronic ways, or hand operated, this proposed a challenge because the explosion came up beneath the vehicle. I think in a timely way we started to address that by putting armor on certainly the Humvees and leaving others without armor. One might ask: Well, why is that? It is because once the armor is added, the maneuverability of the particular vehicle that is armored becomes quite limited and that limits its tactical role.

Consequently, the Army thought, and I agree with the Army on this, they needed inventories of both armored and unarmored Humvees. It got to be a misperception across the land that we were not providing adequate armor for our men and women when, in fact, we were, but we had to have the two different inventories and, depending on which vehicle was being used in an operation, problems could arise.

So I am prepared on this side to accept the amendment.

Mr. DODD. Mr. President, I thank my colleague, but I had hoped, if he would not object, we could ask for a rollcall vote because we will be looking to vote anyway, and this would help the conference as a whole. I know we want to move things along.

Mr. WARNER. Certainly the Senator has a right to request it.

Mr. DODD. I would like to respect my friend from Virginia.

Mr. WARNER. I was wondering if, as we go further into the afternoon, depending on the number of votes, we could vitiate the vote, although I recognize the Senator has a perfect right to ask for the vote.

Mr. DODD. That is a reasonable request. I will ask for one and we can vitiate it later.

Mr. WARNER. That is a prudent way to proceed.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. WARNER. Now we will turn to this side of the aisle for an amendment and then come back to the other side.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today with the intention of calling up amendment No. 3223 to S. 2400, but rather than calling up that amendment, since my intention was to withdraw it, I will make a few comments on it.

I preface my comments by stating something to which no Member of the Senate will disagree, and that is that the way our Nation uses the Reserve components of the U.S. military has fundamentally changed over the last 15 years. Reserve components have changed from a "force in reserve" to an absolutely essential component of the warfight. Almost every operation the military engages in today, and career field in the Army, Navy, Air Force, and Marine Corps are represented by our Guard and our Reserve.

The Reserve components are now and continue to become a true operational reserve without which our military cannot operate. This is reflected primarily in the rate of deployments and mobilizations of the Reserve components. This rate of utilization, which has increased three or fourfold over the last decade, necessitates that we reexamine the way we manage the Reserve.

The Department of Defense has made changes in this area by improving the process of training and equipping the Reserve and supporting changes in personnel policies that improve quality of life for members of our Reserve.

I would say with respect to that, last year in the Defense authorization bill we made some changes. Some of them seemed fairly minimal, such as allowing our Guard and Reserve members, while they were not on active duty, to have access to commissaries. This seemingly innocent act on our part was a huge benefit to our Guard and Reserve members who had the availability of commissaries when they were on active duty, but now they have it full time. Particularly, those who are close to military installations have the availability of services they simply did not have before, and it has been a huge morale booster for our Guard and Reserve members.

With the possible exception of the TRICARE issue, though, the changes that we have made have been at the margins. I believe we need to reexamine the personnel policies for the Reserve components based on the fact that the way we use them has fundamentally changed.

As the chairman of the Armed Services Committee Subcommittee on Personnel and co-chairman of the Senate Reserve Caucus, this is an issue I have wrestled with considerably and want to be sure that we account for as we provide oversight of the personnel policies of the Department of Defense.

My amendment follows closely a bill that my colleague from Georgia, Senator ZELL MILLER, introduced several months ago. I, along with Senators COCHRAN, DEWINE, MURKOWSKI, COLLINS, and BEN NELSON, joined Senator MILLER in cosponsoring this bill. My amendment would lower the age at which members of the Reserve component could collect retirement pay based on the philosophy of a reduced annuity. The amount of retirement pay would be reduced by a small percentage for each year below the age of 60 that a member chose to collect their retirement—very similar to the way Social Security benefits are reduced if a beneficiary determines they want to retire following the achievement of age 62.

According to CBO, this provision would cost approximately $5 billion over 5 years.

There are several other bills pending before the Senate that would change the retirement plan for reservists. In fact, I understand the Senator from New Jersey, Mr. CORZINE, may introduce an amendment this week that would reduce the age at which members of the Reserve could collect retirement from age 60 to age 55 with no corresponding reduction in the annuity. According to CBO, this amendment would cost more than $8 billion over 5 years.

The Senator from Louisiana, Ms. LANDRIEU, has also introduced a bill that would reduce the age to 55 but require a reservist to stay in the Reserve longer in order to receive pay earlier.

All of these bills have merit. All of them deserve to be debated. However, all of them, including my own, carry a significant financial cost. What we have to do is try to balance, particularly in the middle of a war that we are now engaged in, whether we want to utilize our funds to provide weapons systems to our men and women who are now in harm's way or whether we want to provide this kind of benefit which was not anticipated in the budget.

As I stand here today, there are three studies currently underway to address the issue of Reserve retirement. As I have already stated, there are many good ideas regarding how the retirement benefit for the Reserve and the Guard should be changed, and they all have merit.

However, there are two important things about these various options that we do not know. The first is we do not have a firm idea of how much any of these options will cost. We have estimates from CBO to which I have already alluded. They are significant. Costing these various proposals requires predicting the way people are going to behave, and this is an inexact, difficult science.

Secondly, anytime one makes even a small change to something as large and complex as the military personnel process, it changes the entire system. A change in the Reserve retirement system will have effects both on the Reserve and Active-Duty retention, recruiting, and promotion opportunities within the ranks which we cannot foresee without examining the associated impacts very closely.

That is why, even though I have introduced an amendment on this issue, I do not believe that now is the best time to act on the issue. I think we should wait until the three reports currently underway are completed and we have additional data upon which to look at this issue and make a better evaluation.

With this in mind, as I said earlier, I am simply not going to offer my amendment today. Once we have the necessary data to show how the various proposals will impact the force and the cost implications, I look forward to revisiting this issue and dialoguing with the other Senators who have introduced bills or amendments on this issue and those who are concerned, as I am, about how we manage our Reserve components.

There is no more important issue facing the Personnel Subcommittee of the Senate Armed Services Committee than how we treat our men and women in uniform, and their families, because every day this is more a family issue and a family-oriented military. It is my hope that as we proceed with this bill over this week and as the committee entertains the legislation and policy changes in the coming months, that we keep the people at the receiving end of our decisions and deliberations foremost in our minds.

We will continue to include the members of the Reserve components in those deliberations and ensure the Senate adopts policies that work to their advantage, that are fiscally responsible, and that recognize the significant changes that have taken place in the Reserve over the past decade and a half.

I thank my colleague, the Senator from Nebraska, Mr. BEN NELSON, for his cooperation and his work as we have moved through the Personnel Subcommittee process over the last year in preparation for this bill. Senator NELSON feels the same way I do about our Guard and Reserve and was a cosponsor of a number of the amendments to which I have alluded.

I also thank the chairman and the ranking member. We have had dialogues about this issue within our committee, and without their support, guidance, and counsel, we would not be at the point we are with respect to quality-of-life issues that our men and women in both the Guard and the Reserve deserve and ultimately will receive once we enter into the budget process at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3305

Mr. WYDEN. Mr. President, I ask unanimous consent to call up amendment No. 3305, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. DORGAN, proposes an amendment numbered 3305.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose a limitation on Department of Defense contracting for performance of acquisition functions closely associated with inherently governmental functions)

On page 194, after line 22, insert the following:

SEC. 867. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section:

"§2383. Contractor performance of acquisition functions closely associated with inherently governmental functions

"(a) LIMITATION.—The head of an agency may enter a contract for the performance of acquisition functions closely associated with inherently governmental functions only if the Secretary determines that—

"(1) appropriate military or civilian personnel of the Department of Defense cannot reasonably be made available to perform the functions;

"(2) appropriate military or civilian personnel of the Department of Defense are—

"(A) to supervise contractor performance of the contract; and

"(B) to perform all inherently governmental functions associated with the functions to be performed under the contract; and

"(3) the contractor does not have an organizational conflict of interest or the appearance of an organizational conflict of interest in the performance of the functions under the contract.

"(b) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given such term in section 2302(1) of this title, except that such term does not include the Secretary of Homeland Security or the Administrator of the National Oceanic and Atmospheric Administration.

"(2) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

"(3) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

"(4) The term 'organizational conflict of interest' has the meaning given such term in subpart 9.5 of part 9 of the Federal Acquisition Regulation.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

"2383. Contractor performance of acquisition functions closely associated with inherently governmental functions.".

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 2383 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for program management or oversight of contracts for the reconstruction of Iraq, regardless of whether such program management or oversight contract was entered into before, on, or after the date of enactment of this Act.

Mr. WYDEN. Mr. President, for a number of months I have been working with colleagues on both sides of the aisle—Senator COLLINS from Maine, Senator STEVENS, Senator WARNER—to try to get more oversight over the billions of dollars worth of contracts that have been and are being let to rebuild Iraq. I come to the floor today to offer an amendment with my colleague and friend, Senator DORGAN of North Dakota. We have discussed this amendment with Senator LEVIN and Senator WARNER.

What Senator DORGAN and I have found is a shocking system of so-called oversight with respect to the use of taxpayers' dollars. With the nation facing rising deficits and scarce federal dollars for our many problems here at home, it is imperative that there be strong oversight over the use of taxpayers' money. What our amendment deals with is literally the outsourcing of the oversight of the billions of dollars worth of contracts to rebuild Iraq. It sounds incredible, but the heart of the problem is, instead of having Federal employees oversee these billions of dollars worth of contracts to rebuild Iraq, the Department of Defense has outsourced the oversight of these huge contracts to private companies. These companies are "overseeing" the work of other private companies. If many of these companies didn't already have joint ventures elsewhere or interlocking financial interests or boards of directors, I guess one could plausibly say this would be acceptable. But that has not been the case. Putting these companies in charge of oversight of one another strikes Senator DORGAN and me as simply an invitation to flagrant fraud, waste and abuse of taxpayer money.

Senator DORGAN is here as well, and I want to give him ample time to discuss this, but I would like to give a brief example of the kind of problem we seek to address in our legislation. The Parsons Company won two separate Defense Department oversight contracts that totaled nearly $72 million. Under each of those contracts, it overseas the Fluor Company in Iraq. At the same time, Fluor and Parsons have a $2.6 billion joint venture ongoing in Kazakhstan.

The question is, with such a significant shared financial interest, how in the world is anybody in a situation like that going to have a real incentive to take out a sharp pencil and protect the taxpayers.

We are talking about vast sums of money. $18 billion has been allocated by the Congress for reconstruction, and thus far 17 contracts have been let: 10 for reconstruction and 7 for overseeing the reconstruction. I thank the distinguished Senator from Virginia for his cooperation on this amendment. As I discussed with him, this amendment builds on the work that I was able to do in cooperation with Senator DORGAN and Senator COLLINS on the issue of no-bid contracts in Iraq. This amendment establishes that oversight and the protection of the taxpayers' interests in these billions of dollars of contracts, is a Government function. It is not something that can be outsourced. This amendment will prohibit companies with interlocking financial interests from "overseeing" one another.

We talk often about giving the fox the opportunity to oversee the henhouse. This is a textbook case of just such a situation.

I mentioned to the distinguished chairman of the committee, the Senator from Virginia, and the ranking member of the committee, the Senator from Michigan, that this boils down to a simple issue of commonsense. This is not a Democrat or Republican issue. Senator DORGAN and I are pursuing this as a commonsense issue—oversight should not be outsourced, particularly when the projects to be reviewed involve billions of taxpayer dollars. What's worse—these are cost-plus-plus contracts. The contractors here get any unforeseen costs, plus they are eligible for a bonus. Essentially, these contractors are rewarded if the folks they oversee perform well. But who evaluates how well those folks perform? The oversight contractors. Clearly, there are some perverse incentives at work in these oversight contracts.

We are talking about cost-plus-plus contracts that involve billions of taxpayers' dollars. It seems to me we have to get the oversight back where it belongs, and that is in the hands of the Department of Defense and not in the hands of the private contractors. Oversight is inherently a governmental function because accountability must be first and foremost to taxpayers.

I see my friend and colleague from North Dakota here. I want to yield time to him. But in wrapping up this portion of my remarks, I would like to express my appreciation to the Senator from Michigan, Mr. LEVIN, and to the chairman of the committee, Senator WARNER. This amendment, in fact, builds on some of the earlier work we have tried to do in a bipartisan fashion. It essentially comes about because, as Senator DORGAN and I have gone forward to try to make sure taxpayers' interests are protected, we found a massive loophole, a loophole that we think nobody in the Senate confronted in the past, that allows for private companies to oversee other private companies, even when they have what strikes us as very serious potential conflicts of interest.

So we are looking forward, with Chairman WARNER and Ranking Member LEVIN'S cooperation, to have this amendment accepted. I believe it warrants bipartisan support.

I yield the floor.

Mr. WARNER. Mr. President, I have looked this over and I am of the opinion that it can be eventually accepted. I am wondering if the colleagues would just allow the Chair to put in a quorum call for no more than 5 minutes, and then I will be right back to the floor to address this amendment.

Mr. DORGAN. Mr. President, it was my intention to speak in favor of the amendment prior to that.

Mr. WARNER. I am very anxious to hear that. My requirement is to depart the floor to check on something and I will be right back.

Mr. DORGAN. At which point I would be recognized?

Mr. WARNER. Absolutely. I have no objection to that.

Mr. DORGAN. I am agreeable to that.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I now understand that the amendment will be accepted in due course, but I am anxious to hear the perspectives of the other cosponsor. I thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I join my colleague, Senator WYDEN, in working on this amendment.

Let me say first that, as many know, I did not support the funding for reconstruction projects in Iraq with American taxpayers' money. My feeling was, if we were going to use American taxpayers' money to build children's hospitals and restore marshland and swampland, or to purchase garbage trucks, or to have a roads or jobs program, it ought to be done in this country—not Iraq. I felt strongly that the ability to fund the reconstruction in Iraq could easily come from Iraq oil.

It is true they are not pumping quite as much as they had anticipated by July 1 or June 1 of this year, but it is also true that the price is near double what they expected—359 million barrels a day, which is what they intend to get. They will have a substantial amount of excess income over that which they need for Iraq and could easily pay for the reconstruction of Iraq. It is estimated that $160 billion in a 10-year period is the export value of Iraqi oil generated for the country of Iraq. But, nonetheless, the administration and a majority in the Senate and the Congress decided that U.S. taxpayers should fund the reconstruction in Iraq.

The only cut in the reconstruction proposal of some $20-plus billion—the only cut in expenditures of that proposal—was offered by Senator WYDEN and myself. We cut $1.8 billion from it with an amendment on the floor of the Senate which included cutting $100 million for gasoline that was being transported.

Incidentally, I held a hearing on that in the policy committee. We had the person who was in charge of delivering gasoline from the Department of Defense to projects such as this, and he said that the contract for the delivery of gasoline into Iraq was costing $1 more a gallon than would have been delivered into Iraq by the agency in the Department of Defense which normally does that.

Having said all that—pointing out we were the only ones cutting funding for the reconstruction projects—the Congress still passed that reconstruction project of nearly $18 billion in U.S. taxpayer funds for the reconstruction in Iraq.

My concern—and I think the concern expressed by my colleague from Oregon—is that money be spent effectively and wisely and not wasted. If it is going to be spent—and I did not think this was the way to do it—but if it is going to be done, let us make sure it is not wasted.

The Pentagon announced that it wants to fund it and has already signed and implemented contracts to fund $121 million for outsourcing the oversight of these reconstruction contracts.

There is plenty going on in Iraq that ought to give us pause with respect to contractors. This is not a reconstruction contract. But you know what we know now about the Halliburton corporation charging the Federal Government for 42,000 meals a day and serving 14,000 meals a day to our soldiers. Let me say that again: charging for 42,000 meals a day which they say they delivered to U.S. soldiers when in fact they were delivering 14,000 meals a day and missing 28,000 meals somewhere.

There is plenty of reason to be concerned about contractors that are engaged in that kind of behavior.

With respect to these series of contracts for $129 million, they have selected corporations, they have already signed the contracts. The taxpayers, much to our chagrin, are obligated to pay these contracts. They have signed the contracts with companies that have inherent conflicts, in my judgment. How do you oversee a contract of another company with whom you already have an established business relationship in another contract? I don't know how you do that. Yet these contracts were signed and sealed and delivered and the taxpayer is on the hook for $129 million.

I happen to think "oversight" is a responsibility of the Government, of the Federal agency that is going to spend the money. It is their responsibility to provide oversight, not someone else's responsibility. The saying is, "The buck stops here." Where does it stop? It stops, it seems to me, with the Federal agency that is given the funding by this Congress. It is their requirement to provide oversight to make sure that funding is used in a manner that is appropriate.

In this case, the Defense Department has said, no, we are not going to do that. We are going to contract out oversight responsibilities. Now I understand they are saying, well, it is not oversight. Really? That is what the provisional authority calls it. In writing, these are oversight contracts for $129 million. There ought not be oversight that is contracted out. It is a responsibility of the Federal agency.

This chart shows some of the relationships of the companies, companies that are overseeing other companies. I don't intend to say with this chart these are bad companies. I intend to say a company that has a relationship with another company, a business, a contractual relationship, a financial relationship that is now told to oversee the work of this company, even though you have other interests and other financial arrangements with this company, I am saying there is an inherent conflict there. That is not the way to do oversight. Even if these potential conflicts did not exist, I would not support these contracts. Oversight is not the responsibility of a hired gun someplace. It is the responsibility of the Federal agency.

Senator WYDEN and I have offered a relatively simple amendment. We would have offered an amendment that strikes or nullifies those contracts, but we have been told to do so still leaves the Federal Government on the hook. That does not make much sense. It seems to me what we ought to do is make sure this does not happen again.

The amendment we are offering says oversight is a government responsibility, first and foremost. We establish that principle. Second, we say these oversight contracts shall not be renewed. And third, it says the Pentagon cannot award such contracts in the future.

We have provided a couple of exceptions where we think it is impossible for them to do anything other than have some narrow contracts where it is required, but generally speaking, the approach the Pentagon has used would be prevented prospectively by the amendment we now offer.

Again, our original proposal would have terminated all these contracts outright. I prefer that be the case. These contracts, as I understand it, would still obligate the American taxpayers, and are enforceable. I think that is an approach we cannot get through.

Mr. WARNER. If the Senator will yield, yes, the Senator has very carefully recrafted the amendment. That is the reason we will be able to accept it on this side.

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WYDEN. I appreciate the Senator's point and the cooperation of the Chairman and Senator LEVIN.

It is also clear if anyone tries to renew any of the old contracts which we sought to set aside, they would have to meet the new conflict-of-interest standards established in our amendment, is that correct?

Mr. DORGAN. I say to my colleague from Oregon, that is correct. Our approach is simple. We think there are so many billions of dollars ricocheting around on reconstruction with respect to Iraq that there is a profound opportunity for waste. I don't think anyone in this Chamber wants money wasted. We all want good oversight. We want good stewardship of the taxpayers' funds. We do not believe that is the case when inherent conflicts of interest result. That is the purpose of our offering this amendment.

Let me again say the Senator from Oregon, Senator WYDEN, not just on this issue but on the other issues relating to the $1.8 billion in spending cuts we got done with our joint amendment, does extraordinary work in this area. I appreciate the opportunity to work with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our colleagues from Oregon and North Dakota for this amendment. They have put their finger on a very significant problem in Iraq which is symptomatic. They would be the first to acknowledge this is a deeper problem. That is, we have reduced the number of our acquisition workforce.

The chairman of the committee and other members of the Armed Services Committee, including myself, every year for the past I don't know how many years have been to conference with the House of Representatives. They have tried and successfully achieved reduction to the acquisition workforce despite our opposition to those efforts. They have made major cuts in the acquisition workforce. They call it bureaucracy. We have fought against some of the cuts. We have been able to reduce the size of the cuts. Nonetheless, over time, there have been significant reductions in the acquisition workforce, including people to oversee contracts, which is what we are talking about here.

Our good friends from Oregon and North Dakota have identified a real problem. I congratulate the Senators for doing it. It is a problem reflective of a deeper problem we have now in the Defense Department.

There has been an amendment offered by Senator BYRD which we have accepted which gradually increases the size of the acquisition workforce. That would help get to the underlying systemic cause of this problem. We are going to go to conference, hoping we will be able to add some people to our acquisition workforce who can do the very oversight which is so essential to avoid the very conflicts of interest which the two Senators have identified.

The fact that the Byrd amendment has been adopted and we have added people on this side will put us in a better position, as well as this amendment, of course, of the Senators from Oregon and North Dakota.

I commend them. It will help us not simply to hopefully avoid this kind of absurd situation where nongovernmental employees are overseeing the operations of Government contracts, frequently with inherent conflicts of interest involved, but where we are going to be able to cure the cause of this situation as well on a long-term basis.

I commend them and thank them for the modifications they have made which I think will put us in a stronger position to defend this action in conference.

Mr. WARNER. Mr. President, this side is prepared to accept this amendment.

Mr. WYDEN. I yield the floor and thank the distinguished chairman and Senator LEVIN.

Mr. DORGAN. I ask the amendment be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3305) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I see my distinguished colleague from Connecticut and I yield the floor.

Mr. DODD. I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3313, AS MODIFIED

Mr. DODD. I call up amendment 3313 and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. LAUTENBERG, and Mrs. FEINSTEIN proposes an amendment numbered 3313, as modified.

The amendment (No. 3313), as modified, is as follows:

(Purpose: To prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense)

On page 195, between lines 10 and 11, insert the following:

SEC. 868. PROHIBITIONS ON USE OF CONTRACTORS FOR CERTAIN DEPARTMENT OF DEFENSE ACTIVITIES.

(a) PROHIBITION ON USE OF CONTRACTORS IN INTERROGATION OF PRISONERS AND COMBAT MISSIONS.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the use of contractors by the Department of Defense is prohibited for activities as follows:

(A) Interrogation of prisoners, detainees, or combatants at any United States military installation or other installation under the authority of United States military or civilian personnel.

(B) United States-led combat missions that require routine engagement in direct combat on the ground, except in cases of self-defense.

(2)(A) During fiscal year 2005, the President may waive the prohibition in paragraph (1) with respect to the use of contractors to provide translator services under subparagraph (A) of that paragraph if the President determines that no United States military personnel with appropriate language skills are available to provide translator services for the interrogation to which the waiver applies.

(B) The President may also waive the prohibition in paragraph (1)(A) with respect to any other use of contractors otherwise prohibited by that paragraph during the 90-day period beginning on the date of the enactment of this Act, but any such waiver shall cease to be effective on the last day of such period.

(3) The President shall, on a quarterly basis, submit to the appropriate committees of Congress a report on the use, if any, of contractors for the provision of translator services pursuant to the waiver authority in paragraph (2).

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the utilization of contractor personnel in contravention of the prohibition in subsection (a), whether such funds are provided directly to a contractor by a department, agency, or other entity of the United States Government or indirectly through a permanent, interim, or transitional foreign government or other third party.

(c) PROHIBITION ON TRANSFER OF CUSTODY OF PRISONERS TO CONTRACTORS.—No prisoner, detainee, or combatant under the custody or control of the Department of Defense may be transferred to the custody or control of a contractor or contractor personnel.

(d) RECORDS OF TRANSFERS OF CUSTODY OF PRISONERS TO OTHER COUNTRIES.—(1) No prisoner, detainee, or combatant under the custody or control of the Department of Defense may be transferred to the custody or control of another department or agency of the United States Government, a foreign, multinational, or other non-United States entity, or another country unless the Secretary makes an appropriate record of such transfer that includes, for the prisoner, detainee, or combatant concerned—

(A) the name and nationality; and

(B) the reason or reasons for such transfer.

(2) The Secretary shall ensure that—

(A) the records made of transfers by a transferring authority as described in paragraph (1) are maintained by that transferring authority in a central location; and

(B) the location and format of the records are such that the records are readily accessible to, and readily viewable by, the appropriate committees of Congress.

(3) A record under paragraph (1) shall be maintained in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Foreign Relations, and the Judiciary of the Senate and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, International Relations, and the Judiciary of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. WARNER. Mr. President, I wonder if we could ask the Senator from Connecticut if we could temporarily lay this matter to one side while we finish processing the amendment by the Senator from Colorado? It would take but a few minutes.

Mr. DODD. I am happy to do that.

Mr. WARNER. Mr. President, at this point in time—

Mr. DODD. Mr. President, I have sent the modification to the desk. I inquire, has the Chair ruled on it?

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. DODD. Fine.

Mr. WARNER. I thank the Senator from Connecticut.

Mr. President, I ask that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I see the Senator from Colorado. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 3449

Mr. ALLARD. Mr. President, I have an amendment that we have laid aside. I guess the proper thing is we need to call it up for consideration. The reason I am calling it up is because our staffs have worked this out. There is a second-degree amendment that was offered by Senator REID on behalf of Senator LEVIN. We have worked out an agreement, I understand, between the staffs, and I know the chairman would like to expedite and move forward and not leave these amendments hanging out there.

So I call up that amendment.

The PRESIDING OFFICER. Does the Senator request the regular order with respect to the amendment?

Mr. ALLARD. Yes, I request the regular order on that amendment, please.

The PRESIDING OFFICER. The amendment is pending.

Mr. ALLARD. Now, I think Senator LEVIN has to be recognized to move the modification forward.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Michigan.

AMENDMENT NO. 3449, AS MODIFIED

Mr. LEVIN. Madam President, has our modification to the second-degree amendment been sent to the desk yet? We will send up a modification to the second-degree amendment, and then I understand, as modified, Senator ALLARD will be accepting the second-degree.

Mr. ALLARD. That is correct.

The PRESIDING OFFICER. The amendment, No. 3449, as modified, is pending.

The amendment, as modified, is as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.

(a) POLICY.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) SENSE OF CONGRESS.—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

Mr. LEVIN. Madam President, very briefly—and I thank Senator ALLARD and our staffs for working this out—we have expressed some real concerns in terms of the proliferation challenges in terms of the ballistic missile technology which is at issue.

Technology can be called defensive technology, but it also can be used offensively. The line between offensive and defensive missile technology is not a perfect line and, indeed, some of the technologies are both offensive and defensive. So it is important that the concerns we had expressed, and do express, in our second-degree amendment relative to the technology and the proliferation of these technologies be expressed in the underlying amendment, and that would remain.

What we have removed from our second-degree amendment is the elimination of what amounts to, I guess, that 30-day either goal or deadline, which is waiveable by the Secretary of State. So what we have in our second-degree amendment now, as modified, is that we have left that 30-day goal in place—and Senator ALLARD had it in his amendment—but the efforts to try to address some of the proliferation concerns will remain in the second-degree amendment.

I understand, as modified, that Senator ALLARD is willing to accept the second-degree amendment.

Mr. ALLARD. Yes.

Madam President, if I could be recognized briefly, we did have some exceptions in that to be sensitive to your concerns about the 30-day portion. In the judgment of the Secretary of State, they could extend that if they believe that is necessary. There is also a paragraph in here that was adopted on policy to address some of your concerns about proliferation and whatnot. Hopefully, we met those concerns.

I think this is a good compromise. I thank the Senator from Michigan for working with me and our staff over here and for your staff working together with us. I think now that we have resolved this matter we can move forward on the amendment.

Now, Madam President, have we adopted the modification?

The PRESIDING OFFICER. The modification has been made.

The amendment is pending.

The question is on agreeing to the second-degree amendment, as modified.

The amendment (No. 3449), as modified, was agreed to.

AMENDMENT NO. 3322, AS AMENDED

The PRESIDING OFFICER. The question is now on agreeing to the Allard amendment, as amended.

The amendment, as amended, is adopted.

The amendment (No. 3322), as amended, was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3313, AS MODIFIED

Mr. DODD. Madam President, I ask unanimous consent that we now be allowed to debate amendment No. 3313 as modified.

The PRESIDING OFFICER. The Senator has that right.

Mr. DODD. Thank you, Madam President. And, again, I commend my two friends and colleagues, the chairman and ranking member of the Armed Services Committee.

Let me briefly describe what this amendment is and what we try to do.

This amendment attempts to address what I believe is a very legitimate and serious concern that has come to light in recent days with respect to the use or misuse of contractors in the treatment of detainees in Iraq.

Quite simply, this amendment would prohibit the use of contractors in the interrogation of prisoners and offensive military operations and establish certain restrictions with respect to the transfer of prisoners to contractors and foreign nations.

Let me try to explain why this is so and what the background of all this is. According to some estimates, there are as many as 20,000 contractors operating in Iraq today, many carrying out mission-critical military roles, such as security, protection, interrogation, logistics support, and paramilitary and military training.

Increasingly, U.S. contractor activities have become deeply intertwined with those of U.S. troops and Coalition Provisional Authority personnel. These activities have put them in harm's way. As we have all painfully learned, contractors are among those who have been taken hostage by insurgents in Iraq. They have also suffered terrible injuries and loss of life, the most horrific of which occurred on April 13 of this year when the bodies of four contractors were burned, mutilated, and hung from a bridge in Iraq.

Equally troubling, it looks more and more likely that contractors may have taken part in the interrogation of Iraqi prisoners and may be linked directly or indirectly to the reported abuses of those prisoners. Even today there may be still some taking part in the interrogation of prisoners.

Let me say as an aside, by the way, that I commend, again, the Armed Services Committee under the leadership of Senator WARNER and Senator LEVIN for the very thoughtful hearings the Armed Services Committee had about this matter and the professional manner in which they went about examining these issues and doing the kind of thorough look that a standing committee of the Senate ought to make, regardless of the party in power in the White House. They have done a very good job and have been tremendously helpful to the American public.

We have all read reports and seen graphic pictures of the heinous abuses associated with the incarceration of Iraqi prisoners. Unfortunately, so has almost the entire world been witness to these photographs and the stories about what has occurred.

It does not take much of an imagination to figure out that the consequence of those abuses has been a disaster not only with respect to the U.S. policy in Iraq but also with respect to our policies throughout the greater Middle East. That is why I have included a provision in the pending amendment to prohibit the use of contractors in the interrogation of prisoners, detainees, and combatants. However, mindful that in the short term we may not have sufficient military personnel with requisite language and interrogation skills at certain critical moments, I have also included in this pending amendment Presidential authority to waive these restrictions under certain narrow constrictions: During fiscal year 2005 with respect to their use as translators, and for the first 90 days of the next fiscal year with respect to interrogations.

It should go without saying that any contractor who is employed by the United States as a translator or interrogator must be certified as highly proficient in the areas for which he or she is being employed, and such contractors must be properly supervised at all times by official U.S. military personnel. To help ensure that is the case, the amendment I am offering this afternoon would also require the President to submit a quarterly report to Congress on the use of contractors as translators and in interrogations.

I remind my colleagues that at this very moment contractors in Iraq go about their business virtually unregulated. They have been exempted from local law by CPA regulation. They are also outside the Uniform Military Code of Justice and could, therefore, avoid prosecution in a military court of law. Contractors' accountability under U.S. international law remains untested. And now the Bush administration is putting pressure on the transitional Iraqi government to grant immunity to contractors after the June 30 transfer of power. If the transitional Iraqi government succumbs to this pressure, contractors won't only have immunity from prosecution, they will likely be able to act with impunity while they participate in some of our most sensitive military intelligence operations. I think this is unacceptable and puts our troops and our mission at great risk.

The more we learn, the more it seems this whole business of hiring contractors has gotten out of control. We need to be more scrupulous—not less—about the tasks we assign to contractors. Quite frankly, I don't think it makes much sense to have contractors performing interrogations. Apparently neither does the Army, whose policy reportedly bars contractors from military intelligence jobs such as interrogating prisoners unless there are not enough qualified people in the Army to perform those duties.

According to recent reports, the source of this policy is an Army policy memo, written in December 2000, by Patrick T. Henry, then the Army's top personnel official. In this memo he asserted that allowing private workers to gather military intelligence presented "a risk to national security." That statement is anything but ambiguous. Let me quote it again. From the Army's top personnel official, it is "a risk to national security," in a 2000 memo prepared by the U.S. Army.

Thomas White, the former Secretary of the Army, has also expressed his opposition to hiring contractors to question prisoners, stating in an interview "the basic process of interrogation should be kept in-house on the Army side."

Moreover, last week it was reported that CACI International, a contractor caught up in this controversy, was not even under contract with the Department of Defense. Rather its activities were being managed by the U.S. Department of Interior which approved the company's hiring of interrogators utilizing a preexisting contract for computer services with that company. The particular circumstances of the CACI contract blur even further the accountability of its employees because Department of Interior contractors may not be covered by certain U.S. laws specifically enacted to cover Department of Defense contractors, such as the Military Extraterritorial Jurisdiction Act, which attempts to make U.S. Department of Defense contractors working overseas legally accountable.

How many other contractors have been employed by non-Department of Defense agencies to carry out activities in Iraq? To say we have seen some extraordinary contracting practices in the case of Iraq is an understatement. I would hope these practices are not being employed to circumvent the requirements of the Geneva Conventions or other international U.S. laws, because if you are doing this as a matter of policy, I am deeply concerned that we will be inviting other nations to do the same to the detriment of the safety of American military and civilian personnel around the globe.

Indeed, according to the comprehensive report of MG Antonio Taguba, contractors employed in Iraq participated in prisoner interrogations with minimal supervision. And I quote him:

> They allegedly on occasion even provided direction to U.S. military police.

The words "minimal supervision" are not mine. They were part of a job posting for the interrogator international analyst team lead assistant which is listed on the contract at CACI International's Web site.

I have reproduced an excerpt from the job posting as it was reprinted in the Washington Post on May 10 on the poster behind me. It reads:

> Description: Assists the interrogation support program team . . . to increase the effectiveness of dealing with detainees, persons of interest and prisoners of war (POWs) that are in the custody of the U.S./Coalition forces . . . in terms of screening, interrogation, and debriefing of persons of intelligence value. Under minimal supervision, will assist. . . .

The key words are "under minimal supervision." The new posting now reads "under minimal CACI supervision," the name of the international company.

This isn't all. A former CACI interrogator was quoted on May 13 in the Washington Post as saying:

> Civilian interrogators were often free to conduct interrogations as they best saw fit.

And General Taguba reportedly recommended to one employee of CACI that he be "fired, reprimanded, and denied his security clearances for giving instructions to Army policemen that he clearly knew equated to physical abuse."

Indeed, this lack of supervision may have been the rule rather than the exception in the Abu Ghraib prison. More importantly, with the fate of our mission in Iraq and our international reputation at stake, the American people deserve to know why civilian contractors were participating in these interrogations in the first place.

This Senator—and I am sure many of my colleagues would agree—does not think private contractors have any place in such highly sensitive military operations. That is not only because of these human rights abuses or potential violations of U.S. international law, it is because they have exponentially increased the danger level for more than 135,000 honorable and dedicated U.S.

troops currently risking their lives in Iraq. We owe it to all those brave men and women who now face a far more difficult task in winning the hearts and minds of Iraqis or setting the stage for the successful handover of sovereignty to Iraqi officials less than 15 days from now.

My amendment also addresses the related issue of the transfer of prisoners in U.S. custody. It would not only prohibit the U.S. Department of Defense from transferring prisoners into a contractor's custody, but it would also require the Secretary of Defense to keep a written record of prisoner transfers from DOD custody to foreign nations.

Why is this provision necessary? Because according to published reports, interrogation strategies reportedly included sending detainees to third countries where in some cases, according to the New York Times, they are convinced they might be executed.

A set of post-9/11 legal memoranda prepared by the U.S. Government even suggested "if U.S. Government officials are contemplating procedures that may put them in violation of American statutes that prohibit torture, degrading treatment, or the Geneva Conventions, they will not be held responsible if it can be argued that the detainees are formally in the custody of another nation."

There may be instances when the transfer of prisoners to third countries would serve our interests. My amendment does not prohibit that from happening. But at the very least, records of transfers should be kept to ensure that the transfer of prisoners to countries with poor human rights records is not used to circumvent U.S. and international law. My amendment would mandate that such records be kept.

Finally, this amendment would also prohibit contractors from participating in most combat operations except in cases of self-defense, and it would prevent U.S. moneys from being used to pay contractors for those purposes. I understand our stated U.S. policy does not permit U.S. contractors in combat. The chaos on the ground has created a climate where, for the most part, these individuals operate with little or no oversight. Without specific language in statute which clearly spells out what are and are not permissible contractor activities, there will always exist the danger that circumstances will draw private citizens into armed conflict.

I would hope my colleagues would support codifying into law what the administration has said is its policy with respect to the use of private contractors in combat situations.

Madam President, I will briefly sum up what I am trying to accomplish with the pending amendment. First, I propose to restrict the use of contractors in prisoner interrogations. I point out that we provide for a little leeway here that would allow, during fiscal 2005, for a little time to be used, because we may not have the people at hand who can do translations, or perform interrogations, so we provide leeway to build this up. We would prohibit such individuals from being employed in prisoner interrogations.

Second, we would prohibit such individuals from being employed in offensive combat missions.

Finally, I would keep private contractors out of the prisoner contracting business.

I commend Senators WARNER and LEVIN for their willingness to address some of the issues I have touched on in this amendment in the last few weeks. This is so we in the Congress "get it," so to speak, and we are ready to begin repairing the damage caused by these problems which, in some cases, continue to endanger our efforts in Iraq and throughout the globe.

I believe the amendment is a reasonable and measured response to the challenges we face. I urge my colleagues to support the efforts embodied in this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I have looked over this amendment very carefully. We will have to oppose it for a number of reasons. There may be some parts of it on which we could have a meeting of the minds. I would like to walk through the amendment with my good friend and ask him a few questions about this amendment.

Let's go to the title:

> Prohibitions on the Use of Contractors for Certain Department of Defense Activities.
>
> (A) Prohibition on Use of Contractors in Interrogation of Prisoners and Combat Operations.

That and combat operations poses a dilemma. For example, as the distinguished Senator knows, in his State are a number of our submarines. At any one time, those submarines have a board of contractors who are working on the equipment, training of sailors, taking an aircraft carrier. At any one time, you have maybe several hundred contractors aboard an aircraft carrier. On a moment's notice, either of those vessels could be given a tactical order to go into harm's way.

The way this amendment is drawn—so broadly—I think the Senator had better look at it again. I could not in any way support an amendment that says contractors are prohibited from going into harm's way, because they are forward-deployed with our units; they are aboard our vessels. At any time, on a moment's notice, they could be put into a position of being in harm's way.

Mr. DODD. Let me respond, if I may. It is an anticipated argument. We have similar provisions applying in certain categories under the United States Code here, 10 U.S.C. Section 113, Notice to Congress of Proposed Changes in Combat Assignments to Which Female Members May be Assigned; and also in Public Law 103–160.

I ask unanimous consent to have both of these provisions of the United States Code printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From 10 U.S.C., Public Law 103–160]

SEC. 542. NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED

(a) IN GENERAL.—(1) Except in a case covered by subsection (b), whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

(2) If before the date of the enactment of this Act the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either—

(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(3) The Secretary shall include in any report under paragraph (1)—

(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

Pub. L. 103–160, div. A, Title V, Sec. 542, Nov. 30, 1993, 107 Stat. 1659, as amended by Pub. L. 106–398, Sec. 1 ((div. A), title V, Sec. 573(b)), Oct. 30, 2000, 114 Stat. 1654, 1654A–136;

Pub. L. 107–107, div. A, title V, Sec. 591, Dec. 28, 2001, 115 Stat. 1125, provided that:

"(a) IN GENERAL.—(1) Except in a case covered by subsection (b) or by section 6035 of title 10, United states Code, whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

"(2) If before the date of the enactment of this Act (Nov. 30, 1993) the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

"(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

"(2) A change referred to in paragraph (1) is a change that either—

"(A) closes to female members of the Armed Forces any category or unit or position that at that time is open to service by such members; or

"(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

"(3) The Secretary shall include in any report under paragraph (1)—

"(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

"(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

"(4) For purposes of this subsection, the term 'ground combat exclusion policy' means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement indirect combat on the ground.

"(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die."

Mr. DODD. In Public Law 103–160, it says:

(4) For purpose of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, is in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement and direct combat on the ground.

So there is a precedent here, and I am using this as an example of that same language. First, it would come under defending themselves to a certain point. The idea we are trying to get at is to have these personnel not become directly involved in combat.

Mr. WARNER. That is not the way it is crafted, as I read it. If the Senator wishes to proceed on this part of the amendment, the Senator would be well advised to try to make reference to the existing law in such a way as to make it clear.

Mr. DODD. I am happy to do that. My intention is, obviously, not to try to chart new areas of law.

Mr. WARNER. The way it is drawn, it could be interpreted that way.

Mr. DODD. We will talk with staff to see if we might make the language tighter.

Mr. WARNER. My second concern goes to the question of the interrogation of prisoners. Clearly, the Armed Services Committee has had hearings on the very difficult problems that we encountered in the prisons in Iraq, and perhaps in certain areas in Afghanistan; and we, by no means, have concluded—either the Congress or the Department of Defense—our examination of these problems. As the Senator well knows, the Army, in particular, and the Department of Defense have a number of ongoing investigations with regard to these prisoner problems. It relates, as my good friend from Connecticut stated, to the use of, in some instances, interrogators who were contractors.

This is the problem, as I see it. As we do our defense planning, we do our very best to have trained and ready cadres of individuals in combat areas and cadres of individuals for medical purposes and other purposes. If we were to put this type of prohibition into law, the Department of Defense—primarily the Department of the Army—would have to put into place a very significant number of individuals who would at all times be trained and ready to go in following combat operations to do the interrogations of prisoners.

That, it seems to me, puts a burden on the Department which is not a wise expenditure of funds and use of military personnel. I don't know what the estimate would be. Let's assume that in due course our situations in Afghanistan and Iraq are secured in such a way that our forces withdraw and we hopefully return to a period where there would be more equilibrium in the use of our Armed Forces in conducting missions around the world. As this is drawn, the Department of the Army would have to have a very significant cadre of individuals who are just waiting assignment at a future time, as a consequence of some future military operation, to perform the interrogations. That has been an area that I think in the past has successfully been performed by contractors, providing there are rules and regulations laying down the specific requirements of the training of those contractors, the expertise. They just cannot pick up individuals off the street and put them into positions of responsibility. It is that general reason—and I will go on in a moment, but I will allow my colleague to reply—that I have great concern about the intention of this amendment. Those are two points I wish to make in terms of opposition to the amendment.

Mr. DODD. If I may respond, it is not an illegitimate concern in talking about personnel. We have all seen what could happen when you have people operating who are unregulated. In some cases, contractors have worked out of the Department of the Interior, so there is no supervision by the DOD. We are asking these people, unregulated, with no clear lines of authority, to do these things, and we have seen what happens when that occurs. It appears this is getting out of hand by private contractors.

In the area of intelligence gathering, dealing with sensitive matters—sensitive to the issue of having enough personnel on the ground to do these things—I am far more worried about the fact of rogue elements being able to cause us tremendous harm.

I think all would admit certainly that the result of what happened in Abu Ghraib prison and what the world knows today has been tremendously harmful to the United States and potentially to our men and women in uniform who may be subjected to interrogations. We know we are going to see the answers raised by others.

I provided in the amendment some leeway to allow for a period of time so it would not be required to have an immediate requirement that all of these individuals be replaced on the adoption of this particular law but allow for some leeway.

Mr. WARNER. Madam President, will the Senator direct the Senate to that portion where he thinks there is flexibility.

Mr. DODD. Madam President, if the Senator will go to page 2 of the amendment, the very bottom line, 25, section (b), the President may also waive the prohibition in paragraph 1 with respect to the use of contractors. Otherwise provided by that paragraph during the 90-day period—going on page 3—beginning on the date of enactment of this act, but any such waiver shall cease to be effective on the last day of such period.

There is also an earlier provision in regard to translator services regarding additional time.

Mr. WARNER. Madam President, I could not find that language. I listened carefully to the Senator's presentation. I can understand the translator.

Mr. DODD. I am quoting from the bill. With regard to 1(a) on page 2—and you go to page 2 of the amendment—

Mr. WARNER. I am on page 2.

Mr. DODD. Then go to line 10. It talks about interrogation of prisoners, detainees, and the like. Paragraph (b), and then it goes, on line 17, during fiscal year 2005 the President may waive prohibition in paragraph 1 with respect to contractors and provide translator services under paragraph (a), if the President determines no United States military personnel or appropriate language skills are available.

Go on down to line 25, page 2, section (b): The President may also waive the prohibition in paragraph 1(a) with respect to the use of any contractors. I am reading on page 3.

Mr. WARNER. Madam President, if the Senator will withhold, I have two amendments here, and I suspect what I was working off of was the—I thought it was the one that had been modified. I am now told this is the original amendment and that you have modified it.

Mr. DODD. I have modified it, yes.

Mr. WARNER. Once again, if the Senator will direct me.

Mr. DODD. On page 2 of the amendment, go down and begin on line 10, and I believe that is section (a). It talks about the interrogation of prisoners, what would not be allowed. Then paragraph (a) and paragraph (b). Then on line 17, 2(a), it says: During fiscal year 2005, the President may waive the prohibition in paragraph 1 with respect to the use of contractors to provide translator services under paragraph (a) of that paragraph.

Without reading the rest of that language, going to line 25, subparagraph (b) on page 2: The President may also waive the prohibition in paragraph 1(a) with respect to use of contractors—page 3 now—otherwise prohibited by that paragraph during the 90-day period beginning on the date of the enactment of this act.

Senator LEVIN raised this question, and we discussed it. It is a legitimate point. We do not expect for this to happen overnight. It would be unreasonable.

The point I want to make generically, because I think my colleague raises a very legitimate issue, is that the war on terror is not going to be over tomorrow, and it seems to me we better get the expertise in these areas. They are going to be an integral part of our Government service to have this talent, this ability. It is a new age we have entered, and we have to be prepared to address it.

I am deeply worried about having these unregulated, uncontrolled contractors, many of which are operating with agencies that are not even under the Department of Defense in a theater of conflict where the ability to control, regulate, and supervise may be going out the window.

As I say, I was stunned to read about the Department of the Interior. What is the Department of the Interior doing and what authority does the Department of Defense have over contractors hired by the Department of the Interior operating in a prison environment in Baghdad? That worries me. If they are not trained, who are these people gathering intelligence? How much reliance can we have?

I realize we are in tough shape with personnel, but my point is the sooner we start developing the in-house capabilities—I recall reading after 9/11 that we actually ran advertisements in local papers for people who could speak Arabic for jobs in the State Department. This is a terrible revelation that we do not have people capable of doing this skill.

I am worried that if we continue to rely on a very loose operation—we found out what happens, and we have suffered terribly as a result of these abuses that occurred.

I do not know to the extent and, obviously, others are looking into the details of it now, but certainly we know now there were a number of private contractors basically unsupervised operating in their own world and may have been directed by our military personnel under certain circumstances.

I am sensitive to the concerns raised by the chairman who, by the way—and I will state it again. The hearings that the chairman and the ranking member have held on this issue have been tremendously worthwhile, and I commend them immensely for what they are doing. If there are ways in which this amendment can be modified to address the not illegitimate concerns about how do you transition from a present situation into one we can build, then I am interested in how we do that.

I am not interested in having an amendment and having a vote, allowing it to come out one way or the other. I think it is a critically important issue. We have at least 20,000 people operating as independent contractors in a very important theater, and we are going to face more situations not unlike this in the coming years.

It seems to me we better start addressing this pretty quickly, and this amendment is an effort to do that.

Mr. WARNER. On the question of the interrogation, I would like to have an opportunity to revisit that. My immediate concern is maybe 90 days is short and perhaps there is some flexibility there.

If I can return to the part B, that gives me very serious concern, and that is the combat missions that require routine engagement. For example, so much of the security for Ambassador Bremer today is all contracted. Much of the security, as I understand, which is given to other members of the Iraqi government, to the extent they avail themselves of what the coalition forces—that is nonmilitary, Ambassador Bremer's operation—make available to them, I do not know how we are going to meet those needs. If you follow this to the letter, you would have to have all soldiers doing that.

Mr. DODD. As I said, the idea is it is one thing for them to be in a capacity to provide protection and certainly take steps for self-defense. I am trying to draw a distinction of engaging in offensive combat missions because there is some concern they have been involved in that level of activity.

Again, I hope the language used in existing law that draws a distinction between ground activity, combat activity, and noncombat activity, defensive activity, would be clear enough. Again, I am happy to spell out that language more clearly. I am just trying to avoid a situation where, again, people who are untrained, unregulated, and unsupervised can get us into a lot of difficulty in a very sensitive area.

Mr. WARNER. Madam President, the Senator's point is well taken. He has served in this body many years and during that period of time, we have engaged in a number of military operations. This one is unique.

I made a quick reference to the existing statutes, 113 U.S.C. and others. I am fearful the Senator has thrown out a fishnet here that catches too many when he says prohibit the use of contractors as relates to combat missions. I just do not know how we would operate aboard our ships. I do not know how we would operate in a number of theaters without the benefit of contractors, and, at certain times, they are in harm's way.

So at the moment we will have to have very vigorous opposition to this amendment as it is presently drawn. If the Senator from Connecticut wants to lay it aside and take a look at it, I will be happy to do so.

Mr. DODD. Madam President, let me put this in the RECORD, if I may, for my colleagues. Under Public Law 107-306, November 27, 2002, subsection (e), "Limitation on Participation of United States Personnel":

> No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or rescuing any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

I am not creating new law. That is a public law that is on the books. So I say to my colleagues, I do not believe we are going off in an area that would be unwarranted.

I ask unanimous consent that a copy of this Public Law 107-306 dated November 27, 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Public Law 107-306—Nov. 27, 2002]

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. USE OF FUNDS FOR COUNTERDRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(e) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or rescuing any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

Mr. DODD. It is Title V, the Department of Defense Intelligence Activities. That is the section, subsection e, of that title V.

Mr. WARNER. Madam President, I again draw my colleague to paragraph B, United States-led combat missions that require routine engagement in direct combat, that implies that the uniformed people are in direct combat and the presence in a supporting role of contractors can often be the case unexpectedly in connection with naval vessels which are a matter of a moment's notice.

Mr. DODD. I have no difficulty with——

Mr. WARNER. I am not sure this is drawn in such a way as to continue what I deem essential practice with regard to naval ships. I would have to study it considerably to determine how it might impede ground operations.

Mr. DODD. I always appreciate the advice and counsel of the chairman of the committee so I will take a look and see if there is some common language that might meet those concerns.

Mr. WARNER. Is it the intention of my colleague in due course to lay this aside?

Mr. DODD. I presume others would want to lay it aside when other amendments are being considered. I do not object to that.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me comment on what I think is the heart of the amendment the Senator from Connecticut has offered, and that has to do with the interrogation function and whether that ought to be performed by private contractors.

It seems to me abundantly clear that we cannot hire private contractors to perform a function that is inherently governmental, inherently sensitive, indeed inherently explosive, and on which there must be accountability, such as the interrogation of prisoners. We have treaty obligations. We have to live up to those treaty obligations, not because they are treaty obligations, although that should be enough, but also because the safety of our own troops is directly involved if we fail to abide by treaty obligations.

The stakes are absolutely huge and we must have people performing these functions who are accountable to us, where there is accountability.

Now the chairman has pointed out a problem with so-called subparagraph 1(b). I do think that is going to require additional exploration, and the Senator from Connecticut is perfectly happy to take a look at that additional exploration.

As the Senator from Connecticut points out, there may indeed already be law on the books that this simply would reinforce. If that is true, it is possible we may not even need this provision, but that is something which the exploration of law can tell us. We may not need, or the Senator from Connecticut more properly may not need, the provision 1(b) if the current law already addresses that issue. But that is something we ought to explore when we lay this amendment aside.

I will tell my friend from Virginia, the chairman of the committee, that the heart of this amendment, as I read it, is not section 1(b) but section 1(a). I think the Senator from Connecticut can speak most directly to that issue, but it is a question of whether we are going to contract out the interrogation function, where there is no accountability in something as grave as this procedure. Interrogating people who are captured in war has ramifications that are so significant to the security of our own troops, I think we must have the full accountability, which is only achievable when we have this performed by our own governmental operations, our own forces, our own governmental employees. So I think 1(a) is right on target.

It is possible, and I think there is another reason to lay this aside, that according to at least an article which I read over the weekend there already is an Army policy directive on this subject, when I read this article——

Mr. WARNER. Excuse me, Madam President, but on which subject?

Mr. LEVIN. On the subject of (a).

Mr. WARNER. Let us make it clear because the Senator is mixing (a) and (b).

Mr. LEVIN. I thank my chairman. This is what the article reads, and because I have a reprint of it I am not sure what paper I read it in, but this is the computer reprint of an article by Joe Brinkley, which says the following: That the use of private contractors as interrogators at Abu Ghraib and other prisons violates an Army policy that requires such jobs to be filled by Government employees because of the risk to "national security," among other concerns, the Army acknowledged on Friday. An Army policy directive published in 2000 and still in effect today, the military said, classifies any job that involves the gathering and analysis of tactical intelligence as inherently governmental functions borrowed from private sector performance.

Now if we are going to set this amendment aside, there is an additional reason to do so. In addition to taking a look at whether 1(b) is necessary, the issue raised by the chairman, we should also take a look at what current Army policy is relative to the hiring of contractors to perform the interrogation function. I have tried in the last few minutes to get a copy of that Army policy, and I have been unable to do so in the last few minutes, so I could actually check it out myself. So if this amendment is laid aside, I would seek to do exactly that.

One other comment, and that is this so-called Department of Interior. What is the Department of Interior doing here? Talk about lack of accountability. This is a contract which the Department of Interior entered into with private contractors to do interrogation. We talk about lack of responsibility, lack of accountability. The Army has lost control of its own contractors. These are not Army contractors, they are Department of Interior contractors. And why? Because they have engaged in a so-called offloading mechanism, where they use a contract of another agency to pay for the performance of functions which they, the Army, want.

That is an area which I would hope our committee would look into because, to me, we have laws against this kind of offloading. The subcommittee of which I am ranking member, the Permanent Subcommittee of Investigations, has had hearings on these offloading abuses. We have passed law to try to prohibit these offloading abuses. We have language, as a matter of fact, in this bill that would prevent some of the abuses the GSA was involved in in terms of offloading. If we had known about this particular problem, we would have included that in our committee consideration of this issue.

The Senator from Connecticut is pointing out something which is vitally important to us, and that is people who do interrogations on behalf of our Nation, relative to prisoners of war, must be accountable. We must be able to deter abuses of the rights of prisoners under treaties, or else when our people are captured, we are going to find we are in the same position as these prisoners. We need accountable people. That requires the people who are doing the interrogation be Government employees, at a minimum, hopefully uniformed employees, secondly.

We have two problems that are sort of parallel. We have this offloading problem where the Department of Interior contract is used to hire contractors. By the way, this also goes back in part to the reduction of the acquisition workforce. It goes back to the same issue we addressed on the prior subject. The chairman of our committee, of which the Presiding Officer is an extremely valued member, will remember the last conference, and the conference before that, and the conference before that with the House of Representatives. Every year we face this effort to reduce the amount of people who are working in our acquisition workforce. We are paying the price for those cuts.

We tried to stop those cuts, and we succeeded in at least reducing the scope of the cuts year after year, but as conferences work out, there are compromises on this. So there have been cuts, against our wishes, in the acquisition workforce. This again is a price we are paying for the reductions in the acquisition workforce which have occurred in prior years.

I commend the Senator from Connecticut for identifying an issue. We must make sure the interrogation of prisoners, detainees, or combatants, as he puts it in his amendment, at any U.S. military installation or any installation under the authority of the U.S. military or civilian personnel must be carried out by people who are responsible to us, who are part of the U.S. Government. If they are not in the military, or at least governmental employees, and not simply contractors, where the accountability is much less, where is the accountability for contractors? Where is the accountability? We passed a law recently which provides the criminal accountability if you can make out a crime, but it is very difficult at times to prove crimes.

Mr. WARNER. Will the Senator yield?

Mr. LEVIN. I am happy to yield, but I encourage us to lay aside this amendment.

Mr. WARNER. So we can accommodate Senators, I would like to propose a unanimous consent request that the vote in relation to Dodd amendment No. 3312, which is the one covering equipment for the military forces, occur today at 5:30 p.m., provided that no amendments be in order to the amendment prior to the vote.

Mr. LEVIN. Would the Chairman add 10 minutes of discussion on the amendment prior to the vote?

Mr. WARNER. I suggest we go to the vote. I have indicated a willingness to support it, so I don't think——

Mr. DODD. Let's take 1 minute prior to the vote.

Mr. WARNER. Fine, 1 minute each side? Let's make it 2. I can't clear my throat in 1.

I repropound the unanimous consent request to the Presiding Officer.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. It was modified to 2 minutes, equally divided.

Mr. WARNER. Two minutes to each side, not equally divided.

Mr. DODD. OK. Two minutes to each side.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. LEVIN. Madam President, if that is out of the way, I will yield the floor——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I support the suggestion that the pending amendment of the Senator from Connecticut be laid aside to hear two issues.

Mr. WARNER. I failed to hear what you said. Would you repeat that?

Mr. LEVIN. I am sorry. I want to support the suggestion that the pending amendment of the Senator from Connecticut be laid aside so that two things can be carried out: One is that we look at section 1(b) relative to the combat language, both in terms of the points that the chairman has made and also in terms of the current law relative to combat. Also, that would give us an opportunity to check out this reported Army policy directive which has been referred to in this newspaper article to see what the current law is, at least what the current policy——

Mr. WARNER. Regulations.

Mr. LEVIN.——regulations of the Army are relative to this particular issue. I think it is important we at least know that before we act on the amendment. I leave this up to our friend from Connecticut, but I think the heart of this amendment relates to the interrogation of the prisoners, rather than 1(b).

Mr. DODD. If my colleague will yield, just going over this—and I certainly have no difficulty at all trying to clear up, if we can, the section 1(b) issue that my colleague from Virginia has raised. To the best of my knowledge at this point, we will explore it further, but my examination shows dealing with interrogation is a directive. It's not a law. It has been a policy, and the policy allowed for exceptions to be made when there were not enough personnel or whatever else to deal with it.

That is what has happened here. This is a policy that has been around for about 4 years—maybe a little earlier, maybe 1998, certainly no later than 2000. As such, it lacks codification in any sense at all, and it has been adhered to in the breach more than in the letter of it. That is how I understand this. I know of no Army regulations dealing with this issue, other than a general policy direction.

It seemed to me on this particular point, the codification of our feelings about this, if a majority of my colleagues in the other body agree, should be put in place. We are going to be faced with more of this in the years ahead. I think some very clear direction for the U.S. Congress on how interrogations ought to be conducted and who conducts them, under what authority, what supervision, what regulation, is absolutely essential.

That is the heart of the amendment. The combat function was really just a throwaway because it was existing law, as I understood it. But I am prepared to be corrected if that is not the case. I was reading from existing statutes regarding contractors and use in combat situations, under what parameters they are allowed to operate, sort of tracking that as to be included here. But I am prepared to stand corrected if that is not the case.

Mr. LEVIN. Will the Senator yield on this issue?

Mr. DODD. Certainly.

Mr. LEVIN. I very much support his effort to codify what should be the rule relative to the use of outside people when it comes to carrying out such a critical function as interrogating prisoners of war.

The same article says—this is the exceptions reference the Senator made—according to the public affairs officer, military commanders in Iraq, and I presume otherwise, "retain the right to make exceptions." That is the reference the Senator from Connecticut made.

The paragraph after that said the rule does not authorize exceptions involving collection or analysis of tactical intelligence. That is not in quotes. I think it really is important that we see exactly what that policy currently provides, not because it will take the place of a law—it will not, for the reasons given by the Senator from Connecticut. I think we must codify what is right in this area. Whether the policy that exists now is correct or not, we should put this into law because we have to make this point about how significant this is. That means the highest possible level of requirement, which is law—not policy, which can easily be changed or ignored, but law which cannot be ignored—is appropriate here.

I think for a lot of reasons we should try to take a look at what the exact wording of the policy is, not because it will substitute for what the Senator is doing, which is essential, but because we ought to know precisely what the current provisions are.

Mr. DODD. I thank my colleague from Michigan for his comments. I totally agree with him. I thank my colleague from Virginia as well for his counsel.

I ask unanimous consent this amendment be laid aside unless my colleague wants to address it any further, and then we will do some work to see if we can't resolve some of these issues before we move on.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wyoming.

AMENDMENT NO. 3295

Mr. ENZI. I ask the pending amendment be set aside, and I call up an amendment numbered 3295.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3295.

Mr. ENZI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the purchase of aircraft for use in aerial firefighting)

On page 280, after line 22, insert the following:

SEC. 1068. AERIAL FIREFIGHTING EQUIPMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Interagency Fire Center does not possess an adequate number of aircraft for use in aerial firefighting and personnel at the Center rely on military aircraft to provide such firefighting services.

(2) It is in the national security interest of the United States for the National Interagency Fire Center to purchase aircraft for use in aerial firefighting so that military aircraft used for aerial firefighting may be available for use by the Armed Forces.

(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING EQUIPMENT.—(1) The Secretary of Agriculture is authorized to purchase 10 aircraft, as described in paragraph (2), for the National Interagency Fire Center for use in aerial firefighting.

(2) The aircraft referred to in paragraph (1) shall be—

(A) aircraft that are specifically designed and built for aerial firefighting;

(B) certified by the Administrator of the Federal Aviation Administration for use in aerial firefighting; and

(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—

(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and

(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).

Mr. ENZI. Madam President, I thank the chairman and ranking member for their cooperation on this amendment.

The purpose of this amendment is to authorize the Secretary of Agriculture to purchase 10 aircraft that were designed and built to fight fires.

The U.S. Forest Service and Bureau of Land Management need to develop a new fleet of aircraft for aerial firefighting in order to free up current military aircraft to fly military missions.

My amendment takes the first step to create a new fleet of aircraft specifically designed for aerial firefighting. Once the new fleet is in place all dedicated military aircraft will be freed up and allowed to be dedicated, once again, for military missions.

On May 10, 2004, the USDA Forest Service and the Department of the Interior terminated the contract for 33 large airtankers used for aerial fire fighting because of "concerns over the airworthiness of the aircraft and public safety." The large, fixed-wing airtankers were used in wildland firefighting primarily for initial attack and structure protection support.

The old fleet was made up of aging, former military aircraft that were purchased at bargain basement prices from the surplus military market. They were the worst of the worst and required extensive repairs and refurbishing before they were ready for aerial firefighting.

The USFS has planned to replace the 33 air tankers with 8 military C130s that will be dedicated during the fire session to fly support for domestic fire fighting missions. These planes, therefore, will not be available to support necessary military missions.

The first step in relieving these planes from domestic duty, and making them available for military utilization, is to find a reasonable replacement that is safe and specifically designed for aerial fire fighting.

One example of the kind of aircraft that could be purchased is the Be-200 that would be serviced by a company in my home State of Wyoming.

It was specifically designed to operate as an air tanker and can deliver up to 6,000 gallons of water or other fire suppressants.

It is an amphibious plane that can scoop up the water on the fly.

It can mix the water with slurry in regulated amounts while in the air so it will not be required to fill up at a slurry base after every run.

And, because the water tanks were designed to fit under the cabin floor, it can also carry up to 60 firefighters and their gear as a transport plane while it is functioning as a firefighting tanker.

Our pilots put their lives on the lines to save our property and to save other lives. We owe it to them to have a modern fleet where the risks they face are significantly diminished.

We also owe it to our military to free up our military aircraft for military missions. Right now there are 8 C-130 transport aircraft that cannot be used to fly support missions in the Middle East because they have to be on hand to fight fires in the West.

We have options available to free those aircraft up and we should be developing those options as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Madam President, I ask unanimous consent to set aside the pending amendment so that I might bring up amendment 3183.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the pending amendment is set aside.

AMENDMENT NO. 3183

(Purpose: To provide Federal assistance to States and local jurisdictions to prosecute hate crimes)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 3183.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Oregon.

Mr. SMITH. Mr. President, if there were a Senator here objecting to laying aside an amendment, I apologize to him or her, but I make no apology for the amendment I am submitting.

The Senate knows well the substance of this amendment because we have debated it in every Congress because it needs to be debated. But, more importantly, it needs to be passed; that is, the whole issue of hate crimes. People will wonder why it is on a defense authorization. The answer is simply: Because the military, as I will demonstrate, is not immune to the scourge of hate crimes in our country. Second, this is a piece of legislation that needs to pass, and this issue needs to get as far in the process as possible, and I hope to the desk of the President so it can be signed into law.

It needs to be taken up as well because it has overwhelming support in the Senate. On this Defense authorization and in a previous Congress, 57 Senators voted in favor of this amendment. I believe it will have well over 60 this time.

Unfortunately, despite the fact that a majority of Senators support the legislation, Senator KENNEDY and I have felt we need to look for opportunities where there is an obvious nexus between this needed law and a piece of legislation that is likely to move.

The last time, 13 Republicans voted in favor of this legislation. I urge more to do so at this time.

It is no secret that with all the turmoil on the issue of gays and lesbians and their rights in this country, there are very strong feelings on both sides of this issue. I, for one, seek happiness for gays and lesbians in America. I believe in gay rights. But I also believe it is not right in the case of marriage for a few liberals to dictate to the rest of the country a new standard.

Notwithstanding that, I have always felt before you get to marriage, you ought to get rid of hate. I say that as a man who has been married nearly 30 years now. And I think before we take up the issue of marriage we ought to deal with the issue of hate crimes.

Back to the nexus between hate crimes and the defense of our Nation. Two obvious examples come to mind.

In 1992, Navy Seaman Allen R. Schindler was brutally murdered by his shipmate Terry Helvey in Okinawa, Japan. Helvey beat and stomped Schindler to death simply because he was gay. He was attacked so viciously that he destroyed every organ in Schindler's body. He was so badly beaten that Schindler's own mother could not identify him except by the remains of the tattoo on his arm. The medical examiner compared Schindler's injuries to those sustained by victims of fatal airplane crashes.

In another tragic case, PFC Barry Winchell was forced outside his barracks at Fort Campbell Army Base where he was stationed. In the early morning hours of July 5, 1999, Winchell was repeatedly beaten with a baseball bat by another Army private. He was beaten with such force and his injuries so severe that he died shortly thereafter. Barry was only 21, and he was murdered simply because he was gay.

As a nation—a nation that serves as the beacon of freedom and liberty everywhere—we simply cannot tolerate violence against people based on their race, color, religion, or national origin.

No matter how far our Nation has come and the progress we have made in protecting civil rights for all Americans, there is much work that remains. You cannot fight terror abroad and accept terror at home. We have had in this country hate crimes laws on our books for well over 30 years. They were contested as to their legitimacy all the way to the U.S. Supreme Court. For conservatives who would argue we should not have this as a category of crime, I simply respond it is a category of crime. Motive has always been a category of crime and establishing whether a crime has occurred. William Rehnquist, Justice of the U.S. Supreme Court, now its Chief Justice, wrote the opinion. It is hard to think of a more conservative Justice than Justice Rehnquist. But he is the one who said hate crimes are not just legitimate, they are constitutional.

So the question then becomes, if we have constitutional hate crimes laws on the Federal books that cover race and religion, why not sexual orientation? Is it because some hate them? Do some think it is not legitimate to include them? I simply say that America, if it is to live up to its motto, e pluribus unum, must include them.

I think we all know too well the tragic story of James Byrd who was dragged to death in Texas because of his race. We all know the tragically heartrending story of Matthew Shepard who was beaten to death along a lonely stretch of Wyoming fence because he was hated—not because they wanted his watch or his wallet; they didn't like him because he was gay. So they beat him to death.

Why Federal hate crimes laws? Wyoming does not have them, but many States do have hate crimes laws. Why isn't that enough?

Look at what happened in Wyoming. When this little town of Laramie began to pursue the issue, it took on national ramifications. They could have used the help of the Federal Government and its resources. But because of the nature of this hate crime—because it would involve sexual orientation and not race—the Federal authorities were not able to be of any assistance to this case in Wyoming. A Republican sheriff from Wyoming told me they could have used the help, and that he supported this legislation based on his experience.

These last two Congresses, I have entered into the RECORD everyday statements on hate crimes, actual hate crimes committed in our country. I have entered countless hate crime statements into the RECORD—over 300 in the last 300 days we have been in session. I do it to raise awareness, not only about the severity of these crimes but to show the frequency of these crimes.

As the Nobel laureate Eli Wiesel once said: "To hate is to deny another person's humanity." So I do it to remember the victims of these hate crimes and to give a human face to this violence—to the murderers of these men, the Navy man, the Army private, to Matthew Shepard, to James Byrd.

These murders have shocked the Nation. To think that such virulent hatred of another person's skin or sexual orientation drove another to commit such a heinous act is truly unthinkable, yet it has happened.

Hate crimes tear at the very fabric of our Nation. They seek to intimidate entire groups of Americans and as such divide our Nation. These kinds of crimes do more than harm the victims. They terrorize our entire society and send a message of hate and intolerance to millions of Americans.

What can we do? We can pass this legislation. This legislation, known as the Local Law Enforcement Enhancement Act, is a symbol that can become substance.

The law is a teacher, and we should teach our fellow Americans that bigotry will not be tolerated. The Federal Government must have the power to persuade, to pursue, and to prosecute when hate is the motive of violence against an American, no matter their race, sexual orientation, religion, disability, or gender. By changing the law, we can change hearts and minds as well.

I urge my colleagues to do so, to change hearts and minds, and in some cases to change their vote, and to vote in favor of this amendment. Don't go to marriage until we have gotten rid of hate.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. I yield the floor.

Mr. WARNER. Mr. President, the amendment from our distinguished colleague from Oregon will require the attention of a number of colleagues. While there was no specific agenda for the amendments today, as a matter of comity we need some time.

For the moment, I am wondering if we could put in a quorum so we can assert the availability of one or more Members who might wish to address this. If not, there are other amendments which the Senator from Michigan and I are prepared to clear. Without any procedure by which it impedes the Senate addressing the Senator's amendment, I am sure the Senator would be willing to lay the amendment aside for the purpose of clearing amendments.

Mr. SMITH. I would accommodate any colleagues in any sense of comity that is appropriate to the Senate. I do want to vote. I do want to debate. We do not need to take a lot of time. This has overwhelming bipartisan support. We do not mean to gum up this bill. As I believe the chairman knows, this is offered in good faith. I know there are some objections to it. It is fine to air those. But let's discuss it quickly and vote on it so we can get on with the other defense issues.

Mr. WARNER. In no way do I indicate it would gum up the bill. I am just trying to address the procedure so colleagues on the other side are given the opportunity to come to the Senate. I am exploring that now. It is a very serious amendment, and it deserves careful consideration by the proponents as well as the opponents.

Mr. LEVIN. Mr. President, I know Senator KENNEDY cosponsored this bill and has a major interest in this bill. We are trying to determine whether he wishes to speak at this point.

For the reasons given by our chairman, I gather this amendment will be laid aside until other colleagues who wish to have something to say on it have that opportunity. We are checking also with Senator KENNEDY.

Mr. SMITH. I note that Senator KENNEDY did not know I was coming here today, but I was told by good authority that if we wanted this included at all, we should include it today. I would very much like to make available a time—a time agreement can be short—that includes remarks by Senator KENNEDY.

Mr. LEVIN. I don't know whether it is possible to enter into a time agreement. The chairman would have a better feel for that.

I am a strong supporter of this amendment and this effort of Senator SMITH and Senator KENNEDY. From my perspective, the sooner we vote on this, the better. It is long overdue that it become law. I commend the Senator on this amendment and Senator KENNEDY for his tenacity as well. I hope the chairman can work out with other colleagues who want to speak on it in relation to some time agreement.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3312, AS MODIFIED

Mr. LEVIN. Mr. President, I think now the order of business is that we have 2 minutes, as I remember, equally divided on the Dodd amendment. Then we will proceed to a vote at 5:30.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I thank my colleagues on the Armed Services Committee, the chairman, Senator WARNER, and Senator LEVIN. I do not want to speak for the majority, but based on what Senator WARNER said earlier, I believe he may be supportive of the amendment. If that is the case, I welcome that.

Very briefly, the amendment is designed to provide reimbursement dollars for expenditures incurred by people in the military, their family members, or nonprofit organizations that have purchased body armor, additional protection for our men and women serving in Afghanistan and Iraq.

There are limitations. There is a time-definite period during which those acquisitions had to occur. The acquisitions must be approved by field commanders rather than just the individuals. There is a dollar-amount limitation of $1,100 on any purchase.

I do not know how widespread this is. I have commended the Armed Services Committee for substantially increasing the President's request of some $57 million to $262 million in this area, which I believe is going to tremendously assist in seeing to it that our men and women in uniform have whatever they need to allow them to perform their very difficult functions in two very different and difficult theaters.

Certainly, having loved ones acquire this equipment is unacceptable to all of us. This amendment is designed to make whole those who have incurred the costs. Again, I am grateful to the Armed Services Committee for what I assume is an indication of some support of the amendment.

Mr. LAUTENBERG. Mr. President, I rise today to discuss a very important amendment to the Defense authorization bill. I have worked with my colleague from Connecticut to draft an amendment that will reimburse U.S. troops serving in Iraq and Central Asia and their family members for flak jackets, weapons and other equipment they have bought out of their own pocket.

At the beginning of this war, the President claimed, "We must always make sure that America's soldiers are well-equipped and well trained to fight this war on terror." However, the administration has not provided the adequate equipment the troops need to do their work, such as enough body armor or the most up to date Global Positioning Systems, GPS.

In March 2004, I traveled to Iraq with a group of Senators. I spoke to soldiers from all different types of units, both active duty and reservists. When I spoke to the brave members of our Armed Services, I was appalled to hear that many of them needed higher quality flak jackets, more modern, lighter rifles, and armor for their HUMVEE vehicles.

I have since learned that worried mothers and fathers throughout the country have gone to great lengths to purchase expensive equipment for sons or daughters, because they are dissatisfied with the inferior, inadequate equipment the Pentagon is providing.

In a few instances, parents in New Jersey and elsewhere have gone out and bought the equipment for their sons and daughters and shipped it through Federal Express to Iraq. I find this fact incredible. It is unconscionable that the parents of our service members and their loved ones fighting on behalf of our country have been abandoned by the civilian war planners at the Pentagon.

The administration, because of its inept planning and military miscalculations has forced hardworking Americans to pay for equipment that should be provided by the Armed Services.

Our amendment instructs the Secretary of Defense to immediately reimburse our courageous troops and their families for protective, safety or health equipment they have purchased with their own funds. This includes both the cost of the equipment itself and the shipping costs.

The civilian Pentagon war planners have been planning the Iraq war since 2002. That is two years to figure out how to get the correct body armor and lighter weapons to our troops. The Pentagon's inability to equip our young men and women who are sacrificing their lives on behalf of this country is just among many egregious, unforgivable mistakes they have made.

I am deeply disappointed with the civilian war planners at the administration and I hope through this amendment, the Senate will speak on behalf of the over 170,000 U.S. personnel currently serving in Iraq and Afghanistan and their safety and protection.

I yield the floor.

Mr. WARNER. Mr. President, I have indicated my support. I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I had asked my colleague, in the course of our colloquy, and I think he agreed with me, that so much of this purchase of odd pieces of equipment is anecdotal. You actually had a case in which you had documentation. But a lot of the other instances are anecdotal. Given the callup of so many people in the Reserves and Guard and so forth, coming loyally to do their duty, I think there had been some misunderstanding. We agreed in the area of Humvees, the Army got a bit behind on some of the modifications necessary. The Army got somewhat behind on the body armor. But generally speaking, the U.S. military has been well supplied and well equipped, and no large numbers of them were sent into harm's way—in this particular situation, two of them in Afghanistan and Iraq—without the benefit of that equipment. We concur on that.

But I am glad to assist the Senator and indicate a willingness to support the amendment in those isolated areas where in good faith citizens of our community and the soldiers themselves bought bits and pieces of equipment.

Mr. DODD. Mr. President, I have no information to argue with the conclusions of the chairman of the committee. My hope would be that is exactly the case. There are only a few isolated cases. If there are more, we will discover that. But on the basis of what we know thus far, there was a case in Connecticut, a serious one in Alabama, one in New Jersey. There have been others. Even if there are a few, they are a few too many. In this case, we will provide some compensation for them as a result of those acquisitions.

Mr. WARNER. Mr. President, it is my understanding the yeas and nays have been ordered. We are prepared to move forward with the vote.

The PRESIDING OFFICER. That is correct. The yeas and nays have been ordered.

The question is on agreeing to amendment No. 3312, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—9

Biden
Carper
Corzine
Edwards
Hatch
Jeffords
Kerry
Kohl
Leahy

The amendment (No. 3312), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the managers of the bill may proceed to do cleared amendments, and for that purpose I ask unanimous consent that all amendments be laid aside.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer. We will be on the way here momentarily.

AMENDMENT NO. 3344

Mr. LEVIN. Mr. President, on behalf of Senator BYRD, I call up amendment No. 3344 which would modify the Report on the National Technology and Industrial Base required by section 841 of the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BYRD, for himself, Ms. SNOWE, Mr. KERRY, Mr. ALLEN, and Mr. COLEMAN proposes an amendment numbered 3344.

The amendment is as follows:

(Purpose: To require the Commission on the Future of the National Technology and Industrial Base to consider shortages of critical technologies and to make recommendations regarding shortages; and to ensure adequate consideration of small business interests by the Commission)

Beginning on page 167, strike line 6 and all that follows through "(4)" on page 170, line 10, and insert the following:

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) Any current or projected shortages of a critical technology (as defined in section 2500(6) of title 10, United States Code), or the raw materials necessary for the production of such technology, that could adversely affect the national security of the United States.

(D) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(E) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(F) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(G) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(H) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(I) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(J) The role of small business concerns in strengthening the national technology and industrial base.

(e) REPORT.—Not later than March 1, 2007, the Commission shall submit a report on its activities to the President and Congress. The report shall include the following matters:

(1) The findings and conclusions of the Commission.

(2) The recommendations of the Commission for actions by Federal Government officials to support the maintenance of a robust national technology and industrial base in the 21st century.

(3) The recommendations of the Commission for addressing shortages in critical technologies, and shortages of raw materials necessary for the production of critical technologies, that could adversely affect the national security of the United States.

(4) Any recommendations for legislation or changes in regulations to support the implementation of the findings of the Commission.

(5) * * *

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3344) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3435

Mr. WARNER. Mr. President, on behalf of Senator MCCONNELL and Senator GRAHAM of South Carolina, I call up amendment No. 3435 which would authorize the Secretary of the Navy to convey land at the Naval Weapons Station in Charleston, S.C.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCONNELL, for himself and Mr. GRAHAM of South Carolina, proposes an amendment numbered 3435.

The amendment is as follows:

(Purpose: To provide for a conveyance of land at the Naval Weapons Station, Charleston, South Carolina)

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Berkeley County Sanitation Authority, South Carolina (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 38 acres and comprising a portion of the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind services, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal acceptable to the Secretary, of the property conveyed under such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Authority to cover costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including appraisal costs, survey costs, costs related to compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and environmental remediation, and other administrative costs related to the conveyance. If the amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. LEVIN. Mr. President, that amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3435) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3314

Mr. LEVIN. Mr. President, on behalf of Senator LANDRIEU, I call up amendment No. 3314 which would authorize the Army to convey the inactive Louisiana army ammunition plant to the State of Louisiana in return for an agreement that the State would guarantee that the Army and the Army Guard can continue to use it as a training site and the State would also assume cleanup responsibilities after 5 years.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. LANDRIEU, proposes an amendment numbered 3314.

The amendment is as follows:

(Purpose: To authorize the conveyance of land at Louisiana Army Ammunition Plant, Doyline, Louisiana)

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Louisiana (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the State shall—

(1) maintain at least 13,500 acres of such property for the purpose of military training, unless the Secretary determines that fewer acres are required for such purpose;

(2) ensure that any other uses that are made of the property conveyed under subsection (a) do not adversely impact military training;

(3) accommodate the use of such property, at no cost or fee, for meeting the present and future training needs of Armed Forces units, including units of the Louisiana National Guard and the other active and reserve components of the Armed Forces;

(4) assume, starting on the date that is five years after the date of the conveyance of such property, responsibility for any monitoring, sampling, or reporting requirements that are associated with the environmental restoration activities of the Army on the Louisiana Army Ammunition Plant, and shall bear such responsibility until such time as such monitoring, sampling, or reporting is no longer required; and

(5) assume the rights and responsibilities of the Army under the armaments retooling manufacturing support agreement between the Army and the facility use contractor with respect to the Louisiana Army Ammunition Plant in accordance with the terms of such agreement in effect at the time of the conveyance.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. WARNER. Mr. President, I wonder if the Senator from Michigan would look at the preamble. It states "and the Army Guard." That would be the Army National Guard.

Mr. LEVIN. The Senator is correct.

Mr. WARNER. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3314) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3229

Mr. WARNER. Mr. President, on behalf of Senator MCCAIN, I call up amendment No. 3229 that would authorize up to 50 permanent or career professors at each of three service academies to be excluded from consideration under existing statutory grade limitation for officers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 3229.

The amendment is as follows:

(Purpose: To exclude service academy permanent and career professors from a limitation on strengths applicable to active duty officers in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain)

On page 60, after line 23, insert the following:

SEC. 403. EXCLUSION OF SERVICE ACADEMY PERMANENT AND CAREER PROFESSORS FROM A LIMITATION ON CERTAIN OFFICER GRADE STRENGTHS.

Section 523(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Up to 50 permanent professors of each of the United States Military Academy and the United States Air Force Academy, and up to 50 professors of the United States Naval Academy who are career military professors (as defined in regulations prescribed by the Secretary of the Navy).".

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3229) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like to commend the distinguished Senator from Arizona. He serves on the Naval Academy Board. He is very familiar with the academy structure, being a graduate himself of the Naval Academy. I strongly support him in the objective he has in his amendment.

AMENDMENT NO. 3257, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I call up amendment No. 3257 which would codify certain requirements for public-private competition for the performance of the Department of Defense functions, and also on behalf of Senator KENNEDY I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, for himself and Mr. CHAMBLISS, proposes an amendment numbered 3257, as modified.

The amendment is as follows:

(Purpose: To provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense)

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Public-Private Competitions

SEC. 856. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

"(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

"(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

"(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; and

"(iv) ensures that the public sector bid would not be disadvantaged in the cost comparison process by a proposal of an offeror to reduce costs for the Department of Defense by not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract or by offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

"(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

"(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

"(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

"(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

"(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

"(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.".

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—(1) Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

SEC. 857. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—(1) The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—(1) No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

SEC. 858. COMPETITIVE SOURCING REPORTING REQUIREMENT.

Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees—

(A) to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions); and

(B) to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors.

Mr. WARNER. Mr. President, I believe the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3257) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3224

Mr. WARNER. Mr. President, on behalf of Senator COLLINS and Senator LEVIN, I send an amendment No. 3224 to the desk which would provide Federal employees with bid protection rights and actions under the OMB Circular 876 process.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, for herself and Mr. LEVIN, proposes an amendment numbered 3224.

The amendment is as follows:

(Purpose: To amend title 31, United States Code, to provide Federal Government employees with bid protest rights in actions under Office of Management and Budget Circular A-76, and for other purposes)

On page 290, after line 22, insert the following:

SEC. 1107. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.".

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"§3557. Expedited action in protests for public-private competitions

"For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.".

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests for public-private competitions.".

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A-76 on or after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. I am a proud cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3224) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3340

Mr. LEVIN. Mr. President, on behalf of myself and Senator FEINSTEIN, I call up amendment No. 3340 which would give authority to the Navy to settle a claim related to property associated with a former naval hospital in Oakland. This settlement has been agreed to by, I guess, all of the parties.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 3340.

The amendment is as follows:

(Purpose: To authorize the settlement of the claim of the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND BASE REUSE AUTHORITY AND REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND, CALIFORNIA.

(a) AUTHORITY.—The Secretary of the Navy may pay funds as agreed to by both parties, in the amount of $2,100,000, to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, in settlement of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland v. the United States, Case No. C02-4652 MHP, United States District Court, Northern District of California, including any appeal.

(b) CONSIDERATION.—As consideration, the Oakland Base Reuse Authority and Redevelopment Agency shall agree that the payment constitutes a final settlement of all claims against the United States related to said case and give to the Secretary a release of all claims to the eighteen officer housing units located at the former Naval Medical Center Oakland, California. The release shall be in a form that is satisfactory to the Secretary.

(c) SOURCE OF FUNDS.—The Secretary may use funds in the Department of Defense Base Closure Account 1990 established pursuant to section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for the payment authorized by subsection (a) or the proceeds of sale from the eighteen housing units and property described in subsection (b).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3340) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3432

Mr. WARNER. Mr. President, on behalf of myself, Senator LEVIN and others, I call up amendment No. 3432 which would amend the short title of the Defense authorization bill in honor of the late President Ronald W. Reagan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. FRIST, Mr. STEVENS, Mr. MCCONNELL, Mr. LEVIN, Mr. MCCAIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. INOUYE, Mr. COCHRAN, Mr. GRASSLEY, Mr. LUGAR, Mr. NICKLES, Mr. BURNS, Mr. LOTT, and Mr. LIEBERMAN, proposes an amendment numbered 3432.

The amendment is as follows:

(Purpose: To amend the short title to name the bill in honor of the late Ronald W. Reagan, the 40th President of the United States)

On page 2, beginning on line 2, strike "National Defense Authorization Act for Fiscal Year 2005" and insert "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005".

Mr. LEVIN. The amendment has been cleared and very strongly cosponsored by many Members on this side of the aisle, as well as I think probably everyone if they had the opportunity which they can, of course, do at a later time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3432) was agreed to.

Mr. WARNER. I appreciate the Presiding Officer's action on that. I am very proud to have initiated this. I am very proud of the number of cosponsors on both sides, and Senator LEVIN's strong bipartisanship.

I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3221

Mr. WARNER. Mr. President, on behalf of Senators LOTT, COCHRAN, SNOWE, and COLLINS I call up amendment No. 3221, which ensures the continuity of search and rescue capabilities of the Federal Government.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, for himself, Ms. SNOWE, Mr. COCHRAN, and Ms. COLLINS, proposes an amendment numbered 3221.

The amendment is as follows:

(Purpose: To ensure continuity of the search and rescue capabilities of the Federal Government)

On page 280, after line 22, insert the following:

SEC. 1068. PRESERVATION OF SEARCH AND RESCUE CAPABILITIES OF THE FEDERAL GOVERNMENT.

The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary first certifies to the Committees on Armed Services of the Senate and the House of Representatives that equivalent search and rescue capabilities will be provided, without interruption and consistent with the policies and objectives set forth in the United States National Search and Rescue Plan entered into force on January 1, 1999, by—

(1) the Department of Interior, the Department of Commerce, the Department of Homeland Security, the Department of Transportation, the Federal Communications Commission, or the National Aeronautics and Space Administration; or

(2) the Department of Defense, either directly or through a Department of Defense contract with an emergency medical service provider or other private entity to provide such capabilities.

Mr. WARNER. The amendment has been cleared and is agreeable.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3221) was agreed to.

Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3376, AS MODIFIED

Mr. LEVIN. On behalf of Senator BILL NELSON, I call up amendment No. 3376, which will set forth the sense of the Congress that the Secretary of Defense should provide support for reduced launch costs and enhanced technical capabilities at space launch ranges through additional safety systems, and on behalf of Senator NELSON I send a modification to the desk and ask that the modification be considered.

The PRESIDING OFFICER. Without objection, it is so modified.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, proposes an amendment numbered 3376, as modified.

The amendment is as follows:

(Purpose: To express the sense of Congress on space launch ranges)

On page 256, between lines 10 and 11, insert the following:

SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCH RANGES.

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of portable range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launch ranges.

Mr. WARNER. The amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3376) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3167

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I call up amendment No. 3167, which requires the Secretary of Defense to submit a report on potential missile defense test ranges.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 3167.

The amendment is as follows:

(Purpose: To require a report on the availability of launch sites that permit realistic overland test flights for defenses against short-range ballistic missile systems)

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON AVAILABILITY OF LAUNCH SITES PERMITTING REALISTIC OVERLAND TEST FLIGHTS FOR DEFENSES AGAINST SHORT-RANGE BALLISTIC MISSILE SYSTEMS.

(a) FINDING.—Congress finds that the testing of defenses against short-range ballistic missile systems require overland flights of such systems of at least 1,000 kilometers in order to accurately simulate realistic environmental conditions that affect such defenses.

(b) REPORT ON AVAILABILITY OF LAUNCH SITES.—The Secretary of Defense shall submit to Congress a report assessing the availability to the Department of Defense of launch sites that permit overland flights of short-range ballistic missile systems of at least 1,000 kilometers in order to accurately simulate realistic environmental conditions that affect such defenses.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3167) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3296

Mr. LEVIN. Mr. President, on behalf of Senator SARBANES, I call up amendment No. 3296, which would grant a Federal charter to the Korean War Veterans Association, Incorporated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SARBANES and Mr. WARNER, proposes an amendment numbered 3296.

The amendment is as follows:

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle G of title X, add the following:

SEC. 1068. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Duty to maintain corporate and tax-exempt status.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

Mr. WARNER. The amendment has been cleared.

I ask to be made a cosponsor as I am proud to have served in the Korean war in the Marines.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3296) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3316, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I call up amendment No. 3316, which expresses a sense of the Senate that the Secretary of Defense should develop appropriate methods of oversight of the American forces radio and television service system to ensure presentation of all sides of important public questions, and on behalf of Senator HARKIN, I send a modification to the desk and ask unanimous consent the modification be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes amendment numbered 3316, as modified.

The amendment is as follows:

(Purpose: Expressing the sense of the Senate on Armed Forces Radio and Television Service programming)

At the appropriate place add the following:

Whereas it is the mission of the American Forces Radio and Television Service to provide U.S. military commanders overseas and at sea with a broadcast media resource to effectively communicate DoD, Service-unique, theater, and local command information to personnel under their commands and to provide U.S. military members, DoD civilians, and their families stationed outside the Continental U.S. and at sea with the same type and quality of American radio and television news, information, sports, and entertainment that would be available to them if they were in the continental U.S.; and

Whereas key principles of American Forces Radio and Television Service broadcasting policy, as outlined in Department of Defense Regulation 5120.20R, are to ensure political programming characterized by fairness and balance and to provide a free flow of political programming from U.S. commercial and public networks without manipulation or censorship of any news content to the men and women of the Armed Forces and their dependents; and

Whereas the stated policy of the American Forces Radio and Television Service is to select programming that represents a cross-section of popular American radio and television offerings and to emulate stateside scheduling and programming seen and heard in the United States; and

Whereas it is the policy of American Forces Radio and Television Service to select news and public affairs programs for airing that provide balance and diversity from available nationally recognized program sources, including broadcast and cable networks, Headquarters, American Forces Radio and Television Service, the military departments, and other government or public service agencies. Therefore, be it

Resolved, That it is the sense of the Senate—

that the mission statement and policies of the American Forces Radio and Television Service appropriately state the goal of maintaining equal opportunity balance with respect to political programming and that the Secretary of Defense should therefore ensure that these policies are fully being implemented by developing appropriate methods of oversight to ensure presentation of all sides of important public questions with the fairness and balance envisioned by the Department of Defense throughout the American Forces Radio and Television Service system.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3316) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3164, AS MODIFIED

Mr. WARNER. On behalf of Senator GREGG, I call up amendment No. 3164 that expresses the sense of the Senate that the Internal Revenue Service should provide further guidance to clarify under the tax laws the rights and responsibility of employers who generously continue payments to employees who are mobilized Reserve or Guard members, and on behalf of Senator GREGG, I send a modification to the desk and ask it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GREGG, proposes an amendment numbered 3164, as modified.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the coordination of rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 with the Internal Revenue Code of 1986)

On page 280, after line 22, insert the following:

SEC. 1068. COORDINATION OF USERRA WITH THE INTERNAL REVENUE CODE OF 1986.

(a) Findings.—Congress makes the following findings:

(1) Employers of reservists called up for active duty are required to treat them as if they are on a leave of absence or furlough under the Uniformed Services Employment and Reemployment Rights Act of 1994 (in this section referred to as "USERRA").

(2) USERRA does not require employers to pay reservists who are on active duty, but many employers pay the reservists the difference between their military stipends and their regular salaries. Some employers provide this "differential pay" for up to 3 years.

(3) For employee convenience, many of these employers also allow deductions from the differential payments for contributions to employer-provided retirement savings plans.

(b) Sense of the Senate.—It is the sense of the Senate that the Internal Revenue Service should, to the extent it is able within its authority, provide guidance consistent with the goal of promoting and ensuring the validity of voluntary differential pay arrangements, benefits payments, and contributions to retirement savings plans related thereto.

Mr. GREGG. Mr. President, military action in Afghanistan and Iraq has brought to light yet another example of how outdated and burdensome government policies often punish generous employers in America. Apparently, when it comes to companies showing respect for employees who are called to active duty in the military, there is special meaning to the old cliche that "no good deed goes unpunished."

The National Committee for Employer Support for the Guard and Reserve, a nationwide association, reports that over 2,500 employers have signed a pledge of support and have gone above and beyond the requirements of the law in support of their National Guard and Reserve employees. This includes many of our Nation's largest and most reputable corporations, including 3M, McDonalds, Wal-Mart, Home Depot, Liberty Mutual and many others. These remarkable companies provide reservist employees who are on active duty with "differential pay" that makes up the difference between their military stipend and civilian salary.

National companies are not the only patriotic businesses providing special pay to our men and women who are called to serve overseas. Some of the most remarkable stories of corporate patriotism can be found in my state of New Hampshire.

BAE Systems of Nashua provides differential pay to their 25 called-up employees and continuing access to benefits to family members. The company even provides a stipend to make up the lost pay of active duty spouses of company employees when the spouse's employer is not able to provide differential pay. The corporate culture of support for the troops at BAE Systems is universal. Employees are encouraged to stay in touch with the families of fellow employees on active duty to help out where they can, and to avoid the Vietnam Syndrome of isolation. When you walk into BAE Systems headquarters, you cannot help but notice the flags of the branches of the United States armed services.

And then there is the story of Mr. Marian Noronha, Chairman and Founder of Turbocam, a manufacturer based in Dover, New Hampshire. An immigrant from India, Mr. Noronha has not only provided his employees with differential pay and continued family health benefits, but he has also extended to each of his activated employees a $10,000 line of credit. His active duty reservist and Guard employees have used this money to, among other things, purchase personal computers so their families can communicate with them while they are overseas. Beyond this, Mr. Noronha actively encourages other employers to treat their reservist employees in a similar manner.

Several other New Hampshire private-sector companies, including Hitchiner Manufacturing Company in Milford, also have exemplary records when it comes to dealing with their employees in the Reserves and National Guard.

Finally, New Hampshire's Governor Benson by Executive Order has also extended differential pay for up to 18 months to State employees who have been called to active duty.

Unfortunately, an arcane IRS interpretation of tax law actually penalizes these kinds of employers that voluntarily pay their National Guard and reservist employees the difference between their military stipends and their previous civilian salaries—which appropriately is called "differential pay." The law also penalizes employers that continue making contributions to retirement plans for such employees.

According to the IRS, members of the Guard and reserves called up for active duty are required to be treated as if they are on a leave of absence by their employers under the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA. Therefore, the act does not require employers to pay workers who are on active duty. However, many employers—out of a sense of civic duty—continue to pay active duty Guard members and reservists the difference between their military stipends and their regular salaries with some employers providing such "differential pay" for up to 3 years. In additions, many of these remarkable companies go even further and allow their active duty employees to continue making contributions to their 401(k) retirement plans via deductions from the "differential payments."

However, rather than applauding and encouraging such selfless behavior by companies in continuing to provide retirement benefits for Reservists, the IRS's 1969 Revenue Ruling requires that the active duty workers be treated as if they were "terminated." As a result, this law then puts at risk the retirement plan for an employer's entire workforce and could make all amounts in the plan immediately taxable to the plan's participants and the employer. Adding to the absurdity of the situation, preventing an employer from treating "differential pay" as wages under the law means employers are prohibited from withholding income taxes, which in turn causes their active duty former employees to face large and unexpected tax bills at the end of the year.

We should change this Vietnam War-era IRS interpretation of tax law that actually penalizes responsible, caring, patriotic employers like BAE Systems, Hitchiner Manufacturing, and many other companies who voluntarily provide differential pay. I have offered a bill to do just that, S. 2448, but the problem could be corrected more appropriately and quickly by the Internal Revenue Service by revising the outdated revenue ruling that effectively discourages employers from providing additional pay to their employees who are reservists or Guard members called to active duty. The sense of the Senate amendment I am offering today urges the Internal Revenue Service to reconsider the ramifications of applying a Vietnam-era revenue ruling to the prevailing circumstances of the present day.

Specifically it expresses the sense of the Senate that the IRS should, "to the extent it is able within its authority, provide guidance consistent with the goal of promoting and ensuring the validity of voluntary differential pay arrangements, benefits payments, and contributions related thereto."

Employers should not be penalized for the generosity they provide to our nation's reservists and members of the Guard. This sense of the Senate urges the Internal Revenue Service to help employers avoid these problems.

Mr. President, I also ask unanimous consent a newsletter be printed in the Record from BAE Systems titled "Connections," published last month, that outlines the differential pay benefits that BAE provides their employees called up to active National Guard or Reserve duty.

There being no objection, the material was ordered to be printed in the Record, as follows:

BAE Systems Spouses Get Support While Loved Ones Are Miles Away From Home

Marine Corps Reserve Sgt. Hunter Philbrick returned to his civilian job as a

Milford, N.H., police officer in January. His year-long military deployment in support of the War on Terrorism was made a little easier by BAE Systems' support for his family.

Sgt. Philbrick's wife Tina—a senior program control administrator on the F/A-22 program—says the Company helped to ease the difficulties of her husband's absence. Philbrick is one of four Information & Electronic Warfare Systems (IEWS employees whose non-BAE Systems spouses have been called to active duty over the past few years.

"It was really, really appreciated," says Philbrick.

"IEWS is committed to supporting its Reservists," said Jon Murphy, vice president of IEWS' Human Resources. "IEWS' policy goes well beyond the 1994 Uniformed Serviced Employment and Reemployment Rights Act (USERRA)."

IEWS' policy is so strong, a New Hampshire state legislator recently attempted to model state policy after IEWS' outreach towards its Reserve and Guard employees.

"IEWS' policy is seen as a real beacon of support for our Guard and Reserve employees and their families," said Dennis Viola of the State Veterans Council. "When we asked Ted Kerr of the New Hampshire Guard office about company policies to emulate, he didn't hesitate to mention BAE Systems and Public Service of New Hampshire."

IEWS employs 72 U.S. military Reservists or National Guardsmen and women. Nine of these employees, currently on active duty, support operations Nobel Eagle, Enduring Freedom, and Iraqi Freedom. Four other employees have non-BAE Systems spouses also called to active duty.

"Anything the Company does for members of the military and their families is really appreciated" Said Philbrick.

BAE Systems does all it can to support men and women in uniform and that includes employees who are "Citizen Soldiers" by serving in the National Guard and Reserve. Not only do we support those directly serving in the Armed Forces, but we're also here to help the families of troops. Whether it's through a Charity Challenge bike drive where employees raise money and donate time to build bikes for distribution to local military families, or through a business unit stipend, we stand behind men and women who choose to serve our country. Support may vary somewhat between business units and locations, but the desire to do the right thing is always there."

Mr. LEVIN. The amendment has been cleared.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3164) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3295

Mr. WARNER. Mr. President, I call up an amendment on behalf of the Senator from Wyoming, Mr. ENZI, amendment No. 3295. My understanding is it has been cleared on both sides.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3295) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3307

Mr. LEVIN. Mr. President, I call up an amendment on behalf of Senator HARRY REID. I believe it is No. 3307.

Mr. WARNER. There is no objection on this side.

The PRESIDING OFFICER. The amendment is pending.

Mr. LEVIN. Mr. President, this amendment provides for parallel compensation for our POWS from the first gulf war. I think the language is at the desk.

Mr. REID. I appreciate very much the hard work of these two great Senators. I especially appreciate their recognizing the importance of this amendment. We had 17 American prisoners of war, and they were treated very brutally, with jaws broken, electricity applied to various parts of their body. A number of the 17 have permanent damages as a result of this brutal treatment.

They had a large judgment at one time. It was opposed by the Justice Department. Last week, that was knocked out.

I simply want, as the ranking member of the committee said, that these POWs who were so brutalized have equal treatment with the Iraqis who were brutalized in the prison in Iraq. This does not call for a specific sum of money. It just says the Defense Department must come up with a plan for these 17 people before we agree to anything for the Iraqis who the Secretary of Defense has said should be compensated.

It is the fair thing to do. We have these 17 brave American patriots who feel put down by their Government for having had Saddam Hussein's money at one time taken away from them.

Mr. WARNER. Mr. President, I associate myself with the remarks of our distinguished Democratic leader. The amendment is carefully thought through. It should be given to these men and families.

I would like to be added as a cosponsor.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Nevada for, as always, looking out for the interests of our troops, the men and women in the Armed Forces. Where it is necessary to make up for failures, he is the first to find ways to do that. It is a very important function of this Senate. I commend the Senator.

I ask to be added, also, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3307) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while I have the attention of the two managers of the bill, just so other Senators have an idea of what we on this side are planning on doing. I have consulted with the distinguished manager of the bill on our side. Senator CRAPO is going to try to offer an amendment sometime tomorrow. Once that is resolved one way or the other, the next Democratic amendment in order will be by the distinguished Senator from Illinois. So that is going to be our next amendment in order following the Crapo amendment. We are having a few little parliamentary problems with that right now, but we will work on that through the evening and tomorrow.

Mr. WARNER. Mr. President, reserving the right to object, and I do not think I will, I just want to clarify the situation. I would have to object now to any further amendments being laid down tonight.

Mr. REID. No. If my distinguished friend will yield, Mr. President, what I simply said is that it is my understanding the next Republican amendment in order is the Crapo amendment. We have an objection on our side at this time that that amendment be laid down.

Mr. WARNER. Right.

Mr. REID. We are going to try to resolve that. What I indicated is that following that amendment, we would likely go to Senator DURBIN, unless Senator CANTWELL wants to offer hers. But those are our next two amendments in order, and the next one will either be Cantwell or Durbin, whenever she decides she wants to offer hers. That is just an agreement so people know what we are trying to do on our side.

Mr. WARNER. Fine. I hope we are not asking for any unanimous consent to lock anything in. You are simply notifying the Senate. I would like to be cooperative to see that sequence of events transpires. So at this time there will not be a laying down of an amendment.

Mr. REID. That is right. Until we get the matter resolved with Senator CANTWELL and Senator HOLLINGS, we will not be able to go to the Crapo amendment. We are going to work on that. But after that, we have a number of amendments on our side that we want to offer, and I have indicated to the Chair what we plan to do.

Mr. WARNER. So we have had a colloquy in which we have indicated this is the manner in which we hope to proceed. We will have the Kennedy amendment first. Once that is concluded—presumably there will be a rollcall vote—then we will proceed to the next amendment. It is a Republican that is in the queue. It is likely to be Mr. CRAPO. At that time, I hope this matter will be resolved so there can be this sequence of events.

Mr. REID. One reason I want to do this, I say through the Chair to the distinguished managers, is that Senator DURBIN is a very patient man. He has actually three amendments. He is only going to offer one at this time. He always is willing to wait until someone else does something else, and in this instance we believe he should be one of those first Democratic amendments offered because he has been ready to go for some time.

Mr. WARNER. Mr. President, that choice is entirely on your side. If that is your wish, I think, in all likelihood, it will take place.

Mr. DURBIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. DURBIN. Mr. President, I am not sure who has the floor at this moment.

Mr. WARNER. At this point in time the Chair is perfectly in order to recognize the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the committee, Senator WARNER, and his ranking member, Senator LEVIN, for their endurance and patience.

This is an extremely important bill with many important issues. I say to the Senators, you have served the Senate well, both of you, in the manner you have handled this bill. Many of us with amendments that we consider of importance have stepped back, some because of events, such as the departure and the demise of President Reagan, and others because of other issues.

It is my understanding that there will not be a unanimous consent request tonight in terms of the order of business. I am not going to make one. I thank Senator REID for acknowledging that I do have several amendments pending. I am anxious to call up the amendments. I will agree to time limits on debate so this will not go on for a lengthy period. I would just like to bring the matters to the floor for resolution.

Mr. WARNER. Mr. President, does the Senator from Illinois have the number of the amendment he is likely to propose in the event the sequence of events as outlined by the three Senators here, momentarily, evolves?

Mr. DURBIN. I thank the Senator from Virginia. I spoke to him earlier about an amendment relative to the policy on torture. That is amendment No. 3386. But I would like to defer that until the Senator from Virginia has had a chance to review it, in the hopes he will be supportive.

Another amendment is No. 3196, reservist pay. This is an amendment which passed the Senate with a 96-to-3 vote last year, which I am hoping we can make a part of this bill. Finally, I have an amendment relative to the sale of dietary supplements on base exchanges, amendment No. 3225. Those are the three amendments I have pending.

Mr. WARNER. I say to the Senator, thank you.

Now, Mr. President, I think that concludes the matters with regard to this bill for tonight. I believe we can now proceed to wrap-up session.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. LUGAR. Mr. President, I pay special tribute to Nancy Reagan who has been indispensable throughout the public life of the Reagans, and particularly during this past decade. It was my privilege to sit beside Mrs. Reagan during several White House and Republican Party events and to understand her strength and shared dream for America.

The service of President Reagan to our country can only be approached by understanding how wide he cast the net of potential achievement, and fulfillment of dreams, hopes and visions.

President Reagan actually believed and articulated that our country had a special destiny, that no barriers were insurmountable because we are Americans. He actually believed and said that the Soviet Union was an evil empire, that its political and economic institutions were disintegrating, and that if its leadership and people knew the alternatives which our country presented, they would choose democracy and market economics.

President Reagan was prepared to invest an increasing portion of our national treasure in military defense with the certainty that we would negotiate successfully with our adversaries from a position of strength. He shocked foreign policy and defense specialists by proposing that all intermediate nuclear missiles be destroyed, a negotiating position labeled universally as a bizarre arms-control non-starter.

He affirmed the staying power of NATO by deploying Pershing missiles to Germany and cruise missiles to Italy even after the Soviets declared that such deployment would end all arms control negotiations and stimulate Soviet nuclear buildup.

Add to this, President Reagan's startling proposal that the United States should develop a Strategic Defense Initiative to protect our country against incoming missiles fired upon us. He contended that we should and could try to defend ourselves against the so-called balance of terror.

He proposed to President Gorbachev that the United States and the Soviet Union ban all nuclear weapons. In fact, he was confident that if he could take Gorbachev on an extended tour of America that Gorbachev would want to shape the Soviet Union into many of our successful traditions.

Meanwhile, President Reagan knew that substantial new growth must occur in our domestic economy to pay for the special leadership role he had envisioned in foreign policy. He was confident that substantial cuts in individual marginal tax rates and a host of investment incentives would establish and sustain the longest peacetime prosperity we had ever enjoyed. Our prosperity underwrote the magnificent gains in free and fair trade which he championed and world wide wealth grew abundantly.

When Ronald Reagan stood on a balcony of the Reichstag in Berlin and challenged Gorbachev to tear down the Berlin Wall, he could see white crosses just below where courageous persons seeking freedom had lost their lives in that pursuit. Everything still appeared to be so locked up and grim, and sophisticated observers were barely patronizing in comment on his Berlin wall challenge.

The "evil empire" crumbled, the Berlin wall and other walls fell, all of the Intermediate Nuclear Force weapons were destroyed exactly in three years as the INF Treaty provided, and the United States became the only superpower with the strongest economy and the ability, uniquely, to extend military authority around the world.

All of this occurred because President Reagan persuaded the Congress and his countrymen to build our armed forces, to build our economy through the growth incentives termed "Reaganomics," to maintain the successful strategies of our NATO alliance, to utilize military force to support foreign policy as required, and to commence Strategic Defense Initiative research.

We now know that the Soviets were much weaker than experts estimated. We now know that they could not keep up the pace and that desperate attempts to do so led to the collapse of the Soviet Empire and then to the collapse of the Union, itself.

President Reagan advocated two more things which were inspiring and critically important in world history.

First, he rejected the Brezhnev Doctrine, the idea that territory which socialism had occupied could never be reclaimed. When he advocated this roll back of the iron curtain, he created deep anxiety and alarm among most international foreign policy advisers who loved liberty a lot, but loved stability even more.

U.S. Stinger missiles shipped to the expert ministrations of the Mujadahin in Afghanistan were a major instrument of the Soviet roll back, and the world watched in awe as the Soviet troops withdrew to a smaller Socialist world.

Second, President Reagan enunciated a new policy in a statement sent to the Congress after the Philippine election and revolution. He stated that henceforth, we would oppose tyranny of the left and tyranny of the right, that we were for democracy developed by people who sought to know and enjoy democracy and human rights. This statement was severely criticized by experts who suggested that in the "real world" a good number of dictators were friendly to the U.S. and certainly useful in waging the cold war against Communism.

In articulating his vision on the roll back of the Iron Curtain; in identifying with nations all over the world who applauded our passion for building democratic institutions; in celebrating human rights and free market principles; in all of these areas, Ronald Reagan was far ahead of the prevailing wisdom. Yet he ultimately brought other leaders in America and around the world to his point of view in a relatively short interval.

President Reagan was courageous and on the right side of history. He performed these deeds in a very public way which instructed and inspired others. Those of us in public service learned much from President Reagan as we watched him speak and act. He was charismatic, he was determined and consistent, and he enjoyed a remarkable batting average of being right.

Mr. GRASSLEY. Mr. President, at sunset last Friday, the 40th President of the United States was laid to rest on a hill overlooking the Pacific Ocean. The consummate optimist, who etched the promise of a "shining city upon a hill" into the Nation's conscience, leaves behind a legacy that beckons us to stay true to the American spirit.

Whether folks agree with his political philosophy or not, the actor-turned-politician-turned-statesman from the Midwest helped usher in the dawn of a new day for millions of jobless Americans and to those living in oppression behind the Iron Curtain.

Through bold, buoyant leadership, Ronald Wilson Reagan, 1911–2004, persuaded his fellow citizens that it was "morning again in America" by restoring the promise of peace and prosperity.

The outpouring of support during last week's remembrance for the former President reflects Reagan's ability to bring out the best in people and unite America.

The pageantry evoked patriotism. The solemnity of the events underscored the public's appreciation and respect for this leader who championed the cause of freedom all around the world. For 8 years, he served as a beacon of hope for those cast under the dark shadows of totalitarianism.

The "Great Communicator" arrived in the Oval Office when America was licking wounds left by Watergate and Vietnam. Stifled by a sinking economy, joblessness and sky-high inflation, the national mood also wavered under the uncertainty of the Cold War. Americans yearned for brighter days.

Elected to his first term in November 1980, President Reagan exuded optimism, charm and kinship with ordinary Americans. His good-natured disposition, self-deprecating humor and can-do attitude launched a new era in American politics. Like Reagan, I won an upset victory over an incumbent in that election.

He and I shared a conservative political philosophy rooted in core beliefs spelled out by the Nation's Founders and agreed much more often than not. Now 24 years after the "Reagan Revolution," I am privileged to continue advancing our shared principles: Big ideas instead of big government. Deregulation to foster free enterprise. Tax relief that encourages productivity, growth and individual ingenuity. Self-reliance rather than self-pity.

Reagan's policies proved that economic and political freedom bring about peace and prosperity. As Reagan said in his 1989 farewell address to the Nation: "Democracy, the profoundly good, is also the profoundly productive."

Many people grossly underestimated the strength of Reagan's convictions and the foot soldiers who helped sweep him into office. With a steely determination coupled with folksy charm, Reagan masterminded the efforts that liberated Eastern Europe in 1989.

Eight years earlier, he had predicted the end of Communism as the "sad, bizarre chapter in human history whose last pages are even now being written." Reagan's leadership helped change the course of history for the better.

On June 5, 2004, Reagan lost his 10-year battle with the Alzheimer's disease. A decade earlier, in a hand-written note to the American people, Reagan again looked on the bright side: "When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future."

President Reagan valued the gift of life. He used his to expand human freedom. His legacy shapes America's character and lights our way as we continue the "march to freedom" against evil in the world.

Mr. SANTORUM. Mr. President, I rise today in great sadness, to speak on the passing of President Ronald Wilson Reagan. It is a sad time for our Nation; a monumental figure in the history of the United States has gone to his rest. The response to his passing in our Nation's capital and across this country has been overwhelming and a fitting tribute to this giant of 20th century politics.

First, I would like to offer my heartfelt condolences to Nancy and the Reagan family in this difficult time. Mrs. Reagan was not only an incredible role model for faithfulness to her spouse, but was always the rock that he leaned on when the entire world leaned on him.

In speeches on this floor, we have heard much about President Reagan's vision and leadership on foreign and economic policy, which indeed continue to bear fruit. Yet, I come to the floor to speak about an aspect of the Reagan Presidency that is less commented upon: President Reagan's legacy on social policy, which stands still as a moral compass for our Nation's future.

As has been remarked, President Reagan was a fabulous optimist. He worked to create a society where good and evil, life and death, are recognized for what they are, and are not obscured by the gray tones of moral relativism. After years of lingering malaise following Vietnam and Watergate, Ronald Reagan came forward and proclaimed that America was "in the midst of a spiritual awakening and a moral renewal." That was a message of hope that America sorely needed to hear.

He believed that America's strength came not just from military might, but also from its moral superiority. As much of a priority as he made foreign and military policy, he strived just as hard to ensure that our Nation's roots as a people of faith, who value life and each other, was not diminished. It was that social foundation that made us different from the godless Soviet state that oppressed the Russian people.

President Reagan spoke forcefully and brilliantly about the importance of family, the religious foundations of American democracy, and the tragedy of Roe v. Wade. He knew that strong families were a key to America's continued success as the land of opportunity. This conviction is clear in a proclamation he issued one Father's Day, where he asserted:

> There is no institution more vital to our Nation's survival than the American family. Here the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and our public citizenship.

His political beliefs were greatly shaped by the sensible religion he grew up with in small-town Illinois, which permeated all aspects of daily life. He found the attempts of some to excise religion from the public square wrongheaded. He knew that Founding Fathers barred not only the government establishment of religion, but also any law "prohibiting the free exercise thereof."

As President Reagan told those gathered at the Ecumenical Prayer Breakfast during the Republican National Convention in Dallas, TX:

> Without God, there is no virtue, because there's no prompting of the conscience. Without God, we're mired in the material, that flat world that tells us only what the senses perceive. Without God, there is a coarsening of the society. And without God, democracy will not and cannot long endure. If we ever forget that we're one nation under God, then we will be a nation gone under.

I began this speech by stating I would focus of President Reagan's moral and social legacy rather than on the tremendous impact he had in bringing down the Iron Curtain and freeing Eastern Europe. But in truth, these different areas of policy all flowed from the same wellspring of faith and conscience.

In a particularly moving speech before the National Religious Broadcasters Convention in 1984, President Reagan tied together these seemingly separate strands. He told listeners:

> Our mission stretches far beyond our borders: God's family knows no borders. In your life, you face daily trials, but millions of believers in other lands face far worse. They are mocked and persecuted for the crime of loving God. To every religious dissident trapped in that cold, cruel existence, we send our love and support. Our message? You are not alone; you are not forgotten; do not lose your faith and hope because someday you, too, will be free.

Mr. President, I ask unanimous consent that a larger excerpt of this speech be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. SANTORUM. Ronald Reagan was a champion of the pro-life movement and believed that abortion was a grave threat to the liberties we cherish as Americans. When President Reagan came to office, the shock of Roe v. Wade was still fresh. It was commonly believed that the Supreme Court had had the final say on abortion, and that there was no hope in turning back the tide of the abortion-on-demand culture. The conventional wisdom was that enacting legislation to regulate abortion was politically impossible.

But President Reagan chose to use the one tool that the Senate could not stall and the House could not block: his voice. His voice was strong and reassuring, and it reached the American people in their living rooms, bypassing those in Washington who thought they knew much better. Even his own advisors urged him not to speak out on abortion, yet he would not be silenced. He always spoke his conscience on the matters that weighed heavily on his heart, and no one could convince him to do otherwise.

On the tenth anniversary of Roe v. Wade, President Reagan spoke from the heart against the abortion-on-demand culture, to poignant effect. That day, he said:

> I too have always believed that God's greatest gift is human life, and that we have a duty to protect the life of an unborn child. Until someone can prove the unborn child is not a life, shouldn't we give it the benefit of the doubt, and assume it is?

Perhaps the only President to publish a book while in the Oval Office, President Reagan's 1984 volume, entitled Abortion and the Conscience of the Nation, stood as a thoughtful and moving essay that inspired the growing pro-life movement. This message of this book was hopeful. "As a nation today, we have not rejected the sanctity of human life," he writes. "I am convinced that Americans do not want to play God with the value of human life."

Given his remarkable legacy on foreign and economic policy, I am not surprised that his moral agenda is less commented upon. Yet in his March 8, 1983 "evil empire" speech, President Reagan devoted as much time talking about the sanctity of all human life as he did addressing foreign policy. On abortion, he told the audience:

> Human life legislation ending this tragedy will someday pass the Congress, and you and I must never rest until it does.

Sadly, President Reagan has gone to his rest without being able to see that glorious day when we again recognize the full and equal value of all human lives. But those of us who proudly follow in his footsteps will tirelessly continue the struggle until we correct this grievous wrong.

President Reagan, that day, I know you will be smiling down on us from above.

EXHIBIT 1

"AMERICA IS HUNGRY FOR A SPIRITUAL REVIVAL . . ."

(BY RONALD REAGAN)

An excerpt from President Reagan's address January 30, 1984, at the National Religious Broadcasters Convention in Washington D.C.

I was pleased last year to proclaim 1983 The Year of the Bible. But, you know, a group called the A.C.L.U. severely criticized me for doing that. Well, I wear their indictment like a badge of honor. I believe I stand in pretty good company. Abraham Lincoln called the Bible, "The best gift God has given to man. But for it," he said, "we could not know right from wrong."

Like that image of George Washington kneeling in prayer in snow at Valley Forge, Lincoln described a people who knew it was not enough to depend on their own courage and goodness. They must also look to God their Father and Preserver. And their faith to walk with Him, and trust in His Word, brought them the blessings of comfort, power, and peace that they sought.

The torch of their faith has been passed from generation to generation. "The grass withereth, the flower fadeth, but the word of our God shall stand forever." More and more Americans believe that loving God in their hearts is the ultimate value. My experience in this office I hold has only deepened a belief I've held for many years: within the cover of that single Book are all the answers to all the problems that face us today—if we'd only read and believe.

Let's begin at the beginning. God is the center of our lives: the human family stands at the center of society: and our greatest hope for the future is in the faces of our children. God's most blessed gift to His family is the gift of life. He sent us the Prince of Peace as a babe in a manger. I've said that we must be cautious in claiming God is on our side. I think the real question we must answer is, are we on His side?

Our mission stretches far beyond our borders: God's family knows no borders. In your life, you face daily trials, but millions of believers in other lands face far worse. They are mocked and persecuted for the crime of loving God. To every religious dissident trapped in that cold, cruel existence, we send our love and support. Our message? You are not alone; you are not forgotten; do not lose your faith and hope because someday you, too, will be free.

If the Lord is our light, our strength and our salvation, whom shall we fear? Of whom shall we be afraid? No matter where we live, we have a promise from Jesus that can soothe our sorrows, heal our hearts and drive away our fears. He promised there will never be a dark night that does not end. Our weeping may endure for a night, but joy cometh in the morning. He promised if our hearts are true, His love will be as sure as sunlight. And, by dying for us, Jesus showed how far our love should be ready to go: all the way.

"For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish but have everlasting life . . ." Helping each other, believing in Him, we need never be afraid. We will be part of something far more powerful, enduring and good than all the forces here on earth. We will be part of a paradise.

May God keep you always and may you always keep God.

RONALD REAGAN

Mr. ENSIGN. Mr. President, I rise today to honor and remember the greatest President of the 20th century, Ronald Wilson Reagan.

Ronald Reagan is widely known for taking some of the most courageous stands on behalf of our Nation and for truly changing the course of the world, but Ronald Reagan may have never known the impact that he had on so many individuals, including me.

I was in college when Ronald Reagan swept through our country in 1980—on a mission to empower Americans by reducing taxes, shrinking the Federal bureaucracy, and instilling a sense of hope for the future. Until that point, I had always considered myself a Democrat. Ronald Reagan's straight talk and emphasis on common sense and individual empowerment changed the way I looked at politics. As Ronald Reagan used to say—and he would know—I became "a former Democrat who saw the light." He opened my eyes to a philosophy that I truly felt could change the direction of our country.

I was not alone. President Reagan's popularity while in the Oval Office for two terms showed that Americans—Republicans, Democrats, and independents—were inspired by him the way I was. More impressively, tens of thousands of Americans are mourning his death and reflecting on how he touched and changed their lives. The endless line of mourners, waiting for hours to walk past his coffin and pay final respects, is unparalleled. The most heartwarming for me is to see parents with their children, teaching them about the legacy of this great President and hopefully instilling a dose of Reagan optimism in the next generation.

There are many lessons to teach our children about Ronald Reagan. I know I will teach them to my own children.

Respect for others: Many of the stories that are being shared by those who knew Ronald Reagan revolve around his respect for all people. Whether it was someone who washed dishes in the White House or the leader of another Nation, Ronald Reagan treated each with the same amount of dignity and respect—and loving humor.

Commitment to principles: Ronald Reagan never shied away from his principles. His steadfast commitment led to monumental changes in the world landscape—making it a better place for all of us. On Memorial Day 1986, President Reagan said at Arlington National Cemetery:

> If we really care about peace, we must stay strong. If we really care about peace, we must, through our strength, demonstrate our unwillingness to accept an ending of the peace. We must be strong enough to create peace where it does not exist and strong enough to protect it where it does. That's the lesson of this century. . . .

And that is a lesson from our 40th President.

Mutual love and admiration: I would be remiss if I did not note the relationship that Ronald and Nancy Reagan shared. Reading some of their old love letters, watching them together during his presidency, and seeing her devotion over these most trying last 10 years, one cannot help but be touched by the feelings that emanated from their marriage. Nancy Reagan was every bit Ronald Reagan's partner in the White House, and his legacy is theirs. Today Nancy Reagan grieves—she has lost her soul mate. And we grieve for her loss.

Optimism and hope for tomorrow: If nothing else, I hope that Americans today are inspired by Ronald Reagan's eternal optimism. He believed in this country and its people with every fiber of his being. He once told a gathering of youth in 1985 that:

> True wealth, and the real hope for the future comes from the heart—from the treasure of ideas and spirit; from free people with a vision of the future, trust in their fellow men, and faith in God. The better future that we all yearn for will not be built by skeptics who spend their lives admiring the complexity of the problems. It'll be built by free men and women who believe in themselves.

I know Ronald Reagan is in a better place today, and, from his view, he is rooting for us and believing in our future.

Leaders like Ronald Reagan change the course of history with their vision and inspire a new generation. I serve Nevada in the United States Senate because I, too, was inspired by Ronald Reagan. Today, I thank him from the bottom of my heart for his service to this nation, for his unwavering leadership, and for his spirit that will always represent our greatness and remind us that we can achieve anything.

President Reagan, may God bless you and watch over you. And may God continue to bless America.

FLAG DAY AND THE BIRTHDAY OF THE ARMY

Mr. DASCHLE. Mr. President, our Nation celebrates two birthdays today.

On June 14, 1775, the Continental Congress agreed to forge, from several different State militias, one single Army to fight America's War of Independence.

Congress called for 10 companies of expert rifleman to be raised from among the colonies of Pennsylvania, Maryland, and Virginia and ordered them to march to Boston to meet the British Army.

Two years later, Congress established a flag for the young Army to fight under.

With the war still raging, and the future of the Revolution very much in doubt, the Continental Congress decreed it "Resolved, That the Flag of the 13 United States be thirteen stripes, alternate red and white; That the union be thirteen stars, white in a blue field, representing a new constellation."

In a way, the entire history of our Nation is contained within these events. From diverse parts, America set forth to create a single nation, founded on common values and a shared vision for its future.

Struggling against the preeminent military power of its age, our Founding Fathers looked upon the different rebellions waged by State militia, independent of one another, taking place throughout the colonies, and determined that if the 13 colonies were to share a single fate, it would be best if we chose to meet it together.

The design of the new American flag reflected that wisdom and symbolizes the union of disparate parts. While the 13 stripes and the 13 stars represented the different colonies, the colors signified the common values that bound us together as a nation. Red for valor. White for liberty. Blue for justice.

Today, Old Glory is America's most treasured national symbol. It captures the imagination of both young and old because, in a way, each American is represented.

Each of us can see among the stars in the deep blue field one star that represents our State, our neighborhood, ourselves. And in the 13 stripes representing the colonies that banded together, each of us can also feel the connection to our history.

In this way, the flag is alive. Each American adds to its meaning and significance through the work we do to build our Nation.

Few expressed this better than Franklin Lane, Woodrow Wilson's Secretary for the Interior. Speaking to a group of civil servants in 1914, Secretary Lane imagined a conversation with, as he called it, "Mr. Flag."

"Yesterday," the Flag tells Lane, "the President spoke a word that made happier the future of ten million . . . but that act looms no larger on the Flag than the struggle which the boy in Georgia is making to win the Corn Club prize this summer. . . .

"Yesterday the Congress spoke a word which will open the door of Alaska; but a mother in Michigan worked from sunrise until far into the night, to give her boy an education. She, too, is making the Flag.

"Yesterday we made a new law to prevent financial panics, and yesterday, maybe a schoolteacher in Ohio taught his first letters to a boy who will one day write a song that will give cheer to the millions. . . . We are all making the Flag. I am your belief in yourself, your dream of what a people may become . . . I am no more than what you believe me to be and I am all that you believe I can be. . . . I am what you make me; nothing more."

Looking back at 227 years under Old Glory, the American people can be proud of what we have made the flag. Throughout the world it is recognized as a symbol of freedom and valor.

And, there can be no doubt, few American institutions have done more to make this true than the United States Army, the oldest institution in the world dedicated to defending a democracy.

In its 229 years, the Army has engaged in more than 175 different campaigns to defend our Nation, and to defend freedom throughout the world.

As we celebrate the Army and the incalculable contributions it has made to the life of our Nation, and the world, members of the Army are once again far from their families, fighting shoulder to shoulder, to extend freedom's reach throughout the world.

Each day, we see new examples of the courage, loyalty, and fortitude that have been hallmarks of the Army since its birth more than two centuries ago.

The stories of the heroism of Army troops rescuing our Nation from a pivotal moment are too numerous to count. But I would like to relate one of my favorites from the War of 1812.

For the first 2 years of that war, the American forces had been beaten badly by the British. The English generals had become openly contemptuous of the American forces, which they considered little more than a ragtag band of untrained and unprofessional conscripts.

As the British met the American Army on the banks of the Chippewa River, the British general looked out over the American Army and mocked them as little more than a militia—the same forces they had been routing for the past 2 years.

The British opened fire, expecting the Americans to scatter. But the Army marched directly through the British fire.

Seeing a bravery and professionalism he had never encountered, the British general cried out, "Those are regulars, by God."

Soon, the Army troops had encircled the British forces, catching them in crossfire. The Battle of Chippewa was soon won, and it brought about a turning point in the War of 1812, and the history of our young Nation.

Countless times, the United States Army has stunned an enemy commander by its discipline, its skill, and its bravery. But while America continues to be awed by the achievements of the U.S. Army, we are no longer surprised.

Whether on the banks of the Chippewa, the fields of Gettysburg, the banks of Normandy, or the streets of Baghdad, the U.S. Army continues to represent the best hopes and the best achievement of a single nation, united in common defense of its shared values and dreams.

They have brought honor and freedom to our Nation for 229 years. And while it is historical coincidence that the Army birthday and Flag Day fall together on June 14 each year, it is altogether fitting that they do so.

The same values the Flag represents, the Army exemplifies and defends. When we look upon the flag, we see the heroism with which our military has defended it, and we are proud.

All this is represented in the American flag. And when Americans pledge allegiance to the flag, it is this history, these values, these ideals, to which we promise loyalty.

Knowing the power of the Pledge to unite Americans, I was encouraged to learn that the Supreme Court has rejected the recent challenge to the constitutionality of the Pledge.

I have long believed in the constitutionality of the Pledge of Allegiance, and though the Supreme Court Decision was made on procedural grounds, it represents a positive step forward in our efforts to affirm its central place in the life of our Nation.

In a simple way, the Pledge gives us the chance to reaffirm the history and values that bind us together—the history and values represented by our flag.

When I think of the importance of the flag to our country, I am reminded of the days after September 11, 2001.

One week after the attacks, I recall walking into the Hart Senate Office Building to see American flags hanging from each window, on each of the eight floors of the building.

Like the individual stars standing united together, the Senate offices were spontaneously united in a pure and impromptu display of patriotism and loyalty.

If anyone ever had doubts about our Nation's resolve to persevere in the face of terrorism, they would be put to rest at that moment.

As Franklin Lane said, each of us makes the Flag.

As we work to build our Nation and extend its ideals throughout the world, we are extending the constellation of stars our Founding Fathers saw in the 13 colonies. And today, the light of this constellation extends throughout the world.

This is what we celebrate on both Flag Day and the Army's birthday.

Each in its way reminds us of the continuing work of our Nation, to create a more perfect union, united under one flag, defended by one force, and inspired by a shared vision of a future, as the Pledge states, "with liberty and justice for all."

AULD-BROKAW TRAIL DAY

Mr. DASCHLE. Mr. President, today I recognize the Auld-Brokaw Trail Day that is scheduled for June 19, 2004, in Yankton, SD. This day-long initiative is the culmination of years of hard work from numerous Yankton leaders, including the Yankton Rotary Club, the Auld-Brokaw Trail Committee, the City of Yankton and the Yankton Parks and Recreation Department.

This day also represents the completion of Tom Brokaw and Meredith Auld Brokaw's vision to further enhance the community where they first met nearly a half century ago.

Several years ago, Yankton leaders designed the concept for an expansive walking trail as part of a flood mitigation project. Yankton raised $1 million for the Auld-Brokaw Trail, relying upon investments from residents—past and present. With a generous donation from the Brokaws, the dream soon became a reality. The city began construction in 2001.

As the trail began to take shape, an Outdoor Classroom to further capitalize on the educational opportunities that it presented. The partnership that developed between the Brokaws, the Yankton Rotary Club and the Rotary Foundation is the way that most things get accomplished in my State—good people working together toward a shared vision.

The Outdoor Campus along the Auld-Brokaw Trail will feature flowers and grasses native to the South Dakota prairie. The nearly 3 acres of natural lands will be a great resource to showcase the area's beauty. The Yankton Chamber of Commerce has already found the Auld-Brokaw Trail to be a strong regional recreational attraction.

As we know all too well, Americans are spending less active time outdoors. This trend is having a negative impact on our country's collective health, and I was pleased to learn that the Avera Sacred Heart Hospital in Yankton will sponsor health and walking programs along the Auld-Brokaw Trail in conjunction with the upcoming events. A Pilates demonstration, nutrition forum and community walk will teach area residents about the important contribution that the Auld-Brokaw Trail can make to the community's health.

The Auld-Brokaw Trail is an outstanding enhancement of Yankton's beauty, and the Outdoor Classroom addition will strengthen the trail's attractiveness. I am pleased that Yankton residents will soon come together to celebrate the completion of this outstanding project, and I am proud to recognize this outstanding effort.

Tom and Meredith Brokaw's friendship began in high school. He went to Boys State, allowing him to have lunch with South Dakota Governor Joe Foss, a World War Congressional Medal of Honor winner. She went to Girls Nation, where she met President Eisenhower in the Rose Garden of the White House. They were class leaders; Tom's broadcast career began on KYNT Radio. Though they are far away geographically, their emotional bond remains strong.

"The world in which I work and live is a long way from home," Brokaw wrote in his 2002 book, "but the early bearings I took as a child on the prairie, surrounded by working people and the communities they established, often in difficult circumstances, have been a steadying and reassuring presence. They are familiar markers and sentinels, useful and reliable even now, forty years after I left the land and the people that launched me."

Yankton continues to be blessed by the generous way that Tom and Meredith Brokaw have chosen to give back to the community that provided so much to them. The Auld-Brokaw Trail and the Outdoor Classroom are two of the latest examples.

CONGRATULATING SHANKARI RAJAGOPAL

Mr. REID. Mr. President, I congratulate Shankari Rajagopal on her outstanding performance at the 77th annual Scripps National Spelling Bee.

Nevada's lone speller at the national competition, Shankari outlasted 219 of

265 contestants to earn a spot among the top 46 competitors. An eighth grader at Churchill County High School, Shankari won the Nevada State Spelling Bee in March to earn the right to participate in the national competition. She had finished 12th and 6th in the State contest the previous 2 years.

Administered by The E.W. Scripps Company in conjunction with more than 250 sponsors around the world, the Scripps National Spelling Bee is the Nation's largest and longest-running educational promotion. Each sponsor organizes a spelling bee program in its community, with the local champions advancing to the finals in Washington, DC. This tremendous program helps thousands of students every year improve their spelling and expand their vocabularies through a fun competition.

I was able to visit with Shankari an hour before her last day of competition. She was relaxed and satisfied with her tremendous accomplishment, as well she should be. I was very impressed with her parents who came to Washington, DC, to support her. They too were proud of what she had accomplished, and this helped to put her at ease.

I have seen too many parents, in athletics and other student activities, put such tremendous pressure on their children that it takes away from the pleasure of the student's involvement. But not so with Shankari's parents. I congratulate Jeeks and Karpagam, her mother and father, for doing such a great job of raising their daughter.

The Fallon community and the State of Nevada can take great pride in Shankari's performance in the State and national competitions. It reflects her strong commitment to her education and her tremendous potential. Please join me in congratulating this talented young Nevadan on her impressive achievement.

CONGRATULATING ALVIN McLANE

Mr. REID. Mr. President, I congratulate Mr. Alvin McLane, a Nevada Bureau of Land Management, BLM, volunteer, on his selection for the "Making A Difference" award. This award recognizes Alvin's strong commitment to preserving the natural and cultural heritage of our public lands.

Mr. McLane is one of seven individuals who received this prestigious national award this year. As a volunteer for the Nevada BLM's Carson City field office, he recorded more than 120 discrete cultural sites primarily in the Dry Lake area of northwestern Nevada. Mr. McLane also instituted a full-scale monitoring program for the area.

Thousands of volunteers throughout the country contribute to the preservation of the 261 million acres of public lands managed by the BLM. Volunteers donated approximately 1.5 million hours last year alone, tantamount to the work of 866 full-time employees with an estimated value of $25 million. Launched in 1996 as a part of the "Take Pride in America" initiative, the "Making A Difference" program has recognized 87 individuals or groups for their exemplary service.

Mr. McLane has demonstrated a commendable commitment to public service. Please join me in thanking him for his tremendous efforts.

HONORING ROGER PELTYN

Mr. REID. Mr. President, I extend my condolences to the family of Roger Peltyn, who passed away in Las Vegas on June 3.

Roger left behind his loving wife Sandy, with whom he shared his life for 33 years, and two sons, R.J. and Michael. His passing leaves an empty place in the lives of those who knew and loved him. It also leaves a void in our community.

Roger was a structural engineer, and he was instrumental in building many glamorous structures that are synonymous with Las Vegas—landmarks like the Mirage, Bellagio, Mandalay Bay, Luxor, and Excalibur. He also helped to build many schools, stores, office properties, and much more.

But Roger did not just build structures. He also helped to build a stronger community in southern Nevada. The projects and causes that he adopted are almost too numerous to name: the UNLV President's Council, the Nevada Development Authority, the Clark County Public Education Foundation, the Desert Research Institute, Opportunity Village, and many other charities.

For the past decade, Roger served as president of an organization called Nevada Arts Advocates, which is dedicated to improving the cultural climate in Nevada and promoting the arts. His love of the arts enriched our whole State.

With Sandy by his side, Roger raised millions of dollars for worthy causes. Every Nevadan owes both of them a debt of gratitude.

Roger was born in Brooklyn, and he came to Las Vegas as so many folks do, by way of California. He moved to Las Vegas when Steve Wynn asked for his help during the expansion of the famous Golden Nugget resort. And just a month ago, Roger was still giving Steve Wynn advice about the new resort he is building.

Roger and his partner Jack Martin started a 5 man engineering firm that now employs more than 60 people. That is a testament to the amazing growth of Las Vegas, which would not have been possible without Roger Peltyn.

Nevada will miss Roger Peltyn. He left us too soon. But his legacy will live on in the magnificent buildings he helped to construct, and the community he helped to create. Nevada is a better place because of him.

HONORING OUR ARMED FORCES

LANCE CORPORAL JEREMY BOHLMAN

Mr. JOHNSON. Mr. President, I am saddened to report the passing of Lance Corporal Jeremy Bohlman of Sioux Falls, SD. He was killed on June 7, 2004, while serving in Operation Iraqi Freedom.

Jeremy was assigned to the 1st Light Armored Reconnaissance Battalion out of Camp Pendleton, CA. He first went to Iraq in January 2003, before the invasion, and returned to the United States in June 2003. He was completing his second tour of duty in Iraq when he was killed by an explosion while conducting combat operations in Al Anbar Province, Iraq.

Jeremy, who was married 2 weeks before being deployed, is described by friends and family as a hard worker with lots of friends who found his niche in the Marines. He served with great distinction and received the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the Marine Corps Expeditionary Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal and the Sea Service Deployment Ribbon.

The lives of countless people were enormously enhanced by Jeremy's goodwill and service. He inspired all those who knew him. Our Nation is a far better place because of his life. All Americans owe Jeremy, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

I express my sympathies to the family and friends of Lance Corporal Jeremy Bohlman. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

FLAG DAY

Mr. BYRD. Mr. President, in August 1814, during the War of 1812, the British Navy bombarded Fort McHenry in Baltimore. A lawyer and amateur poet named Francis Scott Key from nearby Washington witnessed the attack from a British ship, where he had been attempting to secure the release of some American prisoners. The bombardment continued through the night and many watching feared that the fort, which guarded the approach to Baltimore, would shatter under the onslaught. When at last the dawn came, Fort McHenry still stood, its enormous American flag, though tattered, still flying. The exhausted British forces retreated.

Francis Scott Key captured the relief and exhilaration of that turning point in history in a poem, which he titled

"The Defense of Fort M'Henry." His verses were subsequently printed widely, and a note added that said the accompanying tune was "Anacreon in Heaven," then a popular tune. In October 1814, a Baltimore actor sang Key's new song in a public performance, calling it, for the first time, "The Star Spangled Banner." The Star Spangled Banner became the national anthem in 1931 by an act of Congress. Though difficult for many people to sing, this anthem has retained its popularity because it so eloquently captures the love we have as a nation for our flag and the tender regard we have for the Nation those colors represent.

Since the tragic events of September 11, 2001, Americans have grown used to the sight of American flags. Beginning just hours after those horrifying images hit our television screens, people reached into their closets and hung flags by their front doors, in their front yards, from their cars, and in front of their businesses. After the gauntlet of terrorism had been flung in our face, we as a nation answered the insult in a resounding and defiant way. Instinctively, we knew what to do. Our collective consciousness recalled the words from the Star Spangled Banner: "Oh, say, does that star spangled banner yet wave? O'er the land of the free, and the home of the brave?" Together, we made sure that our banner still waved.

This last weekend, on the 60th anniversary of the D-Day invasion of Normandy, American flags again flew proudly as Americans and Europeans remembered and honored the heroic sacrifices of June 4, 1944, that led to the liberation of that beleaguered continent. On those distant shores, the last cohort of an earlier generation accepted the enduring thanks of nations and peoples freed from the terrible bonds of occupation.

World War II brought out the best in America. Facing a clear and present danger, the Nation, like a team of horses hitched to a heavy load, dug deep and pulled together to put the enormous energy and resources of our bountiful land to work. Vast armies were trained and sent to battlefields across three continents. Fleets of ships were built to ferry unimaginable quantities of materiel to support those troops. Swarms of aircraft, armadas of battleships, and vast thundering herds of tanks were built and sent forth to defeat our enemies. Our scientists harnessed their creativity to produce new technology and new weapons more deadly and more terrifying than any mankind had ever before seen. Though our losses were staggering, the Nation persevered until the happy days that American flags drove proudly into Paris and flew over Germany, Italy and Japan. Never before, and, I fervently hope and pray, never again will the world see war waged on such a scale.

Today, we are again at war. Our enemies are different, shadowy and elusive, and their tactics and methods of operation are most un-military. Not for them the open field of battle, but rather the saboteur's stealthy attack. Still, American troops lie encamped in Afghanistan and Iraq. Daily, they face attacks that, sadly, send home too many of our men and women in uniform shrouded beneath an American flag. For these fallen heroes, the music is "Taps," not the "Star Spangled Banner." The flag, however, was much the same as the one that flew over Fort McHenry all those years ago.

Each June 14, we honor the flag, marking the day in 1777 that the Continental Congress adopted a resolution that stated simply: "Resolved, That the flag of the thirteen United States be thirteen stripes alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation."

In the Nation's early years, the actual design of the flag, whether the stars had five points or six or whether they were arranged in rows or a circle, was open to different interpretations. Also in our Nation's early years, a new star and a new stripe were added as each new State was added to the Union. The flag that flew over Fort McHenry in 1814 had fifteen stars and fifteen stripes. On April 4, 1818, President James Monroe signed into law the Flag Act of 1818. That act stipulated that, as of July 4, 1819, the flag would consist of thirteen stripes, for the thirteen original colonies, and twenty stars, one for each State at the time. Further, upon admission to the Union, a new star would represent each new State. Thus was born the flag that we know today, the flag that flies over this Capitol building.

Through war and peace, triumph and tragedy, our flag, like our Nation, has endured much over the last two centuries. Hoisted over the victory stand at the Olympics, as it surely will be this summer in Greece, draped over the gaping wound in the side of the Pentagon before it was reconstructed, or printed on sacks of relief supplies sent to crisis situations across the globe, our Nation's flag conveys our pride, our courage, our defiance, and our magnanimity in the face of great challenges. The flag is a part of so many other holidays and celebrations. At the Fourth of July, on Memorial Day, on Veterans Day, and now on the 11th of September, the flag will be flying. And always, the sight of the red, white, and blue pulls us to our feet and stirs our emotions. So it is more than fitting that on one day each year, we honor the flag itself.

I would like to close with one of my favorite poems, by Henry Holcomb, entitled "Hats Off." It is a fitting tribute to our flag.

FLAG DAY

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land fights, grim and great,
Fought to make and save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
Toward her people from foreign wrong;
Pride and glory and honor, all
Live in the colors to stand or fall.

Hats off !
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

TRIBUTE TO MAJOR ANNETTE ORTIZ, U.S. AIR FORCE

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize an outstanding Air Force Officer, MAJ Annette Ortiz, for the tremendous work she has done as a member of my staff during the 108th Congress. It is my privilege to recognize her career accomplishments and to commend her for the superb service she has provided the Air Force, the great State of Mississippi, and our Nation.

Major Ortiz earned her commission through ROTC at the University of Hawaii where she graduated in 1990 with a bachelor of arts degree in telecommunications with a minor in German. She completed specialized undergraduate navigator training at Mather Air Force Base in November 1991, and KC-135 Combat Crew Training School at Castle Air Force Base in August 1992. In July 1994, Major Ortiz retrained into the C-130E at Little Rock Air Force Base, where she demonstrated academic excellence.

Following flight school, Major Ortiz reported to the 906th Air Refueling Squadron, 43rd Air Refueling Wing, at Minot Air Force base. While assigned to the 906th, she deployed on intercommand refuelings in the Pacific, European, and Southwest Asian theaters. In support of Operation Restore Hope, the humanitarian re-supply operation in Somalia, she was the lone recipient of the coveted "outstanding performance" evaluation rating during the 15th Air Force Standardization and Evaluation Inspection. She also flew several combat missions into Tuzla and Sarajevo, Bosnia-Herzegovina, including participation in Operations Provide Promise, Joint Endeavor, Deny Flight, Joint Guard, and other NATO supported European operations.

Major Ortiz subsequently served as an Instructor Navigator, C-130E, for the 37th Airlift Squadron, 86th Airlift Wing, at Ramstein Air Force base. During this assignment, she instructed combat employment of the C–130 Adverse Weather Aerial Delivery System, AWADS, and Aircraft Defensive System, ADS. She also led tactical formations of multiple aircraft during joint airborne transportability training and special assignment airdrop missions. Following that assignment, Major Ortiz served as a C–130 FTU instructor navigator and assistant flight Commander at the 53rd Airlift Squadron, Little Rock Air Force base. In this capacity, she provided training to students from the US Armed Forces and 27 allied nations regarding combat mission planning, tactical formation, and airdrop/airland procedures.

Major Ortiz's next assignment was air operations staff officer, Special Operations Command Pacific, Camp Smith, HI. During this tour, she was first attached to the Air Mobility Warfare Center Tactics Division where she assisted with the instruction of the Combat Aircrew Tactics Training course. She also updated and developed course curriculum, including the Blue Command and Control course that focused on development of tactics. Subsequently, Major Ortiz was attached to the headquarters Air Force, Directorate for Future Strategic Plan. In this capacity, she participated in the Quadrennial Defense Review and developed strategic personnel initiatives. Major Ortiz was instrumental in the formulation of doctrine and policy that pertained to the total force of Active, Reserve, and civilian Air Force personnel.

In October 2002, Major Ortiz was selected to serve as a legislative fellow and special assistant on my staff. During this 1-year assignment, she was responsible for a wide spectrum of issues that directly affected the security and national defense of the United States. She was also instrumental in carrying out a wide range of special projects, and was particularly effective at coordinating and resolving a broad range of complex military issues for constituents. Major Ortiz also provided expert advice regarding foreign policy matters, and provided effective liaison with senior staff of the Foreign Relations Committee and both Defense Committees. Upon completion of her fellowship, Major Ortiz resumed her status as a Reservist and became a permanent member of my staff, serving as the deputy national security advisor.

Throughout her most distinguished career, MAJ Annette Ortiz has served the Air Force and our Nation with pride and excellence. Her awards include two Air Force commendation medals, Air medal, three Aerial Achievement medals, two with Oak Leaf Cluster, the 15th Air Force outstanding performance flight evaluation, and numerous other campaign and unit distinctions.

Major Ortiz has been an integral member of my staff and has contributed greatly to the best-trained, best-equipped, and best-prepared Air Force in the history of the world. Annette's superb leadership, integrity, and limitless energy have had a profound impact on my entire staff and will continue to positively impact the United States Air Force and our Nation. On behalf of my colleagues on both sides of the aisle, I wish Annette, her husband Carlos, and their children Sofia Anna and Carlos Joseph Alejandro the best of luck in their bright future.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 23, 2003, Gregory Johnson, a 17-year-old gay man, and his female friend Brandie Coleman were shot in the front of the head at point-blank range. The gunman was angry because his sexuality was threatened after an intimate encounter with the cross-dressing Johnson. The bodies were found in the back seat of a burned-out automobile.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PLEDGE OF ALLEGIANCE ORAL ARGUMENTS

Ms. MURKOWSKI. Mr. President, today the United States Supreme Court issued its decision in the case of Elk Grove Unified School District v. Michael Newdon. In Elk Grove, as my colleagues are very much aware, the United States Circuit Court of Appeals for the Ninth Circuit held that the phrase "under God" in the Pledge of Allegiance was unconstitutional. On an 8 to 0 vote the Supreme Court dismissed the case on procedural grounds. The ruling effectively preserves the right of children in public schools to recite the full Pledge of Allegiance. I applaud the decision of the Supreme Court.

It is truly right, and a bit ironic, that the Supreme Court issued its decision today on "Flag Day." Today is also the Golden Anniversary of congressional action that added the words "under God" to the Pledge of Allegiance.

I commend Chief Justice William Rehnquist and Judges Sandra Day O'Connor and Clarence Thomas who agreed, I believe properly, that the decision by the Circuit Court of Appeals for the Ninth Circuit should be overturned not on the standing issue but instead because the words "under God" in the pledge do not violate the Constitution.

In response to the decision by the Ninth Circuit Court of Appeals, I introduced Senate Resolution 71, which passed this body by a 94 to 0 vote. The resolution expressed the sense of the Senate that we "strongly disapprove" the decision of the Ninth Circuit and further instructed the Senate Legal Counsel to intervene in the case to defend the constitutionality of the words "under God" in the Pledge and if unable to intervene, to file an amicus curiae brief in support of continuing the constitutionality of the words "under God" in the Pledge.

I do not know if my colleagues have had the opportunity to read the amicus curiae brief filed on behalf of the United States Senate. But I want to compliment Patricia Mack Bryan, the Senate Legal Counsel; Morgan J. Frankel, the Deputy Senate Legal Counsel; and Grant Vinik and Thomas Caballero, who are Assistant Senate Legal Counsels. I know they worked hard on the brief that was filed in December. They said in the brief:

> The First Congress not only acknowledged a proper role for religion in public life, but did so at the very time it drafted the Establishment Clause.

They also noted that:

> the Public manifestations of our Nation's religious heritage include "an unbroken history of official acknowledgement by all three branches of the government.

The mere reference to a Higher Being or God does not amount to a breach of the establishment clause of the Constitution.

The children born of this century will probably never appreciate the cold war and how in the early fifties, our country felt threatened by China, Russia and the spread of communism. It was in that historical context that Congress added the phrase "under God" to the pledge. As the Senate Legal Counsel related in their brief, the legislative history makes clear that Congress wanted to give credence to the fundamental truth that a Government deriving its powers from the consent of the governed must look to God for divine leadership.

There can be no doubt our Founding Fathers believed then, as I firmly believe today, that our Nation was founded on a fundamental belief in God, and that the actions we take here in the United States Senate and those of our children when they start their day in school each morning must be governed by the principles invoked by a belief in a dedication to our Country and to God, by whatever name you choose to make reference to that power and foundation.

I welcome the decision of the United States Supreme Court that preserves the right of our children and ourselves to say the words "under God" in our Pledge of Allegiance.

SCHIP EXPANSION ACT SUPPORT

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the following letters related to the May 13 introduction of the SCHIP Expansion Act, S. 2420, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
CHILDREN'S HOSPITALS,
June 4, 2004.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Association of Children's Hospitals and our more than 120 member hospitals from across the country, I would like to express our strong support for your bill, S. 2420, "the SCHIP Expansion Act of 2004." Your legislation takes important steps to ensure broader access to health coverage for children, which in turn will improve the overall state of our nation's health.

Since 1997, State have made remarkable progress in their effort to insure low-income children under SCHIP. As of June 2003, SCHIP provided health coverage for 3.9 million children. Over the year from June 2002 to June 2003, enrollment of children in the State Children's Health Insurance Program (SCHIP) increased by roughly 264,000, an increase of 7.3 percent.

But for all that the SCHIP program has accomplished, still more needs to be done. More than 6 million children in the United States remain uninsured. We could reduce the number of uninsured children by more than two-thirds—thereby insuring almost all children—if all children eligible for Medicaid and SCHIP were simply enrolled. By eliminating the upper income eligibility limit in SCHIP, your bill would pave the way to removing children from the ranks of the uninsured.

As providers of care to all children, regardless of their economic status, children's hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children. We strongly support your efforts to reward States that streamline the SCHIP enrollment and renewal process by providing them with a five percentage point increase in the SCHIP matching rate for specified outreach activities, particularly presumptive and 12-month continuous eligibility.

The Nation's children's hospitals are grateful for your leadership in attempting to provide States with the needed funding and flexibility to expand health coverage to our country's uninsured children. We look forward to working with you to advance this important legislation and once and for all ensure that all children have access to the quality health services they need and deserve.

Sincerely,

LAWRENCE A. MCANDREWS,
President & Chief Executive Officer.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, June 8, 2004.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I write today on behalf of the 57,000 members of the American Academy of Pediatrics to express our support for the SCHIP Expansion Act of 2004 (S. 2420).

As you know, the State Children's Health Insurance Program (SCHIP) provides health insurance to over 6 million low-income children whose family income is not low enough to qualify for Medicaid but are unable to afford health insurance in the private market. SCHIP and the Medicaid program are a critical child health safety net that currently provides health insurance to over 17 million low-income children. Furthermore, eligibility of these programs covers almost two-thirds of the more than 9 million uninsured children in this country; however, these 6.7 million children remain uninsured because of insufficient enrollment and outreach efforts to enroll these eligible children. Your legislation is an important step towards strengthening and sustaining SCHIP, an important part of the child health safety net.

In particular, this legislation would provide necessary additional funds to fix the SCHIP funding "dip" and allow states to maintain current coverage in the program. As you know, when SCHIP was enacted it was funded at lower levels in the later years of the program in order to meet budget requirements. This "dip" in program funding is coming at a time when states are in need of funds. Estimates suggest that 17 states will experience a federal funding shortfall by FY07. S. 2420 provides necessary funds to allow states to maintain current coverage in SCHIP. This legislation also provides an incentive to the states to improve outreach and enrollment efforts in both Medicaid and SCHIP in order to enroll the nearly 7 million children who are eligible for Medicaid or SCHIP but unenrolled. In addition, this legislation addresses another important barrier to enrolling SCHIP eligible children by prohibiting states from capping their SCHIP programs without first exhausting all available federal funding. Although this provision is a step in the right direction, the American Academy of Pediatrics believes that any cap on health care funding for public program coverage is detrimental to ensuring that all uninsured, eligible children and families are able to enroll.

The American Academy of Pediatrics believes that all children, regardless of income, should have access to affordable health insurance such that their families can afford health care services necessary for healthy development. We therefore commend your efforts to strengthen the SCHIP program and give states the option to expand this program to reach more children in their state whose families are unable to afford health insurance in the private market. We encourage states to maintain efforts mandated in the SCHIP statute to minimize crowd-out of the private market as they consider such expansions of SCHIP coverage. Because in most states Medicaid and SCHIP currently pay physicians who care for children at inadequate rates, maintaining the private market is necessary to allow physicians to subsidize care for these children. The Academy urges Congress to consider the impact of inadequate payment rates for services under Medicaid and SCHIP on access to necessary services for beneficiaries in these programs.

The American Academy of Pediatrics is committed to protecting Medicaid and SCHIP. We look forward to working with you on this and other legislative efforts to protect, sustain, and strengthen these critical child health safety net programs.

Sincerely,

CARDEN JOHNSTON,
President.

THREE MONTHS AND COUNTING

Mr. LEVIN. Mr. President, 3 months from yesterday is the expiration date for the assault weapons ban. Despite Senate passage of a bipartisan amendment that would have reauthorized the ban, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reviewing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

In April of this year, the Brady Campaign to Prevent Gun Violence joined hundreds of local elected officials and senior law enforcement officials to urge President Bush to push for reauthorization of this critical piece of gun safety legislation. I commend them for their efforts and continue to support this commonsense gun safety legislation.

The 1994 law banned a list of 19 specific weapons, as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The assault weapons ban also prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and which accept a detachable magazine.

I support the efforts of the law enforcement community and local leaders who are calling for legislation extending the law. In 1994, I voted for the assault weapons ban and, in March of this year, I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years.

Law enforcement support for the assault weapons ban is broad. It includes the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

In addition, mayors and police chiefs from Detroit, Los Angeles, San Francisco, Miami, Seattle, Chicago, and Washington, D.C. have joined over 200 other local leaders in urging Congress to immediately pass a 10-year extension of the current ban.

Despite broad support for this law, the National Rifle Association fought against passage of the assault weapons ban in 1994 and continues to oppose it to this day. The ban is a major public safety measure that protects citizens and police officers and I urge the President and the Congress to act immediately to reauthorize the law.

FRANCES WILLIAMS PRESTON

Mr. ALEXANDER. Mr. President, today I pay tribute to an outstanding native Tennessean, Frances Williams Preston.

Frances Preston was born in Nashville, TN and attended elementary, high school and Peabody College at Vanderbilt University there. She holds honorary degrees from the Berklee School of Music, Boston, MA, Lincoln College, Lincoln, IL, and Oklahoma University, Tulsa, OK. Ms. Preston is married to Nashville businessman E.J. Preston, and she is the mother of three children and the grandmother of six children.

This year, Frances Preston will retire from her position of President and Chief Executive Officer of Broadcast Music Inc., BMI. Under Ms. Preston's leadership for the past 18 years, BMI gained international respect as a leader in the entertainment industry and is viewed as one of the music industry's most consistently successful and progressive entities. BMI was founded in 1939 and it operates as a non-profit making business. After operating expenses are paid, BMI returns all royalties to approximately 300,000 creators and copyright owners that it represents.

Ms. Preston began her career in the music industry when she joined the nationally known Nashville radio station, WSM, in mid-1950 as a mail room employee and where she answered fan mail sent to Hank Williams. Later, she became the popular hostess of a daily fashion and style television show on the WSM station. In 1958, Ms. Preston became a part of BMI when she opened a BMI operation in Nashville as a result of some slight prodding by the first President of BMI, Bob Burton. Ms. Preston began her career with BMI with one assistant working in her parents' garage and oversaw the company's growth to more than 400 employees in Nashville. In 1986, Ms. Preston was appointed to serve as President & CEO of BMI. Ms. Preston played a lead role in building BMI's 2004 repertoire of nearly 4.5 million musical works.

Ms. Preston has been vigilant and supported legislation with respect to rights and incomes of songwriters, composers and publishers.

Frances Preston has received numerous awards and recognition, including but not limited to the T.J. Martell Foundation Humanitarian Award in 1992, the Friar's Applause Award in 1993, the International Achievement in Arts Humanitarian Awards in 1995 and 1997, the American Women in Radio and Television's Outstanding Achievement Award in 1998, the American Women in Radio and Television President's Award in 1998, the National Trustees Award at the 1998 Grammy Awards, the Society for the Advancement of Women's Health Research Woman of Achievement Award in 1999, the National Music Publishers' Association's President's Award in 2001, the Nashville Songwriters Association International President's Award in 2002, the Women in Music Touchstone Advocate Award in 2003, the Michael Bolton Charities' Lifetime Achievement Award in 2003, the Irving Waugh Award of Excellence, and the Broadcasters' Foundation's Golden Mike Award in 2004.

Ms. Preston sits on numerous boards and generously volunteers her time to many charitable organizations.

This brief statement cannot capture all the strengths of Frances Williams Preston and her manifold good works for songwriters, composers and publishers, and America as a whole. I did want to bring to my colleagues' attention the accomplishments and legacy of Frances Preston, and I am honored to recognize the contributions of this great Tennessean.

ADDITIONAL STATEMENTS

TRIBUTE TO MR. WILLIAM GREENBLATT

• Mr. BOND. Mr. President, today I congratulate Mr. William Greenblatt, a man whose accomplishments are a true testament to what a business and community leader should be, as he celebrated his 50th birthday on June 9, 2004.

Mr. Greenblatt began his career providing photography services for commercial, industrial, public relations and nonprofit organizations including the City of St. Louis, Make-A-Wish Foundation, United Way, and American Heart Association. He also serves as the St. Louis Fire Department's photographer recreating fire scene construction and investigations as well as documenting training and incidents.

During Mr. Greenblatt's career, he has had the honor of being the official photographer for many of the most prominent Missouri Federal, State, and local politicians, as well as St. Louis artists Nelly and Toya. In addition to his services at United Press International, he has contributed to numerous publications such as the Chicago Tribune, Los Angeles Times, Newsweek Magazine, New York Times, and the Washington Post.

Mr. Greenblatt has dedicated both his professional and personal life to the betterment of his community. He has served on several nonprofit boards as well as being a member of several professional organizations including the St. Louis Regional Chamber and Growth Association, St. Louis Journalism Review Board of Editorial Advisors, Urban League of Metropolitan St. Louis, and the James S. McDonnell Board of Directors.

Throughout his service, Mr. Greenblatt has been honored with several achievements including placing in the Baseball Hall of Fame Photo Contest, Certificate of Appreciation from the City of St. Louis Emergency Management Agency, Outstanding Citizen Award.

Mr. Greenblatt has a distinguished record of service in his public and private life. I thank him for his dedication to his profession as well as his contributions to the St. Louis Community. On behalf of Missouri, I wish him a happy 50th birthday.•

HONORING JOHN BURSON

• Mr. MILLER. Mr. President, in our formative years, many of us were exposed to the phrase "you can do anything that you set your mind to." This cliche is symbolic of the optimism embodied in the American Dream. Across the width and breadth of this great land, we see countless examples of people who exemplify that spirit.

Some of us live out that dream by finding success as teachers, others as doctors. Some of us find passion in the freedom of flight, while some of us thrive in the rigid structure of the military. Very few of us are able to test our limits and succeed in multiple areas. I stand before you to recognize one such person.

Dr. John Burson is a shining example of what a human being is capable of if one has the will and the focus to reach for the stars. He has spend the last 25 years serving the citizens of Carroll County, GA, as an ear, nose, and throat specialist. All the time and effort required to become a practicing physician is a lot to ask of anyone, however it is merely the tip of the iceberg fo Dr. Burson.

Before pursuing a career in medicine at the age of 37, Dr. Burson spent his time acquiring a bachelor's degree and a master's degree, as well as a Ph.D. in Engineering, from the Georgia Institute of Technology. Upon completing his doctorate, he continued to pass on his knowledge to others for several years as a professor at Georgia Tech. Dr. Burson obtained his post-graduate degrees and professorship while simultaneously serving as an officer and pilot in the Army Reserves, where Dr. Burson rose to the rank of Lieutenant Colonel. Only after achieving all of this, at the age of 37, with a wife and children, did John decide it was time to pursue a career in medicine.

Twenty five years later, John has found a way to impress us all again. In a short time, he will be heading to a field hospital in Iraq to relieve an active duty physician for 3 months, allowing that physician 3 months back home with his or her family. While many his age are beginning to look towards quieter days, John Burson is once again serving his country, as well as providing a most precious gift to a person that he has never met.

Orison Swett Marden, a famed Nineteenth Century thinker, stated that "the greatest thing a man can do in this world is to make the most possible out of the stuff that has been given to him. This is success and there is none other." Soldier. Scholar. Doctor. Husband. Father. I believe that Mr. Marden, were he still alive, would not hesitate to proclaim John Burson a successful man. People spend most of their lives attempting to do one thing well. Few and far between are the people who have the courage to try and determination to achieve success at all. Dr. John Burson is one of those few and I am proud to call him a fellow Georgian and a fellow American, and I thank him for his years of service to our country, to the State of Georgia, and to his community.•

RECOGNIZING LARSON MANUFACTURING

• Mr. JOHNSON. Mr. President it is my great honor to recognize today the 50th Anniversary of Larson Manufacturing, the Nation's leading manufacturer of storm doors, which is headquartered in Brookings, SD. I take this opportunity to congratulate Mr. Dale Larson, founder of Larson Manufacturing, for his success and thank him for all of the many contributions he and his company have afforded the Brookings community and the State of South Dakota. In addition, as with any successful business, it takes a great team effort to accomplish such a milestone. So to all of the former and current employees of Larson Manufacturing . . . job well done.

Larson began as a small factory and now employs over 1,000 people nationwide. Larson storm doors are known for their exceptional quality and superior craftsmanship. What truly makes this company great is the dedication and commitment to quality shared by all of the employees. This company has truly been a model of a good corporate citizen. Mr. Larson is widely known for his generosity to the Brookings community. Among the many charitable projects this company has spearheaded are Larson Park, Larson Ice Arena, and a community bike path. In addition, over 3,000 storm doors are donated to Habitat for Humanity each and every year, making the dream of home ownership a reality for many families. It is with great honor that I share this companies impressive accomplishments with my colleagues.•

TRIBUTE TO KOHRS LONNEMANN HEIL ENGINEERS PSC

• Mr. BUNNING. Mr. President, today I pay tribute to Kohrs Lonnemann Heil Engineers for being named the Kentucky Small Business Person of the Year.

Joseph R. Kohrs, Robert A. Heil, Robert A. Lonnemann are the leaders of Covington's Kohrs Lonnemann Heil Engineers, a mechanical and electrical engineering firm offering heating, ventilating, air conditioning, electrical, fire protection, plumbing and communication technology consulting engineering services. Being one of the few firms in the area offering this combination of services, today, it has carved its own sizable niche, providing excellence in engineering, design and field services to Kentucky.

Kohrs Lonnemann Heil Engineers is an outstanding example of how Kentuckians use their entrepreneurial talent, drive and vision to create opportunities not just for themselves, but for others. What began as a humble business almost 47 years ago is now a leading engineering firm that is a leader in giving back to the community.

Northern Kentucky is fortunate to have Kohrs Lonnemann Heil Engineers as a home-based business. But more importantly, it is fortunate to have Mr. Kohrs, Mr. Heil, and Mr. Lonnemann call Northern Kentucky home. I appreciate their loyalty to Kentucky and their community. The company has been a shining example of leadership, hard work, and compassion. They are an inspiration to all throughout the Commonwealth.

Congratulaions, Kohrs Lonnemann Heil Engineers. You are Kentucky at its finest.•

COMMEMORATING FRANK BAKER

• Mrs. BOXER. Mr. President, I wish to recognize a constituent, Frank Baker, who will mark his 50th year of exemplary service to the American Legion California Boys State Program.

Since 1935, the Boys State Program has brought together high school boys from across their States to immerse them in a week of education about, and simulation of, their State government. The California program began in 1938, and Mr. Baker is the second person in the history of the California Boys State program to reach the milestone of 50 years of service.

Mr. Baker joined the California Boys State staff in 1955 as a clerk and in 1958 was named secretary of the program. He supported the counseling staff in delivering excellent programming to the Boys State delegates year after year.

In 1975, Mr. Baker was elevated to the treasurer of the Boys State Program. He became the program administrator in 1982 and has been responsible for overseeing the infrastructure of the Boys State Program. The 2004 California Boys State session will be Mr. Baker's 50th consecutive year of service.

Mr. Baker has been a leader outside of the California Boys State program as well, serving in the U.S. Army's 103rd Infantry in Germany, France, and Italy in World War II. Mr. Baker has been active in the Boy Scouts of America and was involved with the Sea Scouts in the 1940s. Since 1990, Mr. Baker has been a Kiwanis member and has raised money for Kiwanis House, the Just for Kids Program and the Teddy Bear Purchase Program for the Sacramento County Sheriff's Department. He also volunteered his time as a court spokesman for neglected and abused children for 8 years through the court-appointed special advocates of Sacramento.

Mr. Baker began a long teaching career in 1952 when he joined the business department at Sacramento High School. After moving to Hiram Johnson High School—where he taught until his retirement in 1998—he served as chairman of the business department and taught classes at Sacramento City College.

Mr. Baker's actions demonstrate his dedication to serving his country and the State of California, and I offer my hearty congratulations to him on his 50th year of service to the California Boys State program.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TEXT OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958—PM 85

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense that provides a summary position on the Amendment is also enclosed.

The Amendment extends for 10 years (until December 31, 2014) provisions that permit the transfer of nonnuclear parts, source, byproduct, special nuclear materials, and other material and technology for nuclear weapons and military reactors, and revises text, principally in the Security Annex, to be consistent with current policies and practices relating to personnel and physical security.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to the North Atlantic Treaty Organization, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 14, 2004.*

MESSAGES FROM THE HOUSE—JUNE 9, 2004

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to House Resolution 663, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America.

ENROLLED BILLS SIGNED

At 3:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS), during adjournment.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

At 3:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 115. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 116. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on June 10, 2004, she had presented to the President of the United States the following enrolled bill:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7886. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, a report relative to the Department's competitive sourcing policy and Fiscal Year 2004 Budget for Contracting out in accordance with Division A of the Consolidated Appropriations Act, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7887. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the Department of Agriculture's Fiscal Year 2003 Competitive Sourcing Efforts; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7888. A communication from the Chairman and Chief Executive, Office of General Counsel, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Policy and Operations; Funding and Fiscal Affairs; Loan Policies and Operations, and Funding Operations; OFI Lending" received on June 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7889. A communication from the Director, Economic and Policy Analysis Staff, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "2002 Farm Bill—Conservation Reserve Program—Long Term Policy" (RIN0560–AG74) received on June 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7890. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Animal Welfare; Definition of Animal" (Doc. No. 98–106–3) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7891. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Humates; Exemption from the Requirement of a Tolerance" (FRL#7361–6) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7892. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Tolerances for Residues; Technical Correction" (FRL#7362–4) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7893. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Doc. No. 04–036–1) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7894. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas" (Doc. No. 04–025–1) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7895. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Product Review and Approval" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7896. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7897. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 30 Foreign Futures and Options Transactions" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7898. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Intermarket Clearing Corporation—Request for Vacation from Designation as Derivatives Clearing Organization" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7899. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the

Antideficiency Act, case number 00-01, relative to the 75th Division (Exercise) United States Army Reserves, Houston, Texas; to the Committee on Appropriations.

EC-7900. A communication from the Chairman, Technology and Privacy Advisory Company, Department of Defense, transmitting, pursuant to law, a report entitled "Safeguarding Privacy in the Fight Against Terrorism"; to the Committee on Armed Services.

EC-7901. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabilitation Facilities" (RIN0720-AA76) received on June 9, 2004; to the Committee on Armed Services.

EC-7902. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabilitation Facilities" (RIN0720-AA76) received on June 9, 2004; to the Committee on Armed Services.

EC-7903. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Defense, Comptroller, Department of Defense, received on June 7, 2004; to the Committee on Armed Services.

EC-7904. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the Army, Navy, and Air Force Defense Working Capital Funds.

EC-7905. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-7906. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Administration's 2003 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7907. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-7908. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 403, Government Securities Act Regulations: Protection of Customer Securities and Balances; and Order Regarding the Collateral Registered Government Securities Brokers and Dealers Must Pledge When Borrowing Customer Securities" received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7909. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Part 745—Share Insurance; Living Trust Accounts" received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7910. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's report on the circulation of the Golden Dollar coin; to the Committee on Banking, Housing, and Urban Affairs.

EC-7911. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2003 Management Measures" (RIN0648-AQ17) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7912. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic" (RIN0648-AO63) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7913. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Annual Management Measures and Sport Fishing Regulations for Area 2A Pacific Halibut Fisheries; and Changes to the Catch Sharing Plan" (RIN0648-AR83) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7914. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments" (ID050704A) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7915. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Apportionment of the Non-specified Reserve of Groundfish in the Bering Sea and Aleutian Islands Management Area (BSAI) to Rock Sole" received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7916. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and In the Western Pacific; Highly Migratory Species Fisheries" (RIN0648-AP42) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7917. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-45, Quarterly Survey of Insurance Transactions by U.S . Insurance Companies with Foreign Persons" (RIN0691-AA53) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7918. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons" (RIN0691-AA50) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7919. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets" (RIN0691-AA54) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2516. A bill to recognize the sacrifices of the members of the Armed Forces who are injured in combat, and for other purposes ; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. 2517. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 376. A resolution congratulating the Syracuse University Orange men's lacrosse team on winning the 2004 NCAA Division I men's lacrosse National Championship; considered and agreed to.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 377. A resolution congratulating the Le Moyne College Dolphins men's lacrosse team on winning the 2004 NCAA Division II men's lacrosse National Championship; considered and agreed to.

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. DEWINE):

S. Res. 378. A resolution designating June 14, 2004, as "National Pledge of Allegiance to the Flag Day"; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. BAYH, Mr. ALEXANDER, Mr. ALLEN, Mr. BENNETT, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. HAGEL, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MILLER, Mr. SANTORUM, and Mr. TALENT):

S. Res. 379. A resolution protecting, promoting, and celebrating fatherhood; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS—JUNE 9, 2004

S. 560

At the request of Mr. DAYTON, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 847

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1477

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1477, a bill to posthumously award a Congressional gold medal to Celia Cruz.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1963

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from North Dakota (Mr. DORGAN) was withdrawn as a cosponsor of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2364

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2364, a bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2467

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2467, a bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historical Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 335

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 335, a resolution expressing the sense of the Senate that Major League Baseball clubs and their players should take immediate action to adopt a drug-testing policy that effectively deters Major League Baseball players from using anabolic steroids and any other performance-enhancing substances that create a competitive advantage for, and pose a serious health risk to, such players and the children and teenagers who emulate them.

AMENDMENT NO. 3366

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendments No. 3366 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3400

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3400 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

ADDITIONAL COSPONSORS

S. 190

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. GRAHAM), the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. LOTT), the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 190, a bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

S. 585

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1762

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1762, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1762, supra.

S. 1771

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1771, a bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1931

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1931, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 2032

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2032, a bill to provide assistance and security for women and children in Afghanistan and for other purposes.

S. 2088

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Minnesota (Mr. DAYTON) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2192

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2249

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2249, a bill to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2261

At the request of Mr. DEWINE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2261, a bill to expand certain preferential trade treatment for Haiti.

S. 2298

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2298, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2351

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2425

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2467

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2467, a bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004.

S. 2490

At the request of Mr. INOUYE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2490, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S.J. RES. 30

At the request of Mr. KYL, his name was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 311

At the request of Mr. BROWNBACK, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from North Carolina (Mr. EDWARDS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week".

AMENDMENT NO. 3234

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 3234 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3264

At the request of Mr. PRYOR, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Rhode Island (Mr. REED), the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 3264 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3296

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 3296 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3307

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 3307 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3307 proposed to S. 2400, supra.

AMENDMENT NO. 3312

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3312 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3313

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3313 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3323

At the request of Mr. FITZGERALD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3323 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3371 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3394

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3394 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3432

At the request of Mr. FITZGERALD, his name was added as a cosponsor of amendment No. 3432 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3437

At the request of Mr. BUNNING, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3437 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2516. A bill to recognize the sacrifices of the members of the Armed Forces who are injured in combat, and for other purposes; to the Committee on Armed Services.

Mr. PRYOR. Mr. President, I come to the Chamber today to discuss a reality of today's world in Iraq and elsewhere that I think has not received the appropriate attention. I am referring to the thousands of men and women who have been seriously wounded in recent U.S. combat missions. The numbers wounded in Iraq have soared in recent weeks. Fatalities have risen likewise to a total of 817 yesterday. Of the latest data I have been able to find, 5,015 military personnel have been injured in Iraq, 2,049 have been able to return to action within 72 hours, and 2,964 could not, and many of these injured troops will face months, if not years, of rehabilitation. Many of these troops will suffer lifelong disabilities.

I am told Walter Reed Army Hospital is close to being filled to capacity. I have been to Walter Reed twice this year, and while I talked with soldiers who were wounded in the Iraqi theater, I can tell you that coming face to face with our soldiers in a hospital ward is a sobering event. It makes you think about the costs of war and the sacrifices these men and women have made for our Nation, for each of us.

Memorial Day has just passed, and I have tried to think how best to recognize the sacrifices of our wounded service men and women. I am not sure that I ever can appropriately and fully recognize their sacrifice, but I want to try. That is why I introduce today the Service Act for Care and Relief Initiatives for Forces Injured in Combat Engagement Act, or the SACRIFICE Act. The SACRIFICE Act addresses the commitment shown by our troops injured in combat and attempts to reciprocate in kind.

My bill does three things. First, it would recognize the sacrifice of American military personnel killed and injured in combat and the heroic efforts of our medical teams through a sense of the Senate.

Second, it would aim to ease the stress of families who are attempting to follow the whereabouts of a loved one injured by combat by establishing a tracking system for wounded personnel being transported out of a combat zone.

Third, it would call for a $10 million authorization to modernize medical combat equipment, treatment, and combat care triage for our medics in their fight to save lives.

Let me tell my colleagues how I came to write this bill.

Arkansas is a relatively small State with a relatively high enrollment of Arkansans serving our Nation in Active Duty and in the National Guard and Reserve. In March of this year, we said goodbye to 3,000 fellow Arkansans who were deployed to Iraq as part of the 39th Infantry Brigade of the first Cavalry.

It was hard for me to witness separation of families as soldiers prepared for year long war zone deployment. It has been painful to receive news of the 8 Arkansans who have fallen since the beginning of that deployment and the additional 44 who have been seriously injured and transported out of theater.

In honor of this sacrifice, the first section of my bill is a sense of the Senate regarding the American military personnel killed and injured in combat and the heroic efforts of our medical teams.

The second section of the bill, the tracking portion, is an easy, no-cost provision to ease emotional stress of families whose loved ones have been listed as seriously injured or very seriously injured and are being transported out of theater.

As I mentioned before, 44 Arkansas members of the 39th Infantry Brigade have thus far been listed as seriously injured or very seriously injured and evacuated out of theater. Although Congress does not receive notification of the wounded, I continuously receive calls from families who are distraught and worried because of failures in the current family notification system.

The Defense Department has a computer tracking system that is designed to help keep families of fallen soldiers informed of their whereabouts, but the system is not without glitches.

For example, some families that have contacted my office have been distraught after hearing from the military that they were not sure exactly where the soldiers were at that time. This has made it difficult for families to make plans to travel to the hospital where their loved ones are being cared for.

Also, when a soldier is upgraded from "seriously injured" or "very seriously injured" to "not seriously inured," the Department of the Army closes out their case in the computer tracking system, making it particularly difficult for families to keep track of their loved ones. We can—and should—do more for the families of loved ones during such trying times.

I want to recognize SPC Henry Austin Phillips of the Charlie Company, 1–153d Infantry, 39th Brigade out of DeQueen, AR. He did a great job in the field, and the communication problems that ensued following his injury are not a reflection of him or the military.

He was proud to serve his country, and his State and country are proud of him. I know that if he could return, he would.

As I understand it, this is the situation that Pam Phillips endured when her husband was wounded in Iraq, losing his lower right leg.

After suffering his injury, Specialist Phillips requested that he deliver the news to Pam regarding the seriousness of his condition.

He talked with Pam on Wednesday, May 19, asked her to join him as soon as possible at the Landstuhl Hospital in Germany, where Specialist Phillips understood he would be receiving critical treatment. Naturally, Pam told her husband that she would be there.

I can only imagine that call but it should come as no surprise that Pam and Specialist Phillips both assumed that the Army would assist Pam in joining her husband as soon as possible. That was Specialist Phillips's wish.

But that did not happen.

The nature of Specialist Phillips's injuries required that he be heavily sedated following this phone call so he was unable to speak directly with his wife for several days.

After talking with her husband on May 19, Pam assumed that someone in the Army would assist her in getting to Germany and advise her of her husband's health status. For the record, we do indeed provide spouses with Invitational Travel Orders to transport immediate family members of the seriously wounded. I have encountered several problems with those orders, too.

However, Pam received no additional communication from the Army. Two days later, on May 21, I received a call from Arkansas State Representative Daryl Pace, Pam's brother. Regrettably, this was not the first call I have gotten from families trying to locate their loved ones who have been wounded. I have had four such calls since April.

My staff and the Arkansas National Guard worked tirelessly to track down Specialist Phillips. Finally, on Monday, May 24, 5 days later, Pam learned that her husband had arrived at Walter Reed on Friday, May 21. After 5 days of sheer emotional stress, Pam finally learned that her husband was recovering, that he was OK.

Here is what Daryl Pace has to say about the experience that his sister Pam went through:

> There's an empty channel between the field and the hospital. When nobody could find Austin, Pam was horrified that Austin's condition had deteriorated. We were left with the assumption that he was no longer with us.

I ask my colleagues, can they imagine getting a phone call from their son, their daughter, their husband or their wife telling them that they had lost their leg and that they wanted my colleagues to be with them as soon as possible?

Can you imagine that their loved one is in the care of the U.S. Armed Forces, but nobody in the military calls them? Nobody can answer an inquiry about their loved one's whereabouts?

Again, my bill language is direct. I simply want the Secretary of Defense to put into place a uniform policy and procedure that notifies families of an injury to a loved one in combat, followed by regular updates on the health and location of the wounded member.

I ask my colleagues to support me in helping families during a time of terrible tension and emotional pain by requesting that the Secretary review this matter and put into place a policy that supports families rather than burdens them.

The last section of the bill aims to reduce fatalities and disability rates by providing medics in theater with tools that they need.

Like many of my colleagues, I have taken note of the rising casualties and the rising wounded count. But I have also taken note of a rising number of news articles detailing the conditions that our medics must work under while treating our wounded.

According to a Washington Post article on April 27, 2004: "So far in April, more than 900 soldiers and Marines have been wounded in Iraq, more than twice the number wounded in October, the previous high." While half of those wounded were able to return to duty, "The others arrive on stretchers at the hospitals operated by the 31st Combat Support Hospital.

And I quote, "These injuries," said LTC Stephen M. Smith, executive officer of the Baghdad facility, "are horrific."

The article goes on to document the struggles that the medical team confronts everyday in meeting their goal to provide "lightning-swift, expert treatment" and the transfer of the wounded to a military hospital.

An Army survey has documented that the unit with the lowest morale in Iraq was one that ran the combat hospitals.

Another article from the Washington Times dated May 5, 2004, carries the headline: "Casualties of Iraq war can 'get to' U.S. Medics." The article reports that in April 2004, the deadliest month for the U.S.-led coalition in Iraq, the Baghdad hospital treated more than 500 wounded Americans.

The article chronicles the amazing efforts by U.S. medical personnel to save the lives of the wounded.

It details the adverse conditions where "the emergency room overflows with wounded soldiers on stretchers." It quotes Major Wenner, a family doctor from Fort Sill, OK, as saying that:

> It's not the names I remember as I go to sleep. It is the faces and the injuries. . . . My alarm goes off, and it is time to start all over again. Groundhog Day, we call it.

These medics and the wounded that they tend to everyday merit immediate attention by this body for the conditions they work under and medical equipment they work with.

The 212th Mobile Army Surgical Hospital is an example of our current combat support hospital system that we use in Iraq. It is basically a bunch of tents. I have had the opportunity to tour a model similar to that used by the 212th, but that was on the Capitol lawn when it wasn't in use.

According to an Army Lessons Learned Report on the 212th, the reality of these medic platforms is frightening. The tents are porous and the report sites adverse conditions for medical personnel and the wounded they treat due to sand and dirt filtering through the seams, doors and floors impacting the medical team's ability to function.

I think we can do better than this and in fact, so does the Army. The Army has a plan to modernize the combat support hospitals into the Future Combat Hospital Systems. Let me share with you the Army's view:

> The U.S. Army Medical Department has a continuing requirement to support its deployed medical forces with shelters appropriate to battlefield medical missions. Currently a combination of aged ISO Shelters and TEMPER Tents are being used at Combat Support Hospital (CSHs), and Forward Surgical Teams (FST) are using a composite of less than optimal tents. A formal Operational Requirements Document was drafted by the U.S. Army Medical Department Center and School to support an upgrade/modernization to these new platforms. With the recent changeover to the new Joint requirements process, this document will eventually roll into this new format.

This Army report further states that the U.S. Army Medical Research and Material Command placed a requirement into the fiscal year 2006–2011 Program Objective Memorandum for the development effort. The funding requested was $14 million for fiscal year 2005–2006 and $10 million for fiscal year 2007. However, modernization of the Combat Support Hospital System fell below the core funding capability.

In another report, the modernization, conversion and recapitalization for the non-medical equipment components necessary to support the Army medical casualty care platform was recognized as a shortfall in the organizational structure in the first gulf war, Operation Desert Shield/Desert Storm.

In other words, we have known for more than a decade that the current system does not work well in today's battlefields but we didn't fund the upgrade. We are basically putting U.S. medical personnel in a situation that makes their jobs even harder.

I am not aware of any objection to this provision, except for the offset. It is not the merits, it is the money.

So I ask my colleagues, what is it worth to save one soldier, one Marine? I think it is worth at least $10 million for medical equipment that has been identified as a necessary readiness requirement. I think $10 million is more than reasonable.

Medical analysis suggests that each additional dollar spent on modernization of medical equipment can produce health gains, including reducing death and disability rates.

Just as important, additional investments in the combat support hospital system will send a message to our doctors, nurses and other critical medical support personnel in theater. It will tell them that we recognize the tremendous job that they are doing and that we back up that recognition with real tools that will aid them in their work. Given the conditions that these medics are working under, $10 million is the least we can do.

The $10 million for medical equipment and combat casualty care technologies would be funded by an offset from a defense-wide reduction in travel monies. The General Accounting Office recently found that the Department of Defense is losing millions of dollars in fraud, waste and improper papers for travel. Fixing this problem is a double victory for taxpayers and our Defense priorities.

In closing, my bill SACRIFICE is a humble act that holds very important initiatives. I urge my colleagues to join me in my effort to recognize the sacrifice being made by members of the Armed Forces, to provide support for their families, and to provide the necessary tools to bring them home safely.

By Mr. CAMPBELL:

S. 2517. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CAMPBELL. Mr. President, today I introduce the "Ronald Wilson Reagan Commemorative Coin Act of 2004."

This bill is the same as one I introduced in the 107th Congress, and would accomplish two worthy goals. First, it would help honor Ronald Wilson Reagan, the 40th President of the United States, and the many worthy contributions he made to this nation. Second, it would also help raise much needed resources to help families across the United States provide care for their loved ones who have been stricken by Alzheimer's disease.

This legislation's timeliness is obviously without question, as we as a nation honor Ronald Reagan this week and mourn his passing. The worthiness of the bill also goes without question. Most of us have seen Nancy Reagan discuss her husband's illness. Watching Mrs. Reagan as she has so openly and eloquently shared touching insights about their struggle with Alzheimer's disease has always been very moving. There is no doubt about the truly deep bonds that united Ronald and Nancy Reagan and that we need to continue to do what we can to fight the disease that slowly took it's terrible toll on the Reagans and so many other American families.

Ronald Reagan wore many hats in his life, including endeavors as a sports announcer, actor, governor and President of the United States. He was first elected president in 1980 and served two terms, becoming the first president to serve two full terms since Dwight Eisenhower.

His boundless optimism and deep-seated belief in the people of the United States and the American Dream helped restore our Nation's pride in itself and brought about a new "Morning in America." His challenge to Gorbachev to "tear down this wall," his successful revival of our economic power, his determination to rebuild our armed forces in order to contain the spread of communism, and his international summitry skills as seen at Reykjavik, Iceland, combined to help bring an end to the Cold War. Ronald Reagan left our Nation in much better shape than it was in when he took office.

As Alzheimer's sets in, brain cells gradually deteriorate and die. People afflicted by the disease gradually lose their cognitive ability. Patients eventually become completely helpless and dependent on those around them for even the most basic daily needs. Each of the millions of Americans who is now affected will eventually, barring new discoveries in treatment, lose their ability to remember recent and past events, family and friends, even simple things like how to take a bath or turn on lights. Ronald Reagan, one of the most courageous and optimistic Presidents in American history, was no exception.

Shortly after being shot in an assassination attempt, Ronald Reagan's courage and good humor in the face of a life threatening situation were evident when he famously apologized to his wife Nancy saying "Sorry honey. I forgot to duck." Unfortunately, once Alzheimer's disease takes hold, it delivers a slow mind destroying bullet that none of us can duck to avoid. As Ronald Reagan wrote shortly after learning of his diagnosis "I only wish there was some way I could spare Nancy from this painful experience." From the moment of diagnosis, it's "a truly long, long, goodbye," Nancy Reagan said.

Fortunately for all of us, when Ronald Reagan courageously announced in such an honest and public manner that he had Alzheimer's, rather than covering it up, he did a great deal to help alleviate the negative stigma that has long faced those suffering from this terrible disease. Much of the shame and pity traditionally associated with Alzheimer's was transformed almost overnight into sympathy and understanding as public awareness suddenly shot up and those suffering from Alzheimer's, and their families, knew that they were not alone.

While Ronald Reagan's health didn't deteriorate right away, according to Mrs. Reagan, he had his good days and bad days, "just like everybody else." In recent years, however, Reagan's condition completely deteriorated—and quickly. "It's frightening and it's cruel," Nancy said, speaking of the disease and what it has done to her husband and family. "It's sad to see somebody you love and have been married to for so long, with Alzheimer's, and you can't share memories," Mrs. Reagan said.

In the introduction to a recently released book based on the touching love letters exchanged between herself and Reagan, Nancy elaborated on her sense of loss when she wrote, "You know that it's a progressive disease and that there's no place to go but down, no light at the end of the tunnel. You get tired and frustrated, because you have no control and you feel helpless." She also said, "There are so many memories that I can no longer share, which makes it very difficult."

Nancy Reagan has earned our Nation's admiration for her steadfast and loving dedication to her husband as she watched her beloved husband slowly fade away. Likewise, families all across our Nation, day in and day out, choose to personally provide care for their loved ones suffering from Alzheimer's, rather than putting them in institutions. They deserve our respect and support.

Fortunately, Mrs. Reagan has had access to vital resources that helped her care for her husband. This is how it should be. Unfortunately, there are many American families out there who do not have access to these resources. This bill will help alleviate that by raising money to help American families who are struggling while providing care for their loved ones.

Funding for Alzheimer's research has increased significantly over the past several years. Ronald Reagan's courage in coming forward and publicly announcing his condition played an important role in raising public awareness of Alzheimer's and paved the way for the recent increases in research funding. But much more needs to be done and this bill would complement these efforts.

Once again, the legislation I am introducing today authorizes the U.S. Mint to produce commemorative coins honoring Ronald W. Reagan while raising funds to help families care for their family members suffering from Alzheimer's disease. I urge my colleagues to support passage of this legislation.

Ronald Reagan's eternal optimism and deep seated belief in an even better future for our Nation was underscored when he said, "I know that for America, there will always be a bright future ahead." In honoring him this week, and in honoring his struggle, this bill, in keeping with this quote's spirit, will help provide for a better future for many American families.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ronald Reagan Commemorative Coin Act of 2004".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) BIMETALLIC COINS.—The Secretary may mint and issue not more than 200,000 $10 bimetallic coins of gold and platinum instead of the gold coins required under subsection (a)(1), in accordance with such specifications as the Secretary determines to be appropriate.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) PLATINUM AND GOLD.—The Secretary shall obtain platinum and gold for minting coins under this Act from available sources.

(b) SILVER.—The Secretary may obtain silver for minting coins under this Act from stockpiles established under the Strategic and Critical Materials Stock Piling Act and from other available sources.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall—

(A) be emblematic of the presidency and life of former President Ronald Wilson Reagan;

(B) bear the likeness of former President Ronald Reagan on the obverse side; and

(C) bear a design on the reverse side that is similar to the depiction of an American eagle carrying an olive branch, flying above a nest containing another eagle and hatchlings, as depicted on the 2001 American Eagle Gold Proof coins.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2005"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) DESIGN SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2005 and ending on December 31, 2005.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge established by the Secretary, in an amount equal to not more than—

(1) $50 per coin for the $10 coin or $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the Department of Health and Human Services to be used by the Secretary of Health and Human Services for the purposes of—

(1) providing grants to charitable organizations that assist families in their efforts to provide care at home to a family member with Alzheimer's disease; and

(2) increasing awareness and educational outreach regarding Alzheimer's disease.

(b) AUDITS.—Any organization or entity that receives funds from the Secretary of Health and Human Services under subsection (a) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to such funds.

SEC. 8. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 376—CONGRATULATING THE SYRACUSE UNIVERSITY ORANGE MEN'S LACROSSE TEAM ON WINNING THE 2004 NCAA DIVISION I MEN'S LACROSSE NATIONAL CHAMPIONSHIP

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas on Monday, May 31, 2004, the Syracuse University Orange men's lacrosse team won the National Collegiate Athletic Association (NCAA) Division I men's lacrosse National Championship in Baltimore, Maryland;

Whereas this title represents the ninth National Championship for the Syracuse University men's lacrosse program, and the third NCAA Division I title for the men's lacrosse team in the past 5 years;

Whereas on May 31, 2004, the Orange men's lacrosse team defeated the Midshipmen of the United States Naval Academy by a score of 14 to 13;

Whereas the Orange were led by Michael Powell, a senior from Carthage, New York, who was voted Most Outstanding Competitor in the 2004 NCAA Division I men's lacrosse tournament;

Whereas Michael Powell completed his remarkable career as the leading scorer in the history of the Syracuse University men's lacrosse program by scoring the final and winning goal of the National Championship;

Whereas the Orange were supported in their title run by outstanding efforts from the entire team, including seniors Dan DiPietro, Nick Donatelli, Kevin Dougherty, Sean Lindsay, Brian Nee, and Alex Zink;

Whereas the Orange men's lacrosse head coach John Desko, a former All-American Defenseman and a member of the Orange lacrosse community since 1976, has led the Orange men's lacrosse team to 3 NCAA Division I titles since 1999;

Whereas the outstanding Orange men's lacrosse assistant coaches Roy Simmons III, Kevin Donahue, and Ryan Powell complement the strong leadership of head coach John Desko and deserve enormous credit for continuing the tradition of excellence in lacrosse at Syracuse University; and

Whereas the students, alumni, and staff of Syracuse University and the fans of Syracuse lacrosse should be congratulated for their longstanding commitment to and pride in the Orange men's lacrosse team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Syracuse University Orange men's lacrosse team for winning the 2004 NCAA Division I men's lacrosse National Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Syracuse University for appropriate display.

SENATE RESOLUTION 377—CONGRATULATING THE LE MOYNE COLLEGE DOLPHINS MEN'S LACROSSE TEAM ON WINNING THE 2004 NCAA DIVISION II MEN'S LACROSSE NATIONAL CHAMPIONSHIP

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas on May 30, 2004, the Le Moyne College Dolphins men's lacrosse team won the National Collegiate Athletic Association ("NCAA") Division II National Championship;

Whereas the Le Moyne College men's lacrosse team defeated Limestone College 11 to 10 in double overtime, with a game winning goal by junior attackman Brandon Spillett;

Whereas the NCAA Division II men's lacrosse title is the first National Championship won by any Le Moyne College athletic program in the history of the college;

Whereas Brandon Spillett scored 7 goals in the National Championship game and was named Most Outstanding Player in the NCAA Division II men's lacrosse championship game;

Whereas Dan Sheehan, head coach of the Le Moyne College men's lacrosse team, has been named Northeast 10 Conference Coach of the Year for the fourth consecutive season;

Whereas Coach Dan Sheehan, assisted by Brian Datellas, Kevin Michaud, and Bradley Carr, was the first head coach in the history of Le Moyne College lacrosse to earn a berth in the NCAA Division II men's lacrosse tournament;

Whereas the Dolphins were supported in their title run by outstanding efforts from the entire team, including seniors Travis Morgia, Corey Sullivan, Adam Carne, Rob Trowbridge, Pat Hooks, Chris Geng, Joel Dorchester, Justin Wnuk, and Dan Holdridge; and

Whereas the students, staff, alumni and friends of the Le Moyne College men's lacrosse team deserve much credit for their long-time dedication and loyalty to the building of a legacy for the Le Moyne Dolphins men's lacrosse team. Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Le Moyne College men's lacrosse team for winning the 2004 NCAA Division II National Championship;

(2) recognizes the achievements of the players, coaches, and support staff of the team and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Le Moyne College for appropriate display.

SENATE RESOLUTION 378—DESIGNATING JUNE 14, 2004, AS "NATIONAL PLEDGE OF ALLEGIANCE TO THE FLAG DAY"

Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 378

Whereas the United States flag is a unique symbol of the United States and its ideals;

Whereas millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike;

Whereas no other American symbol has been as universally honored as the United States flag;

Whereas the United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States;

Whereas to the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss;

Whereas the Second Continental Congress adopted the Stars and Stripes as the official flag of the United States on June 14, 1777;

Whereas Congress has designated June 14 as Flag Day (36 U.S.C. 110);

Whereas the Pledge of Allegiance is recited by millions of Americans who wish to demonstrate their loyalty and allegiance to the flag of the United States and to the republic for which it stands;

Whereas President Eisenhower signed into law the modern version of the Pledge of Allegiance on June 14, 1954 (Joint Resolution entitled "Joint Resolution to amend the pledge of allegiance to the flag of the United States of America", Public Law 83-396, approved June 14, 1954), making Flag Day, 2004, the 50th anniversary of the modern version of the Pledge of Allegiance;

Whereas a 3-judge panel of the United States Court of Appeals for the Ninth Circuit ruled in Newdow v. United States Congress, 328 F.3d 466 (9th Cir. 2002), that the words "under God" in the Pledge of Allegiance violate the establishment clause of the first amendment of the Constitution of the United States when recited voluntarily by students in public schools;

Whereas on June 14, 2004, the Supreme Court issued a decision, Elk Grove Unified School District v. Newdow (docket number 02-1624), that reversed the decision of the United States Court of Appeals for the Ninth Circuit in the Newdow case solely on procedural grounds, but that leaves unresolved whether the Supreme Court agrees with the decision of the United States Court of Appeals for the Ninth Circuit to strike down the Pledge of Allegiance as unconstitutional;

Whereas Congress, in 1954, believed that it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002 (4 U.S.C. 4), is a fully constitutional expression of patriotism; and

Whereas the Senate has twice acted by unanimous consent to authorize the Senate Legal Counsel to defend the constitutionality of the Pledge of Allegiance in the Federal courts (Senate Resolution 134, 108th Congress, agreed to May 8, 2003, and Senate Resolution 292, 107th Congress, agreed to June 26, 2002): Now, therefore, be it

Resolved, That the Senate—

(1) supports and reveres the United States flag and the Pledge of Allegiance;

(2) strongly disapproves of the decision by the 3-judge panel of the United States Court of Appeals for the Ninth Circuit in Newdow v. United States Congress; and

(3) hereby designates June 14, 2004, as "National Pledge of Allegiance to the Flag Day".

SENATE RESOLUTION 379—PROTECTING, PROMOTING, AND CELEBRATING FATHERHOOD

Mr. BROWNBACK (for himself, Mr. BAYH, Mr. ALEXANDER, Mr. ALLEN, Mr. BENNETT, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. HAGEL, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MILLER, Mr. SANTORUM, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 379

Whereas the third Sunday of June is observed as Father's Day;

Whereas fathers have a unique bond with their children which is often unrecognized;

Whereas the complimentary nature of the roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas fathers have an indispensable role in building and transforming society to build a culture of life;

Whereas fathers, along with their wives, form an emotional template for the future professional and personal relationships of a child;

Whereas the involvement of a father in the life of his child significantly influences economic and educational attainment and delinquency of the child; and

Whereas children who experience a close relationship with their fathers are protected from delinquency and psychological distress: Now, therefore, be it

Resolved, That the Senate recognizes the importance of fathers to a healthy society and calls on all the people of the United States to observe Father's Day by considering how society can better respect and support fatherhood.

AMENDMENTS SUBMITTED & PROPOSED

SA 3449. Mr. REID (for Mr. LEVIN) proposed an amendment to amendment SA 3322 proposed by Mr. ALLARD to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

TEXT OF AMENDMENTS

SA 3449. Mr. REID (for Mr. LEVIN) proposed an amendment to amendment SA 3322 proposed by Mr. ALLARD to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 2, line 4, of the amendment, strike "not later than 30 days" and all that follows through the end and insert "on an expedited basis, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) DEFINITION OF DEFENSE ITEMS.—In this section, the term "defense items" has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.

(a) POLICY.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) SENSE OF CONGRESS.—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 15, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1530, the Tribal Parity Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 16, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the implementation in Native American communities of the "No Child Left Behind Act."

Mr. President, I will ask unanimous consent that the Committee on Indian Affairs also be authorized to meet again on Wednesday, June 16, 2004, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 14, 2004 at 3 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without obligation, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Katherine Kennedy, an Air Force congressional fellow on my staff who has worked with me on this bill, be granted floor privileges for the remainder of the 108th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Jan Liam Wasley, a fellow in Senator ROCKEFELLER's office, be permitted floor privileges during consideration of S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 108th Congress: Senator DANIEL K. AKAKA of Hawaii.

CONGRATULATING THE SYRACUSE UNIVERSITY ORANGEMEN'S LACROSSE TEAM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 376, introduced earlier today by Senator CLINTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 376) congratulating the Syracuse University Orange Men's lacrosse team on winning the 2004 NCAA Division I men's lacrosse National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas on Monday, May 31, 2004, the Syracuse University Orange men's lacrosse team won the National Collegiate Athletic Association (NCAA) Division I men's lacrosse National Championship in Baltimore, Maryland;

Whereas this title represents the ninth National Championship for the Syracuse University men's lacrosse program, and the third NCAA Division I title for the men's lacrosse team in the past 5 years;

Whereas on May 31, 2004, the Orange men's lacrosse team defeated the Midshipmen of the United States Naval Academy by a score of 14 to 13;

Whereas the Orange were led by Michael Powell, a senior from Carthage, New York, who was voted Most Outstanding Competitor in the 2004 NCAA Division I men's lacrosse tournament;

Whereas Michael Powell completed his remarkable career as the leading scorer in the history of the Syracuse University men's lacrosse program by scoring the final and winning goal of the National Championship;

Whereas the Orange were supported in their title run by outstanding efforts from the entire team, including seniors Dan DiPietro, Nick Donatelli, Kevin Dougherty, Sean Lindsay, Brian Nee, and Alex Zink;

Whereas the Orange men's lacrosse head coach John Desko, a former All-American Defenseman and a member of the Orange lacrosse community since 1976, has led the Orange men's lacrosse team to 3 NCAA Division I titles since 1999;

Whereas the outstanding Orange men's lacrosse assistant coaches Roy Simmons III, Kevin Donahue, and Ryan Powell complement the strong leadership of head coach John Desko and deserve enormous credit for continuing the tradition of excellence in lacrosse at Syracuse University; and

Whereas the students, alumni, and staff of Syracuse University and the fans of Syracuse lacrosse should be congratulated for their longstanding commitment to and pride in the Orange men's lacrosse team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Syracuse University Orange men's lacrosse team for winning the 2004 NCAA Division I men's lacrosse National Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Syracuse University for appropriate display.

CONGRATULATING THE LE MOYNE COLLEGE DOLPHINS MEN'S LACROSSE TEAM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 377, introduced earlier today by Senator CLINTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 377) congratulating the Le Moyne College Dolphins men's lacrosse team on winning the 2004 NCAA Division II men's lacrosse National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 377) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 377

Whereas on May 30, 2004, the Le Moyne College Dolphins men's lacrosse team won the National Collegiate Athletic Association ("NCAA") Division II National Championship;

Whereas the Le Moyne College men's lacrosse team defeated Limestone College 11 to 10 in double overtime, with a game winning goal by junior attackman Brandon Spillett;

Whereas the NCAA Division II men's lacrosse title is the first National Championship won by any Le Moyne College athletic program in the history of the college;

Whereas Brandon Spillett scored 7 goals in the National Championship game and was named Most Outstanding Player in the NCAA Division II men's lacrosse championship game;

Whereas Dan Sheehan, head coach of the Le Moyne College men's lacrosse team, has been named Northeast 10 Conference Coach of the Year for the fourth consecutive season;

Whereas Coach Dan Sheehan, assisted by Brian Datellas, Kevin Michaud, and Bradley Carr, was the first head coach in the history of Le Moyne College lacrosse to earn a berth in the NCAA Division II men's lacrosse tournament;

Whereas the Dolphins were supported in their title run by outstanding efforts from the entire team, including seniors Travis Morgia, Corey Sullivan, Adam Carne, Rob Trowbridge, Pat Hooks, Chris Geng, Joel Dorchester, Justin Wnuk, and Dan Holdridge; and

Whereas the students, staff, alumni and friends of the Le Moyne College men's lacrosse team deserve much credit for their long-time dedication and loyalty to the building of a legacy for the Le Moyne Dolphins men's lacrosse team. Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Le Moyne College men's lacrosse team for winning the 2004 NCAA Division II National Championship;

(2) recognizes the achievements of the players, coaches, and support staff of the team and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Le Moyne College for appropriate display.

NATIONAL PLEDGE OF ALLEGIANCE TO THE FLAG DAY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 378, which was submitted earlier today by Senator CORNYN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 378) designating June 14, 2004, as "National Pledge of Allegiance to the Flag Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I am pleased that the Senate will approve S. Res. 378, designating today—June 14, 2004—as the National Pledge of Allegiance to the Flag Day.

The resolution, which I introduced earlier today, is cosponsored by several of my fellow Judiciary Committee members—Senators FEINSTEIN, CRAIG, GRASSLEY, CHAMBLISS, GRAHAM of South Carolina, and DEWINE. I thank them.

For Americans across the land, today is a special day.

First of all, today is Flag Day. This morning, I was honored to attend a Flag Day commemoration event at VFW Post 2494, located in the city of Grand Prairie in my beloved home State of Texas. Flag Day is the anniversary of the Flag Resolution of 1777. It was officially established in a proclamation by President Woodrow Wilson on May 30, 1916, and on August 3, 1949, President Harry S. Truman signed an act of Congress designating June 14 of each year as National Flag Day.

I look forward to Flag Day every year, because—as today's resolution notes—Flag Day gives Americans across the land the opportunity to remember and reaffirm that the United States flag is a unique symbol of the United States and its ideals. Millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike. No other American symbol has been as universally honored as the United States flag. The United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States. To the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss.

But today is also special for another reason. As the resolution also notes, today is the 50th anniversary of the modern version of the Pledge of Allegiance. The pledge has come under attack in recent years, however. Two years ago, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit, the Federal court of appeals based in San Francisco, ruled in the case of Newdow v. United States Congress, 328 F.3d 466 (9th Cir. 2002), that the establishment clause of the first amendment of the Constitution forbids public school teachers from leading willing students in the voluntary recitation of the Pledge of Allegiance, simply because the pledge confirms that our Nation was founded "under God."

Most Americans were alarmed by the decision, and rightly so. In response, a majority of the Senate subcommittee on the Constitution, Civil Rights and Property Rights filed the first amicus brief in the U.S. Supreme Court defending the pledge on the merits. The Senate legal counsel also filed a brief defending the pledge on behalf of the entire U.S. Senate. Clearly, members of both parties reject the views of the Ninth Circuit, the ACLU, and Americans United for the Separation of Church and State, and instead believe in the constitutionality of the Pledge of Allegiance.

Just last week, the subcommittee convened a hearing, entitled "Beyond the Pledge of Allegiance: Hostility to Religious Expression in the Public Square." At that hearing, scholars testified that our courts have become so hostile to democracy and to religious expression that they object even to patriotic references to God, such as those contained in the pledge.

Let us be clear: There is nothing unconstitutional about pledging allegiance to the flag. And thankfully, the U.S. Supreme Court reversed the Ninth Circuit decision in the Newdow case just this morning.

The Court did so, however, solely on procedural grounds—leaving for another day a determination by the Supreme Court as to whether it agrees with the Ninth Circuit's decision striking down the Pledge as unconstitutional.

I am glad to see that at least three members of the Supreme Court—Chief Justice Rehnquist, Justice O'Connor, and Justice Thomas—specifically acknowledged the constitutionality of the pledge in their opinions this morning. Their expressions follow a long line of statements in previous Supreme Court decisions supporting the Pledge. See, e.g., *Engel* v. *Vitale*, 370 U.S. 421, 440 n.5 (1962) (Douglas, J., concurring) ("The Pledge of Allegiance . . . in no way run[s] contrary to the First Amendment but recognize[s] only the guidance of God in our national affairs.") (quotations and citations omitted); *Sch. Dist. of Abington v. Schempp*, 374 U.S. 203, 304 (1963) (Brennan, J., concurring) ("The reference to divinity in the revised pledge of allegiance . . . may merely recognize the historical fact that our Nation was believed to have been founded 'under God.' Thus reciting the pledge may be no more of a religious exercise than the reading aloud of Lincoln's Gettysburg Address, which contains an allusion to the same historical fact."); *Lynch* v. *Donelly*, 465 U.S. 668, 676 (1984) ("There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found . . . in the language 'One Nation under God,' as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year."); *Wallace* v. *Jaffree*, 472 U.S. 38, 78 n.5 (1985) (O'Connor, J., concurring) ("In my view, the words 'under God' in the Pledge . . . serve as an acknowledgment of religion with 'the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.'"); *County of Allegheny* v. *ACLU*, 492 U.S. 573, 602–3 (1989) ("Our previous opinions have considered in dicta the motto and the pledge, characterizing them as consistent with the proposition that government may not communicate an endorsement of religious belief."); see also *Sherman* v. *Community Consolidated Sch. Dist. 21*, 980 F.2d 437 (7th Cir. 1992) (upholding constitutionality of school district policy providing for voluntary recitation of the Pledge).

However, the other five Justices of the Supreme Court—Justices Stevens, Kennedy, Souter, Ginsburg, and Breyer—did not see fit to join the other three Justices in supporting the constitutionality of the pledge. They appear to have remained largely silent on the issue. I hope that they are not sending a signal with their silence—a signal that they may strike down the pledge in some future case. Certainly, by reversing the Ninth Circuit on solely procedural grounds, they effectively reserve for themselves the opportunity to strike down the pledge in a future case.

The majority opinion does state that, "as its history illustrates, the Pledge of Allegiance evolved as a common public acknowledgement of the ideals that our flag symbolizes. Its recitation is a patriotic exercise designed to foster national unity and pride in those principles." This passage suggests that the majority would uphold the Pledge of Allegiance against constitutional attack under the establishment clause. I hope that that is ultimately what the Court will do. I hope that the Court will ultimately vote to uphold and protect the Pledge of Allegiance.

I am not so optimistic about the Court voting to protect the flag itself, however—as I wrote in an op-ed published in the Fort Worth Star-Telegram just this morning, a copy of which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. To be sure, from the founding, of our Nation until 1989, the power to protect the flag was not in doubt. In Smith v. Goguen, 1974, the U.S. Supreme Court held, in a decision authored by Justice Lewis Powell, that "nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags." Justice Byron White stated in that same case that "[i]t would be foolishness to suggest that the men who wrote the Constitution thought they were violating it when they specified a flag for the new Nation. . . . There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial. . . . The Flag is itself a monument, subject to similar protection." In Street v. New York, 1969, Chief Justice Earl Warren wrote that "the States and Federal Government do have the power to protect the flag from acts of desecration and disgrace." Justice Hugo Black wrote in that same case that "[i]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense." And Justice Abe Fortas noted that "the States and the Federal Government have the power to protect the flag from acts of desecration committed in public." More recently, Chief Justice William Rehnquist, Justice John Paul Stevens, and Justice Sandra Day O'Connor have all expressed their belief that nothing in the first amendment prohibits protection of the flag.

Accordingly, until recently, 48 States have had laws on the books protecting the flag—most of them patterned after the Uniform Flag Act of 1917. The Federal Government enacted its own law in 1967. And Congress reaffirmed that law in 1989 with the support of 91 Senators.

This historic power to protect the flag was eviscerated in 1989, however when the U.S. Supreme Court issued the first of two decisions, both decided by a bare 5 to 4 majority, declaring that flag desecration constitutes speech protected by the first amendment. See Texas v. Johnson, 1989, and United States v. Eichman, 1990.

Legal scholars agree that the flag protection amendment is the only way to restore the law as it existed for most of our Nation's history. Constitutional amendments are the only way for the American people to reverse judicial constitutional decisions they reject. The Eleventh, Fourteenth, Sixteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth amendments were all ratified in order to reverse judicial decisions with which the American people disagreed.

So I am pleased to be an original cosponsor of the flag protection amendment, S.J. Res. 4. That resolution was introduced by Senator HATCH and by my Democrat cosponsor of today's resolution, Senator FEINSTEIN. The amendment states simply that "[t]he Congress shall have power to prohibit the physical desecration of the flag of the United States." I am proud to be an original cosponsor of the flag protection amendment, because I firmly believe that the flag occupies a unique place in our Nation and deserves constitutional recognition as such.

Of course, the first amendment guarantees freedom of speech, and thankfully so. And of course, the requirement that constitutional amendments be approved by two-thirds of each House of Congress and three-fourths of the States guarantees that the liberties we hold dear will not be taken away, just because we have acted today to protect the U.S. flag against physical desecration.

Moreover, the first amendment itself already contains exceptions. For example, the law does not allow individuals to yell "Fire!" in a crowded theater—even though such laws do impose a burden on the freedom of speech, albeit a minor one. Likewise, the vast majority of Americans agree that the Nation is better off when our flag is protected.

The House has approved the flag protection amendment five times in the past five Congresses—including just last year. All 50 State legislatures have approved resolutions asking Congress to give them the opportunity to vote on the amendment. The last time that the amendment was brought to a vote on the Senate floor, in 2000, 63 Senators voted in favor of it—just four votes shy of the necessary two-thirds.

I urge my colleagues at least to give the States the opportunity to consider this amendment. And I urge my colleagues at least to give constitutional recognition to the importance of the United States flag to millions of Americans—even if they ultimately would oppose implementing legislation to protect the flag against physical desecration.

After all, the flag protection amendment does nothing more than to recognize that the United States flag occupies a unique position as the symbol of our Nation and, accordingly, deserves constitutional recognition as such. The amendment would empower Congress to take action to protect the flag, but it would not require Congress to do anything whatsoever.

There are many ways to express one's political views. But there is only one United States flag—and it deserves constitutional protection.

I look forward to the debate over the flag protection amendment, and I look forward to a decision of the U.S. Supreme Court affirming for all time the constitutionality of the Pledge of Allegiance.

Until then, I am pleased that, because of the Senate's action today, today will forever be known as the National Pledge of Allegiance to the Flag Day.

EXHIBIT 1

[From the Fort Worth Star-Telegram, June 14, 2004]

OUR BANNER DESERVES CONSTITUTIONAL PROTECTION

(By John Cornyn)

For Americans everywhere, Flag Day is special. And today we mark not only the annual celebration of the U.S. flag but also the 50th anniversary of the modern Pledge of Allegiance.

The U.S. flag is a uniquely powerful symbol of our nation and of our commitment to freedom and democracy. Therefore, it is deeply regrettable that our democratic system of government to date has not properly protected it.

A June 2 hearing of the Senate subcommittee on the Constitution, Civil Rights and Property Rights got to the heart of this problem.

Legal scholars testified that our courts have become so hostile to democracy and to religious expression that even patriotic references to God, such as those contained in the Pledge of Allegiance, are being wrongly struck down by the courts.

Let's be clear: There is nothing unconstitutional about pledging allegiance to the flag. Yet a federal appeals court in San Francisco struck down the pledge anyway simply because it acknowledges that our nation was founded and exists "under God."

The U.S. Supreme Court will soon decide whether the First Amendment forbids schoolteachers across America from leading students in voluntary recitation of the pledge.

The vast majority of Americans believe that the pledge is constitutional and reject the views of the 9th Circuit Court and the American Civil Liberties Union. A majority of the Constitution subcommittee members filed the first amicus brief in the Supreme Court defending the pledge on its merits.

Many legal observers predict that the Supreme Court will reverse the 9th Circuit's decision. The same cannot be said, however, for protecting the flag itself.

The ability to protect the flag against physical desecration was not in doubt throughout most of American history. For example, in 1974, the Supreme Court held that "nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags."

Congress' power to protect the flag has also been supported by Chief Justices Earl Warren and William Rehnquist and Justices Byron White, Hugo Black, Abe Fortas, John Paul Stevens and Sandra Day O'Connor.

This power, however, was eviscerated in 1989 when the Supreme Court decided by a 5-4 majority that flag desecration constitutes speech protected by the First Amendment.

The flag deserves constitutional protection, and legal scholars agree that the Flag Protection Amendment is the only way to restore the law as it existed for most of our nation's history. That is why the Constitution subcommittee recently approved the amendment, and the full committee is scheduled to vote on it this month.

The First Amendment guarantees freedom of speech, and rightfully so. The requirement that constitutional amendments be approved by two-thirds of each chamber of Congress and three-fourths of the states guarantees that the liberties we hold dear will not be taken away just because the American people decide to take action to protect the U.S. flag against physical desecration.

The House has approved the Flag Protection Amendment five times in the past five Congresses—including just last year. All 50 state legislatures have approved resolutions asking Congress to give them the opportunity to vote on the amendment.

The last time that the amendment was brought to a vote on the Senate floor, in 2000, 63 senators voted in favor of it—just four votes shy of the necessary two-thirds. This year, the prospects for passage could be even better.

In times of national crisis and triumph alike, it is the U.S. flag that Americans look to with reverence. No other American symbol has been as universally honored.

In a time of war, it is even clearer that the flag plays a unique role in honoring the men and women of the military who died for the ideals that the flag represents.

If a soldier dies in defense of our nation, the United States gives the family a flag in honor of that service. To countless families, the flag is a treasured possession and a poignant memory of their loss.

There are many ways to express one's political views. But there is only one United States flag—and it deserves constitutional protection.

Mr. REID. Mr. President, if I could proceed, it is very appropriate that today—I do not know if the distinguished Chair knows this, being as busy as he has been all day—the Supreme Court upheld our being able to pledge allegiance to the flag. They did it on a procedural grounds, but I do not think it matters. We won.

Mr. WARNER. I thank the distinguished leader for advising the Senate of that. I had heard of that earlier today. I think it is most appropriate that our colleague from Texas has acted. The Senate will act without any further delay.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 378) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 378

Whereas the United States flag is a unique symbol of the United States and its ideals;

Whereas millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike;

Whereas no other American symbol has been as universally honored as the United States flag;

Whereas the United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States;

Whereas to the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss;

Whereas the Second Continental Congress adopted the Stars and Stripes as the official flag of the United States on June 14, 1777;

Whereas Congress has designated June 14 as Flag Day (36 U.S.C. 110);

Whereas the Pledge of Allegiance is recited by millions of Americans who wish to demonstrate their loyalty and allegiance to the flag of the United States and to the republic for which it stands;

Whereas President Eisenhower signed into law the modern version of the Pledge of Allegiance on June 14, 1954 (Joint Resolution entitled "Joint Resolution to amend the pledge of allegiance to the flag of the United States of America", Public Law 83-396, approved June 14, 1954), making Flag Day, 2004, the 50th anniversary of the modern version of the Pledge of Allegiance;

Whereas a 3-judge panel of the United States Court of Appeals for the Ninth Circuit ruled in Newdow v. United States Congress, 328 F.3d 466 (9th Cir. 2002), that the words "under God" in the Pledge of Allegiance violate the establishment clause of the first amendment of the Constitution of the United States when recited voluntarily by students in public schools;

Whereas on June 14, 2004, the Supreme Court issued a decision, Elk Grove Unified School District v. Newdow (docket number 02-1624), that reversed the decision of the United States Court of Appeals for the Ninth Circuit in the Newdow case solely on procedural grounds, but that leaves unresolved whether the Supreme Court agrees with the decision of the United States Court of Appeals for the Ninth Circuit to strike down the Pledge of Allegiance as unconstitutional;

Whereas Congress, in 1954, believed that it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002 (4 U.S.C. 4), is a fully constitutional expression of patriotism; and

Whereas the Senate has twice acted by unanimous consent to authorize the Senate Legal Counsel to defend the constitutionality of the Pledge of Allegiance in the Federal courts (Senate Resolution 134, 108th Congress, agreed to May 8, 2003, and Senate Resolution 292, 107th Congress, agreed to June 26, 2002): Now, therefore, be it

Resolved, That the Senate—

(1) supports and reveres the United States flag and the Pledge of Allegiance;

(2) strongly disapproves of the decision by the 3-judge panel of the United States Court of Appeals for the Ninth Circuit in Newdow v. United States Congress; and

(3) hereby designates June 14, 2004, as "National Pledge of Allegiance to the Flag Day".

SMITHSONIAN ASTROPHYSICAL OBSERVATORY

Mr. WARNER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2362 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2362) to authorize construction of the Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements in relation to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2362) was read the third time and passed, as follows:

S. 2362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMITHSONIAN ASTROPHYSICAL OBSERVATORY INSTRUMENTATION SUPPORT FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to develop the site for a Smithsonian Astrophysical Observatory instrumentation support control building, including the installation of necessary utilities and equipment housings, and to construct such building on the site, for the purpose of supporting the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,000,000 for fiscal year 2005.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY HAMID KARZAI, PRESIDENT OF THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN

Mr. WARNER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency President Hamid Karzai into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 15, 2004

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Tuesday, June 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill, as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, tomorrow morning there will be a joint meeting of the Congress in order to hear an address from His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan. That joint meeting is to begin at 9:30 a.m., and Senators are asked to gather together in the Senate Chamber beginning at 9 a.m. in order to proceed as a body at 9:15 to the Hall of the House of Representatives to hear the address.

The Senate will reconvene following that address and resume consideration of the Defense authorization bill. Under the previous order, tomorrow morning the Senate will begin up to 100 minutes of debate prior to a vote in relation to the Kennedy amendment No. 3263 relating to the earth penetrator. Senators should note that the vote in relation to the Kennedy amendment will occur prior to our recessing for the party luncheons.

For the remainder of the day, we will continue working through amendments to the Defense bill. It is the leader's intention to dispose of as many amendments as possible during tomorrow's session. Therefore, Senators should expect rollcall votes throughout the day.

In addition, we are continuing our efforts to work through the remaining judicial nominations on the executive calendar, and Senators should expect votes on judicial nominations during tomorrow's session as well.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Tuesday, June 15, 2004, at 10:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE JUNE 14, 2004:

DEPARTMENT OF EDUCATION

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF STATE

JOHN C. DANFORTH, OF MISSOURI, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN C. DANFORTH, OF MISSOURI, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PAUL V. HESTER, 2071

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RICHARD A. CODY, 6483

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEORGE W. CASEY JR., 1204

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD L. CURBELLO, 5101

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LOUIS E. GIORDANO, 3123
ROBERT A. LITTLE, 4697

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES O. CRAVENS, 8365
WILLIAM J. LAMBERT III, 0276
CHARLES R. ROOTS, 8382
JAMES R. SHARRETT, 9271
PO. H. WANG, 6792
RONALD J. WELLS, 8091

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEPHEN W BAILEY, 0731
PAUL F BOWERSOX, 1560
GERALD F DANAHER, 2076
GREGORY O DEJEAN, 4577
STEPHEN J GLAWSON, 9635
CHARLES K HARVEY, 9509
JAMES E HIBBS, 6447
LOUISE PEARSON, 9042
DONALD D ROUTIER, 9453
GARY F WOERZ, 7524

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOSEPH J ALBANESE, 8659
CHARLES W DURANT, 5116
ARTHUR M EDGAR, 8823
CHARLES W FANSHAW, 4711
STEPHEN J KNAPOWSKI, 6186
JOSEPH P LEAHY, 2320
WILLINGTON LIN, 0095
ALBERT E MACDOUGALL, 0280
MICHAEL MOSKOWITZ, 4300
TRACY P MUSTIN, 3281
GARY S SUGINO, 1408
STEVEN L YOUNG, 3292

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BENJAMIN M ABALOS, 8763
GLEN A CHIDESTER, 7683
ADA N CROOM, 1618
BERNARD E DELURY JR., 1917
MARTIN A GROVER, 3435
CHARLES G HICKS, 6206
ERIC P JOHNSON, 5211
PAUL D LOCHNER, 8396
MARK E MENACKER, 0730
JOHN F MURPHY, 3605
RYMN J PARSONS, 3650
GLENN T WARE, 8123

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK S AGNEW, 7529
ROBIN R ALLEN, 8826
MARK E BIPES, 0051
WILLIAM J CORKINS, 9599
ROBERT M DASH, 9809
LOWELL C DUCKWORTH, 7124
BRUCE D FRENCH, 3176
CHARLES E GRIFFIN, 6997
VICTOR W HALL, 2116
NORMAN L JOHNSON, 3288
JOSEPH G KLINGER, 9585
ROBERT B LOMINACK, 4854
WILLIAM H MASENGIL, 9514
DAVID P MATTHEWS, 0018
MICHAEL J ORAZE, 1950
GEORGE I ROBINSON JR., 1400
JANICE F SMITH, 4491
CHARLES W STILES, 8677
DOUGLAS R TOOTHMAN, 1581

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARK J BELTON, 5248
ROBERT B BRYANT, 9354
GREGORY L DAVIES, 1365
FREDERICK C FREEMAN JR., 4362
DAVID M HICKS, 1991
JEFFREY S HUMBERT, 5383
PATRICK W JORDAN, 0760
NICHOLAS T KALATHAS, 3704
WILLIAM J LEAHY, 2219
PAMELA A MAYNOR, 5278
LAWRENCE P MCCARTHY, 6631
ROBERT A MORRIS, 1612
ROY C MOZINGO, 2598
GREGORY L PENCE, 3165
CHRISTOPHER F PERLICK, 8496
ANTHONY J SCOLPINO, 3919
KATHRYN J SMITH, 4143
ALLEN R SZEKRETAR, 3950
ROBERT E TOLIN, 8637

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CIVITA M ALLARD, 2844
ANTHONY R ALVAREZ, 2885
NORAH H BERTSCHY, 3531
WENDY C BOOTH, 3985
JANET E BOYD, 8147

MARY E CROOK, 2923
JOAN M CULLEY, 7142
SANDRA A CUPPLES, 6573
HUBERT F DEBO, 7076
DEBORAH A DODGE, 7087
TERESA A ENGLUND, 4818
CAROL A HAINES, 3404
JENNIFER E JOCKEL, 0510
DIERDRE A KRAUSE, 1593
SUSAN D MCCONNELL, 8579
EVELYNE O MOBBS, 6448
LESLEY C MORGAN, 0154
MARYETTA B NOLAN, 8286
JANET D PIERCE, 0593
TARYN J PITTMAN, 5500
DEBORAH S REVIS, 6526
JEAN A SEAGO, 5806
KATHRYN M SERBIN, 0987
ANN N TESCHER, 8328

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD D BAERTLEIN, 6357
MARK R BRADY, 1931
RACHEL I CHASTANET, 9176
STEPHEN M DIRUSSO, 5272
FLOYD A DOUGHTY, 4696
THOMAS R FLIPSE, 1573
TIMOTHY M FULLAGAR, 1614
DOUGLAS G HATTER, 5370
JOHN E JAYNE, 9823
JEFFEREY R JERNIGAN, 7400
DAVID A JERRARD, 7860
CHRISTOPHER J KANE, 2776
JOSEPH W LUCERO, 9226
DOUGLAS D MARTIN, 1979
ANN B MCCRACKEN, 9198
KENNETH L MENDELSON, 3264
TODD J MORRIS, 1729
MARTIN MORSE, 7673
MICHAEL L MURRAY, 0229
STEPHEN P PONTUS JR., 9822
TAYLOR L PORTER, 4105
RANDAL G SHELIN, 1947
TIMOTHY H TROTTER, 5782
BRADFORD WATERS, 6672
JEFFREY G WILLIAMS, 8512

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be lieutenant

CARLOS VARONA, 4912

HOUSE OF REPRESENTATIVES—*Monday, June 14, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON) for 5 minutes.

REAGAN AND EMBRYO STEM CELL DEBATE

Mr. WELDON of Florida. Mr. Speaker, last week, our Nation mourned the loss of a great leader, Ronald Reagan. He led our Nation through a turbulent period of time. When he came to office, we were struggling with significant problems; with unemployment and inflation, and we were facing a significant threat from our Cold War adversary, the Soviet Union. Ronald Reagan's policies, as we all know, helped lift us out of depression, tamed inflation, and ultimately led to the breakup of the Soviet Union, the collapse of the Berlin war, and freedom for millions of Eastern Europeans.

By and large, the celebration of the life of Ronald Reagan, I thought, was outstanding, except for what I would describe as one sour note. Repeatedly, liberals in the press and advocates for embryonic stem cell research were bringing this issue up as it relates to Ronald Reagan's Alzheimer's disease, indeed, holding out the absurd hope that embryonic stem cells could somehow be used one day to treat Alzheimer's disease.

Indeed, many people were implying by their comments and words that the policies pursued by George Bush limited access to embryonic stem cells out of a desire to avoid destroying human embryos. And that is really the essence of the controversial issue here, because to do human embryonic stem cell research you have to destroy a human embryo, a human life, in order to gather the cells. One newspaper, The Washington Post, even editorialized that if George Bush were to allow the destruction of human embryos, this would be a fitting tribute to the life of President Reagan. In that same newspaper, the very next day, was an article reporting how embryonic stem cells are unlikely ever to be useful in the treatment of Alzheimer's disease.

Indeed, one of the lead researchers in the United States, Dr. Ronald McKay, stem cell researcher at the National Institute of Neurological Disorders and Stroke, told Washington Post reporter Rick Weiss, "People need a fairy tale." And he went on to explain how "Alzheimer's disease is a whole-brain disease. It is not a cellular disease, and it is unlikely that embryonic stem cells would ever be useful for treating such a condition."

Now, what are the facts? What is the truth in this whole controversy? Because it is indeed a very confusing subject and it is very easy for poorly-informed reporters to mislead the public.

Well, the truth is embryonic stem cells have never been used to treat any human being for any disease ever. You will hear people repeatedly say that they hold great promise, supposedly. But as a matter of fact, they have never been used to treat anything. Even in animal models, where you use mouse or rat embryonic stem cells, they do not even have a good animal model to treat an animal disease with embryonic stem cells. However, adult stem cells, which are the stem cells that we get from our body, as opposed to destroying a human embryo to get the stem cells, our body is full of stem cells. They are in our bone marrow, in our fat, they are even in our nose.

Adult stem cells have been used in humans to treat Parkinson's Disease, to partially restore vision to someone who is legally blind, relieve systemic lupus, multiple sclerosis, rheumatoid arthritis, cure severe combined immunodeficiency disease, treat several types of cancers, such as leukemias, solid tumors, neuroblastomas, non-Hodgkins lymphoma, and renal cell carcinoma. Adult stem cells have been used to treat multiple sclerosis, treat children with the bubble boy syndrome, and treat heart failure in humans. Indeed, the FDA just recently approved a protocol to use adult stem cells in treating heart failure in humans.

So what is all the hub-bub? Why are all these people running around saying they want the Federal Government to fund all this embryonic stem cell research when it has really never been shown that it will have a clinical application, meanwhile the adult stem cells are showing all this great promise? Why is all this going on?

Well, the truth is that embryonic stem cell research is perfectly legal in the United States. There are no laws preventing it from being done. Every lab in America could do embryonic stem cell research. The issue here is who is going to pay for it, and the facts are that industry does not want to pay for it. They want the Federal Government to pay for it. The Federal government should not. It is unnecessary research and it is unethical.

GOVERNMENT SPENDING AND THE GROWING DEFICIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, for a moment, I want to talk about what our decision should be in this United States Congress as we approach another budget year. One of the big challenges of the Congress of the United States is the overspending of government, because it adds to the debt. Over promising adds to unfunded liabilities, and the question becomes, when is it time for Congress and the White House to start faxing and reducing the growth of the Federal Government?

I would suggest, Mr. Speaker, that the time is now. We should start next year making changes in the programs, such as Social Security, Medicare, and Medicaid, where Congress has overpromised and does not have the revenue coming in to pay for these programs in the long run. That includes Social Security.

The reason I suggest now is a good time is because the economy is growing very rapidly, and I quote from an article in the U.S. News & World Report by Editor-in-Chief, Mort Zuckerman. "New jobs are being generated in large numbers, income is growing at twice

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the rate of last year, and the acceleration is such that we will probably see a 5 percent growth in the gross domestic product. Sixty-one percent of private industries surveyed have added workers. That is the highest in 4 years. Business confidence has surged to a 20-year high, and business spending is exploding. The productivity boom, meanwhile, has made it possible to keep inflation under 2 percent, saving consumers billions. This has been due not just to technology but to tighter and better management controls. We are on a trajectory toward extraordinary growth in the second half of 2004 that will beget stronger job and income growth.''

So the situation that we have been facing is increasing the deficit over $500 billion a year. A deficit is the overspending in one budget year of the Federal Government; spending that exceeds all revenue coming in. This year, we are looking at $536 billion. For the next 3 years, at least, it is going to be over $500 billion at the rate we are going.

And let me put that in a little bit of perspective. We are a country that is about 228 years old. It took the first 200 years of this country to accumulate a debt of $500 billion. Now we are going deeper into debt, more than $500 billion every year. It is time that Congress and the White House did what every family has to do, what every business has to do, and that is tighten our belts and not continue to spend more than the revenue coming in.

Some suggest we should simply increase taxes to accommodate increased spending. I am suggesting that we should prioritize spending, start slowing down the growth in spending, so we are not increasing the size of government by more than three or four times the rate of inflation.

Overspending is one issue that we are laying on future generations; the other is overpromising. Overpromising is what the budget people call unfunded liabilities. Unfunded liabilities are promises that Congress and the White House have made over and above the revenues coming in to pay for those promises. The major categories are Medicare, Medicaid, and Social Security. The experts predict that unfunded liabilities of this country now amount to over $73 trillion. The money is not going to be there. And so the only ramification is to load our next generation and our young people with either the responsibility of paying for the interest on that increasing debt or increasing taxes.

It is irresponsible for Congress and the White House not to face up to some of the promises that we have made instead of pretending that the problem somehow is going to be paid for by future generations that are going to have their own problems.

With that, Mr. Speaker, I would just simply suggest that every voter in America, when they go to candidate forums, ask that individual running for Congress or for the United States Senate or for President what their plans are to save Social Security and their plans to stop the overspending. The kind of debt that we are passing on to future generations is unacceptable.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Pictures or words are usually one-dimensional. Symbols, however, are beyond language and have meaning all their own. A symbol is more than a substitute or a representation, because a symbol contains multiple levels of significance for different people all at the same time. A flag is a symbol for a nation, as an escutcheon is a symbol for a family or a logo, a symbol for a company.

Today is Flag Day here in the United States of America. The American flag, its history and its importance is honored this day by Americans everywhere.

Lord God, when we salute the flag or pledge our allegiance facing the flag, we are making a statement of loyalty and patriotism to this country. For us here in the House of Representatives, in our prayer we dedicate ourselves and our work to You. In our pledge to the flag, we commit ourselves to uphold the American Constitution and to work for the citizenry of this great Nation.

Whether we are here as elected Members or as persons who choose to work in this great institution, we ask You to guide and protect this Nation we love and are proud to call our homeland. Be with us and all Americans, especially our military forces who are defending the flying of this flag. Long may our flag wave as a symbol of freedom and equal justice under the law, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. RENZI) come forward and lead the House in the Pledge of Allegiance.

Mr. RENZI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills and a joint resolution of the following titles in which the concurrence of the House is requested.

S. 2017. An act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the "Luis A. Ferré United States Courthouse and Post Office Building".

S. 2214. An act to designate the facility of the United States Postal Service, located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2415. An act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building".

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE RONALD WILSON REAGAN, FORMER PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Pursuant to House Resolution 663, and the order of the House of December 8, 2003, the Speaker appointed himself and the entire membership of the House to attend the funeral services for former President Ronald Wilson Reagan held Wednesday, June 9, 2004, in the Rotunda of the Capitol and Friday, June 11, 2004, at the Washington National Cathedral.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from North Carolina (Mr. BALLANCE), the whole number of the House is adjusted to 434.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 2004.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on June 9, 2004 at 5:59 p.m.:

That the Senate passed S. Res. 373.

That the Senate passed S. Res. 374.

That the Senate passed without amendment H.R. 1822.

That the Senate passed without amendment H.R. 2130.

That the Senate passed without amendment H.R. 2438.

That the Senate passed without amendment H.R. 3029.

That the Senate passed without amendment H.R. 3059.

That the Senate passed without amendment H.R. 3068.

That the Senate passed without amendment H.R. 3234.

That the Senate passed without amendment H.R. 3300.

That the Senate passed without amendment H.R. 3353.

That the Senate passed without amendment H.R. 3536.

That the Senate passed without amendment H.R. 3537.

That the Senate passed without amendment H.R. 3538.

That the Senate passed without amendment H.R. 3690.

That the Senate passed without amendment H.R. 3733.

That the Senate passed without amendment H.R. 3740.

That the Senate passed without amendment H.R. 3769.

That the Senate passed without amendment H.R. 3855.

That the Senate passed without amendment H.R. 3917.

That the Senate passed without amendment H.R. 3939.

That the Senate passed without amendment H.R. 3942.

That the Senate passed without amendment H.R. 4037.

That the Senate passed without amendment H.R. 4176.

That the Senate passed without amendment H.R. 4299.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

CONGRESS MUST PERMANENTLY END DEATH TAX

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, thanks to President Bush's historic tax relief, our economy is surging and 1.4 million jobs have been created since August. However, if we do not act, one of the hardest and most unjust penalties on Americans, the death tax, will return in full force in 2011.

The death tax essentially is a double tax that forces families to pay taxes on estates that are passed on from generation to generation. According to Citizens For a Sound Economy, nearly 70 percent of small businesses do not make it past the first generation because of this tax. Additionally, American Farm Bureau President Bob Stallman has pointed out that many of our Nation's farmers must sell parts or all of their land to simply pay taxes. This is also catastrophic for family-owned auto dealerships, funeral homes, and beverage distributors.

The American people know it is fundamentally wrong to be taxed twice and know the importance of passing something of value on to their own children. I urge Congress to act quickly and kill the death tax once and for all.

In conclusion, may God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

ADJUSTMENT IN NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2055) to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

The Clerk read as follows:

H.R. 2055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT IN THE NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE, NC.

(a) IN GENERAL.—The first subsection (b) of section 5 of Public Law 89–366 (16 U.S.C. 459g–4) is amended—

(1) in paragraph (1), by striking "100 free roaming horses" and inserting "not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses,";

(2) in paragraph (3), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) unless removal is carried out as part of a plan to maintain the viability of the herd; or"; and

(3) in paragraph (5), by striking "100" and inserting "110".

(b) REPEAL OF DUPLICATE SUBSECTIONS.—Section 5 of Public Law 89–366 is amended—

(1) in subsection (a), by striking "(a)" after "(a)"; and

(2) by striking the second subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2055, introduced by the gentleman from North Carolina (Mr. JONES) from the Committee on Resources, would allow for the adjustment in the number of free-roaming horses permitted in the Cape Lookout National Seashore. Specifically, H.R. 2055 would permit the number of free-roaming horses to increase to 110 from its current level of 100 with a targeted population of 120 to 130 horses, and would not permit the removal of the horses unless the removal is carried out as part of a plan to maintain the viability of the herd.

H.R. 2055 is supported by the majority and the minority of the Committee on Resources and the administration. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Arizona (Mr. RENZI) and the majority of the committee for the management of this legislation. I also would be remiss if I did not extend my personal commendation to the gentleman from North Carolina (Mr. JONES), the chief sponsor of this legislation, which has been carried on for the past several Congresses. I congratulate the gentleman from North Carolina (Mr. JONES) for his tenacity and persistence in moving this legislation.

Mr. Speaker, in the course of the last several hundred years, a herd of wild horses has established itself on the Shackleford Banks area of Cape Lookout, North Carolina. The herd developed on the banks because of shipwrecks and abandonment. When the national seashore was established, there were approximately 100 wild horses on the barrier island. Over the years, the National Park Service has taken steps to control the herd size to prevent damage to park resources.

As the majority explained, this bill makes a number of slight adjustments in the management of the herd as a means to ensure their long-term survival.

Mr. Speaker, H.R. 2055 is a workable solution to the wild horse management needs at Cape Lookout, and we support adoption of the legislation by the House today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2055.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARINE TURTLE CONSERVATION ACT OF 2004

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries, as amended.

The Clerk read as follows:

H.R. 3378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Turtle Conservation Act of 2004".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp's ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

(8) changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and

(9) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of marine turtles will require the joint commitment and effort of—

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) PURPOSE.—The purpose of this Act is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) CONSERVATION.—The term "conservation" means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign countries to—

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitat; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles over habitat used by marine turtles for nesting;

(G) community outreach and education; and

(H) strengthening of the ability of local communities to implement nesting population and nesting habitat conservation programs.

(3) FUND.—The term "Fund" means the Marine Turtle Conservation Fund established by section 5.

(4) MARINE TURTLE.—

(A) IN GENERAL.—The term "marine turtle" means any member of the family Cheloniidae or Dermochelyidae.

(B) INCLUSIONS.—The term "marine turtle" includes—

(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

(ii) a carcass of such a turtle.

(5) MULTINATIONAL SPECIES CONSERVATION FUND.—The term "Multinational Species Conservation Fund" means the fund established under the heading "multinational species conservation fund" in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles.

(2) REQUIRED ELEMENTS.—A project proposal shall include—

(A) a statement of the purposes of the project;

(B) the name of the individual with overall responsibility for the project;

(C) a description of the qualifications of the individuals that will conduct the project;

(D) a description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other Federal officials, as appropriate; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and

(C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary may require) that include all information that the Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 5. MARINE TURTLE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the "Marine Turtle Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 6. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The Advisory Group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2005 through 2009.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2005, the Secretary shall submit to the Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how this Act might be improved and whether the Fund should be continued in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, marine sea turtles have been a vital component of our ocean ecosystems for more than 100 million years. As recently as the 19th century, marine turtles were abundant.

Sea turtles live long lives, mature relatively late, and migrate thousands of miles. They are also particularly vulnerable to exploitation and habitat loss.

Sadly, populations of marine turtles have been devastated by foreign fishing practices, the destruction of essential nesting habitat, massive poaching of turtle eggs, meat and shells, and ocean pollution. As a result, all seven remaining species of sea turtles are listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna. Six of the species that spend at least part of their lives in U.S. waters are protected under the Endangered Species Act.

In an effort to prevent these species from becoming extinct, I am urging the adoption of the Marine Turtle Conservation Act. This legislation is modeled after highly successful laws to conserve African elephants and highly endangered populations of Asian elephants, rhinoceros, tigers, great apes, and neotropical migratory birds. It is a proven formula, and small investment of U.S. dollars will make a difference in the conservation and recovery of marine turtles throughout our oceans.

With this money, the Secretary of the Interior can approve conservation grants for a variety of projects. These projects include the monitoring of trade in turtle products, satellite telemetry to track the movement of sea turtles, the protection of nesting beaches, and efforts to stop poaching by assisting law enforcement officials and educational outreach to communities that have turtle habitat.

There is broad support for this legislation. Such diverse organizations as the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the National Fisheries Institute, the Shrimp Council, the American Zoo and Aquarium Association, the Wildlife Conservation Society, and the Ocean Conservancy all testified in support of the legislation.

I ask my colleagues to support and urge passage of H.R. 3378.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Arizona (Mr. RENZI) for management of this proposed legislation. I commend the gentleman for his tremendous knowledge of sea turtles. I know there are a lot of turtles in Arizona, and I commend him for his assistance in passage of this legislation.

Mr. Speaker, this bill has the bipartisan support not only of the chairman of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, the gentleman from Maryland (Mr.

GILCHREST), but also the ranking member, the gentleman from New Jersey (Mr. PALLONE), the gentlewoman from Guam (Ms. BORDALLO), and others who are cosponsors of this legislation.

Marine turtles have been swimming in the world's oceans for an estimated 100 million years. Unfortunately, marine scientists speculate that certain species, such as the Pacific leatherback, may become extinct in the next 5 to 30 years unless the world takes notice of many threats confronting sea turtles.

I am proud to be a cosponsor of H.R. 3378, which would establish a new international conservation matching grant program to protect marine turtles, especially their nesting habitats, around the globe.

I applaud, again, the chairman of our fisheries subcommittee for his leadership, and also the Committee on Resources chairman, the gentleman from California (Mr. POMBO), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their leadership and support of this legislation.

☐ 1415

Again I urge my colleagues to support this bill.

Mr. FARR. Mr. Speaker, today I rise in full support of my friend and colleague, Mr. GILCHREST, in his efforts to protect sea turtles. Mr. GILCHREST has a long history of working diligently to protect marine wildlife and this bill, H.R. 3378, the Marine Turtle Conservation Act, demonstrates his ongoing interest in this area.

Mr. Speaker, both the Pew and U.S. Ocean Commission Reports have documented the many crises facing our oceans. These are crises that require real leadership by this body. Today, we have the opportunity to demonstrate our leadership by passing Mr. GILCHREST's bill.

With 6 of 7 marine turtles listed as threatened or endangered under the Endangered Species Act, H.R. 3378 is a wake-up call. Like the sea otter—an animal especially important to my district—sea turtles play vital roles in the ecosystems in which they occur. This means that our efforts to restore sea turtle populations will likely have the indirect effect of benefiting many other marine species. More bang for the buck. I think we all like it when that happens.

Sea turtles straddle numerous political borders—they are highly migratory species whose conservation depends on cooperative efforts by humans across the globe. These cooperative efforts require political and financial commitments by many groups, from individual countries to non-governmental organizations to local communities. When all of these levels of leadership come together in a cohesive manner, our protection of sea turtles is dramatically increased. H.R. 3378 coordinates all of these levels by authorizing funds for on-the-ground efforts to protect sea turtles in countries where a lack of funds, not a lack of will, is the problem.

Mr. Speaker, it is only through international efforts that sea turtle populations will begin to rebound. I know that the National Oceanic and Atmospheric Administration and the Fish and Wildlife Service work hard to oversee our country's efforts to protect sea turtles and to collaborate with other countries at every opportunity. With passage of H.R. 3378, we can take our leadership to the next level by providing grants to international groups with demonstrated experience in conserving sea turtles. By doing this, the United States can demonstrate its leadership in coastal and ocean conservation—something near and dear to my heart.

Mr. GILCHREST has addressed one piece of the puzzle and I commend him for his efforts. The next step—and I think that Mr. GILCHREST would agree—is to provide a long-term vision about our relationship with the sea by passing a national ocean policy act. I am working on BOB, the Big Ocean Bill, with the cochairs of the bipartisan House Oceans Caucus. I know we would all welcome Mr. GILCHREST's leadership and expertise on marine wildlife and fisheries conservation as we move forward with BOB.

In closing, Mr. Speaker, I strongly support H.R. 3378 and hope that it represents the beginning of a new era in U.S. ocean policy.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 3378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPLACING CERTAIN COASTAL BARRIER RESOURCES SYSTEM MAPS

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1663) to replace certain Coastal Barrier Resources System maps, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF CERTAIN COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—The 2 maps subtitled "NC–07P", relating to the Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Cape Fear Unit NC–07P, that are included in the set of maps entitled "Coastal Barrier Resources System" and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), are hereby replaced by 2 other maps relating to those units entitled "Coastal Barrier Resources System Cape Fear Unit, NC–07P" and dated May 5, 2004.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1663, introduced by Senator ELIZABETH DOLE, will remove 284 acres of private fastland, wetlands and open water property that has been mistakenly included within the Coastal Barrier Resources System. A similar bill, H.R. 2501, has been proposed by our colleague the gentleman from North Carolina (Mr. MCINTYRE). Specifically this legislation would replace two incorrectly drawn maps with updated digitized maps that accurately reflect the boundaries of the Cape Fear unit in North Carolina. This unit, which is referred to as an otherwise protected area, was established to protect certain public lands already held for conservation purposes. Regrettably, because of honest mistakes, the boundaries delineated on the maps erroneously include private property that is not an inholding. Under the terms of this measure, 26 homes and a number of undeveloped lots on Bald Head Island, North Carolina will be removed from the system. At the same time, however, 6,760 acres of additional military and State park lands will be added to the coastal barrier system for a net gain of 6,476 acres.

During the hearing on this legislation, the U.S. Fish and Wildlife Service testified in support of this needed correction and stated that the private properties in question are outside the boundaries of the conservation area and are not held for conservation purposes.

I urge support of this bill so that these homeowners can obtain the Federal flood insurance they need to protect their property and so that the boundaries of this coastal barrier unit can accurately reflect those lands that should be held for conservation purposes.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Arizona for again his management of this proposed legislation.

Mr. Speaker, this bill was introduced by the gentlewoman from North Carolina, Mrs. DOLE, and in compliance also a companion bill was introduced in the House by my good friend the gentleman from North Carolina (Mr. MCINTYRE).

As stated by the previous speaker, Mr. Speaker, S. 1663 is noncontroversial legislation that would correct the boundaries of an otherwise protected area located near the mouth of the Cape Fear River in North Carolina. I want to thank again Chairman GILCHREST and Ranking Member PALLONE of the Subcommittee on Fisheries Conservation, Wildlife and Oceans for their contributions in making an improvement to this proposed legislation.

The technical corrections contained in the new maps that would be adopted through passage of this bill have been painstakingly reviewed by the U.S. Fish and Wildlife Service and all local property owners to ensure their accuracy. In fact, I cannot recall another comparable bill that has undergone such a thorough review. In this regard again I want to congratulate and praise the House sponsor of companion legislation, H.R. 2501, the gentleman from North Carolina (Mr. MCINTYRE), for his perseverance in seeing this process through. The gentleman from North Carolina's diligence and persistence have resulted in a final product that addresses the legitimate needs of his constituents. Most important, Mr. Speaker, this legislation respects and upholds the integrity of the John H. Chafee Coastal Barrier Resources System. For that reason, I urge my colleagues to support this bill.

Mr. MCINTYRE. Mr. Speaker, I rise in strong support of S. 1663, a bill to replace certain Coastal Barrier Resources System maps relevant to Bald Head Island, North Carolina. Having worked with the U.S. House Committee on Resources and the U.S. Fish and Wildlife Service on making these necessary corrections to the maps pertaining to Bald Head Island, I am pleased that the U.S. House of Representatives will be moving forward and passing this legislation today.

Congress enacted the Coastal Barrier Resources Act in 1982 in order to address problems caused by coastal barrier development. The Coastal Barrier Resources Act restricts Federal expenditures and financial assistance, including Federal flood insurance, for development on coastal barriers.

Later, the Coastal Barrier Improvement Act of 1990 added "otherwise protected areas" to the System. Otherwise protected areas are undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes such as wildlife refuges and parks. While they were not made part of the Coastal Barrier Resources System, Congress forbade the issuance of new flood insurance or any Federal development-related assistance in otherwise protected areas.

Three years ago, the Fish and Wildlife Service and the citizens of Bald Head Island informed me that the maps of the area on the island, known as NC07P, were inaccurate. The errors in the maps deny flood insurance to certain property owners on Bald Head Island, North Carolina. These errors resulted from the problems inherent in translating lines drawn on the large-scale maps used for designations into precise, on-the-ground property lines.

However, this problem is now fixable due to improved technology available to the Fish and Wildlife Service. The mistakes that led to the Bald Head Island properties being placed within the outer boundary of NC07P were clearly not intended by Congress when maps were created.

While correcting the lines around Bald Head Island, the Fish and Wildlife Service—working with the State of North Carolina and the local communities contained within NC07P—identified additional acres that are eligible for addition to NC07P. As such, the technical changes called for in this legislation, which I was pleased to work so closely on with Senator ELIZABETH DOLE, have the added benefit of vastly increasing the overall acreage in the map.

Many people were involved in this process. Mr. Speaker, I would like to acknowledge the work of the Chairman and Ranking Member of the Committee on Resources, U.S. Representatives RICHARD POMBO and NICK RAHALL, as well as the Chairman and Ranking Members of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, U.S. Representatives WAYNE GILCHREST and FRANK PALLONE. I would also like to thank Senator DOLE for her hard work on this; Dave Jansen of the Resources Committee; Katie Nemi, Paul Suza, and all of the staff over at the U.S. Fish and Wildlife Service; Becky King, former Village Manager of Bald Head Island; and Mary Ellen Simmons of my staff for all of her hard work in coordinating this incredible effort.

As hurricane season approaches, there are landowners on Bald Head Island who, by no fault of their own, would be left unprotected if a storm were to hit the lower Cape Fear region. That is why this matter requires immediate attention, and why I urge my colleagues to vote "yes" on this important piece of legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 1663, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTING VOTING RIGHTS OF MEMBERS OF ARMED SERVICES IN ELECTIONS FOR DELEGATE REPRESENTING AMERICAN SAMOA

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2010) to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) It is in the national interest that qualifying members of the Armed Forces on active duty and other overseas voters be allowed to vote in Federal elections.

(2) Since 1980, when the first election for the Congressional Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and runoff elections have been held 2 weeks later.

(3) This practice of holding a run-off election 2 weeks after a general election deprives members of the Armed Forces on active duty and other overseas voters of the opportunity to participate in the Federal election process in American Samoa.

(4) Prior to and since September 11, 2001, and due to limited air service, mail delays, and other considerations, it has been and remains impossible for absentee ballots to be prepared and returned within a 2-week period.

(5) American Samoa law requiring members of the Armed Forces on active duty and other overseas voters to register in person also prevents participation in the Federal election process and is contrary to the Uniformed and Overseas Citizens Absentee Voting Act.

(6) Given that 49 states elect their Representatives to the United States House of Representatives by plurality, it is in the national interest for American Samoa to do the same until such time as the American Samoa Legislature establishes primary elections and declares null and void the local practice of requiring members of the Armed Forces on active duty and other overseas voters to register in person which is contrary to the federal Uniformed and Overseas Citizens Absentee Voting Act.

SEC. 2. PLURALITY OF VOTES REQUIRED FOR ELECTION OF DELEGATE.

Section 2 of the Act entitled "An Act to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the United States House of Representatives, and for other purposes", approved October 31, 1978 (48 U.S.C. 1732; Public Law 95-556) is amended—

(1) in subsection (a)—

(A) by striking "majority" and inserting "plurality" the first place it appears; and

(B) by striking "If no candidate" and all that follows through "office of Delegate."; and

(2) by adding at the end the following new subsections:

"(c) ESTABLISHMENT OF PRIMARY ELECTIONS.—The legislature of American Samoa may, but is not required to, provide for primary elections for the election of Delegate.

"(d) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding subsection (a), if the legislature of American Samoa provides for primary elections for the election of Delegate, the Delegate shall be elected by a majority of votes cast in any subsequent general election for the office of Delegate for which such primary elections were held.".

SEC. 3. EFFECTIVE DATES.

The amendments made by paragraph (1) of section 2 shall take effect on January 1, 2006. The amendment made by paragraph (2) of section 2 shall take effect on January 1, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from American Samoa has introduced legislation to assist those voters in his district who live overseas. His legislation, H.R. 2010, will provide for the election of the Delegate from American Samoa by a plurality vote. Currently the Delegate is elected by a majority vote, though the number of candidates seeking American Samoa's seat in Congress often prevents a clear majority in the general election. For this reason, a runoff election is the result, and it is held on the 14th day after the general election.

The gentleman from American Samoa and local government officials have explained well the unintended consequences of this format. Given the lack of flights to and from the territory, the ability to gather votes from the runoff election has proven extremely difficult, with many ballots arriving after the runoff election date. In short, this prevents the voices of individuals such as members of our armed services as well as students studying abroad to be heard.

Though Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act in 1986, it has not done enough to fulfill its purpose of ensuring the right to vote for all U.S. citizens given the unique logistical hurdles that American Samoa faces. We all should understand the need to help all of our fellow voters, especially during times of war when many Samoans are serving in Iraq. The House can now move this legislation forward and help to prevent the current Federal law from disenfranchising voters. Instead, with H.R. 2010, no legal voters will be deterred from fully participating in our democratic process when they vote to elect American Samoa's Delegate.

Finally, I would also point out that H.R. 2010, as amended, was passed by the Committee on Resources by voice vote on May 5 and I appreciate the bipartisan work of the committee in acting quickly on this legislation. I hope we can now act in the same bipartisan fashion. I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again thank my good friend the gentleman from Arizona for his management and his eloquent remarks concerning his support of this legislation.

I rise today in support of this bill I introduced to protect the voting rights of active duty service members and overseas voters whose home of residence is American Samoa. This issue is not new to the people or the American Samoa legislature. The truth is this matter has been before the people and our local leaders for the past 6 years. Since 1998 I have written to our Governors, past and present. I have written and testified before our local legislature, and copies of my testimony and letters and local responses have been made part of the committee record.

Mr. Speaker, during the 107th Congress, I introduced H.R. 3576, a bill to establish primary elections which would have made sure that the American Samoa Delegate was elected by a majority of the votes cast. When introducing this bill, I pointed out that both Guam and the Virgin Islands were once bound by the 2-week Federal runoff requirement but established primary elections to resolve similar problems of sending out and receiving back absentee ballots in time for those votes to be counted. Although I suggested that American Samoa could benefit from modeling its Federal election procedures after Guam and the Virgin Islands, American Samoa chose not to support this bill and cited as its reason that primary elections were too costly.

Mr. Speaker, given the importance and urgency of this bill, I want to thank members of the House Committee on Resources, both Democrats and Republicans, who have unanimously voted in favor of this legislation. H.R. 2010 is the right thing to do. As a Vietnam veteran, I will not rest until we fully guarantee that our active duty service members have the right to vote in Federal elections in the territory. To alleviate any concerns that I will personally benefit from this legislation, I offered an amendment in the nature of a substitute for purposes of changing the effective date of this bill from January 2004 to January 2006. This amendment was unanimously supported in markup by the House Committee on Resources and, as such, any change in law will not go into effect until the 2006 election cycle.

Mr. Speaker, at this time I thank the men and women from American Samoa who are serving on active duty at a time when our Nation is at war. I wish our active duty service members the very best and I pray for their safe return as it would be true for all members of our armed services currently serving all over the world.

I also want to thank Chairman POMBO of the Committee on Resources and Ranking Member RAHALL for their unwavering support of H.R. 2010 and for bringing this historic bill to the House floor for consideration and for a vote. Again, this is a bipartisan bill. I urge the Members of this body to join us in protecting the voting rights of our active duty military men and women who currently serve all over the world representing our great Nation. Again, I urge my colleagues to support this bill.

Mr. Speaker, I rise today in support of H.R. 2010, a bill I introduced to protect the voting rights of active duty service members and overseas voters whose home of residence is American Samoa.

This issue is not new to the people or the American Samoa Legislature. The truth is this matter has been before the people and our local leaders for the past 6 years. Since 1998, I have written to our Governors, past and present. I have written and testified before our local Legislature, or FONO, and copies of my testimony, my letters, and local responses have been made part of the Committee record.

I have also brought this matter to the attention of my constituents through press releases, newsletters, radio and TV programs. In 2001, I conducted a Congressional survey and 85 percent of those surveyed agreed that American Samoa's overseas voters and active duty service members should be afforded the same rights and privileges as every other American serving in the U.S. Armed Forces.

Unfortunately, American Samoa's overseas voters and military men and women have been disenfranchised from the political process and have been denied the right to vote in the federal elections held in the Territory. In part, this has been due to two complications. One, American Samoa law has required uniformed and overseas voters to register to vote in person and this has been contrary to the Uniformed and Overseas Citizens Voting Act of 1975.

While I am pleased that our Legislature is working to address the local registration process, our uniformed and overseas voters have also been denied the right to vote as a result of Public Law 95–556 passed on October 31, 1978. Federal, or PL 95–556, provides for the Territory of American Samoa to be represented by a nonvoting Delegate to the United States House of Representatives and mandates that if no candidate receives a majority of the votes cast, on the fourteenth day following such election, a runoff election shall be held between the candidates receiving the highest and second highest number of votes cast.

Like the Governor of American Samoa, the Honorable Togiola T.A. Tulafono, I believe this 1978 federal law requiring a runoff election to be held only 14 days after the general election creates, as Governor Togiola says, "a situation where it is virtually impossible for American Samoa's Election Office to send out absentee ballots to the men and women in the military and expect to receive them back in time for those votes to be counted in a run-off election." Given that our mail is delayed and our air service is limited to two flights a week, Governor Togiola and I agree that some measure should be put in place to assure that the votes of our military men and women are counted and that this injustice is corrected.

During the 107th Congress, I introduced H.R. 3576, a bill to establish primary elections and which made sure that American Samoa's Delegate was elected by a majority of the votes cast. When introducing this bill, I pointed out that both Guam and the Virgin Islands were once bound by the two week federal run-off requirement but established primary elections to resolve similar problems of sending out and receiving back absentee ballots in time for those votes to be counted. Although I suggested that American Samoa could benefit from modeling its federal election procedures after Guam and the U.S. Virgin Islands, the American Samoa Government (ASG) chose not to support this bill and cited as its reason that primary elections were too costly.

Given ASG's financial difficulties and out of respect for its concerns, I introduced H.R. 4838 which called for voting by plurality in lieu of primary elections. As I explained when introducing H.R. 4838, 49 of the 50 states use plurality voting to elect their Representatives to Congress. The countries of Tualauta and Itu'au in American Samoa also elect their representatives by plurality vote. Plurality voting minimizes costs to the local government and also provides active duty service members and other overseas voters an opportunity to participate fully in the federal election process. Despite these benefits, ASG also chose not to support this bill. This time, the former and late Governor Tauese P.F. Sunia stated that he believed "the intent of Congress when they established majority vote was to ensure a strong mandate for American Samoa's Delegate."

To be clear about this, I would like to provide this body with a legal history of how election law was determined for American Samoa. In 1951, President Harry S Truman issued Executive Order 10264 which transferred administrative responsibility for the islands of American Samoa from the Secretary of the Navy to the U.S. Secretary of the Interior. The Secretary of the Interior, in turn, appointed our Governors.

In 1960, the people of American Samoa adopted a Constitution. The Constitution was revised in 1966 and was approved by the Secretary of the Interior on June 2, 1967. In 1967, the Revised Constitution of American Samoa provided for an elected Legislature, or Fono, consisting of a Senate and a House of Representatives. However, it did not provide our people with the right to elect our own Governor and Lieutenant Governor and, at the time, American Samoa was the only remaining off-shore area of the United States which did not have a popularly elected Governor and Lieutenant Governor.

On June 10, 1976, Congressman Phil Burton, Chairman of the House Subcommittee on Interior and Insular Affairs, took notice of American Samoa's situation and introduced a bill to make it possible for our Governor and Lieutenant Governor to be popularly elected rather than appointed by the Secretary of the Interior. As staff counsel to the Committee on Interior and Insular Affairs, Congressman Burton instructed me to draft this legislation which the U.S. House of Representatives overwhelmingly passed by a landslide vote of 377 to 1.

Instead of sending his bill to the Senate, Congressman Burton decided to consult further with the Secretary of the Interior, Rogers C.B. Morton, about American Samoa's unique political status as an unincorporated and unorganized territory which was and is unlike the organized territories of Guam and the Virgin Islands. As a result of their consultations, the two agreed that Secretary Morton would issue a Secretarial Order (No. 3009) authorizing the American Samoa Government to pass enabling legislation to provide for an elected Governor and the Lieutenant Governor.

Secretary's Order No. 3009 amended American Samoa's Constitution to specifically provide for an elected rather than an appointed Governor and Lieutenant Governor. Secretary's Order 3009 was also in keeping with the will of the majority of voters of American Samoa who voted in favor of electing their own Governor and Lieutenant Governor in a plebiscite that was held on August 31, 1976.

Furthermore, Chairman Phil Burton introduced legislation on August 2, 1978 to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives. I was also tasked with drafting this legislation which became Public Law 95–556 and was made effective October 31, 1978.

I can assure you that in the case of the Delegate, American Samoa's federal election laws were patterned after those of the Virgin Islands and Guam. At the time, consideration was not given to whether or not majority or plurality voting should be established for American Samoa. Congress simply enacted legislation to provide American Samoa with representation in the U.S. Congress. We could not foresee some 25 years ago that American Samoa's men and women would serve in record numbers in the U.S. Armed Forces making it nearly impossible (given American Samoa's limited air and mail service) for active duty service members to participate in runoff elections held two weeks after general elections.

Today, we are keenly aware that this requirement to hold a runoff election 14 days after the general election is wrong. To right this wrong and after further consultations with our local leaders, I introduced H.R. 2010 which includes the suggestions of Governor Togiola. In a letter dated September 11, 2003, Governor Togiola informed me that he had reviewed the copy of H.R. 2010 that I sent to him and that he was satisfied that this bill will provide an immediate solution to address the concerns we have regarding the voting rights of our men and women in the military services. In a letter dated September 15, 2003, I thanked Governor Togiola for his support.

Although we have had some differences regarding this issue, Governor Togiola and I have always agreed that our military men and women should have the right to vote especially when they contribute almost a million dollars per year in taxes to our local government. I am pleased that Governor Togiola is now happy with this bill and I again commend him for supporting its passage.

I also want to thank the President of the American Samoa Senate, the Honorable Lutu Tenari S. Fuimaono, for his support. In a letter dated October 28, 2003, President Fuimaono stated that he fully supports H.R. 2010 and that he wishes Chairman POMBO the best of luck in moving forward on the bill.

Finally, I would like to say that H.R. 2010 is an historic bill. It is a bill that immediately restores the voting rights of our overseas voters and active duty military members. It is also a bill that makes clear in no uncertain terms that the American Samoa Legislature is vested with the authority it needs to establish primary elections for the office of the Delegate, if it so chooses.

H.R. 2010 also protects American Samoa's future in the U.S. Congress. Without H.R. 2010, future Delegates could miss out on key committee assignments as a result of delayed outcomes and run-off elections. Like Governor Togiola, I do not believe American Samoa's future should be weakened or disadvantaged and this is one more reason I appreciate his support of H.R. 2010.

Given the importance and urgency of this bill, I thank the members of the House Resources Committee, both Democrats and Republicans, who have unanimously voted in favor of this bill. H.R. 2010 is the right thing to do and, as a Vietnam veteran, I will not rest until we fully guarantee that our active duty service members have the right to vote in federal elections held in American Samoa.

To alleviate any concerns that I will personally benefit from this legislation, I offered an amendment in the nature of a substitute for purposes of changing the effective date of this bill from January 2004 to January 2006. This amendment was unanimously supported at mark-up by the House Resources Committee and, as such, any change in law will not go into effect until the 2006 election cycle.

As I have repeatedly stated, H.R. 2010 in no way, affects how the American Samoa Government chooses to elect its local leaders and, having made every change requested of me by our local leaders and after years of good-faith efforts on my part, I believe the time has come to do right by our overseas voters and men and women in the military. Our sons and daughters have fought and died to preserve our freedoms and I will do everything I can to protect their right to vote.

At this time, I thank the men and women from American Samoa who are serving on active duty at a time when our Nation is at war. I wish our active duty service members the very best and I pray for their safe return.

I also thank the Honorable RICHARD POMBO, Chairman of the House Committee on Resources, and Ranking Member NICK RAHALL, for their unwavering support of H.R. 2010 and for bringing this historic bill to the House Floor for consideration and vote. Again, Democrats and Republicans of the House Resources Committee joined together to unanimously pass H.R. 2010 and I now urge members of this body to join with us in protecting the voting rights of active duty military members and overseas voters whose home of residence is American Samoa.

ATTACHMENTS

04/05/00—Faleomavaega to ASG Governor Sunia, Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives, Attorney General.

11/20/01—Faleomavaega to ASG Governor Sunia, Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives.

12/20/01—Faleomavaega to ASG Governor Sunia, Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives.

01/02/02—Governor Tauese Sunia to Faleomavaega, ASG Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives, Chief Election Officer.

01/28/02—ASG Speaker of the House to Faleomavaega, ASG Governor, Election Office, President of the Senate.

02/27/02—Faleomavaega to ASG Speaker of the House.

03/05/02—Faleomavaega to ASG Senate President and Senators.

05/23/02—Faleomavaega to ASG Governor Sunia, Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives.

07/10/02—ASG President Pro Tem and Speaker of the House to the Honorable James Hansen, Chairman of U.S. House Committee on Resources, ASG Governor Tauese Sunia, Senators, Representatives, Chief Election Office, the Honorable Nick Rahall (Ranking Member of the U.S. House Committee on Resources), Congressman Eni Faleomavaega, Members of the U.S. House Committee on Resources.

07/11/03—Governor Tauese Sunia to Faleomavaega, Chairman of the U.S. House Committee on Resources, ASG President of the Senate and Senators, Speaker of the House and Representatives, Chief Election Officer.

07/15/02—Faleomavaega to the Honorable Nick Rahall, Ranking Member, U.S. House Committee on Resources.

07/15/02—Faleomavaega to the Honorable James Hansen, Chairman, U.S. House Committee on Resources.

07/23/02—Faleomavaega to ASG Governor Sunia, Chairman and Ranking Member of the U.S. House Committee on Resources, Deputy Assistant Secretary of the U.S. Department of the Interior, ASG Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives, Chief Election Officer.

07/23/02—Faleomavaega to the Honorable James Hansen, Chairman, U.S. House Committee on Resources.

07/23/02—Faleomavaega to the Honorable Nick Rahall, Ranking Member of the U.S. House Committee on Resources.

09/05/02—Faleomavaega to ASG Governor Tauese Sunia.

09/05/02—Faleomavaega to ASG President of the Senate and Senators.

09/05/02—Faleomavaega to ASG Speaker of the House and Representatives.

09/12/02—Faleomavaega Statement before the American Samoa Legislature.

05/07/03—Faleomavaega to ASG Governor Togiola Tulafono, Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives.

09/05/03—Senator Te'o J. Fuavai to Faleomavaega.

09/11/03—ASG Governor Togiola Tulafono to Faleomavaega, ASG Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives.

09/15/03—Faleomavaega to ASG Governor Togiola Tulafono, Lieutenant Governor, President of the Senate and Senators, Speaker of the House and Representatives.

09/19/03—Senate Resolution.

10/16/03—Faleomavaega to Senator Te'o J. Fuavai.

10/27/03—President of ASG Senate, Lutu Fuiamono, to Faleomavaega.

10/28/03—Office of the Governor to Lieutenant Governor, Aitofele T.F. Sunia.

07/21/76—Congressional Record, Providing for an Elective Governor and Lieutenant Governor of American Samoa.

10/03/78—Congressional Record, Providing the Territory of American Samoa with a Nonvoting Delegate.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

I want to commend my colleague from American Samoa for his leadership and his advocacy, particularly for those citizens there within his territory and within his district who now will be able to reach out and be part of the election process.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2010, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AGOA ACCELERATION ACT OF 2004

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4103) to extend and modify the trade benefits under the African Growth and Opportunity Act, as amended.

The Clerk read as follows:

H.R. 4103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "AGOA Acceleration Act of 2004".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The African Growth and Opportunity Act (in this section and section 3 referred to as "the Act") has helped to spur economic growth and bolster economic reforms in the countries of sub-Saharan Africa and has fostered stronger economic ties between the countries of sub-Saharan Africa and the United States; as a result, exports from the United States to sub-Saharan Africa reached record levels after the enactment of the Act, while exports from sub-Saharan Africa to the United States have increased considerably.

(2) The Act's eligibility requirements have reinforced democratic values and the rule of law, and have strengthened adherence to internationally recognized worker rights in eligible sub-Saharan African countries.

(3) The Act has helped to bring about substantial increases in foreign investment in sub-Saharan Africa, especially in the textile and apparel sectors, where tens of thousands of new jobs have been created.

(4) As a result of the Agreement on Textiles and Apparel of the World Trade Organization, under which quotas maintained by WTO member countries on textile and apparel products end on January 1, 2005, sub-Saharan Africa's textile and apparel industry will be severely challenged by countries whose industries are more developed and have greater capacity, economies of scale, and better infrastructure.

(5) The underdeveloped physical and financial infrastructure in sub-Saharan Africa continues to discourage investment in the region.

(6) Regional integration establishes a foundation on which sub-Saharan African countries can coordinate and pursue policies grounded in African interests and history to achieve sustainable development.

(7) Expanded trade because of the Act has improved fundamental economic conditions within sub-Saharan Africa. The Act has helped to create jobs in the poorest region of the world, and most sub-Saharan African countries have sought to take advantage of the opportunities provided by the Act.

(8) Agricultural biotechnology holds promise for helping solve global food security and human health crises in Africa and, according to recent studies, has made contributions to the protection of the environment by reducing the application of pesticides, reducing soil erosion, and creating an environment more hospitable to wildlife.

(9)(A) One of the greatest challenges facing African countries continues to be the HIV/AIDS epidemic, which has infected as many as one out of every four people in some countries, creating tremendous social, political, and economic costs. African countries need continued United States financial and technical assistance to combat this epidemic.

(B) More awareness and involvement by governments are necessary. Countries like Uganda, recognizing the threat of HIV/AIDS, have boldly attacked it through a combination of education, public awareness, enhanced medical infrastructure and resources, and greater access to medical treatment. An effective HIV/AIDS prevention and treatment strategy involves all of these steps.

(10) African countries continue to need trade capacity assistance to establish viable economic capacity, a well-grounded rule of law, and efficient government practices.

SEC. 3. STATEMENT OF POLICY.

The Congress supports—

(1) a continued commitment to increase trade between the United States and sub-Saharan Africa and increase investment in sub-Saharan Africa to the benefit of workers, businesses, and farmers in the United States and in sub-Saharan Africa, including by developing innovative approaches to encourage development and investment in sub-Saharan Africa;

(2) a reduction of tariff and nontariff barriers and other obstacles to trade between the countries of sub-Saharan Africa and the United States, with particular emphasis on reducing barriers to trade in emerging sectors of the economy that have the greatest potential for development;

(3) development of sub-Saharan Africa's physical and financial infrastructure;

(4) international efforts to fight HIV/AIDS, malaria, tuberculosis, other infectious diseases, and serious public health problems;

(5) many of the aims of the New Partnership for African Development (NEPAD), which include—

(A) reducing poverty and increasing economic growth;

(B) promoting peace, democracy, security, and human rights;

(C) promoting African integration by deepening linkages between African countries and

by accelerating Africa's economic and political integration into the rest of the world;

(D) attracting investment, debt relief, and development assistance;

(E) promoting trade and economic diversification;

(F) broadening global market access for United States and African exports;

(G) improving transparency, good governance, and political accountability;

(H) expanding access to social services, education, and health services with a high priority given to addressing HIV/AIDS, malaria, tuberculosis, other infectious diseases, and other public health problems;

(I) promoting the role of women in social and economic development by reinforcing education and training and by assuring their participation in political and economic arenas; and

(J) building the capacity of governments in sub-Saharan Africa to set and enforce a legal framework, as well as to enforce the rule of law;

(6) negotiation of reciprocal trade agreements between the United States and sub-Saharan African countries, with the overall goal of expanding trade across all of sub-Saharan Africa;

(7) the President seeking to negotiate, with interested eligible sub-Saharan African countries, bilateral trade agreements that provide investment opportunities, in accordance with section 2102(b)(3) of the Trade Act of 2002 (19 U.S.C. 3802(b)(3));

(8) efforts by the President to negotiate with the member countries of the Southern African Customs Union in order to provide the opportunity to deepen and make permanent the benefits of the Act while giving the United States access to the markets of these African countries for United States goods and services, by reducing tariffs and non-tariff barriers, strengthening intellectual property protection, improving transparency, establishing general dispute settlement mechanisms, and investor-state and state-to-state dispute settlement mechanisms in investment;

(9) a comprehensive and ambitious trade agreement with the Southern African Customs Union, covering all products and sectors, in order to mature the economic relationship between sub-Saharan African countries and the United States and because such an agreement would deepen United States economic and political ties to the region, lend momentum to United States development efforts, encourage greater United States investment, and promote regional integration and economic growth;

(10) regional integration among sub-Saharan African countries and business partnerships between United States and African firms; and

(11) economic diversification in sub-Saharan African countries and expansion of trade beyond textiles and apparel.

SEC. 4. SENSE OF CONGRESS ON RECIPROCITY AND REGIONAL ECONOMIC INTEGRATION.

It is the sense of the Congress that—

(1) the preferential market access opportunities for eligible sub-Saharan African countries will be complemented and enhanced if those countries are implementing actively and fully, consistent with any remaining applicable phase-in periods, their obligations under the World Trade Organization, including obligations under the Agreement on Trade-Related Aspects of Intellectual Property, the Agreement on the Application of Sanitary and Phytosanitary Measures, and the Agreement on Trade-Related Investment Measures, as well as the other agreements described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d));

(2) eligible sub-Saharan African countries should participate in and support mutual trade liberalization in ongoing negotiations under the auspices of the World Trade Organization, including by making reciprocal commitments with respect to improving market access for industrial and agricultural goods, and for services, recognizing that such commitments may need to reflect special and differential treatment for developing countries;

(3) some of the most pernicious trade barriers against exports by developing countries are the trade barriers maintained by other developing countries; therefore, eligible sub-Saharan African countries will benefit from the reduction of trade barriers in other developing countries, especially in developing countries that represent some of the greatest potential markets for African goods and services; and

(4) all countries should make sanitary and phytosanitary decisions on the basis of sound science.

SEC. 5. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS OF AGOA.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), the Bureau of Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 112 of the African Growth and Opportunity Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from eligible sub-Saharan African countries.

SEC. 6. DEFINITION.

In this Act, the term "eligible sub-Saharan African country" means an eligible sub-Saharan African country under the African Growth and Opportunity Act.

SEC. 7. EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) GENERALIZED SYSTEM OF PREFERENCES.—

(1) EXTENSION OF PROGRAM.—Section 506B of the Trade Act of 1974 (19 U.S.C. 2466b) is amended by striking "2008" and inserting "2015".

(2) INPUTS FROM FORMER BENEFICIARY COUNTRIES.—Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) is amended—

(A) in subsection (b)(2)(B), by inserting "or former beneficiary sub-Saharan African countries" after "countries"; and

(B) in subsection (c)—

(i) by striking "title, the terms" and inserting "title—

"(1) the terms"; and

(ii) by adding at the end the following:

"(2) the term 'former beneficiary sub-Saharan African country' means a country that, after being designated as a beneficiary sub-Saharan African country under the African Growth and Opportunity Act, ceased to be designated as such a country by reason of its entering into a free trade agreement with the United States.".

(b) APPAREL ARTICLES.—(1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(1)) is amended by striking "(including" and inserting "or both (including".

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 U.S.C. 3721 (b)(3)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "either in the United States or one or more beneficiary sub-Saharan African countries" each place it appears and inserting "in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries, or both"; and

(ii) by striking "subject to the following:" and inserting "whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:"; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) LIMITATIONS ON BENEFITS.—

"(i) IN GENERAL.—Preferential treatment under this paragraph shall be extended in the 1-year period beginning October 1, 2003, and in each of the 11 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

"(ii) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the term 'applicable percentage' means—

"(I) 4.747 percent for the 1-year period beginning October 1, 2003, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the 1-year period beginning October 1, 2007, the applicable percentage does not exceed 7 percent; and

"(II) for each succeeding 1-year period until September 30, 2015, not to exceed 7 percent.

"(B) SPECIAL RULE FOR LESSER DEVELOPED COUNTRIES.—

"(i) IN GENERAL.—Preferential treatment under this paragraph shall be extended though September 30, 2007, for apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles, in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

"(ii) APPLICABLE PERCENTAGE.—For purposes of the subparagraph, the term 'applicable percentage' means—

"(I) 2.3571 percent for the 1-year period beginning October 1, 2003;

"(II) 2.6428 percent for the 1-year period beginning October 1, 2004;

"(III) 2.9285 percent for the 1-year period beginning October 1, 2005; and

"(IV) 1.6071 percent for the 1-year period beginning October 1, 2006.

"(iii) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—For purposes of this subparagraph, the term 'lesser developed beneficiary sub-Saharan African country' means—

"(I) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

"(II) Botswana; and

"(III) Namibia.".

(3) Section 112(b)(5)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(5)(A)) is amended to read as follows:

"(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA.".

(c) HANDLOOMED, HANDMADE, FOLKLORE ARTICLES AND ETHNIC PRINTED FABRICS.—Section 112(b)(6) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(6)) is amended to read as follows:

"(6) HANDLOOMED, HANDMADE, FOLKLORE ARTICLES AND ETHNIC PRINTED FABRICS.—

"(A) IN GENERAL.—A handloomed, handmade, folklore article or an ethnic printed fabric of a

beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this section, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore articles or an ethnic printed fabric.

"(B) REQUIREMENTS FOR ETHNIC PRINTED FABRIC.—Ethnic printed fabrics qualified under this paragraph are—

"(i) fabrics containing a selvedge on both edges, having a width of less than 50 inches, classifiable under subheading 5208.52.30 or 5208.52.40 of the Harmonized Tariff Schedule of the United States;

"(ii) of the type that contains designs, symbols, and other characteristics of African prints—

"(I) normally produced for and sold on the indigenous African market; and

"(II) normally sold in Africa by the piece as opposed to being tailored into garments before being sold in indigenous African markets;

"(iii) printed, including waxed, in one or more eligible beneficiary sub-Saharan countries; and

"(iv) fabrics formed in the United States, from yarns formed in the United States, or from fabric formed in one or more beneficiary sub-Saharan African country from yarn originating in either the United States or one or more beneficiary sub-Saharan African countries.".

(d) REGIONAL AND U.S. SOURCES.—Section 112(b)(7) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(7)) is amended by inserting "or former beneficiary sub-Saharan African countries" after "and one or more beneficiary sub-Saharan African countries" each place it appears.

(e) SPECIAL RULES.—

(1) CERTAIN COMPONENTS.—Section 112(d) of the African Growth and Opportunity Act (19 U.S.C. 3721(d)) is amended by adding at the end the following:

"(3) CERTAIN COMPONENTS.—An article otherwise eligible for preferential treatment under this section will not be ineligible for such treatment because the article contains—

"(A) any collars or cuffs (cut or knit-to-shape),

"(B) drawstrings,

"(C) shoulder pads or other padding,

"(D) waistbands,

"(E) belt attached to the article,

"(F) straps containing elastic, or

"(G) elbow patches,

that do not meet the requirements set forth in subsection (b), regardless of the country of origin of the item referred to in the applicable subparagraph of this paragraph.".

(2) DE MINIMIS RULE.—Section 112(d)(2) of the African Growth and Opportunity Act (19 U.S.C. 3721(d)(2)) is amended—

(A) by inserting "or former beneficiary sub-Saharan African countries" after "countries"; and

(B) by striking "7 percent" and inserting "10 percent".

(f) DEFINITIONS.—Section 112(e) of the African Growth and Opportunity Act (19 U.S.C. 3721(e)) is amended by adding at the end the following:

"(4) FORMER SUB-SAHARAN AFRICAN COUNTRY.—The term 'former sub-Saharan African country' means a country that, after being designated as a beneficiary sub-Saharan African country under this Act, ceased to be designated as such a beneficiary sub-Saharan country by reason of its entering into a free trade agreement with the United States.".

SEC. 8. ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in subsection (d) made on or after October 1, 2000, and before the date of the enactment of this Act.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Secretary of the Treasury within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Secretary to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act, as amended by section 3108 of the Trade Act of 2002 and this Act.

SEC. 9. DEVELOPMENT STUDY AND CAPACITY BUILDING.

(a) REPORTS.—The President shall, by not later than 1 year after the date of the enactment of this Act, conduct a study on each eligible sub-Saharan African country, that—

(1) identifies sectors of the economy of that country with the greatest potential for growth, including through export sales;

(2) identifies barriers, both domestically and internationally, that are impeding growth in such sectors; and

(3) makes recommendations on how the United States Government and the private sector can provide technical assistance to that country to assist in dismantling such barriers and in promoting investment in such sectors.

(b) DISSEMINATION OF INFORMATION.—The President shall disseminate information in each study conducted under subsection (a) to the appropriate United States agencies for the purpose of implementing recommendations on the provision of technical assistance and in identifying opportunities for United States investors, businesses, and farmers.

SEC. 10. ACTIVITIES IN SUPPORT OF INFRASTRUCTURE TO SUPPORT INCREASING TRADE CAPACITY AND ECOTOURISM.

(a) FINDINGS.—The Congress finds the following:

(1) Ecotourism, which consists of—

(A) responsible and sustainable travel and visitation to relatively undisturbed natural areas in order to enjoy and appreciate nature (and any accompanying cultural features, both past and present) and animals, including species that are rare or endangered,

(B) promotion of conservation and provision for beneficial involvement of local populations, and

(C) visitation designed to have low negative impact upon the environment,

is expected to expand 30 percent globally over the next decade.

(2) Ecotourism will increase trade capacity by sustaining otherwise unsustainable infrastructure, such as road, port, water, energy, and telecommunication development.

(3) According to the United States Department of State and the United Nations Environment Programme, sustainable tourism, such as ecotourism, can be an important part of the economic development of a region, especially a region with natural and cultural protected areas.

(4) Sub-Saharan Africa enjoys an international comparative advantage in ecotourism because it features extensive protected areas that host a variety of ecosystems and traditional cultures that are major attractions for nature-oriented tourism.

(5) National parks and reserves in sub-Saharan Africa should be considered a basis for regional development, involving communities living within and adjacent to them and, given their strong international recognition, provide an advantage in ecotourism marketing and promotion.

(6) Desert areas in sub-Saharan Africa represent complex ecotourism attractions, showcasing natural, geological, and archaeological features, and nomad and other cultures and traditions.

(7) Many natural zones in sub-Saharan Africa cross the political borders of several countries; therefore, transboundary cooperation is fundamental for all types of ecotourism development.

(8) The commercial viability of ecotourism is enhanced when small and medium enterprises, particularly microenterprises, successfully engage with the tourism industry in sub-Saharan Africa.

(9) Adequate capacity building is an essential component of ecotourism development if local communities are to be real stakeholders that can sustain an equitable approach to ecotourism management.

(10) Ecotourism needs to generate local community benefits by utilizing sub-Saharan Africa's natural heritage, parks, wildlife reserves, and other protected areas that can play a significant role in encouraging local economic development by sourcing food and other locally produced resources.

(b) ACTION BY THE PRESIDENT.—The President shall develop and implement policies to—

(1) encourage the development of infrastructure projects that will help to increase trade capacity and a sustainable ecotourism industry in eligible sub-Saharan African countries;

(2) encourage and facilitate transboundary cooperation among sub-Saharan African countries in order to facilitate trade;

(3) encourage the provision of technical assistance to eligible sub-Saharan African countries to establish and sustain adequate trade capacity development; and

(4) encourage micro-, small-, and medium-sized enterprises in eligible sub-Saharan African countries to participate in the ecotourism industry.

SEC. 11. ACTIVITIES IN SUPPORT OF TRANSPORTATION, ENERGY, AGRICULTURE, AND TELECOMMUNICATIONS INFRASTRUCTURE.

(a) FINDINGS.—The Congress finds the following:

(1) In order to increase exports from, and trade among, eligible sub-Saharan African countries, transportation systems in those countries must be improved to increase transport efficiencies and lower transport costs.

(2) Vibrant economic growth requires a developed telecommunication and energy infrastructure.

(3) Sub-Saharan Africa is rich in exportable agricultural goods, but development of this industry remains stymied because of an underdeveloped infrastructure.

(b) ACTION BY THE PRESIDENT.—In order to enhance trade with Africa and to bring the benefits of trade to African countries, the President shall develop and implement policies to encourage investment in eligible sub-Saharan African countries, particularly with respect to the following:

(1) Infrastructure projects that support, in particular, development of land transport road and railroad networks and ports, and the continued upgrading and liberalization of the energy and telecommunications sectors.

(2) The establishment and expansion of modern information and communication technologies and practices to improve the ability of citizens to research and disseminate information relating to, among other things, the economy, education, trade, health, agriculture, the environment, and the media.

(3) Agriculture, particularly in processing and capacity enhancement.

SEC. 12. FACILITATION OF TRANSPORTATION.

In order to facilitate and increase trade flows between eligible sub-Saharan African countries and the United States, the President shall foster improved port-to-port and airport-to-airport relationships. These relationships should facilitate—

(1) increased coordination between customs services at ports and airports in the United States and such countries in order to reduce time in transit;

(2) interaction between customs and technical staff from ports and airports in the United States and such countries in order to increase efficiency and safety procedures and protocols relating to trade;

(3) coordination between chambers of commerce, freight forwarders, customs brokers, and others involved in consolidating and moving freight; and

(4) trade through air service between airports in the United States and such countries by increasing frequency and capacity.

SEC. 13. AGRICULTURAL TECHNICAL ASSISTANCE.

(a) IDENTIFICATION OF COUNTRIES.—The President shall identify not fewer than 10 eligible sub-Saharan African countries as having the greatest potential to increase marketable exports of agricultural products to the United States and the greatest need for technical assistance, particularly with respect to pest risk assessments and complying with sanitary and phytosanitary rules of the United States.

(b) PERSONNEL.—The President shall assign at least 20 full-time personnel for the purpose of providing assistance to the countries identified under subsection (a) to ensure that exports of agricultural products from those countries meet the requirements of United States law.

SEC. 14. TRADE ADVISORY COMMITTEE ON AFRICA.

The President shall convene the trade advisory committee on Africa established by Executive Order 11846 of March 27, 1975, under section 135(c) of the Trade Act of 1974, in order to facilitate the goals and objectives of the African Growth and Opportunity Act and this Act, and to maintain ongoing discussions with African trade and agriculture ministries and private sector organizations on issues of mutual concern, including regional and international trade concerns and World Trade Organization issues.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4103, the AGOA Acceleration Act, was ordered favorably reported by the Committee on Ways and Means and was amended by a voice vote on May 5. Once again this bill provides the means for African countries to develop a more prosperous economic environment, a well-grounded rule of law, and efficient and acceptable government practices. I am very pleased that, as in the past, this bill has garnered broad support. Especially I would like to reference the ranking member of the committee, the gentleman from New York (Mr. RANGEL); the chairman, Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE); the ranking member, the gentleman from Michigan (Mr. LEVIN); and the gentleman from Washington (Mr. MCDERMOTT), who has been one of the Committee on Ways and Means' leading advocates for additional assistance and trade to Africa.

□ 1430

I am also pleased to thank the gentleman from California (Mr. ROYCE) of the Committee on International Relations and the gentleman from Illinois (Chairman HYDE) of that committee for the courtesies they extended to us in getting this bill to the floor. The Committee on International Relations indicated there were two provisions in this bill that were under the jurisdiction of the committee. In working with the gentleman from Illinois (Chairman HYDE), I am pleased to indicate that in expediting consideration of the bill, the chairman graciously agreed to forego consideration by that committee, notwithstanding the jurisdiction of that committee, and to exchange letters. And I would include the letters in the RECORD.

Mr. Speaker, there is an urgent need for this bill. A provision allowing the poorest African countries to use third-country fabric and apparel production will expire at the end of September if we do nothing. My plea, I guess, is to a certain extent hopefully heard on the other side of the Capitol by the other body. This bill would extend the provision subject to a cap for 3 years and phase it out in the final year, a pragmatic approach that balances the needs of the African countries while assuring the U.S. industry is not threatened and can even be helped through the development of partnerships, especially in the area of raw materials.

Our bill does not merely extend these benefits. It accelerates Africa's utilization of the original AGOA benefits by expanding African capacity and infrastructure to attract investment in regional fabric production so that Africa can hope to compete in a post-quota world.

One of the best ways the Africans can make themselves competitive is to work with us to achieve trade liberalization in the World Trade Organization. Such liberalization will benefit Africa enormously by reducing the duties it must pay and by facilitating trade. In addition, as long as they are comprehensive, I support ongoing free trade negotiations with the Southern African Customs Union, which will help to deepen and make permanent existing AGOA benefits for Africans in Africa. At the same time, we expect meaningful access to the markets of these African countries for U.S. goods and services in an open trading arrangement.

I believe helping Africa through trade will contribute to more fundamental improvements in governance and of course the overall quality of life in Africa. Critical benefits for our African partners will expire soon if Congress does not take immediate action.

Mr. Speaker, this was delayed a week because of the circumstances surrounding last week. We need to move forward with this legislation. My fervent hope is that with the House acting today in the manner in which I believe we will act, that is, overwhelming bipartisan support, that we can focus the attention of the other body that this is a measure that needs to move expeditiously through both bodies so that we can provide this kind of accelerated help to Sub-Saharan Africa, and I strongly urge my colleagues to support H.R. 4103.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 19, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR CHAIRMAN HYDE: Thank you for your letter regarding H.R. 4103, the "AGOA Acceleration Act of 2004."

As you have noted, the Committee on Ways and Means ordered favorably reported, as amended, H.R. 4103, the "AGOA Acceleration Act of 2004," on Wednesday, May 5, 2004. I appreciate your agreement to expedite the passage of this legislation although it contains two provisions within your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on International Relations with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

Our committees have long collaborated on this important initiative, and I am very pleased we are continuing that cooperation. Your leadership on African issues is critical to the success of this bill and the AGOA program. I appreciate your helping us to move this legislation quickly to the floor.

Finally, I will include the CONGRESSIONAL RECORD a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS, WASHINGTON, DC, MAY 19, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 4103, the "AGOA Acceleration Act of 2004," which was ordered favorably reported, as amended, by the Committee on Ways and Means on Wednesday, May 5, 2004.

As you know, the Committee on International Relations has jurisdiction over matters concerning relations of the United States with foreign nations generally. Sections 10 and 13 of the bill involve U.S. efforts to provide assistance to certain African nations and thus fall within the jurisdiction of the Committee on International Relations. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4103, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

With best wishes, I remain

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. I regret that the gentleman from New York (Mr. RANGEL), who has been a lead sponsor for many years, and the gentleman from Washington (Mr. MCDERMOTT) cannot be here, that there was not able to be worked out accommodations so that they and others who have worked together on a bipartisan bill could be present.

When I talk about the efforts of these gentlemen on a bipartisan basis, I really mean it. The bill was signed originally into law in 2000. It was after years of work and years when it was not at all clear that there could be an agreement regarding trade with African nations. So let me proceed, if I might; and my hope remains that others will still be able to make it. I think under the circumstances, it is going to be exceedingly difficult for them to participate, and I want to express again my regret.

The history of this bill, as I mentioned, is one of effort over the years. And if one looks at what has happened since then, I think one will come to this conclusion: that this has been a useful endeavor, that we needed to open up our relationships with African nations; that we needed to do so on many bases, economic trade being one but an important one, and that there had been for a long time an ignoring of the importance of our relationship with African nations.

I think the last few years have shown that this was an important idea. In terms of our economic relationships, there has been an improvement. There has been a greater flow back and forth. And in trade issues it is important to look at the flow both ways, and in this case there has been an increased amount of activity both from here to Africa and from African nations back to the United States in the billions of dollars.

So this has not been a cure-all, and no one would pretend that it has been or really could be. This has not brought an absolutely new day within African nations or in our relationship. But it has helped; and as a result, a number of countries in Africa have found their exports to the U.S. increasing, and I think that has fortified activities within those countries. And I think there has been mutual benefit. No one should think in trade it is always win-win on all sides. There are impacts both positive and negative; but I think if we look over the general trend, AGOA has been an important step in the right direction.

If we do not pass this legislation, what would happen is that all of a sudden this experiment, this endeavor, this step forward in our relationship would cease. It would mean in the important area of apparel and textiles that African nations would be at a more serious disadvantage with other countries than they might otherwise be. And I think when we look at the overall picture, that would be bad for Africa; and that would be bad for the United States. The quotas come off on apparel and textiles at the end of this year. We need to get ready for that event. I think it is important that we continue this relationship with African countries.

So I urge support for this. It is not wise or prudent for us in this country after these years of AGOA to say that it should end. It is not wise after these years of increasing relationships economically that we say essentially we are turning our back. Again, this is only one factor in relationship to Africa and to African countries. It is only one factor in building up the ties between our two continents that are so important now and for the future. But it has on balance been, I think, an important building block, and I do not think it is wise at all to remove it at this point, and that is what is threatened here.

So I urge support for this. I do so on behalf of the gentleman from New York (Mr. RANGEL). I do so on behalf of the gentleman from Washington (Mr. MCDERMOTT), who also could not be here quite yet, and on behalf of the gentleman from Louisiana (Mr. JEFFERSON). And while I do not speak for those on the other side, I do want to say to the gentleman from California (Mr. ROYCE) and others who have worked so hard on this that I think it is important that we continue this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the chairman of the Africa Subcommittee of the Committee on International Relations.

Mr. ROYCE. Mr. Speaker, as an original sponsor of this legislation, I have welcomed working with the gentleman from California (Chairman THOMAS) and the gentleman from New York (Mr. RANGEL), ranking member; the gentleman from Washington (Mr. MCDERMOTT); the gentleman from Louisiana (Mr. JEFFERSON); the gentleman from Illinois (Mr. CRANE); the gentleman from New Jersey (Mr. PAYNE), and other Members from both sides of the aisle who have been advancing the AGOA program for years now.

Since becoming chairman of the Africa Subcommittee 7 years ago, one of our top priorities has been working to see that Africa does not fall off the edge of the world's economic map; and, frankly, Africa is teetering on that edge. Fortunately, though, AGOA has been a lifeline for Africa to the global economy.

Today, 3 years into the AGOA program, we know that it has worked. Many of us that have worked on this legislation, of course, wish that more African countries and more African industries were taking advantage of AGOA, and we wish they particularly would take advantage of AGOA in agriculture. That is why this legislation includes trade capacity-building provisions, but in a few short years AGOA has managed to draw hundreds of millions of dollars of foreign investment to the continent, creating hundreds of thousands of desperately needed jobs. This makes AGOA the most effective of our development programs for Africa that I am aware of.

Several Members, in fact, have had the opportunity to visit these apparel plants as we have traveled to Africa to see this encouraging development firsthand. Africans are meeting world-class standards for manufactured goods. This makes AGOA a big morale boost for many African countries. AGOA has also encouraged difficult economic reforms as African countries have strived to maintain their eligibility for AGOA.

AGOA has also bolstered our political relations with many African governments. Few African officials that I have met with have not expressed their support and appreciation for AGOA. They almost always begin the meeting by explaining how it has brought economic reform to their country and increased trade with the United States. This is important diplomatic capital that our country has gained through AGOA.

The African continent, frankly, is at a crossroads. The vision many of us have is of an Africa that joins the world economy, the vision that we have had of working for an increasingly stable and democratic Africa that is combating HIV/AIDS and exporting and importing more goods and services, including from America. That is the vision that we share, I think, on this floor.

The other very different path Africa could get stuck on leads to even greater poverty and greater hunger and conflict and, frankly, greater disease and environmental degradation. It is unclear which way Africa is headed. Challenges on the continent are immense. But what is quite clear is that our growing security and economic interests on the continent would suffer greatly should Africa find itself on the downward path.

□ 1445

If the U.S. Congress fails to pass this AGOA legislation before the third country fabric provisions expire in September, as we have heard today, if we fail to extend it for 3 years, we will be undoing much of the good that AGOA has done. Greater competition from China and other countries is coming soon, as apparel trading rules are set to change. Unless we act, this competition will surely wipe out much of Africa's young apparel industry and many African jobs that AGOA has created, and, frankly, it will wipe out much African hope. Already apparel orders for Africa are being canceled because of the uncertainty over Congress' action. We must act. Our credibility as a Nation that takes an interest in the world's poorest countries is on the line. Let us act and do our part to direct Africa away from a path of despair.

Mr. Speaker, I urge my colleagues to support H.R. 4103. I thank the gentleman from Michigan (Mr. LEVIN) and the other Members that have worked with the gentleman from California (Chairman THOMAS) to support this legislation.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 5 minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker. I thank the gentleman from Michigan for his kindness of yielding me this time.

Mr. Speaker, regretfully, I rise to oppose H.R. 4103, the Africa Growth and Opportunity Acceleration Act of 2004. I am deeply concerned by the fact that this bill only deepens the discriminatory U.S. trade policies towards sub-Saharan African nations created by the original 2000 act, Public Law 106-200. It is indefensible, Mr. Speaker, that the Africa Growth and Opportunity Act has been and remains the only U.S. trade program under which countries must be annually certified as meeting an extensive list of unilateral, and, frankly, counterproductive conditions before being granted benefits.

Other U.S. preferential trade programs with Andean countries, Caribbean and Central American nations contain a more limited set of conditions and nations are considered eligible throughout the term of the program unless action is taken to petition them out. The Africa Growth and Opportunity Act sets a double standard for Africa.

Some of the most outrageous conditional adversities of H.R. 4103 include, first, sub-Saharan African countries must pursue policies that are deemed to be in line with U.S. national security and foreign policy interests, even if those interests run contrary to U.S. national security or foreign policy interests in the interest of domestic security within their own nations. It does not mean that they are against U.S. national security interests, it simply means they have their own national security interests that must be concerned and paramount for their governments.

Second, a further undermining of sovereignty by insisting on liberalization and privatization policies, such as water privatization. Now, imagine that; the privatization of water in sub-Saharan Africa, where increasingly there are a number of droughts. Who would come up with the idea that privatization policies, such as water privatization, should be a priority in H.R. 4103? But it is in this legislation. The removal of state controls on foreign investments, price controls and subsidies.

Third, the unilateral requirement that U.S. investors doing business in African Growth and Opportunity countries must be granted national investor status.

Fourth, countries must provide full legal protection and enforcement for intellectual property rights, including the private ownership of African seeds and animal genetic materials.

H.R. 4103 ignores the most serious existing problems of the Africa Growth and Opportunity Act, which I opposed in 2000. I might add, Mr. Speaker, I was one of a handful of members of the Congressional Black Caucus that opposed the Africa Growth and Opportunity Act for these reasons. I might add that an overwhelming number of members of the Congressional Black Caucus, including the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. JEFFERSON) and others, are supportive of AGOA.

This bill, however, continues to impose upon African nations a set of policies that have been proven to undermine development, but benefit U.S. multinational corporations and foreign investors, in exchange for meager market access benefits.

This bill in 2000 was sold to the American people as trade, not aid; a helping hand, but not a handout. But by eliminating these conditionalities and the annual review, I am convinced this is the only way to ensure equal treatment for our African trading partners, as we have sought to create equal treatment for Andean, Caribbean and Central American nations as well. Why the double standard for Africa? Why the annual recertification of African partners, if in fact we believe that these African nations are our genuine and honest partners?

If we are to attach any conditions to the Africa Growth and Opportunity Act Program, our interests, from my perspective, would far better be served by an insistence on better treatment for factory workers and stronger legal protections for union activities in these countries. If we genuinely expect trade to help lift people out of poverty, we cannot continue to burden these countries with rules and requirements that undermine development and leave workers powerless to fight the exploitation and abuse that is an integral part of the corporate race to the bottom.

For these reasons, Mr. Speaker, I respectfully cannot support H.R. 4103.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Michigan for his leadership on trade issues, and I want to echo the words of the gentleman from Illinois (Mr. JACKSON) in his opposition to H.R. 4103.

H.R. 4103 represents another lost opportunity in terms of international trade, in terms of our dealings with Africa. We have failed Africa in this body on aid issues; we have failed Africa in this body on trade issues. This lost opportunity of H.R. 4103 is embodied in the fact that we could have lifted up standards for African workers and for American workers and for our trade agreements and trade relations. But what is embodied in H.R. 4103 runs through our entire trade policy.

The gentleman from Illinois (Mr. JACKSON) talked about loss of sovereignty in the developing world; that we have through various kinds of programs for all kinds of trade adjustments, all kinds of other issues, what has run through our programs is loss of sovereignty, the push to privatization in these countries. He mentioned privatization of their water system, that we have come in through structural adjustment and other programs, forcing cutting of health benefits, cutting of education benefits. We have lost opportunity in H.R. 4103 to allow and encourage and push in allowing unionization, allowing the ability to bargain collectively and to organize in the developing world.

Instead, we are, as the gentleman said, engaging in a corporate race to the bottom. We have done that with the North American Free Trade Agreement, we have done it with our trade agreements with Singapore and Chile. We did it 4 years ago with the first round of AGOA. We are doing it again today.

Instead, the gentleman from Illinois (Mr. JACKSON) introduced 4 years ago what would be a prototype on trade agreements, to lift up standards, to encourage unionization, to have international labor organization standards, to have environmental standards, to have food safety standards, to guarantee sovereignty, to move away from the kinds of privatization and undercutting sovereignty that we have too often done through structural adjustment and other methods in the developing world.

This H.R. 4103, the acceleration of AGOA, only hurts the developing world, only hurts U.S. workers. Ultimately it helps in the corporate race to the bottom, it helps add to corporate coffers, corporate profits. It does nothing for workers in Africa or in the United States.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me time.

I was going to make the point that under AGOA, and there are 37 countries that have qualified for the African Growth and Opportunity Act, this act is supported in fact by all the governments of Africa. We have heard from their diplomatic corps. We have heard that increased trade from Africa as a result of this act, drastically increased trade, has been a win for Africa and has been a win for the United States.

But I did want to clarify one point. There have been no countries that have been dropped from this list because of water issues or questions about privatization of water, and there certainly have been no countries dropped because of intellectual property rights issues.

The one case of a country that was dropped from eligibility for AGOA is the case of Eritrea. In this particular instance, it goes to the issue of human rights, and human rights, because this is a unilateral trade preference granted these governments, there is an expectation that they will conform to worldwide, accepted practices.

Now, this is not just an issue with the United States; this is an issue worldwide. I would just take, for example, the case of Aster Yohannes, who was studying here in the United States. She went back to see her children in Eritrea and was arrested at the airport. Before making that trip, she checked with the ambassador from Eritrea, she was given assurances she could safely go back to her country. She checked with me and I talked with the ambassador, and in writing I was given this assurance. This is not just, as I say, an issue with the United States, these human rights abuses. They are worldwide, because the entire press corps has been arrested in Eritrea, the political opposition has been arrested.

So under these particular circumstances, it is not just the U.S., but the world community, that has launched a campaign to try to have some reform in Eritrea, and this is why it is not on the list. I thought it would be good to take a moment to explain that, and also explain that it does not go to the issue of national security inside Eritrea, it goes to human rights.

The last point I just wanted to make is that many of these apparel jobs in Africa will otherwise go to China if we do not follow forward and extend AGOA, the provision for third country fabric in AGOA. I think all of the Members here understand how important this particular program of AGOA has been to the continent, and would like to move forward. So I urge passage of this legislation.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very briefly, I am glad the gentleman from California (Mr. ROYCE) described the general structure of AGOA. I think that is sometimes lost. It operates within essentially the GSP system. So there are provisions and there are safeguards, as mentioned, relating to human rights, and the same is true if our country pursues them relating to core labor standards.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will place in the record a statement of administration policy. It starts, "The administration strongly supports House passage of H.R. 4103."

I would say to my colleague from Illinois and my colleague from Ohio, that I do not see on the floor, that this broad-based, bipartisan coalition is always open to having pointed out our inability to be as responsive to Africa as perhaps many would want. One of my responses back would be, notwithstanding all of the things that need to be done, this was a piece of legislation that languished for a long time.

To the degree that we can do better, we always want to focus on doing better. But with the underlying provisions expiring in September, what we need is momentum now, with an understanding that far more needs to be done. This is the start of a positive, cooperative, mutually beneficial relationship with a portion of Africa, here sub-Saharan Africa. It ought not to be the only legislation that we ever consider and that we need to work together to move forward.

□ 1500

But it is the only legislation available within the time frame prior to the expiration of the current legislation.

So I would tell my friend, the gentleman from Illinois, that I look forward to working with him on additional pieces of legislation, with the understanding that our goal is to be bipartisan and make law. What we cannot do in dealing with Africa is to be partisan and make statements. That has gone on far too long.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the African Growth and Opportunity Act, H.R. 4103 and am a co-sponsor of the legislation. The African Growth and Opportunity Act (AGOA) authorizes the President to provide duty-free treatment under the U.S. Generalized System of Preferences (GSP) for any article when imported from African countries if the United States Trade Representative (USTR) and the United States International Trade Commission (USITC) have determined that the article is not import sensitive with respect to imports from sub-Saharan African (SSA) countries.

On December 21, 2000, the President extended duty free treatment under GSP to AGOA-eligible countries for more than 1,800 tariff line items in addition to the standard GSP list of approximately 4,600 items available to non-AGOA GSP beneficiary countries. The duty-free treatment for the additional 1,800 products available to AGOA countries only, implemented after an extensive process of public comment and review, include such previously GSP-excluded items as footwear, luggage, handbags, watches, and flatware.

Currently, only a small number of countries receive substantial benefits, and Least Developed Countries (LDCs) that do not receive preferences for clothing have yet to see an impact of AGOA on their overall exports.

However, the benefits from exporting clothing under AGOA appear fragile in the face of the removal of quotas in the United States on major suppliers, such as China, at the end of 2004, and the planned removal of the liberal rules of origin that allow for the global sourcing of fabrics from least-cost locations.

While the general business climate has improved since the passage of AGOA, the steady growth in the petroleum and mining sectors probably would have occurred due to other market factors. Also, growth in these sectors produces relatively low direct benefits to Africa's poor. Currently, one third of Africa's population is undernourished and nearly half live on less than $1 a day. Most of the poor live in rural areas and depend largely on agriculture, which accounts for 35 percent of sub-Saharan Africa's gross domestic product, 40 percent of its exports, and 70 percent of its employment. Expanding AGOA's application to African agriculture would have a significant impact on reducing hunger and poverty, and therefore on improving overall conditions in sub-Saharan Africa. The International Food Policy Research Institute estimated that a 1 percent increase in agricultural productivity would raise the income of six million African people above $1 per day. A $1 increase in agricultural production generates about $2.32 in economic growth. Thus, expanding market access and lowering trade barriers for African agricultural products through AGOA will have the greatest impact, not only on the poorest people in SSA but also on national economies.

AGOA has laid a strong foundation for dialogue and partnership between U.S. and African governments and businesses. It fosters an environment that is stimulating new development and investments in SSA. The annual U.S.-Sub-Saharan Africa Trade and Economic Cooperation Forum, along with the parallel events sponsored by business and civil society groups, facilitate contacts and strengthen relationships. There is also an increased understanding within Africa of the complexities, challenges and opportunities of economic and political reform, which will enable African business to be more competitive in the global economy. Yet all of these accomplishments remain only the first steps toward what many hope will be a much fuller and more mutually beneficial trade and investment engagement between Africa and the United States.

Inclusion of textile products with appropriate labor and U.S. industry input, and a number of high-duty agricultural products would also help to broaden the range of opportunities for African exporters in the U.S. market.

Mr. Speaker, for the reasons above, I support the passage of this bill and urge my colleagues to do the same.

Mr. MCDERMOTT. Mr. Speaker, Africa stands taller and prouder today. From Lesotho, to Nigeria, to Uganda, Sub-Saharan African nations joined together and spoke as one. Their voice was eloquent and urgent, and America listened.

Today, 400 million Africans live on less than a dollar a day. But there is great promise for the future. Today, HIV/AIDS claims millions of lives in Sub-Saharan Africa. But there is hope for the future.

Today, Sub-Saharan Africa looks inward to make the social, political and economic changes that will rekindle its pre-eminence on a great continent.

All that Africa is, all that Africa represents, has inspired and united the political parties in the House of Representatives.

Africa bridged America's political divide with a profound affirmation of its past and a persuasive optimism about its future.

For the first time in a long time, Democrats and Republicans in the People's House did not cross swords.

Instead, we locked arms and reached for something bigger than any one political leader or party.

Today, America spoke as one people-extending our hands, our hearts, ourselves, to the nations of Sub-Saharan Africa.

The winds of change are blowing across the Serengeti, and America has joined the voices of Africa's leaders.

By overwhelming passing AGOA, the House of Representatives has affirmed that Africa's Destiny is within Africa's reach.

The Trade opportunities AGOA provides will continue Sub-Sahara Africa's economic development.

Every new step taken to develop these economies is another stride toward self-sufficiency.

AGOA is a stride toward a better life for millions of African people.

AGOA is a blow to the spread of HIV/AIDS, a pandemic that threatens to rob Africa of its brightest promise—its people.

AGOA will expand trade which in turn will attract new capital and encourage the development of new infrastructure.

Roads bring goods to market and roads will bring visitors to Eco-tourism parks.

The majesty of a lion roaming free in Africa's great nature parks will be Africa's symbol of a great continent awakening.

The nobility, grace and dignity of a great nation distant land is closer to us today.

We should all be proud that the People's House reached across the ocean in friendship and joined Africa on its journey to reach its deserved destiny.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4103, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4103, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 97) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The Clerk read as follows:

H.J. RES. 97

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of this bill, I support extending sanctions on Burma for an additional year within the framework enacted into law last year under the Burmese Freedom and Democracy Act.

Mr. Speaker, I generally do not believe in unilateral trade sanctions. They are often emotional responses to atrocious acts and have unintended consequences, oftentimes harming the people that we, in fact, were seeking to assist. For example, the State Department notes that the Burma import restrictions have caused 50,000 to 60,000 workers in Burma to lose their jobs. These people were not narrowly helped by the sanctions.

But, at the same time, the actions of the ruling junta in Burma continue to be unacceptable. I believe sanctions are appropriate if the circumstances are, 1, limited; 2, targeted; 3, reexamined yearly, and if we continuously analyze them to make sure they are not causing more harm than good. We must also examine the question of harm and good in short term and in long term.

The law passed last year requires the administration to issue a report on whether sanctions have been effective in improving conditions in Burma and furthering U.S. objectives. The State Department, in its first report, states that the sanctions represent "a clear and powerful expression of American opposition to the developments in Burma over the past year." The Department observes that the overall human rights record in Burma has worsened over the past year. While the junta has made some apparently superficial efforts toward democracy with its "road map," it does not appear that Burma is on the road to true, fundamental democratic reform.

The State Department's report, however, also notes that no other country has implemented the same set of economic sanctions as the United States; and the U.S. import ban would be, according to the report, "far more effective" if other countries would do the same.

So, Mr. Speaker, although I support the extension of the sanctions for 1 year, I strongly encourage this administration to pursue a more aggressive multilateral sanctions approach in Burma. That government must be truly isolated. It is vital that the administration work with other countries to reach multilateral sanctions. This effort is key if we are to continue sanctions against Burma.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. I also believe that a more multilateral approach is in order. I also think as we discuss Burma, we should look at the experience that international bodies are having, including the ILO and the inability of the ILO, as it is presently structured, to proceed with any real teeth. I think that emphasizes why the United States, as we put forth and put together trade agreements, should incorporate into these trade agreements provisions that relate to the work, for example, of the ILO and core labor standards.

I support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS), the distinguished ranking member, and I ask unanimous consent that he control the balance of the time on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of House Joint Resolution 97, and I yield myself such time as I may consume.

Mr. Speaker, I would first like to express my appreciation to my friend and fellow Californian, (Chairman BILL THOMAS), for his assistance in moving this legislation to the floor so expeditiously, and to my colleagues, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN), for their leadership on Burma and for granting me the privilege of managing this bill today for the Democratic side.

Mr. Speaker, a year ago, the Burmese regime launched a brutal crackdown on Burmese democratic leader Aung San Suu Kyi and other members of the National League for Democracy. Burma's authoritarian ruler simply could not accept the fact that Aung San Suu Kyi remained enormously popular a dozen years after the government nullified the fair and free elections that she won.

Just 10 months ago, Mr. Speaker, President Bush signed into law my bill imposing comprehensive sanctions on Burma. My legislation was approved by this House overwhelmingly, 418 ayes to 2 noes.

Sadly, the case for a tough approach toward Burma, including import sanctions, is even stronger today than a year ago. Countless National League for Democracy leaders remain behind bars. Aung San Suu Kyi, a woman of extraordinary courage, is locked inside her house and there is little prospect that the Burmese junta will engage in meaningful dialogue with the National League for Democracy and other democratic leaders.

In fact, Mr. Speaker, the Burmese regime is currently holding a "national convention" to write a new constitution for Burma. The meeting itself is a complete and utter sham. The Burmese leadership refused to let Aung San Suu Kyi participate, apparently afraid that her eloquent words would convince the delegates to move towards democracy and away from dictatorship.

For that reason, Mr. Speaker, I am pleased that the House is moving forward with this bipartisan initiative to renew Burma import sanctions. Burma's ruling elite, who have a questionable direct financial tie to most enterprises in Burma, must understand that they will be unable to enrich themselves off the American consumer.

To those who argue that the sanctions have not worked, I have two responses. First, when Congress imposed import sanctions on Burma, we fully understood that such measures might take years, if not decades, to bring change to Burma, certainly not 10 months. If 10 months were the standard duration for American import sanctions, South Africans would still be governed by the apartheid regime, and Libya would have developed and deployed nuclear weapons instead of surrendering them to the United States.

Second, the United States must make it a top priority to convince our key allies in Europe and in Asia to adopt import sanctions on the Burmese regime. Unfortunately, the executive branch has made little or no effort to accomplish this important task. If sanctions fail to quickly bring change to Burma, it is not because they represent the wrong approach; it is because high-level administration officials have not picked up the phone to urge our European Union counterparts to adopt targeted import sanctions on Burma.

While we would all like to see a negotiated solution to Burma's political crisis, we cannot be naive enough to believe that Burma's leaders have changed their stripes. They have no intention of allowing Aung San Suu Kyi, a woman they tried to kill just a few months ago, to participate meaningfully in free and fair elections, let alone to transfer power to her political party.

If I am proven wrong, Mr. Speaker, and Burma's ruling thugs win the Noble Peace Prize in 2005 for working out an agreement with the opposition, we will have plenty of time to express our congratulations and to lift sanctions at that point. Until then, we must ratchet up pressure on the Burmese thugs who are running that country and assure that our allies do so as well.

Mr. Speaker, we all look forward to a day when we will welcome Aung San Suu Kyi to Washington as the leader of a free and democratic Burma. She will follow in the footsteps of Vaclav Havel of the Czech Republic and of all of the other leaders who fought for freedom in Central and Eastern Europe. But we will achieve that goal only by maintaining strong pressure on Burma's ruling dictatorial clique and convincing our allies to do so as well.

I strongly support this legislation, and I urge all of my colleagues to do so as well.

Mr. Speaker, I again want to thank the gentleman from California (Chairman THOMAS) for his extraordinary leadership on this issue, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague for the kind words. I too want to make sure that the record reflects that the gentleman from California (Mr. LANTOS) once again shows that his concern is in the forefront for peoples all over the world and simply for their ability, their right to express themselves.

I strongly urge passage of H.J. Res. 97.

Mr. LEACH. Mr. Speaker. I rise in support of H.J. Res. 97, a measure to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. At the outset, let me express my appreciation to the leadership of the distinguished Chairmen and Ranking Members of both the International Relations and Ways and Means Committees for moving this resolution on a timely basis.

On March 25, the Subcommittees on Asia held its third hearing in 2 years on developments in Burma. Unfortunately, it was made clear during the course of the hearing that Burma made little progress toward democratic reform in the past year, and in fact the country has yet to return to even the admittedly low, but hopeful status it had achieved prior to the May 30 attack on democracy activist Aung San Suu Kyi and other members of the National League for Democracy (NLD).

Indeed, as many suspected would be the case, Burmese Prime Minister Khin Nyunt's announcement of a seven-point "road map" for political reconciliation in the fall of 2003 has been revealed to be a sham. Burma's military junta, known as the State Peace and Development Council, has proceeded with a so-called National Convention despite the non-participation of the National League for Democracy (NLD), and without freeing the NLD's leader Aung San Suu Kyi. In so doing the Burmese military leadership has exposed for all to see its determination to push for a new constitution that would legitimize its dominance and control over the country's politics and governance, even under a future "civilian" administration.

As my colleagues understand, Burma presents one of the most complicated and vexing foreign policy challenges in Asia for the United States and the world community. Numerous political prisoners remain in detention, including one of the most remarkable and courageous leaders of our time, Aung San Suu Kyi. The issue is how can the U.S. best secure their release and help start a meaningful political dialogue in Burma, while also endeavoring to advance a panoply of other priorities, including stable democratic governance, human rights, counternarcotics, regional stability, combating the HIV/AIDS pandemic, as well as economic and human development more broadly.

In this context, it is self-evident that the U.S. is confronted by multiple dilemmas in pursuing our objectives in Burma. For illustrative purposes, I would note just a few: the strongly nationalistic, self-centered outlook of the ruling regime; the reliance by the military elite on an illicit, underground economy for power and survival; the inability of major industrial countries to agree on comprehensive sanctions as the basis for a common strategy; competition for geopolitical influence in Burma between China and India; and the ongoing humanitarian crisis for the people of Burma—including for the hundreds of thousands of internally displaced ethnic minority groups along the country's borders—that calls out for a more robust and humane international response.

Nevertheless, in response to repeated efforts by the ruling military to thwart the democratic aspirations of the Burmese people as well as to ongoing serious human rights violations, the U.S. has been compelled to utilize sanctions and coercive diplomacy as the centerpiece of our policy. Given the deeply disappointing lack of progress in Burma over the past year, there is no credible option at this time but to renew current sanctions.

Here it is critically important for Congress and the Administration to reaffirm our unflinching support for those who want freedom in Burma. We honor the leadership of Aung San Suu Kyi and her colleagues in the pro-democracy movement, including representatives of Burma's numerous ethnic minorities. The American people stand with the people of Burma in a common determination to see decent democratic governance and national reconciliation in Burma.

I urge support for the resolution.

Mr. SOUDER. Mr. Speaker, too often in this world, evil is not called evil. In our rush not to offend others or to avoid making judgments, speech is couched in euphemisms or soft tones. Evil is ignored or glossed over.

Last year, the United States saw evil in Burma. And last year, the United States had the courage and conviction to call evil by its name. Last year, the United States Congress and President Bush imposed harsh sanctions on the military dictatorship controlling Burma.

Some may say that the term evil is too harsh or that it is offensive, but in my estimation, there is no other word for what is happening right now in Burma. Men are routinely pressed into forced labor for the military. Women are raped and beaten. Countless children have been orphaned. Villages suspected of resistance are burned. Food is confiscated or destroyed. Hundreds of thousands of people are displaced in Burma and surrounding countries. And anyone can be thrown into prison at anytime for the slightest infraction or for no reason at all.

Last week, we heard a lot about freedom. We heard that millions of people are now living in freedom because the Cold War came to an end because of the unrelenting pressure Ronald Reagan brought to bear against the Soviet Union. It is easy to think that because the Cold War is over, freedom has completely triumphed. Sadly, that is not the case. Millions of people, including the people of Burma, still live under the lash of dictatorship.

In 2003, the Burmese Freedom and Democracy Act passed this House by a vote of 418–2. Four hundred eighteen Members recognized the junta's evil deeds and voted to isolate Burma from the outside world. This Congress and this Administration realize that putting pressure on the dictatorship will hasten its demise almost as certainly as did American pressure on the Soviet Union.

The United States was once nobly described as a shining city on a hill. Indeed, millions of people around the world look to the United States as a beacon of liberty. We must shine our light of freedom wherever freedom and justice are denied and wherever evil is present.

Today, we have the opportunity to send a message to the people of Burma and to the rest of the world. By extending the sanctions the United States imposed on Burma last year, we declare there is still evil in Burma, and it is unacceptable.

I urge all of my colleagues to vote "yes" on H.J. Res. 97.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 97.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of House Joint Resolution 97.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1515

STROKE TREATMENT AND ONGOING PREVENTION ACT

Mr. PICKERING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3658) to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stroke Treatment and Ongoing Prevention Act".

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT REGARDING STROKE PROGRAMS.

(a) STROKE EDUCATION AND INFORMATION PROGRAMS.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART R—STROKE EDUCATION, INFORMATION, AND DATA COLLECTION PROGRAMS

"SEC. 399AA. STROKE PREVENTION AND EDUCATION CAMPAIGN.

"(a) IN GENERAL.—The Secretary shall carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment.

"(b) AUTHORIZED ACTIVITIES.—In implementing the education and information campaign under subsection (a), the Secretary may—

"(1) make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency;

"(2) provide education regarding ways to prevent stroke and the effectiveness of stroke treatment; and

"(3) carry out other activities that the Secretary determines will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care.

"(c) MEASUREMENTS.—In implementing the education and information campaign under subsection (a), the Secretary shall—

"(1) measure public awareness before the start of the campaign to provide baseline data that will be used to evaluate the effectiveness of the public awareness efforts;

"(2) establish quantitative benchmarks to measure the impact of the campaign over time; and

"(3) measure the impact of the campaign not less than once every 2 years or, if determined appropriate by the Secretary, at shorter intervals.

"(d) NO DUPLICATION OF EFFORT.—In carrying out this section, the Secretary shall avoid duplicating existing stroke education efforts by other Federal Government agencies.

"(e) CONSULTATION.—In carrying out this section, the Secretary may consult with organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

"SEC. 399BB. PAUL COVERDELL NATIONAL ACUTE STROKE REGISTRY AND CLEARINGHOUSE.

"The Secretary, acting through the Centers for Disease Control and Prevention, shall maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse by—

"(1) continuing to develop and collect specific data points and appropriate benchmarks for analyzing care of acute stroke patients;

"(2) collecting, compiling, and disseminating information on the achievements of, and problems experienced by, State and local agencies and private entities in developing and implementing emergency medical systems and hospital-based quality of care interventions; and

"(3) carrying out any other activities the Secretary determines to be useful to maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse to reflect the latest advances in all forms of stroke care.

"SEC. 399CC. STROKE DEFINITION.

"For purposes of this part, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

"SEC. 399DD. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $5,000,000 for each of fiscal years 2005 through 2009.".

(b) EMERGENCY MEDICAL PROFESSIONAL DEVELOPMENT.—Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

"SEC. 1251. MEDICAL PROFESSIONAL DEVELOPMENT IN ADVANCED STROKE AND TRAUMATIC INJURY TREATMENT AND PREVENTION.

"(a) RESIDENCY AND OTHER PROFESSIONAL TRAINING.—The Secretary may make grants to public and nonprofit entities for the purpose of planning, developing, and enhancing approved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical services professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation.

"(b) CONTINUING EDUCATION ON STROKE AND TRAUMATIC INJURY.—

"(1) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to qualified entities for the development and implementation of education programs for appropriate health care professionals in the use of newly developed diagnostic approaches, technologies, and therapies for health professionals involved in the prevention, diagnosis, treatment, and rehabilitation of stroke or traumatic injury.

"(2) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to qualified entities that will train health care professionals that serve areas with a significant incidence of stroke or traumatic injuries.

"(3) APPLICATION.—A qualified entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with amounts received under the grant.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'qualified entity' means a consortium of public and private entities, such as universities, academic medical centers, hospitals, and emergency medical systems that are coordinating education activities among providers serving in a variety of medical settings.

"(B) The term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

"(c) REPORT.—Not later than 1 year after the allocation of grants under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of activities carried out with amounts received under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2005 through 2009. The Secretary shall equitably allocate the funds authorized to be appropriated under this section between efforts to address stroke and efforts to address traumatic injury.".

SEC. 3. PILOT PROJECT ON TELEHEALTH STROKE TREATMENT.

(a) ESTABLISHMENT.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330L the following:

"SEC. 330M. TELEHEALTH STROKE TREATMENT GRANT PROGRAM.

"(a) GRANTS.—The Secretary may make grants to States, and to consortia of public and private entities located in any State that is not a grantee under this section, to conduct a 5-year pilot project over the period of fiscal years 2005 through 2009 to improve stroke patient outcomes by coordinating health care delivery through telehealth networks.

"(b) ADMINISTRATION.—The Secretary shall administer this section through the Director of the Office for the Advancement of Telehealth.

"(c) CONSULTATION.—In carrying out this section, for the purpose of better coordinating program activities, the Secretary shall consult with—

"(1) officials responsible for other Federal programs involving stroke research and care, including such programs established by the Stroke Treatment and Ongoing Prevention Act; and

"(2) organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The Secretary may not make a grant to a State or a consortium under this section unless the State or consortium agrees to use the grant for the purpose of—

"(A) identifying entities with expertise in the delivery of high-quality stroke prevention, diagnosis, treatment, and rehabilitation;

"(B) working with those entities to establish or improve telehealth networks to provide stroke treatment assistance and resources to health care professionals, hospitals, and other individuals and entities that serve stroke patients;

"(C) informing emergency medical systems of the location of entities identified under subparagraph (A) to facilitate the appropriate transport of individuals with stroke symptoms;

"(D) establishing networks to coordinate collaborative activities for stroke prevention, diagnosis, treatment, and rehabilitation;

"(E) improving access to high-quality stroke care, especially for populations with a shortage of stroke care specialists and populations with a high incidence of stroke; and

"(F) conducting ongoing performance and quality evaluations to identify collaborative activities that improve clinical outcomes for stroke patients.

"(2) ESTABLISHMENT OF CONSORTIUM.—The Secretary may not make a grant to a State under this section unless the State agrees to establish a consortium of public and private entities, including universities and academic medical centers, to carry out the activities described in paragraph (1).

"(3) PROHIBITION.—The Secretary may not make a grant under this section to a State that has an existing telehealth network that is or may be used for improving stroke prevention, diagnosis, treatment, and rehabilitation, or to a consortium located in such a State, unless the State or consortium agrees that—

"(A) the State or consortium will use an existing telehealth network to achieve the purpose of the grant; and

"(B) the State or consortium will not establish a separate network for such purpose.

"(e) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to any applicant that submits a plan demonstrating how the applicant, and where applicable the members of the consortium described in subsection (d)(2), will use the grant to improve access to high-quality stroke care for populations with shortages of stroke-care specialists and populations with a high incidence of stroke.

"(f) GRANT PERIOD.—The Secretary may not award a grant to a State or a consortium under this section for any period that—

"(1) is greater than 3 years; or

"(2) extends beyond the end of fiscal year 2009.

"(g) RESTRICTION ON NUMBER OF GRANTS.—In carrying out the 5-year pilot project under this section, the Secretary may not award more than 7 grants.

"(h) APPLICATION.—To seek a grant under this section, a State or a consortium of public and private entities shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require each such application to outline how the State or consortium will establish baseline measures and benchmarks to evaluate program outcomes.

"(i) DEFINITION.—In this section, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2005, $13,000,000 for fiscal year 2006, $15,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, and $4,000,000 for fiscal year 2009.".

(b) STUDY; REPORTS.—

(1) FINAL REPORT.—Not later than March 31, 2010, the Secretary of Health and Human Services shall conduct a study of the results of the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the grant program outcomes, including quantitative analysis of baseline and benchmark measures.

(B) Recommendations on how to promote stroke networks in ways that improve access to clinical care in rural and urban areas and reduce the incidence of stroke and the debilitating and costly complications resulting from stroke.

(C) Recommendations on whether similar telehealth grant programs could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS.—The Secretary of Health and Human Services may provide interim reports to the Congress on the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) at such intervals as the Secretary determines to be appropriate.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the Secretary of Health and Human Services to establish Federal standards for the treatment of patients or the licensure of health care professionals.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Mississippi (Mr. PICKERING) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. PICKERING).

GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PICKERING. Mr. Speaker, I yield myself such time as I may consume.

As one of the sponsors of this bill and serving on the Committee on Energy and Commerce, I would like to begin by commending all those who have worked to bring this legislation to the House floor. I would like to extend a special thanks to my colleague and sponsor, the gentlewoman from California (Mrs. CAPPS), as well as Committee on Energy and Commerce Chairman, the gentleman from Texas (Mr. BARTON); subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS); subcommittee ranking member, the gentleman from Ohio (Mr. BROWN), and committee staff for their tireless efforts to move this important legislation.

As a personal point of privilege, I would like to commend my staff Mary Mills Lane and before her Jason Dedwylder for their long and good work on this legislation.

Despite significant advances in the diagnosis, treatment and prevention, stroke remains the Nation's No. 3 killer and a leading cause of long-term disability. According to the American Heart Association, on the average every 45 seconds someone in the United States has a stroke. Every year 700,000 Americans suffer a stroke, and 164,000 lose their lives. My home State of Mississippi ranks seventh highest in terms of death rates from stroke. Approximately 2,000 individuals in Mississippi alone lost their lives to stroke in 2000.

Not only are individuals losing their lives, but today 4.7 million Americans are stroke survivors, and as many as 30 percent are permanently disabled, requiring extensive and costly care. It is expected that strokes will cost the Nation $53.6 billion in 2004, including $33 billion in direct costs and $20.6 billion in indirect costs.

Prompt treatment of patients experiencing stroke can save lives and reduce disability, yet thousands of stroke patients do not receive the care they need.

Additionally, most Americans cannot identify the signs of stroke, and even emergency medical technicians are often not taught how to recognize and manage the symptoms. Even in hospitals, stroke patients often do not receive the care that could save their lives.

The STOP Stroke Act is the first step to removing these barriers to quality stroke care in order to save lives and reduce disability.

This legislation addresses a number of significant barriers to quality stroke care, including low public awareness, lack of necessary infrastructure, low awareness among medical professionals and a lack of adequate data collection.

This bill authorizes a national public information campaign to educate the public about stroke, how to reduce risk, recognize the warning signs and seek emergency treatment as soon as symptoms occur.

This legislation also authorizes the Paul Coverdell Stroke Registry and Clearinghouse to collect data about the care of acute stroke patients and foster the development of effective stroke care systems.

The clearinghouse will serve as a resource for States seeking to design and implement their own stroke care. It will help build systems to collect, analyze and disseminate information and will build on the efforts of other communities to establish similar systems.

The STOP Stroke Act will provide grants for public and nonprofit entities to develop and implement continuing education programs and the use of new diagnostic approaches, technologies and therapies for the prevention and treatment of stroke.

Finally, this bill authorizes a telehealth stroke treatment pilot project to support States' efforts to develop comprehensive networks to improve stroke prevention, treatment and rehabilitation. These grants will allow States to identify stroke centers, improve communications networks that bring stroke care to rural areas and decrease response time.

The time has come for a bill to stop the incidences, the high rates of stroke. This bill is past due. We are in a situation where stroke rates are on the rise, and we must now act to address the issues that are going to help us match resources with the growing need to prevent and treat this devastating illness.

I look forward to working with my colleagues in the Senate to properly move similar legislation that previously passed by unanimous consent in the last Congress. I urge my House colleagues to vote for this bill.

And as a point of personal privilege, I want to commend all of this work, my own work, to the memory of my grandparents, my mama and papa, my papa suffered from a stroke, and all those family members all across this country who have lost someone to a stroke and have watched their family care and love those who have been affected. I hope that this can help provide the resources and the information as all the country comes together to help those, first to prevent stroke and to care for those who have been the victims of stroke.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to myself.

Mr. Speaker, I want to begin by thanking my colleagues, the gentlewoman from California (Mrs. CAPPS), who is a registered nurse and who has been a leader in this body in health care, and the gentleman from Mississippi (Mr. PICKERING). Because of their leadership, we have the opportunity to pass legislation today that can prevent disability and save lives.

I would like to commend majority counsel Cheryl Jaeger for her good work and minority counsel John Ford for his good work on this bill.

Stroke, as we know, is the third leading cause of death in this country and a major cause of severe, long-term disability. Though stroke affects all kinds of Americans, stroke death rates are substantially higher for African Americans. An effective response to stroke, therefore, is an important opportunity to address the troubling health disparities that we see in this country all too often. In all, about 700,000 Americans will have a stroke this year. That is one every 45 seconds. A stroke will kill one American every 3 minutes.

Perhaps the most disheartening fact, however, is that this suffering is largely preventable. Early detection drastically reduces the harm from stroke. The risk of paralysis and other disabilities is reduced by 30 percent if stroke victims are detected within the first 3 hours. Unfortunately, only 10 percent of stroke victims are treated in this time period in part because only one of five Americans can readily identify the symptoms of a stroke.

In a health care symptom as sophisticated as ours, as high tech as ours, this is certainly simply not acceptable. The Stroke Treatment and Ongoing Protection Act will provide the public with the information necessary to recognize early signs of stroke and drastically reduce the chance of disability or death. The bill will educate medical personnel to help them improve their diagnosis and treatment of stroke victims, and it will help States develop a network to improve stroke prevention and treatment and rehabilitation.

EMTs, doctors and nurses have helped close to 5 million people survive a stroke. A strong network of advocates led by the American Heart Association has helped millions more take the steps necessary to reduce their risk of having a stroke. The Stroke Treatment and Ongoing Prevention Act would strengthen these efforts and help us fight this debilitating and deadly disease.

I urge my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PICKERING. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I rise today in support of H.R. 3658, the Stroke Treatment and Ongoing Prevention Act of 2004. Thousands of American families have had their lives touched by the tragedy of stroke. In July of 2000, the entire State of Georgia was affected when we lost our senior Senator John Coverdell.

According to the American Heart Association, another American experiences a stroke every 45 seconds. Every 45 seconds another American faces the possibility of mental impairment, paralysis or death. The STOP Stroke Act will establish a campaign to teach Americans about the risk and signs of stroke so that more incidents may be prevented and so that more victims may receive important and timely care. This bill also recognizes the importance of our research community and directs the Secretary of Health and Human Services to assist them in their work by maintaining the Paul Coverdell National Acute Registry and Clearinghouse with information and statistics useful to both research and caregivers.

Mr. Speaker, I am pleased to offer my support for H.R. 3658 and I look forward to casting my vote in favor of this legislation and of the stroke victims both in Georgia and throughout the United States.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me time.

Mr. Speaker, it is important that the House of Representatives is considering the Stroke Treatment and Ongoing Prevention Act, or STOP Stroke Act, today. As my colleague from Mississippi has just said, this bill is past due and it is time for us to act today.

Right now stroke is the number three killer in the United States and it is one of the major causes of serious disability. Each year more than 700,000 Americans suffer from a stroke, as has been said, and 170,000 people die from a stroke every year.

Of national significance, nearly 4½ million Americans are stroke survivors today, at tremendous cost personally to families, to all of us. And as has been said, this is a very personal story. Whether it is Senator Coverdell or my father-in-law, each of us is involved in the story of stroke. But what makes this so heartbreaking is the fact that many of these deaths and disabilities can be prevented with the treatments available today.

As cochair of the Congressional Heart and Stroke Coalition, it is our goal to improve that disparity. If a stroke victim can get quick treatment within 2 to 3 hours of the onset of symptoms lives can be saved and many disabilities can be avoided or curtailed. But fewer than 3 percent of stroke patients now receive the state of the art medication, and only one in 10 stroke patients are monitored by a neurologist. Sadly and tragically, most Americans cannot today identify the signs of strokes, and many emergency room technicians are not trained to recognize and manage its symptoms. That is why I am proud to introduce the Stroke Treatment and Ongoing Prevention Act, or STOP Stroke Act, and I am so pleased to work with my colleague, the gentleman from Mississippi (Mr. PICKERING).

I am very proud also to be associated with the work of Senator COCHRAN, Senator FRIST and Senator KENNEDY on this important legislation. The bill creates a stroke prevention and education campaign. This campaign, much needed, will be a national multi-media awareness effort to promote stroke prevention and encourage stroke patients to seek immediate treatment. We will also establish the Paul Coverdell Stroke Registry and Clearinghouse in the law, and this program will collect data about care for stroke patients and foster the development of effective stroke care systems, streamlining the response time and the response efforts.

The bill provides for medical professional development to make sure our health care providers are up to date on the newest and best treatments and technologies.

And finally, the STOP Stroke Act creates a pilot program to provide grants for Statewide stroke care systems, so that States can develop and implement stroke prevention, treatment and rehabilitation systems. The various States then would be able to use these resources to improve telehealth programs, train emergency medical services personnel, identify stroke care, treatment, and rehabilitation centers and create a system to set standards of care for stroke patients and develop and evaluate their stroke care systems.

Passing this bill will be a great step forward for stroke care in this country. It has the potential to help millions of Americans avoid stroke and/or better cope with its effects. It is a good example of what bipartisan negotiation and compromise can accomplish.

I want to take a moment to thank the gentleman from Mississippi (Mr. PICKERING) for this leadership on this issue. He and his staff have been strong partners in this effort. I want to thank the gentleman from Texas (Mr. BARTON) for his early support, as well as the former chairman, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS) and the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) for all their efforts on this bill's behalf.

I make a point of thanking our counsel Cheryl Jaeger on the gentleman from Texas' (Mr. BARTON) staff and counsel John Ford on the gentleman from Michigan's (Mr. DINGELL) staff, and my own staff member Jeremy Sharp for the many hours of work put into this effort.

It is very important I believe to thank the American Heart Association, the American Stroke Association and the many members of the STOP Stroke Act Coalition for their efforts to get this passed. The members are as follows:

American Academy of Neurology
American Academy of Physical Medicine and Rehabilitation
American Association of Neurological Surgeons
American College of Chest Physicians
American College of Emergency Physicians
American College of Preventive Medicine
American College of Radiology
American Heart Association/American Stroke Association
American Occupational Therapy Association
American Physical Therapy Association
American Society of Interventional and Therapeutic Neuroradiology
American Society of Neuroradiology
Association of American Medical Colleges
Associaiton of State and Territorial Chronic Disease Program Directors
Association of State and Territorial Directors of Health
Promotion and Public Health Education
Boston Scientific
Brain Injury Association, Inc.
Congres of Neurological Surgeons
Emergency Nurses Association
Genentech, Inc.
Johnson & Johnson
National Association of Public Hospitals and Health Systems
National Stroke Association
North American Society of Pacing and Electrophysiology
Partnership for Prevention
Society of Cardiovascular and Interventional Radiology
Stroke Belt Consortium

It underscores for us all that there is cooperation within the constituency of health care providers and now it is time for us to become partners in this effort.

I urge my colleagues to pass this bill and move this process forward.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 3658, the "Stroke Treatment and Ongoing Prevention Act." Stroke is the third leading cause of death in America and is a major contributor to long-term disability. Timely diagnosis and treatment of strokes is crucial. Outcomes forthose who receive care within the first few hours of a stroke at facilities with highly trained health care professionals are dramatically improved over those who receive treatment later. According to the American Heart Association, approximately 700,000 Americans suffer from stroke each year and 170,000 die from stroke.

This bill will help reduce premature death and disability from stroke in several ways. First, H.R. 3658 will authorize stroke prevention and treatment education and information programs for the public and health professionals. Second, this bill strengthens and improves the Paul Coverdell National Acute Registry and Clearinghouse, an important source of information on sroke incidence and outcomes. Third, H.R. 3658 authories grants for residence training programs and appropriate training of other health professions in emergency medicine to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation. Finally, this bill establishes a five-year pilot project aimed at improving stroke patient outcomes by coordinating health care delivery through telehealth networks.

Mr. Speaker, I want to thank my distinguished colleagues, Chairman BARTON, Chairman BILIRAKIS, and Subcommittee on Health Ranking Member BROWN for their leadership on this matter. I particularly want to thank Representative CAPPS for her hard work and dedication to the issue of stroke prevention and treatment. Representative CAPPS has once again demonstrated her effectiveness and tireless effort on behalf of the health of our nation. She is a thoughtful legislator and skillful negotiator and I give her much of the credit for making today possible.

I urge all of my colleagues to support this bill.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PICKERING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Mississippi (Mr. PICKERING) that the House suspend the rules and pass the bill, H.R. 3658, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1530

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO NEED TO PROVIDE PROSTATE CANCER PATIENTS WITH MEANINGFUL ACCESS TO INFORMATION ON TREATMENT OPTIONS

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 669) expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options, and for other purposes.

The Clerk read as follows:

H. RES. 669

Whereas, in 2004, it is estimated that approximately 230,000 new cases of prostate cancer will be diagnosed in the United States, and nearly 30,000 men in the United States will die from prostate cancer;

Whereas prostate cancer is the second leading cause of cancer death in men in the United States;

Whereas over $4,700,000,000 is spent annually in the United States in direct treatment costs for prostate cancer;

Whereas African American men are diagnosed with and die from prostate cancer more frequently than men of other ethnic backgrounds;

Whereas increased education among health care providers and patients regarding the need for prostate cancer screening tests has resulted in the diagnosis of approximately 86 percent of prostate cancer patients before the cancerous cells have spread appreciably beyond the prostate gland, thereby enhancing the odds of successful treatment;

Whereas the potential complication rates for significant side effects vary among the most common forms of treatment for prostate cancer;

Whereas prostate cancer often strikes elderly people in the United States, highlighting the importance of balancing the potential benefits and risks of various treatments on an individual basis; and

Whereas Congress as a whole, and Members of Congress as individuals, are in unique positions to support the fight against prostate cancer, to help raise public awareness about the need to make screening tests available to all people at risk for prostate cancer, and to provide prostate cancer patients with adequate information to assess the relative benefits and risks of treatment options: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) national and community organizations and health care providers have played a commendable role in supplying information concerning the importance of screening for prostate cancer and the treatment options for patients with prostate cancer; and

(2) the Federal Government and the States should ensure that health care providers supply prostate cancer patients with appropriate information and any other tools necessary for prostate cancer patients to receive readily understandable descriptions of the advantages, disadvantages, benefits, and risks of all medically efficacious treatments for prostate cancer, including brachytherapy, hormonal treatments, external beam radiation, chemotherapy, surgery, and watchful waiting.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 669.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

As we celebrate the 10th anniversary this week of the National Men's Health Week, few topics are more germane than prostate cancer.

This year, 2004, the American Cancer Society estimates that approximately 230,000 new cases of prostate cancer will be diagnosed in our country and that nearly 30,000 men in this country will die from prostate cancer. It is, in fact, the second leading cause of cancer death in men in the United States.

About 16 percent of American men will be diagnosed with prostate cancer during their lifetime, 8 percent will develop significant symptoms, and 3 percent will die of the disease. Over $4.7 billion is spent annually in the United States in direct treatment costs for prostate cancer. African American men are diagnosed with and die from prostate cancer more frequently than men of other ethnic backgrounds.

Increased education among health care providers and patients regarding the need for prostate cancer screening tests has resulted in the diagnosis of approximately 86 percent of prostate cancer patients before the cancerous cells have spread appreciably beyond the prostrate gland, thereby enhancing the odds of successful treatment.

The potential complication rates for significant side effects vary among the most common form of treatment for prostate cancer, however. It is a disease that strikes elderly people in the United States, which also highlights the importance of balancing the potential benefits and risks of various treatments on an individual basis.

Congress as a whole, and Members of Congress as individuals, are in unique positions to support the fight against prostate cancer to help raise public awareness about the need to make screening tests available to all people at risk and to provide prostate cancer patients with adequate information to assess the relative benefits and risks of their treatment options.

This resolution does several things. First of all, it recognizes that national and community organizations and health care providers have played a commendable role in supplying information concerning the importance of screening prostate cancer and the treatment options for patients with prostate cancer; and the Federal Government and States should ensure that health care providers supply prostate cancer patients with appropriate information and any other tools necessary for them to receive readily understandable descriptions of the advantages, disadvantages, benefits, and risks of all medically efficacious treatments for prostate cancer, including brachytherapy, hormonal treatments, external beam radiation, chemotherapy, surgery and, in some cases, simply watchful waiting.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3 minutes.

I would like to commend my colleague, the gentleman from Georgia (Mr. DEAL), and my colleague, the gentleman from New York (Mr. TOWNS), and other Members who helped put this resolution together.

One in six American men will develop prostate cancer in their lifetimes, one in six. Only skin cancer is more prevalent in our population. Approximately 30,000 men will die from prostate cancer this year. Early detection can obviously reduce that number. In fact, early detection is crucial in raising awareness about this disease as the best way to promote regular testing.

A friend of mine in Columbus recently learned that lesson. He had a regular test, early detection, successful surgery and back to his normal active life.

This resolution says Congress can play a unique role in raising public awareness about prostate cancer. We can and we should. There have been exciting developments recently in prostate cancer prevention. A class of drugs called statins hold promise for keeping this form of cancer at bay.

Each year, I join the gentleman from New York (Mr. KING), my friend, on a letter signed by many Members on both sides of the aisle urging the Committee on Appropriations to provide ample funding for prostate cancer research. That is one piece of the puzzle; public awareness is the other.

We have a ready tool in the fight against prostate cancer. That tool is information.

I urge my colleagues on both sides of the aisle to support this resolution and continue to help get the word out.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. BURNS), my colleague.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H. Res. 669 and the families and victims of prostate cancer throughout our Nation.

Almost 30,000 Americans died of prostate cancer last year; and Mr. Speaker, that is far too many families who are left behind, losing the company of their loved ones. When it is identified early, like many cancers, prostate cancer can be treated and treated effectively. That is why it is crucial for all Americans to receive periodic screenings.

None of us are in a hurry to leave this world. Our time with our children and grandchildren is precious, and we should all protect ourselves in every manner possible. Our health care providers in America are performing an important service by advocating periodic screenings for this deadly disease.

I am proud to join my colleague, the gentleman from Georgia (Mr. DEAL), and to offer my thanks to these men and women, as well as those who assist all Americans, in recognizing the challenges of prostate cancer. As a Congress, we must pass this resolution to reaffirm Congress' commitment to supporting their efforts.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

There are many who have played an important role in making the public aware of the ability to treat and to deal with prostate cancer. One of those is a constituent of mine, Theragenix, that is located in my district, manufacturer of a seed that is used in brachytherapy. They, along with many other organizations who provide other treatments, have been very instrumental in passing this resolution to the floor today to get it available to the public for information and also to ensure that adequate reimbursements are made to the providers so that when a treatment is selected by a patient and by a physician that adequate reimbursement will be made to make that treatment available.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 669.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR ESTABLISHMENT OF HEADQUARTERS FOR DEPARTMENT OF HOMELAND SECURITY

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4322) to provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—Except as provided in subsection (b), the Secretary of the Navy shall transfer the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex to the jurisdiction, custody, and control of the Administrator of General Services for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) AUTHORITY TO RETAIN MILITARY FAMILY HOUSING.—At the option of the Secretary of the Navy, the Secretary may retain jurisdiction, custody, and control over that portion of the Complex that, as of the date of the enactment of this Act, is being used to provide Navy family housing.

(c) TIME FOR TRANSFER AND RELOCATION OF NAVY ACTIVITIES.—Not later than nine months after the date of the enactment of this Act, the Secretary of the Navy shall—

(1) complete the transfer of the Complex to the Administrator of General Services under subsection (a); and

(2) relocate Department of the Navy activities at the Complex to other locations.

(d) PAYMENT OF INITIAL RELOCATION COSTS.—

(1) PAYMENT RESPONSIBILITY.—Subject to the availability of appropriations for this purpose, the Secretary of the Department of Homeland Security shall be responsible for the payment of—

(A) all reasonable costs, including costs to move furnishings and equipment, related to the initial relocation of Department of the Navy activities from the Nebraska Avenue Complex; and

(B) all reasonable costs incident to the initial occupancy by such activities of interim leased space, including rental costs for the first year.

(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out paragraph (1), there is authorized to be appropriated to the Department of Homeland Security such sums as may be necessary for fiscal years 2005 through 2007.

(e) PAYMENT OF LONG-TERM RELOCATION COSTS.—

(1) SENSE OF CONGRESS REGARDING PAYMENT.—It is the sense of the Congress that the Secretary of the Navy should receive, from Federal agencies other than the Department of Defense, funds authorized and appropriated for the purpose of covering all reasonable costs, not paid under subsection (d), that are incurred or will be incurred by the Secretary to permanently relocate Department of the Navy activities from the Complex under subsection (c)(2).

(2) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Director of the Office of Management and Budget and the Congress an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the portion of the Complex to be transferred under subsection (a). The Secretary shall include in the estimate anticipated land acquisition and construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(f) TREATMENT OF FUNDS.—(1) Funds received by the Secretary of the Navy, from sources outside the Department of Defense, to relocate Department of the Navy activities from the Complex shall be used to pay the costs incurred by the Secretary to permanently relocate Department of the Navy activities from the Complex. A military construction project carried out using such funds is deemed to be an authorized military construction project for purposes of section 2802 of title 10, United States Code. Section 2822 of such title shall continue to apply to any military family housing unit proposed to be constructed or acquired using such funds.

(2) When a decision is made to carry out a military construction project using such funds, the Secretary of the Navy shall notify Congress in writing of that decision, including the justification for the project and the current estimate of the cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(g) EFFECT OF FAILURE TO RECEIVE SUFFICIENT FUNDS FOR RELOCATION COSTS.—

(1) CONGRESSIONAL NOTIFICATION.—At the end of the five-year period beginning on the date on which the transfer of the Complex is to be completed under subsection (c)(1), the Secretary of the Navy shall submit to Congress a report—

(A) specifying the total amount needed to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a);

(B) specifying the total amount of the initial relocation costs paid by the Secretary of the Department of Homeland Security under subsection (d); and

(C) specifying the total amount of appropriated funds received by the Secretary of the Navy, from sources outside the Department of Defense, to cover the permanent relocation costs.

(2) ROLE OF OMB.—The Secretary of the Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount needed to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a), as required by paragraph (1)(A).

(3) CERTIFICATION REGARDING RELOCATION COSTS.—Not later than 30 days after the date on which the report under paragraph (1) is required to be submitted to Congress, the President shall certify to Congress whether the amounts specified in the report pursuant to subparagraphs (B) and (C) of such paragraph are sufficient to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a). The President shall make this certification only after consultation with the Chairmen and ranking minority members of the Committee on Armed Services and the Committee on Appropriations of the House of Representatives and the Chairmen and ranking minority members of the Committee on Armed Services and the Committee on Appropriations of the Senate.

(4) RESTORATION OF COMPLEX TO NAVY.—If the President certifies under paragraph (3) that amounts referred to in subparagraphs (B) and (C) of paragraph (1) are insufficient to cover Navy relocation costs, the Administrator of General Services, at the request of the Secretary of the Navy, shall restore the Complex to the jurisdiction, custody, and control of the Secretary of the Navy.

(5) NAVY SALE OF COMPLEX.—If the Complex is restored to the Secretary of the Navy, the Secretary shall convey the Complex by competitive sale. Amounts received by the United States as consideration from any sale under this paragraph shall be deposited in the special account in the Treasury established pursuant to paragraph (5) of section 572(b) of title 40, United States Code, and shall be available for use as provided in subparagraph (B)(1) of such paragraph.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4322, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this March the Department of Homeland Security celebrated its first anniversary in its short existence. DHS has been a leader in the effort to secure America, prevent and deter terrorist attacks, and protect against and respond to threats against the Nation.

While DHS has successfully integrated 22 government agencies into the homeland security mission, it still does not have a centralized headquarters location. The longer that DHS operates without such a centralized location, the longer it will be handicapped by the challenges of running an organization whose parts are scattered throughout the region.

H.R. 4322 addresses this shortcoming by authorizing the Department of the Navy to transfer jurisdiction, custody, and control over more than 30 acres in northwest Washington, known as the Nebraska Avenue Complex, to the General Services Administration. This property will be used as the Department of Homeland Security headquarters.

This bill was crafted at the request of the administration and is cosponsored by the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security. The House Committee on Armed Services reported the base text of this bill without objection on a voice vote.

The amended version before the House today contains a number of technical changes to the bill reported by the committee, most notably the addition of "custody and control" to the transfer language, but the substance of the bill remains the same. In sum, it provides a home for the headquarters of DHS for the foreseeable future.

In just 1 year, DHS has proven its value to homeland security. I urge my colleagues to help make DHS an even more effective organization by supporting H.R. 4322 today.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the Department of Homeland Security has understandably operated without a consolidated headquarters since its inception. The bill before us will convey property from the Navy to the GSA to help consolidate headquarters for the Department.

Given the critical nature of the Department's mission, we must allow Secretary Ridge to operate the Department as efficiently as possible. This bill is a significant step in the growth of this new agency; and that is why the Committee on Armed Services, in a bipartisan way, supports relocating the Navy from its Nebraska Avenue Complex in northwest Washington, D.C., to accommodate the Department of Homeland Security.

We should be under no illusion, however, that the headquarters provided under this bill is a permanent or ideal solution. In fact, some have even questioned whether this is truly a headquarters at all. We are consolidating some of the leadership elements of the departments on one site, but workers will still be spread among more than a dozen buildings. It is not yet clear that the site can fully accommodate the Department's headquarters, in part because the Department is still evolving and is itself a patchwork of agencies. Several of the Department's key agencies will maintain separate headquarters elsewhere. These concerns have led some in Congress to question whether we should even designate the Nebraska Avenue Complex as the headquarters of the Department at all.

I am also aware that the distinguished gentlewoman from the District of Columbia (Ms. NORTON) has concerns with portions of the bill, and she will seek time to speak on this, in particular, the provision that calls for the selling of property if the Navy is not fully reimbursed for the cost of its move. This provision was inserted to help ensure the Navy does not pay a financial penalty to accommodate the Department of Homeland Security, but the potential mandatory sale of 38 acres in the District raises legitimate concerns. We will continue to work with everyone, including the gentlewoman from the District, to address these concerns when we conference with the Senate on this matter.

The bill before us is imperfect. It still needs some work, but a lot of changes have been made to it. In a sense it is a reflection of the nature and the status of the Department of Homeland Security itself. Despite some of these flaws, though, the bill is a step in the right direction, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I do not believe we have anymore speakers. I would thank my colleague, an esteemed member of the committee, for his comments; and I believe he has one more speaker on his side. If he could go ahead and recognize that speaker, then we will close out very quickly.

Mr. LARSEN of Washington. Mr. Speaker, I yield 6½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1545

Ms. NORTON. Mr. Speaker, I appreciate the work of the gentleman from California (Mr. HUNTER), the chairman of the committee, and the gentleman from Washington (Mr. LARSEN) for bringing this bill to the floor. I support this bill.

I am very pleased that this question has been settled by the commitment of the Department of Homeland Security to make its home in the District of Columbia. It is unthinkable that the Department of Homeland Security of our country should be elsewhere. I commend Secretary Ridge for his personal involvement in this decision. I am a member of both of the committees involved with this issue, the Select Committee on Homeland Security, I am not a member of the Committee on Armed Services, of course, and the Subcommittee on Public Buildings, Economic Development and Emergency Development of the Committee on Transportation and Infrastructure.

Since the Department was created 2 years ago, I have worked with both the Department of Homeland Security and the General Services Administration to identify suitable space in the District of Columbia to house the new Department. I am delighted that for now, and until the Committee on Transportation and Infrastructure reviews and approves housing plans, which the Department is in the process of drawing, the Department will be housed at the Naval complex on Nebraska Avenue.

The Department has spent considerable time in preparing a housing plan, but it is important to note that this is a department in formation, so the Department itself is having its difficulties thinking about how the Department will look 5 years out, 10 years out; and for that reason we have not held hearings to review the DHS's plan for what security elements will be included in headquarters operations. Members can imagine that they would have to be extraordinary.

My colleagues on the Committee on Transportation and Infrastructure in a bipartisan fashion shared that they all have concerns about the language contained in the title. The language is that this facilitates the establishment of a headquarters complex at the Nebraska Avenue complex. This may seem like a technical matter. I hope it is a technical matter.

We would hope if the director, after drawing his housing plan, were to decide that he wished to be elsewhere, the way in which the GSA operates is it goes and tries to find him space elsewhere. We do not even know how big this Department will be and if it will outgrow the Nebraska headquarters, so the notion that this is the headquarters could be read technically to mean they do not have the authority to move elsewhere.

By way of background, officials from the White House Office of Management and Budget, the Department of Homeland Security, the General Services Administration, and the Navy agreed to a three-step approach whereby: (1) the Nebraska Avenue complex would be transferred to GSA; (2) GSA would lease the space to homeland security; and (3) the Navy would be made whole for the expenses associated with its move from the site.

In fact, in February of this year, these officials met with the transportation committee staff on a bipartisan basis to review the details of this approach. That is the administration and the staff on both sides of the aisle meeting in the same room. The original bill title merely spoke about the use of the property by homeland security, not establishing permanent headquarters. Again, this is a very technical matter, but we have seen how technical matters can throw people off once they want to do something in the Congress. I am not making a major objection, but I want to go on the record to say that if Secretary Ridge says this is a whole lot smaller space than we need, I do not want us to say you are locked in by the language of the title. That is all I am bringing to Members' attention.

The Nebraska Avenue complex is 38 acres in northwest Washington. It contains 33 mostly unconnected buildings, over 1,000 parking spaces, and 556,000 square feet of office space. Many of the buildings are old, one dating back to 1916, many constructed in the 1920s. The site is not nearly as secure as it has to be for the agency with the highest security mission.

Currently, there are 1,300 personnel at the site, almost evenly split between Navy personnel and DHS personnel. Eventually DHS intends to house 1,986 personnel at the site; at least that is what they think now. Those personnel are now housed in mostly leased space in over 5 million square feet of space in the District and the region.

Given the enormous impact DHS will have on the government's administrative costs, and the impact it will have on the District and the region, more thought and attention should be given to establishing a headquarters in the District of Columbia. I have to assume that the decision of the Secretary would be controlling, it always is, when we look for space for an agency.

The bill also contains a mandatory sale provision of the property in the event the Navy is not fully reimbursed for its moving cost. A sale of such magnitude in the District of Columbia should be consistent with provisions of the Property Act, and not an act conducted solely by the Navy.

Mr. LARSEN of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from the District of Columbia (Ms. NORTON) and also the gentleman from Washington (Mr. LARSEN) for their comments. I think we do have 22 agencies coming together in this Homeland Security Department. Obviously it is a major, major challenge to put this team together. We are taking the first step, and that is getting an appropriate area in Washington, D.C. to headquarter this team.

I want to commend Mr. Ridge and Asa Hutchinson and the gentleman from Washington (Mr. LARSEN), who is helping us on this legislation, and the gentlewoman from the District of Columbia (Ms. NORTON) for everything she has done.

Mr. OBERSTAR. Mr. Speaker, I would like to thank the House Armed Services Committee for making changes, at the request of the Transportation and Infrastructure Committee, to H.R. 4322, a bill to transfer the Nebraska Avenue Naval Complex ("Complex") in Washington, DC, to General Service Administration ("GSA") for the purpose of permitting GSA to use the Complex to house the Department of Homeland Security ("DHS"). One important change clarifies that the Department of Navy will transfer the property to the "jurisdiction, custody, and control" of GSA. These terms clarify that GSA will have the same authority over the Complex as it does over other government facilities.

However, I regretfully note that the title of the amended bill includes an error that suggests that the bill is establishing the DHS headquarters. Although the bill title does not have legislative effect, I wish to make clear that this bill does not establish a headquarters for DHS. It would be premature to do so because there has been no analysis of the pros and cons of the Complex, compared to other possible sites. DHS will continue to be housed in the Complex facility while DHS and GSA prepare a long-term housing plan for the Department of Homeland Security to be submitted for approval to the Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works. Through that process, the Committee will determine an appropriate permanent headquarters location for DHS in the District of Columbia.

While the Nebraska Avenue Naval Complex adequately serves DHS as an interim facility, there are many serious deficiencies associated with its aging buildings and the fact that the facility's 33 buildings are scattered across a 38-acre site. Moreover, building and telecommunication security is not optimal. DHS, GSA, and the Transportation Committee will consider these and other issues as we examine a long-term housing plan and headquarters location for DHS.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4322, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A Bill to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by Department of the Navy of suitable replacement facilities, and for other purposes.".

A motion to reconsider was laid on the table.

PROVIDING RAPID ACQUISITION AUTHORITY TO SECRETARY OF DEFENSE TO RESPOND TO COMBAT EMERGENCIES

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4323) to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

The Clerk read as follows:

H.R. 4323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410p. Rapid acquisition authority to respond to combat emergencies

"(a) RAPID ACQUISITION AUTHORITY.—The Secretary of Defense may rapidly acquire, in accordance with this section, equipment needed by a combatant commander to eliminate a combat capability deficiency that has resulted in combat fatalities.

"(b) PROCESS FOR RAPID ACQUISITION.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall develop a process for the rapid acquisition authority provided by subsection (a) and submit to Congress a detailed explanation of the process, including procedures to be followed in carrying out the process. The process shall provide for the following:

"(1) A requirement that the process may be used only to acquire the minimum amount of equipment needed until the needs of the combatant commander can be fulfilled under existing acquisition statutes, policies, directives, and regulations.

"(2) A goal of awarding a contract for the equipment within 15 days after receipt of a request from a commander.

"(3) In a case in which the equipment cannot be acquired without an extensive delay, a requirement for an interim solution to minimize the combat capability deficiency and combat fatalities until the equipment can be acquired.

"(4) Waiver of the applicability of all policies, directives, and regulations related to—

"(A) the establishment of the requirement for the equipment;

"(B) the research, development, test, and evaluation of the equipment; and

"(C) the solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

"(5) Such other procedures or requirements as the Secretary considers appropriate.

"(c) WAIVER OF CERTAIN STATUTES.—For purposes of exercising the authority provided by subsection (a) with respect to equipment, laws relating to the following shall not apply:

"(A) The establishment of the requirement for the equipment.

"(B) The research, development, test, and evaluation of the equipment.

"(C) The solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

"(d) LIMITATIONS.—The rapid acquisition authority provided by subsection (a) may be used only—

"(1) after the Secretary of Defense, without delegation, determines in writing that there exists a combat capability deficiency that has resulted in combat fatalities; and

"(2) to acquire equipment in an amount aggregating not more than $100,000,000 during a fiscal year.

"(e) SOURCE OF FUNDS.—For acquisitions under this section to be made during any fiscal year, the Secretary may use any funds made available to the Department of Defense for that fiscal year.

"(f) NOTIFICATION TO CONGRESS AFTER EACH USE OF AUTHORITY.—The Secretary of Defense shall notify the congressional defense committees within 15 days after each use of the authority provided by subsection (a). Each such notice shall identify the equipment to be acquired, the amount to be expended for such acquisition, and the source of funds for such acquisition.

"(g) COMBATANT COMMANDER.—In this section, the term 'combatant commander' means the commander of a unified combatant command with authority for the conduct of operations in a specific area of responsibility or who otherwise has authority to conduct operations at the direction of the President or Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410p. Rapid acquisition authority to respond to combat emergencies.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 21, 2004, the Committee on Armed Services held an open hearing on the performance of the DOD acquisition process in support of force protection for combat forces, an area which is of extreme importance to all Americans, and especially to our 138,000-plus troops serving in Iraq and the troops who are serving in Afghanistan, and obviously other places around the world where our forces are exposed to terrorist operations and the dangers thereof.

Mr. Speaker, as a result of the testimony that we received in this hearing, it became very clear that under the special circumstances, a change in the acquisition process is required. When a combat commander submits an urgent requirement for equipment that directly relates to preventing combat fatalities, it should not take 6 months to process the commander's request. Because of the oversight role that Congress plays and of course the interest that any administration, the executive branch, has in the acquisition process and the many billions of dollars which flow through the military acquisition process, it is understandable that our acquisition process is rather slow moving.

There are combatant requirements that are set up by the field commanders. Those are scrubbed by a number of requirements, bodies, including the joint chiefs, and the service that attends that particular area. There is a competitive bidding process which carries with it its own appeals process. And as a result of that, when we have a requirement that emanates from field conditions, from a threat that is posed by the enemy on the battlefield, it can take months and months and months before America can respond to that particular challenge.

Right now we are seeing some of that, and we are seeing rapid tactical changes by our adversaries in the field in Afghanistan and Iraq and other places. Very simply, Mr. Speaker, we have to be able to react quickly. We need to be able to come up with not necessarily the 100 percent solution, but maybe the 80 percent solution while we are researching and developing and putting out contracts in this very measured pace that the present acquisition system takes.

So the trust that is given to the people of the United States Congress by the soldiers and families is that we provide them with the necessary systems and equipment to accomplish their mission at any time, anywhere in the world. In keeping this trust, we must be honest in our assessment of whether we are doing everything in our power to not only give them everything that they need to accomplish their mission but we give it to them when they need it, in other words, to be able to act quickly to tactical changes by our adversaries.

H.R. 4323 does that. It says that a combatant commander makes a request from the field and that request emanates from combat fatalities, that the contract award should not take more than 15 days from the time that urgent request is made from the field. This is not intended to knock out the normal acquisition process. It is intended as a quick-start bridge to the normal acquisition process that gets something in the field quickly, whether it is armor for our troops, new types of munitions, new types of surveillance, but gets something in the field quickly that will have an immediate salutary effect on the casualty rate.

As I said before, we do not need to have the 100 percent solution. In many cases, the 80 percent solution would draw down that casualty rate very substantially. This is a very narrow, but important, piece of legislation. It is the right thing to do for our troops.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in favor of H.R. 4323, a bill to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies. This is a bill that passed the Committee on Armed Services under the leadership of the gentleman from California (Mr. HUNTER) last month on a voice vote, and I urge its support here.

I might also note that this is just one other example of the laser-like focus of the gentleman from California (Mr. HUNTER) on getting the kinds of tools and resources our troops in the field need. This is one example of that. We have seen it in other subcommittee hearings, the gentleman coming to encourage the Department of Defense to do all it can as quickly as possible to get our troops what they need as quickly as possible.

We all know the importance of body armor and armored vehicles for our soldiers in Iraq. These capabilities save lives, but the Department's acquisition system often is not agile enough to get these capabilities in the field when we need them. In fact, a recent hearing in the Committee on Armed Services showed the acquisition system is in many ways badly broken when it comes to getting our troops what they need when they need it.

This bill will go a long way to meeting the deficiencies in the current system. It requires the Secretary of Defense to develop a process within 30 days of enactment for the rapid acquisition of equipment needed by a combatant commander to eliminate a deficiency that has resulted in combat fatalities.

□ 1600

The goal is to award the contract within 15 days or to provide an interim solution if there will be a substantial delay.

To get these capabilities to our troops in the field fast, we allow the department to waive acquisition laws relating to competition. This is something we should take seriously given the problems in Iraq and elsewhere with the lack of competition for contracts. But the authority in this bill is narrowly drawn and is used to prevent the deaths of our soldiers, sailors, airmen and Marines. There is congressional notification so that we can watch how the authority is used.

All of us in Congress appreciate the tremendous sacrifice of our servicemen and women. We are providing enormous amounts of money to ensure that they have the best training and equipment they need to complete their missions in Iraq, Afghanistan and around the world. This authority will ensure that the department can get that equipment to them as quickly as we should and fix the deficiencies in the acquisition system. We owe that to our troops. I urge support for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Once again I want to thank the distinguished gentleman from Washington for his leadership on this bill, also, and all the Members, Republican and Democrat, who worked on this. This is truly a bipartisan product.

Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD two letters: One is a letter from the Committee on Government Reform waiving jurisdiction over H.R. 4323 and the second letter is my response dated today.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 23, 2004.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN: On May 11, 2004, we introduced H.R. 4323, a bill to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies. The Committee on Armed Services ordered this bill reported on May 12. As you know, H.R. 4323 contains provisions within the jurisdiction of the Committee on Government Reform under Rule X of the Rules of the House of Representatives—specifically, the subsection entitled "Waiver of Certain Statutes."

Because of our desire to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Government Reform. By agreeing to waive this consideration of the bill, the Committee does not waive its jurisdiction over H.R. 4323. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 4323 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 14, 2004.

Hon. THOMAS DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4323, a bill to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

I agree that the Committee on Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the Congressional Record during consideration of the legislation on the House floor.

With best wishes.

Sincerely,

DUNCAN HUNTER,
Chairman.

Mr. Speaker, I also want to thank our staff who worked on this bill and who came back from their trips, and almost every member of our committee has been to Iraq, a number of them to Afghanistan. The need to get equipment to the field quickly is a concern that we all have. I want to thank the staff folks also who took these trips and attended many long and weary hours moving around in various forms of transportation in Iraq and Afghanistan, talking with the troops about equipment, about what we do; that is, supplying the tools to get the job done and helping to work up this legislation. Again I thank the gentleman from Washington and our great staff on the Committee on Armed Services.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4323.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE MEMBERS OF THE ARMY MOTOR TRANSPORT SERVICE THAT SERVED DURING WORLD WAR II FOR THEIR SERVICE AND CONTRIBUTION TO THE ALLIED ADVANCE FOLLOWING THE D-DAY INVASION

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 439) honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-day invasion, as amended.

The Clerk read as follows:

H. CON. RES. 439

Whereas June 6, 2004, the 60th anniversary of the World War II D-Day invasion of Normandy, France, was observed by Americans with numerous commemorations of the sacrifices of those who fought to preserve the liberty and freedom of the people of the United States;

Whereas commemoration of those sacrifices and the recollection of those who served should include all who served, including those who performed critical logistics functions;

Whereas after the breakout from the beachheads at Normandy following the D-Day landings, Allied forces began a rapid advance across France, with the result that advancing units in many cases began to outrun their supplies of fuel, food, and ammunition;

Whereas on August 21, 1944, in response to the need for resupply of rapidly advancing forces, the Army Motor Transportation Service created a trucking operation called the Red Ball Express which began operations on August 25, 1944;

Whereas the Red Ball Express was a massive convoy effort to speed supplies to the Allied armies advancing across France;

Whereas the convoy system stretched from Normandy to Paris and eventually to the front in the northeastern borderland of France;

Whereas by ensuring that United States and other Allied soldiers were properly resupplied, the Red Ball Express played a major role in the defeat of Nazi Germany;

Whereas members of the Red Ball Express persevered through arduous driving conditions and constant threats of ground and aerial ambushes and performed their duties with precision and efficiency;

Whereas the Red Ball Express was in operation for 82 days and, by the time Red Ball Express operations were concluded in November 1944, Red Ball Express truckers had delivered over 410,000 tons of fuel, ammunition, food, and other essential supplies for the Allied forces to succeed in Europe;

Whereas, during World War II, many commanders believed that African-Americans were not suitable for combat duties and relegated them to service, support, and supply missions;

Whereas the majority of Red Ball Express drivers were African-Americans;

Whereas the success of the Allied advance through France was made possible by the soldiers who drove the supply trucks; and

Whereas the members of the Army Motor Transport Brigade who participated in the Red Ball Express contributed unselfishly to the war effort despite the indignities and double standards that they endured: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion in Normandy, France.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when called to prosecute a war, Americans have always brought a number of important qualities to the war fight. Leadership, courage, teamwork and commitment are but a few examples of the inherent characteristics of American warriors that make us a feared adversary. One only has to look at the record of our forces fighting in Iraq today to understand that our society is still producing men and women who have the "right stuff."

I would suggest that another vital warfighting skill that is a great American strength is the ability to organize. While the present day military can cite many examples of superb achievements in organization, House Concurrent Resolution 439 reminds us of one of the great examples of military organization from World War II, the Red Ball Express, and the great Americans who made it work to defeat Nazi tyranny.

The Red Ball Express was the massive effort to resupply Allied armies as they advanced through Europe after D-Day. Following the breakout from Normandy and the French hedgerow country at the end of July 1944, the First Army under General Bradley and the Third Army under General Patton began to race north and east from St. Lo, France. I might add, Mr. Speaker, that Helen Tracy, who was General Patton's secretary in World War II and was with him when he died in Germany shortly after the war, is a member of my staff and we are very proud of Helen. I hope that she is watching this order with respect to the Red Ball Express.

In this first 100 percent internal combustion engine war, gasoline was the key to continued success on the battlefield. As U.S. and French troops entered Paris at the end of August 1944, the two armies were consuming 800,000 gallons of gasoline each day and had exhausted their reserve supplies.

On August 21, 1944, the Army Motor Transport Service responded to the challenge with a trucking operation called the Red Ball Express. Within days, over 900 trucks were trekking the 700 miles round trip from St. Lo to Paris and the front lines to the northeast carrying the gasoline, ammunition and other supplies needed to keep the armies on the move. At a speed of 25 miles per hour and distance of 60 yards apart, the trucks moved 24 hours a day along the dedicated route marked with red balls, an old railroad symbol for priority freight. By mid-November, when the operation ended, the Red Ball Express truckers had delivered over 410,000 tons of gas, oil, lubricants, ammunition, food and other essentials using nearly 6,000 vehicles at the peak of operations. This amazing example of organization only became a reality because those 6,000 trucks were driven by men who possessed all those other qualities I mentioned earlier, leadership, courage, teamwork and commitment. Fatigue, weather and enemy ground and air attacks all took their toll, but these men were determined not to let General Patton or General Bradley down. They knew what was at stake and they were in the fight as much as any combat soldier.

Three-quarters of those soldiers driving that hazardous route were African Americans serving in segregated truck companies and quartermaster units. Most of these dedicated men would have preferred to be assigned combat duties, but they were denied that opportunity. Notwithstanding having been dealt a hand not of their own choosing, they accepted the role they had been given and did it with a warrior's spirit, a spirit that we would now recognize as authentically American.

The men that refused to allow the Red Ball Express to fail, and particularly those who were African American, deserve more than a footnote in our military history. The outstanding performance of the African Americans who endured the dangers and hardships of the Red Ball Express was a source of great pride and reflected credit on their race during a time when few chose to acknowledge their immense contribution to the war effort.

Mr. Speaker, I commend the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution. The Red Ball Express was a great moment in our country's military history. I am grateful for the opportunity to speak on the issue.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I rise in support of this concurrent resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 439. Introduced by the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, this bill honors the participants of the "Red Ball Express", an Army Motor Transport Brigade that served during World War II.

The Red Ball Express was the code name of a huge convoy operation which began on August 21, 1944, to provide provisions and supplies to American and Allied soldiers fighting their way across Europe following their successful landing at Normandy.

The convoy system stretched from Normandy to Paris and eventually to the front of the northeastern borderland of France. The 82-day convoy got its name because the route that was used was marked with red balls.

Members of the Army Motor Transportation Brigade that comprised the Red Ball Express were constantly on the road. An average day for these dedicated troops meant 900 fully loaded vehicles driving around the clock. These trucks often traveled during the night in blackout conditions at speeds higher than 25 miles an hour to meet the growing demand for food and supplies, all while facing constant threats from ground ambushes and aerial bombing by the enemy.

What is most remarkable about the Red Ball Express are the soldiers who served in this brigade. Nearly seventy-five percent of the drivers were African-Americans who were denied the opportunity to serve in combat units, and whose families and loved ones were being denied the very freedoms and rights that they were fighting for in Europe.

Yet, these patriotic Americans persevered and succeeded. Many stories were written about their achievements, and their ability to overcome obstacles. These dedicated soldiers truly "shocked and awed" all those who depended upon them. At the peak of the Red Ball Express a round trip took nearly 54 hours and stretched nearly 400 miles to the First army.

When the Red Ball Express ended in mid-November 1944, over 412,000 tons of fuel, ammunition, food and other essential supplies had been delivered to troops on the front line.

The success of the American and Allied offensive in France was due to the achievements of these outstanding soldiers.

Mr. Speaker, I urge my colleagues to support this resolution that honor the members of the Red Ball Express for their service during World War II.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the prime sponsor of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank the leadership of this committee for facilitating the bringing of this resolution to the floor. I rise in strong support of House Concurrent Resolution 439 and encourage my colleagues to join me.

June 6 marked the 60th anniversary of D-day, the Allied invasion of World War II that marked a decisive moment in the defeat of Hitler and Nazi Germany. While we commemorate the valiant heroics and sacrifices of the individuals who fought to preserve our liberty, I ask my colleagues to join me in recognizing a group whose contributions have existed in the shadows since 1944, the Army Motor Transport Service, code named the Red Ball Express. The Red Ball Express, a predominantly African-American outfit, was a massive 82-day convoy effort that supplied the Allied armies moving through Europe. The convoy system expressed from St. Lo in Normandy to Paris and eventually to the front along France's northeastern borderland.

Persevering through arduous driving conditions and ambushes, members of the Red Ball Express performed their duties with utmost precision and efficiency. Their dedication sustained thousands of Allied troops during some of the most difficult periods of World War II. When the program ended in mid-November 1944, Red Ball truckers had delivered nearly 500,000 tons of fuel, lubricants, ammunition, food and other vital essentials needed for Allied success within the European theater.

In spite of the indignities, putdowns and double standards that they endured, members of the Red Ball Express contributed unselfishly to winning this century's greatest fight for freedom. I met several of them during the World War II celebration here this past Memorial Day holiday who are very proud of being a part of this group. Historically, no group of Americans endured what African Americans endured in uniform during World War II. They proudly defended America with no guarantee that their own freedom would be defended on their return home. This Nation's debt to African-American servicemen and women who served under those conditions can never be fully repaid but at a minimum we should certainly honor their service.

I urge my colleagues to join me in bringing this group's contributions out of the shadows and support House Concurrent Resolution 439.

Mr. LARSEN of Washington. Mr. Speaker, to reiterate, I do also urge support on our side of the aisle for H. Con. Res. 439.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Washington and the gentlewoman from Texas for such an articulate description of what these great public servants did for our country.

I am reminded also, Mr. Speaker, I checked with our contractors the other day. In Iraq right now, we have private contractors like the gentleman who just escaped from the terrorists driving those trucks through Ambush Alley as they come up through Iraq facing those deadly IEDs, and RPG and AK-47 attacks. I am reminded that some 37 of those contractors from one company, from Halliburton, who were bringing supplies and food to our people up in northern Iraq have been killed in action so far. That is a dangerous, deadly run.

By the same token, it was a dangerous and deadly run in World War II. Keeping that gasoline in those tanks so that that spearhead of steel could continue to drive the Nazis back was everything. Being able to continue the momentum from the landing at Normandy and the hedgerow fighting was an absolute key to our victory. Once again, I want to thank the gentlewoman for her very articulate support of this resolution and the gentleman from Washington.

Mr. RODRIGUEZ. Mr. Speaker, this year commemorates the 60th anniversary of D-day, a pivotal point in World War II and a unique moment in time when coordination and valor forged unprecedented advancement of the Allied forces against the Axis powers. As we remember the courageous veterans whose foresight and sacrifice brought about a landmark in the struggle for Democracy, I rise today to honor the Motor Transport Service, code named the "Red Ball Express." The heroism of the lesser-known group of veterans has been under-celebrated, but their impact is eternally felt.

For 82 long days, fighting adverse driving conditions and sleep depravation, the men of the Red Ball Express transported 500,000 tons of fuel and ordinance to forward depots throughout France. Though this immense effort lasted only three months, from August 25 to November 16, 1944, the mission of the Motor Transport Service was perhaps the most crucial to the capture of occupied France. This massive convoy effort afforded the Allied troops the means and mobility to successfully complete the campaign in the European Theater.

Composed of 80 percent African Americans, the men of the Red Ball Express met the most uncertain of risks to defend the freedom we cherish today. The altruism of these men in service is astounding. Their vision and hope for all humanity, during those 82 days, broke through barricades of tyranny and ignorance to bring liberty to new heights.

Colonel John S.D. Eisenhower wrote of their noble behavior; "the Spectacular nature of the advance was due in as great a measure to the men who drove the Red Ball trucks as to those who drove the tanks."

It is when extraordinary conflict has plagued our Nation, that we have witnessed the most astonishing acts towards peace—when the ideals of country have been tirelessly challenged, that the firmest of principles have forged a clear path. And it is when soldiers have faced disheartening adversity, that patriots have shown unabated courage of heart. Despite hardship and slight, the men of the "Red Ball Express" acted bravely in a time of fear and unselfishly in this unique moment in history when they were needed the most.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 439, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France.".

A motion to reconsider was laid on the table.

CONGRATULATING TAMPA BAY LIGHTNING FOR WINNING 2004 STANLEY CUP

Mr. PUTNAM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) congratulating the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003-2004 season, as amended.

The Clerk read as follows:

H. RES. 668

Whereas the Tampa Bay Lightning hockey team has been in existence for 12 seasons;

Whereas on June 7, 2004, the Tampa Bay Lightning won their first National Hockey League Stanley Cup championship by defeating the Calgary Flames hockey team, 4 games to 3;

Whereas head coach John Tortorella led the team to the pinnacle of success;

Whereas John Tortorella was awarded the Jack Adams Award as the National Hockey League's coach of the year after guiding the Tampa Bay Lightning to the Southeast Division title and a top seed in the Eastern Conference with a franchise-best record of 106 points;

Whereas team player Brad Richards was awarded the Conn Smythe Trophy as the most valuable player of the 2004 Stanley Cup playoffs, leading all scorers this postseason by scoring 12 goals and assisting on 14 others;

Whereas Brad Richards, who was the tenth highest scorer in the National Hockey League's regular season, scoring 79 points with 26 goals and 53 assists and incurring just 12 penalty minutes, also was awarded the Lady Byng Trophy for combining sportsmanship with a high standard of play;

Whereas team captain Dave Andreychuk is a symbol of inspiration and greatness to the entire Tampa Bay Lightning organization and fans everywhere by winning the Stanley Cup for the first time during his 22 years in the National Hockey League;

Whereas team player Martin St. Louis was awarded the Hart Trophy as the National Hockey League's 2003–2004 most valuable player during the regular season and the Art Ross Trophy as the League's highest scorer during the regular season, amassing 94 points with 38 goals and 56 assists;

Whereas the Tampa Bay Lightning hockey team is the first hockey team from the State of Florida to win the Stanley Cup; and

Whereas the entire Tampa Bay community is proud of the Tampa Bay Lightning and their extraordinary season and tremendous accomplishment: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Tampa Bay Lightning hockey team for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003–2004 season;

(2) recognizes the achievements of the Tampa Bay Lightning players, coaches, owners, and staff who were instrumental in bringing the Stanley Cup to Tampa Bay; and

(3) congratulates the Tampa Bay community as it celebrates its second major sports championship in less than two years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. PUTNAM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. PUTNAM).

GENERAL LEAVE

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my good friend and colleague from Tampa, Florida (Mr. DAVIS) for authoring this resolution and on behalf of the entire Florida delegation and frankly the entire State of Florida, we are delighted to be here to honor an outstanding team.

Mr. Speaker, today I rise to pay tribute to the Tampa Bay Lightning organization, Coach John Tortorella, general manager Jay Feaster, owner Bill Davidson and the entire team on their victory in the Stanley Cup finals.

☐ 1615

They all deserve credit for this remarkable achievement, made all the more remarkable by the fact that it is a hockey team in Florida, Mr. Speaker.

The Stanley Cup is North America's oldest professional trophy, but this year's final belonged to the NHL's youngest generation. The Tampa Bay Lightning had won just one playoff series before this season and is the first of the eight franchises added since 1991 to win the coveted cup.

The Tampa Bay Lightning entered the National Hockey League in 1992; and 12 years later, through hard work, class, a strong work ethic, and determination, they are Stanley Cup champions.

Two years ago, few could have imagined the Lightning making the playoffs, much less winning the cup. Before last season, Sports Illustrated rated Tampa Bay as the worst of the NHL's 30 teams. Defying the experts, the Lightning went on to win the Southeast division and accumulated the second most regular season points in the NHL. Now the Lightning has proven itself to be the best team in all of hockey.

Many deserve credit for this remarkable achievement and for turning this team into world champions: Coach John Tortorella for his brilliant leadership and ensuring the team remained focused, motivated, and prepared; owner Bill Davidson for having invested the resources necessary to put a winner on the ice; Captain Dave Andreychuk, who at the age of 40 had played the most games in the NHL without winning the cup; Brad Richards, who won the Conn Smythe Trophy as the playoffs' most valuable player; goal tender Nikolai Khabibulin, also known as the Bulin Wall, for his countless saves; Martin St. Louis, for winning the Hart Trophy as the league's Most Valuable Player; and all the Tampa Bay Lightning players and personnel who worked tirelessly on and off the ice all year to make their dreams become a reality.

Most importantly, I congratulate the fans who have given so much to this team. Through years of suffering, the Lightning fans' determination and patience have paid off. This is truly a victory for the fans.

I commend the champion Tampa Bay Lightning for a wonderful and magical run this year and for all their achievements this season. The people of Florida and the entire Tampa Bay region are proud of them. They have demonstrated to us all that hard work, perseverance, and unity are the foundation of success.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

It is my great pleasure to take the time today to congratulate the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup championship and to salute them for their outstanding performance throughout the season.

Though only in the league for 12 seasons, the Lightning have quickly ascended to the pinnacle of their sport and won the hearts not only of their hometown fans in Tampa Bay but of fans all over the world. Tampa Bay fans respect that the team plays hockey the way it is supposed to be played, with hard work, discipline, and teamwork.

Special mention must be made of team captain Dave Andreychuk. After playing in one of the roughest professional leagues in the world for 21 years, retiring must have seemed the logical step to take. Instead, this true team leader rejoined his teammates for an outstanding 22nd season.

It is not always the case in sports that the most deserving team wins. Fortunately, the Lightning of Tampa Bay have been awarded the Stanley Cup for their valiant play. The Tampa area is famous for its scorching lightning and the Tampa community sure hopes this Lightning will strike twice.

Mr. Speaker, I yield such time as he may consume to the good gentleman from Florida (Mr. DAVIS), the author of the resolution.

Mr. DAVIS of Florida. Mr. Speaker, I am here with the gentleman from Florida (Mr. PUTNAM) on behalf of several representatives from the Tampa Bay area to add a few words of pride and satisfaction at this remarkable achievement. Yes, we heard that right. A Florida hockey team in the Tampa Bay area is taking the Stanley Cup home, a truly remarkable feat.

The Tampa Bay area is also considered the lightning capital of the world. Not many people know that. And this victory in the Stanley Cup confirms that we are a capital of the world now in hockey because of the Tampa Bay Lightning. In just 12 seasons, this team has succeeded after 23 games in a playoff series in 2 months in winning the Stanley Cup.

I would like to also highlight some of the remarkable individual feats that the gentleman from Florida (Mr. PUTNAM) alluded to: the sensational saves of goalie Nicolai Khabibulin to maintain a one-goal lead in one of the key games; the work of Dave Andreychuk, who was mentioned, he played for 22 years, waited this long to win the Stanley Cup, setting a tie in terms of the longest amount of service before winning the Stanley Cup; Brad Richards, the MVP of the Stanley Cup playoffs with 12 goals and 14 assists; the scoring touch of Ruslan Fedotenko, who scored both goals in Game 7 against Calgary; Martin St. Louie, who is only 5 foot 9 inches tall, but makes up for that with tremendous height and heart, scored the thrilling goal in the second overtime in Game 6 with Calgary.

Many of these players I mentioned and others received awards. Our Coach

Tortorella was honored with the Jack Adams Award as the National Hockey League's coach of the year based on this record. There are many teams that have played in the NHL far longer than the Tampa Bay Lightning who have yet to obtain the Stanley Cup. That is what makes this victory all the sweeter.

I would just close by saying that the Tampa Bay Lightning did not just win the Stanley Cup. They won with class, with style, with grace, which I might add is hard to do sometimes in the fiercely competitive world of hockey. They reflected on the outside what all of us in the Tampa Bay area knew was on the inside, that we represent a community with a lot of heart, a lot of determination, a lot of perseverance, and I want to join the gentleman from Florida (Mr. PUTNAM) and other representatives in the Tampa Bay area in congratulating the owner, Bill Davidson; the general manager, Jay Feaster; the coach; the players; the entire Lightning organization; and all the fans of Tampa Bay for a job well done.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

On behalf of a very proud Tampa Bay area, an area that has been growing an awful lot of champions in a variety of sports over the last several years, I urge adoption of House Resolution 668.

Mr. BILIRAKIS. Mr. Speaker, I rise to congratulate the Tampa Bay Lighting for winning the 2004 Stanley Cup.

The Lighting is a remarkable success story. Many people, including me, wondered whether this expansion team could compete against traditional hockey powerhouses when they joined the league 12 years ago. We wondered whether a sport played primarily in Canada and the northern-most regions of America could survive in an area where sand and sun are the two top attractions. We wondered whether the community would embrace a team dominated by foreign players playing a sport with rules unfamiliar to many of us.

The answer to these questions is a resounding yes. The Lighting has shown what can be accomplished when you combine skill with hard work, determination, and an unyielding will to win. Tampa Bay won the Eastern Conference championship this year, posting a stellar 46–22–8–6 record along the way. Then they defeated perennial hockey powers New York Islanders, Montreal Canadians, and Philadelphia Flyers to reach the Stanley Cup finals.

The Lightning then endured a grueling seven game final against a talented Calgary team which used its physical-style of play to batter and bruise the boys from Tampa Bay. Goalie Nikolai Khabibulin posted one strong game in goal after another. The under-sized but over-achieving Right Winger, Martin St. Louis—once a Flame—rifled shot after shot by and around Calgary defenders. His remarkable season ended with being named league MVP. Center Vincent Lecavalier played with a toughness which inspired his teammates, as did Left Winger Ruslan Fedotenko, who despite being slammed head-first into the boards in game five, returned to score both of Tampa Bay's goals in game seven.

I want to congratulate Tampa Bay's coach, John Tortorella, for devising a winning strategy and keeping his charges together during the season's many tough times. I also want to commend Brad Richards, winner of the Conn Smythe Trophy for finals MVP, and Dave Andreychuk, the team's captain, who finally hoisted the Cup after an exemplary 22 year career.

I am proud that Tampa Bay's players won with class and its fans celebrated with sportsmanship. The Lightning refused to engage in the thuggery and cheap shots which contributed to Calgary's demise. Their fans showed that you can celebrate victory and revel in championship without the rioting, looting, and lawlessness in which fans in other so-called big-time sports cities engage. Let there be no doubt; Tampa is a big-time sports city, one whose teams and fans set a standard which others would do well to follow.

Mr. Speaker, I am proud to represent the hard-working men and women of the Tampa Bay area in Congress. I am especially gratified that two of its professional sports teams, the Buccaneers and now the Lightning, have reached the pinnacle of their professions and shown the spirit, determination, and sportsmanship that have come to exemplify Tampa Bay, or as others should call it, Titletown. I commend the Lightning on winning the 2004 Stanley Cup and for capturing the imagination and hearts of a city along the way. I wish them well in next season's title defense.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to praise the Tampa Bay Lightning hockey team, coaches and staff as 2003–2004 champions of the National Hockey League.

One week ago today, the "Ning" skated to a game seven victory and won the coveted, 112-year-old championship trophy: "Lord Stanley's Cup."

I'd also like to recognize the outstanding, devoted fans of the Tampa Bay area.

This year's team showed the spirit, work ethic, tenacity and sportsmanship that is illustrative of the Central Florida community they live in.

The players, coaches and staff not only provide the fans with a great sense of community by uniting them and providing entertainment, many of them give back to the community by volunteering in schools, hospitals and other community centers.

On behalf of the thousands of loyal Lightning fans I represent in the suburbs north of Tampa, I am delighted to recognize the Tampa Bay Lightning for winning the Stanley Cup last week.

Mr. PUTNAM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) that the House suspend the rules and agree to the resolution, H. Res. 668, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING FORMER PRESIDENT GEORGE HERBERT WALKER BUSH ON HIS 80TH BIRTHDAY

Mr. CARTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 653) honoring former President George Herbert Walker Bush on the occasion of his 80th birthday, as amended.

The Clerk read as follows:

H. RES. 653

Whereas President George Herbert Walker Bush served as the Forty-First President of the United States and brought to the White House a dedication to traditional American values and a commitment to use American strength as a force for good;

Whereas, during his Presidency, the Communist empire dissolved, the Soviet Union ceased to exist, and the Berlin Wall fell;

Whereas, during his Presidency, American troops overthrew the corrupt regime of General Manuel Noriega;

Whereas President George H.W. Bush rallied the United States people, the United Nations, and Congress and sent over 500,000 American military personnel, who were joined by approximately 200,000 military and other personnel from allied nations, as part of Operation Desert Storm, to defeat Iraqi President Saddam Hussein's million-man army which invaded Kuwait and threatened to move into Saudi Arabia;

Whereas President Bush and his very able Secretary of State secured military and financial support from the United Nations, resulting in many nations participating, for the first time ever, in paying their share of the cost of a major war;

Whereas, during World War II, George H.W. Bush answered the call to duty by enlisting in the armed forces on his 18th birthday, becoming the youngest pilot in the Navy when he received his wings, and flying 58 combat missions, including being shot down by Japanese antiaircraft fire and rescued by a United States submarine, for which he was awarded, among other decorations, the Distinguished Flying Cross for bravery in action;

Whereas George H.W. Bush continued his commitment to public service by serving two terms as a Representative in the United States Congress from Texas, serving as Ambassador to the United Nations, Chairman of the Republican National Committee, Chief of the United States Liaison Office in the People's Republic of China, and Director of the Central Intelligence Agency;

Whereas George H.W. Bush campaigned for the Republican nomination for President in 1980 and thereafter was chosen by Ronald Reagan to be his running mate, and subsequently served as Vice President of the United States with responsibility for several domestic areas, including Federal deregulation and anti-drug programs; and

Whereas, in 1988, George H.W. Bush won the Republican nomination for President and was elected as the Forty-First President of the United States, probably brought the greatest portfolio to the office of the Presidency since Thomas Jefferson, and served our Nation for four years with distinction and integrity: Now, therefore, be it

Resolved, That the House of Representatives honors former President George H.W. Bush on the occasion of his 80th birthday on June 12, 2004, extends its congratulations and best wishes to him and to his family, former First Lady Barbara Bush, and his children, President George W. Bush, the Honorable Jeb Bush, Neil Bush, Marvin Bush, and Dorothy Bush Koch, and pays tribute to his lifetime of service on behalf of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CARTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

GENERAL LEAVE

Mr. CARTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week was a somber one for America. The Nation mourned the loss of its beloved 40th President, Ronald Wilson Reagan. All heard numerous revealing accounts of President Reagan's leadership, compassion, and humor.

One of the most touching stories told during the past week was one by the one-time political rival of President Reagan, who ultimately became a close associate and friend. The story took place when President Reagan was recuperating at George Washington University Hospital following the assassination attempt on his life on March 30, 1981, just over 2 months after he took office.

The story went like this: "Days after being shot, weak from wounds, (President Reagan) spilled water from a sink, and entering the hospital room, aides saw him on his hands and knees wiping water from the floor. (The President) worried that his nurse would get in trouble."

Mr. Speaker, the eloquent speaker of these words was George H.W. Bush at President Reagan's funeral last Friday at the National Cathedral. Many people may not have heard that President George Bush, Bush "41," turned 80 years of age on Saturday because of the Nation's week-long celebration of President Reagan's life, which overshadowed President Bush's birthday. But today the House returns to its normal legislative business as we consider House Resolution 653 that honors President George H.W. Bush on the occasion of his 80th birthday.

Mr. Speaker, few Presidents have ever moved into the White House as qualified to lead this Nation as one of Texas's most distinguished citizens, George Herbert Walker Bush. As the youngest pilot in the Navy, he was awarded the Distinguished Flying Cross after flying 58 combat missions during World War II before returning home to graduate as a member of Phi Beta Kappa at Yale University, where he also captained the baseball team.

After college, he became a successful businessman in west Texas, earned two terms as a Member of this House, and served such high-profile positions as ambassador to the United Nations, ambassador to China, chairman of the Republican National Committee, and Director of the Central Intelligence Agency.

In 1980 George H.W. Bush was elected as part of the national Republican ticket with Ronald Reagan and served as Vice President for 8 years. Vice President Bush became President Bush 41 when he was elected in 1988. In the White House, President Bush was perhaps best known for working to inspire a "kinder, gentler America" at home and leading the Nation to free Kuwait overseas. Following the August 1990 invasion of Saddam Hussein's Iraqi forces, President Bush rallied the world community, the U.S. Armed Forces, and the American people to dislodge Saddam Hussein's army from its control of neighboring Kuwait.

I want to thank the gentleman from Texas (Mr. HALL), my good friend, for introducing this meaningful resolution that wishes our 41st President, George Herbert Walker Bush, a happy 80th birthday, and that birthday was on Saturday, June 12. And on Sunday, June 13, I watched him jump out of an airplane at College Station, and he still has got plenty of spark.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many of us looked in awe as former President George Herbert Walker Bush parachuted from a plane yesterday to celebrate his 80th birthday. Today I am pleased to join my colleagues to celebrate the entire life of our former President on his 80th birthday.

Born into a family known for its tradition of public service and having served his country in many important posts, George Bush enlisted in the armed services at the age of 18. The youngest pilot in the Navy when he earned his wings, George Bush flew 58 combat missions during World War II. So we can see the former President was only continuing what he had first done as a young pilot when he parachuted from that plane yesterday.

After being shot down during a mission in the Pacific, he was awarded the Distinguished Flying Cross for bravery in action. As President, George H.W. Bush presided over the Nation through major events in our history. These events included the dissolution of the Soviet Union; the tearing down of the Berlin Wall; and the first war with Iraq, Operation Desert Storm. Through all of these events, President Bush served his country with remarkable dedication.

Today it is my privilege to thank him for his hard work for our country and to wish him a happy 80th birthday.

Mr. Speaker, I yield back the balance of my time.

□ 1630

Mr. CARTER. Mr. Speaker, I know the gentleman from Texas (Mr. HALL) wanted to be here very badly for consideration of H. Res. 653 today, but his flight was delayed, which I had a bad experience with that last week so I know exactly what he is going through, and he is unable to be present. But I want to highly commend him for putting forth this resolution and doing all the work on this resolution.

Mr. Speaker, I urge all Members to support the adoption of House Resolution 653.

Mr. HALL. Mr. Speaker, I rise in support of H. Res. 653, honoring former President George Herbert Walker Bush on the occasion of his 80th birthday on June 12.

Thousands of friends and supporters celebrated the former President's birthday in Houston and in College Station this past weekend. In true George H.W. Bush style, the former President capped the festivities in college Station by jumping from an airplane above his presidential library at Texas A&M University and earning his U.S. Army parachutist wings. He had trained to make a solo jump, but wind and cloud conditions required that it be a tandem jump. With a practice jump made earlier Sunday, Mr. Bush has now made five jumps, earning the parachutist badge. One of those jumps was a solo skydive on his 75th birthday, and we can only assume that he is likely to consider another solo jump in the future.

This ability to rise to any challenge—fearlessly and with a sense of determination—characterizes the life of our Forty-first President, who dedicated a lifetime to public service and probably brought to the Nation's highest office the greatest portfolio of any President since Thomas Jefferson.

His service began during World War II, when he enlisted in the armed forces on his 18th birthday and was the youngest pilot in the Navy when he received his wings. He flew 58 combat missions and was shot down by Japanese anti-aircraft fire and rescued by a United States submarine, for which he was awarded the Distinguished Flying Cross.

His service to his country continued as a Unites States Representative from Texas for two terms. Thereafter he served as Ambassador to the United Nations, Chairman of the Republican National Committee, Chief of the United States Liaison Office in the People's Republic of China, and Director of the Central Intelligence Agency.

From 1980 through 1988, he served President Ronald Reagan and our Nation with distinction as Vice President, with responsibility for multiple areas of government. His eloquent tribute to Mr. Reagan at the National Cathedral last Friday reflected his great friendship and working relationship with President Reagan as well as the late President's values and sense of humor.

In 1988 George H.W. Bush won the Republican nomination for President and was elected as the Forty-First President of the United States. His Administration was marked by a magnitude of historic change as well as challenge. During his Presidency, building on the policies and achievements of President Reagan and previous Administrations, the Communist empire dissolved, the Soviet Union ceased to exist, and the Berlin Wall fell.

During his Presidency, American troops overthrew the corrupt regime of General Manuel Noriega. And during his Administration President Bush launched what would become one of the most successful military campaigns of the late 20th century—Operation Desert Storm. President Bush rallied the United States, Congress, and the United Nations in a campaign that would defeat Iraqi President Saddam Hussein's million-man army which invaded Kuwait and threatened to move into Saudi Arabia. Over 500,000 American military personnel were joined by 200,000 military and other personnel from allied nations, and the cost of the war was shared by many nations who participated.

I remember this time well, not only for what it meant to our Nation, but because it also occurred during a time of personal challenge for my family. On the day that President Bush announced Desert Storm—just before he went on national television to announce the campaign—he took time from the immense pressures of the day to call and extend his best wishes to my family who were gathered at M.D. Anderson Cancer Center in Houston. This gesture speaks volumes about his character and the compassion he demonstrated in countless ways and in his Points of Light vision for the country. It is one of the most poignant moments in my family's life and one for which I will be eternally grateful.

George H.W. Bush has been my friend for many years. We were both Navy pilots, and we are from the same generation and close to the same age. He has been an inspiration to me and to so many, as he gave so much of himself to his country—and at the same time also was a devoted husband to Barbara and a great father to his children, our current President George W. Bush, the Honorable Jeb Bush, Neil Bush, Marvin Bush, Dorothy Bush Koch, and for a brief but precious time to his little girl, Robin, who died tragically in early childhood.

Mr. Speaker, today I am honored to join my colleagues in the House of Representatives to pay tribute to former President George H.W. Bush for his lifetime of service on behalf of our Nation and to honor him on the occasion of his 80th birthday. May God continue to bless him and his family—and may he be blessed with the opportunity to make another solo jump.

Mr. CARTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas (Mr. CARTER) that the House suspend the rules and agree to the resolution, H. Res. 653, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING SERVICE OF THOSE WHO VOLUNTEER TIME TO PARTICIPATE IN FUNERAL HONOR GUARDS AT INTERMENT OR MEMORIALIZATION OF DECEASED VETERANS OF UNIFORMED SERVICES OF UNITED STATES AT NATIONAL CEMETERIES

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 260) recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country.

The Clerk read as follows:

H. CON. RES. 260

Whereas it is important that the Nation provide proper respect and fitting recognition to deceased veterans;

Whereas members of the uniformed services of the United States make significant contributions to the general welfare of the United States;

Whereas the furnishing of an honor guard at the interment or memorialization of a deceased veteran shows the proper respect to those who have passed away after serving their country;

Whereas the family of a deceased veteran may request an honor guard service and deserves the comfort of knowing that a respectful service will take place; and

Whereas currently there are many demands placed on active duty units across the country and there are not enough active duty honor guard units available to perform these important services: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress hereby recognizes and honors the service of those outside the active components of the Armed Forces who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country, as exemplified by the proud work performed by the members of numerous patriotic organizations across the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BROWN).

GENERAL LEAVE

Mr. BROWN of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 260, to recognize and honor the service of those who volunteer their time to represent the military at veterans' funerals.

Approximately 1,800 veterans of our Armed Forces die every day. Eleven hundred of them are World War II veterans. An average of 236 burials take place each weekday at the various VA national cemeteries located throughout the country. The families of many of these veterans request that their military service be recognized as they are laid to rest.

A grateful Nation has assigned the Department of Defense the responsibility for responding to those family requests through its military funeral honors program. However, because active duty service members are not always available, the Department must rely on volunteers to provide the appropriate honors in about one-third of the requests. The remainder are performed by active duty and reserve service members of the five military branches or National Guard members.

Since 2001, the law has required that at least two members of the funeral honors detail be members of the Armed Forces, and at least one of them be a member of the branch of service in which the deceased veteran served. The remainder of the honor guard may consist of members of the Armed Forces or members of veterans organizations or other organizations approved by the Secretary of Defense. At a minimum, the honor detail performs a ceremony that includes the folding and presenting of the American flag to the veteran's next of kin and the playing of Taps.

Mr. Speaker, according to the Department of Defense, the number of volunteers who participate with the military in performing military funeral honors at both national and private cemeteries increased from 27,767 in 2000, to 51,688 in 2003. Given the demands being placed on those currently serving on active duty, this increased volunteer participation is indispensable to meeting our obligation to honor the service of each deceased veteran.

Thus, it is an appropriate time that we recognize and thank those volunteers. They are indeed proud and patriotic veterans who selflessly give back to their comrades and provide comfort to the veteran's family and friends. As any veteran will tell you, their allegiance to the military and its service members does not end when they are discharged from service. This is a bond that lasts for a lifetime.

Mr. Speaker, I want to thank my good friend the gentlewoman from California (Mrs. BONO) for introducing concurrent resolution, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 260. This important measure recognizes and honors the service of individuals who volunteer as honor guards during funeral and memorial services at national cemeteries.

I thank the gentleman from New Jersey (Chairman SMITH), the ranking member, the gentleman from Illinois (Mr. EVANS), and my good friend, the chairman of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN), for their steady leadership of veterans issues in the committee.

I also want to commend the gentlewoman from California (Mrs. BONO) for her work on this resolution, and I want to thank all my colleagues who helped to bring this before us today. Additionally, I would like to recognize the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her work on a similar resolution that recognizes the United States Army Volunteer Reserve for its distinguished service to veterans and their families.

Mr. Speaker, it is my honor to represent the Second Congressional District in the State of Maine. My State has one of the highest percentage of veterans populations in the country. I am sure that they support this resolution and join me when I say that the veterans of this Nation deserve nothing less than an honorable and dignified final resting place.

I would like to personally recognize the 23 members of Maine's honor guard for their service. Ten of these individuals are currently deployed and we pray for their quick and safe return. These 23 soldiers serve above and beyond their normal duties to participate in the honor guard, performing over 50 missions a year. Without their effort and sacrifice, our Nation would not shine so bright and we would not live as free as we do today.

Sadly, Mr. Speaker, many of the brave men and women who put on the uniform to protect us during World War II and the Korean War are passing away every day. We also find ourselves engaged in hostilities in Afghanistan, Iraq and around the world, and, because of this, we are now burying veterans of a new generation much too soon.

Mr. Speaker, it is our responsibility to provide our brave men and women in uniform an honorable and dignified memorial service. Indeed, without the sacrifice of these volunteer honor guards, we would have a more difficult time fulfilling our responsibility. I thank them for their service and appreciate their efforts.

Mr. Speaker, I support this measure, and I urge all Members to do so.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 260.

Mrs. BONO. Mr. Speaker, I rise today in support of H. Con. Res. 260, which I introduced last year on behalf of myself and Representatives HENRY BROWN, MIKE BILIRAKIS, KEN CALVERT, JIM DEMINT, JOHNNY ISAKSON, JERRY LEWIS, JOHN SHADEGG and ZACH WAMP. This resolution recognizes and honors the important service of those who volunteer their time to participate in funeral honor guards. These volunteers serve at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country.

A veteran's family may request the presence of active duty military personnel to provide honor guard services at their loved one's funeral. Unfortunately at times like this when our military is so desperately needed overseas, there is a shortage of available active duty personnel who can perform this duty. Numerous veteran volunteers help fill this void and perform the honor guard duty themselves. These volunteers are once again answering our Nation's call by honoring the military service of their fellow veterans. I feel it is incumbent upon Congress to recognize the service of volunteer honor guards as well as the continuing contribution that these individuals make to our Nation and the families of their fallen brethren.

I would like to specifically honor the many of my district's military retirees who are members of Semper Fi No. 1, an organization that performs volunteer honor guard services at Riverside National Cemetery and has been a driving force behind the creation of volunteer honor guard service throughout the Nation. I am proud to represent the many military retirees who serve as volunteer honor guards.

Mr. BROWN of South Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 260.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MODIFYING CERTAIN DEADLINES FOR MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4417) to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

The Clerk read as follows:

H.R. 4417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF CERTAIN DEADLINES FOR MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS.

Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended, in each of subjections (b)(2)(A), (c)(1), and (c)(2), by striking "2004," and inserting "2005,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4417.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4417. The Visa Waiver Program allows travelers from certain designated countries to come to the United States as temporary visitors without having to obtain a non-immigrant visa. There are currently more than 10 million foreign visitors entering the United States every year under this program.

Since its creation in 1986, the program has greatly facilitated travel to the United States from participating foreign countries. Through reciprocal arrangements, American international travelers also benefit with greater ease of travel.

The Visa Waiver Program was established on the premise that nationals from participating countries pose little security risk or threat of overstaying their period of admittance, which under the current program is a maximum of 90 days. After the tragic events of September 11, we recognize that a traveler from a visa waiver country can pose a serious threat, especially when the country of origin differs from the country that issues the passport used to enter our country.

It was, in part, to address threats like this that I offered the Enhanced Visa Security and Visa Entry Reform Act of 2002. The act requires the Visa Waiver Program countries to certify that they have established systems to issue their nationals machine-readable passports that are tamper-resistant and incorporate biometric identifiers that comply with the biometric identifier standards established by the International Civil Aviation Organization.

The act sets a firm deadline of October 26, 2004, after which anyone applying for admission to the United States under the program, with passports issued after that date, must present a passport that meets these standards or otherwise obtain a visa from a United States embassy or consulate overseas.

This requirement will close several security loopholes. First, it will allow the Department of Homeland Security inspectors at ports-of-entry to determine whether a passport properly identifies its bearer. This will combat terrorist imposters and prevent them from defeating lookout lists on which they are posted.

Second, it will make passports much harder to alter or counterfeit.

Third, in conjunction with the installation of scanners at ports-of-entry to read these passports and the completion of exit controls, the DHS can track the arrival and departure of travelers and identify those who overstay their visas.

My goal as author of this act in selecting the October 2004 deadline was to compel countries to act promptly to modernize their passports. I have written to the foreign governments participating in the Visa Waiver Program to ascertain how soon they will be ready to issue biometric passports. I regret that most visa waiver countries will not meet the October 2004 deadline.

However, many are making significant progress and have indicated that the October 2005 deadline is reachable. An example is Belgium, which had one of the weakest passport regimes in Europe, and now has so completely revised its approach that it is the first visa waiver country to meet the new biometric requirements. Belgium has also recently won the Interpol award for the best passport security. Likewise, Austria, Denmark and Slovenia have working prototypes of biometric passports and will begin issuing them as soon as the European Union sets its internal standards for member countries.

Nonetheless, the Secretaries of Homeland Security and State have testified before the House Committee on the Judiciary that most visa waiver countries are still resolving privacy issues, chip durability concerns and production and procurement delays. Accordingly, they asked for legislation to extend the biometric passport deadline.

To minimize the risk of extending the deadline, the administration has initiated security procedures that begin in September of this year. Specifically, the Department of Homeland Security will begin fingerprinting each traveler from the Visa Waiver Program countries so as to strengthen current abbreviated inspection process for visa waiver travelers.

H.R. 4417 simply extends the October 26, 2004, deadline by one year. While this extension provides more time to meet the requirement, this additional breathing space should not lead visa waiver countries nor our own government to become complacent.

The committee will conduct bipartisan oversight to ensure that the Department of State and the Department of Homeland Security are working as hard as they can to get their own systems ready to validate biometric passports when they are presented at ports-of-entry. While the visa waiver countries are committing their resources and intellectual talent to comply with our new requirements for identity, our own government should do no less.

I also expect that the State Department will step up pressure on visa waiver countries to meet the new October 2005 deadline instead of providing erroneous assurances that Congress will again provide an extension should they fail to meet the new date.

□ 1645

On the other hand, it is also crucial that we enact this legislation expeditiously in order to provide our own travel and tourism industry the certainty they need to plan events for the coming months that involve large numbers of travelers from the visa waiver countries.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the gentleman from Wisconsin (Chairman SENSENBRENNER) and I can join forces to make a necessary adjustment in our immigration and homeland security laws that would ensure that the millions of Americans who work in the travel industry do not suffer while we continue to improve new immigration security technologies.

Today we are considering legislation to extend by 1 year the requirement that travelers from visa waiver countries present biometric machine-readable passports at United States ports of entry. A 1-year extension will allow business visitors and tourists from the 27 nations in the visa waiver program to continue to make plans for the near future with currently valid passports and travel to the United States while technology is improved.

Using biometric passports will make us safer, but only if the technology is effective, durable, and part of a globally interoperable system that is compatible between nations. A 1-year extension will give Congress and the State Department more time to assess the very important questions of protecting privacy and ensuring efficient processing, while continuing to make serious steps toward a system that will secure our ports and national security.

As we balance serious threats to national security with our needs to protect our liberty, we must adhere to our fundamental values as an open society. Most visitors come with goodwill, contribute to our economy, share their knowledge, learn about our culture, and spread the promise of democracy and freedom around the world.

Mr. Speaker, I urge my colleagues to join the gentleman from Wisconsin (Chairman SENSENBRENNER) and me in supporting this legislation to ensure that the benefit of travel and exchange are not lost in the war on terror.

Mr. CASE. Mr. Speaker, I rise today in support and as a cosponsor of H.R. 4417, which will extend for one year the deadline for countries to continue eligibility in our Visa Waiver Program by issuing passports which are both machine-readable and also include biometric identifiers.

I do so with a clear focus on tourism, the primary industry in my state. According to the State of Hawaii Department of Business, Economic Development and Tourism, in 2002, tourists spent more than $11 billion during their vacations in the state. A significant part of these expenditures come from international tourists. And while facilitated international travel is essential not only to recreational tourism, it is also key to international commerce, especially from Asia, and to the education in Hawaii of foreign nationals, a major and growing component of our economy.

Each day, thousands of visitors arrive to Hawaii from foreign destinations, including those countries in the Visa Waiver Program (VWP). The tourism industry not only in my state, but every state in the Nation, faces grave consequences if this extension is not granted. According to the State Department, if the deadline is not extended, it expects to process an additional 5 million visas in 2005 alone. This will cripple our embassies and consulates worldwide, compound the existing program of visa issuance, and spell great hardship not only for the travel industry but also business and commerce in general throughout the United States.

The Patriot Act justifiably legislated the machine-readable passport requirement for VWP travelers, and additionally gave the Secretary of State authority to postpone the effective date. However, the Secretary of State lacks further authority to extend the deadline on his own. The Secretary of State, working with the

Secretary of Homeland Security, has granted a postponement only until October 26, 2004 of the date by which VWP travelers from 21 countries must present a machine-readable passport at a U.S. port of entry to be admitted to the United States without a visa. Another year is needed; only Congress can extend the deadline, and we must do so passing this legislation today.

While most of the VWP countries are located in Western Europe, there are several countries in the Asia-Pacific Rim which will benefit from an extension of the October 26, 2004 deadline, including Australia, New Zealand, Singapore, Brunei, and Japan. These are the countries of most concern to my home.

Mr. Speaker, I share some additional thoughts from key officials within my State's tourism industry. The Director of the State of Hawaii Department of Business Economic Development and Tourism, Mr. Theodore E. Liu, recently wrote that his department is "in total support of extending [the deadline of] the Visa Waiver Program countries to have machine readable passports." The President and Chief Executive Officer of the Hawaii Tourism Agency, Mr. Rex D. Johnson, wrote that the implementation of "the program before countries are ready to comply would undoubtedly create mass confusion in international travel."

To be clear, I support the overall requirement of machine-readable passports as well as the use of biometrics on travel documents, both American and international. And I call upon the executive branch to place biometrics upon a machine-readable American passport as quickly as possible, because biometrics can assist not only our country, but every country, to ensure that the person listed on the passport is the same person who presents the passport upon entering the country. As a biometric identifier is an electronic scan of a physical feature or features, including an eye, hand, fingerprint, or face, use of a biometric identifier allows an immigration inspector to know for certain that the person appearing before him or her is the same person to whom a passenger or visa was issued.

But, Mr. Speaker, given the current situation, we must extend the deadline at least this one year. I therefore agree with the proposal of chairman and ranking member of the Judiciary Committee, the chairman and ranking member of the International Relational Committee, and others, and implore my colleagues to support this bipartisan bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the visa waiver program (VWP) allows nationals from 27 countries to enter the United States as nonimmigrant visitors for business or pleasure without first obtaining a visa from a U.S. consulate office. This facilitates international travel and commerce and eases consular office workloads. Last year, approximately 13.5 million visitors entered the United States under this program.

The Enhanced Border Security and Visa Entry Reform Act of 2002 mandated that by October 26, 2004, the government of each VWP country must certify that it has established a program to issue machine-readable passports that are tamper-resistant and incorporate a biometric identifier. This only would apply to new passports that are issued after the October 26, 2004, deadline.

While all 27 VWP countries have a program in place to develop a machine readable, biometric passport, few of the countries will be in a position to start issuing them by the deadline. The required technical and interoperability standards have not yet been completed by the International Civil Aviation Organization (ICAO). Preliminary ICAO standards were released in May 2003, but they failed to address some key issues, including interoperable chip security standards and interoperable reader standards. Also, ICAO's decision to make facial recognition technology the standard passport biometric was not made until May 2003, leaving VWP countries only 17 months to move a biometric passport from design to production, a process that normally takes years. It is apparent that very few VWP countries will be able to meet the deadline for incorporating the biometric identifiers. H.R. 4417 would extend the deadline for one year. If more time is needed, we can revisit the issue when that deadline approaches.

If the deadline is not extended, the participating countries that fail to meet it will lose the privilege of participating in the program, and the nationals of those countries will need visas to enter the United States. The State Department has estimated that this would result in the need to process an additional 5 million visas.

I am concerned about the effect that even a temporary disruption of the visa waiver program could have on the international tourist industry. In the year 2000, the State of Texas alone received revenue from the international tourist industry that totaled $3,751.3 million. This included $410.6 million on public transportation, $111.1 million on automobile transportation, $1,029.2 million on lodging, $731.4 million on food services, $320.2 million on entertainment and recreation, and $1,148.9 million in general trade. The numbers for the entire country would be much larger. A major reduction in such revenue would have an adverse impact on the economy of our country.

Consequently, I urge you to vote for H.R. 4417 to extend the deadline.

Mr. LANTOS. Mr. Speaker, I rise in support of this legislation.

I want to thank the Chairman of the Judiciary Committee for his leadership in this area. The visa waiver program is a critically important program, under which countries that send citizens that do not engage in visa fraud or overstay their visas do not have to obtain visas to visit our country for business or tourism. It has proven to be a very effective program for dealing with the increased global travel of the past few decades.

However, I firmly agree with my good friend from Wisconsin that citizens from countries who do not have to go through the visa process should have secure, tamper-proof passports to ensure that the visa waiver program is not abused by individuals who try to enter our country with counterfeit passports. Indeed, the statutory deadline of October 26, 2004 in the Enhanced Border Security Act of May 2002 encouraged International Civil Aviation Organization to accelerate its ongoing efforts in the development of uniform standards for secure passports, including the use of biometric data in such passports. Given the progress so far, I have no objection to an extension of this current statutory deadline to allow countries to implement these standards.

However, I believe that the Congress should seriously consider a two-year extension rather than the one-year extension in the current bill. I understand that ICAO did not complete preliminary biometric standards using facial recognition technology until May 2003 and is on only now finalizing these standards. In order for the new passports and the technology needed to read these passports to become mature and to be fully tested, as well as producing the new passports and acquiring and deploying the devices necessary to read the new passports, more than the one year extension being approved today may well be necessary.

In this context, I think it may well be prudent to consider moving towards a two-year extension as this legislation moves through the legislative process, and I would support that approach. if we do not, I predict we will be back here at the same time next year, approving a further one year extension.

I want to once again thank my good friend from Wisconsin for his leadership on this issue and urge my colleagues to support this legislation at this time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THAT FLAG DAY ORIGINATED IN OZAUKEE COUNTY, WISCONSIN

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 662) recognizing that Flag Day originated in Ozaukee County, Wisconsin.

The Clerk read as follows:

H. RES. 662

Whereas on June 14, 1777, the Stars and Stripes was officially adopted as the national flag of the United States;

Whereas in 1885, Bernard John Cigrand, a school teacher from Waubeka, Wisconsin, urged the students at the public school in Fredonia, Wisconsin, to observe June 14 as "Flag Birthday";

Whereas Mr. Cigrand placed a ten inch 38-star flag in an inkwell and instructed his students at Stony Hill School to write essays on what the flag meant to them;

Whereas on May 30, 1916, President Woodrow Wilson issued a Presidential Proclamation that officially established June 14 as Flag Day; and

Whereas on August 3, 1949, President Truman signed an Act of Congress designating

June 14 of each year as National Flag Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the people of the United States to study, reflect on, and celebrate the importance of the flag of the United States;

(2) encourages the people of the United States to display the flag of the United States in accordance with the provisions of chapter 1 of title 4, United States Code; and

(3) recognizes that Flag Day originated in Ozaukee County, Wisconsin.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 662 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great honor that I rise in support of this resolution recognizing Flag Day, which is celebrated each year on this day, June 14.

The American flag is the symbol of hope, freedom, and unity. The flag symbolizes the resolve of our country and demonstrates our ability to overcome adversity. As we encounter new challenges, we are reminded of the men and women who have fought to defend and preserve the values that the flag represents. These men and women serve as a testament to our great Nation. They made their sacrifice because of their belief in our country and the values we hold so dear. There is no greater symbol of that sacrifice than the American flag.

Flag Day originated in 1885 with a school teacher named Bernard John Cigrand in Ozaukee County, Wisconsin. Cigrand, inspired by love for his adopted country, placed a 38-star flag in the inkwell of his classroom and instructed his students at Stony Hill School to write essays on what the flag meant to them. Cigrand's enthusiasm for the flag sparked the interest of his students, but it did not stop there. Cigrand also spent numerous hours writing to magazines and newspapers emphasizing the good that would come out of a holiday celebrating the flag. Without his hard work and dedication, Flag Day would not exist. For his efforts, Cigrand was cited by President Bush in his 2001 Flag Day proclamation as one of the first to push for a national celebration for the flag.

Although it began in a small, one-room schoolhouse in Wisconsin, Flag Day gained popularity in 1889 when George Balch, a schoolteacher in New York City, organized activities celebrating the American flag. It was later adopted by the State Board of Education in New York. The Flag Day celebrations expanded to Philadelphia where it was celebrated by the Betsy Ross House in 1891. The following year, the New York Society of Sons celebrated Flag Day.

Although pockets of the country celebrated Flag Day, it did not become an official holiday until 1916 when it was officially established by the proclamation of President Woodrow Wilson. Even though Flag Day was celebrated nationally after this proclamation, it was not until August 3, 1949, that President Truman signed an act of Congress which officially designated June 14 as National Flag Day.

One of the many important events honoring the American flag occurs each year right where Flag Day began. People from all over Wisconsin turn out to raise their flags and celebrate this day. Individuals line the streets in Waubeka to watch parades that feature marching and dancing bands. Different versions of the flag are on display, including a 30-star flag which symbolizes the addition of Wisconsin to the Union. There is no other place in the country where people more enthusiastically celebrate the American flag than Waubeka, Wisconsin.

Today, as people across the country raise their American flags to celebrate the resolve of our great Nation, I ask my colleagues to join me in celebrating National Flag Day and recognizing Ozaukee County, Wisconsin, as the birth of Flag Day.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution offered by the distinguished chairman of the Committee on the Judiciary.

The gentleman's resolution recognizes the efforts of Bernard John Cigrand, a schoolteacher from Waubeka, Wisconsin, who, in 1885, urged his students to observe June 14 as Flag Birthday.

That effort, at a time when the flag had only 38 stars, developed into Flag Day, which President Truman signed into law on August 3, 1949.

As we observe Flag Day, and we consider this resolution, I hope all Americans would, as the resolution urges, reflect on the values that the flag represents: the rights of all Americans under the law to free speech, free press, and freedom of assembly; religious liberty; the right to face their accusers in court; to be secure in their homes and papers; to be free from cruel and unusual punishment; and the right to due process of law.

It is those values and this Nation which fought to protect these rights, that make the flag such a potent symbol. I hope that as we celebrate Flag Day, Mr. Speaker, we will all take time to celebrate what the flag represents.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for bringing this resolution forward; and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him also for being such a strong advocate for protecting the flag and our heritage.

Mr. Speaker, today we observe Flag Day, a day, as previous speakers have indicated, we commemorate the adoption of our flag on June 14, 1777. This past weekend, I walked in the Flag Day parade in Appleton, Wisconsin, and to this unbiased observer, the largest and grandest such celebration in America. We celebrated the Stars and Stripes. It was red, white and blue as far as the eye could see, and on display were the patriotism and pride that those colors evoke in every American heart. We celebrated because this flag remained standing as we fought for our independence, fought to remain one Nation, as we fought the great wars of liberty; and it remains standing proudly as we continue to fight for freedom today. No matter the era, no matter the challenge, this symbol of our great Nation and our values is there, proud and free, for all the world to see.

As a Wisconsinite, I am proud to say that it was a schoolteacher from Wisconsin who began this celebration. How appropriate. Today is a day on which we should take a minute to stop, to look at our grand old flag, and to reflect upon what it means. We should also reflect upon the sacrifice that so many have made in so many lands far away to ensure that Old Glory will fly free and proud for generations to come.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, June 14, we celebrate Flag Day—a special time for all Americans to reflect upon, the important symbolism for which "Old Glory" stands.

Whenever we see our Nation's flag, we are reminded of what it stands for—the freedom to speak, worship, and believe as we choose.

On this particular Flag Day, I stand in honor of all our soldiers who are carrying out the real meaning of our flag in Iraq, in Afghanistan, in South Korea, in Haiti and in Asia.

The pledge to the flag is a spoken commitment to all that we as Americans hold dear: "I pledge allegiance to the flag of the United States of America. One nation, under God, with freedom and justice for all!"

It is a promise of hope, not only to us, but to the world. It should never be said lightly, nor be disparaged.

We have a lot to be proud of in this country and the flag symbolizes to us and the world what is best about America.

It speaks of tolerance, compassion, diversity, unity, and mutual respect. It is a reflection of the totality of America.

As we honor the red, white, and blue today, we should all recognize how lucky we are to be citizens of the country that the Stars and Stripes represents.

Mr. CARDIN. Mr. Speaker, I rise today to commemorate Flag Day, June 14.

Flag Day has a particularly special meaning this year, as many of our troops are serving overseas as part of the global war against terrorism. I stand behind our brave men and women who have performed admirably in Iraq, Afghanistan, and elsewhere around the globe. They have made tremendous sacrifices on behalf of their country and have served longer deployments than expected.

The Flag of the United States continues to stand for democracy and freedom throughout the world. The Continental Congress approved the design of a national flag 227 years ago today. The American flag, in its current form, first flew over the Capitol in 1818. The flag has been altered twenty-seven times over the years. The current version dates to July 4, 1960, when Hawaii became the 50th state.

Our flag symbolizes the union between the states and federal government, as we the people of the United States seek to form a more perfect union, as envisioned in our Constitution. Since 1916, when President Woodrow Wilson issued a presidential proclamation declaring June 14 Flag Day, Americans have commemorated the adoption of the Stars and Stripes by celebrating this special day in our Nation's history.

Flag Day also holds a special place in the history of Baltimore, Maryland, which I am privileged to represent in the House of Representatives. In 1814 in Baltimore at Fort McHenry, this Nation, this young Nation, won its second war of independence. It was the beginning of the end of the War of 1812. Francis Scott Key 190 years ago wrote his inspirational poem that became our National Anthem.

As we continue our global war on terrorism, and face a continuing threat on our shores, Francis Scott Key wrote some words that are helpful for us on this Flag Day:

"From the terror of flight or the gloom of
the grave.
And the Star-Spangled Banner in triumph
doth wave."

We survived the attack by a hostile power and became the strongest Nation in the world, and we will survive this attack on our democratic principles, and we will grow even stronger. Let us remember on this Flag Day the values we hold dear, and that we are willing to fight for—and even die for—these values of liberty, democracy and justice. Our flag will continue to symbolize this eternal struggle, as we seek to secure the blessings of liberty for our fellow Americans and for all humankind.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, I urge the adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 662.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE BRIGHAM YOUNG UNIVERSITY MEN'S VOLLEYBALL TEAM FOR WINNING THE 2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I-II MEN'S VOLLEYBALL CHAMPIONSHIP

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 643) congratulating the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I-II men's volleyball championship.

The Clerk read as follows:

H. RES. 643

Whereas on May 8, 2004, the Brigham Young University men's volleyball team won its third national championship in 6 years by overcoming a 10-6 deficit in game 5 to defeat Long Beach State University;

Whereas the Brigham Young University men's volleyball team achieved a 29-4 overall win-loss record, marking the second highest single season win total in Brigham Young University's volleyball history;

Whereas Tom Peterson, the head coach of the men's volleyball team, became the first men's volleyball coach in the National Collegiate Athletic Association's history to win a national championship with 2 different schools;

Whereas team member Carlos Moreno earned the distinction of being selected the Mountain Pacific Sports Federation Player of the Year, the American Volleyball Coaches Association Division I-II National Player of the Year, the Mountain Pacific Sports Federation Tournament Most Valuable Player, and the National Collegiate Athletic Association Tournament Most Outstanding Player; and

Whereas the American Volleyball Coaches Association selected junior Carlos Moreno and senior Fernando Pessoa for the All-America teams with first-team honors, while senior Joe Hillman and sophomore Victor Batista received second-team citations: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I-II men's volleyball championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 643.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to rise in support of House Resolution 643. I want to thank my good friend and colleague, the gentleman from Utah (Mr. CANNON), for bringing this resolution forward. This resolution honors the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I-II men's volleyball championship.

Mr. Speaker, the mission of my alma mater, Brigham Young University, is to "develop students of faith, intellect, and character who have the skills and the desire to continue learning and to serve others throughout their lives." One of the ways that the university accomplishes this mission is by developing and supporting a first-class athletics program.

And so today we recognize this first-class athletics program and give special recognition to the national champion Cougars for winning its third national men's volleyball championship in 6 years by overcoming a 10-6 deficit in game five to defeat Long Beach State University. BYU men's volleyball team will enter next season's competition after marking the second highest single season win total in its volleyball history after achieving a 29-and-4 overall win-loss record.

In addition to the inspiring team victory, four players distinguished themselves from the team by being named to All-American teams at the conclusion of the season. Carlos Morento and Fernando Pessoa were recognized by the American Volleyball Coaches Association for first-team honors; and their teammates, Joe Hillman and Victor Batista, received second-team citations.

Coach Tom Peterson also deserves praise for becoming the first men's volleyball coach in the NCAA's history to win a national championship with two different schools.

□ 1700

The distinction earned by these individuals and the remarkable repeat victories of the team reflect the dedication of each player, the leadership of Coach Tom Peterson, and the support of family, friends and fans.

I extend my congratulations to each of the hard working players on the successful Cougar team, to Coach Peterson and to Brigham Young University. I am happy to join my colleagues in honoring the accomplishment of this team and wish them continued success.

Once again, I strongly support House Resolution 643 and ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 643 introduced by the gentleman from Utah (Mr. CANNON), a resolution congratulating Brigham Young University for winning the Division I-II volleyball national championship.

The regular season and the championship tournament truly gave BYU an exciting run to the national championship. I want to extend my hardy congratulations to the head coach Tom Peterson and all of the BYU athletes.

BYU won a school record 21 consecutive matches during the regular season showcasing their true championship spirit.

Winning this national championship has brought national acclaim to Brigham Young University and its student athletes. I am sure this national championship will give the university and its fans something to treasure for years to come.

Mr. CANNON. Madam Speaker, I rise today to congratulate the Brigham Young University men's volley ball team for winning the 2004 NCAA Division I-II men's volleyball championship.

As you may know, Brigham Young University is located in the 3rd district of Utah, and it has been my pleasure to represent the University and its student body for the past 8 years. This is the third national championship in men's volleyball that BYU has won in 6 years by overcoming a 10–6 deficit in game 5 to defeat Long Beach State University.

The team achieved a 29–4 overall record for the season, marking the second highest single season win total in BYU volleyball history. I would especially like to congratulate the Cougars head coach, Tom Peterson, who became the first men's volleyball coach in NCAA history to win a national championship with 2 different schools.

The entire team deserves recognition for winning the national championship, but I would like to take a moment and recognize a few players whose abilities have garnered extra honors. Seniors Fernando Pessoa and Joe Hillman received first and second team All-American honors, respectively, and sophomore Victor Batista also received second-team honors. Junior Carlos Moreno earned the distinction of being selected the Mountain Pacific Sports Federation Player of the Year, the American Volleyball Coaches Association Division I-II National Player of the Year, the Mountain Pacific Sports Federation Tournament Most Valuable Player, and the NCAA Tournament Most Outstanding Player.

Madam Speaker, I again congratulate the BYU Men's Volleyball team on its championship.

Mr. MATHESON. Madam Speaker, I rise today to congratulate the Brigham Young University men's volleyball team on their 2004 NCAA National Collegiate Men's Volleyball Championship. I am pleased to join my colleagues in cosponsoring this bill and encourage all of my colleagues in the House to support it. The Brigham Young University men's volleyball team made history before they ever set foot onto the court for the 2004 NCAA championship game. The Cougars regular season successes included a new school record of 21 straight victories, a 16–1 home court win-loss record, ten straight weeks on the USA Today/AVCA Coaches Top 15 Poll, and an average fan base of 2,600 at home court appearances.

The Cougars entered the NCAA Final Four as the top seed and the Mountain Pacific Sports Federation regular and season tournament champions. They defeated Lewis University, the defending national champions, during the semi-final match. This win led the Cougars to their fourth appearance in six years in the NCAA championship match, where they overcame a 10–6 deficit in game five to defeat Long Beach State University to win the national championship.

I congratulate the BYU men's volleyball team and Coach Tom Peterson on their championship season and wish them continued success as the build upon these accomplishments in the years to come.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 643.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES ACT OF 2004

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4278) to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004".

SEC. 2. AMENDMENT TO THE ASSISTIVE TECHNOLOGY ACT OF 1998.

The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Assistive Technology Act of 1998'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings and purposes.
"Sec. 3. Definitions.
"Sec. 4. Grants to States for purchase of assistive technology devices and assistive technology services.
"Sec. 5. Grants to States for protection and advocacy related to assistive technology.
"Sec. 6. Administrative provisions.
"Sec. 7. National activities.
"Sec. 8. Authorization of appropriations.

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination and make choices;

"(C) benefit from an education;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

"(2) Technology is one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.

"(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

"(4) Over the last 15 years, the Federal Government has invested in the development of statewide comprehensive systems to help individuals with disabilities gain access to assistive technology devices and services. This partnership with States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

"(5) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. These devices and adaptations increase the involvement, and reduce expenditures associated with, programs and activities that facilitate communication, ensure independent living and functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living and recreation for individuals with disabilities.

"(6) Despite the success of the Federal-State partnership in providing access to assistive technology and services, there is a continued need to provide information about the availability of assistive technology, advances in improving accessibility and functionality of assistive technology, and appropriate methods to secure and utilize assistive technology in order to maximize their independence and participation of individuals with disabilities in society.

“(b) PURPOSES.—The purposes of this Act are—

“(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—

“(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;

“(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

“(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

“(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

“(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

“(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

“(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and the general population; and

“(2) to provide States with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) ADVOCACY SERVICES.—The term ‘advocacy services’, except as used as part of the term ‘protection and advocacy services’, means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

“(2) AMERICAN INDIAN CONSORTIUM.—The term ‘American Indian Consortium’ has the meaning given the term in section 102(1) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act.

“(3) ASSISTIVE TECHNOLOGY.—The term ‘assistive technology’ means technology designed to be utilized in an assistive technology device or assistive technology service.

“(4) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

“(5) ASSISTIVE TECHNOLOGY SERVICE.—The term ‘assistive technology service’ means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

“(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

“(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

“(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

“(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

“(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

“(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

“(6) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term ‘capacity building and advocacy activities’ means efforts that—

“(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

“(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

“(7) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term ‘comprehensive statewide program of technology-related assistance’ means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

“(8) CONSUMER-RESPONSIVE.—The term ‘consumer-responsive’—

“(A) with regard to policies, means that the policies are consistent with the principles of—

“(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

“(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

“(iii) inclusion, integration, and full participation of such individuals in society;

“(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

“(v) support for individual and systems advocacy and community involvement; and

“(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

“(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

“(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

“(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

“(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

“(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

“(9) DISABILITY.—The term ‘disability’ means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

“(10) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

“(A) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means any individual of any age, race, or ethnicity—

“(i) who has a disability; and

“(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

“(B) INDIVIDUALS WITH DISABILITIES.—The term ‘individuals with disabilities’ means more than one individual with a disability.

“(11) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

“(12) PROTECTION AND ADVOCACY SERVICES.—The term ‘protection and advocacy services’ means services that—

“(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

“(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

"(14) STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(B) OUTLYING AREAS.—In sections 4(c) and 5(b):

"(i) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(ii) STATE.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(15) TARGETED INDIVIDUALS.—The term 'targeted individuals' means—

"(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

"(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) health and allied health professionals;

"(F) employers; and

"(G) other appropriate individuals and entities.

"(16) TECHNOLOGY-RELATED ASSISTANCE.—The term 'technology-related assistance' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (G) of section 2(b)(1).

"(17) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

"(18) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

"SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.

"(a) GRANTS TO STATES.—The Secretary shall award grants, in accordance with this section, to States to maintain comprehensive statewide programs of technology related assistance to support programs that are designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—

"(A) REQUIRED ACTIVITIES.—Except as provided in subparagraph (C), any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out the activities described in subparagraphs (A) and (B) of paragraph (2).

"(B) DISCRETIONARY ACTIVITIES.—Any State that receives a grant under this section may use the funds made available through the grant to carry out the activities described in subparagraph (C) or (D) of paragraph (2).

"(C) SPECIAL RULE.—Any State in which financial support for the activities described in subparagraph (A) or (B) of paragraph (2) is provided from State or other resources shall not be required to expend the funds provided under the grant to carry out the activities described in subparagraph (A) or (B), as the case may be. Such financial support shall be comparable to the amount of the grant the State would otherwise have expended for such activities.

"(2) STATE-LEVEL ACTIVITIES.—

"(A) STATE FINANCE SYSTEMS.—The State shall support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including the development of systems to provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision of assistive technology devices and assistive technology services; or

"(ii) the establishment of alternative State or privately funded systems of subsidies for the provision of assistive technology devices or assistive technology services, such as—

"(I) a low-interest loan fund;

"(II) an interest buy-down program;

"(III) a revolving loan fund;

"(IV) a loan guarantee or insurance program;

"(V) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

"(VI) another mechanism approved by the Secretary.

"(B) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that support the short-term loan of assistive technology devices to individuals, employers, public agencies, public accommodations, or others seeking to meet the needs of targeted individuals, including to comply with the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973.

"(C) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, recycling, or other reutilization of assistive technology devices, which may include redistribution through device and equipment loans, rentals, or gifts.

"(D) DEVICE DEMONSTRATION PROGRAM.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device demonstration programs that provide for the ability of targeted individuals to learn about the use and operation of assistive technology devices.

"(3) STATE LEADERSHIP ACTIVITIES.—

"(A) IN GENERAL.—Any State that receives a grant under this section may use up to 40 percent of the funds made available through the grant to carry out the activities described in subparagraph (B).

"(B) REQUIRED ACTIVITIES.—The State shall support—

"(i) public awareness activities designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services, including—

"(I) the development and dissemination of information relating to—

"(aa) the nature of assistive technology devices and assistive technology services;

"(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

"(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

"(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals, which may include partnerships with the State and local workforce investment system established under the Workforce Investment Act of 1998, State vocational rehabilitation centers, public and private employers, or elementary and secondary public schools; and

"(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology; and

"(IV) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

"(ii) technical assistance and training on—

"(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services;

"(II) providing technical assistance, including technical assistance concerning how—

"(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law; and

"(bb) to increase consumer participation regarding assistive technology devices and assistive technology services; and

"(III) the enhancement of the assistive technology skills and competencies of—

"(aa) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

"(bb) educators and related services personnel;

"(cc) technology experts (including engineers);

"(dd) health and allied health professionals;

"(ee) employers; and

"(ff) other appropriate personnel; and

"(iii) outreach and support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations, and further including support such as outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

"(C) Authorized activities.—The State may support the operation and administration of the activities in paragraph (2), through interagency coordination to develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

"(4) Indirect costs.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

"(5) Prohibition.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

"(6) State flexibility.—

"(A) In general.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that it receives under a grant under this section to carry out any of the activities described in paragraph (2).

"(B) Special rule.—Notwithstanding paragraph (3)(A), any State which exercises its authority under subparagraph (A) may not use more than 30 percent of the funds made available through the grant to carry out the activities described in paragraph (3)(B).

"(c) Amount of Financial Assistance.—

"(1) Grants to outlying areas.—From the funds appropriated under section 8(a) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

"(2) Grants to states.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

"(3) Calculation of state grants.—

"(A) In general.—Except as provided in subparagraph (B), the Secretary shall allocate funds to each State for a fiscal year in an amount that bears the same ratio as the population of the State bears to the population of all States.

"(B) Minimum allotment.—A State shall receive an amount under a grant for a fiscal year that is not less than the amount the State received under the grant provided under title I of this Act (as in effect on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) for fiscal year 2004.

"(C) Ratable reductions.—

"(i) In general.—If amounts made available to carry out this section for any fiscal year are insufficient to meet the minimum allotment requirement for each State under subparagraph (B) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(ii) Additional funds.—If additional funds become available for making payments described under this subsection for any such fiscal year, the amounts that were reduced under clause (i) shall be increased on the same basis as such amounts were reduced.

"(d) Lead Agency.—

"(1) Designation.—To be eligible to receive a grant under this section, the Governor of the State shall designate in accordance with paragraph (2) a lead agency to administer the grant under this section.

"(2) Eligible entities.—For purposes of paragraph (1), the Governor of the State may designate one of the following:

"(A) The State agency responsible for the administration of vocational rehabilitation in the State.

"(B) A commission, council, or other official body appointed by the Governor.

"(C) A public-private partnership or consortium.

"(D) A public agency (including the office of the Governor, a State oversight office, a State agency, a public institution of higher education, or other public entity).

"(E) A council established under Federal or State law.

"(F) An organization described in section 501(c)(3) of Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Act.

"(G) Another appropriate office, agency, entity, or organization.

"(3) Duties of the lead agency.—The duties of the lead agency shall include—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

"(C) (i) coordinating efforts related to, and supervising the preparation of, the application described in subsection (e);

"(ii) coordinating, maintaining, and evaluating the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 5, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant;

"(D) delegating, in whole or in part, any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals; and

"(E) establishing a partnership or partnerships with private providers of social, medical, educational, employment, and transportation services to individuals with disabilities.

"(4) Change in lead agency.—The Governor may change the lead agency of the State (to an agency other than the lead agency of the State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) if the Governor provides a justification in the application to the Secretary for such action. Nothing in this subsection shall be construed to require the Governor of a State to change the lead agency of the State to an agency other than the lead agency of such State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

"(e) State Application.—

"(1) Submission.—Any State that desires to receive a grant under this section shall submit to the Secretary an application at such time and in such manner as the Secretary may specify.

"(2) Content.—Each application shall contain, at a minimum, the following information:

"(A) Planned activities.—A description of those activities described in subsection (b)(2) that the State will carry out under the grant.

"(B) Measurable goals.—A description of—

"(i) the measurable goals the State has set for addressing the assistive technology needs of individuals with disabilities in the State, including any measurable goals, and a timeline for meeting such goals, related to—

"(I) education, including goals involving the provision of assistive technology to individuals with disabilities that receive services under the Individuals with Disabilities Education Act;

"(II) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

"(III) telecommunication and information technology; and

"(IV) community living; and

"(ii) how the State will quantifiably measure the goals to determine whether the goals have been achieved.

"(C) Involvement of individuals with disabilities of all ages and their families.—A description of how individuals with disabilities of all ages and their families—

"(i) were involved in selecting—

"(I) the goals;

"(II) the activities to be undertaken in achieving the goals; and

"(III) the measures to be used in judging if the goals have been achieved; and

"(ii) will be involved in measuring whether the goals have been achieved.

"(D) State support.—A description of those activities described in subsection (b)(2) that the State will support under the grant, including at a minimum the State's plans to provide financial support, consistent with subsection (b)(1), for the activities described in subparagraphs (A) and (B) of such subsection.

"(E) Assurance.—An assurance that the physical location of the entity responsible for conducting the State activities under this Act meets the requirements of the Americans with Disabilities Act of 1990 regarding accessibility for individuals with disabilities.

"(F) Other information.—Such other information as the Secretary may reasonably require.

"SEC. 5. GRANTS TO STATES FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

"(a) Grants to States.—

"(1) In general.—The Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

"(2) Special rule.—Notwithstanding paragraph (1), for a State that, on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, was described in section 102(a)(2) of this Act, the Secretary shall make the grant to the lead agency designated under section 4(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that received funding under paragraph (1).

"(b) Amount of Financial Assistance.—

"(1) Grants to outlying areas and American Indian consortium.—

"(A) Outlying areas.—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

"(B) American Indian consortium.—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to the American Indian Consortium to provide services in the same manner as an eligible system described under this section. If the amount appropriated under section 8(b) for a fiscal year exceeds the amount appropriated under such section for the preceding fiscal year, then the amount referred to in the preceding sentence shall be increased for such fiscal year by the same percentage as such amount appropriated under section 8(b) exceeds the amount appropriated under such section for the preceding fiscal year.

"(2) Grants to states.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

"(3) Systems within states.—

"(A) Population basis.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

"(B) Minimums.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than $50,000, and the allotment to any system under this paragraph for any fiscal year that is less than $50,000 shall be increased to $50,000.

"(4) Reallotment.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to all other systems in the same proportion such amounts were first allocated to such systems.

"(5) Carryover.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year, except that program income generated from such amount shall remain available for two additional fiscal years and may only be used to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting such individuals in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

"(c) Report to Secretary.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

"(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

"(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

"(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

"(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

"(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

"(6) effectively allocating carryover funds described in subsection (b)(5) to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting them in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

"(d) Reports and Updates to State Agencies.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

"(e) Coordination.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 4(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

"SEC. 6. ADMINISTRATIVE PROVISIONS.

"(a) General Administration.—Notwithstanding any other provision of law, the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services of the Department of Education shall be responsible for the administration of this Act.

"(b) Review of Participating Entities.—

"(1) In general.—The Secretary shall assess the extent to which entities that receive grants pursuant to this Act are complying with the applicable requirements of this Act and achieving the quantifiable, measurable goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

"(2) Provision of information.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

"(c) Corrective Action and Sanctions.—

"(1) Corrective action.—If the Secretary determines that an entity fails to substantially comply with the requirements of this Act or to substantially make progress towards meeting the goals established under section 4(e)(2)(B) with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 7 or other means, within 90 days after such determination, to develop a corrective action plan.

"(2) Sanctions.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to one of the following corrective actions selected by the Secretary:

"(A) Partial or complete withholding of funds under the grant program until such plan is developed and implemented.

"(B) Reduction in the amount of funding that may be used for indirect costs under section 4(b)(4) for the following year under the grant program.

"(C) Required redesignation of the lead agency designated under section 4(d) or an entity responsible for administering the grant program.

"(3) Appeals procedures.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this Act or have not substantially made progress towards meeting the goals established under section 4(e)(2)(B).

"(4) Secretarial action.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

"(5) Public notification.—The Secretary shall notify the public by posting on the Internet website of the Department of Education of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

"(d) Annual Report.—

"(1) In general.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this Act to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) Contents.—Such report shall include information on—

"(A) the type of alternative financing mechanisms used by each State under the program;

"(B) the amount and type of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population), including—

"(i) the number of applications for assistance received;

"(ii) the number of applications approved and rejected;

"(iii) the default rate;

"(iv) the range and average interest rate;

"(v) the range and average income of approved loan applicants; and

"(vi) the types and dollar amounts of assistive technology financed;

"(C) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accomodations, including an analysis of the individuals with disabilities who have benefited from the device loan program;

"(D) the number, type, estimated value, and scope of device reutilization programs, including an analysis of the individuals with disabilities that have benefited from the device loan program;

"(E) the number and type of equipment demonstrations provided, including an analysis ot individuals with disabilities who have benefited from the program;

"(F) a summary of the State plans and annual reports submitted by the States, including an analysis of the progress of the States in meeting their goals established in the State application;

"(G) the number of individuals who received training and the topics of such training;

"(H) the frequency and nature of technical assistance provided to State and local governmental agencies and other entities; and

"(I) the outcomes of interagency coordination and collaboration activities carried out by the State, as applicable, that support access to assistive technology including the type, purpose, and source of leveraged funding or other contributed resources from public and private entities.

"(e) Effect on Other Assistance.—This Act may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

"SEC. 7. NATIONAL ACTIVITIES.

"(a) In General.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to provide technical assistance to entities, principally entities funded under section 4 or 5.

"(b) Input.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

"(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

"(2) family members, guardians, advocates, and authorized representatives of such individuals; and

"(3) individuals employed by protection and advocacy systems funded under section 5.

"(c) Authorized Activities.—The Secretary shall support activities designed to maximize the impact and benefit of assistive technology devices and assistive technology services for individuals with disabilities, including the following activities:

"(1) National public internet site.—

"(A) Establishment of internet site.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

"(B) Eligible entity.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

"(i) working with assistive technology and intelligent agent interactive information dissemination systems;

"(ii) managing libraries of assistive technology and disability-related resources;

"(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

"(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

"(v) developing and designing advanced Internet sites.

"(C) Features of internet site.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

"(i) Availability of information at any time.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

"(ii) Innovative automated intelligent agent.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

"(iii) Resources.—

"(I) Library on assistive technology.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

"(II) Resources for a number of disabilities.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

"(iv) Links to private sector resources and information.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

"(D) Minimum library components.—At a minimum, the Internet site shall maintain updated information on—

"(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

"(I) providing information and referral services;

"(II) promoting interagency coordination of training and service delivery among public and private entities;

"(III) conducting outreach to underrepresented populations and rural populations;

"(IV) mounting successful public awareness activities;

"(V) improving capacity building in service delivery;

"(VI) training personnel from a variety of disciplines; and

"(VII) improving evaluation strategies, research, and data collection;

"(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

"(iv) demonstration sites where individuals may try out assistive technology.

"(2) Technical assistance efforts.—The Secretary shall, on a competitive basis, make grants to, or enter into cooperative agreements with, eligible entities—

"(A) to address State-specific information requests concerning assistive technology from other entities funded under this Act and public entities not funded under this Act, including—

"(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

"(ii) requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

"(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(v) other requests for technical assistance from other entities funded under this Act and public entities not funded under this Act; and

"(vi) other assignments specified by the Secretary, including assisting entities described in section 6(b) to develop corrective action plans; and

"(B) to assist targeted individuals by disseminating information about—

"(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

"(ii) technical assistance activities undertaken under subparagraph (A).

"(d) Eligible Entities.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

"(e) Application.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"(a) State Grants for Assistive Technology; National Activities.—There are authorized to be appropriated to carry out sections 4 and 7 of this Act $21,524,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010. Of the amount appropriated pursuant to the authorization of appropriations under this subsection for a fiscal year, not more than $1,235,000 may be made available to carry out section 7 of this Act.

"(b) STATE GRANTS FOR PROTECTION AND ADVOCACY.—There are authorized to be appropriated to carry out section 5 of this Act $4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4278.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4278, the Improving Access to Assistive Technology For Individuals With Disabilities Act of 2004.

This legislation reauthorizes and reforms the Assistive Technology Act, which was created in 1988. Since then the Federal Government has played an important role in helping States develop systems to provide access to assistive technology devices and services for individuals with disabilities.

The original intent of this program was to provide seed money to establish statewide systems to help individuals with disabilities access assistive technology. Since then, all 50 States, the District of Columbia, Puerto Rico, and the outlying areas have established systems of some design and scope.

In 1998, we added the alternative financing program as a competitive grant program and we have seen many States make wonderful progress in expanding the opportunities made available to individuals with disabilities.

The original law contained a sunset provision in which the funding for these deficits would expire after 10 years. However, the program has continued to receive funds for the past 6 years since the initial 10 years were completed. These funds are now running out, and it is necessary to reauthorize this act to ensure that these programs continue to meet the needs of individuals with disabilities.

The Federal funds distributed to States over the last 16 years have allowed States to set up the needed infrastructure to support assistive technology systems. To continue the success of the assistive technology programs and to ensure that Federal money is used to best provide services to individuals with disabilities, significant reform of the Assistive Technology Act is needed.

This bill shifts the focus of the program to provide greater direct benefit to individuals with disabilities. Our goal is to help States gets more assistive technology directly into the hands of the individuals with disabilities. This new focus expands the reach of the State programs by moving away from support of administration activities and emphasizing the importance of getting the technology itself to the individuals with disabilities that need it.

I know that this will help States continue to make progress in their efforts to expand access to assistive technology and that increasing numbers of individuals with disabilities will be able to participate in society more fully every day.

Although we are refocusing the program, we certainly recognize the importance of State flexibility, and our bill maintains that important element of this program.

We direct States to focus their efforts to putting the technology into the hands of individuals with disabilities, but allow them the freedom to decide how they would go about that and which efforts will work best in their State to accomplish that goal.

States have two options in regard to their expenditures of Federal funds. In one option States could allocate 70 percent of the resources to State level activities and spend no more than 30 percent on State level activities. State level activities are more focused on directly giving individuals with disabilities assistive technology access and services, while State leadership activities are more administrative. Under this option, the States would have full flexibility to select the activities in each category that they would support.

In the other option, States would choose to spend 60 percent of the resources on State level activities and no more than 40 percent on State leadership activities. However, the State would be required to support two particular State level activities, the alternative financing program and the device loan program. I believe that the increased focus on State level activities coupled with the State flexibility will drastically improve the program and the assistance in services it provides to individuals with disabilities.

I am pleased with the changes that H.R. 4278 makes to the Assistive Technology Act, and I believe they will greatly improve the lives of those affected by a disability. In crafting this legislation, we worked with our friends across the aisle, our friends in the disability community, and our State directors. I believe we have come up with a creative proposal that will give States significant flexibility while also ensuring that the focus of the program does shift in the right direction. The reforms we have crafted in this bill respond to the concerns of the critics of this program, and it will place the program on solid footing for continued and future success.

I would like to thank the gentleman from Michigan (Mr. KILDEE) and his staff for the long hours that have gone into this process so far. I would also like to thank the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Rhode Island (Mr. LANGEVIN) for their support of this important legislation. As cochairs of the Disability Caucus, they know the importance of this legislation and we are glad to have their support today. I am very pleased with this bill, and I am glad to say we have been able to come together in a bipartisan way to improve this important program.

I would also like to thank our friends in the disability community for working with us so diligently throughout this process. Your support for this legislation is valued, and it is important that this has been such an open and deliberative process.

I strongly support H.R. 4278, the Improving Access for Individuals With Disabilities Act of 2004, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4278. The bill is a culmination of many months of bipartisan efforts to reauthorize the Assistive Technology Act.

This law is an important component in ensuring that individuals with disabilities can access assistive technology to attend school, to maintain employment, and to live independently.

As Members know, this bill is critically needed. This legislation finally ensures that States grant programs can counts on a stable source of Federal funds to support their operations. The last reauthorization of the Assistive Technology Act in 1998 sunset the State grant program. For the past 3 years, many States have wondered whether a certain year would be the last year of Federal funding. This bill erases this doubt by ensuring that all States will be eligible for funding through 2010.

I want to mention the inclusion of the American Indian Consortium as a funded protection and advocacy system under this legislation. Individuals with disabilities in Indian Country are some of the most disadvantaged when it comes to the ability to access assistive technology. This bill will provide resources to this consortium to ensure the needs of Native Americans seeking assistive technology are represented.

This provision alone will have a tremendously positive impact on Indian

Country. The momentum behind this bill would not have been possible without a real bipartisan effort to move this bill. I want to thank particularly the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON), and the gentleman from Delaware (Mr. CASTLE), its former governor, for his hard work on this bill, and I want to thank their staffs for working closely with my staff.

We have truly created a bill that will improve the ability of individuals with disabilities to access assistive technology. This legislation is an excellent example of what we can accomplish if we put our efforts into working together.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield back the balance of my time, I would like to thank the gentleman from Michigan (Mr. KILDEE). I do not work with him as much as I used to but he has always been wonderful to work with. A lot of the work on this bill, as the gentleman and I both know, was done by the gentleman from California (Mr. MCKEON), who deserves a tremendous amount of the credit for bringing this together. But the gentleman from Michigan's (Mr. KILDEE) help and that of the amiable gentleman from California (Mr. MCKEON) is tremendous in pulling together partisan interests and differing interests and bringing them together to allow legislation like this to move forward.

I would encourage all of the Members to support it.

Mr. HOYER. Madam Speaker, technology has become tremendously important in everyone's daily lives, but there are perhaps few places where technology plays as important a role in an individual's daily life than for individuals with disabilities.

That is why I am pleased to be a cosponsor and strong supporter of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, considered in the House of Representatives today.

Assistive technology devices and adaptations are critical to ensuring that individuals with disabilities can live with independence and pursue work, education, communication and other aspects of daily living.

Since the Assistive Technology Act was enacted in 1998, assistive technology state grants have provided funds to states to start-up and establish systems for distributing assistive technology devices and services. States have since made significant progress in building and improving these systems. The Maryland Technology Assistance Program, for example, provides a low-interest loan program to help people gain access to and afford critical technologies.

The previous authorization originally included a sunset provision to phase out the state assistance grants. However, as it has become clear that technology was increasingly important and that this program provided crucial assistance, support has grown to make this program permanent.

I am pleased that over the past several years, we have been able to include language in the Labor-HHS-Education bill to waive the sunset provision and adequate funding, so that states would not have to eliminate their programs.

With this important reauthorization bill, we will no longer have to include this language on an annual basis, and individuals with disabilities can be confident that this program will continue to provide states with needed assistance.

I am also pleased that this bill has been written to revise the program with greater focus on providing direct benefits to individuals with disabilities.

I hope all of my colleagues will support this bipartisan legislation.

Mr. CASTLE. Madam Speaker, I rise in support of H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, and thank the gentleman from California (Mr. MCKEON) for his work. The legislation before us today is key to helping thousands of individuals across the country gain access to assistive technology devises and services.

The use of assistive technology can help a child attend school, an adult seek and maintain employment, and individuals of all ages with disabilities participate more fully in society. Every day, the lives of countless individuals with disabilities are made better through access to assistive technology. Assistive technology helps individuals meet the challenges they face every day, and through the use of assistive technology individuals with disabilities can overcome almost any obstacle they face.

With initial passage of the Assistive Technology Act, and past reauthorizations, the job of the state AT projects was one of information and outreach, making people aware of technology options. This reauthorization focuses on how we can enhance these services. However, this legislation by encouraging AT projects across the country to build on other success stories across we can help more people with disabilities to learn, work, and be active participants in their community. One key way H.R. 4278 accomplishes this is through an increased focus on helping individuals actually acquire the assistive technologies that greatly improve their quality of life.

I am particularly proud of the AT work done in Delaware. The Delaware Assistive Technology Initiative connects Delawareans with the technologies that provide many with the opportunity to learn, work, play, and participate in community life safely and independently. Delawareans with disabilities count on the Initiative for access to technology for product demonstration and trial use, for information and consultation about equipment and funding resources, and for the coordination of resources among agencies and organizations. The Initiative runs a used equipment exchange service, publishes an informative newsletter, and helps people connect with the appropriate technology, financial assistance, and skills training. The Initiative has no eligibility limitations, other than Delaware residency. It serves infants through older persons, and addresses the needs of people with any type of disabling condition. There is no other source in Delaware that could replace these services and supports. The staff, and their counterparts in other states, are intimately familiar with the barriers that people with disabilities still encounter relative to employment, education, and community living. Assistive technology and universal design are often keys to access, opportunity, and achievement in all of these arenas, and the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004 will help to ensure that access leads to opportunity, and that opportunity results in enhanced employment, academic achievement, and community life.

I urge my colleagues to support this reauthorization.

Mr. CASTLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 4278, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT KATHERINE DUNHAM BE RECOGNIZED FOR HER GROUNDBREAKING ACHIEVEMENTS IN DANCE, THEATER, MUSIC, AND EDUCATION, AS WELL AS HER WORK AS AN ACTIVIST STRIVING FOR RACIAL EQUALITY THROUGHOUT THE WORLD

Mr. CASTLE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 62) expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world.

The Clerk read as follows:

H. CON. RES. 62

Whereas Katherine Dunham was born on June 22, 1909, and began formal dance training in her late teens;

Whereas, in the 1930s, Katherine Dunham revolutionized American dance by incorporating the roots of black dance and ritual, and by transforming these elements into choreography accessible to all through the Katherine Dunham Technique;

Whereas Katherine Dunham completed her bachelor's degree in social anthropology at the University of Chicago, was a pioneer in the use of folk and ethnic choreography, and was one of the founders of the anthropological dance movement;

Whereas Katherine Dunham utilized her dance career and public status to draw attention to issues of segregation and the civil rights movement;

Whereas Katherine Dunham founded Les Ballet Negre in 1931, the first black ballet company in the United States;

Whereas Les Ballet Negre became known as the Katherine Dunham Dance Company, touring in more than 60 countries during the 1940s;

Whereas Katherine Dunham was a dancer, choreographer, and director on Broadway, and was the first black choreographer at the Metropolitan Opera;

Whereas, in 1945, Katherine Dunham founded the Dunham School of Dance and Theatre in Manhattan, thereby providing a centralized location for students to immerse themselves in dance technique while also studying topics in the humanities, languages, ethics, philosophy, and drama;

Whereas, in 1967, Katherine Dunham established the Performing Arts Training Center in East St. Louis, Missouri, which enrolled high-risk youth into its programs in fine, performing, and cultural arts;

Whereas Katherine Dunham founded the Katherine Dunham Centers for Arts and Humanities in 1969, and the Katherine Dunham Museum and Children's Workshop in 1977;

Whereas Katherine Dunham went on a 47-day hunger strike in 1993 to call attention to the welfare of Haitians, thereby shifting public opinion concerning the United States' relations with Haiti, and helping to precipitate the return of Haiti's first democratically elected president;

Whereas Katherine Dunham has received 10 honorary doctorates and numerous awards, including the Presidential Medal of Arts, the French Legion of Honor, the NAACP's Lifetime Achievement Award, and the Kennedy Center Honor's Award; and

Whereas Katherine Dunham continues to be an activist, teacher, and mentor to young people throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Katherine Dunham should be recognized for her work as a teacher, dancer, choreographer, and actress, for her dedication to improving the opportunities in the arts that are available to the Nation's youth, and for her lifelong commitment to humanitarian causes around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Con. Res. 62. Madam Speaker, I rise in support of this legislation which expresses the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world.

Katherine Dunham has been called the matriarch of black dance. Her unprecedented blend of cultural anthropology with the artistic genre of dance in the early 1930s produced groundbreaking forms of movement and in the United States established black dance as an art form in its own right.

She was born on June 22, 1909 and began formal dance training in her late teens. She completed her Bachelor's Degree in social anthropology at the University of Chicago, was a pioneer in the use of folk and ethnic choreography, and was one of the founders of the Anthropological Dance Movement.

Katherine Dunham utilized her dance career and public status to draw attention to issues of segregation and the civil rights movement. In 1945, Katherine Dunham founded the Dunham School of Dance and Theater in Manhattan, thereby providing a centralized location for students to immerse themselves in dance technique while also studying topics in the humanities, languages, ethics, philosophy and drama.

In 1967, Katherine Dunham established a performing arts training center in East St. Louis, Missouri, which enrolled high risk youth into its program in fine, performing and cultural arts.

In 1993, she went on a 47-day hunger strike to call attention to the welfare of Haitians, thereby shifting public opinion concerning the United States public relations with Haiti, and helping to precipitate the return of Haiti's first democratically elected President.

☐ 1715

During her career Katherine Dunham was a dancer, choreographer and a director on Broadway and was the first black choreographer at the Metropolitan Opera. She has received 10 honorary doctorates and numerous awards, including the Presidential Medal of Arts, the French Legion of Honor, the NAACP's Lifetime Achievement Award and the Kennedy Center Honors Award.

She continues to be an activist, teacher and mentor to young people throughout the world. I urge my colleagues to support House Concurrent Resolution 62, which expresses the sense of Congress that Katherine Dunham should be recognized for her work as a teacher, dancer, choreographer and actress, for her dedication to improving the opportunities in the arts that are available to the Nation's youth and for her lifelong commitment to humanitarian causes around the world.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Con. Res. 62. I support this resolution which honors Katherine Dunham. This renowned dancer was born in Illinois in 1909 and started studying dance in her early teens. She was one of the first African Americans to study at the University of Chicago, where she earned a doctorate degree in anthropology.

As part of a research fellowship, Dunham studied the anthropological roots of dance in the Caribbean. Her research led to the creation of the anthropological dance movement which focuses on folk, ethnic and cultural choreography.

In 1931, she started the first African-American ballet company in the United States. Later she joined the faculty of Southern Illinois University in Edwardsville, where she helped create a performing arts training center and established a dance anthropology program.

She went on to create a community-based arts education program for impoverished young people in East St. Louis, the St. Louis metropolitan region's only multi-disciplinary arts organization devoted to the study, appreciation and celebration of diverse cultures.

Throughout her illustrious career as one of the word's most respected dancers, choreographers and teachers, Ms. Dunham used her talents, fame and resources to call attention to social injustices at home and abroad.

In closing, Madam Speaker, Katherine was dedicated to improving the lives of America's youth and correcting the social injustices at home and around the world, using her fame to increase support for the civil rights movement and to fight injustices worldwide. She is a good example of a person who has followed her passion and used her success for the greater good. We need more Americans to follow her fine example.

Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I encourage each of our Members to support the resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 62.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT LIONEL HAMPTON SHOULD BE HONORED FOR HIS CONTRIBUTIONS TO AMERICAN MUSIC

Mr. CASTLE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 63) expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

The Clerk read as follows:

H. CON. RES. 63

Whereas Lionel Hampton was one of the Nation's greatest jazz musicians, composers, and band leaders;

Whereas Lionel Hampton was one of the first musicians to play the vibraphone in jazz, setting the standard for mastery of that instrument;

Whereas Lionel Hampton nurtured and inspired many of the greatest performers of jazz music who would go on to fame in their own right;

Whereas Lionel Hampton shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for the first time an integrated public face of jazz music;

Whereas Lionel Hampton, with his performances around the world, was a musical ambassador of goodwill and friendship for the United States;

Whereas Lionel Hampton was never deterred by fame from contributing to the Harlem, New York, community that he viewed as his home;

Whereas Lionel Hampton was active in the development of affordable housing, among them Harlem's Gladys Hampton Houses, named after his late wife, the former Gladys Riddle;

Whereas Lionel Hampton performed at the White House under Republican and Democratic presidents and was honored with the Presidential Gold Medal by President Bill Clinton; and

Whereas Lionel Hampton was born in Louisville, Kentucky on April 20, 1908, and died in New York City on August 31, 2002: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 63.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support in H. Con. Res. 63, and H. Con. Res. 63 expresses the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

Starting in the 1930s on the vibraphone as a contemporary of Louis Armstrong and Benny Goodman, and staying active into the 1990s, Lionel Hampton built one of the towering careers in jazz music. A multi-instrumentalist, Hampton also enjoyed unmatched popularity as a bandleader, showman and social activist.

As a musician his greatest impact was on the vibraphone, becoming the first great jazz improviser on the instrument. Over the years his big band featured some of the best known singers and musicians in jazz history, and it became one of the longest running and commercially successful institutions in jazz. He also recorded extensively in many all-star small group projects at both sideman and leader.

Hampton became one of America's most-beloved musical figures. His astonishing longevity and extroverted personality made him a favorite of everyone from ordinary music fans to world leaders.

Lionel Hampton shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for the first time an integrated public face of jazz music

As a composer and arranger, Hampton wrote more than 200 works, including the jazz standards Flying Home, Evil Gal Blues and Midnight Sun. He also composed a major symphonic work, King David Suite.

As a statesman, he was asked by President Eisenhower to serve as a goodwill ambassador for the United States, and his band made many tours in Europe, Africa, the Middle East and the Far East, generating a huge international following. President George Bush, Senior, appointed him to the board of the Kennedy Center, and President Clinton awarded him the National Medal of the Arts.

As a businessman, he established two record labels, his own publishing company, and he founded the Lionel Hampton Development Corporation to build low-income housing in inner cities.

In his continuing role as an educator, he began working with the University of Idaho in the early 1980s to establish his dream for the future of music education. In 1985, the university named its jazz festival for him, and in 1987 the university's music school was named the Lionel Hampton School of Music.

Nearly 20 years later, the University of Idaho has developed an unprecedented relationship with Hampton by ensuring that his vision lives through the Lionel Hampton Center, a $60 million project that will provide a home for jazz, housing the university's jazz festival, its school of music and its international jazz collection, all designed to help teach and preserve the heritage of jazz.

House Concurrent Resolution 63 expresses the sense of Congress that Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy. I urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time;

Mr. RYAN of Ohio. Madam Speaker, I yield myself as much time as I may consume in order to support this resolution which honors Lionel Hampton.

This talented musician was born in Kentucky in 1908 and was raised in Chicago. He learned to play the drums while in school and later moved to Los Angeles to pursue a career in music. He is most famous for his work with the vibraphone, earning himself the nickname "the king of vibes."

In 1930, he joined the Benny Goodman Quartet, making them the first racially integrated group of jazz musicians. He also established the Lionel Hampton Orchestra. Sunny Side of the Street, Central Avenue Breakdown, his signature tune, Flying Home and Hamp's Boogie-Woogie all became top-of-the-chart best sellers.

Hampton visited many different countries as a goodwill ambassador for then President Dwight D. Eisenhower.

He created the Lionel Hampton Development Corporation in order to build low-income housing in the cities.

Hampton also worked with the University of Idaho to preserve and teach the history of jazz music to future generations.

He died on August 31, 2002.

In closing, it is fitting for Congress to honor Mr. Hampton's contributions to American music, to expanding low-income housing in our Nation's cities and for his work as a goodwill ambassador.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today as a supporter of H. Con. Res. 63, which honors and recognizes the life of the late Lionel Hampton. This is an honor that is well deserved for a man who dedicated his life not only to the performing arts but also to his community. I want to thank my distinguished colleague Representative CHARLES RANGEL for bringing this bill to the floor and giving appreciation to a truly outstanding human being.

As a jazz musician, Lionel Hampton made a positive impact on the world of jazz, as well as on American culture. Often called one of the greatest jazz musicians of our time, Lionel Hampton also proved outstanding as a composer and band leader. He set new standards for musicians across the world. Being a member of the Benny Goodman band he set a new standard for integration. By gaining mastery of the vibraphone, he set a new standard for jazz. Also known as the "King of the Vibe," Hampton led his own orchestra, which gained popularity and recognition world-wide. Noteworthy musicians and producers like Quincy Jones are products of Lionel Hampton's Orchestra.

Lionel Hampton's work was praised by some of the highest leaders of the land. President Dwight D. Eisenhower asked Hampton to serve as the Goodwill Ambassador for the United States. Years later, President George Bush, Sr. appointed Hampton to the Board of the Kennedy Center, while a few years later President Bill Clinton awarded him the National Medal of the Arts.

An entrepreneur in his own right, Lionel Hampton launched two record labels, a publishing company and the Lionel Hampton Development Corporation. He also partnered with the University of Idaho, which named its School of Music the Lionel Hampton School of Music. And in 2006, the Lionel Hampton Center will be the home for jazz, housing the university's School of Music, the university's jazz festival and its International Jazz Collections.

Lionel Hampton took pride in his home in Harlem, New York, and used his platform and affection for his community to contribute to the development of affordable housing. His own Lionel Hampton Development Corporation led to such developments as the Gladys Hampton Housing project, named for his wife whom he married in 1936. Hampton's efforts in the housing arena should serve as an example to all, as he used his groundbreaking achievements to help others.

Although Lionel Hampton has been deceased for almost 2 years, his music and legacy are alive, thriving and deserving of congressional acknowledgment.

Mr. RYAN of Ohio. Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I encourage everyone to support the resolution. I have no further requests for time, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REDESIGNATION OF AMERICAN INDIAN EDUCATION FOUNDATION

Mr. RENZI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3504) to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

The Clerk read as follows:

H.R. 3504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF AMERICAN INDIAN EDUCATION FOUNDATION.

(a) REDESIGNATION.—Section 501(a) of title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb(a)), as added by Public Law 106-568, is amended by striking "the American Indian Education Foundation" and inserting "a foundation to be known as the 'National Fund for Excellence in American Indian Education' (hereinafter referred to as the 'Foundation')".

(b) CONFORMING AMENDMENTS.—Title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb), as added by Public Law 106-568, is amended—

(1) in the heading to read as follows:

"TITLE V—NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION";

and

(2) in the heading of section 501 to read as follows:

"SEC. 501. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3504, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I should like to thank the gentleman from Ohio (Chairman BOEHNER) for scheduling this important legislation.

H.R. 3504 would redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian education. The American Indian Education Foundation was chartered by Congress under the Omnibus Indian Advancement Act in the 106th Congress. Its purpose is to further the educational opportunities of the American Indian students who attend BIA schools. This legislation was championed by the gentleman from Michigan (Mr. KILDEE).

Unfortunately, under passage of the Omnibus Indian Advancement Act, it was discovered the name "American Indian Education Foundation" is already used by an existing nonprofit organization which holds the trademark to the name. Thus, the foundation Congress intended to establish cannot get incorporated unless we change the name.

This issue may be noncontroversial and technical in nature, but if we do not correct the organization's name, the fund's staff and board of directors cannot get to work on improving the education of American Indian students.

I would also like to thank at this time the leadership of America's first Native American college, the NA College, located in the Navajo Nation, for their advocacy and unwavering support in advancing the educational ideals of our Native American Indian students.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill makes an important technical change to the American Indian Foundation. I introduced this bill in the 106th Congress, and Congress established this foundation in that Congress to improve the education of Native Americans.

This bill would rename the existing American Indian Foundation as the National Fund for Excellence in American Indian Education. This is an important technical change that allows this foundation to avoid copyright conflicts with the previously existing foundation with the same name.

I urge Members to support myself and the gentleman from Arizona (Mr. RENZI) and this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. RENZI. Madam Speaker, I have no other speakers at this time, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 3504.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING RESPONSIBLE FATHERHOOD AND ENCOURAGING GREATER INVOLVEMENT OF FATHERS IN THE LIVES OF THEIR CHILDREN

Mr. OSBORNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 66) supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

The Clerk read as follows:

H. RES. 66

Whereas 40 percent of children who live in fatherless households in the United States have not seen their fathers in at least 1 year, and 50 percent of such children have never visited their fathers' homes;

Whereas approximately 50 percent of all children born in the United States spend at least half of their childhood in families without father figures;

Whereas 3 out of 4 adolescents in the United States report that they do not have adults in their lives that serve as positive role models;

Whereas children who are apart from their biological fathers are, in comparison to other children, 5 times more likely to live in poverty, and more likely to bring weapons and drugs into the classroom, commit other crimes, drop out of school, commit suicide, abuse alcohol or drugs, or become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to promote responsible fatherhood;

Whereas children with fathers at home tend to do better in school, to be less prone to depression, and to have more successful relationships;

Whereas boys and girls alike demonstrate greater self-control and ability to take initiative when fathers are actively involved in their upbringing;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas the promotion of responsible fatherhood should not denigrate the standing or parenting efforts of single mothers, whose efforts are heroic, lessen the protection of children from abusive parents, cause women to remain in, or enter into, abusive relationships, or compromise the health or safety of a custodial parent;

Whereas a broad array of the Nation's leading family and child development experts agree that it is in the best interests of children and the Nation as a whole to encourage more two-parent families where the father is actively involved with his children;

Whereas in a study of fathers' interaction with their children in intact two-parent families, nearly 90 percent of the fathers surveyed said that being a father is the most fulfilling role a man can have;

Whereas according to a 1996 Gallup poll, 90.3 percent of Americans agree that fathers make a unique contribution to their children's lives;

Whereas married fathers are more likely to have a close, enduring relationship with their children than unmarried fathers; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children;

(2) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources to his children, recognizing that children need not only material support, but even more importantly, a secure and nurturing family environment;

(3) urges mothers to encourage fathers to play an active role in child-rearing;

(4) commends the millions of fathers who serve as wonderful, caring parents for their children;

(5) calls on fathers across the Nation to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children; and

(6) urges institutions and government entities at every level to promote public policies that encourage and support, and remove barriers to, responsible fatherhood.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 66.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. OSBORNE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would first like to thank the gentleman from Oklahoma (Mr. SULLIVAN) for sponsoring this legislation and the gentleman from Ohio (Mr. BOEHNER), the chairman of the House Committee on Education and the Workforce, for supporting it.

Madam Speaker, we live in troubled times for young people. Over 36 years of coaching I saw cultural changes that negatively impacted children. The out-of-wedlock birth rate went from 5 percent in 1960 to roughly 33 percent today.

The United States has become the most violent nation in the world for young people in terms of homicide and suicide. Drug and alcohol addiction has increased dramatically. We currently have roughly 3 million teenage alcoholics and hundreds of thousands who are addicted to other types of drugs.

□ 1730

Teen pregnancy has skyrocketed.

The greatest single factor in this alarming transformation has been fatherlessness. There are currently 24 million fatherless children in the United States. Up to 60 percent of today's children will spend at least part of their childhood separated from their biological fathers, and many fathers who are present are emotionally absent because of work commitment and simple lack of interest in their children's lives.

Fatherless children have a great deal of trauma and dysfunction in their lives. They are much more likely to commit crimes and engage in substance abuse. Approximately 70 percent of prison inmates grew up without fathers. Fatherless children have lower grades and higher dropout rates. The dropout rate for fatherless children is roughly double that of other children. Fatherless children are five times more likely to live in poverty, are more likely to be promiscuous. And three out of four suicides take place in a home where a parent is absent, and psychiatric problems are four to five times more prevalent for fatherless children.

So when a dad walks out, it leaves a vacuum that is often filled with all of the wrong stuff. This is the biggest threat that we experience in our culture today, so I would like to take this opportunity particularly to thank those fathers who do stay the course. While some have minimized the importance of fatherhood, the evidence is overwhelming that a father makes a unique contribution in the lives of his children.

It takes both a father and a mother living in a committed relationship to develop stable children and a strong culture. Some have denigrated the institution of marriage and said fathers really are somewhat irrelevant, and obviously the facts belie that. Fathers are critical, as are mothers, to a strong society.

Madam Speaker, I want to urge support to the National Center on Fathering created by Ken Canfield. Mentoring programs have been very important around the country to fill the gap in fatherlessness, and all of the initiatives which promote and strengthen fatherhood.

We currently see an encouraging increase in interest and recognition of the importance of fatherhood. I guess in what might otherwise be a rather bleak picture, this is somewhat of an encouraging sign. I urge adoption of House Resolution 66.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Madam Speaker, I yield myself such time as I may consume.

I am happy to rise in appreciation of fathers and in full support of Father's Day. Many people believe that Father's Day was started by greeting card companies to create another reason for people to buy greeting cards, but that is not so. The origination of Father's Day is generally credited to Mrs. John B. Dodd of Washington State. Mrs. Dodd wanted to honor her father, William Smart. Mr. Smart was a Civil War veteran whose wife, Mrs. Dodd's mother, died in childbirth with their sixth child. Mr. Smart never remarried and raised all six children by himself.

Beginning in 1919, Father's Day was celebrated unofficially on June 19, which was close to Mr. Smart's birthday. It was not until 1966 that Father's Day became an official American celebration when President Johnson signed a Presidential proclamation declaring the third Sunday in June Father's Day.

I am happy to join my colleagues on both sides of the aisle to honor the many, many wonderful fathers who have given children their time, knowledge and strength, and most of all their love; and I would like to take this opportunity to also thank and show great gratitude for the grandfathers who have in many of our lives, mine in particular, played a tremendous role and in many instances step in for the father who is not there.

There is something special about the grandfather because they are passing down from many generations, which is very enriching, I think, for many young people in our society today. And coming from a generation where there has been much divorce and many fathers who have not been around, I think this is a very appropriate resolution, and I am happy to show our appreciation to the gentleman from Nebraska (Mr. OSBORNE).

Madam Speaker, I reserve the balance of my time.

Mr. MCINTYRE. Madam Speaker, I rise in strong support of H.J. Res. 66, a resolution that speaks to the importance of fathers and the role that they play in our society. I thank my colleague, Mr. Sullivan, for his work on this important matter.

Six days from now, our nation will celebrate the special place that fathers have in our country.

From helping with homework to playing ball, from reading a book to offering advice, and from praying with and just listening, each and every day fathers of all ages contribute to the mental, moral, physical and spiritual development of children, teenagers, and adults.

According to the National Fatherhood Initiative, children with involved, loving fathers are significantly more likely to do well in school, have a healthy self esteem, show empathy, exhibit good behavior, and avoid high risk activity such as drug use and criminal activity.

H.J. Resolution 66 recognizes the wonderful work that both parents do on behalf of their kids, and I encourage my colleagues to join with us as we all recommit ourselves to being the best father we can to children everywhere.

And in conclusion, I would like to publicly thank my father, Dr. Douglas McIntyre of my hometown of Lumberton, for the great example he has been to me and for the dedication and support he has shown in my every endeavor.

Mr. OSBORNE. Madam Speaker, I yield back the balance of my time.

Mr. RYAN of Ohio. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 66.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT TO AGREEMENT BETWEEN UNITED STATES AND UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–192)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense that provides a summary position on the Amendment is also enclosed.

The Amendment extends for 10 years (until December 31, 2014) provisions that permit the transfer of nonnuclear parts, source, byproduct, special nuclear materials, and other material and technology for nuclear weapons and military reactors, and revises text, principally in the Security Annex, to be consistent with current policies and practices relating to personnel and physical security.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to the North Atlantic Treaty Organization, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 14, 2004.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 36 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TIBERI) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.J. Res. 97, by the yeas and nays;

H. Res. 669, by the yeas and nays;

H.R. 4323, by the yeas and nays; and

H. Res. 653, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 97.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 97 on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 2, not voting 59, as follows:

[Roll No. 232]

YEAS—372

Abercrombie
Ackerman
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham

LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—59

Aderholt
Andrews
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Edwards
Ehlers
Fattah
Ford
Frost
Garrett (NJ)
Gephardt
Graves
Gutierrez
Hoeffel
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Nussle
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Rothman
Ruppersberger
Sanders
Schiff
Scott (VA)
Serrano
Shays
Taylor (NC)
Toomey
Velázquez
Watson
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIBERI) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1857

Mr. LINDER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 232, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO NEED TO PROVIDE PROSTATE CANCER PATIENTS WITH MEANINGFUL ACCESS TO INFORMATION ON TREATMENT OPTIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 669.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 669, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 3, not voting 53, as follows:

[Roll No. 233]

YEAS—377

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Shadegg

NOT VOTING—53

Aderholt
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Ehlers
Fattah
Ford
Frost
Gephardt
Graves
Gutierrez
Hoeffel
Hunter
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Nussle
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Ruppersberger
Sanders
Serrano
Shays
Taylor (NC)
Toomey
Velázquez
Watson
Woolsey

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING RAPID ACQUISITION AUTHORITY TO SECRETARY OF DEFENSE TO RESPOND TO COMBAT EMERGENCIES

The SPEAKER pro tempore (Mr. TIBERI). The pending business is the question of suspending the rules and passing the bill, H.R. 4323.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4323, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 285, nays 97, not voting 51, as follows:

[Roll No. 234]

YEAS—285

Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—97

Abercrombie
Ackerman
Allen
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardoza
Chandler
Clay
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Grijalva
Harman
Hastings (FL)
Hinchey
Holt
Hooley (OR)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kleczka
Kucinich
Langevin
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Murtha
Napolitano
Oberstar
Obey
Olver
Owens
Pastor
Peterson (MN)
Rahall
Ross
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Sherman
Slaughter
Solis
Stark
Stenholm
Strickland
Stupak
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt
Waxman
Weiner
Wynn

NOT VOTING—51

Aderholt
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Ehlers
Fattah
Ford
Frost
Gephardt
Graves
Gutierrez
Hoeffel
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Ruppersberger
Serrano
Shays
Tancredo
Taylor (NC)
Toomey
Velázquez
Watson
Woolsey

□ 1925

Messrs. DELAHUNT, OWENS, PASTOR, DEFAZIO, Mrs. JONES of Ohio, Messrs. MARKEY, UDALL of Colorado, BISHOP of Georgia, Ms. MAJETTE, Messrs. JEFFERSON, BROWN of Ohio, STRICKLAND, DICKS, BECERRA, HASTINGS of Florida, Ms. ROYBAL-ALLARD, Messrs. SHERMAN, ALLEN, MEEK of Florida, Mrs. NAPOLITANO, Ms. LOFGREN, Messrs. CUMMINGS, DAVIS of Illinois, LEVIN, FARR, PETERSON of Minnesota, DINGELL, Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Messrs. WYNN, CARDOZA, MATSUI, STENHOLM, BOYD, FILNER, Ms. DEGETTE, and Ms. HOOLEY of Oregon changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING FORMER PRESIDENT GEORGE HERBERT WALKER BUSH ON HIS 80TH BIRTHDAY

The SPEAKER pro tempore (Mr. TIBERI). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 653, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CARTER) that the House suspend the rules and agree to the resolution, H. Res. 653, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 52, as follows:

[Roll No. 235]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra

Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Aderholt
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Ehlers
Fattah
Ford
Frost
Gephardt
Graves
Gutierrez
Hoeffel
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Maloney
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Ruppersberger
Serrano
Shays
Taylor (NC)
Toomey
Turner (TX)
Velázquez
Watson
Woolsey

□ 1932

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 232, 233, 234 and 235. Had I been here I would have voted "yea" for rollcall vote 232, "yea" for rollcall vote 233, "yea" for rollcall vote 234, and "yea" for rollcall vote 235.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Monday, June 14, 2004. Had I been present, I would have voted "yea" on H.J. Res. 97, legislation renewing the import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (rollcall No. 232); "yea" on H. Res. 669, a resolution expressing the sense of Congress regarding the need to provide prostrate cancer patients with meaningful access to information on treatment options (rollcall No. 233); "yea" H.R. 4323, providing the Secretary of Defense with rapid acquisition authority in times of combat emergencies (rollcall No. 234); and "yea" on H. Res. 653, a resolution honoring former President George Herbert Walker Bush on the occasion of his 80th birthday (rollcall No. 235).

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore (Mr. TIBERI) laid before the House the following resignation as a member of the Committee on Resources:

HOUSE OF REPRESENTATIVES,
June 14, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Resources, pending my appointment to the Committee on Government Reform.

Sincerely,

BETTY MCCOLLUM,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 670) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 670

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Ms. Herseth (to rank immediately after Mr. Chandler).

COMMITTEE ON GOVERNMENT REFORM: Ms. McCollum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the additional motion to suspend the rules on which a recorded vote of the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES ACT OF 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4061) to amend the Foreign

Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, as amended.

The Clerk read as follows:

H.R. 4061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1)(A) According to estimates by the United Nations Children's Fund (UNICEF), there are more than 132,000,000 children in the world under the age of three.

(B) Of these children, 4,000,000 will die in their first month of life and another 7,000,000 will die each year before reaching the age of five. Thus an average of 30,000 children under the age of three die each day.

(2) According to a report developed by the United Nations Joint Programme on HIV/AIDS (UNAIDS), UNICEF, and the United States Agency for International Development, in 2001 there were more than 110,000,000 orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

(3) Assessments carried out by the International Labor Organization (ILO) to investigate the situation of children who are working found that orphans are much more likely than non-orphans to be working in commercial agriculture, the domestic service industry, prostitution, as street vendors, or in industries that violate internationally recognized rights of children.

(4) Infants who are poor and malnourished are more likely to contract respiratory infections, diarrhea, measles, and other preventable diseases, and are less likely to receive needed health care.

(5) According to UNAIDS and UNICEF, by the end of 2001 there were an estimated 14,000,000 children under the age of 15 who had lost one or both parents to AIDS.

(6) As the number of HIV cases increases in sub-Saharan Africa and the Caribbean, as well as in Eastern Europe and Asia, the death rate from AIDS among adults in those regions is expected to increase. By 2010 the total number of children in those regions who will lose one or both parents to AIDS is expected to be approximately 30,000,000.

(7) One-third of children born from an HIV-infected mother develop HIV/AIDS. Few of these children have access to HIV/AIDS medications.

(8) Globally, more than 11,800,000 young people ages 15 to 24 were living with HIV/AIDS in 2001, and each day another 6,000 young people became infected with HIV. New estimates indicate that more than 70 percent of new HIV cases among this age group in sub-Saharan Africa are young women and girls.

(9) As their parents fall progressively sick from HIV/AIDS, children generally must take on an increasing number of responsibilities. Girls take responsibility for more household chores, often drop out of school, and care for their parents.

(10)(A) Without an adequate diet, individuals infected with HIV often die at an earlier age. Individuals with HIV become increasingly weak and fatigued, do not respond to drug treatment, and are prone to other illnesses such as malnutrition and tuberculosis (TB).

(B) Hunger can also cause previously HIV-negative people to engage in high-risk survival strategies that increase their chances of becoming infected with HIV.

(11) Extreme poverty and hunger coupled with the loss of one or both parents as a result of AIDS can force children from their families to a life on the streets, where the risk of HIV infection is extremely high.

(12)(A) A considerable number of United States and indigenous private voluntary organizations, including faith-based organizations, provide assistance to orphans and other vulnerable children in developing countries, especially children affected by HIV/AIDS.

(B) Many of these organizations have submitted applications for grants from the United States Agency for International Development in order to provide increased levels of assistance for orphans and other vulnerable children in developing countries but in most cases the Agency has not approved the applications.

(13)(A) Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25) establishes the requirement that for fiscal years 2006 through 2008, not less than 10 percent of amounts appropriated for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and other vulnerable children affected by HIV/AIDS.

(B) Further, section 403(b) of Public Law 108-25 requires that at least 50 percent of such amounts shall be provided through nonprofit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

(14)(A) It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children in developing countries.

(B) This comprehensive approach should ensure that important services, such as basic care, treatment for those children with HIV/AIDS, mental health and related services for those children affected by HIV/AIDS, school food programs, increased educational opportunities and employment training and related services, and the protection and promotion of inheritance rights, are made more accessible.

(C) This comprehensive approach should also ensure that government agencies and the private sector coordinate efforts to prevent and eliminate duplication of efforts and waste.

(15) As a result of the numerous United States Government programs under which assistance is specifically authorized or otherwise available for orphans and vulnerable children in developing countries, the United States Agency for International Development will be required to develop innovative methods for the conduct and monitoring of these programs, including through the collection, analysis, and reporting of information on the programs and the extent to which such programs provide assistance directly and indirectly to such children.

SEC. 3. PURPOSE.

The primary purpose of this Act, and the amendments made by this Act, is to provide assistance to orphans and other vulnerable children, especially such children affected by HIV/AIDS, and in particular, for such children in countries heavily affected by HIV/AIDS. To the maximum extent practicable, such assistance shall be provided for the direct benefit to such orphaned and vulnerable children.

SEC. 4. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES.

Title V of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2201) is amended to read as follows:

"TITLE V—ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN

"SEC. 241. FINDINGS; DECLARATION OF POLICY.

"(a) FINDINGS.—Congress finds the following:

"(1) By 2010, HIV/AIDS will orphan more than 25,000,000 children worldwide.

"(2) Ongoing conflicts and civil wars in developing countries are adversely affecting children in these countries, the vast majority of whom currently do not receive humanitarian assistance or other support from the United States Government.

"(3) The United States Government currently administers assistance programs for orphans and other vulnerable children in developing countries. When requested by the Committee on International Relations of the House of Representatives to provide information on the overall number of orphans and other vulnerable children receiving assistance from the United States Agency for International Development in fiscal year 2002, the Agency was only able to report on its HIV/AIDS assistance program, under which the Agency provided assistance to 462,000 such orphans and other vulnerable children.

"(4) The United States Government should increase its efforts to provide assistance for orphans and other vulnerable children in developing countries, especially those children affected by HIV/AIDS or conflict.

"(5) The United States Agency for International Development should establish improved capacity to deliver assistance to orphans and other vulnerable children in developing countries through partnerships with private voluntary organizations, including faith-based organizations.

"(6) Further, the United States Agency for International Development should be the primary United States Government agency responsible for identifying and assisting orphans and other vulnerable children in developing countries.

"(b) DECLARATION OF POLICY.—Congress, recognizing that prompt and appropriate action by the United States to assist orphans and other vulnerable children in developing countries is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to assist such orphans and other vulnerable children—

"(1) by providing assistance for the purpose of improving the health, nutritional, shelter, educational, economic, and psychological status of orphans and other vulnerable children in such countries; and

"(2) by providing humanitarian and protection assistance to such orphans and other vulnerable children affected by conflict or civil strife.

"SEC. 242. ASSISTANCE TO PROVIDE BASIC CARE.

"(a) FINDINGS.—Congress finds the following:

"(1) The need for individuals and local organizations in developing countries to assist households headed by children is necessary due to the increase in the number of such households. Millions of children in these types of households lack basic care, such as access to food and shelter.

"(2) Although families and extended families serve as the primary providers of care for these children, when these family care networks break down, and when communities are responsible for raising orphans, these children are cared for in a rich and nurturing environment and remain connected to the traditions and rituals of families and the community.

“(3) As the number of these children increases, the ability of communities to provide basic care for such children is limited. Assistance to support the provision of such basic care is therefore necessary in and of itself and also to facilitate the provision of other types of assistance for such children under this title.

“(b) ASSISTANCE.—

“(1) IN GENERAL.—The President is authorized to provide assistance for programs in developing countries to provide basic care for orphans and other vulnerable children.

“(2) ACTIVITIES SUPPORTED.—Assistance provided under paragraph (1) should be used—

“(A) to support individuals and local organizations, including teachers, social workers, and representatives from religious institutions and nongovernmental organizations, to mobilize their own resources through the strengthening of community care coalitions, networks, or support groups to provide basic care for orphans and other vulnerable children, including day care, food assistance, protection assistance, and home visits;

“(B) to increase the capacity of the community care groups described in subparagraph (A) to meet on a regular basis to identify orphans and other vulnerable children and to facilitate the provision of services; and

“(C) to ensure that the activities of community care groups described in subparagraph (A) include appropriate monitoring and supervision components.

“(3) DEFINITION.—In this subsection, the term ‘protection assistance’ means all appropriate measures to promote the physical and psychological security of an individual, provide equal access to basic services for the individual, and safeguard the legal and human rights and dignity of the individual.

“SEC. 243. ASSISTANCE TO PROVIDE TREATMENT TO ORPHANS AND OTHER VULNERABLE CHILDREN WITH HIV/AIDS.

“(a) FINDINGS.—Congress finds the following:

“(1) Approximately 2,500,000 children under the age of 15 worldwide have HIV/AIDS. Every day another 2,000 children under the age of 15 are infected with HIV.

“(2) In 2002, approximately 2,500,000 children were at risk for infection with HIV through mother-to-child transmission, which includes transmission at any point during pregnancy, labor, delivery, or breastfeeding.

“(3) To date, more than 4,000,000 children worldwide are estimated to have died from AIDS, primarily contracted through mother-to-child transmission. Every year, approximately 700,000 babies are infected with HIV, of which the majority are living in Africa.

“(4) In southern Africa HIV/AIDS is now the leading cause of death among young children, accounting for almost half of such deaths.

“(5) Research has shown conclusively that initiation in a timely manner of antiretroviral therapy for infants or young children with HIV/AIDS can preserve or restore their immune functions, promote normal growth and development, and prolong life.

“(6) Few international development programs specifically target the treatment of children with HIV/AIDS in developing countries. Reasons for this include the perceived low priority of pediatric treatment, a lack of pediatric health care professionals, lack of expertise and experience in pediatric drug dosing and monitoring, the perceived complexity of pediatric treatment, and mistaken beliefs regarding the risks and benefits of pediatric treatment.

“(b) ASSISTANCE.—

“(1) IN GENERAL.—The President is authorized to provide assistance for the treatment of orphans and other vulnerable children with HIV/AIDS in developing countries.

“(2) ACTIVITIES SUPPORTED.—Assistance provided under paragraph (1) should be used to carry out the following activities:

“(A) The treatment of orphans and other vulnerable children with HIV/AIDS through the provision of pharmaceuticals, including high-quality, low-cost antiretrovirals and other therapies including generically manufactured pharmaceuticals where appropriate.

“(B)(i) The recruitment and training of individuals to provide the treatment described in subparagraph (A), including the recruitment and training of appropriate support personnel.

“(ii) Such training should include appropriate methodologies relating to initial diagnosis, appropriate dosages of pharmaceuticals, monitoring, medication adherence techniques, treatment for any complications resulting from such pharmaceuticals, and psychosocial support for vulnerable children and their caregivers.

“(C) Activities of medical laboratories relating to the treatment described in subparagraph (A), including assistance for the purchase of necessary equipment.

“SEC. 244. ASSISTANCE TO PROVIDE PSYCHOSOCIAL SUPPORT TO ORPHANS AND OTHER VULNERABLE CHILDREN AFFECTED BY HIV/AIDS.

“(a) FINDINGS.—Congress finds the following:

“(1) Many children who are orphaned as a result of AIDS blame themselves for the death of a parent and many children are separated from siblings, sometimes for life.

“(2) The trauma that results from the loss of a parent as a result of AIDS can trigger behavior problems of aggression or emotional withdrawal and negatively affect a child's performance in school and the child's social relations.

“(3) Children living in families affected by HIV/AIDS are often stigmatized, teased, and ostracized by peers.

“(4) Children living in families affected by HIV/AIDS who are most vulnerable are those children in households headed by children. In these households, trained community volunteers can play a major role through home visits.

“(5) In many African countries, religious leaders are mobilizing individuals and local organizations within the community to identify and respond to the psychosocial needs of those children affected by AIDS.

“(b) ASSISTANCE.—The President is authorized to provide assistance for programs in developing countries to provide culturally appropriate mental health services and psychosocial support for orphans and other vulnerable children, and their caregivers.

“SEC. 245. ASSISTANCE FOR SCHOOL FOOD PROGRAMS.

“(a) FINDINGS.—Congress finds the following:

“(1) In 2004, it is estimated that 125,000,000 children worldwide do not attend school, in part because of hunger and malnutrition, and the vast majority of these children are young girls.

“(2) School food programs, including take-home rations, in developing countries provide strong incentives for parents to send their children to school and ensure that they continue with their education. School food programs may reduce short-term hunger, improve cognitive functions, and enhance learning, behavior, and achievement.

“(3) In 2004, more than 8,000,000 children in sub-Saharan Africa are underweight compared to 1994. Malnutrition enhances the risk that orphans and other vulnerable children will be at risk for illness and infections, especially if these children are also infected with HIV.

“(4) Healthy members of families affected by HIV/AIDS in developing countries often leave the workforce to care for those family members with HIV/AIDS, which compounds the problem of access to food for the family. Food consumption has been shown to drop by as much as 40 percent in these families.

“(5)(A) Although a number of organizations seek to meet the needs of children who are orphaned or vulnerable as a result of HIV/AIDS, immediate and extended families continue to be the primary providers of care and support for these children, and they need direct assistance urgently.

“(B) According to a survey by the United States Agency for International Development, orphans and other vulnerable children relied on relatives for food support 74 percent of the time and on friends for food support 19 percent of the time.

“(b) ASSISTANCE.—

“(1) IN GENERAL.—The President is authorized to provide assistance for school food programs for orphans and vulnerable children in developing countries, especially in such countries heavily affected by HIV/AIDS.

“(2) ACTIVITIES SUPPORTED.—Assistance provided under paragraph (1) should be used to purchase local or regional foodstuffs, where appropriate, for school food programs.

“SEC. 246. ASSISTANCE TO INCREASE EDUCATIONAL OPPORTUNITIES AND PROVIDE EMPLOYMENT TRAINING.

“(a) FINDINGS.—Congress finds the following:

“(1) The lack of financial resources in families affected by HIV/AIDS prevents many orphans and other vulnerable children in developing countries from attending school because of the requirement to pay school fees and other costs of education.

“(2) Such children, in particular young girls, are often forced to miss school in order to serve as caregivers to relatives with HIV/AIDS or assume adult responsibilities for providing for the family. Younger children who lose a parent also lose the opportunity to learn skills that they will need to support themselves as they grow older.

“(3) According to the International Labor Organization (ILO), approximately 250,000,000 children and adolescents ages 5 to 14 in developing countries are working part-time and approximately 120,000,000 children and adolescents ages 5 to 14 in developing countries are working full-time.

“(4) In many regions of Africa and other developing countries, non-formal education plays an important role to provide children who are unable to attend school with the employment and related life skills training such children need to survive.

“(5) Many organizations in Africa, including faith-based organizations, provide employment and related life skills training for older children to better prepare them to serve as caregivers for younger siblings.

“(6) Organizations that provide non-formal education can assist the thousands of children in developing countries who are not currently being assisted by families or communities and are struggling to survive.

"(b) Assistance.—

"(1) Education assistance.—The President is authorized to provide assistance for programs in developing countries to decrease barriers to public primary school enrollment by eliminating school fees and other costs of education, especially in developing countries heavily affected by HIV/AIDS. Amounts made available to carry out this paragraph—

"(A) are authorized to be made available to the President for assistance or contributions to nongovernmental organizations and international organizations to achieve the purposes of this paragraph; and

"(B) shall not be used to pay school fees.

"(2) Employment training assistance.—The President is authorized to provide assistance for programs in developing countries to provide employment training and related services for orphans and other vulnerable children who are of legal working age, especially for programs in developing countries heavily affected by HIV/AIDS.

"SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHERITANCE RIGHTS.

"(a) Finding.—Congress finds that orphans and other vulnerable children in developing countries, particularly children who are orphaned as a result of AIDS, are routinely denied their inheritance or encounter difficulties in claiming the land and other property which they have inherited.

"(b) Assistance.—The President is authorized to provide assistance in support of programs in developing countries to protect and promote the inheritance rights of orphans and other vulnerable children, particularly young girls and children who are orphaned as a result of AIDS.

"SEC. 248. ADMINISTRATION OF ASSISTANCE.

"(a) Office for Orphans and Other Vulnerable Children.—

"(1) Establishment.—There is established within the United States Agency for International Development an Office for Orphans and Other Vulnerable Children (hereafter in this title referred to as the 'Office'), which shall be headed by a Director who shall be appointed by the Administrator of the Agency.

"(2) Duties.—The Office shall be responsible for carrying out this title.

"(b) Approval of Applications.—Subject to the requirements of subsection (e), the Director of the Office shall be responsible for reviewing or approving all applications submitted to the United States Agency for International Development for assistance under this title, including applications submitted to field missions of the Agency.

"(c) Priority.—In providing assistance under this title, priority should be given to assistance for developing countries in which the rate of HIV infection, as reported in the most recent epidemiological data for that country compiled by the United Nations Joint Programme on HIV/AIDS (UNAIDS), is at least 5 percent among women attending prenatal clinics or more than 15 percent among individuals in groups with high-risk behavior.

"(d) Form of Assistance.—Assistance under this title shall be provided in the form of—

"(1) grants, cooperative agreements, or contracts;

"(2) contributions to international organizations; or

"(3) assistance to the governments of developing countries.

"(e) Coordination.—The provision of assistance under this title for children who are orphaned as a result of HIV/AIDS, or are children with HIV/AIDS, shall be undertaken in accordance with section 104A of this Act and assistance relating to HIV/AIDS authorized under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), including section 102 of such Act concerning the coordination of HIV/AIDS programs.

"(f) Other Assistance.—

"(1) Review or approval of other USAID assistance.—The Director of the Office shall be responsible for reviewing or approving—

"(A) each component of the annual plan of a mission, bureau, or other office of the United States Agency for International Development as the component relates to assistance for orphans or other vulnerable children in developing countries; and

"(B) each program, project, or activity relating to such assistance.

"(2) Coordination of all U.S. government assistance.—The Director of the Office shall be responsible for ensuring coordination of all United States Government programs to provide assistance for orphans and other vulnerable children in developing countries.

"SEC. 249. MONITORING SYSTEM.

"(a) Establishment.—In order to maximize the sustainable development impact of assistance authorized under this title, the President shall establish a monitoring system that meets the requirements of subsection (b).

"(b) Requirements.—The requirements referred to in subsection (a) are the following:

"(1) The monitoring system establishes performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

"(2) The monitoring system establishes performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1).

"(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the impact of the assistance.

"SEC. 250. REPORT.

"(a) Report.—Not later than December 31, 2005, and each December 31 thereafter, the President shall transmit to Congress a report that contains a detailed description of the implementation of this title for the previous fiscal year.

"(b) Contents.—The report shall contain the following information:

"(1) For each grant, cooperative agreement, contract, contribution, or other form of assistance awarded or entered into under this title—

"(A) the amount of the grant, cooperative agreement, contract, contribution, or other form of assistance, the name of each recipient and each developing country with respect to which projects or activities under the grant, cooperative agreement, contract, contribution, or other form of assistance were carried out, and the approximate number of orphans and other vulnerable children who received direct or indirect assistance under the projects or activities; and

"(B) the results of the monitoring system with respect to the grant, cooperative agreement, contract, contribution, or other form of assistance.

"(2) For each grant, cooperative agreement, contract, contribution, or other form of assistance awarded or entered into under any provision of law other than this title for assistance for orphans and other vulnerable children in developing countries, the information described in paragraph (1)(A).

"(3) Of the total amounts of assistance made available in each such fiscal year for orphans and other vulnerable children, the percentage of assistance provided in support of orphans or other vulnerable children affected by HIV/AIDS.

"(4) Any other appropriate information relating to the needs of orphans and other vulnerable children in developing countries that could be addressed through the provision of assistance under this title or under any other provision of law.

"SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDITIONAL PROVISIONS.

"(a) Authorization of Appropriation.—

"(1) In general.—Of the amounts made available to carry out the provisions of law described in paragraph (2), there are authorized to be appropriated to the President to carry out this title such sums as may be necessary for each of the fiscal years 2005 and 2006.

"(2) Provisions of law.—The provisions of law referred to in paragraph (1) are the following:

"(A) The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) and the amendments made by that Act.

"(B) Any other provision of law under which assistance is authorized for orphans and other vulnerable children in developing countries.

"(b) Additional Provisions.—

"(1) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended and are in addition to amounts otherwise available for such purposes.

"(2) Minimum funding requirement.—Not less than 60 percent of amounts appropriated pursuant to the authorization of appropriations under subsection (a) for a fiscal year (other than amounts made available for assistance to eliminate school fees and other costs of education pursuant to section 246) shall be provided through United States or indigenous private voluntary organizations that implement programs on the community level. Amounts provided by for-profit entities to not-for-profit entities from assistance under this title shall not be considered for purposes of satisfying the requirement of this paragraph.

"(3) Assistance under other provisions of law.—

"(A) In general.—Notwithstanding any other provision of law, amounts made available for assistance for orphans or other vulnerable children in developing countries under any provision of law other than this title may be provided to further the purposes of this title.

"(B) Report.—To the extent assistance described in subparagraph (A) is provided in accordance with such subparagraph, the President shall include, as part of the report required under section 250, a detailed description of such assistance and, to the extent applicable, the information required by subsection (b)(1)(A) of such section with respect to such assistance.

"(4) Administrative expenses.—Notwithstanding any other provision of law, amounts made available for assistance for orphans or other vulnerable children in developing countries under this title, or under any provision of law other than this title, may be made available for administrative expenses incurred in carrying out this title for a fiscal year in an amount not to exceed 7 percent of amounts made available for such fiscal year for such purpose under this title, or under such other provision of law, as the case may be.

"SEC. 252. DEFINITIONS.

"In this title:

"(1) AIDS.—The term 'AIDS' has the meaning given the term in section 104A(g)(1) of this Act.

"(2) CHILDREN.—The term 'children' means persons who have not attained the age of 18.

"(3) HIV.—The term 'HIV' has the meaning given the term in section 104A(g)(2) of this Act.

"(4) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given the term in section 104A(g)(3) of this Act.

"(5) ORPHAN.—The term 'orphan' means a child deprived by death of one or both parents.

"(6) PSYCHOSOCIAL SUPPORT.—The term 'psychosocial support' includes care that addresses the ongoing psychological and social problems that affect individuals, their partners, families, and caregivers in order to alleviate suffering, strengthen social ties and integration, provide emotional support, and promote coping strategies.

"(7) VULNERABLE CHILDREN.—The term 'vulnerable children' includes children who are neglected, destitute, abandoned, homeless, disabled, suffering from malnutrition, are sexually exploited or abused, or are displaced or otherwise adversely affected by armed conflict.".

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Assistance for Orphans and Other Vulnerable Childrens Act of 2004. This is an important bipartisan bill introduced by my good friend, the gentlewoman from California (Ms. LEE) and cosponsored by me as well as 84 other Members.

H.R. 4061 amends the Foreign Assistance Act of 1961 to create a new title, authorizing the provision of assistance to orphans and other vulnerable children in developing countries.

H.R. 4061 will prepare USAID for the important responsibility as established by Public Law 108–25, the United States leadership against HIV/AIDS, Tuberculosis and Malaria Act of 2003, which specifies that by the year 2006, not less than 10 percent of all HIV/AIDS monies must be programmed in support of the needs of orphans and vulnerable children affected by AIDS.

By the year 2010, Mr. Speaker, it is estimated that there will be 25 million children orphaned as a result of HIV/AIDS. Entire villages are already being affected by this pandemic. This bill recognizes that the United States Government will need to establish improved capacity to deliver assistance to such orphans and vulnerable children through partnerships with private voluntary organizations, including faith-based organizations.

H.R. 4061 will authorize the President to provide assistance for the care and the treatment of orphans and vulnerable children affected by HIV/AIDS. It encourages the use of community care councils, of responsible citizens to identify the needs of and assist orphans in their communities instead of sending them off to orphanages or institutions.

As the number of orphans increases, the ability of communities to provide basic care for their children is limited. Assistance to support the provisions of basic care by communities is necessary, in addition to the assistance furnished directly by U.S. agencies through the President's initiative on AIDS and Public Law 108-25.

This bill also encourages the use of assistance to eliminate school fees in developing countries. This practice results in keeping orphans and vulnerable children out of school. Children of all circumstances should be in school and not kept out if they are affected by or infected with HIV/AIDS.

This legislation establishes greater accountability within USAID by establishing an Office for Orphans and Vulnerable Children that will have oversight of all programs for such children, not just AIDS orphans. It will enable USAID to adopt a more comprehensive approach to assisting children through the work of its field missions and through centrally managed activities.

In summary, H.R. 4061 creates accountable mechanisms within USAID. It will also ensure that other U.S. assistance for orphaned and vulnerable children is accountable, measurable and coordinated. H.R. 4061 promotes accountability and effectiveness of existing United States foreign assistance.

I seek Members' support for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

First of all let me just say I rise in support of this legislation. I want to thank the gentlewoman from Florida for her leadership and for her commitment to children throughout the world. Mr. Speaker, I also would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) along with my colleagues on the Committee on International Relations, the gentleman from California (Mr. ROHRABACHER), the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentleman from Iowa (Mr. LEACH) for joining me to craft this very clear and very forward-moving bipartisan compromise agreement. Also I would like to thank them for helping us get it to the floor today.

I also would like to thank our staffs for their work in crafting this bill, including Pearl Alice Marsh of the office of the gentleman from California (Mr. LANTOS), Christos Tsentas of my staff, and Peter Smith, who just recently actually left the Committee on International Relations. These members of our staffs and other staff on the Hill who have been working on this have worked on this not because it is part of their job only but because they really have a commitment to these children. I just want to thank them very much for their work.

I also would like to just mention briefly and thank the Global Action For Children Campaign and its members for working so passionately on behalf of this initiative.

This legislation seeks to better coordinate and comprehensively address the ever growing problem of orphans and vulnerable children in the developing world. As of 2001, an estimated 110 million children are living as orphans throughout sub-Saharan Africa, Latin America and the Caribbean. The rapid growth of HIV/AIDS in Africa and throughout the world has really dramatically impacted the number of children who are newly becoming orphans. In 2001, 34 million children, this is about 12 percent of all African children, were orphaned in sub-Saharan Africa. That is hard to imagine. Eleven million, or 32 percent of all African orphans, were orphaned as a result of AIDS. UNICEF recently released a report entitled "Africa's Orphaned Generations" on November 26, 2003. This report predicted that there would be, as the gentlewoman from Florida said, 20 million AIDS orphans in Africa by 2010 and that in a dozen countries 15 to 25 percent of children under 15 will have lost one or both parents to AIDS.

Today every 14 seconds another child is orphaned by AIDS. With parents dying at such an alarming rate, children are left quite frankly behind without food, without shelter, without education or protection. They are left to fend for themselves. The global orphan crisis is a profound humanitarian disaster that will be felt for decades to come. This bill seeks to comprehensively address the growing global problem of orphans and vulnerable children by providing assistance to support the following activities:

Basic care through community care groups. Community care groups could be community care coalitions, they could be networks, they could be support groups, they could be orphanages but through the community is very important.

Treatment for HIV infected children is included in this bill.

Culturally appropriate psycho-social support which is very important for children who are orphans and who are vulnerable. That is included in this bill.

School food programs, lunch programs, nutrition programs, so important.

Expanding educational opportunities through the elimination of school fees.

Protecting inheritance rights for orphans and vulnerable children.

This bill seeks to do all of this and more under the new structure of a separate office within the United States Agency for International Development focused specifically on orphans and vulnerable children.

The bill was unanimously approved by the House Committee on International Relations on March 31. I am proud to say that we have bipartisan support, and now I believe it is nearly 100 Members of this body.

I strongly support the amendment which is in the nature of a substitute offered by the chairman and negotiated by our staffs, as it really does improve the bill in a number of very significant ways in order to address the real concerns of several Members and organizations, including USAID. We met several times with USAID, our staff, myself, and we have listened to their suggestions and have tried to incorporate as many of their suggestions into this amendment as we deemed possible. While I understand that the agency and some of the advocacy groups still have some concerns regarding the administrative provisions of the proposed Office for Orphans and Vulnerable Children, I believe that this compromise proposal really represents the best chance we have to deal with this issue in this Congress.

Each time, Mr. Speaker, that we bring a bill to the floor with regard to HIV/AIDS, like many of us here on this floor, we recognize that these bills are only but one small step forward. This bill is another one small step forward in addressing this pandemic. It is a step worthy of our support, a step that brings us closer to a solution.

Briefly let me just mention two bills which we have brought to this floor which were signed into law, which again were very small but significant steps: The Global AIDS and Tuberculosis Relief Act of 2000, signed by President Bill Clinton; and the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, signed by President Bush. Our former colleague, Congressman Ron Dellums, sounded the alarms, suggested we look at an AIDS Marshall Plan and much of this AIDS Marshall plan we are looking at now as we move these very significant bills forward.

I am very proud of the fact that on this issue we have been able to work in a complete bipartisan fashion. We are committed to continue to work with USAID and our colleagues in the other body so that we can ensure that the needs of orphans and vulnerable children are properly taken care of through this bill. We have a moral duty, quite frankly, to provide for these children, these children who are really now victims of circumstance. As the world's most prosperous nation, we have an obligation to act. I am hopeful that as we pass this bill this evening we can encourage the other body to act quickly and to move this initiative forward so that we can get it enacted into law before the end of the 108th Congress.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to add my appreciation to the gentlewoman from California for her leadership, compassion and spirit around these issues and to my friend and colleague the gentlewoman from Florida who has worked on these issues in her capacity, but also we share our passion through the Congressional Children's Caucus of which we both are chair and cochair on this very important journey to help children. I want to thank both of them for their leadership and acknowledge the pathway in which this legislation has taken.

I am reminded of the good work the staff has done and want to cite and associate myself with the gentlewoman from California's thanks to staff and to acknowledge, of course, again the gentleman from California (Mr. LANTOS) and his staff Alice Marsh; and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and her staff Cathleen Harrington because I want to remind our colleagues of a very important congressional mission that we were able to travel on led by the gentlewoman from California just about a summer ago when we visited these sites that saw firsthand vulnerable children.

□ 1945

The gentlewoman from California (Ms. LEE), myself, and as well the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), we were led on what I thought was one of the more powerful stories. It was a follow-up to the Presidential mission that we went on in 1997 with the gentlewoman from California (Ms. LEE), myself, and the gentlewoman from Michigan (Ms. KILPATRICK), again, looking at the vulnerability of those facing the HIV epidemic and as well looking at the crisis of some 40 million children being orphaned in sub-Saharan Africa and Africa over the next 5 years.

We have now come full circle, and this legislation is an answer long overdue to a very serious crisis in the world; and specifically it emphasizes assistance for orphans and vulnerable children in developing countries, but I do not think anyone can understand the fullness of what we were dealing with until they can go see and touch those children, homeless, without grandparents, without extended family, children caring for children, living in conditions that are unacceptable for the young life that they are, 12-year-olds taking care of 2-year-olds and 3-year-olds, 4-year-olds taking care of an ailing and dying relative, going into a home and seeing a father lying dying and a parent taking care of them and that parent as well in a condition unacceptable to care for children.

This bill, I believe, is the beginning answer to the crisis and the call for help and mercy by those around the world, and I might emphasize that it is a no-nonsense bill. It gets down to the bottom line, with basic care through the community, treatment for HIV-infected children, culturally appropriate psychological support, school food programs, expanding educational opportunities through the elimination of school fees, and protecting inheritance rights.

It is important to note that according to the estimates by the United Nations Children's Fund, there are more than 132 million children in the world under the age of 3, many vulnerable and cannot take care of themselves. It is interesting that we even saw a case of a 4-year-old, however, left to take care of a dying relative. Of these children, 4 million will die in their first month of life, and another 7 million will die each year before reaching the age of 5. Thus, an average of 30,000 children under the age of 3 die each day.

Infants who are poor and malnourished are more likely to contract respiratory infections, diarrhea, measles, and other preventable diseases, and are less likely to receive needed benefit care.

This legislation goes right to the heart of the matter and provides this very needed office, this independent freestanding office, that can focus its attention and resources on the needs of children.

Children are not our tomorrows; they are our todays. And helping to educate children, helping to inspire children and heal children and provide them comfort gives our world a future. Extreme poverty and hunger coupled with the loss of one or both parents as a result of AIDS can force children from their families and to life on the streets where the risk of HIV infection has been extremely high. But the psychological support is what I think is very crucial.

And let me just say that we should make note tonight that this is not just about HIV/AIDS but it is about conflict. And I have just recently returned from Afghanistan to see the children who have suffered because of conflict, some without their parents. This office will deal with the children of Afghanistan, the children in Sudan. I just came back from the region but also was able to be told of the stories of children in

Iraq, when visiting a hospital there, seeing the conditions that they are in. Many of them lost their family members and their parents in the conflict. Afghanistan, their family members, their parents, in the conflict. Sudan now with some 400,000 displaced refugees, 30,000 people dying a day. A crisis beyond our imagination. Children being orphaned. This office will deal with the conflict that we face every day in this world. If we cannot help our children, then whom can we help?

I rise to support this legislation and ask my colleagues to enthusiastically support it because, as I said, our children are not our tomorrows; they are our todays. I ask unanimous support for this legislation.

I am pleased to be here as the House considers H.R. 4061, the Assistance for Orphans and Vulnerable Children in Developing Countries Act of 2004. This bill was introduced to address the growing global crisis affecting orphans and vulnerable children. This bipartisan bill has the support of over 100 Members of Congress, including myself.

As Chair of the Congressional Children's Caucus, I am cognizant of the special needs of children in developing countries, and they have always been a top legislative priority. As of 2001, an estimated 110 million children were living as orphans throughout sub-Saharan Africa, Asia, Latin America and the Caribbean. The rapid growth of the HIV/AIDS virus in Africa and throughout the developing world has dramatically impacted the number of children who are newly becoming orphans. Today, another child is orphaned by AIDS every 14 seconds. With parents dying at an alarming rate, children are left without food, shelter, education or protection.

According to estimates by the United Nations Children's Fund, UNICEF, there are more than 132 million children in the world under the age of 3. Of these children, 4 million will die in their first month of life and another 7 million will die each year before reaching the age of 5. Thus an average of 30,000 children under the age of 3 die each day.

According to a report developed by the United Nations Joint Programme on HIV/AIDS, UNAIDS; UNICEF; and the United States Agency for International Development, in 2001 there were more than 110 million orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

Assessments carried out by the International Labor Organization, ILO, to investigate the situation of children who are working found that orphans are much more likely than non-orphans to be working in commercial agriculture, the domestic service industry, the commercial sex industry, as street vendors, or in industries that violate internationally recognized rights of children.

Infants who are poor and malnourished are more likely to contract respiratory infections, diarrhea, measles, and other preventable diseases, and are less likely to receive needed health care.

This bill creates a separate office within the United States Agency for International Development to better coordinate and focus our foreign assistance programs on orphaned and vulnerable children, especially children who are affected by HIV/AIDS. This new office would emphasize support for programs that are intended to provide a comprehensive response to the growing global crisis, including basic care through the community, treatment for HIV-infected children, psychosocial support services, expanding educational opportunities through the elimination of school fees and protection for the inheritance rights of orphans and vulnerable children.

This is truly a global crisis, and it demands our attention. I urge you to join in this support of this important initiative.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from Texas for her very eloquent statement, also for her leadership and her passion and for her commitment to children not only in our own country but throughout the world.

Let me take a minute, Mr. Speaker, to mention some of the projects actually that the gentlewoman from Texas (Ms. JACKSON-LEE), myself, and others have had the opportunity, a real privilege, to visit in Africa. We have become familiar with the work of many, many tireless individuals, committed individuals in Africa. We have met with many here in our own country. We have met on the Committee on International Relations and discussed these efforts. These individuals with barely a nickel have been able to do phenomenal work, and all of these projects that I am going to mention are led by very dynamic individuals who really continue to serve as a testament to what one person, one person, can accomplish when they have the determination and the compassion to care for their fellow human beings.

The first project, the Mother of Peace Orphanage Community in Mutoko, Zimbabwe, is one that I have become quite familiar with. Founded in 1994 by Ms. Jean Cornneck, or Mama Jean as some of us call her, the children call her that also and they are the ones who actually coined Mama Jean as her name because she truly is the mother of peace. The Mother of Peace Community provides care, support, and shelter to over 170 children. The community builds basic family-style homes, each accommodating two to three caregivers and 10 to 15 children who are brought up in Zimbabwean culture. At present there are 11 of these houses. Mother of Peace also benefits members of the adjacent rural community through its farming and building activities in the community.

It also plays a very huge role in the World Health Organization's Mutoko Poverty Alleviation and Sustainable Development Pilot Project. And I am proud to say that my own church, the Allen Temple Baptist Church, led by a great leader, Pastor J. Alfred Smith, Sr., has provided the impetus for the involvement of our community and the community in our country. And thanks to the leadership of Dr. Robert Scott and Gloria Cox Crowell, this church has set up an AIDS ministry to provide regular donations and to organize visits by our congregation to the orphanage community. It is an incredible program, and it is really a testament to how much good can be done on a shoestring budget by committed groups of people.

The second program that I would like to talk about is the Bwafwano Home-based Care Organization, run by Beatrice Chola, whom I met when I traveled to Zambia last year. Working as a nurse in the Chipata health center of Lusaka, Beatrice started Bwafwano back in 1996 when she saw that the health center was overrun with HIV and AIDS and also with TB-infected patients. She recognized the strain that the Chipata health center was under, and she saw that the needs of these HIV and TB-infected patients were not being met. So she joined with several other community members to found the Bwafwano Home-based Care Organization, which literally means "helping one another."

Today, thanks to her leadership, Bwafwano has mushroomed into a comprehensive community care organization offering medical services, volunteer testing and counseling for HIV, schooling, home-based care, and poverty reduction and income generation programs. Since its inception, Bwafwano has trained over 300 community health workers and is currently providing home-based care to over 1,300 HIV and AIDS patients and directly observed treatment to more than 180 TB-infected patients. In addition, the organization is caring for over 1,100 orphans and vulnerable children.

When I was there in August of last year, Beatrice was struggling to find just basic ways to provide school uniforms to the children that she was caring for, which was an impediment for these children to go to school, and the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from the Virgin Islands,(Mrs. CHRISTENSEN), and I met with these young people; and they were not able to go to school for one reason, and that is they did not have any uniforms. And I am proud to say and pleased to say that they do have their uniforms now so they can attend school just like any child in the community. Thankfully, again, as I said, she did receive the donation of about 300 school uniforms, but she still needs a lot of help.

And of course I would like to mention the Nyumbani orphanages in Nairobi, Kenya, and I know many of us are familiar with Nyumbani. Founded in 1992 by Father Angelo D'Agostino, Nyumbani initially reached only a handful of orphans because of limited resources; but thanks to the unwavering commitment of Father D'Agostino, who worked hard to raise awareness about the needs of these orphaned children, Nyumbani now provides shelter and care and nutrition, education, psychological and social services to over 100 children on-site.

But the work of Nyumbani does not stop there, as they reach out to the surrounding community to provide major assistance to nearly 800 HIV-positive children who are part of the Lea Toto Community Outreach Program in the slums of Nairobi. With the care and the devotion of the staff and all of its volunteers, Nyumbani now saves lives of most of these children while providing a model of care for nations trying to deal with their own growing HIV/AIDS epidemic.

These three incredible programs, Mama Jean, Beatrice, Father Angelo D'Agostino, they are led by three dynamic and committed people; and they are proof that despite poverty, despite hardship, despite the odds, good programs can be created even in the most difficult settings. So it is programs like these that deserve our support.

We had the opportunity to travel to South Africa and Mozambique with Secretary of Health and Human Services Tommy Thompson in 2002. Once again it was a bipartisan delegation, and we visited several orphanages and saw exactly what many of the needs of these children were, and we took into consideration in writing this bill some of the recommendations and some of the ideas which we received not from ourselves necessarily but from what the African people told us, what African leaders, what the organizations told us that they needed. We are pleased to note that once again this has been a bipartisan effort.

This is a humanitarian crisis of enormous catastrophe, really. It is a potential disaster, and we are trying to just on both sides of the House figure out a way to deal with it. In the bill we say in closing, "Congress recognizing the need and prompt action by the United States to assist orphans and other vulnerable children in developing countries is an important expression of the humanitarian concern and the tradition of the people of the United States. We affirm the willingness of the United States to assist such orphans and other vulnerable children."

And with that, Mr. Speaker, I want to thank the gentlewoman from Florida. I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), our ranking member, for helping us through very difficult negotiations; but once again we are here with another small piece of our efforts to stop this pandemic.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4061. This bill is a step forward in giving hope to orphans and defenseless children in developing countries. In 2001 it was reported that there were over 110 million orphans in sub-Saharan Africa, Asia, Latin America and the Caribbean.

Many of these children become orphans due to the loss of their parents to HIV/AIDS. By the end of 2001 an estimated 14 million children under the age of 15 had lost one or both parents to AIDS. This number is expected to increase to approximately 30 million children by 2010, due to the increase of HIV cases in sub-Saharan Africa and the Caribbean. Many of these orphans who loose their parents to HIV/AIDS are also at risk of being infected with the disease and ultimately die due to lack of access to health care. It is estimated that one-third of the children born from HIV-infected mothers develop HIV/AIDS. In 2001 more than 11.8 million young people ages 15 to 24 were living with HIV/AIDS. Every day another 2,000 children under the age of 15 will be infected with HIV in these areas. Approximately more than 4 million children have died from AIDS primarily through mother-to-child transmission.

A lot of these orphans at a very young age become head of households with the burden of providing for their young siblings and sometimes grandparents who were dependent on their parents before they die. Due to this, many of these orphans are subject to working in commercial agriculture, domestic service industry, commercial sex industry, as street vendors or in industries that violate internationally recognized rights of children. Most of the orphans who have to work are young women and girls who usually end up in commercial sex industries, making them at risk of being infected with various diseases especially HIV/AIDS. It is estimated that more than 70 percent of new HIV cases among young orphans ages 15 to 24 in sub-Saharan Africa are young women and girls.

Many of these children are malnourished due to lack of food, which enhances their risk for illness and infection to diseases. Due to lack of health access, many of these children will die of these illnesses or diseases. In 2004 more than 8 million children in sub-Saharan Africa are underweight compared to 1994. A lot of these children lack education because they have to work to fend for their families instead of going to school, they are not physically fit due to hunger and malnutrition, and they do not have the financial resources to go to school. Approximately 125 million children do not attend school and the majority of these children are young girls.

Mr. Speaker, this resolution will provide the funds needed for the basic care, health care, mental care and educational opportunities for these orphans and vulnerable children in order for them to survive in the world. Our children are our future. We need to give these children a chance to be the future of their countries and the world. I urge strong support of this resolution.

Mr. KOLBE. I rise to express great concern about this bill. At first glance, it would seem to support objectives that we could all get behind, on both sides of the aisle. After all, who could object to assisting orphans—especially those who have had their lives torn apart by HIV/AIDS?

In fact, I have little problem with the provisions of the bill if taken separately. School food programs, HIV/AIDS treatment, training—these are all promising approaches for helping some of the most needy people in the world. My concern is with how this bill would achieve these worthy objectives.

As Chairman of the Foreign Operations Appropriations Subcommittee, I have had the privilege of managing legislation to support a variety of HIV/AIDS programs. Last August, this House approved roughly $1.6 billion for the Global HIV/AIDS Initiative, and I believe we took the right approach by insisting that these funds be spent in a focused, accountable way. The Global AIDS Coordinator has been working to establish clear indicators for the use of his funds, and I'm encouraged by his progress.

This bill would walk back much of this progress. It mixes authorities that already exist, such as providing AIDS treatment for orphans, with new, overly broad authorities. If passed, this bill would open the Global AIDS Coordinator's funds to any school fee waiver program and any school food program—even if there is no AIDS component. Instead of a focused, results-driven AIDS program, as we have now, the Global AIDS Initiative would become just another development assistance program—business as usual.

In addition, this bill would establish a new OVC coordinator at USAID—a new coordinator whose authorities are poorly defined and whose relationship to the Global AIDS Coordinator is confusing at best. These kids do not need additional bureaucracy to get help.

Finally, this bill authorizes contributions to UNICEF for a program to reduce the costs of going to school in developing countries. I have received several letters from Members of Congress requesting $250 million for such a program. It's important to understand that UNICEF would probably simply transfer funds to foreign governments to offset the loss of fees they would normally receive from students. Thus we would be creating a new program of cash assistance for foreign governments—not something we ought to do unless we know a lot about what we would get for our cash, and what accountability we would receive from foreign governments.

The Administration did not request this money, and we do not have it. We cannot expect UNICEF to absorb such a directive, and it's frankly unfair to authorize a program that we know cannot be funded.

Serious revisions need to be made to this legislation. I do not support it in its current form.

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31. On May 5 the International Relations Committee filed H. Rept. 108–479.

Because House rules prohibit the addition of co-sponsors to a bill once the committee report has been filed, I am not able to formally add another Member of Congress as a cosponsor of this legislation.

I ask that the RECORD show that Mr. FRANK of Massachusetts is in support of my bill and should be considered by this body as a cosponsor of H.R. 4061.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 4061, to amend the Foreign Assistance Act of 1961 to provide Assistance for Orphans and Other Vulnerable Children in Developing Countries.

This amendment is so crucial in that it provides targeted comprehensive assistance to those who definitely cannot help themselves.

Orphans and other vulnerable children are deprived of the single most important factor in their lives—their family or their parents.

By 2010, an estimated 106 million children under age 15 are projected to lose one or both parents. Among them, the number of children orphaned by HIV/AIDS is expected to jump to more than 25 million.

These orphans and other vulnerable children now live throughout sub-Saharan Africa, Asia, Latin America and the Caribbean. Conflict has orphaned or separated 1 million children from their families in the 1990s.

H.R. 4061 would help communities to ensure that orphans and other vulnerable children have a secure and healthy childhood by providing essential services, such as basic care, health services including treatment for children with HIV/AIDS, mental health care, school food programs, and job training.

Orphans and other vulnerable children are not especially visible because millions of children are dispersed over many families, in communities where the hardships of individual children are lost from sight.

H.R. 4061 will increase access to needed services, ensure parity for orphans and other vulnerable children and build local capacity for effective decentralization and targeting of services as well as multisectoral coordination among service providers.

H.R. 4061 would allow for school fees to be waived providing a free basic education policy for millions of orphans and vulnerable children, many of whom had never enrolled in school or had dropped out because they simply could not afford the school fees.

Due to their status, these children are often most vulnerable and at risk of becoming victims of violence, exploitation, trafficking, discrimination or other abuses. Unaccompanied girls are at especially high risk of sexual abuse.

Children orphaned by AIDS are themselves particularly vulnerable to infection because they often have no one to care for or protect them, or any means of earning a living.

A 2001 report by the International Crisis Group found that "young people with no job, no income, and no family to support them are at risk of joining, or being abducted by local militias."

A young Sierra Leone youth told an audience at the U.N. Convention on the Rights of Children, "We want a better life. We want peace. We are counting on your governments and the UN's continued support for help."

H.R. 4061 would provide the help this young boy so desperately needs. I urge full passage of this amendment.

Ms. LEE. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I commend the gentlewoman from California (Ms. LEE) for this wonderful bill; we look forward to its passage; and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4061, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOBS AND THE BUSH ADMINISTRATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, earlier this month the President of the United States made another trip to my State of Ohio to argue for and try to justify his economic policy.

Ohio has lost one out of six manufacturing jobs since George Bush took office. Ohio has lost almost 200 jobs every single day of the Bush administration. Yet the President's answer invariably is more tax cuts for the wealthiest people, the most privileged people in the country, hoping that it trickles down and creates jobs. His other answer is more trade agreements, like the North American Free Trade Agreement, that continue to send jobs, continuing to hemorrhage jobs out of the country.

Mr. Speaker, instead of these failed economic policies that have cost Ohio more than 200,000 jobs, we need to extend unemployment benefits, pass Crane-Rangel that actually gives benefits and rewards those companies that manufacture in the United States rather than giving tax breaks to those companies that continue to ship jobs overseas.

□ 2000

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENERGY LEGISLATION NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, often perception does not match reality. I believe that this is true in regard to our present economy.

Many would characterize the economy as very poor. However, as we can see on the following chart, short-term interest rates are the lowest in 40 years; inflation, according to the Producer Price Index, was 1.5 percent over the last 12 months; productivity expanded 5 percent the last four quarters, the highest in 20 years; manufacturing employment reached a 30-year high in May with orders up for manufacturing; and home ownership was 68.6 percent last quarter, which is a record.

All of these things would indicate a strong economy, so what is the problem? Why do people continually talk about what a bad economy we have? I would say that probably the main concern that we hear is simply what one of the previous speakers referred to, unemployment.

I would like to call attention to the fact that during the 1970s, the unemployment rate was 6.2 percent for that 10-year average; during the 1980s, it was 7.3 percent; during the 1990s, it was 5.8 percent; and, today, in 2004, it stands at 5.6 percent. We added 248,000 new jobs to the economy in the month of May, and during the last 9 months of consecutive growth, we have added 1.5 million jobs to the economy.

Certainly this 5.6 percent rate is considerably lower than the 30-year average of 6.4 percent. Currently unemployment in the European Union runs 9 to 10 percent. So we see some remarkable gains, and it appears that even though we would hope that unemployment would be zero, we are at least moving certainly in the right direction.

This does not mean that the economy is not without challenge. We feel that there is one significant issue that needs to be dealt with, and that is the issue of energy policy. This is well within the purview and the domain of this particular body.

Currently we have higher energy prices, which affects trucking, airlines, agriculture, small business, manufacturing and individuals. Yet we cannot get an energy bill passed, even though there is widespread agreement on most of the provisions in the bill. I am going to put some of those issues up here that we think are a matter of considerable consensus.

In the energy bill that has been passed by the House and the Senate, yet we cannot get a conference report agreed upon, is the renewable fuel standard, which provides for wind energy, solar energy, ethanol, biodiesel, hydro, all environmentally friendly and will move us away from energy dependence upon OPEC. Also hydrogen fuel cell development is critical. This is environmentally friendly and is not dependent on petroleum.

The Alaska Natural Gas Pipeline, we have all kinds of natural gas available in our country today, particularly in Alaska, and we cannot access it, so this pipeline is critical to reducing natural gas prices, which are eating us up at the present time.

Finally, incentives to increase energy production. We have shut down our exploration and energy production, and that has certainly hurt the economy.

Mr. Speaker, in conclusion, the economy is strong, and Congress can fix the biggest obstacle to a period of sustained growth, the lack of a comprehensive energy policy. We can continue to blame the other party, Republicans blame Democrats, Democrats blame Republicans, we can blame the other body, they can blame us. We can do all of the finger pointing we want out there, but the buck really stops here. It is our responsibility, and the American people have every right to expect Congress to put the country's welfare ahead of partisanship.

We need an energy bill passed, and we need it passed now. We can start on that this week. I am hoping that all of us here in this Congress can work together to put the national interests ahead of anything else and get this finished. There really are no excuses for not doing so.

RENEWING THE ASSAULT WEAPON BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, assault weapons go back on to the streets of America in 3 months. Time is running out to protect our police officers, our communities and our children. After September 13, criminals, drug dealers and gangs will be able to go and buy their assault weapons.

In this past week, we certainly brought back memories of President Ronald Reagan. I remember his contributions to gun safety. He understood the dangers of assault weapons, which is why he ushered in one of the first bans on military-style weapons, banning the importation of rapid fire shotguns. In 1989, President George H.W. Bush expanded this list to include 43 other assault weapons.

By 1994, with the country facing, unfortunately, a wave of mass shootings throughout this country, Congress finally banned the production or sale of new assault weapons. In a joint letter to the House Members pushing for passage of the ban, former President Reagan said, "We urge you to listen to the American public and to the law enforcement community and support a ban on the further manufacture of these weapons." As usual, President Reagan said it best.

Renewing the assault weapon ban is about the safety of our police, our children and our communities. Congress only has 28 more working days in which to renew the assault weapon ban.

Let me say this: When you think about the American people, when you think about police throughout this country, who are now lobbying the Members of Congress and the Senate to have this bill come up on the floor for a vote, and yet we still hear nothing. President Bush today has actually said that he would sign the bill if it gets on his desk.

Let me say this: This House needs to bring the bill up on to the floor for a vote so that it can go to the President's desk. The American people have to get involved in this issue. They have to contact their Members of Congress in the House and Senate.

We need to talk about what assault weapons can do. We need to talk about what the health care costs will be from the damage done if assault weapons are back on our streets. We need to talk about how many of our police in the past have been killed because they were outgunned because of assault weapons. We need to remember our history to know why we passed the assault weapon ban 10 years ago.

We cannot allow this to sunset. We must make sure the assault weapon ban is kept in place. It is for the safety of our communities, our children, our police officers. The American people are always saying they have no part in government. You can have a part in government, but you have to become involved. You have to have your voices heard.

I will stand here every Tuesday, Monday, whenever, to make sure that the American people hear this message.

Today, June 14, is my son's birthday. Going back 10 years ago, when a mad man came onto a train and shot and killed my husband and shot my son in the head, we never thought Kevin would live. The criminal at that time had large capacity clips which could hold 14 bullets.

Some say it would not have made any difference on the Long Island massacre. Well, with the ban that is in place, even though it is 10 bullets in a clip, if you could talk to the people at the end of the train that lost their lives, if we had the 10-bullet ban in place, if we had the assault weapon ban in place, maybe we would have had a few of our people that would have lived that day.

I celebrate my son's birthday. It is a miracle that he is alive. That is why I came to Congress, to reduce gun violence in this country. I started my career by lobbying to make sure the assault weapon ban got in place here in Congress. I will continue to fight to make sure the assault weapon ban stays in place.

PROVIDING IRAQIS WITH BETTER OPPORTUNITIES THAN AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last week the Associated Press reported that Iraqis are paying 5 cents a gallon for gas in Iraq, 5 cents. Why are Iraqis getting such a good deal? Because the American taxpayer is subsidizing the Iraqis to the tune of $167 million a month, approximately $500 million over 3 months.

Here in the United States on average Americans are paying over $2 a gallon for gas, up approximately 50 cents since the beginning of the war in Iraq. Fill up a car with gas, a little north of $50; yet in Iraq to do the same costs you about a dollar, what would cost us here $50. We are subsidizing them, the American taxpayer, to the tune of $167 million a month. Here in the United States, what have we done? Nothing.

I am not against building and rebuilding Iraq after the war, but I am opposed to providing Iraqis with a better opportunity than we provide Americans, and I am not just talking about gas prices.

Take health care. They have health care. We have opened up 150 health clinics and hospitals throughout Iraq, providing 100,000 with prenatal and infant coverage costing Americans taxpayers $1 billion. In the United States, 44 million Americans are without health insurance; 33 million Americans work full-time without health care; 10 million American children are without health care. What do we do?

In the area of jobs, in Iraq we provide universal job training. In the United States, under the President's budget we cut $238 million from job training programs.

Veterans in Iraq, $60 million is being spent to train the Iraqi veterans from past wars.

□ 2015

In the United States, under the President's budget, we are cutting $257 million from American veterans medical care.

In the area of education, in Iraq, we built 2,300 schools. In America, under the President's budget, we have underfunded by $8 billion the Leave No Child Behind Act. In Iraq, universities are receiving $20 million for higher education partnerships. In America, we have cut Perkins loans by $90 million and frozen the Pell grants for 3 years in a row. That is the President's budget.

Police. In Iraq, we are spending $500 million to retrain the police on security. In the United States, the COPS program for community policing throughout our country, supporting police officers, we have cut in the President's budget by $659 million.

In the area of housing, in Iraq, we are spending $470 million for public housing. In the United States, under the President's budget, we cut $791 million from section 8.

The environment, $3.6 billion in Iraq for water and sewer. In America, the President's budget cuts $500 million from the revolving fund.

For roads, in Iraq, we are spending $240 million on new roads and bridges. In America, the Army Corps of Engineers' budget is cut by 10 percent.

We could go on and on with program after program. My colleagues know that in the election of 2000, then Governor Bush, now President Bush, declared he was opposed to nation-building. Who knew it was America he was talking about when he said he was opposed to nation-building? But the good news is that in the 2004 reelection, President Bush can say he kept his commitment in opposition to nation-building. The problem is, it is here at home.

What do we have here at home? We have a higher unemployment rate than when he took office; more uninsured; college costs soaring now by 10 or 12 percent a year, on average. Health care costs for a family of four was $6,500 3 years ago; today it is $9,000. Yet in Iraq in the areas of health care, education, job training, housing, and the environment, we are making investments that we do not promise here at home.

This administration has two priorities, two sets of values, two sets of books: one for Iraq and one for America.

Mr. Speaker, the American people are the most generous people in the world, but we can no longer afford to be so generous if our hope for a prosperous tomorrow for our children is diminished and less than the one we promise the people overseas. We cannot deny Americans the same dreams of affordable health care, quality education, a safe place to live that we promised the Iraqis, but denied the American people. The same values that we hold for Iraq we must pledge for every American as well.

It is time that we look at the energy crisis we have in this country and ask the American taxpayers to subsidize 5 cents a gallon in Iraq while we pay north of 2 bucks a gallon here in the United States, while we say to our children, you should graduate college with a $16,000 bill and yet provide universal health care and higher education to Iraqis. We can do better; we need to do better.

RECORD TRADE DEFICITS UNDER BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today the Bush administration set yet another record. Congratulations. They announced a new record trade deficit for April, which puts the United States on track for yet a new annual record in trade.

Now, what does that mean to average Americans? Well, first off, it means that we are outsourcing jobs overseas, outsourcing capital overseas, losing jobs and productivity here; and we are going in debt to China and Japan and other nations. China has $122 billion of U.S. Treasury bonds; Japan owns $440 billion. They are getting to a point where they will be able to influence our economy and our interest rates in the United States and our currency. This is worrisome.

The loss equals about $1.5 billion a day in U.S. wealth; $1 million a minute being hemorrhaged overseas.

Now, when one is confronted with a policy that is failing, one usually would begin to rethink that policy. But no, not the Bush administration. As we know, they are very stubborn; and they are never wrong. In the case of trade, they think that there are tremendous benefits to the United States by outsourcing, exporting jobs, putting people here out of work. In fact, the President's own economic adviser in the annual report of the President of the United States said as much. He said that this was a good thing that jobs were being outsourced. It was a new manifestation of the radical free trade policies that they believe in down there at the White House.

Now, the problem, of course, goes beyond just the outsourcing of jobs and loss of capital. It is ultimately undermining the national and economic security of the United States of America. As we lose our productive capacity in critical areas, we are going to have a hard time replacing those in a future time of crisis, whether it is with China or somebody else who will have captured much of that productive capacity, those critical skills that go with those capacities.

I sat next to a gentleman on the plane last week going back to Oregon who works in the titanium industry; and he is very concerned about the loss of U.S. capabilities in critical metals, and very concerned that China is now leaping ahead in many areas, and if we should ever get into a conflict or an adversarial situation with China in the future, we would be at a disadvantage.

But this administration thinks, in fact, that this is all really great, because a few people are getting really rich. The CEOs are doing great. So what if salaries are down, wages are down, jobs are lost here in the United States of America. The CEOs or the contributor class. The Bush Pioneers and Rangers, those who can gather up $250,000 or $1 million for the President's reelection, are telling him, this is great, their bonuses are up, they are doing well, their friends at the country club are doing well; and we can just maybe change the subject when it comes to average Americans. Maybe we can distract them with something else so they will not realize how screwed they are. I hope not. I hope that Americans next fall express their opinion of these radical free trade policies, the huge trade deficits, the outsourcing of jobs, the CEO class who earn 600 and 700 times what their workers earn.

Mr. Speaker, this is a scandal, what we are doing; and it is undermining our country. And the President, if reelected, says one of the first things he is going to do is expand NAFTA, the job-losing NAFTA agreements, to all of Latin and South America. Just think of the opportunity. They pretend it means we will export things there, but they know it does not. It means the same thing as all of the other trade agreements. It means U.S. companies can locate there to exploit cheaper labor and lay off people here at home. But ultimately, who is going to be able to consume things here in the United States of America when the middle class is not working anymore? Ultimately, they are going to undo the entire system of the United States of America, but they do not really seem to care much about that.

They announced a big victory just yesterday, that is, that Mexican trucks, unsafe Mexican trucks that weigh two times as much as U.S. trucks, that are bigger, that are driven by people who do not take drug tests, do not have U.S. commercial drivers licenses, do not have the same rest time requirements, do not have in many cases front brakes, will be rumbling down the U.S. highways soon. They announced a great victory when the Supreme Court threw out a case that would restrict Mexican trucks from coming into the United States. Again, something else very shortsighted and very much against the interests of average Americans and working Americans.

CALLING ON THE BUSH ADMINISTRATION FOR CLEAR FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wondered how I would begin this evening inasmuch as this past week we honored a fallen President, and I wanted to ensure that the respect of that week ,continued. So I simply say that it is important, if we remember anything from the honor that was given to President Ronald Wilson Reagan, the 40th President of the United States, it might be, among many, many things that were said last week is his ability to convince and convey by words and diplomacy and particularly what is attributed to him, along with others that he helped inspire, is the ability to tear down the Iron Curtain, to break through the wall of Communism, and to do so, as has been said very frequently, without one single bullet being fired.

I think that is an appropriate backdrop for the pain and anguish with which I come to the floor this evening, and that is to again speak of the tumultuous activities and events and incidences that are occurring now in the Middle East but, in particular, in Iraq.

It is represented to us that the insurgents are increasing their activity, their brutality, their bloodshed because of the potential transition of government. But I believe it is crucial for this administration to do several things: one, to again address this body of Congress to be able to enunciate and to provide information on just what our strategy is going to be post-June 30. We have a hostage being held in Saudi Arabia, al Qaeda is in its height of activity, bloodshed is occurring in Baghdad and around Iraq on a most frequent basis. Conflict has not yet been resolved, and there is, I believe, confusion within the Defense Department, the leadership, Secretary Rumsfeld whom we have asked on repeated occasions to resign in light of Abu Ghraib and the continued abuses that we hear of, and the lack of direction. There is no response from the administration. That is, I think, intolerable.

Let me also ask of the administration, as we have asked those of us who are aware of the crisis in Sudan that we should not stand by and watch as we watched in Rwanda. We know that some 40,000 people are now being displaced. Even while the government out of Khartoum is negotiating a peace treaty in Kenya, we know that violence has broken out again. Children are dying, women are being mutilated and raped and brutalized, and there is Muslim on Muslim murder, Arab Muslims, the rebels killing and destroying villages where black Muslims live. There may be no peace, there cannot be any peace until this matter is resolved.

The Congressional Black Caucus, and I wish to express my appreciation to the gentleman from New Jersey (Mr. PAYNE) for his leadership; we expect to meet with the U.N. envoy to Sudan to be able to get a full and direct explanation as to why the Government of Sudan cannot immediately cease this violence. That is the concern I have when the United States has immersed itself in conflicts that it cannot get out of. That means that when there is a need for humanitarian aid for our military personnel to be able to save lives, we are so stretched that we cannot do it.

I might say to my colleagues as we are about to meet and greet again the President of Afghanistan and thank him for his great leadership, he too needs our additional assistance as we begin to move toward an election in September. Greater assistance is needed for our troops who are there in Afghanistan, and some of their actions have been actually forgotten, because we will be moving to an election; and it will be difficult in Afghanistan in order to provide for the safety and security of those voters and those who will be registering to vote.

So, Mr. Speaker, what I am concerned about is the fact that we are so immersed in the conflict, it seems frustrating, confusing, and unending in Iraq, we then leave ourselves vulnerable to not being able to provide assistance to the people in Afghanistan, moving toward a peaceful election and certainly the crisis, brutality, and murder in Sudan, would leave us simply crying and wallowing in our own tears, because every day, 30,000 people are being killed in Sudan.

So I ask the administration to give us some direction in Iraq, let the Congress know just what the road map is, because the killing by insurgents is not something that we should tolerate. Give us some direction in Afghanistan to know that we have the amount of troops there to provide for the safe and secure voting and elections and people being allowed to register without being killed and intimidated and frightened away from registering to vote. Women should not be kept away from voting.

Then of course in Sudan, it cannot be another Rwanda; it cannot show itself to be a continuing killing field. One million in Rwanda, 2 million already dead in Sudan, thinking that we have a peace treaty but, in fact, we should say to America, we do not.

I know that my colleagues are sympathetic to the idea that when brutality and murder go on innocent people, and it is happening in Sudan. I would ask the administration now to make a strong and potent statement, Secretary Powell, in order for the Government of Sudan to immediately cease this kind of bloodshed going on. While they give the impression that they are engaging in peace treaties in Kenya, people are dying in their country, and it is becoming a killing field, and we cannot tolerate it and we must not tolerate it.

□ 2030

So we ask not only for mercy, we ask for relief. So we ask for this Congress and this administration to become engaged.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4503, ENERGY POLICY ACT OF 2004, AND H.R. 4517, UNITED STATES REFINERY REVITALIZATION ACT OF 2004

Mr. HASTINGS of Washington (during the special order of Mr. HENSARLING), from the Committee on Rules, submitted a privileged report (Rept. No. 108–539) on the resolution (H. Res. 671) providing for consideration of the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, and for consideration of the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4513, RENEWABLE ENERGY PROJECT SITING IMPROVEMENT ACT OF 2004 AND FOR H.R. 4529, ARCTIC COASTAL PLAIN SURFACE MINING IMPROVEMENT ACT OF 2004

Mr. HASTINGS of Washington (during the special order of Mr. HENSARLING), from the Committee on Rules, submitted a privileged report (Rept. No. 108–540) on the resolution (H. Res. 672) providing for consideration of the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes, and for consideration of the bill (H.R. 4529), to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MORNING AGAIN IN AMERICA

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. HENSARLING. Mr. Speaker, I need not state that last week was a very, very trying, yet very moving week for many Americans because we said goodbye to one of the greatest Presidents I believe in the history of America, and certainly one of the greatest that I have known in my life time, President Reagan. And I think many Americans recall so much about the President, about how he loved freedom and how optimistic he was.

There is a phrase that many people associated with President Reagan when he ran for reelection in 1984, and that phrase was, It is morning again in America.

Well, America has faced a significant economic challenge over the last several years, and that is we have faced a recession. Many people have been hurt by this recession and jobs were lost and businesses were padlocked. But I have to tell you, we have come out of the darkness. We are coming into the light. When we look the at our national economy, again it is morning in America.

One of the proudest days I have had as a Member of United States Congress was the day that I signed my name, co-authored President Bush's economic growth program. Now, that was a program that was all about tax relief, tax relief for American families, tax relief for small businesses, because we know that when you let families and businesses, the American people keep more of what they earn, they will roll up their sleeves. They will work hard. They will create new businesses. They will go out and open an automobile transmission shop on one street corner. They will open a barbecue stand on another corner. They will expand a mobile home business two blocks away.

Mr. Speaker, that is exactly what we see in America today.

Now, many in this body want to debate who is to blame for the recession. Well, I can tell you there have been many, many recessions in the history of America. And I wish there was something we could do in this body to outlaw recessions but we cannot. But we do know that besides the obvious and huge loss of human life on 9/11, what a blow it was to our economy, in the trillions of dollars; not no to mention the stock market, the high tech bubble being burst, the corporate scandals. There are a whole lot of reasons. And we could play a blame game here between the Republicans and the Democrats, but I do not think that is what the American people sent us to Washington to do. They sent us here to work together and solve problems.

Mr. Speaker, in working with the President we have been able to solve a lot of these problems. If you look at where our economy is today, it is just a fantastic recovery that is under way. We are enjoying right now the highest economic growth that we have enjoyed in 20 years. In over 20 years we are seeing the highest economic growth that we have ever seen. And jobs, over a million and a half jobs have now been created over the last 9 months, in a blistering pace in the last several months, all due to President Bush's economic growth program.

Homeownership, the great American dream of homeownership, homeownership is at an all-time high. More Americans own their own homes than ever in the history of the United States of America.

Mr. Speaker, we are talking about the explosive job growth that we have had in our economy, a million and a half jobs in just the last 9 months, people all over America being able to go back to work because of the President's economic growth program.

The stock market is up 20, 25 percent off of its lows, which is so important for so many people that have 401(k) plans that they have to plan for their retirement, and there is so much other good news.

We have other Members that are here to discuss that and how it relates to their congressional districts. Mr. Speaker, at this time I yield to the gentleman from Arizona (Mr. HAYWORTH), to discuss this further.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Texas and congratulate him on claiming this time during special orders to celebrate the 1-year anniversary of the Jobs and Growth Act of 2003. I am also pleased that the gentlewoman from West Virginia (Mrs. CAPITO) will join us shortly as she is prepared to make remarks on the floor.

Mr. Speaker, I appreciated the comments of the gentleman from Texas (Mr. HENSARLING). He spoke of changes in the economic indicators. He spoke of what has transpired in the stock market. And certainly we understand and we should point out what is going on on Wall Street, but in the final analysis, Mr. Speaker, yes, Wall Street is important but likewise so is Main Street.

What is happening on the main economic thoroughfare of your town, and more importantly, what is happening, Mr. Speaker, in the homes in your neighborhood? It is interesting as we take a look at our efforts to embrace a pro-growth economic agenda centered on this one basic truth that the money that comes into the government via taxation does not belong to the government. It belongs to the people. And when we allege how the people can keep more of their hard earned money to save, spend and invest for themselves, it helps all of us. We can offer many historical examples.

Indeed, last week we celebrated the life of our 40th President, Ronald Reagan, who embraced that philosophy; but to be candid, Mr. Speaker, it is not exclusively partisan. Indeed, we look back to the 1960s and the efforts of late President John F. Kennedy who in asking for reduction in taxation across the board was heard to say, A rising tide lifts all boats. Everyone has, everyone has a chance to benefit. And certainly we can see what has happened on Wall Street, on Main Street, but most importantly, Mr. Speaker, what has happened on your street: 111 million individuals and families receive an average tax reduction of $1,586; 49 million married couples get an average tax reduction of $2,602; 43 million families with children, an average tax cut in excess of $2,000; 14 million of our seniors will see their taxes fall on average by $1,883; and 25 million small business owners, Mr. Speaker, if I could, I know it is really not a parliamentary inquiry. I do not need to ask unanimous consent but I think we all could agree, the term "small business," Mr. Speaker, is almost an inaccurate term. It is essential business. So-called "small businesses" are the very backbone of economic enterprise in this country. They supply more jobs than all the major corporations put together. Small businesses on your street do that. And 25 million small business owners will see an average tax reduction of $3,000 plus.

Now, Mr. Speaker, there are cynics in this city who would say that somehow this is not a lot of money. It is interesting, on one hand collectively they bemoan the notion that Americans have more of their own hard earned money to save, spend and then they turn around almost in the same breath and take the opposite tack, well, this does not matter much to families.

Mr. Speaker, I would have to respectfully disagree. Yes, it is true, we talk about billions of dollars here in Washington, but think about those 43 million families who through the per child tax credit have seen their taxes fall in excess of $2,000. Think, Mr. Speaker, what $2,000 means in a family budget. Think of what it means as now so many schools are out, kids are enjoying time off this summer. Some families coming here to Washington, D.C., other families going to visit extended family around the country, and more importantly preparing to head back to school to make those expenditures necessary. In some houses it could mean braces for that middle child. In other houses it could mean a set of tires, and still other houses it could be that important family vacation.

But important money, real money to real people is what we talk about and what we celebrate. And now tonight at the 1-year mark, the 1-year anniversary of the Jobs and Growth Act of 2003, as my colleague from Texas has reported, as my friend from West Virginia will join with her analysis, we have seen incredible economic growth.

Mr. Speaker, I look at the almost 1½ million more payroll jobs, 1.4 million more payroll jobs in the last 9 months, and it is fascinating because the American people, again, when they can invest, when business owners can invest, it does create more opportunity. And I am reminded by some in the ivory tower, maybe that is why economics is called, Mr. Speaker, the dismal science. Maybe that is why it is said, you can lay all the economists in the world end to end and never reach a conclusion, or by the same token, you can take all the economists in the world and lay them end to end and that might be a good thing, because away from theory we are seeing legitimate economic fact here.

There is no disputing that almost a million and a half more payroll jobs have been created in the last 9 months. There is no disputing this tax relief is helping America's job seekers. There is no disputing this tax relief, as I pointed out, is helping the budgets of American families. Real disposable income is up almost 4 percent. Household wealth, not for the wealthy but household wealth for all families across America, a record high of $44 trillion. Housing starts, we talked about small business being an indicator, what about what happens in terms of building houses in the United States. Housing starts, the highest level in 2 decades. At the end of 2003 they remain consistently high. Homeownership is record high, 68.6 percent.

Mr. Speaker, stop and think of that for just a second. The American dream of homeownership, the very foundation of so much economic planning and dreaming and the aspirations of so many young couples and American families, now almost 70 percent of Americans realize the dream of owning their own home.

□ 2045

Consumer confidence, accordingly, is up. Opportunities have increased. Manufacturing jobs are up. Indeed, in the last 4 months, manufacturing jobs have increased by 91,000, just short of 100,000.

When we take a look at these numbers and we translate them from the black and white numbers on a page and we realize that this is helping real people and real families, we can hardly wait to see the other reports that will be forthcoming because we understand this simple fact. Again, it is not partisan but it is imminently practical.

Would Americans keep more of their own money and save, spend and invest it for themselves? Economic activity increases. We have seen great strides in productivity, and we understand this simple fact. From our history and in practice, what we are seeing today, that through this economic expansion, through this growth and opportunity, people are realizing the American dream of homeownership. They are taking advantage of opportunities to provide for their families, and as this continues and as we see this economic expansion, something that some of our friends who come to this Chamber seem to want to deny, although it has been an historical fact, we know that the increased economic activity in the long term actually creates more revenue for the government. There is actually an increase in taxable receipts that comes from economic activity.

So rather than succumbing to the cynical and shopworn phrases that tax relief only helps one sector of our economy, rather than abandon reality for the poisonous rhetoric that would set one American against another, we would do well tonight, Mr. Speaker, in recognizing this 1-year anniversary to take a look at the historical examples of Presidents Kennedy and Reagan and take a look at the current events and the current evidence, that the common sense, pro-growth agenda, pro-economic agenda, developed by this President and this congressional majority is helping real people find real work and real opportunity.

Mr. Speaker, we continue in markup in the Committee on Ways and Means to find yet other ways to spur economic growth. As that continues in the Committee on Ways and Means, I just wanted to take time out from those proceedings to come here to the floor to thank my colleagues, especially the gentleman from Texas, for claiming this one hour of time, Mr. Speaker, to report to the American people and to reaffirm what so many of them are seeing both in their own lives, in their own homes and on their own street.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman from Arizona for making time to come down this evening to the floor to discuss the wonderful news that we have had as we talk about the 1-year anniversary of the Jobs and Growth Act of 2003, and obviously there is so much good news to be had in Texas and Arizona and all the other States around the Nation, but there is still work to be done.

At this time, I yield to the gentlewoman from West Virginia (Mrs. CAPITO), one of the great pro-growth leaders in the Congress, somebody who has made a real difference for West Virginia.

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague from Texas for yielding to me and for working with us on this hour to talk to the Nation about the good news that we have on our economic front.

I have been here almost 4 years now, and for some reason good news seems to get buried a lot, and it is deeply concerning to me when we are talking about something as critically important as our Nation's economy, people working, families. So I think it is extremely important for all of us to give a good viewpoint to our Nation on how our Nation is moving in the right direction.

I would like to talk about my home State of West Virginia. Many times in terms of economics, West Virginia has had difficulty with our State economy. We have not moved with the rest of the Nation when the rest of the Nation is surging economically. We have sort of puttered along a little bit, and so in my home State people will say to me, Shelley, I hear that national indicators are good and that we are creating 1.4 million new job with President Bush's programs, but what is happening in West Virginia? Is that really occurring in West Virginia? The great news is, yes, it is.

The indications today were just brought out by the State Department of Employment Programs. It announced today that in the month of May we saw the largest period of job growth this year, 4,400 new jobs created in the State of West Virginia in May. Our unemployment rate, which has been steadily below the Nation's unemployment, dropped another 3/10ths of a point to 5.2 percent. These are not happenstance. This is not just a blip in the radar screen. This is a constant indication that the economics of West Virginia are improving, just as the economics of the Nation are growing and thriving.

Being home last weekend, I talked to many folks, miners, realtors, bankers, schoolteachers, truck drivers: How is business? How is it going? Every single one of them has a positive, uplifting message to give. They are either hiring more people, ordering new parts, or increasing their equipment, all the things that are the great indicators of economic growth. The tax savings in West Virginia is being reinvested, just as the President's Jobs and Growth Act had planned, and new workers are being hired.

There are also other good signs. Not only is West Virginia being included in the upturn of the Nation's economy and settling into new jobs, but other things are occurring, and I think it is important to be pointed out.

We have heard about outsourcing and we are all concerned about any job that leaves an American shore and goes across the sea where we want to keep that job on our shores, but in West Virginia interestingly one in five of our manufacturing jobs in West Virginia, they are working for a foreign-based company. Those jobs have been insourced to the State of West Virginia, and I think that is over 27,000 workers in the State of West Virginia are in that position.

The pride of Buffalo, West Virginia, which is in my District, is the Toyota manufacturing plant where over 1,000 West Virginians build the engines that are in the Toyota Camrys that are parked in our driveways, and can my colleagues imagine the impact that 1,000 of those manufacturing jobs in a small area such as Buffalo, West Virginia, has on the total economy of that location and that area and region of our State?

We also saw personal income rise in the latter part of 2003 to a total of $44.7 billion, and that is one of the highest numbers ever reported in the State of West Virginia. Our exports have increased by over $100 million. Personal tax collections are forecast to increase by 3.1 percent this coming year. That is an indication that more people are working. They are working at higher salary levels, and they are enjoying the prosperity a boom economy can provide, and the prosperity the Jobs and Growth Act of 2003 that President Bush put forth is working.

We also have many in West Virginia who are enjoying the tax benefits that were a part of that on an individual basis. We have several hundreds of thousands who are enjoying the marriage tax penalty: 400,000 individuals paying fewer taxes; and over 100,000 small businesses enjoying the tax relief that was so vitally important to jump-starting this economy and moving it in the right direction.

So, while we always seem to want to have the gloom and doom news take the headlines, I think it is time that the Americans see the headlines that are the reality of our economy here in the United States, and that is we are moving in the right direction. There is more work to be done, and States like West Virginia are feeling the impact, are being able to take hold of the movement and the surge in the economy. More jobs are being created, more families are feeling that, and for me to be able to say that this Congress, with this President, put these policies into place makes me proud to go home every weekend to West Virginia and say we are moving in the right direction. We are going to keep up the momentum, and things are on the rise.

Mr. Speaker, I thank the gentleman from Texas for granting me the time.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for her comments and how enlightening they were to enlighten us about what is going on in the State of West Virginia and how under the Jobs and Growth Act of 2003, how jobs are being created, how exports are up, how real income for families is on the rise so that families can go out and afford to spend more money on their education programs, their housing programs, their nutritional programs.

Although there is much work to be done, all this great progress was made possible by an act that at its core was all about tax relief, tax relief for small businesses, tax relief for American families, and Mr. Speaker, as my colleagues know, in the House of Representatives, that means that tax relief comes through our Committee on the Ways and Means. One of the great leaders of that committee, one of the pro-growth leaders in the United States Congress, is here to share his thoughts with us, and I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my colleague from Texas. I thank him for leading this Special Order tonight and for all the good information he has been providing. I also thank my colleague from West Virginia who just described very well what is going on not just with the national economy but also what is happening in her State of West Virginia.

We are not getting the word out about the economy. Most Americans are concerned about where our economy is headed. In fact, we have made incredible strides. Is there more to do? Of course there is. The tax relief, though, helped tremendously.

I want to talk a little bit about that and then talk about what we need to do in the future with regard to health care costs, litigation costs, international trade, energy costs to take this economy to even greater heights, but things are improving, and we need to acknowledge that because it is important to remember what we did that worked and what we have done that does not work.

What we have done that works is, again, letting people keep more of their hard-earned money, increasing small business investment, helping people around this country to be able to find opportunity.

This first chart shows the fact that over the last several months we have had incredible job growth. In fact, in the last 9 months alone we have created over 1.4 million jobs in this country. Government did not create those jobs, but government does play a role in creating the environment to create those jobs, and again, the tax relief was absolutely crucial to that.

Job growth is key but job growth only comes with economic growth. This shows the GDP growth which is a measure of all the goods and services in the economy, and as we can see we are now at 4.4 percent in the first quarter of 2004. Projections are into 2005 we are going to see sustained growth and a kind of growth that will be able to not only keep this economy strong but even with high productivity be sure we have real job growth in this country.

As this job creation is surging, it is helpful to look at the unemployment rate. Right now the unemployment rate is down well below the average in the 1990s, which is this dark line. Here we are today: 5.6 percent is well below not just where we were in the 1990s but also below where we were in the 1980s, below where we were in the 1970s.

So, yes, we have challenges. We have a lot of international competition. We need to do more across the board in terms of making it more productive to create a job here in this country, but we are making good progress, and that unemployment number, coupled with this job growth, is incredibly important to the working people of America.

Some people have said, well, okay, the economy is now growing, that is good, and now it is not a jobless recovery. We have got good job growth coming back, strong job growth, over 1 million new jobs created this year alone, but people's earnings are not as high as they should be. Well, I would just point them to this chart.

Incomes and earnings are up. This is after-tax income, up 4.9 percent in the first quarter of this year, a substantial increase. This, again, in my view, is largely because of the policies we put in place here, and that is why it is important to talk about it.

Average weekly earnings have increased by 2.5 percent from the same period a year ago. People say, well, Rob, that is not wage growth; that is just people with big incomes and that is averaged in. Actually, it is wage growth. Hourly wages are up. People who are punching a time clock, going to work every day, providing the impetus for this economic growth are seeing an increase in their take-home wages. That is what this is all about after all, making sure that families have more income to be able to spend on their needs and it is happening.

Housing is strong. I think it has been talked about earlier tonight and others will talk about it, but housing is an incredibly important part of our economy, and it has kept strong actually even through the recession we had in 2002, but this housing growth is particularly interesting because it is at an all-time high in terms of homeownership, all-time high in terms of minority homeownership. This is important well beyond the economy. It gives people a stake in their communities.

□ 2100

It allows people to build up an investment in their home. This is great news for the long-term economic ownership of our country, that people are able to take part in by owning a home.

The last thing I want to spend just a second on is investment. Investment is strong here, and it shows that the President's tax cuts have been very effective. This chart shows that investment is up 12½ percent in the last 12 months. Over the last four quarters, investment is up 12½ percent. What does that mean? That means we are over this bubble.

Before the recession, people were concerned about overcapacity and overinvestment. For the last few years, people have been very concerned that there is no new investment going on because we had overbuilding and overcapacity. Finally we are over that. Why? I think there are four reasons for it.

One, we reduced the rate of taxation on dividends. Companies are now dividending. Record levels of dividends are being reported by companies. Seniors really benefit from this. A lot of them have investments in companies that issue dividends. That dividend tax cut has helped with regard to investors because more investors are getting into the market; and that investment is going to expanding plants, equipment and creating jobs.

Second is the capital gains relief. By reducing the capital gains rate, as we did, we are encouraging investors to get back in the game, and that has happened.

Third is depreciation. We put into place a bonus depreciation of 50 percent. We have put into place section 179 depreciation where people can write off more of their expenses immediately for small businesses. This is incredibly important to small businesses. Small businesses are taking advantage of these provisions we put in law. We have to extend some of these, and we are debating in the Committee on Ways and Means a provision to extend section 179 expensing for small businesses for this very reason.

The final reason I will mention is reduction in the top rate. In fact, all of the tax rates that went down, and we were at 39.6 percent, then 38 percent, down to 35 percent. People say, gee, and JOHN KERRY has said this, this is only to help wealthy individuals. That is not the point.

Mr. Speaker, 83 percent of the people in those tax brackets are businesses. What does that mean? Most small businesses in America, about 90 percent of them, pay taxes through the individual tax return. They are what is called pass-through entities. They are partnerships, sole proprietors, LLC companies, subchapter S. The bottom line is those businesses pay taxes as an individual; and so when you reduce those individual rates, you are getting at the real engine of economic growth in this country, which is small businesses. That is exactly what has happened.

I think for those four reasons, reducing the taxes on capital gains; reducing the taxes on dividends; reducing taxes across the board; and increasing depreciation, we have seen a nice increase in investment. That will continue based on all of the economic projections. This leads to opportunity because by investing in more equipment and expanding plants and jobs, we will have opportunity going forward.

As I said at the outset, we still have more work to do, and we want to do it. Trade is one issue. We have to increase our exports. We are starting to see increasing exports as other economies around the world are picking up, even though our economy is doing better than any industrialized economy in the world. That is incredibly important also to our future.

I come from Ohio. I heard earlier my colleague from West Virginia talking about the West Virginia economy and the struggles they have had over the last few years. We have had struggles, too, and we continue to. We are a heavy manufacturing State. We are the kind of State that has traditionally done very well in areas where the U.S. is not as competitive as we once were. We are beginning to make that transition. There is more high technology coming in, more financial services jobs, and we are doing better.

But even in Ohio, where we have a struggle with manufacturing jobs, we have seen some great numbers over the last several months. We have added over 34,000 new jobs to Ohio's economy in the last 9 months alone. We have also created 4,300 new jobs in April alone. These are not regular jobs; these are good-paying jobs, the kind of jobs you want to have going forward with the economic recovery.

Nearly three-quarters of Ohio's payroll job growth in April, for instance, was in industries that pay more than the national average. The professional and business services industry comprised the largest share of those jobs. Average hourly pay of a job in that industry that is nonsupervisory is $17.20 an hour. That is well above the national average for nonsupervisory jobs.

So we are finally adding jobs in Ohio. We are getting these jobs back; and now would be exactly the wrong time to change direction and raise taxes on small businesses, as has been proposed by JOHN KERRY and others.

Second, unemployment is down in Ohio. We were at 6.2 percent a year ago. We are down to 5.8 percent now. Can we do more? Yes. And we must do more to be able to bring those jobs back to Ohio. But we have turned the corner. We are making progress. Personal incomes are now up in Ohio, housing values have increased dramatically in Ohio, and there are more exports. Last year, Ohio exports increased over $2 billion. That is incredibly important to my district in southwest Ohio and to the entire State of Ohio. That brings jobs and opportunity.

As I said before, we are not done. We have plans to reduce health care costs. We plan to get litigation costs under control, which will help our entire economy. We have a specific proposal on energy that is currently in the United States Senate to reduce the cost of energy and make us less dependent on foreign oil.

Finally, we need to do more in terms of knocking down barriers to our trade for exports. But the tax relief we put in place in 2001, 2002, and 2003 is working. The economy is back. We need to stay the course. We need to continue to be sure that tax relief stays in place so our economy stays strong so we have opportunities for America's workers so we can compete in this global environment. We are doing it. We can do it going forward. We just have to keep the faith.

To the gentleman from Texas, I appreciate the gentleman allowing me to come down and talk about the economy a little bit tonight.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman from Ohio for his great leadership in ensuring that we did have tax relief for American families and small businesses which has ignited this great economic recovery that we are seeing from one shore to the other.

Indeed, there is great news and, indeed, there is still more work to be done. We have to make sure that those in Congress who want to take the tax relief away, raise taxes on the American people yet again, that that policy does not come about in the Halls of the United States House of Representatives.

We are joined tonight by a gentleman from the Committee on Ways and Means who was instrumental in ensuring that we pass the Jobs and Growth Act of 2003 and will be a key leader in ensuring this tax relief is not rolled back.

Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Texas (Mr. HENSARLING) for leading this discussion.

I want to set the predicate for a moment because this Congress and this President inherited a very troubled economy. In 1999 when the Internet stock bubble burst, there was a tremendous amount of sensitivity, if you will, to the economy. People had lost lots of money in their savings accounts and IRAs and Keoghs and 401(k)s, and so psychologically the economy started heading in a negative manner from that point on.

President Bush inherited a struggling economy; and then we have all heard about September 11 and what it did to the investor psychology and what it did to the job market and what it did to the economics of places like Florida where our tourism market was ravaged. We all experienced that, so we are not reliving history; but we have to set the predicate about how important the leadership of this White House has been in setting in place the kind of economic tools necessary to develop what are now very, very hopeful numbers for people around the country.

Florida's jobs have been up. In fact, we have created 29,000 payroll jobs in April alone. We now have 168,400 more payroll jobs than a year ago. Our economy is adding good-paying jobs. More than two-thirds of Florida's payroll job growth in April was in industries that pay more than the national average. For example, the professional business service industry comprised the largest share at 11,500. The average hourly pay of a nonsupervisory job in that industry is $17.27, well above the national average of $15.59.

Unemployment was down in Florida from 5.3 a year ago to 4.6. The national average is 5.6. Florida's average unemployment rate in the 1990s was 5.9.

Personal income swelled in Florida in the last quarter by 1.3 percent to over $528 billion. Florida's housing values are up well over 11 percent in 2003 and over 53 percent in the last 4 years.

Exports have increased over $400 million for a total of $25 billion from Florida's export economy alone. And insourcing, a subject some on the other side of the aisle do not want to talk about, but we have had over 303,000 jobs in Florida from companies based in other countries. About 12.2 percent of all manufacturing jobs in Florida are with foreign companies.

So the statistics are clear, the effects of our tax reductions and our attempts to make this economy stronger and more resilient are absolutely made positive by the charts that my colleague on the Committee on Ways and Means illustrated just moments ago.

I am proud of the leadership of not only this White House but the entire Congress for recognizing that in order to get the opportunities present for people for jobs, for growth in their families' income, for more job security and for an aggressive, can-do spirit of passing very detailed and complicated legislation that has yielded in the pockets of people of the 16th Congressional District of Florida greater disposable income, greater sense of purpose, and greater job security. These are things that are not just imaginative. These are things displayed each and every day.

I thank the gentleman from Texas (Mr. HENSARLING) for leading this opportunity to talk to the Nation and talk to our friends. Look at the price of the Dow Jones Industrial Average today as opposed to 3 years ago, look at the unemployment numbers, look at all these factors; and I think it will bear out that the work done by this Congress is not only showing great progress but the months to come will show even more positive improvements in the lives of all Americans.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman from Florida (Mr. FOLEY) for his comments and thank him for his leadership in ensuring that we had tax relief for American families and small businesses to help this wonderful surge of employment that we have had in the United States.

Again, as we can see from this chart, over the last 9 months almost a million and a half new jobs have been created, and in the last several months at a blistering pace. New jobs for Americans, and these are not just dry statistics that are appearing on some board, but I have the honor and privilege of representing the Fifth Congressional District of Texas which starts in the eastern part of the city of Dallas and takes in several of the suburbs of Dallas County and includes many rural areas in east Texas; and I have seen some great news in that area all due to President Bush's economic growth program.

I was in Jacksonville, Texas, not too long ago in Cherokee County, Texas. I went to visit a plant called Jacksonville Industries. They are an aluminum and zinc die cast business. They were having trouble in some respects in competing in their marketplace. But once President Bush brought his economic growth package forward and once we passed it in the House of Representatives, all of a sudden they were able to afford a new piece of equipment that previously they could not afford. Now I could not tell you the name of this piece of equipment, I could not tell you what it does, but it is big and makes a lot of noise, and it makes them more competitive in a very competitive marketplace. Prior to being able to acquire this machine, they were on the verge of perhaps having to let two of their workers go because they could not be competitive without having the new plant, the new equipment.

Because of the equipment they were able to buy due to President Bush's tax relief program, instead of potentially laying off two workers, they hired three new workers. That is five people who could have been on unemployment, five people who could have been on welfare. Instead, thanks to our President and thanks to the Republican majority in the House of Representatives, those are five people with a real job, five people who are putting a roof over their own head, putting food on the table, helping educate their children, and realizing their own version of the American dream.

That is how important tax relief is in America to get this surge of economic growth, this surge of jobs that we see being created. I see it all over the Fifth Congressional District of Texas. I see it in the city of Garland where all of a sudden a new CiCi's Pizza franchise opened up just a couple of months ago. They created 30 new jobs in 2 months. In Mesquite, another superb of Dallas, a wonderful community, Coleman Homes, a home builder who came to Mesquite in 2002, has almost doubled their number of employees in just 2 years building homes.

□ 2115

Because as we said earlier, Mr. Speaker, we are enjoying the highest rate of homeownership that we have ever enjoyed in the history of the United States of America, thanks again to President Bush's economic growth program and a Republican majority in this House that would pass it.

In Dallas where I live in the Lakewood neighborhood, because of the economic growth, a new bank opened. They put in $600,000 to renovate an old building that went to builders and carpenters and refinishers, and in just 3 months they have added 12 full-time jobs to help serve all the demand as businesses grow and need the capital that the bank can provide. The stories go on and on and on.

Mr. Speaker, I know that tax relief works. I see it in the Fifth Congressional District of Texas. We see it all over America, and it is not just the evidence we have today. It is the history. As we mourn the passing of one of the great Presidents of the United States, President Reagan, we have to remember tax relief worked again in his administration. We cut marginal tax rates, and we had an explosion of economic activity, and we had more tax revenue come into the government as well.

Mr. Speaker, there is other good news around this Nation. There is lots of good news, and that does not mean our work is done. We have much work to be done. We will not stop until every American who wants a job has a job. But another great leader that we have had in making sure that we have pro-growth economic policies for our Nation, to make sure that we create jobs in every corner of America is a great colleague of mine and cochairman of the Washington Waste Watchers, which has been on the vanguard of fighting waste, fraud and abuse in America.

At this time I would like to yield to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding and I thank my good friend from Texas for taking the leadership in talking about this very important subject, and I commend all my colleagues who have come down to the floor tonight to talk about what is going on in their States and their districts and sharing good news. I think it is so important that we do share this good news, because much of the economy is based on the confidence of the American people, and when they hear the good news I am confident that their confidence will swell and they will continue to do their job so well in growing the economy.

Before coming to Congress, I was a business person. I was part of the economy trying to grow a business and create jobs every day, and one of the differences I have learned between working in the private sector and being part of government is that facts do not always get in the way of people's opinions here in government. I think it is important that we recognize what the facts are, and I think the Wall Street Journal today tried to share some of the facts about the economy in an editorial they entitled Gloom and Boom.

Roughly, that editorial talked about how not long ago the critics of the economy said that this is the worst economy that we have seen since maybe the Great Depression, but then when economic growth was undeniable, the criticism was, well, there's growth, but there is no jobs. This is a jobless recovery, and now clearly there is robust job growth, so the criticism is, well, certainly there is growth and certainly there are jobs, but these are not good jobs; these are not good-paying jobs.

The editorial went on to point out that in fact these are good jobs, the economy is growing, personal incomes are up, and the people getting the jobs today are being paid more than the jobs of yesterday.

We can talk about Wall Street Journal editorials all night long. We can talk about national economic indicators all night long, and they are very, very important, but I find that the best national economic indicator is my local paper. So tonight I ran up to the files and looked in the file to try to find some examples of what is happening in the Second District of Indiana, and I just grabbed a few of the articles that were in the file from the last couple months. These are examples of the economic indicators we are finding in north central Indiana.

Consumer Confidence Climbs. Economy, Job Market Gain Strength.

Big New Business Here, 157 Jobs with Furniture Firm on the East Side.

LaPorte Officials Celebrate "Major" Business Here.

Zimmer Adding 400 More Jobs.

Manufacturing Sees Expansion. March Results Give Hope for Job Growth.

Jobless Claims at Three-Year Low. Hopes Raised. Economy Has Turned Corner.

More Jobs on the Way. Manufacturer Adds New Product Line.

Dutchmen Constructs Facility to Inspect RVs.

RVs Roll to Big Total.

Encouraging Developments on the South Side.

Industry Upturn. Science Favorable For Manufactured Housing Market.

Adding and Saving Jobs. Announcements This Week Good News.

RV Business Opens Door in Argos.

Pace of Hiring Will Pick Up. Survey Shows Companies Intend to Hire More in '04.

Mr. Speaker, I could go on and on and on about the good economic news in the Second District of Indiana, and I certainly do not think we are alone. As we heard from our colleagues from Ohio and West Virginia, two States like Indiana that are very focused on manufacturing, very blue collar, districts and States that are starting to see robust economic growth, and I do not think that there is any denying this fact. And the fact is the American people have done their job so well.

We are going in the right direction, and we need to continue to go in the right direction, because our job is clearly not done, as many have pointed out tonight. And we need to do two things to make sure we continue to go in the right direction. Number one, continue to adopt and implement pro-growth policies that help create environments where businesses can do their best work and achieve their best results. Small business in America is the backbone of our economy. Government does not create economic growth. The American people do, and small business does. And we need to make sure that the American people continue to keep more of their own money in their own pocket, because when they do that, they go out and invest in their community, they invest in their headlines, and they create headlines exactly like this.

Mr. Speaker, I look forward to going home and reading more headlines like this and to congratulate the people of the Second District for doing such a great job, and I congratulate my good friend, the gentleman from Texas (Mr. HENSARLING), in leading us in this very important discussion, and I encourage the people American people to keep up the good work and keep this economy going.

Mr. HENSARLING. I thank the gentleman for his comments. I especially thank him for reminding all of us that the government had nothing to do with this. It was the American people who went out and created these jobs. Not unlike my colleague from Indiana, I was a small businessman before I was elected to Congress. Government does not create jobs. Men and women who go out and risk capital and roll up their sleeves and work hard, they are the ones who create jobs in America. But for them to do it, government has got to get out of the way. Too many taxes destroy jobs. Too many regulations destroy jobs. Too much litigation destroys jobs. Fortunately due to President Bush's economic growth plan, due to this Republican majority in Congress, we took a huge step in providing this tax relief that has provided almost 1.5 million jobs in 9 months.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART), another great leader we have had on economic growth issues in the United States Congress, a gentleman who is the cofounder of the Washington Waste Watchers.

Mr. MARIO DIAZ-BALART of Florida. Let me first thank the gentleman from Texas for providing this insight here tonight. I was just listening to our friend from Indiana. He was mentioning the naysayers, the ones that constantly say that it is not going to work, that cutting taxes on the hardworking American people was not going to work. And then when it started working, they started saying, as he said, all right, it is working but it is not creating jobs. Then when it started creating jobs, as our friend from Indiana reminded us, they were saying, well, but they are not high paying jobs. He mentioned how that is just a fallacy. That is just not true.

Let me give my colleagues some statistics from Florida. In Florida we are creating an incredible amount of jobs. Every single month the private sector in Florida is creating jobs. They are good paying jobs. Florida's economy is adding really good paying jobs. More than two-thirds of Florida's payroll job growth in April, by the way, was in industries that pay more than the national average. Those are the facts. Some people do not like the facts and do not let the facts confuse what they want to believe in the issue. But those are the facts.

Let me just read some of the quotes that were said by our friends in the minority party before they started seeing the results that we are talking about today. They said, for example, May 9, 2003, the Jobs and Growth Act will neither create jobs nor grow the economy. Wrong. It created jobs and it grew the economy. The majority's reckless, irresponsible tax agenda. They said that on May 5. It was neither reckless nor irresponsible to have the private sector create more than 1 million jobs for hardworking Americans. They said again, May 9, 2003, to see how badly the Republican economic plan has failed all we have to do is look around.

Well, look around. The tax cuts have worked. They are creating jobs. We have to do more. We are working to do more. Unfortunately, we are getting no help from our friends in the minority party because what do they propose? As opposed to cutting taxes, what did they propose? Let me tell my colleagues some specifics. They offered alternatives to major legislation just last year that would have added almost $1 trillion to the deficit. That was their answer. But that was not enough. They did not support tax cuts. What they did support and they proposed three alternative budgets on this floor, on this very floor, and each one of them raised more than $100 billion in additional taxes to the hardworking men and women in this country.

Let me just state this very clearly. If you think that your taxes are too low, that the Federal Government is utilizing your money very efficiently and that you need to send more of your money up here, then you support what they propose. But that is not what works. What works is cutting taxes, allowing the hardworking people to keep more of their money. But then they say, when it is working, when jobs are being created, but those are tax cuts on the wealthy. That is how they try to excuse it.

Let me read some of the issues, some of the tax cuts that they say are for the wealthy. Maybe I just represent kind of a different district, but one of those that they say is the marriage penalty repeal. Marriage penalty repeal. I do not know about in other parts of the country, but in Florida not only the wealthy get married. How about the death tax repeal? Oh, that is a tax cut on the rich. I do not know about other parts of the country, but in the State that I represent not only do rich people die. How about the reduction of taxes on education savings? That is on the wealthy? Not in my State, not in the State that I live. How about the small business expensing? Those are small businesses, not wealthy. How about the adoption tax credit? These are the things that they objected to because they are tax cuts on the wealthy. How about the dependent care credit? That is not tax cuts for the wealthy. Those are people that have dependents at home. How about a tax credit for employer-provided child care facilities for hardworking moms and dads so that they can go to work? That is not for the wealthy. And how about the emergency tax relief? Even this, emergency tax relief to areas affected by the attacks of 9/11. Those are for the wealthy? No, those are responsible tax cuts for hardworking men and women in this country who create jobs, who create wealth, who do not want to create more bureaucrats. They want to create more jobs, more wealth. It is working.

I thank the President for his leadership. I also want to particularly thank the leadership in this House and also my dear friend from Texas who has led the fight to look for waste, fraud and abuse in the Federal Government. He is doing a great job. I want to thank him for allowing me this time today.

Mr. HENSARLING. I thank my colleague from Florida for his wonderful comments and helping remind us that again there are two very different visions for economic growth in America. In one vision again is tax relief for small businesses, the job-creating engine in America. Another is tax increases on business, tax increases on families. It is often said that one is entitled to their own opinions but one is not entitled to their own facts.

Let me review again what has happened in the last 9 months. We have added almost 1.5 million new jobs in the last 9 months. And look at this. Look at the blistering pace in just the last 3 months of job creation in this economy due to tax relief. Look at this. The greatest economic growth in almost 20 years under this program, under President Bush's tax relief program, the greatest economic growth in almost 20 years. Look what is happening to the unemployment rate. It is going down. Job creation is going up. Unemployment is going down. Incomes are up. Family incomes are up. These are not just jobs. We are seeing good jobs, good job growth in the American economy. Again that foundation of the American dream, homeownership, is at an all-time high.

Now, Mr. Speaker, the question is where do we go from here, because there is work to be done. We do not want to rest until every American who wants a job has a job. We want to make sure that we have more tax relief, that Americans can go out and create more businesses and expand more jobs, so that every American can realize his American dream, that he can invest in his housing program, in his nutritional program, in his education program. But our friends from the other side of the aisle, they want to raise taxes on the American people. Mr. Speaker, we cannot tax our way into prosperity. That is a battle being fought in the House now. And another battle we are trying to fight, we want to reduce the litigation in America. Too often we do not love our neighbor, we sue our neighbor in America. There is something fundamentally wrong when it is easier to sue a doctor than it is to see a doctor.

□ 2130

There is something fundamentally wrong when one can sue McDonald's for millions of dollars because they spill hot coffee on oneself. Excess litigation hurts job growth. That is another difference between the Republicans and the Democrats.

And how about too much regulation? I know as a small businessman the huge regulatory burden on our economy. It is almost $8,000 per American family. How many mortgage payments is that for the average American family? How many semesters of college is that? Instead, we are paying more in regulation costs. We want to bring down that regulatory cost. The Democrats want to increase that regulatory cost.

Litigation sends jobs overseas. Regulation sends jobs overseas. And taxation sends jobs overseas.

We need to thank President Bush for his principled leadership in all the job growth that he has created in the economy.

THE ECONOMY

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, a group of Members from Congress from Ohio have come to the floor regularly over the last 3 years, the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from Ohio (Mrs. JONES), and the gentleman from Ohio (Mr. STRICKLAND); and we have since been joined by the gentleman from Ohio (Mr. RYAN), freshman from northeastern Ohio, to discuss what Bush economic policies have done to the middle class, how they have squeezed middle-class Americans with higher gas prices, higher health care costs, stagnant wages, and especially staggering job loss. Our State of Ohio has lost, since President Bush took office, one out of six manufacturing jobs, almost 200 jobs every single day of the Bush administration.

These failed economic policies are especially putting the squeeze on America's and Ohio's middle class. Middle-class families feel the brunt of this administration's economic policies. America's middle-class families are losing ground on jobs, losing ground on health care, losing ground on education. Yet the Bush administration's answer to every single economic problem, as we saw from listening to my friends paint their very rosy picture of the condition of the U.S. economy, at least the condition for the most affluent in the U.S. economy, the answer in every case for the President for every problem that we face is more tax cuts for the wealthiest people in our country, hoping that some of those benefits trickle down to the middle class and maybe create some jobs from time to time.

That clearly has not worked with the loss of plus 2½ million jobs since President Bush took office, the first President since Herbert Hoover to have a net job loss. And the President's other answer to these economic anxieties, to these economic problems, are more trade agreements like NAFTA, like the North American Free Trade Agreement. Singapore, Chile, Morocco, Australia, and now the Central American Free Trade Agreement, and later the Free Trade Area of the Americas, all of which have hemorrhaged jobs, all of which have sent jobs overseas.

As I said, Ohio has lost almost 200 jobs every single day of the Bush administration, and now leading U.S. corporations are beginning to send not just blue collar but white collar jobs, clerical jobs, administrative jobs, technical work, computer programming, even radiology and radiologist jobs overseas as well.

Government figures confirm that the North American Free Trade Agreement, very conservatively speaking from a conservative government, that NAFTA has cost Americans more than a half million jobs. If that is not enough, the President now has signed just last week the Central America Free Trade Agreement, which will ship more jobs out of Tennessee or out of Ohio or out of any of our States to Mexico, to China, and all over the world. Roughly 830,000 U.S. service sector jobs, telemarketers, accountants, software engineers, chief technology officers will move abroad by the end of 2005, according to a report released in May by Forrester Research. Forrester Research projected that 600,000 jobs would move overseas by the end of next year; 3.4 million jobs will leave the U.S. by 2015.

So instead of fighting for trade pacts that keep jobs in the United States, the President's plan is to repeat the failures of NAFTA and to use taxpayer dollars to outsource American jobs. Get that: to use taxpayer dollars, literally to use taxpayer dollars, to outsource jobs, to send jobs overseas. This is an administration that, when begged, literally begged, by 200 of us in this Congress, would not extend unemployment benefits to those 1 million Americans, 50,000 Americans in the gentleman from Ohio's (Mr. RYAN) and my home State to allow the extension of unemployment benefits for those Americans who lost their jobs, but continue to try to look for jobs.

Instead of fighting for corporate tax reform such as Crane-Rangel, the administration remains silent on responsible bipartisan legislation, the Crane-Rangel legislation that both parties support, 85 Republican sponsors, 90 Democratic sponsors, supported by the AFL-CIO and the National Association of Manufacturers, a jobs bill that will reward companies that produce domestically. Instead, the President wants to continue to give tax breaks to the largest companies, which happen to be his largest contributors, which so often send their jobs overseas.

Responsible leadership means not just being critical of the President in what he is doing but also offering what we should do instead of these failed trickle-down economic policies and failed trade agreement policies.

Four things to start off: a moratorium on job exporting trade pacts, meaning let us look at NAFTA, let us look at China trade, let us look at CAFTA, let us look at all these trade agreements before we pass another one to decide what works, what does not work, and make the changes we need to. Second, tough action against China and other trading partners who refuse to play by the rules.

When I came to Congress a dozen years ago, we had about a 400 million, million with an "m," trade deficit with China. Today we have 120 billion, with a "b," 3,000 times the trade deficit that we had with China just a dozen years ago.

Third, enactment of the Crane-Rangel corporate tax reform plan, which, as I said, uses the Tax Code to reward companies that produce domestically the manufacturing in our country instead of the Bush way of giving big tax cuts to the largest corporations, most of which outsource their jobs every single day.

And, fourth, an extension of unemployment insurance to help bridge the gap until better, good-paying jobs are created and people can once again support their families.

The President's plan includes none of these provisions, in large part because large American corporations that have funded the President's campaign, who are the President's strongest allies, from which most of the President's Cabinet has come out of, all of those companies are doing very well, their stockholders and their executives are doing very well under the Bush tax plans and outsourcing plans, but their workers are not and our country is not.

And, lastly, before yielding to the gentleman from Ohio (Mr. RYAN) to talk about education issues and what that has done to jobs in this country, the President's health care policies are also hitting America's middle class right in the pocketbook. Prescription drug costs increased 9 percent last year, five times the rate of inflation. Yet the President's drug bill, the Medicare bill, written by the drug industry, written by the insurance industry will increase drug company profits by $140 billion over the next 10 years and has protections in the bill for the drug industry so that they can continue to charge three times, four times, five times what drugs cost everywhere else around the world.

Mr. Speaker, one more point. Because I was critical of the President's plan on prescription drugs, I want to mention what we should do to get costs under control. First of all, we should give clear authority to our own government to negotiate on behalf of 40 million Medicare beneficiaries lower drug prices. Every other country in the world does it that way. That is why Tamoxifen, a breast cancer drug, costs the Canadians one-eighth as much as it costs Americans, simply because the Canadians use their 30 million residents as a bargaining pool to negotiate better prices from the drug companies. The U.S. Government has refused to do that in large part because the drug industry gives so many campaign dollars to too many Members of this body, especially Republican leadership and especially the President's re-election campaign.

The second thing we should do is allow the reimportation of prescription drugs from Canada so if we really do believe in NAFTA and fair trade and free trade, American wholesalers, American drug stores like Drug Mart, should be allowed to go on the international market and buy those drugs from Canada at one third and one fourth the price.

Mr. Speaker, I also would mention some things about education, but we have an expert here. The gentleman from Ohio (Mr. RYAN), freshman congressman, will talk for some time about jobs in Ohio and education and some of the issues that he wants to discuss.

I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me. I think it is important that the gentleman from Ohio (Mr. BROWN) shared with us exactly why we are having all these problems. I think people sitting at home would be thinking to themselves why in God's name would our country be giving tax credits to companies who would outsource jobs? And the answer, as the gentleman so eloquently gave us, is that these people who are making the profits from outsourcing jobs are the same people that are donating millions of dollars to Members of this body, that are donating millions of dollars especially to the Presidential campaign, and that is probably the fundamental problem that we have in this country right now.

Our government and our laws are being dictated to everyone else by the big-money people, and they control this institution. And I think the best example that we have had, at least since I have been here, is why would we not allow prescription drugs to come down from Canada. It seems it would make sense. But then we realize, as I was reading his op-ed here that he wrote here in the New York Times, we realize that political contributions from the drug industry to Republicans in this body is $22 million, 74 percent of the total of the money that they raised. The Democrats raised $7 million, only 25 percent. Still a lot of money. But it is clear that if they are raising $22 million, 74 percent of their total amount of money that they are raising, that they would be advocating on behalf of those major corporations and they would be saying we do not want to free trade with Canada. And the same thing with not allowing them to negotiate down drug prices. Why would we not use the buying power of millions of people to sit down with Pfizer, say to Pfizer, we are going to make a deal here. They want access to these millions of people, they have got to sit down and talk to us and negotiate a fair price.

So I think it is very important and probably the best point that we could make as we speak to the American people here tonight, because they would ask why are we doing this, and the reason is there is too much money in this game and the average person has a microphone and the people who have a lot of money have a big bull horn, and they seem to get everything done.

The gentleman from Ohio (Mr. BROWN) talked about outsourcing of jobs, free trade, competing on a global economy, our workers trying to compete with workers who make $5 a day or 50 cents an hour in a lot of these other countries. The promise to the American people always was this: we are going to trade, we are going to compete in an international economy, in a global economy; but we are always going to invest in our own people. We are going to invest in our own children. We are going to invest in our college students. We are going to make college accessible, affordable so that we can get the high-end jobs. Now we are still losing the high-end jobs; we are losing a lot of them to India. If we would have fulfilled the promise that this government made many years ago and one has a computer-programming degree or a high-tech degree of some sort, most of those jobs are now leaving in the millions in the next few years to India where they are paying people with bachelor's degrees in engineering not even $5 an hour, and we know the kind of money that they make here.

So not only are we losing the high-end jobs; now we are no longer even investing in education. And I just want to share a few statistics with the people who are listening. Student debt is up 66 percent since 1997. Funding for higher ed in Ohio was slashed by over $18.5 million in 2002, 2003. In-state tuition at places like University of Cincinnati, Kent State University, University of Akron, Youngstown State, the tuition costs have been raised by 10 to 15 percent since basically the late 1990s, and the burden is being placed on the students who are trying to get ahead. So it is up 66 percent. I think the most atrocious statistic that we can have is, because of these increases, in the fall of 2003, an estimated 250,000 students, college qualified, could not afford to either go to college or continue to go to college. They were completely shut out because of the increase in tuition, the lack of buying power for the Pell grants.

□ 2145

So how can we on the one hand say that we want to trade, we want to participate in the global economy, we have the right to lift everybody else up and share some of the wealth of our own country, and then at the same time not invest in our own people? That has clearly been the policy of this administration, it has clearly been the policy of this Congress.

Since 1994, the Republicans have controlled this Chamber, they have had the presidency for the last 3½ years, and they have done nothing. President Bush promised in his election that he was going to increase investments in the Pell Grants for the first year and then graduate it up. It did not happen. College loans today are costing kids more, and the policies that this Congress wants to adopt will cost them even more money in the long run. So something actually needs to be done.

Since 2001, which is another interesting statistic, tuition and fees have increased by almost 30 percent in 49 of the 50 States. When we are talking about Ohio and talking about trying to create jobs in Ohio, you cannot overlook the fact that we have not, whether it was in this Congress or in the General Assembly in Ohio, we have not made sufficient investments into the young people who are going to create the new economy.

Really, as we are losing these jobs, it is also important to note that we do not know what the new economy is going to be. Many of us are advocating for alternative energy sources, investments in high speed rail and a variety of other issues that I think we need to advance on, but those are just our ideas. The private sector will ultimately create what the new economy is to be. But the government's role has been and should continue to be investment in the colleges, investment in the young students, and let those bright, intelligent, creative minds create the new economy we are going to have.

One last statistic that I want to share, and that is the No Child Left Behind, because we have talked a little bit about college but have not talked about K through 12. No Child Left Behind was put in place to move the bottom 25 percent of the students, bottom in regards to test scores and achievement, move them across the finish line, with investments into after-school programs, good idea; investments in the summer programs, good idea; investments into one-on-one tutoring, if necessary.

The philosophy was we are going to pull these kids across the finish line so that they can have a successful life. If they have the one-on-one tutoring, if we make the investment after school, if we make the investment during the summertime and help these kids along with intensive training, that they will be able to succeed and become proficient. So that was the Federal mandate on the States, that was the Federal mandate on the local school districts.

But, lo and behold, we prioritized and we gave tax cuts to the wealthiest people in the country. Half the people in my congressional district did not get one dollar from the tax cut. So this nonsense that was being spewed out on the other side earlier tonight that everyone is benefiting from this tax cut did not hit home in Youngstown, Ohio, in Warren, Ohio, and in Akron, Ohio. It did not show up. Fifty percent of the people in my congressional district did not get one dollar back from the tax cut.

So we have all these Federal mandates underfunded. No Child Left Behind just in Ohio is underfunded by $1.4 billion just this year, $1.4 billion. That is going to go to the State to have to comply, and that is going to go down to the local school district. If you are sitting in Ohio and do not think these mandates are going to cause your local school district to have to go and try to pass another property tax increase, you are missing the boat.

So what we are trying to say here is the Federal Government has a responsibility to invest, whether it is No Child Left Behind, college access or anything else, into our young kids and students so they will be able to compete. We have missed the boat. We have not fulfilled our obligation, we have not fulfilled our responsibility, because, as the gentleman from Ohio (Mr. BROWN) has said, we had to give these tax cuts.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, I thank the gentleman. We have been joined by the gentleman from Ohio (Mr. STRICKLAND) and the gentlewoman from Ohio (Mrs. JONES), and also the gentlewoman from Illinois (Ms. SCHAKOWSKY).

I want to call on the gentlewoman from Ohio (Ms. JONES) next, because she is in the middle of a hearing in the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, it is so wonderful to be on the floor of the House again with my colleagues as we talk about the issues that are impacting our State. Right now in the Committee on Ways and Means we are marking up FSC–ETI bill, which has to do with giving corporations who take jobs over to foreign countries greater tax benefits.

Since I am the only Democratic Ohio member on the Committee on Ways and Means, I want to get back over there, because I have a piece of legislation where I am offering an amendment that if the tax provisions provide benefits for manufacturing workers who lost their jobs, we ought to be able to provide benefits to service workers who lost their jobs, because in Ohio it appears we have lost some 133,000 service worker jobs since this administration took over.

I rise with my colleagues as a supporter, a voice for the middle-class and a voice for the lower-class people in our country who make up the backbone of our country, those Americans who since George Bush took office are finding themselves overlooked, under-appreciated and kicked to the curb.

I could go on with my statement, but what I am going to do is submit my statement for the record, because I know Ohio is in good hands with the three of you on the floor of the House to talk about what is going on in Ohio.

I need to go back over to the Committee on Ways and Means and make sure the voice of Ohio workers is heard in that hearing. If we get done before the hour is up, I will be back to engage in a conversation with each and every one of you.

You know if unemployment is high in the majority communities in Ohio, in the minority communities it is even higher. I just got some statistics saying in the City of East Cleveland, the unemployment rate is 12.7 percent, 12.7 percent. We need to be a loud voice on behalf of the workers of Ohio.

Let me say to my colleagues here, the gentleman from Ohio (Mr. BROWN), I have been calling him "senior." He does not like to be called senior colleague, but my colleague with greater seniority than me, and my colleague the gentleman from Ohio (Mr. STRICKLAND), with greater seniority than me. At least I am more senior to somebody, my colleague with less seniority than me, the gentleman from Ohio (Mr. RYAN). Keep it up, brothers. I am glad to be here with you.

Mr. Speaker, I rise today as a voice for the middle class. Those Americans who make up the working class, the backbone of this country. Those Americans, who since President Bush took office are finding themselves overlooked, underappreciated and kicked to the curb.

My home state of Ohio, has seen the worst of this economy. Since President Bush took office the state of Ohio has lost 214,500 jobs. Of those lost jobs, 167,800 of them were manufacturing jobs; 1,300 of those lost just recently in April.

My colleagues across the aisle would argue that the economy is improving; however, the Republicans have much to do to erase the job deficit that they have created through their tax cuts for the wealthy.

The growing industry that the Republicans have been talking about is significantly weaker than the shrinking industry. In Ohio there is a –29 percent wage differences between industries gaining jobs and the industries losing jobs. Additionally, the health insurance coverage for the growing industries is only 53.1 percent compared to 70.2 percent of the shrinking industries—a difference of 17.1 percent.

The economic outlook is even worse for many living in my district. According to the Bureau of Labor Statistics and the Ohio Dept. of Job and Family Services, the unemployment rate in Cuyahoga County is at 6.5 percent with over 43,500 workers unemployed. The cities of Cleveland and East Cleveland have been hit the hardest with Cleveland's unemployment rate at 12.2 percent with 25,000 unemployed workers and East Cleveland with a 14 percent unemployment rate and 2,346 workers unemployed.

This economy has had a disproportionate affect on minorities in this country, particularly African Americans. According to the U.S. Courts, Administrative Office's Bankruptcy Statistics, 1,625,208 households filed for bankruptcy in 2003, a 33 percent increase from 2000. That is nearly 1 bankruptcy every 19 seconds.

For minorities the statistics are even worse. According to an article by Elizabeth Warren and Amelia Warren Tyagi, entitled the Two Income Trap, 2003, African Americans and Hispanics are much more likely to go bankrupt. Hispanic homeowners are nearly three times more likely than white homeowners to file for bankruptcy, and black homeowners are nearly six times more likely than white homeowners. African Americans are also twice as likely to lose their homes due to foreclosures, often falling victim to the unscrupulous practices of predatory lenders.

Additionally, African Americans have higher levels of debt. The typical African American families had debt of 30 percent of their assets, while the debt of typical white families was 11 percent of their assets.

Homeownership and credit are not the only place where the minorities of this country are feeling the economic squeeze. It is affecting their education where they are seeing an increase in tuition of $1,207 at 4-year public universities. It is affecting their health care, where here in the United States the total family premium for health insurance has increased by $2,630 to $9,068. Even child care costs have increased by $2,050. A Census study showed that African Americans and Hispanics spend more on child care than whites. The average black family spends 10.4 percent of household income on childcare, and the average Hispanic family spends 10.7 percent, compared with 8.1 percent for white families. This along with skyrocketing gas prices and the outsourcing of Americans jobs, our middle class citizenry is suffering.

It is time for us to provide real legislation and initiative to strengthen middle class Americans. Democrats have a plan to jump-start our economy through tax breaks to encourage businesses to keep jobs here in America, invest in our small- and medium-sized businesses and work to secure universal access to college and expand job training.

The American people deserve better than what they are receiving from this administration and we move forward to address the needs of the American people.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her leadership on these issues on one of the most important committees in this Congress, the Committee on Ways and Means.

Mr. Speaker, I yield to my friend from southern and eastern Ohio, whose district runs from Youngstown all along the river down to Portsmouth, who has been fighting for better health care since he has been a Member of Congress, for lower drug prices, for working to provide access to health care for veterans, health care benefits, the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend the gentleman from Ohio (Mr. BROWN) for yielding.

I watched the special order which preceded this special order, some of our colleagues. Quite frankly, I sat in my apartment watching the television as they spoke, and I was wondering if they are from Michael Jackson's Neverland, because they certainly are not in touch with the real world. The fact is, do these people ever go home and talk to their colleagues on the weekends?

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, President Bush's Secretary of Commerce recently said, "This is the best economy of my lifetime." Again, I wonder, I know that President Bush and his top advisers have personal wealth and do not get out much, but it is pretty amazing.

Mr. STRICKLAND. If I could interrupt and say, for him it may be the best economy of his lifetime, and I do not doubt that. But what about the workers there in Washington County in a little town called Marietta that I met with this week who are losing their jobs?

What about the workers in Belpre, Ohio, in the same county, working in a factory that makes collectible dolls, the Lee Middleton Doll Company. There are about 35 workers, mostly women, many of them single mothers; one of the workers is 73 years of age, who is working in order to buy her medicine. They have been told on the 25th of this month their jobs are gone, because that doll company is taking that work to China.

Now, how much do these people there in Belpre make? The average wage is somewhere between $7 and $11 an hour, and they are going to China for cheaper labor. I would like for my colleagues who preceded us to come to Belpre, Ohio, come to Marietta, Ohio, come to Martins Ferry, Ohio, come to Lisbon, Ohio, come to Salem, Ohio, where the Eljer plant that makes bathroom sinks and tubs, they are closing. They are manufacturing in China probably this very evening as we stand here on this floor and speak to each other.

All of those workers are without a paycheck, they are without health care. They are without hope, many of them. Some of these workers are 55, 60 years of age. They do not yet qualify for Medicare. Many of them have health care problems. They are wondering, what are they going to do?

I wish I could tell them that we had a President that I could go to and share their plight and expect some positive reaction from. These people, I do not know, they say the economy is booming, jobs are coming back. They need to come to Ohio, and they need to come to Ohio and not go to a prearranged event, where certain people are invited and other people are excluded. They need to come to Ohio and just go from community to community. They will find out what is happening.

People are afraid they are going to lose their jobs if they have not already. They are afraid they are going to lose their health care if they have not already. They are wondering what is going to happen to their kids.

I want to tell you, I was really offended because the Columbus Dispatch did a series of articles on hunger and the use of food pantries by Ohioans, and they did a series of wonderful series just laying out the problem and what the experience is.

When the Bush administration was contacted for a comment, Mr. Eric Bost, B-O-S-T is how you spell his name, the U.S. Under Secretary for Food and Nutrition Services, he had the gall to say, "Well, there has been a bump up in the number of people using these pantries, but how much of that is due to people taking the easy way out I do not know," he said.

Well, Mr. Bost, I wish he would come to Ohio. It is a lot of fun, Mr. Bost, to stand in a food line, waiting to get food for you and your family, for your children. It is a nice way to pass the time of day.

What an insult, for the person in this administration who is supposed to be concerned about food and caring for people who need proper nutrition to make such an outrageous comment. It shows that he, and I guess many of the others in this administration, are totally out of touch.

There are families whose dads and husbands are serving this Nation in Iraq who are showing up at these food pantries. We need to wake up. This is a serious, serious set of circumstances.

It is so frustrating, it is so frustrating to know that in a country where we have the wealth to give huge tax breaks to the richest among us, the richest among us, that we have got families whose dad or whose husband is serving this country in Iraq showing up at a food pantry in order to get the food they need to feed their children. I wonder if the President is aware of that.

Mr. RYAN of Ohio. If the gentleman would yield, I read that same series of articles. There was a quote in there by one of the gentlemen, and I cannot think of his name, who worked at either the food pantry or helped run the

Second Harvest, and he said the lines were depression-like. Those were his words, depression-like.

So to sit here and say the economy is going just fine, just humming along, that these tax cuts have worked, and we have people, in the same article they said the increase from 2002 to 2003 was I think 17 percent increase in people using the food pantry, and then last year was 19 percent on top of the 17 percent, they have the audacity to come down here and say things are getting better.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will continue to yield, I think it is appropriate and proper for an official of the Agriculture Department to really try to scrutinize what is happening, what is being reported by the Columbus Dispatch, to try to understand what may be causing this. But to have the callousness of heart to imply that this bump up in the use of food pantries is due to people wanting "the easy way out," what does he mean by "the easy way out?"

This man, like myself and many others who serve in this Chamber, probably goes out and spends as much on a single meal as some families may have to try to feed themselves for several days, and for someone in that kind of position to utter a comment like that, if I was George W. Bush, I would fire that man the moment I became aware of the words he had uttered.

□ 2200

He does not deserve to serve in this administration and to hold the high position that he holds in the Department of Agriculture. He ought to work somewhere else, but he should not be working in a program that is designed to try to help people who are in need of food and good nutrition.

I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I do not hold any ill will personally toward any of these leaders in our country whose values and positions and policies are so different from what, obviously, the four of us believe this country should pursue; but when you hear the Secretary of Commerce say, "This is the best economy in my lifetime," when you hear our colleague from southwest Ohio only 45 minutes or so ago talk about how the economy is roaring back; the gentleman from Texas, one from West Virginia, one from Arizona, one from Indiana talk about the record-setting economic growth, it really does remind me of kind of what happened at the Timken Company.

The Timken Company, as all of us remember, is President Bush's favorite Ohio company. The Timken family has given both President Bush and his father literally millions of dollars and raised millions of dollars. The President went to Timken a year ago and praised the workers for a literally 10 percent increase in productivity, praised this company for all that it has done in this community, deservedly. Then several months later, only about 6 weeks ago, sent out a news release saying that they had record sales their first quarter, then the company went on to say their earnings per share were 60 percent over last year's first quarter. Then, just 2 or 3 weeks ago, Timken announced that it was closing its three plants in Canton, Ohio, laying off 1,300 workers and moving its production to China.

It really is a scenario where I believe the people in the administration just do not see what is going on out there. I mean, Mr. CHENEY, the Vice President, gets $3,000 a week in pay still from Halliburton, a company which he has been connected with on and off and continues to do favors for. Most of the administration officials got hundreds of thousands, if not millions, of dollars in tax cuts. Most of the Members of this body who believe this economy is humming are not talking to workers who still have their jobs, but who see the gas prices going up, who see their kids' college tuition going up; as the gentleman from Ohio (Mr. RYAN) said, in Ohio State alone, a 13 percent tuition increase just this year alone, and schools all over the country are facing that; who see their local property taxes and State taxes going up; who see their wages stagnant and with not really much chance of increases, and face the anxiety of a potential job loss, potential plant closing, potential outsourcing of their white collar job.

And of course they feel anxiety. Even when there are a few jobs being created, President Bush will still be the only President who has had that job loss during his term since Herbert Hoover. But even if the news gets a little better with a few new service jobs that pay not great, but at least pay something, the anxiety people are facing is simply not seen by the members of this administration.

I think one of the reasons their policies are so off course and that President Bush's answer to every economic problem is more tax cuts for those of his social class and his contributors, and more kinds of trade agreements that continue to shift jobs overseas and continue to reward outsourcing. I think so much of it is based on the fact that he has not really seen and really understood that these are not, the Members of Congress or the administration, these are not problems that they really see very often in their daily lives. So they conduct these policies, they formulate these policies that work for some small number of people in this country.

Profits are up for the Timken Company; the problem is they are laying off 1,300 people. So some people at Timken are doing well, the ones that the President knows, but the people who are not doing well in the community, a community which has now lost the money for their schools and to fix their roads and all of that.

Let me yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY) who has seen these issues from a slightly different perspective, another Great Lakes industrial State.

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleague, the gentleman from Ohio, for organizing this Special Order so that Democrats can talk again about a topic that the White House and President Bush would much rather we do not discuss in public, especially during an election year, and that is the middle-class squeeze. I do come from Illinois, another Midwestern State that has been very, very hard hit by the unemployment that has been exacerbated by this Bush administration.

I want to tell my colleagues about a piece of information that came our way. My husband has a pilot's license to fly private planes. We certainly do not own one, but he gets a magazine called "Flying" that had in it this brochure that had these screaming headlines on it that said it was time to benefit from the new tax law by buying a private plane. For about $360,000, you can take advantage of this new bonus depreciation program, a 50 percent bonus depreciation program; and you would be able, if you bought this, a mere $360,000 plane, you could write off in the first year $260,000.

Mr. STRICKLAND. Mr. Speaker, if the gentlewoman will yield, I represent an Appalachian district, 12 counties along the Ohio River. My district borders Pennsylvania, West Virginia, and Kentucky.

Ms. SCHAKOWSKY. Mr. Speaker, does the gentleman think they would be interested in this plane?

Mr. STRICKLAND. I do not have a lot of constituents who would want to go out and buy a $360,000 plane, but I do have a lot of constituents who would like to buy a pair of tennis shoes for their child or maybe some vacation time for the family. Those are the kinds of things my constituents want, not $360,000 planes that they can write off as a tax deduction.

I am glad the gentlewoman brought this to our attention, and I would like to hear more about it.

Ms. SCHAKOWSKY. Mr. Speaker, the thing that is really great about this deal is if you take this first year $260,000, these planes last a long time, maybe the useful life is 20 to 25 years, and it really does not depreciate in value all that much. So you could take this first-year write-off, and then a couple of years later you could sell it and make a whole bunch of money.

This is the kind of deal and this is the kind of constituent that this Bush administration has helped. And how many people are really in the position, certainly not many in Illinois, not very many people I know to take advantage of this great tax break.

As I said, the thing they seem to be missing here is now Republicans are talking about this roaring-back economy. Okay, "back," implying that we have fallen a long way, baby, and now that more jobs are being created, they are saying, is this not a miracle of the Bush administration. But let us remember, we are barely halfway back. We are talking about still this President being the first on record since the Great Depression to go without creating a new net private sector job. Mr. Speaker, 1.9 million Americans who had jobs in 2001 still do not have jobs today.

So this kind of playing with the numbers like, is this not great, I have been trying to figure out, it is sort of like an arsonist who burns down the houses and then says, oh, look, they are building all of these new houses, or they are building these houses, we are coming back. No, you do not want to see the house burn down.

Then of course, if you are lucky enough to be one of the people who is getting a job in this resurging economy, your pay is going to be less, on average; in fact, about $9,000 less is the average for the new jobs. Your benefits are going to be limited, and your wages are likely to grow at only about 2 percent a year. And then, over the last 3 years, there has been a $2,050 increase in child care costs, a $2,630 increase in family health care premiums, a $938 rise in the cost of gas per household with teenagers, and that has barely started.

We will have to make a new calculation soon. And a $1,207 increase in college tuition, which my colleague talked so eloquently about and, at the same time, median family income has dropped nearly $1,500. So the real question that should be asked, the question that was asked in a past campaign really is, Are you better off today than you were 4 years ago? I want to tell my colleagues that in Illinois that the answer is absolutely no.

I wanted to tell my colleagues some of the numbers in Illinois, about our job loss. Personal bankruptcies in Illinois. Instead of buying fancy airplanes, what we find is that personal bankruptcies in Illinois are at an all-time high: 13,739 people declared bankruptcy in 2003, a 42 percent increase from 2000. A lot of these bankruptcies are caused because of health care costs. You cannot afford to be sick in America anymore if you are an average working family. Most of the people, in fact, who do not have health insurance actually are holding a job. Over 70 percent of the uninsured live in a family with at least one full-time worker. And then we have 44 million people, 15 percent of the U.S. population that lacks health insurance coverage of any kind over the entire year. And the number of uninsured has been steadily increasing at about 1 million people.

So those folks now who used to have kind of a middle-class life, many are without health insurance, getting lower wages, no benefits; and they are often the ones who are actually standing in that line waiting to supplement their food at the end of the month, because ends just do not meet. And if it is a senior citizen who is on a fixed income, then they are trying to figure out how to buy their medication. They know that this prescription drug card is certainly not going to provide the answer to them.

Are you better off today than you were 4 years ago? And for the vast majority of Americans, obviously not the ones that the Secretary of Agriculture or the Secretary of Commerce or the President of the United States or the Vice President of the United States hang out with, or obviously have much occasion to run into at all when they are on the trail at these $1,000- and $2,000-a-plate dinners that the President is going to these days; it is about time that he took a look and saw that the middle class is being squeezed out of existence.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Illinois. I appreciate her description of the squeeze on the middle class, because I think when any of us goes out into our districts and talks to people, not preselected crowds that when prominent politicians, particularly the President, when he went to Youngstown to the area of the gentlemen from Ohio (Mr. RYAN) and (Mr. STRICKLAND), and spoke to a group at the community health center and they were all doctors.

Mr. STRICKLAND. Invitation only.

Mr. BROWN of Ohio. Invitation only, 150 people, something like that, and they all cheered at everything he said. But when they put themselves out in front of the public and they hear these stories, they hear about someone making $22,000 a year who has just had their meager health insurance scaled back even further; who is facing increased gasoline prices; who wants to send their kid to Akron University, which had a double-digit tuition increase each of the last 2 years, I believe, on the average; who faces increased child care costs; whose wages likely will not go up, they are just hoping they can keep their job for another year or 2 before it is outsourced, or before their plants close down. And then they read these stories in the paper, they read the Secretary of Commerce say it is the best economy of my lifetime, they hear our colleagues on the other side of the aisle talk about the shining city on the hill and how great the economy is, and they just wonder if they live in the same country that their leaders are presiding over and that their leaders live in.

Ms. SCHAKOWSKY. Mr. Speaker, can I just say it another way? The vast majority of Americans are not asking for special favors. The American ethic of working hard and taking personal responsibility is alive and well. Americans want to work and take care of their families. But they expect just a little bit of help from the government, that when they get sick, they are not going to go bankrupt, that the school that they send their children to and they pay taxes for will provide a quality education; that when they retire, they will be able to retire in some dignity. The reverse of what the gentleman is saying is that Americans do not want that much from government, but they are not getting even the helping hand that they expect, deserve, and in fact, they have paid for.

Mr. BROWN of Ohio. Mr. Speaker, they want Medicare they can depend on, they want decent public education, they want affordable prescription drugs, they want a fair tax system that does not give tax breaks to the wealthy and leave them wanting for pennies, if that; they want fair treatment.

□ 2215

They want fair treatment.

Mr. STRICKLAND. Mr. Speaker, I do not want to belabor this point, but I want to go back to what was said about these Ohioans who find their situation so serious that they have to go to a food pantry to get food for their families, and the fact that a member of this administration said this terrible thing. I just think it is awful what he said. And the President campaigned as a compassionate conservative, and the good book teaches us that we have a responsibility to care for the poor and to feed the hungry, to feed the hungry. That is a responsibility that we have as individuals, as people of faith. And I believe ultimately as a government. And yet the President's man, this Mr. Bost, when confronted with the fact that there are increased numbers of people in food lines as a result of this Columbus Dispatch series, he said, There is a bump but how much of that is due to people taking the easy way out, I do not know, he says.

Now, this is the response that comes from the Executive Director of the Ohio Association of Second Harvest Food Banks. Her name is Lisa Hamler-Podolski, and she said, "Bost makes unfair judgments of people who use Ohio food banks and food pantries and he underestimates the courage it takes for many people to ask for help."

Now, that is a compassionate attitude. And Mr. Bost's attitude is a callous attitude. And I think the President has got a responsibility here. I think he should hold this man to account. Does this man represent the President's attitude? When the President is informed that there are increased numbers of people standing in line for food throughout Ohio, is he sympathetic? Is he compassionate? Or does he support this person who is a part of his administration and who, quite frankly, used to work for him when he was Governor of Texas. So this is a man he knows apparently pretty well. He brought him from Texas to Washington to oversee this program.

So I think the President has a responsibility either to accept this man's attitude as reflective of his own or to reject this callous attitude and his callous comment.

Mr. RYAN of Ohio. Mr. Speaker, as sad as it is, I just want to say how this has just followed a very consistent pattern that this administration has taken with regard to the facts. And most recent, I think the gentleman from Ohio (Mr. BROWN) already brought it up tonight, was with the Vice President's office regarding Halliburton. We do not have anything to do with their contract, they said. My office had nothing to do with it, the Vice President says. I do not even know what you are talking about, the Vice President says.

Well, it is in the New York Times today. Scooter Libby, the Chief of Staff for the Vice President, approved the contract, okayed it, with Halliburton. State Department, terrorism is down. Well, another analysis comes out. Terrorism is up. They were wrong. Colin Powell apologizing again after the U.N. fiasco. Weapons of mass destruction. No weapons of mass destruction. Greeted as liberators. Greeted as conquerors. They are going to love us. They hate us. We need 200,000 troops. No, we do not. You are fired. We only need 130 and now we do not have enough.

Consistent pattern, whether it has been foreign policy or domestic policy, this administration at least, if we can give them some kudos but they have been consistent, but consistently wrong and have been consistently harming people.

Mr. STRICKLAND. I think my friend is absolutely correct in pointing out these inconsistencies.

Mr. RYAN of Ohio. Consistently inconsistent, just to clarify.

Mr. STRICKLAND. I thank the gentleman. I understand that none of us are perfect. No administration is perfect. Every administration makes mistakes. I certainly have made more than my fair share. But the fact is that there is an attitude reflected in these comments and I think in other actions of this administration that indicate that there is a total disconnect between their fantasy land, their world as they imagine it to be, and the real world that you and I and others who go home and spend time with their constituents and listen to their stories and hear their hopes and fears understand.

Ms. SCHAKOWSKY. It is generous of the gentleman to say that all administrations make mistakes and that even you have made a mistake. But I just want to remind the gentleman that the President could not think of a single mistake when asked at a press conference if there were any mistakes that he has made in his presidency. He said that none came to mind. He thought there probably were some but he could not even think of one.

It seems to me that just condoning, or in the case of the gentleman you talked about, the employee of this administration who says that people in food lines are just maybe looking for an easy way out, I would say that statement is a mistake and that the person that made that statement who is in a position of authority in a department that gives out food stamps that is supposed to help poor people with feeding programs, that is a mistake and he should be fired.

Mr. STRICKLAND. I absolutely believe that.

Mr. BROWN of Ohio. The gentlewoman from Illinois' (Ms. SCHAKOWSKY) statement about the President when he could not think of any mistakes that he made, several of us came to the House floor and talked about that a couple of nights, and not so much to be critical of the President, but to sort of think about mistakes this administration has made, because as you learn when you are a child you cannot really learn very much until you acknowledge the mistakes you make and then you correct them.

The President still has not come forward on Iraq, on this issue we talked about, on the prescription drug bill when they said it cost $400 billion over 10 years and then it later came out it was $534 billion and they knew that but they did not tell the American public and they threatened someone's jobs if he told the media or told the Congress.

I think if we are going to move ahead, if we are going to solve this Nation's economic problems, the President, it would be so much better if he would say, hey, this was a mistake. Ronald Reagan did that. Ronald Reagan, when he was going a certain course in driving up the budget deficit, at a couple points he made a change and he did some different things and the country was probably better off for it.

This is really the first President in our lifetimes that I think has not been able to acknowledge a mistake and change course. I do not want him to go around doing mea culpa, mea culpa, but I do want him to acknowledge a mistake and do a correct and change course. He really has failed to do that.

Again, his answer to every economic problem no matter what the situation is more tax cuts to the wealthy and trickle down economics and more trade agreements. His answer to every situation remains unchanged and he will not change the direction of failed policies. That to me, it is not personal to George Bush, but it just makes me wonder the character and the motive sometimes, but not even so much that it is the judgment of the very stubborn people in the White House that think they have the answer because it fits their ideology and they will not change that direction when it is clear their economic policies have failed. It is clear their environmental policies, their health care policies, as the gentlewoman from Illinois (Ms. SCHAKOWSKY) said, a million more people are uninsured every single year in this country since President Bush took office. Clearly these policies are not working. Would they not want to change these policies and go in a different direction?

Mr. STRICKLAND. I think the ability or the willingness, the capability to admit a mistake is a sign of strength and a sign of character. I fear the person who is so self-assured and so arrogant in his or her self-confidence that they refuse to acknowledge the fact that they may have made a mistake or made a misjudgment or made a wrong decision. I think that kind of person tends to be brittle and inflexible. So, consequently, if you get started down a route or pathway that is the wrong pathway, rather than having the ability or the willingness to change course, you continue to plunge headlong into some economic or social or military disaster.

The fact is that a lot of mistakes have been made. We made a terrible mistake when we sent our soldiers into battle without having adequate body armor. We made a terrible mistake as a government, as a Pentagon, as an administration, when we had soldiers in Iraq without up-armored Humvees.

Mr. BROWN of Ohio. That is a mistake that neither the Pentagon or the President has acknowledged, even though we know dozens if not more men and women were killed because they did not have body armor, because the Humvees were not up-armored with the kind of protection that we know how to put on and failed to do.

No one in the administration, in the Pentagon was punished for that failure, no one was reprimanded, no one lost their job. Yet dozens of young American men and women died because of it.

Ms. SCHAKOWSKY. Actually, it was reported in Newsweek and other places that there had been a Defense Department study that showed that perhaps as many as a quarter of those troops in battle that were killed or injured would not have been had they had the proper equipment, 25 percent. So we are talking about more than a few dozen.

Mr. BROWN of Ohio. So imagine if the administration when we first were in Congress, and all four of us talked about this, as members of the Committee on Armed Services, as members of the Committee on Veterans' Affairs, as members who were involved in a lot of Iraq things in the beginning, every one of us came to the floor as well as at least a couple of dozen other Members of Congress and hundreds of representatives of veterans' organizations and people advocating for soldiers, for their better treatment, if the administration had said earlier when we first started talking about this, right when the war started in March and April of 2003, if they had said, we have made a mistake. We have got to do something about this today, and if we do not do something, the people who are responsible will be punished, imagine how many more lives would have been saved, how many fewer soldiers would have been injured and lost their limbs and capacities.

Mr. STRICKLAND. Mr. Speaker, we are standing here in the Chamber. We are talking about problems that we see, mistakes that have been made, and some I guess would say why regurgitate that. That is old news. What we need to do is look forward and decide what we are going to do from now forward rather than dredging up mistakes that have been made. My answer to that question, and I think it is a legitimate question, but my answer to that question is this: The same people who made those faulty decisions, who made those misjudgments, who made those mistakes and are unwilling to admit them are the same people who are still in charge and they want to make decisions regarding our future. They want to make decisions regarding our future military actions. They want to make decisions regarding our future health care policy. They want to make decisions regarding our future education policy. They want to make decisions about a whole range of things.

The American people, I think, deserve to know that these people who are currently in charge and want to remain in charge are the very ones who have made these mistakes and refused to acknowledge them and are continuing to pursue policies which are harmful to this country. So we need to call attention to the past in order for us to have some sense of what we can do to correct the situation and move this country forward in a positive manner.

Mr. RYAN of Ohio. Our responsibility here is to identify what these problems are in order to change course for the country. We are not just sitting here talking amongst the four of us. We are here talking to the American people because we want to engage them in the discussions. Something that the gentleman from Ohio (Mr. BROWN) said and the gentleman from Ohio (Mr. STRICKLAND) said that I want to identify with, when we talk about people not admitting their mistakes we have lost the constitutional balance in the legislative branch and our oversight ability on the legislative branch because it is all controlled by one party. We are in a very, very dangerous situation.

I think this is something that maybe the American people do not understand at home is that, and I hate to use this as an example, but when President Clinton was in and this House was controlled by the Republicans and the Senate was Republican, the Republican chairmen of the committees had the ability to subpoena witnesses and call hearings in which they could oversee the executive branch. In this case it was Mr. Clinton. But today we have the Republicans who control these committees in the House. They control the committees in the Senate. There is no oversight of the executive branch, and so we are getting legislation and mandates coming out of the executive branch with no oversight from the legislative body.

Article I, section I, the people should govern. We do not have the ability, the minority party, to subpoena witnesses and do what we have to do to oversee the executive branch. I think the American people need to know that. There is a reason why they are getting away with all of this and we do not have the proper oversight abilities.

Mr. STRICKLAND. The words of the gentleman reminded me of something that happened just 2 weeks ago. We had a forum to discuss the mandatory funding for VA health care. We had a forum and we had representatives of the national veterans organizations before us and they laid out their rationale for mandatory funding for VA health care.

□ 2230

The reason it was a forum and not a hearing is because we could not call a hearing. We do not have the authority. Only the majority party can call an actual hearing, and so we had a forum; and in that forum, we did receive information from the American Legion, from the DAV, from the Vietnam Vets, from the purple heart folks, every veterans organization in this country; but it is sad that it could not be an official hearing which would have a different standing within the Congress in terms of its ability to actually deal with legislation and move it forward into a place where it could finally become acted upon.

So that is an example of total one-party control of the Supreme Court, of the Senate of the United States, of the House of Representatives and of the Presidency; and that means that they are responsible, totally responsible. They cannot shift the blame. They cannot say it is someone else's fault. It is the fault of the leadership of this party.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friends for joining me.

It is the duty of us, as we talk about the middle class ways, and it is our duty to offer what we would do positively with what we have talked about in the past with Crane-Rangel and looking at these trade agreements again and extending unemployment compensation and doing the right things and changing the economic policy into the right direction in this country.

I thank my friends, the gentleman from Ohio (Mr. RYAN), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from Illinois (Ms. SCHAKOWSKY), and the gentlewoman from Ohio (Mrs. JONES) for joining us.

WILLINGNESS TO ADMIT FAILURE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for half the remaining time until midnight.

Mr. TANCREDO. Mr. Speaker, it has been an interesting discussion of the issues of the day for the last hour or so by the opposing party, and certainly I am sure that to a large extent the remarks are heartfelt and are as a result of a distinct difference in opinion as to exactly where this country should be and how the leadership should actually be constructed.

It is intriguing to me in a way as I sat and listened to the discussion about when the Members of the other side talk about the need for admissions of wrongdoing or failure. It would be so much more, I think, credible for them to approach this issue by first saying that we on the left have to admit certain things that we now know to be inaccurate.

Let us start with the fact that the entire world has disavowed our economic theories of greater government control of the economy, of cooperation with foreign governments, especially those governments that were totalitarian in nature and Communist by design, but all of these things have failed and we know it and the whole world recognizes it. The fall of the Communist empire, as a result of the variety of strategies employed by the United States and by others, including the Pope, as a matter of fact, we now see that it was a house of cards that had no real basis in reality; that could not sustain itself; that socialism was not ever, ever able to deliver its promise of a better life for the people under its control; that greater government control of the economy, that larger government enterprises, that opposition to Communism, that all of these things were failures. It would be so much more credible for our friends on the other side of the aisle to approach this discussion of the need for willingness to admit failure had they started with that.

Had they started with saying, you know what, we have tried, we for 40 years, we had control of this body, Presidency, it was a Democratic-controlled Congress, certainly for the majority of the 40 years prior to 1994, and we pushed the idea of greater Federal involvement in the lives of Americans. We did so because we believed it was right. We did so because we believed the theories that were supposed to be there to substantiate the claim that greater control of our lives by the government, even control of the means of production by the government, the things we call socialism today, those claims have now been proven to be false.

It would be so refreshing to have them stand in front of the House, Mr. Speaker, and say we were wrong and we are willing to admit it; we are willing to admit that people do better throughout the world, as a matter of fact, not just in the United States. But throughout the world, it is the governments under which they live that are governments that espouse a free enterprise, a democratic kind of government that allows for individual liberty and individual enterprise. We were wrong to suggest that we should not confront Communism as forcefully as possible and that we should not, in fact, increase all of our Defense appropriations so as to essentially force the Communist empire to collapse under its own weight which is, of course, what we did, what Ronald Reagan proposed and it worked.

Most of the leaders of the Free World, and even some leaders of what was in the past a totalitarian country, came to the United States for the purposes of paying homage to Ronald Reagan and admitted that his strategy and his ability to see what was good for America and what was good for the world was, in fact, the right way to go.

Yet, never did I hear in the discussion here for the preceding hour that our friends were willing to concede the point that they were wrong and that the whole world knows it, and that people, every time they have had the opportunity, they voted to cast off totalitarian dictatorships and socialist enterprises.

So, as I say, it would have been better, it would have been certainly more convincing had they come here first with an apology for all of the things that they have been espousing for the last half a century and now they know to be incorrect and failures of policies, but they did not do that. They just suggested that what we are doing today is wrong. Well, what makes us think then that what their view is of today is any better, any more correct, any more insightful, any more intuitive than what their view of what was yesterday and the world in which we lived up till today? Why should we trust them with guiding this Nation's future?

I did not hear them disavow the principles upon which their party and upon which, in fact, the left has been relying for years and today only, only exists and are espoused in institutions of higher education primarily in this country but perhaps even around the world; but everywhere where the rubber hits the road, everywhere where people have to actually go out and make a living for themselves and their families, everywhere where people are struggling to overcome the kinds of government tyranny under which they may live, everywhere where that exists, people yearn for something quite different than what the left offers them.

So that realization, that empirical evidence that we have to say that all of those ideas were wrong, that evidence has not yet manifested itself, and that realization of the error of their ways, it has not manifested itself in any of the rhetoric I heard tonight while I was waiting to deliver my remarks on, I should say, a totally different subject.

Nonetheless, I thought I should comment on what is apparent to me to be at least a discrepancy in the testimony that was provided here by our friends on the other side of the aisle for the last hour.

IMMIGRATION REFORM

Mr. TANCREDO. Mr. Speaker, let me go on to the discussion of an issue that I have many times in the past tried to bring forward on this floor and an issue that I believe to be of enormous importance to the country and certainly an issue that I believe needs the attention and debate of my friends and colleagues in the Congress of the United States and certainly a reflection of the debate that goes on throughout the country every single day around water coolers in offices and on work sites throughout America and around dinner tables throughout America. That debate and that discussion revolves around the issue of immigration and immigration reform, and it has many, many implications for who we are as a Nation, where we go from here, and how successful we may be in trying to achieve whatever goals we establish for ourselves.

It is connected to an even more significant challenge to the United States, and that is the reestablishment of the idea of exactly who we are, of what we are, what principles we espouse as a Nation, of what principles we can adhere to as a people.

This part of the debate is an extremely important one, hard to bring up, hard to articulate. Certainly it is impossible to do so in a bumper-sticker fashion. It does require some degree of analysis that goes beyond the 30-second or 60-second sound bite, but I believe it to be a very important debate and discussion to undertake.

If we are to believe the polls that have been taken for the last decade or more on the issue of immigration, Americans generally believe that, number one, we should, in fact, enforce the law against people coming here illegally. That means enforcing our borders, making sure to the extent possible that people do not come into this country without our permission, people do not come here that we do not know about, and that we make people come into this country through a normalized and legal process.

The United States of America is unique in many ways. One way is that we accept more people into this country every single year legally, through a legal process of immigration and also temporary visitor status, than any country in the world. We are and have been always a beacon of light to the world, a beacon to which many people are attracted.

It is peculiar, to say the least, that even with this policy, this very liberal policy of immigration and legal access into our country through temporary worker status, we still have and allow for millions of people to enter this country illegally. We do not know who they are. We do not know why they are coming. We do not know how long they are staying, and we do not know where they are once they are here.

□ 2245

Now, most Americans will say this is a bad policy to pursue, that it is not good for America, it is not good for our future, and that we should establish the concept of the nation-state and defend that concept with essentially defending our borders.

Beyond that many people suggest, a majority of Americans even suggest we need to reduce legal immigration until such time we can get this problem under control. Every poll says that is what America wants. Now, a dilemma is then created by the fact that this is the will of the people, and it has been for a long, long time. It is not new; it did not just happen after President Reagan said he wanted a guest worker/amnesty program and that created quite a furor. It has been the case for years that that is what the American people want. They want borders enforced, they want controls on immigration, and yet this body and more peculiarly, even cities and States throughout the Nation, which one would think would be more reflective of local citizen input than even the Congress of the United States, which we know has always been historically way behind the curve in terms of popular sentiment, but one would think that we would see reflected in city councils and State legislatures, one would think we would see far more of a reflection of the position that I have just described that is held by a majority of people in the country.

The most difficult question we have to answer, why is that the case? Why do our elected officials seem to be paying little attention to what most Americans feel? There are a number of answers to that question. They are not necessarily pleasant to discuss, but they are true. That is for the most part we see legislatures and the Congress of the United States and even city councils that are very responsive to pressure and pressure groups and less responsive to the general will of the people if it is not reflected through these pressure group-type of organizations.

For the most part, politicians in the United States have concluded that they can address this issue by essentially finessing it, by agreeing theoretically with people when they are in an atmosphere, an arena in which doing so would be to their political advantage. They can agree there is a problem with immigration and that we should do something about it and we should stop illegal immigration. Everybody will mouth the platitudes connected to that concept.

But they believe also that they can finesse this issue by essentially using the rhetoric to mollify a certain part of their constituency while simultaneously doing things to attract another group; and these are very powerful groups in many ways, certainly very vocal groups which press for open borders, for relaxation of law enforcement, and have a totally different opinion about how this country should actually develop.

For the most part, they are trying to serve two masters here. Most politicians are trying to serve two masters, and they have been successful in doing this in many ways because for the most part people in the United States when asked how do they feel about immigration come down on our side, but are not organized in political pressure groups designed to actually force politicians to acknowledging it. They are simply voters and citizens who go to work every single day and have other things on their minds.

It is also true that the parties themselves, the Democrats and the Republicans, are both inclined to do exactly what I say that individual politicians do, and that is pander on the one side to immigration, pro-immigration groups, and on the other side placate those people who are concerned about it, placate them through rhetoric, but not through action. They are trying to play this dicey game, and sometimes it works.

We have seen throughout the land the development of a very interesting phenomenon whereby foreign countries have used their consular offices in the United States to lobby States and city governments to get them to accept for purposes of identification something called the matricular consular ID card that is given to a person not by the United States of America but by a foreign government. And then that government comes to an American city, county, or State and says please accept the card we give out as proper identification.

Now of course Members have to understand that the only reason that the card is necessary is because we have millions and millions of people who are living here illegally. Those are the only folks to whom such a card would be important. If a person is here in this country legally, of course, they have a document which we have given them, a visa, a passport stamp, something that the United States of America has said this allows you to enter our country. Even if you are not here as a citizen, you are a legal alien resident. That is the term.

So the only people who need the matricular consular are illegally present in the United States, and everybody knows that. The governments that are pushing it, and the cities and States that are accepting these things know that they are only helpful to people who are here illegally, and they are only helpful if a city or State agrees to accept that card, thereby making it very difficult for people who actually enforce immigration law in this country. Making it very easy, on the other hand, to live here if you are here illegally. You will get all of the benefits of anyone who is here legally. You will be afforded a variety of privileges that have heretofore been allowed only to those people who were citizens of the United States or at least here with the permission of our government. That is happening throughout the country. We have seen it. We have seen cities capitulate. We have actually seen cities, it is bizarre as you can imagine, we have seen cities that actually allow people to vote if they are not legal residents of this country.

The Mayor of this city, Washington, D.C., the District, proposed this several months ago for D.C. He said that anybody who is here as a resident should be able to vote regardless of whether or not they are citizens. Again, if we put this up for a vote, a vote of the people, the specific issue to allow people who are here illegally to vote, how many places in America can you imagine that would pass? Maybe in D.C., that is true, but not too many other places in this country would say that is okay; but cities and States are doing it.

In the next few days we will be debating a number of appropriations bills, one which will fund the Department of Homeland Security, the Commerce-State-Justice appropriations bill. I will offer a series of amendments to that bill. I will tell Members right now those amendments will fail on the House floor. They have done so in the past. That certainly will not stop me from introducing them again.

But I suggest, every one of the amendments that I propose, if I proposed them to the American people in the form of some initiative process or some way to let all America vote, I know and certainly all polls tell us they would pass. One, I will propose that no city that has established a sanctuary policy, that is a policy that allows people to come into that city who are here illegally and be protected from the Federal Government's attempts to actually enforce immigration law, where cities that will pass legislation, pass municipal ordinances saying if a person is here illegally, that will not effect the way people are treated by their own police department. In fact, if police pick someone up for violating a law, robbery, rape, murder or going through a red light, if they find that person is here illegally, they will not report that to the Department of Immigration Control and Enforcement.

Those laws are on the books in various cities throughout the country, and even States are undertaking similar types of proposals. Maine has recently declared itself, or is in the process of declaring itself, to be a sanctuary State.

I am going to suggest in the form of an amendment to an appropriations bill that no city or State that adopts these kinds of policies should be able to obtain any of the grants that are available through the bill through the Department of Homeland Security.

I have in fact done that in the past, and I think we got about 110 or 120 votes, I cannot remember now; and it will probably not be much more than that when I introduce that amendment again.

I have another amendment that says any city or State that gives illegal aliens driver's licenses will likewise be restricted from obtaining Federal funds under the act.

It is amazing to think about the fact that we have States that are willing to do this and in fact have done this, provide people who are here illegally with the form of identification as close to a national ID as we have that will allow people to have access to every aspect of American life as a regular citizen would have, and make it therefore much easier for someone to be in this country illegally. That goes for the person who is here, quote, to only do the job that no other American will do, as if there in fact was such a job, and it also goes for the person who is here to kill every single one of us and our children. They can use that passport into American society that we call a driver's license just as well as the person who is only here to do a job no one else will do; and yet these things are happening, and I will go ahead and suggest that, in fact, my amendments will fail.

I am going to do another amendment as soon as the bill for foreign appropriations comes to the floor, and that is just another way of saying foreign aid. When our foreign aid bill comes to the floor, I am going to introduce an amendment saying that the foreign aid to any country will be reduced by the amount of money that is flowing from this country, from the nationals of the foreign country who are working here, anybody who is working here and sending money back to the country of origin, and that is called remittances, that is how we refer to the dollars sent back from people working here for the most part illegally, and taking money out of our communities and not allowing that money to go to work to create jobs and improve the economy of the communities in which the folks here are living, most of them communities in desperate need of economic stimulus; but those dollars are flowing to people in countries outside of the United States.

We had a report not too long ago that that number, the number of dollars that flow just to Latin America, not to the rest of the world, just to Latin America is about $30 billion a year.

There are several countries in the world that have more than 10 percent of their gross domestic product made up from remittances from the United States of America.

☐ 2300

I suggest, Mr. Speaker, that if foreign aid is the simple transfer of wealth from one country, in this case America, to another country, that we can do it better through remittances than through writing a check to a corrupt government that will skim off almost all of the dollars before they ever get to anybody who actually may need them. So as a result, I think we should punish those countries for the economic policies they have adopted that have caused the populations in their country to despair and to be subjected to impoverishment. We should not reward the thugs that run these countries. We should stop giving them money and we should say, okay, we know you are getting billions of dollars a year from the United States going straight to people who are certainly in need in your country, so we will not be giving you that money in foreign aid anymore, we will just allow the flow of remittances to make up for that.

Most of the countries in the Western hemisphere that have been lobbying so hard to get the United States to maintain an open door policy toward immigration, in fact, the elimination of borders, it is interesting, many people have asked me why it is in fact that Mexico and Guatemala and El Salvador and a number of these countries have been so adamant about getting us to open our borders to their nationals. There is a reason, Mr. Speaker, and it is not just simply because they want to see the people in their country prosper. It is because they want to see the people in their country become the source of revenue for the folks in their own country. They recognize that they can maintain their power more easily if the masses are being provided the sustenance they need through the remittances that are coming from the United States, then they can rely on the foreign aid that we send them to go into their pockets and to prop up their regime. I think we should reduce that. I think we should stop that. I will propose an amendment to the foreign ops bill to do exactly that.

If we put that amendment to the country, Mr. Speaker, is there anyone in this room, is there anyone on either side of the aisle that really and truly believes that would fail in the eyes of the American people? No, of course not. We all know it would pass overwhelmingly if the American people were allowed to vote on it individually. It will fail here in this body. But I will continue to do that. I will continue to offer amendments of this nature. I will continue to talk about the need to do something about immigration and immigration control because I believe it is perhaps the most important domestic policy issue we face as a nation.

As I said at the beginning of my remarks, Mr. Speaker, the issue of immigration and that sort of thing does not just revolve around the issue of jobs although it is enormously important to America. It is a fact that we are importing massive numbers of low-skilled, low-wage people who in fact hold down the wage rates of low-skilled, low-wage American workers, making it even more difficult for them to ever work their way out of the cycle of poverty. It is absolutely true that that occurs. No one suggests that massive importation of cheap labor has helped the low-income wage earner in America. Nobody suggests that. Even the most devoted pro-immigration lobby never suggests that it helps the poor in America. It increases the number of the poor. In fact, when we do our surveys every year about people living in poverty, it is amazing, but a huge percentage, somewhere near 90 percent of those people whom we now identify as in poverty in the United States are people who are in fact noncitizens of the United States. It is also true that those people who have dropped out of the job market, who have had a harder and harder time to actually get a better job and crawl their way up out of their particular situation have been negatively affected and that job is made much more difficult by the massive number of people who are here illegally or by immigrants here legally or not. So it is an important issue.

The fact that we export all of our high tech jobs to India and other places while simultaneously importing very high tech, very capable people to take the place of American workers because they will work for less and that in turn holds down the wage rates of middle-income workers in this country, all of those things are true.

We will certainly see and do see as we look around the country the economic effects of open borders. It does benefit multinational corporations, that is true. It does not benefit the people who in fact work for them or the nations in which those multinational corporations exist or call home. Few corporations today can even be thought of as being American corporations. In fact, I think it was Ralph Nader sent a request to all of the huge corporations in America asking them to begin their board meetings with the Pledge of Allegiance. Few even responded but those that did were irate that he would suggest such a thing, suggesting that there is no allegiance to a nation state, that their allegiance is to a corporate bottom line. And if that bottom line can be enhanced by ignoring the needs of the country in which they are housed, that is okay, they are going to do it because that is exactly what they are constructed for.

So it is true that this issue is a jobs issue. It is certainly true that this issue is a national security issue. As I said, there are people who are coming into this country hidden among those who are coming here for relatively benign purposes but there are people coming in to do us great, great harm, undeniably true. We have found some here already. We have arrested them. Some of them we have been able to actually take out of circulation not necessarily because we can immediately bring them to trial on the basis of espionage or some sort of allegation that deals directly with their support of terrorism but because they have violated immigration laws. That is the first thing we go to. They are here illegally. It is nice we have something to use and it is nice that we would actually use it, but the fact is that even these things are not as important in totality as the issue I discussed earlier, and that is the very difficult problem we are going through in America with identifying who we are.

There is a great book that has just come out. It is in fact called "Who Are We?" It is by Samuel Huntington. I consider him to be an enormously talented observer of the American political and social scene. He has written other books, one called "The Clash of Civilizations" that I have read several times over. I am about halfway through "Who Are We?" I find it to be a fascinating read. I believe that that is the ultimate question with which we are dealing, who are we? Where are we going? What is it we are going to try and accomplish as Americans? What does it mean to be an American?

Our students in our classrooms throughout the country are being fed a steady diet of anti-Americanism, sometimes subtle, sometimes overt. This diet includes a revision of history that creates a picture I think totally and completely incorrect and certainly skewed that would show American history and Western civilization itself as being inherently evil, something out of which nothing good could come. A textbook I remember picking up in a junior high I was in in my district, this was a couple of years ago now, started out, the chapter on American history, as Columbus came here and destroyed paradise.

□ 2310

That was not in italics. It was not just a quote they were going to then analyze. That was the way the textbook portrayed Columbus's trip and his landing here on our shores, on the shores of North America. That kind of thing where we have made it very confusing for Americans to even understand or identify who, in fact, or what we are, combined with massive immigration where that same message is given to people who are not necessarily coming here, by the way, to become Americans but to simply achieve a greater economic level of existence and prosperity, which certainly is an admirable and laudable and understandable goal. But it behooves us, I think, to change the way in which we teach our children, the way in which we discuss this issue of multiculturalism, which has gotten to the point where it becomes almost a cult and that anything that is said to suggest that American culture, that American history, and that Western Civilization is, in fact, worthy of analysis, worthy of allegiance, anything that suggests that is determined to be sort of against the grain; and it is certainly not going to be accepted by academia as a legitimate subject matter.

I recently had the opportunity of going to a high school in my district where 250 students were asked to assemble. And we talked for a while, and one of them asked me a question. They sent these questions up. And it was written out, and it said what do I think is the most serious problem facing America today? And I said, Before I answer that question, let me ask you something: How many in this room, 250, approximately, students, how many in this auditorium would agree with the statement that you live in the greatest country in the world? And about maybe two dozen raised their hands, and they did so sheepishly, the ones that did. It was none of that immediately hands go up, sure, of course, naturally, we live in the greatest country in the world. That did not happen.

And they looked along the walls where their teachers were lined up in this auditorium, and I could see in their faces that they were concerned. I am not saying that the ones that did not answer were suggesting that they did not like America, hated America. I am just saying that they did not have the slightest idea, they had absolutely no intellectual ammunition to defend themselves if they were to postulate that, in fact, America is the greatest country in the world. They were not taught anything that would lead them to that. In fact, they were taught things that would make them feel very sheepish and sensitive about making that kind of statement.

That is what I consider to be the real issue with which we are involved and which we should be debating: changing the way in which we look at ourselves, changing the way in which we teach our children about who we are, and certainly changing the way in which we try to bring immigrants into American mainstream, which today does not exist. Today we tell them they should stay separate, keep a separate language, even keep political affiliations with countries other than the United States. This is all done to our great and long-lasting disadvantage. It is a very serious issue, one that, as I say, requires more time and attention and analysis than can be given during a 30-second or even 1-minute ad during a political campaign. But it is the reason why I do come to the floor as often as I do to try to raise the issue.

I could be, of course, 180 percent off course here. I could be totally wrong. But I believe with all my heart that at least this deserves the debate, that this body should afford it, and that this arena would be the perfect place for that to occur.

30-SOMETHING DEMOCRATS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for the remainder of the time until midnight.

Mr. MEEK of Florida. Mr. Speaker, once again, as I always start, it is an honor and a privilege to stand here and speak not only to Members of the House but also to the American people. And as the Members know, for several weeks now, the gentlewoman from California (Ms. PELOSI) has appointed a 30-Something working group to address the issues that are facing middle-class Americans throughout America and some of the issues that we need to work on to make sure that their voice is heard in this democracy and this U.S. House of Representatives.

Lately, we have been having quite a bit of discussion on some of the issues that are facing democracy here in the United States, and we have been working with Rock the Vote in making sure that young voices are heard throughout this country to make sure that they have access to voting, to make sure that they know the things that they need to know to fight to register on their campus.

There have been several reports that have been quite disturbing throughout the country. We encourage young people to go to rockthevote.com to find out more about voter suppression that is happening throughout this country. We also inform young people in the public and their parents that are also concerned about making sure that they are able to receive good information to go on the rockthevote.com site or the 30-something Dems site to make sure that they get information so that they can share it with supervisors of elections that are misinformed.

Based out of that discussion, we received several e-mails, Mr. Speaker, of times that young people had to actually go get an attorney to register to vote. And I think that that is very unfortunate due to the fact that many of us in this country are concerned about voter apathy, concerned about the 18- to 32-year-olds or 18- to 24-year-olds, the reason why they do not vote or the reason is not great enough for them to vote. We have to make sure that their voices are heard.

And in this light, I want to share again with the American people that are watching us right now that in 1979, the U.S. Supreme Court spoke to this issue. It said if a person is enrolled in school and needs to be out of state or in state, they have the right to register where they are attending school. That is so very important.

The reason why I mention that is the fact that, as we start looking at issues that are hindering young Americans from being able to educate themselves, that once they leave that higher education opportunity that they are given in their State or another State, they should not leave that educational experience in debt. When they leave that experience in great debt because of student loans, because the President said that he was going to raise the Pell grant opportunities for young people that would like to educate themselves, middle-age people that would like to educate themselves, to $5,100 versus what we are experiencing now, a little bit over $4,000 and some change, that is more a reality now for young Americans than fiction. So I want to make sure that they have the opportunity to vote.

As we cut the Federal commitment here in Washington, D.C., States do not have what we have, the opportunity to put it on a credit card and continue the deficit clock is running. Right now the deficit is well out of control, and we are experiencing the highest deficit in the history of the Republic. The States do not have that opportunity. They have to balance their budget. When they balance their budget, they then pass that cost on to local government and in this case to State university systems that then ask students to pay more money for tuition and for services that ordinarily they would receive at a lower cost or for free.

The educational experience is quite financial these days, and I think it is important that these individuals or the young people or middle-age individuals, even in the community college experience, that they understand that they have an opportunity to have their voice heard in November; and it is very important that they are able to not only have their voices heard in November but also during the primary season to let it be known that they are voters too. They are our future, and it is important that we stand with them and for them.

☐ 2320

On another point, and I am just going back to some of the e-mails we received, I think it is important for us to talk a little bit about what we are experiencing here today, Mr. Speaker, even though we have seen a 6 cents or 5 cents in some areas, 3 cents in others, drop in gas prices.

I will share with you even from my great State of Florida that this is really putting a crunch on the middle-class. They did not receive an additional dollar from an employer or a small business person did not receive more dollars from a bank to be able to deal with the gas price crunch that we have right now.

I have a chart here, Mr. Speaker, if I can just share it here with the American people what has happened over the last 2 years in America. In 2002, the gas prices were $1.44. This is just for regular grade gas, the retail prices. Then in 2003 it was raised to $1.60 here. Then in 2004 it skyrocketed, and it was projected to be $1.87. Now, May 31, in recent numbers of this year, it is now up to $2.05.

I know some Americans are looking and saying, "I want to know where I can find $2.05 gas." Before I came here to the floor, I was going to fill up my tank, and then I hesitated and I said hopefully tomorrow will be a better day. We cannot judge our spending based on the fact, middle-class spending, based on the fact maybe the gas prices will be cheaper tomorrow, and in many instances throughout America it is going to be quite a lot higher.

OPEC has done some things that are very interesting. They have put more crude on the market now to try to deal with the issue of gas prices. But I will tell you that this administration has to have a better response than to try to encourage OPEC to do something that is short-term.

This is a real issue. We have Americans that are trying to work, trying to get to work, trying to use mass transit, and at the same time we are trying to find some of the solutions to be able to alleviate the financial burden of American families at the same time we are stalling legislation here in this House.

There is a Federal highway bill. The President has also said he would veto it due to a bipartisan effort here in this House to make sure we are able to give States the necessary dollars for the roads, bridges and modes of transportation to be able to help the middle-class and help working Americans.

I am here today as a witness from a State that we have individuals that wake up and go to work every day, young Americans that are trying to do the things they have to do to be able to meet the obligations of their family. And so many of those individuals that are watching us now with one eye open, they have to wake up. Their reality is at 6 a.m. in the morning to get their kids ready for school and make sure they have what they need. If they are fortunate to have transportation or can afford to fill that tank up, take them to school, go to work. These are individuals that know what it means for a 15-minute break in the morning, a strict half an hour lunch break, punch in and out, and 15 minutes in the afternoon.

These same working individuals, I must add, and I am not talking about individuals that are not contributing to our economy in the way they should and trying to support their families, these are the same individuals that are a part of the 43 million Americans that are working every day that do not have health care.

I think it is so very, very important for us to take up this point, the fact there is not a bill that is being considered in this Congress that will see the light of day at any time in the very near future that will be a national health care plan so individuals will have an opportunity to provide for themselves, to provide adequate health care.

If you want to talk about a health savings plan that the President has proposed, under these gas prices, under the strain American families already have, there is not a lot of room about talking about okay, we are going to save in case I get sick. They need preventive care. They have to have it, their children need to have it, and it is important to prioritize that.

If we are going to make tax cuts permanent for the millionaires in this country, knowing of the unmet needs of being able to finds alternative fuel sources here in the United States, to be able to pull back on our dependency on crude oil, that I believe has a lot to do with our American troops as I speak on guard in Iraq and in the Middle East, and if we are going to be able to set forth an America that is set for young people and families that are trying to do the best they can to provide for their families, something has to give, Mr. Speaker.

The 30-something group is working toward solutions, not just identifying these problems, but solutions, and continuing to put pressure on this administration to make sure that the President knows that it is very important that we do some of the things that American people need.

One, we need to make sure that on this gas issue that Americans do not have to find themselves going to a gas station and saying "give me $5 worth." Now, that is something that I used to do when I was in college. There was a time in college when you are financially challenged, you probably do not have the opportunity, I know I did not, to fill my tank up every time I showed up at the pumps, but it was something I knew was temporary in nature.

But individuals that have jobs that work every day trying to provide for their families, they should not pull up with a child seat in the back and say, "Give me $5, because that is all I can afford, and hopefully it will last me for a day or two if I do not turn on my air conditioner."

This is reality in America right now. We are at war now. A lot of folks feel throughout the world we are at war because of oil and our dependency on oil. Is there a real move from this administration to take us off that dependency of Middle Eastern oil?

I think it is important for us if we are going to hold Saudi Arabia's feet to the fire that this administration should stand up to Saudi Arabia and stop making excuses for them. I think it is also important for us to realize we have to find alternative ways of finding fuel and encouraging more cleaner burning vehicles.

I think it is also important for us to realize that we have to do some work here in America in trying to find new oil resources within our own control, but also be very sensitive not to go into natural environmental areas in this country that we have great respect for, that we would turn into an example that we chastise other countries for doing. I think that this could definitely be able to assist us in our efforts in keeping gas prices down.

My talk here tonight is about making sure that individuals that have children, or do not have children that are trying to make this time in their lives from college on to 40, 45, and on, and even grandparents that are now stepping in, or the parents of these children that I am mentioning in this age range, that are trying to provide not only information, but provide financial assistance to their children because they are not able to make ends meet, it is in that vein.

I think that it is important for us to remember that declining real wages are putting a squeeze on middle-class Americans, and that gas prices have a lot to do with it.

I also want to share with you that in the last 3 months, average wages in the United States increased at an annual rate of 2.2 percent, but what is sad is the fact that during this same time, the most recent stage of so-called Americans that actually have worked, took a pay cut as relates to the costs they had to spend for their health care.

So in this circle of not doing anything at all, in this circle of not passing a transportation bill that is going to help not only States be able to stimulate more jobs or be able to help us to find alternative ways of finding fuel outside of the Middle East, we are at a standstill now, and we are at a standstill that Americans are actually suffering. We are at a standstill of their voices being heard.

I think it is important that Americans understand that this Federal Government has chosen, this administration has chosen to make sure that millionaires receive a permanent tax cut over health care for working Americans, over making sure that we are able to keep gas prices down so that Americans can be able to continue doing the things that they are trying to do and providing for their families, over a prescription drug benefit for seniors.

So when we start talking about the middle-class and we start talking about the 30-somethings and the 20-somethings and even those individuals who are looking forward to getting to that particular age, we look at all of these impediments. So our government is supposed to be here to assist, not to hinder. I do not think that anyone sets out at the beginning of the day saying, "Well, let's see what I can do to throw a log in front of young people in America."

□ 2330

But I think it is important for us to bring into question this upcoming election season whose side are you on when it comes down to the policies that are either being made or not being made in the process.

Mr. Speaker, I wanted to just share a few other issues as it relates to what is happening to so many young people, and as we look at the squeeze of what is happening with the gas prices, as we look at the squeeze of what is not happening as it relates to health care, and what I mentioned at the top of the hour, voter suppression; and I know that this Congress has tried to deal with that. I have to mention, when we talked about a couple of weeks ago, the issue of Iraq, and I am going to come back to the middle-class squeeze.

In some of these families we have troops that are serving and we have parents that are raising children on their own. Now, they receive correspondence, they also receive support from the spouse or the significant other that is fighting on behalf of this country of what they have been told to do in Iraq and Afghanistan and other areas. We even have troops in Haiti as I speak right now trying to provide some way of life for that country, and security. No one is giving anyone a gas voucher to that spouse or significant other to make room for this squeeze. They have to suck it up. So this is very, very important business that I am talking about here this evening.

My good friend and colleague, the gentleman from Ohio (Mr. RYAN), we have been working together for some time; we had a very late night tonight, we had a hearing in the Committee on Armed Services, a markup, which is disappointing at best; but this may be a time that we can talk about that. The gentleman represents Ohio, and they have been hit hard on this middle-class squeeze. A lot of people that are around the gentleman's age range and even above have experienced economic hard times on top of not having a job, on top of not having health care, even though small businesses in the gentleman's State that are trying to provide and trying to continue to keep the workers working, they are taking a squeeze, they are taking a hit on the gas prices. So I think that not only the gentleman being a Member of the Congress and being a very insightful person, that the gentleman's purpose here is even greater to give those individuals voice, and I yield to the gentleman.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman, and I think he is absolutely right. In places like Ohio, things are very difficult. The $300, $400, $500 increase over the course of a year in the gas effects people's lives. I know the gentleman from Florida is also concerned. But, Mr. Speaker, I have been very disappointed tonight, because several of the Special Orders tried to, I guess, address issues and make persuasive arguments I think that really do not exist, and one just wonders to oneself what the communities are like where these people are living. I know in Youngstown, Ohio, and in Niles, Ohio and in Warren, Ohio, and in Akron, Ohio, that people are feeling the squeeze; and people are losing jobs that pay $20, $25 an hour, health care benefits, pensions, 401(k)s, defined benefit plans, and they are losing those jobs, and the jobs that are being created are jobs that are paying $7, $8, $9, $10 an hour and no health care, in addition to the gas prices, in addition to these people trying to send their kids to school or to college. In Ohio, as I am sure it is going on around the country, that increase in tuition is 10 percent, 15 percent every single year.

So the reason we are here, the reason we want to talk about these issues is because we think something needs to be done. I do not believe that we should just sit here and criticize, although I do believe that is part of our constitutional responsibility, to make sure that we identify our platform where we want to take the country and we compare that to where the country is or where the opposite political party would like to take the country; and we try to make a comparison. I just want to share a couple of ideas that are the Democratic proposals for some of the education squeeze issues that people are feeling.

Senator KERRY, Presidential candidate KERRY, has several plans that we also agree with here in the Congress. A couple of them I would like to share with the American people here tonight. One of them is a tax credit for $4,000 for anyone who sends their kid to school or they are paying for their own school; $4,000 a year tax credit. Phenomenal. Not terrible; phenomenal. I think that is the kind of direction that we want to go in, when we can say to a young student, we are going to be here, the government is going to be here to support you.

Now, some people may say, what is the responsibility of the Federal Government on the issue of education, at least on the issue of college education? Well, some of it is Pell grants where we can give actual grants. When the Pell grant program was started in the middle of the 1970s, it accounted for almost 80 percent of a person's college tuition. Today, the Pell grant accounts for nearly 40 percent of a person's college tuition. So the buying power of the Pell grant program has decreased, almost cut in half. President Bush, when he campaigned in 2000, said that he was going to increase the amount invested into the Pell grant program so that young students would have the opportunity to go to college, but that just was not the case. So one of our proposals is to also increase the amount of funding for the Pell grant program.

Another specific proposal that I think is something that we really need to look into and hopefully act on the first of next year, although many people believe that we cannot wait, is the issue of the States not having the money, the resources to invest. Many of the colleges in the States are publicly funded through the State tax coffers, so the State aid to universities in Ohio, for example, has decreased. And because the State aid has decreased, the local universities and colleges have been forced to raise tuition to compensate for the lack of State funding. One of the issues that we are proposing here is to have $25 billion given across the country to the States with one provision: this money is to go to reduce the increases in tuition; this money is to go directly for State aid to our colleges. This will have a direct impact. It will lower the cost of tuition for many of these universities; it will allow access.

Since 2001, I believe the statistic is, and I will have to get it, but I think it was 2001, 250,000 potential students, college-eligible, qualified to attend, proper test scores, proper GPAs, would be able to access the college system. I say to the gentleman, 250,000 have not been able to go to school because they cannot afford it. In the United States of America, that is unacceptable.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman will yield, that was the U.S. Department of Education report.

Mr. RYAN of Ohio. Yes. This was not the Kendrick Meek Report, this was not the Tim Ryan Report, this was not the Democratic Caucus report. This was the U.S. agency's report. I just think it is important for people who are listening here tonight to say is that we can do better in the United States of America. Why would we want 250,000 people who want to go to college be somehow prohibited from going to college because of their financial situation? We know that if we invest in these people; and we did a study, I say to the gentleman, when I was in the State Senate in Ohio, the University of Akron did a study. For every dollar that the State would invest into higher education, they would get almost $2, there were two or three studies, but they would get almost $2 back from tax revenues.

□ 2340

Because you get someone who graduates from high school, goes out and is working somewhere for seven, eight bucks an hour and paying taxes on seven, eight bucks an hour as opposed to someone who is college educated making 40 or $50,000 a year paying taxes on 40 or $50,000 a year. It makes sense for us to invest. We have to get return on our investments. That is not the reason we are doing it but we know the societal benefits. Less racism, more tolerance for people from different cultures, different walks of life, different religions, and not to mention the added benefit to our economy, the entrepreneurship and everything else. So the point is this is an investment we should make.

The University of Akron study is applied to this particular proposal of $25 billion. It would mean an increase in revenues to the States by $50 billion. Each State would get $1 billion.

Now, you go to a State like Ohio or Florida and say Governor Bush, Governor Taft, what would you do with an extra billion dollars? You would pump it right back into education. You would pump it back into health care. You would make sure your kids are healthy. You would be able to fund the No Child Left Behind that is underfunded.

Mr. MEEK of Florida. Let me share with you, we received a rebate in the State of Florida of a billion dollars. And the State Governor Jeb Bush said, let us hold it off to next annual year versus trying to resolve some of the issues that are facing Floridians right now.

I am going to tell you nine times out of ten if it is the wrong governor or the wrong way of thinking of continuing to way say, well, I am here to make sure that we do the right thing with the people's money, well, let me just say this, nine times out of ten when things are held off it is in the kitty to justify another tax cut for individuals and for big corporations that are not necessarily on their knees and need it right now. They are carrying out the tax cuts because they cannot because they need to.

When the gentleman talked about that report, basically colleges and community colleges are not able to provide the courses for the individuals that would like to educate themselves. Right now, I just want to read something almost from the same report that was given to us. The fact that we talk about the 30 percent, we talk about the 250,000 college qualified students that have been shut out of last fall, 2003, in many cases because of cutbacks, because colleges will have to pull their belts tighter and cut courses. They just did not have the room to be able to adequately serve these students. Also as we start looking at the debt issue, Mr. RYAN, I mentioned earlier that many people are leaving the college experience in debt and right now.

Mr. RYAN of Ohio. Big time debt.

Mr. MEEK of Florida. We have individuals now that are ungraduate level and just to do a comparison between what happened in 1997 to 2000, and if you move beyond that you really start getting in trouble. But here between 1997 and 2000 the typical undergraduate debt rose 66 percent to $18,900. And more than a quarter of today's 14 million undergraduate students will incur more than $25,000 in debt to earn their degree.

Now, that is a good story because I know of stories that individuals leave the higher education experience 75,000, $100,000 in debt.

Now, you mention that yes, we are here to point those issues out but at the same time we are here to talk about solutions, and there is legislation on this side of the aisle from the Democrats with our fearless leader, the gentlewoman from California (Ms. PELOSI) that has served this Congress so well as the Democratic leader, and wants the opportunity to be Speaker of this House, so to summon these issues that are facing real Americans can rise to the top, need it be carrying out if the American people would have it, Senator KERRY's plan which hopefully will be President Kerry, or Members of this body that want to be see this legislation top shelf in this House. But now we have Republicans that are blocking legislation to lock low interest rates in, to allow students to be able to continue to receive low interest rates versus a variable in the long run. They will pay more if this is not taken care of.

I will tell you that if we go to a variable as some of the big banks want us to do, I will tell you right now they are not talking to me because they know they will be wasting their time because I am all about being on the side of the individual who tried to educate themselves, and unfortunately had to go beyond the call to pay for that education. It will cost those individuals $5,500 over time. That is real money. That is while you are trying to buy a house. That is while you are trying to provide for your family.

I will tell the gentleman right now this is a real issue. We talk about the dollars and cents. This is a Democratic proposal. Lock it. Make sure the individuals have what they can be able to have, more money in their pocket versus more money out of their pocket.

Mr. RYAN of Ohio. The official Democratic proposal says that the Democrats would double the maximum petroleum grant to $11,600. Now, for many people that will cover pretty much most of your college television.

Mr. MEEK of Florida. That is correct. Right now we are experiencing the highest deficit in the history of the republic. And you would assume that if we have the highest deficit and it was Democrats that balanced the budget. I just want to remind the American people of that in this Congress, it was not the Republicans, it was not the Republican President. It was the Democrats in this House that balanced the budget. Just 3½ years ago, the discussion was on the floor on what are we going to do with the surplus. Now the discussion is, can I take my credit card out? This is a big number.

Mr. RYAN of Ohio. It is a big number.

Mr. MEEK of Florida. A big number. And I will tell you right now if we had a little ticker here these zeros would be moving to a higher number as we speak. So the experience now that the American people have to witness and this is the U.S. Treasury credit card here, and we have Republican Congress there. What we are experiencing now is that every 3 weeks we are knocking on the bank of China saying, can you loan us money to be able to pay down on the debt? So as we look at that, more money in the American people's pocket versus out of their pocket.

Mr. RYAN of Ohio. We are talking Democrat and Republican. And there are several Republicans I think who have taken a very courageous stand on this particular issue. If you had an opportunity today to read the New York Times, the gentleman from Wisconsin (Mr. PETRI) I believe had a marvelous, marvelous letter to the editor, or op-ed today. It was phenomenal and I cannot say enough about it.

It basically said that the Federal Government should be directly loaning money to students. We do not need the banks involved in this. I do not think the banks are inherently bad people, but why would I give money to you for you to give it to somebody else and then you charge me more and I give you a little bit more so you can make a profit and then you give somebody else the money? We insure your loan. We guarantee you. So the Federal Government gives the money to the banks or we guarantee it to the banks so the banks takes no risk at all. Why not eliminate the banks, directly lend to the students, and give them the money and tell them to go to school and tell them that we are going to give him or her and many students like him or her around the country $25 billion. And when it is all said and done, we are going to make $50 billion on the deal.

Mr. MEEK of Florida. Is the gentleman actually suggesting that we do something that will actually help the students? Are you suggesting that?

Mr. RYAN of Ohio. I am working on it. I do not want to be so bold but we need to start peeking in that direction.

Mr. MEEK of Florida. I have a Bachelor of Science Degree, and I am not an economist, but one would argue, well, if we take the banks out of it, what kind of effect will it have on the economy? And I think very little. If any of us that have gone to banks knowing the kinds of praying at the alter, at the end of the day to be able to get money, for them to trust us enough to pay them back, it reminds me of the pharmaceutical companies in the prescription drugs.

I think the pharmaceutical companies are doing good things in America, in research, things of that nature, but when you look beyond the blankets of all of that we are paying, it is subsidized research. With the banks we are guaranteeing their loans.

□ 2350

So the real issues for that individual that is trying to educate him- or herself, this feeds also to the parents that we are talking 30-something, but individuals that are 50- or 60-something, high 40s, they are picking up the slack, and they are paying the interest 9 times out of 10 for young people because they cannot afford it.

Mr. RYAN of Ohio. Because the Federal Government guarantees the loans, now the banks have no real incentive to go capture somebody who defaulted on their loan. Why would they? They are going to get reimbursed anyway from us. So, actually, the Federal Government, if we eliminated the banks or removed the banks from this process, we would lend the money directly, and there would be more incentive for us to go and capture people who defaulted on the loans that we gave them. We would want there to be incentive because we would get the money back. The banks are going to get their money one way or the other. They are either going to get it from the student or the Federal Government. So there is no real incentive.

Again, the gentleman from Wisconsin (Mr. PETRI) was phenomenal today in his op-ed, and I cannot say enough about his courage to say if you are a conservative, if you do believe in the private, free markets, this kind of government intervention with the banks and playing all these games is no way to do it. It was very articulate, and I commend him for doing that and having the courage to do that.

Mr. MEEK of Florida. Mr. Speaker, it is all depending on the kind of leadership that we will have come November, and I, for one, believe that the gentlewoman from California (Ms. PELOSI), who believes in some of the things that we are talking about here tonight, making sure that children or young people receive the opportunity that they need to be able to move in the direction, that they would like to move in to make this country strong, also making a decision like you just mentioned, what will be best for the American young person or the American family.

I mentioned early in our time here tonight the crunch, the squeeze on the middle class, the gas issue, and you have the gas chart there. We talked about voter suppression, also. We did a little cutback on that, but I think it is important when we talk about the middle class squeeze that folks say, well, you know, I received a $35 check in the mail and I am so glad or $100 back in my middle class tax cut, but I will tell my colleague, this gas thing is very real.

This is not the Tim Ryan report or the Kendrick Meek report. We actually do a little homework before we get to the floor. We spend the week making sure we get this information so that we are factual and we are sharing it with the American people, the good, bad and ugly, but according to the Forbes Magazine, it says the gas price increase since the beginning of this year cost Americans $35 billion. That is a big number, much more than the 15 to 20 billion middle class consumers got from the Bush tax cuts this April.

I think it is important for us to continue to bring these facts to the table because it is money in one pocket and it is more money out of the other pocket. I will tell you right now that is playing with the economy of families and will continue to do so, and it is important that we share this information with them.

We are asking on this side of the aisle the opportunity to lead, an opportunity to cut the deficit, an opportunity to be able to make sure that young people have greater opportunities in the future to make America strong and investing in U.S. jobs here versus overseas.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, with regards to what you were just talking about in the middle class squeeze, and I do not know if you had an opportunity to talk about this or not, but I think it is so fundamental to everything that we are talking about tonight.

CEO wages average $8.1 million, 300 times that of the average worker in the United States of America, 300 times. Now, we are not begrudging those people. God bless them. You are in America. Make as much money as you possibly can. Unfortunately, taxes on wages earned average almost 24 percent. So if you are out working 40, 50, 60 hours a week, make a wage, 24 percent. Taxes on income from investments like stocks and bonds average less than 10 percent.

There is a shift in our tax code, our tax system, where we are moving the burden to wage earners. We are reducing the burden for those people who make money on stocks and bonds that has begun to divide the country, and there is this gap that is being created for the people who have a lot and the people who do not have too much.

I think it is dangerous, and I want to share with my colleague a conversation I was having last week with an old school Republican, moderate, conservative, fiscally balanced budgets. I will not mention his name, but he was saying how this kind of system that we are running right now, where the rich get richer and the poor get poorer and the middle class gets squeezed and tax burden goes on to those people who earn wages and the taxes are reduced for those people who make money on stocks and bonds and everything else, when we have a trading system that removes the good jobs to other places like China and India and they are not replaced by good paying jobs, where there is no health care, where people cannot find good employment, we begin to jeopardize the whole system. We begin to put the whole system at risk because we lose the stability that we need to have, and poor countries have revolutions because the poor get so poor that they just take up arms.

Now, I am not suggesting we are at that point, but we are beginning to move in a direction where the very rich donate money to this place. They get the laws they want, the free trade agreements that they want, the tax structure that they want, the cuts in government that they want, the investments in government that they want, defense spending and something where the big companies can make a lot of money. There is no stabilizing force, and that is what the government is here for. We are here to stabilize this democracy and stabilize this country, and we have always been that country where people can look and say here is the middle class, the average people have an opportunity, average people are going to get educated, average people are going to have health care; everyone is going to have health care; everyone is going to have an education.

I think we take a step back and we look how the government and what we are talking about, the investments that we are talking about, have a stabilizing force on our society as a whole and allow us to be that kind of example that we want to be for the rest of the world.

Mr. MEEK of Florida. Mr. Speaker, I just want to say I do not think anyone on this floor could have shared in a way that the gentleman just summed it up and what he just shared with the American people. It is choices that one has to make.

I believe that people are going to make the right choice this upcoming election season. I have said it before. President, commander-in-chief, I do not envision him as what you might say a textbook Republican. I think he is something else. I think he is trying to take the country to another level, to where a number of Members of this House are not, and I think some of them are on the other side, and I think that they have gone to see the wizard to get courage and heart to be able to speak out against the present administration. So while we are trying to tell the rest of the world how a democracy works, it is going to be up to the American people ultimately to be able to stand in judgment of this Congress, Democrat and Republican, and also this President of making sure that we move in the next 4 years towards a safer, sounder, more job generating America, an America that is healthy, that has health care, so that we do not have literally millions of Americans experiencing emergency room health care.

With that, I would say that we should try to run to catch the back end of David Letterman's monologue tonight and come back next week with solutions to problems but also pointing out the good, bad and ugly so that we can come clean with the American people so they can be able to make a sound judgment in a letter or e-mail that they may send to their Member of Congress or the President of the United States.

Mr. RYAN of Ohio. That would be great. I will be here. Would you like for me to share the Web site?

Mr. MEEK of Florida. Do that Web site real quick. Then we are going to take this back to the Speaker.

Mr. RYAN of Ohio. Send us an e-mail if you would like, to 30somethingdems@mail.house.gov. We would love to hear any personal stories or opinions on the topics we discussed, and I would like to thank the gentleman from Florida (Mr. MEEK) for all his leadership.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. LAMPSON (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today on account of illness.

Mr. MILLER of Florida (at the request of Mr. DELAY) for today on account of district responsibilities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MCCARTHY of New York) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, June 16.

Mr. WELDON of Florida, for 5 minutes, June 15.

Mr. MURPHY, for 5 minutes, June 16.

Mr. OSBORNE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 15 and 16.

Mr. BURTON of Indiana, for 5 minutes, June 15, 16, 17 and 18.

Mr. HENSARLING, for 5 minutes, June 15.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2214. An act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office"; to the Committee on Government Reform.

S. 2415. An act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building"; to the Committee on Government Reform.

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until tomorrow, Tuesday, June 15, 2004, at 8:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8471. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Chincoteague Channel, Chincoteague, VA [CGD05-03-168] (RIN: 1625-AA09) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8472. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cheesequake Creek, NJ. [CGD01-04-036] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8473. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Galveston, TX [CGD08-04-021] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8474. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland Harbor, Cleveland, Ohio [CGD09-04-009] (RIN: 2115-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 04-001] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8476. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone. [CGD13-04-020] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peril Strait, Cozian Reef, Motor Vessel LeConte, Southeast Alaska [COTP Southeast Alaska 04-001] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Duluth Harbor, Duluth, Minnesota [CGD09-04-016] (RIN: 2115-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-04-044] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, California [COTP San Francisco Bay 04-010] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Vicinity of Cape Henlopen State Park, DE [CGD05-98-043] (RIN: 1615-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8482. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, St. Simons Sound and the Atlantic Ocean, GA [COTP Savannah-04-041] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8483. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones and Regulated Navigation Area; Savannah River, GA [COTP Savannah-04-040] (RIN: 1625-AA00, AA11) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8484. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portland Rose Festival on Willamette River [CGD13-04-022] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Fairfax Counties, VA [CGD05-04-057] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8486. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Nanticoke River, Sharptown, MD [CGD05-03-156] (RIN: 1625-AA08) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8487. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, California [CGD11 04-001] (RIN: 1625-AA11) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 and A300 C4-600 Series Airplanes [Docket No. 2003-NM-80-AD; Amendment 39-13572; AD 2004-08-03] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2002-NM-212-AD; Amendment 39-13571; AD 2004-08-02] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-256-AD; Amendment 39-13570; AD 2004-08-01] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8491. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2002-NM-292-AD; Amendment 39-13573; AD 2004-08-04] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8492. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 501, 550, and 551 Airplanes [Docket No. 2000-NM-65-AD; Amendment 39-13594; AD 2004-09-05] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8493. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; HPH s.r.o. Models Glasflugel 304CZ, 304CZ-17, and 304C Sailplanes [Docket No. 2003-CE-63-AD; Amendment 39-13592; AD 2004-09-03] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8494. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and -200A Series Airplanes [Docket No. 2001-NM-272-AD; Amendment 39-13575; AD 2004-08-06] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8495. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes [Docket No. 2003-NM-125-AD; Amendment 39-13576; AD 2004-08-07] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8496. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, B4-600R and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2001-NM-216-AD; Amendment 39-13578; AD 2004-08-09] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8497. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-IV Series Airplanes [Docket No. 2000-NM-101-AD; Amendment 39-13577; AD 2004-08-08] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8498. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Correction to Modification of the Houston Class B Airspace Area; TX [FAA Docket No. FAA-2003-17383; Airspace Docket No. 04-AWA-01] (RIN: 2120-AA66) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8499. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace Greenville Donaldson Center, SC, Amendment of Class E Airspace; Greer, Greenville — Spartanburg Airport, SC, and Amendment of Class Airspace; Greenville, SC. [Docket No. FAA-2004-17341; Airspace Docket No. 02-ASO-4] received Jnue 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8500. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Farmington, MO. [Docket No. FAA-2004-16983; Airspace Docket No. 04-ACE-1] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8501. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Washington, DC [Docket No. FAA-2004-17081; Airspace Docket No. 04-AEA-01] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8502. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-130-AD; Amendment 39-13597; AD 2004-09-08] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8503. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-341-AD; Amendment 39-13599; AD 2004-09-10] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8504. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200C Series Airplanes [Docket No. 2003-NM-208-AD; Amendment 39-13598; AD 2004-09-09] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8505. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; A300 B4 Series Airplanes; A300 B4-600, B4-600R, F4-600R, and C4-605R Variant F (Collectively Called A300-600) Series Airplanes; and A310 Series Airplanes [Docket No. 2001-NM-111-AD; Amendment 39-13574; AD 2004-08-05] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8506. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-198-AD; Amendment 39-13600; AD 2004-09-11] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8507. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002-NM-163-AD; Amendment 39-13595; AD 2004-09-06] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2003-NM-47-AD; Amendment 39-13566; AD 2004-07-22] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-15, DC-9-31, and DC-9-32 Airplanes [Docket No. 2003-NM-60-AD; Amendment 39-13558; AD 2004-07-14] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-25-AD; Amendment 39-13567; AD 2004-07-23] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900 EX Series Airplanes [Docket No. 2003-NM-51-AD; Amendment 39-13568; AD 2004-07-24] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines [Docket No. 2003-NE-46-AD; Amendment 39-13557; AD 2004-07-13] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines [Docket No. 99-NE-48-AD; Amendment 39-13553; AD 2004-07-09] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, 747SR, and 747SP Series Airplanes Equipped With Pratt & Whitney JT9D-3, -7, -7Q, and -7R4G2 Series Engines [Docket No. 2002-NM-207-AD; Amendment 39-13563; AD 2004-07-19] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplahes [Docket No. 2003-NM-157-AD; Amendment 39-13562; AD 2004-07-18] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8516. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form [Docket No. RSPA-99-5013 (HM-229)] (RIN: 2137-AD 21) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8517. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices [FRA Docket No. PB-9; Notice No. 22] (RIN: 2130-AB52) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8518. A letter from the FMCSA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements; Correction [Docket FMCSA-97-2176] (RIN: 2126-AA08) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8519. A letter from the FMCSA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators [Docket No. FMCSA-1997-2199] (RIN: 2126-AA09) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8520. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage [Docket No. RSPA-98-4952 (HM-223)] (RIN: 2137-AC68) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; with an amendment (Rept. 108-460, Pt. 2). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 671. Resolution providing for consideration of the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, and for consideration of the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States (Rept. 108-539). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 672. Resolution providing for consideration of the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes, and for consideration of the bill (H.R. 4529) to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes (Rept. 108-540). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 3266. Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce for a period ending not later than June 21, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. Ryan of Wisconsin, Mr. Green of Wisconsin, and Mr. McCotter):

H.R. 4545. A bill to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H.R. 4546. A bill to provide for the National Oceanic and Atmospheric Administration, to authorize appropriations for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 4547. A bill to amend the Controlled Substances Act to protect vulnerable persons from drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 4548. A bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. POMBO:

H.R. 4549. A bill to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, to make related technical changes, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Texas (for himself, Mr. Frank of Massachusetts, and Mr. Berman):

H.R. 4550. A bill to secure the visa waiver program under section 217 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TURNER of Texas:

H.R. 4551. A bill to establish 4 memorials to the Space Shuttle Columbia in the State of Texas; to the Committee on Resources.

By Mr. BURNS:

H.R. 4552. A bill to suspend temporarily the duty on l-Aspartic acid; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. Cantor):

H.R. 4553. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage manufacturers of computer and television equipment to operate an environmentally sound recycling program for use by consumers who want to discard the equipment; to the Committee on Ways and Means.

By Ms. DeLAURO:

H.R. 4554. A bill to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office"; to the Committee on Government Reform.

By Mr. DINGELL:

H.R. 4555. A bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards; to the Committee on Energy and Commerce.

By Mr. ETHERIDGE (for himself, Mr. Burr, Mr. Coble, Mr. McIntyre, Mr. Hayes, Mr. Miller of North Carolina, Mrs. Myrick, Mr. Taylor of North Carolina, Mr. Jones of North Carolina, Mr. Ballenger, Mr. Price of North Carolina, and Mr. Watt):

H.R. 4556. A bill to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building"; to the Committee on Government Reform.

By Mr. GORDON:

H.R. 4557. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HYDE:

H.R. 4558. A bill to authorize the Comptroller General to conduct audits, evaluations, and investigations of the Millennium Challenge Corporation, to establish the Millennium Challenge Advisory Council, to transfer the Millennium Challenge program to the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. HYDE:

H.R. 4559. A bill to extend certain trade benefits to countries emerging from political instability, civil strife, or armed conflict; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 4560. A bill to provide multilateral and bilateral debt relief for developing countries, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. Camp, Mr. Conyers, Mr. Portman, Mr. Berman, Mr. Delahunt, Mr. Nadler, Ms. Linda T. Sánchez of California, and Ms. Jackson-Lee of Texas):

H.R. 4561. A bill to amend the Immigration and Nationality Act to modify the treatment of adopted children; to the Committee on the Judiciary.

By Mrs. MUSGRAVE:

H.R. 4562. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. Hefley, Mr. Lincoln Diaz-Balart of Florida, Mr. McCotter, Mr. Pence, Mr. Jones of North Carolina, Mr. Franks of Arizona, Mr. Wilson of South Carolina, Mr. King of Iowa, Mr. Walsh, and Mr. Souder):

H.R. 4563. A bill to require the Secretary of the Treasury to redesign the face of $20 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. WOLF (for himself and Mr. Tom Davis of Virginia):

H.R. 4564. A bill to amend title 5, United States Code, to provide for reform relating to employment at the Federal Bureau of Investigation; to the Committee on Government Reform.

By Mr. MENENDEZ:

H. Res. 670. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. SLAUGHTER (for herself, Mr. Reynolds, Mr. Houghton, Mr. Quinn, Mr. McDermott, Mrs. McCarthy of New York, and Mr. McNulty):

H. Res. 673. A resolution honoring the life of George Eastman and recognizing his contributions on the anniversary of his birth; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY:

H.R. 4565. A bill for the relief of Obain Attouoman; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 4566. A bill for the relief of Konstantinos Ritos; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. Platts.

H.R. 117: Mrs. Kelly.

H.R. 218: Mr. Deutsch.

H.R. 677: Mr. Hoyer and Ms. Solis.

H.R. 717: Mr. Waxman.

H.R. 834: Mr. Chandler.

H.R. 920: Mr. Israel.

H.R. 1004: Mrs. Musgrave.

H.R. 1098: Mr. Gutknecht, Mr. Feeney, Mr. Barrett of South Carolina, Mr. Chocola, Mr. Herger, and Mr. Cole.

H.R. 1117: Mrs. Miller of Michigan.

H.R. 1160: Mr. Weiner.

H.R. 1225: Mr. Dooley of California.

H.R. 1567: Mr. Peterson of Minnesota.

H.R. 1716: Mr. Udall of New Mexico, Ms. Bordallo, Mr. Holden, Mr. Abercrombie, Mr. Strickland, and Mr. Gutierrez.

H.R. 1873: Mr. Lampson.

H.R. 1940: Mr. Hinojosa.

H.R. 2023: Mr. Upton, Mr. Ferguson, Mr. Pallone, Mr. Andrews, Mr. Rothman, and Mr. Rogers of Michigan.

H.R. 2038: Mr. Acevedo-Vilá, Mr. Evans, and Ms. Kilpatrick.

H.R. 2287: Mr. Shuster and Mr. Stupak.

H.R. 2413: Mr. Bartlett of Maryland.

1H.R. 2426: Mr. Rangel.

H.R. 2541: Mr. Payne and Mr. Owens.

H.R. 2672: Mr. Herger.

H.R. 2797: Mrs. McCarthy of New York and Mr. Duncan.

H.R. 2885: Mr. Berry.

H.R. 2932: Mr. Weiner.

H.R. 2959: Mr. Kennedy of Rhode Island, Mr. Calvert, Mr. Clyburn, Mr. Wilson of South Carolina, Mr. Hinchey, Mr. Ross, Mr. Cramer, and Mr. Stark.

H.R. 3184: Mr. Davis of Florida.

H.R. 3193: Mr. McKeon, Mr. Nethercutt, Mr. Sherwood, Mr. Hastings of Washington, Mr. McHugh, and Mr. Moran of Kansas.

H.R. 3242: Mrs. Emerson.

H.R. 3266: Mr. Owens.

H.R. 3339: Mr. Doolittle.

H.R. 3474: Ms. Loretta Sanchez of California and Mr. Lewis of Georgia.

H.R. 3545: Mr. Grijalva.

H.R. 3572: Mr. Rush.

H.R. 3634: Mr. Owens.

H.R. 3736: Mr. Hall.

H.R. 3802: Mr. Chandler and Mr. Peterson of Minnesota.

H.R. 3831: Mr. Dooley of California.

H.R. 3834: Ms. Harris.

H.R. 3847: Mr. Peterson of Minnesota.

H.R. 3858: Mr. Hulshof, Mr. LaTourette, Mr. Collins, Mr. Carson of Oklahoma, Mrs. Davis of California, Mr. Peterson of Minnesota, Mrs. Biggert, Mr. Burgess, Mrs. McCarthy of New York, Ms. Granger, Mr. Sessions, Mr. Grijalva, Mr. Wynn, and Mr. Dooley of California.

H.R. 3871: Mr. Andrews, Mr. Sessions, Mr. Shays, Mr. Smith of Washington, and Mr. Rothman.

H.R. 3919: Mr. Andrews and Ms. McCollum.

H.R. 3953: Mr. McCotter.

H.R. 3972: Mr. Payne.

H.R. 4016: Mr. Bonner, Mrs. Maloney, and Ms. Norton.

H.R. 4026: Mr. Carter.

H.R. 4039: Mr. Gutierrez and Mr. Cummings.

H.R. 4052: Mr. Lincoln Diaz-Balart of Florida and Mr. Michaud.

H.R. 4094: Mrs. Napolitano.

H.R. 4101: Mr. Peterson of Minnesota.

H.R. 4107: Mr. Chabot.

H.R. 4156: Mr. Nunes and Mr. Bereuter.

H.R. 4214: Mr. Shays, Mr. Beauprez, and Mr. Sessions.

H.R. 4217: Mr. Cardin.

H.R. 4290: Mr. Rangel.

H.R. 4323: Mr. Saxton and Mr. Meehan.

H.R. 4335: Mr. Strickland, Mr. Kildee, and Mr. Owens.

H.R. 4341: Mr. Baird, Mr. LaHood, Mr. McDermott, Mr. Payne, Mr. Wilson of South Carolina, and Mrs. Capito.

H.R. 4343: Mr. Herger, Mr. Pickering, and Mr. McInnis.

H.R. 4361: Mr. Frost, Mr. Hoeffel, Mr. Olver, Mr. Lantos, Mr. Owens, and Ms. Carson of Indiana.

H.R. 4370: Mr. Lipinski, Mrs. Johnson of Connecticut, and Mr. Upton.

H.R. 4376: Mr. McGovern, Mr. Bradley of New Hampshire, and Mr. Bonner.

H.R. 4380: Mr. Weldon of Florida, Mr. Shaw, and Mr. Feeney.

H.R. 4383: Mr. Carson of Oklahoma.

H.R. 4394: Ms. Lee, Mr. Doggett, Mrs. Maloney, Mr. Owens, and Ms. Schakowsky.

H.R. 4417: Mr. Foley, Mr. Bachus, Mr. Cannon, Mr. Chabot, Mr. Feeney, and Mr. Scott of Virginia.

H.R. 4420: Mr. Platts, Mr. Bachus, Mr. Lucas of Kentucky, Mr. Barrett of South Carolina, Mr. Isakson, Mr. Wilson of South Carolina, and Mr. Taylor of Mississippi.

H.R. 4435: Mr. Owens.

H.R. 4440: Mr. Jones of North Carolina and Mr. Flake.

H.R. 4445: Ms. McCollum and Mr. Jefferson.

H.R. 4449: Mr. Abercrombie.

H.R. 4450: Mr. Hastings of Florida and Mr. Langevin.

H.R. 4472: Mrs. Kelly.

H.R. 4492: Mr. Leach.

H.R. 4520: Mr. Cantor, Mr. Brown of South Carolina, Mr. Jenkins, Mr. Isakson, Mr. Wamp, Mr. Whitfield, Mr. Duncan, Mr. Rogers of Kentucky, Mr. Kingston, Mr. Smith of Texas, and Mr. Neugebauer.

H.J. Res. 46: Mr. Collins.

H.J. Res. 97: Mr. Gallegly, Mr. Stark, and Mr. Faleomavaega.

H. Con. Res. 213: Mrs. Christensen.

H. Con. Res. 247: Mr. Oberstar.

H. Con. Res. 260: Mr. McCotter.

H. Con. Res. 314: Mr. Ruppersberger.

H. Con. Res. 377: Mr. Abercrombie.

H. Con. Res. 391: Mr. Bishop of New York.

H. Con. Res. 425: Mrs. Lowey, Mr. Wolf, Mr. Shays, Mr. Andrews, Mr. Hinchey, Mr. Beauprez, Mrs. Maloney, and Mr. Sessions.

H. Con. Res. 430: Mr. Platts, Mr. Sessions, Mr. Engel, and Mr. Owens.

H. Con. Res. 448: Mr. Doolittle, Mr. Feeney, Mr. Burns, Mr. Rohrabacher, Mr. Burgess, Mr. Chocola, Mr. Weller, Mr. Gutknecht, Mr. Simpson, and Mr. Sweeney.

H. Res. 466: Mr. Holt.

H. Res. 570: Ms. Berkley and Mr. Jefferson.

H. Res. 596: Mr. Houghton and Mr. Doolittle.

H. Res. 626: Mr. Snyder.

H. Res. 653: Mr. McCotter.

H. Res. 662: Mr. Petri and Mr. Ryan of Wisconsin.

H. Res. 666: Mr. Bereuter.

H. Res. 667: Ms. Pelosi.

H. Res. 668: Ms. Harris, Mr. Crenshaw, Mr. Bilirakis, Mr. Putnam, Mr. Boyd, Mr. Foley, Mr. Keller, Mr. Mario Diaz-Balart of Florida, Mr. Meek of Florida, Mr. Deutsch, Mr. Goss, Mr. Hastings of Florida, Mr. Stearns, Ms. Ros-Lehtinen, Mr. Miller of Florida, Mr. Feeney, and Mr. Lincoln Diaz-Balart of Florida.

H. Res. 669: Mr. Dreier, Mr. Norwood, Mr. Towns, Mr. Cooper, Mr. Porter, Mrs. Bono, Mr. Bass, Mr. Kingston, Mrs. Capito, Mr. Cunningham, Mr. Burns, Mr. Ford, and Mr. McCotter.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

Homeland Security Appropriations 2005

Offered By: Mr. Tancredo

Amendment No. 1A. At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used to provide assistance to any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, U.S. Immigration and Customs Enforcement information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Homeland Security Appropriations 2005

Offered By: Mr. Tancredo

Amendment No. 2A. At the end of the bill (before the short title), insert the following:

Section . None of the funds made available in this Act may be used to provide assistance to any State that has enacted a law authorizing aliens who are not lawfully present in the United States to obtain a driver's license, or other comparable identification document, issued by the State.

Interior Appropriations Bill 2005

Offered By: Mr. Tancredo

Amendment No. 1A. In title II, in the item relating to "WILDLAND FIRE MANAGEMENT", insert after the first dollar amount the following "(increased by $60,000,000)".

In title II, in the item relating to "NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION", insert after the first dollar amount the following: "(reduced by $60,000,000)".

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: rollcall No. 229—"yes"; rollcall No. 230—"yes"; and rollcall No. 231—"yes."

PERSONAL EXPLANATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. EVANS. Mr. Speaker, on June 8th and 9th, 2004, I was unavoidably detained while part of an official Congressional delegation. If I had been present, on rollcall votes Nos. 229, 230 & 231, I would have voted "aye."

80TH BIRTHDAY OF MR. RHYS LEWIS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to honor and acknowledge an important milestone as Mr. Rhys Lewis celebrated his 80th Birthday on Thursday, May 13, 2004.

Rhys honorably served in the South Pacific during World War II as a United States Marine Corp sergeant, fighting against tyranny and defending America's freedom and security. Following his invaluable service to our country, Rhys returned safely home to marry Ruth M. Lewis in 1947. After successfully building and managing two small businesses, Rhys was elected a Trustee of the Charter Township of Redford. His personal commitment and ongoing efforts to better the community have made Rhys indispensable and the people of Redford have benefited from his character, dedication, leadership, and tireless motivation. His wife Ruth, and their two children, Arthur Lewis and Judge Charlotte Wirth, should be extremely proud of the indelible mark he has made.

Mr. Speaker, I extend my appreciation to Mr. Rhys Lewis, upon his 80th birthday, for his fine service to our community and country.

HONORING THE SANTA BARBARA JEWISH FEDERATION IN COMMEMORATION OF ITS 30TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to the Santa Barbara Jewish Federation as they celebrate their 30th anniversary of service to our community. The Santa Barbara Jewish Federation contributes to the entire Santa Barbara community through their educational programs, art exhibits, festivals, and other programs.

The mission of the Santa Barbara Jewish Federation is to create and advance a cohesive Santa Barbara Jewish community by promoting identification and connectedness to the Jewish community, generating mutual respect amongst Jews of different practice, promoting cooperative relationships among the Jewish organizations and promoting positive relationships between the Jewish community and the community at large. The Santa Barbara Jewish Federation promotes charity and justice in all that they do.

The Santa Barbara Jewish Federation contributes to the community by helping to care for those in need, helping elders live in dignity and they work to build respect and trust among religious and ethnic groups. In their mission statement, the Jewish Federation stresses the Hebrew Phrase Tikkun Olam, meaning "healing the world." The work that is done here in Santa Barbara helps not only our local community, but sets a positive example for all. Their work truly goes a long way in helping to heal the world.

I have been honored and privileged to attend the Federation's "Super Sunday" telethon to raise funds for all of the critical programs they provide to our community throughout the year. I am pleased to help commemorate the Santa Barbara Jewish Federation for all the wonderful, positive ways they contribute to the community as they celebrate their 30th anniversary.

ABU GHRAIB PRISON

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. EVANS. Mr. Speaker, last week the Bethany United Church of Christ in Mendon, IL, sent me this letter regarding Major General Antonio Taguba's report on the incidents at Abu Ghraib prison. I respectfully request that this letter be entered into the RECORD.

DEAR CONGRESSMAN EVANS: On pages 49 and 50 of the Executive Summary of his report, Article 15-6 Investigation of the 800th Military Police Brigade Major General Antonio M. Taguba writes:

3. (U) Throughout the investigation, we observed many individual soldiers and some subordinate units under the 800th Military Police Brigade that overcame significant obstacles, persevered in extremely poor conditions, and upheld Army Values. We discovered numerous examples of soldiers and sailors taking the initiative in the absence of leadership and accomplishing their assigned tasks.

a. (U) The 744th Military Police (MP) Battalion, commanded by LTC Dennis McGlone, efficiently operated the HVD Detention Facility at Camp Cropper and met mission requirements with little to no guidance from the 800th, Military Police Brigade. The unit was disciplined, proficient, and appeared to understand their basic tasks.

b. (U) The 530th MP Battalion, commanded by LTC Stephen J. Novotny, effectively maintained the MEK Detention Facility at Camp Ashraf. His soldiers were proficient in their individual tasks and adapted well to this highly unique and non-doctrinal operation.

c. (U) The 165th Military Intelligence (MI) Battalion excelled in providing perimeter security and force protection at Abu Ghraib (BCCF). LTC Robert P. Walters, Jr., demanded standards be enforced and worked endlessly to improve discipline throughout the FOB.

4. (U) The individual soldiers and sailors that we observed and believe should be favorably noted include:

a. (U) Master-at-Arms First Class William J. Kimbro, US Navy Dog Handler, knew his duties and refused to participate in improper interrogations despite significant pressure from the MI personnel at Abu Ghraib.

b. (U) SPC Joseph M. Darby, 372nd MP Company discovered evidence of abuse and turned it over to military law enforcement.

c. (U) 1LT David O. Sutton, 229th MP Company, took immediate action and stopped an abuse, then reported the incident to the chain of command.

By this letter we express our admiration and appreciation for the courageous and decent execution of military duties by these individuals and units, as we admire and appreciate the work of MG Taguba and his staff and assistants.

It is painfully and visibly evident that there have been abuses and violations of legal, Christian, and humane standards of conduct. We are shamed by the facts, and we know only too well how long the world's memory is likely to be. In the midst of the darkness, however, we take particular comfort from knowing that in spite of the pressures and in spite of the many bad examples, and perhaps even bad orders, there were men and women whose deeds may inspire us all to live up to all that is noble and right.

We share with all people of faith, and especially with other Christians, Jews, and Muslims, many understandings of what divine direction and purpose call us to do and be. In our own language, "The light shines in the darkness, and the darkness did not overcome it. (John 1:4, NRSV)" We are grateful that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

God has called men and women in even the most difficult of circumstances to respect the dignity and intrinsic worth of others.

We ask you to reflect our tribute in an official way, by reference or quotation in the Congressional Record perhaps. If there is a way for Congress to honor the units and individuals who have distinguished themselves and preserved honor for all of us, we ask you to support it or lead it energetically.

Sincerely yours,

Rev. Nancy Holmes Nyberg,
Pastor.
Christine Roskamp,
President.
Teresa Beeler,
Treasurer.
Stephen R. Mulch,
Vice-President.
Shirley M. Roskamp,
Secretary.
Anna MacArthur,
Memorial Fund.

HONORING JANE GYER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Jane Gyer posthumously for her years of service to her community. Jane recently passed away on Tuesday, June 1, 2004.

Jane was known for her extraordinary work in the arts. Considered by many art critics as the first lady among contemporary painters of Yosemite, she was renowned for her elaborate paintings of Yosemite National Park.

A San Francisco native, Jane grew up in Los Angeles and received her Bachelor of Arts Degree in History from the University of California at Los Angeles. She lived in the Oakhurst area for nearly 50 years.

Jane's accomplishments are numerous and distinguished. She was a founding member of the Guild of Mountain Artists and active in the Educational Enhancement Foundation. She is listed in "Who's Who of American Women," and was a recipient of the first National Park Service Director's Award for her illustrations in the book, "Discovering Sierra Trees." Jane collected a second Director's Award for her poster design created for the Yosemite Fund.

She is survived by her husband Jack Gyer and her five children.

Mr. Speaker, I rise today to recognize Jane Gyer for her remarkable effort and service to her community. I invite my colleagues to join me in honoring her posthumously for her accomplishments and commitment to bettering this world through various charitable organizations, touching lives both in the Central Valley of California and worldwide.

HONORING SERGEANT ALLEN O'REILLY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the memory of Sergeant Allen O'Reilly, USMC.

Allen O'Reilly was born November 7, 1980 near Chicago, IL. At the age of 18, he dedicated his life to the service of his country by enlisting in the U.S. Marine Corps.

Due to Allen's intelligence and potential, the Marine Corps selected him to be an avionics technician. After boot camp at Parris Island, SC, Allen went on to complete the academically challenging training required for this specialty at Pensacola Naval Air Station and the Marine Corps Air Station at Camp Pendleton, CA.

As is so common with Marines, Allen spent a great deal of time participating in numerous training exercises around the globe. He was also called to duty against a hostile enemy, participating in Operation Iraqi Freedom, spending long months away from family, friends, and the comforts of home.

Mr. Speaker, Allen was sadly taken from us last month. However, the memory of his service and dedication lives on. The medals he was awarded are a testament to his abilities and his accomplishments as a faithful Marine. I rise before my colleagues today to commend Sergeant O'Reilly—one willing to sacrifice so much of himself to protect the life of freedom and liberty all Americans enjoy.

HONORING KRYSTYNA BAUMGARTNER, NEW YORK STATE WINNER OF THE VFW'S 2004 VOICE OF DEMOCRACY ESSAY COMPETITION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today in honor of Krystyna Baumgartner, a constituent of mine, who is the New York State winner of the 2004 Veterans of Foreign Wars (VFW) audio/essay competition. Ms. Baumgartner has done an excellent job of conveying the necessity of voter participation and showing respect for veterans and current members of our armed forces. It is my distinct honor to submit the text of her work into the Congressional Record.

Scholarship Contest

My Commitment to America's Future

(Krystyna Baumgartner)

In the movie "The American President," the fictional President Andrew Shepard utters that "America isn't easy. America is advanced citizenship." With those seven words, he correctly points out that in order for America to work the way the Founding Fathers intended it to, its citizens must actively participate.

Since I was about eleven, I have told anyone that would listen that I was going to be the first woman President of the United States. That year, I religiously watched the presidential debates between Clinton, Dole, and Perot, conjuring up my own answers to the questions asked and drilling my dad on events I didn't know about. Now that I am seventeen, I pay even more attention to the world and its happenings than I did at eleven. And I am even more convinced that I want to be on that stage, answering questions about the topics of the day and making plans to move America forward.

In order to move America forward, however, you must first learn her framework and the history of the struggles that she has gone through to be what she is today. Without this basic knowledge of how the political system in America works, one cannot expect to be able to fully participate in America. As I apply to colleges, I do not hesitate to check off that I am a political science major. In this field rests the knowledge that I need to help my generation guide America to the next level.

I look forward to my eighteenth birthday for a reason most of my peers never think about—I cannot wait to be able to vote. Until am old enough to run for office myself, I can vote for people that share my views of where America is heading and how to get her to that point. I do not understand why many people that are of age to vote do not. We are lucky to live in a country that allows us the right to choose our government officials. In my opinion, giving up this right that so many in this world don't have is equivalent to spitting on everything that America stands for. It is my sincere hope that more people from my generation will take advantage of their right to vote and I plan to do everything that I can to advocate voting to my peers.

Knowing the basic principles upon which America was founded, how the government works, and partaking of your right to vote are a very important part of the advanced citizenship I mentioned earlier. However, in order to truly be an active participant in America, one must be willing to defend her against threats, both domestic and foreign. Serving in a branch of America's military is a way to give back to America what America has given to you. By voluntarily enlisting in the Army or the Air Force or the Navy, you are showing the world that you love your country and that you want to make sure that it will still be around two hundred years from now.

To volunteer to risk your life for your country shows an immense dedication to the principles that your country stands for and to the preservation of your country. In the past few days I have been communicating with veterans of the Battle for Bataan and the Bataan Death March for a school report. Most of these men enlisted before Pearl Harbor, even though they knew that the United States would most likely enter the war in Europe. I asked one of the men, who was a POW of the Japanese for 1028 days, if he remained in the Army after World War Two. He said that although he did not, he wishes he had because he really liked being in the Army. Can you imagine spending over two years in captivity, being beaten, starved, and made to work in the blistering sun, and still enjoying the Army?

America is at a crucial point in its history. It's citizens are now beginning to question parts of everyday American life, such as the Pledge of Allegiance, the motto on our printed currency, and our right to defend ourselves from terrorism, that were never given a second thought before. The solutions to these questions will ultimately rest in my generation. It will be up to us to decide whether or not our pledge should be re-written or if we are allowed to mention God in public life. But we cannot decide these things until we have truly experienced America, and in order to do that we have to want to learn why America is the country it is today and we also have to be willing to defend her against any and all enemies. We are the future of America. Shrinking away from this is not an option. We have to stand up and accept it. We have to be advanced active citizens.

Mr. Speaker I again congratulate Ms. Baumgartner on her accomplishment and wish her the best of luck in what I am sure will be a productive future.

MEMORIAL DAY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. ROTHMAN. Mr. Speaker, I rise today to honor those who selflessly and courageously risked their lives in service to our country. On Memorial Day we gather to remember and give thanks to the men and women who made the ultimate sacrifice to protect this nation and to defend our freedoms and our way of life. This nation is extremely grateful for their service and must never forget their heroic acts.

On this Memorial Day in particular, as we are set to commemorate the 60th Anniversary of D-day, as veterans from across the country gather on the Mall in Washington, DC, to dedicate the new World War II Memorial, and as our troops labor at home and abroad to secure and defend our interests around the world, we must remember their service and express our appreciation. Like the "greatest generation" and the generations that came before them, this generation has once again proudly heeded the call to serve a country in need. And for their courage and dedication, we stand united in support of these brave men and women.

During this difficult time, we draw strength and inspiration from those who persevered and triumphed in conflicts past. I have little doubt that this generation of Americans like so many before them, will prevail against those who would do us harm. And we must make certain that when our troops return home, we keep the promise we made to provide them with the health care and benefits they have earned and deserve—a promise we must fulfill to all 26 million of our nation's veterans.

I join my colleagues, in expressing our deep appreciation to those brave men and women who gave their lives for this country, and I pledge to continue to work to honor their invaluable contribution to American liberty and freedom.

TRIBUTE TO FRANK MULVEY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize the outstanding contribution which Frank Mulvey has made to the Committee on Transportation and Infrastructure. Frank has been the Democratic Staff Director of our Railroad Subcommittee for the past four years. He is leaving to become a Member of the Surface Transportation Board.

When Frank came to the Committee in the year 2000, he had already achieved great distinction as a transportation economist. We on the Committee first became familiar with Frank's work in the mid–1980s, when he served as an Assistant Director for Transportation Issues in the General Accounting Office. In this capacity, Frank conducted a number of studies for the Aviation Subcommittee, which I chaired, and appeared as a witness before the Committee on several occasions. The studies were thorough and objective, and Frank was an excellent witness. His studies were extremely valuable in helping us deal with issues of airline competition and the financial difficulties of the industry. Frank's work at GAO also produced similar high quality studies of Amtrak and the freight rail industry.

Throughout all the years that I have known Frank Mulvey, it has been clear to me that his breadth of transportation knowledge would enable him to serve with distinction in many positions with the Transportation Committee. When the Railroad Subcommittee position became available in 2000, Frank was a natural and obvious choice.

In his four years with our Railroad Subcommittee, Frank has not only met, but exceeded the high expectations we had for him. He has played a major role in all railroad issues before the Committee, including Railroad Retirement Reform, the many difficult issues involving Amtrak, the rail loan program, and efforts to develop a federal program to assist the development of high-speed passenger rail.

Frank Mulvey is a Ph.D. Economist and, during his distinguished career, which has included positions at the Department of Transportation Inspector General's Office, the GAO, the National Academy of Science and the American Bus Association, has frequently held part-time teaching positions. For the past twelve years, he has taught courses in managerial economics and public policy in the MBA program at the University of Maryland. Frank's love of teaching has led him to actively seek out interns for his Subcommittee, and then to mentor them and educate them on all aspects of the Subcommittee's work. Many of his interns have continued a career in public service. A noteworthy example is Steve Gardner, who has served in several important Congressional staff positions and most recently was selected to deal with rail issues for the Democratic Professional staff of the Senate Committee on Commerce, Science, and Transportation. Another of Frank's interns Amy Scarton, went on to become a Senior Legislative Assistant to Congressman EARL BLUMENAUER.

Although Frank's official position with the Committee was with our Rail Subcommittee, we frequently took advantage of his broad knowledge and experience as an economist to counsel us in other disciplines. He was our resident expert on issues such as the economic impacts and job creation effects of our infrastructure programs, and the economic theory governing competition in the transportation industries under the Committee's jurisdiction.

Frank has been a pleasure to work with. He is open and friendly, able to communicate difficult economic concepts in non-technical terms, and quick to immerse himself in the details of a complex issue. We on the Committee will miss him personally and professionally, but we are confident that he will make important contributions to the Nation's transportation system in his new role.

TRIBUTE TO THE TEMPLE ADATH YESHURUN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Temple Adath Yeshurun in Syracuse, New York, which is celebrating its 136th anniversary on July 16, 2004.

Since it was founded in 1867, the "congregation of the righteous" has grown from the group of young men that established it, into a large congregation that now works to serve its community through the development of several religious, educational, cultural and social programs. It has succeeded throughout the years to reach out to all generations with its own schools, camps, family education programs, and senior member social activities. The temple continues to provide not only a place to worship, but also a place for the citizens of Central New York to gather together as a community.

I would like to express my sincere congratulations to the leaders and members of the Temple Yeshurun. Their long heritage and continued service to their community deserves great recognition and celebration.

HONORING TUSKEGEE AIRMEN AND THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

SPEECH OF

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. TURNER of Ohio. Mr. Speaker, I rise in support of H. Con. Res. 417, honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force introduced by my fellow Armed Services Committee colleague, Representative JON PORTER.

All things relating to aviation have a special meaning in Dayton, the birthplace of powered manned flight. From the Wright Brothers designing the first machines that lifted man from the security of Earth and into the era of powered flight, through the modern day when Wright Patterson is regarded as one of the Air Force's finest bases, aviation has long played a central role in Dayton. The Tuskegee Airmen also have a special place in the hearts and minds of Daytonians for their exceptional contributions making the U.S. Air Force the world's foremost Air and Space Supremacy Force.

Last July, Dayton combined a 17-day festival called Inventing Flight with its 22nd annual Black Cultural Festival by including a Tribute to the Tuskegee Airmen. Because of Dayton's ties to aviation and the Tuskegee Airmen this was a natural combination.

Dayton has links to the origins of the Tuskegee Airmen. Chauncey Spencer and Dale White set out to promote black aviation. In 1939 they rented an old airplane and set out on a 10 city goodwill tour that was supposed to end in Washington where they hoped to meet with Congressional leaders. Three hours into their first day a broken crankshaft forced them to land in a farmer's field. Two and a half days later the flight was resumed; however, shortly they were grounded again. Hearing of their misfortunes the publisher of an African-American newspaper in Pittsburgh gave them $500 and letters of introduction to Congressional. representatives.

Spencer and White met Senator Harry S Truman, who upon seeing the plane they flew said, "If you guys had the guts to fly this thing to Washington, I've got guts enough to see you get what you are asking." He promised to help open the doors for African-Americans to serve in the Air Corps. Shortly afterwards, the Tuskegee Experiment was established. By the end of WWII, nearly 1,000 African-Americans had completed their flight training at Tuskegee Army Air Field and nearly 450 went overseas as combat pilots.

The Tuskegee Airmen were nicknamed the "Red Tail Angels" because of the red tail markings on their aircraft. They had an enviable service record of over 15,500 missions, destroyed over 260 enemy aircraft; sunk one enemy destroyer and damaged numerous enemy installations. The Tuskegee Airmen served with distinction and earned over 850 medals.

Chauncey Spencer and Dale White became Dayton residents and both served at Wright Patterson Air Force Base. There is still a local chapter of an organization named for the Tuskegee Airmen at Wright Patterson: The Mac Ross Chapter of Tuskegee Airmen. The chapter is named after Mac Ross, a Dayton native, and one of the first five African-American airmen to become Air Corps pilots in 1942.

The Tuskegee Airmen overcame segregation and prejudice to become one of the most highly respected fighter groups of World War II. Their achievements, together with the men and women who supported them, paved the way for full integration of the U.S. military.

Today's all-volunteer Armed Forces identify with the sense of pride and commitment exhibited by the Tuskegee Airmen some 60 years ago.

As an American, and a proud Daytonian, I am pleased to offer my support of H. Con. Res. 417, honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. LOFGREN. Mr. Speaker, I appreciate the great work done by Chairman HUNTER and Ranking Member SKELTON on this legislation, but I must reluctantly rise to highlight a major problem that I hope will be fixed before this bill reaches the President's desk.

There is an obscure provision of the bill that I want to make sure Members know about, and that is Section 1404, which would require U.S. companies to get a license before they export any goods listed on the Military Critical Technologies List. According to a copy of that list I found on the Defense Technical Information Center Web site, computers that exceed 1500 MTOPS are considered to be military critical.

So under this bill, exports of desktop computers, laptops and Sony PlayStations would require a license. Making matters worse, the license requirement would apply to all exports, even those headed to our allies. If you want to sell a Sony PlayStation to England, you would need a license. I think that is a major problem.

Our current laws allow exports up to 190,000 MTOPS to Tier III countries like China and Russia. I personally think that 190,000 MTOPS is an outdated metric. But to go down to a 1500 MTOPS metric is literally the stone age of computing.

If there are specific military critical technologies that are not sufficiently controlled under existing export regulations, like night vision or surveillance devices, then let us draft something that controls those technologies. But to say that we cannot freely sell a laptop to someone in London, that the Sony PlayStations cannot be exported to Canada, I think is wrong.

I know that this is about war, but it shouldn't be about war on the American economy.

HONORING CATHY GIOVANDO, CELESTE HALL, AND CAROL SIEBE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor 3 teachers who are retiring from Two Rock Union School in a rural community near Petaluma, CA. Cathy Giovando, Celeste Hall, and Carol Siebe are special teachers who have worked together at the school for many years. But beyond that, they will always be remembered for their successful efforts to preserve the Two Rock Coast Guard Training Facility.

Now the West Coast training center for the Coast Guard's new role in the Department of Homeland Security, the Two Rock facility has 10 schools offering 50 courses to 4,000 students a year. It is hard to believe that this center was on the chopping block in cost-cutting efforts in the 1990s—and not just once, but twice. And twice, Giovando, Hall, Siebe, and others on the Save the Base Committee rallied elected officials and the local community as well as children and parents from the small Two Rock School, to preserve a facility that was originally established by the War Department in 1942.

As their representative in Congress during the 1990s, I knew how important this base was to the fabric of this small community and to the security of our Nation. However, without the passion of these teachers, it would have been difficult for me to convince the Coast Guard and the entire California Congressional Delegation of this. It is for sure that Clinton administration officials were especially impressed with the art work and stories sent to them by children from the school. In the world of politics, these children proved that the personal can make a difference.

And, as teachers, these women were instrumental in Two Rock School's recognition as a California Distinguished School. Their legacies include one of the first school gardens in the area and, with the entire staff, creation of an assessment program that enables teachers to work with each child's strengths and weaknesses.

Retirement will include everything from travel to real estate classes. Coincidentally, the families of all three are from the same area in Northern Italy which will figure prominently in their travel plans.

Mr. Speaker, it is a pleasure to honor Cathy Giovando, Celeste Hall, and Carol Siebe whose warmth and dedication exemplify the best that teachers can offer to our Nation's children. Their commitment extends beyond the classroom to an appreciation of the significance of all the key elements—including the Coast Guard Training Facility—that are essential to a community's well-being. These women will be missed at their school and by their students, but we all know they will bring the same energy and heart to all their future endeavors.

IN MEMORY OF SERGEANT LEWIS (LOUIE) ANNEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. ROGERS of Michigan. Mr. Speaker, recently, a poem was given to me in fond memory of Sergeant Lewis (Louie) Annear of the 9th Infantry Division, I ask these moving words be included in the RECORD:

> Last night I had a vision tho my mind was quite awake; A vision born of sadness, of memories I could not shake. In retrospect the years passed by, and uncasing life's review; A boy I loved sat my side, his life I lived anew. I saw him as a baby, I held him in my arms; I prayed the good ALL Father to keep him safe from harm. I saw him as a tow-head, his blond hair all awry. His blue eyes kind and gentle, and heard his happy cry. I saw him fishing on the lake when first he learned to cast; I saw him land his first great fish as whitecaps hurried past. I saw him on the football field, elusive as a ghost.

> His shifting hips and racing feet seemed to fairly float. I saw him in the house of God, devout, sincere and true; I think the angels gathered there when he was passing through. I saw him in his much loved home alive and always kind; The family sort of worshipful when he was on their mind. I saw him in the workshop when soil begrimed his hand; But, even grandeur proclaimed him every bit a man. I saw him in his uniform when he heard his country's call And despairing of God's mercy, I saw him in his fall. I followed him from ship to beach on Africa's dark shore; I lived with him at Kasserine Pass, Bizerte and far more. I saw his wound and felt his pain when he wrote of how they fought; And prayed to God they would send him home, that was my only thought. I saw my prayers unanswered as from England came the word; This soldier boy was listed for D-Day's most dangerous work. I lived with him for D-Day, felt suspense and honest fear; For only fools, not angels, sought then to give us cheer. Then came the fateful hour, the supreme test was at hand; Poised on the foremost troop ship, I saw him proudly stand. I saw his well trained muscles, twitching there beneath his gear; But, his head was high, his eyes were clear, he was master of all fear. I saw the sea as it tossed on high and heard the grinding waves; And then the roar of guns, and bombs, as night gave way to day. I saw him land, one of the first, his face was to the front; And I prayed to God to save this boy who was always moving up. I lived with him again, those days when death rode every wave; Scant rest or food, just fighting on, for us our homes to save. For days on end, I trudged with him, my mind, his body torn; He would not stop, from dawn to dusk, and yet on until morn. I felt despair, I was sick at heart, it seemed no God or man; Could ask so much of just a boy nor wield such a high command. And when at last he came to rest, it seemed a welcome lair; On foreign soil, at break of day, I saw him lying there. The command to halt had come at last, sweet peace and rest were his; And then I took my weary soul and stole into the mist. My soul seemed dead, my mind a blank, I could not reason why; So great a task was asked of him, or why he had to die. For days I pondered, lost in doubt, just a asking why; And, then at last, the mist broke out, again I saw the sky. I saw the face of God look down, His staff was raised on high; And at His side, with hand in hand, I saw our soldier boy. And there my soul worn vision found its answer as to why; This soldier boy of ours had lived and why he had to die. His life had been all goodness, and glorious his deed; God too, has use for soldiers, very special are His needs. Tis the good who die to glory, and for us left here behind; their noble lives remind us we too should be their kind. The light he burned so brightly, in home or far afield; Will light our steps upward in God's commanded zeal. Encouraged by his example, strengthened by his unfaltering faith, We too may leave the battle, to rest in God's grace. And, so my vision ended, with God and Louie, too; I now resume my journey, as he would have me do.

So, Mr. Speaker, it is my honor to rise to recognize Staff Sergeant Lewis Annear for his service, dedication, and ultimate sacrifice to our great country. As we dedicate the new National World War II Memorial, I call on my colleagues to join with me in recognizing this brave American as he gave his life to ensure the freedom that America enjoys today.

HONORING 45 YEARS OF COMMUNITY SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Junior Matrons of Morristown, New Jersey in my Congressional District who this year are celebrating their 45th Anniversary.

In 1959, the Junior Matrons of Morristown began with a group of twelve young African-American women who pooled their time and resources to found a working group to address one of the critical issues facing African-American youth—low numbers of high school graduates going on to pursue post-secondary education.

Their motto became "service through scholarship," and the group began working to increase opportunities for black youth to attend college. A lack of cultural and historical precedent among African-Americans, the difficulty in financing college education and the limited track record of admissions of black high school graduates to major colleges and universities, were just a few of the obstacles confronting young African-Americans who may have wanted to attend college at the time. When the twelve young black women of the Junior Matrons of Morristown got together, they decided they would take direct action to change this scenario.

In a bold move, they decided to host an annual cotillion that would serve at least three purposes: (1) it would help raise the consciousness of the African-American community about education as a vehicle for pursuing economic, political and social advancement; (2) it would recognize and reward those who remained committed to achieving their first major educational milestone and (3) through personal, corporate, agency and organizations contributions, it would generate substantive funds needed to encourage and enable high school students to translate the dream of a college education into a reality.

The passion and energy behind the founding of the Junior Matrons has continued unabated for these last 45 years, and is a credit to the collective vision of these twelve charter members: The late Sue Graddick, Harriet Britt, the late Frances Younginer, my dear friend Dr. Felicia B. Jamison, Emma L. Martin, Nancy Yett, Muriel Hiller, Nadine Alston, the late Emanualine Smith, Natalie Holmes, the late Marie Davis, the late Natalie Thurmond Lattimore and Cecelia Dowdy.

Over the years the Junior Matrons have been honored by the National Association for the Advancement of Colored People and the National Urban League, among many others. As a testimony of the enduring idealism of these inspired women, the Junior Matrons of Morristown have provided financial assistance to over 3,000 high school students, and has dispensed over $2 million over its lifetime. The beneficial and residual impact of this assistance cannot be over-estimated. Although a few of the original group are no longer with us, new leaders have taken on the mantle and are endowed with the same zeal and vision.

Mr. Speaker, I am quite certain that the Junior Matrons will continue in the years ahead to promote the cause of quality education and help provide opportunities for our young people to pursue college degrees and productive, fulfilling careers. I ask you and my colleagues to join me in congratulating the Junior Matrons of Morristown as they celebrate 45 dedicated years of serving our community.

RECOGNIZING MOMENTOUS YEAR OF THE STEVE SMITH FAMILY OF BRENTWOOD, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize a momentous year for the Steve Smith family of Brentwood, Tennessee. Not only is Steve celebrating his 50th birthday this year, he is also celebrating 25 years of marriage to the former Denise Stinson and the 50th anniversary of his business, Haury and Smith Contractors.

Steve's late father, Reese Smith Jr., started Haury and Smith Contractors with a high school buddy. Beginning as a simple two-man operation, the residential home-building company has prospered into a venture now boasting an annual volume of business at $20 million. Steve's father would be proud of what he and his brother, Reese Smith III, have accomplished with the company.

Steve is known by his friends as having been an outstanding baseball player at Middle Tennessee State University. He is also a big-game hunter and an accomplished Tennessee walking horse enthusiast. But it's widely recognized that his most significant accomplishment was getting Denise to marry him. They have two outstanding sons, Matthew and Stephen, who, fortunately, took after their mother when it comes to academics. Stephen currently is attending Princeton, and Matt will be joining him this fall.

Steve is a good friend who has given me great advice over the years. I congratulate him for reaching these remarkable milestones. And I congratulate his family for putting up with him for all these years.

A TRIBUTE TO JANE BARKER (1949–2003)

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a dear friend and a remarkable woman, the late Jane Barker. In her short lifetime, she had a profound influence on the lives of countless children and families in New York City. At the time of her passing, Jane served as the Chief Program Officer at Safe Horizon, the leading nonprofit victim assistance, advocacy, and violence prevention organization in New York City.

Jane was born and raised in St. Louis, Missouri. She earned her Masters Degree in Social Work from Washington University and began her professional career as a school social worker in Peoria, Illinois. In 1976, Jane moved to New York City where she worked at the Brooklyn Society for Prevention of Cruelty to Children and the New York City Department of Mental Health. In 1987, Jane began working at Safe Horizon. During her 16-year tenure there, she shaped the direction of numerous programs. Most recently, Jane led Safe Horizon's trauma response efforts after 9/11, with a particular focus on providing mental health support to those in need.

Jane's legacy will be her pioneering work with the Children's Advocacy Centers in New York City. In 1985, I started the first Children's Advocacy Center in Alabama when I learned that child abuse victims were subjected to significant trauma from the systems that were supposed to be protecting and helping them. Jane shared this vision and courageously set out to change the system. With Jane's unwavering dedication and commitment, the Brooklyn Child Advocacy Center opened its doors in 1996, creating a child-friendly and supportive environment where children did not have to feel responsible for what happened to them. As a result of her vision and leadership, over 15,000 children have come through the Brooklyn Center.

Mr. Speaker, in her lifetime, Jane had a profound influence on services for victims of crime and child abuse, their families, an communities. Members of her family, friends, and colleagues will gather to celebrate her life and her devotion to improving the lives of those around her. I want to commend Safe Horizon for dedicating the Brooklyn Child Advocacy Center in Jane's honor and loving memory.

Mr. Speaker, Jane Barker was a tremendous individual who touched the lives of thousands of individuals and who was taken from us during the peak of her life. I rise today in her honor.

CELEBRATION OF THE 125TH ANNIVERSARY OF THE SAN FRANCISCO PUBLIC LIBRARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. PELOSI. Mr. Speaker, I rise to commemorate the 125th anniversary of the San Francisco Public Library on June 7, 2004. Since its opening in 1879, the San Francisco Public Library has been a symbol of intellectual freedom.

Many years ago, I was proud to serve on the San Francisco Public Library Commission. The library has provided five generations of San Franciscans with wonderful literature, educational materials and a sanctuary for learning.

San Francisco is fortunate to be the home of the state-of-the-art Main Library and 26, soon to be 27, neighborhood libraries. The library is committed to presenting a varied collection of works, respecting the diverse needs and populations of San Franciscans and consistently pursuing intellectual equality. It now offers focus collections pertaining to the African American, Gay and Lesbian, International, Chinese, Filipino, and teen populations and the environment.

This is not only a day to celebrate this magnificent San Francisco institution, but also a time to recognize the many dedicated and skilled librarians and volunteers who make it possible for the library to offer such a wide range of services. Together, they ensure that the library will continue to be a cultural and educational center of opportunity.

Thomas Jefferson wisely counseled that democracy is dependent upon an informed and educated citizenry. The public library is an instrument of opportunity, allowing all Americans access to the knowledge and information essential to our nation's greatness. The San Francisco Public Library has been an outstanding example of a free public library committed to bettering our civic life.

I proudly join my constituents in celebrating the 125th anniversary of this historic San Francisco establishment.

HONORING KATHARINE C. LYALL

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor Katharine C. Lyall, who served for more than 12 years as president of the University of Wisconsin System. Dr. Lyall's work has made an indelible mark on the great UW System, and her leadership will be missed by all when she retires this year.

Dr. Lyall has dedicated her life's work to the promotion of people and knowledge. A professor of Economics, she held teaching posts at Syracuse University, Cornell University, and Johns Hopkins University before arriving at the University of Wisconsin-Madison. Dr. Lyall's commitment to education and to her field of study persisted long after her transition to university administration.

Beyond her expertise in the study of economics and her strong administrative leadership, Dr. Lyall brought to the University of Wisconsin System a background in public service and policy. During the Carter administration, Dr. Lyall served as Deputy Assistant Secretary of the Department of Housing and Urban Development. She was later Director of Johns Hopkins' prestigious public policy program.

Dr. Lyall's focus on public service and policy has served the University of Wisconsin System well. Her accomplished tenure saw the implementation of new diversity policies, increased enrollment, and continued distinction of an already outstanding public university system.

In her dedication to access and excellence, in her tireless work for the University of Wisconsin, and in her wholehearted devotion to the democratic ideal in public education, Dr. Lyall exemplifies the Wisconsin Idea. She will be sorely missed.

LINDA WHITE-EPPS POST OFFICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. DELAURO. Mr. Speaker, I rise today to introduce legislation to pay tribute to Linda White-Epps by renaming the Whitneyville Branch Post Office building in Hamden, Connecticut as the "Linda White-Epps Post Office."

Linda was an extraordinary woman who dedicated her life to making her community better. She served in town government and on local non-profit boards. Most of all, though, she was devoted to the cause of raising awareness about breast cancer among African American women. I am proud to have known her and to have called her my friend.

Linda was an executive board member of the local NAACP and sat on the Board of Directors of the local Boys and Girls Club. In 2001, she was elected to the Hamden Legislative Council. But it was her work in fighting breast cancer that led her to be named a Point of Light by the Points of Light Foundation in 2001.

She created Sisters' Journey, a non-profit organization that provides education and support to breast cancer survivors, their friends and their families. In 1999, Sisters Journey published a calendar featuring pictures of women who have beaten the disease. Each turn of a page provides a look at another month, more stories from "sisters" and words of encouragement to women. Each page says examine your breasts and have regular mammograms. The unveiling of the calendar still occurs every October at a fundraiser known as the "Pink Tea," a tradition Linda started.

Linda was one of the women profiled in the calendar. She beat breast cancer in 1990, and spent the last decade of her life helping other women do the same. Sadly, she finally succumbed to the disease last year. Linda faced breast cancer in such a quiet way that many of her neighbors and friends were not aware of the gravity of her illness.

She approached advocacy with humility, but received several awards from the American Cancer Society. She also won the Greater New Haven NAACP Freedom Fund Award, and the "Daily Point of Light" award. Linda was also responsible for organizing the first "Relay for Life," held in the Hamden area. The event raised about $50,000 for the American Cancer Society and also reached a larger segment of African American women participants.

Mr. Speaker, Linda was the granddaughter of a postal carrier. Like her grandfather, she lived a remarkable life that made a difference in her community. Honoring her by renaming the Hamden Post Office after her would be a fitting tribute.

TRIBUTE TO THE 2004 PROJECT GRAD NEWARK GRADUATING SCHOLARS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize the 2004 Project GRAD Newark Graduating Scholars. Tonight, more than 300 individuals will gather to honor more than 75 Project GRAD Scholars, graduating from Malcolm X Shabazz and Central High Schools, located in my district's South and Central Wards. These outstanding students will be recognized for having met, maintained, and exceeded strict academic performance standards, and will be awarded a $6,000 college scholarship.

Project GRAD Newark is a nonprofit, educational support organization that focuses on building the capacity of participating Newark public schools to improve student achievement. Their mission is to ensure a quality education for children in the most challenging, economically disadvantaged public schools in my hometown of Newark, New Jersey, and to support them as the graduate high school, and prepare for, attend, and graduate from college.

Project GRAD Newark was created in 1998 through the support of Ford Foundation and Lucent Technologies Foundation. The GRAD model originated in Houston, Texas in 1989, as a scholarship incentive program to encourage urban school students to graduate high school. Today, it works with a feeder pattern of schools—a high school and the middle and elementary schools that feed students to that high school. This method ensures curricular and programmatic consistency from kindergarten to 12th grade. PGN began implementation of the GRAD model in the Malcolm X Shabazz High School feeder pattern in 1998 and announced implementation in the Central High School feeder in 2000.

PGN serves two feeder patterns comprised of 8,600 students throughout 16 Newark Public Schools. Nationally, Project GRAD serves over 135,000 students in 217 schools across the country.

The results are unmistakable: according to preliminary evaluations, PGN students significantly outperformed their non-PGN peers in math and reading during their first and second years of the model's implementation. On-time graduation rates have increased from 56 percent in 2001 to 76 percent in 2003. 95 percent of GRAD Scholars who graduated in 2003 from Shabazz High School are enrolled in college, and our first class of GRAD Scholars will graduate this year from the Central High School feeder pattern.

As a former teacher, I stand before you today with pride. Project GRAD Newark is reaching students and challenging them to fulfill their academic potential. They are cultivating future leaders, who may someday stand where I do today.

Mr. Speaker, I commend to you these dedicated students, and I invite my colleagues to join me in congratulating them on their past achievements, encouraging them in their future endeavors, and supporting the successful Project GRAD Newark program as they continue to serve the students in my district.

RECOGNIZING ALEC MESSERALL FOR HIS SERVICE TO OUR COUNTRY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. TIBERI. Mr. Speaker, I'm proud that as we celebrate the life of President Ronald Reagan, a fellow Central Ohioan will participate in our tribute. Air Force Academy Cadet Alec Messerall of Alexandria, Ohio, has been chosen as one of five service members to escort the casket of President Reagan from the White House down Constitution Avenue to the Capitol.

Alec is a 22-year-old senior at the academy who graduated from Northridge High School in Johnstown, Ohio. His leadership skills, academic and athletic record, and his extracurricular activities led my predecessor, John Kasich, to nominate him for an academy appointment.

I know Alec and his family are extremely proud he was chosen to be part of the historic events that are unfolding in our Nation's Capitol as we honor our former President. All of us also look forward to Alec's service to our country in the United States Air Force. I am certain he will be an outstanding military officer.

HONORING THE EASTER SEALS GOODWILL INDUSTRIES REHABILITATION CENTER ON ITS 35TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. DELAURO. Mr. Speaker, 35 years ago, a historic merger occurred which resulted in the creation of the Easter Seals Goodwill Industries Rehabilitation Center. Today, community leaders, supporters, advocates, and participants have gathered to mark this very special occasion. It is with my heart-felt thanks and sincere appreciation that I rise today to join them in celebrating this important milestone.

What began as three separate agencies has become one of the most successful and effective non-profit agencies in the Greater New Haven area. This community-based organization is committed to its mission to enhance employment opportunities and the quality of life for people with disabilities and other special needs. Throughout the years, as communities advanced, those needs have changed. As an organization rooted in the community, the Center has been able to identify those changes and adapt its programs and services to meet them. This could not have been accomplished without the strength of support the Center has received from its staff and the communities of Greater New Haven.

I would be remiss if I did not recognize the vision and leadership of the man who has been leading this agency for the last twenty years—Malcolm Gill. For the last two decades, Mal has worked diligently to ensure that the Center is providing the programs and services that meet the needs of their participants. There is no one who could be more dedicated to fulfilling the mission of the organization. I consider myself fortunate to have had the opportunity to work with him so closely over the years and to call him my friend.

For people with disabilities and other special needs, functioning in the daily activities that we take for granted is not only challenging, but it can be a source of frustration and heartache. While these men and women have a deep desire to contribute to the community, physical or mental limitations make that difficult to accomplish. That is why the Center has become such a fundamental part of our community. They provide a gift which is truly invaluable—the opportunity for success and a sense of belonging. The Center has touched the lives of thousands over the years and mere words cannot describe the difference they have made to those individuals.

For the innumerable contributions it has made to our community, it is with great pride that I stand today to extend my sincere congratulations to the Easter Seals Goodwill Industries Rehabilitation Center on its 35th Anniversary. Through their unparalleled dedication and commitment, they have helped to change the face of our community and have made it a better place for our children and families.

TRIBUTE TO BISHOP RUSSELL SCOTT ON THE CELEBRATION OF HIS 100TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to honor Bishop Russell Scott as he celebrates his 100th birthday at a party in his honor at the Galloping Hill Caterers on Saturday, July 3, 2004. To live a century is indeed a significant event; to accomplish so much during that time is truly outstanding.

As a member of Glad Tidings Pentecostal Tabernacle Church, Bishop Scott established himself as an integral part of the church. He served as Superintendent of the Sunday School, a Deacon, Church Clerk and Treasurer. He went on to become Pastor and later, a Bishop. Since he was a mason by training, Bishop Scott supervised the building of the new church edifice which was completed and dedicated on March 20, 1960. Bishop Scott has since retired but still serves as overseer prelate.

In addition to the contributions made to his church, Bishop Scott was active in the community and has received many certificates for his involvement. They include certificates from the Essex County Probation Department, the Cornell Center Chapel Service, the U.S. Department of Commerce, Senior Citizen Nutrition Site in Orange, NJ and a certificate as former Tour Host for Trinity Travel and Tours

Abroad to Israel. Bishop Scott also served as President of the United Clergy of Vauxhall and Vicinity. He received his theological and divinity degrees from Miller University.

Bishop Scott is indeed blessed to join a very exclusive club of centenarians. I am delighted to wish him well as he celebrates this occasion. I know that my colleagues join me in sending best wishes for continued health and happiness to Bishop Russell Scott on his 100th birthday.

INTRODUCTION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. EHLERS. Mr. Speaker, today I am pleased to introduce H.R. 4546, the National Oceanic and Atmospheric Administration Act. Better known as NOAA, the National Oceanic and Atmospheric Administration was created by Executive Order in 1970. As Chairman of the Environment, Technology and Standards Subcommittee of the House Science Committee, I oversee much of NOAA. It is the Nation's lead civilian agency for oceans and atmosphere, yet Congress has never passed an overarching organic act describing the mission and functions of the agency. Instead, over the past 34 years Congress has defined the mission of the agency in a piecemeal manner with legislation focused on specific issues. The bill I am introducing today is a first step toward Congressional passage of comprehensive legislation for NOAA.

On April 20, the U.S. Commission on Ocean Policy released its long awaited Preliminary Report with recommendations for a coordinated national ocean policy. One of its key recommendations is that Congress should pass an organic act for NOAA. At a recent Science Committee hearing, the chairman of the Commission emphasized the importance of this recommendation and I strongly agree with him. The time is right for Congress to consider, and pass, this organic act for NOAA, an agency that provides vital services to the Nation that range from weather forecasts and warnings to cutting-edge marine research.

My bill contains three major sections. Title I is an organic act for NOAA. It establishes the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce and defines the mission of NOAA. This mission is "to understand and predict changes in the Earth's oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems, and to educate the public about these topics." My bill maintains the current leadership structure at NOAA, but adds a Deputy Assistant Secretary for Science and Technology to serve as the point person for the agency to coordinate the research and science activities of NOAA across the agency.

Title I of my bill also describes the functions of NOAA, which are divided into three broad groups to improve cooperation among NOAA's programs, as recommended by the U.S. Commission on Ocean Policy. First is the National Weather Service, which provides weather, water and climate forecasts and warnings to the Nation. The second group is operations and services, which includes all of NOAA's satellites services and its mapping and charting services. The third category of functions is research and education.

The bill focuses on pieces of NOAA under Science Committee jurisdiction, and does not currently include any references to NOAA's fisheries or resource management, which are under the jurisdiction of the Resources Committee here in the House. I am hopeful that we can work with other committees in the House and our colleagues in the Senate to pass a truly comprehensive organic act for NOAA, but for now we must start with this piece of legislation.

The second part of the bill is a three year general authorization for NOAA's line offices. The third part of my bill in Titles III–VII is a series of NOAA-related legislation from the 108th Congress that I believe are important programs to specifically authorize at this time.

I believe it is critical for NOAA's mission to be clearly defined so it can better fulfill its role in observing, managing, and protecting our Nation's coastal, ocean and Great Lakes resources. I look forward to working with my colleagues in a bipartisan fashion to pass this bill into law this year. This will not be an easy task, but it is so important to our environment, our economy, and our children's and grandchildren's future, that we must succeed.

HONORING THE MEMORY OF BARBARA W. WINTERS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. DELAURO. Mr. Speaker, it is with a heavy heart that I rise today to honor the memory of an outstanding member of our community, Barbara W. Winters. Throughout her life, Barbara dedicated herself to the community and to making a difference in the lives of others. With her we lose an advocate, leader, and friend.

Barbara dedicated both her professional and personal life to enriching her community. With a big heart and an infectious smile, she worked hard to not only achieve her goals, but inspire others to do so as well. It is not often that you find an individual with the depth of compassion and generosity that Barbara demonstrated every day. I, as with so many others, consider myself fortunate to have had the opportunity to know her and to work with her over the years. I was always impressed with her vision, tenacity, and leadership. She was a role model for us all.

The strength of Barbara's character is reflected in the lifetime that she dedicated to others. Whether as a community advocate, educator, or, most recently, as the Program Director for Life Haven—a temporary shelter for homeless, pregnant women and women with young children—Barbara was always there to provide a strong voice on behalf of children, families, and the community.

Barbara understood the importance of giving back to the community and utilizing your talents to make it a better place to live. In addition to her professional career, she dedicated much of her personal time to community service organizations where her efforts helped those most in need. The YWCA, NAACP, Connecticut Association for Human Services, and the Urban League of Greater New Haven are just a sample of the organizations with which she was involved. Through these organizations and others, her good work touched the lives of many.

It is with my thanks that I extend heart-felt condolences to her three sons, Joseph, Mark, and Frank, and the family of Barbara W. Winters as friends, colleagues, and community members gather to remember her lifetime of achievement. Barbara has left an indelible mark on our community and a legacy that is certain to inspire many.

TRIBUTE TO THE FAYETTEVILLE-MANLIUS GIRLS' LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Fayetteville-Manlius Girls' Lacrosse Team, which recently won the Class A State Championship title.

This team reached the state tournament by defeating Liverpool High School in the Section III final. They then proceeded to win their regional game and their state semifinal game, landing them in the New York State Championship contest with Brighton High School. In the championship, Fayetteville-Manlius was victorious over Brighton by a score of 13–7, granting them the state title.

Tri-captains Courtney Farrell, Kristina Twichell, and Elisabeth Christie led team members Kristen Greiner, Leah Giffin, Kelly Taylor, Julie Ondrako, Kaitlin Englert, Mari Stefano, Meggie McNamara, Katie Deblois, Julie Papaleo, Casey Costello, Meghan Klepper, Kayla Woods, Courtney Mahar, Brenna Houghton, Katie Devaney, Kelsi Cleary-Hammarstedt, and Alex Johnston to the championship. Among these players were nine first team all league players, four all-tournament team players, three high school all-Americans, three all-CNY players and the all-CNY player of the year. Head coach, Kathy Taylor, and assistant coach, Sarah Averson, guided this highly successful team in all of their accomplishments.

I would like to express my congratulations to this championship team for their outstanding achievements and wish them the best of luck with their future endeavors.

HUD GENERATED SECTION 8 CRISIS CONTINUES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, in April of this year, the Department of Housing and Urban Development promulgated new rules regarding the Section 8 program which have caused a great deal of distress throughout the country. Essentially, housing authorities throughout the United States were told by HUD in April that they were getting a retroactive reduction in their Section 8 funds for this fiscal year, and many were confronted with the choice of reducing rents to responsible landlords, terminating existing Section 8 contracts for tenants, raising rents on the lowest income people, and in other ways cutting back on this important program. As a result of the nationwide outcry, HUD did propose some measures to lessen the crisis, no doubt aided by the fact that HUD Secretary Jackson had to testify before the Financial Services Committee on May 20 and knew that he would be asked about this problem. It is now clear that the proposals that HUD made and announced on that day were somewhat helpful in some cases, but have left the crisis an ongoing one.

Paradoxically, while engendering cutbacks in this program—the largest single federal housing assistance program—the Administration has been claiming credit for a new initiative to combat homelessness. Conceptually, this initiative has a great deal to commend it, but any good it could do will be greatly outweighed by the damage being done by the Administration's Section 8 cuts.

On May 30, the Journal News of Westchester County, New York, ran an excellent editorial pointing out the great inconsistency in the Administration's approach here. Note that the date of this editorial is ten days after Secretary Jackson testified before the Financial Services Committee that he had resolved the problem—and proof that he has not in fact done so could be produced by dozens of other well-documented newspaper stories in various states. As the editorial notes, the Executive Director of the Yonkers Municipal Housing Authority "called the impact on Yonkers 'devastating'"—referring to the Administration's Section 8 approach.

Many of us want to work with the Administration in alleviating homelessness and welcome new approaches that bring resources together in a thoughtful way. But pretending that we can do this while cutting back on Section 8 is the worst form of putting style over substance, with devastating results on those people in the country who are truly trying to help the homeless, and others in need.

[From the Journal News, May 30, 2004]

HELP, NOT HINDER

President Bush's homelessness czar, Philip Mangano, brought a message to Westchester Tuesday: Create a 10-year plan to end homelessness. What does Mangano think Westchester has been trying to do for the last 20 years?

Here's a message for Mangano to take back to Washington: Help, not hinder. Stop cutting back federal dollars that assist local communities in providing housing that prevents homelessness.

Mangano met with County Executive Andrew Spano to outline the administration's vision of a partnership between counties, local municipalities, nonprofit groups, businesses and the homeless aimed at preventing people from losing their homes, providing services to those newly placed in housing and redirecting some of the money spent on emergency housing to permanent housing.

Sounds wonderful—and we've heard it before.

Apparently Mangano does not realize the strides Westchester has made since, say, 1990, when the county spent $40 million to house the homeless in motels, and when a county-commissioned study set a goal of developing 5,000 affordable housing units. A recent update of the affordable-housing study showed how far Westchester still has to go.

We could use a little federal help here. As director of the Interagency Council on Homelessness, which coordinates 20 federal agencies, Mangano could provide it.

How about increasing, not decreasing, federal aid to the self-help groups and others around the county that buy and renovate abandoned apartment houses? And organizations that help people fallen on hard times to pay their rent and avoid eviction? How about restoring funds for the HOPE VI program that Yonkers and New Rochelle had hoped would assist in renovating older public-housing complexes? And how about reversing the latest federal cutback to the Housing Choice Voucher Program, better known as Section 8.

Spano's chief adviser, Susan Tolchin, rightly called Mangano on the Section 8 reductions. "That has stopped our progress and our continued progress in helping fund permanent housing for homeless families," she said.

Indeed, cutting the Section 8 program by $1 billion nationally, which has frozen vouchers, is expected to cost the Yonkers Municipal Housing Authority $2.24 million; New Rochelle and its housing authority, $1.46 million; and Mount Vernon, $914,000. That's money that low- and moderate-income people could use to make up the rest of the rent after they paid 30 percent of their income in this high-rent county. Peter Smith, executive director of the YMHA, which administers about 1,750 vouchers and has a waiting list of 1,200, called the impact on Yonkers "devastating."

It isn't just homeless or low- and moderate-income people who have difficulty finding housing in a county where the median price of a single-family home was $545,900 at the end of 2003. Some police, fire, emergency medical and Civil Service personnel—all vital to municipal operations—are among those commuting longer because they can't afford to live in the communities in which they work.

The affordable-housing update issued in April called for providing more than 10,000 units of affordable housing by 2015. The county's Housing Opportunities Commission is charged with trying to make that possible.

Call it an 11-year plan. Call it an opportunity for Washington to help it succeed.

AMBASSADOR C.J. CHEN'S RETURN TO TAIWAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Ambassador C.J. Chen of the Republic of China. He is returning to Taiwan after serving as his country's chief representative in the United States for the last 4 years.

Ambassador Chen's record of distinguished public service to his nation spans more than 30 years.

The Republic of China has been one of our most important and loyal allies in the world.

Ambassador Chen has worked hard during the last 30 years to strengthen the political, economic and cultural ties that bind our two nations despite the lack of formal diplomatic relations between us and Taiwan.

Today Taiwan and the United States are friends, partners and allies.

Ambassador Chen began his first tour of duty in Washington, DC as a third secretary in the ROC Embassy in 1971. From 1980 to 1982, he was the director-general of the Department of North American Affairs, Ministry of Foreign Affairs in Taipei. In 1983, he began a 7-year stint as deputy representative at the Coordination Council for North American Affairs, Taiwan's "diplomatic" mission in Washington. In the 1990's he was deputy foreign minister and later foreign minister of the Republic of China.

Mr. Speaker, I am sorry that Ambassador Chen and his beautiful wife, Yolanda Ho, are leaving Washington to return to Taiwan.

During the last 4 years, Ambassador Chen and Yolanda have brought Taiwan closer to Washington, being gracious hosts at countless social events at Twin Oaks, a historic landmark which has made a lasting contribution to the maintenance of the traditional friendship between Taiwan and the United States and to the promotion of cultural ties between Taiwan and the U.S.

We are grateful for the time Ambassador Chen and Yolanda could spend here, but we look forward to seeing them again.

And we know both the Ambassador and Yolanda will continue to make contributions to the betterment of relations between Taiwan and the U.S.

They will be in the forefront of the continuing political and economic development of Taiwan, just as they have been here for the last 30 years.

ART THERAPY FOR OLDER ADULTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to emphasize the importance of art therapy, especially in treating older adults. In my work as co-chair of the Congressional Arts Caucus, I have long emphasized the therapeutic benefits of the arts. Art therapy is a profession that serves people of all ages with a means of expressing emotion and coping with life issues. Emotions are often difficult to convey in words and an artistic avenue can serve as an effective way to communicate inner thoughts and feelings.

The elderly in particular face many emotional difficulties including loss, isolation, disability, dependency, and concerns about healthcare and treatment. Gerontology studies have shown that engaging the elderly in artistic activity may improve health and quality of life by decreasing the incidence of depression, anxiety, medical visits and related medications.

In addition to the emotional gain and sense of dignity and self-esteem achieved, the elderly can benefit from art therapy in clinical ways. In seniors who suffer from memory loss or cognitive impairments caused by Alzheimer's disease and stroke, levels of function can be maintained and improved. One woman who worked with an art therapist was able to remember and depict aspects of her life that she could not communicate verbally. Others who have difficulty concentrating due to dementia and disorientation show improved attention through the creative process. Cognitive stimulation and social interaction contributes to alertness and orientation. Art therapy therefore has many implications for health maintenance and cost-containment for the elderly.

Art therapists are master's level mental health practitioners, specially trained to combine psychology and psychotherapy with the visual arts. They work with older adults in hospitals, psychiatric, rehabilitation, community and wellness facilities, nursing homes, residential living communities, as well as in private practices and environments for younger clients. The American Art Therapy Association, founded in 1969, establishes national standards for education and clinical practice.

This week, the American Art Therapy Association is hosting an exhibit here on Capitol Hill called, Creative Aging: Beyond Words. This event will display artwork by older adults in art therapy programs from across the United States. The exhibit highlights the ways art therapy contributes to meeting and managing the challenges of later life, and cultivating the strengths of elders. Paintings, drawings and sculptures eloquently convey the multitude of problems confronting elders, and the wisdom of those who have lived full lives. The artists were guided by trained clinicians in the exploration of themes and content for enhanced understanding of personal issues, improved outlook and quality of life.

Art-therapy remains under-recognized as a viable treatment. Many older Americans are unable to access such services due to lack of awareness, insurance coverage and insufficient employment of art therapists. I encourage my colleagues in Congress to recognize and support the profession of art therapy and to broaden conventional thinking about services to elders.

HONORING FATHER ENRIQUE MENDEZ NORMA ON HIS 80TH BIRTHDAY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to honor a great man of our community, Father Enrique Mendez Norma who will be turning 80 this Friday.

Father Mendez was born in Santiago de Cuba on June 18, 1924, and spent the early part of his educational life at "Hermanos de La Salle." He received his secondary education at "El Colegio Dolores," a Jesuit institution in his hometown, and graduated with a degree in Arts and Sciences. On July 3, 1940, just after his 16th birthday, he enrolled in the Salesian seminary at Guanabacoa. Shortly thereafter, he was sent to Central America to complete his novitiate, marking the beginning of a brilliant career as an educator. Four years later he was transferred to the San Julian School in Güines, where he taught as a cleric from 1945 to 1947. Following yet another move to Aptos, California, where Father Mendez initiated his theological studies, he then relocated to Turin, Italy in 1951 and was ordained a priest on July 1, 1952. Later that year, he returned to Cuba and received a doctorate in Pedagogical Studies from the University of Havana.

After a short stay at the San Juan Bosco School in La Vibora, he returned to Güines in 1955 to take the reigns as director of the Salesian San Julian School, where he had previously spent time as a seminarian. In 1959, he was officially named "Adopted Son" of his resident town and continued his impressive educational career in 1960 by receiving a doctorate degree in Arts and Philosophy from the University of Santo Tomás de Villanueva. He remained in Güines until May 1961, when Cuba's private educational institutions fell under the dictatorship's control and he was forced into exile.

From there, Father Mendez moved to Puerto Rico, becoming director of the San Juan Bosco School from 1963 to 1969. Later in 1969, he received a Master's in Education from the University of Puerto Rico, where he was subsequently hired as faculty in the university's Humanities Department. In 1970, Father Mendez held a similar position as professor of humanities at the University of the Sacred Heart in Santurce, and in 1972 he received another Master's Degree in Hispanic Studies from the University of Puerto Rico. In June of 2000, he was recognized by the House of Representatives of Puerto Rico for having been designated by the University of the Sacred Heart as Professor Emeritus of that institution.

Since 1963, Father Mendez has served as Spiritual Director and Chaplain of the American Military Academy and has held the same title for the Circulo Cubano de Puerto Rico since 1970. Over the course of his long and decorated professional and clerical career, Father Mendez has impacted the lives of countless young men and women who have attempted to live by the principles and values he has always preached. As a result, Father Mendez has gained the respect, admiration, and gratitude of all those who have had the good fortune of learning from him.

From all the people you have touched by your kindness and example, Father Mendez, happy 80th birthday.

HONORING SISTER PATRICIA FISCHER, O.P.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize a woman of God, Sister Patricia Fischer, O.P. for her outstanding contributions in the field of education and religion.

Sister Patricia was born in Adrian, Michigan. She attended St. Joseph Catholic Elementary School, and graduated from Adrian Catholic Central High School. She received her Bachelor of Administration degree from Sienna Heights University in Adrian, and her Masters degree in Educational Leadership from Wayne State University, Detroit. Sister Patricia also holds several certificates of completion for courses in Theology, Scripture, and Spirituality.

Sister Patricia, as a member of the Adrian Dominican Sisters took her first profession of vows on December 29, 1961 under the religious name of Sister Janice Ann. Her final profession was made on December 29, 1966. In 1969 she resumed her baptismal name of Patricia Ann Fischer. Sister Patricia's educational ministry began in Illinois. She held the position of teacher at St. Joseph School, Homewood, St. Lawrence School, and St. Carthage School of Chicago, and the Infant Jesus of Prague School, Flossmoor. Upon her reassignment to Michigan she accepted a position teaching at St. Leo School in Detroit. In 1975, she began a 29-year tenure as principal of St. John the Evangelist School in Fenton. Upon stepping down from her position as principal, Sister Patricia will return to the Motherhouse as an administrator. Sister Patricia has received numerous awards for her invaluable service and dedication to the community. She was honored by the Knights of Columbus, St. John the Evangelist Parish, St. John the Evangelist School, and the Principals Academy of Washington, DC. In addition to her position as principal of St. John Evangelist School, she sits on the Board of Admissions for the Adrian Dominican Sisters, on the board of St. Joseph Academy in Adrian, and serves as Co-Chair for the Diocese of Lansing Diocesan Services Appeal. Sister Patricia is also a St. John Evangelist RENEW Leader (Faith Formation), as well as a member of several St. John the Evangelist Parish committees, and she is a member of the Diocese of Lansing School Accreditation Teams. Sister Patricia is without a doubt a counselor, spiritual advisor and a friend to many. Our community is certainly a better place because of her presence.

I know Sister Pat would want me to point out that the love, prayers and support of her family has greatly contributed to her overall success. She has three sisters, Nancy Cochran, Janice Mann, and Martha Sue Marquis.

She has several aunts including her mother's sister, Sister Clarine, S.S.N.D. and eight nieces and nephews.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in paying tribute and congratulating Sister Patricia Fischer upon her retirement from the Catholic School System. Sister Pat has inspired many in the field of education. She has and continues to serve the Lord with the greatest devotion. I pray that the Lord will continue to bless Sister Patricia as she carries on her quest to spread the word of God to all.

COMMENDING MS. HAUWA IBRAHIM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. WOLF. Mr. Speaker, I would like to pay tribute to a brave human rights leader on the world stage, Ms. Hauwa Ibrahim. On June 17, Ms. Ibrahim will be honored by the Tahirih Justice Center during its Seventh Annual Banquet. Ms. Ibrahim, who has exerted extraordinary efforts to protect and promote the rights of women under Sharia law, is an inspiration and it is my pleasure to pay special tribute to this extraordinary woman.

Ms. Ibrahim resides in Nigeria and is a senior partner in the general law practice of the ARIES law firm and is also the legal aid counsel. She has been a defense counsel to over 40 Sharia-related cases that she has undertaken on a pro bono basis. Ms. Ibrahim serves as a consultant relating to the application of Sharia law to many international and non-governmental organizations including the United Nations Development Program, Lawyers Without Borders, and the European Union Commission on Nigeria.

In addition, since 1999, Ms. Ibrahim has led a team of defense lawyers in addressing issues corresponding to the implementation of Sharia law. She is best known in this country for being the lead counsel for Amina Lawal, the Nigerian woman who was spared death by stoning for having a child out of wedlock.

At the Tahirih Justice Center Banquet, "A Woman's Life, A Child's Future: A World of Possibilities," Ms. Ibrahim will be honored with the Pushing the Envelope award. The Tahirih Justice Center, a Virginia-based organization, is one of the nation's foremost pro bono legal advocacy organizations for women and girls fleeing human rights abuses. Since opening its doors in 1997, Tahirih has assisted over 4,000 women and girls fleeing horrific abuse throughout the world. Tahirih works to transform policies, develop regulations, and establish precedent so that systemic change will ensure the long-term protection of women and girls from violence. I commend their work to protect and promote justice for women and girls worldwide.

Mr. Speaker, Ms. Ibrahim is a leader in women's rights and I ask my colleagues to join in praise of Ms. Ibrahim's commitment and hard work.

PAYING TRIBUTE TO ELEVENTH ANNUAL KEYSTONE CENTER AWARD WINNERS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. TANCREDO. Mr. Speaker, it is my extreme pleasure and privilege to take this opportunity to pay tribute to Ralph R. Peterson, for being awarded the Leadership in Industry Award, and Daniel L. Ritchie, who received the Leadership in Education Award, at this year's Eleventh Annual Keystone Center Awards Dinner.

Honorees are individuals selected for their leadership, commendable problem solving skills, and their efforts to seek consensus-based solutions to some of the most difficult challenges facing society. The honorees have also been recognized by their peers for outstanding achievement in their respective fields and have contributed to society in ways that demonstrate the Keystone Center philosophy.

Ralph R. Peterson is currently the Chairman and CEO of CH2M Hill, a global engineering and consulting firm. Mr. Peterson oversees over 160 offices in six countries worldwide. CH2M Hill has consistently topped "Best Places to Work" articles from various media outlets and is constantly being praised for the contributions made to the surrounding communities.

Daniel L. Ritchie contributions to the University of Denver have been both in the form of monetary donations, his knowledge and his time. Mr. Ritchie serves as the Chancellor, without pay, for the University of Denver. During his tenure with the University, Chancellor Ritchie has played a key role in raising the university over $350 million for renovation projects to improve the campus and provide more scholarships to students.

I am honored to acknowledge these achievements by two worthy individuals from my home state; their contributions have an enormous impact on many in Colorado.

COMMENDING THE HONORABLE DR. WILLIAM E. "BILL" WARD

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. FORBES. Mr. Speaker, I rise today to thank a true public servant, Dr. William E. "Bill" Ward who has given over 25 years of faithful service to the City of Chesapeake and her residents.

Mayor Ward and the City of Chesapeake have a long history together. Having resided in Chesapeake with his wife Rose since its incorporation in 1963, Mayor Ward has been instrumental in helping to shape and form one of our Nation's largest cities.

Mayor Ward has been serving his community in a variety of capacities for many decades. Those who know him best know that he is first and foremost an educator. Mayor Ward is Professor Emeritus and former Chair of the History Department at Norfolk State University, where he taught from 1973 to July of 2000. In addition, he serves on the Board of Visitors at his alma mater, Virginia State University in Petersburg, Virginia.

Mayor Ward's love of government and service eventually led him into public life in 1978 and he has faithfully served since that date. From 1978–1984, he served as a member of the Chesapeake City Council and served as Vice Mayor from 1984–1990. Mayor Ward is the longest serving Mayor in Chesapeake's history having served in that capacity since October 4, 1990.

During his tenure on the Chesapeake City Council , the city grew from 100,000 people to more than 210,000. Through a time of great change, Mayor Ward provided continuity of both leadership and direction.

In closing, I would be remiss if I did not recognize the Mayor's wife Rose and their children Michael and Michelle and thank them for their support and sacrifices over the years. The Ward family will continue to be among the most well-respected and much-loved members of the Chesapeake community.

Mr. Speaker, please join me in honoring Mayor Ward, for his years of dedication to Chesapeake and for his selfless service to her citizens.

PAYING TRIBUTE TO LANCE CORPORAL BENJAMIN RIGOBERTO GONZALEZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. SOLIS. Mr. Speaker I rise to pay tribute to Lance Corporal Benjamin Rigoberto Gonzalez, U.S. Marine Corps, a member of the E Company, 2nd Battalion, 4th Marine Regiment, 1st Marine Division, deployed from Camp Pendleton, California. Lance Corporal Gonzalez died as a result of wounds suffered while engaged in combat operations during Operation Iraqi Freedom on May 29, 2004.

Lance Corporal Gonzalez was from my hometown of El Monte. He was born on April 25, 1981, in Montebello, California. He received a public school education and attended Monterey High School, where he played football and participated in the school's drama and music programs.

For love of our country, Lance Corporal Gonzalez joined the U.S. Marine Corps at the tender age of 19 on October 10, 2000. He served the country with courage, pride and loyalty.

Lance Corporal Gonzalez' future was bright and filled with promise. Upon his return, he planned to marry Anna Isabel Martinez, his fiancée, and start a family. Lance Corporal Gonzalez was an active youth leader at the Iglesia Cristiana del Este de Los Angeles. Lance Corporal Gonzalez's life and love is treasured and fondly remembered by countless friends and loved ones.

Lance Corporal Benjamin Rigoberto Gonzalez is survived by his brothers: Samuel, Christopher, Andres, Josue, and sisters Betsy, Stephanie, Elizabeth, Juliana, Mia as well as his parents, aunts, uncles and cousins who were deeply touched by his kind heart and gentle strength.

CONGRATULATING JERRY DOUGLAS ON HIS SELECTION AS A 2004 NEA NATIONAL HERITAGE FELLOW

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. COOPER. Mr. Speaker, every year, the National Endowment for the Arts honors an elite group of master folk and traditional artists for their lifetime contributions to the Nation's musical and artistic heritage. The prestigious National Heritage Fellowships, awarded by the NEA, honor artists not only for their artistic excellence but for their commitment to passing on their skills and cultural traditions to a new generation.

I am especially proud that one of this year's winners hails from the Fifth District of Tennessee. Mr. Jerry Douglas, of Nashville, is a peerless player of the steel guitar, the "Dobro's® matchless contemporary master," according to the New York Times. He is a musical innovator often compared to Jimi Hendrix and Charlie Parker, having garnered eight Grammy Awards among his myriad accolades. He is in fact one of the few artists to have a special model of the Dobro® named in his honor.

Mr. Douglas learned music at an early age, first as a singer and a player of the mandolin and guitar. But he says that once he discovered the Dobro®, "I stopped singing because it was like I'd found another way to have a voice." Since finding that voice, Mr. Douglas has influenced all forms of American music, including bluegrass, country, rock, jazz, and blues. He has taken the Dobro® from its Southern rural roots into Celtic and even classical music, adapting his instrument to embrace all styles.

This prolific career has yielded Mr. Douglas more than 1,000 recordings. He has worked in the company of a diverse array of well-known artists, including Garth Brooks, Paul Simon, James Taylor, Reba McEntire, and the late Ray Charles. He is acclaimed by fellow musician Alison Krauss as "the greatest Dobro® player the world has ever known" and by Life Magazine as one of the top ten best country musicians of all time.

I am honored to recognize Mr. Douglas for his achievements and contributions to American music and congratulate him on his recognition by the NEA. It is thanks to artists such as Mr. Douglas that Nashville continues to be proudly known as Music City, USA.

IMMIGRATION REFORM

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. ROSS. Mr. Speaker, I want to express the need for discussion on true immigration reform.

With over eight million illegal immigrants in the U.S., and approximately half a million more entering the U.S. annually, it is now time for Congress to be diligent in trying to truly engage in discussion on how we can effectively manage immigration here in the U.S.

I do not support illegal immigration. I also do not support amnesty for undocumented immigrants. Individuals who violate America's laws should not be rewarded for illegal behavior, and I believe amnesty perpetuates illegal immigration. The fact that there are eight million undocumented immigrants estimated to live in the U.S. illustrates alone that previous amnesty programs have not worked.

I am seeing the effects of immigration with regards to healthcare and our hospitals. This burden is not a problem because of illegal immigration alone. Legal immigrants are working citizens, but many do not have benefits such as health insurance. They are forced to ignore health problems until they're magnified and eventually forced to seek care in emergency rooms. Unfortunately, these costs often must be absorbed by hospitals, taxpayers and private insurance policy holders through higher premiums.

We are appropriating funds to deal with issues such as these in the short-term, but we also have to start having discussions on long-term solutions to legal and illegal immigration. Being uninsured is only part of the problem.

We must not lose sight of the significant role immigration has played in the development of the United States. We must be wise as we move into unchartered waters regarding new immigration policies. We must look for ways to construct positive steps that will ultimately lead to a better life for everyone.

PERSONAL EXPLANATION

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. OSE. Mr Speaker, on Tuesday and Wednesday, June 8 and June 9, 2004, I missed rollcall votes 229, 230, and 231, for family reasons. Had I been here, I would have voted "aye" on rollcall 229; "aye" on rollcall 230; and "aye" on rollcall 231. I request that my comments be placed in the CONGRESSIONAL RECORD at the appropriate section.

INTRODUCING THE TAX INCENTIVES TO ENCOURAGE RECYCLING (TIER) ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Tax Incentives to Encourage Recycling (TIER) Act, legislation to address the problem of electronic waste in this country.

Electronic waste is a growing problem. Computer capability doubles every 18 months. This means that individual consumers and businesses must replace their computer equipment more often now than ever.

In 2000, I introduced legislation that has since become law to refurbish old computers for libraries and classrooms. However, often times the donated equipment is too outdated to be refurbished and must be thrown away. This equipment has small amounts of mercury and lead and increasing quantities of it end up in our landfills.

To address this growing problem, some states, including my home state of California, have introduced laws mandating user fees. These hidden taxes only serve to further widen the digital divide. By increasing the cost, more people will be unable to afford computers for their homes. This is unacceptable. As elected representatives, we should be working to increase access to computers and the internet, not putting them further out of reach for many Americans.

My legislation, the TIER Act, addresses the problem of e-waste by giving tax credits to computer manufactures that implement recycling programs. The primary expense in computer recycling is the transport of the equipment from a home or business to the recycling center. This legislation will provide the incentive to facilitate the transport of the old equipment to a recycling center.

I would like to thank my colleague, Mr. CANTOR, for cosponsoring this important legislation. By providing incentives for recycling, we can keep the costs of computers reasonable and protect our environment.

RECOGNIZING ROB AND SHERRI VINES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Rob and Sherri Vines for their life-long contributions to the Congregation Emanu El and the Inland Empire community of Southern California.

Rob and Sherri Vines have been active and loyal members of their congregation for over 30 years. Exemplifying the best in humanitarian leadership, they continue to earn respect and admiration from people of all walks of life. Mrs. Vines serves the congregation in numerous capacities, including teaching at the School of Jewish Living and serving three terms as Sisterhood President in the Inland Empire. She is also a member of the congregation's executive committee of community service, having coordinated numerous events for San Bernardino County residents.

Robert Vines, a workers' compensation attorney, has been a member of the California State Bar since 1973, serving as the Deputy District Attorney for San Bernardino County from 1973–1975. In addition, he proudly serves as President of the United Jewish Welfare Fund of San Bernardino County. He is President of the Greater Inland Empire's Applicants' Attorney Association. He also serves in various offices with the Board of Governors of the California Applicants' Attorney Association. Mr. Vines has earned countywide recognition as one of the top ten attorneys in the Inland Empire.

Rob and Sherri Vines received the Rabbi Norman F. Feldheym Award as a testament to all the hard work, love and energy they have exemplified throughout their lives. This award memorializes Rabbi Feldheym's values of unconditional love and loyalty to one's synagogue, service to the community, and a character imbued with humility and loving kindness to others.

I salute Rob and Sherri Vines on the occasion of being awarded the Rabbi Norman F. Feldheym Award and wish them continued success and prosperity.

CONGRATULATING MISS OLIVIA EVANS UPON RECEIVING THE SPIRIT OF WOMEN FOUNDATION'S REGIONAL SPIRIT OF WOMEN AWARD

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. COOPER. Mr. Speaker, I'd like to take a few moments today to recognize an extraordinary young woman from Nashville, Olivia Evans.

Olivia is 13 years old and was diagnosed with juvenile diabetes three years ago. Rather than allowing this disease to defeat her, Olivia has become a tireless advocate for diabetes research and the search for a cure. I first met Olivia in my Nashville office this spring and was impressed from the start by both her courage and charisma.

I am proud to say that her advocacy has also recently won her wider recognition. Olivia was just named the winner of the Spirit of Women Foundation's regional youth Spirit of Women Award for her work on behalf of the Juvenile Diabetes Research Foundation. This award is generally reserved for young women aged 14 and older, which makes Olivia's achievement all the more remarkable. In addition, Olivia was one of only two Tennessee delegates to the 2003 Juvenile Diabetes Research Foundation Children's Congress, which came to Washington to raise awareness about diabetes research among national policymakers.

Type I diabetes currently afflicts 1.3 million Americans, and there are 13,000 new diagnoses of juvenile diabetes every year. Olivia is fighting hard to educate all of us on the importance of funding research and finding a cure. The sooner we find a solution, the sooner we can ensure that Olivia will grow to lead a life that is unburdened by the complications of diabetes.

I applaud the Spirit of Women Foundation for recognizing this remarkable young woman, and I congratulate Olivia on her achievement. I call on my colleagues to further honor Olivia and the thousands of American children like her who live with diabetes by supporting all efforts to find a cure now.

IN MEMORY OF SGT. 1ST CLASS TROY "LEON" MIRANDA

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. ROSS. Mr. Speaker I rise today to honor Sgt. First Class Troy "Leon" Miranda, who died on May 20, 2004, in Iraq. Leon was 44 years old and of Wickes, AR, part of my Congressional District. I wish to recognize his life and achievements.

Those who knew Leon well say he was destined to be a soldier from an early age. He signed on with the Army Reserve in 1984. In Iraq, a staff sergeant in the National Guard, he served as a commander of his unit, specializing in combat warfare, germ warfare, and chemical warfare. Leon was deployed last October in large part due to his specialized training.

The Miranda family received a Bronze Star, Purple Heart, and Arkansas Distinguished Service Medal on Leon's behalf. Leon lost his life while making the ultimate sacrifice to serve our country, and I will be forever grateful to him for his courageous spirit.

Leon gave his life to serve our country and will forever be remembered as a brother, son, hero, and friend. My deepest condolences go out to his parents, Bobby and Carlos, and his brother, Phillip. I know Leon was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew him well.

AMADOR COUNTY 150TH ANNIVERSARY

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. OSE. Mr. Speaker, I rise today to recognize and commemorate the 150th birthday of Amador County. June 14, 2004 marks the Sesquicentennial Anniversary of the incorporation of a county rich in history and culture.

This land named Amador was once home to Miwuk and possibly other Native American tribes. In time, non-Indian trappers and explorers traversed this land, ushering in a new era. As early as 1843, hired hands for John Sutter worked the land then known as Pine Woods, to manufacture items needed at Sutter's Fort. Later, families of the hired hands came to settle. After gold was discovered in January 1848, the area was flooded with gold seekers. Many small mining settlements sprung up along the area's streams and became the foundation of today's historic towns.

Resting firmly in the middle of two different jurisdictions, the communities of Amador were divided between Calaveras County and El Dorado County. Citizens became dissatisfied with the lack of a true identity, and organized a community to be separate and independent from both counties. Thus, just four short years after California officially became a state, electors voted to form the County of Amador.

The County has grown to include over 18 cities and communities, yet still maintains it's small-town atmosphere. Boasting of areas known as California's Hidden Nugget and The Heart of the Mother Lode, Amador County has been diligent to preserve the past, enrich the present and build towards the Future.

I am honored to commemorate this epic year in the history of the County. This Sesquicentennial Anniversary marks 150 years of pioneering a quality environment for generations of citizens. Please join me in celebrating the Sesquicentennial Anniversary of Amador County.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise to honor and mourn the passing of one of the greatest Presidents in American history—Ronald Wilson Reagan. This leader was a man of clear vision, principle and conviction, a great communicator, and an individual who had perhaps one of the greatest influences on my life.

An eternal optimist with a can-do spirit, President Reagan once said in my hometown of San Diego: "You know, the United States was never meant to be a second-best nation. We set our sights on the stars, and we're going for the gold."

He also believed that this forward-looking superpower Nation could transform the global picture.

He came to the job armed with one underlying philosophy: Freedom. Freedom for the economy, for individuals, our Nation, and people around the globe.

Ronald Reagan brought our economy back to life. It was his policies that ultimately put Congress on a course to the fiscal discipline that spurred a balanced budget and economic growth.

President Reagan followed through on his pledge to restore our military, and he brought back the pride associated with serving this Nation.

Despite the rhetoric and good intentions of those on the other side of the political spectrum, it was Ronald Reagan who actually initiated the disarmament of whole classes of nuclear weapons. Perhaps his greatest legacy will be that of bringing an end to the cold war. Staring down repressive governments and challenging them to a new way of life, he brought freedom to millions of people around the globe.

Using old Navy terms to describe his first term, President Reagan once said, "We've taken control of the ship of state and changed direction. And what are we going to do now? Well the way I see it, it's all ahead full, no turning back."

For his imprint on history, for his legacy which will be felt for generations to come, this Nation owes President Reagan a debt of gratitude.

I am pleased that one of the President's many legacies is the Navy's newest nuclear carrier, the USS *Ronald Reagan*. That ship recently set sail from Norfolk for its rightful home in San Diego.

Throughout his political career, President Reagan always concluded his campaign in San Diego. He called it his "lucky City." It is only fitting that our shining city on the hill, San Diego, will be called home to the USS *Reagan*. This ship is perhaps the most fitting tribute to Ronald Reagan's legacy of strength and security, to the imprint he had on our past and the promise that we hold for the future.

We anxiously await the arrival of the *Reagan*, and welcoming it to the lucky city. The way I see it, it's all ahead full, no turning back.

RECOGNIZING THE CONTRIBUTIONS OF FERNANDO OAXACA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. SOLIS. Mr. Speaker, I rise today with great admiration and pride to honor a very special man, Fernando Oaxaca, former businessman, government official, political activist and founding director of HispanicVista.com.

Fernando Oaxaca passed away on Friday, May 28, 2004, after making invaluable contributions to the Latino community and realizing a long list of accomplishments. He earned a degree in electrical engineering in 1950 at the Texas College of Mines and Metallurgy presently known as the University of Texas El Paso (UTEP). His work in the aerospace industry paved the way for other Latinos to have opportunities in the aerospace industry in the 1960s.

Fernando Oaxaca was a pioneer in broadcasting and co-founder of Coronado Communications, one of the first public relations firms in California to specialize in the Latino market. In 1967, he became one of the original founding members of the Republican National Hispanic Assembly.

Throughout his career, Fernando Oaxaca has served as a consultant and advisor to many organizations. His passion and strong convictions led him to become the Chairman of the Mexican American Opportunity Foundation (MAOF). His weekly column "Oaxaca Journal," published in HispanicVista.com inspired many and conveyed the values and principles of our country and its democracy.

Mr. Speaker, I hope our colleagues will join me in paying tribute to the late Fernando Oaxaca, for his selfless and untiring efforts on behalf of the Latino community.

BACK TO WORK INCENTIVE ACT OF 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. McCOLLUM. Mr. Speaker, I rise in strong opposition to today's ill-conceived bill.

Today, we should be creating jobs to replace the more than 2 million that have been lost the last three years. 38,000 private sector jobs and 43,000 manufacturing jobs have been lost in Minnesota alone since January 2001. This bill does nothing to replace them.

We should be investing in our Nation's existing workforce training infrastructure. Last year, the Dakota County Workforce Council in my district helped over 1,000 dislocated workers and their resource rooms served nearly 40,000 individuals. Even more people could have received job training assistance with adequate funding for our One-Stops.

Instead, the Republican leadership's bill gives unemployed workers a voucher—up to $3,000—instead of the job training they need and deserve.

This bill ignores the real problems facing our working families.

I have heard from Minnesota's workforce professionals who are worried that without new money, job training funds will be diverted under this plan, reducing funding for proven, successful job training programs offered by workforce training centers in my district.

Congress needs to help the unemployed now, not start new, unproven programs.

We should be extending unemployment benefits for the 1.5 million workers who have exhausted their current benefits, including over 26,000 Minnesotans who lost their benefits because Congress failed to act in December.

Workers in my district aren't asking for new employment vouchers. They are asking for jobs.

We are passing a bill that creates no new jobs while limiting worker access to existing training services. These vouchers undermine benefits for the long-term unemployed who can already access job training services.

I urge my colleagues to vote no.

MOURN THE LOSS, RECOGNIZE THE SACRIFICE, AND ULTIMATELY, CELEBRATE THE LIVES OF THREE AMERICAN HEROES

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. HOOLEY of Oregon. Mr. Speaker, today I rise to mourn the loss, recognize the sacrifice, and ultimately, celebrate the lives of three American heroes.

These three men, Lt. Erik McCrae, Sergeant Justin Eyerly, and Specialist Justin Linden, were ours. To Oregonians, they were—they remain—a part of us.

They chose to answer the call of their nation. Each of them understood the sacred duty of military service—they knew the special bond formed by soldiers under arms—and they died fulfilling that duty with honor.

Today, tomorrow, and the days that follow—we are and will be less without them. Unfortunately, their loss means that our community will never reach the potential it once could have.

As we have proven countless times, Oregon and the Nation will go on and we will succeed. But we will never forget their sacrifice. Their investment was, is, and will remain—invaluable.

These brave men died because they selflessly chose to charge into harms way to aid strangers in a foreign land that are struggling for freedom. Erik, Justin, and Justin entered combat with full knowledge that their act of duty might well require the last full measure—but they did it anyway.

Although our hearts are filled with anger, frustration, and pain—we must try and remember that these young men lived and died for love: for love of their family, for love of their community, for love of their country, and for love of freedom.

We must turn this loss into something worthy of their sacrifice; we must each find ways every day to remember Lt. Erik McCrae, Sergeant Justin Eyerly, and Specialist Justin Linden, and the sacrifice they made in the name of freedom, so that they will never be forgotten.

SUPPORT FOR AMERICA'S DEMOCRATIC ALLY ISRAEL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. BURTON of Indiana. Mr. Speaker, since its establishment 55 years ago, Israel has built a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of six wars, unrelenting terrorism, frequent international ostracism, and economic boycotts. The people of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees the freedoms of speech and of the press, free, fair, and open elections, and respect for the rule of law. For over half a century, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect; most importantly, the people of the United States have an affinity for the people of Israel, and regard Israel as a strong and trusted ally and an important strategic partner.

Because of the confluence of energy, money, weapons and ideology, stability in the Middle East is crucial to America's security and success in the global war on terror. Israel, with its technological capabilities and shared system of values, has a key role to play as the most vital U.S. ally in the region. Strengthening the U.S.-Israel strategic cooperation has been at the heart of the Jewish Institute for National Security Affairs (JINSA) mission since its inception in 1976. Founded as a result of the lessons learned from the 1973 Yom Kippur War, JINSA communicates with the national security establishment and the general public to explain the role Israel can and does play in bolstering American interests, as well as the link between American defense policy and the security of Israel. Over the years, JINSA has achieved a well-deserved reputation as a credible and independent resource.

I recently met with my good friend Tom Neumann, JINSA's Executive Director, regarding the current situation in the Middle East, particularly Israeli Prime Minister Ariel Sharon's controversial plan to withdraw Israeli troops from the Gaza Strip. During that meeting, Tom presented me with a copy of a

JINSA Board of Directors' Resolution stressing the importance of American support for the right of the duly-elected Government of Israel to make those decisions independently and not be pressured by friendly or unfriendly governments. As the Resolution says, "the first obligation and chief priority of every sovereign government is to defend and protect its own citizens and territory; and the government of Israel, no less than that of the United States, acts upon that right."

I would like to have the text of this Resolution placed into the CONGRESSIONAL RECORD following my statement, and I urge my colleagues to read it in its entirety.

SUPPORT FOR AMERICA'S DEMOCRATIC ALLIES IN THEIR INTERNAL DECISION-MAKING PROCESSES—RESOLUTION OF THE BOARD OF DIRECTORS OF JINSA, JUNE 6, 2004

Whereas JINSA is an American non-profit association concerned with American defense policy and the relationship between the United States and our democratic allies, and Israel is one of those allies;

Whereas the first obligation and chief priority of every sovereign government is to defend and protect its own citizens and territory; and the government of Israel, no less than that of the United States, acts upon that right;

Whereas this right cannot be subjugated to demands of foreign governments or entities, irrespective of a country's "best friend" or most important trading partners; [In the case of Israel, these would be the United States and the European Union, respectively.]

Whereas the chief priority of "The Quartet" [the US, the UN, the EU and Russia] is movement on the Road Map toward the establishment of Israeli-Palestinian peace through a negotiated two-state settlement, and any unilateral action by Israel might thus be considered interference with the Road Map process, or more broadly with the "peace process";

Whereas in the view of the Prime Minister of Israel there is no Palestinian partner for steps in the Road Map and instead of waiting for the Palestinians to produce one, he has chosen to make unilateral decisions about how Israel can best protect its citizens during the current war. There is in this an implicit threat that if Israel takes enough unilateral actions, the Palestinians might find themselves with nothing left to decide;

Whereas President Bush officially welcomed Prime Minister Sharon's Gaza disengagement plan and reiterated the United States' "steadfast commitment to Israel's security, including secure, defensible borders;" and President Bush specifically recognized the reality of Jews residing east of the 1948 armistice line and rejected the claims of Palestinians of a right to settle in Israel;

And whereas Israel, being a democracy, has engaged both in an intense national and governmental debate about the parameters of the Prime Minister's plan; Therefore,

The Board of Directors of JINSA resolves to commend President Bush for his clear and forthright commitment (1) to the legitimacy of Israel as a Jewish state, (2) to the right of Israel to defensible borders, and (3) to a peaceful settlement between Israel and the Palestinians subject to the Palestinians making good their previous security and other commitments;

The Board specifically commends the President's recognition of Israel's right to determine for itself what actions are required to ensure the future safety and security of its people.

The Board strongly hopes that the nature of this recognition is all-encompassing and not just limited to decisions Israel might make with which the United States is in agreement.

Even if JINSA does not agree with some elements of any proposed plan, the Board further resolves to support the right of the duly elected Government of Israel to make those decisions and not be pressured by friendly or unfriendly governments.

The Board strongly believes the President and the American people should be encouraged to tell Israel, our ally in the war against terrorists and the swamps that breed them, that we will stand with it as its government determines what steps are necessary to defend and protect it—as we ourselves have done.

The Board further urges the other members of the Road Map "Quartet," to recognize the right of a democratic country to determine without outside pressure what actions serve the goals of its security and meaningful progress towards peace.

The Board urges Congress to make a similar declaration without reservation.

RECOGNIZING THE 150TH ANNIVERSARY OF THE CITY OF MOUND CITY, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the sesquicentennial of one of the oldest communities in southern Illinois, Mound City.

In its earliest days, Mound City was known as the "Mounds" because of prehistoric Indian mounds found there. Mound City already had a small settlement located there because of its strategic location as a river trading center and was also well known for its safe harbor and steep river banks.

The original Mound City was platted in 1854. In 1855, the Emporium Real Estate and Manufacturing Company, based in Cincinnati, OH, was organized solely for the purpose of building a community in Southern Illinois on the banks of the Ohio River. The company received $1.5 million from stock sales and secretly purchased a large section of land adjacent to the newly platted Mound City. The company named the development Emporium City.

The financial backers of the Emporium Real Estate Company had big hopes for Emporium City. At one time, plans even called for a new U.S. Capitol to be located in the new town. The company built a hotel, several warehouses, a foundry, homes and a shipyard, but went bankrupt in 1857 and the two communities merged into Mound City.

The shipyard or the Marine Ways played a key role in the further development of Mound City. The wheels and machinery for the boats constructed at the facility were molded at the Mound City Foundry. At the outset of the Civil War in 1861, the U.S. Government leased the Marine Ways facility for $40,000 a year. This facility in Mound City was used by the government to build and repair ships and to convert steamships into armored vessels. It was at the Marine Ways site that the USS *Cairo*, the USS *Mound City* and USS *Cincinnati* were constructed under the direction of James Eads. These gunboats or "ironclads" were used by the Federal Government during the decisive river conflicts of the Civil War, particularly the capture of the confederate facility at Fort Donelson in Stewart County, TN. In fact, Andrew Foote's flagship, the USS *Benton* was serviced at the Marine Ways complex.

In 1863, the Federal Government took possession of additional property fronting the river to be used for a naval station together with the adjacent rail depot. One of the warehouses built by the Emporium Company was converted into a naval hospital.

The hospital treated thousands of Union soldiers and was the largest hospital facility in the Union's western campaign. After the Civil war, the hospital served many uses but was eventually destroyed by fire. Many of the soldiers who had died being treated at the hospital were buried nearby and the government created the Mound City National Cemetery there in 1862 where over 5000 soldiers are buried.

Also affiliated with Mound City during the Civil War is the story of the USS *Red Rover*, the first hospital ship of the U.S. Navy. Originally a confederate side-wheel steamer, the Rover was captured by the crew of the USS *Mound City* in 1862 when it was hit by another Union ship. It was then refitted as a hospital ship. The Red Rover Hospital Ship entered service and during a battle in Arkansas in July 1862, the USS *Mound City* was struck and many crewmembers were injured, the Red Rover came to their aid and transported them to the Mound City Naval Hospital. Some of the Red Rover's female personnel were the first to serve on a naval vessel. Though not in operation today, the boatyard is still present in Mound City.

In 1861, Pulaski County moved its county seat from Caledonia to Mound City as recognition of the growth and development of the town and its strategic importance during the Civil War. Fire in 1879 destroyed the courthouse and flooding was a constant problem for the community. It was during this time that the city strengthened its levee system and flood waters never entered the city from 1868 to 1936. In January, 1937 a record flood on the Ohio breached its levees and inflicted much damage to the community. As a result of that flood, the community strengthened its levees.

Mound City today is a community of over 600 and remains a vital part of the economy of Pulaski County and southernmost Illinois. The community serves as a key tourist attraction for southern Illinois with a restored historic courthouse, national cemetery, and Civil War attractions. Pulaski County continues to promote economic development by creating a business environment conducive to further development. Mound City is part of the Southernmost Illinois Delta Empowerment Zone, an Illinois Enterprise Zone and the Delta Regional Economic Development Authority.

Mr. Speaker, I ask my colleagues to join me in honoring the founding of the community and the people of Mound City, IL, on the occasion of its 150th anniversary.

TRIBUTE TO JORDIE TATTER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to a dear friend of mine, Jordie Tatter, who unexpectedly passed away in January 2003. Today, I am pleased that the conference center at the Southwest Michigan Research and Extension Center is being dedicated to Jordie. This is a great honor for my friend; however because of votes in the House today, I can not be at the dedication ceremony this afternoon in Berrien County.

As this dedication confirms, Jordie was a giant in the agricultural and natural resources industries. His commitment and enthusiasm to excellence in the field of agriculture was unmatched, whether it be at the local, national, and yes, even international level. He truly embodied the heart and soul of southwest Michigan, and I am blessed to have formed a close friendship. I looked at this friendship, not only as a source of console and inspiration, but also as a true compass of direction in greater understanding and appreciation of our community.

I have never met a man more passionate or knowledgeable toward the industry he loved—Michigan agriculture. Jordie was always willing to lend his extensive knowledge to those interested, and his great mind benefited all who had the pleasure of crossing his path. I was fortunate enough to call Jordie a close friend. During the time that I had with him, I relied on his insight and intelligence. He was kind and supportive—even more so when times were tough. Jordie's love of his work, the outdoors, the Farm Bureau, and Michigan State University, will be deeply remembered and this dedication is yet another reminder of his immense impact on our community.

We all miss Jordie greatly but his legacy lives on at the Extension Center, as others continue to follow in his footsteps in the agriculture community. He will always live on through our many wonderful memories that will not fade away.

INTRODUCTION OF AGE-OUT FIX FOR ADOPTED FOREIGN CHILDREN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. LOFGREN. Mr. Speaker, many American families bring new children into their lives through foreign adoption. Some do so to help orphans in countries unable to meet the needs of abandoned children while others adopt for more personal reasons.

Families spend years of effort, thousands of dollars, and more importantly, become emotionally attached to the child they adopt. Unfortunately, because of odd provisions in the immigration code, in rare cases adoptive parents find there is no way to gain legal immigration status for the child they have adopted from overseas.

Current law allows foreign children adopted by American citizens to attain legal immigration status and citizenship through their adoptive parents. To do so, the adoptions must be finalized by the age of 16 for immigration purposes. However, some adoptions can be very long and difficult processes, especially international adoptions. An adoption initiated at age 14 or even earlier can sometimes only be finalized after age 16. In that case, the child who has been adopted will be denied legal immigration status to stay with their adoptive family, unlike children whose adoptions were finalized sooner.

Often, American parents seek help by approaching their Member of Congress to seek a private relief bill so their child can stay with the family. But there is a better way than dealing with these tragic cases on such a haphazard basis.

Today I am introducing a bill to straighten out this problem. By simply changing the current requirement that adoptions be finalized before the adoptee's 16th birthday, to requiring that adoptions by initiated before the 16th birthday, these terrible cases will be avoided. In this way, children whose adoptions have been time-consuming may still obtain U.S. immigration status through their adoptive parents like other adoptees. Bureaucratic delay should not be the reason parents are separated from their adopted children.

Congress has considered and granted private relief for some children in these difficult situations whose parents are lucky enough to get a private relief bill introduced and passed in Congress. Rather than approach this problem in a piecemeal fashion through private relief bills, I hope this Congress will work together to quickly pass this important bill and provide relief to many American families who only want the chance to begin their new life with an adopted child.

MEDICARE DISCOUNT CARD PROGRAM

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. BERRY. Mr. Speaker, I wish to insert into the RECORD testimony submitted by the National Committee to Preserve Social Security and Medicare to the Senate Finance Committee regarding the new Medicare discount card program. This statement correctly identifies some of the concerns Seniors have with discount cards and the Medicare Prescription Drug Law in general.

"*Mr. Chairman, we believe the problems evident in the discount card program have provided Congress with a unique opportunity to correct the flaws in the new Medicare bill before it goes into effect.*"—Barbara B. Kennelly, President and CEO, National Committee to Preserve Social Security and Medicare.

STATEMENT FOR THE RECORD—SENATE FINANCE COMMITTEE, MEDICARE DRUG CARD: DELIVERING SAVINGS FOR PARTICIPATING BENEFICIARIES, JUNE 8, 2004

Mr. Chairman and Members of the Committee: On behalf of the 3.2 million members and supporters of the National Committee to Preserve Social Security and Medicare, we applaud Chairman Grassley and Senator Baucus for holding this hearing today. We have discovered through many meetings with seniors around the country that they remain confused and skeptical about the new discount card program. This is unfortunate, because there are some seniors—particularly those who qualify for the low-income benefit—who will clearly benefit from the new discount cards. In our written materials and many meetings, we have urged seniors everywhere to research the cards and determine whether they will benefit from them. We welcome hearings such as this, because we believe they can provide critical information to millions of seniors struggling to understand the new benefit.

Unfortunately, we believe most of the problems with the new cards are inherent in the design of the program and cannot be corrected by the end of 2005. More importantly, we believe the discount cards are a metaphor for the entire new Medicare law. Unless the law is rewritten, the same fundamental flaws that have made the discount cards so frustrating to seniors today will make the new drug benefit equally disappointing when it becomes effective in 2006, and could undermine public support for the entire Medicare program.

The National Committee to Preserve Social Security and Medicare spent the last six years advocating for a comprehensive, affordable prescription drug benefit offered through the Medicare program, because that is what our seniors have been telling us they need and we believe they deserve. If Congress had worked directly through Medicare rather than a system of private providers to provide both the temporary discount card and the permanent drug benefit, it could have taken advantage of the universal, consistent, inexpensive delivery system that is already inherent in the Medicare program. The result would have been a simple, meaningful benefit to seniors.

Unfortunately, that is not what has been implemented through P.L. 108-173. We understand that the wide variety of discount card providers was intended as a service to seniors, to give them the broadest array of card choices. But instead of providing a benefit to seniors, the multitude of options has proved to be extremely confusing, particularly with so few seniors comfortable using the Internet. Allowing sponsors of the cards to change both the drugs covered and the discounts on the drugs weekly was intended to encourage competition between providers, further lowering prices. But experience to date has shown the listed prices can go up as well as down, and even those seniors who research the cards carefully cannot be certain they will end up with the best deal. Meanwhile, because seniors are only allowed to have one Medicare-approved card at a time, and they are locked into their chosen card until the end of the year, they worry about being forced to stay with a plan that ultimately does not provide them with significant benefits. This worry can result in paralysis, with seniors preferring not to purchase a card at all rather than risk buying one that does not serve their needs.

This problem will be exacerbated when the permanent benefit begins. We do not know today how many companies will opt to provide the permanent prescription drug benefit in 2006, so it is not clear whether seniors will be faced with a choice between as many providers. Even if the number of options is smaller, however, their choices will be even more complicated than with the discount card. Not only will they be confronted with a confusing array of multiple providers covering different drugs at a variety of prices, in some cases they will also be faced with choosing between managed care companies with completely different menus of standard health services as well.

If they choose wrong in the case of the discount card, their only loss is the price of the card and whatever discounts they might have received with a different card. But if they pick a health care provider that does not serve their needs once the permanent benefit begins, the financial consequences could be catastrophic. And unlike the discount card, where taking time to make the right choice does not have adverse consequences, seniors delaying enrollment in the permanent benefit could pay increased premiums for the rest of their lives.

But the most significant problem with the new Medicare law, Mr. Chairman, is the lack of cost containment. As you know, most seniors are on relatively fixed incomes, dependent upon Social Security for a significant portion of their income in retirement. They are extremely sensitive to price increases because they rarely have a cushion of disposable income to protect them from the ravages of inflation. They are well aware of the skyrocketing increases in prescription drug costs that have been confirmed in two recent studies. Families USA found prices of the 30 most popular drugs used by seniors increased at four times the rate of general inflation during 2003, and AARP found a 28% increase in a broader list of drugs from 2000 to 2003. Small wonder that seniors are less than impressed by a discount card program that offers reductions of 10 to 25 percent.

CMS has said it intends to monitor the cards to make sure senior discounts are not based on artificially inflated prices, but without a clear definition of what is an acceptable price increase, and considering the issues of artificially inflated prices represented by Average Wholesale Prices, protecting seniors will not be easy. And we are not aware of any federal agency investigating the significant increases prescription drug prices have experienced in recent years, to determine whether those increases were warranted in the first place.

If the new prescription drug benefit is offered through Medicare, the purchasing power of its 41 million seniors can be harnessed to negotiate for the lowest possible prices, with all the savings passed along directly to seniors. But without effective cost containment, the new prescription drug benefit could well turn out to be an illusion for many seniors, offering limited federal assistance in paying for drugs whose cost keeps skyrocketing unchecked, much as the discount card program appears to many seniors today. And unfortunately, the drug benefit that looks meager today will only become worse with time. According to Medicare's own Trustees, within a few short years seniors will need to have over $8,580 in covered drug costs to trigger the catastrophic coverage. At that point, seniors will be paying over $6,000 in out-of-pocket costs, in addition to an estimated $730 in annual premiums, and only $2,500 will be picked-up by Medicare.

Many in Congress, including you, Mr. Chairman, have acknowledged the lack of cost containment in the new prescription drug program by advocating for reimportation of drugs from Canada and other countries. While the National Committee supports reimportation, we believe any relief it offers will be temporary.

Mr. Chairman, we believe the problems evident in the discount card program have provided Congress with a unique opportunity to correct the flaws in the new Medicare bill before it goes into effect. We urge you to revisit the program while there is still time to make the fundamental changes that will be needed to provide seniors with the kind of access to affordable drugs that they truly require. We look forward to working with you toward this goal as the process continues.

HARRY BELAFONTE RECEIVING THE GLOBAL EXCHANGE HUMAN RIGHTS AWARD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Ms. LEE. Mr. Speaker, I rise today to honor Mr. Belafonte both a friend and mentor as he receives the Global Exchange Human Rights Award. I share his passion for civil rights, social justice, peace, lifting the embargo on Cuba, and eradicating poverty both abroad and at home.

Recently, I introduced legislation to create a national Caribbean-American Heritage Month, and Mr. Belafonte was a primary influence in developing this legislation. Born in New York, but raised in Jamaica, Mr. Belafonte served our country and beyond in many ways; throughout his career, Mr. Belafonte has worked to unite the international community for just causes.

When people think of Mr. Belafonte, they may remember him for his album Calypso being the first to sell over 1 million copies with his hit the Banana Boat, or they may reminisce of his scenes as the co-star in the historic adaptation of Bizet's opera, "Carmen" titled "Carmen Jones."

Many will recall Mr. Belafonte marching alongside Dr. Martin Luther King and leaders of the Civil Rights Movement. Dr. King was later to say, "Belafonte's global popularity and his commitment to our cause is a key ingredient to the global struggle for freedom and a powerful tactical weapon in the Civil Rights movement here in America."

Belafonte was named to the Board of Directors of the Southern Christian Leadership Conference (SCLC), and at Dr. King's death, he became one of three executors of the great leader's estate. I commend him for his tireless efforts in championing the rights of people here in the United States and beyond.

Showing that his talents were not limited to making history in just music and politics, Mr. Belafonte became the first African-American producer in television. His company went on to produce one Emmy-nominated success after another for the three major networks—"The Strollin' Twenties," written by the famed author Langston Hughes, starring such great performers as Sidney Poitier, Diahann Carroll, Sammy Davis, Jr. and Duke Ellington and "A Time for Laughter," featuring Richard Pryor, Redd Foxx, Moms Mabley and Pigmeat Markham. The format of this special set became the model for the TV comedy series, "Laugh-In."

In 1960 he was named by President John F. Kennedy as cultural advisor to the Peace Corps; this position inspired Mr. Belafonte's development of our similar passion for the people of the African continent. Twenty-five years later, Mr. Belafonte won an Emmy for the all-star We Are the World video, calling global attention to war and famine crises throughout Africa.

Two years later, he was appointed as UNICEF Goodwill Ambassador, only the second American to hold that title. In this capacity, Mr. Belafonte created an historic symposium in Dakar, Senegal for the immunization of African children. The positive response to this symposium led to a successful campaign for the eradication of curable diseases among African children. This work was continued in a convention called "Children of the Front Line" in Harare, Zimbabwe. As part of this effort, with the largest concentration of African artists ever assembled, Mr. Belafonte performed a concert benefiting UNICEF.

Mr. Speaker, there is much more that I would like to share about this living legend who has left a mark on our world. Clearly, Mr. Belafonte is laudable recipient of this award, which highlights his contributions toward securing human rights and freedoms locally and throughout the world. Most importantly, I am proud and honored to call "Harry" my friend.

I thank you for giving me the opportunity to honor Mr. Belafonte, a World War II veteran, musician, visionary, activist, and my brother, in the struggle for social justice and peace.

PAYING TRIBUTE TO "RAY CHARLES—A NATIONAL TREASURE"

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. DAVIS of Illinois. Mr. Speaker, tonight I pay tribute to the angel of soul in music Mr. Ray Charles the piano man with the soulful voice who reshaped American music for a half century. He brought the essence of soul to country, jazz, rock, and every other style of music that you can think of he had an influence on it.

Mr. Charles died at the age of 73 of an acute liver disease at his Beverly Hills home at 11:35 a.m. on Thursday, June 10, 2004 surrounded by family and friends. As a singer, pianist and composer, Charles broke racial and musical barriers as an African American, blind by the age of 7 and an orphan at 15, he spent the rest of his life blending rhythm and blues into various musical art forms that earned him 12 Grammy Awards and immense fame for five decades.

Ray Charles "The Genius" produced many hit songs like "What'd I Say?" which featured the Raelettes, was his first million selling song. Next came a classic version of Hoagy Carmichael's 1930 song "Georgia on My Mind." Charles version became the official state song of Georgia. Due to some objections by recording executives at the label company, Charles made "Modern Sounds in Country and Western music" in 1962, an album that produced a million-seller with songs like "I Can't Stop Loving You" and the popular hit

"Hit the Road, Jack" and "Let the Good Times Roll." At the 1960 Grammy Awards, he took home four awards across all genres, including best vocal performance by a pop artist ("Georgia on My Mind"), best vocal performance album ("The Genius of Ray Charles") and best R&B performance ("Let the Good Times Roll").

He later won Grammy Awards for "Busted" in 1963 and "Crying Time" in 1966 and other songs like "Let's Go Get Stoned." In all, Mr. Charles made more than 60 albums and his influence has resonated through generations of country, pop, R&B and gospel singers.

Mr. Charles began involving himself in music at a very early age. In his autobiography, Charles said, "as long as I can remember, music has always been something extraordinary in my life. It's always been something that completely captured my attention—from the time I was three, when Mr. Pitman was showing me these little melodies. My first love was the music I heard in the community: Blues, church gospel music, and country and western. My mom would let me stay up to listen to the Grand Old Opry on Saturday night. That's the only time I got to stay up late. I heard the blues played by Muddy Waters and Blind Boy Philips and Tampa Red and Big Boy Crudup. And of course every night if you listened to the right station, you might pick up a little Duke Ellington or Count Basie. But the bulk of what I heard of blues in those days was called "race music," which became rhythm and blues, and rhythm and blues later was called soul music."

Mr. Charles learned to read and write music in Braille, scored for big bands and played instruments like the trumpet, clarinet, organ, alto sax and the piano. This experience in reading Braille and playing by ear helped Charles develop a superb memory where he could sit at his desk and write a complete arrangement in his head and not touch a musical instrument and the music would come out exactly the way it sounded in his head.

Mr. Charles thank you for being the angel of soul, you will be missed.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. KOLBE. Mr. Speaker, Ronald Reagan's passing gives this nation an opportunity to reflect on the can-do attitude that he exuded and the greatness of the American people that he believed in. He was the essential American, a President born in mid-America, instilled with solid Midwestern values. He had a deep love affair with the American people, and they with him. Like Franklin Roosevelt, he was an American icon, and like Roosevelt, he had an uncanny ability to connect and communicate with common people.

Today we salute four tenets of President Reagan's legacy: economic growth, deregulation, peace through strength, and patriotism though a return of the American dream.

The father of Reaganomics launched the boldest economic plan since FDR that promoted lower taxes, sound money, and less regulation. Reagan unveiled a "program for economic recovery" to a Joint Session of Congress calling for a $41.4 billion in tax cuts—the largest in history.

Reagan was an advocate for deregulation and free trade pacts. He worked to tear down barriers to enterprise and encourage a spirit of self enterprise. His commitment to deregulation was evident when in 1981 he took decisive action to carry out this promise to fire 13,000 air traffic controllers for an illegal strike.

After years of crumbling defense spending, President Reagan increased defense spending 35 percent during two terms and promoted peace through strength. He called the Soviet Union for what it was—an evil empire—and by standing firm against it hastened the end of the Cold War and the return of Russia to the family of nations.

Influenced by his humble beginnings, Reagan's patriotism and optimistic spirit exemplified the American dream. He restored America's "can do" creed. We will always remember the words of his farewell address, when he said those of his generation "were taught, very directly, what it means to be an American. And we absorbed, almost in air, a love of country and an appreciation of its institutions."

He never trimmed his sails or compromised his values. We will remember him as a president who understood the balance between pragmatism and partisanship. We will remember him as the great communicator who united Americans toward common goals. But most of all we will remember him as a great president who brought honor and respect to the Office of President. I join with all Americans in expressing our sympathy to Nancy Reagan and his family for the loss of this great American.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. HOEKSTRA. Mr. Speaker, today I rise in honor of Ronald Reagan, 40th President of the United States and one of the greatest leaders and statesmen of the 20th Century.

America has long known that President Reagan was ill, but his death came as a shock to a country that continued to feel his presence. He touched millions of lives during his tenure as governor of California and two terms in America's highest office. Although long anticipated, his passing marks with finality the end of the Reagan era.

President Reagan's commitment to freedom altered the course of modern history. He brought the United States through the end of the Cold War with strength and resolve, and he led the U.S. economy to heights once unimaginable through his sound domestic policies.

He possessed a vision for America that reflected its devotion to individual liberty, that every person is born with the intrinsic right to achieve their dreams through their own labors and determination.

He will forever be remembered as a champion of promoting peace and prosperity throughout the world with a strong faith at the core of his principles and values. He was a great man elected to take charge of a great country at a time when strong leadership was sorely needed.

President Reagan's infectious optimism inspired many Americans to become involved in the political process, and his influence and vision will continue to live throughout the ages.

My prayers and those of my family are with the family and hundreds of millions of friends of President Reagan, knowing that the Lord has preserved a very special place for him in heaven.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. TIBERI. Mr. Speaker, folks from across the country came to Washington this week to mourn the passing of President Ronald Reagan. Even in death, the former President continued his fascinating connection with Americans of all types.

Although I never met Ronald Reagan, he was one of my inspirations for entering politics. I was 18 at the time of his 1980 presidential campaign and it was the first big election to which I really paid attention. I remember being drawn to what this man, a half a century older than me, was saying about having faith in our country, its people and their future. He was optimistic, cheerful and came across as a thoroughly likable guy.

It was simply astounding how he could establish a bond with even the most unlikely audience. In 1984, I was a senior at The Ohio State University and a member of the marching band. We were asked to play at a rally that President Reagan would be holding at St. John Arena. At first we all thought it would be an official band appearance, but then we were informed that since the President's visit was actually a campaign event, we could not appear as The Ohio State University Marching Band. If we wished, though, we could volunteer on our own, and appear without our uniforms. There were roughly 200 members in the band at that time and, as I recall, roughly 200 of us jumped at the opportunity to play at the President's campaign event. Think of it. A couple of hundred college kids were treating the appearance of a 73-year-old Republican President as enthusiastically as the Michigan game—we would not have missed it for the world.

President Reagan could connect with college kids and he could connect with Democrats, particularly those like my dad, an Italian immigrant who worked as a machinist. He came to America so he could have a better life and his kids' lives would be better still. He knew exactly what Ronald Reagan was talking about.

He was The Great Communicator. President Reagan swept aside the filters and “analysis” of the news media and spoke from the Oval Office directly with the American people. He had the gift of explaining issues and his positions on them in simple, effective terms—a gift all too few of us in politics today possess. President Reagan spoke in a way that made Americans feel like they were almost partners with him.

Perception is reality, and Ronald Reagan knew that. His message of hope and optimism put a new face on the Republican Party, and brought an end to the dour Nixonian era of GOP politics. Young people like me began looking at the Republican Party in a different way. Because of Ronald Reagan, we could take pride in being Republicans.

I was struck by the attitude I saw in Washington this week. Certainly, there was sadness and grief over the loss of one of the giants of our time. But in keeping with the make-up of the man himself, there was more. As often as not, people also smiled when they spoke of Ronald Reagan, often displaying that same sense of hope and good cheer that he himself had radiated throughout his life. For all his accomplishments, it's that same sense of hope and optimism that I'll think of whenever I remember Ronald Reagan.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. TURNER of Ohio. Mr. Speaker, I'm honored to join my colleagues in support of H. Res. 664, honoring the late Honorable Ronald Wilson Reagan, 40th President of the United States. As is the case for so many speaking in this chamber today, Ronald Reagan was one of my personal heroes.

Although we are all deeply saddened by the passing of President Reagan, Americans today are still touched by his legacy and his steadfast belief in the promise of this great Nation. By using his famous wit, he knew how to make us believe in ourselves again. Each of us has our favorite examples of the Reagan wit. My favorite quote is, “Government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.”

To Ronald Reagan, “America is a shining city upon a hill for all to see and to follow and reach to, something toward which mankind should strive.” Reagan brought convictions and determination as well as a genuine, hopeful and optimistic outlook to the office of President. Ronald Reagan never doubted his convictions. He never lost faith in America. His reassuring tones were comforting even in difficult times. With Reagan as president, it was indeed morning again in America.

Just prior to Ronald Reagan assuming the presidency, many people wondered whether this country's best days were behind us. Reagan insisted: “America's best days lie ahead.” By the time he left office, the United States was enjoying the longest peacetime economic expansion in our history. President Reagan's most long-lasting legacy is his role in winning the Cold War. While the common doctrine of the time called for containing Communism, Reagan boldly predicted it would soon be “left on the ash-heap of history.”

During the journey that was the Reagan revolution, he restored prosperity, confidence, optimism, faith and pride in America. While we will miss Ronald Reagan, his contributions to the world will be felt for generations to come. He came to Washington to change the country and ended up changing the world. As he said in his farewell address to the Nation from the Oval Office, “A final word to the men and women of the Reagan revolution, the men and women across America who for eight years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made. the city stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all.”

Summing up an American icon, a giant, like Ronald Reagan is an enormous task. I am grateful for the vision Ronald Reagan taught me and the lessons about the power of convictions, the value of principled leadership, and the goodness and the decency of the human spirit. We'll miss the twinkle in his eyes and affable smile which have left this earth. However, the contributions he made to his country and to mankind remain with us, as vast as the great continent that the United States spans, and God willing, will outlast us all.

As an American, I want to join in offering my support of H. Res. 664, honoring the late Honorable Ronald Wilson Reagan, 40th President of the United States.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Ms. HARMAN. Mr. Speaker, I join my colleagues in offering a tribute to former President Ronald Reagan. He is rightly remembered as a larger-than-life figure—a man who conquered first Hollywood, then California, and then Washington, DC, and whose message of freedom and democracy spread around the world. Though I did not know him well, I did know his daughter Maureen very well, and she is also missed.

President Reagan was naturally possessed of the qualities that make a great leader. As Governor of California and later as President, he used a blend of humor, kindness and boldness to communicate with the American people, to challenge and defeat the Soviet adversary, and to promote his uniquely American vision of how things should be.

While I disagreed with a number of his policies, I always admired his ability to convey his ideas and his power to persuade.

The enormous outpouring of emotion and love for this man comes as no surprise. When we think of Ronald Wilson Reagan, we will remember his infectious optimism and grace, and his belief that there is always a better day ahead for America.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. ENGEL. Mr. Speaker, along with all of my colleagues here today, I rise to honor President Ronald Reagan. I was first elected to Congress in 1988, on the same day that President George H.W. Bush was elected. Because Members of Congress officially take office on January 3, while a new President does not take office until January 20, my first 17 days as a Congressman were during the last 17 days Ronald Reagan served as President. So when people ask me who was the President when I first came to Washington, I reply that it was Ronald Reagan. I had the opportunity to see Ronald Reagan in person only one time, with his wife Nancy, during the inauguration of President George H.W. Bush. I remember thinking that together they had a larger than life presence.

Although I differed with Ronald Reagan a great deal on domestic policy, I nevertheless admired him for the strong leader that he was. He had an affable manner that allowed him to interact well with people who both supported and opposed his policies. He was a strong leader who had a lot of charm, strength and enthusiasm.

The gulf between the Republican and Democratic policies can sometimes seem vast. But the bridge that spans that gulf is our common heritage as Americans and belief in this great nation. Ronald Reagan had the gift to make that bridge seem very small. I am pleased to honor him today.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mrs. NORTHUP. Mr. Speaker, last week our nation honored the life of one of the most beloved, and most important, presidents of the twentieth century. During the 1980s, President Reagan did what many considered the impossible.

As we faced great challenges at home and abroad, he helped us believe that it was “morning in America,” and that we would overcome our difficulties. With the will of the nation behind him, President Reagan's steadfast leadership led to the defeat of communism and a robust economic recovery.

When President Reagan took office a quarter century ago, communism was on the march, threatening to bring the free world to its knees. But President Reagan's policy of "peace through strength" starved the Soviet bloc and made it safe for freedom to flourish in new nations. "No weapon in the arsenals of the world is so formidable as the will of free men and women," he said.

Here at home, our country was in the worst recession since the Great Depression, with high unemployment, inflation, and interest rates. But President Reagan trusted the entrepreneurial spirit and cut taxes from 70 to 28 percent, creating 19 million new jobs and twenty years of growth. His economic policies formed the foundation upon which American families prosper. "We believe that no power of government is as formidable a force for good as the creativity and entrepreneurial drive of the American people," he said.

By rallying the will of our country, by reminding us of our remarkable abilities—of what it means to be Americans, President Reagan reunited us as a confident and hopeful nation. And with a focused vision, he set us on a course that preserved our liberty and allowed our domestic economy to prosper again.

In life, President Reagan was a guiding light for our nation. Even when times were tough, he rejected the idea that America's best days were past, insisting that there is no limit to what our nation and our people can endure—or accomplish. And he was right.

Today we face a new enemy of liberty, in the war on terror. It is my hope, Mr. Speaker, that the confident optimism and clear vision that President Reagan gave to this nation will light our path.

May God bless President Ronald Reagan.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I was deeply saddened to learn of the passing of President Reagan over the weekend. My thoughts and prayers go out to Nancy and to the Reagan family and friends. This is an extraordinarily difficult time for any family, but I hope they can find some comfort in the joy and inspiration that President Reagan brought to so many around the globe.

Ronald Reagan was a true American original, a Midwestern boy of humble beginnings who chased his dreams of stardom in Hollywood and evolved into one of the foremost political leaders of the 20th Century.

His legacy is so profound and pervasive that it's easy to take for granted. But we should not forget that it was Ronald Reagan who restored strength to the Office of the President. It was Ronald Reagan who reshaped the federal government and ushered in two decades (and counting) of lower taxes and economic growth. It was Ronald Reagan who bolstered America's strength as a world military power. And it was Ronald Reagan who reminded us that America was indeed that "shining city on the hill," and we had bountiful reasons to be proud to be Americans.

His love of country was a guiding force throughout his life and his political career—he knew America was great because America was free, and his sought to shine the light of freedom on corners of the globe darkened by the stain of totalitarianism. His demand for Mikhail Gorbachev to "tear down this wall" is not only a seminal moment in Cold War history, but a reminder that America's democratic ideals are ultimately stronger than any barriers erected by forces of oppression.

Quite simply, President Reagan's words and actions helped change the world for the better. And I can't think of a greater accomplishment than that.

We lost more than a man on Saturday, when President Reagan ended his long journey into the sunset.

We lost a true giant, and a great American.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2004

Mr. SIMMONS. Mr. Speaker, I rise to commemorate the passing of Ronald Reagan, the 40th President of the United States of America.

As a Vietnam veteran and an officer with the CIA from 1969–1979, my world was changed dramatically and for the better when Ronald Reagan won his historic presidential race in November 1980.

At the time I was serving on the staff of Senator John H. Chafee (R–RI). Politically, it was a watershed year. Not only did the Senate go from Democrat to Republican control for the first time in 26 years, but also some very well known Democratic Senators were swept from office in the "Reagan Revolution." They included Senator Frank Church, former Chairman of the Committee to Investigate the Intelligence Activities of the United States, and Birch Bayh, second Chairman of the newly established Senate Select Committee on Intelligence.

The Senate Intelligence Committee, where I went on to serve for four years as staff director, gained new leadership under Chairman Barry Goldwater and Vice Chairman Daniel Patrick Moynihan.

Goldwater had a long-standing and close political relationship with Ronald Reagan. In fact, many have said that a speech delivered by Reagan during Goldwater's historic 1964 presidential campaign propelled Reagan into the national political spotlight.

Goldwater was excited to work with President Reagan and CIA Director William Casey to institute a new approach to intelligence oversight. First, it focused on bipartisan consensus in intelligence where Vice Chairman Moynihan was a valued partner.

It also departed from the adversarial process of Senators Church and Bayh, and focused on rebuilding the morale and intelligence capabilities of American intelligence. Rather than adopting Church's belief that the CIA was a "rogue elephant," Goldwater expressed his supportive feelings by talking about the "intelligence family."

Sadly, in 1984 these positive developments were disrupted when the CIA was discovered to have been covertly involved in the mining of Nicaraguan harbors, without proper notification to Congress. In the ensuing firestorm, Barry Goldwater wrote a pointed note to CIA Director Casey expressing his concern over the lack of communication. The letter was quickly leaked to an eager press, excited that Senator Goldwater was at odds with the Reagan Administration.

At the time these events were unfolding, President Reagan was scheduled to appear at the Washington Hilton for the White House Correspondents Association annual black-tie dinner. Many observers felt that the press would use the opportunity to embarrass the president over the intelligence "flap." But, in what was to become a classic response of the President to a difficult situation, Ronald Reagan opened his remarks by saying:

> "What's all that talk about a breakdown of White House communications? How come nobody told me?" Laughter. "Well, I know this: I've laid down the law, though, to everyone there from now on about anything that happens, no matter what time it is, wake me, even if it's in the middle of a Cabinet meeting." Laughter. The official presidential documents recorded that the President received twenty-six more laughs.
>
> [Bob Woodward, Veil: The Secret Wars of the CIA 1981–1987, p. 333]

It was to the point. It was funny. It was self-deprecating. It defused for a moment what was a gathering storm for the Administration. It gave everyone the opportunity to step away from a potentially explosive moment and get on with the challenging business of government.

Mr. Speaker, under the leadership of President Reagan, the United States rebuilt her intelligence and national security structure from 1980–1988. This was not done without controversy, but it was done. Morale was restored at the Central Intelligence Agency and elsewhere in the Intelligence Community. Capabilities were improved.

The military, too, regained a new pride and strength following the disasters in Vietnam and Iran. Members of the armed forces felt their service was respected by the Commander in Chief, and they valued his support. They loved his patriotic speeches, and were eager to follow his lead.

And yet for all of his accomplishments as a national and world leader, President Reagan never lost the personal touch. When I departed Washington, DC in early 1985, I left with a personal letter of thanks signed by the President.

This letter hangs in my office even today as a proud reminder of what President Reagan and Congress were able to accomplish during those difficult but historic years. It is also a clear symbol of a man who never allowed the trappings of high office obscure his view of the "little people" who constitute the strength of our government and Nation.

Now as we remember the life of Ronald Reagan, and as his casket lies with honor under the Capitol dome, it is my turn to thank him for his distinguished service to our country and to the world. He left us a better people and he left the world a better place.

The man will be missed, but the memory lives on in all of us who were touched by his life and his leadership. I yield back the balance of my time.

TRIBUTE TO ROSALIE GORDON-MILLS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. MICA. Mr. Speaker, it was my privilege to know Rosalie Robinson Gordon-Mills, a community leader and distinguished citizen of Florida's 7th Congressional District. Her recent death is a great loss to St. Johns County and the State of Florida because of Mrs. Gordon-Mills' many contributions to our school system, civil rights, and community service. I join others in paying tribute to this special woman. It is my honor to include in the CONGRESSIONAL RECORD of the United States House of Representatives the rich history of her life and many contributions from a recently published obituary.

Mrs. Rosalie Robinson Gordon-Mills, 96, died April 20 at Flagler Hospital following complications of a collapsed lung. A retired educator and counselor for 44 years with the St. Johns County School System, she was head of the English Department at Excelsior School and director of guidance and college placement at St. Augustine High School.

In addition to her teaching career, Mrs. Gordon-Mills was a civic leader and politician, having been the first black woman in 400 years to run for public office in St. Augustine, for which she is currently listed in the Florida history books. In 1986, she received a Presidential Award from President Reagan for Private Sector Initiatives because of her outstanding leadership role with the St. Augustine Council on Aging in procuring the site and establishing the first multipurpose senior citizen's center in St. Augustine.

Mrs. Gordon-Mills was born in Tallahassee, to Arthur Howard Robinson, owner of a dairy business, which exported dairy products interstate. Her mother, Callie Eliza Ferrell, was a school teacher with her own school, as was her grandmother, Henrietta Robinson, the first licensed black teacher in the state of Florida. In the 1920's, her parents moved to St. Augustine, where her father became the head of the Agriculture Division of Florida Normal College and her mother became the dean of women. They came at the invitation of President Collier, who had met them in Tallahassee.

Mrs. Gordon-Mills attended the Model Laboratory School of Florida A & M, where she graduated with highest honors. She then realized her dream of attending college at Boston University, where she majored in chemistry and physical sciences. During her years at Boston University, she was a member of the varsity broad jump and pole vaulting team, as well as the debating team. She also pledged Alpha Kappa Alpha sorority-Epsilon Chapter and was a member of The Aristos, a Boston social club. She would later return to Boston University and receive her master's degree in guidance and counseling in 1947.

When she returned to St. Augustine following graduation to visit with her parents, she met her future husband, Dr. Rudolph Nathaniel Gordon, America's first black maxillo-facial surgeon, who was researching a location for his practice. They met at an Episcopalian Church picnic, were married and were together for 25 years prior to Dr. Gordon's death in 1959. Together they were a formidable force in the St. Augustine community. Education and care of the children of Lincolnville was a top priority. They encouraged young people to attend four-year colleges and often took them to college and paid their tuition. He established a free dental clinic for Lincolnville children and a Boy Scout troop for the boys of the community. After Dr. Gordon's death, Mrs. Gordon-Mills would marry Dr. Otis J. Mills, longtime friend and member of the family that owned the famous "Iceberg" drugstore and manufactured the popular "Smooth As Silk" ice cream. They had a wonderful 12-year relationship before he succumbed to Alzheimer's disease.

Mrs. Gordon-Mills was an enthusiastic participant in the civil rights movement and supported all efforts of Lincolnville to work with Dr. Martin Luther King. She also befriended Mrs. Peabody, who came from Massachusetts to support the movement in St. Augustine. During this time, she ran for the City Council against six males and, after winning the primary, finished third in the final election, making her the first black woman to run for public office. She always felt a strong commitment to the future of St. Augustine and wanted to promote racial harmony. A member of one of Florida's most illustrious families, she was a direct descendant (through her maternal grandmother, Henrietta Robinson) of "The Great Antonio Proctor," who was born in 1743 and was the recipient of 185 acres in St. Augustine from the Spanish Governor of Florida for his work as an interpreter between the Creek Indians and the Spanish when Florida was still under Spanish rule.

Mrs. Gordon-Mills' elder years were as filled with activity as her early years. A woman of intellectual brilliance, impeccable character and determination, she continued to be active as a lifetime member of the Board of the Council on Aging; an officer of the Board of Echo House—a tutoring and community center she started—and an active member of St. Cyprian's Episcopal Church, where she was a member of The Daughters of The King and a member of the Vestry. She was the active C.E.O. of the family real estate business until the week of her death, spending each day problem-solving, meeting with her management crew and ensuring that her tenants and her properties were well cared for. Her considerable business acumen was respected by all of the business people whom she encountered. (She made recent trips to Tallahassee to meet with the State Historical Society to present grant requests for her Echo House project).

Her social life was equally active. As a founding member of the Daytona Beach chapter of the Links, Inc., she attended meetings and activities regularly and participated in their many scholarship fund-raising efforts for regional students. In addition, she administered the scholarship fund set up by her dear, deceased friend, Mrs. Bemis, of St. Augustine, that enables deserving and talented students to attend Bethune Cookman College. She enjoyed the regular gatherings of the Clique Club and Venetian Club, to which she had belonged for many years.

Mrs. Gordon-Mills loved her family: her daughter, Dr. Carlotta Gordon Miles and her son-in-law, attorney Theodore A. Miles, of Washington, D.C. (Her beloved son, Rudolph N. Gordon II, predeceased her in 1967.) Her grandchildren were the loves of her life and she had a special relationship with each of them—Dr. Wendell Gordon Miles and Miss Lydia Carlotta Miles, of Washington, D.C., and Mrs. Cecily Miles Slater and her husband, Ramael Slater, of Hollywood, CA. Her brother, Dr. Arthur J. Robinson, and his son, Arthur J. Robinson Jr., of Palm Coast; her sister-in-law Verna C. Robinson of Washington and her niece, Angela Robinson Witherspoon, and her husband, John Witherspoon, of Los Angeles, CA, and her nephew Elbert C. Robinson, of Washington. Her first cousins, Celestine Nicks of Mandarin, and Ida Mae Harrison, of Columbus, GA. Her family looked to her for guidance, advice and as an example of a Christian life well-lived.

Born into a privileged family, Mrs. Gordon-Mills had a deep sense of obligation to her fellow man and an unfailing determination to make a difference with her life. She had a deep devotion to all children, a strong sense of racial pride and a commitment to the concept of "From those to whom much is given, much is expected." Her selflessness and generosity to others was unequaled. She believed that love should be put into action and faith in God is the foundation of life.

Mrs. Gordon-Mills was fortunate in having a circle of loving friends who, in the last years of her life, joined her family in making these years especially joyful. W.D. McCoy, a former student and "son," was a devoted and concerned companion; Dorothy and Rudolph Israel and Maggie and Pat Patterson were ever present and supportive in whatever she chose to undertake. Otis and Myrtis Mason made it possible for her to continue her Links Inc. participation. Father David Allert and the members of the St. Cyprian's congregation admired and respected her wisdom and her spirituality. Arthur Schwecke, her neighbor and "son;" and Joe Logan and Janis Brown, her business manager, helped her continue her corporate activities. Josephine Quarterman, Lena Callueng and John Gilbert enabled her to maintain her household and lifestyle until the end. These special friends will always be remembered with gratitude and deep affection by her family.

150TH ANNIVERSARY OF THE FOUNDING OF WAVERLY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Village of Waverly in Tioga County, New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 150th anniversary of the founding of Waverly. I am pleased to recognize the Village of Waverly and the important contributions it has made to Tioga County and to the State of New York on its sesquicentennial anniversary.

Located along the majestic Susquehanna and Chemung Rivers, the Village of Waverly is nestled in the Town of Barton and the heart of Tioga County. The Cayuga and Onondaga tribes of the Iroquois Confederacy originally inhabited present day Waverly and its surrounding areas prior to European settlement. Incorporated in 1854, Waverly was named by businessman Joseph Hallet after Sir Walter

Scott's famous series of novels. Early inhabitants included settlers from Connecticut, Pennsylvania, and New York. The most prominent was John Shephard, who in 1796 purchased a one thousand acre plot upon which the whole of Waverly now stands.

By the nineteenth century, Waverly had attracted a wide array of businesses, most notably the Novelty Furniture Works, the Butter and Oyster Pail Manufactory, and the Sayre Butter Package Company. Waverly was still deeply connected to agrarian life, which flourished in the form of grist and flouring mills, saw mills, creameries, and wagon and blacksmith shops.

The early twentieth century saw the brief but historic appearance of the J.E. Rodeo. In 1938, Colonel Jim Eskew bought the Loomis Farm on Talmadge Hill that would soon be known as the "Rodeo Capital of the East." The opening performance was a sign of the good fortune ahead, as traffic was backed up for a mile and half prior to the show. Over the years, it was not uncommon to see authentic cowboys around the Village of Waverly. Visitors came from hundreds of miles away to see the "Rodeo Capital of the East." The annual Fourth of July celebration was highlighted by a special rodeo performance and was attended by young and old alike. However, with the advent of television and the onset of WWII, the rodeo eventually faded away and now is just a happy memory for the residents of Waverly.

Waverly's vibrant history is evident today. The village boasts many beautifully restored structures, seemingly on every corner of Broad Street and beyond. Waverly continues to offer its visitors breathtaking scenery and views of the Susquehanna and Chemung Rivers. Small villages like Waverly are an essential component of our nation's past, present, and future, and deserve to be honored and recognized for their numerous contributions. Mr. Speaker, it gives me great pleasure to recognize the Village of Waverly, New York as it celebrates the 150th Anniversary of its founding.

THE MIDDLE CLASS SQUEEZE ON HISPANIC FAMILIES

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. BACA. Mr. Speaker, Hispanic families in America are being left out of the American Dream, thanks to the Bush administration's failure to create jobs and fund the programs essential to health and education. Thanks to the Bush tax cuts that favor the rich and the privileged, middle-class families in America are struggling to get by.

Over 1.4 million Hispanic workers are still looking for a job. Over $1 trillion will be spent over the next 10 years on additional tax cuts for the rich, instead of creating jobs here at home. The unemployment rate for Hispanics is now 25 percent higher than when President Bush took office. This money should be used to create jobs for hardworking and dedicated individuals, instead of being used to give a break to the wealthy.

If things do not change, not only will there be no jobs for our students when they enter the real world, but they will graduate unprepared for today's job market. Over 27 percent of Hispanic students drop out of high school, yet the President's budget will eliminate funding for dropout prevention programs. The Bush budget will essentially freeze funding for bilingual education, even though the number of students with limited English proficiency is growing rapidly. These children need English skills to help them achieve the American Dream and we cannot neglect to teach them this basic tool.

The squeeze on Hispanic families does not stop there. The Bush budget cuts funding for the Office of Minority Health by 15 percent and neglects to make health care affordable for the over 12 million Hispanic Americans without health insurance. In the richest nation in the world, every American should be able to have access to health care.

We must not leave our families behind. We need a budget that will make sure that average Americans have jobs, an education and health care. We do not want one that rewards the rich and the privileged.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 15, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 2281, to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications.

SR–253

10 a.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

SD–124

Indian Affairs

Business meeting to consider S.J. Res. 37, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States, S. 297, to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, S. 1529, to amend the Indian Gaming Regulatory Act to include provisions relating to the payment and administration of gaming fees, S. 1696, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and S. 2277, to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation, and motion to authorize the chairman to issue subpoenas in regards to tribal lobbying matters; to be followed by an oversight hearing to examine the No Child Left Behind Act (Public Law 107–110).

SR–485

Judiciary

To hold hearings to examine the nominations of Richard A. Griffin, of Michigan, David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit, and Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida.

SD–226

Commission on Security and Cooperation in Europe

To hold hearings to examine the April 2003 Berlin Conference on Anti-Semitism and consider appropriate steps to following up on the conference.

334 CHOB

11 a.m.

Finance

To hold hearings to examine measures to strengthen regulations and oversight to better ensure agriculture financing integrity.

SD–215

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Charles P. Ries, of the District of Columbia, to be Ambassador to Greece, Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium, and John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia.

SD–419

Indian Affairs

To hold hearings to examine S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

SR–485

JUNE 17

9 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the danger of purchasing pharmaceuticals over the Internet, focusing on the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether pharmaceuticals from foreign services are counterfeit, expired, unsafe, or illegitimate.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine measures to enhance border security.

SR–253

Foreign Relations

To hold hearings to examine Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the "Convention"), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism ("Convention") Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States ("OAS") Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6).

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the regulation of the bond markets.

SD–538

Energy and Natural Resources

To hold hearings to examine the Environmental Management Program of the Department of Energy and issues associated with accelerated cleanup.

SD–366

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne W. Patterson, of Virginia, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Deputy Representative of the United States of America in the Security Council of the United Nations, and to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations, and James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

SD–419

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2513, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, S. 2511, to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, S. 2508, to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse, S. 2460, to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and S. 1211, to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico.

SD–366

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the final report on the President's Commission on Implementation of US Space Exploration Policy.

SR–253

JUNE 23

Time to be announced

Conferees

Meeting of conferees on H.R.3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

Room to be announced

10 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian tribal detention facilities.

SR–485

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

JUNE 16

9:30 a.m.

Foreign Relations

To hold a closed briefing on Pakistan counterterrorism cooperation.

S–407, Capitol

POSTPONEMENTS

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the grounding of multi-engine fire-retardant aircraft, steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

SD–366

JUNE 24

10 a.m.

Foreign Relations

To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.

SH–216

SENATE—*Tuesday, June 15, 2004*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. John David Kistler, of Hickory, NC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord, Your holy word says in the Book of Romans that those who serve in the halls of government are actually Your "ministers." Remind us that the work to be done here today is larger than any particular individual or political party.

Grant wisdom, O Lord, to this assembly that they might understand their responsibility not only to the people of this great Nation, but primarily to You.

May we understand what former President Grover Cleveland said, that "those who manage the affairs of government . . . should be courageously true to the interest of the people, and that the Ruler of the Universe will require of them a strict account of their stewardship."

Turn us, O Lord, back to you in humble contrition and acknowledgment of Your will and Your ways, for it is in the name of Jesus, our Redeemer, and Saviour that we humbly pray.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the Defense authorization bill. Under the order, we will resume debate on the Kennedy amendment relating to the earth penetrator. There will be 50 minutes of debate per side prior to the vote in relation to that amendment. Members should expect the first vote today prior to the policy luncheon recess.

As a reminder, the Senate will recess from 12:30 to 2:15 for the weekly policy meetings.

Last night, the Senate debated several amendments, and others are waiting in the queue to be offered. I anticipated that we would have votes today throughout the afternoon on some of the pending amendments. I have also previously mentioned the need to set votes on some of the pending judicial nominations. We expect to set three of those judicial nominations for votes late this afternoon, and we will alert Senators as to the precise time when the agreement is locked in.

As I have stated previously, it will be helpful if we can vote on some of these noncontroversial nominations by voice vote and not consume valuable Senate time with rollcall votes that result in unanimous confirmations. I will reiterate the importance of finishing the Defense bill this week. We have a number of scheduling requests, and we are doing our very best to work around those specific requests. However, Members should be prepared for busy days and evenings, if necessary, to finish this important defense legislation.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a relatively brief statement.

The PRESIDENT pro tempore. The Democratic leader is recognized for that purpose.

Mr. DASCHLE. Mr. President, over the past 4 years, our nation has gained a renewed awareness of the bravery and sacrifice of America's service men and women.

And through the exceptional valor they have routinely displayed, America has also gained a renewed sense of gratitude for the service of our veterans.

So it was with a heightened sense of respect and appreciation that America commemorated the recent anniversary of D-Day and Memorial Day, and dedicated the long-overdue memorial to the generation that fought and won World War II.

The veterans who came to Washington expecting to find one tribute cast in stone, encountered many living tributes, just as meaningful, and just as enduring.

Americans of all ages, of all backgrounds, said "thank you" to the veterans who fought for them. Some gave gifts of American flags. Others asked for pictures.

I recently heard a story about two World War II veterans who were eating dinner at a restaurant, when a young man they had never met thanked them, and struck up a conversation.

He asked about their service, and told them that two of his relatives didn't make it home from Europe.

When it came time for the two older men to pay the tab, they found that the young man had already paid it. He left a card that said, "To two old guys who paid the price, but who are not going to pay today."

The memory of our veterans' achievements will live on long after them, and all Americans should feel proud that, in this way, we have kept faith with our veterans.

But a shadow is cast over the tributes now paid to our veterans, and indeed, to our soldiers fighting in uniform today.

There seems to be a gap between the thanks America offers its veterans in word, and the thanks our government shows veterans in deed.

The waits at the VA hospital are too long.

Veterans are paying record amounts out-of-pocket for VA health services.

In recent days, we have learned that the White House is planning new cuts for FY06, even as the VA faces an influx of war veterans from Iraq.

This year, as in every election year, Americans will ask themselves, am I better off than I was four years ago? Am I safer? Am I more financially secure? Do I have better access to prescription drugs and health care than before?

In the coming months, America's 26 million veterans will be asking themselves those same questions. All America would do well to listen to their answers.

Recently, I heard from a South Dakotan named Howard Anderson.

Howard is 77 years old, a veteran of World War II. Howard is grateful to the doctors and nurses at the VA, but feels squeezed by the rising cost of prescription drugs.

On average, he pays around $90 per month for medicine to treat his lung condition.

The VA won't pay for his medications because he makes too much money even though he and his wife live on their Social Security. "At the end of the month," he said, "I couldn't write you a check for a dollar."

Not long ago, the VA sent Howard a letter notifying him that he owed another $300 for prescriptions.

After the shock wore off, Howard went back through his receipts and found he was being double-charged.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It had happened before, but he didn't have the patience to battle through the bureaucracy to make it right again, so he just paid the bill. This time, he just couldn't afford it.

The VA ultimately admitted it was making a mistake. But Howard is beginning to get the sense that tight budgets have forced the VA to become more aggressive about denying care or sending the bill to the veteran.

"They say these benefits are there for you," he says, "but when you go to get them, they don't give them to you."

Let me say that the problems with the VA health system are not the fault of the doctors and nurses and the other men and women who work at VA hospitals and clinics.

They are among the most talented, most dedicated health professionals in this country. But they can only do so much with the resources they are given.

And from the first days of this Administration, the White House has systematically tried to reduce veterans benefits, cut funding to the VA, and shortchange the health care of America's veterans.

Over the past four years, the budget for veterans' health has risen far less than the rate of health care inflation, forcing VA hospitals to meet rising demand with shrinking resources.

The White House's 2005 budget deepens this trend by including only a 1.9 percent funding increase, barely one-sixth of the rate at which health care costs are increasing nationwide.

Overall, the White House budget falls over $4.1 billion short of veterans' needs, according to the Independent Budget created by leading nonpartisan veterans groups.

Not only would the White House's budget strain VA hospital budgets to the breaking point, it would drive nearly 800,000 veterans out of the VA health system.

Eight-hundred thousand Americans who were promised health care in exchange for their service to their country will be denied and kicked off the rolls for no reason other than the Administration's refusal to adequately fund veterans' health.

This would be on top of a recent decision by President Bush to deny our obligations to 200,000 Priority 8 veterans and keep them from enrolling in the VA health care system.

Those veterans who remain in the system have been forced to pay more, much more. Over the course of the last three years, the amount veterans have paid toward their own care has increased a staggering 340 percent, or $561 million.

And if the White House gets its way, veterans would need to pick up over a half-billion dollars more of their care in 2005, if the budget proposals as we have now witnessed them go through.

Some within this administration seem to believe that our responsibility to our soldiers is when they come home, but we couldn't disagree more.

If it were not for the efforts of many in Congress, the story would be much worse. Since President Bush took office, we have led the charge to add a total of almost $2 billion in funding for veterans health care beyond what the President proposed.

Moreover, in each of the last 3 years, Democrats have blocked Bush administration attempts to increase copayments and enrollment fees even higher. Is this the same President who ran for election with a pledge to veterans that "help is on the way"?

In the next few days, some of us will offer an amendment to make a simple promise to our veterans: If you wore the uniform of our Nation, if you fought under our flag, your health care needs will be met for life. The full funding of veterans health care would be made mandatory under the law.

For too long, the VA budget has been subject to the give-and-take of budget politics. It is time we set things straight.

Funding for the VA should no longer be set by political convenience, backroom deals, or zero sum game of budget politics. One thing, and one thing alone, should govern the care of our veterans: the needs of care for those veterans.

Senate Democrats have also been fighting, and we will continue to fight, for full concurrent receipt of all disabled veterans under the remarkable leadership of my colleague, the distinguished assistant Democratic leader from Nevada.

The Bush administration has repeatedly threatened to veto concurrent receipt, and last year the White House called together leading veterans organizations to propose a compromise: We will give you full concurrent receipt but only if you agree to end disability benefits for two-thirds of all veterans.

Veterans organizations and their allies in Congress rejected the inadequate proposal. Instead, thanks in large part to Senator REID, Democrats were able to pass a provision to allow veterans rated 50-percent disabled or more to receive full concurrent receipt.

We have made progress on concurrent receipt since the last election, but it has been in spite of the administration, not because of it. What we have achieved so far is just a downpayment on what disabled veterans have been promised and what they deserve. How could we do otherwise? How could we let our country move forward and leave behind the men and women whose bravery has won our freedom and prosperity?

The debt we owe our veterans is unending. But just because we could never hope to repay fully our obligations to our veterans does not excuse us from trying. Today we are further away from doing right by our veterans than ever before.

America's veterans are not better off than they were 4 years ago. When he signed the GI Bill of Rights in 1944, President Roosevelt noted that "the members of our Armed Forces have been compelled to make greater . . . sacrifices than the rest of us, and they are entitled to definite action to take care of their special problems."

The current White House has allowed "definite action" to give way to little more than indefinite praise. Veterans deserve better. The soldiers fighting this very day, at this very moment, deserve better.

I think back to that young man 2 weeks ago who looked upon two men to whom he owed his freedom and way of life, and he knew enough to say thank you.

Then I think of Howard Anderson who did pay the price but is being denied help by the Government because it refuses to fully fund veterans health. Howard Anderson and all veterans are owed a debt.

We should acknowledge that debt every day, not just in stone monuments or in lofty speeches or bright parades. It should be repaid in a real and concrete commitment to care for veterans in the days when veterans need it the most.

These men and women risked their lives to defend our own. They stood up for us, and now we must stand up for them, not just with words but with action.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time that has not been used is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and other purposes.

Pending:

Kennedy amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP).

Reid (for Leahy) amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts.

Dodd modified amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense.

Smith/Kennedy amendment No. 3183, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

The PRESIDENT pro tempore. The Senator from Colorado.

AMENDMENT NO. 3263

Mr. ALLARD. Mr. President, I understand we now have the Defense authorization bill before us and an amendment to that bill, which is the Kennedy-Feinstein amendment; is that the regular order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. ALLARD. I thank the Chair. I yield the floor. The sponsor of that amendment wishes to make a few comments, and I wish to follow with a few comments.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator AKAKA be added as a cosponsor of the Kennedy-Feinstein amendment No. 3263.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand we have a time allocation of 50 minutes.

The PRESIDENT pro tempore. There is an allocation of 50 minutes on each side on the Kennedy amendment.

Mr. KENNEDY. On our side, the Senator from Michigan, our ranking member, has been allocated 10 minutes.

The PRESIDENT pro tempore. The Senator from Michigan is allocated 10 minutes; the Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

We face many different issues in foreign policy, national defense, and the war on terrorism. But one issue is crystal clear: America should not launch a new nuclear arms race.

We want our children and grandchildren to live in a world that is less dangerous, not more dangerous—with fewer nuclear weapons, not more. But that is not the course that the Bush administration is taking. Even as we try to persuade North Korea to pull back from the brink—even as we try to persuade Iran to end its nuclear weapons program—even as we urge the nations of the former Soviet Union to secure their nuclear materials and arsenals from terrorists—the Bush administration now wants to escalate the nuclear threat by developing two new kinds of nuclear weapons for the United States—mini-nukes that can be used more easily on the battlefield, and bunker busters to attack sites buried deeply underground.

As President Reagan would say, "There you go again"—another major blunder in foreign policy. Our goal is to prevent nuclear proliferation. How does it help for us to start developing a new generation of nuclear weapons?

It's a shameful double standard. As Mohammed El Baradei, the director of the International Atomic Energy Agency, said in an address to the Council of Foreign Relations in New York City said last month, "there are some who have continued to dangle a cigarette from their mouth and tell everybody else not to smoke."

The specter of nuclear war looms even larger with the ominous statements of senior officials in the Bush administration that they in fact consider these new weapons more "usable." If the Bush administration has its way, the next war could very well be a nuclear war, started by a nuclear first strike by the United States.

It is hard to imagine a dumber idea. The amendment that the Senator from California and I are offering will put a halt to the Bush administration's plan to develop these new nuclear weapons. Just as "lite" cigarettes still cause deadly cancer, lower yield nuclear weapons will still cause massive death and destruction. No matter what you call them, a nuclear weapon is a nuclear weapon.

They still incinerate everything in their path. They still kill and injure hundreds of thousands of people. They still scatter dangerous fallout over hundreds of miles. They still leave vast areas that are radioactive and uninhabitable for years to come.

There are few more vivid examples of the misguided priorities of the Bush administration. For the past 15 months, our troops in Iraq have been under fire every day. They were sent into battle without the latest and best bulletproof vests and without armored Humvees. They were placed at greater risk, denied the basic equipment they needed to protect themselves and do their jobs. Meanwhile, the Bush administration is urging Congress to provide hundreds of millions of dollars for new nuclear weapons.

The mini-nuke has a yield of five kilotons or less. That's still half the size of the atomic bomb dropped on Hiroshima that killed more than 100,000 people—at least a third of the city's population. Is it somehow more acceptable to produce a modern nuclear bomb that kills only tens of thousands instead of a hundred thousand?

The Bush administration also has extensive plans to develop the "bunker buster," or, as the administration calls it, the Robust Nuclear Earth Penetrator. It would carry a nuclear warhead of around 100 kilotons—ten times the size of the bomb dropped on Hiroshima. It would be placed in a hardened cone capable of burrowing deep underground before exploding.

Even with today's advanced technology, they would still spew thousands of tons of radioactive ash into the atmosphere.

There are more effective ways to disable underground bunkers. Using today's highly accurate conventional weapons, we can destroy the intake valves for air and water. We can knock out their electricity. And we can destroy the entrances, preventing people and supplies from going in or getting out.

In fact, by rushing to develop these weapons, the Bush administration misses the point. The challenge of destroying deep underground bunkers is not solved with nuclear weapons. It will be solved by developing missile cones that can penetrate deeper into the earth without being destroyed on impact.

The bill before us authorizes a study of these two new nuclear weapons systems. It provides $9 million for the development of advanced concepts for nuclear weapons, the so-called "mini-nukes," and more than $27 million for the robust nuclear earth penetrator, the so-called bunker busters.

Those who support the development of these weapons suggest that it is only research and that the research will have little effect on the rest of the world. The supporters of these weapons argue that since the funds are limited to research, the administration will not go on to produce these weapons without congressional approval. That is what Secretary Rumsfeld claimed when he testified before the House Appropriations Committee in February. He said that what has been proposed is some funds be used to study and determine the extent to which a deep earth penetrator conceivably could be developed, what it would look like, and whether it makes sense to do it. There are no funds in here to do it. There are no funds in here to deploy it since it does not exist.

The administration's own budget contradicts that statement. Its budget assumes we will spend $485 million on these weapons over the next 5 years. It has a detailed plan for their development and production. I have in my hand their projection by the Congressional Budget Office of the development of this program for some $485 million from now through 2009, and it anticipates the completion of the development phase in fiscal year 2007. We can see it right in their proposals. Then it has the continued development of the program itself.

This is the clear indication of what the administration is intending. It is in their budget. It is $485 million, and it is right there just with regard to the bunker buster just as it is with regard to the nuke. We will see that it goes on through fiscal year 2009 as well. So if we do not adopt this amendment, we can be confident that the administration will build them. After that, as the administration's own nuclear experts have said, they will ultimately deploy them and use them.

In fact, in our debate 2 weeks ago, my colleague from Arizona described a situation in which he believed they should be used. He claimed conventional bunker busters were incapable of knocking out Saddam Hussein in those early days of the war and that only nuclear weapons could have destroyed his deeply buried hardened bunkers.

If that is the plan for these weapons, then the prospect is even more frightening for our troops, for America, and for the world. Is the Senator from Arizona truly suggesting we should have used a nuclear weapon to hit Saddam Hussein's bunkers last May? Baghdad is a city of over 5 million Iraqis. We would have killed hundreds of thousands of people, including American aid workers and journalists. We would have turned the entire area into a radioactive wasteland. And all to capture the person we captured with conventional means a few months later?

Using a nuclear weapon to strike Saddam Hussein would have inflamed the hatred of America in Iraq and the Arab world far beyond anything we have seen in response to the prison scandal at Abu Ghraib. It would have poisoned our relations with the rest of the world and turned us into an international pariah for generations to come.

The President told us this winter that there is a consensus among nations that proliferation cannot be tolerated. He added that this consensus means little unless it is translated into action. But the administration's idea of action is preposterous. It only encourages a dangerous new arms race and promotes proliferation. By building new nuclear weapons, the President would be rekindling the nuclear arms race that should have ended with the end of the cold war.

He has given inadequate support to nonproliferation efforts with Russia. With the Moscow treaty, the deep cuts in our nuclear arsenals would not be permanent since we could keep a large number of such weapons in storage, capable of being activated and used in the future.

In January 2002, the Pentagon released a document called the Nuclear Posture Review, and despite subsequent efforts to downplay its significance, its tone of recommendations revealed the dangerous new direction in our nuclear policy. The double standard is clear. The rest of the world must abandon the development of nuclear weapons, but the United States can continue to build new weapons.

As is pointed out in the Nuclear Posture Review, it talks about the second principal finding is the United States requires a much smaller nuclear arsenal under the present circumstances, but first the nuclear weapons are playing a smaller role in U.S. security than at any other time in the nuclear age. Then it goes on to talk about the alternatives that are being developed with the smaller nuclear weapons.

The Bush administration thinks the United States can move the world in one direction while we move in another; that we can continue to prevail on other countries not to develop nuclear weapons while we develop new tactical applications for these weapons and possibly resume nuclear testing.

The PRESIDING OFFICER (Mr. ENZI). The Senator's time has expired.

Mr. KENNEDY. I yield myself 2 additional minutes.

The decision the administration has made on nuclear posture reverses 50 years of bipartisan commitment to arms control. Over the past 50 years, we have halted and reversed the nuclear arms race, and now we are starting to escalate it again. It makes no sense to undermine half a century of progress on nuclear arms control and start going backward. And all for what? To deal with emerging threats we can already handle with conventional weapons.

Even the House Republicans have acknowledged the flaw in the administration's plan. Chairman Hobson eliminated all funding for these mini-nukes and bunker busters, saying that the National Nuclear Security Administration needs to take a time out on new initiatives until it completes a review of its weapons complex in relation to security needs and budget constraints, and the administration's own new plan to eliminate half of our stockpiled warheads. That is the conclusion of the House of Representatives after extensive hearings.

The Bush administration is asking Congress to buy something that we do not need and we will never use, that makes our goals for a peaceful world much more difficult to achieve, and that endangers us by its mere existence.

Over the period of this last half century, Democrats and Republicans have pursued sensible arms control, engaged the world in nearly a global commitment to nonproliferation, and demonstrated the will of the United States to pursue counterproliferation when diplomacy failed to stop illicit flows of weapons of mass destruction.

President Kennedy started the process that would lead to the nonproliferation treaty, but he could not finish it. President Johnson picked up where he left off and signed it, but he did not have time to ratify it before his term ended. President Nixon ratified it. Presidents Ford, Carter, and Reagan negotiated SALT and START. President Bush signed START I and START II. President Clinton signed START III and led America through the massive post-cold-war reduction in its nuclear arsenal. That is the record: Democrat and Republican alike moving us away from nuclear escalation, and that is what this amendment will continue.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I rise today in opposition to the Kennedy-Feinstein amendment that would strip the authorization for funding for the robust nuclear earth penetrator and the advanced concepts. Again, we have heard the argument of how somehow or another we would have further world peace if we just weakened America, and I could not disagree more with that.

I believe we do have peace through strength, and what we have in this particular legislation is a study to study where the strengths are of our adversaries and where the proper response to those strengths would be. I do not think anybody has any preconceived notion of how this study should come out; we just think we need to know some vital information to make sure America remains strong.

I am disappointed once again by the efforts of those on the other side of the aisle to eliminate altogether this administration's effort to study options for modernizing our nuclear deterrent. To me, it seems that sponsors of this amendment may not fully understand how important it is for the United States to maintain a credible deterrent, or how a modernized deterrent could result in a substantial reduction in our nuclear stockpile.

Over the last several years, the Department of Defense closely examined our nuclear weapons posture. It became apparent that the cold-war paradigm of mutually assured destruction was no longer an appropriate response for the United States. Increasingly, irrational rogue nations and nonstate actors have emerged as a greater threat to U.S. security than historical adversaries. As part of this examination, it was discovered that many of our adversaries are building increasingly hardened and more deeply buried facilities in order to protect high-value targets such as command and control nodes, ballistic missiles, and, in some cases, the actual development of facilities for weapons of mass destruction.

Many of these buried targets are immune to our conventional weapons. Therefore, our ability to deter such undesired activities is greatly eroded.

The need to hold these targets at risk became so apparent that in 1994 U.S. Strategic Command and Air Combat Command issued a mission needs statement for a capability to defeat hardened and deeply buried targets.

In 1997, the Department conducted an analysis of alternatives to address intelligence and strike capabilities related to defeating hardened and deeply buried targets. To almost everyone's surprise, the analysis of alternatives found that not all hardened and deeply buried targets could be defeated by current or conceptual conventional weapons.

Then, in 1999, the Vice Chairman of the Joint Chief of Staff requested that a capstone requirements document for hardened and deeply buried targets be developed. Again, this document provided additional justification for a requirement for both conventional and nuclear weapons capable of defeating these targets.

Meanwhile, during these military studies and analyses, the Clinton administration was already building and deploying an interim nuclear earth penetrator.

I have noticed that the advocates of the Kennedy-Feinstein amendment have tried to place the blame on the Bush administration. But here we are—the Clinton administration building and deploying an interim nuclear earth penetrator. Even he recognized the need and the changing environment in which we must act in order to maintain a strong America.

The modified nuclear weapon was designated the B61–11 and entered service in April 1997. While this weapon provided a limited capability, it does not have capability to defeat all types of hard and deeply buried targets.

With this history in mind, it surprises me that once again we are here to debate whether we should go forward with a feasibility study on a modified nuclear weapon and whether our scientists can explore nuclear weapon concepts.

Let me take a moment to respond to clear up some misconceptions that have been suggested by the supporters of Kennedy amendment.

First, opponents of RNEP argue that conventionally armed “bunker buster” weapons are sufficiently effective to destroy hardened and deeply buried targets. Clearly, advanced conventional earth penetrators are the weapon of choice for most hardened and deeply buried facilities, but according to the Department of Defense, they are not effective against a growing class of hardened and deeply buried targets. Moreover, the precise location of surface support facilities are not always known, and at best, we can only hope to disrupt the operation of a hardened or deeply buried target for a few hours or days at most.

The second argument used by opponents of RNEP is that any modifications to the U.S. nuclear weapons arsenal will encourage other nations to develop new nuclear weapons. This argument suggests that there is a direct correlation between our activities and those of other nations. I could not disagree more with this notion.

Over the last 10 years, we have conducted very little work on new nuclear weapons. Yet Pakistan and India have conducted nuclear tests. Russia and China continue to develop nuclear weapons. And, countries such as Iran and North Korea are secretly working to build new nuclear weapons. All of this activity has taken place without the U.S. taking any action with regard to our nuclear stockpile.

In response to our mini-nukes, first, “battlefield nuclear weapons” would be tactical, not strategic. Second, President George H.W. Bush's Presidential Nuclear Initiative, announced September 27, 1991, did away with all U.S. battlefield nuclear weapons. In fact the Pantex plant in Amarillo, TX, dismantled the last battlefield nuclear weapon, the W–79 artillery shell in 2003. The administration has no plans to change that decision. Nor are there plans by the Department of Defense or Department of Energy to research or develop “battlefield nuclear weapons.” The administration believes that nuclear weapons are strategic weapons of last resort.

In fact, if the United States does not show that it is serious about ensuring the viability of our entire military capability, including our weapons of last resort, we might not be able to dissuade potential adversaries from developing weapons of mass destruction and deter those adversaries from using those weapons they already have.

The third argument used by opponents of RNEP is that the administration has already decided to develop, build, and test a new robust nuclear earth penetrator. They point to a Congressional Research Service report that seems to suggest that the RNEP is not merely a study because the budget projections over the next 5 years are nearly $500 million for the program.

To be clear, it was Congress that directed the Department of Energy to prepare 5-year budget profiles. The nearly $500 million outlined in the latest profile is only a projection of what the costs might be if the results of the feasibility study are reasonable, the administration opts to proceed, and the Congress approves the development of such a weapon.

We must keep in mind that the administration cannot begin the development, much less build or test, a new robust nuclear earth penetrator without the expressed approval from Congress. Section 3117 of the Fiscal Year 2004 National Defense Authorization bill makes this clear. It specifically states that “the Secretary of Energy may not commence the engineering development phase of the nuclear weapons development process, or any subsequent process, of a Robust Nuclear Earth Penetrator weapons unless specifically authorized by Congress.”

The fourth argument used by opponents of RNEP, and perhaps the most egregious, is that the RNEP will lower the nuclear threshold. Crossing the nuclear threshold represents a momentous decision for any President. A nuclear weapon's size or purpose does not alter the gravity of the decision for using a nuclear weapon. No President would use a nuclear weapon unless it was the option of last resort.

Therefore, to suggest that simply modernizing a nuclear weapon automatically lowers the rigor and deliberation in deciding to employ that weapon is unfounded.

The success of our goal of assuring our allies and dissuading potential adversaries is dependent upon a modern, effective nuclear detterent that can counter today's threats. We must keep in mind that the current U.S. stockpile was developed for very different purposes than the threats that exist today. It was developed for a massive nuclear exchange with one nation. Today, these weapons are too powerful and may result in greater damage than necessary to neutralize a target.

Moreover, these weapons continue to age, making it increasingly more difficult to predict their reliability. We depend upon their reliability, as do our allies and our troops in the field.

We must also recognize that a modernized nuclear stockpile will result in significant reductions in our stockpile. If we have specific weapons that can hold certain targets at risk, it will not be necessary to have a vast inventory of strategic nuclear warheads. This path forward would yield substantial cost savings and, more importantly, demonstrate our country's commitment to reducing nuclear stockpiles around the world.

For over 50 years, we, as a Congress, and every President have agreed that nuclear weapons are a critical element of our national security strategy. They remain so today. I believe a modernized detterent will help ensure that our adversaries are deterred tomorrow.

Therefore, I will oppose this amendment and urge my colleagues to oppose it as well.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, perhaps I do not understand all I should, and I certainly do not understand the term “modernization of nuclear weapons.” We have thousands of nuclear weapons in this world. We control thousands of them in this country. Modernization? It appears now in this debate to be a euphemism for building new nuclear weapons, designer nuclear weapons, usable nuclear weapons, the kinds of weapons you might use, for example, to bust into caves, the ground, bunker busters.

That is the purpose of this amendment, to stop this march toward production of more nuclear weapons. This country ought to be leading in exactly the other direction.

Let me read from Time magazine in March of 2002.

> For a few harrowing weeks last fall, a group of U.S. officials believed that the

worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October an intelligence alert went out to a small number of government agencies, including the Energy Department's top-secret Nuclear Emergency Search Team, based in Nevada. The report said that terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City. The source of the report was a mercurial agent code-named DRAGONFIRE, who intelligence officials believed was of "undetermined" reliability. But DRAGONFIRE's claim tracked with a report from a Russian general who believed his forces were missing a 10-kiloton device. Since the mid-'90s, proliferation experts have suspected that several portable nuclear devices might be missing from the Russian stockpile. That made the DRAGONFIRE report alarming. So did this: detonated in lower Manhattan, a 10-kiloton bomb would kill some 100,000 civilians and irradiate 700,000 more, flattening everything in a half-mile diameter. And so counterterrorist investigators went on their highest state of alert.

"It was brutal," a U.S. official told TIME. It was also highly classified and closely guarded. Under the aegis of the White House's Counterterrorism Security Group, part of the National Security Council, the suspected nuke was kept secret so as not to panic the people of New York. Senior FBI officials were not in the loop. Former mayor Rudolph Giuliani says he was never told about the threat. In the end, the investigators found nothing and concluded that DRAGONFIRE's information was false. But few of them slept better. They had made a chilling realization: if terrorists did manage to smuggle a nuclear weapon into the city, there was almost nothing anyone could do about it.

Our experts thought, based on some evidence from some folks in the intelligence community, that one nuclear weapon was missing from the Russian arsenal and might be detonated in the middle of an American city. Now, there are tens of thousands of nuclear weapons in the world. We think, probably, between 25,000 and 30,000 nuclear weapons. One missing would be devastating. One of them acquired by terrorists would be devastating.

Our job is not to come to the Senate these days with the Defense authorization bill and parrot the line of those who are reckless on this entire subject, saying what we really need to do is to build more nuclear weapons, to build bunker busters, earth-penetrator weapons, to talk about using them, to talk about testing nuclear weapons. That is not our job. It is not our responsibility.

Our responsibility is to move in exactly the opposite direction. It is our responsibility to lead the way to stop the spread of nuclear weapons, especially to stop the spread of nuclear weapons, No. 1; No. 2, to safeguard the stockpiles of nuclear weapons that already exist—yes, with us, with Russia and elsewhere; and then No. 3, and very importantly, to begin the long march toward the reduction of nuclear weapons.

It ought to be our responsibility as a world leader to say we are going to try to do everything we can to see that a nuclear weapon is never again used in conflict and that we begin to reduce the stockpiles of nuclear weapons in this world.

For months now, as I have heard people in positions of responsibility talk about the potential of designing new lower yield nuclear weapons or earth-penetrator nuclear weapons so that we can use them, I have shook my head and thought, what on Earth are they thinking about? Our job is to provide world leadership to try to find a way to reduce the stockpile of nuclear weapons in this world, to safeguard the stockpile of weapons that already exist, make sure terrorists never get their hands on one, stop the spread of nuclear weapons to other countries and to terrorist organizations and begin the march toward the reduction of the stockpile of nuclear weapons.

If we begin this process to talk about modernization and testing and building new nuclear weapons and building designer nuclear weapons, and finding nuclear weapons that will bust into caves, it will not leave this world a safer place. It will make this world a more dangerous place. It is, in my judgment, a reckless course.

I hope with all my might that the amendment being offered today to stop this march toward the building of new nuclear weapons and the discussion about the plausibility of simply using nuclear weapons as another device in conflict, I hope with all my might we stop it dead in the Senate right now.

We have a responsibility. That responsibility is world leadership.

I mentioned the article in Time magazine. The potential of one 10-kiloton nuclear weapon missing from the Russian arsenal acquired by terrorists to be detonated in an American city was devastating news to an intelligence community that became apoplectic about it, and should have been. That was just one, and there are nearly 30,000 nuclear weapons.

Our responsibility is to make sure not that we build more, to make sure we reduce the stockpile of nuclear weapons and reduce the danger of nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

As I mentioned before, we have a very proud tradition of moving the United States away from nuclear confrontation. I mentioned the start of that effort by President Kennedy beginning the process of nonproliferation. President Johnson picked up where he left off, although he did not have sufficient time. But President Nixon ratified it. Presidents Ford, Carter, and Reagan negotiated SALT and START. President Bush signed START and START II and President Clinton START III.

What do they know that this President does not know? Why do we have Republicans and Democrats moving away from the brink of nuclear escalation? What are we talking about? Five kilotons would cause 280,000 casualities, 230,000 fatalities. That is what we are talking about with small nuclear weapons.

This is not just modernization. The Senator from Colorado knows we have a very active program now being reviewed by scientists to make sure we have an adequate deterrent. What is the effect if you dropped a 5-kiloton nuclear weapon on Damascus: 280,000 casualties, 230,000 fatalities.

Just before the first gulf war, the Chairman of the Joint Chiefs of Staff, Colin Powell, commissioned a study of the possibility of the use of small nuclear weapons on the battlefield. He rejected all of them because, he said, "they have no battlefield utility."

If the Senator from Colorado can show us where we had any hearings, where any of the Joint Chiefs of Staff have testified they want this kind of weapon, I am interested. He cannot because we have not had any hearings.

This is a statement from the Administrator of the National Nuclear Security Administration in response to a question on April 8, 2003: I have a bias in favor of the lowest usable yield. I have a bias in favor of things that might be usable.

There it is, a statement from the No. 1 person in the administration.

We have in the RECORD the 5-year program in terms of the development of these weapons, $485 million. We have in the RECORD the costs of the small nukes, $82 million. Why are we being asked to go ahead and walk down this path where we have Republican and Democrats and the Chair of the Joint Chiefs of Staff saying this is a mistake?

What in the world does the Senator from Colorado know that these Presidents did not know? Where is the testimony before our Armed Services Committee showing these will be usable?

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, to suggest that somehow or the other this particular President does not want to be a leader in reducing nuclear threats is absurd.

I call to the attention of the Members of the Senate the Moscow Treaty which was put together at the first of this administration. He brought down some 8,000 warheads to 1,700 to 2,200 active warheads.

The result from our potential adversaries is to produce more nuclear warheads. Our adversaries are not necessarily responding to what we do in the United States. Take India and Afghanistan. They are more interested in how each other's country is responding to that issue. They are not that concerned about what is happening here. Despite that, they continue to be proliferating. And there is always the potential they could be proliferating warheads that could have an impact on us.

We know our adversaries are building hard bunkers, deeply buried. This particular piece of legislation is not putting in place the engineering or development of nuclear warheads. I have just shared that language with my colleagues. But what we are looking at is a study. I think it is foolhardy and irresponsible to not even look at the facts, to not call for a study to see where we are in relation to the rest of the world. We know other countries, other than just Afghanistan, such as North Korea—I don't see a real step-down as far as Russia and other countries around the world. We know Iran, admittedly, is looking at a nuclear weapons program.

So this is an important step in making sure that America remains secure. I think it is a responsible step because we are saying that in order to maintain peace in this world we need to have a strong America. If we want to have some response to terrorism and that flexible threat we have out there, we have to have a more flexible defense posture. We need to look at alternatives. And, yes, I believe terrorists throughout the world have the potential of being a real threat to this country, although the main threat that is recognized today is from many of those countries that I cited.

But that is why it is important to have a study. I think those people in the know—whether they are in the Bush administration or were in the Clinton administration—agree we need to stay on top of this issue. I think the irresponsibility would be for us to bury our heads in the sand and ignore the fact that the world is changing. The fact is, the world is changing, the threat is changing, and for us to deal with those potential threats, we need to look at modernizing our ability to deal with those changing threats. That is what the provision in this particular bill is all about.

Mr. President, I yield the floor.

Mr. AKAKA. Mr. President, I rise today in support of the amendment offered by Senators KENNEDY and FEINSTEIN to prohibit the use of funds for the support of new nuclear weapons development.

Passage of this amendment would ensure that the United States will not develop new nuclear weapons while at the same time asking other nations to give up their own weapons development programs.

Unfortunately, today we live in a world where governments and terrorists are seeking to create and acquire weapons of mass destruction. I am deeply concerned that we are not doing enough to stop the potential flow of weapons and weapon materials to terrorist organizations. Rather than devoting scarce resources to researching new nuclear weapons we should be securing nuclear material already in existence.

The administration's plans to develop new weapons and modify old types of weapons will compromise U.S. security by undermining efforts to make worldwide cooperation on nonproliferation of nuclear and other weapons of mass destruction, WMD, more effective.

The first Bush administration prohibited work on nuclear weapons then under development and halted nuclear testing except for safety and reliability, effectively bringing work on new weapons types to a close.

In contrast, I believe this administration's nuclear initiatives are creating a new kind of arms race by expanding our weapon development programs.

The United States pledged in the Nuclear Nonproliferation Treaty "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." This is still a worthy objective.

However, instead of strengthening nonproliferation efforts, the administration has requested $27.6 million for the Robust Nuclear Earth Penetrator, RNEP, for fiscal year 2005. The request would continue a study to modify an existing weapon to penetrate completely into the ground before detonating, increasing its ability to destroy buried targets.

The RNEP is a bad idea for a number of reasons. First, it is a common misconception that a weapon detonated a few meters underground creates less fallout. In fact, a weapon detonated at a shallow depth would actually create more fallout than if it were detonated on the surface.

Nuclear testing done in the 1960s demonstrated that weapons detonated deep underground can produce large amounts of fallout. In order to prevent this during underground testing done at the Nevada Test Site, detonations were required to be at least 600 feet underground, with no vertical shaft open to the atmosphere. This scenario cannot happen in a battlefield situation.

We do not have the ability to drive a weapon down to the depths that would be required to prevent huge quantities of fallout from occurring, and even if we did, the hole created by the weapon would allow the fallout to escape to the atmosphere. Even a low-yield RNEP would kill large numbers of people from both the blast and from the inevitable fallout that would follow.

The RNEP study was initially projected to cost $45 million—$15 million a year for fiscal year 2003–2005. It is now projected to cost $71 million, which is too much money to research a weapon that in many ways duplicates what conventional weapons can do already.

Additionally, the budget request includes figures through fiscal year 2009 that total $484.7 million and includes placeholders for both the development-engineering and production-engineering phases. This may indicate that the RNEP study is more than just a study and is in fact being undertaken with the foregone conclusion that the weapon will go into development. This amendment would effectively stop funding for this weapon.

The administration argues that these weapons programs are needed to increase deterrence from a new kind of threat. I do not believe these weapons will deter other nations or terrorists. If other nations see the U.S. developing new nuclear weapons, they are likely to think that they need new weapons for their security as well.

We already know that terrorists are trying to acquire nuclear weapons. Director of Central Intelligence, George Tenet, warned the Armed Services Committee once again in March of al-Qaida interest in chemical, biological, radiological and nuclear, CBRN, weapons.

Director Tenet said, "Acquiring these remains a 'religious obligation' in Bin Ladin's eyes, and al-Qaida and more than two dozen other terrorist groups are pursuing CBRN materials. Over the last year, we've also seen an increase in the threat of more sophisticated CBRN. For this reason, we take very seriously the threat of a CBRN attack." We cannot afford this risk.

I urge my colleagues to support the Kennedy-Feinstein amendment to stop funding new nuclear weapons development programs.

Mr. BIDEN. Mr. President, I support the amendment offered by Senator KENNEDY and Senator FEINSTEIN to prohibit the use of funds for the Robust Nuclear Earth Penetrator and for the development of new nuclear weapons concepts.

Both the administration's policy of pre-emptive war and the suggestion, reportedly included in the Nuclear Posture Review, that it might use nuclear weapons against non-nuclear countries undercut U.S. non-proliferation pronouncements. And these policies form the context in which we must evaluate administration proposals for new nuclear weapons research.

Moves to make nuclear weapons just another part of the U.S. arsenal of usable weapons send a strong and unmistakable message to other countries: the only way to deter the United States is to have nuclear weapons of your own.

The President's agenda for a new generation of nuclear weapons is included in the bill before us today, which funds the Robust Nuclear Earth Penetrator, the Advanced Concepts Initiative—which could include low-yield nuclear weapons—and the Modern Pit Facility. Funds for the Robust Nuclear

Earth Penetrator, known as RNEP, or the bunker buster, are supposed to cover a "study" of turning existing nuclear bombs into earth penetrators. But what a robust study this is. The 5-year budget required by Congress and submitted by the Department of Energy funds the "study" at $27.6 million in fiscal year 2005, but the 5-year total balloons to $484.7 million.

Last year, Congress passed amendments that required congressional authorization before later phases and developmental engineering of RNEP could take place. The price tag suggests that the administration sees RNEP as far more than a study; it is clearly looking ahead to the development and fielding of a new nuclear weapon. If so, the Congressional Research Service warns that the 5-year cost is far from the total price tag for this program.

It is impossible to provide an estimate of total program cost because of the difficulty of the task at hand.

The current nuclear earth penetrator, the B61-11, can penetrate only to 20 feet in dry earth. According to physicist Rob Nelson from Princeton University, even an extremely small bunker buster with a yield of one-tenth of a kiloton must penetrate 140 feet underground to be contained. It is hard to imagine the technical feat required to penetrate into hardened targets to the depth necessary to prevent massive fallout from a nuclear weapon with the RNEP's yield, which is said to be far in excess of 5 kilotons. In fact, preventing the spread of fallout from an RNEP is impossible—and tens of thousands or hundreds of thousands of casualties could result from the nuclear fallout from such a weapon.

U.S. nuclear tests from the 1960s and 1970s illustrate the point. The 1962 "Sedan" test exploded a 100-kiloton weapon 635 feet underground. It produced a gigantic cloud of fallout and left a crater a quarter mile in diameter. To destroy a deeply buried target, an even larger weapon would be needed—and an RNEP would be lucky to penetrate more than 50 feet underground. The fallout would be immense.

The bill before us also includes $9 million for the Advanced Concept Initiative that could lead to the development of new nuclear weapons, including low-yield nuclear weapons.

This program raises further concerns. Will the new weapons require a resumption of nuclear testing, leading others to test as well? Will the new weapons erode the current gap between nuclear and conventional weapons, which helps to make nuclear war "unthinkable" and to deter other countries from developing such weapons?

The Robust Nuclear Earth Penetrator and low-yield nuclear weapons are not like regular nuclear weapons. Regular nuclear weapons are designed to deter an adversary; the massive destruction and civilian casualties they cause make nuclear weapons unlike even other weapons of mass destruction, with the possible exception of smallpox. But these nuclear weapons are different. They bridge the gap between conventional weapons and the city-busting weapons of the cold war. They offer the lure of a better way to destroy point targets.

Supporters of new nuclear weapons argue that they, too, could deter an adversary, and that is true. All nuclear weapons have a deterrent function. But the deterrence benefits that low-yield weapons provide are far outweighed by both the risk that they will actually be used and the dangerous signal that they send to other countries—whether intentionally or not—that we intend to fight nuclear wars.

These nuclear weapons blur the distinction between nuclear and conventional war. They begin to make nuclear war more "thinkable," as Herman Kahn might have said. But Herman Kahn's book was "Thinking About the Unthinkable." He understood that nuclear war was unthinkable, even as he demanded that we think about how to fight one if we had to. Looking at the foreign and defense policies of the current administration, I fear that they have failed to understand that vital point. They want to make nuclear war "thinkable."

And that failure of understanding could lead to bigger failures: a failure to understand how to keep other countries from developing nuclear weapons; a failure to view nonproliferation as a vital and workable policy objective; and perhaps even a failure to avoid a nuclear war, which would do horrible damage to our country.

Building bunker busters and low-yield nuclear weapons is not a path to non-proliferation. Neither is a program to do R&D on such weapons, while Defense Department officials press our scientists to come up with reasons to build them.

Neither is a program to test those weapons—which would surely be necessary to develop new low-yield weapons; and which would just as surely be the death knell not only of the Comprehensive Test-Ban Treaty, but also of the Nuclear Non-Proliferation Treaty.

Consider what the administration has said regarding nuclear weapons: The Nuclear Posture Review of December 2001 spoke of reducing U.S. reliance upon nuclear weapons. But it also reportedly listed not only Russia and China, but also North Korea, Iraq, Iran, Syria, and Libya as potential enemies in a nuclear war.

It spoke of possibly needing to develop and test new types of nuclear weapons, gave that as a reason for increasing our nuclear test readiness, and said that nuclear weapons might be used to neutralize chemical or biological agents. And in the run-up to the Iraq war, the administration proclaimed a doctrine of preemption against any potential foe that acquired weapons of mass destruction.

Now, if you were a North Korean leader, or an Iranian or Syrian one, which part of those reports would you act on? The part that reduces reliance on nuclear weapons? Or the part that names you as a possible target for nuclear preemption?

So far, we have one positive answer—from Libya, which is giving up its WMD program.

But from North Korea and Iran, the response is much more disturbing. The Washington Post reported last month that a new National Intelligence Estimate would likely conclude that North Korea has approximately eight nuclear bombs, instead of two; and that its secret uranium enrichment program would be operational by 2007 and produce enough weapons-grade uranium for another six bombs per year. Iran was accelerating its nuclear weapons program, when disclosures and IAEA inspections exposed it and disrupted Iran's efforts. It pursued two means of uranium enrichment—centrifuges and lasers—and experimented with separating plutonium.

Even countries that are our friends and allies worry about—and react to—these U.S. policies. Just last week, Brazil's new Ambassador reiterated his country's intent to limit the access of the International Atomic Energy Agency to Brazil's uranium enrichment plant. One rationale he used was Brazil's unhappiness that the Bush administration would consider using nuclear weapons against non-nuclear countries.

How shall we stem the spread of nuclear weapons? For a while, it seemed as though the administration's approach would be to declare war on every adversary that dared to go nuclear. But do we really intend to go to war with North Korea, if the price is the slaughter of hundreds of thousands of South Korean civilians? In fact, we appear now to be withdrawing half our ground combat forces from South Korea to send them to Iraq; and there are rumors that those forces will not return to Korea.

Do we intend to go to war with Iran, when we cannot guarantee security in Iraq? The list of countries that we accuse of having weapons of mass destruction is long. Will we take them all on? And what do we do when Indian officials cite our Iraq war arguments as justification for a possible attack on Pakistan that could risk a nuclear war? Is this the world we want?

Nobody ever said that nonproliferation was easy.

I don't have a silver bullet; and I don't expect the President to have one, either. But you have to keep your eye on the ball. When conservatives opposed the Comprehensive Test-Ban Treaty, they said that countries would build nuclear weapons for their own strategic reasons. That is right.

It means that if we want to prevent proliferation, or roll it back, we have to affect those strategic calculations. Nonproliferation policy gives us a framework for those efforts.

The Nuclear NonProliferation Treaty gives us international support, and affects the calculations of countries whose neighbors sign and obey the treaty. The Nuclear Suppliers Group buys more time, by restricting exports of nuclear or dual-use materials and equipment. But in the end, it still comes down to other countries' strategic calculations.

For lasting nonproliferation, we must treat the regional quarrels that drive countries to seek nuclear weapons. We were able to do that with Argentina and Brazil. As South Africa moved away from apartheid, we were able to do that there, as well. We are making a real effort to help India and Pakistan step back from the brink, and we must continue that effort. But we also have to address security concerns in East Asia, including North Korea's concerns, if we are to keep that whole region from developing nuclear weapons. And we have to pursue peace in the Middle East.

Nor is there really an alternative to working with the international community.

We don't have the ability to inspect sites in Iran; the International Atomic Energy Agency does have that ability. Its inspections have revealed much about the extent of Iran's nuclear program and have made it harder for Iran to pursue that program.

We cannot close down proliferation traffic all by ourselves. The case of North Korea shows how much we need the help of other countries. The cooperation of other countries, especially including Russia and China, is essential. That is why the Proliferation Security Initiative is so important, as is our adherence to international law in implementing that initiative.

Those are the paths to nonproliferation. They are long and difficult paths, and we do not know whether we will succeed. But we can see where we want to go, and we can see how working those issues will help get us there.

Building a new generation of nuclear weapons will only take us on the opposite path. So I urge my colleagues to support the Kennedy-Feinstein amendment to prohibit funding for those counterproductive weapons.

Mr. LAUTENBERG. Mr. President, I rise today to discuss a critical national security amendment that I have cosponsored. I commend the leadership of Senator KENNEDY and FEINSTEIN and I join them today in offering an amendment that will eliminate funds in this year's budget for research and development on nuclear bunker buster. This amendment also deletes funding for the advanced concepts programs—money authorized for research on small nuclear weapons.

Mr. President, I am disappointed that this administration has requested these programs for this year's Department of Energy Budget. First and foremost, the development of these new weapons are not needed; the U.S. already has 6,000 deployed nuclear weapons. But most importantly, a U.S. decision to proceed with a new generation of nuclear weapons will undercut international non-proliferation efforts and undermine the United States' credibility on global security.

We are currently facing a new type of national security challenge; our greatest goal is to prevent the nexus of terrorists and weapons of mass destruction. As such, it is imperative that this country's defense and foreign policy reflect a firm commitment to every aspect of non-proliferation and arms control. Destroying and preventing the spread of current nuclear warheads remains a critical component of this commitment. So too is preventing the development of new types of nuclear weapons and materials, however small they might be and however limited their use.

We invaded Iraq to change a regime that we were told posed an imminent threat to global security. The administration assured us that not only had Saddam amassed an arsenal of biological and chemical weapons, but he was also actively pursuing nuclear weapons as well. We have so far lost 840 American men and women in this effort but have yet to uncover traces of WMD programs in Iraq. I find it truly bizarre and hypocritical that the administration would plan to build new types of nuclear weapons at the same time it pursues military operations abroad with the purported objective of destroying similar materials.

In our global war on terror, the last thing we need is more nuclear weapons. What we need are more troops on the ground protecting Iraqis and providing stability. What we need is better intelligence and law enforcement and enhanced efforts to collaborate with our allies on both priorities.

Instead, the administration has decided that researching and developing new types of nuclear weapons is a priority. How we can credibly ask North Korea and Iran to stop their own nuclear programs while at the same time we develop mini nukes and bunker busters?

Let me respond to three points the administration makes in support of its dangerous nuclear requests:

First, the administration says the Pentagon must study bunker busters for the war on terrorism; only the Robust Nuclear Earth Penetrator (RNEP), it claims, could be used against suspected underground bunkers containing weapons of mass destruction. They say our amendment will tie the Pentagon's hands in the war on terrorism. This is not true. The administration's scenario in which the new nuclear explosives are used against suspected underground bunkers containing biological, chemical or nuclear weapons is highly improbable. Our intelligence about the location of WMD materials is not precise enough to destroy it this way. Just imagine launching nuclear bunker busters based on weapons intelligence as unreliable as that circulating before the Iraq war. Even if underground sites were accurately identified, the resulting nuclear explosions could spread the blast, radiation, and toxins over populated areas.

Moreover, current conventional weapons in our arsenal can destroy these materials. And if we really care about the threat of WMD, then the proposed research money ought to be going to fund better weapons intelligence and improved conventional methods for putting these WMD sites out of commission, like blocking air intakes and external energy sources.

Second, administration officials claim that the bunker buster funding and the mini nuke funding is just for feasibility studies and research and development, not for use. They claim that we are opposing the important scientific advances involved in researching these weapons.

With nuclear weapons, any materials researched and developed must be tested. You cannot understand the physics of nuclear weapons without tests. Currently, the U.S. is a signatory of the Comprehensive Test Ban Treaty, which prohibits testing nuclear weapons. If we test our new weapons, even at an early non-useable stage of development, we are immediately breaking this treaty and inviting other countries that are signatories to break this treaty as well.

Finally, the proponents of the nuclear funding say that the administration's request only deals with a small amount of money—$9 million for the mini nukes and around $30 million for the bunker busters. Relative to a Defense Budget for 2005 projected to surpass $440 billion dollars, they say that the sum in question—the sum our amendment will delete—is insignificant.

This is also patently wrong. First, the Fiscal Year 2005 budget contains $9 million for mini nukes, which is a 50 percent increase from last year's request. What's more important is not the sum, but the intent. The administration has made it clear that it wants this money to create—and I quote the Pentagon "a more useable" nuclear weapon. This funding, however small, sends a dangerous message to other members of the nine country nuclear club that the U.S. is intending to use our nuclear arsenal.

Second, with the bunker buster, in May 2003, Secretary Rumsfeld said that the Robust Nuclear Earth Penetarato program "is a study. It is nothing more and nothing less." This study was planned to cost $15 million for fiscal years 2003-2005. Yet this year, the Administration requested $27.6 million for the study, and suddenly revealed that it planned to spend $485 million over the next five years. That is not insignificant at all.

I just returned from attending a celebration of the 60th anniversary of D-Day in Normandy, France. The most important military and political lesson learned from the D-Day battles was the necessity of international cooperation. I believe that this great example of multi-lateral cooperation should be remembered and applied to current events, in Iraq and elsewhere. The world watched in awe as young, dedicated soldiers from several countries fought side by side on those beaches and cliffs that launched the events that would rid the world of fascism.

Today, the administration's unilateral foreign policy and marginalization of the United Nations has fractured this alliance of democracies. Our relations with Europe are tense and our public standing in the world an all-time low. I believe that funding nuclear weapons in this year's budget will only provoke further antagonism between the United States and our allies.

I urge my colleagues to support the Kennedy-Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe I have 10 minutes allocated to me.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, I very much support the pending amendment because I believe if this country is going to have any credibility in our argument that countries such as Iran should not be allowed to obtain nuclear weapons, we ourselves must reduce our own reliance on nuclear weapons and not move in the direction of new nuclear weapons.

We undermine our position when we put money into a budget which says we are going to start doing and continue research on new types of weapons and on advanced concepts for nuclear weapons, when we have been a party to a treaty called the Nuclear Non-Proliferation Treaty, which says:

> Each of the Parties to the Treaty—

That includes us—

> undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty of general and complete disarmament under strict and effective international control.

We have told the Indians, we have told the Pakistanis: Do not move down that nuclear road.

We have told the Iranians: We are not going to let you go down that nuclear road. We are going to take actions to prevent you from acquiring nuclear weapons. This is at the same time this administration is moving this country toward additional reliance on nuclear weapons, new types of nuclear weapons, and new uses for nuclear weapons.

It is totally inconsistent for us to be moving in the direction we talk about when it comes to other countries but in the direction that we literally live out when we come to our own activity. Too often this country has been portrayed as saying that the rules that apply to everybody else do not apply to us. We have seen too much evidence of that approach recently. It has dramatically weakened our position in this world and strengthened the terrorists' position when we say we are not governed by the same rules by which everybody else is governed. There is a nonproliferation treaty out there, Iran. You are a member of that treaty, and you have to live up to it.

Now, of course, Iran can pull out of that treaty. They can withdraw from that treaty, too, just as we withdrew from the ABM Treaty. But they are a member of that nonproliferation regime now. So we tell them: You have to live up to that regime. We are not going to sit by and allow you to get nuclear weapons.

That is what we say over here. But over here we put millions of dollars into doing research on new types of nuclear weapons and new uses for nuclear weapons which already are in the inventory.

This is a grave danger to us. We undermine our own security when we talk out of the right side of our mouth when it comes to what other people can do, and out of the left side of our mouth when it comes to our own activity.

The effort to move toward more usable nuclear weapons is what this argument is all about. This is what Administrator Brooks talked about in answer to a question by Senator REED, when he says:

> And I accept Senator Reed's point that . . . I have a bias in favor of things that might be usable.

Here is the Administrator of the National Nuclear Security Administration talking about that we have to move toward more usable nuclear weapons. And why do we need these weapons? We are told because there are underground bunkers that might be the targets, and that those bunkers might not be reachable except through nuclear weapons.

Can we just imagine having dropped nuclear weapons going after Saddam Hussein? We had this intelligence that said he was in an underground bunker. And that underground bunker, we were told, was something we could hit with a conventional weapon at the time. It was one of, apparently, 50 airstrikes that we used against the high-value targets in Iraq, including Saddam Hussein and his sons.

Well, according to the press, there were about 50 of those airstrikes. Not one of them was successful. It turns out there apparently was not even a bunker at the one we were sure Saddam Hussein was in. But if there was a bunker, he was not in it. According to this report in the New York Times of June 13, a Central Intelligence Agency officer reported that Hussein was in that underground bunker at that site. So we went after him. We directed the airstrikes against that bunker.

But then, after the main part of this war was over, we went and inspected where we had struck based on intelligence that there was an underground bunker containing Saddam Hussein. And lo and behold, not only wasn't there Saddam Hussein—we knew that already—but there wasn't even a bunker at the location.

And the suggestion that we are going to design nuclear weapons to go after bunkers, despite the huge result in terms of human loss when nuclear weapons are used, assumes we have intelligence which is so reliable that we can, with great certainty, reach a leader who otherwise would not be reachable with conventional weapons. If anything has been demonstrated recently during this Iraq war, it is that our intelligence is not only not particularly accurate but it is wildly inaccurate at times.

The idea that we project to the world that we are going to design nuclear weapons to go after bunkers—nuclear weapons which have yields which will kill tens of thousands of people if they succeed with their low yield—it seems to me is not only a message which undercuts our position against proliferation and our position in support of the nonproliferation treaty but a message which totally weakens us, which opens us up to the attacks of the terrorists who would kill us, that the United States lives by one set of rules when it comes to its own activities at the same time it wants to apply another set of rules to the rest of the world.

The administration's Defense Science Board, last year, called for a strategic redirection of the stockpile stewardship priorities in favor of nuclear weapons that previously had not been provided for and supported.

The legislative justification for the administration's position on this matter says we should be exploring weapons concepts that could offer greater capabilities for precision and earth penetration and weapons which are more "relevant." More relevant nuclear weapons is what this is all about, relevant and usable nuclear weapons. A more relevant stockpile, according to their definition, will have reduced efficient yield.

But when you look at what the real yield is of these so-called reduced weapons, reduced yields, a 1-kiloton nuclear weapon detonated at a depth of 25 to 50 feet would eject more than 1 million cubic feet of radioactive debris into the air and leave a crater about the size of the World Trade Center. A 100-kiloton weapon that was detonated 635 feet below ground in Nevada formed a crater 320 feet deep and 1,200 feet in diameter. If a target were so deeply buried that a conventional weapon could not effectively harm a target, neither could a low-yield nuclear weapon. To successfully reach one of those targets would require a large yield and a large yield cannot be contained.

According to Sidney Drell, a noted physicist at Stanford University and a member of the NNSA advisory panel, a target buried at 1,000 feet would take a nuclear weapon with a yield greater than 100 kilotons to do any damage.

This body is again faced with a decision: Do we want to continue to walk down a road which we are urging and demanding that others not walk? The greatest fight we must wage is against proliferation of weapons of mass destruction that could reach the hands of terrorists.

The determination to develop new nukes and new uses for nuclear weapons undermines that fight. It weakens us in that fight and it makes us less secure in the war against terrorism.

I strongly urge that the pending amendment be adopted.

Mr. KENNEDY. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There is 18 minutes on the Democratic side and 33 minutes on your side.

Mr. INHOFE. When are we scheduled to have our vote?

The PRESIDING OFFICER. At the conclusion of the use or yielding back of the time.

Mr. INHOFE. I see there are those wanting to be heard on the other side. Let me make a couple comments.

We are talking as if this is some program that we are putting together. This is a feasibility study. This is something to determine what the costs would be, what risks are out there, what the potential threat is that we could be guarding against. We are talking about a defensive system. I have heard all of the arguments.

Since we do have some time, I will let them use some of their time, and then I would like to respond so we can stay on schedule.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I am very happy to join with Senator KENNEDY in support of this amendment. I come at this from a passionate, moral point of view so my arguments are going to reflect that. We have been hearing for 2 years now that this is just a study. Yet the Congressional Research Service has shown in its reports that, in fact, it is much more than a study. This is the reopening of the nuclear door and the development of a new generation of nuclear weapons.

We, the strongest and most technologically proficient military on Earth now see fit to reopen that door and begin to study and develop a new generation of nuclear weapons: One, the robust nuclear earth penetrator, a 100-kiloton bunker buster, which at present cannot be developed to drive deeply enough into the ground to prevent the spewing of massive amounts of radioactive debris; two, something called advanced concepts initiative, which is the development of low-yield nuclear weapons, under 5 kilotons, to be used as strategic battlefield nuclear weapons; and three, the development of a plutonium pit facility with enough capacity to create up to 450 plutonium pits per year, which are the trigger devices in a nuclear weapon.

I strongly believe that to proceed on this path is folly because by doing so we are encouraging the very nuclear proliferation we are seeking to prevent. In other words, we are telling other countries, don't do what we do, do what we say. We are practicing the ultimate hypocrisy. And there is now emerging evidence that others are going to follow this course.

When I stood on the floor last week, I mentioned the report that India is beginning the development of battlefield nuclear weapons. You can be sure Pakistan will follow. We also know Brazil is looking at that opportunity as well. In April of this year, Brazil refused to allow IAEA, the International Atomic Energy Agency, inspectors to examine a uranium enrichment facility under construction. They insisted that the facility will only produce low-enriched uranium, which is legal under the Nuclear Nonproliferation Treaty, so long as it is safeguarded. They also refused to fully cooperate with the IAEA's investigation into the nuclear black market operated by Pakistani scientist A.Q. Kahn.

These are all the signs. We saw them in North Korea as well. Brazil appears to be rebelling against what it perceives to be a double standard in the global nuclear proliferation regime. It views President Bush's proposals, which significantly curtail the sharing of potentially peaceful nuclear technology, as a radical departure from the standards agreed to under the NPT. I am quoting from a statement issued by the former Foreign Minister of Great Britain, Robin Cook, and former Secretary of State Madeleine Albright in a document entitled "A Nuclear Nonproliferation Strategy for the 21st Century." We know that other countries follow the example of the United States. Why are we doing this?

There is good news. Last week the House Appropriations Subcommittee on Energy and Water eliminated all funding for these programs, everything—for the pit facility, for the advanced weapons concepts, and for the nuclear bunker buster. That was a wise decision. I believe the action of the House is a reflection of the growing bipartisan concerns that I know many of my colleagues share about this administration's nuclear weapons programs. That is why the Senator from Massachusetts and I and the Senator from Michigan and others have offered our amendment to eliminate funds for programs to develop new nuclear weapons capabilities, including the robust nuclear earth penetrator.

This administration continues to argue that no new weapons production is currently planned. But again, the facts belie this statement.

Ambassador Linton Brooks, head of the National Nuclear Security Administration, stated in a recent interview that it is important, in his view, to maintain a manufacturing and scientific base so that the United States can meet the goal of "being able to design, develop, and begin production of a new warhead within 3 to 4 years of a decision to enter engineering development."

That is the ball game—the development of a new warhead. It is not just a study; it is development.

I mentioned the Congressional Research Service report. I was staggered when I saw that it concluded that the administration's long-term budget plans, including $485 million for the robust nuclear earth penetrator between 2005 and 2009, casts doubt on the contention that the studies of a new nuclear weapon are, in fact, just studies. Why would the administration be including $485 million in future funds in its long-term budget for a robust nuclear earth penetrator if it was just a study? The fact is, they would not. The study doesn't cost $485 million. The answer is that they are planning to go into the engineering and the development phases.

What I find most troubling with the administration's approach is the suggestion that we can make nuclear weapons more usable.

I strongly believe it must be a central tenet of the U.S. national security policy to do everything at our disposal to make nuclear weapons less desirable, less available, and less likely to be used.

According to press reports, the 2001 Nuclear Posture Review cited the need to develop a new generation of nuclear weapons and suggested a "new triad" which blurred the lines between conventional and nuclear forces. I keep mentioning that because this paper is often postulated as a throwaway—don't pay attention to it—but it is a very important statement of administration policy.

As early as 2001, this administration was creating a new triad of strategic forces, and one part of that would be the nuclear triad—in other words, the creation of new weapons that could be used along with conventional weapons.

This document also names seven countries—not all of them possessing nuclear weapons—against which we would consider launching a nuclear first strike.

So this new triad, with its emphasis on the offensive capability of these weapons—even in first-strike scenarios—represents a radical and dangerous departure from the idea that our strategic nuclear forces are primarily intended for deterrence. This is significant. We have always looked at our nuclear arsenal as a deterrent arsenal. This is now changing to an offensive arsenal. If you think about how the robust nuclear earth penetrator would be used, how low-yield nuclear weapons would be used, they would not be used in a defensive posture; they would be used as part of an offensive thrust.

A recent report of the Pentagon's Defense Sciences Board argues that "nuclear weapons are needed that produce much lower collateral damage," precisely so these weapons can be more "usable" and integrated into war-fighting plans.

Now, the problem in all of this is that there is no such thing as a "clean" or usable nuclear bomb. A lot of studies have been done.

A leader in this effort is Dr. Sidney Drell, a physics professor at Stanford University. He points out how the effects of a small bomb would be dramatic. A 1-kiloton nuclear weapon detonated 20 to 50 feet underground would dig a crater the size of Ground Zero in New York and eject 1 million cubic feet of radioactive debris into the air.

The depth of penetration of the robust nuclear earth penetrator is limited by the strength of the missile casing. The deepest our current earth penetrator can burrow is 20 to 35 feet of dry earth.

Casing made of even the strongest material cannot withstand the physical force of burrowing through 100 feet of granite to reach a hard or deeply buried target—much less the 800 feet needed to contain the nuclear blast.

So if a nuclear bunker buster were able to burrow into the earth to reach its maximum feasible penetration depth of 35 feet, it would not be able to be deep enough to contain even a bomb with an explosive yield of only 0.2 kilotons, let alone a 100-kiloton bomb like the robust nuclear earth penetrator.

So given the insurmountable physics problems associated with burrowing a warhead deep into the earth, destroying a target hidden beneath 1,000 feet into rock will require a nuclear weapon of at least 100 kilotons. So anything short of 800 feet will not contain a fallout. A fireball will break through the surface, scattering enormous amounts of radioactive debris—1.5 million tons for a 100-kiloton bomb—into the atmosphere. Is that what we want to be doing as a Nation?

The 1962 Sedan nuclear test at the Nevada Test Site illustrates the enormous destructive effects of a 100-kiloton nuclear blast detonated 635 feet below the surface of the Earth—far deeper than any robust nuclear earth penetrator can be engineered to go. The radioactive cloud it produced continued to rise as debris settled back to Earth, and the base surge of the explosion rolled over the desert. Even at 635 feet below the ground, the blast could not be contained.

On the floor of the Senate last week, my friend, the distinguished Senator from Arizona, Mr. KYL, argued that because conventional earth-penetrating munitions failed to knock out Saddam Hussein in his underground bunker on the eve of the Iraq war, "only nuclear weapons can address the deeply buried targets that are protected by manmade, or even hard geology."

I usually, on security matters, agree with my friend. But consider the implications of this statement. If we had used a nuclear earth penetrator, we might have killed Saddam Hussein—that is, assuming we had the right location in the first place, and clearly our intelligence was not right—but at the same time the United States would have used a nuclear weapon against a nonnuclear weapon state, detonating it in the middle of a city of 5 million people. Would leveling Baghdad have been the right way to liberate an oppressed people from a brutal dictator? Of course not.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I have one sentence before yielding to the Senator from New Mexico. This is a feasibility study. That is all it is. You can keep saying over and over that it is more, but it is not. In the 5-year plan, which says in the event the feasibility study recommends it, and in the event the President recommends it, in the event we authorize it in both the House and Senate, then you can go forward with it. Right now, it is a feasibility study.

With that, I yield the floor.

Mr. WARNER. Mr. President, at the conclusion of the remarks of our distinguished colleague from New Mexico, I ask unanimous consent that the Senator from Virginia be recognized for about 6 or 7 minutes for the purpose of a colloquy with the Senator from Utah.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator INHOFE for the opportunity to speak.

The Feinstein-Kennedy amendment would prevent the NNSA from studying alternative technologies for our nuclear stockpile. It would also prevent the NNSA and DOD from studying earth-penetrating capability, which many military experts believe is an area where our existing arsenal does not provide sufficient deterrence.

The robust nuclear earth penetrator is a study to determine how or if the existing B-61 and existing B-83—those are the names of nuclear weapons—might be modified to provide an added capability of underground penetration. At present, our military is unable to provide credible deterrence against deeply buried targets.

Included in the President's fiscal year 2005 budget is $27.6 million in funding to undertake a feasibility study for the RNEP. With this research—and I stress research—we may be able to solve the complex engineering challenges and identify capabilities for both nuclear and conventional weapons to address the evolving tactical challenges. This is research not intended to replace any conventional weapon. It would only serve to transition from relying on large megaton city busters with more precise weapons, also providing funding for the NNSA to evaluate modification to existing weapons. It does not imply a commitment to build these weapons. Section 3117 of the Defense Authorization Act of 2004 requires that specific congressional authorization be obtained to move beyond a feasibility study. That has not been repealed and has not been changed.

Last year, the Energy and Water appropriations bill contained language that prevents the NNSA and the Department of Defense from moving beyond a feasibility study without congressional approval. I am the chairman of that committee, and I intend to include similar language again this year.

The Advanced Concepts Initiative will examine emerging or alternative technologies that could provide this country with an improved nuclear deterrence.

In 2001, the Nuclear Posture Review suggested that we should keep our nuclear scientists engaged and thinking about what the nuclear stockpile of the future should look like. By denying our scientists the opportunity to investigate this technology and the options for our stockpile, we will also neglect critical research into improving the safety, reliability, and security of the existing aging stockpile. It makes absolutely no sense to ignore technology and innovation when it comes to nuclear security and deterrence. I guarantee other countries are not limiting themselves to what they know today but are focusing on new possibilities for tomorrow.

This is not an attempt to build brand-new weapons and add to the stockpile. I am very supportive of reducing the number of weapons we have deployed, and I support the President's recently announced efforts to take a dramatic step in that direction. I support a much smaller, more flexible stockpile that can respond to a variety of threats in the post-cold-war era.

Last year, the Appropriations Energy and Water Development Subcommittee included a requirement that the President send to Congress a nuclear stockpile report that underlines the size of the stockpile of the future. This classified report is complete and defines the size and mission of our future stockpile. It goes beyond reductions contemplated by the Clinton administration. The plan proposed by the President would reduce the number of deployed weapons to levels consistent with the Moscow Treaty and its lowest level in several decades.

But even with these reductions, we must constantly adapt to provide a credible deterrence to the post-cold-war era. It is not realistic to think we can put the nuclear genie back into the bottle. We cannot hope that if we ignore the evolving nuclear threat that it will go away. History tells us a different story.

Despite the U.S. adopting a testing moratorium, several countries, including France, India, and Pakistan have tested weapons. Countries such as Libya, Iran, and North Korea have ignored international pressure to stop the development of a nuclear capability.

The fact is, countries will pursue what is in their sovereign best interests, and the U.S. should not believe that we are in any different position. It is in our Nation's best interest to ensure that our weapons serve as a credible deterrent to a wide range of threats.

I remain hopeful that we will only use our stockpile as a deterrent to other nuclear states. However, to be an effective deterrent, it must evolve to address the changing threats. We also must maintain a group of experts at our national labs that understand the complex science to support the engineering and physics to ensure our stockpile is a viable deterrent and is safely stored at home.

To ensure we have an effective deterrent, we are doing the following:

We are maintaining our nuclear deterrent. That sends a clear and convincing signal to our allies and our enemies that our nuclear capability is sufficient to deter most threats.

We are maintaining our test readiness that allows us to hedge against the possibility that we may someday need to conduct a test to confirm a problem or verify that we resolved a problem within the stockpile.

We are using the RNEP study to examine whether or not existing weapons could be adapted to improve our ability to hold at risk deeply buried facilities that our enemies occupy.

We are challenging our scientists to think of a wide variety of options and face challenges to ensure that our nuclear deterrent is flexible and responsive to evolving threats. Failure to challenge our physicists and engineers will limit our capabilities in the future.

It is disingenuous of our opponents to argue that these policies put us on an irreversible course of new weapons development. Nothing could be further from the truth. Congress has the ultimate responsibility in determining whether or not to proceed with full-scale development.

I urge my colleagues to oppose this shortsighted amendment that would prevent our weapons scientists from investigating the best available options. This research is critical to ensuring this country has an effective and safe stockpile that will serve as a credible deterrent to all existing and potential threats.

I hope that in the process of discussing this issue, we will arrive at a conclusion that makes it eminently clear that the statement I have made regarding the 1-year feasibility study will be what we are talking about and what we will adopt.

I thank the Senator. I yield the floor.

Mr. INHOFE. Mr. President, may I inquire as to the time remaining?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. INHOFE. And the other side?

The PRESIDING OFFICER. There is 3 minutes.

Mr. INHOFE. Under our unanimous consent agreement, we will recognize the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, our distinguished colleague from Utah wishes to have a colloquy with me. The colloquy represents a number of days of careful deliberations on a point and issue in last year's bill which is of great importance to him. I will follow my colleague after he makes his remarks.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I intend to oppose the Kennedy-Feinstein amendment even though I am sympathetic with many of the arguments they make. I am in agreement with the idea that this is a feasibility study only and that the study should go forward, but my primary concern is that there be no nuclear testing of this particular device or any aspect of this particular device while the study is going on.

It is my understanding that is part of the law accepted previously, but I want to make it absolutely sure. For that purpose, I intend, following this vote, some time during the debate, to call up my amendment which makes it clear that there can be no nuclear testing under the cover of a study of the RNEP as it is so called. That amendment is offered not only for myself and my colleague from Utah, Senator HATCH, but we are joined by Senator COLLINS of Maine and Senator DOMENICI of New Mexico.

I wish to make it clear that my goal is to see to it that there be no nuclear testing in the name of the study unless there is a specific congressional vote with respect to that testing. I do not believe it will be necessary, but if some future administration 5, 10, 15 years from now were to decide they needed to do some nuclear testing, that there was a compelling case to do that, I want that future administration to have to come to the Congress and make the compelling case to the Congress. My amendment goes in that direction with that as its goal.

Mr. WARNER. Mr. President, it is my understanding there are others who have associated with the Senator on this matter; am I not correct in that?

Mr. BENNETT. That is correct. As I said, Senator HATCH, Senator COLLINS, and Senator DOMENICI have cosponsored the amendment, and there are some others who indicated they will as well.

Mr. WARNER. Mr. President, I thank my colleague. I think the observations of the Senator from Utah, Mr. BENNETT, are important ones. I will work with my colleagues on the other side of the aisle to see if we cannot accept this amendment eventually because it, in all likelihood, clarifies the language that I put in the bill last year.

I think the amendment helps to clarify the intent of the language last year, which in its verbiage requires a specific authorization by Congress to proceed with the engineering development phase or subsequent phase of the robust nuclear earth penetrator and, in my view, that includes a full-scale underground nuclear test on the robust nuclear earth penetrator if such test, in the judgment of the technical community, is deemed necessary.

So I think the amendment can be helpful, and I will work with my distinguished colleagues on the other side, most specifically the ranking member, Senator LEVIN, to see whether we can adopt it.

I thank my colleague.

Mr. BENNETT. Mr. President, I thank the chairman for his courtesy and look forward to working with him and Senator LEVIN to see if we can indeed get this amendment adopted.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. At this point, I yield to the junior Senator from Texas for such time as he may consume.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the Senator from Oklahoma for his courtesy in allowing me to speak briefly against this amendment which, as we have heard, prohibits any funding both for a feasibility study on the robust nuclear earth penetrator and for the advanced concepts initiative. My concern is the premise upon which this amendment is offered. If the events of the last decade have taught us anything, it is that weakness invites aggression by those who see that as an opportunity to terrorize or otherwise wreak havoc on innocent civilians in this country and elsewhere.

The concept that we should somehow prohibit important research—and this amendment would eliminate research because, of course, production is prohibited by current law—the suggestion and the logic, if there is any, that by somehow blinding ourselves to the threat and the means to overcome the threats that surround us in an ever dangerous world is beyond me. If we have learned anything in the last decade from the time of the bombing of the World Trade Center in 1993 to the bombing of our American embassies in Africa to the Khobar Towers incident to the bombing of the USS *Cole*, it is that weakness in the eyes of terrorists and rogue nations invites aggression.

I wonder from where the sense of moral equivalency comes that we often hear in this debate. There are those who have said time and again that if we are to try to reduce the proliferation of nuclear weapons around the world, how can America then conduct research on the robust nuclear earth penetrator and on those areas covered by the advanced concepts initiative? But I wonder if those who are making these statements truly believe America's research on such weapons systems to protect ourselves and to defend ourselves is somehow the equivalent of the actions of rogue states and terrorists. Moral equivalency is simply wrong.

There are those who suggest that somehow by conducting essential research into hardened weapons like the robust earth nuclear penetrator, that may perhaps be able to protect our country and assist us in exposing hardened bunkers, which can contain command and control or perhaps even biological or other weapons of mass destruction research facilities, that we will start a new arms race. I detect a hint of perhaps the old cold war mentality that somehow they believe we will enter into some sort of arms race which will endanger the world.

The truth is, America, as a fraction of its GDP, spends more on defense than the next 20 nations in the world. We are the only superpower that exists in the world and there is no risk of an arms race such as we saw occur with the former Soviet Union. So this is merely a matter of allowing us to do the basic research into weapons that would allow us to protect ourselves against hardened and deeply buried targets where laboratories could store or produce weapons of mass destruction. We can conduct research on these weapons as a way to protect ourselves and indeed make America safer.

Finally, this amendment would eliminate the advanced concepts initiative. It is important to reiterate what that initiative will do. The initiative focuses on increasing the reliability, safety, and security of our existing nuclear weapons stockpile. It focuses on assessing the capabilities of our adversaries to ensure we avoid a technological surprise. It focuses on thinking up innovative methods for countering our adversaries' weapons of mass destruction and developing weapons systems requirements, and it focuses on evaluating concepts to meet future military requirements.

I fail to see the wisdom of our willingness to blind ourselves to emerging threats in a very dangerous world. As I say, our weakness, our willingness to disarm ourselves and blind ourselves to the danger that surrounds us is an invitation to those who see that as a means for them to use terrorism to accomplish their political goals in this world in which we live.

I urge my colleagues to oppose the amendment today. I thank the manager of the bill for this time and I yield back any remaining time to him.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I understand the other side has 3 minutes remaining, and I think the Senator from Massachusetts wants to wind up. It would be our intention to yield back our time unless somebody comes to the floor who has not been heard. So at this point I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Finally, Mr. President, my friend from Texas does not state our amendment correctly. We are only dealing with the mini nuke and the bunker buster, not the safety of the stockpile or the study of information that happens in other countries. The fact of the matter is, this administration does have a plan for the development of the bunker buster and the small nuclear weapon. There is no doubt about it. It says so in its Nuclear Posture Review.

It puts in motion a major change in our approach to the role of nuclear offensive forces in our deterrent strategy and presents a blueprint for transforming our strategic posture. That is the beginning of a new arms race.

It is not what I say; it is in their budget request that goes on for 5 or 7 years and asks for $485 million for the bunker buster and $84 million for the small nukes. That is what the administration basically wants. This is what their principal responsible officials in the administration have said.

Linton Brooks:

> I have a bias in favor of things that might be usable. I think that's just an inherent part of deterrence.

Fred Celec, former deputy assistant to the Secretary of Defense: If a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, "It will ultimately get fielded."

There it is. That is what we are dealing with. We believe, if we go this route, it is going to make it more difficult to achieve arms control in the area of nuclear arms. It is going to make our goals harder to realize and make the possibility of nuclear war more likely.

Interestingly, the House of Representatives, in their conclusions on this same issue, provides no funds for advanced concepts research and the robust nuclear earth penetrator. Our bill does provide a significant increase in weapons dismantlement, and for security upgrades in the weapons complex for nuclear nonproliferation, the committee provides the request for $1.3 billion. We spend the resources on other high-priority nonproliferation needs.

That is the conclusion of the Republican House of Representatives. They seem to get it.

Rather than start into a new arms race with nuclear weapons, let us accept our amendment and rely on what we have relied on, which the Secretary of State, former Chairman of the Joint Chiefs of Staff, Colin Powell, recognized—that these were not small nukes and were not battlefield weapons. They did not have a place in our military. That is what the former Chairman of the Joint Chiefs of Staff said. No one is suggesting that he hasn't had a life and career in terms of security of this country.

We have the best in terms of conventional forces. Why go ahead and see nuclear proliferation in terms of weapons that will create increased dangers for the American people?

I yield the remaining time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is our intention to yield our time. However, I repeat: This is a feasibility study. It is nothing more than that. You can quote all these other people whose opinion is we should have this. It doesn't make any difference. If the feasibility study says we should go into R&D and production, we can do that. If the 5-year plan says they come up with that recommendation, we can do that. But, first, the feasibility study would have to be done. Then the President would have to make a request, and both Houses of Congress would have to authorize it. This is just a feasibility study. We voted on this last year. I have sent for the vote. We will have it down here to remind people how they voted. Nothing has changed.

I yield the remainder of our time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous cosent that the order for the quroum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I think we have had a very good debate. I thank colleagues on both sides of the aisle for participating in the debate this morning—the Senator from Oklahoma, Mr. INHOFE; Senator ALLARD; the Senator from Texas; and many of us.

While the vote had been scheduled for a little later to accommodate the needs of several Senators, I ask the desk to recognize that all time has been yielded.

The PRESIDING OFFICER. All time has expired.

Mr. WARNER. Therefore, if it is agreeable with my colleague from Michigan, we will have a vote.

Mr. LEVIN. Mr. President, we have no objection. However, there may be some Senators who relied on this vote starting later, and we ought to accommodate them and keep the vote open a little longer.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Jeffords
Kerry
Leahy

The amendment (No. 3263) was rejected.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I thank the Senator from Colorado and all others who participated in what I felt was one of the better debates we have had in some time on a very serious issue. I commend the Senator from Massachusetts and others for the manner in which we conducted the debate.

Mr. President, I will now propound a unanimous consent request.

I ask unanimous consent that the time from 2:15 to 3:40 be equally divided between the opponents and proponents of the Smith amendment No. 3183; provided further, that at 3:40, the Senate proceed to executive session for the consideration en bloc of the following nominations: Virginia Hopkins, Ricardo Martinez, and Gene Pratter.

I further ask unanimous consent that there be 20 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee, or their designees, and that at 4 o'clock today the Senate proceed to a vote in relation to the Smith amendment No. 3183, with no amendments in order to the amendment prior to the vote.

I further ask that following that vote, the Senate then proceed to consecutive votes on the confirmation of Executive Calendar Nos. 563, 564, and 566, with 2 minutes of debate equally divided prior to each vote. I finally ask that following these votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, following this series of votes, we will return to the Defense bill. At that time, there has been an agreement—at least it is my understanding that a Crapo amendment will be laid down.

Mr. WARNER. Mr. President, that is correct.

Mr. REID. That amendment would be set aside and Senator CANTWELL would lay down an amendment, and we will do our best to work out a time to vote on those amendments.

Mr. WARNER. The Senator is correct.

Mr. REID. Following the offering of the Cantwell amendment, the next one in order is the amendment by Senator DURBIN on our side, so people understand that.

Mr. DODD. Mr. President, if I may inquire, we have a pending amendment. What is the plan for dealing with amendments that have been offered and set aside? Do we try to resolve these matters in negotiation, or is there a schedule by which we will vote on these?

Mr. WARNER. The issue I am familiar with is the one the Senator from Connecticut and I debated which has sections (a) and (b).

Mr. DODD. Correct, the contractors.

Mr. WARNER. Mr. President, did the Senator reach any conclusions as to whether he wants to amend his amendment?

Mr. DODD. We may very well. I have not had a chance to speak with staff. I will be happy to speak with them in the next hour.

Mr. WARNER. I am hoping we can act on that amendment.

Mr. LEVIN. If whoever has the floor will yield, I understand we have now received the documents. We received the documents which we sought from the Army. I have not read them yet, and I do not know if the Senator has had a chance to review them.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer. I think we will go to the standing order to place the Senate in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m today.

Thereupon, the Senate, at 1 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3:40 p.m. will be equally divided between the proponents and opponents on the Smith amendment.

Who yields time?

The Senator from Virginia.

AMENDMENT NO. 3183

Mr. WARNER. Mr. President, it is my understanding that the time is equally divided between the distinguished Senator from Oregon on this side and the Senator from Massachusetts on the other. Am I correct on that?

Mr. LEVIN. As I understand it, Mr. President, both are proponents of the amendment. I do not know who would be controlling the opponents' time. Is there opposition? If so, I wonder if the chairman knows who the opponents are who would be controlling the time.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan does raise a valid point. I will provide the Senate with the individual that controls the opponents' time momentarily.

Mr. LEVIN. In terms of the proponents' time, I understand that will be divided between the Senator from Oregon and the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Oregon will control the time.

The Senator from Oregon.

Mr. SMITH. Mr. President, first may I express my appreciation to those who have agreed to this time agreement about an issue that is long overdue for our Senate to take up once again and to vote on its merits. This is the issue of hate crimes. This is an issue that is much in the news of late because it is an issue that too often is visited on the American people, or classes of Americans within the American community.

We are in the midst of a war on terror, and as we fight that war on terror abroad, it is important we not forget the war on terror at home. What Senator KENNEDY and I are trying to do in this bill is to simply remind the American people that there are classes of Americans who are uniquely vulnerable, who are singled out for violence, and for whom we need to do something.

It is a fact that hate crimes statutes are on the books of well over 30 States in America. They are even on the books of the U.S. Government. The Federal Government now has authority to pursue, prosecute, and punish those who commit hate crimes on the basis of race, religion, or national origin. What we are proposing to do in this bill is to add a few categories.

There is one category, one class of Americans that is the problem in this amendment, as some view it a problem, and that is the gay and lesbian community.

Now, many may wonder why we are bringing up this issue on a Defense authorization bill. And the answer is simply because some of the worst hate crimes in recent memory have been committed in the U.S. military. It clearly is not unique to the American military because it happens all over the place, even in my State of Oregon, and notably, for example, in Texas with the death, murder, and dragging of James Byrd, and the savage beating of Matthew Shepard in Wyoming. But why the military bill? My answer is, why not? This is a bill that needs to move. It is important that we pass the defense authorization. It is important that we deal with this issue of domestic terrorism.

A hate crime is when someone with an ill-motive singles out an American citizen—or any person, but an America citizen—who, because of his sexual orientation, is hated and even killed. This happens way too often. In fact, if it happens at all, it is too often.

As I recounted yesterday in the case of several of our servicemen, a Navy man and an Army private were literally beaten to death. It is appropriate that we take up this issue on the Defense authorization bill.

Many of my colleagues will ask, Why are you trying to punish thought? I think it is important to recount that we are not punishing thought. We are not punishing speech. We are, in fact, punishing thought and speech that amounts to conduct, and that conduct then becomes criminal.

Many people say this is not appropriate to put in statute. We put it in statute a long time ago in the Federal Government. We did it in response to civil rights laws that were not being enforced in the Southern States—or a few of them. And the Federal Government needed to have some mechanism—some legal reach—to punish and pursue those who committed hateful things against the communities of African-American citizens. What this did was generate litigation when the Federal Government pursued it. It took the litigation all the way to the United States Supreme Court.

I think it is important that we recount that we are not going after anybody's hateful thinking or their hateful speaking but for the combination of those things—with hateful conduct which amounts to crime.

When this case came to the United States Supreme Court, you might have expected that conservatives would have struck it down. But it was an overwhelming vote by the United States Supreme Court, and the majority opinion affirming hate crimes as a category was written by none other than William Rehnquist, our current Chief Justice. It is hard to imagine a more conservative Justice. He made it very clear.

Citing the great Jurist William Blackstone, Rehnquist opined that "it is reasonable that among crimes of different natures those should be most severely punished which are the most destructive of the public safety and happiness."

Further, Rehnquist added:

> Deeply ingrained in our legal tradition is the idea that the more purposeful is the criminal conduct the more serious is the offense and, therefore, the more severely it ought to be punished.

Obviously, in the case of James Byrd, when his murderers were ultimately subject to the death penalty, you can't punish that any more severely. But what was different in that case, because it involved race, was the Federal Government had the statutory right to be there to back up and help to reinforce the State of Texas should they have needed it.

In the case of Matthew Shepard—in the case of Wyoming where there is no authorization for the Federal Government to help because our hate crimes do not include sexual orientation—the sheriff's office in Laramie—I met the sheriff, a good Republican—pled for this law. He said: We needed the help. It was a case of national importance, and we needed the backup of the Federal Government to manage all that happened around the pursuit and the prosecution and the punishment of Matthew Shepard's murderers.

But what is really important to emphasize—and some of my friends will come to the Senate floor and say we are punishing thought; we are infringing upon the first amendment because we are going after people because of what they speak. The answer, as Rehnquist and others have said, is, no, we are not. We only do it if they act upon it. When criminal conduct is more serious because it is so heinous with the evidence around it, you can even more severely punish that crime.

I think it is very important to hit on one other thing before I turn to my colleague, Senator KENNEDY.

Many people wonder why we would do this, why we would add this category.

My mother used to teach me to treat people the way they would like to be treated—not just the way I would like to be treated. I cannot think of a more Christian or decent thing to do than come to the aid of someone who is in physical peril, or to prosecute their case when they have been wronged, regardless of what you think of their life or lifestyle.

I believe the moral imperative that underpins hate crimes legislation is simply this, and it comes from sacred writ: When people are being stoned in the public square, we ought to come to their rescue. That includes the Federal Government, but that does not include the Federal Government according to our statutes today. What Senator KENNEDY and I propose to do would change that—and change it for the good.

This is not about endorsing anyone's lifestyle. This is about protecting

Americans in any class or category in which they may find themselves.

We need to do this. We need to pass this amendment. It is long overdue.

I understand the reluctance on the part of some of my colleagues because of their dislike of the entire category of hate crimes, but I disagree with them. I understand them, but I disagree with them because of this: The position, if you do not like hate crimes as a category and don't want to expand it to a new class of people, says you really have to then strike from our books the hate crimes protections for race, religion, and national origin. I don't think any of my colleagues would come down here and try to do that, particularly after those categories have been found constitutional across the street by the judicial branch of Government.

But I think, because you can demonstrate clearly the gay and lesbian community is demonstrably more vulnerable to crime because of their sexual orientation, we owe it to them as Americans—our American brothers and sisters—to add this extra measure of law and protection.

I urge my colleagues, I plead with them, to vote for this hate crimes legislation, known officially as the Local Law Enforcement Enhancement Act. It is symbolic, yes, but it can be substantive because the law can teach. The law is a good teacher, and the laws will then teach Americans that bigotry will not be tolerated. By changing the law, we can change hearts and minds, and I urge my colleagues to do so—to change hearts and minds, even change maybe their own minds and join with me and Senator KENNEDY in voting in favor of this most important and timely amendment.

Congress must take up and carry the torch of freedom and liberty so cherished by our forefathers. It is only through our ever vigilance against hate and those acts that threaten life, liberty and happiness of all Americans that we can achieve a just society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 6 minutes on the legislation.

I want the history of this legislation to understand what a very important and significant role my friend and colleague, the principal sponsor of this legislation, the Senator from Oregon, GORDON SMITH, has played in giving us the opportunity on the floor of the Senate to vote on an issue of enormous importance and consequence in terms of justice in our country, and to be able to express what this Nation is really about; that is, that when we are going to be facing hate crimes, we are going to use every possible tool we have to deal with these crimes. We are not going to battle them with one hand tied behind our back.

I have enjoyed the chance to work with Senator SMITH on this legislation over a number of years. We have had some successes in trying to get it through the Senate, but we have failed. However, I admire my friend and colleague's perseverance. As Shakespeare says, perseverance, Lord, make honor bright, and the Senator from Oregon has enhanced the honor in the Senate by giving us an opportunity to address this issue.

For those listening to these remarks, they may not understand how complicated it is to get a real vote on some matters which are basic and of fundamental importance. On many occasions when they have opposed the legislation, Members try to undermine the central thrust of the legislation, divert it with parliamentary tactics.

The Senator, because of the respect Members have for him, has been able to ensure that the Senate will address this issue frontally, and it should, because it is a defining issue in terms of our country and our society about what this country represents. On the issues dealing with hate crimes, we find them to be completely unacceptable in this country.

We have learned from past experience, in other hate crimes legislation, where the gaps in the legislation have been. This legislation is very targeted, limited, but an important legislative effort to try to address those serious loopholes in a way which is both constitutional, is limited, but also effective and can make an important difference in terms of reducing the incidence of hate crimes.

I am sure my friend remembers a number of years ago we had the proliferation of church burnings in this country, primarily focused in the southern part of this Nation. After a good deal of deliberation, we were able to get the FBI involved in church burnings. The difference we saw was virtually almost overnight. Once America understood in different places of the country that we were serious about making sure we would use the full resources of our National Government to halt church burnings, it is amazing how they were effectively halted. There are still a scattering of them in some communities but effectively the epidemic we were seeing at that time has halted.

The Senator from Oregon and I believe we can make the similar type of progress on the issues of hate crimes. That is why this is such an opportunity.

I will take a few moments later to describe the appropriateness of this amendment on this legislation and the particular challenges we have been faced with in the military. As an Armed Services Committee member who has reviewed and watched that closely, I will come back to this issue. However, let me point out this is entirely relevant to this legislation. We have seen that hate crimes have taken place in the military. A number of occasions I will describe or place in the RECORD.

On one particular occasion it was based upon race. We saw a commanding general perform in an extraordinarily exemplary way, and on another occasion, when dealing with a young gay man, the performance was abysmal. The fact is, we ought to make sure that certainly the Armed Forces are going to understand we are not going to tolerate the issues of hate crimes in the military or in any other place in our society.

It has been argued that our bill is discriminatory because it singles out hate crimes from other crimes when, in fact, all crimes are hate crimes. That is not true. It is not supported by the history or the law. Every crime is tragic and harmful and has its consequences because not all crime is based on hate. Hate crimes are based on bigotry or prejudice. A hate crime occurs when the perpetrator intentionally selects the victim because of who the victim is.

Mr. WARNER. If the Senator will yield, the Chair inquired as to the management of the time in opposition, and I ask unanimous consent that any Senator desiring to speak in opposition could speak for up to 10 minutes. If he or she desires additional time, we can seek an additional UC for another 10 minutes, and if a quorum is put in it will be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. I further ask that the request be modified to reserve to Senator KENNEDY and myself any time unused after his remarks.

Mr. WARNER. Absolutely.

Mr. KENNEDY. I don't expect we will have numerous speakers, but it could happen that all the time will be taken up by people using 10 minutes.

So as I understand what the Senator is saying, those who want to speak may speak up to 10 minutes, but within the general timeframe the total time is divided.

Mr. WARNER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask that interlude not be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. As with acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims and their families. They are crimes against entire communities, against the whole Nation, and against the fundamental ideals of liberty and justice for all on which America was founded.

As Attorney General Ashcroft has said, criminal acts of hate run counter to what is best in America, our belief in equality and freedom.

According to the surveys conducted by the Department of Justice, 85 percent of law enforcement officials believe hate-motivated violent crimes are more serious than similar crimes not motivated by bias. One need look no further than the current conflict in the Middle East or recall the ethnic cleansing campaigns in Bosnia, Rwanda, what is happening in the Sudan today, study the Holocaust itself, to understand that violence motivated by hate is different and is more destructive. Or consider the hate crimes committed in America. Most of them are committed by multiple offenders against a single victim.

Because the victims are attacked simply because of who they are, there is little that can be done to avoid being a victim of a hate crime. Hate crimes are twice as likely as other crimes to involve injury to the victim and four times as likely to require hospitalization.

In the 1993 decision in Wisconsin v. Mitchell, a unanimous Supreme Court recognized that bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest.

A hate crime against one member of a group sends a strong message to the other members that you are next, that certain parts of the country aren't safe for you to work or travel or live in, that you better watch your step. This is domestic terrorism, plain and simple, and it is unacceptable.

Centuries ago, Blackstone commented it was unreasonable that among crimes of a different nature, those should be most severely punished, which are the most destructive of the public safety and happiness.

The simple fact is that hate crimes are different. They are more destructive than other crimes. The Federal Government has a responsibility to send a clear and unambiguous message that hate-motivated violence in any form from any source will not be tolerated.

Congress recognized the special harm caused by hate-motivated bias when it passed the current hate crimes law following the assassination of Dr. King in 1968, when it passed the Hate Crimes Statistics Act of 1990, and when it passed the Hate Crimes Sentencing Enhancement Act of 1994. Now it is time for Congress to take the next step toward protecting all Americans from the problems of hate-motivated violence, by passing the Local Law Enforcement Enhancement Act to address the obvious deficiencies in the current Federal hate crimes law.

As we mentioned, we are going to have our time. We hope those who might be in opposition would come over to the Chamber to debate us.

I think before I yielded myself 7 minutes. Do I still have a little time left on that?

The PRESIDING OFFICER. The Senator has consumed the time.

Mr. KENNEDY. Mr. President, I yield myself 2 additional minutes.

First of all, I know the Senator from Oregon, Mr. SMITH, has described this amendment, but what this amendment does is it authorizes the Justice Department to assist State and local authorities in hate crimes cases. It authorizes Federal prosecutions only when a State does not have jurisdiction or when a State asks the Federal Government to take jurisdiction or when a State fails to act against hate-motivated violence.

In other words, the amendment establishes an appropriate backup for State and local law enforcement to deal with hate crimes in cases where States request assistance or cases that would not otherwise be effectively investigated and prosecuted. So this is very limited and targeted.

I want to remind the Senate that the original hate crimes preventive legislation was introduced in 1997 in the 105th Congress. The Senate Judiciary Committee held hearings in the 105th Congress and the 106th Congress. We had testimony from State and local law enforcement, the Justice Department, victims and families, and respected constitutional lawyers alike.

Our hate crimes bill has passed the Senate twice. In July of 1999, we passed it as an amendment to the Commerce-Justice-State appropriations bill. The amendment was stripped out in conference. In June of 2000, the bill was passed as an amendment to the Department of Defense authorization bill by a vote of 57 to 42. So there is precedent for this action. We had good bipartisan support.

Several months later, the House of Representatives voted 232 to 192 to instruct the conferees to accept the hate crimes bill. Again, however, the bill was stripped in conference.

In the 107th Congress, the Local Law Enforcement Act was introduced with 51 original cosponsors and favorably reported out of the Judiciary Committee by a vote of 12 to 7. In June of 2000, the Senate failed to invoke cloture on it with a vote of 54 to 43, with a clear majority supporting it.

So this issue has been studied. We have had extensive hearings. We have listened to the constitutional authorities. We have listened to local, State, and Federal officials with regard to this issue. We have also read the newspapers of this country and have studied what has been happening in the growth of hate crimes.

The PRESIDING OFFICER. The Senator has consumed the time.

Mr. KENNEDY. Mr. President, I will come back to that in a moment.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes, I yield.

Mr. SMITH. I say to the Senator, I wonder, as you recounted some of these horrendous acts that have occurred, if you are familiar with the Wisconsin case that is called Wisconsin v. Todd Mitchell. It is the 1993 case in which Chief Justice William Rehnquist authored the decision upholding hate crimes legislation. As it says in this preamble:

> The question presented in this case is whether this penalty enhancement is prohibited by the First and Fourteenth Amendments. We hold that it is not.

Sir, this was a unanimous decision. And Justice Rehnquist—again, you would probably agree with me, I say to the Senator—is one of the more conservative justices. He wrote:

> Thus, although the statute punishes criminal conduct, it enhances the maximum penalty for conduct motivated for a discriminatory point of view more severely than the same conduct engaged in for some other reason or for no reason at all. Because the only reason for the enhancement is the defendant's discriminatory motive for selecting his victim. . . .

And that was the man's race.

Justice Rehnquist held it is entirely appropriate to look at the man's motive in ultimately ascribing the severity of the penalty that was handed down for this assault that was made by a White man on a Black man. It was prosecuted under the Federal Hate Crimes Act.

I am sure the Senator is familiar with that. Maybe he can help me to explain to my conservative colleagues how it is that we are trying to legislate thought or punish thought and punish speaking. Would the Senator agree with me that Justice Rehnquist and I are both right in saying we are only punishing conduct and the evidence that comes from thought and speech that can be used legitimately, constitutionally to enhance penalties?

Mr. KENNEDY. Mr. President, I thank the Senator for raising this issue because this is enormously important. The Senator from Oregon, in terms of protection of the first amendment, has reviewed the holding in the Wisconsin case.

As the Senator remembers, this principle was reaffirmed this last year by the Supreme Court in the cross burning decision in Virginia v. Black. As we know, as it has been interpreted, this act punishes violence, not speech. It covers only violent acts that result in death or bodily injury. It does not prohibit or punish speech, expression, or association in any way, even hate speech—even hate speech.

Those great lines of Oliver Wendell Holmes:

> If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate.

We ensure that even the hate speech is not affected in this. It is the violence, the physical violence that we are addressing, and it is enormously important that our colleagues understand that.

Mr. President, I withhold the remainder of the time.

I suggest that we have the quorum call, and I suggest that we have it on the opponents' time until it reaches where we are, and then we will charge it to both of us if that is acceptable.

Mr. SMITH. Mr. President, if I can modify the request, I think in fairness to my colleagues who disagree with me, we better charge it equally.

I ask unanimous consent that Senator ARLEN SPECTER of Pennsylvania be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I think we had 42 minutes, and we divided that up formally. May I ask, of the 21 minutes, how much time have I used?

The PRESIDING OFFICER. The proponents have 12 minutes.

Mr. KENNEDY. Twelve minutes. That is all that remains between both of us, Senator SMITH and I?

The PRESIDING OFFICER. No, for the proponents.

Mr. KENNEDY. We are both proponents.

The PRESIDING OFFICER. The opponents have 37 minutes.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I will put more information in the RECORD, but I want to point out to our colleagues the growth of hate crimes in this country, what the Southern Law Poverty Center has said has taken place. That is the authoritative group, more so than even the Justice Department. The number of hate groups in America has expanded exponentially ever since 9/11. The figures we have here are basically dated figures, because they don't go in until after 9/11, but what we do see is the total number of hate crimes statistics during the period of the 1990s have been going higher and higher. Hate crimes based on sexual orientation have gone up significantly over the last several years. The venom and the hate against gays and lesbians has increased dramatically.

The backlash since 9/11 has been dramatic with regard to hate crimes against Muslims. This chart shows the dramatic increase and it is continuing to go up at an extraordinary level. Hate crimes against Arab Americans and hate crimes against Arabs have gone up dramatically in the last 2 years. Beyond that, hate crimes against Jews in the country and society have gone up exponentially as well. For all of these groups, I will include accurate information. But this is a real problem.

There is the possibility of not having a universal solution, and we don't suggest that with the passage of this amendment all of these problems are going to go away. But what we are going to say is, we ought to be battling this with the full force of the U.S. Government. When we guarantee the kinds of rights and liberties in this country that are in the Constitution and the Bill of Rights, we ought to make sure they are going to be enforced with the full power and authority of the United States. That is what our legislation does in dealing with the issue of hate crimes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, inasmuch as our colleagues are not here to debate Senator KENNEDY and me, I hope that is a good sign. I thought I would recount very briefly again the appropriateness of why this is on the military authorization bill, recounting the stories of two service people. They are somewhat horrendous, but it is appropriate that everyone understand why this has a very logical nexus for Senator KENNEDY and me with this piece of legislation and this amendment.

One of these crimes resulted in the death of an Army private and the other the death of a Navy seaman. In 1992, Navy Seaman Allen R. Schindler was brutally murdered by his shipmate Terry Helvey in Okinawa, Japan. Helvey beat and stomped Schindler to death simply because he was gay. He didn't want his wallet; he didn't want his watch; he wanted him dead because of his sexual orientation.

Helvey's attack was so vicious that he destroyed every organ in Schindler's body. He was so badly beaten that Schindler's own mother could identify him only by the remains of the tattoo on his arm. The medical examiner compared Schindler's injuries to those sustained by the victims of fatal airplane crashes.

In another tragic case, PFC Barry Winchell was forced outside his barracks at Fort Campbell Army Base where he was stationed. In the early morning hours of July 5, 1999—this is very recent history—Winchell was repeatedly beaten with a baseball bat by another Army private. He was beaten with such force and his injuries were so severe that he died shortly thereafter. Barry was only 21. He was murdered, again not for his watch, not for his wallet, but simply because he was gay.

These are appalling examples. Again, I want to say for the RECORD, I understand the reluctance of some of my colleagues to deal with issues that involve a person's sexuality, but I also want to say I don't agree with them. I think we need to treat people civilly and in the highest Christian traditions, no matter what we think of their lifestyles. I think the finest example we can find on this issue—really on point—is the great New Testament example when, in my view, the greatest person who ever lived was confronted with a woman being stoned to death because of her lifestyle. He did not endorse her lifestyle, but He risked His life to save her life. It does seem to me that if this can be done in ancient Israel, we ought to be able to do the same in modern America and have laws that reflect the very best part of the American people, that we stand and help those in need. You need read no more into it, no more moral approval in it.

I believe there are real family values, and I believe there are counterfeit family values. Arguments made to suggest that opposing hate crimes is a family value are truly misguided. When it comes to human necessities of making a living and having shelter and enjoying public safety, having the dignity and respect of law on your side, that is for all of us, I don't care how we conduct our lifestyles. That is for the American people. It includes gays and lesbians.

We are not censoring speech. We are not punishing thought. We are punishing crime. The statutes that are constitutional in this government, upheld by William Rehnquist as to their constitutionality, are long overdue to be added to to include this category of the American people who are gay and lesbian. The need is easy to demonstrate through statistics, through crimes committed on this community. Those of us who stand with the President in fighting the war on terrorism, I say great, but don't forget the war on terrorism at home. It includes defending gays and lesbians and other Americans and classes that make them vulnerable and more likely victims of crime. We owe them that, and we owe them at least that. We owe them more, in fact.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the Defense bill we are working on today is critically important for our Nation. We need to complete that bill. It is important for us not to be distracted from it by bringing up amendments about which people feel strongly and which may be important, but are unrelated to defense and not germane to the issue before us.

I am glad we are able to at least proceed fairly promptly to a vote on this issue so that we can get back to the purpose with which we are dealing. We have soldiers in the field who are at risk this very moment. They need to know we are moving forward on business that relates to them, that deals with the issues that threaten their lives, and we need to make sure that we have every possible activity and report in this authorization bill to help them do their jobs better. I wanted to say that at the beginning. Sometimes these things happen, and we can offer amendments, but we do not need to do too much of this, in my view.

I raise two points about this so-called hate crimes amendment, and the reason that I will be voting against it. Different people can have different ideas and different values about how we should deal with this issue.

First, there is no legitimacy for any attack on any person because of their sexual orientation in America today. That is unacceptable behavior. It has always been unacceptable. We need to crack down on it aggressively. In fact, I believe States are doing so, as they do with all other crimes that occur throughout our country.

I was a Federal prosecutor for 15 years and dealt with the distinctions between Federal and State law on a regular basis. Most people may not realize that if someone robs a gas station, or someone shoots your daughter on her way home from school, or someone commits a rape, those are not Federal crimes. They are not prosecuted in Federal court. They cannot be prosecuted in Federal court under normal circumstances. They have always been given over to the States for prosecution. That is very important.

We have developed and expanded over the years the reach of Federal law, and in some instances that is quite good, I believe—but in some instances it is very much in dispute. In fact, liberals and conservatives say Federal law is reaching over and prosecuting and taking over cases. There are always some State offenses that are prosecuted in Federal court. Regardless of the debate, what we have decided to do in the past is each case should be evaluated on its own. I will make a couple of points.

With regard to this hate crimes legislation, Senator HATCH, the chairman of the Judiciary Committee, proposed what I thought was a good piece of legislation some time ago. That legislation said we would conduct a study, in effect, to see what the need of this legislation is. I have to tell you, Mr. President, if you want to prosecute somebody for assaulting, shooting, or harming another person, it is easier to prosecute that case if you do not have to prove what was in the mind of the person who did it. That is an additional element of a crime, one not easily proven. I know the Presiding Officer is a lawyer and skilled in these matters. It is an additional element to the crime that must be proven.

If we were to create such a hate crime, we would basically be taking on an offense that would be a fundamental State crime—an assault, a murder, or assault with intent to kill. You would be transforming that kind of crime into a Federal offense, and not only would you have to prove all the underlying elements that would be true in a State trial, but you would also have to prove that the person did it for a reason of hate, but not just any hate. If you dislike U.S. Senators and you beat up one—there may be a Federal law that protects a Senator, I don't know.

If there is a State legislator and someone goes and beats them up because they hate them, because of the way they voted, all right, that can be taken care of in State court. But what would make it a Federal offense? Well, if a person hated him, but they hated him for a particular reason—they hated him because of sexual orientation—that is why this becomes now a Federal offense rather than a State offense.

One can make arguments that this is all right to do. We did that with the issue of race in America, and there was a very real reason for it. As a southerner myself, I am sorry to say that in fact and in reality there were areas in this country where crimes against African Americans were prosecuted either not at all or not adequately; there was not proper punishment being imposed in those cases and people were denied civil rights. At certain periods of time in our Nation's history, feelings were so strong that cases could not be effectively prosecuted. That was clear. That was established. That was a fact, unfortunately.

So the Federal Government said those kinds of crimes involving race could be prosecuted in Federal court under the civil rights statute even though there may be an underlying State offense. That is how those came into effect.

Now we are being asked to go one step further. I think maybe we ought not do that. Senator HATCH's study would have analyzed the question of whether offenses involving assaults on gays are being adequately prosecuted in America. If they are being adequately prosecuted—and most States would have tougher laws. Most States have death penalty laws. This bill does not provide the death penalty for the murder of somebody under a hate crime. So are those being adequately prosecuted?

We know in a case in Colorado that a person committed murder because of the victim's sexual orientation, apparently, and was given the death penalty in State court. One offense occurred in my home State of Alabama, and he was tried and given life without parole. So I am not aware of those offenses being inadequately prosecuted. That is what I am saying.

In addition, there is this troubling concept of what is in one's mind. If the Social Security office turned a person down for their disability and they did not get a disability paycheck and they spent weeks churning it in their heart and soul and their hatred built and built and they finally went down to the Social Security office and shot everybody, well, that would not meet the definition of hate crime under this statute. It might be a Federal offense because it is the Federal Social Security agency, but if it had been a local State official it would not be a Federal crime. There would be no Federal jurisdiction.

So we are being asked to take that extra step into creating a new offense in Federal law based on the question of what is in somebody's mind when they commit the crime.

Classical American jurisprudence has been simple and direct. I know as a student in law school I learned about these things and as a former prosecutor I have been thinking a lot about it lately. I think sometimes even we who have been former prosecutors get overly aggressive about passing statutes to deal with every wrong that comes up.

Let's take the burglary statute that is in effect in almost every State in America today. It makes it a State crime to break and enter into a dwelling with the intent to commit a felony. Some of them are first degree, such as when the crime involves an occupied dwelling at night and those are the elements of their crime. That is what we have done for 200-plus years in America and England. It did not say why a person broke into somebody's house or even what kind of felony someone may be intending to commit. It could be rape; it could be robbery; it could be theft. So that is the clarity with which our law has traditionally operated.

Now we are saying if someone assaults and kills this person because they were mad at him over a girlfriend and hated him for it, that is not a Federal offense, but if a person is angry because of someone else's sexual orientation, that could be a Federal offense. Maybe that is justified and some would find it justified, but I think before we continue down this road of moving into the psychological motivations for a specific act of committing a crime, we ought to ask ourselves: is it the kind of problem we know is not being effectively prosecuted and handled in America today, is not being prosecuted and sentenced effectively based on the act that was committed, so that now we need to figure out the motive behind the act and make it a Federal crime?

That is what we need to be thinking about.

I do believe Senator HATCH's legislation that he offered some time ago I think it even passed this body once, although it did not become law—said let us do a study of that and analyze where we are so we can deal with it.

Well, terrorists hate us for various reasons. People hate our Government. Some of them hate police officers. Would it be a Federal crime to commit murder against a police officer? Not to my knowledge. It would not be a crime to do that if someone hates the police officer or hates the jailer who locks up a person in compliance with the law of the land. The jailer could be murdered and that would not be a Federal offense.

This should not be seen as any kind of referendum on how we think about the treatment of people with various sexual orientations. This is a great, free country. It is a country that allows behavior people may agree with or not agree with. In my view, it is just as much a crime to injure or harm anyone whether it is as a result of their sexual orientation or any other behavior they may be participating in. Maybe someone does not like them because they are out there complaining about George Bush or complaining about JOHN KERRY and they hate them for that. That would not be a Federal crime if action is taken against them.

I do not know that we need to take this step today. In fact, I think we should not. It is something that deserves careful consideration and is not to be thrown onto the Defense bill as we are moving forward at this date. Let's think it through. Let's do a study, as Chairman HATCH has suggested. Let's see if there is a real problem out there. If there is a problem of failure to enforce the law, then I would say this could be justified. We have done it before with regard to civil rights actions. Maybe it would be appropriate to do it now. Frankly, I do not see that today. I think it is a reach in terms of need and creates the danger of criminalizing thought processes rather than actions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise to comment on the remarks of the Senator from Alabama. I join and agree with his remarks. I have said to the Senator from Oregon on more than one occasion, if I believed hate crimes were a proper crime for the Federal Government to be passing on, I would vote for this as well as the others, but I do not believe, as the Senator from Alabama stated, we should be criminalizing thought, and that is what this does. I have always said the greatest of the freedoms we have in this country is the freedom to believe what we want to believe and the freedom to think what we want to think. I know there are lots of motivations for people to do things and there are lots of bad thoughts out there in people's minds, but we do not criminalize those. We only criminalize them if there are actions taken. We criminalize the action, not the thought.

I think protecting the freedom of belief and the freedom to think the way one wants to think is an important concept in our country, somewhat unique in the American Constitution, and I believe this hate crimes amendment violates that very premise. So I will vote against this amendment.

I wanted to be clear, as the Senator from Alabama was clear, it is not because of the group that happens to be identified in this amendment to be subject to hate crimes. It could be any group.

I will vote no because I believe the premise underlying this criminal statute is faulty. I regret to have to oppose our two colleagues who are trying to take a step forward and bring civility and protection to certain people who have been the subject of violence. But I do not believe this is the right way to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, have we used all time on our side?

The PRESIDING OFFICER. Yes. Twelve seconds remain to the opponents.

Mr. SMITH. I ask unanimous consent to speak for 2 minutes, and I probably won't use that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, there are few people I like more than my colleagues who are speaking against this amendment. They know that. They know I respect their right to disagree with me. But I want to state for the record that if I believed what Senator KENNEDY and I were doing was criminalizing thought, I would vote against this amendment. What we are doing is criminalizing actions. It is always the case in criminal law that you look at all of the evidence, and if it can establish that words and thoughts have led to actions that rise to hate crimes—William Rehnquist, the most conservative Justice we probably have on the Supreme Court, and maybe some would argue that a couple others are more conservative—held in a unanimous Supreme Court decision that existing hate crimes statutes are constitutional because they do not punish thought. They do not impinge upon the first amendment. They do not impinge upon the 14th amendment because it takes action to commit a crime, and the words and the thoughts are simply evidentiary materials that go into motive to establish a crime. You have to establish motive.

This is simply an enhanced version of looking at the totality of a crime. If it can rise to a hate crime, it ought to be prosecuted. This is the constitutional law of America. We are simply saying there is a category of Americans out there who ought to be added to settled constitutional law of the Federal Government. We owe them at least this; they deserve no less than a vote on this amendment.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Smith amendment on hate crimes. This amendment mirrors the Local Law Enforcement Enhancement Act, which I have been proud to co-sponsor. This bill puts America's values of equality and freedom into action.

Hate crimes are one of the most shocking types of violence against individuals. They are motivated by hatred and bigotry. But hate crimes target more than just one person—they are crimes against a community because of who they are—because of their race, gender, sexual orientation, religion or disability.

We are a nation that cherishes our freedom. All Americans must be free to go to church, walk through their communities, attend school without the fear that they will be the target of hate violence. We are a Nation that is built on a foundation of tolerance and equality. Yet no Americans can be free from discrimination and have true equality unless they are free from hate crimes. That's why hate crimes are so destructive. They tear at our Nation's greatest strength—our diversity.

This amendment does two things—it helps communities fight these crimes and it makes sure that those who are most often the target of hate motivated violence have the full protection of our Federal laws.

The amendment strengthens current law to help local law enforcement investigate and prosecute hate crimes. It does this by closing a loophole that prevented the Federal Government from assisting local and State police at any stage of the investigative process. Simply put—this bill authorizes Federal law enforcement officers to get involved if State or local governments want their help. That means local communities, which often have very limited resources for pursuing these types of crimes, will have the resources of the FBI and other Federal law enforcement agencies at their disposal to help them more effectively prosecute incidents of hate violence.

This amendment also improves current law so it protects more Americans. It broadens the definition of hate crimes to include gender, sexual orientation and disability. Today, gay and lesbian Americans, women and those with disabilities are often targets of hate motivated violence, but existing Federal laws offer these communities no safeguards. That is the weakness in our current law. And that is what this legislation will fix. By passing this legislation today, the United States Senate says to all Americans that you deserve the full protection of the law and you deserve to be free from hate violence.

Hate crimes are crimes against more than one person—these crimes affect whole communities and create fear and terror in these communities and among all Americans. We need look no further than the horrific killings of James Byrd and Matthew Shepard to know the anger and grief that families and communities experience because of hatred and bigotry. Hate crimes attack the fundamental values of our Nation—freedom and equality. This bill is another step in the fight to make sure that in a Nation that treasures these values these crimes do not occur.

So today I rise to support and urge my colleagues to pass this much needed and timely legislation. It is time that we put these American values into action and passed this hate crimes bill. The Local Law Enforcement Enhancement Act says that all Americans are valued and protected—regardless of race, religion, gender, sexual orientation or disability.

Mr. ENZI. Mr. President, I rise in opposition to the Local Law Enforcement Enhancement Act, Amendment 3183, proposed by my colleague from Oregon.

I have always believed that we should leave as many decisions as possible to the States to decide. Only on rare occasions, and with great and good cause should the Federal Government try to step in and legislate what the States should do. When we try to legislate "one size fits all" solutions to the problems facing the States more often than not we create more problems than we solve.

Before we act on this amendment, we should ask ourselves if this new law that we would create would reduce crime. After all, that should be our primary reason for passing new criminal laws. In this case, although I know it is a well meaning effort to address a serious problem, it won't prevent crime, it will only make a statement about it. That's one of the problems with a Federal hate crime bill. If it passes, we may think we have taken care of the problem. Unfortunately, although it may make us feel good, a law like this will do little to slow down or stop the cycle of violence in our cities and towns.

Another problem with the hate crime bill is its definition of hate crimes. All of the predicate offenses that would qualify as hate crimes are already illegal and they are already being prosecuted under traditional categories of crimes. In other words, the States are already aware of the problem and using existing law to address it. In those cases where additional legislation is needed, the States are taking the lead and deciding the matter for themselves. They don't need or want us to step in and tell them what they should do.

In addition, if we pass this amendment Federal agents and prosecutors will be put in a position in which they will be second guessing the efforts of local officials and substituting their own judgment or political motivations for the judgment of local law enforcement personnel who are dealing with the problem of hate crimes at the scene where they are committed.

The Smith amendment could essentially federalize most crimes. Such an explosion in Federal jurisdiction would require a tremendous expansion in the size and scope of Federal law enforcement and Federal prosecutors at a time when the States have the capability of prosecuting these crimes themselves—and they are doing it. Federal prosecutors already have the tools at their disposal to address issues like hate crimes—they just have to make better use of them.

All crimes are in some way hate crimes. By enacting hate crime legislation we ironically serve the principle of inequality that this type of legislation seeks to fight against. Violent crimes are horrific and should be punished equally, regardless of the particular "bias" of the perpetrator. A vicious murder should be prosecuted to the fullest extent of the law—no matter who the victim is. The value of an individual's life should not depend on their heritage, ethnicity or lifestyle. If life truly is a sacred gift we should treat every life with the same dignity and respect we all deserve.

To try to read someone's mind, or guess what their real motivation was for committing a crime will never be possible. Crimes aren't thoughts, they're actions, and actions which are crimes need to be addressed as soon as they are committed. To try to gauge the seriousness of a crime based on someone's thoughts is to put an additional burden on law enforcement personnel and prosecutors, not to mention the judge and jury who will have to work on and ultimately decide the case. Clearly, putting a greater value on some lives inherently devalues others, and it goes against a basic principle of our legal foundation which is that all are equal in the eyes of the law. Justice is swifter when the accused are tried on the basis of what they did without adding some speculation on the thoughts they might have had while committing the crime.

We have State and Federal laws to punish murder, assault, battery, and a long list of other crimes. If these laws are not strong enough then we should make them stronger. We should also be making our feelings known to our neighbors, to our children, in our papers and through our broadcast media that hatred in any form is wrong. We should not, however, try to make statements with laws that weaken State authority or the rights granted to individuals in the Constitution.

Our society must continue to participate in a dialogue on the issues of racism, bigotry, and hate. We must pray for direction and guidance and work together to ensure that we avoid the kind of hate that may give rise to such crimes in the first place. Hatred in any form is destructive to the very foundation upon which our society is built.

If we are to truly address the problem of hate crimes, we must come together as one, our families, our spiritual and church leaders, our local and community leaders, and the citizens of our communities to foster and reinforce in our children and all our citizens the importance of treating each other as we would wish to be treated. It is such a simple lesson—it is never permissible to hurt another. Somehow, some of our children never learned it. Recent and past events make it clear that it is a lesson about which every child must be taught, and every adult constantly reminded.

Mr. HATCH. Mr. President, I rise today in opposition to the Local Law Enforcement Enhancement Act of 2003, offered as an amendment by my dear friend from Oregon, Senator SMITH.

Those who have been instrumental in drafting hate crimes legislation in the past several Congresses—Senators KENNEDY, SMITH and others—know I care deeply about this issue. They know I believe that hate crimes are insidiously harmful, that they should be forcefully prosecuted, and that the Federal Government has a role to play in reducing the incidence of these crimes in our Nation. The concerns I have voiced have always been about what Congress should do at the national level, not about whether we should act.

In past Congresses, and again here today, I have felt compelled to voice my opposition to Senator SMITH's hate crimes legislation which has essentially remained unchanged over the past several years, and is now being offered as an amendment. My primary concern has been, and remains to this day, that this legislation invades an area historically and constitutionally reserved to State and local law enforcement authorities, without a demonstrated need for Federal intervention. In an effort to do what we believe is right, we simply cannot ignore core principles of our Constitution.

While there is little evidence that the States are failing to prosecute hate crimes, I firmly believe that local law enforcement authorities need our help. They need our resources, and they need our expertise. And we, the Federal Government, should stand ready and able to provide such assistance. We must proceed, however, in a manner that does not offend the authorities conferred upon the States by our Constitution.

As all of my colleagues are aware, this body has considered this issue in almost every session of Congress since 1999. I recognize that Senator SMITH has the necessary support in this body to pass his amendment. Indeed, his amendment has prevailed twice before. Recognizing that a majority of the Members of this body have supported Senator SMITH's proposal in the past, and in view of the substantial concerns I have about the amendment, over the past few months I have worked diligently to improve the legislation so that it may receive much broader bipartisan support. I have suggested that the proposal include Federal assistance and a study and an analysis of available statistics. I have also suggested that the amendment be broadened to include the possibility of the death penalty for those who commit the most heinous of crimes. I also think that the definition and intent elements of what is considered to be a hate crime should be significantly narrowed so that we do not capture every crime that happens to be committed against a member of a particular class. With these changes, the legislation would stand a better chance of becoming law and surviving constitutional challenges, which we know are certain to occur. Despite those concessions, it appears clear that we were unable to come to an agreement and I must, therefore, once again stand in opposition to two of my dear friends.

If we genuinely want to make a difference, if we want to pass legislation that both Houses of Congress will support, let us find a baseline of common ground and resist the temptation to make this a divisive political issue. I urge my colleagues to oppose the amendment.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield the remainder of time in opposition.

Mr. SMITH. Mr. President, I believe we have used all our time. Therefore, I believe we are ready to vote.

The PRESIDING OFFICER. All time has expired.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF VIRGINIA E. HOPKINS TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

NOMINATION OF RICARDO S. MARTINEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON

NOMINATION OF GENE E.K. PRATTER TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider nominations 563, 564, and 566. There will be 20 minutes of debate equally divided between the chairman and ranking members of the Judiciary Committee, or their designees. At the conclusion of 20 minutes, we will vote on the nominations, following which there will be a vote on the pending amendment.

NOMINATION OF VIRGINIA HOPKINS

Mr. HATCH. Mr. President, I rise in support of the confirmation of Virginia Hopkins for the United States District Court for the Northern District of Alabama. I have reviewed her record and I find her to be an excellent choice for the federal bench. Virginia Hopkins possesses 25 years of legal experience that will serve her well on the federal bench.

Upon graduating from the University of Virginia School of Law in 1977, Ms. Hopkins joined the Birmingham, Alabama law firm of Lange, Simpson, Robinson & Sommerville, LLP. There she had a broad civil practice that included appellate matters, tax and estate planning, business dispute resolution and planning, and labor disputes. She also worked for another widely respected law firm, Taft, Stettinius & Hollister LLP. in Washington D.C.

In 1991, Ms. Hopkins returned to Alabama to join the firm of Campbell & Hopkins LLP., where she is currently a partner. Over the past 12 years, she has developed a broad civil practice, including litigation, tax and estate planning, business dispute resolution and planning, trademark and copyright registrations and disputes, trade secret disputes, confidentiality agreement disputes, and trade name disputes.

I am confident that she will make a fine addition to the Northern District of Alabama.

Thank you, Mr. President. I yield the floor.

Mr. LEAHY. Mr. President, today we vote on the nomination of Virginia Hopkins to the Northern District of Alabama. Ms. Hopkins has been an attorney at the firm Campbell & Hopkins in Alabama, and has the support of both of her home State Senators. In particular, Senator SHELBY deserves praise for diligently pressing forward, and this confirmation rewards his constant attention to this nomination. Senator SHELBY has always been a pleasure with whom to work, whether I was serving as chairman or ranking member. Senator SHELBY has always been someone who plays it straight and shows good judgment. He is fair and forthright.

I must note that since May 18, the date of the agreement on judicial confirmations this year involving Senator DASCHLE, Senator FRIST and the White House, the Senate has confirmed seven judges, including two circuit court nominees. We confirmed Marcia Cooke to the district court in Florida, Judge Van Antwerpen to the Third Circuit in Pennsylvania, and Ray Gruender to the Eighth Circuit the first week of that agreement. The following week, the Senate confirmed the nominations of Dennis Saylor, Sandra Townes, Ken Karas, and Judith Herrera to the Federal district courts.

Last week, the Republican leadership did not schedule any judicial nominations for a vote and considered other business during that shortened work week. In the month since the agreement to have a floor vote on 25 judicial nominees, the Republicans have asked for votes on only seven judicial nominees and have scheduled debate on a variety of matters other than judicial nominees. That is their choice. The Republican leadership knows that some of the remaining nominees in the agreement for votes this year require significant time for debate.

I do not want to see the Democrats blamed for any delay in confirmation votes when Republicans have been advised for weeks now that it is going to take time for the Senate to process all of the nominees in the agreement. Members of the Senate deserve time to consider the merits of the nominees for lifetime positions. Democrats have been working cooperatively on judges but the Republican leadership has not worked with us to schedule the debate and votes on the many remaining judicial nominees that we had hoped could be considered before June 25. After today's three votes, 15 judicial nominees remain to be scheduled for debates and votes. I hope that we can make progress on more nominees this week and next. At the pace the Republican leadership has chosen to proceed, there is now a strong likelihood that debate and votes on some of these judicial nominees will extend past June 25.

On the occasion of the confirmation of this Alabama nominee, I would note that some in the Senate have falsely alleged that Democratic Senators have treated southern nominees unfairly. Some extreme partisans tried to divide the American people for partisan political gain with their false accusations against Democratic Senators. The truth is that Democrats have treated judicial nominees from the South very fairly: Southern States comprise about 25 percent of the States in the Nation, yet out of the 181 judicial nominees of President Bush that we have confirmed as of this vote, 59 nominees, or one-third of the confirmed nominees, have been to judicial seats in the South. In particular, I would note that six of President Bush's judicial nominees have already been confirmed to United States district courts in Alabama since he took office: Judge Karon Bowdre, Northern District; Judge Callie Granade, Southern District; Judge Mark Everett Fuller, Middle District; Judge L. Scott Coogler, Northern District; Judge R. David Proctor, Northern District; and Judge William Steele, Southern District. Judge Steele, as you may recall, was initially nominated by President Bush to the Eleventh Circuit, but President Bush pulled down the elevation of this then-U.S. magistrate judge in order to put forward the even more controversial William Pryor, who was recess appointed earlier this year despite the serious objections of numerous Senators. Recent news articles about Judge Pryor's actions on the bench have only underscored the concerns of many that he lacks the political independence and fairness to serve as a judge.

Ms. Hopkins received a partial "Not Qualified" rating from the American Bar Association. Following the White House's exclusion of the ABA from reviewing judicial candidates before they have the President's stamp of approval, a dismaying number of this President's nominees have received "Not Qualified" ratings. Indeed, four of his nominees were rated "Not Qualified" by a majority of the ABA rating committee, and 24—more than 10 percent—were rated "Not Qualified" by some members of the ABA's standing committee.

The weight that should be accorded an ABA rating was called into question after the debacle in which Republican partisan Fred Fielding prepared Miguel Estrada's ABA rating recommendation. Mr. Fielding not only served on the White House transition team advising the President about Cabinet appointments, he subsequently cofounded the Committee for Justice, which attacks anyone opposed to the President's judicial nominees. Similarly, the ABA's rating to Judge Pickering after his judicial ethics were called into question by national ethics experts undermined the confidence that some in the Senate had in the evaluations of the ABA's rating committee. Also, the ABA's ratings do not take into account the President's effort to put so many ideologues and extremists into these lifetime positions on the bench.

In Ms. Hopkins' case, the ABA rating may reflect her modest trial experience: She has been the sole or chief counsel in only two of the cases she has tried to verdict. Ms. Hopkins has been active in Republican fundraising like many of the President's nominees, but I am hopeful, given the confidence Senator SHELBY has reposed in her, that she will leave her partisan roots behind upon confirmation. Out of deference to Senator SHELBY, I will vote in favor of her confirmation.

I congratulate Ms. Hopkins on her confirmation.

NOMINATION OF RICARDO MARTINEZ

Mr. HATCH. Mr. President, I am pleased today to speak in support of Judge Ricardo Martinez, who has been nominated to the United States District Court for the Western District of Washington. Since 1998, Judge Martinez has served as a federal magistrate judge—an experience which undoubtedly has prepared him well for the district court bench.

Judge Martinez has a compelling story. The son of former migrant workers, he lived in a migrant camp for several years during his childhood, where he worked with his parents on the farms. Neither he nor his parents understood English, but with the help of his teachers, he mastered the language and became the family's interpreter. He also became the first in his family to attend high school. Incidentally, he was one of two boys to graduate from high school with honors.

Judge Martinez then attended the University of Washington, where he earned a Bachelor of Science degree in psychology. He subsequently graduated from the university's law school, where he had been a member of the Order of the Coif.

Following graduation from law school, Judge Martinez spent 10 years as an assistant prosecutor with the King County Prosecuting Attorney's Office where he became chief of the drug unit. After his appointment as a judge on the King County Superior Court in 1990, he started the State's first drug court, which allows those who are arrested on minor drug-related charges to have the charges dropped in exchange for staying drug-free, completing their education and seeking employment.

I applaud President Bush for his nomination of Judge Martinez and am confident that he will serve on the bench with compassion, integrity and fairness.

Thank you, Mr. President. I yield the floor.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Ricardo Martinez, to be a United States District Judge for the Western District of Washington. For the past 6 years, he has been a widely respected United States Magistrate Judge for the Western District of Washington. Previously, Judge Martinez served as a Superior Court Judge and as an assistant prosecutor in King County, WA. He is a graduate of the University of Washington and of the University of Washington Law School, and has substantial trial experience. In light of his significant judicial experience it is not surprising that he received a unanimous rating of "Well-Qualified" from the American Bar Association.

Judge Martinez's nomination is the product of a bipartisan judicial nominating commission that Senators MURRAY and CANTWELL insisted upon in spite of Bush administration opposition. The State of Washington is well-served by its bipartisan judicial nominating commission which recommends qualified, consensus nominees on whom members of both parties can agree. It is difficult to understand why President Bush has opposed similar bipartisan selections commissions since they help Democrats and Republicans work together and help maintain an independent judiciary. I thank Senators MURRAY and CANTWELL for their steadfast efforts in maintaining the commission.

While some people have accused Democrats of being anti-Hispanic, our record of confirming Hispanic nominees is excellent. Democrats have supported the swift confirmation of President Bush's Latino nominees already, with four more waiting only for a vote on the Senate floor. While President Clinton nominated 11 Latino nominees to circuit court positions, five of those 11 were blocked by the Republican Senate, and four of those five were not even granted hearings. President Bush has only nominated four Latino jurists to circuit court positions, three of whom have already been confirmed with unanimous Democratic support. President Bush's 21 Latino nominees constitute less than 10 percent of his 225 judicial nominees.

Regrettably the President has been more concerned with nominating those affiliated with the Federalist Society. He has nominated 45 such nominees. Twice as many nominees have been affiliated with the Federalist Society as have been Hispanic. In fact, all of his Hispanic, Asian and African American judicial nominees combined do not equal the number of those affiliated with the Federalist Society.

This confirmation marks the 182nd lifetime judicial appointment approved by the Senate during this Presidential term. That is more than is all of President Reagan's term from 1981 through 1984 and more than in all of President Clinton's more recent term from 1997 through 2000. We have also approved more judicial nominees this Congress than in either of the last two Congresses preceding the Presidential elections in 1996 or 2000.

I strongly support his nomination and I congratulate Judge Martinez and his family on his confirmation.

Ms. CANTWELL. Mr. President, it is my privilege today to discuss the incredibly talented nominee for vacancy on the District Court for the Western District of Washington, Judge Ricardo Martinez. The people of western Washington will be well-served by this talented and fair jurist.

Given Judge Martinez's reputation for even-handedness and thoroughness, it is fitting that he was recommended by a bipartisan selection committee that I believe is a sound model for other States. Members of Washington State's legal community, the White House, and my colleague Senator PATTY MURRAY and I worked together to review a group of applicants. Together, we all agreed that Judge Martinez is the right person for the job.

Judge Martinez has ably served the people of Washington State as a public servant for more than two decades: as prosecutor in the State's largest county for 10 years; as a Superior Court judge for 8 years; and as a United States Magistrate judge in the Western District of Washington for the past 5 years.

While serving on the King County Superior Court, Judge Martinez took the lead in helping to create an innovative "drug court" to address the unique challenge of recidivism among drug offenders. He helped build a consensus to try a new approach, and preside over the new court for three years.

And it worked. The "drug court," one of the first in the Nation, has helped reduce recidivism rates among those people who successfully complete the program and it has been emulated by many jurisdictions across the country.

Judge Martinez's commitment to his community extends beyond the courtroom. He has volunteered countless hours to help those in need and the homeless; to mentor young people as a coach in several sports; and to raise money for college scholarships for young men from disadvantaged backgrounds.

Those who have worked with Judge Martinez attest to his fundamental sense of fairness and justice. The ABA rated him as "well-qualified"—its highest rating—on a unanimous vote. He also enjoys support from the Federal bench, and was encouraged to apply for the vacancy by all of the incumbent judges of the Western District.

I am pleased to offer Judge Ricardo Martinez my full support, and I urge my fellow Senators to approve his nomination.

NOMINATION OF GENE PRATTER

Mr. HATCH. Mr. President, I rise today in support of the nomination of Gene Pratter to be United States District Judge for the Eastern District of Pennsylvania.

Gene Pratter, has contributed much to the legal community over her 29 year legal career, specifically in the areas of ethics and professional conduct. Upon graduation from University of Pennsylvania Law School, Ms. Pratter joined the law firm of Duane Morris & Heckscher—now Duane Morris LLP. She has remained with this firm since her first days as an associate and is currently a partner in and general counsel of the firm.

She has represented numerous clients in commercial litigation and professional liability. She has also represented licensed law, financial and other professionals before State and national licensing boards and in litigation throughout the country in both federal and State courts. She has practiced in a variety of legal issues including litigation and alternative dispute resolution, with emphasis on commercial, securities, employment contract, real estate, insurance coverage, RICO, professional and business ethics, and professional liability litigation. She has also represented the Philadelphia Zoo.

Additionally, Ms. Pratter has served as an expert witness and has overseen legal issues for her law firm, Duane Morris, for a number of years while also holding the position of vice-chair of the firm's Trial Department. She has also been named as a Judge Pro Tem in the Philadelphia Court of Common Pleas and a mediator for the U.S. District Court for the Eastern District of Pennsylvania.

Ms. Pratter has been a guest faculty member at the University of Pennsylvania Law School, where she lectured on the legal profession and professional responsibility. She also served on the School's Board of Overseers from 1993 to 1999. She is active in numerous professional and community associations.

I have every confidence that she will make an excellent federal judge. I commend President Bush for nominating her, and I urge my colleagues to join me in supporting this nomination.

Thank you, Mr. President. I yield the floor.

Mr. LEAHY. Mr. President, today we vote to confirm another district court nominee, Gene Pratter to the U.S. District Court for the Eastern District of Pennsylvania. Ms. Pratter is currently a partner at the firm Duane Morris LLP, where she has worked her entire career.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With this confirmation, 17 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed—a rate not matched in any other State but California.

With this confirmation, President Bush's nominees will make up 17 of the 42 active Federal circuit and district court judges for Pennsylvania—that is more than one-third of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's influence is even stronger as his nominees will hold 14 of the 33 active seats—or more than 42 percent of the current active seats. With the additional Pennsylvania district court nominees pending on the floor and likely to be confirmed soon, nearly half of the district court seats in Pennsylvania will be held by President Bush's appointees. Republican appointees will outnumber Democratic appointees by nearly two to one.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Republicans denied votes to nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records showing them to be well-qualified nominees, many of their nominations sat idle before the Senate for more than a year without being considered. Such obstruction provided President Bush with a significant opportunity to shape the bench according to his partisan and ideological goals.

Recent news articles in Pennsylvania have highlighted the way that President Bush has been able to reshape the Federal bench in Pennsylvania. For example, The Philadelphia Inquirer, on November 27, 2003, said that the significant number of vacancies on the Pennsylvania courts "present Republicans with an opportunity to shape the judicial makeup of the court for years to come."

Democratic support for the confirmation of Gene Pratter is yet another example of our extraordinary cooperation despite an uncompromising White House and a record that shows Republicans' refusal to cooperate on President Clinton's Pennsylvania nominees when they controlled the Senate and a Democrat resided at 1600 Pennsylvania Avenue.

Like so many of President Bush's nominees, Ms. Pratter is a member of the Federalist Society and has been involved in numerous Republican Party campaigns. She has no judicial experience although she comes from a well-respected law firm. Her record of defending businesses raises concerns about her ability to balance business and individual interests. In her answers to my written questions, however, she assured me that she would be fair to all parties that come before her. I hope that she will be a person of her word. I hope that she will follow the law. I hope that she will treat all who appear before her with respect. I hope she will not abuse the power and trust of her position. Sometimes we have to take a risk to allow a nominee to be confirmed.

I congratulate Ms. Pratter on her confirmation today.

Mr. SANTORUM. Mr. President, I rise to speak in favor of Gene Pratter, who is the nominee, as you noted, on the Executive Calendar for the Eastern District of Pennsylvania.

Gene has an outstanding record of community service, of service to the legal community, working in very complex and difficult litigation with a large law firm in the city of Philadelphia. She is someone who has been active, as I mentioned, in the community and in political life, and is the kind of well-rounded individual who I think would make an excellent jurist on the court.

She is someone I have gotten to know over the past 10 or 12 years, and I have respected her demeanor. She has a very professional but yet gentle way of discussing sometimes rather contentious issues in which we have been involved.

Again, I respect the way she approaches issues that confront her. She has proven that she has outstanding legal abilities. She has proven that she understands the importance of community and the importance of being a good citizen and participating as a citizen beyond just the professional life, which to me, as a judge, is something that is very important.

We have been fortunate under the leadership of Senator SPECTER in finding now 20 judges under this administration who have been nominated, and I believe the number is 17 or 18 who have been confirmed by the Senate. We have done a good job in finding people who are well rounded and people who have judicial experience and judicial temperament about which I spoke, as well as a record of community involvement and active citizenship which rounds out the person. So when they come to the bench, they are not just a narrow scholar or someone who is a "hail fellow well met" but a nice combination of the two that brings the kind of commonsense judicial temperament that is important in our court system.

I commend Gene for her steadfastness in this process. As anybody who has gone through this process in the last couple of years will tell you, this is a difficult and somewhat tortuous process where you are on again, off again; You don't know whether your career is going to move forward or is going to stay in limbo. Is it going to fall off the docket and not be heard from again? That is a very difficult thing for all of these nominees to have to go through.

But thanks to the agreement of Senator FRIST and Senator DASCHLE, we have been able to move some of these nominations—the "noncontroversial nominations"—and we will now have a vote on Judge Pratter.

I say for the RECORD again that because of the work Senator SPECTER has done with our bipartisan nominating commission we have in the State of Pennsylvania, we have been able to get Republicans and Democrats—I underscore Republicans and Democrats—nominated by this President.

When there are two Republican Senators, we have a rule in Pennsylvania that the party in power—that means the President—will nominate three to his party to every one in the minority party, irrespective of, as I said before, the fact that we may have two Republican Senators and a Republican President. Out of every four nominees, we still nominate one Democrat to fill the bench to make sure there is a proper balance on the court, and even to some degree some little ideological balance on the court.

We have been successful in getting soon to be 20 nominees approved by the Senate, which I think is a fairly admirable record if you consider the contentious attitude the judicial nominees have had to work through in the committee as well as in the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF VIRGINIA E. HOPKINS

Mr. SESSIONS. Mr. President, I speak on behalf of a judicial nominee for the Northern District of Alabama, Virginia E. Hopkins. I join with Senator Richard Shelby of my State in moving her nomination forward with great enthusiasm. She is a woman of impeccable academic credentials, high in integrity, great legal experience and skill. She will do a great job on the Federal bench.

She has a strong academic background. She graduated from the University of Alabama in 1974 as an undergraduate. She attended Agnes Scott College before that. Then she attended the University of Virginia Law School in 1977. She began her career as an associate attorney at the law firm of Lange, Simpson, Robinson & Sommerville in Birmingham, AL. That is one of the great law firms in the State. The fact she was hired there in itself is a good commendation of what they thought were good legal skills and good judgment. She certainly would not have been selected at that firm had they not thought so at the time.

She had at that firm a broad civil practice, including appellate matters, tax and estate planning, business dispute resolution, and planning in labor disputes. These things come up in Federal court, also.

She left the firm after 2 years to join the law firm of Taft, Stettinius & Hollister in Washington, DC, where she established the firm's intellectual property practice and handled complicated trademark matters. It is a fine law firm in Washington for her to be part of.

In 1991, however, she and her husband decided to return to her home of Anniston, AL, and to form the firm of Campbell & Hopkins where she is currently a partner.

Over the past 12 years she developed a broad civil practice, including litigation, tax and estate planning and administration, business dispute resolution, and planning intellectual property cases.

Simply stated, Virginia Hopkins has a number of career, academic, and professional achievements. Her experience will be an asset to the bench of the Northern District of Alabama.

I know her children now are at the age of graduating from high school. She felt the need to come back to her roots to raise those children in the right way. Now she is so excited about the opportunity to serve her country and her Nation and the rule of law as a Federal judge. It is exciting to talk to her. It makes me pleased every time I do, to see how excited she is about this opportunity. I believe she is going to do a terrific job.

I know Senator SHELBY agrees with that. In fact, he propounded her nomination from the beginning. I know he believes in every way she will be a superb Federal judge. I am glad to see the senior Senator from Alabama in the Senate today, a distinguished lawyer in his own right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased that we will soon be voting on the nomination of Virginia Hopkins for the United States District Court for the Northern District of Alabama. This nomination has been on the calendar for a number of months now and I am pleased that we are finally going to have an up or down vote.

Virginia Hopkins is a highly qualified candidate. She will be an important addition to the Federal bench. Like others who know Virginia, I have a high regard for her intellect and her integrity. She is a woman of the law who understands and respects the constitutional role of the judiciary and, specifically, the role of the federal courts in our legal system.

Having been a practicing attorney for more than a quarter century, Virginia has concentrated her legal practice in wills and estate planning, as well as intellectual property law and civil litigation. Virginia has a strong record of trying cases in both the federal and state courts for a broad range of individual and corporate clients. Without question, I believe it is fair to say that Virginia Hopkins is an experienced and skilled attorney.

In addition to being a devoted wife and mother of two children and a skilled attorney, Virginia is also active in her community. She has served on the board of the United Way of East Central Alabama, while also remaining active in her church. She is a graduate of the University of Alabama and also Virginia Law School.

Again, I am pleased to support the nomination of Ms. Virginia Hopkins to the United States District Court for the Northern District of Alabama. I am confident that she will serve honorably and that she will apply the law with impartiality and fairness. I encourage my colleagues to join with me in supporting her nomination as I believe that she will serve our nation with the honor and dignity required of the federal judiciary.

I yield the floor.

Mr. REID. How much time remains for the majority and minority?

The PRESIDING OFFICER. The majority has 1 minute 44 seconds and the minority has 11 minutes.

Mr. REID. Does the distinguished Senator from Pennsylvania wish us to yield part of our time?

Mr. SPECTER. Mr. President, I would need 5 minutes to speak on behalf of the judicial nominee.

Mr. REID. I yield 5 minutes to the Senator from Pennsylvania of the time of the minority.

Mr. SPECTER. I thank my distinguished colleague from Nevada for yielding the time. I have sought recognition to urge my colleagues to confirm Gene E.K. Pratter to the U.S. District Court for the Eastern District of Pennsylvania. Ms. Pratter comes to this position with a very distinguished academic career, having earned honors at Stanford University and her law degree from the University of Pennsylvania in 1975.

She is a partner in the prestigious law firm in Philadelphia of Duane Morris where she serves not only as a partner but as general counsel to the firm for their own matters.

She has authored many very distinguished legal writings. She has served in many professional capacities as a judge pro tempore for the State courts, Court of Common Pleas of Philadelphia County. She has been a mediator for the U.S. District Court for the Eastern District of Pennsylvania, so she has had extensive ancillary experience before becoming a Federal judge.

I have had the opportunity to know Ms. Pratter personally for about a decade and can personally attest to her intelligence and demeanor. She will be an outstanding judge.

She had been recommended to the President by Senator SANTORUM and myself after she received approval from a nonpartisan judicial selection commission which advises Senator SANTORUM and I as to judicial recommendations to the President. This is a group which has functioned for all of my tenure in the Senate, going back 24 years when Senator Heinz and I had this panel in existence. It has been carried forward. As I say, it is in existence now by appointment from Senator SANTORUM and myself.

I am especially pleased to find this confirmation occurring today. We had to postpone the induction ceremony for Ms. Pratter some time ago when there had been some disagreements as to how we would proceed. We had hoped for this confirmation last week, and, of course, it has been delayed because of the ceremonies involving the funeral and other matters related to former President Reagan. But I am especially pleased to have it concluded today because a swearing-in has been scheduled in Philadelphia for Friday at 2 o'clock. So Ms. Pratter, who I am sure is watching, and others will know that the commitment can go forward. That is in anticipation of a favorable vote, which I think is virtually certain to be forthcoming.

Mr. President, it would take a great deal of time to give the details of Ms. Pratter's extensive biographical résumé and accomplishments, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENE E.K. PRATTER, PARTNER AND GENERAL COUNSEL

Gene E.K. Pratter is a partner in and General Counsel of Duane Morris LLP. She frequently represents clients in commercial litigation and professional liability and licensing matters. Ms. Pratter has represented licensed law, financial and other professionals before state and national licensing boards and in litigation throughout the country in federal and state courts.

A 1975 graduate of the University of Pennsylvania Law School and an honors graduate of Stanford University, Ms. Pratter is a member of the American Bar Association's Litigation Section and the Philadelphia Bar Association's Committees on Professional Responsibility and Professional Guidance, of which she was chair from 2000 through 2001. In addition, she is a member of the Pennsylvania Bar Association's Women in the Profession Committee. Ms. Pratter served as the co-chair of the ABA Litigation Section's Committee on Ethics and Professionalism and recently concluded her tenure as the co-chair of the Section's Task Force on the Independent Lawyer.

A member of the University of Pennsylvania's American Inns of Court, she is the author of a number of articles concerning ethics and professional conduct and has presented many programs for practitioners on those and other subjects. Ms. Pratter frequently serves as an expert witness and advises lawyers and law firms concerning professional responsibility and professional liability matters, and she has overseen legal issues for Duane Morris itself for a number of years while also holding the position of vice-chair of the firm's Trial Department. She has also been named as a Judge Pro Tem in the Philadelphia Court of Common Pleas and a mediator for the U.S. District Court for the Eastern District of Pennsylvania. Ms. Pratter was an Overseer of the University of Pennsylvania Law School from 1993 to 1999. She is active in numerous professional and community associations.

AREAS OF PRACTICE

Alternative Dispute Resolution;

Commercial and Real Estate Litigation;

Employment Contract Litigation;

Insurance Coverage Litigation;

Professional and Business Ethics Counseling and Litigation;

Professional Liability Litigation—Accountants, Actuaries, Architects, Attorneys, Brokers, Engineers, Fiduciaries, Insurance Professionals, Management Consultants, Title Insurers;

RICO Litigation;

Securities Litigation;

Reinsurance Litigation.

PROFESSIONAL ACTIVITIES

American Bar Association—Section of Litigation, Co-Chair, Ethics and Professional Responsibility Committee, 1994–1998, Co-Chair, Task Force on the Independent Lawyer, 1995–present, Commission on Women in the Profession, Tort and Insurance Practice Section, Business Law Section, Center for Professional Responsibility;

Pennsylvania Bar Association—Civil Litigation Section, Education Law Section, Mentor, State Civil Committee, Women in the Profession Committee;

Philadelphia Bar Association—Professional Responsibility Committee, Chair, Professional Guidance Committee, Committee on Women in the Profession;

Association of Professional Responsibility Lawyers;

Defense Research Institute;

Pennsylvania Defense Institute;

University of Pennsylvania Law School Inn of the American Inns of Court;

Federalist Society;

St. Thomas More Society.

ADMISSIONS

Pennsylvania;

United States Court of Appeals for the Third Circuit;

United States District Court for the Eastern District of Pennsylvania.

EDUCATION

University of Pennsylvania Law School, J.D., 1975.

Mr. SPECTER. Mr. President, I again thank my colleague from Nevada and yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3183

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Smith amendment No. 3183 to S. 2400.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—65

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham (FL)
Gregg
Harkin
Hollings
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed (RI)
Reid (NV)
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—33

Allard
Bond
Brownback
Bunning
Burns
Chambliss
Cochran
Cornyn
Craig
Crapo
Dole
Domenici
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
McCain
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas

NOT VOTING—2

Jeffords
Kerry

The amendment (No. 3183) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, hatred and violence are not traditional values and they are not American values. Vicious crimes tear at the very fabric of our society and should be prosecuted to the fullest extent of the law.

Sixty-five Senators—including 18 Republican Senators—voted today to expand hate crimes protection to all Americans. The overwhelming support for the hate crimes amendment is a victory for basic fairness and for victims' rights.

This bipartisan amendment provides more help for local law enforcement—and tougher penalties for people who commit hate crimes. It also expands hate crimes protections to include gender, sexual orientation and disability. These are all reasonable changes that are supported by the overwhelming majority of Americans and by law enforcement agencies across the country.

Those who say these protections are unnecessary because they protect only a small number of people miss the point. Even one beating, one murder, or one assault is unacceptable. Hate crimes diminish all Americans.

This is not the first time the Senate has voted to strengthen existing federal protections against hate crimes. I brought these same protections to the Senate floor when I was majority leader in 2002. They were first introduced in 1997 and passed by the Senate in 1999. In 2000, majorities in both the House and Senate supported hate crimes legislation—only to have the provisions stripped out behind the closed doors of a conference committee at the insistence of the far right.

We urge the far right to end their efforts to prevent these modest but important protections from being signed into law. We will continue to press this case until all Americans enjoy equal protection from hate crimes.

Mr. BYRD. Mr. President, today, I voted in support of an amendment to the Department of Defense Authorization Act to establish that hate crimes based on race, color, religion, and national origin are prohibited at all times—not only when a person is involved in certain federally protected activities as is the case under existing law. The legislation I voted to enact today for the first time also prohibits hate crimes based on three additional categories, meaning a person's actual or perceived disability, gender, or sexual orientation, so long as the incident has a demonstrable tie to interstate trade.

The legislation voted on today is different than the hate crimes legislation I opposed in June 2000 in several significant ways. Primarily, it includes stronger safeguards to ensure that the States continue to take the lead in prosecuting hate crimes. The language of the amendment makes it clear, though, that the Federal Government can prosecute a hate crime at the Federal level in circumstances where, for example, the State does not have jurisdiction or refuses to take jurisdiction over the crime.

In June 2002, I voted in support of an amendment nearly identical to the hate crimes legislation approved today. Then, and today, I approached the Senate leadership about adding to the legislation language that would include age as a protected category, so that crimes directed against the elderly and children could also be considered hate crimes under this law. Defining age as an additional protected category in the law would also give State and local law enforcement officials new tools to provide technical, forensic, prosecutorial, and other assistance beneficial to prosecuting hate crimes against the elderly and children.

Unfortunately, the managers of the hate crimes legislation declined to accept my suggestion of defining age as being an additional protected category under the bill, but I pledge to continue to do all that I can to make certain that the elderly and children are provided all protections possible to ensure their safety, and to make certain that those who perpetrate hate crimes against them receive suitable punishment.

EXECUTIVE SESSION

NOMINATION OF VIRGINIA E. HOPKINS TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The Senate will now proceed with executive session to consider Executive Calendar No. 563, which the clerk will report.

The legislative clerk read the nomination of Virginia E. Hopkins, of Alabama, to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on the nomination.

Mr. WARNER. Mr. President, I ask unanimous consent that each of the next three votes be 10 minutes so we can return to the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back all of my time on the three judges. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Virginia E. Hopkins, of Alabama, to be United States District Judge for the Northern District of Alabama? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Jeffords
Kerry

The nomination was confirmed.

NOMINATION OF RICARDO S. MARTINEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Ricardo S. Martinez, of Washington, to be United States District Judge for the Western District of Washington.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BURNS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I wonder if I could address the Senate with regard to the schedule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We are making good progress on this bill. We have indications of at least four amendments that will be worked on, part this evening and part in the early morning, that could result in three to four votes. We would like to lead off following the established time for morning business, which I understand may be some 30 minutes, at approximately 10 o'clock with debate with the Senator from Connecticut, Mr. DODD, 15 minutes on each side, followed by a rollcall vote. That would be followed thereafter by Senator LEAHY. We are not certain exactly what time. That will require approximately 2 hours equally divided. We have the Bunning amendment which will be brought up tomorrow. And tonight we will lay down an amendment by Senator REED on end strength. We will start that amendment tonight. There are colleagues on both sides who will want to address that tomorrow.

We will order this evening the final order of these amendments in sequence. If there is any other Senator desiring to move forward with an amendment tomorrow, I urge that Senator to address my colleague or myself.

Mr. REID. Will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. It is my understanding that tonight, when we get to the bill, the junior Senator from Idaho is going to lay down an amendment; is that right?

Mr. WARNER. My understanding is he wishes to do that tomorrow where we can get a unanimous consent.

Mr. REID. That is the best way to proceed.

Mr. WARNER. We recognize when the votes are concluded, Senator REED would lay down his amendment for discussion, we would then do cleared amendments, and that will conclude the actions on this bill for today. When the leadership decides on the opening of the Senate tomorrow, we have 30 minutes for morning business.

Mr. REID. We need half an hour on our side. I indicated to Senator LEVIN we would be happy to waive morning business on Thursday, but we would like a half hour on our side tomorrow.

Mr. FRIST. Mr. President, if the Senator would yield.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. If you need 30 minutes in morning business, we would like it equally divided. Because we have such a full day tomorrow, I want to have this first vote at 10 o'clock. We would be happy to come at 9 o'clock in the morning, you take 30 minutes, or we will divide the hour 30–30.

Mr. REID. That is totally appropriate.

I say through the Chair, on our side, Senator DURBIN will offer the next amendment, not Senator REED. Our amendment will be Senator DURBIN.

Mr. LEVIN. I understand that Senator DURBIN, if he could, prefers to lay it down tomorrow, and Senator REED can lay his amendment down.

Mr. WARNER. We have Senator REED tonight. We will accommodate Senator DURBIN tomorrow with 30 minutes equally divided.

Mr. LEAHY. Mr. President, if I might ask the distinguished senior Senator from Virginia, as I understand it, my amendment is actually pending. There are a number pending, but my understanding is the distinguished Senator from Virginia will protect me for a block of time.

Mr. WARNER. That is correct.

Mr. LEAHY. So we can debate and vote.

Mr. WARNER. Two hours equally divided at a time mutually agreeable, followed by a vote.

Mr. LEAHY. Good enough for me.

Mr. WARNER. We will incorporate this at the conclusion tonight in a UC. I thank the Presiding Officer, and I thank Members.

Senator TALENT, also, will be recognized tonight to lay down his amendment. We will debate that and then look for a vote, if necessary, tomorrow.

Any other Senators desiring to be heard on amendments? Now is a good time.

If not, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ricardo S. Martinez, of Washington, to be United States District Judge for the Western District of Washington? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 116 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Jeffords
Kerry

The nomination was confirmed.

NOMINATION OF GENE E. K. PRATTER TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Gene E. K. Pratter, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gene E. K. Pratter, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania. The clerk will call the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 117 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Kerry
Jeffords

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. WARNER. Mr. President, the Senator from Connecticut wants to modify an amendment at the desk. I suggest he lead off. The Senator from Missouri wishes to speak for about 5 or 6 minutes, the Senator from Rhode Island for whatever time he may wish, 5 or 10 minutes, and then Senator DURBIN also would like to speak. So, Mr. President, is that an order which is agreeable to my colleagues?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Of course, there will be no more votes tonight. We do anticipate a very active day tomorrow, and the leadership is in the process of working out the sequencing of events tomorrow.

Mr. DODD. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 3313, the amendment by the Senator from Connecticut.

AMENDMENT NO. 3313, AS FURTHER MODIFIED

Mr. DODD. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WARNER. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3313), as further modified, is as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. PROHIBITIONS ON USE OF CONTRACTORS FOR CERTAIN DEPARTMENT OF DEFENSE ACTIVITIES.

(a) PROHIBITION ON USE OF CONTRACTORS IN INTERROGATION OF PRISONERS.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the use of contractors by the Department of Defense for the interrogation of prisoners, detainees, or combatants at any United States military installation or other installation under the authority of United States military or civilian personnel is prohibited.

(2)(A) During fiscal year 2005, the President may waive the prohibition in paragraph (1) with respect to the use of contractors to provide translator services under that paragraph if the President determines that no United States military personnel with appropriate language skills are available to provide translator services for the interrogation to which the waiver applies.

(B) The President may also waive the prohibition in paragraph (1) with respect to any other use of contractors otherwise prohibited by that paragraph during the 90-day period beginning on the date of the enactment of this Act, but any such waiver shall cease to be effective on the last day of such period.

(3) The President shall, on a quarterly basis, submit to the appropriate committees of Congress a report on the use, if any, of contractors for the provision of translator services pursuant to the waiver authority in paragraph (2)(A).

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the utilization of contractor personnel in contravention of the prohibition in subsection (a), whether such funds are provided directly to a contractor by a department, agency, or other entity of the United States Government or indirectly through a permanent, interim, or transitional foreign government or other third party.

(c) PROHIBITION ON TRANSFER OF CUSTODY OF PRISONERS TO CONTRACTORS.—No prisoner, detainee, or combatant under the custody or control of the Department of Defense may be transferred to the custody or control of a contractor or contractor personnel.

(d) RECORDS OF TRANSFERS OF CUSTODY OF PRISONERS TO OTHER COUNTRIES.—(1) No prisoner, detainee, or combatant under the custody or control of the Department of Defense may be transferred to the custody or control of another department or agency of the United States Government, a foreign, multinational, or other non-United States entity, or another country unless the Secretary makes an appropriate record of such transfer that includes, for the prisoner, detainee, or combatant concerned—

(A) the name and nationality; and

(B) the reason or reasons for such transfer.

(2) The Secretary shall ensure that—

(A) the records made of transfers by a transferring authority as described in paragraph (1) are maintained by that transferring authority in a central location; and

(B) the location and format of the records are such that the records are readily accessible to, and readily viewable by, the appropriate committees of Congress.

(3) A record under paragraph (1) shall be maintained in unclassified form, but may include a classified annex.

(e) REVIEW OF UNITED STATES POLICY ON USE OF CONTRACTORS IN COMBAT OPERATIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Secretary's review of United States policy on the use of contractors in combat operations.

(2) The report under paragraph (1) shall identify and review all current statutes, regulations, policy guidance, and associated legal analyses relating to the use of contractors by the Department of Defense, and by other elements of the uniformed services, in routine engagements in direct combat on the ground, including any prohibitions and limitations on the use of contractors in such engagements.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Foreign Relations, and the Judiciary of the Senate and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, International Relations, and the Judiciary of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. DODD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to Senator DODD's modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator CONRAD be added as a cosponsor to amendment No. 3192 which was adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS IN PUBLIC-PRIVATE COMPETITIONS

Mr. KENNEDY. Mr. President, I commend Chairman WARNER and Senator LEVIN for working with Senator CHAMBLISS and me to reach a worthwhile bipartisan agreement on this amendment to produce greater fairness in public-private competitions. We face great challenges on national security and national defense in these times. We are doing all we can to meet the needs of our armed forces, and we are proud of their service to our country. The Federal civilian employees of the Department of Defense deserve our strong support, too.

The rules put in place last May by the Office of Management and Budget to implement public-private competition reforms in the Federal Government, including the Department of Defense, are the most sweeping changes in half a century. These rules have been controversial, and Congress has passed important protections over the last year to ensure that competitions to privatize Federal work are fair.

Last year, in the Department of Defense Appropriations Act, a bipartisan Congress guaranteed Federal employees the opportunity to demonstrate that they can do the work better and for a lower cost than private contractors. The fair competition amendment will make these provisions permanent, guaranteeing the use of the most efficient organizations in both streamlined competitions and other A–76 competitions at the Department of Defense. The amendment also reduces the incentive for private contractors to deny health benefits or provide inadequate benefits. Forty-four million Americans are uninsured today, and the cost of health insurance premiums have soared by 43 percent over the last 3 years. Under this amendment, if contractors offer inferior health benefits, comparative savings in health costs will not be counted in assessing their bids.

The amendment corrects a major defect in the OMB rules, which prevent Federal employees form competing effectively for a new work or work conducted by private contractors. The administration opposed a similar amendment in the House that established a pilot program. This amendment addresses the administration's specific concerns about the pilot project, while establishing a process for allowing and encouraging Federal employees to compete for new work and work currently performed by contractors.

The amendment also requires the inspector general to determine whether the Department of Defense has the infrastructure necessary to conduct public-private competitions and administer service contracts.

This amendment deals primarily with competitions in the Department of Defense. We know there is also more work to be done with respect to other Federal agencies.

Given the importance of this issue to my colleagues and me, we will be closely monitoring public-private competitions at the Department of Defense to ensure compliance with the current rules, to improve the law, and to pursue further legislative solutions to ensure fair competition. As we expand the Nation's military budget, we must see that taxpayers and our men and women in uniform are obtaining all of the benefits possible, and I hope very much that Chairman WARNER and Senator LEVIN will retain this important amendment in the conference report.

Mr. CHAMBLISS. I appreciate the hard work of our chairman and ranking member in working with Senator KENNEDY and to approve the fair competition amendment.

The amendment addresses a number of issues about which I am very concerned. One of the key issues is the ability of civilian employees to have the opportunity to compete for new work or work currently performed by contractors. This amendment would encourage the Department of Defense to level the playing field in these areas, improve efficiency, and protect government employees' ability to perform critical skills in key areas. And it does so in a way that addresses the concerns expressed by the administration in its Statement of Administration Policy.

Federal employees should compete in defense of their work, unless national security dictates otherwise. Direct conversion, giving work performed by Federal employees to contractors without competition, disservices Federal employees and taxpayers. The OMB Circular A–76 allows for direct conversions with OMB's approval. But there is evidence that agencies may be undertaking direct conversions without OMB's approval. This amendment ensures that for DoD, the largest agency and the one that does the most contracting out, there will be no direct conversions of any functions performed by more than ten employees, absent the invocation by the Secretary of Defense of a national security waiver. We have also included strong language in the amendment to close loopholes by which DoD could break up functions so that they involve ten or fewer employees or arbitrarily designate the work as new in order to get around this requirement.

Federal employees required to undergo public-private competitions should be able to submit their most competitive bids through the most efficient organization process. This amendment establishes such a requirement for all functions performed by more than ten employees.

Due to the significant costs associated with conducting competitions, contractors should be required to demonstrate that they will be marginally more efficient than Federal employees before taking away work performed by Federal employees. This amendment requires a minimum cost differential for all functions performed by more than ten employees of 10 percent of $10 million, whichever is smaller.

Privatization reviews should be predicated on agencies' capacity to perform those reviews and then satisfactorily administer any resulting service contracts. Our amendment ensures through its Inspector General reporting requirement that the Congress will know whether DoD has the capacity to conduct the privatization reviews required of it by OMB over the next several years.

I am pleased that this amendment has been accepted by the Senate and look forward to working with my colleagues during conference to include it in law.

Mr. LEVIN. I appreciate the willingness of my colleagues to work with the Chairman and me on this amendment. The amendment addresses a number of important issues that face the Department of Defense's contracting out policies.

For the first time, this amendment would make permanent provisions that require a most efficient organization and a minimum cost differential in almost all competitions. It ensures that contractors do not have incentives to offer inferior health insurance packages as a way to cut costs and make their bids more appealing. And it sets up a process for Federal employees to gain opportunities to conduct new work and work performed by contractors.

The amendment would, on a government-wide basis, put Federal employees and contractors on the same basis with respect to competing to perform new work. Contractors are not required to compete against Federal employees for new work, either under the FAR or A–76. The amendment would eliminate the requirement in A–76 that forces Federal employees to compete for new work or to retain their own work when the scope of that work expands.

Mr. KENNEDY. Given that the one concern identified by OMB in its SAP has been addressed in the amendment, would the Senator anticipate that the amendment will be included in the conference report?

Mr. LEVIN. That is my hope and expectation. I note that the House bill contains a similar provision, so the differences between the two provisions will have to be worked out by the conferees. I commit to working with my colleagues in the conference to ensure that the final language in the conference report achieves the purposes of the amendment.

COMMISSION ON THE FUTURE OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE

Mr. BINGAMAN. Mr. President, I would like to discuss section 841 of S. 2400, entitled the Commission on the Future of the National Technology and Industrial Base.

Mr. WARNER. Yes. This Commission will examine our national technology and industrial base as it pertains to the national security of the United States. The Commission will make important recommendations to ensure we maintain our technological leadership in a global economy.

Mr. BINGAMAN. I commend the chairman for his advocacy of this important issue. I would like to make the chairman aware of an effort that has been underway at the National Academy of Sciences.

Mr. WARNER. Will the Senator please describe this effort to me?

Mr. BINGAMAN. Yes. For the past 12 years, the Board on Science Technology and Economic Policy at the National Academies, has been evaluating the effects of globalization on key U.S. Industries such as biotechnology, software, telecommunications, semiconductors, flat panel displays, lighting and heavy manufacturing industries such as steel. The board produced a report in 2000 evaluating the effects of globalization on a subset of these industries. They are now in the process of evaluating the effects of outsourcing and globalization trends over the past 4 years on many of these same industries. Many, if not all, of these industries are important to our defense industrial base. I would like to ask the chairman if he believes it is important for the Commission to review the work of Board on Science Technology and Economic Policy as it undertakes its research.

Mr. WARNER. Yes, I believe it is prudent that the Commission fully utilize the expertise that the Board on Science Technology and Economic Policy has developed in evaluating the trends of globalization and outsourcing on the industries you have just discussed.

Mr. BINGAMAN. I thank the chairman for his time in this matter.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3251

Mr. TALENT. Mr. President, I have an amendment I wish to offer on behalf of Mr. BOND and myself. It is at the desk. I ask it be called up. It is amendment No. 3251.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself and Mr. BOND, proposes an amendment numbered 3251.

Mr. TALENT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on America's National World War I Museum)

At the end of subtitle G of title X, add the following:

SEC. 1068. SENSE OF CONGRESS ON AMERICA'S NATIONAL WORLD WAR I MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Liberty Memorial Museum in Kansas City, Missouri, was built in 1926 in honor of those individuals who served in World War I in defense of liberty and the Nation.

(2) The Liberty Memorial Association, a nonprofit organization which originally built the Liberty Memorial Museum, is responsible for the finances, operations, and collections management of the Liberty Memorial Museum.

(3) The Liberty Memorial Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the United States and its allies in the World War I years (1914–1918), both on the battlefield and on the home front.

(4) The Liberty Memorial Museum project began after the 1918 Armistice through the efforts of a large-scale, grass-roots civic and fundraising effort by the citizens and veterans of the Kansas City metropolitan area. After the conclusion of a national architectural design competition, ground was broken in 1921, construction began in 1923, and the Liberty Memorial Museum was opened to the public in 1926.

(5) In 1994, the Liberty Memorial Museum closed for a massive restoration and expansion project. The restored museum reopened to the public on Memorial Day, 2002, during a gala rededication ceremony.

(6) Exhibits prepared for the original museum buildings presaged the dramatic, underground expansion of core exhibition gallery space, with over 30,000 square feet of new interpretive and educational exhibits currently in development. The new exhibits, along with an expanded research library and archives, will more fully utilize the many thousands of historical objects, books, maps, posters, photographs, diaries, letters, and reminiscences of World War I participants that are preserved for posterity in the Liberty Memorial Museum's collections. The new core exhibition is scheduled to open on Veterans Day, 2006.

(7) The City of Kansas City, the State of Missouri, and thousands of private donors and philanthropic foundations have contributed millions of dollars to build and later to restore this national treasure. The Liberty Memorial Museum continues to receive the strong support of residents from the States of Missouri and Kansas and across the Nation.

(8) Since the restoration and rededication of 2002, the Liberty Memorial Museum has attracted thousands of visitors from across the United States and many foreign countries.

(9) There remains a need to preserve in a museum setting evidence of the honor, courage, patriotism, and sacrifice of those Americans who offered their services and who gave their lives in defense of liberty during World War I, evidence of the roles of women and African Americans during World War I, and evidence of other relevant subjects.

(10) The Liberty Memorial Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the home front and the impact of World War I on individuals, then and now. The Liberty Memorial Museum continues to actively acquire and preserve such materials.

(11) A great opportunity exists to use the invaluable resources of the Liberty Memorial Museum to teach the "Lessons of Liberty" to the Nation's schoolchildren through on-site visits, classroom curriculum development, distance learning, and other educational initiatives.

(12) The Liberty Memorial Museum should always be the Nation's museum of the national experience in the World War I years (1914–1918), where people go to learn about this critical period and where the Nation's history of this monumental struggle will be preserved so that generations of the 21st century may understand the role played by the United States in the preservation and advancement of democracy, freedom, and liberty in the early 20th century.

(13) This initiative to recognize and preserve the history of the Nation's sacrifices in World War I will take on added significance as the Nation approaches the centennial observance of this event.

(14) It is fitting and proper to refer to the Liberty Memorial Museum as "America's National World War I Museum".

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the Liberty Memorial Museum in Kansas City, Missouri, including the museum's future and expanded exhibits, collections, library, archives, and educational programs, as "America's National World War I Museum";

(2) recognizes that the continuing collection, preservation, and interpretation of the historical objects and other historical materials held by the Liberty Memorial Museum enhance the knowledge and understanding of the Nation's people of the American and allied experience during the World War I years (1914–1918), both on the battlefield and on the home front;

(3) commends the ongoing development and visibility of "Lessons of Liberty" educational outreach programs for teachers and students throughout the Nation; and

(4) encourages the need for present generations to understand the magnitude of World War I, how it shaped the Nation, other countries, and later world events, and how the sacrifices made then helped preserve liberty, democracy, and other founding principles for generations to come.

Mr. TALENT. Mr. President, I rise today in support of an amendment to designate the Liberty Memorial Museum in Kansas City, MO, as America's World War I Museum. All of us in Missouri are privileged to have such an outstanding museum and memorial to honor those who served during this critical period in our Nation's history.

World War I is, of course, an important part of America's history, and its history ought to be preserved so the generations of the 21st century can understand the role played by the United States in the preservation and advancement of freedom during that crucial time.

The Liberty Memorial Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the United States and its Allies in the World War I years, both on the battlefield and on the homefront. It deserves this designation as America's National World War I Museum.

The museum has a truly amazing history. After the guns were silenced in 1918 and the huge celebrations died down, concerned citizens in the United States reflected on the war and the losses sustained. The Liberty Memorial Museum project began after the 1918 armistice through the efforts of a large-scale, grassroots civic and fundraising effort by the citizens and veterans in the Kansas City metropolitan area. In less than 2 weeks, $2.5 million was raised through donations from local citizens. That was in 1918. That gives the Senate some idea of the enormity of the efforts on behalf of this memorial.

After the conclusion of a national architectural design competition, ground was broken in 1921, construction began in 1923, and the Liberty Memorial Museum was open to the public in 1926.

At the dedication on November 1, 1921, the main Allied military leaders spoke to a crowd of close to 200,000 people.

It was the only time in history the leaders of the United States, Belgium, Italy, France, and Great Britain were together at one place. These were the military leaders during World War I and they convened in Kansas City in 1921 to open this museum.

Today, the Liberty Memorial Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the homefront and the impact of World War I on individuals, then and now. The Liberty Memorial Museum continues to actively acquire and preserve such materials.

The designation of the museum as "America's National World War I Museum" is a great opportunity to use the invaluable resources of the Liberty Memorial Museum to teach the lessons of liberty to the Nation's schoolchildren through onsite visits, classroom curriculum development, distance learning, and other educational initiatives.

I am pleased to offer the amendment on behalf of Mr. BOND and myself. I want to thank the chairman and the ranking member for agreeing to include the measure in the underlying bill. It has been cleared on both sides and I look forward to the Senate adding it to this Defense measure.

I yield the floor, and I ask for adoption of the amendment.

Mr. WARNER. Mr. President, the amendment is cleared on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3251.

The amendment (No. 3251) was agreed to.

AMENDMENT NO. 3352

Mr. REED. Mr. President, I have an amendment numbered 3352.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. HAGEL, Mr. MCCAIN, Mr. CORZINE, Mr. AKAKA and Mr. BIDEN proposes an amendment numbered 3352.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the end strength for active duty personnel of the Army for fiscal year 2005 by 20,000 to 502,400)

On page 59, line 7, strike "482,400" and insert "502,400".

Mr. REED. Mr. President, it is my intention this evening to spend a few minutes to lay the amendment down and then I presume at the end of the evening, with unanimous consent, I will be given at least an hour of debate tomorrow which I will share with Senators MCCAIN, HAGEL, and others. That is my understanding. I ask the Senator from Virginia if that understanding is correct.

Mr. WARNER. Mr. President, we will work that out along those lines.

Mr. REED. Mr. President, I understand from the chairman that he will offer a second-degree amendment at the appropriate time. At this juncture, I would like to briefly explain the amendment and then have the opportunity to discuss it in more detail tomorrow with my colleague.

Mr. WARNER. Mr. President, I understand it is in order to forward a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

AMENDMENT NO. 3450 TO AMENDMENT NO. 3352

Mr. WARNER. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3450 to amendment No. 3352.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for funding the increased number of Army active-duty personnel out of fiscal year 2005 supplemental funding)

Strike line 2 and insert the following:

"502,400, subject to the condition that the costs of active duty personnel of the Army in excess of 482,400 shall be paid out of funds authorized to be appropriated for fiscal year 2005 for a contingent emergency reserve fund or as an emergency supplemental appropriation".

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. My amendment will increase the end strength of the Army to meet the incredible mission that has been thrust upon them in the wake of the war on terror and the operations in Afghanistan and the operations in Iraq. I believe it is incumbent that we formally increase the end strength of the Army and we incorporate within the Army budget the requirements for these additional soldiers.

At this juncture, the Army is being increased on an emergency basis through supplemental appropriations. I think that is not the appropriate way to do it. I think we have to recognize that the struggles we are engaged in are long term; they are not temporary. We have to have an end strength within the authorization bill that reflects that long-term effort we are engaged in.

I also believe we have to have within the Army budget the baseline established so that if a supplemental is delayed or is not sufficient to cover these additional troops, the Army does not have to go among its own programs and root about and find moneys to pay for these troops.

These troops are necessary. It is expedient that we should in fact engage and correct this discrepancy between the missions and the men and women who are serving our Army so well.

This is a quick glimpse of our soldiers who are committed throughout the world: 310,000 soldiers in 120 countries. The most significant, of course, are operations in Afghanistan and in Iraq. There are 13,000 in Afghanistan and 126,000 in Iraq. There are soldiers all across the globe and I think we all understand the stresses of these operations are wearing our Army down rapidly.

Some of the indications that we have too few troops can be cited very quickly. First, literally a few days ago the Army announced a stop-loss policy that would prevent soldiers from leaving the Army 90 days before their unit deploys into Iraq. We are essentially telling volunteers that they cannot leave at the end of their enlistment. That is an obvious indication we have too few troops.

Second, we are withdrawing troops from Korea. There might be strategic reasons to pull troops out of Korea. There might be logistical reasons. Technology might be aiding them. But, frankly, this is an indication of, again, the shortage of troops within the Army, because we have huge risks in North Korea. This is a regime that has announced they have nuclear weapons. This is a regime that has been involved in on-and-off negotiations with us for a matter of many months to see if we can resolve the situation peacefully.

The signal we are sending to the North Koreans, albeit unwittingly, is this is not a major priority: we are actually taking troops away.

When troops are taken away, we may still have the ability to deter the North Koreans from attacking South Korea but, frankly, our mission over there is no longer just deterrence, it is disarmament, and that requires diplomacy backed up by force. We hope diplomacy works, but we are weakening our hand.

One of the most interesting and insightful indications of the shortage of troops is we are actually beginning to take apart the training infrastructure of the U.S. Army. Recently it was announced that troops from our training centers, the 11th Army Cavalry Regiment, which serves as the op force, the enemy force, in training our units, is being notified for deployment overseas. In addition to that, the 1st Battalion of the 509th Infantry, which acts as the opposition force to train our troops at Fort Polk, LA, is also on notice.

What can be more demonstrative of the shortage of troops than the fact we are, in a sense, dismantling our training structure? That in the long term is going to do great harm to the service. We need more troops.

I am sure those who are opposed to the amendment will say we have authorized in this bill again access to emergency authorization and supplemental funding, but that is not doing it the right way, doing it up front, doing it in a straightforward manner, increasing end strength statutorily, and putting this into the regular budget process.

I hope tomorrow we can debate this bill. I am unaware of the second-degree amendment. I will get with the chairman to see what his language is. I feel very strongly that this is the way to do it, and I am joined in that by my colleagues Senators McCAIN, HAGEL, CORZINE, AKAKA, BIDEN, and many others who feel very strongly this is the way to do it and it should be done. I hope it will be done tomorrow.

With the expectation and the understanding that we will have at least an hour tomorrow on my side to engage in debate on this issue, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend from Rhode Island that this has been an issue he has expressed concern about for better than a year or more in the course of our hearings in the Armed Services Committee, where my colleague is a very valuable member. He also draws on his own experience as a distinguished West Point graduate and Army officer himself. He speaks against a background of experience and knowledge.

Yes, the bill at the moment has a provision in it which gives the flexibility to the Secretary of Defense, the Secretary of the Army, and others to increase on a temporary basis—actually we go up to 30,000 if they need it, whereas the Senator from Rhode Island does 20,000. We will work this out tomorrow. But I express two concerns tonight, as we lay down the preliminary record. I pose this question to the Senator from Rhode Island. You do not provide in your amendment any means by which to pay for it; am I not correct?

Mr. REED. The Senator is correct.

Mr. WARNER. Then my next question would be, you know from your experience on the committee that the Department of the Army primarily—it could be it comes from other areas of the defense budget, but the Department of the Army might have to get over $2 billion out of its current budget to meet these added costs. Would that not be correct?

Mr. REED. If I may respond to the chairman, he is quite right about the offset. I have some ideas from where the money could come. It is my feeling it should come from funds outside the Army. I think what we have done is we have increased it, but we haven't offset it by Army programs. So there is the possibility—I hope the likelihood—the offset would come from other programs.

Mr. WARNER. As I think the Senator will see—I think I have sent a copy of my amendment over to him. It is very brief. It just specifies that the funding will come from areas other than the Department of the Army budget or elsewhere in the defense budget. Has the Senator had an opportunity to look at the amendment?

Mr. REED. I have had an opportunity to read the amendment. It seems, in keeping with the Senator's commitment to be constructive and helpful, to be very constructive and very helpful, on first examination.

Mr. WARNER. We will work on this tomorrow. But I think for the purposes of tomorrow's debate, we framed the parameters in which the debate is likely to occur. I am optimistic that we can work this out together. I commend the Senator. He has been a lead, with Senator McCAIN and others, from the very beginning.

At this point in time, the leadership, tonight, in consultation with Senator LEVIN and myself, will work out the sequence of events tomorrow. The Senator believes he needs a full hour on his side?

Mr. REED. Yes. Myself, Senator HAGEL, and Senator McCAIN wish to speak.

Mr. WARNER. Fine. I will indicate to the leadership I will not need a full hour to speak to the second-degree amendment and to my concern about the permanency of it. But the reality is I think this will move tomorrow. I thank the Senator.

Mr. President, I see the distinguished Senator from Illinois seeking recognition. It is my hope and expectation we can work this matter out. How much does he wish to address it tonight?

Mr. DURBIN. Mr. President, I say to the chairman, who I respect so much, I agree tomorrow we will take 30 minutes equally divided before the vote on this amendment. My hope this evening is, in the span of perhaps 20 minutes, to give a longer statement so it will not be necessary to repeat it tomorrow and save us some time so we can move more quickly. I know the Senator has been extremely patient.

Mr. WARNER. We have all been patient. I thank the Senator. I think that is very helpful. If the Senator will proceed along those lines, I will be working on the finalization of the unanimous consent request to put in tomorrow. At the conclusion of the Senator's remarks, this amendment will just be among the pending amendments?

Mr. DURBIN. That is correct.

Mr. WARNER. We may be able to work it out tomorrow such that we do not require a recorded vote.

Mr. DURBIN. I might say to the chairman, because of the serious nature of this amendment, I think we will want a recorded vote.

Mr. WARNER. That is the Senator's prerogative.

Mr. DURBIN. I hope we can work on this tomorrow, and I will confer with the chairman on that aspect.

I come to the floor today to offer amendment to the Defense Department authorization bill.

The amendment would reaffirm a very important, long-standing position of our nation: that the United States shall not engage in torture or cruel, inhuman or degrading treatment. This is a standard that is embodied in the U.S. Constitution and in numerous international agreements which the United States has ratified.

The amendment would require the Defense Secretary to issue guidelines to ensure compliance with this standard and to provide these guidelines to Congress. The Defense Secretary would also be required to report to Congress on any suspected violations of the prohibition on torture or cruel, inhuman or degrading treatment. The amendment specifically provides that this information should be provided to Congress in a manner and form that would protect national security.

Let me also explain what this amendment would not do. It would not impose any new legal obligations on the United States. It would not limit our ability to use the full range of interrogation techniques that are outlined in the Army interrogation manual. It would not affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

It would only reaffirm and ensure compliance with our long-standing obligation not to subject detainees to torture or cruel, inhuman and degrading treatment.

The amendment is supported by a broad coalition of organizations and individuals, including human rights organizations like Human Rights Watch and Amnesty International, religious institutions such as the Episcopal Church, and military officers, such as retired Rear Admiral John Hutson.

Admiral Hutson was a Navy Judge Advocate for 28 years and from 1997–2000, he was the Judge Advocate General, the top lawyer in the Navy. In a letter in support of this amendment, he wrote:

> It is absolutely necessary that the United States maintain the high ground in this area and that Congress take a firm stand on the issue. . . . It is critical that we remain steadfast in our absolute opposition to torture and [cruel, inhuman or degrading treatment]. Senator DURBIN'S proposed amendment is a critical first step in that regard.

In the aftermath of 9/11, some have called for the United States to abandon this commitment. But President Bush has made it clear that he does not support this position. On June 26, 2003, the International Day in Support of Victims of Torture, the President said:

> The United States is committed to the world-wide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.

I commend the President for standing behind our treaty obligations. Now the Congress must do no less. The world is watching us. They are asking whether the United States will stand behind its treaty obligations in the age of terrorism. With American troops in harm's way, we need to tell the world and the American people that the United States is committed to treating all detainees humanely.

As we mourn the passing of President Ronald Reagan, we should recall his vision of America as a shining city upon a hill—a model of democracy, freedom and the rule of law that people around the world look to for inspiration. As President Reagan said in his Farewell Address to the Nation:

> After 200 years, two centuries, [America] still stands strong and true on the granite ridge, and her glow has held steady no matter what storm. And she's still a beacon, still a magnet for all who must have freedom.

President Reagan was right. Our city upon a hill must hold steady in defense of our principles no matter what storm. Despite the threat of terrorism, we must stand by our opposition to torture and other cruel treatment.

In fact, it was President Reagan who first transmitted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Senate with his recommendation that the Senate ratify the treaty.

We are in the process of defining our values as a country in the age of terrorism. We need to make it clear that we will not compromise principles that have guided us and other civilized nations for hundreds of years.

The prohibition on torture and other cruel treatment is deeply rooted in our history. In 15th and 16th Century England, the infamous Star Chamber issued warrants authorizing the use of torture against political opponents of the Crown. Supporters of the Star Chamber claimed that torture was necessary to protect the security of the state. Blackstone, the English jurist who greatly influenced the Founding Fathers, said: "It seems astonishing that this usage of torture should be said to arise from a tenderness to the lives of men." Those words still ring true today.

In 1641, the Star Chamber was abolished and the use of torture warrants ended. A prohibition on torture and cruel treatment developed in English common law. The English Bill of Rights of 1689, which served as a model for our Bill of Rights, contained a ban on "cruel and unusual punishments."

This history carried great weight with the Framers of our Constitution. During the Constitutional Conventions, Patrick Henry, in a statement that typified the Founders' views, said: "What has distinguished our ancestors? That they would not admit of tortures, or cruel and barbarous punishment."

During the Constitutional Convention, George Mason, who is known as "the Father of the Bill of Rights," explained that the 5th Amendment ban on self-incrimination and the 8th Amendment ban of cruel and unusual punishment both prohibit torture and cruel treatment.

Our history makes clear that these principles also guided us during times of war. During the Civil War, President Abraham Lincoln asked Francis Lieber, a military law expert, to create a set of rules to govern the conduct of U.S. soldiers in the field. The Lieber Code prohibited torture or other cruel treatment of captured enemy forces. It became the foundation for the modern law of war, which is embodied in the Geneva Conventions.

In the early twentieth century, the emergence of large police departments in the United States was accompanied by a dramatic increase in the abuse of suspects in police custody. President Hoover appointed the National Commission on Law Observance and Enforcement, also known as the Wickersham Commission, to review law enforcement practices. In 1931, the Commission's findings shocked the nation and permanently transformed the nature of American law enforcement.

The Commission concluded:

> The third degree is the employment of methods which inflict suffering, physical or mental, upon a person, in order to obtain from that person information about a crime. . . . The third degree is widespread. The third degree is a secret and illegal practice. When all allowances are made it remains beyond a doubt that the practice is shocking in its character and extent, violative of American traditions and institutions, and not to be tolerated.

The commission catalogued and condemned "third degree" methods, including, physical brutality, threats, sleep deprivation, exposure to extreme cold or heat—also known as "the sweat box"—and blinding with powerful lights and other forms of sensory overload or deprivation.

The commission also discussed practical reasons to reject the "third degree":

> The third degree involves the danger of false confessions. . . so many instances have been brought to our attention during this investigation that we feel convinced not only of its existence but of its seriousness.
>
> The third degree impairs police efficiency. . . . It tends to make [police] less zealous in the search of objective evidence.
>
> The third degree brutalizes the police, hardens the prisoner against society, and lowers the esteem in which the administration of justice is held by the public. Probably the third degree has been a chief factor in bringing about the present attitude of hostility on the part of a considerable portion of the population toward the police and the very general failure of a large element of the people to aid or cooperate with the police in maintaining law and order.
>
> Over the next two decades, numerous Supreme Court opinions cited the Wickersham Commission report and condemned the use of various third degree methods as unconstitutional.
>
> As the landscape of American policing was being reshaped, the horrific abuses of Nazi Germany began to come to light. This reinforced American opposition to torture and other forms of cruel treatment.
>
> One of the counts in the Nuremberg indictment of Gestapo officials detailed official orders approving the application of "third degree" techniques, including "[a] very simple diet (bread and water)[,] hard bunk[,] dark cell[,] deprivation of sleep[,] exhaustive drilling[,] . . . [and] flogging (for more than 29 strokes a doctor must be consulted)" as a means of obtaining evidence, or "information of important facts" regarding subversion. One of the defenses raised by Gestapo officers was that such actions were necessary to protect against Resistance terrorism.

After World War II, in the aftermath of Nuremberg and the disclosure of Nazi Gestapo tactics, the United States and our allies created a new international legal order based on respect for human rights.

One of its fundamental tenets was a universal prohibition on torture and cruel, inhuman, or degrading treatment. The United States took the lead in establishing a succession of international agreements that ban the use of torture and other cruel treatment against all persons at all times. There are no exceptions to this prohibition.

Eleanor Roosevelt was the Chair of the U.N. Commission that produced the Universal Declaration on Human Rights in 1948. The Universal Declaration states unequivocally, "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment."

The United States, along with a majority of countries in the world, is a party to the Geneva Conventions, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, all of which prohibit torture and cruel, inhuman, or degrading treatment.

Army regulations that implement these treaty obligations state:

> Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ). All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind This list is not exclusive.

Some people may be asking, "What is, 'cruel, inhuman or degrading treatment.'" How can the United States be bound by such an uncertain standard?

The United States Senate debated this question before ratifying the International Covenant on Civil and Political Rights and the Torture Convention. In response to this concern, we filed reservations to both of these agreements. A reservation is a statement filed by the Senate that clarifies our obligations under international agreements.

These reservations state that the United States is bound to prevent "cruel, inhuman or degrading treatment" only to the extent that that phrase means the cruel, unusual and inhumane treatment or punishment prohibited by the U.S. Constitution. In other words, "cruel, inhuman or degrading treatment" is defined by the U.S. Constitution, and the United States is only prohibited from engaging in conduct that is already unconstitutional.

This provides certainty and clarity. In 1990, the Senate Foreign Relations Committee held a hearing on the Torture Convention and an official from the first Bush administration explained the reservation:

> We have proposed this reservation because the terms "cruel, inhuman or degrading treatment or punishment" used in this Convention are vague and are not evolved concepts under international law. . . . On the other hand, the concept of cruel and unusual punishment under the United States Constitution is well developed, having evolved through court decisions over a period of 200 years.

The current administration has confirmed that it stands by this reservation. Last year, Defense Department General Counsel William Haynes said:

> "[C]ruel, inhuman or degrading treatment or punishment" means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States. United States policy is to treat all detainees and conduct all interrogations, wherever they may occur, in a manner consistent with this commitment.

Aside from our legal obligations, there are also important practical reasons for standing by our commitment not to engage in torture or other cruel treatment.

Torture is an ineffective interrogation tactic because it produces unreliable information. People who are being tortured will often lie to their torturer in order to stop the pain.

Resorting to torture and ill treatment of detainees would make us less secure, not more. It would create anti-American sentiment at a time when we need the support and assistance of other countries in the war on terrorism.

Finally, and most importantly, if we were to engage in torture or ill treatment of detainees, we would increase the risk of subjecting members of the Armed Forces to torture if they are captured by our enemies.

The U.S. Army fully recognizes these practical downsides. The Army Field Manual on Intelligence Interrogation states:

> Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear. Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.

As the great American patriot Thomas Paine said: "He that would make his own liberty secure must guard even his enemy from oppression."

Sadly, the "third degree," which was condemned by the Wickersham Commission in 1931 and in subsequent Supreme Court decisions, has reemerged in modern times with a new name: "stress and duress." "Stress and duress" tactics, which are also known as "torture lite," include extended food, sleep, sensory, or water deprivation, exposure to extreme heat or cold, and "position abuse," which involves forcing detainees to assume positions designed to cause pain or humiliation. "Stress and duress" tactics clearly constitute torture or cruel, inhuman, or degrading treatment.

As the Supreme Court explained in Blackburn v. Alabama, a 1960 case:

> [C]oercion can be mental as well as physical . . . the blood of the accused is not the only hallmark of an unconstitutional inquisition. A number of cases have demonstrated, if demonstration were needed, that the efficiency of the rack and the thumbscrew can be matched, given the proper subject, by more sophisticated modes of "persuasion."

Let's take one example: sleep deprivation. In Ashcraft v. Tennessee, a 1944 case, the Supreme Court held that a confession obtained by depriving a suspect of sleep and continuously questioning him for 36 hours was involuntarily coerced. For the majority, Justice Hugo Black wrote:

> It has been known since 1500 at least that deprivation of sleep is the most effective torture and certain to produce any confession desired [quoting the Wickersham Commission]. . . . We think a situation such as that here shown by uncontradicted evidence is so inherently coercive that its very existence is irreconcilable with the possession of mental freedom by a lone suspect against whom its full coercive force is brought to bear.

As explained in a recent New York Times article by Adam Hochschild, sleep deprivation was widely used in the Middle Ages on suspected witches—it was called tormentum insomniae. Stalin's secret police subjected prisoners to the "conveyer belt," continuous questioning by numerous interrogators until the prisoner signed a confession. Former Israeli Prime Minister Menachem Begin wrote about his experience with sleep deprivation in a Soviet prison in the 1940's:

> In the head of the interrogated prisoner a haze begins to form. His spirit is wearied to death, his legs are unsteady, and he has one sole desire: to sleep, to sleep just a little. . . . Anyone who has experienced this desire knows that not even hunger or thirst are comparable with it. . . . I came across prisoners who signed what they were told to sign, only to get what the interrogator promised them . . . uninterrupted sleep!

Another example is "position abuse." In 2002, in a case called Hope v. Pelzer, the Supreme Court addressed this issue. Hope, a prisoner, was handcuffed to a "hitching post" for seven hours in the sun and not allowed to use the bathroom. The Court held that this violated the 8th Amendment prohibition on cruel and unusual punishment. The Court said:

> The obvious cruelty inherent in this practice should have provided [the prison guards] with some notice that their alleged conduct violated Hope's constitutional protection against cruel and unusual punishment. Hope was treated in a way antithetical to human dignity—he was hitched to a post for an extended period of time in a position that was painful, and under circumstances that were both degrading and dangerous.

In the 1930s, Stalin's secret police forced dissidents to stand for prolonged periods to coerce confessions for show trials. In 1956, experts commissioned by the CIA documented the effects of forced standing. They found that ankles and feet swell to twice their normal size within 24 hours, the heart rate increases, some people faint, and the kidneys eventually shut down.

For many years, the United States has characterized the use of "stress and duress" by other countries as "Torture and Other Cruel, Inhuman and Degrading Treatment." The State Department's "Country Reports on Human Rights Practices," which are submitted to Congress every year, have condemned "beatings," "threats to detainees or their family members," "sleep deprivation," "depriv[ation] of food and water," "suspension for long periods in contorted positions," "prolonged isolation," "forced prolonged standing," "tying of the hands and feet for extended periods of time," "public humiliation," "sexual humiliation," and "female detainees . . . being forced to strip in front of male security officers."

The Army Field Manual on Intelligence Interrogation characterizes "stress and duress" as illegal physical and mental torture. The Manual states that "acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or an aid to interrogation" are "illegal." It defines "infliction of pain through . . . bondage (other than legitimate use of restraints to prevent escape)," "forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time," "food deprivation," and "any form of beating," as "physical torture" and defines "abnormal sleep deprivation" as "mental torture" and prohibits the use of these tactics under any circumstances.

The Army Field Manual provides very specific guidance about interrogation techniques that may approach the line between lawful and unlawful actions. Before using a questionable interrogation technique, an interrogator is directed to ask whether "If your contemplated actions were perpetrated by the enemy against U.S. [prisoners of war], you would believe such actions violate international or U.S. law. . . . If you answer yes . . . do not engage in the contemplated action."

This is the Army's version of "the golden rule"—do unto others as you would have them do to you. It is an important reminder that the prohibition on torture and other cruel treatment protects American soldiers as much as it does the enemy. If enemy forces used stress and duress tactics on American soldiers, we would condemn them. We must hold ourselves to the same standard.

The United States is not alone in condemning "torture lite." In Israel, a country that has grappled with terrorism for decades, the Supreme Court held that "stress and duress" techniques violate international law and are absolutely prohibited. As the Court explained:

> These prohibitions are "absolute." There are no exceptions to them and there is no room for balancing. Indeed violence directed at a suspect's body or spirit does not constitute a reasonable investigation practice.

For all of these reasons, it is vitally important that the Congress affirm the United States' commitment not to engage in torture or cruel, inhuman or degrading treatment.

Our commitment to principle, even during difficult times, has made America a special country. In the age of terrorism, we may be tempted by the notion that torture is justified. But to sacrifice this principle would grant the terrorists a valuable victory at our expense.

The Israeli Supreme Court has explained:

> Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the Rule of Law and recognition of an individual's liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and allow it to overcome its difficulties.

The brutal slaying of Nicholas Berg reminded us that our enemies do not respect any rules in their relentless quest to kill Americans. But that is what distinguishes us from the terrorists we fight. There are some lines that we will not cross. Torture and cruel, inhuman or degrading treatment are inconsistent with the principles of liberty and the rule of law that underpin our democracy.

As President Reagan reminded us, our city upon a hill must stand firm. The eyes of the world are upon us.

I urge my colleagues to support the amendment.

It has been suggested to me by staff that perhaps I would offer the amendment this evening and then ask unanimous consent it be set aside while we work things out with Chairman WARNER and other Senators who are interested in this issue.

If there is no objection, with the understanding that I will not call up the amendment this evening and will wait until a decision from the chairman and the ranking member as to my place in line, I offer the amendment and merely at this point ask it be reported by the clerk.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 3386

Mr. DURBIN. I send to the desk amendment No. 3386.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Illinois, [Mr. DURBIN], proposes an amendment numbered 3386.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment)

At the end of subtitle F of title X, insert the following:

SEC. 1055. HUMANE TREATMENT OF DETAINEES.

(a) FINDINGS.—Congress makes the following findings:

(1) After World War II, the United States and its allies created a new international legal order based on respect for human rights. One of its fundamental tenets was a universal prohibition on torture and ill treatment.

(2) On June 26, 2003, the International Day in Support of Victims of Torture, President George W. Bush stated, "The United States is committed to the world-wide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.".

(3) The United States is a party to the Geneva Conventions, which prohibit torture, cruel treatment, or outrages upon personal dignity, in particular, humiliating and degrading treatment, during armed conflict.

(4) The United States is a party to 2 treaties that prohibit torture and cruel, inhuman, or degrading treatment or punishment, as follows:

(A) The International Covenant on Civil and Political Rights, done at New York December 16, 1966.

(B) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(5) The United States filed reservations to the treaties described in subparagraphs (A) and (B) of paragraph (4) stating that the United States considers itself bound to prevent "cruel, inhuman or degrading treatment or punishment" to the extent that phrase means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(6) Army Regulation 190-8 entitled "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees" provides that "Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).... All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.... All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind.... This list is not exclusive.".

(7) The Field Manual on Intelligence Interrogation of the Department of the Army states that "acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or an aid to interrogation" are "illegal". Such Manual defines "infliction of pain through... bondage (other than legitimate use of restraints to prevent escape)", "forcing an individual to stand, sit, or kneel in abnormal positions for prolonged

periods of time", "food deprivation", and "any form of beating" as "physical torture", defines "abnormal sleep deprivation" as "mental torture", and prohibits the use of such tactics under any circumstances.

(8) The Field Manual on Intelligence Interrogation of the Department of the Army states that "Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear. Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.".

(b) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—(1) No person in the custody or under the physical control of the United States shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(c) RULES, REGULATIONS, AND GUIDELINES.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (b)(1) by the members of the United States Armed Forces and by any person providing services to the Department of Defense on a contract basis.

(2) The Secretary shall submit to the congressional defense committees the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(d) REPORT TO CONGRESS.—(1) The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (b)(1) by a member of the Armed Forces or by a person providing services to the Department of Defense on a contract basis.

(2) A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (b)(1).

(e) DEFINITIONS.—In this section:

(1) The term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) The term "Secretary" means the Secretary of Defense.

(4) The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

Mr. WARNER. Would the Senator from Illinois clarify this?

Mr. DURBIN. I offered the amendment and asked unanimous consent that it be set aside pending a decision by the chairman and Senator LEVIN and other Senators.

Mr. WARNER. I wonder if the Senator might withhold until Senator REID, with whom I am working tonight, will give me some advice. What we will be doing—Senator REID could draw his up—we are going to incorporate this into the agreement.

The PRESIDING OFFICER. The amendment has already been reported.

Mr. DURBIN. I ask unanimous consent the amendment be set aside until there is an agreement between Senator WARNER, Senator LEVIN, Senator REID, and others as to the time that it may be considered.

Mr. WARNER. I was under the understanding we would do it differently. I have not had a chance to discuss this with Senator LEVIN. I understood you were just going do speak to this and not propose it. What is done, is done.

Mr. DURBIN. I asked unanimous consent to set it aside, and it will not be considered until you, Senator WARNER, and Senator LEVIN say it is appropriate, whatever that time may be.

Mr. WARNER. What was the decision we made with respect to Senator REED?

We have to have some equality of how we are handling these things.

The PRESIDING OFFICER. The Reed amendment has been called up and is now set aside by the Durbin amendment.

Mr. WARNER. This amendment would then have the same status of being a pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I thought by asking unanimous consent that it be set aside, it would not in any way supersede any other Members' rights.

Mr. WARNER. We get so many gatekeeping amendments up here we could encounter difficulty tomorrow morning.

Mr. DURBIN. You have been so cooperative and helpful, I ask unanimous consent that my amendment be withdrawn and I will offer it tomorrow. I want to do whatever the chairman wishes.

Mr. REID. Mr. President, will the distinguished Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. The Senator from Illinois is willing to have his amendment set aside. He is certainly not trying to take advantage of anyone. I think it does not solve our problem if he withdraws his amendment.

Mr. WARNER. I just want to treat—Senator REED was here momentarily, and we worked with him. Anyway, I want to be fair to all Senators.

Mr. REID. We have a queue that is tentatively going to be set up to handle all this tomorrow.

Mr. WARNER. We will work this out tonight, hopefully.

Mr. LEVIN. The Senator from Illinois has indicated—if I could just ask whoever has the floor to yield?

Mr. DURBIN. I yield.

Mr. LEVIN. His amendment will be back in order when the chairman and ranking member so designate it. He is not trying to use his amendment as a gatekeeper. Why don't we just leave it pending and then set it aside?

Mr. WARNER. If he will withdraw it, we can include it in the unanimous consent tonight.

Mr. REID. We do not need to have him withdraw it.

Mr. WARNER. I beg your pardon?

Mr. REID. We do not need to have him withdraw it.

Mr. WARNER. Well, I am going to rely on your assurances.

Mr. REID. Because the Senator from Illinois has said he is not trying to take advantage of anyone, not trying to be a gatekeeper, that it is up to the two managers of the bill when the amendment of the Senator from Illinois is acted upon.

Mr. LEVIN. Mr. President, may I suggest this. If I could have the chairman's attention, if we have a unanimous consent agreement that is entered into tonight, and if we include Senator DURBIN's amendment in that list, that would supersede whatever status that amendment has at this point. Would that be agreeable to everyone?

Mr. WARNER. That is agreeable.

Mr. DURBIN. That is agreeable to me, as well.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am curious, having offered the amendment, whether I need to make a unanimous consent request to make it clear what has been agreed upon?

The PRESIDING OFFICER. No.

Mr. DURBIN. It appears it has become part of the legend and lore of the Senate, and I cannot add anything to it.

Mr. President, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3167, AS MODIFIED

Mr. WARNER. Mr. President, the Senator from Michigan and myself will now proceed to do some cleared amendments. Domenici amendment No. 3167 was inadvertently approved by the Senate yesterday without a modification that was agreed to by both the majority and minority. I send to the desk a modified amendment No. 3167, as agreed to, as a substitute for the original amendment and ask unanimous consent that it be substituted for the version agreed to yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3167), as modified, was agreed to, as follows:

(Purpose: To require a report on the availability of potential overland ballistic missile defense test ranges)

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON AVAILABILITY OF POTENTIAL OVERLAND BALLISTIC MISSILE DEFENSE TEST RANGES.

The Secretary of Defense shall submit to Congress a report assessing the availability to the Department of Defense of potential ballistic missile defense test ranges for overland intercept flight tests of defenses against ballistic missile systems with a range of 750 to 1,500 kilometers.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3395; 3392, AS MODIFIED; 3402, AS MODIFIED; 3346, AS MODIFIED; 3326, AS MODIFIED; 3349, AS MODIFIED; AND 3385, AS MODIFIED, EN BLOC

Mr. WARNER. Mr. President, I send a package of amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc?

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMMENDMENT NO. 3395

(Purpose: to encourage the Secretary of Defense to achieve maximum cost effective energy savings)

On page 195, between lines 10 and 11, insert the following:

SEC. 868. ENERGY SAVINGS PERFORMANCE CONTRACTS.

The Secretary of Defense shall, to the extent practicable, exercise existing statutory authority, including the authority provided by section 2865 of title 10, United States Code, and section 8256 of title 42, United States Code, to introduce life-cycle cost-effective upgrades to Federal assets through shared energy savings contracting, demand management programs, and utility incentive programs.

AMENDMENT NO. 3392, AS MODIFIED

(Purpose: To clarify the duties and activities of the Vaccine Healthcare Centers Network)

On page 147, after line 21, add the following:

SEC. . VACCINE HEALTHCARE CENTERS NETWORK.

Section 1110 of title 10, United States Code, is amended by adding at the end the following:

“(c) VACCINE HEALTHCARE CENTERS NETWORK.—(1) The Secretary shall carry out this section through the Vaccine Healthcare Centers Network as established by the Secretary in collaboration with the Director of the Centers for Disease Control and Prevention.

“(2) In addition to conducting the activities described in subsection (b), it shall be the purpose of the Vaccine Healthcare Centers Network to improve—

“(A) the safety and quality of vaccine administration for the protection of members of the armed forces;

“(B) the submission of data to the Vaccine-related Adverse Events Reporting System to include comprehensive content and follow-up data;

“(C) the access to clinical management services to members of the armed forces who experience vaccine adverse events;

“(D) the knowledge and understanding by members of the armed forces and vaccine-providers of immunization benefits and risks.

“(E) networking between the Department of Defense, the Department of Health and Human Services, the Department of Veterans Affairs, and private advocacy and coalition groups with regard to immunization benefits and risks; and

“(F) clinical research on the safety and efficacy of vaccines.

“(3) To achieve the purposes described in paragraph (2), the Vaccine Healthcare Centers Network, in collaboration with the medical departments of the armed forces, shall carry out the following:

“(A)(i) Establish a network of centers of excellence in clinical immunization safety assessment that provides for outreach, education, and confidential consultative and direct patient care services for vaccine related adverse events prevention, diagnosis, treatment and follow-up with respect to members of the armed services.

“(ii) Such centers shall provide expert second opinions for such members regarding medical exemptions under this section and for additional care that is not available at the local medical facilities of such members.

“(B) Develop standardized educational outreach activities to support the initial and ongoing provision of training and education for providers and nursing personnel who are engaged in delivering immunization services to the members of the armed forces.

“(C) Develop a program for quality improvement in the submission and understanding of data that is provided to the Vaccine-related Adverse Events Reporting System, particularly among providers and members of the armed forces.

“(D) Develop and standardize a quality improvement program for the Department of Defense relating to immunization services.

“(E) Develop an effective network system, with appropriate internal and external collaborative efforts, to facilitate integration, educational outreach, research, and clinical management of adverse vaccine events.

“(F) Provide education and advocacy for vaccine recipients to include access to vaccine safety programs, medical exemptions, and quality treatment.

“(G) Support clinical studies with respect to the safety and efficacy of vaccines, including outcomes studies on the implementation of recommendations contained in the clinical guidelines for vaccine-related adverse events.

“(H) Develop implementation recommendations for vaccine exemptions or alternative vaccine strategies for members of the armed forces who have had prior, or who are susceptible to, serious adverse events, including those with genetic risk factors, and the discovery of treatments for adverse events that are most effective.

“(4) It is the sense of the Senate—

“(A) to recognize the important work being done by the Vaccine Healthcare Center Network for the members of the armed forces; and

“(B) that each of the military departments (as defined in section 102 of title 5, United States Code) is strongly encouraged to fund the Vaccine Healthcare Center Network.”.

AMENDMENT NO. 3402, AS MODIFIED

(Purpose: To express the sense of Congress that the elimination of the drug trade in Afghanistan should be a national security priority for the United States, and to require a report on related efforts)

On page 272, after the matter following line 18, insert the following:

SEC. 1055. DRUG ERADICATION EFFORTS IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States engaged in military action against the Taliban-controlled Government of Afghanistan in 2001 in direct response to the Taliban's support and aid to Al Qaeda.

(2) The military action against the Taliban in Afghanistan was designed, in part, to disrupt the activities of, and financial support for, terrorists.

(3) A greater percentage of the world's opium supply is now produced in Afghanistan than before the Taliban banned the cultivation or trade of opium.

(4) In 2004, more than two years after the Taliban was forcefully removed from power, Afghanistan is supplying approximately 75 percent of the world's heroin.

(5) The estimated value of the opium harvested in Afghanistan in 2003 was $2,300,000,000.

(6) Some of the profits associated with opium harvested in Afghanistan continue to fund terrorists and terrorist organizations, including Al Qaeda, that seek to attack the United States and United States interests.

(7) The global war on terror is and should remain our Nation's highest national security priority.

(8) United States and Coalition counterdrug efforts in Afghanistan have not yet produced significant results.

(9) There are indications of strong, direct connections between terrorism and drug trafficking.

(10) The elimination of this funding source is critical to making significant progress in the global war on terror.

(11) The President of Afghanistan, Hamid Karzai, has stated that opium production poses a significant threat to the future of Afghanistan, and has established a plan of action to deal with this threat.

(12) The United Nations Office on Drugs and Crime has reported that Afghanistan is at risk of again becoming a failed state if

strong actions are not taken against narcotics.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should make the substantial reduction of drug trafficking in Afghanistan a priority in the war on terror;

(2) the Secretary of Defense should, in coordination with the Secretary of State, work to a greater extent in cooperation with the Government of Afghanistan and international organizations involved in counterdrug activities to assist in providing a secure environment for counterdrug personnel in Afghanistan; and

(3) because the trafficking of narcotics is known to support terrorist activities and contributes to the instability of the Government of Afghanistan, additional efforts should be made by the Armed Forces of the United States, in conjunction with and in support of coalition forces, to significantly reduce narcotics trafficking in Afghanistan and neighboring countries, with particular focus on those trafficking organizations with the closest links to known terrorist organizations.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) progress made towards substantially reducing the poppy cultivation and heroin production capabilities in Afghanistan; and

(2) the extent to which profits from illegal drug activity in Afghanistan fund terrorist organizations and support groups that seek to undermine the Government of Afghanistan.

AMENDMENT NO. 3346, AS MODIFIED

(Purpose: To reduce barriers for Hispanic-serving institutions in defense contracts, defense research programs, and other minority-related defense programs)

At the end of subtitle G of title X, add the following:

SEC. 1068. REDUCTION OF BARRIERS FOR HISPANIC-SERVING INSTITUTIONS IN DEFENSE CONTRACTS, DEFENSE RESEARCH PROGRAMS, AND OTHER MINORITY-RELATED DEFENSE PROGRAMS.

Section 502(a)(5)(C) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)(C)) is amended by inserting before the period the following: ", which assurances—

"(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

"(ii) the Secretary shall consider as meeting the requirements of this subparagraph, unless the Secretary determines, based on a preponderance of the evidence, that the assurances do not meet the requirements".

AMENDMENT NO. 3326, AS MODIFIED

(Purpose: to clarify the authorities of the Judge Advocates General)

On page 221, between the matter following line 17 and line 18, insert the following:

SEC. 915. AUTHORITIES OF THE JUDGE ADVOCATES GENERAL.

(a) DEPARTMENT OF THE ARMY.—(1) Section 3019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 3037 of this title, the General Counsel".

(2)(A) Section 3037 of such title is amended to read as follows:

"§ 3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties

"(a) POSITION OF JUDGE ADVOCATE GENERAL.—There is a Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Judge Advocate General's Corps. The term of office is four years, but may be sooner terminated or extended by the President. The Judge Advocate General, while so serving, has the grade of lieutenant general.

"(b) APPOINTMENT.—The Judge Advocate General of the Army shall be appointed from those officers who at the time of appointment are members of the bar of a Federal court or the highest court of a State or Territory, and who have had at least eight years of experience in legal duties as commissioned officers.

"(c) DUTIES.—The Judge Advocate General, in addition to other duties prescribed by law—

"(1) is the legal adviser of the Secretary of the Army, the Chief of Staff of the Army, and the Army Staff, and of all offices and agencies of the Department of the Army;

"(2) shall direct and supervise the members of the Judge Advocate General's Corps and civilian attorneys employed by the Department of the Army (other than those assigned or detailed to the Office of the General Counsel of the Army) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Army;

"(4) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions; and

"(5) shall perform such other legal duties as may be directed by the Secretary of the Army.

"(d) POSITION OF ASSISTANT JUDGE ADVOCATE GENERAL.—There is an Assistant Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Army who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Assistant Judge Advocate General is four years, but may be sooner terminated or extended by the President. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.

"(e) APPOINTMENTS RECOMMENDED BY SELECTION BOARDS.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Assistant Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.".

(B) The item relating to such section in the table of sections at the beginning of chapter 305 of such title is amended to read as follows:

"3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties.".

(b) DEPARTMENT OF THE NAVY.—(1) Section 5019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 5148 of this title, the General Counsel".

(2) Section 5148 of such title is amended—

(A) in subsection (b), by striking the fourth sentence and inserting the following: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate."; and

(B) by striking subsection (d) and inserting the following:

"(d) The Judge Advocate General, in addition to other duties prescribed by law—

"(1) is the legal adviser of the Secretary of the Navy, the Chief of Naval Operations, and all offices, bureaus, and agencies of the Department of the Navy;

"(2) shall direct and supervise the judge advocates of the Navy and the Marine Corps and civilian attorneys employed by the Department of the Navy (other than those assigned or detailed to the Office of the General Counsel of the Navy) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Navy or Marine Corps;

"(4) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions; and

"(5) shall perform such other legal duties as may be directed by the Secretary of the Navy.".

(c) DEPARTMENT OF THE AIR FORCE.—(1) Section 8019(b) of title 10, United States Code, is amended by striking "The General Counsel" and inserting "Subject to sections 806 and 8037 of this title, the General Counsel".

(2) Section 8037 of such title is amended—

(A) in subsection (a), by striking the third sentence and inserting the following: "The Judge Advocate General, while so serving, has the grade of lieutenant general."; and

(B) in subsection (c)—

(i) by striking "General shall," in the matter preceding paragraph (1) and inserting "General,";

(ii) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5), respectively, and, in each such paragraph, by inserting "shall" before the first word; and

(iii) by inserting after paragraph (1) the following new paragraphs:

"(1) is the legal adviser of the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Air Staff, and of all offices and agencies of the Department of the Air Force;

"(2) shall direct and supervise the members of the Air Force designated as judge advocates and civilian attorneys employed by the Department of the Air Force (other than those assigned or detailed to the Office of the General Counsel of the Air Force) in the performance of their duties;

"(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Air Force;".

(d) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.".

AMENDMENT NO. 3319, AS MODIFIED

(Purpose: To modify the authority to convey land at Equipment and Storage Yard, Charleston, South Carolina)

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Section 563(h) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 360) is amended to read as follows:

"(h) CHARLESTON, SOUTH CAROLINA.—

"(1) IN GENERAL.—The Secretary may convey to the City of Charleston, South Carolina (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, together with any improvements thereon, that is known as the Equipment and Storage Yard and consists of approximately 1.06 acres located on Meeting Street in Charleston, South Carolina, in as-is condition.

"(2) CONSIDERATION.—As consideration for the conveyance of property under paragraph (1), the City shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

"(3) USE OF PROCEEDS.—Amounts received as consideration under this subsection may be used by the Corps of Engineers, Charleston District, as follows:

"(A) Any amounts received as consideration may be used to carry out activities under this Act, notwithstanding any requirements associated with the Plant Replacement and Improvement Program (PRIP), including—

"(i) leasing, purchasing, or constructing an office facility within the boundaries of Charleston, Berkeley, and Dorchester Counties, South Carolina; and

"(ii) satisfying any PRIP balances.

"(B) Any amounts received as consideration that are in excess of the fair market value of the property conveyed under paragraph (1) may be used for any authorized activities of the Corps of Engineers, Charleston District.

"(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under paragraph (1) and any property transferred to the United States as consideration under paragraph (2) shall be determined by surveys satisfactory to the Secretary.

"(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under paragraph (1) as the Secretary considers appropriate to protect the interests of the United States.".

AMENDMENT NO. 3385, AS MODIFIED

(Purpose: To exempt procurements of certain services from the limitation regarding service charges imposed for defense procurements made through contracts of other agencies)

On page 163, between lines 19 and 20, insert the following:

"(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

"(1) Printing, binding, or blank-book work to which section 502 of title 44 applies.

"(2) Services available under programs pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 114 Stat. 2187; 2 U.S.C. 182c).

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I am pleased to be joined by my colleague Senator FEINSTEIN in support of amendment No. 3402 to S. 2400, the Department of Defense Reauthorization bill. We hope this resolution expressing Congress's expectations will encourage the Department to do more to address narcotics trafficking in Afghanistan.

This resolution calls upon the President to make the elimination of drug trafficking in Afghanistan a priority in the global war on terror; encourages the Secretary of Defense to increase cooperation and coordination with the Government of Afghanistan and our allies to assist in providing a secure environment for counterdrug personnel operating in Afghanistan; and calls upon the Armed Forces to work with our allies against the regional illicit narcotics trade.

These are not original observations. In testimony before both committees in both Chambers, several officials from the Department of Defense have affirmed that there is a strong, direct connection between terrorism and drug trafficking. We know from this testimony and other evidence that some of the profits generated by narcotics trafficking support terrorists.

This resolution is needed, because there is some inconsistency between the direction that we are providing to our troops in Afghanistan and the narco-terrorist connection. I do not believe that we will see long-term success in the global war on terror until the financial underpinnings of terrorists are eliminated, and I do not believe that Afghanistan can avoid becoming a narco-state if the drug trafficking there is not addressed. To avoid these potential pitfalls, we must step up our counter-narcotics activities in Afghanistan. I hope the administration, and particularly the Department of Defense, will heed this resolution.

Narcotic trafficking is not only a source of funding for terrorist organizations, but its production poses a threat to the future stability of Afghanistan. President Karzai has stated repeatedly that he believes opium production poses a significant threat to the future of Afghanistan. His concerns are echoed by the United Nations Office on Drugs and Crime, which recently warned that Afghanistan is at risk of again becoming a failed state if strong actions are not taken against narcotics. If we are going to assist the people of Afghanistan in their efforts to create a stable country, we cannot ignore their pleas for greater action against the narco-terrorists operating in the region.

Mr. President, I believe that our current policy in Afghanistan does not square with these observations about the threat that narcotics pose to the future of Afghanistan. Attempts are being made to separate anti-terror operations from anti-drug operations, despite the acknowledged link between the two. We know that drug trafficking is a war industry of terrorism. If we are going to be successful, we must eliminate the financial underpinnings of terrorism just as effectively as the organizations themselves.

Those who sell and trade opium in Afghanistan are narco-terrorists. They support terrorists and insurgents who oppose the legitimate government. By supporting terrorists and insurgents, they become legitimate targets for the Combined Forces Command-Afghanistan. Just as ball bearing factories in Nazi Germany were important military targets during World War II, drug labs, and those who facilitate the drug trade, should also be considered viable military targets as we prosecute the War on Terror.

I believe that the United States should treat narcotics traffickers no different than others suspected of cooperating with terrorists. The connection is real, and cannot be ignored. I urge my colleagues to join us in supporting this resolution.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Grassley-Feinstein amendment, which calls upon the President to make the decimation of the Afghanistan heroin trade one of his highest national security priorities, asked the Defense Department to devote more time, energy and resources to anti-drug efforts in Afghanistan, and asks for a study into whether profits from the illegal drug trade continue to fund terrorists and others who upset the stability of that nation.

Afghanistan has long been the world's major supplier of heroin, providing the global market as much as 80% of all the heroin consumed each year.

This is a grave problem—not just because heroin is a bad thing in and of itself, but because profits from the heroin trade in Afghanistan have historically been funneled, in large part, to terrorists bent on doing America harm or those that aid and protect those terrorists.

Indeed, it has been estimated that millions of dollars—even hundreds of millions of dollars—in drug profits have been funneled to al-Qaida and other terrorist organizations throughout the world. Those organizations, in turn, can use the money to run terrorist training camps; to buy guns, bombs and other supplies; to recruit; and to fund terrorist operations throughout the world.

Needless to say, this is a major problem. If we continue to allow terrorist organizations to rake in hundreds of millions of untraceable dollars, the war on terror is going to go quite poorly for us indeed.

This is not the first time I have raised these concerns. Last May, for instance, I expressed concern that this administration had made a decision to allow warlords and others in Afghanistan to continue to grow poppy and to produce opium, in the hopes of maintaining relationships and alliances with those who were trafficking in drugs. In other words, the administration was essentially turning a blind eye to drug production, in order to work more closely with those who were profiting from it.

This was not acceptable then, and it remains unacceptable now. The very reason we went to Afghanistan—to remove al-Qaida's means of support—will be lost if we continue to allow these drug lords to fund al-Qaida and those that hide them, protect them, fund them and help them in other ways.

More than two years after we went into Afghanistan, we don't have bin Laden. We have not stopped the terrorist attacks. We do not control the countryside in Afghanistan. And now we are standing by while the drug trade flourishes beyond levels experienced even before 9/11.

I know this is not an easy problem to solve. Farmers in Afghanistan, like in many other nation's involved in illegal drug production, often find that growing poppy is far more profitable than the country's other staples—cereals, wheat, barley, rice, and so on.

So combined with Afghanistan's foreboding terrain and chaotic political and security situation, it is not a simple matter to eliminate drug production.

Many farmers survive either solely on poppy production or by growing a mix of legal, and illegal crops.

There is hope—poppy production represents only about 8% of Afghanistan's crop production (in volume). So many farmers do grow alternate crops, and they make a living doing it.

But we need to make better efforts to provide farmers good alternatives; to deter production; and, most importantly, to eradicate the crops on the ground.

Eradicating poppy is not easy—particularly in a nation where the central government has so little control over its distant—and even not-so-distant—provinces.

Only with military assistance can anti-drug operatives go into an area and take out the poppy fields. Some of these warlords have virtual armies at their disposal—helicopters, rocket launchers, you name it. This is not your local marijuana field in someone's backyard. This, truly, is akin to war.

The war in Iraq has certainly hindered the Defense Department's ability to assist in these operations—there is only so much manpower and equipment to go around. This is one reason why so many questioned the advisability of going into Iraq before the job in Afghanistan was finished.

But tough as it may be to solve, this issue is simply too important to ignore, and we cannot wait any longer.

Recent estimates put Afghanistan's poppy production this year at more than 5,000 metric tons—more than 50 percent higher than last year.

Even if the most aggressive current efforts at eradication succeed in every respect, only 25 percent of the crop this year will be destroyed.

This means that no matter what, more heroin will be produced this year than last. The value of that heroin could easily exceed three billion dollars. Farmers only get about a penny on the dollar. Where is the rest of the money going? Best estimates are that much of it goes to terrorists or their protectors.

This simply cannot continue if we hope to win the war on terror. This amendment calls upon the Defense Department to better assist in protecting drug eradication efforts and to work to disrupt and destroy those who aid terrorist activity through the drug trade.

I urge my colleagues to support this amendment. I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate resume the Defense authorization bill on Wednesday, there be 30 minutes equally divided for debate in relation to the Dodd amendment, No. 3313, as further modified. I further ask that following that time, the Senate proceed to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote. I further ask that following the disposition of the Dodd amendment, the Senator from Virginia, Mr. WARNER, or his designee, be recognized to offer the next first-degree amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

COMMISSION ON THE FUTURE OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE

Mr. BYRD. Mr. President, as we are considering the National Defense Authorization Act, I thank my colleagues, Senators WARNER and LEVIN, the Chairman and ranking Member of the Armed Services Committee, for so graciously agreeing to accept an amendment that I and several of my colleagues have proposed to modify Section 841 of that bill to enhance the work of the new "Commission on the Future of the National Technology and Industrial Base," which is being established by this legislation. This amendment is the result of collaboration between myself and Senators SNOWE and KERRY, Chairman and ranking Member of the Committee on Small Business and Entrepreneurship, as well as Senators ALLEN and COLEMAN.

First of all, our amendment will require this new Commission to consider carefully the problem of current or potential shortages of critical technologies in the United States. It will also require the Commission to examine the issue of existing or future shortages of the raw materials that are essential to the production of these technologies.

America's national security continues to be threatened by dwindling supplies of U.S.-made components and raw materials. Our Nation's industrial base can be expected to experience a decline in the production of certain technologies and the raw materials necessary to create them, as more and more small and medium-sized U.S. firms shift their production overseas. To the extent that these firms specialize in the manufacture of unique components, or are "sole source" producers of materials needed to supply the U.S. defense industry, their departure from the U.S. market leaves manufacturers of America's critical technologies with a dearth of reliable suppliers.

The amendment that my colleagues and I offer today requires the Commission to examine whether, and in which areas, the United States now suffers, or might suffer in the future, shortages of critical technologies and their raw material inputs. The amendment also accelerates the deadline by which the report must be issued, requiring that it be issued on March 1, 2007, rather than a year later. Further, it requires the Commission to make recommendations addressing these shortages, so that our Nation can attempt to alleviate, ahead of time, any adverse impact that such shortages might have on the national security of the United States.

We cannot wait to discover whether our Nation will be confronted with these shortages. Once they are upon us, it will be too late. If we wait until confronted with the fact that our Nation can no longer access the materials it needs to feed its technological advancement or maintain its industrial base, the consequences could be disastrous. An ounce of prevention is worth a pound of cure, and we hope that by requiring this Commission to examine today possible shortages that could affect our Nation's technology and industrial base tomorrow, we can enhance and protect the national security of the United States.

I would note, in closing, that our amendment will also make certain that representatives of small business can join labor representatives and others associated with the defense industry as members of this new Commission. I ask my colleague from Maine, the distinguished Chair of the Small Business Committee, how exactly will this provision make certain that the Commission has the benefit of obtaining a broad range of diverse opinions drawn from a wide cross-section of America?

Ms. SNOWE. I thank the distinguished Senator from West Virginia for his question. Just like its previous version which I introduced on June 3, this amendment is intended to ensure that small business interests are represented in the Commission's composition and in the subjects of the Commission's activities.

As I stated before, the Commission's activities will be incomplete without taking into account small business contributions to our Nation's defense. The most recent data from the Department of Defense suggests that more work needs to be done to secure small business access to national defense contracts. Representatives of small business contracting concerns would make important contributions to the work of the Commission. In addition, the Commission would benefit from participation by the Chief Counsel for Advocacy of the Small Business Administration or his representative. Congress and President Bush endowed the Chief Counsel's Office of Advocacy with the unique mandate to represent America's small businesses before the agencies of our government. The Chief Counsel's trained staff of economists, analysts, and lawyers would provide much needed perspectives for the Commission deliberations.

I thank Senator BYRD, Chairman WARNER and Senator LEVIN for their work for America's small business. I also wish to thank the esteemed Senators ALLEN, COLEMAN, and KERRY for their support.

Mr. BYRD. I commend the distinguished Chair SNOWE for her tireless efforts on behalf of America's industrial base.

Ms. MIKULSKI. Mr. President, last night the Senate accepted two very important amendments to level the playing field for Federal employees whose jobs are being contracted out. I am so pleased that we agreed to the Kennedy-Chambliss amendment to fix the worst problems with DoD's contracting out process, and the Collins amendment to—at long last—give Federal employees the right to protest contracting out decisions to an independent entity.

DoD is pursuing a political agenda masquerading as management reform. DoD's zeal for privatization costs money, it costs morale, it costs the integrity of the civil service, and now it's costing our reputation in Iraq. I was shocked to hear about about the role of contractors in the appalling abuse of prisoners at Abu Ghraib. DoD is taking contracting out too far. How can you contract out the interrogation of prisoners?

America needs an independent civil service. Our Federal employees are on the front lines every day working hard for America. At a time when we are fighting terrorism and struggling with chaos in Iraq, how does the administration thank DoD employees? By forcing them into unfair competitions. Forcing them to spend time and money competing for their jobs instead of doing their jobs.

Make no mistake. I am not opposed to privatization. In some instances privatization works well. Look at Goddard, in my State of Maryland 3,000 government jobs and 9,000 private contractors. I am proud of them both. What I am opposed to is the Bush administration stacking the deck against Federal employees to pursue an ideologically-driven agenda.

The Kennedy-Chambliss amendment fixes the worst problems with DoD's procedures for contracting out to make competitions more fair for DoD employees. The Kennedy-Chambliss amendment does six things to level the playing field. It guarantees employees the right to submit their own "best bid" during a competition. It requires contractors to show that they are actually saving money. It makes sure privatization doesn't come at the expense of health benefits for employees. It closes loopholes that allow DoD to contract out jobs without a competition. It establishes a process for allowing and encouraging Federal employees to conduct new work and work currently performed by contractors. And it makes sure that DoD has the infrastructure in place to effectively conduct competitions and oversee the contracts.

This amendment is so important. Civilian employees at the Defense Department work hard to support our troops and to protect our country. If we are going to contract out Defense Department work, we need to be very cautious. It's a matter of national security. Can we trust a private company to do the job? What if the company goes out of business? What if it is bought by a foreign company? How do we know a private company will have the same mission—and the same motive as U.S. military personnel?

The Bush administration's rules do just the opposite. They're reckless. They give private contractors the edge—whether they deserve it or not. 75 percent of Federal jobs that were contracted out in 2002 and 2003 were DoD jobs. And DoD is targeting 240,000 more jobs for privatization. More than 20 percent of DoD employees who lost their jobs to contractors never had the chance to compete for their own jobs.

I want to know why the Bush administration is trying to undermine our Federal workforce—pushing a process so clearly stacked in favor of private contractors. Civilian Defense Department employees are not the enemy. Who are these employees? They are the shipbuilders at Naval Academy in Annapolis, they are intelligence analysts, and they are the electricians at the Pentagon—who know every nook and cranny of top secret buildings.

These Federal employees are on the front lines. They lost their lives in the Pentagon on September 11. They are committed to making sure our soldiers are ready to protect us. These men and women are dedicated and duty driven. They are not political strategists. They cannot be bought. Why are some trying to make Federal employees the enemy? They aren't part of the problem, they are part of the solution. I know what Federal employees do, how hard they work. I know they think of themselves first as citizens of the United States of America, second as workers at mission driven agencies.

The way the Defense Department pursues contracting out is irresponsible and dangerous. DoD is pushing contracting out even when it just doesn't make sense, even when it puts our Nation's security at risk, or the integrity of our Armed Forces on the line. They are pushing contracting out even when it costs more to conduct competitions than it saves in the long run.

I know DoD isn't used to holding fair competitions. Look at their track record—no-bid contracts for cronies like Halliburton. But we can't let the Defense Department's zeal for privatization get in the way of the ability of our Armed Forces to carry out their duties. And we can't let them replace our civil service with cronyism and political patronage. That means putting some checks and balances on privatization.

I also want to say a few words about an amendment that Senator COLLINS offered to give Federal employees the right to appeal unfair contracting out decisions to GAO. This legislation is long overdue. Contractors have always been allowed to appeal to GAO or to the Court of Federal Claims when they lose a competition. Yet Federal employees can only appeal within their agency—the same agency that's trying to contract them out. That is unfair.

Giving Federal employees the right to appeal is vital to level the playing field during competitions, to hold agencies accountable for conducting fair competitions, and to make sure taxpayers are getting the best deal.

The Collins amendment is a compromise. It doesn't give employees the exact same rights as contractors. For instance, they can't appeal to the Court of Federal Claims. And it creates hurdles for allowing unions to represent their members in an appeal. I am sick of union busting. I think we can do more for employees. I hope we fix these problems as the process moves forward. But we can't let the perfect be the enemy of the good. I support the Collins amendment because it is a good compromise, and it would—finally—allow employees to appeal when an agency makes a mistake.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

125TH ANNIVERSARY OF COLUMBIA, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, this week marks the 125th anniversary of the settlement of one of my state's oldest towns. Columbia, SD; located in Brown County in the northeastern part of my State, has a long and rich history that represents the spirit of hard work and community that defines what it means to be from South Dakota.

In mid-June, 1879, a group of wagons loaded with supplies arrived at the spot that would one day become Columbia, South Dakota. Under the leadership of Byron M. Smith of Minneapolis, the settlers took advantage of the Elm River's abundant water supply, and began work on the new town. Once the first post office was built and officially recognized, the town of Columbia was born.

Today, residents of Columbia proudly reflect on a 125-year history, and the seemingly endless string of goals they have accomplished—and hardships they have had to endure—along the way. From the establishment of the post office in 1879 to the dam that was built 3 years later—creating Lake Columbia—to the construction of the town's first school, courthouse, and roller-skating rink, Columbia's first decade saw its inhabitants lay the groundwork for the future of the community. More than a century has passed since then, during which Columbia has survived fire, drought, dust storms, blizzards, and even a tornado on the town's 99th birthday. After 125 years of both good times and bad, the people of Columbia have emerged as strong and united as ever.

Truly, it is the people who have enabled Columbia to reach this remarkable milestone. The legacy of those original settlers has been carried proudly to this day, and its reach is not limited to the corner of South Dakota where the town resides. In fact, Ralph Herseth, a graduate of Columbia High School and a former Governor of South Dakota, is the grandfather of our State's newest representative, STEPHANIE HERSETH. I am proud to join Representative HERSETH and Senator JOHNSON in congratulating Columbia on its 125th birthday.

ON THE RETIREMENT OF ROYCE FEOUR

Mr. REID. Mr. President, I rise today to honor Royce Feour who recently retired after reporting on boxing and sports for the Las Vegas Review-Journal for nearly 37 years.

Royce is a legend in Nevada sports reporting. He started his career in journalism half a century ago at age 14 when he covered prep sports for the Review Journal and the High School Sports Association.

He continued writing about sports at the University of Nevada-Reno with the support of two journalism scholarships. He became the editor of the school paper, and a correspondent for the Reno Evening Gazette and the Nevada State Journal.

After he graduated, Royce worked for 5 years at Las Vegas Sun, where he became sports editor. He reported on the first football and baseball games at what was back then the Nevada Southern University—now UNLV. At that first football game, it was so dark by the end of the game that no one in the press box could tell if the winning kick was good.

Royce covered the recruitment of UNLV basketball coach Jerry Tarkanian, who lost his first game and offered to quit that same night. The offer was declined, and Tarkanian went on to win 509 games in 19 seasons, and an NCAA championship in 1990.

Royce was a sportswriter, but he was also a newspaper man. So when an earthquake struck San Francisco and rocked the upper deck of Candlestick Park while he was covering game 3 of the 1988 World Series, he got on the phone and dictated a story about the quake.

Royce is best known for covering boxing in Las Vegas. He has reported on nearly every major championship fight in the city, going back to the Sonny Liston-Floyd Patterson heavyweight title bout at the Las Vegas Convention Center in 1963. He has chronicled the careers of boxing legends such as Muhammed Ali, Lennox Lewis, Roy Jones, Evander Holyfield, Riddick Bowe, Julio Cesar Chavez, Roberto Duran, Larry Holmes, Mike Tyson, Sugar Ray Leonard, Marvin Hagler, Roy Jones Jr., Thomas Hearns and Oscar de La Hoya.

For his incredible work, Royce has earned several Nevada Press Association awards and was named Writer of the Year by the North American Boxing Federation. He was the Las Vegas Boxing Hall of Fame's Local Media Man of the Year. And in 1996, he was awarded the Nat Fleischer Award for "Excellence in Boxing Journalism" by the Boxing Writers Association of America.

That is the highest honor that can be given to a boxing reporter. But I honor Royce for his brand of friendship. Royce, thanks for being my friend.

Royce Feour's exceptional skills and lasting devotion to his trade are remarkable. He is truly one of the heavyweights of the Nevada press. Please join me in honoring his years of extraordinary work, and wishing him well in his retirement.

CONGRATULATIONS TO SPARKS, NEVADA

Mr. REID. Mr. President, I rise to offer my congratulations to the City of Sparks, NV, which was recently selected as a finalist in the 2004 All-America City competition.

Sparks is a city of about 80,000 residents in Washoe County, which is in northern Nevada. Under the leadership of Mayor Tony Armstrong, it is a wonderful place to live, even better than it has been in the past.

The All-America City Award is sponsored by the National Civic League, which was founded 110 years ago by Theodore Roosevelt to promote citizenship and democracy.

Since the award was initiated in 1949, more than 4,000 communities have competed for the coveted designation as an All-America City. This year, hundreds of cities began the process, which requires extensive documentation of how the community is responding to challenges. Sparks was selected as one of the 30 finalists.

Nevada is the fastest growing State in the country. Sparks is doing a great job of absorbing growth, while preserving the hometown family atmosphere that makes it so attractive to longtime residents and newcomers alike.

Sparks has also done a great job of revitalizing its infrastructure, especially in the wake of a massive flood a few years ago. Sparks Marina Park and the Victorian Square redevelopment project are two examples of this renewal.

Sparks has always been a great place to live and raise a family. Now it can boast of being an All-America City finalist. Once again, I congratulate the Mayor, City Council and the citizens of Sparks, NV.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time S. Rep. No. 108–269 was filed, the Congressional Budget Office report was not available. At the following link, ftp://ftp.cho.gov/54xx/doc5479/s1582.pdf, the CBO report for S. 1582 is now available on their Web site, and I ask unanimous consent that the CBO cost estimate be printed in the RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1582—Valles Caldera Preservation Act of 2004

Summary: Public Law 106–248 established the Valles Caldera Preserve in New Mexico. That law also established the Valles Caldera Trust, a government-owned corporation, to manage the preserve. S. 1582 would make several changes to Public Law 106–248. One of those changes would authorize the Secretary of Agriculture to acquire, by taking, certain subsurface rights to the Baca Ranch, which lies within the preserve. Under the bill, the owners of those subsurface rights would be entitled to just compensation as determined by a court.

CBO estimates that S. 1582 would increase direct spending by about $3 million in 2007. Enacting the bill would not affect revenues. S. 1582 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

In the event that the Secretary of Agriculture uses a declaration of taking to acquire certain mineral interests of the Baca Ranch, such an acquisition would constitute a private-sector mandate as defined by UMRA. The cost of the mandate would be the fair market value of the mineral interests and expenses incurred by the private-sector owners in transferring those interests to the federal government. Based on information from government sources, CBO estimates that the direct cost of the mandate would fall well below the annual threshold established by UMRA for private-sector mandates ($120 million in 2002, adjusted annually for inflation).

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 1582 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment) and 800 (general government).

	By fiscal year, in millions of dollars—									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Estimated budget authority	0	0	1	0	0	0	0	0	0	0
Estimated outlays	0	0	3	0	0	0	0	0	0	0

Basis of Estimate: For this estimate, CBO assumes that S. 1582 will be enacted near the start of fiscal year 2005 and that the federal government will assume ownership of the subsurface rights soon thereafter. Based on information from the Department of the Interior about the length of time typically required to resolve similar cases, we assume that a court would award a total of $3 million in compensation to the owners of those subsurface rights during fiscal year 2007.

According to the Forest Service, the appraised value of the subsurface rights to be taken is about $2 million. In addition, based on information about historical differences between federal appraisals and amounts awarded by courts to compensate takings of private property in New Mexico, CBO estimates that an additional $1 million would be awarded to the owners of those subsurface rights. Hence, we estimate that payments to those parties would total about $3 million in 2007.

S. 1582 specifies two sources of funds to make that payment. First, the bill would require the Forest Service to use existing funds to compensate the owners of the subsurface rights for the appraised value of those rights. Second, S. 1582 would provide authority to use the Claims and Judgments Fund to pay additional amounts awarded by the court. For this estimate, CBO assumes that the agency would use $2 million of funds appropriated for land acquisition in fiscal year 2004—funds that CBO estimates are available but not likely to be spent under current law—to pay a portion of the compensation amount. Hence, we estimate that the bill would provide new budget authority of $1 million in 2007.

Estimated Impact on State, Local, and Tribal Governments: S. 1582 contains no intergovernment mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated Impact on the Private Sector: In the event that the Secretary of Agriculture uses a declaration of taking to acquire certain mineral interests of the Baca Ranch, such an acquisition would constitute a private-sector mandate as defined by UMRA. The cost of the mandate would be the fair market value of the mineral interests and expenses incurred by the private-sector owners in transferring those interests to the federal government. Based on information from government sources, CBO estimates that the direct cost of the mandate would fall well below the annual threshold established by UMRA for private-sector mandates ($120 million in 2002, adjusted annually for inflation).

The bill would direct the Secretary of Agriculture to acquire the mineral interests without the seller's consent should negotiations for a sale fail after 60 days. Should those negotiations fail, the Secretary of Agriculture would be required to file a declaration of taking with the court. The declaration of taking would force the owners of the geothermal and mineral interests to give up ownership in exchange for a sum equal to the fair market value as determined by the court. As noted above, an appraisal done by the Forest Service in 2001 concluded that the privately held mineral and geothermal interests on the Baca Ranch have a fair market value of almost $2 million. In December 2001, the Forest Service's offer for purchase of the interests based on this appraisal was rejected.

Estimate Prepared by: Federal Costs: Megan Carroll. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Selena Caldera.

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

ANNUAL REPORT OF THE U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Mr. BYRD. Mr. President, today the U.S.-China Economic and Security Review Commission issued its second major annual report to the Congress, as mandated by the Congress in its enabling statute, P.L. 106-398, October 30, 2000, as amended by Division P of P.L. 108-7 February 20, 2003. I commend it to my colleagues as a comprehensive, insightful and useful examination of the key trends, policies and realities inherent in the U.S./China relationship, and featuring a number of recommendations for the Congress to consider.

It is noteworthy that the Commission adopted this report by a unanimous, bipartisan vote of 11-0. The commission is composed of an equal number of Democratic and Republican appointees, three each by the four leaders of the Senate and the House of Representatives. It is refreshing, indeed, in an era characterized by far too much partisanship and divisiveness, that in its treatment of the often contentious and important issues regarding this growing bilateral relationship, the Commission could reach a unanimous vote. Debates over foreign policy, it has often been said, to be effective, should end at the water's edge, and we should speak as a Nation with one voice to the world. Mr. President, in this report, bipartisan unanimity has been achieved, and by a very diverse group of thoughtful and independent minded Commissioners. I would also point out that this is a purely congressional body, in that all of the commissioners are appointed by the congressional leadership, and the report which is issued is intended to be exclusively advisory to the Congress.

The mandate of the U.S.-China Commission is to "monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China." The commission, therefore, takes an expansive view of U.S. national security, which is that our economic health and well-being are fundamental national security matters, including the maintenance of a strong manufacturing base, and the ability to maintain U.S. global competitiveness and a healthy employment level and growth rate. These central economic factors are just as essential to the national security and defense of our Nation as are strong and ready standing armies, navies and air forces equipped with the best weaponry, leadership and operational doctrines.

In addition, the commission has treated, very thoroughly, a series of specific topics mandated in amendments to its charter last year, including China's proliferation practices, China's economic reforms and U.S. economic transfers to China, China's energy needs, Chinese firms' access to the U.S. capital markets, U.S. investments into China, China's economic and security impacts in Asia, U.S.-China bilateral programs and agreements, China's record of compliance with its World Trade Organization, WTO, commitments, and the Chinese government's media control efforts.

Mr. President, I will not recite all the many important conclusions and recommendations for action contained in this timely report. But I point out that the United States needs to be much more proactive and clear-thinking in managing our overall relationship with China, and far more focused on what our goals are in the relationship if we are to advance our national economic and security interests.

The report concludes, overall, that the U.S.-China economic relationship lacks active management. U.S. goals for specific elements of the relationship are too vague or even nonexistent.

This is particularly highlighted in the enormous goods trade deficit, some $123 billion in 2003, and growing rapidly. The United States has the capability to nudge the Chinese into more positive policies and actions, thereby leveling a playing field which China has tilted in the direction of mercantilist behavior, including, in some arenas, intimidating tactics. Issues which have been festering in the WTO, for instance, such as China's artificial manipulation of the value of her currency, continued tolerance of high levels of Intellectual Property Crimes, massive illegal subsidization of Chinese enterprises, resistance to good faith compliance with important WTO procedures, and with many pledges made for progress in proliferation of WMD, all require heightened levels of attention and management by the United States

The United States certainly has such influence at this period, and for the next few years, because of the enormous dependence of China on our good will, our consumer markets, our manufacturing capability, our technology and our cooperation in many fields. Such dependence will not last forever, however, and it is time that we begin to manage this relationship in ways that will produce more positive and favorable outcomes.

Lastly, Mr. President, this report is studded with recommendations for Congressional action and for joint policy-making efforts between the Congress and the Executive Branch. It recognizes that good policy proceeds from building a strong consensus between our two branches, as well as between our two countries. I encourage my colleagues, many of whom have testified on these matters before the Commission, to examine the recommendations offered for our consideration.

Mr. President, the Commission has today issued this fulsome report, and I ask unanimous consent to have printed in the RECORD the Commission's list of recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS TO CONGRESS

CHAPTER 1—CHINA'S INDUSTRIAL, INVESTMENT, AND EXCHANGE RATE POLICIES

Recommendations for dealing with China's currency manipulation

The 1988 Omnibus Trade and Competitiveness Act requires the Treasury Department to examine whether countries are manipulating their exchange rates for purposes of gaining international competitive advantage. The Treasury is to arrive at its finding in consultation with the IMF, which defines manipulation as "protracted large-scale intervention in one direction in the exchange market." The Treasury has repeatedly evaded reporting on this test. The Commission recommends that Congress require the Treasury to explicitly address this test in its required report to Congress. Furthermore, a condition for taking action against a country that manipulates its currency is that an offending country be running a material global current account surplus in addition to a bilateral surplus. The Commission recommends that Congress amend this provision so that a material global current account surplus is not a required condition.

The administration should use all appropriate and available tools at its disposal to address and correct the problem of currency manipulation by China and other East Asian countries. With regard to China, this means bringing about a substantial upward revaluation of the yuan against the dollar. Thereafter, the yuan should be pegged to a trade-weighted basket of currencies, and provisions should be established to guide future adjustments if needed. As part of this process, the Treasury Department should engage in meaningful bilateral negotiation with the Chinese government, and it should also engage in meaningful bilateral negotiations with Japan, Taiwan, and South Korea regarding ending their long-standing exchange rate manipulation. The administration should concurrently encourage our trading partners with similar interests to join in this effort. The Commission recommends that Congress pursue legislative measures that direct the administration to take action—through the WTO or otherwise—to combat China's exchange rate practices in the event that no concrete progress is forthcoming.

Recommendations for addressing China's mercantilist industrial and FDI policies

The Commission recommends that Congress direct the United States Trade Representative (USTR) and the Department of Commerce to undertake immediately a comprehensive investigation of China's system of government subsidies for manufacturing, including tax incentives, preferential access to credit and capital from state-owned financial institutions, subsidized utilities, and investment conditions requiring technology transfers. The investigation should also examine discriminatory consumption credits that shift demand toward Chinese goods, Chinese state-owned banks' practice of noncommercial-based policy lending to state-owned and other enterprises, and China's dual pricing system for coal and other energy sources. USTR and Commerce should provide the results of this investigation in a report to Congress that assesses whether any of these practices may be actionable subsidies under the WTO and lays out specific steps the U.S. government can take to address these practices.

The Commission recommends that Congress direct the administration to undertake a comprehensive review and reformation of the government's trade enforcement infrastructure in light of the limited efforts that have been directed at enforcing our trade laws. Such a review should include consideration of a proposal by Senator Ernest Hollings (D-SC) to establish an assistant attorney general for international trade enforcement in the Department of Justice to enhance our capacity to enforce our trade laws. Moreover, the U.S. government needs to place an emphasis on enforcement of international labor standards and appropriate environmental standards.

The Commission recommends that Congress direct the administration to work with other interested WTO members to convene an emergency session of the WTO governing body to extend the MFA at least through 2008 to provide additional time for impacted industries to adjust to surges in imports from China.

CHAPTER 2—CHINA IN THE WORLD TRADE ORGANIZATION: COMPLIANCE, MONITORING, AND ENFORCEMENT

The Commission recommends that Congress press the administration to make more use of the WTO dispute settlement mechanism and/or U.S. trade laws to redress unfair Chinese trade practices. In particular, the administration should act promptly to address China's exchange rate manipulation, denial of trading and distribution rights, lack of IPR protection, objectionable labor standards, and subsidies to export industries. In pursuing these cases, Congress should encourage USTR to consult with trading partners who have mutual interests at the outset of each new trade dispute with China.

The Commission recommends that Congress press the administration to make better use of the China-specific section 421 and textile safeguards negotiated as part of China's WTO accession agreement to give relief to U.S. industries especially hard hit by surges in imports from China.

Notwithstanding China's commitments at the April 2004 JCCT meeting, the Commission recommends that Congress press the administration to file a WTO dispute on the matter of China's failure to protect intellectual property rights. China's WTO obligation to protect intellectual property rights demands not only that China promulgate appropriate legislation and regulations, including enacting credible criminal penalties, but also that these rules be enforced. China has repeatedly promised, over many years, to take significant action. Follow-through and action have been limited and, therefore, the Commission believes that immediate U.S. action is warranted.

The Commission recommends that Congress urge the Department of Commerce to make countervailing duty laws applicable to nonmarket economies. If Commerce does not do so, Congress should pass legislation to achieve the same effect. U.S. policy currently prevents application of countervailing duty laws to nonmarket economy countries such as China. This limits the ability of the United States to combat China's extensive use of subsidies that give Chinese companies an unfair competitive advantage.

The Commission recommends that Congress encourage the administration to make a priority of obtaining and ensuring China's compliance with its WTO commitments to refrain from forced technology transfers that are used as a condition of doing business. The transfer of technology by U.S. investors in China as a direct or indirect government-imposed condition of doing business with Chinese partners remains an enduring U.S. security concern as well as a violation of China's WTO agreement. A WTO complaint should be filed when instances occur.

The Commission recommends that Congress encourage USTR and other appropriate U.S. government officials to take action to ensure that the WTO's Transitional Review Mechanism process is a meaningful multilateral review that measures China's compliance with its WTO commitments. If China continues to frustrate the TRM process, the U.S. government should initiate a parallel process that includes a specific and comprehensive measurement system. The United States should work with the European Union, Japan, and other major trading partners to produce a separate, unified annual report that measures and reports on China's progress toward compliance and coordinates a plan of action to address shortcomings. This report should be provided to Congress. In addition, independent assessments of China's WTO compliance conducted by the U.S.

government, such as USTR's annual report, should be used as inputs in the multilateral forum evaluating China's compliance, whether that forum is a reinvigorated and effective TRM or a new process.

The Commission recommends that Congress consider options to assist small- and medium-sized business in pursuing trade remedies under U.S. law, such as through section 421 cases.

CHAPTER 3—CHINA'S PRESENCE IN THE GLOBAL CAPITAL MARKETS

The Commission recommends that Congress reinstate the reporting provision of the 2003 Intelligence Authorization Act [P.L. 107-306, Sec 827] directing the director of Central Intelligence (DCI) to prepare an annual report identifying Chinese or other foreign companies determined to be engaged or involved in the proliferation of weapons of mass destruction or their delivery systems that have raised, or attempted to raise, funds in the U.S. capital markets. The Commission further recommends that Congress expand this provision to require the DCI to undertake a broader review of the security-related concerns of Chinese firms accessing, or seeking to access, the U.S. capital markets. This should include the establishment of a new interagency process of consultations and coordination among the National Security Council, the Treasury Department, the State Department, the SEC, the Federal Bureau of Investigation (FBI), and the intelligence community regarding Chinese companies listing or seeking to list in the U.S. capital markets. The aim of such an interagency process should be to improve collection management and assign a higher priority to assessing any linkages between proliferation and other security-related concerns and Chinese companies, including their parents and subsidiaries, with a presence in the U.S. capital markets.

The Commission recommends that Congress require mutual funds to more fully disclose the specific risks of investments in China. This should include disclosure to investors of the identities of any local firms subcontracted by funds to perform due diligence on Chinese firms held in their portfolios. Subcontractors' principal researchers, location, experience, and potential conflicts of interest should all be disclosed.

The Commission recommends that Congress direct the Commerce Department and USTR to evaluate whether Chinese state-owned banks' practice of noncommercial-based policy lending to state-owned and other enterprises constitutes an actionable WTO-inconsistent government subsidy and include this evaluation in the report on subsidies recommended in Chapter 1.

In its 2002 Report, the Commission recommended that Congress prohibit debt or equity offerings in U.S. capital markets by any Chinese or foreign entity upon which the State Department has imposed sanctions for engaging in the proliferation of weapons of mass destruction (WMD) or ballistic missile delivery systems. The Commission further believes that Congress should bar U.S. institutional or private investors from making debt or equity investments, directly or indirectly, in firms identified and sanctioned by the U.S. government for weapons proliferation-related activities, whether they are listed and traded in the United States or in the Chinese or other international capital markets. For example, NORINCO, a company sanctioned by the U.S. government, is currently available for purchase on the Chinese A share market. U.S.-based qualified foreign institutional investors that have rights to trade on this exchange should not be permitted to invest in NORINCO or any other firm officially determined to have engaged in the proliferation of WMD or ballistic missiles.

CHAPTER 4—CHINA'S REGIONAL ECONOMIC AND SECURITY IMPACTS AND THE CHALLENGES OF HONG KONG AND TAIWAN

Regional engagement

The Commission recommends that Congress revitalize U.S. engagement with China's Asian neighbors by encouraging U.S. diplomatic efforts to identify and pursue initiatives to demonstrate the United States' firm commitment to facilitating the economic and security needs of the region. These initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives. The United States should consider further avenues of cooperation by associating with regional forums of which it is not a member.

Hong Kong

The Commission recommends that Congress consult with the administration to assess jointly whether the PRC's recent interventions impacting Hong Kong's autonomy constitute grounds for invoking the terms of the U.S.-Hong Kong Policy Act with regard to Hong Kong's separate treatment. This includes U.S. bilateral relations with Hong Kong in areas such as air services, customs treatment, immigration quotas, visa issuance, and export controls. In this context, Congress should assess the implications of the National People's Congress Standing Committee's intrusive interventions with regard to matters of universal suffrage and direct elections. Congress and the administration should continue to keep Hong Kong issues on the U.S.-PRC bilateral agenda and work closely with the United Kingdom on Hong Kong issues.

Cross-strait issues

The Commission recommends that Congress enhance its oversight role in the implementation of the Taiwan Relations Act. Executive branch officials should be invited to consult on intentions and report on actions taken to implement the TRA through the regular committee hearing process of the Congress, thereby allowing for appropriate public debate on these important matters. This should include, at a minimum, an annual report on Taiwan's request for any military equipment and technology and a review of U.S.-Taiwan policy in light of the growing importance of this issue in U.S.-China relations.

The Commission recommends that the Congress and the administration conduct a fresh assessment of the one China policy, given the changing realities in China and Taiwan. This should include a review of:

The policy's successes, failures, and continued viability;

Whether changes may be needed in the way the U.S. government coordinates its defense assistance to Taiwan, including the need for an enhanced operating relationship between U.S. and Taiwan defense officials and the establishment of a U.S.-Taiwan hotline for dealing with crisis situations;

How U.S. policy can better support Taiwan's breaking out of the international economic isolation that the PRC seeks to impose on it and whether this issue should be higher on the agenda in U.S.-China relations. Economic and trade policy measures that could help ameliorate Taiwan's marginalization in the Asian regional economy should also be reviewed. These should include enhanced U.S.-Taiwan bilateral trade arrangements that would include protections for labor rights, the environment, and other important U.S. interests.

To support this policy review, the Commission recommends that the appropriate committees of Congress request that the executive branch make available to them a comprehensive catalogue and copies of all the principal formal understandings and other communications between the United States and both China and Taiwan as well as other key historical documents clarifying U.S. policy toward Taiwan.

The Commission recommends that Congress consult with the administration on developing appropriate ways for the United States to facilitate actively cross-Strait dialogue that could promote the long-term, peaceful resolution of differences between the two sides and could lead to direct trade and transport links and/or other cross-Strait confidence-building measures. The administration should be directed to report to Congress on the status of cross-Strait dialogue, the current obstacles to such dialogue, and, if appropriate, efforts that the United States could undertake to promote such a dialogue.

CHAPTER 5—CHINA'S PROLIFERATION PRACTICES AND THE CHALLENGE OF NORTH KOREA

Should the current stalemate in the Six Party Talks continue, the Commission recommends that Congress press the administration to work with its regional partners, intensify its diplomacy, and ascertain North Korean and Chinese intentions with a detailed and staged proposal beginning with a freeze of all North Korea's nuclear weapons programs, followed by a verifiable and irreversible dismantlement of those programs. Further work in this respect needs to be done to determine whether a true consensus on goals and process can be achieved with China. If this fails, the United States must confer with its regional partners to develop new options to resolve expeditiously the standoff with North Korea, particularly in light of public assessments that the likely North Korean uranium enrichment program might reach a stage of producing weapons by 2007.

The Commission recommends that Congress press the administration to renew efforts to secure China's agreement to curtail North Korea's commercial export of ballistic missiles and to encourage China to provide alternative economic incentives for the North Koreans to substitute for the foreign exchange that would be forgone as a result of that curtailment.

As recommended in the Commission's 2002 Report, and now similarly proposed by President Bush and the U.N. Secretary General, the Commission reiterates that Congress should support U.S. efforts to work with the U.N. Security Council to create a new U.N. framework for monitoring the proliferation of weapons of mass destruction and their delivery systems in conformance with member nations' obligations under the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. This new monitoring body would be delegated authority to apply sanctions to countries violating these treaties in a timely manner or, alternatively, would be required to report all violations in a timely manner to the Security Council for discussion and sanctions.

As recommended in the Commission's 2002 Report, the Commission reiterates that Congress should act to broaden and harmonize proliferation sanctions by amending all current statutes that pertain to proliferation to include a new section authorizing the president to invoke economic sanctions against foreign nations that proliferate WMD and technologies associated with WMD and their delivery systems. These economic sanctions would include import and export limitations, restrictions on access to U.S. capital markets, restrictions on foreign direct investment into an offending country, restrictions on transfers by the U.S. government of economic resources, and restrictions on science and technology cooperation or transfers. The new authority should require the President to report to Congress the rationale and proposed duration of the sanctions within seventy-two hours of imposing them. Although the president now has the authority to select from the full range of economic and security-related sanctions, these sanctions are case specific and relate to designated activities within a narrow set of options available on a case-by-case basis.

CHAPTER 6—CHINA'S ENERGY NEEDS AND STRATEGIES

The Commission recommends that Congress direct the secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement, whereby China engages in some limited exchanges with the organization, to a more structured arrangement whereby the PRC would be obligated to develop a meaningful strategic reserve, and coordinate release of stocks in supply disruption crises or speculator-driven price spikes.

The Commission recommends that Congress encourage work that increases bilateral cooperation in improving China's energy efficiency and environmental performance, such as further cooperation in Clean Coal Technology and waste-to-liquid-fuels programs, subject to any overriding concerns regarding technology transfers. Further, the commission recommends that Congress direct the State and Energy departments, and the intelligence community, to conduct an annual review of China's international energy relationships and its energy practices during times of global energy crises to determine whether such U.S. assistance continues to be justified.

The Commission recommends that the Commerce Department and USTR investigate whether China's dual pricing system for coal and any other energy sources constitutes a prohibited subsidy under the WTO and include this assessment in the Commerce/USTR report on subsidies recommended in Chapter 1.

CHAPTER 7—CHINA'S HIGH-TECHNOLOGY DEVELOPMENT AND U.S.-CHINA SCIENCE AND TECHNOLOGY COOPERATION

The U.S. government must develop a coordinated, comprehensive national policy and strategy designed to meet China's challenge to the maintenance of our scientific and technological leadership. America's economic competitiveness, standard of living, and national security are dependent on such leadership. The Commission therefore recommends that Congress charge the administration to develop and publish such a strategy in the same way it is presently required to develop and publish a national security strategy that deals with our military and political challenges around the world. In developing this strategy, the administration should utilize data presently compiled by the Department of Commerce to track our nation's technological competitiveness in comparison with other countries.

The Commission recommends that Congress revise the law governing the CFIUS process (Title VII of the Defense Production Act)—which gives the president authority to investigate mergers, acquisitions, or takeovers of U.S. firms by foreign persons if such activities pose a threat to national security—to expand the definition of national security to include the potential impact on national economic security as a criterion to be reviewed. In this regard, the term national economic security should be defined broadly without limitation to particular industries.

The Commission recommends that Congress direct the administration to transfer chairmanship of CFIUS from the Secretary of the Treasury to the Secretary of Commerce.

CHAPTER 8—CHINA'S MILITARY MODERNIZATION AND THE CROSS-STRAIT BALANCE

The annual report to Congress recommended in Chapter 4 on Taiwan's requests for military equipment and technology should include an assessment of the new military systems required by Taiwan to defend against advanced PRC offensive capabilities.

As recommended in Chapter 4, Congress and the administration should review the need for a direct communications hotline between the United States and Taiwan for dealing with crisis situations. This is important in light of the short time frame of potential military scenarios in the Strait, together with Chinese strategic doctrine emphasizing surprise and deception.

The Commission recommends that Congress urge the president and the secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

The Commission recommends that Congress direct the administration to restrict foreign defense contractors who sell sensitive military-use technology or weapons systems to China from participating in U.S. defense-related cooperative research, development, and production programs. This restriction can be targeted to cover only those technology areas involved in the transfer to China.

The Commission recommends that Congress request the Department of Defense to provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly from Russia and Israel.

CHAPTER 9—MEDIA AND INFORMATION CONTROL IN CHINA

On June 30, 2003, the Commission recommended that Congress direct the Broadcasting Board of Governors to target funds for efforts aimed at circumventing China's Internet firewall through the development of anticensorship technologies and methods. Congress approved such funding as part of the 2004 Omnibus Appropriations Act. The Commission recommends that Congress continue this program with enhanced resources, pending successful results for the current fiscal year.

As recommended in the Commission's 2002 Report, the Commission reiterates that Congress should direct the Department of Commerce and other relevant agencies to conduct a review of export administration regulations to determine whether specific measures should be put in place to restrict the export of U.S. equipment, software, and technologies that permit the Chinese government to surveil its own people or censor free speech.

The Commission recommends that Congress approve legislation to establish an Office of Global Internet Freedom within the executive branch, tasked with implementing a comprehensive global strategy to combat state-sponsored blocking of the Internet and persecution of users. The strategy should include the development of anticensorship technologies.

The Commission recommends that Congress encourage the administration to press China to freely admit U.S. government-sponsored journalists, such as those representing the Voice of America and Radio Free Asia. China frequently denies visas for such journalists, despite the fact that China's state-sponsored journalists are freely admitted in the United States. Options should be considered for linking Chinese cooperation to concrete consequences, including the possible use of U.S. visas for Chinese government journalists as leverage to gain admission of more U.S. government-supported journalists to China.

TRIBUTE TO RONALD AND NANCY REAGAN

Mr. LEAHY. Mr. President, we have come to the close of several days of tribute to our late President, Ronald Reagan. So much has been said about President Reagan's buoyant spirit and about the contributions he made to our Nation, and these tributes have helped millions of Americans with the healing process that comes with the death of so popular and beloved a leader.

Though much has already been said about President Reagan, I do want to pay special tribute today to our former First Lady, Nancy Reagan.

For me—and, I suspect, for millions of other Americans—some of the most stirring images of this memorable week have been of Nancy Reagan and her family. We saw again, and so clearly, her strength, her compassion and her deep love for her husband.

Ever since President Reagan's deeply moving announcement to his fellow citizens and to the world that he was suffering from Alzheimer's disease, I have watched Mrs. Reagan conduct herself with compassion, loyalty, competence and caring that have been an inspiration to the thousands of family members who every day struggle to cope with loved ones suffering from this disease or from any of the long variety of other disorders that can come upon us in our older ages—and sometimes far earlier than that.

The Alzheimer's Association estimates that 4.5 million Americans today suffer from this debilitating disease. Often, family members and especially, spouses—end up as primary caregivers to their partners or other family members. Along with the emotional pain and heartbreak of watching the mind of a loved one slowly fade away, many caregivers are ill-equipped to handle the many facets of the illness that present themselves over the duration of this mental and physical struggle. Their own physical health suffers. Managing a job or any other activity outside the home becomes almost impossible.

I believe Nancy Reagan is an inspiration to so many Americans. The love that she and her husband so clearly showed to each other comforted and sustained their marriage in sickness, as it did in health.

Marcelle and I extend our best wishes to Mrs. Reagan and to the entire Reagan family.

AUSTRALIA FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, in the book of Ecclesiastes, the Preacher spoke of how there is "a time to plan, and a time to uproot." The American farmer has known this truth from the first days when Indians first walked to this continent.

Those of us who are privileged to represent rural States know well the times of American farmers and ranchers. No matter what the time, their concerns are never far from our thoughts.

Times have changed for American agriculture, and for American jobs. In 1900, 37 percent of American workers worked in agriculture. Now, only about 2 percent do.

Of course, it doesn't seem like 2 percent to rural States such as Montana, North Dakota, and South Dakota, where agriculture can still account for as much as 50 percent of the economy.

But that is the reality: American farmers are more productive than ever. And because productive American agriculture produces more than American households consume, exports are as important as ever. That is why American farmers have been among the strongest supporters of international trade.

And it is about that intersection between American agriculture and international trade that I rise to speak today.

Last month, the United States and Australia signed a free trade agreement, taking an important step to connect two of the world's most vibrant economies. This agreement creates opportunities for both countries. For Australia, it offers integration with the world's largest economic power. For the United States, it offers a link to an Australian market that has one of the highest standards of living in the world—and is a key platform to markets in Asia.

In the coming weeks, we will hear about the significant economic benefits of this agreement. But I think we should also look at this agreement in a broader context. First, we need to take a balanced look at the agreement and assess its costs and benefits. Second, we need to view the Australia agreement in the context of our larger trade agenda.

The benefits of the Australia agreement are compelling—particularly in the context of the current debate over jobs moving overseas.

When compared to some of the other agreements that the administration is negotiating, Australia offers real benefits. And it is not subject to some of the traditional criticisms.

Compare the debate over the Australia agreement to the debate over the Central America agreement. Critics of CAFTA contend that Central America's lower labor and environmental standards will undercut jobs here at home. I share some of these concerns and continue to work hard on strengthening these standards.

Yet, with the Australia agreement, this tension disappears. Australian workers enjoy high labor standards. Australia protects its environment.

More importantly, Australian consumers want U.S. manufactured goods. Australia is one of the few countries where the U.S. enjoys a trade surplus. This fact helps explain the strong support of U.S. manufacturers for this agreement—which they estimate will result in $2 billion more in exports every year.

This free trade agreement offers clear benefits to the U.S. economy and to U.S. workers.

Thus the Australia agreement does not raises the usual concerns over labor and the environment. But it does raise concerns over agriculture. And farmers are usually stalwart supporters of free trade.

Their anxieties are understandable. Australia is a major exporter of many of the same commodities that Americans produce—particularly beef, dairy, and sugar. Yet, Australia offers a relatively small consumer market in exchange. So, while Australian farmers would get increased access to our consumer market of around 250 million people, our farmers would get increased access to an Australian consumer market that is much smaller.

So when the administration announced late in 2002 that it intended to enter into negotiations with Australia, agriculture groups immediately voiced concern.

As I looked at the negotiations, I saw two options. I could sit back, say nothing, and hope for the best. This might have been politically expedient, given the anxieties within the agriculture community, but it would have risked getting a worse product, as a result.

Instead, I decided to engage the process, using my position as the ranking Democrat on the Finance Committee to help shape the best possible agreement for our country and our farmers. After consulting with the agriculture community in Montana, I decided that to do otherwise would be a disservice to the many farmers and ranchers back home who look to me to fight for them.

As I looked at this agreement, the potential concerns for beef, dairy, and sugar producers were clear. But I also saw potential gains for Montana—including wheat farmers and pork producers, as well as Montana's growing technology manufacturing industries. With this in mind, I set out to help Ambassador Zoellick find ways to mitigate the dangers and maximize the gains.

My staff and I worked closely with the U.S. Trade Representative throughout this process. And I met personally with the Australian Prime Minister and other officials. As negotiations entered a critical phase last December, I spelled out to Ambassador Zoellick the sensitive areas for Montana agriculture that needed his greatest attention. I also offered some ideas for how to manage them.

My staff and I worked tirelessly to ensure that negotiators—from both countries—understood and accommodated the needs of Montanans. In early February, the negotiators concluded an agreement that addressed sensitive Montana products with great care. The U.S. Trade Representative addressed my concerns on virtually every commodity.

While Australia agreed to the immediate elimination of all tariffs on many U.S. agricultural products, the U.S. received important protections.

Beef. On beef, my first concern was ensuring that the U.S. gets what is called "access for access." In other words, the U.S. Trade Representative should undertake new agreements and find new export markets to offset potential increased imports from Australia. The proposed U.S.-Thailand agreement, for example, will help us reach that goal. Thailand's population is three times larger than Australia's, with a consumer market that is growing quickly. We need to build on the Thailand agreement by opening other significant markets—particularly in Asia.

But we are several years from finishing the Thailand agreement. And we are likely several years from completing the current round of negotiations in the WTO. So we need to make sure that increased access to our market is far enough down the road that it will be offset by other agreements. To address this, I worked with USTR to ensure a significant transition period. As a result, access for Australian beef will increase very slowly, with duties in place for 18 years. Importantly, the agreement only provides increased access for manufactured beef—other beef products will continue to face the same duties they face today.

I also worked to ensure the agreement contained special safeguards—so that there is not a surge of Australian imports into the U.S. market. As a result, the agreement contains two safeguards—one in effect during the 18-year transition, and another taking effect in year 19 to remain in place indefinitely.

Dairy. For dairy, this agreement recognizes the sensitivity of this industry by retaining existing tariffs indefinitely. Most importantly for Montana, tariffs for milk protein concentrates are unaffected by the agreement.

Sugar. Perhaps the most difficult issue in the agreement was how to address the concerns of the U.S. sugar industry. This industry faces extreme distortions on the global market, for example, high export subsidies in Europe. These distortions chronically depress the world price far below the world's average cost of production. For these reasons, sugar policy must be addressed multilaterally in the WTO negotiations.

In this agreement, Ambassador Zoellick took a difficult and controversial step in excluding sugar entirely from the agreement. Some have criticized him for this. But not this Senator and those I represent.

Sheep. Even for Montana sheep ranchers, who already face free trade in lamb, the agreement delays the elimination of the few remaining wool tariffs, rather than providing for their immediate elimination. This comes on the heels of initial efforts by the U.S. and Australian industries to establish a joint marketing effort aimed at increasing consumption of lamb.

Wheat. On wheat, which is a major Montana export, the agreement makes some progress toward our ultimate goal of reforming global markets. The U.S. industry and I had both hoped to secure an Australian commitment to restructure the Australian Wheat Board, a state trading enterprise, or STE, that acts as a monopoly trader controlling the Australian market. Because Australia is a significant exporter of wheat, their artificially low prices distort the world market and make it harder for U.S. wheat growers to compete.

While Australia did not agree to immediate changes to its Wheat Board, it did agree to reverse its position in the Doha Round negotiations and work with the U.S. to mandate global reform of STEs. This is an important step. It further isolates and undermines the Doha negotiating leverage of other countries that use STEs to distort agriculture markets.

This will particularly help us in our efforts to force reform in Canada. Montana wheat producers are affected daily by the distortions introduced into the U.S. market by the Canadian Wheat Board. This part of the Australia agreement is thus a very positive development, and a clear improvement compared to the status quo.

SPS Issues. Finally, I reminded Ambassador Zoellick of the crucial need for Australia to resolve its sanitary and phytosanitary, or SPS, barriers to U.S. products. In response to U.S. concerns, the Australians agreed to resolve SPS disputes as soon as possible. I am pleased to note that the Australians have made good on this promise in the high-profile dispute over pork. Last month, Australia lifted regulatory barriers to U.S. pork. That one action could mean an additional $50 million in U.S. pork exports.

U.S. negotiators understood my concerns in this agreement. I thank Ambassador Zoellick and his staff—particularly Al Johnson—for addressing them.

Of course, it would be a mistake to think that free trade agreements affect only farmers. For the great swath of American and Montana manufacturing workers hit hard by the more than 3 million jobs lost over the past 3 years, this agreement couldn't come at a better time.

Australia is one of the few large economies with whom the U.S. enjoys a trade surplus. With a standard of living higher than Germany, France, and even Japan, Australia has one of the most robust and fundamentally sound economies in the world. Guaranteed access to a market like this is crucial if we are serious about rebuilding the U.S. economy.

Industrial trade with Australia is already strong, but with this agreement, it will get even stronger. This agreement will eliminate tariffs on more than 99 percent of U.S. goods immediately. Mr. President, 93 percent of current U.S. exports to Australia are manufactured goods, so further economic integration is bound to help U.S. manufacturers and U.S. workers.

These benefits will extend to all parts of the country. Montana industries already export $3.4 million worth of industrial goods to Australia. This number will only grow higher, as a result of this agreement. Montana will benefit not only from increases in direct exports, but from increased demand for other goods that require Montana inputs.

Further benefits would accrue to U.S. exporters from using Australia as a platform for more efficient access to Asian markets. This agreement will thus provide net benefits across a vast spectrum of the U.S. economy—manufacturing, services, investments, and workers.

But let me return to how international trade will help U.S. farmers. This is always a fundamental question, particularly for those of us who represent rural states.

As a Montanan, it is hard to talk about international trade without thinking about agriculture. Over the years, U.S. agriculture has undergone enormous changes, for reasons that are much broader than globalization. The U.S., as a whole, has changed dramatically. Where we live, where we work, the things we make, the technology we use to make things—all of these have changed since our parents' time.

We need a rural America that is not only stable and prosperous; we need a rural America that is compatible in the long-term with a 21st century characterized by mobility and rapid technological advancement. We need a farm economy that is highly adaptive and aggressively focused on competitiveness.

To accomplish this, we need sweeping changes in several areas. We will need more agricultural research—an area suffering from an appalling decline in federal support. We will need a farm policy that facilitates, rather than simply underwrites, the farm economy.

And we will need a vigilant search for new and growing markets.

Of course, many of these needs are beyond the ken of trade policy, but the search for new markets is not. That is why fundamentally we need a strategy that embraces the global trading system.

For the U.S. to remain a superpower in agriculture, we must see the world as it is, not as it used to be. That means we need to focus our attention on global negotiations that will create real fairness in agriculture trade. I share the concern of many about a trade policy agenda that focuses too much attention on bilateral agreements, at the expense of our broader efforts in the World Trade Organization.

Yet, in the trend toward globalization, the industrial world is moving ahead. We should not allow agriculture to be left behind. Leaving agriculture behind in the 20th century trading regime would be disastrous for U.S. farmers, if for no other reason than they are, on the whole, the most productive and technologically advanced in the world. A globalized economy and its institutions are the only forum in which American farmers' technological advantage is most powerful. American agriculture must move ahead to prosper.

We cannot shut agriculture out of the globalizing process. We cannot settle for the status quo, hoping that it will sustain us indefinitely. As the rest of the world's agricultural producers rapidly develop, we cannot hide behind high tariffs and high subsidies.

The U.S. represents only 5 percent of the world's consumers. Yet, in commodity after commodity, we produce far more than Americans can consume. That is true of beef and wheat, for example. And demand from our own 5 percent will likely grow much more slowly than demand from the other 95 percent. There are only so many steaks any one well-fed American can eat. But in the developing world, demand for food still has much room to grow. The more their wealth grows, the more that consumption patterns will shift from low-cost, starchy foods to high-value sources of protein such as beef and wheat.

We are faced, then, with a simple choice: Either we try to turn back the clock to a time of inferior technology and a more insular world or we seek greater access to the markets of the other 95 percent of the world. The choice is clear.

As a nation, we have embarked on a policy of opening markets. This is a wise policy and a sound one. The fruit of this effort should be more and higher-paying jobs for U.S. workers, more abundant choices for our consumers, and greater markets for our farmers and ranchers.

Yet, if we are going to sell our products overseas, then we have to engage global markets. And we can't do that in a vacuum. This means negotiating trade agreements and fighting the distortions—such as high tariffs and high subsidies—that other countries use to undermine our competitiveness. In that fight, we have no better ally than Australia.

At the heart of the matter, engaging global markets means opening doors. And we won't succeed in opening doors to other markets if we won't open our own. We can't insist that China, Thailand, Taiwan, and Japan open their markets to our products, if we aren't also willing to open our markets to theirs. And I can't insist that Ambassador Zoellick accommodate my concerns in a free trade agreement, if I am not willing to offer my support in return.

When Ambassador Zoellick announced the administration's intention to negotiate a free trade agreement, many of us harbored concerns that he would negotiate a far different agreement than the one we have before us today. But the protections that American negotiators built into this agreement are strong. And I congratulate the Trade Representative's office for its skill in negotiating such a tough agreement.

Mr. President, I will support the U.S.-Australia free trade agreement. I look forward to working with my colleagues to make sure that this agreement is implemented fairly. And I look forward to working with the U.S. Trade Representative to make sure that all trade agreements are the best possible deal for Montana.

This is the time for engaging our allies and for opening the door to new markets. This is the time for planting the seeds of a greater world trade system. As the American farmer has done down through the centuries, we should labor today for a future of growth.

RECOGNIZING THE PROFESSIONALISM OF MS. CAROL MADONNA

Mr. AKAKA. Mr. President, I recognize the efforts of Ms. Carol Madonna, a Brookings Institution LEGIS fellow, who has been a tremendous asset to me and my office during the past 18 months. Over the past year and a half, Carol has assisted me with fulfilling my responsibilities as a member of the Senate Committees on Armed Services and Veterans' Affairs. She has worked many long hours to address issues of concern to our men and women in the military, veterans, and Federal employees.

Mr. President, Carol Madonna is an excellent example of a dedicated Federal employee. She is always willing to pitch in and provide assistance. She is a very quick learner and an extremely hard worker. She adapts quickly to changing circumstances and is always responsive to situations. From early bird breakfasts with Pentagon officials to late vote evenings in the Senate, Carol was an invaluable member of my legislative staff and a quick study on the diverse and competing priorities that arise in the Senate on a regular basis. Her professionalism and dedication to getting the job done reflects well on the Defense Supply Center-Philadelphia, an agency within the Defense Logistics Agency, where Carol has been employed for the past 22 years.

Mr. President, Carol Madonna has many accomplishments that are worthy of mention. She is most proud, however, of her two sons, Dan Madonna, a teacher in Philadelphia, and Lee Madonna, who is about to receive his Associate's Degree from Delaware County Community College. As much as my staff and I will miss Carol, we wish her well as she joins her family in Philadelphia, and thank her for her wonderful service to the people of Hawaii and this great Nation.

EMPTY WORDS

Mr. KYL. Mr. President, I ask unanimous consent that the column "Empty Words" by Frank Gaffney, which appears in today's Washington Times, be printed in the RECORD. I believe that this piece appropriately emphasizes the crucial role continued research plays in maintaining the credible nuclear deterrrent of the United States. As more information becomes available regarding covert nuclear programs in North Korea and Iran, the sustainability and credibility of America's nuclear arsenal is of paramount concern.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 15, 2004]

EMPTY WORDS

(By Frank J. Gaffney Jr.)

The U.S. Senate gets back to work today after a week of bipartisan mourning of Ronald Reagan and tributes to his security policy legacy. It is fitting that the first orders of business will be votes on amendments to repudiate two of the initiatives most central to the Gipper's foreign and defense policy success: the maintenance of a credible and safe nuclear deterrent, and protection of Americans against missile attack.

The first effort to reduce last week's Reagan endorsements to empty words will be led by some of the Senate's most liberal Democrats, notably Sens. Edward Kennedy of Massachusetts and Dianne Feinstein of California. They seek to preclude the United States from even researching new nuclear weapons, let alone testing or deploying them.

Ronald Reagan hated nuclear weapons as much as anybody. What is more, he seriously worked to rid the world of them. Yet, unlike these legislators, President Reagan understood—until that day—this country must have effective nuclear forces. He was convinced there was no better way to discourage the hostile use of nuclear weapons against us than by ensuring a ready and credible deterrent.

Toward that end, Mr. Reagan comprehensively modernized America's strategic forces, involving both new weapons and an array of delivery systems. He built two types of intermediate-range nuclear missiles and deployed them to five Western European countries. And, not least, he recognized our deterrent posture depended critically upon a human and physical infrastructure that could design, test, build and maintain the nation's nuclear arsenal. Without such support, America would inexorably be disarmed.

In fact, it is no exaggeration to say that, but for Mr. Reagan's nuclear modernization efforts—most of them over the strenuous objections of senators like Mr. Kennedy and John Kerry—we may well not have a viable nuclear deterrent today. Even with his legacy, 15 years of policies more in keeping with the anti-nuclear "freeze" movement's nostrums than Mr. Reagan's philosophy of "peace through strength" have undermined the deterrent by creeping obsolescence, growing uncertainty about its reliability and safety and loss of infrastructure to ensure its future effectiveness.

This is especially worrisome since some of the research in question would explore whether a Robust Nuclear Earth Penetrator (RNEP) could be developed to penetrate deep underground before detonating. Such a capability would allow us to hold at risk some of the 10,000 concealed and hardened command-and-control bunkers, weapons of mass destruction (WMD) production and storage facilities and other buried high-value targets built by potential adversaries.

If anything, the absence of a credible American capability to attack such targets may have contributed to rogue states' massive investment in these facilities over the past 15 years. One thing is clear: Our restraint in taking even modest steps to modernize our nuclear deterrent—for example, by designing an RNEP or new, low-yield weapons—has certainly not prevented others from trying to "get the Bomb."

There is no more reason—Sens. Kennedy, Kerry and Feinstein's arguments to the contrary notwithstanding—to believe continuing our unilateral restraint will discourage our prospective enemies' proliferation in the future.

Last September, the Senate recognized this reality, rejecting an earlier Feinstein-Kennedy amendment by a vote of 53-41. Five Democrats—Sens. Evan Bayh of Indiana, Fritz Hollings of South Carolina, Zell Miller of Georgia, Ben Nelson of Nebraska and Bill Nelson of Florida—joined virtually every Republican in permitting nuclear weapons research, with the proviso further congressional approval would be required prior to development and production. The prudence of this is even more evident today in light of revelations of covert Iranian and North Korean nuclear activity since last fall.

The other assault on the Reagan legacy will be led by Democratic Sens. Carl Levin of Michigan and Jack Reed of Rhode Island. They hope to strip more than $500 million from defense authorization legislation that would buy anti-missile interceptors, the direct descendant of Ronald Reagan's Strategic Defense Initiative (SDI).

Just last week, former Gorbachev spokesman Gennadi Gerasimov, reminded the world how mistaken those like Sen. Carl Levin, Michigan Democrat, were when they ridiculed and tried to undermine the Reagan missile defense program: "I see President Reagan as a gravedigger of the Soviet Union and the spade that he used to prepare this grave was SDI."

Today, there are published reports the U.N. Security Council has been briefed by its inspectors that ballistic missiles and WMD components were slipped out of Iraq before Saddam Hussein was toppled. Such weapons, like some of the thousands of other short-range missiles in arsenals around the world, could find their way into terrorists' hands and be launched at this country from ships off our shores.

Can there be any doubt but that Ronald Reagan—faced with today's threat of missile attack and the proliferation of nuclear and other weapons of mass destruction—would have been any less resolute in building missile defenses and maintaining our nuclear deterrent than he was in the 1980s? If last week's praise for his visionary leadership two decades ago was not dishonest rhetoric, it should inspire, and guide us all now.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

Mr. McCAIN. Mr. President, since the Bipartisan Campaign Reform Act of 2002, BCRA, became law, many of its detractors have mistakenly argued that it is ineffective and unworkable. Mr. President, I ask unanimous consent that two articles from the Washington Post, an article from the Wall Street Journal, and an article by Anthony Corrado, a visiting Fellow at The Brookings Institution, be printed in the RECORD immediately following my remarks. As these articles describe, BCRA is having exactly the effect intended. Furthermore, as Mr. Corrado points out, BCRA did not serve as the death knell for America's political parties; their fundraising remains strong.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 8, 2004]

Republican 'Soft Money' Groups Find Business Reluctant to Give

(By Thomas B. Edsall)

Republican operatives attempting to compete with Democratic groups for large sums of unregulated presidential campaign funds have run into a number of roadblocks, including reluctance on the part of many corporations to contribute to new independent groups.

The Federal Election Commission last month cleared the way for liberal groups to continue raising millions of dollars of unrestricted contributions, and now GOP groups that have held back are joining in. But in a sign of the problems GOP leaders are encountering, one of the key Republican groups, Progress for America, failed in its bid to recruit James Francis Jr. to become chairman.

Francis ran the Bush 2000 campaign's "Pioneer" program, which produced 246 men and women who each raised at least $100,000. PFA organizers sought out Francis because his close ties to the administration would have lent enormous clout and prestige.

"It gets down to, 'What does it look like?' And it might not look like I was independent," Francis said, adding that he could have complied with laws requiring total separation from the Bush campaign, but critics would still have raised questions.

Meanwhile, election law lawyers said corporations are showing significant reluctance to get back into making "soft money" donations after passage of the McCain-Feingold law that went into effect on Nov. 6, 2002.

Unlike political committees regulated by the FEC, "527s"—named for the section of the tax code that governs their activities—have no restrictions on the sources or amount of contributions, and some have received gifts of $5 million or more. Republicans, encountering corporate unwillingness to give to GOP 527s and seeking to capitalize on the Bush campaign's unprecedented fund-raising success, urged the FEC to clamp down on the these groups' activities.

"I would say that on the whole the corporate business community has been very reluctant to support 527s," said GOP lawyer Jan W. Baran.

Kenneth A. Gross, an election lawyer, said he has told his corporate clients "to proceed with caution." Prospective donors of soft money should be sure to get affirmative statements that the organization asking for money will not coordinate activities with federal candidates in violation of the law, and that the organization will abide by the rules governing political communications, he said.

Overall, pro-Democratic 527 organizations have raised at least $106.6 million, according to PoliticalMoneyLine, three times the $33.6 million raised by pro-Republican groups in this election cycle.

The Democratic advantage disappears, however, when these figures are added to the amounts raised by the national party committees and the presidential campaigns. Then the GOP pulls far ahead, $557.6 million to $393.6 million.

Lobbyist and former House member Bill Paxon, who is vice president of the Leadership Forum, a Republican 527, acknowledged that the GOP 527 effort will not be able to match the Democrats'.

Paxon said donations in the $25,000 to $50,000 range have started to come in from at least a dozen corporations, including Pfizer Inc., Union Pacific Corp., Bell South Corp. and International Paper Inc. In 2002, those four companies gave far more to Republican Party committees, more than $2.6 million.

"We don't expect to be posting huge numbers at the end of this filing," covering the period through the end of June, Paxon said, "but we have laid the groundwork."

Democrats have set up at least seven new 527 organizations. These groups are on track to raise $175 million to $300 million for "independent" issue ads and get-out-the-vote activities.

Financier George Soros, Progressive Corp. Chairman Peter B. Lewis and Hollywood writer-producer Stephen L. Bing have each given more than $7 million to such groups as the Media Fund, America Coming Together and MoveOn.org, which are working to defeat President Bush.

Privately, organizers of the Republican 527s said they have been banking on an outpouring of corporate support to defray start-up costs and to get their programs up and running. Corporate and union money cannot be spent on television ads mentioning federal candidates for 60 days before the general election, although it can be used for voter mobilization.

Signs of corporate wariness toward making soft money contributions could be found in a number of places.

After Francis rejected the chairmanship of PFA, a key leadership role has fallen to co-chairman James W. Cicconi, general counsel and executive vice president at AT&T, but the company has declined to say whether it will give any money to the 527s. "We have not made a comment about that at all," said Claudia B. Jones, director of media relations for AT&T.

A Wall Street Journal survey of the 20 top businesses giving soft money before the new law went into effect showed that more than half of the 20 companies are resisting pressure to give, and only one, Bell South, would say affirmatively that it plans to make corporate contributions.

Baran said that in addition to corporate wariness toward making soft money contributions, the success of the Bush campaign and the Republican National Committee has worked as a disincentive to giving to the 527s:

"A lot of folks on the business side are looking at the $200 million the Bush campaign has raised, and the millions the RNC has raised, and they aren't sure the funding [of the 527s] is all that necessary."

[From the Wall Street Journal, June 7, 2004]

Companies Pare Political Donations

REPUBLICANS FEEL THE BRUNT AS NEW 'SOFT MONEY' RULES UPEND TRADITIONAL GIVING

(By Jeanne Cummings)

WASHINGTON.—Republicans are getting a cold shoulder from some of their traditional corporate benefactors, putting them at a fund-raising disadvantage against new, well-financed political organizations touting the Democratic message.

A Wall Street Journal survey of the top 20 corporate donors to national political party committees during the 2002 election cycle found that more than half—including the likes of Citigroup Inc., Pfizer Inc. and Microsoft Corp.—are resisting giving big-dollar donations to the new, independent organizations that were created after a 2002 campaign-finance reform law restricted such contributions to the political parties.

The reticence illustrates an uneasiness on the part of some of the corporations to get sucked back into the world of unlimited political contributions that they thought campaign reform had left behind. They also seem reluctant to give to untested organizations that are dedicated to partisan political activity, rather than to policy or legislative issues.

Their attitude sends a signal that a major source of the "soft money"—the large and unlimited donations to the national parties that long fed the political system—may have dried up, at least in the short term.

"It reflects what many advocates of reform said: that much of this money was not natural to the political process," said Anthony Corrado, a campaign-finance expert at the Brookings Institution.

The corporate coyness could be an unexpected fund-raising boon to Democratic presumptive nominee John Kerry, who is enjoying an extraordinary year of fund raising.

The big-dollar soft-money contributions were the financial hallmark of past elections, and the flood of such contributions included unregulated and unlimited checks from corporations, labor unions and wealthy individuals. Political parties are barred from accepting soft money under the 2002 law.

However, several new political groups, formed outside the parties in the wake of the law, now are seeking those same checks to conduct political projects, such as voter-mobilization efforts and advertising campaigns.

The Democrats' soft-money base, largely comprising labor unions and wealthy liberals, has responded readily, depositing $40.5 million in new organizations, which are playing a significant role in the presidential campaign.

For instance, the Media Fund, an advertising organization founded by former Clinton aide Harold Ickes, has spent $15 million attacking President Bush or defending Mr. Kerry. America Coming Together, a voter-mobilization group headed by labor turnout guru Steve Rosenthal, has spent nearly $20 million enrolling new voters that could neutralize or best the grass-roots work of the Bush-Cheney operation in swing states.

Republicans had hoped the Federal Election Commission would shut down these groups. But the commissioners didn't, and that has Republicans playing catch-up on tough terrain.

The corporations contacted by The Wall Street Journal that aren't giving in this cycle made about $21.2 million in contributions to the national parties during the 2002 cycle. More than half of that money went to Republican committees—a sum that would have given the new Republican groups a boost in catching the Democrats.

The reluctance of some big companies to give could give cover to other corporations, which collectively contributed $267 million to both parties in the last election cycle—or more than half the $496 million of soft money raised in 2002, according to the Center for Responsive Politics.

"To the extent the big companies use their muscle to reject entreaties by political organization to give money, the medium-size firms will feel that they have a more credible position when they reject them," says Nathaniel Persily, a campaign-finance expert at the University of Pennsylvania Law School.

OLD RELIABLES

Among the companies not giving to these new organizations, whether they have Democrat or Republican ties, are some of the biggest and most reliable corporate donors to the parties, including Fannie Mae, Verizon Communications Inc. and FedEx Corp. Pfizer's decision to bow out of the process means that another 2002 big giver, Pharmacia Co., is also out of the game, since it has since been sold to Pfizer.

Other companies, such as Altria Group Inc. and Freddie Mac, have refused solicitation so far this cycle, but haven't adopted a blanket no-giving policy.

Only BellSouth Corp. said it has decided to donate to the groups. AT&T Corp. and American International Group Inc. refused to say what they plan to do.

This corporate attitude doesn't mean Republican groups won't generate substantial sums to finance independent operations; the party has a healthy roster of deep-pocketed individual donors.

But executives say it's difficult to justify donations to shareholders because the core missions of these new political groups, at best, are only tangentially connected to the company's legislative and regulatory priorities.

TRACK RECORDS

In contrast, the Republican National Committee and Democratic National Committee had platform policy statements on labor, telecommunications, and tax policy.

"In the past we have given to pre-existing organizations that we could look at their track records" and how their work advanced the company's priorities, said Misty Skipper, a spokeswoman for CSX Corp. The company's former chairman, John Snow, is President Bush's secretary of the Treasury but so far it has refused solicitations for this election cycle.

"The new organizations are still evolving and that makes it harder to make a detailed analysis, so we will take them on a case-by-case basis," said Ms. Skipper.

Since the law governing these groups is unsettled, executives say it also raises the risk a corporate donor could get dragged into a political scandal. "Any time there is a new system put in place there is a lot of uncertainty, and nobody in corporate America likes uncertainty," said John Scruggs, vice president for government affairs for Altria, another company that is holding back for now. "I think everybody would just like to see how all this will work before they make any firm decisions."

Perhaps the biggest reason for the reluctance is many executives felt the soft-money system amounted to extortion of private businesses. "It was bad for the country and bad for the political system. And what's bad for the political system is only bad for business," said Edward A. Kangas, retired chairman of Deloitte Touche Tohmatsu who led the corporate fight for passage of the 2002 reform law.

Businesses may open their wallets in future campaign cycles, and they are still contributing to party conventions and a few party entities exempt from the ban, including the Democratic and Republican governors associations.

The chilly reception the new outside organizations are receiving from corporate donors is prompting one of the leading Republican groups, Progress for America, to concentrate its efforts on soliciting wealthy individuals, says President Brian McCabe.

Former Congressman Bill Paxon, who leads the Leadership Forum, an organization associated with the Republican House caucus, said flatly: "We will not have the total number of resources the Democrats have."

Still, the Leadership Forum has assembled lobbyists and influential Republicans committed to raising $25,000 apiece. Next month, it will hold a fund-raising event featuring House Speaker Dennis Hastert.

But the House leadership's embrace of the forum caught the eye of watchdog organizations monitoring possible violations of the law's ban on coordination with elected officials. "We will be filing new complaints," said Fred Wertheimer, a leading reformer.

CORPORATE RELUCTANCE

Former corporate soft-money donors are declining to give to new independent political groups seeking the big checks that parties cannot accept anymore.

Who's Giving: BellSouth.

Who's not giving: AFLAC; Altria Group; BlueCross and BlueShield; Citigroup; CSX; Eli Lilly; Fannie Mae; Freddie Mac; Lockheed Martin; Microsoft; Pfizer; and Verizon.

Source: WSJ research.

[From the Washington Post, June 4, 2004]

A BETTER CAMPAIGN FINANCE SYSTEM

(By E.J. Dionne Jr.)

Pity the poor campaign finance reformers. All their dreams are supposedly going up in smoke.

After all, both President Bush and Sen. John Kerry passed up federal matching funds in the primaries so they could raise record sums of private money. Groups theoretically independent of the parties have run millions of dollars worth of ads, often using huge donations from the very rich. Kerry considered declining to accept the Democratic nomination at his party's convention in July so he could have an extra month to raise and spend private money.

Critics of reform see these developments as signs of a loopy system. In fact, the 2004 campaign will be remembered as one in which the political money system became more democratic and more open. Small contributors have more influence this year. Big contributors have less. Those new big-money political committees are getting a lot of attention because they are now the exception rather than the rule.

Does this mean that the new system pushed through by John McCain and Russ Feingold in the Senate and Chris Shays and Marty Meehan in the House has brought forth perfection? Of course not. Their law was simply a first but important step.

Thanks to the new law, candidates for the presidency, the House and the Senate are not themselves out soliciting unlimited contributions from rich and well-connected people or from big corporations. A lot of business guys are relieved that politicians considering bills that affect their companies aren't on the phone suggesting that it would be awfully nice to see them and their corporate checkbooks at the next "soft money" fundraiser.

The hope of McCain-Feingold was to create a more broadly based political money system—more people contributing in smaller amounts. Partly because of the law and partly because of the inventiveness of political entrepreneurs such as Zephyr Teachout, Howard Dean's director of online organizing, that is what is happening.

Dean began the democratizing process during the primary campaign by creating a base of tens of thousands of small donors. Kerry got the Dean message. He started peppering his speeches with references to "JohnKerry.com" and asking for donations. (Bush, in fairness, can be reached at GeorgeWBush.com.)

Kerry then proceeded to break all Democratic Party records, raising more than $117 million at last count.

The Kerry Web site recently featured Cathy Weigel of North Kansas City, Mo., as its 1 millionth online contributor. For a mere $50 contribution, Weigel got a call from Kerry and a promise of "a great seat at the Inauguration and a prime visit to the White House." Such calls and promises used to go to big soft-money fundraisers who bagged a million or so in contributions.

Yes, problems persist. They always will in this imperfect world. By failing to regulate the "527" political committees (named after the section of the tax code they are organized under), the Federal Election Commission needlessly opened a loophole that could push the system back toward big money. This loophole won't destroy the entire law. Under McCain-Feingold, outside groups will have to operate on smaller contributions starting two months before the election. But the loophole should still be closed.

The system regulating presidential primaries is entirely antiquated, one reason Bush and Kerry both dropped out of it. It worked well for a long time, but now it needs fixing.

It's absurd that simply by delaying his party's convention into September, Bush gave himself not only an extra month more than Kerry to raise private money but also a leg up afterward. In the general election campaign, Kerry will have to stretch the $75 million he gets in public money over three months; Bush will have the same amount to spend in just two months.

The system needs stronger incentives to encourage candidates to base their campaigns on small contributions. Tax credits could cover the cost of providing candidates free airtime. And federal candidates should get the "clean money" option that allows politicians in Arizona and Maine to virtually eschew private fundraising. Those clean-money plans have given new people a chance to enter politics without mortgaging their houses or their souls.

Those who would abandon all efforts to limit money's influence on politics are urging that we live with plutocracy. By indiscriminately pronouncing even successful reform efforts as failures, reform's foes are trying to undermine any attempt to make politics a little more honest, a little less subject to the whims of the wealthy, a little more democratic. The nation's campaign money system is still flawed. But it's better than it used to be.

[May 2004]

NATIONAL PARTY FUNDRAISING REMAINS STRONG, DESPITE BAN ON SOFT MONEY

(By Anthony Corrado)

The national party committees continue to outpace the fundraising totals set in the 2000 election cycle, despite the ban on soft money. The latest totals suggest that the national committees are adapting successfully to the new fundraising restrictions imposed by the Bipartisan Campaign Reform Act (BCRA), more commonly known as McCain-Feingold, and that they will have the resources needed to mount meaningful campaigns on behalf of their candidates in the fall election. Moreover, the parties have demonstrated financial strength despite the unprecedented fundraising efforts of their presumptive presidential nominees and unrestricted fundraising by so-called 527 committees and other nonparty organizations in the quest for campaign dollars in the hotly contested race for the White House.

After 15 months in the 2004 election cycle, the national parties have raised a total of $433 million in hard money alone, compared to $373 million in hard and soft money combined at this point in the 2000 campaign. Every one of the six national committees has substantially increased its hard dollar fundraising in response to the ban on soft money. The Republican committees have replaced all of the $86 million in soft money they had solicited by March of 2000 with hard dollar contributions subject to federal limits. The Democratic committees, which were much more dependent on soft money than their Republican counterparts, raising more than half of their funds from soft contributions at this point in 2000, have already replaced most of their soft money receipts with new hard dollar contributions.

This surge in national party fundraising is the result of a substantial increase in the number of individual contributors that have been added to party rolls. While the higher contribution limits for national party committees adopted under BCRA (up to $57,500 per person every two years) have produced millions of additional dollars for these committees, the vast majority of the increase in party hard money receipts is a result of the extraordinary growth in the number of small donors on both sides of the aisle. (1) No longer able to solicit unlimited soft money donations, the parties are investing more resources in direct mail, telemarketing, and Internet fundraising, with notable success in soliciting small contributions of less than $200. The RNC, which for decades has had the largest donor base of any of the party committees, has added more than a million new donors to its rolls since 2001. (2) The NRCC, in 2003 alone, recruited more than 400,000 new contributors. (3) The DNC has increased its number of direct mail donors from 400,000 in 2001 to more than 1.2 million so far in 2004, and increased its number of email addresses from 70,000 to more than 3 million. In the first four months of this year, the DNC posted 35 million pieces of fundraising mail, which, according to DNC Chairman Terry McAuliffe, exceeded the amount of fundraising mail posted by the committee "in the entire decade of the 1990s."(4)

As anticipated by most observers, the Republicans have proved to be more successful in raising hard dollars than the Democrats, outraising the Democrats by a margin of two-to-one and increasing the fundraising gap between the parties. Overall, the Republican committees collected $288 million during the course of the first 15 months of this cycle, as compared to $216 million in hard and soft money combined four years ago. The Democratic committees took in $145 million, as compared to $157 million in hard and soft money combined four years ago. The Republicans have more than doubled last cycle's hard money total, while the Democrats have almost doubled their hard money receipts, increasing their take by 89 percent. The most recent quarter, however, suggests that the Democrats' investments in small donor fundraising are paying off and that the party may be beginning to narrow the gap. In the first quarter of this election year, the Democrats received $50 million as opposed to $82 million by the Republicans, and recent reports suggest that fundraising on the Democratic side continues to strengthen.(5)

Even so, the Republicans have increased their financial advantage as compared to four years ago, when the Democrats controlled the White House. The gap has grown from about $59 million to $143 million. The Republicans are therefore likely to have an even greater financial advantage over the Democrats than they did four years ago. In 2000, the Republican national party committees received approximately $346 million in hard money, as opposed to $204 million for their Democratic opponents.

The gap between Republicans and Democrats is much narrower in terms of cash available to spend in the months ahead. As of the end of March, the Republican committees had almost $86 million of net cash available to spend, led by the RNC, which has a cash balance of $54 million. The Democrats had $43 million available to spend, led by the DNC, which had $27 million in cash. The expenditure-to-cash ratios for each party are now roughly equivalent, with the Republicans raising twice as much as the Democrats and generating twice as much net cash.

When BCRA was adopted, many observers expressed concern that the law would weaken the parties by depriving them of the resources needed to mount viable campaigns on behalf of their candidates. Yet, to date, the parties have proven that they can effectively adjust to a hard money world. They have altered their strategies and ended their reliance on soft money, replacing large soft money donations with thousands of small individual gifts.

The rise of a number of federal-election-related 527 organizations, which are not wholly subject to federal contribution limits and may raise funds from unlimited sources in unlimited amounts, has not dimmed the resources available to the parties. So far, the monies raised and spent by these committees represents only a portion of the monies the party committees have received, and a relatively small share of the total resources spent so far in this year's federal elections. In the first 15 months of this cycle, the national parties raised $433 million. State and local party committees collected more than $94 million for federal election activity, including $59 million by Republican committees and $35 million by Democratic committees. The presidential contenders, George Bush and John Kerry, took in more than $270 million. Congressional candidates garnered $583 million, or 35 percent more than they raised at this point two years ago.(6) The major new 527 organizations active in federal elections in the aftermath of BCRA (Joint Victory Committee 2004, Media Fund, Americans Coming Together, MoveOn.org, and America Votes) raised slightly more than $47 million, while Club for Growth, a conservative group, generated more than $5 million.(7)

To what extent this will change in the aftermath of the FEC's May 13 decision to defer immediate action on proposed regulations for 527 groups remains to be seen. But it now appears that the parties are benefiting from the deep partisan divide within the country and the high level of competition in the presidential race, which is spurring tens of thousands of individuals to contribute to their preferred party for the first time. This suggests that the funds spent by nonparty groups will supplement, rather than overshadow, the role of the parties in 2004.

ADDITIONAL STATEMENTS

TRIBUTE TO BETTY STRONG

• Mr. HARKIN. Mr. President, earlier this month, Sioux City, IA, lost one of its most passionate and beloved community leaders, Betty Strong.

Betty was an adopted daughter of Iowa—she was born and raised in Missouri—but she became a true Iowan, through and through. She moved to Sioux City in 1953, and for the next half century she worked tirelessly for her community and as an activist in the Democratic Party. She was one of those people who always strove to make a positive difference in the lives of those around her, and Betty succeeded magnificently.

Betty's understanding and passion for politics made her an invaluable participant in countless State, local, and national campaigns. She was a delegate for Vice President Walter Mondale at the 1984 Democratic National Convention, and participated in Senator JOSEPH BIDEN's 1988 Presidential campaign in Iowa. In 2000, she coordinated Iowans for Gore.

I met Betty more than 20 years ago and she quickly became a very dear friend and trusted political counselor. She was my chief supporter and organizer in Sioux City during my first campaign for the Senate.

In 1976, Betty became the first woman to be elected chairperson of the Woodbury County Democratic Party, and she also served on a variety of other local Democratic and women's organizations.

Betty's tireless organizing and campaigning in the late 1980s helped to win the vote to build four new high schools and a juvenile detention center in Sioux City. From 1989 until her death, Betty served as the president of the Missouri River Historical Development Inc., a nonprofit group that built the $4 million Sioux City Lewis and Clark Interpretive Center. Betty was very proud of that center, which, she said, "brings history alive for people of all ages."

The list of Betty's accomplishments runs long, and is a testament to all she has done to better the lives of the people around her. She was involved in politics for all the right reasons. She wasn't seeking fame. She simply wanted a government that worked for all people. Betty Strong embodied the qualities and spirit that people in my State cherish.

Our thoughts and prayers go out to Betty's husband Darrell, their children Sharon, Jackie, and Marvin, and their spouses. Iowans are deeply indebted to Betty for her devotion to public service. We will miss her greatly.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF THE PRESIDENT'S INTENT TO ENTER INTO A FREE TRADE AGREEMENT WITH THE GOVERNMENT OF BAHRAIN—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, (Public Law 107-210; the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Bahrain.

This agreement will create new opportunities for America's workers, farmers, businesses, and consumers by eliminating barriers in trade with Bahrain. Entering into an FTA with Bahrain will not only strengthen our bilateral ties with this important ally, it will also advance my goal of a U.S.-Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the United States-Bahrain FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 15, 2004.*

MESSAGE FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which its requests the concurrence of the Senate:

H.R. 2010. An act to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

H.R. 2055. An act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 3378. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. An act to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 3658. An act to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes.

H.R. 4061. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.R. 4278. An act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

H.R. 4322. An act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

H.R. 4323. An act to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

H.R. 4417. An act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world.

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

H. Con. Res. 260. Concurrent resolution recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country.

H. Con. Res. 439. Concurrent resolution honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France.

The message further announced that the House has passed the following bill, with an amendment:

S. 1663. An act to replace certain Coastal Barrier Resources System maps.

ENROLLED BILLS SIGNED

At 1:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker, during the recess of the Senate, had signed the following enrolled bills:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office".

H.R. 2130. An act to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office".

H.R. 2438. An act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major Henry A. Commiskey, Sr. Post Office Building".

H.R. 3029. An act to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

H.R. 3059. An act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office".

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office".

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

H.R. 3300. An act to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building".

H.R. 3353. An act to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building".

H.R. 3536. An act to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office".

H.R. 3537. An act to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office".

H.R. 3538. An act to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office".

H.R. 3690. An act to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

H.R. 3733. An act to designate the facility of the United States Postal Service located at 410 Huston Street In Altamont, Kansas, as the "Myron V. George Post Office".

H.R. 3740. An act to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

H.R. 3769. An act to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building".

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

H.R. 3939. An act to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

H.R. 3942. An act to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

H.R. 4176. An act to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

H.R. 4299. An act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2010. An act to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2055. An act to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; to the Committee on Energy and Natural Resources.

H.R. 3658. An act to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4061. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on Foreign Relations.

H.R. 4323. An act to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; to the Committee on Armed Services.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world; to the Committee on the Judiciary.

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on the Judiciary.

H. Con. Res. 260. Concurrent resolution recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

H. Con. Res. 439. Concurrent resolution honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar; pursuant to Public Law 108–61, section 9(c)(2)(B):

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7920. A communication from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting, pursuant to law, the Department's report on Fiscal Year 2003 competitive sourcing efforts under the Consolidated Appropriations Act, Fiscal Year 2004; to the Committee on Energy and Natural Resources.

EC–7921. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, the Administration's International Energy Outlook 2004 (IEO2004); to the Committee on Energy and Natural Resources.

EC–7922. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation, entitled the "Harry S. Truman National Historic Site Boundary Adjustment Act" ; to the Committee on Energy and Natural Resources.

EC–7923. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Inspection of Allot 82/182/600 Materials Used in the Fabrication of Pressurizer Penetrations and Stream Space Piping Connections at Pressurized-Water Reactors" (NRC Bulletin 2004–01) received on June 7, 2004; to the Committee on Environment and Public Works.

EC–7924. A communication from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Breakpoint Discounts by Mutual Funds" (RIN3235–AI95) received on June 9, 2004; to the Committee on Finance.

EC–7925. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Timber Fertilization Expenses" (Rev. Rul. 2004–62) received on June 9, 2004; to the Committee on Finance.

EC–7926. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Preproduction Costs of Creative Property" (Rev. Rul. 2004–58) received on June 9, 2004; to the Committee on Finance.

EC–7927. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Preproduction Costs of Creative Properties Safe Harbor Amortization" (Rev. Proc . 2004-36) received on June 9, 2004; to the Committee on Finance.

EC–7928. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7929. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Egypt Economic Report to the Congress; to the Committee on Foreign Relations.

EC–7930. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Colombia; to the Committee on Foreign Relations.

EC–7931. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea and Germany; to the Committee on Foreign Relations.

EC–7932. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license agreement for the manufacture of significany military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–7933. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Japan and the United Kingdom; to the Committee on Foreign Relations.

EC–7934. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Belgium and The Netherlands; to the Committee on Foreign Relations.

EC–7935. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7936. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's Semiannual Report to Congress for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7937. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's internal control systems and their compliance with the provisions of the Federal Managers Financial Integrity Act; to the Committee on Governmental Affairs.

EC–7938. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7939. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Methods of Withdrawing Funds from the Thrift Savings Plan; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Loan Program; Thrift Savings Plan" received on June 9, 2004; to the Committee on Governmental Affairs.

EC–7940. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 8D for Fiscal Years 2000 Through 2003, as of March 31, 2003"; to the Committee on Governmental Affairs.

EC–7941. A communication from the Federal Co-chair, Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7942. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7943. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Commerce from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7944. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in Federal Wage System Survey Job" (RIN3206–AJ79) received on June 9, 2004; to the Committee on Governmental Affairs.

EC–7945. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Computation of Overtime Pay" received on June 9, 2004; to the Committee on Governmental Affairs.

EC–7946. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Physicians' Comparability Allowances" (RIN3206–AJ96) received on June 9, 2004; to the Committee on Governmental Affairs.

EC–7947. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual report to Congress on its competitive sourcing accomplishments; to the Committee on Governmental Affairs.

EC–7948. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7949. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the report of the office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7950. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Education from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S.J. Res. 39. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska:

S. 2518. A bill to amend the Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act to make the consent of Congress to certain compacts contingent on party states sharing the long-term liability for damages caused by radioactive releases from regional facilities; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mrs. HUTCHISON, Ms. CANTWELL, Ms. SNOWE, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. MURRAY, Mrs. DOLE, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. CLINTON, Ms. STABENOW, and Mrs. BOXER):

S. 2519. A bill to authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. CORZINE, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. AKAKA, and Mr. FEINGOLD):

S. 2520. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 2521. A bill to suspend temporarily the duty on certain rayon staple fibers; to the Committee on Finance.

By Mr. CORZINE:

S. 2522. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 1139

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1139, a bill to direct the National Highway Traffic Safety Administration to establish and carry out traffic safety law enforcement and compliance campaigns, and for other purposes.

S. 1411

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1411, supra.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1411, supra.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1737

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1737, a bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets.

S. 1888

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 1897

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1897, a bill to amend title XVIII of the Social Security Act to provide a clarification of congressional intent regarding the counting of residents in a nonprovider setting for purposes making payment for medical education under the medicare program.

S. 2015

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2015, a bill to prohibit energy market manipulation.

S. 2159

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2159, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 2302

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2449

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2449, a bill to require congressional renewal of trade and travel restrictions with respect to Cuba.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S.J. RES. 37

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S.J. Res. 37, a bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 74

At the request of Mrs. CLINTON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 361

At the request of Mr. CHAMBLISS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 361, a resolution supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating.

AMENDMENT NO. 3183

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment no. 3183 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mr. SMITH, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment no. 3183 proposed to S. 2400, supra.

AMENDMENT NO. 3192

At the request of Mr. LEVIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment no. 3192 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3251

At the request of Mr. BOND, his name was added as a cosponsor of amendment no. 3251 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3263

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment no. 3263 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3296

At the request of Mr. SARBANES, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment no. 3296 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3301

At the request of Mr. NELSON of Nebraska, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of amendment no. 3301 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3313

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment no. 3313 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3367

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment no. 3367 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3377

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment no. 3377 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3412

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment no. 3412 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3437

At the request of Mr. BUNNING, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment no. 3437 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mrs. HUTCHISON, Ms. CANTWELL, Ms. SNOWE, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. MURRAY, Mrs. DOLE, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. CLINTON, Ms. STABENOW, and Mrs. BOXER):

S. 2519. A bill to authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes; to the Committee on Foreign Relations.

Ms. MIKULSKI. Mr. President, I am proud to join with my colleague Senator KAY BAILEY HUTCHISON—and the 12 other women of the United States Senate—to introduce the Iraqi Women's and Children's Liberation Act. This legislation authorizes the President to give education, health care benefits and other help to the women and children of Iraq, including ensuring the political participation of women in a new democratic Iraq.

Before Saddam Hussein came to power, Iraq was the progressive center of the Middle East. In the 1940s, Iraqi women were lawyers, physicians, teachers, professors, engineers, scientists, prominent writers, artists and poets. By the late 1950's, women in Iraq enjoyed political freedoms with equal protections under the law and the right to vote.

Under Saddam Hussein, all that changed. Women lost opportunities for education. They were forced out of the work force. Women and children did not have access to health care. The personal rights of women were severely restricted or ignored as Saddam's government sanctioned "honor killings" and rape as a tool of oppression.

The facts speak for themselves. Today, women make up only 17 percent of the Iraqi workforce. Only 29 percent of Iraqi girls attend high school. Illiteracy among Iraqi women is an astronomical 77 percent, compared to 45 percent for men. Death during childbirth or from pregnancy related complications is the leading cause of death of Iraqi women. Health organizations estimate that 90 percent of these deaths are preventable. Right now, 25 percent of the children under the age of 5 in Iraq are malnourished and 1 in 8 dies even before they reach that age.

As America works to help the Iraqi people build a free and democratic nation, it is vitally important that education and health care for women and children are assured. If we are helping create a new government, let us insist that there not be the old rules, the old repression.

Of equal importance is ensuring that women have a seat at the table in a new Iraqi government. Full political participation by women is the best insurance that women's rights will be respected now and in the future.

These are the two important components of our legislation: first, it authorizes the President to provide education and health care assistance for the women and children living in Iraq and to women and children of Iraq who are refugees in other countries. When our own government and the NGOs come in, they should focus significant efforts on making sure women and children have access to education and health care. They should also do their best to partner with and build the capacity of local NGOs to strengthen Iraq's civil society.

Second, it authorizes the President to provide assistance enhancing the political participation, economic empowerment and personal security of Iraqi women. For Iraq to truly be liberated, its women must have a voice in the new political and governmental institutions.

This legislation is really about opportunity-making sure the women and children in Iraq have the opportunity to live productive lives and fulfill their potential, and making sure Iraq has the opportunity to succeed as a democratic nation by tapping the talents of all its citizens. The road to opportunity starts with access to health care so children can thrive and women can raise healthy families. It continues with education to gain the skills and knowledge necessary to support that family and contribute to society as a whole. One of the most important ways to contribute to society is through political participation—whether that means voting, running for office, working in a government agency, or organizing for a cause or a community.

While building the physical infrastructure in Iraq—things like roads, bridges, and power plants—is important, we also need to focus on the social infrastructure that protects women and children and builds hope and opportunity. That is the goal of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraqi Women and Children's Liberation Act of 2004".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For more than 600 years under the Ottoman Empire, women in Iraq were kept inside their homes, repressed, and forbidden to be seen in public without a related male escort.

(2) The Sevres Treaty of 1919, following World War I, installed a new monarchy in Iraq under which education for boys and girls flourished.

(3) Within a span of 20 years, 6 centuries of repression of women in Iraq was reversed. Thousands of women in Iraq became lawyers, physicians, educators, teachers, professors, engineers, prominent writers, artists, and poets, demonstrating the impact of progressive policies on the ability of women in Iraq to achieve.

(4) In 1941, women in Iraq earned equal wages for equal jobs, an achievement still not duplicated in most parts of the world.

(5) On July 14, 1958, the monarchy in Iraq was overthrown by General Abdul-Karim Kasim, who enfranchised women in Iraq with political rights.

(6) In 1959, Iraq became the first country in the Middle East to have a female minister, four female judges, prominent scientists, politicians, and freedom fighters.

(7) The 1959 Code of Personal Status secularized the multi-ethnic state of Iraq. Women enjoyed political and economic rights, successfully participating in the workforce as well as advancing in the political sphere. Women had the right to receive an education and work outside the home. Women were career military officers, oil-project designers, and construction supervisors, and had government jobs in education, medicine, accounting, and general administration.

(8) The Code of Personal Status also granted women extensive legal protections. It gave women the right to vote and granted equal status to men and women under the law. It prohibited marriage by persons under the age of 18 years, arbitrary divorce, and male favoritism in child custody and property inheritance disputes.

(9) The regime of Saddam Hussein regularly used rape and sexual violation of women to control information and suppress opposition in Iraq and tortured and killed female dissidents and female relatives of male dissidents.

(10) The Department of State has reported that more than 200 women in Iraq were beheaded by units of "Fedayeen Saddaam", a paramilitary organization headed by Uday Hussein.

(11) After the 1990 invasion of Kuwait, the regime of Saddam Hussein imposed policies that resulted in severe economic hardship, discrimination, impoverishment, and oppression of women in Iraq. Many women were prevented from working. Presently, women comprise as much as 65 percent of the population of Iraq, but only 19 percent of the workforce.

(12) Men who killed female relatives in "honor killings" were protected from prosecution for murder under Article 111 of the Iraqi Penal Code enacted in 1990. The United Nations Special Rapporteur on Violence Against Women has reported that since the enactment of that article, more than 4,000 women were killed for tarnishing the honor of their families, with the killings occurring by a range of methods that included stoning.

(13) Maternal mortality is the leading cause of death among women of reproductive age in Iraq, and it continues to rise due to lack of basic health care. The maternal mortality rate in Iraq of 292 deaths per 100,000 live births compared with a maternal mortality rate in the United States of 8 deaths per 100,000 live births. 90 percent of the maternal deaths in Iraq are identified as preventable.

(14) More than 48 percent of the population of Iraq is under the age of 18 years. One in four children of the age of 5 years or younger is chronically malnourished. One in eight children dies before the age of 5 years, the highest rate of mortality among children under that age in the region. Some estimate the total rate of child mortality in Iraq to be as high as 13 percent.

(15) Girls and women in Iraq have meager educational opportunities relative to the opportunities available to men and boys in Iraq, and twice as many boys as girls in Iraq attend school. 29 percent of females attend secondary school as compared with 47 percent of males. The illiteracy rate in Iraq is the highest in the Arab world at 61 percent for the general population, 77 percent for women, and 45 percent for men.

(16) Press accounts indicate that many women in Iraq are being pressured to adhere to strict Islamic codes that restrict their mobility and impinge on their human rights.

(17) Security for women in Iraq is an issue of grave concern. Women are afraid to leave their homes or to send their daughters to school.

(18) Women in leadership positions in Iraq are vulnerable to attack. One of the three women on the Iraqi Governing Council was assassinated, and another has a $2,000,000 bounty on her head.

(19) Women from the autonomous Kurdish region travel freely, hold important jobs and political positions, and perform a key role in the revival of the areas of Iraq that have been under Kurdish control. The integration of women in the economic and political spheres of the region provides a contrast to the rest of Iraq and serves as an example of what is possible in Iraq.

(20) According to the 2003 Arab Human Development Report of the United Nations, pervasive exclusion of women from the political, economic, and social spheres hampers development and growth in Arab countries.

(21) Ambassador L. Paul Bremer, the Presidential Envoy to Iraq, has voiced his support of women in Iraq in stating that "[w]e in the coalition are committed to continuing to promote women's rights in Iraq."

(22) Women have participated in planning for Iraq's political future in the following way:

(A) 3 out of 25 people on the Iraqi Governing Council are women.

(B) One of the government ministries is led by a woman. 16 of the 25 deputy minister positions are held by women.

(C) 15 of the 1,000 nationally-appointed judges are women.

(23) Resolution 137 was adopted in a closed session (sponsored by conservative Shiite members) on December 29, 2003, with the intent of reversing family law. The adoption of that resolution threatened negative impacts on the rights of women to education, employment, mobility, property inheritance, divorce, and child custody.

(24) Ambassador Bremer, who has veto power, stated that he would not sign Resolution 137 into law.

(25) The Iraqi Governing Council revoked Resolution 137 on February 27, 2004, in part due to pressure from women's groups. However some members of the Governing Council walked out to protest this action.

(26) The Transitional Administrative Law (TAL) that establishes the framework for the interim government of Iraq was officially signed on March 8, 2004. It aims to achieve a goal of having women constitute not less than 25 percent of the members of Iraq's interim legislature. It does not express a goal for a representation rate for women in the executive or judicial branch of the interim government. It also provides that Sharia, the Islamic law, can be a source, but not the only source, of Iraqi law.

(27) United States officials propose to turn over political power to Iraqis on June 30, 2004. Some factions have already voiced strong objection to the TAL and could press ahead with their goal of making Sharia the supreme law of Iraq.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should ensure that women and children in Iraq benefit from the liberation of Iraq from the regime of Saddam Hussein;

(2) women of all ethnic groups in Iraq should be included in the economic and political reconstruction of Iraq;

(3) women should be involved in the drafting and review of the key legal instruments, especially the constitution, of the emerging nation in Iraq in order to ensure that the transition to that nation does not involve or facilitate the erosion of the rights of women in Iraq;

(4) women should have membership in any legislature or other committee, body, or structure convened to advance the reconstruction of Iraq that builds on the goal provided for in the Transitional Administrative Law;

(5) women should have a similar level of representation in leadership posts in all levels of government in Iraq, including ministers and judges, whether local or national, and women should be integrated in all levels of political process in Iraq, especially the building of political parties;

(6) the presence of women on the Iraqi Governing Council should better represent the percentage of women in the general population of Iraq;

(7) the participation and contribution of women to the economy of Iraq should be fostered by awarding contracts and sub-contracts to women and women-led businesses and by ensuring the availability of credit for women;

(8) continued emphasis and support should be granted to grass-roots organization and civil society building in Iraq, with special emphasis on organizing, mobilizing, educating, training, and building the capacities of women and ensuring the incorporation of their voices in decision-making in Iraq;

(9) the security needs of women in Iraq should be addressed and special emphasis placed on recruiting and training women for the police force in Iraq; and

(10) the Government of Iraq should adhere to internationally accepted standards on human rights and rights of women and children.

SEC. 4. AUTHORIZATION OF ASSISTANCE.

(a) EDUCATION AND HEALTH CARE ASSISTANCE FOR WOMEN AND CHILDREN.—The President is authorized to provide education and health care assistance for the women and children living in Iraq and to women and children of Iraq who are refugees in other countries.

(b) Enhancement of Political Participation, Economic Empowerment, Civil Society, and Personal Security of Women.—The President is authorized to provide assistance for the enhancement of political participation, economic empowerment, civil society, and personal security of women in Iraq.

(c) Sense of Congress on Provision of Authorized Assistance.—It is the sense of Congress that the President should ensure that assistance is provided under subsections (a) and (b) in a manner that protects and promotes the human rights of all people in Iraq, utilizing indigenous institutions and nongovernmental organizations, especially women's organizations, to the extent possible.

(d) Sense of Congress on Promotion of Human Rights in Provision of Assistance to Government of Iraq.—In providing assistance to the government of Iraq, the President should ensure that such assistance is conditioned on the government of Iraq making continued progress toward internationally accepted standards of human rights and the rights of women.

(e) Reports.—Not later than six months after the date of the enactment of this Act, and every six months thereafter during the three-year period beginning on such date, the Secretary of State shall submit to the appropriate congressional committees a report that sets forth the following:

(1) A comprehensive description and assessment of the conditions and status of women and children in Iraq as of the date of the report, including a description of any changes in such conditions and status during the six-month period ending on such date.

(2) A statement of the number of women and children of Iraq who are in refugee camps throughout the Middle East as of the date of such report, a description of their conditions as of such date, and a description of any changes in such conditions during the six-month period ending on such the date.

(3) A statement the expenditures of the United States Government during the six-month period ending on the date of such report to promote the education, health, security, human rights, opportunities for employment, judicial and civil society involvement and political participation of women in Iraq.

(f) Appropriate Congressional Committees Defined.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations and Foreign Relations of the Senate; and

(2) the Committees Appropriations and International Relations of the House of Representatives.

By Mr. CORZINE:

S. 2522. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise to introduce legislation to increase the VA home loan guaranty so that veterans participating in the program may secure a mortgage comparable to what they could obtain in the conventional mortgage market.

The VA home loan guaranty program, which Congress created in 1944, has assisted millions of veterans—many of whom missed the opportunity to accumulate savings or build credit during their time of service—purchase a home. Under the program, an eligible veteran may purchase a home through a private lender and the VA guarantees to pay the lender a portion of the losses if the veteran defaults on the loan.

Unfortunately, the VA currently only guarantees a maximum of $60,000 on a loan. This means, effectively, that a lender will only loan four times the amount of the guaranty, or $240,000, to a veteran seeking a home loan.

While a loan of this size is sufficient to assist many veterans in purchasing a home, it is insufficient for many other veterans, particularly those living in high cost areas, like my state of New Jersey. In most places in my State, the cost of purchasing a home exceeds $240,000. For example, the median home sale price is Newark, New Jersey in 2003, was $331,200. In Middlesex, Hunterdon, and Somerset, the median sales price in 2003, was $314,000.

Thus, unfortunately for many veterans living in these high cost areas, the VA home loan program is inaccessible because the guaranty is so low.

My legislation would increase the VA guaranty to 25 percent of the Freddie Mac conforming loan limit, or $83,425. With such an increase, a participating veteran could borrow up to $333,700—which is the conventional loan limit—towards the purchase of a home. And, because Freddie Mac updates its conforming loan limit annually to account for changes in average housing prices, pegging the VA home loan guaranty to this index would ensure that the guaranty and available mortgage limits rise with housing inflation.

My legislation, which the House Veterans Affairs Committee recently approved, would ensure that more veterans have a chance at the American Dream of owning a home. What is more, my legislation would not cost the U.S. Treasury a cent. In fact, according to the Congressional Budget Office (CBO), it would raise approximately $42 million a year, through increased user fees associated with the VA home loan program.

This legislation is simple, it's cost effective, and it would assist our veterans, who have traded years of traditional employment to serve our country, purchase a home. I hope that my colleagues will join me in supporting this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) Maximum Loan Guaranty Based on 100 Percent of Freddie Mac Conforming Loan Rate.—Section 3703(a)(1) of title 38, United States Code, is amended by striking "$60,000" each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting "the maximum guaranty amount (as defined in subparagraph (C))".

(b) Definition.—Such section is further amended by adding at the end the following new subparagraph:

"(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3450. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3352 proposed by Mr. REED (for himself, Mr. Hagel, Mr. McCain, Mr. Corzine, Mr. Akaka, and Mr. Biden) to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3451. Mr. WARNER (for Mr. Shelby) proposed an amendment to the bill S. 2238, to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

TEXT OF AMENDMENTS

SA 3450. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3352 proposed by Mr. Reed (for himself, Mr. Hagel, Mr. McCain, Mr. Corzine, Mr. Akaka, and Mr. Biden) to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Strike line 2 and insert the following:

"502,400, subject to the condition that the costs of active duty personnel of the Army in excess of 482,400 shall be paid out of funds authorized to be appropriated for fiscal year 2005 for a contingent emergency reserve fund or as an emergency supplemental appropriation".

SA 3451. Mr. WARNER (for Mr. Shelby) proposed an amendment to the bill S. 2238, to amend the National Flood Insurance Act of 1968 to reduce losses to the properties for which repetitive flood insurance claim payments have been made; as follows:

On page 2, line 3, strike "Flood Insurance Reform Act of 2004" and insert "Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004".

On page 7, line 6, insert "that decide to participate in the pilot program established under this section" after "communities".

On page 7, line 20, strike "3" and insert "4".

On page 7, line 24, strike "$3,000" and insert "$5,000".

On page 7, line 26, strike "$15,000" and insert "$20,000".

On page 8, line 19, strike "1 foot above".

On page 8, line 22, strike "(f)" and insert "(g)".

On page 8, line 25, strike "1-year period" and insert "fiscal year".

On page 10, between lines 13 and 14, insert the following:

"(e) Notice of Mitigation Program.—

"(1) In general.—Upon selecting a State or community to receive assistance under subsection (a) to carry out eligible activities, the Director shall notify the owners of a severe repetitive loss property, in plain language, within that State or community—

"(A) that their property meets the definition of a severe repetitive loss property under this section;

"(B) that they may receive an offer of assistance under this section;

"(C) of the types of assistance potentially available under this section;

"(D) of the implications of declining such offer of assistance under this section; and

"(E) that there is a right to appeal under this section.

"(2) Identification of severe repetitive loss properties.—The Director shall take such steps as are necessary to identify severe repetitive loss properties, and submit that information to the relevant States and communities.

On page 10, line 14, strike "(e)" and insert "(f)".

On page 10, line 23, insert ", in a manner consistent with the allocation formula under paragraph (5)" after "time".

On page 11, between lines 3 and 4, insert the following:

"(3) Consultation.—In determining for which eligible activities under subsection (c) to provide assistance with respect to a severe repetitive loss property, the relevant States and communities shall consult, to the extent practicable, with the owner of the property.

"(4) Deference to local mitigation decisions.—The Director shall not, by rule, regulation, or order, establish a priority for funding eligible activities under this section that gives preference to one type or category of eligible activity over any other type or category of eligible activity.

"(5) Allocation.—

"(A) In general.—Subject to subparagraphs (B) and (C), of the total amount made available for assistance under this section in any fiscal year, the Director shall allocate assistance to a State, and the communities located within that State, based upon the percentage of the total number of severe repetitive loss properties located within that State.

"(B) Redistribution.—Any funds allocated to a State, and the communities within the State, under subparagraph (A) that have not been obligated by the end of each fiscal year shall be redistributed by the Director to other States and communities to carry out eligible activities in accordance with this section.

"(C) Exception.—Of the total amount made available for assistance under this section in any fiscal year, 10 percent shall be made available to communities that—

"(i) contain one or more severe repetitive loss properties; and

"(ii) are located in States that receive little or no assistance, as determined by the Director, under the allocation formula under subparagraph (A).

On page 11, line 4, strike "(3)" and insert "(6)".

On page 11, line 9, strike "(f)" and insert "(g)".

On page 13, line 3, strike "(g)" and insert "(h)".

On page 16, line 11, strike "historic places" and insert "Historic Places".

On page 16, after line 25, insert the following:

"(vi) The owner of the property, based on independent information, such as contractor estimates or other appraisals, demonstrates that an alternative eligible activity under subsection (c) is at least as cost effective as the initial offer of assistance.

On page 17, line 22, strike "that the grounds" and insert "in favor of the property owner".

On page 17, line 24, strike "make a determination of how much to" and insert "require the Director to".

On page 18, lines 4 through 6, strike "and the Director shall promptly reduce the chargeable risk premium rate for such property by such amount" and insert "to the amount paid prior to the offer to take action under paragraph (1) or (2) of subsection (c)".

On page 19, line 6, strike "Flood" and insert "Bunning-Bereuter-Blumenauer Flood".

On page 19, line 16, strike "(h)" and insert "(i)".

On page 20, between lines 2 and 3, insert the following:

"(j) Rules.—

"(1) In general.—The Director shall, by rule—

"(A) subject to subsection (f)(4), develop procedures for the distribution of funds to States and communities to carry out eligible activities under this section; and

"(B) ensure that the procedures developed under paragraph (1)—

"(i) require the Director to notify States and communities of the availability of funding under this section, and that participation in the pilot program under this section is optional;

"(ii) provide that the Director may assist States and communities in identifying severe repetitive loss properties within States or communities;

"(iii) allow each State and community to select properties to be the subject of eligible activities, and the appropriate eligible activity to be performed with respect to each severe repetitive loss property; and

"(iv) require each State or community to submit a list of severe repetitive loss properties to the Director that the State or community would like to be the subject of eligible activities under this section.

"(2) Consultation.—Not later than 90 days after the date of enactment of this Act, the Director shall consult with State and local officials in carrying out paragraph (1)(A), and provide an opportunity for an oral presentation, on the record, of data and arguments from such officials.

On page 20, line 3, strike "(i)" and insert "(k)".

On page 20, line 7, strike "2004,".

On page 20, line 8, strike "and 2008" and insert "2008, and 2009".

On page 20, line 19, strike "section 1361A" and insert "this section".

On page 20, line 20, strike "(j)" and insert "(l)".

On page 20, line 22, strike "2008" and insert "2009".

On page 22, line 12, strike "(m)" and insert "(l)".

On page 22, strike line 21 and all that follows through page 23, line 3, and insert the following:

(d) Funding.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) in each fiscal year, amounts from the National Flood Insurance Fund not exceeding $40,000,000, to remain available until expended;";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c) Administrative Expenses.—The Director may use not more than 5 percent of amounts made available under subsection (b) to cover salaries, expenses, and other administrative costs incurred by the Director to make grants and provide assistance under sections 1366 and 1323.".

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. COCHRAN. Mr. President, I announce that the Subcommittee on Production and Price Competitiveness of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on June 23, 2004 in SD–628 at 10 a.m. The purpose of this hearing will be to examine proposed legislation permitting the Administrator of the Environmental Protection Agency to register Canadian pesticides. Agenda: S. 1406.

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 22, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony regarding High Performance Computing: Regaining U.S. Leadership.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 15, 2004, at 11 a.m. to conduct a hearing on the nomination of the Hon. Alan Greenspan, of New York, to be chairman of the board of governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

Mr. INHOFE. Mr. President: I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 15, 2004, at 9:30 a.m. on Oversight of Pipeline Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 15, 2004, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on U.S.—Australia and U.S.—Morocco Free Trade Agreements; and to consider S.J. Res. 39, Approving the Renewal of Import Restrictions Contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 15, 2004 at 9:30 a.m. to hold a hearing on Sea Island and Beyond: Status Report on the Global Partnership Against Weapons of Mass Destruction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 15, 2004 at 2:30 p.m. to hold a hearing on Sudan: Peace But At What Price?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 15, 2004 at 4:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, June 15, 2004, at 10:30 a.m. for a hearing titled "A Review of Current Efforts to Combat Terrorism Financing."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 15 at 10:45 a.m.

The purpose of this hearing is to receive testimony regarding crude oil supply, gasoline demand and the effects on prices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 15, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1530, the Tribal Parity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, June 15, 2004 at 10 a.m., on "Biometric Passports" in the Dirksen Senate Office Building, room 226. The witness list will be provided later today.

Panel I: The Honorable Maria Cantwell, United States Senator [D-WA].

Panel II: The Honorable Asa Hutchinson, Under Secretary for Border and Transportation Security, Department of Homeland Defense, Washington, DC; The Honorable Maura Harty, Assistant Secretary for Consular Affairs, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 15, 2004 at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. INHOFE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, June 15, 2004 from 10:15 a.m.-12:30 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Providing Substance Abuse Prevention and Treatment Services to Adolescents during the session of the Senate on Tuesday, June 15, 2004, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. TALENT. Mr. President, I ask unanimous consent that Lore Aquayo of my office be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE REFORM ACT OF 2004

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 513, S. 2238.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2238) to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

There being no objection, the Senate proceeded to consider the bill which was reported by the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 2238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Flood Insurance Reform Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.

TITLE I—AMENDMENTS TO FLOOD INSURANCE ACT OF 1968

Sec. 101. Extension of program and consolidation of authorizations.
Sec. 102. Establishment of pilot program for mitigation of severe repetitive loss properties.
Sec. 103. Amendments to existing flood mitigation assistance program.
Sec. 104. FEMA authority to fund mitigation activities for individual repetitive claims properties.
Sec. 105. Amendments to additional coverage for compliance with land use and control measures.
Sec. 106. Actuarial rate properties.
Sec. 107. Geospatial digital flood hazard data.
Sec. 108. Replacement of mobile homes on original sites.
Sec. 109. Reiteration of FEMA responsibility to map mudslides.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Supplemental forms.

Sec. 203. Acknowledgement form.
Sec. 204. Flood insurance claims handbook.
Sec. 205. Appeal of decisions relating to flood insurance coverage.
Sec. 206. Study and report on use of cost compliance coverage.
Sec. 207. Minimum training and education requirements.
Sec. 208. GAO study and report.
Sec. 209. Prospective payment of flood insurance premiums.
Sec. 210. Report on changes to fee schedule or fee payment arrangements.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the national flood insurance program—

(A) identifies the flood risk;

(B) provides flood risk information to the public;

(C) encourages State and local governments to make appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses; and

(D) makes flood insurance available on a nationwide basis that would otherwise not be available, to accelerate recovery from floods, mitigate future losses, save lives, and reduce the personal and national costs of flood disasters;

(2) the national flood insurance program insures approximately 4,400,000 policyholders;

(3) approximately 48,000 properties currently insured under the program have experienced, within a 10-year period, 2 or more flood losses where each such loss exceeds the amount $1,000;

(4) approximately 10,000 of these repetitive-loss properties have experienced either 2 or 3 losses that cumulatively exceed building value or 4 or more losses, each exceeding $1,000;

(5) repetitive-loss properties constitute a significant drain on the resources of the national flood insurance program, costing about $200,000,000 annually;

(6) repetitive-loss properties comprise approximately 1 percent of currently insured properties but are expected to account for 25 to 30 percent of claims losses;

(7) the vast majority of repetitive-loss properties were built before local community implementation of floodplain management standards under the program and thus are eligible for subsidized flood insurance;

(8) while some property owners take advantage of the program allowing subsidized flood insurance without requiring mitigation action, others are trapped in a vicious cycle of suffering flooding, then repairing flood damage, then suffering flooding, without the means to mitigate losses or move out of harm's way;

(9) mitigation of repetitive-loss properties through buyouts, elevations, relocations, or flood-proofing will produce savings for policyholders under the program and for Federal taxpayers through reduced flood insurance losses and reduced Federal disaster assistance;

(10) a strategy of making mitigation offers aimed at high-priority repetitive-loss properties and shifting more of the burden of recovery costs to property owners who choose to remain vulnerable to repetitive flood damage can encourage property owners to take appropriate actions that reduce loss of life and property damage and benefit the financial soundness of the program;

(11) the method for addressing repetitive-loss properties should be flexible enough to take into consideration legitimate circumstances that may prevent an owner from taking a mitigation action; and

(12) focusing the mitigation and buy-out of repetitive loss properties upon communities and property owners that choose to voluntarily participate in a mitigation and buy-out program will maximize the benefits of such a program, while minimizing any adverse impact on communities and property owners.

TITLE I—AMENDMENTS TO FLOOD INSURANCE ACT OF 1968

SEC. 101. EXTENSION OF PROGRAM AND CONSOLIDATION OF AUTHORIZATIONS.

(a) Borrowing Authority.—The first sentence of section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), is amended by striking "through December" and all that follows through ", and" and inserting "through the date specified in section 1319, and".

(b) Authority for Contracts.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking "after" and all that follows and inserting "after September 30, 2008.".

(c) Emergency Implementation.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)), is amended by striking "during the period" and all that follows through "in accordance" and inserting "during the period ending on the date specified in section 1319, in accordance".

(d) Authorization of Appropriations for Studies.—Section 1376(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)), is amended by striking "through" and all that follows and inserting "through the date specified in section 1319, for studies under this title.".

SEC. 102. ESTABLISHMENT OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) In General.—The National Flood Insurance Act of 1968 is amended by inserting after section 1361 (42 U.S.C. 4102) the following:

"SEC. 1361A. PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

"(a) Authority.—To the extent amounts are made available for use under this section, the Director may, subject to the limitations of this section, provide financial assistance to States and communities for taking actions with respect to severe repetitive loss properties (as such term is defined in subsection (b)) to mitigate flood damage to such properties and losses to the National Flood Insurance Fund from such properties.

"(b) Severe Repetitive Loss Property.—For purposes of this section, the term 'severe repetitive loss property' has the following meaning:

"(1) Single-family properties.—In the case of a property consisting of 1 to 4 residences, such term means a property that—

"(A) is covered under a contract for flood insurance made available under this title; and

"(B) has incurred flood-related damage—

"(i) for which 3 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding $3,000, and with the cumulative amount of such claims payments exceeding $15,000; *or*

"(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

"(2) Multifamily properties.—In the case of a property consisting of 5 or more residences, such term shall have such meaning as the Director shall by regulation provide.

"(c) Eligible Activities.—Amounts provided under this section to a State or community may be used only for the following activities:

"(1) Mitigation activities.—To carry out mitigation activities that reduce flood damages to severe repetitive loss properties, including elevation, relocation, demolition, and floodproofing of structures, and minor physical localized flood control projects, and the demolition and rebuilding of properties to at least 1 foot above Base Flood Elevation or greater, if required by any local ordinance.

"(2) Purchase.—To purchase severe repetitive loss properties, subject to subsection (f).

"(d) Matching Requirement.—

"(1) In general.—Except as provided in paragraph (2), in any 1-year period the Director may not provide assistance under this section to a State or community in an amount exceeding 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from non-Federal funds for carrying out the eligible activities to be funded with such assistance amounts.

"(2) Reduced community match.—With respect to any 1-year period in which assistance is made available under this section, the Director may adjust the contribution required under paragraph (1) by any State, and for the communities located in that State, to not less than 10 percent of the cost of the activities for each severe repetitive loss property for which grant amounts are provided if, for such year—

"(A) the State has an approved State mitigation plan meeting the requirements for hazard mitigation planning under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) that specifies how the State intends to reduce the number of severe repetitive loss properties; and

"(B) the Director determines, after consultation with the State, that the State has taken actions to reduce the number of such properties.

"(3) Non-federal funds.—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, in-kind contributions, any salary paid to staff to carry out the eligible activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

"(e) Standards for Mitigation Offers.—The program under this section for providing assistance for eligible activities for severe repetitive loss properties shall be subject to the following limitations:

"(1) Priority.—In determining the properties for which to provide assistance for eligible activities under subsection (c), the Director shall provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time.

"(2) Offers.—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties to take eligible activities under subsection (c) as soon as practicable.

"(3) Notice.—Upon making an offer to provide assistance with respect to a property for any eligible activity under subsection (c), the State or community shall notify each holder of a recorded interest on the property of such offer and activity.

"(f) Purchase Offers.—A State or community may take action under subsection (c)(2) to purchase a severe repetitive loss property only if the following requirements are met:

“(1) USE OF PROPERTY.—The State or community enters into an agreement with the Director that provides assurances that the property purchased will be used in a manner that is consistent with the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)) for properties acquired, accepted, or from which a structure will be removed pursuant to a project provided property acquisition and relocation assistance under such section 404(b).

“(2) OFFERS.—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties and of associated land to engage in eligible activities as soon as possible.

“(3) PURCHASE PRICE.—The amount of purchase offer is not less than the greatest of—

“(A) the amount of the original purchase price of the property, when purchased by the holder of the current policy of flood insurance under this title;

“(B) the total amount owed, at the time the offer to purchase is made, under any loan secured by a recorded interest on the property; and

“(C) an amount equal to the fair market value of the property immediately before the most recent flood event affecting the property, *or an amount equal to the current fair market value of the property.*

“(4) COMPARABLE HOUSING PAYMENT.—If a purchase offer made under paragraph (2) is less than the cost of the homeowner-occupant to purchase a comparable replacement dwelling outside the flood hazard area in the same community, the Director shall make available an additional relocation payment to the homeowner-occupant to apply to the difference.

“(g) INCREASED PREMIUMS IN CASES OF REFUSAL TO MITIGATE.—

“(1) IN GENERAL.—In any case in which the owner of a severe repetitive loss property refuses an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property, the Director shall—

“(A) notify each holder of a recorded interest on the property of such refusal; and

“(B) notwithstanding subsections (a) through (c) of section 1308, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time that the offer was made, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to paragraph (2) and subject to the limitation under paragraph (3).

“(2) INCREASED PREMIUMS UPON SUBSEQUENT FLOOD DAMAGE.—Notwithstanding subsections (a) through (c) of section 1308, if the owner of a severe repetitive loss property does not accept an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property and a claim payment exceeding $1,500 is made under flood insurance coverage under this title for damage to the property caused by a flood event occurring after such offer is made, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time of such flood event, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to this paragraph and subject to the limitation under paragraph (3).

“(3) LIMITATION ON INCREASED PREMIUMS.—In no case may the chargeabie premium rate for a severe repetitive loss property be increased pursuant to this subsection to an amount exceeding the applicable estimated risk premium rate for the area (or subdivision thereof) under section 1307(a)(1).

“(4) TREATMENT OF DEDUCTIBLES.—Any increase in chargeable premium rates required under this subsection for a severe repetitive loss property may be carried out, to the extent appropriate, as determined by the Director, by adjusting any deductible charged in connection with flood insurance coverage under this title for the property.

“(5) NOTICE OF CONTINUED OFFER.—Upon each renewal or modification of any flood insurance coverage under this title for a severe repetitive loss property, the Director shall notify the owner that the offer made pursuant to subsection (c) is still open.

“(6) APPEALS.—

“(A) IN GENERAL.—Any owner of a severe repetitive loss property may appeal a determination of the Director to take action under paragraph (1)(B) or (2) with respect to such property, based only upon the following grounds:

“(i) As a result of such action, the owner of the property will not be able to purchase a replacement primary residence of comparable value and that is functionally equivalent.

“(ii) Based on independent information, such as contractor estimates or appraisals, the property owner believes that the price offered for purchasing the property is not an accurate estimation of the value of the property, or the amount *of Federal funds* offered for mitigation activities, *when combined with funds from non-Federal sources,* will not cover the actual cost of mitigation.

“(iii) As a result of such action, the preservation or maintenance of any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of historic places will be interfered with, impaired, or disrupted.

“(iv) The flooding that resulted in the flood insurance claims described in subsection (b)(2) for the property resulted from significant actions by a third party in violation of Federal, State, or local law, ordinance, or regulation.

“(v) In purchasing the property, the owner relied upon flood insurance rate maps of the Federal Emergency Management Agency that were current at the time and did not indicate that the property was located in an area having special flood hazards.

“(B) PROCEDURE.—An appeal under this paragraph of a determination of the Director shall be made by filing, with the Director, a request for an appeal within 90 days after receiving notice of such determination. Upon receiving the request, the Director shall select, from a list of independent third parties compiled by the Director for such purpose, a party to hear such appeal. Within 90 days after filing of the request for the appeal, such third party shall review the determination of the Director and shall set aside such determination if the third party determines that the grounds under subparagraph (A) exist. During the pendency of an appeal under this paragraph, the Director shall stay the applicability of the rates established pursuant to paragraph (1)(B) or (2), as applicable.

“(C) EFFECT OF FINAL DETERMINATION.—In an appeal under this paragraph—

“(i) if a final determination is made that the grounds under subparagraph (A) exist, the third party hearing such appeal shall make a determination of how much to reduce the chargeable risk premium rate for flood insurance coverage for the property involved in the appeal from the amount required under paragraph (1)(B) or (2) and the Director shall promptly reduce the chargeable risk premium rate for such property by such amount; and

“(ii) if a final determination is made that the grounds under subparagraph (A) do not exist, the Director shall promptly increase the chargeable risk premium rate for such property to the amount established pursuant to paragraph (1)(B) or (2), as applicable, and shall collect from the property owner the amount necessary to cover the stay of the applicability of such increased rates during the pendency of the appeal.

“(D) COSTS.—If the third party hearing an appeal under this paragraph is compensated for such service, the costs of such compensation shall be borne—

“(i) by the owner of the property requesting the appeal, if the final determination in the appeal is that the grounds under subparagraph (A) do not exist; and

“(ii) by the National Flood Insurance Fund, if such final determination is that the grounds under subparagraph (A) do exist.

“(E) REPORT.—Not later than 6 months after the date of the enactment of the Flood Insurance Reform Act of 2004, the Director shall submit a report describing the rules, procedures, and administration for appeals under this paragraph to—

“(i) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(ii) the Committee on Financial Services of the House of Representatives.

“(h) DISCRETIONARY ACTIONS IN CASES OF FRAUDULENT CLAIMS.—If the Director determines that a fraudulent claim was made under flood insurance coverage under this title for a severe repetitive loss property, the Director may—

“(1) cancel the policy and deny the provision to such policyholder of any new flood insurance coverage under this title for the property; or

“(2) refuse to renew the policy with such policyholder upon expiration and deny the provision of any new flood insurance coverage under this title to such policyholder for the property.

“(i) FUNDING.—

“(1) IN GENERAL.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to provide assistance under this section in each of fiscal years 2004, 2005, 2006, 2007, and 2008, except that the amount so used in each such fiscal year may not exceed $40,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under this subsection, the Director may use up to 5 percent for expenses associated with the administration of section 1361A.

“(j) TERMINATION.—The Director may not provide assistance under this section to any State or community after September 30, 2008.”.

(b) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (7), by striking “and” at the end; and

(2) by striking paragraph (8) and inserting the following:

"(8) for financial assistance under section 1361A to States and communities for taking actions under such section with respect to severe repetitive loss properties, but only to the extent provided in section 1361A(i); and".

SEC. 103. AMENDMENTS TO EXISTING FLOOD MITIGATION ASSISTANCE PROGRAM.

(a) STANDARD FOR APPROVAL OF MITIGATION PLANS.—Section 1366(e)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by adding at the end the following new sentence: "The Director may approve only mitigation plans that give priority for funding to such properties, or to such subsets of properties, as are in the best interest of the National Flood Insurance Fund.".

(b) PRIORITY FOR MITIGATION ASSISTANCE.—Section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by striking paragraph (4) and inserting the following:

"(4) PRIORITY FOR MITIGATION ASSISTANCE.—In providing grants under this subsection for mitigation activities, the Director shall give first priority for funding to such properties, or to such subsets of such properties as the Director may establish, that the Director determines are in the best interests of the National Flood Insurance Fund and for which matching amounts under subsection (f) are available.".

(c) COORDINATION WITH STATES AND COMMUNITIES.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by adding at the end the following:

"(m) COORDINATION WITH STATES AND COMMUNITIES.—The Director shall, in consultation and coordination with States and communities take such actions as are appropriate to encourage and improve participation in the national flood insurance program of owners of properties, including owners of properties that are not located in areas having special flood hazards [but are located within the 100-year floodplain] *(the 100-year floodplain), but are located within flood prone areas.*".

(d) FUNDING.—Section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d(b)) is amended by striking paragraph (1) and inserting the following:

"(1) in each fiscal year, amounts from the National Flood Insurance Fund not exceeding $40,000,000, to remain available until expended;".

(e) REDUCED COMMUNITY MATCH.—Section 1366(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(g)), is amended—

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) REDUCED COMMUNITY MATCH.—With respect to any 1-year period in which assistance is made available under this section, the Director may adjust the contribution required under paragraph (1) by any State, and for the communities located in that State, to not less than 10 percent of the cost of the activities for each severe repetitive loss property for which grant amounts are provided if, for such year—

"(A) the State has an approved State mitigation plan meeting the requirements for hazard mitigation planning under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) that specifies how the State intends to reduce the number of severe repetitive loss properties; and

"(B) the Director determines, after consultation with the State, that the State has taken actions to reduce the number of such properties.".

(f) NATIONAL FLOOD MITIGATION FUND.—Section 1366(b)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(b)(2)), is amended by striking "$1,500,000" and inserting "7.5 percent of the available funds under this section".

SEC. 104. FEMA AUTHORITY TO FUND MITIGATION ACTIVITIES FOR INDIVIDUAL REPETITIVE CLAIMS PROPERTIES.

(a) IN GENERAL.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following:

"SEC. 1323. GRANTS FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.

"(a) IN GENERAL.—The Director may provide funding for mitigation actions that reduce flood damages to individual properties for which 1 or more claim payments for losses have been made under flood insurance coverage under this title, but only if the Director determines that—

"(1) such activities are in the best interest of the National Flood Insurance Fund; and

"(2) such activities cannot be funded under the program under section 1366 because—

"(A) the requirements of section 1366(g) are not being met by the State or community in which the property is located; or

"(B) the State or community does not have the capacity to manage such activities.

"(b) PRIORITY FOR WORST-CASE PROPERTIES.—In determining the properties for which funding is to be provided under this section, the Director shall consult with the States in which such properties are located and provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time.".

(b) AVAILABILITY OF NATIONAL FLOOD INSURANCE FUND AMOUNTS.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by adding at the end the following:

"(9) for funding, not to exceed $10,000,000 in any fiscal year, for mitigation actions under section 1323, except that, notwithstanding any other provision of this title, amounts made available pursuant to this paragraph shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

SEC. 105. AMENDMENTS TO ADDITIONAL COVERAGE FOR COMPLIANCE WITH LAND USE AND CONTROL MEASURES.

(a) COMPLIANCE WITH LAND USE AND CONTROL MEASURES.—Section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "compliance" and inserting "implementing measures that are consistent"; and

(B) by inserting "by the community" after "established";

(2) in paragraph (2), by striking "have flood damage in which the cost of repairs equals or exceeds 50 percent of the value of the structure at the time of the flood event; and" and inserting "are substantially damaged structures;"

(3) in paragraph (3), by striking "compliance with land use and control measures." and inserting "the implementation of such measures; and"; and

(4) by inserting after paragraph (3) and before the last undesignated paragraph the following:

"(4) properties for which an offer of mitigation assistance is made under—

"(A) section 1366 (Flood Mitigation Assistance Program);

"(B) section 1368 (Repetitive Loss Priority Program and Individual Priority Property Program);

"(C) the Hazard Mitigation Grant Program authorized under section 404 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5170c);

"(D) the Predisaster Hazard Mitigation Program under section 203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5133); and

"(E) any programs authorized or for which funds are appropriated to address any unmet needs or for which supplemental funds are made available.".

(b) DEFINITIONS.—Section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) by striking paragraph (7) and inserting the following:

"(7) the term 'repetitive loss structure' means a structure covered by a contract for flood insurance that—

"(A) has incurred flood-related damage on 2 occasions, in which the cost of repair, on the average, equaled or exceeded 25 percent of the value of the structure at the time of each such flood event; and

"(B) at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.";

(2) in paragraph (13), by striking "and" at the end;

(3) in paragraph (14), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'substantially damaged structure' means a structure covered by a contract for flood insurance that has incurred damage for which the cost of repair exceeds an amount specified in any regulation promulgated by the Director, or by a community ordinance, whichever is lower.".

SEC. 106. ACTUARIAL RATE PROPERTIES.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by striking subsection (c) and inserting the following:

"(c) ACTUARIAL RATE PROPERTIES.—Subject only to the limitations provided under paragraphs (1) and (2), the chargeable rate shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 1307(a)(1) with respect to the following properties:

"(1) POST-FIRM PROPERTIES.—Any property the construction or substantial improvement of which the Director determines has been started after December 31, 1974, or started after the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later, except that the chargeable rate for properties under this paragraph shall be subject to the limitation under subsection (e).

"(2) CERTAIN LEASED COASTAL AND RIVER PROPERTIES.—Any property leased from the Federal Government (including residential and nonresidential properties) that the Director determines is located on the river-facing side of any dike, levee, or other riverine flood control structure, or seaward of any seawall or other coastal flood control structure.".

(b) INAPPLICABILITY OF ANNUAL LIMITATIONS ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking "Notwithstanding" and inserting "Except with respect to properties described under paragraph (2) or (3) of subsection (c), and notwithstanding".

SEC. 107. GEOSPATIAL DIGITAL FLOOD HAZARD DATA.

For the purposes of flood insurance and floodplain management activities conducted pursuant to the National Flood Insurance Program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), geospatial digital flood hazard data distributed by the Federal Emergency Management Agency, or its designee, or the printed products derived from that data, are interchangeable and legally equivalent for the determination of the location of 1 in 100 year and 1 in 500 year flood planes, provided that all other geospatial data shown on the printed product meets or exceeds any accuracy standard promulgated by the Federal Emergency Management Agency.

SEC. 108. REPLACEMENT OF MOBILE HOMES ON ORIGINAL SITES.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended by adding at the end the following:

"(c) REPLACEMENT OF MOBILE HOMES ON ORIGINAL SITES.—

"(1) COMMUNITY PARTICIPATION.—The placement of any mobile home on any site shall not affect the eligibility of any community to participate in the flood insurance program under this title and the Flood Disaster Protection Act of 1973 (notwithstanding that such placement may fail to comply with any elevation or flood damage mitigation requirements), if—

"(A) such mobile home was previously located on such site;

"(B) such mobile home was relocated from such site because of flooding that threatened or affected such site; and

"(C) such replacement is conducted not later than the expiration of the 180-day period that begins upon the subsidence (in the area of such site) of the body of water that flooded to a level considered lower than flood levels.

"(2) DEFINITION.—For purposes of this subsection, the term 'mobile home' has the meaning given such term in the law of the State in which the mobile home is located.".

SEC. 109. REITERATION OF FEMA RESPONSIBILITY TO MAP MUDSLIDES.

As directed in section 1360(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(b)), the Director of the Federal Emergency Management Agency is again directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of such section 1360, in order to make known the degree of hazard within each such zone at the earliest possible date.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEFINITIONS.

In this title, the following definitions shall apply:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Emergency Management Agency.

(2) FLOOD INSURANCE POLICY.—The term "flood insurance policy" means a flood insurance policy issued under the National Flood Insurance Act of 1968 (42 U.S.C. et seq.).

(3) PROGRAM.—The term "Program" means the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

SEC. 202. SUPPLEMENTAL FORMS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop supplemental forms to be issued in conjunction with the issuance of a flood insurance policy that set forth, in simple terms—

(1) the exact coverages being purchased by a policyholder;

(2) any exclusions from coverage that apply to the coverages purchased;

(3) an explanation, including illustrations, of how lost items and damages will be valued under the policy at the time of loss;

(4) the number and dollar value of claims filed under a flood insurance policy over the life of the property, and the effect, under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), of the filing of any further claims under a flood insurance policy with respect to that property; and

(5) any other information that the Director determines will be helpful to policyholders in understanding flood insurance coverage.

(b) DISTRIBUTION.—The forms developed under subsection (a) shall be given to—

(1) all holders of a flood insurance policy at the time of purchase and renewal; and

(2) insurance companies and agents that are authorized to sell flood insurance policies.

SEC. 203. ACKNOWLEDGEMENT FORM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop an acknowledgement form to be signed by the purchaser of a flood insurance policy that contains—

(1) an acknowledgement that the purchaser has received a copy of the standard flood insurance policy, and any forms developed under section 202; and

(2) an acknowledgement that the purchaser has been told that the contents of a property or dwelling are not covered under the terms of the standard flood insurance policy, and that the policyholder has the option to purchase additional coverage for such contents.

(b) DISTRIBUTION.—Copies of an acknowledgement form executed under subsection (a) shall be made available to the purchaser and the Director.

SEC. 204. FLOOD INSURANCE CLAIMS HANDBOOK.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop a flood insurance claims handbook that contains—

(1) a description of the procedures to be followed to file a claim under the Program, including how to pursue a claim to completion;

(2) how to file supplementary claims, proof of loss, and any other information relating to the filing of claims under the Program; and

(3) detailed information regarding the appeals process established under section 205.

(b) DISTRIBUTION.—The handbook developed under subsection (a) shall be made available to—

(1) each insurance company and agent authorized to sell flood insurance policies; and

(2) each purchaser, at the time of purchase and renewal, of a flood insurance policy, and at the time of any flood loss sustained by such purchaser.

SEC. 205. APPEAL OF DECISIONS RELATING TO FLOOD INSURANCE COVERAGE.

Not later than 6 months after the date of enactment of this Act, the Director shall, by regulation, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy, of—

(1) any insurance agent or adjuster, or insurance company; or

(2) any employee or contractor of the Federal Emergency Management Agency.

SEC. 206. STUDY AND REPORT ON USE OF COST COMPLIANCE COVERAGE.

Not later than 1 year after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall submit to Congress a report that sets forth—

(1) the use of cost of compliance coverage under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) in connection with flood insurance policies;

(2) any barriers to policyholders using the funds provided by cost of compliance coverage under that section 1304(b) under a flood insurance policy, and recommendations to address those barriers; and

(3) the steps that the Federal Emergency Management Agency has taken to ensure that funds paid for cost of compliance coverage under that section 1304(b) are being used to lessen the burdens on all homeowners and the Program.

SEC. 207. MINIMUM TRAINING AND EDUCATION REQUIREMENTS.

The Director of the Federal Emergency Management Agency shall, in cooperation with the insurance industry, *State insurance regulators*, and other interested parties—

(1) establish minimum training and education requirements for all insurance agents who sell flood insurance policies; and

(2) not later than 6 months after the date of enactment of this Act, publish these requirements in the Federal Register, and inform insurance companies and agents of the requirements.,

SEC. 208. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) the adequacy of the scope of coverage provided under flood insurance policies in meeting the intended goal of Congress that flood victims be restored to their pre-flood conditions, and any recommendations to ensure that goal is being met;

(2) the adequacy of payments to flood victims under flood insurance policies; and

(3) the practices of the Federal Emergency Management Agency and insurance adjusters in estimating losses incurred during a flood, and how such practices affect the adequacy of payments to flood victims.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study under subsection (a).

SEC. 209. PROSPECTIVE PAYMENT OF FLOOD INSURANCE PREMIUMS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

"(f) ADJUSTMENT OF PREMIUM.—Notwithstanding any other provision of law, if the Director determines that the holder of a flood insurance policy issued under this Act is paying a lower premium than is required under this section due to an error in the flood plain determination, the Director may only prospectively charge the higher premium rate.".

SEC. 210. REPORT ON CHANGES TO FEE SCHEDULE OR FEE PAYMENT ARRANGEMENTS.

Not later than 3 months after the date of enactment of this Act, the Director shall submit a report on any changes or modifications made to the fee schedule or fee payment arrangements between the Federal Emergency Management Agency and insurance adjusters who provide services with respect to flood insurance policies to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

Mr. SHELBY. Mr. President, I would first like to acknowledge the leadership of Senator BUNNING in crafting this legislation. In addition, several members of the Banking Committee, from both sides of the aisle, are cosponsors on S. 2238. The Banking Committee unanimously voted to favorably report S. 2238 on March 30, 2004. This has truly been a bipartisan effort.

This is important legislation that will go a long way in bringing the flood insurance fund toward financial soundness, while protecting existing property owners. The pilot program established in Section 102 will help to address the mitigation of severe repetitive loss properties. These properties, while only a small percentage of insured properties, constitute a large share of claims paid. FEMA estimates that while repetitive loss properties only account for approximately 1 percent of all insured properties, these properties account for over 30 percent of amounts paid in claims. In addition, most of these properties were constructed before the development of flood insurance rate maps, and are paying subsidized rates for flood insurance.

S. 2238 provides an additional $40 million annually for mitigation activities. This additional funding will allow families that have lived through several floods and suffered substantial harm, both financial and emotional, to either flood-proof their home or have their home bought-out.

I also want to commend Senator SARBANES for his efforts. Title II of S. 2238 is largely his creation. I believe Title II will ensure that families displaced by floods receive adequate and timely assistance.

The managers' amendment to S. 2238 represents several technical and conforming changes. First the definition of repetitive loss property is narrowed. This change was made to assure concerned parties that the pilot program would be targeted at those properties that have indeed suffered the greatest losses. The managers' amendment also clarifies the funding allocation of the additional mitigation dollars that will be provided under the pilot program. A more explicit allocation is needed to insure that those States hit hardest by flooding receive an adequate flow of funding. The managers' amendment also extends the pilot program and the National Flood Insurance Program until September 30, 2009.

Mr. SARBANES. Mr. President, I support the passage of S. 2238, as amended, and want to urge my colleagues to support this critical legislation which ensures the continuation of the National Flood Insurance Program, which covers over 4.4 million properties around the country. Unless we quickly act to reauthorize this program, it will expire at the end of this month. In addition to extending the National Flood Insurance Program for 5 years, this bill establishes a loss mitigation pilot program to help mitigate flood risks for properties that have been flooded numerous times.

This bill has been drafted in a bipartisan manner, and I particularly want to thank Senators BUNNING and SHELBY for working collaboratively with me to craft this legislation and also for accepting my amendment which makes a number of administrative changes to the National Flood Insurance Program designed to strengthen the program and ensure that flood victims can fairly and adequately recover for flood losses. While Federal flood insurance was created almost 40 years ago to "provide the necessary funds promptly to assure rehabilitation or restoration of damaged property to pre-flood status or to permit comparable investment elsewhere," unfortunately, the program is not working as Congress envisioned. Recent flooding in Maryland as a result of Hurricane Isabel in September 2003, showed that under the strain of a major flooding event, the National Flood Insurance Program was unable to withstand the pressure. Unfortunately, many of the 6,000 Marylanders who filed claims after Hurricane Isabel found the process of recovering under their flood insurance policies to be difficult, time-consuming and frustrating. Too many victims were given incomplete or inaccurate information or were coerced into settling claims that came nowhere near close to providing adequate funding for repairs.

My amendment, as contained in this bill, ensures that policyholders are provided with accurate and timely information about their policies as well as what to do in the event of a flood. As a result of this legislation, FEMA will be required to establish a formal appeals process for complaints; disseminate a claims handbook so that families know exactly what to do if they are flooded; provide simple forms and disclosures so that all policyholders know what coverages are available and what coverages they are purchasing; and, establish minimum agent training requirements so that insurance agents, the main points of contact for flood victims, have a better understanding of this program. In addition, this bill asks the General Accounting Office of conduct a thorough review of the flood insurance program, with particular emphasis on limitations in the flood insurance policy and FEMA's interpretations of this policy. We need to have a detailed understanding of what these limitations are and what the consequences are of broadening coverage. As a result of these changes, I am hopeful that flood victims around the country will not face the same obstacles to receiving fair payments as Marylanders faced last year.

In addition to the administrative changes we are making in this bill, I have been working with my colleague, Senator MIKULSKI, and FEMA to ensure that FEMA does all it can to improve its processes and policies so that flood victims can better navigate the flood insurance program and more fairly settle their claims. I believe that FEMA is working to fix those problems that were brought to its attention, and I want to thank Mr. Anthony Lowe, former Federal insurance administrator, and Mr. Trey Reid, acting insurance administrator, who now oversees the program, for working with me and my colleagues to go back and make sure that Hurricane Isabel flood victims are treated fairly. After Hurricane Isabel, I received numerous complaints that flood victims were pressured into accepting settlements far below what they consider fair, in addition to our findings that FEMA distributed inaccurate price guidelines for the costs of repairs. When confronted with these issues, Mr. Lowe, Mr. Reid, and FEMA staff quickly responded. Letters have now been sent to all flood victims who believe they were treated unfairly can have their claims reviewed. While I appreciate these efforts, I understand that there is some concern that these reviews are not being conducted in an independent way, and I have urged FEMA to take all actions to ensure that this process is fair. The process of reviewing these claims is a fair and necessary step in maintaining the integrity of the National Flood Insurance Program, and I will continue working with FEMA to ensure that all victims are able to have their claims reviewed in an unbiased manner.

This is an important piece of legislation. In addition to the changes contained in my amendment, this bill will help to strengthen and stabilize the flood insurance program by providing $40 million a year to states and communities to mitigate flood risks. While the National Flood Insurance Program has primarily been able to cover losses through the premiums it collects, there have been times when it has had to borrow funds from the Treasury, and this is in large part due to a relatively small number of properties. According to FEMA, these repetitive loss properties account for only 1 percent of policies, but over 35 percent of all losses in the flood insurance program. This bill makes funding available so that communities can assist families who are stuck in a cycle of repeated flooding to get out of harm's way, and so that these properties are less of a drain on the National Flood Insurance Program.

Once again, I thank Senators SHELBY and BUNNING for working with me in such a collaborative manner on this bill.

Mr. NELSON of Florida. Mr. President, I commend Senators SHELBY, SARBANES, and BUNNING for their efforts in drafting the S. 2238, the

Bunning/Bereuter/Blumenauer Flood Insurance Reform Act. They have worked with Senator GRAHAM and me to make some important changes that will greatly benefit Federal flood insurance policy holders. Since 1968, the National Flood Insurance Program has provided reasonably priced insurance to Americans across the country. In Florida alone, there are approximately 2 million flood insurance policies.

I support this legislation and, as the former elected insurance commissioner of the State of Florida, appreciate its goals and purpose. However, I have a unique situation in Florida dealing with flood insurance and would like to take a few minutes to bring it to my colleagues' attention.

There is a community in Gulf Country in North Florida known as Cape San Blas. The area has some of the most impressive, pristine beaches in the State. You can see the unique physical characteristics of the Cape quite clearly from space—it is a swath of land that juts out into the Gulf of Mexico.

Most of the residents of Cape San Blas have lived there for some time and have seen first hand the incredible damage and awesome forces of nature brought to bear by hurricanes. And ere we are today, 2 weeks into hurricane season and a good number of the residents of the Cape either do not have flood insurance or have to purchase it at a very high price.

Since 1983, most of Cape San Blas has been included in the Coastal Barrier Resources System, which prevents the Cape from receiving many forms of Federal assistance, most notably flood insurance. But the residents made due by other means, relying on the private market or, in some cases, simply not purchasing flood insurance because it was not a requirement at the time.

Back in 1995, after Hurricane Opal tore through parts of the Florida panhandle, the Federal Emergency Management Agency, FEMA, determined its flood maps required revisions. The agency decided it would need to remap the area and began the process. The new maps took effect in November 202 and placed a large portion of the Cape and the surrounding area in a special flood hazard area—an area of land that has a 1 percent chance of being flooded in any given year. A home located within this area has a 26 percent chance of suffering flood damage during the term of a 30-year mortgage.

The special flood hazard area designation has had a devastating effect on the local economy for several reasons. First, under the Flood Disaster Protection Act of 1973 mandates flood insurance for property in a special flood hazard area that receives a federally backed loan. If a local bank writes a home loan, without Federal backing, while the bank may not require flood insurance, it does face a safety and soundness issue and possible enforcement action with federal banking regulators for offering high-risk loans.

As a result of the new classification, some residents who never had to carry flood insurance before suddenly found it was a requirement. Many long-time homeowners have been forced to scramble to buy private flood insurance, often at very high rates. Some are also prevented from borrowing against their hard-earned equity, because second mortgages also require hard-to-obtain flood insurance. Local banks have had to turn away homeowners because of this.

The new maps and classification have had a devastating effect on homeowners and the local economy already weakened by the closure of a paper mill and saddled with high rates of unemployment. With the stroke of a pen, FEMA radically changed the lives of thousands of residents and property owners in Cape San Blas. On the Cape, prior to FEMA's new maps, about 70 percent of the lands were not in special flood zone areas and financing was easily obtainable. The new maps placed approximately 75 percent of the Cape in a special flood hazard area and financing is near impossible. Even worse, the new flood maps have slowed the new economic engine of the Cape—tourism, construction and development.

This is a clear case of a Government action adversely affecting the lives of citizens. It is simply unfair. There must be a way to make the residents whole again, and I think we have a responsibility to explore every possible avenue to do so. I had considered legislative remedies for the residents of Cape San Blas on the flood insurance bill. Yet I am very aware the flood insurance program is set to expire in 15 days and do not want to block the passage of this legislation, which is so critical to Florida and the Nation. But in the coming weeks, I intend to work with my colleagues and the Banking and Environment and Public Works Committees, with Congressman ALLEN BOYD, who represents Cape San Blas, and the appropriate Federal agencies to find an equitable solution to the problem facing the residents of Cape San Blas.

Ms. LANDRIEU. Mr. President, I am pleased to see that the Senate will reauthorize the National Flood Insurance program today. This is such an important program for the people of Louisiana.

If there is a theme that runs through the social and economic history of my State, it is water. The Mississippi River, with its great southern port of New Orleans, has been a center of commerce and an economic gateway to the east. Smaller rivers, streams, and bayous run throughout our parishes. More than 8,277 square miles of Louisiana are covered by water, nearly 16 percent. The entire southern third of my State could be called a giant wetland, much of it below sea level, including the city of New Orleans.

Floods are a part of life in Louisiana, particularly in the southern part of the State. Louisiana has more than 377,000 insured properties under the program as of 2003. That same year the program paid nearly 6,000 flood loss claims in Louisiana. The National Flood Insurance Program allows Louisianians to stay in their homes and protects them from the devastation nature can wreak.

The flood program gives the housing, insurance, banking, and mortgage lending markets in my State greater stability. It also brings peace of mind to those families who need the program to protect their most important assets: their homes and businesses.

However, when this reauthorization bill was reported out of the Banking Committee, I had deep concerns about a pilot program contained in the bill designed to address severe repetitive loss properties. These are properties that experience a lot of flooding. The Federal Emergency Management Agency estimates that these repetitive loss properties, while only making up about one percent of all the insured properties, cost the program $200 million annually. Some property owners have collected flood claims that are four or five times higher than the actual value of the property. They refuse to take any action to minimize the cost to the program and benefit from subsidized insurance rates.

Under the pilot program, $40 million in funding would be available on an optional basis for States and communities to take steps to mitigate the flood damage potential on these properties. If a property owner receives a mitigation offer and turns it down, their flood insurance premiums would increase 50 percent, and would keep on increasing by 50 percent until it reached the actuarial rate for the property. This provision would help prevent some of the abuse in the program.

Louisiana has the most repetitive loss properties in the county, about one-third of the total number nationwide. I had concerns about how this pilot program would impact low income property owners in my State and so I put a hold on the bill. I felt that even though State and local communities could opt into the program, they would not have as much control over how the program would get funding to property owners that want mitigation. FEMA held all the cards.

Let me give an example of what I mean. Under the original bill, FEMA would award mitigation funds based upon what it felt was in the best interest of the flood insurance program. I believed that this gave FEMA the power to overrule local determinations of what kind of flood mitigation to offer and what properties to mitigate.

For example, a local community that wanted to elevate a structure above the base flood elevation could be denied relief because FEMA decided that buyouts were in the best interest of the flood insurance program in order to permanently remove properties out of the flood insurance program altogether.

The impact this could have on property owners could be devastating. I did not want to see low-income people facing a terrible choice: sell your property or see your rates go up. Many of these families have lived on this land for generations. It may flood regularly, but it is also home. I wanted to make sure the pilot program struck a proper balance between the needs of the flood insurance program and the rights of property owners.

The chairman and ranking member of the Banking Committee, Senators SHELBY and SARBANES, and myself worked together to make changes to the bill that I believe have achieved this balance. The changes keep the pilot program in place but add safeguards requiring FEMA to pay greater deference to local decisions about what properties to mitigate and what kinds of mitigation offers are most appropriate. We added demolition and rebuild as an additional eligible mitigation activity under the bill, an option that Louisiana's flood plain managers wanted. We also included a funding formula that insures that Louisiana gets its fair share of funding under the pilot program. Under FEMA's current mitigation program, Louisiana only received about $1 million even though the State had more than $60 million in need.

I thank Chairman SHELBY and the ranking member of the Banking Committee, Senator SARBANES, as well as their staffs for their willingness to work with me on these changes. We have made this important bill a better deal for local communities in my State and across the country.

Mr. WARNER. My understanding is it is cleared on both sides. I ask unanimous consent that the amendment at the desk be agreed to, the committee amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3451) was agreed to, as follows:

(Purpose: To make technical and conforming amendments)

On page 2, line 3, strike "Flood Insurance Reform Act of 2004" and insert "Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004".

On page 7, line 6, insert "that decide to participate in the pilot program established under this section" after "communities".

On page 7, line 20, strike "3" and insert "4".

On page 7, line 24, strike "$3,000" and insert "$5,000".

On page 7, line 26, strike "$15,000" and insert "$20,000".

On page 8, line 19, strike "1 foot above".

On page 8, line 22, strike "(f)" and insert "(g)".

On page 8, line 25, strike "1-year period" and insert "fiscal year".

On page 10, between lines 13 and 14, insert the following:

"(e) NOTICE OF MITIGATION PROGRAM.—

"(1) IN GENERAL.—Upon selecting a State or community to receive assistance under subsection (a) to carry out eligible activities, the Director shall notify the owners of a severe repetitive loss property, in plain language, within that State or community—

"(A) that their property meets the definition of a severe repetitive loss property under this section;

"(B) that they may receive an offer of assistance under this section;

"(C) of the types of assistance potentially available under this section;

"(D) of the implications of declining such offer of assistance under this section; and

"(E) that there is a right to appeal under this section.

"(2) IDENTIFICATION OF SEVERE REPETITIVE LOSS PROPERTIES.—The Director shall take such steps as are necessary to identify severe repetitive loss properties, and submit that information to the relevant States and communities.

On page 10, line 14, strike "(e)" and insert "(f)".

On page 10, line 23, insert ", in a manner consistent with the allocation formula under paragraph (5)" after "time".

On page 11, between lines 3 and 4, insert the following:

"(3) CONSULTATION.—In determining for which eligible activities under subsection (c) to provide assistance with respect to a severe repetitive loss property, the relevant States and communities shall consult, to the extent practicable, with the owner of the property.

"(4) DEFERENCE TO LOCAL MITIGATION DECISIONS.—The Director shall not, by rule, regulation, or order, establish a priority for funding eligible activities under this section that gives preference to one type or category of eligible activity over any other type or category of eligible activity.

"(5) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the total amount made available for assistance under this section in any fiscal year, the Director shall allocate assistance to a State, and the communities located within that State, based upon the percentage of the total number of severe repetitive loss properties located within that State.

"(B) REDISTRIBUTION.—Any funds allocated to a State, and the communities within the State, under subparagraph (A) that have not been obligated by the end of each fiscal year shall be redistributed by the Director to other States and communities to carry out eligible activities in accordance with this section.

"(C) EXCEPTION.—Of the total amount made available for assistance under this section in any fiscal year, 10 percent shall be made available to communities that—

"(i) contain one or more severe repetitive loss properties; and

"(ii) are located in States that receive little or no assistance, as determined by the Director, under the allocation formula under subparagraph (A).

On page 11, line 4, strike "(3)" and insert "(6)".

On page 11, line 9, strike "(f)" and insert "(g)".

On page 13, line 3, strike "(g)" and insert "(h)".

On page 16, line 11, strike "historic places" and insert "Historic Places".

On page 16, after line 25, insert the following:

"(vi) The owner of the property, based on independent information, such as contractor estimates or other appraisals, demonstrates that an alternative eligible activity under subsection (c) is at least as cost effective as the initial offer of assistance.

On page 17, line 22, strike "that the grounds" and insert "in favor of the property owner".

On page 17, line 24, strike "make a determination of how much to" and insert "require the Director to".

On page 18, lines 4 through 6, strike "and the Director shall promptly reduce the chargeable risk premium rate for such property by such amount" and insert "to the amount paid prior to the offer to take action under paragraph (1) or (2) of subsection (c)".

On page 19, line 6, strike "Flood" and insert "Bunning-Bereuter-Blumenaur Flood".

On page 19, line 16, strike "(h)" and insert "(i)".

On page 20, between lines 2 and 3, insert the following:

"(j) RULES.—

"(1) IN GENERAL.—The Director shall, by rule—

"(A) subject to subsection (f)(4), develop procedures for the distribution of funds to States and communities to carry out eligible activities under this section; and

"(B) ensure that the procedures developed under paragraph (1)—

"(i) require the Director to notify States and communities of the availability of funding under this section, and that participation in the pilot program under this section is optional;

"(ii) provide that the Director may assist States and communities in identifying severe repetitive loss properties within States or communities;

"(iii) allow each State and community to select properties to be the subject of eligible activities, and the appropriate eligible activity to be performed with respect to each severe repetitive loss property; and

"(iv) require each State or community to submit a list of severe repetitive loss properties to the Director that the State or community would like to be the subject of eligible activities under this section.

"(2) CONSULTATION.—Not later than 90 days after the date of enactment of this Act, the Director shall consult with State and local officials in carrying out paragraph (1)(A), and provide an opportunity for an oral presentation, on the record, of data and arguments from such officials.

On page 20, line 3, strike "(i)" and insert "(k)".

On page 20, line 7, strike "2004,".

On page 20, line 8, strike "and 2008" and insert "2008, and 2009".

On page 20, line 19, strike "section 1361A" and insert "this section".

On page 20, line 20, strike "(j)" and insert "(l)".

On page 20, line 22, strike "2008" and insert "2009".

On page 22, line 12, strike "(m)" and insert "(l)".

On page 22, strike line 21 and all that follows through page 23, line 3, and insert the following:

(d) FUNDING.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) in each fiscal year, amounts from the National Flood Insurance Fund not exceeding $40,000,000, to remain available until expended;";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c) ADMINISTRATIVE EXPENSES.—The Director may use not more than 5 percent of amounts made available under subsection (b) to cover salaries, expenses, and other administrative costs incurred by the Director to make grants and provide assistance under sections 1366 and 1323.".

The committee amendments were agreed to.

The bill (S. 2238), as amended, was read the third time and passed, as follows:

S. 2238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.

TITLE I—AMENDMENTS TO FLOOD INSURANCE ACT OF 1968

Sec. 101. Extension of program and consolidation of authorizations.
Sec. 102. Establishment of pilot program for mitigation of severe repetitive loss properties.
Sec. 103. Amendments to existing flood mitigation assistance program.
Sec. 104. FEMA authority to fund mitigation activities for individual repetitive claims properties.
Sec. 105. Amendments to additional coverage for compliance with land use and control measures.
Sec. 106. Actuarial rate properties.
Sec. 107. Geospatial digital flood hazard data.
Sec. 108. Replacement of mobile homes on original sites.
Sec. 109. Reiteration of FEMA responsibility to map mudslides.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Supplemental forms.
Sec. 203. Acknowledgement form.
Sec. 204. Flood insurance claims handbook.
Sec. 205. Appeal of decisions relating to flood insurance coverage.
Sec. 206. Study and report on use of cost compliance coverage.
Sec. 207. Minimum training and education requirements.
Sec. 208. GAO study and report.
Sec. 209. Prospective payment of flood insurance premiums.
Sec. 210. Report on changes to fee schedule or fee payment arrangements.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the national flood insurance program—

(A) identifies the flood risk;

(B) provides flood risk information to the public;

(C) encourages State and local governments to make appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses; and

(D) makes flood insurance available on a nationwide basis that would otherwise not be available, to accelerate recovery from floods, mitigate future losses, save lives, and reduce the personal and national costs of flood disasters;

(2) the national flood insurance program insures approximately 4,400,000 policyholders;

(3) approximately 48,000 properties currently insured under the program have experienced, within a 10-year period, 2 or more flood losses where each such loss exceeds the amount $1,000;

(4) approximately 10,000 of these repetitive-loss properties have experienced either 2 or 3 losses that cumulatively exceed building value or 4 or more losses, each exceeding $1,000;

(5) repetitive-loss properties constitute a significant drain on the resources of the national flood insurance program, costing about $200,000,000 annually;

(6) repetitive-loss properties comprise approximately 1 percent of currently insured properties but are expected to account for 25 to 30 percent of claims losses;

(7) the vast majority of repetitive-loss properties were built before local community implementation of floodplain management standards under the program and thus are eligible for subsidized flood insurance;

(8) while some property owners take advantage of the program allowing subsidized flood insurance without requiring mitigation action, others are trapped in a vicious cycle of suffering flooding, then repairing flood damage, then suffering flooding, without the means to mitigate losses or move out of harm's way;

(9) mitigation of repetitive-loss properties through buyouts, elevations, relocations, or flood-proofing will produce savings for policyholders under the program and for Federal taxpayers through reduced flood insurance losses and reduced Federal disaster assistance;

(10) a strategy of making mitigation offers aimed at high-priority repetitive-loss properties and shifting more of the burden of recovery costs to property owners who choose to remain vulnerable to repetitive flood damage can encourage property owners to take appropriate actions that reduce loss of life and property damage and benefit the financial soundness of the program;

(11) the method for addressing repetitive-loss properties should be flexible enough to take into consideration legitimate circumstances that may prevent an owner from taking a mitigation action; and

(12) focusing the mitigation and buy-out of repetitive loss properties upon communities and property owners that choose to voluntarily participate in a mitigation and buy-out program will maximize the benefits of such a program, while minimizing any adverse impact on communities and property owners.

TITLE I—AMENDMENTS TO FLOOD INSURANCE ACT OF 1968

SEC. 101. EXTENSION OF PROGRAM AND CONSOLIDATION OF AUTHORIZATIONS.

(a) BORROWING AUTHORITY.—The first sentence of section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), is amended by striking "through December" and all that follows through ", and" and inserting "through the date specified in section 1319, and".

(b) AUTHORITY FOR CONTRACTS.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking "after" and all that follows and inserting "after September 30, 2008.".

(c) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)), is amended by striking "during the period" and all that follows through "in accordance" and inserting "during the period ending on the date specified in section 1319, in accordance".

(d) AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.—Section 1376(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)), is amended by striking "through" and all that follows and inserting "through the date specified in section 1319, for studies under this title.".

SEC. 102. ESTABLISHMENT OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—The National Flood Insurance Act of 1968 is amended by inserting after section 1361 (42 U.S.C. 4102) the following:

"SEC. 1361A. PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

"(a) AUTHORITY.—To the extent amounts are made available for use under this section, the Director may, subject to the limitations of this section, provide financial assistance to States and communities that decide to participate in the pilot program established under this section for taking actions with respect to severe repetitive loss properties (as such term is defined in subsection (b)) to mitigate flood damage to such properties and losses to the National Flood Insurance Fund from such properties.

"(b) SEVERE REPETITIVE LOSS PROPERTY.—For purposes of this section, the term 'severe repetitive loss property' has the following meaning:

"(1) SINGLE-FAMILY PROPERTIES.—In the case of a property consisting of 1 to 4 residences, such term means a property that—

"(A) is covered under a contract for flood insurance made available under this title; and

"(B) has incurred flood-related damage—

"(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding $5,000, and with the cumulative amount of such claims payments exceeding $20,000; or

"(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

"(2) MULTIFAMILY PROPERTIES.—In the case of a property consisting of 5 or more residences, such term shall have such meaning as the Director shall by regulation provide.

"(c) ELIGIBLE ACTIVITIES.—Amounts provided under this section to a State or community may be used only for the following activities:

"(1) MITIGATION ACTIVITIES.—To carry out mitigation activities that reduce flood damages to severe repetitive loss properties, including elevation, relocation, demolition, and floodproofing of structures, and minor physical localized flood control projects, and the demolition and rebuilding of properties to at least Base Flood Elevation or greater, if required by any local ordinance.

"(2) PURCHASE.—To purchase severe repetitive loss properties, subject to subsection (g).

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in any fiscal year the Director may not provide assistance under this section to a State or community in an amount exceeding 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from non-Federal funds for carrying out the eligible activities to be funded with such assistance amounts.

"(2) REDUCED COMMUNITY MATCH.—With respect to any 1-year period in which assistance is made available under this section, the Director may adjust the contribution required under paragraph (1) by any State, and for the communities located in that State, to not less than 10 percent of the cost of the activities for each severe repetitive loss property for which grant amounts are provided if, for such year—

"(A) the State has an approved State mitigation plan meeting the requirements for hazard mitigation planning under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) that specifies how the State intends to reduce the number of severe repetitive loss properties; and

"(B) the Director determines, after consultation with the State, that the State has taken actions to reduce the number of such properties.

"(3) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, in-kind contributions, any salary paid to staff to carry out the eligible activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

"(e) NOTICE OF MITIGATION PROGRAM.—

"(1) IN GENERAL.—Upon selecting a State or community to receive assistance under subsection (a) to carry out eligible activities, the Director shall notify the owners of a severe repetitive loss property, in plain language, within that State or community—

"(A) that their property meets the definition of a severe repetitive loss property under this section;

"(B) that they may receive an offer of assistance under this section;

"(C) of the types of assistance potentially available under this section;

"(D) of the implications of declining such offer of assistance under this section; and

"(E) that there is a right to appeal under this section.

"(2) IDENTIFICATION OF SEVERE REPETITIVE LOSS PROPERTIES.—The Director shall take such steps as are necessary to identify severe repetitive loss properties, and submit that information to the relevant States and communities.

"(f) STANDARDS FOR MITIGATION OFFERS.—The program under this section for providing assistance for eligible activities for severe repetitive loss properties shall be subject to the following limitations:

"(1) PRIORITY.—In determining the properties for which to provide assistance for eligible activities under subsection (c), the Director shall provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time, in a manner consistent with the allocation formula under paragraph (5).

"(2) OFFERS.—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties to take eligible activities under subsection (c) as soon as practicable.

"(3) CONSULTATION.—In determining for which eligible activities under subsection (c) to provide assistance with respect to a severe repetitive loss property, the relevant States and communities shall consult, to the extent practicable, with the owner of the property.

"(4) DEFERENCE TO LOCAL MITIGATION DECISIONS.—The Director shall not, by rule, regulation, or order, establish a priority for funding eligible activities under this section that gives preference to one type or category of eligible activity over any other type or category of eligible activity.

"(5) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the total amount made available for assistance under this section in any fiscal year, the Director shall allocate assistance to a State, and the communities located within that State, based upon the percentage of the total number of severe repetitive loss properties located within that State.

"(B) REDISTRIBUTION.—Any funds allocated to a State, and the communities within the State, under subparagraph (A) that have not been obligated by the end of each fiscal year shall be redistributed by the Director to other States and communities to carry out eligible activities in accordance with this section.

"(C) EXCEPTION.—Of the total amount made available for assistance under this section in any fiscal year, 10 percent shall be made available to communities that—

"(i) contain one or more severe repetitive loss properties; and

"(ii) are located in States that receive little or no assistance, as determined by the Director, under the allocation formula under subparagraph (A).

"(6) NOTICE.—Upon making an offer to provide assistance with respect to a property for any eligible activity under subsection (c), the State or community shall notify each holder of a recorded interest on the property of such offer and activity.

"(g) PURCHASE OFFERS.—A State or community may take action under subsection (c)(2) to purchase a severe repetitive loss property only if the following requirements are met:

"(1) USE OF PROPERTY.—The State or community enters into an agreement with the Director that provides assurances that the property purchased will be used in a manner that is consistent with the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)) for properties acquired, accepted, or from which a structure will be removed pursuant to a project provided property acquisition and relocation assistance under such section 404(b).

"(2) OFFERS.—The Director shall provide assistance in a manner that permits States and communities to make offers to owners of severe repetitive loss properties and of associated land to engage in eligible activities as soon as possible.

"(3) PURCHASE PRICE.—The amount of purchase offer is not less than the greatest of—

"(A) the amount of the original purchase price of the property, when purchased by the holder of the current policy of flood insurance under this title;

"(B) the total amount owed, at the time the offer to purchase is made, under any loan secured by a recorded interest on the property; and

"(C) an amount equal to the fair market value of the property immediately before the most recent flood event affecting the property, or an amount equal to the current fair market value of the property.

"(4) COMPARABLE HOUSING PAYMENT.—If a purchase offer made under paragraph (2) is less than the cost of the homeowner-occupant to purchase a comparable replacement dwelling outside the flood hazard area in the same community, the Director shall make available an additional relocation payment to the homeowner-occupant to apply to the difference.

"(h) INCREASED PREMIUMS IN CASES OF REFUSAL TO MITIGATE.—

"(1) IN GENERAL.—In any case in which the owner of a severe repetitive loss property refuses an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property, the Director shall—

"(A) notify each holder of a recorded interest on the property of such refusal; and

"(B) notwithstanding subsections (a) through (c) of section 1308, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time that the offer was made, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to paragraph (2) and subject to the limitation under paragraph (3).

"(2) INCREASED PREMIUMS UPON SUBSEQUENT FLOOD DAMAGE.—Notwithstanding subsections (a) through (c) of section 1308, if the owner of a severe repetitive loss property does not accept an offer to take action under paragraph (1) or (2) of subsection (c) with respect to such property and a claim payment exceeding $1,500 is made under flood insurance coverage under this title for damage to the property caused by a flood event occurring after such offer is made, thereafter the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable rate for the property at the time of such flood event, as adjusted by any other premium adjustments otherwise applicable to the property and any subsequent increases pursuant to this paragraph and subject to the limitation under paragraph (3).

"(3) LIMITATION ON INCREASED PREMIUMS.—In no case may the chargeable premium rate for a severe repetitive loss property be increased pursuant to this subsection to an amount exceeding the applicable estimated risk premium rate for the area (or subdivision thereof) under section 1307(a)(1).

"(4) TREATMENT OF DEDUCTIBLES.—Any increase in chargeable premium rates required under this subsection for a severe repetitive loss property may be carried out, to the extent appropriate, as determined by the Director, by adjusting any deductible charged in connection with flood insurance coverage under this title for the property.

"(5) NOTICE OF CONTINUED OFFER.—Upon each renewal or modification of any flood insurance coverage under this title for a severe repetitive loss property, the Director shall notify the owner that the offer made pursuant to subsection (c) is still open.

"(6) APPEALS.—

"(A) IN GENERAL.—Any owner of a severe repetitive loss property may appeal a determination of the Director to take action under paragraph (1)(B) or (2) with respect to such property, based only upon the following grounds:

"(i) As a result of such action, the owner of the property will not be able to purchase a replacement primary residence of comparable value and that is functionally equivalent.

"(ii) Based on independent information, such as contractor estimates or appraisals, the property owner believes that the price offered for purchasing the property is not an accurate estimation of the value of the property, or the amount of Federal funds offered for mitigation activities, when combined with funds from non-Federal sources, will not cover the actual cost of mitigation.

"(iii) As a result of such action, the preservation or maintenance of any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places will be interfered with, impaired, or disrupted.

"(iv) The flooding that resulted in the flood insurance claims described in subsection (b)(2) for the property resulted from significant actions by a third party in violation of Federal, State, or local law, ordinance, or regulation.

"(v) In purchasing the property, the owner relied upon flood insurance rate maps of the Federal Emergency Management Agency that were current at the time and did not indicate that the property was located in an area having special flood hazards.

"(vi) The owner of the property, based on independent information, such as contractor estimates or other appraisals, demonstrates that an alternative eligible activity under subsection (c) is at least as cost effective as the initial offer of assistance.

"(B) Procedure.—An appeal under this paragraph of a determination of the Director shall be made by filing, with the Director, a request for an appeal within 90 days after receiving notice of such determination. Upon receiving the request, the Director shall select, from a list of independent third parties compiled by the Director for such purpose, a party to hear such appeal. Within 90 days after filing of the request for the appeal, such third party shall review the determination of the Director and shall set aside such determination if the third party determines that the grounds under subparagraph (A) exist. During the pendency of an appeal under this paragraph, the Director shall stay the applicability of the rates established pursuant to paragraph (1)(B) or (2), as applicable.

"(C) Effect of final determination.—In an appeal under this paragraph—

"(i) if a final determination is made in favor of the property owner under subparagraph (A) exist, the third party hearing such appeal shall require the Director to reduce the chargeable risk premium rate for flood insurance coverage for the property involved in the appeal from the amount required under paragraph (1)(B) or (2) to the amount paid prior to the offer to take action under paragraph (1) or (2) of subsection (c); and

"(ii) if a final determination is made that the grounds under subparagraph (A) do not exist, the Director shall promptly increase the chargeable risk premium rate for such property to the amount established pursuant to paragraph (1)(B) or (2), as applicable, and shall collect from the property owner the amount necessary to cover the stay of the applicability of such increased rates during the pendency of the appeal.

"(D) Costs.—If the third party hearing an appeal under this paragraph is compensated for such service, the costs of such compensation shall be borne—

"(i) by the owner of the property requesting the appeal, if the final determination in the appeal is that the grounds under subparagraph (A) do not exist; and

"(ii) by the National Flood Insurance Fund, if such final determination is that the grounds under subparagraph (A) do exist.

"(E) Report.—Not later than 6 months after the date of the enactment of the Bunning-Bereuter-Blumenaur Flood Insurance Reform Act of 2004, the Director shall submit a report describing the rules, procedures, and administration for appeals under this paragraph to—

"(i) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(ii) the Committee on Financial Services of the House of Representatives.

"(i) Discretionary Actions in Cases of Fraudulent Claims.—If the Director determines that a fraudulent claim was made under flood insurance coverage under this title for a severe repetitive loss property, the Director may—

"(1) cancel the policy and deny the provision to such policyholder of any new flood insurance coverage under this title for the property; or

"(2) refuse to renew the policy with such policyholder upon expiration and deny the provision of any new flood insurance coverage under this title to such policyholder for the property.

"(j) Rules.—

"(1) In general.—The Director shall, by rule—

"(A) subject to subsection (f)(4), develop procedures for the distribution of funds to States and communities to carry out eligible activities under this section; and

"(B) ensure that the procedures developed under paragraph (1)—

"(i) require the Director to notify States and communities of the availability of funding under this section, and that participation in the pilot program under this section is optional;

"(ii) provide that the Director may assist States and communities in identifying severe repetitive loss properties within States or communities;

"(iii) allow each State and community to select properties to be the subject of eligible activities, and the appropriate eligible activity to be performed with respect to each severe repetitive loss property; and

"(iv) require each State or community to submit a list of severe repetitive loss properties to the Director that the State or community would like to be the subject of eligible activities under this section.

"(2) Consultation.—Not later than 90 days after the date of enactment of this Act, the Director shall consult with State and local officials in carrying out paragraph (1)(A), and provide an opportunity for an oral presentation, on the record, of data and arguments from such officials.

"(k) Funding.—

"(1) In general.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to provide assistance under this section in each of fiscal years 2005, 2006, 2007, 2008, and 2009, except that the amount so used in each such fiscal year may not exceed $40,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

"(2) Administrative expenses.—Of the amounts made available under this subsection, the Director may use up to 5 percent for expenses associated with the administration of this section.

"(l) Termination.—The Director may not provide assistance under this section to any State or community after September 30, 2009.".

(b) Availability of National Flood Insurance Fund Amounts.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (7), by striking "and" at the end; and

(2) by striking paragraph (8) and inserting the following:

"(8) for financial assistance under section 1361A to States and communities for taking actions under such section with respect to severe repetitive loss properties, but only to the extent provided in section 1361A(i); and".

SEC. 103. AMENDMENTS TO EXISTING FLOOD MITIGATION ASSISTANCE PROGRAM.

(a) Standard for Approval of Mitigation Plans.—Section 1366(e)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by adding at the end the following new sentence: "The Director may approve only mitigation plans that give priority for funding to such properties, or to such subsets of properties, as are in the best interest of the National Flood Insurance Fund.".

(b) Priority for Mitigation Assistance.—Section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by striking paragraph (4) and inserting the following:

"(4) Priority for mitigation assistance.—In providing grants under this subsection for mitigation activities, the Director shall give first priority for funding to such properties, or to such subsets of such properties as the Director may establish, that the Director determines are in the best interests of the National Flood Insurance Fund and for which matching amounts under subsection (f) are available.".

(c) Coordination With States and Communities.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended by adding at the end the following:

"(m) Coordination With States and Communities.—The Director shall, in consultation and coordination with States and communities take such actions as are appropriate to encourage and improve participation in the national flood insurance program of owners of properties, including owners of properties that are not located in areas having special flood hazards (the 100-year floodplain), but are located within flood prone areas.".

(d) Funding.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) in each fiscal year, amounts from the National Flood Insurance Fund not exceeding $40,000,000, to remain available until expended;";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c) Administrative Expenses.—The Director may use not more than 5 percent of amounts made available under subsection (b) to cover salaries, expenses, and other administrative costs incurred by the Director to make grants and provide assistance under sections 1366 and 1323.".

(e) Reduced Community Match.—Section 1366(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(g)), is amended—

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) Reduced community match.—With respect to any 1-year period in which assistance is made available under this section, the Director may adjust the contribution required under paragraph (1) by any State, and for the communities located in that State, to not less than 10 percent of the cost of the activities for each severe repetitive loss property for which grant amounts are provided if, for such year—

"(A) the State has an approved State mitigation plan meeting the requirements for hazard mitigation planning under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) that specifies how the State intends to reduce the number of severe repetitive loss properties; and

"(B) the Director determines, after consultation with the State, that the State has taken actions to reduce the number of such properties.".

(f) National Flood Mitigation Fund.—Section 1366(b)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(b)(2)), is amended by striking "$1,500,000" and inserting "7.5 percent of the available funds under this section".

SEC. 104. FEMA AUTHORITY TO FUND MITIGATION ACTIVITIES FOR INDIVIDUAL REPETITIVE CLAIMS PROPERTIES.

(a) In General.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following:

"SEC. 1323. GRANTS FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.

"(a) In General.—The Director may provide funding for mitigation actions that reduce flood damages to individual properties for which 1 or more claim payments for losses have been made under flood insurance coverage under this title, but only if the Director determines that—

"(1) such activities are in the best interest of the National Flood Insurance Fund; and

"(2) such activities cannot be funded under the program under section 1366 because—

"(A) the requirements of section 1366(g) are not being met by the State or community in which the property is located; or

"(B) the State or community does not have the capacity to manage such activities.

"(b) Priority for Worst-Case Properties.—In determining the properties for which funding is to be provided under this section, the Director shall consult with the States in which such properties are located and provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time.".

(b) Availability of National Flood Insurance Fund Amounts.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by adding at the end the following:

"(9) for funding, not to exceed $10,000,000 in any fiscal year, for mitigation actions under section 1323, except that, notwithstanding any other provision of this title, amounts made available pursuant to this paragraph shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

SEC. 105. AMENDMENTS TO ADDITIONAL COVERAGE FOR COMPLIANCE WITH LAND USE AND CONTROL MEASURES.

(a) Compliance With Land Use and Control Measures.—Section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "compliance" and inserting "implementing measures that are consistent"; and

(B) by inserting "by the community" after "established";

(2) in paragraph (2), by striking "have flood damage in which the cost of repairs equals or exceeds 50 percent of the value of the structure at the time of the flood event; and" and inserting "are substantially damaged structures;"

(3) in paragraph (3), by striking "compliance with land use and control measures." and inserting "the implementation of such measures; and"; and

(4) by inserting after paragraph (3) and before the last undesignated paragraph the following:

"(4) properties for which an offer of mitigation assistance is made under—

"(A) section 1366 (Flood Mitigation Assistance Program);

"(B) section 1368 (Repetitive Loss Priority Program and Individual Priority Property Program);

"(C) the Hazard Mitigation Grant Program authorized under section 404 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5170c);

"(D) the Predisaster Hazard Mitigation Program under section 203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5133); and

"(E) any programs authorized or for which funds are appropriated to address any unmet needs or for which supplemental funds are made available.".

(b) Definitions.—Section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) by striking paragraph (7) and inserting the following:

"(7) the term 'repetitive loss structure' means a structure covered by a contract for flood insurance that—

"(A) has incurred flood-related damage on 2 occasions, in which the cost of repair, on the average, equaled or exceeded 25 percent of the value of the structure at the time of each such flood event; and

"(B) at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.";

(2) in paragraph (13), by striking "and" at the end;

(3) in paragraph (14), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'substantially damaged structure' means a structure covered by a contract for flood insurance that has incurred damage for which the cost of repair exceeds an amount specified in any regulation promulgated by the Director, or by a community ordinance, whichever is lower.".

SEC. 106. ACTUARIAL RATE PROPERTIES.

(a) In General.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by striking subsection (c) and inserting the following:

"(c) Actuarial Rate Properties.—Subject only to the limitations provided under paragraphs (1) and (2), the chargeable rate shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 1307(a)(1) with respect to the following properties:

"(1) Post-firm properties.—Any property the construction or substantial improvement of which the Director determines has been started after December 31, 1974, or started after the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later, except that the chargeable rate for properties under this paragraph shall be subject to the limitation under subsection (e).

"(2) Certain leased coastal and river properties.—Any property leased from the Federal Government (including residential and nonresidential properties) that the Director determines is located on the river-facing side of any dike, levee, or other riverine flood control structure, or seaward of any seawall or other coastal flood control structure.".

(b) Inapplicability of Annual Limitations on Premium Increases.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking "Notwithstanding" and inserting "Except with respect to properties described under paragraph (2) or (3) of subsection (c), and notwithstanding".

SEC. 107. GEOSPATIAL DIGITAL FLOOD HAZARD DATA.

For the purposes of flood insurance and floodplain management activities conducted pursuant to the National Flood Insurance Program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), geospatial digital flood hazard data distributed by the Federal Emergency Management Agency, or its designee,. or the printed products derived from that data, are interchangeable and legally equivalent for the determination of the location of 1 in 100 year and 1 in 500 year flood planes, provided that all other geospatial data shown on the printed product meets or exceeds any accuracy standard promulgated by the Federal Emergency Management Agency.

SEC. 108. REPLACEMENT OF MOBILE HOMES ON ORIGINAL SITES.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended by adding at the end the following:

"(c) Replacement of Mobile Homes on Original Sites.—

"(1) Community participation.—The placement of any mobile home on any site shall not affect the eligibility of any community to participate in the flood insurance program under this title and the Flood Disaster Protection Act of 1973 (notwithstanding that such placement may fail to comply with any elevation or flood damage mitigation requirements), if—

"(A) such mobile home was previously located on such site;

"(B) such mobile home was relocated from such site because of flooding that threatened or affected such site; and

"(C) such replacement is conducted not later than the expiration of the 180-day period that begins upon the subsidence (in the area of such site) of the body of water that flooded to a level considered lower than flood levels.

"(2) Definition.—For purposes of this subsection, the term 'mobile home' has the meaning given such term in the law of the State in which the mobile home is located.".

SEC. 109. REITERATION OF FEMA RESPONSIBILITY TO MAP MUDSLIDES.

As directed in section 1360(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(b)), the Director of the Federal Emergency Management Agency is again directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of such section 1360, in order to make known the degree of hazard within each such zone at the earliest possible date.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEFINITIONS.

In this title, the following definitions shall apply:

(1) Director.—The term "Director" means the Director of the Federal Emergency Management Agency.

(2) FLOOD INSURANCE POLICY.—The term "flood insurance policy" means a flood insurance policy issued under the National Flood Insurance Act of 1968 (42 U.S.C. et seq.).

(3) PROGRAM.—The term "Program" means the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

SEC. 202. SUPPLEMENTAL FORMS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop supplemental forms to be issued in conjunction with the issuance of a flood insurance policy that set forth, in simple terms—

(1) the exact coverages being purchased by a policyholder;

(2) any exclusions from coverage that apply to the coverages purchased;

(3) an explanation, including illustrations, of how lost items and damages will be valued under the policy at the time of loss;

(4) the number and dollar value of claims filed under a flood insurance policy over the life of the property, and the effect, under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), of the filing of any further claims under a flood insurance policy with respect to that property; and

(5) any other information that the Director determines will be helpful to policyholders in understanding flood insurance coverage.

(b) DISTRIBUTION.—The forms developed under subsection (a) shall be given to—

(1) all holders of a flood insurance policy at the time of purchase and renewal; and

(2) insurance companies and agents that are authorized to sell flood insurance policies.

SEC. 203. ACKNOWLEDGEMENT FORM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop an acknowledgement form to be signed by the purchaser of a flood insurance policy that contains—

(1) an acknowledgement that the purchaser has received a copy of the standard flood insurance policy, and any forms developed under section 202; and

(2) an acknowledgement that the purchaser has been told that the contents of a property or dwelling are not covered under the terms of the standard flood insurance policy, and that the policyholder has the option to purchase additional coverage for such contents.

(b) DISTRIBUTION.—Copies of an acknowledgement form executed under subsection (a) shall be made available to the purchaser and the Director.

SEC. 204. FLOOD INSURANCE CLAIMS HANDBOOK.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall develop a flood insurance claims handbook that contains—

(1) a description of the procedures to be followed to file a claim under the Program, including how to pursue a claim to completion;

(2) how to file supplementary claims, proof of loss, and any other information relating to the filing of claims under the Program; and

(3) detailed information regarding the appeals process established under section 205.

(b) DISTRIBUTION.—The handbook developed under subsection (a) shall be made available to—

(1) each insurance company and agent authorized to sell flood insurance policies; and

(2) each purchaser, at the time of purchase and renewal, of a flood insurance policy, and at the time of any flood loss sustained by such purchaser.

SEC. 205. APPEAL OF DECISIONS RELATING TO FLOOD INSURANCE COVERAGE.

Not later than 6 months after the date of enactment of this Act, the Director shall, by regulation, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy, of—

(1) any insurance agent or adjuster, or insurance company; or

(2) any employee or contractor of the Federal Emergency Management Agency.

SEC. 206. STUDY AND REPORT ON USE OF COST COMPLIANCE COVERAGE.

Not later than 1 year after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall submit to Congress a report that sets forth—

(1) the use of cost of compliance coverage under section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) in connection with flood insurance policies;

(2) any barriers to policyholders using the funds provided by cost of compliance coverage under that section 1304(b) under a flood insurance policy, and recommendations to address those barriers; and

(3) the steps that the Federal Emergency Management Agency has taken to ensure that funds paid for cost of compliance coverage under that section 1304(b) are being used to lessen the burdens on all homeowners and the Program.

SEC. 207. MINIMUM TRAINING AND EDUCATION REQUIREMENTS.

The Director of the Federal Emergency Management Agency shall, in cooperation with the insurance industry, State insurance regulators, and other interested parties—

(1) establish minimum training and education requirements for all insurance agents who sell flood insurance policies; and

(2) not later than 6 months after the date of enactment of this Act, publish these requirements in the Federal Register, and inform insurance companies and agents of the requirements.

SEC. 208. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) the adequacy of the scope of coverage provided under flood insurance policies in meeting the intended goal of Congress that flood victims be restored to their pre-flood conditions, and any recommendations to ensure that goal is being met;

(2) the adequacy of payments to flood victims under flood insurance policies; and

(3) the practices of the Federal Emergency Management Agency and insurance adjusters in estimating losses incurred during a flood, and how such practices affect the adequacy of payments to flood victims.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study under subsection (a).

SEC. 209. PROSPECTIVE PAYMENT OF FLOOD INSURANCE PREMIUMS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

"(f) ADJUSTMENT OF PREMIUM.—Notwithstanding any other provision of law, if the Director determines that the holder of a flood insurance policy issued under this Act is paying a lower premium than is required under this section due to an error in the flood plain determination, the Director may only prospectively charge the higher premium rate.".

SEC. 210. REPORT ON CHANGES TO FEE SCHEDULE OR FEE PAYMENT ARRANGEMENTS.

Not later than 3 months after the date of enactment of this Act, the Director shall submit a report on any changes or modifications made to the fee schedule or fee payment arrangements between the Federal Emergency Management Agency and insurance adjusters who provide services with respect to flood insurance policies to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

ORDERS FOR WEDNESDAY, JUNE 16, 2004

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Wednesday, June 16. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business for 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the Defense authorization bill under the previous order. The Senate will return to the Dodd contracting amendment tomorrow morning for a final 30 minutes of debate. Following that debate at approximately 10:30 a.m., the Senate will vote in relation to the Dodd amendment. Following the disposition of the Dodd amendment, we will continue to push forward with the amending process. There are several pending amendments that will require rollcall votes, and it is my hope that we will be able to lock in time agreements on them tomorrow morning.

Senators should expect rollcall votes throughout the day tomorrow in relation to the bill as the Senate continues to make progress on the Defense authorization bill. In addition, it is my expectation that rollcall votes could occur in relation to judicial nominations as well.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Wednesday, June 16, 2004, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 2004:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ, 7542

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. COLBY M. BROADWATER III, 6269

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH R. INGE, 8482

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RUSSEL L. HONORE, 9939

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM E. INGRAM JR., 5691

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS A. PRITT, 9164

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS T. GALKOWSKI, 8505

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JAMES E. CARTWRIGHT, 5961

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES T. CONWAY, 2270

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. SATTLER, 0580

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. TIMOTHY J. KEATING, 8508

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. JOHN B. NATHMAN, 6751

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN G. MORGAN JR., 4027

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CHARLES L. MUNNS, 9043

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RONALD A. ROUTE, 7031

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) THOMAS L. ANDREWS III, 5931

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) LEWIS S. LIBBY III, 7663
REAR ADM. (LH) ELIZABETH M. MORRIS, 6562

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 15, 2004:

THE JUDICIARY

VIRGINIA E. HOPKINS, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

RICARDO S. MARTINEZ, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

GENE E. K. PRATTER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

HOUSE OF REPRESENTATIVES—*Tuesday, June 15, 2004*

The House met at 8:30 a.m. and was called to order by the Speaker pro tempore (Mr. KIRK).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 2004.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God,

Your steadfast love stirs us to look beyond self-interest. Your Divine Providence has guided this Nation from the beginning and has always urged us to look beyond our frontiers. Your Spirit in gathering the 108th Congress today moves us to have great aspirations for this world and for our times.

Having tasted Your blessings of freedom ourselves, we long for all humanity to enjoy equal justice under law and so we pray this short but powerful ancient psalm:

"O praise the Lord, all you nations,
Acclaim the Lord all you peoples.
Strong is his love of us;
Our God is faithful forever."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. CUNNINGHAM) come forward and lead the House in the Pledge of Allegiance.

Mr. CUNNINGHAM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following a security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, June 8, 2004, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 34 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 9:21 a.m., the following proceedings were had:

□ 0921

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY HAMID KARZAI, PRESIDENT OF THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN

The Speaker of the House presided.

The Deputy Sergeant at Arms, Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Hamid Karzai, the President of the Transitional Islamic State of Afghanistan, into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from California (Mr. COX);

The gentleman from Florida (Mr. GOSS);

The gentleman from California (Mr. ROHRABACHER);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentlewoman from California (Ms. HARMAN);

The gentleman from Missouri (Mr. SKELTON); and

The gentleman from New York (Mr. ACKERMAN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Hamid Karzai, the President of the Transitional Islamic State of Afghanistan, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. WARNER);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Louisiana (Mr. BREAUX);

The Senator from California (Mrs. BOXER);

The Senator from Illinois (Mr. DURBIN);

The Senator from Michigan (Ms. STABENOW); and

The Senator from New York (Mrs. CLINTON).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of the Federated States of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 35 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan.

The President of the Transitional Islamic State of Afghanistan, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY HAMID KARZAI, PRESIDENT OF THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN

President KARZAI. Thank you for the great honor. Mr. Speaker, Mr. Vice President, Members of Congress, distinguished guests, the great people of the United States of America, it is my distinct honor to speak on behalf of the Afghan people in this august assembly.

I thank you and the people of this great country for your generosity and commitment to our people. You have supported us with your resources, with your leadership in the world community and, most importantly, with the precious lives of your soldiers.

With your support, Afghanistan has accomplished a number of significant achievements. We have begun to rebuild our schools. Over 5 million children, boys and girls, attend schools across Afghanistan. We have also commenced to develop health centers to provide basic services to our people, especially to our women and children, who have suffered the most during the decades of war and turmoil. We have embarked upon the reconstruction of our roads to encourage traders and businessmen to transport products to markets.

We have started to reconstitute our national army, our national institutions, national police, in order to both defend our sovereignty and provide security to our citizens. Our national army is being trained by American forces, American troops, and wherever we have deployed them the Afghan people have welcomed them. We have initiated the fight against narcotics to save our children, to save your children and children across the world from the evil of addiction to drugs.

The confidence of our citizens in the future of our country is clearly signified by the return of 3 million refugees in the past 2 years.

Once again, ladies and gentlemen, Afghanistan is the home of all Afghans. We have today in Afghanistan our former king back in his old home. We have today in Afghanistan the leaders of the former resistance of Afghanistan against the Soviet Union. We have also millions of refugees who have left Afghanistan because of tyranny and invasion. They are all back in their country, and more are returning.

Ladies and gentlemen, Afghanistan has emerged from a very dark era, one of oppression and terror. We have adopted an enlightened Constitution, establishing a democratic Islamic government. It guarantees equal rights and equal protection for every citizen of our country. With your support, men and women of Afghanistan have now equal rights before the law and the Constitution. The new Constitution replaces the Taliban-imposed gender discrimination by assigning 25 percent of the seats in our future parliament for women. Together we have furthered democracy by creating a climate where 35 percent of the voters so far registered for our election are women. And as I speak today, ladies and gentlemen, I received a report this morning from the election commission in the central part of the country that the registrators for voting are more than 50 percent women, and in the rest of the country they are more than 30 percent. As this process continues through September, we will have at least 6 to 7 million registered, and I am sure we will reach nearly 70 percent of them to be women.

We have secured and opened an inclusive society where minority languages are accorded official recognition and where the press enjoys unprecedented freedom.

We, the Afghan people, have once again established ourselves as a proud and sovereign nation. Without your support and commitment and without the partnership between our two nations, none of this would have been achieved.

Ladies and gentlemen, together we have come a long way, but our common journey is far from over. Many obstacles exist, and numerous milestones remain to be reached before we can fully realize our shared vision of a stable, prosperous and democratic Afghanistan.

We have to travel further. Private militias pose a threat to the consolidation of stability and democracy in our country. They continue to oppress our people and challenge law, order and government authority. The Afghan people demand and insist on disarming and demobilizing private militias. Only with your support and that of the international community can we achieve this necessary goal.

We are also confronted with the evil of narcotics. Drug profits finance private militias, terrorists and extremists. Drug profits undermine our efforts to build a healthy and legitimate national economy. Drugs threaten the lives and future of children, yours and ours. We are determined to cleanse Afghanistan from this menace.

In the economic dimension, despite our achievements over the past 2½ years, we continue to be one of the poorest countries. We still have the second highest infant and maternal mortality rates in the world. We have one of the highest illiteracy rates. Very few Afghans have access to safe drinking water. While our country has rich hydroelectric potential, oil, gas and coal reserves, only 6 percent of the Afghans have reliable access to electricity. While Afghanistan has great rivers, our farmers ironically suffer from a shortage of water. Even now our vast mineral resources such as iron ore, copper and precious stones remain undeveloped. Our delicious fruits are not reaching major markets due to the lack of refrigeration and proper marketing.

Ladies and gentlemen, these are significant impediments, yet we are confident that with your continued support and commitment, we, the Afghan people, will overcome them as we have triumphed over other challenges in the past 2 years. To succeed, we ask for your continued investment. Afghanistan is open for business and American companies are most welcome. Together we will make Afghanistan a great success and an enduring example of a prosperous democratic society.

Our shared success in Afghanistan is vital to achieving victory over the greatest menace the world faces today, terrorism and extremism.

Long before the horrific tragedy of September 11, terrorists subjected the people of Afghanistan to unspeakable brutality and oppression. Even though we were among the most pious Muslims in the world, we were the first and foremost victims of al Qaeda. In the name of Islam, a religion of peace and tolerance, they terrorized and killed the Muslim people of Afghanistan and deprived us of our basic rights. These atrocities continued for many years, and the world remained unengaged.

The tragedy of September 11 once again tied the destinies of our two nations. You came to Afghanistan to defeat terrorism, and we Afghans welcomed and embraced you for the liberation of our country. Together we ended the rule of terrorism.

Ladies and gentlemen, this was not the first time America confronted a great evil and rescued the world. Two weeks ago, on Memorial Day, you remembered the hundreds of thousands of American soldiers who gave their lives for defending democracy and freedom around the world. You led the world in eliminating fascism. You stood with the Afghan nation in our heroic fight against the former Soviet Union. Just last week, we honored one of our great fellow freedom fighters in that struggle, the late President Ronald Reagan.

Today, the United States is once again leading the global effort to defeat terrorism and extremism. Afghanistan is a central front in the war against terrorism. The Afghan people are and will remain with you in this struggle.

Ladies and gentlemen, in this great Chamber, in the House of the American people, democracy and liberty thrive. Afghans are honored to have become partners in this noble tradition. The Afghan people will not forget your help and will always remember and cherish your friendship. The Afghan people desire to further build on this solid foundation of mutual trust and friendship by creating a strong partnership between our two nations.

We must build a partnership that will consolidate our achievements and enhance stability, prosperity, and democracy in Afghanistan and in the region. This requires sustaining and accelerating the reconstruction of Afghanistan through long-term commitment, a free trade agreement between the United States and Afghanistan, and providing incentives to the private sector for investing in Afghanistan. We must enhance our strategic partnership. The security of our two nations is intertwined.

In December of 2001, a U.S. bomb went astray and exploded a few meters from where I was staying. This was the last day of our resistance against the Taliban. This was the day that the Bonn process announced me as the chairman. This was the day the Taliban were to come and surrender. This was also the day that the stray bomb came to us and killed more than 20 of my people and also four U.S. soldiers. In the midst of all that confusion and pain, an old man walked up to me. I did not know him. I had not seen him before, and I have not seen him since then. He came to me and said, "Mr. Karzai, go to the Americans. Tell them that in a war like this, things like that happen. Tell them not to lose heart. Tell them that we shall continue to fight and we must win."

Ladies and gentlemen, upon my arrival in the United States last week I stopped at Fort Drum, New York, to meet some of your troops who had served in Afghanistan. Senator CLINTON graciously came to receive us. We honored two American soldiers who recently returned from Afghanistan and who a few months ago in Kandahar were traveling in a vehicle. Somebody, a terrorist, threw a grenade at them. The grenade landed in their vehicle. They took the grenade. Instead of throwing it into the street where there were people around them, civilians, these heroic men stuck the grenade under their seat. The grenade exploded. Fortunately, they survived. But they were badly injured. To us, this was also an example of heroism and care for humanity, and we are proud of these two American soldiers. These stories tell a tale of partnership, tell a tale of joint struggle, tell a tale of care and courage and care for humanity.

Ladies and gentlemen, together we have a long road ahead, but we will move forward to make the world a better place. For us in Afghanistan, we remember you for every help that you have given us, and we will have that in our books written in golden letters. This road, this journey is one of success and victory. We will continue to triumph and win the war against terrorism and make the world a better place for us and the rest of the world. May God bless America and Afghanistan and our two nations. Thank you very much.

[Applause, Members rising.]

At 9 o'clock and 56 minutes a.m., His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 9 o'clock and 58 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 10:30 a.m.

□ 1030

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 o'clock and 30 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CONTRIBUTION OF AMIGOS FOR KIDS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, our children are the hope of our world. "Los ninos son la esperanza del mundo," said Jose Marti, the Cuban freedom fighter; and from humble beginnings that helped to form their character, they become tomorrow's leaders.

Amigos for Kids, a most worthy nonprofit organization in my hometown of Miami, Florida, is helping our precious youth to realize their true potential, a potential that may never have been uncovered without the intervention of such esteemed individuals such as Jorge Plasencia, a dear friend of mine and cofounder of the organization.

Jorge is an outstanding member of our south Florida community and founded Amigos in response to the diverse needs of the abused, neglected, and less fortunate children and their families. Throughout his 13-year history, Amigos has come to the aid of many of the children through education, prevention and community involvement. Jorge's hard work with Amigos is a testament to his strength and unwavering commitment to our cherished children.

Muchisimas Gracias, Jorge. Thank you so much for your help to our south Florida's children.

APPRECIATION FOR THE WORDS OF PRESIDENT KARZAI

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to add my appreciation and applause for the words of President Karzai of Afghanistan. We had the great pleasure as members of the Afghanistan Caucus, the gentleman from Ohio (Mr. NEY) the Chair, and myself as cochair, along with other Members of Congress, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from South Carolina (Mr. WILSON) to visit most recently in Afghanistan and to see the real examples of progress that have been made and particularly the provisional reconstruction teams of our military who are engaged in building clinics and schools, hospitals and homes.

We do know that there is more work to be done. There is work to be done with the warlords and the militias. It is imperative that we stay the course as it relates to the war on terror in Afghanistan and to focus on not having distractions that keep us from finishing our commitment there. It is not going to be easy to have unfettered elections, safe elections; and it will take the will of the people of Afghanistan as well as the will of this Nation.

At the same time, I would hope that we would focus on other issues of concern as we work toward a free and independent and secure Afghanistan.

DRILLING IN ANWR

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, energy and independence should be a goal of this Congress. Worldwide demand for petroleum has increased in the last decade. The growth in production has been relatively flat. The inevitable result is in higher prices at the gasoline pump. This reality is that it takes time to go from an oil field to the gasoline station, and we have lost a considerable amount of time.

In 1995, the 104th Congress passed H.R. 2491, which would have allowed oil exploration in the Alaska National Wildlife Refuge. The Department of Energy has estimated that between 1 and 1.3 million barrels of oil a day could be derived from this source.

Unfortunately, this legislation was vetoed by President Clinton, and that was nearly 10 years ago. Given a time line of 7 to 14 years for building a pipeline structure, it is time we could scarcely afford to waste.

Mr. Speaker, I have been to ANWR. The vast coastal plain is unsuitable for habitation during the summer months because of the marshy consistency of that plain. Any caribou unlucky enough to calve in this region would likely die from exsanguination at the hands of mosquitoes there.

The people who live in ANWR are counting on this Congress to do the right thing and allow them, the rightful owners of these mineral rights, to begin developing resources.

WE NEED A PRESIDENT NOT TIED TO THE OIL INDUSTRY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the administration's energy program will be rubber stamped once again by this Congress. It is the rubber stamp Congress; anything the president wants, they get it.

Let me summarize it. The Vice President holds secret meetings with oil representatives, and then gas prices soar to the highest levels in two decades; American consumers pay $25 billion more; oil companies make $34 billion more; oil company profits increase 165 percent at one company and 294 percent at another company; and now the administration wants to drill in ANWR, the fragile Arctic National Wildlife Reserve.

At this rate, the administration will make an oil drilling rig part of the new Visitor's Center complex out in front of the Capitol.

This administration has sold out the American people to big oil. It is time for that well to run dry before there is more damage to the wallet of American consumers or the fragile environment that we need to protect. We need a President who is not tied to the oil industry.

CALLING FOR A COMPREHENSIVE ENERGY POLICY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, last week the Associated Press reported that Iraqis are paying 5 cents for a gallon of gas; 5 cents, a nickel. Why are the Iraqis getting such a good deal while the rest of the world has an energy crisis? Because the American taxpayer is subsidizing the Iraqis to the tune of $167 million a month so they can get discounted gasoline. This comes to $500 million every 3 months, $1 billion every 6 months, $2 billion over the year.

Here in America, hard-working families are paying close to $2, if not more, per gallon, up 50 cents since the beginning of the war in Iraq.

Since this is energy week here in Congress, what are we doing? We are bringing up a piece of legislation that a Republican Senator dubbed the "No Lobbyist Left Behind" bill for the energy industry. For too long, this administration has two sets of books, and values: One for Iraq and one for America.

We cannot deny Americans the same dreams of affordable health care, quality education and affordable energy that we promise Iraqis. The same values that we hold for Iraq, we must pledge to Americans.

Mr. Speaker, this week we should work to solve the Nation's energy needs, and not retread bad policy.

AMERICANS TIRED OF BIASED, LIBERAL, SHODDY NEWS REPORTING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last week on the evening news, Dan Rather, nicknamed "Rather Biased" by those of us who are conservative or those of us who just like fair reporting in general, spent 2 minutes reporting a story about 1,300 layoffs in Ohio. That certainly is something that is of concern, and yet at the same time he only spent 20 seconds reporting that 947,000 new jobs have been created in the last 3 months.

I realize that the media loves to dwell on the negative, but they also completely can ignore the fact that the unemployment rate is down to 5.6 percent, which is a lower rate than it averaged in 1970s, 1980s and 1990s; home ownership has risen to its highest level at 68 percent; and real disposable income is up nearly 4 percent this year. The economy is coming back and coming back strong, and yet the media still wants to dwell on the negative.

But then again it is no surprise. Their real goal is not journalism, but to get JOHN KERRY elected president. No wonder Fox, "fair and balanced news," has come on as one of the strongest cable networks that there is, Mr. Speaker. I think Americans have absolutely had enough with biased, liberal, shoddy reporting.

PROVIDING FOR CONSIDERATION OF H.R. 4513, RENEWABLE ENERGY PROJECT SITING IMPROVEMENT ACT OF 2004, AND H.R. 4529, ARTIC COSTAL PLAIN SURFACE MINING IMPROVMENT ACT OF 2004

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 672 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 672

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Pombo of California or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4529) to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and 10 minutes equally divided and controlled by chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Pombo of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. BASS). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 672 is a modified, closed rule that provides for consideration of H.R. 4513, the Renewable Energy Project Siting Improvement Act of 2004; and H.R. 4529, the Arctic Coastal Plain and Surface Mining Improvement Act of 2004.

For consideration of H.R. 4513, the rule provides 1 hour of general debate and makes in order the manager's amendment printed in part A of the Committee on Rules report. The rule provides one motion to recommit with or without instructions.

For consideration of H.R. 4529, the rule provides 1 hour of general debate and makes in order the substitute amendment printed in part B of the Committee on Rules report. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, energy diversity is vital to our economy and our national security. We must continue to explore affordable and sustainable power supplies. Whether we look to wind, solar, biomass, or geothermal energy, we ought to have a straightforward method for granting project approval to future energy activities.

H.R. 4513 streamlines the process by which environmentally responsible renewable energy projects are considered and approved by Federal agencies holding jurisdiction over the project. The current system of environmental review does not allow for an expedited process in approving or disapproving a submitted project. By simplifying the review procedures, we can improve protection for the environment by directing our efforts to the most reasonable projects.

Since renewable energy projects are largely "place-based," occurring in the area where the resources are found, the only decision needed is whether to authorize or not authorize the proposal. The agency should reply simply on the merits and the environmental effects of the proposal.

The provisions of H.R. 4513 also succeed in protecting capital investments by reducing the regulatory risk of doing business. The restructured system of approval will encourage the commitment to capital, to alternative energy sources without fear of extensive litigation, requiring commonsense analysis; modification through mitigation; and, if mitigation is not good enough, denial of the permit.

Mr. Speaker, just as important as meeting our energy needs with affordable, reliable, secure, and sustainable power supplies, the underlying bill also creates jobs for Americans, from highly skilled labor to a stimulation of local construction and manufacturing jobs. In general, wind power creates 2.77 jobs for every megawatt produced; solar panels create 7.24 jobs per megawatt; and geothermal energy projects create 5.67 jobs per megawatt.

The commonsense changes in the underlying bill are good for our economy, while being good for our environment.

Mr. Speaker, the second bill brought for consideration under this rule is H.R. 4529, the Arctic Coastal Plain and Surface Mining Improvement Act of 2004. The bill establishes a competitive oil and gas leasing program for exploration, development, and production of oil and natural gas resources on the Coastal Plain of the Arctic National Wildlife Refuge.

This area is the largest unexplored, potentially productive on-shore basin in the United States. And the development of the coastal plain could significantly reduce our Nation's dependency on foreign resources. In fact, it is estimated that we could produce between 1 million and 1.5 million barrels of oil a day, the equivalent of 1 million to 1.3 million barrels of oil we currently import daily from Saudi Arabia.

Under H.R. 4529, additional requirements are established to ensure that oil and natural gas activities do not have significant adverse effects on wildlife and the environment. It ensures that the best commercially available technology is utilized to achieve these environmental protections.

Furthermore, not only is there a limit of 2,000 acres surface disturbance, but the Secretary of the Interior may also designate up to 45,000 acres on the coastal plain as protected for unique or sensitive areas. These environmental controls would be the strongest ever adopted into Federal law and would not interfere with any existing State or Federal regulations.

Exploration and future development of the coastal plain also generates jobs. Based on potential sales by oil and gas producers and field surface companies, estimates show that the possible job creation is in the tens of thousands.

Mr. Speaker, in addition to conservation and development of alternative energies, any comprehensive and sensible energy plan must include increased domestic production to reduce our reliance on foreign oil. The House recognized that fact when we passed an energy conference report with strong bipartisan support of 246 to 180.

The case for increasing domestic production is compelling. In 2004, the United States relied on foreign imports for 62 percent of its crude oil needs; and according to the Energy Information Administration, that will increase to 70 percent by the year 2025. Even during the oil embargo and subsequent energy crisis in 1973, imports accounted for only 35 percent of the U.S. crude oil.

Since 2001, consumers have seen the average price of a gallon of gasoline increase by 52 percent and home heating oil by 33 percent. The price of a barrel of oil increased by 74 percent during that time, from just over $23 a barrel in 2001 to more than $40 a barrel today. To ease that dependency in just the past 3 years, we have twice approved legislation allowing for the development of the coastal plain. It is time to finally move forward to reduce our Nation's foreign dependency and explore our oil and gas production on the coastal plain.

H.R. 4529 also reauthorizes the Abandoned Mine Claims Program, the AML, for an additional 15 years. This bill continues the industry's commitment to the remediation of abandoned mines which protects communities all across this Nation. Unused mines can sometimes appear to be adventurous places, especially for children. Yet they are actually extremely dangerous and cause too many needless deaths each year. The reclamation of these mines is essential to keep the communities around unused sites as safe as possible. H.R. 4529 additionally resolves the historic State share reclamation funding issue by providing for reimbursement of funds owed to States.

Another key component of the legislation provides for the permanent solvency of the Combined Benefits Fund, which provides health care benefits for retired miners and their dependents. This will be achieved with a Federal share of money received from future oil production on the coastal plain, providing long-term solvency for the Combined Benefits Fund and future health care premiums of those coal miners currently being funded by the so-called "reachback" companies.

Mr. Speaker, the Committee on Resources, in consultation with the Committee on Ways and Means, has worked on these commonsense and fair reforms for some time, and I would like to commend both the chairmen and the ranking members of these committees for their tireless support of so many issues surrounding our Nation's energy resources and ask my colleagues to support the underlying bills.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my friend, for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this closed rule and the two underlying resolutions. Let me say that one more time: the two underlying resolutions.

It is double-coupon day here in the House of Representatives. In two separate instances today, Republicans are forcing the House to consider two bills under one rule. Adding insult to injury, every rule we will consider today is closed, and none of the underlying bills have been considered in substantive part by the respective committees of jurisdiction.

With the exception of two manager's amendments, this rule allows for zero amendments to either bill. Zero amendments for the people's House to consider. Zero amendments to improve two bills that incorporate in the main only the ideas of their two sponsors without the input of anyone else.

The majority has skirted the legislative process, shut Members out, and stifled debate before it even begins. All this so it can pass a few politically driven bills that do nothing to address escalating gasoline costs and have zero chance of becoming law. Even the chairman of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), said last night in the Committee on Rules that he thought bringing these bills to the floor prior to committee consideration was shortsighted.

Just last week, Congress heard calls from the American public to set aside its differences and work in a bipartisan fashion. How short Republican memories are.

The rule we are considering at this moment is almost oxymoronic. On one hand, the rule provides for consideration of a bill addressing renewable resources. On the other hand, the same rule provides for consideration of another bill that authorizes drilling for nonrenewable resources in the Arctic National Wildlife Refuge, one of the country's most pristine areas. Republican policies just do not make any sense. While I certainly commend the majority for finally jumping on the renewable resource band wagon, their approach toward energy policy greatly misses the mark.

Each energy-related bill this body is considering today focuses on increasing production, while doing nothing to curb consumption. These bills abandon our responsibility to protect the environment, and they lay the groundwork for the construction of a new wave of refineries and energy plants in low-income and historically underserved areas, without protecting the health and well-being of the residents of these communities.

The Renewable Energy Project Siting Improvement Act and the U.S. Refinery Revitalization Act, which will be considered under the next rule, unjustly streamline the Federal authorization process for new refineries by targeting low-income and high unemployment areas for new sites.

I offered an amendment to the U.S. Refinery Act last night in the Committee on Rules that would have required the Secretary of Energy to just consider any adverse effect that the siting of a new refinery would have on the community in which the site would be located. It also required a 90-day public comment period to ensure that those living near a future refinery site be given an opportunity to voice their concerns.

Mr. Speaker, we all know the effects that Superfund sites have had on underserved communities. We have all heard the stories of cancer, birth defects, prolonged illnesses, and death caused by contamination at these sites.

□ 1100

Today, this body is laying the foundation for a new wave of Superfund sites and all of their downfalls. My amendment was fair and responsible to those who will be most affected by a new site. But as they so often do, the majority denied the House from considering a common sense amendment. In this case, Democrats are only secondary victims. The real victims are those who could soon find themselves living next to a new refinery which the Federal Government encouraged an energy corporation to build. Moreover, under this scenario, Congress is not taking the necessary steps to consider the health needs of those living in that community.

Mr. Speaker, Congress has a responsibility to the American people to develop and implement a responsible and long-term energy plan. Democrats agree with Republicans on this. However, Democrats also believe that all of us, from both sides of the aisle, need to be involved in the discussion. Our long-term energy plan must focus on reducing consumption instead of increasing production. America's energy woes will continue until we change America's mindset. Mass transit, hybrid automobiles, increasing CAFE standards, and significant involvement in renewable resources are the only way we will accomplish this.

I was saying to staff working with me that 40 years ago I ran for the State legislature in Florida, and what I was advocating at that time was not rocket science. Forty years ago I talked about us having mass transit and using solar energy and using wind and renewable resources. Forty years since I now am in the House of Representatives and what we were still doing is talking rather than acting on the consumption side trying to reduce same. None of the underlying pieces of legislation address any of these issues and the process in which they are being brought to the floor is downright reckless, and we continue this policy which began a few weeks back of bringing up separate bills under the same rule. Any bill, any bill that blocks Members of the House of Representatives, the people's House, from offering an amendment is closed. And Republicans have made it clear that debate on the House floor is not open for business. I think that that is a mistake on their behalf and I hearken back to my friends in the majority and how it was that they railed against Democrats in another era for closed rules. That is all you could hear on talk radio, closed rules.

Well, I can tell the American public that all you are getting from this Republican majority are closed rules, which shuts out debate not only of Democrats but Republicans. This is the people's House and closed rules do not give the people their voice.

I urge my colleagues to reject this rule and the underlying pieces of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague the gentleman from Florida (Mr. HASTINGS) covered a lot of ground in his opening remarks, and I think with the basis of the four bills that we were considering we need to review a few things to set the record clearly straight.

First, the gentleman and I agree. There should be an energy policy. This House had ample debate on an energy policy. The other body had ample debate on an energy policy. And then we came together as we sent our conferees with the other body's conferees and we came together with a hammered agreement between the two bodies. The House passed that agreement and the House bills were met with the Democratic minority's obstructionism in the other body. And if we would have had a comprehensive energy policy in 2001, we would not have some of the problems we have here today.

The average price of a gallon of gasoline has increased by 52 percent, from **$1.34 a gallon in 2001 to $2.05 today.** U.S.

imports of oil have increased by more than 10 percent. The price of a barrel of oil increased by 74 percent from just over $23 a barrel in 2001 to more than $40 a barrel today, all while the Senate obstructionism on the Democratic side held up an ample debate of the conference committee report.

The cost of home heating oil, which has a real impact to the Northeast where I come from, has increased by more than 33 percent since 2001. The cost of natural gas to heat America's homes has increased by 92 percent. The U.S. has sent more than $300 billion to foreign nations for oil. This amounts to a massive export in American jobs, national security and our economic growth and vitality.

The Federal Reserve Chairman Alan Greenspan has recently testified that energy prices are the single greatest threat to job creation and to the continued growth of an otherwise burgeoning economy. And so if the gentleman from Florida (Mr. HASTINGS) agrees with me that we should have an energy policy then it would have been nice to see a conference report just passed by the other body and we would have law today.

But now when we look at four pieces of legislation established under two rules, I will remind my colleagues that while the gentleman from Florida (Mr. HASTINGS) was discussing his amendments, it was for another rule that will come behind there. It was not on the rule that we are now considering in the debate before us. As a matter of fact, in addition to the two manager's amendments which the rule provides for, there was only one other amendment and it was offered by the gentleman from Pennsylvania (Mr. KANJORSKI), and I wanted to find why in my view as a member of the Committee on Rules it was not made in order. And so again in the legislation before us there was only one other amendment that came before the Committee on Rules other than the two manager's amendments, the gentleman from Pennsylvania's (Mr. KANJORSKI). And what it did in the amendment, instead of paying the combined benefits fund through the Federal share of money received from future oil production on the coastal plain, the Kanjorski amendment would provide tax credits to the States to bond the issue.

This approach would amount to an estimated $20 billion in bonds, which scores at about $7 billion. In contrast, the approach used in the underlying bill costs only an estimated $2 to $3 billion, which is not only a substantial decrease in the cost to the Federal Government but it is paid for.

As we look at the debate that this body has had on energy policy on the ANWR issue, the full Committee on Resources had a hearing in March of 2003. There was a full committee markup on the overall energy package, including ANWR. The House then approved the energy bill with ANWR in it in April of 2003 and the previous House vote on ANWR was in 2001.

When we look at the AML issue, which is included in the rule today, H.R. 313, the Coal Accountability and Retired Employee Act of the 21st Century, was introduced by the ranking member of the Committee on Resources and is a major component to this ANWR/AML bill.

On October 1, 2003 the full Committee on Resources considered that bill. No amendments were offered and the bill was favorably reported to the House by unanimous consent. H.R. 3796, the Abandoned Land Mines Reclamation Reform Act of 2004, and H.R. 3778, the Abandoned Mine Reclamation Program Extension and Reform Act of 2004, were both subject to a Subcommittee on Energy and Mineral Resources hearing on March 30, 2004. Portions of each of these bills are included in the text of this ANWR/AML bill.

Finally, on the renewable energy portion that is in this rule, not to be debated in the next rule, the H.R. 1904, the Healthy Forest Restoration Act, discusses the NEPA in that it reduces the number of alternatives that the decision maker has to choose from, and our program of renewables bill draws upon the very same concept.

Mr. Speaker, it is clear that in the two bills before us there has been an ample debate by this body on times before. There have been hearings. And in addition we had an ample Committee on Rules forum yesterday where hearings were held and rules were sent to the floor of these two pieces of legislation which are for consideration today as we have outlined, 4513 and 4529, of which there was only one amendment, which was a far more expensive plan than what is before us in the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me discuss in calm reflection my colleague from New York's comments.

Firstly, he and I were at the Committee on Rules hearing last night and my recollection of the two distinguished chairs, the gentleman from Texas (Mr. BARTON) and the gentleman from California (Mr. POMBO), was that they said that these matters as they are brought up on the substantive agenda did not go through regular order insofar as the committees of jurisdiction.

They did in fact say that the issues in both of these measures had been discussed. As a matter of fact, in the gentleman from California's (Mr. POMBO) case, he said that they had been discussed numerous times, and I would imagine some of the issues that the gentleman from Texas (Mr. BARTON) would agree as well. But regular order is what we are talking about here and the committee process was not observed as it pertains to these measures.

What I urge my friend who I serve proudly with on the Committee on Rules is to pay attention to the comments of the chair of the Committee on Rules in another era. What he said was if a rule is not open it is closed and it is just that simple. So I do not understand why we keep playing games of disingenuousness in trying to suggest to the American public that these measures that are coming up are giving every Member of the House of Representatives an opportunity to discuss them and that regular order proceeds.

Additionally, my friend spoke of the other body in terms that I probably could have pointed out to him that it is one thing to say that there is obstruction in the other body, but the last time I looked the majority leader was a Republican and the executive branch of government is in the hands of the Republicans and the House of Representatives is in the hands of the Republicans. So when we talk about obstructionism, I do not think Democrats can be faulted for Republicans not being able to get their measures past their bodies.

But now what are we doing here? Let me tell you what we are doing, and no lesser authority than our good friend, the gentleman from Alaska (Mr. YOUNG) in speaking to reporters, he is quoted as saying, and the backdrop for this is the U.S. House of Representatives may vote today to send oil drills into the Arctic National Wildlife Refuge. But the gentleman from Alaska (Mr. YOUNG) is not expecting any backup from the Senate. Young said he viewed the idea as serious but not likely to succeed. The Senate is not going to take it up, so what are we doing here? Are we doing something political or are we doing something to bring down oil prices? Are we doing something political or are we doing something to give the American public the impression that we are doing something about renewable energy? Are we doing something political or are we really going to go after solar and wind resources? Are we doing something political or are we really going to advance hybrid automobiles in this country?

It is funny to me how my former fiscal conservative friends are now decrying our state of this Nation as they run these deficits up and as gas prices go through the roof, and we were here talking about projections for additional instructions to give us an opportunity to produce more energy rather than to learn how to consume less and use modern technology in doing so.

This rule is closed and I urge Members to vote against it.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The Chair intended, before the remarks of the gentleman from Florida just completed, to admonish Members to avoid improper references to the Senate, as by characterizing its actions as obstructive.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTINGS of Florida. The way the Chair phrased it, I did bring it up, and we were talking about statements that were made by my friend from New York; am I correct?

The SPEAKER pro tempore. The Chair referred to statements made prior to the comments by the gentleman from Florida.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listen to my colleague talking about regular order and then I do not know, as he has quoted my chairman of the Committee on Rules on, it is either a closed rule or an open rule, but I know the chairman when I was a new member 6 years ago took great pains to guide me on the fact that there is open rules, there is modified rules, there is modified open rules, modified closed rules, structured rules, closed rules; and he began to teach how each one becomes effective and appropriate in doing its duties for the Committee on Rules. But as I listen to my colleague here talk about whether this is political or whether it is governmental, I look and say, great debate in 2003 on energy policy and most people saying that they agreed that there was not an energy policy in the Clinton administration or the Bush 41 administration, and that this President asked the Congress to move forward and establish an energy policy in America.

□ 1115

We had the hearings. We had the debate in the House and the other body had their debate, and as I said earlier in my remarks, we approved conferees to go work with the other body's conference, to have the conferees come together if they could, and they did. We negotiated. This body did not get all they wanted. The other body did not get all that they wanted, a true compromise; and we passed the conference report in this body in a bipartisan fashion.

The other body, they were in a situation where because of the unusual rules that might be foreign to us that exist in the other body, they have got to have 60 votes to stop the debate on an energy policy that was agreed to by a conference of this body and the other body, they could not come up with two extra votes. If my colleagues look, it was a pretty partisan decision.

The reality is as we come down to it is the other body has not done its work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend.

The Chair must caution the gentleman against making improper references to the Senate. Any characterization of the Senate is out of order.

Mr. REYNOLDS. Mr. Speaker, point of order, I just would like to be able to explain in this debate to my colleagues how we might say that it has not been on the floor because they cannot get it there. I am looking for any direction there could be because it just plain has not been voted on by the Senate.

The SPEAKER pro tempore. The gentleman's factual descriptions are fine, but characterizations should be avoided.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Texas for that purpose?

Mr. REYNOLDS. Mr. Speaker, I would yield.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BARTON of Texas. Mr. Speaker, under the rules of the House, is it inappropriate to state a bald fact about what the other body is doing or not doing?

The SPEAKER pro tempore. Would the gentleman restate his question?

Mr. BARTON of Texas. Under the rules of the House, is it inappropriate or without our bounds for a Member of this body, the House of Representatives, to state a plain fact about what the other body is or is not doing? Is that out of the bounds for the rules of this body?

The SPEAKER pro tempore. A factual description of a Senate action of record is permitted.

Mr. BARTON of Texas. Is permitted. I thank the Chair.

The SPEAKER pro tempore. The gentleman from New York may proceed.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, in the body of that conference, were Democrats permitted in that conference?

Mr. REYNOLDS. Were they what?

Mr. HASTINGS of Florida. Were Democrats permitted to attend the conference that the gentleman continues to say was reported out, House Democrats?

Mr. REYNOLDS. Mr. Speaker, to be quite frank, I know many in my district do not really understand this body and the other body. So I am trying to follow the spirit of the law. I do not know if I can answer the gentleman's question.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the rule; but before I speak in favor of the rule, I would like to answer my good friend from Florida's question.

Conference members of the other body, who are members of the minority party in the other body, not only attended the conference on the comprehensive energy report; several of them signed the conference report for the comprehensive energy bill that was not debated on the other body's floor because of a cloture rule in the other body that required 60 votes to close off debate.

I want to rise in support of the pending rule for the two resource bills that, hopefully, will come up later today if the rule passes; and I want to specifically speak about the second bill that would allow for drilling in ANWR.

Back in 1995 during the reconciliation process, the House and Senate agreed to put in a provision that would allow drilling in ANWR. That was back in 1995. If President Clinton had not vetoed that bill, the mid-case estimate is that we would be producing from ANWR today between 1 million and 1½ million barrels of oil per day. It is estimated that there are over 10 billion barrels of oil in ANWR. What that would do for gasoline prices is debatable in terms of the specific amount, but it is not debatable that gasoline prices would be lower and, in all probability, significantly lower.

So I would hope that when this bill comes up for a vote on final passage that a bipartisan coalition in the House will once again vote to allow, with adequate environmental protections, drilling in ANWR. That is the largest oil field in the world that we know of that currently no drilling is allowed; and with gasoline prices at $2 a barrel, it is time to allow some drilling.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume merely for the purpose of pointing out to the chairman and my good friend, the gentleman from New York (Mr. REYNOLDS), that House Democrats were not permitted to be involved in the conference, House Democrats, not the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

The one thing we should look at is, I am told that from time to time the minority Members of the other body have not gone to conferences. So I am not sure that other than watching that happen, there is anything we can do about it, whether they participate or they do not.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume, and I do not want to belabor this. What part of House Democrats does my colleague not understand?

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

The two bills before us make sense on U.S. energy policy. They make sense for our economy, and they make sense for our environment.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4503, ENERGY POLICY ACT OF 2004, AND H.R. 4517, UNITED STATES REFINERY REVITALIZATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 671 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 671

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 671 is a rule providing for the consideration of H.R. 4503, the Energy Policy Act of 2004; and H.R. 4517, the United States Refinery Revitalization Act of 2004.

The rule provides for 1 hour of general debate on H.R. 4503, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule also provides one motion to recommit.

Section 2 of the rule provides for 1 hour of general debate on H.R. 4517 to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit H.R. 4517.

Mr. Speaker, the first bill provided for under the rule, H.R. 4503, reflects the conference report on H.R. 6 that passed the House this November by a vote of 246 to 180. It is a bipartisan, comprehensive energy plan that is focused on providing a secure and diverse energy supply for our Nation.

There is bipartisan agreement on this plan to modernize our power generation systems, improve conservation and promote the development of renewable energy resources. The predominant source of energy varies among the different regions of our country. The bipartisan energy plan is comprehensive and addresses energy produced from oil, natural gas, wind, biomass, solar, coal, nuclear, and hydro.

In my area, the Pacific Northwest, Mr. Speaker, our primary source of power comes from hydroelectric dams. Clean, low-cost hydropower was critical to building the Northwest's economy. Whether it was electricity to irrigate central Washington's farms or to build airplanes in Seattle, it was vital to our economy.

This bipartisan agreement includes reforms to the lengthy and costly dam relicensing process that is critical to maintaining our region's low-cost hydropower. Environmental protections are preserved while providing flexibility to reduce costs and delays. Getting this plan enacted into law will help keep prices lower for Northwest families and for job-creating businesses.

An adequate, affordable energy supply is vital for a growing economy and job creation, and we need to get this plan enacted into law.

Mr. Speaker, today, the United States imports nearly 60 percent of its oil. This energy plan contains provisions to reduce our dependence on oil from the Middle East. The second bill provided for under this rule, H.R. 4517, will also help increase our Nation's energy independence.

The United States Refinery Revitalization Act would responsibly encourage the opening of previously closed refineries in the United States and the construction of new refineries to increase the domestic supply of gasoline which would help lower the price at the pump.

American demand for gasoline and refined fuels currently outpaces the capacity of our Nation to produce these needed products, and consumption of gasoline is expected to rise as our economy grows over the next 2 decades. Our choice as a Nation is to either increase our dependence on foreign sources of fuel or to help ensure refineries are built in America, which will create jobs here rather than at refineries in other countries.

Mr. Speaker, it is time to act and get a bipartisan energy plan enacted into law. It is time to increase America's energy independence. Accordingly, I encourage my colleagues to support both the rule, H. Res. 671, and the two underlying bills, H.R. 4503 and H.R. 4517.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to House Resolution 671, which is the rule for the consideration of H.R. 4503, the Energy Policy Act of 2004, which is masquerading today as the energy conference report of 2003; and H.R. 4517, the U.S. Refinery Revitalization Act.

Mr. Speaker, this summer Americans all across the country are flooding into movie theaters to see the much-anticipated sequels to such blockbuster films as "Shrek," "Spider Man," and "Harry Potter."

□ 1130

So far the early reviews and box office returns for these sequels suggest Hollywood has actually managed to improve on the original versions by adding exciting new characters and interesting new plot lines.

Sadly, that is not so here in the House of Representatives. This summer, the Republican leadership is forcing us to vote on the same tired old reruns of bad bills that we have already seen and voted on once before. The consideration of H.R. 4503 actually marks the sixth time this year that this House has passed a bill for the second time.

Mr. Speaker, I include for the RECORD a listing of the bills that the House has voted on at least twice this year.

(1) Bankruptcy. The House passed its bankruptcy reform bill on March 19, 2003 (H.R. 975, vote No. 74) and passed it again on January 28, 2004 when it substituted the text of the already-passed H.R. 975 into a non-controversial Senate family farmer bankruptcy bill (S. 1920, vote No. 10).

(2) Medical Malpractice. The House passed medical malpractice reform legislation on March 13, 2003 (H.R. 5, vote No. 64) and then passed it again on May 12, 2004, as part of the GOP's so-called "health security agenda" (H.R. 4280, vote No. 166).

(3) Association Health Plans. The House passed legislation creating Association Health Plans (AHPs) on June 19, 2003 and then passed the same bill again in May 13, 2004, as part of the GOP's so-called "health security agenda" (H.R. 4281, vote No. 174).

(4) Teacher Training. The House passed the "Ready to Teach" Act on July 9, 2003 (H.R. 2211, vote No. 340) and then passed it again under a new bill number on June 2, 2004 under suspension of the rules (H.R. 4409, voice voted, then inserted by H. Res. 656 into H.R. 444).

(5) Graduate School Grants. The House passed a bill to reauthorize programs that award grants to U.S. graduate students under suspension of the rules on October 21, 2003 (H.R. 3076, voice voted) and then passed it again under a new bill number on June 2, 2004 under suspension of the rules (H.R. 4409, voice voted, then inserted by H. Res. 656 into H.R. 444).

Mr. Speaker, there are no exciting new characters, no interesting new plot lines, just the same old story: special interests meet Congress; Congress rolls over; special interests destroy environment and Congress weakens the Nation's energy policy. End of story.

In fact, all that can be said of H.R. 4503 is that with each passing day, we discover something new about the original energy conference report that further confirms how bad that bill was and still is. Since the House passed the energy conference report in November last year, new details about the 1,100-page bill have come to light.

For example, the bill lifts tariffs on Chinese-made ceiling fans, a provision which is widely acknowledged to benefit Home Depot of Atlanta, Georgia. It includes a $500,000 grant for the Georgia carpet industry to research the burning of industrial carpet waste in the manufacture of cement, and it contains a tax-exempt "green bond" program that will finance the construction of a mall in Shreveport, Louisiana, which will house a Hooter's restaurant.

This bill is so laden with special interest money that no less than Grover Norquist and the Americans for Tax Reform and the National Taxpayers Union have said that the energy conference report is "chockful of subsidies, pork barrel projects, and unnecessary spending that have little, if anything, to do with our Nation's energy needs."

An in-depth analysis of the energy conference report conducted by the well-respected Energy Information Administration of the Department of Energy concluded the following: that the energy conference report's energy provisions will not reduce the overall amount of energy consumption in the United States over the next 15 years and furthermore, its transportation fuel provisions will cause the average gas prices in the year 2015 to be 3 to 8 cents higher than they would be under current law.

Mr. Speaker, I imagine that is a surprise ending that not even the Republicans who single-handedly wrote the energy conference report would enjoy. Imagine, after handing out $23 billion in tax breaks and subsidies to the oil and gas industry, we are actually going to pay more for gas at the pump.

I can tell Members my constituents in Massachusetts will be demanding their money back after seeing that surprise ending. In Massachusetts, the average cost of gasoline this month will be $2.10 per gallon. This is 58 cents higher than a year ago at the same time. At that rate, motorists in the Worcester, Massachusetts, area will pay $29 million more for gasoline this summer driving season than they did last summer. That is $200 more for the average family between Memorial Day and Labor Day.

Meanwhile, the Republican leadership's response to this very real national crisis is to bring us a repeat of the same failed energy bill which has been stalled in negotiations with the other body for nearly 7 months, a so-called energy security act that will not secure our future energy supply by enhancing our independence or reducing our demand, a bill that does not include a renewable energy portfolio standard, but does include a $2 billion bail-out and liability protection for producers of MTBE.

Mr. Speaker, since the Republican leadership of this House seems bent on bringing the same bills to the floor, I am compelled to respectfully repeat the same suggestion that I have offered them before: instead of shamelessly using the legislative calendar here to send a message to the other body, perhaps the House leadership could walk across the Capitol and simply confer with their fellow Republican leaders. It is not that far, and I will remind them that the House is under Republican control and so is the other body. They should go over and talk to each other and try to work these things out.

If that is too much trouble, maybe at a minimum the House leadership could make in order thoughtful, responsible amendments offered by their own Members, such as the climate change amendment offer by the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Massachusetts (Mr. OLVER) in the Committee on Rules last evening, an amendment that would have established a voluntary, and I repeat voluntary, greenhouse gas registry and database. This would be something different, something worth watching for.

Mr. Speaker, the truly amazing thing about the House leadership is that when they are not bringing bills to the floor that we have already voted on, they are bringing bills to the floor that have never had a hearing.

This rule also provides for the consideration of H.R. 4517, the U.S. Refinery Revitalization Act. This bill was filed on June 4 and referred to the House Committee on Energy and Commerce. On June 7, the bill was promptly offered to the Subcommittee on Energy and Air Quality. Exactly one week later, it was before the Rules Committee, and today it is on the floor. No committee hearings or markup.

To his credit, the chairman of the Committee on Energy and Commerce conceded this point in the Committee on Rules last evening, going so far as to say that the ranking member's request for a hearing on the bill was reasonable.

I do not doubt that the lack of domestic refinery capacity has been discussed before in the Committee on Energy and Commerce, and I will not dispute the statistics regarding the number of refineries currently operating in the United States that are cited in the findings of this bill. However, it seems to me that there is considerable and legitimate debate over the causes for this shrinking capacity. In fact, some fuel economists argue that there are fewer refineries today because they are run more efficiently than in the past.

Now, in light of this, I think it is reasonable to allow the committees of jurisdiction to examine these issues before we rush bills to the floor that make sweeping changes to the permitting process for these facilities.

H.R. 4517 gives extraordinarily broad powers to the Secretary of Energy to grant approval for building new refineries and reactivating idle refineries. It allows the DOE to force other State and Federal agencies to make decisions within 6 months and allows the DOE to override the objections of a Governor of a State or the EPA on such projects. The bill also allows the DOE to ignore the provisions of the Clean Air Act that limit the emissions of the toxic air pollutants that refineries produce.

Mr. Speaker, H.R. 4517 is intended to streamline and expedite the permitting process for refineries, but the rule under which the bill is being considered is intended to deliberately circumvent and subvert the legislative process. That is not only unacceptable; it is appalling, and it should concern every single Member of this body regardless of his or her party affiliation.

Accordingly, I urge my colleagues to vote "no" on this rule and to put an end to this charade of bringing bills to the floor that we have either voted on before, or alternately have never been before a committee.

Mr. Speaker, I reserve the balance of my time.

Mr. **HASTINGS** of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think probably the right thing to do is just review back to how we got to this point. Let us remind ourselves we have not had an energy policy in this country for several decades, and we need to have an energy policy. This House has passed three energy bills, and the other body has not acted on those three energy bills.

The last energy bill, however, did get to a conference where we worked out the disagreements between both of the bodies, and the ensuing conference report was then passed by this body and then went to the other body and was subject to a filibuster which, of course, is in their rules. In order to break that filibuster, it takes 60 votes. They got 58 votes. The presumption would be if they had a chance to vote up or down on the bill that perhaps they would have enough votes to pass the energy bill.

But I think it is even more instructive to go back and reflect on how we got to this point of the conference report. In the House alone in the last 3 years, we had 80 public hearings on energy policy in this country. We had 11 markups in the various committees on this energy bill. They considered 224 amendments, and we had 5 days of floor debate with 39 amendments in this body.

In the other body, there were 37 hearings, there were eight markups, and they had weeks of debate on the floor. When they finally got to conference, which of course is the final product which will develop the bill which will ultimately be the policy of this country, there were nine public hearings, there were 24 hours of debate. On a bipartisan basis, there were 10 staff meetings working out some of the details, and to say that this was not made public totally misses the point because there were 14 titles and 1,163 pages of text posted on the Web.

It is not surprising then with this background that the conference report dealing with our energy policy would pass on a bipartisan basis: 246 in this body to 180 against.

So I would just remind the gentleman from Massachusetts (Mr. McGovern) that there was a great deal of work that went into this. We are simply bringing the bill back again with the idea to pass an energy bill that we need, and we need it very badly. It has been reflected, of course, in the higher prices of gasoline, which, I might add, are starting to reduce because of market pressures; and I am in favor of that.

With that, Mr. Speaker, I think to set the record straight there has been a great deal of work that has gone into the original bill and into this bill. I urge my colleagues to vote for the rule and the underlying bills.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. Bass). The Chair would remind Members to refrain from characterizations of the actions of the Senate, such as use of the term "filibuster."

Mr. **McGOVERN**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to the gentleman from Washington (Mr. Hastings) that this process is lousy. H.R. 4503, the bill the gentleman was referring to, Members on the Democratic side were not even allowed to participate in the conference where this bill was negotiated. The process here is awful, and it really is indefensible.

I also remind the gentleman from Washington (Mr. Hastings) that this rule is not only for the consideration of H.R. 4503, it is also for the consideration of H.R. 4517, the U.S. Refinery and Revitalization Act. There were no hearings at all in the committee of jurisdiction on that bill. There was no markup by the Members of the committee of jurisdiction on that bill.

I think we need to say something in defense of the Members, both Democrat and Republican, who are on that committee of jurisdiction that they should have an opportunity to be present at hearings and ask questions and to be able to make suggestions to make that bill better. So this process is indefensible. It is indefensible not only by the fact that people are getting locked out and bills are being rushed to the floor without hearings and without markups, but also this is bad policy. I think almost everybody knows it.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. Eshoo).

Ms. **ESHOO**. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are debating an energy bill which does plenty for energy companies, but does precious little for energy consumers.

The elephant in the room is still the failure to address the 2000-2001 western energy crisis. Two weeks ago, CBS News broadcast tapes of conversations in which Enron employees bragged about stealing money from California during the energy crisis. They talked about shutting off power plants, they bragged about all of the money they stole from "those poor grandmothers in California." Some of the language was so profane it could not be broadcast. The language was shocking and the facts in the transcripts chilling. They are part of a litany of widespread market manipulation.

Today, we have the smoking gun memos in which Enron admitted how it gamed the market. We have today the transcripts of employees of Reliant Energy describing how they gamed the market. We have today 3,000 pages produced by the State of California. We have today the Department of Justice's indictments and plea agreements with many energy traders and producers. We have today even the language that FERC found "significant market manipulation."

□ 1145

What we do not have are refunds for the consumers who were gouged to the tune of $8.9 billion and $1.1 billion in the Pacific Northwest.

The law requires that this money be refunded, but for 4 years consumers are still waiting. For 4 years this Congress has failed to investigate, and the administration has continued to perpetrate the myth first stated by Vice President Cheney that "The basic problem in California was caused by Californians."

Have you listened to the tapes, Mr. Vice President? For 4 years, the administration has lectured consumers about supply and demand and free markets. Now the Enron tapes make it clear that consumers in the West were robbed.

I want to repeat that. Consumers in the West were robbed. Once again, in this bill the House is turning its back on these consumers by doing nothing to hold industry accountable, but then again we are living in an era of total unaccountability. It is a culture of unaccountability.

I urge my colleagues to oppose this bill. It is deeply flawed, and it does nothing for consumers in this country.

Mr. **HASTINGS** of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Florida (Mr. Linder) from the Committee on Rules.

Mr. **LINDER**. Mr. Speaker, H. Res. 671 provides for the consideration of H.R. 4503 under a closed rule as well as providing for the consideration of H.R. 4717 under a closed rule. I urge my colleagues in the House to join me in supporting this rule so that the full House can proceed to consider the merits of the underlying legislative measures.

In particular, I want to urge the House to approve H.R. 4503, which is a comprehensive energy plan that focuses on developing and implementing new energy technologies, as well as increasing current energy reserves through cutting edge methods and technologies. It closely follows the text of H.R. 6, the final version which the House passed last year but which has fallen victim to a filibuster by the minority of the other body's membership.

In recent months gas prices have increased from an average of $1.34 to over $2 per gallon. Furthermore, the average family is paying 25 percent more for energy than they were in 1998.

We must take action, but more importantly Congress needs to take the right kind of action. Increasing the supply of energy will help bring prices down, while imposing governmental mandates and requirements will simply drive energy prices higher.

The ability of our economy to continue growing and creating jobs, as it has for the last several quarters, depends on affordable energy prices. H.R. 4503, H.R. 4517, and 2 other energy-related measures that the House will consider later today are explicitly designed to increase energy supplies, bring prices down and make the United States more energy independent.

Energy drives the American economy, and this legislation would allow us to reiterate our commitment to the economy and send the message to the American people that our consumers and businesses need a new far-sighted, free, market-oriented energy policy.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so we may proceed to debate the underlying legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The Chair would admonish Members to avoid improper references to the Senate.

Mr. McGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, this rule is not just ineffective. It is not just inefficient. It is not just unfair. It perpetuates one of the largest frauds on consumers in American history. It aids and abets the rip-off by Enron of over $1 billion of American consumers of electricity in the West Coast of the United States in the last 4 years.

This rule does nothing about that. This rule allows Enron to keep their billion dollars they took away from our people, and this is clear. We have heard the tapes. We have heard the Enron traders saying let us jam a million dollars here to the grandmothers of California. Let us rip off the Washington ratepayers for $500,000. Let us stick Snohomish County for $152 million. Let us let California burn, baby, burn. And your rule does nothing about that. This rule is in bed with Enron. It aids and abets Enron. It is written for and by Enron, and it should be rejected.

Now, we have offered an amendment that will allow ratepayers relief, give ratepayers in Snohomish County that $122 million back, give ratepayers in California over hundreds of millions of dollars in relief back, and the Republican Party said, no, we are on the side of Enron.

Now, why did they do that? Well, this administration has not lifted a finger to help the ratepayers of the West Coast, not a finger. They have got all the efficiency of the Keystone cops and the aggressiveness of Barney Fife when it comes to enforcing the laws of this country.

In fact, when we met with the Vice President during the height of the energy crisis in 2000, we explained to the Vice President that Enron had turned off a third of the generating capacity in the West Coast and driven the prices sky high. And you know what he did? He looked at us, Members of Congress, and he said, "You know what your problem is? You just do not understand economics."

Well, we do understand economics. We just do not understand Enronomics. We do not understand why the majority party will not allow us to do anything to get relief back from the customers who are gouged by Enron. Why will not they allow this Chamber even the right to vote on the measure to recover some sense of justice? Why do they lay down with Enron? Why do they get in bed with Ken Lay? Why are you motivated to do that? We cannot understand it.

What I know is the people of my district deserve relief. They deserve a refund. The Snohomish County ratepayers deserve that $122 million back. So I want to ask my friend, the gentleman from Washington (Mr. HASTINGS), a friendly question, if I can. Today the gentleman is denying us the opportunity to get relief for ratepayers of the State of Washington and Enron.

When will the Republican Party bring to the floor of this House a measure to allow us to get refunds from Enron of the millions of dollars they stole from Washington and Oregon and California?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I tell my friend from Washington that I am outraged as he is and other speakers have been by the revelation of the traders at Enron. No question about that. It is in black and white.

Mr. INSLEE. Reclaiming my time, if the gentleman will just kindly answer my gentlemanly question. When will you bring a bill to the House to allow a refund by Enron? Just give me an answer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this combined rule. This rule governs debate on H.R. 4503, an energy policy bill, and on H.R. 4517, a refinery revitalization bill. Everyone is well aware that H.R. 4503 is identical to the conference version of H.R. 6, which the House already adopted in November and is pending before the Senate. So that part of this exercise is a complete waste of time.

With that said, in my view H.R. 4503 will do little if anything to achieve energy independence or enhance national security. I had and still do have extensive environmental concerns with that bill. I voted against that bill last year and I will vote against this rule and that bill again today. But I want to take this time to highlight one of the most glaring oversights of H.R. 4503, its failure to address the issue of climate change.

Last night, I brought a bipartisan amendment to the Committee on Rules with the gentlemen from the First and Eighth Districts of Maryland (Mr. GILCHREST) and (Mr. VAN HOLLEN). Our amendment would have done 2 things. First it would have required the development of a national climate change strategy with the basic goal to stabilize greenhouse gas concentrations in our atmosphere. Second, it would have established a voluntary greenhouse gas reductions registry and information system to provide data to be used by public and private policymakers to develop effective greenhouse gas stabilization and reduction strategies. If, after 5 years, less than 60 percent of emissions were being reported to the registry, emissions reporting by large greenhouse gas producers would become mandatory.

Mr. Speaker, the facts are simple. Greenhouse gases are accumulating in the Earth's atmosphere. These accumulations are substantially caused by human activities. Temperatures are rising at the Earth's surface. All of these statements have been confirmed by our own National Academy of Sciences and by the work of thousands of international scientists and American scientists together through the Intergovernmental Panel on Climate Change. Impacts are fully observable. The time to act is now.

The amendment was really very moderate. This language was passed by the Senate by voice vote and it was included in the Senate-passed energy bill of 2002. It is a modest start, but at least it is a start. Not only was this amendment rejected, all amendments were rejected by the Committee on Rules. So this is a sham exercise and a sham debate.

I urge a no vote on the rule and a no vote on H.R. 4503 when it comes forward.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise in support of the rule before us. There are several bills that we are going to bring up today under this rule. The first has been renumbered, but it is the comprehensive energy conference report that this body passed last November by a vote of 246–180 on a bipartisan basis. If the other body had been willing to bring that up, I feel very comfortable that it would have passed and the President would have signed it and it would be law by now. That particular bill reforms our electricity grid, it provides much needed R&D dollars for clean coal technology, provides some incentives for oil and gas development in this country, and has several provisions for renewable energy, including the President's hydrogen fuel initiative. That is a bill that has already passed this body once and hopefully if we pass it again today, the other body might be willing to bring it up and at least let there be a vote.

The second bill is the Refinery Revitalization Act. This is a piece of legislation that is needed because the number of refineries in the United States has fallen by 53 percent in the last 20 years. We are now having to import refined products. Somewhere between 5 and 10 percent of our refined products are being imported and are not being refined in the United States. This bill is in an area that has 20 percent employment higher than the national average, would have an expedited procedure coordinated by the Department of Energy, would not waive any existing environmental restrictions but would set up a coordinated effort. If you wanted to refurbish an old, shutdown refinery or modernize an existing refinery or even build a new refinery in certain brownfield areas, you would have an expedited method of doing so.

This would maintain jobs in the United States and hopefully create new jobs in the United States and also make us less dependent on imported refined products which is a growing problem for this country.

I would ask for a yes vote on both of these rules and I would also ask for a yes vote on the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, rather than have a thoughtful discussion about ways to reduce American dependency on foreign oil, this body is again recycling bad legislation, in this case a series of corporate subsidies and environmental rollbacks that indemnify companies that would poison our water, encourage the polluting of our air, and waste taxpayer dollars.

Two provisions would have the gravest of impacts upon my State. The first permits a controversial Long Island Sound energy cable, the Cross Sound Cable, to be reactivated despite having been turned off by the Secretary of Energy earlier this year. The cable is in violation of State and Federal environmental permits. The bill disregards pending litigation by the Connecticut Attorney General and stifles the regulatory authority of Connecticut and the Army Corps of Engineers, who share jurisdiction over the installation of such transmission cables.

□ 1200

This bill would also sound a death knell for States' abilities to regulate the siting of natural gas pipelines by eliminating the ability of State environmental departments to prevent the damaging environmental effects of pipeline siting. It would grant FERC, the Federal Energy Regulatory Commission, the sole authority to make these decisions. Remember, FERC is charged with protecting consumers; but as the people in California and the Pacific Northwest know very well, they abdicated that responsibility in support of the industry. They gave the industry every break and not one for the consumer.

If we grant FERC this authority, it paves the way for the construction of Islander East, the gas pipeline, across the Long Island Sound, stretching from Branford, Connecticut, to Shoreham, New York. The results will be that Islander East, that pipeline, would be installed over and above the objections of the Army Corps of Engineers and the Connecticut Department of Environmental Protection.

This is a slippery slope, Mr. Speaker, I will tell the Members, because this will run roughshod over State authority. These provisions disregard the needs of Connecticut's economy, its environment, and the voices of millions of Connecticut citizens who will be directly affected by these provisions. By not even allowing for the amendments to address these concerns, the leadership insisted once again that it is they and not the Connecticut citizens, who are elected officials, who know what is best for our State.

The Republican leadership does not know what is best for the State of Connecticut. If we want to reduce dependence on foreign oil, if we are serious about saving taxpayers' money, we should have a real debate in this body, if we are serious about what constitutes good energy policy instead of more corporate giveaways like this in this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, we need a comprehensive national energy bill to reduce our dangerous dependence on foreign oil by investing in cleaner, safer ways to power America. The bill attached to this rule absolutely fails to reduce our growing demand for oil and will only increase our vulnerability by making us more dependent on foreign oil in the future.

We need an energy policy that restores electric system reliability; keeps consumers' energy bills affordable; promotes energy conservation; provides more power from clean, renewable sources; and tackles global warming. Again, this bill fails miserably on every count.

This energy bill is the most anti-consumer, anti-environment, pro-polluter, pro-corporate welfare legislation that I have seen in the 12 years that I have served in this House. It could cost consumers as much as $136 billion in subsidies to polluting industries and corporate handouts. The bill rewards energy companies with billions in subsidies while sticking taxpayers with the bill and the pollution and the bill for that pollution, which right now comes to about $167 billion in monetized health care costs cross the country.

It eliminates consumer protections and subsidizes the construction of new nuclear power plants that most people do not want. The bill fails to take any step whatsoever to require that the Nation reduce its dependence on oil or improve the fuel economy of our cars, trucks, and SUVs. The conference even removed the Senate-passed provision to reduce U.S. energy demands by 1 billion barrels a daily.

It nullifies lawsuits by cities, States, and others filed on or after September 5, 2003, seeking compensation for contamination of groundwater by MTBE, which is a very heavily suspected carcinogen. This forces State and local communities to pay the cost that was originated by the polluters. And then the bill provides 2 billion in taxpayer dollars for these MTBE manufacturing companies to transition themselves into a new line of work, more corporate welfare.

It violates the "polluter pays" principle by forcing taxpayers, rather than polluters, to pay for the cleanup of contamination from leaking underground storage tanks. Taxpayers, rather than polluters, will pay another $2 billion to compensate the polluters rather than having them to pay the bill. The bill does nothing to address the serious damage caused by global warming. It dramatically increases air pollution and global warming with huge new incentives for burning fossil fuels. It allows more smog pollution for longer than the current Clean Air Act currently authorizes. This means more kids and others breathing dirty air for longer periods of time, more cases of asthma, more public health problems.

It undermines the Clean Water Act. It threatens drinking water supplies, public health, and the environment by exempting hydraulic fracturing, a drilling technique which injects chemicals into the groundwater.

This is an absolutely atrocious presentation. The rule should be defeated, and the bill should be defeated.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am certain that the people watching the floor today are feeling like they are having deja vu all over again; and, yes, they are right. We did do this before; and, no, there is nothing new here.

What we should be talking about is renewable energy. We should be talking about decreasing our dependence on foreign oil. We should be talking about ensuring that catastrophes like Enron's cheating the west coast out of billions of dollars never happen again. We should be talking about improving our electrical transmission lines so that the blackouts we experienced last summer do not happen again this summer.

We should be talking about how to make our buildings more energy efficient, and we should be talking about the high price of gas and how to bring relief to the American people.

Instead, we are talking about the same flawed energy bill that has already passed the House. That bill was not good the first time, and it is not good this time. This is the exact same energy bill that allows companies to pollute our air and contaminate our water while giving huge tax incentives to big oil and gas companies, the same companies that are today gouging the American people with high gas prices at the pumps.

Mr. Speaker, enough is enough. I urge my colleagues to join me in opposing this rule and these bills and to get on with the work of a real energy policy, one that will bring us independence from foreign fuels; one that will protect our environment and ensure that we are no longer depending on fossil fuels.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise again to support comprehensive energy legislation.

I think it is ironic that we are having to do this for the third time when gas prices are at historic high levels in our country; and I do not know what message it will give to two thirds of the Senate to say we need a national energy, one that applies for more energy, domestic sources of energy.

I know we need more energy, whether it be from crude oil for our gasoline in our cars. We need lower natural gas prices. We have some of the highest in the world. And yet we still have people in this country who do not want to produce in our own Nation.

The nation of Cuba can drill 60 miles off Key West, and yet the Governor of Florida does not want American companies drilling with zero emission platforms 100 miles away. Obviously ANWR is an issue. We need to drill domestically and produce it, and that way we will not become dependent on foreign oil.

I support passing this bill, again, Mr. Speaker; and I would hope that the bipartisan majority of the House would support it also.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members it is inappropriate to urge action on the part of the Senate.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this House is becoming a place where the rules are constantly being broken and a place where the process is constantly being ignored. No hearings, no markups, no amendments made in order. How cynical on an issue so important.

We need an energy policy in this country, Mr. Speaker. But this is not it. What we are being presented with today really is a giveaway to big campaign contributors. This bill does nothing to lower gas prices. This bill does nothing to have us become less dependent on foreign oil. It does nothing to support, in a meaningful way, renewable energy sources.

This bill is having a tough time for all the right reasons, because it is a bad bill. And rather than trying to fix it and rather than trying to negotiate with the other body, here we are again going through the same old routine.

Mr. Speaker, it is not just people like me who have problems with this bill. Let me read just a section from a letter signed by the president of Taxpayers for Common Sense Action, the president of the Council for Citizens against Government Waste, the President of the National Taxpayers Union, the president of the Americans for Tax Reform, and the president of the American Conservative Union. They recently sent all of us a letter. Let me just quote from one paragraph.

They say: "There is too much waste to describe in one letter." contained in this bill. "Suffice it to say, the energy bill touches everyone and everything, from giving billions to ethanol producers to 'green' bonds for shopping malls, from billions to the nuclear and coal industries to billions in loan guarantees for an Alaska natural gas pipeline. There are also millions for various pet projects at colleges across this country. The oil and gas industry alone reaps more than a quarter of the bill's funding."

Mr. Speaker, I could go on and on, and I will insert this letter in the RECORD.

Mr. Speaker, we could do so much better, and I would urge my colleagues on both sides of the aisle to reject this rule, to force the committees of jurisdiction to do their job, to go back and meet again and to come up with an energy bill that we all can be proud of.

DECEMBER 1, 2003.

POP THE BALLOONING ENERGY BILL

DEAR SENATOR: On behalf of our members, the undersigned groups urge you to oppose H.R. 6, the so-called "Energy Policy Act of 2003." We are concerned that at every opportunity the energy bill has been larded up with more and more waste and inappropriate taxpayer-funded subsidies. Between initial passage on the floor of the House of Representatives and the bill's emergence from the sequestered conference committee, the bill's price tag ballooned from $46 billion to over $72 billion in authorized spending. That is a 50% increase in authorized spending in just a few months. Our organizations will strongly consider including votes on this bill in our end-of-the-year scorecards.

H.R. 6 is chock full of subsidies, pork barrel projects, and unnecessary spending that have little, if anything, to do with our nation's energy needs. Even supporters of the legislation have admitted that it is not real comprehensive energy policy, but merely a goodie bag of various projects and policies. The Wall Street Journal called this bill "one of the great logrolling exercises in recent Congressional history" and that to get the bill through, leadership has "greased more wheels than a Nascar pit crew." The Washington Post also editorialized against the bill, calling on lawmakers to "make sure the bill doesn't become law." We echo that sentiment.

There is too much waste to describe in one letter. Suffice it to say, the energy bill touches everyone and everything, from giving billions to ethanol producers to "green" bonds for shopping malls, from billions to the nuclear and coal industries to billion in loan guarantees for an Alaska natural gas pipeline. There are also millions for various pet projects at colleges across the country. The oil and gas industry alone reaps more than a quarter of the bill's funding.

Again, we urge you to oppose H.R. 6 and we will strongly consider including votes on this wasteful legislation in our organizations' end-of-year scorecards. We would be happy to discuss these issues with you further. Please contact Aileen Roder at Taxpayers for Common Sense Action at (202) 546-8500 130 or aileen@taxpayer.net with questions or comments.

Sincerely,

JILL LANCELOT,
President, Taxpayers for Common Sense Action.
TOM SCHATZ,
President, Council for Citizens against Government Waste.
JOHN BERTHOUD,
President, National Taxpayers Union.
GROVER G. NORQUIST,
President, Americans for Tax Reform.
RICHARD LESSNER, Ph.D.,
Executive Director, American Conservative Union.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to comment on the revelations that came to light last week regarding the tapes on the Enron traders. As I started to say earlier, that is pretty black and white, and it is bad. There is absolutely no question about that. And FERC is responsible for that. FERC has been working on this for some time. They have been, I think, frankly, they have been moving rather slowly. But now that this new information is out, I think FERC has to move much more quickly on this issue because there is an awful lot at stake for the rate payers in the western part of my State and certainly in my State and, indeed, the whole northwest. So I share concerns with my colleagues on the west coast that FERC needs to act immediately, and I hope that they would.

I might also add that since these revelations came to light last week about the trading, the Department of Justice has now weighed in, as they properly should. So we will get to the bottom about this. I do not think there is any question about that. But there is no way that anybody in this body can condone what we heard that was made public with those tapes.

So with that, getting back to the business at hand, I urge my colleagues to support the rule and the underlying bills.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 671 will be followed by 5-minute votes, as ordered, on adopting H. Res. 671; ordering the previous question on H. Res. 672; and adopting H. Res. 672.

The vote was taken by electronic device, and there were—yeas 218, nays 197, not voting 18, as follows:

[Roll No. 236]

YEAS—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Bishop (UT)
Brown-Waite, Ginny
Burton (IN)
Cardoza
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Diaz-Balart, M.
Ehlers
John
Lampson
Millender-McDonald
Olver
Pascrell
Terry
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1237

Messrs. POMEROY, DAVIS of Illinois, BRADY of Pennsylvania, BACA, DAVIS of Tennessee, ACKERMAN, GORDON, WEINER, SHAYS, and RANGEL, and Mrs. NAPOLITANO and Ms. KAPTUR changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 193, not voting 15, as follows:

[Roll No. 237]

AYES—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown-Waite, Ginny
Burton (IN)
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Ehlers
John
Lampson
Millender-McDonald
Pascrell
Turner (TX)
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1246

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

* * *

PROVIDING FOR CONSIDERATION OF H.R. 4513, RENEWABLE ENERGY PROJECT SITING IMPROVEMENT ACT OF 2004, AND H.R. 4529, ARCTIC COASTAL PLAIN SURFACE MINING IMPROVEMENT ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on House Resolution 672 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 198, not voting 14, as follows:

[Roll No. 238]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin

Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Ackerman
Brown-Waite, Ginny
Burton (IN)
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Ehlers
Lampson
Millender-McDonald
Pascrell
Smith (TX)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1256

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 193, not voting 14, as follows:

[Roll No. 239]

AYES—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Brown-Waite, Ginny
Burton (IN)
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Ehlers
Hunter
Lampson
Millender-McDonald
Pascrell
Pickering
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1304

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 236, 237, 238 and 239. Had I been here I would have voted "aye" for rollcall vote 236, "aye" for rollcall vote 237, "aye" for rollcall vote 238, and "aye" for rollcall vote 239.

REPORT ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. ROGERS of Kentucky, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–541) on the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. Simpson). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–542) on the bill (H.R. 4568) making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RENEWABLE ENERGY PROJECT SITING IMPROVEMENT ACT OF 2004

Mr. POMBO. Mr. Speaker, pursuant to House Resolution 672, I call up the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 672, the bill is considered read for amendment.

The text of H.R. 4513 is as follows:

H.R. 4513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENVIRONMENTAL REVIEW FOR RENEWABLE ENERGY PROJECTS.

(a) Compliance With NEPA for Renewable Energy Projects.—Notwithstanding any other law, in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) with respect to any action authorizing a renewable energy project under the jurisdiction of a Federal agency—

(1) no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative; and

(2) no Federal agency is required to analyze the environmental effects of alternative locations or actions other than those submitted by the project proponent.

(b) Consideration of Alternatives.—In any environmental assessment or environmental impact statement referred to in subsection (a), the Federal agency shall only identify and analyze the environmental effects and potential mitigation measures of—

(1) the proposed action; and

(2) the no action alternative.

(c) Public Comment.—In preparing an environmental assessment or environmental impact statement referred to in subsection (a), the Federal agency shall only consider public comments that specifically address the preferred action and that are filed within 20 days after publication of a draft environmental assessment or draft environmental impact statement. Notwithstanding any other law, compliance with this subsection is deemed to satisfy section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines with respect to proposed renewable energy projects.

(d) Definition.—For purposes of this section, the term "renewable energy project"—

(1) means any proposal to utilize an energy source other than nuclear power or the combustion of coal, oil or natural gas; and

(2) includes but is not be limited to the use of wind, solar, geothermal, or tidal forces to generate energy.

The SPEAKER pro tempore. After one hour of debate on the bill, it shall be in order to consider the amendment printed in part A of House Report 108–540 if offered by the gentleman from California (Mr. Pombo), or his designee, which shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. Pombo) and the gentleman from West Virginia (Mr. Rahall) each will control 30 minutes of debate on the bill

The Chair recognizes the gentleman from California (Mr. Pombo).

Mr. POMBO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 4513 expedites the development of renewable energy projects such as wind, tidal, solar, and geothermal by streamlining, but not weakening, the environmental review process.

The bill instructs the responsible agency to review and take public comment only on the most feasible project. Simplifying the process is necessary to incentivize participation in renewable energy projects which are economically marginal to start.

The bottom line is that H.R. 4513 encourages developers to commit capital to renewable energy projects and puts the government in position to put that capital to work sooner.

NEPA requires review of reasonable alternatives, and H.R. 4513 takes the intelligent step of defining "reasonable" alternatives for renewable energy projects rather than having it defined through litigation, which those opposed to this bill may ultimately want to do.

Since renewable energy projects are largely place-based, which means that they can only make use of the site where the resources are found, the only reasonable alternatives are, one, the proposed project, and, two, no action.

This bill does nothing to change the requirement that a Federal agency follow the NEPA environmental review process, including mitigation. At the end of the NEPA process, if the agency is not satisfied that the project meets environmental requirements, then the agency official can deny the permit.

Despite what agenda-driven extremist groups might suggest, public comment is not limited. Anyone can make comments on the project. It does require that the comments be focused on the preferred action, which is consistent with the NEPA regulations request that comments be as specific as possible.

H.R. 4513 has no effect on any other environmental law or action. For example, while H.R. 4513 addresses alternatives during NEPA review of hydroelectric projects, it does nothing to affect any of the environmental safeguards otherwise found in the relicensing process.

The bill actually improves an agency's environmental review by focusing on the most viable project rather than having it distracted by misdirected and ineffective alternatives.

Renewable energy projects create jobs. Wind power creates 2.77 jobs for every megawatt produced. Solar panels create 7.24 jobs per megawatt, and geothermal energy projects create 5.6 jobs per megawatt. These projects use large amounts of highly skilled labor and can be an engine for local construction and manufacturing jobs that pay family wages.

At the end of the day, my colleagues either support renewable energy production or they do not. This bill is necessary because of the costly litigation and bureaucratic roadblocks created by the same groups that oppose this bill. This bill provides the framework for power supplies that are affordable, reliable, secure and sustainable while at the same time fully protecting the quality of our environment.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4513. It is understandable that there is some confusion among Members about a bill listed on the schedule as the Renewable Energy Siting Improvement Act. After all, H.R. 4513 was recently introduced on June 4 and has not had a single day of hearings or markup in the Committee on Resources. Surely such a noble sounding bill must have a reasonable approach to address real problems.

Sadly, that is not the case with H.R. 4513. If there were a truth-in-labeling requirement under the House rules, this bill should more accurately be called an Act to gut the National Environmental Policy Act of 1969.

Not only is it unwise to fundamentally rewrite NEPA, one of our most important environmental laws, it is unnecessary. It is unwise because this bill would turn NEPA on its head by allowing Federal agencies to avoid considering alternatives to any renewable energy project. Under H.R. 4513, it is up or down. Take it or leave it. It is my way or the highway. The Federal agency must put blinders on, even if a proposed energy project is next to a school or a park and there are more desirable alternative locations.

It is also unwise because the public is given only 20 days to comment on the up or down option being promoted by the Federal agency. As a practical matter, this means that States, local governments and ordinary citizens will be effectively out of the process of Federal agency decision-making on energy project siting.

It is unnecessary because there is no compelling evidence that complying with NEPA has thwarted responsible development of renewable energy in the United States.

Of course, some renewable energy projects are controversial, including wind farms on the mountaintops in my home State of West Virginia, but they are not going to become less controversial if we shut the door on the local citizens as would the pending measure.

In essence, this bill would make Federal agencies more powerful but less well-informed and less accountable to the States and the public than is currently the case under NEPA. In days gone by, such radical legislation would have been derided as big government by the conservatives in this body, but today I fear that H.R. 4513 is only part of a broader assault on NEPA and the public process.

So, to my colleagues from coastal areas, beware. I say beware. Today, it is wind energy. Tomorrow, it could very well be offshore oil and gas leasing.

Voting for this bill today sets a precedent. Pending before us is a feel good bill that does nothing but damage public support for responsible development of renewable energy. Let us not toss NEPA to the wind. Reject H.R. 4513.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I yield 4 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman from California for the time.

I rise in strong support of H.R. 4513, the Renewable Energy Project Siting Improvement Act of 2004. This bill will greatly aid in our efforts to fill out our Nation's energy portfolio in a balanced way and in a complete manner.

We hear so often that we do not have enough renewable energy sources contributing to America's insatiable appetite for cheap and abundant energy. Here is an opportunity to increase the role that renewables play in our energy production, helping to create a safer and smarter national energy policy.

The problem that our Nation has with providing abundant and cheap energy to manufacturing plants, to agriculture users, to schools, to office buildings and to homes is not that we do not have enough energy. We have plenty. In my home State of Wyoming, we have several hundred years of supply of low sulfur coal, clean burning natural gas and easily attainable uranium; and the wind, well, it never stops blowing in Wyoming. So if we have plenty of energy, both fossil fuels and renewables, then what is the problem?

It is simple. There are those who will stop at nothing to stop any development of any kind of our natural resources, no matter how responsibly it is done. There are those radical environmentalists that file so many lawsuits that it makes even an ambulance-chasing attorney blush.

Through the death of a thousand cuts, these same environmentalists will drag out and attempt to halt any effort to provide energy that helps our economy grow, whether it be updating transmission lines, producing natural gas or coal with the newest of technologies or even putting up an environmentally sensitive wind farm.

□ 1315

Just last year, I introduced H.R. 793, which was included in the conference report of H.R. 4 and in H.R. 4503, which the House will consider later today. This bill would address the need for statutory authority to permit future alternative energy projects on the outer continental shelf. Such projects would include energy projects such as wind, wave and solar power production. But that bill, too, was opposed by people all across the environmental community, and it was opposed particularly in Nantucket where a wind farm was already planned and financed several miles off the coast. These are the very same people who claim to be strongly supportive of alternative forms of energy, but refuse to allow even a single windmill many miles off their coast.

This hypocrisy is simply unacceptable. The bill before us is an opportunity to support the expedited, but thorough, environmental of renewable energy projects. H.R. 4513 merely requires the Federal agency focus on the actual proposed renewable energy project rather than conjure up a whole bunch of fantasy alternative projects in the name of jumping through the procedural hurdles of NEPA. The alternative energy project, if found to be environmentally unacceptable, will still be rejected by the Federal agency involved.

It is simple. Either Members are for renewable energy or they are not. It is time to move forward. The approach on alternatives in this bill was extensively debated during the consideration of the Healthy Forest legislation, and it is not a novel approach. It is consistent with NEPA. Reducing the number of alternatives in a NEPA study is a necessary step to reduce costly legislation that prevents capital investment in renewable energy projects.

I strongly urge Members' support of H.R. 4513 and ask that those who claim to be in support of renewable energy sources put their vote where their mouth is and support a bill that actually allows renewable energy projects to get off the ground and out of the courthouses.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I want to first start by thanking the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, for working with me and others to clarify that the language in this bill is not intended to alter the existing law and the moratorium as far as drilling for oil and gas in the eastern Gulf of Mexico and other protected areas.

Having said that, I want to join the gentleman from West Virginia (Mr. RAHALL) in urging a negative vote on this bill. This bill has as a stated goal to speed up the permitting process with respect to alternative energy projects, and it certainly is a worthy goal. None of us should be afraid of trying to find better ways to have a system that is quicker, more efficient, and less bureaucratic. However, I think the bill fails to achieve that goal.

If this bill had gone to the committee, and if the bill fails here and in the Senate, hopefully it will come back to committee this Congress or next, I think Members could sit down and try to work through these details; but instead, we have a bill that really guts much of the NEPA, the National Environmental Protection Act. This bill would stop forcing Federal agencies to consider alternatives which might be more environmentally benign in my State, Florida, or others, in judging a particular project.

This law is intended to provide a voice like Florida to participate in a decision that balances the interest of the State against our energy needs and other Federal considerations. If the State does not have a voice in this discussion, then it is not a legitimate discussion.

I know my Governor, Jeb Bush, has said limiting the comment period from

45 days to 20 days deprives my State of the voice it needs to have in this conversation about environmental impact. We need to find a way to make sure the State can still be heard. By eliminating the alternative considerations, we have also limited the States' ability to comment on how to balance renewable energy needs with the details of how to site something, where to site it, and how to construct it.

There is a way to have a balanced, fair debate on how to make the National Environmental Protection Act a better law where State and Federal Government can work better together; but this is not the way to do it today, and I urge a negative vote on the bill.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in response to my colleagues' comments on the bill, I am not exactly sure where the gentleman from West Virginia (Mr. RAHALL) is going with his opposition. We have spent so much time on energy legislation over the past several years in the committee in trying to work this out; and one of the things I hear repeatedly from the other side of the aisle is we need to do more on renewables, we need to have more effort put into having alternative energy and renewables and environmentally friendly energy production.

This bill does that. It streamlines the process. It in no way guts NEPA. It does not change a word of any of the environmental requirements under NEPA. It does not prevent the States from commenting or change the States' ability to comment on that, or the ability for our constituents, the citizens of this country, to comment on any of the proposals that are put before us. All of that stays in place. All it does is in reducing the number of alternatives that are required of someone to come forward with is it streamlines the process.

Now, if there is something that is being built next to a school or a national park, and I love hearing that, then the agency with oversight says no. It is that simple. If somebody is that ignorant that they are going to come forward with a project next to a school or in the middle of a national park, they say no. Then they go to a different project. All we are trying to do is speed up the process.

I love listening to the other side of the aisle talk about how we need to do more on alternative energy; and when we went through all the debate on the energy bill, we talked about how we need to do more on bringing alternative energy projects to the forefront. We are trying to do that in this bill, and the other side of the aisle is still opposed to it. I am coming to the conclusion that the other side of the aisle is opposed to doing anything that produces energy. If they do not support this, and they do not support the energy bill, what are they in favor of? What do they think is a good idea to produce more energy for this country?

If they come up with some ideas, I will work with them. We did the energy bill, which was a balanced approach. We did this bill, which is to put more emphasis on nonpolluting energy sources; and they are still opposed to it. At some point they have to come forward and say we are in favor of something because our country is running out of energy. Our country is in a terrible mess on natural gas prices, on gasoline prices, on electricity prices. Everything is going up. We have shortages all over the country in different parts for different reasons; and everything that we propose to try to take care of that, they are opposed to it.

Granted, the environmental groups have a long and storied history on opposing anything, and I can take that. But as Members of Congress, we need to step forward and be leaders and say this is how we are going to take care of our energy problems into the future.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 4513. Like many Members, I applaud the topic of the legislation. I support wind, solar, and other clean renewable energy projects. They are a critical part of a clean energy future. But renewable energy projects could have adverse impacts on the environment and also on public health if they are not sited, designed, or operated properly. This needs to be a part of the topic. It is about a local voice in having a say in what happens.

That is why projects, whether they are clean or renewable or whatever kind of project it is, must be subject to a full environmental and public health review as required by the National Environmental Protection Act, or NEPA, a process which results in a better project.

With all due respect to the Chair of the committee, H.R. 4513 seeks to remove this requirement of having a local voice in the process. Under the bill, any Federal agency would be exempt from considering alternatives when assessing the environmental impact of a project. It would virtually eliminate input from local communities, States, and the public by allowing only a 20-day comment period and only allowing comments on the proponents' proposal.

Under current law, interested parties have 45 days to comment and analyze the environmental effects of alternative locations and actions of a project. The bill's intentionally broad definition of renewable energy leaves the door wide open to waivers for environmentally harmful projects, such as some solid waste incineration, hydroelectric projects, or LNG terminals and pipelines, not just on public lands but everywhere according to the OCS.

While I salute the fact that this bill recognizes renewable energy development and its importance, it fails to ensure that environmentally important renewable energy development occurs in a timely manner, in the right locations, subject to the terms that fully protect the public's interest, and through a process that ensures ample public input and trust.

Mr. Speaker, let us make sure that all energy projects meet environmental and public health standards. I urge a "no" vote on H.R. 4513.

Mr. POMBO. Mr. Speaker, I yield myself 1 minute to engage in a colloquy with the gentlewoman.

Mr. Speaker, would the gentlewoman support the bill if we went to a 45-day comment period?

Mrs. CAPPS. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, if there were the kind of local processes that are in place now in NEPA to allow for that full discussion and have alternatives that are available for the public to have an input.

Mr. POMBO. Mr. Speaker, it does not change that part. It only changes the 45 days to 20 days. If we went to a 45-day comment period, would the gentlewoman then support the bill?

Mrs. CAPPS. Mr. Speaker, if the gentleman would continue to yield, I would have to be assured that the other pieces for having a local say would be there as well. But lengthening it to the 45 days would be more in compliance with the way it is now.

Mr. POMBO. And are there other things in the bill that change that local comment?

Mrs. CAPPS. Yes, there are; and I would be happy to discuss it further.

Mr. POMBO. Mr. Speaker, I would be willing to change it to the 45 days if that is the gentlewoman's opposition to the bill.

Mrs. CAPPS. That is one step. I would defer also to the ranking member and an ability to work that out.

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the former chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, let me take a moment to thank all of the Members of the House on both sides of the aisle for so many expressions of love and support, and most importantly, their prayers in the last several months. They have meant a great deal to me. I am so happy to be back working for the salary and doing my job for the people of Louisiana.

It is a particular pleasure to join Members in a week we are taking up energy, which has been so much of the subject of my congressional career in the past 24 years; and I am pleased to join the gentleman from California (Chairman POMBO) and the other Members who are rising in support of this very worthwhile bill.

This is about common sense. The one thing we have lacked in energy policy in America is common sense. We passed an amazingly complex energy bill, and we will vote on that conference report again this week, and ask our colleagues in the other body to please take it up for the sake of our country, at a time when we are experiencing outrageous gasoline prices and there are blackouts in Arizona and New Mexico which are having problems with their grids, and as we are experiencing large blackouts in the northeast which could be repeated because the energy bill we passed has not been signed into law and will do something to put in place standards for conduct on those electric grids that are going to keep them sound and stable in the future.

While we sit and play party politics and silly arguments about legal constraints of one kind or another, our country suffers from a dearth of energy, and yet we continue to consume it at alarming rates and become more and more dependent upon people we cannot depend upon to send us energy.

We have not built a refinery in this country in 25 years, and yet in the last 25 years we have built 751 million new automobiles and trucks to ply our highways. Where do Members think it comes from if we are not going to produce it at home? We had great debates about a bill that contained not only conservation provisions but new initiatives to produce new oil and gas and coal and other energy in this country, and great provisions for renewable energy. But what stands in the way to get renewable energy on board in this country is all of the laws which have been passed to stop the other energy projects.

What our chairman has brought to us is a bill of commons sense which says if renewable energy projects are a priority in America, if Members really believe that, if that is what really is behind their energy policy in all of the debates this House has had, and the Senate ought to have real soon if we are going to pass an energy bill for our country, if renewable energy is really our best option, then we need to make sure it does not get tied up in legal knots.

□ 1330

It says that when a renewable energy project is offered under NEPA, that you have got two choices: You either find out that the site chosen is a good site and it ought to be built here or you do not build it there. Public comments and local government involvement is still permitted, in fact encouraged in that process. Nobody says you have to build a renewable facility under this bill. It simply says you have got two choices: Build it or do not build it. But do not tie it up in legal knots.

What legal knots are we talking about? NEPA was constructed to make sure that if an oil and gas refinery was going to ever be built in this country, that before it was built the Environmental Protection Agency had to look at every other possible site it could be built at and rule them all out before you could build it here. If you take that view with every renewable facility, every energy project that was designed to produce energy from clean, green, renewable energy, then you are giving those people who do not want to see anything built the option of tying it up in legal knots.

What the chairman is offering you is a bill that says for this priority energy, good, clean, green energy for America, at least do not tie that up in legal knots. Either build it where it is proposed to be built or decide after public comments are published and listened to and digested that the site is wrong and you should not build it at all and then go look for another site. It does not cut off public comment. It does not cut off total environmental review for health and safety reasons. It does not cut out total assessment of the site chosen. It simply says, do not tie it up in legal knots. At least move these energy projects forward so that we do not have to depend so much on foreign oil and on countries we cannot depend upon.

It comes down to this, folks. We either start doing some things like this in this country or we are still going to have to keep sending our sons and daughters to die in some other country protecting an oil field or refinery located in Saudi Arabia, Iraq, Iran or somewhere else. Think about it that way. Is it not time we in America value our own sons and daughters a little better than that? Would you not like to see the 35,000 people who are working in Saudi Arabia today who have been ordered home because there have been threats for their lives, would you not rather see them working in America building a wind farm or a renewable energy project? This bill says you can come home. You can work in America. We are going to start building some projects that are clean and green and good for this country.

Those who vote against it are saying, We don't want to build anything. We would rather keep sending our sons and our daughters into treacherous lands in the uniform of our country to die to defend somebody else's oil field, somebody else's refinery. This is commonsense stuff. Whatever we disagreed about before, we ought not disagree on this one. Let us build some good green energy facilities in America. If you do not like where they are sited, shut them down, go build them somewhere else, but let us speed this process along. That is all that Chairman POMBO wants. That is all this country ought to at least get out of this debate.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

First I join with my colleagues in welcoming the gentleman from Louisiana back to the Congress. We know he has been through quite a battle and our prayers and thoughts were with him. I am glad to see that his full vim and vigor and rhetorical flourishes are back with us as well, the BILLY TAUZIN of old. It is good to have the gentleman back.

Let me say in response to some of his comments as well as my distinguished chairman of the full committee, the gentleman from California, as my good chairman knows and all Members of the body, I come from a coal-producing region of this country. Southern West Virginia has some of the best coal in the world. That is not just a parochial statement. I say to the gentleman that I certainly support the clean coal technology that is in the energy bill, even though it is peanuts compared to the tax credits and all the other goodies the oil industry gets, which is the main reason for my opposition to that bill. Nevertheless, clean coal technology is good, but we need more than lip service paid to clean coal technology if we want to develop alternative sources of energy in this country.

And in response to the gentleman's question of what am I for, I am for producing that coal. I am for the advanced technologies that would turn coal into gas and liquid fuel. That is what we need, are credits, incentives, other vehicles that will make it attractive for industry to produce that alternative fuel from coal. We are the Saudi Arabia of coal in this world. It makes no sense that we do not put in true incentives for developing that coal. I myself quite honestly would rather see a surface coal mining project than a windmill farm. That can be effectively reclaimed. It produces jobs both in the initial mining and in the reclamation process and in some cases can even clean up our environment better than previous to the mining. It certainly can provide better job-creating opportunities in the long run, such as industrial parks, the flatland is such a premium in the terrain from which I come, and other related industry that comes from such a project.

This current bill by eliminating the public input, by speeding it up so quickly that the public does not have an adequate say in the approval or disapproval process, in my opinion, does not add one iota to improving and increasing our domestic energy supplies. That is my problem with this bill, is that it does run roughshod over that process and I do not see where it is necessary to change that process, because that process, in this gentleman's opinion, has not hampered our energy production in this country. I want to see our domestic sources of energy explored further so we can indeed produce energy that this country needs without reliance upon foreign sources.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding. By our standards, this is an extremely short bill. It is 2½ pages. I have read and reread and looked at this. I do not see in here where they say that we are eliminating the public comment. It says consider public comments that specifically address the preferred action that are filed within 20 days. If it is the time limit part, if that is where they have the major heartburn over this, I will go to current law and 45 days if their opposition to the bill is based upon that. Because there is nothing else in here that eliminates all of the public comment that is currently required and accepted under NEPA. I am not sure where they are getting that. They might have read it in somebody's memo, but it is not in the bill.

Mr. RAHALL. Reclaiming my time, I would respond to the gentleman, the biggest problem I have is eliminating alternatives that are available to a project. It is either, as I understand the bill, the developer's alternative or no alternative to a project. That in my opinion is more devastating than limiting the public input time to 20 days which, the gentleman is correct, is the time limit in the bill. That is the problem that I have.

Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. UDALL), a distinguished member of the Committee on Resources.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the ranking member, who has, I think, done an excellent job at raising the serious questions that need to be raised here, for yielding me this time. I also rise in opposition to this bill. As a representative of the Third District in New Mexico, I am a strong supporter of renewable energy projects. New Mexico has become home to many renewable energy projects and in our State renewable energy policy is very progressive. Just last year, the State legislature enacted a renewable portfolio standard that would require utilities to generate 10 percent of power from renewable energy sources by 2011. Our Governor and members of our congressional delegation have worked to make New Mexico a showcase for renewable energy. This can be done.

I think most if not all of my colleagues on this side of the aisle are great proponents of renewable energy. In fact, many of them are cosponsors of my bill to create a Federal renewable portfolio standard. Last night I tried to offer that bill as an amendment to the larger energy bill, but it was rejected by the Committee on Rules in favor of a closed rule, denying the amendment. That amendment would require electric utilities, except co-ops, to obtain 15 percent of their power from renewable energy resources by 2020 and an additional 5 percent by 2025 so that by 2025, 20 percent of retail electricity suppliers' power production would be derived from a portfolio of renewable energy resources.

If the author of this bill being debated today is serious about renewable energy, why is he so hesitant to support real reform of our energy policy? Why will he gladly strike regulations requiring environmental impact statements while refusing to enact a Federal renewable portfolio standard or even to debate it?

If Members think that H.R. 4513 is going to encourage and increase renewable energy projects, they are sorely mistaken. This bill will only serve to undermine the National Environmental Policy Act and to slash the current safeguards we have in place to ensure that new projects do not seriously harm our environment. I urge my colleagues to vote against this flawed bill.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, where in the bill does it strike the need for environmental impact statements?

Mr. UDALL of New Mexico. It strikes the alternatives.

Mr. POMBO. The gentleman's statement said, and I appreciate him correcting that, because there is nothing in this bill that slashes the environmental impact statement requirements. There is nothing in this bill that slashes any of our environmental laws.

Mr. UDALL of New Mexico. So the gentleman is saying that this does not impact NEPA at all? I do not think that is a correct reading. I believe that the NEPA requirements, the NEPA alternatives, are seriously impacted by this piece of legislation. And why are we cutting out the public when it comes to renewable energy?

Mr. POMBO. Where are we cutting out the public?

Mr. UDALL of New Mexico. Reclaiming my time, why are we cutting out the public when it comes to renewable energy? Why has this side of the aisle refused to debate the issues that are the real issues here, getting our power companies to participate and go forward with renewable energy? It seems to me that there is a lack of wanting an open debate. They want a closed system. They want a closed rule. They do not want any amendments. I do not understand it, but I guess they just do not want an open debate on these issues.

Mr. POMBO. Mr. Speaker, I yield myself 4 minutes. Just in response to my colleague, there is nothing in here that eliminates the public comment period. There is nothing in here that reduces the public comment. As I have said repeatedly, if the big problem is 20 days or 45 days to respond, then I would be happy to go to 45 days for their support on this bill.

In regard to the gentleman's amendment that he offered on the big energy bill, he is perfectly comfortable mandating that a State adopt 15 percent of their energy coming from a renewable resource but he is unwilling to do anything to make that happen. What we are trying to do in this particular piece of legislation is make it easier for people to build renewable energy projects. That right now has proven to be extremely difficult. In flying from the State of New Mexico, which is mostly public lands, into the State of Texas, you cross a line. On one side of the line they have renewable energy projects. On the other side of the line, they do not. It is the same conditions, the same wind, yet it is that much more difficult to build on public lands in the State of New Mexico than it is on private lands in the State of Texas. In my area of the country, in California, in my particular district, we have thousands of windmills. None of those are built on public land. They are built on private land. But you have to build windmills where the wind blows. You cannot just do it where somebody thinks it is a good idea. What we are trying to do is make it easier for people to build where the conditions are. In some cases that happens to be on public lands. That is what we are trying to do.

I do not understand how they can keep talking about being in favor of renewable energy and then scramble around and try to find a reason to be opposed to this bill.

Mr. UDALL of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, the gentleman from California knows we have lively debate in our committee.

Mr. POMBO. And I never stop that.

Mr. UDALL of New Mexico. The gentleman should be credited for that. But we are not being allowed alternatives on this bill. That is exactly what they have done in this bill on NEPA. They have an up-or-down NEPA process with no alternatives. That, I submit, is a sham process.

□ 1345

Mr. POMBO. Mr. Speaker, reclaiming my time, when one has a project, and I will take windmills, when one has a project and the wind blows on this hill and it is public land and they go to BLM and say we want to build a project of 200 windmills on this piece of land, the BLM looks at that. They go through all their environmental review, and they tell them yes or they tell them no. That is what we are trying to do. We do not want to spend 10 years in court deciding whether or not it meets all of the different alternatives that are put out there. If it does not meet all the environmental restrictions that are in place, if it does not have the environmental impact statement, if it does not meet the Endangered Species Act, all of the environmental restrictions, then BLM says no. It is not that complicated. You guys are just scrambling, looking for a reason to vote "no."

Mr. UDALL of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, we are voting "no" on a matter of principle.

Mr. POMBO. You are voting "no" on politics, and you know it.

Mr. UDALL of New Mexico. Is the gentleman going to yield to me or not?

Mr. POMBO. I yield to the gentleman.

Mr. UDALL of New Mexico. We are voting "no" because you have made a sham of the NEPA process by saying vote up or down. You know very well that what NEPA is all about is looking at alternatives. If you do not have any alternatives, you make it into a sham.

Mr. POMBO. Mr. Speaker, reclaiming my time, that is not what NEPA is all about. But what we are trying to do is make the system less bureaucratic, more efficient, force whoever is applying for the permit in that project to actually go at it in a way that it could become a reality. Right now, as the gentleman knows and I know, these projects are not being built on public lands and a big part of the reason is the bureaucracy.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL), a valued member of our Committee on Resources.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

Mr. Speaker, I rise in opposition to this bill and express my opposition to the other energy bills we are considering today and tomorrow as part of what the Republican leadership is calling Energy Week.

I would like to start with this bill, the Renewable Energy Project Siting Act. As the Members know, I am cochair of the Renewable Energy and Energy Efficiency Caucus, so some may wonder how I can be opposed to the bill. And the answer is that the bill is not what it claims to be, and I oppose it for what it really is.

Voting against the bill does not mean opposing the development of clean renewable energy technologies. Instead, it means being opposed to rushing the development of energy projects without first subjecting them to the full environmental and public health review required by the National Environmental Policy Act, or NEPA.

In my experience and my understanding of the history, environmental analysis has not held up siting of a sound renewable energy project; so there is no need for the bill. If we look at the simple purpose of NEPA, it is to require that the Federal Government looks before it leaps to make sure that the benefits of a project do not come at the expense of the environment. That is a sound rule, and it should be maintained. So for that reason I cannot support this bill.

At this point let me, if I might, briefly discuss the other energy bills on this week's agenda. There is no doubt that we in the Congress need to pass a comprehensive energy bill. But the bills we will be considering this week will not address the real problems we face today, high energy prices and finite supplies of fossil fuels. Instead, at most it merely postpones the inevitable transition from hydrocarbons that we need to make by subsidizing oil and gas production at the expense of cleaner and more efficient technologies. Drilling in the wildlife refuge in Alaska will not help us get out of this bind, which is again one of the reasons I will oppose that bill when it is considered tomorrow.

And the other bill we will consider tomorrow, to make it easier for refineries to restart and be developed in areas of high unemployment by relaxing environmental regulations, will not do anything to affect oil prices and could create environmental hazards for the residents of these areas.

Mr. Speaker, the fact that the Republican leadership is forcing this debate on these bills we have already considered not only indicates a lack of imagination but also an admission that they have no plan to address rising gas prices and the energy needs of this country.

This appears to be an exercise in politics, not policy. If we get serious in this House about addressing our energy concerns and developing a real energy policy, I know we can find common ground. But this week's showboating is not serious. I urge my colleagues to oppose these bills.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy for yielding me this time and permitting me to speak on this.

One would think that if our Republican colleagues were so concerned about renewable energy, they would not have bottled up the wind energy tax credit that has been allowed to expire, languishing, stopping projects in my district that the business community, the environmental community, and farmers, frankly, who would like to harvest a little wind, would have benefited from. The months go by. It ticks off. We could have had a clean, precise, up-or-down vote on extending the wind energy tax credit if we were serious about renewables. It would have passed by 400 votes on this floor if the gentleman and the Republicans were serious about it and not bollix it up with a whole range of other items. Instead, we are given a proposal that would compromise the development of renewable energy by narrowing the scope of NEPA.

It is true that we have a shell of NEPA under this proposal, but it is basically an up-or-down vote. They seek to compromise the amount of time that is used. It is part of this notion of dodging the fundamental issues, a failure to pass a comprehensive energy bill that would really help renewables; that would help energy conservation; that would provide a vigorous debate on the floor of this House on things that would be able to help move the country forward. Instead, we are given this proposal.

Let us talk about this proposal for a moment. Certainly, hydroelectric energy is a renewable resource. We have got 400 or more dams that were licensed in the 1950s that were never under the NEPA process. If this proposal that has been advocated for us today is approved, these 400 dams will move forward without ever having the benefit of the complete environmental review. It is not about just an up-or-down. Anybody who has worked in areas where there has been significant environmental controversy knows that having the full range of alternatives being discussed, being debated, being analyzed results in having stronger proposals.

I have listened in vain to hear all of the proposals that have been sidetracked because renewables have been bollixed up in some sort of protracted environmental analysis. We are still listening. Where is the list of the projects? I am not aware of any. But let me say that there is a precise analogy to what happens sometimes on projects that have been hung up when we look at some that are in the infrastructure arena and what happens when people ignore the requirements of the law, when people do not engage the public, when they do not do a good job of studying the environmental impacts. Then we find that people push back. Then we find that we have inadequate proposals. Then the local politics intervene, and the people insist that the project be halted so it can be done right.

I would respectfully suggest that enabling hydroprojects to be built in virtually any waterway in the United

States without a full range of environmental analysis is not good public policy and will engender more negative reaction. To have 400 dams that were never involved with a full range to begin with go through relicensing under this proposal would be a mistake.

I would hope the time will come that we can have an honest debate on a range of proposals that the American public deserves.

Mr. POMBO. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to this bill.

Mr. Speaker, this bill is the ultimate Trojan horse. It is an attack on fundamental environmental policy dressed up to look like an effort to promote alternative energy.

Alernative energy is not being held back by environmental law. There are many steps we could take to promote alternative energy—through tax incentives, through research and development spending, through renewable portfolio standards, through energy efficiency standards. But we're not taking many of those steps. Instead, we're offered this false choice between environmental policy and alternative energy.

This bill would undermine the fundamental protection offered by the National Environmental Policy Act, or NEPA. Under this bill, alternative proposals would not have to be examined. What that does is disempower individuals and communities, who will no longer be able to fully debate where and whether alternative energy projects would be built. Reforming NEPA is one thing and I am receptive to working constructively toward that end, but abandoning it is something else indeed and should not be allowed.

And keep in mind that alternative energy in this bill is very broadly defined. Garbage incinerators would qualify; new dams would qualify. This bill would short-circuit review of such projects.

I am one of the strongest supporters of alternative energy in this Congress. I get frustrated when folks fight against wind farms on aesthetic grounds, for example. But I don't think that we need to avoid proper environmental review on alternative energy projects.

I urge my colleagues not to fall for this charade. Vote "no."

Mr. POMBO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I would like to tell the gentleman from Oregon (Mr. BLUMENAUER), and I guess he has left the floor, one such wind project that has been held up by lawsuits is a project off Nantucket Sound. The investors are there; the money is there. But there has been a lot of opposition to that wind project.

I do have to agree with the gentleman from Colorado on one thing. Everything that has been said here today is about politics, but it is about politics on that side of the aisle. They want to have it both ways, Mr. Speaker. They want to say they support renewable energy production in the United States, but they do not because they look for anything they can find to vote against any proposal that is made going in the right direction to increase our renewable energy supply.

Let us talk about this just for a minute. I want to explain the process of a NEPA review. There is an investor that spends millions and millions of dollars in order to put together a proposal to bring it to the point that it asks for an environmental review. Beyond that, the government spends millions and millions and millions of dollars going through this analysis, compiling the information. So if one asks for a project, a renewable energy project, the actual effect that this bill will have by reducing the number of alternatives is that it will make the investor come with the best environmental deal he can possibly put together because he has only got one shot at it. All of those millions have to be spent before he makes one penny. He has got one shot at it. Either the project is approved or it is not. Not one environmental aspect is changed. There is no lowering of the public comment. The only difference is the time. And as the chairman said, he will increase the scoping period to 45 days.

But I ask you to quit trying to have it both ways. Think of America before you think of your own personal politics and the politics of the extreme environmental organizations of this country. They come right out and they say they do not want any production. Why do you not be honest and say the same. In your mind it is all about defeating George Bush. You are putting politics first.

We need to produce energy for this country because we are nationally in jeopardy; our safety is in jeopardy; and our future and the future of our children is in jeopardy. So I ask the Members to support this bill. Allow these projects to be heard and not held up in courts of law for 10 or 15 years.

□ 1400

Mr. RAHALL. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from West Virginia (Mr. RAHALL) has 6½ minutes.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to several comments made on the other side and in further response to what I said earlier, it is not the fact that the majority is trying to eliminate completely the public comment phase of NEPA.

As I noted in my opening comments, they would limit that to 20 days, and I understand through the debate there is going to be an offer to extend that to 45 days; but that is not the main issue that we have tried to make on this side of the aisle.

The main issue is the fact that in the pending legislation, alternatives to renewable energy development would be eliminated. Take one example from my home State of West Virginia. If a developer comes in and wants to develop a wind farm on a beautiful mountain site in Pocahontas County, then the way this bill is constructed, there are only two alternatives. Either the developer's initial proposal accepted or rejected; or a rejection, no project at all.

There would be no process whereby alternative sites would be considered, whether for environmental or whether for economic or whether for social or whatever other reasons may come into play. The developer could not consider an alternative site maybe over another mountain ridge, because this pending bill, by wiping out the Federal agency's alternative to look at alternatives, strikes that completely; and that is the main reason that I am opposing this bill.

We have asked for sites from the majority, for examples of sites that have been delayed because of unnecessary NEPA regulations. The gentlewoman from Wyoming (Mrs. CUBIN) finally came up with one site. She mentioned a windmill farm in the Cape Cod area, and I would like to respond by reading from the developer himself. This is from Dennis Duffy, the vice president of regulatory affairs for the Cape Wind Associates, as quoted in the Cape Cod Times, when he said, "The Cape Wind, the developer in this case, fully agrees with the Federal authority that offshore commercial activity should be based on a full and fair review of proposed developments, including consideration of human, economic, social, and environmental factors as well as other potential uses of the seas."

He went on, "The ongoing review of the Cape Wind project is proceeding in full compliance with the provisions of both NEPA and the Coastal Zone Management Act and specifically includes the preparation of comprehensive EIS and the consideration of alternative project locations."

So the example cited by the gentlewoman from Wyoming (Mrs. CUBIN), I submit, is not one that calls for the gutting of NEPA.

In conclusion, Mr. Speaker, this legislation is unnecessary. The proponents have failed to produce projects that have been held up that would call for the enactment of this legislation.

In addition, there have been charges from the other side that politics come into play on this legislation. Well, I am kind of shocked. The last I checked, they are in control of the agenda in this body. Our side is not in control of that agenda. The last time I checked, this is part of an energy message week, originally scheduled for last week but postponed until this week. And I dare say that a few of the bills on the agenda in this body this week, while no doubt will pass, will never see the light of day in the other body because more reasoned and judgmental Members will make decisions thereupon.

So I think that is a false charge and one that should never have been brought up in the first place.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members to avoid improper references to the Senate.

Mr. RAHALL. I guess the Speaker was calling into question my describing the other body as the reason?

The SPEAKER pro tempore. The Chair was simply reminding Members that remarks in debate in the House may not characterize actions of the Senate or its Members.

Mr. POMBO. Mr. Speaker, I have just myself as the closing speaker. Does the gentleman from West Virginia (Mr. RAHALL) have additional speakers?

Mr. RAHALL. No. Mr. Speaker, I have no further requests for time on this side. I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself the balance of our time and will just say I appreciate the gentleman from West Virginia's (Mr. RAHALL) statement, and we have had over the last year and a half a chance to work together on a lot of different issues. I will tell my colleagues, on this bill we are trying to streamline the process and move it along. The gentleman's example, the letter that he read from the gentleman from Massachusetts, I think is a valuable example of what is wrong with the current system. If you actually look at the letter that the gentleman just read, he does not say in there that the process has not been held up by the current system. He is saying that they are going along with the current NEPA process and the EIS process and everything else, and I agree with that.

I believe that NEPA is an extremely valuable tool for the Federal Government and for our bureaucrats out there to make sure that anything that is going forward on public lands has the minimal impact on the environment, and that is what we should do. But in the gentleman's example about someone wanting to build a windmill farm in a pristine site, if that is the case, if someone comes forward with a windmill farm in a pristine site that BLM or Park Service or Forest Service or anyone else says they do not want windmill farms there, they say no.

What we are trying to avoid is multiple years of going through the process of studying non-viable options to that specific project, and that is what is considered under current law.

If you want examples of where this is not working, all you have to do is look at the difference between New Mexico and Texas. Where in Texas they are developing alternative energy and they have windmill sites on the public lands, across the border in New Mexico they are not building them. It is not because anybody was told no, it is because the developers look at it and they say, I can build here and start within a year or two. If I try to do it on public lands, it is going to take me 4, 5 or 10 years to go through the process. So they do not even try.

If you are in favor of doing alternative energy projects, then you have to support this bill, because that is what we are doing. We are trying to streamline the process in order to bring those projects on.

The gentleman from Oregon earlier talked about the wind energy tax credit. I am a huge proponent of that. We have windmills in my district. If it was not for the tax credit, they never would have been built. But they were built on private land. None of the public land has windmills on it because of the process that they have to go through. If the gentleman is angry about the wind energy tax credit, that is simple: Just tell the Senate to pass the energy bill. It is in there. We have passed it out of here three times already.

So as we move forward with this legislation, I would encourage my colleagues on the left to take another look at it, because this truly is an intent to bring more alternative energy into the process and to make it a viable industry for all of the people that are out there trying to find different ways, other than fossil fuel, to power our country.

Finally, I would say to my friend from West Virginia, when you are talking about windmills, you have to build them where the wind is. You cannot go to the developer and say we want you to pick an alternative site. That is like going to your coal miners and saying we want you to pick an alternative site. They have to mine where the coal is. You cannot tell them go look in my district in California. We do not have coal. In your district you do. That is why they mine for coal there.

Well, we have wind. That is where the wind is, and that is where you have to build the windmills. That is the same thing on public lands, you have to build them where the wind blows. To try to tell them they have to pick an alternative site, really, you are not accomplishing anything if you truly want to bring alternative energy into the market.

Finally, I would just say as we move forward with this bill, if there are specific issues in here that the gentleman wants to work on, I will work with him on it, and he knows that. If it is 20 days or 45 days, we can look at the difference between doing that. But we really do need to move forward with this bill.

Mr. DELAHUNT. Mr. Speaker, I join today with a dozen national environmental organizations in opposing legislation rushed to the House floor to gut the National Environmental Policy Act, as well as three other shopworn legislative assaults on conservation statutes.

In recent months, the Republican congressional leadership has packaged groups of bills—often proposals rejected in the past—for congressional votes to highlight a partisan rhetorical theme. This week's emphasis is on energy policy, bringing a battery of four measures before the House. These measures include provisions to open the Arctic National Refuge for energy exploration and to provide liability protection for groundwater contaminants. None of the bills will reach the Senate; none will become law.

While none of these proposals will become law, they reflect the congressional leadership's obsession with private energy speculators over the public interest. In recent years the Congress has rubber-stamped Bush Administration proposals to defer stewardship of public lands to mining, grazing and timber interests. Today, the Leadership is offering an even bigger prize, the gutting of the National Environmental Policy Act (NEPA).

The "Renewable Energy Project Siting Improving Act" is designed to weaken one of the bedrock federal environmental protection statutes, ostensibly to "promote" renewable energy. When enacted 30 years ago at the behest of President Nixon, NEPA was landmark legislation to create a coherent and predictable framework for responsible environmental decisions—among other things, guiding the scope and preparation of environmental impact statements (EIS). Many states, including Massachusetts, have used NEPA as models for their own statutes.

The NEPA-related bill brought before the Congress today would:

Effectively eliminate the EIS by forbidding public agencies from even considering alternatives to a project under review;

Broaden the definition of a "renewable energy project, potentially to include coal mines, oil shale, or even oil and gas drilling; and,

Cut back the comment period on proposed projects to 20 days, making it virtually impossible for states or the public at large to participate.

Given the sweeping nature of these proposed changes, it is particularly galling that the legislation reached the House floor within days of its original introduction—and without a single hour of committee deliberation. As the Medicare discount cards were a gift to the pharmaceutical industry, the energy siting bill would grant substantial new leverage to the energy industry developers of a wide range of projects, from hydroelectric dams to wood-burning plants to offshore wind farms.

If this Congress has any real desire to promote renewable energy, a perfect place to start is with policies and standards to develop offshore wind power. Our oceans provide significant opportunities to develop renewable energy from the wind. Projects of all sizes are being considered up and down the east coast, as well as in Nantucket Sound—nominated on several occasions by federal and state officials to be designated a national marine sanctuary, until Congress placed a national moratorium on that process.

Even though the Congress has yet to authorize the use of federal waters for this purpose, developers are floating trial balloon projects in many locations. In the wake of all this interest, the consensus in Congress and among a number of federal, state and local officials is that we need new and better policies—not less scrutiny—to guide the siting and licensing of these projects.

Even President Bush's Ocean Commission agrees. They were charged with developing practical recommendations to improve the management of our coast. They rightly condemn the current regulatory process led by the Army Corps of Engineers, but at the same time outline a number of constructive recommendations which could accelerate the development of responsible offshore wind farms. Yet not one of the commission's recommendations can be found in this proposal; and on occasion has the President's Ocean Commission cited NEPA as an issue of concern.

At the very least, the Congress could consider my own bipartisan proposal, the Offshore Renewable Energy Promotion Act, which authorizes the use of our oceans for renewable energy projects. It creates a siting process that brings together states, fishermen, mariners and other marine interests to first identify the best sites, uses and scale of projects. It embraces the concept of ocean zoning, an approach similar to that used on land where local officials guide development to the best locations, protecting important natural resources and minimizing conflicting uses.

The proposal I introduced with Republican Congressman JIM SAXTON, builds on existing coastal zone planning efforts. It proposes a transparent bidding and licensing process that is open to all, even municipal or local utilities, similar to offshore oil and gas. Even the ocean task force established by Republican Governor Mitt Romney strongly criticizes the current first-come first-served approach, which rewards developers to exploit gaps in current law.

It's bad enough that the Leadership insists on taking valuable floor time to rehash bills that the Congress has already debated and voted on. It's inconceivable that, in the name of renewable energy, we're asked to turn one of our most effective environmental statutes into one of the biggest loopholes in the U.S. Code.

That's why this bill has earned the vigorous opposition of the Sierra Club, Friends of the Earth, the National Environmental Trust, National Wildlife Foundation, World Wildlife Fund, Defenders of Wildlife, Union of Concerned Scientists, National Resources Defense Council and countless others with genuine concern about environmental protection. On their behalf, I urge my colleagues to join with me in voting in opposition to H.R. 4513.

Ms. MCCARTHY of Missouri. Mr. Speaker, I strongly support a comprehensive national solution to our energy needs. In developing a national energy policy, it is imperative that we address cost, reliability, environmental impact, and consumer protection. We must consider ways to invest in alternative energy technologies to reduce dependence on foreign oil, provide stable prices for consumers and businesses, address global warming and bolster our nation's energy security. I supported the original Energy and Commerce Committee measure which accomplished these objectives. H.R. 4503 reinforces our dependency on foreign sources rather than providing the American people with a more secure system, H.R. 4503 exempts energy production companies from vital environmental regulations. Further, it repeals the Public Utility Holding Company Act, a law specifically designed to protect ratepayers from risky investments. Instead of preventing another California energy crisis or Enron scam, this legislation opens the door for more corporate fraud.

This legislation fails to offer any meaningful assistance in the effort to update and modernize our nation's transmission system. Although Missouri was not affected by the recent blackouts, much of our transmission system suffers from the same outdated equipment that left our neighbors to the north and east in the dark.

This legislation also fails to secure our nation's drinking water. Despite the fervent objections of communities who experienced the devastating effects of the dangerous fuel additive MTBE, this legislation includes a waiver of all liability for MTBE manufacturers. MTBE has contaminated the drinking water of hundreds of towns and cities across the national and this legislation forces taxpayers instead of polluters to pay the bill. The Senate has already voiced its displeasure with this provision and the Republican leadership knows that this bill could actually become law if they removed this harmful waiver.

Today, the House is also considering H.R. 4513, the Renewable Energy Project Siting Improvement Act. As a strong advocate of renewable power, I fully support efforts to expand our reliance on renewable energy sources. In addition to their numerous environmental benefits, renewable energies also decrease our reliance on foreign sources of energy. Unfortunately, today's bill is actually opposed by leading advocates of renewable energy because it shortchanges federal, state, and local policymakers who want to be involved in the careful and correct planning of renewable energy projects. Mr. Speaker, renewable projects in this bill, including incinerators and dams, often leave an enormous footprint on surrounding communities and ecosystems. Yet this legislation would limit the options available to policymakers when considering the approval of these projects. The bill would also severely limit the public comment period available to local communities and leaders concerned about the impact of these projects. I would hope all of my colleagues will join me in rejecting this ill conceived legislation.

This week, the House is also expected to consider H.R. 4517, the Refinery Revitalization Act. This bill, which was never considered by the Energy and Commerce Committee, creates procedures intended to expedite the process of restarting idle oil refineries or constructing new refineries. To accomplish this goal, this legislation would designate the Energy Department as the lead agency for all refinery permitting. Under this bill, local, state, and EPA permitting processes would be skipped. The Energy Department would be given the authority to impose strict deadlines for completion of permitting, and would have the ability to drastically limit public comment and appeals. I hope my colleagues reject this measure and work together for a solution that reduces cost to consumers without detriment to our environment.

Mr. Speaker, Americans deserve an energy policy that protects our consumers, our environment, and our national security. I support legislation that will provide a real, long-term, comprehensive energy policy. The Democratic motion to recommit will work to lower gas prices, stop price gouging, and prevent future blackouts. I urge all my colleagues to support this sensible, long term alternative.

Mr. MARKEY. Mr. Speaker, I rise in opposition to H.R. 4513, the Renewable Energy Project Siting Improvement Act.

This bill should really be called the Non-negotiable Energy Project Siting Act. This is a gift to those who would like to gut the National Environmental Policy Act, wrapped in the green paper of renewable energy.

If the Republican leadership really cared about increasing renewable energy use in America, today we would be debating the extension of a renewable energy production tax credit, or a renewable portfolio standard or even national interconnection standards. Those are the policy priorities of the renewable energy industry, not gutting our national environmental laws.

Instead of taking up those policy priorities, the Republican leadership has decided instead to just take the public out of the process. H.R. 4513 would eliminate the requirement that any alternative other than not building the project be considered, and it limits the public comment period to just 20 days. 20 days is an inadequate amount of time for the public to respond to complicated energy projects like hydroelectric dams and waste incineration, which are included in the bill's broad definition of "renewable energy project." This bill says to sportsmen and Indian tribes that their comments on potentially harmful dam projects don't matter. This bill says to parents that their comments on plans to build dirty waste incinerators next to their children's schools don't matter.

This is a Republican solution in search of a problem. You'll hear a lot about wind energy today, but the fact of the matter is that 6374 megawatts of wind power have been developed under the current regulations. It is the start-stop nature of the renewable energy production tax credits under the Republican controlled Congress and White House that are making it difficult for developers to bring more wind energy online.

Democrats are ready to debate long-term production tax credits. Democrats are ready to debate a national Renewable Portfolio Standard. Democrats are ready to debate interconnection standards. But instead the Republicans just want to eliminate public involvement in energy projects that impact their families.

I urge my colleagues to vote against this misguided bill and preserve the public's right to comment on energy projects—renewable or not—that impact their families.

The SPEAKER pro tempore (Mr. ISAKSON). All time for debate having expired or been yielded back, it is now in order to consider the amendment made in order pursuant to House Resolution 672 in Part A of House Report 108–540.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment printed in House Report 108-540 offered by Mr. POMBO:

Page 3, beginning at line 13, strike "or the combustion of".

Page 3, line 13, insert a comma after "oil".

The SPEAKER pro tempore. Pursuant to House Resolution 672, the gentleman from California (Mr. POMBO) and a Member opposed each will control 5 minutes.

Mr. RAHALL. Mr. Speaker, although not in opposition to the amendment, I wish to claim the time in opposition.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control the time in opposition.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment would clarify that the environmental review process in H.R. 4513 would not apply to oil and gas leasing activities. This amendment would remove any confusion about what this bill does or does not do.

We have discussed this bill with the minority and they offered this change to the base text. After having gone back and forth, I believe this is a necessary change to the underlying bill to eliminate any confusion that there may be. By making this change, this amendment incorporates all of their proposed changes, short of rewriting the bill. Rewriting this bill would mean doing nothing to promote renewable energy development, which I find unacceptable.

I support this amendment, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the gentleman from California's amendment clarifying the obvious fact that oil and gas and coal are not renewable energy sources.

I do not think though that this is the end of the attempts to expand NEPA exemptions, and I urge those concerned about the integrity of coastal areas to remain vigilant. I would note, however, that even with this amendment, the pending legislation could be construed as providing NEPA exemptions to the construction of new hydropower dams on rivers and it could apply to incinerators using garbage or other waste products.

As I read the text, the exemptions in this bill include hydropower and incinerators which general power. As the gentleman from California is well aware, siting of dams and incinerators are very controversial matters and it is important, I believe, that the public knows what we are doing here on the floor today to their rights.

Mr. Speaker I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I appreciate the gentleman working with me on this particular amendment, but again I would say that in regard to his final comments there is nothing in this bill that eviscerates, guts, dissects or any other thing our Nation's environmental laws. All it does is it makes the system more efficient by reducing the number of alternatives that have to be looked at on a renewable energy project.

If somebody wants to build a garbage burning incinerator in the middle of a national park, we both know that the answer is no before they even apply for a permit. But I guess trying to scare people on this tries to make things work.

Mr. Speaker, I yield back the balance my time.

The SPEAKER pro tempore. All time having been yielded, pursuant to House Resolution 672, the previous question is ordered on the bill and on the further amendment by the gentleman from California (Mr. POMBO).

The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4513.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENERGY POLICY ACT OF 2004

Mr. HALL. Mr. Speaker, pursuant to House Resolution 671, I call up the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The Clerk read the title of the bill.

The text of H.R. 4503 is as follows:

H.R. 4503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Policy Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

Sec. 101. Energy and water saving measures in congressional buildings.
Sec. 102. Energy management requirements.
Sec. 103. Energy use measurement and accountability.
Sec. 104. Procurement of energy efficient products.
Sec. 105. Energy Savings Performance Contracts.
Sec. 106. Energy Savings Performance Contracts pilot program for nonbuilding applications.
Sec. 107. Voluntary commitments to reduce industrial energy intensity.
Sec. 108. Advanced Building Efficiency Testbed.
Sec. 109. Federal building performance standards.
Sec. 110. Increased use of recovered mineral component in Federally funded projects involving procurement of cement or concrete.

Subtitle B—Energy Assistance and State Programs

Sec. 121. Low income home energy assistance program.
Sec. 122. Weatherization assistance.
Sec. 123. State energy programs.
Sec. 124. Energy efficient appliance rebate programs.
Sec. 125. Energy efficient public buildings.
Sec. 126. Low income community energy efficiency pilot program.

Subtitle C—Energy Efficient Products

Sec. 131. Energy Star Program.
Sec. 132. HVAC maintenance consumer education program.
Sec. 133. Energy conservation standards for additional products.
Sec. 134. Energy labeling.

Subtitle D—Public Housing

Sec. 141. Capacity building for energy-efficient, affordable housing.
Sec. 142. Increase of cdbg public services cap for energy conservation and efficiency activities.
Sec. 143. FHA mortgage insurance incentives for energy efficient housing.
Sec. 144. Public housing capital fund.
Sec. 145. Grants for energy-conserving improvements for assisted housing.
Sec. 146. North American Development Bank.
Sec. 147. Energy-efficient appliances.
Sec. 148. Energy efficiency standards.
Sec. 149. Energy strategy for HUD.

TITLE II—RENEWABLE ENERGY
Subtitle A—General Provisions
Sec. 201. Assessment of renewable energy resources.
Sec. 202. Renewable energy production incentive.
Sec. 203. Federal purchase requirement.
Sec. 204. Insular areas energy security.
Sec. 205. Use of photovoltaic energy in public buildings.
Sec. 206. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes.
Sec. 207. Biobased products.
Subtitle B—Geothermal Energy
Sec. 211. Short title.
Sec. 212. Competitive lease sale requirements.
Sec. 213. Direct use.
Sec. 214. Royalties and near-term production incentives.
Sec. 215. Geothermal leasing and permitting on Federal lands.
Sec. 216. Review and report to Congress.
Sec. 217. Reimbursement for costs of NEPA analyses, documentation, and studies.
Sec. 218. Assessment of Geothermal energy potential.
Sec. 219. Cooperative or Unit plans.
Sec. 220. Royalty on byproducts.
Sec. 221. Repeal of authorities of Secretary to readjust terms, conditions, rentals, and royalties.
Sec. 222. Crediting of rental toward royalty.
Sec. 223. Lease duration and work commitment requirements.
Sec. 224. Advanced royalties required for suspension of production.
Sec. 225. Annual rental.
Sec. 226. Leasing and permitting on Federal lands withdrawn for military purposes.
Sec. 227. Technical amendments.
Subtitle C—Hydroelectric
PART I—ALTERNATIVE CONDITIONS
Sec. 231. Alternative conditions and fishways.
PART II—ADDITIONAL HYDROPOWER
Sec. 241. Hydroelectric production incentives.
Sec. 242. Hydroelectric efficiency improvement.
Sec. 243. Small hydroelectric power projects.
Sec. 244. Increased hydroelectric generation at existing Federal facilities.
Sec. 245. Shift of project loads to off-peak periods.
Sec. 246. Corps of Engineers hydropower operation and maintenance funding.
Sec. 247. Limitation on certain charges assessed to the flint creek project, Montana.
Sec. 248. Reinstatement and transfer.
TITLE III—OIL AND GAS
Subtitle A—Petroleum Reserve and Home Heating Oil
Sec. 301. Permanent authority to operate the Strategic Petroleum Reserve and other energy programs.
Sec. 302. National Oilheat Research Alliance.
Subtitle B—Production Incentives
Sec. 311. Definition of Secretary.
Sec. 312. Program on oil and gas royalties in-kind.
Sec. 313. Marginal property production incentives.
Sec. 314. Incentives for natural gas production from deep wells in the shallow waters of the Gulf of Mexico.
Sec. 315. Royalty Relief for deep water production.
Sec. 316. Alaska offshore royalty suspension.
Sec. 317. Oil and gas leasing in the National Petroleum Reserve in Alaska.
Sec. 318. Orphaned, abandoned, or idled wells on Federal land.
Sec. 319. Combined hydrocarbon leasing.
Sec. 320. Liquified natural gas.
Sec. 321. Alternate energy-related uses on the outer Continental Shelf.
Sec. 322. Preservation of geological and geophysical data.
Sec. 323. Oil and gas lease acreage limitations.
Sec. 324. Assessment of dependence of State of Hawaii on oil.
Sec. 325. Deadline for decision on appeals of consistency determination under the Coastal Zone Management Act of 1972.
Sec. 326. Reimbursement for costs of NEPA analyses, documentation, and studies.
Sec. 327. Hydraulic fracturing.
Sec. 328. Oil and gas exploration and production defined.
Sec. 329. Outer Continental Shelf provisions.
Sec. 330. Appeals relating to pipeline construction or offshore mineral development projects.
Sec. 331. Bilateral international oil supply agreements.
Sec. 332. Natural gas market reform.
Sec. 333. Natural gas market transparency.
Subtitle C—Access to Federal Land
Sec. 341. Office of Federal Energy Project Coordination.
Sec. 342. Federal onshore oil and gas leasing and permitting practices.
Sec. 343. Management of Federal oil and gas leasing programs.
Sec. 344. Consultation regarding oil and gas leasing on public land.
Sec. 345. Estimates of oil and gas resources underlying onshore Federal land.
Sec. 346. Compliance with executive order 13211; actions concerning regulations that significantly affect energy supply, distribution, or use.
Sec. 347. Pilot Project to improve Federal permit coordination.
Sec. 348. Deadline for consideration of applications for permits.
Sec. 349. Clarification of fair market rental value determinations for public land and Forest Service rights-of-way.
Sec. 350. Energy facility rights-of-way and corridors on Federal land.
Sec. 351. Consultation regarding energy rights-of-way on public land.
Sec. 352. Renewable energy on Federal land.
Sec. 353. Electricity transmission line right-of-way, cleveland national forest and adjacent public land, California.
Sec. 354. Sense of Congress regarding development of MINERALS under Padre Island National Seashore.
Sec. 355. Encouraging prohibition of offshore Drilling in the Great Lakes.
Sec. 356. Finger Lakes National Forest withdrawal.
Sec. 357. Study on lease exchanges in the rocky mountain front.
Sec. 358. Federal coalbed methane regulation.
Sec. 359. Livingston parish mineral rights transfer.
Subtitle D—Alaska Natural Gas Pipeline
Sec. 371. Short title.
Sec. 372. Definitions.
Sec. 373. Issuance of certificate of public convenience and necessity.
Sec. 374. Environmental reviews.
Sec. 375. Pipeline expansion.
Sec. 376. Federal Coordinator.
Sec. 377. Judicial review.
Sec. 378. State jurisdiction over in-State delivery of natural gas.
Sec. 379. Study of alternative means of construction.
Sec. 380. Clarification of angta status and authorities.
Sec. 381. Sense of Congress concerning use of steel manufactured in North America negotiation of a project labor Agreement.
Sec. 382. Sense of Congress and study concerning participation by small business concerns.
Sec. 383. Alaska pipeline construction training Program.
Sec. 384. Sense of Congress concerning natural gas demand.
Sec. 385. Sense of Congress concerning Alaskan ownership.
Sec. 386. Loan guarantees.
TITLE IV—COAL
Subtitle A—Clean Coal Power Initiative
Sec. 401. Authorization of appropriations.
Sec. 402. Project criteria.
Sec. 403. Report.
Sec. 404. Clean coal centers of excellence.
Subtitle B—Clean Power Projects
Sec. 411. Coal technology loan.
Sec. 412. Coal gasification.
Sec. 413. Integrated gasification combined cycle technology.
Sec. 414. Petroleum coke gasification.
Sec. 415. Integrated coal/renewable energy system.
Sec. 416. Electron scrubbing demonstration.
Subtitle C—Federal Coal Leases
Sec. 421. Repeal of the 160-acre limitation for coal leases.
Sec. 422. Mining plans.
Sec. 423. Payment of advance royalties under coal leases.
Sec. 424. Elimination of deadline for submission of coal lease operation and reclamation plan.
Sec. 425. Amendment relating to financial assurances with respect to bonus bids.
Sec. 426. Inventory requirement.
Sec. 427. Application of amendments.
Subtitle D—Coal and Related Programs
Sec. 441. Clean air coal program.
TITLE V—INDIAN ENERGY
Sec. 501. Short title.
Sec. 502. Office of Indian Energy Policy and Programs.
Sec. 503. Indian energy.
Sec. 504. Four corners transmission line project.
Sec. 505. Energy efficiency in federally assisted housing.
Sec. 506. Consultation with Indian tribes.
TITLE VI—NUCLEAR MATTERS
Subtitle A—Price-Anderson Act Amendments
Sec. 601. Short title.

Sec. 602. Extension of indemnification authority.
Sec. 603. Maximum assessment.
Sec. 604. Department of energy liability limit.
Sec. 605. Incidents outside the United States.
Sec. 606. Reports.
Sec. 607. Inflation adjustment.
Sec. 608. Treatment of modular reactors.
Sec. 609. Applicability.
Sec. 610. Prohibition on assumption by United States government of liability for certain foreign incidents.
Sec. 611. Civil penalties.

Subtitle B—General Nuclear Matters

Sec. 621. Licenses.
Sec. 622. NRC training program.
Sec. 623. Cost recovery from government agencies.
Sec. 624. Elimination of pension offset.
Sec. 625. Antitrust review.
Sec. 626. Decommissioning.
Sec. 627. Limitation on legal fee reimbursement.
Sec. 628. Decommissioning pilot program.
Sec. 629. Report on feasibility of developing commercial nuclear energy generation facilities at existing Department of Energy sites.
Sec. 630. Uranium sales.
Sec. 631. Cooperative research and development and special demonstration projects for the uranium mining industry.
Sec. 632. Whistleblower protection.
Sec. 633. Medical isotope production.
Sec. 634. Fernald byproduct material.
Sec. 635. Safe disposal of greater-than-class c radioactive waste.
Sec. 636. Prohibition on nuclear exports to countries that sponsor terrorism.
Sec. 637. Uranium enrichment facilities.
Sec. 638. National uranium stockpile.

Subtitle C—Advanced Reactor Hydrogen Cogeneration Project

Sec. 651. Project establishment.
Sec. 652. Project definition.
Sec. 653. Project management.
Sec. 654. Project requirements.
Sec. 655. Authorization of appropriations.

Subtitle D—Nuclear Security

Sec. 661. Nuclear facility threats.
Sec. 662. Fingerprinting for criminal history record checks.
Sec. 663. Use of firearms by security personnel of licensees and certificate holders of the commission.
Sec. 664. Unauthorized introduction of dangerous weapons.
Sec. 665. Sabotage of nuclear facilities or fuel.
Sec. 666. Secure transfer of nuclear materials.
Sec. 667. Department of homeland security consultation.
Sec. 668. Authorization of appropriations.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

Sec. 701. Use of alternative fuels by dual-fueled vehicles.
Sec. 702. Neighborhood electric vehicles.
Sec. 703. Credits for medium and heavy duty dedicated vehicles.
Sec. 704. Incremental cost allocation.
Sec. 705. Alternative compliance and flexibility.
Sec. 706. Review of Energy Policy Act of 1992 programs.
Sec. 707. Report concerning compliance with alternative fueled vehicle purchasing requirements.

Subtitle B—Hybrid Vehicles, Advanced Vehicles, and Fuel Cell Buses

PART I—HYBRID VEHICLES

Sec. 711. Hybrid vehicles.

PART II—ADVANCED VEHICLES

Sec. 721. Definitions.
Sec. 722. Pilot program.
Sec. 723. Reports to Congress.
Sec. 724. Authorization of appropriations.

PART III—FUEL CELL BUSES

Sec. 731. Fuel cell transit bus demonstration.

Subtitle C—Clean School Buses

Sec. 741. Definitions.
Sec. 742. Program for replacement of certain school buses with clean school buses.
Sec. 743. Diesel retrofit program.
Sec. 744. Fuel cell school buses.

Subtitle D—Miscellaneous

Sec. 751. Railroad efficiency.
Sec. 752. Mobile emission reductions trading and crediting.
Sec. 753. Aviation fuel conservation and emissions.
Sec. 754. Diesel fueled vehicles.
Sec. 755. Conserve by Bicycling Program.
Sec. 756. Reduction of engine idling of heavy-duty vehicles.
Sec. 757. Biodiesel engine testing program.
Sec. 758. High occupancy vehicle exception.

Subtitle E—Automobile Efficiency

Sec. 771. Authorization of appropriations for implementation and enforcement of fuel economy standards.
Sec. 772. Revised considerations for decisions on maximum feasible average fuel economy.
Sec. 773. Extension of maximum fuel economy increase for alternative fueled vehicles.
Sec. 774. Study of feasibility and effects of reducing use of fuel for automobiles.

TITLE VIII—HYDROGEN

Sec. 801. Definitions.
Sec. 802. Plan.
Sec. 803. Programs.
Sec. 804. Interagency task force.
Sec. 805. Advisory Committee.
Sec. 806. External review.
Sec. 807. Miscellaneous provisions.
Sec. 808. Savings clause.
Sec. 809. Authorization of appropriations.

TITLE IX—RESEARCH AND DEVELOPMENT

Sec. 901. Goals.
Sec. 902. Definitions.

Subtitle A—Energy Efficiency

Sec. 904. Energy efficiency.
Sec. 905. Next generation lighting initiative.
Sec. 906. National building performance initiative.
Sec. 907. Secondary electric vehicle battery use program.
Sec. 908. Energy efficiency science initiative.
Sec. 909. Electric motor control technology.
Sec. 910. Advanced energy technology transfer centers.

Subtitle B—Distributed Energy and Electric Energy Systems

Sec. 911. Distributed energy and electric energy systems.
Sec. 912. Hybrid distributed power systems.
Sec. 913. High power density industry program.
Sec. 914. Micro-cogeneration energy technology.
Sec. 915. Distributed energy technology demonstration program.
Sec. 916. Reciprocating power.

Subtitle C—Renewable Energy

Sec. 918. Renewable energy.
Sec. 919. Bioenergy programs.
Sec. 920. Concentrating solar power research and development Program.
Sec. 921. Miscellaneous projects.
Sec. 922. Renewable energy in public buildings.
Sec. 923. Study of marine renewable energy options.

Subtitle D—Nuclear Energy

Sec. 924. Nuclear energy.
Sec. 925. Nuclear energy research and development programs.
Sec. 926. Advanced fuel cycle Initiative.
Sec. 927. University nuclear science and engineering support.
Sec. 928. Security of reactor designs.
Sec. 929. Alternatives to industrial radioactive sources.
Sec. 930. Geological isolation of spent fuel.

Subtitle E—Fossil Energy

PART I—RESEARCH PROGRAMS

Sec. 931. Fossil energy.
Sec. 932. Oil and gas research programs.
Sec. 933. Technology transfer.
Sec. 934. Research and development for coal mining technologies.
Sec. 935. Coal and related technologies Program.
Sec. 936. Complex Well Technology Testing Facility.
Sec. 937. Fischer-Tropsch diesel fuel loan guarantee Program.

PART II—ULTRA-DEEPWATER AND UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES

Sec. 941. Program authority.
Sec. 942. Ultra-deepwater Program.
Sec. 943. Unconventional natural gas and other petroleum resources Program.
Sec. 944. Additional requirements for awards.
Sec. 945. Advisory committees.
Sec. 946. Limits on participation.
Sec. 947. Sunset.
Sec. 948. Definitions.
Sec. 949. Funding.

Subtitle F—Science

Sec. 951. Science.
Sec. 952. United States participation in ITER.
Sec. 953. Plan for Fusion Energy Sciences Program.
Sec. 954. Spallation Neutron Source.
Sec. 955. Support for science and energy facilities and infrastructure.
Sec. 956. Catalysis Research and development Program.
Sec. 957. Nanoscale Science and Engineering Research, development, demonstration, and commercial application.
Sec. 958. Advanced scientific computing for energy missions.
Sec. 959. Genomes to Life Program.
Sec. 960. Fission and fusion energy materials research Program.
Sec. 961. Energy-Water Supply Program.
Sec. 962. Nitrogen fixation.

Subtitle G—Energy and Environment

Sec. 964. United States-Mexico energy Technology cooperation.
Sec. 965. Western Hemisphere energy cooperation.
Sec. 966. Waste reduction and use of alternatives.

Sec. 967. Report on fuel cell test Center.
Sec. 968. Arctic Engineering Research Center.
Sec. 969. Barrow Geophysical Research Facility.
Sec. 970. Western Michigan demonstration project.

Subtitle H—Management

Sec. 971. Availability of funds.
Sec. 972. Cost sharing.
Sec. 973. Merit review of proposals.
Sec. 974. External technical review of departmental programs.
Sec. 975. Improved coordination of Technology transfer activities.
Sec. 976. Federal laboratory educational partners.
Sec. 977. Interagency cooperation.
Sec. 978. Technology Infrastructure Program.
Sec. 979. Reprogramming.
Sec. 980. Construction with other laws.
Sec. 981. Report on research and development Program evaluation methodologies.
Sec. 982. Department of Energy Science and Technology Scholarship Program.
Sec. 983. Report on equal employment opportunity practices.
Sec. 984. Small business advocacy and assistance.
Sec. 985. Report on mobility of scientific and technical personnel.
Sec. 986. National Academy of Sciences report.
Sec. 987. Outreach.
Sec. 988. Competitive award of management contracts.
Sec. 989. Educational programs in science and mathematics.

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

Sec. 1001. Additional Assistant Secretary position.
Sec. 1002. Other transactions authority.

TITLE XI—PERSONNEL AND TRAINING

Sec. 1101. Training guidelines for electric energy industry personnel.
Sec. 1102. Improved access to energy-related scientific and technical careers.
Sec. 1103. National Power Plant Operations Technology and Education Center.
Sec. 1104. International energy training.

TITLE XII—ELECTRICITY

Sec. 1201. Short title.

Subtitle A—Reliability Standards

Sec. 1211. Electric reliability standards.

Subtitle B—Transmission Infrastructure Modernization

Sec. 1221. Siting of interstate electric transmission facilities.
Sec. 1222. Third-party finance.
Sec. 1223. Transmission system monitoring.
Sec. 1224. Advanced transmission technologies.
Sec. 1225. Electric transmission and distribution programs.
Sec. 1226. Advanced Power System Technology Incentive Program.
Sec. 1227. Office of Electric Transmission and Distribution.

Subtitle C—Transmission Operation Improvements

Sec. 1231. Open nondiscriminatory access.
Sec. 1232. Sense of Congress on Regional Transmission Organizations.
Sec. 1233. Regional Transmission Organization applications progress report.
Sec. 1234. Federal utility participation in Regional Transmission Organizations.
Sec. 1235. Standard market design.
Sec. 1236. Native load service obligation.
Sec. 1237. Study on the benefits of economic dispatch.

Subtitle D—Transmission Rate Reform

Sec. 1241. Transmission infrastructure investment.
Sec. 1242. Voluntary transmission pricing plans.

Subtitle E—Amendments to PURPA

Sec. 1251. Net metering and additional standards.
Sec. 1252. Smart metering.
Sec. 1253. Cogeneration and small power production purchase and sale requirements.

Subtitle F—Repeal of PUHCA

Sec. 1261. Short title.
Sec. 1262. Definitions.
Sec. 1263. Repeal of the Public Utility Holding Company Act of 1935.
Sec. 1264. Federal access to books and records.
Sec. 1265. State access to books and records.
Sec. 1266. Exemption authority.
Sec. 1267. Affiliate transactions.
Sec. 1268. Applicability.
Sec. 1269. Effect on other regulations.
Sec. 1270. Enforcement.
Sec. 1271. Savings provisions.
Sec. 1272. Implementation.
Sec. 1273. Transfer of resources.
Sec. 1274. Effective date.
Sec. 1275. Service allocation.
Sec. 1276. Authorization of appropriations.
Sec. 1277. Conforming amendments to the Federal Power Act.

Subtitle G—Market Transparency, Enforcement, and Consumer Protection

Sec. 1281. Market transparency rules.
Sec. 1282. Market manipulation.
Sec. 1283. Enforcement.
Sec. 1284. Refund effective date.
Sec. 1285. Refund authority.
Sec. 1286. Sanctity of contract.
Sec. 1287. Consumer privacy and unfair trade practices.

Subtitle H—Merger Reform

Sec. 1291. Merger review reform and accountability.
Sec. 1292. Electric utility mergers.

Subtitle I—Definitions

Sec. 1295. Definitions.

Subtitle J—Technical and Conforming Amendments

Sec. 1297. Conforming amendments.

TITLE XIII—ENERGY TAX INCENTIVES

Sec. 1300. Short title; amendment of 1986 Code.

Subtitle A—Conservation

PART I—RESIDENTIAL AND BUSINESS PROPERTY

Sec. 1301. Credit for residential energy efficient property.
Sec. 1302. Extension and expansion of credit for electricity produced from certain renewable resources.
Sec. 1303. Credit for business installation of qualified fuel cells.
Sec. 1304. Credit for energy efficiency improvements to existing homes.
Sec. 1305. Credit for construction of new energy efficient homes.
Sec. 1306. Energy credit for combined heat and power system property.
Sec. 1307. Credit for energy efficient appliances.
Sec. 1308. Energy efficient commercial buildings deduction.
Sec. 1309. Three-year applicable recovery period for depreciation of qualified energy management devices.
Sec. 1310. Credit for production from advanced nuclear power facilities.

PART II—FUELS AND ALTERNATIVE MOTOR VEHICLES

Sec. 1311. Repeal of 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in general Fund.
Sec. 1312. Reduced motor fuel excise tax on certain mixtures of diesel fuel.
Sec. 1313. Small ethanol producer credit.
Sec. 1314. Incentives for biodiesel.
Sec. 1315. Alcohol fuel and biodiesel mixtures excise tax credit.
Sec. 1316. Nonapplication of export exemption to delivery of fuel to motor vehicles removed from United States.
Sec. 1317. Repeal of phaseouts for qualified electric vehicle credit and deduction for clean fuel-vehicles.
Sec. 1318. Alternative motor vehicle credit.
Sec. 1319. Modifications of deduction for certain refueling property.

Subtitle B—Reliability

Sec. 1321. Natural gas gathering lines treated as 7-YEAR property.
Sec. 1322. Natural gas distribution lines treated as 15-year property.
Sec. 1323. Electric transmission property treated as 15-year property.
Sec. 1324. Expensing of capital costs incurred in complying with Environmental Protection Agency sulfur regulations.
Sec. 1325. Credit for production of low sulfur diesel fuel.
Sec. 1326. Determination of small refiner exception to oil depletion deduction.
Sec. 1327. Sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy.
Sec. 1328. Modifications to special rules for nuclear decommissioning costs.
Sec. 1329. Treatment of certain income of cooperatives.
Sec. 1330. Arbitrage rules not to apply to prepayments for natural gas.

Subtitle C—Production

PART I—OIL AND GAS PROVISIONS

Sec. 1341. Oil and gas from marginal wells.
Sec. 1342. Temporary suspension of limitation based on 65 percent of taxable income and extension of suspension of taxable income limit with respect to marginal production.
Sec. 1343. Amortization of delay rental payments.
Sec. 1344. Amortization of geological and geophysical expenditures.
Sec. 1345. Extension and modification of credit for producing fuel from a nonconventional source.

PART II—ALTERNATIVE MINIMUM TAX PROVISIONS

Sec. 1346. New nonrefundable personal credits allowed against regular and minimum taxes.
Sec. 1347. Business related energy credits allowed against regular and minimum tax.
Sec. 1348. Temporary repeal of alternative minimum tax preference for intangible drilling costs.

PART III—CLEAN COAL INCENTIVES

Sec. 1351. Credit for clean coal technology units.

Sec. 1352. Expansion of amortization for certain pollution control facilities.
Sec. 1353. 5-year recovery period for eligible integrated gasification combined cycle technology unit eligible for credit.

PART IV—HIGH VOLUME NATURAL GAS PROVISIONS

Sec. 1355. High volume natural gas pipe treated as 7-year property.
Sec. 1356. Extension of enhanced oil recovery credit to high volume natural gas facilities.

Subtitle D—Additional Provisions

Sec. 1361. Extension of accelerated depreciation benefit for energy-related businesses on indian reservations.
Sec. 1362. Payment of dividends on stock of cooperatives without reducing patronage dividends.
Sec. 1363. Distributions from publicly traded partnerships treated as qualifying income of regulated investment companies.
Sec. 1364. Ceiling fans.
Sec. 1365. Certain steam generators, and certain reactor vessel heads, used in nuclear facilities.
Sec. 1366. Brownfields demonstration program for qualified green building and sustainable design projects.

TITLE XIV—MISCELLANEOUS

Subtitle A—Rural and Remote Electricity Construction

Sec. 1401. Denali Commission programs.
Sec. 1402. Rural and remote community assistance.

Subtitle B—Coastal Programs

Sec. 1411. Royalty payments under leases under the Outer Continental Shelf Lands Act.
Sec. 1412. Domestic offshore energy reinvestment.

Subtitle C—Reforms to the Board of Directors of the Tennessee Valley Authority

Sec. 1431. Change in composition, operation, and duties of the Board of Directors of the Tennessee Valley Authority.
Sec. 1432. Change in manner of appointment of staff.
Sec. 1433. Conforming amendments.
Sec. 1434. Appointments; effective date; transition.

Subtitle D—Other Provisions

Sec. 1441. Continuation of transmission security order.
Sec. 1442. Review of agency determinations.
Sec. 1443. Attainment dates for downwind ozone nonattainment areas.
Sec. 1444. Energy production incentives.
Sec. 1445. Use of granular mine tailings.

TITLE XV—ETHANOL AND MOTOR FUELS

Subtitle A—General Provisions

Sec. 1501. Renewable content of motor vehicle fuel.
Sec. 1502. Fuels safe harbor.
Sec. 1503. Findings and MTBE transition assistance.
Sec. 1504. Use of MTBE.
Sec. 1505. National Academy of Sciences review and presidential determination.
Sec. 1506. Elimination of oxygen content requirement for reformulated gasoline.
Sec. 1507. Analyses of motor vehicle fuel changes.
Sec. 1508. Data collection.
Sec. 1509. Reducing the proliferation of State fuel controls.
Sec. 1510. Fuel system requirements harmonization study.
Sec. 1511. Commercial byproducts from municipal solid waste and cellulosic biomass loan guarantee program.
Sec. 1512. Resource Center.
Sec. 1513. Cellulosic biomass and waste-derived ethanol conversion assistance.
Sec. 1514. Blending of compliant reformulated gasolines.

Subtitle B—Underground Storage Tank Compliance

Sec. 1521. Short title.
Sec. 1522. Leaking underground storage tanks.
Sec. 1523. Inspection of underground storage tanks.
Sec. 1524. Operator training.
Sec. 1525. Remediation from oxygenated fuel additives.
Sec. 1526. Release prevention, compliance, and enforcement.
Sec. 1527. Delivery prohibition.
Sec. 1528. Federal facilities.
Sec. 1529. Tanks on Tribal lands.
Sec. 1530. Future release containment technology.
Sec. 1531. Authorization of appropriations.
Sec. 1532. Conforming amendments.
Sec. 1533. Technical amendments.

TITLE XVI—STUDIES

Sec. 1601. Study on inventory of petroleum and natural gas storage.
Sec. 1602. Natural gas supply shortage report.
Sec. 1603. Split-estate Federal oil and gas leasing and development practices.
Sec. 1604. Resolution of Federal resource development conflicts in the Powder River Basin.
Sec. 1605. Study of energy efficiency standards.
Sec. 1606. Telecommuting study.
Sec. 1607. Liheap report.
Sec. 1608. Oil bypass filtration technology.
Sec. 1609. Total integrated thermal systems.
Sec. 1610. University collaboration.
Sec. 1611. Reliability and consumer protection assessment.

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

SEC. 101. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) is amended by adding at the end the following:

"SEC. 552. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the 'plan') for all facilities administered by Congress (referred to in this section as 'congressional buildings') to meet the energy performance requirements for Federal buildings established under section 543(a)(1); and

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every 5 years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost-effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) ANNUAL REPORT.—The Architect of the Capitol shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the National Energy Conservation Policy Act is amended by adding at the end of the items relating to part 3 of title V the following new item:

"Sec. 552. Energy and water savings measures in congressional buildings.".

(c) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 1815), is repealed.

(d) ENERGY INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Architect of the Capitol to carry out subsection (d), $2,000,000 for each of fiscal years 2004 through 2008.

SEC. 102. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—

(1) AMENDMENT.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking "its Federal buildings so that" and all that follows through the end and inserting "the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2004 through 2013 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2001, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2004	2
2005	4
2006	6
2007	8
2008	10
2009	12
2010	14
2011	16

"Fiscal Year	Percentage reduction
2012	18
2013	20.".

(2) REPORTING BASELINE.—The energy reduction goals and baseline established in paragraph (1) of section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)), as amended by this subsection, supersede all previous goals and baselines under such paragraph, and related reporting requirements.

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2012, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for fiscal years 2014 through 2023.".

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended by striking "An agency may exclude" and all that follows through the end and inserting "(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive orders, and other Federal law; and

"(iv) the agency has implemented all practicable, life cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion";

(2) by striking "a finding of impracticability" and inserting "the exclusion"; and

(3) by striking "energy consumption requirements" and inserting "requirements of subsections (a) and (b)(1)".

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(f) RETENTION OF ENERGY AND WATER SAVINGS.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

"(e) RETENTION OF ENERGY AND WATER SAVINGS.—An agency may retain any funds appropriated to that agency for energy expenditures, water expenditures, or wastewater treatment expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings or water savings. Except as otherwise provided by law, such funds may be used only for energy efficiency, water conservation, or unconventional and renewable energy resources projects.".

(g) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(h) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 103. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—

"(1) DEADLINE.—By October 1, 2010, in accordance with guidelines established by the Secretary under paragraph (2), all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing Federal energy tracking systems and made available to Federal facility energy managers.

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Services Administration, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, energy efficiency advocacy organizations, national laboratories, universities, and Federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish priorities for types and locations of buildings to be metered and submetered based on cost-effectiveness and a schedule of 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

"(3) PLAN.—Not later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (A) how the agency will designate personnel primarily responsible for achieving the requirements and (B) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.".

SEC. 104. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), as amended by section 101, is amended by adding at the end the following:

"SEC. 553. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

"(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

"(A) an Energy Star product; or

"(B) a FEMP designated product.

"(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if the head of the executive agency finds in writing that—

"(A) an Energy Star product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or

"(B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the executive agency.

"(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

"(c) Listing of Energy Efficient Products in Federal Catalogs.—Energy Star products and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency. The General Services Administration or the Defense Logistics Agency shall supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program, except in cases where the agency ordering a product specifies in writing that no Energy Star product or FEMP designated product is available to meet the buyer's functional requirements, or that no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product, taking energy cost savings into account.

"(d) Specific Products.—(1) In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard not later than 120 days after the date of the enactment of this section, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

"(2) All Federal agencies are encouraged to take actions to maximize the efficiency of air conditioning and refrigeration equipment, including appropriate cleaning and maintenance, including the use of any system treatment or additive that will reduce the electricity consumed by air conditioning and refrigeration equipment. Any such treatment or additive must be—

"(A) determined by the Secretary to be effective in increasing the efficiency of air conditioning and refrigeration equipment without having an adverse impact on air conditioning performance (including cooling capacity) or equipment useful life;

"(B) determined by the Administrator of the Environmental Protection Agency to be environmentally safe; and

"(C) shown to increase seasonal energy efficiency ratio (SEER) or energy efficiency ratio (EER) when tested by the National Institute of Standards and Technology according to Department of Energy test procedures without causing any adverse impact on the system, system components, the refrigerant or lubricant, or other materials in the system.

Results of testing described in subparagraph (C) shall be published in the Federal Register for public review and comment. For purposes of this section, a hardware device or primary refrigerant shall not be considered an additive.

"(e) Regulations.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue guidelines to carry out this section.".

(b) Conforming Amendment.—The table of contents of the National Energy Conservation Policy Act is further amended by inserting after the item relating to section 552 the following new item:

"Sec. 553. Federal procurement of energy efficient products.".

SEC. 105. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Permanent Extension.—Effective September 30, 2003, section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(b) Payment of Costs.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting ", water, or wastewater treatment" after "payment of energy".

(c) Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(C) the increased efficient use of existing water sources in either interior or exterior applications.".

(d) Energy Savings Contract.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.".

(e) Energy or Water Conservation Measure.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551; or

"(B) a water conservation measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.".

(f) Review.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, including the identification of additional qualified contractors, and energy efficiency services covered. The Secretary shall report these findings to Congress and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

(g) Extension of Authority.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

SEC. 106. ENERGY SAVINGS PERFORMANCE CONTRACTS PILOT PROGRAM FOR NONBUILDING APPLICATIONS.

(a) In General.—The Secretary of Defense and the heads of other interested Federal agencies are authorized to enter into up to 10 energy savings performance contracts using procedures, established under subsection (b), based on the procedures under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.), for the purpose of achieving energy or water savings, secondary savings, and benefits incidental to those purposes, in nonbuilding applications. The payments to be made by the Federal Government under such contracts shall not exceed a total of $200,000,000 for all such contracts combined.

(b) Procedures.—The Secretary of Energy, in consultation with the Administrator of General Services and the Secretary of Defense, shall establish procedures based on the procedures under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.), for implementing this section.

(c) Definitions.—In this section:

(1) Nonbuilding application.—The term "nonbuilding application" means—

(A) any class of vehicles, devices, or equipment that are transportable under their own power by land, sea, or air that consume energy from any fuel source for the purpose of such transportability, or to maintain a controlled environment within such vehicle, device, or equipment; or

(B) any Federally owned equipment used to generate electricity or transport water.

(2) Secondary savings.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy or water savings that result from the financing and implementation of the energy savings performance contract, including, but not limited to, energy or cost savings that result from a reduction in the need for fuel delivery and logistical support, or the increased efficiency in the production of electricity.

(d) Report.—Not later than 3 years after the date of enactment of this section, the Secretary of Energy shall report to Congress on the progress and results of the projects funded pursuant to this section. Such report shall include a description of projects undertaken; the energy, water, and cost savings, secondary savings, and other benefits that resulted from such projects; and recommendations on whether the pilot program should be extended, expanded, or authorized permanently as a part of the program authorized under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.).

SEC. 107. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) Voluntary Agreements.—The Secretary of Energy is authorized to enter into voluntary agreements with 1 or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities by a significant amount relative to improvements in each sector in recent years.

(b) Recognition.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate Federal agencies, shall recognize and publicize the achievements of participants in voluntary agreements under this section.

(c) Definition.—In this section, the term "energy intensity" means the primary energy consumed per unit of physical output in an industrial process.

SEC. 108. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) Establishment.—The Secretary of Energy, in consultation with the Administrator of General Services, shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate efficiency concepts for government and industry buildings, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health (including by improving indoor air quality) as well as flexibility and technological change to improve environmental sustainability. Such program shall complement and not duplicate existing national programs.

(b) Participants.—The program established under subsection (a) shall be led by a university with the ability to combine the expertise from numerous academic fields including, at a minimum, intelligent workplaces and advanced building systems and engineering, electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $6,000,000 for each of the fiscal years 2004 through 2006, to remain available until expended. For any fiscal year in which funds are expended under this section, the Secretary shall provide ⅓ of the total amount to the lead university described in subsection (b), and provide the remaining ⅔ to the other participants referred to in subsection (b) on an equal basis.

SEC. 109. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992" and inserting "the 2003 International Energy Conservation Code"; and

(2) by adding at the end the following:

"(3) Revised federal building energy efficiency performance standards.—

"(A) In general.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

"(i) if life-cycle cost-effective, for new Federal buildings—

"(I) such buildings be designed so as to achieve energy consumption levels at least 30 percent below those of the version current as of the date of enactment of this paragraph of the ASHRAE Standard or the International Energy Conservation Code, as appropriate; and

"(II) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings; and

"(ii) where water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent they are life-cycle cost effective.

"(B) Additional revisions.—Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

"(C) Statement on compliance of new buildings.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

"(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

"(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph.".

SEC. 110. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) Amendment.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following new section:

"INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE

"Sec. 6005. (a) Definitions.—In this section:

"(1) Agency head.—The term 'agency head' means—

"(A) the Secretary of Transportation; and

"(B) the head of each other Federal agency that on a regular basis procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) Cement or concrete project.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

"(A) involves the procurement of cement or concrete; and

"(B) is carried out in whole or in part using Federal funds.

"(3) Recovered mineral component.—The term 'recovered mineral component' means—

"(A) ground granulated blast furnace slag;

"(B) coal combustion fly ash; and

"(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) Implementation of Requirements.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

"(2) Priority.—In carrying out paragraph (1) an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) Conformance.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) Full Implementation Study.—

"(1) In general.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which current procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) Matters to be addressed.—The study shall—

"(A) quantify the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of current procurement requirements, and the energy savings and environmental benefits associated with that substitution;

"(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from current law; and

"(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

"(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

"(3) Report.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

"(d) Additional Procurement Requirements.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the release of the report in accordance with subsection (c)(3), take additional actions authorized under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects, so as to—

"(1) realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) eliminate barriers identified under subsection (c).

"(e) Effect of Section.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).".

(b) Table of Contents Amendment.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following new item:

"Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.".

Subtitle B—Energy Assistance and State Programs

SEC. 121. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking "and $2,000,000,000 for each of fiscal years 2002 through 2004" and inserting "$2,000,000,000 for fiscal years 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006".

SEC. 122. WEATHERIZATION ASSISTANCE.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$325,000,000 for fiscal year 2004, $400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006".

SEC. 123. STATE ENERGY PROGRAMS.

(a) State Energy Conservation Plans.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

"(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.".

(b) State Energy Efficiency Goals.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"STATE ENERGY EFFICIENCY GOALS

"Sec. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2003 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.".

(c) Authorization of Appropriations.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$100,000,000 for each of the fiscal years 2004 and 2005 and $125,000,000 for fiscal year 2006".

SEC. 124. ENERGY EFFICIENT APPLIANCE REBATE PROGRAMS.

(a) Definitions.—In this section:

(1) Eligible state.—The term "eligible State" means a State that meets the requirements of subsection (b).

(2) Energy star program.—The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act.

(3) Residential energy star product.—The term "residential Energy Star product" means a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) Secretary.—The term "Secretary" means the Secretary of Energy.

(5) State energy office.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(6) State program.—The term "State program" means a State energy efficient appliance rebate program described in subsection (b)(1).

(b) Eligible States.—A State shall be eligible to receive an allocation under subsection (c) if the State—

(1) establishes (or has established) a State energy efficient appliance rebate program to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Secretary may require; and

(3) provides assurances satisfactory to the Secretary that the State will use the allocation to supplement, but not supplant, funds made available to carry out the State program.

(c) Amount of Allocations.—

(1) In general.—Subject to paragraph (2), for each fiscal year, the Secretary shall allocate to the State energy office of each eligible State to carry out subsection (d) an amount equal to the product obtained by multiplying the amount made available under subsection (f) for the fiscal year by the ratio that the population of the State in the most recent calendar year for which data are available bears to the total population of all eligible States in that calendar year.

(2) Minimum allocations.—For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible State is allocated a sum that is less than an amount determined by the Secretary.

(d) Use of Allocated Funds.—The allocation to a State energy office under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out a State program.

(e) Issuance of Rebates.—Rebates may be provided to residential consumers that meet the requirements of the State program. The amount of a rebate shall be determined by the State energy office, taking into consideration—

(1) the amount of the allocation to the State energy office under subsection (c);

(2) the amount of any Federal or State tax incentive available for the purchase of the residential Energy Star product; and

(3) the difference between the cost of the residential Energy Star product and the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant characteristics (as determined by the State energy office) to, the residential Energy Star product.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2004 through 2008.

SEC. 125. ENERGY EFFICIENT PUBLIC BUILDINGS.

(a) Grants.—The Secretary of Energy may make grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State, to assist units of local government in the State in improving the energy efficiency of public buildings and facilities—

(1) through construction of new energy efficient public buildings that use at least 30 percent less energy than a comparable public building constructed in compliance with standards prescribed in the most recent version of the International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent efficiency levels; or

(2) through renovation of existing public buildings to achieve reductions in energy use of at least 30 percent as compared to the baseline energy use in such buildings prior to renovation, assuming a 3-year, weather-normalized average for calculating such baseline.

(b) Administration.—State energy offices receiving grants under this section shall—

(1) maintain such records and evidence of compliance as the Secretary may require; and

(2) develop and distribute information and materials and conduct programs to provide technical services and assistance to encourage planning, financing, and design of energy efficient public buildings by units of local government.

(c) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $30,000,000 for each of fiscal years 2004 through 2008. Not more than 10 percent of appropriated funds shall be used for administration.

SEC. 126. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) Grants.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency; identify and develop alternative, renewable, and distributed energy supplies; and increase energy conservation in low income rural and urban communities.

(b) Purpose of Grants.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative, renewable, and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) Definition.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) Authorization of Appropriations.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy $20,000,000 for each of fiscal years 2004 through 2006.

Subtitle C—Energy Efficient Products

SEC. 131. ENERGY STAR PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended by inserting the following after section 324:

"SEC. 324A. ENERGY STAR PROGRAM.

"There is established at the Department of Energy and the Environmental Protection Agency a voluntary program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of or other forms of communication about products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the 2 agencies. The Administrator and the Secretary shall—

"(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

"(2) work to enhance public awareness of the Energy Star label, including special outreach to small businesses;

"(3) preserve the integrity of the Energy Star label;

"(4) solicit comments from interested parties prior to establishing or revising an Energy Star product category, specification, or criterion (or effective dates for any of the foregoing);

"(5) upon adoption of a new or revised product category, specification, or criterion, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, specifications, or criteria along with an explanation of such changes and, where appropriate, responses to comments submitted by interested parties; and

"(6) provide appropriate lead time (which shall be 9 months, unless the Agency or Department determines otherwise) prior to the effective date for a new or a significant revision to a product category, specification, or criterion, taking into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

"Sec. 324A. Energy Star program.".

SEC. 132. HVAC MAINTENANCE CONSUMER EDUCATION PROGRAM.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC MAINTENANCE.—For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, not later than 180 days after the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems. The Secretary shall carry out the program in a cost-shared manner in cooperation with the Administrator of the Environmental Protection Agency and such other entities as the Secretary considers appropriate, including industry trade associations, industry members, and energy efficiency organizations.

"(d) SMALL BUSINESS EDUCATION AND ASSISTANCE.—The Administrator of the Small Business Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and coordinate a Government-wide program, building on the existing Energy Star for Small Business Program, to assist small businesses to become more energy efficient, understand the cost savings obtainable through efficiencies, and identify financing options for energy efficiency upgrades. The Secretary and the Administrator of the Small Business Administration shall make the program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Program and the Department of Agriculture.".

SEC. 133. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL PRODUCTS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(S), by striking the period and adding at the end the following: "but does not include any lamp specifically designed to be used for special purpose applications and that is unlikely to be used in general purpose applications such as those described in subparagraph (D), and also does not include any lamp not described in subparagraph (D) that is excluded by the Secretary, by rule, because the lamp is designed for special applications and is unlikely to be used in general purpose applications."; and

(2) by adding at the end the following:

"(32) The term 'battery charger' means a device that charges batteries for consumer products and includes battery chargers embedded in other consumer products.

"(33) The term 'commercial refrigerators, freezers, and refrigerator-freezers' means refrigerators, freezers, or refrigerator-freezers that—

"(A) are not consumer products regulated under this Act; and

"(B) incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

"(34) The term 'external power supply' means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

"(35) The term 'illuminated exit sign' means a sign that—

"(A) is designed to be permanently fixed in place to identify an exit; and

"(B) consists of an electrically powered integral light source that illuminates the legend 'EXIT' and any directional indicators and provides contrast between the legend, any directional indicators, and the background.

"(36)(A) Except as provided in subparagraph (B), the term 'distribution transformer' means a transformer that—

"(i) has an input voltage of 34.5 kilovolts or less;

"(ii) has an output voltage of 600 volts or less; and

"(iii) is rated for operation at a frequency of 60 Hertz.

"(B) The term 'distribution transformer' does not include—

"(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

"(ii) transformers, such as those commonly known as drive transformers, rectifier transformers, auto-transformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application and are unlikely to be used in general purpose applications; or

"(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because—

"(I) the transformer is designed for a special application;

"(II) the transformer is unlikely to be used in general purpose applications; and

"(III) the application of standards to the transformer would not result in significant energy savings.

"(37) The term 'low-voltage dry-type distribution transformer' means a distribution transformer that—

"(A) has an input voltage of 600 volts or less;

"(B) is air-cooled; and

"(C) does not use oil as a coolant.

"(38) The term 'standby mode' means the lowest power consumption mode that—

"(A) cannot be switched off or influenced by the user; and

"(B) may persist for an indefinite time when an appliance is connected to the main electricity supply and used in accordance with the manufacturer's instructions,

as defined on an individual product basis by the Secretary.

"(39) The term 'torchiere' means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

"(40) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.

"(41) The term 'transformer' means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from 1 coil to another to change the original voltage or current value.

"(42) The term 'unit heater' means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.".

(b) TEST PROCEDURES.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended—

(1) in subsection (b), by adding at the end the following:

"(9) Test procedures for illuminated exit signs shall be based on the test method used under Version 2.0 of the Energy Star program of the Environmental Protection Agency for illuminated exit signs.

"(10) Test procedures for distribution transformers and low voltage dry-type distribution transformers shall be based on the 'Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2-1998). The Secretary may review and revise this test procedure. For purposes of section 346(a), this test procedure shall be deemed to be testing requirements prescribed by the Secretary under section 346(a)(1) for distribution transformers for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

"(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.

"(12) Test procedures for medium base compact fluorescent lamps shall be based on the test methods used under the August 9, 2001, version of the Energy Star program of the Environmental Protection Agency and Department of Energy for compact fluorescent lamps. Covered products shall meet all test requirements for regulated parameters in section 325(bb). However, covered products may be marketed prior to completion of lamp life and lumen maintenance at 40 percent of rated life testing provided manufacturers document engineering predictions and analysis that support expected attainment of lumen maintenance at 40 percent rated life and lamp life time."; and

(2) by adding at the end the following:

"(f) Additional Consumer and Commercial Products.—The Secretary shall, not later than 24 months after the date of enactment of this subsection, prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, and commercial refrigerators, freezers, and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.".

(c) New Standards.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) Battery Charger and External Power Supply Electric Energy Consumption.—

"(1) Initial rulemaking.—(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions and test procedures for the power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing definitions and test procedures used for measuring energy consumption in standby mode and other modes and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for energy use for these products.

"(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be issued for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of energy use that—

"(i) meets the criteria and procedures of subsections (o), (p), (q), (r), (s), and (t); and

"(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

"(2) Review of standby energy use in covered products.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to this section should be revised, the Secretary shall consider, for covered products that are major sources of standby mode energy consumption, whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, standby mode power consumption compared to overall product energy consumption.

"(3) Rulemaking.—The Secretary shall not propose a standard under this section unless the Secretary has issued applicable test procedures for each product pursuant to section 323.

"(4) Effective date.—Any standard issued under this subsection shall be applicable to products manufactured or imported 3 years after the date of issuance.

"(5) Voluntary programs.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A (relating to Energy Star Programs) and other voluntary industry agreements or codes of conduct, that are designed to reduce standby mode energy use.

"(v) Suspended Ceiling Fans, Vending Machines, and Commercial Refrigerators, Freezers, and Refrigerator-Freezers.—The Secretary shall not later than 36 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, and commercial refrigerators, freezers, and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (o) and (p). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

"(w) Illuminated Exit Signs.—Illuminated exit signs manufactured on or after January 1, 2005, shall meet the Version 2.0 Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency.

"(x) Torchieres.—Torchieres manufactured on or after January 1, 2005—

"(1) shall consume not more than 190 watts of power; and

"(2) shall not be capable of operating with lamps that total more than 190 watts.

"(y) Low Voltage Dry-Type Distribution Transformers.—The efficiency of low voltage dry-type distribution transformers manufactured on or after January 1, 2005, shall be the Class I Efficiency Levels for distribution transformers specified in Table 4-2 of the 'Guide for Determining Energy Efficiency for Distribution Transformers' published by the National Electrical Manufacturers Association (NEMA TP-1-2002).

"(z) Traffic Signal Modules.—Traffic signal modules manufactured on or after January 1, 2006, shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this subsection, and shall be installed with compatible, electrically connected signal control interface devices and conflict monitoring systems.

"(aa) Unit Heaters.—Unit heaters manufactured on or after the date that is 3 years after the date of enactment of this subsection shall be equipped with an intermittent ignition device and shall have either power venting or an automatic flue damper.

"(bb) Medium Base Compact Fluorescent Lamps.—Bare lamp and covered lamp (no reflector) medium base compact fluorescent lamps manufactured on or after January 1, 2005, shall meet the following requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps, Energy Star Eligibility Criteria, Energy-Efficiency Specification issued by the Environmental Protection Agency and Department of Energy: minimum initial efficacy; lumen maintenance at 1000 hours; lumen maintenance at 40 percent of rated life; rapid cycle stress test; and lamp life. The Secretary may, by rule, establish requirements for color quality (CRI); power factor; operating frequency; and maximum allowable start time based on the requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps. The Secretary may, by rule, revise these requirements or establish other requirements considering energy savings, cost effectiveness, and consumer satisfaction.

"(cc) Effective Date.—Section 327 shall apply—

"(1) to products for which standards are to be established under subsections (u) and (v) on the date on which a final rule is issued by the Department of Energy, except that any State or local standards prescribed or enacted for any such product prior to the date on which such final rule is issued shall not be preempted until the standard established under subsection (u) or (v) for that product takes effect; and

"(2) to products for which standards are established under subsections (w) through (bb) on the date of enactment of those subsections, except that any State or local standards prescribed or enacted prior to the date of enactment of those subsections shall not be preempted until the standards established under subsections (w) through (bb) take effect.".

(d) Residential Furnace Fans.—Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding the following new subparagraph at the end:

"(D) Notwithstanding any provision of this Act, the Secretary may consider, and prescribe, if the requirements of subsection (o) of this section are met, energy efficiency or energy use standards for electricity used for purposes of circulating air through duct work.".

SEC. 134. ENERGY LABELING.

(a) Rulemaking on Effectiveness of Consumer Product Labeling.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

"(F) Not later than 3 months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed not later than 2 years after the date of enactment of this subparagraph.".

(b) Rulemaking on Labeling for Additional Products.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

"(5) The Secretary or the Commission, as appropriate, may, for covered products referred to in subsections (u) through (aa) of section 325, prescribe, by rule, pursuant to this section, labeling requirements for such products after a test procedure has been set pursuant to section 323. In the case of products to which TP–1 standards under section 325(y) apply, labeling requirements shall be based on the 'Standard for the Labeling of Distribution Transformer Efficiency' prescribed by the National Electrical Manufacturers Association (NEMA TP–3) as in effect upon the date of enactment of this paragraph.''.

Subtitle D—Public Housing

SEC. 141. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: '', including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures''; and

(2) in paragraph (2), by inserting before the semicolon the following: '', including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families''.

SEC. 142. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting ''or efficiency'' after ''energy conservation'';

(2) by striking '', and except that'' and inserting ''; except that''; and

(3) by inserting before the semicolon at the end the following: ''; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency''.

SEC. 143. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) Single Family Housing Mortgage Insurance.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(ii)(IV) (relating to solar energy systems), by striking ''20 percent'' and inserting ''30 percent''.

(b) Multifamily Housing Mortgage Insurance.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the last undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking ''20 percent'' and inserting ''30 percent''.

(c) Cooperative Housing Mortgage Insurance.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(d) Rehabilitation and Neighborhood Conservation Housing Mortgage Insurance.—Section 220(d)(3)(B)(iii)(IV) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)(IV)) is amended—

(1) by striking ''with respect to rehabilitation projects involving not more than five family units,''; and

(2) by striking ''20 per centum'' and inserting ''30 percent''.

(e) Low-Income Multifamily Housing Mortgage Insurance.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(f) Elderly Housing Mortgage Insurance.—Section 231(c)(2)(C) of the National Housing Act (12 U.S.C. 1715v(c)(2)(C)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(g) Condominium Housing Mortgage Insurance.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

SEC. 144. PUBLIC HOUSING CAPITAL FUND.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (I), by striking ''and'' at the end;

(B) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(K) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate; and

''(L) integrated utility management and capital planning to maximize energy conservation and efficiency measures.''; and

(2) in subsection (e)(2)(C)—

(A) by striking ''The'' and inserting the following:

''(i) In general.—The''; and

(B) by adding at the end the following:

''(ii) Third party contracts.—Contracts described in clause (i) may include contracts for equipment conversions to less costly utility sources, projects with resident-paid utilities, and adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

''(iii) Term of contract.—The total term of a contract described in clause (i) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, including renewable energy generation, and other such retrofits.''.

SEC. 145. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking ''financed with loans'' and inserting ''assisted'';

(2) by inserting after ''1959,'' the following: ''which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to mortgage restructuring and rental assistance sufficiency plans under such Act,''; and

(3) by inserting after the period at the end of the first sentence the following new sentence: ''Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation.''.

SEC. 146. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m–290m-3) is amended by adding at the end the following:

''SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

''Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.''.

SEC. 147. ENERGY-EFFICIENT APPLIANCES.

In purchasing appliances, a public housing agency shall purchase energy-efficient appliances that are Energy Star products or FEMP-designated products, as such terms are defined in section 553 of the National Energy Conservation Policy Act (as amended by this title), unless the purchase of energy-efficient appliances is not cost-effective to the agency.

SEC. 148. ENERGY EFFICIENCY STANDARDS.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''1 year after the date of the enactment of the Energy Policy Act of 1992'' and inserting ''September 30, 2004'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), where such standards are determined to be cost effective by the Secretary of Housing and Urban Development.''; and

(B) in paragraph (2), by striking ''Council of American'' and all that follows through ''90.1–1989')'' and inserting ''2003 International Energy Conservation Code'';

(2) in subsection (b)—

(A) by striking ''within 1 year after the date of the enactment of the Energy Policy Act of 1992'' and inserting ''by September 30, 2004''; and

(B) by striking ''CABO'' and all that follows through ''1989'' and inserting ''the 2003 International Energy Conservation Code''; and

(3) in subsection (c)—

(A) in the heading, by striking ''Model Energy Code'' and inserting ''The International Energy Conservation Code''; and

(B) by striking ''CABO'' and all that follows through ''1989'' and inserting ''the 2003 International Energy Conservation Code''.

SEC. 149. ENERGY STRATEGY FOR HUD.

The Secretary of Housing and Urban Development shall develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing. The energy strategy shall include the development of energy reduction goals and incentives for public housing agencies. The Secretary shall submit a report to Congress, not later than 1 year after the date of the enactment of this Act, on the energy strategy and the actions taken by the Department of Housing and Urban Development to monitor the energy usage of public housing agencies and shall submit an update every 2 years thereafter on progress in implementing the strategy.

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

SEC. 201. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 6 months after the date of enactment of this Act, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources within the United States, including solar, wind, biomass, ocean (tidal, wave, current, and thermal), geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(b) CONTENTS OF REPORTS.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources; and

(2) such other information as the Secretary believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 202. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting ". If there are insufficient appropriations to make full payments for electric production from all qualified renewable energy facilities in any given year, the Secretary shall assign 60 percent of appropriated funds for that year to facilities that use solar, wind, geothermal, or closed-loop (dedicated energy crops) biomass technologies to generate electricity, and assign the remaining 40 percent to other projects. The Secretary may, after transmitting to Congress an explanation of the reasons therefor, alter the percentage requirements of the preceding sentence.".

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting "a not-for-profit electric cooperative, a public utility described in section 115 of the Internal Revenue Code of 1986, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,"; and

(2) by inserting "landfill gas," after "wind, biomass,".

(c) ELIGIBILITY WINDOW.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "after October 1, 2003, and before October 1, 2013".

(d) AMOUNT OF PAYMENT.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas," after "wind, biomass,".

(e) SUNSET.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1212(g) of the Energy Policy Act of 1992 (42 U.S.C. 13317(g)) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.".

SEC. 203. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President, acting through the Secretary of Energy, shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

(1) Not less than 3 percent in fiscal years 2005 through 2007.

(2) Not less than 5 percent in fiscal years 2008 through 2010.

(3) Not less than 7.5 percent in fiscal year 2011 and each fiscal year thereafter.

(b) DEFINITIONS.—In this section:

(1) BIOMASS.—The term "biomass" means any solid, nonhazardous, cellulosic material that is derived from—

(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, or nonmerchantable material;

(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled;

(C) agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and livestock waste nutrients; or

(D) a plant that is grown exclusively as a fuel for the production of electricity.

(2) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated from solar, wind, biomass, landfill gas, geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

(c) CALCULATION.—For purposes of determining compliance with the requirement of this section, the amount of renewable energy shall be doubled if—

(1) the renewable energy is produced and used on-site at a Federal facility;

(2) the renewable energy is produced on Federal lands and used at a Federal facility; or

(3) the renewable energy is produced on Indian land as defined in title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et. seq.) and used at a Federal facility.

(d) REPORT.—Not later than April 15, 2005, and every 2 years thereafter, the Secretary of Energy shall provide a report to Congress on the progress of the Federal Government in meeting the goals established by this section.

SEC. 204. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (48 U.S.C. 1492), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

"(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

"(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, opportunities for energy conservation and increased energy efficiency, and indigenous sources in regard to the insular areas.";

(3) by amending subsection (e) to read as follows:

"(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the head of government of each insular area, shall update the plans required under subsection (c) by—

"(A) updating the contents required by subsection (c);

"(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010, increasing energy conservation and energy efficiency, and maximizing, to the extent feasible, use of indigenous energy sources; and

"(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

"(2) Not later than December 31, 2005, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection."; and

(4) by amending subsection (g)(4) to read as follows:

"(4) POWER LINE GRANTS FOR INSULAR AREAS.—

"(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of insular areas of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such insular areas from damage caused by hurricanes and typhoons.

"(B) ELIGIBLE PROJECTS.—The Secretary may award grants under subparagraph (A) only to governments of insular areas of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

"(i) The project is designed to protect electric power transmission and distribution lines located in 1 or more of the insular areas of the United States from damage caused by hurricanes and typhoons.

“(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

“(iii) The project addresses 1 or more problems that have been repetitive or that pose a significant risk to public health and safety.

“(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

“(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

“(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

“(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

“(C) Priority.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

“(i) have the greatest impact on reducing future disaster losses; and

“(ii) best conform with plans that have been approved by the Federal Government or the government of the insular area where the project is to be carried out for development or hazard mitigation for that insular area.

“(D) Matching requirement.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

“(E) Treatment of funds for certain purposes.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

“(F) Authorization of appropriations.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.”.

SEC. 205. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS.

(a) In General.—Subchapter VI of chapter 31 of title 40, United States Code, is amended by adding at the end the following:

“§3177. Use of photovoltaic energy in public buildings

“(a) Photovoltaic Energy Commercialization Program.—

“(1) In general.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

“(2) Purposes.—The purposes of the program shall be to accomplish the following:

“(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

“(B) To reduce the fossil fuel consumption and costs of the Federal Government.

“(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government's Million Solar Roof Initiative of 1997.

“(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

“(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

“(3) Acquisition of photovoltaic solar electric systems.—

“(A) In general.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

“(B) Acquisition levels.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

“(4) Administration.—The Administrator shall administer the program and shall—

“(A) issue such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

“(B) develop innovative procurement strategies for the acquisition of such systems; and

“(C) transmit to Congress an annual report on the results of the program.

“(b) Photovoltaic Systems Evaluation Program.—

“(1) In general.—Not later than 60 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Energy, shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

“(2) Program requirement.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

“(c) Authorization of Appropriations.—

“(1) Photovoltaic energy commercialization program.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.

“(2) Photovoltaic systems evaluation program.—There are authorized to be appropriated to carry out subsection (b) $10,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.”.

(b) Conforming Amendment.—The section analysis for such chapter is amended by inserting after the item relating to section 3176 the following:

“3177. Use of photovoltaic energy in public buildings.”.

SEC. 206. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, PETROLEUM-BASED PRODUCT SUBSTITUTES, AND OTHER COMMERCIAL PURPOSES.

(a) Findings.—Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest land, woodland, and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The byproducts of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest lands, woodlands and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of byproducts being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using byproducts removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for byproducts of preventive treatment activities.

(b) Definitions.—In this section:

(1) Biomass.—The term “biomass” means trees and woody plants, including limbs, tops, needles, and other woody parts, and byproducts of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) Indian tribe.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) Person.—The term “person” includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) Preferred community.—The term “preferred community” means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) Secretary concerned.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

(c) Biomass Commercial Use Grant Program.—

(1) In general.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) Grant amounts.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) Monitoring of grant recipient activities.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(d) Improved Biomass Use Grant Program.—

(1) In general.—The Secretary concerned may make grants to persons to offset the cost of projects to develop or research opportunities to improve the use of, or add value to, biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) Selection.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, including the potential to develop thermal or electric energy resources or affordable energy, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) Grant amount.—A grant under this subsection may not exceed $500,000.

(e) Authorization of Appropriations.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2004 through 2014 to carry out this section.

(f) Report.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources, the Committee on Energy and Commerce, and the Committee on Agriculture of the House of Representatives a report describing the results of the grant programs authorized by this section. The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under this section.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

SEC. 207. BIOBASED PRODUCTS.

Section 9002(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(c)(1)) is amended by inserting "or such items that comply with the regulations issued under section 103 of Public Law 100-556 (42 U.S.C. 6914b-1)" after "practicable".

Subtitle B—Geothermal Energy

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "John Rishel Geothermal Steam Act Amendments of 2004".

SEC. 212. COMPETITIVE LEASE SALE REQUIREMENTS.

Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended to read as follows:

"SEC. 4. LEASING PROCEDURES.

"(a) Nominations.—The Secretary shall accept nominations of lands to be leased at any time from qualified companies and individuals under this Act.

"(b) Competitive Lease Sale Required.—The Secretary shall hold a competitive lease sale at least once every 2 years for lands in a State which has nominations pending under subsection (a) if such lands are otherwise available for leasing.

"(c) Noncompetitive Leasing.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.

"(d) Leases Sold as a Block.—If information is available to the Secretary indicating a geothermal resource that could be produced as 1 unit can reasonably be expected to underlie more than 1 parcel to be offered in a competitive lease sale, the parcels for such a resource may be offered for bidding as a block in the competitive lease sale.

"(e) Pending Lease Applications on April 1, 2003.—It shall be a priority for the Secretary of the Interior, and for the Secretary of Agriculture with respect to National Forest Systems lands, to ensure timely completion of administrative actions necessary to process applications for geothermal leasing pending on April 1, 2003. Such an application, and any lease issued pursuant to such an application—

"(1) except as provided in paragraph (2), shall be subject to this section as in effect on April 1, 2003; or

"(2) at the election of the applicant, shall be subject to this section as in effect on the effective date of this paragraph.".

SEC. 213. DIRECT USE.

(a) Fees for Direct Use.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting "(a) In General.—" after "Sec. 5."; and

(4) by adding at the end the following:

"(b) Direct Use.—Notwithstanding subsection (a)(1), with respect to the direct use of geothermal resources for purposes other than the commercial generation of electricity, the Secretary of the Interior shall establish a schedule of fees and collect fees pursuant to such a schedule in lieu of royalties based upon the total amount of the geothermal resources used. The schedule of fees shall ensure that there is a fair return to the public for the use of a geothermal resource based upon comparable fees charged for direct use of geothermal resources by States or private persons. For direct use by a State or local government for public purposes there shall be no royalty and the fee charged shall be nominal. Leases in existence on the date of enactment of the Energy Policy Act of 2003 shall be modified in order to reflect the provisions of this subsection.".

(b) Leasing for Direct Use.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is further amended by adding at the end the following:

"(f) Leasing for Direct Use of Geothermal Resources.—Lands leased under this Act exclusively for direct use of geothermal resources shall be leased to any qualified applicant who first applies for such a lease under regulations issued by the Secretary, if—

"(1) the Secretary publishes a notice of the lands proposed for leasing 60 days before the date of the issuance of the lease; and

"(2) the Secretary does not receive in the 60-day period beginning on the date of such publication any nomination to include the lands concerned in the next competitive lease sale.

"(g) Area Subject to Lease for Direct Use.—A geothermal lease for the direct use of geothermal resources shall embrace not more than the amount of acreage determined by the Secretary to be reasonably necessary for such proposed utilization.".

(c) Existing Leases With a Direct Use Facility.—

(1) Application to convert.—Any lessee under a lease under the Geothermal Steam Act of 1970 that was issued before the date of the enactment of this Act may apply to the Secretary of the Interior, by not later than 18 months after the date of the enactment of this Act, to convert such lease to a lease for direct utilization of geothermal resources in accordance with the amendments made by this section.

(2) Conversion.—The Secretary shall approve such an application and convert such a lease to a lease in accordance with the amendments by not later than 180 days after receipt of such application, unless the Secretary determines that the applicant is not a qualified applicant with respect to the lease.

(3) Application of new lease terms.—The amendment made by subsection (a)(4) shall apply with respect to payments under a lease converted under this subsection that are due and owing to the United States on or after July 16, 2003.

SEC. 214. ROYALTIES AND NEAR-TERM PRODUCTION INCENTIVES.

(a) Royalty.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended—

(1) in subsection (a) by striking paragraph (1) and inserting the following:

"(1) a royalty on electricity produced using geothermal steam and associated geothermal resources, other than direct use of geothermal resources, that shall be—

"(A) not less than 1 percent and not more than 2.5 percent of the gross proceeds from the sale of electricity produced from such resources during the first 10 years of production under the lease; and

"(B) not less than 2 and not more than 5 percent of the gross proceeds from the sale of electricity produced from such resources during each year after such 10-year period;"; and

(2) by adding at the end the following:

"(c) Final Regulation Establishing Royalty Rates.—In issuing any final regulation establishing royalty rates under this section, the Secretary shall seek—

"(1) to provide lessees a simplified administrative system;

"(2) to encourage new development; and

"(3) to achieve the same long-term level of royalty revenues to States and counties as the regulation in effect on the date of enactment of this subsection.

"(d) Credits for In-Kind Payments of Electricity.—The Secretary may provide to a lessee a credit against royalties owed under this Act, in an amount equal to the value of electricity provided under contract to a State or county government that is entitled to a portion of such royalties under section 20 of this Act, section 35 of the Mineral Leasing Act (30 U.S.C. 191), or section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355), if—

"(1) the Secretary has approved in advance the contract between the lessee and the State or county government for such in-kind payments;

"(2) the contract establishes a specific methodology to determine the value of such credits; and

"(3) the maximum credit will be equal to the royalty value owed to the State or county that is a party to the contract and the electricity received will serve as the royalty payment from the Federal Government to that entity.".

(b) Disposal of Moneys From Sales, Bonuses, Royalties, and Rentals.—Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.

"(a) In General.—Except with respect to lands in the State of Alaska, all monies received by the United States from sales, bonuses, rentals, and royalties under this Act shall be paid into the Treasury of the United States. Of amounts deposited under this subsection, subject to the provisions of section 35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and section 5(a)(2) of this Act—

"(1) 50 percent shall be paid to the State within the boundaries of which the leased lands or geothermal resources are or were located; and

"(2) 25 percent shall be paid to the County within the boundaries of which the leased lands or geothermal resources are or were located.

"(b) Use of Payments.—Amounts paid to a State or county under subsection (a) shall be used consistent with the terms of section 35 of the Mineral Leasing Act (30 U.S.C. 191).".

(c) Near-Term Production Incentive for Existing Leases.—

(1) In general.—Notwithstanding section 5(a) of the Geothermal Steam Act of 1970, the royalty required to be paid shall be 50 percent of the amount of the royalty otherwise required, on any lease issued before the date of enactment of this Act that does not convert to new royalty terms under subsection (e)—

(A) with respect to commercial production of energy from a facility that begins such production in the 6-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy.

(2) 4-year application.—Paragraph (1) applies only to new commercial production of energy from a facility in the first 4 years of such production.

(d) Definition of Qualified Expansion Geothermal Energy.—In this section, the term "qualified expansion geothermal energy" means geothermal energy produced from a generation facility for which—

(1) the production is increased by more than 10 percent as a result of expansion of the facility carried out in the 6-year period beginning on the date of the enactment of this Act; and

(2) such production increase is greater than 10 percent of the average production by the facility during the 5-year period preceding the expansion of the facility.

(e) Royalty Under Existing Leases.—

(1) In general.—Any lessee under a lease issued under the Geothermal Steam Act of 1970 before the date of the enactment of this Act may modify the terms of the lease relating to payment of royalties to comply with the amendment made by subsection (a), by applying to the Secretary of the Interior by not later than 18 months after the date of the enactment of this Act.

(2) Application of modification.—Such modification shall apply to any use of geothermal steam and any associated geothermal resources to which the amendment applies that occurs after the date of that application.

(3) Consultation.—The Secretary—

(A) shall consult with the State and local governments affected by any proposed changes in lease royalty terms under this subsection; and

(B) may establish a gross proceeds percentage within the range specified in the amendment made by subsection (a)(1) and with the concurrence of the lessee and the State.

SEC. 215. GEOTHERMAL LEASING AND PERMITTING ON FEDERAL LANDS.

(a) In General.—Not later than 180 days after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to Congress a memorandum of understanding in accordance with this section regarding leasing and permitting for geothermal development of public lands and National Forest System lands under their respective jurisdictions.

(b) Lease and Permit Applications.—The memorandum of understanding shall—

(1) identify areas with geothermal potential on lands included in the National Forest System and, when necessary, require review of management plans to consider leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a land use; and

(2) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application procession.

(c) Data Retrieval System.—The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and providing to the applicant information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

SEC. 216. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to Congress not later than 3 years after the date of the enactment of this Act regarding the status of all withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of Federal lands, specifying for each such area whether the basis for such withdrawal still applies.

SEC. 217. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 30. REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES.

"(a) In General.—The Secretary of the Interior may reimburse a person that is a lessee, operator, operating rights owner, or applicant for any lease under this Act for reasonable amounts paid by the person for preparation for the Secretary by a contractor or other person selected by the Secretary of any project-level analysis, documentation, or related study required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) Conditions.—The Secretary may provide reimbursement under subsection (a) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily;

"(3) the person maintains records of its costs in accordance with regulations issued by the Secretary;

"(4) the reimbursement is in the form of a reduction in the Federal share of the royalty required to be paid for the lease for which the analysis, documentation, or related study is conducted, and is agreed to by the Secretary and the person reimbursed prior to commencing the analysis, documentation, or related study; and

"(5) the agreement required under paragraph (4) contains provisions—

"(A) reducing royalties owed on lease production based on market prices;

"(B) stipulating an automatic termination of the royalty reduction upon recovery of documented costs; and

"(C) providing a process by which the lessee may seek reimbursement for circumstances in which production from the specified lease is not possible.".

(b) Application.—The amendment made by this section shall apply with respect to an analysis, documentation, or a related study conducted on or after the date of enactment of this Act for any lease entered into before, on, or after the date of enactment of this Act.

(c) Deadline for Regulations.—The Secretary shall issue regulations implementing the amendment made by this section by not later than 1 year after the date of enactment of this Act.

SEC. 218. ASSESSMENT OF GEOTHERMAL ENERGY POTENTIAL.

The Secretary of Interior, acting through the Director of the United States Geological Survey and in cooperation with the States, shall update the 1978 Assessment of Geothermal Resources, and submit that updated assessment to Congress—

(1) not later than 3 years after the date of enactment of this Act; and

(2) thereafter as the availability of data and developments in technology warrant.

SEC. 219. COOPERATIVE OR UNIT PLANS.

Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended to read as follows:

"SEC. 18. UNIT AND COMMUNITIZATION AGREEMENTS.

"(a) Adoption of Units by Lessees.—

"(1) In general.—For the purpose of more properly conserving the natural resources of any geothermal reservoir, field, or like area, or any part thereof (whether or not any part of the geothermal field, or like area, is then subject to any Unit Agreement (cooperative plan of development or operation)), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a Unit Agreement for such field, or like area, or any part thereof including direct use resources, if determined and certified by the Secretary to be necessary or advisable in the public interest. A majority interest of owners of any single lease shall have the authority to commit that lease to a Unit Agreement. The Secretary of the Interior may also initiate the formation of a Unit Agreement if in the public interest.

‘‘(2) MODIFICATION OF LEASE REQUIREMENTS BY SECRETARY.—The Secretary may, in the discretion of the Secretary, and with the consent of the holders of leases involved, establish, alter, change, or revoke rates of operations (including drilling, operations, production, and other requirements) of such leases and make conditions with reference to such leases, with the consent of the lessees, in connection with the creation and operation of any such Unit Agreement as the Secretary may deem necessary or proper to secure the proper protection of the public interest. Leases with unlike lease terms or royalty rates do not need to be modified to be in the same unit.

‘‘(b) REQUIREMENT OF PLANS UNDER NEW LEASES.—The Secretary—

‘‘(1) may provide that geothermal leases issued under this Act shall contain a provision requiring the lessee to operate under such a reasonable Unit Agreement; and

‘‘(2) may prescribe such an Agreement under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

‘‘(c) MODIFICATION OF RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION.—The Secretary may require that any Agreement authorized by this section that applies to lands owned by the United States contain a provision under which authority is vested in the Secretary, or any person, committee, or State or Federal officer or agency as may be designated in the Agreement to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such an Agreement.

‘‘(d) EXCLUSION FROM DETERMINATION OF HOLDING OR CONTROL.—Any lands that are subject to any Agreement approved or prescribed by the Secretary under this section shall not be considered in determining holdings or control under any provision of this Act.

‘‘(e) POOLING OF CERTAIN LANDS.—If separate tracts of lands cannot be independently developed and operated to use geothermal steam and associated geothermal resources pursuant to any section of this Act—

‘‘(1) such lands, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, for purposes of development and operation under a Communitization Agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the production unit, if such pooling is determined by the Secretary to be in the public interest; and

‘‘(2) operation or production pursuant to such an Agreement shall be treated as operation or production with respect to each tract of land that is subject to the agreement.

‘‘(f) UNIT AGREEMENT REVIEW.—No more than 5 years after approval of any cooperative or Unit Agreement and at least every 5 years thereafter, the Secretary shall review each such Agreement and, after notice and opportunity for comment, eliminate from inclusion in such Agreement any lands that the Secretary determines are not reasonably necessary for Unit operations under the Agreement. Such elimination shall be based on scientific evidence, and shall occur only if it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any land so eliminated shall be eligible for an extension under subsection (g) of section 6 if it meets the requirements for such an extension.

‘‘(g) DRILLING OR DEVELOPMENT CONTRACTS.—The Secretary may, on such conditions as the Secretary may prescribe, approve drilling or development contracts made by 1 or more lessees of geothermal leases, with 1 or more persons, associations, or corporations if, in the discretion of the Secretary, the conservation of natural resources or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved drilling or development contracts, and interests thereunder, shall be excepted in determining holdings or control under section 7.

‘‘(h) COORDINATION WITH STATE GOVERNMENTS.—The Secretary shall coordinate unitization and pooling activities with the appropriate State agencies and shall ensure that State leases included in any unitization or pooling arrangement are treated equally with Federal leases.’’.

SEC. 220. ROYALTY ON BYPRODUCTS.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) by striking paragraph (2) and inserting the following:

‘‘(2) a royalty on any byproduct that is a mineral named in the first section of the Mineral Leasing Act (30 U.S.C. 181), and that is derived from production under the lease, at the rate of the royalty that applies under that Act to production of such mineral under a lease under that Act;’’.

SEC. 221. REPEAL OF AUTHORITIES OF SECRETARY TO READJUST TERMS, CONDITIONS, RENTALS, AND ROYALTIES.

Section 8 of the Geothermal Steam Act of 1970 (30 U.S.C. 1007) is amended by repealing subsection (b), and by redesignating subsection (c) as subsection (b).

SEC. 222. CREDITING OF RENTAL TOWARD ROYALTY.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended—

(1) in subsection (a)(2) by inserting ‘‘and’’ after the semicolon at the end;

(2) in subsection (a)(3) by striking ‘‘; and’’ and inserting a period;

(3) by striking paragraph (4) of subsection (a); and

(4) by adding at the end the following:

‘‘(e) CREDITING OF RENTAL TOWARD ROYALTY.—Any annual rental under this section that is paid with respect to a lease before the first day of the year for which the annual rental is owed shall be credited to the amount of royalty that is required to be paid under the lease for that year.’’.

SEC. 223. LEASE DURATION AND WORK COMMITMENT REQUIREMENTS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended—

(1) by striking so much as precedes subsection (c), and striking subsections (e), (g), (h), (i), and (j);

(2) by redesignating subsections (c), (d), and (f) in order as subsections (g), (h), and (i); and

(3) by inserting before subsection (g), as so redesignated, the following:

‘‘SEC. 6. LEASE TERM AND WORK COMMITMENT REQUIREMENTS.

‘‘(a) IN GENERAL.—

‘‘(1) PRIMARY TERM.—A geothermal lease shall be for a primary term of 10 years.

‘‘(2) INITIAL EXTENSION.—The Secretary shall extend the primary term of a geothermal lease for 5 years if, for each year after the fifth year of the lease—

‘‘(A) the Secretary determined under subsection (c) that the lessee satisfied the work commitment requirements that applied to the lease for that year; or

‘‘(B) the lessee paid in accordance with subsection (d) the value of any work that was not completed in accordance with those requirements.

‘‘(3) ADDITIONAL EXTENSION.—The Secretary shall extend the primary term of a geothermal lease (after an initial extension under paragraph (2)) for an additional 5 years if, for each year of the initial extension under paragraph (2), the Secretary determined under subsection (c) that the lessee satisfied the work commitment requirements that applied to the lease for that year.

‘‘(b) REQUIREMENT TO SATISFY ANNUAL WORK COMMITMENT REQUIREMENT.—

‘‘(1) IN GENERAL.—The lessee for a geothermal lease shall, for each year after the fifth year of the lease, satisfy work commitment requirements prescribed by the Secretary that apply to the lease for that year.

‘‘(2) PRESCRIPTION OF WORK COMMITMENT REQUIREMENTS.—The Secretary shall issue regulations prescribing minimum equivalent dollar value work commitment requirements for geothermal leases, that—

‘‘(A) require that a lessee, in each year after the fifth year of the primary term of a geothermal lease, diligently work to achieve commercial production or utilization of steam under the lease;

‘‘(B) require that in each year to which work commitment requirements under the regulations apply, the lessee shall significantly reduce the amount of work that remains to be done to achieve such production or utilization;

‘‘(C) describe specific work that must be completed by a lessee by the end of each year to which the work commitment requirements apply and factors, such as force majeure events, that suspend or modify the work commitment obligation;

‘‘(D) carry forward and apply to work commitment requirements for a year, work completed in any year in the preceding 3-year period that was in excess of the work required to be performed in that preceding year;

‘‘(E) establish transition rules for leases issued before the date of the enactment of this subsection, including terms under which a lease that is near the end of its term on the date of enactment of this subsection may be extended for up to 2 years—

‘‘(i) to allow achievement of production under the lease; or

‘‘(ii) to allow the lease to be included in a producing unit; and

‘‘(F) establish an annual payment that, at the option of the lessee, may be exercised in lieu of meeting any work requirement for a limited number of years that the Secretary determines will not impair achieving diligent development of the geothermal resource.

‘‘(3) TERMINATION OF APPLICATION OF REQUIREMENTS.—Work commitment requirements prescribed under this subsection shall not apply to a geothermal lease after the date on which geothermal steam is produced or utilized under the lease in commercial quantities.

"(c) Determination of Whether Requirements Satisfied.—The Secretary shall, by not later than 90 days after the end of each year for which work commitment requirements under subsection (b) apply to a geothermal lease—

"(1) determine whether the lessee has satisfied the requirements that apply for that year;

"(2) notify the lessee of that determination; and

"(3) in the case of a notification that the lessee did not satisfy work commitment requirements for the year, include in the notification—

"(A) a description of the specific work that was not completed by the lessee in accordance with the requirements; and

"(B) the amount of the dollar value of such work that was not completed, reduced by the amount of expenditures made for work completed in a prior year that is carried forward pursuant to subsection (b)(2)(D).

"(d) Payment of Value of Uncompleted Work.—

"(1) In general.—If the Secretary notifies a lessee that the lessee failed to satisfy work commitment requirements under subsection (b), the lessee shall pay to the Secretary, by not later than the end of the 60-day period beginning on the date of the notification, the dollar value of work that was not completed by the lessee, in the amount stated in the notification (as reduced under subsection (c)(3)(B)).

"(2) Failure to pay value of uncompleted work.—If a lessee fails to pay such amount to the Secretary before the end of that period, the lease shall terminate upon the expiration of the period.

"(e) Continuation After Commercial Production or Utilization.—If geothermal steam is produced or utilized in commercial quantities within the primary term of the lease under subsection (a) (including any extension of the lease under subsection (a)), such lease shall continue until the date on which geothermal steam is no longer produced or utilized in commercial quantities.

"(f) Conversion of Geothermal Lease to Mineral Lease.—The lessee under a lease that has produced geothermal steam for electrical generation, has been determined by the Secretary to be incapable of any further commercial production or utilization of geothermal steam, and that is producing any valuable byproduct in payable quantities may, within 6 months after such determination—

"(1) convert the lease to a mineral lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), if the lands that are subject to the lease can be leased under that Act for the production of such byproduct; or

"(2) convert the lease to a mining claim under the general mining laws, if the byproduct is a locatable mineral.".

SEC. 224. ADVANCED ROYALTIES REQUIRED FOR SUSPENSION OF PRODUCTION.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended by adding at the end the following:

"(f) Advanced Royalties Required for Suspension of Production.—

"(1) Continuation of lease following cessation of production.—If, at any time after commercial production under a lease is achieved, production ceases for any cause the lease shall remain in full force and effect—

"(A) during the 1-year period beginning on the date production ceases; and

"(B) after such period if, and so long as, the lessee commences and continues diligently and in good faith until such production is resumed the steps, operations, or procedures necessary to cause a resumption of such production.

"(2) If production of heat or energy under a geothermal lease is suspended after the date of any such production for which royalty is required under subsection (a) and the terms of paragraph (1) are not met, the Secretary shall require the lessee, until the end of such suspension, to pay royalty in advance at the monthly pro-rata rate of the average annual rate at which such royalty was paid each year in the 5-year-period preceding the date of suspension.

"(3) Paragraph (2) shall not apply if the suspension is required or otherwise caused by the Secretary, the Secretary of a military department, a State or local government, or a force majeure.".

SEC. 225. ANNUAL RENTAL.

(a) Annual Rental Rate.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) in paragraph (3) by striking "$1 per acre or fraction thereof for each year of the lease" and all that follows through the end of the paragraph and inserting "$1 per acre or fraction thereof for each year of the lease through the tenth year in the case of a lease awarded in a noncompetitive lease sale; or $2 per acre or fraction thereof for the first year, $3 per acre or fraction thereof for each of the second through tenth years, in the case of a lease awarded in a competitive lease sale; and $5 per acre or fraction thereof for each year after the 10th year thereof for all leases.".

(b) Termination of Lease for Failure to Pay Rental.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended by adding at the end the following:

"(g) Termination of Lease for Failure to Pay Rental.—

"(1) In general.—The Secretary shall terminate any lease with respect to which rental is not paid in accordance with this Act and the terms of the lease under which the rental is required, upon the expiration of the 45-day period beginning on the date of the failure to pay such rental.

"(2) Notification.—The Secretary shall promptly notify a lessee that has not paid rental required under the lease that the lease will be terminated at the end of the period referred to in paragraph (1).

"(3) Reinstatement.—A lease that would otherwise terminate under paragraph (1) shall not terminate under that paragraph if the lessee pays to the Secretary, before the end of the period referred to in paragraph (1), the amount of rental due plus a late fee equal to 10 percent of such amount.".

SEC. 226. LEASING AND PERMITTING ON FEDERAL LANDS WITHDRAWN FOR MILITARY PURPOSES.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Defense, in consultation with each military service and with interested States, counties, representatives of the geothermal industry, and other persons, shall submit to Congress a joint report concerning leasing and permitting activities for geothermal energy on Federal lands withdrawn for military purposes. Such report shall include the following:

(1) A description of the Military Geothermal Program, including any differences between it and the non-Military Geothermal Program, including required security procedures, and operational considerations, and discussions as to the differences, and why they are important. Further, the report shall describe revenues or energy provided to the Department of Defense and its facilities, royalty structures, where applicable, and any revenue sharing with States and counties or other benefits between—

(A) the implementation of the Geothermal Steam Act of 1970 (30 U.S.C 1001 et seq.) and other applicable Federal law by the Secretary of the Interior; and

(B) the administration of geothermal leasing under section 2689 of title 10, United States Code, by the Secretary of Defense.

(2) If appropriate, a description of the current methods and procedures used to ensure interagency coordination, where needed, in developing renewable energy sources on Federal lands withdrawn for military purposes, and an identification of any new procedures that might be required in the future for the improvement of interagency coordination to ensure efficient processing and administration of leases or contracts for geothermal energy on Federal lands withdrawn for military purposes, consistent with the defense purposes of such withdrawals.

(3) Recommendations for any legislative or administrative actions that might better achieve increased geothermal production, including a common royalty structure, leasing procedures, or other changes that increase production, offset military operation costs, or enhance the Federal agencies' ability to develop geothermal resources.

Except as provided in this section, nothing in this subtitle shall affect the legal status of the Department of the Interior and the Department of the Defense with respect to each other regarding geothermal leasing and development until such status is changed by law.

SEC. 227. TECHNICAL AMENDMENTS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is further amended as follows:

(1) By striking "geothermal steam and associated geothermal resources" each place it appears and inserting "geothermal resources".

(2) Section 2(e) (30 U.S.C. 1001(e)) is amended to read as follows:

"(e) 'direct use' means utilization of geothermal resources for commercial, residential, agricultural, public facilities, or other energy needs other than the commercial production of electricity; and".

(3) Section 21 (30 U.S.C. 1020) is amended by striking "(a) Within one hundred" and all that follows through "(b) Geothermal" and inserting "Geothermal".

(4) The first section (30 U.S.C. 1001 note) is amended by striking "That this" and inserting the following:

"SEC. 1. SHORT TITLE.

"This".

(5) Section 2 (30 U.S.C. 1001) is amended by striking "Sec. 2. As" and inserting the following:

"SEC. 2. DEFINITIONS.

"As".

(6) Section 3 (30 U.S.C. 1002) is amended by striking "Sec. 3. Subject" and inserting the following:

"SEC. 3 . LANDS SUBJECT TO GEOTHERMAL LEASING.

"Subject".

(7) Section 5 (30 U.S.C. 1004) is further amended by striking "Sec. 5.", and by inserting immediately before and above subsection (a) the following:

"SEC. 5. RENTS AND ROYALTIES. ".

(8) Section 7 (30 U.S.C. 1006) is amended by striking "Sec. 7. A geothermal" and inserting the following:

"SEC. 7. ACREAGE OF GEOTHERMAL LEASE.

"A geothermal".

(9) Section 8 (30 U.S.C. 1007) is amended by striking "Sec. 8. (a) The" and inserting the following:

"SEC. 8. READJUSTMENT OF LEASE TERMS AND CONDITIONS.

"(a) The".

(10) Section 9 (30 U.S.C. 1008) is amended by striking "Sec. 9. If" and inserting the following:

"SEC. 9. BYPRODUCTS.

"If".

(11) Section 10 (30 U.S.C. 1009) is amended by striking "Sec. 10. The" and inserting the following:

"SEC. 10. RELINQUISHMENT OF GEOTHERMAL RIGHTS.

"The".

(12) Section 11 (30 U.S.C. 1010) is amended by striking "Sec. 11. The" and inserting the following:

"SEC. 11. SUSPENSION OF OPERATIONS AND PRODUCTION.

"The".

(13) Section 12 (30 U.S.C. 1011) is amended by striking "Sec. 12. Leases" and inserting the following:

"SEC. 12. TERMINATION OF LEASES.

"Leases".

(14) Section 13 (30 U.S.C. 1012) is amended by striking "Sec. 13. The" and inserting the following:

"SEC. 13. WAIVER, SUSPENSION, OR REDUCTION OF RENTAL OR ROYALTY.

"The".

(15) Section 14 (30 U.S.C. 1013) is amended by striking "Sec. 14. Subject" and inserting the following:

"SEC. 14. SURFACE LAND USE.

"Subject".

(16) Section 15 (30 U.S.C. 1014) is amended by striking "Sec. 15. (a) Geothermal" and inserting the following:

"SEC. 15. LANDS SUBJECT TO GEOTHERMAL LEASING.

"(a) Geothermal".

(17) Section 16 (30 U.S.C. 1015) is amended by striking "Sec. 16. Leases" and inserting the following:

"SEC. 16. REQUIREMENT FOR LESSEES.

"Leases".

(18) Section 17 (30 U.S.C. 1016) is amended by striking "Sec. 17. Administration" and inserting the following:

"SEC. 17. ADMINISTRATION.

"Administration".

(19) Section 19 (30 U.S.C. 1018) is amended by striking "Sec. 19. Upon" and inserting the following:

"SEC. 19. DATA FROM FEDERAL AGENCIES.

"Upon".

(20) Section 21 (30 U.S.C. 1020) is further amended by striking "Sec. 21.", and by inserting immediately before and above the remainder of that section the following:

"SEC. 21. PUBLICATION IN FEDERAL REGISTER; RESERVATION OF MINERAL RIGHTS. ".

(21) Section 22 (30 U.S.C. 1021) is amended by striking "Sec. 22. Nothing" and inserting the following:

"SEC. 22. FEDERAL EXEMPTION FROM STATE WATER LAWS.

"Nothing".

(22) Section 23 (30 U.S.C. 1022) is amended by striking "Sec. 23. (a) All" and inserting the following:

"SEC. 23. PREVENTION OF WASTE; EXCLUSIVITY.

"(a) All".

(23) Section 24 (30 U.S.C. 1023) is amended by striking "Sec. 24. The" and inserting the following:

"SEC. 24. RULES AND REGULATIONS.

"The".

(24) Section 25 (30 U.S.C. 1024) is amended by striking "Sec. 25. As" and inserting the following:

"SEC. 25. INCLUSION OF GEOTHERMAL LEASING UNDER CERTAIN OTHER LAWS.

"As".

(25) Section 26 is amended by striking "Sec. 26. The" and inserting the following:

"SEC. 26. AMENDMENT.

"The".

(26) Section 27 (30 U.S.C. 1025) is amended by striking "Sec. 27. The" and inserting the following:

"SEC. 27. FEDERAL RESERVATION OF CERTAIN MINERAL RIGHTS.

"The".

(27) Section 28 (30 U.S.C. 1026) is amended by striking "Sec. 28. (a)(1) The" and inserting the following:

"SEC. 28. SIGNIFICANT THERMAL FEATURES.

"(a)(1) The".

(28) Section 29 (30 U.S.C. 1027) is amended by striking "Sec. 29. The" and inserting the following:

"SEC. 29. LAND SUBJECT TO PROHIBITION ON LEASING.

"The".

Subtitle C—Hydroelectric

PART I—ALTERNATIVE CONDITIONS

SEC. 231. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) Federal Reservations.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after "adequate protection and utilization of such reservation;" at the end of the first proviso the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an expedited agency trial-type hearing of any disputed issues of material fact, with respect to such conditions. Such hearing may be conducted in accordance with procedures established by agency regulation in consultation with the Federal Energy Regulatory Commission.".

(b) Fishways.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after "and such fishways as may be prescribed by the Secretary of Commerce." the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an expedited agency trial-type hearing of any disputed issues of material fact, with respect to such fishways. Such hearing may be conducted in accordance with procedures established by agency regulation in consultation with the Federal Energy Regulatory Commission.".

(c) Alternative Conditions and Prescriptions.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

"SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.

"(a) Alternative Conditions.—(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls (referred to in this subsection as 'the Secretary') deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant may propose an alternative condition.

"(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant or otherwise available to the Secretary, that such alternative condition—

"(A) provides for the adequate protection and utilization of the reservation; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production,

as compared to the condition initially deemed necessary by the Secretary.

"(3) The Secretary shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative conditions.

"(5) If the Secretary does not accept an applicant's alternative condition under this section, and the Commission finds that the Secretary's condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not provide for the adequate protection and utilization of the reservation. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.

"(b) Alternative Prescriptions.—(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee or otherwise available to the Secretary, that such alternative—

"(A) will be no less protective than the fishway initially prescribed by the Secretary; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production, as compared to the fishway initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative prescriptions.

"(5) If the Secretary concerned does not accept an applicant's alternative prescription under this section, and the Commission finds that the Secretary's prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will be less protective than the fishway initially prescribed by the Secretary. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.".

PART II—ADDITIONAL HYDROPOWER

SEC. 241. HYDROELECTRIC PRODUCTION INCENTIVES.

(a) INCENTIVE PAYMENTS.—For electric energy generated and sold by a qualified hydroelectric facility during the incentive period, the Secretary of Energy (referred to in this section as the "Secretary") shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFIED HYDROELECTRIC FACILITY.—The term "qualified hydroelectric facility" means a turbine or other generating device owned or solely operated by a non-Federal entity which generates hydroelectric energy for sale and which is added to an existing dam or conduit.

(2) EXISTING DAM OR CONDUIT.—The term "existing dam or conduit" means any dam or conduit the construction of which was completed before the date of the enactment of this section and which does not require any construction or enlargement of impoundment or diversion structures (other than repair or reconstruction) in connection with the installation of a turbine or other generating device.

(3) CONDUIT.—The term "conduit" has the same meaning as when used in section 30(a)(2) of the Federal Power Act (16 U.S.C. 823a(a)(2)).

The terms defined in this subsection shall apply without regard to the hydroelectric kilowatt capacity of the facility concerned, without regard to whether the facility uses a dam owned by a governmental or nongovernmental entity, and without regard to whether the facility begins operation on or after the date of the enactment of this section.

(c) ELIGIBILITY WINDOW.—Payments may be made under this section only for electric energy generated from a qualified hydroelectric facility which begins operation during the period of 10 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle.

(d) INCENTIVE PERIOD.—A qualified hydroelectric facility may receive payments under this seotion for a period of 10 fiscal years (referred to in this section as the "incentive period"). Such period shall begin with the fiscal year in which electric energy generated from the facility is first eligible for such payments.

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Payments made by the Secretary under this section to the owner or operator of a qualified hydroelectric facility shall be based on the number of kilowatt hours of hydroelectric energy generated by the facility during the incentive period. For any such facility, the amount of such payment shall be 1.8 cents per kilowatt hour (adjusted as provided in paragraph (2)), subject to the availability of appropriations under subsection (g), except that no facility may receive more than $750,000 in 1 calendar year.

(2) ADJUSTMENTS.—The amount of the payment made to any person under this section as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2003 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions the calendar year 2003 shall be substituted for calendar year 1979.

(f) SUNSET.—No payment may be made under this section to any qualified hydroelectric facility after the expiration of the period of 20 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 10 fiscal years.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section $10,000,000 for each of the fiscal years 2004 through 2013.

SEC. 242. HYDROELECTRIC EFFICIENCY IMPROVEMENT.

(a) INCENTIVE PAYMENTS.—The Secretary of Energy shall make incentive payments to the owners or operators of hydroelectric facilities at existing dams to be used to make capital improvements in the facilities that are directly related to improving the efficiency of such facilities by at least 3 percent.

(b) LIMITATIONS.—Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvement concerned and not more than 1 payment may be made with respect to improvements at a single facility. No payment in excess of $750,000 may be made with respect to improvements at a single facility.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for each of the fiscal years 2004 through 2013.

SEC. 243. SMALL HYDROELECTRIC POWER PROJECTS.

Section 408(a)(6) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2708(a)(6)) is amended by striking "April 20, 1977" and inserting "March 4, 2003".

SEC. 244. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Energy, in consultation with the Secretary of the Army, shall jointly conduct a study of the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretaries shall submit to the Committees on Energy and Commerce, Resources, and Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act. The report shall include each of the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities currently conducted or considered, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of prior actions taken by the Secretaries to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility and the level of Federal power customer involvement in the determination of such costs.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, by performing generator upgrades or rewinds, or construction of pumped storage facilities.

(7) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(8) Any additional recommendations to increase hydroelectric power production from, and reduce costs and improve efficiency at, federally owned or operated water regulation, storage, and conveyance facilities.

SEC. 245. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) Consent of Affected Irrigation Customers Required.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) Existing Obligations Not Affected.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities, including recreational releases.

SEC. 246. CORPS OF ENGINEERS HYDROPOWER OPERATION AND MAINTENANCE FUNDING.

(a) In General.—Notwithstanding the last sentence of section 5 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 890, chapter 665; 16 U.S.C. 825s), the 11th paragraph under the heading "OFFICE OF THE SECRETARY" in title I of the Act of October 12, 1949 (63 Stat. 767, chapter 680; 16 U.S.C. 825s-1), the matter under the heading "CONTINUING FUND, SOUTHEASTERN POWER ADMINISTRATION" in title I of the Act of August 31, 1951 (65 Stat. 249, chapter 375; 16 U.S.C. 825s-2), section 3302 of title 31, United States Code, or any other law, and without further appropriation or fiscal year limitation, for fiscal year 2004, the Administrator of the Southeastern Power Administration, the Administrator of the Southwestern Power Administration, and the Administrator of the Western Area Power Administration may credit to the Secretary of the Army (referred to in this section as the "Secretary"), receipts, in an amount determined under subsection (c), from the sale of power and related services.

(b) Use of Funds.—

(1) In general.—The Secretary—

(A) shall, except as provided in paragraph (2), use the amounts credited under subsection (a) to fund only the Corps of Engineers annual operation and maintenance activities that are allocated exclusively to the power function and assigned to the respective power marketing administration and respective project system as applicable for repayment; and

(B) shall not use the amounts for any costs allocated to non-power functions of Corps of Engineer operations.

(2) Exception.—The Secretary may use amounts credited by the Southwestern Power Administration under subsection (a) for capital and nonrecurring costs.

(c) Amount.—The amount of the receipts credited under subsection (a) shall be equal to such amount as—

(1) the Secretary of the Army requests; and

(2) the appropriate Administrator, in consultation with the power customers of the Administrator's power marketing administration, determines to be appropriate to apply to the costs referred to in subsection (b).

(d) Applicable Law.—The amounts credited under subsection (a) are exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.).

SEC. 247. LIMITATION ON CERTAIN CHARGES ASSESSED TO THE FLINT CREEK PROJECT, MONTANA.

Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other provision of Federal law providing for the payment to the United States of charges for the use of Federal land for the purposes of operating and maintaining a hydroelectric development licensed by the Federal Energy Regulatory Commission (referred to in this section as the "Commission"), any political subdivision of the State of Montana that holds a license for Commission Project No. 1473 in Granite and Deer Lodge Counties, Montana, shall be required to pay to the United States for the use of that land for each year during which the political subdivision continues to hold the license for the project, the lesser of—

(1) $25,000; or

(2) such annual charge as the Commission or any other department or agency of the Federal Government may assess.

SEC. 248. REINSTATEMENT AND TRANSFER.

(a) Reinstatement and Transfer of Federal License for Project Numbered 2696.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of such Act, the Federal Energy Regulatory Commission shall reinstate the license for Project No. 2696 and transfer the license, without delay or the institution of any proceedings, to the Town of Stuyvesant, New York, holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787, within 30 days after the date of enactment of this Act.

(b) Hydroelectric Incentives.—Project No. 2696 shall be entitled to the full benefit of any Federal legislation that promotes hydroelectric development that is enacted within 2 years either before or after the date of enactment of this Act.

(c) Project Development and Financing.—The Federal Energy Regulatory Commission shall permit the Town of Stuyvesant to add as a colicensee any private or public entity or entities to the reinstated license at any time, notwithstanding the issuance of a preliminary permit to the Town of Stuyvesant and any consideration of municipal preference. The town shall be entitled, to the extent that funds are available or shall be made available, to receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702 and 2703), or similar programs, for the reimbursement of feasibility studies or development costs, or both, incurred since January 1, 2001, through and including December 31, 2006. All power produced by the project shall be deemed incremental hydropower for purpose of qualifying for any energy credit or similar benefits.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

SEC. 301. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) Amendment to Title I of the Energy Policy and Conservation Act.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting the following:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) Amendment to Title II of the Energy Policy and Conservation Act.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(2) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) Technical Amendments.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by inserting after the items relating to part C of title I the following:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs."; and

(3) by striking the items relating to part D of title II.

(d) Amendment to the Energy Policy and Conservation Act.—Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250(b)(1)) is amended by striking all after "increases" through to "mid-October through March" and inserting "by more than 60 percent over its 5-year rolling average for the months of mid-October through March (considered as a heating season average)".

(e) Fill Strategic Petroleum Reserve to Capacity.—The Secretary of Energy shall, as expeditiously as practicable, acquire petroleum in amounts sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000 barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), consistent with the provisions of sections 159 and 160 of such Act (42 U.S.C. 6239, 6240).

SEC. 302. NATIONAL OILHEAT RESEARCH ALLIANCE.

Section 713 of the Energy Act of 2000 (42 U.S.C. 6201 note) is amended by striking "4" and inserting "9".

Subtitle B—Production Incentives

SEC. 311. DEFINITION OF SECRETARY.

In this subtitle, the term "Secretary" means the Secretary of the Interior.

SEC. 312. PROGRAM ON OIL AND GAS ROYALTIES IN-KIND.

(a) Applicability of Section.—Notwithstanding any other provision of law, this section applies to all royalty in-kind accepted by the Secretary on or after the date of enactment of this Act under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other Federal law governing leasing of Federal land for oil and gas development.

(b) Terms and Conditions.—All royalty accruing to the United States shall, on the demand of the Secretary, be paid in oil or gas. If the Secretary makes such a demand, the following provisions apply to such payment:

(1) Satisfaction of royalty obligation.—Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation

for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Marketable condition.—

(A) In general.—Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(B) Definition of marketable condition.—In this paragraph, the term "in marketable condition" means sufficiently free from impurities and otherwise in a condition that the royalty production will be accepted by a purchaser under a sales contract typical of the field or area in which the royalty production was produced.

(3) Disposition by the secretary.—The Secretary may—

(A) sell or otherwise dispose of any royalty production taken in-kind (other than oil or gas transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process (or both) any royalty production taken in-kind.

(4) Retention by the secretary.—The Secretary may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas taken in-kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use oil or gas received as royalty taken in-kind (in this paragraph referred to as "royalty production") to pay the cost of—

(A) transporting the royalty production;

(B) processing the royalty production;

(C) disposing of the royalty production; or

(D) any combination of transporting, processing, and disposing of the royalty production.

(5) Limitation.—

(A) In general.—Except as provided in subparagraph (B), the Secretary may not use revenues from the sale of oil and gas taken in-kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(B) Exception.—Notwithstanding subparagraph (A), the Secretary may use a portion of the revenues from the sale of oil taken in-kind, without fiscal year limitation, to pay transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve.

(c) Reimbursement of Cost.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) allow the lessee to deduct the transportation or processing costs in reporting and paying royalties in-value for other Federal oil and gas leases.

(d) Benefit to the United States Required.—The Secretary may receive oil or gas royalties in-kind only if the Secretary determines that receiving royalties in-kind provides benefits to the United States that are greater than or equal to the benefits that are likely to have been received had royalties been taken in-value.

(e) Reports.—

(1) In general.—Not later than September 30, 2005, the Secretary shall submit to Congress a report that addresses—

(A) actions taken to develop businesses processes and automated systems to fully support the royalty-in-kind capability to be used in tandem with the royalty-in-value approach in managing Federal oil and gas revenue; and

(B) future royalty-in-kind businesses operation plans and objectives.

(2) Reports on oil or gas royalties taken in-kind.—For each of fiscal years 2004 through 2013 in which the United States takes oil or gas royalties in-kind from production in any State or from the outer Continental Shelf, excluding royalties taken in-kind and sold to refineries under subsection (h), the Secretary shall submit to Congress a report that describes—

(A) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including the performance standard for comparing amounts received by the United States derived from royalties in-kind to amounts likely to have been received had royalties been taken in-value;

(B) an explanation of the evaluation that led the Secretary to take royalties in-kind from a lease or group of leases, including the expected revenue effect of taking royalties in-kind;

(C) actual amounts received by the United States derived from taking royalties in-kind and costs and savings incurred by the United States associated with taking royalties in-kind, including, but not limited to, administrative savings and any new or increased administrative costs; and

(D) an evaluation of other relevant public benefits or detriments associated with taking royalties in-kind.

(f) Deduction of Expenses.—

(1) In general.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in-kind from a lease, the Secretary shall deduct amounts paid or deducted under subsections (b)(4) and (c) and deposit the amount of the deductions in the miscellaneous receipts of the United States Treasury.

(2) Accounting for deductions.—When the Secretary allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) Consultation With States.—The Secretary—

(1) shall consult with a State before conducting a royalty in-kind program under this subtitle within the State, and may delegate management of any portion of the Federal royalty in-kind program to the State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is being taken in-kind to ensure, to the maximum extent practicable, that the royalty in-kind program provides revenues to the State greater than or equal to those likely to have been received had royalties been taken in-value.

(h) Small Refineries.—

(1) Preference.—If the Secretary finds that sufficient supplies of crude oil are not available in the open market to refineries that do not have their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) Proration among refineries in production area.—In disposing of oil under this subsection, the Secretary of Energy may, at the discretion of the Secretary, prorate the oil among refineries described in paragraph (1) in the area in which the oil is produced.

(i) Disposition to Federal Agencies.—

(1) Onshore royalty.—Any royalty oil or gas taken by the Secretary in-kind from onshore oil and gas leases may be sold at not less than the market price to any Federal agency.

(2) Offshore royalty.—Any royalty oil or gas taken in-kind from a Federal oil or gas lease on the outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) Federal Low-Income Energy Assistance Programs.—

(1) Preference.—In disposing of royalty oil or gas taken in-kind under this section, the Secretary may grant a preference to any person, including any Federal or State agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

(2) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress, assessing the effectiveness of granting preferences specified in paragraph (1) and providing a specific recommendation on the continuation of authority to grant preferences.

SEC. 313. MARGINAL PROPERTY PRODUCTION INCENTIVES.

(a) Definition of Marginal Property.—Until such time as the Secretary issues regulations under subsection (e) that prescribe a different definition, in this section the term "marginal property" means an onshore unit, communitization agreement, or lease not within a unit or communitization agreement, that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90 million British thermal units of gas per well per day calculated based on the average over the 3 most recent production months, including only wells that produce on more than half of the days during those 3 production months.

(b) Conditions for Reduction of Royalty Rate.—Until such time as the Secretary issues regulations under subsection (e) that prescribe different thresholds or standards, the Secretary shall reduce the royalty rate on—

(1) oil production from marginal properties as prescribed in subsection (c) when the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, is, on average, less than $15 per barrel for 90 consecutive trading days; and

(2) gas production from marginal properties as prescribed in subsection (c) when the spot price of natural gas delivered at Henry Hub, Louisiana, is, on average, less than $2.00 per million British thermal units for 90 consecutive trading days.

(c) Reduced Royalty Rate.—

(1) In general.—When a marginal property meets the conditions specified in subsection (b), the royalty rate shall be the lesser of—

(A) 5 percent; or

(B) the applicable rate under any other statutory or regulatory royalty relief provision that applies to the affected production.

(2) Period of effectiveness.—The reduced royalty rate under this subsection shall be effective beginning on the first day of the production month following the date on which the applicable condition specified in subsection (b) is met.

(d) Termination of Reduced Royalty Rate.—A royalty rate prescribed in subsection (d)(1)(A) shall terminate—

(1) with respect to oil production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, on average, exceeds $15 per barrel for 90 consecutive trading days; or

(B) the property no longer qualifies as a marginal property; and

(2) with respect to gas production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of natural gas delivered at Henry Hub, Louisiana, on average, exceeds $2.00 per million British thermal units for 90 consecutive trading days; or

(B) the property no longer qualifies as a marginal property.

(e) Regulations Prescribing Different Relief.—

(1) Discretionary regulations.—The Secretary may by regulation prescribe different parameters, standards, and requirements for, and a different degree or extent of, royalty relief for marginal properties in lieu of those prescribed in subsections (a) through (d).

(2) Mandatory regulations.—Not later than 18 months after the date of enactment of this Act, the Secretary shall by regulation—

(A) prescribe standards and requirements for, and the extent of royalty relief for, marginal properties for oil and gas leases on the outer Continental Shelf; and

(B) define what constitutes a marginal property on the outer Continental Shelf for purposes of this section.

(3) Considerations.—In promulgating regulations under this subsection, the Secretary may consider—

(A) oil and gas prices and market trends;

(B) production costs;

(C) abandonment costs;

(D) Federal and State tax provisions and the effects of those provisions on production economics;

(E) other royalty relief programs;

(F) regional differences in average wellhead prices;

(G) national energy security issues; and

(H) other relevant matters.

(f) Savings Provision.—Nothing in this section prevents a lessee from receiving royalty relief or a royalty reduction pursuant to any other law (including a regulation) that provides more relief than the amounts provided by this section.

SEC. 314. INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.

(a) Royalty Incentive Regulations.—The Secretary shall publish a final regulation to complete the rulemaking begun by the Notice of Proposed Rulemaking entitled "Relief or Reduction in Royalty Rates—Deep Gas Provisions", published in the Federal Register on March 26, 2003 (Federal Register, volume 68, number 58, 14868–14886).

(b) Royalty Incentive Regulations for Ultra Deep Gas Wells.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, in addition to any other regulations that may provide royalty incentives for natural gas produced from deep wells on oil and gas leases issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Secretary shall issue regulations, in accordance with the regulations published pursuant to subsection (a), granting royalty relief suspension volumes of not less than 35,000,000,000 cubic feet with respect to the production of natural gas from ultra deep wells on leases issued before January 1, 2001, in shallow waters less than 200 meters deep located in the Gulf of Mexico wholly west of 87 degrees, 30 minutes West longitude. Regulations issued under this subsection shall be retroactive to the date that the Notice of Proposed Rulemaking is published in the Federal Register.

(2) Definition of ultra deep well.—In this subsection, the term "ultra deep well" means a well drilled with a perforated interval, the top of which is at least 20,000 feet true vertical depth below the datum at mean sea level.

SEC. 315. ROYALTY RELIEF FOR DEEP WATER PRODUCTION.

(a) In General.—For all tracts located in water depths of greater than 400 meters in the Western and Central Planning Area of the Gulf of Mexico, including the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) occurring within 5 years after the date of enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than—

(1) 5,000,000 barrels of oil equivalent for each lease in water depths of 400 to 800 meters;

(2) 9,000,000 barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters; and

(3) 12,000,000 barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(b) Limitation.—The Secretary may place limitations on the suspension of royalty relief granted based on market price.

SEC. 316. ALASKA OFFSHORE ROYALTY SUSPENSION.

Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by inserting "and in the Planning Areas offshore Alaska" after "West longitude".

SEC. 317. OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA.

(a) Transfer of Authority.—

(1) Redesignation.—The Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) is amended by redesignating section 107 (42 U.S.C. 6507) as section 108.

(2) Transfer.—The matter under the heading "EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA" under the heading "ENERGY AND MINERALS" of title I of Public Law 96-514 (42 U.S.C. 6508) is—

(A) transferred to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(B) redesignated as section 107 of that Act; and

(C) moved so as to appear after section 106 of that Act (42 U.S.C. 6506).

(b) Competitive Leasing.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as amended by subsection (a) of this section) is amended—

(1) by striking the heading and all that follows through "*Provided*, That (1) activities" and inserting the following:

"SEC. 107. COMPETITIVE LEASING OF OIL AND GAS.

"(a) In General.—Notwithstanding any other provision of law and pursuant to regulations issued by the Secretary, the Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska (referred to in this section as the 'Reserve').

"(b) Mitigation of Adverse Effects.—Activities";

(2) by striking "Alaska (the Reserve); (2) the" and inserting "Alaska.

"(c) Land Use Planning; BLM Wilderness Study.—The";

(3) by striking "Reserve; (3) the" and inserting "Reserve.

"(d) First Lease Sale.—The";

(4) by striking "4332); (4) the" and inserting "4321 et seq.).

"(e) Withdrawals.—The";

(5) by striking "herein; (5) bidding" and inserting "under this section.

"(f) Bidding Systems.—Bidding";

(6) by striking "629); (6) lease" and inserting "629).

"(g) Geological Structures.—Lease";

(7) by striking "structures; (7) the" and inserting "structures.

"(h) Size of Lease Tracts.—The";

(8) by striking "Secretary; (8)" and all that follows through "Drilling, production," and inserting "Secretary.

"(i) Terms.—

"(1) In general.—Each lease shall be—

"(A) issued for an initial period of not more than 10 years; and

"(B) renewed for successive 10-year terms if—

"(i) oil or gas is produced from the lease in paying quantities;

"(ii) oil or gas is capable of being produced in paying quantities; or

"(iii) drilling or reworking operations, as approved by the Secretary, are conducted on the leased land.

"(2) Renewal of nonproducing leases.—The Secretary shall renew for an additional 10-year term a lease that does not meet the requirements of paragraph (1)(B) if the lessee submits to the Secretary an application for renewal not later than 60 days before the expiration of the primary lease and—

"(A) the lessee certifies, and the Secretary agrees, that hydrocarbon resources were discovered on 1 or more wells drilled on the leased land in such quantities that a prudent operator would hold the lease for potential future development;

"(B) the lessee—

"(i) pays the Secretary a renewal fee of $100 per acre of leased land; and

"(ii) provides evidence, and the Secretary agrees that, the lessee has diligently pursued exploration that warrants continuation with the intent of continued exploration or future development of the leased land; or

"(C) all or part of the lease—

"(i) is part of a unit agreement covering a lease described in subparagraph (A) or (B); and

"(ii) has not been previously contracted out of the unit.

"(3) Applicability.—This subsection applies to a lease that—

"(A) is entered into before, on, or after the date of enactment of the Energy Policy Act of 2003; and

"(B) is effective on or after the date of enactment of that Act.

"(j) Unit Agreements.—

"(1) In general.—For the purpose of conservation of the natural resources of all or part of any oil or gas pool, field, reservoir, or like area, lessees (including representatives) of the pool, field, reservoir, or like area may unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for all or part of the pool, field, reservoir, or like area (whether or not any other part of the oil or gas pool, field, reservoir, or like area is already subject to any cooperative or unit plan of development or operation), if the Secretary determines the action to be necessary or advisable in the public interest.

"(2) PARTICIPATION BY STATE OF ALASKA.—The Secretary shall ensure that the State of Alaska is provided the opportunity for active participation concerning creation and management of units formed or expanded under this subsection that include acreage in which the State of Alaska has an interest in the mineral estate.

"(3) PARTICIPATION BY REGIONAL CORPORATIONS.—The Secretary shall ensure that any Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) is provided the opportunity for active participation concerning creation and management of units that include acreage in which the Regional Corporation has an interest in the mineral estate.

"(4) PRODUCTION ALLOCATION METHODOLOGY.—The Secretary may use a production allocation methodology for each participating area within a unit created for land in the Reserve, State of Alaska land, or Regional Corporation land shall, when appropriate, be based on the characteristics of each specific oil or gas pool, field, reservoir, or like area to take into account reservoir heterogeneity and a real variation in reservoir producibility across diverse leasehold interests.

"(5) BENEFIT OF OPERATIONS.—Drilling, production,";

(9) by striking "When separate" and inserting the following:

"(6) POOLING.—If separate";

(10) by inserting "(in consultation with the owners of the other land)" after "determined by the Secretary of the Interior";

(11) by striking "thereto; (10) to" and all that follows through "the terms provided therein" and inserting "to the agreement.

"(k) EXPLORATION INCENTIVES.—

"(1) IN GENERAL.—

"(A) WAIVER, SUSPENSION, OR REDUCTION.—To encourage the greatest ultimate recovery of oil or gas or in the interest of conservation, the Secretary may waive, suspend, or reduce the rental fees or minimum royalty, or reduce the royalty on an entire leasehold (including on any lease operated pursuant to a unit agreement), if (after consultation with the State of Alaska and the North Slope Borough of Alaska and the concurrence of any Regional Corporation for leases that include lands available for acquisition by the Regional Corporation under the provisions of section 1431(o) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)) the Secretary determines that the waiver, suspension, or reduction is in the public interest.

"(B) APPLICABILITY.—This paragraph applies to a lease that—

"(i) is entered into before, on, or after the date of enactment of the Energy Policy Act of 2003; and

"(ii) is effective on or after the date of enactment of that Act.";

(12) by striking "The Secretary is authorized to" and inserting the following:

"(2) SUSPENSION OF OPERATIONS AND PRODUCTION.—The Secretary may";

(13) by striking "In the event" and inserting the following:

"(3) SUSPENSION OF PAYMENTS.—If";

(14) by striking "thereto; and (11) all" and inserting "to the lease.

"(l) RECEIPTS.—All";

(15) by redesignating clauses (A), (B), and (C) as clauses (1), (2), and (3), respectively;

(16) by striking "Any agency" and inserting the following:

"(m) EXPLORATIONS.—Any agency";

(17) by striking "Any action" and inserting the following:

"(n) ENVIRONMENTAL IMPACT STATEMENTS.—

"(1) JUDICIAL REVIEW.—Any action";

(18) by striking "The detailed" and inserting the following:

"(2) INITIAL LEASE SALES.—The detailed";

(19) by striking "of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504)"; and

(20) by adding at the end the following:

"(o) WAIVER OF ADMINISTRATION FOR CONVEYED LANDS.—Notwithstanding section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)) or any other provision of law—

"(1) the Secretary of the Interior shall waive administration of any oil and gas lease insofar as such lease covers any land in the National Petroleum Reserve in Alaska in which the subsurface estate is conveyed to the Arctic Slope Regional Corporation; and

"(2) if any such conveyance of such subsurface estate does not cover all the land embraced within any such oil and gas lease—

"(A) the person who owns the subsurface estate in any particular portion of the land covered by such lease shall be entitled to all of the revenues reserved under such lease as to such portion, including, without limitation, all the royalty payable with respect to oil or gas produced from or allocated to such particular portion of the land covered by such lease; and

"(B) the Secretary of the Interior shall segregate such lease into 2 leases, 1 of which shall cover only the subsurface estate conveyed to the Arctic Slope Regional Corporation, and operations, production, or other circumstances (other than payment of rentals or royalties) that satisfy obligations of the lessee under, or maintain, either of the segregated leases shall likewise satisfy obligations of the lessee under, or maintain, the other segregated lease to the same extent as if such segregated leases remained a part of the original unsegregated lease.".

SEC. 318. ORPHANED, ABANDONED, OR IDLED WELLS ON FEDERAL LAND.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

(b) ACTIVITIES.—The program under subsection (a) shall—

(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation, and closure, based on public health and safety, potential environmental harm, and other land use priorities;

(2) provide for identification and recovery of the costs of remediation, reclamation, and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned, or idled; and

(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

(c) COOPERATION AND CONSULTATIONS.—In carrying out the program under subsection (a), the Secretary shall—

(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

(2) consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

(d) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall submit to Congress a plan for carrying out the program under subsection (a).

(e) IDLED WELL.—For the purposes of this section, a well is idled if—

(1) the well has been nonoperational for at least 7 years; and

(2) there is no anticipated beneficial use for the well.

(f) TECHNICAL ASSISTANCE PROGRAM FOR NON-FEDERAL LAND.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program to provide technical and financial assistance to oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private land.

(2) ASSISTANCE.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

(3) ACTIVITIES.—The program under paragraph (1) shall include—

(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

(C) information and training programs on best practices for remediation of different types of sites; and

(D) funding of State mitigation efforts on a cost-shared basis.

(g) FEDERAL REIMBURSEMENT FOR ORPHANED WELL RECLAMATION PILOT PROGRAM.—

(1) REIMBURSEMENT FOR REMEDIATING, RECLAIMING, AND CLOSING WELLS ON LAND SUBJECT TO A NEW LEASE.—The Secretary shall carry out a pilot program under which, in issuing a new oil and gas lease on federally owned land on which 1 or more orphaned wells are located, the Secretary—

(A) may require, but not as a condition of the lease, that the lessee remediate, reclaim, and close in accordance with standards established by the Secretary, all orphaned wells on the land leased; and

(B) shall develop a program to reimburse a lessee, through a royalty credit against the Federal share of royalties owed or other means, for the reasonable actual costs of remediating, reclaiming, and closing the orphaned well pursuant to that requirement.

(2) REIMBURSEMENT FOR RECLAIMING ORPHANED WELLS ON OTHER LAND.—In carrying out this subsection, the Secretary—

(A) may authorize any lessee under an oil and gas lease on federally owned land to reclaim in accordance with the Secretary's standards—

(i) an orphaned well on unleased federally owned land; or

(ii) an orphaned well located on an existing lease on federally owned land for the reclamation of which the lessee is not legally responsible; and

(B) shall develop a program to provide reimbursement of 115 percent of the reasonable actual costs of remediating, reclaiming, and closing the orphaned well, through credits against the Federal share of royalties or other means.

(3) EFFECT OF REMEDIATION, RECLAMATION, OR CLOSURE OF WELL PURSUANT TO AN APPROVED REMEDIATION PLAN.—

(A) DEFINITION OF REMEDIATING PARTY.—In this paragraph the term "remediating party" means a person who remediates, reclaims, or closes an abandoned, orphaned, or idled well pursuant to this subsection.

(B) GENERAL RULE.—A remediating party who remediates, reclaims, or closes an abandoned, orphaned, or idled well in accordance with a detailed written remediation plan approved by the Secretary under this subsection, shall be immune from civil liability under Federal environmental laws, for—

(i) pre-existing environmental conditions at or associated with the well, unless the remediating party owns or operates, in the past owned or operated, or is related to a person that owns or operates or in the past owned or operated, the well or the land on which the well is located; or

(ii) any remaining releases of pollutants from the well during or after completion of the remediation, reclamation, or closure of the well, unless the remediating party causes increased pollution as a result of activities that are not in accordance with the approved remediation plan.

(C) LIMITATIONS.—Nothing in this section shall limit in any way the liability of a remediating party for injury, damage, or pollution resulting from the remediating party's acts or omissions that are not in accordance with the approved remediation plan, are reckless or willful, constitute gross negligence or wanton misconduct, or are unlawful.

(4) REGULATIONS.—The Secretary may issue such regulations as are appropriate to carry out this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2005 through 2009.

(2) USE.—Of the amounts authorized under paragraph (1), $5,000,000 are authorized for each fiscal year for activities under subsection (f).

SEC. 319. COMBINED HYDROCARBON LEASING.

(a) SPECIAL PROVISIONS REGARDING LEASING.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

"(i) a lease for exploration for and extraction of tar sand; and

"(ii) a lease for exploration for and development of oil and gas.

"(C) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.

"(D) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.".

(b) CONFORMING AMENDMENT.—Section 17(b)(1)(B) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(B)) is amended in the second sentence by inserting ", subject to paragraph (2)(B)," after "Secretary".

(c) REGULATIONS.—Not later than 45 days after the date of enactment of this Act, the Secretary shall issue final regulations to implement this section.

SEC. 320. LIQUIFIED NATURAL GAS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

"(d) LIMITATION ON COMMISSION AUTHORITY.—If an applicant under this section proposes to construct or expand a liquified natural gas terminal either onshore or in State waters for the purpose of importing liquified natural gas into the United States, the Commission shall not deny or condition the application solely on the basis that the applicant proposes to utilize the terminal exclusively or partially for gas that the applicant or any affiliate thereof will supply thereto. In all other respects, subsection (a) shall remain applicable to any such proposal.".

SEC. 321. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.

(a) AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—,

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

"(A) support exploration, development, production, transportation, or storage of oil, natural gas, or other minerals;

"(B) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(C) use, for energy-related or marine-related purposes, facilities currently or previously used for activities authorized under this Act.

"(2) PAYMENTS.—The Secretary shall establish reasonable forms of payments for any easement or right-of-way granted under this subsection. Such payments shall not be assessed on the basis of throughput or production. The Secretary may establish fees, rentals, bonus, or other payments by rule or by agreement with the party to which the lease, easement, or right-of-way is granted.

"(3) CONSULTATION.—Before exercising authority under this subsection, the Secretary shall consult with the Secretary of Defense and other appropriate agencies concerning issues related to national security and navigational obstruction.

"(4) COMPETITIVE OR NONCOMPETITIVE BASIS.—

"(A) IN GENERAL.—The Secretary may issue a lease, easement, or right-of-way for energy and related purposes as described in paragraph (1) on a competitive or noncompetitive basis.

"(B) CONSIDERATIONS.—In determining whether a lease, easement, or right-of-way shall be granted competitively or noncompetitively, the Secretary shall consider such factors as—

"(i) prevention of waste and conservation of natural resources;

"(ii) the economic viability of an energy project;

"(iii) protection of the environment;

"(iv) the national interest and national security;

"(v) human safety;

"(vi) protection of correlative rights; and

"(vii) potential return for the lease, easement, or right-of-way.

"(5) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2003, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant agencies of the Federal Government and affected States, shall issue any necessary regulations to ensure safety, protection of the environment, prevention of waste, and conservation of the natural resources of the outer Continental Shelf, protection of national security interests, and protection of correlative rights in the outer Continental Shelf.

"(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to furnish a surety bond or other form of security, as prescribed by the Secretary, and to comply with such other requirements as the Secretary considers necessary to protect the interests of the United States.

"(7) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

"(8) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf designated as a National Marine Sanctuary.".

(b) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking the section heading and inserting the following: "LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—".

(c) SAVINGS PROVISION.—Nothing in the amendment made by subsection (a) requires, with respect to any project—

(1) for which offshore test facilities have been constructed before the date of enactment of this Act; or

(2) for which a request for proposals has been issued by a public authority,

any resubmittal of documents previously submitted or any reauthorization of actions previously authorized.

SEC. 322. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

(a) SHORT TITLE.—This section may be cited as the "National Geological and Geophysical Data Preservation Program Act of 2004".

(b) PROGRAM.—The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

(c) Plan.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the implementation of the Program.

(d) Data Archive System.—

(1) Establishment.—The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) System components.—The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) Limitation of designation.—The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

(4) Data from federal land.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(e) National Catalog.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

(2) Availability.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

(f) Advisory Committee.—

(1) In general.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) New duties.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) Financial Assistance.—

(1) Archive facilities.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

(2) Studies.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) Federal share.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

(4) Private contributions.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

(h) Report.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) Maintenance of State Effort.—It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) Definitions.—In this section:

(1) Advisory committee.—The term "Advisory Committee" means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) Program.—The term "Program" means the National Geological and Geophysical Data Preservation Program carried out under this section.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(4) Survey.—The term "Survey" means the United States Geological Survey.

(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2004 through 2008.

SEC. 323. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: ", and acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement or for which royalty (including compensatory royalty or royalty in-kind) was paid in the preceding calendar year,".

SEC. 324. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) Assessment.—The Secretary of Energy shall assess the economic implication of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquified natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of the displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquified natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of the displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii

(b) Contracting Authority.—The Secretary of Energy may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) Report.—Not later than 300 days after the date of enactment of this Act, the Secretary of Energy shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 325. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATION UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972.

(a) In General.—Section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465) is amended to read as follows:

"APPEALS TO THE SECRETARY

"Sec. 319. (a) Notice.—The Secretary shall publish an initial notice in the Federal Register not later than 30 days after the date of the filing of any appeal to the Secretary of a consistency determination under section 307.

"(b) Closure of Record.—

"(1) In general.—Not later than the end of the 120-day period beginning on the date of publication of an initial notice under subsection (a), the Secretary shall receive no more filings on the appeal and the administrative record regarding the appeal shall be closed.

"(2) Notice.—Upon the closure of the administrative record, the Secretary shall immediately publish a notice that the administrative record has been closed.

"(c) Deadline for Decision.—The Secretary shall issue a decision in any appeal filed under section 307 not later than 120 days after the closure of the administrative record.

"(d) Application.—This section applies to appeals initiated by the Secretary and appeals filed by an applicant.".

(b) Application.—

(1) In general.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any appeal initiated or filed before, on, or after the date of enactment of this Act.

(2) Limitation.—Subsection (a) of section 319 of the Coastal Zone Management Act of 1972 (as amended by subsection (a)) shall not apply with respect to an appeal initiated or filed before the date of enactment of this Act.

(c) Closure of Record for Appeal Filed Before Date of Enactment.—Notwithstanding section 319(b)(1) of the Coastal Zone Management Act of 1972 (as amended by this section), in the case of an appeal of a consistency determination under section 307 of that Act initiated or filed before the date of enactment of this Act, the Secretary of Commerce shall receive no more filings on the appeal and the administrative record regarding the appeal shall be closed not later than 120 days after the date of enactment of this Act.

SEC. 326. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

"REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

"Sec. 38. (a) In General.—The Secretary of the Interior may reimburse a person that is a lessee, operator, operating rights owner, or applicant for any lease under this Act for reasonable amounts paid by the person for preparation for the Secretary by a contractor or other person selected by the Secretary of any project-level analysis, documentation, or related study required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) Conditions.—The Secretary may provide reimbursement under subsection (a) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily;

"(3) the person maintains records of its costs in accordance with regulations issued by the Secretary;

"(4) the reimbursement is in the form of a reduction in the Federal share of the royalty required to be paid for the lease for which the analysis, documentation, or related study is conducted, and is agreed to by the Secretary and the person reimbursed prior to commencing the analysis, documentation, or related study; and

"(5) the agreement required under paragraph (4) contains provisions—

"(A) reducing royalties owed on lease production based on market prices;

"(B) stipulating an automatic termination of the royalty reduction upon recovery of documented costs; and

"(C) providing a process by which the lessee may seek reimbursement for circumstances in which production from the specified lease is not possible.".

(b) Application.—The amendment made by this section shall apply with respect to an analysis, documentation, or a related study conducted on or after the date of enactment of this Act for any lease entered into before, on, or after the date of enactment of this Act.

(c) Deadline for Regulations.—The Secretary shall issue regulations implementing the amendment made by this section by not later than 1 year after the date of enactment of this Act.

SEC. 327. HYDRAULIC FRACTURING.

Paragraph (1) of section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)) is amended to read as follows:

"(1) Underground injection.—The term 'underground injection'—

"(A) means the subsurface emplacement of fluids by well injection; and

"(B) excludes—

"(i) the underground injection of natural gas for purposes of storage; and

"(ii) the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil or gas production activities.".

SEC. 328. OIL AND GAS EXPLORATION AND PRODUCTION DEFINED.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(24) Oil and gas exploration and production.—The term 'oil and gas exploration, production, processing, or treatment operations or transmission facilities' means all field activities or operations associated with exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities.".

SEC. 329. OUTER CONTINENTAL SHELF PROVISIONS.

(a) Storage on the Outer Continental Shelf.—Section 5(a)(5) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(5)) is amended by inserting "from any source" after "oil and gas".

(b) Deepwater Projects.—Section 6 of the Deepwater Port Act of 1974 (33 U.S.C. 1505) is amended by adding at the end the following:

"(d) Reliance on Activities of Other Agencies.—In fulfilling the requirements of section 5(f)—

"(1) to the extent that other Federal agencies have prepared environmental impact statements, are conducting studies, or are monitoring the affected human, marine, or coastal environment, the Secretary may use the information derived from those activities in lieu of directly conducting such activities; and

"(2) the Secretary may use information obtained from any State or local government or from any person.".

(c) Natural Gas Defined.—Section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)) is amended to read as follows:

"(13) natural gas means—

"(A) natural gas unmixed; or

"(B) any mixture of natural or artificial gas, including compressed or liquefied natural gas, natural gas liquids, liquefied petroleum gas, and condensate recovered from natural gas;".

SEC. 330. APPEALS RELATING TO PIPELINE CONSTRUCTION OR OFFSHORE MINERAL DEVELOPMENT PROJECTS.

(a) Agency of Record, Pipeline Construction Projects.—Any Federal administrative agency proceeding that is an appeal or review under section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465), as amended by this Act, related to Federal authority for an interstate natural gas pipeline construction project, including construction of natural gas storage and liquefied natural gas facilities, shall use as its exclusive record for all purposes the record compiled by the Federal Energy Regulatory Commission pursuant to the Commission's proceeding under sections 3 and 7 of the Natural Gas Act (15 U.S.C. 717b, 717f).

(b) Sense of Congress.—It is the sense of Congress that all Federal and State agencies with jurisdiction over interstate natural gas pipeline construction activities should coordinate their proceedings within the timeframes established by the Federal Energy Regulatory Commission when the Commission is acting under sections 3 and 7 of the Natural Gas Act (15 U.S.C. 717b, 717f) to determine whether a certificate of public convenience and necessity should be issued for a proposed interstate natural gas pipeline.

(c) Agency of Record, Offshore Mineral Development Projects.—Any Federal administrative agency proceeding that is an appeal or review under section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465), as amended by this Act, related to Federal authority for the permitting, approval, or other authorization of energy projects, including projects to explore, develop, or produce mineral resources in or underlying the outer Continental Shelf shall use as its exclusive record for all purposes (except for the filing of pleadings) the record compiled by the relevant Federal permitting agency.

SEC. 331. BILATERAL INTERNATIONAL OIL SUPPLY AGREEMENTS.

(a) In General.—Notwithstanding any other provision of law, the President may export oil to, or secure oil for, any country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency.

(b) Memorandum of Agreement.—The following agreements are deemed to have entered into force by operation of law and are deemed to have no termination date:

(1) The agreement entitled "Agreement amending and extending the memorandum of agreement of June 22, 1979", entered into force November 13, 1994 (TIAS 12580).

(2) The agreement entitled "Agreement amending the contingency implementing arrangements of October 17, 1980", entered into force June 27, 1995 (TIAS 12670).

SEC. 332. NATURAL GAS MARKET REFORM.

(a) Clarification of Existing CFTC Authority.—

(1) False reporting.—Section 9(a)(2) of the Commodity Exchange Act (7 U.S.C. 13(a)(2)) is amended by striking "false or misleading or knowingly inaccurate reports" and inserting "knowingly false or knowingly misleading or knowingly inaccurate reports".

(2) COMMISSION ADMINISTRATIVE AND CIVIL AUTHORITY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by redesignating subsection (f) as subsection (e), and adding:

“(f) COMMISSION ADMINISTRATIVE AND CIVIL AUTHORITY.—The Commission may bring administrative or civil actions as provided in this Act against any person for a violation of any provision of this section including, but not limited to, false reporting under subsection (a)(2).”.

(3) EFFECT OF AMENDMENTS.—The amendments made by paragraphs (1) and (2) restate, without substantive change, existing burden of proof provisions and existing Commission civil enforcement authority, respectively. These clarifying changes do not alter any existing burden of proof or grant any new statutory authority. The provisions of this section, as restated herein, continue to apply to any action pending on or commenced after the date of enactment of this Act for any act, omission, or violation occurring before, on, or after, such date of enactment.

(b) FRAUD AUTHORITY.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following:

“(a) It shall be unlawful—

“(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery or in interstate commerce, that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

“(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to section 5a(g) (1) and (2) of this Act, that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

“(A) to cheat or defraud or attempt to cheat or defraud such other person;

“(B) willfully to make or cause to be made to such other person any false report or statement or willfully to enter or cause to be entered for such other person any false record;

“(C) willfully to deceive or attempt to deceive such other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of subsection (a)(2), with such other person; or

“(D)(i) to bucket an order if such order is either represented by such person as an order to be executed, or required to be executed, on or subject to the rules of a designated contract market; or

“(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of such other person to become the buyer in respect to any selling order of such other person, or become the seller in respect to any buying order of such other person, if such order is either represented by such person as an order to be executed, or required to be executed, on or subject to the rules of a designated contract market.

“(b) Subsection (a)(2) shall not obligate any person, in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to section 5a(g) (1) and (2) of this Act, with another person, to disclose to such other person nonpublic information that may be material to the market price of such commodity or transaction, except as necessary to make any statement made to such other person in connection with such transaction, not misleading in any material respect.”.

(c) JURISDICTION OF THE CFTC.—The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by adding at the end:

“SEC. 26. JURISDICTION.

“This Act shall not affect the exclusive jurisdiction of the Commodity Futures Trading Commission with respect to accounts, agreements, contracts, or transactions in commodities under the Commodity Exchange Act (7 U.S.C. 1 et seq.). Any request for information by the Commission to a designated contract market, registered derivatives transaction execution facility, board of trade, exchange, or market involving accounts, agreements, contracts, or transactions in commodities (including natural gas, electricity, and other energy commodities) within the exclusive jurisdiction of the Commodity Futures Trading Commission shall be directed to the Commodity Futures Trading Commission, which shall cooperate in responding to any information request by the Commission.”.

(d) INCREASED PENALTIES.—Section 21 of the Natural Gas Act (15 U.S.C. 717t) is amended—

(1) in subsection (a)—

(A) by striking “$5,000” and inserting “$1,000,000”; and

(B) by striking “two years” and inserting “5 years”; and

(2) in subsection (b), by striking “$500” and inserting “$50,000”.

SEC. 333. NATURAL GAS MARKET TRANSPARENCY.

The Natural Gas Act (15 U.S.C 717 et seq.) is amended—

(1) by redesignating section 24 as section 25; and

(2) by inserting after section 23 the following:

“SEC. 24. NATURAL GAS MARKET TRANSPARENCY.

“(a) AUTHORIZATION.—(1) Not later than 180 days after the date of enactment of the Energy Policy Act of 2003, the Federal Energy Regulatory Commission shall issue rules directing all entities subject to the Commission's jurisdiction as provided under this Act to timely report information about the availability and prices of natural gas sold at wholesale in interstate commerce to the Commission and price publishers.

“(2) The Commission shall evaluate the data for adequate price transparency and accuracy.

“(3) Rules issued under this subsection requiring the reporting of information to the Commission that may become publicly available shall be limited to aggregate data and transaction-specific data that are otherwise required by the Commission to be made public.

“(4) In exercising its authority under this section, the Commission shall not—

“(A) compete with, or displace from the market place, any price publisher; or

“(B) regulate price publishers or impose any requirements on the publication of information.

“(b) TIMELY ENFORCEMENT.—No person shall be subject to any penalty under this section with respect to a violation occurring more than 3 years before the date on which the Federal Energy Regulatory Commission seeks to assess a penalty.

“(c) LIMITATION ON COMMISSION AUTHORITY.—(1) The Commission shall not condition access to interstate pipeline transportation upon the reporting requirements authorized under this section.

“(2) Natural gas sales by a producer that are attributable to volumes of natural gas produced by such producer shall not be subject to the rules issued pursuant to this section.

“(3) The Commission shall not require natural gas producers, processors, or users who have a de minimis market presence to participate in the reporting requirements provided in this section.”.

Subtitle C—Access to Federal Land

SEC. 341. OFFICE OF FEDERAL ENERGY PROJECT COORDINATION.

(a) ESTABLISHMENT.—The President shall establish the Office of Federal Energy Project Coordination (referred to in this section as the “Office”) within the Executive Office of the President in the same manner and with the same mission as the White House Energy Projects Task Force established by Executive Order No. 13212 (42 U.S.C. 13201 note).

(b) STAFFING.—The Office shall be staffed by functional experts from relevant Federal agencies on a nonreimbursable basis to carry out the mission of the Office.

(c) REPORT.—The Office shall transmit an annual report to Congress that describes the activities put in place to coordinate and expedite Federal decisions on energy projects. The report shall list accomplishments in improving the Federal decisionmaking process and shall include any additional recommendations or systemic changes needed to establish a more effective and efficient Federal permitting process.

SEC. 342. FEDERAL ONSHORE OIL AND GAS LEASING AND PERMITTING PRACTICES.

(a) REVIEW OF ONSHORE OIL AND GAS LEASING PRACTICES.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Agriculture with respect to National Forest System lands under the jurisdiction of the Department of Agriculture, shall perform an internal review of current Federal onshore oil and gas leasing and permitting practices.

(2) INCLUSIONS.—The review shall include the process for—

(A) accepting or rejecting offers to lease;

(B) administrative appeals of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease;

(C) considering surface use plans of operation, including the timeframes in which the plans are considered, and any recommendations for improving and expediting the process; and

(D) identifying stipulations to address site-specific concerns and conditions, including those stipulations relating to the environment and resource use conflicts.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall transmit a report to Congress that describes—

(1) actions taken under section 3 of Executive Order No. 13212 (42 U.S.C. 13201 note); and

(2) actions taken or any plans to improve the Federal onshore oil and gas leasing program.

SEC. 343. MANAGEMENT OF FEDERAL OIL AND GAS LEASING PROGRAMS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing, the Secretary of the Interior (in this section referred to as the "Secretary") shall—

(1) ensure expeditious compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States and the public; and

(3) improve the collection, storage, and retrieval of information relating to the leasing activities.

(b) Best Management Practices.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop and implement best management practices to—

(A) improve the administration of the onshore oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(B) ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing.

(2) Considerations.—In developing the best management practices under paragraph (1), the Secretary shall consider any recommendations from the review under section 342.

(3) Regulations.—Not later than 180 days after the development of best management practices under paragraph (1), the Secretary shall publish, for public comment, proposed regulations that set forth specific timeframes for processing leases and applications in accordance with the practices, including deadlines for—

(A) approving or disapproving resource management plans and related documents, lease applications, and surface use plans; and

(B) related administrative appeals.

(c) Improved Enforcement.—The Secretary shall improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill.

(d) Authorization of Appropriations.—In addition to amounts authorized to be appropriated to carry out section 17 of the Mineral Leasing Act (30 U.S.C. 226), there are authorized to be appropriated to the Secretary for each of fiscal years 2004 through 2007—

(1) $40,000,000 to carry out subsections (a) and (b); and

(2) $20,000,000 to carry out subsection (c).

SEC. 344. CONSULTATION REGARDING OIL AND GAS LEASING ON PUBLIC LAND.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a memorandum of understanding regarding oil and gas leasing on—

(1) public lands under the jurisdiction of the Secretary of the Interior; and

(2) National Forest System lands under the jurisdiction of the Secretary of Agriculture.

(b) Contents.—The memorandum of understanding shall include provisions that—

(1) establish administrative procedures and lines of authority that ensure timely processing of oil and gas lease applications, surface use plans of operation, and applications for permits to drill, including steps for processing surface use plans and applications for permits to drill consistent with the timelines established by the amendment made by section 348;

(2) eliminate duplication of effort by providing for coordination of planning and environmental compliance efforts; and

(3) ensure that lease stipulations are—

(A) applied consistently;

(B) coordinated between agencies; and

(C) only as restrictive as necessary to protect the resource for which the stipulations are applied.

(c) Data Retrieval System.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish a joint data retrieval system that is capable of—

(A) tracking applications and formal requests made in accordance with procedures of the Federal onshore oil and gas leasing program; and

(B) providing information regarding the status of the applications and requests within the Department of the Interior and the Department of Agriculture.

(2) Resource mapping.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish a joint Geographic Information System mapping system for use in—

(A) tracking surface resource values to aid in resource management; and

(B) processing surface use plans of operation and applications for permits to drill.

SEC. 345. ESTIMATES OF OIL AND GAS RESOURCES UNDERLYING ONSHORE FEDERAL LAND.

(a) Assessment.—Section 604 of the Energy Act of 2000 (42 U.S.C. 6217) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "reserve"; and

(ii) by striking "and" after the semicolon; and

(B) by striking paragraph (2) and inserting the following:

"(2) the extent and nature of any restrictions or impediments to the development of the resources, including—

"(A) impediments to the timely granting of leases;

"(B) post-lease restrictions, impediments, or delays on development for conditions of approval, applications for permits to drill, or processing of environmental permits; and

"(C) permits or restrictions associated with transporting the resources for entry into commerce; and

"(3) the quantity of resources not produced or introduced into commerce because of the restrictions.";

(2) in subsection (b)—

(A) by striking "reserve" and inserting "resource"; and

(B) by striking "publically" and inserting "publicly"; and

(3) by striking subsection (d) and inserting the following:

"(d) Assessments.—Using the inventory, the Secretary of Energy shall make periodic assessments of economically recoverable resources accounting for a range of parameters such as current costs, commodity prices, technology, and regulations.".

(b) Methodology.—The Secretary of the Interior shall use the same assessment methodology across all geological provinces, areas, and regions in preparing and issuing national geological assessments to ensure accurate comparisons of geological resources.

SEC. 346. COMPLIANCE WITH EXECUTIVE ORDER 13211; ACTIONS CONCERNING REGULATIONS THAT SIGNIFICANTLY AFFECT ENERGY SUPPLY, DISTRIBUTION, OR USE.

(a) Requirement.—The head of each Federal agency shall require that before the Federal agency takes any action that could have a significant adverse effect on the supply of domestic energy resources from Federal public land, the Federal agency taking the action shall comply with Executive Order No. 13211 (42 U.S.C. 13201 note).

(b) Guidance.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall publish guidance for purposes of this section describing what constitutes a significant adverse effect on the supply of domestic energy resources under Executive Order No. 13211 (42 U.S.C. 13201 note).

(c) Memorandum of Understanding.—The Secretary of the Interior and the Secretary of Agriculture shall include in the memorandum of understanding under section 344 provisions for implementing subsection (a) of this section.

SEC. 347. PILOT PROJECT TO IMPROVE FEDERAL PERMIT COORDINATION.

(a) Establishment.—The Secretary of the Interior (in this section referred to as the "Secretary") shall establish a Federal Permit Streamlining Pilot Project (in this section referred to as the "Pilot Project").

(b) Memorandum of Understanding.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Chief of Engineers of the Army Corps of Engineers for purposes of this section.

(2) State participation.—The Secretary may request that the Governors of Wyoming, Montana, Colorado, Utah, and New Mexico be signatories to the memorandum of understanding.

(c) Designation of Qualified Staff.—

(1) In general.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall assign to each of the field offices identified in subsection (d), on a nonreimbursable basis, an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Duties.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses.

(d) Field Offices.—The following Bureau of Land Management Field Offices shall serve as the Pilot Project offices:

(1) Rawlins, Wyoming.

(2) Buffalo, Wyoming.

(3) Miles City, Montana

(4) Farmington, New Mexico.

(5) Carlsbad, New Mexico.

(6) Glenwood Springs, Colorado.

(7) Vernal, Utah.

(e) REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report that—

(1) outlines the results of the Pilot Project to date; and

(2) makes a recommendation to the President regarding whether the Pilot Project should be implemented throughout the United States.

(f) ADDITIONAL PERSONNEL.—The Secretary shall assign to each field office identified in subsection (d) any additional personnel that are necessary to ensure the effective implementation of—

(1) the Pilot Project; and

(2) other programs administered by the field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq).

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Pilot Project.

SEC. 348. DEADLINE FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

"(p) DEADLINES FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.—

"(1) IN GENERAL.—Not later than 10 days after the date on which the Secretary receives an application for any permit to drill, the Secretary shall—

"(A) notify the applicant that the application is complete; or

"(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

"(2) ISSUANCE OR DEFERRAL.—Not later than 30 days after the applicant for a permit has submitted a complete application, the Secretary shall—

"(A) issue the permit; or

"(B)(i) defer decision on the permit; and

"(ii) provide to the applicant a notice that specifies any steps that the applicant could take for the permit to be issued.

"(3) REQUIREMENTS FOR DEFERRED APPLICATIONS.—

"(A) IN GENERAL.—If the Secretary provides notice under paragraph (2)(B)(ii), the applicant shall have a period of 2 years from the date of receipt of the notice in which to complete all requirements specified by the Secretary, including providing information needed for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) ISSUANCE OF DECISION ON PERMIT.—If the applicant completes the requirements within the period specified in subparagraph (A), the Secretary shall issue a decision on the permit not later than 10 days after the date of completion of the requirements described in subparagraph (A).

"(C) DENIAL OF PERMIT.—If the applicant does not complete the requirements within the period specified in subparagraph (A), the Secretary shall deny the permit.

"(q) REPORT.—On a quarterly basis, each field office of the Bureau of Land Management and the Forest Service shall transmit to the Secretary of the Interior or the Secretary of Agriculture, respectively, a report that—

"(1) specifies the number of applications for permits to drill received by the field office in the period covered by the report; and

"(2) describes how each of the applications was disposed of by the field office.".

SEC. 349. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LAND AND FOREST SERVICE RIGHTS-OF-WAY.

(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following:

"(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Effective beginning on the date of the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market value for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

"(2) REVISIONS.—Not later than 1 year after the date of enactment of this subsection—

"(A) the Secretary of the Interior shall amend section 2803.1–2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of this subsection, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone; and

"(B) the Secretary of Agriculture shall make the same revision for linear rights-of-way granted, issued, or renewed under this title on National Forest System land.

"(3) UPDATES.—The Secretary concerned shall annually update the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

"(4) REVIEW.—If the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly. Any revision of base zones and rental per acre figure shall only affect lease rental rates at inception or renewal.".

(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(*l*) of the Mineral Leasing Act (30 U.S.C. 185(*l*)) is amended by inserting before the period at the end the following: "using the valuation method described in section 2803.1–2 of title 43, Code of Federal Regulations, as revised in accordance with section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))".

SEC. 350. ENERGY FACILITY RIGHTS-OF-WAY AND CORRIDORS ON FEDERAL LAND.

(a) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Federal Energy Regulatory Commission, shall submit to Congress a joint report—

(A) that addresses—

(i) the location of existing rights-of-way and designated and de facto corridors for oil and gas pipelines and electric transmission and distribution facilities on Federal land; and

(ii) opportunities for additional oil and gas pipeline and electric transmission capacity within those rights-of-way and corridors; and

(B) that includes a plan for making available, on request, to the appropriate Federal, State, and local agencies, tribal governments, and other persons involved in the siting of oil and gas pipelines and electricity transmission facilities Geographic Information System-based information regarding the location of the existing rights-of-way and corridors and any planned rights-of-way and corridors.

(2) CONSULTATIONS AND CONSIDERATIONS.—In preparing the report, the Secretary of the Interior and the Secretary of Agriculture shall consult with—

(A) other agencies of Federal, State, tribal, or local units of government, as appropriate;

(B) persons involved in the siting of oil and gas pipelines and electric transmission facilities; and

(C) other interested members of the public.

(3) LIMITATION.—The Secretary of the Interior and the Secretary of Agriculture shall limit the distribution of the report and Geographic Information System-based information referred to in paragraph (1) as necessary for national and infrastructure security reasons, if either Secretary determines that the information may be withheld from public disclosure under a national security or other exception under section 552(b) of title 5, United States Code.

(b) CORRIDOR DESIGNATIONS.—

(1) 11 CONTIGUOUS WESTERN STATES.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall jointly—

(A) designate, under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and other applicable Federal laws, corridors for oil and gas pipelines and electricity transmission and facilities on Federal land in the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(B) perform any environmental reviews that may be required to complete the designations of corridors for the facilities on Federal land in the eleven contiguous Western States; and

(C) incorporate the designated corridors into—

(i) the relevant departmental and agency land use and resource management plans; or

(ii) equivalent plans.

(2) OTHER STATES.—Not later than 4 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall jointly—

(A) identify corridors for oil and gas pipelines and electricity transmission and distribution facilities on Federal land in the States other than those described in paragraph (1); and

(B) schedule prompt action to identify, designate, and incorporate the corridors into the land use plan.

(3) ONGOING RESPONSIBILITIES.—After completing the requirements under paragraphs (1) and (2), the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior, with respect to lands under their respective jurisdictions, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall establish procedures that—

(A) ensure that additional corridors for oil and gas pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated; and

(B) expedite applications to construct or modify oil and gas pipelines and electricity transmission and distribution facilities within the corridors, taking into account prior analyses and environmental reviews undertaken during the designation of corridors.

(c) CONSIDERATIONS.—In carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to—

(1) improve reliability;

(2) relieve congestion; and

(3) enhance the capability of the national grid to deliver electricity.

(d) DEFINITION OF CORRIDOR.—

(1) IN GENERAL.—In this section and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), the term "corridor" means—

(A) a linear strip of land—

(i) with a width determined with consideration given to technological, environmental, and topographical factors; and

(ii) that contains, or may in the future contain, 1 or more utility, communication, or transportation facilities;

(B) a land use designation that is established—

(i) by law;

(ii) by Secretarial Order;

(iii) through the land use planning process; or

(iv) by other management decision; and

(C) a designation made for the purpose of establishing the preferred location of compatible linear facilities and land uses.

(2) SPECIFICATIONS OF CORRIDOR.—On designation of a corridor under this section, the centerline, width, and compatible uses of a corridor shall be specified.

SEC. 351. CONSULTATION REGARDING ENERGY RIGHTS-OF-WAY ON PUBLIC LAND.

(a) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense with respect to lands under their respective jurisdictions, shall enter into a memorandum of understanding to coordinate all applicable Federal authorizations and environmental reviews relating to a proposed or existing utility facility. To the maximum extent practicable under applicable law, the Secretary of Energy shall, to ensure timely review and permit decisions, coordinate such authorizations and reviews with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the affected utility facility.

(2) CONTENTS.—The memorandum of understanding shall include provisions that—

(A) establish—

(i) a unified right-of-way application form; and

(ii) an administrative procedure for processing right-of-way applications, including lines of authority, steps in application processing, and timeframes for application processing;

(B) provide for coordination of planning relating to the granting of the rights-of-way;

(C) provide for an agreement among the affected Federal agencies to prepare a single environmental review document to be used as the basis for all Federal authorization decisions; and

(D) provide for coordination of use of right-of-way stipulations to achieve consistency.

(b) NATURAL GAS PIPELINES.—

(1) IN GENERAL.—With respect to permitting activities for interstate natural gas pipelines, the May 2002 document entitled "Interagency Agreement On Early Coordination Of Required Environmental And Historic Preservation Reviews Conducted In Conjunction With The Issuance Of Authorizations To Construct And Operate Interstate Natural Gas Pipelines Certificated By The Federal Energy Regulatory Commission" shall constitute compliance with subsection (a).

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, agencies that are signatories to the document referred to in paragraph (1) shall transmit to Congress a report on how the agencies under the jurisdiction of the Secretaries are incorporating and implementing the provisions of the document referred to in paragraph (1).

(B) CONTENTS.—The report shall address—

(i) efforts to implement the provisions of the document referred to in paragraph (1);

(ii) whether the efforts have had a streamlining effect;

(iii) further improvements to the permitting process of the agency; and

(iv) recommendations for inclusion of State and tribal governments in a coordinated permitting process.

(c) DEFINITION OF UTILITY FACILITY.—In this section, the term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system—

(1) for the transportation of—

(A) oil, natural gas, synthetic liquid fuel, or gaseous fuel;

(B) any refined product produced from oil, natural gas, synthetic liquid fuel, or gaseous fuel; or

(C) products in support of the production of material referred to in subparagraph (A) or (B);

(2) for storage and terminal facilities in connection with the production of material referred to in paragraph (1); or

(3) for the generation, transmission, and distribution of electric energy.

SEC. 352. RENEWABLE ENERGY ON FEDERAL LAND.

(a) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall develop and transmit to Congress a report that includes recommendations on opportunities to develop renewable energy on—

(A) public lands under the jurisdiction of the Secretary of the Interior; and

(B) National Forest System lands under the jurisdiction of the Secretary of Agriculture.

(2) CONTENTS.—The report shall include—

(A) 5-year plans developed by the Secretary of the Interior and the Secretary of Agriculture, respectively, for encouraging the development of renewable energy consistent with applicable law and management plans;

(B) an analysis of—

(i) the use of rights-of-way, leases, or other methods to develop renewable energy on such lands;

(ii) the anticipated benefits of grants, loans, tax credits, or other provisions to promote renewable energy development on such lands; and

(iii) any issues that the Secretary of the Interior or the Secretary of Agriculture have encountered in managing renewable energy projects on such lands, believe are likely to arise in relation to the development of renewable energy on such lands;

(C) a list, developed in consultation with the Secretary of Energy and the Secretary of Defense, of lands under the jurisdiction of the Department of Energy or the Department of Defense that would be suitable for development for renewable energy, and any recommended statutory and regulatory mechanisms for such development; and

(D) any recommendations relating to the issues addressed in the report.

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to—

(A) study the potential for the development of wind, solar, and ocean energy (including tidal, wave, and thermal energy) on the outer Continental Shelf;

(B) assess existing Federal authorities for the development of such resources; and

(C) recommend statutory and regulatory mechanisms for such development.

(2) TRANSMITTAL.—The results of the study shall be transmitted to Congress not later than 2 years after the date of enactment of this Act.

(c) GENERATION CAPACITY OF ELECTRICITY FROM RENEWABLE ENERGY RESOURCES ON PUBLIC LAND.—The Secretary of the Interior shall, not later than 10 years after the date of enactment of this Act, seek to approve renewable energy projects located (or to be located) on public lands with a generation capacity of at least 10,000 megawatts of electricity.

SEC. 353. ELECTRICITY TRANSMISSION LINE RIGHT-OF-WAY, CLEVELAND NATIONAL FOREST AND ADJACENT PUBLIC LAND, CALIFORNIA.

(a) ISSUANCE.—

(1) IN GENERAL.—Not later than 60 days after the completion of the environmental reviews under subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall issue all necessary grants, easements, permits, plan amendments, and other approvals to allow for the siting and construction of a high-voltage electricity transmission line right-of-way running approximately north to south through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service.

(2) INCLUSIONS.—The right-of-way approvals under paragraph (1) shall provide all necessary Federal authorization from the Secretary of the Interior and the Secretary of Agriculture for the routing, construction,

operation, and maintenance of a 500-kilovolt transmission line capable of meeting the long-term electricity transmission needs of the region between the existing Valley-Serrano transmission line to the north and the Telega-Escondido transmission line to the south, and for connecting to future generating capacity that may be developed in the region.

(b) Protection of Wilderness Areas.—The Secretary of the Interior and the Secretary of Agriculture shall not allow any portion of a transmission line right-of-way corridor identified in subsection (a) to enter any identified wilderness area in existence as of the date of enactment of this Act.

(c) Environmental and Administrative Reviews.—

(1) Department of interior or local agency.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall be the lead Federal agency with overall responsibility to ensure completion of required environmental and other reviews of the approvals to be issued under subsection (a).

(2) National forest system land.—For the portions of the corridor on National Forest System lands, the Secretary of Agriculture shall complete all required environmental reviews and administrative actions in coordination with the Secretary of the Interior.

(3) Expeditious completion.—The reviews required for issuance of the approvals under subsection (a) shall be completed not later than 1 year after the date of the enactment of this Act.

(d) Other Terms and Conditions.—The transmission line right-of-way shall be subject to such terms and conditions as the Secretary of the Interior and the Secretary of Agriculture consider necessary, based on the environmental reviews under subsection (c), to protect the value of historic, cultural, and natural resources under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

(e) Preference Among Proposals.—The Secretary of the Interior and the Secretary of Agriculture shall give a preference to any application or preapplication proposal for a transmission line right-of-way referred to in subsection (a) that was submitted before December 31, 2002, over all other applications and proposals for the same or a similar right-of-way submitted on or after that date.

SEC. 354. SENSE OF CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.

(a) Findings.—Congress finds the following:

(1) Pursuant to Public Law 87–712 (16 U.S.C. 459d et seq.; popularly known as the "Federal Enabling Act") and various deeds and actions under that Act, the United States is the owner of only the surface estate of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States, and ownership of those interests is held by the State of Texas and private parties.

(3) Public Law 87–712 (16 U.S.C. 459d et seq.)—

(A) expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees; and

(B) recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through Tex. Rev. Civ. Stat. Ann. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) Sense of Congress.—It is the sense of Congress that with regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those lands retained the status that the lands had on September 27, 1962.

SEC. 355. ENCOURAGING PROHIBITION OF OFFSHORE DRILLING IN THE GREAT LAKES.

Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit offshore drilling in the Great Lakes for oil and gas; and

(2) the States of Indiana, Minnesota, and Ohio to enact a prohibition of such drilling.

SEC. 356. FINGER LAKES NATIONAL FOREST WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

SEC. 357. STUDY ON LEASE EXCHANGES IN THE ROCKY MOUNTAIN FRONT.

(a) Definitions.—For the purposes of this section:

(1) Badger-two medicine area.—The term "Badger-Two Medicine Area" means the Forest Service land located in—

(A) T. 31 N., R. 12–13 W.;

(B) T. 30 N., R. 11–13 W.;

(C) T. 29 N., R. 10–16 W.; and

(D) T. 28 N., R. 10–14 W.

(2) Blackleaf area.—The term "Blackleaf Area" means the Federal land owned by the Forest Service and Bureau of Land Management that is located in—

(A) T. 27 N., R. 9 W.;

(B) T. 26 N., R. 9–10 W.;

(C) T. 25 N., R. 8–10 W.; and

(D) T. 24 N., R. 8–9 W.

(3) Eligible lessee.—The term "eligible lessee" means a lessee under a nonproducing lease.

(4) Nonproducing lease.—The term "nonproducing lease" means a Federal oil or gas lease—

(A) that is in existence and in good standing on the date of enactment of this Act; and

(B) that is located in the Badger-Two Medicine Area or the Blackleaf Area.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Montana.

(b) Evaluation.—

(1) In general.—The Secretary, in consultation with the Governor of the State, and the eligible lessees, shall evaluate opportunities for domestic oil and gas production through the exchange of the nonproducing leases.

(2) Requirements.—In carrying out the evaluation under subsection (a), the Secretary shall—

(A) consider opportunities for domestic production of oil and gas through—

(i) the exchange of the nonproducing leases for oil and gas lease tracts of comparable value in the State; and

(ii) the issuance of bidding, royalty, or rental credits for Federal oil and gas leases in the State in exchange for the cancellation of the nonproducing leases;

(B) consider any other appropriate means to exchange, or provide compensation for the cancellation of, nonproducing leases, subject to the consent of the eligible lessees;

(C) consider the views of any interested persons, including the State;

(D) determine the level of interest of the eligible lessees in exchanging the nonproducing leases;

(E) assess the economic impact on the lessees and the State of lease exchange, lease cancellation, and final judicial or administrative decisions related to the nonproducing leases; and

(F) provide recommendations on—

(i) whether to pursue an exchange of the nonproducing leases;

(ii) any changes in laws (including regulations) that are necessary for the Secretary to carry out the exchange; and

(iii) any other appropriate means to exchange or provide compensation for the cancellation of a nonproducing lease, subject to the consent of the eligible lessee.

(c) Valuation of Nonproducing Leases.—For the purpose of the evaluation under subsection (a), the value of a nonproducing lease shall be an amount equal to the difference between—

(1) the sum of—

(A) the amount paid by the eligible lessee for the nonproducing lease;

(B) any direct expenditures made by the eligible lessee before the transmittal of the report in subsection (c) associated with the exploration and development of the nonproducing lease; and

(C) interest on any amounts under subparagraphs (A) and (B) during the period beginning on the date on which the amount was paid and ending on the date on which credits are issued under subsection (b)(2)(A)(ii); and

(2) the sum of the revenues from the nonproducing lease.

(d) Report to Congress.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall initiate the evaluation in subsection (b) and transmit to Congress a report on the evaluation.

SEC. 358. FEDERAL COALBED METHANE REGULATION.

Any State currently on the list of Affected States established under section 1339(b) of the Energy Policy Act of 1992 (42 U.S.C. 13368(b)) shall be removed from the list if, not later than 3 years after the date of enactment of this Act, the State takes, or prior to the date of enactment has taken, any of the actions required for removal from the list under such section 1339(b).

SEC. 359. LIVINGSTON PARISH MINERAL RIGHTS TRANSFER.

(a) Amendments.—Section 102 of Public Law 102–562 (106 Stat. 4234) is amended—

(1) by striking "(a) In General.—";

(2) by striking "and subject to the reservation in subsection (b),"; and

(3) by striking subsection (b).

(b) Implementation of Amendment.—The Secretary of the Interior shall execute the legal instruments necessary to effectuate the amendment made by subsection (a)(3).

Subtitle D—Alaska Natural Gas Pipeline

SEC. 371. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act".

SEC. 372. DEFINITIONS.

In this subtitle:

(1) Alaska natural gas.—The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees north latitude.

(2) Alaska natural gas transportation project.—The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section 373.

(3) Alaska natural gas transportation system.—The term "Alaska natural gas transportation system" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.) and designated and described in section 2 of the President's decision.

(4) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(5) Federal coordinator.—The term "Federal Coordinator" means the head of the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects established by section 376(a).

(6) President's decision.—The term "President's decision" means the decision and report to Congress on the Alaska natural gas transportation system—

(A) issued by the President on September 22, 1977, in accordance with section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e); and

(B) approved by Public Law 95–158 (15 U.S.C. 719f note; 91 Stat. 1268).

(7) Secretary.—The term "Secretary" means the Secretary of Energy.

(8) State.—The term "State" means the State of Alaska.

SEC. 373. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) Authority of the Commission.—Notwithstanding the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, in accordance with section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) Issuance of Certificate.—

(1) In general.—The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) Considerations.—In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through the project to markets in the contiguous United States.

(c) Expedited Approval Process.—Not later than 60 days after the date of issuance of the final environmental impact statement under section 374 for an Alaska natural gas transportation project, the Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity for the project under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section.

(d) Prohibition of Certain Pipeline Route.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from land within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that—

(1) traverses land beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees north latitude.

(e) Open Season.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, the Commission shall issue regulations governing the conduct of open seasons for Alaska natural gas transportation projects (including procedures for the allocation of capacity).

(2) Regulations.—The regulations referred to in paragraph (1) shall—

(A) include the criteria for and timing of any open seasons;

(B) promote competition in the exploration, development, and production of Alaska natural gas; and

(C) for any open season for capacity exceeding the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thomson units.

(3) Applicability.—Except in a case in which an expansion is ordered in accordance with section 375, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations issued under paragraph (1).

(f) Projects in the Contiguous United States.—

(1) In general.—An application for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made in accordance with the Natural Gas Act (15 U.S.C. 717a et seq.).

(2) Expansion.—To the extent that a pipeline facility described in paragraph (1) includes the expansion of any facility constructed in accordance with the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), that Act shall continue to apply.

(g) Study of In-State Needs.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that the holder has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) Alaska Royalty Gas.—

(1) In general.—Except as provided in paragraph (2), the Commission, on a request by the State and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project by the State (or State designee) for the transportation of royalty gas of the State for the purpose of meeting local consumption needs within the State.

(2) Exception.—The rates of shippers of subscribed capacity on an Alaska natural gas transportation project described in paragraph (1), as in effect as of the date on which access under that paragraph is granted, shall not be increased as a result of such access.

(i) Regulations.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 374. ENVIRONMENTAL REVIEWS.

(a) Compliance With NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 373 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) Designation of Lead Agency.—

(1) In general.—The Commission—

(A) shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) shall be responsible for preparing the environmental impact statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 373.

(2) Consolidation of statements.—In carrying out paragraph (1), the Commission shall prepare a single environmental impact statement, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the Alaska natural gas transportation project covered by the environmental impact statement.

(c) Other Agencies.—

(1) In general.—Each Federal agency considering an aspect of the construction and operation of an Alaska natural gas transportation project under section 373 shall—

(A) cooperate with the Commission; and

(B) comply with deadlines established by the Commission in the preparation of the environmental impact statement under this section.

(2) Satisfaction of NEPA requirements.—The environmental impact statement prepared under this section shall be adopted by each Federal agency described in paragraph (1) in satisfaction of the responsibilities of the Federal agency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the Alaska natural gas transportation project covered by the environmental impact statement.

(d) Expedited Process.—The Commission shall—

(1) not later than 1 year after the Commission determines that the application under section 373 with respect to an Alaska natural gas transportation project is complete, issue a draft environmental impact statement under this section; and

(2) not later than 180 days after the date of issuance of the draft environmental impact statement, issue a final environmental impact statement, unless the Commission for good cause determines that additional time is needed.

SEC. 375. PIPELINE EXPANSION.

(a) Authority.—With respect to any Alaska natural gas transportation project, on a request by 1 or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of the Alaska natural gas project if the Commission determines that such an expansion is required by the present and future public convenience and necessity.

(b) Responsibilities of Commission.—Before ordering an expansion under subsection (a), the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that a proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the tariff of the Alaska natural gas transportation project in effect as of the date of the expansion;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) REQUIREMENT FOR A FIRM TRANSPORTATION AGREEMENT.—Any order of the Commission issued in accordance with this section shall be void unless the person requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within such reasonable period of time as the order may specify.

(d) LIMITATION.—Nothing in this section expands or otherwise affects any authority of the Commission with respect to any natural gas pipeline located outside the State.

(e) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 376. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) FEDERAL COORDINATOR.—

(1) APPOINTMENT.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve a term to last until 1 year following the completion of the project referred to in section 373.

(2) COMPENSATION.—The Federal Coordinator shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—

(1) EXPEDITED REVIEWS AND ACTIONS.—All reviews conducted and actions taken by any Federal agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines under this subtitle.

(2) PROHIBITION OF CERTAIN TERMS AND CONDITIONS.—No Federal agency may include in any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project any term or condition that may be permitted, but is not required, by any applicable law if the Federal Coordinator determines that the term or condition would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(3) PROHIBITION OF CERTAIN ACTIONS.—Unless required by law, no Federal agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the action would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(4) LIMITATION.—The Federal Coordinator shall not have authority to—

(A) override—

(i) the implementation or enforcement of regulations issued by the Commission under section 373; or

(ii) an order by the Commission to expand the project under section 375; or

(B) impose any terms, conditions, or requirements in addition to those imposed by the Commission or any agency with respect to construction and operation, or an expansion of, the project.

(e) STATE COORDINATION.—

(1) IN GENERAL.—The Federal Coordinator and the State shall enter into a joint surveillance and monitoring agreement similar to the agreement in effect during construction of the Trans-Alaska Pipeline, to be approved by the President and the Governor of the State, for the purpose of monitoring the construction of the Alaska natural gas transportation project.

(2) PRIMARY RESPONSIBILITY.—With respect to an Alaska natural gas transportation project—

(A) the Federal Government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses Federal land or private land; and

(B) the State government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses State land.

(f) TRANSFER OF FEDERAL INSPECTOR FUNCTIONS AND AUTHORITY.—On appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary under section 3012(b) of the Energy Policy Act of 1992 (15 U.S.C. 719e note; Public Law 102–486), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

(g) TEMPORARY AUTHORITY.—The functions, authorities, duties, and responsibilities of the Federal Coordinator shall be vested in the Secretary until the later of the appointment of the Federal Coordinator by the President, or 18 months after the date of enactment of this Act.

SEC. 377. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken under this subtitle; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this subtitle.

(b) DEADLINE FOR FILING CLAIM.—A claim arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(d) AMENDMENT OF THE ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended—

(1) by striking "(c)(1) A claim" and inserting the following:

"(c) JURISDICTION.—

"(1) SPECIAL COURTS.—

"(A) IN GENERAL.—A claim";

(2) by striking "Such court shall have" and inserting the following:

"(B) EXCLUSIVE JURISDICTION.—The Special Court shall have";

(3) by inserting after paragraph (1) the following:

"(2) EXPEDITED CONSIDERATION.—The Special Court shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2."; and

(4) in paragraph (3), by striking "(3) The enactment" and inserting the following:

"(3) ENVIRONMENTAL IMPACT STATEMENTS.—The enactment".

SEC. 378. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) LOCAL DISTRIBUTION.—Any facility receiving natural gas from an Alaska natural gas transportation project for delivery to consumers within the State—

(1) shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)); and

(2) shall not be subject to the jurisdiction of the Commission.

(b) ADDITIONAL PIPELINES.—Except as provided in section 373(d), nothing in this subtitle shall preclude or otherwise affect a future natural gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State for consumption within or distribution outside the State.

(c) RATE COORDINATION.—

(1) IN GENERAL.—In accordance with the Natural Gas Act (15 U.S.C. 717a et seq.), the Commission shall establish rates for the transportation of natural gas on any Alaska natural gas transportation project.

(2) CONSULTATION.—In carrying out paragraph (1), the Commission, in accordance with section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall consult with the State

regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State.

SEC. 379. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) Requirement of Study.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission by the date that is 18 months after the date of enactment of this Act, the Secretary shall conduct a study of alternative approaches to the construction and operation of such an Alaska natural gas transportation project.

(b) Scope of Study.—The study under subsection (a) shall take into consideration the feasibility of—

(1) establishing a Federal Government corporation to construct an Alaska natural gas transportation project; and

(2) securing alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the Alaska natural gas transportation project.

(c) Consultation.—In conducting the study under subsection (a), the Secretary shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Chief of Engineers).

(d) Report.—On completion of any study under subsection (a), the Secretary shall submit to Congress a report that describes—

(1) the results of the study; and

(2) any recommendations of the Secretary (including proposals for legislation to implement the recommendations).

SEC. 380. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) Savings Clause.—Nothing in this subtitle affects—

(1) any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g); or

(2) any Presidential finding or waiver issued in accordance with that Act.

(b) Clarification of Authority to Amend Terms and Conditions to Meet Current Project Requirements.—Any Federal agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or rescind any term or condition included in the certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), if the addition, amendment, or rescission—

(1) would not compel any change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision; or

(2) would not otherwise prevent or impair in any significant respect the expeditious construction and initial operation of the Alaska natural gas transportation system.

(c) Updated Environmental Reviews.—The Secretary shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. 381. SENSE OF CONGRESS CONCERNING USE OF STEEL MANUFACTURED IN NORTH AMERICA NEGOTIATION OF A PROJECT LABOR AGREEMENT.

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should make every effort to—

(A) use steel that is manufactured in North America; and

(B) negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 382. SENSE OF CONGRESS AND STUDY CONCERNING PARTICIPATION BY SMALL BUSINESS CONCERNS.

(a) Definition of Small Business Concern.—In this section, the term "small business concern" has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) Sense of Congress.—It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(c) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study to determine the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) Report.—Not later that 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes results of the study under paragraph (1).

(3) Updates.—The Comptroller General shall—

(A) update the study at least once every 5 years until construction of an Alaska natural gas transportation project is completed; and

(B) on completion of each update, submit to Congress a report containing the results of the update.

SEC. 383. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) Program.—

(1) Establishment.—The Secretary of Labor (in this section referred to as the "Secretary") shall make grants to the Alaska Workforce Investment Board—

(A) to recruit and train adult and dislocated workers in Alaska, including Alaska Natives, in the skills required to construct and operate an Alaska gas pipeline system; and

(B) for the design and construction of a training facility to be located in Fairbanks, Alaska, to support an Alaska gas pipeline training program.

(2) Coordination with existing programs.—The training program established with the grants authorized under paragraph (1) shall be consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(b) Requirements for Grants.—The Secretary shall make a grant under subsection (a) only if—

(1) the Governor of the State of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of the Alaska natural gas pipeline system will commence by the date that is 2 years after the date of the certification; and

(2) the Secretary of Energy concurs in writing to the Secretary with the certification made under paragraph (1) after considering—

(A) the status of necessary Federal and State permits;

(B) the availability of financing for the Alaska natural gas pipeline project; and

(C) other relevant factors.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $20,000,000. Not more than 15 percent of the funds may be used for the facility described in subsection (a)(1)(B).

SEC. 384. SENSE OF CONGRESS CONCERNING NATURAL GAS DEMAND.

It is the sense of Congress that—

(1) North American demand for natural gas will increase dramatically over the course of the next several decades;

(2) both the Alaska Natural Gas Pipeline and the Mackenzie Delta Natural Gas project in Canada will be necessary to help meet the increased demand for natural gas in North America;

(3) Federal and State officials should work together with officials in Canada to ensure both projects can move forward in a mutually beneficial fashion;

(4) Federal and State officials should acknowledge that the smaller scope, fewer permitting requirements, and lower cost of the Mackenzie Delta project means it will most likely be completed before the Alaska Natural Gas Pipeline;

(5) natural gas production in the 48 contiguous States and Canada will not be able to meet all domestic demand in the coming decades; and

(6) as a result, natural gas delivered from Alaskan North Slope will not displace or reduce the commercial viability of Canadian natural gas produced from the Mackenzie Delta or production from the 48 contiguous States.

SEC. 385. SENSE OF CONGRESS CONCERNING ALASKAN OWNERSHIP.

It is the sense of Congress that—

(1) Alaska Native Regional Corporations, companies owned and operated by Alaskans, and individual Alaskans should have the opportunity to own shares of the Alaska natural gas pipeline in a way that promotes economic development for the State; and

(2) to facilitate economic development in the State, all project sponsors should negotiate in good faith with any willing Alaskan person that desires to be involved in the project.

SEC. 386. LOAN GUARANTEES.

(a) Authority.—(1) The Secretary may enter into agreements with 1 or more holders of a certificate of public convenience and necessity issued under section 373(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project.

(2) Subject to the requirements of this section, the Secretary may also enter into agreements with 1 or more owners of the Canadian portion of a qualified infrastructure project to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project as though such owner were a holder described in paragraph (1).

(3) The authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project. A final certificate shall be considered to have been issued when all certificates of public convenience and necessity have been issued that are required for the initial transportation of commercially economic quantities of natural gas from Alaska to the continental United States.

(b) CONDITIONS.—(1) The Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity under section 373(b) of this Act or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) has been issued for the project.

(2) The Secretary may issue a Federal guarantee instrument under this section for a qualified infrastructure project only if the loan or other debt obligation guaranteed by the instrument has been issued by an eligible lender.

(3) The Secretary shall not require as a condition of issuing a Federal guarantee instrument under this section any contractual commitment or other form of credit support of the sponsors (other than equity contribution commitments and completion guarantees), or any throughput or other guarantee from prospective shippers greater than such guarantees as shall be required by the project owners.

(c) LIMITATIONS ON AMOUNTS.—(1) The amount of loans and other debt obligations guaranteed under this section for a qualified infrastructure project shall not exceed 80 percent of the total capital costs of the project, including interest during construction.

(2) The principal amount of loans and other debt obligations guaranteed under this section shall not exceed, in the aggregate, $18,000,000,000, which amount shall be indexed for United States dollar inflation from the date of enactment of this Act, as measured by the Consumer Price Index.

(d) LOAN TERMS AND FEES.—(1) The Secretary may issue Federal guarantee instruments under this section that take into account repayment profiles and grace periods justified by project cash flows and project-specific considerations. The term of any loan guaranteed under this section shall not exceed 30 years.

(2) An eligible lender may assess and collect from the borrower such other fees and costs associated with the application and origination of the loan or other debt obligation as are reasonable and customary for a project finance transaction in the oil and gas sector.

(e) REGULATIONS.—The Secretary may issue regulations to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees under this section, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). Such sums shall remain available until expended.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) The term "Consumer Price Index" means the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics, or if such index shall cease to be published, any successor index or reasonable substitute thereof.

(2) The term "eligible lender" means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(3) The term "Federal guarantee instrument" means any guarantee or other pledge by the Secretary to pledge the full faith and credit of the United States to pay all of the principal and interest on any loan or other debt obligation entered into by a holder of a certificate of public convenience and necessity.

(4) The term "qualified infrastructure project" means an Alaskan natural gas transportation project consisting of the design, engineering, finance, construction, and completion of pipelines and related transportation and production systems (including gas treatment plants), and appurtenances thereto, that are used to transport natural gas from the Alaska North Slope to the continental United States.

TITLE IV—COAL

Subtitle A—Clean Coal Power Initiative

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) CLEAN COAL POWER INITIATIVE.—There are authorized to be appropriated to the Secretary of Energy (referred to in this title as the "Secretary") to carry out the activities authorized by this subtitle $200,000,000 for each of fiscal years 2004 through 2012, to remain available until expended.

(b) REPORT.—The Secretary shall submit to Congress the report required by this subsection not later than March 31, 2005. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued; and

(4) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

SEC. 402. PROJECT CRITERIA.

(a) IN GENERAL.—The Secretary shall not provide funding under this subtitle for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of the date of enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION PROJECTS.—

(A) IN GENERAL.—In allocating the funds made available under section 401(a), the Secretary shall ensure that at least 60 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction, and hybrid gasification/combustion.

(B) TECHNICAL MILESTONES.—The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects under this subtitle shall be designed, and reasonably expected, to achieve. The technical milestones shall become more restrictive during the life of the program. The Secretary shall set the periodic milestones so as to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit not more than .05 lbs of NO_x per million Btu;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of—

(I) 60 percent for coal of more than 9,000 Btu;

(II) 59 percent for coal of 7,000 to 9,000 Btu; and

(III) 50 percent for coal of less than 7,000 Btu.

(2) OTHER PROJECTS.—The Secretary shall periodically set technical milestones and ensure that up to 40 percent of the funds appropriated pursuant to section 401(a) are used for projects not described in paragraph (1). The milestones shall specify the emission and thermal efficiency levels that projects funded under this paragraph shall be designed to and reasonably expected to achieve. The technical milestones shall become more restrictive during the life of the program. The Secretary shall set the periodic milestones so as to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NO_x per million Btu;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of—

(i) 45 percent for coal of more than 9,000 Btu;

(ii) 44 percent for coal of 7,000 to 9,000 Btu; and

(iii) 40 percent for coal of less than 7,000 Btu.

(3) CONSULTATION.—Before setting the technical milestones under paragraphs (1)(B) and (2), the Secretary shall consult with the Administrator of the Environmental Protection Agency and interested entities, including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers.

(4) EXISTING UNITS.—In the case of projects at units in existence on the date of enactment of this Act, in lieu of the thermal efficiency requirements set forth in paragraph (1)(B)(iv) and (2)(D), the milestones shall be designed to achieve an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(5) PERMITTED USES.—In carrying out this subtitle, the Secretary may fund projects that include, as part of the project, the separation and capture of carbon dioxide.

(c) FINANCIAL CRITERIA.—The Secretary shall not provide a funding award under this subtitle unless the recipient documents to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary to enable the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities, using various types of coal, that use coal as the primary feedstock as of the date of enactment of this Act.

(e) FEDERAL SHARE.—The Federal share of the cost of a coal or related technology project funded by the Secretary under this subtitle shall not exceed 50 percent.

(f) APPLICABILITY.—No technology, or level of emission reduction, shall be treated as adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of that Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501) solely by reason of the use of such technology, or the achievement of such emission reduction, by 1 or more facilities receiving assistance under this subtitle.

SEC. 403. REPORT.

Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter through 2012, the Secretary, in consultation with other appropriate Federal agencies, shall submit to Congress a report describing—

(1) the technical milestones set forth in section 402 and how those milestones ensure progress toward meeting the requirements of subsections (b)(1)(B) and (b)(2) of section 402; and

(2) the status of projects funded under this subtitle.

SEC. 404. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 401, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that show the greatest potential for advancing new clean coal technologies.

Subtitle B—Clean Power Projects

SEC. 411. COAL TECHNOLOGY LOAN.

There are authorized to be appropriated to the Secretary $125,000,000 to provide a loan to the owner of the experimental plant constructed under United States Department of Energy cooperative agreement number DE-FC-22-91PC90544 on such terms and conditions as the Secretary determines, including interest rates and upfront payments.

SEC. 412. COAL GASIFICATION.

The Secretary is authorized to provide loan guarantees for a project to produce energy from a plant using integrated gasification combined cycle technology of at least 400 megawatts in capacity that produces power at competitive rates in deregulated energy generation markets and that does not receive any subsidy (direct or indirect) from ratepayers.

SEC. 413. INTEGRATED GASIFICATION COMBINED CYCLE TECHNOLOGY.

The Secretary is authorized to provide loan guarantees for a project to produce energy from a plant using integrated gasification combined cycle technology located in a taconite-producing region of the United States that is entitled under the law of the State in which the plant is located to enter into a long-term contract approved by a State Public Utility Commission to sell at least 450 megawatts of output to a utility.

SEC. 414. PETROLEUM COKE GASIFICATION.

The Secretary is authorized to provide loan guarantees for at least 1 petroleum coke gasification polygeneration project.

SEC. 415. INTEGRATED COAL/RENEWABLE ENERGY SYSTEM.

The Secretary is authorized, subject to the availability of appropriations, to provide loan guarantees for a project to produce energy from coal of less than 7000 btu/lb using appropriate advanced integrated gasification combined cycle technology, including repowering of existing facilities, that is combined with wind and other renewable sources, minimizes and offers the potential to sequester carbon dioxide emissions, and provides a ready source of hydrogen for near-site fuel cell demonstrations. The facility may be built in stages, combined output shall be at least 200 megawatts at successively more competitive rates, and the facility shall be located in the Upper Great Plains. Section 402(b) technical criteria apply, and the Federal cost share shall not exceed 50 percent. The loan guarantees provided under this section do not preclude the facility from receiving an allocation for investment tax credits under section 48A of the Internal Revenue Code of 1986. Utilizing this investment tax credit does not prohibit the use of other Clean Coal Program funding.

SEC. 416. ELECTRON SCRUBBING DEMONSTRATION.

The Secretary shall use $5,000,000 from amounts appropriated to initiate, through the Chicago Operations Office, a project to demonstrate the viability of high-energy electron scrubbing technology on commercial-scale electrical generation using high-sulfur coal.

Subtitle C—Federal Coal Leases

SEC. 421. REPEAL OF THE 160-ACRE LIMITATION FOR COAL LEASES.

Section 3 of the Mineral Leasing Act (30 U.S.C. 203) is amended—

(1) in the first sentence—

(A) by striking "Any person" and inserting "(a) Any person";

(B) by inserting a comma after "may"; and

(C) by striking "upon" and all that follows through the period and inserting the following: "upon a finding by the Secretary that the lease—

"(1) would be in the interest of the United States;

"(2) would not displace a competitive interest in the land; and

"(3) would not include land or deposits that can be developed as part of another potential or existing operation;

secure modifications of the original coal lease by including additional coal land or coal deposits contiguous or cornering to those embraced in the lease, but in no event shall the total area added by any modifications to an existing coal lease exceed 1280 acres, or add acreage larger than the acreage in the original lease.";

(2) in the second sentence, by striking "The Secretary" and inserting the following: "(b) The Secretary"; and

(3) in the third sentence, by striking "The minimum" and inserting the following: "(c) The minimum".

SEC. 422. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

"(i) will ensure the maximum economic recovery of a coal deposit; or

"(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resource.".

SEC. 423. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

Section 7(b) of the Mineral Leasing Act (30 U.S.C. 207(b)) is amended to read as follows:

"(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except in a case in which operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

"(2)(A) The Secretary of the Interior may suspend the condition of continued operation upon the payment of advance royalties, if the Secretary determines that the public interest will be served by the suspension.

"(B) Advance royalties required under subparagraph (A) shall be computed based on—

"(i) the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year; or

"(ii) by using other methods established by the Secretary of the Interior to capture the commercial value of coal,

and based on commercial quantities, as defined by regulation by the Secretary of the Interior.

"(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

"(3) The amount of any production royalty paid for any year shall be reduced (but not below 0) by the amount of any advance royalties paid under the lease, to the extent that the advance royalties have not been used to reduce production royalties for a prior year.

"(4) The Secretary may, upon 6 months' notice to a lessee, cease to accept advance royalties in lieu of the requirement of continued operation.

"(5) Nothing in this subsection affects the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.".

SEC. 424. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended in the first sentence by striking "and not later than three years after a lease is issued,".

SEC. 425. AMENDMENT RELATING TO FINANCIAL ASSURANCES WITH RESPECT TO BONUS BIDS.

Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is amended by adding at the end the following:

"(4)(A) The Secretary shall not require a surety bond or any other financial assurance to guarantee payment of deferred bonus bid installments with respect to any coal lease issued on a cash bonus bid to a lessee or successor in interest having a history of a timely payment of noncontested coal royalties and advanced coal royalties in lieu of production (where applicable) and bonus bid installment payments.

"(B) The Secretary may waive any requirement that a lessee provide a surety bond or other financial assurance for a coal lease issued before the date of the enactment of the Energy Policy Act of 2003 only if the Secretary determines that the lessee has a history of making timely payments referred to in subparagraph (A).

"(5) Notwithstanding any other provision of law, if the lessee under a coal lease fails to pay any installment of a deferred cash bonus bid within 10 days after the Secretary provides written notice that payment of the installment is past due—

"(A) the lease shall automatically terminate; and

"(B) any bonus payments already made to the United States with respect to the lease shall not be returned to the lessee or credited in any future lease sale.".

SEC. 426. INVENTORY REQUIREMENT.

(a) REVIEW OF ASSESSMENTS.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary, shall review coal assessments and other available data to identify—

(A) public lands, other than National Park lands, with coal resources;

(B) the extent and nature of any restrictions or impediments to the development of coal resources on public lands identified under subparagraph (A); and

(C) with respect to areas of such lands for which sufficient data exists, resources of compliant coal and supercompliant coal.

(2) DEFINITIONS.—In this subsection:

(A) COMPLIANT COAL.—The term "compliant coal" means coal that contains not less than 1.0 and not more than 1.2 pounds of sulfur dioxide per million Btu.

(B) SUPERCOMPLIANT COAL.—The term "supercompliant coal" means coal that contains less than 1.0 pounds of sulfur dioxide per million Btu.

(b) COMPLETION AND UPDATING OF THE INVENTORY.—The Secretary of the Interior—

(1) shall complete the inventory under subsection (a)(1) by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory as the availability of data and developments in technology warrant.

(c) REPORT.—The Secretary of the Interior shall submit to Congress, and make publicly available—

(1) a report containing the inventory under this section by not later than 2 years after the effective date of this section; and

(2) each update of that inventory.

SEC. 427. APPLICATION OF AMENDMENTS.

The amendments made by this subtitle apply—

(1) with respect to any coal lease issued on or after the date of enactment of this Act; and

(2) with respect to any coal lease issued before the date of enactment of this Act, upon the earlier of—

(A) the date of readjustment of the lease as provided for by section 7(a) of the Mineral Leasing Act (30 U.S.C. 207(a)); or

(B) the date the lessee requests such application.

Subtitle D—Coal and Related Programs

SEC. 441. CLEAN AIR COAL PROGRAM.

(a) AMENDMENT.—The Energy Policy Act of 1992 is amended by adding the following new title at the end thereof:

"TITLE XXXI—CLEAN AIR COAL PROGRAM

"SEC. 3101. FINDINGS; PURPOSES; DEFINITIONS.

"(a) FINDINGS.—The Congress finds that—

"(1) new environmental regulations present additional challenges for coal-fired electrical generation in the private marketplace; and

"(2) the Department of Energy, in cooperation with industry, has already fully developed and commercialized several new clean-coal technologies that will allow the clean use of coal.

"(b) PURPOSES.—The purposes of this title are to—

"(1) promote national energy policy and energy security, diversity, and economic competitiveness benefits that result from the increased use of coal;

"(2) mitigate financial risks, reduce the cost, and increase the marketplace acceptance of the new clean coal technologies; and

"(3) advance the deployment of pollution control equipment to meet the current and future obligations of coal-fired generation units regulated under the Clean Air Act (42 U.S.C. 7402 and following).

"SEC. 3102. AUTHORIZATION OF PROGRAM.

"The Secretary shall carry out a program to facilitate production and generation of coal-based power and the installation of pollution control equipment.

"SEC. 3103. AUTHORIZATION OF APPROPRIATIONS.

"(a) POLLUTION CONTROL PROJECTS.—There are authorized to be appropriated to the Secretary $300,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $40,000,000 for fiscal year 2007, $30,000,000 for fiscal year 2008, and $30,000,000 for fiscal year 2009, to remain available until expended, for carrying out the program for pollution control projects, which may include—

"(1) pollution control equipment and processes for the control of mercury air emissions;

"(2) pollution control equipment and processes for the control of nitrogen dioxide air emissions or sulfur dioxide emissions;

"(3) pollution control equipment and processes for the mitigation or collection of more than one pollutant;

"(4) advanced combustion technology for the control of at least two pollutants, including mercury, particulate matter, nitrogen oxides, and sulfur dioxide, which may also be designed to improve the energy efficiency of the unit; and

"(5) advanced pollution control equipment and processes designed to allow use of the waste byproducts or other byproducts of the equipment or an electrical generation unit designed to allow the use of byproducts.

Funds appropriated under this subsection which are not awarded before fiscal year 2011 may be applied to projects under subsection (b), in addition to amounts authorized under subsection (b).

"(b) GENERATION PROJECTS.—There are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2006, $250,000,000 for each of the fiscal years 2007 through 2011, and $100,000,000 for fiscal year 2012, to remain available until expended, for generation projects and air pollution control projects. Such projects may include—

"(1) coal-based electrical generation equipment and processes, including gasification combined cycle or other coal-based generation equipment and processes;

"(2) associated environmental control equipment, that will be cost-effective and that is designed to meet anticipated regulatory requirements;

"(3) coal-based electrical generation equipment and processes, including gasification fuel cells, gasification coproduction, and hybrid gasification/combustion projects; and

"(4) advanced coal-based electrical generation equipment and processes, including oxidation combustion techniques, ultra-supercritical boilers, and chemical looping, which the Secretary determines will be cost-effective and could substantially contribute to meeting anticipated environmental or energy needs.

"(c) LIMITATION.—Funds placed at risk during any fiscal year for Federal loans or loan guarantees pursuant to this title may not exceed 30 percent of the total funds obligated under this title.

"SEC. 3104. AIR POLLUTION CONTROL PROJECT CRITERIA.

"The Secretary shall pursuant to authorizations contained in section 3103 provide funding for air pollution control projects designed to facilitate compliance with Federal and State environmental regulations, including any regulation that may be established with respect to mercury.

"SEC. 3105. CRITERIA FOR GENERATION PROJECTS.

"(a) CRITERIA.—The Secretary shall establish criteria on which selection of individual projects described in section 3103(b) should be based. The Secretary may modify the criteria as appropriate to reflect improvements in equipment, except that the criteria shall not be modified to be less stringent. These selection criteria shall include—

"(1) prioritization of projects whose installation is likely to result in significant air quality improvements in nonattainment air quality areas;

"(2) prioritization of projects that result in the repowering or replacement of older, less efficient units;

"(3) documented broad interest in the procurement of the equipment and utilization of the processes used in the projects by electrical generator owners or operators;

"(4) equipment and processes beginning in 2005 through 2010 that are projected to achieve an thermal efficiency of—

"(A) 40 percent for coal of more than 9,000 Btu per pound based on higher heating values;

"(B) 38 percent for coal of 7,000 to 9,000 Btu per pound based on higher heating values; and

"(C) 36 percent for coal of less than 7,000 Btu per pound based on higher heating values,

except that energy used for coproduction or cogeneration shall not be counted in calculating the thermal efficiency under this paragraph; and

"(5) equipment and processes beginning in 2011 and 2012 that are projected to achieve an thermal efficiency of—

"(A) 45 percent for coal of more than 9,000 Btu per pound based on higher heating values;

"(B) 44 percent for coal of 7,000 to 9,000 Btu per pound based on higher heating values; and

"(C) 40 percent for coal of less than 7,000 Btu per pound based on higher heating values,

except that energy used for coproduction or cogeneration shall not be counted in calculating the thermal efficiency under this paragraph.

"(b) Selection.—(1) In selecting the projects, up to 25 percent of the projects selected may be either coproduction or cogeneration or other gasification projects, but at least 25 percent of the projects shall be for the sole purpose of electrical generation, and priority should be given to equipment and projects less than 600 MW to foster and promote standard designs.

"(2) The Secretary shall give priority to projects that have been developed and demonstrated that are not yet cost competitive, and for coal energy generation projects that advance efficiency, environmental performance, or cost competitiveness significantly beyond the level of pollution control equipment that is in operation on a full scale.

"SEC. 3106. FINANCIAL CRITERIA.

"(a) In General.—The Secretary shall only provide financial assistance to projects that meet the requirements of sections 3103 and 3104 and are likely to—

"(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy; and

"(2) improve the competitiveness of coal in order to maintain a diversity of domestic fuel choices in the United States to meet electricity generation requirements.

"(b) Conditions.—The Secretary shall not provide a funding award under this title unless—

"(1) the award recipient is financially viable without the receipt of additional Federal funding; and

"(2) the recipient provides sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively.

"(c) Equal Access.—The Secretary shall, to the extent practical, utilize cooperative agreement, loan guarantee, and direct Federal loan mechanisms designed to ensure that all electrical generation owners have equal access to these technology deployment incentives. The Secretary shall develop and direct a competitive solicitation process for the selection of technologies and projects under this title.

"SEC. 3107. FEDERAL SHARE.

"The Federal share of the cost of a coal or related technology project funded by the Secretary under this title shall not exceed 50 percent. For purposes of this title, Federal funding includes only appropriated funds.

"SEC. 3108. APPLICABILITY.

"No technology, or level of emission reduction, shall be treated as adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of the Clean Air Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of the Clean Air Act (42 U.S.C. 7501) solely by reason of the use of such technology, or the achievement of such emission reduction, by one or more facilities receiving assistance under this title.".

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 is amended by adding at the end the following:

"TITLE XXXI CLEAN AIR COAL PROGRAM

"Sec. 3101. Findings; purposes; definitions.
"Sec. 3102. Authorization of program.
"Sec. 3103. Authorization of appropriations.
"Sec. 3104. Air pollution control project criteria.
"Sec. 3105. Criteria for generation projects.
"Sec. 3106. Financial criteria.
"Sec. 3107. Federal share.
"Sec. 3108. Applicability.".

TITLE V—INDIAN ENERGY

SEC. 501. SHORT TITLE.

This title may be cited as the "Indian Tribal Energy Development and Self-Determination Act of 2004".

SEC. 502. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

(a) In General.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

"Sec. 217. (a) Establishment.—There is established within the Department an Office of Indian Energy Policy and Programs (referred to in this section as the 'Office'). The Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) Duties of Director.—The Director, in accordance with Federal policies promoting Indian self-determination and the purposes of this Act, shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote Indian tribal energy development, efficiency, and use;

"(2) reduce or stabilize energy costs;

"(3) enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and

"(4) bring electrical power and service to Indian land and the homes of tribal members located on Indian lands or acquired, constructed, or improved (in whole or in part) with Federal funds.".

(b) Conforming Amendments.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking "Section" and inserting "Sec."; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"Sec. 213. Establishment of policy for National Nuclear Security Administration.
"Sec. 214. Establishment of security, counterintelligence, and intelligence policies.
"Sec. 215. Office of Counterintelligence.
"Sec. 216. Office of Intelligence.
"Sec. 217. Office of Indian Energy Policy and Programs.".

(2) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 503. INDIAN ENERGY.

(a) In General.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

"TITLE XXVI—INDIAN ENERGY

"SEC. 2601. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

"(2) The term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

"(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

"(iii) by a dependent Indian community; and

"(C) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or that was conveyed by the United States to a Native Corporation in exchange for such land.

"(3) The term 'Indian reservation' includes—

"(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

"(B) a public domain Indian allotment; and

"(C) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

"(i) on original or acquired territory of the community; or

"(ii) within or outside the boundaries of any particular State.

"(4) The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except that the term 'Indian tribe', for the purpose of paragraph (11) and sections 2603(b)(3) and 2604, shall not include any Native Corporation.

"(5) The term 'integration of energy resources' means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission or distribution facility) on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

"(6) The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(7) The term 'organization' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

"(8) The term 'Program' means the Indian energy resource development program established under section 2602(a).

"(9) The term 'Secretary' means the Secretary of the Interior.

"(10) The term 'tribal energy resource development organization' means an organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance authorized by section 2602.

"(11) The term 'tribal land' means any land or interests in land owned by any Indian tribe, title to which is held in trust by the United States or which is subject to a restriction against alienation under laws of the United States.

"SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

"(a) Department of the Interior Program.—

"(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

“(2) In carrying out the Program, the Secretary shall—

“(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

“(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

“(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources.

“(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

“(b) Department of Energy Indian Energy Education Planning and Management Assistance Program.—

“(1) The Director shall establish programs to assist consenting Indian tribes in meeting energy education, research and development, planning, and management needs.

“(2) In carrying out this subsection, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

“(A) energy, energy efficiency, and energy conservation programs;

“(B) studies and other activities supporting tribal acquisitions of energy supplies, services, and facilities;

“(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

“(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

“(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this subsection.

“(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

“(4) The Secretary of Energy may issue such regulations as necessary to carry out this subsection.

“(5) There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2004 through 2014.

“(c) Department of Energy Loan Guarantee Program.—

“(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

“(2) A loan guarantee under this subsection shall be made by—

“(A) a financial institution subject to examination by the Secretary of Energy; or

“(B) an Indian tribe, from funds of the Indian tribe.

“(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

“(4) The Secretary of Energy may issue such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

“(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

“(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to Congress on the financing requirements of Indian tribes for energy development on Indian land.

“(d) Federal Agencies-Indian Energy Preference.—

“(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

“(2) In carrying out this subsection, a Federal agency or department shall not—

“(A) pay more than the prevailing market price for an energy product or byproduct; or

“(B) obtain less than prevailing market terms and conditions.

“SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

“(a) Grants.—The Secretary may provide to Indian tribes, on an annual basis, grants for use in accordance with subsection (b).

“(b) Use of Funds.—Funds from a grant provided under this section may be used—

“(1) by an Indian tribe for the development of a tribal energy resource inventory or tribal energy resource on Indian land;

“(2) by an Indian tribe for the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

“(3) by an Indian tribe (other than an Indian Tribe in Alaska except the Metlakatla Indian Community) for the development and enforcement of tribal laws (including regulations) relating to tribal energy resource development and the development of technical infrastructure to protect the environment under applicable law; or

“(4) by a Native Corporation for the development and implementation of corporate policies and the development of technical infrastructure to protect the environment under applicable law; and

“(5) by an Indian tribe for the training of employees that—

“(A) are engaged in the development of energy resources on Indian land; or

“(B) are responsible for protecting the environment.

“(c) Other Assistance.—In carrying out the obligations of the United States under this title, the Secretary shall ensure, to the maximum extent practicable and to the extent of available resources, that upon the request of an Indian tribe, the Indian tribe shall have available scientific and technical information and expertise, for use in the Indian tribe's regulation, development, and management of energy resources on Indian land. The Secretary may fulfill this responsibility either directly, through the use of Federal officials, or indirectly, by providing financial assistance to the Indian tribe to secure independent assistance.

“SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

“(a) Leases and Business Agreements.—Subject to the provisions of this section—

“(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy resource development on tribal land, including a lease or business agreement for—

“(A) exploration for, extraction of, processing of, or other development of the Indian tribe's energy mineral resources located on tribal land; and

“(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land or a facility to process or refine energy resources developed on tribal land; and

“(2) such lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of law, if—

“(A) the lease or business agreement is executed pursuant to a tribal energy resource agreement approved by the Secretary under subsection (e);

“(B) the term of the lease or business agreement does not exceed—

“(i) 30 years; or

“(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

“(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to the provisions required by subsection (e)(2)(D)(i)).

“(b) Rights-Of-Way for Pipelines or Electric Transmission or Distribution Lines.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without approval by the Secretary if—

“(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

“(2) the term of the right-of-way does not exceed 30 years;

“(3) the pipeline or electric transmission or distribution line serves—

“(A) an electric generation, transmission, or distribution facility located on tribal land; or

“(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

“(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the Indian tribe's activities under such agreement described in subparagraphs (D) and (E) of subsection (e)(2)).

“(c) Renewals.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

“(d) Validity.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized by the provisions of a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

“(e) Tribal Energy Resource Agreements.—

“(1) On issuance of regulations under paragraph (8), an Indian tribe may submit to the

Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

“(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), or not later than 60 days after the Secretary receives a revised tribal energy resource agreement submitted by an Indian tribe under paragraph (4)(C), (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

“(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

“(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe;

“(ii) the tribal energy resource agreement includes provisions required under subparagraph (D); and

“(iii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

“(I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

“(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

“(III) address amendments and renewals;

“(IV) address the economic return to the Indian tribe under leases, business agreements, and rights-of-way;

“(V) address technical or other relevant requirements;

“(VI) establish requirements for environmental review in accordance with subparagraph (C);

“(VII) ensure compliance with all applicable environmental laws;

“(VIII) identify final approval authority;

“(IX) provide for public notification of final approvals;

“(X) establish a process for consultation with any affected States concerning off-reservation impacts, if any, identified pursuant to the provisions required under subparagraph (C)(i);

“(XI) describe the remedies for breach of the lease, business agreement, or right-of-way;

“(XII) require each lease, business agreement, and right-of-way to include a statement that, in the event that any of its provisions violates an express term or requirement set forth in the tribal energy resource agreement pursuant to which it was executed—

“(aa) such provision shall be null and void; and

“(bb) if the Secretary determines such provision to be material, the Secretary shall have the authority to suspend or rescind the lease, business agreement, or right-of-way or take other appropriate action that the Secretary determines to be in the best interest of the Indian tribe;

“(XIII) require each lease, business agreement, and right-of-way to provide that it will become effective on the date on which a copy of the executed lease, business agreement, or right-of-way is delivered to the Secretary in accordance with regulations adopted pursuant to this subsection; and

“(XIV) include citations to tribal laws, regulations, or procedures, if any, that set out tribal remedies that must be exhausted before a petition may be submitted to the Secretary pursuant to paragraph (7)(B).

“(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

“(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative), including effects on cultural resources;

“(ii) the identification of proposed mitigation;

“(iii) a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impacts of the proposed action before tribal approval of the lease, business agreement, or right-of-way; and

“(iv) sufficient administrative support and technical capability to carry out the environmental review process.

“(D) A tribal energy resource agreement negotiated between the Secretary and an Indian tribe in accordance with this subsection shall include—

“(i) provisions requiring the Secretary to conduct a periodic review and evaluation to monitor the performance of the Indian tribe's activities associated with the development of energy resources under the tribal energy resource agreement; and

“(ii) when such review and evaluation result in a finding by the Secretary of imminent jeopardy to a physical trust asset arising from a violation of the tribal energy resource agreement or applicable Federal laws, provisions authorizing the Secretary to take appropriate actions determined by the Secretary to be necessary to protect such asset, which actions may include reassumption of responsibility for activities associated with the development of energy resources on tribal land until the violation and conditions that gave rise to such jeopardy have been corrected.

“(E) The periodic review and evaluation described in subparagraph (D) shall be conducted on an annual basis, except that, after the third such annual review and evaluation, the Secretary and the Indian tribe may mutually agree to amend the tribal energy resource agreement to authorize the review and evaluation required by subparagraph (D) to be conducted once every 2 years.

“(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted for approval under paragraph (1). The Secretary's review of a tribal energy resource agreement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be limited to the direct effects of that approval.

“(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall, not later than 10 days after the date of disapproval—

“(A) notify the Indian tribe in writing of the basis for the disapproval;

“(B) identify what changes or other actions are required to address the concerns of the Secretary; and

“(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

“(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to paragraph (8), provide to the Secretary—

“(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

“(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payments to be made directly to the Indian tribe, information and documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States to enforce the terms of, and protect the Indian tribe's rights under, the lease, business agreement, or right-of-way.

“(6)(A) For purposes of the activities to be undertaken by the Secretary pursuant to this section, the Secretary shall—

“(i) carry out such activities in a manner consistent with the trust responsibility of the United States relating to mineral and other trust resources; and

“(ii) act in good faith and in the best interests of the Indian tribes.

“(B) Subject to the provisions of subsections (a)(2), (b), and (c) waiving the requirement of Secretarial approval of leases, business agreements, and rights-of-way executed pursuant to tribal energy resource agreements approved under this section, and the provisions of subparagraph (D), nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including, but not limited to, those which derive from the trust relationship or from any treaties, statutes, and other laws of the United States, Executive Orders, or agreements between the United States and any Indian tribe.

“(C) The Secretary shall continue to have a trust obligation to ensure that the rights and interests of an Indian tribe are protected in the event that—

“(i) any other party to any such lease, business agreement, or right-of-way violates any applicable provision of Federal law or the terms of any lease, business agreement, or right-of-way under this section; or

“(ii) any provision in such lease, business agreement, or right-of-way violates any express provision or requirement set forth in the tribal energy resource agreement pursuant to which the lease, business agreement, or right-of-way was executed.

“(D) Notwithstanding subparagraph (B), the United States shall not be liable to any party (including any Indian tribe) for any of the negotiated terms of, or any losses resulting from the negotiated terms of, a lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved by the Secretary under paragraph (2). For the purpose of this subparagraph, the term ‘negotiated terms’ means any terms or provisions that are negotiated by an Indian tribe and any other party or parties to a lease, business agreement, or right-of-way entered into pursuant to an approved tribal energy resource agreement.

“(7)(A) In this paragraph, the term ‘interested party’ means any person or entity the interests of which have sustained or will sustain a significant adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to paragraph (8), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(C)(i) Not later than 120 days after the date on which the Secretary receives a petition under subparagraph (B), the Secretary shall determine whether the Indian tribe is not in compliance with the tribal energy resource agreement, as alleged in the petition.

“(ii) The Secretary may adopt procedures under paragraph (8) authorizing an extension of time, not to exceed 120 days, for making the determination under clause (i) in any case in which the Secretary determines that additional time is necessary to evaluate the allegations of the petition.

“(iii) Subject to subparagraph (D), if the Secretary determines that the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition, the Secretary shall take such action as is necessary to ensure compliance with the provisions of the tribal energy resource agreement, which action may include—

“(I) temporarily suspending some or all activities under a lease, business agreement, or right-of-way under this section until the Indian tribe or such activities are in compliance with the provisions of the approved tribal energy resource agreement; or

“(II) rescinding approval of all or part of the tribal energy resource agreement, and if all of such agreement is rescinded, reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way described in subsections (a) and (b).

“(D) Prior to seeking to ensure compliance with the provisions of the tribal energy resource agreement of an Indian tribe under subparagraph (C)(iii), the Secretary shall—

“(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

“(ii) provide the Indian tribe with a written notice of the violations together with the written determination; and

“(iii) before taking any action described in subparagraph (C)(iii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

“(E) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations issued by the Secretary.

“(8) Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2004, the Secretary shall issue regulations that implement the provisions of this subsection, including—

“(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe;

“(B) a process and requirements in accordance with which an Indian tribe may—

“(i) voluntarily rescind a tribal energy resource agreement approved by the Secretary under this subsection; and

“(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection;

“(C) provisions setting forth the scope of, and procedures for, the periodic review and evaluation described in subparagraphs (D) and (E) of paragraph (2), including provisions for review of transactions, reports, site inspections, and any other review activities the Secretary determines to be appropriate; and

“(D) provisions defining final agency actions after exhaustion of administrative appeals from determinations of the Secretary under paragraph (7).

“(f) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of—

“(1) any Federal environment law;

“(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

“(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of fiscal years 2004 through 2014 to implement the provisions of this section and to make grants or provide other appropriate assistance to Indian tribes to assist the Indian tribes in developing and implementing tribal energy resource agreements in accordance with the provisions of this section.

“SEC. 2605. INDIAN MINERAL DEVELOPMENT REVIEW.

“(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

“(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2004, the Secretary shall submit to Congress a report that includes—

“(1) the results of the review;

“(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

“(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

“SEC. 2606. FEDERAL POWER MARKETING ADMINISTRATIONS.

“(a) DEFINITIONS.—In this section:

“(1) The term ‘Administrator’ means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

“(2) The term ‘power marketing administration’ means—

“(A) the Bonneville Power Administration;

“(B) the Western Area Power Administration; and

“(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

“(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

“(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

“(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes;

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

“(3) the Administrator of the Western Area Power Administration may purchase non-federally generated power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

“(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

“(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

“(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2004, the Secretary of Energy shall submit to Congress a report that—

“(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

“(2) identifies—

“(A) the quantity of power allocated to, or used for the benefit of, Indian tribes by the Western Area Power Administration;

“(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

“(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to deliver Federal power.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000, which shall remain available until expended and shall not be reimbursable.

“SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.

“(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

“(b) SCOPE OF STUDY.—The study shall—

“(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

“(2) review historical and projected requirements for firming power and the patterns of availability and use of firming power;

“(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

“(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

“(5) include an independent tribal engineer as a study team member.

"(c) REPORT.—Not later than 1 year after the date of enactment of the Energy Policy Act of 2003, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

"(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the use of combined wind and hydropower;

"(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

"(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

"(4) an identification of—

"(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

"(B) the manner in which such a partnership could contribute to the energy security of the United States.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000, to remain available until expended.

"(2) NONREIMBURSABILITY.—Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.".

(b) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 is amended by striking the items relating to title XXVI and inserting the following:

"Sec. 2601. Definitions.
"Sec. 2602. Indian tribal energy resource development.
"Sec. 2603. Indian tribal energy resource regulation.
"Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.
"Sec. 2605. Indian mineral development review.
"Sec. 2606. Federal Power Marketing Administrations.
"Sec. 2607. Wind and hydropower feasibility study.".

SEC. 504. FOUR CORNERS TRANSMISSION LINE PROJECT.

The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive grants and other assistance as authorized by section 217 of the Department of Energy Organization Act, as added by section 502 of this title, and section 2602 of the Energy Policy Act of 1992, as amended by this title, for activities associated with the development of a transmission line from the Four Corners Area to southern Nevada, including related power generation opportunities.

SEC. 505. ENERGY EFFICIENCY IN FEDERALLY ASSISTED HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall promote energy conservation in housing that is located on Indian land and assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(2) the promotion of shared savings contracts; and

(3) the use and implementation of such other similar technologies and innovations as the Secretary of Housing and Urban Development considers to be appropriate.

(b) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting "improvement to achieve greater energy efficiency," after "planning,".

SEC. 506. CONSULTATION WITH INDIAN TRIBES.

In carrying out this title and the amendments made by this title, the Secretary of Energy and the Secretary shall, as appropriate and to the maximum extent practicable, involve and consult with Indian tribes in a manner that is consistent with the Federal trust and the government-to-government relationships between Indian tribes and the United States.

TITLE VI—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2003".

SEC. 602. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "December 31, 2003" each place it appears and inserting "December 31, 2023".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "December 31, 2004" and inserting "December 31, 2023".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "December 31, 2023".

SEC. 603. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking "$63,000,000" and inserting "$95,800,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.(1)—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "August 20, 2003"; and

(C) in subparagraph (A), by striking "such date of enactment" and inserting "August 20, 2003".

SEC. 604. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following—

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2003, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 605. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 606. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "December 31, 2019".

SEC. 607. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 608. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 609. APPLICABILITY.

The amendments made by sections 603, 604, and 605 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 610. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR CERTAIN FOREIGN INCIDENTS.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"u. PROHIBITION ON ASSUMPTION OF LIABILITY FOR CERTAIN FOREIGN INCIDENTS.—Notwithstanding this section or any other provision of law, no officer of the United States or of any department, agency, or instrumentality of the United States Government may enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to directly or indirectly impose liability on the United States Government, or any department, agency, or instrumentality of the United States Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear incidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism). This subsection shall not apply to nuclear incidents occurring as a result of missions, carried out under the direction of the Secretary of Energy, the Secretary of Defense, or the Secretary of State, that are necessary to safely secure, store, transport, or remove nuclear materials for nuclear safety or nonproliferation purposes.".

SEC. 611. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any 1-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) occurring under a contract entered into before the date of enactment of this section.

Subtitle B—General Nuclear Matters

SEC. 621. LICENSES.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended by inserting "from the authorization to commence operations" after "forty years".

SEC. 622. NRC TRAINING PROGRAM.

(a) IN GENERAL.—In order to maintain the human resource investment and infrastructure of the United States in the nuclear sciences, health physics, and engineering fields, in accordance with the statutory authorities of the Nuclear Regulatory Commission relating to the civilian nuclear energy program, the Nuclear Regulatory Commission shall carry out a training and fellowship program to address shortages of individuals with critical nuclear safety regulatory skills.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Nuclear Regulatory Commission to carry out this section $1,000,000 for each of fiscal years 2004 through 2008.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

SEC. 623. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking "for or is issued" and all that follows through "1702" and inserting "to the Commission for, or is issued by the Commission, a license or certificate";

(2) by striking "483a" and inserting "9701"; and

(3) by striking ", of applicants for, or holders of, such licenses or certificates".

SEC. 624. ELIMINATION OF PENSION OFFSET.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following:

"y. Exempt from the application of sections 8344 and 8468 of title 5, United States Code, an annuitant who was formerly an employee of the Commission who is hired by the Commission as a consultant, if the Commission finds that the annuitant has a skill that is critical to the performance of the duties of the Commission.".

SEC. 625. ANTITRUST REVIEW.

Section 105 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2135(c)) is amended by adding at the end the following:

"(9) APPLICABILITY.—This subsection does not apply to an application for a license to construct or operate a utilization facility or production facility under section 103 or 104 b. that is filed on or after the date of enactment of this paragraph.".

SEC. 626. DECOMMISSIONING.

Section 161 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104 b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

SEC. 627. LIMITATION ON LEGAL FEE REIMBURSEMENT.

The Department of Energy shall not, except as required under a contract entered into before the date of enactment of this Act, reimburse any contractor or subcontractor of the Department for any legal fees or expenses incurred with respect to a complaint subsequent to—

(1) an adverse determination on the merits with respect to such complaint against the contractor or subcontractor by the Director of the Department of Energy's Office of Hearings and Appeals pursuant to part 708 of title 10, Code of Federal Regulations, or by a Department of Labor Administrative Law Judge pursuant to section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851); or

(2) an adverse final judgment by any State or Federal court with respect to such complaint against the contractor or subcontractor for wrongful termination or retaliation due to the making of disclosures protected under chapter 12 of title 5, United States Code, section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851), or any comparable State law,

unless the adverse determination or final judgment is reversed upon further administrative or judicial review.

SEC. 628. DECOMMISSIONING PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Energy shall establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas in accordance with the decommissioning activities contained in the August 31, 1998, Department of Energy report on the reactor.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $16,000,000.

SEC. 629. REPORT ON FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY GENERATION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on the feasibility of developing commercial nuclear energy generation facilities at Department of Energy sites in existence on the date of enactment of this Act.

SEC. 630. URANIUM SALES.

(a) SALES, TRANSFERS, AND SERVICES.—Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h-10) is amended by striking subsections (d), (e), and (f) and inserting the following:

"(3) The Secretary may transfer to the Corporation, notwithstanding subsections (b)(2) and (d), natural uranium in amounts sufficient to fulfill the Department of Energy's commitments under Article 4(B) of the Agreement between the Department and the Corporation dated June 17, 2002.

"(d) INVENTORY SALES.—(1) In addition to the transfers and sales authorized under subsections (b) and (c) and under paragraph (5) of this subsection, the United States Government may transfer or sell uranium in any form subject to paragraphs (2), (3), and (4).

"(2) Except as provided in subsections (b) and (c) and paragraph (5) of this subsection, no sale or transfer of uranium shall be made under this subsection by the United States Government unless—

"(A) the President determines that the material is not necessary for national security needs and the sale or transfer has no adverse impact on implementation of existing government-to-government agreements;

"(B) the price paid to the appropriate Federal agency, if the transaction is a sale, will not be less than the fair market value of the material; and

"(C) the sale or transfer to commercial nuclear power end users is made pursuant to a contract of at least 3 years' duration.

"(3) Except as provided in paragraph (5), the United States Government shall not make any transfer or sale of uranium in any form under this subsection that would cause the total amount of uranium transferred or sold pursuant to this subsection that is delivered for consumption by commercial nuclear power end users to exceed—

"(A) 3,000,000 pounds of U_3O_8 equivalent in fiscal year 2004, 2005, 2006, 2007, 2008, or 2009;

"(B) 5,000,000 pounds of U_3O_8 equivalent in fiscal year 2010 or 2011;

"(C) 7,000,000 pounds of U_3O_8 equivalent in fiscal year 2012; and

"(D) 10,000,000 pounds of U_3O_8 equivalent in fiscal year 2013 or any fiscal year thereafter.

"(4) Except for sales or transfers under paragraph (5), for the purposes of this subsection, the recovery of uranium from uranium bearing materials transferred or sold by the United States Government to the domestic uranium industry shall be the preferred method of making uranium available. The recovered uranium shall be counted against the annual maximum deliveries set forth in this section, when such uranium is sold to end users.

"(5) The United States Government may make the following sales and transfers:

"(A) Sales or transfers to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications.

"(B) Sales or transfers to any person for national security purposes, as determined by the Secretary.

"(C) Sales or transfers to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

"(D) Sales or transfers to the Department of Energy research reactor sales program.

"(E) Sales or transfers, at fair market value, for emergency purposes in the event of a disruption in supply to commercial nuclear power end users in the United States.

"(F) Sales or transfers, at fair market value, for use in a commercial reactor in the United States with nonstandard fuel requirements.

"(G) Sales or transfers provided for under law for use by the Tennessee Valley Authority in relation to the Department of Energy's highly enriched uranium or tritium programs.

"(6) For purposes of this subsection, the term 'United States Government' does not include the Tennessee Valley Authority.

"(e) SAVINGS PROVISION.—Nothing in this subchapter modifies the terms of the Russian HEU Agreement.

"(f) SERVICES.—Notwithstanding any other provision of this section, if the Secretary determines that the Corporation has failed, or may fail, to perform any obligation under the Agreement between the Department of Energy and the Corporation dated June 17, 2002, and as amended thereafter, which failure could result in termination of the Agreement, the Secretary shall notify Congress, in such a manner that affords Congress an opportunity to comment, prior to a determination by the Secretary whether termination, waiver, or modification of the Agreement is required. The Secretary is authorized to take such action as he determines necessary under the Agreement to terminate, waive, or modify provisions of the Agreement to achieve its purposes.".

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Energy shall report to Congress on the implementation of this section. The report shall include a discussion of available excess uranium inventories; all sales or transfers made by the United States Government; the impact of such sales or transfers on the domestic uranium industry, the spot market uranium price, and the national security interests of the United States; and any steps taken to remediate any adverse impacts of such sales or transfers.

SEC. 631. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of fiscal years 2004, 2005, and 2006 for—

(1) cooperative, cost-shared agreements between the Department of Energy and domestic uranium producers to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) DOMESTIC URANIUM PRODUCER.—For purposes of this section, the term "domestic uranium producer" has the meaning given that term in section 1018(4) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998.

(c) LIMITATION.—No activities funded under this section may be carried out in the State of New Mexico.

SEC. 632. WHISTLEBLOWER PROTECTION.

(a) DEFINITION OF EMPLOYER.—Section 211(a)(2) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and" and

(3) by adding at the end the following:

"(E) a contractor or subcontractor of the Commission.".

(b) DE NOVO REVIEW.—Subsection (b) of such section 211 is amended by adding at the end the following new paragraph:

"(4) If the Secretary has not issued a final decision within 540 days after the filing of a complaint under paragraph (1), and there is no showing that such delay is due to the bad faith of the person seeking relief under this paragraph, such person may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.".

SEC. 633. MEDICAL ISOTOPE PRODUCTION.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended—

(1) in subsection a., by striking "a. The Commission" and inserting "a. IN GENERAL.—Except as provided in subsection b., the Commission";

(2) by redesignating subsection b. as subsection c.; and

(3) by inserting after subsection a. the following:

"b. MEDICAL ISOTOPE PRODUCTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' means uranium enriched to include concentration of U–235 above 20 percent.

"(B) MEDICAL ISOTOPE.—The term 'medical isotope' includes Molybdenum 99, Iodine 131, Xenon 133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development.

"(C) RADIOPHARMACEUTICAL.—The term 'radiopharmaceutical' means a radioactive isotope that—

"(i) contains byproduct material combined with chemical or biological material; and

"(ii) is designed to accumulate temporarily in a part of the body for therapeutic purposes or for enabling the production of a useful image for use in a diagnosis of a medical condition.

"(D) RECIPIENT COUNTRY.—The term 'recipient country' means Canada, Belgium, France, Germany, and the Netherlands.

"(2) LICENSES.—The Commission may issue a license authorizing the export (including shipment to and use at intermediate and ultimate consignees specified in the license) to a recipient country of highly enriched uranium for medical isotope production if, in addition to any other requirements of this Act (except subsection a.), the Commission determines that—

"(A) a recipient country that supplies an assurance letter to the United States Government in connection with the consideration by the Commission of the export license application has informed the United States Government that any intermediate consignees and the ultimate consignee specified in the application are required to use the highly enriched uranium solely to produce medical isotopes; and

"(B) the highly enriched uranium for medical isotope production will be irradiated only in a reactor in a recipient country that—

"(i) uses an alternative nuclear reactor fuel; or

"(ii) is the subject of an agreement with the United States Government to convert to an alternative nuclear reactor fuel when alternative nuclear reactor fuel can be used in the reactor.

"(3) REVIEW OF PHYSICAL PROTECTION REQUIREMENTS.—

"(A) IN GENERAL.—The Commission shall review the adequacy of physical protection requirements that, as of the date of an application under paragraph (2), are applicable to the transportation and storage of highly enriched uranium for medical isotope production or control of residual material after irradiation and extraction of medical isotopes.

"(B) IMPOSITION OF ADDITIONAL REQUIREMENTS.—If the Commission determines that additional physical protection requirements are necessary (including a limit on the quantity of highly enriched uranium that may be contained in a single shipment), the Commission shall impose such requirements as license conditions or through other appropriate means.

"(4) FIRST REPORT TO CONGRESS.—

"(A) NAS STUDY.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study to determine—

"(i) the feasibility of procuring supplies of medical isotopes from commercial sources that do not use highly enriched uranium;

"(ii) the current and projected demand and availability of medical isotopes in regular current domestic use;

"(iii) the progress that is being made by the Department of Energy and others to eliminate all use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities; and

"(iv) the potential cost differential in medical isotope production in the reactors and target processing facilities if the products were derived from production systems that do not involve fuels and targets with highly enriched uranium.

"(B) Feasibility.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if—

"(i) low enriched uranium targets have been developed and demonstrated for use in the reactors and target processing facilities that produce significant quantities of medical isotopes to serve United States needs for such isotopes;

"(ii) sufficient quantities of medical isotopes are available from low enriched uranium targets and fuel to meet United States domestic needs; and

"(iii) the average anticipated total cost increase from production of medical isotopes in such facilities without use of highly enriched uranium is less than 10 percent.

"(C) Report by the secretary.—Not later than 5 years after the date of enactment of the Energy Policy Act of 2003, the Secretary shall submit to Congress a report that—

"(i) contains the findings of the National Academy of Sciences made in the study under subparagraph (A); and

"(ii) discloses the existence of any commitments from commercial producers to provide domestic requirements for medical isotopes without use of highly enriched uranium consistent with the feasibility criteria described in subparagraph (B) not later than the date that is 4 years after the date of submission of the report.

"(5) Second report to congress.—If the study of the National Academy of Sciences determines under paragraph (4)(A)(i) that the procurement of supplies of medical isotopes from commercial sources that do not use highly enriched uranium is feasible, but the Secretary is unable to report the existence of commitments under paragraph (4)(C)(ii), not later than the date that is 6 years after the date of enactment of the Energy Policy Act of 2003, the Secretary shall submit to Congress a report that describes options for developing domestic supplies of medical isotopes in quantities that are adequate to meet domestic demand without the use of highly enriched uranium consistent with the cost increase described in paragraph (4)(B)(iii).

"(6) Certification.—At such time as commercial facilities that do not use highly enriched uranium are capable of meeting domestic requirements for medical isotopes, within the cost increase described in paragraph (4)(B)(iii) and without impairing the reliable supply of medical isotopes for domestic utilization, the Secretary shall submit to Congress a certification to that effect.

"(7) Sunset provision.—After the Secretary submits a certification under paragraph (6), the Commission shall, by rule, terminate its review of export license applications under this subsection.".

SEC. 634. FERNALD BYPRODUCT MATERIAL.

Notwithstanding any other law, the material in the concrete silos at the Fernald uranium processing facility managed on the date of enactment of this Act by the Department of Energy shall be considered byproduct material (as defined by section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2))). The Department of Energy may dispose of the material in a facility regulated by the Nuclear Regulatory Commission or by an Agreement State. If the Department of Energy disposes of the material in such a facility, the Nuclear Regulatory Commission or the Agreement State shall regulate the material as byproduct material under that Act. This material shall remain subject to the jurisdiction of the Department of Energy until it is received at a commercial, Nuclear Regulatory Commission-licensed, or Agreement State-licensed facility, at which time the material shall be subject to the health and safety requirements of the Nuclear Regulatory Commission or the Agreement State with jurisdiction over the disposal site.

SEC. 635. SAFE DISPOSAL OF GREATER-THAN-CLASS C RADIOACTIVE WASTE.

(a) Designation of Responsibility.—The Secretary of Energy shall designate an Office within the Department of Energy to have the responsibility for activities needed to develop a new, or use an existing, facility for safely disposing of all low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Nuclear Regulatory Commission for Class C radioactive waste (referred to in this section as "GTCC waste").

(b) Comprehensive Plan.—The Secretary of Energy shall develop a comprehensive plan for permanent disposal of GTCC waste which includes plans for a disposal facility. This plan shall be transmitted to Congress in a series of reports, including the following:

(1) Report on short-term plan.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan describing the Secretary's operational strategy for continued recovery and storage of GTCC waste until a permanent disposal facility is available.

(2) Update of 1987 report.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to Congress an update of the Secretary's February 1987 report submitted to Congress that made comprehensive recommendations for the disposal of GTCC waste.

(B) Contents.—The update under this paragraph shall contain—

(i) a detailed description and identification of the GTCC waste that is to be disposed;

(ii) a description of current domestic and international programs, both Federal and commercial, for management and disposition of GTCC waste;

(iii) an identification of the Federal and private options and costs for the safe disposal of GTCC waste;

(iv) an identification of the options for ensuring that, wherever possible, generators and users of GTCC waste bear all reasonable costs of waste disposal;

(v) an identification of any new statutory authority required for disposal of GTCC waste; and

(vi) in coordination with the Environmental Protection Agency and the Nuclear Regulatory Commission, an identification of any new regulatory guidance needed for the disposal of GTCC waste.

(3) Report on cost and schedule for completion of environmental impact statement and record of decision.—Not later than 180 days after the date of submission of the update required under paragraph (2), the Secretary of Energy shall submit to Congress a report containing an estimate of the cost and schedule to complete a draft and final environmental impact statement and to issue a record of decision for a permanent disposal facility, utilizing either a new or existing facility, for GTCC waste.

SEC. 636. PROHIBITION ON NUCLEAR EXPORTS TO COUNTRIES THAT SPONSOR TERRORISM.

(a) In General.—Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting "a." before "No nuclear materials and equipment"; and

(2) by adding at the end the following new subsection:

"b.(1) Notwithstanding any other provision of law, including specifically section 121 of this Act, and except as provided in paragraphs (2) and (3), no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of this Act and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, shall be exported or reexported, or transferred or retransferred whether directly or indirectly, and no Federal agency shall issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of these items or assistance (as defined in this paragraph) to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

"(2) This subsection shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

"(3) The President may waive the application of paragraph (1) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

"(A) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

"(B) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

"(C) the waiver of that paragraph is in the vital national security interest of the United States; or

"(D) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.".

(b) Applicability to Exports Approved for Transfer but not Transferred.—Subsection b. of section 129 of Atomic Energy Act of 1954, as added by subsection (a) of this section, shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

SEC. 637. URANIUM ENRICHMENT FACILITIES.

(a) NUCLEAR REGULATORY COMMISSION REVIEW OF APPLICATIONS.—

(1) IN GENERAL.—In order to facilitate a timely review and approval of an application in a proceeding for a license for the construction and operation of a uranium enrichment facility under sections 53 and 63 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093) (referred to in this subsection as a "covered proceeding"), the Nuclear Regulatory Commission shall, not later than 30 days after the receipt of the application, establish, by order, the schedule for the conduct of any hearing that may be requested by any person whose interest may be affected by the covered proceeding.

(2) FINAL AGENCY DECISION.—The schedule shall provide that a final decision by the Commission on the application shall be made not later than the date that is 2 years after the date of submission of the application by the applicant.

(3) COMPLIANCE WITH SCHEDULE.—

(A) IN GENERAL.—The Commission shall establish a process to assess compliance with the schedule established under paragraph (1) on an ongoing basis during the course of the review of the application, including ensuring compliance with schedules and milestones that are established for the conduct of any covered proceeding by the Atomic Safety and Licensing Board.

(B) REPORT.—The Commission shall submit to Congress on a bimonthly basis a report describing the status of compliance with the schedule established under paragraph (1), including a description of the status of actions required to be completed pursuant to the schedule by officers and employees of—

(i) the Commission in undertaking the safety and environmental review of applications; and

(ii) the Atomic Safety and Licensing Board in the conduct of any covered proceeding.

(4) ENVIRONMENTAL REVIEW.—

(A) IN GENERAL.—In evaluating an application under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for licensing of a facility in a covered proceeding, the Commission shall limit the consideration of need to whether the licensing of the facility would advance the national interest of encouraging in the United States—

(i) additional secure, reliable uranium enrichment capacity;

(ii) diverse supplies and suppliers of uranium enrichment capacity; and

(iii) the deployment of advanced centrifuge enrichment technology.

(B) COMMENT.—In carrying out subparagraph (A), the Commission shall consider and solicit the views of other affected Federal agencies.

(C) ATOMIC SAFETY AND LICENSING BOARD.—

(i) IN GENERAL.—Except as provided in clause (ii), in any covered proceeding, the Commission shall allow the litigation and resolution by the Atomic Safety and Licensing Board of issues arising under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), on the basis of information submitted by the applicant in its environmental report, prior to publication of any required environmental impact statement.

(ii) EXCEPTIONS.—On the publication of any required environmental impact statement, issues may be proffered for resolution by the Atomic Safety and Licensing Board only if information or conclusions in the environmental impact statement differ significantly from the information or conclusions in the environmental report submitted by the applicant.

(D) ENVIRONMENTAL JUSTICE.—In a covered proceeding, the Commission shall apply the criteria in Appendix C of the final report entitled "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs" (NUREG–1748), published in August 2003, in any required review of environmental justice.

(5) LOW-LEVEL WASTE.—In any covered proceeding, the Commission shall—

(A) deem the obligation of the Secretary of Energy pursuant to section 3113 of the USEC Privitization Act (42 U.S.C. 2297 h-11) to constitute a plausible strategy with regard to the disposition of depleted uranium generated by such facility; and

(B) treat any residual material that remains following the extraction of any usable resource value from depleted uranium as low-level radioactive waste under part 61 of title 10, Code of Federal Regulations.

(6) ADJUDICATORY HEARING ON LICENSING OF URANIUM ENRICHMENT FACILITIES.—Section 193(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2243(b)) is amended by striking paragraph (2) and inserting the following:

"(2) TIMING.—On the issuance of a final decision on the application by the Atomic Safety and Licensing Board, the Commission shall issue and make immediately effective any license for the construction and operation of a uranium enrichment facility under sections 53 and 63, on a determination by the Commission that the issuance of the license would not cause irreparable injury to the public health and safety or the common defense and security, notwithstanding the pendency before the Commission of any appeal or petition for review of any decision of the Atomic Safety and Licensing Board.".

(b) DEPARTMENT OF ENERGY RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than 180 days after a request is made to the Secretary of Energy by an applicant for or recipient of a license for a uranium enrichment facility under section 53, 63, or 193 of the Atomic Energy Act of 1954 ((42 U.S.C. 2073, 2093, 2243), the Secretary shall enter into a memorandum of agreement with the applicant or licensee that provides a schedule for the transfer to the Secretary, not later than 5 years after the generation of any depleted uranium hexafluoride, of title and possession of the depleted uranium hexafluoride to be generated by the applicant or licensee.

(2) COST.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the memorandum of agreement shall specify the cost to be assessed by the Secretary for the transfer to the Secretary of the depleted uranium hexafluoride.

(B) NONDISCRIMINATORY BASIS.—The cost shall be determined by the Secretary on a nondiscriminatory basis.

(C) COST.—Taking into account the physical and chemical characteristics of such depleted uranium hexafluoride, the cost shall not exceed the cost assessed by the Secretary for the acceptance of depleted uranium hexafluoride under—

(i) the memorandum of agreement between the United States Department of Energy and the United States Enrichment Corporation Relating to Depleted Uranium, dated June 30, 1998; and

(ii) the Agreement Between the U.S. Department of Energy and USEC Inc., dated June 17, 2002.

SEC. 638. NATIONAL URANIUM STOCKPILE.

(a) STOCKPILE CREATION.—The Secretary of Energy may create a national low-enriched uranium stockpile with the goals to—

(1) enhance national energy security; and

(2) reduce global proliferation threats.

(b) SOURCE OF MATERIAL.—The Secretary shall obtain material for the stockpile from—

(1) material derived from blend-down of Russian highly enriched uranium derived from weapons materials; and

(2) domestically mined and enriched uranium.

(c) LIMITATION ON SALES OR TRANSFERS.—Sales or transfer of materials in the stockpile shall occur pursuant to section 3112 of the USEC Privitization Act (42 U.S.C. 2297h–10), as amended by section 630 of this Act.

Subtitle C—Advanced Reactor Hydrogen Cogeneration Project

SEC. 651. PROJECT ESTABLISHMENT.

The Secretary of Energy (in this subtitle referred to as the "Secretary") is directed to establish an Advanced Reactor Hydrogen Cogeneration Project.

SEC. 652. PROJECT DEFINITION.

The project shall consist of the research, development, design, construction, and operation of a hydrogen production cogeneration research facility that, relative to the current commercial reactors, enhances safety features, reduces waste production, enhances thermal efficiencies, increases proliferation resistance, and has the potential for improved economics and physical security in reactor siting. This facility shall be constructed so as to enable research and development on advanced reactors of the type selected and on alternative approaches for reactor-based production of hydrogen.

SEC. 653. PROJECT MANAGEMENT.

(a) MANAGEMENT.—The project shall be managed within the Department by the Office of Nuclear Energy, Science, and Technology.

(b) LEAD LABORATORY.—The lead laboratory for the project, providing the site for the reactor construction, shall be the Idaho National Engineering and Environmental Laboratory (in this subtitle referred to as "INEEL").

(c) STEERING COMMITTEE.—The Secretary shall establish a national steering committee with membership from the national laboratories, universities, and industry to provide advice to the Secretary and the Director of the Office of Nuclear Energy, Science, and Technology on technical and program management aspects of the project.

(d) COLLABORATION.—Project activities shall be conducted at INEEL, other national laboratories, universities, domestic industry, and international partners.

SEC. 654. PROJECT REQUIREMENTS.

(a) RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The project shall include planning, research and development, design, and construction of an advanced, next-generation, nuclear energy system suitable for enabling further research and development on advanced reactor technologies and alternative approaches for reactor-based generation of hydrogen.

(2) REACTOR TEST CAPABILITIES AT INEEL.—The project shall utilize, where appropriate, extensive reactor test capabilities resident at INEEL.

(3) ALTERNATIVES.—The project shall be designed to explore technical, environmental, and economic feasibility of alternative approaches for reactor-based hydrogen production.

(4) INDUSTRIAL LEAD.—The industrial lead for the project shall be a company incorporated in the United States.

(b) INTERNATIONAL COLLABORATION.—

(1) In general.—The Secretary shall seek international cooperation, participation, and financial contribution in this project.

(2) Assistance from international partners.—The Secretary may contract for assistance from specialists or facilities from member countries of the Generation IV International Forum, the Russian Federation, or other international partners where such specialists or facilities provide access to cost-effective and relevant skills or test capabilities.

(3) Generation IV international forum.—International activities shall be coordinated with the Generation IV International Forum.

(4) Generation IV nuclear energy systems program.—The Secretary may combine this project with the Generation IV Nuclear Energy Systems Program.

(c) Demonstration.—The overall project, which may involve demonstration of selected project objectives in a partner nation, must demonstrate both electricity and hydrogen production and may provide flexibility, where technically and economically feasible in the design and construction, to enable tests of alternative reactor core and cooling configurations.

(d) Partnerships.—The Secretary shall establish cost-shared partnerships with domestic industry or international participants for the research, development, design, construction, and operation of the research facility, and preference in determining the final project structure shall be given to an overall project which retains United States leadership while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

(e) Target Date.—The Secretary shall select technologies and develop the project to provide initial testing of either hydrogen production or electricity generation by 2010, or provide a report to Congress explaining why this date is not feasible.

(f) Waiver of Construction Timelines.—The Secretary is authorized to conduct the Advanced Reactor Hydrogen Cogeneration Project without the constraints of DOE Order 413.3, relating to program and project management for the acquisition of capital assets, as necessary to meet the specified operational date.

(g) Competition.—The Secretary may fund up to 2 teams for up to 1 year to develop detailed proposals for competitive evaluation and selection of a single proposal and concept for further progress. The Secretary shall define the format of the competitive evaluation of proposals.

(h) Use of Facilities.—Research facilities in industry, national laboratories, or universities either within the United States or with cooperating international partners may be used to develop the enabling technologies for the research facility. Utilization of domestic university-based facilities shall be encouraged to provide educational opportunities for student development.

(i) Role of Nuclear Regulatory Commission.—

(1) In general.—The Nuclear Regulatory Commission shall have licensing and regulatory authority for any reactor authorized under this subtitle, pursuant to section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842).

(2) Risk-based criteria.—The Secretary shall seek active participation of the Nuclear Regulatory Commission throughout the project to develop risk-based criteria for any future commercial development of a similar reactor architecture.

(j) Report.—The Secretary shall develop and transmit to Congress a comprehensive project plan not later than April 30, 2004. The project plan shall be updated annually with each annual budget submission.

SEC. 655. AUTHORIZATION OF APPROPRIATIONS.

(a) Research, Development, and Design Programs.—The following sums are authorized to be appropriated to the Secretary for all activities under this subtitle except for construction activities described in subsection (b):

(1) For fiscal year 2004, $35,000,000.

(2) For each of fiscal years 2005 through 2008, $150,000,000.

(3) For fiscal years beyond 2008, such sums as are necessary.

(b) Construction.—There are authorized to be appropriated to the Secretary for all project-related construction activities, to be available until expended, $500,000,000.

Subtitle D—Nuclear Security

SEC. 661. NUCLEAR FACILITY THREATS.

(a) Study.—The President, in consultation with the Nuclear Regulatory Commission (referred to in this subtitle as the "Commission") and other appropriate Federal, State, and local agencies and private entities, shall conduct a study to identify the types of threats that pose an appreciable risk to the security of the various classes of facilities licensed by the Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Such study shall take into account, but not be limited to—

(1) the events of September 11, 2001;

(2) an assessment of physical, cyber, biochemical, and other terrorist threats;

(3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;

(4) the potential for assistance in an attack from several persons employed at the facility;

(5) the potential for suicide attacks;

(6) the potential for water-based and air-based threats;

(7) the potential use of explosive devices of considerable size and other modern weaponry;

(8) the potential for attacks by persons with a sophisticated knowledge of facility operations;

(9) the potential for fires, especially fires of long duration;

(10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals;

(11) the adequacy of planning to protect the public health and safety at and around nuclear facilities, as appropriate, in the event of a terrorist attack against a nuclear facility; and

(12) the potential for theft and diversion of nuclear materials from such facilities.

(b) Summary and Classification Report.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress and the Commission a report—

(1) summarizing the types of threats identified under subsection (a); and

(2) classifying each type of threat identified under subsection (a), in accordance with existing laws and regulations, as either—

(A) involving attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or otherwise falling under the responsibilities of the Federal Government; or

(B) involving the type of risks that Commission licensees should be responsible for guarding against.

(c) Federal Action Report.—Not later than 90 days after the date on which a report is transmitted under subsection (b), the President shall transmit to Congress a report on actions taken, or to be taken, to address the types of threats identified under subsection (b)(2)(A), including identification of the Federal, State, and local agencies responsible for carrying out the obligations and authorities of the United States. Such report may include a classified annex, as appropriate.

(d) Regulations.—Not later than 180 days after the date on which a report is transmitted under subsection (b), the Commission may revise, by rule, the design basis threats issued before the date of enactment of this section as the Commission considers appropriate based on the summary and classification report.

(e) Physical Security Program.—The Commission shall establish an operational safeguards response evaluation program that ensures that the physical protection capability and operational safeguards response for sensitive nuclear facilities, as determined by the Commission consistent with the protection of public health and the common defense and security, shall be tested periodically through Commission approved or designed, observed, and evaluated force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. For purposes of this subsection, the term "sensitive nuclear facilities" includes at a minimum commercial nuclear power plants and category I fuel cycle facilities.

(f) Control of Information.—Notwithstanding any other provision of law, the Commission may undertake any rulemaking under this subtitle in a manner that will fully protect safeguards and classified national security information.

(g) Federal Security Coordinators.—

(1) Regional offices.—Not later than 18 months after the date of enactment of this Act, the Commission shall assign a Federal security coordinator, under the employment of the Commission, to each region of the Commission.

(2) Responsibilities.—The Federal security coordinator shall be responsible for—

(A) communicating with the Commission and other Federal, State, and local authorities concerning threats, including threats against such classes of facilities as the Commission determines to be appropriate;

(B) ensuring that such classes of facilities as the Commission determines to be appropriate maintain security consistent with the security plan in accordance with the appropriate threat level; and

(C) assisting in the coordination of security measures among the private security forces at such classes of facilities as the Commission determines to be appropriate and Federal, State, and local authorities, as appropriate.

(h) Training Program.—The President shall establish a program to provide technical assistance and training to Federal agencies, the National Guard, and State and local law enforcement and emergency response agencies in responding to threats against a designated nuclear facility.

SEC. 662. FINGERPRINTING FOR CRIMINAL HISTORY RECORD CHECKS.

(a) In General.—Subsection a. of section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169(a)) is amended—

(1) by striking "a. The Nuclear" and all that follows through "section 147." and inserting the following:

"a. IN GENERAL.—

"(1) REQUIREMENTS.—

"(A) IN GENERAL.—The Commission shall require each individual or entity—

"(i) that is licensed or certified to engage in an activity subject to regulation by the Commission;

"(ii) that has filed an application for a license or certificate to engage in an activity subject to regulation by the Commission; or

"(iii) that has notified the Commission, in writing, of an intent to file an application for licensing, certification, permitting, or approval of a product or activity subject to regulation by the Commission,

to fingerprint each individual described in subparagraph (B) before the individual is permitted unescorted access or access, whichever is applicable, as described in subparagraph (B).

"(B) INDIVIDUALS REQUIRED TO BE FINGERPRINTED.—The Commission shall require to be fingerprinted each individual who—

"(i) is permitted unescorted access to—

"(I) a utilization facility; or

"(II) radioactive material or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks; or

"(ii) is permitted access to safeguards information under section 147.";

(2) by striking "All fingerprints obtained by a licensee or applicant as required in the preceding sentence" and inserting the following:

"(2) SUBMISSION TO THE ATTORNEY GENERAL.—All fingerprints obtained by an individual or entity as required in paragraph (1)";

(3) by striking "The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant." and inserting the following:

"(3) COSTS.—The costs of any identification and records check conducted pursuant to paragraph (1) shall be paid by the individual or entity required to conduct the fingerprinting under paragraph (1)(A)."; and

(4) by striking "Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to licensee or applicant submitting such fingerprints." and inserting the following:

"(4) PROVISION TO INDIVIDUAL OR ENTITY REQUIRED TO CONDUCT FINGERPRINTING.—Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to the individual or entity required to conduct the fingerprinting under paragraph (1)(A).".

(b) ADMINISTRATION.—Subsection c. of section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169(c)) is amended—

(1) by striking ", subject to public notice and comment, regulations—" and inserting "requirements—"; and

(2) by striking, in paragraph (2)(B), "unescorted access to the facility of a licensee or applicant" and inserting "unescorted access to a utilization facility, radioactive material, or other property described in subsection a.(1)(B)".

(c) BIOMETRIC METHODS.—Subsection d. of section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169(d)) is redesignated as subsection e., and the following is inserted after subsection c.:

"d. USE OF OTHER BIOMETRIC METHODS.—The Commission may satisfy any requirement for a person to conduct fingerprinting under this section using any other biometric method for identification approved for use by the Attorney General, after the Commission has approved the alternative method by rule.".

SEC. 663. USE OF FIREARMS BY SECURITY PERSONNEL OF LICENSEES AND CERTIFICATE HOLDERS OF THE COMMISSION.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following subsection:

"(z)(1) notwithstanding section 922(o), (v), and (w) of title 18, United States Code, or any similar provision of any State law or any similar rule or regulation of a State or any political subdivision of a State prohibiting the transfer or possession of a handgun, a rifle or shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for the foregoing, or a large capacity ammunition feeding device, authorize security personnel of licensees and certificate holders of the Commission (including employees of contractors of licensees and certificate holders) to receive, possess, transport, import, and use 1 or more of those weapons, ammunition, or devices, if the Commission determines that—

"(A) such authorization is necessary to the discharge of the security personnel's official duties; and

"(B) the security personnel—

"(i) are not otherwise prohibited from possessing or receiving a firearm under Federal or State laws pertaining to possession of firearms by certain categories of persons;

"(ii) have successfully completed requirements established through guidelines implementing this subsection for training in use of firearms and tactical maneuvers;

"(iii) are engaged in the protection of—

"(I) facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission; or

"(II) radioactive material or other property owned or possessed by a person that is a licensee or certificate holder of the Commission, or that is being transported to or from a facility owned or operated by such a licensee or certificate holder, and that has been determined by the Commission to be of significance to the common defense and security or public health and safety; and

"(iv) are discharging their official duties.

"(2) Such receipt, possession, transportation, importation, or use shall be subject to—

"(A) chapter 44 of title 18, United States Code, except for section 922(a)(4), (o), (v), and (w);

"(B) chapter 53 of title 26, United States Code, except for section 5844; and

"(C) a background check by the Attorney General, based on fingerprints and including a check of the system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) to determine whether the person applying for the authority is prohibited from possessing or receiving a firearm under Federal or State law.

"(3) This subsection shall become effective upon the issuance of guidelines by the Commission, with the approval of the Attorney General, to govern the implementation of this subsection.

"(4) In this subsection, the terms 'handgun', 'rifle', 'shotgun', 'firearm', 'ammunition', 'machinegun', 'semiautomatic assault weapon', 'large capacity ammunition feeding device', 'short-barreled shotgun', and 'short-barreled rifle' shall have the meanings given those terms in section 921(a) of title 18, United States Code.".

SEC. 664. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

SEC. 665. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

(a) IN GENERAL.—Section 236 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)—

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)—

(A) by striking "facility licensed" and inserting ", uranium conversion, or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the comma at the end and inserting a semicolon; and

(4) by inserting after paragraph (4) the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, uranium conversion, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the destruction or damage caused or attempted to be caused could adversely affect .public health and safety during the operation of the facility;

"(6) any primary facility or backup facility from which a radiological emergency preparedness alert and warning system is activated; or

"(7) any radioactive material or other property subject to regulation by the Nuclear Regulatory Commission that, before the date of the offense, the Nuclear Regulatory Commission determines, by order or regulation published in the Federal Register, is of significance to the public health and safety or to common defense and security,".

(b) PENALTIES.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284) is amended by striking "$10,000 or imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life" both places it appears and inserting "$1,000,000 or imprisoned for up to life without parole".

SEC. 666. SECURE TRANSFER OF NUCLEAR MATERIALS.

(a) AMENDMENT.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201–2210b) is amended by adding at the end the following new section:

"SEC. 170C. SECURE TRANSFER OF NUCLEAR MATERIALS.

"a. The Nuclear Regulatory Commission shall establish a system to ensure that materials described in subsection b., when transferred or received in the United States by any party pursuant to an import or export license issued pursuant to this Act, are accompanied by a manifest describing the type and amount of materials being transferred or received. Each individual receiving or accompanying the transfer of such materials shall be subject to a security background check conducted by appropriate Federal entities.

"b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16)))."

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it considers necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials or classes of individuals that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170C of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b), except that the background check requirement shall become effective on a date established by the Commission.

(d) EFFECT ON OTHER LAW.—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 14 of the Atomic Energy Act of 1954 is amended by adding at the end the following new item:

"Sec. 170C. Secure transfer of nuclear materials.".

SEC. 667. DEPARTMENT OF HOMELAND SECURITY CONSULTATION.

Before issuing a license for a utilization facility, the Nuclear Regulatory Commission shall consult with the Department of Homeland Security concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack.

SEC. 668. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

(b) AGGREGATE AMOUNT OF CHARGES.—Section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and" and

(3) by adding at the end the following:

"(iii) amounts appropriated to the Commission for homeland security activities of the Commission for the fiscal year, except for the costs of fingerprinting and background checks required by section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections.".

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

SEC. 701. USE OF ALTERNATIVE FUELS BY DUAL-FUELED VEHICLES.

Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E)(i) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that an agency qualifies for a waiver of such requirement for vehicles operated by the agency in a particular geographic area in which—

"(I) the alternative fuel otherwise required to be used in the vehicle is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency; or

"(II) the cost of the alternative fuel otherwise required to be used in the vehicle is unreasonably more expensive compared to gasoline, as certified to the Secretary by the head of the agency.

"(ii) The Secretary shall monitor compliance with this subparagraph by all such fleets and shall report annually to Congress on the extent to which the requirements of this subparagraph are being achieved. The report shall include information on annual reductions achieved from the use of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels.".

SEC. 702. NEIGHBORHOOD ELECTRIC VEHICLES.

(a) AMENDMENTS.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) in paragraph (13), by striking "and" at the end;

(3) in paragraph (14), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that—

"(A) meets the definition of a low-speed vehicle (as defined in part 571 of title 49, Code of Federal Regulations);

"(B) meets the definition of a zero-emission vehicle (as defined in section 86.1702–99 of title 40, Code of Federal Regulations);

"(C) meets the requirements of Federal Motor Vehicle Safety Standard No. 500; and

"(D) has a maximum speed of not greater than 25 miles per hour.".

(b) CREDITS.—Notwithstanding section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) or any other provision of law, a neighborhood electric vehicle shall not be allocated credit as more than 1 vehicle for purposes of determining compliance with any requirement under title III or title V of such Act.

SEC. 703. CREDITS FOR MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) CREDIT FOR PURCHASE OF MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.—

"(1) DEFINITIONS.—In this subsection:

"(A) HEAVY DUTY DEDICATED VEHICLE.—The term 'heavy duty dedicated vehicle' means a dedicated vehicle that has a gross vehicle weight rating of more than 14,000 pounds.

"(B) MEDIUM DUTY DEDICATED VEHICLE.—The term 'medium duty dedicated vehicle' means a dedicated vehicle that has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

"(2) CREDITS FOR MEDIUM DUTY VEHICLES.—The Secretary shall issue 2 full credits to a fleet or covered person under this title, if the fleet or covered person acquires a medium duty dedicated vehicle.

"(3) CREDITS FOR HEAVY DUTY VEHICLES.—The Secretary shall issue 3 full credits to a fleet or covered person under this title, if the fleet or covered person acquires a heavy duty dedicated vehicle.

"(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.".

SEC. 704. INCREMENTAL COST ALLOCATION.

Section 303(c) of the Energy Policy Act of 1992 (42 U.S.C. 13212(c)) is amended by striking "may" and inserting "shall".

SEC. 705. ALTERNATIVE COMPLIANCE AND FLEXIBILITY.

(a) ALTERNATIVE COMPLIANCE.—

(1) IN GENERAL.—Title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) is amended—

(A) by redesignating section 514 as section 515; and

(B) by inserting after section 513 the following:

"SEC. 514. ALTERNATIVE COMPLIANCE.

"(a) APPLICATION FOR WAIVER.—Any covered person subject to section 501 and any State subject to section 507(o) may petition the Secretary for a waiver of the applicable requirements of section 501 or 507(o).

"(b) GRANT OF WAIVER.—The Secretary may grant a waiver of the requirements of section 501 or 507(o) upon a showing that the fleet owned, operated, leased, or otherwise controlled by the State or covered person—

"(1) will achieve a reduction in its annual consumption of petroleum fuels equal to the reduction in consumption of petroleum that would result from 100 percent compliance with fuel use requirements in section 501, or, for entities covered under section 507(o), a reduction equal to the covered State entity's consumption of alternative fuels if all its alternative fuel vehicles given credit under section 508 were to use alternative fuel 100 percent of the time; and

"(2) is in compliance with all applicable vehicle emission standards established by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(c) REVOCATION OF WAIVER.—The Secretary shall revoke any waiver granted under this section if the State or covered person fails to comply with subsection (b).".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 514 and inserting the following:

"Sec. 514. Alternative compliance.
"Sec. 515. Authorization of appropriations.".

(b) CREDITS.—Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) (as amended by section 703) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall allocate a credit to a fleet or covered person that is required to acquire an alternative fueled vehicle under this title, if that fleet or person acquires an alternative fueled vehicle—

"(1) in excess of the number that fleet or person is required to acquire under this title;

"(2) before the date on which that fleet or person is required to acquire an alternative fueled vehicle under this title; or

"(3) that is eligible to receive credit under subsection (b).

"(b) MAXIMUM AVAILABLE POWER.—The Secretary shall allocate credit to a fleet under subsection (a)(3) for the acquisition by the fleet of a hybrid vehicle as follows:

"(1) For a hybrid vehicle with at least 4 percent but less than 10 percent maximum available power, the Secretary shall allocate 25 percent of 1 credit.

"(2) For a hybrid vehicle with at least 10 percent but less than 20 percent maximum available power, the Secretary shall allocate 50 percent of 1 credit.

"(3) For a hybrid vehicle with at least 20 percent but less than 30 percent maximum available power, the Secretary shall allocate 75 percent of 1 credit.

"(4) For a hybrid vehicle with 30 percent or more maximum available power, the Secretary shall allocate 1 credit."; and

(3) by adding at the end the following:

"(g) Credit for Investment in Alternative Fuel Infrastructure.—

"(1) Definition of qualifying infrastructure.—In this subsection, the term 'qualifying infrastructure' means—

"(A) equipment required to refuel or recharge alternative fueled vehicles;

"(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles; and

"(C) such other activities as the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

"(2) Issuance of credits.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

"(3) Amount.—For the purpose of credits under this subsection—

"(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or equivalent expenditure, as determined by the Secretary; and

"(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

"(4) Use of credits.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

"(h) Definition of Maximum Available Power.—In this section, the term 'maximum available power' means the quotient obtained by dividing—

"(1) the maximum power available from the energy storage device of a hybrid vehicle, during a standard 10-second pulse power or equivalent test; by

"(2) the sum of—

"(A) the maximum power described in subparagraph (A); and

"(B) the net power of the internal combustion or heat engine, as determined in accordance with standards established by the Society of Automobile Engineers.".

(c) Lease Condensate Fuels.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) (as amended by section 702) is amended—

(1) in paragraph (2), by inserting "mixtures containing 50 percent or more by volume of lease condensate or fuels extracted from lease condensate;" after "liquefied petroleum gas;";

(2) in paragraph (14)—

(A) by inserting "mixtures containing 50 percent or more by volume of lease condensate or fuels extracted from lease condensate," after "liquefied petroleum gas,"; and

(B) by striking "and" at the end;

(3) in paragraph (15), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(16) the term 'lease condensate' means a mixture, primarily of pentanes and heavier hydrocarbons, that is recovered as a liquid from natural gas in lease separation facilities.".

(d) Lease Condensate Use Credits.—

(1) In general.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.) is amended by adding at the end the following:

"SEC. 313. LEASE CONDENSATE USE CREDITS.

"(a) In General.—Subject to subsection (d), the Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of the lease condensate component of fuel containing at least 50 percent lease condensate, or fuels extracted from lease condensate, after the date of enactment of this section for use by the fleet or covered person in vehicles owned or operated by the fleet or covered person that weigh more than 8,500 pounds gross vehicle weight rating.

"(b) Requirements.—A credit allocated under this section—

"(1) shall be subject to the same exceptions, authority, documentation, and use of credits that are specified for qualifying volumes of biodiesel in section 312; and

"(2) shall not be considered a credit under section 508.

"(c) Regulation.—

"(1) In general.—Subject to subsection (d), not later than January 1, 2004, after the collection of appropriate information and data that consider usage options, uses in other industries, products, or processes, potential volume capacities, costs, air emissions, and fuel efficiencies, the Secretary shall issue a regulation establishing requirements and procedures for the implementation of this section.

"(2) Qualifying volume.—The regulation shall include a determination of an appropriate qualifying volume for lease condensate, except that in no case shall the Secretary determine that the qualifying volume for lease condensate is less than 1,125 gallons.

"(d) Applicability.—This section applies unless the Secretary finds that the use of lease condensate as an alternative fuel would adversely affect public health or safety or ambient air quality or the environment.".

(2) Table of contents amendment.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title III the following:

"Sec. 313. Lease condensate use credits.".

(e) Emergency Exemption.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) (as amended by section 702 and this section) is amended in paragraph (9)(E) by inserting before the semicolon at the end ", including vehicles directly used in the emergency repair of transmission lines and in the restoration of electricity service following power outages, as determined by the Secretary".

SEC. 706. REVIEW OF ENERGY POLICY ACT OF 1992 PROGRAMS.

(a) In General.—Not later than 180 days after the date of enactment of this section, the Secretary of Energy shall complete a study to determine the effect that titles III, IV, and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.) have had on—

(1) the development of alternative fueled vehicle technology;

(2) the availability of that technology in the market; and

(3) the cost of alternative fueled vehicles.

(b) Topics.—As part of the study under subsection (a), the Secretary shall specifically identify—

(1) the number of alternative fueled vehicles acquired by fleets or covered persons required to acquire alternative fueled vehicles;

(2) the quantity, by type, of alternative fuel actually used in alternative fueled vehicles acquired by fleets or covered persons;

(3) the quantity of petroleum displaced by the use of alternative fuels in alternative fueled vehicles acquired by fleets or covered persons;

(4) the direct and indirect costs of compliance with requirements under titles III, IV, and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.), including—

(A) vehicle acquisition requirements imposed on fleets or covered persons;

(B) administrative and recordkeeping expenses;

(C) fuel and fuel infrastructure costs;

(D) associated training and employee expenses; and

(E) any other factors or expenses the Secretary determines to be necessary to compile reliable estimates of the overall costs and benefits of complying with programs under those titles for fleets, covered persons, and the national economy;

(5) the existence of obstacles preventing compliance with vehicle acquisition requirements and increased use of alternative fuel in alternative fueled vehicles acquired by fleets or covered persons; and

(6) the projected impact of amendments to the Energy Policy Act of 1992 made by this title.

(c) Report.—Upon completion of the study under this section, the Secretary shall submit to Congress a report that describes the results of the study and includes any recommendations of the Secretary for legislative or administrative changes concerning the alternative fueled vehicle requirements under titles III, IV and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.).

SEC. 707. REPORT CONCERNING COMPLIANCE WITH ALTERNATIVE FUELED VEHICLE PURCHASING REQUIREMENTS.

Section 310(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13218(b)(1)) is amended by striking "1 year after the date of enactment of this subsection" and inserting "February 15, 2004".

Subtitle B—Hybrid Vehicles, Advanced Vehicles, and Fuel Cell Buses

PART I—HYBRID VEHICLES

SEC. 711. HYBRID VEHICLES.

The Secretary of Energy shall accelerate efforts directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

PART II—ADVANCED VEHICLES

SEC. 721. DEFINITIONS.

In this part:

(1) Alternative fueled vehicle.—

(A) In general.—The term "alternative fueled vehicle" means a vehicle propelled solely on an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)).

(B) Exclusion.—The term "alternative fueled vehicle" does not include a vehicle that the Secretary determines, by regulation, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) Fuel cell vehicle.—The term "fuel cell vehicle" means a vehicle propelled by an

electric motor powered by a fuel cell system that converts chemical energy into electricity by combining oxygen (from air) with hydrogen fuel that is stored on the vehicle or is produced onboard by reformation of a hydrocarbon fuel. Such fuel cell system may or may not include the use of auxiliary energy storage systems to enhance vehicle performance.

(3) Hybrid vehicle.—The term "hybrid vehicle" means a medium or heavy duty vehicle propelled by an internal combustion engine or heat engine using any combustible fuel and an onboard rechargeable energy storage device.

(4) Neighborhood electric vehicle.—The term "neighborhood electric vehicle" means a motor vehicle that—

(A) meets the definition of a low-speed vehicle (as defined in part 571 of title 49, Code of Federal Regulations);

(B) meets the definition of a zero-emission vehicle (as defined in section 86.1702-99 of title 40, Code of Federal Regulations);

(C) meets the requirements of Federal Motor Vehicle Safety Standard No. 500; and

(D) has a maximum speed of not greater than 25 miles per hour.

(5) Pilot program.—The term "pilot program" means the competitive grant program established under section 722.

(6) Secretary.—The term "Secretary" means the Secretary of Energy.

(7) Ultra-low sulfur diesel vehicle.—The term "ultra-low sulfur diesel vehicle" means a vehicle manufactured in any of model years 2003 through 2006 powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel that contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model year 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the quantity of emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best-performing technology of ultra-low sulfur diesel vehicles of the same class and application that are commercially available.

SEC. 722. PILOT PROGRAM.

(a) Establishment.—The Secretary, in consultation with the Secretary of Transportation, shall establish a competitive grant pilot program, to be administered through the Clean Cities Program of the Department of Energy, to provide not more than 15 geographically dispersed project grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) Grant Purposes.—A grant under this section may be used for the following purposes:

(1) The acquisition of alternative fueled vehicles or fuel cell vehicles, including—

(A) passenger vehicles (including neighborhood electric vehicles); and

(B) motorized 2-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of alternative fueled vehicles, hybrid vehicles, or fuel cell vehicles, including—

(A) buses used for public transportation or transportation to and from schools;

(B) delivery vehicles for goods or services; and

(C) ground support vehicles at public airports (including vehicles to carry baggage or push or pull airplanes toward or away from terminal gates).

(3) The acquisition of ultra-low sulfur diesel vehicles.

(4) Installation or acquisition of infrastructure necessary to directly support an alternative fueled vehicle, fuel cell vehicle, or hybrid vehicle project funded by the grant, including fueling and other support equipment.

(5) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) Applications.—

(1) Requirements.—

(A) In general.—The Secretary shall issue requirements for applying for grants under the pilot program.

(B) Minimum requirements.—At a minimum, the Secretary shall require that an application for a grant—

(i) be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and a registered participant in the Clean Cities Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including how the project meets the requirements of this part;

(II) an estimate of the ridership or degree of use of the project;

(III) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the project, and a plan to collect and disseminate environmental data, related to the project to be funded under the grant, over the life of the project;

(IV) a description of how the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(VI) a description of which costs of the project will be supported by Federal assistance under this part; and

(VII) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the project, and a commitment by the applicant to use such fuel in carrying out the project.

(2) Partners.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) Selection Criteria.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider each applicant's previous experience with similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize protection of the environment;

(B) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this part is completed; and

(C) exceed the minimum requirements of subsection (c)(1)(B)(ii).

(e) Pilot Project Requirements.—

(1) Maximum amount.—The Secretary shall not provide more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) Cost sharing.—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) Maximum period of grants.—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) Deployment and distribution.—The Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(5) Transfer of information and knowledge.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) Schedule.—

(1) Publication.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due not later than 180 days after the date of publication of the notice.

(2) Selection.—Not later than 180 days after the date by which applications for grants are due, the Secretary shall select by competitive, peer reviewed proposal, all applications for projects to be awarded a grant under the pilot program.

(g) Limit on Funding.—The Secretary shall provide not less than 20 nor more than 25 percent of the grant funding made available under this section for the acquisition of ultra-low sulfur diesel vehicles.

SEC. 723. REPORTS TO CONGRESS.

(a) Initial Report.—Not later than 60 days after the date on which grants are awarded under this part, the Secretary shall submit to Congress a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) Evaluation.—Not later than 3 years after the date of enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including—

(1) an assessment of the benefits to the environment derived from the projects included in the pilot program; and

(2) an estimate of the potential benefits to the environment to be derived from widespread application of alternative fueled vehicles and ultra-low sulfur diesel vehicles.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this part $200,000,000, to remain available until expended.

PART III—FUEL CELL BUSES

SEC. 731. FUEL CELL TRANSIT BUS DEMONSTRATION.

(a) In General.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish a transit bus demonstration program to make competitive, merit-based awards for 5-year projects to demonstrate not more than 25 fuel cell transit buses (and necessary infrastructure) in 5 geographically dispersed localities.

(b) PREFERENCE.—In selecting projects under this section, the Secretary of Energy shall give preference to projects that are most likely to mitigate congestion and improve air quality.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.

Subtitle C—Clean School Buses

SEC. 741. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ALTERNATIVE FUEL.—The term "alternative fuel" means liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume.

(3) ALTERNATIVE FUEL SCHOOL BUS.—The term "alternative fuel school bus" means a school bus that meets all of the requirements of this subtitle and is operated solely on an alternative fuel.

(4) EMISSIONS CONTROL RETROFIT TECHNOLOGY.—The term "emissions control retrofit technology" means a particulate filter or other emissions control equipment that is verified or certified by the Administrator or the California Air Resources Board as an effective emission reduction technology when installed on an existing school bus.

(5) IDLING.—The term "idling" means operating an engine while remaining stationary for more than approximately 15 minutes, except that the term does not apply to routine stoppages associated with traffic movement or congestion.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) ULTRA-LOW SULFUR DIESEL FUEL.—The term "ultra-low sulfur diesel fuel" means diesel fuel that contains sulfur at not more than 15 parts per million.

(8) ULTRA-LOW SULFUR DIESEL FUEL SCHOOL BUS.—The term "ultra-low sulfur diesel fuel school bus" means a school bus that meets all of the requirements of this subtitle and is operated solely on ultra-low sulfur diesel fuel.

SEC. 742. PROGRAM FOR REPLACEMENT OF CERTAIN SCHOOL BUSES WITH CLEAN SCHOOL BUSES.

(a) ESTABLISHMENT The Administrator, in consultation with the Secretary and other appropriate Federal departments and agencies, shall establish a program for awarding grants on a competitive basis to eligible entities for the replacement of existing school buses manufactured before model year 1991 with alternative fuel school buses and ultra-low sulfur diesel fuel school buses.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish and publish in the Federal Register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including instructions for the submission of grant applications and certification requirements to ensure compliance with this subtitle.

(2) APPLICATION DEADLINES.—The requirements established under paragraph (1) shall require submission of grant applications not later than—

(A) in the case of the first year of program implementation, the date that is 180 days after the publication of the requirements in the Federal Register; and

(B) in the case of each subsequent year, June 1 of the year.

(c) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to 1 or more local or State governmental entities responsible for providing school bus service to 1 or more public school systems or responsible for the purchase of school buses;

(2) to 1 or more contracting entities that provide school bus service to 1 or more public school systems, if the grant application is submitted jointly with the 1 or more school systems to be served by the buses, except that the application may provide that buses purchased using funds awarded shall be owned, operated, and maintained exclusively by the 1 or more contracting entities; or

(3) to a nonprofit school transportation association representing private contracting entities, if the association has notified and received approval from the 1 or more school systems to be served by the buses.

(d) AWARD DEADLINES.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall award a grant made to a qualified applicant for a fiscal year—

(A) in the case of the first fiscal year of program implementation, not later than the date that is 90 days after the application deadline established under subsection (b)(2); and

(B) in the case of each subsequent fiscal year, not later than August 1 of the fiscal year.

(2) INSUFFICIENT NUMBER OF QUALIFIED GRANT APPLICATIONS.—If the Administrator does not receive a sufficient number of qualified grant applications to meet the requirements of subsection (i)(1) for a fiscal year, the Administrator shall award a grant made to a qualified applicant under subsection (i)(2) not later than September 30 of the fiscal year.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—A grant under this section shall be used for the replacement of school buses manufactured before model year 1991 with alternative fuel school buses and ultra-low sulfur diesel fuel school buses.

(2) NO ECONOMIC BENEFIT.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) PRIORITY OF GRANT APPLICATIONS.—The Administrator shall give priority to applicants that propose to replace school buses manufactured before model year 1977.

(f) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) SCHOOL BUS FLEET.—All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) USE OF FUNDS.—Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel fuel school buses, including State taxes and contract fees associated with the acquisition of such buses; and

(B) to provide—

(i) up to 20 percent of the price of the alternative fuel school buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 25 percent of the price of the alternative fuel school buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) GRANT RECIPIENT FUNDS.—The grant recipient shall be required to provide at least—

(A) in the case of a grant recipient described in paragraph (1) or (3) of subsection (c), the lesser of—

(i) an amount equal to 15 percent of the total cost of each bus received; or

(ii) $15,000 per bus; and

(B) in the case of a grant recipient described in subsection (c)(2), the lesser of—

(i) an amount equal to 20 percent of the total cost of each bus received; or

(ii) $20,000 per bus.

(4) ULTRA-LOW SULFUR DIESEL FUEL.—In the case of a grant recipient receiving a grant for ultra-low sulfur diesel fuel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Administrator that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(5) TIMING.—All alternative fuel school buses, ultra-low sulfur diesel fuel school buses, or alternative fuel infrastructure acquired under a grant awarded under this section shall be purchased and placed in service as soon as practicable.

(g) BUSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), funding under a grant made under this section for the acquisition of new alternative fuel school buses or ultra-low sulfur diesel fuel school buses shall only be used to acquire school buses—

(A) with a gross vehicle weight of greater than 14,000 pounds;

(B) that are powered by a heavy duty engine;

(C) in the case of alternative fuel school buses manufactured in model years 2004 through 2006, that emit not more than 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(D) in the case of ultra-low sulfur diesel fuel school buses manufactured in model years 2004 through 2006, that emit not more than 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter.

(2) LIMITATIONS.—A bus shall not be acquired under this section that emits nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of the same class of ultra-low sulfur diesel fuel school buses commercially available at the time the grant is made.

(h) DEPLOYMENT AND DISTRIBUTION.—The Administrator shall—

(1) seek, to the maximum extent practicable, to achieve nationwide deployment of alternative fuel school buses and ultra-low sulfur diesel fuel school buses through the program under this section; and

(2) ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), of the amount of grant funding made available to carry out this section for any fiscal year, the Administrator shall use—

(A) 70 percent for the acquisition of alternative fuel school buses or supporting infrastructure; and

(B) 30 percent for the acquisition of ultra-low sulfur diesel fuel school buses.

(2) INSUFFICIENT NUMBER OF QUALIFIED GRANT APPLICATIONS.—After the first fiscal year in which this program is in effect, if the Administrator does not receive a sufficient number of qualified grant applications to meet the requirements of subparagraph (A) or (B) of paragraph (1) for a fiscal year, effective beginning on August 1 of the fiscal year, the Administrator shall make the remaining funds available to other qualified grant applicants under this section.

(j) REDUCTION OF SCHOOL BUS IDLING.—Each local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is encouraged to develop a policy, consistent with the health, safety, and welfare of students and the proper operation and maintenance of school buses, to reduce the incidence of unnecessary school bus idling at schools when picking up and unloading students.

(k) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Administrator shall transmit to Congress a report evaluating implementation of the programs under this section and section 743.

(2) COMPONENTS.—The reports shall include a description of—

(A) the total number of grant applications received;

(B) the number and types of alternative fuel school buses, ultra-low sulfur diesel fuel school buses, and retrofitted buses requested in grant applications;

(C) grants awarded and the criteria used to select the grant recipients;

(D) certified engine emission levels of all buses purchased or retrofitted under the programs under this section and section 743;

(E) an evaluation of the in-use emission level of buses purchased or retrofitted under the programs under this section and section 743; and

(F) any other information the Administrator considers appropriate.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended—

(1) $45,000,000 for fiscal year 2005;

(2) $65,000,000 for fiscal year 2006;

(3) $90,000,000 for fiscal year 2007; and

(4) such sums as are necessary for each of fiscal years 2008 and 2009.

SEC. 743. DIESEL RETROFIT PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in consultation with the Secretary, shall establish a program for awarding grants on a competitive basis to entities for the installation of retrofit technologies for diesel school buses.

(b) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local or State governmental entity responsible for providing school bus service to 1 or more public school systems;

(2) to 1 or more contracting entities that provide school bus service to 1 or more public school systems, if the grant application is submitted jointly with the 1 or more school systems that the buses will serve, except that the application may provide that buses purchased using funds awarded shall be owned, operated, and maintained exclusively by the 1 or more contracting entities; or

(3) to a nonprofit school transportation association representing private contracting entities, if the association has notified and received approval from the 1 or more school systems to be served by the buses.

(c) AWARDS.—

(1) IN GENERAL.—The Administrator shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of grants under this section.

(2) PREFERENCES.—In making awards of grants under this section, the Administrator shall give preference to proposals that—

(A) will achieve the greatest reductions in emissions of nonmethane hydrocarbons, oxides of nitrogen, or particulate matter per proposal or per bus; or

(B) involve the use of emissions control retrofit technology on diesel school buses that operate solely on ultra-low sulfur diesel fuel.

(d) CONDITIONS OF GRANT.—A grant shall be provided under this section on the conditions that—

(1) buses on which retrofit emissions-control technology are to be demonstrated—

(A) will operate on ultra-low sulfur diesel fuel where such fuel is reasonably available or required for sale by State or local law or regulation;

(B) were manufactured in model year 1991 or later; and

(C) will be used for the transportation of school children to and from school for a minimum of 5 years;

(2) grant funds will be used for the purchase of emission control retrofit technology, including State taxes and contract fees; and

(3) grant recipients will provide at least 15 percent of the total cost of the retrofit, including the purchase of emission control retrofit technology and all necessary labor for installation of the retrofit.

(e) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register procedures to verify—

(1) the retrofit emissions-control technology to be demonstrated;

(2) that buses powered by ultra-low sulfur diesel fuel on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur; and

(3) that grants are administered in accordance with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended—

(1) $20,000,000 for fiscal year 2005;

(2) $35,000,000 for fiscal year 2006;

(3) $45,000,000 for fiscal year 2007; and

(4) such sums as are necessary for each of fiscal years 2008 and 2009.

SEC. 744. FUEL CELL SCHOOL BUSES.

(a) ESTABLISHMENT.—The Secretary shall establish a program for entering into cooperative agreements—

(1) with private sector fuel cell bus developers for the development of fuel cell-powered school buses; and

(2) subsequently, with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) COST SHARING.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) REPORTS TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for the period of fiscal years 2004 through 2006.

Subtitle D—Miscellaneous

SEC. 751. RAILROAD EFFICIENCY.

(a) ESTABLISHMENT.—The Secretary of Energy shall, in cooperation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, establish a cost-shared, public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers and equipment suppliers, and the Association of American Railroads, to develop and demonstrate railroad locomotive technologies that increase fuel economy, reduce emissions, and lower costs of operation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section—

(1) $25,000,000 for fiscal year 2005;

(2) $35,000,000 for fiscal year 2006; and

(3) $50,000,000 for fiscal year 2007.

SEC. 752. MOBILE EMISSION REDUCTIONS TRADING AND CREDITING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the experience of the Administrator with the trading of mobile source emission reduction credits for use by owners and operators of stationary source emission sources to meet emission offset requirements within a nonattainment area.

(b) CONTENTS.—The report shall describe—

(1) projects approved by the Administrator that include the trading of mobile source emission reduction credits for use by stationary sources in complying with offset requirements, including a description of—

(A) project and stationary sources location;

(B) volumes of emissions offset and traded;

(C) the sources of mobile emission reduction credits; and

(D) if available, the cost of the credits;

(2) the significant issues identified by the Administrator in consideration and approval of trading in the projects;

(3) the requirements for monitoring and assessing the air quality benefits of any approved project;

(4) the statutory authority on which the Administrator has based approval of the projects;

(5) an evaluation of how the resolution of issues in approved projects could be used in other projects; and

(6) any other issues that the Administrator considers relevant to the trading and generation of mobile source emission reduction credits for use by stationary sources or for other purposes.

SEC. 753. AVIATION FUEL CONSERVATION AND EMISSIONS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the

Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall jointly initiate a study to identify—

(1) the impact of aircraft emissions on air quality in nonattainment areas; and

(2) ways to promote fuel conservation measures for aviation to—

(A) enhance fuel efficiency; and

(B) reduce emissions.

(b) Focus.—The study under subsection (a) shall focus on how air traffic management inefficiencies, such as aircraft idling at airports, result in unnecessary fuel burn and air emissions.

(c) Report.—Not later than 1 year after the date of the initiation of the study under subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall jointly submit to the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) describes the results of the study; and

(2) includes any recommendations on ways in which unnecessary fuel use and emissions affecting air quality may be reduced—

(A) without adversely affecting safety and security and increasing individual aircraft noise; and

(B) while taking into account all aircraft emissions and the impact of the emissions on human health.

SEC. 754. DIESEL FUELED VEHICLES.

(a) Definition of Tier 2 Emission Standards.—In this section, the term "tier 2 emission standards" means the motor vehicle emission standards that apply to passenger cars, light trucks, and larger passenger vehicles manufactured after the 2003 model year, as issued on February 10, 2000, by the Administrator of the Environmental Protection Agency under sections 202 and 211 of the Clean Air Act (42 U.S.C. 7521, 7545).

(b) Diesel Combustion and After-Treatment Technologies.—The Secretary of Energy shall accelerate efforts to improve diesel combustion and after-treatment technologies for use in diesel fueled motor vehicles.

(c) Goals.—The Secretary shall carry out subsection (b) with a view toward achieving the following goals:

(1) Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) Tier 2 emission standards.

(B) The heavy-duty emissions standards of 2007 that are applicable to heavy-duty vehicles under regulations issued by the Administrator of the Environmental Protection Agency as of the date of enactment of this Act.

(2) Developing the next generation of low-emission, high efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

SEC. 755. CONSERVE BY BICYCLING PROGRAM.

(a) Definitions.—In this section:

(1) Program.—The term "program" means the Conserve by Bicycling Program established by subsection (b).

(2) Secretary.—The term "Secretary" means the Secretary of Transportation.

(b) Establishment.—There is established within the Department of Transportation a program to be known as the "Conserve by Bicycling Program".

(c) Projects.—

(1) In general.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) Requirements.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) Cost sharing.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) Energy and Bicycling Research Study.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) Components.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying-capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $6,200,000, to remain available until expended, of which—

(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (d).

SEC. 756. REDUCTION OF ENGINE IDLING OF HEAVY-DUTY VEHICLES.

(a) Definitions.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Advanced truck stop electrification system.—The term "advanced truck stop electrification system" means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable and auditable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.

(3) Auxiliary power unit.—The term "auxiliary power unit" means an integrated system that—

(A) provides heat, air conditioning, engine warming, and electricity to the factory-installed components on a heavy-duty vehicle as if the main drive engine of the heavy-duty vehicle were running; and

(B) is certified by the Administrator under part 89 of title 40, Code of Federal Regulations (or any successor regulation), as meeting applicable emission standards.

(4) Heavy-duty vehicle.—The term "heavy-duty vehicle" means a vehicle that—

(A) has a gross vehicle weight rating greater than 12,500 pounds; and

(B) is powered by a diesel engine.

(5) Idle reduction technology.—The term "idle reduction technology" means an advanced truck stop electrification system, auxiliary power unit, or other device or system of devices that—

(A) is used to reduce long-duration idling of a heavy-duty vehicle; and

(B) allows for the main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle to be shut down.

(6) Long-duration idling.—

(A) In general.—The term "long-duration idling" means the operation of a main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle, for a period greater than 15 consecutive minutes, at a time at which the main drive engine is not engaged in gear.

(B) Exclusions.—The term "long-duration idling" does not include the operation of a main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle during a routine stoppage associated with traffic movement or congestion.

(b) Idle Reduction Technology Benefits, Programs, and Studies.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator shall—

(A)(i) commence a review of the mobile source air emission models of the Environmental Protection Agency used under the Clean Air Act (42 U.S.C. 7401 et seq.) to determine whether the models accurately reflect the emissions resulting from long-duration idling of heavy-duty vehicles and other vehicles and engines; and

(ii) update those models as the Administrator determines to be appropriate; and

(B)(i) commence a review of the emission reductions achieved by the use of idle reduction technology; and

(ii) complete such revisions of the regulations and guidance of the Environmental Protection Agency as the Administrator determines to be appropriate.

(2) Deadline for completion.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(A) complete the reviews under subparagraphs (A)(i) and (B)(i) of paragraph (1); and

(B) prepare and make publicly available 1 or more reports on the results of the reviews.

(3) Discretionary inclusions.—The reviews under subparagraphs (A)(i) and (B)(i) of paragraph (1) and the reports under paragraph (2)(B) may address the potential fuel savings resulting from use of idle reduction technology.

(4) Idle reduction deployment program.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Transportation, shall establish a program to support deployment of idle reduction technology.

(ii) PRIORITY.—The Administrator shall give priority to the deployment of idle reduction technology based on beneficial effects on air quality and ability to lessen the emission of criteria air pollutants.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out subparagraph (A) $19,500,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, and $45,000,000 for fiscal year 2006.

(ii) COST SHARING.—Subject to clause (iii), the Administrator shall require at least 50 percent of the costs directly and specifically related to any project under this section to be provided from non-Federal sources.

(iii) NECESSARY AND APPROPRIATE REDUCTIONS.—The Administrator may reduce the non-Federal requirement under clause (ii) if the Administrator determines that the reduction is necessary and appropriate to meet the objectives of this section.

(5) IDLING LOCATION STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Transportation, shall commence a study to analyze all locations at which heavy-duty vehicles stop for long-duration idling, including—

(i) truck stops;

(ii) rest areas;

(iii) border crossings;

(iv) ports;

(v) transfer facilities; and

(vi) private terminals.

(B) DEADLINE FOR COMPLETION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(i) complete the study under subparagraph (A); and

(ii) prepare and make publicly available 1 or more reports of the results of the study.

(c) VEHICLE WEIGHT EXEMPTION.—Section 127(a) of title 23, United States Code, is amended—

(1) by designating the first through eleventh sentences as paragraphs (1) through (11), respectively; and

(2) by adding at the end the following:

"(12) HEAVY DUTY VEHICLES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology shall be increased by a quantity necessary to compensate for the additional weight of the idle reduction system.

"(B) MAXIMUM WEIGHT INCREASE.—The weight increase under subparagraph (A) shall be not greater than 250 pounds.

"(C) PROOF.—On request by a regulatory agency or law enforcement agency, the vehicle operator shall provide proof (through demonstration or certification) that—

"(i) the idle reduction technology is fully functional at all times; and

"(ii) the 250-pound gross weight increase is not used for any purpose other than the use of idle reduction technology described in subparagraph (A).".

SEC. 757. BIODIESEL ENGINE TESTING PROGRAM.

(a) IN GENERAL.—Not later that 180 days after the date of enactment of this Act, the Secretary shall initiate a partnership with diesel engine, diesel fuel injection system, and diesel vehicle manufacturers and diesel and biodiesel fuel providers, to include biodiesel testing in advanced diesel engine and fuel system technology.

(b) SCOPE.—The program shall provide for testing to determine the impact of biodiesel from different sources on current and future emission control technologies, with emphasis on—

(1) the impact of biodiesel on emissions warranty, in-use liability, and antitampering provisions;

(2) the impact of long-term use of biodiesel on engine operations;

(3) the options for optimizing these technologies for both emissions and performance when switching between biodiesel and diesel fuel; and

(4) the impact of using biodiesel in these fueling systems and engines when used as a blend with 2006 Environmental Protection Agency-mandated diesel fuel containing a maximum of 15-parts-per-million sulfur content.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide an interim report to Congress on the findings of the program, including a comprehensive analysis of impacts from biodiesel on engine operation for both existing and expected future diesel technologies, and recommendations for ensuring optimal emissions reductions and engine performance with biodiesel.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to carry out this section.

(e) DEFINITION.—For purposes of this section, the term "biodiesel" means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545) and that meets the American Society for Testing and Materials D6751-02a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

SEC. 758. HIGH OCCUPANCY VEHICLE EXCEPTION.

Notwithstanding section 102(a) of title 23, United States Code, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle—

(1) is a dedicated vehicle (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S. 13211)); or

(2) is a hybrid vehicle (as defined by the State for the purpose of this section).

Subtitle E—Automobile Efficiency

SEC. 771. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF FUEL ECONOMY STANDARDS.

In addition to any other funds authorized by law, there are authorized to be appropriated to the National Highway Traffic Safety Administration to carry out its obligations with respect to average fuel economy standards $2,000,000 for each of fiscal years 2004 through 2008.

SEC. 772. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

"(1) Technological feasibility.

"(2) Economic practicability.

"(3) The effect of other motor vehicle standards of the Government on fuel economy.

"(4) The need of the United States to conserve energy.

"(5) The effects of fuel economy standards on passenger automobiles, nonpassenger automobiles, and occupant safety.

"(6) The effects of compliance with average fuel economy standards on levels of automobile industry employment in the United States.".

SEC. 773. EXTENSION OF MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUELED VEHICLES.

(a) MANUFACTURING INCENTIVES.—Section 32905 of title 49, United States Code, is amended—

(1) in each of subsections (b) and (d), by striking "1993-2004" and inserting "1993-2008";

(2) in subsection (f), by striking "2001" and inserting "2005"; and

(3) in subsection (f)(1), by striking "2004" and inserting "2008".

(b) MAXIMUM FUEL ECONOMY INCREASE.—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "the model years 1993-2004" and inserting "model years 1993-2008"; and

(2) in subparagraph (B), by striking "the model years 2005-2008" and inserting "model years 2009-2012".

SEC. 774. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall initiate a study of the feasibility and effects of reducing by model year 2012, by a significant percentage, the amount of fuel consumed by automobiles.

(b) SUBJECTS OF STUDY.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) REPORT.—The Administrator shall submit to Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

TITLE VIII—HYDROGEN

SEC. 801. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Hydrogen Technical and Fuel Cell Advisory Committee established under section 805.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) FUEL CELL.—The term "fuel cell" means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by an electrochemical process taking place at separate electrodes in the device.

(4) INFRASTRUCTURE.—The term "infrastructure" means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen.

(5) LIGHT DUTY VEHICLE.—The term "light duty vehicle" means a car or truck classified by the Department of Transportation as a Class I or IIA vehicle.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 802. PLAN.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to Congress a coordinated plan for the programs described in this title and any other programs of the Department that are directly related to fuel cells or hydrogen. The plan shall describe, at a minimum—

(1) the agenda for the next 5 years for the programs authorized under this title, including the agenda for each activity enumerated in section 803(a);

(2) the types of entities that will carry out the activities under this title and what role each entity is expected to play;

(3) the milestones that will be used to evaluate the programs for the next 5 years;

(4) the most significant technical and nontechnical hurdles that stand in the way of achieving the goals described in section 803(b), and how the programs will address those hurdles; and

(5) the policy assumptions that are implicit in the plan, including any assumptions that would affect the sources of hydrogen or the marketability of hydrogen-related products.

SEC. 803. PROGRAMS.

(a) ACTIVITIES.—The Secretary, in partnership with the private sector, shall conduct programs to address—

(1) production of hydrogen from diverse energy sources, including—

(A) fossil fuels, which may include carbon capture and sequestration;

(B) hydrogen-carrier fuels (including ethanol and methanol);

(C) renewable energy resources, including biomass; and

(D) nuclear energy;

(2) use of hydrogen for commercial, industrial, and residential electric power generation;

(3) safe delivery of hydrogen or hydrogen-carrier fuels, including—

(A) transmission by pipeline and other distribution methods; and

(B) convenient and economic refueling of vehicles either at central refueling stations or through distributed on-site generation;

(4) advanced vehicle technologies, including—

(A) engine and emission control systems;

(B) energy storage, electric propulsion, and hybrid systems;

(C) automotive materials; and

(D) other advanced vehicle technologies;

(5) storage of hydrogen or hydrogen-carrier fuels, including development of materials for safe and economic storage in gaseous, liquid, or solid form at refueling facilities and onboard vehicles;

(6) development of safe, durable, affordable, and efficient fuel cells, including fuel-flexible fuel cell power systems, improved manufacturing processes, high-temperature membranes, cost-effective fuel processing for natural gas, fuel cell stacks and system reliability, low temperature operation, and cold start capability;

(7) development, after consultation with the private sector, of necessary codes and standards (including international codes and standards and voluntary consensus standards adopted in accordance with OMB Circular A-119) and safety practices for the production, distribution, storage, and use of hydrogen, hydrogen-carrier fuels, and related products; and

(8) a public education program to develop improved knowledge and acceptability of hydrogen-based systems.

(b) PROGRAM GOALS.—

(1) VEHICLES.—For vehicles, the goals of the program are—

(A) to enable a commitment by automakers no later than year 2015 to offer safe, affordable, and technically viable hydrogen fuel cell vehicles in the mass consumer market; and

(B) to enable production, delivery, and acceptance by consumers of model year 2020 hydrogen fuel cell and other hydrogen-powered vehicles that will have—

(i) a range of at least 300 miles;

(ii) improved performance and ease of driving;

(iii) safety and performance comparable to vehicle technologies in the market; and

(iv) when compared to light duty vehicles in model year 2003—

(I) fuel economy that is substantially higher;

(II) substantially lower emissions of air pollutants; and

(III) equivalent or improved vehicle fuel system crash integrity and occupant protection.

(2) HYDROGEN ENERGY AND ENERGY INFRASTRUCTURE.—For hydrogen energy and energy infrastructure, the goals of the program are to enable a commitment not later than 2015 that will lead to infrastructure by 2020 that will provide—

(A) safe and convenient refueling;

(B) improved overall efficiency;

(C) widespread availability of hydrogen from domestic energy sources through—

(i) production, with consideration of emissions levels;

(ii) delivery, including transmission by pipeline and other distribution methods for hydrogen; and

(iii) storage, including storage in surface transportation vehicles;

(D) hydrogen for fuel cells, internal combustion engines, and other energy conversion devices for portable, stationary, and transportation applications; and

(E) other technologies consistent with the Department's plan.

(3) FUEL CELLS.—The goals for fuel cells and their portable, stationary, and transportation applications are to enable—

(A) safe, economical, and environmentally sound hydrogen fuel cells;

(B) fuel cells for light duty and other vehicles; and

(C) other technologies consistent with the Department's plan.

(c) DEMONSTRATION.—In carrying out the programs under this section, the Secretary shall fund a limited number of demonstration projects, consistent with a determination of the maturity, cost-effectiveness, and environmental impacts of technologies supporting each project. In selecting projects under this subsection, the Secretary shall, to the extent practicable and in the public interest, select projects that—

(1) involve using hydrogen and related products at existing facilities or installations, such as existing office buildings, military bases, vehicle fleet centers, transit bus authorities, or units of the National Park System;

(2) depend on reliable power from hydrogen to carry out essential activities;

(3) lead to the replication of hydrogen technologies and draw such technologies into the marketplace;

(4) include vehicle, portable, and stationary demonstrations of fuel cell and hydrogen-based energy technologies;

(5) address the interdependency of demand for hydrogen fuel cell applications and hydrogen fuel infrastructure;

(6) raise awareness of hydrogen technology among the public;

(7) facilitate identification of an optimum technology among competing alternatives;

(8) address distributed generation using renewable sources; and

(9) address applications specific to rural or remote locations, including isolated villages and islands, the National Park System, and tribal entities.

The Secretary shall give preference to projects which address multiple elements contained in paragraphs (1) through (9).

(d) DEPLOYMENT.—In carrying out the programs under this section, the Secretary shall, in partnership with the private sector, conduct activities to facilitate the deployment of hydrogen energy and energy infrastructure, fuel cells, and advanced vehicle technologies.

(e) FUNDING.—

(1) IN GENERAL.—The Secretary shall carry out the programs under this section using a competitive, merit-based review process and consistent with the generally applicable Federal laws and regulations governing awards of financial assistance, contracts, or other agreements.

(2) RESEARCH CENTERS.—Activities under this section may be carried out by funding nationally recognized university-based or Federal laboratory research centers.

(f) COST SHARING.—

(1) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this title, for research and development programs carried out under this title the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this paragraph if the Secretary determines that the research and development is of a basic or fundamental nature or involves technical analyses or educational activities.

(2) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this title, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this title to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this paragraph if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(3) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary may include personnel, services, equipment, and other resources.

(4) SIZE OF NON-FEDERAL SHARE.—The Secretary may consider the size of the non-Federal share in selecting projects.

(g) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) relating to the protection of information shall apply to projects carried out through grants, cooperative agreements, or contracts under this title.

SEC. 804. INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the President shall establish an interagency task force chaired by the Secretary with representatives from each of the following:

(1) The Office of Science and Technology Policy within the Executive Office of the President.

(2) The Department of Transportation.

(3) The Department of Defense.

(4) The Department of Commerce (including the National Institute of Standards and Technology).

(5) The Department of State.

(6) The Environmental Protection Agency.

(7) The National Aeronautics and Space Administration.

(8) Other Federal agencies as the Secretary determines appropriate.

(b) DUTIES.—

(1) PLANNING.—The interagency task force shall work toward—

(A) a safe, economical, and environmentally sound fuel infrastructure for hydrogen and hydrogen-carrier fuels, including an infrastructure that supports buses and other fleet transportation;

(B) fuel cells in government and other applications, including portable, stationary, and transportation applications;

(C) distributed power generation, including the generation of combined heat, power, and clean fuels including hydrogen;

(D) uniform hydrogen codes, standards, and safety protocols; and

(E) vehicle hydrogen fuel system integrity safety performance.

(2) ACTIVITIES.—The interagency task force may organize workshops and conferences, may issue publications, and may create databases to carry out its duties. The interagency task force shall—

(A) foster the exchange of generic, nonproprietary information and technology among industry, academia, and government;

(B) develop and maintain an inventory and assessment of hydrogen, fuel cells, and other advanced technologies, including the commercial capability of each technology for the economic and environmentally safe production, distribution, delivery, storage, and use of hydrogen;

(C) integrate technical and other information made available as a result of the programs and activities under this title;

(D) promote the marketplace introduction of infrastructure for hydrogen fuel vehicles; and

(E) conduct an education program to provide hydrogen and fuel cell information to potential end-users.

(c) AGENCY COOPERATION.—The heads of all agencies, including those whose agencies are not represented on the interagency task force, shall cooperate with and furnish information to the interagency task force, the Advisory Committee, and the Department.

SEC. 805. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Hydrogen Technical and Fuel Cell Advisory Committee is established to advise the Secretary on the programs and activities under this title.

(b) MEMBERSHIP.—

(1) MEMBERS.—The Advisory Committee shall be comprised of not fewer than 12 nor more than 25 members. The members shall be appointed by the Secretary to represent domestic industry, academia, professional societies, government agencies, Federal laboratories, previous advisory panels, and financial, environmental, and other appropriate organizations based on the Department's assessment of the technical and other qualifications of committee members and the needs of the Advisory Committee.

(2) TERMS.—The term of a member of the Advisory Committee shall not be more than 3 years. The Secretary may appoint members of the Advisory Committee in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the Advisory Committee. A member of the Advisory Committee whose term is expiring may be reappointed.

(3) CHAIRPERSON.—The Advisory Committee shall have a chairperson, who is elected by the members from among their number.

(c) REVIEW.—The Advisory Committee shall review and make recommendations to the Secretary on—

(1) the implementation of programs and activities under this title;

(2) the safety, economical, and environmental consequences of technologies for the production, distribution, delivery, storage, or use of hydrogen energy and fuel cells; and

(3) the plan under section 802.

(d) RESPONSE.—

(1) CONSIDERATION OF RECOMMENDATIONS.—The Secretary shall consider, but need not adopt, any recommendations of the Advisory Committee under subsection (c).

(2) BIENNIAL REPORT.—The Secretary shall transmit a biennial report to Congress describing any recommendations made by the Advisory Committee since the previous report. The report shall include a description of how the Secretary has implemented or plans to implement the recommendations, or an explanation of the reasons that a recommendation will not be implemented. The report shall be transmitted along with the President's budget proposal.

(e) SUPPORT.—The Secretary shall provide resources necessary in the judgment of the Secretary for the Advisory Committee to carry out its responsibilities under this title.

SEC. 806. EXTERNAL REVIEW.

(a) PLAN.—The Secretary shall enter into an arrangement with the National Academy of Sciences to review the plan prepared under section 802, which shall be completed not later than 6 months after the Academy receives the plan. Not later than 45 days after receiving the review, the Secretary shall transmit the review to Congress along with a plan to implement the review's recommendations or an explanation of the reasons that a recommendation will not be implemented.

(b) ADDITIONAL REVIEW.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy will review the programs under section 803 during the fourth year following the date of enactment of this Act. The Academy's review shall include the research priorities and technical milestones, and evaluate the progress toward achieving them. The review shall be completed not later than 5 years after the date of enactment of this Act. Not later than 45 days after receiving the review, the Secretary shall transmit the review to Congress along with a plan to implement the review's recommendations or an explanation for the reasons that a recommendation will not be implemented.

SEC. 807. MISCELLANEOUS PROVISIONS.

(a) REPRESENTATION.—The Secretary may represent the United States interests with respect to activities and programs under this title, in coordination with the Department of Transportation, the National Institute of Standards and Technology, and other relevant Federal agencies, before governments and nongovernmental organizations including—

(1) other Federal, State, regional, and local governments and their representatives;

(2) industry and its representatives, including members of the energy and transportation industries; and

(3) in consultation with the Department of State, foreign governments and their representatives including international organizations.

(b) REGULATORY AUTHORITY.—Nothing in this title shall be construed to alter the regulatory authority of the Department.

SEC. 808. SAVINGS CLAUSE.

Nothing in this title shall be construed to affect the authority of the Secretary of Transportation that may exist prior to the date of enactment of this Act with respect to—

(1) research into, and regulation of, hydrogen-powered vehicles fuel systems integrity, standards, and safety under subtitle VI of title 49, United States Code;

(2) regulation of hazardous materials transportation under chapter 51 of title 49, United States Code;

(3) regulation of pipeline safety under chapter 601 of title 49, United States Code;

(4) encouragement and promotion of research, development, and deployment activities relating to advanced vehicle technologies under section 5506 of title 49, United States Code;

(5) regulation of motor vehicle safety under chapter 301 of title 49, United States Code;

(6) automobile fuel economy under chapter 329 of title 49, United States Code; or

(7) representation of the interests of the United States with respect to the activities and programs under the authority of title 49, United States Code.

SEC. 809. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, in addition to any amounts made available for these purposes under other Acts—

(1) $273,500,000 for fiscal year 2004;

(2) $375,000,000 for fiscal year 2005;

(3) $450,000,000 for fiscal year 2006;

(4) $500,000,000 for fiscal year 2007; and

(5) $550,000,000 for fiscal year 2008.

TITLE IX—RESEARCH AND DEVELOPMENT

SEC. 901. GOALS.

(a) IN GENERAL.—The Secretary shall conduct a balanced set of programs of energy research, development, demonstration, and commercial application to support Federal energy policy and programs by the Department. Such programs shall be focused on—

(1) increasing the efficiency of all energy intensive sectors through conservation and improved technologies;

(2) promoting diversity of energy supply;

(3) decreasing the Nation's dependence on foreign energy supplies;

(4) improving United States energy security; and

(5) decreasing the environmental impact of energy-related activities.

(b) GOALS.—The Secretary shall publish measurable 5-year cost and performance-based goals with each annual budget submission in at least the following areas:

(1) Energy efficiency for buildings, energy-consuming industries, and vehicles.

(2) Electric energy generation (including distributed generation), transmission, and storage.

(3) Renewable energy technologies including wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, and hydropower.

(4) Fossil energy including power generation, onshore and offshore oil and gas resource recovery, and transportation.

(5) Nuclear energy including programs for existing and advanced reactors and education of future specialists.

(c) PUBLIC COMMENT.—The Secretary shall provide mechanisms for input on the annually published goals from industry, university, and other public sources.

(d) EFFECT OF GOALS.—

(1) NO NEW AUTHORITY OR REQUIREMENT.—Nothing in subsection (a) or the annually published goals shall—

(A) create any new—

(i) authority for any Federal agency; or

(ii) requirement for any other person;

(B) be used by a Federal agency to support the establishment of regulatory standards or regulatory requirements; or

(C) alter the authority of the Secretary to make grants or other awards.

(2) NO LIMITATION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to impose conditions on grants or other awards based on the goals in subsection (a) or any subsequent modification thereto.

SEC. 902. DEFINITIONS.

For purposes of this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following laboratories owned by the Department:

(A) Ames Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Accelerator Laboratory.

(E) Idaho National Engineering and Environmental Laboratory.

(F) Lawrence Berkeley National Laboratory.

(G) Lawrence Livermore National Laboratory.

(H) Los Alamos National Laboratory.

(I) National Energy Technology Laboratory.

(J) National Renewable Energy Laboratory.

(K) Oak Ridge National Laboratory.

(L) Pacific Northwest National Laboratory.

(M) Princeton Plasma Physics Laboratory.

(N) Sandia National Laboratories.

(O) Stanford Linear Accelerator Center.

(P) Thomas Jefferson National Accelerator Facility.

(5) NONMILITARY ENERGY LABORATORY.—The term "nonmilitary energy laboratory" means the laboratories listed in paragraph (4), except for those listed in subparagraphs (G), (H), and (N).

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means any of the primarily single-purpose entities owned by the Department or any other organization of the Department designated by the Secretary.

Subtitle A—Energy Efficiency

SEC. 904. ENERGY EFFICIENCY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for energy efficiency and conservation research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $616,000,000.

(2) For fiscal year 2005, $695,000,000.

(3) For fiscal year 2006, $772,000,000.

(4) For fiscal year 2007, $865,000,000.

(5) For fiscal year 2008, $920,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 905—

(A) for fiscal year 2004, $20,000,000;

(B) for fiscal year 2005, $30,000,000;

(C) for fiscal year 2006, $50,000,000;

(D) for fiscal year 2007, $50,000,000; and

(E) for fiscal year 2008, $50,000,000.

(2) For activities under section 907—

(A) for fiscal year 2004, $4,000,000; and

(B) for each of fiscal years 2005 through 2008, $7,000,000.

(3) For activities under section 908—

(A) for fiscal year 2004, $20,000,000;

(B) for fiscal year 2005, $25,000,000;

(C) for fiscal year 2006, $30,000,000;

(D) for fiscal year 2007, $35,000,000; and

(E) for fiscal year 2008, $40,000,000.

(4) For activities under section 909, $2,000,000 for each of fiscal years 2005 through 2008.

(c) EXTENDED AUTHORIZATION.—There are authorized to be appropriated to the Secretary for activities under section 905, $50,000,000 for each of fiscal years 2009 through 2013.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated under this section may be used for—

(1) the issuance and implementation of energy efficiency regulations;

(2) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.);

(3) the State Energy Program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(4) the Federal Energy Management Program under part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.).

SEC. 905. NEXT GENERATION LIGHTING INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a Next Generation Lighting Initiative in accordance with this section to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(b) OBJECTIVES.—The objectives of the initiative shall be to develop advanced solid-state organic and inorganic lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are longer lasting; more energy-efficient; and cost-competitive, and have less environmental impact.

(c) INDUSTRY ALLIANCE.—The Secretary shall, not later than 3 months after the date of enactment of this section, competitively select an Industry Alliance to represent participants that are private, for-profit firms which, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(d) RESEARCH.—

(1) IN GENERAL.—The Secretary shall carry out the research activities of the Next Generation Lighting Initiative through competitively awarded grants to researchers, including Industry Alliance participants, National Laboratories, and institutions of higher education.

(2) ASSISTANCE FROM THE INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) assessment of the progress of the Initiative's research activities; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) AVAILABILITY OF INFORMATION AND ROADMAPS.—The information and roadmaps under paragraph (2) shall be available to the public and public response shall be solicited by the Secretary.

(e) DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—The Secretary shall carry out a development, demonstration, and commercial application program for the Next Generation Lighting Initiative through competitively selected awards. The Secretary may give preference to participants of the Industry Alliance selected pursuant to subsection (c).

(f) INTELLECTUAL PROPERTY.—The Secretary may require, in accordance with the authorities provided in section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), that—

(1) for any new invention resulting from activities under subsection (d)—

(A) the Industry Alliance members that are active participants in research, development, and demonstration activities related to the advanced solid-state lighting technologies that are the subject of this section shall be granted first option to negotiate with the invention owner nonexclusive licenses and royalties for uses of the invention related to solid-state lighting on terms that are reasonable under the circumstances; and

(B)(i) for 1 year after a United States patent is issued for the invention, the patent holder shall not negotiate any license or royalty with any entity that is not a participant in the Industry Alliance described in subparagraph (A); and

(ii) during the year described in clause (i), the invention owner shall negotiate nonexclusive licenses and royalties in good faith with any interested participant in the Industry Alliance described in subparagraph (A); and

(2) such other terms as the Secretary determines are required to promote accelerated commercialization of inventions made under the Initiative.

(g) NATIONAL ACADEMY REVIEW.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Next Generation Lighting Initiative. The Academy shall review the research priorities, technical milestones, and plans for technology transfer and progress towards achieving them. The Secretary shall consider the results of such reviews in evaluating the information obtained under subsection (d)(2).

(h) Definitions.—As used in this section:

(1) Advanced solid-state lighting.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) Research.—The term "research" includes research on the technologies, materials, and manufacturing processes required for white light emitting diodes.

(3) Industry alliance.—The term "Industry Alliance" means an entity selected by the Secretary under subsection (c).

(4) White light emitting diode.—The term "white light emitting diode" means a semiconducting package, utilizing either organic or inorganic materials, that produces white light using externally applied voltage.

SEC. 906. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) Interagency Group.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an interagency group to develop, in coordination with the advisory committee established under subsection (e), a National Building Performance Initiative (in this section referred to as the "Initiative"). The interagency group shall be co-chaired by appropriate officials of the Department and the Department of Commerce, who shall jointly arrange for the provision of necessary administrative support to the group.

(b) Integration of Efforts.—The Initiative, working with the National Institute of Building Sciences, shall integrate Federal, State, and voluntary private sector efforts to reduce the costs of construction, operation, maintenance, and renovation of commercial, industrial, institutional, and residential buildings.

(c) Plan.—Not later than 1 year after the date of enactment of this Act, the interagency group shall submit to Congress a plan for carrying out the appropriate Federal role in the Initiative. The plan shall include—

(1) research, development, demonstration, and commercial application of systems and materials for new construction and retrofit relating to the building envelope and building system components; and

(2) the collection, analysis, and dissemination of research results and other pertinent information on enhancing building performance to industry, government entities, and the public.

(d) Department of Energy Role.—Within the Federal portion of the Initiative, the Department shall be the lead agency for all aspects of building performance related to use and conservation of energy.

(e) Advisory Committee.—

(1) Establishment.—The Secretary, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, shall establish an advisory committee to—

(A) analyze and provide recommendations on potential private sector roles and participation in the Initiative; and

(B) review and provide recommendations on the plan described in subsection (c).

(2) Membership.—Membership of the advisory committee shall include representatives with a broad range of appropriate expertise, including expertise in—

(A) building research and technology;

(B) architecture, engineering, and building materials and systems; and

(C) the residential, commercial, and industrial sectors of the construction industry.

(f) Construction.—Nothing in this section provides any Federal agency with new authority to regulate building performance.

SEC. 907. SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) Definitions.—For purposes of this section:

(1) Associated equipment.—The term "associated equipment" means equipment located where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

(2) Battery.—The term "battery" means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity.

(b) Program.—The Secretary shall establish and conduct a research, development, demonstration, and commercial application program for the secondary use of batteries if the Secretary finds that there are sufficient numbers of such batteries to support the program. The program shall be—

(1) designed to demonstrate the use of batteries in secondary applications, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including useful service life and costs, of such batteries in field operations, and the necessary supporting infrastructure, including reuse and disposal of batteries; and

(3) coordinated with ongoing secondary battery use programs at the National Laboratories and in industry.

(c) Solicitation.—Not later than 180 days after the date of enactment of this Act, if the Secretary finds under subsection (b) that there are sufficient numbers of batteries to support the program, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(d) Selection of Proposals.—

(1) In general.—The Secretary shall, not later than 90 days after the closing date established by the Secretary for receipt of proposals under subsection (c), select up to 5 proposals which may receive financial assistance under this section, subject to the availability of appropriations.

(2) Diversity; environmental effect.—In selecting proposals, the Secretary shall consider diversity of battery type, geographic and climatic diversity, and life-cycle environmental effects of the approaches.

(3) Limitation.—No 1 project selected under this section shall receive more than 25 percent of the funds authorized for the program under this section.

(4) Optimization of federal resources.—The Secretary shall consider the extent of involvement of State or local government and other persons in each demonstration project to optimize use of Federal resources.

(5) Other criteria.—The Secretary may consider such other criteria as the Secretary considers appropriate.

(e) Conditions.—The Secretary shall require that—

(1) relevant information be provided to the Department, the users of the batteries, the proposers, and the battery manufacturers;

(2) the proposer provide at least 50 percent of the costs associated with the proposal; and

(3) the proposer provide to the Secretary such information regarding the disposal of the batteries as the Secretary may require to ensure that the proposer disposes of the batteries in accordance with applicable law.

SEC. 908. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) Establishment.—The Secretary shall establish an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) Report.—The Secretary shall submit to Congress, along with the President's annual budget request under section 1105(a) of title 31, United States Code, a report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 909. ELECTRIC MOTOR CONTROL TECHNOLOGY.

The Secretary shall conduct a research, development, demonstration, and commercial application program on advanced control devices to improve the energy efficiency of electric motors used in heating, ventilation, air conditioning, and comparable systems.

SEC. 910. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

(a) Grants.—Not later than 18 months after the date of enactment of this Act, the Secretary shall make grants to nonprofit institutions, State and local governments, or universities (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers.

(b) Activities.—

(1) In general.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use.

(2) Advisory panel.—Each Center shall establish an advisory panel to advise the Center on how best to accomplish the activities under paragraph (1).

(c) Application.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section.

(d) Selection Criteria.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

(1) The ability of the applicant to carry out the activities in subsection (b).

(2) The extent to which the applicant will coordinate the activities of the Center with other entities, such as State and local governments, utilities, and educational and research institutions.

(e) Matching Funds.—The Secretary shall require a non-Federal matching requirement of at least 50 percent of the costs of establishing and operating each Center.

(f) Advisory Committee.—The Secretary shall establish an advisory committee to advise the Secretary on the establishment of Centers under this section. The advisory committee shall be composed of individuals with expertise in the area of advanced energy methods and technologies, including at least 1 representative from—

(1) State or local energy offices;

(2) energy professionals;

(3) trade or professional associations;

(4) architects, engineers, or construction professionals;

(5) manufacturers;

(6) the research community; and

(7) nonprofit energy or environmental organizations.

(g) Definitions.—For purposes of this section:

(1) Advanced energy methods and technologies.—The term "advanced energy methods and technologies" means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

(2) Center.—The term "Center" means an Advanced Energy Technology Transfer Center established pursuant to this section.

(3) Distributed generation.—The term "distributed generation" means an electric power generation facility that is designed to serve retail electric consumers at or near the facility site.

Subtitle B—Distributed Energy and Electric Energy Systems

SEC. 911. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for distributed energy and electric energy systems activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $190,000,000.

(2) For fiscal year 2005, $200,000,000.

(3) For fiscal year 2006, $220,000,000.

(4) For fiscal year 2007, $240,000,000.

(5) For fiscal year 2008, $260,000,000.

(b) Micro-Cogeneration Energy Technology.—From amounts authorized under subsection (a), $20,000,000 for each of fiscal years 2004 and 2005 is authorized for activities under section 914.

SEC. 912. HYBRID DISTRIBUTED POWER SYSTEMS.

(a) Requirement.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and transmit to Congress a strategy for a comprehensive research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine—

(1) 1 or more renewable electric power generation technologies of 10 megawatts or less located near the site of electric energy use; and

(2) nonintermittent electric power generation technologies suitable for use in a distributed power system.

(b) Contents.—The strategy shall—

(1) identify the needs best met with such hybrid distributed power systems and the technological barriers to the use of such systems;

(2) provide for the development of methods to design, test, integrate into systems, and operate such hybrid distributed power systems;

(3) include, as appropriate, research, development, demonstration, and commercial application on related technologies needed for the adoption of such hybrid distributed power systems, including energy storage devices and environmental control technologies;

(4) include research, development, demonstration, and commercial application of interconnection technologies for communications and controls of distributed generation architectures, particularly technologies promoting real-time response to power market information and physical conditions on the electrical grid; and

(5) describe how activities under the strategy will be integrated with other research, development, demonstration, and commercial application activities supported by the Department related to electric power technologies.

SEC. 913. HIGH POWER DENSITY INDUSTRY PROGRAM.

The Secretary shall establish a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency of high power density facilities, including data centers, server farms, and telecommunications facilities. Such program shall consider technologies that provide significant improvement in thermal controls, metering, load management, peak load reduction, or the efficient cooling of electronics.

SEC. 914. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia for the development of micro-cogeneration energy technology. The consortia shall explore—

(1) the use of small-scale combined heat and power in residential heating appliances; and

(2) the use of excess power to operate other appliances within the residence and supply excess generated power to the power grid.

SEC. 915. DISTRIBUTED ENERGY TECHNOLOGY DEMONSTRATION PROGRAM.

The Secretary, within the sums authorized under section 911(a), may provide financial assistance to coordinating consortia of interdisciplinary participants for demonstrations designed to accelerate the utilization of distributed energy technologies, such as fuel cells, microturbines, reciprocating engines, thermally activated technologies, and combined heat and power systems, in highly energy intensive commercial applications.

SEC. 916. RECIPROCATING POWER.

The Secretary shall conduct a research, development, and demonstration program regarding fuel system optimization and emissions reduction after-treatment technologies for industrial reciprocating engines. Such after-treatment technologies shall use processes that reduce emissions by recirculating exhaust gases and shall be designed to be retrofitted to any new or existing diesel or natural gas engine used for power generation, peaking power generation, combined heat and power, or compression.

Subtitle C—Renewable Energy

SEC. 918. RENEWABLE ENERGY.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for renewable energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $480,000,000.

(2) For fiscal year 2005, $550,000,000.

(3) For fiscal year 2006, $610,000,000.

(4) For fiscal year 2007, $659,000,000.

(5) For fiscal year 2008, $710,000,000.

(b) Bioenergy.—From the amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 919:

(1) For fiscal year 2004, $135,425,000.

(2) For fiscal year 2005, $155,600,000.

(3) For fiscal year 2006, $167,650,000.

(4) For fiscal year 2007, $180,000,000.

(5) For fiscal year 2008, $192,000,000.

(c) Concentrating Solar Power.—From amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 920:

(1) For fiscal year 2004, $20,000,000.

(2) For fiscal year 2005, $40,000,000.

(3) For each of fiscal years 2006, 2007 and 2008, $50,000,000.

(d) Public Buildings.—From the amounts authorized under subsection (a), $30,000,000 for each of the fiscal years 2004 through 2008 are authorized to be appropriated to carry out section 922.

(e) Limits on Use of Funds.—

(1) No funds for renewable support and implementation.—None of the funds authorized to be appropriated under this section may be used for Renewable Support and Implementation.

(2) Grants.—Of the funds authorized under subsection (b), not less than $5,000,000 for each fiscal year shall be made available for grants to Historically Black Colleges and Universities, Tribal Colleges, and Hispanic-Serving Institutions.

(3) Regional field verification program.—Of the funds authorized under subsection (a), not less than $4,000,000 for each fiscal year shall be made available for the Regional Field Verification Program of the Department.

(4) Off-stream pumped storage hydropower.—Of the funds authorized under subsection (a), such sums as may be necessary shall be made available for demonstration projects of off-stream pumped storage hydropower.

(f) Consultation.—In carrying out this subtitle, the Secretary, in consultation with the Secretary of Agriculture, shall demonstrate the use of advanced wind power technology, including combined use with coal gasification; biomass; geothermal energy systems; and other renewable energy technologies to assist in delivering electricity to rural and remote locations.

SEC. 919. BIOENERGY PROGRAMS.

(a) Definitions.—For the purposes of this section:

(1) The term "agricultural byproducts" includes waste products, including poultry fat and poultry waste.

(2) The term "cellulosic biomass" means any portion of a crop containing lignocellulose or hemicellulose, including barley grain, grapeseed, forest thinnings, rice bran, rice hulls, rice straw, soybean matter, and sugarcane bagasse, or any crop grown specifically for the purpose of producing cellulosic feedstocks.

(b) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including—

(1) biopower energy systems;

(2) biofuels;

(3) bio-based products;

(4) integrated biorefineries that may produce biopower, biofuels, and bio-based products;

(5) cross-cutting research and development in feedstocks and enzymes; and

(6) economic analysis.

(c) Biofuels and Bio-Based Products.—The goals of the biofuels and bio-based products programs shall be to develop, in partnership with industry—

(1) advanced biochemical and thermochemical conversion technologies capable of making biofuels that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell-powered vehicles, and bio-based products from a variety of feedstocks, including grains, cellulosic biomass, and other agricultural byproducts; and

(2) advanced biotechnology processes capable of making biofuels and bio-based products with emphasis on development of biorefinery technologies using enzyme-based processing systems.

SEC. 920. CONCENTRATING SOLAR POWER RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a program of research and development to evaluate the potential of concentrating solar power for hydrogen production, including cogeneration approaches for both hydrogen and electricity. Such program shall take advantage of existing facilities to the extent possible and shall include—

(1) development of optimized technologies that are common to both electricity and hydrogen production;

(2) evaluation of thermochemical cycles for hydrogen production at the temperatures attainable with concentrating solar power;

(3) evaluation of materials issues for the thermochemical cycles described in paragraph (2);

(4) system architectures and economics studies; and

(5) coordination with activities in the Advanced Reactor Hydrogen Cogeneration Project on high temperature materials, thermochemical cycles, and economic issues.

(b) ASSESSMENT.—In carrying out the program under this section, the Secretary shall—

(1) assess conflicting guidance on the economic potential of concentrating solar power for electricity production received from the National Research Council report entitled "Renewable Power Pathways: A Review of the U.S. Department of Energy's Renewable Energy Programs" in 2000 and subsequent Department-funded reviews of that report; and

(2) provide an assessment of the potential impact of the technology before, or concurrent with, submission of the fiscal year 2006 budget.

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall provide a report to Congress on the economic and technical potential for electricity or hydrogen production, with or without cogeneration, with concentrating solar power, including the economic and technical feasibility of potential construction of a pilot demonstration facility suitable for commercial production of electricity or hydrogen from concentrating solar power.

SEC. 921. MISCELLANEOUS PROJECTS.

The Secretary may conduct research, development, demonstration, and commercial application programs for—

(1) ocean energy, including wave energy; and

(2) the combined use of renewable energy technologies with one another and with other energy technologies, including the combined use of wind power and coal gasification technologies.

SEC. 922. RENEWABLE ENERGY IN PUBLIC BUILDINGS.

(a) DEMONSTRATION AND TECHNOLOGY TRANSFER PROGRAM.—The Secretary shall establish a program for the demonstration of innovative technologies for solar and other renewable energy sources in buildings owned or operated by a State or local government, and for the dissemination of information resulting from such demonstration to interested parties.

(b) LIMIT ON FEDERAL FUNDING.—The Secretary shall provide under this section no more than 40 percent of the incremental costs of the solar or other renewable energy source project funded.

(c) REQUIREMENT.—As part of the application for awards under this section, the Secretary shall require all applicants—

(1) to demonstrate a continuing commitment to the use of solar and other renewable energy sources in buildings they own or operate; and

(2) to state how they expect any award to further their transition to the significant use of renewable energy.

SEC. 923. STUDY OF MARINE RENEWABLE ENERGY OPTIONS.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study on—

(1) the feasibility of various methods of renewable generation of energy from the ocean, including energy from waves, tides, currents, and thermal gradients; and

(2) the research, development, demonstration, and commercial application activities required to make marine renewable energy generation competitive with other forms of electricity generation.

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit the study to Congress along with the Secretary's recommendations for implementing the results of the study.

Subtitle D—Nuclear Energy

SEC. 924. NUCLEAR ENERGY.

(a) CORE PROGRAMS.—The following sums are authorized to be appropriated to the Secretary for nuclear energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle, other than those described in subsection (b):

(1) For fiscal year 2004, $273,000,000.

(2) For fiscal year 2005, $355,000,000.

(3) For fiscal year 2006, $430,000,000.

(4) For fiscal year 2007, $455,000,000.

(5) For fiscal year 2008, $545,000,000.

(b) NUCLEAR INFRASTRUCTURE SUPPORT.—The following sums are authorized to be appropriated to the Secretary for activities under section 925(e):

(1) For fiscal year 2004, $125,000,000.

(2) For fiscal year 2005, $130,000,000.

(3) For fiscal year 2006, $135,000,000.

(4) For fiscal year 2007, $140,000,000.

(5) For fiscal year 2008, $145,000,000.

(c) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 926—

(A) for fiscal year 2004, $140,000,000;

(B) for fiscal year 2005, $145,000,000;

(C) for fiscal year 2006, $150,000,000;

(D) for fiscal year 2007, $155,000,000; and

(E) for fiscal year 2008, $275,000,000.

(2) For activities under section 927—

(A) for fiscal year 2004, $35,200,000;

(B) for fiscal year 2005, $44,350,000;

(C) for fiscal year 2006, $49,200,000;

(D) for fiscal year 2007, $54,950,000; and

(E) for fiscal year 2008, $60,000,000.

(3) For activities under section 929, for each of fiscal years 2004 through 2008, $6,000,000.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used for decommissioning the Fast Flux Test Facility.

SEC. 925. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) NUCLEAR ENERGY RESEARCH INITIATIVE.—The Secretary shall carry out a Nuclear Energy Research Initiative for research and development related to nuclear energy.

(b) NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.—The Secretary shall carry out a Nuclear Energy Plant Optimization Program to support research and development activities addressing reliability, availability, productivity, component aging, safety, and security of existing nuclear power plants.

(c) NUCLEAR POWER 2010 PROGRAM.—The Secretary shall carry out a Nuclear Power 2010 Program, consistent with recommendations in the October 2001 report entitled "A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010" issued by the Nuclear Energy Research Advisory Committee of the Department. Whatever type of reactor is chosen for the hydrogen cogeneration project under subtitle C of title VI, that type shall not be addressed in the Program under this section. The Program shall include—

(1) support for first-of-a-kind engineering design and certification expenses of advanced nuclear power plant designs, which offer improved safety and economics over current conventional plants and the promise of near-term to medium-term commercial deployment;

(2) action by the Secretary to encourage domestic power companies to install new nuclear plant capacity as soon as possible;

(3) utilization of the expertise and capabilities of industry, universities, and National Laboratories in evaluation of advanced nuclear fuel cycles and fuels testing;

(4) consideration of proliferation-resistant passively-safe, small reactors suitable for long-term electricity production without refueling and suitable for use in remote installations;

(5) participation of international collaborators in research, development, design, and deployment efforts as appropriate and consistent with United States interests in nonproliferation of nuclear weapons;

(6) encouragement for university and industry participation; and

(7) selection of projects such as to strengthen the competitive position of the domestic nuclear power industrial infrastructure.

(d) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—The Secretary shall carry out a Generation IV Nuclear Energy Systems Initiative to develop an overall technology plan and to support research and development necessary to make an informed technical decision about the most promising candidates for eventual commercial application. The Initiative shall examine advanced proliferation-resistant and passively safe reactor designs, including designs that—

(1) are economically competitive with other electric power generation plants;

(2) have higher efficiency, lower cost, and improved safety compared to reactors in operation on the date of enactment of this Act;

(3) use fuels that are proliferation-resistant and have substantially reduced production of high-level waste per unit of output; and

(4) use improved instrumentation.

(e) NUCLEAR INFRASTRUCTURE SUPPORT.—The Secretary shall develop and implement a strategy for the facilities of the Office of Nuclear Energy, Science, and Technology and shall transmit a report containing the strategy along with the President's budget request to Congress for fiscal year 2006.

SEC. 926. ADVANCED FUEL CYCLE INITIATIVE.

(a) IN GENERAL.—The Secretary, through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct an advanced fuel recycling technology research and development program to evaluate proliferation-resistant fuel recycling and transmutation technologies that minimize environmental or public health and safety impacts as an alternative to aqueous reprocessing technologies deployed as of the date of enactment of this Act in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate. Opportunities to enhance progress of the program through international cooperation should be sought.

(b) REPORTS.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program as part of the Department's annual budget submission.

SEC. 927. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to invest in human resources and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall establish fellowship and faculty assistance programs, as well as provide support for fundamental research and encourage collaborative research among industry, National Laboratories, and universities through the Nuclear Energy Research Initiative. The Secretary is encouraged to support activities addressing the entire fuel cycle through involvement of both the Office of Nuclear Energy, Science, and Technology and the Office of Civilian Radioactive Waste Management. The Secretary shall support communication and outreach related to nuclear science, engineering, and nuclear waste management, consistent with interests of the United States in nonproliferation of nuclear weapons capabilities.

(c) STRENGTHENING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Activities under this section may include—

(1) converting research and training reactors currently using high-enrichment fuels to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among institutions of higher education;

(2) providing technical assistance, in collaboration with the United States nuclear industry, in relicensing and upgrading research and training reactors as part of a student training program; and

(3) providing funding, through the Innovations in Nuclear Infrastructure and Education Program, for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY NATIONAL LABORATORY INTERACTIONS.—The Secretary shall develop sabbatical fellowship and visiting scientist programs to encourage sharing of personnel between National Laboratories and universities.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a research and training reactor at an institution of higher education used in the research project.

SEC. 928. SECURITY OF REACTOR DESIGNS.

The Secretary, through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct a research and development program on cost-effective technologies for increasing the safety of reactor designs from natural phenomena and the security of reactor designs from deliberate attacks.

SEC. 929. ALTERNATIVES TO INDUSTRIAL RADIOACTIVE SOURCES.

(a) STUDY.—The Secretary shall conduct a study and provide a report to Congress not later than August 1, 2004. The study shall—

(1) survey industrial applications of large radioactive sources, including well-logging sources;

(2) review current domestic and international Department, Department of Defense, Department of State, and commercial programs to manage and dispose of radioactive sources;

(3) discuss disposal options and practices for currently deployed or future sources and, if deficiencies are noted in existing disposal options or practices for either deployed or future sources, recommend options to remedy deficiencies; and

(4) develop a program plan for research and development to develop alternatives to large industrial sources that reduce safety, environmental, or proliferation risks to either workers using the sources or the public.

(b) PROGRAM.—The Secretary shall establish a research and development program to implement the program plan developed under subsection (a)(4). The program shall include miniaturized particle accelerators for well-logging or other industrial applications and portable accelerators for production of short-lived radioactive materials at an industrial site.

SEC. 930. GEOLOGICAL ISOLATION OF SPENT FUEL.

The Secretary shall conduct a study to determine the feasibility of deep borehole disposal of spent nuclear fuel and high-level radioactive waste. The study shall emphasize geological, chemical, and hydrological characterization of, and design of engineered structures for, deep borehole environments. Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit the study to Congress.

Subtitle E—Fossil Energy

PART I—RESEARCH PROGRAMS

SEC. 931. FOSSIL ENERGY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for fossil energy research, development, demonstration, and commercial application activities, including activities authorized under this part:

(1) For fiscal year 2004, $530,000,000.

(2) For fiscal year 2005, $556,000,000.

(3) For fiscal year 2006, $583,000,000.

(4) For fiscal year 2007, $611,000,000.

(5) For fiscal year 2008, $626,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 932(b)(2), $28,000,000 for each of the fiscal years 2004 through 2008.

(2) For activities under section 934—

(A) for fiscal year 2004, $12,000,000;

(B) for fiscal year 2005, $15,000,000; and

(C) for each of fiscal years 2006 through 2008, $20,000,000.

(3) For activities under section 935—

(A) for fiscal year 2004, $259,000,000;

(B) for fiscal year 2005, $272,000,000;

(C) for fiscal year 2006, $285,000,000;

(D) for fiscal year 2007, $298,000,000; and

(E) for fiscal year 2008, $308,000,000.

(4) For the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (42 U.S.C. 7144d), $25,000,000 for each of fiscal years 2004 through 2008.

(5) For activities under section 933, $4,000,000 for fiscal year 2004 and $2,000,000 for each of fiscal years 2005 through 2008.

(c) EXTENDED AUTHORIZATION.—There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (42 U.S.C. 7144d), $25,000,000 for each of fiscal years 2009 through 2012.

(d) LIMITS ON USE OF FUNDS.—

(1) NO FUNDS FOR CERTAIN PROGRAMS.—None of the funds authorized under this section may be used for Fossil Energy Environmental Restoration or Import/Export Authorization.

(2) INSTITUTIONS OF HIGHER EDUCATION.—Of the funds authorized under subsection (b)(2), not less than 20 percent of the funds appropriated for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

SEC. 932. OIL AND GAS RESEARCH PROGRAMS.

(a) OIL AND GAS RESEARCH.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on oil and gas, including—

(1) exploration and production;

(2) gas hydrates;

(3) reservoir life and extension;

(4) transportation and distribution infrastructure;

(5) ultraclean fuels;

(6) heavy oil and oil shale;

(7) related environmental research; and

(8) compressed natural gas marine transport.

(b) FUEL CELLS.—

(1) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) IMPROVED MANUFACTURING PRODUCTION AND PROCESSES.—The demonstrations under paragraph (1) shall include fuel cell technology for commercial, residential, and transportation applications, and distributed generation systems, utilizing improved manufacturing production and processes.

(c) NATURAL GAS AND OIL DEPOSITS REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to Congress of the latest estimates of natural gas and oil reserves, reserves growth, and undiscovered resources in Federal and State waters off the coast of Louisiana and Texas.

(d) INTEGRATED CLEAN POWER AND ENERGY RESEARCH.—

(1) NATIONAL CENTER OR CONSORTIUM OF EXCELLENCE.—The Secretary shall establish a national center or consortium of excellence in clean energy and power generation, utilizing the resources of the existing Clean Power and Energy Research Consortium, to address the Nation's critical dependence on energy and the need to reduce emissions.

(2) PROGRAM.—The center or consortium shall conduct a program of research, development, demonstration, and commercial application on integrating the following focus areas:

(A) Efficiency and reliability of gas turbines for power generation.

(B) Reduction in emissions from power generation.

(C) Promotion of energy conservation issues.

(D) Effectively utilizing alternative fuels and renewable energy.

(E) Development of advanced materials technology for oil and gas exploration and utilization in harsh environments.

(F) Education on energy and power generation issues.

SEC. 933. TECHNOLOGY TRANSFER.

The Secretary shall establish a competitive program to award a contract to a nonprofit entity for the purpose of transferring technologies developed with public funds. The entity selected under this section shall have experience in offshore oil and gas technology research management, in the transfer of technologies developed with public funds to the offshore and maritime industry, and in management of an offshore and maritime industry consortium. The program consortium selected under section 942 shall not be eligible for selection under this section. When appropriate, the Secretary shall consider utilizing the entity selected under this section when implementing the activities authorized by section 975.

SEC. 934. RESEARCH AND DEVELOPMENT FOR COAL MINING TECHNOLOGIES.

(a) Establishment.—The Secretary shall carry out a program of research and development on coal mining technologies. The Secretary shall cooperate with appropriate Federal agencies, coal producers, trade associations, equipment manufacturers, institutions of higher education with mining engineering departments, and other relevant entities.

(b) Program.—The research and development activities carried out under this section shall—

(1) be guided by the mining research and development priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) include activities exploring minimization of contaminants in mined coal that contribute to environmental concerns including development and demonstration of electromagnetic wave imaging ahead of mining operations;

(3) develop and demonstrate electromagnetic wave imaging and radar techniques for horizontal drilling in coal beds in order to increase methane recovery efficiency, prevent spoilage of domestic coal reserves, and minimize water disposal associated with methane extraction; and

(4) expand mining research capabilities at institutions of higher education.

SEC. 935. COAL AND RELATED TECHNOLOGIES PROGRAM.

(a) In General.—In addition to the programs authorized under title IV, the Secretary shall conduct a program of technology research, development, demonstration, and commercial application for coal and power systems, including programs to facilitate production and generation of coal-based power through—

(1) innovations for existing plants;

(2) integrated gasification combined cycle;

(3) advanced combustion systems;

(4) turbines for synthesis gas derived from coal;

(5) carbon capture and sequestration research and development;

(6) coal-derived transportation fuels and chemicals;

(7) solid fuels and feedstocks;

(8) advanced coal-related research;

(9) advanced separation technologies; and

(10) a joint project for permeability enhancement in coals for natural gas production and carbon dioxide sequestration.

(b) Cost and Performance Goals.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020. In establishing such cost and performance goals, the Secretary shall—

(1) consider activities and studies undertaken to date by industry in cooperation with the Department in support of such assessment;

(2) consult with interested entities, including coal producers, industries using coal, organizations to promote coal and advanced coal technologies, environmental organizations, and organizations representing workers;

(3) not later than 120 days after the date of enactment of this Act, publish in the Federal Register proposed draft cost and performance goals for public comments; and

(4) not later than 180 days after the date of enactment of this Act and every 4 years thereafter, submit to Congress a report describing final cost and performance goals for such technologies that includes a list of technical milestones as well as an explanation of how programs authorized in this section will not duplicate the activities authorized under the Clean Coal Power Initiative authorized under subtitle A of title IV.

SEC. 936. COMPLEX WELL TECHNOLOGY TESTING FACILITY.

The Secretary, in coordination with industry leaders in extended research drilling technology, shall establish a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technologies.

SEC. 937. FISCHER-TROPSCH DIESEL FUEL LOAN GUARANTEE PROGRAM.

(a) Definition of Fischer-Tropsch Diesel Fuel.—In this section, the term "Fischer-Tropsch diesel fuel" means diesel fuel that—

(1) contains less than 10 parts per million sulfur; and

(2) is produced through the Fischer-Tropsch liquification process from coal or waste from coal that was mined in the United States.

(b) Loan Guarantees.—

(1) Establishment of program.—The Secretary of Energy shall establish a program to provide guarantees of loans by private lending institutions for the construction of facilities for the production of Fischer-Tropsch diesel fuel and commercial byproducts of that production.

(2) Requirements.—The Secretary may provide a loan guarantee under paragraph (1) if—

(A) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in paragraph (1);

(B) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(C) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(3) Criteria.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(A) meet all Federal and State permitting requirements;

(B) are most likely to be successful; and

(C) are located in local markets that have the greatest need for the facility because of—

(i) the availability of domestic coal or coal waste for conversion; or

(ii) a projected high level of demand for Fischer-Tropsch diesel fuel or other commercial byproducts of the facility.

(4) Maturity.—A loan guaranteed under paragraph (1) shall have a maturity of not more than 25 years.

(5) Terms and conditions.—The loan agreement for a loan guaranteed under paragraph (1) shall provide that no provision of the loan may be amended or waived without the consent of the Secretary.

(6) Guarantee fee.—A recipient of a loan guarantee under paragraph (1) shall pay the Secretary an amount to be determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(7) Full faith and credit.—

(A) In general.—The full faith and credit of the United States is pledged to payment of loan guarantees made under this section.

(B) Conclusive evidence.—Any loan guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(C) Validity.—The validity of a loan guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(8) Reports.—Until each guaranteed loan under this section is repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(9) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(10) Termination of authority.—The authority of the Secretary to issue a new loan guarantee under paragraph (1) terminates on the date that is 5 years after the date of enactment of this Act.

PART II—ULTRA-DEEPWATER AND UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES

SEC. 941. PROGRAM AUTHORITY.

(a) In General.—The Secretary shall carry out a program under this part of research, development, demonstration, and commercial application of technologies for ultra-deepwater and unconventional natural gas and other petroleum resource exploration and production, including addressing the technology challenges for small producers, safe operations, and environmental mitigation (including reduction of greenhouse gas emissions and sequestration of carbon).

(b) Program Elements.—The program under this part shall address the following areas, including improving safety and minimizing environmental impacts of activities within each area:

(1) Ultra-deepwater technology, including drilling to formations in the Outer Continental Shelf to depths greater than 15,000 feet.

(2) Ultra-deepwater architecture.

(3) Unconventional natural gas and other petroleum resource exploration and production technology, including the technology challenges of small producers.

(c) Limitation on Location of Field Activities.—Field activities under the program under this part shall be carried out only—

(1) in—

(A) areas in the territorial waters of the United States not under any Outer Continental Shelf moratorium as of September 30, 2002;

(B) areas onshore in the United States on public land administered by the Secretary of the Interior available for oil and gas leasing, where consistent with applicable law and land use plans; and

(C) areas onshore in the United States on State or private land, subject to applicable law; and

(2) with the approval of the appropriate Federal or State land management agency or private land owner.

(d) Research at National Energy Technology Laboratory.—The Secretary, through the National Energy Technology Laboratory, shall carry out research complementary to research under subsection (b).

(e) Consultation With Secretary of the Interior.—In carrying out this part, the Secretary shall consult regularly with the Secretary of the Interior.

SEC. 942. ULTRA-DEEPWATER PROGRAM.

(a) In General.—The Secretary shall carry out the activities under section 941(a), to maximize the use of the ultra-deepwater natural gas and other petroleum resources of the United States by increasing the supply of such resources, through reducing the cost and increasing the efficiency of exploration for and production of such resources, while improving safety and minimizing environmental impacts.

(b) Role of the Secretary.—The Secretary shall have ultimate responsibility for, and oversight of, all aspects of the program under this section.

(c) Role of the Program Consortium.—

(1) In general.—The Secretary may contract with a consortium to—

(A) manage awards pursuant to subsection (f)(4);

(B) make recommendations to the Secretary for project solicitations;

(C) disburse funds awarded under subsection (f) as directed by the Secretary in accordance with the annual plan under subsection (e); and

(D) carry out other activities assigned to the program consortium by this section.

(2) Limitation.—The Secretary may not assign any activities to the program consortium except as specifically authorized under this section.

(3) Conflict of interest.—

(A) Procedures.—The Secretary shall establish procedures—

(i) to ensure that each board member, officer, or employee of the program consortium who is in a decision-making capacity under subsection (f)(3) or (4) shall disclose to the Secretary any financial interests in, or financial relationships with, applicants for or recipients of awards under this section, including those of his or her spouse or minor child, unless such relationships or interests would be considered to be remote or inconsequential; and

(ii) to require any board member, officer, or employee with a financial relationship or interest disclosed under clause (i) to recuse himself or herself from any review under subsection (f)(3) or oversight under subsection (f)(4) with respect to such applicant or recipient.

(B) Failure to comply.—The Secretary may disqualify an application or revoke an award under this section if a board member, officer, or employee has failed to comply with procedures required under subparagraph (A)(ii).

(d) Selection of the Program Consortium.—

(1) In general.—The Secretary shall select the program consortium through an open, competitive process.

(2) Members.—The program consortium may include corporations, trade associations, institutions of higher education, National Laboratories, or other research institutions. After submitting a proposal under paragraph (4), the program consortium may not add members without the consent of the Secretary.

(3) Tax status.—The program consortium shall be an entity that is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986.

(4) Schedule.—Not later than 180 days after the date of enactment of this Act, the Secretary shall solicit proposals from eligible consortia to perform the duties in subsection (c)(1), which shall be submitted not later than 360 days after the date of enactment of this Act. The Secretary shall select the program consortium not later than 18 months after such date of enactment.

(5) Application.—Applicants shall submit a proposal including such information as the Secretary may require. At a minimum, each proposal shall—

(A) list all members of the consortium;

(B) fully describe the structure of the consortium, including any provisions relating to intellectual property; and

(C) describe how the applicant would carry out the activities of the program consortium under this section.

(6) Eligibility.—To be eligible to be selected as the program consortium, an applicant must be an entity whose members collectively have demonstrated capabilities in planning and managing research, development, demonstration, and commercial application programs in natural gas or other petroleum exploration or production.

(7) Criterion.—The Secretary shall consider the amount of the fee an applicant proposes to receive under subsection (g) in selecting a consortium under this section.

(e) Annual Plan.—

(1) In general.—The program under this section shall be carried out pursuant to an annual plan prepared by the Secretary in accordance with paragraph (2).

(2) Development.—

(A) Solicitation of recommendations.—Before drafting an annual plan under this subsection, the Secretary shall solicit specific written recommendations from the program consortium for each element to be addressed in the plan, including those described in paragraph (4). The Secretary may request that the program consortium submit its recommendations in the form of a draft annual plan.

(B) Submission of recommendations; other comment.—The Secretary shall submit the recommendations of the program consortium under subparagraph (A) to the Ultra-Deepwater Advisory Committee established under section 945(a) for review, and such Advisory Committee shall provide to the Secretary written comments by a date determined by the Secretary. The Secretary may also solicit comments from any other experts.

(C) Consultation.—The Secretary shall consult regularly with the program consortium throughout the preparation of the annual plan.

(3) Publication.—The Secretary shall transmit to Congress and publish in the Federal Register the annual plan, along with any written comments received under paragraph (2)(A) and (B).

(4) Contents.—The annual plan shall describe the ongoing and prospective activities of the program under this section and shall include—

(A) a list of any solicitations for awards that the Secretary plans to issue to carry out research, development, demonstration, or commercial application activities, including the topics for such work, who would be eligible to apply, selection criteria, and the duration of awards; and

(B) a description of the activities expected of the program consortium to carry out subsection (f)(4).

(5) Estimates of increased royalty receipts.—The Secretary, in consultation with the Secretary of the Interior, shall provide an annual report to Congress with the President's budget on the estimated cumulative increase in Federal royalty receipts (if any) resulting from the implementation of this part. The initial report under this paragraph shall be submitted in the first President's budget following the completion of the first annual plan required under this subsection.

(f) Awards.—

(1) In general.—The Secretary shall make awards to carry out research, development, demonstration, and commercial application activities under the program under this section. The program consortium shall not be eligible to receive such awards, but members of the program consortium may receive such awards.

(2) Proposals.—The Secretary shall solicit proposals for awards under this subsection in such manner and at such time as the Secretary may prescribe, in consultation with the program consortium.

(3) Review.—The Secretary shall make awards under this subsection through a competitive process, which shall include a review by individuals selected by the Secretary. Such individuals shall include, for each application, Federal officials, the program consortium, and non-Federal experts who are not board members, officers, or employees of the program consortium or of a member of the program consortium.

(4) Oversight.—

(A) In general.—The program consortium shall oversee the implementation of awards under this subsection, consistent with the annual plan under subsection (e), including disbursing funds and monitoring activities carried out under such awards for compliance with the terms and conditions of the awards.

(B) Effect.—Nothing in subparagraph (A) shall limit the authority or responsibility of the Secretary to oversee awards, or limit the authority of the Secretary to review or revoke awards.

(C) Provision of information.—The Secretary shall provide to the program consortium the information necessary for the program consortium to carry out its responsibilities under this paragraph.

(g) Administrative Costs.—

(1) In general.—To compensate the program consortium for carrying out its activities under this section, the Secretary shall provide to the program consortium funds sufficient to administer the program. This compensation may include a management fee consistent with Department of Energy contracting practices and procedures.

(2) Advance.—The Secretary shall advance funds to the program consortium upon selection of the consortium, which shall be deducted from amounts to be provided under paragraph (1).

(h) Audit.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided to the program consortium, and funds provided under awards made under subsection (f), have been expended in a manner consistent with the purposes and requirements of this part. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

SEC. 943. UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES PROGRAM.

(a) In General.—The Secretary shall carry out activities under subsection 941(b)(3), to maximize the use of the onshore unconventional natural gas and other petroleum resources of the United States, by increasing the supply of such resources, through reducing the cost and increasing the efficiency of exploration for and production of such resources, while improving safety and minimizing environmental impacts.

(b) Awards.—

(1) In general.—The Secretary shall carry out this section through awards to research consortia made through an open, competitive process. As a condition of award of funds, qualified research consortia shall—

(A) demonstrate capability and experience in unconventional onshore natural gas or other petroleum research and development;

(B) provide a research plan that demonstrates how additional natural gas or oil production will be achieved; and

(C) at the request of the Secretary, provide technical advice to the Secretary for the purposes of developing the annual plan required under subsection (e).

(2) Production potential.—The Secretary shall seek to ensure that the number and types of awards made under this subsection have reasonable potential to lead to additional oil and natural gas production on Federal lands.

(3) Schedule.—To carry out this subsection, not later than 180 days after the date of enactment of this Act, the Secretary shall solicit proposals from research consortia, which shall be submitted not later than 360 days after the date of enactment of this Act. The Secretary shall select the first group of research consortia to receive awards under this subsection not later than 18 months after such date of enactment.

(c) Audit.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided under awards made under this section have been expended in a manner consistent with the purposes and requirements of this part. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

(d) Focus Areas for Awards.—

(1) Unconventional resources.—Awards from allocations under section 949(d)(2) shall focus on areas including advanced coalbed methane, deep drilling, natural gas production from tight sands, natural gas production from gas shales, stranded gas, innovative exploration and production techniques, enhanced recovery techniques, and environmental mitigation of unconventional natural gas and other petroleum resources exploration and production.

(2) Small producers.—Awards from allocations under section 949(d)(3) shall be made to consortia consisting of small producers or organized primarily for the benefit of small producers, and shall focus on areas including complex geology involving rapid changes in the type and quality of the oil and gas reservoirs across the reservoir; low reservoir pressure; unconventional natural gas reservoirs in coalbeds, deep reservoirs, tight sands, or shales; and unconventional oil reservoirs in tar sands and oil shales.

(e) Annual Plan.—

(1) In general.—The program under this section shall be carried out pursuant to an annual plan prepared by the Secretary in accordance with paragraph (2).

(2) Development.—

(A) Written recommendations.—Before drafting an annual plan under this subsection, the Secretary shall solicit specific written recommendations from the research consortia receiving awards under subsection (b) and the Unconventional Resources Technology Advisory Committee for each element to be addressed in the plan, including those described in subparagraph (D).

(B) Consultation.—The Secretary shall consult regularly with the research consortia throughout the preparation of the annual plan.

(C) Publication.—The Secretary shall transmit to Congress and publish in the Federal Register the annual plan, along with any written comments received under subparagraph (A).

(D) Contents.—The annual plan shall describe the ongoing and prospective activities under this section and shall include a list of any solicitations for awards that the Secretary plans to issue to carry out research, development, demonstration, or commercial application activities, including the topics for such work, who would be eligible to apply, selection criteria, and the duration of awards.

(3) Estimates of increased royalty receipts.—The Secretary, in consultation with the Secretary of the Interior, shall provide an annual report to Congress with the President's budget on the estimated cumulative increase in Federal royalty receipts (if any) resulting from the implementation of this part. The initial report under this paragraph shall be submitted in the first President's budget following the completion of the first annual plan required under this subsection.

(f) Activities by the United States Geological Survey.—The Secretary of the Interior, through the United States Geological Survey, shall, where appropriate, carry out programs of long-term research to complement the programs under this section.

SEC. 944. ADDITIONAL REQUIREMENTS FOR AWARDS.

(a) Demonstration Projects.—An application for an award under this part for a demonstration project shall describe with specificity the intended commercial use of the technology to be demonstrated.

(b) Flexibility in Locating Demonstration Projects.—Subject to the limitation in section 941(c), a demonstration project under this part relating to an ultra-deepwater technology or an ultra-deepwater architecture may be conducted in deepwater depths.

(c) Intellectual Property Agreements.—If an award under this part is made to a consortium (other than the program consortium), the consortium shall provide to the Secretary a signed contract agreed to by all members of the consortium describing the rights of each member to intellectual property used or developed under the award.

(d) Technology Transfer.—2.5 percent of the amount of each award made under this part shall be designated for technology transfer and outreach activities under this title.

(e) Cost Sharing Reduction for Independent Producers.—In applying the cost sharing requirements under section 972 to an award under this part the Secretary may reduce or eliminate the non-Federal requirement if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project.

SEC. 945. ADVISORY COMMITTEES.

(a) Ultra-Deepwater Advisory Committee.—

(1) Establishment.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the Ultra-Deepwater Advisory Committee.

(2) Membership.—The advisory committee under this subsection shall be composed of members appointed by the Secretary including—

(A) individuals with extensive research experience or operational knowledge of offshore natural gas and other petroleum exploration and production;

(B) individuals broadly representative of the affected interests in ultra-deepwater natural gas and other petroleum production, including interests in environmental protection and safe operations;

(C) no individuals who are Federal employees; and

(D) no individuals who are board members, officers, or employees of the program consortium.

(3) Duties.—The advisory committee under this subsection shall—

(A) advise the Secretary on the development and implementation of programs under this part related to ultra-deepwater natural gas and other petroleum resources; and

(B) carry out section 942(e)(2)(B).

(4) Compensation.—A member of the advisory committee under this subsection shall serve without compensation but shall receive travel expenses in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(b) Unconventional Resources Technology Advisory Committee.—

(1) Establishment.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the Unconventional Resources Technology Advisory Committee.

(2) Membership.—The advisory committee under this subsection shall be composed of members appointed by the Secretary including—

(A) a majority of members who are employees or representatives of independent producers of natural gas and other petroleum, including small producers;

(B) individuals with extensive research experience or operational knowledge of unconventional natural gas and other petroleum resource exploration and production;

(C) individuals broadly representative of the affected interests in unconventional natural gas and other petroleum resource exploration and production, including interests in environmental protection and safe operations; and

(D) no individuals who are Federal employees.

(3) Duties.—The advisory committee under this subsection shall advise the Secretary on the development and implementation of activities under this part related to unconventional natural gas and other petroleum resources.

(4) Compensation.—A member of the advisory committee under this subsection shall serve without compensation but shall receive travel expenses in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(c) Prohibition.—No advisory committee established under this section shall make recommendations on funding awards to particular consortia or other entities, or for specific projects.

SEC. 946. LIMITS ON PARTICIPATION.

An entity shall be eligible to receive an award under this part only if the Secretary finds—

(1) that the entity's participation in the program under this part would be in the economic interest of the United States; and

(2) that either—

(A) the entity is a United States-owned entity organized under the laws of the United States; or

(B) the entity is organized under the laws of the United States and has a parent entity organized under the laws of a country that affords—

(i) to United States-owned entities opportunities, comparable to those afforded to any other entity, to participate in any cooperative research venture similar to those authorized under this part;

(ii) to United States-owned entities local investment opportunities comparable to those afforded to any other entity; and

(iii) adequate and effective protection for the intellectual property rights of United States-owned entities.

SEC. 947. SUNSET.

The authority provided by this part shall terminate on September 30, 2011.

SEC. 948. DEFINITIONS.

In this part:

(1) Deepwater.—The term "deepwater" means a water depth that is greater than 200 but less than 1,500 meters.

(2) Independent producer of oil or gas.—

(A) In general.—The term "independent producer of oil or gas" means any person that produces oil or gas other than a person to whom subsection (c) of section 613A of the Internal Revenue Code of 1986 does not apply by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A(d) of such Code.

(B) Rules for applying paragraphs (2) and (4) of section 613A(d).—For purposes of subparagraph (A), paragraphs (2) and (4) of section 613A(d) of the Internal Revenue Code of 1986 shall be applied by substituting "calendar year" for "taxable year" each place it appears in such paragraphs.

(3) Program consortium.—The term "program consortium" means the consortium selected under section 942(d).

(4) Remote or inconsequential.—The term "remote or inconsequential" has the meaning given that term in regulations issued by the Office of Government Ethics under section 208(b)(2) of title 18, United States Code.

(5) Small producer.—The term "small producer" means an entity organized under the laws of the United States with production levels of less than 1,000 barrels per day of oil equivalent.

(6) Ultra-deepwater.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(7) Ultra-deepwater architecture.—The term "ultra-deepwater architecture" means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at ultra-deepwater depths.

(8) Ultra-deepwater technology.—The term "ultra-deepwater technology" means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at ultra-deepwater depths.

(9) Unconventional natural gas and other petroleum resource.—The term "unconventional natural gas and other petroleum resource" means natural gas and other petroleum resource located onshore in an economically inaccessible geological formation, including resources of small producers.

SEC. 949. FUNDING.

(a) In General.—

(1) Oil and gas lease income.—For each of fiscal years 2004 through 2013, from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act and the Mineral Leasing Act which are deposited in the Treasury, and after distribution of any such funds as described in subsection (c), $150,000,000 shall be deposited into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund (in this section referred to as the Fund). For purposes of this section, the term "royalties" excludes proceeds from the sale of royalty production taken in kind and royalty production that is transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)).

(2) Authorization of appropriations.—In addition to amounts described in paragraph (1), there are authorized to be appropriated to the Secretary, to be deposited in the Fund, $50,000,000 for each of the fiscal years 2004 through 2013, to remain available until expended.

(b) Obligational Authority.—Monies in the Fund shall be available to the Secretary for obligation under this part without fiscal year limitation, to remain available until expended.

(c) Prior Distributions.—The distributions described in subsection (a) are those required by law—

(1) to States and to the Reclamation Fund under the Mineral Leasing Act (30 U.S.C. 191(a)); and

(2) to other funds receiving monies from Federal oil and gas leasing programs, including—

(A) any recipients pursuant to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g));

(B) the Land and Water Conservation Fund, pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5(c));

(C) the Historic Preservation Fund, pursuant to section 108 of the National Historic Preservation Act (16 U.S.C. 470h); and

(D) the Secure Energy Reinvestment Fund.

(d) Allocation.—Amounts obligated from the Fund under this section in each fiscal year shall be allocated as follows:

(1) 50 percent shall be for activities under section 942.

(2) 35 percent shall be for activities under section 943(d)(1).

(3) 10 percent shall be for activities under section 943(d)(2).

(4) 5 percent shall be for research under section 941(d).

(e) Fund.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund".

Subtitle F—Science

SEC. 951. SCIENCE.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application activities of the Office of Science, including activities authorized under this subtitle, including the amounts authorized under the amendment made by section 958(c)(2)(C), and including basic energy sciences, advanced scientific computing research, biological and environmental research, fusion energy sciences, high energy physics, nuclear physics, and research analysis and infrastructure support:

(1) For fiscal year 2004, $3,785,000,000.

(2) For fiscal year 2005, $4,153,000,000.

(3) For fiscal year 2006, $4,618,000,000.

(4) For fiscal year 2007, $5,310,000,000.

(5) For fiscal year 2008, $5,800,000,000.

(b) Allocations.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities of the Fusion Energy Sciences Program, including activities under sections 952 and 953—

(A) for fiscal year 2004, $335,000,000;

(B) for fiscal year 2005, $349,000,000;

(C) for fiscal year 2006, $362,000,000;

(D) for fiscal year 2007, $377,000,000; and

(E) for fiscal year 2008, $393,000,000.

(2) For the Spallation Neutron Source—

(A) for construction in fiscal year 2004, $124,600,000;

(B) for construction in fiscal year 2005, $79,800,000;

(C) for completion of construction in fiscal year 2006, $41,100,000; and

(D) for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment related to construction), $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

(3) For Catalysis Research activities under section 956—

(A) for fiscal year 2004, $33,000,000;

(B) for fiscal year 2005, $35,000,000;

(C) for fiscal year 2006, $36,500,000;

(D) for fiscal year 2007, $38,200,000; and

(E) for fiscal year 2008, $40,100,000.

(4) For Nanoscale Science and Engineering Research activities under section 957—

(A) for fiscal year 2004, $270,000,000;

(B) for fiscal year 2005, $292,000,000;

(C) for fiscal year 2006, $322,000,000;

(D) for fiscal year 2007, $355,000,000; and

(E) for fiscal year 2008, $390,000,000.

(5) For activities under section 957(c), from the amounts authorized under paragraph (4) of this subsection—

(A) for fiscal year 2004, $135,000,000;

(B) for fiscal year 2005, $150,000,000;

(C) for fiscal year 2006, $120,000,000;

(D) for fiscal year 2007, $100,000,000; and

(E) for fiscal year 2008, $125,000,000.

(6) For activities in the Genomes to Life Program under section 959—

(A) for fiscal year 2004, $100,000,000; and

(B) for fiscal years 2005 through 2008, such sums as may be necessary.

(7) For activities in the Energy-Water Supply Program under section 961, $30,000,000 for each of fiscal years 2004 through 2008.

(c) ITER Construction.—In addition to the funds authorized under subsection (b)(1), such sums as may be necessary for costs associated with ITER construction, consistent with limitations under section 952.

SEC. 952. UNITED STATES PARTICIPATION IN ITER.

(a) In General.—The United States may participate in ITER in accordance with the provisions of this section.

(b) Agreement.—

(1) In general.—The Secretary is authorized to negotiate an agreement for United States participation in ITER.

(2) CONTENTS.—Any agreement for United States participation in ITER shall, at a minimum—

(A) clearly define the United States financial contribution to construction and operating costs;

(B) ensure that the share of ITER's high-technology components manufactured in the United States is at least proportionate to the United States financial contribution to ITER;

(C) ensure that the United States will not be financially responsible for cost overruns in components manufactured in other ITER participating countries;

(D) guarantee the United States full access to all data generated by ITER;

(E) enable United States researchers to propose and carry out an equitable share of the experiments at ITER;

(F) provide the United States with a role in all collective decisionmaking related to ITER; and

(G) describe the process for discontinuing or decommissioning ITER and any United States role in those processes.

(c) PLAN.—The Secretary, in consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for the participation of United States scientists in ITER that shall include the United States research agenda for ITER, methods to evaluate whether ITER is promoting progress toward making fusion a reliable and affordable source of power, and a description of how work at ITER will relate to other elements of the United States fusion program. The Secretary shall request a review of the plan by the National Academy of Sciences.

(d) LIMITATION.—No funds shall be expended for the construction of ITER until the Secretary has transmitted to Congress—

(1) the agreement negotiated pursuant to subsection (b) and 120 days have elapsed since that transmission;

(2) a report describing the management structure of ITER and providing a fixed dollar estimate of the cost of United States participation in the construction of ITER, and 120 days have elapsed since that transmission;

(3) a report describing how United States participation in ITER will be funded without reducing funding for other programs in the Office of Science, including other fusion programs, and 60 days have elapsed since that transmission; and

(4) the plan required by subsection (c) (but not the National Academy of Sciences review of that plan), and 60 days have elapsed since that transmission.

(e) ALTERNATIVE TO ITER.—If at any time during the negotiations on ITER, the Secretary determines that construction and operation of ITER is unlikely or infeasible, the Secretary shall send to Congress, as part of the budget request for the following year, a plan for implementing the domestic burning plasma experiment known as FIRE, including costs and schedules for such a plan. The Secretary shall refine such plan in full consultation with the Fusion Energy Sciences Advisory Committee and shall also transmit such plan to the National Academy of Sciences for review.

(f) DEFINITIONS.—In this section and sections 951(b)(1) and (c):

(1) CONSTRUCTION.—The term "construction" means the physical construction of the ITER facility, and the physical construction, purchase, or manufacture of equipment or components that are specifically designed for the ITER facility, but does not mean the design of the facility, equipment, or components.

(2) FIRE.—The term "FIRE" means the Fusion Ignition Research Experiment, the fusion research experiment for which design work has been supported by the Department as a possible alternative burning plasma experiment in the event that ITER fails to move forward.

(3) ITER.—The term "ITER" means the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

SEC. 953. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to conduct research, development, demonstration, and commercial application to provide for the scientific, engineering, and commercial infrastructure necessary to ensure that the United States is competitive with other nations in providing fusion energy for its own needs and the needs of other nations, including by demonstrating electric power or hydrogen production for the United States energy grid utilizing fusion energy at the earliest date possible.

(b) PLANNING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall present to Congress a plan, with proposed cost estimates, budgets, and potential international partners, for the implementation of the policy described in subsection (a). The plan shall ensure that—

(A) existing fusion research facilities are more fully utilized;

(B) fusion science, technology, theory, advanced computation, modeling, and simulation are strengthened;

(C) new magnetic and inertial fusion research facilities are selected based on scientific innovation, cost effectiveness, and their potential to advance the goal of practical fusion energy at the earliest date possible, and those that are selected are funded at a cost-effective rate;

(D) communication of scientific results and methods between the fusion energy science community and the broader scientific and technology communities is improved;

(E) inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development; and

(F) attractive alternative inertial and magnetic fusion energy approaches are more fully explored.

(2) COSTS AND SCHEDULES.—Such plan shall also address the status of and, to the degree possible, costs and schedules for—

(A) in coordination with the program under section 960, the design and implementation of international or national facilities for the testing of fusion materials; and

(B) the design and implementation of international or national facilities for the testing and development of key fusion technologies.

SEC. 954. SPALLATION NEUTRON SOURCE.

(a) DEFINITION.—For the purposes of this section, the term "Spallation Neutron Source" means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(b) REPORT.—The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

(c) LIMITATIONS.—The total amount obligated by the Department, including prior year appropriations, for the Spallation Neutron Source shall not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

SEC. 955. SUPPORT FOR SCIENCE AND ENERGY FACILITIES AND INFRASTRUCTURE.

(a) FACILITY AND INFRASTRUCTURE POLICY.—The Secretary shall develop and implement a strategy for facilities and infrastructure supported primarily from the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, or the Office of Nuclear Energy, Science, and Technology Programs at all National Laboratories and single-purpose research facilities. Such strategy shall provide cost-effective means for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) REPORT.—

(1) IN GENERAL.—The Secretary shall prepare and transmit, along with the President's budget request to Congress for fiscal year 2006, a report containing the strategy developed under subsection (a).

(2) CONTENTS.—For each National Laboratory and single-purpose research facility, for the facilities primarily used for science and energy research, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current 10-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facility and infrastructure project compared to the original baseline cost, schedule, and scope.

SEC. 956. CATALYSIS RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the Office of Science, shall support a program of research and development in catalysis science consistent with the Department's statutory authorities related to research and development. The program shall include efforts to—

(1) enable catalyst design using combinations of experimental and mechanistic methodologies coupled with computational modeling of catalytic reactions at the molecular level;

(2) develop techniques for high throughput synthesis, assay, and characterization at nanometer and subnanometer scales in situ under actual operating conditions;

(3) synthesize catalysts with specific site architectures;

(4) conduct research on the use of precious metals for catalysis; and

(5) translate molecular understanding to the design of catalytic compounds.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators to pioneer new approaches in catalytic design;

(2) develop, plan, construct, acquire, share, or operate special equipment or facilities for the use of investigators in collaboration with national user facilities such as nanoscience and engineering centers;

(3) support technology transfer activities to benefit industry and other users of catalysis science and engineering; and

(4) coordinate research and development activities with industry and other Federal agencies.

(c) TRIENNIAL ASSESSMENT.—The National Academy of Sciences shall review the catalysis program every 3 years to report on gains made in the fundamental science of catalysis and its progress towards developing new fuels for energy production and material fabrication processes.

SEC. 957. NANOSCALE SCIENCE AND ENGINEERING RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program of research, development, demonstration, and commercial application in nanoscience and nanoengineering. The program shall include efforts to further the understanding of the chemistry, physics, materials science, and engineering of phenomena on the scale of nanometers and to apply that knowledge to the Department's mission areas.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and teams of investigators, including multidisciplinary teams;

(2) carry out activities under subsection (c);

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering;

(4) coordinate research and development activities with other Department programs, industry, and other Federal agencies;

(5) ensure that societal and ethical concerns will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated; and

(B) integrating, insofar as possible, research on societal and ethical concerns with nanotechnology research and development; and

(6) ensure that the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy is realized by supporting nanotechnology energy applications research and development.

(c) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—

(1) IN GENERAL.—The Secretary shall carry out projects to develop, plan, construct, acquire, operate, or support special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) ACTIVITIES.—Projects under paragraph (1) may include the measurement of properties at the scale of nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities, and related instrumentation.

(4) COLLABORATIONS.—The Secretary shall encourage collaborations among Department programs, institutions of higher education, laboratories, and industry at facilities under this subsection.

SEC. 958. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) IN GENERAL.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge, computationally based, science problems related to departmental missions.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms in collaboration with other Department program offices;

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest;

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets;

(4) develop and maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address departmental missions are available; and

(5) explore new computing approaches and technologies that promise to advance scientific computing, including developments in quantum computing.

(c) HIGH-PERFORMANCE COMPUTING ACT OF 1991 AMENDMENTS.—The High-Performance Computing Act of 1991 is amended—

(1) in section 4 (15 U.S.C. 5503)—

(A) in paragraph (3) by striking "means" and inserting "and networking and information technology mean", and by striking "(including vector supercomputers and large scale parallel systems)"; and

(B) in paragraph (4), by striking "packet switched"; and

(2) in section 203 (15 U.S.C. 5523)—

(A) in subsection (a), by striking all after "As part of the" and inserting "Networking and Information Technology Research and Development Program, the Secretary of Energy shall conduct basic and applied research in networking and information technology, with emphasis on supporting fundamental research in the physical sciences and engineering, and energy applications; providing supercomputer access and advanced communication capabilities and facilities to scientific researchers; and developing tools for distributed scientific collaboration.";

(B) in subsection (b), by striking "Program" and inserting "Networking and Information Technology Research and Development Program"; and

(C) by amending subsection (e) to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the Networking and Information Technology Research and Development Program such sums as may be necessary for fiscal years 2004 through 2008.".

(d) COORDINATION.—The Secretary shall ensure that the program under this section is integrated and consistent with—

(1) the Advanced Simulation and Computing Program, formerly known as the Accelerated Strategic Computing Initiative, of the National Nuclear Security Administration; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) REPORT.—

(1) IN GENERAL.—Before undertaking any new initiative to develop any new advanced architecture for high-speed computing, the Secretary, through the Director of the Office of Science, shall transmit a report to Congress describing—

(A) the expected duration and cost of the initiative;

(B) the technical milestones the initiative is designed to achieve;

(C) how institutions of higher education and private firms will participate in the initiative; and

(D) why the goals of the initiative could not be achieved through existing programs.

(2) LIMITATION.—No funds may be expended on any initiative described in paragraph (1) until 30 days after the report required by that paragraph is transmitted to Congress.

SEC. 959. GENOMES TO LIFE PROGRAM.

(a) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a research, development, and demonstration program in genetics, protein science, and computational biology to support the energy, national security, and environmental mission of the Department.

(2) GRANTS.—The program shall support individual investigators and multidisciplinary teams of investigators through competitive, merit-reviewed grants.

(3) CONSULTATION.—In carrying out the program, the Secretary shall consult with other Federal agencies that conduct genetic and protein research.

(b) GOALS.—The program shall have the goal of developing technologies and methods based on the biological functions of genomes, microbes, and plants that—

(1) can facilitate the production of fuels, including hydrogen;

(2) convert carbon dioxide to organic carbon;

(3) improve national security and combat terrorism;

(4) detoxify soils and water at Department facilities contaminated with heavy metals and radiological materials; and

(5) address other Department missions as identified by the Secretary.

(c) PLAN.—

(1) DEVELOPMENT OF PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a research plan describing how the program authorized pursuant to this section will be undertaken to accomplish the program goals established in subsection (b).

(2) REVIEW OF PLAN.—The Secretary shall contract with the National Academy of Sciences to review the research plan developed under this subsection. The Secretary shall transmit the review to Congress not later than 18 months after transmittal of the research plan under paragraph (1), along with the Secretary's response to the recommendations contained in the review.

(d) GENOMES TO LIFE USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) IN GENERAL.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 951(b)(6) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research, development, demonstration, and commercial application in systems biology and proteomics and associated biological disciplines.

(2) Facilities.—Facilities under paragraph (1) may include facilities, equipment, or instrumentation for—

(A) the production and characterization of proteins;

(B) whole proteome analysis;

(C) characterization and imaging of molecular machines; and

(D) analysis and modeling of cellular systems.

(3) Collaborations.—The Secretary shall encourage collaborations among universities, laboratories, and industry at facilities under this subsection. All facilities under this subsection shall have a specific mission of technology transfer to other institutions.

(e) Prohibition on Biomedical and Human Cell and Human Subject Research.—

(1) No biomedical research.—In carrying out the program under this section, the Secretary shall not conduct biomedical research.

(2) Limitations.—Nothing in this section shall authorize the Secretary to conduct any research or demonstrations—

(A) on human cells or human subjects; or

(B) designed to have direct application with respect to human cells or human subjects.

SEC. 960. FISSION AND FUSION ENERGY MATERIALS RESEARCH PROGRAM.

In the President's fiscal year 2006 budget request, the Secretary shall establish a research and development program on material science issues presented by advanced fission reactors and the Department's fusion energy program. The program shall develop a catalog of material properties required for these applications, develop theoretical models for materials possessing the required properties, benchmark models against existing data, and develop a roadmap to guide further research and development in this area.

SEC. 961. ENERGY-WATER SUPPLY PROGRAM.

(a) Establishment.—There is established within the Department the Energy-Water Supply Program, to study energy-related and certain other issues associated with the supply of drinking water and operation of community water systems and to study water supply issues related to energy.

(b) Definitions.—For the purposes of this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Agency.—The term "Agency" means the Environmental Protection Agency.

(3) Foundation.—The term "Foundation" means the American Water Works Association Research Foundation.

(4) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) Program.—The term "Program" means the Energy-Water Supply Program established by this section.

(c) Program Areas.—The Program shall develop methods, means, procedures, equipment, and improved technologies relating to—

(1) the arsenic removal program under subsection (d);

(2) the desalination program under subsection (e); and

(3) the water and energy sustainability program under subsection (f).

(d) Arsenic Removal Program.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary, in coordination with the Administrator and in partnership with the Foundation, shall utilize the facilities, institutions, and relationships established in the Consolidated Appropriations Resolution, 2003 as described in Senate Report 107-220 to carry out a research program to provide innovative methods and means for removal of arsenic.

(2) Required evaluations.—The program shall, to the maximum extent practicable, evaluate the means of—

(A) reducing energy costs incurred in using arsenic removal technologies;

(B) minimizing materials, operating, and maintenance costs; and

(C) minimizing any quantities of waste (especially hazardous waste) that result from use of arsenic removal technologies.

(3) Peer review.—Where applicable and reasonably available, projects undertaken under this subsection shall be peer-reviewed.

(4) Community water systems.—In carrying out the program under this subsection, the Secretary, in coordination with the Administrator, shall—

(A) select projects involving a geographically and hydrologically diverse group of community water systems (as defined in section 1003 of the Public Health Service Act (42 U.S.C. 300)) and water chemistries, that have experienced technical or economic difficulties in providing drinking water with levels of arsenic at 10 parts-per-billion or lower, which projects shall be designed to develop innovative methods and means to deliver drinking water that contains less than 10 parts per billion of arsenic; and

(B) provide not less than 40 percent of all funds spent pursuant to this subsection to address the needs of, and in collaboration with, rural communities or Indian tribes.

(5) Cost effectiveness.—The Foundation shall create methods for determining cost effectiveness of arsenic removal technologies used in the program.

(6) Education, training, and technology.—The Foundation shall include education, training, and technology transfer as part of the program.

(7) Coordination.—The Secretary shall consult with the Administrator to ensure that all activities conducted under the program are coordinated with the Agency and do not duplicate other programs in the Agency and other Federal agencies, State programs, and academia.

(8) Reports.—Not later than 1 year after the date of commencement of the program under this subsection, and once every year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate a report on the results of the program under this subsection.

(e) Desalination Program.—

(1) In general.—The Secretary, in cooperation with the Commissioner of Reclamation of the Department of the Interior, shall carry out a program to conduct research and develop methods and means for desalination in accordance with the desalination technology progress plan developed under title II of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 498), and described in Senate Report 107-39 under the heading "WATER AND RELATED RESOURCES" in the "Bureau of Reclamation" section.

(2) Requirements.—The desalination program shall—

(A) use the resources of the Department and the Department of the Interior that were involved in the development of the 2003 National Desalination and Water Purification Technology Roadmap for next-generation desalination technology;

(B) focus on technologies that are appropriate for use in desalinating brackish groundwater, drinking water, wastewater and other saline water supplies, or disposal of residual brine or salt; and

(C) consider the use of renewable energy sources.

(3) Construction projects.—Funds made available to carry out this subsection may be used for construction projects, including completion of the National Desalination Research Center for brackish groundwater and ongoing operational costs of this facility.

(4) Steering committee.—The Secretary and the Commissioner of Reclamation of the Department of the Interior shall jointly establish a steering committee for activities conducted under this subsection. The steering committee shall be jointly chaired by 1 representative from the program and 1 representative from the Bureau of Reclamation.

(f) Water and Energy Sustainability Program.—

(1) In general.—The Secretary shall develop a program to identify methods, means, procedures, equipment, and improved technologies necessary to ensure that sufficient quantities of water are available to meet energy needs and sufficient energy is available to meet water needs.

(2) Assessments.—In order to acquire information and avoid duplication, the Secretary shall work in collaboration with the Secretary of the Interior, the Army Corps of Engineers, the Administrator, the Secretary of Commerce, the Secretary of Defense, relevant State agencies, nongovernmental organizations, and academia, to assess—

(A) future water resources needed to support energy development and production within the United States including water used for hydropower, and production of, or electricity generation by, hydrogen, biomass, fossil fuels, and nuclear fuel;

(B) future energy resources needed to support water purification and wastewater treatment, including desalination and water conveyance;

(C) use of impaired and nontraditional water supplies for energy production other than oil and gas extraction;

(D) technology and programs for improving water use efficiency; and

(E) technologies to reduce water use in energy development and production.

(3) Roadmap; tools.—The Secretary shall—

(A) develop a program plan and technology development roadmap for the Water and Energy Sustainability Program to identify scientific and technical requirements and activities that are required to support planning for energy sustainability under current and potential future conditions of water availability, use of impaired water for energy production and other uses, and reduction of water use in energy development and production;

(B) develop tools for national and local energy and water sustainability planning, including numerical models, decision analysis tools, economic analysis tools, databases, and planning methodologies and strategies;

(C) implement at least 3 planning projects involving energy development or production that use the tools described in subparagraph (B) and assess the viability of those tools at the scale of river basins with at least 1 demonstration involving an international border; and

(D) transfer those tools to other Federal agencies, State agencies, nonprofit organizations, industry, and academia.

(4) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the Water and Energy Sustainability Program that—

(A) includes the results of the assessment under paragraph (2) and the program plan and technology development roadmap; and

(B) identifies policy, legal, and institutional issues related to water and energy sustainability.

SEC. 962. NITROGEN FIXATION.

The Secretary, acting through the Office of Science, shall support a program of research, development, demonstration, and commercial application on biological nitrogen fixation, including plant genomics research relevant to the development of commercial crop varieties with enhanced nitrogen fixation efficiency and ability.

Subtitle G—Energy and Environment

SEC. 964. UNITED STATES-MEXICO ENERGY TECHNOLOGY COOPERATION.

(a) Program.—The Secretary shall establish a research, development, demonstration, and commercial application program to be carried out in collaboration with entities in Mexico and the United States to promote energy efficient, environmentally sound economic development along the United States-Mexico border that minimizes public health risks from industrial activities in the border region.

(b) Program Management.—The program under subsection (a) shall be managed by the Department of Energy Carlsbad Environmental Management Field Office.

(c) Technology Transfer.—In carrying out projects and activities under this section, the Secretary shall assess the applicability of technology developed under the Environmental Management Science Program of the Department.

(d) Intellectual Property.—In carrying out this section, the Secretary shall comply with the requirements of any agreement entered into between the United States and Mexico regarding intellectual property protection.

(e) Authorization of Appropriations.—The following sums are authorized to be appropriated to the Secretary to carry out activities under this section:

(1) For each of fiscal years 2004 and 2005, $5,000,000.

(2) For each of fiscal years 2006, 2007, and 2008, $6,000,000.

SEC. 965. WESTERN HEMISPHERE ENERGY COOPERATION.

(a) Program.—The Secretary shall carry out a program to promote cooperation on energy issues with Western Hemisphere countries.

(b) Activities.—Under the program, the Secretary shall fund activities to work with Western Hemisphere countries to—

(1) assist the countries in formulating and adopting changes in economic policies and other policies to—

(A) increase the production of energy supplies; and

(B) improve energy efficiency; and

(2) assist in the development and transfer of energy supply and efficiency technologies that would have a beneficial impact on world energy markets.

(c) University Participation.—To the extent practicable, the Secretary shall carry out the program under this section with the participation of universities so as to take advantage of the acceptance of universities by Western Hemisphere countries as sources of unbiased technical and policy expertise when assisting the Secretary in—

(1) evaluating new technologies;

(2) resolving technical issues;

(3) working with those countries in the development of new policies; and

(4) training policymakers, particularly in the case of universities that involve the participation of minority students, such as Hispanic-serving institutions and Historically Black Colleges and Universities.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $8,000,000 for fiscal year 2004;

(2) $10,000,000 for fiscal year 2005;

(3) $13,000,000 for fiscal year 2006;

(4) $16,000,000 for fiscal year 2007; and

(5) $19,000,000 for fiscal year 2008.

SEC. 966. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) Grant Authority.—The Secretary may make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced;

(3) the emissions of air pollutants and other relevant environmental impacts; and

(4) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) Qualified Institution.—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher education with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out this section $500,000.

SEC. 967. REPORT ON FUEL CELL TEST CENTER.

(a) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of a study of the establishment of a test center for next-generation fuel cells at an institution of higher education that has available a continuous source of hydrogen and access to the electric transmission grid. Such report shall include a conceptual design for such test center and a projection of the costs of establishing the test center.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out this section $500,000.

SEC. 968. ARCTIC ENGINEERING RESEARCH CENTER.

(a) In General.—The Secretary of Energy (referred to in this section as the "Secretary") in consultation with the Secretary of Transportation and the United States Arctic Research Commission shall provide annual grants to a university located adjacent to the Arctic Energy Office of the Department of Energy, to establish and operate a university research center to be headquartered in Fairbanks and to be known as the "Arctic Engineering Research Center" (referred to in this section as the "Center").

(b) Purpose.—The purpose of the Center shall be to conduct research on, and develop improved methods of, construction and use of materials to improve the overall performance of roads, bridges, residential, commercial, and industrial structures, and other infrastructure in the Arctic region, with an emphasis on developing—

(1) new construction techniques for roads, bridges, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure that are capable of withstanding the Arctic environment and using limited energy resources as efficiently as possible;

(2) technologies and procedures for increasing road, bridge, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure safety, reliability, and integrity in the Arctic region;

(3) new materials and improving the performance and energy efficiency of existing materials for the construction of roads, bridges, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure in the Arctic region; and

(4) recommendations for new local, regional, and State permitting and building codes to ensure transportation and building safety and efficient energy use when constructing, using, and occupying such infrastructure in the Arctic region.

(c) Objectives.—The Center shall carry out—

(1) basic and applied research in the subjects described in subsection (b), the products of which shall be judged by peers or other experts in the field to advance the body of knowledge in road, bridge, rail, and infrastructure engineering in the Arctic region; and

(2) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

(d) Amount of Grant.—For each of fiscal years 2004 through 2009, the Secretary shall provide a grant in the amount of $3,000,000 to the institution specified in subsection (a) to carry out this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2009.

SEC. 969. BARROW GEOPHYSICAL RESEARCH FACILITY.

(a) Establishment.—The Secretary of Commerce, in consultation with the Secretaries of Energy and the Interior, the Director of the National Science Foundation, and the Administrator of the Environmental Protection Agency, shall establish a joint research facility in Barrow, Alaska, to be known as the "Barrow Geophysical Research Facility", to support scientific research activities in the Arctic.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretaries of Commerce, Energy, and the Interior, the Director of the National Science Foundation, and the Administrator of the Environmental Protection Agency for the planning, design, construction, and support of the Barrow Geophysical Research Facility $61,000,000.

SEC. 970. WESTERN MICHIGAN DEMONSTRATION PROJECT.

The Administrator of the Environmental Protection Agency, in consultation with the State of Michigan and affected local officials, shall conduct a demonstration project to address the effect of transported ozone and ozone precursors in Southwestern Michigan. The demonstration program shall address projected nonattainment areas in Southwestern Michigan that include counties with design values for ozone of less than .095 based on years 2000 to 2002 or the most current 3-year period of air quality data. The Administrator shall assess any difficulties such areas may experience in meeting the 8 hour national ambient air quality standard for ozone due to the effect of transported ozone or ozone precursors into the areas. The Administrator shall work with State and local officials to determine the extent of ozone and ozone precursor transport, to assess alternatives to achieve compliance with the 8 hour standard apart from local controls, and to determine the timeframe in which such compliance could take place. The Administrator shall complete this demonstration project no later than 2 years after the date of enactment of this section and shall not impose any requirement or sanction that might otherwise apply during the pendency of the demonstration project.

Subtitle H—Management

SEC. 971. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department under this title shall remain available until expended.

SEC. 972. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this title, for research and development programs carried out under this title the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature or involves technical analyses or educational activities.

(b) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this title, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this title to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

(d) SIZE OF NON-FEDERAL SHARE.—The Secretary may consider the size of the non-Federal share in selecting projects.

SEC. 973. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under this title shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

SEC. 974. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—

(1) IN GENERAL.—The Secretary shall establish 1 or more advisory boards to review Department research, development, demonstration, and commercial application programs in energy efficiency, renewable energy, nuclear energy, and fossil energy.

(2) EXISTING ADVISORY BOARDS.—The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, and may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) OFFICE OF SCIENCE ADVISORY COMMITTEES.—

(1) UTILIZATION OF EXISTING COMMITTEES.—The Secretary shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act (5 U.S.C. App.) by the Office of Science to oversee research and development programs under that Office.

(2) SCIENCE ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There shall be in the Office of Science a Science Advisory Committee that includes the chairs of each of the advisory committees described in paragraph (1).

(B) RESPONSIBILITIES.—The Science Advisory Committee shall—

(i) serve as the science advisor to the Director of the Office of Science;

(ii) advise the Director with respect to the well-being and management of the National Laboratories and single-purpose research facilities;

(iii) advise the Director with respect to education and workforce training activities required for effective short-term and long-term basic and applied research activities of the Office of Science; and

(iv) advise the Director with respect to the well being of the university research programs supported by the Office of Science.

(c) MEMBERSHIP.—Each advisory board under this section shall consist of persons with appropriate expertise representing a diverse range of interests.

(d) MEETINGS AND PURPOSES.—Each advisory board under this section shall meet at least semiannually to review and advise on the progress made by the respective research, development, demonstration, and commercial application program or programs. The advisory board shall also review the measurable cost and performance-based goals for such programs as established under section 901(b), and the progress on meeting such goals.

(e) PERIODIC REVIEWS AND ASSESSMENTS.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct periodic reviews and assessments of the programs authorized by this title, the measurable cost and performance-based goals for such programs as established under section 901(b), if any, and the progress on meeting such goals. Such reviews and assessments shall be conducted every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to Congress reports containing the results of all such reviews and assessments.

SEC. 975. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) TECHNOLOGY TRANSFER COORDINATOR.—The Secretary shall designate a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall—

(1) coordinate the activities of the Technology Transfer Working Group;

(2) oversee the expenditure of funds allocated to the Technology Transfer Working Group; and

(3) coordinate with each technology partnership ombudsman appointed under section 11 of the Technology Transfer Commercialization Act of 2000 (42 U.S.C. 7261c).

(b) TECHNOLOGY TRANSFER WORKING GROUP.—The Secretary shall establish a Technology Transfer Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices, including alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department, including those related to alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters.

(c) TECHNOLOGY TRANSFER RESPONSIBILITY.—Nothing in this section shall affect the technology transfer responsibilities of Federal employees under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

SEC. 976. FEDERAL LABORATORY EDUCATIONAL PARTNERS.

(a) DISTRIBUTION OF ROYALTIES RECEIVED BY FEDERAL AGENCIES.—Section 14(a)(1)(B)(v) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)(v)), is amended to read as follows:

"(v) for scientific research and development and for educational assistance and other purposes consistent with the missions and objectives of the agency and the laboratory.".

(b) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—Section 12(b)(5)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(5)(C)) is amended to read as follows:

"(C) for scientific research and development and for educational assistance consistent with the missions and objectives of the agency and the laboratory.".

SEC. 977. INTERAGENCY COOPERATION.

The Secretary shall enter into discussions with the Administrator of the National Aeronautics and Space Administration with the goal of reaching an interagency working agreement between the 2 agencies that would make the National Aeronautics and Space Administration's expertise in energy, gained from its existing and planned programs, more readily available to the relevant research, development, demonstration, and commercial applications programs of the Department. Technologies to be discussed should include the National Aeronautics and Space Administration's modeling, research, development, testing, and evaluation of new energy technologies, including solar, wind, fuel cells, and hydrogen storage and distribution.

SEC. 978. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) PURPOSE.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories and single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories and single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and entities that can support departmental missions at the National

Laboratories or single-purpose research facilities, such as institutions of higher education; technology-related business concerns; nonprofit institutions; and agencies of State, tribal, or local governments.

(c) Projects.—The Secretary shall authorize the Director of each National Laboratory or single-purpose research facility to implement the Technology Infrastructure Program at such National Laboratory or facility through projects that meet the requirements of subsections (d) and (e).

(d) Program Requirements.—Each project funded under this section shall meet the following requirements:

(1) Each project shall include at least 1 of each of the following entities: a business; an institution of higher education; a nonprofit institution; and an agency of a State, local, or tribal government.

(2) Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources. The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project after start of the project. Independent research and development expenses of Government contractors that qualify for reimbursement under section 31.205–18(e) of the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited toward costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(3) All projects under this section shall be competitively selected using procedures determined by the Secretary.

(4) Any participant that receives funds under this section may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) No Federal funds shall be made available under this section for construction or any project for more than 5 years.

(e) Selection Criteria.—

(1) In general.—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) Criteria.—The Secretary shall consider the following criteria in selecting a project to receive Federal funds:

(A) The potential of the project to promote the development of a commercially sustainable technology cluster following the period of Department investment, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility.

(B) The potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility.

(C) The extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project.

(D) The extent to which the project focuses on promoting the development of technology-related business concerns that are small businesses or involves such small businesses substantively in the project.

(E) Such other criteria as the Secretary determines to be appropriate.

(f) Allocation.—In allocating funds for projects approved under this section, the Secretary shall provide—

(1) the Federal share of the project costs; and

(2) additional funds to the National Laboratory or single-purpose research facility managing the project to permit the National Laboratory or single-purpose research facility to carry out activities relating to the project, and to coordinate such activities with the project.

(g) Report to Congress.—Not later than July 1, 2006, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(h) Definitions.—In this section:

(1) Technology cluster.—The term "technology cluster" means a concentration of technology-related business concerns, institutions of higher education, or nonprofit institutions that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) Technology-related business concern.—The term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that conducts scientific or engineering research; develops new technologies; manufactures products based on new technologies; or performs technological services.

(i) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2004, 2005, and 2006.

SEC. 979. REPROGRAMMING.

(a) Distribution Report.—Not later than 60 days after the date of the enactment of an Act appropriating amounts authorized under this title, the Secretary shall transmit to the appropriate authorizing committees of Congress a report explaining how such amounts will be distributed among the authorizations contained in this title.

(b) Prohibition.—

(1) In general.—No amount identified under subsection (a) shall be reprogrammed if such reprogramming would result in an obligation which changes an individual distribution required to be reported under subsection (a) by more than 5 percent unless the Secretary has transmitted to the appropriate authorizing committees of Congress a report described in subsection (c) and a period of 30 days has elapsed after such committees receive the report.

(2) Computation.—In the computation of the 30-day period described in paragraph (1), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Reprogramming Report.—A report referred to in subsection (b)(1) shall contain a full and complete statement of the action proposed to be taken and the facts and circumstances relied on in support of the proposed action.

SEC. 980. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title, the Secretary shall carry out the research, development, demonstration, and commercial application programs, projects, and activities authorized by this title in accordance with the applicable provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act), and any other Act under which the Secretary is authorized to carry out such activities.

SEC. 981. REPORT ON RESEARCH AND DEVELOPMENT PROGRAM EVALUATION METHODOLOGIES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to investigate and report on the scientific and technical merits of any evaluation methodology currently in use or proposed for use in relation to the scientific and technical programs of the Department by the Secretary or other Federal official. Not later than 6 months after receiving the report of the National Academy, the Secretary shall submit such report to Congress, along with any other views or plans of the Secretary with respect to the future use of such evaluation methodology.

SEC. 982. DEPARTMENT OF ENERGY SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a) Establishment of Program.—

(1) In general.—The Secretary is authorized to establish a Department of Energy Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Department.

(2) Competitive process.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) Service agreements.—To carry out the Program the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Department, for the period described in subsection (f)(1), in positions needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) Scholarship Eligibility.—In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic program or field of study described in the list made available under subsection (d);

(2) be a United States citizen; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) Application Required.—An individual seeking a scholarship under this section shall submit an application to the Secretary at such time, in such manner, and containing such information, agreements, or assurances as the Secretary may require.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The Secretary shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized, and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—The Secretary may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Secretary, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Secretary grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Secretary, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—The Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—The period of service for which an individual shall be obligated to serve as an employee of the Department is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) DEFERRAL.—The Secretary may defer the obligation of an individual to provide a period of service under paragraph (1) if the Secretary determines that such a deferral is appropriate. The Secretary shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Secretary by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment not later than 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Secretary when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—A scholarship recipient who, for any reason, fails to begin or complete a service obligation under this section after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Secretary pursuant to subsection (f)(2)(B), shall be in breach of the contractual agreement. When a recipient breaches an agreement for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) DEFINITIONS.—In this section the following definitions apply:

(1) COST OF ATTENDANCE.—The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087*ll*).

(2) PROGRAM.—The term "Program" means the Department of Energy Science and Technology Scholarship Program established under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section—

(1) for fiscal year 2004, $800,000;

(2) for fiscal year 2005, $1,600,000;

(3) for fiscal year 2006, $2,000,000;

(4) for fiscal year 2007, $2,000,000; and

(5) for fiscal year 2008, $2,000,000.

SEC. 983. REPORT ON EQUAL EMPLOYMENT OPPORTUNITY PRACTICES.

Not later than 12 months after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the equal employment opportunity practices at National Laboratories. Such report shall include—

(1) a thorough review of each laboratory contractor's equal employment opportunity policies, including promotion to management and professional positions and pay raises;

(2) a statistical report on complaints and their disposition in the laboratories;

(3) a description of how equal employment opportunity practices at the laboratories are treated in the contract and in calculating award fees for each contractor;

(4) a summary of disciplinary actions and their disposition by either the Department or the relevant contractors for each laboratory;

(5) a summary of outreach efforts to attract women and minorities to the laboratories;

(6) a summary of efforts to retain women and minorities in the laboratories; and

(7) a summary of collaboration efforts with the Office of Federal Contract Compliance Programs to improve equal employment opportunity practices at the laboratories.

SEC. 984. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to designate a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities along with recommendations, if appropriate, on how to improve participation;

(3) make available to small businesses training, mentoring, and information on how to participate in procurement and collaborative research activities;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concerns' products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—The term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $5,000,000 for each of fiscal years 2004 through 2008.

SEC. 985. REPORT ON MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress identifying any policies or procedures of a contractor operating a National Laboratory or single-purpose research facility that create disincentives to the temporary transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities and provide suggestions for improving interlaboratory exchange of scientific and technical personnel.

SEC. 986. NATIONAL ACADEMY OF SCIENCES REPORT.

Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the Academy to—

(1) conduct a study on—

(A) the obstacles to accelerating the commercial application of energy technology; and

(B) the adequacy of Department policies and procedures for, and oversight of, technology transfer-related disputes between contractors of the Department and the private sector; and

(2) transmit a report to Congress on recommendations developed as a result of the study.

SEC. 987. OUTREACH.

The Secretary shall ensure that each program authorized by this title includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, institutions of higher education, small businesses, facility planners and managers, State and local governments, and other entities.

SEC. 988. COMPETITIVE AWARD OF MANAGEMENT CONTRACTS.

None of the funds authorized to be appropriated to the Secretary by this title may be used to award a management and operating contract for a nonmilitary energy laboratory of the Department unless such contract is competitively awarded or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver and shall submit to Congress a report notifying Congress of the waiver and setting forth the reasons for the waiver at least 60 days prior to the date of the award of such a contract.

SEC. 989. EDUCATIONAL PROGRAMS IN SCIENCE AND MATHEMATICS.

(a) ACTIVITIES.—Section 3165(a) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381b(a)) is amended by adding at the end the following:

"(14) Support competitive events for students, under supervision of teachers, designed to encourage student interest and knowledge in science and mathematics.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3169 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381e), as so redesignated by section 1102(b), is amended by inserting before the period "; and $40,000,000 for each of fiscal years 2004 through 2008".

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

SEC. 1001. ADDITIONAL ASSISTANT SECRETARY POSITION.

(a) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "six Assistant Secretaries" and inserting "7 Assistant Secretaries".

(2) SENSE OF CONGRESS.—It is the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (7)".

(2) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking "Section 209" and inserting "Sec. 209";

(B) by striking "213." and inserting "Sec. 213.";

(C) by striking "214." and inserting "Sec. 214.";

(D) by striking "215." and inserting "Sec. 215."; and

(E) by striking "216." and inserting "Sec. 216.".

SEC. 1002. OTHER TRANSACTIONS AUTHORITY.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g)(1) In addition to other authorities granted to the Secretary under law, the Secretary may enter into other transactions on such terms as the Secretary may deem appropriate in furtherance of research, development, or demonstration functions vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) or section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

"(2)(A) The Secretary shall ensure that—

"(i) to the maximum extent the Secretary determines practicable, no transaction entered into under paragraph (1) provides for research, development, or demonstration that duplicates research, development, or demonstration being conducted under existing projects carried out by the Department;

"(ii) to the extent the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction; and

"(iii) to the extent the Secretary determines practicable, competitive, merit-based selection procedures shall be used when entering into transactions under paragraph (1).

"(B) A transaction authorized by paragraph (1) may be used for a research, development, or demonstration project only if the Secretary makes a written determination that the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

"(3)(A) The Secretary shall protect from disclosure, including disclosure under section 552 of title 5, United States Code, for up to 5 years after the date the information is received by the Secretary—

"(i) a proposal, proposal abstract, and supporting documents submitted to the Department in a competitive or noncompetitive process having the potential for resulting in an award under paragraph (1) to the party submitting the information; and

"(ii) a business plan and technical information relating to a transaction authorized by paragraph (1) submitted to the Department as confidential business information.

"(B) The Secretary may protect from disclosure, for up to 5 years after the information was developed, any information developed pursuant to a transaction under paragraph (1) which developed information is of a character that it would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.

"(4) Not later than 90 days after the date of enactment of this subsection, the Secretary shall prescribe guidelines for using other transactions authorized by paragraph (1). Such guidelines shall be published in the Federal Register for public comment under rulemaking procedures of the Department.

"(5) The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate and may not be delegated to any other person.

"(6)(A) Not later than September 31, 2005, the Comptroller General of the United States shall report to Congress on the Department's use of the authorities granted under this section, including the ability to attract nontraditional government contractors and whether additional safeguards are needed with respect to the use of such authorities.

"(B) In this section, the term 'nontraditional Government contractor' has the same meaning as the term 'nontraditional defense contractor' as defined in section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).".

TITLE XI—PERSONNEL AND TRAINING

SEC. 1101. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

The Secretary of Energy, in consultation with the Secretary of Labor and jointly with the electric industry and recognized employee representatives, shall develop model personnel training guidelines to support electric system reliability and safety. The training guidelines shall, at a minimum—

(1) include training requirements for workers engaged in the construction, operation, inspection, and maintenance of electric generation, transmission, and distribution, including competency and certification requirements, and assessment requirements that include initial and ongoing evaluation of workers, recertification assessment procedures, and methods for examining or testing the qualification of individuals performing covered tasks; and

(2) consolidate existing training guidelines on the construction, operation, maintenance, and inspection of electric generation, transmission, and distribution facilities, such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1102. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR STUDENTS FROM UNDER-REPRESENTED GROUPS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage students from underrepresented groups to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy

Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 902 of the Energy Policy Act of 2003.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 902 of the Energy Policy Act of 2003.

"(5) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'Tribal College or University' in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

"(b) EDUCATION PARTNERSHIP.—The Secretary shall direct the Director of each National Laboratory and, to the extent practicable, the head of any science facility to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(c) ACTIVITIES.—An activity under subsection (b) may include—

"(1) collaborative research;

"(2) equipment transfer;

"(3) training activities conducted at a National Laboratory or science facility; and

"(4) mentoring activities conducted at a National Laboratory or science facility.

"(d) REPORT.—Not later than 2 years after the date of enactment of the Energy Policy Act of 2003, the Secretary shall submit to Congress a report on the activities carried out under this section.".

SEC. 1103. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (in this section referred to as the "Center"), to address the need for training and educating certified operators for nonnuclear electric power generation plants.

(b) ROLE.—The Center shall provide both training and continuing education relating to nonnuclear electric power generation plant technologies and operations. The Center shall conduct training and education activities on site and through Internet-based information technologies that allow for learning at remote sites.

(c) CRITERIA FOR COMPETITIVE SELECTION.—The Secretary shall support the establishment of the Center at an institution of higher education with expertise in power plant technology and operation and with the ability to provide onsite as well as Internet-based training.

SEC. 1104. INTERNATIONAL ENERGY TRAINING.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretaries of Commerce, Interior, and State and the Federal Energy Regulatory Commission, shall coordinate training and outreach efforts for international commercial energy markets in countries with developing and restructuring economies.

(b) COMPONENTS.—The efforts may address—

(1) production-related fiscal regimes;

(2) grid and network issues;

(3) energy user and demand side response;

(4) international trade of energy; and

(5) international transportation of energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2004 through 2007.

TITLE XII—ELECTRICITY

SEC. 1201. SHORT TITLE.

This title may be cited as the "Electric Reliability Act of 2004".

Subtitle A—Reliability Standards

SEC. 1211. ELECTRIC RELIABILITY STANDARDS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'bulk-power system' means—

"(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

"(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

"(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

"(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

"(4) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

"(5) The term 'Interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of 1 or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

"(6) The term 'transmission organization' means a Regional Transmission Organization, Independent System Operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

"(7) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

"(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

"(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(c) CERTIFICATION.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization. The Commission may certify 1 such ERO if the Commission determines that such ERO—

"(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

"(2) has established rules that—

"(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

"(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

"(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

"(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

"(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

"(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

"(2) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

"(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

"(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

"(A) the Commission finds a conflict exists between a reliability standard and any such provision;

"(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

"(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

"(e) ENFORCEMENT.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

"(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

"(B) files notice and the record of the proceeding with the Commission.

"(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the ERO files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the ERO for further proceedings. The Commission shall implement expedited procedures for such hearings.

"(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

"(4) The Commission shall issue regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

"(A) the regional entity is governed by—

"(i) an independent board;

"(ii) a balanced stakeholder board; or

"(iii) a combination independent and balanced stakeholder board.

"(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

"(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

"(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

"(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

"(f) CHANGES IN ELECTRIC RELIABILITY ORGANIZATION RULES.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the ERO. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

"(g) RELIABILITY REPORTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

"(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

"(i) SAVINGS PROVISIONS.—(1) The ERO shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

"(2) This section does not authorize the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

"(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

"(5) The Commission, after consultation with the ERO and the State taking action, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

"(j) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of their electric load served within the region. A regional advisory body shall be composed of 1 member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

"(k) ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii.".

(b) STATUS OF ERO.—The Electric Reliability Organization certified by the Federal Energy Regulatory Commission under section 215(c) of the Federal Power Act and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act are not departments, agencies, or instrumentalities of the United States Government.

Subtitle B—Transmission Infrastructure Modernization

SEC. 1221. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) AMENDMENT OF FEDERAL POWER ACT.—Part II of the Federal Power Act is amended by adding at the end the following:

"SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

"(a) DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.—

"(1) Transmission congestion study.—Within 1 year after the enactment of this section, and every 3 years thereafter, the Secretary of Energy, in consultation with affected States, shall conduct a study of electric transmission congestion. After considering alternatives and recommendations from interested parties, including an opportunity for comment from affected States, the Secretary shall issue a report, based on such study, which may designate any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor. The Secretary shall conduct the study and issue the report in consultation with any appropriate regional entity referenced in section 215 of this Act.

"(2) Considerations.—In determining whether to designate a national interest electric transmission corridor referred to in paragraph (1) under this section, the Secretary may consider whether—

"(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

"(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

"(ii) a diversification of supply is warranted;

"(C) the energy independence of the United States would be served by the designation;

"(D) the designation would be in the interest of national energy policy; and

"(E) the designation would enhance national defense and homeland security.

"(b) Construction Permit.—Except as provided in subsection (i), the Commission is authorized, after notice and an opportunity for hearing, to issue a permit or permits for the construction or modification of electric transmission facilities in a national interest electric transmission corridor designated by the Secretary under subsection (a) if the Commission finds that—

"(1)(A) a State in which the transmission facilities are to be constructed or modified is without authority to—

"(i) approve the siting of the facilities; or

"(ii) consider the interstate benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

"(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

"(C) a State commission or other entity that has authority to approve the siting of the facilities has—

"(i) withheld approval for more than 1 year after the filing of an application pursuant to applicable law seeking approval or 1 year after the designation of the relevant national interest electric transmission corridor, whichever is later; or

"(ii) conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission congestion in interstate commerce or is not economically feasible;

"(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

"(3) the proposed construction or modification is consistent with the public interest;

"(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers; and

"(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence.

"(c) Permit Applications.—Permit applications under subsection (b) shall be made in writing to the Commission. The Commission shall issue rules setting forth the form of the application, the information to be contained in the application, and the manner of service of notice of the permit application upon interested persons.

"(d) Comments.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

"(e) Rights-of-way.—In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify such transmission facilities, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

"(f) State Law.—Nothing in this section shall preclude any person from constructing or modifying any transmission facility pursuant to State law.

"(g) Compensation.—Any exercise of eminent domain authority pursuant to this section shall be considered a taking of private property for which just compensation is due. Just compensation shall be an amount equal to the full fair market value of the property taken on the date of the exercise of eminent domain authority, except that the compensation shall exceed fair market value if necessary to make the landowner whole for decreases in the value of any portion of the land not subject to eminent domain. Any parcel of land acquired by eminent domain under this subsection shall be transferred back to the owner from whom it was acquired (or his heirs or assigns) if the land is not used for the construction or modification of electric transmission facilities within a reasonable period of time after the acquisition. Other than construction, modification, operation, or maintenance of electric transmission facilities and related facilities, property acquired under subsection (e) may not be used for any purpose (including use for any heritage area, recreational trail, or park) without the consent of the owner of the parcel from whom the property was acquired (or the owner's heirs or assigns).

"(h) Coordination of Federal Authorizations for Transmission and Distribution Facilities.—

"(1) Lead agency.—If an applicant, or prospective applicant, for a Federal authorization related to an electric transmission or distribution facility so requests, the Department of Energy (DOE) shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility. For purposes of this subsection, the term 'Federal authorization' means any authorization required under Federal law in order to site a transmission or distribution facility, including but not limited to such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal or a State agency. To the maximum extent practicable under applicable Federal law, the Secretary of Energy shall coordinate this Federal authorization and review process with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

"(2) Authority to set deadlines.—As lead agency, the Department of Energy, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian tribes, multi-State entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility. The Secretary of Energy shall ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 1 year or, if a requirement of another provision of Federal law makes this impossible, as soon thereafter as is practicable. The Secretary of Energy also shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant within 60 days of when the prospective applicant submits a request for such information concerning—

"(A) the likelihood of approval for a potential facility; and

"(B) key issues of concern to the agencies and public.

"(3) Consolidated environmental review and record of decision.—As lead agency head, the Secretary of Energy, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law. The document may be an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 if warranted, or such other form of analysis as may be warranted. The Secretary of Energy and the heads of other agencies shall streamline the review and permitting of transmission and distribution facilities within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors. Such document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable laws.

"(4) Appeals.—In the event that any agency has denied a Federal authorization required for a transmission or distribution facility, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the Secretary, who shall, in consultation with the affected agency, review the denial or take action on the pending application. Based on the overall record and in consultation with the affected agency, the Secretary may then either issue the necessary authorization with any appropriate conditions, or deny the application. The Secretary shall issue a decision within 90 days of the filing of the appeal. In making a decision under this paragraph, the Secretary shall comply with applicable requirements of Federal law, including any requirements of the Endangered Species Act, the Clean Water Act, the National Forest Management Act, the National Environmental Policy Act of 1969, and the Federal Land Policy and Management Act.

"(5) CONFORMING REGULATIONS AND MEMORANDA OF UNDERSTANDING.—Not later than 18 months after the date of enactment of this section, the Secretary of Energy shall issue any regulations necessary to implement this subsection. Not later than 1 year after the date of enactment of this section, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into Memoranda of Understanding to ensure the timely and coordinated review and permitting of electricity transmission and distribution facilities. The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the DOE regulations and any Memoranda. Interested Indian tribes, multi-State entities, and State agencies may enter such Memoranda of Understanding.

"(6) DURATION AND RENEWAL.—Each Federal land use authorization for an electricity transmission or distribution facility shall be issued—

"(A) for a duration, as determined by the Secretary of Energy, commensurate with the anticipated use of the facility, and

"(B) with appropriate authority to manage the right-of-way for reliability and environmental protection.

Upon the expiration of any such authorization (including an authorization issued prior to enactment of this section), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing its importance for public health, safety and economic welfare and as a legitimate use of Federal lands.

"(7) MAINTAINING AND ENHANCING THE TRANSMISSION INFRASTRUCTURE.—In exercising the responsibilities under this section, the Secretary of Energy shall consult regularly with the Federal Energy Regulatory Commission (FERC), FERC-approved electric reliability organizations (including related regional entities), and FERC-approved Regional Transmission Organizations and Independent System Operators.

"(i) INTERSTATE COMPACTS.—The consent of Congress is hereby given for 3 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional transmission siting agencies to facilitate siting of future electric energy transmission facilities within such States and to carry out the electric energy transmission siting responsibilities of such States. The Secretary of Energy may provide technical assistance to regional transmission siting agencies established under this subsection. Such regional transmission siting agencies shall have the authority to review, certify, and permit siting of transmission facilities, including facilities in national interest electric transmission corridors (other than facilities on property owned by the United States). The Commission shall have no authority to issue a permit for the construction or modification of electric transmission facilities within a State that is a party to a compact, unless the members of a compact are in disagreement and the Secretary makes, after notice and an opportunity for a hearing, the finding described in section (b)(1)(C).

"(j) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any requirement of the environmental laws of the United States, including, but not limited to, the National Environmental Policy Act of 1969. Subsection (h)(4) of this section shall not apply to any Congressionally-designated components of the National Wilderness Preservation System, the National Wild and Scenic Rivers System, or the National Park system (including National Monuments therein).

"(k) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).".

(b) REPORTS TO CONGRESS ON CORRIDORS AND RIGHTS OF WAY ON FEDERAL LANDS.—The Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, and the Chairman of the Council on Environmental Quality shall, within 90 days of the date of enactment of this subsection, submit a joint report to Congress identifying each of the following:

(1) All existing designated transmission and distribution corridors on Federal land and the status of work related to proposed transmission and distribution corridor designations under Title V of the Federal Land Policy and Management Act (43 U.S.C. 1761 et. Seq.), the schedule for completing such work, any impediments to completing the work, and steps that Congress could take to expedite the process.

(2) The number of pending applications to locate transmission and distribution facilities on Federal lands, key information relating to each such facility, how long each application has been pending, the schedule for issuing a timely decision as to each facility, and progress in incorporating existing and new such rights-of-way into relevant land use and resource management plans or their equivalent.

(3) The number of existing transmission and distribution rights-of-way on Federal lands that will come up for renewal within the following 5, 10, and 15 year periods, and a description of how the Secretaries plan to manage such renewals.

SEC. 1222. THIRD-PARTY FINANCE.

(a) EXISTING FACILITIES.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary"), acting through the Administrator of the Western Area Power Administration (hereinafter in this section referred to as "WAPA"), or through the Administrator of the Southwestern Power Administration (hereinafter in this section referred to as "SWPA"), or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, an electric power transmission facility and related facilities ("Project") needed to upgrade existing transmission facilities owned by SWPA or WAPA if the Secretary of Energy, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located in a national interest electric transmission corridor designated under section 216(a) of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for eleotric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Regional Transmission Organization or Independent System Operator (as defined in the Federal Power Act), if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid; and

(3) would be operated in conformance with prudent utility practice.

(b) NEW FACILITIES.—The Secretary, acting through WAPA or SWPA, or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, a new electric power transmission facility and related facilities ("Project") located within any State in which WAPA or SWPA operates if the Secretary, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located in an area designated under section 216(a) of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Regional Transmission Organization or Independent System Operator, if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid;

(3) will be operated in conformance with prudent utility practice;

(4) will be operated by, or in conformance with the rules of, the appropriate (A) Regional Transmission Organization or Independent System Operator, if any, or (B) if such an organization does not exist, regional reliability organization; and

(5) will not duplicate the functions of existing transmission facilities or proposed facilities which are the subject of ongoing or approved siting and related permitting proceedings.

(c) OTHER FUNDS.—

(1) IN GENERAL.—In carrying out a Project under subsection (a) or (b), the Secretary may accept and use funds contributed by another entity for the purpose of carrying out the Project.

(2) AVAILABILITY.—The contributed funds shall be available for expenditure for the purpose of carrying out the Project—

(A) without fiscal year limitation; and

(B) as if the funds had been appropriated specifically for that Project.

(3) ALLOCATION OF COSTS.—In carrying out a Project under subsection (a) or (b), any costs of the Project not paid for by contributions from another entity shall be collected through rates charged to customers using the new transmission capability provided by the Project and allocated equitably among these project beneficiaries using the new transmission capability.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects any requirement of—

(1) any Federal environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any Federal or State law relating to the siting of energy facilities; or

(3) any existing authorizing statutes.

(e) Savings Clause.—Nothing in this section shall constrain or restrict an Administrator in the utilization of other authority delegated to the Administrator of WAPA or SWPA.

(f) Secretarial Determinations.—Any determination made pursuant to subsections (a) or (b) shall be based on findings by the Secretary using the best available data.

(g) Maximum Funding Amount.—The Secretary shall not accept and use more than $100,000,000 under subsection (c)(1) for the period encompassing fiscal years 2004 through 2013.

SEC. 1223. TRANSMISSION SYSTEM MONITORING.

Within 6 months after the date of enactment of this Act, the Secretary of Energy and the Federal Energy Regulatory Commission shall study and report to Congress on the steps which must be taken to establish a system to make available to all transmission system owners and Regional Transmission Organizations (as defined in the Federal Power Act) within the Eastern and Western Interconnections real-time information on the functional status of all transmission lines within such Interconnections. In such study, the Commission shall assess technical means for implementing such transmission information system and identify the steps the Commission or Congress must take to require the implementation of such system.

SEC. 1224. ADVANCED TRANSMISSION TECHNOLOGIES.

(a) Authority.—The Federal Energy Regulatory Commission, in the exercise of its authorities under the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, shall encourage the deployment of advanced transmission technologies.

(b) Definition.—For the purposes of this section, the term "advanced transmission technologies" means technologies that increase the capacity, efficiency, or reliability of existing or new transmission facilities, including, but not limited to—

(1) high-temperature lines (including superconducting cables);

(2) underground cables;

(3) advanced conductor technology (including advanced composite conductors, high-temperature low-sag conductors, and fiber optic temperature sensing conductors);

(4) high-capacity ceramic electric wire, connectors, and insulators;

(5) optimized transmission line configurations (including multiple phased transmission lines);

(6) modular equipment;

(7) wireless power transmission;

(8) ultra-high voltage lines;

(9) high-voltage DC technology;

(10) flexible AC transmission systems;

(11) energy storage devices (including pumped hydro, compressed air, superconducting magnetic energy storage, flywheels, and batteries);

(12) controllable load;

(13) distributed generation (including PV, fuel cells, microturbines);

(14) enhanced power device monitoring;

(15) direct system state sensors;

(16) fiber optic technologies;

(17) power electronics and related software (including real time monitoring and analytical software); and

(18) any other technologies the Commission considers appropriate.

(c) Obsolete or Impracticable Technologies.—The Commission is authorized to cease encouraging the deployment of any technology described in this section on a finding that such technology has been rendered obsolete or otherwise impracticable to deploy.

SEC. 1225. ELECTRIC TRANSMISSION AND DISTRIBUTION PROGRAMS.

(a) Electric Transmission and Distribution Program.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary") acting through the Director of the Office of Electric Transmission and Distribution shall establish a comprehensive research, development, demonstration and commercial application program to promote improved reliability and efficiency of electrical transmission and distribution systems. This program shall include—

(1) advanced energy delivery and storage technologies, materials, and systems, including new transmission technologies, such as flexible alternating current transmission systems, composite conductor materials and other technologies that enhance reliability, operational flexibility, or power-carrying capability;

(2) advanced grid reliability and efficiency technology development;

(3) technologies contributing to significant load reductions;

(4) advanced metering, load management, and control technologies;

(5) technologies to enhance existing grid components;

(6) the development and use of high-temperature superconductors to—

(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

(8) supply of electricity to the power grid by small scale, distributed and residential-based power generators;

(9) the development and use of advanced grid design, operation and planning tools;

(10) any other infrastructure technologies, as appropriate; and

(11) technology transfer and education.

(b) Program Plan.—Not later than 1 year after the date of the enactment of this legislation, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary may consult with utilities, energy services providers, manufacturers, institutions of higher education, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

(c) Implementation.—The Secretary shall consider implementing this program using a consortium of industry, university and national laboratory participants.

(d) Report.—Not later than 2 years after the transmittal of the plan under subsection (b), the Secretary shall transmit a report to Congress describing the progress made under this section and identifying any additional resources needed to continue the development and commercial application of transmission and distribution infrastructure technologies.

(e) Power Delivery Research Initiative.—

(1) In general.—The Secretary shall establish a research, development, demonstration, and commercial application initiative specifically focused on power delivery utilizing components incorporating high temperature superconductivity.

(2) Goals.—The goals of this initiative shall be to—

(A) establish facilities to develop high temperature superconductivity power applications in partnership with manufacturers and utilities;

(B) provide technical leadership for establishing reliability for high temperature superconductivity power applications including suitable modeling and analysis;

(C) facilitate commercial transition toward direct current power transmission, storage, and use for high power systems utilizing high temperature superconductivity; and

(D) facilitate the integration of very low impedance high temperature superconducting wires and cables in existing electric networks to improve system performance, power flow control and reliability.

(3) Requirements.—The initiative shall include—

(A) feasibility analysis, planning, research, and design to construct demonstrations of superconducting links in high power, direct current and controllable alternating current transmission systems;

(B) public-private partnerships to demonstrate deployment of high temperature superconducting cable into testbeds simulating a realistic transmission grid and under varying transmission conditions, including actual grid insertions; and

(C) testbeds developed in cooperation with national laboratories, industries, and universities to demonstrate these technologies, prepare the technologies for commercial introduction, and address cost or performance roadblocks to successful commercial use.

(4) Authorization of Appropriations.—For purposes of carrying out this subsection, there are authorized to be appropriated—

(A) for fiscal year 2004, $15,000,000;

(B) for fiscal year 2005, $20,000,000;

(C) for fiscal year 2006, $30,000,000;

(D) for fiscal year 2007, $35,000,000; and

(E) for fiscal year 2008, $40,000,000.

SEC. 1226. ADVANCED POWER SYSTEM TECHNOLOGY INCENTIVE PROGRAM.

(a) Program.—The Secretary of Energy is authorized to establish an Advanced Power System Technology Incentive Program to support the deployment of certain advanced power system technologies and to improve and protect certain critical governmental, industrial, and commercial processes. Funds provided under this section shall be used by the Secretary to make incentive payments to eligible owners or operators of advanced power system technologies to increase power generation through enhanced operational, economic, and environmental performance. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application establishing an applicant as either—

(1) a qualifying advanced power system technology facility; or

(2) a qualifying security and assured power facility.

(b) Incentives.—Subject to availability of funds, a payment of 1.8 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying advanced power system technology facility under this section for electricity generated at such facility. An additional 0.7 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying security and assured power facility for electricity generated at such facility. Any facility qualifying under this section shall be eligible for an incentive payment for up to, but not more than, the first 10,000,000 kilowatt-hours produced in any fiscal year.

(c) Eligibility.—For purposes of this section:

(1) Qualifying advanced power system technology facility.—The term "qualifying advanced power system technology facility" means a facility using an advanced fuel cell, turbine, or hybrid power system or power storage system to generate or store electric energy.

(2) Qualifying security and assured power facility.—The term "qualifying security and assured power facility" means a qualifying advanced power system technology facility determined by the Secretary of Energy, in consultation with the Secretary of Homeland Security, to be in critical need of secure, reliable, rapidly available, high-quality power for critical governmental, industrial, or commercial applications.

(d) Authorization.—There are authorized to be appropriated to the Secretary of Energy for the purposes of this section, $10,000,000 for each of the fiscal years 2004 through 2010.

SEC. 1227. OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION.

(a) Creation of an Office of Electric Transmission and Distribution.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) (as amended by section 502(a) of this Act) is amended by inserting the following after section 217, as added by title V of this Act:

"SEC. 218. OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION.

"(a) Establishment.—There is established within the Department an Office of Electric Transmission and Distribution. This Office shall be headed by a Director, subject to the authority of the Secretary. The Director shall be appointed by the Secretary. The Director shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) Director.—The Director shall—

"(1) coordinate and develop a comprehensive, multi-year strategy to improve the Nation's electricity transmission and distribution;

"(2) implement or, where appropriate, coordinate the implementation of, the recommendations made in the Secretary's May 2002 National Transmission Grid Study;

"(3) oversee research, development, and demonstration to support Federal energy policy related to electricity transmission and distribution;

"(4) grant authorizations for electricity import and export pursuant to section 202(c), (d), (e), and (f) of the Federal Power Act (16 U.S.C. 824a);

"(5) perform other functions, assigned by the Secretary, related to electricity transmission and distribution; and

"(6) develop programs for workforce training in power and transmission engineering.".

(b) Conforming Amendments.—(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Office of Electric Transmission and Distribution.".

(2) Section 5315 of title 5, United States Code, is amended by inserting after the item relating to "Inspector General, Department of Energy." the following:

"Director, Office of Electric Transmission and Distribution, Department of Energy.".

Subtitle C—Transmission Operation Improvements

SEC. 1231. OPEN NONDISCRIMINATORY ACCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 the following new section:

"SEC. 211A. OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES.

"(a) Transmission Services.—Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(1) at rates that are comparable to those that the unregulated transmitting utility charges itself; and

"(2) on terms and conditions (not relating to rates) that are comparable to those under which such unregulated transmitting utility provides transmission services to itself and that are not unduly discriminatory or preferential.

"(b) Exemption.—The Commission shall exempt from any rule or order under this section any unregulated transmitting utility that—

"(1) sells no more than 4,000,000 megawatt hours of electricity per year; or

"(2) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof); or

"(3) meets other criteria the Commission determines to be in the public interest.

"(c) Local Distribution Facilities.—The requirements of subsection (a) shall not apply to facilities used in local distribution.

"(d) Exemption Termination.—Whenever the Commission, after an evidentiary hearing held upon a complaint and after giving consideration to reliability standards established under section 215, finds on the basis of a preponderance of the evidence that any exemption granted pursuant to subsection (b) unreasonably impairs the continued reliability of an interconnected transmission system, it shall revoke the exemption granted to that transmitting utility.

"(e) Application to Unregulated Transmitting Utilities.—The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(f) Remand.—In exercising its authority under paragraph (1) of subsection (a), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of subsection (a).

"(g) Other Requests.—The provision of transmission services under subsection (a) does not preclude a request for transmission services under section 211.

"(h) Limitation.—The Commission may not require a State or municipality to take action under this section that would violate a private activity bond rule for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(i) Transfer of Control of Transmitting Facilities.—Nothing in this section authorizes the Commission to require an unregulated transmitting utility to transfer control or operational control of its transmitting facilities to an RTO or any other Commission-approved independent transmission organization designated to provide nondiscriminatory transmission access.

"(j) Definition.—For purposes of this section, the term 'unregulated transmitting utility' means an entity that—

"(1) owns or operates facilities used for the transmission of electric energy in interstate commerce; and

"(2) is an entity described in section 201(f).".

SEC. 1232. SENSE OF CONGRESS ON REGIONAL TRANSMISSION ORGANIZATIONS.

It is the sense of Congress that, in order to promote fair, open access to electric transmission service, benefit retail consumers, facilitate wholesale competition, improve efficiencies in transmission grid management, promote grid reliability, remove opportunities for unduly discriminatory or preferential transmission practices, and provide for the efficient development of transmission infrastructure needed to meet the growing demands of competitive wholesale power markets, all transmitting utilities in interstate commerce should voluntarily become members of Regional Transmission Organizations as defined in section 3 of the Federal Power Act.

SEC. 1233. REGIONAL TRANSMISSION ORGANIZATION APPLICATIONS PROGRESS REPORT.

Not later than 120 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report containing each of the following:

(1) A list of all regional transmission organization applications filed at the Commission pursuant to subpart F of part 35 of title 18, Code of Federal Regulations (in this section referred to as "Order No. 2000"), including an identification of each public utility and other entity included within the proposed membership of the regional transmission organization.

(2) A brief description of the status of each pending regional transmission organization application, including a precise explanation of how each fails to comply with the minimal requirements of Order No. 2000 and what steps need to be taken to bring each application into such compliance.

(3) For any application that has not been finally approved by the Commission, a detailed description of every aspect of the application that the Commission has determined does not conform to the requirements of Order No. 2000.

(4) For any application that has not been finally approved by the Commission, an explanation by the Commission of why the items described pursuant to paragraph (3) constitute material noncompliance with the requirements of the Commission's Order No. 2000 sufficient to justify denial of approval by the Commission.

(5) For all regional transmission organization applications filed pursuant to the Commission's Order No. 2000, whether finally approved or not—

(A) a discussion of that regional transmission organization's efforts to minimize rate seams between itself and—

(i) other regional transmission organizations; and

(ii) entities not participating in a regional transmission organization;

(B) a discussion of the impact of such seams on consumers and wholesale competition; and

(C) a discussion of minimizing cost-shifting on consumers.

SEC. 1234. FEDERAL UTILITY PARTICIPATION IN REGIONAL TRANSMISSION ORGANIZATIONS.

(a) Definitions.—For purposes of this section—

(1) Appropriate Federal regulatory authority.—The term "appropriate Federal regulatory authority" means—

(A) with respect to a Federal power marketing agency (as defined in the Federal Power Act), the Secretary of Energy, except that the Secretary may designate the Administrator of a Federal power marketing agency to act as the appropriate Federal regulatory authority with respect to the transmission system of that Federal power marketing agency; and

(B) with respect to the Tennessee Valley Authority, the Board of Directors of the Tennessee Valley Authority.

(2) FEDERAL UTILITY.—The term "Federal utility" means a Federal power marketing agency or the Tennessee Valley Authority.

(3) TRANSMISSION SYSTEM.—The term "transmission system" means electric transmission facilities owned, leased, or contracted for by the United States and operated by a Federal utility.

(b) TRANSFER.—The appropriate Federal regulatory authority is authorized to enter into a contract, agreement or other arrangement transferring control and use of all or part of the Federal utility's transmission system to an RTO or ISO (as defined in the Federal Power Act), approved by the Federal Energy Regulatory Commission. Such contract, agreement or arrangement shall include—

(1) performance standards for operation and use of the transmission system that the head of the Federal utility determines necessary or appropriate, including standards that assure recovery of all the Federal utility's costs and expenses related to the transmission facilities that are the subject of the contract, agreement or other arrangement; consistency with existing contracts and third-party financing arrangements; and consistency with said Federal utility's statutory authorities, obligations, and limitations;

(2) provisions for monitoring and oversight by the Federal utility of the RTO's or ISO's fulfillment of the terms and conditions of the contract, agreement or other arrangement, including a provision for the resolution of disputes through arbitration or other means with the regional transmission organization or with other participants, notwithstanding the obligations and limitations of any other law regarding arbitration; and

(3) a provision that allows the Federal utility to withdraw from the RTO or ISO and terminate the contract, agreement or other arrangement in accordance with its terms.

Neither this section, actions taken pursuant to it, nor any other transaction of a Federal utility using an RTO or ISO shall confer upon the Federal Energy Regulatory Commission jurisdiction or authority over the Federal utility's electric generation assets, electric capacity or energy that the Federal utility is authorized by law to market, or the Federal utility's power sales activities.

(c) EXISTING STATUTORY AND OTHER OBLIGATIONS.—

(1) SYSTEM OPERATION REQUIREMENTS.—No statutory provision requiring or authorizing a Federal utility to transmit electric power or to construct, operate or maintain its transmission system shall be construed to prohibit a transfer of control and use of its transmission system pursuant to, and subject to all requirements of subsection (b).

(2) OTHER OBLIGATIONS.—This subsection shall not be construed to—

(A) suspend, or exempt any Federal utility from, any provision of existing Federal law, including but not limited to any requirement or direction relating to the use of the Federal utility's transmission system, environmental protection, fish and wildlife protection, flood control, navigation, water delivery, or recreation; or

(B) authorize abrogation of any contract or treaty obligation.

(3) REPEAL.—Section 311 of title III of Appendix B of the Act of October 27, 2000 (P.L. 106–377, section 1(a)(2); 114 Stat. 1441, 1441A–80; 16 U.S.C. 824n) is repealed.

SEC. 1235. STANDARD MARKET DESIGN.

(a) REMAND.—The Commission's proposed rulemaking entitled "Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design" (Docket No. RM01–12–000) ("SMD NOPR") is remanded to the Commission for reconsideration. No final rule mandating a standard electricity market design pursuant to the proposed rulemaking, including any rule or order of general applicability within the scope of the proposed rulemaking, may be issued before October 31, 2006, or take effect before December 31, 2006. Any final rule issued by the Commission pursuant to the proposed rulemaking shall be preceded by a second notice of proposed rulemaking issued after the date of enactment of this Act and an opportunity for public comment.

(b) SAVINGS CLAUSE.—This section shall not be construed to modify or diminish any authority or obligation the Commission has under this Act, the Federal Power Act, or other applicable law, including, but not limited to, any authority to—

(1) issue any rule or order (of general or particular applicability) pursuant to any such authority or obligation; or

(2) act on a filing or filings by 1 or more transmitting utilities for the voluntary formation of a Regional Transmission Organization or Independent System Operator (as defined in the Federal Power Act) (and related market structures or rules) or voluntary modification of an existing Regional Transmission Organization or Independent System Operator (and related market structures or rules).

SEC. 1236. NATIVE LOAD SERVICE OBLIGATION.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 217. NATIVE LOAD SERVICE OBLIGATION.

"(a) MEETING SERVICE OBLIGATIONS.—(1) Any load-serving entity that, as of the date of enactment of this section—

"(A) owns generation facilities, markets the output of Federal generation facilities, or holds rights under 1 or more wholesale contracts to purchase electric energy, for the purpose of meeting a service obligation, and

"(B) by reason of ownership of transmission facilities, or 1 or more contracts or service agreements for firm transmission service, holds firm transmission rights for delivery of the output of such generation facilities or such purchased energy to meet such service obligation,

is entitled to use such firm transmission rights, or, equivalent tradable or financial transmission rights, in order to deliver such output or purchased energy, or the output of other generating facilities or purchased energy to the extent deliverable using such rights, to the extent required to meet its service obligation.

"(2) To the extent that all or a portion of the service obligation covered by such firm transmission rights or equivalent tradable or financial transmission rights is transferred to another load-serving entity, the successor load-serving entity shall be entitled to use the firm transmission rights or equivalent tradable or financial transmission rights associated with the transferred service obligation. Subsequent transfers to another load-serving entity, or back to the original load-serving entity, shall be entitled to the same rights.

"(3) The Commission shall exercise its authority under this Act in a manner that facilitates the planning and expansion of transmission facilities to meet the reasonable needs of load-serving entities to satisfy their service obligations.

"(b) ALLOCATION OF TRANSMISSION RIGHTS.—Nothing in this section shall affect any methodology approved by the Commission prior to September 15, 2003, for the allocation of transmission rights by an RTO or ISO that has been authorized by the Commission to allocate transmission rights.

"(c) CERTAIN TRANSMISSION RIGHTS.—The Commission may exercise authority under this Act to make transmission rights not used to meet an obligation covered by subsection (a) available to other entities in a manner determined by the Commission to be just, reasonable, and not unduly discriminatory or preferential.

"(d) OBLIGATION TO BUILD.—Nothing in this Act shall relieve a load-serving entity from any obligation under State or local law to build transmission or distribution facilities adequate to meet its service obligations.

"(e) CONTRACTS.—Nothing in this section shall provide a basis for abrogating any contract or service agreement for firm transmission service or rights in effect as of the date of the enactment of this subsection.

"(f) WATER PUMPING FACILITIES.—The Commission shall ensure that any entity described in section 201(f) that owns transmission facilities used predominately to support its own water pumping facilities shall have, with respect to such facilities, protections for transmission service comparable to those provided to load-serving entities pursuant to this section.

"(g) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

"(h) JURISDICTION.—This section does not authorize the Commission to take any action not otherwise within its jurisdiction.

"(i) EFFECT OF EXERCISING RIGHTS.—An entity that lawfully exercises rights granted under subsection (a) shall not be considered by such action as engaging in undue discrimination or preference under this Act.

"(j) TVA AREA.—For purposes of subsection (a)(1)(B), a load-serving entity that is located within the service area of the Tennessee Valley Authority and that has a firm wholesale power supply contract with the Tennessee Valley Authority shall be deemed to hold firm transmission rights for the transmission of such power.

"(k) DEFINITIONS.—For purposes of this section:

"(1) The term 'distribution utility' means an electric utility that has a service obligation to end-users or to a State utility or electric cooperative that, directly or indirectly, through 1 or more additional State utilities or electric cooperatives, provides electric service to end-users.

"(2) The term 'load-serving entity' means a distribution utility or an electric utility that has a service obligation.

"(3) The term 'service obligation' means a requirement applicable to, or the exercise of authority granted to, an electric utility under Federal, State or local law or under long-term contracts to provide electric service to end-users or to a distribution utility.

"(4) The term 'State utility' means a State or any political subdivision of a State, or any agency, authority, or instrumentality of any 1 or more of the foregoing, or a corporation which is wholly owned, directly or indirectly, by any 1 or more of the foregoing, competent to carry on the business of developing, transmitting, utilizing or distributing power.".

SEC. 1237. STUDY ON THE BENEFITS OF ECONOMIC DISPATCH.

(a) STUDY.—The Secretary of Energy, in coordination and consultation with the States, shall conduct a study on—

(1) the procedures currently used by electric utilities to perform economic dispatch;

(2) identifying possible revisions to those procedures to improve the ability of nonutility generation resources to offer their output for sale for the purpose of inclusion in economic dispatch; and

(3) the potential benefits to residential, commercial, and industrial electricity consumers nationally and in each state if economic dispatch procedures were revised to improve the ability of nonutility generation resources to offer their output for inclusion in economic dispatch.

(b) DEFINITION.—The term "economic dispatch" when used in this section means the operation of generation facilities to produce energy at the lowest cost to reliably serve consumers, recognizing any operational limits of generation and transmission facilities.

(c) REPORT TO CONGRESS AND THE STATES.—Not later than 90 days after the date of enactment of this Act, and on a yearly basis following, the Secretary of Energy shall submit a report to Congress and the States on the results of the study conducted under subsection (a), including recommendations to Congress and the States for any suggested legislative or regulatory changes.

Subtitle D—Transmission Rate Reform

SEC. 1241. TRANSMISSION INFRASTRUCTURE INVESTMENT.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 218. TRANSMISSION INFRASTRUCTURE INVESTMENT.

"(a) RULEMAKING REQUIREMENT.—Within 1 year after the enactment of this section, the Commission shall establish, by rule, incentive-based (including, but not limited to performance-based) rate treatments for the transmission of electric energy in interstate commerce by public utilities for the purpose of benefiting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion. Such rule shall—

"(1) promote reliable and economically efficient transmission and generation of electricity by promoting capital investment in the enlargement, improvement, maintenance and operation of facilities for the transmission of electric energy in interstate commerce;

"(2) provide a return on equity that attracts new investment in transmission facilities (including related transmission technologies);

"(3) encourage deployment of transmission technologies and other measures to increase the capacity and efficiency of existing transmission facilities and improve the operation of such facilities; and

"(4) allow recovery of all prudently incurred costs necessary to comply with mandatory reliability standards issued pursuant to section 215 of this Act.

The Commission may, from time to time, revise such rule.

"(b) ADDITIONAL INCENTIVES FOR RTO PARTICIPATION.—In the rule issued under this section, the Commission shall, to the extent within its jurisdiction, provide for incentives to each transmitting utility or electric utility that joins a Regional Transmission Organization or Independent System Operator. Incentives provided by the Commission pursuant to such rule shall include—

"(1) recovery of all prudently incurred costs to develop and participate in any proposed or approved RTO, ISO, or independent transmission company;

"(2) recovery of all costs previously approved by a State commission which exercised jurisdiction over the transmission facilities prior to the utility's participation in the RTO or ISO, including costs necessary to honor preexisting transmission service contracts, in a manner which does not reduce the revenues the utility receives for transmission services for a reasonable transition period after the utility joins the RTO or ISO;

"(3) recovery as an expense in rates of the costs prudently incurred to conduct transmission planning and reliability activities, including the costs of participating in RTO, ISO and other regional planning activities and design, study and other precertification costs involved in seeking permits and approvals for proposed transmission facilities;

"(4) a current return in rates for construction work in progress for transmission facilities and full recovery of prudently incurred costs for constructing transmission facilities;

"(5) formula transmission rates; and

"(6) a maximum 15 year accelerated depreciation on new transmission facilities for rate treatment purposes.

The Commission shall ensure that any costs recoverable pursuant to this subsection may be recovered by such utility through the transmission rates charged by such utility or through the transmission rates charged by the RTO or ISO that provides transmission service to such utility.

"(c) JUST AND REASONABLE RATES.—All rates approved under the rules adopted pursuant to this section, including any revisions to such rules, are subject to the requirement of sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.".

SEC. 1242. VOLUNTARY TRANSMISSION PRICING PLANS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 219. VOLUNTARY TRANSMISSION PRICING PLANS.

"(a) IN GENERAL.—Any transmission provider, including an RTO or ISO, may submit to the Commission a plan or plans under section 205 containing the criteria for determining the person or persons that will be required to pay for any construction of new transmission facilities or expansion, modification or upgrade of transmission facilities (in this section referred to as 'transmission service related expansion') or new generator interconnection.

"(b) VOLUNTARY TRANSMISSION PRICING PLANS.—(1) Any plan or plans submitted under subsection (a) shall specify the method or methods by which costs may be allocated or assigned. Such methods may include, but are not limited to:

"(A) directly assigned;

"(B) participant funded; or

"(C) rolled into regional or sub-regional rates.

"(2) FERC shall approve a plan or plans submitted under subparagraph (B) of paragraph (1) if such plan or plans—

"(A) result in rates that are just and reasonable and not unduly discriminatory or preferential consistent with section 205; and

"(B) ensure that the costs of any transmission service related expansion or new generator interconnection not required to meet applicable reliability standards established under section 215 are assigned in a fair manner, meaning that those who benefit from the transmission service related expansion or new generator interconnection pay an appropriate share of the associated costs, provided that—

"(i) costs may not be assigned or allocated to an electric utility if the native load customers of that utility would not have required such transmission service related expansion or new generator interconnection absent the request for transmission service related expansion or new generator interconnection that necessitated the investment;

"(ii) the party requesting such transmission service related expansion or new generator interconnection shall not be required to pay for both—

"(I) the assigned cost of the upgrade; and

"(II) the difference between—

"(aa) the embedded cost paid for transmission services (including the cost of the requested upgrade); and

"(bb) the embedded cost that would have been paid absent the upgrade; and

"(iii) the party or parties who pay for facilities necessary for the transmission service related expansion or new generator interconnection receives full compensation for its costs for the participant funded facilities in the form of—

"(I) monetary credit equal to the cost of the participant funded facilities (accounting for the time value of money at the Gross Domestic Product deflator), which credit shall be pro-rated in equal installments over a period of not more than 30 years and shall not exceed in total the amount of the initial investment, against the transmission charges that the funding entity or its assignee is otherwise assessed by the transmission provider;

"(II) appropriate financial or physical rights; or

"(III) any other method of cost recovery or compensation approved by the Commission.

"(3) A plan submitted under this section shall apply only to—

"(A) a contract or interconnection agreement executed or filed with the Commission after the date of enactment of this section; or

"(B) an interconnection agreement pending rehearing as of November 1, 2003.

"(4) Nothing in this section diminishes or alters the rights of individual members of an RTO or ISO under this Act.

"(5) Nothing in this section shall affect the allocation of costs or the cost methodology employed by an RTO or ISO authorized by the Commission to allocate costs (including costs for transmission service related expansion or new generator interconnection) prior to the date of enactment of this section.

"(6) This section shall not apply within the area referred to in section 212(k)(2)(A).

"(7) The term 'transmission provider' means a public utility that owns or operates facilities that provide interconnection or transmission service in interstate commerce.".

Subtitle E—Amendments to PURPA

SEC. 1251. NET METERING AND ADDITIONAL STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) Net metering.—Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible onsite generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

"(12) Fuel sources.—Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

"(13) Fossil fuel generation efficiency.—Each electric utility shall develop and implement a 10-year plan to increase the efficiency of its fossil fuel generation.".

(b) Compliance.—

(1) Time limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(3)(A) Not later than 2 years after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to each standard established by paragraphs (11) through (13) of section 111(d).

"(B) Not later than 3 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (11) through (13) of section 111(d).".

(2) Failure to comply.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

"In the case of each standard established by paragraphs (11) through (13) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs (11) through (13).".

(3) Prior state actions.—

(A) In general.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(d) Prior State Actions.—Subsections (b) and (c) of this section shall not apply to the standards established by paragraphs (11) through (13) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

"(1) the State has implemented for such utility the standard concerned (or a comparable standard);

"(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility; or

"(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility.".

(B) Cross reference.—Section 124 of such Act (16 U.S.C. 2634) is amended by adding the following at the end thereof: "In the case of each standard established by paragraphs (11) through (13) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs (11) through (13).".

SEC. 1252. SMART METERING.

(a) In General.—Section 111(d) of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(14) Time-based metering and communications.—

"(A) Not later than 18 months after the date of enactment of this paragraph, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

"(B) The types of time-based rate schedules that may be offered under the schedule referred to in subparagraph (A) include, among others—

"(i) time-of-use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year, based on the utility's cost of generating and/or purchasing such electricity at the wholesale level for the benefit of the consumer. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall;

"(ii) critical peak pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and/or purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption; and

"(iii) real-time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis, reflecting the utility's cost of generating and/or purchasing electricity at the wholesale level, and may change as often as hourly.

"(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

"(D) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(E) In a State that permits third-party marketers to sell electric energy to retail electric consumers, such consumers shall be entitled to receive the same time-based metering and communications device and service as a retail electric consumer of the electric utility.

"(F) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall, not later than 18 months after the date of enactment of this paragraph conduct an investigation in accordance with section 115(i) and issue a decision whether it is appropriate to implement the standards set out in subparagraphs (A) and (C).".

(b) State Investigation of Demand Response and Time-Based Metering.—Section 115 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended as follows:

(1) By inserting in subsection (b) after the phrase "the standard for time-of-day rates established by section 111(d)(3)" the following: "and the standard for time-based metering and communications established by section 111(d)(14)".

(2) By inserting in subsection (b) after the phrase "are likely to exceed the metering" the following: "and communications".

(3) By adding the at the end the following:

"(i) Time-Based Metering and Communications.—In making a determination with respect to the standard established by section 111(d)(14), the investigation requirement of section 111(d)(14)(F) shall be as follows: Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs.".

(c) Federal Assistance on Demand Response.—Section 132(a) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(a)) is amended by striking "and" at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting "; and", and by adding the following at the end thereof:

"(5) technologies, techniques, and ratemaking methods related to advanced metering and communications and the use of these technologies, techniques and methods in demand response programs.".

(d) Federal Guidance.—Section 132 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642) is amended by adding the following at the end thereof:

"(d) Demand Response.—The Secretary shall be responsible for—

"(1) educating consumers on the availability, advantages, and benefits of advanced metering and communications technologies, including the funding of demonstration or pilot projects;

"(2) working with States, utilities, other energy providers and advanced metering and communications experts to identify and address barriers to the adoption of demand response programs; and

"(3) not later than 180 days after the date of enactment of the Energy Policy Act of 2003, providing Congress with a report that identifies and quantifies the national benefits of demand response and makes a recommendation on achieving specific levels of such benefits by January 1, 2005.".

(e) Demand Response and Regional Coordination.—

(1) In general.—It is the policy of the United States to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable demand response services to the public.

(2) Technical assistance.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by 2 or more States to assist them in—

(A) identifying the areas with the greatest demand response potential;

(B) identifying and resolving problems in transmission and distribution networks, including through the use of demand response;

(C) developing plans and programs to use demand response to respond to peak demand or emergency needs; and

(D) identifying specific measures consumers can take to participate in these demand response programs.

(3) Report.—Not later than 1 year after the date of enactment of the Energy Policy Act of 2003, the Commission shall prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes, and which identifies and reviews—

(A) saturation and penetration rate of advanced meters and communications technologies, devices and systems;

(B) existing demand response programs and time-based rate programs;

(C) the annual resource contribution of demand resources;

(D) the potential for demand response as a quantifiable, reliable resource for regional planning purposes; and

(E) steps taken to ensure that, in regional transmission planning and operations, demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider, or transmitting party.

(f) Federal Encouragement of Demand Response Devices.—It is the policy of the United States that time-based pricing and other forms of demand response, whereby electricity customers are provided with electricity price signals and the ability to benefit by responding to them, shall be encouraged, and the deployment of such technology and devices that enable electricity customers to participate in such pricing and demand response systems shall be facilitated. It is further the policy of the United States that the benefits of such demand response that accrue to those not deploying such technology and devices, but who are part of the same regional electricity entity, shall be recognized.

(g) Time Limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(4)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to the standard established by paragraph (14) of section 111(d).

"(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (14) of section 111(d).".

(h) Failure to Comply.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

"In the case of the standard established by paragraph (14) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph (14).".

(i) Prior State Actions Regarding Smart Metering Standards.—

(1) In general.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(e) Prior State Actions.—Subsections (b) and (c) of this section shall not apply to the standard established by paragraph (14) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

"(1) the State has implemented for such utility the standard concerned (or a comparable standard);

"(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility within the previous 3 years; or

"(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility within the previous 3 years.".

(2) Cross reference.—Section 124 of such Act (16 U.S.C. 2634) is amended by adding the following at the end thereof: "In the case of the standard established by paragraph (14) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph (14).".

SEC. 1253. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

"(m) Termination of Mandatory Purchase and Sale Requirements.—

"(1) Obligation to purchase.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has nondiscriminatory access to—

"(A)(i) independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) wholesale markets for long-term sales of capacity and electric energy; or

"(B)(i) transmission and interconnection services that are provided by a Commission-approved regional transmission entity and administered pursuant to an open access transmission tariff that affords nondiscriminatory treatment to all customers; and (ii) competitive wholesale markets that provide a meaningful opportunity to sell capacity, including long-term and short-term sales, and electric energy, including long-term, short-term and real-time sales, to buyers other than the utility to which the qualifying facility is interconnected. In determining whether a meaningful opportunity to sell exists, the Commission shall consider, among other factors, evidence of transactions within the relevant market; or

"(C) wholesale markets for the sale of capacity and electric energy that are, at a minimum, of comparable competitive quality as markets described in subparagraphs (A) and (B).

"(2) Revised purchase and sale obligation for new facilities.—(A) After the date of enactment of this subsection, no electric utility shall be required pursuant to this section to enter into a new contract or obligation to purchase from or sell electric energy to a facility that is not an existing qualifying cogeneration facility unless the facility meets the criteria for qualifying cogeneration facilities established by the Commission pursuant to the rulemaking required by subsection (n).

"(B) For the purposes of this paragraph, the term 'existing qualifying cogeneration facility' means a facility that—

"(i) was a qualifying cogeneration facility on the date of enactment of subsection (m); or

"(ii) had filed with the Commission a notice of self-certification, self recertification or an application for Commission certification under 18 C.F.R. 292.207 prior to the date on which the Commission issues the final rule required by subsection (n).

"(3) Commission review.—Any electric utility may file an application with the Commission for relief from the mandatory purchase obligation pursuant to this subsection on a service territory-wide basis. Such application shall set forth the factual basis upon which relief is requested and describe why the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) of this subsection have been met. After notice, including sufficient notice to potentially affected qualifying cogeneration facilities and qualifying small power production facilities, and an opportunity for comment, the Commission shall make a final determination within 90 days of such application regarding whether the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) have been met.

"(4) Reinstatement of obligation to purchase.—At any time after the Commission makes a finding under paragraph (3) relieving an electric utility of its obligation to purchase electric energy, a qualifying cogeneration facility, a qualifying small power production facility, a State agency, or any other affected person may apply to the Commission for an order reinstating the electric utility's obligation to purchase electric energy under this section. Such application shall set forth the factual basis upon which the application is based and describe why the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) of this subsection are no longer met. After notice, including sufficient notice to potentially affected utilities, and opportunity for comment, the Commission shall issue an order within 90 days of such application reinstating the electric utility's obligation to purchase electric energy under this section if the Commission finds that the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) which relieved the obligation to purchase, are no longer met.

"(5) Obligation to sell.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that—

"(A) competing retail electric suppliers are willing and able to sell and deliver electric energy to the qualifying cogeneration facility or qualifying small power production facility; and

"(B) the electric utility is not required by State law to sell electric energy in its service territory.

"(6) No effect on existing rights and remedies.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect or pending approval before the appropriate State regulatory authority or non-regulated electric utility on the date of enactment of this subsection, to purchase electric energy or capacity from or to sell electric energy or capacity to a qualifying cogeneration facility or qualifying small power production facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

"(7) Recovery of costs.—(A) The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility that purchases electric energy or capacity from a qualifying cogeneration facility or qualifying small power production facility in accordance with any legally enforceable obligation entered into or imposed under this section recovers all prudently incurred costs associated with the purchase.

"(B) A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(n) Rulemaking for New Qualifying Facilities.—(1)(A) Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule revising the criteria in 18 C.F.R. 292.205 for new qualifying cogeneration facilities seeking to sell electric energy pursuant to section 210 of this Act to ensure—

"(i) that the thermal energy output of a new qualifying cogeneration facility is used in a productive and beneficial manner;

"(ii) the electrical, thermal, and chemical output of the cogeneration facility is used fundamentally for industrial, commercial, or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as State laws applicable to sales of electric energy from a qualifying facility to its host facility; and

"(iii) continuing progress in the development of efficient electric energy generating technology.

"(B) The rule issued pursuant to section (n)(1)(A) shall be applicable only to facilities that seek to sell electric energy pursuant to section 210 of this Act. For all other purposes, except as specifically provided in section (m)(2)(A), qualifying facility status shall be determined in accordance with the rules and regulations of this Act.

"(2) Notwithstanding rule revisions under paragraph (1), the Commission's criteria for qualifying cogeneration facilities in effect prior to the date on which the Commission issues the final rule required by paragraph (1) shall continue to apply to any cogeneration facility that—

"(A) was a qualifying cogeneration facility on the date of enactment of subsection (m), or

"(B) had filed with the Commission a notice of self-certification, self-recertification or an application for Commission certification under 18 C.F.R. 292.207 prior to the date on which the Commission issues the final rule required by paragraph (1).".

(b) Elimination of Ownership Limitations.—

(1) Qualifying small power production facility.—Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

"(C) 'qualifying small power production facility' means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting fuel use, fuel efficiency, and reliability) as the Commission may, by rule, prescribe;".

(2) Qualifying cogeneration facility.—Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe;".

Subtitle F—Repeal of PUHCA

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2004".

SEC. 1262. DEFINITIONS.

For purposes of this subtitle:

(1) Affiliate.—The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) Associate company.—The term "associate company" of a company means any company in the same holding company system with such company.

(3) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(4) Company.—The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) Electric utility company.—The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) Exempt wholesale generator and foreign utility company.—The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a, 79z-5b), as those sections existed on the day before the effective date of this subtitle.

(7) Gas utility company.—The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) Holding company.—The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public-utility company or of a holding company of any public-utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with 1 or more persons) such a controlling influence over the management or policies of any public-utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) Holding company system.—The term "holding company system" means a holding company, together with its subsidiary companies.

(10) Jurisdictional rates.—The term "jurisdictional rates" means rates accepted or established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) Natural gas company.—The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) Person.—The term "person" means an individual or company.

(13) Public utility.—The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) Public-utility company.—The term "public-utility company" means an electric utility company or a gas utility company.

(15) State commission.—The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) Subsidiary company.—The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with 1 or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) Voting security.—The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 1263. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 1264. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) In General.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) Affiliate Companies.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 1265. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public-utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public-utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission determines are relevant to costs incurred by such public-utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 1266. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall issue a final rule to exempt from the requirements of section 1264 (relating to Federal access to books and records) any person that is a holding company, solely with respect to 1 or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 1264 (relating to Federal access to books and records) if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 1267. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the issuance of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) RECOVERY OF COSTS.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public-utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public-utility company from an associate company.

SEC. 1268. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), (3), or (4) acting as such in the course of his or her official duty.

SEC. 1269. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 1270. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 1271. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle, or otherwise in the Public Utility Holding Company Act of 1935, or rules, regulations, or orders thereunder, prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, if that person continues to comply with the terms (other than an expiration date or termination date) of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.).

SEC. 1272. IMPLEMENTATION.

Not later than 12 months after the date of enactment of this subtitle, the Commission shall—

(1) issue such regulations as may be necessary or appropriate to implement this subtitle (other than section 1265, relating to State access to books and records); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 1273. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 1274. EFFECTIVE DATE.

(a) IN GENERAL.—Except for section 1272 (relating to implementation), this subtitle shall take effect 12 months after the date of enactment of this subtitle.

(b) COMPLIANCE WITH CERTAIN RULES.—If the Commission approves and makes effective any final rulemaking modifying the standards of conduct governing entities that own, operate, or control facilities for transmission of electricity in interstate commerce or transportation of natural gas in interstate commerce prior to the effective date of this subtitle, any action taken by a public-utility company or utility holding company to comply with the requirements of such rulemaking shall not subject such public-utility company or utility holding company to any regulatory requirement applicable to a holding company under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.).

SEC. 1275. SERVICE ALLOCATION.

(a) FERC REVIEW.—In the case of non-power goods or administrative or management services provided by an associate company organized specifically for the purpose of providing such goods or services to any public utility in the same holding company system, at the election of the system or a State commission having jurisdiction over the public utility, the Commission, after the effective date of this subtitle, shall review and authorize the allocation of the costs for such goods or services to the extent relevant to that associate company in order to assure that each allocation is appropriate for the protection of investors and consumers of such public utility.

(b) COST ALLOCATION.—Nothing in this section shall preclude the Commission or a State commission from exercising its jurisdiction under other applicable law with respect to the review or authorization of any costs allocated to a public utility in a holding company system located in the affected State as a result of the acquisition of non-power goods or administrative and management services by such public utility from an associate company organized specifically for that purpose.

(c) RULES.—Not later than 6 months after the date of enactment of this Act, the Commission shall issue rules (which rules shall be effective no earlier than the effective date of this subtitle) to exempt from the requirements of this section any company in a holding company system whose public utility operations are confined substantially to a single State and any other class of transactions that the Commission finds is not relevant to the jurisdictional rates of a public utility.

(d) PUBLIC UTILITY.—As used in this section, the term "public utility" has the meaning given that term in section 201(e) of the Federal Power Act.

SEC. 1276. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 1277. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—(1) Section 201(g)(5) of the Federal Power Act (16 U.S.C. 824(g)(5)) is amended by striking "1935" and inserting "2003".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2003".

Subtitle G—Market Transparency, Enforcement, and Consumer Protection

SEC. 1281. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 220. MARKET TRANSPARENCY RULES.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets subject to the Commission's jurisdiction under this Act. Such systems shall provide information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis. The Commission shall have authority to obtain such information from any electric utility or transmitting utility, including any entity described in section 201(f).

"(b) EXEMPTIONS.—The Commission shall exempt from disclosure information it determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security. This section shall not apply to transactions for the purchase or sale of wholesale electric energy or transmission services within the area described in section 212(k)(2)(A). In determining the information to be made available under this section and time to make such information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anti-competitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

"(c) COMMODITY FUTURES TRADING COMMISSION.—This section shall not affect the exclusive jurisdiction of the Commodity Futures Trading Commission with respect to accounts, agreements, contracts, or transactions in commodities under the Commodity Exchange Act (7 U.S.C. 1 et seq.). Any request for information to a designated contract market, registered derivatives transaction execution facility, board of trade, exchange, or market involving accounts, agreements, contracts, or transactions in commodities (including natural gas, electricity and other energy commodities) within the exclusive jurisdiction of the Commodity Futures Trading Commission shall be directed to the Commodity Futures Trading Commission.

"(d) SAVINGS PROVISION.—In exercising its authority under this section, the Commission shall not—

"(1) compete with, or displace from the market place, any price publisher; or

"(2) regulate price publishers or impose any requirements on the publication of information.".

SEC. 1282. MARKET MANIPULATION.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 221. PROHIBITION ON FILING FALSE INFORMATION.

"No person or other entity (including an entity described in section 201(f)) shall willfully and knowingly report any information relating to the price of electricity sold at wholesale or availability of transmission capacity, which information the person or any other entity knew to be false at the time of the reporting, to a Federal agency with intent to fraudulently affect the data being compiled by such Federal agency.

"SEC. 222. PROHIBITION ON ROUND TRIP TRADING.

"(a) PROHIBITION.—No person or other entity (including an entity described in section 201(f)) shall willfully and knowingly enter into any contract or other arrangement to execute a 'round trip trade' for the purchase or sale of electric energy at wholesale.

"(b) DEFINITION.—For the purposes of this section, the term 'round trip trade' means a transaction, or combination of transactions, in which a person or any other entity—

"(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or other entity electric energy at wholesale;

"(2) simultaneously with entering into the contract or arrangement described in paragraph (1), arranges a financially offsetting trade with such other person or entity for the same such electric energy, at the same location, price, quantity and terms so that, collectively, the purchase and sale transactions in themselves result in no financial gain or loss; and

"(3) enters into the contract or arrangement with a specific intent to fraudulently affect reported revenues, trading volumes, or prices.".

SEC. 1283. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended as follows:

(1) By inserting "electric utility," after "Any person,".

(2) By inserting ", transmitting utility," after "licensee" each place it appears.

(b) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 825l) is amended by inserting "electric utility," after "person," in the first 2 places it appears and by striking "any person unless such person" and inserting "any entity unless such entity".

(c) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended as follows:

(1) By inserting ", electric utility, transmitting utility, or other entity" after "person" each time it appears.

(2) By striking the period at the end of the first sentence and inserting the following: "or in obtaining information about the sale of electric energy at wholesale in interstate commerce and the transmission of electric energy in interstate commerce.".

(d) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825o) is amended—

(1) in subsection (a), by striking "$5,000" and inserting "$1,000,000", and by striking "two years" and inserting "5 years";

(2) in subsection (b), by striking "$500" and inserting "$25,000"; and

(3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended as follows:

(1) In subsections (a) and (b), by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

(2) In subsection (b), by striking "$10,000" and inserting "$1,000,000".

SEC. 1284. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended as follows:

(1) By striking "the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "the date of the filing of such complaint nor later than 5 months after the filing of such complaint".

(2) By striking "60 days after" in the third sentence and inserting "of".

(3) By striking "expiration of such 60-day period" in the third sentence and inserting "publication date".

(4) By striking the fifth sentence and inserting the following: "If no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to this section, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such decision.".

SEC. 1285. REFUND AUTHORITY.

Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding the following new subsection at the end thereof:

"(e)(1) Except as provided in paragraph (2), if an entity described in section 201(f) voluntarily makes a short-term sale of electric energy and the sale violates Commission rules in effect at the time of the sale, such entity shall be subject to the Commission's refund authority under this section with respect to such violation.

"(2) This section shall not apply to—

"(A) any entity that sells less than 8,000,000 megawatt hours of electricity per year; or

"(B) any electric cooperative.

"(3) For purposes of this subsection, the term 'short-term sale' means an agreement for the sale of electric energy at wholesale in interstate commerce that is for a period of 31 days or less (excluding monthly contracts subject to automatic renewal).

"(4) The Commission shall have refund authority under subsection (e)(1) with respect to a voluntary short-term sale of electric energy by the Bonneville Power Administration (in this section 'Bonneville') only if the sale is at an unjust and unreasonable rate and, in that event, may order a refund only for short-term sales made by Bonneville at rates that are higher than the highest just and reasonable rate charged by any other entity for a short-term sale of electric energy in the same geographic market for the same, or most nearly comparable, period as the sale by Bonneville.

"(5) With respect to any Federal power marketing agency or the Tennessee Valley Authority, the Commission shall not assert or exercise any regulatory authority or powers under subsection (e)(1) other than the ordering of refunds to achieve a just and reasonable rate.".

SEC. 1286. SANCTITY OF CONTRACT.

(a) IN GENERAL.—The Federal Energy Regulatory Commission (in this section, "the Commission") shall have no authority to abrogate or modify any provision of an executed contract or executed contract amendment described in subsection (b) that has been entered into or taken effect, except upon a finding that failure to take such action would be contrary to the public interest.

(b) Limitation.—Except as provided in subsection (c), this section shall apply only to a contract or contract amendment—

(1) executed on or after the date of enactment of this Act; and

(2) entered into—

(A) for the purchase or sale of electric energy under section 205 of the Federal Power Act (16 U.S.C. 824d) where the seller has been authorized by the Commission to charge market-based rates; or

(B) under section 4 of the Natural Gas Act (15 U.S.C. 717c) where the natural gas company has been authorized by the Commission to charge market-based rates for the service described in the contract.

(c) Exclusion.—This section shall not apply to an executed contract or executed contract amendment that expressly provides for a standard of review other than the public interest standard.

(d) Savings Provision.—With respect to contracts to which this section does not apply, nothing in this section alters existing law regarding the applicable standard of review for a contract subject to the jurisdiction of the Commission.

SEC. 1287. CONSUMER PRIVACY AND UNFAIR TRADE PRACTICES.

(a) Privacy.—The Federal Trade Commission may issue rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric consumers.

(b) Slamming.—The Federal Trade Commission may issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer or if approved by the appropriate State regulatory authority.

(c) Cramming.—The Federal Trade Commission may issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

(d) Rulemaking.—The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule under this section.

(e) State Authority.—If the Federal Trade Commission determines that a State's regulations provide equivalent or greater protection than the provisions of this section, such State regulations shall apply in that State in lieu of the regulations issued by the Commission under this section.

(f) Definitions.—For purposes of this section:

(1) State regulatory authority.—The term "State regulatory authority" has the meaning given that term in section 3(21) of the Federal Power Act (16 U.S.C. 796(21)).

(2) Electric consumer and electric utility.—The terms "electric consumer" and "electric utility" have the meanings given those terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle H—Merger Reform

SEC. 1291. MERGER REVIEW REFORM AND ACCOUNTABILITY.

(a) Merger Review Reform.—Within 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the Attorney General of the United States, shall prepare, and transmit to Congress each of the following:

(1) A study of the extent to which the authorities vested in the Federal Energy Regulatory Commission under section 203 of the Federal Power Act are duplicative of authorities vested in—

(A) other agencies of Federal and State Government; and

(B) the Federal Energy Regulatory Commission, including under sections 205 and 206 of the Federal Power Act.

(2) Recommendations on reforms to the Federal Power Act that would eliminate any unnecessary duplication in the exercise of regulatory authority or unnecessary delays in the approval (or disapproval) of applications for the sale, lease, or other disposition of public utility facilities.

(b) Merger Review Accountability.—Not later than 1 year after the date of enactment of this Act and annually thereafter, with respect to all orders issued within the preceding year that impose a condition on a sale, lease, or other disposition of public utility facilities under section 203(b) of the Federal Power Act, the Federal Energy Regulatory Commission shall transmit a report to Congress explaining each of the following:

(1) The condition imposed.

(2) Whether the Commission could have imposed such condition by exercising its authority under any provision of the Federal Power Act other than under section 203(b).

(3) If the Commission could not have imposed such condition other than under section 203(b), why the Commission determined that such condition was consistent with the public interest.

SEC. 1292. ELECTRIC UTILITY MERGERS.

(a) Amendment.—Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended to read as follows:

"(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $10,000,000;

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with those of any other person, by any means whatsoever; or

"(C) purchase, acquire, or take any security with a value in excess of $10,000,000 of any other public utility.

"(2) No holding company in a holding company system that includes a public utility shall purchase, acquire, or take any security with a value in excess of $10,000,000 of, or, by any means whatsoever, directly or indirectly, merge or consolidate with, a public utility or a holding company in a holding company system that includes a public utility with a value in excess of $10,000,000 without first having secured an order of the Commission authorizing it to do so.

"(3) Upon receipt of an application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, the Commission shall approve the proposed disposition, consolidation, acquisition, or change in control, if it finds that the proposed transaction will be consistent with the public interest. In evaluating whether a transaction will be consistent with the public interest, the Commission shall consider whether the proposed transaction—

"(A) will adequately protect consumer interests;

"(B) will be consistent with competitive wholesale markets;

"(C) will impair the financial integrity of any public utility that is a party to the transaction or an associate company of any party to the transaction; and

"(D) satisfies such other criteria as the Commission considers consistent with the public interest.

"(5) The Commission shall, by rule, adopt procedures for the expeditious consideration of applications for the approval of dispositions, consolidations, or acquisitions under this section. Such rules shall identify classes of transactions, or specify criteria for transactions, that normally meet the standards established in paragraph (4). The Commission shall provide expedited review for such transactions. The Commission shall grant or deny any other application for approval of a transaction not later than 180 days after the application is filed. If the Commission does not act within 180 days, such application shall be deemed granted unless the Commission finds, based on good cause, that further consideration is required to determine whether the proposed transaction meets the standards of paragraph (4) and issues an order tolling the time for acting on the application for not more than 180 days, at the end of which additional period the Commission shall grant or deny the application.

"(6) For purposes of this subsection, the terms 'associate company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2004.".

(b) Effective Date.—The amendments made by this section shall take effect 12 months after the date of enactment of this section.

Subtitle I—Definitions

SEC. 1295. DEFINITIONS.

(a) Electric Utility.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) Electric utility.—The term 'electric utility' means any person or Federal or State agency (including any entity described in section 201(f)) that sells electric energy; such term includes the Tennessee Valley Authority and each Federal power marketing administration.".

(b) Transmitting Utility.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) is amended to read as follows:

"(23) Transmitting utility.—The term 'transmitting utility' means an entity, including any entity described in section 201(f), that owns, operates, or controls facilities used for the transmission of electric energy—

"(A) in interstate commerce; or

"(B) for the sale of electric energy at wholesale.".

(c) Additional Definitions.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by adding at the end the following:

"(26) Electric cooperative.—The term 'electric cooperative' means a cooperatively owned electric utility.

"(27) RTO.—The term 'Regional Transmission Organization' or 'RTO' means an entity of sufficient regional scope approved by the Commission to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce and to ensure nondiscriminatory access to such facilities.

"(28) ISO.—The term 'Independent System Operator' or 'ISO' means an entity approved by the Commission to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce and to ensure nondiscriminatory access to such facilities.".

(d) COMMISSION.—For the purposes of this title, the term "Commission" means the Federal Energy Regulatory Commission.

(e) APPLICABILITY.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by adding after "political subdivision of a state," the following: "an electric cooperative that has financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) or that sells less than 4,000,000 megawatt hours of electricity per year,".

Subtitle J—Technical and Conforming Amendments

SEC. 1297. CONFORMING AMENDMENTS.

The Federal Power Act is amended as follows:

(1) Section 201(b)(2) of such Act (16 U.S.C. 824(b)(2)) is amended as follows:

(A) In the first sentence by striking "210, 211, and 212" and inserting "203(a)(2), 206(e), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, and 222".

(B) In the second sentence by striking "210 or 211" and inserting "203(a)(2), 206(e), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, and 222".

(C) Section 201(b)(2) of such Act is amended by striking "The" in the first place it appears and inserting "Notwithstanding section 201(f), the" and in the second sentence after "any order" by inserting "or rule".

(2) Section 201(e) of such Act is amended by striking "210, 211, or 212" and inserting "206(e), 206(f), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, and 222".

(3) Section 206 of such Act (16 U.S.C. 824e) is amended as follows:

(A) In subsection (b), in the seventh sentence, by striking "the public utility to make".

(B) In the first sentence of subsection (a), by striking "hearing had" and inserting "hearing held".

(4) Section 211(c) of such Act (16 U.S.C. 824j(c)) is amended by—

(A) striking "(2)";

(B) striking "(A)" and inserting "(1)"

(C) striking "(B)" and inserting "(2)"; and

(D) striking "termination of modification" and inserting "termination or modification".

(5) Section 211(d)(1) of such Act (16 U.S.C. 824j(d)(1)) is amended by striking "electric utility" the second time it appears and inserting "transmitting utility".

(6) Section 315 (c) of such Act (16 U.S.C. 825n(c)) is amended by striking "subsection" and inserting "section".

TITLE XIII—ENERGY TAX INCENTIVES

SEC. 1300. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Energy Tax Policy Act of 2004".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Conservation

PART I—RESIDENTIAL AND BUSINESS PROPERTY

SEC. 1301. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during such year,

"(2) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year,

"(3) 15 percent of the qualified wind energy property expenditures made by the taxpayer during such year, and

"(4) 20 percent of the qualified fuel cell property expenditures made by the taxpayer during such year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—

"(A) IN GENERAL.—The credit allowed under subsection (a) shall not exceed—

"(i) $2,000 for property described in paragraph (1), (2), or (3) of subsection (c), and

"(ii) $500 for each 0.5 kilowatt of capacity of property described in subsection (c)(4).

"(B) PRIOR EXPENDITURES BY TAXPAYER ON SAME RESIDENCE TAKEN INTO ACCOUNT.—In determining the amount of the credit allowed to a taxpayer with respect to any dwelling unit under this section, the dollar amount under subparagraph (A)(i) with respect to each type of property described in such subparagraph shall be reduced by the credit allowed to the taxpayer under this section with respect to such property for all preceding taxable years with respect to such dwelling unit.

"(2) PROPERTY STANDARDS.—No credit shall be allowed under this section for an item of property unless—

"(A) the original use of such property commences with the taxpayer,

"(B) such property reasonably can be expected to remain in use for at least 5 years,

"(C) such property is installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer,

"(D) in the case of solar water heating property, such property is certified for performance by the non-profit Solar Rating and Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed,

"(E) in the case of fuel cell property, such property meets the performance and quality standards (if any) which have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and

"(F) in the case of any photovoltaic property, fuel cell property, or wind energy property, such property meets appropriate fire and electric code requirements.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property which uses solar energy to heat water for use in a dwelling unit.

"(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property which uses solar energy to generate electricity for use in a dwelling unit and which is not described in paragraph (1).

"(3) QUALIFIED WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified wind energy property expenditure' means an expenditure for property which uses wind energy to generate electricity for use in a dwelling unit.

"(4) QUALIFIED FUEL CELL PROPERTY EXPENDITURE.—The term 'qualified fuel cell property expenditure' means an expenditure for any qualified fuel cell property (as defined in section 48(c)(1)).

"(d) SPECIAL RULES.—For purposes of this section—

"(1) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) of subsection (c) solely because it constitutes a structural component of the structure on which it is installed.

"(2) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

"(3) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals, the following rules shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(C) Subparagraphs (A) and (B) shall be applied separately with respect to expenditures described in paragraphs (1), (2), (3), and (4) of subsection (c).

"(4) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made the individual's tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(5) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(6) ALLOCATION IN CERTAIN CASES.—Except in the case of qualified wind energy property expenditures, if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

"(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

"(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).

"(9) DENIAL OF DEPRECIATION ON WIND ENERGY PROPERTY FOR WHICH CREDIT ALLOWED.—No deduction shall be allowed under section 167 for property which uses wind energy to generate electricity if the taxpayer is allowed a credit under this section with respect to such property.

"(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) TERMINATION.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2006 (December 31, 2008, with respect to qualified photovoltaic property expenditures).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by adding at the end the following new paragraph:

"(29) to the extent provided in section 25C(e), in the case of amounts with respect to which a credit has been allowed under section 25C.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Residential energy efficient property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2003.

SEC. 1302. EXTENSION AND EXPANSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—Subsection (c) of section 45 (relating to electricity produced from certain renewable resources) is amended to read as follows:

"(c) QUALIFIED ENERGY RESOURCES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified energy resources' means—

"(A) wind,

"(B) closed-loop biomass,

"(C) open-loop biomass,

"(D) geothermal energy,

"(E) solar energy,

"(F) small irrigation power, and

"(G) municipal solid waste.

"(2) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.

"(3) OPEN-LOOP BIOMASS.—

"(A) IN GENERAL.—The term 'open-loop biomass' means—

"(i) any agricultural livestock waste nutrients, or

"(ii) any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

"(I) any of the following forest-related resources: mill and harvesting residues, precommercial thinnings, slash, and brush,

"(II) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste, gas derived from the biodegradation of solid waste, or paper which is commonly recycled, or

"(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

Such term shall not include closed-loop biomass.

"(B) AGRICULTURAL LIVESTOCK WASTE NUTRIENTS.—

"(i) IN GENERAL.—The term 'agricultural livestock waste nutrients' means agricultural livestock manure and litter, including wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.

"(ii) AGRICULTURAL LIVESTOCK.—The term 'agricultural livestock' includes bovine, swine, poultry, and sheep.

"(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2)).

"(5) SMALL IRRIGATION POWER.—The term 'small irrigation power' means power—

"(A) generated without any dam or impoundment of water through an irrigation system canal or ditch, and

"(B) the nameplate capacity rating of which is not less than 150 kilowatts but is less than 5 megawatts.

"(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term 'solid waste' under section 2(27) of the Solid Waste Disposal Act (42 U.S.C. 6903).".

(b) EXTENSION AND EXPANSION OF QUALIFIED FACILITIES.—

(1) IN GENERAL.—Section 45 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) QUALIFIED FACILITIES.—For purposes of this section—

"(1) WIND FACILITY.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before January 1, 2007.

"(2) CLOSED-LOOP BIOMASS FACILITY.—

"(A) IN GENERAL.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility—

"(i) owned by the taxpayer which is originally placed in service after December 31, 1992, and before January 1, 2007, or

"(ii) owned by the taxpayer which before January 1, 2007, is originally placed in service and modified to use closed-loop biomass to co-fire with coal, with other biomass, or with both, but only if the modification is approved under the Biomass Power for Rural Development Programs or is part of a pilot project of the Commodity Credit Corporation as described in 65 Fed. Reg. 63052.

"(B) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (A)(ii)—

"(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of the Energy Tax Policy Act of 2004,

"(ii) the amount of the credit determined under subsection (a) with respect to the facility shall be an amount equal to the amount determined without regard to this clause multiplied by the ratio of the thermal content of the closed-loop biomass used in such facility to the thermal content of all fuels used in such facility, and

"(iii) if the owner of such facility is not the producer of the electricity, the person eligible for the credit allowable under subsection (a) shall be the lessee or the operator of such facility.

"(3) OPEN-LOOP BIOMASS FACILITIES.—

"(A) IN GENERAL.—In the case of a facility using open-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which—

"(i) in the case of a facility using agricultural livestock waste nutrients—

"(I) is originally placed in service after the date of the enactment of the Energy Tax Policy Act of 2004 and before January 1, 2007, and

"(II) the nameplate capacity rating of which is not less than 150 kilowatts, and

"(ii) in the case of any other facility, is originally placed in service before January 1, 2007.

"(B) CREDIT ELIGIBILITY.—In the case of any facility described in subparagraph (A), if the owner of such facility is not the producer of the electricity, the person eligible for the credit allowable under subsection (a) shall be the lessee or the operator of such facility.

"(4) GEOTHERMAL OR SOLAR ENERGY FACILITY.—In the case of a facility using geothermal or solar energy to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Energy Tax Policy Act of 2004 and before January 1, 2007. Such term shall not include any property described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48.

"(5) SMALL IRRIGATION POWER FACILITY.—In the case of a facility using small irrigation power to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Energy Tax Policy Act of 2004 and before January 1, 2007.

"(6) LANDFILL GAS FACILITIES.—In the case of a facility producing electricity from gas derived from the biodegradation of municipal solid waste, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Energy Tax Policy Act of 2004 and before January 1, 2007.

"(7) TRASH COMBUSTION FACILITIES.—In the case of a facility which burns municipal solid waste to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Energy Tax Policy Act of 2004 and before January 1, 2007.".

(2) CONFORMING AMENDMENT.—Section 45(e), as so redesignated, is amended by striking "subsection (c)(3)(A)" in paragraph (7)(A)(i) and inserting "subsection (d)(1)".

(c) SPECIAL CREDIT RATE AND PERIOD FOR ELECTRICITY PRODUCED AND SOLD AFTER ENACTMENT DATE.—Section 45(b) is amended by adding at the end the following new paragraph:

"(4) CREDIT RATE AND PERIOD FOR ELECTRICITY PRODUCED AND SOLD FROM CERTAIN FACILITIES.—

"(A) CREDIT RATE.—In the case of electricity produced and sold in any calendar year after 2003 at any qualified facility described in paragraph (3), (5), (6), or (7) of subsection (d), the amount in effect under subsection (a)(1) for such calendar year (determined before the application of the last sentence of paragraph (2) of this subsection) shall be reduced by one-third.

"(B) CREDIT PERIOD.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of any facility described in paragraph (3), (4), (5), (6), or (7) of subsection (d), the 5-year period beginning on the date the facility was originally placed in service shall be substituted for the 10-year period in subsection (a)(2)(A)(ii).

"(ii) CERTAIN OPEN-LOOP BIOMASS FACILITIES.—In the case of any facility described in subsection (d)(3)(A)(ii) placed in service before the date of the enactment of this paragraph, the 5-year period beginning on January 1, 2004, shall be substituted for the 10-year period in subsection (a)(2)(A)(ii).".

(d) COORDINATION WITH OTHER CREDITS.—Section 45(e), as so redesignated, is amended by adding at the end the following new paragraph:

"(8) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include—

"(A) any property with respect to which a credit is allowed under section 25C, and

"(B) any facility the production from which is allowed as a credit under section 45K,

for the taxable year or any prior taxable year.".

(e) COORDINATION WITH SECTION 48.—Section 48(a)(3) (defining energy property) is amended by adding at the end the following new sentence: "Such term shall not include any property which is part of a facility the production from which is allowed as a credit under section 45 for the taxable year or any prior taxable year.".

(f) ELIMINATION OF CERTAIN CREDIT REDUCTIONS.—Section 45(b)(3) (relating to credit reduced for grants, tax-exempt bonds, subsidized energy financing, and other credits) is amended—

(1) by inserting "the lesser of ½ or" before "a fraction" in the matter preceding subparagraph (A), and

(2) by adding at the end the following new sentence: "This paragraph shall not apply with respect to any facility described in subsection (d)(2)(A)(ii).".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(2) CERTAIN BIOMASS FACILITIES.—With respect to any facility described in section 45(d)(3)(A)(ii) of the Internal Revenue Code of 1986, as added by subsection (b)(1), which is placed in service before the date of the enactment of this Act, the amendments made by this section shall apply to electricity produced and sold after December 31, 2003, in taxable years ending after such date.

(3) CREDIT RATE AND PERIOD FOR NEW FACILITIES.—The amendments made by subsection (c) shall apply to electricity produced and sold after December 31, 2003, in taxable years ending after such date.

(4) NONAPPLICATION OF AMENDMENTS TO PREEFFECTIVE DATE POULTRY WASTE FACILITIES.—The amendments made by this section shall not apply with respect to any poultry waste facility (within the meaning of section 45(c)(3)(C), as in effect on the day before the date of the enactment of this Act) placed in service before January 1, 2004.

(h) GAO STUDY.—The Comptroller General of the United States shall conduct a study on the market viability of producing electricity from resources with respect to which credit is allowed under section 45 of the Internal Revenue Code of 1986 but without such credit. In the case of open-loop biomass and municipal solid waste resources, the study should take into account savings associated with not having to dispose of such resources. In conducting such study, the Comptroller shall estimate the dollar value of the environmental impact of producing electricity from such resources relative to producing electricity from fossil fuels using the latest generation of technology. Not later than June 30, 2006, the Comptroller shall report on such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 1303. CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (i), by adding "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) qualified fuel cell property,".

(b) QUALIFIED FUEL CELL PROPERTY.—Section 48 (relating to energy credit; reforestation credit) is amended by adding at the end the following new subsection:

"(c) QUALIFIED FUEL CELL PROPERTY.—For purposes of subsection (a)(3)(A)(iii)—

"(1) IN GENERAL.—The term 'qualified fuel cell property' means a fuel cell power plant which generates at least 0.5 kilowatt of electricity using an electrochemical process.

"(2) LIMITATION.—The energy credit with respect to any qualified fuel cell property shall not exceed an amount equal to $500 for each 0.5 kilowatt of capacity of such property.

"(3) FUEL CELL POWER PLANT.—The term 'fuel cell power plant' means an integrated system, comprised of a fuel cell stack assembly and associated balance of plant components, which converts a fuel into electricity using electrochemical means.

"(4) TERMINATION.—The term 'qualified fuel cell property' shall not include any property placed in service after December 31, 2006.".

(c) ENERGY PERCENTAGE.—Subparagraph (A) of section 48(a)(2) (relating to energy percentage) is amended to read as follows:

"(A) IN GENERAL.—The energy percentage is—

"(i) in the case of qualified fuel cell property, 20 percent, and

"(ii) in the case of any other energy property, 10 percent.".

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by inserting "except as provided in subsection (c)(2)," before "the energy".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1304. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits), as amended by this Act, is amended by inserting after section 25C the following new section:

"SEC. 25D. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling unit shall not exceed $2,000.

"(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling unit in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling unit shall be reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling unit for all prior taxable years.

"(c) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component which meets the prescriptive criteria for such component established by the 2000 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section (or, in the case of a metal roof with appropriate pigmented coatings which meet the Energy Star program requirements), if—

"(1) such component is installed in or on a dwelling unit—

"(A) located in the United States,

"(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), and

"(C) which has not been treated as a qualified new energy efficient home for purposes of any credit allowed under section 45G,

"(2) the original use of such component commences with the taxpayer, and

"(3) such component reasonably can be expected to remain in use for at least 5 years. If the aggregate cost of such components with respect to any dwelling unit exceeds $1,000, such components shall be treated as qualified energy efficiency improvements only if such components are also certified in accordance with subsection (d) as meeting such prescriptive criteria.

"(d) CERTIFICATION.—The certification described in subsection (c) shall be—

"(1) determined on the basis of the technical specifications or applicable ratings (including product labeling requirements) for the measurement of energy efficiency (based upon energy use or building envelope component performance) for the energy efficient building envelope component,

"(2) provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider who is accredited by or otherwise authorized to use approved energy performance measurement methods by the Residential Energy Services Network (RESNET), and

"(3) made in writing in a manner which specifies in readily verifiable fashion the energy efficient building envelope components installed and their respective energy efficiency levels.

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUILDING ENVELOPE COMPONENT.—The term 'building envelope component' means—

"(A) any insulation material or system which is specifically and primarily designed to reduce the heat loss or gain of a dwelling unit when installed in or on such dwelling unit,

"(B) exterior windows (including skylights),

"(C) exterior doors, and

"(D) any metal roof installed on a dwelling unit, but only if such roof has appropriate pigmented coatings which are specifically and primarily designed to reduce the heat gain of such dwelling unit.

"(2) MANUFACTURED HOMES INCLUDED.—The term 'dwelling unit' includes a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations).

"(3) APPLICATION OF RULES.—Rules similar to the rules under paragraphs (3), (4), and (5) of section 25C(d) shall apply.

"(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) APPLICATION OF SECTION.—This section shall apply to qualified energy efficiency improvements installed after December 31, 2003, and before January 1, 2007.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting ", and", and by adding at the end the following new paragraph:

"(30) to the extent provided in section 25D(f), in the case of amounts with respect to which a credit has been allowed under section 25D.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 25C the following new item:

"Sec. 25D. Energy efficiency improvements to existing homes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2003.

SEC. 1305. CREDIT FOR CONSTRUCTION OF NEW ENERGY EFFICIENT HOMES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45G. NEW ENERGY EFFICIENT HOME CREDIT.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible contractor with respect to a qualified new energy efficient home, the credit determined under this section for the taxable year with respect to such home is an amount equal to the aggregate adjusted bases of all energy efficient property installed in such home during construction of such home.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—

"(A) IN GENERAL.—The credit allowed by this section with respect to a dwelling unit shall not exceed—

"(i) in the case of a dwelling unit described in clause (i) or (iii) of subsection (c)(3)(D), $1,000, and

"(ii) in the case of a dwelling unit described in subsection (c)(3)(D)(ii), $2,000.

"(B) PRIOR CREDIT AMOUNTS ON SAME DWELLING UNIT TAKEN INTO ACCOUNT.—If a credit was allowed under subsection (a) with respect to a dwelling unit in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to such dwelling unit shall be reduced by the sum of the credits allowed under subsection (a) with respect to the dwelling unit for all prior taxable years.

"(2) COORDINATION WITH CERTAIN CREDITS.—For purposes of this section—

"(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

"(B) expenditures taken into account under section 47 or 48(a) shall not be taken into account under this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means—

"(A) the person who constructed the qualified new energy efficient home, or

"(B) in the case of a qualified new energy efficient home which is a manufactured home, the manufactured home producer of such home.

If more than 1 person is described in subparagraph (A) or (B) with respect to any qualified new energy efficient home, such term means the person designated as such by the owner of such home.

"(2) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means any energy efficient building envelope component, and any energy efficient heating or cooling equipment or system, which can, individually or in combination with other components, result in a dwelling unit meeting the requirements of this section.

"(3) QUALIFIED NEW ENERGY EFFICIENT HOME.—The term 'qualified new energy efficient home' means a dwelling unit—

"(A) located in the United States,

"(B) the construction of which is substantially completed after December 31, 2003,

"(C) the original use of which, after such construction, is reasonably expected to be as a residence by the person who acquires such dwelling unit from the eligible contractor,

"(D) which is—

"(i) certified to have a level of annual heating and cooling energy consumption which is at least 30 percent below the annual level of heating and cooling energy consumption of a comparable dwelling unit constructed in accordance with the standards of chapter 4 of the 2000 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section, and to have building envelope component improvements account for at least ⅓ of such 30 percent,

"(ii) certified to have a level of annual heating and cooling energy consumption which is at least 50 percent below such annual level and to have building envelope component improvements account for at least ⅕ of such 50 percent, or

"(iii) a manufactured home which—

"(I) conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations), and

"(II) meets the applicable standards required by the Administrator of the Environmental Protection Agency under the Energy Star Labeled Homes program.

"(4) CONSTRUCTION.—The term 'construction' includes substantial reconstruction and rehabilitation.

"(5) ACQUIRE.—The term 'acquire' includes purchase and, in the case of reconstruction and rehabilitation, such term includes a binding written contract for such reconstruction or rehabilitation.

"(6) BUILDING ENVELOPE COMPONENT.—The term 'building envelope component' means—

"(A) any insulation material or system which is specifically and primarily designed to reduce the heat loss or gain of a dwelling unit when installed in or on such dwelling unit,

"(B) exterior windows (including skylights),

"(C) exterior doors, and

"(D) any metal roof installed on a dwelling unit, but only if such roof has appropriate pigmented coatings which—

"(i) are specifically and primarily designed to reduce the heat gain of such dwelling unit, and

"(ii) meet the Energy Star program requirements.

"(d) CERTIFICATION.—

"(1) METHOD OF CERTIFICATION.—A certification described in subsection (c)(3)(D) shall be determined in accordance with guidance prescribed by the Secretary. Such guidance shall specify procedures and methods for calculating energy and cost savings.

"(2) FORM.—A certification described in subsection (c)(3)(D) shall be made in writing—

"(A) in a manner which specifies in readily verifiable fashion the energy efficient building envelope components and energy efficient heating or cooling equipment installed and their respective rated energy efficiency performance, and

"(B) in the case of a qualified new energy efficient home which is a manufactured home, accompanied by such documentation as required by the Administrator of the Environmental Protection Agency under the Energy Star Labeled Homes program.

"(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

"(f) APPLICATION OF SECTION.—Subsection (a) shall apply to qualified new energy efficient homes acquired during the period beginning on January 1, 2004, and ending on December 31, 2006.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the new energy efficient home credit determined under section 45G(a).".

(c) BASIS ADJUSTMENT.—Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", and", and by adding at the end the following new paragraph:

"(31) to the extent provided in section 45G(e), in the case of amounts with respect to which a credit has been allowed under section 45G.".

(d) Limitation on Carryback.—

(1) In general.—Subsection (d) of section 39 is amended to read as follows:

"(d) Transitional Rule.—No portion of the unused business credit for any taxable year which is attributable to a credit specified in section 38(b) or any portion thereof may be carried back to any taxable year before the first taxable year for which such specified credit or such portion is allowable (without regard to subsection (a)).".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to taxable years ending after December 31, 2002.

(e) Deduction for Certain Unused Business Credits.—Section 196(c) (defining qualified business credits) is amended by striking "and" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", and", and by adding after paragraph (11) the following new paragraph:

"(12) the new energy efficient home credit determined under section 45G(a).".

(f) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45G. New energy efficient home credit.".

(g) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2003.

SEC. 1306. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) In General.—Section 48(a)(3)(A) (defining energy property), as amended by this Act, is amended by striking "or" at the end of clause (ii), by adding "or" at the end of clause (iii), and by inserting after clause (iii) the following new clause:

"(iv) combined heat and power system property,".

(b) Combined Heat and Power System Property.—Section 48 (relating to energy credit; reforestation credit), as amended by this Act, is amended by adding at the end the following new subsection:

"(d) Combined Heat and Power System Property.—For purposes of subsection (a)(3)(A)(iv)—

"(1) Combined heat and power system property.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(B) which has an electrical capacity of not more than 15 megawatts or a mechanical energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(C) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

"(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(D) the energy efficiency percentage of which exceeds 60 percent, and

"(E) which is placed in service before January 1, 2007.

"(2) Special rules.—

"(A) Energy efficiency percentage.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the lower heating value of the fuel sources for the system.

"(B) Determinations made on Btu basis.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

"(C) Input and output property not included.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(D) Public utility property.—

"(i) Accounting rule for public utility property.—If the combined heat and power system property is public utility property (as defined in section 168(i)(10)), the taxpayer may only claim the credit under subsection (a) if, with respect to such property, the taxpayer uses a normalization method of accounting.

"(ii) Certain exception not to apply.—The matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to combined heat and power system property.

"(3) Systems using bagasse.—If a system is designed to use bagasse for at least 90 percent of the energy source—

"(A) paragraph (1)(D) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.".

(c) Effective Date.—The amendments made by this subsection shall apply to periods after December 31, 2003, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1307. CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45H. ENERGY EFFICIENT APPLIANCE CREDIT.

"(a) Allowance of Credit.—For purposes of section 38, the energy efficient appliance credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the tier I appliance amount, and

"(2) the tier II appliance amount,

with respect to qualified energy efficient appliances produced by the taxpayer during the calendar year ending with or within the taxable year.

"(b) Appliance Amounts.—For purposes of subsection (a)—

"(1) Tier I appliance amount.—The tier I appliance amount is equal to—

"(A) $100, multiplied by

"(B) an amount (rounded to the nearest whole number) equal to the applicable percentage of the eligible production.

"(2) Tier II appliance amount.—The tier II appliance amount is equal to $150, multiplied by an amount equal to the eligible production reduced by the amount determined under paragraph (1)(B).

"(3) Applicable percentage.—The applicable percentage is the percentage determined by dividing the tier I appliances produced by the taxpayer during the calendar year by the sum of the tier I and tier II appliances so produced.

"(4) Eligible production.—The eligible production of qualified energy efficient appliances by the taxpayer for any calendar year is the excess of—

"(A) the number of such appliances which are produced by the taxpayer during such calendar year, over

"(B) 110 percent of the average annual number of such appliances which were produced by the taxpayer (or any predecessor) during the preceding 3-calendar year period.

"(c) Qualified Energy Efficient Appliance.—For purposes of this section—

"(1) In general.—The term 'qualified energy efficient appliance' means any tier I appliance or tier II appliance which is produced in the United States.

"(2) Tier I appliance.—The term 'tier I appliance' means—

"(A) a clothes washer which is produced with at least a 1.50 MEF, and

"(B) a refrigerator which consumes at least 15 percent (20 percent in the case of a refrigerator produced after 2006) less kilowatt hours per year than the energy conservation standards for refrigerators promulgated by the Department of Energy and effective on July 1, 2001.

"(3) Tier II appliance.—The term 'tier II appliance' means a refrigerator produced before 2007 which consumes at least 20 percent less kilowatt hours per year than the energy conservation standards described in paragraph (2)(B).

"(4) Clothes washer.—The term 'clothes washer' means a residential clothes washer, including a residential style coin operated washer.

"(5) Refrigerator.—The term 'refrigerator' means an automatic defrost refrigerator-freezer which has an internal volume of at least 16.5 cubic feet.

"(6) MEF.—The term 'MEF' means Modified Energy Factor (as determined by the Secretary of Energy).

"(7) Produced.—The term 'produced' includes manufactured.

"(d) Limitation on Maximum Credit.—

"(1) In general.—The amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $60,000,000, reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for any prior taxable year.

"(2) Limitation based on gross receipts.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year for which the credit is determined.

"(3) Gross receipts.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

"(e) Special Rules.—For purposes of this section—

"(1) In general.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(2) Controlled groups.—

"(A) In general.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

"(f) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary, after consultation with the Secretary of Energy, determines necessary to claim the credit amount under subsection (a).

"(g) TERMINATION.—This section shall not apply with respect to appliances produced after December 31, 2007.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", plus", and by adding at the end the following new paragraph:

"(17) the energy efficient appliance credit determined under section 45H(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 45H. Energy efficient appliance credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2003, in taxable years ending after such date.

SEC. 1308. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179A the following new section:

"SEC. 179B. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

"(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to the cost of energy efficient commercial building property placed in service during the taxable year.

"(b) MAXIMUM AMOUNT OF DEDUCTION.—The deduction under subsection (a) with respect to any building for the taxable year and all prior taxable years shall not exceed an amount equal to the product of—

"(1) $1.50, and

"(2) the square footage of the building.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—The term 'energy efficient commercial building property' means property—

"(A) which is installed on or in a building—

"(i) which is located in the United States, and

"(ii) which is the type of structure to which the Standard 90.1-2001 is applicable,

"(B) which is installed as part of—

"(i) the lighting systems,

"(ii) the heating, cooling, ventilation, and hot water systems, or

"(iii) the building envelope, and

"(C) which is certified in accordance with subsection (d)(4) as being installed as part of a plan designed to reduce the total annual energy and power costs with respect to the lighting systems, heating, cooling, ventilation, and hot water systems of the building by 50 percent or more in comparison to a reference building which meets the minimum requirements of Standard 90.1-2001 using methods of calculation under subsection (d)(2).

"(2) STANDARD 90.1-2001.—The term 'Standard 90.1-2001' means Standard 90.1-2001 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on April 2, 2003).

"(d) SPECIAL RULES.—

"(1) PARTIAL ALLOWANCE.—

"(A) IN GENERAL.—Except as provided in subsection (f), in the case of a building placed in service on or before the date of the enactment of this section, if—

"(i) the requirement of subsection (c)(1)(C) is not met, but

"(ii) there is a certification in accordance with subsection (d)(4) that any system referred to in subsection (c)(1)(B) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system,

then the requirement of subsection (c)(1)(C) shall be treated as met with respect to such system, and the deduction under subsection (a) shall be allowed with respect to energy efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property by substituting '$.50' for '$1.50'.

"(B) REGULATIONS.—The Secretary, after consultation with the Secretary of Energy, shall establish a target for each system described in subsection (c)(1)(B) which, if such targets were met for all such systems, the building would meet the requirements of subsection (c)(1)(C).

"(2) METHODS OF CALCULATION.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power cost for purposes of this section.

"(3) NOTICE TO OWNER.—Each certification required under this section shall include an explanation to the building owner regarding the energy efficiency features of the building and its projected annual energy costs.

"(4) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall prescribe the manner and method for the making of certifications under this section.

"(B) PROCEDURES.—The Secretary shall include as part of the certification process procedures for inspection and testing by qualified individuals described in subparagraph (C) to ensure compliance of buildings with energy-savings plans and targets. Such procedures shall be—

"(i) comparable, given the difference between commercial and residential buildings, to the requirements in the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems, and

"(ii) fuel neutral such that the same energy efficiency measures allow a building to be eligible for the deduction under this section regardless of whether such building uses a gas or oil furnace or boiler, an electric heat pump, or other fuel source.

"(C) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

"(e) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy efficient commercial building property, the basis of such property shall be reduced by the amount of the deduction so allowed.

"(f) INTERIM RULES FOR LIGHTING SYSTEMS.—Until such time as the Secretary issues final regulations under subsection (d)(1)(B) with respect to property which is part of a lighting system—

"(1) IN GENERAL.—The lighting system target under subsection (d)(1)(A)(ii) shall be a reduction in lighting power density of 25 percent (50 percent in the case of a warehouse) of the minimum requirements in Table 9.3.1.1 or Table 9.3.1.2 (not including additional interior lighting power allowances) of Standard 90.1-2001.

"(2) REDUCTION IN DEDUCTION IF REDUCTION LESS THAN 40 PERCENT.—

"(A) IN GENERAL.—If, with respect to the lighting system of any building other than a warehouse, the reduction in lighting power density of the lighting system is not at least 40 percent, only the applicable percentage of the amount of deduction otherwise allowable under this section with respect to such property shall be allowed.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is the number of percentage points (not greater than 100) equal to the sum of—

"(i) 50, and

"(ii) the amount which bears the same ratio to 50 as the excess of the reduction of lighting power density of the lighting system over 25 percentage points bears to 15.

"(C) EXCEPTIONS.—This subsection shall not apply to any system—

"(i) the controls and circuiting of which do not comply fully with the mandatory and prescriptive requirements of Standard 90.1-2001 and which do not include provision for bilevel switching in all occupancies except hotel and motel guest rooms, store rooms, restrooms, and public lobbies, or

"(ii) which does not meet the minimum requirements for calculated lighting levels as set forth in the Illuminating Engineering Society of North America Lighting Handbook, Performance and Application, Ninth Edition, 2000.

"(g) REGULATIONS.—The Secretary shall promulgate such regulations as necessary—

"(1) to take into account new technologies regarding energy efficiency and renewable energy for purposes of determining energy efficiency and savings under this section, and

"(2) to provide for a recapture of the deduction allowed under this section if the plan described in subsection (c)(1)(C) or (d)(1)(A) is not fully implemented.

"(h) TERMINATION.—This section shall not apply with respect to property placed in service after December 31, 2007.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this section, is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following new paragraph:

"(32) to the extent provided in section 179B(e).".

(2) Section 1245(a) is amended by inserting "179B," after "179A," both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 1250(b)(3) is amended by inserting before the period at the end of the first sentence "or by section 179B".

(4) Section 263(a)(1) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by inserting after subparagraph (H) the following new subparagraph:

"(I) expenditures for which a deduction is allowed under section 179B.".

(5) Section 312(k)(3)(B) is amended by striking "or 179A" each place it appears in the heading and text and inserting ", 179A, or 179B".

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after section 179A the following new item:

"Sec. 179B. Energy efficient commercial buildings deduction.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 1309. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified energy management device.".

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

"(15) QUALIFIED ENERGY MANAGEMENT DEVICE.—

"(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is placed in service before January 1, 2008, by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any meter or metering device which is used by the taxpayer—

"(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

"(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.".

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (A)(iii) the following:

"(A)(iv) .... 20".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1310. CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding after section 45K the following new section:

"SEC. 45L. CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

"(a) GENERAL RULE.—For purposes of section 38, the advanced nuclear power facility production credit of any taxpayer for any taxable year is equal to the product of—

"(1) 1.8 cents, multiplied by

"(2) the kilowatt hours of electricity—

"(A) produced by the taxpayer at an advanced nuclear power facility during the 8-year period beginning on the date the facility was originally placed in service, and

"(B) sold by the taxpayer to an unrelated person during the taxable year.

"(b) NATIONAL LIMITATION.—

"(1) IN GENERAL.—The amount of credit which would (but for this subsection and subsection (c)) be allowed with respect to any facility for any taxable year shall not exceed the amount which bears the same ratio to such amount of credit as—

"(A) the national megawatt capacity limitation allocated to the facility, bears to

"(B) the total megawatt nameplate capacity of such facility.

"(2) AMOUNT OF NATIONAL LIMITATION.—The national megawatt capacity limitation shall be 6,000 megawatts.

"(3) ALLOCATION OF LIMITATION.—The Secretary shall allocate the national megawatt capacity limitation in such manner as the Secretary may prescribe.

"(4) REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations shall provide a certification process under which the Secretary, after consultation with the Secretary of Energy, shall approve and allocate the national megawatt capacity limitation.

"(c) OTHER LIMITATIONS.—

"(1) ANNUAL LIMITATION.—The amount of the credit allowable under subsection (a) (after the application of subsection (b)) for any taxable year with respect to any facility shall not exceed an amount which bears the same ratio to $125,000,000 as—

"(A) the national megawatt capacity limitation allocated under subsection (b) to the facility, bears to

"(B) 1,000.

"(2) OTHER LIMITATIONS.—Rules similar to the rules of section 45(b) shall apply for purposes of this section, except that paragraph (2) thereof shall not apply to the 1.8 cents under subsection (a)(1).

"(d) ADVANCED NUCLEAR POWER FACILITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'advanced nuclear power facility' means any advanced nuclear facility—

"(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity, and

"(B) which is placed in service after the date of the enactment of this paragraph and before January 1, 2021.

"(2) ADVANCED NUCLEAR FACILITY.—For purposes of paragraph (1), the term 'advanced nuclear facility' means any nuclear facility the reactor design for which is approved after the date of the enactment of this paragraph by the Nuclear Regulatory Commission (and such design or a substantially similar design of comparable capacity was not approved on or before such date).

"(e) OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking "plus" at the end of paragraph (20), by striking the period at the end of paragraph (21) and inserting ", plus", and by adding at the end the following:

"(22) the advanced nuclear power facility production credit determined under section 45L(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

"Sec. 45L. Credit for production from advanced nuclear power facilities.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2003.

PART II—FUELS AND ALTERNATIVE MOTOR VEHICLES

SEC. 1311. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS AND INLAND WATERWAY TRANSPORTATION WHICH REMAIN IN GENERAL FUND.

(a) TAXES ON TRAINS.—

(1) IN GENERAL.—Subparagraph (A) of section 4041(a)(1) is amended by striking "or a diesel-powered train" each place it appears and by striking "or train".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 4041(a)(1) is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(B) Subparagraph (C) of section 4041(b)(1) is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(C) Subsection (d) of section 4041 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081.".

(D) Subsection (f) of section 4082 is amended by striking "section 4041(a)(1)" and inserting "subsections (d)(3) and (a)(1) of section 4041, respectively".

(E) Paragraph (3) of section 4083(a) is amended by striking "or a diesel-powered train".

(F) Paragraph (3) of section 6421(f) is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081.".

(G) Paragraph (3) of section 6427(l) is amended to read as follows:

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof.".

(b) FUEL USED ON INLAND WATERWAYS.—

(1) IN GENERAL.—Paragraph (1) of section 4042(b) is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 4042(b) is amended by striking subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 1312. REDUCED MOTOR FUEL EXCISE TAX ON CERTAIN MIXTURES OF DIESEL FUEL.

(a) IN GENERAL.—Paragraph (2) of section 4081(a) is amended by adding at the end the following:

"(C) DIESEL-WATER FUEL EMULSION.—In the case of diesel-water fuel emulsion at least 14 percent of which is water and with respect to which the emulsion additive is registered by a United States manufacturer with the Environmental Protection Agency pursuant to section 211 of the Clean Air Act (as in effect on March 31, 2003), subparagraph (A)(iii) shall be applied by substituting '19.7 cents' for '24.3 cents'.".

(b) Special Rules for Diesel-Water Fuel Emulsions.—

(1) Refunds for tax-paid purchases.—Section 6427 is amended by redesignating subsections (m) through (p) as subsections (n) through (q), respectively, and by inserting after subsection (l) the following new subsection:

"(m) Diesel Fuel Used to Produce Emulsion.—

"(1) In general.—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at the regular tax rate is used by any person in producing an emulsion described in section 4081(a)(2)(C) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the excess of the regular tax rate over the incentive tax rate with respect to such fuel.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) Regular tax rate.—The term 'regular tax rate' means the aggregate rate of tax imposed by section 4081 determined without regard to section 4081(a)(2)(C).

"(B) Incentive tax rate.—The term 'incentive tax rate' means the aggregate rate of tax imposed by section 4081 determined with regard to section 4081(a)(2)(C).".

(2) Later separation of fuel.—

(A) In general.—Section 4081 (relating to imposition of tax) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Later Separation of Fuel From Diesel-Water Fuel Emulsion.—If any person separates the taxable fuel from a diesel-water fuel emulsion on which tax was imposed under subsection (a) at a rate determined under subsection (a)(2)(C) (or with respect to which a credit or payment was allowed or made by reason of section 6427), such person shall be treated as the refiner of such taxable fuel. The amount of tax imposed on any removal of such fuel by such person shall be reduced by the amount of tax imposed (and not credited or refunded) on any prior removal or entry of such fuel.".

(B) Conforming amendment.—Subsection (d) of section 6416 is amended by striking "section 4081(e)" and inserting "section 4081(f)".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 1313. SMALL ETHANOL PRODUCER CREDIT.

(a) Allocation of Alcohol Fuels Credit to Patrons of a Cooperative.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by adding at the end the following new paragraph:

"(6) Allocation of small ethanol producer credit to patrons of cooperative.—

"(A) Election to allocate.—

"(i) In general.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) Form and effect of election.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) Treatment of organizations and patrons.—The amount of the credit apportioned to patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income.

"(C) Special rule.—If the amount of a credit which has been apportioned to any patron under this paragraph is decreased for any reason—

"(i) such amount shall not increase the tax imposed on such patron, and

"(ii) the tax imposed by this chapter on such organization shall be increased by such amount.

The increase under clause (ii) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) Definition of Small Ethanol Producer.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking "30,000,000" each place it appears and inserting "60,000,000".

(c) Conforming Amendment.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

"(k) Cross Reference.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 1314. INCENTIVES FOR BIODIESEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40 the following new section:

"SEC. 40A. BIODIESEL USED AS FUEL.

"(a) General Rule.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the biodiesel mixture credit, plus

"(2) the biodiesel credit.

"(b) Definition of Biodiesel Mixture Credit and Biodiesel Credit.—For purposes of this section—

"(1) Biodiesel mixture credit.—

"(A) In general.—The biodiesel mixture credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel used by the taxpayer in the production of a qualified biodiesel mixture.

"(B) Qualified biodiesel mixture.—The term 'qualified biodiesel mixture' means a mixture of biodiesel and a taxable fuel (within the meaning of section 4083(a)(1)) which—

"(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the taxpayer producing such mixture.

"(C) Sale or use must be in trade or business, etc.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

"(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

"(ii) for the taxable year in which such sale or use occurs.

"(D) Casual off-farm production not eligible.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

"(2) Biodiesel credit.—

"(A) In general.—The biodiesel credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel which is not in a mixture and which during the taxable year—

"(i) is used by the taxpayer as a fuel in a trade or business, or

"(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

"(B) User credit not to apply to biodiesel sold at retail.—No credit shall be allowed under subparagraph (A)(i) with respect to any biodiesel which was sold in a retail sale described in subparagraph (A)(ii).

"(3) Credit for agri-biodiesel.—In the case of any biodiesel which is agri-biodiesel, paragraphs (1)(A) and (2)(A) shall be applied by substituting '$1.00' for '50 cents'.

"(4) Certification for biodiesel.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

"(c) Coordination With Credit Against Excise Tax.—The amount of the credit determined under this section with respect to any biodiesel shall be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 6426.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Biodiesel.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

"(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

"(B) the requirements of the American Society of Testing and Materials D6751.

"(2) Agri-biodiesel.—The term 'agri-biodiesel' means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds, and from animal fats.

"(3) Mixture or biodiesel not used as a fuel, etc.—

"(A) Mixtures.—If—

"(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

"(ii) any person—

"(I) separates the biodiesel from the mixture, or

"(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such biodiesel in such mixture.

"(B) Biodiesel.—If—

"(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

"(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

"(C) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

"(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(e) TERMINATION.—This section shall not apply to any sale or use after December 31, 2005.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ", plus", and by adding at the end the following new paragraph:

"(18) the biodiesel fuels credit determined under section 40A(a).".

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 87 is amended to read as follows:

"SEC. 87. ALCOHOL AND BIODIESEL FUELS CREDITS.

"Gross income includes—

"(1) the amount of the alcohol fuels credit determined with respect to the taxpayer for the taxable year under section 40(a), and

"(2) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40A(a).".

(B) The item relating to section 87 in the table of sections for part II of subchapter B of chapter 1 is amended by striking "fuel credit" and inserting "and biodiesel fuels credits".

(2) Section 196(c), as amended by this Act, is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) the biodiesel fuels credit determined under section 40A(a).".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 40 the following new item:

"Sec. 40A. Biodiesel used as fuel.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2003, in taxable years ending after such date.

SEC. 1315. ALCOHOL FUEL AND BIODIESEL MIXTURES EXCISE TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by inserting after section 6425 the following new section:

"SEC. 6426. CREDIT FOR ALCOHOL FUEL AND BIODIESEL MIXTURES.

"(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the sum of—

"(1) the alcohol fuel mixture credit, plus

"(2) the biodiesel mixture credit.

"(b) ALCOHOL FUEL MIXTURE CREDIT.—

"(1) IN GENERAL.—For purposes of this section, the alcohol fuel mixture credit is the product of the applicable amount and the number of gallons of alcohol used by the taxpayer in producing any alcohol fuel mixture for sale or use in a trade or business of the taxpayer.

"(2) APPLICABLE AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 52 cents (51 cents in the case of any sale or use after 2004).

"(B) MIXTURES NOT CONTAINING ETHANOL.—In the case of an alcohol fuel mixture in which none of the alcohol consists of ethanol, the applicable amount is 60 cents.

"(3) ALCOHOL FUEL MIXTURE.—For purposes of this subsection, the term 'alcohol fuel mixture' means a mixture of alcohol and a taxable fuel which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

"(B) is used as a fuel by the taxpayer producing such mixture, or

"(C) is removed from the refinery by a person producing such mixture.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) ALCOHOL.—The term 'alcohol' includes methanol and ethanol but does not include—

"(i) alcohol produced from petroleum, natural gas, or coal (including peat), or

"(ii) alcohol with a proof of less than 190 (determined without regard to any added denaturants).

Such term also includes an alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

"(B) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

"(5) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2010.

"(c) BIODIESEL MIXTURE CREDIT.—

"(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer in producing any biodiesel mixture for sale or use in a trade or business of the taxpayer.

"(2) APPLICABLE AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

"(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

"(3) BIODIESEL MIXTURE.—For purposes of this section, the term 'biodiesel mixture' means a mixture of biodiesel and a taxable fuel which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

"(B) is used as a fuel by the taxpayer producing such mixture, or

"(C) is removed from the refinery by a person producing such mixture.

"(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

"(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

"(6) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2005.

"(d) MIXTURE NOT USED AS A FUEL, ETC.—

"(1) IMPOSITION OF TAX.—If—

"(A) any credit was determined under this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and

"(B) any person—

"(i) separates the alcohol or biodiesel from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

"(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

"(e) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40(c) shall apply for purposes of this section.".

(b) REGISTRATION REQUIREMENT.—Section 4101(a) (relating to registration) is amended by inserting "and every person producing biodiesel (as defined in section 40A(d)(1)) or alcohol (as defined in section 6426(b)(4)(A))" after "4091".

(c) ADDITIONAL AMENDMENTS.—

(1) Section 40(c) is amended by striking "or section 4091(c)" and inserting "section 4091(c), or section 6426".

(2) Section 40(e)(1) is amended—

(A) by striking "2007" in subparagraph (A) and inserting "2010", and

(B) by striking "2008" in subparagraph (B) and inserting "2011".

(3) Section 40(h) is amended—

(A) by striking "2007" in paragraph (1) and inserting "2010", and

(B) by striking ", 2006, or 2007" in the table contained in paragraph (2) and inserting "through 2010".

(4)(A) Subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new section:

"SEC. 4104. INFORMATION REPORTING FOR PERSONS CLAIMING CERTAIN TAX BENEFITS.

"(a) IN GENERAL.—The Secretary shall require any person claiming tax benefits under the provisions of section 34, 40, 40A, 4041(b)(2), 4041(k), 4081(c), 6426, or 6427(f) to file a quarterly return (in such manner as the Secretary may prescribe) providing such information relating to such benefits and the coordination of such benefits as the Secretary may require to ensure the proper administration and use of such benefits.

"(b) ENFORCEMENT.—With respect to any person described in subsection (a) and subject to registration requirements under this title, rules similar to rules of section 4222(c) shall apply with respect to any requirement under this section.".

(B) The table of sections for subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new item:

"Sec. 4104. Information reporting for persons claiming certain tax benefits.".

(5) Section 6427(i)(3) is amended—

(A) by adding at the end of subparagraph (A) the following new flush sentence:

"In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).", and

(B) by striking "20 days of the date of the filing of such claim" in subparagraph (B) and inserting "45 days of the date of the filing of such claim (20 days in the case of an electronic claim)".

(6) Section 9503(b)(1) is amended by adding at the end the following new flush sentence:

"For purposes of this paragraph, taxes received under sections 4041 and 4081 shall be determined without reduction for credits under section 6426.".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6425 the following new item:

"Sec. 6426. Credit for alcohol fuel and biodiesel mixtures.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to fuel sold, used, or removed after December 31, 2003.

(2) SUBSECTION (c)(4).—The amendments made by subsection (c)(4) shall take effect on January 1, 2004.

(3) SUBSECTION (c)(5).—The amendments made by subsection (c)(5) shall apply to claims filed after December 31, 2004.

(f) FORMAT FOR FILING.—The Secretary of the Treasury shall prescribe the electronic format for filing claims described in section 6427(i)(3)(B) of the Internal Revenue Code of 1986 (as amended by subsection (c)(5)(A)) not later than December 31, 2004.

SEC. 1316. NONAPPLICATION OF EXPORT EXEMPTION TO DELIVERY OF FUEL TO MOTOR VEHICLES REMOVED FROM UNITED STATES.

(a) IN GENERAL.—Section 4221(d)(2) (defining export) is amended by adding at the end the following new sentence: "Such term does not include the delivery of a taxable fuel (as defined in section 4083(a)(1)) into a fuel tank of a motor vehicle which is shipped or driven out of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4041(g) (relating to other exemptions) is amended by adding at the end the following new sentence: "Paragraph (3) shall not apply to the sale for delivery of a liquid into a fuel tank of a motor vehicle which is shipped or driven out of the United States.".

(2) Clause (iv) of section 4081(a)(1)(A) (relating to tax on removal, entry, or sale) is amended by inserting "or at a duty-free sales enterprise (as defined in section 555(b)(8) of the Tariff Act of 1930)" after "section 4101".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or deliveries made after the date of the enactment of this Act.

SEC. 1317. REPEAL OF PHASEOUTS FOR QUALIFIED ELECTRIC VEHICLE CREDIT AND DEDUCTION FOR CLEAN FUEL-VEHICLES.

(a) CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.—Paragraph (1) of section 179A(b) (relating to qualified clean-fuel vehicle property) is amended to read as follows:

"(1) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—The cost which may be taken into account under subsection (a)(1)(A) with respect to any motor vehicle shall not exceed—

"(A) in the case of a motor vehicle not described in subparagraph (B) or (C), $2,000,

"(B) in the case of any truck or van with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds, $5,000, or

"(C) $50,000 in the case of—

"(i) a truck or van with a gross vehicle weight rating greater than 26,000 pounds, or

"(ii) any bus which has a seating capacity of at least 20 adults (not including the driver).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1318. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

"SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

"(2) the new advanced lean burn technology motor vehicle credit determined under subsection (c),

"(3) the new qualified hybrid motor vehicle credit determined under subsection (d), and

"(4) the new qualified alternative fuel motor vehicle credit determined under subsection (e).

"(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year shall be determined in accordance with the following table:

"In the case of a vehicle which has a gross vehicle weight rating of—	The new qualified fuel cell motor vehicle credit is—
Not more than 8,500 lbs	$4,000
More than 8,500 lbs but not more than 14,000 lbs	$10,000
More than 14,000 lbs but not more than 26,000 lbs	$20,000
More than 26,000 lbs	$40,000.

"(2) INCREASE FOR FUEL EFFICIENCY.—

"(A) IN GENERAL.—The amount determined under paragraph (1) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by the additional credit amount.

"(B) ADDITIONAL CREDIT AMOUNT.—For purposes of subparagraph (A), the additional credit amount shall be determined in accordance with the following table:

"In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	The additional credit amount is—
At least 150 percent but less than 175 percent	$1,000
At least 175 percent but less than 200 percent	$1,500
At least 200 percent but less than 225 percent	$2,000
At least 225 percent but less than 250 percent	$2,500
At least 250 percent but less than 275 percent	$3,000
At least 275 percent but less than 300 percent	$3,500
At least 300 percent	$4,000.

"(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

"(A) which is propelled by power derived from one or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

"(B) which, in the case of a passenger automobile or light truck, has received—

"(i) a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

"(ii) a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

"(C) the original use of which commences with the taxpayer,

"(D) which is acquired for use or lease by the taxpayer and not for resale, and

"(E) which is made by a manufacturer.

"(c) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the new advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

"(2) CREDIT AMOUNT.—

"(A) FUEL ECONOMY.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

"In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	The credit amount is—
At least 125 percent but less than 150 percent	$400
At least 150 percent but less than 175 percent	$800
At least 175 percent but less than 200 percent	$1,200
At least 200 percent but less than 225 percent	$1,600
At least 225 percent but less than 250 percent	$2,000
At least 250 percent	$2,400.

"(B) CONSERVATION CREDIT.—The amount determined under subparagraph (A) with respect to a new advanced lean burn technology motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

"In the case of a vehicle which achieves a lifetime fuel savings (expressed in gallons of gasoline) of—	The conservation credit amount is—
At least 1,200 but less than 1,800	$250
At least 1,800 but less than 2,400	$500
At least 2,400 but less than 3,000	$750
At least 3,000	$1,000.

"(3) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—For purposes of this subsection, the term 'new advanced lean burn technology motor vehicle' means a passenger automobile or a light truck—

"(A) with an internal combustion engine which—

"(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

"(ii) incorporates direct injection,

"(iii) achieves at least 125 percent of the 2002 model year city fuel economy, "(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

"(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established.

"(B) the original use of which commences with the taxpayer,

"(C) which is acquired for use or lease by the taxpayer and not for resale, and

"(D) which is made by a manufacturer.

"(4) Lifetime fuel savings.—For purposes of this subsection, the term 'lifetime fuel savings' means, in the case of any new advanced lean burn technology motor vehicle, an amount equal to the excess (if any) of—

"(A) 120,000 divided by the 2002 model year city fuel economy for the vehicle inertia weight class, over

"(B) 120,000 divided by the city fuel economy for such vehicle.

"(d) New Qualified Hybrid Motor Vehicle Credit.—

"(1) In general.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

"(2) Credit amount.—

"(A) Credit amount for passenger automobiles and light trucks.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile or light truck and which has a gross vehicle weight rating of not more than 8,500 pounds, the amount determined under this paragraph is the sum of the amounts determined under clauses (i) and (ii).

"(i) Fuel economy.—The amount determined under this clause is the amount which would be determined under subsection (c)(2)(A) if such vehicle were a vehicle referred to in such subsection.

"(ii) Conservation credit.—The amount determined under this clause is the amount which would be determined under subsection (c)(2)(B) if such vehicle were a vehicle referred to in such subsection.

"(B) Credit amount for other motor vehicles.—

"(i) In general.—In the case of any new qualified hybrid motor vehicle to which subparagraph (A) does not apply, the amount determined under this paragraph is the amount equal to the applicable percentage of the qualified incremental hybrid cost of the vehicle as certified under clause (v).

"(ii) Applicable percentage.—For purposes of clause (i), the applicable percentage is—

"(I) 20 percent if the vehicle achieves an increase in city fuel economy relative to a comparable vehicle of at least 30 percent but less than 40 percent,

"(II) 30 percent if the vehicle achieves such an increase of at least 40 percent but less than 50 percent, and

"(III) 40 percent if the vehicle achieves such an increase of at least 50 percent.

"(iii) Qualified incremental hybrid cost.—For purposes of this subparagraph, the qualified incremental hybrid cost of any vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable vehicle, to the extent such amount does not exceed—

"(I) $7,500, if such vehicle has a gross vehicle weight rating of not more than 14,000 pounds,

"(II) $15,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(III) $30,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(iv) Comparable vehicle.—For purposes of this subparagraph, the term 'comparable vehicle' means, with respect to any new qualified hybrid motor vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in weight, size, and use to such vehicle.

"(v) Certification.—A certification described in clause (i) shall be made by the manufacturer and shall be determined in accordance with guidance prescribed by the Secretary. Such guidance shall specify procedures and methods for calculating fuel economy savings and incremental hybrid costs.

"(3) New qualified hybrid motor vehicle.—For purposes of this subsection—

"(A) In general.—The term 'new qualified hybrid motor vehicle' means a motor vehicle—

"(i) which draws propulsion energy from onboard sources of stored energy which are both—

"(I) an internal combustion or heat engine using consumable fuel, and

"(II) a rechargeable energy storage system,

"(ii) which, in the case of a vehicle to which paragraph (2)(A) applies, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

"(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

"(iii) which has a maximum available power of at least—

"(I) 4 percent in the case of a vehicle to which paragraph (2)(A) applies,

"(II) 10 percent in the case of a vehicle which has a gross vehicle weight rating or more than 8,500 pounds and not than 14,000 pounds, and

"(III) 15 percent in the case of a vehicle in excess of 14,000 pounds,

"(iv) which, in the case of a vehicle to which paragraph (2)(B) applies, has an internal combustion or heat engine which has received a certificate of conformity under the Clean Air Act as meeting the emission standards set in the regulations prescribed by the Administrator of the Environmental Protection Agency for 2004 through 2007 model year diesel heavy duty engines or ottocycle heavy duty engines, as applicable,

"(v) the original use of which commences with the taxpayer,

"(vi) which is acquired for use or lease by the taxpayer and not for resale, and

"(vii) which is made by a manufacturer.

Such term shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

"(B) Consumable fuel.—For purposes of subparagraph (A)(i)(I), the term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

"(C) Maximum available power.—

"(i) Certain passenger automobiles and light trucks.—In the case of a vehicle to which paragraph (2)(A) applies, the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

"(ii) Other motor vehicles.—In the case of a vehicle to which paragraph (2)(B) applies, the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. For purposes of the preceding sentence, the term 'total traction power' means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

"(e) New Qualified Alternative Fuel Motor Vehicle Credit.—

"(1) Allowance of credit.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

"(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

"(A) 40 percent, plus

"(B) 30 percent, if such vehicle—

"(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

"(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which has a gross vehicle weight rating of more than 14,000 pounds, the most stringent standard available shall be such standard available for certification on the date of the enactment of the Energy Tax Policy Act of 2003.

"(3) Incremental cost.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

“(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

“(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

“(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

“(4) New qualified alternative fuel motor vehicle.—For purposes of this subsection—

“(A) In general.—The term ‘new qualified alternative fuel motor vehicle’ means any motor vehicle—

“(i) which is only capable of operating on an alternative fuel,

“(ii) the original use of which commences with the taxpayer,

“(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

“(iv) which is made by a manufacturer.

“(B) Alternative fuel.—The term ‘alternative fuel’ means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

“(5) Credit for mixed-fuel vehicles.—

“(A) In general.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

“(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

“(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

“(B) Mixed-fuel vehicle.—For purposes of this subsection, the term ‘mixed-fuel vehicle’ means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

“(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

“(ii) either—

“(I) has received a certificate of conformity under the Clean Air Act, or

“(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

“(iii) the original use of which commences with the taxpayer,

“(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

“(v) which is made by a manufacturer.

“(C) 75/25 mixed-fuel vehicle.—For purposes of this subsection, the term ‘75/25 mixed-fuel vehicle’ means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

“(D) 90/10 mixed-fuel vehicle.—For purposes of this subsection, the term ‘90/10 mixed-fuel vehicle’ means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

“(f) Limitation on Number of New Qualified Hybrid and Advanced Lean-Burn Technology Vehicles Eligible for Credit.—

“(1) In general.—In the case of a qualified vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (c) or (d) shall be allowed.

“(2) Phaseout period.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section is at least 80,000.

“(3) Applicable percentage.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent for the first 2 calendar quarters of the phaseout period,

“(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

“(C) 0 percent for each calendar quarter thereafter.

“(4) Controlled groups.—

“(A) In general.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

“(B) Inclusion of foreign corporations.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

“(5) Qualified vehicle.—For purposes of this subsection, the term ‘qualified vehicle’ means any new qualified hybrid motor vehicle and any new advanced lean burn technology motor vehicle.

“(g) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under subpart A and sections 27 and 30 for the taxable year.

“(h) Other Definitions and Special Rules.—For purposes of this section—

“(1) Motor vehicle.—The term ‘motor vehicle’ has the meaning given such term by section 30(c)(2).

“(2) Other terms.—The terms ‘automobile’, ‘passenger automobile’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(3) 2002 model year city fuel economy.—

“(A) In general.—The 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

“(i) In the case of a passenger automobile:

“(ii) In the case of a light truck:

“(B) Vehicle inertia weight class.—For purposes of subparagraph (A), the term ‘vehicle inertia weight class’ has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(4) Fuel economy.—Fuel economy with respect to any vehicle shall be measured under rules similar to the rules under section 4064(c).

“(5) Reduction in basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(6) No double benefit.—The amount of any deduction or credit allowable under this chapter (other than the credits allowable under this section and section 30) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

“(7) Recapture.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

“(8) Property used outside United States, etc., not qualified.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

“(9) Election not to take credit.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

“(10) Business carryovers allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (g) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

“(11) Interaction with motor vehicle safety standards.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

“(i) Regulations.—

“(1) In general.—The Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

“(2) Determination of motor vehicle eligibility.—The Secretary, after coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

“(j) Termination.—This section shall not apply to any property placed in service after—

“(1) in the case of a new qualified alternative fuel motor vehicle, December 31, 2006,

“(2) in the case of a new advanced lean burn technology motor vehicle or a new qualified hybrid motor vehicle, December 31, 2008, and

“(3) in the case of a new qualified fuel cell motor vehicle, December 31, 2012.”.

(b) Conforming Amendments.—

(1) Section 30(d) (relating to special rules) is amended by adding at the end the following new paragraphs:

“(5) No double benefit.—No credit shall be allowed under this section for any motor vehicle for which a credit is also allowed under section 30B.”.

(2) Section 1016(a), as amended by this Act, is amended by striking “and” at the end of

paragraph (31), by striking the period at the end of paragraph (32) and inserting ", and", and by adding at the end the following:

"(33) to the extent provided in section 30B(h)(5).".

(3) Section 6501(m) is amended by inserting "30B(h)(9)," after "30(d)(4),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following:

"Sec. 30B. Alternative motor vehicle credit.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(d) Sticker Information Required at Retail Sale.—

(1) In general.—The Secretary of the Treasury shall issue regulations under which each qualified vehicle sold at retail shall display a notice—

(A) that such vehicle is a qualified vehicle, and

(B) that the buyer may not benefit from the credit allowed under section 30B of the Internal Revenue Code of 1986 if such buyer has insufficient tax liability.

(2) Qualified vehicle.—For purposes of paragraph (1), the term "qualified vehicle" means a vehicle with respect to which a credit is allowed under section 30B of the Internal Revenue Code of 1986.

SEC. 1319. MODIFICATIONS OF DEDUCTION FOR CERTAIN REFUELING PROPERTY.

(a) In General.—Subsection (f) of section 179A is amended to read as follows:

"(f) Termination.—This section shall not apply to any property placed in service—

"(1) in the case of property relating to hydrogen, after December 31, 2011, and

"(2) in the case of any other property, after December 31, 2008.".

(b) Incentive for Production of Hydrogen at Qualified Clean-Fuel Vehicle Refueling Property.—Section 179A(d) (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

"In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.".

(c) Increase in Location Expenditures.—Section 179A(b)(2)(A)(i) is amended by striking "$100,000" and inserting "$150,000".

(d) Nonbusiness Use of Qualified Clean-Fuel Vehicle Refueling Property.—Section 179A(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle B—Reliability

SEC. 1321. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) In General.—Subparagraph (C) of section 168(e)(3) (relating to classification of certain property) is amended by striking "and" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) any natural gas gathering line, and".

(b) Natural Gas Gathering Line.—Subsection (i) of section 168, as amended by this Act, is amended by adding after paragraph (15) the following new paragraph:

"(16) Natural gas gathering line.—The term 'natural gas gathering line' means—

"(A) the pipe, equipment, and appurtenances determined to be a gathering line by the Federal Energy Regulatory Commission, or

"(B) the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead or a commonpoint to the point at which such gas first reaches—

"(i) a gas processing plant,

"(ii) an interconnection with a transmission pipeline for which a certificate as an interstate transmission pipeline has been issued by the Federal Energy Regulatory Commission,

"(iii) an interconnection with an intrastate transmission pipeline, or

"(iv) a direct interconnection with a local distribution company, a gas storage facility, or an industrial consumer.".

(c) Alternative System.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (C)(i) the following:

"(C) (ii) .... 14".

(d) Alternative Minimum Tax Exception.—Subparagraph (B) of section 56(a)(1) is amended by inserting before the period the following: ", or in section 168(e)(3)(C)(ii)".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1322. NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.

(a) In General.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and by inserting ", and", and by adding at the end the following new clause:

"(iv) any natural gas distribution line.".

(b) Alternative System.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iii) the following:

"(E) (iv) .... 35".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1323. ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.

(a) In General.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property), as amended by this Act, is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and by inserting ", and", and by adding at the end the following new clause:

"(v) any section 1245 property (as defined in section 1245(a)(3)) used in the transmission at 69 or more kilovolts of electricity for sale the original use of which commences with the taxpayer after the date of the enactment of this clause.".

(b) Alternative System.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iv) the following:

"(E) (v) .... 30".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1324. EXPENSING OF CAPITAL COSTS INCURRED IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS.

(a) In General.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations), as amended by this Act, is amended by inserting after section 179B the following new section:

"SEC. 179C. DEDUCTION FOR CAPITAL COSTS INCURRED IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS.

"(a) Treatment as Expenses.—A small business refiner (as defined in section 45I(c)(1)) may elect to treat 75 percent of qualified capital costs (as defined in section 45I(c)(2)) which are paid or incurred by the taxpayer during the taxable year as expenses which are not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which paid or incurred.

"(b) Reduced Percentage.—In the case of a small business refiner with average daily domestic refinery runs for the 1-year period ending on December 31, 2002, in excess of 155,000 barrels, the number of percentage points described in subsection (a) shall be reduced (not below zero) by the product of such number (before the application of this subsection) and the ratio of such excess to 50,000 barrels.

"(c) Basis Reduction.—

"(1) In general.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) Ordinary income recapture.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.".

"(d) Coordination With Other Provisions.—Section 280B shall not apply to amounts which are treated as expenses under this section.".

(b) Conforming Amendments.—

(1) Section 263(a)(1), as amended by this Act, is amended by striking "or" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting "; or", and by adding at the end the following new subparagraph:

"(J) expenditures for which a deduction is allowed under section 179C.".

(2) Section 263A(c)(3) is amended by inserting "179C," after "section".

(3) Section 312(k)(3)(B), as amended by this Act, is amended by striking "or 179B" each place it appears in the heading and text and inserting "179B, or 179C".

(4) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", and", and by adding at the end the following new paragraph:

"(34) to the extent provided in section 179C(c).".

(5) Paragraphs (2)(C) and (3)(C) of section 1245(a), as amended by this Act, are each amended by inserting "179C," after "179B,".

(6) The table of sections for part VI of subchapter B of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 179B the following new item:

"Sec. 179C. Deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations.".

(c) Effective Date.—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2002, in taxable years ending after such date.

SEC. 1325. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45I. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

"(a) In General.—For purposes of section 38, the amount of the low sulfur diesel fuel production credit determined under this section with respect to any facility of a small business refiner is an amount equal to 5 cents for each gallon of low sulfur diesel fuel produced during the taxable year by such small business refiner at such facility.

"(b) Maximum Credit.—

"(1) In general.—The aggregate credit determined under subsection (a) for any taxable year with respect to any facility shall not exceed—

"(A) 25 percent of the qualified capital costs incurred by the small business refiner with respect to such facility, reduced by

"(B) the aggregate credits determined under this section for all prior taxable years with respect to such facility.

"(2) Reduced percentage.—In the case of a small business refiner with average daily domestic refinery runs for the 1-year period ending on December 31, 2002, in excess of 155,000 barrels, the number of percentage points described in paragraph (1) shall be reduced (not below zero) by the product of such number (before the application of this paragraph) and the ratio of such excess to 50,000 barrels.

"(c) Definitions and Special Rule.—For purposes of this section—

"(1) Small business refiner.—The term 'small business refiner' means, with respect to any taxable year, a refiner of crude oil—

"(A) with respect to which not more than 1,500 individuals are engaged in the refinery operations of the business on any day during such taxable year, and

"(B) the average daily domestic refinery run or average retained production of which for all facilities of the taxpayer for the 1-year period ending on December 31, 2002, did not exceed 205,000 barrels.

"(2) Qualified capital costs.—The term 'qualified capital costs' means, with respect to any facility, those costs paid or incurred during the applicable period for compliance with the applicable EPA regulations with respect to such facility, including expenditures for the construction of new process operation units or the dismantling and reconstruction of existing process units to be used in the production of low sulfur diesel fuel, associated adjacent or offsite equipment (including tankage, catalyst, and power supply), engineering, construction period interest, and sitework.

"(3) Applicable EPA regulations.—The term 'applicable EPA regulations' means the Highway Diesel Fuel Sulfur Control Requirements of the Environmental Protection Agency.

"(4) Applicable period.—The term 'applicable period' means, with respect to any facility, the period beginning on January 1, 2003, and ending on the earlier of the date which is 1 year after the date on which the taxpayer must comply with the applicable EPA regulations with respect to such facility or December 31, 2009.

"(5) Low sulfur diesel fuel.—The term 'low sulfur diesel fuel' means diesel fuel with a sulfur content of 15 parts per million or less.

"(d) Reduction in Basis.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

"(e) Special Rule for Determination of Refinery Runs.—For purposes this section and section 179C(b), in the calculation of average daily domestic refinery run or retained production, only refineries which on April 1, 2003, were refineries of the refiner or a related person (within the meaning of section 613A(d)(3)), shall be taken into account.

"(f) Certification.—

"(1) Required.—No credit shall be allowed unless, not later than the date which is 30 months after the first day of the first taxable year in which the low sulfur diesel fuel production credit is allowed with respect to a facility, the small business refiner obtains certification from the Secretary, after consultation with the Administrator of the Environmental Protection Agency, that the taxpayer's qualified capital costs with respect to such facility will result in compliance with the applicable EPA regulations.

"(2) Contents of application.—An application for certification shall include relevant information regarding unit capacities and operating characteristics sufficient for the Secretary, after consultation with the Administrator of the Environmental Protection Agency, to determine that such qualified capital costs are necessary for compliance with the applicable EPA regulations.

"(3) Review period.—Any application shall be reviewed and notice of certification, if applicable, shall be made within 60 days of receipt of such application. In the event the Secretary does not notify the taxpayer of the results of such certification within such period, the taxpayer may presume the certification to be issued until so notified.

"(4) Statute of limitations.—With respect to the credit allowed under this section—

"(A) the statutory period for the assessment of any deficiency attributable to such credit shall not expire before the end of the 3-year period ending on the date that the review period described in paragraph (3) ends with respect to the taxpayer, and

"(B) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(g) Cooperative Organizations.—

"(1) Apportionment of credit.—

"(A) In general.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons eligible to share in patronage dividends on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(B) Form and effect of election.—An election under subparagraph (A) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(2) Treatment of organizations and patrons.—

"(A) Organizations.—The amount of the credit not apportioned to patrons pursuant to paragraph (1) shall be included in the amount determined under subsection (a) for the taxable year of the organization.

"(B) Patrons.—The amount of the credit apportioned to patrons pursuant to paragraph (1) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

"(3) Special rule.—If the amount of a credit which has been apportioned to any patron under this subsection is decreased for any reason—

"(A) such amount shall not increase the tax imposed on such patron, and

"(B) the tax imposed by this chapter on such organization shall be increased by such amount.

The increase under subparagraph (B) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) Credit Made Part of General Business Credit.—Subsection (b) of section 38 (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (17), by striking the period at the end of paragraph (18) and inserting ", plus", and by adding at the end the following new paragraph:

"(19) in the case of a small business refiner, the low sulfur diesel fuel production credit determined under section 45I(a).".

(c) Denial of Double Benefit.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following new subsection:

"(d) Low Sulfur Diesel Fuel Production Credit.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45I(a).".

(d) Basis Adjustment.—Section 1016(a) (relating to adjustments to basis), as amended by this Act, is amended by striking "and" at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ", and", and by adding at the end the following new paragraph:

"(35) in the case of a facility with respect to which a credit was allowed under section 45I, to the extent provided in section 45I(d).".

(e) Deduction for Certain Unused Business Credits.—Section 196(c) (defining qualified business credits), as amended by this Act, is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", and", and by adding after paragraph (13) the following new paragraph:

"(14) the low sulfur diesel fuel production credit determined under section 45I(a).".

(f) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 45I. Credit for production of low sulfur diesel fuel.".

(g) Effective Date.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 2002, in taxable years ending after such date.

SEC. 1326. DETERMINATION OF SMALL REFINER EXCEPTION TO OIL DEPLETION DEDUCTION.

(a) In General.—Paragraph (4) of section 613A(d) (relating to limitations on application of subsection (c)) is amended to read as follows:

"(4) CERTAIN REFINERS EXCLUDED.—If the taxpayer or 1 or more related persons engages in the refining of crude oil, subsection (c) shall not apply to the taxpayer for a taxable year if the average daily refinery runs of the taxpayer and such persons for the taxable year exceed 67,500 barrels. For purposes of this paragraph, the average daily refinery runs for any taxable year shall be determined by dividing the aggregate refinery runs for the taxable year by the number of days in the taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1327. SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Section 451 (relating to general rule for taxable year of inclusion) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

"(1) IN GENERAL.—In the case of any qualifying electric transmission transaction for which the taxpayer elects the application of this section, qualified gain from such transaction shall be recognized—

"(A) in the taxable year which includes the date of such transaction to the extent the amount realized from such transaction exceeds—

"(i) the cost of exempt utility property which is purchased by the taxpayer during the 4-year period beginning on such date, reduced (but not below zero) by

"(ii) any portion of such cost previously taken into account under this subsection, and

"(B) ratably over the 8-taxable year period beginning with the taxable year which includes the date of such transaction, in the case of any such gain not recognized under subparagraph (A).

"(2) QUALIFIED GAIN.—For purposes of this subsection, the term 'qualified gain' means, with respect to any qualifying electric transmission transaction in any taxable year—

"(A) any ordinary income derived from such transaction which would be required to be recognized under section 1245 or 1250 for such taxable year (determined without regard to this subsection), and

"(B) any income derived from such transaction in excess of the amount described in subparagraph (A) which is required to be included in gross income for such taxable year (determined without regard to this subsection).

"(3) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—For purposes of this subsection, the term 'qualifying electric transmission transaction' means any sale or other disposition before January 1, 2007, of—

"(A) property used in the trade or business of providing electric transmission services, or

"(B) any stock or partnership interest in a corporation or partnership, as the case may be, whose principal trade or business consists of providing electric transmission services,

but only if such sale or disposition is to an independent transmission company.

"(4) INDEPENDENT TRANSMISSION COMPANY.—For purposes of this subsection, the term 'independent transmission company' means—

"(A) an independent transmission provider approved by the Federal Energy Regulatory Commission,

"(B) a person—

"(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order is not a market participant within the meaning of such Commission's rules applicable to independent transmission providers, and

"(ii) whose transmission facilities to which the election under this subsection applies are under the operational control of a Federal Energy Regulatory Commission-approved independent transmission provider before the close of the period specified in such authorization, but not later than the close of the period applicable under subsection (a)(2)(B) as extended under paragraph (2), or

"(C) in the case of facilities subject to the jurisdiction of the Public Utility Commission of Texas—

"(i) a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission provider, or

"(ii) a political subdivision or affiliate thereof whose transmission facilities are under the operational control of a person described in clause (i).

"(5) EXEMPT UTILITY PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'exempt utility property' means property used in the trade or business of—

"(i) generating, transmitting, distributing, or selling electricity, or

"(ii) producing, transmitting, distributing, or selling natural gas.

"(B) NONRECOGNITION OF GAIN BY REASON OF ACQUISITION OF STOCK.—Acquisition of control of a corporation shall be taken into account under this subsection with respect to a qualifying electric transmission transaction only if the principal trade or business of such corporation is a trade or business referred to in subparagraph (A).

"(6) SPECIAL RULE FOR CONSOLIDATED GROUPS.—In the case of a corporation which is a member of an affiliated group filing a consolidated return, any exempt utility property purchased by another member of such group shall be treated as purchased by such corporation for purposes of applying paragraph (1)(A).

"(7) TIME FOR ASSESSMENT OF DEFICIENCIES.—If the taxpayer has made the election under paragraph (1) and any gain is recognized by such taxpayer as provided in paragraph (1)(B), then—

"(A) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on the transaction is realized, attributable to such gain shall not expire prior to the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of the purchase of exempt utility property or of an intention not to purchase such property, and

"(B) such deficiency may be assessed before the expiration of such 3-year period notwithstanding any law or rule of law which would otherwise prevent such assessment.

"(8) PURCHASE.—For purposes of this subsection, the taxpayer shall be considered to have purchased any property if the unadjusted basis of such property is its cost within the meaning of section 1012.

"(9) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary may require and, once made, shall be irrevocable.

"(10) NONAPPLICATION OF INSTALLMENT SALES TREATMENT.—Section 453 shall not apply to any qualifying electric transmission transaction with respect to which an election to apply this subsection is made.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1328. MODIFICATIONS TO SPECIAL RULES FOR NUCLEAR DECOMMISSIONING COSTS.

(a) REPEAL OF LIMITATION ON DEPOSITS INTO FUND BASED ON COST OF SERVICE; CONTRIBUTIONS AFTER FUNDING PERIOD.—Subsection (b) of section 468A (relating to special rules for nuclear decommissioning costs) is amended to read as follows:

"(b) LIMITATION ON AMOUNTS PAID INTO FUND.—

"(1) IN GENERAL.—The amount which a taxpayer may pay into the Fund for any taxable year shall not exceed the ruling amount applicable to such taxable year.

"(2) CONTRIBUTIONS AFTER FUNDING PERIOD.—Notwithstanding any other provision of this section, a taxpayer may pay into the Fund in any taxable year after the last taxable year to which the ruling amount applies. Payments may not be made under the preceding sentence to the extent such payments would cause the assets of the Fund to exceed the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear power plant to which the Fund relates. The limitation under the preceding sentence shall be determined by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.".

(b) CLARIFICATION OF TREATMENT OF FUND TRANSFERS.—Section 468A(e) (relating to Nuclear Decommissioning Reserve Fund) is amended by adding at the end the following new paragraph:

"(8) TREATMENT OF FUND TRANSFERS.—

"(A) IN GENERAL.—If, in connection with the transfer of the taxpayer's interest in a nuclear power plant, the taxpayer transfers the Fund with respect to such power plant to the transferee of such interest and the transferee elects to continue the application of this section to such Fund—

"(i) the transfer of such Fund shall not cause such Fund to be disqualified from the application of this section, and

"(ii) no amount shall be treated as distributed from such Fund, or be includable in gross income, by reason of such transfer.

"(B) SPECIAL RULES IF TRANSFEROR IS TAX-EXEMPT ENTITY.—

"(i) IN GENERAL.—If—

"(I) a person exempt from taxation under this title transfers an interest in a nuclear power plant,

"(II) such person has set aside amounts for nuclear decommissioning which are transferred to the transferee of the interest, and

"(III) the transferee elects the application of this subparagraph no later than the due date (including extensions) of its return of tax for the taxable year in which the transfer occurs,

the amounts so set aside shall be treated as if contributed by such person to a Fund immediately before the transfer and then transferred in the Fund to the transferee.

"(ii) LIMITATION.—The amount treated as transferred to a Fund under clause (i) shall not exceed the amount which bears the same ratio to the present value of the nuclear decommissioning costs of the transferor with respect to the nuclear power plant as the number of years the nuclear power plant has been in service bears to the estimated useful life of such power plant.

"(iii) Basis.—The transferee's basis in any asset treated as transferred in the Fund shall be the same as the adjusted basis of such asset in the hands of the transferor.

"(iv) Ruling amount required.—This subparagraph shall not apply to any transfer unless the transferee requests from the Secretary a schedule of ruling amounts.

"(v) Election disregarded.—An election under this subparagraph shall be disregarded in determining the Federal income tax of the transferor.".

(c) Treatment of Certain Decommissioning Costs.—

(1) In general.—Section 468A is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) Transfers Into Qualified Funds.—

"(1) In general.—Notwithstanding subsection (b), any taxpayer maintaining a Fund to which this section applies with respect to a nuclear power plant may transfer into such Fund not more than an amount equal to the present value of the portion of the total nuclear decommissioning costs with respect to such nuclear power plant previously excluded for such nuclear power plant under subsection (d)(2)(A) as in effect immediately before the date of the enactment of the Energy Tax Policy Act of 2004.

"(2) Deduction for amounts transferred.—

"(A) In general.—Except as provided in subparagraph (C), the deduction allowed by subsection (a) for any transfer permitted by this subsection shall be allowed ratably over the remaining estimated useful life (within the meaning of subsection (d)(2)(A)) of the nuclear power plant beginning with the taxable year during which the transfer is made.

"(B) Denial of deduction for previously deducted amounts.—No deduction shall be allowed for any transfer under this subsection of an amount for which a deduction was previously allowed to the taxpayer (or a predecessor) or a corresponding amount was not included in gross income of the taxpayer (or a predecessor). For purposes of the preceding sentence, a ratable portion of each transfer shall be treated as being from previously deducted or excluded amounts to the extent thereof.

"(C) Transfers of qualified funds.—If—

"(i) any transfer permitted by this subsection is made to any Fund to which this section applies, and

"(ii) such Fund is transferred thereafter,

any deduction under this subsection for taxable years ending after the date that such Fund is transferred shall be allowed to the transferor for the taxable year which includes such date.

"(D) Special rules.—

"(i) Gain or loss not recognized.—No gain or loss shall be recognized on any transfer permitted by this subsection.

"(ii) Transfers of appreciated property.—If appreciated property is transferred in a transfer permitted by this subsection, the amount of the deduction shall not exceed the adjusted basis of such property.

"(3) New ruling amount required.—Paragraph (1) shall not apply to any transfer unless the taxpayer requests from the Secretary a new schedule of ruling amounts in connection with such transfer.

"(4) No basis in qualified funds.—Notwithstanding any other provision of law, the taxpayer's basis in any Fund to which this section applies shall not be increased by reason of any transfer permitted by this subsection.".

(2) New ruling amount to take into account total costs.—Subparagraph (A) of section 468A(d)(2) (defining ruling amount) is amended to read as follows:

"(A) fund the total nuclear decommissioning costs with respect to such power plant over the estimated useful life of such power plant, and".

(d) Technical Amendments.—Section 468A(e)(2) (relating to taxation of Fund) is amended—

(1) by striking "rate set forth in subparagraph (B)" in subparagraph (A) and inserting "rate of 20 percent",

(2) by striking subparagraph (B), and

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 1329. TREATMENT OF CERTAIN INCOME OF COOPERATIVES.

(a) Income From Open Access and Nuclear Decommissioning Transactions.—

(1) In general.—Subparagraph (C) of section 501(c)(12) is amended by striking "or" at the end of clause (i), by striking clause (ii), and by adding at the end the following new clauses:

"(ii) from any provision or sale of electric energy transmission services or ancillary services if such services are provided on a nondiscriminatory open access basis under an open access transmission tariff approved or accepted by FERC or under an independent transmission provider agreement approved or accepted by FERC (other than income received or accrued directly or indirectly from a member),

"(iii) from the provision or sale of electric energy distribution services or ancillary services if such services are provided on a nondiscriminatory open access basis to distribute electric energy not owned by the mutual or electric cooperative company—

"(I) to end-users who are served by distribution facilities not owned by such company or any of its members (other than income received or accrued directly or indirectly from a member), or

"(II) generated by a generation facility not owned or leased by such company or any of its members and which is directly connected to distribution facilities owned by such company or any of its members (other than income received or accrued directly or indirectly from a member),

"(iv) from any nuclear decommissioning transaction, or

"(v) from any asset exchange or conversion transaction.".

(2) Definitions and special rules.—Paragraph (12) of section 501(c) is amended by adding at the end the following new subparagraphs:

"(E) For purposes of subparagraph (C)(ii), the term 'FERC' means the Federal Energy Regulatory Commission and references to such term shall be treated as including the Public Utility Commission of Texas with respect to any ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 824k(k)(2)(B))).

"(F) For purposes of subparagraph (C)(iii), the term 'nuclear decommissioning transaction' means—

"(i) any transfer into a trust, fund, or instrument established to pay any nuclear decommissioning costs if the transfer is in connection with the transfer of the mutual or cooperative electric company's interest in a nuclear power plant or nuclear power plant unit,

"(ii) any distribution from any trust, fund, or instrument established to pay any nuclear decommissioning costs, or

"(iii) any earnings from any trust, fund, or instrument established to pay any nuclear decommissioning costs.

"(G) For purposes of subparagraph (C)(iv), the term 'asset exchange or conversion transaction' means any voluntary exchange or involuntary conversion of any property related to generating, transmitting, distributing, or selling electric energy by a mutual or cooperative electric company, the gain from which qualifies for deferred recognition under section 1031 or 1033, but only if the replacement property acquired by such company pursuant to such section constitutes property which is used, or to be used, for—

"(i) generating, transmitting, distributing, or selling electric energy, or

"(ii) producing, transmitting, distributing, or selling natural gas.".

(b) Treatment of Income From Load Loss Transactions, Etc.—Paragraph (12) of section 501(c), as amended by subsection (a)(2), is amended by adding after subparagraph (G) the following new subparagraph:

"(H)(i) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), income received or accrued from a load loss transaction shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.

"(ii) For purposes of clause (i), the term 'load loss transaction' means any wholesale or retail sale of electric energy (other than to members) to the extent that the aggregate sales during the recovery period do not exceed the load loss mitigation sales limit for such period.

"(iii) For purposes of clause (ii), the load loss mitigation sales limit for the recovery period is the sum of the annual load losses for each year of such period.

"(iv) For purposes of clause (iii), a mutual or cooperative electric company's annual load loss for each year of the recovery period is the amount (if any) by which—

"(I) the megawatt hours of electric energy sold during such year to members of such electric company are less than

"(II) the megawatt hours of electric energy sold during the base year to such members.

"(v) For purposes of clause (iv)(II), the term 'base year' means—

"(I) the calendar year preceding the start-up year, or

"(II) at the election of the mutual or cooperative electric company, the second or third calendar years preceding the start-up year.

"(vi) For purposes of this subparagraph, the recovery period is the 7-year period beginning with the start-up year.

"(vii) For purposes of this subparagraph, the start-up year is the first year that the mutual or cooperative electric company offers nondiscriminatory open access or the calendar year which includes the date of the enactment of this subparagraph, if later, at the election of such company.

"(viii) A company shall not fail to be treated as a mutual or cooperative electric company for purposes of this paragraph or as a corporation operating on a cooperative basis for purposes of section 1381(a)(2)(C) by reason of the treatment under clause (i).

"(ix) For purposes of subparagraph (A), in the case of a mutual or cooperative electric company, income received, or accrued, indirectly from a member shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.''.

(c) Exception From Unrelated Business Taxable Income.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end the following new paragraph:

''(18) Treatment of mutual or cooperative electric companies.—In the case of a mutual or cooperative electric company described in section 501(c)(12), there shall be excluded income which is treated as member income under subparagraph (H) thereof.''.

(d) Cross Reference.—Section 1381 is amended by adding at the end the following new subsection:

''(c) Cross Reference.—For treatment of income from load loss transactions of organizations described in subsection (a)(2)(C), see section 501(c)(12)(H).''.

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1330. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.

(a) In General.—Subsection (b) of section 148 (relating to higher yielding investments) is amended by adding at the end the following new paragraph:

''(4) Safe harbor for prepaid natural gas.—

''(A) In general.—The term 'investment-type property' does not include a prepayment under a qualified natural gas supply contract.

''(B) Qualified natural gas supply contract.—For purposes of this paragraph, the term 'qualified natural gas supply contract' means any contract to acquire natural gas for resale by a utility owned by a governmental unit if the amount of gas permitted to be acquired under the contract by the utility during any year does not exceed the sum of—

''(i) the annual average amount during the testing period of natural gas purchased (other than for resale) by customers of such utility who are located within the service area of such utility, and

''(ii) the amount of natural gas to be used to transport the prepaid natural gas to the utility during such year.

''(C) Natural gas used to generate electricity.—Natural gas used to generate electricity shall be taken into account in determining the average under subparagraph (B)(i)—

''(i) only if the electricity is generated by a utility owned by a governmental unit, and

''(ii) only to the extent that the electricity is sold (other than for resale) to customers of such utility who are located within the service area of such utility.

''(D) Adjustments for changes in customer base.—

''(i) New business customers.—If—

''(I) after the close of the testing period and before the date of issuance of the issue, the utility owned by a governmental unit enters into a contract to supply natural gas (other than for resale) for a business use at a property within the service area of such utility, and

''(II) the utility did not supply natural gas to such property during the testing period or the ratable amount of natural gas to be supplied under the contract is significantly greater than the ratable amount of gas supplied to such property during the testing period,

then a contract shall not fail to be treated as a qualified natural gas supply contract by reason of supplying the additional natural gas under the contract referred to in subclause (I).

''(ii) Lost customers.—The average under subparagraph (B)(i) shall not exceed the annual amount of natural gas reasonably expected to be purchased (other than for resale) by persons who are located within the service area of such utility and who, as of the date of issuance of the issue, are customers of such utility.

''(E) Ruling requests.—The Secretary may increase the average under subparagraph (B)(i) for any period if the utility owned by the governmental unit establishes to the satisfaction of the Secretary that, based on objective evidence of growth in natural gas consumption or population, such average would otherwise be insufficient for such period.

''(F) Adjustment for natural gas otherwise on hand.—

''(i) In general.—The amount otherwise permitted to be acquired under the contract for any period shall be reduced by—

''(I) the applicable share of natural gas held by the utility on the date of issuance of the issue, and

''(II) the natural gas (not taken into account under subclause (I)) which the utility has a right to acquire during such period (determined as of the date of issuance of the issue).

''(ii) Applicable share.—For purposes of the clause (i), the term 'applicable share' means, with respect to any period, the natural gas allocable to such period if the gas were allocated ratably over the period to which the prepayment relates.

''(G) Intentional acts.—Subparagraph (A) shall cease to apply to any issue if the utility owned by the governmental unit engages in any intentional act to render the volume of natural gas acquired by such prepayment to be in excess of the sum of—

''(i) the amount of natural gas needed (other than for resale) by customers of such utility who are located within the service area of such utility, and

''(ii) the amount of natural gas used to transport such natural gas to the utility.

''(H) Testing period.—For purposes of this paragraph, the term 'testing period' means, with respect to an issue, the most recent 5 calendar years ending before the date of issuance of the issue.

''(I) Service area.—For purposes of this paragraph, the service area of a utility owned by a governmental unit shall be comprised of—

''(i) any area throughout which such utility provided at all times during the testing period—

''(I) in the case of a natural gas utility, natural gas transmission or distribution services, and

''(II) in the case of an electric utility, electricity distribution services,

''(ii) any area within a county contiguous to the area described in clause (i) in which retail customers of such utility are located if such area is not also served by another utility providing natural gas or electricity services, as the case may be, and

''(iii) any area recognized as the service area of such utility under State or Federal law.''.

(b) Private Loan Financing Test not to Apply to Prepayments for Natural Gas.—Paragraph (2) of section 141(c) (providing exceptions to the private loan financing test) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following new subparagraph:

''(C) is a qualified natural gas supply contract (as defined in section 148(b)(4)).''.

(c) Exception for Qualified Electric and Natural Gas Supply Contracts.—Section 141(d) is amended by adding at the end the following new paragraph:

''(7) Exception for qualified electric and natural gas supply contracts.—The term 'nongovernmental output property' shall not include any contract for the prepayment of electricity or natural gas which is not investment property under section 148(b)(2).''.

(d) Effective Date.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

Subtitle C—Production

PART I—OIL AND GAS PROVISIONS

SEC. 1341. OIL AND GAS FROM MARGINAL WELLS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits), as amended by this Act, is amended by adding at the end the following:

''SEC. 45J. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

''(a) General Rule.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified credit oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) Credit Amount.—For purposes of this section—

''(1) In general.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) Reduction as oil and gas prices increase.—

''(A) In general.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $15 ($1.67 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price of the calendar year preceding the calendar year in which the taxable year begins.

''(B) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2003, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2002' for '1990').

''(C) Reference price.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 45K(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) Qualified Crude Oil and Natural Gas Production.—For purposes of this section—

''(1) In general.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a qualified marginal well.

"(2) Limitation on amount of production which may qualify.—

"(A) In general.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel-of-oil equivalents (as defined in section 45K(d)(5)).

"(B) Proportionate reductions.—

"(i) Short taxable years.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) Wells not in production entire year.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) Definitions.—

"(A) Qualified marginal well.—The term 'qualified marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel-of-oil equivalents (as so defined), and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) Crude oil, etc.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(d) Other Rules.—

"(1) Production attributable to the taxpayer.—In the case of a qualified marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) Operating interest required.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) Production from nonconventional sources excluded.—In the case of production from a qualified marginal well which is eligible for the credit allowed under section 45K for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 45K with respect to the well.".

(b) Credit Treated as Business Credit.—Section 38(b), as amended by this Act, is amended by striking "plus" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ", plus", and by adding at the end the following:

"(20) the marginal oil and gas well production credit determined under section 45J(a).".

(c) Carryback.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following:

"(3) 5-year carryback for marginal oil and gas well production credit.—Notwithstanding subsection (d), in the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '5 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

"Sec. 45J. Credit for producing oil and gas from marginal wells.".

(e) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2003.

SEC. 1342. TEMPORARY SUSPENSION OF LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME AND EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) Limitation Based on 65 Percent of Taxable Income.—Subsection (d) of section 613A (relating to limitation on percentage depletion in case of oil and gas wells) is amended by adding at the end the following new paragraph:

"(6) Temporary suspension of taxable income limit.—Paragraph (1) shall not apply to taxable years beginning after December 31, 2003, and before January 1, 2005, including with respect to amounts carried under the second sentence of paragraph (1) to such taxable years.".

(b) Extension of Suspension of Taxable Income Limit With Respect to Marginal Production.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking "2004" and inserting "2005".

(c) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 1343. AMORTIZATION OF DELAY RENTAL PAYMENTS.

(a) In General.—Section 167 (relating to depreciation) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Amortization of Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Any delay rental payment paid or incurred in connection with the development of oil or gas wells within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such payment was paid or incurred.

"(2) Half-year convention.—For purposes of paragraph (1), any payment paid or incurred during the taxable year shall be treated as paid or incurred on the mid-point of such taxable year.

"(3) Exclusive method.—Except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such payments.

"(4) Treatment upon abandonment.—If any property to which a delay rental payment relates is retired or abandoned during the 24-month period described in paragraph (1), no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.

"(5) Delay rental payments.—For purposes of this subsection, the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well under an oil or gas lease.".

(b) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 1344. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) In General.—Section 167 (relating to depreciation), as amended by this Act, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Amortization of Geological and Geophysical Expenditures.—

"(1) In general.—Any geological and geophysical expenses paid or incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such expense was paid or incurred.

"(2) Special rules.—For purposes of this subsection, rules similar to the rules of paragraphs (2), (3), and (4) of subsection (h) shall apply.".

(b) Conforming Amendment.—Section 263A(c)(3) is amended by inserting "167(h), 167(i)," after "under section".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 1345. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) In General.—Section 29 (relating to credit for producing fuel from a nonconventional source) is amended by adding at the end the following new subsection:

"(h) Extension for Other Facilities.—Notwithstanding subsection (f)—

"(1) New oil and gas wells and facilities.—In the case of a well or facility for producing qualified fuels described in subparagraph (A) or (B) of subsection (c)(1) which was drilled or placed in service after the date of the enactment of this subsection and before January 1, 2007, this section shall apply with respect to such fuels produced at such well or facility and sold during the period—

"(A) beginning on the later of January 1, 2004, or the date that such well is drilled or such facility is placed in service, and

"(B) ending on the earlier of the date which is 4 years after the date such period began or December 31, 2009.

"(2) Old oil and gas wells and facilities.—In the case of a well or facility producing qualified fuels described in subparagraph (A) or (B)(i) of subsection (c)(1) or a facility producing natural gas and byproducts by coal gasification from lignite, subsection (f)(2) shall be applied by substituting '2008' for '2003' with respect to wells and facilities described in subsection (f)(1) with respect to such fuels.

"(3) Extension for facilities producing qualified fuel from landfill gas.—

"(A) In general.—In the case of a facility for producing qualified fuel from landfill gas which was placed in service after June 30, 1998, and before January 1, 2007, this section shall apply to fuel produced at such facility and sold during the period—

"(i) beginning on the later of January 1, 2004, or the date that such facility is placed in service, and

"(ii) ending on the earlier of the date which is 4 years after the date such period began or December 31, 2009.

"(B) REDUCTION OF CREDIT FOR CERTAIN LANDFILL FACILITIES.—In the case of a facility to which subparagraph (A) applies and which is located at a landfill which is required pursuant to section 60.751(b)(2) or section 60.33c of title 40, Code of Federal Regulations (as in effect on April 3, 2003) to install and operate a collection and control system which captures gas generated within the landfill, subsection (a)(1) shall be applied to gas so captured by substituting '$2' for '$3' for the taxable year during which such system is required to be installed and operated.

"(4) FACILITIES PRODUCING FUELS FROM AGRICULTURAL AND ANIMAL WASTE.—

"(A) IN GENERAL.—In the case of any facility for producing liquid, gaseous, or solid fuels from qualified agricultural and animal wastes, including such fuels when used as feedstocks, which is placed in service after the date of the enactment of this subsection and before January 1, 2007, this section shall apply with respect to fuel produced at such facility and sold during the period—

"(i) beginning on the later of January 1, 2004, or the date that such facility is placed in service, and

"(ii) ending on the earlier of the date which is 4 years after the date such period began or December 31, 2009.

"(B) QUALIFIED AGRICULTURAL AND ANIMAL WASTE.—For purposes of this paragraph, the term 'qualified agricultural and animal waste' means agriculture and animal waste, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, or disposal of agricultural or animal products or wastes.

"(5) FACILITIES PRODUCING REFINED COAL.—

"(A) IN GENERAL.—In the case of a facility described in subparagraph (C) for producing refined coal which is placed in service after the date of the enactment of this subsection and before January 1, 2008, this section shall apply with respect to fuel produced at such facility and sold before the close of the 5-year period beginning on the date such facility is placed in service.

"(B) REFINED COAL.—For purposes of this paragraph, the term 'refined coal' means a fuel which is a liquid, gaseous, or solid synthetic fuel produced from coal (including lignite) or high carbon fly ash, including such fuel used as a feedstock.

"(C) COVERED FACILITIES.—

"(i) IN GENERAL.—A facility is described in this subparagraph if such facility produces refined coal using a technology which the taxpayer certifies (in such manner as the Secretary may prescribe) results in—

"(I) a qualified emission reduction, and

"(II) a qualified enhanced value.

"(ii) QUALIFIED EMISSION REDUCTION.—For purposes of this subparagraph, the term 'qualified emission reduction' means a reduction of at least 20 percent of the emissions of nitrogen oxide and either sulfur dioxide or mercury released when burning the refined coal (excluding any dilution caused by materials combined or added during the production process), as compared to the emissions released when burning the feedstock coal or comparable coal predominantly available in the marketplace as of January 1, 2003.

"(iii) QUALIFIED ENHANCED VALUE.—For purposes of this subparagraph, the term 'qualified enhanced value' means an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal.

"(iv) ADVANCED CLEAN COAL TECHNOLOGY UNITS EXCLUDED.—A facility described in this subparagraph shall not include any advanced clean coal technology unit (as defined in section 48A(e)).

"(6) COALMINE GAS.—

"(A) IN GENERAL.—This section shall apply to coalmine gas—

"(i) captured or extracted by the taxpayer during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2006, and

"(ii) utilized as a fuel source or sold by or on behalf of the taxpayer to an unrelated person during such period.

"(B) COALMINE GAS.—For purposes of this paragraph, the term 'coalmine gas' means any methane gas which is—

"(i) liberated during or as a result of coal mining operations, or

"(ii) extracted up to 10 years in advance of coal mining operations as part of a specific plan to mine a coal deposit.

"(C) SPECIAL RULE FOR ADVANCED EXTRACTION.—In the case of coalmine gas which is captured in advance of coal mining operations, the credit under subsection (a) shall be allowed only after the date the coal extraction occurs in the immediate area where the coalmine gas was removed.

"(D) NONCOMPLIANCE WITH POLLUTION LAWS.—This paragraph shall not apply to the capture or extraction of coalmine gas from coal mining operations with respect to any period in which such coal mining operations are not in compliance with applicable Federal pollution prevention, control, and permit requirements.

"(7) COKE AND COKE GAS.—In the case of a facility for producing coke or coke gas which was placed in service before January 1, 1993, or after June 30, 1998, and before January 1, 2007, this section shall apply with respect to coke and coke gas produced in such facility and sold during the during the period—

"(A) beginning on the later of January 1, 2004, or the date that such facility is placed in service, and

"(B) ending on the earlier of the date which is 4 years after the date such period began or December 31, 2009.

"(8) SPECIAL RULES.—In determining the amount of credit allowable under this section solely by reason of this subsection—

"(A) FUELS TREATED AS QUALIFIED FUELS.—Any fuel described in paragraph (3), (4), (5), or (6) shall be treated as a qualified fuel for purposes of this section.

"(B) DAILY LIMIT.—The amount of qualified fuels sold during any taxable year which may be taken into account by reason of this subsection with respect to any property or facility shall not exceed an average barrel-of-oil equivalent of 200,000 cubic feet of natural gas per day. Days before the date the property or facility is placed in service shall not be taken into account in determining such average.

"(C) EXTENSION PERIOD TO COMMENCE WITH UNADJUSTED CREDIT AMOUNT AND NEW PHASE-OUT ADJUSTMENT.—For purposes of applying subsection (b)(2), in the case of fuels sold after 2003—

"(i) paragraphs (1)(A) and (2) of subsection (b) shall be applied by substituting '$35.00' for '$23.50', and

"(ii) subparagraph (B) of subsection (d)(2) shall be applied by substituting '2002' for '1979'.

"(D) DENIAL OF DOUBLE BENEFIT.—This subsection shall not apply to any facility producing qualified fuels for which a credit was allowed under this section for the taxable year or any preceding taxable year by reason of subsection (g).".

(b) TREATMENT AS BUSINESS CREDIT.—

(1) CREDIT MOVED TO SUBPART RELATING TO BUSINESS RELATED CREDITS.—The Internal Revenue Code of 1986 is amended by redesignating section 29, as amended by this Act, as section 45K and by moving section 45K (as so redesignated) from subpart B of part IV of subchapter A of chapter 1 to the end of subpart D of part IV of subchapter A of chapter 1.

(2) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting ", plus", and by adding at the end the following:

"(21) the nonconventional source production credit determined under section 45K(a).".

(3) CONFORMING AMENDMENTS.—

(A) Section 30(b)(2)(A), as redesignated by section 1317(a), is amended by striking "sections 27 and 29" and inserting "section 27".

(B) Sections 43(b)(2) and 613A(c)(6)(C) are each amended by striking "section 29(d)(2)(C)" and inserting "section 45K(d)(2)(C)".

(C) Section 45K(a), as redesignated by paragraph (1), is amended by striking "At the election of the taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year" and inserting "For purposes of section 38, if the taxpayer elects to have this section apply, the nonconventional source production credit determined under this section for the taxable year is".

(D) Section 45K(b), as so redesignated, is amended by striking paragraph (6).

(E) Section 53(d)(1)(B)(iii) is amended by striking "under section 29" and all that follows through "or not allowed".

(F) Section 55(c)(2) is amended by striking "29(b)(6),".

(G) Subsection (a) of section 772 is amended by inserting "and" at the end of paragraph (9), by striking paragraph (10), and by redesignating paragraph (11) as paragraph (10).

(H) Paragraph (5) of section 772(d) is amended by striking "the foreign tax credit, and the credit allowable under section 29" and inserting "and the foreign tax credit".

(I) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 29.

(J) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45J the following new item:

"Sec. 45K. Credit for producing fuel from a nonconventional source.".

(c) DETERMINATIONS UNDER NATURAL GAS POLICY ACT OF 1978.—Subparagraph (A) of section 45K(c)(2), as redesignated by subsection (b)(1), is amended—

(1) by inserting "by the Secretary, after consultation with the Federal Energy Regulatory Commission," after "shall be made", and

(2) by inserting "(as in effect before the repeal of such section)" after "1978".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel produced and sold after December 31, 2003, in taxable years ending after such date.

(2) DETERMINATIONS UNDER NATURAL GAS POLICY ACT OF 1978.—The amendments made

by subsection (c) shall apply as if included in the provisions repealing section 503 of the Natural Gas Policy Act of 1978.

PART II—ALTERNATIVE MINIMUM TAX PROVISIONS

SEC. 1346. NEW NONREFUNDABLE PERSONAL CREDITS ALLOWED AGAINST REGULAR AND MINIMUM TAXES.

(a) In General.—

(1) Section 25C.—Section 25C(b), as added by section 1301 of this Act, is amended by adding at the end the following new paragraph:

"(3) Limitation based on amount of tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 25D) and section 27 for the taxable year.".

(2) Section 25D.—Section 25D(b), as added by section 1304 of this Act, is amended by adding at the end the following new paragraph:

"(3) Limitation based on amount of tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.".

(b) Conforming Amendments.—

(1) Section 23(b)(4)(B) is amended by inserting "and sections 25C and 25D" after "this section".

(2) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, 25C, and 25D".

(3) Section 25(e)(1)(C) is amended by inserting "25C, and 25D" after "25B,".

(4) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23, 25C, and 25D".

(5) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, 25C, and 25D".

(6) Section 904(h) is amended by striking "and 25B" and inserting "25B, 25C, and 25D".

(7) Section 1400C(d) is amended by striking "and 25B" and inserting "25B, 25C, and 25D".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 1347. BUSINESS RELATED ENERGY CREDITS ALLOWED AGAINST REGULAR AND MINIMUM TAX.

(a) In General.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Special rules for specified energy credits.—

"(A) In general.—In the case of specified energy credits—

"(i) this section and section 39 shall be applied separately with respect to such credits, and

"(ii) in applying paragraph (1) to such credits—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the specified energy credits).

"(B) Specified energy credits.—For purposes of this subsection, the term 'specified energy credits' means the credits determined under sections 45G, 45H, 45I, and 45J. For taxable years beginning after December 31, 2003, such term includes the credit determined under section 40. For taxable years beginning after December 31, 2003, and before January 1, 2006, such term includes the credit determined under section 43.

"(C) Special rule for electricity produced from qualified facilities.—For purposes of this subsection, the term 'specified energy credits' shall include the credit determined under section 45 to the extent that such credit is attributable to electricity produced—

"(i) at a facility which is originally placed in service after the date of the enactment of this paragraph, and

"(ii) during the 4-year period beginning on the date that such facility was originally placed in service.".

(b) Conforming Amendments.—

(1) Paragraph (2)(A)(ii)(II) of section 38(c) is amended by striking "or" and inserting a comma and by inserting ", and the specified energy credits" after "employee credit".

(2) Paragraph (3)(A)(ii)(II) of section 38(c) is amended by inserting "and the specified energy credits" after "employee credit".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 1348. TEMPORARY REPEAL OF ALTERNATIVE MINIMUM TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS.

(a) In General.—Clause (ii) of section 57(a)(2)(E) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to taxable years beginning after December 31, 2003, and before January 1, 2006.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

PART III—CLEAN COAL INCENTIVES

SEC. 1351. CREDIT FOR CLEAN COAL TECHNOLOGY UNITS.

(a) In General.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

"SEC. 48A. CLEAN COAL TECHNOLOGY CREDIT.

"(a) In General.—For purposes of section 46, the clean coal technology credit for any taxable year is an amount equal to the applicable percentage of the basis of qualified clean coal property placed in service during such year.

"(b) Applicable Percentage.—For purposes of this section, the applicable percentage is—

"(1) 15 percent in the case of property placed in service in connection with any basic clean coal technology unit, and

"(2) 17.5 percent in the case of property placed in service in connection with any advanced clean coal technology unit.

"(c) Qualified Clean Coal Property.—For purposes of this section—

"(1) In general.—The term 'qualified clean coal property' means section 1245 property—

"(A) which is installed in connection with—

"(i) an existing coal-based unit as part of the conversion of such unit to any basic or advanced clean coal technology unit, or

"(ii) any new advanced clean coal technology unit,

"(B) which is placed in service after December 31, 2003, and before—

"(i) in the case of property to which subsection (b)(1) applies, January 1, 2014, and

"(ii) in the case of property to which subsection (b)(2) applies, January 1, 2017 (January 1, 2013, in the case of property installed in connection with an eligible advanced pulverized coal or atmospheric fluidized bed combustion technology unit),

"(C) the original use of which commences with the taxpayer, and

"(D) which has a useful life of not less than 4 years.

"(2) Existing coal-based unit.—The term 'existing coal-based unit' means a coal-based electricity generating steam generator-turbine unit—

"(A) which is not a basic or advanced clean coal technology unit, and

"(B) which is in operation on or before January 1, 2004.

In the case of a unit being converted to a basic clean coal technology unit, such term shall not include a unit having a nameplate capacity rating of more than 300 megawatts.

"(3) New advanced clean coal technology unit.—The term 'new advanced clean coal technology unit' means any advanced clean coal technology unit which is placed in service after December 31, 2003, and the original use of which commences with the taxpayer.

"(d) Basic Clean Coal Technology Unit.—For purposes of this section—

"(1) In general.—The term 'basic clean coal technology unit' means a unit which—

"(A) uses clean coal technology (including advanced pulverized coal or atmospheric fluidized bed combustion, pressurized fluidized bed combustion, and integrated gasification combined cycle) for the production of electricity,

"(B) uses an input of at least 75 percent coal to produce at least 50 percent of its thermal output as electricity,

"(C) has a design net heat rate of at least 500 less than that of the existing coal-based unit prior to its conversion,

"(D) has a maximum design net heat rate of not more than 9,500, and

"(E) meets the pollution control requirements of paragraph (2).

Such term shall not include an advanced clean coal technology unit.

"(2) Pollution control requirements.—

"(A) In general.—A unit meets the requirements of this paragraph if—

"(i) its emissions of sulfur dioxide, nitrogen oxide, or particulates meet the lower of the emission levels for each such emission specified in—

"(I) subparagraph (B), or

"(II) the new source performance standards of the Clean Air Act (42 U.S.C. 7411) which are in effect for the category of source at the time of the conversion of the unit, and

"(ii) its emissions do not exceed any relevant emission level specified by regulation pursuant to the hazardous air pollutant requirements of the Clean Air Act (42 U.S.C. 7412) in effect at the time of the conversion of the unit.

"(B) Specific levels.—The levels specified in this subparagraph are—

"(i) in the case of sulfur dioxide emissions, 50 percent of the sulfur dioxide emission levels specified in the new source performance standards of the Clean Air Act (42 U.S.C. 7411) in effect on the date of the enactment of this section for the category of source,

"(ii) in the case of nitrogen oxide emissions—

"(I) 0.1 pound per million Btu of heat input if the unit is not a cyclone-fired boiler, and

"(II) if the unit is a cyclone-fired boiler, 15 percent of the uncontrolled nitrogen oxide emissions from such boilers, and “(iii) in the case of particulate emissions, 0.02 pound per million Btu of heat input.

“(3) DESIGN NET HEAT RATE.—The design net heat rate with respect to any unit, measured in Btu per kilowatt hour (HHV)—

“(A) shall be based on the design annual heat input to and the design annual net electrical power, fuels, and chemicals output from such unit (determined without regard to such unit's co-generation of steam),

“(B) shall be adjusted for the heat content of the design coal to be used by the unit if it is less than 12,000 Btu per pound according to the following formula:

“(C) shall be corrected for the site reference conditions of—

“(i) elevation above sea level of 500 feet,

“(ii) air pressure of 14.4 pounds per square inch absolute (psia),

“(iii) temperature, dry bulb of 63° F,

“(iv) temperature, wet bulb of 54° F, and

“(v) relative humidity of 55 percent, and

“(D) if carbon capture controls have been installed with respect to any existing coal-based unit and such controls remove at least 50 percent of the unit's carbon dioxide emissions, shall be adjusted up to the design heat rate level which would have resulted without the installation of such controls.

“(4) HHV.—The term ‘HHV’ means higher heating value.

“(e) ADVANCED CLEAN COAL TECHNOLOGY UNIT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘advanced clean coal technology unit’ means any electricity generating unit of the taxpayer—

“(A) which is—

“(i) an eligible advanced pulverized coal or atmospheric fluidized bed combustion technology unit,

“(ii) an eligible pressurized fluidized bed combustion technology unit,

“(iii) an eligible integrated gasification combined cycle technology unit, or

“(iv) an eligible other technology unit,

“(B) which uses an input of at least 75 percent coal to produce at least 50 percent of its thermal output as electricity, and

“(C) which meets the carbon emission rate requirements of paragraph (6).

“(2) ELIGIBLE ADVANCED PULVERIZED COAL OR ATMOSPHERIC FLUIDIZED BED COMBUSTION TECHNOLOGY UNIT.—The term ‘eligible advanced pulverized coal or atmospheric fluidized bed combustion technology unit’ means a clean coal technology unit using advanced pulverized coal or atmospheric fluidized bed combustion technology which has a design net heat rate of not more than 8,500 (8,900 in the case of units placed in service before 2009).

“(3) ELIGIBLE PRESSURIZED FLUIDIZED BED COMBUSTION TECHNOLOGY UNIT.—The term ‘eligible pressurized fluidized bed combustion technology unit’ means a clean coal technology unit using pressurized fluidized bed combustion technology which has a design net heat rate of not more than 7,720 (8,900 in the case of units placed in service before 2009, and 8,500 in the case of units placed in service after 2008 and before 2013).

“(4) ELIGIBLE INTEGRATED GASIFICATION COMBINED CYCLE TECHNOLOGY UNIT.—The term ‘eligible integrated gasification combined cycle technology unit’ means a clean coal technology unit using integrated gasification combined cycle technology, with or without fuel or chemical co-production—

“(A) which has a design net heat rate of not more than 7,720 (8,900 in the case of units placed in service before 2009, and 8,500 in the case of units placed in service after 2008 and before 2013), and

“(B) has a net thermal efficiency (HHV) using coal with fuel or chemical co-production of not less than 44.2 percent (38.4 percent in the case of units placed in service before 2009, and 40.2 percent in the case of units placed in service after 2008 and before 2013).

“(5) ELIGIBLE OTHER TECHNOLOGY UNIT.—The term ‘eligible other technology unit’ means a clean coal technology unit—

“(A) which uses any other technology for the production of electricity, and

“(B) which has a design net heat rate which meets the requirement of paragraph (2).

“(6) CARBON EMISSION RATE REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a unit meets the requirements of this paragraph if—

“(i) in the case of a unit using design coal with a heat content of not more than 9,000 Btu per pound, the carbon emission rate is less than 0.60 pound of carbon per kilowatt hour, and

“(ii) in the case of a unit using design coal with a heat content of more than 9,000 Btu per pound, the carbon emission rate is less than 0.54 pound of carbon per kilowatt hour.

“(B) ELIGIBLE OTHER TECHNOLOGY UNIT.—In the case of an eligible other technology unit, subparagraph (A) shall be applied by substituting ‘0.51’ and ‘0.459’ for ‘0.60’ and ‘0.54’, respectively.

“(f) NATIONAL LIMITATIONS ON CREDIT.—For purposes of this section—

“(1) IN GENERAL.—The amount of credit which would (but for this subsection) be allowed with respect to any property shall not exceed the amount which bears the same ratio to such amount of credit as—

“(A) the national megawatt capacity limitation allocated to the taxpayer with respect to the basic or advanced clean coal technology unit to which such property relates, bears to

“(B) the total megawatt capacity of such unit.

The capacity described in subparagraph (B) shall be the reasonably expected capacity after the installation of the property.

“(2) AMOUNT OF NATIONAL LIMITATION.—

“(A) ADVANCED UNITS.—The national megawatt capacity limitation for advanced clean coal technology units shall be 6,000 megawatts. Of such amount, the national megawatt capacity limitation is—

“(i) for advanced clean coal technology units using advanced pulverized coal or atmospheric fluidized bed combustion technology, not more than 1,500 megawatts (not more than 750 megawatts in the case of units placed in service before 2009),

“(ii) for such units using pressurized fluidized bed combustion technology, not more than 750 megawatts (not more than 375 megawatts in the case of units placed in service before 2009),

“(iii) for such units using integrated gasification combined cycle technology, with or without fuel or chemical co-production, not more than 3,000 megawatts (not more than 1,250 megawatts in the case of units placed in service before 2009), and

“(iv) for such units using other technology for the production of electricity, not more than 750 megawatts (not more than 375 megawatts in the case of units placed in service before 2009).

“(B) BASIC UNITS.—The national megawatt capacity limitation for basic clean coal technology units shall be 4,000 megawatts.

“(3) ALLOCATION OF LIMITATION.—The Secretary shall allocate the national megawatt capacity limitations in such manner as the Secretary may prescribe, except that the Secretary may not allocate more than 300 megawatts to any basic clean coal technology unit.

“(4) REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations shall provide a certification process under which the Secretary, after consultation with the Secretary of Energy, shall approve and allocate the national megawatt capacity limitations—

“(A) to encourage that units with the highest thermal efficiencies, when adjusted for the heat content of the design coal and site reference conditions, and environmental performance, be placed in service as soon as possible, and

“(B) to allocate capacity to taxpayers which have a definite and credible plan for placing into commercial operation a basic or advanced clean coal technology unit, including—

“(i) a site,

“(ii) contractual commitments for procurement and construction or, in the case of regulated utilities, the agreement of the State utility commission,

“(iii) filings for all necessary preconstruction approvals,

“(iv) a demonstrated record of having successfully completed comparable projects on a timely basis, and

“(v) such other factors which the Secretary determines are appropriate.

“(g) SPECIAL RULES.—For purposes of this section—

“(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(2) PROPERTY FINANCED BY SUBSIDIZED FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply for purposes of this section.

“(3) NONCOMPLIANCE WITH POLLUTION LAWS.—The terms ‘basic clean coal technology unit’ and ‘advanced clean coal technology unit’ shall not include any unit which is not in compliance with the applicable Federal pollution prevention, control, and permit requirements at any time during the period applicable under subsection (c)(1)(B).

“(4) DENIAL OF CREDIT FOR UNITS RECEIVING CERTAIN OTHER FEDERAL ASSISTANCE.—The terms ‘basic clean coal technology unit’ and ‘advanced clean coal technology unit’ shall not include any unit if, at any time during the period applicable under subsection (c)(1)(B), any funding is provided to such unit under the Clean Coal Technology Program, the Power Plant Improvement Initiative, or the Clean Coal Power Initiative administered by the Secretary of Energy.

“(5) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47, the energy credit under section 48, or any credit under section 45 or 45K is allowable unless the taxpayer elects to waive the application of such credit to such property.”.

(b) SPECIAL RECAPTURE RULES.—

(1) Subsection (a) of section 50 is amended by redesignating paragraph (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULES FOR CLEAN COAL TECHNOLOGY CREDITS.—

"(A) Early disposition, etc.—If, during any taxable year, qualified clean coal property is disposed of, or otherwise ceases to be part of a basic or advanced clean coal technology unit with respect to the taxpayer, before the close of the recovery period under section 168 for such unit, then the tax under this chapter for such taxable year shall be increased by—

"(i) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero any credit determined under section 48A with respect to such property, multiplied by

"(ii) a fraction—

"(I) the numerator of which is the number of years in the period beginning with the year of such disposition or cessation and ending with the last year of such recovery period, and

"(II) the denominator of which is the total number of years in such recovery period.

"(B) Property ceases to qualify for progress expenditures.—Rules similar to the rules of this paragraph shall apply in cases where qualified progress expenditures were taken into account under the rules referred to in section 48A(g)(1).

"(C) Increased recapture in certain cases.—The fraction in subparagraph (A)(ii) shall be 1 in any case in which the property ceases to be a basic or advanced clean coal technology unit by reason of paragraph (3), (4), or (5) of section 48A(g).

"(D) Coordination with other recapture rules.—Paragraphs (1) and (2) shall not apply to qualified clean coal property.

"(E) Definitions.—Terms used in this section which are also used in section 48A shall have the meanings given to such terms in section 48A.".

(2) Paragraph (4) of section 50(a), as redesignated by paragraph (1), is amended by striking "or (2)" and inserting ", (2), or (3)".

(3) Paragraph (5) of section 50(a), as so redesignated, is amended by striking "and (2)" and inserting ", (2), and (3)".

(4) Section 1371(d)(1) is amended by striking "section 50(a)(4)" and inserting "section 50(a)(5)".

(c) Technical Amendments.—

(1) Section 46 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the clean coal technology credit.".

(2) Section 49(a)(1)(C) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the portion of the basis of any qualified clean coal property (as defined by section 48A(c)).".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new item:

"Sec. 48A. Clean coal technology credit.".

(d) Effective Date.—The amendments made by this section shall apply to periods after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1352. EXPANSION OF AMORTIZATION FOR CERTAIN POLLUTION CONTROL FACILITIES.

(a) Eligibility of Post-1975 Pollution Control Facilities.—

(1) In general.—Paragraph (1) of section 169(d) is amended by striking "before January 1, 1976," and by striking "a new identifiable" and inserting "an identifiable".

(2) Identifiable treatment facility.—Paragraph (4) of section 169(d) is amended to read as follows:

"(4) Identifiable treatment facility.—For purposes of paragraph (1), the term 'identifiable treatment facility' includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in section 167, which is identifiable as a treatment facility, and which is property—

"(A) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(B) the original use of the property commences with the taxpayer.".

(3) Technical amendment.—Section 169(d)(3) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(b) Coordination With Section 48A Investment Credit.—Section 169 is amended by redesignating subsections (e) though (j) as subsection (f) through (k), respectively, and by inserting after subsection (d) the following new subsection:

"(e) Coordination With Section 48A Investment Credit.—

"(1) In general.—In the case of any treatment facility used in connection with a plant or other property to which an amount is allocated under section 48A(f), this section shall apply only if such plant or other property was in operation before January 1, 1976.

"(2) 36-month amortization with respect to pre-1976 plants not allocated credit.—References in this section to 60 months shall be treated as references to 36 months in the case of treatment facilities used in connection with a plant or other property in operation before January 1, 1976, if no allocation is made under section 48A(f) with respect to such plant or property.".

(c) Effective Date.—The amendments made by this section shall apply to facilities placed in service after the date of the enactment of this Act.

SEC. 1353. 5-YEAR RECOVERY PERIOD FOR ELIGIBLE INTEGRATED GASIFICATION COMBINED CYCLE TECHNOLOGY UNIT ELIGIBLE FOR CREDIT.

(a) In General.—Subparagraph (B) of section 168(e)(3) (defining 5-year property) is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting ", and", and by inserting after clause (vi) the following new clause:

"(vii) any section 1245 property which is part of an eligible integrated gasification combined cycle technology unit (as defined in section 48A(e)(4)) for which an allocation is made under section 48A(f).".

(b) Alternative System.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following new item:

"(B) (vii) .... 20".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

PART IV—HIGH VOLUME NATURAL GAS PROVISIONS

SEC. 1355. HIGH VOLUME NATURAL GAS PIPE TREATED AS 7-YEAR PROPERTY.

(a) In General.—Section 168(e)(3)(C) (defining 7-year property), as amended by this Act, is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) any high volume natural gas pipe the original use of which commences with the taxpayer after the date of the enactment of this clause, and".

(b) High Volume Natural Gas Pipe.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(17) High volume natural gas pipe.—The term 'high volume natural gas pipe' means—

"(A) pipe which has an interior diameter of at least 42 inches and which is part of a natural gas pipeline system, and

"(B) any related equipment and appurtenances used in connection with such pipe.".

(c) Alternative System.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes), as amended by this Act, is amended by inserting after the item relating to subparagraph (C)(ii) the following new item:

"(C) (iii) .... 22".

(d) Alternative Minimum Tax Exception.—Subparagraph (B) of section 56(a)(1), as amended by this Act, is amended by inserting before the period the following: ", or in section 168(e)(3)(C)(iii)".

(e) Effective Date.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 1356. EXTENSION OF ENHANCED OIL RECOVERY CREDIT TO HIGH VOLUME NATURAL GAS FACILITIES.

(a) In General.—Section 43(c)(1) (defining qualified enhanced oil recovery costs) is amended by adding at the end the following new subparagraph:

"(D) Any amount which is paid or incurred during the taxable year in connection with the construction of a gas treatment plant which—

"(i) prepares natural gas for transportation through a pipeline with a capacity of at least 1,000,000,000,000 Btu of natural gas per day, and

"(ii) produces carbon dioxide which is injected into hydrocarbon-bearing geological formations.".

(b) Effective Date.—The amendment made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2003.

Subtitle D—Additional Provisions

SEC. 1361. EXTENSION OF ACCELERATED DEPRECIATION BENEFIT FOR ENERGY-RELATED BUSINESSES ON INDIAN RESERVATIONS.

Paragraph (8) of section 168(j) (relating to termination) is amended by adding at the end the following new sentence: "The preceding sentence shall be applied by substituting "December 31, 2005" for "December 31, 2004" in the case of property placed in service as part of a facility for—

"(A) the generation or transmission of electricity (including from any qualified energy resource, as defined in section 45(c)),

"(B) an oil or gas well,

"(C) the transmission or refining of oil or gas, or

"(D) the production of any qualified fuel (as defined in section 45K(c)).".

SEC. 1362. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) IN GENERAL.—Subsection (a) of section 1388 (relating to patronage dividend defined) is amended by adding at the end the following: "For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in taxable years ending after the date of the enactment of this Act.

SEC. 1363. DISTRIBUTIONS FROM PUBLICLY TRADED PARTNERSHIPS TREATED AS QUALIFYING INCOME OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (2) of section 851(b) (defining regulated investment company) is amended to read as follows:

"(2) at least 90 percent of its gross income is derived from—

"(A) dividends, interest, payments with respect to securities loans (as defined in section 512(a)(5)), and gains from the sale or other disposition of stock or securities (as defined in section 2(a)(36) of the Investment Company Act of 1940, as amended) or foreign currencies, or other income (including but not limited to gains from options, futures or forward contracts) derived with respect to its business of investing in such stock, securities, or currencies, and

"(B) distributions or other income derived from an interest in a qualified publicly traded partnership (as defined in subsection (h)); and".

(b) SOURCE FLOW-THROUGH RULE NOT TO APPLY.—The last sentence of section 851(b) is amended by inserting "(other than a qualified publicly traded partnership as defined in subsection (h))" after "derived from a partnership".

(c) LIMITATION ON OWNERSHIP.—Subsection (c) of section 851 is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) The term 'outstanding voting securities of such issuer' shall include the equity securities of a qualified publicly traded partnership (as defined in subsection (h)).".

(d) DEFINITION OF QUALIFIED PUBLICLY TRADED PARTNERSHIP.—Section 851 is amended by adding at the end the following new subsection:

"(h) QUALIFIED PUBLICLY TRADED PARTNERSHIP.—For purposes of this section, the term 'qualified publicly traded partnership' means a publicly traded partnership described in section 7704(b) other than a partnership which would satisfy the gross income requirements of section 7704(c)(2) if qualifying income included only income described in subsection (b)(2)(A).".

(e) DEFINITION OF QUALIFYING INCOME.—Section 7704(d)(4) is amended by striking "section 851(b)(2)" and inserting "section 851(b)(2)(A)".

(f) LIMITATION ON COMPOSITION OF ASSETS.—Subparagraph (B) of section 851(b)(3) is amended to read as follows:

"(B) not more than 25 percent of the value of its total assets is invested in—

"(i) the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer,

"(ii) the securities (other than the securities of other regulated investment companies) of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Secretary, to be engaged in the same or similar trades or businesses or related trades or businesses, or

"(iii) the securities of one or more qualified publicly traded partnerships (as defined in subsection (h)).".

(g) APPLICATION OF SPECIAL PASSIVE ACTIVITY RULE TO REGULATED INVESTMENT COMPANIES.—Subsection (k) of section 469 (relating to separate application of section in case of publicly traded partnerships) is amended by adding at the end the following new paragraph:

"(4) APPLICATION TO REGULATED INVESTMENT COMPANIES.—For purposes of this section, a regulated investment company (as defined in section 851) holding an interest in a qualified publicly traded partnership (as defined in section 851(h)) shall be treated as a taxpayer described in subsection (a)(2) with respect to items attributable to such interest.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1364. CEILING FANS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.84.14	Ceiling fans for permanent installation (provided for in subheading 8414.51.00)	Free	No change	No change	On or before 12/31/2005	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered, or withdrawn from warehouse, for consumption on or after the 15th day after the date of enactment of this Act.

SEC. 1365. CERTAIN STEAM GENERATORS, AND CERTAIN REACTOR VESSEL HEADS, USED IN NUCLEAR FACILITIES.

(a) CERTAIN STEAM GENERATORS.—Heading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/2006" and inserting "12/31/2008".

(b) CERTAIN REACTOR VESSEL HEADS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.84.03	Reactor vessel heads for nuclear reactors (provided for in subheading 8401.40.00)	Free	No change	No change	On or before 12/31/2007	".

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to goods entered, or withdrawn from warehouse, for consumption on or after the 15th day after the date of the enactment of this Act.

SEC. 1366. BROWNFIELDS DEMONSTRATION PROGRAM FOR QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to the definition of exempt facility bond) is amended by striking "or" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", or", and by inserting at the end the following new paragraph:

"(14) qualified green building and sustainable design projects.".

(b) QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.—Section 142 (relating to exempt facility bonds) is amended by adding at the end thereof the following new subsection:

"(l) QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(14), the term 'qualified green building and sustainable design project' means any project which is designated by the Secretary, after consultation with the Administrator of the Environmental Protection Agency, as a qualified green building and sustainable design project and which meets the requirements of clauses (i), (ii), (iii), and (iv) of paragraph (4)(A).

"(2) DESIGNATIONS.—

"(A) IN GENERAL.—Within 60 days after the end of the application period described in paragraph (3)(A), the Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall designate qualified green building and sustainable design projects. At least one of the projects designated shall be located in, or within a 10-mile radius of, an empowerment zone as designated pursuant to section 1391, and at least one of the projects designated shall be located in a rural State. No more than one project shall be designated in a State. A project shall not be designated if such project includes a stadium or arena for professional sports exhibitions or games.

"(B) MINIMUM CONSERVATION AND TECHNOLOGY INNOVATION OBJECTIVES.—The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall ensure that, in the aggregate, the projects designated shall—

"(i) reduce electric consumption by more than 150 megawatts annually as compared to conventional construction,

"(ii) reduce daily sulfur dioxide emissions by at least 10 tons compared to coal generation power,

"(iii) expand by 75 percent the domestic solar photovoltaic market in the United States (measured in megawatts) as compared to the expansion of that market from 2001 to 2002, and

"(iv) use at least 25 megawatts of fuel cell energy generation.

"(3) LIMITED DESIGNATIONS.—A project may not be designated under this subsection unless—

"(A) the project is nominated by a State or local government within 180 days of the enactment of this subsection, and

"(B) such State or local government provides written assurances that the project will satisfy the eligibility criteria described in paragraph (4).

"(4) APPLICATION.—

"(A) IN GENERAL.—A project may not be designated under this subsection unless the application for such designation includes a project proposal which describes the energy efficiency, renewable energy, and sustainable design features of the project and demonstrates that the project satisfies the following eligibility criteria:

"(i) GREEN BUILDING AND SUSTAINABLE DESIGN.—At least 75 percent of the square footage of commercial buildings which are part of the project is registered for United States Green Building Council's LEED certification and is reasonably expected (at the time of the designation) to receive such certification.

"(ii) BROWNFIELD REDEVELOPMENT.—The project includes a brownfield site as defined by section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), including a site described in subparagraph (D)(ii)(II)(aa) thereof.

"(iii) STATE AND LOCAL SUPPORT.—The project receives specific State or local government resources which will support the project in an amount equal to at least $5,000,000. For purposes of the preceding sentence, the term 'resources' includes tax abatement benefits and contributions in kind.

"(iv) SIZE.—The project includes at least one of the following:

"(I) At least 1,000,000 square feet of building.

"(II) At least 20 acres.

"(v) USE OF TAX BENEFIT.—The project proposal includes a description of the net benefit of the tax-exempt financing provided under this subsection which will be allocated for financing of one or more of the following:

"(I) The purchase, construction, integration, or other use of energy efficiency, renewable energy, and sustainable design features of the project.

"(II) Compliance with LEED certification standards.

"(III) The purchase, remediation, and foundation construction and preparation of the brownfields site.

"(vi) EMPLOYMENT.—The project is projected to provide permanent employment of at least 1,500 full time equivalents (150 full time equivalents in rural States) when completed and construction employment of at least 1,000 full time equivalents (100 full time equivalents in rural States).

The application shall include an independent analysis which describes the project's economic impact, including the amount of projected employment.

"(B) PROJECT DESCRIPTION.—Each application described in subparagraph (A) shall contain for each project a description of—

"(i) the amount of electric consumption reduced as compared to conventional construction,

"(ii) the amount of sulfur dioxide daily emissions reduced compared to coal generation,

"(iii) the amount of the gross installed capacity of the project's solar photovoltaic capacity measured in megawatts, and

"(iv) the amount, in megawatts, of the project's fuel cell energy generation.

"(5) CERTIFICATION OF USE OF TAX BENEFIT.—No later than 30 days after the completion of the project, each project must certify to the Secretary that the net benefit of the tax-exempt financing was used for the purposes described in paragraph (4).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) RURAL STATE.—The term 'rural State' means any State which has—

"(i) a population of less than 4,500,000 according to the 2000 census,

"(ii) a population density of less than 150 people per square mile according to the 2000 census, and

"(iii) increased in population by less than half the rate of the national increase between the 1990 and 2000 censuses.

"(B) LOCAL GOVERNMENT.—The term 'local government' has the meaning given such term by section 1393(a)(5).

"(C) NET BENEFIT OF TAX-EXEMPT FINANCING.—The term 'net benefit of tax-exempt financing' means the present value of the interest savings (determined by a calculation established by the Secretary) which result from the tax-exempt status of the bonds.

"(7) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(14) if the aggregate face amount of bonds issued by the State or local government pursuant thereto for a project (when added to the aggregate face amount of bonds previously so issued for such project) exceeds an amount designated by the Secretary as part of the designation.

"(B) LIMITATION ON AMOUNT OF BONDS.—The Secretary may not allocate authority to issue qualified green building and sustainable design project bonds in an aggregate face amount exceeding $2,000,000,000.

"(8) TERMINATION.—Subsection (a)(14) shall not apply with respect to any bond issued after September 30, 2009.

"(9) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (7)(B) and (8) shall not apply to any bond (or series of bonds) issued to refund a bond issued under subsection (a)(14) before October 1, 2009, if—

"(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

"(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

"(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A).".

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (13)" and inserting "(13), or (14)", and

(2) by striking "and qualified public educational facilities" and inserting "qualified public educational facilities, and qualified green building and sustainable design projects".

(d) SPECIAL RULE FOR ASSETS FINANCED UNDER THIS SECTION AND ACCOUNTABILITY.—

(1) DENIAL OF DOUBLE BENEFIT.—Any asset financed with bonds issued pursuant to this section shall be ineligible for any credit or deduction established under the Energy Tax Policy Act of 2004.

(2) ACCOUNTABILITY.—Each issuer shall maintain, on behalf of each project, an interest bearing reserve account equal to 1 percent of the net proceeds of any bond issued under this section for such project. Not later than 5 years after the date of issuance, the Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency, shall determine whether the project financed with such bonds has substantially complied with the terms and conditions described in section 142(l)(4) of the Internal Revenue Code of 1986 (as added by this section). If the Secretary, after such consultation, certifies that the project has substantially complied with such terms and conditions and meets the commitments set forth in the application for such project described in section 142(l)(4) of such Code, amounts in the reserve account, including all interest, shall be released to the project. If the Secretary determines that the project has not substantially complied with such terms and conditions, amounts in the reserve account, including all interest, shall be paid to the United States Treasury.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issues after the date of the enactment of this Act.

TITLE XIV—MISCELLANEOUS

Subtitle A—Rural and Remote Electricity Construction

SEC. 1401. DENALI COMMISSION PROGRAMS.

(a) POWER COST EQUALIZATION PROGRAM.—There are authorized to be appropriated to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note) not more than $5,000,000 for each of fiscal years 2005 through 2011 for the purposes of funding the power cost equalization program established under section 42.45.100 of the Alaska Statutes.

(b) AVAILABILITY OF FUNDS.—

(1) PURPOSE.—Amounts described in paragraph (2) shall be available to the Denali Commission to permit energy generation and development (including fuel cells, hydroelectric, solar, wind, wave, and tidal energy, and alternative energy sources), energy transmission (including interties), fuel tank replacement and clean-up, fuel transportation networks and related facilities, power cost equalization programs, and other energy programs, notwithstanding any other provision of law.

(2) AMOUNTS.—(A) Except as provided in subparagraph (B), the amounts referred to in paragraph (1) shall be any Federal royalties, rents, and bonuses derived from the Federal share of Federal oil and gas leases in the National Petroleum Reserve in Alaska, up to a maximum of $50,000,000, for each of the fiscal years 2004 through 2013.

(B) If amounts available under subparagraph (A) for one of the fiscal years 2004 through 2013 are less than $50,000,000, the Secretary of Energy shall make available an amount sufficient to ensure that the amount available under this subsection for that fiscal year equals $50,000,000, from amounts remaining after deposits are made under section 949(a)(1), from the same source from which those deposits are made.

SEC. 1402. RURAL AND REMOTE COMMUNITY ASSISTANCE.

(a) PROGRAM.—Section 19 of the Rural Electrification Act of 1936 (7 U.S.C 918a) is amended by striking all that precedes subsection (b) and inserting the following:

"SEC. 19. ELECTRIC GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS TO RURAL AND REMOTE COMMUNITIES WITH EXTREMELY HIGH ELECTRICITY COSTS.

"(a) IN GENERAL.—The Secretary, acting through the Rural Utilities Service, may—

"(1) in coordination with State rural development initiatives, make grants and loans to persons, States, political subdivisions of States, and other entities organized under the laws of States, to acquire, construct, extend, upgrade, and otherwise improve electric generation, transmission, and distribution facilities serving communities in which the average revenue per kilowatt hour of electricity for all consumers is greater than 150 percent of the average revenue per kilowatt hour of electricity for all consumers in the United States (as determined by the Energy Information Administration using the most recent data available);

"(2) make grants and loans to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public 105-277) to be used for the purpose of providing funds to acquire, construct, extend, upgrade, finance, and otherwise improve electric generation, transmission, and distribution facilities serving communities described in paragraph (1); and

"(3) make grants to State entities to establish and support a revolving fund to provide a more cost-effective means of purchasing fuel in areas where the fuel cannot be shipped by means of surface transportation.".

(b) Definition of Person.—Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended by striking "or association" and inserting "association, or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act)".

Subtitle B—Coastal Programs

SEC. 1411. ROYALTY PAYMENTS UNDER LEASES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Royalty Relief.—

(1) In general.—For purposes of providing compensation for lessees and a State for which amounts are authorized by section 6004(c) of the Oil Pollution Act of 1990 (Public Law 101-380), a lessee may withhold from payment any royalty due and owing to the United States under any leases under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) for offshore oil or gas production from a covered lease tract if, on or before the date that the payment is due and payable to the United States, the lessee makes a payment to the Secretary of the Interior of 44 cents for every $1 of royalty withheld.

(2) Use of amounts paid to secretary.—Within 30 days after the Secretary of the Interior receives payments under paragraph (1), the Secretary of the Interior shall—

(A) make 47.5 percent of such payments available to the State referred to in section 6004(c) of the Oil Pollution Act of 1990; and

(B) make 52.5 percent of such payments available equally, only for the programs and purposes identified as number 282 at page 1389 of House Report number 108-10 and for a program described at page 1159 of that Report in the State referred to in such section 6004(c).

(3) Treatment of amounts.—Any royalty withheld by a lessee in accordance with this section (including any portion thereof that is paid to the Secretary of the Interior under paragraph (1)) shall be treated as paid for purposes of satisfaction of the royalty obligations of the lessee to the United States.

(4) Certification of withheld amounts.—The Secretary of the Treasury shall—

(A) determine the amount of royalty withheld by a lessee under this section; and

(B) promptly publish a certification when the total amount of royalty withheld by the lessee under this section is equal to—

(i) the dollar amount stated at page 47 of Senate Report number 101-534, which is designated therein as the total drainage claim for the West Delta field; plus

(ii) interest as described at page 47 of that Report.

(b) Period of Royalty Relief.—Subsection (a) shall apply to royalty amounts that are due and payable in the period beginning on January 1, 2004, and ending on the date on which the Secretary of the Treasury publishes a certification under subsection (a)(4)(B).

(c) Definitions.—As used in this section:

(1) Covered lease tract.—The term "covered lease tract" means a leased tract (or portion of a leased tract)—

(A) lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); or

(B) lying within such zone but to which such section does not apply.

(2) Lessee.—The term "lessee"—

(A) means a person or entity that, on the date of the enactment of the Oil Pollution Act of 1990, was a lessee referred to in section 6004(c) of that Act (as in effect on that date of the enactment), but did not hold lease rights in Federal offshore lease OCS-G-5669; and

(B) includes successors and affiliates of a person or entity described in subparagraph (A).

SEC. 1412. DOMESTIC OFFSHORE ENERGY REINVESTMENT.

(a) Domestic Offshore Energy Reinvestment Program.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. DOMESTIC OFFSHORE ENERGY REINVESTMENT PROGRAM.

"(a) Definitions.—In this section:

"(1) Approved plan.—The term 'approved plan' means a Secure Energy Reinvestment Plan approved by the Secretary under this section.

"(2) Coastal energy state.—The term 'Coastal Energy State' means a Coastal State off the coastline of which, within the seaward lateral boundary as determined by the map referenced in subsection (c)(2)(A), outer Continental Shelf bonus bids or royalties are generated, other than bonus bids or royalties from a leased tract within any area of the outer Continental Shelf for which a moratorium on new leasing was in effect as of January 1, 2002, unless the lease was issued before the establishment of the moratorium and was in production on such date.

"(3) Coastal political subdivision.—The term 'coastal political subdivision' means a county, parish, or other equivalent subdivision of a Coastal Energy State, all or part of which lies within the boundaries of the coastal zone of the State, as identified in the State's approved coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) on the date of the enactment of this section.

"(4) Coastal population.—The term 'coastal population' means the population of a coastal political subdivision, as determined by the most recent official data of the Census Bureau.

"(5) Coastline.—The term 'coastline' has the same meaning as the term 'coast line' in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

"(6) Fund.—The term 'Fund' means the Secure Energy Reinvestment Fund established by this section.

"(7) Leased tract.—The term 'leased tract' means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

"(8) Qualified outer continental shelf revenues.—(A) Except as provided in subparagraph (B), the term 'qualified outer Continental Shelf revenues' means all amounts received by the United States on or after October 1, 2003, from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g), or lying within such zone but to which section 8(g) does not apply, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related interest.

"(B) Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the outer Continental Shelf for which a moratorium on new leasing was in effect as of January 1, 2002, unless the lease was issued before the establishment of the moratorium and was in production on such date.

"(9) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(b) Secure Energy Reinvestment Fund.—

"(1) Establishment.—There is established in the Treasury of the United States a separate account which shall be known as the 'Secure Energy Reinvestment Fund'. The Fund shall consist of amounts deposited under paragraph (2), and such other amounts as may be appropriated to the Fund.

"(2) Deposits.—For each fiscal year after fiscal year 2003, the Secretary of the Treasury shall deposit into the Fund the following:

"(A) Notwithstanding section 9, all qualified outer Continental Shelf revenues attributable to royalties received by the United States in the fiscal year that are in excess of the following amount:

"(i) $3,455,000,000 in the case of royalties received in fiscal year 2004.

"(ii) $3,726,000,000 in the case of royalties received in fiscal year 2005.

"(iii) $4,613,000,000 in the case of royalties received in fiscal year 2006.

"(iv) $5,226,000,000 in the case of royalties received in fiscal year 2007.

"(v) $5,841,000,000 in the case of royalties received in fiscal year 2008.

"(vi) $5,763,000,000 in the case of royalties received in fiscal year 2009.

"(vii) $6,276,000,000 in the case of royalties received in fiscal year 2010.

"(viii) $6,351,000,000 in the case of royalties received in fiscal year 2011.

"(ix) $6,551,000,000 in the case of royalties received in fiscal year 2012.

"(x) $5,120,000,000 in the case of royalties received in fiscal year 2013.

"(B) Notwithstanding section 9, all qualified outer Continental shelf revenues attributable to bonus bids received by the United States in each of the fiscal years 2004 through 2013 that are in excess of $1,000,000,000.

"(C) Notwithstanding section 9, in addition to amounts deposited under subparagraphs (A) and (B), $35,000,000 of amounts received by the United States each fiscal year as royalties for oil or gas production on the outer Continental Shelf, except that no amounts shall be deposited under this subparagraph before fiscal year 2004 or after fiscal year 2013.

"(D) All interest earned under paragraph (4).

"(E) All repayments under subsection (f).

"(3) Reduction in deposit.—(A) For each fiscal year after fiscal year 2013 in which amounts received by the United States as royalties for oil or gas production on the outer Continental Shelf are less than the sum of the amounts described in subparagraph (B) (before the application of this subparagraph), the Secretary of the Treasury shall reduce each of the amounts described in subparagraph (B) proportionately.

"(B) The amounts referred to in subparagraph (A) are the following:

"(i) The amount required to be covered into the Historic Preservation Fund under section 108 of the National Historic Preservation Act (16 U.S.C. 470h) on the date of the enactment of this paragraph.

"(ii) The amount required to be credited to the Land and Water Conservation Fund under section 2(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5(c)(2)) on the date of the enactment of this paragraph.

"(iii) The amount required to be deposited under subparagraph (C) of paragraph (2) of this subsection.

"(4) INVESTMENT.—The Secretary of the Treasury shall invest moneys in the Fund (including interest) in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement under this section.

"(5) REVIEW AND REVISION OF BASELINE AMOUNTS.—Not later than December 31, 2008, the Secretary of the Interior, in consultation with the Secretary of the Treasury, shall—

"(A) determine the amount and composition of outer Continental Shelf revenues that were received by the United States in each of the fiscal years 2004 through 2008;

"(B) project the amount and composition of outer Continental Shelf revenues that will be received in the United States in each of the fiscal years 2009 through 2013; and

"(C) submit to the Congress a report regarding whether any of the dollar amounts set forth in clauses (v) though (x) of paragraph (2)(A) or paragraph (2)(B) should be modified to reflect those projections.

"(6) AUTHORIZATION OF APPROPRIATION OF ADDITIONAL AMOUNTS.—In addition to the amounts deposited into the Fund under paragraph (2) there are authorized to be appropriated to the Fund—

"(A) for each of fiscal years 2004 through 2013 up to $500,000,000; and

"(B) for each fiscal year after fiscal year 2013 up to 25 percent of qualified outer Continental Shelf revenues received by the United States in the preceding fiscal year.

"(c) USE OF SECURE ENERGY REINVESTMENT FUND.—

"(1) IN GENERAL.—(A) The Secretary shall use amounts in the Fund remaining after the application of subsections (h) and (i) to pay to each Coastal Energy State that has a Secure Energy Reinvestment Plan approved by the Secretary under this section, and to coastal political subdivisions of such State, the amount allocated to the State or coastal political subdivision, respectively, under this subsection.

"(B) The Secretary shall make payments under this paragraph in December of 2004, and of each year thereafter, from revenues received by the United States in the immediately preceding fiscal year.

"(2) ALLOCATION.—The Secretary shall allocate amounts deposited into the Fund in a fiscal year, and other amounts determined by the Secretary to be available, among Coastal Energy States that have an approved plan, and to coastal political subdivisions of such States, as follows:

"(A)(i) Of the amounts made available for each of the first 10 fiscal years for which amounts are available for allocation under this paragraph, the allocation for each Coastal Energy State shall be calculated based on the ratio of qualified outer Continental Shelf revenues generated off the coastline of the Coastal Energy State to the qualified outer Continental Shelf revenues generated off the coastlines of all Coastal Energy States for the period beginning January 1, 1992, and ending December 31, 2001.

"(ii) Of the amounts available for a fiscal year in a subsequent 10-fiscal-year period, the allocation for each Coastal Energy State shall be calculated based on such ratio determined by the Secretary with respect to qualified outer Continental Shelf revenues generated in each subsequent corresponding 10-year period.

"(iii) For purposes of this subparagraph, qualified outer Continental Shelf revenues shall be considered to be generated off the coastline of a Coastal Energy State if the geographic center of the lease tract from which the revenues are generated is located within the area formed by the extension of the State's seaward lateral boundaries, calculated using the strict and scientifically derived conventions established to delimit international lateral boundaries under the Law of the Sea, as indicated on the map entitled 'Calculated Seaward Lateral Boundaries' and dated October 2003, on file in the Office of the Director, Minerals Management Service.

"(B) 35 percent of each Coastal Energy State's allocable share as determined under subparagraph (A) shall be allocated among and paid directly to the coastal political subdivisions of the State by the Secretary based on the following formula:

"(i) 25 percent shall be allocated based on the ratio of each coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions of the Coastal Energy State.

"(ii) 25 percent shall be allocated based on the ratio of each coastal political subdivision's coastline miles to the coastline miles of all coastal political subdivisions of the State. In the case of a coastal political subdivision without a coastline, the coastline of the political subdivision for purposes of this clause shall be one-third the average length of the coastline of the other coastal political subdivisions of the State.

"(iii) 50 percent shall be allocated based on a formula that allocates 75 percent of the funds based on such coastal political subdivision's relative distance from any leased tract used to calculate that State's allocation and 25 percent of the funds based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision to the level of outer Continental Shelf oil and gas activities in all coastal political subdivisions in such State, as determined by the Secretary, except that in the case of a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries the allocation under this clause shall be determined as if that coastal political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified outer Continental Shelf revenues.

"(3) REALLOCATION.—Any amount allocated to a Coastal Energy State or coastal political subdivision of such a State but not disbursed because of a failure of a Coastal Energy State to have an approved plan shall be reallocated by the Secretary among all other Coastal Energy States in a manner consistent with this subsection, except that the Secretary—

"(A) shall hold the amount in escrow within the Fund until the earlier of the end of the next fiscal year in which the allocation is made or the final resolution of any appeal regarding the disapproval of a plan submitted by the State under this section; and

"(B) shall continue to hold such amount in escrow until the end of the subsequent fiscal year thereafter, if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Secure Energy Reinvestment Plan under subsection (d).

"(4) MINIMUM SHARE.—Notwithstanding any other provision of this subsection, the amount allocated under this subsection to each Coastal Energy State each fiscal year shall be not less than 5 percent of the total amount available for that fiscal year for allocation under this subsection to Coastal Energy States, except that for any Coastal Energy State determined by the Secretary to have an area formed by the extension of the State's seaward lateral boundary, as designated by the map referenced in paragraph (2)(A)(iii), of less than 490 square statute miles, the amount allocated to such State shall not be less than 10 percent of the total amount available for that fiscal year for allocation under this subsection.

"(5) RECOMPUTATION.—If the allocation to one or more Coastal Energy States under paragraph (4) with respect to a fiscal year is greater than the amount that would be allocated to such States under this subsection if paragraph (4) did not apply, then the allocations under this subsection to all other Coastal Energy States shall be paid from the amount remaining after deduction of the amounts allocated under paragraph (4), but shall be reduced on a pro rata basis by the sum of the allocations under paragraph (4) so that not more than 100 percent of the funds available in the Fund for allocation with respect to that fiscal year is allocated.

"(d) SECURE ENERGY REINVESTMENT PLAN.—

"(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—The Governor of each State seeking to receive funds under this section shall prepare, and submit to the Secretary, a Secure Energy Reinvestment Plan describing planned expenditures of funds received under this section. The Governor shall include in the State plan submitted to the Secretary plans prepared by the coastal political subdivisions of the State. The Governor and the coastal political subdivision shall solicit local input and provide for public participation in the development of the State plan. In describing the planned expenditures, the State and coastal political subdivisions shall include only items that are uses authorized under subsection (e).

"(2) APPROVAL OR DISAPPROVAL.—

"(A) IN GENERAL.—The Secretary may not disburse funds to a State or coastal political subdivision of a State under this section before the date the State has an approved plan. The Secretary shall approve a Secure Energy Reinvestment Plan submitted by a State under paragraph (1) if the Secretary determines that the expenditures provided for in the plan are uses authorized under subsection (e), and that the plan contains each of the following:

"(i) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

"(ii) A program for the implementation of the plan, that (I) has as a goal improving the environment, (II) has as a goal addressing the impacts of oil and gas production from the outer Continental Shelf, and (III) includes a description of how the State and coastal political subdivisions of the State will evaluate the effectiveness of the plan.

"(iii) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

"(iv) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

"(v) For any State for which the ratio determined under subsection (c)(2)(A)(i) or (c)(2)(A)(ii), as appropriate, expressed as a percentage, exceeds 25 percent, a plan to spend not less than 30 percent of the total funds provided under this section each fiscal year to that State and appropriate coastal political subdivisions, to address the socioeconomic or environmental impacts identified in the plan that remain significant or progressive after implementation of mitigation measures identified in the most current environmental impact statement (as of the date of the enactment of this clause) required under the National Environmental Protection Act of 1969 for lease sales under this Act.

"(vi) A plan to utilize at least one-half of the funds provided pursuant to subsection (c)(2)(B), and a portion of other funds provided to such State under this section, on programs or projects that are coordinated and conducted in partnership between the State and coastal political subdivision.

"(B) Procedure and timing.—The Secretary shall approve or disapprove each plan submitted in accordance with this subsection within 90 days after its submission.

"(3) Amendment or revision.—Any amendment to or revision of an approved plan shall be prepared and submitted in accordance with the requirements under this paragraph for the submittal of plans, and shall be approved or disapproved by the Secretary in accordance with paragraph (2)(B).

"(e) Authorized Uses.—A Coastal Energy State, and a coastal political subdivision of such a State, shall use amounts paid under this section (including any such amounts deposited into a trust fund administered by the State or coastal political subdivision dedicated to uses consistent with this subsection), in compliance with Federal and State law and the approved plan of the State, only for one or more of the following purposes:

"(1) Projects and activities, including educational activities, for the conservation, protection, or restoration of coastal areas including wetlands.

"(2) Mitigating damage to, or the protection of, fish, wildlife, or natural resources.

"(3) To the extent of such sums as are considered reasonable by the Secretary, planning assistance and administrative costs of complying with this section.

"(4) Implementation of federally approved plans or programs for marine, coastal, subsidence, or conservation management or for protection of resources from natural disasters.

"(5) Mitigating impacts of outer Continental Shelf activities through funding onshore infrastructure and public service needs.

"(f) Compliance With Authorized Uses.—If the Secretary determines that an expenditure of an amount made by a Coastal Energy State or coastal political subdivision is not in accordance with the approved plan of the State (including the plans of coastal political subdivisions included in such plan), the Secretary shall not disburse any further amounts under this section to that Coastal Energy State or coastal political subdivision until—

"(1) the amount is repaid to the Secretary; or

"(2) the Secretary approves an amendment to the plan that authorizes the expenditure.

"(g) Arbitration of State and Local Disputes.—The Secretary may require, as a condition of any payment under this section, that a State or coastal political subdivision in a State must submit to arbitration—

"(1) any dispute between the State or coastal political subdivision (or both) and the Secretary regarding implementation of this section; and

"(2) any dispute between the State and political subdivision regarding implementation of this section, including any failure to include, in the plan submitted by the State for purposes of subsection (d), any spending plan of the coastal political subdivision.

"(h) Administrative Expenses.—Of amounts in the Fund each fiscal year, the Secretary may use up to one-half of one percent for the administrative costs of implementing this section.

"(i) Funding for Consortium.—

"(1) In general.—Of amounts deposited into the Fund in each fiscal year 2004 through 2013, 2 percent shall be available to the Secretary of the Interior to provide funding for the Coastal Restoration and Enhancement through Science and Technology program.

"(2) Treatment.—Any amount available under this subsection for a fiscal year shall, for purposes of determining the amount appropriated under any other provision of law that authorizes appropriations to carry out the program referred to in paragraph (1), be treated as appropriated under that other provision.

"(j) Disposition of Funds.—A Coastal Energy State or coastal political subdivision may use funds provided to such entity under this section, subject to subsection (e), for any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

"(k) Reports.—Each fiscal year following a fiscal year in which a Coastal Energy State or coastal political subdivision of a Coastal Energy State receives funds under this section, the Governor of the Coastal Energy State, in coordination with such State's coastal political subdivisions, shall account for all funds so received for the previous fiscal year in a written report to the Secretary. The report shall include, in accordance with regulations prescribed by the Secretary, a description of all projects and activities that received such funds. In order to avoid duplication, such report may incorporate, by reference, any other reports required to be submitted under other provisions of law.

"(l) Signs.—The Secretary shall require, as a condition of any allocation of funds provided with amounts made available by this section, that each State and coastal political subdivision shall include on any sign otherwise installed at any site at or near an entrance or public use focal point area for which such funds are used, a statement that the existence or development of the site (or both), as appropriate, is a product of such funds.".

(b) Additional Amendments.—Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) by striking subsection (a);

(2) in subsection (c) by striking "For fiscal year 2001, $150,000,000 is" and inserting "Such sums as may be necessary to carry out this section are";

(3) in subsection (d)(1)(B) by striking ", except" and all that follows through the end of the sentence and inserting a period;

(4) by redesignating subsections (b) though (g) in order as subsection (a) through (f); and

(5) by striking "subsection (f)" each place it appears and inserting "subsection (e)".

(c) Utilization of Coastal Restoration and Enhancement Through Science and Technology Program.—

(1) Authorization.—The Secretary of the Interior and the Secretary of Commerce may each use the Coastal Restoration and Enhancement through Science and Technology program for the purposes of—

(A) assessing the effects of coastal habitat restoration techniques;

(B) developing improved ecosystem modeling capabilities for improved predictions of coastal conditions and habitat change and for developing new technologies for restoration activities; and

(C) identifying economic options to address socioeconomic consequences of coastal degradation.

(2) Condition.—The Secretary of the Interior, in consultation with the Secretary of Commerce, shall ensure that the program—

(A) establishes procedures designed to avoid duplicative activities among Federal agencies and entities receiving Federal funds;

(B) coordinates with persons involved in similar activities; and

(C) establishes a mechanism to collect, organize, and make available information and findings on coastal restoration.

(3) Report.—Not later than September 30, 2008, the Secretary of the Interior, in consultation with the Secretary of Commerce, shall transmit a report to the Congress on the effectiveness of any Federal and State restoration efforts conducted pursuant to this subsection and make recommendations to improve coordinated coastal restoration efforts.

(4) Funding.—For each of fiscal years 2004 through 2013, there is authorized to be appropriated to the Secretary $10,000,000 to carry out activities under this subsection.

Subtitle C—Reforms to the Board of Directors of the Tennessee Valley Authority

SEC. 1431. CHANGE IN COMPOSITION, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by striking section 2 and inserting the following:

"SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) Membership.—

"(1) Appointment.—The Board of Directors of the Corporation (referred to in this Act as the 'Board') shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, at least 5 of whom shall be a legal resident of a State any part of which is in the service area of the Corporation.

"(2) Chairman.—The members of the Board shall select 1 of the members to act as chairman of the Board.

"(b) Qualifications.—To be eligible to be appointed as a member of the Board, an individual—

"(1) shall be a citizen of the United States;

"(2) shall have management expertise relative to a large for-profit or nonprofit corporate, government, or academic structure;

"(3) shall not be an employee of the Corporation; and

"(4) shall make full disclosure to Congress of any investment or other financial interest that the individual holds in the energy industry.

"(c) RECOMMENDATIONS.—In appointing members of the Board, the President shall—

"(1) consider recommendations from such public officials as—

"(A) the Governors of States in the service area;

"(B) individual citizens;

"(C) business, industrial, labor, electric power distribution, environmental, civic, and service organizations; and

"(D) the congressional delegations of the States in the service area; and

"(2) seek qualified members from among persons who reflect the diversity, including the geographical diversity, and needs of the service area of the Corporation.

"(d) TERMS.—

"(1) IN GENERAL.—A member of the Board shall serve a term of 5 years. A member of the Board whose term has expired may continue to serve after the member's term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires.

"(2) VACANCIES.—A member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

"(e) QUORUM.—

"(1) IN GENERAL.—Five of the members of the Board shall constitute a quorum for the transaction of business.

"(2) VACANCIES.—A vacancy on the Board shall not impair the power of the Board to act.

"(f) COMPENSATION.—

"(1) IN GENERAL.—A member of the Board shall be entitled to receive—

"(A) a stipend of—

"(i) $45,000 per year; or

"(ii)(I) in the case of the chairman of any committee of the Board created by the Board, $46,000 per year; or

"(II) in the case of the chairman of the Board, $50,000 per year; and

"(B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

"(2) ADJUSTMENTS IN STIPENDS.—The amount of the stipend under paragraph (1)(A)(i) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5, United States Code.

"(g) DUTIES.—

"(1) IN GENERAL.—The Board shall—

"(A) establish the broad goals, objectives, and policies of the Corporation that are appropriate to carry out this Act;

"(B) develop long-range plans to guide the Corporation in achieving the goals, objectives, and policies of the Corporation and provide assistance to the chief executive officer to achieve those goals, objectives, and policies;

"(C) ensure that those goals, objectives, and policies are achieved;

"(D) approve an annual budget for the Corporation;

"(E) adopt and submit to Congress a conflict-of-interest policy applicable to members of the Board and employees of the Corporation;

"(F) establish a compensation plan for employees of the Corporation in accordance with subsection (i);

"(G) approve all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) of all managers and technical personnel that report directly to the chief executive officer (including any adjustment to compensation);

"(H) ensure that all activities of the Corporation are carried out in compliance with applicable law;

"(I) create an audit committee, composed solely of Board members independent of the management of the Corporation, which shall—

"(i) in consultation with the inspector general of the Corporation, recommend to the Board an external auditor;

"(ii) receive and review reports from the external auditor of the Corporation and inspector general of the Corporation; and

"(iii) make such recommendations to the Board as the audit committee considers necessary;

"(J) create such other committees of Board members as the Board considers to be appropriate;

"(K) conduct such public hearings as it deems appropriate on issues that could have a substantial effect on—

"(i) the electric ratepayers in the service area; or

"(ii) the economic, environmental, social, or physical well-being of the people of the service area;

"(L) establish the electricity rates charged by the Corporation; and

"(M) engage the services of an external auditor for the Corporation.

"(2) MEETINGS.—The Board shall meet at least 4 times each year.

"(h) CHIEF EXECUTIVE OFFICER.—

"(1) APPOINTMENT.—The Board shall appoint a person to serve as chief executive officer of the Corporation.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—To serve as chief executive officer of the Corporation, a person—

"(i) shall have senior executive-level management experience in large, complex organizations;

"(ii) shall not be a current member of the Board or have served as a member of the Board within 2 years before being appointed chief executive officer; and

"(iii) shall comply with the conflict-of-interest policy adopted by the Board.

"(B) EXPERTISE.—In appointing a chief executive officer, the Board shall give particular consideration to appointing an individual with expertise in the electric industry and with strong financial skills.

"(3) TENURE.—The chief executive officer shall serve at the pleasure of the Board.

"(i) COMPENSATION PLAN.—

"(1) IN GENERAL.—The Board shall approve a compensation plan that specifies all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) for the chief executive officer and employees of the Corporation.

"(2) ANNUAL SURVEY.—The compensation plan shall be based on an annual survey of the prevailing compensation for similar positions in private industry, including engineering and electric utility companies, publicly owned electric utilities, and Federal, State, and local governments.

"(3) CONSIDERATIONS.—The compensation plan shall provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs will be taken into account in determining compensation of employees.

"(4) POSITIONS AT OR BELOW LEVEL IV.—The chief executive officer shall determine the salary and benefits of employees whose annual salary is not greater than the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(5) POSITIONS ABOVE LEVEL IV.—On the recommendation of the chief executive officer, the Board shall approve the salaries of employees whose annual salaries would be in excess of the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 1432. CHANGE IN MANNER OF APPOINTMENT OF STAFF.

Section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

"(a) APPOINTMENT BY THE CHIEF EXECUTIVE OFFICER.—The chief executive officer shall appoint, with the advice and consent of the Board, and without regard to the provisions of the civil service laws applicable to officers and employees of the United States, such managers, assistant managers, officers, employees, attorneys, and agents as are necessary for the transaction of the business of the Corporation."; and

(2) by striking "All contracts" and inserting the following:

"(b) WAGE RATES.—All contracts".

SEC. 1433. CONFORMING AMENDMENTS.

(a) The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended—

(1) by striking "board of directors" each place it appears and inserting "Board of Directors"; and

(2) by striking "board" each place it appears and inserting "Board".

(b) Section 9 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h) is amended—

(1) by striking "The Comptroller General of the United States shall audit" and inserting the following:

"(c) AUDITS.—The Comptroller General of the United States shall audit"; and

(2) by striking "The Corporation shall determine" and inserting the following:

"(d) ADMINISTRATIVE ACCOUNTS AND BUSINESS DOCUMENTS.—The Corporation shall determine".

(c) Title 5, United States Code, is amended—

(1) in section 5314, by striking "Chairman, Board of Directors of the Tennessee Valley Authority."; and

(2) in section 5315, by striking "Members, Board of Directors of the Tennessee Valley Authority.".

SEC. 1434. APPOINTMENTS; EFFECTIVE DATE; TRANSITION.

(a) APPOINTMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall submit to the Senate nominations of 6 persons to serve as members of the Board of Directors of the Tennessee Valley Authority in addition to the members serving on the date of enactment of this Act.

(2) INITIAL TERMS.—Notwithstanding section 2(d) of the Tennessee Valley Authority Act of 1933 (as amended by this subtitle), in making the appointments under paragraph (1), the President shall appoint—

(A) 2 members for a term to expire on May 18, 2006;

(B) 2 members for a term to expire on May 18, 2008; and

(C) 2 members for a term to expire on May 18, 2010.

(b) Effective Date.—The amendments made by this section and sections 1431, 1432, and 1433 take effect on the later of the date on which at least 3 persons nominated under subsection (a) take office or May 18, 2005.

(c) Selection of Chairman.—The Board of Directors of the Tennessee Valley Authority shall select 1 of the members to act as chairman of the Board not later than 30 days after the effective date of this section.

(d) Conflict-Of-Interest Policy.—The Board of Directors of the Tennessee Valley Authority shall adopt and submit to Congress a conflict-of-interest policy, as required by section 2(g)(1)(E) of the Tennessee Valley Authority Act of 1933 (as amended by this subtitle), as soon as practicable after the effective date of this section.

(e) Transition.—A person who is serving as a member of the board of directors of the Tennessee Valley Authority on the date of enactment of this Act—

(1) shall continue to serve until the end of the current term of the member; but

(2) after the effective date specified in subsection (b), shall serve under the terms of the Tennessee Valley Authority Act of 1933 (as amended by this subtitle); and

(3) may not be reappointed.

Subtitle D—Other Provisions

SEC. 1441. CONTINUATION OF TRANSMISSION SECURITY ORDER.

Department of Energy Order No. 202-03-2, issued by the Secretary of Energy on August 28, 2003, shall remain in effect unless rescinded by Federal statute.

SEC. 1442. REVIEW OF AGENCY DETERMINATIONS.

Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended by adding at the end the following:

"(i)(1) The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any order or action of any Federal or State administrative agency or officer to issue, condition, or deny any permit, license, concurrence, or approval issued under authority of any Federal law, other than the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), required for the construction of a natural gas pipeline for which a certificate of public convenience and necessity is issued by the Commission under this section;

"(B) alleging unreasonable delay by any Federal or State administrative agency or officer in entering an order or taking other action described in subparagraph (A); or

"(C) challenging any decision made or action taken under this subsection.

"(2)(A) If the Court finds that the order, action, or failure to act is not consistent with the public convenience and necessity (as determined by the Commission under this section), or would prevent the construction and operation of natural gas facilities authorized by the certificate of public convenience and necessity, the permit, license, concurrence, or approval that is the subject of the order, action, or failure to act shall be deemed to have been issued subject to any conditions set forth in the reviewed order or action that the Court finds to be consistent with the public convenience and necessity.

"(B) For purposes of paragraph (1)(B), the failure of an agency or officer to issue any such permit, license, concurrence, or approval within the latter of 1 year after the date of filing of an application for the permit, license, concurrence, or approval or 60 days after the date of issuance of the certificate of public convenience and necessity under this section, shall be considered to be unreasonable delay unless the Court, for good cause shown, determines otherwise.

"(C) The Court shall set any action brought under paragraph (1) for expedited consideration.".

SEC. 1443. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C.7511) is amended by adding the following new subsection at the end thereof:

"(d) Extended Attainment Date for Certain Downwind Areas.—

"(1) Definitions.—(A) The term 'upwind area' means an area that—

"(i) significantly contributes to nonattainment in another area, hereinafter referred to as a 'downwind area'; and

"(ii) is either—

"(I) a nonattainment area with a later attainment date than the downwind area, or

"(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

"(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph (2).

"(2) Extension.—If the Administrator—

"(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone; and

"(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A),

the Administrator, in lieu of such reclassification, shall extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

"(3) Required approval.—In order to extend the attainment date for a downwind area under this subsection, the Administrator must approve a revision of the applicable implementation plan for the downwind area for such standard that—

"(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard; and

"(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection.

"(4) Prior reclassification determination.—If, no more than 18 months prior to the date of enactment of this subsection, the Administrator made a reclassification determination under subsection (b)(2)(A) for any downwind area, and the Administrator approves the plan revision referred to in paragraph (3) for such area within 12 months after the date of enactment of this subsection, the reclassification shall be withdrawn and the attainment date extended in accordance with paragraph (5) upon such approval. The Administrator shall also withdraw a reclassification determination under subsection (b)(2)(A) made after the date of enactment of this subsection and extend the attainment date in accordance with paragraph (5) if the Administrator approves the plan revision referred to in paragraph (3) within 12 months of the date the reclassification determination under subsection (b)(2)(A) is issued. In such instances the 'current classification' used for evaluating the revision of the applicable implementation plan under paragraph (3) shall be the classification of the downwind area under this section immediately prior to such reclassification.

"(5) Extended date.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the date on which the last reductions in pollution transport necessary for attainment in the downwind area are required to be achieved by the upwind area or areas.".

SEC. 1444. ENERGY PRODUCTION INCENTIVES.

(a) In General.—A State may provide to any entity—

(1) a credit against any tax or fee owed to the State under a State law, or

(2) any other tax incentive,

determined by the State to be appropriate, in the amount calculated under and in accordance with a formula determined by the State, for production described in subsection (b) in the State by the entity that receives such credit or such incentive.

(b) Eligible Entities.—Subsection (a) shall apply with respect to the production in the State of—

(1) electricity from coal mined in the State and used in a facility, if such production meets all applicable Federal and State laws and if such facility uses scrubbers or other forms of clean coal technology,

(2) electricity from a renewable source such as wind, solar, or biomass, or

(3) ethanol.

(c) Effect on Interstate Commerce.—Any action taken by a State in accordance with this section with respect to a tax or fee payable, or incentive applicable, for any period beginning after the date of the enactment of this Act shall—

(1) be considered to be a reasonable regulation of commerce; and

(2) not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate, against interstate commerce.

SEC. 1445. USE OF GRANULAR MINE TAILINGS.

(a) Amendment.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"SEC. 6006. USE OF GRANULAR MINE TAILINGS.

"(a) Mine Tailings.—

"(1) In general.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Transportation and heads of other Federal agencies, shall establish criteria (including an evaluation of whether to establish a numerical standard for concentration of lead and other hazardous substances) for the safe and environmentally protective use of granular mine tailings from the Tar Creek, Oklahoma Mining District, known as 'chat', for—

"(A) cement or concrete projects; and

"(B) transportation construction projects (including transportation construction projects involving the use of asphalt) that are carried out, in whole or in part, using Federal funds.

"(2) Requirements.—In establishing criteria under paragraph (1), the Administrator shall consider—

"(A) the current and previous uses of granular mine tailings as an aggregate for asphalt; and

"(B) any environmental and public health risks and benefits derived from the removal, transportation, and use in transportation projects of granular mine tailings.

"(3) Public participation.—In establishing the criteria under paragraph (1), the Administrator shall solicit and consider comments from the public.

"(4) Applicability of criteria.—On the establishment of the criteria under paragraph (1), any use of the granular mine tailings described in paragraph (1) in a transportation project that is carried out, in whole or in part, using Federal funds, shall meet the criteria established under paragraph (1).

"(b) Effect of Sections.—Nothing in this section or section 6005 affects any requirement of any law (including a regulation) in effect on the date of enactment of this section.".

(b) Conforming Amendment.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle F the following:

"Sec. 6006. Use of granular mine tailings.".

TITLE XV—ETHANOL AND MOTOR FUELS

Subtitle A—General Provisions

SEC. 1501. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) In General.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) Renewable Fuel Program.—

"(1) Definitions.—In this section:

"(A) Ethanol.—(i) The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(I) dedicated energy crops and trees;

"(II) wood and wood residues;

"(III) plants;

"(IV) grasses;

"(V) agricultural residues; and

"(VI) fibers.

"(ii) The term 'waste derived ethanol' means ethanol derived from—

"(I) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(II) municipal solid waste.

"(B) Renewable fuel.—

"(i) In general.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) Inclusion.—The term 'renewable fuel' includes cellulosic biomass ethanol, waste derived ethanol, and biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and any blending components derived from renewable fuel (provided that only the renewable fuel portion of any such blending component shall be considered part of the applicable volume under the renewable fuel program established by this subsection).

"(C) Small refinery.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) Renewable fuel program.—

"(A) In general.—Not later than 1 year after the enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B). Regardless of the date of promulgation, such regulations shall contain compliance provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this section are met, but shall not restrict where renewable fuel can be used, or impose any per-gallon obligation for the use of renewable fuel. If the Administrator does not promulgate such regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

"(B) Applicable volume.—

"(i) Calendar years 2005 through 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2012 shall be determined in accordance with the following table:

"Calendar year	Applicable volume of renewable fuel (in billions of gallons)
2005	3.1
2006	3.3
2007	3.5
2008	3.8
2009	4.1
2010	4.4
2011	4.7
2012	5.0

"(ii) Calendar year 2013 and thereafter.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5.0 billion gallons of renewable fuels; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) Non-contiguous state opt-in.—Upon the petition of a non-contiguous State, the Administrator may allow the renewable fuel program established by subtitle A of title XV of the Energy Policy Act of 2003 to apply in such non-contiguous State at the same time or any time after the Administrator promulgates regulations under paragraph (2). The Administrator may promulgate or revise regulations under paragraph (2), establish applicable percentages under paragraph (4), provide for the generation of credits under paragraph (6), and take such other actions as may be necessary to allow for the application of the renewable fuels program in a non-contiguous State.

"(4) Applicable percentages.—

"(A) Provision of estimate of volumes of gasoline sales.—Not later than October 31 of each of calendar years 2004 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline that will be sold or introduced into commerce in the United States during the following calendar year.

"(B) Determination of applicable percentages.—

"(i) In general.—Not later than November 30 of each of the calendar years 2004 through 2011, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) Required elements.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refiners, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) Adjustments.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations to any person specified in subparagraph (B)(ii)(I); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (11).

"(5) Equivalency.—For the purpose of paragraph (2), 1 gallon of either cellulosic biomass ethanol or waste derived ethanol—

"(A) shall be considered to be the equivalent of 1.5 gallon of renewable fuel; or

"(B) if the cellulostic biomass ethanol or waste derived ethanol is derived from agricultural residue or is an agricultural byproduct (as that term is used in section 919 of the Energy Policy Act of 2003), shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

"(6) Credit program.—

"(A) In general.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2). Such regulations shall provide for the generation of an appropriate amount of credits for biodiesel fuel. If a small refinery notifies the Administrator that it waives the exemption provided paragraph (11), the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

"(B) Use of credits.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) Life of credits.—A credit generated under this paragraph shall be valid to show compliance—

"(i) in the calendar year in which the credit was generated or the next calendar year; or

"(ii) in the calendar year in which the credit was generated or next two consecutive calendar years if the Administrator promulgates regulations under paragraph (7).

"(D) Inability to purchase sufficient credits.—The regulations promulgated to carry out this subsection shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements under paragraph (2) to carry forward a renewable fuel deficit provided that, in the calendar year following the year in which the renewable fuel deficit is created, such person shall achieve compliance with the renewable fuel requirement under paragraph (2), and shall generate or purchase additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

"(7) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

"(A) STUDY.—For each of the calendar years 2005 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

"(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

"(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) has been used during one of the periods specified in subparagraph (D) of the calendar year;

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years; and

"(iii) promulgating regulations or other requirements to impose a 35 percent or more seasonal use of renewable fuels will not prevent or interfere with the attainment of national ambient air quality standards or significantly increase the price of motor fuels to the consumer.

"(D) PERIODS.—The two periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) EXCLUSIONS.—Renewable fuels blended or consumed in 2005 in a State which has received a waiver under section 209(b) shall not be included in the study in subparagraph (A).

"(8) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirement of paragraph (2) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under this subsection—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

"(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(9) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—Not later than 180 days after the enactment of this subsection, the Secretary of Energy shall complete for the Administrator a study assessing whether the renewable fuels requirement under paragraph (2) will likely result in significant adverse consumer impacts in 2005, on a national, regional, or State basis. Such study shall evaluate renewable fuel supplies and prices, blendstock supplies, and supply and distribution system capabilities. Based on such study, the Secretary shall make specific recommendations to the Administrator regarding waiver of the requirements of paragraph (2), in whole or in part, to avoid any such adverse impacts. Within 270 days after the enactment of this subsection, the Administrator shall, consistent with the recommendations of the Secretary, waive, in whole or in part, the renewable fuels requirement under paragraph (2) by reducing the national quantity of renewable fuel required under this subsection in 2005. This paragraph shall not be interpreted as limiting the Administrator's authority to waive the requirements of paragraph (2) in whole, or in part, under paragraph (8) or paragraph (10), pertaining to waivers.

"(10) ASSESSMENT AND WAIVER.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall evaluate the requirement of paragraph (2) and determine, prior to January 1, 2007, and prior to January 1 of any subsequent year in which the applicable volume of renewable fuel is increased under paragraph (2)(B), whether the requirement of paragraph (2), including the applicable volume of renewable fuel contained in paragraph (2)(B) should remain in effect, in whole or in part, during 2007 or any year or years subsequent to 2007. In evaluating the requirement of paragraph (2) and in making any determination under this section, the Administrator shall consider the best available information and data collected by accepted methods or best available means regarding—

"(A) the capacity of renewable fuel producers to supply an adequate amount of renewable fuel at competitive prices to fulfill the requirement of paragraph (2);

"(B) the potential of the requirement of paragraph (2) to significantly raise the price of gasoline, food (excluding the net price impact on the requirement in paragraph (2) on commodities used in the production of ethanol), or heating oil for consumers in any significant area or region of the country above the price that would otherwise apply to such commodities in the absence of such requirement;

"(C) the potential of the requirement of paragraph (2) to interfere with the supply of fuel in any significant gasoline market or region of the country, including interference with the efficient operation of refiners, blenders, importers, wholesale suppliers, and retail vendors of gasoline, and other motor fuels; and

"(D) the potential of the requirement of paragraph (2) to cause or promote exceedances of Federal, State, or local air quality standards.

If the Administrator determines, by clear and convincing information, after public notice and the opportunity for comment, that the requirement of paragraph (2) would have significant and meaningful adverse impact on the supply of fuel and related infrastructure or on the economy, public health, or environment of any significant area or region of the country, the Administrator may waive, in whole or in part, the requirement of paragraph (2) in any one year for which the determination is made for that area or region of the country, except that any such waiver shall not have the effect of reducing the applicable volume of renewable fuel specified in paragraph (2)(B) with respect to any year for which the determination is made. In determining economic impact under this paragraph, the Administrator shall not consider the reduced revenues available from the Highway Trust Fund (section 9503 of the Internal Revenue Code of 1986) as a result of the use of ethanol.

"(11) SMALL REFINERIES.—

"(A) IN GENERAL.—The requirement of paragraph (2) shall not apply to small refineries until the first calendar year beginning more than 5 years after the first year set forth in the table in paragraph (2)(B)(i). Not later than December 31, 2007, the Secretary of Energy shall complete for the Administrator a study to determine whether the requirement of paragraph (2) would impose a disproportionate economic hardship on small refineries. For any small refinery that the Secretary of Energy determines would experience a disproportionate economic hardship, the Administrator shall extend the small refinery exemption for such small refinery for no less than two additional years.

"(B) ECONOMIC HARDSHIP.—

"(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption from the requirement of paragraph (2) for the reason of disproportionate economic hardship. In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

"(ii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

"(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that it waives the exemption provided by this Act, the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

"(D) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to the requirements of this section if it notifies the Administrator that it waives the exemption under subparagraph (A).

"(12) ETHANOL MARKET CONCENTRATION ANALYSIS.—

"(A) ANALYSIS.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price setting and other anticompetitive behavior.

"(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

"(B) REPORT.—Not later than December 1, 2004, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended as follows:

(1) In paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)".

(2) In the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) SURVEY OF RENEWABLE FUEL MARKET.—

(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator of the Environmental Protection Agency (in consultation with the Secretary of Energy acting through the Administrator of the Energy Information Administration) shall—

(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

(i) conventional gasoline containing ethanol;

(ii) reformulated gasoline containing ethanol;

(iii) conventional gasoline containing renewable fuel; and

(iv) reformulated gasoline containing renewable fuel; and

(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—The Administrator of the Environmental Protection Agency (hereinafter in this subsection referred to as the "Administrator") may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate. The Administrator, to avoid duplicative requirements, shall rely, to the extent practicable, on existing reporting and recordkeeping requirements and other information available to the Administrator including gasoline distribution patterns that include multistate use areas.

(3) APPLICABLE LAW.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

SEC. 1502. FUELS SAFE HARBOR.

(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no renewable fuel, as defined by section 211(o)(1) of the Clean Air Act, or methyl tertiary butyl ether (hereinafterin this section referred to as "MTBE"), used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing such renewable fuel or MTBE, shall be deemed a defective product by virtue of the fact that it is, or contains, such a renewable fuel or MTBE, if it does not violate a control or prohibition imposed by the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") under section 211 of such Act, and the manufacturer is in compliance with all requests for information under subsection (b) of such section 211 of such Act. If the safe harbor provided by this section does not apply, the existence of a claim of defective product shall be determined under otherwise applicable law. Nothing in this subsection shall be construed to affect the liability of any person for environmental remediation costs, drinking water contamination, negligence for spills or other reasonably foreseeable events, public or private nuisance, trespass, breach of warranty, breach of contract, or any other liability other than liability based upon a claim of defective product.

(b) EFFECTIVE DATE.—This section shall be effective as of September 5, 2003, and shall apply with respect to all claims filed on or after that date.

SEC. 1503. FINDINGS AND MTBE TRANSITION ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (hereinafter in this section referred to as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101-549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygen standard, Congress was aware that significant use of MTBE would result from the adoption of that standard, and that the use of MTBE would likely be important to the cost-effective implementation of that program;

(4) Congress was aware that gasoline and its component additives can and do leak from storage tanks;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101-549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) having previously required oxygenates like MTBE for air quality purposes, Congress has—

(A) reconsidered the relative value of MTBE in gasoline;

(B) decided to establish a date certain for action by the Environmental Protection Agency to prohibit the use of MTBE in gasoline; and

(C) decided to provide for the elimination of the oxygenate requirement for reformulated gasoline and to provide for a renewable fuels content requirement for motor fuel; and

(7) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act; and

(B) for the purpose of mitigating any fuel supply problems that may result from the elimination of the oxygenate requirement for reformulated gasoline and from the decision to establish a date certain for action by the Environmental Protection Agency to prohibit the use of MTBE in gasoline.

(b) PURPOSES.—The purpose of this section is to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

"(5) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—

"(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether (hereinafter in this subsection referred to as 'MTBE') in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of iso-octane, iso-octene, alkylates, or renewable fuels.

"(ii) DETERMINATION.—The Administrator, in consultation with the Secretary of Energy, may determine that transition assistance for the production of iso-octane, iso-octene, alkylates, or renewable fuels is inconsistent with the provisions of subparagraph (B) and, on that basis, may deny applications for grants authorized by this paragraph.

"(B) FURTHER GRANTS.—The Secretary of Energy, in consultation with the Administrator, may also further make grants to merchant producers of MTBE in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of such other fuel additives (unless the Administrator determines that such fuel additives may reasonably be anticipated to endanger public health or the environment) that, consistent with this subsection—

"(i) have been registered and have been tested or are being tested in accordance with the requirements of this section; and

"(ii) will contribute to replacing gasoline volumes lost as a result of amendments made to subsection (k) of this section by section 1504(a) and 1506 of the Energy Policy Act of 2003.

"(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced MTBE for consumption before April 1, 2003 and ceased production at any time after the date of enactment of this paragraph.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2005 through 2012, to remain available until expended.".

(d) EFFECT ON STATE LAW.—The amendments made to the Clean Air Act by this title have no effect regarding any available authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 1504. USE OF MTBE.

(a) IN GENERAL.—Subject to subsections (e) and (f), not later than December 31, 2014, the use of methyl tertiary butyl ether (hereinafter in this section referred to as "MTBE") in motor vehicle fuel in any State other than a State described in subsection (c) is prohibited.

(b) REGULATIONS.—The Administrator of the Environmental Protection Agency (hereafter referred to in this section as the "Administrator") shall promulgate regulations to effect the prohibition in subsection (a).

(c) STATES THAT AUTHORIZE USE.—A State described in this subsection is a State in which the Governor of the State submits a notification to the Administrator authorizing the use of MTBE in motor vehicle fuel sold or used in the State.

(d) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subsection (c).

(e) TRACE QUANTITIES.—In carrying out subsection (a), the Administrator may allow trace quantities of MTBE, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

(f) LIMITATION.—The Administrator, under authority of subsection (a), shall not prohibit or control the production of MTBE for export from the United States or for any other use other than for use in motor vehicle fuel.

SEC. 1505. NATIONAL ACADEMY OF SCIENCES REVIEW AND PRESIDENTIAL DETERMINATION.

(a) NAS Review.—Not later than May 31, 2013, the Secretary shall enter into an arrangement with the National Academy of Sciences to review the use of methyl tertiary butyl ether (hereafter referred to in this section as “MTBE”) in fuel and fuel additives. The review shall only use the best available scientific information and data collected by accepted methods or the best available means. The review shall examine the use of MTBE in fuel and fuel additives, significant beneficial and detrimental effects of this use on environmental quality or public health or welfare including the costs and benefits of such effects, likely effects of controls or prohibitions on MTBE regarding fuel availability and price, and other appropriate and reasonable actions that are available to protect the environment or public health or welfare from any detrimental effects of the use of MTBE in fuel or fuel additives. The review shall be peer-reviewed prior to publication and all supporting data and analytical models shall be available to the public. The review shall be completed no later than May 31, 2014.

(b) Presidential Determination.—No later than June 30, 2014, the President may make a determination that restrictions on the use of MTBE to be implemented pursuant to section 1504 shall not take place and that the legal authority contained in section 1504 to prohibit the use of MTBE in motor vehicle fuel shall become null and void.

SEC. 1506. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended as follows:

(A) In paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking “(including the oxygen content requirement contained in subparagraph (B))”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(B) In paragraph (3)(A), by striking clause (v).

(C) In paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii).

(II) by redesignating clause (iii) as clause (ii).

(2) Effective date.—The amendments made by paragraph (1) take effect 270 days after the date of enactment of this Act, except that such amendments shall take effect upon such date of enactment in any State that has received a waiver under section 209(b) of the Clean Air Act.

(b) Maintenance of Toxic Air Pollutant Emission Reductions.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended as follows:

(1) By striking “Within 1 year after the enactment of the Clean Air Act Amendments of 1990,” and inserting the following:

“(A) In general.—Not later than November 15, 1991,”.

(2) By adding at the end the following:

“(B) Maintenance of toxic air pollutant emissions reductions from reformulated gasoline.—

“(i) Definitions.—In this subparagraph the term ‘PADD’ means a Petroleum Administration for Defense District.

“(ii) Regulations regarding emissions of toxic air pollutants.—Not later than 270 days after the date of enactment of this subparagraph the Administrator shall establish, for each refinery or importer, standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refinery or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000, determined on the basis of data collected by the Administrator with respect to the refinery or importer.

“(iii) Standards applicable to specific refineries or importers.—

“(I) Applicability of standards.—For any calendar year, the standards applicable to a refinery or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refinery or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000.

“(II) Applicability of other standards.—For any calendar year, the quantity of gasoline produced or distributed by a refinery or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

“(iv) Credit program.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

“(v) Regional protection of toxics reduction baselines.—

“(I) In general.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

“(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

“(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

“(II) Effect of failure to maintain aggregate toxics reductions.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

“(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

“(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the report in subclause (II) and for subsequent years.

“(vi) Regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels.—Not later than July 1; 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).”.

(c) Consolidation in Reformulated Gasoline Regulations.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(d) Savings Clause.—Nothing in this section is intended to affect or prejudice either any legal claims or actions with respect to regulations promulgated by the Administrator of the Environmental Protection Agency (hereinafter in this subsection referred to as the “Administrator”) prior to the date of enactment of this Act regarding emissions of toxic air pollutants from motor vehicles or the adjustment of standards applicable to a specific refinery or importer made under such prior regulations and the Administrator may apply such adjustments to the standards applicable to such refinery or importer under clause (iii)(I) of section 211(k)(1)(B) of the Clean Air Act, except that—

(1) the Administrator shall revise such adjustments to be based only on calendar years 1999–2000; and

(2) for adjustments based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline, the Administrator may revise such adjustments to take account of the scope of Federal or State prohibitions on the use of methyl tertiary butyl ether imposed after the date of the enactment of this paragraph, except that any such adjustment shall require such refiner or importer, to the greatest extent practicable, to maintain the reduction achieved during calendar years 1999–2000 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refinery or importer; *Provided*, that any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 1999–2000.

SEC. 1507. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

“(p) Analyses of Motor Vehicle Fuel Changes and Emissions Model.—

“(1) Anti-backsliding analysis.—

“(A) Draft analysis.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by subtitle A of title XV of the Energy Policy Act of 2003.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 1508. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) RENEWABLE FUELS SURVEY.—(1) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national and regional basis, including each of the following:

"(A) The quantity of renewable fuels produced.

"(B) The quantity of renewable fuels blended.

"(C) The quantity of renewable fuels imported.

"(D) The quantity of renewable fuels demanded.

"(E) Market price data.

"(F) Such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this section.

"(2) The Administrator shall also collect or estimate information both on a national and regional basis, pursuant to subparagraphs (A) through (F) of paragraph (1), for the 5 years prior to implementation of this subsection.

"(3) This subsection does not affect the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).".

SEC. 1509. REDUCING THE PROLIFERATION OF STATE FUEL CONTROLS.

(a) EPA APPROVAL OF STATE PLANS WITH FUEL CONTROLS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by adding at the end the following: "The Administrator shall not approve a control or prohibition respecting the use of a fuel or fuel additive under this subparagraph unless the Administrator, after consultation with the Secretary of Energy, publishes in the Federal Register a finding that, in the Administrator's judgment, such control or prohibition will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous areas.".

(b) STUDY.—The Administrator of the Environmental Protection Agency (hereinafter in this subsection referred to as the "Administrator"), in cooperation with the Secretary of Energy, shall undertake a study of the projected effects on air quality, the proliferation of fuel blends, fuel availability, and fuel costs of providing a preference for each of the following:

(A) Reformulated gasoline referred to in subsection (k) of section 211 of the Clean Air Act.

(B) A low RVP gasoline blend that has been certified by the Administrator as having a Reid Vapor Pressure of 7.0 pounds per square inch (psi).

(C) A low RVP gasoline blend that has been certified by the Administrator as having a Reid Vapor Pressure of 7.8 pounds per square inch (psi).

In carrying out such study, the Administrator shall obtain comments from affected parties. The Administrator shall submit the results of such study to the Congress not later than 18 months after the date of enactment of this Act, together with any recommended legislative changes.

SEC. 1510. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to consumers in various States and localities;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals;

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while improving air quality at the national, regional and local levels consistent with the attainment of national ambient air quality standards, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply;

(F) the feasibility of providing incentives to promote cleaner burning motor vehicle fuel; and

(G) the extent to which improvements in air quality and any increases or decreases in the price of motor fuel can be projected to result from the Environmental Protection Agency's Tier II requirements for conventional gasoline and vehicle emission systems, the reformulated gasoline program, the renewable content requirements established by this subtitle, State programs regarding gasoline volatility, and any other requirements imposed by States or localities affecting the composition of motor fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2007, the Administrator and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report under this subsection shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report under this subsection, the Administrator and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) motor vehicle fuel producers and distributors; and

(D) the public.

SEC. 1511. COMMERCIAL BYPRODUCTS FROM MUNICIPAL SOLID WASTE AND CELLULOSIC BIOMASS LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF MUNICIPAL SOLID WASTE.—In this section, the term "municipal solid waste" has the meaning given the term "solid waste" in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary") shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the processing and conversion of municipal solid waste and cellulosic biomass into fuel ethanol and other commercial byproducts.

(c) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (b) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (b);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(d) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility because of—

(A) the limited availability of land for waste disposal;

(B) the availability of sufficient quantities of cellulosic biomass; or

(C) a high level of demand for fuel ethanol or other commercial byproducts of the facility.

(e) Maturity.—A loan guaranteed under subsection (b) shall have a maturity of not more than 20 years.

(f) Terms and Conditions.—The loan agreement for a loan guaranteed under subsection (b) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(g) Assurance of Repayment.—The Secretary shall require that an applicant for a loan guarantee under subsection (b) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(h) Guarantee Fee.—The recipient of a loan guarantee under subsection (b) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(i) Full Faith and Credit.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(j) Reports.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(l) Termination of Authority.—The authority of the Secretary to issue a loan guarantee under subsection (b) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 1512. RESOURCE CENTER.

(a) Definition.—In this section, the term "RFG State" means a State in which is located one or more covered areas (as defined in section 211(k)(10)(D) of the Clean Air Act (42 U.S.C. 7545(k)(10)(D)).

(b) Authorization of Appropriations for Resource Center.—There are authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the University of Mississippi and the University of Oklahoma, $4,000,000 for each of fiscal years 2004 through 2006.

(c) Renewable Fuel Production Research and Development Grants.—

(1) In general.—The Administrator of the Environmental Protection Agency shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

(2) Eligibility.—

(A) In general.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

(B) Application.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

(3) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 1513. CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(r) Cellulosic Biomass and Waste-Derived Ethanol Conversion Assistance.—

"(1) In general.—The Secretary of Energy may provide grants to merchant producers of cellulosic biomass ethanol and waste-derived ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of ethanol.

"(2) Eligible production facilities.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

"(A) is located in the United States; and

"(B) uses cellulosic biomass or waste-derived feedstocks derived from agricultural residues, municipal solid waste, or agricultural byproducts as that term is used in section 919 of the Energy Policy Act of 2003.

"(3) Authorization of appropriations.—There are authorized to be appropriated the following amounts to carry out this subsection:

"(A) $100,000,000 for fiscal year 2004.

"(B) $250,000,000 for fiscal year 2005.

"(C) $400,000,000 for fiscal year 2006.".

SEC. 1514. BLENDING OF COMPLIANT REFORMULATED GASOLINES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(s) Blending of Compliant Reformulated Gasolines.—

"(1) In general.—Notwithstanding subsections (h) and (k) and subject to the limitations in paragraph (2) of this subsection, it shall not be a violation of this subtitle for a gasoline retailer, during any month of the year, to blend at a retail location batches of ethanol-blended and non-ethanol-blended reformulated gasoline, provided that—

"(A) each batch of gasoline to be blended has been individually certified as in compliance with subsections (h) and (k) prior to being blended;

"(B) the retailer notifies the Administrator prior to such blending, and identifies the exact location of the retail station and the specific tank in which such blending will take place;

"(C) the retailer retains and, as requested by the Administrator or the Administrator's designee, makes available for inspection such certifications accounting for all gasoline at the retail outlet; and

"(D) the retailer does not, between June 1 and September 15 of each year, blend a batch of VOC-controlled, or 'summer', gasoline with a batch of non-VOC-controlled, or 'winter', gasoline (as these terms are defined under subsections (h) and (k)).

"(2) Limitations.—

"(A) Frequency limitation.—A retailer shall only be permitted to blend batches of compliant reformulated gasoline under this subsection a maximum of two blending periods between May 1 and September 15 of each calendar year.

"(B) Duration of blending period.—Each blending period authorized under subparagraph (A) shall extend for a period of no more than 10 consecutive calendar days.

"(3) Surveys.—A sample of gasoline taken from a retail location that has blended gasoline within the past 30 days and is in compliance with subparagraphs (A), (B), (C), and (D) of paragraph (1) shall not be used in a VOC survey mandated by 40 C.F.R. Part 80.

"(4) State implementation plans.—A State shall be held harmless and shall not be required to revise its State implementation plan under section 110 to account for the emissions from blended gasoline authorized under paragraph (1).

"(5) Preservation of state law.—Nothing in this subsection shall—

"(A) preempt existing State laws or regulations regulating the blending of compliant gasolines; or

"(B) prohibit a State from adopting such restrictions in the future.

"(6) Regulations.—The Administrator shall promulgate, after notice and comment, regulations implementing this subsection within one year after the date of enactment of this subsection.

"(7) Effective date.—This subsection shall become effective 15 months after the date of its enactment and shall apply to blended batches of reformulated gasoline on or after that date, regardless of whether the implementing regulations required by paragraph (6) have been promulgated by the Administrator by that date.

"(8) Liability.—No person other than the person responsible for blending under this subsection shall be subject to an enforcement action or penalties under subsection (d) solely arising from the blending of compliant reformulated gasolines by the retailers.

"(9) Formulation of gasoline.—This subsection does not grant authority to the Administrator or any State (or any subdivision thereof) to require reformulation of gasoline at the refinery to adjust for potential or actual emissions increases due to the blending authorized by this subsection.".

Subtitle B—Underground Storage Tank Compliance

SEC. 1521. SHORT TITLE.

This subtitle may be cited as the "Underground Storage Tank Compliance Act of 2004".

SEC. 1522. LEAKING UNDERGROUND STORAGE TANKS.

(a) In General.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

"(f) Trust Fund Distribution.—

"(1) In general.—

"(A) Amount and permitted uses of distribution.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State for—

"(i) actions taken by the State under section 9003(h)(7)(A);

"(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to State fund or State assurance programs under subsection (c)(1);

"(iii) any State fund or State assurance program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the States, the financial resources of the owner and operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business; or

‘‘(iv) enforcement, by a State or a local government, of State or local regulations pertaining to underground storage tanks regulated under this subtitle.

‘‘(B) Use of funds for enforcement.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

‘‘(C) Prohibited uses.—Funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under subparts B, C, D, H, and G of part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

‘‘(2) Allocation.—

‘‘(A) Process.—Subject to subparagraphs (B) and (C), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using an allocation process developed by the Administrator.

‘‘(B) Diversion of state funds.—The Administrator shall not distribute funds under subparagraph (A)(iii) of subsection (f)(1) to any State that has diverted funds from a State fund or State assurance program for purposes other than those related to the regulation of underground storage tanks covered by this subtitle, with the exception of those transfers that had been completed earlier than the date of enactment of this subsection.

‘‘(C) Revisions to process.—The Administrator may revise the allocation process referred to in subparagraph (A) after—

‘‘(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks; and

‘‘(ii) taking into consideration, at a minimum, each of the following:

‘‘(I) The number of confirmed releases from federally regulated leaking underground storage tanks in the States.

‘‘(II) The number of federally regulated underground storage tanks in the States.

‘‘(III) The performance of the States in implementing and enforcing the program.

‘‘(IV) The financial needs of the States.

‘‘(V) The ability of the States to use the funds referred to in subparagraph (A) in any year.

‘‘(3) Distributions to state agencies.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

‘‘(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

‘‘(B) is enforcing a State program approved under this section.

‘‘(4) Cost recovery prohibition.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).’’.

(b) Withdrawal of Approval of State Funds.—Section 9004(c) of the Solid Waste Disposal Act (42 U.S.C. 6991c(c)) is amended by inserting the following new paragraph at the end thereof:

‘‘(6) Withdrawal of approval.—After an opportunity for good faith, collaborative efforts to correct financial deficiencies with a State fund, the Administrator may withdraw approval of any State fund or State assurance program to be used as a financial responsibility mechanism without withdrawing approval of a State underground storage tank program under section 9004(a).’’.

SEC. 1523. INSPECTION OF UNDERGROUND STORAGE TANKS.

(a) Inspection Requirements.—Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended by inserting the following new subsection at the end thereof:

‘‘(c) Inspection Requirements.—

‘‘(1) Uninspected tanks.—In the case of underground storage tanks regulated under this subtitle that have not undergone an inspection since December 22, 1998, not later than 2 years after the date of enactment of this subsection, the Administrator or a State that receives funding under this subtitle, as appropriate, shall conduct on-site inspections of all such tanks to determine compliance with this subtitle and the regulations under this subtitle (40 C.F.R. 280) or a requirement or standard of a State program developed under section 9004.

‘‘(2) Periodic inspections.—After completion of all inspections required under paragraph (1), the Administrator or a State that receives funding under this subtitle, as appropriate, shall conduct on-site inspections of each underground storage tank regulated under this subtitle at least once every 3 years to determine compliance with this subtitle and the regulations under this subtitle (40 C.F.R. 280) or a requirement or standard of a State program developed under section 9004. The Administrator may extend for up to one additional year the first 3-year inspection interval under this paragraph if the State demonstrates that it has insufficient resources to complete all such inspections within the first 3-year period.

‘‘(3) Inspection authority.—Nothing in this section shall be construed to diminish the Administrator's or a State's authorities under section 9005(a).’’.

(b) Study of Alternative Inspection Programs.—The Administrator of the Environmental Protection Agency, in coordination with a State, shall gather information on compliance assurance programs that could serve as an alternative to the inspection programs under section 9005(c) of the Solid Waste Disposal Act (42 U.S.C. 6991d(c)) and shall, within 4 years after the date of enactment of this Act, submit a report to the Congress containing the results of such study.

SEC. 1524. OPERATOR TRAINING.

(a) In General.—Section 9010 of the Solid Waste Disposal Act (42 U.S.C. 6991i) is amended to read as follows:

‘‘SEC. 9010. OPERATOR TRAINING.

‘‘(a) Guidelines.—

‘‘(1) In general.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2004, in consultation and cooperation with States and after public notice and opportunity for comment, the Administrator shall publish guidelines that specify training requirements for persons having primary daily on-site management responsibility for the operation and maintenance of underground storage tanks.

‘‘(2) Considerations.—The guidelines described in paragraph (1) shall take into account—

‘‘(A) State training programs in existence as of the date of publication of the guidelines;

‘‘(B) training programs that are being employed by tank owners and tank operators as of the date of enactment of the Underground Storage Tank Compliance Act of 2004;

‘‘(C) the high turnover rate of tank operators and other personnel;

‘‘(D) the frequency of improvement in underground storage tank equipment technology;

‘‘(E) the nature of the businesses in which the tank operators are engaged; and

‘‘(F) such other factors as the Administrator determines to be necessary to carry out this section.

‘‘(b) State Programs.—

‘‘(1) In general.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State that receives funding under this subtitle shall develop State-specific training requirements that are consistent with the guidelines developed under subsection (a)(1).

‘‘(2) Requirements.—State requirements described in paragraph (1) shall—

‘‘(A) be consistent with subsection (a);

‘‘(B) be developed in cooperation with tank owners and tank operators;

‘‘(C) take into consideration training programs implemented by tank owners and tank operators as of the date of enactment of this section; and

‘‘(D) be appropriately communicated to tank owners and operators.

‘‘(3) Financial incentive.—The Administrator may award to a State that develops and implements requirements described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $200,000, to be used to carry out the requirements.

‘‘(c) Operators.—All persons having primary daily on-site management responsibility for the operation and maintenance of any underground storage tank shall—

‘‘(1) meet the training requirements developed under subsection (b); and

‘‘(2) repeat the applicable requirements developed under subsection (b), if the tank for which they have primary daily on-site management responsibilities is determined to be out of compliance with—

‘‘(A) a requirement or standard promulgated by the Administrator under section 9003; or

‘‘(B) a requirement or standard of a State program approved under section 9004.’’.

(b) State Program Requirement.—Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking ‘‘and’’ at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ‘‘; and’’, and by adding the following new paragraph at the end thereof:

‘‘(9) State-specific training requirements as required by section 9010.’’.

(c) Enforcement.—Section 9006(d)(2) of such Act (42 U.S.C. 6991e) is amended as follows:

(1) By striking ‘‘or’’ at the end of subparagraph (B).

(2) By adding the following new subparagraph after subparagraph (C):

‘‘(D) the training requirements established by States pursuant to section 9010 (relating to operator training); or’’.

(d) Table of Contents.—The item relating to section 9010 in table of contents for the Solid Waste Disposal Act is amended to read as follows:

‘‘Sec. 9010. Operator training.’’.

SEC. 1525. REMEDIATION FROM OXYGENATED FUEL ADDITIVES.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended as follows:

(1) In paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)" ; and

(B) by striking "and including the authorities of paragraphs (4), (6), and (8) of this subsection" and inserting "and the authority under sections 9011 and 9012 and paragraphs (4), (6), and (8),".

(2) By adding at the end the following:

"(12) Remediation of oxygenated fuel contamination.—

"(A) In general.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of a fuel containing an oxygenated fuel additive that presents a threat to human health or welfare or the environment.

"(B) Applicable authority.—The Administrator or a State shall carry out subparagraph (A) in accordance with paragraph (2), and in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

SEC. 1526. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) Release Prevention and Compliance.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding at the end the following:

"SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

"(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

"(2) by the Administrator, for tanks regulated under this subtitle (including under a State program approved under section 9004).".

(b) Government-Owned Tanks.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

"(i) Government-Owned Tanks.—

"(1) State compliance report.—(A) Not later than 2 years after the date of enactment of this subsection, each State that receives funding under this subtitle shall submit to the Administrator a State compliance report that—

"(i) lists the location and owner of each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with section 9003; and

"(ii) specifies the date of the last inspection and describes the actions that have been and will be taken to ensure compliance of the underground storage tank listed under clause (i) with this subtitle.

"(B) An underground storage tank described in this subparagraph is an underground storage tank that is—

"(i) regulated under this subtitle; and

"(ii) owned or operated by the Federal, State, or local government.

"(C) The Administrator shall make each report, received under subparagraph (A), available to the public through an appropriate media.

"(2) Financial incentive.—The Administrator may award to a State that develops a report described in paragraph (1), in addition to any other funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the report.

"(3) Not a safe harbor.—This subsection does not relieve any person from any obligation or requirement under this subtitle.".

(c) Public Record.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

"(d) Public Record.—

"(1) In general.—The Administrator shall require each State that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States), a record of underground storage tanks regulated under this subtitle.

"(2) Considerations.—To the maximum extent practicable, the public record of a State, respectively, shall include, for each year—

"(A) the number, sources, and causes of underground storage tank releases in the State;

"(B) the record of compliance by underground storage tanks in the State with—

"(i) this subtitle; or

"(ii) an applicable State program approved under section 9004; and

"(C) data on the number of underground storage tank equipment failures in the State.".

(d) Incentive for Performance.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

"(e) Incentive for Performance.—Both of the following may be taken into account in determining the terms of a civil penalty under subsection (d):

"(1) The compliance history of an owner or operator in accordance with this subtitle or a program approved under section 9004.

"(2) Any other factor the Administrator considers appropriate.".

(e) Table of Contents.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9011. Use of funds for release prevention and compliance.".

SEC. 1527. DELIVERY PROHIBITION.

(a) In General.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding at the end the following:

"SEC. 9012. DELIVERY PROHIBITION.

"(a) Requirements.—

"(1) Prohibition of delivery or deposit.—Beginning 2 years after the date of enactment of this section, it shall be unlawful to deliver to, deposit into, or accept a regulated substance into an underground storage tank at a facility which has been identified by the Administrator or a State implementing agency to be ineligible for fuel delivery or deposit.

"(2) Guidance.—Within 1 year after the date of enactment of this section, the Administrator and States that receive funding under this subtitle shall, in consultation with the underground storage tank owner and product delivery industries, for territory for which they are the primary implementing agencies, publish guidelines detailing the specific processes and procedures they will use to implement the provisions of this section. The processes and procedures include, at a minimum—

"(A) the criteria for determining which underground storage tank facilities are ineligible for delivery or deposit;

"(B) the mechanisms for identifying which facilities are ineligible for delivery or deposit to the underground storage tank owning and fuel delivery industries;

"(C) the process for reclassifying ineligible facilities as eligible for delivery or deposit; and

"(D) a delineation of, or a process for determining, the specified geographic areas subject to paragraph (4).

"(3) Delivery prohibition notice.—

"(A) Roster.—The Administrator and each State implementing agency that receives funding under this subtitle shall establish within 24 months after the date of enactment of this section a Delivery Prohibition Roster listing underground storage tanks under the Administrator's or the State's jurisdiction that are determined to be ineligible for delivery or deposit pursuant to paragraph (2).

"(B) Notification.—The Administrator and each State, as appropriate, shall make readily known, to underground storage tank owners and operators and to product delivery industries, the underground storage tanks listed on a Delivery Prohibition Roster by:

"(i) posting such Rosters, including the physical location and street address of each listed underground storage tank, on official web sites and, if the Administrator or the State so chooses, other electronic means;

"(ii) updating these Rosters periodically; and

"(iii) installing a tamper-proof tag, seal, or other device blocking the fill pipes of such underground storage tanks to prevent the delivery of product into such underground storage tanks.

"(C) Roster updates.—The Administrator and the State shall update the Delivery Prohibition Rosters as appropriate, but not less than once a month on the first day of the month.

"(D) Tampering with device.—

"(i) Prohibition.—It shall be unlawful for any person, other than an authorized representative of the Administrator or a State, as appropriate, to remove, tamper with, destroy, or damage a device installed by the Administrator or a State, as appropriate, under subparagraph (B)(iii) of this subsection.

"(ii) Civil penalties.—Any person violating clause (i) of this subparagraph shall be subject to a civil penalty not to exceed $10,000 for each violation.

"(4) Limitation.—

"(A) Rural and remote areas.—Subject to subparagraph (B), the Administrator or a State shall not include an underground storage tank on a Delivery Prohibition Roster under paragraph (3) if an urgent threat to public health, as determined by the Administrator, does not exist and if such a delivery prohibition would jeopardize the availability of, or access to, fuel in any rural and remote areas.

"(B) Applicability of limitation.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator or the appropriate State that exercising the authority of paragraph (3) is limited by subparagraph (A).

"(b) Effect on State Authority.—Nothing in this section shall affect the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.

"(c) Defense to Violation.—A person shall not be in violation of subsection (a)(1) if the underground storage tank into which a regulated substance is delivered is not listed on the Administrator's or the appropriate State's Prohibited Delivery Roster 7 calendar days prior to the delivery being made.".

(b) Enforcement.—Section 9006(d)(2) of such Act (42 U.S.C. 6991e(d)(2)) is amended as follows:

(1) By adding the following new subparagraph after subparagraph (D):

"(E) the delivery prohibition requirement established by section 9012,".

(2) By adding the following new sentence at the end thereof: "Any person making or accepting a delivery or deposit of a regulated substance to an underground storage tank at an ineligible facility in violation of section 9012 shall also be subject to the same civil penalty for each day of such violation.".

(c) Table of Contents.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9012. Delivery prohibition.".

SEC. 1528. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended to read as follows:

"SEC. 9007. FEDERAL FACILITIES.

"(a) In General.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any underground storage tank or underground storage tank system, or (2) engaged in any activity resulting, or which may result, in the installation, operation, management, or closure of any underground storage tank, release response activities related thereto, or in the delivery, acceptance, or deposit of any regulated substance to an underground storage tank or underground storage tank system shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting underground storage tanks in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local underground storage tank regulatory program. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning underground storage tanks with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State law concerning underground storage tanks, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction. The President may exempt any underground storage tank of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"(b) Review of and Report on Federal Underground Storage Tanks.—

"(1) Review.—Not later than 12 months after the date of enactment of the Underground Storage Tank Compliance Act of 2004, each Federal agency that owns or operates 1 or more underground storage tanks, or that manages land on which 1 or more underground storage tanks are located, shall submit to the Administrator, the Committee on Energy and Commerce of the United States House of Representatives, and the Committee on the Environment and Public Works of the United States Senate a compliance strategy report that—

"(A) lists the location and owner of each underground storage tank described in this paragraph;

"(B) lists all tanks that are not in compliance with this subtitle that are owned or operated by the Federal agency;

"(C) specifies the date of the last inspection by a State or Federal inspector of each underground storage tank owned or operated by the agency;

"(D) lists each violation of this subtitle respecting any underground storage tank owned or operated by the agency;

"(E) describes the operator training that has been provided to the operator and other persons having primary daily on-site management responsibility for the operation and maintenance of underground storage tanks owned or operated by the agency; and

"(F) describes the actions that have been and will be taken to ensure compliance for each underground storage tank identified under subparagraph (B).

"(2) Not a safe harbor.—This subsection does not relieve any person from any obligation or requirement under this subtitle.".

SEC. 1529. TANKS ON TRIBAL LANDS.

(a) In General.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding the following at the end thereof:

"SEC. 9013. TANKS ON TRIBAL LANDS.

"(a) Strategy.—The Administrator, in coordination with Indian tribes, shall, not later than 1 year after the date of enactment of this section, develop and implement a strategy—

"(1) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

"(A) an Indian reservation; or

"(B) any other area under the jurisdiction of an Indian tribe; and

"(2) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

"(A) an Indian reservation; or

"(B) any other area under the jurisdiction of an Indian tribe.

"(b) Report.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that summarizes the status of implementation and enforcement of this subtitle in areas located wholly within—

"(1) the boundaries of Indian reservations; and

"(2) any other areas under the jurisdiction of an Indian tribe.

The Administrator shall make the report under this subsection available to the public.

"(c) Not a Safe Harbor.—This section does not relieve any person from any obligation or requirement under this subtitle.

"(d) State Authority.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.".

(b) Table of Contents.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9013. Tanks on Tribal lands.".

SEC. 1530. FUTURE RELEASE CONTAINMENT TECHNOLOGY.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, after consultation with States, shall make available to the public and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate information on the effectiveness of alternative possible methods and means for containing releases from underground storage tanks systems.

SEC. 1531. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding at the end the following:

"SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator the following amounts:

"(1) To carry out subtitle I (except sections 9003(h), 9005(c), 9011 and 9012) $50,000,000 for each of fiscal years 2004 through 2008.

"(2) From the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986:

"(A) to carry out section 9003(h) (except section 9003(h)(12)) $200,000,000 for each of fiscal years 2004 through 2008;

"(B) to carry out section 9003(h)(12), $200,000,000 for each of fiscal years 2004 through 2008;

"(C) to carry out sections 9004(f) and 9005(c) $100,000,000 for each of fiscal years 2004 through 2008; and

"(D) to carry out sections 9011 and 9012 $55,000,000 for each of fiscal years 2004 through 2008.".

(b) TABLE OF CONTENTS.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9014. Authorization of appropriations.".

SEC. 1532. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended as follows:

(1) By striking "For the purposes of this subtitle—" and inserting "In this subtitle:".

(2) By redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively.

(3) By inserting before paragraph (2) (as redesignated by paragraph (2) of this subsection) the following:

"(1) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

"(B) INCLUSIONS.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and".

(4) By inserting after paragraph (8) (as redesignated by paragraph (2) of this subsection) the following:

"(9) TRUST FUND.—The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS.—The Solid Waste Disposal Act (42 U.S.C. 6901 and following) is amended as follows:

(1) Section 9003(f) (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking "9001(2)(B)" and inserting "9001(7)(B)"; and

(B) in paragraphs (2) and (3), by striking "9001(2)(A)" each place it appears and inserting "9001(7)(A)".

(2) Section 9003(h) (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking "Leaking Underground Storage Tank Trust Fund" each place it appears and inserting "Trust Fund".

(3) Section 9009 (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking "9001(2)(B)" and inserting "9001(7)(B)"; and

(B) in subsection (d), by striking "section 9001(1) (A) and (B)" and inserting "subparagraphs (A) and (B) of section 9001(10)".

SEC. 1533. TECHNICAL AMENDMENTS.

The Solid Waste Disposal Act is amended as follows:

(1) Section 9001(4)(A) (42 U.S.C. 6991(4)(A)) is amended by striking "sustances" and inserting "substances".

(2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(3) Section 9004(a) (42 U.S.C. 6991c(a)) is amended by striking "in 9001(2) (A) or (B) or both" and inserting "in subparagraph (A) or (B) of section 9001(7)".

(4) Section 9005 (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

TITLE XVI—STUDIES

SEC. 1601. STUDY ON INVENTORY OF PETROLEUM AND NATURAL GAS STORAGE.

(a) DEFINITION.—For purposes of this section "petroleum" means crude oil, motor gasoline, jet fuel, distillates, and propane.

(b) STUDY.—The Secretary of Energy shall conduct a study on petroleum and natural gas storage capacity and operational inventory levels, nationwide and by major geographical regions.

(c) CONTENTS.—The study shall address—

(1) historical normal ranges for petroleum and natural gas inventory levels;

(2) historical and projected storage capacity trends;

(3) estimated operation inventory levels below which outages, delivery slowdown, rationing, interruptions in service, or other indicators of shortage begin to appear;

(4) explanations for inventory levels dropping below normal ranges; and

(5) the ability of industry to meet United States demand for petroleum and natural gas without shortages or price spikes, when inventory levels are below normal ranges.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit a report to Congress on the results of the study, including findings and any recommendations for preventing future supply shortages.

SEC. 1602. NATURAL GAS SUPPLY SHORTAGE REPORT.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on natural gas supplies and demand. In preparing the report, the Secretary shall consult with experts in natural gas supply and demand as well as representatives of State and local units of government, tribal organizations, and consumer and other organizations. As the Secretary deems advisable, the Secretary may hold public hearings and provide other opportunities for public comment. The report shall contain recommendations for Federal actions that, if implemented, will result in a balance between natural gas supply and demand at a level that will ensure, to the maximum extent practicable, achievement of the objectives established in subsection (b).

(b) OBJECTIVES OF REPORT.—In preparing the report, the Secretary shall seek to develop a series of recommendations that will result in a balance between natural gas supply and demand adequate to—

(1) provide residential consumers with natural gas at reasonable and stable prices;

(2) accommodate long-term maintenance and growth of domestic natural gas-dependent industrial, manufacturing, and commercial enterprises;

(3) facilitate the attainment of national ambient air quality standards under the Clean Air Act;

(4) permit continued progress in reducing emissions associated with electric power generation; and

(5) support development of the preliminary phases of hydrogen-based energy technologies.

(c) CONTENTS OF REPORT.—The report shall provide a comprehensive analysis of natural gas supply and demand in the United States for the period from 2004 to 2015. The analysis shall include, at a minimum—

(1) estimates of annual domestic demand for natural gas that take into account the effect of Federal policies and actions that are likely to increase and decrease demand for natural gas;

(2) projections of annual natural gas supplies, from domestic and foreign sources, under existing Federal policies;

(3) an identification of estimated natural gas supplies that are not available under existing Federal policies;

(4) scenarios for decreasing natural gas demand and increasing natural gas supplies comparing relative economic and environmental impacts of Federal policies that—

(A) encourage or require the use of natural gas to meet air quality, carbon dioxide emission reduction, or energy security goals;

(B) encourage or require the use of energy sources other than natural gas, including coal, nuclear, and renewable sources;

(C) support technologies to develop alternative sources of natural gas and synthetic gas, including coal gasification technologies;

(D) encourage or require the use of energy conservation and demand side management practices; and

(E) affect access to domestic natural gas supplies; and

(5) recommendations for Federal actions to achieve the objectives of the report, including recommendations that—

(A) encourage or require the use of energy sources other than natural gas, including coal, nuclear, and renewable sources;

(B) encourage or require the use of energy conservation or demand side management practices;

(C) support technologies for the development of alternative sources of natural gas and synthetic gas, including coal gasification technologies; and

(D) will improve access to domestic natural gas supplies.

SEC. 1603. SPLIT-ESTATE FEDERAL OIL AND GAS LEASING AND DEVELOPMENT PRACTICES.

(a) REVIEW.—In consultation with affected private surface owners, oil and gas industry, and other interested parties, the Secretary of the Interior shall undertake a review of the current policies and practices with respect to management of Federal subsurface oil and gas development activities and their effects on the privately owned surface. This review shall include—

(1) a comparison of the rights and responsibilities under existing mineral and land law for the owner of a Federal mineral lease, the private surface owners and the Department;

(2) a comparison of the surface owner consent provisions in section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304) concerning surface mining of Federal coal deposits and the surface owner consent provisions for oil and gas development, including coalbed methane production; and

(3) recommendations for administrative or legislative action necessary to facilitate reasonable access for Federal oil and gas activities while addressing surface owner concerns and minimizing impacts to private surface.

(b) REPORT.—The Secretary of the Interior shall report the results of such review to Congress not later than 180 days after the date of enactment of this Act.

SEC. 1604. RESOLUTION OF FEDERAL RESOURCE DEVELOPMENT CONFLICTS IN THE POWDER RIVER BASIN.

The Secretary of the Interior shall—

(1) undertake a review of existing authorities to resolve conflicts between the development of Federal coal and the development of Federal and non-Federal coalbed methane in the Powder River Basin in Wyoming and Montana; and

(2) not later than 6 months after the date of enactment of this Act, report to Congress

on alternatives to resolve these conflicts and identification of a preferred alternative with specific legislative language, if any, required to implement the preferred alternative.

SEC. 1605. STUDY OF ENERGY EFFICIENCY STANDARDS.

The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within 1 year after the date of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report to Congress.

SEC. 1606. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Commission, the Director of the Office of Personnel Management, the Administrator of General Services, and the Administrator of NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting by Federal employees:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and Congress a report on the study required by this section not later than 6 months after the date of enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term "telecommuting" means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

(5) FEDERAL EMPLOYEE.—The term "Federal employee" has the meaning provided the term "employee" by section 2105 of title 5, United States Code.

SEC. 1607. LIHEAP REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to Congress a report on how the Low-Income Home Energy Assistance Program could be used more effectively to prevent loss of life from extreme temperatures. In preparing such report, the Secretary shall consult with appropriate officials in all 50 States and the District of Columbia.

SEC. 1608. OIL BYPASS FILTRATION TECHNOLOGY.

The Secretary of Energy and the Administrator of the Environmental Protection Agency shall—

(1) conduct a joint study of the benefits of oil bypass filtration technology in reducing demand for oil and protecting the environment;

(2) examine the feasibility of using oil bypass filtration technology in Federal motor vehicle fleets; and

(3) include in such study, prior to any determination of the feasibility of using oil bypass filtration technology, the evaluation of products and various manufacturers.

SEC. 1609. TOTAL INTEGRATED THERMAL SYSTEMS.

The Secretary of Energy shall—

(1) conduct a study of the benefits of total integrated thermal systems in reducing demand for oil and protecting the environment; and

(2) examine the feasibility of using total integrated thermal systems in Department of Defense and other Federal motor vehicle fleets.

SEC. 1610. UNIVERSITY COLLABORATION.

Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress a report that examines the feasibility of promoting collaborations between large institutions of higher education and small institutions of higher education through grants, contracts, and cooperative agreements made by the Secretary for energy projects. The Secretary shall also consider providing incentives for the inclusion of small institutions of higher education, including minority-serving institutions, in energy research grants, contracts, and cooperative agreements.

SEC. 1611. RELIABILITY AND CONSUMER PROTECTION ASSESSMENT.

Not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, the Federal Energy Regulatory Commission shall assess the effects of the exemption of electric cooperatives and government-owned utilities from Commission regulation under section 201(f) of the Federal Power Act. The assessment shall include any effects on—

(1) reliability of interstate electric transmission networks;

(2) benefit to consumers, and efficiency, of competitive wholesale electricity markets;

(3) just and reasonable rates for electricity consumers; and

(4) the ability of the Commission to protect electricity consumers.

If the Commission finds that the 201(f) exemption results in adverse effects on consumers or electric reliability, the Commission shall make appropriate recommendations to Congress pursuant to section 311 of the Federal Power Act.

☐ 1415

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 671, the gentleman from Texas (Mr. HALL) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes. The gentleman from California (Mr. POMBO), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Louisiana (Mr. McCRERY), and the gentleman from Maryland (Mr. CARDIN) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4503, which is the same as the H.R. 6 conference report. This bill is the most comprehensive energy bill we have debated in decades. We have debated energy legislation hard and fast for the past two Congresses, and we debated it for many Congresses prior to that.

Those who oppose a comprehensive energy bill seem to forget that they use the very resources that the energy bill seeks to produce, the very resources that are now in short supply.

People who oppose this bill will no doubt question why we are debating and voting on this bill today. They will claim that it is merely a political ploy to force passage of the conference report on H.R. 6. The real question is why opponents are willing to fiddle while Rome is burning by refusing to vote for this bill. I suppose their constituents walk to work or ride horses, burn candles instead of electricity, do not use furnaces or air conditioners, and do not use plastics. If we continue, Mr. Speaker, to do absolutely nothing, then that may be the scenario that will come to pass for all of us. I, for one, do not want to go back to those days.

One section of the bill that will do as much good as any other provision to alleviate supply shortages in the future is the Ultra Deepwater Research and Development Program. With public lands being increasingly more difficult to lease for oil and gas exploration and significant areas of the offshore still off limits, the ultra deepwater holds the key to our continued ability to supply most of our energy needs domestically. However, to tap resources that lie deep beneath the ocean floor in water depths greater than 1,500 meters will require a considerable amount of research and development.

The program this bill establishes through the Department of Energy provides the necessary funding to extract natural gas in an environmentally safe and secure manner, while providing much-needed natural gas to fuel our growing economy. Therefore, I urge the passage of H.R. 4503.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the House is again considering a bill that has already passed the body, but it has not been enacted into law. This might be called the "summer reruns." It might also be called low comedy, or ancient history, because this is an unfortunate waste, not only of this body's time but, quite frankly, the taxpayers' money.

We are about to set about passing a bill that was unacceptable to the Senate before, surrounded itself with enormous controversy, and will serve no purpose in terms of addressing energy concerns of this country.

Meanwhile, I note we have neither passed any budget nor any single appropriations measure. If there is ever a bill that does not deserve to pass twice, this is it. It should not even have been passed the first time. Rarely has a bill been so criticized in all quarters. This so-called Energy Policy Act is a conglomeration of costly special interest subsidies and antienvironmental provisions that newspapers from coast to coast have denounced. It includes the denunciation of such conservative newspapers as the editorial pages of the Wall Street Journal.

One prominent Republican Senator refers to this bill as one which helps "hooters and polluters," because it provides subsidies for a Louisiana mall that will feature a Hooter's Restaurant, and because it has dozens of other provisions that threaten clean air, safe drinking water, like easing the regulations on such good-hearted American corporations as Halliburton, which uses hydraulic fracturing.

Indeed, the only support for this bill comes from the special interests and industries that met in secret with the Cheney task force to hatch this outrageous piece of legislation.

The conference on this bill was also, as I noted, held in secret and kept from the light of day. As I said when the Congress considered this legislation last year, "when you lift the lid, it's like lifting the lid on a garbage can, because you get a strong smell of special interest provisions."

While I support the recycling of trash, this piece of legislation looks worse the second time around. It is more than three times more costly than even the President requested. The Energy Information Administration says it will have no short-term impact on gasoline prices and, in the long run, will actually raise gasoline prices.

If my colleagues on the Republican side were paying attention to all Americans and not just special interests, they would recognize that there have been three important matters to deal with which have occurred on this President's watch: 1, gasoline prices and natural gas prices have reached all-time highs; 2, an electricity blackout that affected better than 50 million Americans; 3, the gouging of electricity consumers on the west coast has been a noteworthy outrage.

Democrats have proposed commonsense steps that we should take to address these problems, and we will discuss these matters and measures during the debate on the motion to recommit.

I usually applaud the recycling of trash, but this trash is well passed recycling. It is too tart. It should be put in the legislative trash heap where it belongs.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman for his generosity and for yielding me this time.

I just would point out that some might think this bill should not deserve to pass for the second time; but it did, it did pass very nicely the first time. Sixty-six Members of this House of Representatives above the passing mark decided this was a very good bill. So we are not in agreement as to whether it is a good bill or not.

Just this last November, I stood before this body and urged my colleagues to support the energy conference report. I have watched in frustration, along with the rest of the country, as gas prices continue to go through the roof and the other body sits on our hard work for the sake of election-year politicians. We are in desperate need of a comprehensive energy policy, and I want to extend my gratitude to the gentleman from Texas (Chairman BARTON) for bringing this legislation to the floor once again.

A truly comprehensive national energy plan should include the utilization of all domestic resources that can be extracted in an environmentally sound fashion; a diversified and well-balanced portfolio of fuel sources for electric generation, including nuclear, clean coal, hydro, and natural gas; improvements to transmission capacity, ensuring the reliability of our electric transmission grid, because oh, how we forget just some months ago; energy efficiency incentives, conservation measures, and targeted research dollars with an eye on the future, and that is what this bill does.

Mr. Speaker, this bill achieves all of this and strikes the necessary balance. I rise today, Mr. Speaker, to support this bill; and I am happy to say I believe the majority of the House of Representatives will support it.

Not since early 1992 and, in fact, until this administration came along has the importance of U.S. energy policy been prioritized again where it should be. Today we can take another step forward to uniquely reposition ourselves as a country in terms of energy independence and getting back ahead of the curve.

I encourage all Members to support this sound, coherent, comprehensive policy for America. Let us send our colleagues in the other body a reminder that our constituents should come first. It is time to push politics to the side and do what is right for this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain from characterizations of the other body.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact that we are considering this bill for the second time does not make it any better. On behalf of the Democrats on the Committee on Ways and Means, we would like to point out that this bill will cost $23.5 billion over the next 10 years and add to the deficit of this Nation. Every dollar of relief provided in this bill will have to be borrowed; and we are going to have to pay interest on it, adding to the irresponsible economic program that the majority has thrust upon us.

Mr. Speaker, it is interesting to look at the evolution of this bill. The President had requested that an energy bill be passed that cost $8 billion. When we passed the bill originally in this body, it cost $17.8 billion. In the other body, they passed a bill that was $15.8 billion, but with set-offs, with revenue provisions. Now we have a bill that has grown to $23.5 billion.

The reason, quite frankly, Mr. Speaker, is that this bill contains numerous special interest provisions to provide breaks for different corporate interests. It is not an energy policy. It is a corporate giveaway in many respects. It does not reduce our dependency on imported oil. We should be doing a much more aggressive program on renewables and alternative fuels, but we are not. This bill does very little to make us energy self-sufficient. It does nothing. It is actually counterproductive. It does not deal with the electricity blackouts that we have suffered. It certainly is not environmental friendly; in fact, it hurts our environment.

This is why this bill has been labeled by many of the editorial writers, USA Today: "Costly local giveaways overload energy plan." The Detroit Free Press: "Wrong direction on national energy strategy. This country would be better off if they shelve this effort." Philadelphia Inquirer: "Leaders are using the blackout as an excuse to try to ram through a bill that has been wrong-headed since the day it emerged."

Mr. Speaker, this bill was not worthy of our support before; it is not worthy of our support today.

Mr. Speaker, I ask unanimous consent that the remainder of my time be yielded to and controlled by the gentleman from Michigan (Mr. DINGELL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in support of this legislation because it will create jobs across the country and make us more secure by reducing our dependence on foreign oil.

The America that I know strives to be the best in everything. Our people are remarkably driven in their pursuit of excellence. We are home to the top scientists, doctors, inventors, and entrepreneurs.

Why, then, do we settle for honorable mention when it comes to our role as a player in the world energy market? Why are we not the gold medallist? Why has our country been without an energy policy for more than a decade? Why do we wait to act as each day puts us more in jeopardy while our foreign counterparts run up the tab at our expense?

We import more than half of our oil from foreign sources, and that number will grow to more than 66 percent by the end of the decade if we do not act now.

America loses when we import foreign oil. For every $1 billion that we import, we lose more than 12,000 jobs. At today's oil prices, that means we send more than 1.7 million jobs overseas. By passing a comprehensive energy policy, we will create more than 800,000 new jobs in the energy industry.

In my home State of Oklahoma, more than 100,000 people are employed by the energy industry. Mr. Speaker, I can tell my colleagues that these are good, high-wage jobs.

I have heard my colleagues on the other side of the aisle paint a gloom and doom picture of our economy. Well, here is their chance to make a difference.

We have a responsibility to pass this legislation and send it to President Bush. Rarely do we have an opportunity to create so many jobs, and it is time to act now.

Let us send an energy bill to the President, let us create more than 800,000 new jobs, and let it begin now.

□ 1430

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume under my time.

Mr. Speaker, the latest edition of Business Week notes that "$2 a gallon gasoline have given the oil companies a Mississippi River of cash flow."

Big oil is reeling in profit, reaching deep into the pockets of Americans at the pump. What happens in response? Today, the Republican majority wants to reward them with billions of dollars of tax breaks and directed spending that will not improve our energy situation one iota.

Indeed, this past February the Energy Information Administration performed an assessment of the pending legislation. It examined the billions in offshore oil and gas royalty relief and various tax credits in this bill and concluded that "the impact on total primary energy consumption is small."

That is not me saying that. That is the administration's own Energy Information Administration. So what is the purpose here today? What is the purpose in resurrecting this bloated bill on the floor?

The fact of the matter is that there is little in the way of relief for Americans at the gas pump in this bill. Adding insult to injury, the legislation would gouge them even further through a whole host of taxpayer subsidies to energy producers. This is misguided relief. It is not for the consumers. It is not for the consumers, but it is for the multinational corporations drilling for oil and gas in Federal Gulf of Mexico waters by granting them a taxpayer subsidized royalty holiday. They get to drill and the taxpayers foot the bill by foregoing royalty payments.

An unwarranted drilling incentive at a time of high energy prices, a staggering budget deficit, and the yet unknown full cost of conducting the war in Iraq. In fact, this legislation contains so many royalty reductions and kickbacks that the Treasury stands to lose a mint. There are royalty holidays for deep water wells, shallow water/deep wells and marginal wells, none of which I might add will do anything to enhance our energy security as evidenced by the Energy Information Administration's own assessment.

There is no wonder that newspapers in my congressional district editorialize against this bill. The Bluefield Daily Telegraph, for example, noted, "The bill was ill-conceived and would reach deep into the pockets of West Virginians without providing any benefits to the State."

The Huntington Herald Dispatch took issue with the provision in this bill that would put Appalachian and Midwestern mined coal at a competitive disadvantage to Western coal. And the newspaper is right on target in that respect.

The pending legislation would hurt the majority of coal producing regions and in other respects pays lip service to our most abundant domestic source of energy. According to CBO, of the close to $26 billion in tax breaks in this bill only $2.5 billion of that is for coal; and this $2.5 billion is for clean coal technology applications. Yet there is a nationwide cap of 6,000 megawatts. That is peanuts. It is comparable to the annual energy output of the Grand Coulee Dam.

In fact, on a per capita basis, Mr. Speaker, Home Depot does better in this bill than the entire coal industry when you consider the $48 million that it would receive for not having to pay tariffs on ceiling fans. This is an energy bill?

I urge a no vote on the pending measure and urge that this body get serious about devising a national energy policy that takes into account all of our energy sources and our consumers' complaints.

Mr. Speaker, I ask unanimous consent that the balance of my time be yielded to the gentleman from Michigan (Mr. DINGELL) for purposes of control.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me time.

Does the Republican energy bill help the American consumer? Does it have any meaningful help whatsoever? Well, the answer is no. And who do we get the answer from? We get the answer from the Department of Energy, the Bush administration. Here is what it says.

It says, "The impact of this bill analyzed in this report on total primary energy consumption is small on a fuel specific basis; changes to production, consumption, imports and prices are negligible."

What else does it say? It says, "In 2015 the average gasoline prices relative to the reference case are 3 cents per gallon higher and average reformulated gasoline prices are 8 cents per gallon higher than in the reference case," meaning today.

So this bill, according to the Bush administration's own Department of Energy, is going to lead to gas prices that are 3 to 8 cents higher than today. The American people are thinking, I wonder what Congress is going to do about high gasoline prices?

Well, according to the Bush administrations's own Department of Energy, this bill will increase them by 3 to 8 cents per gallon. That is a travesty.

This bill will have a negligible impact on energy production, a negligible impact on energy consumption, a negligible impact on energy imports, will increase the price of gasoline by 3 cents a gallon for regular. It will increase gas prices by 8 cents a gallon for reformulated. It provides $23 billion worth of special interest tax breaks for the oil, gas, coal, nuclear, utility industry. It weakens the Clean Air Act. It weakens the Clean Water Act. It repeals the protections against cross-subsidies amongst these big energy giants.

But what is not in here? SUVs, automobiles, vehicles, where we put 70 percent of all oil in our country. Not a word. We will not be doing anything about that in this bill. We now import 60 percent of our oil and we have 135,000 young people over in the Middle East. This bill does not do anything about that. We are coming back in 15 more years importing 80 percent of our oil as the next generation of young men and women go over to the Middle East to protect the oil lines coming into our country.

This bill does not meet the challenge of those 135,000 young men and women over in the Middle East. It does not meet the challenge of the 24 million children and adults with asthma in our country from all of this pollution. It does not meet the challenge of 60, 70, 80 percent of our oil being imported into our country. It does not meet the challenge of the day. We have young men and women over in the Middle East. This bill does not reduce our dependence upon imported oil. It raises the price of gasoline at the pump, and it leaves the next generation wondering when they will have to go over to the Middle East.

This bill is a failure. It does not do the job for the American public. It must be rejected as historically inappropriate for the challenge this generation faces to meet the challenge of the times that we live in.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. HALL) has 13 minutes remaining. The gentleman from Michigan (Mr. DINGELL) has 19½ minutes remaining. The gentleman from Louisiana (Mr. MCCRERY) has been designated 5 minutes but is currently not on the floor of the House. The gentleman from California (Mr. POMBO) has 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to my good friend, the gentleman from Massachusetts (Mr. MARKEY) and his eloquent remarks when he talked about the impact of this bill, and that it would not have an impact, or if it did it would have a negative impact. I would agree with him in the short term that that is probably correct, that if we pass this bill and the other body passes this bill and the President signed it tomorrow, I think it is fair to say that the energy prices would not go immediately down. But I would dispute the assertion that over the long term there is no positive impact.

I would offer the analogy of deciding whether to plant a field of corn. Obviously, the day you plant it you are not going to get an ear of corn to eat. But over time you are going to get bushels and bushels of corn to eat and to feed your family and to feed the world.

Well, the same thing could be said about this energy bill. We have already passed it once in this body, 246 to 180. The reason that we are bringing it up again is because the other body has not seen fit to even bring it to a vote, and we are hopeful that if we pass it yet once again that at some point this summer the other body may see fit to at least bring it up to a vote.

We need a comprehensive energy bill because gasoline prices are up, coal prices are up, natural gas prices are up, crude imports are up, refined product imports are up. We need to reform our electricity grid. This bill does that. We need to repeal PUHCA, the Public Utility Holding Company Act. This bill does that. We need to set up a program to go in and refit our existing old coal fired power plans. This bill does that. We need to determine if there is a better way to do automobile fuel efficiency in the program that is called CAFE. This bill does that. We need to increase our conservation efforts. This bill has provisions that it is estimated would eliminate the need for 130 additional power plants. We need to reform our hydroelectric relicensing process. This bill does that.

I could go on and on and on, Mr. Speaker, but I will simply conclude by saying this. There is not an alternative. If my friends in the other body or my friends on the other sides that are opposed to this bill have a better way to do it, let us see it. This bill has passed this House 246 to 180. It will pass the other body if it ever gets up to a vote. We need a comprehensive energy policy in my opinion in this country that is market based. This bill is that policy.

So I hope that as we did back in November we once again pass this bill, send it to the other body, and hopefully get the other body to bring it up.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members on both sides of the aisle, as the Chair recently ruled on September 19, 2002, in response to a point of order, that Members must confine remarks about the Senate to factual references, avoiding characterizations of Senate action or inaction, remarks urging Senate action or inaction, and references to Members of the Senate other than as sponsors of legislation.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, from the perspective of the Committee on Transportation and the Infrastructure on which I serve, the Democrats on that committee, we find a number of offensive provisions littered throughout this bill that fall within the jurisdiction of our committee. I want to be very specific.

Section 328 exempts the oil and gas industry from complying with the stormwater permitting requirements of the Clean Water Act of 1972 for construction purposes. This is the only construction action that would not be subject to clean water requirements should this provision prevail.

Section 756(c) of the conference report allows a 250 pound increase in the weight of some heavy trucks purportedly for the purpose of providing an incentive to use a certain type of idle reduction technology. Well, we have examined this issue in great detail and with the Department of Transportation and the Federal Highway Administration, the increase in truck weight will inflict damage on the highway infrastructure and create a safety problem and will cost about $300 million a year in increased highway damage. The exemption is unnecessary. The industry's own figures show that idling reduction technologies pay for themselves in reduced fuel costs in about 2 years.

Section 1502 provides special protection for MTBE producers from liability associated with the cleanup costs and damage caused by contamination of groundwater. As a result of the special interest provision here, taxpayers will be forced to pay an estimated $29 billion cost of cleaning MTBE contaminated water across the country. That is egregious and unnecessary.

Section 326 establishes a dangerous precedent under the National Environmental Policy Act by authorizing the Federal Government to reimburse oil and gas companies for the cost of undertaking environmental impact analyses for oil and gas leasing. They are going to make money off of it. They ought to do their own environmental impact analysis costs.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman emeritus of the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Texas (Mr. HALL) for yielding me time.

Mr. Speaker, this will be the second time the House votes on this identical conference report. We have already passed another energy bill in a previous Congress that never made it to final passage out of the Congress, it was not yet signed into law. This is the second time now this body will vote on the comprehensive energy conference report following the passage in the House and the Senate of the energy bills.

☐ 1445

A conference report came out of the conference committee between the House and the Senate. It was chaired by Senator DOMENICI. The last time this House voted on the conference report, 246 of my colleagues voted for it, 180 voted against it. I suspect we will get something like the same vote today, and I want to commend the House for doing what the other body has not yet done, for taking final action on comprehensive energy for our country.

This Nation is suffering. We are in dire need of a policy that tells the energy future traders on Wall Street to quit running the prices up and to begin thinking about a future where we are producing more energy at home for our own people instead of constantly fighting over battlefields to defend other people's energy supplies that we depend upon.

When the last Arab oil embargo hit, we were 30 percent dependent on foreign oil. Today, we are 60 percent dependent, and that number continues to rise. The last refinery built in America was built in my district 25 years ago. We have not stopped building roads, we have not stopped building automobiles, we have not stopped building houses or factories in the country. We just stopped building the factories that produce the energy for the country.

My colleagues wonder why we are so dependent, have so much at risk, why this Nation depends upon people we cannot depend upon anymore, just to keep the lights on anymore? That is our fault.

I want to commend this House. Whatever my colleagues might agree or disagree about, this hugely important energy bill that contains conservation, alternative measures, good incentives to produce energy here at home, bills to make sure our grids are more reliable, we avoid the catastrophe California went through and the Northeast went through, the blackouts provisions that make sure we change the energy future by incentivizing a new freedom initiative; whatever my colleagues felt about it, I thank them for passing it before. Pass it again. Let us continue to do what the other body so far refuses to do and help consumers in America for a change.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Michigan for yielding to me.

I want to welcome back our distinguished colleague from Louisiana and note that his old fire is still with him, and that is a pleasure.

I do rise in strong opposition to this legislation and to the rest of these ill-conceived energy bills. This much-vaunted Energy Week is not about enacting solutions to our energy problems. It is about election-year politics.

The Republican leadership wants to look as if it is doing something about these record-high gas prices. If they were serious about addressing this and a myriad of other energy issues, we would not be addressing this bill today.

This bill, Mr. Speaker, is a monstrosity. At a time of record-high deficits, the bill itself costs a whopping $31 billion. At a time of record-high oil industry profits, the bill would shovel billions in taxpayer subsidies to these very companies. At a time of record-high gas prices, this bill would actually raise gas prices, but that is not all.

The bill drills holes in the Clean Water Act; the Safe Drinking Water Act; NEPA, the National Environmental Protection Act; and the Coastal Zone Management Act. It lets MTBE producers off the hook for groundwater contamination their product caused, and it gives these same companies $2 billion of our constituents' money to get into a new line of work. What a deal.

Mr. Speaker, as we know, this is the same bill that passed this House last November and was thankfully not brought up in the Senate. The American people owe a debt of gratitude to the other body for stopping this awful bill last year. This House should follow such a good example and kill it today.

I urge a "no" vote on this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would once again remind the Members that characterizations of the other body should be refrained from in this debate.

The gentleman from Texas (Mr. HALL) has 8 minutes remaining. The gentleman from Michigan (Mr. DINGELL) has 16½ minutes remaining. The gentleman from California (Mr. POMBO) has 5 minutes remaining, and the gentleman from Louisiana (Mr. McCRERY) has 5 minutes remaining.

The Chair recognizes the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I would like to thank the chairman for the time.

While Rome burns, Nero fiddles, and that is what we seem to be doing here in Washington. When we have historically the highest gas prices that any of us have ever seen, highest natural gas prices in our lifetime, a major blackout of the northeast, and we cannot pass an energy bill, we ought to be ashamed of ourselves.

The nay-sayers point out all these little problems for them and disregard all the humongous benefits that we have in this bill.

Let me talk about MTBE. I am an ethanol guy, ethanol State, Illinois. We grow it, we refine it, we use it. The MTBE provisions do not relieve people of their liability if they spill MTBE. It does not relieve people of their liabilities if it goes out of their storage areas and contaminates the groundwater.

What it does is it says if the Federal Government asks these people to refine MTBE, we told them to make MTBE, and now we are going to say they created a faulty product after the Federal Government told them to produce MTBE? That is why we do not have industry investing in this country. We have no certainty. Who else but the government tell them to go build a product and then that same government 15 years later sues them and says you can sue them, take them to court, close down this industry. It is a shame, it is embarrassing, and for that to be the reason that this bill fails, we ought to be embarrassed for ourselves.

This country has to make a decision. If we want to use electricity, guess what, we have got to have a fuel, we have got to have generation, and then we have got to be able to transmit that electricity over lines. This bill does that.

Our country is a large country. We are going to be a very mobile society for decades. We are going to need to drive in our vehicles, and we are going to need to have fuel for our vehicles. This bill does that.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding time to me, and I would certainly agree that we are fiddling while Rome is burning.

While our people in our districts are disgusted with the high gasoline prices, while our people in our districts understand that they need help from Congress to make ends meet, we are instead not passing an energy bill that would bring down gas prices, not passing an energy bill that would help the average person in all of our districts, but passing an energy bill that helps the big companies, the big industries, that says to polluters, we will take you off the hook, you do not even have to pay for the mess you have created; we are going to pay for it.

Some of my friends on the other side of the aisle say that we do not have enough money in government to pay for programs. Yet this bill contains obscene giveaways to those people that are doing the worst things when it comes to energy, the worst pollution. This is not a very good bill.

Many of my friends on the other side of the aisle say they oppose cloning when it comes to living organisms, but it is obvious that they fully support cloning legislative proposals, and as if fulfilling our greatest fears, the Energy Policy Act before us today is a clone of a monstrous bill that the House dealt with months ago.

Just like last time, the bill contains an ethanol mandate that hurts New Yorkers, my State, by forcing up gas prices, just to provide subsidies to multibillion dollar corporations like Archer Daniels Midland. Just like last time, it would open up our own public lands for huge corporations to drill and destroy. Just like last time, this act emphasizes drilling over conservation.

Whatever happened to conservation? It does nothing to reduce the United States' dependence on foreign oil or protect consumers from skyrocketing gas prices.

Just like last time, it ignores that there is great bipartisan support for the desperately needed electric reliability provision. We should be passing just that section and getting it to the President's desk. He would sign it, and we would be accomplishing something.

Just like last time, the House majority leadership is ignoring that there is bipartisan opposition to this bill in its present form. Mr. Speaker, let us drop the ethanol provision and the MTBE provision and the drilling provision. Let us concentrate on conservation and electric reliability. Let us have a bill that is a center, not a bill that is extreme, that cannot pass, that cannot be signed into law.

Let us start doing the work that needs to be done. Let us bring gas prices down. Let us get a bill that the American people can stand up and say, when the gas prices went up, Congress really did something to help us, not to help the big companies that pollute, not to continue our dependence on foreign oil, not to just pass a bill that was passed before, that we know has virtually no chance of being signed. Let us pass a commonsense bill. Defeat this bill.

Mr. HALL. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, 3 long years the American people have waited. In fact, some people have been working on a long-term energy policy for 8 to 10 years. President Bush promised to establish a national energy policy to prepare America's producers and distributors of energy for the changing times of the 21st century before he was even elected. His energy task force was formed inside the White House within 10 days of his inauguration.

The first comprehensive energy bill was introduced in the House in the summer of 2001. The House has passed it three times; and it has been stalled in the Senate all this time, even though a majority in the Senate supports the bill, but they will not let them vote on it. Three long years. Democrat obstruction in the Senate, obstruction, make no mistake, undertaken at the highest levels of Democrat leadership, at the beck and call of extreme special interests has kept the American people without a national energy policy.

For most of those 3 years, the United States has been at war with an ideology that makes its home in the very region that produces most of the world's oil. We depend to too large a degree on the energy resources produced in this unstable region, and we have had before us for 3 years a policy to change that fact.

The comprehensive energy policy we will pass once again today will reduce America's dependence on foreign oil. That greater independence will increase America's political and economic security which, in turn, will increase our national security; and in addition to protecting our security, this bill will also add to our prosperity.

Provisions in this bill would increase domestic energy production, would create hundreds of thousands of new jobs here at home while the Democrats' dithering in the Senate, solely responsible for America's continued overreliance on Middle East oil, is sending jobs overseas every week.

All along, provisions in this legislation that would encourage conservation and innovation and new fuel technologies have stagnated, thereby harming our economy, our environment, and letting us fall behind international competitors.

While the Democrats have hamstrung the energy bill in the Senate, gas prices have risen, and the Northeast was struck with the largest blackout in history. The summer traveling season is upon us, the fourth since the President first delivered his legislation to us; and still, the American people wait for action.

These are the facts. Jobs are waiting to be created. Our economy is waiting to be stronger and our Nation is waiting to be safer. I urge all my colleagues to help bring this waiting to an end. Vote "yes" on the comprehensive energy bill and give the Senate Democrats one more chance to do their duty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask the Members' attention on both sides of the aisle.

Remarks in debate may not include characterizations of Senate action or inaction or attribute actions other than sponsorship to Members of the Senate. In further elaboration, adjectives tend to characterize what otherwise might be a permissible factual reference. Members are asked to heed the rule against characterizing Senate action or inaction.

□ 1500

The SPEAKER pro tempore (Mr. ISAKSON). The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, parliamentary inquiry before I yield time. I note that the majority members on the Committee on Ways and Means and the Committee on Resources have time available which has not yet been used. I am happy to yield time to our Members, but I would simply note that that time is pending over there. I would like to see what policies the Chair might have with regard to the yielding of those times.

The SPEAKER pro tempore. The Chair is proceeding based on who yields time among those who have been allocated time.

In reference to time, the gentleman from Michigan (Mr. DINGELL) has 13½ minutes. The gentleman from Texas (Mr. HALL) has 5 minutes. The gentleman from Louisiana (Mr. MCCRERY) has 5 minutes, and the gentleman from California (Mr. POMBO) has 5 minutes.

Mr. DINGELL. And I would note for the benefit of the Chair that the Committee on Energy and Commerce is the major committee of jurisdiction here.

Mr. Speaker, I will therefore yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my ranking member and good friend, the gentleman from Michigan (Mr. DINGELL), for yielding me this time.

I rise again and again in support of a comprehensive energy legislation, and I will continue to stand as long as it takes for us to have a sane energy policy to make our economy stronger and more secure in the short- and the medium term.

Energy-producing States actually have a stronger interest in energy production, but consuming States need to realize that the U.S. energy market, gasoline, natural gas and electricity, does not develop by magic. It takes exploration, production, refining, pipelines. We do have an energy crisis, and we are seeing the offshoring of the chemical manufacturing industry, rising electric prices, rising heating and cooling costs, and rising gasoline prices at the pump.

Cuba is drilling 60 miles from Key West; and, yet, the Governor of Florida does not want, and we do not allow, American drilling companies to drill within 100 miles of Florida, even for zero-emitting platforms. We are not exploring or producing from our own domestic opportunities.

I support renewable energy and hydrogen energy and everything else; but, Mr. Speaker, those things are 25 and 50 years away. What we need to do is address something on a short- and medium term. A bipartisan majority of this House should approve the Energy Policy Act again.

The H.R. 6 conference report contains a narrow liability provision applicable only to the claims of defective products. The provision preserves all other negligence, nuisance and trespass claims, each of which is alleged in these pending MTBE suits. The fact is that the bill does not block recovery of these damages, and I have heard that time and time today. MTBE was de facto mandated to clean many of our cities' air; and while tasting and smelling bad, it is not a health threat. In fact, it has cleaned up a lot of our cities.

The U.S. Department of Health and Human Services, the U.S. National Research Council, Canada's Priority Substance Assessment Program, the European Union, the World Health Organization, the International Agency For Research on Cancer, and even the California Science Advisory Board have determined that MTBE should not be considered a carcinogen or a developmental or reproductive toxic.

Mr. Speaker, MTBE is a small part of this bill, but we need to make sure if we tell people to produce it and it cleans our air, we need to not punish them for it.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, it is important that as we approach the summer of 2004, more than 3 years since Congress started the current energy debate, that we are still without an energy bill. Although as a member of the Energy and Commerce Committee, I think we have passed it on this side about three times.

In those 4 years, the price of oil has increased 75 percent from around $23 a barrel in 2001 to $40 a barrel as we stand here today. Natural gas has increased 80 percent, from between $3 and $4 a few years ago to more than $6 today. Since 2001, the price of gasoline has increased 52 percent. A blackout last summer showed vulnerabilities in our electrical transmission, which this bill addresses.

Our $11 trillion economy depends on a foundation of affordable energy, and we need a modern energy plan today.

This bill contains incentives to increase production of all energy sources, provisions to expedite construction of a natural gas pipeline from Alaska; renewable fuel standards, including 5 billion gallons of ethanol; tax credits for the purchase of fuel-efficient hybrid automobiles; electrical reliability language; a 50 percent increase in energy efficiency and conservation funding over the next 5 years; and new funding for futuristic alternative technologies, such as the hydrogen fuel cell, which are really within our grasp but we need to just remain to make usable and feasible. That is what is in this bill. There is so much good that can be accomplished while we just stand here and engage in this endless debate over years and years. We need this House energy bill to pass today.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, there is a very good reason why we do not have an energy bill: the only bill this House can consider, this one, is a sorry piece of legislation.

The only energy bill that we have is one that relies on the energy of generous campaign fund-raising and high-powered lobbying. It encourages pollution and it discourages conservation. Instead of securing our energy independence, it ensures our continued overdependence on countries as volatile as the oil they possess.

This bill pays some pretense to supporting renewable energy, but the focus is definitely not on conservation or sustainable energy. The real focus is on subsidizing the same high-pollution industries that we have always relied on, with $32.5 billion in tax incentives and loan guarantees.

One of the best examples of the energy scams that are in this bill is the so-called synthetic fuels tax credit, the "synfuels" credit, and my, is it a "sin". Starch or pine tar is poured on coal, and when that is done, the coal does not burn any more efficiently and it does not burn with any less pollution, but it does decrease taxes. If you take the costly synfuels provision in this bill that these folks have tried to peddle once again as a retread energy bill and pile the dollar bills up past the ceiling of this building and burn them, you will generate more energy than they do with the money that they have wasted from the public treasury. And this is only one of the many outrageous examples of the scams in this bill.

At the same time that they do this, they ignore the public health by making our air dirtier, by weakening the Clean Water Act, and by granting total protection to MTBE as it pollutes the public waterways. They endanger the health of Americans at the same time that they fail to ensure that we will pay less at the pump or anywhere else.

What we have, in short, is a collection of unjustified tax breaks, loopholes, exemptions and dodges masquerading as a new energy policy. These tax giveaways are not offset. They endanger our fiscal health and our national treasury, as well as our hope for a better energy policy.

Mr. Speaker, we need a conservative national energy policy that conserves our resources, that increases energy efficiency, and provides reasonable production incentives. This bill fails on all fronts. Energy conservation can be a great jobs program for America, but not through this bill.

Mr. HALL. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I would just like to respond to the gentleman from Texas (Mr. DOGGETT). I would point out to the gentleman that the gentleman who was the author of this bill originally, H.R. 6, and who has been the propelling force on H.R. 4503, which I support which is identical to the conference report, had 80 hearings on this. When we have 80 hearings, that is exceptional. For the gentleman to say this is a bill which is a sorry piece of mishmash is downright wrong because we cannot have 80 hearings and listen to everybody, and the patience that it requires. I would urge the gentleman to reconsider his thinking on this.

In fact, 46 Democrats supported this when the bill passed the floor before. Those 46 Democrats agree with the bill. The gentleman from Texas (Mr. DOGGETT) is from the same State as the chairman of the Committee on Energy and Commerce, and so I am surprised the gentleman does not support this bill.

Mr. Speaker, I rise in support of this bill. I believe when we look at the other 246 people who actually support this bill, all of us will realize that it is very important that we pass it today. It provides incentives, renewable energy production, clean coal technology, low-income energy assistance, provides for certainty and reliable operation of our energy markets, and increased domestic production.

Mr. Speaker, it is a comprehensive energy bill. It is vital to our national security. All of us realize not too long ago we had the blackouts. We also are so dependent on other countries for our oil. Why not take this bill and pass it and realize if we do so with one-half of the United States' homes relying on natural gas as their main heating fuel, this energy bill allows for more oil and natural gas exploration.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time to enable the Committee on Resources and the Committee on Ways and Means on the majority side to yield such time as they may consume.

Mr. HALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, when we look at this bill and read this bill and we debate the item called energy, I think we need to call upon ourselves and ask ourselves what probably is the major duty of a Member of Congress. It is probably to prevent a war. And how do you prevent wars? You prevent wars by removing the cause of wars.

Energy caused the war against Japan in 1941 when Cordell Hull and Henry Stimpson cut off their energy. They had 13 months' national existence, they were going to strike out somewhere. That brought on World War II.

George Bush's father sent 450,000 kids to a desert; that was a battle for energy. We did not love the Emir of Kuwait, that was to keep them from getting a bad man's, Saddam Hussein, foot, on half the known energy resources in the world.

Loss of energy and lack of energy will cause us to send our sons overseas. We do not get to drill on ANWR. We turn our backs on the next generation when we do that. We do not get to drill the ultra-deep. We are turning our backs on this next generation when we do not do that. Lack of energy causes wars.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, our friends on the other side of the aisle may not be writing much environmentally friendly legislation, but they certainly are good at recycling. What we have before us today is a bill identical to H.R. 6, a grab bag of special interest goodies, certainly not a real energy policy. And rather than coming up with a rational energy policy to meet our Nation's needs for the foreseeable future, the authors of this legislation are simply coming out with a bag of goodies.

It is a simple mathematical problem. America possesses less than 3 percent of the world's oil reserves and makes up 25 percent of the world's petroleum consumption. Members can do the math.

This bill does not provide what we need in this country which is a rational energy policy.

Mr. Speaker, I rise in opposition to this legislation and the entire "energy week" charade the House leadership has brought to us. Once again, rather than spending the time we have here on the House floor to honestly debate critical issues and solve problems, the House leadership has decided to simply bring back the same tired, unimaginative legislation. Our friends on the other side of the aisle may not write environmentally friendly legislation, but at least they are good at recycling.

Unfortunately, as this body is busy reshuffling papers and giving new titles to old bills, our Nation's dependence on foreign oil is growing worse. Rather than leading us into a secure energy future with a lower dependence on foreign oil, the bill before us merely subsidizes oil and gas companies to do more drilling—a short-term, ineffective solution.

It's a simple mathematical problem—America possesses less than 3% of the world's oil reserves but makes up 25 percent of the world's petroleum consumption. We can ravage our environment all we want and drill all over the country, but the simple truth is that we cannot use domestic sources of oil to satisfy our dangerous addiction.

The longer we continue to have such an unhealthy dependence on fossil fuels, the more we will have to rely on supplies from unstable countries like Nigeria and Venezuela—and of course, from the Middle East. Saudi Arabia has the largest remaining proven oil reserves—and recent attacks on America show the price we pay for drinking so deeply from there.

It is time that we create a real energy policy that reduces our overall dependence on oil so we can look forward to a sustainable energy future that underpins a healthy economy. Sadly, H.R. 4053 is identical to H.R. 6—a grab bag of special interest goodies, not a real energy policy. Rather than coming up with a rational energy plan to meet our Nation's needs for the foreseeable future, the authors of this legislation simply asked every energy industry what they want and turned it into legislative language.

This bill is notable for a few glaring omissions. First, it contains no renewable portfolio standard, a provision that would actually move our country toward a sustainable energy future by increasing our reliance on renewable energy. It contains pitiful levels of incentives for creating new renewable energy sources. It also fails to close the SUV loophole, a shameful part of our tax code that gives the wealthy tremendous incentives to continue buying the largest and most inefficient vehicles on the road.

What's worse, the bill does virtually nothing to save oil. At a time when it is clear that our dependence on foreign oil affects national security and it is apparent that we will never drill our way to independence domestically, we have an energy bill that refuses to mandate greater efficiency. Not only are there no provisions to increase automobile efficiency, this bill could actually undermine current fuel economy standards. In fact, the nonpartisan Energy Information Administration says that passage of this legislation will not reduce energy consumption and will actually lead to a three cent per gallon increase in average gasoline prices by the year 2015. So not only is this legislation doing nothing to reduce our dangerous dependence on foreign oil, it will actually increase gas prices.

I also want to express my displeasure at the cynical attempt by the House leadership to link drilling in the Arctic National Wildlife Refugee with the reauthorization of the Abandoned Mine Reclamation Fund. Drilling in ANWR makes no sense not only because it ravages a spectacular and sensitive environment, but also because it sets a senseless precedent of drilling for a tiny amount of oil rather than dealing with our problem of runaway oil consumption.

Mr. Speaker, I am voting against this conference agreement today because it is the wrong policy for America's future. Rather than leading us into a secure energy future with a lower dependence on foreign oil, this bill merely subsidizes oil and gas companies to do more drilling—a short-term, ineffective solution.

We need a responsible and sustainable approach to addressing our nation's energy needs. As an energy scientist who spent nearly a decade working at one the Nation's premiere alternative energy research labs, I have worked in Congress to help craft a strategy that will provide real energy security for central New Jersey residents and the United States. That's why Congress should focus on the development of renewable energy sources, including fuel cells, solar power, and fusion. We can fulfill the energy needs of a growing economy without compromising our national security interests or devastating our environment.

Mr. HALL. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this bill which has been called a mishmash is the most comprehensive package of energy legislation that has been on the floor of the House of Representatives in almost 50 years.

□ 1515

It touches on all aspects of energy production. It has a comprehensive conservation title. It has an extensive electricity reform title. It got bipartisan support when it came out as H.R. 6. It got bipartisan support when it came out as the conference report after a majority of the House and Senate conferees voted to bring it back to the respective bodies. I hope this afternoon when it comes up for a vote that once again we will send it to the other body and I hope it gets unanimous support this time.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Energy Policy Act of 2004 protects and strengthens America's economy, our standard of living and our national security by reducing dependence on imported oil and increasing domestic energy production. America is in danger. All credible projections indicate a growing gap between the amount of energy America uses and the amount that we produce, even after factoring in healthy increases in efficiency and conservation.

The Energy Security Act of 2003 will increase, diversify and facilitate delivery of energy supplies from Federal lands to regions of our Nation with energy shortages. This bill, among other things, encourages energy production from American Indian lands and increases Indian self-determination; provides better access to oil and gas reserves on federally controlled lands and facilitates better pipeline and transmission infrastructure through Federal lands; encourages the use of waste material produced from the Healthy Forests Initiative as a source of energy, turning a fire hazard into energy; maximizes the value of the hydroelectric power production of existing Bureau of Reclamation facilities; provides incentives for the development of geothermal energy on public lands; and encourages the maximum recovery of coal on our Federal lands.

This bill does not include opening 2,000 acres of ANWR, which could increase our domestic reserves of oil by 50 percent or more, but we will get to that later. America now depends on foreign governments, such as Saudi Arabia, Nigeria and Venezuela for our chief transportation fuel, oil. This dependence continues to increase. To make matters worse, experts forecast that over the next two decades there will be a huge gap between demand and production of natural gas, a gap that can be made up only by imports of liquified natural gas. What makes more sense? Buying most of our two most important fuels, oil and gas, from foreign governments in politically unstable countries? Or developing our resources and helping our people right here in America?

With our troops engaged in Iraq, does it not make sense for us to adopt some sensible policies here at home that will boost our energy security? The committee passed a similar bill in the last Congress prior to the September 11 attack against our Nation. Since then our energy situation has gotten worse. Last year we passed energy legislation twice, and it is caught up in politics. This winter the poor and elderly suffered while they worried how to pay their utility bills. Factories have closed because of the cost of natural gas, and chemical and fertilizer production has been stopped in some places. Truckers, motorists and airlines are suffering from vastly increased fuel prices and this hurts all Americans.

President Bush asked Congress over 3 years ago to put our Nation on a path that would supply clean and affordable energy that we would use in smarter ways for our Nation's future. We have not yet succeeded. It is time for us to do our part for our national energy security by passing a balanced but strong energy bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, once again I rise to oppose the Republican energy bill. The House has passed this bill several times already and now the majority wants to pass it again. It is time for the majority to face facts. They have overreached and they have failed.

The Republican energy bill is stunningly expensive. The total price tag for America is around $140 billion. As the deficit continues to grow, this bill is only getting less affordable. The energy bill is also laden with giveaways to major campaign contributors. The oil and electric utility industries are among the Republicans' largest donors. This bill returns the favor using taxpayer dollars. It would provide roughly $20 billion in subsidies to the oil industry alone. It would also relax Clean Water Act and other environmental requirements for the oil industry. And it would let the oil industry off the hook for contaminating groundwater across the country, forcing taxpayers to pay for the cleanup. The tragedy is that we have real energy problems which are approaching a crisis.

The United States' increasing dependence on oil adversely affects our economy, national security and the environment. Polluting and inefficient energy sources are driving potentially devastating global warming. U.S. energy markets are vulnerable to rampant manipulation and price spikes. But this bill would not solve any of these problems. In fact, it would make them worse. If we enacted this bill, the United States' dependence on foreign oil would continue to worsen. According to the Energy Information Administration, the U.S. will increase imports of foreign oil by 86 percent by 2025, and they project that this energy bill would reduce the amount of imports by only 1.2 percent by 2025.

Reducing demand for oil by making motor vehicles more efficient would help hold down gas prices. If we enacted this bill, it would move us in the wrong direction on global warming by subsidizing traditional energy sources. If we enacted this bill, energy marketers could continue to manipulate markets and drive prices through the roof. Congress has done nothing since California and the West Coast States faced repeated blackouts and astronomic energy bills 3 years ago. The gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) proposed energy bill provisions to penalize fraud and manipulation in energy markets, but the Republicans rejected these provisions.

This bill is a failure. It is a collection of subsidies for energy industries, masquerading as an energy policy. The Senate, the other body, including some of the Republican Members of the other body, rightly rejected this bill and I hope they will do so again. It is time for the House Republicans to give up the charade. We need an energy bill that will address our urgent energy problems. I suggest that this one does not do it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to avoid characterizations of the other body.

Mr. POMBO. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding me this time.

Mr. Speaker, I am here to talk briefly about the reasons that I support this particular energy bill. I think we ought to talk first about the need, then about the process and then about, finally, some of the important provisions in this bill.

In terms of the need, the President warned us 3 years ago what would happen if we did not have a comprehensive energy policy. He warned us that natural gas prices would go up and that would make American industry less competitive. He warned us that we would become more dependent upon foreign supplies, and he warned us that the price of gasoline was going to become prohibitive for many Americans. All of those warnings have been vindicated by the facts as we have frankly in Congress failed to act on I think a series of excellent recommendations by the administration.

So we have had the warning. We should have acted. I compliment this body for having acted in a bipartisan fashion. Frankly I am appreciative for the majority of our friends in the other body for having been supportive of this particular piece of legislation. If it were not for a technicality that prevents us from getting the legislation to a vote, we could have had the energy policy that this country needs months and months and months ago, and it would have resulted in more natural gas, lower prices at the pump and more security for the United States of America.

That is something we ought to think about. This bill is the product of an intricate negotiated compromise that will lead this country down the path toward energy independence, something we have needed for many, many years. Particularly I am pleased, Mr. Speaker, in the fact that it allows for the construction of a natural gas pipeline from Alaska's North Slope to the Lower 48 States. That would open up a tremendous new source of energy for this country. It allows for more natural gas exploration development by providing royalty relief for deep and ultradeep gas wells in the shallow waters off the Gulf of Mexico. I would have liked frankly to have seen those same provisions extended to deep gas drilling on land but as one of the compromises that was not included in the bill. I hope we can do that later. It authorizes and encourages more nuclear power, more energy.

Mr. Speaker, I urge my colleagues to support this legislation which is genuinely bipartisan and move this country toward energy independence.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, this bill, this alleged energy bill, reminds me a little bit of a reverse Energizer bunny because it just keeps not going, not going and not going. One of the reasons it does not go anywhere is it perpetuates the fraud on the American people that the Enron Corporation put over on the West Coast. It does not have one single dime of refunds for the people of California for the billions of dollars that were stolen from them by the Enron Corporation. It does not have the $122 million that the people of Snohomish County, Washington have coming to them. It does not have the over $1 billion that the people of Washington have coming to them.

What does it take for my Republican friends to join us to finally get refunds for the American people? We have heard these tapes of the Enron traders talk about jamming Grandma Millie, stealing millions of dollars, saying "burn, baby, burn" when the West Coast had brownouts. And the Republicans gave us nothing, not a dollar in refunds. What does it take? We have got the equivalent of fingerprints, DNA, videotape and confessions from Enron and yet this bill does not do a single thing to get refunds for the consumers of the West Coast of the United States.

Goodness knows we have tried. We asked the Vice President of the United States 2 years ago to help us. We told the Vice President of the United States that while there were brownouts in California, while stoplights were not working, 32 percent of all the generating capacity was turned off. What he said was, "The problem with you is you just don't understand economics." Well, we do understand economics. We just do not understand Enronomics. The majority party unfortunately is forcing down the throats of consumers in this country Enronomics. They are allowing Enron to continue to pillage and burn the West Coast. We deserve refunds. Reject this bill and get a bill that will stand up to Enron.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume. I try on the floor of the House when I speak to treat all Members of the House, Republican, Democrat, majority, minority with respect, both for their views and for their integrity. Unfortunately today, I have heard from some members of the minority reckless and baseless charges, ranging from supporters of the legislation before us rewarding their fat cat friends in the energy industry, repaying contributions, charges which we could just as easily hurl at some Members of the minority for the votes they make in favor of legislation proposed and supported by their supporters and their contributors. But I choose not to do that. I do not think it is fitting for Members to question the motives of Members for supporting or opposing legislation.

It would also be easy for me to charge Members of the minority with not caring about the price of energy in this country, not caring what people pay at the gas pump for gasoline, because they have supported over the years tremendous increases in gas taxes. Up to 50 percent increase in gas taxes has been proposed by Members of the minority.

□ 1530

And a few years ago, there was a tax on BTUs, on energy, that the minority supported. They do not care, it would be easy for me to say, about what people in this country, taxpayers, pay for their energy use in this country, whether they are from the Northeast or from the South or the West.

But those things are not before us today. We have before us today a very serious, well-crafted, well-rounded approach to energy policy, comprehensive energy policy, in this country. That is what we should focus on, and that is what I will focus on in the remainder of my remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I can understand the frustrations of my good friends on the Republican side. They brought forward a piece of legislation that is redolent of special interests. Quite frankly, it smells bad. It is tired in that it has been before this body before. It has been rejected by the Senate because it was such a clear mishmash of special interest legislation, and I can understand the frustration because my good friends over there could not shoehorn something through in a closed conference after they had denied the right of the House to really fully amend and address these matters and after they had denied us the right to participate in the debates and the discussions which went on in the conference between the House and Senate.

We will shortly be offering legislation in a form of a motion to recommit which will do the three things that really need to be done to protect our consumers and our economy. First, we are going to address the problem which rose with regards to electricity prices in California and other west coast States spiraling out of control as Enron and other thieves and scoundrels exploited an inadequate and poorly implemented regulatory system. We will be inserting into the RECORD some of the wonderful comments of Enron executives describing how they had treated the consuming public of the United States.

Second, my own State of Michigan and six others suffered severe practical and economic consequences from a massive blackout caused partly by malfeasance and partly by inadequate emergency planning and communications. That will be addressed here.

Third, this spring and summer consumers throughout the Nation have been hit by high gasoline prices that show no sign of returning to normal levels at any time soon. We will try to deal with this question.

The bill, H.R. 4503, does not address the answers to these questions. While there are some good provisions in the bill, it has a plethora of other problems, not the least of which is a price tag to the consuming public and the taxpaying public of better than $31 billion.

It is a shame that our Republican colleagues have chosen to continue beating a dead horse. They sent a bad bill to the Senate. The Senate in a bipartisan fashion, and I am sure this is immensely frustrating to my Republican colleagues, has rejected that legislation. It has not been brought up. This is quite obviously an attempt, and has been so described by my Republican colleagues, as an effort to embarrass the Senate into moving that legislation.

But I think we need to address something here which we could do. The Senate in its wisdom has chosen to reject this historically bad piece of legislation, and I would urge us to address now the things which we can do: fraud and criminal misbehavior in the electricity markets, blackouts, and high gasoline prices. This would be a responsible step, and it should be for this body to stop playing games and having summer reruns which have as little merit, for example, as "The Cabinet of Dr. Caligari" or perhaps "Night of the Living Dead."

In any event, I will be offering a motion to recommit with the distinguished gentlewoman from California (Ms. ESHOO), and I will describe that at a time later. It will address these questions.

[From the Energy Daily, May 25, 2004]

ENRON TRADERS BRAG OF STEALING MONEY FROM CALIFORNIA

(By Tina Davis)

Newly unearthed transcripts of Enron Corp. traders reveal employees unapologetically talking about California and its consumers by driving up power prices and exporting power from the state during the 2000-2001 energy crisis.

The transcripts were sent to the Federal Energy Regulatory Commission last week by the Snohomish County Public Utility District No. 1, a public power entity that is seeking refunds for price manipulation that affected the West.

"This latest evidence provide the impetus for FERC to finally bring meaningful rate relief to the West Coast electric consumers who were the primary victims of Enron's fraudulent schemes," said Mike Gianunzio, general counsel of Snohomish PUD.

Two Democratic Congressmen from Washington, Reps. Jay Inslee and Rick Larsen, last week called on FERC to strip Enron of its market-based rate authority retroactively. The congressmen argued that by revoking the company's market-based rates on June 25, 2003, FERC failed to establish the punishment from the moment Enron began gaming the market.

The transcripts largely provide yet more evidence that Enron was engaged in several sophisticated trading strategies aimed at driving up prices and congestion, in order to reap millions from the California and western power markets.

In perhaps the most damning portion of the transcripts, a person identifying himself as "David up at Enron" calls an employee of El Paso Electric and asks if that company can shut down a unit.

". . . There's no much, ah, demand for power at all and we're running kind of fat. Um, if you took down the steamer, how long would it take to get it back up?" David asks.

"Oh, it's not something you want to just be turning on and off every hour, let's put it that way," the El Paso employee responds.

After ascertaining that the unit could be brought up within three to four hours, David says, "Well, why don't you just go ahead and shut her down, then, if that's OK."

Later in the conversation, David says that ISO hasn't "told us anything. We're just kind of assuming that some of this stuff's going to get cut again and—we're running fat enough to where he shut down the, ah, steamer when we take—there'll be a net, ah, decrease of about 80 it will be all right to, ah, still meet the load."

That day, Dec. 4, 2000, the ISO declares a Stage 2 emergency, indicating that reserve levels have fallen below 5 percent for the day.

A spokesperson for El Paso confirmed the conversation took place, but said it occurred at 1 a.m., when the state had an "overabundance of power in the market." Tereza Sousa said she did not know if the power was restored to the state in the afternoon, when peak demands hit, but she said El Paso had an agreement that called for Enron to market its generation for off-peak hours in the West.

El Paso Electric later reached a settlement agreement with staff of the Federal Energy Regulatory Commission as well as California officials over its role in the state's power crisis. That deal, opposed by Snohomish, included a $15.5 million payment from El Paso and the surrender of its ability to charge market-based rates for two years.

At one point, the transcripts capture Bob Badeer, head of Enron's California trading desk in Portland, saying the "best thing" for California would be an earthquake. ". . . Let that thing float out to the Pacific and [give] 'em candles. . . . They should just bring back horses and carriages, lamps, kerosene lamps. . . .

Kevin McGowan, at one time the director of coal trading for Enron, asks Badeer: "So the rumor's true? They're takin' all the money back from you guys? All those money [sic] you guys stole from those poor grandmothers in California?"

Badeer responds: "Yeah, grandma Millie, man. But she's the one who couldn't figure out how to vote on the butterfly ballot."

"Yeah," says McGowan, "now she wants her money back for all the power you've charged right up—jammed right up her for $250 a megawatt-hour."

Another phone conversation includes talk of exporting power from the state. Hearing of a Stage 2 emergency called by the California Independent System Operator, a speaker identified only as "Matt" says, "They're on the ropes today. I exported like a 400 [megawatts].

"Wow," the other voice, identified as Tom, says.

"I bought it all. I'll see you guys—I'm takin' mine to the desert," Matt states.

"em, right?" adds Tom.

"I think those gamblers in Las Vegas need the power more than you," says Matt.

Later on Tom tells Matt, "It's going good for you. Just keep exporting the" "Yeah," says Matt. "That's what we do. Every day, we just export, export, export."

In another conversation, Enron's Tim Belden, the former head West Coast energy trader, is questioned by what seems to be another Enron employee trying to figure out how to book the revenues from western trades.

Explaining the sales, Belden tells the other person, that Richter (believed to be Jeffrey Richter, head of Enron's Western Power Division) "makes between one and two [million dollars] a day, um, which never shows up on any curve shift, where he just buys it from the day-ahead. He just . . . California. . . . He steals money from California to the tune of about a million—"

The other person interrupts, "Will you rephrase that?"

Belden: "OK, he um—he arbitrages that California market to the tune of a million bucks or two a day."

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman's time has expired.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

My good friend from Michigan misspoke when he said that the Senate has rejected this legislation. He knows full well the Senate has not even voted on this legislation. They have used parliamentary procedures in the Senate to force a supermajority vote just to get the bill to a vote, and they have not overcome that 60 vote supermajority to get to the floor. So the Senate indeed has not rejected this legislation. They have yet to vote on it. We wish they would vote on it.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank my good friend for yielding to me. Is that rejection or not?

Mr. McCRERY. No, Mr. Speaker, it is not. They have not had an up-or-down vote on this bill, and that is a fact.

Reclaiming my time, Mr. Speaker, this legislation before us today would promote vital improvements in our energy infrastructure while diversifying our economy's sources of energy. The bill's provisions are indeed the same as the incentives the House approved in the conference report on H.R. 6 by a bipartisan vote of 246 to 180, and those measures still merit enactment today.

This bill addresses crucial needs in our infrastructure by promoting new electrical and gas transmission capabilities through accelerated depreciation, promoting production of new low sulfur diesel fuels, and by improvements in the tax rules governing electric utilities. Infrastructure is indeed not very exciting, but it is important. The ability to produce power will mean nothing if we cannot upgrade our ability to get energy to those who need it.

This bill also extends and expands incentives for the production of energy from alternative sources. This bill provides tax incentives for producing electricity from solar, wind, and biomass, for the production of clean fuels from farm waste, and the incentives we agreed upon last year to extend tax credits for ethanol and biodiesel production. These incentives are as important to promoting diversity of supply today as they were when we passed this bill earlier on. The incentives for alternate sources are coupled with the robust package of incentives for the production of coal, oil, and natural gas, which we still need for our energy in this country.

Finally, House Members can take pride in the incentives in this bill to conserve energy and to promote cleaner power, from incentives to create cleaner-burning coal products, produce more efficient cars, and to clean up the air from coal-burning power plants to the incentives the bill provides to make buildings far more efficient in their use of energy. This bill includes measures that encourage prudent use of our resources.

Mr. Speaker, once again this House ought to pass this bill, send it to our colleagues across the Capitol, and hope this time that those who would block this legislation indeed allow an up-or-down vote and let us see how it goes. I predict they would pass this bill. It is a good bill. We ought to pass it today again.

Mr. SWEENEY. Mr. Speaker, I rise today in opposition of H.R. 4503, the Energy Policy Act of 2004. While I wholeheartedly understand the need for a national energy policy, I cannot in good conscience, support this legislation.

I am a proponent of tax incentives to spur growth, both in our economy, and in different sectors of our Nation's energy industries. The promotion of renewable forms of energy is a responsible move in many ways. It diversifies our energy supply, which curbs demand and lessens our dependence on foreign oil. Moreover, these renewable forms of energy are environmentally friendly, reducing emissions which prevent pollution, such as acid rain, from contaminating our lakes and forests. However, I feel there is much room for improvement in this bill. Certainly, more steps must be taken to control our Nation's gasoline prices and prevent massive blackouts, such as the blackout last year in the Midwest and Northeast.

Clearly, the most pressing concern I have with this legislation is the MTBE (methyl tertiary butyl ether) liability waiver. In one town in my district alone, Hyde Park, New York, there are nearly 100 homes with water contaminated by MTBE. Some of these homeowners are considering filing liability lawsuits against the MTBE manufactures, and some have already reached settlements with these manufactures for cleanup. However, the retroactivity provision of this bill will negate their arguments made in these claims. Furthermore, there are over 14,000 MTBE sites awaiting cleanup throughout New York State. This will, undoubtedly, transfer the liability from the manufacturers to the taxpayer. Why should we adopt such a dangerous policy in a time when we call for fiscal responsibility? I stand in clear opposition of this issue.

Mr. Speaker, I hope this Congress will consider the aforementioned points on this legislation and we draft an energy bill that is both responsible and effective.

Mr. SMITH of Michigan. Mr. Speaker, our dependence on foreign energy leaves American consumers at the mercy of events occurring all over the world, from OPEC production decisions to increases in demand in China and India to terrorism in Saudi Arabia to incipient dictatorship in Venezuela. Reducing our dependence would ease the unpredictable swings in oil prices that now cause such havoc with both family budgets and the larger economy. As Director of Energy at USDA, I served on President Nixon's Oil Policy Commission during the 1970s Arab oil embargo, and I can tell you that this problem is greater today. There are no easy and simple answers.

We can make significant progress, but we have to go about it by making energy independence a national priority and by making investments in many key scientific areas. That's why I supported the energy bill the House passed last year and why I am supporting this legislation. This bill would increase conservation, encourage the use of domestic clean coal, permit greater domestic oil production, add to research into new energy sources, and expand the use of ethanol, biodiesel, biomass, and other renewable energy sources.

As Chairman of the Science Research Subcommittee, the bill includes amendments I offered that were put in the bill, including nitrogen fixation, nuclear power research, clean coal research, and school bus emission reductions. Section 962 of the bill supports research and development programs on biological nitrogen fixation, including plant genomics research. Today's nitrogen fertilizers are made from natural gas. We now have the technology to develop and enhance plants to put nitrogen in the soil. This section of the bill will reduce natural gas consumption and in turn will lower farmers' costs.

This bill contains important provisions to increase domestic fuel production, improve homeland security, and encourage the production of renewable fuels like hydrogen and ethanol. Currently, 2.5 billion gallons of ethanol are put into the American gasoline supply. With this new legislation, 5 billion gallons will be blended in by 2012. Ethanol is an oxygenate and is good for reducing pollution and lessening our dependence on imported fuels. We can grow it in abundance in our own fields every year. However, current ethanol technology production needs a continued tax break. Ethanol is only profitable with efficient production when you use the corn by-products. One bushel of corn makes 2.6 gallons, and 90 percent of ethanol is produced from corn. About 1.7 billion bushels of corn will go towards ethanol under this bill. By guaranteeing that 5 billion gallons of ethanol will be used, American farmers and ethanol producers can invest with confidence that, for at least the next 10 to 15 years, ethanol investments will pay off. By increasing ethanol usage, this bill bolsters corn prices.

Agreement on a modernized energy policy focusing on our nation's innovative strengths in science and technology and a reduction on our reliance on the hostile and politically unstable Middle East for fuel will help achieve energy self sufficiency and improve our country's economy and security for decades to come.

Mr. SHAYS. Mr. Speaker, protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress. Unfortunately, the legislation before us today is another missed opportunity to reduce our dependence on foreign oil, lower gasoline prices, promote energy efficiency and conservation, and improve our air, land and water quality.

We had a chance to devise a forward-looking energy policy that would have increased fuel efficiency, prioritized conservation, made polluters, including MTBE producers, pay for harming our environment, and advanced a renewable portfolio standard. Instead what we have is quite a bad bill.

I fail to understand why the major thrust of the bill's tax provisions involve further subsidizing the fossil fuel industry, rather than providing incentives for conservation and renewable sources of energy. These are enormously profitable industries operating in a time of record energy prices. Clearly, these profits demonstrate the market has already provided the fossil fuel industries with sufficient incentive to increase production.

Instead of creating a balanced energy policy that provides incentives to make renewable energy more affordable and widely available, we are making fiscally irresponsible and environmentally-reckless decisions for the benefit of a few profitable industries that don't need this kind of help from taxpayers.

I strongly oppose a provision in the bill that allows for the permanent activation of the Cross Sound Cable. In doing so, the bill subverts the regulatory process and ignores sound environmental policy.

I also oppose provisions in this bill related to the transmission of electricity. For instance, the Energy Policy Act allows the Federal Electric Regulatory Commission (FERC) to preempt state sitting authority when it is determined that a high-voltage power line is of "national significance." The fact is FERC arbitrarily gets to make that determination.

While I find the bulk of this bill environmentally-shortsighted, I am pleased it does not include provisions to open the Arctic National Wildlife Refuge to oil and gas exploration and drilling. In my judgment, it would be far better to develop prudent and lasting renewable energy sources than to risk irreparable damage to the wilderness of one of North America's most beautiful frontiers.

I look forward to the day when we will have an opportunity to vote for a fiscally-prudent, environmentally-responsible national energy policy. Today is not that day.

Mr. VAN HOLLEN. Mr. Speaker, this week we are going to be asked to vote—in some cases, for a second time—on a package of misguided and previously discarded energy initiatives we are alternately told will enhance our Nation's energy independence, provide price relief at the pump and create good paying jobs for those still looking for work in the Bush economy. If only that were true.

From the shrouded memos of the Cheney Energy Task Force to the most recent audio revelations of rampant profiteering at the trading desks of Enron, we can now see clearly that the approach embraced by this Administration and embodied in these proposals is a policy process run completely amok. Unfortunately, one need not rely solely on history to reject this legislation. A straightforward evaluation of its merits leads inexorably to the same conclusion.

Take energy independence. We all have an interest in moving away from our current reliance on foreign oil. But according to the Bush Administration's own Energy Information Administration (EIA), the energy conference report before us today will have non appreciable impact on reducing demand for foreign petroleum—allowing oil imports to jump a staggering 82.9 percent by 2025, only slightly lower than the 84.8 percent rise expected under current projections.

And what about gasoline prices? The same EIA analysis concludes that gas prices will actually be higher with this legislation than without it—increasing 10.3 percent by 2025 under the bill, compared to an 8.2 percent rise with no action.

As for all those jobs purportedly waiting for out of work American if only Congress passes this bill, the nonpartisan Center for Economic and Policy Research reports: "Republican claims that their energy bill will create one million jobs are not credible on their face . . . The number of jobs affected by the bill will certainly only be a small fraction (almost certainly less than one tenth) of the size claimed by Republicans."

What's going on here? If we're not credibly enhancing our nation's energy independence, battling prices at the pump, or creating the next generation of high-tech, high-wage energy jobs, what in the world are we doing? Given the enormous size of our current budget deficit, along with the hefty $31 billion price tag on the energy bill alone, the taxpaying public has a right to know.

Notwithstanding my serious objections to the priorities reflected in the bills before us, I sincerely believe this nation needs a comprehensive energy policy. For that reason, I will be supporting the common sense provisions in the Democratic motion to recommit. But frankly, I would do more.

Rather than drilling in the Arctic National Wildlife Refuge (ANWR)—an enormously environmentally destructive exercise expected to yield the equivalent of about 6 months of oil some 10 years from now—I believe we should increase the corporate average fuel economy (CAFE) standards for cars, SUVs and light trucks to 40 MPG. According to the national Academy of Sciences, a 40 MPG CAFE standard is feasible with existing technology, and conservative estimates place the energy savings at a multiple of the amount of recoverable oil in the ANWR. As an added benefit, consumers would save billions at the pump, and localities would be significantly aided in their efforts to comply with the Clean Air Act.

Additionally, I think it is foolhardy to talk about formulating a national energy policy without reference to that policy's potential implications for global climate change. So long as fossil fuels are part of our energy mix, we will be contributing to the ongoing carbon buildup in the earth's atmosphere. For that reason, Mr. GILCHREST, Mr. OLVER and I offered an amendment at the Rule Committee directing the federal government to establish a comprehensive, principle-based, date-certain national climate change policy along with a national database for registering greenhouse gas emissions. The language we suggested was far more modest than the Climate Stewardship Act legislation we have introduced this Congress and, in fact, passed the Senate by a non-controversial voice vote in 2002. Nevertheless, on a bipartisan basis, we went to the Rules Committee—because we believe that the day for denial on this issue is over, and because we felt it was important to get this particular conversation started. Unfortunately, our amendment was not made in order.

Finally, I think it is high time we stop paying lip service to energy conservation, energy efficiency and renewables—and start investing seriously in the green technologies of tomorrow. We should invite business, labor and the environmental movement to construct a new forward-looking energy policy for the 21st century—one that rewards innovation; propels American dominance in the global marketplace; moves us credibly in the direction of energy independence; safeguards our environment; creates hundreds of thousands of new, domestic, high-skill, high-wage jobs; and incentivizes the production and consumption of ever more efficient products and services.

Mr. Speaker, we as a nation have a choice to make. We can embrace the majority's vision of watered down environmental protections paired with hefty subsidies for the mature, highly profitable, and yes, polluting, industries of the 20th century. Or we can craft a new, more dynamic energy policy that meets both the serious challenges and the substantial opportunities of the 21st century. That is the vision I will be fighting for, and I invite my colleagues on both sides of the aisle to do the same.

Ms. BALDWIN. Mr. Speaker, today, the House of Representatives will disprove the old saying "the third time's a charm." Three times in the last three years, this House has brought an energy bill to the floor with the charge of reducing our dependence on foreign oil and charting our nation's future energy course. And three times this House has failed miserably in drafting a bill that meets these goals.

My constituents in Wisconsin and the rest of America are starting to think Congress has not only lost its long-term memories, but its short-term memory as well. After all, rolling burnouts along the coast of California three years ago, a massive blackout that shadowed much of the northeast last summer, and skyrocketing prices at the pump right now, should be motivation enough to compel Congress to pass comprehensive energy legislation. Sadly, it has not.

The four energy bills on the House floor today are more for political show rather than good-faith efforts to meet America's current and future energy needs. Their sole intent is to put the blame for having a stalled energy bill on the shoulders of Democrats, and to provide evidence to big energy lobbyists that they have done what was asked of them. I believe the reason past energy bills have not been signed into law, and the reason this one will not either, is because our President and House Republicans have ignored the real energy problems facing our country and allowed special interests to come before the nation's best interests. This is government at its worst.

I think it may be helpful to do a quick recap of some of the reasons why Congress has been unable to get an energy bill to the President's desk. The first energy bill gave oil companies $50 billion in tax subsidies to give them more incentive to drill for oil and gas. Continuing their record profits from the year before obviously wasn't incentive enough.

The last energy bill (and the identical one on the floor today) included many of these same subsidies, but added millions more for "pork" projects to Members' congressional districts to help muster additional support for the bill. For example, the bill includes $180 million to build an "energy efficient" Hooters Restaurant in Louisiana.

Ultimately, the bill stalled because the Republican leadership insisted on giving liability protection to manufacturers that produce the fuel additive MTBE. MTBE helps vehicles burn fuel cleaner, but also causes widespread groundwater contamination. The provision would shield MTBE manufacturers from paying for the $29 billion worth of damage they knowingly caused in 36 states, and would even provide $750 million in taxpayer dollars to help them "transition" to another line of work. I do support a provision in the bill that would provide more incentives to use ethanol to replace MTBE.

High fuel prices are hurting consumers everywhere. However, there is nothing in this week's energy bill that would lower these prices anytime soon. Almost $8 of the increased price per barrel of crude—or about 30 cents per gallon of gasoline—is directly related to the market's fears about violence in the gulf region and our difficulties in Iraq. While OPEC's decision to boost oil output will help meet the demands of China's economic surge and the U.S.'s rebounding economy, consumers shouldn't expect prices to fall dramatically during the busy summer travel season.

Since gas prices wouldn't be affected anytime soon even if the current energy bill was signed into law today, the bill is primarily about what our energy policies will be tomorrow and will into the future. I believe there are two different courses we can take.

The first course continues our reliance on finite natural resources and mistakenly assumes that we can reduce our dependence on foreign oil even though the U.S. has only 3 percent of the world's oil reserves. This course calls for no political will to harness American ingenuity to develop technology that makes our fuel more efficient and healthier for our environment. This course is simply more drilling. It continues the way of our past energy policies and inspires no one except CEOs at Chevron, Exxon Mobile, and BP.

The second course is much different, and is the one I believe we must take. It requires our Nation to "think big" and make difficult choices. We can give electric utilities tax credits to increase the amount of energy they produce from wind and other alternative sources. Ask almost any electric utility executive—if you give them incentives to use coal and gas they will, if you give them incentives to use renewable they will. To me, it's an easy choice to make.

Some legislators have proposed a sort of "Apollo-like project" to reduce our dependence on foreign oil. This undertaking would call for much more investment into the development of alternative and renewable fuels, fuel-efficient technologies, and other measures to conserve energy. While this undertaking would be expensive, I believe it is something this Congress should consider. These energy sources would be entirely under our control: no terrorist could seize them; and no cartel or foreign government can play games with them.

It is my hope that Congress will come to its senses, "think big", and address our nation's current energy needs while confronting its future challenges head-on. The energy bill on the floor this week does none of these things despite being over 1,000 pages long and taking hundreds of hours to draft—possibly making it one of the biggest wastes of energy in recent memory.

Mr. STARK. Mr. Speaker, I rise in strong opposition to the Energy Policy Act, the U.S. Refinery Revitalization Act, and the Renewable Energy Project Siting Improvement Act.

Billions of dollars in last-minute industry giveaways couldn't save the energy bill when we voted on it for the second time last November, so I guess the Republican Leadership is hoping that the third time is a charm. This is what now passes for legislating: declare "energy week," bring up the exact same bill with a different number, and add a couple others that by all accounts have no effect on the problems they purport to solve.

We all agree that gas prices are too high and that we need to bring stability to the energy market; but, not surprisingly, the Energy Information Administration found that giving billions of taxpayer dollars to oil companies won't have any effect on what consumers pay.

It gets worse. Because the subsidies couldn't pass on their own merits, the Republican Leadership threw in an MTBE waiver and ethanol mandate to buy votes. Under this legislation, our municipalities would be stuck with a $29 billion to clean up MTBE contamination, and drivers in California could pay up to 9.6 cents more per gallon for ethanol that neither saves energy nor reduces smog.

What passes for investment in renewable energy in this bill is the repeal of the excise tax on diesel fuel for railroads and inland waterway barges and a tax credit for nuclear power production. I'd call that conserving corporate profits, not energy.

The Energy Policy Act is one of the worst examples of cynical, industry-driven legislating I have seen in Congress. Yet just when we thought every bad idea had been rolled into one big bill, industry has two more: waive environmental protections in disadvantaged communities for refinery construction and change government oversight of renewable energy projects from best alternatives to a no options, yes-or-no on what industry wants to build.

If you kicked out the industry lobbyists and asked economists and energy experts what would lower gas prices, they'd tell you to make a significant investment in renewable energy research, reduce the number of fuel blends in the country, and raise the fuel efficiency standards of cars and SUVs. If we made the SUV standard the same as it is for cars, we'd save one million barrels of oil per day and reduce our dependence on foreign oil by ten percent. None of these bills contains these simple, effective changes.

On behalf of my constituents in California, who pay among the highest gas prices in the country; on behalf of our environment, on behalf of our energy security, and on behalf of the old-fashioned notion that science and reason should have something to do with our national policies, I vote no on these industry giveaways.

Mr. LEVIN. Mr. Speaker, it is unwise to waste energy. It is also wrong to waste time. But somehow the House Leadership has found a way to waste both time and energy by bringing this misguided bill before the House.

We have a problem with energy in this country today. We import more than half the oil we use. The price of gasoline has soared with the rapid run up in oil prices over the last year. These energy price hikes hurt consumers and threaten to reignite inflation and lead to higher interest rates. In addition, our electricity transmission system is antiquated and prone to failure. Just last summer, the largest power blackout in U.S. history plunged tens of millions of Americans into darkness. We need to take immediate action on electricity reliability legislation to prevent this from happening again.

And what is the response of the House of Representatives? Today we are taking up the same flawed legislation the House passed last year that met with bipartisan opposition in the Senate because the bill was loaded with special interest provisions and billions of dollars of industry subsidies. It would be one thing if all these subsidies resulted in dramatically increased U.S. energy production or reduced energy consumption, but according to a recent analysis by the Energy Department's Energy Information Administration, this is not the case. The EIA analysis concluded that passage of this legislation would likely result in "negligible" changes in U.S. energy production, consumption, imports and prices.

If the House of Representatives is serious about dealing effectively with energy policy, passing this flawed retread energy bill is not the way to get the job done. We can do much better than this.

The SPEAKER pro tempore. The gentleman's time has expired. All time for debate has expired.

Pursuant to House Resolution 671, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DINGELL. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dingell moves to recommit the bill H.R. 4503 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FRAUDULENT OR MANIPULATIVE PRACTICES.

(a) Unlawful Acts.—It shall be unlawful for any entity, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails to use or employ, in the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate in the public interest.

(b) Application of Federal Power Act to This Act.—The provisions of section 307 through 309 and 313 through 317 of the Federal Power Act shall apply to violations of section 1201 of this Act in the same manner and to the same extent as such provisions apply to entities subject to Part II of the Federal Power Act.

SEC. 2. RULEMAKING ON EXEMPTIONS, WAIVERS, ETC. UNDER FEDERAL POWER ACT.

Part III of the Federal Power Act is amended by inserting the following new section after section 319 and by redesignating sections 320 and 321 as sections 321 and 322, respectively:

"SEC. 320. CRITERIA FOR CERTAIN EXEMPTIONS, WAIVERS, ETC.

"(a) Rule Required for Certain Waivers, Exemptions, Etc.—Not later than 6 months after the enactment of this Act, the Commission shall promulgate a rule establishing specific criteria for providing an exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of sections 204, 301, 304, and 305 (including any prospective blanket order). Such criteria shall be sufficient to insure that any such action taken by the Commission will be consistent with the purposes of such requirements and will otherwise protect the public interest.

"(b) Moratorium on Certain Waivers, Exemptions, Etc.—After the date of enactment of this section, the Commission may not issue, adopt, order, approve, or promulgate any exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of section 204, 301, 304, or 305 (including any prospective blanket order) until after the rule promulgated under subsection (a) has taken effect.

"(c) Previous Ferc Action.—The Commission shall undertake a review, by rule or order, of each exemption, waiver, or other reduced or abbreviated form of compliance described in subsection (a) that was taken before the date of enactment of this section. No such action may continue in force and effect after the date 18 months after the date of enactment of this section unless the Commission finds that such action complies with the rule under subsection (a).

"(d) Exemption Under 204(f) not Applicable.—For purposes of this section, in applying section 204, the provisions of section 204(f) shall not apply.".

SEC. 3. REPORTING REQUIREMENTS IN ELECTRIC POWER SALES AND TRANSMISSION.

(a) Audit Trails.—Section 304 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(c)(1) The Commission shall, by rule or order, require each person or other entity engaged in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce, and each broker, dealer, and power marketer involved in any such transmission or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.

"(2) Section 201(f) shall not limit the application of this subsection.".

(b) Natural Gas.—Section 8 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(d) The Commission shall, by rule or order, require each person or other entity engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and each broker, dealer, and power marketer involved in any such transportation or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.".

SEC. 4. TRANSPARENCY.

(a) Definition.—As used in this section the term "electric power or natural gas information processor" means any person engaged in the business of—

(1) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations.

The term does not include any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, any self-regulatory organization, any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank, if such bank, broker, dealer, association, or cooperative bank would be deemed to be an electric power or natural gas information processor solely by reason of functions performed by such institutions as part of customary banking, brokerage, dealing, association, or cooperative bank activities, or any common carrier, as defined in section 3 of the Communications Act of 1934, subject to the jurisdiction of the Federal Communications Commission or a State commission, as defined in section 3 of that Act, unless the Commission determines that such carrier is engaged in the business of collecting, processing, or preparing for distribution or publication, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(b) Prohibition.—No electric power or natural gas information processor may make use of the mails or any means or instrumentality of interstate commerce—

(1) to collect, process, distribute, publish, or prepare for distribution or publication any information with respect to quotations for, or transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) to assist, participate in, or coordinate the distribution or publication of such information in contravention of such rules and regulations as the Federal Energy Regulatory Commission shall prescribe as necessary or appropriate in the public interest to

(A) prevent the use, distribution, or publication of fraudulent, deceptive, or manipulative information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas;

(B) assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, and the fairness and usefulness of the form and content of such information;

(C) assure that all such information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is collected, processed, or prepared for distribution or publication by any exclusive processor of such information acting in such capacity;

(D) assure that, subject to such limitations as the Commission, by rule, may impose as necessary or appropriate for the maintenance of fair and orderly markets, all persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is published or distributed by any electric power or natural gas information processor;

(E) assure that all electricity and natural gas electronic communication networks transmit and direct orders for the purchase and sale of electricity or natural gas in a manner consistent with the establishment and operation of an efficient, fair, and orderly market system for electricity and natural gas; and

(F) assure equal regulation of all markets involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas and all persons effecting transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(c) Related Commodities.—For purposes of this section, the phrase "purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas" includes the purchase or sale of any commodity (as defined in the Commodities Exchange Act) relating to any such purchase or sale if such commodity is excluded from regulation under the Commodities Exchange Act pursuant to section 2 of that Act.

(d) Prohibition.—No person who owns, controls, or is under the control or ownership of a public utility, a natural gas company, or a public utility holding company may own, control, or operate any electronic computer network or other mulitateral trading facility utilized to trade electricity or natural gas.

SEC. 5. PENALTIES.

(a) Criminal Penalties.—Section 316 of the Federal Power Act (16 U.S.C. 825o(c)) is amended as follows:

(1) By striking "$5,000" in subsection (a) and inserting "$5,000,000 for an individual and $25,000,000 for any other defendant"

(2) By striking "$500" in subsection (b) and inserting "$1,000,000".

(2) By striking subsection (c).

(b) Civil Penalties.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended as follows:

(1) By striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

(2) By striking "$10,000 for each day that such violation continues" and inserting "the greater of $1,000,000 or three times the profit made or gain or loss avoided by reason of such violation".

(3) By adding the following at the end thereof:

"(c) Authority of a Court to Prohibit Persons From Certain Activities.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

"(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

"(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

"(A) involves the purchase or sale of electricity, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

"(B) arises out of the conduct of the business of transmitting electric energy in interstate commerce or selling or purchasing electric energy at wholesale in interstate commerce;

"(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

"(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

"(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

"(4) Such entity has willfully violated any provision of this Act.

"(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

"(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

"(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

"(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

"(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

"(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

"(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

"(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

"(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.".

(c) Natural Gas Act Penalties.—Section 21 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(c) Authority of a Court to Prohibit Persons From Certain Activities.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

"(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

“(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

“(A) involves the purchase or sale of natural gas, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

“(B) arises out of the conduct of the business of transmitting natural gas in interstate commerce, or the selling in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

“(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

“(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

“(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

“(4) Such entity has willfully violated any provision of this Act.

“(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

“(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

“(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

“(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

“(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

“(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

“(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

“(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

“(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

“(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

“(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.”.

SEC. 6. REVIEW OF PUHCA EXEMPTIONS.

Not later than 12 months after the enactment of this Act the Securities and Exchange Commission shall review each exemption granted to any person under section 3(a) of the Public Utility Holding Company Act of 1935 and shall review the action of persons operating pursuant to a claim of exempt status under section 3 to determine if such exemptions and claims are consistent with the requirements of such section 3(a) and whether or not such exemptions or claims of exemption should continue in force and effect.

SEC. 7. REVIEW OF ACCOUNTING FOR CONTRACTS INVOLVED IN ENERGY TRADING.

Not later than 12 months after the enactment of this Act, the Financial Accounting Standards Board shall submit to the Congress a report of the results of its review of accounting for contracts in energy trading and risk management activities. The review and report shall include, among other issues, the use of mark-to-market accounting and when gains and losses should be recognized, with a view toward improving the transparency of energy trading activities for the benefit of investors, consumers, and the integrity of these markets.

SEC. 8. PROTECTION OF FERC REGULATED SUBSIDIARIES.

Section 205 of the Federal Power Act is amended by adding after subsection (f) the following new subsection:

“(g) RULES AND PROCEDURES TO PROTECT CONSUMERS OF PUBLIC UTILITIES.—Not later than 9 months after the date of enactment of this Act, the Commission shall adopt rules and procedures for the protection of electric consumers from self-dealing, interaffiliate abuse, and other harmful actions taken by persons owning or controlling public utilities. Such rules shall ensure that no asset of a public utility company shall be used as collateral for indebtedness incurred by the holding company of, and any affiliate of, such public utility company, and no public utility shall acquire or own any securities of the holding company or other affiliates of the holding company unless the Commission has determined that such acquisition or ownership is consistent with the public interest and the protection of consumers of such public utility.”.

SEC. 9. REFUNDS UNDER THE FEDERAL POWER ACT.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: “In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission shall establish such earlier refund effective date as is necessary to provide a refund of any rate or charge that is not just and reasonable, as determined by the Commission. To the extent necessary to achieve the purposes of this section, the Commission shall initiate new proceedings, including investigations, and issue appropriate refunds.”.

(2) By striking the second and third sentences.

(3) By striking out “the refund effective date or by” and “, whichever is earlier,” in the fifth sentence.

(4) In the seventh sentence by striking “through a date fifteen months after such refund effective date” and insert “and prior to the conclusion of the proceeding” and by striking the proviso.

SEC. 10. ACCOUNTS AND REPORTS.

Section 318 of the Federal Power Act is amended by adding the following at the end thereof: “This section shall not apply to sections 301 and 304 of this Act.”.

SEC. 11. MARKET-BASED RATES.

Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

“(g) For each public utility granted the authority by the Commission to sell electric energy at market-based rates, the Commission shall review the activities and characteristics of such utility not less frequently than annually to determine whether such rates are just and reasonable. Each such utility shall notify the Commission promptly of any change in the activities and characteristics relied upon by the Commission in granting such public utility the authority to sell electric energy at market-based rates. If the Commission finds that:

“(1) a rate charged by a public utility authorized to sell electric energy at market-based rates is unjust, unreasonable, unduly discriminatory or preferential,

“(2) the public utility has intentionally engaged in an activity that violates any other rule, tariff, or order of the Commission, or

“(3) any violation of section 101 of the Energy Markets Fraud Prevention and Consumer Protection Act of 2002,

the Commission shall issue an order immediately modifying or revoking the authority of that public utility to sell electric energy at market-based rates.”.

SEC. 12. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by inserting the following new section at the end thereof:

“SEC. 215. ELECTRIC RELIABILITY.

“(a) Definitions.—For purposes of this section—

“(1) The term ‘bulk-power system’ means—

“(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

“(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

“(2) The terms ‘Electric Reliability Organization’ and ‘ERO’ mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

“(3) The term ‘reliability standard’ means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

“(4) The term ‘reliable operation’ means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

“(5) The term ‘Interconnection’ means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

“(6) The term ‘transmission organization’ means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

“(7) The term ‘regional entity’ means an entity having enforcement authority pursuant to subsection (e)(4).

“(b) Jurisdiction and Applicability.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

“(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

“(c) Certification.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization (ERO). The Commission may certify one such ERO if the Commission determines that such ERO—

“(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

“(2) has established rules that—

“(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

“(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

“(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

“(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

“(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

“(d) Reliability Standards.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

“(2) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

“(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

“(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

“(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

“(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

“(A) the Commission finds a conflict exists between a reliability standard and any such provision;

“(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

“(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

“(e) Enforcement.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

“(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

“(B) files notice and the record of the proceeding with the Commission.

“(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the electric reliability organization files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the electric reliability organization and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the electric reliability organization for further proceedings. The Commission shall implement expedited procedures for such hearings.

“(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

"(4) The Commission shall establish regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

"(A) the regional entity is governed by—

"(i) an independent board;

"(ii) a balanced stakeholder board; or

"(iii) a combination independent and balanced stakeholder board.

"(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

"(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

"(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

"(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

"(f) Changes in Electricity Reliability Organization Rules.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the Electric Reliability Organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

"(g) Reliability Reports.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

"(h) Coordination With Canada and Mexico.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the Electric Reliability Organization in the United States and Canada or Mexico.

"(i) Savings Provisions.—(1) The Electric Reliability Organization shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

"(2) This section does not authorize the Electric Reliability Organization or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

"(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the Electric Reliability Organization.

"(5) The Commission, after consultation with the Electric Reliability Organization and the State taking action, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

"(j) Regional Advisory Bodies.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed or of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

"(k) Application to Alaska and Hawaii.—The provisions of this section do not apply to Alaska or Hawaii.".

SEC. 13. STRATEGIC PETROLEUM RESERVE CONTRACTS.

Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (b) the following new subsection:

"(c) Whenever there is a substantial increase in the market price of a petroleum product which is subject to a contract for delivery to the Reserve, the Secretary shall, to the extent possible under the contract or through renegotiation of the terms and conditions of the contract (including terms and conditions relating to the delivery date), take such actions as are necessary to protect consumers or achieve the objectives described in subsection (b).".

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. Dingell) is recognized for 5 minutes in support of his motion.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from California (Ms. Eshoo), who is cosponsor of the motion to recommit.

Ms. ESHOO. Mr. Speaker, I thank the very distinguished ranking member of the Committee on Energy and Commerce for yielding me this time.

I rise today in support of this motion to recommit. And, Mr. Speaker, I do so for the following reasons. One of the great things about our country is that we recognize when mistakes have been made, when the American people have suffered an injustice, a wrong, and we stand to make it right. That is what this motion to recommit is all about.

Two weeks ago the people of our country heard all over the airwaves the disgraceful and disgusting tapes, the audio tapes of the Enron traders and how they planned and how they executed the gouging and the manipulation of the energy market in the Pacific Northwest and in California. Time and again we have sought amendments. Time and again we have gone to the Speaker of the House. Time and again the three delegations from the Pacific Northwest and California have attempted to make this right.

Today in this energy bill we ask that it be recommitted, and with this recommittal we will direct the Federal Energy Commission that is charged with the consumers' best interest to refund the dollars that were robbed out of greed from the American people. We are a great and good Nation. We can correct this. That is what the motion to recommit is all about. Every single Member of this House, Republicans and Democrats, have a stake in this. If they vote against the motion to recommit, they are saluting those that robbed American consumers. So stand with them. Do the right thing.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

I urge my colleagues to vote for the motion to recommit. It is very simple. It is passive. It is something which the Senate, I believe, would consider; and it is something which will be accepted by the American people and which will help with the energy problems.

First of all, it contains energy anti-fraud provisions to avoid a recurrence of the widespread unchecked fraud that rocked Western power markets in recent years. The motion requires FERC to refund overcharges, updates various provisions of the Federal Power Act, and gives the Federal Energy Regulatory Commission authority to deter and to punish market manipulation.

It has electric reliability provisions. The motion includes what is perhaps the most widely supported provision in the bill before us today, making the rules that govern the operation of the interstate electric grid mandatory and enforceable. The U.S.-Canada Task Force report called this the most important step that this Nation can take to prevent future blackouts.

It includes legislation which relates to the Strategic Petroleum Reserve; and regardless of how the Members feel about drawing down the Strategic Petroleum Reserve to address prices, an idea which, by the way, I oppose, no one can quarrel with the premise that the Department of Energy should manage additions of crude oil to the reserves in such a way as to minimize costs and to avoid exerting upward pressure on oil prices when markets are awry.

The administration has been inexplicably reluctant to defer deliveries of crude to SPR during the current market run-up in oil prices, despite the fact that it has been done before. The motion directs the Secretary to pursue this option and to utilize futures and other devices which would enable him to address this.

All of us, I think, here in the House favor certain aspects of H.R. 4503, but the good provisions are being held hostage to other aspects that are controversial, provisions which are clearly special interests and, quite frankly, will not pass the sniff test. It is too late in the session to continue playing chicken with this issue. The time has come to enact carefully drawn provisions in addressing the Nation's most immediate needs. This motion addresses the three most important major energy problems, market manipulation, electric reliability, and high gasoline prices, in ways that Members should be able to agree upon.

□ 1545

We can pursue the goal of a broader energy bill later in a better fashion, hopefully a more bipartisan way, in which the Members of the Congress will have an opportunity to address it with proper amendments on the floor or to attend the meetings of the conferees, which were foreclosed to Members on the minority side in a most curious and, I would note, unparliamentary fashion.

I urge my colleagues to endorse and support and vote for the motion to recommit. It is a good piece of legislation. It converts a bad piece of legislation into something which will work, and it has a chance of being considered and passed in the Senate. I urge my colleagues to vote for the motion to recommit.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I wish to say as I rise in opposition that I am in total support of the Dean of the House, the gentleman from Michigan, in his efforts to help develop a comprehensive energy plan for our country, but I cannot support this particular motion to recommit.

It is true that some elements of the motion to recommit would be helpful. There is an increase in civil fines for wrongdoing, but that is already in the pending bill that is before us. In fact, the bill that is before us would increase the fine to $1 million.

The pending bill before us bans round trip trades. The gentleman's motion to recommit does not ban round trip trades.

The pending bill before us would encourage the development and siting of new transmission lines. The motion to recommit does not do that.

The pending bill before us protects native load in those States that wish to do that. The gentleman's motion to recommit does not protect native load.

The pending bill repeals the Public Utility Holding Company Act so we get more capital into our energy markets. That is one area where the gentleman from Michigan and I have a policy difference. He does totally oppose the repeal of PUHCA, and that is just an honest difference of opinion.

The pending bill before us would reform PURPA, which allows cogeneration facilities to sell their surplus electricity into the power grid. The motion to recommit does not do that.

There is no provision in the motion to recommit for clean coal technology. There is no provision in the motion to recommit for hydrogen fuel cell research. There is no provision in the motion to recommit for investment tax credits for wind power and solar power and other alternative energy resources.

There is no provision in the motion to recommit to incentivize the construction of the Alaska natural gas pipeline, where we have 40 trillion cubic feet of natural gas that is not being used at the current time because we cannot get it to the Lower 48 States.

In fact, the gentleman's motion to recommit has not one molecule of new energy in the motion to recommit. So while it may be well-intended, I do not think it is a substitute for a comprehensive energy bill, which, I will point out, has passed the House in its current form by a vote of 246 to 180, which was a bipartisan vote.

The motion to recommit in a similar form failed before this body 193 to 237, although I must admit that that particular motion to recommit did not have the section on the Strategic Petroleum Reserve. I have tried to understand the section on the Strategic Petroleum Reserve and I will take the gentleman from Michigan at his word that the intent of the SPR language is to provide some protection for price flexibility. But as a layman; i.e. myself, reads it, it is unclear to me that it actually does that. But I will take him at his word, that if he says that is what it does, I will stipulate that is what it does.

In summary, while the motion to recommit is well intended, it is not a substitute for a comprehensive energy bill. In a form very similar to what it is today, it has failed before this body 237 to 193, and I hope when we come to the vote, if it comes to a rollcall vote, that once again it will fail, with all due respect to my good friend from Michigan.

Mr. Speaker, I yield back the balance of my time, and urge a no vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes as ordered on the question of passage of H.R. 4503 and the question postponed earlier today on the passage of H.R. 4513.

The vote was taken by electronic device, and there were—yeas 192, nays 230, not voting 11, as follows:

[Roll No. 240]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)

Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—230

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bell
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Diaz-Balart, L.
Ehlers
Millender-McDonald
Pascrell
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1614

Messrs. NEUGEBAUER, NUNES, REGULA, PUTNAM, and BRADY of Texas changed their vote from "yea" to "nay."

Ms. HARMAN, and Messrs. HOEFFEL, LANGEVIN, ORTIZ, MEEKS of New York, and MOLLOHAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DINGELL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 178, not voting 11, as follows:

[Roll No. 241]

YEAS—244

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NAYS—178

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gilchrest
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger

Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—11

Bell
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Diaz-Balart, L.
Ehlers
Millender-McDonald
Pascrell
Watson

□ 1624

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RENEWABLE ENERGY PROJECT SITING IMPROVEMENT ACT OF 2004

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of the passage of the bill, H.R. 4513, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 186, not voting 18, as follows:

[Roll No. 242]

YEAS—229

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Evans
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Towns
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NAYS—186

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu

NOT VOTING—18

Bell
Carson (IN)
Carson (OK)
Collins
Cummings
DeMint
Deutsch
Diaz-Balart, L.
Ehlers
Millender-McDonald
Norwood
Pascrell
Ros-Lehtinen
Sanchez, Loretta
Tauzin
Tiahrt
Toomey
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1632

So the bill is passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 236, a vote on the previous question on H. Res. 671; rollcall vote 237, H. Res. 671 a rule to provide for consideration of the Energy Policy Act (H.R. 4503) and the United States Refinery Revitalization Act (H.R. 4517); rollcall vote 238, a vote on the previous question; rollcall vote 239, H. Res. 672 a rule providing for the consideration of Environmental Review for Renewable Energy Project (H.R. 4513) and Arctic Coastal Plain and Surface Mining Improvement Act (H.R. 4529); rollcall vote 240, a motion to recommit the Energy Policy Act (H.R. 4503); rollcall vote 241, final passage of the Energy Policy Act (H.R. 4503) and rollcall vote 242, final passage of Renewable Energy Project Siting Improvement (H.R. 4513).

Had I been present, I would have voted "yea" for rollcall votes 236, 237, 238, 239, 241, and 242. I would have voted "nay" on rollcall vote 240.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 236, No. 237, No. 238, No. 239, No. 240, No. 241, and No. 242.

Had I been present, I would voted "Aye" on No. 240, and "Nay" on No. 236, No. 237, No. 238, No. 239, No. 241, and No. 242.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1630

COMMUNICATION FROM THE HONORABLE WALLY HERGER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the following communication from the Honorable WALLY HERGER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 2004.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Trinity County Superior Court.

After consultation with the Office of General Counsel, I have determined that partial compliance is consistent with the privileges and precedents of the House.

Sincerely,

WALLY HERGER,
Member of Congress

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on the additional motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

THE GASOLINE PRICE REDUCTION ACT OF 2004

Mr. BARTON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4545) to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes.

The Clerk read as follows:

H.R. 4545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Gasoline Price Reduction Act of 2004".

SEC. 2. WAIVER OF FUEL PROVISIONS IN CASE OF FUEL SUPPLY DISRUPTION.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by adding the following at the end thereof: "The Administrator may waive the provisions of any applicable implementation plan approved under this subparagraph with respect to a fuel or fuel additive if the Administrator, in consultation with the Secretary of Energy, determines that such waiver is necessary by reason of a significant fuel supply disruption in any area subject to such plan. Such waiver shall remain in effect in the area concerned for such period as the Administrator, in consultation with the Secretary of Energy, deems necessary by reason of such fuel supply disruption. No State or person shall be subject to an enforcement action, penalties, or liability solely arising from actions taken pursuant to the issuance of a waiver under this section.".

SEC. 3. CAP AND REDUCTION OF BOUTIQUE FUELS.

(a) EPA APPROVAL OF STATE PLANS WITH BOUTIQUE FUELS.—Section 211(c)(4) of the Clean Air Act (42 U.S.C. 7545(c)(4)) is amended by adding the following at the end thereof:

"(D) In the case of gasoline, after the enactment of this subparagraph, the Administrator may give a preference to the approval of State implementation plan provisions described in subparagraph (C) if the control or prohibition in such provisions requires the use of either of the following:

"(i) Reformulated gasoline as defined in subsection (k).

"(ii) Gasoline having a Reid Vapor Pressure of 7.0 or 7.8 pounds per square inch (psi) for the high ozone season (as determined by the Administrator).

The Administrator shall have no authority, when considering State implementation plan revisions under subparagraph (C), to approve any fuel or fuel additive if the effect of such approval would be to increase the total number of fuels and fuel additives approved in all State implementation plans nationwide prior to June 1, 2004.".

(b) CROSS REFERENCE.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by adding the following at the end thereof: "After the date of enactment of subparagraph (D) of this paragraph, any State implementation plan revision under this subparagraph involving gasoline shall be considered only pursuant to both this subparagraph and subparagraph (D).".

(c) STUDY.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Energy, shall undertake a study of the effects on air quality, on the number of fuel blends, on fuel availability, and on fuel costs of the State plan provisions adopted pursuant to section 211(c)(4)(D) of the Clean Air Act. In carrying out such study, the Administrator shall obtain comments from affected parties. The Administrator shall submit the results of such study to the Congress not later than 18 months after the enactment of this Act, together with any recommended legislative changes to the list of fuels in section 211(c)(4)(D), which, if expanded, shall not exceed 10 fuels.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Maine (Mr. ALLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4545, the Gasoline Price Reduction Act of 2004. This bill cosponsored by the gentleman from Missouri (Mr. BLUNT) and the gentleman from Wisconsin (Mr. RYAN) has three distinct provisions. One, it expressly gives the Administrator of the EPA, or the Environmental Protection Agency, in consultation with the Secretary of Energy, waiver authority with respect to fuels and fuel additives requirements in State implementation plans in the event of a significant fuel supply disruption.

The second section of the bill would give the Administrator of the EPA a preference as to which of three types of fuel could be required when considering approval of State implementation plans, while at the same time capping the total number of fuels or fuel additives at the nationwide number in existence as of June 1, 2004, and I believe that number is 48.

The third thing the bill would do would be to require the administrator of the EPA, again in cooperation with the Secretary of Energy, to undertake a study to determine the effect of State plan provisions on air quality, on the number of fuel blends, on fuel availability and on fuel costs. The results of this study are to be reported to the Congress within 18 months after enactment, with recommendations on legislative changes to the list of preferred fuels which, if expanded, shall not exceed 10 fuels.

Over time, we have specialized our fuels in nonattainment areas in different regions of the country to the point that every talking head on every news show speaks of the Balkanization of the fuel supply; the dividing of our fuel blends into smaller and smaller groupings.

This bill will not provide overnight relief, but it would represent a good start to limiting the proliferation of fuels so numerous that it takes a high-tech society just to keep up with them.

I would urge the passage of this important legislation, H.R. 4545, the Gasoline Price Reduction Act of 2004.

Madam Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. BLUNT), the primary author of the bill, the majority whip, a member of the Committee on Energy and Commerce on leave, be able to control the balance of the time that I normally would control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLUNT. Madam Speaker, I yield myself such time as I may consume.

I thank the chairman for yielding and look forward to the discussion of this bill with my friends and others on the floor.

Mr. Speaker, this is Energy Week, and I think most American families can tell us that what they really want to see is some common sense at the gas pump. Every summer we see wild spikes in the prices of gasoline at stations nationwide. This summer is one of the worst on record. Prices in some areas are peaking at $3.11 per gallon, according to my California colleagues.

Communities across the country can use close to 45 different blends of gasoline. These so-called specialty boutique fuels are specially formulated as these fuel requirements are necessary to meet air quality standards in certain areas. To make matters even worse, even more special blends of these special blends are often required, depending upon the season.

When supply cannot meet demand for one of these boutique blends, prices spike, sometimes overnight, and families and commerce suffers. States use numerous blends and grades of fuel to meet clean air standards. This approach results in islands within our country that use a gasoline used by no other community. These areas prohibit other blends of gasoline, even in times of shortage. In other words, if they run low they cannot run next door to borrow a little fuel that is easily available somewhere else. Instead, consumers see tight supply and rising prices.

Mr. Speaker, in my home State of Missouri, a person can fill their gas tank in Springfield, where I am from, and drive 3½ hours to St. Louis. When they get there they would be filling their tank up again, but probably after they have burned all the gas that they bought somewhere else in that community. They would buy a different type of gasoline, but if St. Louis ever runs short of gasoline, they cannot go just right across the river to East St. Louis, Illinois. They cannot use the gasoline that is available 25 miles from downtown, outside of that attainment area, but of course the people that buy gas in those places can drive to St. Louis easily.

The essential Balkanization of the country in terms of fuel prices just does not make any sense. So the gentleman from Wisconsin (Mr. RYAN) and others and I have introduced the Gasoline Price Reduction Act to do something about this. Our legislation would assure a more reliable supply of gas nationwide.

Essentially, we do four things. One is we create a waiver system if the refinery that serves a community for some reason is not able to produce gasoline.

We cap the current number of fuel blends at a number around 45, and I say around 45 because there are so many blends out there one of the things we need to do is figure out exactly how many blends there are today and cap that number at that rate.

We also encourage EPA to come up with three recommended blends that they would use in the country and, in the meantime, to have a study that would really determine the number of fuel blends that could be made available in a more efficient market, in a more efficient way.

I hope our colleagues join us today, not only in the healthy discussion of this bill but also as we move to pass this legislation.

Madam Speaker, I need to go off the floor for a second, and I ask unanimous consent that the gentleman from Wisconsin (Mr. RYAN) be allowed to manage my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ALLEN. Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, if we had a rule prohibiting false or misleading short titles on legislation, I would offer a point of order that the Gasoline Price Reduction Act being brought before the body today is a blatant violation of honesty and presentation of legislation because the bill does absolutely nothing to deal with the real causes of the increase in the price of gasoline at the pump.

With this bill the Republicans have identified a problem. Gas prices are too high. The consumers are paying an arm for regular. They are paying a leg for plus, and for their first born they get premium.

We need to do something, says the Republicans. The Democrats agree, but the Republicans have offered up a false solution. They say, let us waive the Clean Air Act. We have 24 million Americans with asthma. We have 8 million children in America with asthma. Is the solution to high gasoline prices waiving the Clean Air Act?

We have a dramatic rise in breast cancer, in prostate cancer in America, much of it environmentally related, what we breathe in the air, but what is the Republican solution to that? They say, well, let us regulate softly and carry a big inhaler. That is the message to the children of our country.

So what is the problem? Well, the Saudi Arabians, of course, took about 1 million barrels of oil off the market a year ago, and we heard just a little whisper from this White House that the Saudi Arabians were playing games with the oil prices in our country. The GAO actually did a study a year ago that indicated that all the oil company mergers in the 1990s led to a dramatic increase in gasoline prices.

Are they investigating all these oil company mergers in America? Are they investigating what the Saudi Arabians are doing? Have we seen those hearings? No. Their answer is that it is the clean air that children are breathing in the United States that is the problem.

We hear the complaints from the Republican Party, the air is too clean, the water in America is getting too clean; that is the problem, not what is going on in OPEC, not what is going on with the oil companies. What is their solution? Their solution is whenever there is a significant fuel supply disruption that the Environmental Protection Agency and the Bush administration, every polluter's ally EPA, is able to waive the Clean Air Act requirements to protect the children's air in America. That is what this bill is, the Gasoline Price Reduction Act. The Increase in Pollution Children Breathe Act is what it really is.

Now, we say to the Republicans, we say to the White House, will you please deploy the Strategic Petroleum Reserve of 600 million gallons that the American people have purchased as a weapon against price gouging by the oil companies and by OPEC? They say, oh, no, that would be a disruption in the free market if we actually use the oil in the Strategic Petroleum Reserve to drive down prices.

☐ 1645

Their answer is to increase pollution in the air that the children breathe, that the seniors breathe in our country. That is what this bill is all about.

And how long will the EPA have to keep this reduction in clean air protections on the books? Forever, indefinite. So we could have the worst possible supply disruption, and this administration says it will never deploy the Strategic Petroleum Reserve, but will immediately take the Clean Air Act off the books.

So the language is actually whenever the EPA, in consultation with the Secretary of Energy, deems necessary by reason of such fuel supply disruption. So GOP, it used to stand for Grand Old Party, now it stands for Gas and Oil Party, now it stands for Gang of Polluters. Their solution to high gasoline prices is to pollute, not to go to OPEC, not to go to the oil companies. It is to pollute.

This bill is absolutely atrocious. I beg Members, please do not be misled. This bill is nothing more than something that will result in more and more children in our country needing inhalers. Members should not vote for it. There is a direct correlation between the amount of pollution that goes in the air and the amount of disease we see in our country. We do not have to find this false solution to deal with the problem when it is so obvious what is going wrong in the oil markets, our OPEC allies.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

That was a very interesting speech. I do not think the speech really applied to the bill we have on the floor, though. I would first mention that this waiver authority is nothing different than the current waiver authority the EPA has. Last year when we had a pipeline break in Arizona when they could not get a lot of gasoline, the EPA waived certain parts of the Clean Air Act so they could get gas supplies to meet the demand that was occurring because they had a huge supply shock.

Now, I would like to set this issue up in the following way. What this bill does is recognize the fact that we can have cheap gas and clean gas in America. The goal here is to improve the

Clean Air Act, make it function better and make our gas more affordable while maintaining every ounce of environmental standards that we already have on the books. This bill will help make it easier to meet the Clean Air Act, but let me put this issue in perspective.

When we started the Clean Air Act, we had a good idea. The idea in the Clean Air Act at the time was if your area has dirty air, you need to clean it up. One of the things you need to do is burn cleaner gasoline through your cars. A very good idea. The problem is when they wrote this law, they did not think of the fact that if they allow cities, counties, States to select their own kinds of gasoline, that they would cause this huge problem we have today. Here is the problem.

Please, Madam Speaker, look at this chart. What this chart shows is the map of America. It looks like a piece of modern art. It shows all of the different blends of gasoline that are required to occur in the summer in America. There are 16 different base blends of gasoline which translate today into 45 different fuels in America.

However, we have a pipeline and refinery infrastructure system in America that has not been upgraded since the 1970s. No new refineries have been built since 1976, and when we built that system we had one kind of gasoline flowing through America. Now because of the Clean Air Act, a very good law, but one that does not take into account this problem, when we go from winter-blend gasoline, which is basically conventional gas, to summer-blend gasoline, we move from one kind of gas to 45 different blends of gasoline required around America.

When we have our refinery capacity running at 96 percent, any little hiccup in supply, any little refinery fire that has happened all across America, a problem with the pipeline breaking like in St. Louis or Arizona, we have huge supply shortages and giant price spikes. What is more is all of these different blends of gasoline, we can have four different blends by going from Green Bay, Wisconsin, to St. Louis, Missouri. In Green Bay, they may have conventional gas; in Kenosha, they may have reformulated gas. Springfield, Illinois, may have a low RVP conventional gas. East St. Louis may have 7.0 RVP. Across the river in West St. Louis, they may have 7.2 RVP.

The problem is these gas lines are not fungible, even though in Detroit and Chicago and Milwaukee and St. Louis and Kansas City and Minneapolis we have the same environmental requirements. They are out of compliance with the Clean Air Act. They have the same requirements with respect to the fuel standards they have to achieve, but they all have different blends of gasoline, proprietary blends of gasoline.

What we want to do is bring common sense to this system. What this legislation does is it simply says we are going to have now a preferred list of fuels that people can choose from, local governments can choose from when they select their new gasoline blends to come into compliance with the Clean Air Act. We are capping the amount of boutique fuels so we do not proliferate more blends, but especially now when we go to the new 8-hour ozone requirement and we now recognize the fact that we have 42 areas of America, as we see on this chart, which have 45 different fuel blends, we are adding 82 new areas of America this year that are going to be out of compliance with the Clean Air Act because of the new 8-hour ozone standard.

As we add these new 82 areas, do we want to have that many more different kinds of fuel in America? No, we simply want to bring some common sense to the system so that when all these new areas of America have to come into compliance with the Clean Air Act, we want to give them guidance so they can pick from a list of preferred clean blends of fuel that are compliant with the Clean Air Act that are standard blends of fuel so we can standardize not only the kinds of fuels we use in America, but stabilize our supply of gasoline in America.

Why does that matter? Because gas is priced like any other commodity. It is priced based upon its supply. If we can stabilize the supply of gas, we can stabilize the price of gasoline and bring down the price of gasoline.

What the intent of this legislation is to do is to make sure in the short term if we have huge supply problems, a refinery fire or a pipeline break, we have the authority to meet those supply problems; but in the medium term and long term, make sure we standardize our blends of gasoline so we can comply with the Clean Air Act and have inexpensive, affordable, clean-burning gasoline.

What I believe this bill will actually achieve at the end of the day will be less expensive and more clean gas around America, even in areas that do not have to have clean gasoline. I think this is going to help us clean up our air, and it is going to help us have affordable gasoline.

Madam Speaker, I reserve the balance of my time.

Mr. ALLEN. Madam Speaker, I yield myself such time as I may consume.

First, perhaps not in the dramatic fashion of the gentleman from Massachusetts (Mr. MARKEY), but I do want to point out that this is probably the finest title I have seen to a bill in a very long time, the Gasoline Price Reduction Act. That is a marvelous title. If it did not have any text, I would vote for it. If we changed the text so it actually reduced gasoline prices, I would vote for it, and so would my colleagues on this side; but that is not the case.

Let me begin with a couple of responses to the gentleman from Wisconsin (Mr. RYAN). He said this legislation is not different from the current waiver authority of the EPA. We disagree entirely. It is true there are occasions when EPA has not enforced what would otherwise be violations of the Clean Air Act, but that is enforcement discretion. What this legislation does is it puts into legislation language unlimited waiver authority for the EPA administrator.

Let me go through a couple of other points here. Part of the problem with this bill is process. This bill was never considered by the Committee on Energy and Commerce. I got onto the Committee on Energy and Commerce so we could deal with these important types of energy and environmental issues, but here we did not even bother. This was simply brought to the floor by the leadership. We have no testimony from the Bush administration indicating we need this bill. We have no testimony from industry to explain how this bill would address our ever-increasing demand for fuel. We have seen no research from the Energy Information Administration estimating the effect of this bill on fuel prices. We have no studies by the EPA quantifying the human health impact of this Clean Air Act repeal; and that is what it is, a repeal of critical portions of the Clean Air Act.

The Washington Post today had a telling comment. Here is the quote from The Post today: "Some are calling this Congress' answer to high gasoline prices. But if this is the answer, maybe it is time to ask whether Congress even understands the question. The Gasoline Price Reduction Act would give the EPA administrator permission to waive the Clean Air Act for unlimited periods of time at its own discretion in the case of a gasoline supply disruption."

Once again, the majority thinks that the Clean Air Act costs too much, but the Clean Air Act is not the problem. We agree that a gasoline supply disruption such as a refinery or pipeline shutting down unexpectedly can cause significant shortage of needed fuels. As a result, the EPA already may issue short-term waivers for some fuels under current regulations, not these, but some fuels. The administrator can and has used this regulatory authority in an appropriate manner, and that is why it has not been challenged.

This authority, this legislation, gives the administrator broad authority to issue waivers that undermine the Clean Air Act. The bill does not define "significant fuel supply disruption," but it allows the administrator to define the term.

Furthermore, here is a reading from the bill: "Such waiver shall remain in effect for such period as the administrator, in consultation with the Secretary of Energy, deems necessary by reason of such fuel supply disruption.''

There is no limit on the length of the waivers; therefore, the administrator has free rein to waive cleaner burning gasoline or diesel requirements in the Clean Air Act anywhere at any time. This bill would make enforcement of the Clean Air Act optional. That is what it does. It makes enforcement of the Clean Air Act optional.

Now it also does cap the number of boutique fuels that may be approved to the number that currently exist. Frankly, there are about 43 or 45 different blends and we agree, we agree that that number should be capped at around that number because there are too many blends, and it does make it difficult for refineries to meet demand in different States at different times. But this is not the way to go. This language that the gentleman from Wisconsin (Mr. RYAN) referred to has never been reviewed in a hearing. There is no way to know whether the provision will have the intended effect.

We conclude on our side of the aisle this bill is about politics, not sound legislation. The title is wonderful; the text undermines the Clean Air Act in fundamental ways; and the Clean Air Act is simply too important to our citizens to allow this important piece of legislation to pass.

Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 1 minute to respond.

Madam Speaker, this is the same kind of waiver authority they already have under law. This is included in the Bush administration energy plan. This was in the Bush administration energy policy recommendations to solidify and consolidate boutique fuels. We have had numerous studies on this issue. A very comprehensive study was done on this issue by the Environmental Protection Agency in 2001, which recommended doing exactly this. We had another study by the National Association of Convenience Stores recommending doing exactly this. Plus, we have already had multiple sources of testimony from gasoline marketers, from gasoline wholesalers, all talking about the need to consolidate the fuel blends. So this has been done based upon studies; this is a policy endorsed by the Bush administration. This is a policy talked about, vetted, and had hearings on for 3 years now.

Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), a cosponsor of this legislation.

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman for yielding me this time and salute him for his tireless advocacy on behalf of lower gas prices.

Our drivers have been through the ringer in recent years. Gas prices are far too high. Some of the reasons for those high prices do lie overseas. This legislation is not the answer by itself. There is so much more we should do.

□ 1700

But some of the problems lie here at home. In fact, they lie in this very body. We have cobbled together a patchwork system of hopelessly complicated, confusing and complex rules and regulations that make sense only to bureaucrats. Take a look at this map here that we have in front of us, this little colored patch area on the map that tells you that the blend of gasoline used from Milwaukee, Wisconsin to Chicago is unique in the entire world. There is no other place on the face of the Earth that uses it. What that means is when there is a disruption in the pipeline, or in the refining process, the price of gasoline skyrockets overnight. It makes our gasoline more expensive. It makes our prices more volatile. Simply put, under this crazy system, this Stalinist system, supply cannot move to meet demand.

Madam Speaker, it is very clear today our drivers want relief. They are turning to us for help. It seems obvious to me that some people in this body are willing to respond to those drivers who are asking for help simply with fearmongering and scare tactics. This legislation does not weaken the Clean Air Act. It makes it work. It offers real help to our drivers, particularly drivers in these areas who are suffering because of government imposed barriers. Shame on us. We are the ones that have made gasoline more expensive in these areas. We are the ones who have made prices more volatile. It is time for us to take this commonsense approach to lowering the price.

Mr. ALLEN. Madam Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I thank the gentleman for yielding me this time on this very important piece of legislation which I am astounded to know that we did not hear in our committee. The energy bill before us and the other legislative activities this week in my opinion are a scam. Republicans will try to mislead Americans, to try to hide their connections to the oil industry. H.R. 4545 will do nothing to reduce volatility in the gas markets, nothing to help America become independent and, most importantly, do nothing to help working families cope with the high cost of gasoline.

While working families shell out money so they can get their kids to school, get themselves to work and buy their groceries, big oil companies are striking gold with high gas prices. The administration and the Republican-led Congress are letting their partners in crime rob working families and seniors blind.

In the first 3 months of 2004, ChevronTexaco quadrupled its earnings from the first 3 months of 2003. British Petroleum reported a 165 percent increase in profits. Conoco-Phillips reported a 44 percent increase in profits. Exxon-Mobil reported a 125 percent increase in profits. Yet here we are today not asking why companies are raking in enormous profits and why consumers are having to pay the highest prices in the last 23 years.

Why are we not discussing these commonsense things to reduce gas prices for Americans today? One of the things we can do is investigate bad faith practices in the market. In California, gas prices went up faster than the Federal Trade Commission anticipated they possibly could. In my own district in Los Angeles, gasoline prices have been steady at $2.39, upwards of $2.50 a gallon for the last 2½ months. We saw something similar with electricity prices also in 2000 during the western energy crisis. Again that situation was ignored as well.

We cannot let the situation repeat itself because working families and businesses will once again become the victims. But just as with the western energy crisis and even the Northeast blackout, those in charge of the Republican-led Congress are choosing to ignore the real situation. Instead of helping to lower gas prices, ensure stability in the market, guarantee American independence and set America on a responsible course of energy policy, the Republicans provide us with legislation that undermines the public process, risks public health and does nothing to help working families.

This process is a sham, and it is a shame that the American public will have to suffer once again.

Mr. ALLEN. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, H.R. 4545 is a well-meaning but ineffective attempt to address a serious problem, the problem of multiple blends of fuels required under our Clean Air Act. I believe the map that was shown earlier illustrated that we do have too many boutique fuels in our country to be able to have it and with the dwindling refinery supply to be able to do all this mixture of fuels. Supplies can be tight during high demand and prices will rise. But waiver authorities for specific areas and capping the number of boutique fuels are not a solution when compared to the provisions in the comprehensive energy bill we just passed. EPA already gives out waivers from the oxygenate requirement. The comprehensive energy bill contains a comprehensive study of the boutique fuel options and markets. The comprehensive energy bill contains limited liability for MTBE. If you are worried about supply and prices of boutique fuels, support the comprehensive energy bill. This legislation is an unnecessary distraction when the real issue should be the bill that this House just passed.

H.R. 4545 pales in comparison with the comprehensive energy bill when it comes to dealing with boutique fuels.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in support of this legislation. American citizens every summer are assaulted by increased prices at the pump. They need to know that one of the factors that drive those summer prices up is switching from one blend of gasoline for the whole country to more than 40 blends of gasoline for the whole country. And to say that we are repealing the Clean Air Act in this bill is absurd. The Clean Air Act is a big bill. It covers a whole bunch of issues. This is a small fraction of it. This recommendation to go over to three different types of cleaner fuels for the summer months is a recommendation that was made by a GAO study and it is a recommendation that is being currently put forward by the industry and it will help keep prices down and it will not cause the air to get dirtier or kids to get asthma. This is an absolute ridiculous assertion. It is the right thing for us to do for our Nation.

The American consumer is suffering right now. Many families on a limited budget are having difficulty making ends meet. This is the right thing for us to do.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. OSE).

Mr. OSE. Madam Speaker, I find it ironic to stand here on the floor and I am not one that is so lucky to be on the Committee on Energy and Commerce but I am one that spends weekends at home every week. I am amazed to stand here on the floor and hear the comments from the other side which offer absolutely no solution whatsoever to an abatement of the price of gasoline that we pay today. None whatsoever. There is an old saying in Washington that oftentimes legislation comes forward in search of a problem. The response from the minority party today is that they come forward with testimony in search of a policy. They have nothing. At least we are over here trying. The testimony we have heard this afternoon about the boutique fuels across the country, there is no refuting that. That is an absolute fact. It is directly related to an outgrowth of the passage of a policy that has been refined and perfected by the Members of that side of the aisle when they were in the majority. The people of America are paying a price in the form of higher prices for gas on the basis of policies they put into place. We are trying to reverse those. We are trying to increase refinery capacity. We are trying to reduce the number of boutique fuels that exist across this country and increase the fungibility of gasoline between markets so that people in Maine or people in California or people in Wisconsin or Missouri can all buy gasoline that is essentially the same.

They have not come forward with a single material improvement to the infrastructure that exists today. They resist us on fixing the permitting process for refiners. They resist us on fixing the permitting process for pipelines. They resist us on fixing the permitting process to bring gasoline into the country in the form of refined products.

They resist, they resist, they resist. I understand their policy. I applaud them for it. There is an election every 2 years. I hope the voters are paying attention.

I rise today to discuss H.R. 4545, the "The Gasoline Price Reduction Act of 2004," introduced by Messrs. BLUNT and RYAN. I welcome this legislation today because I share their concerns over high gasoline prices and the proliferation of boutique fuels.

Today's gasoline market is comprised of many types of gasoline that serve different regional markets to meet varying Federal and State environmental requirements. At last count, there were approximately 19 different types of gasoline in the U.S. Arguably, there are almost 60 types if you take into account that each is made into three different octane blends. Although these numerous fuel blends are seen as an efficient means of cleaning the air, the increase in boutique fuels adds a level of complexity into production, distribution, and storage of gasoline.

The result of this targeted approach to air quality has been to balkanize the gasoline market and to create gasoline market islands. The primary examples are in my home State of California and the Chicago/Milwaukee area, in which the required gasoline blends are unique, and only a limited number of refineries make the products. Small disruptions in production, such as refinery outages or pipeline ruptures, can severely limit the supply of gasoline in these areas, causing artificial shortages and price spikes.

Over the last four years, my Government Reform Energy Policy Subcommittee has held four hearings on gasoline markets (in June 2001, April 2002, July 2003, and May 2004). What I have learned from these hearings is that we should not be in the business of mandating what goes into a gallon of gasoline. Instead of dictating gasoline components, we should set high performance standards for what comes out of the tailpipe and let industry meet them.

Anyone who knows anything about the gasoline problems in California can tell you that the de facto ethanol mandate in California is significantly affecting gasoline supply and is not necessarily improving the environment. In fact, using ethanol in California may actually degrade air and water quality. Despite ample scientific data, and letters from the California delegation, including two I sent as Subcommittee Chairman in February 2004 and April 2004, the Environmental Protection Agency has yet to approve California's oxygen waiver request, which is environmentally and economically sound.

From these hearings, I have also learned that several measures need to be taken to address the gasoline supply issues in the U.S. One measure that is key to increasing supply is the expansion and enhancement of the entire petroleum infrastructure, which is currently stressed and at its limits. Addressing the constraints and bottlenecks within the petroleum infrastructure, which includes refineries, pipelines, storage tanks, and port facilities, is important because each component of the system must function properly and efficiently to ensure consumers receive an adequate and affordable supply of gasoline.

Given the ever-widening gap between gasoline supply and demand in the U.S., we should look at ways to simplify the various infrastructure permitting processes and to reduce the costs and uncertainty associated with Federal and State regulations. If we fail to do so, we will be faced with increasing imports, increasing gasoline prices, or both. I venture to say that no American would be pleased with these outcomes.

Additionally, we must consider ways to reduce the regulatory burden facing the refining industry. Refiners will need to invest about $20 billion in the next decade to comply with Federal and State environmental regulations. As a result, less capital will be available for refinery maintenance and expansion, and some smaller refineries may close. We must examine ways to achieve our desired environmental results without putting companies out of business.

Mr. ALLEN. Mr. Speaker, I yield myself such time as I may consume.

I certainly hope the voters are paying attention as well, because we do have a policy. We do have a plan. We presented it. Part of it was in the motion to recommit where we made a proposal dealing with the SPR. This debate is a good example of why this is not a can-do Congress, this is a can't-do Congress, because this legislation is not that difficult. If we had had hearings, if it had been worked out on a bipartisan basis in the committee, it would come to the floor and pass overwhelmingly, because what we are really arguing about is whether or not the waiver that is given to the EPA Administrator in this legislation should be unlimited as it is in this legislation or whether it should be time limited. That is the core of the debate that we are having right now, and the fact that this bill has been brought to the floor with no limit on the waiver authority of the EPA Administrator, no consultation with us, no hearings, that is what has led to our opposition.

Let me run through a few things. The majority speakers have been saying we have got a problem with the number of boutique fuels. So do we. We think we need to contain the number of boutique fuels that are out there. It is reasonable to work that out. We do not object to doing that. But we do have a policy and it is real clear. Let me tell you what should be in this legislation if we were going to actually reduce gasoline prices and not just have legislation with a title that says we should reduce gasoline prices.

We need legislation that would hold refineries accountable for market manipulation and market concentration. We need legislation that would at least deal with the question of how to think about and how to use the Strategic Petroleum Reserve when gas prices are so high. We need action by this administration that would create stability in the Middle East and other oil-producing regions. We certainly do not have that now. We need to help families increase the efficiency of their homes and thereby reduce oil use. There is nothing of that in this legislation. This legislation does not require or create incentives to increase fuel efficiency in our vehicle fleet, which is at its lowest level since 1980. That issue has been brought up in front of the Committee on Energy and Commerce time and again to increase and improve CAFE standards and save fuel and it has been voted down.

This legislation does not invest in hybrid and hydrogen technology. I drive a hybrid vehicle. I get 45 miles to the gallon. I tell all my constituents, next time you buy a vehicle make sure that you pay attention to how efficient it is in terms of fuel. This legislation does not extend the tax breaks for the purchase of high efficiency vehicles. It does not end the tax breaks for Hummers and large SUVs. It does not reduce heavy truck idling. It does not improve air traffic management.

What we have got is what we said at the beginning. We have got a title. We have one of the best titles for legislation ever to come before this Congress, at least this year. We just do not have the text to go with it.

Just a couple of additional points. There was talk about we have held hearings. The truth is there have not been any hearings on this legislation. Sure we have had hearings on energy issues but not on this waiver authority put forth in here. There was one other comment I wanted to respond to. This legislation, one speaker said, is so small, it is so short that it cannot possibly repeal the Clean Air Act. All you need to do is to give the EPA Administrator the authority, the simple authority to waive, on a broad base, parts of the Clean Air Act and you have made enforcement of the Clean Air Act optional. It does not take much to undermine the Clean Air Act. It does not take much to do that in a way that risks the health of our population. That is what this legislation does. That is why we believe it should be defeated.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 30 seconds. This does not give any extra waiver authority to the EPA that it does not already have.

□ 1715

This bill does not do a lot of the things he mentioned. It does very few things. What the intent of this bill is, is to have a preapproved list of fuels by the EPA for areas to choose from that are clean fuels so that we consolidate the fuel blends we have in America. That is it. And then study and make sure we are doing it right. And if the study says there is another way to do it better, we will do that. That would be the fourth study we would have on this matter.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. BLUNT), the majority whip and cosponsor of this legislation, for the purpose of closing.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time and for the debate.

Both my friend from Wisconsin who feels strongly about this and my friend from Maine who has come to the floor, we have had a good debate on part of this bill, but only a very small part of this bill.

I would like to make a couple of points. Some of the things that my friend from Maine pointed out that we needed, we agree that we need many of those things. In fact, that is why we have the energy bill. We voted on it again today. We voted on it in both of the last two Congresses. We clearly do need energy policy. We encourage all those on this side of the building to work hard to try to get that done. We have voted on an energy conference report now, and now we voted on a bill today that was very much like it.

This brings one significant, but not very complicated, issue to the floor. I think, in fact, the center focus of this bill is so unarguable that nobody really argued about it. We have got too many fuel blends. Refineries have needlessly become profit centers in the distribution because there are too many fuel blends out there. Nobody really challenged that concept.

I heard a lot of discussion about one principle, the waiver principle, whether that was good or not. Let me tell the Members the waiver is very good if the refinery that services their area is somehow shut down. In fact, the waiver is desperately good, and we do not have that kind of ability now to just simply allow families and commerce to continue when one of these very unique fuels is suddenly unavailable anywhere. That is what the waiver is supposed to take care of.

But really the more central focus of this bill I did not really hear any real debate on. I am encouraged by that. I hope as we move forward with all kinds of energy legislation that we take strong consensus that there are too many fuel blends. We need a study to determine how we get a smaller number, and then we need to look for ways to encourage that smaller number of blends to become the number of fuel blends that communities look at in the future. We can make this system much more efficient. We can make it work more effectively. This is not designed to solve all the energy problems in the world; but if we adopted this bill, it would reduce gas prices. That is what the title calls for. I think we moved this debate forward today, and I appreciate everybody's participation that was part of it.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 4545, the "Gasoline Price Reduction Act." I urge my colleagues to vote against this bill, which relaxes Clean Air Act requirements and which has not been the subject of any hearings or markups by the Committee on Energy and Commerce.

Because of the lack of hearings or markups, we have no idea whether the bill is actually necessary or whether its effect on gasoline prices will be positive or negative. We have no idea of the extent of its impact on air quality, except to note that its effect clearly cannot be positive.

This bill is very poorly drafted, which reflects the lack of input or review by anybody except its sponsors. We do not know what the benefits and cost of this bill will be and we do not have any analysis from the executive agencies, such as the Department of Energy and the Environmental Protect Agency (EPA), who could tell us whether it is a good or bad idea.

The bill allows EPA to waive Clean Air Act requirements in the event of a "significant fuel supply disruption." Yet the meaning of this term is not supplied. Nor are there limits placed on the length of the waiver or on the overall detriment to air quality that could occur. Nothing in the bill would require anyone to either analyze or ameliorate the impacts on air quality in any way, regardless of how easily or inexpensively that could be done.

The bill instructs EPA to give "preference" to particular fuels in approving state implementation plans, but what does it mean to give preference to a particular fuel? The bill also sets a cap on the total number of "fuels" in existence as of June 1, 2004. How many fuels is that? What is the definition of a "fuel"? Would this cap apply to more desirable fuels, such as low-sulfur diesel, or to renewable fuels, such as biodiesel or ethanol? How would this bill affect supply, energy dependence, and price structure in particular regional markets, such as Michigan?

High gas prices are of concern to all, but this bill is not the solution. We should examine the possible relationship between "boutique fuel" requirements and gas prices and determine, through regular committee process, an appropriate solution with in put from all interested parties. I would welcome legislation that would lead to cleaner fuels and greater fungibility in the fuel supply.

I urge my colleagues to vote against this bill, and to give the Committee on Energy and Commerce a chance to address these matters properly.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 4545.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ALLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTENT TO ENTER INTO FREE TRADE AGREEMENT WITH BAHRAIN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–193)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, (Public Law 107–210; the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Bahrain.

This agreement will create new opportunities for America's workers, farmers, businesses, and consumers by eliminating barriers in trade with Bahrain. Entering into an FTA with Bahrain will not only strengthen our bilateral ties with this important ally, it will also advance my goal of a U.S.-Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the United States-Bahrain FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 15, 2004*.

NATO NEEDS TO AUGMENT INTERNATIONAL SECURITY ASSISTANCE FORCE IN AFGHANISTAN

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, following the stirring address of the President of Afghanistan this morning, this Member rises to address the urgent need for NATO to augment the International Security Assistance Force, or ISAF.

This Member cannot overstate how critical the next few weeks will be for the future of Afghanistan and for the credibility of the North Atlantic Alliance. Unless the NATO allies quickly remedy the grave shortfalls in military personnel and equipment, the NATO mission in Afghanistan faces a real danger of failure. There will be no security for the upcoming elections in the hinterland of Afghanistan.

Actually, this is a crucial failure of will, political will, purely and simply. We are not coming up in other countries with the pledged personnel and equipment. Make no mistake about it, this is a failure that jeopardizes the success of our mission to Afghanistan and jeopardizes the very credibility of the Alliance.

Mr. Speaker, we often say that failure is not an option. Alas, in Afghanistan failure is a distinct possibility, and unless allied leaders in the next few weeks demonstrate the political will to deploy the necessary assets in Afghanistan, failure gradually will become a reality.

Two weeks ago, this Member returned from the NATO Parliamentary Assembly meeting in Bratislava. Recognizing the gravity of the situation in Afghanistan, the leaders of the 26 national delegations—in an unprecedented action—authorized this Member, as the President of the Assembly, to send a letter to our national leaders, expressing the concern of the Assembly and urging governments to provide the necessary resources for ISAF.

Mr. Speaker, this Member will also raise these concerns with those national leaders in an address to the Istanbul Summit later this month. Likewise, the Bush Administration at Istanbul must press our allies to dig deep and find the extra personnel and resources that are needed to make this mission a success.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, no one disagrees that to keep our country secure, we must become independent of foreign fuels, while at the same time we must control the rising energy costs here in our country. Where the disagreement arises is how this should be done.

Today, the House leadership brought up four energy bills in an attempt to look like they are addressing our energy needs. From rehashing a bill that already passed the House not once but twice, that focuses on huge giveaways to big oil and gas companies to a bill that would open up drilling in the arctic refuge, this is nothing more than a sham. None of these bills do anything to promote an energy policy that will keep us secure from terrorism and ensure that our energy needs are met. In fact, opening up the arctic refuge to drilling would increase global oil reserves by only .31 percent. That is right, only 31/100ths of 1 percent. That is less oil than the United States consumes in 6 months.

There has to be a better way, a more intelligent way, a way not rooted in ruthless expediency, but in the values that we hold dear. And there is. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. One of the components of SMART is a real strategy for energy independence, especially support for the development of renewable energy sources. Nothing threatens national security more than reliance on Middle Eastern oil.

This reliance cannot be met with drilling in the arctic refuge or with giveaways to big oil and gas companies. We must invest in renewable energy and in conservation. We must increase energy efficiency. Only through decreased dependence on oil will we make ourselves more secure.

Along with decreasing our dependence on foreign oil, we must stop the spread of weapons of mass destruction. Keeping the American people safe must be our highest priority. On that point the President and I agree, but we must avoid equating our security with aggression and military force. Just because one has a hammer, not every problem is a nail. The United States possesses the world's largest hammer in the form of its mighty military, but some situations require a more delicate touch. SMART security calls for aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and vigorous inspection regimes. The United States must set an example for the rest of the world by renouncing the first use of nuclear weapons and the development of new nuclear weapons.

We must maintain our commitment to existing international treaties like the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. We must support and adequately fund programs like the Cooperative Threat Reduction Program, which works with the Russian Federation and the states of the former Soviet Union to dismantle nuclear warheads, reduce nuclear stockpiles, and secure nuclear weapons in Russia. And we must replicate these programs in other troubled regions like North Korea and Iran.

Not every country will proactively choose to give up its nuclear program, and we can provide the incentives if we choose. In the long run, negotiating with other countries will keep us much safer than thinking that we can scare them into submission.

The Bush doctrine has been tried. It has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART security is tough, it is pragmatic, and it is patriotic. SMART security is smart, and it will keep America safe.

HUMAN EMBRYO STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, many people have probably seen the recent news coverage about Nancy Reagan's hope to see more funding go to human embryo stem cell research in the hopes of finding a cure for Alzheimer's disease. Indeed, recently Newsweek ran a cover story on this issue.

I am a physician, and I used to care for many patients with Alzheimer's disease, and I know first hand the anguish it causes to lose a loved one or to have a family member with this condition. I have three concerns that I would like to raise about this debate.

First of all, I am concerned that advocates for this embryo stem cell research are unethically playing on the emotions of millions of Americans. Of all the conditions that have been proposed as possibly treatable with stem cells, whether embryonic or adult stem cells, Alzheimer's disease is one of the least likely where stem cells could be useful.

I say this because on autopsy, the brains on Alzheimer's disease patients do not show a pure dropout of neurons. If it was a loss of normal nerve cells, cell therapy might have potential. The fact is the brains of Alzheimer's disease patients typically contain lesions called senile plaques and neurofibrillary tangles. The plaques, which accumulate on the outside of neurons, consist mainly of deposits of a protein called beta-amyloid. Chemical and cellular markers of inflammation are also present.

We need to find out what causes these plaques and how we can prevent them. It is not clear at all if the problem with Alzheimer's disease is treatable with cell replacement therapy. Most experts I have contacted feel that the more promising solution will be early detection, very early detection, and medication to prevent progression and not cell replacement therapy.

Secondly, I am quite concerned that people are being falsely led to believe that it is only embryo stem cells that might have potential here.

Mr. Speaker, the following diseases have been successfully treated with adult stem cells from humans: Parkinson's disease, blindness has been treated, relief of symptom of lupus, multiple sclerosis, and rheumatoid arthritis; the cure of combined immunodeficiency diseases, the treatment of several different types of leukemia, solid tumors, neuroblastomas, non-Hodgkin's lymphomas, multiple sclerosis. Indeed, the list goes on and on.

☐ 1730

However, there have been no successful treatments of any humans with embryo stem cells, and, as I have said repeatedly on this floor, they do not have an animal model of successfully treating an animal with embryo stem cells. Indeed, it is unclear if they will ever have clinical usefulness.

Last, I would like to say the President of the United States, George Bush, is unfairly being portrayed in the press as standing in the way of this research progressing. The truth is embryo stem cell research is perfectly legal in the United States today. The debate is who is going to fund this research.

Many of us feel that this research should be funded by private dollars and not funded by the American taxpayer because, number one, it involves the destruction of a human embryo, a human life, and, number two, it is quite unclear if it will ever have any clinical significance. Indeed, some groups, I must say, are engaged in what I believe is deceptive communications on this issue. A case in point I will cite is the Juvenile Diabetes Research Foundation.

The JDRF claims that embryo stem cell research is the most promising research. Their lobbying packet contains in its table of contents "embryo stem cell research, stem cell research, our best hope for a cure." However, JDRF had a $80 million research and education budget. They only spent $3 million on embryo stem cells, which is 4 percent of their budget, but, Mr. Speaker, they spent $15 million, four times as much, 20 percent of their budget, on adult stem cell research.

Why is the Juvenile Diabetes Research Foundation saying that embryo stem cell research has the most potential but they are spending four times as much money on adult stem cell research?

The truth is we have a multi-billion dollar biotechnology industry in America today, and they are spending nothing on this research. The advocates for this research are clamoring to get the American taxpayer to pay for it. In my opinion, that is an insult to the legacy of Ronald Reagan, asking the Federal Government to pick up the tab for something of questionable value, when private industry would reap huge benefits if it really had the potential it did have.

I think President George Bush is making the right move, and we need to support him in this decision.

COMPARING CONGRESS TO THE MOVIE "GROUNDHOG DAY"

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, here we go again. Lately around this Congress I feel like it is Groundhog Day. I never knew that Bill Murray became a consultant to the Republican Conference. As you know, in the movie Bill Murray's character relived the same day over and over again, and here in Congress we are doing the same.

Take the energy bill that we were just debating so eloquently here. The same bill, nothing has happened to the bill, same bill we took up back in November, H.R. 6. The only thing different is a new number. That is the only thing that is different about this energy bill. It never moved in the Senate, the President has not gotten behind it and gotten it passed or anything. Yet we take up again.

Here are some the things Congress has done just the same, while the American people face higher costs for college education, health care, energy costs, and their pay stubs are not getting any better.

H.R. 4280, medical malpractice bill, same as H.R. 5. We took it up in March of 2003. Nothing happened, but we took it up again.

H.R. 4281, the Association Health Plan bill, the same as the H.R. 660, which originally was taken up in June of 2003, but no action in the Senate.

H.R. 4409, the teacher training bill, the same as H.R. 2211 which we took up in July 2003, but no action in the Senate.

H.R. 4411, the graduate studies bill, the same as H.R. 3076. We took it up in October of 2003, no action in the Senate.

Ironically, there is nothing new here in the Republican plan. Somehow they have decided that motion is better than action, that rather than doing something it is better to look like you are doing something.

As the American people struggle to make ends meet, as they struggle to meet the challenges of trying to send their kids to college, they used to be able to do it with one job, now they need two to educate their children, as the American people struggle to deal with health care costs that have gone up by one-third. It used to be $6,500 for a family of four, now it is $9,000 for a family of four. What do we do? Take up bills that have gone nowhere and are going nowhere, just so it looks like this body is doing something, while you face constant challenges trying to meet the needs and requirements of your family.

Today, the Labor Department reported that consumer prices increased by nearly one point last month, the sharpest increase since January 2001. Since 2000, health care insurance premiums have increased from $6,500 to nearly $9,000. College tuition has on average increased by $1,200 a year the last 3 years in a row. In my home State of Illinois, the average graduate from the State university graduates with a diploma and, on the other side, $15,000 of debts. Who knew on graduation day you get your first Visa bill? Care costs have increased by $2,000, and average yearly gasoline costs by $1,000.

What does the Congress do, the People's House? We take up legislation that we have taken up before that is going nowhere and going nowhere fast. It is Groundhog Day here in this Congress. We have lost nearly 1.5 million private sector jobs since 2000, and family incomes have declined on average 1,500.

The average American household now carries $9,000 in credit card debt and $17,000 in overall household debt. The squeeze has resulted in 1.6 million households declaring bankruptcy in 2003, a 33 percent increase since 2000. The administration's budget, while these challenges are facing the American families, has cut job training, underfunded Leave No Child Behind, the education initiative by nearly 9 billion, and cut housing and home ownership programs.

The American people, in my view, deserve better. Rather than revisiting last year's failed energy bill, we should be working to reduce the cost of energy prices today and natural gas prices. We should be working to reduce our dependence on foreign oil. We should be working to ensure that we increase the Pell Grant, college assistance, the Perkins loans, and ensure that we pass a Higher Education Reauthorization Act.

But we are not going to do that. So what we are going to do is take up medical malpractice, which we took up before, but it is going nowhere. We are going to take up the energy bill that failed to go anywhere, just so you have the impression we are doing something here.

It is Groundhog Day, and Bill Murray has now become a member of the Republican Conference. The American people cannot afford for us to repeat the same mistakes until we get it right, nor should they have to.

Mr. Speaker, President Kennedy once said, "To govern is to choose." From this day forward, we should choose to govern.

NOTHING CONSERVATIVE ABOUT WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, yesterday the biggest news story concerned a car bombing in Baghdad which killed 13 people. Almost all major news outlets reported that immediately following this bombing there was a large anti-American demonstration by Iraqi citizens. They somehow were blaming the bombing on the U.S. and they burned an American flag.

A few weeks ago, just before the release of the Iraqi prison pictures, CNN released a poll of 3,000 Iraqis. That poll found that only 19 percent of the people of Iraq view us as liberators, while more than 70 percent viewed us as occupiers.

CNN found that 78 percent of Iraqis had an unfavorable view of the U.S.

Even worse, at about that same time in another poll taken before the release the prison pictures, the survey found that 82 percent of Iraqis had an unfavorable view of the U.S. This poll was taken by the Coalition Provisional Authority, our own government. In other words, our own poll. It said 82 percent of Iraqis had a bad opinion of the U.S.

This is a country, Mr. Speaker, where we have spent almost $200 billion in the last couple of years. This is a country for which we have done more than any other country has done for another nation in the entire history of the world.

When I led a delegation to Iraq at the end of January, we were proudly told by one general he would have 110,000 Iraqis working for him, or, more accurately, for our taxpayers by July 1, and he controlled only about one-eighth of the population there. Apparently the only Iraqis who have a favorable view of the U.S. are the ones we have working for us.

These people do not appreciate what we have done and are doing for them, and because we have such a huge national debt and such a huge deficit we are borrowing all these billions we are spending there. Some try to say that only a small portion, about $20 billion, is being spent to rebuild Iraq. This is false, or at least very misleading.

Most of what the military is doing there, building roads, bridges, schools, setting up free health care clinics, fixing airports and telephone and power and water systems, would be called foreign aid in any other country. In fact, our operation in Iraq is the most massive foreign aid program in history.

Saddam Hussein was an evil man, but his total military budget was just two-tenths of 1 percent of ours. He was no real threat to us. Harlan Ullman, a columnist for the Washington Times, who started out favoring this war, wrote a few days ago: "Compared to Hitler and the might of the Third Reich, Saddam was a relatively minor villain. The original reasons for war; namely, weapons of mass destruction and links to al Qaeda, have drifted out of sight."

Anyone who says it is isolationist to oppose this war is resorting to childish name-calling, rather than a mature discussion of the issue on its merits, or lack thereof.

We should be friends with all nations and help out, in fact lead the way, during humanitarian crises, but we should not get involved in every political, ethnic or religious dispute around the world. This just creates more enemies for us and makes terrorism more likely.

We need to follow a foreign policy of enlightened neutrality that relies on war only as a last resort when there is no other reasonable alternative.

At the first of last week, the Chicago Tribune had a story about a young soldier who had just been killed in Iraq. Just a few days earlier he had called his mother and told her, "This is not our war. We should not be here."

When our handover of sovereignty comes on June 30, we should make this a real handover, not just in name only. Deputy Defense Secretary Paul Wolfowitz, the main architect of the war, told the Committee on Armed Services a few months ago we would be in Iraq for 10 years.

I hope not.

Some big companies and some military leaders want us to stay there that long because it means more money for them, but this decision should not be dictated by money. We should declare victory, Mr. Speaker, and begin a phased, orderly withdrawal. We should slowly bring our boys and girls home. We should all hope and pray that no more are killed or maimed for life.

This should not be our war.

Columnist Georgie Ann Geyer wrote recently: "Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe."

Mr. Speaker, there is nothing conservative about this war in Iraq. We need to start putting our own people first once again and turn Iraq back over to the Iraqis.

RATE OF ECONOMIC GROWTH OR LACK THEREOF IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last night on the floor of this Chamber there were two interesting 1-hour presentations, as many of you remember. One was several colleagues from the Republican side, if I recall from Texas, Illinois, Arizona, my State of Ohio, West Virginia, Florida, Indiana and a couple other States, who spoke about the rapid economic growth we are experiencing; how this is, as the Secretary of Commerce said, quoting now, "It is the best economic climate in my lifetime," he said; that "things were great on the job front; lots of new jobs created, lots of economic prosperity."

Then there also was a group of people, mostly from my State of Ohio, that told stories of letters we have received from constituents, people saying that their college tuition has gone up sharply, 13 percent at Ohio State, for example; they have lost their drug coverage; their programs for education in their communities have been cut, both by local governments and also State governments, and, thirdly, in some cases the Federal Government.

□ 1745

There was major job loss. Companies like Timken in Ohio, for instance, have lost one out of six manufacturing jobs. But what was curious about the difference in the view of the country is that it is pretty clear my Republican friends kind of all meet in a huddle like a football game and they are all coming out, I do not mean to mix metaphors, but coming out as cheerleaders because they have been sort of instructed by the White House that the only way to win this election is by saying over and over and over and over that this is the best economy we have had in years.

The problem is, and I do not think we are being nay-sayers, I am just passing on, we are all passing on what our constituents in Ohio and Illinois, like the gentlewoman from Illinois (Ms. SCHAKOWSKY) and others, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Oregon (Mr. DEFAZIO) here and others are just passing on what our constituents are telling us, that we need to change the direction of this country.

If the cheerleaders on the other side of the aisle, the President's football squad, if you will, that comes out of the huddle, if they continue to talk about how great the economy is, it means that they are not willing to admit the mistakes of the last 3 years in how our economy and our country are going in the wrong direction.

The only way to correct things is to say, well, maybe we are going in the wrong direction and maybe we need to change course. But the President's answer in every single situation, for every bad piece of economic news the President says two things: we need to cut taxes for the 5 percent wealthiest Americans, maybe some of it will trickle down and create jobs. That clearly has not worked. We have lost 2.7 million jobs since he took office. President Bush will be the first President since President Hoover to have lost jobs during his time in office.

And his other answer is more trade agreements like the North American Free Trade Agreement. He wants us to pass the Central American Free Trade Agreement; free trade agreements with Singapore, Chile, Morocco, Australia, the Free Trade Area of America, which will quadruple the number of low-income workers in the NAFTA trade block. He wants us to continue to do that when those policies clearly are shipping American jobs overseas.

Now, those policies, as the gentleman from Ohio (Mr. RYAN) said on the floor last night, those policies clearly help the President's political friends, they help his wealthy contributors; but they are not helping workers in this country.

I do not question the motives of my friends on the other side of the aisle, the cheerleading, for saying this economy is in such great shape. I think they really believe it because they spend their time with the 5 or 10 percent of the people in this country who are doing great, the 5 or 10 percent of the people who see profits going up. They are corporate executives, they are big stockholders, they are getting bigger dividends, they see the stock market going up in some cases, not very regularly, and so they get tax cuts because they are in the upper 1 or 2 or 5 percent income brackets. So the economy is going well for them. But unfortunately, it is simply not going well for so many others in this country.

I am not here to criticize and to throw cold water on their birthday party, but what I am here for is to say let us change direction, because those economic plans and programs have clearly not worked. For 3 years, the President has gotten whatever he wanted from this Congress in terms of tax cuts, in terms of cutting spending on education and health care and veterans benefits, but the economy and the country are worse off than they were 3 years ago.

In my State, we have lost one out of six manufacturing jobs since George Bush took office. Let me explain sort of what happened. There is a company in Ohio called Timken, T-I-M-K-E-N. It is a major employer and has been a good company for northeast Ohio and Canton, Ohio. It is President Bush's favorite company everyone says. The CEO of Timken, fourth generation, very wealthy family, are some of George Bush's biggest contributors and fund-raisers. A year ago President Bush came to Timken and spoke to assembled workers and mostly management and applauded the company because the workers are 10 percent more productive, a year ago 10 percent more productive than they were the year before, and congratulations to them and to that company for that.

But then earlier this year, Timken put out a news release saying that they enjoyed record sales for the first quarter, all-time record sales for Timken, and they said that they had a 60-some percent increase in earnings per share from a year ago. A week later Timken announced, we are building another factory in China and we are closing our three factories in Canton where the corporate headquarters is and laying off 1,300 well-paid Ohioans.

So that is what we are seeing. We are seeing on this side of the aisle, my Republican friends sort of parroting what George Bush is saying, saying this economy is really great; and we are hearing people on this side tell stories, with facts backing it up, about how we need change because these policies are not working. Clearly the policies are working if you are in the upper 5 or 10 percent, because corporate profits are up, dividends are up, tax cuts are being enjoyed by the 1 or 2 or 5 percent wealthiest people.

But in the case of so many others, there are more people that are receiving, going to food pantries, there are more people who are seeing their college educations going through the roof, the increases in college tuition, there are more people who have seen their drug benefits pulled back or scaled down or eliminated; and it is time that we take a different direction.

In this country when you criticize, you need to say, what do you do in place? We should pass the Crane-Rangel bill, which will reward American companies that manufacture here rather than abroad; instead of giving tax cuts abroad, pass unemployment benefits, and pass a better prescription drug bill.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RESTORING FIRST AMENDMENT RIGHTS TO SPIRITUAL LEADERS OF AMERICA ON POLITICAL AND MORAL ISSUES OF THE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor tonight because recently we remembered the 60th anniversary of D-Day, World War II. We remembered, we had Memorial weekend, Memorial Day, and then we had the funeral of President Reagan. I think we all remember the price of freedom from those who served in World War II and in all of our wars; and certainly Mr. Reagan led this great Nation as we tried to create freedom for other countries, and he certainly distinguished himself in that way.

I am here tonight to talk about what I consider a real threat to the morality of America, and that is that the spiritual leaders of this great Nation are prohibited from expressing their first amendment rights to speak out on the moral and political issues of the day.

Many people know the history of this. Some do, some do not. The history is that from the beginning of this great Nation, until 1954, a spiritual leader could speak in his church, synagogue, or mosque on any issue of the day and not feel that there would be any retribution from the Internal Revenue Service. Well, one might say, what do you mean the Internal Revenue Service? Well, in 1954, Lyndon Baines Johnson, a United States Senator, offered an amendment on a revenue bill going through the Senate that was never debated. In fact, the Republican majority accepted Senator Johnson's amendment on unanimous consent, so there were no hearings, no debate, or anything. And basically what Mr. Johnson was trying to do at that time was the H.L. Hunt family in Texas was adamantly opposed to his reelection, and they had a couple of 501(c)(3) think tanks, and so he wanted to quiet those think tanks. So, therefore, he put an amendment on a revenue bill going through the Senate that was never debated.

The unintended consequences of Mr. Johnson's amendment was and is the fact that churches that are 501(c)(3)s are prohibited from having any type of sermons that might be interpreted as being political at all. I do not know how one can uphold the teachings in the Bible if one does not talk about certain moral issues of the day.

This Nation was built on Judeo-Christian principles; and if this Nation is going to remain strong, then it must remember the Judeo-Christian principles that are the foundation of this great Nation.

The reason I wanted to come to the floor tonight, Mr. Speaker, is the fact that the bishop of Colorado Springs issued a pastoral letter to all of the Catholics in his diocese, and I will submit this entire letter for the RECORD.

The reason I bring this tonight to the floor is that the Bishop Sheridan of Colorado Springs has a responsibility to the teachings of Jesus Christ as well as the teachings of the Pope. Being a Catholic leader, he does feel very strongly about the pro-life issue; he does feel very strongly about stem cell research; he does feel strongly about euthanasia, the protection of our elderly. So he issued this pastoral letter reminding the Catholics in his diocese that in this year's election they should look carefully at those running for political office.

Now, he did not mention Democrat or Republican, he did not mention anything of that nature or the name of the candidates. But what he did was to issue this pastoral letter. And then Barry Lynn, who is the leader of the Americans for Separation of Church and State, noted in his letter of complaint to the Internal Revenue Service that Bishop Sheridan used "code words." Code words like pro-choice, pro-life, liberal, conservative, Democrat or Republican.

Mr. Speaker, this bothers me in this great Nation that we would have an agency that because of the Johnson amendment is to enforce the law, but this was not part of the Johnson amendment. There is nothing in the Johnson amendment that talks about code words. That was an administrative decision by the Internal Revenue Service that if you as a religious leader, whether you be Protestant, Catholic, Jew, or Muslim, if you have these types of sermons and you might mention these words like pro-life or pro-choice, then you could have your 501(c)(3) status jeopardized.

Mr. Speaker, I am of the firm belief that this Nation, I do not believe that my colleagues on either side of the aisle, whether they are religious or nonreligious, believe that we should have code words that someone who is speaking from the heart, speaking from the Bible might get themselves in trouble because they are advocating what the church stands for, what their religion stands for.

So, Mr. Speaker, I tonight want to work toward my close by saying that I hope that we as a legislative body will look seriously at this issue. I do not know if the House will bring this bill up that I introduced, H.R. 235; but I believe sincerely that prior to 1954, every preacher in this country, every rabbi in this country, every priest in this country, every cleric in this country had the right to speak on these issues and to speak based on the Constitution and based on the teachings of their religion.

So, Mr. Speaker, with that, I would like to say that I hope that the men and women who have worn the uniform for this Nation, those who have given their lives for this Nation, I believe sincerely that they believe that our spiritual leaders in this great Nation do have freedom of speech; but when it comes to the moral and political issues of the day, they do not have freedom of speech. So I hope that again the leadership of both parties will work with me to restore that freedom of speech. It only means that a minister or a priest or a rabbi or a cleric, if they choose to talk about these issues, may do so.

I close by asking God to please bless our men and women in uniform and their families and please, God, bless America.

A Pastoral Letter to the Catholic Faithful of the Diocese of Colorado Springs on the Duties of Catholic Politicians and Voters

DEAR BROTHERS AND SISTERS IN CHRIST: This coming November we Americans will participate in one of the most important national elections in recent history. The president, senators and congressmen who are placed in office by our votes will serve at a time in which issues that are critical to the very survival of our civilization will be at the top of the political agenda. As we prepare for these elections I consider it my duty as your bishop to write to you about these matters so that you might go to the polls this fall with a well-informed conscience.

The Church teaches that "man has the right to act in conscience and in freedom so as personally to make moral decisions." Often we hear people claim that they are making decisions in accord with conscience even when those decisions defy the natural law and the revealed teachings of Jesus Christ. This is because of a widespread misunderstanding of the very meaning of conscience. For many, conscience is no more than personal preference or even a vague sense or feeling that something is right or wrong, often based on information drawn from sources that have nothing to do with the law of God.

The right judgment of conscience is not a matter of personal preference nor has it anything to do with feelings. It has only to do with objective truth. "Conscience must be informed and moral judgment enlightened. A well-formed conscience is upright and truthful. It formulates its judgments according to reason, in conformity with the true good willed by the wisdom of the Creater. The education of conscience is indispensable for human beings who are subjected to negative influences and tempted by sin to prefer their own judgment and to reject authoritative teachings."

All people have a grave obligation to form their consciences by adhering to the truth, precisely as that truth is found in the natural law and in the revelation of God. As Catholics we have the further obligation to give assent to the doctrinal and moral teachings of the Church because "to the Church belongs the right always and everywhere to announce moral principles, including those pertaining to the social order, and to make judgments on any human affairs to the extent that they are required by the fundamental rights of the human person or the salvation of souls." In other words, as people who profess the Catholic faith, we must "have the mind of Christ" in every judgment and act.

Among the many distortions and misrepresentations that prevail in the current debates about the relationship between religion and the social order (politics) is the assertion that faith and policies are to the kept separated. This, apparently, is based upon the American doctrine of the separation of church and state. In fact, the wall that separates church and state is the safeguard against both the establishment of a state religion and the imposition or sectarian religious beliefs and practices, such as particular denominational forms of worship or theological tenets. In no way does the American doctrine of separation of church and state even suggest that the well-formed consciences of religious people should not be brought to bear on their political choices.

The Second Vatican Council was abundantly clear on this matter. "Nor, on the contrary, are they any less wide of the mark who think that religion consists in acts of worship alone and in the discharge of certain moral obligations, and who imagine they can plunge themselves into earthly affairs in such a way as to imply that these are altogether divorced from the religious life. This split between the faith which many profess and their daily lives deserves to be counted among the more serious errors of our age. Long since, the Prophets of the Old Testament fought vehemently against this scandal and even more so did Jesus Christ Himself in the New Testament threaten it with grave punishments. Therefore, let there be no false opposition between professional and social activities on the one part, and religious life on the other."

When Catholics are elected to public office or when Catholics go to the polls to vote, they take their consciences with them. Pope John Paul II has consistently taught this as, for example, when he said that those who are directly involved in lawmaking bodies have a "grave and clear obligation to oppose" any law that attacks human life. The Congregation for the Doctrine of the Faith has declared that, "in this context, it must be noted also that a well-formed Christian conscience does not permit one to vote for a political program or an individual law which contradicts the fundamental contents of faith and morals." Anyone who professes the Catholic faith with his lips while at the same time publicly supporting legislation or candidates that defy God's law makes a mockery of that faith and belies his identity as a Catholic.

In November we will once again have the privilege of exercising our most precious right as citizens—the right to vote. Our choices will be made from among an array of candidates who take a variety of positions with regard to many important issues. In the midst of what could be a difficult and confusing exercise it is very important to remember that not all issues are of equal gravity. As men and women of good will we strive to achieve true justice for all people and to preserve their rights as human beings. There is, however, one right that is "inalienable", and that is the RIGHT TO LIFE. This is the FIRST right. This is the right that grounds all other human rights. This is the issue that trumps all other issues.

The November elections will be critical in the battle to restore the right to life to all citizens, especially the unborn and the elderly and infirm. As a result of the pro-life efforts of countless Americans the number of abortions performed in our country is now declining for the first time since the appalling Supreme Court decision of 1973 that made it "legal" to kill our children. We cannot allow the progress that has been made to be reversed by a pro-abortion President, Senate or House of Representatives. Neither can we permit illicit stem cell research that makes use of aborted babies. Any movement to promote and legalize euthanasia must be halted. Our votes have the power to stop these abominations.

There must be no confusion in these matters. Any Catholic politicians who advocate for abortion, for illicit stem cell research or for any form of euthanasia ipso facto place themselves outside full communion with the Church and so jeopardize their salvation. Any Catholics who vote for candidates who stand for abortion, illicit stem cell research or euthanasia suffer the same fateful consequences. It is for this reason that these Catholics, whether candidates for office or those who would vote for them, may not receive Holy Communion until they have recanted their positions and been reconciled with God and the Church in the Sacrament of Penance.

In recent months another issue has reached the level of our legislatures. It is so-called "same-sex marriage." Those who now promote this deviancy often present it as a human right denied homosexual persons and thus illegally discriminating against them. But, in fact, no one has a right to that which flies in the face of God's own design. Marriage is not an invention of individuals or even of societies. Rather it is an element of God's creation. It is God who created us male and female. It is God who joined man and women so that they could be fruitful and multiply and fill the earth. Every civilization known to mankind has understood marriage as the union of a man and a woman for the procreation and rearing of children. And yet now, in 21st century America, there are those who would want us to believe that all people of all times have been mistaken about the true nature and purpose of marriage. No one can simply redefine marriage to suit a political or social agenda.

Once again, we must be clear about this matter. The future of our world depends upon the strength of the family, the basic unit of society. The future of the family depends on the state of marriage. The family—father, mother and children—reflects the nature of God Himself, who is a communion of selfless and self-giving love. For this reason marriage and family life cannot be whatever we want them to be. They are only and always as God has created them. As in the matter of abortion, any Catholic politician who would promote so-called "same-sex marriage" and any Catholic who would vote for that political candidate place themselves outside the full communion of the Church and may not receive Holy Communion until they have recanted their positions and been reconciled by the Sacrament of Penance.

The Church never directs citizens to vote for any specific candidate. The Church does, however, have the right and the obligation to teach clearly and fully the objective truth about the dignity and rights of the human person. These teachings, in turn, must inform the consciences of voters. "By its intervention in this area, the Church's Magisterium does not wish to exercise political power or eliminate the freedom of opinion of Catholics regarding contingent questions. Instead, it intends—as is its proper function—to instruct and illuminate the consciences of the faithful, particularly those involved in political life, so that their actions may always serve the integral promotion of the human person and the common good."

Dear friends in Christ, I exhort you with all my heart to take courage and proclaim the Gospel of Life to those who will stand for elected office this fall. It is by your prayers and by your votes that politicians who are unconditionally pro-life and pro-family will serve our country. Conversely, if our voices remain silent or if, God forbid, we vote contrary to our informed consciences, we will see our country led down a short path to ruin. We want freedom for all, but there can be no freedom without truth. In the words of our Holy Father: "When freedom is detached from objective truth it becomes impossible to establish personal rights on a firm rational basis; and the ground is laid for society to be at the mercy of the unrestrained will of individuals or the oppressive totalitarianism of public authority."

Let us all pray for those politicians who claim to be Catholic yet continue to oppose the law of God and the rights of persons that, by the grace of God, they will be converted once again to the full and authentic articulation and practice of the faith.

Finally, I wish to affirm my brother bishops who have proclaimed the truth of these critical matters and who have admonished those Catholic politicians who place themselves at odds with the truth of God. May that truth which is the foundation of genuine freedom prevail in our country.

Given at the Chancery on this first day of May 2004, the Feast of St. Joseph the Worker.

Most Reverend MICHAEL J. SHERIDAN,
Bishop of Colorado Springs.

MANIPULATION OF ENERGY MARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, 3 years ago, with a bipartisan group of lawmakers, I met with Vice President CHENEY to discuss the then crisis and run-up of electricity prices in the western United States. On a bipartisan basis, Republicans and Democrats, we told the Vice President that we believed the market was being manipulated by Enron and others, and he lectured us and told us that we were out to lunch, that this was nothing but market forces and, in fact, if we did not build a 500 megawatt electric generating plant every week for the next 16 years, prices would stay up at $2,000 or $3,000 a megawatt hour.

Now, of course, the transcripts are now out there from the Enron traders. I cannot read them on the floor because they are absolutely chock full of obscenities, but they carry on about a few things. They carry on about how great it is going to be when the Bush administration goes to the White House, no more price caps; how Ken Lay was the greatest single contributor to George Bush over his political lifetime and might even be Secretary of Energy, or otherwise would be setting energy policy for the United States.

One has to wonder why Vice President CHENEY is still hiding the records of those conversations. Then, as they manipulated the market on 450 out of 573 days, one day they were on the phone yelling, cheering, "burn, baby, burn" as power lines were scorched by fire. They bragged about stealing millions from Grandma Millie in California.

□ 1800

They talked about withholding power, increasing prices, wandering power through Oregon and other neighboring States in order to jack up prices in California, and still today people in my State are paying about 43 percent more for their electricity than they did 4 years ago for the same electrons generated by the same plants because of these scams by Enron, scams that of course Vice President CHENEY said were nothing but market forces.

Now the Republicans are refusing to do anything about it. This energy bill does nothing to deal with what Enron has done to defraud the people of the western United States and roll back these illegal and unfair contracts and prices.

But now we are on to a new one, oil. Now, this is kind of familiar. DICK CHENEY and George Bush say it is market forces, nothing we can do about it. In fact, the White House has done nothing about the escalating oil prices here in the United States.

Now, it is kind of interesting because it is awfully similar to the electricity industry. There have been 2,600 mergers in the petroleum industry in the last decade. There are virtually no more small independent distributors, and many of the smaller companies have been gobbled up by others. Tremendous concentration in this industry.

Of course the same thing that follows with these market forces is an absolutely obscene runup in profits. We are seeing just in the first quarter this year British Petroleum 165 percent increase in profits. ChevronTexaco, 294 percent increase in profits. ConocoPhillips, a measly 44 percent. Their market forces are not working as well as the others, I guess. And ExxonMobil, 125 percent, and this next quarter promises to be even more lucrative for these companies.

Now, there was a day when the United States Congress set an independent path on critical issues to the American people, like the oil crises of the 1970s, and the Congress actually took definitive steps. They enacted windfall profit tax to get at the price gouging of the industry. They adopted mandatory fuel economy standards. They in fact capped the price of fuel, because they knew that this was being manipulated and the American people were being gouged.

But not this Congress. This Congress is offering the same old lame energy bill that it passed 3 years ago, 2 years ago, last year, and now we are going to vote on it again, same bill, $18 billion of subsidies to the suffering oil-gas industry that has record profits, profits of over $700 billion last year, and the taxpayers should subsidize it. Oh, come on now. I guess that is market forces. No. Wait a minute. How can subsidizing the industry be market forces? Well, I guess it is socialism, but we do not count that as socialism because we are giving it to a meritorious industry that needs the money; or, well, it does not need the money but it should get the money.

Now, what is going on here? When are we going to begin acting on behalf of the American people? When is the Bush administration going to file their complaint in their favorite organization, the World Trade Organization? They love rules-based trade. They love the WTO, but guess what? Eight of the OPEC countries are in the WTO. They are violating the rules of the WTO by constricting supply to drive up prices; but the Bush administration, no, they are not going to file a complaint against OPEC.

Then of course there is the Petroleum Reserve, which the President is filling at outrageous prices, and the list goes on and on. I have offered productive alternatives, as have other Democrats, but this administration stands mute because their friends in the oil industry are making out like bandits.

ABUSE OF POWER BY SECRETARY RUMSFELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the abuse of Iraqi prisoners began with an abuse of power by the Secretary of Defense, Mr. Rumsfeld. Justice will be served in Iraq only when America accepts responsibility for the prisoner abuse in Abu Ghraib and fires Secretary Donald Rumsfeld.

Secretary Rumsfeld and the administration can deny all they want, but the truth will not be denied. White House lawyers wrote memos about it. They tortured the English language until the President and the top civilians at the Pentagon were satisfied they could do whatever they wanted, manipulate the data, make it seem like truth. That has been the administration's approach in Iraq.

Secretary Rumsfeld pretended the Geneva Convention did not exist. Apparently it had too many constraints, like humane treatment of prisoners. Rumsfeld himself approved interrogation practices they are now trying to cover up by classifying them as secret.

Rumsfeld thought the world would never know. Mr. Nixon thought that too. Mr. Rumsfeld thought he could deny for so long the people would get tired and stop asking questions. Nixon's henchmen in the White House thought that too.

Rumsfeld thought a wave of the hand and attacking your critics could manipulate the news media into looking the other way. Nixon tried that too and it did not work.

The truth catches up with you, Mr. Rumsfeld. Like a Republican President who disgraced this country, Secretary Rumsfeld has abused the trust America has placed in its leaders. No one is above the law, not even those who show contempt for the law.

Torture is torture, Mr. Rumsfeld, no matter what you call it.

The abuse of power Secretary Rumsfeld triggered at the Pentagon has made Iraq even more dangerous for U.S. soldiers on the front lines. There is no excuse for that. There is no defense for that.

America cannot believe the pictures we have seen who came from people who call this country home. Secretary Rumsfeld tortured the U.S. values with its total disregard for a military code of conduct that applies in war.

The Geneva Convention was written to protect people in war from people like Secretary Rumsfeld, but he has dishonored this country and the tradition of the U.S. military. Instead of accepting the responsibility, the administration keeps throwing soldiers overboard in hopes that the question will stop before the truth emerges.

The latest casualty is General Janis Karpinski, who calls herself a "convenient scapegoat." With the blessing of Secretary Rumsfeld, she says, the Abu Ghraib prison was "Gitmoed."

General Karpinski points to the top U.S. Commander for Iraq, General Ricardo Sanchez. Rumsfeld just rotated him out of the country. Out of sight, out of mind, that is the view of Mr. Rumsfeld. General Karpinski asks what was asked during the Nixon administration as they desperately tried to cover up Watergate. What did he know and when did he know it?

General Karpinski says that Sanchez needs to be questioned about the abuse. Rumsfeld says Sanchez needs a well-deserved rest after a trying time in Iraq. General Karpinski says the military commander in charge at Guantanamo Bay, Major General Geoffrey Miller, likened Iraqi prisoners to dogs. She quotes him, "They are like dogs and if you allow them to believe at any point that they are more than a dog, then you have lost control of them."

Secretary Rumsfeld is responsible for a military scandal that has commanders equating human beings with animals and treating them even worse.

The first step in restoring U.S. credibility is removing the weakest link in the U.S. military chain of command. That is the man at the top. Mr. Rumsfeld forgot that in war a nation must not only fight the enemy, it must also fight to retain its values. America should be a country that stands for bravery. Rumsfeld has made America a nation that is ashamed. Either resign or get fired. That is what the President ought to do, Mr. Speaker.

America deserves better than this. When they catch an American in Iraq and they say we will treat him like they treated the prisoners at Abu Ghraib, everybody gets up in arms and says what is going on here. Mr. Rumsfeld is to blame. Whatever happens to that American is because the Secretary of War in this country acted not in the America's best interest, but in the belief that he could do anything because he was the Secretary of War.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2004 AND 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations to the Appropriations Committee and budgetary aggregates established by the budget resolution. These revisions increase the amount of new budget authority available to the House Appropriations Committee to reflect both technical changes and additional funds for wildland fire suppression provided by the Interior appropriations bill reported to the House today. My authority to make these adjustments is derived from sections 312 and 313 of S. Con. Res. 95, as made applicable to the House of Representatives by H. Res. 649 (108th Congress).

Section 313 of the conference report to accompany S. Con. Res. 95 provides for an increase in budget authority and outlays to the House Appropriations Committee upon reporting of the first bill by that committee. This increase, which totals $7,158,000,000 in new budget authority and $14,516,000,000 in outlays, is necessary both to increase the discretionary levels from the discretionary limits that are binding in the Senate (by virtue of Section 504 of the fiscal year budget resolution) to the levels envisioned by the conference agreement, and to achieve comparability in the budgetary treatment of Project Bioshield between the President's budget request and the conference agreement. I am hereby increasing the allocation and budgetary aggregates by these amounts.

Section 312 of S. Con. Res. 95 provides for a supplemental increase in budget authority and outlays to the House Appropriations Committee if additional funds are provided in 2004 or 2005 for wildland fire suppression. The adjustment is available for fiscal year 2005 if regular appropriations provided by the reported bill are at least 10-year average of obligations for such activities. Because this requirement has been met, I am increasing the 302(a) allocation of budget authority to the Appropriations Committee by $500,000,000 in both 2004 and 2005 to reflect the additional amounts provided in the Interior appropriations bill. Outlays flowing from this budget authority total $330,000,000 in 2004 and $420,000,000 in 2005.

After the adjustments specified in these two sections, the 302(a) allocation to the House Committee on Appropriations becomes $786,065,000,000 in budget authority and $861,672,000,000 in outlays for fiscal year 2004 and $821,919,000,000 in budget authority and $905,748,000,000 in outlays for fiscal year 2005. The corresponding budgetary aggregates become $1,881,055,000,000 in budget authority and $1,903,832,000,000 in outlays for fiscal year 2004 and $2,012,726,000,000 in budget authority and $2,010,964,000,000 in outlays for fiscal year 2005.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–544) on the resolution (H. Res. 674) providing for consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–545) on the resolution (H. Res. 675) providing for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MANIPULATIONS OF ENRON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I came tonight to the floor of the House to address an outrage, perhaps the largest fraudulent activity in American history which has resulted in literally billions of dollars being stolen from American ratepayers for electricity in the western United States. And this, of course, is the outright theft from West Coast ratepayers by the Enron Corporation. And I have come to the floor tonight because, unfortunately, the energy bill that passed this Chamber today did absolutely nothing whatsoever to restore one ounce of justice for the consumers on the West Coast who were so grievously ripped off by the Enron Corporation.

Mr. Speaker, the sad fact is that today the House of Representatives had an opportunity to do something about an outrage that has not been remedied now despite our efforts for the last 3 years. Because the sad fact is that the Enron Corporation and others manipulated with unfortunately great effect the energy market in the West Coast starting in 2000. This manipulation resulted in West Coast ratepayers paying conservatively in the billions of dollars of overcharges to Enron and other energy traders. And the law of the United States as written is designed to prevent that and does prevent that if we had a cop on the beat to enforce the laws. But, unfortunately, what happened in the years 2000 and 2001 is that Enron found a way to gain the system. They found a way to essentially shut off generating capacity for the western coast of the United States and, as a result, drive up the prices dramatically, and they were unfortunately successful in this outrageous conduct. In fact, rates being paid by utilities, and therefore ratepayers in the western United States went up by a factor of a thousand percent, sometimes on a daily basis. And Enron was successful in doing this because they decided not to follow the law. And, unfortunately, they had some allies in not following the law, and that was this Federal Government, which did not enforce the law of the United States and allowed Enron to foist billions of dollars of overcharges on the ratepayers on the West Coast.

Now, just to put a sense on how grievous this is, in Snohomish County, Washington, in the northern Puget Sound area, an area which I represent, ratepayers are still paying today half as much more than they should be paying, 52 percent more than they should be paying for electricity due to the depredation, the rapaciousness of the Enron Corporation.

This is now over a billion dollars in the State of Washington of overcharges that ratepayers are still paying today. And we believe, at least on my side of the aisle, that the Federal Government should take action to get refunds back from the Enron Corporation as a result of these wrongful activities.

Unfortunately, today, the Republicans refused to allow an amendment to be even voted on in this Chamber to get that money back for ratepayers on the West Coast. It would have been a simple amendment. I offered it in conjunction with the gentleman from California (Mr. FILNER) and the gentleman from Oregon (Mr. DEFAZIO), that would have required that refunds would have been given to these ratepayers going back to the year 2000. But unfortunately the majority party decided to side with Enron, the bankrupted corporation, bankrupt both fiscally and morally. They sided with Enron rather than with consumers and stood against giving consumers the refunds that they are owing.

□ 1815

This is outrageous, and I know it is outrageous because the offenses of which I speak are not hypothetical. We have very clear evidence of what Enron did, and that evidence has been disclosed by very vigorous, assertive, and healthfully combative Public Utility District in Snohomish County PD, in

Snohomish County, Washington, because what they did was they forced the disclosure of audio tapes that these Enron traders had kept of their conversations when they came up with their nefarious deals.

The Bush administration and their Federal Energy Regulatory Commission did not want the public to hear these tapes. They did not want the public to have access to the gamesmanship that went on that cost consumers so many millions of dollars, but Snohomish County PD was very energetic in getting these tapes released. Now they have come forward, and what is on these tapes would shock even the saltiest of sailors, not only because of the language that was used but because of the immoral, unethical conduct where these traders basically sacrificed willingly the ratepayers in order to juice out another million dollars or so a day for the Enron Corporation.

I would like to go over some of these, and we have deleted the expletives that were unfortunately frequently in their conversations, but we are trying to keep the gist of their conversation, and I am just going to refer to some of them here. These are audio tapes transcripted by Snohomish County Public Utility District of traders for Enron Corporation talking to one another.

First trader: So the rumor is true that they are taking all the blank money back from you guys, all that money you stole from those poor grandmothers in California?

Response: Yeah, Grandma Millie, and she is the one who could not figure out how to blank vote on the butterfly vote.

Response: Now she wants her blank money back for all the power you jammed her for, for $250 per megawatt hour.

That is a conversation between Enron traders.

Now, when they talk about jamming Grandma Millie, what they mean by this is they have constricted the supply down, going to the California ratepayers and Washington for that matter and, therefore, boosted the price up, in this case to $250 a megawatt hour, in many cases up to $1,000 a megawatt hour, 10 times what was the previously going rate.

Now this type of conservation was repeated over and over and over again by these traders.

Second example. The Enron traders discovered a handy little technique. They found a way to congest transmission lines so that when they were congested, energy could not get through. So they would willfully schedule transmissions in a way that would prevent transmission from occurring, and when that happened, the price skyrocketed because of the existing demand. So here is a conversation here. They are talking about the congestion.

Then the other trader states: If the line's not congested, I just look to congest it. If you can congest it, that is a money maker, no matter what.

And it was a money maker, because when they congested these lines, the price skyrocketed, sometimes tenfold, and when it skyrocketed, several things happened. First off, you actually had brownouts in California, but you also forced utilities like Snohomish County Public Utility District in Washington State to enter into long-term contracts to try to ameliorate, to try to reduce the outrageous hits they were taking in these skyrocketing prices. Enron tried to sort of lure them into these long-term contracts and were sometimes successful because they were punishing ratepayers with these outrageous prices.

Third example. The Enron traders talked about who they would like to be running the Federal Government, and they talked about it in terms about who would be on Enron's side. They talked about who would be favorable to Enron, who would sort of wink at the wrongful actions by Enron, who would be sort of the cop who was asleep at the switch; and they reached a conclusion pretty quickly.

First off, they noted that Enron was the biggest contributor to the election campaign of President George Bush. They then noted that would it not be great if the next Secretary of Energy was Ken Lay, the disgraced CEO of the Enron Corporation. What they said was, How great would that be for all the players in the market. He would open these markets up.

Now, they were right on that. If Ken Lay was Secretary of Energy, he would have opened up these markets and would not have taken any steps to try to tamp down the rapacious behavior of Enron, but it turned out they did not need Ken Lay as being Secretary of Energy because the people in the Bush administration were quite effective in not doing anything to lift a finger to stop Enron from gouging west coast ratepayers. They got what they wanted. They got cops on the beat who just winked and let the bank robbers take money out the door without doing anything about it.

It is very interesting here. The prediction of the Enron traders that, number one, they could congest these lines and drive up prices was accurate, much to the damage of people in Washington, Oregon and California; but their second prediction, that the President of the United States would let them get away with it, was accurate, too. That is the reason why it was such a grand shame here today when the Republican Party would not let this House vote on an amendment to simply enforce these laws, to finally blow a whistle on Enron and blow a whistle on the Bush administration for their failure to enforce this law.

I would like to yield to the gentleman from Oregon (Mr. DEFAZIO) who has been fighting this battle now for several years, who has been a stalwart on it, who has a never-give-up attitude.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for his leadership on this issue.

Of course, the interesting thing is that we in the Pacific Northwest were the tail of the dog here. On manipulated markets for profit in California, they drove up wholesale markets Westwide. In fact, some 570 days they manipulated markets. It has now been found to be more than 460 days.

The gentleman might remember the meeting we had with Vice President CHENEY just about 3 years ago now. We got a bipartisan meeting together and Democrats and Republicans came together and said to the Vice President, as Northwesterners we are really concerned about what is happening with electricity prices, $2,000, $3,000 a megawatt. This cannot be market forces at work. Energy is usually selling at $30 a megawatt, $40 a megawatt. Out in the Pacific Northwest, it is 50, 100 times more.

You probably remember the Vice President. He dismissed us with his usual, it is hard to say, I guess sneer would be the best way to say, and say we just simply did not understand, poor little babies. These were market forces at work. This had nothing to do with market manipulation, absolutely nothing; and if we did not build a 500 megawatt plant a week for 16 years, this would continue, $2,000, $3,000 megawatt energy.

A funny thing happened on the way to the market forces here, and that is, the Senate changed hands. DIANE FEINSTEIN then managed to schedule a hearing to bring in the people from the Federal Energy Regulatory Commission and other people from the Bush administration to have them testify on the record under oath about these market forces; and you know what, they suddenly decided there was market manipulation. They quickly imposed price caps, and then the whole thing began to unravel.

They protected their contributing class of Mr. Lay and others as long as they could. As these gentlemen said here in these transcripts, Enron was the single largest contributor to George Bush, and Ken Lay was the single largest individual contributor to George Bush over his lifetime until this campaign. He may still well be contributing and the President may still be taking his money. Ken Lay has not gone to jail yet so I guess he can still contribute.

Mr. INSLEE. Mr. Speaker, I think it is important to go into our conversation in some detail with the Vice President.

This was a bipartisan meeting with members of the west coast delegations, and what we did is we laid out the evidence for the Vice President, and stoplights in California were not working at the time we were talking to the Vice President of the United States, begging him for assistance. What the evidence we showed him was that at the time we were talking to him fully 32 percent of all the generating capacity in the west coast of the United States was turned off. At the time that stoplights were going out in California, Enron and its co-conspirators had turned off almost a third of all the generators in the west coast. They have tried to lay this excuse that, well, we were maintaining them, which was pretty lame because on the average in the last 12 years there has only been 2 to 4 percent of these plants down.

So what we told the Vice President, in a pretty cogent way is, Mr. Vice President, it is obvious someone is gaming the system. There is clear manipulation going on. There is skullduggery. This is a scandal. One-third of the generators are turned off. You are causing brownouts in California. We are having 1,000 percent run-ups in the State of Washington. We need your help. We need your help to force FERC to enforce the law. And I will never forget what he said to that request.

He looked at us in the eye, and he said, and this is about as close to a quote as I can come: you know what your problem is, you just do not understand economics. Now, we do understand economics. My degree happens to be in economics. It is just that we do not understand Enronomics. We do not understand Enronomics that the President and the Vice President of the United States sit on their hands and do nothing while consumers are gouged 10, 20 billions of dollars a year and are still suffering as a result of this Federal Government's refusal to act.

Mr. DEFAZIO. Mr. Speaker, we need to spend more time on the past here because people need to understand what happened with this market manipulation, and in fact, of course, the head of the Federal Energy Regulatory Commission, Pat Wood from Texas, chosen by George Bush and Ken Lay, wants still to push forward with this deregulation model and impose it on the rest of the United States of America. After all, it was a great success. The only problem was that Enron got caught. A few people made a lot of money. A lot of people had to pay a lot more for their electricity, but that is kind of the way they run the tax system in this country.

I would like to draw a parallel to something that is even more on people's minds. In the Northwest now it is not the heating system. The high rates are not quite as troublesome, although they certainly trouble our businesses every day, particularly those that are energy intensive and are contributing to our high unemployment rate, but I would compare it to what is happening with gasoline.

We are hearing the same refrain from the administration about the prices of gasoline, that these are market forces. Yet, in the last 10 years, there have been 2,600 mergers in the oil industry. We find that every company in the oil industry, those few that are left, are enjoying record profits; and they are saying, oh, these are just simple market forces at work, and again, refusing to act, and of course, this time there is no prospects, since they control both Houses of Congress, that someone can convene hearings to get to the bottom of the market manipulation that is going on here.

It starts with OPEC, and the President, of course, is a great believer in free trade. If he is such a believer in free trade, why is he letting the OPEC countries violate the World Trade Organization? Why not file a complaint? I have sent him two letters to that extent and have had no response.

Beyond that, there are certainly other things he could do. A much braver Congress and more independent Congress years ago imposed a windfall profits tax on the industry and took other dramatic steps to help save American consumers, but they will not do that. It is the same thing that happened with electricity here.

There are a favored few who I would call the contributor class. Most of the people who made the money here are Pioneers or Rangers for the President. Most of the companies that manipulated the market just happen to be based in Texas, and they are still profiting from these contracts because they will not allow your amendment.

I mean, if anything is an illegitimate contract, if you read these obscene transcripts, which we could not read on the floor of the House, the FCC would be on top of us, of these so-called traders of Enron and what they were doing to manipulate and the language they were using and what they were doing to people, if these are not illegitimate contracts, extorting people illegally in the Northwest and elsewhere, I do not know what is; but they will not allow us to debate an amendment on that issue on the floor.

Mr. INSLEE. That is correct and the reason this is such a shame now is that for over 2 years we urged the administration to act. They did not act. There was an obvious defrauding going on, an obvious offense, an obvious crime. They let the embezzlement in a sense continue, and then told us they cannot get the money back for us. I want to make sure people understand this.

First, when we asked for relief, the President and the Vice President said you are on your own, we are not going to help you. They said that for 2 years. Finally, in 2003, they said, okay, now we give up, we are going to offer some price caps, and they finally gave us some relief in 2003.

□ 1830

But the horse was well out of the barn after 2 years of theft. What happened was they allowed that money to go to Texas. A lot of people in Houston bought mansions with the money we paid on the west coast, with money they stole from the west coast. The former Texas Governor let them steal it and did nothing for 2 years. Those people are now in Texas with money in bankruptcy that we cannot get.

Now because of the combination of President Bush's inaction and failure to follow his responsibility and the bankruptcy laws, this money is gone. But at least we ought to be able to stop Enron from getting another $122 billion from Snohomish County.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. DAVIS) who has been a tremendous advocate from the very beginning trying to get some action by this government for California ratepayers.

Mrs. DAVIS of California. Mr. Speaker, we did have an opportunity to address this issue today. We had an opportunity to say something happened 4 years ago that needs to be remedied today. Unfortunately, we did not act.

I want to go back for a moment and talk about what our experience was and what happened. When energy prices spiraled out of control beginning 4 years ago yesterday with the major blackout in California, we were told it was just because California had not built enough energy plants so there was not enough supply for the demand; but there was. Power had been turned off by the energy companies to create a false shortage and exorbitant prices. In fact, the power plants had 37 to 46 percent of capacity that was untapped.

The tapes of Enron employees which were finally revealed recently make that abundantly clear. They said, "There are ways you can go and run through the congestion process, get paid for congestion, and then cut your power and just collect the money."

But in San Diego, we have known that the market was being manipulated for most of the 4 years since it began.

Workmen at Duke's Otay Mesa Energy plant revealed early on that they had been ordered to turn off the generators and say that maintenance was needed. They had been ordered to do that. Then they were told to destroy parts so that no maintenance could be completed and the power supply would continue to be turned off to create an artificial shortage. Yet the Federal Energy Regulatory Commission, FERC, refused to investigate. Their legal role was to ensure "just and reasonable rates," but they let the rates skyrocket without action.

Throughout that summer, we petitioned them to hold hearings and to put a cap on rates, but they refused to act. For over a year and a half, there had been details not only of Enron's manipulation, but of gaming by other energy companies. Reliant traders also bragged of shutting down much of the energy production, gloating, "Isn't it fun when you can do things like that now?"

Tapes were found of Williams employees conspiring to cut supply. I recall public hearings at the time where representatives of these energy companies denied any gaming of the market. A number of us were at these hearings and we were trying to push, trying to understand, and they denied any possible gaming of the market. With other elected representatives I heard the president of our local utility declare they were just "passing on their costs," but they neglected to tell us that their existing lower cost contracts for natural gas to run their plants were not being used for the local facilities, but were being sold on the market at an enormous profit.

And did FERC investigate these acts and hold the energy companies accountable? Members know the answer to that. No. Instead, they held private meetings with the power company seeking settlements out of the public eye for a few cents on the dollar.

In San Diego where the rates first soared, so many people suffered. I remember going to local restaurants, small business owners whose ice cream stores could not cut back the electricity, and they had to go out of business. A bakery that closed, mom and pop shops with very narrow margins wiped out by triple energy prices. Frail, elderly people on fixed incomes who could not afford to run their fans or air conditioners when inland temperatures soared.

And when winter came, the natural gas line coming from Texas suddenly cut off half the volume. Natural gas prices exploded, and folks could not afford to heat their homes. Museums housing precious objects, churches and synagogues and nonprofit agencies could not expand their limited budgets for this enormous line-item increase, and they could not just put a surcharge on the price of their services as some businesses chose to do. Schools and colleges had to cut supplies and programs. To save energy, grocery stores turned off half of their lights, having been told supply was the problem.

I remember clearly we felt like we were in the dark no matter where we went. Our city felt under siege. Worse, the community ratepayers, the small businesses and families who suffered, have not received rebates in proportion to their losses, $9 billion in unjust charges

So we must not let this prevail. We must not be silent. We must continue to advocate and to let our voices be heard because our voices are the voices of our communities, and they know this was unjust and they know this was not reasonable; and that is why we must continue to speak out. That is why I am so disappointed today, and thank the gentleman from Washington (Mr. INSLEE) for holding this Special Order because we could have handled this today. We could have addressed this issue today, and we chose not to do it

Mr. INSLEE. Mr. Speaker, I appreciate the gentlewoman's eloquent statement, but I think it is important to state that the Democrats on this side of the aisle, we were prevented from having this amendment brought up. Think about the outrage, when we want democracy in Iraq, we do not have democracy on the floor of the House. The House is not even given an opportunity to vote on an amendment to get refunds.

To show how callous these Enron traders that the Republican Party has now decided to accommodate by not allowing this amendment even to be voted on, I want to read one transcript to let Members know what the Enron corporation was like. Here is a trader that says, Kevin, there was a guy here yesterday. He is some consultant for some "blank" other business we are supposed to be starting over. He said the guy came in and he said I am in California now, and my small consulting business, my energy costs have gone from $100 to $500 a month. It is unbelievable. I do not know what to do.

The trader said, I just turned from my desk and looked at him and said, Move.

Mr. Speaker, that was a very heartfelt comment, and that was Enron's attitude and apparently that is the Republican Party's attitude. He should have moved from the west coast because we are not going to do anything for refunds.

The same trader continued saying, "The best thing that could happen is if there was a 'blank' earthquake and let that thing," meaning the west coast, "float out to the Pacific where they can just light candles."

That is the attitude of Enron and that is the attitude of the majority party, apparently, that would not allow us to take action to do something about this travesty. California was hit, Oregon was hit, Washington was hit; and we are still suffering today.

Mr. Speaker, I yield to the gentlewoman.

Mrs. DAVIS of California. Mr. Speaker, it is very disappointing because when people deal with these issues, they are not dealing with it in a political context. This is not political. This is about the lives of people, their businesses and how they conduct themselves. When the public hears the kinds of statements made by those traders, they look to us, they look to us for help, for support. That is why it is important that this House which represents the people, whether Democrat, Republican, Independent, needs to respond; and that is why this was such a disappointment today.

Mr. INSLEE. The reason we need to respond is the administration has not. Beginning in 2000 and 2001, we have made every concerted effort to get the administration to impose some type of relief, price caps or otherwise. They refuse to take any steps. They sat on their hands. As Bonnie and Clyde ran out with the bank notes, these people sat there and watched this theft occur and did not lift a finger for 2 years.

Now in 2003, because they were so ashamed by what was going on, they finally issued some price caps. But unfortunately according to their commissioner, and this was on June 4, and this is amazing, talk about a catch-22 here, this administration's agency, the Federal Energy Regulatory Commission, whose job it is to protect consumers, they wrote me a letter. I urged them to take action to get refunds for people up and down the west coast.

They wrote me a letter and told me, number one, we have concluded there was massive violation of the law by Enron. We have concluded that there was manipulation. We have concluded there was gaming of the system. We have concluded in essence that there was congestion caused to shut down access to drive the price. We have concluded there was all of this skullduggery and scandal. But we do not think we have the authority to act to get refunds back from the people who had all of this money embezzled before 2003.

So here we have this administration saying we concluded there was a huge crime here. There was robbery, fraud, and embezzlement, and we know how much was taken from ratepayers; but golly gosh, we cannot do a thing about it.

Mr. Speaker, we had a chance today to do something about it to make it the law of this land that we are going to get those refunds, and the majority party refused to even allow that to come up for a vote, and it is a double scandal. It is a scandal that would make Enron proud.

Let me make reference to one thing, when there was a fire that shut down a transmission line and prevented transmission of electricity to California which allowed Enron to boost the rates almost a thousand percent, a trader said, "Burn, baby, burn. That is a beautiful thing." That is why Enron would be very proud of the majority party today refusing to allow us to vote on something to get refunds for people. The majority party adopted the "burn, baby, burn" approach to not allow us to do anything to get these refunds.

If there was some question, if it was kind of a close call, like there are close calls in baseball, was he safe, was he out, if this was a close call whether Enron gouged west coast ratepayers, then perhaps there might be an excuse; but there is no excuse here. These tapes are the equivalent of a videotape of the crime, DNA of their identity, fingerprints, and a confession after their Miranda rights; and still when this crime occurred, the Republican Party will not help us remedy this wrong. We are going to continue this effort.

Mrs. DAVIS of California. Mr. Speaker, we had the tapes that we just dealt with, and there have been so many other instances along the way that pointed to the fact that there was outright manipulation. Talk about a smoking gun, we had a smoking howitzer, and people still did not respond.

□ 1845

Mr. INSLEE. Just to give you an example, I just want to read specific language of two traders. They are talking about whether to keep a generating plant running or not. One trader asked the operator of the plant from Enron, "How hard would it be for you to turn off your plant and then if we want to start it up later?" He said, "It's not that hard." So the Enron trader said, "If we shut it down, could you bring it back up in 3 or 4 hours?" The response was, "Oh, yeah." The response was, "Why don't you just go ahead and shut it down if that's okay." And when they shut it down, they boosted these prices up, sometimes 1,000 percent.

That type of language was found by Snohomish County in at least a dozen specific circumstances where Enron specifically requested energy to be shut down. We do not know all of them because we found out they were actually taking some of these calls on cell phones to try to get them off their recording system but we have got enough to know there was a clear crime here.

Mr. Speaker, I yield to the gentleman from Washington (Mr. BAIRD), who has so ably advocated for southwest Washington, which also suffered in this debacle.

Mr. BAIRD. I want to thank my friend for raising this issue and for his leadership on this and my friend from California as well. What I would like to do is do two things: First of all talk a little bit about the impact of this terrible practice on the people of my district and relate a couple of stories, and then contrast that impact with what the chairman of the Federal Energy Regulatory Commission said about this incident.

First let me talk a little bit about schools. I visited a number of schools in my district during the height of this crisis and asked them what the impacts of these terribly increased energy rates were. These were the things I was told. First of all I was told of one school district that had scheduled to purchase new textbooks for their kids. These were not because they just were whimsically buying unnecessary books. I saw the books that they were using. These were books that were almost a decade old. As you can imagine after that much use, the binders were torn up. The books were really not serviceable, were not up to date. But because they could not afford to pay their energy bill, these school districts were having to forgo the purchases of new textbooks.

In addition to that, I visited some of the classrooms. Some of the classrooms were functioning with only half of their lights on and the kids were literally told you need to wear extra sweaters and coats to school because we cannot afford to heat your classroom because of these energy rates.

I talked to senior citizens who told me, Congressman, I am not necessarily going to be able to pay my rent because of the increase in power rates. We had utility districts that saw almost a 100 percent increase in power rates for residential customers. I talked to farm product producers, refrigeration houses, et cetera, who said they were almost faced with bankruptcy because the cost of operating their facilities had gone up so high that they were not able to make ends meet.

On a much larger scale, we had an aluminum smelter that had produced some of the highest quality aluminum in the world that was forced to shut down and is in bankruptcy now and is being parted out, basically scrapped out. We had 700 or more workers directly affected who lost their jobs, their health benefits, in some cases their retirement benefits because electrical prices went through the roof.

In the backdrop of that, of schools not ordering textbooks and turning off their lights and turning down their heat to levels that the kids were cold, in the backdrop of senior citizens who could not pay their rent, in the backdrop of small businesses and farmers who were forced to close their doors, in the backdrop of more than 700 jobs permanently lost, I want to share with you a statement by the individual who could have stopped this but did not. Pat Wood, the head of the Federal Energy Regulatory Commission, said this on March 4, 2002 in an interview in Business Week:

"I view Enron's collapse as an affirmation of the efficiency of energy markets." I am going to say that again. "I view Enron's collapse as an affirmation of the efficiency of energy markets," said Pat Wood.

He continued:

"Here was a player who because of bad investments in noncore businesses, managerial shortcomings and—to be charitable—accounting obfuscation, became tainted and lost creditworthiness. Yet, with few exceptions, energy customers have been able to work through those problems without any real significant impact." Let me say that again. The head of the Federal Energy Regulatory Commission, who refused to act when Enron was manipulating these prices, who was recommended by the top guns at Enron, said even as people throughout my district, throughout the West Coast were losing their jobs, losing their homes, losing their businesses, said, "With few exceptions, energy customers have been able to work through these problems without any real significant impact."

My good friend from Washington commented earlier, and I was in the room with the gentleman from Washington (Mr. INSLEE) when we talked to the Vice President of the United States. We said, Mr. Vice President, the economy of the West Coast is being devastated by these incredibly increased power rates. We said, Mr. Vice President, wholesale markets have gone from $30 a megawatt hour to $3,000 a megawatt hour, a 100-fold increase. There is no justifiable mechanism that causes such a basic commodity as this to increase 100-fold. Everybody is complaining now about gas prices going over $2.50 a gallon. I share that complaint. But if it were a 100-fold increase in gas prices, gas prices would be $250 a gallon. That is the kind of price increase we sustained in electrical wholesale markets.

The Vice President of the United States of America did nothing to stop that. The head of the Federal Energy Regulatory Commission did nothing to stop that. As businesses closed, our constituents lost their jobs and our school districts went broke, they did nothing to stop it. It is shameful, if not criminal.

Mr. INSLEE. Not only did they do nothing, this House today did nothing while our consumers are still continuing to pay these outrageous electrical rates in Snohomish County, Washington, 52 percent today, still higher. This is the long, dark shadow of Enron that today we refused to do anything about. I want to go through just a moment of history of how this administration has and has not acted and why this ends up with rates being so high.

It is interesting when President Bush was running for office in October 2000, when he was in San Diego and the prices were just starting to maybe go up, he said, "I believe so strongly that part of this region is going to suffer unless you have a President who is willing to tell FERC to do what is right for the consumer." So when he was campaigning, he said he was going to make sure FERC did right by the consumers. He then took the oath of office in January 2001 and the next thing we heard was from Lawrence Lindsey, his assistant in the White House who said, "They should expect no more help from the White House." Message from George Bush to the West Coast: Go fish. Let them eat cake. As a result, Enron had the green light from the President of the United States to go embezzle, cheat, gouge as much as they could from the West Coast and, by gum, Enron got the message. How do I know that? Here is a quote from one of the Enron traders. This is just right before the election. "Matt," the Enron trader said, "you know what? I'm scooping up every bit of 'blank' power I can and take next summer," Tom said, "because caps won't be there," meaning price caps, meaning he knew the President would do nothing about this problem.

Matt responded, "They got to come for it. I'm bound to bet huge on the election. When this election comes, Bush will 'blank' whack that stuff, man." I am paraphrasing the expletives out. "He won't 'blank' play this price cap stuff. I bet they'll impose a national price cap at $1,000 and that's fine with me."

They bet and they won. The Enron traders won when George Bush was elected to office and when the Republicans controlled the House of Representatives because they have done nothing for the years 2000, 2001 and 2002 to remedy this bleeding by our consumers.

Just to make sure that people understand we are not kind of making this stuff up as we go along, I want to read about what the administration themselves concluded. On March 2003, the Federal Energy Regulatory Commission issued a final report on price manipulation in western markets. It found "significant market manipulation," that "many trading strategies employed by Enron and other companies were undertaken in violation of antigaming provisions." It identified more than 30 entities that might have manipulated the market. But Catch-22 from the Bush administration, we are not going to do anything about it. They concluded for 2 years before 2003 there was massive market manipulation and they refused to lift a finger to give refunds for people who were victimized. I could understand it if they said we are not sure if there was a crime here. But when the President of the United States' own agency concludes that billions of dollars were stolen from ratepayers in the western United States but they refused to lift a finger to get refunds, something is rotten in the State of Washington, D.C., and it is the influence of Enron Corporation still in the political process of those who still run the Federal Government. We have got to see some changes around here.

Mr. BAIRD. I want to underscore exactly what you said and how prescient and remarkably so that the individual cited in the recording said, "I'm betting on a $1,000 per megawatt cap" because that is exactly the cap that was proposed. Let us put that cap into context. Again, the average cost before this crisis was $30 a megawatt hour. So the cap on $1,000 is a 30-fold increase. A 30-fold increase if applied to gasoline would be over $75 a gallon today. $75 a gallon. Not a tankful but a gallon. That is the kind of cap they were talking about. How remarkable. And I do not think it really is remarkable that they would speculate on precisely the cap that was put in.

Let me line this trail of evidence further. The Vice President of the United States has claimed executive privilege and has denied this Congress and the American people access to the names of the people with whom he consulted in crafting his energy bill. How is it that Enron traders would so accurately predict the level of the cap that would be put on in the energy bill? How did they know that? And how coincidental that the Vice President of the United States will not give us the list of those names. He is consulting with the very people who are manipulating the energy markets at the very time they are doing the manipulation and he is refusing to do anything to stop that manipulation. And the people of the United States are being hammered and losing their jobs, losing their homes, losing their businesses, and the people who are doing the manipulation are talking to the Vice President about what the energy bill should contain and he is going along with them and he is refusing to stop them, and now is it any wonder he refuses to tell the American people with whom he was speaking.

I want to walk through, if I may, a little bit about how this dynamic works. Here is the situation our local utility districts were faced with. Normally they could go on the spot market and buy energy in a shortfall for between $30 and maybe up to $60 a megawatt hour, but somewhere in that ballpark. But when prices spiked to $3,000 a megawatt hour, that is a 100-fold increase, so think about that for a second. If you have a commodity that goes up 100-fold, then in 4 days of purchase you have blown your entire annual budget. In 8 days of purchase, that is 2 full years of your budget. So the utilities were left with a Hobson's choice. I personally believe Enron, et cetera, created this choice for a very clear motive. What they did by letting prices spike to $3,000 a megawatt hour was they then had the utilities over a barrel and they said, "Here, we've got a choice for you. If you don't want to risk that $3,000 per megawatt hour, why don't you just lock in prices at, say, $250 a megawatt hour," roughly the same level that that quaint trader said he would shove somewhere up some grandmother's anatomy. The utilities had no choice. Either you buy $250 a megawatt hour and lock it in for the long haul, thereby forcing your ratepayers to pay as much as eight times the normal going rate, or you run the risk of $3,000.

So some of our utilities had no choice but to lock in these long-term contracts because they had to protect themselves against the risk of these outrageous short-term power rates. We are still paying the cost of that today in Cowlitz County, a county in my district that saw that aluminum smelter close, saw the loss of more than 700 jobs, is one of the leading counties in my State in unemployment, or had been. It is a wonderful county with hardworking, decent people. Their public utility district saw 97 percent rate increases. The Social Security COLA runs somewhere between 2 to 4 percent a year, depending on the year. If you are a senior citizen on a fixed income and you have to heat and light your home, when the Social Security COLA increases 2 or 3 percent but your power rate increases 97 percent, how do you possibly make ends meet?

□ 1900

And how does Pat Wood, the head of the FERC, say most consumers have gotten through this without any difficulty? And, frankly, how does the Vice President of the United States sleep at night?

Two questions that I hear from my constituents all the time. First, where is the money? Who profited from this? Where did the money go when these rates went through the ceiling? And the second is, why does someone not go to jail? People ought to go to jail for this. They clearly broke the law. They clearly defrauded the public. They ought to go to jail, and those who profited from it ought to pay back the money.

And one final thing. I can tell them where part of the money went. Part of the money went into campaign contributions. Part of the money went into campaign tricks to help the very people who refused to regulate this market get reelected, and here I am sorry to say that as these energy markets went through the roof and were manipulated criminally, we received almost no assistance, virtually no help from our colleagues on the other side of the aisle. They said, no, we are going to let the market take care of itself. We are not going to intervene. Indeed, there was a certain condescension on their part that how dare we try to control these markets.

And let me point out that regulated cost-based pricing was the model that worked in this country for many decades before Enron, et al. persuaded various governments and the administration that we ought to deregulate the markets, and they took advantage of that. They helped write the law. They then took advantage of that, and they deceived the public in the process, and our friends on the other side of the aisle were silent, in fact, blocked our efforts to try to impose regulations.

Mr. INSLEE. Mr. Speaker, unfortunately, our friends on the other side of the aisle were worse than silent. They absolutely choked off any consideration of the Enron scandal on the floor of the House today. Here we have this enormous scandal breaking with the exposition of these tapes, and they refused to allow any Enron discussion even or action on the floor of the House.

The gentleman brings up campaign contributions. It is interesting because so did the Enron traders. I want to read from a transcript of a tape of two Enron traders talking shortly before the election. The first one, his name was Matt. Matt was talking to Tom, and the transcript says: "Tell you what. You heard this here first: When Bush wins—

"Tom: Caps are gone," meaning price caps, some action to keep prices reasonable.

"Matt: That 'blank' Bill Richardson," former Secretary of Energy, "he's gone, and Clinton, he's gone. All those socialists are gone.

"Tom: Yeah.

"Matt: And who's the biggest single contributor to the Bush campaigners?

"Tom: You.

"Matt: (Laughs) Enron.

"Tom: Enron. What?

"Matt: Enron.

"Tom: Is it Enron?

"Matt: Yeah.

"Tom: Is that true?

"Matt: Yeah, I think it is.

"Tom: The biggest single contributor." Enron Corporation.

"Matt: Yeah, the biggest corporate contributor.

"Holy—really? That's huge.

"And that is number one.

"Ken Lay," CEO of Enron, "is going to be the Secretary of Energy.

"Tom: Get out of here!"

Tom does not have to get out of here because he got what he wanted. He got a compliant administration that let Enron rip off American citizens, Democrats, Republicans, Independents alike. They were bipartisan victims, and he got an administration to let them run rampant through the energy markets and steal billions of dollars from our citizens and neighbors who cannot afford it. He got what he wants. Now it is up to this Congress to do something to get what we want and what our citizens, Republicans and Democrats alike, want, which is a refund for the money.

Where did this money go? It went to buy a lot of mansions in Houston where the President used to be Governor, where his Vice President met with Ken Lay, the CEO of Enron, in a secret meeting to come up with a secret energy plan that is no secret any longer. There is no secret about what happened here. Enron got what they wanted, a compliant administration to let them take as much as they want from consumers and do nothing about it. And they got a Vice President, when we laid out the facts to them, when it was clear as a bell that this manipulation was going on, they got a Vice President, and do my colleagues know what he said? The same months that there were brownouts in California, he said "The basic problem in California was caused by Californians." Maybe he is referring to the traders in Enron. Maybe they lived in California. I do not know, but I do not think so because it was obvious what was going on here. Thirty-two percent of all the steam-generated, gas, coal-fired plants feeding the west coast United States had been turned off, and the Vice President and the President of the United States told victims of that skullduggery that they were not going to do anything about it.

And now Congress needs to act, and we are going to continue to press on this because we have learned an interesting thing. We can actually get this administration sometimes to change behavior. For 2 years they refused to do anything about this. We finally shamed them into action, and in 2003 they finally adopted price caps that they said were going to ruin the U.S. economy and that this was a communist plot to have price caps. They finally did it in 2003 because they could not take the heat anymore. We are hoping this administration, when they feel enough heat, and our colleagues across the aisle, when they feel enough heat, maybe they will not see the light; but maybe they will feel the heat, and maybe they are going to then knuckle under and do something for the consumers that are owed so much. I would like a closing comment from the gentleman from Washington (Mr. BAIRD) as we close our discussion tonight.

Mr. BAIRD. Mr. Speaker, I would just add to this that when appropriations runs around in this Congress, we often, all of us, send out press releases to our constituents. We help get X amount of dollars to come back to our district for a school or a highway or you name it. But I wonder why my friends on the other side of the aisle have not sent letters back to their constituents saying because of our inaction in 2000 and 2001, billions of dollars were taken from people's pockets, from their families, from their schools, from their businesses and given to large energy corporations. Because whatever they may bring back to their district, Mr. Speaker, they have allowed to be taken out. Because of their inaction, because of the inaction of this administration, because of their actions in allowing this deregulated debacle to move forward, billions of dollars have been taken out of hard-working Americans' pockets, put into large corporations who have broken the law, rewritten the law to their own advantage. It has been cynical. It has been destructive.

The one final thing I would say is, and it is a little bit of a deviation, but there is a pattern here. It is not only a pattern evident in the energy bill. We saw in the Medicare bill, which was also written to a large degree by special corporate interests and some of our own colleagues who helped write that legislation are going to work for those special interests, to prohibit the Secretary of Health and Human Services from negotiating lower drug prices. When I tell this to my friends back home in town meetings, they sometimes do not believe it. They say, Do you mean to tell me that the very people who benefit, who raise our prices on energy or on pharmaceuticals are writing the laws and Congress is doing nothing?

And the sad truth is we are doing worse than nothing. We are enabling this.

Mr. INSLEE. Mr. Speaker, we do not want to believe that the U.S. Congress would allow such a massive rip-off of Americans to take place and not do something. We do not want to believe that just because Ken Lay was so close to President Bush that the whole Federal Government will do nothing. We do not want to believe that massive political contributions could end up with the Federal Government not doing its job. We do not want to believe that when the Federal Government itself concludes that there was a crime, that there was manipulation, that there was gamesmanship, that there was defrauding, that there was embezzling, that they would do nothing. We do not believe that is the right thing to do, and we think ultimately we have some confidence that we will actually prevail on this. Even if it takes November and we get a new Congress that will finally take action to get a refund for Americans, that is the route we will go.

I want to thank the gentleman from Washington (Mr. BAIRD) for joining me this evening.

THE WAR ON TERROR

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, it is an honor to be here tonight. I am especially gratified at the presence of the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services. I truly believe that there is not a finer American in the Congress than the gentleman from California (Mr. HUNTER).

Mr. Speaker, as we begin to discuss some of the new events that are taking place in Iraq, I thought it might be good to review some of the circumstances that brought us there in the first place. Mr. Speaker, with all of the discussion lately regarding the search for weapons of mass destruction, regarding the Abu Ghraib prison issue, sometimes I think we forget what our basic reason was for going into Iraq.

After September 11, this country recognized that it had entered into a different age, and the wars that we fought in the past and the Cold War we had an enemy that we recognized for who they were. We recognized that they had a capability that was incredibly dangerous to the freedom of the United States of America. We knew their capability, Mr. Speaker; but we did not always know their intentions. And, Mr. Speaker, I submit that even the basis of our defense at the time in the Cold War was predicated to a great degree on our enemies' sanity. We believed that they had enough respect for their own lives and enough commitment to live that somehow our own offensive capability would deter an attack from an enemy like the Soviet Union.

And, Mr. Speaker, I am sure that we would all like to have a better philosophy than mutually assured destruction, but indeed that philosophy kept us safe for a very long time. But, again, it was predicated on the sanity of our enemy.

Today, Mr. Speaker, we recognize a different enemy. It is an asymmetric enemy that no longer fits the traditional mode at all. We now know the intention of our enemy very well. If September 11 did not teach us that, then I suppose it is a lesson that will escape us forever. If the circumstances regarding the brutal murder of Nick Berg does not teach us the mindset and intention of our enemy, then again I suppose that lesson will evade us. If the words of Osama bin Laden when he said that "obtaining nuclear weapons is our religious duty," if that does not help us understand the gravity of the enemy we face, then perhaps again it is a lesson that will evade us to our great peril.

Mr. Speaker, today with terrorism we face an enemy that has the worst possible intentions for America and the worst possible intentions for freedom. It is fundamentally critical that we interdict their capability. And, Mr. Speaker, of all the reasons for us to have gone into Iraq to free that country, one of the greatest is to interdict the entire process that leads to the terrorist organizations throughout the world.

Terrorists understand that better than anyone. Even now terrorists come into Iraq on a regular basis to try to not only discourage Americans from maintaining their commitment to freedom but to do everything that they can to win the battle there in Iraq because they know that if there is a beachhead of freedom built in Iraq, if we truly can find freedom come to this nation, that it could begin to spread throughout the entire Middle East region, and, Mr. Speaker, perhaps it has the ability to turn the whole of humanity in a better direction.

□ 1915

I truly believe that our choices are very simple: We either defeat terrorists in Iraq on their own ground, or we continue to fight them here.

Mr. Speaker, I think it is very important that we not only defeat terrorists on the battlefield, but we have to understand that we need to address the core rationale that spawned terrorism in the first place, and that is a misguided religious hatred. If we fail to address that and to win the battle of ideas, then we will be destined to fight this battle over and over again.

Mr. Speaker, I think one of the things that gives me great hope along those lines is the recent visit that I was privileged to have in Iraq, privileged. I met with the Iraqi Governing Council. One of my great concerns has been the kind of constitution that Iraq would finally end up with.

You say, well, you know, isn't that just the new Iraqi government's job to do that?

Mr. Speaker, it is important that the new Iraqi government maintains the oversight of their constitution and builds the government for themselves. But I really, truly believe that America has a tremendous responsibility to help the newly freed, the newly liberated Nation of Iraq, have the advantage of some of our experience.

It was not so long ago that young men in airplanes, with a misguided religious fervor once again, flew their airplanes into ships, and sometimes I wonder if we missed the connection there, that the same misguided young men today are flying airplanes into buildings, and for some of the same basic, twisted reasons.

When we fought with Japan, when we prevailed, we told Japan that they should write their own constitution, and they did. They wrote three of them. None of them had religious freedom or any truly basic bill of rights in their constitution. So we recognized the importance of that, and at that time we literally imposed that constitution.

We did not have to do that this time, Mr. Speaker. Now we have been privileged to see an interim constitution in Iraq that has almost all of the magnificent bill of rights that the U.S. Constitution has.

Let me just quote Alexander Hamilton to underscore the importance of that. He said, "If it be asked what is the most sacred duty and the greatest source of our security in a republic, the answer would be an inviolable respect for the Constitution and the laws, the first growing out of the last. A sacred respect for the constitutional law is a vital principle, the sustaining energy of a free government."

Mr. Speaker, I have to say, I have been terribly concerned that somehow once we liberated Iraq and withdrew, as we always do, we do not continue to occupy a nation after we liberate it. I think it has been said that the only piece of ground that the American soldier has ever occupied for any length of time has been that little green patch of grass under some Star of David or Cross of Calvary out on some foreign battlefield cemetery.

Mr. Speaker, I pray that when we finally step away from Iraq that they will have the kind of constitutional foundation that will give them some of the same magnificent tools and hopes and dreams that America has had, because I think it would be very arrogant on the part of Americans to think we are smarter than everyone else. We have had a wonderful blessing of a foundational Constitution that gave us a pillar to build a republic upon, and it has absolutely astounded the world in the 225-plus years that we have been here.

Mr. Speaker, I just hope with all of my heart that the Iraqi people and the Iraqi constitution that they now have remains in place, and I have some hope for that, because as I met with some of the Iraqi National Council they seemed to have caught the fever of freedom. It is like the quote from Leonardo da Vinci. He says, "Once you have tasted flight, you shall thereafter walk the Earth with your face turned skyward, for there you have been and there you long to return."

I truly believe that now the Iraqi people have tasted freedom they will hold on to this constitution.

I am reminded of the quote from Daniel Webster in our own country about our own Constitution, and I think it bears repeating tonight. He said, "Hold on, my friends, to the Constitution and to the republic for which it stands, for miracles do not cluster, and what has happened once in 6,000 years may never happen again. So hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world."

Mr. Speaker, indeed, the American Constitution was a miracle, and it brought forth the greatest country in the history of humanity, and I am just hopeful enough to believe that there is going to be a new miracle in the Middle East, and somehow the constitution that is now in place in Iraq will be something that will germinate in the hearts of new Iraqi leaders as they take over, and we will some day look back on this situation and realize that with all of the critiques and all of the things that come against our President now, that we faced those critiques before. Ronald Reagan certainly faced them, and yet now we see him as one of the greatest heroes in human modernity. So I am hopeful this freedom and miracle will repeat itself.

Now I am just honored, Mr. Speaker, to yield to the distinguished chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), who I truly believe to be one of the greatest Americans in this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and I think if he thinks I am one of the greatest Americans he may be in trouble. But I want to commend the gentleman for his great service on the Committee on Armed Services and all the work he has done on behalf of people in uniform everywhere.

It is interesting. This is an interesting time in that we have had several weeks of remembering a great President, Ronald Reagan, and at the same time the criticism of our present President, George Bush, has mounted severely.

I was looking over some anti-President quotes, anti-Republican President quotes, and I thought I was reading some things about President Bush, because, of course, you have these various groups that have been put together, knit together, to come forth in the nature of Henny Penny announce to us that the ski is falling in, particularly with respect to foreign policy, and that we have got to get this guy out of here; and we look at the credentials of the people who have said it, and a few of them have marginally worked in Republican administrations, but most of them came right out of the team on the other side.

It was interesting, I was looking at some statements about a President, and I had a couple of statements I thought bore repeating, because they looked to me like they had been applied to President Bush by his critics.

Here is a quote by a gentleman who is running for President. He said, "The biggest defense buildup since World War II has not given us a better defense. Americans feel more threatened by the prospect of war, not less so, and our national priorities have become more and more distorted as the share of our country's resources devoted to human needs diminishes."

I thought that was JOHN KERRY talking about George Bush, but it is not. It is JOHN KERRY talking about Ronald Reagan. In fact, it looks to me like they simply xeroxed this statement and put this out on the latest "sky is falling in" report about the present President.

Here is another quote: "The administration has no rational plan for our military." You heard that one before? There is no plan. "Instead, it acts on misinformed assumptions about the strength of the enemy and a presumed window of vulnerability, which we now know not to exist."

I thought, well, doggone it, that is Senator KERRY and he is talking again about George Bush. No, that is Senator KERRY talking about Ronald Reagan back in the 1980s. Of course, the same Senator KERRY now thinks that Ronald Reagan was actually quite a guy, and he said over the last several weeks that he brought us together and was a great President.

Now, here is another one. This one is a little bit personal. "You roll out the President one time a day, one exposure to all you media, no big in-depth inquiries, put him in his brown jacket and his blue jeans, put him on a ranch, let him cock his head, give you a smile, it looks like America is okay."

I thought, there is JOHN KERRY talking about George Bush down on the ranch in Texas. No, it is JOHN KERRY talking about Ronald Reagan down on the ranch in California 20 years ago.

"The President certainly was never in combat. He may have believed he was," this is another quote, "but he never was. The fact is he sent Americans off to die."

I thought maybe that was JOHN KERRY talking about George Bush. We have heard a lot about that issue over the last 3 or 4 months. No, that was JOHN KERRY talking about Ronald Reagan.

Here is another quote: "I am proud that I stood against the President, not with him, when his intelligence agencies were abusing the Constitution of the United States and when he was running an illegal war."

Once gene, I thought this was JOHN KERRY talking about President Bush. It is not. Twenty years ago, this was JOHN KERRY talking about Ronald Reagan.

After his first major political battle in the Senate over the President's foreign policy, JOHN KERRY said, "I think it was a silly and rather immature approach."

I thought, well, doggone it, that has to be JOHN KERRY talking about George Bush's approach to Iraq. No, that is not. That is JOHN KERRY talking about Ronald Reagan's approach to our Central American countries during the contra wars, 20 years ago.

Incidentally, it is interesting, that "silly and immature approach" that Senator KERRY talked about 20 years ago ended up and resulted in Guatemala, Honduras, Salvador and Nicaragua all today being fragile democracies; and, interestingly, Salvadorans are standing side-by-side with Americans fighting for freedom in Iraq today. They are some of our best soldiers. In fact, their people have shown absolute bravery on the battlefield. And one time they were on the verge of being assimilated or taken over by a communist-backed insurgency, a Russian backed insurgency back in the 1980s.

It is interesting, what JOHN KERRY called "a silly and immature approach" resulted in fragile democracies coming around or springing up in all those countries, which, before the Reagan administration had been military dictatorships.

Now, here is another one. Mr. KERRY spoke at great length about the President's abuse of the Constitution and totalitarian inclinations. This must be him talking about the PATRIOT Act. "They are literally willing to put the Constitution at risk because they believe there is somehow a higher order of things," maybe that is about Abu Ghraib, "and the ends do in fact justify the means. That is the most Marxist, totalitarian doctrine I have ever heard in my life." This is a quote from JOHN KERRY. "You have done the very thing that James Madison and others feared when they were struggling to put the Constitution together, which was to create an unaccountable system with runaway power running off against the will of the American people."

Once again, I thought that must be Mr. KERRY talking about George Bush. No, that was Mr. KERRY talking about Ronald Reagan, whom he now reveres.

Interestingly, just a year or so ago, he likened his own criticism of Ronald Reagan to George Bush. He said this, and this is about the President. He says, "They have managed him the same way they managed Ronald Reagan. They send him out to the press for one event a day. They put him in a brown jacket and jeans and get him to move some hay and drive a truck, and all of a sudden he is the Marlboro Man."

He goes on. "We have seen governors come to Washington, and they don't have the experience in foreign policy and they get in trouble pretty quick. Look at Ronald Reagan, look at Jimmy Carter, and now, obviously, George Bush."

So let me see. We had the former leaders of the free world talking about Ronald Reagan the other day, Brian Mulroney, Maggie Thatcher, talking about the hundreds of millions of people who were freed by the Reagan doctrine of peace through strength. Those days when Ronald Reagan strode out, took leadership of the free world, and when the Russians ringed Western Europe with SS–20 missiles in an attempt to intimidate our allies, the President started to move ground-launched Cruise missiles and Pershing missiles into place in Europe, and the Russians picked up the phone and said, can we talk?

But, of course, before they picked up the phone and said can we talk, there were massive demonstrations in Europe, and liberals like Mr. KERRY talked about the idea that somehow we had lost our leadership of the free world. They called Ronald Reagan a cowboy. They said we need to talk more. We need to get concessions from the Soviet Union.

And what happened? He met their strength with American strength, and in the end we had arms reductions, and in the end Ronald Reagan negotiated not just arms limitations, he negotiated the surrender and the disassembly of the Soviet empire.

□ 1930

Very interesting that we have got now this same collection of people coming together and saying, well, they may have gotten it wrong with Ronald Reagan 20 years ago; but by golly, this time they think they have got it right with George Bush. And you can Xerox these quotes from Mr. KERRY that he used 20 years ago against President Reagan and put them in his speeches today against George Bush, President Bush; and there is not a bit of difference.

Now let us go back to the facts. The facts are that when this country was attacked, this President did what we all needed him to do. He moved aggressively against terrorists; and in moving aggressively, we hunted these guys down in places where they never thought we could get to them. The Tenth Mountain Division soldiers killed them in rifle pits at 10,000 feet elevation in the mountains of Afghanistan, in those rugged areas on the Pakistani border.

We went into Iraq and took out a dictator, who I guess, except for Adolph Hitler, was the only dictator in the history of the world who used poison gas to kill his own people. And those thousands of Kurdish mothers laying on those hillsides holding their little babies killed in mid-stride by that poison gas, according to today's liberals, was not enough of a justification for the United States to change the leadership of Iraq.

What have we done in Iraq? Well, we have occupied Iraq, and it truly is an occupation and occupations are tough. They are tough on both the occupied country, and they are also tough on the occupying country. And if you do not think that is so, look at what happened after World War II when we were occupying Germany and other parts of Europe, and you had the presence of outsiders, Americans are great people, but outsiders wearing very thin on the German populace, just as we wore thin on dozens of countries simply because we were there, we were outsiders; they knew we were going to leave after a while.

We had lots of writings, lots of editorials talking about how the people who had come in and had their tanks strewn with flowers when they liberated those areas now becoming somewhat of a guest who had been there, who had overstayed their invitation and should move out.

Well, we all know that, and we all know that the stray artillery round that accidentally hit civilians, the truck that is going too fast that hurts livestock, the very presence of having outsiders in your country is always wearing thin. But what is the alternative? The alternative was Saddam Hussein and those thousands of Kurdish mothers laying on the hillside killed by poison gas in mid-stride. And I would just say to my friend, those pictures, and I keep them in my office and I look at them on a regular basis, those pictures are as compelling as anything that ever happened at Auschwitz. They are compelling, compelling pictures.

So maybe that question the school kids ask, they ask their daddies, "Daddy, if Hitler hadn't threatened the rest of us, would we have stopped him from killing the Jewish community?" Well, that is a pretty profound question. That is a pretty tough question, because generally speaking, the desire or the will to go to war manifested in a declaration of war by an assembled Congress and the President is usually justified based on the threat that a particular adversary has toward you, toward your country.

But I can tell you this, that at least partially the reason that we went into Iraq was because of those dead Kurdish mothers strewn out across that hillside killed in mid-stride by poison gas. It was those thousands of people who were taken in buses to the killing fields where the backhoes worked all night digging the trenches, where the firing squads that kept, according to the farmers, bankers' hours. They showed up at nine o'clock. Would wait patiently for the buses full of civilians, women, old men, children; and they would disembark from the buses and line up dutifully along their trenches, and then Saddam Hussein's gunners would walk down the line and in a very workmanlike way would put bullets in the backs of their skulls, and they would be bulldozed into the trenches and filled up.

One day the farmer said that the ammo people, the executioners, ran out of ammo, and so they just bulldozed them in anyway. They found out that kills them just as dead.

So what is that we replaced, and every American who has served in Iraq, and there are 300,000 of them, incidentally, who have served in Iraq, 16,000 bronze stars have been won. I would ask the gentleman to pull that over. We might ask that that be noticed. That is one of 127 silver stars that have been awarded in combat operations to Gunnery Sergeant Jeff Bohr, who happened to place his body between his wounded people and the adversary until he himself was killed.

And, you know, as I was looking at the stuff about the Abu Ghraib prison and the prison mess, which has dominated the media, I started to look through some of these citations of bravery, and there are tons of them. There are tons of brave, brave people who have sacrificed everything, including giving that last full measure of devotion to this cause.

And I want to say to them, what you have done, the purpose of what you have done is of value. And the real meanness of the left, of these operations, where they say, Well, we like the troops, we support the troops, we do not support what they are doing, is to devalue and take away meaning from the people that serve the cause of the American military. What they did does have value. Every single person whose boot has touched that sand of the Middle East who has served his country in an honorable way has value to this country, and Gunny Sergeant Jeff Bohr is just one of those people.

If my colleagues look through, there are literally dozens and dozens of people, hundreds of people who have done heroic acts; some 16,000 Bronze Stars have been earned in that country. Yet, I saw all this publicity about Abu Ghraib, because there is a couple of newspapers driving that story. They want that story to stay alive, to the point where The Washington Post had an article the other day and on the front page I thought, boy, they are going to try to come out with something really bad.

One of the bad things they cited was that the prisoners at Guantanamo asked for sugar in their tea. These were suspected al Qaeda, some of them, the people that ran those airplanes into our Twin Towers. These people asked for sugar in their tea, and they were told by the cruel American captors that it would be a long time before they got sugar in their tea. The Washington Post, by golly, obviously thinks that ought to be fixed real quick. The other thing they did not get was DVDs for their religious ceremonies. So on the one hand, we have people who drive planes into buildings and kill thousands of Americans; and on the other hand, we have people who commit those acts who are treated in general so well that one of their biggest complaints is that they do not get sugar in their tea and they have only The Washington Post to fight for their rights.

Now, I looked at the number of articles that The Washington Post did, because I made the statement the other day where some people said, well, that puts you out on a limb. I said that the biggest event, military event in our history, the event upon which the freedom of our world hung in the balance, and that was D-Day, the invasion of Normandy when we were fighting the forces of Hitler, that day, that event, that operation received in The Washington Post, in those days when The Washington Post wrote a lot about our military operations, that received some 57 articles in The Washington Post. We counted them up. Now, if I have missed a couple, I want The Washington Post to set me straight and send in the other articles, and we will sure put them in our count. Fifty-seven articles The Washington Post printed about the invasion of Normandy.

Now, on the other hand, The Washington Post likes the prison story like the one they just printed about the prisoners not getting enough sugar in their tea. They have printed twice as many articles about the prison mess, about Abu Ghraib, 127 articles, and they are still going, so it is not over yet. They have printed 127 articles about the prison mess, twice as many articles as they printed about the most important day, arguably, in the history of this country during the 20th century, and that was D-Day, the invasion of Normandy, when thousands of ships and thousands of airplanes and hundreds of thousands of fighting Americans, including thousands who lost their lives, did everything they could to win back freedom for the world.

So the invasion of Normandy, D-Day, had roughly half as much importance to The Washington Post as the Abu Ghraib prison mess. I think that is imbalanced. And I think it is time for us to refocus on winning this war and, maybe more importantly, now that we have come to the first phase of this hand-off, handing off this country to a new government, a government that is led by people who are responsive to their constituents, that means to the Iraqi people, with a military that will respond to a civilian leadership; and maybe it will not be a Jeffersonian democracy, and it will not have all of the complex attributes that a country that has been free for hundreds of years has.

But, hopefully, it will be a country where the average guy has a modicum of freedom and protection, like freedom of speech, freedom to come and go, freedom to buy or sell, freedom to know that somebody is not going to knock on your door in the middle of the night and take you on a bus to the killing fields and dig a trench and execute you and push you into it.

So, hopefully, we are going to turn this country over to a government and a military, a new military that we are standing up, which will be strong enough to back that government and be responsible to that civilian government. And the United States, which is much chastened by the rest of the world, just as Ronald Reagan was chastened by the rest of the world when he took on the Soviet Union for them, and when he freed literally hundreds of millions of people, all we are asking of the people of Iraq is this: be free. Be nice to each other. Be representative if you are in government. Be responsive to what your people want. Be good to each other. Have a rule of law. Have a court system that works. Have an education system that works. Have economic opportunities so a guy with a good idea and a machine shop can make some money. Very basic, simple things.

Arguing against that, of course, are our so-called allies who really have not been our allies in many cases. The French, for example, are not our allies. The French have, on occasion, been very strong, stood strongly with the United States. Certainly they did when our people were shedding our blood at Normandy. The French liked us then. We have Mr. Lafayette gazing at us from his framed picture here on the House floor. We sure remember him.

We remember those allies in those early days, and also in World War II and, of course, the French have contingents fighting terrorism in other areas. But the idea that the French would not agree with us to get rid of a man who left all of those Kurdish mothers killed with poison gas with their babies laying across that hillside, or gunning down people in wholesale quantities and pushing them with bulldozers into open graves, or taking people who he suspected of having done things against the State and having their arms removed from them, that prison, and having schoolchildren who wrote graffiti on the blackboard "Saddam Hussein is a bad guy" taken out, schoolchildren, and hanged from the neck until they are dead, certainly the French would agree with us that that is the kind of a government you want to change. And certainly the Russians should agree with us that that is the kind of government that you want to change.

Now, maybe they will not agree with us; maybe they do not agree with us. I am just reminded that when we hit Mr. Qadhafi in the days when Ronald Reagan was then called a cowboy by the left, hit Mr. Qadhafi in those days when Qadhafi's agents have bombed Americans in Germany, a terrorist act, and we flew a responsive aircraft, we flew our bomber aircraft out of Heathrow in England, I remember Maggie Thatcher stood with us. And when she stood with us, even a majority of the British people were right on the bubble as to whether or not they should support us because they thought this might bring trouble on them, but Maggie Thatcher stood with us.

But when we flew over France with our bombing runs, we had to go around France, because France, even then, did not like our actions, and this particular action against a terrorist who I think they felt they could deal with, Mr. Qadhafi, so they told our planes not to cross their soil. That was not under George Bush; that was under Ronald Reagan. Do my colleagues know what Ronald Reagan did? He flew those planes right through the Gulf of Sidra and he flew a couple of cruise missiles right down to meet Mr. Qadhafi and he changed his attitude. Maybe that change of attitude is going to result in new openings in Libya.

Other actions that Mr. Qadhafi has taken lately would indicate maybe it is not. But the point is that that President stood strong against lots of criticism back here from the left and lots of criticism from allies like the French, but he did the right thing.

□ 1945

This President is doing the right thing, and we are on the verge now of making this hand-off. We are going to have elections in December. It is going to be a rough, tough, difficult road. We drove that steel column up through Baghdad very quickly and did it in what I think was a historically effective manner.

This occupation is a tough occupation. It is always tough when you have to provide a shield behind which a new government can knit itself together and that is what we are having to do. We have to provide that shield. That shield has vulnerability. When you are out there shielding people, you have vulnerability just when we have seen when they bombed U.S. headquarters; they have bombed hospitals; they have bombed lots of places where people are doing good things but we will continue to provide that shields until we make this hand-off.

I will just say one thing to the gentleman that we have learned in these United States that freedom is not free. It is also not guaranteed and freedom is not going to be guaranteed for the Iraqi people either. We are going to give them their freedom and a running start. They will have to have some grit to maintain that freedom. They have lots of enemies in the neighborhood. I hope they make it because we put an enormous investment, an investment like the gunnery sergeant who is in that particular citation.

In fact, if the gentleman will look at that, is that for the Navy Cross or the Silver Star?

Mr. FRANKS of Arizona. That is a Silver Star.

Mr. HUNTER. There are lots of folks who have given a great deal, not just for our country, but for Iraq; and it is a very, very important thing that the Iraqi people take hold and have discipline and have tenacity and have toughness and grab hold of this idea of freedom and evolve that idea, that policy, that desire into a Nation that can endure, that will have a good relationship with the United States.

I thank the gentleman for taking out this time and I thank the gentleman from Colorado (Mr. TANCREDO), who is just a great contributor to these discussions for letting me talk about Iraq.

Mr. FRANKS of Arizona. I thank the distinguished chairman. And it is very difficult, as you know, to add much to the chairman's words because he is so articulate and has such a command of the history and just the heart and passion of what it is all about. I guess I would only associate my own feelings with the way that the gentleman has pointed out the heroism of our soldiers.

As it happens, just the Iraqi conflict about 3,700 soldiers have received Purple Hearts, 4 Distinguished Service

Crosses, 127 Silver Stars, and 16,000 Bronze Stars and we had 7 that did bad things in the Abu Ghraib prison.

I think it is a great reminder to those of us in the political atmosphere that it is not those of us in this body that are the ones that bought freedom, even though there are some of the veterans here, but it is those who went out on the front lines and poured their blood out on the battlefields that bought our freedom.

With that, I would like to yield to the distinguished gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman. I also am impressed by the words of our colleague from California. His observations, his analysis, I think as always are incredibly insightful and important. I wish every single American could have heard this discussion of the history of our involvement, the political nature of the debate we are having about our involvement and exactly what is at stake. Because I do not think I have ever heard it put better and more succinctly.

The gentleman suggests that the issues that we are attempting to pursue and are involved with in our efforts in Iraq are broad and honorable and they are. His description of what it is we are trying to accomplish, the kind of government we are trying to put in place in Iraq is accurate. Also, his analysis of how difficult this is going to be is important for us to focus on for a moment. And if we do not think for a moment, if we do not think that what we are doing is right and that, in fact, the seeds of democracy that we are attempting to implant in that area of the world, a place, of course, where these seeds have never been planted before, certainly never have sprouted before, if we do not think that that is a threat to the rest of the world, the Arab world especially, the fundamentalist Islamic world, then we should only look to what is happening tonight.

As we speak here, reports are now coming through that the Iranians are massing troops, perhaps four divisions, on the border with Iraq. Their intentions we, of course, are not sure of but they are not good, we are sure of that. Whether or not they are intending to move quickly before some change of power occurs there or whether or not they intend to, in fact, take advantage of what may be a chaotic situation at the point that a change in power and authority occurs, we are not sure. But they are there for a reason.

Much of the problem we are having in Iraq, much of the destruction, much of the terrorist activity is as a result of Iranian aggression in the area. They have, as you know, supported insurgencies in Iraq. They have themselves supported both financially and morally the development of the most extreme mosques and the most extreme Imams, pushing them into Iraq and the Shia areas.

My own guess is that they are looking for an opportunity that as we approach the time that we are going to turn over the government of Iraq to the Iraqis this is a volatile and very precarious situation that exists and they are going to make it even more volatile and even more precarious. Why? What is their purpose? Again, we can only speculate right now, the three of us here, I am sure there is a great deal more information available to other people, certainly to the chairman, but we at this point in time can only assume that they are afraid that it will work, that Iran is afraid that what we are trying to do in Iraq will work and that we will, indeed, create a democratic government, the tentacles of which may spread throughout the area.

This is something that, in fact, they cannot abide. It is a threat to their existence. It is true because it is a totalitarian dictatorship that as we know now even the IAEA agrees that they are in the process of developing a nuclear weapons program. Even the Europeans are now saying, golly, there is something happening in Iran we have to be aware of and concerned of. There is no doubt that the Iranians, that the mullahs in Iran, in Tehran, are frightened by the prospects of freedom in Iraq.

Again, what should that tell us about our own efforts and about whether or not this policy is sound? There are, of course, Iranian dissidents in the United States. There are folks who have been driven out of Iran who are on the border now in Iraq. They are being protected by the United States. I know that the Iranian government has demanded many times that they be turned over to Iran, the dissidents that now form the MEK. And although now the MEK in many respects, historically speaking, we can be concerned about their actions, the fact is they are pressing for a secular government in Iran, a government that would allow freedom of religion, press, and speech. I worry of course about their safety, the safety of the people in Iraq. I worry about our willingness, what may be our willingness to surrender them. I hope that does not occur. Because I hope they can be valuable, and I hope that as they have been valuable allies over the last several years.

They are the ones that, as a matter of fact, have given us the information, much of the information that we have, the reliable information we have about Iraq's program of nuclear weapons development. But it is important for us to realize that this fight is enormous in its scope. It is not just for the security of Iraq and the freedom of Iraq. It is for the security of the entire Middle East and for the freedom of the entire Middle East. And this is the greatest threat to fundamentalist Islam. Our existence, our way of life, what we believe to be the way in which people can exist on this planet, that is the threat that they face because they cannot coexist with that. A totalitarian dictatorship, a theocracy of that nature cannot exist in a modern world where people are allowed to make decisions about themselves and about their creator and choose religions based upon their consciences and not forced upon them by any authority.

This is not a world in which they can live, nor will they, and they will fight and they will threaten and they will bluster. But it is an indication to me that we are in fact doing what is right in Iraq. We are creating an environment that is threatening to the rest of the fundamentalist regimes in the area. This is an honorable goal on our part, but it is worrisome to the extreme. We do not know what they will do, nor what they have to do it with.

Mr. Speaker, I yield to the gentleman for his remarks.

Mr. HUNTER. Mr. Speaker, I just thank the gentleman for his very astute analysis that there are no guarantees in this war against terrorism and this is a central part of the war against terrorism.

It is interesting that we had America hit with these aircraft taken over by terrorists, shocking Americans beyond their wildest nightmares and in a way that no one could imagine just a few years ago. I think that is going to be for this country, even Iraq aside, that is going to be the pattern for the next many, many years.

We live in a new age. The age is terrorists with high technology. And we had a Soviet Union which was big and strong and fielded literally in the Warsaw Pact hundreds of divisions. It had a lot of might. It had 309 SS–18 intercontinental ballistic missiles, each of which had 10 warheads, each of which was about 30 times as powerful as the bomb that hit Hiroshima. And they had those bombs and those missiles aimed at American cities, and they had at times over the last 20, 30 years very aggressive foreign policies. But they were fairly predictable, the Soviet Union.

We certainly should not lapse into nostalgia for the Soviet Union because they were very much an evil empire. From where the sun now stands we will have people excavating graves, many of them mass graves that were caused by the Soviet Union, but this is a new era. This is an era of terrorists with high technology, and it is an era that will see bad people doing everything they can to leverage technology and to hurt Americans and our allies in ways that go far beyond the scope of what was possible just a few years ago. And just a usage of those American aircraft that were taken over by the terrorists and the thousands of people who were killed and hurt by those actions are representative of what we can expect for the next 20 or 30 years.

We all breathed a sigh of relief when the Soviet Union went down. We look forward to an era of peace. Unfortunately, we will only have an era of peace if we have strength, and one thing that we will have to have if that we dissembled in the days when liberals in this country thought that it was not Marquis of Queensbury rules for us to have good intelligence. We are going to have to have really good intelligence.

Mr. Speaker, I want to thank my very good friend, the gentleman from Colorado (Mr. TANCREDO), as he is leaving, because he is a gentleman who is very astute and has spent a lot of time looking in depth at these issues and knows a lot about security. He is not a member of our Committee on Armed Services, but we wish he was. And I want to thank the gentleman from Colorado.

Mr. Speaker, I wanted to ask my friend, the gentleman from Arizona (Mr. FRANKS), who has done a great job on this Committee on Armed Services, we put together this bill. We hope to get the other body to get to work and get their bill done and get the thing finished and get it to the President's desk. But I wanted to ask him what his impressions are of where we stand in this war against terror. Because I know he looks at it every day and I just say to the gentleman, you have done a great job on the Committee on Armed Services.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the chairman so much. Ironically, I suppose it does not surprise the chairman that one of his junior members would be largely in agreement with him related to the circumstances that we face in this world.

I think that the terrorist circumstances today are just what the gentleman said. We have the melding of being 60 years in the nuclear age with this mindless terrorist element that has no regard for human life, their own or others, and I think that is a recipe of the gravest concern for the United States.

I am perhaps more concerned than anything else about a nation like North Korea selling some type of nuclear weapon or weaponized anthrax or other weapons of mass destruction to al Qaeda. And I think that even underscores further the importance of our presence in Iraq because in so doing, we are keeping the terrorist organizations occupied and, indeed, defeating them in the battlefields and breaking up that network.

☐ 2000

Sometimes terrorists, it is a terrible way to analogize it, but teenagers, if there is just one of them, do not get in a lot of trouble, but when they get together, they figure out ways to really get in trouble. I feel like that it is critically important for us to continue to break up the organizational mechanism.

Mr. HUNTER. That is one thing this President has done in moving so aggressively because lots of people cautioned him to hold back and wait and delay; and by moving aggressively, he kept the terrorists off balance. Many people have said, well, how come we have not had more strikes and have not had more actions against Americans. Very simply, when you have a meeting and a bomb-guided precision munition comes through the window and blows up your meeting, it is pretty tough to conspire to kill Americans, and the literally hundreds and hundreds of bad guys have discovered that the Americans were able to find them in places where they thought they were totally inviolate.

That is because of the aggressive posture against terrorism that this President assumed. He did the right thing by doing that.

Mr. FRANKS of Arizona. Mr. Speaker, I think the chairman is exactly accurate. The idea that a good defense is a good offense is certainly not a new concept, but in this case it is extremely appropriate; and as you say, when terrorists are meeting in a tent and a bomb flies in, that can be a real distraction. It can really break up their approach, and I just think it says a great deal for this President in understanding the mindset of terrorists.

The terrorists here are not going to be redeemed, and they are not going to turn over a new leaf or we are not going to be able to negotiate with them. We have to defeat them in the purest terms for the sake of the innocent people both in this country and other parts of the world, and I think the chairman is exactly right.

I yield back to the gentleman.

Mr. HUNTER. Mr. Speaker, I say one other thing to my good colleague. I think I got the name wrong on Gunny Sergeant Jeffrey Bohr. I called him Jeffrey Shore. That shows how good my eyes are after being here for 20 years or so. I just ask the gentleman, since we have got Gunny Sergeant Bohr's citation up there and since the doggone media has literally, with the 127 articles coming out of one newspaper alone about the prison mess involving criminal acts by what so far have been focused, been identified as seven people who have been recommended to be bound over under article 32 of UCMJ for courts-martial, with all that mess occurring and being so focused on by the media, that brave people like those people who are out there fighting in the field for our freedom are not being recognized. This gentleman did not get on the front pages of any newspaper. It was more important to talk about a detainee not getting sugar in his tea; but if the gentleman could read that citation, I think as long as we put him up there, we better get it right. I would ask the gentleman from Arizona (Mr. FRANKS) to help me out on this one. If you could read that citation, I think that would be appreciated, hopefully, by the gentleman's family.

Mr. FRANKS of Arizona. I would be honored to do so. This is on the letterhead of the Secretary of the Navy in Washington, D.C., and it starts:

"The President of the United States takes pride in presenting the Silver Star posthumously to Gunnery Sergeant Jeffrey E. Bohr, Jr., United States Marine Corps, for service as set forth in the following.

"CITATION:

"For conspicuous gallantry and intrepidity in action against the enemy while serving as Company Gunnery Sergeant, Company A, 1st Battalion, 5th Marine Regiment, Regimental Combat Team 5, 1st Marine Division, I Marine Expeditionary Force in support of Operation Iraqi Freedom on 10 April 2003. With his company assigned the dangerous mission of seizing a presidential palace in Baghdad and concerned that logistical resupply might be slow in reaching his comrades once they reached the objective, Gunnery Sergeant Bohr selflessly volunteered to move in his two soft skinned vehicles with the company's main armored convoy. While moving through narrow streets toward the objective, the convoy took intense small arms and rocket-propelled grenade fire. Throughout this movement, Gunnery Sergeant Bohr delivered accurate, effective fires on the enemy while encouraging his Marines and supplying critical information to his company commander. When the lead vehicles of the convoy reached a dead end and were subjected to enemy fire, Gunnery Sergeant Bohr continued to boldly engage the enemy while calmly maneuvering his Marines to safety. Upon learning of a wounded Marine in a forward vehicle, Gunnery Sergeant Bohr immediately coordinated medical treatment and evacuation. Moving to the position of the injured Marine, Gunnery Sergeant Bohr continued to lay down a high volume of suppressive fire, while simultaneously guiding the medical evacuation vehicle, until he was mortally wounded by enemy fire. By his bold leadership, wise judgment, and complete dedication to duty, Gunnery Sergeant Bohr reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service.

"For the President, the Secretary of the Navy."

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for reading that citation and so we have laid out for Gunny Sergeant Bohr's family at least publication of his service to our country and to our flag that will never make the front page of The Washington

Post because unless he denies sugar for the tea of detainees at Guantanamo, he will not merit that kind of attention; but we have literally, again, 16,000 Bronze Stars were earned, and all those are not earned for valor. All Silver Stars are earned for valor.

We have got a picture, and I would ask the gentleman if he could hold that picture up. That is the picture of a GI giving some stuff to some kids. That is the story of the American GI. The Marines right now, they went up and got in battle at Fallujah, but you know what they brought to Fallujah? They brought soccer balls to Fallujah because they wanted to help people and to be good and American GIs are good to people.

I am reminded in the days when the liberals were talking about how Vietnam hated us and just wanted us out and if we would just get out of there, by golly, the Viet Cong and the MVA could create a people's paradise. When the GIs left Vietnam, about half that country tried to swim after us; and for years after that, they would get out and push off in a leaky shrimp boat into the South China Sea, some of them to be capsized and drowned, a few of them to make refugee camps like the one in Hong Kong.

I am kind of reminded of Senator KERRY, meeting in Paris with the North Vietnamese leaders must have felt strongly they were on the right side of this thing. I am reminded that when those people pushed off in those leaky shrimp boats and got to Hong Kong and later were forcibly repatriated to what was described as the People's Paradise of Communist Vietnam, if you look at the photographs of those refugees being taken back to so-called people's paradise, you will notice that many of them were shrieking and crying and holding on to the chain link of the detaining facility. They had to be sedated and forcibly removed from that squalid refugee camp because that squalid refugee camp in Hong Kong meant one thing to them that they would never see in Vietnam. It meant freedom, and that is the real story of the American presence in Vietnam.

It is also the story of the American presence in Tokyo. After World War II, we had the capability of doing anything we wanted to the Japanese people, and the warlords of Japan told their people to expect us to be as bad to them as they had been to the rest of the world, when they raped and killed over 100,000 people in Manking, China; when they beheaded many of our American captives; killed a third of our POWs. Yet American GIs walked down the streets of Tokyo and handed out Hershey bars to the kids, and there were almost no incidents of mistreatment of civilians by Americans.

Once again, if you take that drop in the bucket, that one group of people that did wrong at Abu Ghraib and match them against the 300,000 GIs who did right, it should not dominate 127 articles out of one paper alone. So I thank my friend for letting me ramble on here. I think we have had a good discussion. I would like to hear his closing thoughts.

Mr. FRANKS of Arizona. Mr. Speaker, I just would be grateful to listen to your rambling at anytime. I think you so poignantly expressed the nobility of the American soldier. They are the most noble fighting force in the world. There is a verse that says, Greater love hath no man than this, than man lay down his life for his friends, and I am certain of what the American soldier has done.

I find it kind of interesting as a closing thought that one of the members of the Iraq Governing Council and leader of Iraq's Assyrian Democratic Movement that visited here, his name is Younadem Kana, and he came to America and these were his words about our American soldiers in a sense. They are really to all of us.

He said: "We are calling on America not to stop; to go on with us on this blessed mission, which the Iraqi people will never forget: this blessed mission of liberation, of democracy, and of freedom."

"The Iraqi people are free now," Kana proclaims. "For first time in the history of Iraq, for the first time in 14 centuries, our neighbors, and the majority of people today, recognize us and acknowledge us. We are all together on the Governing Council, and the cabinet; our rights are guaranteed under the fundamental law.

"We appreciate the losses of the United States of those 700 victims, martyrs we call them, who shed their blood on Iraqi soil. But compare the losses in 1 year of fighting terrorism to the roughly 3,000 people terrorism killed in America in 2 minutes. Think of the $84 billion lost in those 2 minutes, and compare that to the financial cost in Iraq. You have to make these comparisons, and then choose whether to fight the terrorists in the Middle East and keep yourselves safe, or to fight terrorism here, in your own home."

Then he says, "I am at risk all of the time. But this is the price of freedom."

Our soldiers have certainly taught us the price of freedom.

DEFENDING THE HOMELAND

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, we have, I think, had an incredibly interesting hour preceding this and discussion of our efforts in Iraq and indeed around the world in the fight against terror.

I want to talk a little tonight about our efforts to defend the homeland, essentially. Our efforts to deal with the fact that we recognize all the things that we have said up to this point in time, the last hour at least, have been rather ominous. They have been frightening in many ways because they lay out a situation for us that we cannot ignore, and that is this, that our enemies are willing; that they will go to any length to try and bring us down; that they are driven by a theocratic and ideological motivation that knows no bounds. They are fanatical.

Unfortunately, every single day in the paper we see the fact that somebody has decided to commit another act of terrorism, blow themselves up or set off a bomb along the side of the road and kill Americans and kill Westerners and kill members of the coalition forces; and we recognize, as I say, that these people are fanatics. They are driven with a passion that knows no bounds. They will do anything necessary to advance their cause, anything.

That includes, of course, bringing the war here to our shores. We have seen it happen. We also know that it is not just a possibility, that it will happen again. It is a probability. So we have been talking in more grandiose terms for the last hour about how to fight the war on terror.

□ 2015

I must tell you that I sort of reject or am concerned about the use of the word "terror" to describe the enemy, because it is an amorphous term. It does not really and truly let people understand exactly what it is and who it is we are up against. I believe that this is a war against fundamentalist Islam. It has been going on for a long time. It has gotten hot and cold. It has been fought in various places around the world and never been really very much at the top of our list of concerns because the oceans have separated us. This war has gone on, East against West, if you will, certainly fundamentalist Islam against Judeo-Christianity for now centuries. This is the latest iteration but it is much more dangerous than any other stage of this conflict because, of course, today's technology provides those folks with an ability to strike us regardless of the fact that we have oceans separating us.

They do so by coming into our country. They come across undefended borders, both northern and southern borders of the United States. They come into Canada where their policy of immigration is so liberal, especially their policy toward people who claim to be refugees, is so liberal that I have only slightly jokingly said that Osama bin Laden could land in Toronto after having cut off his beard, call himself Omar the tentmaker and claim to be a refugee and the Canadian government would immediately allow him entrance into Canada and, by the way, give him $150 for his trouble and tell him to come back in 6 months for a review of his case.

We know that people have come into both Canada and into Mexico who are in fact terrorists. They are part of the fundamental Islamic terrorist organizations. They come into the United States among a flood of immigrants coming into this country, mostly illegally, across our northern and southern borders, most of them, of course, as we have said over and over, coming for relatively benign reasons, not coming necessarily to be Americans, not because they are hoping against hope to connect up with this thing called the American dream, to disavow their past allegiances, to ignore the country of origin, to break with the old and start with the new. No, no, that is not what is motivating most of the people who are coming into the country at this time illegally. They are coming simply for the economic advantage that the Nation offers.

Of course, that is a very alluring reward and it is one that most of our grandparents had in mind when they came, also. But there was a great difference between the immigration of the 1900s, the early 1900s and late 1800s, not just in the type of people who were coming because many of them were coming also with the desire to cut with the old and attach to the new. That is something my grandparents talked about often. But they also were coming into a country that was quite different. As I have said on many occasions, the country into which they came was a country that required much of them. When they got here, they had two choices and only two choices. They could work or they could starve. There was nothing else. There was no social service benefit. There was no aid to families with dependent children. There were no food stamps. There was nothing that was provided to them but what their own labor could in fact develop and provide. As a result of that and the fact that you had people in the United States who expected people who came here to become Americans, you had a great deal of pressure on the immigrant community coming into the country, a great deal of pressure to integrate into the society. Sometimes that took an ugly tone and aspect but for the most part it happened in a relatively communal way.

Immigrants came into our public school systems where they were taught in English. Their parents attempting to get better jobs recognized that one of the things they had to do in order to acquire that next step up the economic ladder was to learn English. In doing so, we saw that the pressure to integrate and to assimilate from our side and the pressure to integrate and assimilate from their side worked relatively well, so that out of all of the ghettos, the Italian ghetto, the Jewish ghetto, Hungarian, Polish, you name it, out of those ghettos that were scattered along our East Coast and some of our major cities in the Midwest even, out of them came a group of people that spread out over the country as Americans, losing, detaching their identity, detaching from their past identity and connecting with the new one.

This was a different country, as I say, and to a certain extent people motivated by different reasons when they came. We have changed a great deal, of course, about who we are, and we have begun to become obsessed as a nation and a culture with the concept of multiculturalism and diversity.

Recently I was told about a school in my district, a community college in Colorado, I believe it was Red Rocks Community College, where they had a diversity week that had been planned and booths would be set up to again explore and heap accolades upon the fact that we are such a diverse society. A group of students looking at the array of booths that had been set up realized that they did not find themselves represented at any of these different booths because they were simply Americans. They were not identifying with people who thought of themselves as something else before they thought of themselves as Americans. And so they went to the administration at the school and they asked if they could set up an American booth. After some consternation, they were allowed to do so. So you had among all of the other booths, and I do not know how they were named or how they were divided, but among all the booths talking about the different groups of people who are here, we had another one called the American booth.

We have, of course, seen hundreds of examples of what happens in our schools and in our society in general when the media and the academic institutions are all devoted to focusing in on the issue of diversity, focusing in on all the things that separate us as a people and not by the things that hold us together. Diversity is a fine thing and we can enjoy it and we can explore it, but it cannot ever be the only thing that holds us together because, of course, it is oxymoronic to even think that that is a possibility, that diversity is our only commonly held value.

Yet that is what is happening to us. That is what I see in the schools I go to. That is what I see continually being held up as the ultimate goal for all Americans, to be diverse and to worship multiculturalism. It is a cult that has developed around this whole thing. I call it the cult of multiculturalism because we have people that are driven and consumed by it to the point where anything that is said that suggests that American culture, that Western civilization has value, anything that even intimates that there is something about us that is admirable as a nation is looked upon with horror, with a sort of revulsion, with a great deal of angst when you talk about it. Somehow the cult of multiculturalism has gotten a lot of people to believe that the only way that you can appreciate or express your appreciation for any other culture in the world is to denigrate your own, is to say there is something wrong with us.

Not too long ago, I went to visit a school in my district. It was a brand new building. The first classes had been in only for a few months. It was a high school in Douglas County, a very upscale county in Colorado, one of the fastest growing counties in the United States. I was asked to go to speak. I went. The entire student body, about 250 because, as I say, the school had just opened, it was the first classes, about 250 students came into the auditorium to hear and their teachers lined up on the sides of the walls and we had an interesting discussion. After about 15 or 20 minutes, they started sending up questions. The first question they sent up, the first one I opened said, what do you think is the most serious problem facing the United States? I said, well, let me ask you a question and then perhaps I can answer that question for you. How many of you believe you live in the greatest nation in the world? A simple question, one that I think most people would assume would elicit an immediate and positive response. How many of you think you live in the best country in the world, the greatest nation in the world? Interestingly, after a moment or two of fairly uneasy silence, about two dozen kids raised their hand. The rest looked and even those that raised their hands looked at the teachers that were lined up on the wall and were leery about it. You could see this. Do not get me wrong. I am not suggesting that the other 200 kids in the auditorium were disagreeing with that necessarily. I did not get that feeling. But what I think I saw there was a group of students who had been completely and totally uneducated about who we are, what we are and whether or not there is any value here. Therefore, if they said yes to that question, who knows, somebody, a teacher, perhaps, seeing them do that, may have when they went back into their room asked them to explain why they said that and they had challenged them, almost certainly would have, and they could not defend it. That is the feeling I had. They were not intellectually armed with the ability to make that defense.

I suggest to you that we could do this in any high school in the United States of America and we would get varying degrees of response but you would not, I think, for the most part be surprised to hear if we did this that a majority of students chose not to raise their hands in support of that concept. And some would be doing it because they do not believe it is, but in fact there are other cultures' ideas or cultures and nations as good if not better than the United States and so why should they be so chauvinistic to express a desire to explore the greatness of America.

And so we talked a little bit about that. Actually the principal came up to me at the end and was concerned about it. Remember, he had only been there a couple of months himself. I certainly do not blame him. As a matter of fact, I was very encouraged by my discussion with him. He was concerned about what he saw. He had read a book that I had read and we talked about it at length. It was called "Clash of Civilizations" by Samuel Huntington. Mr. Huntington has a new book out now that I will be mentioning in a minute or two. We were talking about this phenomenon, of what is going on in the United States, about how difficult it is now for us as a nation to really think about who we are and where we are going and what it is we are trying to accomplish and whether or not it is worth it. It is easy for us to react viscerally when we are attacked. When we see planes crashing into buildings and thousands of Americans dying, we react viscerally.

I will never forget reading about what was happening on a street in Boston where there had been several flags flying, none of which were American flags, up to September 11 and then right afterwards on this street in Boston, there appeared something like 50 American flags and a bunch of others.

□ 2030

And every single week since September 11, there are fewer and fewer American flags flying there. In fact, now we are back to the original number of other flags being flown on this particular street, and we have sensed that there is a loss of, I do not want to say enthusiasm for this war, for our actions in it, but we can tell it is diminishing; and you really have to ask yourself whether or not that is the reason that it is happening, is that it is partly a result of our own unwillingness to, number one, understand who we are fighting. That is, it is not just a terrorist, that it is an "ism," fundamentalism, Islamic fundamentalism, and that it is threatening our way of life. It is threatening us, that the people who hold the beliefs that we call Islamic fundamentalists are people who will come here, and who are here and who would kill every single one of us and our children, because we do not fit with their view of the world.

If we do not see this and we do not think of it and it is just this, quote, war against terror, we can easily lose, I think, the willingness to continue in the pursuit of the goals which I said in the earlier hour I believe to be admirable.

I worry about the issue, and I talk about immigration, and I talk about what is happening inside our country, this cult of multiculturalism; and people suggest that it is confusing to them to understand how we connect the two, but I think it is relatively easy. It is simple.

The cult of multiculturalism is problematic. It is propped up by massive immigration and by just the political forces that are arrayed in the United States for open borders, for sort of a new world order.

I will never forget having a discussion in Mexico with a gentleman by the name of Juan Hernendez, who was the head of something called the Ministry for Mexicans Living in the United States, which I thought at the time was a strange name for any sort of ministry. I asked him maybe 2 years ago what it was about, and he said, Well, it is to increase the flow. And I said, The flow? He said, Yes, the flow of people into the United States, of Mexican nationals into the United States. I said, Why would you want to do that? He said, Well, Congressman, it is pretty simple. Well, first of all, we have a population of people in Mexico between the ages of 18 and 25 that has doubled in 10 years. He said, The unemployment rate for that particular group of the population is about 40 percent. That is a very unstable situation. Moving them north where there are jobs, that is good for us, relieves the problems that we have here in terms of unemployment.

He said, then of course a secondary benefit as a result of this movement of people, and he just kept calling it migration instead of immigration, he said, And the good thing that happens as a result of this migration is the fact that all those people who go send money home to Mexico.

In those days, that was 2 years ago, it was about $13 billion a year. It is closer to 15 or $16 billion dollars a year now, and reports just came out a little bit ago. By the way, they are called remittances. That is what the term is to describe the dollars flowing from the United States to countries outside our borders, and the remittances now comprise about $30 billion flowing to Latin America alone, somewhere around 40 to $45 billion going out over the rest of the world, in total, I should say. This is an enormous, enormous amount of money; and it accounts actually for more than 10 percent of the gross domestic product of at least seven or eight countries out there.

In Mexico it is more significant than any foreign investment whatsoever, than any corporations investing in Mexico. It is more significant than tourism dollars. It is second only, in terms of the dollars coming into the country, to Pemex, the country's oil company, governmentally owned oil company.

So he said, This is an enormously important thing for us, moving our unemployment north, having them employed, and sending money back. But there was something else that he mentioned. He said, And besides that, having lots of Mexican nationals in the United States, and, by the way, he did not distinguish legal or illegal nationals in the United States and he did not care and he told us it did not matter to him, that that distinction was not important, just moving people north was the goal of the Government of Mexico.

Again, when we talk about what is different today about immigration policy, what is different today about what is happening in the world, I guarantee my colleagues in early 1900s, late 1800s, few, if any, governments around the world were actually pushing their people into the United States, were actually encouraging the depopulation of their own country.

But now Mexico is not alone in this. Now Guatemala, El Salvador, Honduras, all kinds of countries are pushing us constantly to open our borders. They are always talking about the need for us to relax our immigration policy. Remember, they relaxed their immigration policy not one iota. Mexico and all of these countries have a very strong immigration policy. If one sneaks into their country, they are in big trouble. They will go to jail if they are found there without the proper documents.

I have visited the detention camps in Mexico. They are not nice places. They are not places where people are given nice uniforms, shoes, clothing, a bunk, chess tables, checker tables, basketball courts. And what I am describing of course are the detention centers that we provide in the United States. Free medical care. By the way, one comes into the detention center and the first thing they do in the United States is get a physical, a dental and medical exam. Anything that is wrong with them we will take care of. They have actually turned themselves in in order to take advantage of the medical.

Again, it is not really much of a joke, but I am amazed at the irony of the fact that there are two groups of people in the country that can get all of the free medical attention they need, and those are people who are in prison and people who are here illegally. They have access to all of the medical facilities in the United States. Even when we arrest them for being here illegally, we provide them mental and dental treatment. If they have bad teeth, we will take care of it. If they have cancer, we will send them to an oncologist. One can get an MRI. There are huge machines that are not available to people in my own district, that cannot afford that kind of medical help. But we provide it to people who are coming here illegally, as opposed to what the other countries in the world do for people who sneak into their country. If I sneak into Mexico and I am found there and I cannot prove that I am a Mexican citizen or that I have a visa, if I am in Mexico or Guatemala or any other place almost on the Earth, if I say I am sorry, I do not have the documentation, can I send my children to the schools in Mexico or Guatemala or Honduras or France or anywhere else in the world, of course not.

Can I expect to be treated if I am there with some disease and they know I am there illegally? No. Can I get a driver's license in any country in the world if I am there illegally? Of course not. Any country but one. Can I get social service benefits if I am in any other country in the world illegally? Of course not. Yet all of these countries demand from us a policy that says, Open your door, we want in, we will benefit. The government benefits as a result of the fact that you are so stupid that you do not secure your own borders, and, by golly, we do not want you doing it.

And as I mentioned, Mr. Hernendez said that the other good thing about the movement of massive numbers of Mexican nationals into the United States was that, in fact, he said, They will influence your government's policy vis-a-vis Mexico, just their presence, he said. Just the numbers, he said. That is certainly true, absolutely true, and it was so candid. It was so refreshing to have somebody actually say what we all know to be true, but so many people want to skirt that issue. Why do Members not find it bizarre or peculiar at least that the President of Mexico or the President of other various other countries in Latin America are demanding that we simply open our borders?

And they are doing many things to try to force us to do that. They are trying all kinds of diplomatic ways of doing it. They are, interestingly, even using the issue of treaty relationships, extradition treaties, in order to pressure us to open our borders. Mexico has decided that they will not return anybody to the United States who is wanted here for a crime for which they could be sentenced to death. Not too long ago they decided to expand that definition of cruel and unusual punishment to anybody who could possibly be sentenced to life in prison. That is cruel and unusual punishment. Let me tell the Members if they have ever been around, as I say, a Mexican prison, they would suggest it is a lot fewer years than life in prison that could be described as cruel and unusual in that system. But, nonetheless, that is their position. And now we have got hundreds, in fact, even thousands of people having committed murders in the United States, fleeing to Mexico to seek protection of the government.

David March, a Los Angeles County deputy sheriff, was pulling over a gentleman in the streets of Los Angeles not too long ago, and when he walked up to the car, this person in the car shot him in the torso. He fell to the ground. The guy got out of the car, put two bullets into his head, waved some sort of gang sign, got in and drove off. He is now in Mexico. Everybody knows where he is. Everybody knows where this gentleman is. They will not extradite him. By the way, we found out that he had twice before come into the United States illegally, twice before was returned to Mexico, and of course, because the borders are porous, just turned around and walked in. And by the way, there were, as I understand it, outstanding warrants out on him at the time for violent crimes.

Now Mexico knows exactly where he is, will not send him back. And when we ask why, they say it is because the court said that they cannot send people back for cruel and unusual punishment. Here is the truth of the matter: they will not send him back until we liberalize our immigration policy with them.

There are now 600 warrants out in California alone, in the Los Angeles County area alone, 600 warrants, murder warrants, out for people who fled to Mexico; 300 more in the rest of the State, almost 1,000 people alone from Mexico spread cross the United States. Who knows how many thousands of other people have sought the protection of the Mexican Government after having committed heinous crimes here. And Mexico refuses to do anything about it, while simultaneously demanding that we open up our borders.

It was impressive that Mr. Hernendez would say what he said. He went on, by the way, to say something at the very end of the conversation that startled all of us. There were three Members of the Congress there. And again his candid response to our questions was just really quite amazing. When we all suggested and I suggested that I thought the actions by his government could actually be called aggressive actions against another country, using their people, using their immigration and our immigration policy to actually try to change America, he said, Congressman, in a relatively condescending way, You know what? It is not two countries. It is just a region.

Maybe so, in his mind anyway. And in the minds of many people here in the Congress, certainly in the administration I know there are people who believe that is the case that borders are no longer of any value, they are irrelevant, and they only serve to impede the flow of goods and services and people; and the sooner that we essentially get rid of them and move toward a European Union model, the better we are.

□ 2045

The next iteration of that movement in the United States or on the North American continent will be the Free Trade of the Americas coming up here for a vote at some time, we are not sure when, they are still negotiating, but that is what in store.

It is always couched in the language of "free trade." Certainly I came here as a free trader. I am more and more concerned about the implications of free trade, and especially the immigration implications of free trade, certainly the job implications of free trade.

But, that is where we are moving toward, this concept, this world of just a region and not nation-state. The idea of the nation-state is old, anachronistic, and harmful, in that we should not be teaching our children that there is something unique about America, because, after all, we are soon going to sort of expand our horizons and we will not be thinking of things like the nation-state any more.

I worry about the degree to which that clash of civilizations that Samuel Huntington talked about can be won by the West if we become more and more confused about who we are, about what it is we are trying to accomplish in the world and why who we are matters.

This is Mr. Huntington's latest tome, it is called Who Are We? Who Are We? It has only been out for a short time. I have gotten about three-quarters of the way through it on plane flights back and forth from my home in Denver to Washington.

It is a fascinating read, and I certainly would recommend it to anyone out there who is interested in this kind of an issue, because he asks a very important question: Who are we? He talks about the implications of massive immigration into the country and how this exacerbates the problem of trying to figure out in fact who we are, when internally, as I say, we have changed ourselves.

The cult of multi-culturalism tells our children, and certainly tells immigrants coming here, they should not connect to anything we think of as an American ideal: that we are just a culture, just a place on the planet, we are all just residents. That is what it is, we are just residents here, with no other significance; and that soon all boundaries, all borders will be gone, and we will all be joining hands and singing Kumbaya.

Well, it will be out of tune, I will tell you that, and I do not believe for a moment that that is the world, that that kind of idealistic impression of where we could be, is where we indeed would go.

I believe that the concept of the nation-state is important. I believe that the United States of America is unique in many ways. It is certainly unique in that it is the only country, when it was started in the 1770s, it was the first country ever started on the basis of ideas alone.

That is enormously important for us to think about. It was not a group of people who were necessarily held together by ethnicity; it was not a group of people held together because a king or monarch had drawn a circle or lines around a particular chunk of land and said this is a country.

Our country started because of a set of ideas. It is true, for the most part, the people here at the time were much more homogenous than today's society, but we were able to sustain the ideas and ideals of America because the people coming here and the people here in a way forced that assimilation and understanding and acceptance. They said if you are going to be here, you have to speak English and you have to think about yourself as an American first, and you cannot have a thing called dual citizenship.

Today there are millions, I saw an estimate not long ago of 10 million Americans, who carry dual citizenship. It spiked right after Mexico allowed Mexican nationals to claim dual citizenship also. Our neighbors to the south are wonderful people, and it is important to understand that in order to debate this issue successfully and with any degree of hope that we can be successful in moving the public policy of this country in one way, it is important to know that you should never, ever, ever come to this issue with animus in your heart for any people or Nation or ethnic group. It is not a racial issue in the slightest.

The people who argue this, or on the other side of this debate, will constantly try to change the discussion and change the debate to some sort of racial thing. They do that usually when they run out of all intellectual argument, and that is the last arrow in their quiver, racist, xenophobe, ethnocentricity, all of these things that are epithets that most people in this room would certainly shrink away from and would resent being called. No one wants to be called those things.

The hope of our opponents in this issue is they will, by using those terms, they will eventually shift the debate away from the real issues, as to who we are, where we are going and how we are going to get there as a Nation, as one group of people held together by a common set of ideas. Instead of that, we will want to talk about personalities and cast aspersions and make people think less of you because of what names you are called.

But it has nothing to do with that. At least it certainly does not have anything to do with that in my heart or mind. But it is a strong desire to see us think about these issues in a rational way, and begin to think about the importance of establishing and reestablishing borders, securing those borders, not just because we know people are coming across for the purpose of doing us great harm, but also because it will help us begin to once again think about who we are and determine whether or not in fact we are worthy to be here and be the light shining to the world that Ronald Reagan so eloquently described us as.

There is nothing, absolutely nothing, that guarantees our success as a civilization; nothing. Certainly older ones, certainly ones that were more expansive, had more of a far-flung empire and thought of themselves as impervious to any sort of aggression, are gone, they are below the sands of time, and the people living in those civilizations that are long since gone certainly thought to themselves for the most part that they were going to be there forever.

There is nothing that says we will achieve that. There is nothing that says we will achieve another 50 years of preeminence in the world if in fact we lose sight of who we are, if we cannot answer this question that Samuel Huntington asks.

So we have to attack this from many angles, and I try to talk about it, as well as I can anyway on evenings like this, try to encourage people to think about these issues. And simultaneously we have to address the more mundane aspects of it. Will we increase the number of Border Patrol? Will we actually use the military assets that we have to secure our borders? Will we go to other countries around the world and tell them that we need them to help us secure our own borders, just as they secure theirs, and encourage them to stop trying to change America in order to benefit their own situation, and to begin thinking about how they can internally change who and what they are to accomplish what we have.

As long as we allow ourselves, as long as we allow America to be the pressure valve, the release valve, for the world, for the Third World, there is very little pressure there left to push back and say to countries, you have to figure out a way to do this yourself, and do it internally.

We have to tell our local politicians, again, this is the mundane aspect of it, this is the coming down to the nitty-gritty aspect of our discussion about this rather heady topic sometimes, and that is what we have to tell our State and local officials that they have the responsibility, and that responsibility is to help maintain the integrity of the United States of America; and that when they pass idiotic laws, like sanctuary city laws, or when States like Maine declare themselves to be sanctuary States, that all of the misguided, gooey, sort of idealism that may have gone into the discussion and may have gone into the decision-making process in order to get them to that point is not going to help us in the long run, and it is going to in fact hurt us.

It is very difficult. The Federal Government has a rather schizophrenic history of dealing with the issue of immigration. Sometimes we tell the old INS to go out there and do their job; to go into work sites and find people who are working illegally; to find the employers who are in fact employing people who are here illegally. So they do it. They did it in Georgia a few years ago, they did it in Nebraska, in the packinghouses of Nebraska and the onion growers in Georgia. And they were immediately, immediately, excoriated by Members of the Senate from those States, and certainly Members of the House in those States, and told to stop it, knock it off; you are bothering our producers and our business interests.

So the INS said, I was just trying to enforce the law. They were told, well, the law is good to talk about. It is not good to enforce it, so forget about it.

Then we get mad and we say, how can it be that we have got 13 to 15 million people in this country illegally, we have got 400,000 or 500,000 actually ordered deported who simply walked away, they are out there somewhere? Every time we pick someone up who is now arrested or alleged to have plotted some act of violence against the United States, in the last few days you have been reading about this, all of these people, of course, are here illegally.

How did they get here? What is going on? How come Homeland Security did not protect us? They get a lot of mixed messages from this body and the other body. It is very difficult for them to figure out what exactly it is they are supposed to do. And we have to commend every single man and woman who works day and night trying to defend those borders.

I have visited the northern border and the southern border many times. I have commended those people who work in those jobs, thankless jobs, frustrating jobs, because they know that for every one person that they stop from getting into this country illegally, two or three are getting by them. Sometimes they are getting by because of the stupid bureaucratic policies we have in place, and sometimes just because they are overwhelmed.

When the President makes a speech, as he did in December, and holds out the possibility of amnesty, and although he does not like calling it amnesty, of course, that is exactly what it was. When he holds that carrot out there, what do you think is going to happen? We are going to be flooded by people trying to get into this country.

Of course, the numbers have gone up dramatically in the last 6 months. Why? It is strange. How could this happen? I will tell you why. The Border Patrol was actually taking surveys, why are you coming? "Amnesty." This is a word they learned. "I am coming for amnesty."

I said when the President gave the speech that even if that bill he has proposed, even if that concept does not become law, the fact is that it has already done great damage.

You are not going to hear a debate about this issue during the campaign, because, for one thing, I will tell you what happened on our side. The reaction to the President's speech was overwhelmingly negative by most Americans, Democrats and Republicans. So you are not going to hear much about it anymore.

On the Democratic side they also know that their position and the position of Mr. KERRY is that of open borders, of greater immigration. The only thing wrong with the President's plan they said is it did not go far enough. They also know that that is not really the message that is going to attract a lot of voters to their party.

A certain segment they want to placate, pander to, both sides, so we will use it in selected venues, but we are not going to be talking about it during the debates, because this is just not something either side really wants to bring up, because it attracts very few people when you start talking about amnesty, when you start talking about the fact you are willing to open the borders and you are not willing to actually look at the issue of immigration in any detail and any depth.

□ 2100

But we need to do that. That is exactly what we need to do, is to look at this issue in detail and in depth. It is more important than just the jobs issue, although that is enormously important, especially if you are one of the men and women who has lost their job as the result of the importation of massive numbers of cheap labor and then sometimes not so cheap labor, higher-priced labor in the field of technology, but lower priced than when you were doing the job. If you are some of the hundreds of thousands of people who have been thrown out of work by H1B visa recipients, people who have come here primarily from India; again, good, hard-working people, nothing against them or who they are, but they came here. Why? Because they will work for less.

The President said he wants to make sure every willing worker meets up with every willing employer. And I keep thinking, now, you really do not mean that, Mr. President. Because really there are billions of willing workers out there, and they are willing to undercut whoever is here working; and the people who are the most affected by this, the most negatively affected immediately are, of course, low-income earners in this country whose wages have been held down because of the massive numbers of people coming here, low-skilled, low-wage workers.

This does not accrue to our benefit ever at any place, at any time. It does not accrue to our benefit from the standpoint of the "taxes" these folks pay, because I assure my colleagues, they soak up a lot more in revenue in the provision of service and in the creation and maintenance of the infrastructure necessary to support millions of people who are here illegally. They soak up far more dollars there than they ever provide through the tax system which, of course, is a progressive tax which says if you make very little, we take very little away. Not only that, we will not only not take very much money away if you do not make much; we will give you some money.

So now, the greatest scam going is coming here to the United States, filing income tax forms, getting false Social Security numbers, filing forms, listing a whole bunch of people on that form who are your children, and the IRS will give you an ITIN, an Individual Taxpayer Identification Number, for each one of those children who are ostensibly, supposedly in some other country, but you claim them, you can have them, you claim them; and you of course pay no taxes because you have so many deductions, and you in turn get an earned income tax credit.

So it is not a net benefit to the country in any way I can think of. We have plenty of diversity. We really and truly need to start thinking about what holds us together as a Nation and not what splits us apart. And we have to stop kowtowing to the other countries around who see us as the sugar daddy who will keep them in power, keep their corrupt governments in power by allowing dollars to flow back into those countries by the people they have essentially helped shove into the United States of America. And I mean that literally, sometimes with buses hired by the Government of Mexico to bring people to the United States, sometimes just to the border, let them off, walking into the border, into the desert. That is how much their government cares about them. Or how many of them perish.

Then of course we are told it is our fault that people are dying in the desert. And I keep saying, now, wait a minute, wait a minute. Just tell me, what have I missed here? How many people, how many people have actually died coming into this country through a port of entry? How many have starved to death or died of dehydration or had some other kind of thing befall them coming through the right way. Nobody, of course.

There is a way to come into this country. It is absolutely safe. It is called a port of entry, and it is called with our permission. If you choose to come some other way, some bad things could happen to you; but it really is not our fault, no matter how bad they want to make us feel that this is happening. We take a million and a half people a year legally. We take another half a million or so through a visa process. We are the most liberal country in the world when it comes to taking people in here legally. And yet, of course, many millions more come illegally. Why? Because of course we have people here who want to employ them. We have the cheap labor crowd. We have people on the other side of the aisle who see this as a source of votes. So we see this then that of massive immigration, a source of votes over there, a source of cheap labor over here. That is why we cannot get any sort of an agreement.

I am going to have, Mr. Speaker, several amendments for the bills that are coming up this week, especially the Homeland Security bill, and I am going to try to amend the appropriations bills saying that any State or locality that actually provides sanctuary for people who are here illegally, refuses to help the INS, or now the Bureau of Immigration and Control and Enforcement, refuses to help us enforce the law; by the way, it is already right now on the books. In 1996 we passed a law saying that, in fact, it is illegal for States or localities to prevent the flow of information to the INS or from INS.

Of course, unfortunately, there is no penalty, so people are doing it all over the place. Cities accepting the matricula consular, telling any national living here that they can have all of the benefits they want by simply showing a card that is given to them by a foreign government, not by the United States. Giving people drivers licenses, giving people who are here illegally all kinds of benefits that had been heretofore allowed to go only to people who are citizens. But remember, that concept of citizenship is under attack. It means nothing, it means nothing to many people in this country, and if it means anything at all, it is a negative connotation: citizenship.

So we teach our children that they should not be citizens of the country; they should be citizens of the world, if anything. And we do this, again, as I say, we pursue this kind of bizarre social policy at our peril. And when I introduce these bills, we will see just how far this pressure has gotten us. We will see the fact that this cult of multiculturalism truly has infected even this body. Because I will suggest that no city or State that gives a driver's license should be able to get a grant from the homeland security.

I am going to eventually try to do the same thing with the transportation bill and say that they cannot get Federal funds for highways if you give illegal aliens drivers licenses. It will go down. I did this last year. I think we got about 122 votes. We will see, maybe we will gain a little, maybe we will lose a little. Yet if we were to ask every single American how they would vote on this, without exception I know how it would come down. My amendment would win overwhelmingly. But in this body, again, held captive by the cult of multiculturalism, it will go down.

I am going to offer an amendment later on to the appropriations bill for foreign operations, which is the bill that we use to provide money to foreign governments, the foreign aid bill. I am going to say that any country that is receiving remittances from the United States, that the amount of remittances coming to that country will reduce the appropriation we have for them in the foreign aid bill. Because after all, if foreign aid is simply the transfer of wealth from one country to another, it is happening through remittances and probably a lot more effectively than providing it by way of a check to a foreign government, oftentimes corrupt government that pockets the money themselves. Again, put that out to a vote, Mr. Speaker, and I suggest to my colleagues that without exception, it would be overwhelmingly passed by the people of this country.

It will not go far here, at least not this time. Maybe the next time, maybe the time after that and the time after that. Because I guarantee my colleagues I will bring it up as long as I can, as often as I can, in every venue that I can. In every bill that I can try to attach something to, I will, because I want the debate to occur, and I want the American people to see just how far we have moved away from their idea of what America is all about, to the one of the elites, what we think America should be all about. Just a region, after all, not a separate country.

They are wrong, and as long as I have breath and I am able to express an opinion on this floor, I will state that. They are wrong.

ARMY SPECIALIST KYLE GRIFFIN: LOVED BY MANY, A HERO TO ALL

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I wish to simply begin by associating myself with the comments that the gentleman made earlier, along with those of the gentleman from Arizona (Mr. FRANKS) and the gentleman from California (Mr. HUNTER) with regard to the war in Iraq and specifically our brave men and women who are fighting our cause over there.

Specifically at this time, I just want to bring to the attention of this House and this body and also to Americans at home one particular soldier, Army Specialist Kyle Griffin, a man, a hero, who made the ultimate sacrifice on behalf of this Nation.

Some men will be remembered for heroic acts, others for the type of persons they were. Kyle Griffin will be remembered and treasured for both of these.

In a world that has become a place of hostilities and violence, of terror and fear, the brave men and women like Kyle Griffin are selflessly and tirelessly building and ensuring peace and liberty throughout the globe.

Back on May 30, 2003, one of our own was taken from us. Kyle was a young man that everyone of his Emerson community in New Jersey was proud of; and he will be surely missed by his mother, his father, his sister, and his brother. As an Army Specialist, Kyle was a dedicated soldier and a true patriot.

Since the tragic day of September 11, our country has been at war, it has been a war on terror. Kyle was one of the many heroic Americans who heard the call to defend this Nation and did so by donning our country's uniform.

Kyle made the ultimate sacrifice to preserve and defend the freedom and liberty that every American loves and cherishes. We must all vow now to never forget the price that has been paid in all of our names.

Army Specialist Griffin will always be remembered as a true hero and an American who forever we can be proud of. I pray that God may bless his family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for June 14 and today on account of official business.

Mr. LAMPSON (at the request of Ms. PELOSI) for today before 3:00 p.m. on account of airline delays.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. DELAY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material):

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material):

Mr. TIAHRT, for 5 minutes, today.

Mr. TERRY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office".

H.R. 2130. An act to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the "New Bridge Landing Post Office".

H.R. 2438. An act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major Henry A. Commiskey, Sr. Post Office Building".

H.R. 3029. An act to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

H.R. 3059. An act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office".

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS–Ret.) John H. McLain Post Office".

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

H.R. 3300. An act to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the "Walter F. Ehrnfelt, Jr. Post Office Building".

H.R. 3353. An act to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building".

H.R. 3536. An act to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the "Army Staff Sgt. Lincoln Hollinsaid Malden Post Office".

H.R. 3537. An act to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the "Army Pvt. Shawn Pahnke Manhattan Post Office".

H.R. 3538. An act to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the "Marine Capt. Ryan Beaupre Saint Anne Post Office".

H.R. 3690. An act to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

H.R. 3733. An act to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office".

H.R. 3740. An act to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

H.R. 3769. An act to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the "Ben Atchley Post Office Building".

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

H.R. 3939. An act to designate the facility of the United States Postal Service located at 14-24 Abbot Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

H.R. 3942. An act to designate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

H.R. 4176. An act to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

H.R. 4299. An act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 10, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 1086. To encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 16, 2004, at 10 a.m.

NOTICE OF ADOPTION OF AMENDMENTS TO THE PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 15, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: According to Section 303(a) of the Congressional Accountability Act of 1995 ("Act"), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, "subject to the approval of the Board [of Directors of the Office of Compliance]; adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner."

The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See section 303(b) of the Act, 2 U.S.C. 1383(b).

These amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors effective on the date of publication of this Notice of Adoption of Amendments to Procedural Rules in the Congressional Record, and shall be in full force and effect as of that date.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250, TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.
WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 ("Act") at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which sates in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." *See* 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural Rules as follows: *[deletions within italicized brackets], and added text in italicized bold.* Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended

text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9225; TDD: 202-426-1912; FAX: 202-426-1913.

PART I—OFFICE OF COMPLIANCE RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June , 2004.

TABLE OF CONTENTS

Subpart A—General Provisions

§1.01 Scope and Policy
§1.02 Definitions
§1.03 Filing and Computation of Time
§1.04 Availability of Official Information
§1.05 Designation of Representative
§1.06 Maintenance of Confidentiality
§1.07 Breach of Confidentiality Provisions

Subpart B—Pre-Complaint Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

§2.01 Matters Covered by Subpart B
§2.02 Requests for Advice and Information
§2.03 Counseling
§2.04 Mediation
§2.05 Election of Proceedings
§2.06 Filing of Civil Action

Subpart C—[Reserved (Section 210—ADA Public Services)]

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures under Section 215 of the CAA (Occupational Safety and Health Act of 1970) Inspections, Citations, and Complaints

§4.01 Purpose and Scope
§4.02 Authority for Inspection
§4.03 Request for Inspections by Employees and Employing Offices
§4.04 Objection to Inspection
§4.05 Entry Not a Waiver
§4.06 Advance Notice of Inspection
§4.07 Conduct of Inspections
§4.08 Representatives of Employing Offices and Employees
§4.09 Consultation with Employees
§4.10 Inspection Not Warranted, Informal Review
§4.11 Citations
§4.12 Imminent Danger
§4.13 Posting of Citations
§4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint
§4.15 Informal Conferences

Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions

§4.20 Purpose and Scope
§4.21 Definitions
§4.22 Effect of Variances
§4.23 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption
§4.24 Form of Documents
§4.25 Applications for Temporary Variances and other Relief
§4.26 Applications for Permanent Variances and other Relief
§4.27 Modification or Revocation of Orders
§4.28 Action on Applications
§4.29 Consolidation of Proceedings
§4.30 Consent Findings and Rules or Orders
§4.31 Order of Proceedings and Burden of Proof

Subpart E—Complaints

§5.01 Complaints
§5.02 Appointment of the Hearing Officer
§5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint
§5.04 Confidentiality

Subpart F—Discovery and Subpoenas

§6.01 Discovery
§6.02 Requests for Subpoenas
§6.03 Service
§6.04 Proof of Service
§6.05 Motion to Quash
§6.06 Enforcement

Subpart G—Hearings

§7.01 The Hearing Officer
§7.02 Sanctions
§7.03 Disqualification of the Hearing Officer
§7.04 Motions and Prehearing Conference
§7.05 Scheduling the Hearing
§7.06 Consolidation and Joinder of Cases
§7.07 Conduct of Hearing, Disqualification of Representatives
§7.08 Transcript
§7.09 Admissibility of Evidence
§7.10 Stipulations
§7.11 Official Notice
§7.12 Confidentiality
§7.13 Immediate Board Review of a Ruling by a Hearing Officer
§7.14 Briefs
§7.15 Closing the record
§7.16 Hearing Officer Decisions, Entry in Records of the Office

Subpart H—Proceedings before the Board

§8.01 Appeal to the Board
§8.02 Reconsideration
§8.03 Compliance with Final Decisions, Requests for Enforcement
§8.04 Judicial Review

Subpart I—Other Matters of General Applicability

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents
§9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions
§9.03 Attorney's Fees and Costs
§9.04 Ex parte Communications
§9.05 Settlement Agreements
§9.06 Payments pursuant to Decisions or Awards under Section 415(a) of the Act.
§9.07 Revocation, Amendment or Waiver of Rules

* * * * *

§1.03 Filing and Computation of Time.

(a) *Method of Filing.* Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding, Formal Request for Counseling.* In order to initiate a proceeding under these rules, an employee shall ***[**formally**]*** ***file a written*** request ***for*** counseling ***[**from**]*** ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All ***[**formal**]*** requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

* * * * *

(c) *When, How, and Where to Request Counseling.* A ***[**formal**]*** request for counseling ***must be in writing, and[***: (1)***]*** shall be ***[**made**]*** ***filed*** **pursuant to the requirements of section 2.03(a) of these Rules** ***with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D. C. 20540–1999, [telephone 202–724–9250;] FAX 202–426–1913; TDD 202426–1912***, not later than 180 days after the alleged violation bf the Act***[**:**]*** ***[**(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA-200, 110 Second Street, S.E., Washington, D.C. 20540-1999; telephone 202-724-9250; FAX 202-426-1913; TDD 202-4261912.***]***

Discussion: This amendment conforms to the amendment at section 2.03(a).

* * * * *

(l) *Conclusion of the Counseling Period and Notice.* The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police.*

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within [10] ***60*** days after the expiration of the period recommended by the Executive Director, if the matter has not [been resolved] ***resulted in a final decision***; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure.*** [or i] ***I***f no request to return to the procedures under these rules is received within [the applicable time period] ***60 days after the expiration of the period recommended by the Executive Director,*** the Office will [consider the case to be closed in its official files] ***issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date the Office receives a notification of return would be 25 days.

2.04 Mediation.

. . . . .

(e) *Duration and Extension.*

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***or of the appointed mediator on behalf of the parties to the attention of the Executive Director.*** The request [may be oral or] ***shall be*** written and [shall be noted and] filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

* * * * *

(i) *Conclusion of the Mediation Period and Notice.* If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be ([hand]] personally delivered, evidenced by a written receipt,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

* * * * *

§ 5.03 Dismissal, *Summary Judgment,* and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

([d]***e***) *Appeal.* A [dismissal] ***final decision*** by the Hearing Officer made under section 5.03(a)-[(c)] ***(d)*** or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

Discussion: This amendment clarifies that any final decision which does not completely dispose of a matter will be treated as an interlocutory appeal.

([e]***f***) . . . . .

([f]***g***) . . . . .

* * * * *

§ 7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]***1***) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]***a***) . . . . .

([2]***b***) . . . . .

([3]***c***) . . . . .

([4]***d***) . . . . .

([5]***e***) . . . . .

([6]***f***) . . . . .

([7]***g***) . . . . .

([b]***2***) . . . . .

(*[c]3*) . . . . .

* * * * *

§8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or-submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or a party to any other matter or determination reviewable by the Board*** files an appeal ***or other submission*** with the Board, one original and seven copies of *[both]* ***any*** *[appeal brief]* ***submission*** and any responses must be filed with the Office. ***The Office[r], Hearing Officer, or Board may also request a party to submit an electronic version of any submission [[on a disk]] in a designated format, with receipt confirmed by electronic transmittal in the same format.***

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer. T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. ***Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.***

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§9.05 Informal Resolutions and Settlement Agreements

. . . . .

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

. . . . .

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8521. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products [Docket No. 1997N-0484S] (RIN: 0910-AB27) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8522. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra [Docket No. 1999F-0719] received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8523. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Extension of Comment Period [Docket No. 2002N-0278] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8524. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Reclassification of Root-

Form Endosseous Dental Implants and Endosseous Dental Implant Abutments [Docket No. 2002N-0114] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8525. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the Immunomagnetic Circulating Cancer Cell Selection and Enumeration System [Docket No. 2004P-0126] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8526. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Predparedness and Response Act of 2002; Technical Amendment [Docket No. 2002N-0276] (RIN: 0910-AC40) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8527. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Revision of the Requirements for Spore-Forming Microorganisms; Confirmation of Effective Date [Docket No. 2003N-0528] received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8528. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Administrative Detention of Food for Human or Animal Consumption Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0275] (RIN: 0910-AC38) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8529. A letter from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Confidential Business Information [Docket No. NHTSA-02-12150; Notice 3] (RIN: 2127-AJ24) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8530. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-04-17917] (RIN: 2127-AJ36) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8531. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard [Docket No. NHTSA-2002-12231] (RIN: 2127-A146) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8532. A letter from the Federal Register Liaison Officer, TTB, Department of the Treasury, transmitting the Department's final rule — Columbia Gorge Viticultural Area (2002R-03P) [T.D. TTB-11; Re: Notice No. 11] (RIN: 1513-AC81) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8533. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-36) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8534. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Losses. (Rev. Rul. 2004-58) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8535. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Business expenses. (Rev. Rul. 2004-62) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8536. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-60) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8537. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2004-61) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8538. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Statements to recipients of royalties. (Rev. Rul. 2004-46) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8539. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-54) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8540. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Foreign Sales Corporations: Advance Payment Transactions — received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8541. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Uniform Capitalization of Interest Expense in Safe Harbor Sale and Leaseback Transactions [REG-148399-02] (RIN: 1545-BB62) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8542. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs; Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program (RIN: 0991-AB30) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8543. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104—1, section 303(a) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 4567. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–541). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4568. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–542). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation on the Budget Allocations for Fiscal Year 2005 (Rept. 108–543). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 674. Resolution providing for consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108–544). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 675. Resolution providing for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108–545). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURNS (for himself, Mr. Scott of Georgia, Mr. Thomas, Mr. Kingston, Mr. Bishop of Georgia, Mr. Norwood, Mr. Lewis of Georgia, Ms. Majette, Mr. Isakson, Mr. Marshall, Mr. Doolittle, Mr. Issa, Mr. Nunes, Mr. Gallegly, Mr. Farr, Ms. Woolsey, Mr. Gary G. Miller of California, Mr. Ose, Mr. Thompson of California, and Mrs. Capps):

H.R. 4569. A bill to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes; to the Committee on Agriculture.

By Mr. PUTNAM (for himself and Mr. Tom Davis of Virginia):

H.R. 4570. A bill to amend provisions of law originally enacted in the Clinger-Cohen Act to enhance agency planning for information security needs; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself, Mr. Sensenbrenner, Mr. Forbes, Mr. Green of Wisconsin, Mr. Gallegly, Mr. Chabot, Mr. Garrett of New Jersey, Mr. King of Iowa, Mr. DeLay, Mr. Franks of Arizona, Mr. Culberson, Mr. Keller, Mr. Carter, Mr. Pearce, Mr. Calvert, and Mr. Goodlatte):

H.R. 4571. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi:

H.R. 4572. A bill to condition United States military cooperation with the government of Bulgaria within the territory of Bulgaria on the certification by the Secretary of Defense that United States citizens and corporations are afforded full due process of law in Bulgaria and that certain United States legal decisions against Bulgarian nationals have been satisfied; to the Committee on Armed Services.

By Mr. BEREUTER (for himself, Mr. Boehlert, Mr. LaHood, Ms. Eshoo, and Mr. Holt):

H.R. 4573. A bill to amend the National Security Act of 1947 to provide for enhanced language education and training for members of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BEREUTER (for himself, Mr. Boehlert, Mr. LaHood, Ms. Eshoo, and Mr. Holt):

H.R. 4574. A bill to amend title VIII of the Intelligence Authorization Act for Fiscal Year 1992, as amended, to revise the funding mechanism for scholarships, fellowships, and grants to institutions under the National Security Education Program, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Ms. Baldwin, Mrs. Christensen, Mr. McNulty, Mr. Waxman, Ms. Solis, Mr. McDermott, Mr. Sanders, Ms. Schakowsky, Mr. Engel, Mr. Owens, Ms. Norton, Mr. Towns, Mr. Rangel, Ms. Corrine Brown of Florida, Mr. Kucinich, Mr. Grijalva, Mr. Delahunt, Mr. Serrano, Mr. Lantos, Mr. Wynn, Mr. Oberstar, Mr. Gutierrez, Mr. Baca, Mr. Hastings of Florida, Ms. Kilpatrick, Mr. Davis of Illinois, Mr. Jackson of Illinois, Mr. McGovern, Mr. Meeks of New York, Ms. Waters, Mr. Brady of Pennsylvania, Ms. Lee, Mr. Evans, Mr. George Miller of California, Ms. McCollum, Mrs. McCarthy of New York, Ms. Millender-McDonald, Mrs. Maloney, Mr. Hinchey, Ms. Jackson-Lee of Texas, Mr. Kildee, Mr. Emanuel, Mr. Sandlin, Ms. McCarthy of Missouri, Mr. Brown of Ohio, Mr. Stark, Ms. Woolsey, and Mr. Larson of Connecticut):

H.R. 4575. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. Stenholm, Mr. Neugebauer, Mr. Bonilla, Mr. Boehner, Mr. Smith of Michigan, Mrs. Musgrave, Mr. Hayes, Mr. Dooley of California, Mr. Ortiz, Mr. Kennedy of Minnesota, Mr. Peterson of Pennsylvania, Mr. Farr, Mr. Chocola, Mr. Berry, and Mr. Acevedo-Vilá):

H.R. 4576. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. GRIJALVA:

H.R. 4577. A bill to allow binding arbitration clauses to be included in all contracts affecting the land within the Gila River Indian Community Reservation; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Ms. Pryce of Ohio, Mr. Brown of Ohio, Mr. Greenwood, Mr. Ramstad, Mr. Burr, Ms. Eshoo, Mrs. Bono, Mr. McInnis, Mr. Shays, Mr. Norwood, Mr. Camp, Ms. Dunn, and Mr. Waxman):

H.R. 4578. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Energy and Commerce.

By Ms. McCARTHY of Missouri (for herself, Mr. Skelton, and Mr. Blunt):

H.R. 4579. A bill to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Resources.

By Mr. McKEON:

H.R. 4580. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Resources.

By Mr. NUNES (for himself, Mr. Radanovich, and Mr. Dooley of California):

H.R. 4581. A bill to provide for the conveyance of the former Department of Agriculture Agricultural Research Service laboratory in Fresno, California, to the City of Fresno; to the Committee on Government Reform.

By Mr. PLATTS:

H.R. 4582. A bill to amend the Internal Revenue Code of 1986 to suspend the running of periods of limitation for credit or refund of overpayment of Federal income tax by veterans while their service-connected compensation determinations are pending with the Secretary of Veterans Affairs; to the Committee on Ways and Means.

By Mr. REHBERG (for himself and Mr. Peterson of Minnesota):

H.R. 4583. A bill to amend the Farm Security and Rural Investment Act of 2002 to base the counter-cyclical payment rate for the 2003 crop year for producers whose farming operations are located in certain declared disaster areas on the total of the partial payments for that crop year; to the Committee on Agriculture.

By Mr. BURNS (for himself and Mr. Scott of Georgia):

H. Con. Res. 449. Concurrent resolution honoring the life and accomplishments of Ray Charles, recognizing his contributions to the Nation, and extending condolences to his family on his death; to the Committee on Education and the Workforce.

By Mr. OWENS (for himself, Mr. Acevedo-Vilá, Mr. Ackerman, Ms. Baldwin, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of Georgia, Mr. Bishop of New York, Ms. Corrine Brown of Florida, Mr. Cardoza, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mr. Clyburn, Mr. Capuano, Mr. Conyers, Mr. Cummings, Mr. Cooper, Mr. Crowley, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Deutsch, Mr. Engel, Mr. Everett, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Gordon, Mr. Ford, Mr. Hastings of Florida, Mr. Hoyer, Ms. Jackson-Lee of Texas, Mr. Jackson of Illinois, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Mr. Lantos, Mrs. Jones of Ohio, Ms. Kilpatrick, Ms. Lee, Mr. Lewis of Georgia, Ms. Majette, Mrs. Maloney, Mr. McDermott, Mr. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Ms. Millender-McDonald, Mr. Moran of Virginia, Mr. Nadler, Ms. Norton, Mr. Payne, Ms. Pelosi, Mr. Pickering, Mr. Rangel, Mr. Rothman, Mr. Rush, Mr. Sanders, Mr. Sandlin, Mr. Scott of Virginia, Mr. Scott of Georgia, Mr. Serrano, Mr. Smith of Washington, Mr. Spratt, Mr. Taylor of Mississippi, Mr. Thompson of Mississippi, Mr. Towns, Mr. Udall of Colorado, Ms. Waters, Ms. Watson, Mr. Watt, Mr. Waxman, Mr. Weiner, Mr. Wexler, and Mr. Wynn):

H. Con. Res. 450. Concurrent resolution recognizing the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people; to the Committee on Government Reform.

By Ms. NORTON (for herself, Mr. Sensenbrenner, Mr. Conyers, Mr. Cummings, Mr. Lewis of Georgia, Ms. Majette, Mr. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Thompson of Mississippi, Mr. Towns, Ms. Waters, Ms. Watson, Mr. Watt, Mr. Wynn, Mr. Bishop of Georgia, Ms. Corrine Brown of Florida, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mr. Clyburn, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Fattah, Mr. Ford, Mr. Hastings of Florida, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kilpatrick, and Ms. Lee):

H. Res. 676. A resolution recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 445: Mr. Serrano.
H.R. 742: Ms. Berkley.
H.R. 756: Mr. Fossella.
H.R. 786: Mr. Hensarling.
H.R. 832: Mr. Menendez.
H.R. 962: Mr. Gonzalez.
H.R. 1214: Mr. Evans.
H.R. 1310: Mr. Petri.

H.R. 1345: Mr. Hall.

H.R. 1348: Mr. Moran of Virginia.

H.R. 1639: Mr. Frost.

H.R. 1660: Mr. Hostettler.

H.R. 1716: Mr. Rodriguez, Ms. Hooley of Oregon, Ms. Herseth, and Mr. Baker.

H.R. 2071: Mr. Bass and Mr. Conyers.

H.R. 2085: Mrs. Christensen.

H.R. 2198: Mr. Andrews.

H.R. 2213: Mr. McGovern.

H.R. 2260: Mr. Rogers of Kentucky, Mr. Berman, Ms. Linda T. Sánchez of California, Mr. Kildee, and Ms. Baldwin.

H.R. 2387: Mr. Waxman.

H.R. 2490: Mr. Boehlert.

H.R. 2536: Mr. Delahunt and Mr. Pastor.

H.R. 2681: Mr. Holt and Mr. Filner.

H.R. 2699: Mr. Pryce of Ohio, Mr. Sullivan, Mr. Bass, Mrs. Wilson of New Mexico, Mr. Lampson, Mr. Leach, Mr. Miller of Florida, and Mr. Stearns.

H.R. 2735: Mr. Wicker, Mr. Miller of North Carolina, Mr. Sandlin, Mr. Gillmor, Ms. Slaughter, Mr. Holt, and Mr. Markey.

H.R. 2821: Mr. Pitts and Mr. Bachus.

H.R. 2950: Mr. Larson of Connecticut, Mr. Sandlin, and Mr. Petri.

H.R. 2986: Mr. Lampson.

H.R. 3090: Mr. Filner.

H.R. 3103: Mr. Delahunt and Mr. Bachus.

H.R. 3281: Mr. Moore, Mr. McNulty, Mr. Markey, Mr. Cummings, and Mr. George Miller of California.

H.R. 3313: Mr. Petri and Mr. Rahall.

H.R. 3460: Mr. Crowley.

H.R. 3482: Mr. Moore and Mr. Boehlert.

H.R. 3513: Mr. Kennedy of Rhode Island.

H.R. 3527: Mr. Turner of Ohio.

H.R. 3574: Mr. Cramer, Mr. Foley, Mr. Bilirakis, and Mr. Wilson of South Carolina.

H.R. 3619: Mr. Skelton.

H.R. 3673: Mr. Van Hollen.

H.R. 3692: Mr. Nadler, Mr. Payne, Mr. Cummings, Mr. Etheridge, Mr. Grijalva, Mr. George Miller of California, and Ms. Watson.

H.R. 3719: Mr. Andrews, Mr. Lantos, Mr. Pallone, and Mr. Sanders.

H.R. 3777: Mr. Miller of Florida.

H.R. 3780: Ms. McCarthy of Missouri and Mr. Hinchey.

H.R. 3799: Mr. Vitter and Mr. Sullivan.

H.R. 3816: Mr. Gutierrez and Mr. Ryan of Ohio.

H.R. 3965: Mr. Kennedy of Minnesota, Mr. Chandler, Mr. Holt, Mr. Kildee, Mr. Weiner, Mr. Wexler, and Mr. Case.

H.R. 3988: Mr. Case.

H.R. 4032: Mr. Udall of New Mexico and Mr. Gutierrez.

H.R. 4035: Mr. McDermott and Mr. Hastings of Florida.

H.R. 4110: Ms. Waters and Mr. Calvert.

H.R. 4169: Mr. Payne and Mr. Kline.

H.R. 4187: Mr. English and Mr. Issa.

H.R. 4218: Mr. Ehlers and Ms. Woolsey.

H.R. 4225: Mr. Kennedy of Rhode Island.

H.R. 4256: Ms. Eshoo.

H.R. 4263: Mr. Kucinich, Ms. Schakowsky, Mr. Payne, Mr. Strickland, Mr. Matsui, Mr. Lantos, Mr. Cummings, Mr. Kennedy of Rhode Island, and Ms. Jackson-Lee of Texas.

H.R. 4282: Mr. Grijalva and Mr. Moran of Virginia.

H.R. 4284: Mr. Wilson of South Carolina, Mr. Miller of Florida, Mr. Ryun of Kansas, and Mr. English.

H.R. 4335: Mr. Rangel.

H.R. 4341: Mr. Davis of Tennessee and Mr. Bradley of New Hampshire.

H.R. 4343: Mrs. Myrick and Mr. Kolbe.

H.R. 4345: Ms. Harris and Mr. Bachus.

H.R. 4346: Mr. Andrews, Ms. Schakowsky, Ms. Majette, Mr. Stupak, Mr. Oberstar, Ms. Woolsey, Mr. Weiner, Mr. Jefferson, Mrs. Lowey, Mr. Baird, and Ms. McCollum.

H.R. 4355: Mr. Gonzalez, Mr. Hoeffel, Mr. McIntyre, Mr. Sandlin, Mr. Frank of Massachusetts, Mr. Frost, Mr. Moore, Ms. Lee, Mr. Wynn, Mr. Case, Mr. George Miller of California, Ms. Kilpatrick, Mr. Owens, Mrs. Capps, Ms. Eddie Bernice Johnson of Texas, Mr. Cardin, Mrs. Maloney, Mr. Matsui, Mr. Skelton, Mr. Hastings of Florida, Mr. Green of Texas, Mr. Nadler, and Ms. Roybal-Allard.

H.R. 4363: Mr. Walsh and Mr. Doyle.

H.R. 4380: Mr. Boyd, Mr. Mario Diaz-Balart of Florida, Mr. Goss, Mr. Hastings of Florida, and Mr. Stearns.

H.R. 4414: Mr. Emanuel, Mr. Owens, and Mr. Cardoza.

H.R. 4458: Mr. Deutsch and Mr. Towns.

H.R. 4463: Mr. Owens, Mr. Filner, and Mr. Rangel.

H.R. 4469: Ms. Solis, Mr. Smith of Washington, and Mr. Stark.

H.R. 4499: Mr. Herger, Mr. Pence, and Mr. McInnis.

H.R. 4520: Mr. Nethercutt and Mr. Carter.

H.R. 4523: Mr. Weldon of Pennsylvania.

H. Con. Res. 47: Mr. Capuano.

H. Con. Res. 111: Mr. Rush.

H. Con. Res. 323: Ms. Velázquez.

H. Con. Res. 366: Mr. Davis of Florida and Ms. Eshoo.

H. Con. Res. 392: Ms. Schakowsky and Mr. Hastings of Florida.

H. Con. Res. 410: Mr. Smith of New Jersey, Mr. Chabot, and Mr. Pence.

H. Res. 38: Ms. Slaughter.

H. Res. 60: Mr. Emanuel.

H. Res. 129: Mr. Rothman.

H. Res. 528: Mr. Wilson of South Carolina and Mr. Greenwood.

H. Res. 596: Mr. Pence.

H. Res. 632: Mr. Gillmor.

H. Res. 652: Mr. Lantos, Mr. McCotter, and Mr. Gallegly.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4567

Offered By: Ms. Roybal-Allard

Amendment No. 3: At the end of the bill (before the short title), insert the following new section:

Sec.   . None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

H.R. 4567

Offered By: Ms. Roybal-Allard

Amendment No. 4: At the end of the bill (before the short title), insert the following new section:

Sec.   . None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are Immigration Information Officers, Contact Representatives, or Investigative Assistants.

H.R. 4567

Offered By: Mr. Sweeney

Amendment No. 5: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the second dollar amount insert "(reduced by $450,000,000)"

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the fourth dollar amount insert "(increased by $450,000,000)".

H.R. 4567

Offered By: Mr. Sweeney

Amendment No. 6: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", before the semicolon at the end of paragraph (1) insert ": *Provided further*, That the amount of any grant to a State shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences".

H.R. 4567

Offered By: Mr. Sweeney

Amendment No. 7: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the second dollar amount insert "(reduced by $450,000,000)".

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", before the semicolon at the end of paragraph (1) insert ": *Provided further*, That the amount of any grant to a State in excess of the minimum amount under section 1014(c)(3) of such Act shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences".

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the fourth dollar amount insert "(increased by $450,000,000)".

H.R. 4567

Offered By: Mr. Manzullo

Amendment No. 8: At the end of the bill (before the short title), insert the following new section:

Sec. 5   . Requirement To Buy Certain Articles From American Sources; Exceptions.

(a) Requirement.—Except as provided in subsections (c) through (h), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) Covered Items.—An item referred to in subsection (a) is any of the following:

(1) An article or item of—

(A) food;

(B) clothing;

(C) tents, tarpaulins, or covers;

(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(2) Specialty metals, including stainless steel flatware.

(3) Hand or measuring tools.

(c) Availability Exception.—Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices.

(d) Exception for Certain Procurements.—Subsection (a) does not apply to the following:

(1) Procurements outside the United States in support of combat operations or procurements of any item listed in subsection (b)(1)(A), (b)(2), or (b)(3) in support of contingency operations.

(2) Procurements by vessels in foreign waters.

(3) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

(4) Procurements of any item listed in subsection (b)(1)(A), (b)(2), or (b)(3) for which the use of procedures other than competitive procedures has been approved on the basis of section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), relating to unusual and compelling urgency of need.

(e) Exception for Specialty Metals and Chemical Warfare Protective Clothing.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

(1) such procurement is necessary—

(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title.

(f) Exceptions for Certain Other Commodities and Items.—Subsection (a) does not preclude the procurement of the following:

(1) Foods manufactured or processed in the United States.

(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.

(g) Exception for Small Purchases.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(h) Applicability to Contracts and Subcontracts for Procurement of Commercial Items.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

(i) Geographic Coverage.—In this section, the term "United States" includes the possessions of the United States.

H.R. 4567

Offered By: Mr. DeFazio

Amendment No. 9: In title II of the bill, under the heading "Transportation Security Administration—aviation security", strike the fifth proviso, relating to the maximum staffing level for full-time equivalent screeners.

H.R. 4567

Offered By: Mrs. Maloney

Amendment No. 10: In title III, under "Office for State and Local Government Coordination and Preparedness—State and local programs", after the second dollar amount insert "(reduced by $446,000,000)".

In title III, under "Office for State and Local Government Coordination and Preparedness—State and local programs", after the fourth dollar amount insert "(increased by $446,000,000)".

H.R. 4567

Offered By: Mrs. Maloney

Amendment No. 11: At the end of the bill (before the short title) add the following:

Sec. . None of the funds made available in title III for discretionary grants for use in high-threat, high density urban areas and for rail and transit security, under the heading "Office for State and Local Government Coordination and Preparedness—State and local programs", may be used for more than 80 grants.

H.R. 4567

Offered By: Mr. Markey

Amendment No. 12: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

H.R. 4567

Offered By: Mr. Simmons

Amendment No. 13: In title II, under the heading "United States Coast Guard—acquisition, construction, and improvements", after the first dollar amount insert "(increased by $18,500,000)".

In title IV, under the heading "Science and Technology—research, development, acquisition and operations", after the dollar amount insert "(reduced by $18,500,000)".

H.R. 4568

Offered By: Mr. Rahall

Amendment No. 2: At the end of the bill (before the short title), insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds made available by this Act may be used to adversely affect the physical integrity of Indian Sacred Sites on Federal lands (as such terms are defined in Executive Order 13007, dated May 24, 1996).

H.R. 4568

Offered By: Mr. Chabot

Amendment No. 3: At the end of the bill (before the short title), insert the following:

Sec. . None of the funds made available in this Act may be used for the planning, designing, studying, or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

H.R. 4568

Offered By: Mr. Udall of New Mexico

Amendment No. 4: Add at the end (before the short title) the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

H.R. 4568

Offered By: Mr. Holt

Amendment No. 5: At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds made available in this Act may be used to permit recreational snowmobile use in Yellowstone National Park, the John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park.

H.R. 4568

Offered By: Mr. Tancredo

Amendment No. 6: In title II, in the item relating to "National Forest System", insert after the first dollar amount the following "(increased by $23,000,000)".

In title II, in the item relating to "National Endowment for the Arts—grants and administration", insert after the first dollar amount the following: "(reduced by $60,000,000)".

H.R. 4568

Offered By: Mr. Udall of Colorado

Amendment No. 7: At the end of the bill, before the short title, insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds made available by this Act shall be used to issue any document of disclaimer of interest in land pursuant to section 315 of the Federal Land Policy and Management Act of 1976 with respect to any claim or assertion based on section 2477 of the revised Statutes (R.S. 2477).

H.R. 4568

Offered By: Mr. Souder

Amendment No. 8: Under the item relating to "National Park Service—operation of the national park system" after "$1,686,067,000", insert the following: ", of which $1,070,984,000 shall be for base operating costs as defined on pages ONPS-151 to ONPS-159 of the budget justifications transmitted to the Committee on Appropriations for fiscal year 2005 which shall be allocated so that each unit of the National Park System receives an increase of not less than 8 percent over its fiscal year 2004 estimate; and".

H.R. 4568

Offered By: Mr. Flake

Amendment No. 9: In title I, under the heading "Departmental Management—payments in lieu of taxes", after the first dollar amount insert "(increased by $20,000,000)".

In title II, under the heading "Smithsonian Institution—salaries and expenses", after the second dollar amount insert "(reduced by $22,000,000)".

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO CHARLOTTE BOBICKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Charlotte Bobicki and thank her for her dedication to Colorado as an Alamosa County Commissioner. Her dedication and tireless efforts have done much to ensure a promising future for her constituents. As Charlotte moves on in her career, let it be known that she leaves behind a terrific legacy of commitment to the people of Alamosa County and the State of Colorado.

An Alamosa native, Charlotte worked for thirty-six years in the Alamosa Public School System as both a teacher and an administrator before being elected a county commissioner in 1996. During her tenure as a commissioner, Charlotte has been very active in health and human welfare issues. She serves on the Colorado State Board of Health, regional Workforce Committee, and Colorado Counties Incorporated. She also is a founding member of Action 22 in southern Colorado and serves as the San Luis Valley representative to the executive board of Action 22. Last year, Charlotte served as Chairman of the Board of Alamosa County Commissioners, working to enhance relations between the county and other local and state agencies.

Mr. Speaker, I am honored to pay tribute to Commissioner Charlotte Bobicki before this body of Congress and this nation, and to congratulate her on an outstanding career of public service. Her selfless dedication to her community and the people of Colorado as an Alamosa County Commissioner is truly remarkable. I wish her all the best in her future endeavors.

WHIRLIE SOCCER DYNASTY CONTINUES

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. COBLE. Mr. Speaker, as the 2003–2004 academic school year comes to an end, I would like to take a moment to congratulate a high school in the Sixth District of North Carolina that won a state girls' soccer championship. The Whirlies had extra incentive in the final game as they faced a Raleigh Broughton team that had defeated the Grimsley girls (by a score of 2–0) in the finals just 1 year ago. This time around the score was again 2–0, but it would be the Whirlies who walked away with the state title. This game capped off a perfect post-season run in which Grimsley held all playoff opponents scoreless; a remarkable feat that was last accomplished by the Whirlies in 2002. Indeed, the Grimsley girls' soccer program is no stranger to championships as this became their sixth title since 1990.

Despite a convincing playoff performance going into the final game, Grimsley Head Coach Herk DeGraw was weary of the Whirlies' sluggish first few minutes against a formidable Broughton adversary. "The slow start scared me because I thought if they sneak one in and we don't get going we're going to have a problem," DeGraw told the Greensboro News & Record. But with 19:53 remaining in the first half, freshman Holly Cresson's goal began to assuage DeGraw's concerns. A left-footed player, Presson used her right foot to shoot the ball past the Broughton goalkeeper putting the Whirlies on top 1–0. "The look on her face was the funniest thing I've ever seen . . . It was total disbelief," DeGraw told a local reporter about Presson's post-goal expressions. After the Whirlies secured the lead there was no looking back as they powered their way to a 2–0 victory.

This was a memorable win for the Whirlies who were led by a number of senior players. Laura Hanson, Erin Graham, Whitney Andringa, Marie Bobalik, Jenny Cauble, Arden Dwyer, Melissa Ellisen, Anna Betton, and Ashley Newsome all finished their careers with a state championship. These girls had a strong supporting cast comprised of Anna Rodenbough, Michele Driver, Carey Goodman, Alex Leeder, Heidi Andringa, Carra Sykes, Lauren Atkinson, Casey Warmath, Holly Presson, Catherine Rierson, Lucy FanCourt, and Camelyn Dillon.

After such a strong season congratulations are in order for the Grimsley coaching staff. Head Coach Herk DeGraw and Assistant Coach Kevin Conaway deserve much credit for leading the Whirlies on their title run. Recognition should also be given to Athletic Director Neal Hatcher, Principal Rob Gasparello, Athletic Trainer Kris Dickens, and team managers Lauren Chambers and Rachel Goans. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Grimsley Whirlies for winning the 4–A girls' soccer championship.

TRIBUTE TO MR. RAMÓN VÉLEZ JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Ramón Vélez, an extraordinary community leader who has played an important role in improving housing opportunities for the people of the Bronx.

Ramón was born in Colon, Panama but raised in Puerto Rico and the Bronx, NY. He earned a Bachelor of Arts in Political Science and Public Administration from InterAmerican University of Puerto Rico in 1978, a Masters in Public Administration from John Jay College of Criminal Justice in 1985 and a Master of Science in Real Estate Development and Finance from New York University in 1992. He is also a graduate of the Minorities Developers Program at Massachusetts Institute of Technology.

Today, Ramón serves as the President of the South Bronx Community Management Company, Inc., a property management company responsible for the management and operations of approximately 2,200 units of housing. Under his leadership, the company has been able to develop over 1,300 units in the South Bronx. Recently, they successfully completed a scattered site project consisting of 18 two and three family homes in the South Bronx for first time home buyers.

Mr. Speaker, I am truly appreciative of the work Ramón Vélez has done for the people of my district. As a result of his strong leadership and vision many people have been able to achieve a higher standard of living in the Bronx. For his outstanding service to the people of my community, I ask my colleagues to join me in honoring this remarkable man.

IN RECOGNITION OF MARY JESSIE GONZALEZ ROQUE

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GONZALEZ. Mr. Speaker, I rise today in recognition of a very special woman, Mary Jessie Gonzalez Roque, known by her friends as "Susie." Susie is a valued employee of mine who is retiring after thirty-three years of dedicated service to the federal government. I would like to take this opportunity to acknowledge this important milestone in her life, and to also express my appreciation for the impact she has made on the lives of the constituents of the 20th District of Texas.

Susie's parents immigrated to the United States from Mexico before she was born so that they might have a piece of the American dream. They raised Susie, their first born, and her four siblings in San Antonio. Susie exhibited her value of education throughout her elementary, high school, and college careers. She parlayed this love of education and her skill of helping others into a job as a teacher at Burbank High School in San Antonio during the 1970–1971 academic year.

In 1971, Susie obtained a summer job in the District Office of my father, former U.S. Congressman Henry B. Gonzalez. She was hired

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

full-time to handle casework for the 20th District of Texas and her summer job turned into a thirty-three year career.

Susie has expressed pride in working for my father, a notable figure in Texas and U.S. politics. He was celebrated in San Antonio as being a man who gave a voice to those who could not speak for themselves. Susie was vital to my father's efforts in this endeavor because she worked in close contact with people who could not navigate through the often convoluted systems of federal bureaucracies by themselves.

I was blessed to be elected to represent the 20th District of Texas in 1998. Like my father before me, I recognize the value of providing good constituent services to those whom I represent. Therefore, I hired Susie to continue in her casework position so that she could continue to provide important services for constituents. Her many accomplishments led me to promote her to be my District Office Director.

In the five and one-half years that Susie has worked for me, she has proven herself invaluable to me, my staff, and the constituents of the 20th District of Texas. She assists people with a wide variety of problems that they experience with federal government agencies, and sometime state and local agencies. These problems include, but are certainly not limited to, immigration cases, military matters, housing problems, health and social services inquiries, and federal workers compensation claims.

I am sincerely proud to count myself among those who have had the opportunity to know and work with Susie. Her steadfast dedication to her job has had an impact on many individuals' lives. Also, her knowledge and skills have enabled those of us who have worked with her to do our jobs better. I wish her many blessings and the very best for her retirement. She will be greatly missed.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. REGULA. Mr. Speaker, President Ronald Reagan was a warm thoughtful leader who governed by the Golden Rule of caring for others. Many speakers have paid eloquent tribute to his role as both a world leader and a best friend of the American people. Because of our shared love of land I developed a personal relationship with President Reagan that I will always cherish.

PAYING TRIBUTE TO KELLY WILSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Kelly Wilson and thank him for his exceptional contributions to his community and the State of Colorado as a Montezuma County Commissioner. A two-term commissioner, he will always be remembered as a dedicated public servant and leader of his community. As Kelly celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment and service to the people of Montezuma County and the State of Colorado.

Kelly comes from a family with a rich history of political activism. His grandfather served as a county treasurer for fourteen years, his uncle as a county assessor, his father as a party chairman, and his sister was State Senator Jim Isgar's campaign manager and a former employee of Senator BEN NIGHTHORSE CAMPBELL. During his time as a commissioner Kelly has been very involved with the Canyon of the Ancients National Monument and helped to develop the comprehensive land code for the county. He also helped make the unpopular yet important decision to move the county fair in order to fight the Mesa Verde fire of 2000. Kelly plans to stay active in his community after his term, as well as working on the sixty-five acre farm he shares with his sister.

Mr. Speaker, I am honored to pay tribute to Commissioner Kelly Wilson before this body of Congress and this nation, and to congratulate him on an outstanding career of public service. His selfless dedication to his community and the people of Colorado as a Montezuma County Commissioner is truly remarkable. I wish him and his wife Diane all the best in their future endeavors. Thanks for your service.

CELEBRATING THE 100TH ANNIVERSARY OF THE RONKONKOMA FIRE DEPARTMENT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. ISRAEL. Mr. Speaker, I rise to offer my sincere congratulations to the Ronkonkoma Fire Department in celebration of their 100th Anniversary.

In September of 1903, after a tragic fire at a resort complex took the life of one individual and injured fourteen others, twenty-four men from the Ronkonkoma area volunteered to join a fire-fighting group to replace the existing neighbor bucket brigade system. This group quickly developed, and on June 15, 1904, Ronkonkoma Hook and Ladder Company #1 was officially born.

Ronkonkoma Hook and Ladder Company #1's first truck was a horse-drawn vehicle carrying one hundred feet of hose. The alarm system consisted of a locomotive tire, which resembled a huge iron ring, and a hammer, which was chained to the tire so that it could not be carried away. There were no fire wells or hydrants.

While there have been many developments since 1904, including a name change in 1933 to the Ronkonkoma Fire Department, the mission still remains the same. The men and women of the Ronkonkoma Fire Department are proudly serving their community by saving lives and protecting property.

HONORING THE MEMORY OF THE HON. WILLIAM HENRY McDERMOTT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. BONNER. Mr. Speaker, Mobile County, AL, and indeed the entire First Congressional District, recently lost a dear friend and I rise today to honor him and pay tribute to his memory.

Judge William Henry McDermott was a devoted family man and dedicated public servant throughout his 50-year career in public service.

A former member of both the Alabama State House and Senate, Judge McDermott turned down an appointment to the bench in Mobile County in 1970, feeling called instead to devote his time to a law practice that would enable him to support his large family. Thirty years later, he ran for—and won—election to a six-year term on the circuit court and until his untimely death, served with distinction in this position.

Unfortunately, Judge McDermott was only recently diagnosed with cancer. However, even in the face of such difficult news, his first thoughts were of selecting the best possible replacement to ensure that the judicial system would not be adversely affected and that the wheels of justice would continue to turn.

In addition to his distinguished career in the state legislature and on the circuit court, Judge McDermott also served with pride in the United States military and was, for a time, the city attorney for Chickasaw, AL.

At the time of his passing, I remarked that Judge McDermott had a heart as big as the state of Texas and that his death would create a large void in the fabric of the Mobile community. In the days since his death, those sentiments have in no way lessened.

The Judge and his lovely wife, Katie, were fixtures in the life of our community for many years and together, they worked in numerous ways, both publicly and behind the scenes, to make life much better for the people of south Alabama.

Not surprisingly, the dedication and care Judge McDermott devoted to community service was constantly on display in his service on the bench. In fact, his attention to even the smallest detail in the cases he heard became legendary around the courthouse, and he was always striving to render a fair decision to all concerned.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for all of south Alabama. Judge McDermott will be deeply missed by his family—his wife, Catherine O'Brien McDermott; his daughters, Elizabeth O'Neill, Annette Carwie, Jeanne Marie Cruthirds, Michelle Mayberry, Mary Claire Wacker, Catherine Williamson, and Maureen McDermott; his son, William Joseph McDermott; and his two brothers, Charles L. McDermott and Edward B. McDermott—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

STROKE TREATMENT AND ONGOING PREVENTION ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 3658 Stroke Treatment and Ongoing Prevention Act. I urge the Secretary to also consider that atrial fibrillation is the leading cause of severe stroke, but if properly treated, the risk of stroke can be dramatically reduced. Atrial fibrillation causes only 15 percent of all stroke, however it leads to a much higher rate of debilitating outcomes for patients resulting in their need for long-term care and increasing the burden on our health care system.

Atrial fibrillation is a condition where the atrium of the heart does not pump blood out properly into the ventricle causing the blood to pool in the atrial chamber. The pooling leads to the formation of clots, which can break off and travel into the arteries and to the brain where it may lodge causing a severe stroke.

Atrial fibrillation currently affects over 2.3 million people in the United States. However, the number of those effected will increase significantly as the population ages and improvements in the treatment of other forms of heart disease are made, extending their life expectancy but increasing their chances of developing atrial fibrillation.

The Committee urges the Secretary to recognize that strokes caused by atrial fibrillation are preventable through the use of anticoagulation medications. The use of anticoagulation medications have been shown to reduce the risk of stroke caused by atrial fibrillation by over 68 percent. The American Heart Association, American College of Cardiology, American College of Chest Physicians, American College of Physicians and American Academy of Family Practitioners have all issued guidelines stressing the importance of stroke prevention in atrial fibrillation by the proper use of anticoagulation therapy.

However, a significant number of patients who should be on anticoagulation therapy do not receive the proper medication. Given the severity of stroke in patients with atrial fibrillation and the ability of the proper care to prevent strokes it is important that health care professionals are educated about the current guidelines for treatment and there is an increased public awareness of atrial fibrillation.

PAYING TRIBUTE TO DENNIS BRINKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Dennis Brinker and thank him for his exceptional contributions to his community and the State of Colorado as a Jackson County Commissioner. A four-term commissioner, Dennis will always be remembered as a dedicated public servant and leader of his community. As Dennis celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Jackson County and the State of Colorado.

A lifelong resident of North Park, Dennis has lived and worked on a ranch near Coalmont that was homesteaded by his father in 1914. Graduating from Jackson County High School in 1961, he answered his country's call to duty, serving in the U.S. Army from 1962 to 1965. In 1988, he was elected to the Board of Commissioners of Jackson County where he has dedicated his efforts to serving the people of Jackson County. Some of the committees and boards Dennis serves on include the Western Interstate Region Board of Directors, National Association of County Officials Public Lands Committee. He was chairman of the Colorado Counties Incorporated Public Lands Committee, and is a member of the Western Interstate Region Strategic Plan for National Association of County Officials Steering Committee. He is also a member of the North Park Stockgrowers Association, Colorado Cattlemen Association, and Jackson County Lions Club.

Mr. Speaker, it is clear that County Commissioner Dennis Brinker has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Jackson County. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Dennis, and I wish you and your wife Mary Lea all the best in your future endeavors.

PATRIOTS' RESILIENCE LEADS TO TITLE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. COBLE. Mr. Speaker, as major league baseball is in full swing, I would like to take a moment to congratulate a high school in the Sixth District of North Carolina that won a state girls' softball championship. It was not an easy road for the Southern Alamance girls' softball team, but in the end, it was certainly a rewarding one. After losing the first game of the championship round in 10 innings, the Patriots found themselves facing a winner take all game at the Walnut Creek Softball Complex. "I don't expect anything easy with them (his team)," Head Coach Mike Johnson told the Burlington Times-News. In continuing this trend of close games and tension filled finishes, Southern Alamance defeated Enka High School 8–6 in yet another 10 inning battle. Despite the Patriots' history of drama, this title should come as no surprise after a combined record of 30–2 for the year.

One of the key performers during the two day tournament run was senior pitcher Brooke Isley who handled 39 innings and struck out 59 batters. It was Isley who closed out the final game by retiring three straight hitters. This capped off a come from behind victory that was initially sparked by Amanda Johnson's base hit and ensuing RBI from Marybeth Ingle. "We couldn't make anything easy," Isley explained to a local reporter. Perhaps the biggest scare for the Patriots came in the 9th inning when an Enka base runner was thrown out at the plate keeping Southern Alamance's hopes alive. Finally in the 10th inning, with runners in scoring position, Marybeth Ingle came up with, what would be, the deciding hit to secure the title.

This was a special win for the Patriots who were led by a number of senior players. Carla Roger, Whitney Lambe, Amanda Hodge, Brooke Isley, Marybeth Ingle, Maegan Evans, and Stacey Vaughn all finished there high school careers on top. These girls had the help of a strong supporting cast comprised of Tori Thompson, Kim Pardue, Brittany McPherson, Brittany Thompson, Magan Campbell, Amanda Johnston, Bethany Hawks, Brandi Haithcock, Ariel Bullock, Amanda Cline, Lesli Scott, Daveda Fox, Tiffany Helton, Erika Winebarger, Kristen Burgess, Olivia McPherson, Kristen Roach, April Carver, and Janna Holt.

After such a remarkable season much credit goes to the Southern Alamance coaching staff who guided the Patriots to the championship. Congratulations to Head Coach Mike Johnson and assistant coaches Chris Miller, Cully Lambeth, Mike Thompson and John Miller. Further recognition should be awarded to Principal Kent Byrd and Athletic Director David Vaughn after this memorable season. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Patriots of Southern Alamance for winning the state 3–A girls' softball championship.

TRIBUTE TO RICHARD CARRIÓN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Richard Carrión, who served as a National Grand Marshall for the Puerto Rican Day Parade in New York City on June 13, 2004 and has promoted the Puerto Rican Community in all of his life's work.

Richard was born in San Juan, Puerto Rico in November of 1952. He received a Bachelors degree from the Wharton School of Finance and Commerce at the University of Pennsylvania and a Masters degree in Management Information Systems from the Massachusetts Institute of Technology. In 1976 he began working for Banco Popular, the leading banking institution in Puerto Rico. In his early years, he oversaw the installation of the ATM system throughout the extensive branch network in Puerto Rico and the United States. Today, I am proud to say that Richard serves as president and CEO of the company.

Mr. Speaker, empowerment of the Puerto Rican people remains one of Richard's top priorities. He serves as president of the Committee for the Economic Development of Puerto Rico and actively participates on the boards of several other civic organizations committed to solving problems on the island.

In 1990 Richard was named a member of the International Olympic Committee (IOC) and has been named to several of its commissions including chairman of the Finance Commission and member of the TV and Internet Rights and Marketing Commissions. In addition, he has served as a member of the Puerto Rico Olympic Committee, president of the Puerto Rico Olympic Trust and as a member of the 2004 Olympiad, a non-profit organization that sought to garner international support for Puerto Rico's efforts to stage the 2004 Olympic Games.

Mr. Speaker, what impresses me the most about this remarkable man is his willingness to put his knowledge to work for the benefit of Puerto Ricans. For his extraordinary achievements and his outstanding service to the people of Puerto Rico, I ask my colleagues to join me in honoring this outstanding man.

IN RECOGNITION OF RUBY LEHRMANN

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GONZALEZ. Mr. Speaker, I rise today in recognition of the retirement of Ruby Lehrmann, Chief United States Probation Officer for the Western District of Texas. I would like to take this opportunity to acknowledge Ruby's long and prestigious career, as well as the countless contributions she has made to her community.

Ruby's professional life reflects hard work, determination, and commitment that began during her college years at Sam Houston State University, where she earned both her Bachelor of Arts and Master of Arts in the field of Health Education. During her undergraduate studies, Ruby was a summer intern with the Goree Unit of the Texas Department of Corrections. Through this internship experience, Ruby began to lay the foundation for her impressive career.

After obtaining her Master's degree, Ruby continued a steady climb up the ranks in the Texas Department of Corrections until she became Assistant Warden for the Goree Unit. In September of 1975, this remarkable woman became the first female U.S. Probation Officer for the Western District of Texas. She was then promoted to Deputy Chief United States Probation Officer in 1983 and was named Chief United States Probation Officer for the Western District of Texas in January of 1995.

Throughout her admirable career, Ruby has always maintained her commitment to education. She has served as an adjunct professor for St. Mary's University and Our Lady of the Lake University. In this capacity, Ruby has shared her knowledge and experiences with others in order to help them achieve success as she has. She has also served as a co-chairman and mentor for Burnet Elementary school in the San Antonio Independent School District.

Ruby's dauntless commitment to her community has been very impressive. She has contributed to San Antonio through volunteer service for many organizations, including the San Antonio Conservation Society and the United Way. In addition to these activities, Ruby is also deeply involved in her church, Concordia Lutheran. There, she has served on a number of committees and has been a coach and a Sunday School teacher.

I deeply appreciate Ruby's many contributions to the Texas Department of Corrections, the U.S. District Court for the Western District of Texas, and the city of San Antonio. Her dedication to her career and the humanitarianism she consistently exhibits in her community have made Ruby a role model for all of us. I am proud of Ruby's accomplishments and I wish her continued happiness and success upon her retirement.

60TH ANNIVERSARY OF D-DAY SPEECH BY SPEAKER HASTERT

SPEECH OF

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. REGULA. Mr. Speaker, at the ceremony recognizing the 60th Anniversary of D-Day held at the United States Memorial Cemetery at Omaha Beach, you, Speaker DENNIS HASTERT, delivered a moving tribute to the courage and sacrifice of those who fought and died for freedom. The text of these thoughtful remarks follows:

D-DAY MINUS 1

REMARKS BY SPEAKER J. DENNIS HASTERT FOLLOWING A MASS BY HIS EMINENCE FRANCIS CARDINAL GEORGE OF CHICAGO

[From the Omaha Beach Cemetery, France, June 5, 2004]

Thank you Cardinal George for your inspirational words.

Today we stand in this now peaceful cemetery, on the cliffs overlooking the sea, in this field of white crosses and Stars of David—straight and tall—as if they were young men standing at attention.

Together we have made a pilgrimage to this "hallowed ground"—as Abraham Lincoln would have phrased it—to bear witness to what took place here and to spend, at least a fleeting moment, with our brothers that lie beneath this ground—men who sacrificed on this foreign shore so that we might live as free men and women.

It is our privilege, and our duty, to reflect upon the courage and the heroism of those who were called upon to defend our freedom. We honor those who lie here, but we also embrace those who survived, and returned home to raise their families and to build our nation as a beacon to freedom loving people around the world.

Not far from here, at Pointe du Hoc, are the cliffs they said no man could scale. But they were scaled by determined men with ladders and ropes and grappling hooks in the midst of a merciless hale of bullets and shrapnel.

Twenty years ago, on the 40th Anniversary of D-Day, President Reagan looked out at those cliffs and asked, "who were these men?"

They were ordinary men doing extraordinary things. Men who sought no territory—who sought no plunder—and who sought no glory. They simply came, and many died, so we could live in freedom.

"Where do we find such men?" asked President Reagan. He knew the answer. Over there—across the sea—In America.

Sixty years ago today, D-Day minus One, what were those young men thinking as they waited to embark on one of the great crusades of the millennium?

In those tension filled hours some found comfort in quiet prayer. Others may have wondered why they were here.

What threat forced these farmers, accountants, factory workers, college students, athletes and assorted other laborers and professionals, to leave their families, their careers and their American way of life?

They knew the answer. Hitler's Germany was that threat. Hitler's hatred of freedom, his assault on common decency, his brutal murder of millions of his own citizens, and his determination to impose his sick vision of the future on the free world.

To end Hitler's regime and restore common decency in the world: that is why they were there.

Operation Overlord, as with the entire war effort, caused great hardship. But out of such hardship was drawn great courage, and from great courage were forged great leaders. Some of that "greatest generation" returned home and entered politics and went on to serve our Nation in the Congress of the United States.

Sam Gibbons parachuted behind the lines here in Normandy, preparing the way for the invasion that would follow. He would later become a leader on the Ways and Means Committee.

Bob Michel, our beloved leader from Illinois, went ashore here in Normandy and fought the Nazis all the way to Bastogne, where he was wounded at the Battle of the Bulge.

The list of members who served our nation in the Second World War, and still serve in the House of Representatives, is growing ever shorter with the passage of time.

But those proud members—Henry Hyde of Illinois, Cass Ballenger of North Carolina, John Dingell of Michigan, Amo Houghton of New York, Ralph Hall of Texas, and Ralph Regula of Ohio, still bring great honor to the United States House of Representatives.

These Members of Congress and the men of the 1st Division, some of whom are here today, and their millions of comrades-in-arms, understood that the world-wide threat of fascism, if left unchecked, would destroy the free world. They faced that threat and they beat it.

I want to tell you that the "Greatest Generation" still lives today and like the boys of the 1940s, it has a very young face. They are the grandsons and the granddaughters of those who hit this beach in France or raised that flag on Iwo Jimi or pushed the communists back in Korea or in Vietnam.

How do I know that these young warriors of the 21st century are also part of "The Greatest Generation?" Because I have met some of them. I have visited them in hospital wards at Walter Reed and in Landstuhl in Germany.

When you visit these young men and women—some of whom have been severely wounded, and you ask them what they want, you always get the same answer, "I just want to go back and join my unit, sir, to be with my comrades and do my job."

It happens over and over again, the same response given with pride and determination. I ask myself, often with tears in my eyes as

I walk away, "Where do we find such men and women?" And I know the answer. All around me. Everywhere I look. In America.

Today we face the threat of world-wide terrorism. Like the Nazis of the 1930's, the terrorists of the 1990's were a threat too often ignored.

But like Pearl Harbor, September 11th, 2001, shocked us out of our complacency. As Americans, we love peace, but we love freedom more. So we are facing the threat. And we will beat it.

In war, we often sacrifice some of the best and the brightest to further the cause of freedom. But we also forge the leaders for the next generation.

We cannot know who will be the Bob Michel, or Bob Dole, or Sam Gibbons of this new generation. But they are out there. Perhaps serving today in a remote mountain camp in Afghanistan, or in a village in Iraq, or on a ship at sea.

Their mission is not very different from that of 1944—to preserve the freedoms that we cherish and to restore freedom to oppressed people. They are fighting to make our homeland safe. They are sacrificing for others.

Who are these ordinary men and women doing extraordinary things you ask? I cannot tell you their names. But this I know: They are Americans.

May God continue to Bless the United States of America.

FREEDOM IS NOT FOR FREE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the following prayer written by Rabbi Reuven Mann from Congregation Rinat Yisrael in Plainview, New York.

Almighty G-d, we have gathered here today at a crucial moment in our history to honor the memory of all those who fought and made the ultimate sacrifice in defense of our Nation and its ideals of freedom, compassion and the highest cultivation of the human spirit. We came not only to honor but also to affirm the lesson of their sacrifice: Freedom is not an entitlement; it does not come for free, it is something which has to be fought for. With humbleness and gratitude let us acknowledge a simple truth: We owe these heroes everything. Without them, we would have lost our freedom long ago.

Yet, many people do not feel this way and take what we have here for granted believing that the American way of life is somehow "coming" to them. 9/11 was a wake up call—which happened, to a large extent because nobody believed it could happen. Let us admit it: We were afflicted with the cancer of complacency and blinded by the illusion of invincibility. Suddenly our country was under attack by a merciless, barbaric enemy who wanted us destroyed. 9/11 was a wake up call, but all too many decided to push the snooze button and go back to sleep.

The enemy does not sleep. He continues to remind us of his barbarism and cruelty by beheading innocent Americans and proudly recording his sadism on camera. 9/11 was a wake up call and the message is: If we do not appreciate our freedom and are not willing to fight for it, there is no guarantee that we will always have it. Therefore, I call on all of you to renew your appreciation for our country and its values for we are at war and every war requires the full support of the home front.

We have gathered here today to honor the heroes past and present whose valiant dedication makes our freedom possible. I would be remiss if I did not include among them the civilian heroes of 9/11, the firefighters, police and first responders, who charged into the line of fire to save thousands on that dark day. They wrote a new chapter in the history of bravery and self-sacrifice, and they will never be forgotten.

Almighty G-d, Creator of the Universe, may their selfless service inspire us to appreciate all the blessings that You have bestowed on this Nation. Let their memory be for a blessing—motivating us to become better people: more productive, compassionate, and respectful of the dignity of all men and women who were created in Your Image. And may Your Guidance and Protection be with our men and women who are right now in harms way, to give them the strength, courage and dedication to complete the mission in which they have performed so magnificently. May they speedily return in good health to their country, their homes and loved ones. And let us say: Amen.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. BONNER. Mr. Speaker, I rise today to honor the memory of a great leader, a great man, and a great American. When President Ronald Wilson Reagan passed away on June 5, 2004, his death brought more than an end to his valiant ten-year struggle against Alzheimer's disease. It brought an end to one of the brightest and most optimistic periods in American history.

While President Reagan had been out of the public eye and under the loving care of his beloved wife, Nancy, for over a decade, he was never far from our minds or our hearts. During these past ten years, while he was traveling down the road into the sunset of his life, we have all had the opportunity to consider his true greatness and his many achievements. We have all come to understand that he was more than just our president and the most powerful man in the world; he was, instead, the personification of—and the symbol for—the boundless potential possible in this country.

From Dixon, Illinois, to Detroit, Michigan, from Washington, D.C., to Los Angeles, California, and at all points in between, men and women everywhere recognize President Reagan for what he truly was: a gifted leader and a compassionate American with a vision for our future and an unwavering belief in the spirit and goodness of mankind.

To say that Ronald Reagan was an example of the American dream would be an understatement. Ronald Reagan was the American dream, the product of a poor middle class family who, as the result of his own intelligence, determination and strong personality, was able to attend college, enjoy a successful career in broadcasting and motion pictures, and eventually rise to the position of governor of California.

For most, that in and of itself would be a remarkable career. But President Reagan did not stop there. Rather, he continued to focus on what he saw as a need for a strong leader in the White House, someone who could work with a divided Congress and an American public still reeling from the political and economic crises of the 1970s to restore this Nation to its position as the "shining city on the hill."

During his eight years in office, he did just that. The "Reagan Revolution," as it came to be known, provided the impetus for significant changes here at home and around the world. The economy in this country which had been in steep decline for a number of years righted itself and enjoyed a strong period of growth for the next nine years. The Cold War was brought to an end, communism in many countries ultimately collapsed, and a whole new generation of men, women, and children around the world were able to enjoy a new, life free from the fear of oppression.

Perhaps his greatest accomplishment, however, was in giving Americans a new sense of hope and pride. President Reagan restored a strong sense of optimism and hopefulness to this country, and made everyone feel proud that they could once again say with assurance and determination, "I am an American."

Mr. Speaker, just as our nation paused last week to remember and reflect on this good man and great leader, let us, as a nation, remember President Ronald Reagan in the same way that he is remembered by his family: a man full of love, laughter, and life, someone full of boundless optimism and faith, and someone who always believed that America's best days are indeed ahead.

Our country—indeed, our world—has been blessed that we were able to share in a small way in the tremendous life he led. May we never forget the lessons he taught us or the leadership he displayed, and may we continue to keep Mrs. Reagan and the entire Reagan family foremost in our thoughts and prayers.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2004

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to President Ronald Reagan. We all join together this week to mourn his passage, but more importantly to celebrate his life. President Reagan meant many things to many people in the United States and throughout the world. Put simply, the world is a better place because Ronald Reagan lived. From his days as an actor and motivational speaker to his time as Governor and President to his final days on his California ranch, Ronald Reagan was a true gentleman who impacted the lives of those around him.

Ronald Reagan was sworn in as the 40th President of the United States the day American hostages were released from Iran—a poignant beginning to the challenges, which would lie ahead. As President, he survived an attack on his life and a battle with colon cancer; he fought communism; he guided the American people through rough economic times and uncertain international struggles; he made history in nominating the first woman to serve on the U.S. Supreme Court; and lead Americans through the tragedy of the Space Shuttle Challenger.

But to limit our descriptions of President Reagan to the milestones in his Presidency would be incomplete. His most impressive qualities are the intangibles that are felt but hard to describe.

So many Americans connected with President Reagan on a personal level. His ability to communicate with was unparalleled. "Larger than life" was never a phrase used to describe Ronald Reagan—not because he couldn't have been, but because he didn't want to be. He truly operated as a man of the people.

My first term as Governor of Delaware overlapped with his second term as President of the United States. I had the honor and privilege of working with President Reagan on what I see as one of his greatest landmark accomplishments—welfare reform. The empathy he felt for the American people and the challenges they faced in trying to make ends meet were represented in this landmark legislation. He epitomized a leader who didn't give handouts—but a hand up.

The optimism he felt for every American, our nation and the world was evident to all. His "glass half full" mentality guided us through times of peace and times of uncertainty; through the end of the Cold War and rough economic times. No matter what our nation faced, President Reagan's sense of patriotism, togetherness and hope for the future—was infectious.

His love of country made us believe that America was blessed to do great things for so many people. Sadly, this was probably best communicated in what has come to be known as his Letter to the American people when he told the world he was diagnosed with Alzheimer's Disease, when he wrote:

"I now begin the journey that will lead me into the sunset of my life. I will know that for America there will always be a bright dawn ahead."

Everything he did, he did with grace. He will be remembered—even by those who may have disagreed with him—with respect for his willingness to work together and negotiate, with humor. He and Democratic Speaker Tip O'Neill used to joke that we are "all friends after 6:00 p.m." meaning that at the end of the day, politics was put aside and friendships could grow.

I like to think of President Reagan as a flexible conservative, one who was willing to listen to all sides of an argument, even if he didn't agree, for the chance that he might learn something new or understand a different angle. He didn't pretend to be an expert on all issues, and that is why so many politicians and the American people respected him. He wanted to turn the issue on all sides to see if there were any new approaches that could be taken. Yet at the same time, he was deeply rooted in his beliefs of smaller government, lower taxes and personal responsibility—which continue to guide the Republican Party today.

President Reagan is considered the modern day father of the Republican Party and his long legacy and sunny optimistic spirit will live on in all Americans. And as we all gather today to celebrate the man who meant so much to our country, I would like to invoke the words he used in bidding good-bye to the passengers on the Space Shuttle *Challenger*—"We will never forget them, not the last time we saw them—this morning, as they prepared for their journey, and waved goodbye, and 'slipped the surly bonds of earth' to 'touch the face of God'."

The Gipper, the Great Communicator, the Flexible Conservative and the Great Conciliator has gone home. But his legacy will never be forgotten.

PAYING TRIBUTE TO FRED A. LUNDIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, today I rise with a heavy heart to pay tribute to the life and memory of Fred "Fritz" Lundin of Glenwood Springs, Colorado. I personally knew Fritz well, and he was a man of the highest integrity and ethics and a natural leader in the community. As his family mourns his passing, I believe it appropriate to recognize the life of this exceptional man.

Born and raised in Brady, Nebraska, Fritz first moved to Colorado when he attended the University of Denver to study accounting on an ROTC scholarship. As a fighter pilot, Fritz honorably served our country in both Korea and Vietnam. For his service in Vietnam, he was awarded the Distinguished Flying Cross. Following his military service he received his MBA from the University of Colorado.

In 1950, Fritz married Bette Coad with whom he had four children. Fritz retired from the Air Force in 1973 and moved to Glenwood Springs. During the years Fritz spent in Glenwood Springs, he became active in the community as a supporter of high school athletics. An avid sports enthusiast, he enjoyed watching his children and grandchildren participate in athletics, and he enjoyed outdoor activities with his family. In 1980, Fritz remarried Cindy Dollins with whom he shared a successful accounting practice and with whom he had a son.

Mr. Speaker, it is my honor to recognize Fred "Fritz" Lundin and pay tribute to his life as a valuable citizen of Glenwood Springs. Fritz held both himself and others to the highest standards. His competitiveness was contagious, making people around him better. I wish to express my deepest sympathies to his family and friends during this difficult time of bereavement.

SUPPORTING RESPONSIBLE FATHERHOOD AND ENCOURAGING GREATER INVOLVEMENT OF FATHERS IN THE LIVES OF THEIR CHILDREN

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. PITTS. Madam Speaker, we often hear negative comments about fathers and fatherhood, about "deadbeat dads" and absent fathers.

It's easy to forget that there are millions of American fathers who love their wives and their children.

They get up every morning and go to work to support their families.

They go to baseball games and ballet performances and school plays.

They help their kids with their homework, chaperone proms and mow the lawn.

They treat their wives with respect and model healthy relationships.

They make sacrifices and invest in the next generation.

Current research shows that these daily acts of responsibility and faithfulness have a major impact on child well-being.

Statistics show us that marriage is the foundation of responsible fatherhood, and that fathers who are married to the mothers of their children are more likely to be involved in their children's lives.

But, we don't need statistics to tell us that committed, involved fathers are essential to the preservation of the family.

On Sunday, thousands of families in my district will celebrate Father's Day.

Amid all the distractions of our society, many will stop, for just a minute, to honor "Dad."

It seems that politics and social change and the faddish nature of our culture have not been able to erase the enduring value of fatherhood and the imprint that fathers have in my district and across this great nation.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Ms. WOOLSEY. Mr. Speaker, had I been present yesterday during rollcall No. 232, I would have voted "aye." During rollcall No. 233, I would have voted "aye." During rollcall No. 234, I would have voted "no." And, on rollcall No. 235, I would have voted "aye."

RECOGNIZING CAROLYN RUBENSTEIN

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. WEXLER. Mr. Speaker, I rise to recognize an extraordinary individual who has made a difference in the lives of so many young children. Carolyn Rubenstein, herself just a teenager, started Carolyn's Compassionate Children (CCC), a non-profit organization that links critically ill children with their healthy peers through a pen pal program. Started 5 years ago when Carolyn was 14 years old, the program has connected over 500 children with pen pals in almost every U.S. state and countries around the world, including Canada and England. This excellent program helps children suffering from life-threatening or chronic illnesses connect with their healthy peers. Most of these children are shut in and do not have the ability to interact with others their age or live normal lives. CCC gives them the opportunity to develop friendships and connect with children or teens their age.

In addition to the pen pal program, CCC has awarded 21 college scholarships to cancer survivors. Because of their illness, many of these children who do not have as impressive a resume as their healthy peers and would, otherwise, not qualify for a scholarship. More recently, CCC has set up a scholarship program in the arts for cancer survivors.

I cannot say enough about Carolyn. At a time when our country is asking our young men and women to make sacrifices, Carolyn is a shining example for others to follow. Her compassion, drive and desire to help others has made this world a better place. I commend Carolyn and CCC for making a difference in the lives of so many young people.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this chamber on June 14, 2004. I would like the record to show that, had I been present, I would have voted "no" on rollcall vote 234 and "yea" on rollcall votes 232, 233 and 235.

PAYING TRIBUTE TO KENT LINDSAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Kent Lindsay and thank him for his dedication to Colorado as a two-term Montezuma County Commissioner. His dedication and tireless efforts have done much to ensure a promising future for his constituents. As Kent celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Montezuma County and the State of Colorado.

A lifelong resident of Montezuma County, Kent is the third generation owner of El Grande Cafe in Cortez. He is very active in the community, serving for fifteen years on the local fire department and is currently the Fire Chief. As a county commissioner, Kent was instrumental in rewriting the Land Use Plan and in creating the Stewardship Committee involving rangeland and grazing. He also worked closely in the development of the Dolores River Valley Plan, and plans to stay involved in the issues affecting Montezuma County.

Mr. Speaker, I am honored to pay tribute to Commissioner Kent Lindsay before this body of Congress and this nation, and to congratulate him on an outstanding career of public service. His selfless dedication to his community and the people of Colorado as a Montezuma County Commissioner is truly remarkable. I wish him all the best in his future endeavors. Thanks for your service.

HONORING JUDY BENTLEY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. CLAY. Mr. Speaker, I rise today to recognize Judy Bentley, the President and CEO of Community Health-in Partnership Services (CHIPS) in St. Louis. Ms. Bentley was recently selected as a 2004 Robert Wood Johnson Community Health Leader. She was one of just ten people nationally to be selected for this prestigious award, which includes a grant of over $105,000 to enhance her work.

A nurse practitioner and native of St. Louis, Ms. Bentley was inspired to enter the healthcare field after her diagnosis of uterine cancer in 1975.

Ms. Bentley founded CHIPS in 1990, and it remains the only free health clinic serving the mostly uninsured residents of north St. Louis. In its first year, CHIPS served about 250 clients in its meager facility in the basement of a local church. In 1991, the clinic moved to a new 5,600-square-foot facility. Currently run by a staff of 10 full and parttime employees, along with a core of 19 volunteer professionals, CHIPS provides health screenings and primary-level health care to about 1,000 clients a month through both its outreach and in facility services.

Ms. Bentley has also implemented a unique outreach program to provide prevention and health education in non-traditional community settings including banks, grocery stores, beauty salons, barbershops, and homeless centers. Ms. Bentley also promotes workforce development by hiring and training lay health educators to go door-to-door, enrolling clients, and has implemented an intergenerational program in which teens in the youth development program work with senior citizens.

Mr. Speaker, I am honored to recognize Ms. Bentley for this national award, and express my gratitude for her determination and leadership. Her work among the medically underserved has undoubtedly inspired many others in St. Louis and elsewhere to take action. It is an honor to recognize her today for her important work and this well deserved award.

IN HONOR OF SHARON KELSO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to take this opportunity to commend an amazing woman from my congressional district, Sharon Kelso. Sharon has been one of the most positive forces in Fairfax County throughout the years and I am proud of all that she has accomplished to help those less fortunate throughout the county. She is a friend and someone that I admire greatly. Sharon will be retiring after faithful and selfless service to United Community Ministries and the people of Fairfax County.

The main legacy Sharon will leave behind is her work as Executive Director of United Community Ministries. When she first began working for UCM, the agency had not existed for long, and its focus was smaller than what Sharon thought it could accomplish. With her vision and dedication, UCM has grown into one of the most important organizations in northern Virginia. One of her most lasting contributions was to establish the first walk-in clinic for the uninsured using volunteer doctors, nurses and technicians. Since that time, the citizens of Fairfax County have seen additional clinics open up for those without health insurance.

While her work for UCM would be enough to fill anyone's time, Sharon wanted to give even more assistance to her community. She has served on numerous boards and committees to help better Fairfax County for all who chose to make it their home. As Co-Chair of the Homeless Oversight Committee, Sharon has helped to implement strategies to prevent homelessness throughout the county. Knowing that affordable housing is one of the most important issues in this area, she has worked on the Affordable Dwelling Unit Task Force which ensures that the affordable dwelling ordinances are effective, and through her service on the Fairfax Committee of 100 Board of Directors she has helped evaluate the lack of affordable housing for those who need it.

Sharon Kelso has also taken on an advocacy role and was often lobbying for issues relating to human services needs, childcare, child abuse and neglect, health and mental health care and homelessness. She also worked with her local Chamber of Commerce to lobby the Fairfax Board of Supervisors to maintain affordable housing. It is through her efforts that these issues have been brought to the forefront for the leaders and community activists of Fairfax County.

While Sharon is retiring from UCM and moving out of the area, I am certain she will continue to work on behalf of those who need help the most. Her work has vastly improved the lives of thousands of families throughout the community and Virginia. Sharon's vision and dedication has touched many people and will ensure a bright future for generations to come. I congratulate Sharon on her retirement. More importantly, I say thank you for making such a difference in the Northern Virginia area.

ON THE PASSING OF BUDDY BRACKIN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I rise today to recognize the passing of Newman C. "Buddy" Brackin. Buddy had a tremendous impact in my district over nearly 28 years as Okaloosa County Clerk of the Circuit Court.

The son of a former Florida Senate president, Buddy came into politics with a solid base of knowledge. He had taught middle and high school in Northwest Florida and worked in real estate, but he knew it was time for him to run for the Okaloosa Clerk's office in 1976, and his win in that election reaffirmed his belief. His successive re-election was a clear indicator that Buddy was the right man for the job. Indeed, it was not until his diagnosis of pancreatic cancer that he decided not to seek an eighth term.

Buddy's tenure as County Clerk saw the office of the Clerk nearly triple in size, and with his help the office saw much-needed improvements in the smoothness of its day-to-day operations. It is doubtful that many would have disagreed with his intent six months ago to seek an eighth term, so respected was he on both a professional and personal level by all who knew him.

My prayers go out to Buddy's wife Blanche, his sons Mark and Bryan, and all others who mourn the loss of a great public servant. He loved his family as they loved him, his loss will have a vast impact on so many.

Mr. Speaker, on behalf of the United States Congress, it is with no small amount of sorrow that I tell of the passing of Buddy Brackin from this world, and his family is in my thoughts and prayers.

HONORING FORMER PRESIDENT GEORGE HERBERT WALKER BUSH ON HIS 80TH BIRTHDAY

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. PORTMAN. Mr. Speaker, I rise in support of H. Res. 653, a resolution honoring President George Herbert Walker Bush, a true statesman and American hero, who recently celebrated his 80th birthday.

President Bush has devoted his life to the service of our nation. As a highly decorated Navy pilot in World War II; a distinguished Congressman and Ways and Means Committee Member from Texas's Seventh Congressional District; a successful Ambassador to the United Nations; Liaison to China; Director of the Central Intelligence Agency; Vice President; and President of the United States—George Bush has ably served our country for over 50 years.

During that time, President Bush has exemplified the very highest values and principles of public service—honesty, integrity, responsibility, loyalty and patriotism. This is the Bush legacy and the example he set for all of us.

As a staff member who served in the Bush White House, I was privileged to learn this firsthand. His leadership as President was critical to resolving the challenges of that time: the fall of the Berlin Wall and the reunification of Germany; the end of Communism and beginning of democracy in Eastern Europe; a free trade policy and the lowering of trade restrictions and tariffs during the GATT talks; and of course, the success of Desert Storm. At home, he supported and signed the historic Americans with Disabilities Act; and the important amendments to the Clean Air Act, arguably the most important environmental legislation ever passed.

In his retirement, President Bush is still making history. I had the privilege of being present in College Station last weekend for his most recent birthday parachute jumps, for which he earned parachutist's wings from the Army's Golden Knights. The wings included a small bronze star, echoing his unplanned jump during World War II, when his torpedo bomber was hit by anti-aircraft fire south of Japan.

Mr. Speaker, all of us congratulate President Bush on his birthday, and express our gratitude for his remarkable and unselfish public service.

PAYING TRIBUTE TO STEVE WARDELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Steve Wardell and thank him for his dedication to Colorado as a Mineral County Commissioner. His tireless efforts have done much to ensure a promising future for his constituents. As Steve celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Mineral County and the State of Colorado.

During his tenure as commissioner, Steve worked on a number of issues for his Mineral County community. He was instrumental in putting together maps and a tabulation for the public rights of way in Mineral County. He also was involved in the approval of the preliminary plat of the Village at Wolf Creek, began the process for building a new Health Clinic in Mineral County, and pursued donations and grants to help repave the local airport runway.

As a dedicated member of the community, Steve volunteers his time to numerous civic organizations. He does the maintenance work on the county's ambulances, saving the Ambulance Board money to use on needed upgrades and equipment. He also is a volunteer fireman, and is always willing to help wherever he is needed.

Mr. Speaker, it is clear that County Commissioner Steve Wardell has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Mineral County. I am honored to bring his hard work and achievements to the attention of this body of Congress and this nation today. Thank you for all your service, Steve, and I wish you all the best in your future endeavors.

MOURNING THE PASSING OF PRESIDENT RONALD REAGAN

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2004

Mr. POMEROY. Mr. Speaker, my thoughts and prayers go out to Mrs. Reagan and her family as our nation mourns the loss of President Reagan.

Our nation has lost a leader. President Reagan inspired Americans to a higher purpose. He believed, and led all Americans to believe, that our country could be the "shining city on the hill." It was his spirit and faith in American values that helped reinforce America's faith in itself.

I was serving in the North Dakota Legislature on the day President Reagan was shot. I remember the somber atmosphere and deep concern from Republicans and Democrats alike as legislators gathered around a television anxiously awaiting word on the President's condition. With characteristic optimism, President Reagan went on to recover from his wounds and continue to lead the nation as our President.

President Reagan's passing brings us sadness at the loss of an American leader, but reminds all of us of his lasting legacy of service to our nation.

RECOGNIZING CAROL CAROTHERS (EXECUTIVE DIRECTOR, NAMI MAINE)

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. ALLEN. Mr. Speaker, I rise today to recognize Carol Carothers, who was recently named a 2004 national Community Health Leader by the Robert Wood Johnson Foundation for her work to prevent inappropriate incarceration and improve the treatment of people with mental illnesses. Ms. Carothers was one of only ten people nationally to be selected for this prestigious award, which includes a grant of more than $105,000 to support her work.

Ms. Carothers is executive director of the National Alliance for the Mentally Ill (NAMI) Maine. During her tenure, Ms. Carothers has dedicated herself to assisting families of people who have mental illness. Under her leadership, NAMI Maine has become a respected source for information on effective practices in treatment and diversion of the incarcerated mentally ill. Ms. Carothers has successfully assembled a broad-based coalition of families, inmates, providers, corrections and law enforcement professionals, State officials, and advocates to identify problems and solutions for inmates with mental illness. The program Ms. Carothers pioneered in Maine has become a model for other States seeking to train prison personnel to recognize the signs of mental illness and provide appropriate responses.

The suicide of an 18 year-old man in a maximum security prison 3 years ago inspired Ms. Carothers' interest in the plight of the incarcerated mentally ill. She now assists the State government in assessing the quality of prison programs, and provides education and training to law enforcement and corrections officers to promote more humane treatment.

NAMI Maine's Assistant Director put it best by saying, "[Carol is] propelled by the personal situations that illustrate the inhumane and immoral quality of inadequate treatment in the criminal justice system."

Mr. Speaker, I couldn't agree more. I'm honored to recognize Ms. Carothers for this national award, and express my gratitude for her determination and leadership. She has inspired many others in Maine and elsewhere to take action. This well-deserved award is confirmation of the importance of her work.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Ms. MAJETTE. Mr. Speaker, on June 8th and 9th, 2004 I was not able to be here for three roll call votes.

On rollcall number 229 regarding H. Res. 663, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America, I would have voted "yea".

On rollcall number 230, approving the Journal, I would have voted "yea".

On rollcall number 231, regarding H. Res., honoring the late Honorable Ronald Wilson Reagan, I would have voted "yea".

THE RETIREMENT OF NREL DIRECTOR VICE ADMIRAL RICHARD TRULY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. UDALL of Colorado. Mr. Speaker, last Tuesday, Vice Admiral Richard Truly, director of DOE's National Renewable Energy Laboratory (NREL), announced that he plans to retire in early November after more than seven years as NREL's director.

Although I am not greatly surprised by this announcement, I am saddened by it. I know that a national search will soon be launched to select the Admiral's successor, and I expect that his successor will represent NREL well in future years. But Admiral Truly has so vividly marked the last five years I've spent working on renewable energy policy in the House of Representatives. It is hard to imagine NREL without him.

In a letter to staff, Admiral Truly wrote, "I honestly believe that it is at the intersection of our energy use, our environment, our economic well being and our national security that society finds the greatest engineering and scientific challenges on Earth today. Each of you at NREL are at the heart of this challenge and opportunity. What you do really, really matters to our nation and our world. I feel a deep privilege to have been a small part of your successes over these years."

This last statement exemplifies the Admiral's approach to leadership. He was always quick to credit NREL staff for their achievements and believed in the importance of teamwork. He was admired by his colleagues at NREL and, I think, inspired them to work harder and aim higher.

For the Admiral, no challenge was too great. He wasn't content to rise to the rank of vice admiral in the Navy. He was also a naval aviator, test pilot and astronaut, logging more than 7,500 hours of flight. His astronaut career included work in the Air Force's Manned Orbiting Laboratory program, and NASA's Apollo, Skylab, Apollo-Soyuz and Space Shuttle programs. He piloted the 747/Enterprise approach and landing tests in 1977. He lifted off in November 1981 as pilot aboard Columbia, the first shuttle to be reflown into space, establishing a world circular orbit altitude record. He commanded Challenger in August-September 1983, the first night launch/landing mission of the Space Shuttle program. For all these achievements, President Reagan awarded the Presidential Citizen's Medal to Admiral Truly in 1989. Admiral Truly capped off his space career by serving as NASA's eighth Administrator under President George H.W. Bush from 1989–1992.

During his seven years at NREL, Admiral Truly has raised the visibility of the laboratory to new heights. NREL is considered the premier laboratory for renewable energy research and development and a leading laboratory for energy efficiency R&D. As a world leader in the development of these technologies, NREL is involved in fifty different areas of scientific research, from solar photovoltaics and wind energy to hydrogen fuel cells and distributed energy generation.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I have worked hard to increase funding for NREL's important research and generally to raise the profile of renewable energy and energy efficiency in Congress. It has been an uphill climb, as these programs have had to compete for funding with others. What has inspired me to keep fighting the fight has been knowing that Admiral Truly and his team are back in Colorado, pushing technological limits, dreaming up new ways for us to transition to a clean energy future. Admiral Truly may not be with NREL in the years to come, but I know he will always be there in spirit, urging us all to continue to aim for the stars.

PAYING TRIBUTE TO BOB GEORGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. McINNIS. Mr. Speaker, I rise with considerable sadness to pay tribute to the life and memory of Bob George of Aspen, Colorado. Bob recently passed away at the age of sixty-one. With the loss of Bob, Aspen loses a friend of the community. As his family mourns his passing, I believe it is appropriate to recognize the life of this exceptional man before this body of Congress and this nation today.

Bob first moved to Aspen in 1964, after attending the University of Colorado at Boulder. Soon after, he married Karin Knudson, with whom he went on to have three children. In 1967, he found work with Mason & Morse, a real estate firm, and with a good college friend, they worked hard and eventually assumed control of the company. The two partners and friends put much time and effort in transforming Mason & Morse Real Estate into the largest firm in the Aspen Valley.

As a spirited business leader, Bob achieved great success. He was the president of two professional organizations, the Aspen Board of Realtors and the Aspen Chamber Resort Association. His dedication to the community included memberships in the Aspen Elks Club, Mountain Rescue and Rotary Club. He was also president of the Aspen School Board and spent time volunteering for the Sunshine Kids and Ducks Unlimited.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Bob George. He was a natural business leader and a valuable member of his community. More importantly, Bob will always be remembered as a consummate family man. I wish to extend my deepest regrets and sympathy to Bob's family and friends during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GRAVES. Mr. Speaker, on Monday, June 14, 2004, I was unavoidably detained and thus missed rollcall votes #232, #233, #234 and #235. Had I been present, I would have voted "yea" on #232, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; "yea" on #233, expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options; "yea" on #234, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; and "yea" on #235, honoring former President George Herbert Walker Bush on the occasion of his 80th birthday.

OCC AND THE BANK-REALTOR FIGHT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. SHERMAN. Mr. Speaker, I would like to submit for the RECORD an article recently published in the American Banker, entitled, "OCC Caught in the Middle of Bank-Realtor Fight."

[From the American Banker, June 2, 2004]

OCC CAUGHT IN THE MIDDLE OF BANK-REALTOR FIGHT

(By Todd Davenport)

The possibility that banks will one day sell houses makes the real estate brokers' lobby shudder and has galvanized it to fight against any incursion it perceives.

For the last three years the most obvious threat has been a joint proposal by the Treasury Department and the Federal Reserve Board that would let financial holding companies and financial subsidiaries offer real estate brokerage services.

But in the past year the National Association of Realtors has targeted the Office of the Comptroller of the Currency's recent efforts to stake out its preemption authority. The trade group says the OCC's ability to insulate national banks from state laws that require real estate and mortgage licensing is also a threat.

The OCC has countered that there is little, if any, connection between preemption and real estate brokerage, but right or wrong, the trade group has become an unexpected and powerful opponent to the OCC's preemption regulations at a time when it needs all the friends it can get.

The regulations were finalized in January, but some lawmakers on Capitol Hill have threatened to take action against them.

"The Comptroller's position is that this has nothing to do with real estate brokerage, but I don't think the Comptroller has been successful in deflecting the awareness of people on the Hill that the Realtors are concerned," said Gil Schwartz, a lawyer with Schwartz & Ballen LLP in Washington.

The Realtors "have brought a lot of people focused at the local level," Mr. Schwartz said. "They have brought much more awareness of not just what can happen now but what can happen in the future."

The group says preemption is relevant, because the OCC could let banks into real estate brokerage independent of the joint Fed-Treasury proposal, which was made under the auspices of the Gramm-Leach-Bliley Act.

"Right now a national bank could apply to the OCC for real estate brokerage to be considered a permissible banking activity," said Lynn King, a regulatory representative at the trade group.

Realtors say the OCC could rely on an existing interpretation that authorizes national banks to operate as "finders." That broad power effectively allows a bank to act as the middleman in many financial transactions.

Some banking lawyers say they doubt the OCC will use that interpretation to allow real estate brokerage.

"Finder authority had been on the books for years, and that never was perceived or regarded as giving national banks authority to sell insurance as an agent or broker on an unrestricted basis," said Ken Ehrlich, a lawyer with Nutter McLennen & Fish LLP in Boston.

But real estate brokerage may be consistent with the business of banking, he said.

"National banks by virtue of the business they conduct every day are arguably fully equipped to get into the real estate brokerage business and do it well without raising any safety-and-soundness issues, significant consumer protection issues, and without a whole lot, if any state regulation," Mr. Ehrlich said.

An OCC spokesman would not discuss its plans, but in the past agency officials have said they are not contemplating the extension of real estate brokerage powers to national banks.

Realtors say they want certainty.

"Everything that they've said in testimony, everything that they've said publicly, we just want them to put in some sort of official format that we can rely on for the future of our industry," Ms. King said.

The threat is imminent, because banking companies "want to put real estate people in the bank or the operating subsidiary," she said. "They want to put them as close as they can to the loan, the mortgage transaction."

Doing so would be anticompetitive, Ms. King said. OCC preemption—which a Connecticut judge said last week extends to operating subsidiaries—would give the mortgage arms of large banks "a free pass on all these state laws and registrations and licensing," and "our members aren't going to be able to play in that field."

Banking lawyers took the opposite view.

"The Realtors' position is anticompetitive," said Melanie Fein, a lawyer at Goodwin Procter LLP in Washington. "Just like the securities industry, the insurance industry, the data processing industry, the courier industry, they all have fought against bank involvement."

The group is behaving "like Chicken Little," but "the sky is not going to fall—and if it does fall, it would be to the benefit of consumers," she said

Realtors say they would stand down in this battle if the OCC were to write regulations keeping banks out of real estate brokerage. They also said that if the long-pending Fed-Treasury proposal disappeared, the Realtors' opposition to OCC preemption would disappear with it.

(The proposal has been on hold, because the Realtors have successfully lobbied for enactment of spending bills the last two years that have barred the Treasury from using its budget to finalize the proposal.)

"We almost view this thing as the Trojan horse at the gates," said Joseph Ventrone, the trade group's managing director of regulatory and industry relations. If the Fed and the Treasury were to drop their December 2000 proposal, "our vehemence on OCC" preemption "would not be as strong, would probably not be at all."

To some, that's evidence that the Realtors do not have a legitimate beef with the preemption rules.

The group "developed a strategy where they believe they can use the debate going on today about preemption to insulate themselves from competition from the national bank industry," said Howard Cayne, a lawyer with Arnold & Porter LLP in Washington. "But they don't have an inherent interest in preemption."

Perhaps not, but their stance on preemption has made for unusual politics.

The group is allied with state bank regulators against preemption, even though they continue to disagree about whether banks ought to have real estate brokerage powers. More than 30 states have said that banks may offer such services, but few banks have done so.

"We share some fundamental, common beliefs," including "that major changes in public policy should come from legislative bodies, and shifts in applicable state and federal law should be clearly intended by Congress," said John Ryan, an executive vice president at the Conference of State Bank Supervisors. "Our appeal is philosophical; theirs is dollars and sense," but regardless, "they are influential businessmen in their local communities, and they are influential in the political process."

Donald Lampe, a lawyer with Womble Carlyle Sandridge & Rice PLLC in Greensboro, N.C., said the emergence of the realty group on preemption "changes the dynamic" of the debate.

"That they have stood up and raised their hand over these rules is a significant event," he said. "That doesn't mean that I think they are correct, but the Realtors cannot ever be ignored in this town."

That banks and real estate agents will continue to spar seems certain.

Banks "have to continue to grow the portfolio; they need new lines of business," Ms. King said. "The best line of business right now and in the future is real estate. They already have insurance. They already have securities. Other than real estate, there's not a whole heck of a lot else out there."

TRIBUTE TO CAPTAIN SAMUEL G. BRYCE, USMC

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. HOUGHTON. Mr. Speaker, I rise today to recognize an exceptional officer of Marines, Captain Samuel G. Bryce. Captain Bryce will soon complete a highly successful two-year tour as the Marine Corps' Assistant Liaison Officer to the U.S. House of Representatives. It is truly a pleasure for me to recognize a few of his many outstanding achievements.

Captain Bryce entered our Corps as a private in January 1994 after graduating with honors from James Madison University in Harrisonburg, Virginia. After graduating Recruit Training at Parris Island, he went on to serve as an infantryman with the Marine Corps Security Force Company in Rodman, Panama where he participated in Operation Safe Haven, a humanitarian mission in support of Cuban migrants. He followed this tour with service as a Non Commissioned Officer with the illustrious Fleet Antiterrorism Security Team Company in Norfolk, Virginia. As a squad leader with F.A.S.T., then Corporal Bryce participated in Operation Fairwinds in Haiti, providing convoy and site security for U.S. supported nation-building projects. Shortly after returning from Haiti, his team was dispatched to Bahrain to establish security at U.S. Naval facilities in response to the Khobar Towers bombing. During his final months with F.A.S.T. he was promoted to Sergeant and selected for the Enlisted Commissioning Program.

In September of 1997 he attended Officer Candidate School. Upon graduation he was commissioned and then sent to the Basic Officer Course and the Infantry Officer Course. In

November of 1998 he was assigned to the 1st Battalion, 5th Marine Regiment where he was given command of 3rd Platoon, Company C. In this capacity he deployed with his battalion as part of the 31st Marine Expeditionary Unit where he participated in Operation Stabilise in East Timor. Upon return he was assigned as commander of the 81 mm Mortar Platoon, which he led during a subsequent overseas tour with the 31st MEU. During his final year with the battalion, he served as the Executive Officer, and ultimately the Commanding Officer of Weapons Company.

Completing this tour in March 2002, Captain Bryce was assigned as the Marine Corps' Assistant Liaison Officer to the U.S. House of Representatives. For the past two years he has expertly represented the Marine Corps on Capitol Hill and contributed enormously to the success of the Liaison Office's mission. His skills and diligent attention to duty enabled him to successfully lead five Staff Delegations to every major Marine Corps facility in the United States, assisting Congressional staff in learning how the Marine Corps fights, trains, and lives. The reputation he earned on these evolutions was such that he was also given the task of leading several Congressional Delegations overseas, including my own to Malaysia and the first into Haiti after the new President took power.

The real strength or Captain Bryce's time on Capitol Hill was felt through his education and outreach activities. He organized monthly briefs for staff members to assist them in understanding the capabilities and program needs of the Corps, and was the driving force behind the Capitol Hill Running Club. Under his leadership the club grew to nearly 100 runners and has seen unprecedented success in preparing members for running the Marine Corps Marathon. As he leaves, there will be a large gap for the Marine Corps to fill on Capitol Hill. His initiative, leadership, and tireless efforts as the Assistant House Liaison Officer have had a lasting impact on improving the war fighting capabilities and the quality of life for Marines throughout the Marine Corps. Most importantly, he has epitomized all of those qualities that America has come to expect of her Marines—absolutely impeccable integrity, moral character and professionalism.

As he reports to his next assignment as a student at the Expeditionary Warfare School in Quantico, Virginia I want wish him, his lovely wife Stacey, and their new son Griffin continuing success. Fair winds and following seas, Marine.

CELEBRATING THE 50TH ANNIVERSARY OF FORT UNION NATIONAL MONUMENT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the upcoming 50th anniversary of the legislation that created Fort Union National Monument in my home state of New Mexico. At Fort Union National Monument, visitors can learn about life at this frontier outpost during the early days of the American settlement of the West. As a key stopover point for travelers along the Old Santa Fe Trail, Fort Union was witness to countless expeditions, Indian raids, and commercial gatherings during its short but storied existence. Today, the venerable post is a shadow of its former grandeur, but even in ruins, it stands as an impressive memorial to the countless soldiers of the frontier army who passed through.

On June 28, 1954, President Dwight D. Eisenhower signed into law legislation authorizing the U.S. Department of Interior to acquire the site and remaining structures of Fort Union for national monument purposes. With strong backing from the New Mexico State Legislature and Governor Edwin Mechem, U.S. Representative John Dempsey and U.S. Senator Clinton P. Anderson introduced the bills that ultimately created the present day Fort Union National Monument. Their foresight and hard work all those decades ago are worth remembering today.

Few places today inspire imagination about the American frontier experience as does Fort Union National Monument. Located in the Mora Valley in northeastern New Mexico, the 720-acre National Park Service domain contains an array of cultural and natural resources. Its principal features—the ruts of the Santa Fe Trail, the ruins of the Fort Union military post, and the dazzling prairie scenery—daily attract travelers from around the world.

Fort Union was established in 1851 by Lieutenant Colonel Edwin V. Sumner as a guardian and protector of the Santa Fe Trail. During its forty-year history, three different forts were constructed close together. The third and final Fort Union was the largest in the American Southwest, and functioned as a military garrison, territorial arsenal, and military supply depot for the Southwest.

As a military post to protect travel and settlement for forty years, Fort Union played a key role in shaping the destiny of the Southwest. During the first decade of its existence, the fort stood as the guardian of the Santa Fe Trail. The fort acted as a federal presence in the Territory of New Mexico. The Civil War added to the fort's fame at the battle of Glorieta Pass, where Union soldiers stopped the invading Southern columns. Historian Robert Utley noted, "The ruins of Fort Union graphically commemorate the achievements of the men who won the West."

On February 21, 1891, singing "There's a Land that is Fairer than This," the Army marched out of Fort Union for good. The post lapsed into ruins in the following decades. Roofs collapsed, walls of buildings slowly crumbled under the onslaught of the elements, and grass grew high on the vast parade ground.

After World War II, people in New Mexico revived an earlier campaign to create the Fort Union National Monument. New Mexicans had learned that the previous efforts failed because of the lack of local interest in the project. This time local citizens and interest groups decided to lead the movement to ultimate success. Fort Union, now in private hands, was scheduled to be demolished. With a strong will to save the historic site, local citizens took the issue to the Las Vegas-San Miguel Chamber of Commerce. On June 20, 1949, board members of the Chamber voted to seek aid from the federal government and the State of New Mexico to preserve Fort Union for all time. The Chamber's action was instrumental in creating the present-day Fort Union National Monument. We continue to be grateful for their efforts.

Mr. Speaker, Fort Union National Monument is open to the public throughout the year. Interpretive programs are offered with living history talks and demonstrations on summer weekends, giving visitors the flavor of life in a frontier fort. The visitor center has displays of military equipment and clothing, a bookstore, Santa Fe Trail information and films. Using this abandoned military post, the National Park Service has established a dialogue between the past and the present. The place has been serving society as a museum of the past, a classroom of the present, and a model for the future, and it deserves the honor of a national treasure.

PAYING TRIBUTE TO DORALYN GENOVA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Doralyn Genova and thank her for her dedication to Colorado as a Mesa County Commissioner. Her dedication and tireless efforts have done much to ensure a promising future for her constituents. As Doralyn celebrates her retirement, let it be known that she leaves behind a terrific legacy of commitment to the people of Mesa County and the State of Colorado.

A third generation Mesa County native, Doralyn graduated from Mesa State College, and ran her own business, Data Supplies. When Doralyn was elected to serve as Mesa County Commissioner in 1988, she was only the second woman elected to the position of county commissioner in Mesa County's history. She serves on Club 20's board of directors, the Governor's Interregional Council on Smart Growth, the Colorado Emergency Planning Commission, Headstart Grand Valley Regional Transportation Committee, and the Mesa County Economic Development Council for Sustainable Agriculture. She also served as president of 16 Western District Counties, and was chairperson for the Land Use Committee for Colorado Counties Incorporated and serves currently as the Secretary. Doralyn's community involvement also includes membership in the Grand Junction Area Chamber of Commerce, Mesa County Women's Network, Mesa County Historical Society, Mesa County Cattleman's Association, and Mesa County League of Women Voters.

Doralyn's dedication to her community has garnered her numerous awards and recognition over the years. She was "Westpeoples" Woman of the Year in 1986 and was the first recipient of Club 20's Dan Noble Award. She has also received awards from the Colorado Division Disaster Emergency Services, Glade Park Volunteer Fire Department, Governor's

Conference on Library and Information Services, and Mesa County Friends of 4–H. Most importantly, Doralyn is dedicated to her husband Mike, and sons Anthony, Nicholas, and Dominic.

Mr. Speaker, I am honored to pay tribute to Commissioner Doralyn Genova before this body of Congress and this nation, and to congratulate her on an outstanding career of public service. Her selfless dedication to her community and the people of Colorado as a Mesa County Commissioner is truly remarkable. I wish her all the best in her future endeavors.

CONGRATULATING ROBERT J. RIDENOUR

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Robert J. Ridenour on receiving the 2004 Citizen of the Year award from the Bedford Rotary Club of Bedford, Pennsylvania. His efforts to preserve the history and culture of my home town of Everett have positively impacted our community and well beyond.

For most people, after a lifetime of working, the well deserved rest and relaxation that comes with retirement is usually cherished and savored. However, Robert Ridenour decided on a different path and instead chose to spend his retirement working to improve his community in any way possible.

It has been said that wisdom comes with age, and in the case of Robert Ridenour this old cliche proves to be true. In recent years he has had the foresight to dedicate his energy to preserving history, which will ground and educate younger generations while guiding them towards future progress. His tireless efforts to promote Pennsylvania's history will benefit his community for countless years to come.

Mr. Ridenour is the personification of the Bedford Rotary's motto of "Service Above Self." He has demonstrated enthusiasm and care for the county which he has served, and his spirit and dedication have infiltrated his every action. The legacy he has made is one that every American should emulate.

As a pillar of strength within his community of Bedford County, Mr. Ridenour has been a role model and leader who is admired by many. For his incomparable generosity and commitment to excellence, Robert Ridenour deserves the highest recognition.

IN HONOR OF EDIE KARAS, COMMUNITY STALWART

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. FARR. Mr. Speaker, I rise today in honor of my dear friend Edie Karas, one of the most dedicated and energetic community members in my Central California district, and indeed the nation and the world. A life-long resident of the Monterey Peninsula, Edie has played an active and vital role in countless civic organizations. Along with her late husband of more than 50 years, the former Monterey County Supervisor Sam Karas, Edie made up half a dynamic duo of public service. Since Sam passed away in 2003, Edie has carried on with that tradition of service to both her neighbors next door and her neighbors around the world.

A short account of Edie's service would include the time that Edie has donated to the Monterey Civic Club, Monterey Recreation Committee, Robinson Jeffers' Tor House, Alliance on Aging, Monterey Bay Symphony, State Theatre Preservation Society, and the list goes on. In addition, several years ago, Edie and her late husband, the former County Supervisor Sam Karas, traveled to Bosnia where they served as international election observers.

Mr. Speaker, today I rise to celebrate Edie's work on behalf of the Big Sur Health Center, which will recognize her service in a tribute on June 18, 2004. I became involved with the clinic in the late '70's as a member of the Monterey County Board of Supervisors. At that time the Big Sur Clinic had more certified EMTs per capita than any place in the U.S. and provided free emergency services and an ambulance maintained by the Red Cross. Today the Health Center serves many of the outpatient health needs of the rural Big Sur community in a modest facility made up of two 35 year old portable trailers and a treasury of heart, soul, and dedication supplied by its volunteers. For much of the last decade, Team Karas has been instrumental in its growth and success.

When they joined the Center's board in the late 1990s, the Center faced deep financial hardship. Sam took immediate action and began to contact the Pebble Beach Foundation and other funding sources outside the immediate Big Sur community. His efforts put the Center on the map for charitable foundations and government agencies. The Center soon regained its financial footing and was back on the path to fiscal health.

However, while Sam was out front making the initial calls and receiving the credit, I have always suspected that it was Edie who did the work. I see evidence of that in the fact that the Center will soon replace its venerable trailers with a new building, a development in which Edie has played no small part in seeing to fruition. Edie continues to be the spark of energy that animates the Center's fundraising efforts and every other cause that she embraces. So it is with true pleasure that I join with the Big Sur community and the people of Monterey County in recognizing Edie Karas for her service to the Big Sur Health Center. I wish Edie and the Center the best of health.

SALUTING JUDGE BRUCE EINHORN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. BERMAN. Mr. Speaker, I rise today to ask my colleagues to join in saluting my friend, Judge Bruce Einhorn, Chair of the Pacific Southwest Regional Board of the Anti-Defamation League (ADL). He is a remarkable man whose accomplishments are legion.

During Judge Einhorn's tenure as Regional Chair, the organization pressed law enforcement authorities for vigorous application of appropriate hate crimes laws, and successfully opposed the deceptively named "Racial Privacy Initiative." He helped the ADL prevent the spread of hatred and intolerance through the creation of new and ongoing programs designed to fight the defamation of the Jewish people and ensure justice and fair treatment for all. He also served as Chair of the ADL's San Fernando, Conejo and Antelope Valley Boards.

He is presently an ADL National Commissioner and is a member of both the League's Executive Committee for the Pacific Southwest Region and its Latino-Jewish Round Table. Also, he is a founding member of both the U.S. Holocaust Memorial Museum in Washington, DC and the Museum of Tolerance in West Los Angeles.

In addition to his work with non-profits, Judge Einhorn has developed an impressive legal career. He is a well-respected Los Angeles U.S. Immigration Judge. He also serves as Adjunct Professor of International Human Rights Law and War Crimes Studies at Pepperdine University's School of Law, where he received the 1997 David W. McKibbin Excellence in Teaching Award. For 11 years, Judge Einhorn served as a trial attorney and later as a Deputy Director and Litigation Chief for the U.S. Justice Department's Office of Special Investigations, the agency responsible for seeking the identification and prosecution of Nazi war criminals residing illegally in the United States.

Judge Einhorn's commitment to civil rights, justice and tolerance for all people has been repeatedly recognized. He is the proud recipient of the U.S. Attorney General's Special Commendation Award and the State of Israel Bonds Lifetime Professional Achievement Award. In October 1999, in the presence of President Bill Clinton, he also received the Ginsberg Prize for Leadership in Civil Rights from the Anti-Defamation League at its National Commission Convention in Atlanta, Georgia.

Please join me in honoring Judge Bruce Einhorn and thanking him for his outstanding contributions to our community and for his steadfast commitment to the ADL's critical mission.

PAYING TRIBUTE TO BOHN MUSGRAVE ON HIS 100TH BIRTHDAY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Mr. Bohn Musgrave, who will celebrate his 100th birthday on July 31, 2004.

Mr. Musgrave was born in 1904 in a log cabin in Michigan's rural Upper Peninsula. After graduating from high school and attending Central Michigan University, he taught in a two-room country school and then worked as a principal in the Sebawing School District. Following his marriage to wife Doris in 1926 and the birth of his two children, Bohn earned a degree in Agriculture from Michigan State University and worked as an Agricultural Agent for Kalkaska and Mecosta Counties. In 1954, Mr. Musgrove relocated to the Lansing area and worked as a supervisor in the Michigan State University Extension Service until his retirement in 1969.

Even after leaving the workforce and surviving a bout with bone cancer in his right leg, Bohn stayed active, traveling the world with Doris, visiting all 50 states and 41 countries. After his wife's death in 1988, Bohn took on the role of family historian, compiling and self-publishing five books of poems, personal anecdotes, and memories for his family and close friends. His fondness of history and love of Michigan led him to contribute heavily to A History of Columbus Township, published in 2000, and to an oral history compiled by Michigan State University about the logging industry. Ever eager to impress upon young minds the significance of days past, he has visited elementary schools in the Lansing area to share his knowledge of the history of the Upper Peninsula. Mr. Musgrave is also a charter member of Haslett Community Church, which celebrates its 50th anniversary this year.

Mr. Speaker, Bohn Musgrave has been a devoted father and dedicated worker. He is a master storyteller, poet, and artist. Today, he still resides in Haslett, Michigan. I would like to ask my colleagues to join me in celebrating Bohn Musgrave's 100th birthday.

IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES ACT OF 2004

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. HOLT. Mr. Speaker, I am pleased to support H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act.

The bill reauthorizes the Assistive Technology State Grant Program, and the State Protection and Advocacy program. It also will help to ensure a larger share of the resources distributed under the program goes directly to individuals with disabilities. Assistive technology devices include a broad range of aids, such as wheelchairs, communication devices and computer hardware that help individuals compensate for living with a disability.

The Assistive Technology State Grant program was first enacted in 1988 as a program to provide states funds to establish an infrastructure for increasing access and distribution to assistive technology devices. Millions of Americans depend on assistive technology devices to remove barriers to education, employment, and even daily communication.

The bill also funds the State Protection and Advocacy programs. Its purpose is to assist individuals in overcoming barriers in the workplace and in the government and making assistive technology more accessible to individuals with disabilities throughout the state.

I would like to thank Representatives BUCK MCKEON, JOHN BOEHNER, DALE KILDEE and their staffs for working with me to make changes to the bill regarding State Protection and Advocacy programs during the committee markup process. The bill now includes changes that would allow Protection and Advocacy systems to carry over "program income" for 2 additional years. These are funds generated by program activities, typically attorneys' fees reimbursements, for 2 additional years.

Under current law, Protection and Advocacy programs can carry over "program income" for one additional fiscal year past the year in which the program income was received. This can be very difficult, particularly for small states where the award could be sizes that they are not prepared to properly spend and can not budget for. I hope this change will enable Protection and Advocacy programs that receive "program income" to invest the funds back into the program. This will allow states to put the additional funding to the best use possible for people with disabilities without being constrained by time.

Speaker, I ask my colleague to support this bipartisan bill that will provide comprehensive technology-related assistance for adults and children with disabilities.

PAYING TRIBUTE TO MAC MYERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today and pay tribute to Mac Myers and thank him for his outstanding commitment to serving the people of Colorado as District Attorney for the 9th Judicial District. His years of service have done much to enhance the safety of the community and the prestige of the District Attorney's Office. As Mac celebrates his retirement, let it be known that he leaves behind a wonderful and strong legacy of dedication to the District Attorney's Office and the citizens of Colorado.

Mac graduated from the University of Colorado with a bachelor's degree in English, and received his law degree from the University of Denver. He worked as a deputy district attorney in Colorado Springs and Breckenridge before being hired to serve the people of Pitkin, Garfield, and Rio Blanco counties as a deputy district attorney in the 9th Judicial District in 1986. In 1996, Mac was elected district attorney for the 9th Judicial District, and was subsequently re-elected in 2000. During his tenure as district attorney, he has worked to enhance the communication and relationship between his office and the local police departments. He has also raised awareness and increased prosecutions for sexual assault and domestic violence cases, as well as promoting drug abuse prevention programs.

Mr. Speaker, it is clear that District Attorney Frank Daniels has ceaselessly dedicated his time and efforts to serving his district and the people of Colorado as the District Attorney for the 9th Judicial District. I am honored to bring his hard work and achievements to the attention of this body of Congress and this nation today. Thank you for all your service, Mac, and I wish you all the best in your future endeavors.

HONORING CHRISTOPHER CLARK

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor Christopher Clark, the President and Chief Executive Officer of Johnson Matthey Inc., on the occasion of his retirement after 42 years of dedicated service to the company.

Johnson Matthey is a global advanced technology company with operations in such areas as catalysts for chemical processes; emissions control catalysts for automotive, diesel and stationary source applications; pharmaceutical materials; and materials for medical and industrial products. In 1909, Johnson Matthey opened its principal operating company in Pennsylvania. Today, its North American corporate headquarters is located in Chester County, Pennsylvania.

Mr. Clark's career with Johnson Matthey is long and distinguished. Throughout his 42 years with Johnson Matthey, he had a wide range of experience with all aspects of the Company's operations. Mr. Clark joined Johnson Matthey in 1962 and soon after was appointed product manager in 1969. Six years later, Mr. Clark was promoted to product group manager and from 1979 to 1984, he was the marketing manager of Johnson Matthey's Metal Products Division in the USA. Mr. Clark went to the UK in 1984 as the general manager of the company's noble metals fabrication business.

Mr. Clark was appointed executive director of Johnson Matthey in March 1990 and then in October 1991, he assumed responsibility for the company's Materials Technology Division. In 1996 he was promoted to chief operating officer and, in 1998, Mr. Clark was appointed chief executive officer of the company.

During Mr. Clark's tenure as CEO of Johnson Matthey, the company's operations in Chester County have undergone significant expansion. For example, the Emissions Control Technologies operations in Wayne, Pennsylvania have produced more catalysts for the automotive industry than any other facility in the world. Johnson Matthey has also established remarkable gas-processing technologies in West Chester, Pennsylvania under the leadership and supervision of Mr. Clark.

In May 2002, Mr. Clark was awarded the Society of Chemical Industries' Centenary Medal and, in June 2003, he was honored again with the International Precious Metals Institute's Junichiro Tanaka Distinguished Achievement Award for his significant contribution to the advancement of the precious metals industry.

Mr. Speaker, I ask that my colleagues join me today in honoring a highly successful businessman and exemplary citizen, Christopher

Clark, for his many years of contributions and distinguished service to Johnson Matthey and to his community, state, and nation. And I may ask that we wish him the very best of success and happiness with his retirement.

EXPRESSING SENSE OF CONGRESS THAT KATHERINE DUNHAM BE RECOGNIZED FOR HER GROUNDBREAKING ACHIEVEMENTS IN DANCE, THEATER, MUSIC, AND EDUCATION, AS WELL AS HER WORK AS AN ACTIVIST STRIVING FOR RACIAL EQUALITY THROUGHOUT THE WORLD

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 7, 2004

Mr. RANGEL. Mr. Speaker, it is with great pleasure that I rise today to salute Katherine Dunham, a woman who raised herself from her humble origins in East St. Louis through energy, determinism and formidable talent to become a world famous cultural icon and treasure. Having earned her bachelors, masters, and doctoral degrees at the University of Chicago with, the help of the prestigious Rosenwald fellowship. She has worked tirelessly her entire adult life helping others. She continues to contribute actively to her community even though just recently celebrated her 95th birthday. Today I recognize Katherine Dunham for her groundbreaking achievements in the performance arts, education and for her contributions as an activist striving for racial equality.

Katherine Dunham propelled the civil rights movement and opened doors or opportunity through her personal achievements as she became the first African-American to progress in her many fields of expertise.

Katherine Dunham merged her studies in anthropology with Caribbean and Brazilian dance whereby creating a new discipline. She utilized her education to create her many dance, performance art and education centers. In 1931 Dr. Dunham founded Les Ballet Negre, the first black dance company in the United States. In the years that followed, Katherine Dunham revolutionized American dance by incorporating the roots of black dance and ritual, and by transforming these elements into choreography accessible to all through the Katherine Dunham Technique.

Les Ballet Negre later became known as the Katherine Dunham Dance Company, which successfully toured over 60 countries in the 1940s.

In 1945 Dr. Dunham founded the Dunham School of Dance and Theatre in Manhattan. The Dunham School provided a centralized location for students to immerse themselves in dance technique while also providing education in the humanities, languages, ethics, philosophy, and drama. The school educated and raised countless inner-city youth, youth who would go on and make great change themselves.

In 1967 Dr. Dunham established the Performing Arts Training Center in East St. Louis, Missouri, which enrolled high-risk youth into programs in fine, performing and cultural arts. Katherine's outreach to some of the toughest members of the East St. Louis community often put her in harm's way. She put her life on the line constantly by recruiting gang members and known troublemakers. Katherine's goal was to stop the violence in the black community through the arts. She set out to transform their lives, and did so.

In 1970, only three years after the founding of Performing Arts Training Center, Dr. Dunham brought more than 40 of her students to the White House to perform for the Conference on Children.

Katherine Dunham was also a pioneer with a significant impact on Broadway. She broke new ground by becoming the first African-American director at the New York Metropolitan Opera.

Even though Katherine Dunham carried out a significant amount of work in the United States, she was never limited to helping only those within our Nation's borders. Katherine Dunham is also a passionate humanitarian who has lived in Haiti and consistently fought for Haitian rights and a better relationship between the United States and Haiti.

Responding to the desperate conditions of Haitian people in 1993, Katherine, at the age of 82, went on a 47–day hunger strike. She ended her hunger strike only when she was convinced, and rightfully so, that she was more valuable to the humanitarian fight, alive than dead. I recognize Dr. Katherine Dunham as one of the most passionate artists educators this country has ever seen.

For all these reasons and for receiving countless honors and awards, including more than 10 honorary doctorates, the Presidential Medal of Arts, the French Legion of Honor, and the NAACP's Lifetime Achievement Award, she has received for her work, I stand to salute Katherine Dunham, humanitarian, civil rights activist, and performance artist.

CONGRATULATING THE CHICAGO ZONING REFORM COMMISSION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Chicago's Zoning Reform Commission and its Co-Chairmen, Alderman William J.P. Banks and David Mosena, for the recent completion of the new City of Chicago Zoning Code.

By understanding the changing needs of Chicago's residential and commercial population, the Commission has ensured that Chicago will continue to be a modernized, world-class city for the 21st century. The efforts of Alderman Banks, Mr. Mosena and the other members of the commission helped lead the Zoning Reform Commission toward the first comprehensive rewriting of Chicago's Zoning Code since 1957.

Four years ago, Mayor Richard M. Daley appointed the Zoning Reform Commission to head this massive undertaking. The Commission sought input from the commercial sector, the Aldermen who represent these unique neighborhoods, and the public at large through numerous open public forums. The Commission is to be congratulated for the breadth of support they were able to garner for the new proposal before they considered their job finished.

The new Zoning Code has laid the foundation for a superior zoning map to be available for community leaders and residents. The ordinance includes improvements beyond its original structure—which simply addressed height, bulk and location—to set standards to deal with modern issues such as green space, increased use of public transportation and job retention. With its passage, a new vision for Chicago's future has been secured.

I am also particularly proud that two members of the Zoning Reform Commission represent areas of the 5th Congressional District. Alderman William J.P. Banks, the Chairman of the City Council's Zoning Committee, and Alderman Ray Suarez, the Chairman of the City Council's Committee on Housing & Real Estate, continue to provide their vast experience, expertise and knowledge in directing the planning and development of Chicago.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois, and indeed all of Chicago, I am privileged to congratulate the Zoning Reform Committee for their achievements in providing a new Zoning Code, and thank them for their diligent work on this important effort.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 231, had I been present, I would have voted "yes."

TRIBUTE TO PETER J. PURDY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to Peter J. Purdy, President of the U.S. Committee for the U.N. Population Fund, who will be retiring at the end of this summer after a thirty-year career dedicated to improving the lives of women and children in the developing world.

Peter began his remarkable career as Country Director in India for the Thomas A. Dooley Foundation and later as Country Representative in Indonesia for Church World Service. These early experiences in India and Indonesia were to set the stage for a lifelong commitment to helping the world's poorest women have access to quality reproductive and maternal health care services.

For the next twenty-seven years, Peter traveled throughout the developing world as the Director of the Margaret Sanger Center, the international-arm of the Planned Parenthood

Federation of New York City. Peter worked closely with both Government and Non-Governmental Organizations to improve the quality and availability of reproductive health care for women in Africa, Asia and Latin America.

Since 1999, Peter has directed his considerable talents to building support with American citizens for the work of the United Nations Population Fund. It is through this context, I have had the pleasure of getting to know Peter as both a friend as well as an expert guide to some of the poorest and most forgotten places in the world. In Malawi, Peter introduced me to a traditional birth attendant who regularly delivered babies in a humble mud hut without any modern medical assistance. When asked what the U.S. Government could provide her, she said simply "clean razor blades and kerosene to provide light for night deliveries." My meeting her was a singularly memorable experience but for Peter she was but one of the many women he has met and helped along the way of his career devoted to saving women's lives. Peter was a joy to travel with, and his insight and dedication added greatly to my experience in Africa.

Peter has told me that he plans to devote his retirement to spending time with his wonderful wife, Susan, and playing jazz piano. Knowing Peter, however, I am confident that he will continue to advocate and educate all that he meets on improving the lives of women and their families around the world.

Thank you, Peter, for your lifelong dedication to making the world a better place by enabling women to live healthy lives and to have healthy babies. Millions of people around the world have been touched by your work over the last thirty years. Best wishes in your retirement.

PROVIDING RAPID ACQUISITION AUTHORITY TO SECRETARY OF DEFENSE TO RESPOND TO COMBAT EMERGENCIES

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. DEFAZIO. Mr. Speaker, I would like to take a few minutes to discuss H.R. 4323. This legislation has the best of intentions. It would provide authority for the Secretary of Defense to expedite procurement of equipment that is necessary to protect against combat deaths. While I agree with the premise, I am concerned about the details of the bill.

Obviously, we all, regardless of political party, want our men and women in uniform to have the equipment they need to protect themselves and successfully carry out their mission. Just last month, I voted in favor of H.R. 4200, the fiscal year 2005 Department of Defense Authorization Act. This legislation boosted funding above and beyond the levels requested by President Bush for a variety of critical equipment like armored Humvees, advanced body armor, and roadside bomb suppression devices.

H.R. 4200 also included a provision to speed up the procurement of equipment necessary to prevent combat casualties that is identical to the text included in H.R. 4323. While I had some reservations about the provision, I supported its inclusion in H.R. 4200 and voted for final passage of the bill because it contained a variety of important pay and benefit improvements for our men and women in uniform. And, as I mentioned, it increased funding for critical equipment. I was hoping that the procurement provision could be fine-tuned in the conference with the Senate.

However, the House Republican leadership decided to bring the procurement provision to the floor as a stand-alone measure, H.R. 4323, in order to fast-track the bill through Congress and get it to the President without getting bogged down in the various debates surrounding H.R. 4200. The bill is on the floor this week under a procedure that prohibits amendments to perfect it.

I voted against H.R. 4323 because I am concerned about rushing through a bill that, while well intentioned, may not provide the benefit to our men and women in uniform that its proponents claim.

The bill would require that the Secretary of Defense establish an expedited procurement process for equipment that can prevent combat casualties occurring in the field. In order to speed up the process and allow a contract to be awarded within 15 days of an identified need, H.R. 4323 would waive the statutory requirement that the equipment be tested and evaluated for effectiveness.

Some of my colleagues may remember during the Vietnam War when modified M–16s were rushed into soldiers' hands. Tragically, the weapons were not adequately tested prior to distribution in Vietnam. It turns out they jammed frequently, causing untold number of deaths when soldiers' were left without an automatic weapon when facing enemy fire.

Rather than waiving the requirement that emergency equipment be tested and evaluated for effectiveness, as H.R. 4323 currently does, and risk the repeat of another debacle like the M–16 during Vietnam, I believe this bill should accelerate the testing and evaluation of critical equipment so that it can be procured more quickly, but still safely.

It does our soldiers no good to have equipment procured and distributed quickly if it doesn't work as its supposed to. Amending H.R. 4323 to keep the requirement that equipment to be procured under this new streamlined authority still be tested would ensure that the equipment our troops need would provide the expected level of protection.

EXPRESSING SENSE OF CONGRESS THAT LIONEL HAMPTON SHOULD BE HONORED FOR HIS CONTRIBUTIONS TO AMERICAN MUSIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. RANGEL. Madam Speaker, I challenge my fellow members of Congress, as well as my fellow Americans, to listen closely as we walk our respective paths today. I ask that as we journey back to our offices, and then on to our homes, we keep our ears pricked, attentive to the sounds which often go ignored in the clamor of full days and long nights. If we are truly mindful, vigilant in our perception of the hums, clicks and tones that surround us, some of us might notice that within the very rhythm to which we walk, the harmony which paces us on our diverse journeys, we find slight hints of "Flying Home," traces of "Stardust," and shades of "Midnight Sun." Mr. Speaker, Lionel Hampton is more than a giant of jazz and an impassioned servant of his community; he is a part of the fabric of this nation, a lasting presence in the daily melody of the United States.

Lionel Hampton spent his youth in Alabama, Wisconsin, and Chicago listening to the music of Louis Armstrong and dreaming of a future in the budding musical genre called "jazz." After stints on the drums and marimba, Hampton took up the vibraphone and set the benchmark for excellence on that instrument, for which he became known as the "Vibes President of the United States.

Because of the racism that permeated the music business in the 1930s Hampton's performances were limited to a small number of venues, so he partnered with White clarinetist and bandleader Benny Goodman and set about making history, for the first time creating an integrated public face of jazz music. Between 1936 and 1940, Hampton and Goodman created perhaps the greatest swing recordings of all time: "Moonglow Opus 1/2" and "Gone With What Wind?" among the duo's other recordings are the gold standards of the Swing Era, and they helped to elevate Hampton to the status of a jazz superstar.

In 1940 Hampton established his own big band, "Lionel Hampton and His Orchestra," and it was from this orchestra that the songs of our time originated. Audiences swayed and lindy-hopped to "Hamp's Boogie Woogie" and "Evil Gal Blues," and 'Hamp' serenaded the masses while breaking down the color line, becoming the first African American to play in a number of major hotels and music halls. Hampton's orchestra became a training ground for great musicians, graduating legends such as Dexter Gordon, Cat Anderson, Charlie Mingus, Quincy Jones, Dinah Washington, and Aretha Franklin.

As much as a presence as Lionel Hampton was in the jazz industry, his work in his community was equally if not more potent. He was a goodwill ambassador for the United States, appointed by President Eisenhower to spread the music of jazz and the message of equality in his many tours to Africa, the Middle East, Europe, and Asia. He also worked tirelessly for his beloved Harlem, founding the Lionel Hampton Development Corporation which built quality low- and middle-income housing in New York City and Newark, New Jersey. One of his projects, the Gladys Hampton Houses, is named for his wife, the illustrious singer Gladys Hampton, who died in 1971 after a 35-year marriage.

Hampton served on the New York City Human Rights Commission and was appointed as "Ambassador of Music" to the United Nations in 1985. In 1998, he and Lloyd Rucker founded the Lionel and Gladys Hampton Jazz History Education Foundation, an organization that continues in the honorable work of teaching disadvantaged young people about jazz. For his efforts he received both the Kennedy Center Honor and the National Medal of the Arts, and in 1987 the University of Idaho named its School of Music after Hampton.

Lionel Hampton played the vibraphone and flashed his million-dollar smile to audiences across the globe almost until the date he succumbed to heart failure, Saturday, August 31, 2002. He was a towering figure of musical greatness and global renown, but he often bent low to help the neediest among us, and for this New York, the African American community, and indeed our entire nation is grateful. Our country's swing is Hampton's swing, our jazz is Hampton's jazz, and thus there is no figure more worthy of honor by this body than Lionel Hampton.

Again, I entreat us all to listen closely on our daily journeys; I dare say that as we walk we might, unwittingly, be paced by the lively report of "Flying Home."

PRESIDENTIAL MEDAL OF FREEDOM FOR POPE JOHN PAUL II

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to support and recognize the President's awarding of the Presidential Medal of Freedom to Pope John Paul II. Few others in the history of the world can match John Paul II's lifelong record of championing peace, liberty, and human rights.

Born in 1920 in Poland, Karol Jozef Wojtyla has lived a life of service to his faith and to the people of the world. During the occupation of Poland, he courageously defied the Nazis to aid the persecuted Polish Jews, and similar acts of bravery have marked his entire public life. After his ordination in 1946, John Paul II worked tirelessly to uphold the teachings and ministry of the church in Poland, a constant risk under the Communist rule.

Recognizing his lifelong devotion to his faith and to humanity, the College of Cardinals elected John Paul II the 264th pope in 1978. Last year I was proud to join with my colleagues in voting for a resolution recognizing the twenty-fifth anniversary of his papacy.

During John Paul II's first visit to Poland as the Pope in l979, he delivered 36 addresses. At least ten million of Poland's 35 million people saw him in person, in the nine cities, villages and shrines that he visited.

Throughout his papacy, John Paul II has joined world leaders on a variety of causes, always keeping the ideals of human dignity and high public morality at the forefront. His efforts on behalf of the people of Eastern Europe and the former Soviet Union were a direct catalyst in the birth of democracy for those countries once behind the Iron Curtain.

Beyond his extraordinary achievements, John Paul II has always had a remarkable affinity with the common man. He once said, "I hope to have communion with the people; that is the important thing." Time and again, he has communed with the people, demonstrating his commitment to humanity on a genuinely personal level. Through his caring and selfless acts of faith and leadership, he has engendered the love and respect of millions of people, both those within his church and those from beyond the Catholic faith.

Mr. Speaker, on behalf of my constituents, including 131,000 Catholics and 112,000 Polish Americans in the Fifth Congressional District of Illinois, I am proud to congratulate Pope John Paul II for receiving the Medal of Freedom. It is a fitting tribute to a truly remarkable human being whose countless achievements have proved an unyielding dedication to his Church, to God, and to humanity.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 229 and 230, I was delayed due to inclement weather and was unable to attend. Had I been present, I would have voted "yes".

VIET NAM NEVER AGAIN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. OWENS. Mr. Speaker, quite a number of Washington leaders have expressed great anger over the comparison of the present war in Iraq to the past war in Viet Nam. Many insist that there is no logical comparison: Viet Nam was a war waged over many years and thousands of Americans died. With great glee they point to the fact that we have not yet had the first thousand body bags come home from Iraq. Consider, Mr. Speaker, the fact that not one soldier killed or wounded has a wife, mother and family rejoicing about the overall low casualty rate. Human life is sacred and one tragedy of Viet Nam is that our government stopped counting one soul at a time. 58,000 heroes died in the jungles of Viet Nam and every American citizen has a duty to fight to guarantee that no body count statistics close to these are tolerated ever again. While we praise the heroism of the troops in Iraq we must confess that it is now crystal clear that this army is in the wrong place fighting the wrong enemy at great financial as well as human costs.

Before the years begin to go by and the body count mounts into the thousands, an exit strategy must be implemented now. Viet Nam has taught us that inevitably there will be an end negotiated to even a very complex war. In the interest of our nation and of humanity let us begin to work backward to initiate the negotiations for peace. The shape of the table might be the same as the table shape finally agreed upon in Viet Nam. What matters most is that this administration must invite all of the nations on the U.N. Security Council and all of the members of NATO to come to the table. The sharing of the powers of decision-making must be placed on the table. French, German, Russian and Chinese troops must be contributed to the effort to guarantee law and order in Iraq. The guerilla insurgents may hold out for many years but once we are able to make the argument to the Iraqi masses that we are not in their country to re-institute colonial subjugation or to pilfer their oil revenues the popular appeal of the violent uprising will fade away. An international presence with a clearly stated set of rules and a transparent timetable will encourage the development and actions of a new leadership class among the Iraqi population. The yearling for liberty is so great in the bosom of every human being that true freedom has its own overwhelming recruiting power.

Viet Nam is still described by former Defense Secretary Robert McNamara as an unfortunate series of mistakes; however, in dishonest riddles McNamara refuses to admit that Viet Nam was one of the greatest blunders in modern history. 58,000 died needlessly. We lost Viet Nam but the dominoes did not fall against us. The free world went on to win the cold war. Victory over Al Qaeda and world terrorism cannot be won in Iraq. Let this truth guide Washington decision-makers now before another 58,000 die.

NO NEW VIETNAM

In Iraq 58,000
Have not yet died.

58,000
Mothers, daughters, wives
Have not yet cried.
58,000
Did not fall yet,
The quota to make a wall
Has not yet been met.

From VietNam
58,000
Body bags came home;
Jungle warfare was tough,
Mid-East deserts deemed easy to roam,
Combat assumed to never get rough.

58,000
Must die first;
For oil and gas American appetite
Shows an unquenchable thirst;
58,000
To stop other nations from daring
To make demands for equal sharing.

58,000
Is a goal there is time to reach;
For present low count casualties
VietNam
Has no lessons to teach.

Families waiting
Will get no happy greetings
Til Rumsfeld holds
One hundred more meetings;
Colin must make more trips,
DeLay must crack his whips,
Speeches must be recited
On the fourth of July
Photo opportunities with wives
Of husbands shipped off to die.

58,000 never again—
Where in hiding
Have power brokers been?
Command Macnamara
To tell the true story,
Washington warmongers deserve
No star spangled glory,
On the front lines
The scene is always gory.

White House power at risk
Needed an Iraq fix;
Exposed now

Is what we always knew,
Addiction for oil
Infected the Neo-Com crew.

Rumsfeld decrees
That far across the seas
There is no new VietNam;
Every high tech trick
Has not yet been tried
We have not yet met
The WMD enemy threat;
Premature victory the White House tasted
Because 58,000 lives
Have not yet been wasted.

Thank America
For names carved in stone
Pray for all children left alone
When body bags bore their fathers home;
Home of the brave
Pledge to the credo
Each life we must save,
No more monuments
But lasting peace we crave.

58,000
Have names on the wall,
These heroes stand tall,
From heaven their voices call,
Blood soaked wisdom
From truth trenches will crawl:
58,000 never again!
Rise to resist the squander
Of the lives of brave men!

58,000
Did not fall yet,
The quota to make a wall
Has not yet been met.
58,000!

REMEMBERING MRS. MARCELLE WILDER, DEVOTED WIFE AND GENEROUS COMMUNITY SUPPORTER

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. COOPER. Mr. Speaker, Mr. TANNER and I rise today to celebrate the life of Mrs. John Wilder of Tennessee.

Mrs. Wilder was recognized across the state for her devotion to her husband, Lt. Gov. John Wilder, to her church and to the people of Tennessee. With the passing of Marcelle Ann Morton-Wilder on June 7th, Tennessee lost a passionate and generous spirit whose lifelong commitment to supporting her state, her community and her family inspired so many others.

Marcelle Wilder and John Wilder's partnership was itself an inspiration for all those who knew them. Married for 62 years, Marcelle Wilder met her husband-to-be as a young student in Fayette County. Following his election to the Tennessee Senate in 1958, and then to Lt. Governor in 1971, Marcelle joined her husband in working on behalf of all Tennesseans. She made frequent trips to Nashville to be at her husband's side as he led the Tennessee legislature. At the same time, she gave generously of her time and energy to many community organizations. She was a co-founder of the Tennessee Waltz Organization, a fundraiser for the Tennessee State Museum. She served on the Southern Legislative Conference Ladies Committee and the National Conference Ladies Committee for many years. In addition, she was a visible and energetic member of the Tennessee Bicentennial Committee in 1996. She also was an active member of her church, the Braden United Methodist Church, and was recognized for her work in researching and writing the history of the church.

On behalf of all Tennesseans, I offer my deep condolences to Lt. Gov. Wilder, their two sons, four grandchildren and five great-grandchildren. Their loss is one that all Tennesseans share as we pause to remember the many gifts Mrs. Wilder shared with all of us during her lifetime.

THE MOODY TROJANS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Moody Trojans, winner of the 2004 Texas High School Class 5–A Baseball Championship. These young players came heartbreakingly close to the championship as runners-up in the 2000 tournament, but this year the prize was all Moody's.

Moody baseball is not only a community tradition in South Texas, but also a family tradition. The players are an extended family, reading each other's minds and anticipating each other's moves. This is a group that sincerely loves to compete.

The amazing skill of this team won the recognition of coaches, resulting in the Trojans finishing second in the nation in the Baseball America/National High School Baseball Coaches Association poll released Monday. This season for "Moody Magic" has been one for the record books.

This is an aggressive, confident team, whose amazing baserunning in the title game was a large part of their victory. Of course, with these young people, that attitude is pervasive not only on the baseball diamond, but in all that they do.

Moody's fans are as relentless as their team. They were over 75 percent of the crowd, cheering the players on, chanting, blowing horns, yelling, clapping and stomping feet. Like the Trojans of old, they didn't give up until the battle was done. Over 1,000 fans met the team when their bus got back to Corpus Christi. The crowd rushed to the field as the players placed their trophy on the pitcher's mound.

The Moody Magic is part inspiration, part hard work, and part spirituality that draws this team close. They pray together, win together and lose together; but they keep their faith.

Four years ago, they prayed even while their opponent was awarded gold medals for the championship; they prayed that the experience would make them better people. It did, and 2004 was their year to win the gold medals.

These young people have learned the very best lessons sports can teach. They learned that winning is great, but winners on the field are made from teamwork and faith; and winners in life are those who master the fundamentals, never lose their faith, and put their whole effort into all they do.

I ask the House of Representatives to join me today in commending this outstanding group of young champions from "Moody Magic" who have learned—and lived—the most important lessons of competition, faith and dignity. Mr. Speaker, these young people have inspired us and made us exceptionally proud.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. EHLERS. Mr. Speaker, on rollcall No. 232–242, I was detained by a meeting with Secretary of Commerce Donald Evans and his newly appointed Manufacturers Advisory Council, at which I spoke. The delay was compounded by an airline delay which prevented me from voting on the last three rollcall votes, on all of which I would have voted "no."

Had I been present, I would have voted as follows: rollcall No. 232, "yes"; rollcall No. 233, "yes"; rollcall No. 234, "yes"; rollcall No. 235, "yes"; rollcall No. 236, "yes"; rollcall No. 237, "yes"; rollcall No. 238, "yes"; rollcall No. 239, "yes"; rollcall No. 240, "no"; rollcall No. 241, "no"; and rollcall No. 242, "no";

MODIFYING CERTAIN DEADLINES FOR MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS

SPEECH OF

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. FLAKE. Mr. Speaker, today the House approved by voice vote H.R. 4417, a bill to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents. I applaud the Chairman of the House Judiciary Committee, Congressman SENSENBRENNER, for advancing this important legislation, which is the first step in ensuring that the United States and Visa Waiver Program countries are able to honor the obligations that were put into law in the Enhanced Border Security and Visa Entry Reform Act of 2002.

I am concerned, however, that H.R. 4417 does not grant the Administration the full two-year period that will be necessary to achieve the issuance of biometric, machine-readable, tamper-resistant passports that meet international standards. The Secretaries of State and Homeland Security have stated that not even the United States will be ready to issue such passports by October 2005. The uncertainty and confusion created by a one-year extension for both potential travelers to the U.S., as well as the industries that serve them during their stays here, must be taken into account. The Senate is considering legislation that would grant the Administration the two-year period that they seek. I believe that this approach will facilitate an efficient completion of the passport development and issuance process, while also taking into account important national security concerns.

PAYING TRIBUTE TO RAY CHARLES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. RANGEL. Mr. Speaker, I rise today to pay special homage to a legendary entertainer and an American icon, Mr. Ray Charles, who passed away on June 10, 2004 at the age of 73.

Ray Charles Robinson (who later dropped his last name to prevent confusion with boxer "Sugar" Ray Robinson) was born September 23, 1930 in Albany, Georgia. Charles was born at the beginning of The Great Depression into a rural southern community, which denied opportunity and tried to kill the dreams of African Americans.

Ray Charles was blinded by glaucoma at age 7. After being sent to the St. Augustine school for the Deaf and Blind, he learned to read and write musical compositions in Braille, and mastered playing several instruments including the piano and the saxophone. By the age of 15, Charles was orphaned, and had begun to perform in Black nightclubs. Charles would later draw from the adversity of his early life a special soulfulness, which fueled new music that America had never known: the sultry combination of human problems and transgressions with the hope and inspiration of the spirit. He drew from diverse musical roots and made the music his own.

By 1959, Charles would have his first big hit, "What'd I Say". He would in an illustrious career win 12 Grammy Awards and a plethora of other musical achievements. Later, he would be called one of the forefathers of Rock n' Roll.

The music of Ray Charles was as diverse as his audience. He was able to cross musical genres including jazz, blues, gospel, soul, country, pop and rock and roll. Charles was a musical pioneer and throughout his career gained a large fan base in various racial and ethnic groups. He broke down the rigid walls between black and white music. Charles was an inspiration for the likes of Elvis Presley and The Beatles, who sought to incorporate his soulfulness in their music.

Charles would also use his cross-cultural ability to help achieve racial equality. Charles was a friend of Dr. Martin Luther King, Jr. and was active in the Civil Rights Movement of the 1960's, performing benefit concerts and giving up his personal resources. During the height of South African apartheid, Charles refused to play for segregated audiences in firm opposition to the legal segregation that was in place in that country.

Charles had a string of stirring hits including "Georgia on my Mind", "I Can't Stop Loving You", and "America the Beautiful", which he first performed in 1972 and then later at many occasions of national celebration including the inaugural ball for the late former president, Ronald Regan in 1985. In 1986 he received Kennedy Center Honors for his amazing ability to break down social barriers through his music.

Music lovers worldwide will consequently suffer a great void that no other musician will ever be able to fill. Ray Charles was able to inspire millions through his music. Ray Charles has left us the enduring legacy of his genius, his music, and though gone from us physically the music of Ray Charles will live on forever.

IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES ACT OF 2004

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2004

Mr. LANGEVIN. Madam Speaker, I rise to commend my colleagues on the passage of H.R. 4278. This bill reauthorizes and makes permanent the Assistive Technology Act, which plays an instrumental role in promoting awareness of and access to services and devices that allow individuals with disabilities to lead independent lives, to work, to participate fully in community and school, and to make informed choices in all aspects of their lives.

This legislation, which passed unanimously under suspension yesterday, is a result of a bipartisan commitment to improving the lives of people with disabilities. Members of Congress from both parties recognized the valuable role that the Tech Act plays in providing support to programs in all 50 states and worked together to ensure the continuation and vitality of the state grant programs. Most importantly, this bill will get technology into the hands of people who need it.

My own background and experience gives me a unique perspective on the value of assistive technology. Indeed, access to technology has made it possible for me to serve as a Member of the United States Congress. Through my own experience and opportunities to interact with others in the disability community, I am keenly aware that access can make the difference between a life on public assistance and a productive, fulfilling career. With the unemployment rate within the disability community at a staggering 70 percent, we must support and promote the programs that are making a difference. State assistive technology programs have proven to be instrumental in getting people back into their communities.

When it was first enacted, in 1988, the Tech Act contained sunset provisions which would have allowed funding for state programs to expire. Since that time, it has become obvious that the world of technology is continuously changing. Policy makers have learned over the last decade that responsible technology-related legislation must be more enduring. I am so proud to have been a part of this House-passed legislation, which ends sunsets and provides a permanent funding stream for these state programs.

I look forward to our continued work together to develop new ways to break down barriers to technology for all people with disabilities.

JAKE WILLHITE'S 10TH ANNUAL FLAG DAY PARTY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the 10th annual Flag Day Party hosted each year by Jake Willhite of Chesterfield, Missouri.

Jake has been celebrating and honoring Flag Day with his family and friends for most of his life now and has inspired many of us to have a greater appreciation for our flag and its meaning. It is significant to note that someone so young can teach us so much.

Jake's parents, Bill and Shannon Willhite send out an annual invitation to Jake's party. This is what this year's invitation had to say: Jake's 10th annual Flag Day Party

"When Jacob's party began in June of 1995, he carried his flag everywhere. His patriotism was alive. Carrying the flag was Jacob's own way of showing us all that June 14th was its day. Since that first party, friends and family have come through when it's time to celebrate the red, white and blue. So come join us again. The years go by fast. We're ready to celebrate with Jacob's 10th Annual blast."

According to Bill and Shannon, a great time was had by all of Jake's friends and family members including his sisters Samantha and Kennedy.

Jake, we want to thank you for reminding us how important our flag is.

CONGRESSIONAL RECORD STATEMENT ON CALPINE'S 20TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Ms. LOFGREN. Mr. Speaker, today, I would like to recognize and congratulate one of my hometown companies for achieving a milestone this month—the celebration of their 20th Anniversary. An energy industry entrepreneur, Pete Cartwright, along with four associates, founded Calpine Corporation, headquartered in San Jose, CA, 20 years ago. They began their business of building power plants and producing electricity by buying one megawatt of power in a geothermal power plant in Northern California. Today, Calpine has 30,000 megawatts of power plants in operation and construction (enough to power approximately 30 million homes), they operate the largest fleet of modern, environmentally sensitive gas-fired power plants in North America, and they oversee significant natural gas production, and are the world's largest producer of renewable geothermal energy.

While this is a remarkable achievement in an industry that has seen more than its share of turmoil and change over the last 20 years, Calpine has created a successful business while, at the same time, serving as the leading industry steward of the environment, acting as a good corporate citizen, and maintaining a rewarding workplace for its employees.

Let me give you some recent examples of the recognition Calpine has received for these achievements:

> Fortune Magazine named Calpine "America's Most Respected Energy Company" in 2004.
>
> The American Lung Associations of the Bay Area selected Calpine to receive its 2004 Clean Air Award for Technology Development at its Geysers geothermal operation.
>
> The U.S. Environmental Protection Agency and the U.S. Department of Energy awarded Calpine a 2003 ENERGY STAR Combined Heat and Power Award recognizing its Deer Park Energy Center for "leadership in energy supply" for using 30 percent less fuel than onsite thermal generation and purchased electricity.
>
> The California Department of Conservation recognized Calpine's Geysers geothermal operations with an award for environmental stewardship, safety, infrastructure maintenance and resource conservation for the last two years.
>
> The New York League of Conservation Voters just presented Calpine and its Chairman, Pete Cartwright, with its Clean Air Champion's Award for their outstanding leadership on behalf of New York's environment.
>
> The University of Colorado's Tim Wirth Chair on Environmental and Community Development selected Calpine to receive its Award for Sustainable Business for their leadership in producing electricity in an environmentally responsible manner.

Calpine Corporation has exhibited leadership in California on corporate responsibility by taking decisive action during the state's energy crisis to keep their power plants operating even in the face of financial loss due to the high cost of fuel. Despite the uncertainty about California's future design of its energy markets, Calpine has continued to invest in the state. Calpine has already invested $5 billion and employs over 1000 workers to operate 39 power plants in California and is committed to investing another $3 billion to meet the growing demand for power in the state.

Calpine has exhibited environmental leadership by adopting a unanimous board resolution committing the company to a low carbon future, by joining the California Climate Registry and the Silicon Valley Manufacturing Group's Voluntary Global Warming Initiative, by building only low-emitting gas-fired power plants using state-of-the-art pollution control equipment, and by being the world's leading producer of renewable geothermal energy and the country's largest producer of cogenerated power.

Finally, Calpine is a leader in community service with a long history of partnering with community organizations, as well as funding community and educational programs that seek to change lives and strengthen the fabric of our society. Calpine also supports the generous volunteerism of its employees and encourages them to take active roles in their communities making them even better places to live and work.

I want to congratulate Calpine Corporation and its Chairman, Pete Cartwright, for the wisdom of choosing California as its major place of business, for continuing to invest in California, for showing leadership in the areas of the environment, corporate responsibility, and community service and for successfully reaching this milestone anniversary.

RECOGNIZING MAJOR GENERAL LAWRENCE R. ADAIR, UPON HIS RETIREMENT FROM THE U.S. ARMY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mrs. LOWEY. Mr. Speaker, I rise today to recognize a great patriot, soldier and fellow New Yorker, Major General Lawrence Richard Adair. General Adair is retiring after 30 years of distinguished service in the United States Army.

After graduating from the U.S. Military Academy, the Larchmont, NY, resident entered the Army in 1974, with a commission as a second lieutenant in the Field Artillery.

He held numerous commands and staff assignments in both the Federal Republic of Germany and the continental United States, and led soldiers into combat as a Battalion Commander during Operation Desert Shield/Desert Storm. Following successful tours as the Commander, Division Artillery, 2nd Armored Division, Fort Hood, Texas; Deputy Commanding General/Assistant Commandant, United States Army Field Artillery Center and School, Fort Sill, Oklahoma; and Commanding General, United States Total Army Personnel Command, Alexandria, Virginia, Major General Adair assumed the role of Assistant Deputy Chief of Staff, Army G–1. This critical part of the Army works on a wide variety of personnel issues affecting the Army's functioning.

In this capacity, his dynamic human resource vision has been absolutely critical in transforming the Army for its continuing global war on terrorism. For the past two years, he has served as the principal advisor to the Army G–1 and the Assistant Secretary of the Army (Manpower and Reserve Affairs) in managing our most important resource—people. Major General Adair's influence has been far-reaching and strategic. One of the greatest challenges the Army G–1 has faced in recent memory has been to restructure the Army to better support the war on terrorism. A common sense approach to this difficult and complex human resource challenge was his hallmark. He provided leadership and guidance in efficiently activating a new system that supports commanders in the field with units rather than individual replacements. Major General Adair has also worked extensively with officials throughout the Army in order to determine the best way to take care of soldiers and their families. One example is the implementation of the Rest and Recuperation Program in support of Operations Enduring and Iraqi Freedom. Additionally, deployed soldiers have received increased incentive pay due in part to his determined efforts to ensure that their sacrifices and contributions are appropriately recognized.

Major General Adair is married to the former Maria D. Davis of Scranton, PA. They have two children, Ted, a Captain in the Army who is currently serving in Iraq with the 1st Cavalry Division, and John, a ninth grader.

Mr. Speaker, I ask my colleagues to join me in thanking General Adair for the leadership he has provided, for the care and concern he has demonstrated for our soldiers and their families, and for his dedicated and honorable service to our Nation and its Army. As he prepares for life after the Army, we wish him, his wife Maria, and his family Godspeed and the very best in the future.

RECOGNIZING THE VISIT OF MEXICAN PRESIDENT VICENTE FOX TO MICHIGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. ROGERS of Michigan. Mr. Speaker, it is with special privilege that I rise today to honor Mexico's President, Vicente Fox, on the occasion of his visit to Michigan and to thank him for his continued efforts to strengthen the bilateral relationship between our great countries.

President Fox's visit is a sign of the strong cultural and economic connection shared with America. Today, Michigan is called home by many Hispanics of Mexican descent. The result is a significant cultural bond that connects Mexico and Michigan. Mexico is considered a partner, neighbor, and a friend to Michigan. President Fox's commitment to strengthening these ties is deep and far reaching. His dedication to upholding the integrity and principles of Mexico, and his continued work on behalf of the people in Michigan, are testaments to his strength of character.

President Fox's visit to Michigan's state capitol will undoubtedly further the state's relationship with Mexico and continued economic integration. Mexico can be considered more than a friend, rather a partner in building a more democratically prosperous state. His visit to the state of Michigan is just a glimpse of many good things to come; Mexico and Michigan will continue to work together to enhance our common prosperity.

Mr. Speaker, President Fox is a Mexican patriot with a great vision for his country. His vision extends to the people of Michigan so that they may share equally in prosperity. He has given selflessly of himself to better his country, and has shown equal enthusiasm in bettering his relationship with the great state of Michigan. President Fox has truly earned the respect and admiration of all those who know him.

CONGRATULATING ST. PATRICK'S SCHOOL ON THEIR 40TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. HENSARLING. Mr. Speaker, today, I would like to extend my heartfelt congratulations to St. Patrick's School in Dallas, Texas, on the occasion of their 40th anniversary.

Education is one of the most important issues facing the future of our great nation. If America is to continue to be the leader of the modern world, we must offer a solid educational foundation for our citizens. To succeed in school and life, every student needs a basic set of skills. They need to listen attentively, speak persuasively, read with understanding, and write with command.

Over the past 40 years, St. Patrick's School has maintained a commitment to educational excellence, striving to provide a stimulating, well-rounded Catholic education by teaching their students to embrace the message of the gospel, pursue knowledge and make a difference in the world.

On March 17, 1963, Bishop Thomas K. Gorman issued a decree to establish St. Patrick's Parish north of White Rock Lake. Construction on the school began soon after and when it opened in September of 1964, the school was staffed by three Sisters of Notre Dame of the Dallas province and lay teachers for 326 students. Since then, the school has grown, expanding its buildings and facilities to help accommodate and educate more than 500 students.

Accredited by the Texas Catholic Conference of the Texas Private School Accreditation Commission, St. Patrick's School is an institution dedicated to offering students the tools they need to become genuine leaders in the community.

As the Congressman for the Fifth Congressional District of Texas, I am very proud to represent St. Patrick's Parish. I would like to offer my congratulations to their administrators, alumni, students, and parents on this momentous occasion and best wishes for their continued success.

SENATE—*Wednesday, June 16, 2004*

The Senate met at 9 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, change and decay encompass us, but You alone are changeless. Transform us by the renewing of our minds so that we may do Your work. Set our affection on eternal things to enable us to keep life's vicissitudes in their proper perspective. Give us the grace to find the time to reflect on Your wisdom and to discover Your plans.

Deliver our lawmakers from reflex conformity that aborts Your providence. Teach them to decide based on enduring principles that have stood the test of time. Renew their strength and give them vigor for life's emergencies and patience for the sometimes pedestrian monotony of daily labors. Reveal to us life areas that need Your touch. Illuminate all of our paths that we may walk in Your truth.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 16, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today the first 30 minutes of morning business will be under the control of the minority, to be followed by 30 minutes under the control of this side of the aisle. Following this morning business period, the Senate will resume consideration of the Defense authorization bill. The agreement reached last night allows for 30 additional minutes of debate prior to a vote in relation to the amendment of Senator DODD relating to the use of contractors and the custody of prisoners. Therefore, that vote can be expected shortly after 10:30 this morning.

Last night, Senators WARNER and LEVIN began working through a list of amendments and potential time agreements. Real progress was made. We will continue those discussions this morning to see which amendments both sides are prepared to vote on over the course of today. I hope we can have another productive day today and dispose of a number of these defense-related amendments prior to this evening's commitment.

Having said that, we are coming to the close of our third week of consideration of this bill. We have had somewhere around 78 amendments offered, and we have disposed of 74 of those 78 amendments. I do appreciate the effort of my Democratic colleagues to facilitate moving toward closure on this bill. I know they, working with Chairman WARNER, are doing everything possible to narrow the list of remaining amendments. Both sides are working hard in that regard. They must continue to do that because we have a number of amendments still before us.

I have not ruled out filing cloture on this Defense bill if it becomes necessary, just from a management perspective. Obviously, it would be easier if we could see an end point to the amendments and know that we can complete this bill in a short timeframe. So, again, I encourage everyone to show restraint in the amendment process. Over the course of the day, the leadership on both sides will monitor the course of the bill.

We will likely revisit our situation on the bill later today and see if there is an end point that is near, something to which we can agree. If not, then cloture may be necessary to bring the bill to conclusion.

As a reminder, we will stack judicial nominations for votes throughout the day as well. As always, Members will be alerted as these votes are set.

VISIT TO IRAQ

Mr. FRIST. Mr. President, I have a few remarks on leader time that have to do with a discussion I began on Monday, and that is a followup on a trip about 12 days ago to Iraq. Again, we awoke today to increased terrorist activity in Iraq, with assassination and with sabotage of the oil supply lines there. I am saddened by the fact we see this terrorist activity, but I will have to say, as I said on Monday, this increased terrorist activity was anticipated. It is unfortunate we have to anticipate this increased terrorist activity, but it was very clear from our discussions with the Iraqi leadership, as well as with our civilians and military leadership in Iraq, that the terrorists' goal is to do everything possible to obstruct this rule of law, to obstruct this transfer of power, this transfer to sovereignty, this transfer from us being an occupying force to a mission.

It is not aimed just at the United States or just the coalition, or not just the new Iraqi interim government, but it is ultimately aimed—and this is from the Iraqi leadership perspective—at the Iraqi people.

The trip we took was with Senator BENNETT and Senator ENSIGN. We did have the opportunity just a few days after the appointment of the new Prime Minister to meet with the Prime Minister and have an extended discussion. The new Prime Minister is Dr. Ayad Allawi. He is a neurologist by training. He is someone who 3 weeks ago did not anticipate being the new Prime Minister.

As I said earlier in the week, what we found in our discussions with our leaders there, but even more importantly with the Iraqi leadership, is that in spite of this anticipated and actual occurrence of increased terrorist activity—really since late March, and it will likely extend until several weeks or maybe longer after passage of sovereignty on June 30—was a lot of optimism and a lot of confidence in this new interim government. That optimism was tempered with caution and hope, but it was also paired with a real determination to succeed. Backing down in response to these terrorists is simply not an option. That is what the Iraqis told us, what the new Iraqi interim government told us.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In addition, we were encouraged by the confidence that our civilian leaders, Ambassador Bremer and his colleagues, have in the new ministers, or 33 of these new ministers who have been appointed, as well as the new Iraqi leadership, the Prime Minister, the President, who was here last week, and with whom the Democratic leadership and our leadership had an opportunity to meet. It is this interim government to whom we will be passing sovereignty on June 30. So to hear this confidence come from people who are on the ground in Iraq, the Iraqi people, as well as our leaders, again, was very reassuring to us.

Dr. Allawi has been a longstanding opponent of Saddam Hussein's regime.

He is a man of great character, and he is widely respected throughout Iraq. He made it very clear to us that he shares our strategic goals—strategic goals which become a partnership in many ways.

In our meeting with the Prime Minister, he stated very clearly that we—he spoke in terms of "we," the Iraqi people, the Iraqi government and the United States and the coalition—must again and again come back to what we and they are fighting for; that is, freedom and human rights and the rule of law.

This fight on terrorism is one that he knows will be long. He says it is now an Iraqi responsibility, and if these acts of terrorism are acts of terrorism against the Iraqi people and their hope for prosperity and their livelihood—and he would be saying that again and again as Prime Minister, and indeed he has done that over the last several days. He said there are some in Iraq who want to destabilize Iraq, that tyranny works hand in hand with terrorism. He said Iraq has a responsibility at this point to confront this evil in the region and the world; that Iraq needs help but it is Iraq's responsibility.

He was quite clear. The forces aligned against us understand that if Iraq is successful and succeeds in establishing the rule of law, those forces are defeated, but if Iraq fails as a state, then terrorism may be uncontrollable there—but also throughout the Middle East. He told us that a healthy Iraq will lead to a healthy and more stable Middle East region.

He also made clear that Iraq cannot succeed without the assistance of the United States, the international community, and the coalition forces.

He outlined to us various processes that must be worked in parallel if Iraq is to succeed in rebuilding the Iraqi institutions that were hurt, destroyed, and run in the ground by Saddam Hussein. We talked about the court system, the police force, the transformation of Iraqi society, and ensuring that political reform leads to Iraqis choosing their own leaders.

He said these two goals are, No. 1, security, and No. 2, free elections.

As we all know, this interim government will serve for a period of about 6 months at which time free elections will take place in January of next year.

A fourth point he made is to pursue economic development.

Again, he came back to the terrorists—that the terrorist activity there and the fighting going on there discourages investment in Iraq.

A major goal of the Prime Minister is to build consensus so that in Iraq a national identity will prevail. Their goal, though, continues to be hindered by Saddam's policy of divide and rule that Saddam purposely used to fracture Iraq over decades.

The Prime Minister said we need to help the country in order to move forward, and to do that we need to put that Iraqi face on security, to put that Iraqi face on the reconstruction and other efforts to rehabilitate the country.

He assured us that under the new leadership of the interim Iraqi government which will occur that it will be the Iraqis who will be telling the Iraqi story.

The central part of the Prime Minister's policy will be to combat terrorism.

We very quickly moved into the importance of having a strong judicial system—a strong rule of law to support the system, as he described it.

He pointed out that Iraq must improve and expedite the training of police and security forces in the country. He thanked us for providing tremendous assistance as they rebuild that police and security force.

Iraq needs to take steps with the help of its neighbors to tighten border controls and stop terrorist trafficking.

The Prime Minister also intends to make clear to the Iraqi people that the terrorist attacks we are seeing on this infrastructure—such as the tragedy of the sabotage of the oilfields over the last 24 hours—are attacks on the Iraqi people. He says this again and again—that terrorism hurts the Iraqi people, and thus it is the responsibility of the Iraqi people to come back and confront the terrorists.

As we wrapped up our meeting with the Prime Minister, he very soberly said that as Iraq moves closer and closer to democracy, the more the terrorists will attack. Indeed, that is exactly what we are seeing over the last several weeks since late March, and again will likely continue for the next several weeks.

He wanted us to understand that he and most Iraqis deeply appreciate the sacrifices that the United States of America has made for his country, for freedom, for rule of law, and for that move toward democracy.

Thus, while the road ahead will be difficult, the Iraqi people we believe—having just been there—are fortunate to have such a dedicated public servant with his vision and the will to work toward a free and democratic Iraq. The Iraqi people have a true leader in Prime Minister Allawi.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that our 30 minutes of morning business be divided as follows: Senator BENNETT for 15 minutes, Senator CHAMBLISS for 8 minutes, and Senator DEWINE for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes with the first half under the control of the Democratic leader or his designee and the second half under the control of the majority leader or his designee.

Who seeks recognition?

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Democrat time this morning will be dispersed as follows: 8 minutes to Senator LINCOLN, 8 minutes to Senator CORZINE, and 8 minutes to Senator HARKIN. We will reserve the rest.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

AMERICAN SPIRIT

Mrs. LINCOLN. Mr. President, we have so much to do in this body and so much to talk about. But I can't think of anything more important for us to talk about than relieving the stress on working families and the American people.

We had a joint session yesterday where we heard the President of Afghanistan who very joyously spoke of the brilliant spirit of the American people. I think if we look at that brilliant spirit and what composes us as American people and the things we are able to do, it ultimately depends on what makes us the kind of people we are.

I rise today to pay tribute to the American people. For well over 200 years, the American people have proven their ability to overcome all manner of obstacles. At times they have done so with the help of their duly elected government officials, and at times they have done so in spite of their duly elected government officials. But either way, in the end, the spirit and character of the American people move this Nation toward a greater realization of the principle written about by Thomas Jefferson over 228 years ago.

I am not normally a betting person, but I say that putting your money on the American people is about as close to a sure bet as you are going to get.

In 1945, when millions of soldiers came home from the war, this Nation put its money on the American people, and it gave those who served this country the GI bill so they could educate themselves and make a better life for them and for their families. That investment helped to create an economic boom the likes of which this Nation has never seen—not to mention the talented minds that were nurtured and those who were given the opportunity to reach their potential. Millions of families were able to raise their economic standing and take part in the American dream. That economic expansion is one of the clearest examples that investments in education can pay off.

As I mentioned, we have many issues to talk about, much to do for the security of our Nation and the people. One of the key factors in making sure we deal with these issues and we have the ability to provide the security—whether it be economic, whether it be social, or whether it be the values and simple security of families in this country—depends on the American spirit. It is simple. If we invest in the American people, the American people always bring this Nation a good return.

Now we are faced with new economic realities and new challenges in an information age as well as an age where wars will be fought in many different ways than what we have seen in the past. The question is, Are we investing in the American people the way we once did in 1945? Are we providing for another of the greatest generations of Americans, or are we missing the opportunity to provide for the children of today who will be the future of this country?

Last month I was in Garland County, AR, for the grand opening of the new Head Start Center there. It was a proud day for me. The center was named in my honor, but it was not just because the center would be associated with my name that I was proud, but more importantly because my name would be associated with a center of learning. I remarked that day that programs such as Head Start were practical ways we could provide opportunity for working mothers to raise their economic standing, to eliminate some of the stress on these working families, these working American families who are at the base of what this Nation is all about. Head Start can be the difference between a family becoming part of the economic mainstream. When mothers have a nurturing place to send their children, they can go to work or to school with the kind of confidence they need to reach their potential. They are not put in the terrible position of having to choose between employment and the safety or health of their children.

With the rise we are seeing in both child abuse and neglect because of the cuts in so many vital assistance programs, the need for childcare is at an alltime high in this country. More than just relieving the stress of finding good childcare, a program such as Head Start helps to prepare children for a lifetime of learning.

Everyone knows the more you learn, the more you earn. In seeing the children in that Head Start Program walking by, all of those little 4-year-olds with their Styrofoam cup, with their individual toothbrush in their hand, so proud they were learning something that was going to be a part of their life forever—good dental hygiene. It is not just teaching reading, writing, and arithmetic; it is teaching these children how to be a person who can then contribute their whole potential to their community and Nation. They returned from having brushed their teeth with this huge smile on their face about what they had learned.

These are programs vital to this country and its well-being. Families in Arkansas recognize the hope that programs such as Head Start and childcare assistance programs provide. Right now, 800-plus Arkansas families are waiting for childcare assistance. Think of that. There are 800 families in line for hope in reaching the American dream. However, for some reason this administration does not want to give that hope a chance. In the President's budget request, almost 40 programs to help low-income working families make that transition into the economic mainstream through programs such as Head Start were not adequately funded.

In addition to cutting programs to help working families, this administration has failed to fully fund the bipartisan No Child Left Behind Act. Last year, No Child Left Behind was underfunded by as much as $9 billion. I supported No Child Left Behind because I believed that with proper funding it would give children an opportunity to reach their full educational potential. I still believe that it can be an effective engine of reform in our public education system. For that reform to be effective, it is going to require significant investment, which so far has not been forthcoming from this administration.

Unless we make education a priority, an entire generation of Americans could miss out on the American dream. The fact is our economy has changed, but our approach to supporting and funding education has not. We are training our children to take on manufacturing jobs that no longer exist or are quickly disappearing. Not only are we losing manufacturing jobs, but now technical and highly skilled tasks are leaving our shores for cheaper highly educated workers. We can no longer settle for doing what we have always done.

This administration believes we can have champagne for the price of beer. The reality is, if you poorly fund education, you get a poor educational system.

But the good news is that if you properly fund education—from Head Start through high school—the chances of a world class education system go up exponentially.

If we are to give working mothers, fathers and their children an opportunity to live the American dream we must invest in their future.

As I said at the outset, every time we have put our money on the American people it has paid off. Let's take that bet and make the investment one more time.

I believe the children of today who are the brilliant spirit of the American people of the future, are worth the investment.

Mr. REID. I yield 4 minutes to the Senator from Florida, Senator NELSON.

FLORIDA VOTING ROLLS

Mr. NELSON of Florida. Mr. President, I call to the attention of the Senate the potential disaster in the making with regard to the Presidential election in the State of Florida. Everyone in the country knows what we went through 4 years ago in the Presidential election. It ended up being the difference of 537 votes that then cast Florida's electoral votes to decide the national Presidential election.

To the great surprise and dismay of many registered voters who arrived at the polling places ready to cast their votes 4 years ago, they were told their names had been struck from the voting rolls because they were convicted felons, when, in fact, they were not. They had a similar name, like John Doe or Jane Doe, that was on a list of 100,000-plus convicted felon names that had been sent out to the 67 county election supervisors. They had struck these names.

Members of the Senate, we have a disaster in the making again. The State of Florida has now sent out a list of 48,000 convicted felons whose names are to be struck from the voting rolls when, in fact, the matches are not guaranteed. To the contrary, several election supervisors have already received the list and noticed, in fact, they have employees in their own offices who were to be struck. They are not convicted felons.

We simply cannot allow this to happen. This raises questions about our ability to cast our vote in a Presidential election.

Mr. REID. Will the Senator yield?

Mr. NELSON of Florida. I certainly yield to the distinguished Senator from Nevada.

Mr. REID. I appreciate very much the Senator bringing this matter to the attention of the Senate and the country.

I have strong views that if someone has been convicted of a crime and has fulfilled the terms of the sentence by that court and completed their probationary period or period of parole, that person should be able to vote. If a sentence is too short, give them longer sentences. But if someone, in effect, has been punished and completed their terms of punishment—retribution, call it whatever you want—that person should be able to vote.

It should be a national law that when someone completes the terms of their imprisonment, parole, probation, they should be able to vote. It is unfair to people who are trying to get back on their feet to not be able to be part of the American system. That is what we want them to do. We send them to prison to be rehabilitated. Part of their rehabilitation is the ability to vote.

Would the Senator acknowledge there is some merit to my statement?

Mr. NELSON of Florida. The Senator has pointed out an underlying principle of fairness. Florida is only one of seven States that has a process whereby a convicted felon has to restore their voting rights.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. REID. Mr. President, 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Senator.

I conclude by saying to the Senator from Nevada, it is important. This is another principle that is about to be violated; that is, the principle of the right to vote—that if you are a registered voter, and you get to the voting precinct, you find you cannot vote because your name has been mistakenly struck because it happens to be a match with the name of a convicted felon under another Florida law.

So what I have done is filed a friend of the court brief, an amicus curie, along with the CNN suit against the State of Florida that says the public ought to have a right to inspect those voting rolls and those lists of 48,000 names to be struck.

The State of Florida says, under a law, the public cannot inspect those records and copy them. I hope the suit will be successful in declaring the law unconstitutional and remove this cloud from our ability to vote.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from the great State of Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes.

Mr. HARKIN. I thank the Presiding Officer.

HAMMERING THE MIDDLE CLASS

Mr. HARKIN. Mr. President, what we see happening in America today, after 3½ years of this administration, is what I call the middle-class squeeze, a squeeze which has been tightened incredibly by the policies of the Bush administration. The truth really is, it is not so much they are being squeezed, the middle class is actually being hammered.

Think about it. Since Mr. Bush took office in January of 2001, nearly 2 million private sector jobs have been lost, putting downward pressure on wages and salaries. There has been some job growth over the last couple of months, but just since the passage of the 2003 tax bill, 11 months ago, our economy created 1.2 million fewer jobs than the President's own Council of Economic Advisers predicted would be created without the tax bill. We have 2 million fewer jobs than what they predicted if they passed the tax bill.

Now, again, there have been a few jobs in the last couple months. Of course, when the glass is dry, a drop of water seems like an ocean. That is what we have had. We have had a couple drops of water. We have had a couple months of job growth, but you don't judge an administration by 2 months, you judge it by 4 years, and over 4 years we have lost almost 2 million jobs. That is not even the half of it.

Family income has fallen 2 percent. Housing prices have increased 18 percent. Health insurance premiums are up 50 percent. Utility bills are up more than 15 percent. Credit card fees have doubled. And, in large measure, because of the Bush tax cuts and their negative impact on our State budgets, college tuition, under the Bush administration, is up a whopping 35 percent.

Do you know who pays college tuition? The middle class. Meanwhile, as the middle class gets squeezed, Mr. Bush's base has never had it so good. I refer my colleagues to an article in yesterday's Wall Street Journal titled "U.S. Led a Resurgence Last Year Among Millionaires World-Wide." This article, in yesterday's Wall Street Journal, reports that the number of North Americans with over $1 million in financial or liquid assets increased by 13.5 percent last year, and their assets increased by 13.6 percent. At the same time, the wealth of the ultra-high net worth individuals—those with over $30 million in assets—grew to a total of $2.5 trillion.

In the last 3 years, corporate profits are up over fourfold—62 percent over the past 3 years—but private wages are actually down. When we look at all compensation, private wages are less than one-third of normal growth.

It says in this journal article that the number of millionaires in the U.S. is up, as I said, 14 percent—actually 13.6 percent—and that "the U.S. and Canada together added more new millionaires last year than Europe, Asia, Latin America, and the Middle East combined."

Well, so much for the Bush tax breaks for the wealthy. That is exactly who they are helping. Clearly, the President's policies—tax cuts for the rich, lower taxes on investment income—are working for those at the top, but it is not working for those on Main Street. This administration is ignoring Main Street. It might be listening to Wall Street, but it is ignoring Main Street. Quite frankly, what Main Street is telling us, loudly and clearly, is that their No. 1 concern is economic security.

In the State of Iowa and across America, despite all the happy talk about the economy, people fear losing their jobs, their retirement, their health care. They are also worried about losing their right to time-and-a-half overtime. With the Labor Department's new overtime rule, people will be obligated to work 45, 50, 55, 60 hours a week with zero additional compensation. That is what is happening to the middle class.

Basically, it is hitting women more than anyone else. This is one group disproportionately harmed by the proposed new overtime rules. Why? Because the fact is, women tend to dominate in retail services and sales positions that would be particularly affected by this new overtime rule.

Married women increased their working hours by nearly 40 percent in the last 30 years. Consequently, their contribution to family income has also risen. So you have the squeeze on the middle class, which is now seeing the administration taking away their right to time-and-a-half overtime.

I have not even mentioned the discrimination against women in the workplace in terms of wages. Millions of women are working in female-dominated jobs, as social workers, teachers, childcare workers, and nurses, with equivalent skill, effort, responsibility, and working conditions as similar jobs dominated by men, but these women are not paid the same as their counterparts in the male sector.

This is wrong and it must end. That is why I introduced the Fair Pay Act in April 2003 to make sure women who are in these jobs are treated fairly and equitably.

In summary, this President, George W. Bush, has presided over the largest job loss of any President since the Great Depression. Yet he remains wedded to policies that are making the problem worse for the middle class. His administration has praised the outsourcing of jobs as something good for our economy. This administration opposes any increase in the minimum wage. They oppose extending unemployment benefits. They are trying to take away the overtime rights of millions of American workers. This administration has done nothing to help equalize pay for women in the workplace.

It all adds up to one thing: The middle class in America is getting hammered. It is time for a change. It is time to change our economic course. It is time to quit squeezing and hammering the American middle class.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of New Jersey.

Mr. CORZINE. Mr. President, may I inquire how much time I have?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator has 8 minutes.

Mr. CORZINE. Thank you, Mr. President.

Mr. President, before I begin, let me compliment the Senator from Iowa for addressing a topic on which I also want to speak. I think "hammered" probably is the right term for what is happening to the middle class as opposed to "squeezing." That would be more reflective of the real desperation that many families feel.

Twenty-five years ago, generally, one member of a family was working. Now it takes two just to get by. Real wages are not growing in this economy. I think the Senator from Iowa points out very clearly how that is so painful in the lives of middle-class Americans.

Particularly apt is his reference to this overtime pay, which absolutely goes to the heart of the middle class. The idea that we are trying to squeeze down or hammer down the ability to generate real earnings for working Americans is just inconceivable.

I think the efforts of the Senator from Iowa are absolutely remarkable. We need to make sure America understands what is going on with regard to putting pressure on the earnings of the middle-class. That is what makes America great. It always has. It built America.

As one can see from this chart, average weekly earnings are up 1 percent during the time the President has been in office. Those are the lost jobs about which the Senator spoke. In the last 4 months, real wages for working Americans have gone down. We saw another statistic yesterday that indicated they are declining.

In that context, as the Senator from Iowa pointed out, college tuition costs are up. He said 35 percent. The numbers depend on how one calculates it. We have near 30 percent. Family health care premiums are up 36 percent. Gas prices are up 28 percent. At least in New Jersey, there have been property tax increases of 7 percent-plus every year under this administration's leadership. All we are doing is transferring tax breaks to those who are already doing well, the 13-percent increase in millionaires who got the tax cuts, while the property tax on middle-class folks has gone up. That is why people don't feel comfortable. That is why polls tell people the economy is not working, even though we have seen some statistics in the last 3 to 5 months that indicate it is working.

It is not happening for the breadth of America. People don't focus on averages; they focus on what happens in their lives. By the way, speaking of averages, if we put together the 500 times earnings that CEOs make versus the low-wage earner in a company, we will come out with a nice average. But what happens to the bulk of the people working at the company? They are not seeing wage growth. They are not seeing their income going up with these kinds of numbers. It translates into a "hammering." The Senator from Iowa picked the right term.

My effort today is to focus on dependent children and elderly family members because that is another part of where the squeeze is actually happening. It is real. Under this President, we have seen increases in childcare for a two-child family go up $2,050 over the last 3½ years. For each individual child, it is about $6,000 a year to maintain childcare. Today, 65 percent of all mothers who are in the labor force have children under the age of 6. We have two partners working in a family to try to make ends meet, and childcare costs are going off the charts. That is the squeeze. That is money that comes out of their ability to have a positive quality of life.

There is a lot to be done. We had a bipartisan bill, the Snowe-Dodd proposal, to increase the welfare proposal by $6 billion worth of additional funding for childcare. Instead, we are getting proposals from the administration to cut 300,000 kids from childcare. It makes no sense. This is a fundamental area. When talking about family values and the importance of helping out communities, lifting them up and making ends meet, childcare is fundamental. We have one group of folks who want to actually invest in it so that we can make the quality of life for Americans better, and we have another group that wants to take away that ability and has cut 300,000 children from receiving childcare. That makes no sense.

Only 1 in 10 children who are eligible to receive Federal assistance today are actually receiving it because they don't have the resources to match against the demand. That doesn't fit with this picture where we are seeing real earnings not going up and the cost of living for the middle class going up and childcare costs going up and we are not doing anything but cutting what we do here.

Then is the issue of taking care of the elderly, making sure you have family care, a sick spouse, taking care of a senior, mothers and fathers who are retired. It is an incredible burden on all families, particularly if both partners in the family are working. Estimates are that there are about $250 billion worth of services provided by families to their own families that have no recognition in our national accounts, no recognition by our Federal Government in providing support for it. And 80 percent of home care services are provided by family caregivers. That is good. That is a real family value. But what are we doing to support them, and how does that fit into this whole process of a middle-class squeeze? It is an important topic that is completely underdescribed.

Let me tell you a story about a lady in Monmouth County, NJ. Her name is Bernadette Discon. She starts her 20-hour day at 3 in the morning. She works from 3 to 7 a.m. doing medical transcription in her home. She wakes her husband who has advanced dementia, and drives him to daycare. It costs $55 a day for her to do that—no support, no help at all. She also has the responsibility of taking care of her 85- and 87-year-old mother and father. Neither drives. Neither is able to take care of themselves completely. One must use a walker. Bernadette works all day after she drops off her husband. She returns home at 6 o'clock, goes back to transcription work from 7 to 11 at night, trying to make ends meet. This is the kind of story that is actually happening. Her wages are going up 1 percent on average across this country. And she is having to deal with the kinds of family care problems we talked about that actually happen with childcare.

It is not right that America is not addressing some of these social needs while we are seeing these kinds of costs go up. That is why we on this side of the aisle—as well as Senator JOHN KERRY—are talking about a middle-class squeeze because it is real in people's lives. It is not the same as what is happening to the GDP or whether you are seeing disposable income which takes in dividends and capital gains at the high end and mushes them together and comes out with an average result.

What we need to do is look at what is actually happening in the lives of working men and women. Bernadette Discon's story is real. It shows how the pressure impacts on an individual's life. If she had kids, college tuition is going up 28 percent. She is paying 30 percent more for gas. That puts real pressure on a family.

It is time to recognize that economics is more than just statistics that are announced on Friday morning at 8:30 to say whether employment is up or down. It is the quality of life that goes with those statistics. A lot of people are feeling squeezed. As the Senator from Iowa said, a lot of families are feeling hammered.

It is time for a change, and it is time to recognize the reality of what is happening in the lives of middle-class Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized for up to 15 minutes.

ECONOMIC STRENGTH

Mr. BENNETT. Mr. President, I intended to come to the floor to speak about Iraq. I will do that. But I must make a comment or two about the speeches that have preceded mine with respect to the economy and what is happening.

I remember 4 years ago when the Presidential election was in full heat. One candidate said the prosperity that we have been experiencing is starting to slow down, and the economy is showing signs of being at the end of the business cycle and heading toward a recession. His political opponent said he was trying to talk down the economy for political purposes.

Well, it turns out he was right. We started a slowdown in the economy in the last two quarters of 2000. We ended up with a recession in the first three quarters of 2001. He was not trying to talk down the economy just for political purposes. He was telling the truth. This was, of course, Governor George W. Bush of Texas.

The fact is, the economy is doing extremely well, and there are those who are trying to talk it down for political purposes. This is the fact, no matter who is elected President. Whether it is George W. Bush, JOHN KERRY, Ralph Nader, or the Libertarian, or whoever else may be out there seeking the Presidency, he or she will inherit an extremely strong economy come January of 2005. And whoever it is, if it is not George W. Bush, will take credit for that strength and say: See, because I got elected everything is now wonderful.

In fact, the business cycle does not operate that way. The business cycle does not pay attention to election days; it pays attention to long-term policies put in place. We had the recession in the beginning of 2001 because of economic pressures that built up in the nineties. We have the recovery now taking hold in 2004 that will come into play through the balance of this year and strongly into next year because of policies that were put in place over the last several years. You cannot turn the economy around by a single election. You have to put policies in place and see them go forward.

It is very interesting to see those particular items President Bush's opponents are now focusing on to say this is terrible, this is terrible, this is terrible. They have changed now because the items they used to be focused on as the bellwethers of economic activity have turned positive. They cannot use the old measuring sticks they said were so important to make the case that the President's economic plan is a failure because those measuring sticks have all turned positive and now indicate the President's policies were the right ones, so they pick up new measuring sticks and find an opportunity to blame President Bush.

I am fascinated to know that the increase in property values in New Jersey in the last few years is President Bush's fault; that when the New Jersey officials increase property taxes to go along with that increase in property values, it is President Bush's fault, and so on and so on. We will hear more of that in the months to come. Let us remember that the economy responds to a whole series of pressures. No President can wave a magic wand and create jobs, as one candidate is promising to do. Let us realize on that measure, which the President's opponents no longer use, jobs are being created now at a faster rate than the President's opponent is promising he would do if he became President. If you like the rate that the Democratic presumptive nominee is proposing for job creation, you have to like the record of George W. Bush because jobs are being created at a faster rate right now than that proposed rate.

Well, Mr. President, I rose to discuss Iraq, and I will do that in the time I have remaining. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes remaining.

IRAQ

Mr. BENNETT. Mr. President, there is an old statement which has become enshrined in our society now as the alcoholic's prayer. It goes like this:

> God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

I suggest that as we face the world today as the world's strongest power economically, militarily, culturally, educationally—in almost every category—we should view our responsibilities through the prism of the alcoholic's prayer: Grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference.

As I listen to the debate on Iraq, as I listen to the partisan and political comments, many of them well-meaning and properly addressed, I pray for the third leg of that saying—the wisdom to know the difference between the things we can change and the things we cannot because many of the things being raised with respect to our situation in Iraq are things we cannot change. Many of the complaints are against things we can change, but we are not because we are wallowing in complaint and self-criticism when we should be moving ahead.

Let me give you an example. The first question we need to address with respect to our military activity in Iraq and elsewhere in the region is this: Are we engaged solely in a military exercise with respect to Iraq or are we, in fact, in a world war against terrorism? We need the wisdom to get the answer to that question and know the difference because the difference is vast.

I am one who believes that we are, in fact, engaged in a worldwide war against terrorism. We must have the serenity to accept the fact that war is not going to go away if we ignore it. There are many who say there is no connection between Saddam Hussein and 9/11; therefore, we should spend all of our time going after those who dealt with 9/11 and not pay any attention to Iraq. Well, that may have been a legitimate argument prior to the time we went into Iraq, but it is now irrelevant because we are there. We are there because this body, with over 70 votes, gave the President our support for going in there; and the United Nations, by a unanimous vote in the Security Council, gave the President support to go in. This body and the United Nations overwhelmingly, along with the House of Representatives, said this is the right thing to do. We did it, and we must accept the fact that we are there, and complaining about maybe we made a mistake doesn't change the reality that we are there.

I am one who thinks we made the right decision. I am happy that David Kay, the inspector for weapons of mass destruction who went into Iraq, thinks we made the right decision. When I talk to audiences in Utah, I say: How many of you know that David Kay discovered there were no weapons of mass destruction in Iraq? Everybody raises his hand. Then I say: How many of you know that David Kay said, based on what he discovered, that Saddam Hussein was more dangerous than we thought? Well, we didn't know that. But that is a fact that we must recognize and have the wisdom to go forward in the face of that fact.

Now, if indeed we are engaged in a worldwide war on terror, that means that our being in Iraq is not only for the sake of the Iraqis, it is for the sake of Americans. Some say we have no business being there, it is not our country, we don't care. Well, one of the realities we have to face is we are involved in the world whether we like it or not. Those on the campaign trail who are saying bring the troops home are the same people who are saying stop buying at any retailer who purchases goods abroad. Those who are saying don't have anything to do with any company that has any employees abroad do not realize the fundamental truth that America is involved in the world whether we like it or not, and we cannot withdraw. We cannot become isolationists. We cannot hide behind our two oceans militarily or economically.

The world has fundamentally changed. It fundamentally changed when the Berlin Wall came down and the "evil empire" ceased to exist. We are engaged around the world whether we like it or not. We must have the wisdom to recognize that fundamental truth and act accordingly; we must have the courage to act according to the truth.

I went to Iraq with the leader and my colleague Senator ENSIGN from Nevada and spent a day with the commanders there. You can say that in one day in Iraq, what do you learn? Obviously, you don't learn everything you need to in one day to know the whole situation, but you learn a whole lot more in one day in Iraq than you do sitting in America reading the newspapers.

I learned the forces that are opposed to us in Iraq have as their goal civil war and a failed state. Ultimately, what they want to have happen is for the Iraqi government that is being created now to fail. They want the Iraqis in anarchy. They want the economy destroyed. Why would they want such terrible things? They think out of that chaos they can seize power and come back into control.

Most who are involved in this insurgency are former supporters and officers of Saddam Hussein. They are hoping that through chaos they can recapture that which they could not hold in the face of the American military incursion into that country.

Grant us the wisdom to know the difference between a difficult situation and an impossible one. There are those who are saying Iraq is Bush's Vietnam. I do not think Iraq is Bush's Vietnam because Bush did not go into Iraq with the same motives that President Kennedy went into Vietnam, with the same naivete that President Kennedy and President Johnson pursued Vietnam.

We should have the courage to change the situation in Iraq by persistence, by holding the course steadily, and by recognizing that there are people in the Middle East who do want freedom.

There are pessimists who say: No, come on, BENNETT, you say to accept the things you cannot change, and one of the things you cannot change is that the Muslim people do not want freedom.

I refuse to accept that. Maybe I do not have the wisdom to recognize the difference, but I refuse to accept that.

Having visited with some of the Iraqis, I have found some who said they clearly do, most particularly the new Prime Minister Allawi. We visited with him. He struck me as a very clear-headed, careful guy who fully understood the situation.

As we were finishing our conversation, I said to him: Accept our thanks for your willingness to put your life on the line for this effort.

His life is in jeopardy. Two ministers of his government have already been assassinated, and he is clearly the chief target of those who would plunge Iraq into civil war.

I was interested in his answer. When I thanked him for his willingness to risk his life to make this government work, he looked at me and responded: It is my country.

There is an Iraqi leader willing to risk his life for his country. We have the responsibility, I believe, to do everything we can to help him.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

The Senator from Ohio is recognized for 7 minutes.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. DEWINE. Mr. President, I rise today because, frankly, I am alarmed. I am alarmed by bottlenecks and barriers blocking the ability of our law enforcement and intelligence agents to fight terrorism. These bottlenecks and barriers are hampering our law enforcement's ability to use the Foreign Intelligence Surveillance Act, known as the FISA statute. In setting up surveillance against foreign powers working inside the United States, all Americans should be concerned. All Americans should be concerned, frankly, as the FISA statute is one of the most important weapons we have to fight terrorism.

Bottlenecks in the Justice Department's process of FISA applications could mean if there were a terrorist attack being planned against Americans today, we might not know about it. We would not know about it because a FISA request simply did not get processed.

We would not know it because the bureaucracy in Washington, DC, simply did not get to the application in time, did not have the time or the people or the resources to process an agent's request allowing him or her to gather that pivotal piece of intelligence, that vital piece of information that very well could be the key to preventing a terrorist attack at home. That scares me, and that should scare every Member of this Senate, and that should scare every American.

Although the FBI has been more aggressive in submitting FISA requests since the September 11 terrorist attacks, the Department of Justice has been unable to keep pace with the resulting surge in applications. Here is what the staff of the independent 9/11 Commission tells us:

> The application process . . . continues to be long and slow.

That process is still subject to "bottlenecks."

I was very concerned about that. So on May 20, the last FBI oversight hearing held by the Judiciary Committee, I asked Director Mueller how well he thought the FISA statute was being utilized, and this is what Director Mueller said:

> We still have concerns. There is still frustration out there in the field in certain areas where, because we have had to prioritize, we cannot get to certain requests for FISA as fast as perhaps we might have in the past.

What does this mean? Does that mean it is now taking longer post-9/11 to process certain FISA requests? If that is the case—and it is—that is a shocking statement and one that is certainly disconcerting and also downright frightening.

Later in a Judiciary Committee hearing just last week, Attorney General Ashcroft made equally troubling statements. I told him I felt it was dangerous to have to prioritize FISA requests because we can never know what kind of information we will get from these warrants. Even our best guess is still just a guess, and this is what the Attorney General said:

> . . . we are prioritizing among FISA applications . . . so that at least the most promising of those applications are the ones that would be first attended to, but frankly, it is not easy always to know where you are going to get the best intelligence, and it is not a situation where I am confident in saying, "Oh, well, we do not have to worry about that one."

The Attorney General was very candid. He was very honest, and he said it very well. You never can be sure where a promising lead will take you or which lead will be the one lead that uncovers the information that will save many lives. They have to prioritize. To have to prioritize, to have to pick and choose among these leads, is very risky and dangerous business. It is almost this kind of Russian roulette. We should not be in that business. We should not have to do it.

The Justice Department should be able to look at each FISA request individually and do whatever is necessary to process that request, not prioritize it, not just put it higher up in the pile, but actually process it immediately so that the court can issue a warrant and agents can go about the business of catching terrorists.

This is a very real problem we have. So I say to the Justice Department, you have to put more resources into this. You have to do a better job. Of all that you do in the Justice Department, what could be more important? Do you need more FISA lawyers at Justice? Do you need more people in this unit? If you do, then put them there. Do you need more FISA training for agents?

Do you need more resources? How far behind are you in the FISA process? These are all questions that the Justice Department needs to answer right now. No excuses. Our national security is at stake.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 8 minutes.

IRAQ AND THE UNITED NATIONS

Mr. CHAMBLISS. Mr. President, last week the G8 summit was held in my State of Georgia, and I had the honor of serving as one of the hosts, along with our Governor, the senior Senator from Georgia, Congressman KINGSTON, and Congressman BURNS in greeting the other seven members of the G8. Together with President George W. Bush, we received the heads of state and government from Britain, Canada, Germany, France, Italy, Japan, and Russia, along with a number of other leaders of countries from the Middle East who were specially invited to the G8 summit, including the new President of Iraq, Ghazi al-Yawer.

I liked what I saw in the new President of Iraq. When I shook his hand, I shook the hand of a true Iraqi patriot who is determined to see his country become secure, stable, prosperous, and free. He insists on full sovereignty for the Iraqi people, and he is already an eloquent and tough defender of their interests.

This is why he has publicly stated, not once or twice but at almost every opportunity he gets, that the Iraqi people are grateful for America's sacrifice in freeing them from the tyranny of Saddam Hussein.

He also made it absolutely clear that his new government will continue to need the help of America and other coalition forces as it regains its strength and fends off efforts by terrorists, thugs, and foreign enemies to strangle Iraq's democracy in its cradle.

President al-Yawer has a vision for Iraq, a nation with a history stretching back beyond the storied walls of Babylon to the mists of prehistory. He sees his nation gaining a position of leadership in the Middle East and forming an example of democracy, peace, progress, and prosperity for the entire region.

He made it clear to me that Iraq very much sees the United States, the United Kingdom, and the other nations in the coalition as partners and friends that took risks to free his nation from the tyranny of Saddam Hussein and are now working together to help rebuild Iraq.

President al-Yawer is a strong pragmatic leader who wants to put his government on a sound fiscal footing. When it was proposed to destroy the Abu Ghraib prison—and I was one, frankly, who advocated that following the prisoner scandal—and to replace it, he made a poignant observation about the symbols of Saddam's barbaric treatment of his own people.

He told ABC's "This Week" that Saddam tortured people not just in prisons but in the basements of each and every government building, and it would not be prudent to destroy all government entities because of what happened in them. President al-Yawer said:

> We are people that need every single dollar we have in order to rebuild our country, instead of demolishing and rebuilding.

This shows a practical approach to governance which is a very welcome change to the grandiosity and extravagance which, along with cruelty and aggression, marked the reign of Saddam Hussein.

I know there is not one Senator in this Chamber who would begrudge Iraq, its people, and President al-Yawer the assistance needed to continue the transition of Iraq to full sovereignty and democracy.

In my State, we know a real friend stays with you the whole way through difficult times and does not abandon you when the going gets tough. You do not lead someone halfway home and then abandon him to the wolves. And we know those wolves are baying at the door. Al-Qaida, the Baathists, and all the enemies of democracy are already stepping up their attacks to drive us from Iraq so they can rip apart this young democracy.

Only the cowardly, only those without a vision for a newer, better Middle East would urge us to leave Iraq to its fate. History has left its inscriptions in Iraq from time immemorial, from cuneiform inscriptions on clay tablets to the stone pillar of Hammurabai. These judgments have been read and pondered by men in the centuries following their inscriptions.

In the distant future, let no traveler see inscribed in weathered stone the withering judgment of history that the United States had an opportunity to help democracy take root in the Middle East but failed to see it through. Let him read instead: They defeated the forces of darkness so the people of Iraq could live in the light.

The Senate will surely debate what our national policies and priorities should be as we seek to provide assistance for Iraq. We will debate the relative merits of the different ways we can help our friends in Iraq. In fact, this is our job, and it is our duty. But I, for one, will not entertain any policy option that would allow the people of Iraq, so recently freed from the horror of despotism, to be submerged again into the darkness by a different set of tyrants.

Let me now touch on some international aspects of the Iraqi situation. In addition to the forces from the United States, there are 14 other NATO allies with us in Iraq. Military forces from Bulgaria, the Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, and the United Kingdom are all there with us. And we have great support from another 17 countries, such as Australia, Japan, New Zealand, South Korea, and the Ukraine. Now the international support helping to secure the future of Iraq is growing even more.

At the G8 summit, President Bush gained the unanimous support of the member states to help Iraq. They agreed to form a "Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa" to support political, social, and economic reform in this region. This builds on President Bush's "forward strategy of freedom" that he announced last November.

President Bush also secured a U.N. Security Council resolution supporting the plan for handing sovereignty back to the Iraqi people. On June 8, the Security Council unanimously passed Resolution 1546 which supports free elections and authorizes a multinational security force to help stabilize the security situation in Iraq.

The U.N. has done exactly the right thing in passing Resolution 1546, and I applaud them for taking this important step. However, I would be remiss if I did not mention a subject which hinders the effectiveness of the United Nations, not only in Iraq but in its dealings around the world, and by this I mean the Oil-for-Food scandal.

The Oil-for-Food Program, established in 1995, was designed to alleviate the impact of the economic embargo on the people of Iraq, while continuing restrictions on military and technology sales. It was a humanitarian program that was supported by the United States as a way to help average Iraqi citizens get basic food and medical supplies while Saddam Hussein was still in power.

The Oil-for-Food Program was administered by the United Nations Assistant Secretary General Benon V. Sevan who oversaw sales of $111 billion worth of Iraqi oil. While under U.N. auspices, the U.S. Government Accounting Office estimates that over $10 billion of that $111 billion was stolen from the Iraqi people by Saddam's regime. While children were dying for lack of medicine or food, Saddam was importing Mercedes limousines, weapons, and building his grand palaces. Skimming off this vast amount of money involved kickbacks and bribes to a wide variety of foreign officials and businessmen.

When the new Iraqi oil ministry recently published a list of foreign officials receiving bribes, kickbacks, and hidden oil allotments from Saddam, U.N. Assistant Secretary Sevan's name was on a list which included 11 French, 46 Russians, and many other names. These recipients of Saddam's largess were vocal opponents of freeing Iraq from Saddam's chokehold and also were bitter critics of the effects of the embargo on Saddam's regime.

It is ironic that so many of the businessmen and officials who helped skim off the money designed to buy food and medicine for the Iraqi people came from countries that complained the loudest about the U.S.-led effort to oust Saddam from power.

It is imperative that we monitor the U.N. investigation of the Oil-for-Food scandal to make sure it is thorough and transparent. Wrongdoers must be prosecuted, not simply bundled off to retirement. To do any less would greatly compromise the ability of the United Nations to operate future programs with the confidence of the world community. Paul Volcker, who was named by Secretary Kofi Annan to head the investigation into the Oil-for-Food scandal, must receive sufficient personnel, resources, and access to the relevant documents and U.N. officials to carry out his responsibility.

A failed investigation will be a bitter indictment of the United Nations and it would put it on a path that would lead to total—total—obsolescence and irrelevance. The United Nations can be a unifying force in the world, and its resolution on the future of Iraq passed last week is a positive example of this. However, it must also restore its credibility with the people of Iraq who were robbed of over $10 billion in food and medicine while the Oil for Food Program was being administered by the U.N.

It is a critical time for both the future of Iraq and the future of the U.N. In Iraq, it is time to pull together to make it a successful, stable, and democratic country. At the U.N., it is time to show the world that it can be a transparent, accountable, and efficient organization worthy of its noble charter.

We have the unique opportunity to help democracy take root in the Middle East, and we are fortunate that President Bush, Prime Minister Blair, and others have the vision and the courage to recognize this and to do something about it.

Likewise, the United Nations has an opportunity to restore our confidence in its ability to play a meaningful role on the world stage. I hope Secretary General Kofi Annan has the necessary courage to carry his investigation of the Oil for Food scandal to its necessary conclusion, regardless of how difficult it might be.

Let future generations see that neither the United States, nor the United Nations, shirked from the challenges that face us today.

Mr. President, the Oil for Food scandal cannot be taken lightly. We must take this issue seriously to restore credibility to the United Nations, which is headed down a path of total obsolescence if we do not act appropriately and if we do not get to the bottom of this particular and potentially devastating issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the Presiding Officer to advise the Senate with regard to the standing order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Reid (for Leahy) amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts.

Dodd further modified amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense.

Reed amendment No. 3352, to increase the end strength for active-duty personnel of the Army for fiscal year 2005 by 20,000 to 502,400.

Warner amendment No. 3450 (to amendment No. 3352), to provide for funding the increased number of Army active-duty personnel out of fiscal year 2005 supplemental funding.

Durbin amendment No. 3386, to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment.

AMENDMENT NO. 3313

The PRESIDING OFFICER. The pending question is the Dodd amendment No. 3313, as further modified, on which there shall be up to 30 minutes of debate evenly divided.

Mr. WARNER. I further inquire of the Chair, at the conclusion of the vote on the Dodd amendment, the Senator from Virginia is to be recognized for the purpose of laying down an amendment; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I be notified when 10 minutes have expired so as to leave a few minutes at the end of the debate?

The PRESIDING OFFICER. The Chair will do that.

Mr. DODD. I ask unanimous consent that my distinguished friend and colleague from South Carolina, Senator LINDSEY O. GRAHAM, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I am pleased to offer this amendment on behalf of myself, Senator GRAHAM, and Senator LEVIN this morning. We had a very good debate a few days ago about this amendment. At the suggestion of my friend, the chairman of the Armed Services Committee, we modified the amendment that is now before this body. The modification, very quickly, deletes the prohibition on using private contractors in combat situations. I will not belabor the point. There are existing statutes that provide for such restrictions, but the suggestion of the chairman was that that provision was going to be a rather complicated matter to deal with here, so we have taken it out—it is no longer part of the amendment. Instead, the amendment as modified would merely ask the Secretary of Defense to review and report to Congress on U.S. laws and policies as they relate to the use of contractors by the Defense Department and the Uniformed Services in combat operations.

What is still part of this amendment is the prohibition on using private contractors for the purposes of interrogation of prisoners. It would, however, give the President some flexibility in phasing in this prohibition by providing limited waiver authority for the use of such contractors in interrogations—both as translators and as actual interrogators. The presidential waiver for translators would be extended for 1 year, and for contractors acting solely as interrogators, the waiver would be effective for 90 days from the date of enactment of this legislation.

Why do I offer this amendment? I didn't bring charts or photographs to the floor of the events that occurred in Abu Ghraib prison late last fall or early this winter. Those photographs are very disturbing and can create their own sense of emotion. I am not interested in doing that today. But suffice it to say, there is ample evidence. So today we know at least that interrogations were conducted by private contractors hired by the Department of the Interior, of all agencies, to do interrogations, intelligence work in Iraq and maybe elsewhere, on Guantanamo or Afghanistan as well. The military believes, I believe, and I think most of us believe that this job of interrogation ought not be done by private contractors. This ought to be inherently a governmental function, and one that is not shopped out or outsourced, if you will, to others, where there is no accountability, no chain of command, no responsibility, and virtual immunity if they do anything wrong under the Uniform Code of Military Justice.

I will cite briefly memos and directives from the Department of the Army strongly urging that we not contract out this function. I strongly agree with these opinions because, first, we obviously have suffered terribly in the public relations field as a result of what happened, and we certainly know that private contracting was part of the problem; and, second, with 135,000 of our troops serving in Iraq, 20,000 serving in Afghanistan, and others serving around the globe today, we do not need to have these young men, and women in many cases, be potentially subjected to reprisals as a result of our mismanagement of the interrogation process in Iraq and possibly elsewhere.

This is an important amendment. We have all been through this recently. Again, I am not charting new ground. As we know, in fact, at hearings chaired last month by the chairman of the committee here, it was made very clear, especially in the testimony and comprehensive report of General Taguba, a number of contractors may have played significant roles as interrogators in the Abu Ghraib prison scandal. Their abusive practices have compromised our interests in Iraq, and it remains to be seen whether they will ever be held accountable. Military people can. But contractors, such as those hired by the Department of Interior, may be outside the scope of legal jurisdictions.

Again, I am not the only one who believes that intelligence functions, particularly gathering intelligence through interrogations, should be carried out by Government personnel rather than contractors.

A December 26, 2000, Department of the Army memo dealing with exempting Army intelligence functions from privatization came to the same conclusion:

> At a tactical level, the intelligence function under the operational control of the Army performed by the military . . . is an inherently Governmental function barred from private sector performance.

They are exactly right. It ought to be an inherently governmental function. Outsourcing, where there is no accountability, where you don't have any ability to subject them to criminal prosecution if they do something wrong, I think, is dangerous business. It is dangerous business in the intelligence area.

The report went on to say:

> At the operational and strategic level, the intelligence function performed by the military personnel and Federal civilian employees is a non-inherently governmental function that should be exempted from private sector performance on the basis of risk to national security from relying on contractors to perform this function.

Nor was this view limited solely to the previous administration in 2000. Thomas White, former Secretary of the Army in the current administration, also expressed his opposition to hiring contractors to question prisoners, stating in an interview that "the basic process of interrogation . . . should be kept in-house, on the Army side."

He is right. That is exactly where it ought to be. This is dangerous business to go through. I was stunned to learn that the Department of the Interior the was actually the agency through which some of these contracts were awarded. No one knew to whom these contractors reported, what the chain of command was, or what sort of supervision there was.

We are in a new age since 9/11. You have to get people who can speak the language, who know what they are doing. We are in the world of terrorism. The President had it right last night. There is yet no horizon in this war on terrorism. It is going to be here for a long time. We better wake up, and if we need people to speak a language then we ought to hire them and train them. It is almost 3 years since 9/11. The fact that we need to put ads in the Washington Post to find people who can speak Arabic is ridiculous. We ought to get about the business of hiring people and training them. We need interrogators. We need the human intelligence capacity. I am all for fancy satellites and technology, but if you don't have people on the ground who can talk to these people and understand what they are saying, your intelligence is going to suffer.

Again, this practice of hiring contractors to perform interrogations is simply bad business. It goes beyond just the ugly photographs and the outrageous behavior that has cost us terribly in Iraq and elsewhere in our efforts at winning the hearts and minds of the Iraqi people.

And my amendment is limited in scope. It merely says that with respect to interrogations, the Department of Defense would have to hire people within the governmental framework to do the job.

On the translations, I will give you a year. You can use people outside if you want, but after a year let's get some people within the operations themselves who know what they are doing. The other sections of my amendment deal briefly with the transfer of prisoners.

In September, it will be 3 years since the horrific events of 9/11. It is high time that the administration moved forward to build a capacity, in-house, to ensure that our intelligence gathering capacity, including interrogation personnel, is adequate to meet the threats that we confront.

Giving the administration unlimited access to contractors by extending the waiver for interrogators beyond 90 days does not serve our national interest.

I would remind my fellow colleagues that the world has changed dramatically over the past three years. Part of the current mission in Iraq is a larger and absolutely critical mission that we are going to be confronting every single day for the foreseeable future in Afghanistan, Saudi Arabia, Pakistan, and Spain—and the list goes on and on—and elsewhere around the globe. In order to be prepared for that war, we must have within our own governmental structure the expertise to garner intelligence, including intelligence gleaned through interrogations.

The notion that we can simply outsource this critical responsibility when terrorist incidents spike the demand for interrogation skills by our Government seems to be the height of irresponsibility.

We were sidetracked a bit during the debate on Monday. As I said earlier, the chairman made a very good point in the area of combat missions. It is not a clear line. So we put that aside. But on interrogations, this is inherently a governmental function and we shouldn't be contracting out that function.

That is my point. I hope my colleagues will agree with us. I know the administration has some problems with it, but the fact is, let us get about the business of doing our job here and not endangering our own troops—which is what I worry about. The bottom line, one that I believe I share with every parent, sibling, or child who has a relative or a friend serving in these dangerous zones. I don't want our brave men and women, if they are apprehended, to go through what we saw happen to some of these Iraqi prisoners. These abuses put Americans at risk, in my view, if we don't get this business straight. I am determined to see that we fix this situation.

I hope my colleagues will support this. Let me withhold the remainder of my time.

Mr. WARNER. Mr. President, will the Senator engage in a colloquy with me?

Mr. DODD. Certainly.

Mr. WARNER. First, I would like to lay the predicate. The Senator has brought forth an important concept. He asked for a study. I am prepared to support the study. But I urge my colleague, as I did the other day on another part of the amendment—and he accepted my advice and took that out—we have to look at this interrogation section. There is a trigger mechanism, if you look at the amendment, which says in 90 days every one of these contractors has to discontinue their work.

That is what it says. Am I not correct?

Mr. DODD. The Senator is correct—90 days I think after the——

Mr. WARNER. It is signed into law.

Mr. DODD. Just interrogations.

Mr. WARNER. Mr. President, that cripples America's intelligence system in the middle of a war in Afghanistan, in Iraq, and our operations in Guantanamo.

How can the Senate suddenly withdraw our U.S. military interrogation base in the middle of a war in 90 days? There is no way in the world the military—there is a greater burden on the Army—can hire and train in this short period of time all the replacements that would be required if the Senator's amendment became law.

Mr. DODD. Mr. President, first, I don't believe necessarily that the military doesn't have the capacity to do this. But the idea that the Department of the Interior is contracting out to private firms to conduct this function, when we have seen already the results when this matter gets out of hand because you have rogue elements doing it—we have suffered terribly as a result of this tremendous abuse that has gone on. I don't buy the idea that we can't get this straight. I think we can get it straight. There are plenty of people within the military services who can perform this function. And I don't put the same limitations on translators. I am giving a year to get that in shape.

The idea that somehow the military shouldn't be doing this—I didn't make this up; this isn't made out of whole cloth. The military themselves, going back several years, has said that this function should not be performed by outside contractors.

In fact, the most recent former Secretary of the Army said this.

Mr. WARNER. That has been stated twice by the Senator. Those are facts and valid opinions. But I am looking at the very practical effect—that under this amendment when the President's signature goes on the bill, in 90 days we are out of business.

Let me point out a few statistics. Take Guantanamo Bay: Right now we have 140 translators of which over 100 are contractors.

Mr. DODD. Translators are not an issue.

Mr. WARNER. Nevertheless, eventually they have to be taken inhouse.

Mr. DODD. That would be over a year from today.

Mr. WARNER. I understand that. That is the very point I wish to make. You give us a year in which to cure that problem, but then you go to the analysts and interrogators, 60 analysts of which 35 are contractors.

Mr. DODD. Interrogators.

Mr. WARNER. They are part of the system—40 interrogators of which 20 are contractors. In 90 days, 50 percent roughly of the operation in Guantanamo ceases to function.

I will tell you that practically there is no way in the world the military can go out and hire and recruit and put into uniform or civilian capacity that number of individuals.

Mr. DODD. I don't ascribe to that. First, the analysts are not included; it is just the interrogators.

The idea that you are going to have people who are immune from prosecution, accountable to no one, with little supervision, or literally none in many cases, I think is a far more inherently dangerous problem than the difficulty in finding 30 or 40 people within the military structure to perform interrogations.

I would point out this job posting, which is from the Web site of CACI International, one of the companies that does interrogations for the Department of Defense. This is what it says you ought to be: The position requires a bachelor's degree, or equivalent, of 6 or 7 years of related experience—whatever that is—preferably in the intelligence field; requires a clearance, strong writing and briefing skills, with competency in automation research in basic software.

This is hardly the job description of someone who is so unique that we can't find the personnel within our own uniformed services.

Mr. WARNER. Mr. President, there is a problem. The Senator has identified it. I acknowledge it. I do not think it is as great as the Senator portrays it, but nevertheless there is a problem.

What I am saying to my colleagues who are momentarily going to be asked to vote is that we cannot in any way possible solve it in the 90-day period, and we are in the middle of a war. The Senator is going to basically dismantle 50 or more percent of our intelligence interrogation, and it is from these interrogations that our troops today are getting valuable information to protect their lives on the battlefronts primarily of Afghanistan and Iraq.

I say to Members, when you come and are asked to vote, if you vote in support of this amendment, then I simply say you are pulling the plug on our intelligence system and the interrogation system and severely dealing them a crippling blow. It is as simple as that.

Does my colleague acknowledge that in 90 days the interrogation is out of business? Am I correct?

Mr. DODD. No. They are not out of business at all. The interrogations would have to be done by governmental authorities. You can bring back military people to do it. There are plenty of guys who can do it, if we put them back on active duty. This is not an overly burdensome problem.

The question is, here we are debating the Defense authorization bill and we have been confronted which a huge problem that galvanized the world's attention only a few days ago. We know that part of the problem was because we had people who were not being held accountable and who have little or no supervision. At least we know that much already. In the midst of this debate, should we step up and try to do something about that problem?

If the argument is that we have no in-house capacity to fill 40 or 50 slots in Guantanamo, or maybe an equal amount in Iraq with 135,000 U.S. forces there and 20,000 in Afghanistan, the idea that we can't find people within the military services to fill 40 or 50 slots, then I don't accept it as a legitimate argument against this amendment.

They may want to keep contracting and have these contractors go through the Department of the Interior, but that is wrong, in my view, and I think it is dangerous. The military has said—I am not opposed to what their thinking is—categorically it ought not be done there. It is dangerous. It causes us problems and it is causing our military personnel problems. It ought to be changed.

I don't buy for a single second, with thousands of people serving in that theater, the idea we can't find people within our own ranks to do this job.

Mr. WARNER. The simple reply is, you can't take an individual, no matter how many degrees they might have, in 90 days, or less, and train them to be an interrogator. Most of the contractors now performing this work are former U.S. military individuals—people who served in the interrogation field, primarily during the cold war when the U.S. military had a significant requirement for interrogators, both in the European theater and the Korean theater.

I see my colleague from Alabama. Does my colleague seek recognition?

Mr. SESSIONS. I would like to speak on this subject.

Mr. WARNER. I yield the floor.

Mr. SESSIONS. Mr. President, I share Chairman WARNER's view.

Mr. WARNER. I yield such time as my colleague requires. Would the Chair advise as to the time on both sides?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Virginia has 6 minutes. The Senator from Connecticut has 5 minutes 23 seconds.

Mr. WARNER. I need a minute or two to wrap up.

Mr. SESSIONS. I will try to keep it to 2 minutes.

I share the concerns of the Senator from Virginia, the chairman of the Armed Services Committee. I note there is nothing inherently wrong with using trained, skilled, and capable contractors. If there is a problem, it may be that we did not supervise contractors well and maybe did not select them well.

To prohibit the utilization of contractors to do interrogations in life-and-death situations is a mistake. We may need the very best interrogator in the United States of America to interrogate someone who has the ability to give information that could save thousands of lives in this country. To say that we have to use the military personnel I believe is clearly wrong. A young MP who is just out of training school should not be, in my view, as good an interrogator as a retired MP who worked in the detective division of the New York Police Department or a retired CIA agent or retired military person who did interrogations for years and had experience and maybe even knows the language.

We cannot have everyone in the military perfectly trained to do all these things and speak every language in the world and do these interrogations.

This would be a terrible deal. We should not agree to this. We should not limit the military from using contract employees. If we need to control them better and do a better job of supervising it, I would support that.

I don't want to use any more time. I know others want to speak.

I yield the floor.

Mr. WARNER. I simply say to colleagues we are putting on them a considerable burden in a very short period of time.

I ask a very clear question of the proponent of this amendment, the Senator from Connecticut. In 90 days we have to dismantle a great deal of our interrogation—in Afghanistan, in Iraq and Guantanamo Bay—right as this country is in the middle of combat operations, right at a time when men and women of our Armed Forces, of our coalition forces, are at great personal risk.

A few interrogators at this point in time are implicated in the tragic events in the prison situation. As the Senator well knows, the Armed Services Committee is probing that as quickly as we can given the limited time we have had. This bill has been on the floor of the Senate, but we had to temporarily set aside our work. We hope, once I consult with the leadership and members of the committee, to resume that. The point being, this is not the time to put a 90-day jackhammer that severs our ability to continue our interrogation of prisoners with the use of contractors. Several of them did perform in a manner that, hopefully, they can be brought to account in the Abu Ghraib situation, but hundreds of other contractors are carefully and professionally doing their work in interrogation. This amendment would stop that in 90 days.

I see the Senator from Colorado.

Mr. ALLARD. I would like to be recognized to speak against the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I join my colleague from Virginia and my colleague from Alabama in opposing the Dodd amendment.

I will take one part of our interrogating process and look at Guantanamo Bay. We have 140 translators, of which 105 are contractors; 60 analysts there, of which 35 are contractors; and 45 interrogators, of which 20 are contractors. If we pass this amendment, we shut off the interrogation process and we lose the opportunity to gather vital information that could be valuable to what we are doing in Iraq. We would lose 50 percent of intelligence. Generally, these individuals are well qualified, and they have been carefully vetted as contractors.

I join my colleagues in opposing the Dodd amendment.

Mr. WARNER. I will reserve 1 minute to follow the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me respond to my friend from Colorado. My amendment grants the President waiver authority in the case of translators for over a year.

We are about to graduate from the training school for Army intelligence in Arizona this year 539 interrogators within the Army. Here we are talking about 20 or 40 positions in Guantanamo Bay of interrogators—but we have 539 people this year who are going to graduate within the Army as interrogators. We know that at least some of the private contractors hired through Department of Interior contracts for interrogations are not well trained. A bachelor of arts degree will get you a job as interrogator. This situation is a mess. We know it is a mess. We have 539 people—double the number from last year—graduating this year. Why are we continuing a system that does not work where the Army themselves have said, stop it? We need to listen and stop it.

One of the most outrageous examples is the effort in Iraq. An outrageous situation occurred just days ago because the system has fallen apart. Do not tell me we will lose our capacity to interrogate people. That is hyperbole when you have 539 people about to graduate in addition to the ones we have in uniform today to do the job.

We know that having private contractors participate in interrogations is a problem. The Army has said that it is a problem. The most recent Secretary of the Army said it is a problem, and to stop it. The question is, will we do it here, today? Do we understand what happened here just a few days ago? Do we understand the problems it has caused?

A recent public opinion poll by the Coalition Provisional Authority in Iraq shows us that a majority of Iraqis believe that all Americans conduct themselves in the way they saw in the photographs taken at Abu Ghraib. But that is not us.

I know people in uniform do a better job than someone who has been plucked off the street under a contract by the Department of Interior to do the job of intelligence. This is intelligence capacity. You do not outsource and farm that out to an unaccountable contractor with little or no experience in interrogations. Don't Members understand what happened here a few days ago, how much trouble our country is in?

We have 539 people about to graduate in the military services to conduct interrogations, and you are telling me we do not have enough and we cannot train people in uniform to do the job? I don't believe it. The American people do not, the international community does not.

This is not a complicated amendment. Let's wake up.

The PRESIDING OFFICER. The Senator has 2 minutes 49 seconds remaining.

Mr. DODD. I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, I am voting today in opposition to Senator DODD's amendment, No. 3313 that would prohibit the Department of Defense from using contractors to carry out certain activities, mostly related to interrogations. While I believe that this amendment would not solve the problems so vividly illustrated by the Abu Ghraib prison abuses, there should be no doubt that the issue it seeks to address is extremely serious. We are all concerned about the grave misconduct of anyone involved in interrogations of Iraqi detainees. The individuals who committed atrocities have marred the reputation of our country and have made the lives of American personnel in Iraq more dangerous and difficult.

It is essential to ensure that there is proper oversight when employing contractors in interrogations or any other military-related function. There must also be clear rules for bringing to justice those who violate our laws or treaty obligations. And, ultimately, I believe that interrogations and other functions should be conducted by uniformed personnel, working directly for the United States government and subject to the web of rules that governs military personnel.

While this should be our ultimate goal, I am concerned that this amendment would bring to a halt a number of critical functions currently carried out by contractors. The reality is that the U.S. armed forces are currently dependent on contractor support to carry out their missions, including interrogations. The Army now has approximately 500 military interrogators, a number far below the number needed to meet our requirements in Afghanistan, Iraq, and elsewhere. Over the next five years, the number of trained interrogators will grow to over 1,200, but in the meantime, we rely on contractors to make up the difference. In addition, over 50 percent of interrogator, interpreter, and analyst positions at Guantanamo Bay are currently filled by contractors. This amendment would cripple intelligence gathering operations there.

The abuses at Abu Ghraib prison did not occur only at the hands of civilian contractors—soldiers have been implicated as well. It is critical to ensure accountability for everyone who may have been involved, and prevent any reoccurrence of such abuses. Throughout the hearings in the Senate Armed Services Committee and in my review of the annexes and documents in the Taguba Investigation, I have observed a lack of sustained focus on the basic principles of leadership at Abu Ghraib. While I believe that immediately prohibiting the use of contractors is not the way to proceed, we need to look comprehensively at a number of facets of our military operations, including the long-term use of contractors, failures of leadership, and the overall size of our armed forces.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I ask my colleague a question. This graduating class to which the Senator refers, am I not correct it is enlisted and 18- to 20-year- olds?

Mr. DODD. All I have here is that the Pentagon has asked the school to boost its output dramatically and expects to graduate 539 interrogators this year, up from 237 in 2003.

Mr. WARNER. I say to my colleague, there are basically young enlisted men with no field experience, in no way a comparison to the seasoned cadre of contractors now performing this invaluable service.

I wish to move to table, but I will not do it until my colleague has the opportunity.

Mr. DODD. Does my colleague from South Carolina want to take 15 seconds?

Mr. GRAHAM of South Carolina. I appreciate the Senator yielding.

I saw Senator DODD this morning at breakfast. I am sympathetic to what he was trying to do. I said, put me down. I did not look at the substance. I apologize. The Senator is absolutely right in what he is trying to do.

I agree with the chairman that these people coming out of school are not ready to perform this work. But I promise the Senator from Connecticut you will have a Republican ally if we have a transition period that is more reasonable—if not on this bill, we will do it some other time. It bothers me greatly that our interrogation system is being outsourced. We do not know who is interrogating the people in prison because we do not know who they are and who they answer to.

I apologize to the Senator from Connecticut for not being able to live up to my word. I told him I would support the amendment, but I did not look at the amendment. I will never do that again. However, I do want to help—if not on this bill, we will do it soon.

Mr. DODD. Mr. President, I thank my colleague.

I yield 30 seconds to my distinguished ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Connecticut. I think this amendment is essential if we are going to make a statement about who is going to do the interrogating of prisoners. We are bound by treaties, and when these treaties are ignored, this country is damaged.

We cannot have contractors where there is no accountability. You can fire a governmental employee. You can demote a governmental employee. You can discharge someone who is in the military who is doing the interrogating. When a contractor does this, there is no accountability except criminal law with all of its difficulties.

An Army memorandum dated December 26, 2000, that is still in effect today, made the express determination that gathering tactical intelligence is an inherently governmental function. According to our law, "Contracts shall not be used for the performance of inherently governmental functions."

We must make a critically important statement here today: We are going to hold people accountable for the kind of abuse that occurred. The only way you can do that is by having governmental employees—either uniformed or civilian—carry out these interrogations..

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Now, Mr. President, I inquire of the desk, I think the other side has slightly gone over their time. I wonder if we might accommodate the chairman of the Intelligence Committee and ask that he be permitted to speak for 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have no objection to that. We have a little more time on our side. But I ask unanimous consent that Senator DODD have 2 minutes to close following Senator ROBERTS.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and that the Senator from Virginia be recognized for the purpose of the tabling motion following Senator DODD.

Mr. REID. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia will have 2 minutes and the Senator from Connecticut will have 2 minutes.

Mr. WARNER. Mr. President, I yield my 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank my distinguished chairman.

I rise to join the senior Senator from Virginia in opposing the Dodd amendment. I agree with the concern raised by the Dodd amendment, but let me point out that, as far as I am aware, no committee has held a hearing on how to lessen our reliance on contractors. Our armed services and our other agencies do rely very heavily on contractors.

The distinguished chairman has held three open hearings in regard to all of the incarceration problems and the problems that have been so heavily publicized. We have had three hearings in the Intelligence Committee that have been closed. We are going to follow up with a report by General Fay and others. In the Intelligence Committee, we have asked for the legal memoranda from the Justice Department on this whole issue.

I think this amendment attempts to prejudge the important work we would like to do on issues that are related to contractors and also detainees; yes, the military police; yes, the military intelligence.

Now, let's not forget that while some contractors—or for that matter, MPs, or military personnel—have been highly publicized in actions that nobody wants to see, contractors are saving lives right now in Iraq and Afghanistan, and they are giving their lives in the war on terrorism. So the problems that have come to our attention, it seems to me, my colleagues, are not necessarily inherent simply to contracting, but they are resulting from very poor management and also supervision.

We can address the problems as raised by the distinguished Senator from Connecticut, but we ought to do it in the right way. I do not think the Senate should act hastily on an important area. We are on top of it. We are conducting oversight.

So I must oppose this amendment and urge other Members to do the same.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I think I have made the case. I will just summarize it for you here.

Since September 11, we have been in a different world. Developing our capacity and our ability to conduct interrogations, to be able to understand the languages of other peoples so we understand what is going on, is critically important.

And our ability to have inhouse, within our military services, the capacity to conduct one of the most important functions—that is, to conduct interrogations and gather intelligence that protects our men and women in uniform—should not be outsourced to people whose major qualification is a bachelor of arts degree.

These young people who are being trained in the military may be young, but they are trained interrogators. That is what we ought to be doing. We have 539 new ones, in addition to the ones who exist today, coming out of school soon. We ought to be saying—as the military has asked us now for 4 years—do not contract this out. This administration's most recent Secretary of the Army said: Do not contract this out.

This ought to be an inherently governmental function: to conduct interrogations, to gather intelligence, to protect our men and women in uniform, and to advance our cause. The idea, somehow, that this is going to slow us down or make us incapable of doing our job is foolishness. We all know what is going to happen. If we have a partisan debate here that rejects the idea that we ought to have an in-house capacity in intelligence areas, then the Army, or some in the military, will read that as a signal that they can continue doing what they are doing.

That is dangerous, in my view, dangerous when you have a Department of the Interior agency actually doing the contracting out to private companies, where the desired capability, according to their own Web site, is not much more than a bachelor of arts degree. That is it.

It is the 21st century. The war is on terrorism. Let's wake up. I urge my colleagues to support the amendment and reject the tabling motion.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I simply say, this is not a vote or debate on a partisan issue. We both feel this issue has to be corrected. I simply plead for reasonable time within which to do it, hopefully, to give greater security to our fighting men and women.

Mr. President, I move to table the amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (NE)
Pryor
Reed
Reid
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Bingaman
Edwards
Kerry

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I will suggest the absence of a quorum. I wish to advise Senators we are making progress. We are working out a UC request right now, and I hope to resume the bill very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. WARNER. Madam President, the UC request is still under consideration. Very clear and forthright efforts are going forward on both sides. But in order to proceed on the bill, I ask unanimous consent that we turn to the Senator from Illinois, who will speak for a few minutes, and then it is my understanding a voice vote will be acceptable on his amendment. Following the adoption of that amendment, we will turn to the distinguished Senator from Kentucky for the McConnell-Bunning amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3386

Mr. DURBIN. Madam President, I ask at this point for consideration of amendment No. 3386.

The PRESIDING OFFICER. That amendment is pending.

Mr. DURBIN. Thank you very much, Madam President.

Madam President, I thank the chairman of the committee, Senator WARNER of Virginia, and my close friend and colleague on the Democratic side, Senator CARL LEVIN of Michigan, for their support of this amendment.

I think this amendment comes at the right moment in history. All across the world, many who are our friends and those who are not question whether the United States is abandoning its time-honored commitment to oppose torture, cruel, inhuman, and degrading treatment of detainees and prisoners.

The scandal at Abu Ghraib touched the heart of every American because it sent entirely the wrong message about the values of this country. We are not a country that will look the other way when it comes to this sort of horrific treatment. This amendment is a reaffirmation of our statement as Americans that we are committed, as every administration has been going back to President Abraham Lincoln, to oppose torture and the kind of inhuman conduct and treatment that we saw at Abu Ghraib prison.

I think this amendment also makes it clear to the Department of Defense that we want them to take this seriously, to establish guidelines consistent with our Constitution, with the laws of the land, and with the treaties that have been signed by Presidents, Democrat and Republican alike. These guidelines will be clear signals for every member of the U.S. military in terms of acceptable conduct when it comes to the interrogation and treatment of detainees.

The third step in this amendment says that any violations that are noted by the Department of Defense will be reported to Congress consistent with national security. Should there be a circumstance where classified or secret information would jeopardize the security of this country, it can be reported in that context to the appropriate committee and in no way diminish the security of this Nation.

I hope this overwhelming support for this amendment at this moment in time will say to those of us across America who feel it is important to send this message, and to those listening around the world, that the United States still stands strong by its commitments to oppose torture and the cruel and inhuman and degrading treatment of prisoners and detainees.

I thank the Senator from Virginia for his cooperation in this regard. I thank the Senator from Michigan for cosponsoring this along with Senator SPECTER of Pennsylvania.

Madam President, I ask that the Senate, at this point, accept the amendment which I have offered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, the Senator from Illinois and myself and others were here well into the night last night as the Senator gave a very detailed dissertation on this subject.

I find the amendment basically recites this administration's policy. The unambiguous policy of this and preceding administrations is to comply with and enforce this Nation's obligations under international law. These obligations are embedded in American domestic law, including the Uniform Code of Military Justice, which explicitly incorporates the law of war.

President Bush has recently stated:

> We are a nation of law. We adhere to laws.

Secretary Rumsfeld, on June 13, stated:

> There is no wiggle room in my mind or the President's mind about torture. That is not something that's permitted under the Geneva Conventions or the laws of the United States. . . . It's required that people in custody be treated in a humane way.

So I think it is very appropriate that we do the codification, as the Senator recommends. I am hopeful that in the conference status Senator LEVIN and I can work to incorporate basically this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me congratulate our good friend from Illinois for his leadership and determination to offer an amendment which will reflect our best instincts, our best values and our laws, both domestic and international laws to which we have subscribed. This amendment reaffirms the military's high standards, which are embodied in the Army's own field manual. Army regulations, which are cited in the "findings" sections of this amendment, explicitly require that all prisoners will receive humane treatment. They prohibit, among other things, torture and all cruel and degrading treatment.

The high standards in the manual, which are reinforced by this amendment, protect American soldiers. It is not just the right thing; it is not just representing our own values. This protects American soldiers. If we lower our standards, it is only going to encourage others to engage in the torture or mistreatment of American prisoners of war in enemy custody.

The reaffirmation of our commitment to treat detainees humanely preserves our ability to demand full protections for American prisoners of war. This amendment is a clear way of reaffirming to the American people and to the world that the United States recognizes it is legally bound by international agreements. Indeed, we have promoted, we have been the leader in producing many of those international agreements relative to torture. We are going to comply with those obligations. There is one rule that applies to all. It applies to us. It applies to every other country. And we accept—indeed, we promote and proclaim—the wisdom of that rule.

I congratulate the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that Senators LEVIN, SPECTER, FEINSTEIN, LEAHY, and KENNEDY be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3386.

The amendment (No. 3386) was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3438

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kentucky [Mr. BUNNING], for Mr. MCCONNELL, for himself and Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT, proposes an amendment numbered 3438.

Mr. BUNNING. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BUNNING. Madam President, I rise today to offer an amendment cosponsored by Senator BINGAMAN and 16 other Senators including Senators GRASSLEY, CLINTON, DOMENICI, KENNEDY, STEVENS, CANTWELL, VOINOVICH, SCHUMER, ALEXANDER, MURKOWSKI, MURRAY, DEWINE, TALENT, DURBIN, BOND, and FEINSTEIN.

This amendment will fix the problems with the Department of Energy's compensation program for sick and injured cold-war workers at Energy sites throughout the country.

Since the end of World War II, workers at Department of Energy sites across the country helped our Nation face threats from our enemies by creating and maintaining our Nation's nuclear weapons.

Many of these workers sacrificed their health and safety and were exposed to harms unknown at the time in their work to preserve our freedoms.

In 2000, as part of the DOD authorization bill, Congress enacted the Energy Employee Occupational Illness Compensation Act.

This act was intended to give timely and reasonable compensation to Department of Energy employees suffering from diseases caused by working in the nuclear weapons program.

This program was split into two parts.

Subtitle B of the program is run by the Department of Labor for those workers with diseases from radiation and beryllium; and

Subtitle D of the program is currently run by the Department of Energy for those workers made ill from toxic substances.

Subtitle B of the program has been running well. The Department of Labor has completely processed more than 95 percent of the 54,000 cases it has received.

Subtitle D of the program, however, is completely broken and the Department of Energy has done an abysmal job running it.

For almost 4 years now, the Department of Energy has failed to process and pay claims of workers who were made ill by their work.

The Energy Committee has held 3 hearings on this issue which revealed the DOE's failure at administering this program. I should note that both the chairman and the ranking member of the Energy Committee are cosponsors of this amendment.

GAO has also studied this issue and found the DOE's performance subpar.

More than 24,000 workers or survivors have filed claims with the DOE for compensation for their illnesses.

DOE has now received $95 million for this program from Congress and only four claims have been paid.

Further, the program under the DOE has an uncertain process for compensating workers. Even if a worker is found to have an eligible claim, DOE has not identified an entity for all claimants who will pay those claims and serve as a "willing payer."

DOE's miserable job with this program is particularly troubling because of the Kentucky workers at the Paducah gaseous diffusion plant, where the uranium shipped to sites throughout the country was refined.

Under DOE's program, out of almost 3,000 former Paducah workers who have filed for compensation for their illnesses. Zero workers have received any compensation for their illnesses.

The Department of Energy's current track record for slow processing of claims makes me believe that it lacks the capability to handle the compensation program effectively.

The amendment transfers subtitle D claims processing operations from the Department of Energy to the Department of Labor, who is currently handling thousands of similar claims under subtitle B of the program.

The Department of Labor is one of the largest and most efficient claims operations in the country.

Payments will be made directly by DOL to the worker or survivor. This solves the current issue of no willing payer for all eligible claims.

The funds continue to be subject to annual appropriations as they currently are today.

CBO anticipates only minor costs associated with the transfer of the program to DOL.

This amendment fulfills the promise that Congress made to DOE workers in 2000 to provide payment and benefits for their illnesses due to toxic substances.

Many of these workers are dying and should not have to wait any longer for the Department of Energy to get its act together to process and pay the valid claims in a timely manner.

The current DOE program's lackluster performance is not what Congress envisioned when it passed this act in 2000.

It is imperative that we protect those workers who risked their health and safety to help us win the cold war.

I urge you to support this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I rise to speak in strong support of the Bunning-Bingaman amendment, of which I am a proud cosponsor.

At the outset, I want to thank Senator BUNNING and Senator BINGAMAN for their leadership and hard work on this amendment, and in bringing this to the floor. I also want to thank Senator GRASSLEY, Senator DOMENICI and the many other members who have worked on this amendment. The full list of cosponsors is a long, bipartisan list: BUNNING, BINGAMAN, GRASSLEY, CLINTON, DOMENICI, CANTWELL, VOINOVICH, SCHUMER, ALEXANDER, KENNEDY, MURKOWSKI, MURRAY, DEWINE, FEINSTEIN, TALENT, DURBIN, STEVENS, and BOND.

The purpose of our amendment is simple: We're here to help fulfill the promise that Congress made 4 years ago to some of our Nation's cold warriors. In 2000, thanks to the leadership of Senators VOINOVICH, KENNEDY, and many others, Congress passed the Energy Employees Occupational Illness Compensation Act as part of the FY 2001 Defense Authorization Act. That law was both a recognition of the Government's responsibility for exposing energy program workers to deadly radiation, and a promise that the Government would provide timely assistance and compensation to workers who were harmed by exposure to radiation and other toxic substances.

I think it is worth briefly revisiting some of the findings of that 2000 act, because I think it sets the context for this amendment. The findings of that act stated:

> Since the inception of the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the Department of Energy and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.
>
> Many previously secret records have documented unmonitored exposures to radiation and beryllium and continuing problems at these sites across the Nation, at which the Department of Energy and its predecessor agencies have been, since World War II, self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to be carried out under such sweeping powers of self-regulation.
>
> The policy of the Department of Energy has been to litigate occupational illness claims, which has deterred workers from filing workers' compensation claims and has imposed major financial burdens for such employees who have sought compensation. Contractors of the Department have been held harmless and the employees have been denied workers' compensation coverage for occupational disease.
>
> Over the past 20 years, more than two dozen scientific findings have emerged that indicate that certain of such employees are experiencing increased risks of dying from cancer and non-malignant diseases. Several of these studies have also established a correlation between excess diseases and exposure to radiation and beryllium.
>
> To ensure fairness and equity, the civilian men and women who, over the past 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy and its predecessor agencies should have efficient, uniform, and adequate compensation for beryllium-related health conditions and radiation-related health conditions.

Although the findings of the 2000 act still stand, its promise of efficient, uniform and adequate compensation simply has not been met. That is what this amendment is about—Congress needs to make good on the promise it made in 2000.

Before I describe the amendment in detail, I want to make it clear that this amendment is a compromise. It does not contain everything that I would have liked to include, and I know that it reflects compromises on both sides. But there is no question in my mind that it will help workers in New York, and virtually everywhere else that our nuclear weapons production facility workers are found, and therefore I strongly support it.

As Senator BUNNING has described, Subtitle D of the 2000 act required DOE to review evidence to determine if a worker's illness was caused by exposure to toxic substances in their DOE work. Claimants with positive findings from the DOE physician panels were to be assisted by DOE in filing for and receiving State workers' compensation benefits due to them.

Processing of claims by DOE has been extremely slow. In 4 years, only 3 percent of claims have been processed by DOE. Eighty percent of subtitle D claims are languishing in the DOE system at the very earliest stages of development or with no work begun on them at all. There have been three Senate hearings in recent months examining the DOE's failed operation of Subtitle D of the EEOICPA program. GAO has studied DOE's efforts under subtitle D and found significant problems with both DOE's claims review process and DOE's ability to pay valid claims.

The bottom line is that after 4 years and more than $90 million in administrative funding, DOE admits that they have only provided compensation to four claimants of the more than 24,000 that have applied for assistance under the Subtitle D program. Our amendment addresses this problem by transferring claims processing operations to the Department of Labor, one of the largest and most efficient claims operations in the country. DOL is already processing thousands of similar claims under Subtitle B of EEOICPA and has already processed more than 90 percent of their claims. Our amendment assures that benefits due to workers or survivors will be paid according to the State laws covering the worker or survivor. The payments will be made directly by DOL to the worker or survivor. Benefits will be paid with appropriated funds, just as they would have been had DOE performed as expected. The Department of Labor's operation of this program is likely to be significantly more efficient and less expensive than DOE's current claims processing operation.

Although I would have preferred to see a uniform benefit established under subtitle D in this amendment, I believe that moving the subtitle D program to the Department of Labor will be a very significant improvement.

The amendment also corrects a significant problem associated with subtitle B of the 2000 Act. Under subtitle B of the Energy Employees Occupational Illness Compensation Program Act, workers are eligible for a payment of $150,000 and medical coverage for expenses associated with the treatment of certain illnesses resulting from exposure to radiation at atomic weapons plants. This part program is administered by the Department of Labor, and though its administration has been far better than the subtitle D program administered by DOE, it has had its share of problems as well. One of the problems is that workers who became sick from working in contaminated atomic weapons plants after weapons production ceased are not eligible to apply for benefits under subtitle B of the Act.

Recognizing that this was a potential oversight in the 2000 act, Congress directed the National Institute of Occupational Safety and Health to study the issue and report back to Congress. In 2003, NIOSH finished its study, entitled "Report on Residual Radioactive and Beryllium Contamination in Atomic Weapons Employer and Beryllium Vendor Facilities." The report concluded potential for significant residual radioactive contamination existed in many of these plants for years and decades after weapons production ceased, posing a risk of radiation-related cancers or disease to unknowing workers.

In fact, the report found that: 97, 44 percent, covered facilities have potential for significant residual radioactive contamination outside of the periods in which atomic weapons-related production occurred; 88, 40 percent, such facilities have little potential for significant residual radioactive contamination outside of the periods in which atomic weapons-related production occurred; and 34, 16 percent, such facilities have insufficient information to make a determination.

In my State of New York, 16 of 31 covered facilities were found to have the potential for significant contamination, 10 had little potential for significant contamination, and 5 of the 31 had insufficient information. In other words, more than half of the New York Atomic Weapons Employer Facilities in New York were contaminated after weapons production ceased. As a result, workers were exposed to radiation, and deserve to be eligible for benefits under EEOICPA.

But this is not just a New York issue. The 97 facilities where NIOSH found the potential for significant residual radioactive contamination outside the periods during which weapons-related production are spread across 16 States. I want to briefly list these States for the benefit of my colleagues. They are California, Connecticut, Florida, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Missoiuri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas.

Once the NIOSH report came out, it was clear that the law needed to be changed. The fact is that many of the facilities remained contaminated after weapons production ceased, and workers continued to be unwittingly exposed to radiation. That is why I introduced the Residual Radioactive Contamination Compensation Act, RRCCA, earlier this year, and I am pleased that with some modifications, it has been incorporated into this amendment.

The most important change that this provision will accomplish is that it will provide eligibility for benefits under subtitle B to workers who were employed at facilities where NIOSH has found potential for significant radioactive contamination. This just means that these workers will be eligible to apply for benefits like the workers who were exposed to radiation during weapons production. We are not automatically granting them benefits. We are just saying that they ought to be eligible to apply. And that is only fair.

In addition to expanding eligibility to workers employed at facilities where NIOSH has found potential for significant radioactive contamination, the amendment would require NIOSH to update the list of such facilities by 2006. This addresses the fact that there was insufficient information for NIOSH to characterize a number of sites in its 2003 report.

As I pointed out earlier, fixing this so-called "residual contamination" oversight in the 2000 act will be very helpful to a small number of deserving workers in my State, particularly in western New York. And it will be similarly helpful to workers in the other 15 States that I mentioned.

Due to the efforts of Senator SCHUMER, the amendment would also establish a center in western New York to help people navigate the claim system. I want to applaud his work on this provision which will also be extremely helpful to New Yorkers. These are steps forward, and paired with the changes to the workers compensation portion of the program that Senator BUNNING has outlined, represent significant improvements.

Before I close, I want to make several additional points.

First, this is a modest amendment. The Congressional Budget Office estimates that making workers who were exposed to residual contamination eligible for benefits under subtitle B of the act, as I have described, will cost only $2.9 million per year over 10 years. The changes to subtitle D, the workers' compensation component of the program, are also relatively inexpensive. CBO anticipates the program will need an appropriation of an additional $2 million in FY 05 from the current program to pay for these changes, and that annual costs in future years will be on the order of $25 million per year annual costs. This is very close to the current scored amount for this portion of the program. All of these costs are fully offset in the amendment. This is a very small price to pay to help fulfill the promise that Congress made to weapons workers in 2000. It is not everything that I and others involved in the negotiations would have wanted, but it will make a significant difference.

Finally, I note that last week we celebrated the life and service of Ronald Reagan. Many of the tributes to President Reagan focused on his role in ending the cold war. Ronald Reagan was a commander in chief in that war—one of the last in a line of commanders in chief that stretched back to the end of World War II. As we all know, the cold war was a different kind of war—one that relied on deterrence, the credible threat of a massive retaliatory attack by the U.S. In a very real sense, the foot soldiers of that cold war included the men and women who toiled in the weapons production related facilities run by DOE and its contractors. These people were true cold war heroes, working in hazardous conditions, and in some cases, paid a heavy price in terms of their health. We owe it to them to fix the glaring flaws in the Energy Employees Occupational Illness Compensation Program.

As the Senator from Kentucky explained, the purpose of the program in 2000 was to remedy and provide compensation for workers who had been the warriors during the cold war. It was not a hot war. It was a cold war.

One of the commitments made by our Nation in passing the legislation in 2000 was to recognize our responsibility to workers who were exposed to radiation and to help them with medical and living expenses all these years later. One of the problems is that workers who became sick from working in contaminated atomic weapons plants or their contractors, after weapons production ceased, were not eligible to apply for benefits under the act. Recognizing that this was a potential oversight, the Congress directed the National Institute of Occupational Safety and Health to study this issue and report back to Congress.

In 2003, NIOSH—the national institute—submitted a report entitled "Report on Residual Radioactive and Beryllium Contamination in Atomic Weapons Employer and Beryllium Vendor Facilities." That is a long way of describing that the NIOSH investigators found that some of the plants people have worked in were contaminated for years after the actual weapons production ceased or after the actual components for the weapons production in the contractor's plant ceased. The report concluded there was a potential for significant residual radioactive contamination that posed a risk of radiation-related cancers or diseases to unknowing workers. In fact, the report found that 44 percent or 97 of the facilities that fell into the category of being potentially residually contaminated did have evidence of such contamination; 88 such facilities have little potential for such contamination; 34 had insufficient information on which to base a determination.

In New York, 16 of 31 facilities that could have been considered residually contaminated were found to have significant contamination. I am not satisfied with the NIOSH findings because I think we now know more about where to look for and how to discover this residual contamination. The bottom line is that, even under the NIOSH report of 2003, we had workers in New York who were found to have been exposed to radiation and beryllium because of the work they did for our country through the contracting in order to produce the weapons needed in the cold war.

This is not just a New York issue, obviously. There are 16 States where this residual contamination has been found.

So out of the NIOSH report it became clear that we needed to amend the law. I introduced the Residual Radioactive Contamination Compensation Act. I am pleased that, with some modifications, it has been incorporated into this amendment.

The most important change is we now will provide eligibility for benefits under subtitle B of the original act to workers who were employed at facilities where NIOSH has found potential for significant radioactive contamination. That means they will be able to apply for benefits just like the workers who we know were directly exposed to radiation during weapons production. They are not automatically eligible for benefits, but they now have a right to apply. That is only fair.

In addition to expanding eligibility for workers employed at facilities where the potential for residual contamination was discovered, my amendment requires NIOSH to update the list of such facilities by 2006. I have met with these men who worked in these plants. They came home from World War II—the vast majority of them—and they went to work in the industrial plants that were all over western New York in the late 1940s and 1950s, and they worked hard. They have distinct memories of rolling big coils of uranium around the floor of the plants, and uranium residue was falling into the fires of the steel mills. It is a very touching experience because they did what they were supposed to do. Many of them fought in Europe, in the Pacific, and came home after the war to lead their lives, raise their families. They worked hard for years, and now they are sick. So we need to fix this.

I am grateful for this amendment moving us forward. I am going to focus hard on NIOSH as they continue their work to meet the 2006 update deadline that this amendment imposes because I think there are other facilities—certainly in my State—where it is indisputable that they were contaminated by residual radioactive materials.

We are also establishing a center in western New York to help people navigate the claims system. As the Senator from Kentucky pointed out, the DOE has not done the job. We need to have a place where all of these workers, many of whom are in their seventies and eighties now, can go and get the information about this new law and they can get their claims expedited accordingly.

This is a modest amendment. The CBO estimates that making workers who were exposed to residual contamination eligible for benefits under subtitle B of the act will cost only $2.9 million per year over 10 years. The changes to subtitle D, the workers' compensation component of the program, are also relatively inexpensive. CBO anticipates the program will need an appropriation of an additional $2 million in fiscal year 2005 from the current program to pay for these changes, and that annual costs in future years will be on the order of $25 million per year. This is very close to the current scoring amount for this portion of the program. The difference is we are not only going to do the program better and take care of more people, these costs are fully offset in this amendment.

Madam President, this is a very small price to pay to fulfill the promise Congress made to weapons workers in 2000 and that Americans made to these men over decades as they labored in these facilities. It is obviously not everything some of us would wish for, but it is a very honorable compromise, and the sponsors of the bill have worked very hard to bring it about.

So I hope that, in the wake of dedicating the World War II Memorial and the week of honors to President Reagan and his legacy, we recall that during the cold war we relied on deterrence. What that meant is we had to have a credible threat of a massive retaliatory attack by the United States against the Soviet Union in the event that they were to even consider acting against us.

In a very real sense, the soldiers of the cold war were also the men and women who toiled in these weapons production facilities run by DOE and the contractors, many of whom were in western New York and throughout my State. These were people who worked in hazardous conditions; many have paid a heavy price in terms of their health.

I am very pleased that today we are taking a step to fix the glaring flaws in the Energy Employees Occupational Illness Compensation Program, and I urge my colleagues to join in supporting the Bunning-Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York, Mr. SCHUMER, is recognized.

Mr. SCHUMER. Madam President, I want to join all of my colleagues, including my good friend, the Senator from Kentucky, my colleague and friend, Senator CLINTON, Senator BINGAMAN, and so many others who are in support of this bipartisan amendment, which would not only improve many of the unsuccessful provisions of the Energy Employees Occupational Illness Compensation Program Act, but it would also address critical areas of concern important to workers that were not properly dealt with in the original legislation.

For decades during the cold war, thousands of New Yorkers labored in hazardous conditions at DOE and contractor facilities, unaware of the considerable health risks. Workers at these facilities handled high levels of radioactive materials and were responsible for helping create the huge nuclear arsenal that served as a deterrent to the Soviet Union during the cold war.

Although Government scientists knew of the dangers posed by radiation, workers were given little or no protection, and many have been diagnosed with cancer.

During the cold war, New York alone was home to 36 former atomic weapon employer sites and DOE cleanup facilities. In the 8 counties of western New York—in the Buffalo and Niagara region, where this is particularly a problem—there were 14 facilities that participated in the manufacture of America's nuclear arsenal.

Despite having one of the greatest concentrations of facilities involved in nuclear weapons production-related activities in the Nation, western New York continued to be seriously underserved by the Energy Employees Occupational Illness Compensation Program, not just for a year or two but for many years. Many constituents from my State went unaware of the program entirely or were not provided with sufficient information about how the claimant process worked. In the opinion of my constituents, this program was completely ineffectual in its ability to address their questions and concerns properly.

Despite statutory language in section 3631 of the original legislation, which required DOL to provide outreach and claimant assistance, the only assistance applicants received when applying for this program was from a traveling resource center that came to the area too infrequently to serve the public.

Today I am happy to say that the Bunning-Bingaman amendment would substantially improve the effectiveness of outreach and claimant assistance to applicants from the New York region by recognizing the need for a resource center in western New York. This is something we have been pushing for years. This would be a substantial step toward improving services for workers in my home State.

Upon successful passage of this legislation, I look forward to working with the newly established Office of the Ombudsman to locate a resource center in the western New York region. A permanent facility would not only increase awareness of the program among residents but would help serve workers throughout the claimant process.

Furthermore, this legislation would repair the definition of an "atomic weapons employee" to assure that those exposed to residual radiation after a facility finished processing radioactive materials for nuclear weapons programs would qualify to apply for benefits—a truly fundamental expansion on which my esteemed colleague Senator CLINTON has been a leader.

In a report released at the end of 2003, NIOSH identified 86 atomic weapons employer facilities across the country where there was a potential for significant residual radiation outside the period in which weapons-related production occurred, and 14 of those are in my home State of New York.

Passage of this new legislation would provide a significant opportunity for sick nuclear workers from across New York and the country who were formally excluded from this program to receive the compensation they deserve.

While the act was enacted to provide compensation to employees of the Department of Energy and its contractors who were exposed to radiation or other toxic substances, a significant portion of this program utterly failed—utterly failed—in its obligations to thousands of Americans who dutifully acted as soldiers on the front lines of the nuclear arms race.

After 4 years and more than $90 million in administrative funding, DOE admits they have only provided compensation to 4 claimants of the more than 24,000 who have applied for assistance under subtitle D. There have been multiple Senate hearings examining the failures of this program and particularly of subtitle D. GAO has studied DOE's efforts under subtitle D and found significant problems with both DOE's claims review process and the ability to pay valid claims.

Today we owe it to those who sacrificed their health and safety for the security of America to pass the Bunning-Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I express my appreciation to the Senator from Kentucky, and the Senator from New Mexico as well. The Senator from Kentucky has worked diligently, consistently, persistently, and made certain that this amendment saw the light of day.

I thank the Senator from Virginia for permitting it to be considered in this way.

I only have a brief comment to make, but this is an important comment. As the Senator from New York said, this amendment will fulfill the intent of the act in 2000 which intended to provide for our cold-war veterans, our sick workers. The Senator from Alaska, who is in the chair, has been one of those who have spoken eloquently about this in the Energy Committee on which we both serve.

Over 24,000 of our Nation's cold-war veterans have filed claims with the Department of Energy, and over 18,000 of those claims are still being developed or awaiting development. There are more than 4,800 cold-war veterans in Tennessee who are sick and are getting the runaround from the Department of Energy. It needs to stop. We should be treating our cold-war veterans with the same respect they have treated our country.

As of March 18 of this year, 60 percent of these cases were still awaiting development—60 percent. The Department of Energy has had, as has been said already, nearly 4 years to get its act together and has yet to do so. This amendment will transfer the responsibility of claims from the Department of Energy to the Department of Labor. The Department of Labor currently runs several workers' compensation programs and is well equipped to handle those claims. The changes will provide uniform medical benefits and allow a large number of claimants in the process to receive compensation much sooner.

I am proud to be a cosponsor of the amendment. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to join my colleagues, Senators BUNNING and BINGAMAN and the other supporters of this legislation, to support this very important amendment. This amendment will improve an existing program which provides financial and medical compensation to workers who were made ill as a result of their employment at the Department of Energy's nuclear weapons facilities.

Since the end of World War II, at facilities all across America, tens of thousands of dedicated men and women in our civilian Federal and contract workforce helped keep our military fully supplied and our Nation fully prepared to face any threat from our adversaries around the world by developing and building our Nation's nuclear weapons stockpile. The success of these workers in meeting this challenge is measured in part with the end of the cold war and the collapse of the Soviet Union. However, for many of these workers, their success came at a very high price. They sacrificed their health and even their lives, in many instances without knowing the risks they were facing, to preserve our liberty. I will not go into the details, but I saw the memoranda and all the other items they should have had available to them but which were kept from them. What happened to these workers was worse than what happened to the workers in the movie "Erin Brockovich" that many of us saw.

I believe these men and women have paid a high price for our freedom, and in their time of need this Nation has a moral obligation to provide some financial and medical assistance to these cold-war veterans. That is what they are—cold-war veterans.

To meet that goal, I worked with a bipartisan group of my colleagues 4 years ago to create a program that would provide financial compensation to Department of Energy contract workers whose impaired health has been caused by exposure to beryllium, radiation, or other hazardous substances. I have been pleased to be involved with this program from the beginning. In fact, the passage and creation of this legislation in 2000 was one of my proudest moments as a Member of the Senate. It took monumental efforts by a bipartisan group of my colleagues, many of whom cosponsored this amendment we are debating today. I said at that time the Holy Spirit was working because, without divine help, this would never ever have gotten done.

Under the current program, the Energy Employees Occupational Illness Compensation Program, workers suffering from beryllium disease, silicosis, or cancer due to radiation exposure because of their work in our national security programs are eligible for Federal compensation. The Department of Labor was assigned primary responsibility for administration and adjudicating these claims under part B of this act.

Under part D, the Department of Energy would assist claimants filing for compensation through State workers' compensation programs if a physicians panel found an occupational illness caused by chemical or other toxic exposure at a DOE site. Claims were not to be contested by contractors, and any compensation was to be paid by the Department of Energy.

This compromise package that was ultimately agreed to by Congress and signed into law was not what I originally supported in 2000. I introduced a bill which called for a Federal program administered entirely by the Department of Labor, but during congressional negotiations on the language authorizing the program, I agreed to this multiagency concept in order to reach a compromise creating the program. The fact is, if we did not agree to that, we would not have gotten a bill out of conference. So I agreed to it.

I have been pleased with the excellent program the Labor Department is running. Over 3 years after enactment, we have seen over 13,000 claimants receive compensation from DOL. On the other hand, I am becoming extremely frustrated with DOE's administration of part D of the program. More important than my frustration, however, is the fact that claimants who deserve answers and compensation are experiencing endless delays. I visited with some of those people. They cannot understand why this bureaucracy in Washington does not work.

While over 24,000 claims have been received by the Department, only 646 final decisions have been sent to claimants. Think about that: Out of 24,000, only 646 have been sent to claimants.

Even more shocking is that only four claimants have any compensation at all from the DOE portion of this program. I have always been skeptical of the capability of the Department of Energy to administer this because of their lack of experience in administering workers' compensation programs. I could have told them that when we started out, but no one would have listened.

Additionally, I was concerned about the role of State workers' compensation programs outlined in part D. As a former Governor, I was doubtful that a Federal program such as this would be able to work in each of the individual State programs.

There are two inherent problems within the existing program: continued delays and slowness in processing claims, and the so-called willing payer issue.

This amendment addresses both of those issues. In order to speed up claims handling and processing, this amendment moves administration of part D from the DOE to the DOL. I believe DOL is better suited to administering this program because they have significant experience in administering workers' compensation programs, including part B of the program.

This amendment also addresses the willing payer issue, another very important aspect. Under the current program, I understand it will be difficult for DOE to fulfill congressional intent in Ohio because there is not a contractor in place at the sites that can be compelled to pay the claims. They are no longer there. Many other workers nationwide are facing the same shortcomings in this program. In fact, the Ohio Bureau of Works' Compensation has tried unsuccessfully to work with DOE to ensure that this program works in Ohio.

The current administrator of the Ohio Bureau of Workers' Compensation is probably the best public administrator I have met in my life. He started with me when I was Lieutenant Governor, worked with me when I was mayor, and came to work with me as Governor of the State of Ohio. I would like to just quote from his letter to me and Senator DEWINE. He stated:

> I understand DOL's and DOE's concern with this amendment, but BWC must ultimately look at what is best for the customer, in this case, the injured workers; consequently, we feel the changes proposed by the amendment will result in positive developments. Since the program's inception, DOE has failed (for whatever reasons, some of which may not be the department's fault) to process its claims in a timely fashion. A recent General Accounting Office report stated that DOE had only processed 6 percent of the 23,000 received claims. Clearly, the current system is not working. We believe throwing more money into a system that does not work will only compound the problem.

The amendment we are considering today enjoys broad bipartisan support in the Senate. It is also supported by many State compensation systems and local labor organizations, including the Ohio Bureau of Workers' Compensation, the PACE locals at Mound and Portsmouth, and the Fernald Atomic Trades and Labor Council in my home State of Ohio.

I urge my colleagues to vote in favor of this amendment. It simply fulfills the promise that we made to these veterans of the cold war. We have kept them waiting too long.

I ask unanimous consent to have this letter from Administrator Conrad printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OHIO BUREAU
OF WORKERS COMPENSATION,
Columbus, OH, June 7, 2004.

Hon. MIKE DEWINE,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. GEORGE VOINOVICH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DEWINE AND SENATOR VOINOVICH: I write today to express the Ohio Bureau of Workers' Compensation's (BWC's) support for the pending Bunning-Bingaman amendment to reform portions of the Energy Employees Occupational Illness Compensation Act of 2000. As you know, portions of this program, especially Subtitle D, have failed to process claims and assist injured workers with receiving their rightful benefits in a timely fashion. As stated in our previous letters, the Department of Labor (DOL) has found success implementing its part of the program (Subtitle B); however, the Department of Energy (DOE) has not met with the same results. Over the past two years, BWC has actively sought a positive solution to this problem with DOE and we are prepared to support the Bunning-Bingaman amendment to help move this program in the right direction.

I understand DOL's and DOE's concern with this amendment, but BWC must ultimately look at what is best for the customer, in this case the injured workers; consequently, we feel the changes proposed by the amendment will result in positive developments. Since the program's inception, DOE has failed (for whatever reasons, some of which may not be the department's fault) to process its claims in a timely fashion. A recent General Accounting Office report stated that DOE had only processed 6% of the 23,000 received claims. Clearly, the current system is not working. We believe throwing more money into a system that does not work will only compound the problem.

We believe the Bunning-Bingaman amendment will reform the system to speed up claims processing and benefit payouts. It will allow states to serve as consultants to advise the federal government on the benefit levels eligible injured workers should be receiving. In effect, the federal workers' compensation program outlined in this amendment offers fewer limitations and easier access to benefits for the injured workers of Ohio than did the previous system that was in place. The states will serve as guides to the federal government to help determine the correct benefit levels.

In addition, by shifting causation determinations and case development from DOE to DOL, it removes subjecting similar injured workers from having to go through multiple federal and state jurisdictions for approval. Injured workers receiving Subtitle B benefits are determined to be eligible for Subtitle D benefits, which will speed up claims and benefit distributions since 50% of all Subtitle D claims have already been awarded Subtitle B benefits.

In sum, we believe the amendment will help steamline the program and take the burden off the states while speeding up the process for the injured workers. It is our belief that the Bunning-Bingaman amendment will help resolve this problem and help bring relief to injured and ill Ohio workers and their families. As has been our history with this program, BWC stands ready to assist the process in any way possible.

Sincerely,

JAMES CONRAD,
Administrator/CEO.

Mr. GRASSLEY. Madam President, I rise to speak in support of the amendment offered by Senators BUNNING and BINGAMAN. This amendment, of which I am a cosponsor, makes significant and much needed reforms to the Energy Employees Occupational Illness Compensation Act of 2000.

Congress passed this law to provide timely, uniform, and adequate compensation to sick nuclear workers. These Department of Energy employees or contractors were made sick from exposure to toxic substances or radiation while assembling our nuclear deterrent. This law required DOE to help these former workers compile employment and medical records to assist in the filing of State workers compensation.

There are two facilities in Iowa that are covered under this law. Over 600 claims have been filed by former workers of the Iowa Army Ammunition Plant located in Middletown, IA. These patriots served on our Nation's homefront during the cold war, putting themselves at risk building nuclear weapons. The least our Government can do is provide the necessary assistance to ensure that those eligible for compensation receive it.

However, one thing has been made perfectly clear. The Department of Energy does not have the capability or expertise to fulfill their responsibilities under this act. I began to question DOE's ability to process these claims in April of 2003, when I noticed they had received over 15,000 claims and only a handful had been fully processed.

I questioned Secretary Abraham on this point. I followed up with Under Secretary Card a few months later. I was told on both occasions that all DOE needed was more time and more money. I was skeptical, to say the least.

Then, last fall, the General Accounting Office confirmed my suspicions. Their conclusions, in a report I had requested, were stunning. Of the more than 19,000 claims filed with the Department of Energy, only 6 percent had been completely processed, and over 50 percent remained untouched. Even more, GAO concluded that more money alone would not result in more timely processing.

Becasue it was clear that DOE had a substandard operation in place to implement this important program, Senator LISA MURKOWSKI and I took action. We offered and had accepted an amendment to the Energy and Water appropriations bill to transfer the claims processing from DOE to the Department of Labor.

We knew at the time that DOE was not on the right track, and that DOL had the experience and expertise to handle this compensation program. While we were successful in the Senate, the Department of Energy and their contract had their way, and our amendment was stripped in conference.

Since that time, I have testified before Chairman DOMENICI's Energy Committee twice to outline the abysmal performance of the Department of Energy. It was at the second hearing where I shared information I had uncovered about the contractor that DOE had hired to do this work.

While only 6 percent of claims had been fully processed, DOE believed it was perfectly reasonable to pay the program manager of their hired contractor $401,000 annually. The head of DOE's contractor costs the taxpayer more than the salaries of Secretary Abraham and Secretary Chao combined.

Today's bipartisan amendment is a comprehensive approach to finally put an end to the perpetual delay in claims processing and address the lack of a willing payor to pay valid claims in Iowa.

It is my understanding that the administration opposes our amendment because they believe it will create an unworkable process and delay the processing of claims. This is precisely the same position they held last October when Senator MURKOWSKI and I pushed similar reforms.

It is unfortunate that the administration hasn't realized during this time that the unworkable process and unnecessary delay is not a result of our efforts here in Congress but the result of 4 years of ineffectiveness at the Department of Energy. This amendment simply makes the original law work.

I hope my colleagues can support our efforts on behalf of the thousands of sick nuclear workers across the Nation. Through this amendment, these sick workers will finally receive the compensation they so richly deserve.

Mr. BINGAMAN. Madam President, I rise today to offer my support for the amendment offered by my colleague, Senator BUNNING, to reform the Energy Employees Occupational Illness Compensation Act.

The purpose of this act was straightforward when enacted in 2000: to compensate sick workers at Department of Energy facilities, and industrial sites, who performed work involving radioactive and hazardous materials associated with nuclear weapons. More importantly, it was to compensate them quickly, and with a minimal amount of bureaucracy, given that many of these workers are dying.

Unfortunately, 4 years later that does not appear to be the case for subtitle D of this act, as administered by the Department of Energy, which handles claims that are to go forward to State compensation boards.

Let me cite some statistics that indicate to me that there appears to be a structural problem with subtitle D. As of June 4, 2004, the Department of Energy has 24,354 cases pending to determine whether working at a DOE facility was the cause of their illness. Yet as of June 4, 2004, only four of the cases have received a favorable determination from State Worker Compensation Boards. The amount paid out for these four cases is approximately $139,000. Over the past 4 years, the administration of this program has cost the taxpayers $95 million.

The Energy and Natural Resources Committee has held two hearings on this program to explore solutions to the problems we face under subtitle D. The first hearing was on November 23, 2003. It had seven witnesses, including Senator GRASSLEY and Under Secretary Card from the Department of Energy. The other five witnesses were experts in the field of injured worker compensation; all had worked on this program since its inception. At that hearing, the expert witnesses confirmed there were major problems processing the claims under subtitle D. Dr. David Michaels, the former DOE official who developed this program, told the committee that subtitle D, as administered by the DOE, was a failure.

The second hearing on March 30, 2004, included Senator GRASSLEY, DOE Under Secretary Card and officials from the GAO, Department of Labor and NIOSH. At this hearing, the DOE proposed several legislative changes to the processing of the claims, such as reducing the physician panels from 3 to 1 and increasing the pay for qualified physicians. In my opinion, these administration proposals fell short, yet these proposals are in the current Department of Defense bill the Senate is debating.

Because of these two hearings, Senator BUNNING and I are now proposing this amendment, which we believe will help fix some of the problems found under subtitle D. The amendment has undergone many hours of bipartisan staff discussion over several months.

The most significant element of the amendment is the shift of subtitle D from the DOE to the Department of Labor, which specializes in handling such claims. If the claim is found to have been caused by employment at a DOE site, the Department of Labor then pays the sick worker his lost wages at the time of his employment plus medical expenses, according to their State compensation formula at the time of employment.

This payment scheme is a positive step forward. It eliminates an adversarial adjudication in front of a State compensation board, which in some cases, even if positively adjudicated, will have no willing payer as the contractor has long since vanished. Sick workers who performed inherently unique governmental functions associated with nuclear weapons should not be subjected to this adversarial adjudication process.

I believe the remedy that Professor John Burton of Rutgers University proposed is the better approach. Professor Burton is the Nation's leading expert on workers compensation, and he has given advice on this legislation since it was first enacted. At the March 30 hearing, Professor Burton recommended a single formula modified according to the degree of disability. In this way, the Department of Labor is not tied to each State's compensation formula as in this amendment.

Nevertheless, I think this amendment reflects a bipartisan effort, and in doing so, compromises had to be struck by all parties.

I also ask unanimous consent to have printed in the RECORD a letter in support of the New Mexico Workers' Compensation Administration for fixing the program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW MEXICO WORKERS' COMPENSATION COMMISSION STATEMENT ABOUT EEOICPA REFORM—JUNE 2, 2004

The NM Workers' Compensation Administration strongly supports concrete steps by the federal government to provide meaningful implementation of the EEOICPA. By meaningful implementation, we mean federal monetary compensation and medical care for workers made ill by exposure to radiation and toxic substances while performing jobs related to atomic weapon production and Cold War efforts. Our state, along with others, dedicated its most valuable resource, human lives, to the strengthening of the nation. New Mexico citizens are proud to have served. Many dignified New Mexicans, including our friend and beloved state Representative Ray Ruiz, have tragically passed away from work related illnesses while waiting for the federal government to fulfill promises contained in the Act. These fine people are patriots that were seriously injured while working on federal priorities. They are still waiting for federal help. The NM Workers' Compensation Administration stands ready and willing to assist in any way it can, and certainly will not stand in the way of federal authorities finally fulfilling the promises made to these citizens.

Sincerely,

ALAN M. VARELA,
Director, New Mexico Workers' Compensation Administration.

Mr. BINGAMAN. Let me note that even though this amendment proposes to move subtitle D from the DOE to the Department of Labor, the DOE will continue to play a vital role in locating and interpreting the workers' employment and medical records. This move will let the DOE concentrate solely on performing this important function without trying to administer a large claims processing program.

I conclude by thanking those who have contributed to this effort. I thank Ms. Kate Kimpan from Senator BUNNING's Office, who has provided never-ending technical support on a complicated subject. I also thank Mr. Richard Miller of the Government Accountability Project, Mr. Jay Powers of the AFL-CIO, and others of the building trade unions. Richard Miller and Jay Powers have worked to help sick atomic workers since this program was initiated, and have continued to make Congress aware of its failings 4 years later; we owe both these gentlemen a debt of gratitude.

These workers and their families have suffered the pain of serious illnesses for so long—we should not make them suffer the indignity of trying to navigate Government red tape a moment longer. I urge my colleagues to support this amendment.

Mr. REID. Madam President, on June 10, the Las Vegas Review-Journal published an editorial about the program my friend from Kentucky seeks to fix. As the editorial noted, this program was created to compensate our cold war veterans who are sick from their work at nuclear facilities around the country, including the Nevada Test Site, during the cold war.

These brave men and women were not told that they were exposed to dangerous levels of radiation and other toxic substances. In fact, for years the Department of Energy knew the deadly effects of these substances but still resisted workers' attempts to seek compensation for their work-related illnesses.

The Energy Employees Occupational Illness Compensation Program, which began in 2000, was created to remedy the decades of stonewalling and deception by the DOE. When we worked to create this program in 2000, we put part of it under the auspices of the Department of Energy. We intended to provide relief to sick workers and their widows who are strapped with medical bills. As of April, only one worker in Washington State had received any compensation through the DOE program. Three more workers have now received compensation.

More than 24,000 workers have filed claims with the Department of Energy. After 4 years and about $74 million worth of work, exactly four of these workers have received compensation. The Review-Journal calls the DOE's program a "boondoggle." I couldn't agree more. Many of these workers, if not most of them, are very sick. They are aging. If they have to wait much longer, they may not live long enough to receive the compensation they deserve. That isn't fair, and it isn't right.

My colleague from Kentucky is offering his amendment because these workers' illnesses will not wait for the DOE to fix this program on its own. This program has another serious problem that his amendment seeks to correct: some workers who file claims and deserve compensation have no entity to pay their claims.

In Nevada, for example, 482 workers have filed for compensation. If they were exposed to toxic substances at the Nevada Test Site before 1993, they would have no so-called "willing payer" of workers' compensation.

For 3 years, Congress has asked the Department of Energy to suggest a way to fix this problem. The best answer we have received is, we are looking into it.

In its last hearing on this program, the DOE said it had no responsibility to help workers through their State workers' compensation programs. The bureaucrats at DOE are missing the point of this program. Yes, DOE is finally beginning to admit to some of its workers that their jobs made them sick. That is a step in the right direction. But admitting responsibility for these illnesses, and then declining to offer any help, is not in the spirit or the letter of the law we passed 4 years ago.

The Department of Energy was given a huge opportunity with this program to rectify its previous mistakes that caused these workers to become sick. I am very disappointed with what the DOE has done with that opportunity, but I am not surprised considering how they have botched our nuclear waste program.

I hope our action today will move us toward fulfilling the promises we made to these workers. Just as we would never leave a soldier on the battlefield, we must not leave behind these Americans whose work in the nuclear industry helped our Nation win the cold war.

Mr. KENNEDY. Madam. President, I support Senator BUNNING's amendment to improve the Energy Employees Occupational Illness Compensation Program Act. The program, for all its growing pains, is becoming a long-awaited success. It has now provided benefits to over ten thousand employees or their surviving family members.

Four years ago, I joined my colleagues Senators Thompson, BINGAMAN, and VOINOVICH to pass this program to compensate workers for the dangers they have faced from chemicals and radioactivity in their work in producing nuclear weapons many years ago. Many of them suffered debilitating and often fatal illnesses directly related to their exposure. The health and safety hazards they faced were not as well known as they are today, but in many cases, the government decided that production of the weapons was more important than the safety and health of the workers.

The compensation program was intended to right this wrong, and many of its goals have been achieved in the past 4 years. The Department of Labor has processed over 30,000 out of 55,000 claims, and made payments of over $870 million in compensation and medical bills.

Unfortunately, not all parts of the program have been as successful. The part handled by the Department of Energy is not functioning as it should. The Department has moved very slowly. After four years and more than $90 million in administrative costs, 80 percent of the 24,000 claims the Department has received have still not been fully processed.

Even workers who do make it through the system are not being paid. Because the payments are funneled through State workers' compensation systems, even persons who we acknowledge were made sick by their work have to fight for the compensation they are owed. At this point, we know of only four claims that have been paid.

This is why this amendment is needed, and I commend Senator BUNNING and Senator BINGAMAN for their leadership in developing this bi-partisan solution. I also commend the many other colleagues on both sides of the aisle who have been working on this amendment for several months in order to guarantee that the relief the workers and their families deserve as soon as possible.

The amendment will transfer the administration of claims from the Department of Energy to the Department of Labor, which will pay these claims directly. This step will make it substantially easier for thousands of deserving workers, retirees, and surviving family members to obtain the compensation and medical care they are owed. The amendment also expands eligibility to include workers exposed to residual contamination. I commend Senator CLINTON for her work on this specific problem, which is critical to many workers in Western New York.

The use of a State workers' compensation formula to calculate benefits should not be taken as a model in other cases. This was a unique compromise we reached in order to achieve timely payment of these claims, and is in no way an endorsement of a change in the benefit levels or structure of other Federal workers' compensation programs.

Clearly, we should be using a uniform Federal compensation formula to compensate these workers, because they were performing work for the federal government. A uniform formula is in keeping with the structure of other federal workers' compensation programs. It would also be far easier for the Department of Labor to administer, and I know the Department shares my views on this point.

In addition, other aspects of the compensation program deserve our concern. Thousands of workers are seeking entrance into a Special Exposure Cohort under another part of the program, and the rules for admission have just been issued by the National Institute of Occupational Safety and Health. Also, the dose reconstruction estimates still await processing for some workers in the building and construction trades. I urge the Institute to give high priority to this task so that further legislation will not be necessary.

This amendment is a needed step to carry out the compensation program. I welcome this bipartisan compromise and I urge my colleagues to approve the amendment.

Ms. MURKOWSKI. Mr. President, it is an honor to come to the floor today to speak in support of this amendment to the Department of Defense Authorization Act on behalf of nuclear workers. I am proud to cosponsor this amendment. Why am I am honored to speak on behalf of this amendment? Simply put, because it is the right thing to do. The nuclear workers who will receive compensation under this amendment helped America win the cold war. They worked in our nuclear research facilities, our weapons facilities or, in the case of Alaskans, at the site of the largest nuclear test our country ever conducted. It was through their hard work and courage that our Nation was able to triumph in the most significant challenge we faced during the second half of the 20th century.

Will the compensation to be provided nuclear workers under this amendment really repay our Nation's debt to them? Of course not. It will not come close. Sylvia Carlsson is the widow of an Amchitka worker. Her husband was a mine shaft workers on the Project Cannikin at the Amchitka, AK, nuclear test site in 1971. Project Cannikin was our Nation's largest nuclear bomb test. He was exposed to ionizing radiation during the course of his employment. He died of colon cancer before his 41st birthday. Bev Aleck and Nancy Woodward-Tremper are two of a number of other Alaskan widows with similar stories. Other former Amchitka workers, such as Andrew Akula, are still living but are suffering from life-threatening conditions. Ask any of these Alaskans whether this compensation will make up for lives lot or a lifetime of debilitating disease. It wouldn't. However, the compensation they have earned will at least show that a grateful Nation acknowledges their contribution to our national security.

Let me briefly talk about what this amendment actually does. First, and perhaps most importantly, my colleagues should recognize that this amendment does nothing more than cure deficiencies in Energy Employees Occupational Illnesses Compensation Program Act that Congress passed in 2000. It is narrow, focused legislation. It certain is no brand new entitlement program.

The Energy Employees Act of 2000 established two programs for compensating nuclear workers. The program under subtitle B of the act is administered by the Department of Labor. Numerous claims have been processed and many claimants found eligible have received compensation under the Department of Labor program. Indeed, the Department of Labor's implementation of subtitle B has been universally recognized as a success.

In sharp contrast to the Department of Labor's record, the processing of claims under subtitle D of the Act by the Department of Energy has been unacceptably slow. In 4 years, only 3 percent of claims have been processed by DOE. The great majority of claims remain unprocessed by DOE.

DOE's failure to successfully implement its portion of the Energy Employees Act has been the subject of two recent Senate Energy Committee hearings. The record of these hearings unequivocally reflects both DOE's dismal claims processing record and its failure to develop any plan to provide funds to a significant percentage of nuclear workers found eligible for compensation.

In addition to the Senate hearings, the GAO recently issued a report on DOE's implementation of subtitle D of the Energy Employees Act. It found numerous problems with both DOE's claims processing efforts and confirmed the findings of the two Senate Committee hearings concerning DOE's ability to assure that claimant's found eligible would actually receive compensation.

I try to stay away from dry statistics when discussing issues that have such a direct impact on so many Americans' lives and health. However, I think that in this instance one statistic starkly illustrates the need for this legislation. After 4 years and more than $90 million in administrative funding, DOE has provided compensation to only 4—yes, 4—of more than 24,000 individuals that have applied for assistance under the subtitle D program.

There is nothing new or difficult about this legislation. There is nothing that requires lengthy reflection or consideration. This amendment simply implements legislation Congress passed 4 years ago. Unfortunately, what Congress intended in the 2000 Energy Employees Act has not occurred. This amendment addresses that failure.

I close my remarks as I began. Our Nation owes a debt of gratitude to the nuclear workers. It is well past time that we provided Alaskans and other Americans the compensation they have earned in service to our country. The workers and their survivors deserve no less.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Does the Senator from Kentucky wish to modify his amendment?

Mr. BUNNING. I will, following the Senator from Iowa.

Mr. WARNER. Fine. I ask my colleague to be able to wrap up this very important debate shortly.

Mr. HARKIN. Shortly.

Mr. WARNER. We are anxious to move on, and there will not be a requirement for a rollcall vote. I appreciate very much the cooperation because given the bipartisanship on this matter, it will be a timesaver as we move ahead on this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I ask unanimous consent that I be added as a cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I thank the Senator from Kentucky for also agreeing to modify his amendment with a provision of mine that would shorten the period of time that Congress has to review an administrative determination to add a class of nuclear weapons workers to a "Special Exposure Cohort" entitling them to automatic compensation from 180 days to 60 days. I appreciate the willingness of the Senator from Kentucky to accept that and to shorten that period of time to 60 days which will speed the process of compensating workers.

Senator BUNNING has worked very hard on this amendment. It takes some very important steps toward addressing very serious defects in an existing compensation program, and I hope that my colleagues will support the amendment today and hopefully we will not even need to have a rollcall vote.

In my State of Iowa, between the years of 1947 and 1975, almost 4,000 people were employed assembling, disassembling nuclear weapons. So great was the secrecy surrounding the facility, which was located inside an existing ammunition facility, that I did not even learn of its existence until late in 1997. I might add that when I was informed by certain workers that they had been exposed to dangerous radiation, I then submitted this to the Department of Army.

The Department of Army denied that they had ever worked on nuclear weapons at this facility. Well, I thought that was the end of it. I thought surely the workers must have been mistaken. Then I found out that it was the Army that was mistaken and, in fact, thousands of workers had worked at this plant in Iowa. Five and a half years later we are still trying to learn the full extent of the weapons activity and the radioactive materials to which Iowa workers were exposed.

During this same period, as the realization sank in that the cold war really was over, it became clear that nuclear weapons workers all over the country had been exposed to extremely dangerous radioactive materials without their knowledge and without adequate protection. As a result, many of the workers developed cancer and related occupational illnesses. That is why in 2000, Congress acted to create a compensation system for former atomic weapons workers.

The compensation system that we created had two distinct parts. The part addressed by the Bunning amendment today applies to workers who show that they have an illness that was more likely than not caused by the work they performed in these nuclear weapons facilities, and that they have been disabled by that illness.

Since the creation of the compensation program, this part has been administered—or I should say, quite frankly, has been NOT administered—by the Department of Energy. There are 23,000 workers who have filed claims with the Department of Energy. As of April of this year, exactly one person has received compensation.

When confronted with this appalling record, the Department of Energy continued to assert that it was making improvements and would have all the claims through the first stage of the process in no less than 5 more years! Of course, even if the Department had done a better job of processing the claims, not one single worker in Iowa would ever have been able to get paid. That is because the program was totally dependent on the existence of a current Department of Energy contractor who would be available to pay the claims.

This is a catch-22 situation for Iowa workers because Iowa has not had a DOE contractor since 1975. So as the program stands today, there is no way that any former Iowa atomic workers will be able to get compensation for their illness.

So I welcome the Bunning amendment, which transfers this program known as Title D from the Department of Energy to the Department of Labor and permits the Department of Labor to pay the claimants directly. This will mean that Iowa workers can actually receive compensation and medical benefits under this program. The Bunning amendment simply carries through on our original commitment in the 2000 bill that Congress believes that former nuclear weapons workers made ill by their employment are entitled to compensation.

I do believe this amendment should be a little bit better, and I will talk about an amendment that Senator BOND and I will be offering at some other point later on. First, the amendment continues to require that the amount of compensation under this program be determined based on the State compensation formulas. That means if a worker in Iowa and a worker in Kentucky or New Mexico had the exact same illness, they could nonetheless be receiving very different compensation awards. That makes no sense and creates a ridiculous burden on the Department of Labor in attempting to get these claims processed and paid.

In addition, the level of compensation paid under this program is in my opinion inadequate. The amount that a former worker can receive is calculated based on his or her wage at the time of the disability. In Iowa, this means that the absolute best case scenario is that a worker would receive eighty percent of a 1975 wage, a wage from almost 30 years ago, with no adjustment for interest or inflation.

Under the absolute best case scenario, where a worker is determined to be 100-percent disabled by an injury, that worker would receive about $105 a week, or about $5,000 a year. That is the best case scenario. Most will receive much less.

I think every atomic worker in America who can show they have been injured ought to receive the same pay, whether they worked in Kentucky, Ohio, New Mexico, Colorado, Iowa, Alaska, or Missouri. Basing this on workers' comp wages in each State, again, skews it that way. I believe the amount they are being paid is too low. To base it on a wage of 30 years ago is totally inadequate.

But nonetheless, I believe this amendment is a major step forward for workers in Iowa and across the country. I just wish we could find a more simple and uniform and more generous method for awarding this compensation.

In addition, this amendment essentially leaves untouched the other half of the energy workers compensation program. Basically, we are talking about two titles: Title D, which the Bunning amendment addresses, and then there is Title B. That provides a flat sum of $150,000 and medical benefits to workers with cancer and beryllium disease.

There are two ways for a worker to qualify for this compensation under Title B. The first is to qualify for automatic compensation as a member of a special exposure cohort. When we originally passed the bill, workers from Kentucky, Ohio, Tennessee, and Alaska were designated for this automatic compensation. My question is, Why not all the other atomic workers around the country? Why were they left out? Why should they not be included in part B? Why should those who worked in Iowa who were exposed not be included? So that is the special exposure cohort.

The second way to qualify for the title B, the cancer and beryllium title, and the only method available to the workers in Iowa at the Iowa Army ammunition plant and at facilities in Missouri and at other facilities across the country, is to go through a process where a worker's dose of radiation is reconstructed based on all the documents and information gathered from the site.

At the time the bill passed Congress in 2000, Congress recognized there would be situations where it was simply not feasible to reconstruct workers' doses because relevant records of dose are lacking or do not exist, or because it might take so long to reconstruct a dose for a group of workers that they will all be dead before we have an answer to who is eligible.

That, unfortunately, is precisely the situation in which we find ourselves in Iowa. The Iowa Army ammunition plant facility was in operation, as I said, from 1947 to 1975. The people who worked there who are still alive are elderly, and they are ill. Many have died since we first passed the bill. Bob Anderson, the gentleman who first wrote to me about the fact that they made nuclear weapons in Iowa at this facility, will undergo surgery for thyroid cancer this week. That is in addition to the lymphoma from which he already suffers. Yet almost 4 years into this program, only 38 Iowans have received compensation, and that 38 does not include a single person who suffers from cancer—not one.

These people cannot afford to wait any longer. That is why I will be offering an amendment with Senator BOND to allow workers from our facility to receive automatic compensation as part of a special exposure cohort, the same as the workers in Kentucky, Ohio, Tennessee, and Alaska.

Why should Iowa workers be added to the category entitled to this automatic compensation? Because what we have learned since 2000 is that Iowa has the single worst record of any facility in the country involved in nuclear weapons production. After 3 years of hard work by researchers at the University of Iowa and by the National Institute of Occupational Safety and Health, they have concluded there are no records anywhere that document the level of internal radiation exposure to which workers in Iowa were exposed—none, no records.

With regard to external doses, which are measured by having workers wear badges, between 1948 and 1958 not one single worker in Iowa wore a dose badge—not one. So how can you reconstruct it when, for 10 years, they didn't even wear a dose badge? And, when they did begin wearing badges, it was minimal. Between 1959 and 1965, somewhere between 8 and 35 workers a year wore badges out of a workforce of 800 to 1,000 at that facility. This is despite the fact that just this week, at a meeting of former workers, they told my staff that based upon the way the plant was set up, at least 156 workers a year were exposed to the highest levels at the plant.

Listening to these workers, some of whom worked side by side while one wore a badge and the other didn't, gives a sense of just how totally lacking the facility was in terms of monitoring the radiation that these workers received. Up until 1968, the highest percent of the DOE employees who were monitored was 7 percent, and I am told that these were badges that workers wore on their collars while they were working with nuclear material at waist level.

Just in the last couple of months, NIOSH, the National Institute of Occupational Safety and Health, has completed a "site profile" of the Iowa Army Ammunition Plant that acknowledges these grossly inadequate records. But what is their approach now? They believe they can reconstruct this dose that Iowa workers got by looking at an entirely different facility in Texas during an entirely different time period. This is not fair and it is not right. It is time to admit that Iowa is a site where it simply is not possible to perform dose reconstruction. The Government simply doesn't know what went on at the facility and to what the workers were exposed. That makes it impossible to perform timely dose reconstruction based on science.

For example, in a site profile, NIOSH assumed that the entire work of the facility consisted of assembly work where the workers were protected from the most virulent types of radiation because the neutrons were already shielded with a hard coating when they arrived at the plant. But in a meeting with former workers, they spoke of how weapons were regularly disassembled. The protective outer coat was removed, exposing them to high doses of neutron radiation.

I know the chairman is anxious to get on, but this is extremely important to hundreds of people in the State of Iowa who are sick today with cancer, who are sick today with other diseases, who worked in these plants, who never were told to what they were exposed. We have been fighting, I say to my friend from Virginia, we have been fighting for years to get these poor people covered and they are dying every day and they are not being compensated.

Mr. WARNER. Mr. President, I have personally observed the Senator from Iowa and the Senator from Kentucky for years, and finally they have brought it to fruition. We are ready momentarily to act and accept the amendment.

Mr. HARKIN. I know. I am supporting the amendment. What I am trying to say here on the Senate floor is that even with this amendment there are certain people in Iowa who, because of the way it is structured, will not be adequately compensated. What I am saying to my friend from Virginia and others on the Senate floor is there is a special program that exists in about four different States where if workers have cancer or beryllium illness, they are automatically compensated. In Iowa, because we have no records of dosages and these people have cancer from beryllium, they should have also been put into that special program. Why should atomic workers from one State be put into that and atomic workers from another State exposed to the same kind of radiation not be?

That is the case I am making here. I support the amendment. It takes us a long way. It gets us out of the Department of Energy into the Department of Labor. But it does not address the part of the compensation program that provides for people with cancer. I am saying NIOSH cannot do it, cannot reconstruct the radiation doses of people suffering from devastating cancers. These people in Iowa I believe are being discriminated against. They cannot reconstruct valid doses.

This is exactly the type of situation Congress foresaw when we passed this legislation in 2000. Former weapons complex workers in Iowa are old, they are sick, and they are dying. I mentioned one who just had a lymphoma operation, and he is now undergoing a thyroid operation this week. He was exposed year after year to deadly radiation.

I will close by saying that at a meeting of workers in Burlington, IA, earlier this week we heard from a number of workers—one who worked with weapons for 3 years in the 1960s. Two of her children were born with very serious birth defects which the doctors themselves attributed to radiation exposure. She herself has now developed cancer. We heard from workers who talked about the hair on their legs and arms standing on end when they were near the weapons even though the weapons were cool to the touch. We heard from children whose parents had died when they were young because of lung cancer, kidney cancer, and other cancers, and who worked for years in this facility.

What these people are seeking is not just about money; it is about an acknowledgment that they were put in harm's way without their knowledge. They are seeking an acknowledgment that they made a sacrifice on behalf of the good of this country and for the protection of this country. To require these workers to continue to wait for that justice is not fair and it is not right.

I thank Senator BUNNING and Senator BINGAMAN for their hard work on this amendment. This amendment, as I say, fixes one-half of the compensation system. This is a major step forward. I also say to my colleagues that we are not doing justice for all these workers.

Senator BOND and I will be offering an additional amendment as we proceed on this bill.

There is no reason we should not add the workers from these two facilities to the special exposure cohort. When we originally passed this bill, we created a fund with mandatory spending in the Department of Labor. The Congressional Budget Office analysis devotes almost $700 million for payment of compensation to workers included in the special exposure cohorts—the cancer cohorts. Today, even though the vast majority of claims by workers in those four States who are eligible for this cohort have been paid, just over $400 million has been spent. But the Congressional Budget Office devoted $700 million. The money is there. The money has already been accounted for. We just ask that these workers be acknowledged for the sacrifices they made for their country and that they be included in the special cohorts.

I again thank the Senator from Kentucky.

I yield the floor.

MODIFICATION TO AMENDMENT NO. 3338

Mr. BUNNING. Madam President, I ask unanimous consent that my amendment be modified by the language currently at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

At the end insert:

REVIEW BY CONGRESS OF INDIVIDUALS DESIGNATED BY PRESIDENT AS MEMBERS OF COHORT

Section 3621(14)(C)(ii) of that Act (42 U.S.C. 10 7384l(14)(C)(ii) is amended by striking "180 days" and inserting "60 days".

Mr. REID. Madam President, before this amendment is agreed to, I ask unanimous consent that the Senator from Washington be allowed to speak for up to 3 minutes on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Madam President, I rise as a sponsor of the Bunning amendment, and I thank the Senator from Kentucky for his hard work—both on the Energy Committee and here on the floor of the Senate.

Obviously, we are taking a giant step forward in moving major responsibility for the Energy Employee Occupational Illness Compensation Program at the Department of Labor.

There are thousands of people in Washington State who have been impacted by exposure while working at the Hanford Reservation. The issue is that in 2000, with passage of the original act, as my colleague from Iowa stated, we set up specific exposure cohorts that allowed workers in particular regions of the country to get compensation based on their exposure to beryllium. But where we are today is there are still thousands of workers who have not had their claims processed.

One of the reasons why claims haven't been processed is specific information doesn't exist or was not kept by the various employers at these reservation sites across the country to show what exposed employees endured. The issue then becomes that they have been left to fight their own battles—to fight to get compensation, to fight to prove they actually had exposure, and to fight to pay their medical bills.

With thousands of people in Washington State affected by this, I have been a big supporter of those responsibilities over at the Department of Labor. Besides that, this great ombudsman program is where individual employees can go to ask for help and support in moving their cases.

It also helps in establishing a willing payer. Some of the companies that have been involved in the cleanup process throughout the U.S. no longer exist. We have had employees who wanted to get compensation, and have proven their cases, only to find that no employer existed. This helps in establishing a willing partner and payer.

But the most specific and positive aspect of this legislation is the step forward in saying, let us do site profiles. Site profiles are specifically the responsibility of the Department of Labor to go to a place such as the Hanford nuclear reservation and say, even though some of the employers may not have kept day-to-day logs and details about every specific employee and how they were exposed—and my colleagues have articulated on the Senate floor already how so many people in their States did not have records kept and went to get records by the Department of Energy only to find they didn't exist for the individual employee. When the Department of Labor does a site profile, it will help us when we come back and say that a large class of people at the Hanford Reservation and possibly these other sites around the country now qualify for compensation. This will help expedite that.

The amendment that was modified by the Senator from Kentucky, which the Senator from Iowa worked on, is a very helpful amendment because it actually helps speed up that process of those site profiles.

I don't think it is lost on my colleagues that many of these people are dying. Many of these people, by the time this program under the DOE was going to be finished, were never going to get the help they deserved.

This amendment takes a very positive step forward in getting site profiles done, getting the information needed to prove that these people have been impacted, that they have had illness due to exposure on the job, and that they will not get some help.

I yield the floor.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. HAGEL). The question is on agreeing to the amendment, as modified.

The amendment (No. 3438) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I will address the Senate with regard to a unanimous consent which has been crafted carefully on both sides of the aisle.

I ask unanimous consent that Senator GRAHAM now be recognized to call up his amendment No. 3428, and that it be further modified with the changes at the desk. I further ask consent that there be 15 minutes for debate equally divided on the amendment, and that following that time the amendment be agreed to and the motion to reconsider be laid upon the table.

If further ask that following disposition of the Graham amendment, Leahy amendment No. 3292 be the pending question, and that I be recognized to send up a second-degree amendment, No. 3452.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3428, AS MODIFIED

Mr. GRAHAM of South Carolina. I send my modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. CRAPO, Mr. CRAIG, and Mr. ALEXANDER, proposes an amendment 3428, as modified.

The amendment is as follows:

On page 384, line 15, strike "by rule in consultation" and all that follows through page 385, line 21, and insert "by rule approved by the Nuclear Regulatory Commission;

(2) has had highly radioactive radionuclides removed to the maximum extent practical in accordance with the Nuclear Regulatory Commission-approved criteria; and

(3) in the case of material derived from the storage tanks, is disposed of in a facility (including a tank) within the State pursuant to a State-approved closure plan or a State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act.

(b) INAPPLICABILITY TO CERTAIN MATERIALS.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the State.

(c) SCOPE OF AUTHORITY TO CARRY OUT ACTIONS.—The Department of Energy may implement any action authorized—

(1) by a State-approved closure plan or State-issued permit in existence on the date of enactment of this section; or

(2) by a closure plan approved by the State or a permit issued by the State during the pendency of the rulemaking provided for in subsection (a).

Any such action may be completed pursuant to the terms of the closure plan or the State-issued permit notwithstanding the final criteria adopted by the rulemaking pursuant to subsection (a).

(d) STATE DEFINED.—In this section, the term "State" means the State of South Carolina.

(e) CONSTRUCTION.—(1) Nothing in this section shall affect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, the State of Oregon or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

NATIONAL ACADEMY OF SCIENCES STUDY

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgment of the National Research Council directly relate to the focus of this study.

(c) TIME LIMITATION.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(d) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

The PRESIDING OFFICER. The Graham amendment is so modified.

Mr. GRAHAM of South Carolina. We have 7½ minutes?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. GRAHAM of South Carolina. Mr. President, I would like to speak for 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, many thanks to a lot of people for resolving an issue important to South Carolina. This amendment is a work product of Senators CRAPO, CRAIG, myself, and others. Senator CRAPO has been terrific to work with, along with Senator CRAIG.

We have now put into place an amendment that well defines what we were trying to do. I am trying to clean up 51 tanks of 37 million gallons of high-level nuclear waste in South Carolina, 23 years ahead of schedule, saving $16 billion. My intent has been to do just that and no more.

The Crapo-Craig-Alexander amendment clearly says the agreement between DOE and South Carolina is South Carolina specific. Senator ALEXANDER's language says the Nuclear Regulatory Commission will always retain the power to determine what high-level versus low-level waste is. The $350 million in question will flow to Idaho and Washington regardless of an agreement or the lack thereof. The Crapo-Graham amendment has been worked with Senator CANTWELL, and it does not prevent the disposition plan that has been agreed to in South Carolina.

I thank all Members. There will come a day when Idaho and Washington will need like help, and I will be there. I want the people in South Carolina to know without the help of Washington and Idaho, this would not have happened. There will be a day when they need our assistance, and I will be there. This is a win-win. There is nothing in this amendment that will prevent section 3116 from moving forward.

I yield back any time I have.

Mr. ALEXANDER. Mr. President, I express my gratitude to the Senators from Idaho, and the Senator from South Carolina for working with me on this amendment. I voted against the Cantwell motion to strike because Senator GRAHAM agreed to work with me in making some modifications to the underlying bill.

I am not opposed to reclassification of radioactive waste. What I believe is that the Nuclear Regulatory Commission must have a central role in this process.

The bill as it stands now grants the Department of Energy the right to reclassify nuclear waste from high-level to low-level waste. Under current law, only the NRC has authority to define high-level and low-level radioactive waste. Congress gave the NRC that authority in the Nuclear Waste Policy Act of 1982. The NRC's authority should be maintained. We should keep that authority in the hands of one regulatory agency.

This perfecting amendment ensures that the NRC has the final say in any re-classification criteria. One amendment would modify Section 3116 of the bill to require the NRC to approve the criteria that the DOE uses to determine whether waste incidental to reprocessing is high-level or low-level radioactive waste. This would maintain the NRC's authority over defining radioactive waste.

I hope my colleagues will support quick adoption of this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I appreciate the opportunity to speak on this amendment. I appreciate the hard work of all those involved as we have negotiated these very important issues to the Nation, particularly to the States of South Carolina, Idaho, and Washington.

When we put together the South Carolina language last week and debated it in the Senate, there was a question raised whether that would cause any impact with regard to agreements that had been reached or to negotiations that were underway between the State of Idaho and the Department of Energy and Washington and the Department of Energy.

This amendment makes it very clear that there is no precedent value of the South Carolina language that would impact or in any way alter or amend the agreements of the State of Idaho and the State of Washington that they have with the Department of Energy, or create any precedent for any negotiations now underway between those two States.

The language says that nothing in the section shall alter, affect, or modify the full implementation, and it lists the various agreements for Idaho, most important of which is the Batt agreement.

Then it says:

> (2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, the State of Oregon, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

It is very clear by statutory language now—if it was not already clear before, which we believe it was—that the South Carolina agreement stands by itself. The States of Idaho, Washington, and all other States will be free to negotiate their own arrangements and relationships with the Department of Energy.

Again, I thank Senator CRAIG, Senator ALEXANDER, and Senator GRAHAM for working so closely with me. Senator CANTWELL from Washington has worked closely with us on this issue. I appreciate everyone coming together with a strong resolution to resolve these critical issues.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the chairman of the Defense Authorization Committee for his cooperation and the ranking member for allowing Idaho and Washington and South Carolina to resolve what was and has been, at some points along the way, a contentious issue. But foremost, I thank my colleague from Idaho, MIKE CRAPO, for the diligence that he has put into making sure that Idaho remains whole in its agreement, that Washington remains whole in its agreement, and that South Carolina be allowed to gain an agreement with the Department of Energy, and, if you will, to wipe away the fog that had been created by a court decision that did not, in the opinion of the Department of Energy and the OMB, allow them a clear path forward to continue to spend money for the purposes of cleanup.

We think this language allows that clear path forward while allowing the State of South Carolina to arrive at an agreement different from that which the State of Idaho or the State of Washington has.

I agree, the language is not precedent-setting. Idaho is still very whole in the relationship it has currently with the Department of Energy. My goal, and the goal of the other Senator from Idaho, MIKE CRAPO, has always been to assure that cleanup goes forward without a hitch, and this language will allow that to happen, for the $90-plus million that was dedicated to cleanup in Idaho for this coming year to be allowed to be applied for that purpose. We think that is critically important as we move down this path.

We have worked closely with the State of Idaho. We think this does meet the concern of the State of Idaho. They have vetted this language and understand it clearly. We hope we have now resolved any question anyone might have as to Idaho's role and primacy as it relates to its relationship with the Department of Energy for the purposes of cleanup.

I say to the chairman, thank you for your willingness to be flexible as we have worked out these difficulties.

I appreciate the positions and concerns of the Senator from Washington. We hope this language keeps Washington as whole as we believe it does and as we believe it keeps Idaho, while allowing the State of South Carolina to proceed down a path that could be somewhat different from that which we might choose.

With that, I yield the floor.

Mr. ALEXANDER. Madam President, I wish to express my gratitude to the Senator from Idaho and the Senator from South Carolina for working with me on this amendment and allowing me to be a cosponsor. I voted against the Cantwell motion to strike because Senator GRAHAM agreed to work with me in making some modifications to the underlying bill.

I am not opposed to reclassification of radioactive waste. What I believe is that the Nuclear Regulatory Commission must have a central role in this process.

The bill, as it stands now, grants the Department of Energy the right to reclassify nuclear waste from high-level to low-level waste. Under current law, only the NRC has authority to define high-level and low-level radioactive waste. Congress gave the NRC that authority in the Nuclear Waste Policy Act of 1982. I think the NRC's authority should be maintained. We should keep that authority in the hands of one regulatory agency.

This perfecting amendment ensures that the NRC has the final say in any reclassification criteria. Our amendment would modify Section 3116 of the bill to require the NRC to approve the criteria that the DOE uses to determine whether waste incidental to reprocessing is high-level or low-level radioactive waste. This would maintain the NRC's authority over defining radioactive waste.

I hope my colleagues will support quick adoption of this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, are we ready to vote on this matter?

I urge adoption of the amendment.

The PRESIDING OFFICER. There is still 7½ minutes remaining for debate.

Mr. WARNER. Mr. President, I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3428) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I had wished to speak on the previous amendment. I thought that was part of the agreement, but I will be more specific now, since the amendment has just been adopted by voice vote; and that is to say, the amendment allows us to do a study, it allows the Department of Energy to receive information from the National Academy of Sciences in the future about the ground water conditions and environmental conditions from any kind of proposal or plan on which the Department of Energy would like to move forward.

I think my colleague from South Carolina said it best when he said our colleagues in the Senate have probably learned more in the last few weeks about nuclear waste and our responsibilities as the Federal Government than they have at any previous time.

But I guess I disagree with my colleagues. This debate is far from over. I do not agree with the underlying bill or where it is going in changing the definition of nuclear waste. No State in America should be allowed, on the Environmental Protection Act, on the Clean Water Act, on any legislation, to cut a deal behind closed doors with the Federal Government and think they are going to stick the American consumer with waste in their backyard.

While this particular amendment that we just voice-voted will allow us to say that we want this to look no further than what South Carolina is proposing, and that we want DOE to do its job in providing an environmental study and analysis of this issue, this issue is far from over for the American people.

This issue not only impacts my State, and the States of Oregon and Idaho, it affects every Western State. The reason it affects every Western State is because the Department of Energy has been trying to reclassify waste all over the West, push it into New Mexico, cut it across Arizona, and demand that waste from South Carolina be accepted in Washington State. We just had to file suit recently because high-level waste from South Carolina was illegally sent to Washington State.

So while I support my colleagues' efforts today to clarify that, more study and analysis should be made. This debate is far from over, and this body needs to understand that it is reclassifying the definition of high-level waste to a lower level, which will make all Americans less secure, and certainly the drinking water in South Carolina and in Washington State, if this is not resolved, less secure for people.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, very briefly, the amendment has been adopted, and I would like to make a comment or two for those who may still be listening.

The membership has been challenged for 3 weeks now to find a way to deal with the problem. Here is the simple problem: For over a year, South Carolina, Washington, and Idaho have been trying to negotiate with DOE a way to clean up tank farms that have a lot of high-level waste.

In my State, there are 37 million gallons of high-level liquid waste in tanks that are over 50 years old. There are only 51 of them. For about a year now we have been negotiating with DOE to define what is "clean" and how we can best close up those tanks. We have been able to take the liquid out of two of the tanks and come up with a plan that has been approved by the Nuclear Regulatory Commission that says that the inch and a half of waste left in those two tanks is no longer high-level waste because of scientific treatment.

We want to apply that same concept to the other tanks. What I am trying to do in South Carolina is good for South Carolina's environment. It has been approved by the Nuclear Regulatory Commission as being safe. It has been approved by the Defense Waste Policy Board as being safe. It does not prejudice Idaho or Washington that have similar problems.

I do appreciate the fact that the body has allowed this agreement to go forward. South Carolina will save $16 billion, and it will allow the tanks to be closed up 23 years ahead of schedule.

I am willing to work with any Senator from any State who has similar problems. I am not willing to sit on the sidelines and disallow my State to move forward in an environmentally and economically sound fashion to address a real problem South Carolinians face. We have done nothing to prejudice anybody else. We have not changed any standards, given any authority to DOE at the expense of the Nuclear Regulatory Commission.

A lot of demagoguery is going on here, but it is time to clean up these sites and stop demagoguing. I hope one day Washington can find an agreement to clean up the tanks and alleviate their ground water problems. If they need help from Congress, I will be there. But I urge Idaho and Washington and other States to try to work to get these matters behind us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator for his hard work.

AMENDMENT NO. 3452 TO AMENDMENT NO. 3292

Mr. President, I believe the Senate is ready to turn its attention to the amendment from the distinguished Senator from Vermont. Am I correct in that?

The PRESIDING OFFICER. That is correct.

The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3452 to amendment No. 3292.

The amendment is as follows:

(Purpose: To extend jurisdiction and scope for current fraud offenses)

On page 1, strike line 2 and all that follows through page 4, line 11, and insert the following:

(a) STATEMENTS OR ENTRIES GENERALLY.—Section 1001 of title 18, United States Code, is amended by adding at the end the following:

"(d) JURISDICTION.—There is extra-territorial Federal jurisdiction over an offense under this section.

"(e) PROSECUTION.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211 of this title; or

"(2) in any district where any act in furtherance of the offense took place.".

(b) MAJOR FRAUD AGAINST THE UNITED STATES.—Section 1031 of title 18, United States Code, is amended by adding at the end the following:

"(i) JURISDICTION.—There is extra-territorial Federal jurisdiction over an offense under this section.

"(j) PROSECUTION.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

Mr. WARNER. Mr. President, my understanding is that the second-degree amendment from the Senator from Virginia is now before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I understand it, there is no time agreement on the second-degree amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Nor do I think there will be. I realize the second-degree amendment is designed—whether intentionally or otherwise—to protect a number of the major corporations now working in Iraq, some of which have been involved with overcharging our military and profiting on the war. It is unfortunate that we would try to protect those who are gouging the American taxpayers.

After World War II and after the Korean War, we put in a war profiteering amendment similar to what I offered, and I would say to my distinguished friend from Virginia, we passed a similar war profiteering amendment on the Iraq supplemental appropriations bill last year. But when it came up in conference with the other body, even though they are independent Members of the House, several of them were very candid and told me they had been directed by the White House to remove it and had heavy pressure brought by Halliburton and others. So they had to remove the war profiteering amendment.

I actually thought we were elected not by corporations, whether it is Halliburton or anybody else, and not appointed by the White House, but, rather, are here to do the American people's business.

Now, be that as it may, I would hope that at some point we would get to the underlying amendment, and it would actually be the law today except that the White House and Halliburton and others told the Republican majority, the leadership in the other body, that they had to take it out, which they did.

I commend the majority of Senators, both Republicans and Democrats, who supported it originally and have been willing to resist the pressure of the White House.

Over the last few weeks, the news has been dominated by events in Iraq. We are still trying to figure out exactly what went wrong in Abu Ghraib prison as well as other detention centers around the world. There has been some disagreement on this issue, but I think we have already learned a couple of lessons.

We need to improve transparency. We need to improve accountability. We need to put in place strong measures to prevent illegal and immoral acts. The reason for doing this is simple. Bad behavior by a few can lower morale among American soldiers. It can undermine support at home for the mission, and it could damage the work of the vast majority of brave men and women who are trying to do the right thing, trying to make life better, and are putting themselves in harm's way every day. By all means, we ought to take action in this body to make sure that no corporation or group can come in and make obscene profits or engage in war profiteering while our American men and women are putting their lives on the line for their country. We should not have anybody come in and say: Here is a great way to make some huge profit off their suffering and off the suffering of the Iraqi people.

So my amendment does not have anything to do with the recent prison abuses in Iraq, but it does address the serious issues I mentioned. It addresses the serious and sinister problem of war profiteering that can harm our mission there and around the world.

Senator Harry Truman served with distinction in this body and conducted Senate committee investigations into war profiteering during World War II. Then-Senator Truman, later President, said on this issue:

> No one objects to a fair profit . . . [I]t is our duty . . . to protect the patriotic majority of war contractors against a stigma of profiteering generated by the self seeking minority. We intend to see that no man or corporate group of men shall profit inordinately on the blood of the boys in the fox holes.

Today we have both men and women on the frontlines. And we have a lot of companies over there who are putting their own people in harm's way. They are doing it with the best interests of our country and the best interests of the Iraqi people. They are doing it very bravely. They are not doing it to profit from the war. As Harry Truman said: We have to take care; we have "to protect the patriotic majority of war contractors against the stigma of profiteering generated by the self seeking minority."

All my amendment says is that while most of the people over there will be playing by the rules, for those who are not, we are going to hold you accountable.

As a former prosecutor, I know nothing focuses the minds of those who are committing crimes more than knowing somebody can put them in prison for a long time. I will give you an easy example. If you have five warehouses lined up and four of them have heavy locks on the doors and one doesn't, that is the one that usually gets burgled. In this case, most people are going to be very honest. But without the locks on the doors, there are going to be some who try to get away with ripping off the American taxpayers.

I would hope that everybody in this body, Republican and Democrat, would agree with what President Truman said. I am concerned because we have seen one bad headline after another—the Wall Street Journal, the Washington Post, the New York Times, and others—about Government contracts in Iraq.

In addition, Time magazine recently reported on an e-mail sent by a Pentagon official that raises serious questions involving Vice President CHENEY's office, the White House, and the Vice President's former employer, Halliburton. This is what the e-mail says: A multibillion-dollar Halliburton contract was approved "contingent on informing White House tomorrow. We anticipate no issue since action has been coordinated with Vice President's office."

And right on schedule, 3 days later, the Army Corps of Engineers gave Halliburton a multibillion-dollar contract, and they did it without seeking any other bids. This does not look like a typical heads-up memo, as the Vice President's office is now claiming. To this former prosecutor from Vermont, it looks like a coordinated scheme to enrich Halliburton at taxpayer expense with no-bid contracts.

This latest revelation underscores the need to address this issue. Even if there is a reasonable explanation for this outrageous e-mail—and I am still waiting to hear what it is—we have to put in place tough measures to address this issue. I think we have to send a clear message that lining one's pockets, especially while our troops are in harm's way, is simply unacceptable.

I hope my amendment, if we are allowed to vote on it, will put a stop to these scandals. This amendment should pass unanimously. I am sorry that the Republican leadership has decided to put what I could only call "a hold Halliburton harmless" second-degree amendment in here. I hope that those majority of Senators, Republicans and Democrats alike, who voted for this amendment last year will vote against the second-degree amendment and vote for this amendment. Vote against the "hold Halliburton harmless" amendment and vote for the war profiteering prevention amendment.

The war profiteering prevention amendment, if it becomes part of law, will send a very clear signal. I don't care what the corporation is, whether the corporation is from Vermont or anywhere else, it will send a very clear signal: Play by the rules. But if you don't play by the rules, just as Harry Truman said after World War II, we are going to hold you accountable.

Mr. President, I ask unanimous consent, at the request of the distinguished chairman, that we be allowed to go into a quorum call until the hour of 2 p.m.; that then, by consent, the call of the quorum be rescinded and the Senator from Vermont be recognized again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, under the unanimous consent request, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I appreciate the concern of the distinguished senior Senator from Virginia in trying to find a way through this.

I want to make it very clear about what we have. The war profiteering bills President Truman spoke of after World War II were civil bills. This is a criminal statute. Actually, the criminal statute is more protective of the contractors because it requires a higher level of proof. As a former prosecutor, I much prefer the idea that someone thinks they are not just going to pay a fine, they might face prison.

Second, this passed in almost exactly this form in the supplemental appropriations bill. It was debated and passed as a separate measure in the committee. The amendment then became part of the Supplemental which passed the Senate by a wide margin. The amendment we are considering today is different only in two respects. This one applies to all countries; at that time, it applied only to Iraq. Second, the amendment the Senate passed earlier contained a sunset. The amendment here today does not.

When we went to conference, the House did not have a similar piece of legislation. The distinguished chairman of the Appropriations Committee, Senator STEVENS, proposed they accept ours. They had a rollcall vote and, by party line, refused it. Senator STEVENS had modified it with, I believe, a 7-year sunset. That was not accepted.

Several Republicans were very forthright in saying they were under pressure from the White House not to accept it. Some suggested they were under pressure from corporations that were major contributors. I suggested if there is a bad case of war profiteering, they may come back to regret it.

Senator STEVENS very correctly wanted to make it clear that all Republicans and all Democrats on the Appropriations Committee, in the committee of conference, had supported this. It had been part of a bill we passed overwhelmingly, if not unanimously, in this body early. Because the House would not accept it, it was dropped.

Obviously, every Senator has to vote the way he or she wants, but as war profiteering goes on, it is something each Senator has to answer to his or her constituents.

Mr. DURBIN. Will the Senator yield?

Mr. LEAHY. I yield, without losing my right to the floor.

Mr. DURBIN. I think the Senator said this, but I believe it should be repeated. Is this not the same issue we have voted on before? Did the Senator from Vermont offer earlier an amendment which would have created criminal penalties for those companies which are illegally profiting from the war in Iraq? Did the Senator offer a similar amendment last year?

Mr. LEAHY. Mr. President, if I might retain my right to the floor, the senior Senator from Illinois is absolutely correct; I did. I offered it. We had a debate within the Appropriations Committee to accept it within the Appropriations Committee and it became part of the bill.

My earlier statement may have left confusion, and I apologize. There was no intention of doing that. It was part of the appropriations bill and thus not voted on by the Senate although there was not a single amendment to strike that provision. There were various amendments, as the Senator may recall, that were proposed during the appropriations bill on the Senate floor, but no one moved to strike this. It passed 93-0. About the only difference in that bill, as I recall, was the amendment spoke only to Iraq. This includes other countries besides Iraq.

Yes, we voted on it, we passed it, and then the Senate offered it as their position. Both Republicans and Democrats offered it as our position to the other body, which rejected it on a party-line vote at the request of the White House.

Mr. DURBIN. I ask, through the Presiding Officer, if the Senator from Vermont would further yield for a question, if I am not mistaken, the Senator from Vermont came to Members initially and said creation of a criminal penalty for companies that profiteer illegally from the war in Iraq is modeled after a similar law proposed and enacted during the time of Harry Truman when he was looking at the very same question relative to World War II.

I recall during the course of that debate—and I will ask the Senator if my recollection is correct—that the Senator said, when we were asked to vote for this amendment, we were really trying to establish the same type of standard we used in every war when some individuals and some companies exploited the situation in a war to make an illegal profit. We do not want that to occur. It is not the fair to the taxpayers, it is not fair to the soldiers, it is not fair to America, and they should be held criminally accountable.

I ask the Senator from Vermont, if this amendment passed so overwhelmingly before, why is there any hesitation today to take this Harry Truman precedent and say those who misuse a war, where American lives are at stake, and profiteer should be held criminally liable for their misconduct?

Mr. LEAHY. Mr. President, if I might, the Harry Truman proposal, course, was civil. This is a criminal law.

Mr. WARNER. That is very important. Harry Truman was civil.

Mr. LEAHY. If the Senator would let me finish.

The Harry Truman amendment was civil. This is criminal. Thus, this is more protective of a defendant because, as the distinguished Senators know, and certainly those who have been prosecutors know all too well, in a criminal case you have to prove beyond a reasonable doubt. A civil case can often be the preponderance of the evidence. This is more protective of both sides. But it holds the hammer of a criminal proposal. This has tough criminal penalties for individuals who defraud the American taxpayer. It provides a maximum criminal penalty of 20 years in prison and fines of up to $1 million.

The reason we did criminal rather than civil, there was a time when if you proposed a $10 million fine back at the time of Harry Truman, that was a lot of money. We have had at least one company that has already had to pay back money on overcharging and profiteering. They spend more than that $10 million on a weekend running ads saying how good they are at feeding the troops. But if you are facing a criminal penalty and might go to the slammer, then you think about it.

I will state why this is necessary. For example, if we wanted to use current law, which is basically what the second-degree amendment is, current law does not specifically outlaw war profiteering. My amendment, which the Senator from Illinois has spoken about, does specifically outlaw war profiteering. We wanted to go as a second-degree amendment. Current statute does not say that U.S. courts have explicit and uncategorical jurisdiction over fraud and profiteering in Iraq. My amendment does. If we tried to just take current law, where are we? My amendment eliminates unnecessary thresholds, for example, to prove mail and wire fraud, and the current statutes do not. And, of course, a 20-year felony.

There really are no laws on the books that address war profiteering. There are laws on the books for murder, laws on the books for rape, laws on the books for armed robbery, but there is nothing that goes specifically into war profiteering. Frankly, what I want to do is not just to throw people in the slammer; I want to stop them from doing it in the first place.

This is a real deterrent. If you have a prosecution that says you can go to jail, not just pay a fine, which is small change for some of these companies, but you might actually go to jail, somebody is going to say: Wait a minute. We can't triple charge for this. We can't triple charge for these hotels. We can't triple charge for these cars—and so on.

Mr. DURBIN. If the Senator from Vermont will further yield for a question?

Mr. LEAHY. Yes, without losing my right to the floor.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Vermont about three specific reports that have come out in the news recently about Halliburton and about their practices with sole-source contracts in Iraq, where they literally are not competing with any other company for these contracts, and they are cost-plus contracts.

I would like to ask the Senator from Vermont if the amendment which he is proposing might apply with a criminal penalty in these cases. It was reported last week that Halliburton and its subsidiaries were literally driving empty trucks back and forth on the highway, billing the Federal Government for each trip, when in fact they were not even transporting any supplies or equipment for our troops.

It was reported this morning that this same Halliburton operation, if they had a flat tire on a truck, they would abandon the $85,000 truck by the side of the road or torch the truck rather than try to get it repaired because each and every truck was just another cost-plus item on a Federal contract.

And then it was further disclosed they were incorrectly billing the Federal Government, charging for 240,000 cases of soda pop—if you can imagine—but they were delivering 240,000 cans of soda pop. So it was a dramatic overstatement of what they were supposed to be providing for the troops.

I ask the Senator from Vermont, when you consider the fact that we have 138,000 of our finest men and women risking their lives literally in Iraq, how can we possibly turn our backs on this type of outrageous profiteering that has been alleged? Why would it not be a crime? And why would this Senate even hesitate from establishing a criminal penalty when we have a situation that is costing the taxpayers over $1 billion a week to sustain our war effort in Iraq?

Mr. LEAHY. Mr. President, the Senator from Illinois raises the exact right point. You read these accounts in the press. I referred to the e-mail traffic which has just come out about a multibillion-dollar noncompetitive contract given to Halliburton after they had sent e-mails saying it was being cleared by the Vice President's office or it was OK with the Vice President's office, and there are the things you have talked about, the obvious things about war profiteering.

Now, had the other body left the amendment in, the amendment that was part of the appropriations bill that we passed overwhelmingly—I think 87 to 12 here in the Senate—had they left that in the final bill, had they stood up to the White House and not allowed them to convince them to strip it out, then the kinds of actions the Senator from Illinois is talking about would be prosecutable.

I would suggest they probably never would have happened. The taxpayers would have saved those millions upon millions of dollars because somebody would have told them back at corporate headquarters: Hey, guys, you can go to jail if you do this. It is not just the case that if you get caught, you might have to pay the money back, but you can go to jail if you do this. And that would stop it.

Now, if we pass this today, it still has to be signed into law, and it would be prospective. Unfortunately, because the other body basically gave in to the importunings of the White House and took out the amendment, the war profiteering amendment which had been part of the bill that every one of us on this floor voted for, we cannot do anything about that. Had that been put into law, as it should have been, I suspect the activities that the Senator from Illinois has talked about would not have occurred because whoever is on the ground is going to call back and say: Hey, guys, it might sound good to you back home there, but I am not going to go to jail. I am not going to go to jail just to raise a little more money. I am not going to go to jail just because you say if you get caught you may have to pay it back, and it wouldn't happen.

What I am saying is this: When companies, especially some companies that have been accused of this, will spend more money in a few days here in Washington running ads to convince 535 Members of Congress how wonderful they are than they could possibly pay in fines, they do not care. You could leave whatever laws are on the books now. You could leave the possibility of paying it back. Because what happens? If you are a company and you go ahead and profiteer, you do war profiteering, you overcharge, you do whatever these other things are, and you do it 10 times, and you get caught 3 times, and they say: You are going to pay back those millions you overcharged—you say: Gosh, almighty, you got me. Gee, I'm sorry. Gee whiz. Here it is. And you tell your bookkeepers: They didn't find the other 7. We are ahead of the game.

On the other hand, if you do it 10 times, and you get caught on 3 of them, and suddenly people start going to jail, these other companies are going to say: Wait a minute, no-bid contracts or not, I am not going to take the chance.

If we want to stand up for the American taxpayers, if we want to say we are tough on crime, let's say criminals go to jail. That is all there is. Let's try this law. Let's see. Maybe if this is on the books people will stop profiteering.

What drives me up the wall is we have 140,000 very brave men and women—American men and women—over there under arms who are trying to do their best and getting shot at every day. I was at a funeral in Vermont this week for one of them, as I have been on several other occasions. They are putting their lives on the line. They are getting paid what a corporal or a sergeant gets paid, and they should not have to be putting up with companies back here making obscene profits on what they do. They put their lives on the line.

What I am saying is, some of the people who are making these obscene profits, they ought to at least go to jail. They ought to at least go to jail. I was thinking of that this week when I was at that funeral in Vermont. These are brave American men and women. I know every one of us here applauds their bravery. But I do not want to see companies, whether they are American companies or any other companies, making money on our sons and daughters who are over there putting their lives on the line.

That is why I want this amendment. That is why we should have kept it in the bill before. Frankly, we ought to keep it in now. Now, I fully understand that the White House comes out here and says: We don't want to tamper with these people. We don't want to put the brakes on them. They can get the votes to knock down this amendment, but it is wrong. It is wrong. And I suggest that some of those who lobby against this kind of amendment go to some of these funerals—go to some of these funerals—and tell them we will protect the people who are profiteering. It is wrong. It is wrong. We ought to be protecting them.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LEAHY. Mr. President, I yield without losing my right to the floor, of course.

Mr. WARNER. A question: Is there some opportunity such that I can present the Senate with an explanation of why I felt there should be a second degree? I would like to do it in just a dispassionate, straightforward manner, and let the Senate then make its decision. So I would like to have the opportunity. I hope in due course to present my side of this issue.

Mr. LEAHY. Mr. President, regaining my right to the floor, of course I am willing to offer the appropriate courtesy, very soon, to the Senator from Virginia. He is one of the most distinguished Members of this body, and, more importantly, he and I have been close friends for over a quarter of a century.

I say to the Senator, I wonder if you might consider this: have a vote on your amendment, and have a vote on my amendment separately, and let the Senate work its will. The distinguished senior Senator from Virginia is going to be the Senate chairman in the committee of conference. It gives him that much more control. But why not let the U.S. Senate vote on each amendment separately and then see where it goes from there?

I will say this very frankly. I think the reason nobody moved to strike my amendment out of the appropriations bill was that—I heard this from both sides—they said: OK, we understand this is not a bad amendment, and we don't want to be on record as saying we are against it.

I think the reason both Republicans and Democrats in the Senate urged it upon the other body was for them. I think the obvious embarrassment by some, not all, but the obvious embarrassment by some who had to vote against it on the other side was they wished they had not. They wished they could have kept it in. So I would ask my dear friend from Virginia—and he is truly my dear friend—what do you think of that idea? Let's vote on both of them?

Mr. WARNER. Mr. President, as the Senator well knows, the distinguished leaders on both sides are now looking at that while I am engaging in debate with him. We are looking at that proposition.

I would like to have the opportunity at the earliest convenience to state the purpose for which I initiated the substitute amendment. And I think it is going to meet the majority of objections the Senator from Vermont has with his proposal.

Mr. LEAHY. Mr. President, certainly, if the distinguished Senator from Virginia wishes to speak, I am not going to withhold the floor from him. He has accommodated me when I have wanted to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. I will not try and make reference to the consideration of language similar to this underlying amendment and what occurred in the appropriations cycle and what occurred or didn't occur in the conference. I was not there. I don't have the specific knowledge. I am pleased that the distinguished Senator from Vermont, when I did discuss with him privately some of the earlier statements, has now corrected them. And I accept at face value what you have said about what took place in the appropriations cycle.

But we are now, at this point in time, on this bill, presented with this amendment and a second-degree submitted by myself.

First, the Senator observes that there is a need for legislation to impose criminal penalties on persons who commit wrongdoing in contracting in the course of our military operations. I concur with that very simply. So how best to do it, I think, is as follows.

My amendment would strike the language of the Leahy amendment and substitute language which would make it explicitly extraterritorial, which means we can reach out to these companies that are alleged to have done wrong and make applicable existing criminal statutes, statutes which have been on our books for a long period of time, which have been tested in the courts, and we know precisely what the language means.

My amendment would do the following. There are two existing Federal criminal statutes. The first is 18 USC 1001 dealing with false statements; and, secondly, 18 USC 1031, dealing with major frauds against the United States.

Those are the statutes, the body of law, which Congress put in place to deal with problems such as may be occurring in our operations in Afghanistan, Iraq, and, as the Senator said in his amendment, any other country in which members of the United States Armed Forces are engaged. So we have reached out not just to those two countries, Afghanistan and Iraq, but we have reached out to accommodate all of those areas. And these companies or individuals can be held accountable.

So the second-degree amendment takes care of the potential problems in covering overseas contracting without the problems inherent in the Leahy amendment.

I turn now to the Leahy amendment. This was the primary reason I put forward the second-degree amendment because you have added language. Frankly, I say with some modesty, I was a lawyer and a criminal prosecutor. But if I could draw your attention to section D in which you apply all of the penalties of your amendment, D says: Knowingly and willfully an individual or a contractor or an entity or corporation "materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or such other country. . . ."

I say to my good friend, I am not sure what the derivation of that language is and the extent to which the courts have addressed that language in the context of not a civil but a criminal prosecution. So I pose that as a question.

Mr. LEAHY. If I might respond to that, they have. The Senator from Virginia asked whether they have done it in a criminal prosecution. No, this is not a criminal statute. They have done it in a civil case, and there is a huge amount of case law on this in civil cases. The only difference is, if the Senator is worried about the rights of contractors and others, in a criminal case, of course, you have to prove specific intent. In civil cases, you have to prove it with a preponderance of the evidence. Here you have to prove it beyond a reasonable doubt. But these are words of art: "overvalues a good or service with specific intent to excessively profit from the war, military action. . . ." Those are words of art. They have been interpreted by the courts.

The difference, again, as I said, if you are doing it in a criminal case, as the Senator from Virginia well knows, you have to prove it beyond a reasonable doubt.

"Excessively profit" is taken from the renegotiation act, which is, as I said, a civil act. The constitutionality of that was upheld; I believe it was in the Lichter case.

Mr. WARNER. I thank my colleague. Let me bring to his attention that we are quite fortunate as a nation to have literally several thousand contractors engaged in supporting the men and women of the Armed Forces of the United States in many areas of the world. And now we are about to take language which, as the Senator said, perhaps was a basis for a civil penalty and subject these thousands of contractors and individuals to the following language in your amendment: They "shall be fined under paragraph (2), imprisoned not more than 20 years."

I say to my good friend, we were taught in law school the difference between civil and criminal law. We were taught the tremendous burden of proof and so forth that is associated with depriving one of one's freedom and liberty. You are about to subject these contractors to that, up to 20 years, using only civil standards. I understand you have specific proof in there.

Mr. LEAHY. It has to be beyond a reasonable doubt. And I have prosecuted thousands of cases, tried hundreds of them as a prosecutor. I know that is one high hurdle.

Mr. WARNER. Mr. President, I can't remember. It has been too long. That is one of a senior citizen's benefits. But I spent 5 years as an assistant U.S. attorney in the criminal and appellate divisions of the courts here in the Nation's Capital. I point out to the Senator, I recognize the high bar. I am just saying I think the Congress should deliberate very carefully a criminal penalty of up to 20 years for these thousands upon thousands of companies that are currently engaged. Carefully, first go through a series of hearings, and then floor debate, rather than come up here and in a matter of an hour or two of time try and make the decision to impose criminal law on an existing framework of contractor support at the very time we are engaged in combat operations in Iraq, Afghanistan, and, to a lesser extent, in other parts of the universe.

The Senator is asking the Senate to take a very serious step. That is why the substitute amendment would incorporate, if adopted, a statute—basically existing law—and extraterritorial ability to reach the company under existing law in title 18.

Mr. REID. Does the Senator from Vermont have the floor?

The PRESIDING OFFICER. The Senator from Virginia controls the floor and has yielded only for the purpose of allowing an inquiry to be made through the Chair.

Mr. WARNER. If the Democratic whip wishes to address the Senate, I am more than happy to allow that.

Mr. REID. I will wait my turn.

Mr. LEAHY. Will the Senator yield for a question?

Mr. WARNER. Absolutely, Mr. President.

Mr. LEAHY. My question to the distinguished senior Senator from Virginia probably reflects my confusion. He was concerned about the 20-year penalty to which this might subject some of these contractors. Obviously, thousands of contractors are not going to be subjected to that. It is only going to be the most grievous ones.

He is proposing, if I am correct, a statute that would subject overseas contractors to a 30-year penalty. I thought I was a tough prosecutor. The Senator from Virginia complains about my 20-year penalty; he is proposing 30 years. I don't mean to get into a bidding war on penalties, but if my 20 years is too Draconian, 30 years sounds even more so.

Mr. WARNER. Mr. President, I will reply to that. My criminal penalty is under existing statutes, which were carefully debated by the Congress and have been on the lawbooks for a number of years. I will soon address the Senate as to how long these statutes have been in place. That is the basic difference.

My statutes don't have in it "materially overvalues any good or service." I say to my good friend, that is too vague on which to send someone, as we used to say, as an old prosecutor, "up the river." I don't care whether it is 20 or 30 years. I don't know how the burden of proof of "materially overvalues" is reached. You are asking for a criminal penalty predicated on that phrase.

Mr. LEAHY. Mr. President, if I may respond without the Senator losing his right to the floor, he is relying on a statute—if I recall, without hearings; there was an amendment to the Sarbanes-Oxley bill a couple years ago on the floor. If we are talking about criminal statutes and changing them by whim, that is one that said no more debate on this. I am bringing up something that was debated rather thoroughly in the Appropriations Committee, including a bill the Senator from Virginia and I voted for last year.

Mr. WARNER. Mr. President, I wonder if the Senator could point to the RECORD in which the Senate—in the course of the deliberation on the Appropriations bill in which his amendment is included—debated that.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is yielded to for the purpose of answering a question.

Mr. LEAHY. It was debated, of course, in committee. It was well noted here before all Senators. Nobody, either Republican or Democrat, made the normal motion to strike that was done when you have a part to which you object. The Senator from Virginia is right that this is slightly different. That one was just for Iraq. This includes Afghanistan and elsewhere and does not contain a sunset provision.

I must admit that we are somewhat inclined to do that, especially after hearing of these e-mails that have just been made public. We are not talking about somebody who shows up and provides five dozen baseball caps to one of our military groups somewhere around the world. We are talking about people getting a billion dollars, with no-bid, no-competition contracts. I think we ought to at least be able to look at them and make sure they are spending our money correctly.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, my colleague has challenged me on the underlying statute that I include in my amendment. I draw his attention to the title 18, section 1001. That statute was put on in 1948.

Now, the second statute I utilize is 1031, which was adopted in 1988. So the first was in 1948; the next was in 1988.

I question my friend, who challenged me that they were just adopted, it seems to me that both of these Federal laws have been on the books for a sufficient time to have been examined by the courts and others.

Mr. LEAHY. Mr. President, I am confused by the response. Is the Senator saying that section 1001 of title 18 was not amended by the Sarbanes-Oxley Act about a year and a half ago?

Mr. WARNER. It might have been amended.

Mr. LEAHY. Whatever it was——

Mr. WARNER. On October 11, 1996, there was one amendment.

Mr. LEAHY. It was not increased back in—if the Senator tells me the Sarbanes-Oxley Act was not amended on section 1001 at all, I will accept that.

Mr. WARNER. I am reading from the Federal Criminal Code, 2004 edition. I imagine it supersedes the 2003 edition.

The point is that the statute, 1001, originated on June 25, 1948. This shows the last amendment to be October 11, 1996. Very clearly, I think my good friend has to acknowledge that this is proof that the two statutes upon which I rely have clearly been on the books for a considerable period of time and have been presumably tested in the courts and otherwise. That is the basic difference.

I can find no reference in the Criminal Code to the use of the language that my good friend uses here, "materially overvalues." I think that is too vague a standard upon which to send anybody up the river. I don't care whether it is 20 or 30 years, or whatever period of time.

Mr. LEAHY. Mr. President, is it the position of my friend from Virginia that the kinds of things we have heard about—and he sees it more than I do as chairman of the Armed Services Committee—about the hundreds of millions of dollars being overcharged in meals, and hundreds of millions of dollars being overcharged on vehicles, housing, and construction. Any of those would be covered by his statute.

Mr. WARNER. That is a legitimate question. I answer in the affirmative, that the anecdotal types of things we have discussed on the floor would be covered by the existing criminal statutes, provided they found the requisite level of "beyond a reasonable doubt."

I challenge my friend, I cannot find any criminal law that employs this type of verbiage that he seeks here. There is reference in civil statutes to that type of language, but the Senator from Vermont is now asking that these words become a part of the criminal statute.

I think what is going to happen, if your amendment will be adopted, is that this infrastructure of tens of thousands of individuals and companies out there right now is going to say: We are out of this; we are not going to subject our people, we are not going to subject our business to the risk of this type of prosecution under these vague standards of "materially overvalues any good or service."

Mr. LEAHY. Mr. President, if I might, obviously the statutes on the books have not stopped them from overcharging, have not stopped them from the kinds of things we have seen.

Nobody wants to use the word "Halliburton" around here, but we constantly pick up the paper and read about a number of these companies. They are obviously overcharging, and nothing is happening to them. I am just one frustrated American who wants them to stop.

Mr. WARNER. I have a very quick and simple answer to the Senator's question. Adoption of the amendment by the Senator from Virginia would be the first time the jurisdiction of these two titles is extended beyond the shores. Criminal convictions could be brought against defendants, if my amendment is adopted.

Mr. LEAHY. Mr. President, will the Senator yield for another question?

Mr. WARNER. Yes.

Mr. LEAHY. Let me ask the Senator from Virginia this: Suppose we have an item, and one of these contractors about which we are talking charges $2,000 for an item. It cost him $5. We remember back to the days of the $500 hammer. He charges the Government $2,000 for an item that costs $5, but he does not lie about this. He does not conceal the cost. He simply says: Here is my bill.

He says: OK, it is $2,000. He paid $5. He does not conceal that cost. He does not lie. He just says: Here is the bill for $2,000. He has not lied. He did not conceal—the bill is not hidden somewhere else. It is a straight-out bill, but he is obviously gouging the Government, charging $2,000 for a $5 item. Does the Senator's statute cover that situation?

Mr. WARNER. Section 1031 of title 18, "Major fraud against the United States":

> Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent to defraud the United States—

That is fairly broad.

Mr. LEAHY. That is not a scheme. He said: I just delivered this widget. Here is your bill for $2,000. And there are so many other things going on, the Government says: Here is your 2,000 bucks. It is not a scheme. It is not an artifice. He is not hiding the fact at all. He said: Here is your bill for $2,000 and somewhere gets paid in the bureaucracy. He has obviously gouged. He has not lied about it. He is up front about it. Does the Senator's statute cover that because that happens a lot?

Mr. WARNER. Mr. President, this framework of laws embraces enough provisions that they could establish a case of fraud using the example the Senator from Vermont stated because the contract will have provisions in it with regard to the amount of profit, and there would have to be some reasonable examination of that. The contract is not going to be silent on that issue.

Mr. LEAHY. Mr. President, is the Senator from Virginia saying, then, it would require fraud?

Mr. WARNER. I am reading the statute. That is what it says here:

> Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent to defraud the United States—

And the contract is going to set the profit margins.

Mr. LEAHY. We are getting a lot of no-bid contracts with basically the company, as we found in these e-mails, saying: Here is what it is going to be.

There are no bids. There is nothing else. The Government says: OK, go forward. But there is no question there has been war profiteering there. There has been no fraud, no artifice, nothing else. He just sent the bill, and the bill gets paid. It is profiteering, but I do not see where your statute covers that situation.

Mr. WARNER. Would that be in the nature of some sort of trick they were trying to perform?

Mr. LEAHY. Mr. President, if I may respond, they realize there are not going to be bids on this contract. They realize it is going to be OK'd as soon as they send it in. They have not done any tricks at all. They just say: Here is our bill. There is nobody else bidding, and it gets passed.

Some may say that may be fraud; that may not be. Mine does not say maybe. It just says to do it is a crime.

Mr. WARNER. Let's look at section 1001:

> Except as otherwise provided in this section, whoever, in any matter within the jurisdiction—

So forth—

> knowingly and willfully—
>
> (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
>
> (2) makes any materially false, fictitious, or fraudulent statement, or representation; or
>
> (3) makes or uses any false writing or document knowing the same to contain—

I say to my good friend, these statutes cover most of the situations, if not all, in which there could be a wrong perpetrated, a wrong of the type you say is profiteering.

To bring this to a conclusion, the very fact that the two of us have had some experience and cannot reconcile differences on the meaning of the language of the Senator from Vermont brings home the fact we should not be asking our colleagues to make that the law of the land on a vote this afternoon after this short debate. The Senator is bringing a brandnew dimension into the Criminal Code.

Mr. LEAHY. Mr. President, if I might respond to that, it is not a brandnew dimension. It is basically what we had in the Appropriations bill last year.

Secondly, it is completely appropriate to apply this new law to Iraq when we see these huge cost overruns on no-bid contracts, and nobody seems to be held accountable. Defense offered by lawyers for the contractor might be that there are no false statements and, therefore, no crime, even though one is ripping off the taxpayers.

It is similar to the guy who comes in and says: I will sell you this hammer for $2,000. He is not claiming it is a $2,000 hammer. He is not claiming he paid more than $5 for it. He says: I will sell it for $2,000. Has he made excess profit? Of course, he has. But when it comes to the point when our men and women are putting their lives on the line while others sit back in the boardrooms in America, I think every single lawyer in these boardrooms is going to know exactly what this amendment does, and it will be a strong deterrent.

Mr. President, as the White House proved last year when this amendment was debated during the Iraq supplemental conference, I am sure the Senator can pull up the votes to defeat me. I think it is a mistake. Frankly, I will keep on trying to bring up commonsense amendments to prevent war profiteering. Maybe sooner or later some of these people in the same boardrooms who are involved, who are getting no-bid contracts, may think: Maybe we better slow up because maybe one day the Senate will actually say we are going to hold you accountable if you engage in this sort of activity.

The PRESIDING OFFICER. The Senator from Virginia controls the floor.

Mr. WARNER. I think we are at the point, unless there are other colleagues who desire to discuss this—does the Senator from Alabama wish to speak?

Mr. SESSIONS. I will just make a few brief comments, if that is appropriate.

Mr. WARNER. Yes.

The PRESIDING OFFICER. Does the Senator from Virginia yield for a question from the Senator from Nevada?

Mr. WARNER. Yes, of course, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I was wondering if the Senator from Virginia had yielded the floor, but he has not.

Mr. WARNER. I was hoping I could yield to the Senator from Alabama for a question or observation.

Mr. SESSIONS. Well, I want to make a comment or two unless the debate is basically finished, in which case I have an amendment that will hopefully come up a little later that covers some of these same issues. I have some observations that I would like to share about this particular amendment. I would not be able to support it, and I wish to explain why, but if the Senator is ready to move along, I am willing to yield the floor and move along.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are trying to complete this Defense bill. The Senator from Vermont has made his case. The Senator from Virginia has made his case. The record should be spread with the fact that Senator

LEAHY is going to get a vote on his amendment before we finish this bill, and I would hope we could move on. As far as I am concerned, the issue is very clearly defined. I have heard people ask all during the day, What is happening with this bill? Why can we not move it more quickly?

The Senator from Michigan, the manager of this bill on the side of the minority, and I have worked very hard the last 24 hours to try to clear amendments, and on our side there are a definite number of amendments. As I understand it, this is our 11th day on this bill. We have spent weeks on these bills in the past. We know the importance of the Senate agenda. There are so many other things to do. We have just wasted a tremendous amount of time, obviously for the reasons the majority does not want to vote on Senator LEAHY's amendment. So I would certainly hope that everyone understands that anything that is being slowed down on this bill is not because of us.

There are a number of issues we need to debate on a Defense bill. Certainly, we should have an amendment that deals with end strength; that is, what should be the troop levels. The person who is offering that amendment is a graduate from West Point, a retired major from the Army. Certainly, Senator JACK REED of Rhode Island is qualified to offer that amendment. We should do that. We should get to that.

Another issue that we need to debate is the missile defense system. Some feel very strongly that it is an important program on which we should spend lots of money. Others believe we are spending too much money on it. That is an issue that should be debated.

The distinguished senior Senator from Delaware wishes to offer an amendment to cut some of the higher tax cuts that were given and have those moneys spent on Iraq.

We have a number of important issues. There are a number of issues that may not seem important in the overall scheme of things, but to the individual Senators they are extremely important.

I repeat, I want everyone to understand we are doing everything we can to move this bill along. In the last several days, we have heard threats of filing cloture because we are slowing the bill down. We are not slowing the bill down. Nothing can be guaranteed around here, but I would certainly suggest if there is a cloture motion filed on this bill, I do not think the majority is going to get cloture on this bill. We want the opportunity to offer a few amendments.

Now, we all understand that President Reagan died. There is never a good time for someone to pass away. We all felt so strongly about President Reagan, and we joined in the celebration of his life last week. But we should not be punished on this bill because of that. So I would hope that we could move this bill along.

As everyone knows, tonight we are not going to be able to go very late. We can finish this bill, but we are not going to finish the bill tomorrow. We cannot finish the bill tomorrow.

I have said on this floor so many times—but when something is good, it has to be repeated—there are no two finer people in the Senate than the distinguished senior Senator from Virginia and the distinguished senior Senator from Michigan, the two managers of this bill. But we have to move on.

Through the Chair, I say to my friend, the chairman of this most important committee, we are not trying to slow this bill down. We have done what we can to move it forward, but I have stated there are some issues that we must address. We are going to continue to work. I have talked to the Democratic leader on many occasions. He is, of course, always aware of what is going on on the floor. He wants this bill completed as much as the rest of us. So I would hope that we could get a vote on the amendment of Senator LEAHY as rapidly as possible and move on.

I do not know if this is true, but I have been told the majority wants to vote on some judges tonight. That is also going to take some time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in reply to the distinguished Democratic whip, I certainly commend him. I would say to him that practically as long as I have been in the Senate he has been on the floor for the Senate authorization bill all these many years and has been a tremendous help to us, and he continues at this moment. I assure him we are working on a UC which I hope will accommodate the distinguished Senator from Vermont and his requirements. So I am simply asking for a few minutes on which this matter may be presented to the Senator, unless someone wishes to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if my friend from Virginia would yield for a question relative to his amendment?

Mr. WARNER. Yes, of course.

Mr. LEVIN. I listened to most of the debate—I had to leave for a moment.

Mr. WARNER. Yes.

Mr. LEVIN. I understand the position, or the statements of the Senator from Virginia. Much of his opposition to the language of the Senator from Vermont is that it is in the form of a criminal statute.

Mr. WARNER. Well, not exactly. We will just have a colloquy. Mine is likewise a criminal statute.

Mr. LEVIN. I understand that.

Mr. WARNER. They are both criminal, except mine uses the underlying statutes and legislation adopted into law after the normal process through the Senate.

Mr. LEVIN. I do understand that. There is no reason both of these amendments should not be adopted. They are perfectly consistent with each other.

Mr. WARNER. Oh, no, I cannot buy off on that. There is one portion of the amendment of the Senator from Vermont which is a brandnew concept being introduced of standards for criminality, and I cannot accept that.

Mr. LEVIN. That is my question to my friend from Virginia. My question is, Is the objection to his language that it is a criminal statute—if this, for instance, simply restored the civil penalty for this material overvaluation of a good and service, would the Senator from Virginia still object to it?

Mr. WARNER. Well, I would have to look at it. At this late hour, with votes momentarily to occur, I would not want to conjecture. My predicate is that criminal penalties deserve the most exhaustive consideration by the legislature, be it State or Federal. This new standard that my colleague from Vermont has raised has a legislative as well as a judicial history in civil penalties. It does not have a comparable record in any Federal system.

Mr. LEVIN. Which is the reason—if I can be recognized?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. The reason I sought the floor to ask the Senator from Virginia the question is because the argument he makes seems to be based on a premise that there is a civil penalty history to this language but not a criminal penalty history. It would seem to me that would be greater protection for any potential defendant or contractor because there is a higher standard of proof.

But putting all that aside, my question is, then, would there be any objection to simply restoring the civil penalty for that violation, material overvaluation of any good or service? Since the Senator says there is a history in terms of civil penalties for that activity, then I was very curious to find out whether he might object if we simply restore the civil penalty for that violation.

Mr. WARNER. Mr. President, it is a situation I would want to examine with great care and see how it is phrased. I think right now we have two very distinct pieces of legislation before this body. This is legislation proposed by the Senator from Virginia which is predicated on statutes that have been in existence for a number of years—one, 1948 is the origin; the second is 1988. We simply extend the jurisdictional reach of those statutes to areas in which these contractors are performing beyond the continental boundaries. It is a very clear way of bringing to justice those operating beyond our shores. To me, that does it. I am firmly opposed to the introduction into the criminal statutes a standard of criminality which I feel is far too vague to support the extreme of deprivation of life, liberty, and freedom—not life, perhaps, but liberty and freedom.

Mr. LEVIN. If I could reclaim the floor, what the amendment of the Senator provides, and I have no objection to it although I don't believe it adds much to existing law—I don't have any objection to the Senator's amendment making clear there is this extraterritorial jurisdiction. That is fine. But what it leaves out is the language previously in the law providing for a civil penalty for material overvaluation of a good or service. What it says is "with the specific intent to excessively profit." That is a specific intent which is appropriate, I believe, either to civil or criminal law. From my perspective, this can be either civil or criminal. But the key point is that the amendment of the Senator does not include that subsection 1(d), which, it seems to me, is essential if we are going to get to that profiteering issue which the amendment of the Senator from Vermont gets to.

But I would be interested, if the amendment of the Senator from Vermont is defeated, and I hope it is not, as to whether then the Senator from Virginia might accept a civil penalty for this exact same language which was previously a civil penalty.

The PRESIDING OFFICER. Without objection, the Senator from Virginia is recognized to answer the question.

Mr. LEVIN. And I yield the floor.

Mr. WARNER. In reply, I think you framed the question very clearly. My response I hope is equally clear. I could not make a proffer as to what I might do until I have looked at it. I want to know how this particular language is employed in those civil penalty provisions. It may have added words in it. I haven't read any of those clauses, so I would have to wait. But you have accurately stated there is a very significant difference between the legislation proposed by the Senator from Virginia and the legislation proposed by the Senator from Vermont.

I think at this point we are about ready to receive the unanimous consent proposal; am I not correct?

Mr. REID. Close.

Mr. WARNER. I have been informed by the distinguished Democratic whip that we are close, in which case I suggest the absence of a quorum, at which time we can all draw a breath.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, the leadership has been working with the managers and has worked out a unanimous consent request which I would like to propound to the Senate at this time.

I ask unanimous consent that at the hour of 4:30 today, the Senate proceed to a vote in relation to the Warner amendment No. 3452, which is to be modified to be in the form of a first-degree amendment, to be followed by a vote in relation to the Leahy amendment No. 3292, with no amendments in order to the amendments prior to the votes; I further ask consent that following those votes, the Senate proceed to executive session and immediate votes on the confirmation of the following: Executive Calendar No. 567, William Duffey; No. 590, Lawrence Stengel; No. 607, Paul Diamond.

I further ask consent that following those votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

I finally ask consent that following those votes Senator SESSIONS be recognized in order to offer his amendment No. 3372, which is to be further modified with changes that are at the desk; provided further that following 10 minutes of debate equally divided in the usual form, the amendment be agreed to.

Mr. REID. Reserving the right to object, I would ask the distinguished Senator to modify the request to allow 2 minutes prior to the votes on Mr. Duffey, Mr. Stengel, and Mr. Diamond.

Mr. WARNER. So modified.

Mr. REID. I would also ask the distinguished chairman of the committee, we understood there would be an up-or-down vote on the second-degree amendment offered by the chairman and also an up-or-down vote on the amendment offered by the Senator from Vermont.

Mr. WARNER. My understanding is, that is correct.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the managers of the bill are grateful to the leadership for the cooperation we are getting in moving this bill along, as well as all Members. We have had a preliminary meeting with regard to tomorrow's schedule. I would like to acquaint the Senate with the thinking at the moment with the leadership.

We would start off the morning with no morning business, proceeding promptly to the bill at the hour of 9:30, with the first amendment to be brought up on our side, the Bond-Harkin amendment. Am I correct on that?

Mr. LEVIN. That is my understanding.

Mr. WARNER. We will try to establish time agreements during the course of the votes today. That is to be followed by the Reed amendment which goes to end strength, a very significant issue. That amendment currently has an amendment in the second degree, not an amendment which is a substitute but just an amendment. That is under consideration and will be debated at that time and then, in all probability, a voice vote, not on that, a voice vote on the first one I hope, but on the second there would likely be a rollcall.

Mr. REID. Will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. In our conversation on the floor, we talked about what we wanted to do. We did talk about Bond-Harkin, Reed end strength. I ask the two distinguished managers of the bill, because of the difficult schedule that the ranking member of the Foreign Relations Committee and the minority leader have on Friday, if we could have one amendment that the Senator from South Dakota is going to offer dealing with health. He would take a very short time agreement on that. And the Senator from Delaware wishes to offer an important amendment dealing with taxes, and he will take a relatively short period of time. He has to decide that. But we are talking about this before we get to missile defense. They say they would certainly like to get that done because, as you know, their schedules are extremely difficult in the next day or two.

Mr. WARNER. That is a new dimension which I have not had the opportunity to review.

Mr. REID. At least we got it down a little ways.

Mr. WARNER. We will take that into consideration. I cannot commit at this point in time, but I do know there is an amendment by the distinguished Senator from Delaware regarding taxation.

Mr. REID. That is the one.

Mr. WARNER. I see.

Mr. LEVIN. After Daschle.

Mr. REID. And Senator DASCHLE would take a very short time agreement. We have not had the opportunity to fully vet this with Senator BIDEN other than he wanted to get up early because of his schedule on Friday, but we will discuss this with them.

Mr. WARNER. I defer to my colleague here with regard to the very important amendments on missile defense.

Mr. LEVIN. Before I make reference to the missile defense amendments, which it is our hope that we would be able to take up and dispose of tomorrow, the reference that the chairman made to the end strength amendment, I understand the Senator from Rhode Island, his end strength amendment at the moment could lead to a second-degree amendment.

Mr. WARNER. It is at the desk.

Mr. LEVIN. But there is still an effort being made, as I understand it, to see if there can't be a resolution to that.

Mr. WARNER. Fine. Mr. President, the Senator from Rhode Island approached the Senator from Virginia earlier today, and he said he would provide some language. Thus far, we haven't had that opportunity.

Mr. LEVIN. We are also hoping to dispose of either three or four amendments tomorrow relative to missile defense. We would like to talk to the Senators involved in that during these votes. But I believe the logical order here is that the Boxer amendment be first and then Reed, either one or two amendments on missile defense after the Boxer amendment, and then I would have an amendment after the Reed amendments. That is the current informal intention. We would talk to those Senators to see if they agree that that is the logical order, try to get time agreements on all of these amendments.

Mr. WARNER. Mr. President, to conclude this brief colloquy, I am not able to speak to the Daschle amendment or the Biden tax measure. I will have to engage people on the tax committee to look at that. The others, I would say, as chairman and I hope you as ranking, if we are able to get through the agenda we have outlined, this bill is really down in its final stages; would you not agree?

Mr. LEVIN. Well, there are a lot of outstanding amendments.

Mr. REID. If the distinguished chairman will yield, Senator DASCHLE would be happy to wait until Monday with a very short time agreement. But we do have some other amendments on this bill.

Every year, as you know, there are a few abortion amendments. They don't take a lot of time because we have debated a number of them on previous occasions. We have a number of other issues. But as we talked about earlier today, if we do end strength and missile defense, we get Senator BIDEN's amendment out of the way, the others should go fairly quickly.

Mr. LEVIN. If the Senator will yield, in fairness to our colleagues, we do have listed a number of amendments from a number of colleagues who expect—and I think reasonably so—their amendments would be addressed before this bill goes to final passage. I wouldn't want to give an assessment that we are near the end because there are many Senators. We are, by the way, successfully reducing the number of amendments. We want to give credit to Senator REID as always for his Herculean efforts in this regard. We have, under his leadership on our side, been able to successfully reduce the number of outstanding amendments, but there are still many left.

Mr. WARNER. I would say in response to that, we have likewise successfully reduced and I think have only one left on our side compared to what you may have before you.

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes.

Mr. REID. I don't usually deal in the minutia of things, rather broader issues. But I just wanted to say something to the distinguished Democratic leader of this important committee, I do believe we are near the end. I say that because we have been on this bill 11 days. If we spend a few more days on it, we are near the end.

Mr. LEVIN. If we spend a couple more days, yes, we are near the end.

Mr. WARNER. Wait a minute, let's just leave it "we are near the end."

Mr. LEVIN. I subscribe to my leader's comment.

Mr. WARNER. I thank the distinguished Democratic whip and my colleague from Michigan. The unanimous consent agreement is in order. The vote should start momentarily.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask the distinguished manager, I understand that the measure that Senators HARKIN, TALENT, GRASSLEY, and I have proposed is in order for 9:30 tomorrow morning.

Mr. WARNER. Yes. Could the Senator, in the interim, talk to his cosponsors on both sides of the aisle and give me an estimate of the time that would be required?

Mr. BOND. We hope it will be brief. We will talk with you. We hope that perhaps it may be accepted.

Mr. WARNER. Without a rollcall vote.

Mr. BOND. I would like to spare the body a rollcall vote.

The PRESIDING OFFICER. Under the previous order, amendment No. 3452 is modified to be a first-degree amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Graham (FL)
Kerry

The amendment (No. 3452) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. I asked unanimous consent—I have discussed this with the senior Senator from Virginia—that we have 2 minutes equally divided on the next amendment.

Mr. WARNER. Two minutes on each side.

Mr. LEAHY. Two minutes is fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I do not want to start until the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Madam President, I voted, as did others, for the Warner amendment even though I see it as only the tiniest step toward addressing what we read about in the paper every single day, and that is war profiteering in Iraq. His amendment does not cover war profiteering; mine does. In fact, his, I believe, removes my prohibition against war profiteering. What I have in here is an amendment, very similar to what we passed in the appropriations bill earlier, about real war profiteering.

This Monday I was at the funeral in Vermont of a young sergeant who was killed in Iraq, just as my wife and I have been at other funerals of Vermonters killed over there, and I suspect most Members of the Senate have. They are over there defending their country. They are over there doing what their country asked them to, being paid as corporals and sergeants, and dying.

We have a lot of other people sitting in boardrooms back here in America, watching enormous profits, watching the American taxpayers pay for things that are never delivered, for trucks that are never there, for meals that are never there, and we can't stop them. My amendment would stop them. My amendment would put, if not patriotism in them, it will put the fear of going to jail in them.

Let us stand up for our American men and women over there. Let us stop the war profiteers. Let us say no to them, and let us say, if you continue, you are going to go to jail because that is where you belong.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, my amendment does everything that my colleague stated as a desired goal. His amendment goes a step further. This is the reason we have two votes. He establishes a new criterion for a crime that could result in incarceration up to 20 years. It is so vague that I assure you it could not get through the first year of law school. It says you could go to jail if "you materially overvalue any good or service." There is no regulation, no criterion by which to judge that. As a consequence, this body would be enacting a new criminal statute without any hearings, without any thoughtful process, and would subject the contracting community, which numbers in the tens of thousands of individuals supporting the men and women of the Armed Forces all over the world, to this very vague proposed criminal statute.

I urge strongly that you vote against the Leahy amendment.

I regret that, I say to my good friend, but we cannot put on our books this statute. It would be wrong.

Mr. LEAHY. Madam President, my amendment very simply says to the Halliburtons all over the country that you can't profit on the backs of our men and women in Iraq or Afghanistan. We all know what that is.

The PRESIDING OFFICER. The Senator's time has expired.

Does the Senator from Virginia yield his remaining 35 seconds?

Mr. WARNER. Yes, Madam President. I yield it knowing that the good wisdom and sound judgment of this body will follow my views.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Edwards
Kerry

The amendment (No. 3292) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, this afternoon, while debating my amendment on war profiteering, we became mired in a debate about what is or what is not in the criminal code.

I will not revisit that issue now. However, I will say to the senior Senator from Virginia, who asked from where the language in my amendment originated in the criminal code, that I have more information on that issue that should be to his satisfaction.

First, the term "material" appears in terrorism laws prohibiting "material" support. In fact, all falsity in the criminal code must "material". Pursuant to a Supreme Court ruling, part of proving a false statement must be "material."

Second, the term "overvaluation" is in Title 15 prohibiting "criminally overvaluation" of securities.

Third, with respect to "intent to excessively profit," this is taken, in part, from "significantly profit" in 12 U.S.C. 1297 which criminalizes bank crimes. "Significantly profit" is, in fact, a lower standard that "excessively profit." We erred on the side of caution and raised the standard.

Although I made this point clear during the debate, this should leave no doubt that my amendment is carefully constructed legislation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, my understanding is we will now go off the bill. We will remain off the bill for the remainder of the evening. We now have three votes on judicial nominations. I stand corrected. After the votes on the three judicial nominations, there is a short matter with Senator SESSIONS. It is in the UC.

Madam President, I ask unanimous consent that the votes for the three judicial nominations be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF WILLIAM S. DUFFEY, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, and the clerk will report the first nomination.

The legislative clerk read the nomination of William S. Duffey, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

The PRESIDING OFFICER. There will now be a period of 2 minutes evenly divided on the nomination.

Mr. HATCH. Mr. President, I am pleased today to speak in support of William Duffey, who has been nominated to the United States District Court for the Northern District of Georgia.

Mr. Duffey is a cum laude graduate of South Carolina University Law School, where he had been a member of the Order of the Coif. His illustrious legal career includes a tour of duty in Turkey with the U.S. Air Force; deputy and associate independent counsel with the Office of the Independent Counsel's Whitewater investigation; and a long, successful law practice with the prestigious firm of King & Spalding.

Mr. Duffey is a gifted and experienced attorney whose familiarity with Federal trial procedure will benefit him immensely on the Federal bench. I am confident that he will make a fine jurist on the Federal bench.

Mr. CHAMBLISS. Madam President, I rise in support of the confirmation of William S. Duffey to be a district judge for the North District of the State of Georgia.

Bill Duffey is a well-respected lawyer in our State, one of the best lawyers in the State of Georgia. He has served in private practice. He served in the Judge Advocates Corps of the United States Air Force. He served in the Office of the Independent Council.

For the last 4 years, Bill Duffey has served as the U.S. attorney for the Northern District of Georgia. He comes highly recommended by his peers, by those who have appeared before him, as well as those who have been on the other side in cases.

He is a true gentleman in every sense of the word, an outstanding advocate for the judiciary. He will make an excellent judge, and I ask for his confirmation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, it is interesting. I think I heard one of the Republican campaign committees talking about Democrats treating the South unfairly on judges. Southern States comprise about 25 percent of the States, but 60 of the nominees, about one-third of the nominees, have come from the South. With my colleagues, I have moved to get virtually all of them through.

Today we are asked to consider the nomination of William S. Duffey, Jr., to the Northern District of Georgia. The ABA found Mr. Duffey to be well-qualified to be a district court judge. He also has the support of both of his home State Senators.

Mr. Duffey is currently serving as the United States Attorney for the Northern District of Georgia. Prior to this Presidential appointment, he was in private practice and served for a number of years under the Office of the Independent Counsel during the 1990s. In this capacity, Mr. Duffey had administrative and general oversight responsibility for investigative activities and staffing in Arkansas. I questioned Mr. Duffey about two speeches he gave about his involvement in the Whitewater investigation. For example, while serving as the United States Attorney in northern Georgia and using the seal of that office, Mr. Duffey recently gave a speech entitled "Whitewater, White Powder and White Paper" at a local university. Despite his use of pejorative editorial cartoons, Mr. Duffey claimed that this speech was really about the value of public service. I am somewhat reassured by Mr. Duffey's answers to my questions and hope that if he is confirmed, he will avoid appearances of impropriety and conduct himself in a manner beyond reproach.

I would also note that some have falsely alleged that Democratic Senators have treated Southern nominees unfairly. That is simply untrue. The truth is that Democrats have treated judicial nominees from the South very fairly: Southern States comprise about 25 percent of the States in the Nation, yet out of the 184 judicial nominees of President Bush that we have confirmed as of this vote, 60 nominees, or about one-third, have been appointed to judicial seats in the South. With this vote there will be no vacancies in the entire State of Georgia. Senators on this side of the aisle worked to fill the last vacancy in Georgia. Judge C. Ashley Royal was confirmed December 20, 2001, under Democratic leadership to be United States District Judge for the Middle District of Georgia.

It is very unfortunate that some extreme partisans have tried to divide the American people for political gain with their false accusations that Democratic Senators are anti this group or that group. Democrats have been fair to judicial nominees from all parts of the Nation. We have been far more fair to this President's judicial nominees than Republicans were to the last Democratic President's. Republican Senators blocked more than 60 of President Clinton's judicial nominees, including several southerners.

I congratulate Mr. Duffey and his family on his confirmation today.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of William S. Duffey, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Kerry
Lugar

The nomination was confirmed.

NOMINATION OF LAWRENCE F. STENGEL TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate, equally divided.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the nomination of Lawrence F. Stengel for the U.S. District Court for the Eastern District of Pennsylvania.

Lawrence Stengel, who is currently a State common pleas judge in Lancaster County, PA, comes to this nomination with an outstanding background. He has a bachelor's degree from St. Joseph College in 1974 and a law degree from the University of Pittsburgh in 1980. He has an outstanding record in the practice of law, having maintained a practice as a sole practitioner for some 5 years, which is something in this day and age.

For the past 14 years, he has been a State court judge and has established an enviable reputation in Lancaster County. In addition to his judicial duties, he serves as an adjunct professor at Franklin and Marshall, and also as an adjunct professor at Millersville University, demonstrating his versatility and capability.

I have every reason to expect a strong vote.

I yield back the remainder of my time.

Mr. HATCH. Madam President, I rise today to voice my strong support for the nomination of Judge Lawrence F. Stengel for the United States District Court in the Eastern District of Pennsylvania. Judge Stengel has an impeccable record as both a jurist and practitioner, and this body would be wise to confirm him to the Federal bench.

Judge Stengel comes to the floor with not only my strong support, but also the unanimous support of my colleagues on the Judiciary Committee. Before consideration in the committee, Judge Stengel received a "well qualified" rating from the ABA—the oft quoted "gold standard" for judicial nominees. An alumnus of my alma mater, University of Pittsburgh Law School, Judge Stengel has served with distinction for nearly fourteen years as a Court of Common Pleas Judge in Lancaster, PA. His service on the Court was preceded by 10 years of legal practice, where he focused primarily on civil litigation matters.

Judge Stengel exemplifies excellence in judicial decision making, yet his commitment to enhancing the legal profession does not merely begin and end at the courthouse door. He has had an incredibly positive impact on the legal community outside of the courtroom as well. As president of the Lancaster Bar Association, Judge Stengel formed a diversity task force to investigate ways to increase the number of minority attorneys practicing in Lancaster County. Additionally, Judge Stengel appointed a committee for the creation of the Lancaster Bar Association Foundation—a foundation whose primary purpose is to raise funds for enhancing the delivery of services to underprivileged clients.

I applaud the President for nominating Judge Stengel and am confident he has the requisite judicial temperament, integrity, compassion, and legal expertise to serve with distinction on the Federal bench. I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, today, I vote to support Lawrence Stengel to be a United States District Court Judge for the Eastern District of Pennsylvania. Judge Stengel has served for more than 13 years as a Judge on the Lancaster County Court of Common Pleas, where he has presided over hundreds of civil and criminal cases. In light of his significant judicial experience, it is not surprising that a substantial majority of the American Bar Association found him "Well-Qualified" for a lifetime position on the Federal court.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation, 18 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State.

With this confirmation, President Bush's nominees will make up 18 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 40 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's influence is even stronger, as his nominees will hold 15 of the 34 active seats—or more than 44 percent of the current active seats. With the additional Pennsylvania district court nominees pending on the floor and likely to be confirmed soon, nearly half of the district court seats in Pennsylvania will be held by President Bush's appointees. Republican appointees will outnumber Democratic appointees by nearly two to one.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Although Republicans now decry Democratic filibusters of a mere handful of the most extreme nominees, Republicans denied votes to 10 judicial nominees, 9 district and 1 circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered. Such obstruction provided President Bush with a significant opportunity to reshape the Federal bench and the law.

News articles in Pennsylvania have highlighted the way that President Bush has been able to reshape the Federal bench in Pennsylvania. For example, The Philadelphia Inquirer noted that the significant number of vacancies on the Pennsylvania courts "present Republicans with an opportunity to shape the judicial makeup of the court for years to come." Despite this, I do hope Judge Stengel will be fair to all who come before him.

Madam President, I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Kerry
Lugar

The nomination was confirmed.

NOMINATION OF PAUL S. DIAMOND TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the nomination.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Paul Diamond is a distinguished Philadelphia attorney who holds a bachelor's degree from Columbia magna cum laude, demonstrating an excellent academic background, a law degree from the University of Pennsylvania, 2 years experience in the Philadelphia district attorney's office, a law clerk to a supreme court judge in Pennsylvania, a partner in a very distinguished law firm, Obermayer Rebmann Maxwell & Hippel, for more than a decade, and is currently an adjunct professor at Temple University.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I was tied up in a meeting for the prior vote on Judge Stengel. I have the highest respect for the two gentlemen and urge the confirmation of Judge Diamond.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Mr. Paul S. Diamond, who has been nominated to the United States District Court for the Eastern District of Pennsylvania. He is a fine choice for the Federal bench.

Mr. Diamond received his bachelor of arts degree, magna cum laude, from Columbia University, and his juris doctor from the University of Pennsylvania School of Law. Following law school, he spent several years working in the Philadelphia District Attorney's Office as a Assistant District Attorney. He then served as a law clerk to the Honorable Justice Bruce W. Kauffman of the Pennsylvania Supreme Court, now a judge serving on the United States District Court for the Eastern District of Pennsylvania. At the conclusion of his clerkship, he returned to the Philadelphia District Attorney's Office.

In 1983, Mr. Diamond joined Dilworth, Paxson, Kalish & Kauffman LLP., as an associate and in 1986, he was made a partner. Paul S. Diamond is currently a partner in the venerable Philadelphia law firm of Obermayer, Rebmann, Maxwell & Hippel LLP., where he practices in the area of complex criminal and commercial litigation. He is also administrative partner of the firm's litigation department.

Since entering private practice, Mr. Diamond has specialized in the representation of clients in grand jury related litigation throughout the country. In fact, he authored a comprehensive text and several articles on the work of the grand jury. This area of expertise assisted him as he served on the American Bar Association's Grand Jury and Amicus Curiae Briefs Subcommittee where he drafted amicus curiae for the American Bar Association on the novel issue of the propriety of subpoenaing criminal defense attorneys.

In between his many responsibilities, Mr. Diamond has found the time to serve on the Pennsylvania Supreme Court's Lawyers' Fund for Client Security Board. This board helps clients recover some or all losses of money and/or property stolen from them by their attorneys.

Mr. Diamond has also received numerous awards and accolades. I am particularly impressed that Mr. Diamond is listed in Who's Who in the World, Who's Who in America, Who's Who in American Law and Who's Who Among Emerging Leaders. He also received the ABA's highest rating of unanimously well qualified.

I applaud President Bush for his nomination of Mr. Diamond and am confident that he will serve on the bench with compassion, integrity and fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Paul Diamond to be a United States District Judge for the Eastern District of Pennsylvania. Mr. Diamond has a unanimous rating of "well-qualified" from the American Bar Association and significant experience serving as an assistant district attorney in Philadelphia for 6 years and serving as a litigator in private practice for over 20 years. He is supported by the senior Senator from Pennsylvania, for whom I have great respect.

With the three confirmation votes today, the Senate will now have confirmed 17 judicial nominees this year alone. Seventeen is the total number of judges who were confirmed under Republican leadership in all of 1996. However, in 1996, the first confirmation did not even occur until July.

With these three confirmations today, the Senate will have confirmed a total of 86 judges this Congress and 186 of this President's judicial nominees overall. With 86 judicial confirmations in just a little more than 17 months, the Senate has confirmed more Federal judges than were confirmed during the 2 full years of 1995 and 1996, when Republicans first controlled the Senate and President Clinton was in the White House. It also exceeds the 2-year total at the end of the Clinton administration, when Republicans held the Senate. With 186 total confirmations for President Bush, the Senate has confirmed more lifetime appointees for this President than were allowed to be confirmed in President Clinton's entire second term, the most recent 4-year presidential term. We have already surpassed the number of judicial appointments won by President Reagan in his entire first term in office.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With this confirmation, 19 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State.

With this confirmation, President Bush's nominees will make up 19 of the 43 active Federal circuit and district court judges for Pennsylvania. That is more than 40 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's influence is even stronger, as his nominees will now hold 16 of the 35 active seats. In other words, nearly half of the district court seats in Pennsylvania will be held by President Bush's appointees. Republican appointees will outnumber Democratic appointees by nearly two to one.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House.

Republicans denied votes to ten judicial nominees, nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Mr. SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records that showed these to be well-qualified nominees, many of their nominations sat pending before the Senate for more than a year without being considered. Such obstruction provided President Bush with a significant opportunity to shape the bench according to his partisan and ideological goals.

New articles in Pennsylvania have highlighted the way that President Bush has been able to reshape the Federal bench in Pennsylvania. For example, The Philadelphia Inquirer, observed that the significant number of vacancies on the Pennsylvania courts "present Republicans with an opportunity to shape the judicial makeup of the court for years to come."

I would note that the Republican leadership has decided to depart from the order of the executive calendar to confirm Mr. Diamond today rather than Juan Ramon Sanchez, a well-qualified Hispanic nominee to the U.S. District Court for the Eastern District in Pennsylvania. That is their choice. I do not want to see the Democrats blamed for any delay in confirmation of Mr. Sanchez. I support that nomination and believe it will be supported by all Democratic Senators.

I congratulate Mr. Diamond and his family today on his confirmation.

I yield back my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 123 Ex.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Edwards
Kerry
Lugar

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, let me take a minute to thank the two managers for their hard work on this Defense bill. As I stated before, this is the 11th day of consideration of this bill.

Although I think we have made real demonstrable progress today, I am concerned that we are not quite certain when we will be able to finish the bill and how many amendments may still be offered.

I have had discussions with the chairman and the Democratic leadership, and I am prepared to file a cloture motion this evening.

With that said, I still hope we can work out an agreement to allow us to finish the bill after a certain number of amendments, and with a time certain for passage. I will continue to discuss our options with the managers of the bill and hope that we can proceed in a balanced way to finish the bill.

CLOTURE MOTION

I send the cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 503, S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed services, and for other purposes.

Bill Frist, John Warner, Bob Bennett, John Cornyn, Mitch McConnell, Norm Coleman, Susan Collins, Lamar Alexander, Kay Bailey Hutchison, Rick Santorum, Lisa Murkowski, Gordon Smith, Thad Cochran, Wayne Allard, Chuck Hagel, Craig Thomas, Jeff Sessions.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Alabama is recognized to offer an amendment on which there will be 10 minutes of debate.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 5 minutes and be notified at the conclusion of the 5 minutes, and the senior Senator from New York, Mr. SCHUMER, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3372, AS MODIFIED

Mr. SESSIONS. Mr. President, for decades, civilian employees of the United States working overseas were shielded from prosecution for criminal acts that were committed abroad. These persons were outside the scope of military justice, and they were beyond the jurisdiction of Federal courts in the United States, and also our State courts. Often, foreign countries, when incapable of investigating and prosecuting the cases, or they didn't have adequate laws, or they were not even criminal offenses in the foreign country, did not prosecute. Maybe the foreign country had no interest in prosecuting a fraud against the United States.

In 1999, one of my constituents approached me with a terrible story of how two innocent children were molested while living overseas with their father, who was an Army service person. Because the perpetrator of the crime did the act overseas, he was beyond the scope of jurisdiction in the United States. Moreover, German law didn't cover this, so the person was completely unprosecutable at that time.

After hearing this story, I began to work on and introduce the Military Extraterritorial Jurisdiction Act, which was signed into law eventually in the year 2000.

It provided U.S. Federal courts with jurisdiction over civilian employees, contractors, and subcontractors affiliated with the Department of Defense who commit crimes, and would have subjected that person to at least 1 year of prison had the offense occurred in the United States.

We worked with the Department of Defense, the Department of Justice, and the Department of State and produced legislation which I think was very helpful.

Now, in the war on terrorism, the Department of Justice is finding this statute very helpful. In fact, the contractors involved in the Abu Ghraib prison would probably not be prosecutable had we not passed this law some time ago.

But as we have looked at it, we understand there are some gaps that still exist.

Senator SCHUMER raised this issue in the Judiciary Committee, and I began to work on dealing with those loopholes.

This act will deal with what our previous act dealt with—those who were directly related to the Department of Defense, either contractors or civilian employees. But the abuses in Abu Ghraib involved private contractors who may not have in every instance been directly associated with the Department of Defense, and as such, perhaps those people—or some of them at least—might not be prosecutable under this statute. So it highlighted our need to clarify and expand the coverage of the act.

I offer an amendment today, and I am pleased that Chairman WARNER and Ranking Member LEVIN have agreed to it. I believe it has been cleared on both sides and accepted by the managers.

This amendment would give the Justice Department authority to prosecute civilian contractors employed not only by the Department of Defense but by any Federal agency that is supporting the American military mission overseas.

The number of private contractors working in Iraq is about 10 times as great as it was in the Persian Gulf conflict.

Private contractors are necessary to rebuilding a healthy Iraq. Yet we cannot allow them to escape justice for crimes they may commit overseas.

I am not sure right now the Iraqi government has the ability or the interest in prosecuting a contractor who may have defrauded the United States. It clearly remains true that if they are to be prosecuted, it needs to be done here.

Our mission overseas is an honorable endeavor. It should not be tainted by illegal acts by any, particularly a few, who embarrass our country. Recent events have brought to light the need to ensure that those acting improperly are held accountable in a court of law.

This amendment clarifies existing precedent and leaves no doubt whether wrongdoers can be brought to justice. This includes physical acts against personnel by contractors. It also includes frauds that could be committed against the Department of Defense such as overcharging. Fraudulent activities of any kind could be prosecuted under this act.

I yield the remainder of my time to the Senator from New York, who, having suffered the blows of terrorism firsthand, has taken an interest in these matters for some time now. I am delighted to work with the Senator on this legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is an important amendment to this bill. It is passing with bipartisan cosponsorship, both the House and the Senate unanimously. It shows we can get things done in a bipartisan way. In good part that is because of my colleague from Alabama. I salute him for his leadership on this issue. He originally discovered the loophole about contractors who work for DOE, that they could not be prosecuted should they commit crimes abroad. He successfully passed a law last year about this issue.

When we discovered all the problems in the prisons in Iraq, it was clear that not all the contractors were contracted to by DOD. Other agencies contracted them. It made sense to me that we prosecute them as well. I believe it made sense to everybody. So I suggest to my colleague from Alabama that we work together to expand the amendment to include all contractors who work abroad who commit crimes or potential crimes.

As usual, we worked very well together on this. I thank the Senator for his leadership in passing the original bill, now law, and now amending this to broaden it.

The amendment Senator SESSIONS and I are offering today will close a dangerous loophole in our criminal law that would have allowed civilian contractors who do the crime to escape doing the time. As I mentioned, Senator SESSIONS closed part of this loophole a few years ago when he passed the Military Extraterritorial Jurisdiction Act and showed a great deal of foresight with that legislation.

The problem is that aside from Senator SESSIONS' bill there are negligently few provisions that give DOJ the power to go after civilian contractors. In short, if they do not contract with DOD, there is too strong a likelihood they will escape prosecution. Nothing in this amendment should be interpreted as undermining ongoing DOJ investigations or providing a basis for argument that DOJ does not have jurisdiction to prosecute contractor crimes in Iraq. Title 18, section 7, of the Criminal Code clearly confers such jurisdiction. This amendment covers contractors and territory for which title 18, section 7, does not confer jurisdiction.

I am proud to have worked with my colleague from Alabama to get this done. By passing this amendment today, this body gains stature because an important amendment is passed in a bipartisan way, and our country gains stature because the world sees when a crime is committed, unlike in so many other places in America, it is prosecuted.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. SCHUMER, proposes an amendment numbered 3372, as modified.

The amendment is as follows:

(Purpose: To extend military extraterritorial jurisdiction to cover not only personnel and contractor personnel of the Department of Defense, but also personnel and contractor personnel of any Federal agency or provisional authority supporting the mission of the Department of Defense overseas, and for other purposes)

At the appropriate place, insert the following:

SEC. . CONTRACTOR ACCOUNTABILITY.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

"(A) employed as—

"(i) a civilian employee of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

"(ii) a contractor (including a subcontractor at any tier) of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

"(iii) an employee of a contractor (or subcontractor at any tier) of—

"(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

"(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;".

SEC. . DEFINITION OF UNITED STATES.

Section 2340(3) of title 18, United States Code, is amended to read as follows:

"(3) 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.".

Mr. LEAHY. Mr. President, 4 years ago, I worked with Senators SESSIONS and DEWINE to pass the Military Extraterritorial Jurisdiction Act, MEJA, which established Federal jurisdiction over crimes committed by civilians employed by, or accompanying, our military overseas. The Sessions-Schumer amendment further extends the jurisdictional authority we created in MEJA by closing a possible jurisdictional gap that could allow persons who commit crimes while accompanying our military overseas to escape justice. I support this amendment, and am pleased that the Senate has adopted it today. In addition, I thank the sponsors for accepting my addition to their amendment, which closes a similar jurisdictional loophole in Federal law.

Attorney General Ashcroft referred to this loophole last week, during his annual appearance before the Senate Judiciary Committee, while attempting to defend the Administration's position on torture. Interestingly, this loophole was created by legislative language that was proposed by the Department of Justice as a means of broadening, not shrinking, Federal criminal jurisdiction. This language, enacted as part of the USA PATRIOT Act, redefined the "special maritime and territorial jurisdiction of the United States" to include U.S. military bases and other U.S. Government properties in foreign States. The administration's summary of its proposal explained that it would "extend" Federal jurisdiction to ensure that crimes committed by or against U.S. nationals abroad on U.S. Government property did not go unpunished.

Unfortunately, the administration drafters of this proposal neglected to mention to Congress how it would impact on the Federal anti-torture statute. That statute prohibits torture committed "outside the United States" by persons acting under color of law, and defines the term "United States" to include the "special maritime and territorial jurisdiction of the United States." By extending the special maritime and territorial jurisdiction of the

United States, the PATRIOT Act effectively narrowed the reach of the anti-torture statute. Post-PATRIOT Act, the anti-torture statute may not allow for the prosecution of an individual who commits torture on a U.S. military base outside the United States.

My addition to the Sessions-Schumer amendment corrects this problem in a simple and straightforward way. It extends the anti-torture statute to apply, without exception, to acts committed outside the 50 States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

It may be that we should go further. Arguably, the anti-torture statute should be extended to apply anywhere in the world—both inside and outside the United States. I would welcome the views of the Department of Justice on this question. In the meantime, there are other Federal statutes that prohibit violence or excessive force by those acting under color of law within our borders.

Torture is one of the most serious crimes imaginable. I can think of no reason why the Federal Government should create safe havens for torturers anywhere in the world. To the contrary, we should use every means available to track them down and bring them to justice. The language that I have proposed, and that the Senate has accepted, will assist the Justice Department in doing just that.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment.

The amendment (No. 3372) was agreed to.

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I rise to thank Chairman WARNER and Ranking Member LEVIN for their acceptance of a very important amendment last evening that was offered by me along with Senators SMITH, CORZINE, KENNEDY, and AKAKA to clarify the important role that the Department of Defense Vaccine Healthcare Centers Network plays in increasing training and competency in understanding vaccine associated adverse events, their diagnosis, treatment and medical exemption management.

My amendment, No. 3392, expands upon the language that originally created the Vaccine Healthcare Centers, or VHCs, in 2001, to better reflect their current function and mission, and recognize the growing importance the Network will play in the future with the recent passage of the BioShield Act.

As one example, the original language referenced only the anthrax vaccine program but the VHCs have played a fundamental role in developing and testing the DoD Smallpox Vaccine Program with clinical and research follow-up. These functions should be reflected in the authorization of the VHCs and the Bingaman-Smith-Corzine-Kennedy-Akaka amendment does that.

Mr. President, Congress created the Vaccine Healthcare Centers, VHC, Network as part of the National Defense Authorization Act of 2001, but focused the VHCs on establishing "a system for monitoring adverse events of members of the armed forces to the anthrax vaccine."

The Vaccine Healthcare Center at Walter Reed Army Medical Center was created in 2001 to respond to that congressional requirement. Subsequently, with the creation of three additional regional centers at Naval Medical Center Portsmouth in Virginia, Womack Army Medical Center in North Carolina, and Wilford Hall Medical Center at Lackland Air Force Base in Texas, the VHC Network today provides educational and clinical support services that are available to 2.4 million Active Duty and Reserve servicemembers and over 6 million family members for all immunizations—not just the anthrax vaccine.

The importance of the VHCs to both servicemembers and the military cannot be understated. The VHCs, particularly the one at Walter Reed Army Medical Center, has established itself as an unbiased, objective source of clinical vaccine-related information to servicemembers, providers, the military and Congress, which is rather a remarkable accomplishment.

In fact, there are strong feelings with respect to the anthrax and smallpox vaccines, and it is no secret that I have grave concerns with the military's policies with respect to the mandatory nature of those vaccines at this time. However, regardless of how you feel about the policy, few would disagree that the VHCs have provided a strong scientific, and unbiased clinical perspective that all sides respect and appreciate.

As the Armed Forces Epidemiological Board, or AFEB, found in a report it published on April 14,2004, "The VHC Network has become an integral component of the referral and consultation services available on vaccine adverse event issues for the DoD and can play an important role in the study and evaluation of cases or clusters of possible rare vaccine-induced adverse events."

Furthermore, in testimony before the House Armed Services Committee on February 25, 2004, Dr. William Winkenwerder, Jr., Assistant Secretary for Defense Health Affairs stated, "And we are delighted to say we now have on-site in the Vaccine Healthcare Center Network, a network of specialty clinics to provide the best possible care in rare situations where serious adverse events follow vaccination. In all our vaccination efforts, we focus on keeping individual service members healthy, so they can return home safely to their families and loved ones.

Although I do not always agree with Dr. Winkenwerder on force protection policy, I do on the importance of the Vaccine Healthcare Centers Network. My amendment with Senators SMITH, CORZINE, KENNEDY, and AKAKA updates and recognizes the importance of the VHCs to our Nation's servicemembers.

The original stated purpose of the language in 2001 was narrowly focused on the creation of a DoD Center of Excellence treatment faculty focused on providing treatment and follow-up as part of a system of monitoring adverse events of servicemembers for the anthrax vaccine. In fulfilling that original mission, DoD found that the VCH Network was needed to improve vaccine safety and efficacy for all vaccines, and not just limited to the anthrax vaccine.

To achieve this purpose, VHCs provide education, expert consultations and problem resolution, medical exemption management, disability assessments, and clinical research. These functions are not adequately recognized in the current DoD authorization language and my amendment reflects these expanded roles on behalf of our Nation's sevicemembers.

In fact, during fiscal year 2003 alone, the VHCs responded to over 160,000 contacts and provided case management for over 600 complicated vaccine-related cases for servicemembers. Moreover, just 4 days ago, the Chicago Tribune reported that a study by a researcher at Walter Reed Army Medical Center in conjunction with the Vaccine Healthcare Center there has conducted research that indicates "military personnel inoculated against smallpox face a seven to eight times greater risk of heart inflammation" than those who had never been vaccinated.

The study finds that, since the smallpox vaccination program was resumed in 2002, 615,000 servicemembers have been inoculated and that there have been 77 confirmed or suspected cases of heart inflammation, including at least one in my state.

As exemplified by the myopericarditis issue with smallpox vaccine, the VHCs also provide a place to identify uncommon adverse events and help provide early recognition and interdiction which drives policy changes in real time to protect the health and well-being of our Nation's military personnel.

Mr. President, vaccines are a prescription drug and, like any prescription drug, carry risk and side effects. We, as a Nation, cannot ask our servicemembers to continue with a vaccination policy and not recognize this critical fact. The VHC Network serves everybody by providing objective clinical education, services, and research into these matters that better inform all parties, including policymakers, of both the risk and benefits vaccines carry. Moreover, the Network serves to minimize those risks as best as they can.

Army Surgeon General, Lt. General James Peake, urged repeatedly in a memorandum dated February 10, 2004, to commanders and regional medical commands that clinicians utilize the VHC Network resources, while noting the "U.S. Army lost a valuable Soldier, Rachel Lacy, in April 2003, a month after receiving five vaccinations during mobilization."

Unfortuantely, this critical resource could have been lost or severely limited without the passage of our amendment. That would be unacceptable, particularly in light of the high praise from Dr. Winkenwerder, Lt. Gen. James Peake and the Armed Forces Epidemiological Board for the critical work VHCs perform. To that end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the memorandum from Dr. Peake.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. And finally, as the use of passive immune globulin and other immune modulators increases, complex interactions and expert evaluation of adverse events will be needed more than ever in support of both our Nation's servicemembers and to guide both military readiness and homeland defense policy. The VHCs are a critical component in that endeavor.

So again, I thank the mangers of the bill, Chairman WARNER and Ranking Member LEVIN, for agreeing to the Bingaman-Smith-Corzine-Kennedy-Akaka amendment to appropriately reflect and confirm congressional support for the activities undertaken by the VHC Network, as their role is critical to the health and well-being of our Nation's servicemembers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(EXHIBIT 1)

DEPARTMENT OF THE ARMY, HEADQUARTERS, UNITED STATES ARMY MEDICAL COMMAND,
Fort Sam Houston, TX, February 10, 2004.

Memorandum for Commanders, Regional Medical Commands

Subject: Learning from Adverse Events After Vaccination—Action Memorandum.

1. Immunization is one of the most valuable tools available to keep Soldiers healthy. The overwhelming majority of immunizations are followed by mild symptoms, such as soreness at the injection site; severe adverse reactions are extremely rare. Unfortunately, the U.S. Army lost a valuable Soldier in April 2003, a month after receiving five vaccinations during mobilization. Although the evidence was inconclusive, medical experts determined that vaccination may have contributed to her death (Tab A). Additional information about the case is available at www.vaccines.mil/panelreport.asp.

2. Please relay this message to clinicians in your command, noting these key points: Remind vaccinees to seek medical care if they experience medical problems, or they can call the DoD Vaccine Clinical Call Center at 866-210-6469; Remind clinicians to take a vaccination history during patient assessments. Be particularly alert in post-vaccination cases of fever, chest symptoms (e.g., dyspnea, chest pain), or clinical findings such as pleural or pericardial inflammation; In conditions not responding to antibiotics, consider the possibility of autoimmune disease and appropriate treatments for such conditions; Seek specialty consultation as clinically appropriate. Consider the unique consultation resources within the Vaccine Healthcare Center (VHC) Network (www.vhcinfo.org, 202-782-0411 (DSN: 662); askVHC@na.amedd.army.mil); Continue to report adverse events after vaccination to the Vaccine Adverse Events Reporting System (VAERS, www.vaers.org); Continue to follow guidelines for managing adverse events after vaccination (www.vaccines.mil/pdf/cpguidelines.pdf). Note there are new guidelines for the evaluation and treatment of myopericarditis after smallpox vaccination; Grant medical exemptions when clinically appropriate. When needed, use consultation services for a second opinion (e.g., Vaccine Healthcare Center Network);

3. For more vaccine resources, take advantage of the experts at the Vaccine Healthcare Center Network (www.vhcinfo.org) and the Military Vaccine Agency (www.vaccines.mil).

4. My points of contact for this action are COL John Grabenstein at 703-681-5101 and COL Renata Engler at 202-782-0411.

JAMES B. PEAKE,
Lieutenant General, Commanding.

Mr. HARKIN. Mr. President, I thank the managers of the Department of Defense authorization bill, Senators WARNER and LEVIN, for their assistance earlier this week in adopting an important amendment. I offered the amendment, now a provision of this bill, to express the sense of the Senate concerning programming on American Forces Radio and Television Service, AFRTS.

As my colleagues know, for American service members and their families stationed in more than 177 countries and U.S. territories around the world, as well as for DOD civilians and their families, AFRTS is intended to broadcast a "touch of home" by providing programming that reflects a cross section of what is widely available to stateside audiences. According to the AFRTS website, its programming is meant to "represent what is seen and heard in the United States."

I support AFRTS in its mission. Making U.S. entertainment and news programming available to American service members wherever they are located is important for their morale and to keep them informed. I believe the fiscal year 2004 funding level of $47 million for AFRTS is justified.

Several weeks ago, however, it came to my attention that the programming on one AFRTS service—its "uninterrupted voice," or talk radio, service—has what I consider to be a political bias in its social and political commentary.

For the information of my colleagues, the radio broadcast component of AFRTS, which is American Forces Radio, consists of 13 channels, or "services." Seven of these radio services focus on music, with news briefs at the top of every hour. Two are continuous news information services. One service broadcasts National Public Radio 24 hours a day, 7 days a week. Two services are continuous sports talk. The final service is what the network calls uninterrupted voice service, or talk radio service.

Based on conversations between my staff and personnel at AFRTS, I believe the bias that exists in the social and political commentary portions of this talk radio service is not intentional. I commend the openness of American Forces Radio officials in the dialogue we have now begun on this topic. But in my view the bias in this programming is real.

Public criticism of American Forces Radio content has focused on the fact that Rush Limbaugh's commentary is carried daily on the talk radio service. I generally do not agree with Rush Limbaugh's commentaries. But I do not object to the fact that they are run on a daily basis on this service. Some people do object. However, what I do take issue with is the fact that there is no commentary on the service that would even begin to balance the extreme right-wing views that Rush Limbaugh routinely expresses on his program.

Critics have specifically cited Rush Limbaugh's use of his show to condone and trivialize the abuse of Iraqi prisoners by U.S. guards at the Abu Ghraib prison in Iraq. As many of my colleagues know, and as has been pointed out previously here on the Senate floor, Mr. Limbaugh reportedly likened the abuse of Iraqi prisoners by U.S. guards at Abu Ghraib to a fraternity initiation. He called some of the abusive tactics a "brilliant maneuver." I think the critics are right. Limbaugh's remarks—and there are many more offensive remarks by Mr. Limbaugh on this topic than I have mentioned here—are repugnant. They do damage to the American image when they are heard around the world. I would guess that Limbaugh's comments on Abu Ghraib also probably offend a large majority of American service members.

Still, I am not calling for American Forces Radio to pull Rush Limbaugh's commentaries from their talk radio service. I am asking, and I am pleased that the Senate is now on record asking, that AFRTS meet its own mandate, as generally articulated in Department of Defense Regulation 5120.20R. That regulation calls for AFRTS political programming that is "characterized by its fairness and balance," as well as news programming guided by a "principle of fairness" that requires "reasonable opportunities for the presentation of conflicting views on important controversial public issues."

Liberals, moderates and independents contribute to funding for American Forces Radio through payment of their taxes, just like conservatives do. There is no reason that American service members should receive lengthy right-wing commentaries with regularity on American Forces Radio's talk service, without some balance from competing views as part of that same service. For the good of its listeners, and to meet its own mandate, American Forces Radio needs to make a greater effort to give a balanced, fair representation of varying political viewpoints on its talk radio service.

In conversations with my staff, individuals at AFRTS have said that their programming of Rush Limbaugh on the talk service is driven strictly by national ratings here in the States. That was not the position taken by a DOD official on CNN earlier this month, however. According to news coverage posted on CNN.com, Deputy Assistant Secretary of Defense Allison Barber has said that the appropriateness of content is a factor in deciding what commentaries are broadcast on American Forces Radio.

I agree with the Deputy Assistant Secretary's statement. Content is a factor in deciding which commentaries to run on American Forces Radio. At the same time, I also agree with stated AFRTS policy. There should be fairness and balance in political programming on American Forces Radio.

My amendment in no way prescribes specific content or programming at AFRTS. That is not the role of the Senate. What my amendment does do, appropriately, is state that it is the sense of the Senate that the Secretary of Defense should ensure that AFRTS policies of fairness and balance are being fully implemented. The amendment calls on the Secretary to develop appropriate methods of oversight in this regard. I look forward to working with the Department and others to see that AFRTS meets these proper goals.

Mr. JEFFORDS. Mr. President, I rise to express my strong support for the amendment adopted yesterday to the Department of Defense authorization bill that would strengthen Federal hate crime laws.

This amendment would strengthen Federal hate crimes law in two important ways. First, it would remove the requirement that the victim be engaged in a federally protected activity when the crime occurs. This change will make it easier for hate crimes to be prosecuted and local officials to be assisted when the hate crime is based on race, religion, or national origin. Second, the current statute is expanded to cover hate crimes based on gender, sexual orientation, and disability.

Since the Federal Bureau of Investigation began to track hate crimes in 1991, the incidents of hate crimes based on sexual orientation have more than tripled. If the changes to the Federal hate crimes statute incorporated in this amendment are enacted, it will allow the Federal government to prosecute these crimes and assist local law enforcement officials in dealing with these violent hate crimes.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Many States, including my own State of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor. An important principle of the amendment is that it allows for Federal prosecution of hate crimes without impeding the rights of States to prosecute these same crimes.

The adoption of this amendment by the Senate is an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and I call upon the conferees to retain this important provision during the conference on this legislation.

Mr. LEVIN. I will ask unanimous consent the resolution relative to the Detroit Pistons victory be introduced in 1 minute, but first I ask unanimous consent that I temporarily turn the floor over to Senator BIDEN. Then I will introduce this unanimous consent resolution, Senator STABENOW will be recognized for 5 minutes, I will be recognized for 5 minutes, and then Senator MILLER will be recognized for 8 minutes after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

A TRIBUTE TO BETTY STRONG: THE POLITICS OF DECENCY

Mr. BIDEN. Mr. President, I rise today to pay tribute to an incredible woman. There are a number of benefits that flow, as my friend, the Presiding Officer, knows, even from failed Presidential efforts seeking to get the nomination as he and I have both done. We meet some extraordinary people who put their lives on hold for you because they believe in what you are trying to do. There was such a woman who just passed away in Iowa, in Sioux City. Her name is Betty Strong.

Theodore Roosevelt said:

> The most practical politics is the politics of decency.

There was none more practical or more decent than Betty Strong, the matriarch of the Democratic politics of Iowa. She was a wonderful woman whose friendship and memory I will always cherish and whose friendship with her husband I still cherish.

Anyone who knows Iowa politics—and I know the Presiding Officer knows Iowa politics at least from the Republican side of the effort—knows the name Betty Strong. Senator HARKIN and I have been reminiscing all day with wonderful stories we have about her. Time will not permit me to speak to all of these, but she was a master political craftsman. She understood grassroots organizational politics better than anyone. She was a community leader in the best sense of the word. She brought people together around the process and around the issues.

She was a woman of uncanny insight and extraordinary good sense, basic honest judgment, and something that seems altogether too uncommon these days: a depth of good will, unmatched by anyone I have met in politics.

We can find thousands of examples of strong, tough-minded, powerful women in our history who have left their mark, big and small, on our lives, from Helen Keller to Eleanor Roosevelt. All of them inspired a Nation. All of them gave us hope. But few have had as much of a personal impact as Betty Strong of Iowa, who just followed her heart, got involved, did what she wanted to do, and did what she believed was right for the community.

She was tough, strong, and smart. She started in politics in the early 1950s at a time when back rooms were still smoke filled and the sound of a woman's voice was a cause for heads to turn. I can only imagine that Betty did not hesitate to cut through that smoke and speak her mind, even back in the 1950s, and when she did, I imagine she caused those old party bosses to turn their heads on more than one occasion. When she spoke, everyone listened. I know I did.

Margaret Thatcher said:

> Success is having a flair for the thing that you are doing, and knowing that it is not enough, you have to work hard and have a sense of purpose.

Betty was a success because she worked as hard as anyone I have ever had the pleasure to work with and she had a powerful sense of purpose. She absolutely loved politics as much as she absolutely loved Iowa. She loved the process, and everyone respected her for that.

She was a rare woman who had the depth of an abiding commitment to the rough and tumble of organizational door-to-door politics. Boy, did she know how to work a room. You had to see her work. She could read people. She had, as my mother would say, the sixth sense about how to persuade and bring people to her side, how to convince them she was right. She was, indeed, a very persuasive woman. There was no doubt that when you were with her, you wanted to be on her side.

But I don't think winning was Betty's real goal. It was not what drove her. I think she cared deeply about the fact that people need to be engaged and they contribute to making things better, they find a cause and take a side, they fight for what is in their heart and their gut, and they move the system in the right direction.

For Betty Strong, it was community that mattered most: It was the democratic process she cared about, and she believed that it worked best when you have maximum participation.

That is not to say that she did not have a deeply held set of values and beliefs that drove her politics; she did.

First and foremost, she was a Democrat—a Democrat Democrator, as the folks in Alabama used to say: a Yellow Dog Democrat. She had the hash marks and battle scars of more than 40 years of engagement to prove it.

If I had to categorize her politics, I would say she was an old-fashioned but practical FDR Democrat, an accomplished activist who fought on behalf of organized labor and through the Central Labor Council for the basic dignity of American workers.

I remember how she welcomed my wife Jill and me to her home as she welcomed a host of Democratic candidates over the years. And she did not hesitate to make her opinions known. She did not hesitate to share her love and affection with you.

But partisanship is not a word I think of when I remember Betty Strong. The word I think of is "democracy." To watch her in action was to understand what Teddy Roosevelt meant when he said, "the politics of decency." She was a decent person, as decent as any I have ever met in my public life. She was as engaged as she was engaging, as warm as she was tough, and as wise as she was shrewd.

To see her build a coalition, to watch her rally support, was to realize that all she wanted to do was bring the best out in people.

I first met her in 1987. I stayed in contact with her over the entire time until her death. She was a friend of mine, a friend of Senator HARKIN's, and a friend of many of us here.

I only wish we had more like her in both parties. You have them in your party, as I have them in mine. And, God, they are beloved. They are beloved people. But it seems like the generation is passing of the people who made the commitment she made.

She knew all politics was local, but she also knew local politics made up what this Nation is. She was a nation builder. She was a great woman. I miss her. Our sympathies to Darrell and her family.

I thank the Chair and I thank my colleagues for their graciousness. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

HONORING THE DETROIT PISTONS ON WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 380, submitted earlier today by myself and Senator STABENOW.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 380) honoring the Detroit Pistons on winning the National Basketball Association Championship on June 15, 2004.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator STABENOW be recognized for her approximately 5-minute statement, and that I then be recognized for my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend and colleague from Michigan.

Mr. President, I rise today with my friend from Michigan to offer this resolution congratulating the Detroit Pistons for winning the National Basketball Association Championship.

What a game, and what a win.

In a remarkable display of toughness, talent, tenacity, and old-fashioned hard work, the Pistons made history yesterday by winning their third consecutive home game at the Palace of Auburn Hills to clinch their third NBA title.

It was the first time in NBA Finals history that the home team won the third, the fourth, and the fifth game at home.

The Pistons embody all that I love about the people of Michigan. They are a determined, hard-working team that has shown relentless determination to achieve their goal. The Pistons are a complete team. They sacrifice personal gains for the good of their teammates. And we saw that over and over again last night. They dove for loose balls, and they played great defense.

Like the people of Michigan, the Pistons do not seek the limelight but, rather, let their performance on and off the court speak for itself.

Off the court, the Pistons launched their Read to Achieve Program in October 2001. I was very pleased to participate in one of their reading events. To date, they have opened four reading and learning centers, the most recent last Monday at the Cornerstone Elementary Linwood Campus Library. And they have donated their time to read with over 4,500 students throughout Michigan.

On the court, the Pistons faced many hurdles to win this title. First, they overcame a grueling regular season schedule to win 54 games. Next, they outlasted three of the toughest teams in the Eastern Conference playoffs: the Milwaukee Bucks, the New Jersey Nets, and the Indiana Pacers to make it to the NBA Finals.

In the end, the Pistons prevailed against the storied Los Angeles Lakers, a franchise with 14 titles to its credit, four future Hall of Famers, and a future Hall of Fame coach, Phil Jackson, who has coached nine NBA championship teams.

Our Pistons beat them all and showed they are the best.

I would like to take a moment to recognize members of the Pistons organization who made this remarkable season possible.

Congratulations, first, to Bill Davidson, the Pistons owner, a man who has had a wonderful year. Mr. Davidson, a generous philanthropist for the last 25 years, adds the Pistons' NBA title to the Detroit Shock's 2003 WNBA championship.

I also congratulate the Pistons President of Basketball Operations, Joe Dumars. As an NBA player, Joe was one of the driving forces on the 1989 and 1990 Pistons championship teams, and proved to be equally valuable in the Pistons front office by assembling this terrific team.

Next, of course, big congratulations are in order to Larry Brown, the first coach to win an NBA championship and an NCAA title. The much traveled Hall of Fame coach made his nest in Detroit this year and won this championship by asking his players to play basketball the "right way," emphasizing defense, rebounding, and team play. This kind of old-fashioned philosophy is the kind of workman-like philosophy we value in Michigan.

Finally, and most importantly, cheers to the guys doing the hard work on the hardwood. The Pistons starting backcourt of Richard Hamilton and Finals MVP Chauncey Billups provided the leadership, scoring, and defense when the team needed it most. Each game, the tandem of Ben Wallace and Rasheed Wallace erected a virtual wall around the Pistons basket and blocked shots and collected rebounds that were critical to the Pistons' success—and great fun to watch.

Joining the Wallaces in the front court was Tayshaun Prince, the long-armed forward who made the highlight-reel block of a layup during game 2 of the Eastern Conference Finals that turned that series around and propelled the Pistons to the NBA Finals.

Finally, the contributions of the Pistons reserves, known collectively as the "Alternatorz," proved invaluable, as they always provided a spark whenever they were called upon.

Mr. President, I attended game 3 of the NBA Finals last Thursday evening with my son. It was very exciting, and

I can tell you that Pistons basketball is a beautiful thing to watch. And though this Detroit Pistons team is not known for its physical play, as the "Bad Boys" teams of 1989 and 1990 were, it is known for the intimidating presence of the Pistons center and spiritual leader, Ben Wallace.

Aside from the Pistons' victory, there was nothing more entertaining and fun to watch than seeing the countless Detroit fans at the Palace wearing wigs resembling Ben Wallace's hair. Looking forward to next year, I want to pass on a message to the NBA I saw on one fan's sign: "Fear the Fro."

Again, congratulations to all the Pistons players, coaches, and staff who made this championship possible. This was truly a magnificent accomplishment for fans in Detroit and across the State of Michigan.

Mr. President, I ask unanimous consent that the names of the Pistons players and coaches be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. STABENOW. Mr. President, I might also say, I look forward to collecting, with my colleague, on the bet that Senator LEVIN and I won from our colleagues and friends from California.

Mr. President, I yield the floor.

EXHIBIT 1

DETROIT PISTONS—2004 NBA WORLD CHAMPIONS

Players: Chauncey Billups, Elden Campbell, Tremaine Fowlkes, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, Corliss Williamson,

Head Coach: Larry Brown

Assistant Coach: Herb Brown, Dave Hanners, Igor Kokoskov, John Kuester, Mike Woodson

Athletic Trainer: Mike Abdenour

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, last night before 22,000 fans, a gritty bunch of Detroit Pistons achieved one of the biggest championship basketball upsets in history. In a league that has long emphasized the role of its star players, the Detroit Pistons bring to mind another famous team, the 1980 U.S. Olympic gold medal hockey team, and remind us that teamwork, perseverance, desire, and defense win championships.

The Detroit Pistons president Joe Dumars and his staff, with the full and total support of the owner Bill Davidson, put together a team not built around one or two superstars but on the solid play of all of its members. In their effort to build a team that could advance through the playoffs and win a championship, the Pistons made a midseason trade for Rasheed Wallace, a talented and multidimensional power forward.

In a league where bold season-changing trades are rare, this move gave the Pistons a potent front court scoring option and another rebounding and shot blocking presence to compliment two-time defensive player of the year Ben Wallace. Throughout the series the Pistons were the true definition of a team, with each and every Piston contributing in some way during their run for the championship.

NBA finals MVP Chauncey Billups, who has played for five teams in his short career, looked at home with the Pistons and played a stellar series on both ends of the court. For this year, at least, they could have renamed MVP the MVT for the "most valuable team," because this was truly a team effort. It must have been extremely difficult for the people who selected the MVP to single out just one Piston because they truly were a unit.

In Larry Brown, the Pistons had obtained a coach who over the course of 31 years of coaching had developed a reputation as a keen student of the game, able to motivate players and respect his players and make gametime adjustments with great skill. Focusing his players on his favorite mantra—play the right way—Coach Brown was able to prove that by sharing the ball and sharing the glory, even the star-studded Lakers could be defeated. Over the course of the season Coach Brown became the first coach in basketball history to win both an NBA and NCAA championship title.

The country may have viewed the Pistons as the underdog, but thanks to Coach Brown, his players remained hungry for a championship and always believed in their hearts that they were up to the challenge.

So our heartiest congratulations to the Detroit Pistons, as the players, coaches, staff, and fans celebrate their third NBA championship. The effect of these finals will be felt for a long time.

As a Detroiter and proud citizen of Michigan, I know the huge impetus, the wonderful momentum, the great feeling that pervades and permeates my home State tonight. Since Detroit is now home to both the WNBA and NBA champions, perhaps Detroit, long known as Hockeytown USA, will now be recognized as Hoopstown USA as well.

I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relative to the resolution be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Whereas the Detroit Pistons finished second in the Central Division of the Eastern Conference and won the National Basketball Association (NBA) World Championship for the first time since winning back to back Championships in 1989 and 1990;

Whereas the Detroit Pistons is the first Eastern Conference team to win the Championship since 1998;

Whereas the Detroit Pistons by defeating the heavily-favored Los Angeles Lakers 4 games to 1 showed grit, determination, discipline, and unity, thereby securing their third National Basketball Association World Championship;

Whereas the Detroit Pistons completed an incredible season with strong performances from many key players, including Finals Most Valuable Player Chauncey Billups, two-time Defensive Player of the Year Ben Wallace, a new head coach in Larry Brown and savvy front office executives such as Joe Dumars;

Whereas Detroit Pistons owner Bill Davidson became the first owner to win an NBA and WNBA championship, as well as the Stanley Cup championship, in the span of 12 months;

Whereas President of Basketball Operations Joe Dumars built a cohesive championship team through smart draft choices, key free agent signings and bold trades, including the mid-season acquisition of Rasheed Wallace, a vital part of the Pistons' impenetrable frontline;

Whereas Detroit Pistons Head Coach Larry Brown, the oldest coach to win an NBA Championship, became the first coach to win both an NBA and NCAA championship;

Whereas each member of the Detroit Pistons roster, including Chauncey Billups, Elden Campbell, Tremaine Fowlkes, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, Corliss Williamson, made meaningful contributions to the success of the basketball team and proved once again that the whole can be greater than the sum of its parts;

Whereas Detroit Pistons fans made a meaningful contribution to the success of their basketball team through their energy and passion which was on display throughout the regular season and playoffs at the Palace at Auburn Hills;

Whereas the Detroit Pistons became the first team in NBA Finals history to win games 3, 4, and 5 on their home court since the NBA returned to its current format in 1985;

Whereas in honor of the Detroit Pistons' championship, the Palace of Auburn Hills is officially changing its address to Four Championship Drive; and

Whereas the Detroit Pistons have demonstrated great strength, skill, and perseverance during the 2003-2004 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Pistons on winning the 2004 National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Pistons for appropriate display.

Mr. LEVIN. I thank our friend from Georgia for his patience as we let out our feelings about what happened yesterday in Detroit.

Mr. MILLER. Congratulations to the Pistons.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 8 minutes.

REMEMBRANCE OF D-DAY

Mr. MILLER. Mr. President, D-Day happened when I was 12 years old. But I can remember it better than I can remember some things that happened last week. At that time my mother worked at the old Bell Bomber Plant in Marietta, GA, helping build B-29s or, as they were called back then, "flying fortresses."

Sunday before last, I got to realize a lifelong dream, a visit to Normandy. I got to walk around Omaha and Utah beaches. I peered down those steep slopes at Pointe du Hoc. I sat spellbound and misty eyed as I listened to the magnificent speech of our President George W. Bush at that Sunday morning ceremony, amid those nearly 10,000 silent crosses and Stars of David, a sacred spot in the history of freedom, if ever there was one.

I got to talk and meet with many of those members who are left of the "greatest generation." One sat in front of me at the ceremony with his two, big, good-looking, husky, raw-boned sons, who looked as if they were a couple of acorns that had not fallen too far from that sturdy oak. He came in with them a little stooped, moving slowly, an infantryman's blue badge and a Bronze Star proudly attached to his shirt. He told me he had come in on the first wave, "loaded down with grenades," and later "I threw them everywhere," he said. Mostly he was quiet, though.

When our President began to speak, he almost reverently slightly bowed his head, obviously lost in the memory of that longest day long ago.

I sat directly behind him and I couldn't see, but I think his eyes were closed. But he was hearing—no, he was feeling each and every touching word. When our President spoke of "the whistles of shells from behind them, the white jets of enemy fire around them," on several occasions, he would nod softly as if saying to himself: That is exactly how it was.

When the President talked of the sound of bullets hitting the steel ramps that were about to fall, he softly but visibly shivered in agreement and then a more vigorous nod, as his old body stiffened and he was once again that young warrior, that soldier of freedom, charging in to face the enemy, "throwing those grenades everywhere," as he had put it earlier.

His two big sons—strong men, you could tell—were in tears, unashamedly taking off their sunglasses and wiping their eyes with the back of their hands. They did not have any Kleenex. They were not exactly the tissue-carrying kind. I couldn't help but wonder, when was the last time these men had shown such emotion. How long had they talked and planned with their dad on this important moment in his life and the life of this country?

He told me he lived in Florida now, and I am terribly ashamed I did not get his name. But I was hesitant, I was reluctant. I felt like I was intruding on a family gathering.

I did talk with many others. I want to mention 2 whose names I did get, 2 who had been among the 100 awarded the prestigious French Legion of Honor: Marvin J. Perrett and Alan F. Reeves.

Coxswain Perrett is from New Orleans and helped Stephen Ambrose put together that great D-Day museum located there. By the way, visit it, if you have a chance. It is magnificent. This coastguardsman had brought 36 men on to Omaha Beach in a landing craft on the first wave, after piloting them around for hours, around and around on that rough, choppy sea, but with those thick fumes and their own vomit gagging them. Something I had never known before, he also took a landing craft into Iwo Jima in the first wave and later Okinawa. That is what coastguardsmen did.

I met Alan F. Reeves who had been part of General Eisenhower's Supreme Allied Command at one time and is still active with those members who are living. He gave me some insight into that great man who had commanded this greatest of all assaults in world history. He was fascinating and inspiring to talk with. He shared something else with me, a beautiful poem written by his son who once visited the cemetery with his father.

I asked Mr. Reeves if I could have a copy of it, and I want to share it with the Senate. By Christopher Bromley Reeves of Delaware:

Le cimetiere de St. Laurent, and all it holds
Awaits the sixtieth recollection of why it is.
Its rows on rows boxed by Austrian black
pines,
Their fallen cones scattered at the edge
Calm, suspended from the world and time
It observes the preparations undisturbed.
Somewhere near, they'll build a stage
For politicians, veterans, other dignitaries.
They'll have their say, then wing their way,
Adding little, detracting nothing.
Fewer seats, more empty chairs,
This commemoration.
I'd rather wait within the esplanade of trees,
Defer the grid of graves behind me,
Lift a pine cone from the path,
Roll it in my hand,
Smell its earth and resin tar,
Gaze across the cliff
Beyond the beach,
Drift the moment,
Delay the turn.
A weepy rain is in the air,
But I can hear the hush press on my back,
The quiet murmur of ten thousand
Crosses sprung from planted souls,
They no longer scream.
The gentle yet relentless passage of these
sixty years
Does not diminish any sacrifice; it has removed the sting.
Wounds have eased, their pains appeased.
Time deftly folds the space between those
lost and left,
Eventually to wrap them all in common
thought,
Collected minds of how this place was
wrought
Wrap us
In the mists creeping up the slopes,
Seeping through the burial ground.
Make free wind stall, and pine cone fall.
Let no shadow touch the mall.
The Channel's rough today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Georgia for his excellent works. Once again, he has shown he is one of the most eloquent Members of this body, if not the most eloquent. We are going to miss him. He still has a lot to do between now and the end of this session, but he has certainly done yeoman's service here. His tribute to those soldiers who were there on that special day many years ago is valuable to us all.

Mr. President, I had the opportunity to accompany former Senator Phil Gramm to Pointe du Hoc in Normandy a few years ago. Tears were in his eyes when he showed us exactly where the Texans went up the hill at Pointe du Hoc. It was an incredible achievement.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF COMPLIANCE STATEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 304(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1383(a)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 16, 2004.

Hon. TED STEVENS,
President Pro Tempore, U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: This transmittal letter supersedes the transmittal letter of June 15, 2004.

Section 303(a) of the Congressional Accountability Act of 1995 ("Act"), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, "subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional

Record. The rules may be amended in the same manner." The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See 303(b) of the Act, 2 U.S.C. 1383(b).

These amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors on the date of publication of this Notice of Adoption of Amendments to Procedural Rules on both the House and Senate versions of the Congressional Record.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, SE., Room LA-200, Washington, DC 20540; 202-724-9250, TDD 202-426-1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.
WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 ("Act") at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which sates in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." *See* 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural Rules as follows: *[*deletions within italicized brackets*]*, *and added text in italicized bold.* Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9225; TDD: 202-426-1912; FAX: 202-426-1913.

PART I—OFFICE OF COMPLIANCE RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June , 2004.

TABLE OF CONTENTS

Subpart A—General Provisions

§1.01 Scope and Policy
§1.02 Definitions
§1.03 Filing and Computation of Time
§1.04 Availability of Official Information
§1.05 Designation of Representative
§1.06 Maintenance of Confidentiality
§1.07 Breach of Confidentiality Provisions

Subpart B—Pre-Complaint Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

§2.01 Matters Covered by Subpart B
§2.02 Requests for Advice and Information
§2.03 Counseling
§2.04 Mediation
§2.05 Election of Proceedings
§2.06 Filing of Civil Action

Subpart C—[Reserved (Section 210—ADA Public Services)]

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures under Section 215 of the CAA (Occupational Safety and Health Act of 1970) Inspections, Citations, and Complaints

§4.01 Purpose and Scope
§4.02 Authority for Inspection
§4.03 Request for Inspections by Employees and Employing Offices
§4.04 Objection to Inspection
§4.05 Entry Not a Waiver
§4.06 Advance Notice of Inspection
§4.07 Conduct of Inspections
§4.08 Representatives of Employing Offices and Employees
§4.09 Consultation with Employees
§4.10 Inspection Not Warranted, Informal Review
§4.11 Citations
§4.12 Imminent Danger
§4.13 Posting of Citations
§4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint
§4.15 Informal Conferences Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions
§4.20 Purpose and Scope
§4.21 Definitions
§4.22 Effect of Variances
§4.23 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption
§4.24 Form of Documents
§4.25 Applications for Temporary Variances and other Relief
§4.26 Applications for Permanent Variances and other Relief
§4.27 Modification or Revocation of Orders
§4.28 Action on Applications
§4.29 Consolidation of Proceedings
§4.30 Consent Findings and Rules or Orders
§4.31 Order of Proceedings and Burden of Proof

Subpart E—Complaints

§5.01 Complaints
§5.02 Appointment of the Hearing Officer
§5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint
§5.04 Confidentiality

Subpart F—Discovery and Subpoenas

§6.01 Discovery
§6.02 Requests for Subpoenas
§6.03 Service
§6.04 Proof of Service
§6.05 Motion to Quash
§6.06 Enforcement

Subpart G—Hearings

§7.01 The Hearing Officer
§7.02 Sanctions
§7.03 Disqualification of the Hearing Officer
§7.04 Motions and Prehearing Conference
§7.05 Scheduling the Hearing
§7.06 Consolidation and Joinder of Cases
§7.07 Conduct of Hearing, Disqualification of Representatives
§7.08 Transcript
§7.09 Admissibility of Evidence
§7.10 Stipulations
§7.11 Official Notice
§7.12 Confidentiality
§7.13 Immediate Board Review of a Ruling by a Hearing Officer
§7.14 Briefs
§7.15 Closing the record
§7.16 Hearing Officer Decisions, Entry in Records of the Office

Subpart H—Proceedings before the Board

§8.01 Appeal to the Board
§8.02 Reconsideration
§8.03 Compliance with Final Decisions, Requests for Enforcement
§8.04 Judicial Review

Subpart I—Other Matters of General Applicability

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents
§9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions
§9.03 Attorney's Fees and Costs
§9.04 Ex parte Communications
§9.05 Settlement Agreements
§9.06 Payments pursuant to Decisions or Awards under Section 415(a) of the Act.
§9.07 Revocation, Amendment or Waiver of Rules

* * * * *

§1.03 Filing and Computation of Time.

(a) *Method of Filing.* Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding, Formal Request for Counseling.* In order to initiate a proceeding under these rules, an employee shall [formally] ***file a written*** request ***for*** counseling [from] ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All [formal] requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

* * * * *

(c) *When, How, and Where to Request Counseling.* A [formal] request for counseling ***must be in writing, and*** [: (1)] shall be [made] ***filed*** **pursuant to the requirements of section 2.03(a) of these Rules** ***with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999, [telephone 202–724–9250;] FAX 202–426–1913; TDD 202–426–1912***, not later than 180 days after the alleged violation bf the Act.[;] [(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.]

Discussion: This amendment conforms to the amendment at section 2.03(a).

* * * * *

(l) *Conclusion of the Counseling Period and Notice.* The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police.*

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within [10] ***60*** days after the expiration of the period recommended by the Executive Director, if the matter has not [been resolved] ***resulted in a final decision***; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure.*** [or i] ***I***f no request to return to the procedures under these rules is received within [the applicable time period] ***60 days after the expiration of the period recommended by the Executive Director***, the Office will [consider the case to be closed in its official files] ***issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date the Office receives a notification of return would be 25 days.

2.04 Mediation.

. . . . .

(e) *Duration and Extension.*

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***or of the appointed mediator on behalf of the parties to the attention of the Executive Director.*** The request [may be oral or]

shall be written and ***[***shall be noted and***]*** filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

* * * * *

(i) *Conclusion of the Mediation Period and Notice.* If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be [hand] personally delivered, evidenced by a written receipt,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

* * * * *

§5.03 Dismissal, *Summary Judgment,* and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

(***[***d***]e***) *Appeal.* A ***[***dismissal***]*** ***final decision*** by the Hearing Officer made under section 5.03(a)-***[***(c)***]*** ***(d)*** or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

Discussion: This amendment clarifies that any final decision which does not completely dispose of a matter will be treated as an interlocutory appeal.

(***[***e***]f***) . . . . .

(***[***f***]g***) . . . . .

* * * * *

§7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

(***[***a***]1***) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

(***[***1***]a***) . . . . .

(***[***2***]b***) . . . . .

(***[***3***]c***) . . . . .

(***[***4***]d***) . . . . .

(***[***5***]e***) . . . . .

(***[***6***]f***) . . . . .

(***[***7***]g***) . . . . .

(***[***b***]2***) . . . . .

(***[***c***]3***) . . . . .

* * * * *

§8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or-submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or a party to any other matter or determination reviewable by the Board*** files an appeal ***or other submission*** with the Board, one original and seven copies of ***[***both***]*** any ***[***appeal brief***]*** ***submission*** and any responses must be filed with the Office. ***The Office[***r***], Hearing Officer, or Board may also request a party to submit an electronic version of any submission [***on a disk***] in a designated format, with receipt confirmed by electronic transmittal in the same format.***

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the

Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer.*** The Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. ***Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.***

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§9.05 Informal Resolutions and Settlement Agreements

. . . . .

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

. . . . .

CONGRATULATING RAE ANN RED OWL OF PINE RIDGE, SOUTH DAKOTA ON HER MASTER'S DEGREE IN NURSING

Mr. DASCHLE. Mr. President, as my colleagues will attest, I routinely come to the Senate floor to discuss the numerous challenges facing Native Americans in my state, and across Indian Country. While I've spoken at length about the need to address Indian education, Indian health care, and economic development on Indian reservations, I am here today for a different reason: to congratulate one of my constituents on an extraordinary accomplishment.

Earlier this month, Rae Ann Red Owl of the Pine Ridge Reservation became the first Lakota person, man or woman, to receive a master's degree from the nursing program at the University of North Dakota. More than that, when she walked across the stage, she became the first woman ever from Pine Ridge to earn a master's degree in nursing.

While earning a master's degree is a remarkable achievement, for Rae Ann, this step represents yet another obstacle overcome in a long life of beating the odds. Rae Ann can trace her desire to attend college all the way back to when she was in fifth grade and had to get a ride to school with her grandfather because she had overslept and missed the school bus. As her grandfather drove her to school, he told her, "education is the most important thing in life." That advice made her decide right then and there that she wanted to attend college.

Unfortunately, fulfilling dreams like this one is easier said than done in Indian Country. Rae Ann grew up on Pine Ridge, one of the poorest Indian reservations in the country. In a community where rates of alcohol and drug abuse are well above the national averages, Rae Ann was not immune to such pressures. But, instead of succumbing to these problems, she defeated them, and set a new course for her life.

Rae Ann applied for, and was accepted to, the Indians Into Medicine Program at the University of North Dakota. As she set out to pursue her dream, she found herself away from home and her family for the first time, all the while caring for her two young daughters. In 1989, after years of studying, she graduated with a nursing degree, returned to Pine Ridge, and landed a job working for the Indian Health Service. Twelve years later, she realized that, with additional training, she could do even more to improve the quality of life on Pine Ridge—especially at the IHS—and returned to the University of North Dakota in 2002. Last month, Rae Ann received her master's degree in nursing. After hearing about all of Rae Ann's accomplishments, and about the adversity she's overcome, it will come as no surprise to my colleagues that she plans to continue her education by enrolling in law school this fall.

When so many stories exist about the tremendous obstacles Native Americans face—in getting an education, gaining access to health care, and improving their quality of life—it is important for all of us to recognize success stories like Rae Ann's. Not only is Rae Ann a role model for her tribe, she is an example for all people who face adversity as they strive to fulfill their dreams. I would like to extend my personal congratulations on her recent achievement, and wish her the best of luck in all her future endeavors.

U.S. AID AND TERRORISTS

Mr. McCONNELL. Mr. President, I want to take a very brief moment to speak to an article entitled "U.S. Aid Goes to Terrorism Backers" that appeared in today's edition of the Washington Times.

The allegation that American foreign assistance dollars in the West Bank and Gaza are going to Palestinian groups "working with or fostering terrorist-supporting organizations" is a serious one. The United States Agency for International Development, USAID, and the U.S. Department of State must immediately clarify these troubling reports, and I urge them to do so in an expeditious and public manner.

My colleagues should note that we already require the Secretary of State to ensure that no assistance for the West Bank and Gaza goes to, or through, individuals or entities "the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activities."

I will have more to say on this issue once USAID and the State Department clarify this matter.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement

Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In January 2000, a gay Mississippi man, was murdered by Brett David Kabat. Tolbert was kidnapped from a Biloxi gay bar and brutally strangling him and beating him to death before dumping his body in Alabama and stealing his truck. Because his friends say Tolbert was gay, was last seen at a gay bar, and the nature of his murder was particularly brutal, it is believed that Tolbert was targeted because he was gay. When Tolbert's body was discovered, he was beaten beyond recognition with just a few teeth left in his mouth.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD DAY AGAINST CHILD LABOR

Mr. HARKIN. Mr. President, it is with a sense of sorrow that I rise today to speak about the practice of abusive and exploitative child labor, as well as to recognize World Day against Child Labor, which occurred on June 12. Unfortunately, hundreds of millions of children are still forced to work illegally for little or no pay. The International Labor Organization has set aside this day to give a voice to these helpless children who toil away in hazardous conditions.

We should not only think about these children on June 12. We should think about this last vestige of slavery every day. I have remained steadfast in my commitment to eliminate abusive and exploitative child labor. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the U.S.

Since I introduced that bill, we have made some progress in raising awareness about this scourge. In June of 1999, ILO Convention 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, was adopted unanimously in the ILO and here in the U.S. Senate. This was the first time ever that an ILO convention was approved without one dissenting vote. In record time the Senate ratified ILO Convention 2 with a bipartisan, 96–0 vote.

For the first time in history the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Muslim, from Buddhists to Christians—came together to proclaim unequivocally that abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.

Gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural tradition. And gone is the argument that abusive and exploitative child labor is a necessary evil on the road to economic development. When this convention was approved, the United States and the international community as a whole laid those arguments to rest and laid the groundwork to begin the process of ending the scourge of abusive and exploitative child labor.

As of today, 50 countries have ratified ILO Convention 182. In fact, since the ILO was established in 1919, never has one of it treaties been ratified so quickly by so many national governments.

In May of 2000, the Senate enacted the Trade and Development Act of 2000. This act included a provision I authored that requires more than 100 nations that enjoy duty-free access to the American marketplace to implement their legal commitments to eliminate the worst forms of child labor in order to keep these trade privileges.

In 2001, Congressman ENGEL and I, along with the chocolate industry, negotiated the Harkin-Engel Protocol. This plan addresses abusive and exploitative child labor within the cocoa and chocolate producing countries of West Africa. This agreement will for the first time make possible the ability to publicly certify that cocoa used in chocolate or related products has been grown and processed without abusive child labor. This historic agreement represents a true partnership between industry and government to stamp out abusive and exploitative child labor.

In an effort to continue to raise awareness, last month the first Children's World Congress about Child Labor was held in Florence, Italy. The Congress was organized by the Global March and my good friend Kailash Satayarthi. At this conference child delegates from all across the world joined with the common purpose of discussing and raising awareness about the atrocities of abusive child labor. I would like to commend Kendra Halter, one of my constituents, from Iowa City, who was selected to participate as a U.S. delegate to the Congress.

The child delegates participated in workshops and were allowed to question foreign leaders and government officials from various countries to include the United States. The Congress produced a declaration that stressed the need for governments to take direct action combating this issue by providing free quality education. The declaration also calls for parents and youth of all countries to get involved in the spreading of awareness of this scourge.

In spite of all of these successes there is much more to be done. Currently, according to the ILO, there are 246 million child laborers in the world. 73 million of those are under the age of 10, and approximately 22 thousand children die in work related accidents every year. Abusive and exploitative child labor is prevalent in many parts of the world, including in our backyard.

In the June 10 edition of the Washington Post, the issue of abusive child labor once again made the headlines. The article brings to light the troubled life of a child aged 14 and his family as they labor dangerously in the sugar cane fields of El Salvador. The young boy has been working in the fields for more than half of his life. His four brothers and sisters are also forced to work with him, his youngest brother is nine. Their tiny bodies are gashed by machetes and burned by hazardous fertilizers. These children and hundreds more are denied an education and in turn will be destined to a life of poverty. This is not what should be happening in the 21st century.

In fact, the Bush administration has recently finished negotiating a subregional free trade agreement with the Central American countries. El Salvador is one of six countries participating in the Central American Free Trade Agreement or CAFTA. In my view, we should not be negotiating free trade agreements with countries that do not enforce their own labor laws and international standards. Not only is it my view but it is U.S. law.

Abusive and exploitative child labor should be a thing of the past. The United States should not continue to turn a blind eye to this scourge. It is time that we enforce our laws and international standards and ensure that countries are raising their standards on this issue. If we did our part to ensure that children were learning and not laboring, there would not be a need to have a day dedicated to end child labor.

I ask unanimous consent to print in the RECORD declaration to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S DECLARATION

CHILDREN'S WORLD CONGRESS ON CHILD LABOUR—10–13 MAY 2004

We are the Present, Our Voice Is the Future!

We, the delegates of the Children's World Congress on Child Labour, have come to the city of Florence, Italy, from all different parts of the world, speaking different languages, growing up with different cultures and backgrounds, because we all know that child labour must be eliminated.

Although our Congress has been successful, we are missing some of our important delegates. These children were already selected to participate in the Congress. But, these children did not get visas necessary to come to Italy because the Italian government thought them as a security risk. These children who were not allowed to attend, felt very discriminated. We all missed their ideas at the Congress, because these children are from the regions where child labour is most common. At the next Congress, we would like to see them participate because their voice is their vision and the world must hear it.

Each country had a different selection process to choose the delegates. All children who participated in the selection process had either faced child labour in their own experience or had learned about it and joined the fight against child labour. With the passion and desire to solve this terrible crime against 246 million children around the world, we were all qualified to take part in this Congress. This is why the discussions for the last 3 days have been very fruitful.

What follows in our Declaration is the responsibility, of all including the business sector and others who hold the power to help us in our struggle.

Before we even start to discuss about child labour, we must appreciate that the only way the children can have their rights is in the situation of peace. Peace is the most basic human right. We have to ask ourselves why everyone is not able to have something so fundamental. While living in peace, every child has not only a better chance of getting their rights, but also has a stronger potential to improve the world for their generations and those to come.

When we started discussing about child labour, we found that many issues were common to all different parts of the world. We heard personal stories from the children about: child trafficking, sexual exploitation, working on fishing boats, cleaning cars, selling things on street or in market, pornography, collecting garbage, transportation and shipping, brick making and demolishing, the making of medical utensils and other dangerous materials, drug trafficking, domestic servants, bounded labourers, farming, mining, weaving carpets, child soldiers, working in factories and sweatshops. These children are misused everyday and have no one to speak for them.

While most people and governments are aware these problems exist, they are hidden or just ignored. This does not change the fact they all are very dangerous to the physical and mental well being of a child. These forms of child labour must be stopped.

Most of the children have expressed that they are losing faith in the governments because of their empty promises. They have made many promises to end child labour through education and better social services. But they do not act. Their promises are not met with real commitment or resources.

While the governments put an enormous amount of money to weapons and war, there are still children who cannot read or write. They have no homes to live in or food to eat. The government must take the needs of children as a priority. They must provide all that is necessary to live while still protecting our rights.

As it is a responsibility of governments to protect our rights, end child labour, and provide free, equal education or good quality, we have many demands for the governments. When we speak about the governments, we talk not only about the role of national governments but also other governmental bodies at international and regional levels that are responsible for protecting our rights.

First and most importantly, governments must listen to children. The governments make the issues of the children a priority and include the children in the decision-making that affects our lives. Governments must also provide opportunities for children to participate and express their opinions because they are the future as well as the present and their opinion should be valued

Governments must criminalise child labour but should never criminalise the children. The children are victims of child labour. They must create and carry out laws that strictly punish the adults who have abused children for their own interest. Governments must support the children if they want to bring the cases of them being used as child labourers to court, by providing a free attorney. Children should be able to turn in the people who have abused them without fear of getting trouble. Instead, these children should be rescued and rehabilitated.

Governments must fight against trafficking of children. They must enforce the laws they already have. But today's laws may not be enough so they must make more effective ones. The governments in countries where trafficking happens must work together to have laws which can criminalise the traffickers.

Governments must provide compulsory education of quality at free of cost. Schools must provide skilled teachers who are qualified. There should be a mechanism to check that the teachers are doing their job well and these laws to provide education for all children are enforced. The teachers must get paid better. Education must also be provided equally to all children regardless of gender, race, economic status, religion, places of birth, citizenships, caste, disability, indigenousness or languages.

Every country has to make sure the issue of child labour is taught in every school.

Governments should encourage adults to work. Adults should work so they have enough money not to put their children to work. The rights of adults as workers have to be respected. Adult workers always have to be allowed to unionise in their workplace, because the unions can help protect them from dangerous working conditions and provide them the minimum wage. It is important that adults are protected as workers so that the children do not have to work.

Governments must establish a National Plan of Action to end child labour. These plans should be made together with children.

Governments must make sure that overseas development aid (ODA) goes directly to its purpose and does not end up in the wrong hands.

Governments must make a system to put some trademarks for the products that are not made by child labourers.

Governments, not only should they work with other governments, they should also work with civil society and trade unions to be at most effective. In return, the civil society must understand the demands of the children and work together with us to watch them closely so that the governments will not fail us again. NGOs also have to use the resources that they have honestly and directly for the children.

It is also parents' responsibility to listen to children.

The children need love, respect and dignity. It is in the hands of parents to provide with happy and stable family life. Parents must take their responsibility and vote. When they vote, they must also speak for the children and vote for someone who respects child rights. If the parents are not acting in the best interest of the child, the state must act on the child's behalf. Parents must talk about issues such as child sexual exploitation or abuse even when they are not comfortable because this is the only way a child will know his or her natural rights of safety and security. Parents must understand the importance of a proper education no matter of the gender of the child.

Having identified the current situation of child labour and our demands to the adults, we now show our commitment and the role in ending child labour.

We, the children, have to start initiatives to spread awareness about child labour in our own local communities and villages. We must educate each other about child labour, from a child to a child to promote child participation.

We must work at national level and establish a Children's Parliament, in every country, that is not just a symbol but a source of power for children to change the situations that we think are wrong. This Parliament would elect a representative to the country's government. These representatives would also meet at a congress at regional and at international to look at the problems at a larger scale, and report back to their governments and local communities.

We have to start a network of children so that we can keep contact with each other to be educated on the issue all over the world. Only while working together, we can have the power to take action and to end child labour. This network will be made up of children from all over the world, and it will spread the stories of child labour and opinions. The network will help us plan more effective actions in our struggle against child labour. The network will also be a medium to report on the governments' failing or not failing their promises among the children of the world.

We believe that the use of art, dance, music and drama as a form of expression and means to spread awareness about child labour is very important. These are ways in which children from any background can connect with, understand and enjoy. There are many ways to spread the message against child labour, beyond boarders, through performing art.

We must also use media to spread our voices. We would create our own form of media, such as newspaper developed by the children for the children, for us to freely express our opinion. Media also must be more friendly and tell the truth about child labour and help us combat child labour.

We have to bring the efforts to end child labour out to the villages, where the fight is not as strong. Information about child labour sometimes only reaches cities and people in the villages do not have information about the dangers of child labour. We must get them involved.

We promise to continue to take action to eliminate child labour and make a better world for children. Now, we ask all of you to join us, because only together can we truly achieve freedom for all. In this friendship, we will create a healthy and peaceful world for all.

Today, the power is in our hands. We define the future.

We are the present and our voice is the future.

ENERGY BILLS UNDER CONSIDERATION BY THE HOUSE OF REPRESENTATIVES

Mr. JEFFORDS. Mr. President, as the ranking member of the Senate Environment and Public Works Committee, I express my serious concern with several pieces of so-called energy legislation that the House of Representatives is considering this week. This package of bills includes a comprehensive energy bill that differs both from the failed conference report on H.R. 6 and from the Senate energy bill that was introduced on February 12, 2004, and placed directly on the calendar.

These bills are not the product of hearings or of bipartisan consensus between the House and the Senate. The comprehensive energy bill the House is considering is nearly identical to the energy bill conference report we have already defeated. The other bills are equally troubling. They trample States rights and they enact significant new taxpayer subsidies. Most importantly, they are not the right energy policy for America.

I have for many months now said that we should try to reach consensus on targeted pieces of energy legislation. We could pass legislation on issues such as the increased production of renewable motor fuels. We could enact fiscally responsible extensions of needed energy tax provisions, such as the wind energy tax credit. National electricity reliability standards are another area in which Senator CANTWELL, Senator FEINGOLD and I believe there could be agreement and we could pass a bill. I also believe there are a number of energy efficiency measures that could garner broad support.

But, there should be no agreement on the poor environmental policy that is contained in these bills. The Senate should reject them if they are passed and sent over for consideration.

The omnibus bill the House passed yesterday, H.R. 4503, is identical to the failed conference report on H.R. 6, except for the inclusion of two coal-related provisions that are in the pending Senate bill, S. 2095.

As with the energy bill conference report, nearly a hundred sections of the bill are in the jurisdiction of the Environment and Public Works Committee. We were not consulted on any of these sections, the House has made no effort to fix these provisions, and I have repeatedly raised concerns about them on the Senate floor.

The waiver of liability for MTBE producers is included in the House's bill. The Senate has repeatedly rejected this provision.

The House bill unravels the ozone designation process in the Clean Air Act by delaying compliance with the national health-based air quality ozone standards until the air in the dirtiest city is cleaned up. The House insists on this leftover from the failed energy bill conference report, though changing cities' ozone compliance deadlines under the Clean Air Act doesn't increase our Nation's energy supplies.

This bill also provides unprecedented relief for a single region of the country from application of the entire Clean Air Act, without a hearing.

The House continues to insist that oil and gas exploration and production activities be exempted from the Clean Water Act stormwater program.

The Clean Water Act requires permits for stormwater discharges associated with construction activity. The amendment changes the act to provide a special exemption for oil and gas construction activities from stormwater pollution control requirements.

The scope of the provision is extremely broad. Stormwater runoff typically contains pollutants such as oil and grease, chemicals, nutrients, metals, bacteria, and particulates.

I have told colleagues this before, but EPA estimates that this change would exempt at least 30,000 small oil and gas sites from clean water requirements. In addition, every construction site in the oil and gas industry larger than 5 acres would be exempt as well.

The large sites have held permits for 10 years or more. That is a terrible rollback of current law. I want Senators to imagine trying to explain to constituents why an oil drilling site that had to comply with the Clean Water Act for 10 years suddenly no longer needs to do so.

The House is scheduled to act today on another bill, H.R. 4517, called the United States Refinery Revitalization Act of 2004. It gives the Department of Energy a lead role in environmental permitting decisions for refineries in a newly designated "refinery revitalization" zone. The Energy Department would get the ability to issue permits and make "federal authorization decisions" under our major environmental laws including: the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the National Environmental Policy Act, and our national solid and hazardous waste laws, among others.

The Energy Department would get to make environmental regulatory decisions and set compliance deadlines. This is a classic case of the fox guarding the hen house. Moreover, if a permit is denied , there would only be an appeal to the DOE Secretary and then judicial review in the D.C. Circuit Court. The EPA, which normally makes these decisions, has no role at all.

In an effort to assure Members, there is a savings clause in the bill that is supposed to protect environmental laws. The bill includes language that contradicts the savings clause provisions. It states that if the best available pollution control technology is used at a facility then that facility is in compliance with all environmental permitting requirements. In addition, the role of states is not clear, particularly those with more stringent standards.

While this bill proposes to increase our domestic refining capacity, it will not do so. In fact, it is drafted in a way that will likely reduce our supplies of gasoline and heating oil.

The bill is supposed to restart idled refineries. It defines "idle refineries" as those that have shut down after June 1, 2004. Let me say that again for my colleagues, idle refineries are refineries that shut down after June 1, 2004. These are not refineries that have been mothballed and shut down for many years. These so-called idle refineries could be operating now and then shut down after enactment of the bill in order to game the system. The refineries would seek regulatory relief under a newer, inexperienced regulatory agency, and drive prices even higher by further constraining production. This is a tragic outcome, and certainly not one that expands our Nation's refining capacity.

The House passed another bill yesterday, H.R. 4513, that exempts Federal agencies planning renewable energy projects from the National Environmental Policy Act. Federal agencies would no longer have to identify alternative project locations when they site a renewable energy project. They also would no longer have to examine alternatives to the project other than the actions they propose to take, or the option of doing nothing at all. Like the refinery bill, this bill has bad consequences. While the bill seeks to speed up renewable energy projects, it is really a way to trample over Federal environmental laws or State and local requirements. For example, a city's objections to a windmill or solar panels proposed for the top of a downtown federal building may not have to be resolved or alternatives considered, even if there are local scenic concerns or conflicts with zoning ordinances. In a regular NEPA process, discussion could resolve those concerns and produce a project that meets both Federal and local needs. We should be reaching agreement over the development of renewable energy, not creating conflicts.

Also today, the House will take up H.R. 4545, the Gasoline Price Reduction Act of 2004, a bill that proposes to increase gasoline supplies by capping the number of so-called boutique fuel blends. This bill is not likely to have a beneficial effect in terms of reducing gasoline prices or increasing supplies, and appears designed to significantly worsen air quality. It allows EPA open-ended authority to waive cleaner-burning gasoline or diesel requirements indefinitely based on an undefined "significant fuel supply disruption." In addition, EPA's determination appears not to be judicially reviewable, since the EPA Administrator need only deem a waiver "necessary." Further there is no obligation to mitigate or make up for the excess air pollution that may occur over the waiver period.

This bill also would bar any increase in the number of existing fuels and fuel additives. This would apply to any State-adopted ultra-low sulfur diesel, biodiesel or cleaner-burning gasoline programs, even though these programs do not affect gasoline prices or supply, and regardless of the fact that they may be needed to meet new, health-based air quality standards for ozone or fine particulate pollution.

There are too many serious problems with these bills. The American people do not want us to act at the expense of environmental quality. We should be passing the pieces of the energy bill where we can reach agreement to do so, like those issues I outlined.

We should not be rushing to pass legislation with such serious consequences. These are aggressive, overreaching bills, and are deeply flawed. I will oppose them, and other Senators should as well.

ENERGY TRADING OVERSIGHT

Mr. FEINGOLD. Mr. President, the recent release of audiotapes of Enron traders gloating about their ability to manipulate energy markets should jolt the Senate into passing S. 2015, the Energy Needs Regulatory Oversight Now or ENRON Act.

A public utility near Seattle, which is trying to get back the money it lost to Enron's unscrupulous energy trading practices, received the tapes from the Justice Department. These tapes confirm what we all suspected: Enron manipulated energy markets and gouged consumers. According to these tapes, Enron traders celebrated when a forest fire shut down a major transmission line into California in 2000. This shut down cut power supplies and raised energy prices. An energy trader sang: "Burn, baby, burn. That's a beautiful thing." These taped conversations also provide evidence that Enron made secret pacts with power producers and Enron traders deliberately drove up prices by ordering power plants to shut down. The traders also brag about their ability to manipulate markets and steal money from the "grandmothers of California," who one trader called "Grandma Millie." The arrogance of these traders shocks the conscience. It also demonstrates the need for Congress to protect consumers from energy market manipulation. We cannot let the market abuses that took place during the Western energy crisis of 2000 happen again.

S. 2105 requires the Federal Energy Regulatory Commission to prohibit the use of manipulative practices like these that put at risk consumers and the reliability of the transmission grid. We learned from this crisis that electricity markets need close government oversight to ensure that companies do not engage in risky and deceptive trading schemes leading to soaring energy prices and their own possible financial failure. In both cases, consumers—the people who depend upon the electricity these companies generate or trade—are the losers.

The Senate recently went on record in support of barring abusive energy market practices when it approved an amendment to the fiscal year 2004 agricultural appropriations bill offered by Senator CANTWELL. I am disappointed this language was stripped from the omnibus spending bill. These necessary protections were also omitted from the final energy conference report and the revised energy bill we voted on in April.

We need to send a clear message to the energy industry that this behavior will not be tolerated, and we must show consumers that we will protect them from energy market manipulation. I am proud to cosponsor S. 2015 and encourage my fellow colleagues to pass this legislation.

TRIBUTE TO DR. JUDITH RODIN

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to Dr. Judith Rodin, who on June 30, 2004, will complete a remarkable 10-year presidency of the University of Pennsylvania, my alma mater.

When she came to the University of Pennsylvania in 1994, Dr. Rodin became the first woman president of an Ivy League school. During her tenure, she has led the University of Pennsylvania through a period of growth and development that has transformed the University academically and greatly improved the quality of life on campus and in surrounding West Philadelphia.

Since 1994, the University of Pennsylvania has doubled its research funding, tripled both its annual fundraising and endowment and attracted record numbers of undergraduate applicants. However, Dr. Rodin's greatest legacy will be her response to the challenge the University of Pennsylvania faces as a citizen of West Philadelphia.

From her first days as President of the University of Pennsylvania, Dr. Rodin made clear that one of her core beliefs was that a great research university must also be a great neighbor.

Dr. Rodin established the West Philadelphia Initiatives—a multi-faceted urban-planning and community-development program which has reduced crime and blight, increased job opportunities and improved the quality of life in West Philadelphia. This program in turn has reinforced the University's ability to attract the best students, faculty, staff and research opportunities.

The success of the West Philadelphia Initiatives in bringing employment, investment and quality-of-life improvements to West Philadelphia has become a model for collaboration between universities and urban communities throughout the United States. Key to the success of the program has been Dr. Rodin's acute understanding of the problems facing the West Philadelphia community, as a native Philadelphian.

Dr. Rodin was born in Philadelphia and attended Girls' High School, where she was a Mayor's Scholar. As an undergraduate at the University of Pennsylvania, she showed great talent both in the classroom and in politics, where, as president of the women's student government, she helped to lay the groundwork for a merger with the men's student government.

Dr. Rodin later earned a doctorate in psychology at Columbia University, and spent two decades on the faculty at Yale University, where she worked tirelessly to research and explain the biological and psychological factors that lead to obesity—a critical health issue facing our country today.

She also helped launch the women's health movement, and expanded our understanding of aging by demonstrating that elderly people who are empowered lead more active, healthier, and longer lives than those who are consigned to helplessness. It is a true testament to Dr. Rodin that she brought with her to the University this same resolve and tremendous passion to serve the students of the University of Pennsylvania and the less fortunate of the West Philadelphia community.

As a graduate of Penn, I am pleased to be able to honor Dr. Judith Rodin today, as a great Philadelphian, Pennsylvanian, and American, and perhaps most important, a great University of Pennsylvania Quaker.

I thank her for her service and wish her the best in the future.

TENTH ANNIVERSARY OF U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. JEFFORDS. Mr. President, I rise today to mark the tenth anniversary of the United Nations Convention to Combat Desertification. Since its adoption on June 17th, 1994, some 190 countries, including the United States, have become party to the convention. But for those looking for reasons to celebrate on this tenth anniversary, the news on desertification is not good at all. Indeed, the scope and pace of desertification have increased over the last two decades. In some parts of the world, the rate of desertification has doubled since the 1970s. By 2025, according to the United Nations, two-thirds of the arable land in Africa will be gone.

Today, desertification threatens an astonishing one-third of the earth's land surface, directly affecting over 250 million people and threatening the livelihoods of some 1.2 billion more. Most of these people live in the world's poorest countries, caught in a vicious cycle of accelerating poverty and environmental degradation. Disruptions associated with climate change will likely make things worse.

No one has to be reminded of how important fertile soil has been to human societies. But what can take centuries to form can be eroded or blown away in a matter of years. Loss of arable land directly undermines food security, displacing large numbers of people, creating new opportunities for sickness and disease, and, in some cases, contributing to famine. These sorts of pressures also work to exacerbate political instability in so-called weak states.

Indeed, the links between desertification and security are increasingly apparent, as recognized by a recent NATO workshop on the issue. It is high time that policy makers in the United States take these linkages seriously.

But it is also high time to recognize that desertification is fundamentally a humanitarian issue. We cannot remain indifferent while millions suffer from the effects of desertification. This was the impetus that drove the international community to negotiate and adopt a formal convention ten years ago. As we mark the tenth anniversary of the convention, we would do well to remember this and to acknowledge that we must redouble our efforts to combat this global environmental problem.

Unfortunately, the United States has so far failed to play a leading role in the global effort to combat desertification. Although we finally became a party to the convention in 2000, we have never been especially active. I urge the current administration to step up and take a more active role in the convention. Without active participation and leadership by the United States, the effectiveness of international efforts to combat desertification will be limited at best.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF DAVID GRUENWALD

• Mr. BUNNING. Mr. President, I pay tribute and congratulate David Gruenwald of Owensboro, KY on being named a distinguished finalist for the Prudential Spirit of Community Awards. This award honors young people in middle level and high school grades for outstanding volunteer service to their communities.

David Gruenwald has proven himself to be an ideal volunteer. While he is only 14 years old, he has already done more volunteer work than many people will do in their whole life. As a project to become an Eagle Scout, David started a book drive for inmates at the Daviess County Detention Center. He went above the call of duty and began to enlist his classmates at Owensboro Catholic Middle School. Soon they had increased the size of the facility's library from about 30 books to 2,900.

The citizens of Owensboro are fortunate to have a young man like David Gruenwald in their community. His example of dedication, hard work and compassion should be an inspiration to all throughout the entire Commonwealth.

He has my most sincere appreciation for this work, and I look forward to his continued service to Kentucky.•

DR. HENRY N. TISDALE

• Mr. GRAHAM of South Carolina. Mr. President, I wish today to commend and congratulate Dr. Henry N. Tisdale on the occasion of the celebration of his 10th anniversary as president of Claflin University and to wish him continued success as he leads this historic institution of higher education.

Dr. Tisdale has positioned Claflin as one of the premier liberal arts institutions in the Southeast, moving the university to the "Top Tier" and "Top Ten" ranking among comprehensive baccalaureate granting institutions in the South, according to U.S. News and World Report's "America's Best Colleges 2003." Under his guidance, Claflin University has increased enrollment by 60 percent, added a number of new academic majors to include mass communications, black studies, early childhood education, biochemistry, biotechnology, bioinformatics and the masters of business administration, achieved national accreditation for business administration and teacher education, and transformed the campus through the construction of new facilities, such as the Living and Learning Center and Legacy Plaza, and the restoration of many of its historic buildings.

I congratulate Dr. Tisdale on his remarkable and noteworthy achievements. May you and Claflin enjoy continued success for another 10 years and beyond.•

HONORING CAPTAIN CHRIS CHRISTOPHER

• Ms. LANDRIEU. Mr. President, I speak today to honor the service of Captain Chris Christopher, who is currently the Deputy Director for Future Operations, Communications and Business Initiatives at NMCI. Captain Christopher comes to this position after nearly 20 years of distinguished service to the Navy in the fields of aviation, public affairs and intelligence.

Captain Christopher has spent most of his life in New Orleans, and he has made a wonderful home there with his wife Penny and their two daughters. He received undergraduate and graduate degrees from the University of New Orleans, and his work with NMCI still brings him back to the UNO campus. Though he is now stationed in Virginia, his heart and family remain in New Orleans. As a Louisiana Senator, I like that!

Captain Christopher's work at NMCI has been truly outstanding. The Navy Marine Corps Intranet is a progressive and comprehensive project with an ultimate goal to transform the Department of the Navy's computer and information networks in a way that increases combat readiness and effectiveness. NMCI will revolutionize command and control efficiencies within the Navy, and between the services, to ensure that our forces are operating in unison. This will save American lives, increase combat readiness and effectiveness, and, ultimately, make us stronger. Under Captain Christopher's leadership, many of these goals have been brought closer to reality.

I once again want to thank my friend, Captain Chris Christopher, for his efforts on America's behalf. Future generations of Sailors and Marines will no doubt reap the benefits of his labor and America will be safer as a result. I am proud of your 'Louisiana-bred' success Chris, and I wish you well in your future endeavors.•

COMMENDATION FOR THE LEGACY OF LOUISIANA'S LONGEST MARRIED COUPLE

• Ms. LANDRIEU. Mr. President, today I wish to recognize George and Germaine Briant as Louisiana's longest married couple. George and Germaine Briant of Hammond, LA, were married over eighty years ago on July 20, 1921. The couple currently lives at Sunrise of Live Oak Village in Hammond where their affectionate displays of kissing, hugging, and dancing, regularly prove a true testament of their love. As the residents of Hammond would tell you, George never fails to sing "Let Me Call You Sweetheart" to Germaine, at every opportunity.

The Briants contributions to our Nation go beyond their loving example. George served in World War I and was awarded many medals, including the Purple Heart and the French Legion of Honor, for his courageous and exceptional service to his country. The Briants only son, George H. Briant, a World War II pilot, gave his life for his country. Although the lives of George and Germaine Briant tell tales of patriotism, valor, and loss, the most salient characteristics of their marriage are commitment, loyalty, selflessness, and unconditional love.

I am proud to announce that at a time when people may need shining examples of self-sacrifice and a reminder of the responsibility involved in a commitment to family, George and Germaine Briant offer a portrait of a genuine marriage that has fidelity and trust at its roots. I know that my colleagues here in the United States Senate join me today in congratulating this exceptional couple who have shown the strength of a marriage bond that has only deepened with time.•

RECOGNIZING THE ACCOMPLISHMENTS OF THE ARKANSAS EASTMAN FACILITY

• Mr. PRYOR. Mr. President, I am pleased to have the opportunity to bring to the attention of the Senate very good news about the work of some of my constituents. The Arkansas Eastman facility of Brock Service Painting Company, located in Batesville, AR, has been recognized by the U.S. Department of Labor, Occupational Safety and Health Administration as a "Star" site under OSHA's Voluntary Protection Program. The OSHA Voluntary Protection Program recognizes exemplary safety and health efforts demonstrated by company management and employees in a cooperative effort to promote safe and healthy practices in the work environment.

As you can imagine, I am extremely proud of the accomplishments of these Arkansas workers and their managers. The significance of their achievement is underscored when you take into account that since 1982, out of 6.2 million potential sites, only 1,041 sites have been recognized for their efforts in the Voluntary Protection Program. Moreover, only 20 contractors have been selected to receive the prestigious "Star" award.

Not only have employees of the Arkansas Eastman facility maintained a safe work environment and adhered to safe work practices, but they also have consistently exceeded the regulatory requirements established by OSHA. According to the Bureau of Labor Statistics, sites participating in the Voluntary Protection Program have overall lost-workday, and injury and illness rates 60 percent below their industries' averages.

The dedication and hard work of these employees are credits to themselves, their company, their family and neighbors in Batesville, and the people of Arkansas. I am happy to recognize their achievements and to salute this notable accomplishment here in the U.S. Senate.•

HONORING LT. WILLIAM P. KERBY AND OTHER WWII VETERANS

• Mr. CRAPO. Mr. President, I am in anticipation of a special event in my home State of Idaho. On Sunday, June 20, the Ashley Inn in Cascade, ID will dedicate Kerby Gardens on their property. For those in Idaho, particularly those in Valley County, memorializing Lt. William Paul Kerby is an important occasion that represents a man, and a generation.

Lt. William Paul Kerby deserves America's appreciation. As Valley County's first serviceman to lose his life in World War II, he displayed the selfless sacrifice of a true American. It is his dedication that Kerby Gardens hopes to honor—a spirit of sacrifice that has defined our country and the State of Idaho since its beginning and continues to do so today.

Lt. Kerby was one of over 1,700 Idahoans who never returned from the battlefield in that great and terrible war. It is to these men that we owe our freedom today. There is still no other event in modern history that so transformed our world as did the Second World War. It brought out the best in our Nation and proved the courage of an entire generation, one that has been called "The Great Generation." It is the courage and sacrifice of those veterans, men including Lt. William Kerby, that this garden remembers and honors.

In commemorating the dedication of Kerby Gardens, I would like to recognize, honor and thank Lt. Kerby and all of Idaho's veterans for their sacrifices. In World War II, as in other conflicts, America's servicemen and women have demonstrated the values and ideals our country holds dear. For their successes and their sacrifices, we are eternally grateful.•

CONGRATULATIONS TO VICE ADMIRAL MICHAEL COWAN, U.S. NAVY

• Mr. CAMPBELL. Mr. President, I wish today to pay tribute to a great American, patriot, Naval Officer, and fellow Coloradoan, Vice Admiral Michael Cowan. This summer, Admiral Cowan will retire from the United States Navy after 32 years of distinguished leadership, selfless service, and tireless commitment to our Navy and Nation.

Admiral Cowan became the 34th Surgeon General of the Navy and Chief, Bureau of Medicine and Surgery on Aug. 10, 2001. Raised in Fort Morgan, CO, he attended the University of Colorado and received his M.D. degree from Washington University, St. Louis. Postgraduate training began at Temple University and after entering the Navy, was completed at the National Naval Medical Center, Bethesda. He is certified in Internal Medicine, and as a Physician Executive of the American College of Physician Executives.

Admiral Cowan began his Navy career as a General Medical Officer at Camp Lejeune, North Carolina in 1971, and was promoted to flag rank while serving as Commanding Officer at the same hospital 25 years later. In between, he has held a wide variety of clinical, research, operational, staff and leadership positions, including Deputy Executive Director, Chief Operating Officer, and Program Executive Officer, TRICARE Management Activity, Assistant Secretary of Defense, Health Affairs; Chief of Staff, Assistant Secretary of Defense, Health Affairs; Surgeon to the Joint Staff; Commander, Defense Medical Readiness Training Institute; Commanding Officer, Naval Hospital Camp Lejeune; Task Force Surgeon, Operation Restore Hope, Somalia Senior Research Fellow, National Defense University; Vice Chairman, Department of Military Medicine, Uniformed Services University of the Health Sciences; Chief of Internal Medicine, U.S. Naval Hospital Rota, Spain.

Throughout his career he has contributed to important advances in the military health system to include: the Military Training Network for Resuscitative Medicine, MTN; the National Disaster Medical System, NDMS; DMRTI; and the integration Force Health Protection Doctrine into Joint Staff Joint Vision 2020. At TRICARE Management Activity, he played a major leadership role in the implementation of the National Defense Authorization Act of 2001, the TRICARE e-health initiative and The National Enrollment Database. Recognized by the Department of Defense, Members of Congress, and the Nation's health care experts as a physician and leader always on the cutting edge of innovation and vision.

Admiral Cowan leaves a legacy of distinction and accomplishments in which he should take great pride and satisfaction. During his tenure as the Navy Surgeon General, he has met every challenge posed including responding to the attacks of September 11, 2001, supporting the response to the anthrax attack on the Hart Senate Office Building in October 2001, Operation Enduring Freedom, Operation Iraqi Freedom, the ongoing Global War on Terror, and most recently the ricin attack on the Dirksen Senate Building.

Mr. President, I ask to extend best wishes on behalf of the U.S. Senate, for continued happiness and success to Admiral Cowan and his lovely wife Linda as they begin the next chapter of their lives, with the thanks and gratitude of a grateful nation for Admiral Cowan's loyal and dedicated service.•

COLONEL EDGAR F. WOODWARD, JR.

• Mr. CRAPO. Mr. President, it is with tremendous gratitude today that I wish to honor Colonel Edgar F. Woodward Jr. for his dedicated service to our country in the Armed Services. Too often we forget the extreme sacrifice involved in keeping our great Nation free. Colonel Woodward's character reflects this sacrifice and the steadfast resolve so many of our veterans maintain in the preservation of freedom.

Allow me a moment to tell you about him.

Colonel Woodward joined the United States Air Force in 1941. Shortly after enlisting, he was called to arms in the European campaign of World War II. Colonel Woodward quickly earned the rank of captain flying B-17 bombers. During his 13th mission flying under the 100th Bomb Group, he was shot down and injured. He received a Purple Heart for these actions.

Colonel Woodward's relentless service to our country does not end here. In addition to his contributions in World War II, Colonel Woodward continued to serve through times of peril. From 1952-1954 he flew in the Korean war. From 1966-1967, he served in intelligence and strategic planning during the Vietnam war. In 1971, after 30 years of service, Edgar F. Woodward Jr. retired as a United States Air Force colonel.

I commend Colonel Woodward for his diligent service. His decision to serve our country places him in my highest esteem, and today I honor him.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the *Federal Register* on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 16, 2004.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7951. A communication from the Secretary of Energy, transmitting, pursuant to law, the report Department of Energy's Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-7952. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Review of the Financial Operations of the Village Learning Center Public Charter School"; to the Committee on Governmental Affairs.

EC-7953. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's report required by the Government in Sunshine Act for Calendar Year 2003; to the Committee on Governmental Affairs.

EC-7954. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Department of the Interior's Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-7955. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-7956. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-438, "American College of Cardiology and the American College of Cardiology Foundation Real Property Tax Exemption Act of 2004"; to the Committee on Governmental Affairs.

EC-7957. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-431, "Lot 878, Square 456 Tax Exemption Clarification Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-7958. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-432, "Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-7959. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-434, "Teacher Retirement Incentive Program Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-7960. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-433, "Honoraria Temporary Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-7961. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-428, "National Capital Medical Center Memorandum of Understanding Approval Act of 2004"; to the Committee on Governmental Affairs.

EC-7962. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-429, "Lower Income, Long-Term Homeowner Credit Administration Temporary Act of 2004"; to the Committee on Governmental Affairs.

EC-7963. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-425, "Sibley Memorial Hospital Equitable Real Property Tax Relief Act of 2004"; to the Committee on Governmental Affairs.

EC-7964. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-426, "Deed Recordation Tax and Related Amendments Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-7965. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-427, "Office of Administrative Hearings Independence Preservation Amendment Act of 2004"; to the Committee on Governmental Affairs.

EC-7966. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-435, "Retail Incentive Act of 2004"; to the Committee on Governmental Affairs.

EC-7967. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7968. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts; to the Committee on Health, Education, Labor, and Pensions.

EC–7969. A communication from the Director, Regulations Policy, and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Anitidiarrheal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph" (RIN0910–AC82) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7970. A communication from the Director, Regulations Policy, and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Extension of Comment Period" (Doc. No. 2002N–0278) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7971. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities; to the Committee on Health, Education, Labor, and Pensions.

EC–7972. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7973. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Department of Labor Acquisition Regulation" (RIN1291–AA34) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7974. A communication from the Director, Regulations, Policy, and Management, Staff, Food and Drug Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Dental Devices; Reclassification of Root-Form Endosseous Dental Implants and Endosseous Dental Implant Abutments" (Doc. No. 2002N–0114) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7975. A communication from the Director, Regulations, Policy, and Management, Staff, Food and Drug Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of the Immunomagnetic Circulating Cancer Cell Selection Enumeration System" (Doc. No. 2004P–0126) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7976. A communication from the Director, Regulations, Policy, and Management, Staff, Food and Drug Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled "Food and Color Additives and Generally Recognized as Safe Substances; Technical Amendment" (Doc. No. 2004N–0076) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7977. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Administrative Detention of Food for Human or Animal Consumption Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Final Rule" (RIN0910–AC38) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7978. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug-Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priority and Other Application Requirements under the Emergency Response Crisis Management Grant Program" (RIN1865–ZA01) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7979. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug-Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priority, Selection Criteria, Requirements and Definitions Under the Safe Schools/Health Students Program" (RIN1865–ZA02) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7980. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug-Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priorities, Requirements, and Selection Criteria Under the Mentoring Program" (RIN1865–ZA00) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. Johnson):

S. 2523. A bill to exempt the Great Plains Region and Rocky Mountain Region of the Bureau of Indian Affairs from trust reform reorganization pending the submission of Agency-specific reorganization plans; to the Committee on Indian Affairs.

By Mr. GRAHAM of Florida:

S. 2524. A bill to amend title 38, United States Code, to improve the provision of health care, rehabilitation, and related services to veterans suffering from trauma relating to a blast injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER (for himself and Mr. Schumer):

S. 2525. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself, Mr. Kennedy, Mr. DeWine, and Mrs. Murray):

S. 2526. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 2527. A bill to suspend the duty on certain educational toys and devices; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Leahy, Mr. Durbin, Mr. Feingold, and Mr. Corzine):

S. 2528. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Frist, Mr. Daschle, Mr. Lugar, Mr. Lieberman, Mr. Santorum, Mrs. Murray, Mr. McCain, Mr. Sununu, Mr. Fitzgerald, Mr. DeWine, Mr. Lautenberg, Ms. Cantwell, Mr. Inhofe, and Mr. Corzine):

S. 2529. A bill to extend and modify the trade benefits under the African Growth and Opportunity Act; to the Committee on Finance.

By Mr. DAYTON:

S. 2530. A bill to amend part D of title XVIII of the Social Security Act to permit medicare beneficiaries to purchase more than one prescription drug discount card and to receive a refund of the enrollment fee if the prices of prescription drugs change or the formulary used by the card sponsor changes during the life of the program; to the Committee on Finance.

By Mr. WYDEN:

S. 2531. A bill to assist displaced American workers during a jobless recovery, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. Reid):

S. 2532. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. Bond, Mr. Graham of Florida, Mr. Grassley, Mr. Daschle, Mr. Warner, Mrs. Clinton, Ms. Collins, Mr. Kennedy, Mr. Alexander, Mr. Breaux, Mr. DeWine, Mr. Lautenberg, Mr. Roberts, Mr. Corzine, Mr. Talent, Mr. Sarbanes, Mr. Allen, Mr. Durbin, Mr. Hagel, Mr. Kerry, Mrs. Dole, Mr. Carper, Mr. Smith, Mr. Nelson of Nebraska, Mr. Coleman, Mr. Edwards, Ms. Murkowski, Mr. Dayton, Mr.

Domenici, Mrs. Murray, Mr. Hatch, Mr. Schumer, Mr. Hollings, Mr. Bayh, Mr. Rockefeller, Ms. Landrieu, Mr. Dodd, Mrs. Lincoln, Ms. Stabenow, Mr. Wyden, Mr. Johnson, and Mr. Harkin):

S. 2533. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Finance.

By Mr. GRAHAM of Florida:

S. 2534. A bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Ms. Stabenow):

S. Res. 380. A resolution honoring the Detroit Pistons on winning the National Basketball Association Championship on June 15, 2004; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. Miller, Mr. Chambliss, Mr. Graham of Florida, and Mr. Levin):

S. Res. 381. A resolution recognizing the accomplishments and significant contributions of Ray Charles to the world of music; considered and agreed to.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. Inouye, the name of the Senator from Colorado (Mr. Campbell) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 480

At the request of Mr. Harkin, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 700

At the request of Mr. Campbell, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 1129

At the request of Mrs. Feinstein, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1172

At the request of Mr. Frist, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1368

At the request of Mr. Levin, the names of the Senator from Minnesota (Mr. Dayton), the Senator from California (Mrs. Boxer) and the Senator from Florida (Mr. Graham) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. Johnson, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Ms. Stabenow, her name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1557

At the request of Mr. McConnell, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1629

At the request of Mr. DeWine, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 1629, a bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 1900

At the request of Mr. Lugar, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1996

At the request of Mr. Daschle, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 1996, a bill to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

S. 2133

At the request of Mrs. Clinton, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 2133, a bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the James J. Peters Department of Veterans Affairs Medical Center.

S. 2174

At the request of Mr. Bunning, the names of the Senator from California (Mrs. Boxer) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2236

At the request of Ms. Cantwell, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2270

At the request of Mr. Dayton, his name was added as a cosponsor of S. 2270, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2324

At the request of Mr. Chambliss, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. 2324, a bill to extend the deadline on the use of technology standards for the passports of visa waiver participants.

S. 2338

At the request of Mr. Bond, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2413

At the request of Mr. Bingaman, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 2413, a bill to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

S. 2419

At the request of Mr. Pryor, the name of the Senator from West Virginia (Mr. Rockefeller) was added as a cosponsor of S. 2419, a bill to amend the Internal Revenue Code of 1986 to provide additional relief for members of the Armed Forces and their families.

S. 2435

At the request of Mr. Leahy, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 2435, a bill to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited Children, and for other purposes.

S. 2474

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2474, a bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

S. 2508

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2508, a bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

S. 2522

At the request of Mr. CORZINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S.J. RES. 30

At the request of Mr. ALLARD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES 33

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 37

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 37, a bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 74

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 379

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 379, a resolution protecting, promoting, and celebrating fatherhood.

AMENDMENT NO. 3264

At the request of Mr. PRYOR, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3264 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3292

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 3292 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3297

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 3297 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3301

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3301 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3313

At the request of Mr. DODD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3313 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3323

At the request of Mr. FITZGERALD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 3323 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3346

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 3346 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3386

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3386 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3386 proposed to S. 2400, supra.

AMENDMENT NO. 3392

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 3392 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3436

At the request of Mr. BUNNING, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) were withdrawn as cosponsors of amendment No. 3436 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3438

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 3438 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mr. BUNNING, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3438 proposed to S. 2400, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2523. A bill to exempt the Great Plains Region and Rocky Mountain Region of the Bureau of Indian Affairs from trust reform reorganization pending the submission of agency-specific reorganization plans; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, today Senator JOHNSON and I are introducing a bill that reflects the concerns of tribal leaders about the lack of progress on trust management reform and their dissatisfaction with the Department of the Interior's reorganization plan to deal with it. It offers an alternative to the Department's approach that tribal chairmen in the Great Plains and Rocky Mountain regions believe will better serve their members.

Trust reform is a particularly vexing issue that has confounded Federal policymakers and frustrated Native Americans for years. But the bottom line is that when the United States Government divided Indian lands in 1887, it made a commitment, through solemn treaty obligations, to hold those lands in trust, to manage them wisely, and to give any income from the sale or lease of the land to its Indian owners. It has never fulfilled that promise.

The Indian trust has been so badly mismanaged, for so long, by Administrations of both political parties, that no one today has any idea how much money should even be in the trust—let alone, how much is owed to individual account holders and to tribes, and for what. Meanwhile, too many individual and tribal community needs go unmet in Indian Country because of the lack of resources. That is the contradiction that simply cannot be allowed to continue.

I know that the Interior Department has gone to great efforts to reform its internal structure to get a handle on the administration of the Indian trust fund. And I appreciate that Interior officials believe that their reorganization plan has been shaped, at least in part, by "listening sessions" it held in Indian Country. Yet, the fact remains that tribal leaders around the country do not accept the premise that those meetings represented true consultation, and they do not accept the Department's reorganization plan as a legitimate response to mismanagement of the Indian trust. A number of tribal leaders have told me that the Department's "listening sessions" were hardly that, but could more accurately be described as a notification of how the Department would proceed.

Tribal leaders in my State believe strongly that the Department's reorganization plan moves in the wrong direction. Instead of integrating the trust and "non-trust" functions of the Department, it separates those functions even further. They also believe the plan ignores the unique character of each region's challenges. The Great Plains Region, for example, has more Individual Indian Money Account holders than any other region and holds 33 percent of the nation's tribal trust assets.

I acknowledge that this is a difficult problem and that some in the Administration sincerely desire to solve the trust management problem in a way that ensures that stakeholders receive what is due them in a timely manner. I also greatly appreciate the attention devoted to this matter. However, I do believe some of that attention has been misdirected. And, given the recent history of the trust reform debate, I have no credible answer to tribal leaders' lament that the Department appears more interested in undercutting the Cobell v. Norton lawsuit than in considering the opinion of tribes in South Dakota or the rest of Indian Country.

Since the Department formally unveiled its reorganization proposal earlier last year, numerous questions have been raised about exactly how this reorganization, which is currently being advanced administratively, will improve the present trust fund management and accounting procedures.

What are the role and responsibilities of the Special Trustee's trust officers who will be dispatched throughout Indian Country, and how will these positions relate to the local and regional BIA offices? Is this a duplication of services?

Who has oversight over these positions, and what accountability mechanism is in place to monitor their performance? What are the lines of authority?

Will Indian preference apply to any new positions that are created by the reorganization?

Why is the reorganization effort affecting the Office of Indian Education Programs when the court mandate affects only trust fund management reform? Does the plan violate the BIA amendments to the Elementary and Secondary Education Act reauthorization?

The list of questions is long, and tribal leaders and their constituents deserve answers. Those answers cannot be gleaned from the 18 pages of organizational charts the Department has provided as a rationale for its plan to reorganize the BIA and the Office of the Special Trustee.

This past February tribal leaders from nearly every Indian Nation in America traveled to Washington for a meeting of the National Congress of American Indians to discuss a variety of issues, including trust reform. They expressed unanimous opposition to the Department of Interior's reorganization efforts, and their urgent plea to Congress was that the federal government work with Native people to find an honorable and equitable solution to the Indian trust fund dispute.

In March, in an appearance before the Senate Indian Affairs Committee, Tex Hall, Chairman of the Three Affiliated Tribes of Fort Berthold and President of the National Congress of American Indians, testified that tribal leaders do not believe that their views are reflected in the Department's trust reorganization plan. And the Chairman of the Lower Brule Sioux Tribe, Michael Jandreau, a member of the BIA-Tribal Task Force on trust reform, told the Committee that "meaningful involvement [of] and input from tribal leadership" and the failure by the federal government to recognize "obvious treaty obligations" are contributing to the inability to reach consensus on trust reform.

This disagreement between Indian Country and Washington runs deep and cannot be solved by Interior Department officials simply re-drawing lines on organizational charts. The search for resolution must include real, meaningful, and ongoing consultation between Department officials and the tribes and tribal leaders. After all, we are talking about Indian people's money.

At the March Committee hearing, Harold Frazier, testifying in his capacities as Chairman of the Cheyenne River Sioux Tribe and as Chairman of the Great Plains Tribal Chairman's Association, offered both a critique of the Department's reorganization plan and an alternative to it. He emphasized that a majority of Indian tribes opposed the reorganization, not just because it was implemented without "meaningful tribal consultation," but also because "a one-size-fits-all approach to trust management reform is certain to fail." While acknowledging that some aspects of reform, such as land consolidation and improved record-keeping, are better managed at the national level, Chairman Frazier pointed out that basic services provided at the agency level are the key to the most efficient utilization of trust assets and that these resource decisions are best made at the local level so they may be adapted to serve tribal beneficiaries' unique needs. And he offered the Great Plains Regional Proposal for Trust Reform as an alternative to the Department's reorganization plan.

Senator JOHNSON and I believe that Chairman Frazier has made a constructive contribution to breaking the trust impasse, and the bill we are introducing today codifies the Great Plains Regional Proposal for Trust Reform, as expanded by the inclusion of the Rocky Mountain Regional Tribes. It is based on the principle that differences among tribes in population, employment, revenue base, and even geographic location effect the type of trust reform suitable for each area, and it has precedent in a provision of the FY 2004 Interior Appropriations bill, Section 139, that exempted certain self-governance tribes from the Interior reorganization plan.

Our proposal exempts the Great Plains and Rocky Mountain tribes from the Department of the Interior's trust reform reorganization, excluding current efforts to reform Indian probate and encourage land consolidation, thereby precluding the Department from reorganizing the BIA at the agency level. It also stipulates that any funds appropriated to accomplish trust reform at the agency level within the Great Plains and Rocky Mountain Regions can be expended only under plans developed by local tribes in cooperation with, and with the approval of, the Department of the Interior. And it authorizes $200,000 for the Great Plains Region and $200,000 for the Rocky Mountain Region to be used for the development of agency-specific reorganization plans.

The legislation Senator JOHNSON and I are introducing today is not intended to end the trust reform debate. We still do not have an historical accounting of trust income; we still do not know if certain records exist; and we still do not know how much the United States of America owes to Indian people and to the Tribes. Neither is the legislation intended to limit other regions searching for their own solutions; to the contrary, we and the tribes of the Great Plains and Rocky Mountain regions respect other regions' rights to develop proposals that meet their own unique needs. But we do hope our proposal will help refocus the debate in a more constructive, substantive, cost-effective manner, acknowledging that the tribes know what is best for them and should be consulted—in a meaningful way—and play a key role in this process.

The tribes understand that the Interior and Treasury Departments, the BIA, and the Special Trustee for American Indians must be their allies in the search for a solution. But friction over reorganization has diverted attention from the more fundamental challenge of providing a full and fair accounting to Indian people, and ultimately paying the money that is owed to them and the tribes.

Now that the Department has been given authorization to proceed administratively with its reorganization plan, I hope the Department will submit to Congress a legislative proposal on how to address the underlying, substantive problem that we have been wrestling with for far too long. I also hope the Department will embrace the pilot program Senator JOHNSON and I are proposing today, with the support of the Great Plains and Rocky Mountain Tribal Chairmen's Associations.

In closing, I think it is extremely important to reflect on two central facts about the Indian trust debate as we consider the proposed reorganization of the BIA and the OST, and the Great Plains and Rocky Mountains Tribal Chairmen's Associations' ideas for localizing trust reform.

First, residents of Indian Country have been victimized for generations by persistent mismanagement of trust assets by the federal government. Far too many families for far too long have been denied trust assets to which they are entitled because of Federal mismanagement. And this situation has adversely affected their quality of life.

Second, frustration with the Federal Government's failure to come to grips with this problem has not only led to litigation (Cobell v. Norton), it has also solidified the tribes' determination to be part of the solution to the problem. Effective trust management reform will remain an elusive goal if the tribes are not full participants in this exercise.

We need to recognize the human dimension and consequences of trust mismanagement, and we need to accept that tribal leaders must be equal partners in its reform. The bottom line is that the tribes do not have the resources they need to adequately address the full range of socio-economic challenges they face. In the case of trust reform, the issue is not simply boxes on an organizational chart, but lives that literally hang in the balance.

Yesterday I met with Chairman Frazier, Chairman Jandreau, and Oglala Sioux Tribal President John Yellow Bird Steele. Their frustrations with the Department's reorganization proposal could be summed up with the comments made by one chairman and echoed by the other two: "They left us out of the equation. We have many of the records, and we know what adjustments need to be made at the agency level to address our local needs. Whether it's historical accounting or reorganization, we have to be part of the solution."

It's a concept so simple that it should go without saying, but the Administration has not adhered to it. But we still have a chance to turn that around. The tribes of the Dakotas, Nebraska, Montana, and Wyoming have stepped up to the plate. They aren't just complaining about the Administration's proposal; they're offering their own. They've developed regional proposals to fit their unique regional needs. We should respect their judgment, and the judgment of other regions that will undoubtedly follow with their own proposals.

The history of trust management has been a travesty, and, without a concerted and open-minded effort to address the issue, the future will not be any better. The United States has a fiduciary responsibility to Indian Country based on numerous treaty obligations. We must satisfy our obligations. We must work together to craft a solution to the underlying trust problem. Let's start by granting the Great Plains and Rocky Mountain Regions greater autonomy to fashion their own trust solutions.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF TRUST REFORM REORGANIZATION TO THE GREAT PLAINS REGION AND ROCKY MOUNTAINS REGION OF THE BUREAU OF INDIAN AFFAIRS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "Agency" means an Agency of the Bureau of Indian Affairs within a Region.

(2) REGION.—The term "Region" means each of the Great Plains Region and the Rocky Mountain Region of the Bureau of Indian Affairs.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) NO REORGANIZATION.—Notwithstanding any implementation of the trust reorganization plan for the Bureau of Indian Affairs in fiscal year 2004 or 2005, the Secretary shall not reorganize the Bureau at the Agency level in a Region except with respect to the reform of probate procedure and efforts to encourage land consolidation.

(c) TRUST MANAGEMENT INFRASTRUCTURE.—The Secretary shall not impose trust management infrastructure reforms on, or alter, the existing trust resource management system of an Agency unless the reforms are expressly agreed to by the Indian tribe covered by the Agency.

(d) AGENCY PLANS.—

(1) IN GENERAL.—Any funds made available to accomplish trust reform at the Agency level shall be expended in accordance with a plan developed by the Indian tribe covered by the Agency, in cooperation with the Secretary and approved by Act of Congress.

(2) TIMING.—An Agency shall submit the Agency plan to the Secretary not later than 180 days after the date on which funds are made available under subsection (f).

(e) REPORT.—

(1) IN GENERAL.—After submission to the Secretary of an Agency plan under subsection (d)(2), the Secretary shall—

(A) prepare a report that includes findings and recommendations of the Secretary concerning the Agency plan; and

(B) provide the Indian tribe covered by the Agency 60 days in which to submit comments regarding the findings and recommendations of the Secretary.

(2) SUBMISSION TO CONGRESS.—After receiving comments of the Indian tribe under paragraph (1)(B), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives—

(A) the Agency plan;

(B) the report of the Secretary; and

(C) the comments of the Indian tribe.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $200,000 for each Region, to be made available to the Agencies for use in developing an Agency plan under subsection (d).

By Mr. GRAHAM of Florida:

S. 2524. A bill to amend title 38, United States Code, to improve the provision of health care, rehabilitation, and related services to veterans suffering from trauma relating to a blast injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. GRAHAM. Mr. President, today I introduce legislation to establish a Department of Veterans Affairs War-Related Blast Injury Center. The need for this type of research and treatment facility has become especially pressing in light of the staggering number of veterans returning from the battles raging abroad.

Blasts from such weapons as artillery, mortar shells, and roadside bombs—improvised explosives that blow debris such as broken glass, nails, and gravel upward into the face—have become the most common mechanism of injury in modern warfare. The resulting injuries include those to the lungs, inner ear, limbs, and, quite commonly, the head. In addition to the serious physical wounds, deep psychological wounds also result, including post-traumatic stress disorder.

Despite the fact that injuries from explosive devices currently make up the majority of combat casualties and the most severe, there has never been an established medical program to evaluate, treat, and track the short- and long-term consequences of these specific injuries. This bill is an important first step toward correcting this deficiency. It establishes at least one War-Related Blast Injury Center within VA that would provide comprehensive and specialized rehabilitation programs, as well as targeted education and outreach programs and research initiatives.

The Center would be formed from a collaboration between the Department of Veterans Affairs, (VA) and the Department of Defense, promoting cooperation between the two agencies to reach their respective goals regarding the care of our military personnel. One of the Center's main purposes would be to fill in the gap that now exists in the evidence base for treating victims of blast injuries. Through its specialized evaluation and treatment of the polytrauma that results from blast injuries, the Center would facilitate the identification of trends in those suffering from this trauma and go a long way in determining innovative, more effective treatment approaches.

In addition to its comprehensive rehabilitation program and the conduct of research, the Center will also provide education and training to health care personnel across the care continuum, including first responders, acute-care providers, and rehabilitation staff. It will also develop improved models and systems for the furnishing of blast injury services by VA.

While my legislation does not designate a site for the Center, I mention with pride the work being done at the Tampa VA Medical Center (VAMC) in Florida. The Tampa VAMC has an exceptional Physical Medicine and Rehabilitation (PM&R) Service that serves the largest number of veterans in the Nation. The Spinal Cord Injury, Amputee, and Traumatic Brain Injury Programs are not only VA's largest, but they have also been recognized as providing the highest quality of care in VA by their designation as Clinical Centers of Excellence. The PM&R Service utilizes an interdisciplinary team for patient care that includes physicians, therapists, audiologists, neuropsychologists, and social workers. Among them, this wide-ranging medical staff has access to a broad spectrum of medical and support services to best treat their patients.

In addition, this outstanding hospital serves as one of seven lead centers comprising the Defense/Veterans Brain Injury Center, a cooperative treatment and research program in traumatic brain injury. It also established a Gulf War Program in 1999 and in the past year created a Blast Injury Program. For all these reasons, the Tampa VAMC would serve as an excellent site for a War-Related Blast Injury Center.

An April 2004 article in The Washington Post detailed the experiences of combat surgeons in Iraq currently caring for the heroic men and women serving there. These doctors described their experiences treating an overwhelming flow of soldiers with wounds that probably would have been fatal in previous wars. Increasingly, these wounds involve severe damage to the head and eyes and often leave soldiers brain damaged, blind, or both. This article paints a clear picture of the injuries our soldiers in Iraq are subjected to and must deal with upon their return. I ask unanimous consent that the text of The Washington Post article be printed in the RECORD following this statement.

In addition, a recent update by VA's Physical Medicine and Rehabilitation National Program Office revealed over a 60 percent increase in rehabilitation patients in 2003 compared to 2002. This means that there were 215 additional brain injury patients and 423 more amputee patients. This sizable increase speaks to the great need for the War-Related Blast Injury Center.

This past April, more than 900 soldiers and Marines were wounded in Iraq, more than twice the number wounded in October of last year, the previous high. On May 2, in a tragic event that hit close to home, 5 reservists from the Jacksonville-based Seabee battalion were killed in a mortar attack in Iraq and an additional 30 suffered injuries resulting from the blast. The Jacksonville-based Seabees were in Iraq to do humanitarian work such as fixing electrical and water systems and sewage problems. These brave men epitomized American courage and selflessness. A War-Related Blast Injury Center would serve to care for servicemembers like the Seabees who suffer this type of horrific wound.

After all that these courageous, selfless soldiers sacrifice and suffer in battle, we owe them a place where they may receive the treatment necessary to mend their wounds, both physical and mental.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 27, 2004]

THE LASTING WOUNDS OF WAR; ROADSIDE BOMBS HAVE DEVASTATED TROOPS AND DOCTORS WHO TREAT THEM

(By Karl Vick)

The soldiers were lifted into the helicopters under a moonless sky, their bandaged heads grossly swollen by trauma, their forms silhouetted by the glow from the row of medical monitors laid out across their bodies, from ankle to neck.

An orange screen atop the feet registered blood pressure and heart rate. The blue screen at the knees announced the level of postoperative pressure on the brain. On the stomach, a small gray readout recorded the level of medicine pumping into the body. And the slender plastic box atop the chest signaled that a respirator still breathed for the lungs under it.

At the door to the busiest hospital in Iraq, a wiry doctor bent over the worst-looking case, an Army gunner with coarse stitches holding his scalp together and a bolt protruding from the top of his head. Lt. Col. Jeff Poffenbarger checked a number on the blue screen, announced it dangerously high and quickly pushed a clear liquid through a syringe into the gunner's bloodstream. The number fell like a rock.

"We're just preparing for something a brain-injured person should not do two days out, which is travel to Germany," the neurologist said. He smiled grimly and started toward the UH-60 Black Hawk thwump-thwumping out on the helipad, waiting to spirit out of Iraq one more of the hundreds of Americans wounded here this month.

While attention remains riveted on the rising count of Americans killed in action—more than 100 so far in April—doctors at the main combat support hospital in Iraq are reeling from a stream of young soldiers with wounds so devastating that they probably would have been fatal in any previous war.

More and more in Iraq, combat surgeons say, the wounds involve severe damage to the head and eyes—injuries that leave soldiers brain damaged or blind, or both, and the doctors who see them first struggling against despair.

For months the gravest wounds have been caused by roadside bombs—improvised explosives that negate the protection of Kevlar helmets by blowing shrapnel and dirt upward into the face. In addition, firefights with guerrillas have surged recently, causing a sharp rise in gunshot wounds to the only vital area not protected by body armor.

The neurosurgeons at the 31st Combat Support Hospital measure the damage in the number of skulls they remove to get to the injured brain inside, a procedure known as a craniotomy. "We've done more in eight weeks than the previous neurosurgery team did in eight months," Poffenbarger said. "So there's been a change in the intensity level of the war."

Numbers tell part of the story. So far in April, more than 900 soldiers and Marines have been wounded in Iraq, more than twice the number wounded in October, the previous high. With the tally still climbing, this month's injuries account for about a quarter of the 3,864 U.S. servicemen and women listed as wounded in action since the March 2003 invasion.

About half the wounded troops have suffered injuries light enough that they were able to return to duty after treatment, according to the Pentagon.

The others arrive on stretchers at the hospitals operated by the 31st CSH. "These injuries," said Lt. Col. Stephen M. Smith, executive officer of the Baghdad facility, "are horrific."

By design, the Baghdad hospital sees the worst. Unlike its sister hospital on a sprawling air base located in Balad, north of the capital, the staff of 300 in Baghdad includes the only ophthalmology and neurology surgical teams in Iraq, so if a victim has damage to the head, the medevac sets out for the facility here, located in the heavily fortified coalition headquarters known as the Green Zone.

Once there, doctors scramble. A patient might remain in the combat hospital for only six hours. The goal is lightning-swift, expert treatment, followed as quickly as possible by transfer to the military hospital in Landstuhl, Germany.

While waiting for what one senior officer wearily calls "the flippin' helicopters," the Baghdad medical staff studies photos of wounds they used to see once or twice in a military campaign but now treat every day. And they struggle with the implications of a system that can move a wounded soldier from a booby-trapped roadside to an operating room in less than an hour.

"We're saving more people than should be saved, probably," Lt. Col. Robert Carroll said. "We're saving severely injured people. Legs. Eyes. Part of the brain."

Carroll, an eye surgeon from Waynesville, Mo., sat at his desk during a rare slow night last Wednesday and called up a digital photo on his laptop computer. The image was of a brain opened for surgery earlier that day, the skull neatly lifted away, most of the organ healthy and pink. But a thumb-sized section behind the ear was gray.

"See all that dark stuff? That's dead brain," he said. "That ain't gonna regenerate. And that's not uncommon. That's really not uncommon. We do craniotomies on average, lately, of one a day."

"We can save you," the surgeon said. "You might not be what you were."

Accurate statistics are not yet available on recovery from this new round of battlefield brain injuries, an obstacle that frustrates combat surgeons. But judging by medical literature and surgeons' experience with their own patients, "three or four months from now 50 to 60 percent will be functional and doing things," said Maj. Richard Gullick.

"Functional," he said, means "up and around, but with pretty significant disabilities," including paralysis.

The remaining 40 percent to 50 percent of patients include those whom the surgeons send to Europe, and on to the United States, with no prospect of regaining consciousness. The practice, subject to review after gathering feedback from families, assumes that loved ones will find value in holding the soldier's hand before confronting the decision to remove life support.

"I'm actually glad I'm here and not at home, tending to all the social issues with all these broken soldiers," Carroll said.

But the toll on the combat medical staff is itself acute, and unrelenting.

In a comprehensive Army survey of troop morale across Iraq, taken in September, the unit with the lowest spirits was the one that ran the combat hospitals until the 31st arrived in late January. The three months since then have been substantially more intense.

"We've all reached our saturation for drama trauma," said Maj. Greg Kidwell, head nurse in the emergency room.

On April 4, the hospital received 36 wounded in four hours. A U.S. patrol in Baghdad's Sadr City slum was ambushed at dusk, and the battle for the Shiite Muslim neighborhood lasted most of the night. The event qualified as a "mass casualty," defined as more casualties than can be accommodated by the 10 trauma beds in the emergency room.

"I'd never really seen a 'mass cal' before April 4," said Lt. Col. John Xenos, an orthopedic surgeon from Fairfax. "And it just kept coming and coming. I think that week we had three or four mass cals."

The ambush heralded a wave of attacks by a Shiite militia across southern Iraq. The next morning, another front erupted when Marines cordoned off Fallujah, a restive, largely Sunni city west of Baghdad. The engagements there led to record casualties.

"Intellectually, you tell yourself you're prepared," said Gullick, from San Antonio. "You do the reading. You study the slides. But being here . . . ." His voice trailed off.

"It's just the sheer volume."

In part, the surge in casualties reflects more frequent firefights after a year in which roadside bombings made up the bulk of attacks on U.S. forces. At the same time, insurgents began planting improvised explosive devices (IEDs) in what one officer called "ridiculous numbers."

The improvised bombs are extraordinarily destructive. Typically fashioned from artillery shells, they may be packed with such debris as broken glass, nails, sometimes even gravel. They're detonated by remote control as a Humvee or truck passes by, and they explode upward.

To protect against the blasts, the U.S. military has wrapped many of its vehicles in armor. When Xenos, the orthopedist, treats limbs shredded by an IED blast, it is usually "an elbow stuck out of a window, or an arm."

Troops wear armor as well, providing protection that Gullick called "orders of magnitude from what we've had before. But it just shifts the injury pattern from a lot of abdominal injuries to extremity and head and face wounds."

The Army gunner whom Poffenbarger was preparing for the flight to Germany had his skull pierced by four 155mm shells, rigged to detonate one after another in what soldiers call a "daisy chain." The shrapnel took a fortunate route through his brain, however, and "when all is said and done, he should be independent. . . . He'll have speech, cognition, vision."

On a nearby stretcher, Staff Sgt. Rene Fernandez struggled to see from eyes bruised nearly shut.

"We were clearing the area and an IED went off," he said, describing an incident outside the western city of Ramadi where his unit was patrolling on foot.

The Houston native counted himself lucky, escaping with a concussion and the temporary damage to his open, friendly face. Waiting for his own hop to the hospital plane headed north, he said what most soldiers tell surgeons: What he most wanted was to return to his unit.

S. 2524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTERS FOR RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES ON BLAST INJURIES OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7327. Centers for research, education, and clinical activities on blast injuries

"(a) PURPOSE.—The purpose of this section is to provide for the improvement of the provision of health care services and related rehabilitation and education services to eligible veterans suffering from multiple traumas associated with a blast injury through—

"(1) the conduct of research to support the provision of such services in accordance with the most current evidence on blast injuries;

"(2) the education and training of health care personnel of the Department; and

"(3) the development of improved models and systems for the furnishing of services by the Department for blast injuries.

"(b) ESTABLISHMENT.—(1) The Secretary shall establish and operate at least one, but not more than three, centers for research, education, and clinical activities on blast injuries.

"(2) Each center shall function as a center for—

"(A) research on blast injury to support the provision of services in accordance with the most current evidence on blast injuries, with such research to specifically address injury epidemiology and cost, functional outcomes, blast injury taxonomy and measurement system, and longitudinal outcomes;

"(B) the development of a rehabilitation program for blast injuries, including referral protocol, post-acute assessment, and coordination of comprehensive treatment services;

"(C) the development of protocols to optimize linkages between the Department and the Department of Defense on matters relating to research, education, and clinical activities on blast injuries;

"(D) the creation of innovative models for education and outreach on health-care and related rehabilitation and education services on blast injuries, with such education and outreach to target those who have sustained a blast injury and health care providers and researchers in the Veterans Health Administration, the Department of Defense, and the Department of Homeland Security;

"(E) the development of educational tools and products on blast injuries, and the maintenance of such tools and products in a resource clearinghouse that can serve as resources for the Veterans Health Administration, the Department of Defense, the Department of Homeland Security, and other departments and agencies of the Federal Government;

"(F) the development of interdisciplinary training programs on the provision of health care and rehabilitation care services for blast injuries that provide an integrated understanding of the continuum of care for such injuries to the broad range of providers of such services, including first responders, acute-care providers, and rehabilitation service providers; and

"(G) the implementation of strategies for improving the medical diagnostic coding of blast injuries in the Department to reliably identify veterans with blast injuries and track outcomes over time.

"(3) The Secretary shall designate a designate a center or centers under this section upon the recommendation of the Under Secretary for Health.

"(4) The Secretary may designate a center under this section only if—

"(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

"(B) the Secretary makes the finding described in subsection (d); and

"(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

"(5) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

"(c) PROPOSAL REQUIREMENTS.—A proposal submitted for the designation of a center under this section shall—

"(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities (in this subsection referred to as the 'collaborating facilities') in the same geographic area that have a mission centered on the care of individuals with blast injuries and a Department facility in that area which has a mission of providing tertiary medical care;

"(2) provide that not less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facilities with respect to the center; and

"(3) provide for a governance arrangement among the facilities described in paragraph (1) with respect to the center that ensures that the center will be established and operated in a manner aimed at improving the quality of care for blast injuries at the collaborating facilities with respect to the center.

"(d) FINDINGS RELATING TO PROPOSALS.—The finding referred to in subsection (b)(4)(B) with respect to a proposal for the designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an affiliated accredited medical school or university that provides education and training in disaster preparedness, homeland security, and biodefense.

"(2) Comprehensive and effective treatment services for head injury, spinal cord injury, audiology, amputation, gait and balance, and mental health.

"(3) The ability to attract scientists who have demonstrated achievement in research—

"(A) into the evaluation of innovative approaches to the rehabilitation of blast injuries; or

"(B) into the treatment of blast injuries.

"(4) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of services on blast injuries that are provided by the Department at or through individual facilities.

"(e) DEPARTMENTAL SUPPORT ON EVALUATION OF CENTER PROPOSALS.—(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for blast injury matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

"(2) The panel shall consist of experts in the fields of research, education and training, and clinical care on blast injuries. Members of the panel shall serve as consultants to the Department.

"(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether or not that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

"(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) AWARD OF FUNDING.—Clinical and scientific investigation activities at each center established under this section—

"(1) may compete for the award of funding from amounts appropriated for the Department for medical and prosthetics research; and

"(2) shall receive priority in the award of funding from such amounts insofar as funds are awarded from such amounts to projects and activities relating to blast injuries.

"(g) DISSEMINATION OF INFORMATION.—(1) The Under Secretary for Health shall ensure that information produced by the centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Administration.

"(2) Information shall be disseminated under this subsection through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(h) SUPERVISION.—The official within the central office of the Veterans Health Administration responsible for blast injury matters shall be responsible for supervising the operation of the centers established under this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Department of Veterans Affairs for the centers established under this section amounts as follows:

"(A) $3,125,000 for fiscal year 2005.

"(B) $6,250,000 for each of fiscal years 2006 through 2008.

"(2) In addition to amounts authorized to be appropriated by paragraph (1) for a fiscal year, the Under Secretary for Health shall allocate to each center established under this section, from other funds authorized to be appropriated for such fiscal year for the Department generally for medical and for medical and prosthetics research, such additional amounts as the Under Secretary for Health determines appropriate to carry out the purpose of this section.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7326, the following new item:

"7327. Centers for research, education, and clinical activities on blast injuries".

(b) DESIGNATION OF CENTERS.—The Secretary of Veterans Affairs shall designate at least one center for research, education, and clinical activities on blast injuries as required by section 7327 of title 38, United States Code (as added by subsection (a)), not later than January 1, 2005.

(c) ANNUAL REPORTS.—(1) Not later than February 1 of each of 2006, 2007, and 2008, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of

Representatives a report on the status and activities during the previous fiscal year of the center for research, education, and clinical activities on blast injuries established under section 7327 of title 38, United States Code (as so added). Each such report shall include the following:

(A) A description of the activities carried out at each center, and the funding provided for such activities.

(B) A description of the advances made at each of the participating facilities of the each center in research, education and training, and clinical activities on blast injuries .

(C) A description of the actions taken by the Under Secretary for Health pursuant to subsection (g) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(D) The assessment of the Secretary of the effectiveness of the centers in fulfilling the purposes of the centers.

By Mr. SPECTER (for himself and Mr. SCHUMER):

S. 2525. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I join today with nine of my colleagues to introduce the National Dairy Equity Act (NDEA), legislation intended to substantially reduce Federal expenditures for the dairy industry and allow for more local authority to regulate milk prices in a particular area. Members of the House of Representatives have introduced similar legislation with 20 cosponsors.

This legislation would establish a voluntary, national program that permits producers and consumers, acting through Regional Dairy Marketing Area (RDMAs), to establish minimum prices for Class I fluid milk, which is intended to stabilize the price of milk. Although the June 2004 Class I fluid milk price is $18.40, the true impetus for this legislation is based on the April 2003 price of $11.89, the lowest milk price in the last 25 years as of October 1978. The recent rise in milk price, while certainly welcome, gives only a temporary respite from the low prices of the past five years that have threatened the survival of thousands of dairy farm. In Pennsylvania alone, since 1999, 1,100 dairy farms have fallen victim to the battle over milk pricing.

Since last spring, I, along with my colleagues in both the Senate and the House representing the Northeast, South and Midwest, have held monthly meetings to address this dire situation faced by the dairy industry. Additionally, I have worked with Pennsylvania Department of Agriculture Secretary Dennis Wolff, the Pennsylvania Dairy Task Force, which represents Pennsylvania's 9,900 commercial dairy farms, and have assembled a working group of 24 Pennsylvania dairy farmers for their input, while holding eight forums in Pennsylvania discussing the merits of the legislation I present today.

Under the NDEA, five RDMAs would be established; three of these RDMAs, the Northeast, the South, and the Midwest, would be automatically deemed as participating States, but there is a mechanism for any State to opt out. The States within the other two regions, the Intermountain and the Pacific, can opt into the program. Ultimately, the NDEA overcomes previous inter-regional objections to similar plans because it permits regions with low Class I utilization to receive the same benefit as higher regions, and does not require national pooling of money between the various regions.

Within each RDMA, a board, representative of both farmers and consumers, would be appointed by the U.S. Secretary of Agriculture exclusively from lists of nominees provided by the Governors, Ag Commissioners in which they are elected officeholders. The RDMA boards would distribute the payments to the farmers in their regions and would also have the authority to conduct supply management, including the development and implementation of incentive-based supply management programs.

Specifically, this legislation would allow states that do not wish to participate in the NDEA to continue participating in the current Milk Income Loss Contract (MILC) program, which would be extended to 2007 to coincide with the reauthorization of the Farm Bill. The MILC program is set to expire at the end of September 2005. Although I supported the MILC program when it was offered in the 2002 Farm Bill, I am aware that the MILC program is delinquent in providing a producer (farmer) referendum within a region; especially in the Northeast, to establish a regulated over-order price.

Equally, I am concerned about the cost of the MILC program. Since 2002, this program has cost the Federal Government nearly $1.65 billion, when it originally scored at only $1 billion from 2002 to September 2005. If enacted, the NDEA will reduce government spending by 90 percent in the Northeast, 100 percent in the South and 65 percent in the Midwest. Nationwide, this is a cost savings of nearly $700 million, roughly $200 million per year from enactment until 2007.

More specifically in Pennsylvania, the MILC payment program is costing the Federal Government roughly $44.2 million, which is dispersing payments to 8,300 dairy farms with herd sizes of roughly 100 cows or less. Under the NDEA, this cost to the Federal Government would be reduced by 90 percent, and would ultimately pay $35 million more to these farmers for a total of $78.6 million because the maximum price for milk would be capped at $17.50, national pooling under the MILC payment would be eliminated and better supply management techniques would be put into place.

Finally, this legislation clearly does not model a dairy compact because unlike a compact, the NDEA establishes a cap of $17.50 per cwt, hundredweight, on maximum Class I price, which could increase in succeeding years based on Consumer Price Index (CPI), Additionally, this legislation equalizes payments producers receive by establishing a 50 percent Class utilization payment for all regions thereby not placing low Class I utilization areas at a disadvantage, ultimately establishing a level playing field. The NDEA provides for federal authority for the establishment of five RDMAs, and establishes a central dairy producers payment fund at the Federal level that would transfer processor payments and if necessary CCC funds back to each RDMA in order to equalize all payments among regions.

As we continue to celebrate National Dairy Month, I urge my colleagues to cosponsor and support this timely legislation, which would help reduce the Federal deficit and would tighten the huge gap that exists in the stabilization of the milk price for the betterment of our nation's dairy industry.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, and Mr. CORZINE):

S. 2528. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Civil Liberties Restoration Act of 2004.

The attacks of September 11 changed this nation forever. Much has been done since then to combat the threat of terrorism and make America safer. But not every measure or policy adopted after 9/11 has been effective, legal, or fair. The strengthening of security has sometimes meant the weakening of civil liberties. Often, the Bush Administration has misused the fear of terrorism as an excuse to ignore basic rights in our society.

Immigrants, especially Arabs and Muslims, became targets as the Administration carried out roundups of individuals based on national origin and religion, rather than any specific assessment of danger. Abusive detention practices took place. Registration programs have made criminal suspects out of legal immigrants.

These changes were implemented without Congressional consultation or approval. They have swept much too broadly and eliminated necessary checks and balances that prevent abuse. They have squandered our limited resources and have been more successful in alienating immigrant communities than in apprehending terrorists. We cannot allow fear to trump and trample the values upon which our country was founded. Our Nation can be both secure and free.

The Civil Liberties Restoration Act of 2004 will provide basic civil liberties protections, and restore balance and fairness to our laws in the treatment of immigrants. It will preserve fundamental rights without endangering national security. It will restore the confidence of immigrant communities, especially those unfairly targeted by recent and current policies.

It will place reasonable limitations on closed immigration hearings. On September 21, 2001, the Attorney General ordered immigration judges to close all hearings on individuals detained in the 9/11 investigation. In a highly critical report issued by the Inspector General of the Justice Department in April 2003 we learned that many were arrested as a result of "chance encounters or tenuous connections" to the investigation, rather than "any genuine indications of a possible connection with or possession of information about terrorist activity."

Nevertheless, over 600 immigration hearings were held in secret. Visitors, the press and even family members of the detainees were excluded. Consistent with the First Amendment, our legislation authorizes the closing of immigration hearings only when the government can demonstrate a compelling privacy or national security interest.

The bill will restore other due process protections weakened after 9/11. Before that, the INS was required to give notice to detained non-citizens within 24 hours of arrest, informing them of the charges against them. On September 20, 2001, Attorney General Ashcroft issued a regulation extending that period to 48 hours or "an additional reasonable period of time" in "emergency or other extraordinary circumstances."

This open-ended change led to serious abuses. As the Inspector General reported, some detainees were held for more than a month after their arrest, without being told of the charges against them. Often they were held in harsh and restrictive conditions and prevented from consulting with their attorneys.

Our legislation will require a charging document to be served within 48 hours of an arrest or detention. Noncitizens held for more than 48 hours would have to be brought before an immigration judge within 72 hours of their arrest or detention, with an exception for non-citizens who are certified by the Attorney General, based on reasonable grounds, as having engaged in espionage or a terrorist offense.

After 9/11, the Bush Administration also adopted policies that deny bond to many immigrants with no individual assessment of their danger or flight risk. Two examples of this policy were the "hold until cleared" policy criticized by the Inspector General's report, and the Attorney General's precedent decision declaring that all Haitians arriving by sea were a national security threat and must be detained.

Unilateral executive branch decisions mandating detention violate fundamental rights. Blanket detentions of persons who pose no flight risk or harm to the community waste valuable resources that should be used to apprehend criminals and terrorists.

Our legislation will require the Secretary of Homeland Security to provide all detainees with individual assessments to determine whether they pose a flight risk or a threat to public safety, except those in categories specifically designated by Congress as posing a special threat. If the individual is eligible for release, the Secretary must set a reasonable bond or other conditions to guarantee the person's appearance at future proceedings, and this decision would be subject to review by an immigration judge.

The authority of immigration judges was further weakened by an October 2001 regulation that authorizes the Attorney General to stay a decision by an immigration judge to release an individual if bond had originally been denied, or had been set at $10,000 or more. The current regulation goes too far. It allows the government's immigration attorneys to overrule a decision by an immigration judge that an individual does not pose a risk.

The bill puts reasonable limitations on this automatic stay authority. The Board of Immigration Appeals could stay the immigration judge's bond decision for a limited time, only when the government is likely to prevail in appealing that decision and there is a risk of irreparable harm in the absence of a stay.

In early 2002, Attorney General Ashcroft issued a series of "procedural reforms" purportedly designed to eliminate the backlog of cases in the Board of Immigration Appeals. Altering its practices in accordance with the new mandates, the Board has issued thousands of single-member decisions affirming without written opinions the decisions of the immigration judges. Before the changes took effect, 1 in 4 appeals was granted, now only 1 in 10 is granted. Instead of eliminating the backlog, however, the cases have shifted to the federal courts. The number of Board decisions being appealed to the federal courts has increased dramatically. The Ninth Circuit has received over 4,200 immigration appeals, more than four times the usual number.

These so-called reforms highlight the degree to which integrity and impartiality of the immigration courts have been compromised. To correct the problem, the bill establishes an independent regulatory agency within the Department of Justice to administer the immigration court system. Integrity would be restored by enabling Board Members and immigration judges to exercise independent judgment and discretion. The reforms will help ensure that individuals and families receive fair treatment in immigration decisions, which can have profound consequences for immigrants and refugees, such as permanent separation from loved ones, or deportation to countries where they may face persecution and even death.

The Act will also end the infamous National Security Entry-Exit Registration System—the NSEERS program which was launched by Attorney General Ashcroft in August 2002 and which required men from predominately Muslim or Arab countries to be fingerprinted, photographed, and interrogated, based on the absurd notion that terrorists would present themselves for registration and be caught.

As Vincent Cannistraro, former director of Counterterrorism Operations at the CIA, has said, policies like the NSEERS program caused fear and distrust and worked "against intelligence-gathering by law enforcement, particularly the FBI." At a time when we needed vital intelligence information, members of these communities were unfairly stigmatized and discouraged from coming forward to help our law enforcement and counter-terrorism efforts.

According to Department of Homeland Security officials, no one registered under the NSEERS program was ever charged with terrorism. Last December, significant parts of the NSEERS program were suspended. Our bill will terminate it completely, and it will also close removal proceedings for certain individuals targeted under it.

A related issue is the exercise of prosecutorial discretion. More than 14,000 individuals who voluntarily complied with the NSEERS program were placed in removal proceedings for technical immigration violations, even though many of them had relief available to them or were in the process of applying for permanent residence. Immigration officers routinely refused to use their discretion not to arrest these individuals, or not to initiate removal proceedings against them, or not to release them from detention. The result was a massive diversion of resources away from investigations, prosecutions, and removals of criminals and terrorists.

Our bill will codify an immigration memorandum which outlines the parameters for the responsible exercise of prosecutorial discretion. The legislation makes clear that such discretion is not an invitation to violate or ignore the law, but is intended to give the government the flexibility to maximize its allocation of resources. Exercise of such discretion is particularly appropriate in light of the complexity of the immigration laws, the harshness of the consequences of enforcement, and the importance of conserving limited enforcement resources so that they are available for use against individuals who threaten our safety and security.

Given the problems inherent in the NSEERS program, the government should reconsider all pending NSEERS cases and determine whether a favorable exercise of discretion is warranted. Family ties, humanitarian concerns, and eligibility for relief are positive factors that should be considered in assessing such cases.

Our bill also protects the integrity of the National Crime Information Center database. For decades, in maintaining the database, the Department of Justice was required to obey the Privacy Act, which requires each agency to maintain its records "with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individuals in the determination." In March 2003, Attorney General Ashcroft issued a regulation stating that these requirements no longer applied to the NCIC database, and justified the exemption because "in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete."

Our legislation requires the Attorney General to comply with the Privacy Act in maintaining the database. Circumventing this statutory obligation poses significant risks not only for individuals whose files may be part of this data system, but also for communities that rely on law enforcement to employ effective, reliable methods for protecting public safety.

This requirement is especially important today. The Attorney General announced last year that information on more than 400,000 persons with removal orders and an unknown number of alleged NSEERS violators would be included in the database. The error rate in immigration records has always been very high—a fact confirmed by numerous reports issued by the Inspector General. Requiring the Attorney General to comply with the Privacy Act will help prevent inaccurate and unreliable information from contaminating the database and harming individuals and communities.

The bill also protects privacy by ensuring that constitutional limitations apply to secret surveillance. The Patriot Act amended the Foreign Intelligence Service Act to permit surveillance or searches when a "significant purpose", not just the "primary purpose", of the surveillance or search is foreign intelligence. Under current procedures, when such evidence is brought before a court, it is nearly impossible for a criminal defendant to contest its introduction, because the government's application for the search is kept secret. When such evidence is used in criminal cases, the court should disclose the application and related materials to the defendant, subject to the Classified Information Procedures Act, which offers a balanced and effective way to protect both national security information and the rights of defendants.

In addition, the legislation provides that when such information from electronic surveillance and other sources is introduced in a criminal case, disclosure of the surveillance application, order, or other materials is permitted under the procedures in the Classified Information Procedures Act.

Finally, the bill addresses the practice of data-mining. Through comprehensive data-mining, many records that people believe are private can be collected by computer, fed into a database and used by the government without their knowledge. Law enforcement must have the necessary means to protect our safety, but the use of data-mining technology should not be allowed to threaten privacy and civil liberties.

The legislation will require all federal agencies to report to Congress within 90 days and annually in future years on data-mining programs used to find patterns indicating terrorist or other criminal activity and the effect of these programs on civil liberties and privacy, so that Congress can exercise its oversight authority over federal agencies using this technology.

We know that we can protect our nation's security and still respect the basic rights of both citizens and immigrants. The Civil Liberties Restoration Act is a needed effort to end the abuse that has become all too common in the past three years, and Congress has a responsibility to end them. It has been said that our laws are the wise restraints that make us free. The restraints have been weakened in recent years, and we need to make them stronger.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Liberties Restoration Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Fighting terrorism is a priority for our Nation.

(2) As Federal, State, and local law enforcement work tirelessly every day to prevent another terrorist attack, our Nation must continue to work to ensure that law enforcement have the legal tools and resources to do their job.

(3) At the same time, steps that are taken to protect the United States from terrorism should not undermine constitutional rights and protections.

(4) Some of the steps taken by the Administration since September 11, 2001, however, have undermined constitutional rights and protections.

(5) Our nation must strive for both freedom and security.

(6) This Act seeks to restore essential rights and protections without compromising our Nation's safety.

TITLE I—RESTORING FIRST AMENDMENT RIGHTS

SEC. 101. LIMITATION ON CLOSED IMMIGRATION HEARINGS.

(a) IN GENERAL.—Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) STANDARDS FOR CLOSING REMOVAL HEARINGS.—

"(1) IN GENERAL.—Subject to paragraph (2), a removal proceeding held pursuant to this section shall be open to the public.

"(2) EXCEPTIONS.—Portions of a removal proceeding held pursuant to this section may be closed to the public by an immigration judge on a case by case basis, when necessary—

"(A) to preserve the confidentiality of applications for asylum, withholding of removal, relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902), or the Victims of Trafficking and Violence Prevention Act of 2000 (Public Law 106–386; 114 Stat. 1464), or other applications for relief involving confidential personal information or where portions of the removal hearing involve minors or issues relating to domestic violence, all with the consent of the alien;

"(B) to prevent the disclosure of classified information that threatens the national security of the United States and the safety of the American people; or

"(C) to prevent the disclosure of the identity of a confidential informant.

"(3) COMPELLING GOVERNMENT INTEREST.—In order for portions of removal proceedings to be closed to the public in accordance with this subsection, the government must show that such closing of the proceedings is necessitated by a compelling governmental interest and is narrowly tailored to serve that interest.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(1) in paragraph (5)(C)(i), by striking "subsection (e)(1)" and inserting "subsection (f)(1)"; and

(2) in paragraph (7), by striking "subsection (e)(1)" and inserting "subsection (f)(1)".

TITLE II—PROVIDING DUE PROCESS FOR INDIVIDUALS

SEC. 201. TIMELY SERVICE OF NOTICE.

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

"(f) NOTICE OF CHARGES.—The Secretary of Homeland Security shall serve a notice to appear on every alien arrested or detained under this Act, except those certified under section 236A(a)(3), within 48 hours of the arrest or detention of such alien. Any alien, except those certified under section 236A(a)(3), held for more than 48 hours shall be brought before an immigration judge within 72 hours of the arrest or detention of such alien. The Secretary of Homeland Security shall—

"(1) document when a notice to appear is served on a detainee in order to determine compliance by the Department of Homeland Security with the 48-hour notice requirement; and

"(2) submit to the Committees on the Judiciary of the Senate and the House of Representatives an annual report concerning the Department of Homeland Security's compliance with such notice requirement.".

(b) APPLICABILITY OF OTHER LAW.—Nothing in section 236(f) of the Immigration and Nationality Act, as added by subsection (a), shall be construed to repeal section 236A of such Act (8 U.S.C. 1226a).

SEC. 202. INDIVIDUALIZED BOND DETERMINATIONS.

(a) IN GENERAL.—Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) by striking "On a warrant" and inserting the following:

"(1) IN GENERAL.—On a warrant";

(2) by striking "Except as provided" and all that follows through the end and inserting the following: "This subsection shall apply to all aliens detained pending a decision on their removal or admission, regardless of whether or not they have been admitted to the United States, including any alien found to have a credible fear of persecution under section 235(b)(1)(B) or any alien admitted or seeking admission under the visa waiver program pursuant to section 217. Except as provided in subsection (c) and pending such decision, the Secretary of Homeland Security shall—

"(A) make an individualized determination as to whether the alien should be released pending administrative and judicial review, to include a determination of whether the alien poses a danger to the safety of other persons or property and is likely to appear for future scheduled proceedings; and

"(B) grant the alien release pending administrative and judicial review under reasonable bond or other conditions, including conditional parole, that will reasonably assure the presence of the alien at all future proceedings, unless the Secretary of Homeland Security determines under subparagraph (A) that the alien poses a danger to the safety of other persons or property or is unlikely to appear for future proceedings.

"(2) INDIVIDUALIZED DETERMINATIONS.—An individualized determination made by the Secretary of Homeland Security pursuant to paragraph (1)(A) shall be reviewable at a hearing held before an immigration judge pursuant to section 240. An immigration judge who reviews an initial bond determination by the Secretary of Homeland Security, or who makes a bond determination prior to a decision by the Secretary of Homeland Security, shall apply the same standards set forth in subparagraphs (A) and (B) of paragraph (1).".

(b) REVOCATION OF BOND OR PAROLE.—Section 236(b) of the Immigration and Nationality Act (8 U.S.C. 1226(b)) is amended by striking "The Attorney General" and all that follows through the period and inserting the following: "The bond or parole determination made pursuant to subsection (a)(1)(B) may be revoked or modified only by an immigration judge in proceedings held pursuant to section 240, and only if the party seeking to revoke or modify the bond or parole determination can establish a change in circumstances. The administrative decision finding the alien removable does not, in and of itself, constitute a change in circumstances. At such a hearing, if changed circumstances are established, the immigration judge shall make a new individualized determination in the manner described in subsection (a).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) in subsection (e), by striking "Attorney General's" and inserting "Secretary of Homeland Security's".

SEC. 203. LIMITATION ON STAY OF A BOND.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by section 201, is further amended by adding at the end the following:

"(g) STAY OF A BOND DETERMINATION.—An order issued by an immigration judge to release an alien may be stayed by the Board of Immigration Review, for not more than 30 days, only if the Government demonstrates—

"(1) the likelihood of success on the merits;

"(2) irreparable harm to the Government if a stay is not granted;

"(3) that the potential harm to the Government outweighs potential harm to alien; and

"(4) that the grant of a stay is in the interest of the public.".

SEC. 204. IMMIGRATION REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established within the Department of Justice an independent regulatory agency to be known as the Immigration Review Commission (referred to in this section as the "Commission"). The Executive Office of Immigration Review is hereby abolished and replaced with such Commission.

(2) TRANSFER OF AUTHORITY.—The Commission shall perform all administrative, appellate, and adjudicatory functions that were, prior to the date of enactment of this Act, the functions of the Executive Office of Immigration Review or were performed by any officer or employee of the Executive Office of Immigration Review in the capacity of such officer or employee. Such functions shall not include the policy-making, policy-implementation, investigatory, or prosecutorial functions of the Department of Homeland Security.

(3) ORGANIZATION.—The Commission shall consist of:

(A) The Office of the Director.

(B) The Board of Immigration Review.

(C) The Office of the Chief Immigration Judge.

(D) The Office of the Chief Administrative Hearing Officer.

(b) OFFICE OF THE DIRECTOR.—

(1) APPOINTMENT.—There shall be as the head of the Commission, a Director who shall be appointed by the President with the advice and consent of the Senate.

(2) TRANSFER OF OFFICES.—The following officers shall be transferred from the Executive Office for Immigration Review to the Office of the Director for the Commission:

(A) Deputy Director.

(B) General Counsel.

(C) Pro Bono Coordinator.

(D) Public Affairs.

(E) Assistant Director of Management Programs.

(F) Equal Employment Opportunity.

(3) RESPONSIBILITIES.—

(A) The Director shall oversee the administration of the Commission, and the creation of rules and regulations affecting the administration of the courts.

(B) The Director shall appoint a Deputy Director to assist with the duties of the Director and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed.

(c) BOARD OF IMMIGRATION REVIEW.—

(1) IN GENERAL.—The Board of Immigration Review (referred to in this section as the "Board") shall perform the appellate functions of the Commission.

(2) APPOINTMENT.—The Board shall be composed of a Chairperson and not less than 14 other immigration appeals judges, appointed by the President, in consultation with the Director. The term of office of each member of the Board shall be 6 years.

(3) CURRENT MEMBERS.—Each individual who is serving as a member of the Board on the date of enactment of this Act shall be appointed to the Board utilizing a system of staggered terms of appointment based on seniority.

(4) MEMBERS.—The Chairperson and each other member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional, legal expertise in immigration and nationality law.

(5) CHAIRPERSON DUTIES.—The Chairperson shall—

(A) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;

(B) direct, supervise, and establish internal operating procedures and policies of the Board; and

(C) designate a member of the Board to act as Chairperson in the Chairperson's absence or unavailability.

(6) BOARD MEMBERS DUTIES.—In deciding the cases before the Board, the Board shall exercise its independent judgment and discretion and may take any action, consistent with its authorities under this section and regulations established in accordance with this section, that is appropriate and necessary for the disposition of such cases.

(7) JURISDICTION.—The Board shall have—

(A) such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals;

(B) de novo review of any decision by an immigration judge, and any final order of removal; and

(C) retention of jurisdiction over any case of an alien removed by the United States if the alien's case was pending for consideration before the Board prior to removal of the alien.

(8) ACTING IN PANELS.—

(A) IN GENERAL.—All cases shall be subject to review by a 3 member panel. The Chairperson shall divide the Board into 3 member panels and designate a presiding member of each panel such that—

(i) a majority of the number of Board members authorized to constitute a panel shall constitute a quorum for such panel; and

(ii) each panel may exercise the appropriate authority of the Board that is necessary for the adjudication of cases before it.

(B) FINAL DECISION.—A final decision of a panel shall be considered to be a final decision of the Board.

(9) EN BANC PROCESS.—

(A) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chairperson, consider any case as the full Board en banc, or reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.

(B) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.

(10) DECISIONS OF THE BOARD.—

(A) IN GENERAL.—The decisions of the Board shall constitute final agency action. The precedent decisions of the Board shall be binding on the Department of Homeland Security and the immigration judges.

(B) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if the decision of the immigration judge resolved all issues in the case. An affirmance without opinion signifies the Board's adoption of the immigration judge's findings and conclusion in total.

(C) NOTICE OF APPEAL.—The decision by the Board shall include notice to the alien of the alien's right to file a petition for review in the court of appeals within 30 days of the date of the decision.

(d) OFFICE OF THE CHIEF IMMIGRATION JUDGE.—

(1) ESTABLISHMENT OF OFFICE.—There is established within the Commission an Office of the Chief Immigration Judge to oversee all the immigration courts and their proceedings throughout the United States. The head of the office shall be the Chief Immigration Judge who shall be appointed by the Director.

(2) DUTIES OF THE CHIEF IMMIGRATION JUDGE.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resources and facilities, and for the coordination of the schedules of immigration judges to enable the judges to conduct the various programs assigned to them. The Chief Immigration Judge may be assisted by a Deputy Chief Immigration Judge and Assistant Chief Immigration Judge.

(3) APPOINTMENT OF IMMIGRATION JUDGES.—

(A) IN GENERAL.—Immigration judges shall be appointed by the Director, in consultation with the Chief Immigration Judge and the Chair of the Board of Immigration Review. The term of each immigration judge shall be 12 years.

(B) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional, legal expertise in immigration and nationality law.

(C) CURRENT MEMBERS.—Each individual who is serving as an immigration judge on the date of enactment of this Act shall be appointed as an immigration judge utilizing a system of staggered terms of appointment based on seniority.

(4) DUTIES OF IMMIGRATION JUDGES.—In deciding the cases before them, immigration judges shall exercise their independent judgment and discretion and may take any action, consistent with their authorities under this section and regulations established in accordance with this section, that is appropriate and necessary for the disposition of such cases.

(5) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The Immigration Courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Immigration Courts within the Executive Office for Immigration Review.

(6) CONTEMPT AUTHORITY.—The contempt authority provided to immigration judges under section 240(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(1)) shall—

(A) be implemented by regulation not later than 120 days after the date of enactment of this Act;

(B) provide that any contempt sanctions, including any civil money penalty, shall be applicable to all parties appearing before the immigration judge and shall be imposed by a single process applicable to all parties.

(e) OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—

(1) IN GENERAL.—The Office of the Chief Administrative Hearing Officer shall be headed by a Chief Administrative Hearing Officer who shall be appointed by the Director.

(2) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the current Office of the Chief Administrative Hearing Officer shall be transferred to the Commission.

(f) REMOVAL AND REVIEW OF JUDGES.—

(1) IN GENERAL.—Immigration judges and members of the Board of Immigration Review may be removed from office only for good cause—

(A) by the Director, in consultation with the Chair of the Board, in the case of the removal of a member of the Board; or

(B) by the Director, in consultation with the Chief Immigration Judge, in the case of the removal of an immigration judge.

(2) INDEPENDENT JUDGMENT.—No immigration judge or member of the Board shall be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by subsections (c)(6) and (d)(4).

(g) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director shall issue regulations to implement this section.

TITLE III—EFFECTIVE LAW ENFORCEMENT

SEC. 301. TERMINATION OF THE NSEERS PROGRAM; ESTABLISHMENT OF REASONABLE PENALTIES FOR FAILURE TO REGISTER.

(a) TERMINATION OF NSEERS.—

(1) IN GENERAL.—The National Security Entry-Exit Registration System (NSEERS) program administered by the Secretary of Homeland Security is hereby terminated.

(2) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Nothing in this section shall amend the Integrated Entry and Exit Data System established in accordance with section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

(3) ADMINISTRATIVE CLOSURE OF REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—All removal proceedings initiated against any alien as a result of the NSEERS program shall be administratively closed. This paragraph shall apply to all aliens who were—

(i) placed in removal proceedings solely for failure to comply with the requirements of the NSEERS program; or

(ii) placed in removal proceedings while complying with the requirements of the NSEERS program and—

(I) had a pending application before the Department of Labor or the Department of Homeland Security for which there is a visa available;

(II) did not have a pending application before the Department of Labor or the Department of Homeland Security for which there is a visa available but were eligible for an immigration benefit; or

(III) were eligible to apply for other forms of relief from removal.

(B) EXCEPTIONS.—This paragraph shall not apply in cases in which the aliens are removable under—

(i) section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)); or

(ii) paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)(2) or (4)).

(4) MOTIONS TO REOPEN.—Notwithstanding any limitations imposed by law on motions to reopen removal proceedings, any alien who received a final order of removal as a result of the NSEERS program shall be eligible to file a motion to reopen the removal proceeding and apply for any relief from removal that such alien may be eligible to receive.

SEC. 302. EXERCISE OF PROSECUTORIAL DISCRETION.

(a) SENSE OF CONGRESS REGARDING PROSECUTORIAL DISCRETION.—

(1) FINDINGS.—Congress finds the following:

(A) Exercising prosecutorial discretion is not an invitation to violate or ignore the law, rather it is a means by which the resources of the Secretary of Homeland Security may be used to best accomplish the mission of the Department of Homeland Security in administering and enforcing the immigration laws of the United States.

(B) Although a favorable exercise of discretion by any office within the Department of Homeland Security should be respected by other offices of such Department, unless the facts and circumstances in a specific case have changed, the exercise of prosecutorial discretion does not grant lawful status under the immigration laws, and there is no legally enforceable right to the exercise of prosecutorial discretion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the exercise of prosecutorial discretion does not lessen the commitment of the Secretary of Homeland Security to enforce the immigration laws to the best of the Secretary's ability.

(b) PROSECUTORIAL DISCRETION.—The Secretary of Homeland Security shall exercise prosecutorial discretion in deciding whether to exercise its enforcement powers against an alien. This discretion includes—

(1) focusing investigative resources on particular offenses or conduct;

(2) deciding whom to stop, question, and arrest;

(3) deciding whether to detain certain aliens who are in custody;

(4) settling or dismissing a removal proceeding;

(5) granting deferred action or staying a final removal order;

(6) agreeing to voluntary departure, permitting withdrawal of an application for admission, or taking other action in lieu of removing an alien;

(7) pursuing an appeal; or

(8) executing a removal order.

(c) FACTORS FOR CONSIDERATION.—The factors that shall be taken into account in deciding whether to exercise prosecutorial discretion favorably toward an alien include—

(1) the immigration status of the alien;

(2) the length of residence in the United States of the alien;

(3) the criminal history of the alien;

(4) humanitarian concerns;

(5) the immigration history of the alien;

(6) the likelihood of ultimately removing the alien;

(7) the likelihood of achieving the enforcement goal by other means;

(8) whether the alien is eligible or is likely to become eligible for other relief;

(9) the effect of such action on the future admissibility of the alien;

(10) current or past cooperation by the alien with law enforcement authorities;

(11) honorable service by the alien in the United States military;

(12) community attention; and

(13) resources available to the Department of Homeland Security.

SEC. 303. CIVIL PENALTIES FOR TECHNICAL VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) REGISTRATION PENALTIES.—Section 266(a) of the Immigration and Nationality Act (8 U.S.C. 1306(a)) is amended by striking "Any alien" and all that follows through the period and inserting the following: "(1) A civil penalty shall be imposed, in accordance with paragraph (2), on any alien who is required to apply for registration and be fingerprinted under section 262 or 263, who willfully fails or refuses to make such application or be fingerprinted, and any parent or legal guardian required to apply for the registration of any alien who willfully fails or refuses to file application for the registration of such alien as required by such section.

"(2) The Secretary of Homeland Security may levy a civil monetary penalty of up to—

"(A) $100 for a first violation of section 262 or 263;

"(B) $500 for a second violation of section 262 or 263; and

"(C) $1,000 for each subsequent violation of section 262 or 263 after the second violation.

(b) OTHER PENALTIES.—Section 266(b) of the Immigration and Nationality Act (8 U.S.C. 1306(b)) is amended to read as follows:

"(b)(1) A penalty shall be imposed, in accordance with paragraph (2), on any alien or the parent or legal guardian in the United States of any alien who fails to submit written notice to the Secretary of Homeland Security as required by section 265. No penalty shall be imposed with respect to a failure to submit such notice if the alien establishes that such failure was reasonably excusable or was not willful.

"(2) Except as provided in paragraphs (4) and (5), the Secretary of Homeland Security shall levy a civil monetary penalty of—

"(A) up to $100 against an alien who fails to submit written notice in compliance with section 265;

"(B) up to $500 against an alien for a second violation of section 265; and

"(C) up to $1,000 for each subsequent violation of section 265 after the second violation.

"(3) Notwithstanding any other provision of this Act, no change of immigration status shall result from failure to submit written notice as required by section 265.

"(4) During the transition period, a failure to comply with section 265 shall not result in a penalty or a change in immigration status. At the conclusion of the transition period, the Secretary of Homeland Security shall collect and maintain statistics concerning all enforcement actions related to this subsection.

"(5) The penalties imposed under this subsection shall not apply to an alien who previously failed to submit a change of address prior to the date of enactment of the Civil Liberties Restoration Act of 2004 or the end of the transition period if the alien submits a change of address within 6 months after the end of the transition period. A penalty shall be imposed, in accordance with paragraph (2), on any alien who fails to submit a change of address within the 6-month period following the transition period.

"(6) In this subsection, the term 'transition period' means the period beginning on the date of enactment of the Civil Liberties Restoration Act of 2004 and ending 1 year after the date of enactment of such Act, at which time the Secretary of Homeland Security shall implement a system to record and preserve on a timely basis addresses provided under section 265.".

SEC. 304. NCIC COMPLIANCE WITH THE PRIVACY ACT.

Data entered into the National Crime Information Center database must meet the accuracy requirements of section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

TITLE IV—PROTECTING PRIVACY AND ENSURING DUE PROCESS FOR TARGETS OF SURVEILLANCE

SEC. 401. MODIFICATION OF AUTHORITIES ON REVIEW OF MOTIONS TO DISCOVER MATERIALS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ELECTRONIC SURVEILLANCE.—Section 106(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(f)) is amended—

(1) in the first sentence, by striking "shall," and inserting "may,"; and

(2) by striking the last sentence and inserting the following new sentence: "In making this determination, the court shall disclose, if otherwise discoverable, to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.), portions of the application, order, or other materials relating to the surveillance unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case.".

(b) PHYSICAL SEARCHES.—Section 305(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825(g)) is amended—

(1) in the first sentence, by striking "shall," and inserting "may,"; and

(2) by striking the last sentence and inserting the following new sentence: "In making this determination, the court shall disclose, if otherwise discoverable, to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.), portions of the application, order, or other materials relating to the physical search, or may require the Attorney General to provide to the aggrieved person, the counsel of the aggrieved person, or both a summary of such materials unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case.".

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(f)) is amended by striking paragraph (2) and inserting the following:

"(2) Unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose, if otherwise discoverable, to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.), portions of the application, order, or other materials relating to the use of the pen register or trap and trace device, as the case may be, or evidence or information obtained or derived from the use of a pen register or trap and trace device, as the case may be.".

(d) DISCLOSURE OF CERTAIN BUSINESS RECORDS.—(1) Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended—

(A) by redesignating section 502 as section 503; and

(B) by inserting after section 501 the following new section:

"DISCLOSURE OF CERTAIN BUSINESS RECORDS AND ITEMS GOVERNED BY THE CLASSIFIED INFORMATION PROCEDURES ACT

"SEC. 502. Any disclosure of applications, information, or items submitted or acquired pursuant to an order issued under section 501, if such information is otherwise discoverable, shall be conducted under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.).".

(2) The table of sections for that Act is amended by striking the item relating to section 502 and inserting the following new items:

"Sec. 502. Disclosure of certain business records and items governed by the Classified Information Procedures Act.

"Sec. 503. Congressional oversight.".

SEC. 402. DATA-MINING REPORT.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

By Mr. WYDEN:

S. 2531. A bill to assist displaced American workers during a jobless recovery, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, as many as half a million Americans in the services sector have lost their jobs in the past three years; off-shoring threatens to wipe out 3.3 million more jobs in the coming decade. An off-shoring tsunami is bearing down on workers in the information technology and services sector. The most vulnerable jobs are those considered the cream of the new economy: highly paid database managers, software coders, financial analysts and accountants.

In places like my own State of Oregon, the prolonged jobless recovery is causing many people real pain. Highly educated and experienced workers are being forced to walk an economic tightrope. Displaced software workers with advanced degrees are forced to search for entry-level positions, but employers won't hire them because they're overqualified. In Oregon and elsewhere, the number of discouraged workers leaving the workforce altogether is unprecedented. If these folks were counted the national unemployment rate would be 7.4 percent rather than the current 5.6 percent.

Something in the country's tax and trade policy is seriously awry when productivity is generating wealth for a few, but not employment for the many who want to work. Something just isn't right when people can't find jobs but productivity is growing faster now than in the late 1990's, corporate profits as a share of national income are at an all-time high and all of the extra $220 billion in GDP has gone into corporate profits. In my view part of problem can be traced to U.S. tax and trade policies that actually encourage U.S. corporations to move jobs overseas rather than encourage American business to invest in American workers. These policies need to be changed.

The legislation that I am introducing today, the Keep American Jobs at Home Act, takes a first step toward eliminating tax and trade policies that favor off-shoring and overseas outsourcing at the expense of American workers. It will eliminate tax breaks for off-shoring and extend wage and training and health care premium assistance to serviceworkers who lose their jobs because of trade.

The first key feature of the bill will eliminate tax breaks for U.S. corporate off-shoring so that corporations cannot ship millions of jobs overseas courtesy of the American taxpayer. The average American probably does not know that his or her taxes are used to offset the off-shoring of their own jobs. That's right: current law allows the taxes of hard-working Americans to go right into the pockets of corporations to help them offshore and outsource American jobs. No corporation should get such a tax break, and no American taxpayer should be asked to foot the bill for their own pink slip.

Today, when a corporation sends executives and staff overseas to scope out a new facility, to buy an existing firm, or to hire foreign workers to replace employees in the United States the corporation can deduct the costs from its gross income. This means that the corporation gets a tax break on the compensation of the executives, the salaries and wages of workers, travel, lodging, meals, the cost of Internet access, computer time, copies, faxes and anything else that falls into the broad category of deductions from gross income for trade and business expenses. This means a corporation get a business expense write-off for just about any item imaginable related to off-shoring.

The bill says the costs of off-shoring and outsourcing will no longer be "ordinary and necessary expenses." When is it ever necessary that a taxpayer foot the bill for her own pink slip? When is it ever necessary that taxpayer dollars subsidize the traveling expenses of a group of executives looking to relocate a manufacturing facility in a foreign country?

A respected industry research group predicts that by the end of this year, one of out every ten jobs in the U.S. IT provider industry will move to emerging markets and one out of every 20 IT jobs within user enterprises. And these figures cover jobs only in the IT sector. Under current law, all of the "ordinary and necessary expenses paid or incurred" in moving these millions of jobs overseas would be deductible from corporate gross income.

If a corporation opts to fire U.S. workers here at home and instead hire workers overseas, then the company should make that business decision based on the full cost of the transaction, not the cost subsidized by tax deductions courtesy of the American taxpayer.

Another important part of the bill will put in place a safety net for displaced IT and other service workers. Such a safety net, known as Trade Adjustment Assistance, or TAA, has been in place since 1962 for displaced manufacturing workers. This provision will make service sector workers displaced by trade eligible for TAA, giving them retraining, income support and a health insurance tax credit.

I was disappointed when this part of the legislation won a majority vote in the United States Senate recently, but failed to reach the 60 vote threshold needed to overcome a point of order raised by opponents. I believe it is more necessary than ever to provide assistance to workers who lose their jobs because of policies the Federal Government has adopted.

Globalization of technology is globalizing the technology workforce. Geography is increasingly less important in determining where a job can be done. The transformation from an economy built on smokestacks to one built on packets of light has come at a heavy price. Today, a software programmer in Beijing or Bangalore can perform the same tasks as a programmer in Beaverton, OR, but the programmer in Beijing or Bangalore will cost the company as little as one-fifth to one-tenth what the American programmer will be paid.

The irony is that some of the very same workers who launched the technology revolution have now become its victims. Hardly a day goes by without a front page story about an American programmer on his way out having to train a foreign worker who will replace him.

The average American may think the Federal Government is helping those tech workers displaced by trade. But it is not. That's because U.S. trade assistance laws were designed for the manufacturing era. Since 1962, when a worker lost his job in a manufacturing plant as a result of trade, he could get help through the TAA. TAA has helped hundreds of thousands of displaced workers.

But workers in the services sector—which now accounts for four-fifths of the U.S. workforce—are not eligible for TAA. Time after time, when a displaced software developer, accountant, or telemedicine support staff has gone knocking on TAA's door for help, they have been turned away. Our bill will open TAA's door to these and other displaced service sector workers. All of these workers who have been displaced by trade deserve the same benefits.

This part of the bill will establish equity in the Trade Adjustment Assistance program between manufacturing and service workers. It will cover three categories of trade-impacted service workers: 1. those who lose their jobs when their employer closes or lays off because of import competition; 2. public and private sector service workers who lose their jobs when their facility moves overseas; and 3. secondary service workers who provide services to a primary firm where workers are eligible for TAA and whose closure causes the layoff or closure at the secondary firm.

Why is TAA so important? Because it provides retraining, income support, health insurance tax credit and other benefits to workers who lose their jobs due to trade. It can also help "secondary workers"—those supplying parts or services and who may lose their jobs when the facility they service shuts down due to import competition or moves overseas.

Another innovative way to encourage the unemployed to reenter the workforce is to provide wage insurance for qualifying displaced workers upon reemployment. Eligible workers receive up to $10,000 over two years to cover up to 50 percent of the difference in salary between a new, lower paying job and their former position. The bill also would lower the qualifying age from 50 to 40. Wage insurance helps ease the burden of reentry for eligible workers who cannot find new employment at wages comparable to their previous positions.

Workers reeling from the off-shoring of service sector jobs cannot afford to wait for the higher-skilled jobs economists promise are around the corner. Higher-value, higher-paid systems integration jobs may come along, but in this jobless recovery unemployed IT professionals are more likely to see Elvis than a sudden proliferation of help wanted ads for new, highly-skilled IT jobs. The wage insurance and TAA pieces of this legislation address what American workers really need: a fighting chance to survive in a relentlessly global economy.

This provision offers corporate boards of directors and officers a safe harbor against shareholder lawsuits involving a business decision not to outsource or off-shore American jobs. A corporation that chooses to keep its workers out of breadlines over the numbers on its bottom line should not run the risk that it could be sued for potentially lower profits or return to shareholders.

In 2002, Congress offered TAA workers help in paying for health insurance while they pursue TAA training or retraining. The vast majority of unemployed workers just don't have the money to afford health care for themselves and their families. The Health Care Tax Credit program was intended to help workers keep coverage until they are reemployed. Unfortunately, the level of premium assistance and bureaucratic obstacles led to fewer than five percent of eligible workers taking advantage of the health care tax credit.

The provisions in Title II of the bill seek to remove these barriers to participation. The bill would boost the premium coverage from 65 percent to 75 percent, clarify that any TAA worker who had three months coverage prior to losing his job is eligible for the HCTC, allow workers to get less expensive group coverage, give coverage to spouses of Medicare-eligible TAA recipients workers, and require the IRS to expedite refunds of the first month's tax credit.

In closing, I recall that the Chairman of the Council of Economic Advisors just a few months ago called off-shoring "just a new way of doing international trade. More things are tradable than were tradable in the past, and that's a good thing. When a good or service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically."

If this is the "new way of doing international trade," the United States needs a new policy to help the nearly 4 million Americans whose information technology and related jobs have been or are expected to be moved overseas. The country needs a tax and trade policy that promotes rather than discourages investment in American workers. The country needs a tax and trade policy that eases rather than increases the pain of worker dislocation and that eliminates the tax breaks that entice U.S. businesses to move overseas. These are the goals of the Keep American Jobs at Home Act, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping American Jobs at Home Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Senate finds the following:

(1) The unusually prolonged period in which there has been negative job growth has caused an unprecedented number of people to refrain from actively looking for work and, therefore, to be excluded from the unemployment measurement, effectively creating a "missing" labor force. If the unemployment rate in February 2004 took into account this missing labor force, the unemployment rate would have been 7.4 percent or 1.8 percent greater than the official rate of 5.6 percent.

(2) Newly released unemployment figures show that the trend toward growing long-term unemployment continued last year, the second year after the recession ended.

(3) An analysis of long-term unemployment from 2000 to 2003 shows that the number of people without work for 6 months or more has risen at the extraordinarily high rate of 198.2 percent over this period, from just over 649,000 in 2000 to nearly 2,000,000 in 2003.

(4) According to the Bureau of Labor Statistics, in 2003, 22.1 percent of all unemployed workers had been out of work for more than 6 months, an increase from 18.3 percent in 2002. This proportion is higher than at comparable points in the recovery periods of the 4 most recent recessions, and is the highest rate since 1983.

(5) In 2005, 588,000 American jobs are projected to be moved overseas. In 2010, that number is expected to grow to 1,600,000 and by 2015, 3,300,000 American jobs will be moved overseas.

(6) In February 2004, the Chairman of the Council of Economic Advisors, called offshoring "just a new way of doing international trade. More things are tradable than were tradable in the past, and that's a good thing. When a good or service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.".

(7) Immediate action is necessary to encourage United States companies to keep American jobs at home, to assist displaced American workers in finding new, family wage jobs, and to assure that the current American workforce has the skills to compete and win in the global economy.

(b) PURPOSE.—The purpose of this Act is to assist displaced American workers during a jobless recovery by—

(1) ensuring displaced workers in the software, information technology, and services sectors have access to the same trade adjustment assistance and health care tax credits as displaced manufacturing workers;

(2) providing wage insurance for qualifying displaced workers upon reemployment (to make up part of the difference between a new, lower salary and a previous, higher salary); and

(3) providing a legal safe harbor for United States businesses that choose to keep American jobs at home.

TITLE I—ASSISTANCE FOR DISPLACED AMERICAN WORKERS

SEC. 101. ELIMINATION OF TAX SUBSIDIES FOR OUTSOURCING OF AMERICAN JOBS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

"SEC. 280I. ELIMINATION OF TAX SUBSIDIES FOR OUTSOURCING OF AMERICAN JOBS.

"(a) IN GENERAL.—No deduction or credit shall be allowed under this chapter with respect to any applicable outsourcing item.

"(b) APPLICABLE OUTSOURCING ITEM.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable outsourcing item' means any item of expense (including any allowance for depreciation or amortization) or loss arising in connection with 1 or more transactions which—

"(A) transfer the production of goods (or the performance of services) from within the United States to outside the United States, and

"(B) result in the replacement of workers who reside in the United States with other workers who reside outside of the United States.

"(2) Certain items included.—The term 'applicable outsourcing item' shall include with respect to any transaction described in paragraph (1)—

"(A) any amount paid or incurred in training the replacement workers described in paragraph (1)(B),

"(B) any amount paid or incurred in transporting tangible property outside the United States in connection with the transfer described in paragraph (1)(A),

"(C) any expense or loss incurred in connection with the sale, abandonment, or other disposition of any property or facility located within the United States and used in the production of goods (or the performance of services) before such transfer,

"(D) expenses paid or incurred for travel in connection with the planning and carrying out of any such transaction,

"(E) any general or administrative expenses properly allocable to any such transaction,

"(F) any amount paid or incurred in connection with any such transaction for the acquisition of any property or facility located outside the United States, and

"(G) any other item specified by the Secretary.

"(3) Certain items not included.—The term 'applicable outsourcing item' shall not include any expenses directly allocable to the sale of goods and services without the United States.

"(c) Regulations.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the provisions of this section. The Secretary shall prescribe initial regulations not later than 180 days after the date of enactment of this section.".

(b) Conforming Amendment.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 280I. Elimination of tax subsidies for outsourcing of American jobs.".

(c) Effective Date.—The amendments made by this section shall apply to transactions occurring on or after the date of enactment of this Act.

SEC. 102. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) Adjustment Assistance for Workers.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking "firm)" and inserting "firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)".

(b) Group Eligibility Requirements.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (1), by inserting "or public agency" after "of the firm"; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking "like or directly competitive with articles produced" and inserting "or services like or directly competitive with articles produced or services provided"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

"(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (2), by inserting "or service" after "related to the article"; and

(C) in paragraph (3)(A), by inserting "or services" after "component parts";

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting "or services" after "value-added production processes";

(ii) by striking "or finishing" and inserting ", finishing, or testing";

(iii) by inserting "or services" after "for articles"; and

(iv) by inserting "(or subdivision)" after "such other firm"; and

(B) in paragraph (4)—

(i) by striking "for articles" and inserting ", or services, used in the production of articles or in the provision of services"; and

(ii) by inserting "(or subdivision)" after "such other firm"; and

(4) by adding at the end the following new subsection:

"(d) Basis for Secretary's Determinations.—

"(1) Increased imports.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) Obtaining services abroad.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a firm in a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

"(3) Authority of the secretary.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.".

(c) Training.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking "$220,000,000" and inserting "$440,000,000".

(d) Definitions.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting "or public agency" after "of a firm"; and

(B) by inserting "or public agency" after "or subdivision";

(2) in paragraph (2)(B), by inserting "or public agency" after "the firm";

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

"(8) The term 'service sector firm' means an entity engaged in the business of providing services.".

(e) Technical Amendment.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ", other than subchapter D".

SEC. 103. WAGE INSURANCE FOR QUALIFYING DISPLACED WORKERS UPON REEMPLOYMENT.

(a) In General.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended to read as follows:

"SEC. 246. WAGE INSURANCE FOR DISPLACED WORKERS.

"(a) In General.—

"(1) Establishment.—The Secretary shall establish a wage insurance program for displaced workers that provides the benefits described in paragraph (2).

"(2) Benefits.

"(A) Payments.—A State shall use the funds provided to the State under section 241 to pay, for a period not to exceed 2 years, to a worker described in paragraph (3)(B), 50 percent of the difference between—

"(i) the wages received by the worker from reemployment; and

"(ii) the wages received by the worker at the time of separation.

"(B) Health insurance.—A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive, for a period not to exceed 2 years, a credit for health insurance costs under section 35 of the Internal Revenue Code of 1986, as added by section 201 of the Trade Act of 2002.

"(3) Eligibility.—

"(A) Firm eligibility.—

"(i) In general.—The Secretary shall provide the opportunity for a group of workers on whose behalf a petition is filed under section 221 to request that the group of workers be certified for the wage insurance program under this section at the time the petition is filed.

"(ii) Criteria.—In determining whether to certify a group of workers as eligible for the wage insurance program, the Secretary shall consider the following criteria:

"(I) Whether the workers in the workers' firm possess skills that are not easily transferable.

"(II) The competitive conditions within the workers' industry.

"(iii) Deadline.—The Secretary shall determine whether the workers in the group are eligible for the wage insurance program by the date specified in section 223(a).

"(B) Individual Eligibility.—A worker in the group that the Secretary has certified as eligible for the wage insurance program may elect to receive benefits under the wage insurance program if the worker—

"(i) is covered by a certification under subchapter A of this chapter;

"(ii) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment; and

"(iii) earns not more than $50,000 a year in wages from reemployment;

"(iv) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(v) does not return to the employment from which the worker was separated.

"(4) Total amount of payments.—The payments described in paragraph (2)(A) made to a worker may not exceed $10,000 per worker during the 2-year eligibility period.

"(5) Limitation on other benefits.—Except as provided in section 238(a)(2)(B), if a worker is receiving payments pursuant to the program established under paragraph (1), the worker shall not be eligible to receive any other benefits under this title.

“(b) Termination.—

“(1) In general.—Except as provided in paragraph (2), no payments may be made by a State under the program established under subsection (a)(1) after the date that is 5 years after the date on which such program is implemented by the State.

“(2) Exception.—Notwithstanding paragraph (1), a worker receiving payments under the program established under subsection (a)(1) on the termination date described in paragraph (1) shall continue to receive such payments provided that the worker meets the criteria described in subsection (a)(3)(B).”.

(b) Conforming Amendment.—The table of contents for title II of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

“Sec. 246. Wage insurance for displaced workers.”.

(c) Effective Date.—The amendments made by this section shall apply to workers certified as eligible for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 on or after the date of enactment of this Act.

SEC. 104. BUSINESS JUDGMENT DEFENSE FOR NON-OUTSOURCING.

Notwithstanding any other provision of law, a determination by the officers or directors of a corporation that it is in the best interest of the corporation to keep jobs within the United States and to not locate the domicile of the corporation outside of the United States, or move or carry out production or other business activities of the corporation or any portion thereof, outside of the United States, shall be considered in any action brought against the corporation based on such determination by the court of competent jurisdiction to be a matter of business judgment, and such officers or directors may not be found to have violated their fiduciary duty to the corporation in any such action, based on that determination.

TITLE II—IMPROVEMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

SEC. 201. EXPEDITED REFUND OF CREDIT FOR PRORATED FIRST MONTHLY PREMIUM AND SUBSEQUENT MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following:

“(e) Expedited Payment of Premiums Paid Prior To Issuance of Certificate.—The program established under subsection (a) shall provide for payment to a certified individual of an amount equal to the percentage specified in section 35(a) of the premiums paid by such individual for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate upon receipt by the Secretary of evidence of such payment by the certified individual.”.

SEC. 202. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA Amendment.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following:

“(C) TAA-eligible individuals.—

“(i) TAA pre-certification period rule.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date the individual is certified by the Secretary (or by any person or entity designated by the Secretary) as being eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) Definitions.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 605(b)(4)(C).”.

(b) PHSA Amendment.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following:

“(C) TAA-eligible individuals.—

“(i) TAA pre-certification period rule.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date the individual is certified by the Secretary (or by any person or entity designated by the Secretary) as being eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) Definitions.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 2205(b)(4)(C).”.

(c) IRC Amendment.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following:

“(D) TAA-eligible individuals.—

“(i) TAA pre-certification period rule.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date the individual is certified by the Secretary of Labor (or by any person or entity designated by the Secretary of Labor) as being eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) Definitions.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 4980B(f)(5)(C)(iv).”.

SEC. 203. CLARIFICATION OF ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) In General.—Subsection (b) of section 35 of the Internal Revenue Code of 1986 (defining eligible coverage month) is amended by adding at the end the following:

“(3) Special rule for spouse of individual entitled to medicare.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.”.

(b) Conforming Amendment.—Section 173(f)(5)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(5)(A)(i)) is amended by inserting “(including with respect to any month for which the eligible individual would have been treated as such but for the application of paragraph (7)(B)(i))” before the comma.

SEC. 204. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) In General.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking “65” and inserting “75”.

(b) Conforming Amendment.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking “65” and inserting “75”.

(c) Effective Date.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

SEC. 205. EXTENSION OF NATIONAL EMERGENCY GRANTS TO FACILITATE ESTABLISHMENT OF GROUP COVERAGE OPTION AND TO PROVIDE INTERIM HEALTH COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO QUALIFY FOR GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS; CLARIFICATION OF REQUIREMENT FOR GROUP COVERAGE OPTION.

(a) In General.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) Use of funds.—

“(A) Health insurance coverage for eligible individuals in order to obtain qualified health insurance that has guaranteed issue and other consumer protections.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) shall be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

“(B) Additional uses.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

“(i) Health insurance coverage.—To assist an eligible individual and such individual's qualifying family members in enrolling in health insurance coverage and qualified health insurance.

“(ii) Administrative expenses and start-up expenses to establish group coverage options for qualified health insurance.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

“(I) eligibility verification activities;

“(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

“(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

“(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

"(V) the development or installation of necessary data management systems; and

"(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat at least 1 of the options described in subparagraphs (B) through (H) of subsection (e)(1) of section 35 of the Internal Revenue Code of 1986 as qualified health insurance under that section.

"(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause."; and

(2) by striking paragraph (2) and inserting the following:

"(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.".

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking "AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002" and inserting "APPROPRIATIONS"; and

(2) by striking subparagraph (A) and inserting the following:

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $300,000,000 for the period of fiscal years 2004 through 2006; and".

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

"(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.".

(d) CLARIFICATION OF REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 (relating to special rules) is amended—

(1) by redesignating paragraph (9) as paragraph (11); and

(2) by inserting after paragraph (8) the following:

"(9) REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—With respect to a State, no credit shall be allowed under this section to an individual who resides in that State on or after the date that is 2 years after the date of the enactment of this paragraph unless, not later than such date, the State has elected to have at least 1 of the options described in subparagraphs (B) through (H) of subsection (e)(1) treated as qualified health insurance under this section.

"(10) GROUP HEALTH PLAN.—For purposes of this section, the term 'group health plan' has the meaning given that term in section 5000(b)(1).".

(e) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

SEC. 206. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in clause (ii)—

(A) in the clause heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2532. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my good friend Senator ENSIGN to co-sponsor a bill that is important to Lincoln County, important to Southern Nevada, and important to America.

The Lincoln County Conservation, Recreation and Development Act of 2004 accommodates southern Nevada's growth and meets our conservation challenges. I am pleased that Congressman GIBBONS, Congresswoman BERKLEY and Congressman PORTER are introducing companion legislation in the House of Representatives today. We are working together on a bipartisan basis to reach fair compromises on a number of difficult issues.

The Lincoln County Conservation, Recreation and Development Act represents a comprehensive plan that balances the needs for infrastructure development, recreation opportunities, and conservation of our natural resources and public lands in Lincoln County, Nevada. Our bill is a broad-based compromise. It creates utility corridors, resolves wilderness study area issues, provides for competitive, Federal land sales, designates a back country off-highway vehicle trail and provides for the conveyance of federal land to the State of Nevada and Lincoln County for use as public parks.

We do not expect everyone to advocate every provision of this bill. In fact, I don't imagine that anyone will champion every provision of this bill. It is a tough compromise and it is a good bill.

I will preface my description of the titles of this bill by reviewing the challenges that public land issues pose in Nevada. Nearly 9 out of every 10 acres in our State are owned and managed by the Federal Government. This includes land managed by the U.S. Forest Service, the Bureau of Reclamation, the Bureau of Land Management, the Department of Energy, the U.S. Navy, the U.S. Army and the U.S. Air Force.

In Lincoln County, the Bureau of Land Management, Fish and Wildlife Service and Department of Defense manage 49 out of every 50 acres—98 percent of the total land area.

Unlike most of America where land use decisions are made by local communities, many land use decisions in Nevada require concurrence of Federal officials and, in some cases, the passage of Federal laws. The Ely Field and the State offices of the BLM bear tremendous responsibilities with respect to the management, development, and conservation of natural resources in eastern Nevada, particularly in Lincoln County. Many of my colleagues from western states identify with the challenges and benefits of Federal land ownership.

In Lincoln County these challenges are compounded by rapid growth and a fragile ecology: The neighboring Las Vegas valley is the fastest growing community in the nation, and the Mojave Desert is one of North America's most extreme and vulnerable regions.

Many people believe this scenario poses an impossible challenge for Lincoln County. Some believe that managing growth in southern Nevada and protecting our desert for future generations are mutually exclusive. Some believe that protecting our air and water quality and recognizing that some open space should be set aside as wilderness are prohibitive barriers to growth that will unnecessarily restrict recreation. Some believe that the federal management of public land is too strict; others find it too lenient.

Some believe that every acre of Lincoln County should be privatized. Some believe that not a single acre should be auctioned from the public domain. The only common thread in these views is that they are perspectives passionately held by Nevadans.

I hope this context illustrates why compromise is not just desirable but necessary.

We fully expect some criticism for what this bill does not do. For example, it does not designate the more than 2.5 million acres that the Nevada Wilderness Coalition advocates in Lincoln County. Nor does the bill release all the wilderness study areas in Lincoln County as others advocate. Our compromise is fair, forward-looking and provides for conservation, recreation and development in Lincoln County and for southern Nevada.

The Lincoln County Conservation, Recreation and Development Act will enhance our quality of life, protect our environment for our children and grandchildren, and make public land available for housing, growth of the industrial base and infrastructure to meet community needs.

As I discuss each title of this bill, I will explain how these provisions reflect our shared effort to improve the quality of life and enhance economic opportunities for Nevadans while enriching and protecting the awe-inspiring natural and cultural resources with which southern Nevada is blessed. This bill will benefit Nevadans today, and for generations to come.

TITLE I—LAND SALES

The first title of our bill serves to increase the percentage of privately held ground in Lincoln County so local property taxes can better sustain basic governmental services. Some people oppose selling Federal land under any circumstances. However, in a case such as Lincoln County, where 98 percent of the 6.8 million acres is federally owned, blind and blanket opposition to land sales simply defies common sense.

Our bill makes available for auction up to about 90,000 acres, currently managed by the Bureau of Land Management. Further, the bill directs the BLM to proceed with the auctions required by the Lincoln County Land Act of 2000.

With respect to the 90,000 acres to be auctioned within Lincoln County, we provide for annual auctions until the acreage is sold or the County determines it prefers for the land to remain in Federal ownership. The bill does not stipulate how much acreage should or could be sold in a given year, or exactly which parcels of land should be sold, because those decisions are better left to the County, the municipalities, and citizens working in cooperation with the BLM.

This basic framework for so-called joint selection has worked very well in Clark County and we expect that it will be similarly successful in Lincoln County. This bill will greatly enhance the self determination of communities in Lincoln County.

The bill includes a provision that allows the Federal Government to retain up to 10,000 acres of the 90,000 set aside for disposal based on natural and cultural resource values. For example, if the land disposal areas in this bill include, unbeknownst to us, a significant petroglyph site or a population of a threatened or endangered species, the Secretary could choose to retain ownership.

As I have noted before on this floor, when Congress passed the Southern Nevada Public Lands Management Act of 1998, it established a new paradigm for the sale of public lands in Clark County, Nevada. One of the core principles of this new way of doing business was that the proceeds from the sale of Federal lands should be reinvested in Federal, State, and local environmental protection, infrastructure and recreational enhancements in the areas and communities where the lands are sold.

This bill is patterned after that law and provides a revenue source for following through on the various provisions of this bill such as the creation and management of an off-highway vehicle route and new wilderness areas.

TITLE II—WILDERNESS

Nevada has more than 80 wilderness study areas on Federal land across the State. These areas, which are primarily owned by the Bureau of Land Management, are managed to protect wilderness character land. These areas remain as de facto wilderness until Congress passes legislation either designating the land as wilderness or releasing the land from wilderness study area consideration.

Although there is broad support for addressing Nevada's wilderness study areas through Federal legislation, there is no consensus on how to do so. Those who advocate for wilderness designation and those who oppose further additions to the wilderness system hold strong and, in may cases, irreconcilable views on this issue.

Those of us who wrote this bill hold different views regarding wilderness. In developing the wilderness component of this bill, Senator ENSIGN, Congressman GIBBONS and I made compromises that will concern all interested parties. Our bill designates more wilderness than some advocates can support, and it falls short of the 2.5 million acres that some wilderness proponents are fighting to designate in Lincoln County alone. In any case, this bill is a critical step toward addressing the outstanding wilderness study issues in the state of Nevada.

Our bill designates wilderness and releases wilderness study areas. It designates 14 wilderness areas, all of which are under the purview of the Bureau of Land Management, totaling roughly 770,000 acres. The bill releases roughly 246,000 acres from wilderness study area status, including four BLM study areas which are released in their entirety and portions of other WSAs throughout Lincoln County. This legislation resolves all but two of the wilderness study areas in Lincoln County. Those two areas, Mt. Grafton WSA and the South Egans WSA are more than half in White Pine County and will be addressed when the Congressional delegation creates a public land bill for White Pine County.

Our bill provides for wilderness management protocols that address the particular circumstances of southern Nevada much as we did in the Clark County Conservation of Public Lands Act of 2002. For example, we explicitly require the Secretary of Interior to allow for the construction, maintenance and replacement of water catchments known as guzzlers when and where that action will enhance wilderness wildlife resources, such as bighorn sheep. In addition, we believe that the use of motor vehicles should be allowed to achieve these purposes when there is no reasonable alternative and it does not require the creation of new roads.

Some wilderness purists argue that these man-made water projects disturb the ecosystems of the Mojave Desert. I believe that guzzlers can actually help restore more natural function to ecosystems that have been forever fragmented by development. These projects, which are privately funded and hand built by dedicated conservationists, have a legitimate place in southern Nevada wilderness and our bill is clear on that point.

In our effort to create a fair wilderness designation, we have benefited from the advice and suggestions of many Nevadans representing a spectrum of views. These advocates include the Nevada Land Users Coalition, the Lincoln County Commission, The Nevada Wilderness Project, The Fraternity of Desert Bighorns, the State of Nevada, Red Rock Audubon, Friends of Nevada Wilderness, Lincoln County residents, Partners in Conservation, ranchers and miners, to name just a few.

Although our compromise does not mirror the specifics of any stakeholder wilderness proposal, it does reflect careful consideration of the constructive suggestions and ideas offered by interested Nevadans. We appreciate their help, and our compromise honors our commitment to listen carefully to all parties. We are also grateful for the help we have received from the Federal land managers in Lincoln County. We look forward to working with them to improve this bill in ways that will make their jobs easier, and enhance the experience of those who use public land.

TITLE III—UTILITY CORRIDORS

The third title of this legislation establishes rights-of-way on Federal land within discrete multi-purpose utility corridors in Lincoln and Clark Counties. By designating these corridors, this bill serves to consolidate the process for establishing utility corridors and rights-of-way on the BLM land in question.

I would like to spend a few moments elaborating on what we do and do not intend this bill to accomplish with respect to utility corridors and rights-of-way.

Last year the Southern Nevada Water Authority and the Lincoln County Commission signed an agreement ending a number of decades-old groundwater disputes in Lincoln County. As a result of this agreement various protests and counter-protests between Southern Nevada Water Authority and Lincoln County were amicably resolved. Subsequent to reaching this agreement, the SNWA and Lincoln County requested that the Nevada Congressional delegation introduce legislation to help put their plans into action.

This bill partly satisfies those requests. It does not, however, provide for everything either the SNWA or Lincoln County Commission wanted. For example, it provides substantially fewer miles of corridor than they requested and focuses specifically on corridors for trunk lines. This is analogous to painting the trunk and major limbs of a tree but not the branches, twigs and leaves. We provide routes for arterial water pipelines, but not for every well pad and secondary feeder.

This legislation relocates an existing utility corridor from the east to the west side of Highway 93 between the Highway 93 Highway 168 junction and the Kane Springs Road Highway 93 junction. This returns the utility corridor to its original location prior to passage of the Florida-Nevada Land Exchange bill. The owners of the private property currently encumbered by the utility corridor will pay the Federal Government fair market value for the appreciation of their property due to this provision.

Our bill stipulates that prior to the designation of any right-of-way provided for in this bill, the proponents must complete a full environmental impact statement pursuant to the provisions of the National Environmental Policy Act of 1969. Our bill is not intended to provide short cuts around Federal environmental laws. Rather it recognizes that one comprehensive environmental statement regarding the impact of water utility corridors and water development in Lincoln County is necessary, but that environmental reviews for the establishment of utility corridors and permission to build pipelines need not be conducted separately.

It is also worth noting that our bill explicitly recognizes the role the State Engineer plays in Nevada water law, and makes it crystal clear that this bill is not intended to influence his decisions regarding water rights adjudications or any of his other important responsibilities.

Finally, our bill authorizes the United States Geological Survey to conduct a hydrogeologic study of the water resources in White Pine County. This study should establish greater certainty regarding the water resources of east-central Nevada, and provide a basis for increasingly well-informed resource decisions in the future.

TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

This bill establishes an off-highway vehicle route in central Lincoln County as the Silver State Off-Highway Vehicle Trail. The Silver State Trail is a combination of existing back-country roads that are currently open and being used.

Sadly, much of rural Nevada is suffering the consequences of uncontrolled off-road vehicle use. Lincoln County is no different. And as more and more Nevadans seek recreation opportunities in Lincoln County, this situation is likely to get worse before it gets better.

Many public land users enjoy backcountry, motorized travel and the vast majority of these citizens treat public lands with respect and care. Some of these responsible stewards helped us design this route.

The Silver State Trail will serve as both a recreational and educational resource. It will be open to the full range of recreationists including off-highway vehicle users and mountain bikers. By providing an appropriate place for off-highway vehicle enthusiasts to explore Lincoln County, this bill will help locally focus off-highway vehicle use on our public lands and educate public land users.

Interested citizens will work with the Bureau of Land Management and local governments to develop a management plan for the Silver State Trail. This plan will increase recreational use and mitigate the negative impacts of such activity. If this Silver State Trail is not established, off-highway vehicle use will not go away; it will just do more damage, in many cases unintended and avoidable damage, to our public lands. I hope this trail will give public land users additional opportunities to develop a deeper and better appreciation for the Mojave Desert and how it can be used and how it must be protected.

TITLE V—STATE AND COUNTY PARK CONVEYANCES

Our bill includes a title dedicated to the creation of parks for Lincoln County and the State of Nevada. In the case of Nevada State Parks, we provide for the conveyance of three parcels of land that are currently leased to the State of Nevada by the Bureau of Land Management. These conveyances are contingent upon agreement between Lincoln County and the State of Nevada supporting the ownership transfers. In the case of Lincoln County, this bill provides for the conveyance of about 18,000 acres for use as open space and public parks. In both cases, if the land is not used for a public park or open space purpose, the land will revert to Federal ownership.

This title of our bill represents a conservation grant package to the State and County that should pay dividends for conservation and recreation in Lincoln County for generations to come.

TITLE VI—TRANSFERS OF JURISDICTION

During the development of this bill we decided against addressing wilderness issues within the Desert National Wildlife Range. This is a major disappointment to some in the environmental community who view the wilderness resources in the Range as some of the most pristine and wild country in the Mojave Desert.

It is clear that significant acreage within the Desert Game Range meets the criteria of the Wilderness Act of 1964, and someday it may yet be recognized as such. In the meantime the areas in question will continue to be managed by the Fish and Wildlife Service according to its mission.

This legislation does convey approximately 8,000 acres from the U.S. Fish and Wildlife Service to the BLM, which will manage it as a utility corridor, and conveys a similar amount of acreage from the BLM to the Fish and Wildlife Service for inclusion in the Desert National Wildlife Range. These areas lie between State Highway 93 and the Sheep Range and this transfer helps rationalize the Federal land ownership pattern in northern Clark County and southern Lincoln County.

This legislation, the Lincoln County Conservation, Recreation, and Development Act of 2004, is a many-faceted compromise. It is an ambitious bill. It is a complex bill. And it is an important bill for Lincoln County and all of southern Nevada.

I look forward to working with the Chairman and Ranking Member of the Senate Energy and Natural Resources Committee to ensure timely review and passage of this bill.

By Ms. MIKULSKI (for herself, Mr. BOND, Mr. GRAHAM of Florida, Mr. GRASSLEY, Mr. DASCHLE, Mr. WARNER, Mrs. CLINTON, Ms. COLLINS, Mr. KENNEDY, Mr. ALEXANDER, Mr. BREAUX, Mr. DEWINE, Mr. LAUTENBERG, Mr. ROBERTS, Mr. CORZINE, Mr. TALENT, Mr. SARBANES, Mr. ALLEN, Mr. DURBIN, Mr. HAGEL, Mr. KERRY, Mrs. DOLE, Mr. CARPER, Mr. SMITH, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. EDWARDS, Ms. MURKOWSKI, Mr. DAYTON, Mr. DOMENICI, Mrs. MURRAY, Mr. HATCH, Mr. SCHUMER, Mr. HOLLINGS, Mr. BAYH, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr.

DODD, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. JOHNSON, and Mr. HARKIN):

S. 2533. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to announce the introduction of the Ronald Reagan Alzheimer's Breakthrough Act of 2004. I believe the greatest tribute to President Reagan and the Reagan family is a living memorial. That is why I am introducing this legislation with my colleague, Senator KIT BOND. Our legislation makes an all out effort to spark and accelerate breakthroughs for Alzheimer's. The legislation supports research on how to prevent the disease, how to care for people who have it, and initiatives to support those who are caregivers. Let's celebrate President Reagan's life of vigor by attacking Alzheimer's with vigor.

The time to act for real breakthroughs is now. Just last month, Senator BOND and I held a hearing on Alzheimer's research. Expert after expert told us: We are on the verge of amazing breakthroughs; we will lose opportunities if we don't move quickly; we are at a crucial point where NIH funding can make a real difference. Researchers, families, and advocates all said the same thing, we need to do more, and we need to do better. I believe that the answer to that call is passing the Ronald Reagan Alzheimer's Breakthrough Act of 2004.

We are truly on the brink of something that can make a huge difference for American families. We know that families face great difficulties when a loved one has Alzheimer's. There is great emotional cost as well as financial cost. We know that for our public investment we could get new treatments that would prolong a patient's cognitive abilities. Each month we delay admission to a long-term care facility is important to the family and to the taxpayer. Everybody wants a cure; that is our ultimate goal. But even if we keep people at home for 1 or 2 more years, to help them with their memory, and their activities of daily living, it would be an incredible breakthrough.

Our bill would do three things. First, it would strengthen our national commitment to Alzheimer's research. The legislation doubles the funding for Alzheimer's research at the National Institutes of Health from $700 million to $1.4 billion. We need to give researchers the resources they need to make breakthroughs that are on the horizon in diagnosis, prevention and intervention. Also, our bill calls for a National Summit on Alzheimer's that would bring together the best minds to look at priorities for research moving forward.

Second, our bill provides critical support for caregivers. The family is always the first caregiver. The nation saw what a family of prestige and means went through; imagine what other American families are going through. The legislation creates a tax credit for families caring for a loved one with a chronic condition, like Alzheimer's, that would help them pay for prescription drugs, home health care and specialized day care. Also, it helps create one-stop shops across the country so families can find services like respite care, adult day care and training for caregivers.

Third, our legislation promotes News You Can Use for families and physicians. Incredible advances are being made every day. We need to get the word out so families and doctors know the most current information. The Alzheimer's Association has been doing a great job with their "Maintain Your Brain" campaign; however, philanthropic efforts of advocacy groups are not a substitute for public policy. Our bill builds on these efforts to create an effective public education strategy.

It is amazing how far we have come. Back in the early 1980s, Alzheimer's was a catch-all term for any kind of memory loss. Today, doctors diagnose Alzheimer's with 90-percent accuracy. Every day NIH is making progress to identify risks, looking at new kinds of brain scans for appropriate detection, and understanding what this disease does to the brain.

How did we get this far, this fast? With a bipartisan commitment of the authorizers and appropriators. Together, we have been working to increase the funding for the National Institute on Aging. In 1998 the National Institute on Aging was funded at approximately $500 million. Thanks to our bipartisan effort, it is at $1 billion. Now is the time to do more.

My own dear father had Alzheimer's. I remember when I would go to visit him. It didn't matter that I was a United States Senator; it didn't matter that I could get Nobel Prize winners on the phone. The research and treatments didn't exist for my father, for President Reagan, or for more than 4 million families. Alzheimer's is an All American disease that affected an All American President. Now we need an All American effort to speed up the breakthroughs so no family has to go through the long goodbye.

I urge my colleagues to support this bill and move swiftly to enact it into law.

Mr. BOND. Mr. President, I rise today to speak of the life, leadership and the truly remarkable legacy of the 40th President of the United States, Ronald Reagan.

President Reagan was a great communicator with a powerful message. He preached the gospel of hope, freedom and opportunity not just for America but for the world. Reagan was a genuinely optimistic person who brought that spirit of optimism and hope to the American people and to enslaved peoples around the world. He was a man who took disappointment and moved on. He was a man of unfailing good humor, care and thoughtfulness. Even people who disagreed with his policies across the board could not help but like him.

In the U.S., his policies encouraged the return of more tax dollars to average Americans and unfettered entrepreneurship to create jobs and build the economy. Reagan's strong military opposition to the Soviet Union helped bring down the walls that harbored communism and tyranny throughout Eastern Europe and much of the world.

In a letter to the American people in 1994 Ronald Reagan announced he was one of the millions of Americans with Alzheimer's disease. One of the most courageous things Ronald and Nancy Reagan did was to announce publicly that he had Alzheimer's disease. Through their courage and commitment, the former President and his wife, Nancy, changed the face of Alzheimer's disease by increasing public awareness of the disease and of the need for research into its causes and prevention.

In honor of Ronald Reagan, today my colleague Senator MIKULSKI and I are introducing the Ronald Reagan Alzheimer's Breakthrough Act of 2004. This bill will increase research for Alzheimer's and increase assistance to Alzheimer, patients and their families. This bill will serve as a living tribute to President Reagan and will: 1. double funding for Alzheimer's Research at the National Institute of Health; 2. increase funding for the National Family Caregiver Support Program from $153 million to $250 million; 3. reauthorize the Alzheimer's Demonstration Grant Program that provides grants to states to fill in gaps in Alzheimer's services such as respite care, home health care, and day care; 4. authorize $1 million for the Safe Return Program to assist in the identification and safe, timely return of individuals with Alzheimer's disease and related dementias who wander off from their caregivers; 5. Establish a public education campaign to educate members of the public about prevention techniques that can maintain their brain" as they age, based on the current research being undertaken by NIH; 6. establish a $3,000 tax credit for caregivers to help with the high health costs of caring for a loved one at home; and 7. encourage families to prepare for their long term needs by providing an above-the-line tax deduction for the purchase of long term care insurance.

Ironically it was President Reagan who drew national attention to Alzheimer's for the very first time when he launched a national campaign against Alzheimer's disease some 22 years ago.

In 1983 President Reagan proclaimed November as National Alzheimer's Disease Month. In his proclamation President Reagan said "the emotional, financial and social consequences of Alzheimer's disease are so devastating that it deserves special attention. Science and clinical medicine are striving to improve our understanding of what causes Alzheimer's disease and how to treat is successfully. Right now, research is the only hope for victims and families."

Today, approximately 4.5 million Americans have Alzheimer's, with annual costs for this disease estimated to exceed $100 billion. Today there are more than 4.5 million people in the United States with Alzheimer's, and that number is expected to grow by 70 percent by 2030 as baby boomers age.

In my home State of Missouri, alone, there are over 110,000 people with Alzheimer's disease. Based on population growth, unless science finds a way to prevent or delay the onset of this disease, that number will increase to over 130,000 by 2025—that is an 18 percent increase.

In large part due to President Reagan, there has been enormous progress in Alzheimer research—95 percent of what we know we discovered during the past 15 years. There is real potential for major breakthroughs in the next 10 years. Baby boomers could be the first generation to face a future without Alzheimer's disease if we act now to achieve breakthroughs in science.

President and Mrs. Reagan have been leading advocates in the fight against Alzheimer's for more than 20 years, and million of American have been helped by their dedication, compassion and effort to support caregivers, raise public awareness about Alzheimer's disease and increase of nation's commitment to Alzheimer's research.

This bill will serve as a living tribute to President Reagan and will offer hope to all those suffering from the disease today. As we celebrate the life and legacy of Ronald Reagan, we are inspired by his legendary optimism and hope, and today we move forward to confront this expanding public health crisis with renewed vigor, passion, and compassion.

Mr. GRAHAM of Florida. Mr. President, the death last week of President Ronald Reagan has focused our attention on the ravages that Alzheimer's inflicts not only on the person with the disease, but the entire family.

Alzheimer's disease currently affects 4.5 million Americans. As the baby boom generation ages that number is expected to explode. Without advances in prevention, diagnosis and treatment, we can not only expect a growing emotional toll on those suffering from the disease and their families, but also a significant drain on the already strained resources of the Medicare and Medicaid programs.

However, there is reason to be hopeful. We now know that Alzheimer's Disease is not a normal part of aging, and that there may be ways to prevent the disease. Scientists are beginning to focus on the protective effects of mental, physical and social activity, and believe that following a diet and exercise program similar to that for people with heart disease may delay the onset of Alzheimer's.

The legislation will accelerate important prevention research, in part by putting the National Institute of Aging Alzheimer's Disease Prevention Initiative into law.

In addition, this legislation includes two important changes to our tax laws that would provide greater Federal assistance to those who bear the burden of assisting patients with Alzheimer's and other conditions requiring long-term care. Over 13 million people in the United States need help with basic activities of daily living such as eating, getting in and out of bed, getting around inside, dressing, bathing and using the toilet. While many Americans believe that long-term care is an issue primarily affecting seniors, the reality is that 5.2 million adults between the ages of 18-64 and over 450,000 children need long-term care services today. These numbers are expected to double as the baby boom generation begins to retire.

Most long-term care is provided at home or in the community by informal caregivers. However, in situations where individuals must enter nursing homes or other institutional facilities, costs are paid largely out-of-pocket. Such a financing structure jeopardizes the retirement security of many Americans who have worked hard their entire lives.

The Ronald Reagan Alzheimer's Breakthrough Act provides two important tools to help Americans and their families meet their immediate and future long-term care needs—an above-the-line income tax deduction for the purchase of long-term care insurance and a caregiver tax credit.

First, the bill provides an above-the-line deduction for long-term care premiums to make long-term care insurance more affordable for a greater number of Americans. Today, such premiums are deductible, but the availability of the deduction is severely limited. First, the current deduction is available only for the thirty percent of taxpayers who itemize their deductions. That leaves the remaining seventy percent of taxpayers with absolutely no benefit. Second, the deduction is limited to an amount, which in addition to other medical expenses exceeds 7.5 percent the taxpayers adjusted gross income. This AGI limit further decreases the utilization of the current deduction.

Our legislation removes these restrictions and makes the deduction for long-term care premiums available to all taxpayers.

In order to provide sufficient incentives for families to maintain long-term care coverage, the deduction allowed under this bill increases the longer the policy is maintained. The deduction starts at 60 percent for premiums paid during the first year of coverage and gradually increases each year thereafter until the deduction reaches 100 percent after at least four years of continuous coverage. This schedule is accelerated for those age 55 or older. For those individuals, the deduction starts at 70 percent for the first year and increases to 100 percent after at least two years of continuous coverage.

Second, the bill provides an income tax credit for taxpayers with long-term care needs. The credit is phased in over 4 years, starting at $1,000 for 2003 and eventually reaching $3,000. To target assistance to those most in need, the credit phases out for married couples with income above $150,000 $75,000 for single taxpayers)"

The bill also updates the requirements that long-term care policies must meet in order to qualify for the income tax deduction. These updated requirements reflect the most recent model regulations and code issued by the National Association of Insurance Commissioners.

I urge my colleagues to join Senators MIKULSKI, BOND, GRASSLEY, CLINTON, WARNER and me in cosponsoring this legislation.

By Mr. GRAHAM of Florida:

S. 2534. A bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. GRAHAM of Florida. Mr. President, as Ranking Member of the Committee on Veterans' Affairs, I urge my colleagues to support the legislation I introduce today, the proposed "G.I. Bill for the 21st Century," a bill to improve home-buying and education options for America's veterans.

We have reached a milestone in American history. The pending measure is a fitting tribute to our nation's veterans as we celebrate the 60th anniversary of the Servicemen's Readjustment Act of 1944, better known as the "G.I. Bill." The G.I. Bill, for veterans of World War II, is recognized as one of the most important acts of Congress.

The G.I. Bill ensured that all who sacrificed through service would not be penalized as a result of their war service and upon their return would be aided in reaching the positions which they might have occupied had their lives not been interrupted by war. This legendary piece of legislation alleviated postwar troubles and anticipated economic depression. During the past six decades, this government has invested billions of dollars in education and training for veterans. America has received a return on its investments many times over, resulting in a better educated, better trained, and dramatically changed society. In fact, many Members of this Senate have benefited from its far-reaching impact. In addition to its provisions for education and training, the G.I. Bill allowed millions of veterans the opportunity to purchase homes, transforming the majority of Americans from renters to homeowners.

The G.I. Bill not only eased the transition of servicemen and women back into civilian life, it transformed American society. The social and economic class structure of the United States was forever changed and the boundaries that once encompassed class status were blurred. The bill expanded opportunities for lower- and middle-class families to own their own homes and to attend college. This expansion led to the evolution of the higher education system and paved the way for future individuals from all cultural and economic backgrounds to have access to higher education. The 7.8 million men and women who used their G.I. Bill benefits cultivated a new and progressive workforce that placed more people in professional career roles, especially in critical-need areas such as education, engineering, and health care.

We must continue to ensure that veterans' education benefits change to meet the needs of veterans and their families who use them. We should continue with the original intent of the G.I. Bill to increase the ability of our veterans to acquire higher education. We have servicemembers fighting the war on terrorism world-wide and a whole new generation of combat veterans being created, as was the situation during World War II. We should make every effort to accommodate the educational needs of our veterans, and these changes to the Montgomery G.I. Bill, known as MGIB, are an important step in doing so.

"The G.I. Bill for the 21st Century" would exclude MGIB benefits from computation as income when calculating campus-based student financial aid, such as Perkins Loans. This, importantly, draws the distinction between a benefit that has been earned, and paid for, by the veteran, and other types of income. This end is furthered by allowing the individual applying for financial aid to subtract $1200 from the expected family contribution. This $1200 represents the money that the individual paid to participate in the MGIB program. Clearly it should not be counted as part of the veteran's income to pay for school. This legislation is in keeping with legislation that I introduced, and that became law, in 1998 that excluded veterans education benefits from being considered as income in the computation of some forms of financial aid.

This legislation also offers an opportunity for enrollment in the MGIB education program for servicemembers who participated in or were eligible to participate in the post-Vietnam era educational assistance program, known as VEAP. Congress created an enrollment window for VEAP-eligible servicemembers to convert to the far more comprehensive MGIB. However, some servicemembers were not able to participate because of financial reasons or did not learn of the enrollment period in time to make the deadline. These individuals have contacted Members of Congress to create another window. As my colleagues know, education can be the key to a successful transition to civilian life. This bill creates a one-year window and requires the servicemember to pay $2700, which was the VEAP contribution.

I have spoken with many veterans and widows of veterans who were not able to immediately go to school. By the time they enrolled, their benefits were expiring. That is why this legislation maintains the 10-year delimiting period for veterans, surviving spouses, and dependents that enroll in training programs, which does not begin to toll until the individual begins the program of study. This would allow eligible participants to utilize the benefit when best for them.

In keeping with my commitment to evolve the educational assistance benefit to meet the needs of those using it, the bill that I introduce today would make national admissions exams such as the SAT, GRE, LSAT and GMAT, and national exams for credit at institutions of higher education, such as the AP exam covered by MGIB. This would greatly aid the individuals who have been absent from an academic setting for a long period of time and would go a long way in preparing them for their educational endeavors.

As we face the greatest mobilization of troops since World War II, it is only fitting that we act in the spirit of the G.I. Bill to dramatically increase the ability of our veterans and their families to buy homes in competitive housing markets throughout the nation. This bill would change the method by which Congress establishes the maximum amount veterans may borrow through the VA home loan guaranty program.

This legislation would index the maximum VA guaranty loan amount at 100 percent of the Freddie Mac conforming loan limit. Under the current system, a specific dollar figure for the VA maximum loan amount is set by legislation. The maximum loan limit has not been changed since 2001. The current maximum guaranty is $60,000, which allows veterans to secure loans to purchase homes costing up to $240,000. Since that time, the Freddie Mac conforming loan rate has increased by over 18 percent. Sadly, the VA loan limit has not kept pace and currently represents only 74 percent of the Freddie Mac conforming loan limit. The change would also allow for annual adjustments to the amounts available to veterans, without annual legislation, ensuring that the VA home loan guaranty benefit remain viable in competitive housing markets.

In 1999, Congress passed legislation that changed the Federal Housing Administration (FHA) Loan Program and permanently indexed FHA loans at 87 percent of the Freddie Mac conforming loan limit. Why should we penalize the buying power of our veterans by maintaining a system that has failed to keep pace with annual increases in housing costs throughout the United States? To recognize this service and sacrifice, it only seems right that the loan limit available to veterans be set at a higher rate than the FHA limit. By indexing the VA loan limit at 100 percent, the current VA maximum loan amount would increase from $240,000 to $333,700 and give our veterans greater buying power in a national housing market where the cost of a home continues to rise.

In addition, the Congressional Budget Office, known as CBO, has informally projected that from 2005 to 2009 this increase will help over 10,000 new buyers participate in the VA Loan Guaranty Program. The Budget Office has also projected that the increase in new veteran buyers would generate savings of more than $200 million over the next five years. These savings will then be passed on to our veterans in the form of increased education and training opportunities.

We must fight to ensure that veterans' education benefits are as flexible as those who left their homes and served freedom around the globe at their country's call to service. And, in keeping with the original intent of the G.I. Bill, raising the VA home loan guaranty limit would help more veterans realize the American dream of owning a home of their own. I urge my colleagues to join me in supporting these worthwhile efforts.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montgomery GI Bill for the 21st Century Act".

SEC. 2. EXCLUSION OF BASIC PAY CONTRIBUTIONS FOR PARTICIPATION IN BASIC EDUCATIONAL ASSISTANCE IN CERTAIN COMPUTATIONS ON STUDENT FINANCIAL AID.

(a) EXCLUSION.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020A. Exclusion of basic pay contributions in certain computations on student financial aid

"(a) IN GENERAL.—The expected family contribution computed under section 475, 476, or 477 of the Higher Education Act of 1965 (20 U.S.C. 1087oo, 1087pp, 1087qq) for a covered student shall be decreased by $1,200 for the applicable year.

"(b) DEFINITIONS.—In this section:

"(1) The term 'academic year' has the meaning given the term in section 481(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(2)).

"(2) The term 'applicable year' means the first academic year for which a student uses entitlement to basic educational assistance under this chapter.

"(3) The term 'covered student' means any individual entitled to basic educational assistance under this chapter whose basic pay or voluntary separation incentives was or were subject to reduction under section 3011(b), 3012(c), 3018(c), 3018A(b), or 3018B(b) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3020 the following new item:

"3020A. Exclusion of basic pay contributions in certain computations on student financial aid.".

SEC. 3. OPPORTUNITY FOR ENROLLMENT IN BASIC EDUCATIONAL ASSISTANCE PROGRAM OF CERTAIN INDIVIDUALS WHO PARTICIPATED OR WERE ELIGIBLE TO PARTICIPATE IN POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM.

(a) OPPORTUNITY FOR ENROLLMENT.—Section 3018C(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "or (3)" after "paragraph (2)";

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) A qualified individual referred to in paragraph (1) is also an individual who meets each of the following requirements:

"(A) The individual is a participant in the educational benefits program under chapter 32 of this title as of the date of the enactment of the Montgomery GI Bill for the 21st Century Act, or was eligible to participate in such program, but had not participated in that program or any other educational benefits program under this title, as of that date.

"(B) The individual meets the requirements of subsection (a)(3).

"(C) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.";

(4) in paragraph (5), as so redesignated, by striking "paragraph (3)(A)(ii)" and inserting "paragraph (4)(A)(ii)"; and

(5) in paragraph (6), as so redesignated, by inserting ", or individuals eligible to participate in that program who have not participated in that program or any other educational benefits program under this title," after "chapter 32 of this title".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 3018C. Opportunity to enroll: certain VEAP participants; certain individuals eligible for participation in VEAP".

(2) The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3018C and inserting the following new item:

"3018C. Opportunity to enroll: certain VEAP participants; certain individuals eligible for participation in VEAP.".

SEC. 4. COMMENCEMENT OF 10-YEAR DELIMITING PERIOD FOR VETERANS, SURVIVORS, AND DEPENDENTS WHO ENROLL IN TRAINING PROGRAM.

(a) VETERANS.—Section 3031 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "through (g), and subject to subsection (h)" and inserting "through (h), and subject to subsection (i)";

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

"(h) In the case of an individual eligible for educational assistance under this chapter who, during the 10-year period described in subsection (a) of this section, enrolls in a program of training under this chapter, the period during which the individual may use the individual's entitlement to educational assistance under this chapter expires on the last day of the 10-year period beginning on the first day of the individual's pursuit of such program of training.".

(b) ELIGIBLE CHILDREN.—Subsection (a) of section 3512 of such title is amended—

(1) in paragraph (6)(B), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) if the person enrolls in a program of special restorative training under subchapter V of this chapter, such period shall begin on the first day of the person's pursuit of such program of special restorative training.".

(c) ELIGIBLE SURVIVING SPOUSES.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in section 3501(a)(1)(B) or (D)(ii) of this title) who, during the 10-year period described in paragraph (1) of this subsection, enrolls in a program of special restorative training under subchapter V of this chapter may be afforded educational assistance under this chapter during the 10-year period beginning on the first day of the individual's pursuit of such program of special restorative training.".

SEC. 5. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR NATIONAL ADMISSIONS EXAMS AND NATIONAL EXAMS FOR CREDIT AT INSTITUTIONS OF HIGHER EDUCATION.

(a) COVERED EXAMS.—Sections 3452(b) and 3501(a)(5) of title 38, United States Code, are each amended by adding at the end the following new sentence: "Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the SAT, LSAT, GRE, and GMAT exams) and national tests providing an opportunity for course credit at institutions of higher learning (such as the AP exam).".

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 of such title is amended by adding at the end the following new subsection:

"(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

"(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.".

(2) CHAPTER 32.—Section 3232 of such title is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.".

(3) CHAPTER 34.—Section 3482 of such title is amended by adding at the end the following new subsection:

"(i)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.".

(4) CHAPTER 35.—Section 3532 of such title is amended by adding at the end the following new subsection:

"(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3501(a)(5) of this title is the amount of the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.".

SEC. 6. INCREASE IN MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) of title 38, United States Code, is amended by striking "$60,000" each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting "the maximum guaranty amount (as defined in subparagraph (C))".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

"(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 380—HONORING THE DETROIT PISTONS ON WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP ON JUNE 15, 2004

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas the Detroit Pistons finished second in the Central Division of the Eastern Conference and won the National Basketball Association (NBA) World Championship for the first time since winning back to back Championships in 1989 and 1990;

Whereas the Detroit Pistons is the first Eastern Conference team to win the Championship since 1998;

Whereas the Detroit Pistons by defeating the heavily-favored Los Angeles Lakers 4 games to 1 showed grit, determination, discipline, and unity, thereby securing their third National Basketball Association World Championship;

Whereas the Detroit Pistons completed an incredible season with strong performances from many key players, including Finals Most Valuable Player Chauncey Billups, two-time Defensive Player of the Year Ben Wallace, a new head coach in Larry Brown and savvy front office executives such as Joe Dumars;

Whereas Detroit Pistons owner Bill Davidson became the first owner to win an NBA and WNBA championship, as well as the Stanley Cup championship, in the span of 12 months;

Whereas President of Basketball Operations Joe Dumars built a cohesive championship team through smart draft choices, key free agent signings and bold trades, including the mid-season acquisition of Rasheed Wallace, a vital part of the Pistons' impenetrable frontline;

Whereas Detroit Pistons Head Coach Larry Brown, the oldest coach to win an NBA Championship, became the first coach to win both an NBA and NCAA championship;

Whereas each member of the Detroit Pistons roster, including Chauncey Billups, Elden Campbell, Tremaine Fowlkes, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, Corliss Williamson, made meaningful contributions to the success of the basketball team and proved once again that the whole can be greater than the sum of its parts;

Whereas Detroit Pistons fans made a meaningful contribution to the success of their basketball team through their energy and passion which was on display throughout the regular season and playoffs at the Palace at Auburn Hills;

Whereas the Detroit Pistons became the first team in NBA Finals history to win games 3, 4, and 5 on their home court since the NBA returned to its current format in 1985;

Whereas in honor of the Detroit Pistons' championship, the Palace of Auburn Hills is officially changing its address to Four Championship Drive; and

Whereas the Detroit Pistons have demonstrated great strength, skill, and perseverance during the 2003-2004 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Pistons on winning the 2004 National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Pistons for appropriate display.

SENATE RESOLUTION 381—RECOGNIZING THE ACCOMPLISHMENTS AND SIGNIFICANT CONTRIBUTIONS OF RAY CHARLES TO THE WORLD OF MUSIC

Mr. NELSON of Florida (for himself, Mr. MILLER, Mr. CHAMBLISS, Mr. GRAHAM of Florida, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 381

Whereas Ray Charles, born Ray Charles Robinson on September 23, 1930, to Bailey and Aretha Robinson in Albany, Georgia, was one of the greatest musical artists of the United States;

Whereas Ray Charles, who as an infant moved with his family to Greenville, Florida, and, after suffering an illness that left him blind, attended the St. Augustine School for the Deaf and Blind from 1937 to 1945, where he learned not only how to read Braille, but how to write music and play the piano, trumpet, clarinet, and alto saxophone;

Whereas during the course of his 58-year career, Ray Charles defied easy classification, as his music spanned all genres, and many talented musicians from the world of rhythm and blues, popular music, jazz, gospel, country, and rock and roll have noted his strong influence on their careers;

Whereas his talent has long been recognized by the recording industry and his many fans, as he has received 12 Grammy Awards, with the first in 1960 and the most recent award in 1993, and had 32 of his songs reach the national Billboard's top 40 pop charts between 1957 and 1971;

Whereas his influence and contributions to the world are evidenced by the numerous honors he has received from organizations, and institutions, including: the Blues Foundation's Hall of Fame, Rock and Roll Hall of Fame, Songwriters Hall of Fame, Georgia Music Hall of Fame, Florida Artists Hall of Fame, a Lifetime Achievement Award as part of the Black Achievement Awards television show sponsored by Johnson Publishing Company, a star on the Hollywood Walk of Fame, the Helen Keller Personal Achievement Award from the American Foundation for the Blind, and an honorary doctorate of fine arts from the University of South Florida in Tampa;

Whereas Ray Charles has received praise from Republican and Democratic Administrations with the adoption of "Georgia on My Mind" as the Georgia State song in 1979, an invitation in 1984 to perform at the Republican National Convention and President Reagan's inaugural ball in 1985, recognition in 1986 as a legend by the Kennedy Center Honors, and the presentation of a National Medal of Arts by President Clinton in 1993;

Whereas Ray Charles was a great humanitarian and activist who provided financial support to Dr. Martin Luther King, Jr., during the civil rights struggle, and joined with other recording artists to record "We Are the World", a project that brought world awareness and financial assistance to the millions dying from starvation in Africa;

Whereas during the course of his life he persevered, overcoming the tremendous obstacles that he encountered in the early stages of his career due to racism and prejudice because of his blindness, to become one of the greatest and defining musical talents of all time; and

Whereas this great American, Ray Charles, died on June 10, 2004: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Ray Charles as one of the greatest American musicians of all time;

(2) honors Ray Charles for his contributions to music, culture, community, and the United States;

(3) offers its appreciation to Ray Charles for sharing his musical gifts with the world; and

(4) extends its deepest sympathy to the family and the loved ones of Ray Charles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3452. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

TEXT OF AMENDMENTS

SA 3452. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the appropriate place insert the following:

(a) STATEMENTS OR ENTRIES GENERALLY.—Section 1001 of title 18, United States Code, is amended by adding at the end the following:

"(d) JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(e) PROSECUTION.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211 of this title; or

"(2) in any district where any act in furtherance of the offense took place.".

(b) MAJOR FRAUD AGAINST THE UNITED STATES.—Section 1031 of title 18, United States Code, is amended by adding at the end the following:

"(i) JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(j) PROSECUTION.—A prosecution for an offense under this section may be brought—

"(1) in accordance with chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

NOTICE OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations on the Committee on Governmental Affairs will hold 2 days of hearings entitled "Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet." The Subcommittee hearings will examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate. In addition, the Subcommittee hearings will examine the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Food and Drug Administration, the Drug Enforcement Administration, the Bureau of Customs and Border Protection, and private stakeholders to address these drug safety issues.

The Subcommittee hearings are scheduled for Thursday, June 17 and Thursday, June 24, at 9 a.m. each day, in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 23rd, 2004, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals, recent and proposed changes to grazing regulations and related issues. The hearing will also examine the Wild Horse and Burro program, as it relates to grazing, and the Administration's proposal for sage-grouse habitat conservation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on June 16, 2004, at 9:30 a.m. on The VOIP Regulatory Freedom Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, June 16 at 11:30 a.m. to consider pending calendar business.

Agenda

Agenda Item 1: Nomination of Suedeen G. Kelly to be a Member of the Federal Energy Regulatory Commission.

Agenda Item 2: S. 155—A bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

Agenda Item 3: S. 180—A bill to establish the National Aviation Heritage Area, and for other purposes.

Agenda Item 5: S. 211—A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

Agenda Item 6: S. 323—A bill to establish the Atchafalaya National Heritage Area, Louisiana.

Agenda Item 10: S. 1241—A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

Agenda Item 14: S. 1467—A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes.

Agenda Item 15: S. 1521—A bill to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community.

Agenda Item 17: S. 1727—A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

Agenda Item 18: S. 1957—A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

Agenda Item 19: S. 2046—A bill to authorize the exchange of certain land in Everglades National Park.

Agenda Item 22: S. 2180—A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

Agenda Item 23: S. 2243—A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

Agenda Item 24: S. 2319—A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

Agenda Item 29: H.R. 1648—To authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

Agenda Item 30: H.R. 1658—To amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

Agenda Item 31: H.R. 1732—To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

Agenda Item 32: H.R. 3209—To amend the Reclamation Project Authorization

Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, June 16, 2004, at 11 a.m., to hear testimony on Strengthening Regulations and Oversight to Better Ensure Agriculture Financing Integrity.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 16, 2004 at 2 p.m. to hold a Nominations Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 16, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a Business Meeting on pending committee matters, to be followed immediately by an oversight hearing on the implementation in Native American communities of the "No Child Left Behind Act."

Mr. President, I ask unanimous consent that the Committee on Indian Affairs also be authorized to meet again on Wednesday, June 16, 2004, at 2 p.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 16, 2004 at 10 a.m., on "Judicial Nominations" in the Dirksen Office Building, Room 226.

Witness List:

Panel I: Senators.

Panel II: Richard A. Griffin, to be United States Circuit Judge for the Sixth Circuit; and David W. McKeague, to be United States Circuit Judge for the Sixth Circuit.

Panel III: Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Sandra Wilkinson, a detailee from the Department of Justice assigned to the Judiciary Committee, be granted floor privileges for the duration of the debate on the Leahy amendment with regard to war profiteering.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Roberto Alvarez from my office during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator Bingaman, that during the pendency of the DOD authorization bill, S. 2400, Sherrick Roanhorse and Rebecca Wilcox, interns on Senator Bingaman's staff, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader pursuant to Public Law 107–252, Title II, Section 214, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr. of Tennessee.

The Chair, on behalf of the Majority Leader pursuant to Public Law 108–176, Section 411(b)(1)(B), appoints the following individual to serve as a member of the National Commission of Small Community Air Service: Philip H. Trenary of Tennessee.

REMOVAL OF INJUNCTION OF SECRECY

Mr. SESSIONS. Mr. President, in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on June 16, 2004, by the President of the United States:

Agreement with Canada on Pacific Hake/Whiting (Treaty Document 108–24).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (the "Agreement"), done at Seattle, November 21, 2003. I am also enclosing, for the information of the Senate, the report of the Secretary of State on the Agreement.

The Agreement establishes, for the first time, agreed percentage shares of the transboundary stock of Pacific hake, also known as Pacific whiting. It also creates a process through which U.S. and Canadian scientists and fisheries managers will recommend the total catch of Pacific hake each year, to be divided by a set percentage formula. Stakeholders from both countries will have significant input into this process.

The Agreement not only allows the Parties to redress the overfishing that has led to a recent decline in stock levels, but also provides long-term stability for U.S. fishers and processors and a structure for future scientific collaboration.

The recommended legislation necessary to implement the Agreement will be submitted separately to the Congress.

I recommend that the Senate give favorable consideration to this Agreement and give its advice and consent to ratification at an early date.

RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF RAY CHARLES TO THE WORLD OF MUSIC

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 381, introduced earlier today by Senator Nelson of Florida.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 381) recognizing the accomplishments and significant contributions of Ray Charles to the world of music.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, today I rise on behalf of myself, the Senior Senator from Florida, Bob Graham, and my esteemed colleagues from Georiga, Senators Zell Miller and Saxby Chambliss, to commend to my colleagues a resolution commemorating Ray Charles for his great contributions to the world of music and culture.

It is with great sadness that as our Nation mourned the death of former President Reagan, we received the news that this great and talented musician, Ray Charles, succumbed to liver disease at age 73.

Ray Charles was born in Albany, GA on September 23, 1930, but he made Florida his home for many years. As a baby he moved with his family to Greenville, FL where he developed an early appreciation for music. There are stories from friends and family telling how at age 3 he began playing the piano, and showed a strong interest in music.

Ray Charles wasn't born blind, but lost his sight to a childhood illness. His mother, Aretha Robinson, enrolled him in the St. Augustine School for the Deaf and Blind, where he leaned not only how to read and write Braille, but learned how to write music, and play the piano, clarinet, trumpet and saxophone. In the late 1940s, after graduating from St. Augustine's, Ray Charles left Florida and began to work in honing his craft full time. And, as they say, the rest is history.

Ray Charles began recording in the 1950's, experiencing success on the musical charts that culminated in his winning the first of many Grammy Music Awards in 1960 for Georgia on My Mind. This great song was adopted in 1979 by the State of Georgia as their State song.

Ray Charles received eleven additional Grammy Awards, with the last of these awards coming in 1993.

The list of honors he has received in his lifetime is impressive and reflects the impact that he has had on American music and culture. His music cannot be categorized or limited to one genre, which cannot be said of many artists. He was influenced by all types of music, and his music in turn influenced all types of artists—from rhythm and blues to country artists to rock and roll.

Ray Charles's story is an American story, and one that should serve as an inspiration to us all; a story that shows how a strong spirit can overcome the greatest of obstacles.

Ray Charles once said that his family was so poor that "nothing was below us but the floor." Despite this poor beginning, and the racism and prejudice he undoubtedly faced as a blind black man during this time, he triumphed.

Mr. **SESSIONS**. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas Ray Charles, born Ray Charles Robinson on September 23, 1930, to Bailey and Aretha Robinson in Albany, Georgia, was one of the greatest musical artists of the United States;

Whereas Ray Charles, who as an infant moved with his family to Greenville, Florida, and, after suffering an illness that left him blind, attended the St. Augustine School for the Deaf and Blind from 1937 to 1945, where he learned not only how to read Braille, but how to write music and play the piano, trumpet, clarinet, and alto saxophone;

Whereas during the course of his 58-year career, Ray Charles defied easy classification, as his music spanned all genres, and many talented musicians from the world of rhythm and blues, popular music, jazz, gospel, country, and rock and roll have noted his strong influence on their careers;

Whereas his talent has long been recognized by the recording industry and his many fans, as he has received 12 Grammy Awards, with the first in 1960 and the most recent award in 1993, and had 32 of his songs reach the national Billboard's top 40 pop charts between 1957 and 1971;

Whereas his influence and contributions to the world are evidenced by the numerous honors he has received from organizations, and institutions, including: the Blues Foundation's Hall of Fame, Rock and Roll Hall of Fame, Songwriters Hall of Fame, Georgia Music Hall of Fame, Florida Artists Hall of Fame, a Lifetime Achievement Award as part of the Black Achievement Awards television show sponsored by Johnson Publishing Company, a star on the Hollywood Walk of Fame, the Helen Keller Personal Achievement Award from the American Foundation for the Blind, and an honorary doctorate of fine arts from the University of South Florida in Tampa;

Whereas Ray Charles has received praise from Republican and Democratic Administrations with the adoption of "Georgia on My Mind" as the Georgia State song in 1979, an invitation in 1984 to perform at the Republican National Convention and President Reagan's inaugural ball in 1985, recognition in 1986 as a legend by the Kennedy Center Honors, and the presentation of a National Medal of Arts by President Clinton in 1993;

Whereas Ray Charles was a great humanitarian and activist who provided financial support to Dr. Martin Luther King, Jr., during the civil rights struggle, and joined with other recording artists to record "We Are the World", a project that brought world awareness and financial assistance to the millions dying from starvation in Africa;

Whereas during the course of his life he persevered, overcoming the tremendous obstacles that he encountered in the early stages of his career due to racism and prejudice because of his blindness, to become one of the greatest and defining musical talents of all time; and

Whereas this great American, Ray Charles, died on June 10, 2004: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Ray Charles as one of the greatest American musicians of all time;

(2) honors Ray Charles for his contributions to music, culture, community, and the United States;

(3) offers its appreciation to Ray Charles for sharing his musical gifts with the world; and

(4) extends its deepest sympathy to the family and the loved ones of Ray Charles.

ORDERS FOR THURSDAY, JUNE 17, 2004

Mr. **SESSIONS**. Mr. President, on behalf of the majority leader, BILL FRIST, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill; provided further, that Senator BOND be recognized in order to call up the Bond-Harkin amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **SESSIONS**. Mr. President, tomorrow the Senate will resume the Defense authorization bill. Under the previous order, when we resume consideration of the bill tomorrow morning, the Bond-Harkin energy employee amendment will be the pending business. It is the hope of the bill managers that we can adopt the amendment without a rollcall vote.

For the remainder of the day, we will continue the consideration of amendments to the bill. There is another amendment that I will offer related to death benefits, and there are several missile defense amendments we hope to consider early in the day. Senators should expect rollcall votes throughout the day as the Senate continues to make progress on the bill. As a reminder, a cloture motion was filed on the Defense bill.

In addition, there will be additional votes on judicial nominations during Thursday's session as well.

Mr. President, I will just add, on the death benefits bill, legislation I have offered, that it is important, in my view, we examine the extent of death benefits to men and women who serve our country in combat. Frankly, it is not where it should be. This bill would increase those benefits. It will be done in a way that will not engender a budget point of order. But I think we can make some progress with that tomorrow, and I hope Senators will be alert to this issue. I think, frankly, we are not where we should be in generosity toward those who give their lives for their country.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. **SESSIONS**. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Thursday, June 17, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2004:

THE JUDICIARY

MICAELA ALVAREZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE DAVID HITTNER, RETIRING.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DALE G. GABEL, 8062
REAR ADM. (LH) JEFFREY M. GARRETT, 2332
REAR ADM. (LH) STEPHEN W. ROCHON, 0549

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

STEPHAN A. * ALKINS, 3448
ROMNEY C. ANDERSEN, 2857
GEORGE N. * APPENZELLER, 5253
MARTIN F. BAECHLER, 8939
MATTHEW T. * BAKER, 7527
VINCENT * BATTISTA, 7369
ANDREW J. * BAUER, 2347
BRIAN M. * BELSON, 4924
ELIZABETH P. BERBANO, 1554
STEPHEN A. BERNSTEIN, 6841
ELISABETH G. BEYERNOLEN, 6052
JEFFREY G. BLUE, 7985
BRET R. * BOYLE, 7975
KEVIN J. * BOYLE, 4040
DAMON W. * BRANTLEY, 8405
MATTHEW L. * BRENGMAN, 0721
BRUCE A. * BROWN, 2417
JEROME L. * BULLER, 8174
MARK W. * BURNETT, 4053
WAYNE B. * CHUN, 0448
YONG H. * CHUN, 2328
DANIEL L. * CRUSER, 4938
JAMES F. * CUMMINGS, 7610
JAMES E. CZARNIK, 0789
ERIK A. DAHL, 1288
ANTHONY M. DANIELS, 7068
CHRISTIAN * DEGREGORIO, 9913
LEON S. * DEMARTELAERE, 0122
ROBERT C. * DINSMORE, 5396
MICHAEL DLUGOPOLSKI, 9268
MARIA R. DORIA, 2685
JOHN F. * FARR III, 0111
GARY D. * FLEISCHER, 9810
GRANT L. * FORRESTER, 1027
ROBERT D. FORSTEN, 5510
MARK A. FRAMSTAD, 9351
JOHN L. * FRATTARELLI, 3374
JAMES D. * FRIZZI, 7143
GREGORY M. FRYER, 8491
TIMOTHY L. * GARDNER, 5977
MICHAEL J. * GEHRKE, 4724
NICOLO B. * GERALDE, 5335
TAD L. GERLINGER, 3956
MARK D. * GIBBONS, 5548
GAIL M. * GLUSHKO, 4052
JOSEPH M. GOBERN, 5900
EDWARD J. * GORAK, 0053
DELORES M. GRIES, 3170
ROBERT E. * GRONDAHL, 7442
RAYMOND L. * GUNDRY, 1207
DAVID J. HARFORD, 7699
JAMES M. * HARRIS, 8762
JEFFREY T. * HEALY, 1659
KURT S. HENSEL, 9053
RICHARD R. * HIGHTOWER, 8425
SCOTT L. * HOFER, 0877
MICHAEL J. * HOILIEN, 3336
GUNTHER * HSUE, 5805
JEFFREY W. * HUTCHINSON, 4270
INKU * HWANG, 0832
BURTON S. * JAFFE, 2394
RICHARD P. JAMES, 8961
SAMUEL S. * JANG, 2629
STEPHEN W. JARRARD, 6298
CHATT A. * JOHNSON, 8557
TROY R. JOHNSON, 0951
CRAIG C. * JONAS, 8731
JENNIFER L. * JUNNILA, 7271
EMERY L. * KIM, 8579
WILLIAM J. * KIRK III, 1507
MICHAEL J. * KISSENBERTH, 3250
RUSS S. KOTWAL, 4067
DAVID T. KRAMER, 2295
MARC H. LABOVICH, 7477
TERRENCE L. * LAKIN, 3697
ERIC J. * LAWITZ, 6772
STEPHEN A. * LAWSON, 9458
DANIEL F. * LEE, 9041
JEFFREY C. LEGGIT, 2871
ANDREW J. * LIPTON, 4326
JOHN M. * LOWERY, 4665
CLIFFORD C. LUTZ JR., 0638
BRIAN F. MALLOY, 9310
THOR * MARKWOOD, 2714
DOUGLAS D. MATHIS, 0836
CAROLINE A. * MAYLOCK, 4872
SCOTT J. * MCATEE, 4852
JOHN W. * MCBROOM, 2494
JOSEPH M. * MCCLAIN, 6341
CEDRIC F. * MCCORD, 9447
LEE A. MCFADDEN, 3809
HARRY D. * MCKINNON JR., 1877
SCOTT V. * MCRAE, 4365
TAMARA M. * MCREYNOLDS, 4843
ALEXANDRE F. * MIGALA, 2342
JOHN J. * MULLON, 0289
JEFFERY M. * NELSON, 9854
WILLIAM H. * NEWMAN, 6322
JAMES A. * OBNEY, 8799
JOHN J. * OCONNELL, 3832
THOMAS G. * OLIVER, 0720
JOSE M. ORTIZ, 0840
MARK F. OWENS, 5904
HON S. PAK, 4029
CHRIS G. PAPPAS, 6692
MARY V. PARKER, 6351
MARK L. * PASSAMONTI, 7021
GEORGE E. PATTERSON, 8590
DEAN C. * PEDERSEN, 1568
MILLAN R. * PEREZ, 7436
CYNTHIA L. * PERRY, 2849
ROSEMARY P. * PETERSON, 2810
NICHOLAS A. PIANTANIDA, 7574
RICHARD W. POPE, 5980
ERIC G. PUTTLER, 8249
ANTHONY S. * RAMAGE, 8368
LANCE C. * RANEY, 9237
EVAN M. * RENZ, 5244
THOMAS J. * ROGERS, 7711
DAVID C. * ROMINE, 5672
IRENE M. ROSEN, 7948
RUSSELL S. * ROWE, 4882
DINA L. SCHWEITZER, 0366
KEVIN L. * SCOTT, 0103
CLARK P. * SEARLE, 3518
STEPHEN D. * SEYMOUR, 4488
ANDREW * SHORR, 6213
BRIAN W. * SMALLEY, 7152
BRYAN L. SMITH, 5016
REED K. SMITH, 6790
JOSHUA R. * SOKOL, 3589
STEVEN E. * SPENCER, 0201
MICHAEL D. * STALFORD, 6107
KEVIN C. * STROHMEYER, 2914
EDWARD J. SWANTON, 9504
MOTAMEN H. * TAVAF, 4959
MARK D. * TAYLOR, 1833
BROOK A. THOMSON, 9804
MANISH K. * VARMA, 3910
ALISON M. * WARD, 5833
JOEL C. * WEBB, 7018
SAMUEL A. * WEST III, 8912
JOSEPH L. * WILDE, 8927
MARVIN * WILLIAMS JR., 5497
ROBERT V. * WILLIAMSON, 2355
CARL R. * WILLIS, 1537
JAMES V. WINKLEY, 7602
GEORGE R. * WINTERS III, 7670
MARGARET A. * YACOVONE, 2911
IN K. * YOON, 5098
CLORINDA K. ZAWACKI, 0037

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

DOUGLAS R. DIXON, 3348
DAVID M. FALLAH, 5913
CHRISTOPHER D. JENKINS, 5870
RODNEY H. JONES, 6094
CHIN R. LIN, 4681
WILLIAM F. MADDUX, 2141
EDWARD A. MOORE, 9778
STEFAN S. OLPINSKI, 5307
ROBERT M. PEARSON, 5155
DOMINIQUE M. REYNDERS, 3757
DONALD K. SCALES, 1647
STEPHEN J. TANNER, 6980
CARL G. TEMPEL, 5770
JAMES J. TOMASSETTI, 3383
GLORIA T. TORRES, 1082
THORPE C. WHITEHEAD, 8844

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DUNCAN J. MCNABB, 2295

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BANTZ J. CRADDOCK, 7782

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 2004:

THE JUDICIARY

WILLIAM S. DUFFEY, JR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

LAWRENCE F. STENGEL, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

PAUL S. DIAMOND, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

HOUSE OF REPRESENTATIVES—*Wednesday, June 16, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BEREUTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 16, 2004.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Les Burleson, Southeast Director, Hockey Ministries International, Wake Forest, North Carolina, offered the following prayer:

The world is complex, thorny, and often unrewarding to those that would step out and change things for the better. God, if anyone here today has lost that sense of idealism that brought them here, or that sense of wonder associated with being part of the grand experiment of democracy, please renew their spirits this day.

Give their hearts a new measure of hope, and give them a renewed vision of where their ideals can take a great Nation. Give them a spirit of adventure to carry us through today and into a new and broadening horizon.

Though "we, the people" can sometimes be fickle in our demands, please remind them that they are loved and respected for what they do and that we appreciate every day of their service. Whether through the mire of a war, the grief at the loss of a former President, or the briars and brambles of daily decisionmaking, these men and women are yet the leaders of the greatest Nation on Earth. God bless them, and God bless America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GILLMOR. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GILLMOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. GILLMOR) come forward and lead the House in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

S. 2362. An act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.

The message also announced that pursuant to sections 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Eighth Congress: The Senator from Hawaii (Mr. AKAKA).

WELCOMING THE REVEREND LESTER BURLESON

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of North Carolina. Mr. Speaker, I rise today to welcome our guest chaplain, Lester Burleson. I am proud to represent Reverend Burleson in this Chamber. Reverend Burleson is the youth minister at Wake Forest Baptist Church in Wake Forest, North Carolina, a very important congregation in my home county.

Before arriving at that position, he served 8 years as pastor of Wake Union Baptist Church in Wake Forest, North Carolina, where he saw his ministry grow from a working congregation of about 38 to 150 folks regularly attending Sunday worship services.

Reverend Burleson's ministry has also taken him into the world of sport. As chapel coordinator for the Anshultz Entertainment Group in North America and Europe, he has helped many pro athletes grow in their faith. He also serves as the director of the chapel program for the Carolina Hurricanes, our local NHL team.

Just as Reverend Burleson has served his parish and his ministry with great distinction, he has also served our country with great distinction. As a 10-year Army reservist, Reverend Burleson served as commander of the 139th Tactical Operations Center. During Operation Desert Storm, he was elevated to company commander and served 10 months of active duty.

His wife, Pamela, and children, Mandy and Matthew, are watching today proudly.

Mr. Speaker, I want to thank Reverend Burleson for his distinguished service, and I am honored to welcome Reverend Burleson to the House floor today.

ESTABLISHING AN ENERGY POLICY

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, establishing a sound energy policy for America's future includes reducing our dependency on foreign oil and preserving the environment. While many argue that these two goals conflict with each other, I do not believe this to be true. That is why I am calling for the increased production and availability of ethanol.

The increased use of ethanol would clearly reduce America's dependency on foreign oil, and it would also provide consumers with a fuel that burns much cleaner than traditional gasoline. Another benefit of ethanol is the economic potential it holds for corn-producing States like Kansas. Increased ethanol use would provide additional market capacity for farmers.

However, the economic impact is not limited to Midwestern States. Supplementing the gasoline supply with ethanol has the potential to provide much-needed relief for prices at the pump across this Nation.

In short, increased use of ethanol would bolster our national security, bolster our economy, and benefit our environment.

CONGRATULATING DETROIT PISTONS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I am here to announce the celebration of the Detroit Pistons in their sweep last night and offer my condolences to those Members of the House, in particular from the Los Angeles area. I will not mention any names, but one, M.W., comes to mind. I wanted Members to know how wonderful it feels after some 14 years to come back as strong as they did. It has a lot to do with the teamwork and the spirit of basketball.

By the way, there were no incidents in Detroit. The gentlewoman from Michigan (Ms. KILPATRICK) has some additional comments to make. We have a resolution we would like Members to join on.

COMPREHENSIVE ENERGY POLICY

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, I rise today in support of a comprehensive energy policy. America needs comprehensive energy legislation to fill the country's critical and growing energy needs. It is vital to our national security, will generate new jobs, and make America more competitive.

The House has continued to focus our attention on this important issue with the passage of H.R. 4503, the Energy Policy Act, yesterday afternoon. I am glad that the House has again presented yet another opportunity to the other body to finally deal with energy policy that is so important to our constituents.

With gas over $2 a gallon in many areas, it is clear Americans are paying for legislative inaction. It is not just gasoline; it is also high natural gas prices that are hurting both our Nation's agriculture and manufacturing.

Mr. Speaker, I would urge my colleagues to support a strong, pro-growth comprehensive energy policy that will allow the United States to remain competitive and create jobs at home.

HONORING DETROIT PISTONS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, how about those National Basketball Association World Champion Detroit Pistons? Congratulations. We applaud and appreciate their fine work as they swept the Los Angeles Lakers. To Mr. Davidson, Coach Brown, and the entire Piston organization, job well done.

Mr. Speaker, I say a special thanks to Ben Wallace, Tayshaun Prince, Rasheed Wallace, Rip Hamilton, and the Most Valuable Player of the series, Chauncey Billups.

On behalf of Mayor Kilpatrick, the people of Detroit, and the entire State of Michigan, we congratulate the Pistons. A team effort—which is what life is all about.

Mr. Speaker, as the gentleman from Michigan (Mr. CONYERS) mentioned, we have a resolution and invite all of our colleagues to cosponsor. You go, Pistons. We appreciate and love you very much.

ANNE FRANK'S 75TH BIRTHDAY

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, on Saturday, June 12, 2004, we celebrated what would have been Anne Frank's 75th birthday. Anne Frank documented her life during the Nazi occupation of Amsterdam in a diary that she called Kitty. The diary became her confidant in which she wrote about her family's horrific experiences.

Anne has come to be a girl we all feel we know, a personification of good in the face of hatred, murder, and genocide. Sadly, Anne died in a Nazi concentration camp at the age of 15.

"Anne Frank: The Diary of a Young Girl" has been translated into 67 languages and has sold more than 31 million copies. For many students, this book is their first experience to the horror of the Holocaust. Anne Frank is an inspiration to people of all faiths and is a symbol of children throughout the world who suffer in war and oppression.

Anne's own words are still as meaningful today as when she wrote them. The Anne Frank Exhibit is on permanent display at Kennesaw State University in Kennesaw, Georgia.

Mr. Speaker, I would just say, happy birthday, Anne. She and her message will never be forgotten.

CELEBRATING THE LIFE OF CHRIS SEMOS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise today to celebrate the life of my good friend and neighbor, Chris Semos, who died Monday morning at age 68. He was an even-tempered gentleman who provided leadership to his community and to his church. A long-time resident of the Oak Cliffs section of Dallas, Chris served eight terms as a Democratic member of the Texas legislature from 1966 to 1982.

Following that, he served 12 years as a member of the Dallas County Commissioner's Court. He was a thoughtful public servant who worked cordially with members of both parties to benefit his beloved Oak Cliff, his county, and his State.

Additionally, he was a nationally recognized leader of the Greek Orthodox Church. In fact, he met his wife of 37 years, Tassie, at a church conference in North Carolina.

For many years, Chris operated a popular restaurant in Oak Cliff, The Torch, where we shared baklava on many occasions. The victory party for my first successful race for Congress in 1978 was in the back room of The Torch.

Chris quietly made his influence felt in many ways. He introduced the current mayor of Dallas, Laura Miller, to her husband, Steve Wolens, who succeeded Chris in the State legislature. He was recently recognized by the Oak Cliff Lions Club as its Humanitarian of the Year. We will all miss a great community leader, Chris Semos.

COMMENDING JIMMY FRANKLIN

(Mr. ISAKSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISAKSON. Mr. Speaker, I am pleased today to rise and pay tribute to a great Georgian, Mr. Jimmy Franklin of Statesboro, Georgia.

This week in Orlando, Florida, Mr. Franklin will receive from the Georgia Bar Association the Distinguished Service Scrolls Award recognizing his outstanding achievement in his profession.

Mr. Franklin is a respected member of the bar, a leader in his city and county and his church. This award recognizes his long contribution to Georgia. Also, I am proud to acknowledge his long and trusted advice to me, to other Members of Congress, and to Governors of Georgia. His knowledge of policy and his love of this country is unsurpassed.

Mr. Speaker, it is a privilege and a pleasure for me today to pay tribute to a great Georgian, Jimmy Franklin, and a warm and trusted friend of whom I have the greatest respect.

□ 1015

UPDATING VICE PRESIDENT ON EVENTS IN REAL WORLD

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday in Florida, the Vice President reasserted that there were connections between Saddam Hussein, he said, long established ties between Saddam Hussein and al Qaeda. This has been proven wrong, and woefully wrong, many times. But as recently as this morning, the 9/11 Commission issued a breaking story saying it is now clear there is no connection between Saddam Hussein and al Qaeda as it relates to 9/11.

I do not know how the Vice President of the United States of America can be so sorrowfully misinformed or has decided to misinform the public. Neither quality is worthy of the Vice President of the United States of America.

Now, I do not know what it is going to take to help the Vice President shake him of this delusion. I know in this town in Washington some people are firm in their opinions and flexible on their principles, but it is now time for us to acknowledge there is no connection between al Qaeda and Saddam Hussein. The war in Iraq was a war of choice.

CONTINUE TO SAY NO TO EMBRYONIC STEM CELL RESEARCH

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as the debate begins over the proper way to pay tribute the 40th President of the United States, some argue that the best way to honor the memory of Ronald Reagan would be to permit the destruction of human embryos for scientific research on diseases like that which claimed his life, and while I would never criticize grieving family members who advocate this, anyone else who would use the memory of Ronald Reagan to erode the sanctity of human life would do more to desecrate his legacy than by any other means.

Reaffirming his pro-life views on the 10th anniversary of Roe v. Wade, President Reagan said, "There is no cause more important for preserving freedom than affirming the transcendent right to life to all human beings." He said, "We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life." Let us choose life. Let us honor Reagan. Let us honor his pro-life values by continuing to say no to embryonic stem cell research.

GOVERNMENT KEEPING AMERICANS ADDICTED TO HIGH-PRICED OIL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, reasonably priced gasoline has become a distant memory for most Americans, yet gasoline can still be had for 5 cents a gallon. Where? Well, in Baghdad. How? Because the American taxpayers are subsidizing gasoline for the Iraqis at the cost of $167 million a month. Even at that we are being ripped off by Halliburton, we are told. We are paying too much for it.

So while Americans are curtailing their summer vacations because they cannot afford to fill their tanks, they are backing up the trucks in Baghdad and filling up 20 to 30 gallon tanks for $1 to $1.50. That is a lot less than the price of a gallon here.

Yet the Republicans would tell us that their lame energy bill would do something about this. Well, we passed their lame energy bill two or three times before on the floor of the House. We are voting on all the same provisions again. The $18 billion subsidy to the oil and gas industry, yes, that will really help. That is going to help Americans get more affordable gasoline and help make this country more energy independent and efficient.

They actually do not want us to be more energy independent and efficient. They want us to be addicted to the high price oil, to continue to shovel money into these multinational oil companies.

FLYING FIRST CLASS AT THE PENTAGON

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, almost every Member of this body is pro-military. But we also should be pro-taxpayer too. So all of us should be shocked that the Defense Department lost $100 million on unused airplane tickets over the 6 years between 1997 and 2003. In addition, the Pentagon bought 68,000 first class or business class tickets over this same period.

Members of Congress fly coach class unless they use frequent flier miles to upgrade. Public officials, including those in the military, are supposed to be public servants, not rulers or some elite, special, privileged class.

The Defense Department gets almost everything it asks for, so it just does not seem to care about wasteful spending. But if any high-level officials at the Pentagon have even the slightest concern for the taxpayer, they should immediately eliminate this unused ticket business so we do not lose $100 million or more over the next 6 years.

Also, all members of the military should fly coach, like almost all Members of Congress and almost all our constituents do, instead of buying 11,000 or more first class tickets each year.

COMPENSATING IRAQI PRISONERS AT THE EXPENSE OF AMERICAN POWS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, according to The Hill newspaper, former American prisoners tortured by Saddam Hussein's regime in the first Gulf War are criticizing the Bush administration for fighting their compensation claims while planning to compensate the Iraqi victims of abuse at the Abu Ghraib prison.

Rumsfeld told the Senate Committee on Armed Services last week that he is seeking a way to provide appropriate compensation to those detainees who suffered such grievous and brutal abuse at the hands of American Armed Forces. And yet this administration, this President, went to court to keep American POWs, those who were tortured by Saddam Hussein, from getting the compensation that was given to them by a lower court.

Why would this administration, why would this President, why would this Secretary of Defense, want to compensate Iraqi prisoners who had been tortured, and fight the compensation of American prisoners who had been tortured? Whose side is this administration on?

A SAFER, STRONGER AMERICA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, after 4 years of leadership by President Bush, I believe our Nation is safer, stronger and better. We are fighting and winning a war on terror on many fronts, including Iraq and Afghanistan; Afghanistan is free; Libya is disarmed; and Iraq is well on its way to becoming a free country in the heart of the Middle East. The spread of democracy in this part of the world will help ensure our safety here in the United States.

Recent economic data is a powerful confirmation that the President's pro-growth economic policies are working. Home ownership rates are up, and minority home ownership is at its highest level ever. Real GDP has grown at its fastest rate in almost 20 years over the last three quarters. Productivity has grown at its fastest 3-year rate in 40 years during the past 12 quarters.

Mr. Speaker, we have overcome the triple shock of terrorist attacks, corporate scandals and recession, and we are a stronger country on many fronts, thanks to the leadership of President George Bush.

SOARING GAS PRICES

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, after months of record-breaking gasoline prices, the pocketbooks of America's working families are hurting. Rising gas prices mean working families have less money to spend on important items, such as clothing and groceries, a factor that hurts our overall economy as well as individual families. Family vacations are being canceled.

Today, the average price of a gallon of gas in the United States is $2.10, but in Iraq the cost of one gallon of gasoline is only 5 cents. It only costs $1.10 to fill up a 22-gallon tank in Baghdad.

Americans deserve to know why their gas prices are soaring out of control, and, just as importantly, Americans need a solution. It is time to pass a real, meaningful, common sense, comprehensive energy policy and bring down the high cost of gasoline for America's working families.

RESTORING AND PROTECTING LOUISIANA WETLANDS

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, my State, Louisiana, is suffering the worst national ecological disaster in the history of this country. Every year we lose up to 35 square miles of the most precious wetlands in America. The comprehensive energy bill we passed yesterday on this House floor and sent to the other body contains money, for the first time, billions of dollars, to address that national economic disaster.

Louisiana contributes over $5 billion a year from offshore development. We get less than 1 percent back. That bill we sent to the other body contains billions to begin to restore and protect those vanishing wetlands, the biggest environmental program, bigger than the Chesapeake Bay, bigger than the Everglades.

I cannot speak about the other body and how they vote, but let me issue a warning: No one in this Congress who votes against that comprehensive energy bill and that environmental package, no one in this Congress better show their face in south Louisiana if they vote against that comprehensive energy bill.

MAKING AMERICA MORE ENERGY EFFICIENT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I listened to my colleague from Louisiana's impassioned point, and I happen to agree that there are things we need to do with this devastating coastal erosion in Louisiana. But the way that we go about that and the way we deal with some of our significant energy problems is not simply ritually repassing an inadequate and failed energy policy that has already stalled in the other body.

It does not have to be this hard. We do not have to hold good ideas hostage. The wind energy production tax credit would pass in a heartbeat; energy grid reliability would be massively supported; increased fuel efficiency standards are long overdue; and, yes, maybe even some assistance for the coastal erosion.

Hopefully, after we get past this week's ritual repassage and the beating of our gums, I hope the House will return to enact simple, common sense proposals that will make America more energy efficient without compromising the environment, and make our families safer, healthier and more economically secure.

NEW MEDICARE PRESCRIPTION DRUG BILL WORKS

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, I rise today to make a simple observation based on large part from the results of two town meetings we had in my district last week, one in Fairhope and one in Mobile: The new Medicare prescription drug law that we passed and which has been enacted is working.

Since the changes to the Medicare program began to take effect on June 1, millions of Americans have taken advantage of the toll-free Medicare helpline as well as the Internet web site. In fact, during the first 4 days of May, 1.6 million men and women, nearly 10 times the normal call volume, called that helpline for further information. During the same time period, 7 million people visited the Medicare web site.

After just 2 weeks of competition between the drug manufacturers of this country, prices on name brand drugs have dropped nearly 12 percent, and the cost for generics have dropped nearly 13 percent.

Some would have us believe that the new and improved Medicare program is not working, that it will be too costly and seniors will not take the time to show interest in this. The facts speak just the opposite.

FTC SHOULD INVESTIGATE INCREASE IN GASOLINE PRICES

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, House Republicans are playing games here on the House floor this week. America's consumers should not be fooled into believing that the energy bills on the floor will do anything to lower gas prices in the immediate future.

Back in 2001, the FTC concluded that during the summer of 2000 price spike certain suppliers had pursued a profit-maximizing strategy, intentionally withholding gasoline supplies or delaying shipping as a tactic to drive up prices. Such collusion would be easier today, with the top 10 refiners now controlling 78 percent of the supply. That is a 22 percent increase over a decade ago.

Today, 48 of my Democratic colleagues joined me in sending a letter to the FTC asking that it begin a thorough investigation into whether or not gas companies are colluding to artificially increase prices.

We cannot let the Bush administration's cozy relationship with big oil companies hold Americans hostage at the pump. If Congressional Republicans were really interested in doing something today, they would call on the Bush administration to launch an investigation to determine whether oil companies are purposefully inflating prices at the pump.

UNITED STATES REFINERY REVITALIZATION ACT OF 2004

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 671, I call up the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4517 is as follows:

H.R. 4517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Refinery Revitalization Act of 2004".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more supply to the markets for use by the American people. Forty-eight percent of the crude oil in the United States is used for the production of gasoline. Production and use of refined petroleum products has a significant impact on interstate commerce.

(2) United States demand for refined petroleum products, such as gasoline and heating oil, currently exceeds our domestic capacity to produce them. By 2025, United States gasoline consumption is projected to rise from 8,900,000 barrels per day to 13,300,000 barrels per day. Diesel fuel and home heating oil are becoming larger components of an increasing demand for refined petroleum supply. With the increase in air travel, jet fuel consumption is projected to be 760,000 barrels per day higher in 2025 than today.

(3) The refinery industry is operating at nearly 100 percent of capacity during the peak gasoline consumption season and is

producing record levels of needed products at other times. The excess demand has recently been met by increased imports. The United States currently is importing 7 percent of its refined petroleum products but few foreign refiners can produce the clean fuels required in the United States.

(4) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. Today 153 refineries operate in the United States, down from 324 in 1981. Almost 25 percent of our Nation's refining capacity is controlled by foreign ownership. Easily restored capacity at idled refineries amounted to 539,000 barrels a day in 2002, or 3.3 percent of the total operating capacity. No new refineries have been built in the United States since 1976. Most refineries are located on century-old sites. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits.

(5) Refiners have met growing demand by increasing the use of existing equipment and increasing the efficiency and capacity of existing plants. But refining capacity has begun to lag behind peak summer demand.

(6) Heavy industry and manufacturing jobs have closed or relocated due to barriers to investment, burdensome regulation, and high costs of operation, among other reasons.

(7) More regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity.

(8) Required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.

SEC. 3. DESIGNATION OF REFINERY REVITALIZATION ZONES.

The Secretary of Energy shall designate as a Refinery Revitalization Zone any area—

(1) that—

(A) has experienced mass layoffs at manufacturing facilities, as determined by the Secretary of Labor; or

(B) contains an idle refinery; and

(2) that has an unemployment rate of at least 20 percent above the national average, as set forth by the Department of Labor, Bureau of Labor Statistics, at the time of designation as a Refinery Revitalization Zone.

SEC. 4. COMPLIANCE WITH ALL ENVIRONMENTAL REGULATIONS REQUIRED.

The best available control technology, as appropriate, shall be employed on all refineries located within a Refinery Revitalization Zone to comply with all applicable Federal, State, and local environmental regulations. Nothing in this Act shall be construed to waive or diminish in any manner the applicability to any refinery facility located within a Refinery Revitalization Zone existing or future environmental regulations.

SEC. 5. COORDINATION AND EXPEDITIOUS REVIEW OF PERMITTING PROCESS.

(a) Department of Energy Lead Agency.—Upon request of an applicant for a Federal authorization related to the siting and operation of a refinery facility within a Refinery Revitalization Zone, the Department of Energy shall be the lead agency for coordinating all applicable Federal authorizations and related environmental reviews of the facility. To the maximum extent practicable under applicable Federal law, the Secretary of Energy shall coordinate this Federal authorization and review process with any Indian Tribes and State and local agencies responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and approval of any permit decisions.

(b) Authority to Set Deadlines.—As lead agency, the Department of Energy, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian Tribes and State or local agencies willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate and ultimate deadlines for the review of, and Federal authorization decisions relating to, the refinery facility. The Secretary of Energy shall ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months or, where circumstances require otherwise, as soon thereafter as is practicable. The Secretary of Energy also shall provide an expeditious preapplication mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant within 60 days after the prospective applicant submits a request for the information concerning—

(1) the likelihood of approval for a potential facility; and

(2) key issues of concern to the agencies and public.

(c) Consolidated Environmental Review and Record of Decision.—As lead agency, the Department of Energy, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law. The document may be an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 if warranted, or such other form of analysis as may be warranted, in the discretion of the Secretary. Such document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable laws.

(d) Appeals.—In the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the Secretary. Based on the overall record and in consultation with the affected agency, the Secretary may then either issue the necessary authorization with appropriate conditions, or deny the application. The Secretary shall issue a decision within 60 days after the filing of the appeal. In making a decision under this subsection, the Secretary shall comply with applicable requirements of Federal law, including any requirements of the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, the Toxic Substances Control Act, the National Historic Preservation Act, and the National Environmental Policy Act of 1969. Any judicial appeal of the Secretary's decision shall be to the United States Court of Appeals for the District of Columbia.

(e) Conforming Regulations and Memoranda of Understanding.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall issue any regulations necessary to implement this section. Not later than 6 months after the date of enactment of this Act, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into Memoranda of Understanding to ensure the timely and coordinated review and permitting of refinery facilities within a Refinery Revitalization Zone. The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the Department of Energy regulations and any Memoranda under this subsection. Interested Indian Tribes and State and local agencies may enter such Memoranda of Understanding.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "Federal authorization" means any authorization required under Federal law (including the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, the Toxic Substances Control Act, the National Historic Preservation Act, and the National Environmental Policy Act of 1969) in order to site, construct, upgrade, or operate a refinery facility within a Refinery Revitalization Zone, including such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal, State or local agency;

(2) the term "idle refinery" means any intact refinery facility that has not been in operation after June 1, 2004; and

(3) the term "refinery facility" means any facility designed and operated to refine raw crude oil into gasoline, heating oil, diesel fuel, or jet fuel by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 671, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Mrs. CAPPS) will each control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

□ 1030

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the demand for gasoline and other refined fuels in the United States currently exceeds our domestic capacity to produce them. Domestic gasoline consumption is expected to rise by an increase of over 4 million barrels per day by the year 2025. Refineries are already operating at nearly 100 percent of their designed capacity. This excess demand is being met, unfortunately, by an ever-increasing thirst for imports. We are currently importing about 7 percent of our refined product needs.

H.R. 4517 seeks to reverse the trend of relying on refined imports to make up the shortfall. The bill would authorize the Secretary of Energy to designate as a refinery revitalization zone any area that has experienced mass layoffs at manufacturing facilities or contains an idle refinery and has an unemployment rate of at least 20 percent above the national average.

Upon the request of an applicant that seeks Federal authorization related to siting and operation of a refinery within a refinery revitalization zone, the Department of Energy will be the lead agency for coordinating all applicable Federal authorizations and related environmental renewals of the facility. The Secretary of Energy and the heads of all Federal agencies of relevant jurisdiction are required to enter into a memorandum of understanding for the purpose of ensuring timely and coordinated review of the application throughout the process.

The bill would require that the best available control technology, or BACT, would be used on all refineries so that there would be full compliance with all applicable Federal, State, and local environmental regulations. I want to repeat that. The best available control technology would be used at all refineries so that there would be compliance with all applicable Federal, State, and local environmental regulations. We are not changing any existing environmental law, nor do we waive any existing environmental law.

The bill would simply encourage the opening of previously closed refineries and the construction of new refineries in order to increase the domestic supply of gasoline which should, in turn, help bring down the price. I would point out that since the mid-1970s, we have not built a new refinery in the United States, and we have closed over 50 percent of the existing refineries in the United States.

Mr. Speaker, I would urge my colleagues to vote in favor of H.R. 4517, and I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in opposition to H.R. 4517.

This country has a real energy problem that we should be addressing. The Nations' dependence on oil is increasing. Our energy markets have been ravaged by corporate greed and left vulnerable to blackouts, and the country still has no plan to fight global warming.

Unfortunately, the House Republican's Energy Week is simply a publicity stunt. They aim to highlight bills that do not address our energy problems and that will not be enacted this Congress.

Over the past 2 days, the Republican leadership has brought two types of bills to the floor. First, we are repassing bills that will not make it into law, such as the President's energy policy; and, second, we have taken up legislation that the Republican leadership dreamed up in secret without hearings or markups or expert testimony or consultation with other Members of Congress.

Yesterday, we debated the Gasoline Price Reduction Act, which has nothing to do with reducing gasoline prices; and today we consider H.R. 4517, the so-called Refinery Revitalization Act. So it is no surprise to find this bill is a marketing gimmick and not a serious piece of legislation. The bill is poorly drafted and unworkable, and we had no committee hearings on it and no committee markup.

While some specifics are vague, the bill's fundamental purpose is clear. It aims to weaken public health and environmental regulations that apply to oil refineries. The idea seems to be if refiners are allowed to pollute more, they might save money and they might invest any such savings in refining capacity. Of course, there is nothing in the bill to stop oil companies from simply pocketing any savings for higher profits. There is also no evidence that pollution control requirements have had any negative effect on refinery capacity. Given recent record profits, the oil industry already has plenty of cash to invest in refinery capacity if it wants to do so.

Many States may disagree with this approach, so H.R. 4517 allows the Department of Energy to simply override the State decisions. And when a large polluting facility such as a refinery is built or increases its emissions, the facility generally must obtain permits governing its releases of air and water pollution. A State usually grants a permit after hearing from the public and after working with a company to select appropriate pollution controls. But under this bill, the Department of Energy, not the State or even EPA, would set a time limit for granting a permit. This is a bizarre approach, as DOE has no experience issuing permits.

Under this bill, even if a State wanted more information from a refiner, DOE could overrule the State and grant the permit. If a refiner refused to install pollution controls requested by a State, DOE could overrule the State and grant the permit.

As a result, this bill is opposed by the National Conference of State Legislatures, the Environmental Council of the States, the State and Territorial Air Pollution Program Administrators, and the Association of Local Pollution Control Officials. I will introduce letters of opposition from these organizations into the RECORD.

Mr. Speaker, I urge my colleagues to oppose this bill.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, June 14, 2004.

Re: H.R. 4517, the United States Refinery Revitalization Act of 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. NANCY PELOSI,
House Democratic Leader, Capitol Building, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES: The National Conference of State Legislatures opposes H.R. 4517, legislation the House of Representatives will consider this week that would establish an expedited Department of Energy-led permitting process for facilities located in Refinery Revitalization Zones (RRZ). This legislation comes to the House floor without the benefit of public hearings and scrutiny of the current state of domestic refinery permitting. States have authority over the permitting of domestic refineries and a state-federal partnership already is in place regarding permitting and operation of these refineries. H.R. 4517 circumvents and preempts both this authority and the existing state-federal partnership. NCSL urges you to oppose H.R. 4517 and recommit it to committee so that it can undergo the kind of legislative review and discussion needed to determine whether this legislation is warranted.

H.R. 4517 appears to give the Secretary of the Department of Energy authority to override the decision of a state agency or official that results in the denial of a permit. It also transfers appeals of the Secretary's new permitting authority to federal court. This revamping of existing permitting and related activities preempts state authority and, to the extent NCSL can determine without the benefit of public hearings and reviews, is unnecessary.

Thank you for consideration of our concerns. Please have you staff contact Michael Bird (202-624-8686; *michael.bird@ncsl.org*) or Gerri Madrid Davis (202-624-8670; *gerri.madridloose@ncsl.org*) for additional information.

Sincerely,
Representative JACK BARRACLOUGH,
Idaho House of Representatives,
Chair, NCSL, Environment and
Natural Resources Committee.

THE ENVIRONMENTAL COUNCIL OF
THE STATES,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: The Environmental Council of the States (ECOS) is concerned about H.R.

4517, the United States Refinery Revitalization Act of 2004. This legislation could seriously impede state environmental permitting authority. ECOS also urges that a proposed change of this magnitude be considered in committee prior to being taken up on the House floor.

Specifically the legislation appears to weaken state authority by transferring much of the environmental permitting responsibilities to the Department of Energy, an agency with expertise on energy production, not environmental regulations.

The states are also concerned about the impact this legislation will have on State Implementation Plans (SIPs). ECOS' analysis of the legislation indicates that H.R. 4517 could acutely impact the ability of states to complete their SIPs. If refineries in revitalization zones are not held to the same standards as other industries in the same area, which is conceivable under this proposal, states will be forced to have others make up the difference in terms of pollution impact. This will result in making it more difficult for states to complete their SIPs.

It is important to note that States are co-regulators and partners with the federal government in protecting the environment, providing for more than two thirds of the funding. States implement most of the nation's major environmental laws and operate their own innovative programs. The biggest load is carried by the States, which are responsible for 90% of the enforcement. States also collect 94% of environmental data, manage 75% of the delegated programs including all of the air permitting programs, and issue most of the permits overall.

It is critical that states ability to issue permits and provide vital environmental protection services are not hindered. ECOS urges the U.S. House of Representatives to not adopt H.R. 4517, which would dramatically alter environmental protection in this country.

Please contact me at 202-624-3667 should you have any questions. Thank you for considering our position.

Sincerely,

R. STEVEN BROWN,
Executive Director.

Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON and REPRESENTATIVE DINGELL: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the national associations of state and local air pollution control officials in 53 states and territories and more than 165 major metropolitan areas across the country, we write to you today to express our associations' opposition to H.R. 4517, the United States Refinery Revitalization Act of 2004. Our concerns with this bill are two-fold: First, we do not believe such legislation is warranted. Second, the bill preempts state and local environmental agencies' permitting authority and weakens control technology requirements, likely jeopardizing public health and air quality.

Premised on the notion that "refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade" and that "more regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity," H.R. 4517 contends that "required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner." Lacking from these assertions and conclusion, however, is any evidence that environmental requirements, particularly those related to air pollution, have prevented or impeded the construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

In addition to being unnecessary, H.R. 4517 inappropriately supercedes state and local air agencies' authority to permit sources of air pollution by transferring authority for permitting refineries located in areas designated as "Refinery Revitalization Zones" to the U.S. Department of Energy (DOE). As the "lead agency," DOE would assume responsibility for "coordinating all applicable Federal authorizations and related environmental reviews of the facility." As such, DOE would be authorized to "prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law" and "ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months." Further, "in the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary," the DOE Secretary may grant the permit even if the state or local permitting authority has determined that the application fails to comply with environmental protection requirements or if the applicant has not submitted, or did not submit in a timely fashion, adequate information upon which to base a decision that is appropriately protective of public health and air quality.

H.R. 4517 also weakens emission control technology requirements for refineries in "Refinery Revitalization Zones." Although the Clean Air Act requires new and modifying refineries in nonattainment areas to install technology reflecting the Lowest Achievable Emission Rate and achieve emission offsets, and those in attainment areas to install the Best Available Control Technology (BACT) and protect Air Quality Related Values, the bill would require BACT only "as appropriate" at all refineries located in a Refinery Revitalization Zone.

In conclusion, our associations believe H.R. 4517 is unwarranted; moreover, we are concerned that this bill will obstruct state and local efforts to achieve and maintain clean, healthful air. Accordingly, STAPPA and ALAPCO oppose H.R. 4517.

Sincerely,

JAMES A. JOY, III,
President of STAPPA.
DENNIS J. MCLERRAN,
President of ALAPCO.

Mr. BARTON of Texas. Mr. Speaker, I yield 4½ minutes to the gentleman from Louisiana (Mr. TAUZIN), the Bayou State and the Pelican State, and the former honorable and distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the chairman for yielding me this time. I want to congratulate the gentleman on the great job he is doing in heading the Committee on Energy and Commerce and on bringing this bill to the floor.

I rise in strong support of this bill.

Mr. Speaker, 178 Members of this body yesterday voted against a comprehensive energy bill that would provide conservation, fuels, and incredible new incentives to produce energy for our country. Mr. Speaker, 186 Members of this House yesterday voted against a bill to do nothing more than incentivize clean, green, renewable energy plants for America. It is amazing.

I want to put that in perspective for those Members who voted yesterday against these energy initiatives and who are probably going to vote against this bill today.

Twenty-five years ago, the last refinery that we built in America was built in my district, the Marathon Refinery. Twenty-five years ago, we stopped building refineries in America. Refineries are what make gasoline. Refineries are what make diesel fuel. They make jet fuel. They make home heating fuel to keep homes warm in the winter. They make the fuel to drive the cars and the trucks across the roads of America and to heat and warm the homes of our country and to provide, in many cases, electricity for those homes. They provide the jet fuel for the airlines to fly the airways of our country.

Now, in 25 years we have not stopped building airplanes, we have not stopped building roads, we have not stopped building houses, we have not stopped building factories that need this energy. In fact, we built 751 million new vehicles in America, just built in this country, not counting imports. And what do we do to build plants to supply them with the energy they need? Zero. We have shut down half of the refineries that were built previous to 25 years ago, and we have stopped building refineries.

So guess what is happening to America? We are not only importing now twice as much oil as we used to import at the Arab oil embargo when 30 percent of our oil came from foreign sources, now 60 percent comes from foreign sources; but more and more, we are importing refined products like gasoline, diesel, jet fuel, and home heating oil. So more and more we are becoming dependent, not just on oil, but now we are becoming more and more dependent on unreliable sources for gasoline, diesel fuel, heating oil, and jet fuel.

So more and more, we have to think about sending our sons and daughters in uniform to go defend some refinery in some other country that we cannot really depend upon anymore. More and more, we are saying the lives of our young folks are less valuable to us than building a new refinery in America. Now, there is something illogical about that; there is something crazy about that. We need to change that logic.

This bill says, let us think about building a few new refineries in this country.

When the gasoline prices started skyrocketing in America, do we know what the response of those who are voting against these energy bills was? Let us open up a Strategic Oil Program. Let us get some oil out of the ground that we are saving for the time we get embargoed again. Where would you refine that oil? The refineries in America are operating at near 100 percent. If you took some oil out of the Strategic Petroleum Reserve, you would have to ship it overseas to get it refined into gasoline for us.

That is how ridiculous the energy policy of this country has been and remains to this date. We need to change that policy.

We need to finally pass a comprehensive energy bill that we have now sent to the other body twice this Congress, and we need to literally put it on the President's desk for signature, and we need to pass this bill.

This bill does not change any environmental laws. It simply encourages, through coordination of effort, through all the processes of getting a new refinery permitted and built in America. To do what? To make some diesel fuel, to make some gasoline, to make some heating oil, to make some jet fuel, so airline prices are not as high, so heating oil prices are not so terrible that people freeze to death in the winter in this country, so gasoline can be affordable again, so diesel fuel can be affordable again, so we can fill the tanks of the 751 million new cars we built without building a new refinery, so we do not have a crisis in California, so we do not have blackouts, brownouts, and disasters for the American consumer.

Look, we cannot do much for the American consumer before the election date rolls around in November. Time is short. You can do this. You can help them build a refinery to bring down prices. We ought to do this today.

Mrs. CAPPS. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4517, the Refinery Revitalization Act. This bill would give the Department of Energy unprecedented authority over all environmental permitting of refineries, with serious environmental consequences, creating yet another governmental bureaucracy. This bill has not been examined by any committee with jurisdiction over these laws and would create serious conflicts between the Department of Energy and State and Federal agencies charged with protecting our environment. I urge my colleagues to oppose this bill.

The premise of this bill is that environmental regulation is hindering refinery expansion. There is no basis for this conclusion. Refining capacity has actually increased in recent years, and environmental requirements have not prevented that increase.

While there has been a decrease in the number of refineries, not the capacity, but the number, this is due to increasing market concentration resulting from refinery mergers. Thus, Big Oil, and not environmental laws, are to blame for fewer, but bigger, refineries.

Even if environmental permitting requirements were not the problem, this bill would make the situation worse, not better, by wreaking havoc with the well-established system partnership in place today. Under this bill, the Department of Energy would be given lead authority over environmental permits and would be given the ability to overrule permit denials by other State and Federal agencies. DOE lacks the experience or the ability in interpreting or implementing our environmental laws, because DOE's mission is not focused on environmental protection.

I am surprised at my colleagues' support for this bill, which would actually remove power from the States, from local control, and transfer it to a centralized bureaucracy in Washington, D.C. This runs counter to the themes of anti-big government that the majority professes to champion.

While this bill is no doubt supported by the refineries, it is not supported by anyone with a stake in environmental protection. All of the major environmental organizations oppose this bill, and the list of State organizations that have opposed the bill includes the Environmental Commissioners of the States, the National Conference of State Legislatures, the State and Local Air Directors, and many other groups.

This bill is also opposed by the League of United Latin American Citizens, LULAC, and the National Hispanic Environmental Council, because of the environmental justice issues that it raises.

Mr. Speaker, I will enter into the RECORD letters from both of these organizations.

□ 1045

In addition to giving the Department of Energy the ability to override Federal and State permitting agencies, this bill also creates a special consultation process for industry. Before any other parties would even know that a permit is being planned, H.R. 4517 would require that DOE provide any permit applicant with a chance to meet with the permitting agencies, an inside track if you will, and obtain an informal reading regarding the agency's plan for granting the permit.

So much for competitive processes. This would give the inside track to the permit applicant over the public, which has overriding environmental and public health concerns.

Finally, DOE would also be given the ability to shape the record and the timing and procedure for the granting of permits. That power in itself is highly significant since a major part of permit evaluation is whether the permittee has supplied sufficient information and, in many cases, the environmental statutes and regulations specified, precise permit content. Under this bill, the Department of Energy would be allowed to determine that "such data as the Secretary consider necessary had been submitted," centralized power, and move to permit issuance in 6 months or less. That would allow DOE to move a permit forward even where a permit applicant had clearly failed to meet the fundamental requirements for basic information.

The bill has not had any benefit of review by anyone except its sponsors. No hearings have been held, no agencies, not even DOE or EPA have testified to its effect. In essence, it makes a mockery of the legislative process that we are all committed to in this body.

Before we move to place an overlapping and inconsistent permitting scheme on top of already complex Federal laws that govern environmental permitting by State and Federal agencies, we should at least undertake a basic analysis of the bill's impact and validity. If the Congress is serious about examining refineries, we should do the work that would let us understand the effect and meaning of such a bill.

That has not been done, and in urging my colleagues to oppose this bill, I remind us all that the passage of this bill is going to ensure that disadvantaged communities are going to rise up in strong opposition to being dumped on, yet another time, by the government. And it also will open up serious discussion of what big government is really about.

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, DC, June 14, 2004.

Chairman JOE BARTON,
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: On behalf of the League of United Latin American Citizens (LULAC), the oldest Latino civil rights organization in the United States, I am writing to express deep concern with the introduction of HR 4517 directing the Secretary of Energy to designate "Refinery Revitalization Zones" in areas of the country with high levels of unemployment. Although we strongly support revitalizing areas of the country with high unemployment and the stabilization of oil workers is a LULAC priority, unfortunately LULAC feels that HR 4517, as it stands today, fails to reach this threshold in a number of ways. LULAC believes that HR 4517 is structured so as to continue a race to the bottom in labor and environmental standards and will encourage members to reject this legislation.

LULAC is concerned about the stability of oil prices and its impact on oil workers, many of whom are Hispanic. LULAC supports state and federal efforts to stabilize the price of oil and prevent the displacement of Hispanic oil field workers and federal tax incentives to domestic oil producers to reduce dependency on foreign oil. Therefore, LULAC is in support of a federal energy policy that encourages the development of alternative fossil fuels and other environmentally friendly energy sources. However, the devil is in the details. We support efforts that contain the rules necessary to ensure balanced and equitable sustainable development, stable economies and a healthy environment but do not feel H.R. 4517 meets those standards.

LULAC believes that the efforts to create Refinery Revitalization Zones in areas with unemployment rates more than 20% unfairly targets area that are heavily minority populated and already disproportionately impacted by refineries and other industries. The environmental and public health impacts of refineries that are required to meet all existing environmental laws, including those state regulations that may be more stringent than federal, are still disproportionately felt by underprivileged communities. This legislation would exacerbate these problems.

Lastly, the legislation places the power to designate a revitalization zone with the Secretary of Energy with little, if any review from other agencies. If we are to grow jobs, it is critical that this be done in a substantive and sustainable manner—over the long-term—and not with a short-term vision that merely places a band-aid on real development needs.

Sincerely,

HECTOR FLORES,
LULAC National President.

NATIONAL HISPANIC
ENVIRONMENTAL COUNCIL,
Alexandria, VA, June 15, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: On behalf of the National Hispanic Environmental Council (NHEC) we are writing to convey our deep concern over H.R. 4517, the "Refinery Revitalization Act of 2004". This bill would, among other things, direct the Secretary of Energy to designate "refinery revitalization zones" in areas of the country with an unemployment rate of at least 20%.

H.R. 4517 has a number of serious flaws, and the potential for a substantial, negative impact on people of color. NHEC opposes H.R. 4517 for the following reasons.

First and foremost, we believe H.R. 4517 raises serious environmental justice concerns. As you know, many highly industrialized areas are already located in or near minority and low income communities. It is well documented that people of color suffer disproportionately from the many health impacts resulting from close proximity to industrial sites, especially facilities such as refineries. Refineries produce many tons of toxic chemicals and other harmful pollutants, and are a major source of environmental justice issues and litigation, as evidenced by the oil refinery area known infamously in Louisiana as "Cancer Alley". Environmental injustice is a major cause of health problems—including higher rates of cancer, tumors, and lung disease—for Latino and other minority communities. We believe H.R. 4517 will greatly exacerbate the present and future environmental justice problems confronting Latinos and others.

Indeed, the "areas" H.R. 4517 proposes to target—urban, industrial/manufacturing sites with high unemployment rates—is also an accurate description of many minority communities. In short, *we* are the ones who will be most impacted. Should H.R. 4517 pass, it will be Latinos and other minorities who will have to live disproportionately with its adverse health, safety, and environmental consequences.

This is the classic definition of environmental injustice, and we strongly oppose any congressional efforts that might create new environmental justice burdens on our community. Indeed, we believe H.R. 4517 violates Executive Order 12898, "Environmental Justice for All Americans", the pre-eminent federal environmental justice requirement, which mandates that all federal agencies address and mitigate environmental justice concerns, not create new ones.

As drafted, H.R. 4517 not only targets minority communities but strips them of their ability to protect themselves. For example, it puts the U.S. Department of Energy (DOE) in charge of final decision-making, regardless of the concerns of other agencies. DOE is responsible for preparing the environmental review/impact statement that will be used as the basis for all future decisions, and it has the final say over all regulations governing siting of power plants, including the Clean Air Act, the Safe Drinking Water Act, Superfund, and the National Historic Preservation Act.

Specifically, it allows the Secretary of Energy to override all federal agencies permitting decisions, to overrule EPA and its vital regulatory functions, and to pre-empt and override state laws and regulations where those laws are stronger than federal environmental laws.

Indeed, given DOE's checkered past in adequately protecting the health and safety of Americans, including minorities, we have grave doubts as to the wisdom and effectiveness of putting DOE in sole charge of the environmental decision-making and implementation functions of this bill.

Please know that NHEC supports responsible revisions to our nation's energy policy, and balanced sustainable, well-crafted economic development and environmental jobs programs. Certainly these are much needed in Latino and other minority communities. However, we do not believe that H.R. 4517 meets this criteria.

NHEC is the only national Hispanic environmental organization in the country. Founded in 1996, and with over 5,000 members nationwide, we seek to educate, unite, and engage Latinos on environmental and sustainable development issues; provide a national voice for Latinos before federal, state, and non-profit environmental decision-makers; and encourage Hispanics to actively work to preserve and protect our environment and natural resources. We operate under the credo: "because it's our environment too".

We would be happy to address these concerns in more detail, and would welcome a dialogue with your office. We can be reached at 703-683-3956.

Sincerely,

ROGER RIVERA,
President, NHEC.
MANUEL HERNANDEZ,
Chairman, NHEC.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to myself. I want to respond to one of the things that the gentlewoman from California (Mrs. CAPPS) just said.

This bill simply says if an area has unemployment of at least 20 percent higher than the national average, we have set up an expedited procedure to hopefully refurbish an existing refinery or perhaps build a new one. That creates jobs. Creating jobs is not dumping on anybody. It is creating jobs.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the committee and the subcommittee.

Mr. NORWOOD. Mr. Speaker, I rise today in strong support of H.R. 4517, the Refinery Revitalization Act of 2004. I would like to thank the gentleman from Texas (Mr. BARTON) for his leadership on this very important issue.

Mr. Speaker, I find this whole discussion absolutely amazing. We go home and all of us hear from our constituents that gasoline prices are too high. Why does Congress not do anything about it? Whether Democrat or Republican, the answer is, boy, I am working on it.

Well, I have never heard so many pitiful Democratic excuses to not vote for a bill that would simply increase gasoline and diesel fuel in this country and bring down the price. Now, if you do not want to bring down the price, just vote no on this bill because that is the design of it. And the American people are not interested in all the nitpicking, little excuses that you are coming up with.

Mr. Speaker, the citizens of the Ninth District of Georgia, and I am certain along with other citizens across the country, want to know what we in Congress are doing to help lower the gas prices. That is a legitimate question to ask your Member of Congress. I wish there was a quick fix. The facts are clear that there is not one. Tapping into our national oil resources, such as the one in the Arctic National Wildlife Refuge, which we certainly should do, will not guarantee a lower gas price unless, unless we improve our refinery capabilities as well. What we must do is work to improve the situation in the future by opening up refineries for more production.

I remind you, we have not opened one in 25 years in this country. Little wonder there is such a high demand for gasoline. That is exactly what this act wishes to do.

H.R. 4517 would streamline the regulatory approval process, my goodness, streamline the regulatory approval process, for the restart of the idle refineries, which there are many, or the construction of new refineries, which there have been none in 25 years in areas of this country that desperately need more than just lower gas prices.

The same people who are complaining about jobs will not vote for a bill that will improve our job situation in these areas that have an unemployment rate 20 percent higher than the national average, and they have either experienced massive layoffs in the manufacturing industry or have a closed refinery plant in that area. While we do our best to combat high gas prices in the present, we must be prepared for demand in the future.

U.S. gasoline consumption is projected to rise to 13.3 million barrels per day by 2025. I want you to compare that to the 8.9 million barrels per day today. Where is it coming from? Are we going to be dependent on the Middle East for refineries?

Vote for this bill and let us do something about lowering the price of gasoline and diesel fuel in this country.

Mrs. CAPPS. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is part of a continuing pattern where the Republican majority shuts out the Democratic Party. But more importantly, they shut out, yes, the American public. No hearings on this bill. No discussion on this bill. No involvement of the American public in discussing a bill which could have profound impact on the environment and the health of Americans all across our country. It is a continuing pattern of disrespect for the American public that they are not able to have hearings on issues that are so central to their families' environmental and health care well-being.

They bring it out here to the floor and what do they say to the Democratic Party and, yes, to the American people? There are no amendments that can be made to this bill. We have conceived it in secret and we are going to pass it without amendment or without discussion, and that is the height of political arrogance because it leaves out the American people from the discussion. It assumes that a small number of oil company executives working with members of the Republican Party can decide what is best for our country, when obviously it is pretty evident from all of the higher gas prices and the mess that we have got in the country that that is not the best way to go, that the American people should be involved.

What do they say? They say we need this bill, quote/unquote, to revitalize the refining industry. Well, today the biggest oil refiners in the United States are Exxon-Mobil, Conoco-Phillips, BP, Valero and Royal Dutch Shell. Together they comprise 50 percent of domestic refinery capacity in the United States. Ten years ago they only controlled about a third of domestic refinery capacity.

So how are they doing with this incredible increase that they have had over the last few years? Well, Valero Energy Corporation reported record earnings in its April 2004 quarterly report. Here is what they said. "With respect to refined product fundamentals, gasoline margins remain at record levels. As we look at the balance of 2004, it is obvious that this is going to be another year of record earnings for us," the Valero Refining Company.

That is great news if you are a Valero Energy shareholder. What about all the American gasoline consumers? Why has it not been great for them? What about other refiners? Perhaps they are hurting as well. Let us find out.

Let us look at Exxon-Mobil's May 2004 quarterly report. Here is what they have to say about themselves. U.S. downstream earnings were $393 million, up $218 million mainly due to higher refining margins.

Great news for Exxon-Mobil shareholders. Their investment does not seem like it needs to be revitalized much if they have had more than a doubling of their revenues.

Well, how about Conoco-Phillips, how are they doing? Guess what? There is good news again. Here is what Conoco-Phillips had to report in their April 2004 quarterly report. Refining and marketing income from continuing operations was up $464 million, up from $202 million in the previous quarter and $389 million in the first quarter of 2003. Improvements over the fourth quarter of 2003 were primarily driven by higher refining margins. These improvements were partially offset by lower U.S. retail and wholesale marketing margins. The improved results from the first quarter of 2003 were attributable to higher U.S. refining margins and volumes, partially offset by lower U.S. retail and wholesale marketing margins.

Now, I could go through BP, which once again makes the same point. How about Royal Dutch Shell? Again, they are making the same point. Shell, Shell says that they are watching increased margins.

Not so great news for the consumer but great news for each one of those oil companies.

So your question, I guess, is why do they not take all these profits and expand their refining capacity? Why do they not just, rather than blaming it on the environment and the health care laws of the United States, just take all these huge profits that they get from tipping the American consumer upside down and shaking money out of their pockets and improve them?

I will tell you why they do not do that. They do not do that because they do not want to call upon the Justice Department. They do not want to call upon the Federal Trade Commission to look at the incredible consolidation that has occurred in the refining industry over the last 10 years. They do not want to look at what happens when fewer and fewer companies control the refining industry and you wind up with a conscious or unconscious parallelism of interest, which essentially means they all have a stake in raising prices because there are so few of them and there are no other competitors out there who can act on behalf of consumers by lowering prices.

But for crying out loud, do not blame the health care laws that protect the American public. Do not blame the environmental laws. Blame these companies with record profits which do not want to expand the refining industry themselves.

Please, please, do not exclude the American public from the debate on this bill, have no questions asked, and then blame the laws that have been passed to protect their health and environment for what the refiners are doing in hurting the American consumer.

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to myself. I want to briefly respond to the gentleman from Massachusetts (Mr. MARKEY).

First on his point that there have been no hearings on the bill and it is out of regular order, he is exactly right, and the gentlewoman from California (Mrs. CAPPS) is right and the gentleman from Michigan (Mr. DINGELL) is going to be right when he says that. I apologize for that. That is an exception to the rule.

We try to do everything in the Committee on Energy and Commerce by regular orders. This is one of those rare exceptions, and I will stipulate that they are totally right to complain about the process. So in the spirit of comity, I want to get that on the record.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. HALL), the subcommittee chairman.

Mr. HALL. Mr. Speaker, I do thank the chairman for yielding me time.

Mr. Speaker, I even thank my friend, the gentleman from Massachusetts (Mr. MARKEY), for his remarks that this is a continued assault on the price of a gallon of gasoline. That is exactly what it is. It is a continuation of the assault of the Committee on Energy and Commerce and the gentleman from Texas (Mr. BARTON) and those that believe that if we lower the price of gasoline we are raising the opportunity for youngsters to decide what branch of the service they will go into, instead to choose what field of education do I want to enter.

This is a battle against war. A Congressman's major duty is to prevent a war, and you prevent a war by removing the causes of war. So this is for the youngsters. This is for this generation that we are talking about and generations to follow. This is not a bill that costs a lot of money. As a matter of fact, we are not throwing money at it. We are not pouring money into it. We are streamlining the system. I do not really know why anybody complains about that.

It is tied to high unemployment areas, to distressed areas or where there is a closed refinery. We have got to have refineries. We have almost frightened all the refineries offshore up to this time or they have shut down.

□ 1100

As a matter of fact, let me see what the facts are on shutting down those refineries. I think in 1981 we had 324 refineries shut down here. This has been cut back to 153. If my math's correct, that is 171 of them that have gone offline, that have either gone offshore or are not productive here; and this bill simply urges people to restart those refineries to where we can grind out what we need to have to fight the rising cost of gasoline. It is just that simple. We are not pouring money into it. We are streamlining the system.

The Secretary can identify the area, similar to their depressed area legislation. It was on the books when Kennedy was elected. President Kennedy, one of the first steps he took was to take the lid off the depressed area legislation. There was a 500,000 lid on it. He took it off to really avail ourselves of it, but that was pouring money into it; and even that helped in that day and time.

Today we are not pouring money into it. We are streamlining it. We are making it a little easier to start those back up and start them back up where they are now, where people are existing now, where people do not have any objection to them because they think it is better than high unemployment.

Back in 1962 when I went into the Texas Senate, John Connally was elected Governor. He was ahead of other Governors in that he tried to have an EPA for the State of Texas, early for EPA. He appointed a fine young man from Houston, Texas, who had a business on the canal. The canal was badly polluted at that time. He came before us to be confirmed, and there were five of us who had to accept or reject him. He was rejected because he answered one of the questions wrong.

Senator Schwartz, a friend of mine, wanted to know, how do you feel about pollution, and the guy said, well, I do not want to give you a short answer, but I will quote a President who answered how do you feel about sin. He said, I am against it. One of our senators thought that was an affront to him, and he said, no, I mean, how do you really feel about pollution? His answer was one of the great answers I have ever heard. He said it tastes better than poverty.

That is what I am saying today. Put opportunity into the hands of these people where these plants have been. Open them up and give us an opportunity to save this generation from having to cross an ocean and fight for some energy when we have plenty right here at home.

Mrs. CAPPS. May I inquire of the Speaker, please, the time remaining on each side.

The SPEAKER pro tempore (Mr. LINDER). Both Members have 15 minutes remaining.

Mrs. CAPPS. Mr. Speaker, it is with pleasure I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in opposition to the U.S. Refinery Revitalization Act, as it is called; but I did want to say it is a pleasure to have our friend, the gentleman from Louisiana (Mr. TAUZIN), back on the floor today. I did want to respond to one of his comments.

He said that he could not believe that the energy bill that we passed before and passed again yesterday had so much opposition. I might remind him that every single New England Senator, five Republicans and seven Democrats, every single New England Senator voted against that bill. In the United States House, 20 of 22 Members of the House from New England voted against that bill. The bill is flawed. That is why it has not gone anywhere yet in the Senate.

Also, my friend from Georgia talked about pitiful Democratic excuses. He was tired of pitiful Democratic excuses that he has heard on this legislation that we are considering today. Well, if a person has asthma, and there is an asthma epidemic in this country, if a person has asthma, clean air is not a pitiful excuse. It is a real thing that affects a person's life and how they get along in the world. The fact is, the truth about this legislation is that it could allow more. It could allow polluting facilities to emit more pollution than the health-based standards of the Clean Air Act can do today.

Refineries are significant emitters of volatile organic compounds which form tropospheric ozones. The facilities pose a threat to human health and are regulated today under the Clean Air Act.

H.R. 4517 undermines Clean Air Act standards at these facilities. Here is what this bill says: "The best available control technology, as appropriate, shall be employed on all refineries located within a refinery revitalization zone."

But in places where the air already contains unhealthy levels of pollution, the Clean Air Act holds new and modified refineries to an even higher standard described as the "lowest achievable emissions rate." The act also demands offsets for new sources of pollution so that the air does not get dirtier. A weaker standard and no offsets would lead to more pollution than the health-based standards permit. In short, this bill lays out a path to more pollution.

Furthermore, the bill requires refineries to use best available control technology only as appropriate. What does that mean? Well, no hearings, no conversation. We do not know. Does this legislation authorize the Secretary of Energy to label best available control technology inappropriate in certain circumstances? If so, this legislation would permit the Secretary to authorize even less pollution control than he so desired.

Finally, H.R. 4517 would make it harder for EPA to assess the health impacts of new refineries. The legislation would place the Secretary of Energy in charge of the permitting process, the official record and the only environmental review document. Even if EPA's experts conclude that a proposed refinery project fails to comply with the substantive standards set forth in the Clean Air Act, the Secretary of Energy may issue the necessary authorization anyway. Under the law, EPA's 3 decades of expertise would be supplanted by an agency with no experience enforcing the Clean Air Act.

My friend from Texas a few moments ago told a story and said pollution tastes better than poverty. Well, it all depends. This legislation does not give the power to decide whether a refinery is built in an area of high unemployment to the unemployed. It gives it to the Secretary of Energy.

If a person has asthma, pollution is a very big deal to them. We can find a better balance.

I urge my colleagues to reject this act.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce, for yielding me the time, and I thank him for the great leadership he has provided for many years in this Congress.

Mr. Speaker, NPR News a couple of weeks ago had a report about why gas prices are now over $2 a gallon in some States and very high everywhere. The reporter explained that while demand has gone way up, as everyone has known it would for many years, capacity has gone way down. He said due to environmental restrictions, no new refineries have been built in this country for more than 20 years and the number of refineries in California has decreased from 37 to 13.

The gentleman from Texas (Mr. HALL) mentioned that 170 refineries have closed since 1981. A previous speaker said some refineries are making record profits. Well, if we decrease the number of refineries even more, they will make even higher profits.

Also, radical environmentalists have successfully fought and stopped oil production in the frozen tundra of Alaska and most other places where it can be safely and environmentally and economically done in the U.S.

Environmental extremists almost always come from wealthy or at least very upper-income families, but they are really hurting the poor and lower-income and working people of this country and even our national security by shutting down so much oil production and refining here and making us overly dependent on foreign oil that is being sold at rip-off prices. Some environmental groups want gas prices to go to $3 or $4 a gallon so people will drive less, but that would be another nail in the coffin of small towns and rural areas where people often have to drive long distances to get to work.

We need to support this and other pro-consumer energy legislation so we can bring gas prices down or at least hold them stable. I urge support for this legislation.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, my colleague.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from California for the fine way in which she is handling this legislation and for her gracious recognition of me.

I want to say a word of kindness about my friend, the chairman of the committee, and the chairman of the subcommittee. They are fine people, and I am very fond of them and respect them.

I do not respect the output, however, of the committee on this matter. Where are the hearings? Where is the record? Where are the facts to support this? Where is there anything other than supposition? Where are the statistics? Where is the testimony of the Department of Energy? Where are the comments of the Environmental Protection Agency? Where are the requests of the industry that this matter be considered or that this legislation should be brought up or that it is good legislation in the public interest?

None of this is available. This is not the way in which the House should legislate on an important matter. This is the way that perhaps a high school class in emulating the way the Congress should function would be conducted. Even at that time, I think it would be a significant embarrassment.

Now, there are some facts here available. First of all, domestic refining capacity has been increasing; although the number of refining establishments has declined. This is a very interesting thing, but there is no information in the hearing record. Indeed, there is no hearing record on this matter. The bill which we have before us today has not been subject to even the most basic congressional review. There have been, as I have said, no hearings on the matter either in the committee or the subcommittee, and we certainly have no idea of what this bill will do, whether it will do anything or whether it will do nothing.

In point of fact, there are substantive changes in the legislation of the Clean Air Act. There are substantive changes of other statutes which are under the jurisdiction of the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure.

It is fair to note something else should be observed about this legislation. The bill will change the forum. Instead of having the matter considered by EPA, where traditionally it has been done and where the procedures have been fair and have been based on the expertise of the agency, all of the sudden it is going to be moved to the Department of Energy. This leaves, in my mind, an inference that those who are so anxious to have this movement take place are deliberately seeking to stack the forum, to change the forum from one which has been honest and fair and which has served the public interest to perhaps a more slippery and dishonest forum in which the matter can be considered in a way which best suits a preconceived intention.

So we have, first of all, no record; but we have a very curious change in procedure and form which raises questions as to the integrity, not just of the process here, but the process which will be taking place as the matter goes forward.

Now, one of the interesting things is H.R. 4517 turns the Secretary of Energy into an environmental czar. It does this. It usurps the authority of State officials who are charged with protecting public health. The Secretary of Energy controls the procedures for obtaining State and Federal environmental permits, controls the timelines for reviewing and granting permit applications, controls the creation of environmental review documents that are the basis of the decisions which will be made. The Department of Energy is given the authority to override a State Governor's decision to deny permits for public health reasons.

My good friends, the States righters over here, are diligently stomping on the rights of the States to protect their citizens and to make judgments which might be best in conformity with the wishes and attitude of the people in the area and the elected officials of the State. It deliberately tramples upon a longstanding and successful way whereby the Federal Government has delegated responsibilities to these matters to the States and that the States were to carry forward these activities of permitting under the rules and traditions which we have long understood and which the people of the States not only understand but which they know is closest to the people.

The proposal then would move the principal responsibility to a new form on the basis of no record, and it should be noted that the National Conference of State Legislatures, the Environmental Council of States, and the Association of Local Air Pollution Control Officials, among others, oppose this legislation.

One nice and comforting thing about it is that the red faces on the other side of the aisle about a bad piece of legislation will probably be of short duration because the Senate will never consider a piece of legislation as outrageous as this.

Mr. Speaker, I will include for the RECORD at this point some letters I have on this subject.

THE ENVIRONMENTAL COUNCIL
OF THE STATES,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: The Environmental Council of the States* (ECOS) is concerned about H.R. 4517, the United States Refinery Revitalization Act of 2004. This legislation could seriously impede state environmental permitting authority. ECOS also urges that a proposed change of this magnitude be considered in committee prior to being taken up on the House floor.

Specifically the legislation appears to weaken state authority by transferring much of the environmental permitting responsibilities to the Department of Energy, an agency with expertise on energy production, not environmental regulations.

The states are also concerned about the impact this legislation will have on State Implementation Plans (SIPs), ECOS' analysis of the legislation indicates that H.R. 4517 could acutely impact the ability of states to complete their SIPs. If refineries in revitalization zones are not held to the same standards as other industries in the same area, which is conceivable under this proposal, states will be forced to have others make up the difference in terms of pollution impact. This will result in making it more difficult for states to complete their SIPs.

It is important to note that States are co-regulators and partners with the federal government in protecting the environment, providing for more than two thirds of the funding. States implement most of the nation's major environmental laws and operate their own innovative programs. The biggest load is carried by the States, which are responsible for 90% of the enforcement. States also collect 94% of environmental data, manage 75% of the delegated programs including all of the air permitting programs, and issue most of the permits overall.

It is critical that states ability to issue permits and provide vital environmental protection services are not hindered. ECOS urges the U.S. House of Representatives to not adopt H.R. 4517, which would dramatically alter environmental protection in this country.

Please contact me at 202–624–3667 should you have any questions. Thank you for considering our position.

Sincerely,
R. STEVEN BROWN,
Executive Director.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, June 14, 2004.

Re H.R. 4517, the United States Refinery Revitalization Act of 2004.

Hon. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.
Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.
Hon. NANCY PELOSI,
House Democratic Leader, Capitol Building, Washington, DC.
Hon. JOHN DINGELL,
Ranking Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES: The National Conference of State Legislatures opposes H.R. 4517, legislation the House of Representatives will consider this week that would establish an expedited Department of Energy-led permitting process for facilities located in Refinery Revitalization Zones (RRZ). This legislation comes to the House floor without the benefit of public hearings and scrutiny of the current state of domestic refinery permitting. States have authority over the permitting of domestic refineries and a state-federal partnership already is in place regarding permitting and operation of these refineries. H.R. 4517 circumvents and preempts both this authority and the existing state-federal partnership. NCSL urges you to oppose H.R. 4517 and recommit it to committee so that it can undergo the kind of legislative review and discussion needed to determine whether this legislation is warranted.

H.R. 4517 appears to give the Secretary of the Department of Energy authority to override the decision of a state agency or official that results in the denial of a permit. It also transfers appeals of the Secretary's new permitting authority to federal court. This revamping of existing permitting and related activities preempts state authority and, to the extent NCSL can determine without the benefit of public hearings and reviews, is unnecessary.

Thank you for consideration of our concerns. Please have our staff contact Michael Bird (202–624–8686; michael.bird@ncsl.org) or Gerri Madrid Davis (202–624–8670; gerri.madrid@ncsl.org) for additional information.

Sincerely,
Representative JACK BARRACLOUGH,
Idaho House of Representatives,
Chair, NCSL, Environment and
Natural Resources Committee.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the national associations of state and local air pollution control officials in 53 states and territories and more than 165 major metropolitan areas across the country, we write to you today to express our associations' opposition to H.R. 4517, the United States Refinery Revitalization Act of 2004. Our concerns with this bill are two-fold: First, we do not believe such legislation is warranted. Second, the bill preempts state and local environmental agencies' permitting authority and weakens control technology requirements, likely jeopardizing public health and air quality.

Premised on the notion that "refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade" and that "more regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity," H.R. 4517 contends that "required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner." Lacking from these assertions and conclusion, however, is any evidence that environmental requirements, particularly those related to air pollution, have prevented or impeded the construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

In addition to being unnecessary, H.R. 4517 inappropriately supercedes state and local air agencies' authority to permit sources of air pollution by transferring authority for permitting refineries located in areas designated as "Refinery Revitalization Zones" to the U.S. Department of Energy (DOE). As the "lead agency," DOE would assume responsibility for "coordinating all applicable Federal authorizations and related environmental reviews of the facility." As such, DOE would be authorized to "prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law" and "ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months." Further, "in the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary," the DOE Secretary may grant the permit even if the state or local permitting authority has determined that the application fails to comply with environmental protection requirements or if the applicant has not submitted, or did not submit in a timely fashion, adequate information upon which to base a decision that is appropriately protective of public health and air quality.

H.R. 4517 also weakens emission control technology requirements for refineries in "Refinery Revitalization Zones." Although the Clean Air Act requires new and modifying refineries in nonattainment areas to install technology reflecting the Lowest Achievable Emission Rate and achieve emission offsets, and those in attainment areas to install the Best Available Control Technology (BACT) and protect Air Quality Related Values, the bill would require BACT only "as appropriate" at all refineries located in a Refinery Revitalization Zone.

In conclusion, our associations believe H.R. 4517 is unwarranted; moreover, we are concerned that this bill will obstruct state and local efforts to achieve and maintain clean, healthful air. Accordingly, STAPPA and ALAPCO oppose H.R. 4517.

Sincerely,
JAMES A. JOY III,
President of STAPPA.
DENNIS J. MCLERRAN,
President of ALAPCO.

JUNE 14, 2004.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we are writing to urge your opposition to the "United States Refinery and Revitalization Act of 2004" (H.R. 4517) recently introduced by Congressman Joe Barton.

The premise of H.R. 4517 is that public health regulations are to blame for the country's shortage of refinery capacity. This premise is absolutely false. As of 2000, EPA had received only one application for a permit to build a new refinery in the preceding 25 years. Valero's Senior Vice President recently acknowledged that it was "the poor margins that had the biggest impact [on new refinery construction], not the environmental rules." Yet, H.R. 4517 would allow oil companies to skirt public health laws when they build new refineries and expand old ones, increasing air and water pollution and harming public health. Indeed, the bill would take ultimate authority for environmental permitting in so-called "Refinery Revitalization Zones" away from the EPA and the states and hand it to the Department of Energy, an agency whose primary mission and expertise is the promotion of energy production.

Attachled is an analysis of the bill detailing the harmful effects that, if enacted, this measure would pose to the health and well-being of our communities. We strongly urge you to vote against the bill.

Sincerely,

John Walke, Clean Air Program Director, Natural Resources Defense Council.

Emily Figdor, Clean Air Advocate, U.S. Public Interest Research Group (PIRG).

Paul Billings, Vice President for National Policy and Advocacy, American Lung Association.

Eric Schaeffer, Director, Environmental Integrity Project.

Jill Stephens, Program Analyst, National Parks Conservation Association.

Mark Wenzler, Director of Energy Programs, National Environmental Trust.

Michele Boyd, Legislative Representative, Critical Mass Energy and Environment, Public Citizen.

Nat Mund, Washington Representative, Sierra Club.

Elizabeth Thompson, Legislative Director, Environmental Defense.

Matthew Niemerski, Government Relations Associate, Defenders of Wildlife.

Dave Alberswerth, The Wilderness Society.

Kathy Andria, President, American Bottom Conservancy.

David Monk, Executive Director, Oregon Toxics Alliance.

Jacky Grimshaw, Vice President for Policy, Transportation & Community Development, Center for Neighborhood Technology.

Cynthia Sarthou, Executive Director, Gulf Restoration Network.

DeeVon Quirolo, Executive Director, Reef Relief.

Tom Z. Collina, Executive Director, 20/20 Vision.

Sarah Peisch, Environmental Action Center.

Joan Marie Silke, President, The Good Neighbor Committee of South Cook County.

Congressman Barton's H.R. 4517: Weakening Public Health and Environmental Protections on Behalf of Oil Companies

Congressman Joe Barton of Texas has introduced a bill that would make it easier for oil companies to skirt public health laws when they build new refineries and expand old ones. Entitled the "United States Refinery Revitalization Act of 2004" (H.R. 4517), the bill would take ultimate authority for environmental permitting in so-called "Refinery Revitalization Zones" away from the Environmental Protection Agency (EPA) and the states hand it to the Department of Energy (DOE), which has neither expertise nor interest in controlling the harmful pollution that refineries emit.

The Bill Falsely Blames Public Health Protections for the Country's Refining Shortage. The preamble to the Barton bill states that "[m]ore regulatory certainty" and "streamlined" regulatory approvals are needed to "stimulate investment in increased refinery capacity." The bill assumes that public health regulations are to blame for the country's shortage of refining capacity; however, that assumption is false. As of 2000, EPA had received only one application for a permit to build a new refinery in the preceding twenty-five years. Refiners acknowledge that market forces unrelated to environmental regulations explain industry's failure to propose new refineries. For example, Valero's senior vice president has stated that it was "the poor margins that had the biggest impact, not the environmental rules." Indeed, DOE's Energy Information Administration has determined that environmental requirements have accounted for only a very small share of the refining industry's decline in profitability over the years. More specifically, EPA has found that one of the Barton bill's primary targets—the Clean Air Act preconstruction requirement known as "new source review"—has "not significantly impeded investment in new power plants or refineries."

The Bill Neutralizes the Agencies With Interest and Expertise in Protecting Public Health. EPA and its partners in state governments are the agencies devoted to protecting communities from the harm that can result from the construction and expansion of large pollution sources such as refineries. They employ the experts who can tell whether increased pollution from a new or expanded refinery would negatively impact public health. DOE, in contrast, has no responsibility for—or expertise in—protecting the public from the pollution that refineries emit. The agency's overarching missions are expanding domestic energy production and leaning up nuclear waste. The Barton bill nevertheless declares that with respect to a new or modified refinery, "the Department of Energy shall be the lead agency for coordinating all applicable Federal authorizations and related environmental reviews of the facility." This provision has no precedent in environmental permitting and violates cooperative federalism, a principle that is fundamental to state and federal environmental laws in the U.S.

What is more, the Barton bill declares that even if EPA and state experts conclude that a proposed refinery project would fail to comply with the public health safeguards contained in the nation's environmental laws, the Secretary of Energy may "issue the necessary authorization" anyway. This provision turns the environmental review process into a sham: If an oil company does not like the decision reached by government experts on the basis of science and their experience implementing our public health and environmental laws, then the company can appeal directly to the head of an agency whose devotion to maximizing energy production is not tempered by any experience implementing public health status or any expertise in the effects or refinery pollution. If the Secretary of Energy reverses the government experts and issues a permit, then an affected citizen's only recourse under the terms of the bill is to a federal appeals court that lacks the ability to undertake the fact-finding that has been crucial and, until now, available in National Environmental Policy Act cases.

The Bill Eliminates Important Public Health Protections. National environmental laws, such as the Clean Air Act and the Clean Water Act, require industry to implement the best available pollution control technology at any new refinery and at any existing refinery that undergoes a change that otherwise would increase harmful emissions. By contrast, the Barton bill declares that best available control technology shall be employed only "as appropriate." This term is undefined, leaving to the ultimate discretion of DOE all determinations of appropriateness, and allowing those determinations to be dictated by non-public health considerations.

With respect to new and modified refineries, the Clean Air and Water Acts impose several requirements above and beyond the installation of best available control technology. For example, the new source review provisions of the Clean Air Act require a company to demonstrate that any increased air pollution resulting from refinery construction or modification will not have an adverse impact on air quality, national parks, or public health. The Clean Water Act requires all facilities to not only be held to technology-based limits, but also to reduce their water discharges further in order to ensure that ambient water quality standards are achieved. In contrast with these statutes, the Barton bill suggests that the installation of best available control technology will, on its own, suffice "to comply with all applicable Federal, State, and local environmental regulations." In areas where the air already contains unhealthy levels of pollution, so as not to exacerbate air quality and public health, the Clean Air Act holds new and modified refineries to an even more protective standard than best available control technology, namely, lowest achievable emissions rate. Those provisions further require refineries to offset any emissions increases with decreases of the same or greater magnitude elsewhere in the area. The Barton bill weakens these safeguards, allowing air quality to worsen in already polluted areas, by suggesting that installation of best available control technology, on its own, will satisfy all environmental regulations.

The Bill Deprives Government Experts and Concerned Citizens of the Tools They Need to Protect Our Communities. In order to judge accurately the impact that a new or expanded industrial facility will have on neighboring communities, environmental agencies and concerned citizens must carefully review essential information concerning the proposed project. In the past, companies have filed incomplete permit applications, withheld critical information until after deadlines for public comment have passed, and demanded a final permit notwithstanding the lack of real public participation and the inadequate opportunity for careful review by government experts. Ignoring this history, the Barton bill declares that the Secretary of Energy shall ensure that "all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months" of the date on which the applicant submits "such data as the Secretary"—as opposed to the government experts who must evaluate the data—"considers necessary." What is more, the bill required EPA and the states to tell a refiner "the likelihood of approval for a potential facility" before the refiner has filed any application at all. The obligation to engage in premature guesswork at the refiners' behest is without precedent in environmental law and threatens to prejudice the outcomes of the ultimate permit application reviews.

If Expanded Refineries Escape Careful Review, Already Disadvantaged Communities Will Suffer the Most. In thirty-six states and 125 U.S. cities, more than sixty-seven million people breathe air polluted by refineries. That pollution causes cancer and childhood development problems, in addition to inducing asthma attacks, headaches, and nausea. Many existing refineries are located next to low-income communities with large minority populations. The Barton bill targets these disadvantaged communities by directing the loosening of public health protections at "any area * * * that has an unemployment rate of at least 20 percent above the national average." The American public—and especially disadvantaged families living next to existing refineries—need stronger, more effective public health protections. The Barton bill would instead weaken existing protections, without addressing any of the true causes of the country's refining shortage.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COLE).

□ 1115

Mr. COLE. Mr. Speaker, I am proud to come to the floor today to support H.R. 4517, the Refinery Revitalization Act of 2004, which will provide incentives to increase the Nation's refinery capacity.

I have several major refineries in my district. I also have several refineries that have gone out of business in recent years, largely in small rural communities where their loss has created significant unemployment problems.

Those areas could benefit enormously from this particular piece of legislation.

As all speakers on both sides of this issue have agreed, the number of refineries in this country has been reduced significantly in recent decades. Indeed, since 1981 the number of refineries has been reduced by 52 percent. In that time, total refining capacity has declined by 9.8 percent. Recent increases in the refinery are due simply to some efficiencies as opposed to the adding of additional capacity.

Mr. Speaker, while our production is declining, demand for refined products is projected to increase substantially between now and 2025. We will meet the demand for additional refined products either by producing that product here in the United States or importing it from abroad. This bill is needed to restore manufacturing jobs and capacity in this country. Counties where oil refineries have closed in the last 20 years have an average unemployment rate of 6.8 percent, significantly higher than the national average. I am amazed that those who complain about the exporting of American jobs oppose this bill, for without it, its passage, we will surely export thousands of refining jobs in the coming years.

Mr. Speaker, by passing this bill, we can decrease our reliance on foreign sources of energy, create new good jobs here at home, and improve our energy independence.

Mrs. CAPPS. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished Member, the gentleman from Oklahoma (Mr. SULLIVAN), a member of the subcommittee and the full committee.

Mr. SULLIVAN. Mr. Speaker, as we continue to discuss the state of America's energy industry, we need to take a hard look at our ability to add value to oil through refinement. Our refining situation in the energy industry is dismal. We have not built a new refinery in 25 years. Experts will tell you that U.S. refineries are unlikely to spend capital on expansion because they have already earmarked $20 billion to comply with burdensome government regulations. There just is not enough money left over to expand.

We are maxed out. Our refineries are operating at 95 percent. Even if we recover more oil, even if we spur domestic production and reduce our dependency on foreign oil, we cannot refine it. We actually, if we do refine some extra oil, we have to send it to a foreign country to add value to it, and we have to buy it back like a Third World country.

Due to our shortage in refining capacity, simple disruption can lead to wild price swings. For example, as refineries switch from winter to summer gasoline blends, prices in California increased by 40 cents a gallon. In 2000, gas prices in Chicago shot up by 50 cents a gallon due to refining problems.

We are neglecting the state of our refining ability, but today we can do something about it. The Refinery Revitalization Act will streamline the regulatory and approval process for the restarting of refineries and construction of new refineries. It is just unbelievable we have not modernized our refineries.

Mr. Speaker, could you imagine if we did not build a microchip processing plant or an auto assembly line for the next 25 years? Where would those industries be? By passing this legislation, we will update our ability to add value to our oil, reduce the cost of gasoline, and stabilize our energy economy.

This is a smart solution for a Nation suffering from sky-high prices at the gasoline stations.

I am looking forward to going home so I can tell my constituents that I did what I could to ease the high cost of gasoline. I hope that my colleagues will join me.

Mrs. CAPPS. Mr. Speaker, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), vice chairman of the Subcommittee on Energy and Air Quality.

Mr. SHIMKUS. Mr. Speaker, 28 years ago we built the last refinery in the United States, 28 years ago. We import 7 percent of our refined product in this country. We import gasoline. We hear all the problems of the crises of imported crude oil. What many people do not understand, or they believe, is that we import refined product, the gasoline that goes into people's tanks. Seven percent is imported from foreign countries. We must and we can do better.

These countries that are importing refined product, they get the value-added benefit of refining the crude oil. They get the jobs of refining that product. They get the jobs of building those refineries. They also get the tax benefits from the national government and the local level. We can and we must do better. That is why I applaud my colleague for bringing this bill to the floor.

In Illinois over the past year we have lost 220,000 barrels per day of refined capacity with the closure of three refineries. With the number of boutique fuels in Illinois, this has led to large price spikes when problems occur in other refineries. The most recent refinery closure resulted in the loss of 300 jobs. The number of refineries in the United States has gone from 324 in 1981 to 153 today. In Illinois alone, we have decreased from 11 refineries to four.

This bill protects existing environmental regulations on clean air, and what better place than to address the siting issues than to put them on old, abandoned refinery sites. So people who know and have lived and now have these abandoned refineries, it is brilliant to say let us get these sites that are abandoned back into use.

Mr. Speaker, this is a critical issue at a time of not just high demand for crude oil but demand for product. It is unconscionable that we import refined product. In fact, the Governor of Illinois recognized that when he ordered the reopening of a closed refinery outside of my district to help ease the supply of refined product. This specifically will help Lawrenceville with a closed facility and Wood River, Illinois. We have to get these refineries back into refining product, and then we need to address our crude oil shortages. I applaud the gentleman from Texas (Chairman BARTON) and look forward to the vote on this bill.

Mrs. CAPPS. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Refinery Revitalization Act, which is nothing less than a direct assault on the ability of qualified State and Federal officials to protect human health, protect the environment, and to protect the economy. In the name of increased refinery capacity, this bill puts the interest of the oil industry above all other interests.

It would allow the Secretary of Energy to be the final decisionmaker under Federal law for the Clean Water Act. The Department of Energy would make those decisions without having any of the expertise implementing those laws which are outside of its jurisdiction. The Secretary of Energy could overrule decisions of the EPA and the Corps of Engineers, as well as State decisions, that a refinery might harm public health or harm the environment.

This bill would give the Secretary of Energy the final say in protecting human health and environment. If a State agency denies approval for a refinery facility under Federal law, the applicant can appeal to the Secretary of Energy who can issue the approval over the objection of Federal or State interests. That is a clear shot right at our Nation's environmental laws.

It specifically lists the Federal Water Pollution Control Act, which is a predecessor to the Clean Water Act. It specifically lists the Clean Air Act, the Safe Drinking Water Act, the Superfund Act, the Solid Waste Disposal Act, the Toxic Substances Control Act, National Historic Preservation Act, National Environmental Policy Act as laws that the Secretary of Energy can simply overrule.

This makes the Department of Energy the environmental czar in America. States would see their capacity to protect public health and public safety through the clean water permitting program significantly diminished.

States would in fact be denied the opportunity to implement their own programs to achieve water quality improvements through the total maximum daily load program. States would be denied opportunity to protect water quality under section 401 of the Clean Water Act which ensures that federally permitted actions are consistent with State water quality goals.

I do not understand how it makes any sense to have a Federal entity permit a program to have negative effect on State water quality; yet this bill specifically allows it. Permitting decisions of EPA and the Corps of Engineers, including protection of wetlands or protections of obstructions to navigation, all those could be overturned.

While the authors of the bill may be targeting environmental laws, they have gone way beyond any reasonableness. There ought to be some way of bringing the Department of Energy into a coordination or discussion with the EPA, but not to make the Department of Energy the final arbiter to overturn our existing Federal laws. For 100 years, the Corps of Engineers has been charged with regulating activities that could have adverse effect on the Nation's waterways for commerce.

Private parties without that protection could locate wharves, docks, and other structures in the water to obstruct free flow of navigation. That century of regulatory authority could be thrown out by the Secretary of Energy if a refinery says we have been denied a permit by the Corps of Engineers, and the Secretary of Energy comes in and overrules them.

Refineries often are located near navigable waterways to facilitate barge traffic and so on. If a refiner wanted to extend the docking area into the navigation channel and the corps said no, the Secretary of Energy could say the Corps of Engineers does not count.

Mr. Speaker, this is unsound policy. This mega-authority for the Secretary of Energy to overrule air quality safety, water quality safety, and navigation safety is unprecedented, unnecessary, unwise, unsound; and we ought to defeat this bill.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would observe to the chairman of the Committee on Energy and Commerce that on our side we have needed to roll into this 1 hour of discussion all of the customary hearings and studies which should have been undertaken. I know the gentleman has made apologies for it, but it is clear to me in listening to the debate that this bill before us is based on such a faulty premise, an unproven, untested premise, that public health and environmental protection laws are to blame for the shutdown of refineries. There is no evidence to support it, and there is no documentation that passage of this bill would increase the number of refineries reopened or produced.

We are being asked to support this legislation with no knowledge base on which to make our actions. As I have said earlier, to me this is a mockery of the system we are about, particularly for the committee which is such an important, prestigious committee within the House of Representatives and which I am so honored to be a part of.

□ 1130

The solution that I understand is being offered is to let the Secretary of Energy, a czar is what my colleagues have called him, we will have to build him a special throne because he is going to be able to override the Environmental Protection Agency, one whole agency that will just be emasculated, never mind State houses emasculated, to have a say in the environmental and public health regulations that their State has authority over. That will all be set aside in favor of this hope that by giving the power to the energy czar, we will see oil refineries opened. We do not know for sure but we hope so. The gentleman from Massachusetts (Mr. MARKEY) eloquently noted for us that oil companies are awash in profits and could if they wished today build new refineries.

In sum, this is a bad bill. We can consider the topic but we certainly should not support this legislation. I urge my colleagues to oppose it. If this bill goes into law and is signed into law, we will begin a strong conversation with the American people about environmental justice issues and about the engorgement of big government here in Washington, D.C.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to start out my closing with just reading a few of the facts that have been sadly not reported during this debate. The number of refineries in the United States of America has been reduced from 324 in 1981 to 153 today. That is over half the refineries have been closed in the United States since 1981. That is fact number one.

Fact number two, refining capacity in millions of barrels per day luckily has not gone down quite that much but it has gone down about 10 percent, from 18.5 million barrels a day in 1981 to a little over 16 million barrels per day today. So number of refineries down, capacity to refine down.

However, the demand for refined products has gone up. In 2001 it was a little under 20 million barrels a day. It is expected to grow to over 26 million barrels a day in 2025. Number of refineries down, capacity down, demand up. That is a fact. It may be an unpleasant fact but it is a fact.

So what are we to do about it? I guess we could just stick our head in the sand and say no big deal. Maybe we ought to do something to increase refinery capacity. I will grant, and I have already granted several times in this debate, this particular bill has not been the subject of hearings and the normal regular order, subcommittee markup, full committee markup. I have apologized for that. I will apologize for it again.

Having said that, is it a bad concept to say let's go into areas where they have an existing refinery, perhaps it is opened, perhaps it is closed and they have high unemployment. The bill says 20 percent. Maybe that is not the right number. Maybe it ought to be 10 percent. Maybe it ought to be 30 percent above the national average. But at least we say we have an existing refinery or a closed refinery, it has a high unemployment average, high above the national average, let's set an expedited procedure. Let's say that an applicant can ask the Secretary of Energy to designate that as a refinery revitalization area and then try to get some decisions about reopening or improving that refinery. We do not waive one environmental law. We do not waive any State control. We simply say you have got to make a decision on the existing laws.

I have some pending permits in my congressional district, not on refineries, on cement plants. One permit has been pending for 3 years, the other for 2 years. It costs millions of dollars to make those permit applications. This bill says don't waive the law, just say that you have to make a decision within a certain time frame. Maybe the time frame is wrong. Again, hearings would say if we need a little bit more time. But the concept is not wrong. The concept. In terms if you decide to reopen a refinery, what do we say, what kind of technology? Best available control technology. Best available. Not worst. Not none. Best available. Existing refineries that are still operating are going to spend $20 billion in the next few years just to comply in those refineries with existing law. $20 billion. We say if somebody wants to open a new refinery, expand one, reopen a closed one, they have to use the best available control technology.

Let us now talk about outsourcing of jobs. There has been a lot of debate about jobs going overseas. This keeps jobs in the United States. Most of these jobs would be high-paying jobs. Most of them would be union jobs. Is that a good thing or a bad thing? Again, maybe those that oppose this bill have an alternative. It is fair to say since we did not hold a hearing that they may have one. But is their alternative never build a refinery in the United States of America again? In the Carter years under the Fuel Use Act, they said never use natural gas again. We repealed that fortunately when Reagan came into office. But maybe that is the position of my friends on the minority side, they never want a refinery to ever be built again in the United States of America.

If that is their position, put the bill up on the floor and we will have a debate on it. But if they think that it is okay to build some new refineries and to reopen some old ones to meet this demand that is going to go to 26 million barrels a day, this is a way to do it.

It may not be the perfect way, I will grant you that. But it is a way. If you think the United States of America should be a manufacturing society, should maintain these jobs, vote for this bill. We will hold all the hearings in the world. We are going to have plenty of opportunity with the Senate, the other body. So I would hope that we can vote for this bill and at least send a signal to people that live in high unemployment areas, there is some hope and some opportunity that they may get one of these high-paying jobs.

Mr. SMITH of Michigan. Mr. Speaker, I rise before you today in favor of H.R. 4517, the U.S. Refinery Revitalization Act of 2004.

Existing U.S. refineries are already operating at or near full capacity because this country hasn't added new refineries in almost three decades. As Director of Energy at USDA during the 1970s Arab oil embargo, I find that not only hard to believe, but unacceptable.

EPA implemented tougher Clean Air Act regulations, including a program that requires refiners to take expensive steps to cut factory emissions when they expand capacity or build new plants. Many refiners couldn't meet the requirements and have gone out of business.

Now, we only have the capacity to meet about 90 percent of our gasoline needs. This is especially significant in Michigan where we have just one refinery left—the Marathon Ashland plant in Detroit. In addition to federal law, the state of Michigan also needs to consider changes in state law and regulation that will encourage the building of more refineries in Michigan.

U.S. laws requiring dozens of different regional gasoline formulations have created unusual fuel requirements that are not easily met by foreign refiners. Each formulation requires different pipelines and trucks for different parts of the country that increase the cost. A shortage of clean tankers available to ship gasoline from overseas is yet another bottleneck. This adds to the cost at the pump, and leads to regional price shocks when refineries experience interruptions in their production.

Under this bill, many areas in Michigan would be eligible as a Refinery Revitalization Zone, including Wayne County, where Michigan's last remaining refinery is located.

I stand in favor of H.R. 4517 because this will help the Midwest region lower its 6 percent gasoline supply deficit and reduce some of the highest pump prices in the nation.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). All time having been yielded, pursuant to House Resolution 671, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CAPPS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 1 o'clock and 15 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 674 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 674

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: in title I, the sixth proviso under the heading "Wildland Fire Management," the final proviso under the heading "United States Geological Survey, Administrative Provisions," and section 113; in title II, the fourteenth proviso under the heading "Wildland Fire Management" and the final sentence of the sixth paragraph under the heading "Administrative Provisions, Forest Service"; in title III, section 317, the proviso in section 319, and sections 324, 328, 331, and 333. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee on the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 674 is an open rule waiving all points of order against consideration of H.R. 4568, the Department of Interior and Related Agencies Appropriations Act of 2005.

The rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The resolution provides, per the rules of the House, that the bill shall be read for amendments by paragraph. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, are waived except as specified in the resolution.

The rule authorizes the Chair to accord priority recognition to Members who have preprinted amendments in the CONGRESSIONAL RECORD.

The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4568, the Department of Interior and Related Agencies Appropriations Act of 2005, sets clear priorities in a year of tight budgets.

The chairman of the Subcommittee on Interior and Related Agencies faced a difficult challenge and has written a solid bill that focuses on meeting the Federal Government's core responsibilities in the agencies under the subcommittee's jurisdiction.

Priority was given to essential functions and duties of these agencies, rather than on launching new initiatives and expanding government's reach.

One of the highest priorities must be preventing wildfires on our national lands. This bill provides $2.6 billion for wildland firefighting in the National Fire Plan. This is a significant increase over fiscal year 2004, and it is a much-needed increase.

Wildfires have a dramatic impact on our public lands, on private property and, even tragically, on human life. We must maintain the commitment to working to prevent such blazes and combating them aggressively when they do strike.

Another priority must be providing for our existing parks and public lands. This bill increases funding for our national parks, a total of $1.7 billion. For example, the bill includes $471 million to address the backlog in maintenance at our national parks and places restrictions on travel expenses for Park Service officials, a common-sense policy during a time when our parks have serious maintenance needs. Addressing these maintenance needs is something that I have long supported.

The bill also includes increased funding over the fiscal year 2004 level for the Indian Health Service, the National Forest System, BIA Education and Operations of Indian Programs and the U.S. Geological Survey.

Funding is limited for Federal land acquisition, a decision on priorities that I strongly support. In a year of fiscal constraints, it certainly is appropriate to focus first on maintaining the Federal Government's existing lands.

Land acquisition is not a necessity. Indeed, it costs local governments through decreased tax revenue and has real impact on local governments' abilities to provide essential services.

Mr. Speaker, I commend the gentleman from North Carolina (Chairman TAYLOR) for his leadership in writing H.R. 4568, especially in this challenging year. The gentleman from North Carolina (Chairman TAYLOR) has guided this bill in a reasonable and responsible manner, which is especially appreciated in all areas of the West like the district I represent that are heavily impacted by the work of Federal agencies under his jurisdiction.

I also want to recognize the role that I know the ranking minority member of the subcommittee, my colleague from Washington State (Mr. DICKS), played in the preparation of this bill. I value highly our ability to work together on matters of importance to Washington State, and this is a good example of that. I know my colleague's dedication to solving challenges and bettering our Nation are traits he brings to all of his responsibilities here in the House.

So, Mr. Speaker, I encourage my colleagues to support this open rule, H. Res. 674, and the underlying Interior Appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the appropriations process for the coming fiscal year has just begun, and much is being said about how tight the budget numbers are this year. And while this is a statement of fact, it is no excuse for our current fiscal situation.

At the turn of the 21st century, the Federal Government had an historic budget surplus of $3 trillion. In just 3 years, the government is facing historic deficits, upwards of $7 trillion. Bad fiscal policy has greatly diminished the Federal Government's ability to invest in the Nation's resources and the Nation's people. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the Oracle of Omaha, Warren Buffett, has said owe the most to the country and pay for far too little.

Much is lacking in this appropriations bill. Overall spending levels are down. Federal land acquisition funds have been significantly cut, even the projects requested by President Bush. Once again the bill fails to meet the obligations of the so-called CARA light agreement. Operating funds for the National Park Service are only modestly increased. The modest spending boost is barely enough to keep pace with expenses and fails to tackle the $5 billion maintenance backlog at the Nation's parks. The National Endowment for the Arts and the National Endowment for the Humanities are again underfunded. The bill shortchanges investments in the American people and our country's natural resources. Former President Theodore Roosevelt, one of the fathers of the American conservation movement, warned that in utilizing and conserving the natural resources of this Nation, the one characteristic more essential than any other is foresight. We are lacking that, Mr. Speaker.

Back in 1992, funding for the NEH and the NEA reached their funding zenith, $176 million for each agency. Over the years their budgets have been slashed again and again. Recently this body has voted to increase the funding for the arts and the humanities and I urge my colleagues to continue this trend to support an amendment to increase funding for both of these agencies. The gentleman from Washington (Mr. DICKS) and I will offer an amendment later to do so. As Pulitzer prize-winning former Librarian of Congress Daniel Boorstin said, "Planning for the future without a sense of history is like planting cut flowers."

Investing in the arts is smart business. The $232 million the Federal Government invested in the NEH and NEA in 2002 had an economic impact of $132 billion and generated billions in Federal, State and local tax revenues. Every dollar they invest in local theater groups, orchestras or exhibitions generates $7 for the arts organization by attracting other grants, private donations and ticket sales. In my district alone, 1,215 arts-related businesses employ almost 20,000 people. Buffalo, New York, I am pleased to say, was just recently designated as the number four destination in the United States for top art events and venues. We are very proud of that. Nationwide, creative industry businesses employ almost 3 million people, 2.2 percent of all who are employed.

Investing in the arts is also smart for our children. Over and over arts education has proven to increase academic performance, regardless of socioeconomic background. The NEA provides grants for local arts activities in every State and every congressional district. Small grants make a big difference.

The National Endowment for the Humanities is at the forefront in preserving our American culture and history. Democracy will not flourish without an understanding of its past. The NEA and NEH preserve and promote the understanding of where we have been and where we are today that our democracy needs to endure. Democracy dies in a cultural vacuum. This bill even guts funding for the President's We the People initiative, which supports exploration of the significant events and themes in American history.

Bruce Cole, the Chair of the National Endowment for the Humanities, warns, "We face a serious challenge to our country that lies within our borders and even within our schools, the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history. And a Nation that does not know why it exists, or what it stands for, cannot be expected to long endure." Very wise words from Mr. Cole.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time and thank her for managing this rule every year so very effectively. I look forward to our joint efforts today to try to help the National Endowment for the Arts and Humanities.

Like her State, the State of Washington, Seattle, Bremerton, Tacoma, the tri-cities, have all benefited by this funding. I just think it is one of the most important things that we do. I remember those great days when we were at $176 million before the Reagan Revolution came to town. I would also like to compliment the gentleman from Washington (Mr. HASTINGS) from the Fourth Congressional District. We work together. I just want him to know we were over in the Energy and Water appropriations full committee markup today. I think the tri-cities did as well as they have ever done and even our joint project we worked on, Hammer, $8 million is very, very generous. Our delegation has always worked very effectively together.

There are some things, though, that concern me about this bill. First of all, I wish we could have done more for the operation of the national parks. The administration asked for a $22 million increase. Our committee increased that by $33 million for a total of $55 million. But that simply is not enough. We need more money for the operation of our parks. I think part of the problem, as the gentleman from North Carolina (Mr. TAYLOR), chairman of the Subcommittee on Interior and Related Agencies, has said, we have got a problem with the management of the Park Service and we have got to get priorities straightened out at the Park Service.

I love Fran Manella. She is a wonderful person. But she has got to realize that it is the operation, the day-to-day operation and availability of those parks that the American people count on. Let me give my colleagues the numbers. The Olympic National Park is either third or fourth in the Nation in visitation. Two years ago we had 130 summer workers at that park.

□ 1330

That is now down to 25. And we have 202 authorized FTEs for the Olympic National Park. It is down to 120. It was 146 a couple of years ago. Why is that? Because the administration in their budget request is not covering the cost of the COLA, the increase that we give in pay every year, and also there are other fixed costs that have to be paid that are not being covered in the budget request, the increase in the budget request.

So what do they have? The only choice they have is to reduce the number of personnel, not to fill slots. So when people go to the park this summer, they are not going to have the same quality of a visit. There is not going to be a ranger out on the trail to tell them about the important cultural and historic areas within the Olympic National Park. They do not have people to take care of cultural assets, to take care of the buildings and infrastructure. And this is not just Olympic; this is across the country.

This year even with this increase of $55 million from last year's level, we have 388 parks; 241 of them will be funded at below the 2003 level. That is a prescription for disaster; and it is coming down, down, down. And we have got to step up. We, the Congress, cannot allow this to happen on our watch. And, yes, a big part of the problem is the inadequacy of the Presidential budget request. This is not just this administration. This goes back to 1994. This has been going on for a 10-year period of time, and that is why it is even more devastating, the consequences of this. And we have to continue to work together to come up with the resources.

I think this is a top priority within this bill that has not been properly met. We have made a modest increase here, but not adequate to the task. In fact, if my amendment that I brought up in committee had been accepted, we could have increased it by $45 million, and that would have meant that every park in the country would have gotten an 8 percent increase. We are talking about $45 million in the operating account would have done that. Each park would have gotten an 8 percent increase.

So this is the one major thing that upsets me in this bill. Yes, we do not have money in here for land and water conservation, which I regret. I regret the lack of funding on the conservation amendment. But the thing we tried to do is protect our core agencies, the Park Service, the Forest Service, the Bureau of Land Management, the Department of Interior, the Fish and Wildlife Service. And yet they have these same problems.

One very good thing that we did in this bill was to deal with firefighting in a much better way. There is money in here, $500 million in 2004. When this bill is signed, it would be immediately available for the firefighting season. Another $500 million for 2005, $500 million for 2004, and I think a $167 million increase in the bill for firefighting itself. So we are trying to face up to that reality. We have got a drought out in the West. This is going to be a very serious problem.

We are also working, of course, on other important issues. In my own area, Hood Canal, we are working with the USGS on dealing with this oxygenation problem. We have a problem with too much nitrogen in the saltwater, which is having a devastating effect on all the fish and creatures there, and we have got to deal with this problem; and the USGS, which is part of this bill, is helping in that respect, and it is a very important priority of mine.

We are also working on the restoration of salmon runs, and we are doing a new process of mass marking with these fish so we can tell the wild fish from the hatchery fish. It is another important priority in our State. So overall, I think this bill, even though it is very deficient, below last year's level in terms of overall funding, below the President's budget request, we have tried to fund the things that are most crucially important; and I intend to vote for this bill on final passage. I hope we can improve it with several of the amendments that will be offered today.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the rule, and I appreciate her leadership dealing with the critical issues of arts funding and for the National Endowment for the Humanities.

I look forward later today to being part of debate, and I hope amendment approval that will move us back in the direction that we need to go. But I too am a little frustrated in the context of billions of dollars that we are hemorrhaging with red ink where we seem to be able to find all sorts of resources for things that are suboptimal in some cases, to say the least, but certainly not the highest of priorities, that we are scrambling here for less than $14 million that has such a vital connection to our communities.

I would hope that as our Members come to the floor to deal with the debate on this amendment and the final vote that they have a chance to look back at the records in their own offices of the dedicated men and women who are part of the arts councils, who are part of the local councils for the humanities. To consider the incredible mileage that is extracted from a few small dollars that benefit primarily the rural and outlying areas of our State, not necessarily the large cities like Seattle, New York City or even Portland, Oregon. Larger cities have a higher level of programming. It is the smaller communities that benefit. It is a tragedy that we are not meeting even what the President had requested.

I also am pleased to follow my good friend from Washington who has worked so hard for so many years to keep our eye on the ball on the investment we need for critical parks infrastructure. Our national parks are part of the infrastructure every bit as much as our highways and our airports. I appreciated what he did with the gentleman from Ohio (Mr. REGULA) fighting in tough difficult budget times. I am hopeful that we will be able to honor the hard work here to see if there is something in the course of the amendment process and as the budget is working its way through the process here this year that we not turn our back on America's treasures.

Last, but by no means least, I must acknowledge the hard work that the gentleman from Washington (Mr. DICKS) did with the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Alaska (Mr. YOUNG), to deal with the land and water conservation fund. This has been an area that had been ignored for decades. It had been, frankly, a bipartisan shame that we did not fully fund the land and water conservation fund. These were resources that have such an important impact on States and localities. We reached a deal, as the "little CARA" was set aside. We have an opportunity to keep faith with the spirit of that agreement, and I am hopeful in the course of the budget process that we are able to do so.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's comments on the conservation amendment, but I also want to underline one other thing he said that I forgot to say, and that is that the President's budget requested an $18 million increase for the National Endowment for the Arts and for the National Endowment for the Humanities, and neither one of those has been accomplished. I think we have increased Humanities by $3 million, but this is below the President's budget request; and Mrs. Bush, who I think is a very thoughtful first lady, has been a proponent of these two increases. So I was somewhat surprised that it was decided to take out the money for these important programs, especially since they were requested by the first lady.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's underlining that.

And I would just conclude by saying that I hope in the spirit of bipartisan accommodation that has accompanied much of the work with the arts, with the parks infrastructure, and with CARA that we are able to give our affirmative vote to preserving the integrity of them in the course of this budget process.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the proviso under the heading "United States Visitor and Immigrant Status Indicator Technology"; the proviso under the heading "Customs and Border Protection, Automation Modernization"; the proviso under the heading "Immigration and Customs Enforcement, Automation Modernization"; the final proviso under the heading "Transportation Security Administration, Aviation Security"; the words "notwithstanding any other provision of law" under the heading "State and Local Programs"; the second proviso under the heading "National Pre-Disaster Mitigation Fund"; section 512; the final proviso in section 513; sections 514, 515, 519, and 520; all after the word "met" in section 524; section 525, and subsection 526(b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1345

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 675 is an open rule that provides for the consideration of H.R. 4567, the Fiscal Year 2005 Department of Homeland Security Appropriations Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

I would like to take a moment to reiterate that we bring this rule forward under a fair and open rule. Appropriations legislation has historically been brought forth with open rules, and we continue to do so in order to allow each and every Member the opportunity to submit their amendments for consideration, as long as they are germane under the rules of this House.

Nearly one year ago, Mr. Speaker, I stood on this floor and proudly brought forward a rule for the very first Homeland Security Appropriations bill. We have accomplished so much in that one year to protect our homeland and further establish this important department. We continue that work in coordination with the underlying legislation.

In my remarks last year, I spoke about our ability to fund first-responders and ensure that they are always equipped on a State and local level to protect the Nation. This year, we provide $4.1 billion for first-responders, including high threat areas, firefighters and emergency management. This brings the total appropriated by Congress for first-responders since September 11, 2001, to $26.7 billion.

I also indicated last year the productive start to the Container Security Initiative. I am proud to report that in the underlying bill we have more than doubled funding to $126 million. That is as part of this increase in funding, the United States will be expanding this initiative throughout the world to stop terrorism before it reaches our shores. As a Member from a district whose daily well-being, including our economy, depends on large ports, I continue to strongly endorse this program.

While continuing important programs, this legislation begins new efforts to strengthen homeland defense. It is well-known that the Coast Guard must receive funding to upgrade its infrastructure while addressing emerging challenges. The underlying legislation provides $679 to the Deepwater Program, designed to allow capital acquisition for the future strength of the Coast Guard, on the frontline of homeland defense.

The Coast Guard Integrated Support Command in Miami is essential to the safety and security of residents. The Coast Guard in south Florida coordinates regional plans aimed at hurricane safety, recreational boater safety, and, most importantly, protection of our coastline from terrorism and drug trafficking.

While I am extremely pleased with the end result we have before us today, I also believe in the future we have to somehow find additional funding for the In-Line Explosive Device Security, or EDS. The legislation before us includes $269 million for the project, a good start, but the Federal cost share for this important technology at Miami International Airport alone, which is in my Congressional district, will top $200 million.

In-line systems will allow for more screeners to be redeployed at passenger checkpoints. In-line EDS systems increase efficiencies and reduce costs associated with baggage screening. This next generation of security technology for our Nation's airports will yield great results.

H.R. 4567 is a good bill, Mr. Speaker. It is a testament to our changing world that Congress is able to respond to security concerns abroad while ensuring that the homeland remains secure. The first responsibility of government is to protect its citizenry, and we are able to respond with priority funding for this important Department of Homeland Security.

We bring this legislation forth under a fair and open rule, as I have stated before, and I would like to reiterate.

I would like to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for their extraordinary leadership on this very important issue. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, much is being said about how tight fiscal restraints are this year. We know that is so, but it is not an excuse for our current budget constraints. Just a few years ago, the Federal Government had a budget surplus of $3 trillion. Today, the government is facing historic deficits upward of $7 trillion. Bad fiscal policy has hamstrung the Federal Government's abilities to invest the sums necessary to protect the Nation from terrorism. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the "Oracle of Omaha," Warren Buffett, has said owe the most to the country and pay far too little.

It is good for the Nation that overall funding for the Department of Homeland Security has increased. However, the increase is not enough. The cost of securing the Nation is high, but throwing dollars at the threat is not the solution. We must spend homeland security funds wisely, and all homeland security activities must be coordinated within the department itself and with State and local governments.

But well into its second year, the department is still underachieving. Several years into our own war on terrorism, the department has not developed a comprehensive threat vulnerability assessment. How can we protect the people of this country when we act blindly without this basic information necessary to develop and implement a comprehensive homeland security plan?

Recent reports have shown that airports are not any safer despite the creation of Transportation Security Administration. There is no coordination of homeland security functions along the southern or along the northern border.

I represent the second busiest gateway between the United States and Canada, and the need to increase the resources along the over 4,000-mile border between the U.S. and Canada is great. For years, little attention was paid to our northern border. But if we are to maintain the $1 billion a day trade between the United States and Canada while maintaining U.S. safety and security, we have to provide the resources to do it. We must create a northern border coordinator to ensure our dollars are invested prudently and that Federal, State and local authorities are working together.

I am extremely troubled by the $300 million cut to funding for our first-responders, the people on the ground valiantly protecting our communities with too few resources and lots of overtime. How can we justify cutting funding for police officers, firefighters and EMTs, who are the first people on the scene to respond to a terrorist attack? Money has been awarded to States and localities, but the process is so cumbersome and lengthy that local governments have difficulty actually spending the first-responder grant money.

It is also imperative that we take threat, vulnerability, and strategic importance into account when we allocate the first-responder dollars. High threat areas with high population densities certainly deserve attention and dollars. Areas of strategic importance need and deserve Federal assistance. And, as I mentioned, the border crossings at Buffalo and Niagara Falls are the second busiest portals between the United States and Canada. This entry port is tactically important to the security of the United States. Terrorists could use this entrance to gain access to the country or use the bridges as a means to slip weapons into the country. Western New York's strategic position and role are vital to national safety. Such areas need the resources to secure the northern border without disrupting the important commerce between the United States and Canada.

Mr. Speaker, another issue that greatly bothers me, and is an insult to every taxpayer in this country, are the corporate expatriates, American companies that incorporate abroad in order to skip out on their tax obligations to this country. These corporations earn millions of dollars from the Federal Government. According to the General Accounting Office, corporate expatriates cost this country an estimated $5 billion in lost tax dollars, and yet they continue to receive $2.7 billion in government contracts. That is a disgrace.

Accenture, the scion of Arthur Andersen of infamous Enron fame, recently received a $10 billion contract to build a foreign traveler tracking system known as US-VISIT. During committee consideration of the homeland security appropriations, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. BERRY) offered an amendment to ensure that companies incorporated outside the United States for tax purposes could not enter into contracts with the Department of Homeland Security. It makes sense. The DeLauro-Berry amendment would void the Accenture contract by barring any contracts with corporate expatriates before, on or after the date of enactment.

H. Res. 675 protects the first part of the DeLauro-Berry amendment, which will probably disappear in conference, but it specifically refuses to protect the second provision in the amendment that would invalidate the $10 billion contract with Accenture.

Bloomberg News reported that Accenture posted increases in American earnings from $247.3 billion in 2002 to $566.9 billion in 2003, doubled in one year, while the company reduced its tax liability to $143 million from $382 million. During that same time period, Federal procurement records show that in 2002 Accenture benefited from Federal contracts worth $450 million, of which $250 million were related to military or homeland security functions, another disgrace.

At this time, when unemployment levels have remained consistent since December 2003, it is important that we as public servants and as agents of the Federal Government do everything we can to keep jobs in this country. We should not reward companies that incorporate outside the United States in order to avoid Federal taxes.

Think of the advantage it gives them in bidding against American companies. Expatriate corporations like Accenture have a huge structural advantage over companies that stay in America, employ Americans and pay their fair share of taxes. It is our duty to support the American companies. Giving the largest contract yet awarded by the Department of Homeland Security to an expatriate company contradicts the principles and ideals that I was sent here to uphold.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. Last night the Committee on Rules issued a rule that even experts in this House on House rules could not initially decipher. On the one hand, they finally acted to close loopholes in the Homeland Security Act which allowed corporate expatriates to continue to receive government contracts, after the House voted 318 to 100 in July 2002 to prohibit those contracts. But, on the other hand, and it seems there is always another hand these days, they specifically left open a provision that would have prevented just such a contract from going through.

Under this rule, it is almost certain that Accenture will be able to retain a massive $10 billion contract with the Homeland Security Department. This runs directly counter to the will of the Committee on Appropriations. Last week, on a strong bipartisan vote of 35 to 17, the Committee on Appropriations voted in favor of an amendment which I offered along with the gentleman from Arkansas (Mr. BERRY) to close loopholes in the Homeland Security Corporate Expatriate Contracting Ban and to stop the department from moving forward on this $10 billion contract to Accenture.

□ 1400

This is a company which reported that its American earnings increased by over $319 million in 2003 while, at the same time, its U.S. tax liability decreased by $239 million. Yet, today, the Republican leadership is hiding behind technicalities to reward a company which has shunned its American citizenship in order to reduce their tax liability. It is wrong. It is shameful. You ask any American worker or a responsible corporation that pays their taxes, and yet they go overseas so that they will not have to pay their taxes, and whether they are a Democrat or a Republican, they will tell you that going offshore, not to pay your taxes and coming back for a $10 billion contract from the Federal Government, it is an outrage.

This company set up a shell corporation overseas and put two tax-paying American companies, companies which employ thousands of Americans in many of our districts, at a competitive disadvantage. This sends a terrible message to every good corporate citizen in America. We cannot afford to reward companies who shun American citizenship at the expense of loyal American businesses and contractors. It offends our values as Americans.

Mr. Speaker, I urge my colleagues to oppose this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise to oppose this rule for a very simple reason: my citizenship in the United States of America is not for sale.

In the State of Arkansas, when they began to call up the National Guard and Reserves to serve, they went willingly. They are still there. They are doing their job. In Arkansas, we have some really wonderful companies. One of those companies is Wal-Mart. What Wal-Mart did was this: they said the employees that we have that are in the National Guard and Reserves that are going to have to take a pay cut to serve, we are going to make up the difference. We are going to give them out of our pockets that money, and they did. And those men and women in uniform today who are on the battlefield are having to pay taxes on that generous contribution that Wal-Mart is making to them.

That is an honorable and proper thing to do.

But now, we have the Committee on Rules determined to make it possible for a company of questionable reputation at best, called Accenture, that chose to renounce their American citizenship and renounce any obligation that they might have to our men and women on the battlefield and say to the whole world, money is the most important thing to us. That is what we care about, money. We will give up our American citizenship. That is what they said, and that is what they did.

But this rule makes it possible for them to get by with it and get a $10 billion contract from the Department of Homeland Security. I cannot imagine why in the world the Department ever agreed to give them that contract in the first place. It is absolutely irresponsible. I do not understand why the leadership on the Republican side decided to take this out of the bill. I do not understand that. I know that people work hard to develop a good Department of Homeland Security bill, and the American people deserve better, and if we allow this company to thumb their nose at being an American and turn around and give them a $10 billion contract paid for by hard-working Americans that pay their taxes and do not complain about it, we have done the wrong thing.

I urge this House to reject this rule and have the Committee on Rules come back to us with a good rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, two companies decide to compete for a government contract. This happens, in fact, with dozens of companies, hundreds of companies all over America seeking different government contracts and wanting business that is funded by the taxpayers. Of these two companies, however, one of them has chosen to denounce its American citizenship when it is time to pay its taxes, by moving overseas and declaring that it is a company organized in Hamilton, Bermuda.

The other company is an American company, not only when it comes time to put their hand out to get a government contract, but also when it comes time to put their hand out to pay the taxes that they earned on their American business.

Now, which one of those companies has the competitive advantage? The one that stayed home and was patriotic to America, or the one that dodged its taxes and has lower overhead because it has lower taxes? I think the answer is rather obvious.

Yet this Republican leadership has defended a practice that encourages corporations to dodge their taxes and to head off to Bermuda or Barbados or somewhere else. Then, to add insult to injury, the same tax-dodging corporation that wants the protection of American troops when it comes to national security, and of our law enforcement here at home when it comes to homeland security, these same corporations that have dodged their fair share of our homeland security and national security expenses, recognizing the permissiveness of this House Republican leadership and of the Bush administration, come back to the American taxpayer and say, not only do we not want to pay our fair share of the taxes; we also want your share of the taxes. We want government business. We want what other taxpayers, including our competitors, have paid for; we want their tax monies so we can earn more money that we can dodge taxes on while we are staying in Bermuda.

Mr. Speaker, I oppose this rule, because that is exactly what the Committee on Rules, with the encouragement of the Committee on Homeland Security, has approved. It gives the competitive advantage to the corporation that dodges its taxes.

Just the night before last in the Committee on Ways and Means, we heard an official from the Treasury Department again oppose corporate expatriation proposals that have been approved in the other body with wide bipartisan support, because they really do not want to stop this trend of these corporations dodging their responsibilities by going to Bermuda.

Now, with Accenture, the accent has been on tax avoidance. They have now been awarded a $10 billion contract that a bipartisan vote in the full House Appropriations Committee would have put a stop to. But the House Republican leadership, with its typical permissive attitude, has blessed that.

So now Accenture, ahead of the pack, will get $10 billion in a government contract while it avoids taxes.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, we have now gone about 1,000 days since the attack on this country on 9/11, and this bill is supposed to deal with our efforts to protect the homeland. I think that to evaluate how good those efforts are, we need to compare the challenges with the resources that we are applying to meet those challenges. And if we do, I think there will be no doubt that we are mistakenly trying to do this job on the cheap.

Let me give my colleagues some examples of inadequacies in this appropriations bill.

Air cargo. Air cargo is a huge threat to the safety of the flying public. If the public understood what a tiny percentage of cargo that is shipped on passenger planes is actually inspected, they would be shocked. It is a tiny percentage. We ought to do something about that. This bill prevents us from doing that.

The gentleman from Florida discussed correctly the need for more inline explosive detection devices at airports. We wanted to try to do that in the bill; but, again, we are precluded from doing that by the budget ceiling. The chairman of the committee himself has indicated how important that is. Yet we are not going to be able to make any significant advances on that front under this bill.

If we take a look at the problem that we have with military pilots being able to communicate with commercial pilots, if you have a terrorist incident or a potential terrorist incident and a military aircraft is trying to track a civilian aircraft, it would be kind of nice if those two pilots could talk directly to each other and to the ground. But right now, we do not have the software system in place that will enable that to happen. That is a dumb omission.

We also have some problems with respect to ports.

Now, the new idea in protecting our ports is to establish inspectors at foreign ports so that they can review what goes into those cargo container boxes before they ever leave that port on their way to the United States. But we have a big problem. There are only 20 ports out of the 45 major ports that we need to cover where we have that kind of inspection activity going on; we have none going on in China, and China imports three times as much through cargo shipping as does Hong Kong, for instance.

Worse yet, the inspectors on the job in those foreign ports are assigned temporary duty for about 6 months apiece. They cannot get to know the territory; they cannot get to know the people they work with in those ports during that time. They should be long-term assignments, but we do not have the money in the bill to do that.

The northern border. The PATRIOT Act, with all of its problems, the PATRIOT Act required that we have a specific number of inspectors on the northern border. We are 2,000 short of the number that was supposedly guaranteed by the PATRIOT Act. First responders, those are the policemen, the firemen who deal with the incidents where they occur in the local community, on the ground, we have been told by the Rudman-Hart Commission that there is about $90 billion worth of need that we need to address. We have only met about 15 percent of that need.

We have fewer firefighters in this country today than we had on 9/11. Do you call that progress?

And then, we have the massive problems in the Homeland Security Agency. Of the 500 career slots in that agency, or roughly 500 career slots, 171 of them are vacant. Twenty-five percent of the slots in that agency are filled by political appointees. Is it any wonder that there is considerable chaos?

More than a year after the reorganization, that agency still does not have a phone directory. I was talking to a fellow 2 days ago who was trying to talk to the Homeland Security Agency about getting a contract, to meet a need that they were advertising; he did not even know who to call or how to find out because they do not have a phone directory.

□ 1415

It does not make a lot of sense.

General Zinni has made the point that when it comes to dealing with this terrorist threat that we have a lot of tactical activities going on but not very many strategic. I just think we need to face the fact this bill is not adequate.

And then, as has already been mentioned by several other Members, it has this weird feature which allows the Homeland Security Agency to give a contract that would be valued up to $10 billion to a company for the purpose of tracking who crosses our borders, they want to give that contract to a company that has already jumped our borders and decided they will locate for tax purposes in Bermuda. That means they duck their taxes, and your constituents and mine get the privilege of making up the difference.

Great deal. Great deal. That is why I would urge every Member of this House to vote against the previous question on the rule so we can offer amendments to correct these problems and to vote against the rule if we cannot bring down the previous question.

Mr. Speaker, I am inserting in the RECORD at this point the text of the comments I made in the report accompanying the Homeland Security Appropriation bill made in order by this rule.

ADDITIONAL VIEWS OF DAVID OBEY

It has been a thousand days since al Qaeda launched its first successful attack within U.S. borders. Since that time many changes have taken place inside our country and in the way we deal with other nations around the world. Most of those changes have been justified as steps that were necessary to insure that nothing like September 11th ever happens again. But how much progress have we really made? How far have we come in reducing the likelihood that it will happen again?

One thousand days has often been viewed as a period of time for communities and even whole nations to stop and take stock. What have we done right? What have we done wrong? What are our largest remaining areas of vulnerability? What are our prospects of getting hit again?

I think our efforts to prevent future terrorist attacks can be divided into three stages. The first step was to hit al Qaeda and hit them hard. Take the battle to them. Destroy their leadership; their ability to communicate; their ability to raise and transfer funds; their ability to obtain weapons and to move members between countries and most importantly, their capacity to organize attacks against the United States.

The second step was to understand the factors in the Arab and Muslim worlds that feed this kind of senseless anger and why that anger has been directed toward the United States. Why did so many ordinary people in the Muslim world cheer on September 11th and what does it take to reduce or at least redirect the anger that is now so focused on us.

Thirdly, what are we doing to upgrade our defenses here at home? What goals have we set? Do they make sense? How well have we performed in reaching those goals?

ATTACK AGAINST AL QAEDA

With respect to the first goal, I think the United States has for the most part performed well particularly if we look at the early stages of our effort and if we view al Qaeda as an organization, rather than an idea or a cause. The organization's leadership has been significantly diminished. While a number of its most senior leaders have survived, the best evidence indicates that they have grave difficulty communicating with others in the organization or playing any kind of day-to-day leadership role. Significant numbers of lesser figures in the organization are still at large and they are very dangerous. But they face much greater challenges moving about the world, receiving the training necessary to successfully execute large scale attacks and getting the materials and support necessary to launch such attacks.

The initial phases of our attack against al Qaeda were highly successful. The planning and execution of the overthrow of the Taliban in Afghanistan was a high-water mark in our efforts against terrorism. The initial cooperation that we received in the wake of September 11th—from our traditional allies in Europe and also from nations across the globe that have at times been less than friendly to U.S. interests was also impressive.

LOSING FOCUS IN AFGHANISTAN

But somehow, we lost our focus. Having destroyed the Taliban's capability to rule Afghanistan we did not move aggressively to insure that the government that we support in its stead could fill the void. We did not invest anything like the level of resources for Afghanistan that was needed to make rapid, noticeable changes in the quality of life. Because of that, in a large portion of the country, we did not have the leverage to strengthen the hand of central government, extend the rule of law, and deny terrorists safe haven. We also did not sufficiently exert our influence to insure that the Afghan army that we were attempting to build was representative enough of the various ethnic and tribal groups across the country to become a credible force for stability and unification.

But the attack on al Qaeda began to loose steam outside of Afghanistan as well. Talented intelligence operatives with highly specialized knowledge of Arab culture, language and political behavior were diverted from the listening posts and operations centers across the Arab world where al Qaeda activity was most likely to surface to undertake a quite different mission. Financial resources, talented administrators and trainers who might have helped our allies in the Arab world improve their own military and intelligence capabilities against indigenous terrorist organizations were also diverted. The striking momentum that characterized the early phases of our efforts against Al Qaeda has greatly dissipated. The organization has lost much of its backbone, but many of its pieces are still out there attempting to reorganize and regenerate the segments that have been lost. We no longer have the focus to our effort to insure that that does not happen.

Still, you would have to say that our efforts against al Qaeda have been a success—at least if al Qaeda is viewed simply as an organization. The problem is that al Qaeda is as much as idea as it is an organization and ideas are hard to kill. Bullets can kill organizations—they sometimes only strengthen ideas.

As General Anthony Zinni said recently in a lecture before the Center for Strategic and International Studies, while we may be winning the war on terrorism on a tactical level, on the strategic level we don't appear to even have a plan.

Osama bin Laden never intended al Qaeda to be the command structure for the jihad against the United States. The term "al Qaeda" means simply, "the base." Bin Laden wanted to create a network to support and encourage jihad. He wanted to attack and overthrow the Arab governments around the world that he viewed as corrupt and out of sync with his views on the teachings of the Koran and he wanted to attack the foreign power that stood behind most of those governments—the United States. Bin Laden's challenge was to create a blueprint that could be used for such attacks and to inspire large numbers of disgruntled members of the Arab and Muslim world to follow that blueprint. He wanted to create a movement that represented more than a small army of terrorists—a movement that could bring down moderate Arab governments and, with the overwhelming support of Arab peoples, drive the United States from the Middle East.

AMERICAN IMAGE IN ARAB WORLD

While bin Laden has suffered huge organizational setbacks over the past thousand days, he has been enormously successful in progress made toward his one strategic objective. He has captured the attention of the Arab world and much of the Muslim world. To a remarkable degree he has even won their sympathies, and in some instances, their commitment. If we wish to reverse that, we must begin to think strategically as well as tactically. We must succeed in our efforts to take the second step, to reshape the image of the United States in the Arab and Muslim worlds. We must not only strengthen the determination of our friends in the region to resist terrorism but also encourage them to address the underlying problems that feed it. Even for many of the brightest and most industrious young people in many Arab countries, hope is in short supply. While the energy resources of the region have brought great wealth to a few, a chance has largely been missed for many governments to use those resources to build opportunity economies.

How we change our image in the Arab world and what policies we should pursue to accomplish it is an issue that will spark debate and some division in this country. That debate needs to begin and it is the responsibility of leaders in both the executive and legislative branches to begin it.

UPGRADING OUR DEFENSES AT HOME

Given how poorly we have done over the past thousand days in stemming the anti-American passions in the Middle East, it is even more important that we do a good job in the third step required for a successful strategy: upgrading our defenses here at home.

In evaluating our performance on that front, it is important that we distinguish motion from movement. I am afraid that in many respects we have had more activity than we have had progress.

On September 11th, we had more than 130 agencies and activities of the federal government engaged in some aspect of homeland security. Those pieces of the bureaucracy were spread across most of the Departments of the federal government. There was no central capacity to oversee or monitor how well they worked together. Many of these agencies had only a fraction of the resources necessary to accomplish the security tasks that experts in the field believed could prevent future attacks.

So, after a thousand days, what has changed?

HOMELAND SECURITY ON THE CHEAP

Well, we are certainly spending more money. The government is spending about $5 billion a year more just on airport baggage and passenger screening. We have expanded the size of the customs service and the immigration service. We have bought new equipment in our ports to screen cargo coming into the United States from international shipping and we have had a significant growth in law enforcement activities. But if you compare the challenge we face with the resources we are using to meet those challenges, it is clear we are trying to do this on the cheap. We are like someone with a good paying job who must get to work on time every day in order to keep that job. But instead of building the most reliable car he can find, he gets a fifteen year old model—one that will get him there most of the time but will eventually cost him his good paying job.

Failure in establishing our defenses against terrorism places lives at risk. It also puts at risk our capacity as a society to generate wealth. Although the greatest loss would most certainly be measured in human life, penny pinching on necessary security is foolhardy from a simple economic perspective.

THIS LEGISLATION CONTINUES FUNDING FAILURES

Many in government, including the President and the Attorney General, have warned that we are likely to be attacked by terrorists on our homeland within the next nine months. Given this information, you would think that we would be doing everything humanly possible to improve the security of our homeland. The legislation accompanying this report is the prime vehicle to provide the resources to do that. Unfortunately, it represents a stark failure to improve protection of our citizens in any meaningful way against the wide-ranging scope of the threat facing us today.

The fact is that we are not doing all we can to protect Americans from another terrorist attack. The legislation accompanying this report provides an increase of $2.8 billion or 9.4 percent over the previous year. Yet excluding Project Bioshield and user fees, the bill is only $1.1 billion or 5 percent above the previous year. Despite the Department's huge security responsibilities, this is only slightly above inflation.

This legislation provides a resource level equal to only slightly more than inflation for our customs and border protection and enforcement operations and for port security. Worse, this legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by $327 million or seven percent from 2004.

OMB'S HOMELAND SECURITY SPENDING ANALYSIS

OMB has prepared an analysis of homeland security spending which is seriously flawed. Programs that were not counted as homeland security a few years ago have now suddenly been shifted into the homeland security category in order to convey the impression of a greater increase in effort than has actually taken place. Nonetheless, the OMB exercise is instructive for getting a big picture sense of what we are doing to address critical security issues. In total, OMB argues that we have gone from spending $20 billion a year—or about two tenths of one percent of GDP in fiscal 2000—to $46 billion a year, or less then four-tenths of one percent today. That means that, even based on OMB accounting, our increase in homeland security spending has been less than two tenths of one percent. To provide some perspective on that number, the share of GDP paid in federal taxes has dropped from 20.8% to 16.4% during that same period—a decline of 4.4% or twenty two times the size of the increase in spending to protect against terrorism.

Another perspective on the level of effort we have made thus far is the oft-used analogy of Pearl Harbor. Pearl Harbor led us to the creation of the concept of Gross Domestic Product. The Roosevelt Administration believed that it might require 50% of our total output to take on the Germans and the Japanese simultaneously. They asked the Commerce Department to develop a method of measuring national output. They not only produced the concept that is now used around the world to measure economic activity, but they were also actually able to reach that goal of spending nearly half of the nation's output on the war effort.

We do not need to put 50% of our output into this war or even 5%. Whether you think that our war effort in Iraq is associated with the war on terror or is a separate and competing activity, expenditures related to that activity account for more than 1% of GDP—more than twice as much as we are spending on activities directly related to protecting the homeland. Given that fact, it is blatantly ridiculous to pretend that we cannot afford what we need to protect against terrorist attacks.

Another major attack could erase a trillion or two trillion dollars from the total valuation of the New York Stock Exchange. It could substantially slow the pace of economic growth for a year or more. Again, the most important consequence of a terrorist attack is the loss of human life, but penny pinching on homeland security makes no sense. Even if we consider only the economics of the issue, the Institute for the Analysis of Global Security found that the cost of the 9/11 attack was nearly 2 trillion dollars, including the loss in stock market wealth, lower corporate profits and higher discount rates for economic volatility.

Now it should be noted that the Administration's FY 2005 budget attempts to make a case that in future years we can reduce the size of federal deficits from the current record levels and still afford additional tax cuts. In making that case their projections for future year spending levels in various categories of the budget are revealing. Homeland Security spending is essentially locked into place at current levels. In fact, what OMB is telling us is that unless the American people or the Congress force a change in priorities, what we have now for securing the nation is all that we are going to get and could decline by as much as $900 million.

But the question we should be asking is: Are we really doing enough? Are there things that we really ought to be doing that the resource levels we have allocated to the problem prevent us from doing?

AVIATION SECURITY GAPS REMAIN

One lesson from September 11th that virtually no one could miss is the need to secure our airlines and our airways. We have spent considerably more on this objective than on any area of homeland security. But there are a surprising number of resource issues still unaddressed with respect to protecting our airways.

For example, we still do not have an effective system of explosive detection. Put more directly, it is still much too easy to get explosive materials onto passenger airlines.

The Transportation Security Administration has identified equipment that could have provided us with that capability. It's expensive, (it would have cost close to $3 billion to install the equipment nationwide) but it would have dramatically improved our capacity to detect explosive materials. It also would have significantly reduced the number of screeners required in airports around the country. In fact, the savings in TSA personnel costs from the use of this equipment was estimated to be large enough to offset the entire cost of the equipment.

The Transportation Security Administration proposed to OMB that the agency purchase much of the needed equipment when it was preparing its plans to meet the 2002 explosive detection requirement set in law. But OMB decided that the expense could not be accommodated within the tight, arbitrary limits for homeland security spending which the President and the Director of OMB had decided to impose. Republicans in Congress then adopted a budget resolution that did not provide the Appropriations Committee with the latitude to move forward with the purchase. As a result we do not have an effective system of detecting explosive materials and that failure is due entirely to artificial constraints on resources and incompetent budgeting. TSA has recently acknowledged that the more expensive machines would pay for themselves within 3 to 5 years.

Following September 11th there was broad recognition of the fact that we needed to restart the sky marshals program and insure that there were enough marshals on domestic and international passenger flights so that potential highjackers would always have to think twice about the likelihood that a sky marshal might be present on a targeted flight.

Now the exact number of marshals that the President and the Congress agreed were necessary has remained classified. But few people realize that we are no longer operating at that level. No one has come forward with convincing arguments that the level was too high or that adequate safety can be assured at a lower level. We have simply once again allowed arbitrary budget limits, applied to one small portion of the budget, to drive a decision that may unnecessarily put a great many Americans at risk. Under the President's budget submission for Fiscal 2005, we will have 20% fewer sky marshals than the President and the Congress agreed that we needed just two years ago. That is in spite of the fact that there has been a significant increase during that period in the number of domestic and international flights and in the number of passenger miles flown.

We have had—and continue to have—serious communications problems between military pilots who have the ultimate responsibility to insure that commercial aircraft are not used to crash into buildings (and the commercial aircraft and the FAA system that controls them). Quite simply, military and commercial flight systems cannot easily and quickly talk to one another and the potential that leaves for miscalculation and mistakes it horrific.

Despite the fact that this problem could be solved for relatively little money, the military felt the commercial system should foot the problem and the FAA and the airlines felt it should be addressed in the military budget. OMB decided the cheapest solution was not to decide.

Finally, last fall, I decided for them. The $10 million that was needed was earmarked in the Defense Appropriation bill. I suppose that's a good ending to the story, except that the delay in funding means that the system will not be operative until 2006. That gives you one more thing to think about when you board a plane. It also provides more than a little insight into how decisions about homeland security are being sorted out within the executive branch.

RAIL VULNERABILITIES

These examples of inaction with respect to airway security are serious, but they do not begin to compare with the nearly total abdication of our responsibility to assure the safety of rail transportation. As the recent attacks in Spain have demonstrated, our enemy is not wedded to attacks on any single transportation mode. He will watch and wait until he finds a vulnerability that can be exploited.

Rail is vulnerable in two ways. One is from attacks against our freight rail system that handles a huge portion of the materials, products and chemicals that allow our economy to function. The second is from attacks (like those in Spain) against the roughly 13 million Americans who use passenger rail systems each day.

Luckily, the Department of Transportation and other agencies in the executive branch began a process of sharing classified threat information with the nation's rail freight carriers in the late 1990s. The plans developed as a result of that process are in place and provide a foundation for significant security upgrades. But the plans are dependent upon the federal government meeting certain obligations it accepted during the planning process. Under those plans federal security forces are specifically required to monitor tracks and facilities. Not only have we failed to do that but we have not even designated the agency or department that will supply the forces or establish a means of training them.

As disquieting as the lack of progress in securing our heavy freight and passenger rail systems may be, the security efforts on behalf of transit systems is even worse.

LACK OF PROGRESS IN TRANSIT SECURITY

The White House has failed to mediate the dispute between the Departments of Homeland Security and Transportation over who is actually in charge of transit security. A General Accounting Agency report recommending a resolution of the issue has been rejected by both departments. The impasse continues despite the fact that it is halting any significant progress in securing the systems and despite the fact that transit systems have been the most frequent worldwide targets of terrorist attacks.

Neither Department is willing to spend even a small fraction of the security related costs most experts feel is necessary. Department of Transportation security funding for transit systems totals $37 million in the current year and the Department of Homeland Security has allocated only $115 million over the past two years. This legislation contains only $111 million for rail and transit security needs. In contrast, the transit industry estimates that $6 billion is needed for security training, radio communications systems, security cameras and limiting access to sensitive facilities.

What is the Department of Homeland Security's answer to these unmet needs?

They testified this spring that more funds are not necessary until they have had a better opportunity to define the problem. Now, that is an orderly approach, which we should applaud as long as the Department can guarantee al Qaeda's cooperation with their schedule. My concern is that the Department is likely to get some help they have not asked for in developing a definition of the transit security problem.

The Department has clearly become aware of how vulnerable they are to criticism about their lack of serious attention to transit issues. Only two weeks ago, in a classic move to cover their bureaucratic backsides, they issued a directive to transit systems ordering them to take a series of actions that the Department's own data collection system indicates have already been completed by the vast majority of transit authorities across the country.

CARGO CONTAINER VULNERABILITIES

Since September 11 the vulnerability that has most troubled many experts has been maritime cargo and the exposure of our ports to a nuclear, chemical or biological attack from a weapon placed in a shipping container. As the president of the U.S. Chamber of Commerce, Tom Donohue, has pointed out, such an event could cause death and destruction on a scale far beyond the attacks launched on September 11. It could virtually shut down our global trading system for an extended period of time. The economic consequences would be almost incalculable. Terms like "economic downturn" or "recession" would not begin to describe the aftermath.

The Bush Administration has spent billions looking for new technologies with the capacity to knock a nuclear warhead out of the sky if it were launched in the nose cone of an intercontinental ballistic missile. It has invested heavily in the development of other technologies that are intended to serve that purpose but probably cannot. But they seem unresponsive to the fact that a rogue or a terrorist organization can simply place such a weapon in a shipping container and explode it upon arrival in New York Harbor or in Los Angeles, San Francisco, New Orleans or Boston. A ship can bring into this country a far less complicated weapon than one which could be placed on an ICBM. It can be massive in size and its does not need to even be thermonuclear in order to cause massive numbers of casualties, destruction and economic chaos.

So what have we done to protect ourselves? Protecting our ports is not unlike protecting our airports. We need to have multiple security perimeters. The first should be overseas. That requires a whole new approach to cargo inspection. It requires that our inspectors leave the United States, establish cooperative relationships with port security officials in countries around the world that ship to the United States. It requires that they establish a system of certification and best practices with major exporters around the world.

This is not a Democratic proposal. This is roughly the proposal that George Bush's own appointed head of the Customs Service, Bob Bonner, took to the White House in months immediately following September 11th. It is the proposal that the Council on Foreign Relations Task Force, headed by former Senators Rudman and Hart had endorsed. It is the proposal that the U.S. Chamber of Commerce has written editorials to support.

But the White House waited until last year to request the first dime for this effort. Whatever presence the United States has had in foreign ports over the past one thousand days has been entirely as a result of Congressional increases to homeland security spending—increases that were opposed by the White House, increases that the White House threatened at various stages in the legislative process to veto, and increases which on one occasion the White House did veto.

Last year, the White House reversed themselves and finally requested a portion of the funds that were needed for container security. Their position changed from, "we can't afford it" to "we needed to wait." That is a turnaround and I suppose we should welcome it. But the $126 million that the president has proposed for FY2005, and is contained in this legislation, will not adequately fund the program. It will not even allow us to fully staff the 45 foreign ports where DHS had planned to inspect all manifest documents. It will not permit our current foreign inspection programs to become permanent. We are currently in only 17 ports. We currently have no container security presence in China, the biggest U.S. trading partner in terms of cargo containers. The number of cargo containers arriving to the U.S. from China is more than three times those arriving from Hong Kong.

More troubling than the mere question of resources is the lack of political or bureaucratic clout behind this critical initiative. If having inspection agents working with foreign customs officials is to be a truly effective means of understanding what is in foreign ships before they leave for U.S. ports, it requires developing long term relationships between our agents and those who control the foreign ports we wish to monitor.

This involves a new level of training and expertise for our customs agents. It involves establishing continuity in the relationship we have with host governments in terms of what we expect to get and what incentives we can provide to those who cooperate. Nothing could be more destructive to this effort than to rotate in and out of foreign ports agents with only a few months of experience based on a deliberate system of staffing through temporary assignment. But that is precisely what we have done. In the few foreign ports where we do have a presence, that presence is a U.S. customs officer detailed there on a six-month temporary duty assignment. Those agents don't even know what the problems were between the U.S. and the host government when the program was initiated. They are certainly not people that officials of the host government would want to invest much time in getting to know—they will be gone before there is any pay off from developing a relationship.

PORT VULNERABILITIES

If the overseas effort to identify the contents of cargo containers is the outer perimeter for protecting our ports, the ability of the Coast Guard to interdict, board and inspect U.S. bound shipping at sea is the next perimeter. Yet the Coast Guard's capacity to perform that function has also been restrained by lack of resources. The Administration frequently states that the Coast Guard is now boarding all vessels that are deemed to be "high interest." That means 80% of all other vessels are not boarded.

Observing, tracking and controlling ships as they approach and enter into American waters is the next perimeter in securing our ports. Systems have been developed that are very similar to the systems by which air traffic control directs airplanes entering into U.S. airspace and approaching U.S. airports. These systems, however, are available in only nine ports, leaving 45 major ports without such a system. Again, this is penny wise and pound foolish. It is also a bad decision in terms of long-term cost effectiveness. More automated systems permit more rapid detection of ships that are not following control directives; they can be operated by fewer people and are long-term cost savers.

And, inside our ports, there are numerous critical issues. One is preventing unauthorized persons from having access to ships, containers or post storage areas. A second is protecting hazardous chemicals and materials from attack. The Coast Guard estimated that the 185 commercial seaports in the United States would need about $7 billion to assess vulnerabilities and take necessary action to correct those vulnerabilities. These port authorities do not, in most instances, have the revenue raising authority to pay any significant portion of these costs. This year was the first time the Administration requested any money whatsoever for this purpose, and it only requested $46 million. The Congress has been able to appropriate only $587 million or less than 10% of the money needed to do the job. This legislation includes an additional $125 million for port security, which will keep us on the slow-moving path to addressing all of our port vulnerabilities.

SECURING OUR LAND BORDERS

Another major priority has been securing our land borders—in particular, the 3000 mile U.S. border with Canada or 5000 miles if we include Alaska. Despite our continuing strong economic and political ties to Canada, the situation of the two nations with respect to potential terrorist attacks is quite different. Canada's smaller role in world affairs and the image of Canada in the eyes of the international community make it a much less likely target of attack than the U.S. At the same time, Canada's vast geography and relatively small population have led to far more lenient immigration policies than those in place in the United States.

As a result there will continue to be significant differences between the two countries on how external security concerns are managed. That means that the question of how to control our border and the movement of people and cargo across that border is suddenly a matter of much greater concern.

Recognizing that concern, the Congress included language in the Patriot Act calling for the tripling of the number of border agents and inspectors on the Canadian border above the levels we maintain on September 11th. As of October 2003, we were still more than 2000 people short of this goal. In addition, there was a clear need for significant additional equipment on the Canadian border to insure that those new people would be efficiently put to work: equipment like air stations, radiation monitors, and surveillance equipment.

To date we have fewer than 4000 agents and inspectors on the border. In other words, about one third of the positions promised in the Patriot Act are still unfilled. The FY 2005 budget promises no increases from current levels. And the President' out-year budget projection provides a strong indication that personnel strength at the border will actually decline rather than increase over the next five years. With respect to equipment, we have provided the first air station (again one not requested by the Administration) and some radiation monitors, but have made no critical investments in things such as surveillance equipment.

PREPARING THOSE WHO RESPOND TO TERRORIST ATTACKS

The events of September 11th made clear that the brave men and women serving in the police, fire and emergency medical units in New York, New Jersey, Virginia, District of Columbia and Maryland needed a significant amount of additional equipment and training to more effectively respond to the types of attacks that occurred on that day. It was also apparent that first responder units across the nation did not have most of the equipment they would need to deal with a nuclear, chemical or biological attack.

The needs of local first responders were spelled out in considerable detail in the Rudman-Hart reports. But the federal government has already allowed most of the burden to fall on local governments. Since the capacity of those local governments to support such investments in the tough economic times is limited, progress in equipping first responders has been minimal.

Of the $98 billion in first responder needs identified by the Rudman-Hart report, the Feds have provided less than $14.5 billion, or 15%. As a result only 13% of fire departments can effectively respond to a hazmat incident. An estimated 57,000 firefighter's lack the personal protective clothing needed in a chem-bio attack. An estimated ⅓ of firefighters per shift are not equipped with self-contained breathing apparatus and nearly half of the available units are 10 years old. Only half of all emergency responders on shift have portable radios. And we still have massive needs for interoperable communications equipment. On site emergency personnel working for different agencies need to be able to talk to each other. We will probably never know how many victims in the World Trade Centers could have been saved if they had known that they needed to evacuate the buildings. We know that was a communication problem of disastrous proportions.

This legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by $327 million or seven percent from 2004. These professionals are put on the front line risking their lives every day. They are especially put at risk when terrorists attack our homeland, as we saw from the number who died at the World Trade Center. These professionals need to be prepared for the various types of attacks we may face and they are not fully prepared today. It is disgraceful that this legislation provides less funding in this area, not more.

These are only a few examples of where corners have been cut in establishing the line of defense here at home.

INADEQUATE HOMELAND SECURITY LEADERSHIP

But there is more to the story than simply talking about resources. In many instances, we have not had the leadership necessary to organize available resources in effective ways.

Prior to the creation of the Department of Homeland Security, the White House identified 133 separate agencies and activities within the federal government that played a role with respect to homeland security. The creation of a Department was the Administration's answer as to how to better manage and coordinate those disparate activities. The problem, however, is that only 22 of those 133 activities became part of the new department. A total of 111 agencies and activities, including the FBI, the CIA, the Defense Department and many other key components of the overall effort remained on the outside.

But for whatever reason, the effort to have centralized control and coordination of all of those activities within the White House was diminished. When Tom Ridge went to DHS his replacement within the White House was not given the same clout to knock heads together and insure that Departments and agencies are working together toward a common mission. Too frequently, we have had 112 units of government headed off on their own with no central coordination, as Attorney General Ashcroft's press conference and the reaction within the administration to that press conference last week so clearly demonstrated.

And even within the new department there have been serious problems. In its first year of operation, DHS has disappointed even those with low expectations. Bureaucratic snarls have been so intense that on its first anniversary the Department still did not have a working phone directory. My staff has been asking for one for more than six months and has yet to receive it. It has also been reported that when callers phone the Department's hotline number, it just rings and rings. Members of Congress from the President's own party have expressed grave concerns about the inability of the Department to respond to requests for information in any kind of a reasonable time frame.

One possible cause of the rampant chaos at the department has been the injection of a huge number of political appointees. Since the creation of the Department more than one quarter of all personnel who have been hired for departmental operations have been political appointees. These individuals often appear more fixated on positioning themselves politically than on the nuts and bolts security problems, which the Department must address. We have seen a huge number of press releases promoting the Departments efforts but we have few concrete efforts worthy of such self-promotion. We, for instance, still do not have regulations regarding the licensing and registration of hazardous material truckers nor do we the detailed guidance for flight and cabin crew training to prepare for potential threat conditions which was mandated by the Aviation and Transportation Security Act more than two years ago.

Typically, political appointees remain in their appointed positions for less than 24 months. At that point, they are off to some other part of the administration or headed back into the private sector. That means building true long-term competency within any Department is heavily dependent on recruiting a committed professional career staff. But the 114 political appointees now swarming the halls at DHS have—if anything—impeded that process. Of the 500 career positions needed to run the department, 171 remain vacant. One of the most critical positions in any Department is that of Budget Director. In only 14 months DHS has had three budget directors.

Ironically, this legislation provides funding that is sixty-two percent higher than this year for Departmental Operations. Even though we were told that formation of the Department of Homeland Security would not cost us a dime, it now appears that the Administration has realized that this was not true: $65 million is provided in this legislation for the Department's headquarters and $70 million is provided for the "security-critical" new personnel system. I do not question the need for this funding. But I do think that it is instructive that these are higher priorities for the Administration and the Committee majority than are protecting our border, ports, transit, and aviation system.

Instead, this $135 million could have been used to purchase and install hundreds of additional radiation portal monitors at our borders and ports. The Committee majority admits that it is, and I quote this report, "aware of a need for over 1,000 more" radiation portal monitors than are funded by the Committee.

Instead, this $135 million could have been used to inspect a much greater percentage of air cargo for explosives than we do today. While the Committee report calls for a doubling of the screening for explosives of cargo carried on passenger airplanes, this "doubling" still leaves a large percentage of such cargo at risk.

Instead, this $135 million could have been used to secure additional critical infrastructure, like chemical facilities, transit systems and ports. The Committee majority agreed with the Administration's plan to have only thirty-five percent of protective actions that it recommends actually implemented for "first tier priority critical infrastructure components". What this means is that sixty-five percent of the actions the Department recommends to protect the public will not be implemented next year.

The Administration and the Committee majority seem to be very patient when it comes to protecting our citizens on our homeland. Unlike them, I remain unconvinced that terrorists will wait a decade for their next attack.

CONGRESS SHOULD NOT ABDICATE ITS ROLE

About a year and a half ago I spoke to a group of reporters at the National Press Club about where the country stood at that time in protecting itself against terrorist attacks. I feel that the coverage of that event was fair and I think we exposed some problems that, as a result of that coverage, have been fixed. But I also think that the press and the public have a presumption that this is such a complex issue that we simply have to trust the President and his advisors in the Executive Branch to do what is right. I think many of my colleagues in Congress have felt the same way. While I understand people's tendency to leave this complex calculus to the "experts," I think this town is currently awash in new information about the decision making process within this administration which indicates that is a bad idea!

First of all, that is not the approach to decision making that the Constitution requires of us. It is our job to second-guess. When so much is at stake, the Congress, the press and the public have the clearest possible obligation to insure that the decision making within the Executive Branch is measured, deliberate, based on the best available information, and consistent with the quality of judgment befitting the seriousness of the risks to which we are exposed. Had that happened in the wake of 9/11 or even a year and a half ago there are many points in this statement that I might have been able to leave out.

One problem in all of this, frankly, is that it was hard for the press and the public to believe much of what I reported a year and a half ago. While the facts presented in that statement were well documented they presented a picture of executive branch decision-making that was wholly inconsistent with what the nation or the press corps wanted to believe. It was hard to accept the idea that in this moment of great national crisis we did not have systematic methods of screening information, examining policy choices, debating the pluses and minuses of each alternative, and making strategic choices based on an exhaustive effort to find the best possible alternative. But in recent months we have learned time and time again that this was not the nature of decision-making within this administration.

Ron Suskind, using the exhaustive notes and papers of Treasury Secretary Paul O'Neill, tells of an extraordinary decision making process in which information is collected on the basis of decisions that preceded them. Richard Clarke describes a process both before and after 9/11 that was quite similar. So does Bob Woodward.

My own experience with the President himself, demonstrates that this President has listened as infrequently to those in the Congress who know something about homeland security as he did to our allies or the career American military before rushing into Iraq.

But any one who has been listening these last few months is pretty well aware of the fact that we were not vigilant and were not picking up on clear information of elevated threat levels prior to 9/11. We did not respond in the summer of 2001 to that threat in the same manner that we responded 18 months earlier when similar threat information triggered a massive response to the millennium threat. We did not have an orderly or honest process to measure the pluses and minuses of invading Iraq. People at the highest levels silenced, dissent and criticism and irreversible actions were taken based on flawed information.

We based our plans for security and reconstruction of Iraq on intelligence from a single organization outside of this government which both the State Department and the CIA said was unreliable. Unfortunately, that is all spilt milk. Even if we understand those mistakes, we can't go back and try it again.

What I am talking about today is not spilt milk. We can correct these policy mistakes and we can possibly correct them in a time frame that will prevent the next attack. It all depends on whether we are ready to get real.

Now, I am not optimistic by nature. Perhaps it is merely my nature that leads me to believe that the cauldron that is today boiling in Southwest Asia, North Africa and the Middle East will likely spill over once more onto the shores of North America. If we are not ready, I do not want to look myself in the mirror for the rest of my life and wonder why I didn't ask tougher questions or insist on more responsible and responsive policies. I think the overall performance of our government to date in the area of homeland security merits a greater sense of skepticism and urgency on the part of the press and the general public as well.

We lived in a more dangerous world prior to September 11th than most Americans realized. Our efforts to making the world safer have met with mixed results and the numbers of persons who wish us harm and will go to great lengths to inflict harm have grown steadily during the past thousand days. Clearly some of our efforts have done little more than fed the flames of discontent and hatred.

That places even greater pressure on our last lines of defense, protecting our borders, our transportation systems and our capacity to respond to terrorist acts in this country if, God forbid, they are again committed. But as the facts I have today outlined well document, those efforts remain under funded and poorly managed. The President proposed that we have 20% fewer sky marshals than we had a little more than a year ago. We have hired only two-thirds the people that the Patriot Act mandated for protecting our Northern Border. We have invested one-tenth what is needed to protect our ports. We have only just begun to take the steps needed to protect our rail and transit systems. Our first responders have only a fraction of the tools they need. And worse still, the agencies that have been entrusted with the responsibilities are still wallowing in bureaucratic chaos.

As we saw last week the Justice Department and the Homeland Security Department are still in the business of surprising each other. Simply hoping that these problems will somehow work out is not unlike the wishful thinking that many engaged in as they prepared to invade Iraq. Misinformation and bad planning can lead to excruciatingly painful results. The time to reexamine our security, our security budgets and our whole thinking in this area is now. The Congress must act to put a stop to this mindless, non-information based approach to policy and national strategy. It is as likely to prove catastrophic in the defense of our homeland as it has been in installing democracy in Iraq.

Congress may control nothing more than the purse strings—but that is enough. The Congress has all the power it needs to reopen this discussion, insure that assumptions are well founded, the information is the best available, the management is sound and the resources are adequate. What it will take to significantly improve the systems that protect this nation is small in the relative scheme of things—a few tenths of a percent of GDP may be no more than we are now spending on Iraqi reconstruction and one-twentieth of what we have handed out in tax breaks. Given the stakes, we cannot afford to do less.

AMENDMENT OFFERED IN COMMITTEE TO PROVIDE $3 BILLION MORE

That is why I offered an amendment in Committee to provide $3 billion to fix some of the most critical security holes.

Our homeland security agencies could do more with this additional funding—

They could put more radiation and surveillance monitors at our borders and ports;

They could increase surveillance on our transit systems;

They could increase surveillance by local police of critical infrastructure facilities;

They could improve the ability of our police and firefighters to communicate with each other and be suited properly;

They could inspect additional containers coming into the United States;

They could put more air marshals on flights;

They could increase our stockpile of antibiotics;

They could increase air patrols of our borders; and

They could fix some holes in our current aviation security screening system.

This $3 billion, however, would have only been available to do this if the President agreed. It is disappointing and shortsighted that the Committee voted along party lines not even to give him that choice.

The Chairman of the Committee said during markup that he would probably support my amendment if he had additional budget allocation. The budget allocations are severely restricted because the Administration has decided that tax cuts and the costs of a war should go hand-in-hand. This squeezes spending on virtually everything else.

We need to stop being penny-wise and pound-foolish. We need to push the Department of Homeland Security to make needed security investment now, so that we can be protected tomorrow. If we do not make those investments until tomorrow, our protection may come too late.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time. I do rise in support of this rule and against the argument that has been made by the gentlewoman from Connecticut and to some extent by the gentleman from Wisconsin, which is that we should defeat the previous question in order to amend the rule because the Committee on Rules did not make in order an amendment which was added in the committee by the gentlewoman from Connecticut.

That amendment should not be made in order. It is not in order on this bill. It is a sweeping amendment that would change the entire tax laws of the United States. It would change all of our rules and regulations that we are required to adhere to under the World Trade Organization, and it ought to be thoroughly debated and vetted in the proper venue, in the Committee on Appropriations, and not on the floor of this House as an amendment. So it is indeed correct that it is not made in order and should be stricken. But let me talk just a moment about the substance of this.

The idea here is that somehow that Accenture should not be allowed to bid on the US–VISIT program. The idea is that Accenture is avoiding paying U.S. taxes and has some sort of unfair competitive advantage, but that is simply not true. Neither the employees of Accenture are avoiding paying taxes, nor is the company avoiding paying any taxes on any of its obligations or any of its profits that are made here in the United States. The company pays its taxes on all of its U.S.-generated income. In fact, its effective tax rate for the year 2004 is 34.8 percent.

Now, the national average for all corporations is 19 percent. The tax rate for its two major competitors for this bid were Lockheed Martin and Computer Sciences Corporation and their tax rates were 31.3 percent and 28 percent respectively. That is based on their last 10-K filing. So it is simply false to say that this is a company that is not paying its taxes. It does not receive any tax advantage by having its ultimate parent incorporated in Bermuda. So here we have a company that is actually paying higher taxes than its competitors who bid on this. It is paying much higher taxes than the average corporate rate.

So it is simply not true to say that Accenture is trying to avoid paying taxes.

The second assumption that is wrong in this argument is that Accenture has done a corporate inversion. That is that they incorporated, they went to Bermuda in order to avoid paying this taxes. It is not a corporate inversion. It did not move its place of incorporation from the U.S. to Bermuda with the intent of avoiding paying U.S. taxes. If has never been a U.S.-based corporation and it has never operated under a U.S. parent corporation. In fact, the General Accounting Office in the report that it did in October 2002 about corporate inversions did not even list Accenture as a government contractor that undertook a corporate inversion.

Finally, there is the faulty assumption that only the U.S. companies should provide products and services to the Federal Government.

Nothing, Mr. Speaker, nothing could be further, more wrong-headed than that. We rely, we are a service based economy, and we rely very heavily on being able to bid and open up contracts in other countries. We have worked in the World Trade Organizations in all the trade negotiations in order to try to make sure that we had good provisions in there for procurement, government procurement contracts. This would just invite the kind of retaliation that would say that our corporations, our major contractors cannot bid on an airport being built in Tokyo or a major oil contract in Saudi Arabia. It invites that kind of retaliation because it says that we are not going to abide by our own World Trade Organizations rules.

I would say in closing, Mr. Chairman, this amendment that was added in the Committee on Appropriations is the simply paying politics application with the award of this contract. It is based on faulty assumptions to score some political points. Any delay in implementing contracts puts the American people at risk. It would further delay a vitally important contract to us, and I urge that we approve the previous question and approve this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. SABO. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

I rise in opposition to the rule on the fiscal year 2005 Homeland Security appropriations bill. The President's 2005 Homeland Security budget request falls short. This bill represents an improvement; however, I have serious concerns about some of the program funding levels and the policy decisions which a rule would prevent us from addressing.

The rule fails to waive points of order against the Obey amendment. The bill contains deep cuts in first responder funding, which is $327 million below 2004 enacted levels. The House-passed budget resolution and the resulting Homeland Security allocation restricts this bill from doing more to protect our borders and ports and other critical infrastructure.

To address some of the most critical needs, the gentleman from Wisconsin (Mr. OBEY) offered an amendment in the Committee on Appropriations to provide a contingent Homeland Security emergency reserve of $3 billion available to the President upon request. The amendment is common sense, yet Members cannot vote on it because this rule fails to waive points of order against it.

The Committee on Rules also failed to make in order an amendment that I offered the Committee on Appropriations on chemical plant security. My amendment would direct the Department of Homeland Security to require both vulnerability assessments and security plans for chemical facilities and to provide oversight of the action taken by these facilities to improve security. The decisions on which chemical facilities must comply would be left to the department based on risk.

It is widely known that chemical facilities are clear terrorist threats and there are about 3,000 such U.S. facilities where a release would affect over 10,000 Americans.

Despite years of such warnings from many experts, the General Accounting Office reported in 2003 that no comprehensive information exists on the security vulnerabilities facing the chemical industry, and many facilities have neither assessed their vulnerability nor their security. We should not wait any longer to protect this glaring problem, but this rule prevents us from taking prudent action.

As Warren Rudman recently said, "You have to only look at television footage from Bhopal in India when an accident occurred to recognize how serious a disaster this would be. If you were terrorists and you decided to cause a major disaster, why would you not go to a plant that, if you could penetrate it and blow a part of it up, would cause fumes to waft over the entire area to kill who knows how many people?"

Last, I am disappointed that this rule leaves unprotected the most critical element of the CAPPS II passenger prescreening provision. This bill language mandates that the GAO review the methodology used by TSA to determine which passengers may be terrorists.

This is the most sensitive aspect of the CAPPS II, with broad implications for Americans' privacy and civil liberties, and GAO has not yet been able to review it.

In closing, I believe this rule prevents the House from addressing some of the most critical Homeland Security funding and policy issues. I urge Members to defeat the previous question and, if that is defeated, to defeat the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FLAKE). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I rise today to oppose this rule because I felt very strongly that this House should be given the opportunities to provide what I believe to be the essential additional funding to protect the homeland.

This Congress and this House has had a long tradition of supporting national defense in a bipartisan way. If you look at the additions that we have made in spending in the area of national defense, particularly in light of the conflict in Afghanistan and Iraq, we have spent in the neighborhood of an additional $150 billion or so in the defense of this effort.

The truth of the matter is, our additional spending on homeland security dwarfs by way of comparison and yet in both instances we are at war. We are at war against an enemy who desires to destroy us, an enemy who will exploit our vulnerabilities, and what we should be doing is debating in an open way whether or not we believe we should be prepared to deal effectively with these threats.

We need to install radiation portal devices immediately in our ports. We need to provide sufficient security funding for our rail and public transits. We need to provide the Coast Guard with additional funds to protect our ports. We need to be sure that we install explosive detection equipment in our airports. We need to have inspectors and personnel at our northern and southern borders sufficient to do the job. We need to fund adequately our first responders. The list goes on. But I frankly believe, Mr. Speaker, that this House if given the choice would provide additional dollars for homeland security. I regret that this rule denies us this opportunity.

Ms. SLAUGHTER. Mr. Speaker, does the gentleman have any further speakers?

Mr. LINCOLN DIAZ-BALART of Florida. No, Mr. Speaker, we do not.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, when the previous question is called I will ask for a no vote. It seems that hardly a day goes by that we do not turn on television and hear some new report on a terrorist plot around the world. Some of the most recent reports have indicated terrorists may be planning attacks in the United States this summer. Just the other day authorities arrested a man in Ohio allegedly planning to blow up a shopping mall.

With news like this it is little wonder that the security of our Nation weighs heavily on the minds of our constituents. Unfortunately, the bill before us today does not provide an adequate level of funding to give our communities the resources that they need to keep America and its people safe. Excluding Project BioShield, the Homeland Security appropriations bill barely keeps up with inflation, and it even cuts funding for programs to help our police, firefighters and emergency personnel 7 percent.

How do we expect to keep our Nation secure when we are cutting funding for the very people tasked with keeping our constituents safe.

It does not have to be this way, Mr. Speaker. Last night at the Committee on Rules, the gentleman from Wisconsin (Mr. OBEY) brought forth a very important and responsible amendment that would have provided an additional $3 billion to the Department of Homeland Security in a contingent emergency reserve. As the gentleman from Wisconsin (Mr. OBEY) pointed out in his testimony, this money could be used to increase the number of air marshals on planes or to address the problems in our current aviation security screening system.

□ 1430

It could provide for more radiation and surveillance monitors at our borders and ports and allow for increased inspection of shipping containers coming into the country. It could be used to increase surveillance in our transit systems and to improve communications between police, firefighters and other first responders.

Unfortunately, Mr. Speaker, we will not get a chance to vote on more money for security at our borders or on our transit systems or for our first responders because the amendment by the gentleman from Wisconsin (Mr. OBEY) was defeated on a straight party line vote.

So today, Mr. Speaker, I urge Members to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the amendment of the gentleman from Wisconsin (Mr. OBEY). This fund represents a tiny fraction of the money that has gone towards rebuilding Iraq. I do not think it is asking too much to make sure that our own Nation is fully protected and that emergency monies are available should they be needed.

In the 2 years since the creation of the Homeland Security Department, we have found a number of areas that need more resources. The monies contained in the contingency fund could provide a much-needed shot in the arm for these programs and services that may have vulnerabilities. Mr. Speaker, this should not be a partisan issue. The safety of our Nation and its citizens is of utmost importance to all of us in this House.

Today this Congress can put aside partisanship and act to protect America's homeland by giving the Department of Homeland Security the additional resources provided in the Obey amendment to meet our most urgent security concerns.

I am confident that all Americans and all Members of this House support that sentiment. So I urge Members on both sides of the aisle to vote no on the previous question.

Let me emphasize that a no vote will not stop the House from taking up the Homeland Security appropriations bill. It will not prevent other amendments from being offered under this rule. However, a yes vote will prevent the House from considering this badly-needed amendment to create an emergency contingency fund for homeland security and preserve that department's ability to more fully protect Americans against terrorism.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote no on the previous question and yield the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also believe that homeland security should not be a partisan issue. That is why I am so proud of the work that the leadership and that the Committee on Appropriations and especially the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) have brought forth, they have expended and brought forth with regard to this critical issue.

The legislation before us spends $33 billion, Mr. Speaker, on homeland security, $33 billion. Just in the area of first responders, Federal assistance for those first responders since September 11, 2001, almost $27 billion have been appropriated by this Congress. I am very proud of the way in which this Congress has responded to the threat, has acted to protect our homeland security. This is very important legislation that we have before us today. It is time that we get to the underlying legislation and that we pass it out.

So accordingly, Mr. Speaker, I urge a yes vote on the previous question, on the rule and on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 675—RULE ON H.R. 4567, FISCAL YEAR 2005 HOMELAND SECURITY APPROPRIATION

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by the Representative of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of title I, insert the following:

CONTINGENT EMERGENCY RESERVE

For additional expenses, not otherwise provided for, necessary to support operations to improve the security of our homeland due to the global war on terrorism, $3,000,000,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That the funds made available under this heading shall be available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That funds made available under this heading may be available for transfer for the following activities:

(1) up to $1,200,000,000 for "Office for State and Local Government Coordination and Preparedness, State and Local Programs";

(2) up to $200,000,000 for "Office for State and Local Government Coordination and Preparedness, Firefighter Assistance Grants";

(3) up to $450,000,000 for "Transportation Security Administration, Aviation Security";

(4) up to $50,000,000 for "Transportation Security Administration, Maritime and Land Security";

(5) up to $550,000,000 for "Customs and Border Protection, Salaries and Expenses";

(6) up to $100,000,000 for "Immigration and Customs Enforcement, Air and Marine Interdiction, Operations, Maintenance, and Procurement";

(7) up to $50,000,000 for "Immigration and Customs Enforcement, Federal Air Marshals";

(8) up to $100,000,000 for "Immigration and Customs Enforcement, Salaries and Expenses"; and

(9) up to $300,000,000 for bioterrorism preparedness activities throughout the Federal Government:

Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations 15 days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 675 will be followed by five-minute votes, as ordered, on adopting H. Res. 675; adopting H. Res. 674; passing H.R. 4517; and suspending the rules and passing H.R. 4545.

The vote was taken by electronic device, and there were—yeas 224, nays 205, not voting 4, as follows:

[Roll No. 243]

YEAS—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest

Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—4

DeMint
Hastings (FL)
Osborne
Platts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1502

Ms. WATSON, Mr. GUTIERREZ, Mr. PASTOR and Mrs. McCARTHY of New York changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 197, not voting 2, as follows:

[Roll No. 244]

AYES—234

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1512

Ms. CARSON of Indiana and Mr. RAHALL changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question on House Resolution 674 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 1, not voting 4, as follows:

[Roll No. 245]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Strickland

NOT VOTING—4

Davis (FL)
Delahunt
DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1520

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES REFINERY REVITALIZATION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 4517, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 192, not voting 2, as follows:

[Roll No. 246]

YEAS—239

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert

Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson

Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts

Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case

Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel

Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Gordon
Grijalva
Gutierrez
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1530

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE GASOLINE PRICE REDUCTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4545.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 4545, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 194, not voting 3, as follows:

[Roll No. 247]

YEAS—236

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)

Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)

Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd

Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence

Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps

Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell

Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gephardt
Gerlach
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez

Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—3

Conyers
DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members that there are 2 minutes remaining in this vote.

☐ 1538

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Evans, one of his secretaries.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–194)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the FEDERAL REGISTER for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the FEDERAL REGISTER on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 16, 2004.*

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC 20515, June 15, 2004.

The Hon. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Veterans Affairs.

Sincerely,

SILVESTRE REYES,
Member of Congress.

The SPEAKER pro tempore. Without objection the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 678) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 678

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON RESOURCES: Ms. Herseth (to rank immediately after Ms. Bordallo).

COMMITTEE ON VETERANS AFFAIRS: Ms. Herseth.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4568, and that I may include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4568.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. ISAKSON) to assume the chair temporarily.

☐ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. ISAKSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the House floor the fiscal year 2005 budget recommendations for the Department of Interior and related agencies. This bill includes $19.5 billion, which is $156 million below the budget request and $257 million below the enacted level.

Given our allocations, this is a balanced bipartisan bill. It provides significant operation increases for our national parks. It increases funding above the level requested for Indian schools and hospitals and clinics. It provides increased wildland fire programs and continues to make forest health a high priority. We have fully funded the healthy forests initiative.

There is an additional appropriation, in title IV of the bill, for urgent fire suppression. It includes $500 million for fiscal year 2004 and $500 million for fiscal year 2005. These funds will be made available to the extent they are needed to fight fires in those fiscal years. Given our past problems with insufficient fire fighting funds, the budget resolution includes a special allocation adjustment for this purpose.

The bill reported out of committee maintains funding for proven, mission-essential grant programs that are strongly supported by Congress and restores funding to ensure that core programs in the bill are continued.

We have partially restored critical energy research programs to protect the investment the Congress and the taxpayer have made to ensure that energy is used more efficiently and cleanly. It just does not make sense to terminate arbitrarily successful research programs before they reach a logical conclusion, and that is why we have taken this measure.

The committee transferred jurisdiction for the Weatherization Assistance Program from the Interior bill to the Labor, Health, and Human Services bill, which has the responsibility for the Low Income Home Energy Assistance Program. LIHEAP already includes a set-aside for weatherization, and it is, logical to keep these two programs together in the same bill.

We have made difficult but sensible decisions in the energy area. Overall, energy research funding is reduced by 7 percent, after adjustments for jurisdictional change for weatherization. We hope to be able to increase this as we move forward with the bill in conference.

In order to restore funding for mission essential programs, we have reduced new construction, land acquisition and grant programs.

This is a challenging year, but this is a bill that is balanced and fair, and I urge all Members to support it.

I want to thank my friend, the gentleman from Washington (Mr. DICKS), the minority ranking member, for the hard work that he has done in producing this bill, as well as the entire committee, and both the majority and minority staff for their work on this.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all I want to thank the gentleman from North Carolina (Chairman TAYLOR) and the staff of the subcommittee, both majority and minority, for a very good bill and a hard-working effort.

Obviously there are deficiencies in the bill. The chairman mentioned the fact that we are below last year's level and that our allocation was a couple of hundred million dollars below the President's budget request. So obviously we had limitations on what we could do in this bill.

I do think that adding $500 million in 2004 for fire fighting, assuming we get the bill signed, and also for 2005, was an important step. We have also increased the overall funding for fire fighting by a significant amount of money.

There are some deficiencies. The majority decided not to fund the request of the President for the $41 million increase for the National Endowment for the Arts and Humanities. We were unable to come up with the money to fund the conservation amendment. But in other areas we were able to come up with funding to increase the money for the parks.

As I spoke on the rule, I talked about this problem we have with our national parks. We do not have enough money to cover the fixed costs. Therefore, their operating budgets are not able to cover the number of people necessary. I used the example of the Olympic National Park.

□ 1545

Three years ago, they had 130 temporary workers during the summer. That has been reduced down to 25. That is unbelievable. They had, I think, 3 years ago 146 employees, full-time; now it is down to 120, and they are supposed to have 202 employees. So my colleagues can see that this lack of funding is causing serious problems in the operations of the parks themselves. We are just not going to have the same number of rangers out there. This is a problem that I hope we can continue to deal with.

So I want to thank the chairman for all of his kindness and his willingness to work with the minority party here in the House on this important bill, and we will continue to work together until we get this bill finished.

Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I would note that the pending bill continues a trend that we have seen from the White House and the Republican leadership. I certainly commend the ranking minority member, the gentleman from Washington (Mr. DICKS) for his leadership, as well as the subcommittee chairman, the gentleman from North Carolina (Mr. TAYLOR), but it is a trend that is coming out of this pending legislation as well as the Congress, the trend of not keeping faith with the American people when it comes to various Federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes that are paid at the pump in the form of better roads and bridges, and there are those who do not.

In the pending legislation, there is a trust fund account called the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching $2 billion. Yet the pending bill flatlines the amount it would make available.

I could go on and on. There is another trust fund involved with the pending legislation; and here, too, this bill does not keep faith with America. That is called the Land and Water Conservation Fund programs, which is authorized at 900 million. The total is less than $150 million in this bill.

Funding that would improve and expand the wildlife refuges, National Parks, and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees.

What is more, the Bush administration, along with the majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice; but the American people should know where the money is coming from. The American people should know what the real reason is when they go to a national park this summer and find it surrounded by commercial development because there will be no funds to conserve the lands around the park. The American people should know that even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not be reclaimed because that trust has been broken as well.

Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost and which is going to reach astronomical proportions. Now we are left with depleted funds, from roads and infrastructure to our majestic parks and wildlife protection programs.

So I would urge Members to look closely at this legislation before making their minds up.

Mr. Chairman, I would note that the pending bill continues a trend that we have seen coming out of the White House and from the Republican Leadership. And that is a trend of not keeping faith with the American people when it comes to various federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes they pay at the pump in the form of better roads and bridges. And there are those who do not.

In the pending legislation, there is a trust fund account, the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching $2 billion.

Yet the pending bill flat lines the amount it would make available. I can assure this body there is no lack of need for this funding. We have an extensive inventory of sites which need to be reclaimed. This program is about improving our environment, and it is about jobs. Well paying construction jobs. And there is another trust fund involved with the pending legislation, and here too, this bill does not keep faith with America.

Spending on Land and Water conservation Fund programs—which is authorized at $900 million—totals less than $150 million in this bill. Funding that would improve and expand wildlife refuges, National Parks and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees. What's more, the Bush administration, along with the Majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice. But the American people should know where the money is coming from.

The American people should know that the National Park they visit this summer will soon be surrounded by commercial development because there will be no funds to conserve the lands around the Park.

The American people should know that the conservation and recreation programs planned by their governor will have to be abandoned because the Federal government won't come through with matching funds.

The American people should know that, even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not be reclaimed because that trust has been broken. Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this House floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost. And now we are left with depleted funds for worthy and traditionally bipartisan programs, from roads and infrastructure, to our majestic parks and wildlife protection programs.

I urge a "no" vote on the pending measure.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, relating to the operation funds, we hope maybe in the conference we will be able to provide more money, after we work with the Senate, for the Interior bill. But we have a letter from the parks director, and this is the second letter that they have sent; and also in public testimony they pointed out that there is not going to be any reductions in visitors' services or access to the park facilities this year. Let me repeat that. Her instructions to the National Park Service field management was clear that the parks facilities are to be available at the same level as they were in the last year, with some amounts for changes for operating hours where individual work might be going on.

So we do not expect parks to be closed. We do not expect any different changes in visitation for our people who will be vacationing at national parks.

We put $1 billion into parks operation. That was a $55 million increase; and while we all want to look for more money for our entire public lands, we think this is adequate, and we have the Parks Service's guarantee that we will not be closing parks under any circumstances this year.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who has been a very good friend and a strong supporter of this bill.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Washington for yielding me this time, and I thank the chairman.

I particularly want to congratulate the committee on the additional money for firefighting. I know it is a tough budget year. I know their allocations were inadequate. But it was absolutely crucial that we get the up-front money we need for what is expected to be the worst fire year in Western history so we can be better prepared and also have the assurances of an additional funding for next year so that the Forest Service can begin to get into long-term contracts for larger aircraft, for fuel retardant crops.

That said, I am concerned that after last year's vigorous debate and final resolution of the Healthy Forest Restoration Act, with the promise of $760 million a year from the White House committed to hazardous fuel reductions in Western forests, that there is only $266 million in this bill. That is not adequate. At that level, if there was no additional fuels buildup, it would take 100 years to deal with the already accumulated buildup. That is part of the reason why they have to so robustly fund firefighting. We simply have to get ahead of this problem. We can provide jobs in rural communities, we can do fuel reduction in a way that is labor intensive, but will protect resources, protect our communities, and enhance the forests. But at the $266 million level, that is simply not going to get done. In fact, we will probably see the backlog grow over the coming years.

So again, I congratulate the committee for the additional money for firefighting and hope in the conference committee that they can find some additional funds to move ahead with fuel reduction.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking Democratic member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would very much like to be able to support this bill, and I regret very much that I cannot do so. I would like to explain why that is the case.

First of all, let me simply observe that I think that this bill gives vivid testimony to the strangeness of the majority party budget resolution. This bill, in fact, eliminates $700 million of the President's initiatives in areas under the jurisdiction of this subcommittee. Those are reductions in the President's initiatives that were made by the President's own party. The reason they did that is because they understood that the President's budget increases were essentially "let's pretend" increases; they were financed by cutting deeply into the base of existing programs such as Indian health care, which no civilized person would suggest that we cut. But nonetheless, those initiatives are now gone because of the unreality of the President's budget and the unreality of the budget resolution itself.

But more importantly, my problem with this bill is that it scuttles the conservation agreement that was made 4 years ago. Then, we had a number of Members of this Congress who wanted to pass what was known as CARA. That would have created an entitlement for a whole range of environmental and land acquisition programs. A number of us thought it was not advisable to make those entitlements, but we did want to see significant increases in those funding levels. So we reached an agreement in the committee that there would be a 6-year scheduled ramp-up of funding for the programs. The committee stuck to that for 2 years. Last year they walked away from it. This year they are walking away from it again. That means that this bill funds at an $831 million level programs that were scheduled to be at the $1.6 billion level.

We can argue about whether or not those programs are advisable, but I come from the old-fashioned view that if a committee makes a commitment, it has an obligation to stick to it. I stick to mine, and I expect people who make agreements with me to keep those commitments. I feel that the majority party did not keep that commitment; and so I, in protest, am intending to vote "no."

Let me say there are some good things in this bill, and I appreciate the fact that the chairman has tried to work out a number of issues most rationally. But I really believe that to be involved in a theological debate on land acquisition that prevents us from protecting some of the most precious and pristine areas in this country before they are overcome by development is a price that is too high to pay for running this Congress on the basis of ideology rather than evidence, and so I regretfully will be opposing the bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 4568, the FY05 Interior Appropriations Bill. This bill is of critical importance to the insular areas and I thank my colleagues for their continued support of my efforts to keep in place government operations and capital improvement funding for American Samoa.

The United States territory of American Samoa lies 2,300 miles southwest of Hawaii, covers a land area of 76 square miles, has a population of less than 70,000, and a per capita income of $4,300 per year. Due to scarcity of land, labor and capital, economic growth and development in American Samoa has been limited.

In fact, more than 80 percent of American Samoa's economy is dependent either directly or indirectly on two United States tuna canneries which employ more than 5,150 people or 74 percent of the workforce. A decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

To protect American Samoa's present economy and to encourage and foster other investment and development in the Territory, I believe it is necessary to keep in place American Samoa's annual funding. I also believe it is important to increase our funding and I will continue to work with our friends in the House and Senate to make sure that the needs of American Samoa are addressed at a time when our nation is not faced with budget constraints brought on by the high costs of war.

For educational purposes, I will work to set aside funds on a per annum basis for sports and recreational programs for 6 high schools and 23 elementary and middle schools in American Samoa. For purposes of diversifying our economy, I will also work to set aside finds for the development of a high tech, e-commerce initiative. For purposes of improving health care and education, I am working to increase funding for ASG operations and capital improvement projects.

American Samoa has 23 elementary and middle schools, 6 public high schools and 4 private high schools. More than 80 percent of these schools do not have adequate playgrounds, gyms or sports equipment. Yet American Samoa's prominence in college and NFL programs has caught the attention of Sports Illustrated which featured an article on our youth in its November 3, 2003 issue.

With a per capita income of less than $4,500 per year and a single-industry economy based almost solely on the U.S. tuna fishing and processing industries, sports scholarships are one of the few opportunities Samoan youth have to finance higher education. A set aside of $500,000 on a per annum basis for sports and recreation programs will not only increase scholarship opportunities but will also put in place necessary health and wellness programs that are currently lacking in our schools.

I believe this is a worthy cause, a cause to which all students, including ones in American Samoa are entitled. As such, I will pursue this matter until it has the full support of the House and Senate.

For some time, I have been working with the American Samoa Government, including our present Governor, the Honorable Togiola Tulafono, on establishing e-commerce in the Territory. Initially, the Department of the Interior was supportive of this effort and provided technical assistance funding for a feasibility study.

One of the most important initiatives of this project is to create an e-commerce development center. Last year, I was able to include $500,000 in the Labor, Health and Education Appropriations bill to fund a computer lab at the American Samoa Community College. This lab will provide the basis of our e-commerce initiative.

The Governor is now looking at the possibility of establishing a non-profit e-CDC Cooperative Cooperation and together we are seeking funding for an e-CDC center that would house a technology training center at the American Samoa Community College. Focus would be placed on data entry work and software development for Pacific Island nations. The facility would also house a business development center to encourage small business start-ups.

Given that the two largest employers in American Samoa are the tuna canneries and the U.S. federal government, I support the development of e-commerce in the Territory and I am asking that $500,000 be set aside on a per annum basis to help American Samoa diversify its economy.

As I mentioned earlier, I appreciate the support of my friends in the House in working with me to keep American Samoa's government operations and capital improvement project funding in place. While I understand that it is difficult to increase funding when our nation is at war, I would also like to note that American Samoa's population has increased by 22 percent in the past ten years. To address necessary issues of public health and safety, I am hopeful that in the near future we will be able to increase American Samoa's annual appropriations and, at this time, I join with my colleagues in support of H.R. 4568.

Mrs. MALONEY. Mr. Chairman, I rise today in strong support of the Slaughter-Shays-Dicks-Leach Amendment, which would provide a modest—but much needed—increase in funding for the National Endowment for the Arts and the National Endowment for the Humanities.

This additional $10 million dollars for the NEA and $3.5 million dollars for the NEH would help expose our children to American art, history and culture. In addition to the enjoyment and life-enrichment that each participant in the arts experiences, the involvement of children in the arts has been shown to improve reading and language development, mathematics skills, fundamental cognitive skills, motivation to learn, and social behavior.

The Arts and Humanities not only enhance the lives of our children—they also keep our economy strong. Every year, the nonprofit arts industry creates $134 billion dollars in economic activity, generating $22.4 billion dollars in tax revenue for our local, state and federal governments, and supporting nearly 5 million full-time jobs all across our country.

In my district alone, over 130,000 people are employed by the museums, theaters, art galleries and other art organizations that I am proud to represent. For my constituents, and for all Americans, the arts mean business.

Because such a modest increase in funding would bring the arts and jobs to so many people, I support the Slaughter-Shays-Dicks-Leach amendment, and I urge my colleagues to do the same.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4568, the Interior and Related Agencies Appropriations Bill for fiscal year 2005.

H.R. 4568 provides $20.0 billion in budget authority and $20.2 billion in outlays—an increase of $78 million in BA and $629 million in outlays from fiscal year 2004.

As Chairman of the House Budget Committee, I am pleased to report that the bill is generally consistent with the Conference Report on the Concurrent Resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

A very important component of this bill is the funding for suppression of wildfires. In addition to fully funding wildland fire suppression activities at their ten-year average, H.R. 4568 provides an additional $500 million for fire suppression within the Forest Service and the Department of Interior in both fiscal years 2004 and 2005. I am authorized by the budget resolution to increase the allocation of the Appropriations Committee to accommodate this additional spending because the bill fully funds the wildfire suppression accounts. However, the appropriations for fiscal year 2004 does exceed the allocation in that year because of a slight breach in its allocation resulting from legislation enacted late last session.

H.R. 4568 contains no rescissions but does include an advance appropriation of $36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 401 of the Budget Resolution.

Let me conclude by commending Chairman TAYLOR and Ranking Member DICKS for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. LARSON of Connecticut. Mr. Chairman, as the Ranking Minority Member of the House Administration Committee, which has legislative and oversight jurisdiction over the Smithsonian Institution, I rise today to note that the Appropriations Committee has approved $628 million for the Smithsonian in Fiscal Year 2005. This represents an increase of $23 million over Fiscal Year 2004 and a cut of $8.2 million from the Administration's FY 2005 request. The cut was not unexpected given the current budget deficit and the chaos surrounding the Congressional budget process in the absence of a concurrent resolution on the budget for FY 2005.

The $8.2 million cut came from a variety of sources, not enough to cause significant damage to any vital program or function this year, and some of the reductions can be made up for in the future. I especially hope that additional funds can be found next year for improving the facilities and maintenance at the National Zoo, which has been the subject of major controversy in hearings before the House Administration Committee during this Congress, and which will likely be addressed by the National Academy of Sciences when it issues its final report, requested by our Committee, on the operation of the Zoo later this summer.

The Smithsonian Institution has a maintenance backlog of $1.5 billion throughout all of its facilities. When some structures are in a state of such disrepair that they pose a danger to the public and to the staff, as well as, in the case of the National Zoo, to the animals; we have to be prepared to act eventually to address the big picture. I hope that the time will come sooner rather than later for us to provide this critical funding for the Zoo. Although I am pleased that this bill provides the minimum amount of funding for the Smithsonian, I hope that in the future we can do more to support the museums which benefit so many of our citizens and the critical scientific research the Smithsonian conducts which is so important to our understanding of ourselves, our planet, and our universe.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate having been yielded, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $840,401,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,232,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $3,500,000 shall be available in fiscal year 2005 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $840,401,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $743,099,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $15,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $4,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; 111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystems Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystems Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $970,494,000, to remain available until September 30, 2006, *Provided*, That not less than $1,750,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $16,226,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,700,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2004: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,400,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $12,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $15,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to

States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $5,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species: *Provided further*, That balances from amounts previously appropriated under the heading "Stewardship Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $81,596,000, of which $49,384,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $49,384,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,400,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,900,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $67,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2005 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2006, shall be reapportioned, together with funds appropriated in 2007, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 179 passenger motor vehicles, of which 161 are for replacement only (including 44 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That notwithstanding any other provision of law, the service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,686,067,000, of which $10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $94,690,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $81,204,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for,

$53,877,000: *Provided*, That $700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this or previous Acts for the Rivers, Trails and Conservation Assistance Program may be used for cooperative agreements, contracts, or cash grants.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $71,533,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $297,628,000, to remain available until expended: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance, written approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance written approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2005 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $107,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $91,500,000 is for the State assistance program including $1,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret and/or misapply relevant contractual requirements, and their underlying legal authority, the Secretary may seek the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $944,498,000, of which $63,262,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,185,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $7,901,000 shall remain available until expended for satellite operations; and of which $20,099,000 shall be available until September 30, 2006, for the operation and maintenance of facilities and deferred maintenance; and of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $171,976,000 shall be available until September 30, 2006, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $171,575,000, of which $81,906,000 shall be available for royalty management activities; and an amount not to exceed $103,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $103,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $103,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2006: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program: *Provided further*, That in fiscal year 2005 and thereafter, notwithstanding 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Secretary shall pay, not to exceed $499,000 annually, amounts owed to States under the provision of 30 U.S.C. 1721(b) from amounts received as current receipts from bonuses, royalties, interest collected from lessees and designees, and rentals of the public lands and the outer continental shelf under provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which are not payable to a State or the Reclamation Fund.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $108,805,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2005 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $194,106,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2005: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,935,033,000, to remain available until September 30, 2006 except as otherwise provided herein, of which not to exceed $85,638,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,314,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2005, as authorized by such Act except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,057,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2005, and shall remain available until September 30, 2006; and of which not to exceed $61,409,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $45,348,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2004 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2006, may be transferred during fiscal year 2007 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2007.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,626,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2005, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That, of the funds provided for the tribal school demonstration program, notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by section 136 of Public Law 108–108, $4,500,000 is for the Eastern Band of Cherokee education campus at the Ravensford tract.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $44,771,000, to remain available until expended, for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements; and of which $10,032,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,421,000, of which $695,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $84,699,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $74,935,000, of which: (1) $68,372,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $6,563,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,499,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99-658; Public Law 108-188; and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands as amended.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior, $93,051,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which $13,500,000, to be derived by transfer from unobligated balances in the "Central Hazardous Materials Fund", shall remain available until expended for a departmental financial and business management system. *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

□ 1600

AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a set of amendments, and I ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Ms. SLAUGHTER:

Page 47, line 4, after "Appropriations" insert "*Provided further*, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by $13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso".

Page 103, line 24, strike "$120,972,000" and insert "$130,972,000".

Page 104, line 5, strike "$122,377,000" and insert "$125,877,000".

The CHAIRMAN pro tempore (Mr. DUNCAN). Without objection, the amendments may be considered en bloc.

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I rise to offer an amendment that will provide just a small increase for Federal arts agencies but which will pay us back many times over, both in hard dollars and in ways that are simply incalculable for the people that we represent.

Since 2001, when our national economy began its dramatic downturn, we have seen some of our largest industries shaken to their core. Without consumer spending and housing market, the recession would have been even deeper and more discouraging for most Americans. But during those dark days, one industry sailed on battered by the prevailing wind but staying afloat, thanks in part to Federal funding, and that was America's incomparable nonprofit arts industry.

Even without the corporate and philanthropic support of prior years and with fewer State and local dollars, the indomitable $134 billion nonprofit arts industry, seen here on this chart, kept selling tickets, employing artists, attracting tourists, providing jobs, supporting small businesses and churning out receipts to Federal, State and local treasuries. In cities, towns and hamlets across the country, artists continued to write and compose and dance and perform, and audiences kept coming to watch and listen and absorb their creativity. Inevitably, they left with what they came for, their minds enlightened, their souls renewed.

How magic that is when what makes both people's life and economy richer is one in the same thing. The lesson is clear, the stability of Federal funding is all the more important to the arts in times of fiscal fluctuation. And where else can we find such a bargain? For 1/100 of 1 percent of the Federal budget, the nonprofit arts agencies generate over 5 million jobs and give back 14 billion to State and local governments and over 10 billion to the Federal treasury.

Consider this enormous return on our investment and our request is modest this year. Though the President requested $18 million for the National Endowment for the Arts, because we recognize the tight budget we face we will ask only $10 million, and this small increase will ensure that the NEA's new program, America's Masterpieces: Three Centuries of Artistic Genius, which First Lady Laura Bush announced with such enthusiasm last year, will take the best of our heritage to new and younger audiences across the country. Every dollar of this increase will go to the program. Not a cent will fund administrative costs.

Similarly, rather than the $27 million which the President requested for the National Endowment for the Humanities, we are asking only $3.5 million. The additional money will continue funding for such popular programs as "We the People," which teaches and studies the understanding of American history, and every State and territory in the United States last year benefited from this initiative. Should you have any doubts left about the ability of the Federal seed money to build a local economy, think about your own preference when you travel. What do you look for when you are in a strange city or country?

After checking into your hotel and locating a restaurant, you search out the local cultural attractions, do you not? The museum, the art gallery, the theater, the folk festival, the other indigenous arts; in fact, the attractions that made you want to go there in the first place. Sixty-five percent of all American travelers do the same. They include cultural events on their trips and they spend more on the average than local attendees do at their favorite cultural institutions.

In my own district, the Cities of Buffalo, Rochester, and Niagara Falls, New York are dependent on tourist dollars to keep their economy and local small businesses running. You probably have watched and been grateful for the same phenomenon in your district. Just today I learned that Buffalo was now the fourth most desired arts destination in the country, according to the American Style Magazine's annual poll, and I say thank goodness for those tourist dollars.

I hope by now you have seen the research seen by Americans for the Arts, which was sent to every congressional office. Entitled "The Creative Industries," the report includes a map of your own district and a chart that shows every arts-related business in your district and the number of jobs that each supports. It gives you a graphic indication of the geographic and economic reach of the arts. But the benefits of our Federal investment are neither confined at our districts nor stop at our borders. The output of artists and other creative workers in publishing audio-visual music and recording and entertainment business amounts to over $60 billion annually in overseas sales, and this huge return helps the U.S. maintain an ongoing global position of economic strength and leadership.

Think for a moment about the Reagan funeral. Who was not deeply moved by the tenor's rendition of Ave Maria? Whose eyes did not tear when the Marine band played Amazing Grace or God Bless America and the wonderful choir that sang The Battle Hymn of the Republic? Who can even imagine such a moment of national importance not imbued with such profound feeling without the artists performing their great music?

Long after everyone alive today is gone from this Earth, that ceremony will be remembered by generations to come through the artistry of great photography.

Let us remember that it was President Reagan himself who set up the Presidential Task Force on Arts and Humanities.

Mr. BALLENGER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in support of the amendments to increase the funding for the National Endowment For the Arts and the National Endowment for the Humanities.

I understand the importance of fiscal restraint during a time of large deficit; however, the relatively small amount of Federal funding of the arts and humanities is needed to leverage private dollars. These combined resources make the arts and our heritage come alive in communities across the Nation.

For example, in 1973 we people in Hickory, North Carolina, decided we wanted to convert an old high school building, and with a small amount from the National Endowment as sort of a Good Housekeeping Seal of Approval we raised $2.8 million and had a museum of art.

As another example, in October I was proud to arrange for the Aquila Theater Company to perform Othello for students in the Northview Middle School in Hickory, North Carolina. This was possible due to an NEA program called "Shakespeare in American Communities." This program brings touring groups to rural communities which normally do not have the opportunity to see a professional theater company.

In fact, one young eighth grader was so impressed he contacted his local paper and he wrote, "I never really knew much about Shakespeare until a couple of days ago. When I saw that play, I was amazed. It was awesome."

By the conclusion of the Shakespeare in American Communities Program it will have toured all 50 States, visited 200 cities and 14 military bases. It will have utilized the talent of 29 theater companies whose actors will have touched the lives of 1 million children.

Dollars that fund this type of program are dollars well spent. Not only are the arts and humanities essential teaching tools for our children but they are also good business. In North Carolina's 10th Congressional District, my district, there are 757 arts-related businesses which employ 2,677 people. In addition, arts-related organizations contributed $32 million in payroll taxes to North Carolina in fiscal year 2003.

□ 1615

Mr. Chairman, the annual budget of the NEA and NEH return immeasurable benefits to our children and economy, and I urge my colleagues to vote "yes" on this amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentlewoman from New York's (Ms. SLAUGHTER), my friend, amendment and urge its adoption. As is typical of a person who is a fine legislative craftsperson, this amendment fits the rules and is well-crafted to pass. I wish, and I think I share this wish with the gentlewoman from New York, that we could do even more; and I know she would do much more if that were a viable possibility.

I support this amendment because I like to think of myself as being a fiscal conservative; and for those of us who believe that we should be careful stewards of the taxpayers' dollar, this amendment meets that test in two very important ways.

First of all, arts organizations and humanities organizations are among the most efficient organizations I have ever seen. These are organizations for whom $5,000 or $10,000 can make the difference between a viable, vibrant program and no program at all. In an institution where billions of dollars are routinely cut, spent or otherwise allocated, these arts organizations stand in stark contrast because they are the kinds of institutions where a very small amount of money can make a very big difference.

I know, Mr. Chairman, that we all have such organizations in our districts. I just heard my friend from North Carolina talk about some organizations in his. These are organizations that piece together volunteer in-kind contributions for men and women who paint sets and sell tickets and make costumes. They knit together that effort with a few dollars from a local bank or a charitable foundation with a small amount of support from the local, county, or State cultural and heritage commission, with private donations from individuals and families in the community. When they are $5,000 away from getting something done, very often it is this grant from this program that helps get that something done.

So in terms of stretching the taxpayers' dollar, it is the most productive use. The recipients of these grants across the country are the experts at that, and they deserve this help.

Second, as my friend from New York pointed out so well a few minutes ago, these expenditures are an investment in economic growth. There are so many cities and communities in our country, many of them in my State of New Jersey, that are focusing their downtown revitalization projects on the arts; that are focusing their job creation efforts on bringing people into shopping districts and business communities because there is a cultural festival, because there is a concert, because there is a new gallery opening; that art patrons bring traffic. They buy products; they buy goods and services. They eat at the restaurants. They create a proliferation of economic activity.

We spend a lot of the people's money here. Some of it I do not think we spend as well as we should, but this is an entirely well-thought-out expenditure of the people's money.

The final point I would make is that I applaud this amendment's support for the teaching and learning of history. It is one of the things that worries me about the future of our country, that so many of our citizens are not engaged in the study of our history, not engaged in an understanding of what our history means. This Republic is a magnificent experiment. It is a unique experiment in the history of mankind; and to truly appreciate the gift that we have been given in this Republic requires an understanding of the history that yielded this Republic.

If one person is compelled to read about the Articles of Confederation or is compelled to read the great debates that gave rise to the Constitution of this country, if one person is made to think about how ancient principles of liberty and democracy apply in very turbulent modern times, then I think we have accomplished having something very important. A lot more than one person, many more than one person is going to have that opportunity as a result of this amendment.

So I thank its author. I thank those on the other side of the aisle who stepped forward to support it, and I urge an affirmative vote in favor of the amendment.

MODIFICATION TO AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I ask unanimous consent to modify the amendments to correct the line reference from page 103, line 24, to page 103, line 14.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment but must note a certain embarrassment that it is so modest. If it passes, resources for NEH and NEA will still be less than the President requested. Nonetheless, the dollars involved do represent a bit more help to the two institutions most responsible for advancing the creative impulses in society and expanding programs which provide historical and philosophical perspectives to issues of the day.

I recognize that controversy swirls around the National Endowments for the Arts and Humanities, and it is in the context of this controversy that a historical point of reference is in order.

Government involvement in the arts was greater in the Great Depression than it is today. In a time of financial poverty, there was no poverty of spirit. I refer back to the WPA era, because when our country dissolved into social chaos, arts brought a sense of perspective and unity and courage. Ironically perhaps to some, an American solidarity of spirit was enhanced by artists who frequently highlighted social problems and who just as frequently lampooned institutions of the State.

The WPA arts program under President Roosevelt and government programs in the arts today are designed to take arts from the citadel of the privileged and bring it to the public at large. President Roosevelt once noted: "The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardor." A corollary to this Rooseveltian precept is self-evident: freedom itself is constrained if the arts are shackled.

Americans need to appreciate, rather than fear, artistic expression. This does not mean everyone needs to like everything defined as or alleged to be art. All citizens reserve the right to be critics. But it does mean that we should go to great lengths to respect dissenting perspectives in the arts and humanities, just as we need to respect them in politics.

It also means we must understand that the arts play an increasingly central role in education. Of all the learning disciplines, they tap and expand the human imagination the most. In a world of exploding options for individuals and families, it is imperative that when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

Nonetheless, it should not be surprising that the Federal agencies most responsible for advancing programs in the arts and humanities have their collective backs to the wall. After all, there is no issue more controversial than culture itself.

In this regard, as a Republican, I would like to stress three ironies.

Cultural iconoclasts suggest the endowments are elitist citadels. The facts suggest the opposite. The endowments were established to democratize the arts and humanities, to broaden access to and appreciation of diverse aspects of American culture.

Cultural iconoclasts suggest that American education has been dumbing down. Yet the endowments have as their mission to instill American education with greater quality, to stimulate creativity, to ennoble the American spirit.

Cultural iconoclasts lament the standardless sex and violence found increasingly on television and at the movies. By contrast, the endowments and their sister institutions, like NPR, are uplifting counterbalances to the commercialization of sex, pornography, and violence.

The issue is how best to instill and transfer American values, how best to expand respect for the "pluribus" in our "unum." Market forces have a powerful role to play, but civilizing instincts can sometimes be embellished by civil efforts of civil institutions. That is the mission of the endowments.

Abolition of the endowments would lead to a marginally cheaper government, but if conservatism implies an emphasis on understanding, advancing and perpetuating our culture, endowment-bashing can hardly be conservative.

It is true that out of tens of thousands of grants, a half dozen have proven offensive to large numbers of Americans. Yet, perspective would indicate it is impressive not how many, but how few, grants have resulted in serious social umbrage. Given the fact that the Federal Government today spends less than 5/100 of 1 percent of the GNP on the arts and humanities, elimination of their funding would more impoverish the American spirit than the American taxpayer.

In this context, I urge support of this amendment and would like to express my particular appreciation for the leadership of the gentlewoman from New York and the subcommittee chairman from North Carolina.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Slaughter-Shays-Dicks amendment to increase the amount of funding in this bill for the National Endowment for the Arts and the National Endowment for the Humanities. In fact, I support the amount that President Bush requested for these agencies. President Bush requested an $18 million increase for the NEA and a $23 million increase for the NEH.

In truth, I would be even happier to support President Reagan's budget for these critical agencies, which was substantially larger. Unfortunately, the Republican leadership in this Congress do not seem to think that Presidents Bush and Reagan were right in this respect. Instead, they continue to insist on flat funding for the NEA and only a tiny increase for the NEH, but the fact is flat-level funding is really a cut in the budget. It means that the resources that the NEA needs to do its job gets stretched thinner and thinner every year.

We have a chance today to take a small step in rectifying this shortsightedness today. Whether it is the educational value, the cultural enrichment, or the substantial economic windfalls that the arts and humanities create, the NEA and the NEH are two of the best investments this Nation makes and two of the most productive parts of our budget, although two of the smallest parts of our budget.

When we shortchange the NEA, we deprive our young people of arts education programs that help them develop critical thinking skills and train them to be the next generation of artists, and we deprive our communities of a $134 billion business that generates almost 5 million jobs, $89 billion in household income, and tens of billions of dollars in tax revenues.

When we shortchange these agencies, we deprive ourselves of orchestras, nonprofit theaters, dance companies, opera companies, and touring groups that bring the benefit of the arts and culture to smaller communities throughout our country. We deprive ourselves of the important work of interpreting and preserving our Nation's heritage. For just a fraction of 1 percent of our Federal budget, the NEA and the NEH yield dividends that far outweigh the investment, but the majority leadership has chosen to ignore all of this.

Mr. Chairman, this amendment is a very modest attempt to increase the NEA budget by just $10 million, not even the $18 million suggested by President Bush. It is an attempt to begin undoing the damage that this Congress has done to these agencies in the last 10 years. I urge my colleagues to support this extremely modest amendment, and I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. DICKS) for offering this amendment.

Mr. TOOMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just rise in opposition to this amendment. I want to preface that by making it very clear that those of us who oppose this, most of us are big fans of the arts, big fans. I am a fan of all kinds of arts, visual performance; and I fully recognize and I think most Members, probably everybody in this House, recognizes the vitally important role that the arts play as an expression of understanding a perception, a point of view of who we are and what humanity is about, the unique insights into the human experience that only the arts can provide; and I do not think any of us dispute the vitally important role that the arts play.

I think the big question is who should pay for it. I think that is what we really are going to be debating here, and the question specifically becomes should it be paid for by taxpayers who are forced to pay for it through government taking their money from them and spending it on the arts or should it be paid for by the people who benefit most directly from it, people who enjoy the arts, people who are supporters themselves of the arts. In fact, the vast majority of the arts in America of all kinds, as we all know, the vast overwhelming majority are, in fact, paid for and supported by the people who most directly benefit from it and by philanthropists, by wealthy individuals who have the means and the inclination to support these arts, and I fully commend them for doing that.

□ 1630

So the reason for my objection is no reservations about the arts per se; it is about whether or not we ought to compel taxpayers to foot this bill.

We are running over a $400 billion deficit this year. That is because for many recent years, spending in this town has been out of control. We are told, in some cases by many of the same people who support this amendment, we are told that we cannot afford tax cuts. The tax cuts that we have engaged in, which frankly have generated a tremendous economic expansion which is underway, we are told we cannot afford them. By that they really mean government cannot afford them. As a matter of fact, we are told we cannot even afford to make the existing tax law permanent. That would be a bad thing, according to many of the Members who support this amendment. Instead we ought to have the tax rates jump back up.

Well, I think if we cannot afford to try to reduce the burden on the American taxpayer because the deficit is too large, then we cannot afford to be funding this kind of amendment either. I know they will say, wait a minute, this money is being transferred. It is from the administration of other areas to this program. It is not net new money. But if there is money that is not needed for the administration of these other programs, and it is available to be taken from them and added to funding for NEA and the National Endowment for the Humanities, if that money is available, it should simply be cut from those budgets so we can reduce the size of our budget deficit and get to the point where hopefully some of my colleagues on this side will agree that we can, in fact, and should, in fact, make the existing tax law permanent and get on with further reducing the tax burden for the American people.

For these reasons and despite my great appreciation for the arts themselves, I would urge a "no" vote on this amendment.

Mr. QUINN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Slaughter amendment, my good friend and neighbor from Buffalo, New York, to increase funding for the National Endowment for the Arts by $10 million and to increase funding for the National Endowment for the Humanities by $3.5 million.

The NEA enhances our communities both culturally and economically. Educational programs supported by the NEA introduce our next generation to the possibilities of creativity, self-expression, and imagination. Just last weekend in my district in Buffalo, New York, we held the Allentown Arts Festival, a renowned art event where art vendors come to display their goods and sell their works on the streets of Buffalo, and I am proud to say tens of thousands of people from all across the country attended.

The NEA has implemented a new program called Shakespeare in American Communities, a major nationwide touring theater initiative that brings Shakespeare to over 100 different communities throughout the country. One million school children will experience live theater in small and mid-sized towns, underserved urban areas, and even some of our military communities.

The NEA is providing a teachers' toolkit that is being distributed free of charge to over 25,000 high school teachers. The kit includes a video, a CD, contest materials, and fact sheets on Shakespeare and Elizabethan theater.

As a former schoolteacher myself, I recognize that providing these educational materials will provide a greater cultural learning experience to all the Nation's children.

Another important program funded through the NEA is Operation Homecoming, a writing workshop for returning soldiers to help them deal with their feelings about war, death, hardship, and survival while being overseas and away from their loved ones and their families. This program will help establish a rich historical record by filling in the blanks with personal accounts that the media sometimes lack.

The first Operation Homecoming workshop, as a matter of fact, took place in my home State of New York, Fort Drum, home of the 10th Mountain Division. Forty-five soldiers met with accomplished novelists to learn firsthand about the hard work, dedication, and effort that is required to write. They plan to use this instruction as a way to capture events for themselves and also as a form of therapy to manage their feelings in the most positive manner.

It is my hope that we will consider the Slaughter amendment as a way to enhance our already cultural richness in this country by supporting excellence in the arts, providing leadership in arts education, and bringing the arts to all Americans. I yield back the balance of my time as I ask our Members to support the Slaughter amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this amendment, and I want to applaud the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS), co-chairs of the Arts Caucus, and their staff for their leadership and for this very important work of national importance.

Congress has the responsibility to provide adequate funding to the National Endowment for the Humanities which is the largest single funder of humanities programs in our country; and also the National Endowment for the Arts, the infrastructure for private nonprofit and Federal arts initiatives.

This support is especially important given the current state of the economy which has stifled private funding used to subsidize many arts and humanities programs nationwide. The economic downturn and our budget crisis are crippling arts initiatives all over this country, and especially in my home State of California. In my district, the 9th Congressional District of California, there are a total of 2,180 arts-related businesses that employ 10,268 of my constituents. That is a lot of people: 10,268 individuals.

Many who are eager to restrict funding for NEA and NEH forget that industries that receive grants for these institutions include museums, performing and visual arts, film, radio, television, design, publishing and educational facilities in all of our districts.

In Oakland, one of the cities in my district, most arts education programs are facing extinction. The result is the gradual disappearance of arts initiatives for people of all ages, ethnic background, social and economic backgrounds. This debilitates the foundation of our community. Few realize that nonprofit arts industry and the nonprofits that run our arts industries generate approximately $89.4 billion in household income nationally, and the economy, of course, reached its lowest point since the Depression.

This amendment also provides funding for the NEA, which is an investment in the economic growth of communities with grants reaching every single congressional district in the country. During the last 14 years, the NEA has provided funding for over 123 programs in my district alone, including the Berkeley Symphony Orchestra, the Axis Dance Company, and the East Bay Institute for Urban Arts and the Museum of Children's Arts.

Clearly, a vote against this amendment, which is endorsed by our bipartisan Arts Caucus, is really an unfortunate action against the vital thread which sustains the pulse of our country.

I urge all of my colleagues to support this very modest increase. It should be much more than this. This is only a $10 million increase for the NEA and $3.5 million increase for the NEH. It is the least we can do to promote and preserve American culture and heritage.

Mr. Chairman, I thank the two co-chairs of the Arts Caucus.

Mr. FLAKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not expect to be here. I have no notes other than what I just jotted down a second ago because I thought this year when we are facing deficits of nearly $500 billion that nobody would dare stand up and ask for an increase in funding for the NEA or the NEH.

I am surprised and, frankly, disappointed that we are doing that. How can we, as Republicans, on this side in particular, as a party of limited government, stand up and call to increase funding for the NEH and the NEA at any time, but particularly this year.

If there is $13.5 million in overhead at the Department of the Interior, and the argument is we are not increasing funding, we are simply moving it from one side to the other, I would suggest, as my colleague from Pennsylvania suggested, let us return that to the taxpayers. Let us lower the deficit. But to simply take it over and increase funding, which will simply lead to more increases and more increases, as we have seen in previous years, is simply not the way we ought to go.

It was noted earlier that this is only point zero, zero, zero whatever of the Federal budget; we can afford that. Just point zero, zero, zero whatever, we can afford that.

Well, if that is the case, if we look at arts funding, Federal funding of the arts is only point zero, zero, zero whatever of what is spent on the arts. The other happens to be spent by patrons of the arts, myself and others who actually go and view it or listen to it, or enjoy it in some other form.

Certainly the dire consequences that are spelled out on the other side of the aisle for the arts if the Federal Government cuts back its share or does not increase its share are not going to happen because the arts are important. People realize that. It does not take the Federal Government to tell people that.

I encourage my colleagues to understand that we are in a big deficit situation, nearly $500 billion. We hear the other side of the aisle talk about that a lot, but then propose to increase programs like this. I would suggest that both our side of the aisle and theirs ought to get serious about containing this deficit, and we ought to start by not increasing funding for the arts at this time.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I envisioned when I was elected to Congress that we would have really vigorous debates about a lot of issues, and this issue is an issue we should have a debate about. We can agree or disagree; but we should talk about it and understand in our own minds how valuable we think the arts are to our society, to the well-being of the culture that exists throughout our society, to the well-being of our children and what it says about us as Americans.

For me, I want to be on the side of President Bush. I want to be on the side of Mrs. Bush, both of whom believe this is an important contribution to our society. Both the President and the First Lady travel all around the country, and they understand, I think, better than many of us who are focused in our own districts how important this is for the well-being of our country.

The question of who should pay for it, is an easy question to answer. The consuming public pays most for it, and then there are individuals who have small resources and contribute, and some who have larger amounts and contribute. We have wealthy people who give a lot to the arts. And then I think businesses are inclined to want to contribute because they know that the fabric of the life in their communities has a lot to do with the well-being of their workers and makes their businesses better places to be because of the arts that exist there. A community without arts is like a desert without rain.

Foundations help pay for the arts. And, yes, believe it or not, I think taxpayers should. When I think of what we are asking the taxpayers to do, when you add up the NEA and the NEH, and we add up their budget of $256 million, we will vote like that on billions in entitlements, no debate; and yet we debate for a fairly significant amount of time how we spend a million dollars.

I think taxpayers should play a role, a minimal role, but play a role. When I look at it, we are asking each taxpayer to pay, for the entire—the NEA and NEH—budget, 91 cents. This amendment is asking taxpayers to pay 4.5 cents more. The reason we ask taxpayers to do it is because the cost can be spread across all of them, and then it is so affordable for each and every one of us.

No one is going to pretend that the arts survive because of what we do as taxpayers, because we are the smallest part. The consumers pay the most. Individuals, businesses, and foundations contribute far more than the government; but the government, I think, is saying we would like to have a role here as well.

I salute the gentlewoman from New York (Ms. SLAUGHTER), and I am proud to be a co-chair of the Arts Caucus; but the gentlewoman is the one who is calling the shots on this, and I thank her for all of her work.

I may have a particular bias. My mom and dad met in the theater. I grew up almost every night hearing my dad play the piano. I realize how vital the arts are to our well-being as a society.

□ 1645

I feel it is almost more important when we are involved in warfare around the world that the other part of us, the part that deals with beauty and grace, is also being heard. I do not want to just be a person who supports the war on terror, supports the war in Iraq, which I am. I also want a part of me and a part of my constituency to be expressed in the love and appreciation for arts. I strongly ask my colleagues to ask the American people to pay 4.5 cents more each so that we can make the arts better, and I strongly ask them to support President Bush and the First Lady. The First Lady rarely asks this Chamber for anything. She has specifically said, please spend more on the arts. I am glad to oblige her.

I would like to just conclude by saying that I think that this Chairman has done his best with the limited resources he has and this subcommittee, and I appreciate them for understanding why we have this amendment and that the process is working the way it is intended. The Subcommittee has brought out, I think, what they believe to be a very good bill. We would like to make a slight change to it. I hope ultimately the Chamber will agree.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess I am here to speak for the cultural iconoclasts of the Congress and of the Nation who are concerned about the fact that the gentleman from Connecticut who just spoke is correct in that he says this is a statement, a statement that the government has a role to play in the funding of the arts. This is the ultimate sort of decision we must make here and we will, of course, after a certain period of time as to exactly why it is the Federal Government's role to participate in this.

It is not for me to suggest that any of the things that the National Endowment for the Arts or Humanities does with the money is inappropriate. I am sure that in 2003, the New York Foundation for the Arts to support a fine-cut edit of Check Your Body At the Door, a video documentary about popular, social and club dancers in New York City; or, say, the Orange Show Foundation in Houston, Texas, to support conservation and restoration of the Beer Can House, a work by self-taught artist John Milkovisch. The Houston landmark, consisting of a house and grounds decorated with methodically trimmed cans, will be used as an artist-in-residence project space. I am sure that Lawyers for the Creative Arts, which got $10,000 to support the expansion of pro bono legal and arts mediation services, the project will provide artists and arts organizations in northern Illinois, Indiana and Wisconsin with access to free legal expertise. I am sure that all of these things have some need, that there are certainly good reasons why they should be supported, but earlier on the gentleman from Iowa stood up here and said that we should respect the differences that people have about the arts. We can argue all of us, any of us, about any of these things I mentioned or any of the other things done and supported by the National Endowment for the Arts are, quote, appropriate. But it is relevant, of course, because we should stay neutral on the arts. The only way to do that, I suggest to the gentleman from Iowa and to my friends on the other side, is to, in fact, stay out of the business of funding the National Endowment for the Arts.

I will have an amendment following this to reduce the funding for it, and I will certainly hope to establish the priorities clearly in the minds of the taxpayers of this country as to where this House stands, whether we support a variety of other more relevant issues and more relevant endeavors than the arts, but it is not the debate. The debate is not over the arts in and of themselves, and it is absolutely true that they would certainly exist. The $27 billion spent in 2001 on nonprofit arts in this country certainly is the way in which arts should be funded. And to suggest that $120 million from the Federal Government in any way, shape or form improves the quality of life frankly for anybody, even one person in this country, based upon what it does to influence the arts, I think is essentially ludicrous. It has no real impact. But it does take money from people and it says we will put you in the position of making a decision and you cannot remain neutral.

All of the reasons we have heard and hear every single year about why the arts are good, in fact, wholesome and help the culture and develop all kinds of wonderful experiences in our life and develop better people, all those things are probably true. I do not argue with any of them. I do not argue with the fact that religion does exactly the same thing in the United States, provides people with the ability to go beyond themselves and to experience great things and to become innervated by the experience. That is all great. But, of course, it has got nothing to do with us.

Why should the government fund any religious activity? But we would do so. If we were to listen to the reasons why we should fund the arts, we should certainly fund, quote, religion. We should establish a board, give it $120 million, let it determine what is the proper religious experience to provide money for, because it does all of the same things for people that the arts do. But, of course, we do not do that. We do not do it because we want to remain neutral.

So I suggest that in an attempt to become more neutral on this particular issue, we should reduce the funding for the National Endowment for the Arts and Humanities and hopefully eventually stop doing it at all.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Slaughter-Shays-Dicks-Leach amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. It seems to me that budgets reflect a lot of different things. They reflect priorities. They reflect opportunities to eradicate and spend down deficits. They reflect opportunities to go more deeply in debt. But they also reflect hopes, aspirations and ways of life.

I represent a very diverse and pluralistic district. As a matter of fact, I always say it is the most fantastic, fascinating district in all of America. Downtown Chicago, the Gold Coast, Magnificent Mile, Old Town, Greek Town, China Town, Ukrainian Village, Soulville. Lots of different people with different ideas about things. The arts and the humanities are a way of binding people from different communities together just as they reflect opportunities to bind people from different areas of the country and different walks of life.

Yes, I understand that there are deficits. I understand that the economy is not what we would hope for it to be. I also understand the need to invest in fighting terrorism. We have a war to finance, a war that I had hoped we would not have to have. But notwithstanding all of that, we also have the opportunity to continue our commitment to life and to bind the Nation more closely together. I cannot think of any better way to do that than to provide these meager grants, I call it a minor investment, for which we get tremendous returns.

And so again I commend the gentlewoman from New York, the gentleman from Connecticut, the gentleman from Washington and the gentleman from Iowa for offering this amendment which gives all of us an opportunity to help make America become that Nation that it has the potential of being and yet has not been. I urge passage of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, year after year we try to massage our conscience for the failure in education to address a lot of the problems of the arts and humanities. We spend billions of dollars there and we never mention this in the education budget or any of the related budgets, so we think a few million dollars in the humanities or the arts will solve all the problems. It will, as one gentlewoman said, or gentleman, where the arts are disappearing from the community, it will solve that problem. The bureaucracy that is funded here and the limited programs that are funded here will not even begin to do that.

We find that there is a need to raise the cultural level in the United States, both in the arts and the humanities. There is a need for us to see that young people recognize the documents vital in our Nation's history. I take tours through the Capitol with young people. Most of the teachers and the young people have not a clue about the paintings and the things that are going on in the Capitol. But it will not be solved by increasing the amount of money for the arts and the humanities.

Our committee has a tough job. We have to increase the funding, natural funding for the forests and parks and various others, Indian health, the environment. We were cut $257 million enacted and we kept the NEA at last year's level and we increased NEH $3.5 million. There is a demand now that we increase it $13.5 million more. Based on the cuts that were in the overall bill, it was important to note that we increased both NEA and NEH. In fiscal year 2002, we increased some $15 million to the NEH and the NEA $13 million in 2003. We have grown the fund more than the rate of inflation, but it will not solve the problems of the men and women who spoke here and the dream that they are going to solve all these problems in the arts and the humanities. But it can do this. The amendment reduces administrative funds. The gentleman from Washington and I realize that we are short in that area, anyway. We know that they are going to be called on for funds and we know that that is going to be a problem. When we get to the conference, we hope we can increase that.

It is not clear that the vehicle offset that the gentlewoman from New York discussed will be sufficient. And so we risk the chance that the amendment will impair the on-grounds operation of environment protection, Indian programs, it could reduce the department's funding, including hearings and appeals and support for Indian trust reform. The committee is watchful certainly, the gentleman from Washington and I both, in areas of administrative abuse in trying to rein in excessive spending and travel in other areas and Members can count on our oversight to try to look in any other areas. But moving the money around as suggested could be very dangerous for the balance we have in this bill.

I ask Members to join me in opposition to this amendment.

☐ 1700

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Shays-Leach amendment. In order to find this offset, we talked to the Inspector General of the Interior Department. He made a recommendation that this was an area that had been very wasteful and that this would not hurt any of the programs there.

I want to say this is my 28th year on the Interior Appropriations subcommittee, and I started on this subcommittee under the tutelage of Sid Yates of Chicago, who was a tremendous supporter of the National Endowment For the Arts and Humanities. And I had worked in the other body and knew, of course, Senator Pell, who was the author of both the National Endowment For the Arts and Humanities legislation. Over the years I have followed how, with the increase in funding, even though we took a major cut, that we have seen an explosion in the growth of art institutions all over this country—more operas, more ballets, more theatres, more performing arts. This funding from the National Endowment for the Arts has been like the Good Housekeeping seal of approval.

We have today two of the finest administrators in these parts, Bruce Cole running the National Endowment for the Humanities, who I had a chance to talk to yesterday; and Dana Gioia, who is running the National Endowment for the Arts. These are real professionals. They are running these departments very effectively, and so we have offset this amendment completely. I think it is a choice of priorities, and I believe that what is happening in the arts and humanities is so important for the citizens of this country, and they appreciate it.

Every community in my district has benefited from the National Endowment for the Arts and by the National Endowment for the Humanities. We have the Pantages Theatre and the Broadway Theatre District in Tacoma, the Admiral Theatre in Bremerton and Fort Worden up at Port Townsend. Port Angeles has a summer arts festival. These things are appreciated by the American people, and they are terribly important for the education of our children.

And yet this year, even though President Bush and Mrs. Bush asked for substantial increases in the arts and humanities, our committee rejected that, completely. And, yes, we had a very bad allocation, but I do believe that in these two areas, we had a good hearing. The chairman of both endowments came up, testified before our committee; and they were so excited about what they can do with this money for the American people, especially on the humanities area, where we need to have more education about civics and our history and give our kids a better opportunity. And there are programs that are going out to all the schools all over the country that are supported by this, and it is a very fundamental part of our education.

So I am going to ask our Members, as we have done for the last 4 years, to vote for this. I want to compliment all those on the other side of the aisle who spoke today. I know there is always tremendous pressure to go along with the leadership; but in this case, we did not get the job done in the subcommittee. This is a chance for the House to correct this and show the American people again that we have gotten beyond this ideological fight. We can support the endowments, because they are doing good work. They have got good leadership, and they deserve our support.

Mr. HOLT. Mr. Chairman, I strongly support this bipartisan amendment that will provide much-needed funds to the National Endowment for the Arts and the National Endowment for the Humanities.

This is a long overdue and a modest funding increase to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America. Since 1965, the NEA has provided over 111,000 grants for projects ranging from theater and film festivals, to poetry readings and workshops, to radio and TV broadcasts, to museum exhibitions, to city design and downtown renewal. NEA funds often help bring excellent performances and exhibitions to small towns and rural areas throughout the United States.

The NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their wonderful American heritage.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly sustenance. They power economic development in many regions. They tie our diverse society and country together.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending. I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, "A Great Nation Deserves Great Art" is something that my colleagues have been echoing this week as our FY 05 Interior Appropriations bill comes to the floor of the House of Representatives for debate. The measure of a great nation is not merely its wealth and power, but its civilization—most notably the political, philosophical and artistic ideals it creates, promotes and preserves. I am here today to help preserve the National Endowment for the Arts (NEA) and the National Endowment of the Humanities (NEH).

The National Endowment for the Arts is dedicated to supporting excellence in the arts, bringing the arts to Americans of all ages and incomes, and providing leadership in arts education.

The Arts Endowment is the nation's largest annual fund of the arts, bringing great art—both new and established—to all 50 states, including rural communities, inner-city neighborhoods, schools, and military bases. The Arts Endowment has played a transformative and sustaining role in the development of regional theater, opera, dance, orchestras, museums, and other arts that Americans now enjoy.

Distributing more than $100 million annually, the Arts Endowment enhances our communities—not only culturally but economically. The Arts Endowment's educational programs—such as Shakespeare in American Communities—introduces a new generation of Americans to the possibilities of imagination, creativity and self-expression.

According to a recent study, the nonprofit arts industry provides 4.85 million full-time equivalent jobs, $89.4 billion in household income and $10.5 billion in federal income tax revenues.

The amendment also provides a modest increase for the National Endowment for the Humanities (NEH), far short of the President's request. The amendment provides $5 million for the NEH's "We the People" initiative. This increase would provide a total of $14.8 million for "We the People"—less than half of the President's $33 million request. It would raise NEH's overall budget to $143 million—$19 million less than the President's request of $162 million for FY 2005.

Increased funds for "We the People" will enhance the teaching, study and understanding of American history. The "We the People" initiative has already expanded seminars and institutes for teachers to learn history content and bring their new knowledge and enthusiasm back to the classroom. It has also expanded grants available for research, scholarship, museum exhibits, documentary films, radio projects, teaching programs, educational aids, and preservation efforts to encourage and enhance public understanding of American history and culture.

"We the People" has generated deep, widespread, bipartisan support. The "We the People" initiative has earned the support of the President and Members of Congress from both sides of the aisle.

This project will benefit every state in the nation. In FY 2004, over a third ($3.7 million out of $9.8 million) of all "We the People" funds went directly to the 56 state humanities councils to encourage programs and grants on the local level to encourage the teaching, study and understanding of American history.

Every state and territory of the U.S. has benefited from the "We the People" initiative, including my state of Texas. I do not want to return to Houston and let my constituents know that they have been let down yet again. Please join me in supporting this amendment.

Mr. SCHIFF. Mr. Chairman, I rise in support of the amendment to the Interior Appropriations bill submitted by Representatives SLAUGHTER, SHAYS, DICKS, and LEACH, to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a member of the Congressional Arts Caucus, and former chair of the California Legislature's Joint Committee on the Arts, I have had the opportunity to see first hand the tremendous role that the arts play in the education and development of our children. Several academic studies have demonstrated the connection between music, dance, visual arts, and the development of the human brain. It is a fact that arts education cultivates critical thinking skills that are so important in this information-age economy. Children who learn to read music or to play an instrument show improved proficiency in mathematics and sciences.

Today, I am proud to support an increase of $10 million for the National Endowment for the Arts and a $3.5 million increase in funds for the National Endowment for the Humanities.

One of the initiatives under the NEA, American Masterpieces, produces new collaborations of classic American operas, plays, ballets, musicals, and choral works. These joint ventures allow local companies to offer new productions of the highest quality at affordable costs. This is just one of the many great initiatives provided by the NEA.

Additionally, I support an increase of $5 million for We the People, an important initiative to strengthen understanding of our national heritage. This innovative program benefits students, teachers, and Americans of all ages.

Arts is not only about appreciation and enjoyment, it is also a strong component of our economy. A recent study from Americans for the Arts found that the nonprofit art industry alone generated $134 billion in economic activity, including full time jobs, household income and tax revenues. More than $80 billion of this is spent by audiences who enthusiastically attend events in their local communities.

In my own district, there are more than 2,700 arts-related businesses and more than 32,000 jobs in visual arts, design, performing arts, film and television, and educational arts. I am proud to host an annual Congressional Arts event in my district that allows high school students to showcase their artistic talents to the community. I have constantly been impressed with the artistic vision and creativity of our young people. This vision and creativity should be fostered, not discouraged.

By supporting the arts and humanities, the federal government has the ability to act as a partner with state and local efforts to bolster the quality of life as well as economic and educational opportunities in our communities.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks amendment to increase funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). These endowment programs are vital to supporting the creation, preservation and presentation of the arts and humanities in America. In my district, NEA and NEH grants have brought partnership projects such as the Coterie Theater and the Friends of Alvin Ailey's AileyCamp that help provide collaborative artist and youth activities which have enriched the local economy and educational experiences of our children.

Studies have demonstrated that reading and math scores improve with participation in arts education classes. Test results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students.

There is no jurisdiction for funding for the NEA at a level that is 30 percent below the 1994 level. Adopting the amendment before us would increase funding by $10 million for the NEA and $3.5 million for the NEH. I urge my colleagues to support this amendment which would keep up with inflation. Investment in the arts and humanities has proven to be an invaluable contribution to the American economy, or local communities, and the education success of our children.

Mrs. LOWEY. Mr. Chairman, I rise in support of the Slaughter amendment and strongly urge its adoption.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, are the hallmarks of great civilizations. History has shown that religious and political freedom goes hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that working together we can guarantee that our children learn.

By sharing ideas and images from a diverse range of backgrounds and through many different media, the arts and humanities help to create a more informed citizenry. We are better prepared to meet the responsibilities of democracy; to ask ourselves the hard questions and to judge fairly the actual and potential endeavors of our country.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, the arts support over 10,000 jobs, and in Fiscal Year 2000, they contributed more than $92 million in revenue to Westchester alone. Nationwide, the figures are even more impressive. In 2002, the arts were a $134 billion industry sustaining nearly 5 million jobs. While the federal government spends just over $250 million on the NEA and NEH annually—approximately 40 cents per person—it collects over $10 million in tax revenue related to the arts industry. NEA and NEH dollars are crucial to the arts community, helping them leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy.

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, and vote to increase funding for the NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. MICA. Mr. Chairman, I move to strike the last word to engage in a colloquy with the chairman of the Interior Appropriations Subcommittee, if you would, the gentleman from Mississippi (Mr. TAYLOR).

First of all, I want to take just a moment to commend the gentleman from Mississippi (Chairman TAYLOR) and the Committee on Appropriations for their outstanding efforts in bringing this important measure to the floor during these very difficult budgetary times.

As he may know, I have been working to improve and expand educational resources and public accommodations at the Castillo de San Marcos in St. Augustine, Florida. That is our national monument. This national monument is not only a unique part of our national parks infrastructure but it is also a national treasure. The National Park Service is expected to complete a study this fall which includes plans to construct a required facility there.

Mr. Chairman, it is my understanding that when this plan is completed and this project is authorized by Congress, the Interior and Related Agencies Subcommittee of the Committee on Appropriations would consider funding this much-needed expansion and renovation project.

I would ask the gentleman from North Carolina whether this is his understanding and intention as well.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I commend the gentleman. The San Marcos National Monument in St. Augustine, Florida, is one of the outstanding examples of parks for the east coast, and his effort is commendable.

As the gentleman can appreciate, we cannot make commitments on future appropriations, but we will certainly consider the gentleman's request once the project is authorized.

Mr. MICA. I thank the chairman for his response.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word.

I would like to engage in a colloquy with the chairman on the Department of the Interior's renewable portfolio and specifically our Nation's geothermal resources.

The vast majority of proven geothermal resources in the United States are located on Federal lands. Efficient administration of permits to prospect for geothermal energy on Federal lands is essential to harnessing our geothermal resources. I am proposing that the Bureau of Land Management conduct a report-assessing permit administration associated with our geothermal resources and a strategic plan on how we can best utilize our Nation's clean and efficient energy resources.

This report sets the stage to address a critically underdeveloped energy segment of our national renewable energy portfolio. The problem was cited in a January, 2004, Associated Press article which stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This article also stated that the average age of an application to prospect geothermal sites is 9 years.

The urgency of this situation is already upon us. One has only to look at the high cost of natural gas, which is the preferred energy source for new electric generation plants. However, the Energy Information Agency recently reported that the delivery price of natural gas is at $6 per thousand cubic feet, and it is a four-fold increase since 1995. This situation is robbing our economic recovery of essential dollars to create jobs and increase our reliance on foreign-owned energy resources.

I look forward to working with the chairman and the committee during the conference in securing resources and focus on geothermal resource issues. Specifically, I think we will gain an accurate understanding of geothermal resource permit processing within the Federal Government and what we need to do to improve that process. I believe that it is in the best interest of the American people and this committee to expedite the use of geothermal resources to meet our ever-growing electricity needs and improve our air quality.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentlewoman from California for yielding to me and greatly appreciate her continued leadership on this issue. I look to continue work with her during the conference on this very important issue.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), chairman of the subcommittee, in relationship to an invasive species issue in the State of Maryland.

Invasive species all across this country have wreaked havoc on a number of ecosystems from California to the Great Lakes to Florida to numerous areas of the east coast. One of the specific invasive species that we are dealing with in Maryland is called a nutria. It looks exactly like a rat, only it gets to be about 30 pounds.

This was to a certain extent brought to the United States with the blessings of Fish and Wildlife Service to add to the trapping economy with possum, groundhogs, and a number of other species for their pelts and for their meat. Nobody liked the pelt of the nutria. Nobody liked the meat. And all of a sudden this particular species became invasive and has destroyed tens of thousands of acres of wetlands across the United States, nearly 10,000 acres of wetland just in the State of Maryland. We have been very successful in eradicating nutria in a specific wildlife refuge in the State of Maryland that covers about 28,000 acres, eliminated the nutria there, with the Federal, the State government, the local governments, and the private sector. We need to do it on about 80,000 more acres in the State of Maryland to completely eradicate the nutria in this part of the country, which will set up a type of trapping system that can be used in other parts of the country. In this Interior appropriations bill, however, there is no money. It has been zeroed out. We have spent about $6 million over the last 6 or 7 years. And I would like to ask the chairman if at some point we could work on bringing some dollars to keep this program, very successful program, continuing.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I assure the gentleman that the subcommittee continues to support this very important effort. Allocation constrained us from increasing funding for the program in our fiscal year 2005 recommendations, but we have included a general increase of $2 million for invasive species research, and I think that this program may qualify for some of those funds.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman very much. This is a fine example of a great, successful program; and we will work with the chairman of the committee.

Ms. NORTON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would hope that an amendment for the study of the crime and accident rate in the most-used national parks would be made in order and regret that it is not made in order. The issue is so important, I would like to discuss it on the floor at this time.

There have been troublesome reports of increases in crime and vehicle accidents in the national parks. It first surfaced perhaps in a major way here in the District of Columbia when former Police Chief Teresa Chambers complained that she could no longer adequately cover the park territory entrusted to her. She said that there had been redeployment of her troops to cover monuments and other important places after 9/11.

But then I began to note complaints of a rise in crime and homelessness in parks here and around the Nation as well. The crush of crowds we now understand all the parks are experiencing during this season makes this claim much more credible.

I want to be clear that I take no position on whether there has been an increase in crime or accidents. I really do not know. This was only a request for a study so that we could begin to find out. The study would go to the appropriate committees; and they could decide what, if anything, to do with it. It would have looked at the heavily used units of the national parks from 1998 for about 6 years to give us a critical mass of years to look at crime and to look at accidents on nearby roadways.

I noted that right after 9/11, there was a bump up in the number of park police just as there was a bump up in police everywhere; but park police stabilized while, for example, Capitol Police continued to soar. And I do not want to make any invidious comparisons here. We need all the help we can get on the Hill. But I cannot help but be moved by the fact that if we are going to have millions upon millions of people visiting our parks, they are protected not only against accidents and against crime but they are protected by the patrols in the parks against terrorism as well.

□ 1715

I know about complaints in my own parks, for example on Rock Creek Parkway, about Park Police cruisers not being available, but that is anecdotal. I wanted a study to see if these were in fact complaints we should take seriously, and particularly now it is clear to me this has become a national concern.

We should not be deploying personnel, we should not be in fact authorizing and appropriating money for personnel, without knowing more about needs, especially when those needs are changing, as they are in the Nation's parks.

My own district happens to have many of the Nation's most important parks, from the Mall to the beautiful Rock Creek Park itself, but there are parts of the country which are far less densely populated than the national capital park regional area, but have far more heavily used parks.

It is time we found out how to better deploy the Park Police. I regret that we will not be able to do this study through this appropriation. I hope that the Park Service on its own will see the importance of doing a study with the resources it has before it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of title I is as follows:

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C.

6901-6907), $226,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $51,356,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,655,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $196,267,000, to remain available until expended: *Provided*, That of the amounts available under this heading not to exceed $58,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: *Provided further*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2005, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $42,000,000, to remain available until expended: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,818,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to H. Res. 649 and section 402 of S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress), the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made to the Department of the Interior to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may hereafter be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2005 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings, may hereafter be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 124. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 125. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 126. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 127. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from

Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

Sec. 128. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", shall be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

Sec. 129. (a) In General.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) Use of Certain Indian Land.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

Sec. 130. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

Sec. 131. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2006 shall not exceed $12,000,000.

Sec. 132. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2004 or 2005, funds appropriated for fiscal year 2005 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2004. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa-458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilites under the same fiduciary standards as those to which the Secretary of the Interior is held: *Provided further*, That they demonstrate, and continue to demonstrate, to the satisfaction of the Secretary that they have the capability to do so.

Sec. 133. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

The CHAIRMAN pro tempore. Are there any points of order against provisions within that portion of the bill?

Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,654,000, to remain available until expended: *Provided*, That of the funds provided, $52,714,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $282,446,000, to remain available until expended, as authorized by law of which $43,119,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,399,599,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2005 shall be displayed by budget line item in the fiscal year 2006 budget justification: *Provided further*, That, through fiscal year 2009, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Tancredo:

In title II, in the item relating to "NATIONAL FOREST SYSTEM", insert after the first dollar amount the following "(increased by $23,000,000)".

In title II, in the item relating to "NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION", insert after the first dollar amount the following: ("reduced by $60,000,000)".

Mr. TANCREDO. Mr. Chairman, we have had a robust debate on the issue of funding for the National Endowment for the Arts and Humanities, and I do not intend to revisit that particular part of this debate. I am, however, going to suggest that we should reduce the budget for the National Endowment by $60 million and redirect the money to the budget for the U.S. Forest Service for law enforcement services.

Thankfully, the committee rejected calls by the administration to increase financing for the National Endowment for the Arts by as much as $20 million this year, but spending $120 million and change for taxpayers' funded arts still makes no sense.

Many people on both sides of the aisle have long recognized the need for additional law enforcement personnel on our public lands. The sprawling Coronado National Forest in southern Arizona, for example, which shares a border with Mexico, has fewer than a dozen law enforcement personnel, this despite the fact that it has become a hotbed for drug and immigrant smuggling and a welcome mat for would-be terrorists attempting to enter the United States from Mexico through sparsely patrolled wildlands.

Similar problems are faced by other public land agencies, including the National Park Service. A young park ranger in Organ Pipe Cactus National Monument was murdered by Mexican drug smugglers in 2002. The public land agencies have less than 200 law enforcement officers combined to patrol almost 6,000 miles of public lands adjacent to the border.

These challenges are not unique to the Coronado, or to public lands on the border. National forests across the country face a shortage of law enforcement personnel as well. This hampers the ability of the agencies to combat everything from irresponsible recreation to marijuana cultivation on public lands. It also inhibits the ability of the agencies to maintain a safe and enjoyable environment for visitors.

Enhancing the ability of the Forest Service to help maintain a safe environment for visitors and to enhance homeland security on public lands would seem to be a far more important priority to fund than spending more than $100 million on federally subsidized art.

There was a discussion, as I say, during the last amendment that we are in the process here of trying to establish priorities for the budget of the United States, and certainly it seems to me to be appropriate for us to make a decision as to whether or not we would rather have a more vigorous enforcement of law in our national parks, which, by every calculation, by every agency that has looked at this issue, says we are in dire shape because of massive influences, the massive number of people coming through the area, coming through illegally and for a variety of purposes, some, of course, just coming for jobs, others coming with the transportation of illegal narcotics.

It is a very dangerous place, a place I have along the southern and northern border both visited many times. In each case I am confronted by folks down there, the Border Patrol, the Park Service, everybody who is involved with any sort of enforcement activity, law enforcement activity, who say they are in desperate need of help, that they are overwhelmed.

As I say, 200 people are committed to trying to protect a border literally thousands of miles long. It does not make sense. It only makes sense that in this bill, in a bill that is for the Interior, a bill that is supposed to reflect our priorities for Interior and management of our public lands, it only makes sense that we would reorient the budget and reprioritize it to provide more for the protection of our public lands and less for nationally subsidized art.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, obviously a $60 million cut in the National Endowment for the Arts would be a disaster. I certainly understand the gentleman's concern about law enforcement and other issues in the budget, and we will be glad to work with him on those issues, but not to take $60 million out. A similar amendment was rejected by a vote of 112 to 313 last year.

Mr. Chairman, I would urge my colleagues in the House to again soundly defeat the Tancredo amendment. This amendment would have a devastating consequence on the Endowment for the Arts, and I think the endowments, as I said previously, are doing a tremendous job for our country and deserve to be supported. So I urge a no vote on the Tancredo amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,734,865,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2004 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $266,238,000 is for hazardous fuels reduction activities, $13,000,000 is for rehabilitation and restoration, $23,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $40,000,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report 108–330: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

Page 68, line 5, insert after the dollar amount the following: "(increased by $6,000,000)".

Page 69, line 10, insert after the dollar amount the following: "(increased by $6,000,000)".

Page 85, line 3, insert after the dollar amount the following: "(reduced by $6,000,000)".

Ms. HOOLEY of Oregon. Mr. Chairman, first of all, I want to thank the entire committee for their commitment to fight forest fires. We all know it is going to be a very bad forest fire year, and we know the time has come to prevent forest fires as well as put them out.

Over the years, highly flammable underbrush has built up in our forests and previously logged but unthinned areas have become dense, overstocked plantations of small, fire-prone trees. These conditions have made it impossible to allow low-intensity natural fires to burn within their historic range, and catastrophic fires have become more and more common.

To help address this problem, we in Congress passed and the President signed H.R. 1904, the Healthy Forest Restoration Act. This law will streamline future field reduction and thinning projects, and I was pleased to vote for it.

With the promise of $760 million in funding, the new law would provide thousands of jobs across the West, it would provide Federal land managers with the necessary tools to thin our forests of hazardous fuels and, most importantly, reduce the size and severity of wildfires. But the President and Congress must provide the money to get projects done on the ground.

The most important provision in this bipartisan bill we passed last year was a 5-year multimillion dollar commitment of Federal resources. Providing substantial funding for fuel reduction projects is essential in completing problem projects, putting people back to work and stopping forest fires.

Politicians and bureaucrats have been fighting over fuel reduction legislation for far too long. Last year, we were finally able to produce a bipartisan bill that sought to address this problem. However, we must also provide the money needed to get the job done. This bill does not do so, providing far less than the $760 million we determined was necessary.

The amendment to help rectify this problem is very simple: It provides $6 million for hazardous fuels reduction, which would allow tens of thousands of additional acres to be treated. The offset for this amendment is from the Industries of the Future Program, the Chemical Industry section. All my amendment would do is reduce this program to the level requested by the President.

Mr. Chairman, I urge Members to support my amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reluctantly rise in opposition to this amendment.

Mr. Chairman, I share the gentlewoman's concern for forests, as our entire committee did. We restored much of the money in the healthy forest initiative. It has $500 million for fighting fire in 2004 and $500 million for fighting fires in 2005, and we hope we can get through conference so we can get that 2004 money as quickly as possible for this year.

We also have a $58 million increase for hazardous fuel reduction. This is a large increase, and we think it will be ample, especially given the tight situation we have this year, the tight allocation.

On the other hand, we are 7 percent below in our energy programs, and we have restored a number of those above what the administration wanted at the time, and we hope we can restore more and maybe during the conference.

I would oppose this, not because I am against the gentlewoman's enthusiasm for preventing fires, but we have adequate money, I think, for this coming year to give that prevention, as well as fighting fires in this tight budget year.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. HOOLEY of Oregon. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I planned to offer an amendment today that would prevent the U.S. Fish and Wildlife Service from spending appropriated funding to add species to the endangered or threatened species list until the Fish and Wildlife Service moves forward with efforts to complete a population viability assessment on the Concho water snake.

□ 1730

Five years ago, I came to this body during the very same debate we are having today. At that time I worked with chairman of the Subcommittee on Interior and Related Agencies, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), to provide the U.S. Fish and Wildlife Service with $300,000 to study the feasibility of removing the Concho water snake from the threatened species list. To this day, the Fish and Wildlife Service has not issued a final decision. There has been no accountability as to how the service has used the funding that was provided to them.

In June 1986, the U.S. Fish and Wildlife Service listed the Concho water snake as a threatened species. Since that time, the Colorado River Municipal Water District in Big Spring, Texas, has spent over $4 million studying the snake and documenting its viability along the Colorado River in West Texas.

In June 1998, after documenting a species population and distribution much larger than previous Fish and Wildlife estimates, the water district submitted a petition to delist the snake. In addition, the water district has documented that the construction of Lake Ivie, which the Fish and Wildlife Service argued would threaten the snake, has actually benefited the species by stabilizing stream flow and its habitat.

According to the statute, the U.S. Fish and Wildlife Service was supposed to provide a preliminary finding within 90 days of a petition to delist and a final decision within 12 months.

It took almost 14 months for the Fish and Wildlife Service to submit their 90-day petition finding, and they still have not issued a final decision on the issue. Although they claim that they were trying to finish a population viability study, the Fish and Wildlife Service is not moving on the issue.

West Texas as suffered from drought over the last several years, which has certainly affected the stream flows along the Colorado River. Still, the Concho water snake continues to thrive and reproduce in the area. But there are statutory requirements for the Colorado River Municipal Water District to release certain amounts of water from the lakes it controls. Oftentimes, water releases from the lakes are more than the stream flows into them. How can we sustain this? Currently, Lake Spence on the Upper Colorado River is at less than 10 percent of capacity. I simply ask that common sense prevail and that the Fish and Wildlife Service move forward with issuing the final decision regarding the status of the Concho water snake on the threatened species list.

Mr. Chairman, if the chairman and ranking member would engage, I would be very happy not to offer this amendment at the appropriate time if I could have the assurances of the chairman and the ranking member that they will work with me and the Fish and Wildlife Service to do what was promised 5 years ago.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I certainly share the gentleman's concern, and we will work with the gentleman. It is outrageous, and we appreciate the gentleman bringing this to our attention; and we will work toward that.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to tell him that I will be glad to cooperate and glad to work with him on this issue. We can call a meeting with the Fish and Wildlife Service or whatever he wants to do to see if we cannot clarify what the problem is.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the chairman and the ranking member for that assurance.

What I want to get done is I want the snake delisted, as we have spent millions of dollars on something that should never have been done to start with; but 5 years ago, Fish and Wildlife promised this committee that it would be done. They have not delivered.

I look forward to working with my colleagues and the agency to get the snake delisted, and I appreciate my colleagues' cooperation.

The CHAIRMAN pro tempore (Mr. Ose). The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $522,940,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $15,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $65,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,962,000 available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 8002 of the Farm Security and Rural Investment Act of 2002. Not less than $40,000,000 of funds under such section is hereby cancelled.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. GOODLATTE. I make a point of order against the final sentence of the sixth paragraph under the heading of Title II, "Administrative Provisions, Forest Service," page 77, lines 6 through 8, in that it violates House rule XXI clause 2 by changing existing law and inserting legislative language in an appropriations bill.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law by canceling funds under section 8002 for the Farm Security and Rural Investment Act of 2002. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in House Report 108–330.

Not more than $72,467,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, $300,000 may be used for Forest Service Centennial activities and, of the total available to the Foundation, no more than $350,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest

Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

For each fiscal year through 2009, the Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $237,000,000 shall not be available until October 1, 2005, *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further*, That of the funds made available in prior year appropriations under this heading, up to $18,000,000 shall be available in fiscal year 2005 for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided further*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall include a matching requirement from non-Federal sources of at least 50 percent of the costs of the component.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $601,875,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $105,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $18,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2005 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $656,071,000, to remain available until expended, of which $45,098,000 shall be for State energy program grants.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,100,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $85,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered, into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,628,322,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $479,085,000 for contract medical care shall remain available for obligation until September 30, 2006: *Provided further*, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $267,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2005, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $405,048,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That up to $2,700,000 may be used for the purchase of up to 27 acres at two sites for the construction of the northern and southern California Youth Regional Treatment Centers subject to advance approval from the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III or title V of the Indian

Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The Indian Health Service may purchase 8.5 acres of land for expansion of parking facilities at the W.W. Hastings hospital in Tahlequah, Oklahoma using third party collections subject to advance approval from the House and Senate Committees on Appropriations.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $11,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,000,000.

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $496,925,000, of which not to exceed $11,108,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,620,000 for fellowships and scholarly awards shall remain available until September 30, 2006; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $122,900,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

National Gallery of Art

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $93,000,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,100,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,152,000.

John F. Kennedy Center for the Performing Arts

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $10,000,000, to remain available until expended.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,987,000.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,972,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $22,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,377,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

Administrative Provisions

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,793,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, $7,000,000.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), $4,600,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–711), including services as authorized by 5 U.S.C. 3109, $7,999,000: *Provided*, That one-quarter of one percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

United States Holocaust Memorial Museum

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), $41,433,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

Presidio Trust

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

Sec. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

Sec. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

Sec. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

Sec. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

Sec. 307. (a) Limitation of Funds.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) Exceptions.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) Report.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) Mineral Examinations.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, and 108–108 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2004 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. Through fiscal year 2009, the National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. The section shall apply for fiscal years 2005 through 2009. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2005 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 315. Amounts deposited during fiscal year 2004 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 316. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 317. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking "The Secretary of Agriculture may, when in his" and inserting "(a) The Secretary of Agriculture may, when in his or her";

(2) by striking "Such deposits" and inserting the following: "Each of these 4 purposes shall be of equal priority.

"(b) Amounts deposited under subsection (a)";

(3) by striking "may direct:" and all that follows through "That the Secretary of Agriculture" and inserting "may direct. The Secretary of Agriculture"; and

(4) by adding at the end the following new subsection:

"(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

"(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

"(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.".

SEC. 318. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 319. Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 320. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 321. Extension of Forest Service Conveyances Pilot Program.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "30" and inserting "40";

(2) in subsection (c) by striking "8" and inserting "13"; and

(3) in subsection (d), by striking "2006" and inserting "2008".

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, hereafter, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 325. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 326. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2005.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 330. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) in subsection (b), by inserting "subject to subsection (g) but" before "notwithstanding" in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

"(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

"(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

"(2) the use of, either singly or in any combination, of the following:

"(A) undesignated parking along roads;

"(B) overlook sites or scenic pullouts;

"(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

"(D) dispersed areas for which expenditures in facilities or services are limited."

SEC. 331. (a) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—

(1) Not later than December 31 of each year, beginning with December 31, 2004, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(b) Competitive Sourcing Exemption for Forest Service Studies Conducted Prior to Fiscal Year 2005.—Notwithstanding requirements of Office of Management and Budget Circular A-76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(c) Limitation on Competitive Sourcing Studies.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2005, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108-330.

(2) For the purposes of paragraph (1), the maximum amount—

(A) with respect to the Department of Energy is $500,000; and

(B) with respect to the Department of the Interior is $2,500,000; and

(3) Of the funds appropriated by this Act, not more than $2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(d) Limitation on Conversion to Contractor Performance.—

(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(e) Competitive Sourcing Study Defined.—In this subsection, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

Sec. 332. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

Sec. 333. None of the funds in this or any other Act may be used by the agencies funded in this Act to implement Safecom, Disaster Management, E-Training, and E-Rulemaking.

CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

Sec. 334. (a) Findings.—The Congress finds that—

(1) a select area of the San Bernardino National Forest in California is heavily developed with recreation residences and is immediately adjacent to comparably developed private property;

(2) it is in the public interest to convey the above referenced area to the owners of the recreation residences; and

(3) the Secretary of Agriculture should use the proceeds of such conveyance to acquire additional lands within the boundaries of the San Bernardino National Forest.

(b) Conveyance Required.—Subject to valid existing rights and such terms, conditions, and restrictions as the Secretary deems necessary or desirable in the public interest, the Secretary of Agriculture shall convey to the Mill Creek Homeowners Association (hereinafter Association) all right, title, and interest of the United States in and to the Mill Creek parcel of real estate described in subsection (c)(1). In the event the Secretary and the Association for any reason do not complete the sale within two years from the date of enactment of this Act, this authority shall expire.

(c) Legal Description and Correction Authority.—

(1) Description.—The Mill Creek parcel, approximately 28.75 acres, as shown on a map, "The Mill Creek Conveyance Parcel—San Bernardino National Forest, dated June 1, 2004" and more particularly described as T.1 S., R.1 W., Section 8, E1/2N1/2N1/2NE1/4SE1/4NE1/4S1/2N1/2N1/2SE1/4NE1/4S1/2N1/2SE1/4NE1/4NE1/4SW1/4SE1/4NE1/4N1/2SE1/4SE1/4NE1/4S1/2NE1/4SW1/4NE1/4, located in the San Bernardino Meridian of the United States Public Land Survey System, California. The map shall be on file and available for inspection in the office of the Chief, Forest Service, Washington, D.C. and in the office of the Forest Supervisor, San Bernardino National Forest until such time as the lands are conveyed.

(2) Corrections.—The Secretary is authorized to make minor corrections to this map and may modify the description to correct errors or to reconfigure the property in order to facilitate conveyance. In the event of a conflict between the map description and the USPLSS description of the land in paragraph (1), the map will be considered the definitive description of the land.

(d) Consideration.—Consideration for the conveyance under subsection (b) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Such appraisal shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(e) Access Requirements.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real estate to be conveyed under subsection (b).

(f) Administrative Costs.—All costs incurred by the Secretary of Agriculture and any costs associated with the creation of a subdivided parcel, conducting and recordation of a survey, zoning, planning approval, and similar expenses with respect to the conveyance under subsection (b), shall be borne by the Association.

(g) Assumption of Liability.—By acceptance of the conveyance of the parcel of real property referred to in subsection (b), the Association and its successors and assigns will indemnify and hold harmless the United States for any and all liability to any party that is associated with the parcel.

(h) Treatment of Receipts.—All funds received pursuant to the conveyance of the parcel of real property referred to in subsection (b) shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for inclusion in the San Bernardino National Forest.

Sec. 335. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996), is amended—

(1) in subsection (a), by striking "Until September 30, 2004, the" and inserting "The"; and

(2) by adding at the end the following new subsections:

"(d) Inclusion of Colorado BLM Lands.—The authority provided by this section shall also be available to the Secretary of the Interior with respect to public lands in the State of Colorado administered by the Secretary through the Bureau of Land Management.

"(e) Expiration of Authority.—The authority of the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements and contracts under this section expires September 30, 2009, and the term of any cooperative agreement or contract entered into under this section shall not extend beyond that date.".

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2004 AND 2005 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

CHAPTER 1—FISCAL YEAR 2004

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

CHAPTER 2—FISCAL YEAR 2005

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title I of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title II of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 139, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. GOODLATTE. Mr. Chairman, I make a point of order that the proviso in section 319 fails to comply with clause 2, rule XXI by addressing the conditions under which a court action may be brought. It constitutes legislation on an appropriations bill in violation of the rule. On behalf of the chairman of the Committee on the Judiciary, I ask the Chair for a ruling on the point of order.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law with respect to a revision of plans for National Forest System Units. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER); the amendment offered by the gentleman from Colorado (Mr. TANCREDO); and the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENTS, AS MODIFIED, OFFERED BY MS. SLAUGHTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendments.

The Clerk designated the amendments.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 7, as follows:

[Roll No. 248]

AYES—241

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald

Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

□ 1810

Messrs. GARRETT of New Jersey, SENSENBRENNER, BONILLA, SHIMKUS, PEARCE, BROWN of South Carolina, ADERHOLT and TAUZIN changed their vote from "aye" to "no."

Messrs. FOLEY, PORTER, PETERSON of Pennsylvania and SAXTON changed their vote from "no" to "aye."

So the amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 248, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

The **CHAIRMAN** pro tempore (Mr. OSE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The **CHAIRMAN** pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The **CHAIRMAN** pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

[Roll No. 249]

AYES—112

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Beauprez
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Diaz-Balart, M.
Doolittle
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McInnis
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Petri
Pickering
Pitts
Pombo
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)
Wicker
Wilson (SC)

NOES—313

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bishop (UT)
Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OSE) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1820

Mr. RUPPERSBERGER and Mr. CUMMINGS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 249 I inadvertently voted "no." I intended to vote "yes."

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 249, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 6, as follows:

[Roll No. 250]

AYES—186

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Cox
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Evans
Farr
Fattah
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (WA)
Hayworth
Hefley
Herseth
Hill
Hinchey
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Renzi
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—241

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1828

Messrs. McINTYRE, WALSH, SESSIONS and Ms. MAJETTE changed their vote from "aye" to "no."

Mr. HAYWORTH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 250, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. OSE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REGARDING DEPARTMENT OF DEFENSE INVESTIGATIONS RELATING TO ALLEGATIONS OF VIOLATIONS OF THE GENEVA CONVENTIONS AT ABU GHRAIB PRISON IN IRAQ

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–547) on the resolution (H. Res. 640) of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4568.

□ 1830

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

□ 1830

The CHAIRMAN pro tempore (Mr. THORNBERRY). When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) was disposed of.

Before the Committee resumed proceedings on unfinished business, the bill was opened from page 77, line 3, through page 139, line 22, and the Chair had queried for and entertained points of order against provisions in that portion of the bill.

Are there amendments to that portion of the bill?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the interior appropriations bill contains a number of legislative provisions within the Committee on Government Reform's jurisdiction. I believe that in the past few days, we have established lines of communication and a good working relationship on these matters. I expect that as this bill moves forward to the other body in conference, we will continue this relationship and work together to make sure that these provisions are appropriate.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. The gentleman is correct.

Mr. TOM DAVIS of Virginia. Reclaiming my time, I am particularly concerned with section 333 regarding the implementation of the E-Government Act. I understand the department's frustration with the funding of this initiative. I would like to work with the gentleman from North Carolina to find a way to properly implement e-government at the department rather than stopping this important program altogether.

Mr. TAYLOR of North Carolina. I look forward to working with the gentleman from Virginia to find a way to appropriately implement the E-Government Act as we move towards conference.

Mr. TOM DAVIS of Virginia. I thank the gentleman and urge my colleagues to support H.R. 4568.

POINT OF ORDER

Mr. CLAY. Mr. Chairman, I would like to raise a point of order on the section that the Chair referred to earlier. Would that be in order?

The CHAIRMAN pro tempore. The gentleman will specify the section to which he refers.

Mr. CLAY. It would be section 333, page 132.

The CHAIRMAN pro tempore. The Chair would inform the gentleman that the Chair previously queried for points of order against this portion of the bill. The Committee has now entertained an amendment to that portion, so no further points of order against that portion of the bill may be raised.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 85, Line 3, after the dollar amount insert ("increased by $1,000,000, decreased by $1,000,000").

Mr. SANDERS. Mr. Chairman, this is a very modest amendment and I would hope that in fact both sides could accept it. It does not add any more money to this bill. It simply shifts within the Rebuild America program $1 million dedicated to the Energy Smart Schools program which will encourage schools all over America to become more energy efficient.

Mr. Chairman, I got into this issue because a number of months ago I went to a high school in Vermont called U-32 outside of Montpelier, Vermont. They escorted me around the school after I spoke to the kids and what I discovered is that in that school they were heating that building, a large campus, with wood chips. They were heating with a virtually nonpollutant fuel, they were creating jobs within our local economy and they were saving taxpayers' money. It was a win-win-win situation. It turns out, I later discovered, that 23 schools in the State of Vermont are doing that. It seems to me that we all around our country have a lot to teach each other about energy efficiency, how we can save taxpayers' money in terms of making our schools sustainable, cost effective and energy efficient.

All that this amendment does is take $1 million from the Rebuild America program and dedicate it to the Energy Smart Schools program. The Department of Energy is running a good program. It is teaching young people about energy efficiency. It is saving taxpayers' money. I would urge support for this amendment and hopefully we could have both sides accept it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would certainly be willing to accept it if the chairman will accept it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment. The gentleman makes a positive argument, but the State's energy program grants have been increased above the level that we have had and the State energy programs will be making a decision on this. We have tried to stay away from earmarks. In fact, many, many people have asked for earmarks which would take the bill in a different direction and we have tried to avoid any earmarks. The State energy program grant may well take care of what the gentleman has asked for, but I oppose the amendment to have earmarked $1 million in this program.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

Mr. SOUDER. Mr. Chairman, I move to strike the last word. I had intended to add an amendment later on in the bill but would not offer that in return for a colloquy with the chairman of the committee, the gentleman from North Carolina.

I understand there was some discussion in committee about the operations budget for the National Park Service. This issue is of great concern to me, and despite the committee's efforts to direct a greater proportion of the Park Service resources to the operational needs of individual parks, the bill does not go nearly far enough toward addressing the $600 million annual appropriations shortfall. As the gentleman knows, the gentleman from Washington (Mr. BAIRD) and I, along with 82 of our colleagues, requested an operations increase this year of $190 million from the Subcommittee on Interior and Related Agencies and $50 million from the homeland security bill. The committee has provided only a $76 million increase, with $55 million of that amount directed toward base operations of the parks. In light of the parks having had to absorb $170 million during the last 3 years, including additional costs for homeland security, salaries, wasteful competitive sourcing studies and other new mandatory costs, this amount clearly is not enough. I know that the gentleman from Washington (Mr. DICKS) offered an amendment in committee that would have added $45 million more for operations, but it was withdrawn. I am considering offering the same amendment on the floor. What are the committee's plans for providing additional resources for the parks during conference?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. As the gentleman knows, this committee has been extremely generous to the national parks. Over the last 10 years, we have provided an additional $515 million specifically for park-based increases. This bill includes another $55 million. That amounts to a total of $1 billion for 388 park units in fiscal year 2005.

The committee has been concerned over the last several years that OMB has required the parks to absorb pay costs, antiterrorism requirements and costs associated with catastrophic storm damage. These absorbed costs total $171 million. However, there is another side to the story. As the gentleman may be aware, the Park Service is not managing the funds we have provided. The gentleman from Washington and I have raised issues with the Service related to excessive travel, too many large conferences and meetings, and the Park Service's inability to control major new initiatives, including the 100 partnership construction projects with a price tag of $300 million. These are projects that the Park Service has committed to without this committee or the United States Congress' knowledge or approval. Even if only a fraction of these projects went forward, they would have a devastating impact on both the backlog maintenance projects and park operations.

I will be pleased to work with the gentleman and my friend and ranking minority member the gentleman from Washington on securing additional funds to address the absorption issue as we head into conference. This will require securing funds above the current allocation and not having more amendments like the Slaughter amendment to take money out of this program, and I hope we will be able to increase that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his amendment and I want to bring this to the attention of all the Members of the House, because I made a speech earlier today on the rule to point out the fact that the number of people that are working at the parks is going down because, in many cases, 90 percent of the operation account is personnel. Therefore, when you do not have enough of a budget increase to cover the COLAs, to cover these emergencies, then they have to eat it out of their existing budget. In fact, at Olympic National Park in my district, they 3 years ago had 130 summer employees they brought in for temporary work. This summer they have 25 because they cannot afford more. They have lost so much money. They are about $6 million short of what they need to operate the park this year.

This has got to be dealt with. This year with the increases that we gave, still 241 parks out of 388 will have less money to operate than they did in 2003. The amendment that I proposed and that the gentleman proposes, the $45 million, would have given every park, all 388, an 8 percent increase. If we could get $25 million in conference, it would be a 6 percent increase. This is the way we have got to do this. We have got to get this thing turned around. The committee has done a good job but we have got to do better because it is not good enough. That is the problem we are faced with. We are working hard. We are trying to work with the department.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. DICKS. The National Parks Conservation Association also has done a lot of good work on this that really lays out what the problem is. The chairman has been very tough on the director and the staff down there trying to get them to cut out wasteful expenditures, but we can only go so far with that approach. Some travel is justified, some travel is necessary because of these emergencies. It is just the foreign travel that has been basically stopped. I hope that we can continue to work with the chairman and his staff so that we can find an answer to this and maybe we can get a little more allocation. But this is a real, serious problem that must be dealt with. I congratulate the gentleman for raising it here on the floor.

Mr. SOUDER. Reclaiming my time, I want to thank the chairman and the ranking member for their leadership. We have many parks in this country that have been cut 30 percent in their staffing. In addition, we are seeing rangers transferred for homeland security reasons. There is a crisis in our national parks, the most popular institution in the country. Rangers are the most highly respected profession in the country, they are being slashed indirectly, and many Members of Congress are not even aware of that. We need to continue to raise that on the floor. I again thank the chairman and the ranking member.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in times past I have come to the floor debating ways to deal with reducing the demand for water in the Klamath Basin while being able to fulfill our many obligations. The problems in the Klamath Basin are not going away this year. As we begin another summer, it looks as though there will not be enough water to go around to meet these multiple demands that fundamentally result from the Federal Government's promising more water than nature or creative plumbing can deliver.

The land management on the refuges in the basin continues to be guided by two priorities that are not just in competition but are fundamentally incompatible: The reclamation of wetlands for agriculture and the preservation of wetlands and habitat for wildlife. The situation is further complicated by the Klamath Basin tribes, four of them, which have a longstanding and unique role in the basin which predates the water allocation decisions and environmental regulations.

It is likely by the time this Congress completes the appropriations process we will have more conflicts in the basin. I hope not but I fear there may be additional fish kills and certainly another summer of dry refuges.

☐ 1845

In the past I have come to the floor to discuss ways in the Klamath basin to reduce the water demands in the wildlife refuge which hosts 80 percent of the waterfowl in the Pacific flyway.

They have been called The Everglades of the West. Unfortunately, they are the only refuges in the country where farming occurs purely for commercial purposes instead of including some benefit for wildlife.

But one of the problems that has taken place in the debate, and we have had exhaustive discussions, has been a fundamental lack of factual understanding. And I thought this year, Mr. Chairman, it might be possible to look more broadly at the underlying challenges facing the wildlife refuges in terms of water use and supply.

I have drafted language and shared it with committee staff to require the Fish and Wildlife Service to undertake a study of the water needs of the refuges both in terms of how much water and when during the year the water is needed. Much of the difficulty in finding common solutions has stemmed from our inability to have a comprehensive understanding of the competing demands. And I would hope that it would be possible in the course of a study to examine water deliveries, the amount of water necessary to be available to sustain the wetlands, issues that deal with providing the sufficient water for the wildlife refuges, feasibility of water storage.

I have a series of elements here in the study, but rather than offering up an amendment at this point because I realize the committee has had a very difficult time and they have a carefully balanced item, but as it works its way through the process I was wondering if it would be possible to work with the committee and the staff to see if there is some way to coax this information from the process. I would, if I could, yield to the Chair of the subcommittee to see if this would be possible.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for yielding to me.

I commend the gentleman for his work on this difficult situation. I will commit to working with him and the Fish and Wildlife Service to see what can be done to address his concerns.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I also want to thank the gentleman for his work and look forward to working with him on this issue. I realize how difficult this issue is in his area and complicating this, as he mentioned, is a drought that has affected the entire region. So I know how difficult this is. We all want to protect the wildlife, the waterfowl, the salmon, all of which are affected by this. So this is an important issue, and the gentleman deserves our cooperation on this.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the expressions of support and cooperation from my two friends. It is my intention to work with them to be able to find a way to provide the information we need to avoid unduly contentious discussions here on this floor and be able to craft solutions that will protect our obligations to wildlife, the obligations to farmers who have been lured into the basin by the Federal Government to farm there, not once but on several occasions, to meet our tribal obligations, and to avoid horrendous fish kills that we have seen in the past.

I appreciate the expressions of support and look forward to working with the committee to see if we can provide this information to guide more rational .decisions in the future. Hopefully, we can protect this jewel, the Everglades of the West.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage my friend from North Carolina in a colloquy regarding the Bureau of Indian Affairs. I was planning to offer an amendment today which would limit the increased funding for the BIA in this appropriations bill totaling more than $46 million. However, I am hoping that the chairman can help me get some real answers from the BIA in connection with some local tribal issues.

There are native Americans who appear to be fully qualified for membership in the Shakopee Mdewakanton Sioux Community. Yet they are being denied rights of membership so a very small handful of members can control a very lucrative casino. Originally, the BIA rejected their membership application on two occasions. However, it was approved in 1997 although the application was "substantially the same." In 2000, I requested a congressional investigation into the membership practices of the tribe. Native Americans are being denied their birthright, and the BIA acts as if it were none of their business. This is an outrage. I have followed up with correspondence with the BIA, but their response has been slow at best. I am frustrated by their lack of involvement in this issue. I am hoping that the chairman can help me navigate the BIA waters so that we can get some answers to some of my questions.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota for his consideration of this issue. I would be happy to work with my friend to look into this issue with the BIA.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight in support of this legislation to fund the Department of the Interior. Both the authorizing committee and Committee on Appropriations have addressed troublesome issues within the National Park Service, such as the egregious spending on foreign and domestic travel and a number of partnership construction projects that were underway without the committee's knowledge.

And I am particularly pleased that the bill implements spending restrictions on those issues without keeping the National Park Service from continuing its mission.

I applaud the Committee on Appropriations and particularly the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Washington (Mr. DICKS), ranking member, for their restoration of $15 million in funding for the National Heritage Areas.

For several years I have worked to establish a National Heritage Area along Buffalo Bayou in Houston, Texas. In 2002, Congress threw its support behind the proposed Buffalo Bayou National Heritage Area by authorizing a National Park Service study into the feasibility of establishing a Heritage Area along Buffalo Bayou. And I thank the chairman and ranking member of the subcommittee for including the language in the committee report encouraging the National Park Service to use additional funds for this study.

Make no mistake, this study is fully authorized by Congress, and is thus a prime candidate for partnership funding; and I am hopeful that the chairman and ranking member will work with me as we move forward in this process to include a hard earmark in the conference for this project not only for the Houstonians but also in particular the Nation as a whole for this worthy National Heritage Area.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

At the end of the bill, before the short title, insert the following new section:

Sec. . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104-134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, if one drives out beyond the population centers in California, they will come to to add an amendment later on in the bill but would not offer that in return for a colloquy with the chairman of the committee, the gentleman from North Carolina.

I understand there was some discussion in committee about the operations budget for the National Park Service. This issue is of great concern to me, and despite the committee's efforts to direct a greater proportion of the Park Service resources to the operational needs of individual parks, the bill does not go nearly far enough toward addressing the $600 million annual appropriations shortfall. As the gentleman knows, the gentleman from Washington (Mr. BAIRD) and I, along with 82 of our colleagues, requested an operations increase this year of $190 million from the Subcommittee on Interior and Related Agencies and $50 million from the homeland security bill. The committee has provided only a $76 million increase, with $55 million of that amount directed toward base operations of the parks. In light of the parks having had to absorb $170 million during the last 3 years, including additional costs for homeland security, salaries, wasteful competitive sourcing studies and other new mandatory costs, this amount clearly is not enough. I know that the gentleman from Washington (Mr. DICKS) offered an amendment in committee that would have added $45 million more for operations, but it was withdrawn. I am considering offering the same amendment on the floor. What are the committee's plans for providing additional resources for the parks during conference?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. As the gentleman knows, this committee has been extremely generous to the national parks. Over the last 10 years, we have provided an additional $515 million specifically for park-based increases. This bill includes another $55 million. That amounts to a total of $1 billion for 388 park units in fiscal year 2005.

The committee has been concerned over the last several years that OMB has required the parks to absorb pay costs, antiterrorism requirements and costs associated with catastrophic storm damage. These absorbed costs total $171 million. However, there is another side to the story. As the gentleman may be aware, the Park Service is not managing the funds we have provided. The gentleman from Washington and I have raised issues with the Service related to excessive travel, too many large conferences and meetings, and the Park Service's inability to control major new initiatives, including the 100 partnership construction projects with a price tag of $300 million. These are projects that the Park Service has committed to without this committee or the United States Congress' knowledge or approval. Even if only a fraction of these projects went forward, they would have a devastating impact on both the backlog maintenance projects and park operations.

I will be pleased to work with the gentleman and my friend and ranking minority member the gentleman from Washington on securing additional funds to address the absorption issue as we head into conference. This will require securing funds above the current allocation and not having more amendments like the Slaughter amendment to take money out of this program, and I hope we will be able to increase that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his amendment and I want to bring this to the attention of all the Members of the House, because I made a speech earlier today on the rule to point out the fact that the number of people that are working at the parks is going down because, in many cases, 90 percent of the operation account is personnel. Therefore, when you do not have enough of a budget increase to cover the COLAs, to cover these emergencies, then they have to eat it out of their existing budget. In fact, at Olympic National Park in my district, they 3 years ago had 130 summer employees they brought in for temporary work. This summer they have 25 because they cannot afford more. They have lost so much money. They are about $6 million short of what they need to operate the park this year.

This has got to be dealt with. This year with the increases that we gave, still 241 parks out of 388 will have less money to operate than they did in 2003. The amendment that I proposed and that the gentleman proposes, the $45 million, would have given every park, all 388, an 8 percent increase. If we could get $25 million in conference, it would be a 6 percent increase. This is the way we have got to do this. We have got to get this thing turned around. The committee has done a good job but we have got to do better because it is not good enough. That is the problem we are faced with. We are working hard. We are trying to work with the department.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. DICKS. The National Parks Conservation Association also has done a lot of good work on this that really lays out what the problem is. The chairman has been very tough on the director and the staff down there trying to get them to cut out wasteful expenditures, but we can only go so far with that approach. Some travel is justified, some travel is necessary because of these emergencies. It is just the foreign travel that has been basically stopped. I hope that we can continue to work with the chairman and his staff so that we can find an answer to this and maybe we can get a little more allocation. But this is a real, serious problem that must be dealt with. I congratulate the gentleman for raising it here on the floor.

Mr. SOUDER. Reclaiming my time, I want to thank the chairman and the ranking member for their leadership. We have many parks in this country that have been cut 30 percent in their staffing. In addition, we are seeing rangers transferred for homeland security reasons. There is a crisis in our national parks, the most popular institution in the country. Rangers are the most highly respected profession in the country, they are being slashed indirectly, and many Members of Congress are not even aware of that. We need to continue to raise that on the floor. I again thank the chairman and the ranking member.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in times past I have come to the floor debating ways to deal with reducing the demand for water in the Klamath Basin while being able to fulfill our many obligations. The problems in the Klamath Basin are not going away this year. As we begin another summer, it looks as though there will not be enough water to go around to meet these multiple demands that fundamentally result from the Federal Government's promising more water than nature or creative plumbing can deliver.

The land management on the refuges in the basin continues to be guided by two priorities that are not just in competition but are fundamentally incompatible: The reclamation of wetlands for agriculture and the preservation of wetlands and habitat for wildlife. The situation is further complicated by the Klamath Basin tribes, four of them, which have a longstanding and unique role in the basin which predates the water allocation decisions and environmental regulations.

It is likely by the time this Congress completes the appropriations process we will have more conflicts in the basin. I hope not but I fear there may be additional fish kills and certainly another summer of dry refuges.

□ 1845

In the past I have come to the floor to discuss ways in the Klamath basin to reduce the water demands in the wildlife refuge which hosts 80 percent of the waterfowl in the Pacific flyway.

They have been called The Everglades of the West. Unfortunately, they are the only refuges in the country where farming occurs purely for commercial purposes instead of including some benefit for wildlife.

But one of the problems that has taken place in the debate, and we have had exhaustive discussions, has been a fundamental lack of factual understanding. And I thought this year, Mr. Chairman, it might be possible to look more broadly at the underlying challenges facing the wildlife refuges in terms of water use and supply.

I have drafted language and shared it with committee staff to require the Fish and Wildlife Service to undertake a study of the water needs of the refuges both in terms of how much water and when during the year the water is needed. Much of the difficulty in finding common solutions has stemmed from our inability to have a comprehensive understanding of the competing demands. And I would hope that it would be possible in the course of a study to examine water deliveries, the amount of water necessary to be available to sustain the wetlands, issues that deal with providing the sufficient water for the wildlife refuges, feasibility of water storage.

I have a series of elements here in the study, but rather than offering up an amendment at this point because I realize the committee has had a very difficult time and they have a carefully balanced item, but as it works its way through the process I was wondering if it would be possible to work with the committee and the staff to see if there is some way to coax this information from the process. I would, if I could, yield to the Chair of the subcommittee to see if this would be possible.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for yielding to me.

I commend the gentleman for his work on this difficult situation. I will commit to working with him and the Fish and Wildlife Service to see what can be done to address his concerns.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I also want to thank the gentleman for his work and look forward to working with him on this issue. I realize how difficult this issue is in his area and complicating this, as he mentioned, is a drought that has affected the entire region. So I know how difficult this is. We all want to protect the wildlife, the waterfowl, the salmon, all of which are affected by this. So this is an important issue, and the gentleman deserves our cooperation on this.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the expressions of support and cooperation from my two friends. It is my intention to work with them to be able to find a way to provide the information we need to avoid unduly contentious discussions here on this floor and be able to craft solutions that will protect our obligations to wildlife, the obligations to farmers who have been lured into the basin by the Federal Government to farm there, not once but on several occasions, to meet our tribal obligations, and to avoid horrendous fish kills that we have seen in the past.

I appreciate the expressions of support and look forward to working with the committee to see if we can provide this information to guide more rational decisions in the future. Hopefully, we can protect this jewel, the Everglades of the West.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage my friend from North Carolina in a colloquy regarding the Bureau of Indian Affairs. I was planning to offer an amendment today which would limit the increased funding for the BIA in this appropriations bill totaling more than $46 million. However, I am hoping that the chairman can help me get some real answers from the BIA in connection with some local tribal issues.

There are native Americans who appear to be fully qualified for membership in the Shakopee Mdewakanton Sioux Community. Yet they are being denied rights of membership so a very small handful of members can control a very lucrative casino. Originally, the BIA rejected their membership application on two occasions. However, it was approved in 1997 although the application was "substantially the same." In 2000, I requested a congressional investigation into the membership practices of the tribe. Native Americans are being denied their birthright, and the BIA acts as if it were none of their business. This is an outrage. I have followed up with correspondence with the BIA, but their response has been slow at best. I am frustrated by their lack of involvement in this issue. I am hoping that the chairman can help me navigate the BIA waters so that we can get some answers to some of my questions.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota for his consideration of this issue. I would be happy to work with my friend to look into this issue with the BIA.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight in support of this legislation to fund the Department of the Interior. Both the authorizing committee and Committee on Appropriations have addressed troublesome issues within the National Park Service, such as the egregious spending on foreign and domestic travel and a number of partnership construction projects that were underway without the committee's knowledge.

And I am particularly pleased that the bill implements spending restrictions on those issues without keeping the National Park Service from continuing its mission.

I applaud the Committee on Appropriations and particularly the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Washington (Mr. DICKS), ranking member, for their restoration of $15 million in funding for the National Heritage Areas.

For several years I have worked to establish a National Heritage Area along Buffalo Bayou in Houston, Texas. In 2002, Congress threw its support behind the proposed Buffalo Bayou National Heritage Area by authorizing a National Park Service study into the feasibility of establishing a Heritage Area along Buffalo Bayou. And I thank the chairman and ranking member of the subcommittee for including the language in the committee report encouraging the National Park Service to use additional funds for this study.

Make no mistake, this study is fully authorized by Congress, and is thus a prime candidate for partnership funding; and I am hopeful that the chairman and ranking member will work with me as we move forward in this process to include a hard earmark in the conference for this project not only for the Houstonians but also in particular the Nation as a whole for this worthy National Heritage Area.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

At the end of the bill, before the short title, insert the following new section:

Sec. . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104-134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, if one drives out beyond the population centers in California, they will come to the great California desert that lies between the coastal range and the Colorado River and vast areas of sand dunes, and that is a place where literally hundreds of thousands of Californians go to get away from the boss, to take the family for a weekend, to have a good time and to be able to off-road with their four-wheel-drive vehicles and their sand rails and dune buggies; and we have got places out there where families have gone for generations, where under one Palos Verde tree a family may have camped for 30 or 40 or 50 years, and it is a great getaway spot for Americans.

This land is BLM land, and recently the BLM has tripled user fees for the folks that use this territory, for the families that go out there and recreate. And that amounts, Mr. Chairman, to about 30 bucks a weekend. They go out and before they can buy groceries or charcoal or anything to use for their camping, they are going to have to fork out over $30 to Uncle Sam ostensibly for improvements in this BLM recreational facility. In fact, the BLM advertises it in one of their national publications, "The Imperial Sand Dunes Recreation Area"; and they talk about these windblown sands of an ancient lakecrest which is one of the premier off-road vehicle playgrounds in the United States.

What this advertisement does not tell us is that the BLM has decided to use, having tripled the user fees for these off-roaders, a lot of folks having trouble coming up with that extra money to pay for a weekend, they have tripled the user fees, and they are using now almost a billion bucks of these user fees for monitoring studies which are used in an attempt by a number of groups to try to close down the dunes.

When we passed this pilot program for user fees, we never envisioned that this money would be used for monitoring studies for endangered species that would be used to try to inhibit the use of this great public land that is so valued by many Americans. It is within driving distance of about 10 percent of America's population.

So my amendment says very simply that we cannot use these user fees. We have to use them for what they were designed for and stated to be designed for, which is improving this recreational resource and not for doing biological studies which in the end are used by a number of groups in an attempt to close down the usage of this public area.

So my amendment would restrict that type of usage, and right now it is proposed by BLM that they take $1 million out of this fund, which is only about $3.8 million, and pull it way from using it to improve the resource and instead use it for monitoring; and my amendment would limit that.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I agree with the gentleman, and I am not opposed to the gentleman's amendment.

Mr. HUNTER. Mr. Chairman, I thank the gentleman very much for his comments.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, can the gentleman tell me, what is the issue here? He is saying that they are using the recreation demo money that was collected for maintenance purposes and they are using that for enforcing the Endangered Species Act?

Mr. HUNTER. Mr. Chairman, no. For the Endangered Species Act they have the money to enforce. They are using it for monitoring studies which are used to discover the existence of endangered species which in turn has been used in public lands throughout the West.

Mr. DICKS. Mr. Chairman, so the gentleman is arguing that they should be using the money that was appropriated for listing under the Endangered Species Act for this purpose, not fee demo money?

Mr. HUNTER. Yes, Mr. Chairman. I am arguing that they should be using other money other than this demo money. The demo money is supposed to be used for the benefit of the off-road community and put into recreational areas, campgrounds, et cetera.

Mr. DICKS. Maintenance and those kinds of things.

Mr. HUNTER. Yes, Mr. Chairman.

Mr. DICKS. Mr. Chairman, I think that was clearly the understanding that the gentleman from Ohio (Mr. REGULA) and I had when we were responsible for getting this thing established some time ago. Obviously, the Endangered Species Act is still in place, and they have other money to look at these things. What the gentleman is saying is that is money they should use for this purpose.

Mr. HUNTER. Exactly.

Mr. DICKS. Mr. Chairman, I have no further questions. I appreciate the gentleman's yielding to me.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment to prohibit the use of recreational fees to indirectly cover any costs of biological monitoring for endangered, threatened, or candidate species under the Endangered Species Act. And as the gentleman from Washington (Mr. DICKS) said, the intention when we passed the demo fee on rec fee programs was to use that money to enhance the visitor experience in the parks. I think we all agreed on that. That was something that was very popular, and it is something that the Committee on Resources is working on right now in authorizing that program to become a permanent or a long-term program. It was never our intention at the time, nor is it now, for this money to be used in this way.

I would like to point out that, as the gentleman from California said, they used almost $1 million to do this monitoring, and not only was it for going out and doing monitoring. This nice sand buggy that they have got here was purchased at the cost of $60,000 with demo fee money. That was never our intention when this was originally passed. And I believe that the gentleman's amendment is extremely important in protecting those demo fee moneys so that the money actually goes back into the facility to be used to enhance the visitors' experience in that facility. That was our intention then; that is our intention now. As the Committee on Resources moves forward with making this a more permanent demo fee project, we will make sure that that does not happen again.

I fully support the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

☐ 1900

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Chairman pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act may be used to adversely affect the physical integrity of Indian Sacred Sites on Federal lands (as such terms are defined in Executive Order 13007, dated May 24, 1996).

Mr. RAHALL. Mr. Chairman, throughout this Nation, sites on Federal lands held sacred for religious purposes by Native Americans are being desecrated, often needlessly, by adverse developments. In response, I have introduced the "Native American Sacred Lands Protection Act." This legislation would make the protection of Indian sacred sites on Federal lands a matter of Federal law and put into place a petition system that may lead to the designation of these sites as unsuitable for development.

Tex Hall, the President of the National Congress of American Indians, described this bill as protecting "the essence of what Indian Country is."

Unable to have this legislation considered under regular order and considering the immensity of the threat posed to these sacred sites. I am now offering an amendment that would simply prohibit the expenditure of funds made available under the pending legislation for activities which would adversely affect the physical integrity of sacred sites.

Long before my ancestors arrived on these shores, American Indians were the first stewards of this land. They respected the Earth, the water and the air. They understood that you take only what you need and leave the rest. They demonstrated that you do not desecrate that which is sacred.

Most Americans understand the reverence for the great Sistine Chapel or the United States Capitol. Too often, non-Indians have difficulty giving that same reference we give to our sacred places to a mountain, valley, stream or rock formation.

For example, Mount Shasta in California, considered the birthplace of the Earth and sacred to several California Indian tribes, is under threat by geothermal industries.

The Zuni Salt Lake in New Mexico, where tribal medicine men gather minerals for use in sacred ceremonies, is under constant threat by mining interests, as is the Huckleberry Patch in southern Oregon, which contains plants and berries essential to the Cow Creek Tribe.

In fact, I have received a letter from Sue Shaffer, Chairman of the Cow Creek Tribe, supporting this amendment of mine, in which she states, "Given the traditional cultural, religious and subsistence significance of the Huckleberry Patch to the Cow Creek Tribe as vital to our identity as an Indian tribe, we appreciate your efforts in proposing an amendment which would protect Native American sacred sites on Federal lands from significant damage."

Now, some may ask why a Congressman from West Virginia should care. I care because it is morally offensive for these religious sites to be destroyed. It is not the American way.

I care because the history of Appalachia is similar to the history of our treatment of the American Indian. Back in the days of rape, ruin and run, our lands were left as moonscapes and our forests were denuded as coal and timber was extracted and shipped out-of-state. Armed mercenaries stormed the homes of our coal miners, throwing women and children out in the cold. So I understand.

But I also understand that we have worked to reclaim our land, to address the legacy of acidified streams and ravaged landscapes, to take back the land and restore our homes and communities, that the history of the past should not be the prologue of the future.

Let that be so in Indian Country.

So today I stand here in common cause with those from Indian Country who are struggling to have their voices heard in this, the Capitol of the United States of America.

Today, let their voices be heard. Let their voices be heard above the roar of mining operations which threaten to sweep away sites that are sacred to them. Let their voices be heard above the din of drilling rigs which seek to desecrate their places of religious worship. Let their voices be heard above the babble of corporate greed which would sacrifice their lands and waters on the altar of profit and wealth.

Mr. Chairman, I urge the adoption of the pending amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reluctantly rise in opposition to the amendment.

Mr. Chairman, I can sympathize, I feel, with what I hope is the intent of this motion. However, the motion is so broad. If we could sit down prior to conference and work on this, we might be able to do something. But I would have to reluctantly oppose it.

Mr. Chairman, I have the Eastern Band of the Cherokee Indians in my district. I work with them many times on burial sites, which are both outside the Reservation and in, to try to preserve those sites and do everything we can to honor those sites.

In the Smokey Mountain area now, the parks, a portion of parkland that was deeded to the park in 1946 encompasses a number of cemeteries. The government promised to put a road to those cemeteries. The government has not honored its commitment because there are many people bringing numerous complaints, environmental complaints, about building a road that will allow people to come to those cemeteries, and I am working with them to try to get the respect due for those sites.

But the Clinton executive order which addresses this issue and is tied to it in this amendment is so broad, it is almost impossible to identify what is a sacred site.

Now, we have a 1988 report submitted by the Legacy Resource Management Program to the Department of Defense, for instance, and edited by Professor Vine DeLoria of the University of Colorado. For those that are not familiar with Mr. DeLoria, he is a radical Native American historian whose books include "Custer Died For Your Sins" and "Red Earth, White Lies." We can hardly say that he is accused of being anti-Indian.

In the report, he identifies several kinds of potential sacred sites that could have impact, for instance, on the Department of Defense, which would come under this bill also with the Federal wildlife management. Burials and ruins would be understandable. The mourning and condolence areas is vague. Ceremonial areas; linkage to ceremonial areas; creation story locations and boundaries; sacred portals recalling star migrations; universal center locations; historical migration destiny locations; places of prehistoric revelations; traditional vision quest sites; plant and animal relationship locations; historical past occupying sites; spiritual sites; recent historical event locations; plant, animal and mineral gathering sites; and sanctified ground.

As you can see, with all these categories, every acre of Federal lands could almost come under this definition, as well as military bases.

Now, if the gentleman is trying to protect those areas that he and I, I hope, would agree are sacred sites, we can sit down and try to work something out, because we certainly want to protect those sites. But we cannot pass a bill that is so broad that it may disrupt all activity in our national parks.

For instance, what does this amendment do to recreation activities on public lands? What does the amendment do to the oil and gas drilling on any Federal land? What does the amendment do to the Fish and Wildlife Service's activities on military lands? How does this amendment affect existing rights on Federal lands?

I believe that this could be a lawsuit heaven, and it should not be, because the gentleman's argument, what he would like to do and what I would like to do, is to define it in some way that we could have vital protection of sites.

So I have to disagree and oppose this amendment.

Mr. KILDEE. Mr. Chairman, I rise in strong support of the Rahall amendment, which would protect Native American sacred sites on Federal land.

Congress has enacted several laws designed to protect religious rights of Native Americans, as well as to protect the cultural and historic sites from poor management practices. These laws include the American Indian Religious Freedom Act, the American Indian Free Exercise of Religion Act, the National Preservation Historic Act and the Native American Grave and Repatriation Act.

But, Mr. Chairman, despite the enactment of these laws, many Native American sacred sites remain to this day under threat of desecration. I therefore urge my colleagues to support the Rahall amendment that would prevent Federal funds from being used to harm Native American sacred sites on Federal land.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Michigan for yielding.

Mr. Chairman, I wanted to respond to the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), in his charge that the amendment is too broadly drafted. He then referred to Executive Order 13007. That is the referenced executive order, of course, in my amendment.

In that executive order it clearly very narrowly defines what sacred site means. In Section 1, Subparagraph (b), number iii, "Sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriate authoritative representative of an Indian religion has informed the agency of the existence of such a site.

So I think that is a pretty narrow definition of "sacred site," as opposed to the broad charge leveled by the distinguished subcommittee chairman.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment says that none of the funds made available by this act may be used to adversely affect the physical integrity of Indian sacred sites on Federal lands as such terms are defined in the Executive Order No. 13007, dated May 24, 1996.

This sounds pretty straightforward and innocent enough, and who could vote against protecting a sacred site? The gentleman should be commended for his efforts to safeguard areas of cultural significance for Native Americans, and the gentleman from West Virginia (Mr. RAHALL), the gentleman from Michigan (Mr. KILDEE) and myself have worked together on a lot of Native American issues over the past several years, and I appreciate their help. The gentleman should be commended for that.

The problem with this amendment is simple: It has not been the subject of a hearing in the Committee on Resources. This is because we only saw this amendment for the first time yesterday. There also has not been a process for consultation with the tribes on this amendment, in which tribes have agreed to use an appropriations bill as a vehicle for addressing this issue.

No one wants to allow Federal land managers to adversely affect a sacred site. We all wish to protect sacred sites from desecration, vandalism and abuse. But we are then asked to take it on faith alone that this amendment will result in exactly what the author intends.

But what will this amendment do? That is the question I have. I do not think any of us know. The gentleman has taken an executive order that was intended to be implemented as policy out of the administration and attached a limitation on funding.

As the gentleman from North Carolina (Mr. TAYLOR) said in his comments, none of us really knows what that means. If there are sacred sites within a national park, which we know that there are in several cases, what does that mean on a limitation of funds on this particular bill? Is the Park Service going to be able to use that park? Is the public going to be able to use that park, if it is in any way determined that that is desecration to the sacred site or could in some way upset that particular site?

The gentleman from West Virginia (Mr. RAHALL) read what it says in the executive order about defining what a sacred site is. That is an extremely broad definition that we have to work with. What does that mean to the use of those Federal lands? On BLM lands, what does it mean if we have a limitation on using funding? What does it mean to the Fish and Wildlife Service if they are called in on section 7, consultation of the Endangered Species Act, on a military base, and that is determined to be a sacred site? All of those different issues, we have no idea what the real impact of that is going to be.

I know what the gentleman's intention is on this particular amendment, and I support the gentleman wholeheartedly on what he is trying to do.

□ 1915

But to try to come in on an appropriations bill and attach a limitation on funding on to an executive order, we have no idea what the outcome of that is going to be.

The gentleman from Michigan (Mr. KILDEE) talked about all of the different laws that we have passed as a Congress to protect Native American sacred sites. If those laws in some way do not fulfill our mission, we should sit down in the committee and work out what amendments have to be passed on those laws in order to achieve what the gentleman is trying to achieve with this particular amendment.

I think it is a big mistake to try to do this on an appropriations bill. For one thing, I have not had a chance to talk to any of the tribes about this and what the impact is going to be and how they are going to interpret that. They have been very vocal in their opposition to dealing with Native American issues with riders on appropriations bills. And I cannot imagine at this point in time that they would reverse their stance on riders on appropriations bills, even though they may support what the underlying issue is on this particular one.

I reluctantly oppose the gentleman on this particular amendment, because I know that the gentleman's heart is in the right place with what he is trying to do. But I think it would be a huge mistake for all of us. And to my colleagues on the minority side, they have to really think about what this amendment is doing. It sounds good, it is something we all want to do, but we are talking about a limitation on funding attached to an executive order that was never intended to be used that way.

None of us have any idea how this is going to be interpreted by the administration. We have no idea how it is going to be interpreted by the courts. And that is where this is ultimately going to end up, and it would be a big mistake for us to go forward with this.

I urge my colleagues to vote "no."

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. POMBO) has expired.

(On request of Mr. RAHALL, and by unanimous consent, Mr. POMBO was allowed to proceed for 2 additional minutes.)

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman yielding to me.

In response to the assertion that the Indian tribes do not like legislative riders on an appropriations bill, the respected chairman himself has been calling this an amendment throughout his remarks. So it is a matter of who is offering what here as to how we describe it. I describe it as an amendment, as the gentleman has adequately described it. A rider is something that the gentleman does not favor.

So I think it has been properly described as an amendment, and I have already described the NCAI's position on this by the words that were written to both of us in regard to the substance itself.

In regard to the feeling that the gentleman does not know how this is going to be interpreted, my amendment is clearly the language of an executive order. An executive order is pretty clear. I have already outlined how that executive order defines sacred site.

As far as what it would affect, I can give the gentleman a site in his home State of California that would be affected by my amendment, and that is that the BLM could have said no to allowing a mining operation; under my amendment, under this executive order, that the BLM could have said not approved, that is, a plan of operations for a mining operation for the Quechan Indian Pass in California. That operation was allowed to proceed because my amendment was not in place protecting this sacred Indian site.

So I think, again, in response to the amendment, it is pretty clear as to what it would do, and an executive order has been issued in this regard; and that is what my amendment is.

Mr. POMBO. Mr. Chairman, reclaiming my time, there was nothing to stop BLM from saying no to begin with. The gentleman's amendment tells them they have to say no, and that is the problem. We do not know how this is going to be interpreted. We do not know how the administration is going to take this out; we do not know how the courts are going to interpret it.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has again expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, we have a number of sacred sites which are located on national parks, on BLM land, on Forest Service land. How is it going to be interpreted in the courts once a funding limitation is put in place that we cannot move forward with some things on those particular parks? It is not a negotiated settlement; it is not sitting down with the tribes and consulting and trying to work it out. What it is, the gentleman is demanding that no funds be used. That is what the gentleman's amendment does.

I just do not believe that because of the process that this is going through, we have had the opportunity to hear out exactly how this is going to be interpreted by the administration and by the courts and where we are ultimately going to end up. I support the gentleman in what he is trying to do, but we cannot do this on an appropriations bill because we do not know what is going to come out of that. I just think it is a mistake to do it in this way.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, have there been hearings on this issue before the gentleman's committee?

Mr. POMBO. Yes, there have been.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has again expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. POMBO was allowed to proceed for 2 additional minutes.)

Mr. POMBO. Mr. Chairman, I yield to the gentleman.

Mr. DICKS. Mr. Chairman, I just wanted to ask the gentleman, have there been hearings and could the gentleman describe what the status of the Rahall amendment in your committee is. I am an appropriator. I would like to see the Members deal with this issue in their committee. I think that is a much better way to do it than doing it on a rider on an appropriations bill. I agree with the gentleman.

I am a little concerned myself about an ability for this self-described sacred lands on Federal lands. I mean, the consequences, the possibilities of this are extraordinary. But I think we have to give some assurance to the gentleman from West Virginia that the gentleman is going to continue to look at this issue in the gentleman's committee.

Mr. POMBO. Mr. Chairman, reclaiming my time, as the gentleman from West Virginia is fully well aware, I have been more than fair with his issues over the past year and a half and will continue to work with him on any issues that he deems important that have come before our committee. Obviously, I will pledge to him, because I agree with him on the substance of this amendment, I will pledge to him to continue to work with him to try to get this done through the regular order process so that we can actually know where we are going to go.

Mr. RAHALL. Mr. Chairman will the gentleman yield?

Mr. POMBO. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the chairman is completely accurate. He has been fair. We have had a hearing on this, my introduced legislation. Several requests, however, following up to that hearing to move on the legislation, have thus far not been met with action. And I have no doubt that the chairman is sincere in what he has said, as he has been on a number of other issues on which we have worked together.

But I think the issue here is of such importance to Indian country, and it is much like going to church. This is sacred land for them. And I feel compelled to press this issue at this particular time in the form of an amendment, knowing full well that the chairman is completely honest in his words about following through at another time on my introduced legislation.

Mr. POMBO. Mr. Chairman, reclaiming my time, I would just again say that I urge my colleagues to really think about the way that this amendment is working and ask them to vote "no."

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to the eloquence of my friend, the gentleman from West Virginia, and the concerns that have been expressed by the chairman of the Committee on Resources.

We have had on this floor in my tenure, brief though it seems, it is nonetheless 8 years, we have seen a parade of items of legislation on appropriations, and most of them that have been successful have come from the majority party. If we are going to reach the point now where we are going to change the policy and we are not going to legislate via riders and amendments on an appropriations process, I think that is interesting and well-intended, and maybe we should think about changing.

But the fact is, we have not been doing that in the past. It seems to me that we have had a parade of legislation that has come to this floor that has never gone to committee, that has been offered up by the majority party, that has not gone to the committee of jurisdiction, that there have not been substantive hearings. I can think of a wide range of things that have come from the Committee on Ways and Means, for example.

Now, with all due respect, I think the gentleman from West Virginia has identified a critical area. He spoke with great eloquence about the special obligations that we have as Members of this assembly to be sensitive to the needs of native Americans. And the history of this country brings no great credit to the government or to this body, and there has been lost opportunity after lost opportunity.

I think we ought to move forward with this amendment. It in no way precludes an opportunity for the Committee on Resources to come forward, do whatever fine-tuning they are going to do. But I think it is time for us to seize the moment and change the balance of power on this for sensitivity to Indian country.

The gentleman from West Virginia mentioned the concerns from the Cow Creeks in my State. There are issues in the Klamath Basin. He mentioned the 1,600-acre open-pit gold mine in the Quechan Tribe at Indian Pass, California, which is true, BLM could have done something about, but BLM did not do anything about, and under the gentleman's amendment, would be required to. There would be some leverage to the people who too often do not have the leverage to meet their needs.

I think we have seldom erred on the side of giving the benefit of the doubt to Native Americans. For me, as a member of this assembly and work that I have done in other government bodies, it is like that old adage in baseball, "the tie goes to the runner." I have felt that if it is even a close policy question, I will give the benefit of the doubt to Native Americans who time and time and time again have been shortchanged by this government, by this Chamber; and they deserve better.

It is my intention to support the gentleman's amendment. I hope that we have people act on good faith on the other side of the aisle to refine it as it moves through, to work in the Committee on Resources, if that be the will of the body, to ultimately have the last word and do it. But in the meantime, there is no good reason not to move forward to deal with this matter.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

I just want to go back to the executive order and read so that everybody here has an understanding of how this would work.

Sacred site means "any specific discrete, narrowly delineated location on

Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to or ceremonial use by an Indian religion, provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site."

So in this case, the tribe or an individual—it would not even have to be a recognized tribe—it could just be an individual identified with an Indian religion who could say, "these are our sacred lands"; and the agency then, under the Rahall amendment, would have to protect them. This is not some way of having to come in and go through a process and explain that there is some history here or something else; it is just an individual who walks in and says, "these are our sacred sites," and, therefore, no money could be spent.

Now, I cannot support that. I hope that we will take time. This is why it is so bad to do riders on these appropriations bills that come right out of the wind; and in this case, I think this is going way too far. We need to have more time. The gentleman who is the ranking member of an authorization committee can get hearings on this in his committee, and that is where this should be dealt with.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of my colleague, the gentleman from West Virginia (Mr. RAHALL), and his amendment to the Interior appropriations bill. This amendment, as has been mentioned, would seek to preserve Native American sacred sites by putting in place significant protections under the law.

Today, far too many sacred places are being desecrated or threatened by development, pollution, poisons, recreational activities, looting, vandalism, and by Federal or federally authorized undertakings.

I have listened to some of my colleagues, and I certainly want to indicate that the gentleman from California (Chairman POMBO) has been a very good chairman in terms of his willingness to bring up issues and hear the concerns of the minority party and have hearings. But as was mentioned by my colleague, our ranking member, the gentleman from West Virginia (Mr. RAHALL), there have been hearings on this bill. We have dealt in the committee with this issue for a number of years, and we have not moved forward with it. So I think under the circumstances, it makes perfect sense for our ranking member to seek action here today through an amendment.

In response to what the ranking member of the Subcommittee on Interior and Related Agencies said, I would point out that what we are really trying to do here, and I guess it is obvious, is to have some enforcement of the executive order.

□ 1930

The problem with the executive order is it has been in place since 1996. It was actually a Clinton executive order but it is not being enforced. This administration simply has not enforced it. I do not think there is any problem with the definition. A definition existed under the Clinton White House for at least 4 years before the current President took office. No one questioned the definition then. No one questioned the way it was working in those 4 years. The problem though is that under this administration, and I think I clearly want to fault them for that, they have not repealed it but they have not enforced it. They simply do not do anything about it.

So the only way that we have legislatively as legislators to try to deal with this is try to put it in the statute as part of the appropriations bill. That is what we are up to. That is what we want to enforce.

Now, some may say that they think it should be redefined, but I do not think that was an issue before and I do not think it is an issue now.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. DICKS. I just went through a situation like this with a tribe in my district, the Elwah Tribe up in Port Angeles, Washington. There was a major State project and it was done on an Indian burial site, and when we started the project we found out that there were actually graves there, and this was a very, very sensitive matter with the tribe. What I did was sit down with the Washington State officials, with the historic preservation people, with the tribe, the local community, the port of Port Angeles, and we worked this thing out, and we protected the tribe's interest.

Now, I think Federal agencies are going to be sensitive since you have an executive order. If the tribes feel that there is some problem in the gentleman's State or in my State or in West Virginia, why not get together and work it out with the Forest Service, the BLM, whichever agency it is, rather than trying to do something here with a meat ax that is going to cut off the funding and we have not got a clue of who these people are that are going to come in and make these determinations about what is a sacred site.

I mean, to put this into Federal law at this point, to me it just does not make sense. Why not go through and help the people with the sites that are affected and make sure that they have an opportunity to be heard.

Mr. PALLONE. Reclaiming my time, I have a great deal of respect for the gentleman, and I know he always has been in the forefront in caring for the concerns of American Indians.

But I just believe very strongly that if there is not some kind of a hammer here, and that is why I use the term enforcement, we are never going to see any action on behalf of this administration. I am being critical. This administration has been here 4 years. They have not dealt with this subject. They have ignored it by simply acting as if the executive order was not there, and I am just fearful that unless we put something in the statute as part of the appropriations bill we simply will not see anything. The inaction will continue.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New Jersey (Mr. PALLONE) for his comments. The gentleman from Washington (Mr. DICKS) has given a perfect example of why my amendment is necessary. The gentleman worked it out in his State. I salute him. That is the way it should be. That is what the executive order is all about. But it is not being done like that everywhere else. The purpose of my amendment is to get that process working, exactly as the gentleman has said it has worked in his home State.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point is the tribe should go to their Congressman or their Senators and say, there is a problem here. Would you work with us, with the BLM and the Forest Service to resolve it, rather than putting a prohibition in an appropriations bill that says no money shall be spent. I think that is just overkill in this situation.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from New Jersey (Mr. PALLONE) has again expired.

(By unanimous consent, Mr. PALLONE was allowed to proceed for 2 additional minutes.)

Mr. PALLONE. Mr. Chairman, again, I want to stress the whole enforcement aspect. I understand what the gentleman from Washington (Mr. DICKS) has said and I understand a lot of the comments that are being made here today. But the problem is, and again I am being critical of this administration, without some enforcement mechanism, without some hammer which does not exist now with the executive order, we have no guarantee that any of these Federal agencies, whether it be BLM or any of the agencies that affect Indian Country, are actually going to pay attention to this executive order. That is the problem that we face here.

Mr. Chairman, every year more and more of these sacred lands are being destroyed simply because our government has failed to enforce or enact the necessary protections to preserve them. A large number of these sites, and more of them, get destroyed every day. It is not like we can just wait around and hope something will happen because the Federal and other land managers routinely take into account the needs of developers and recreational users in making management decisions, but they are not so diligent in taking into account the often profound effect of these undertakings upon sacred and ceremonial places that are critical to Native American populations, tribes and cultures.

I just say, Mr. Chairman, the time has come that this body recognize the spiritual and cultural significance of Native American sacred sites. We must stop the bulldozing of Native American culture and begin to afford American Indians the strong legal protections necessary to preserve these lands.

I urge my colleagues on both sides of the aisle to support the Rahall amendment. I think its time has come.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Rahall amendment. In the last few years, Mr. Chairman, I have had the opportunity to tour this country and visit many Indian reservations and to discuss with Native Americans their concerns about the protections of sacred sites. I have talked to Native Americans who have been very taken with the gentleman from West Virginia's (Mr. RAHALL) support for their interest and particularly the work that he did to protect the Valley of Chiefs in Montana.

I want to say that what we often have here in this Congress is a collision of cultures until we understand that the broad interests of the American people are always connected with things spiritual. Our Native Americans gave to this country an understanding of the connection between the spiritual and the material world, and this discussion here today needs to reflect once again the Native American spiritual values.

There is a lot of discussions in this House about spiritual values. Let us talk about the spiritual values which connect people to the privacy of the air and the water and the protection of the land, about the sacredness of it, the essential sacredness. These discussions here which the gentleman from West Virginia (Mr. RAHALL) has continued to bring to this House is absolutely at the root of some of the most important questions facing this Nation.

Do we respect the spiritual dimensions which our Native American brothers and sisters depend upon for continuing a celebration of their cultures or are we going to auction it off to oil and gas companies and let their leases in effect desecrate sacred sites.

Now, people on both sides of the aisle have celebrated spiritual values in this House. This is not a material question here as much as it is a spiritual one. And we have to be sensitive to the spiritual values of America's natives, of those who were here before any of us; and when we forget that we pay a spiritual price, I would submit.

Literature is replete with what happens when anyone violates the spiritual space of Native Americans. We should not ignore that there are deeper themes at work here. That is why what the gentleman from West Virginia (Mr. RAHALL) has done in asking for Executive Order 13007 to be brought into more powerful effect is absolutely essential. It is not only essential with respect to protecting Native American interests, it is essential with respect to helping to heal this Nation because we have hundreds of years of neglect that have resulted in not only the expropriation of the lands of Native Americans, but also what it has done is it has demeaned this country's spiritual basis.

So I salute the gentleman from West Virginia (Mr. RAHALL) for his efforts here. This is a broader discussion that needs to be brought into this House. Essentially this becomes about the healing of America, and one step, we take towards that is reconciling with our native brothers and sisters on this question of respecting their sacred sites.

Ms. HERSETH. Mr. Chairman, I rise today as a member of the Resources Committee, and South Dakota's lone Representative in this body, to commend my friend Mr. RAHALL for his efforts to protect places sacred to Native Americans.

During the course of the debate on this bill, we've heard a lot of talk about striking a balance between protecting the environment and allowing for smart development. Those balances are often tough to strike. I hope we can all agree, however, that burial sites for all people should be treated with respect.

South Dakota is home to thousands of Native Americans, and I share their deep desire to protect sites important to their heritage. This amendment does that.

Because this amendment is specific to the Interior bill, it is my understanding that it will not affect the operation of the Missouri River dams. It is important to all South Dakotans, including our tribal communities, that the United States Army Corps of Engineers operate the dams in a way that protects Native American remains and sacred sites, and continues to provide affordable electricity, reliable drinking water supplies, and recreational opportunities to all South Dakotans.

Again, I thank Mr. RAHALL for offering this important amendment and I look forward to serving with him on the Resources Committee to continue to find ways to protect sacred sites.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used for the planning, designing, studying, or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that the time on this amendment be limited to 20 minutes, 10 minutes pro and 10 minutes con.

The CHAIRMAN pro tempore. Does the gentleman include all amendments thereto?

Mr. CHABOT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. DICKS. Reserving the right to object, would the chairman and the ranking member have the right to strike the requisite number of words once?

Mr. CHABOT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio limiting time for debate on this amendment to a total of 20 minutes, 10 minutes for and 10 minutes against and, in addition, the chairman and the ranking member having the ability to strike the requisite number of words once each?

There was no objection.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, each year the timber industry is subsidized by millions of taxpayer dollars for logging in the Tongass National Forest, approximately $750 million over the last two decades, so that is three-quarters of a billion dollars.

Each year more taxpayer subsidized logging roads are built to extract timber and each year the road maintenance backlog gets more expensive. It is about $900 million right now. That is on the existing roads which are already there.

Established in 1907 by President Theodore Roosevelt, the Tongass is our Nation's largest forest, about the size of West Virginia. Located along Alaska's southeastern coast, it is often referred to as America's rainforest. It is home to abundant wildlife, bald eagles, grizzly bears, wolves and salmon, as well as old growth trees such as the giant Sitka spruce, western hemlock and yellow cedar.

There are 3,579 miles of official Tongass forest road. That is enough road to drive across the country and part of the way back. Even the Forest Service acknowledges that existing roads are sufficient to satisfy local demand for roaded recreation, subsistence, and community connectivity needs.

I know there is some concern about the importance of logging roads to fight fires, but I want to emphasize that this is a rainforest. They receive 200 inches a year in rainfall, and, therefore, wildfires are much less likely there than perhaps in the West where it would be much dryer.

Mr. Chairman, this is a simple, straightforward amendment. It would restrict only logging roads subsidized by the American taxpayer in the Tongass. It does not prevent the timber industry from building their own roads. It does not prohibit the Forest Service from constructing roads needed to access the forest for management. It does not prohibit taxpayer-funded recreational roads and trails. I know there are some that would have you believe differently, but this amendment has nothing to do with the roadless rule. It has everything to do with good government.

This amendment is not an attempt to take away jobs from Alaska. In fact, between 1996 and 2002, Tongass-related timber jobs fell from 1,559 to just 195 jobs. That means that taxpayers are subsidizing each timber job, that is those 195, to the tune of about $178,000 per job. So a subsidy of $178,000 per job, about four times the median U.S. household income.

Alaskan timber revenues have declined by 50 percent since the mid-1990s. The two pulp mills built at taxpayer expense in the Tongass have closed. Despite massive taxpayer subsidies, Alaskan timber continues to decline. That said, this amendment does not stop timber companies from continuing to log off the roads already built at taxpayer expense.

In fact, the Forest Service has a supply of approximately 10 years worth of timber remaining off current roads if logging levels remain the same. As much as 30 percent of Tongass timber contracts go unsold annually. As many as half of the contracts that are sold only have one bidder. This means taxpayers spend millions of dollars for the Forest Service to build roads and plan sales to access timber that often they cannot sell.

□ 1945

Those that they do sell, sell at below-market rates.

Mr. Chairman, I support logging in our national forests when it makes sense, when it is economically viable. I believe our forests should be actively managed so they be as healthy as possible, but while we need to be good stewards of our forests, we must also be good stewards of the American people's money.

The Forest Service put out a Question and Answers document on the Tongass on April 12 of this year. In it the Forest Service states that "profitability is a poor yardstick for evaluating the performance of the national forest timber sale program." The Forest Service then cites its belief that "timber sales also provide many benefits beyond the revenues earned." An example of these benefits, the Forest Service went on to say, is "the additional income that accrues to the individuals and businesses" involved.

Mr. Chairman, if that is not an endorsement of corporate welfare by a Federal agency, I do not know what is. It is time to restore some common sense and fiscal discipline to the Tongass timber program. I urge my colleagues to stand up for the American taxpayers and support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does the gentleman from North Carolina (Mr. TAYLOR) seek to claim time in opposition to the amendment?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. I appreciate the gentleman's argument. I am also a fiscal conservative, but this amendment is wrongheaded. First of all, the amendment would prevent the Forest Service from doing road maintenance on a large area of southeastern Alaska. Most of these communities have no road access to the outside world, but they need their Forest Service roads to get around on daily activities.

Also, only 4 percent of the forest is suitable for commercial timber harvest, and only half of that amount is within the inventoried roadless areas. The existing forest plan allows timber harvest on only 300,000 acres, about 2 percent of more than 15 million total acres of the roadless areas on the forest; and this of course is no threat at all.

The Tongass National Forest is indeed a wonderful place; but under the existing forest management, approximately 90 percent of the 16.8 million-acre forest, over 15 million acres, is roadless and undeveloped right now.

Mr. Chairman, I oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend, the gentleman from Ohio (Mr. CHABOT), and coauthor for yielding me this time; and I urge a bipartisan vote in favor of this amendment.

Mr. Chairman, I know that it is a hotly debated topic as to whether there should be logging in this forest, and irrespective of how someone feels about this question, I think they should vote in favor of this amendment. If they feel, as I do, that logging is inappropriate in Tongass, then this amendment stops building the roads that will let people exploit that logging and preserves this priceless natural asset.

But I know that there are many who believe that logging is appropriate in the Tongass forest; and, Mr. Chairman, I want to say even if they think it is appropriate, they should vote for this amendment, and they should vote for this amendment on several important fiscal grounds.

The first fiscal ground is this is one of the worst investments the United States taxpayers have ever been asked to make. In fiscal year 2002, which is the last year for which there is evidence here, the American taxpayers put up $36 million to build these roads, and our revenue, our return on our investment, was slightly over $1 million. For every $36 we put up, we got $1 back.

The second point that I would make, you say, well, look, we still need to get this logging done. The fact of the matter is there are miles and miles of roads already built in the Tongass National Forest that do give access to logging. So if we want to see the forest logged, the roads are already there that would permit the forest to be logged. We do not need to build new ones. And if we think that we should be logging in the Tongass National Forest and that roads that will give access to the logging are not accessible, there is a reason. That is because there is a $900 million backlog in road maintenance for roads that are already there to get access to the logging.

So colleagues, I want you to think about this. If you believe, as I do not, that logging the resources, exploiting the resources of this natural forest is the right thing to do and you need road access to get there, you are throwing good money after bad. If we truly believe that the right thing to do is to get access to these forests, we will deal with the $900 million backlog to the existing roads. We would not put more money into building new roads.

This amendment is favored by hunters and sportsmen who want to preserve the pristine nature of this place where they can pursue their sport. It is favored by taxpayers and budget groups across the country who well understand that at a time when our country is borrowing $30 for every $100 that we spend, offering corporate welfare to the lumber industries is the wrong way to go; and it is favored by those who just favor common sense, who understand that when the taxpayers are asked to put up a $36 investment, they should not get a $1 return. That is the simple mathematics of this amendment.

Now, for those who are moved by the environmental arguments, as I am, this is a foolish misuse of our public resources. This is America's rainforest. It is a very precious and special place, and for us to exploit those resources with these roads is just a horrible idea.

But I will submit, in closing, before I yield back to my coauthor, that the issue here really is not whether we favor exploitation of these forests for logging or not. We can have that debate some other time. The issue here is whether we favor throwing good money after bad, whether we favor building more roads when the roads we already have need repair. It is whether we favor putting $36 into an investment that will get us $1 back in return. If you are an environmentalist, you should support this amendment, as the environmental groups do. If you are a taxpayer for common sense, you should support this amendment. If you are a sportsman or a hunter, you should support this amendment.

Even if you favor the exploitation of these logging resources, you should favor this amendment because the most rational way to pursue the exploitation of those logging resources is to fix the roads that are already there, not put more money into the building and acquisition of new roads.

I would urge my Republican and Democratic friends to vote "yes" on this amendment. I thank my friend from Ohio for being the principal author.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding time to me, and I rise in opposition to the amendment.

There is one thing that my colleague said that I would agree with, and that is, this is not a debate about whether or not we want to log in the Tongass. This is a much deeper debate than that. Unfortunately, this is not a debate about roadless areas either, because that is not what the amendment does. What the amendment does is it stops all road activity.

According to the USDA, "Wildlife habitat improvement projects on the Tongass often involving thinning timber stands." Those would be halted under this amendment.

"Fish passage restoration contracts on the Tongass, which currently involve about $2 million a year, would be eliminated" under this amendment.

"Roads damaged by storms could not be repaired." That would be eliminated by this amendment.

"The ability to construct and maintain roads in campgrounds and other road-based recreation facilities, such as visitor centers, may be eliminated" under this amendment.

"Under the Alaska National Interest Lands Conservation Act, the Forest Service is required to maintain reasonable access to national forest system lands for rural residents dependent upon subsistence." That would be eliminated under this amendment.

"If the elimination of funding for road construction and maintenance continues for the long term, it would significantly limit the ability of communities to develop road and utility connection that almost all other communities in the United States take for granted." That would be eliminated under this amendment.

Unfortunately, we get into these debates constantly, and we debate about whether to log or not to log, roadless or not to roadless, and we have great debates about the future of our country and what our values are and what we should be doing; and I think that is fantastic. We should do that, but when an amendment like this is introduced that, in my opinion, is much more far reaching than even the authors intended, then we end up with people making bad mistakes on it. I urge opposition to the amendment.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I have no time.

Mr. ANDREWS. Mr. Chairman, would the chairman offer the gentleman more time to answer a question?

Mr. Chairman, I ask unanimous consent the gentleman be given another 2 minutes.

The CHAIRMAN pro tempore. Such a request is inappropriate at this time. We are operating under an agreed time limit on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I submit this letter for the RECORD.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, Jun. 16, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House Of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. This letter is in response to your request for the views of the Department of Agriculture (USDA) on the effects of a rider being considered in the FY 05 Interior Appropriations bill which would prohibit expenditure of funds for road construction and maintenance on the Tongass National Forest of Alaska.

Such a prohibition would be interpreted as eliminating all projects on the Tongass National Forest that are funded through the CMRD fund code (construction and maintenance of roads). Currently the Tongass spends about $20 million on construction and maintenance of roads through that fund.

Because of the dominance of Federal land in Southeast Alaska, communities in the region are more dependent upon national forest lands for access, recreation, economic development, and for subsistence activities than communities in the lower 48 states. Of the 32 communities in the region, 29 are unconnected to the nation's highway system. Most are surrounded by marine waters and undeveloped national forest system lands. The Forest Service is responsible for managing the roads that connect and serve many of Southeast Alaska's smaller communities.

Some of the expected impacts include the following:

The rider would prevent the administration of existing timber sale contracts that include road construction, reconstruction, or maintenance, because the expenditure of federal funds is necessary to oversee the construction and maintenance of those roads. The federal government could be subject to substantial contract claims for breach of contract on any existing contracts that could not proceed because of the prohibition.

Contracts for future timber sales could not include any road construction or road maintenance. This would effectively eliminate much of the opportunity for timber sales identified in the current forest plan. This would significantly reduce the timber sale program below what is projected in the forest plan.

Wildlife habitat improvement projects on the Tongass often involve thinning timber stands. Any wildlife habitat improvement projects that require road maintenance to access the stands to be thinned would be eliminated. Data collection and monitoring may also be affected if road access to remote areas is reduced.

Fish passage restoration contracts on the Tongass, which currently involve about $2 million a year, would be eliminated. These contracts seek to repair or reconstruct road passages across streams to remove barriers to the passage of anadromous and freshwater fish. Those fish populations are important to sport, subsistence, and commercial fishermen throughout the region.

Roads damaged by storms could not be repaired. It is common in Southeast Alaska for roads to be washed out, covered by small landslides, or obstructed by blown down trees. Work to repair or clear those roads would be eliminated. Some of those communities could be effectively isolated (from other communities or key facilities) if the ability to maintain roads was eliminated. Access to national forest system lands and other state and private land ownerships could be blocked.

The ability to construct and maintain roads in campgrounds and other road-based recreation facilities, such as visitor centers, may be eliminated.

Under the Alaska National Interest Lands Conservation Act (ANILCA), the Forest Service is required to maintain reasonable access to national forest system lands for rural residents dependent upon subsistence. Elimination of road maintenançe on roads known to be used by subsistence users could be in conflict with ANILCA.

If the elimination of funding for road construction and maintenance continues for the long term, it would significantly limit the ability of communities to develop road and utility connection that almost all other communities in the United States take for granted. Many communities have long term plans for new roads and rights-of-way for utilities to develop and diversify their economies.

In addition, the timber industry in Southeast Alaska is more dependent on resource development opportunities on National Forest lands than their counterparts in other parts of the country because there are few neighboring alternative supplies of resources for Southeast Alaska.

If a forest health problem arose, such as a significant insect epidemic, the prohibition against road construction and maintenance could restrict the ability of the Forest to respond to the outbreak.

Road condition surveys and bridge inspections would be eliminated, thereby endangering health and safety of road users throughout the region.

The Forest road system is the primary access for investigation and enforcement of timber theft, fish and game related activities, occupancy and abandonment of facilities, and vandalism. Road based law enforcement efforts of all agencies would be hampered by the elimination of road maintenance.

Thank you for the opportunity to comment on this issue.

Sincerely,

MARK REY,
Under Secretary, Natural Resources
and Environment.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I have listened with interest to the proponents of this amendment; and if we were to concentrate or perhaps somehow strike the history of so-called public lands, if we were to somehow disallow or deny the fact that so many of our western States are already in the hands of the Federal Government, if we were to somehow render null and void the fact that 78 percent of the Tongass is already slated for roadless designation under the current forest management plan, if somehow no accommodations had been made, if, in fact, it were this anti-no man environment of greed that motivated folks or perhaps, somehow rephrased, as a return on investment, perhaps the proponents would have a point; but you see, Mr. Chairman, history does not occur in a vacuum. There are already existing safeguards for Tongass. Timber harvest is available on only 4 percent of the Tongass under current conditions.

Mr. Chairman, my friend from New Jersey points to road maintenance and suggests our energies be used there. Well, it is interesting, if he is an advocate of road maintenance, why is that amendment not offered? Why is an accommodation toward road maintenance not offered? But, no, it is all or nothing; and proponents of the amendment have decided on nothing.

To deny the fact or fail to emphasize the fact that the Federal Government, in controlling lands, already maintains a substantial impact, that there already exists legislation to protect our environment, to ignore that fact and to suggest that somehow by ending this involvement we are somehow devoting ourselves to higher and truer fiscal responsibility fails to understand this fact. Life in Alaska and life in the western United States does not occur in a vacuum. Indeed, our public lands policy, our governmentally controlled lands policy should be predicated on the fact of rational use.

We have already locked away this environmental treasure. There is but 4 percent of the land available to be utilized for timber harvest. In the meantime, there are other communities even in an area as remote, even with the designation, there are others who live there, there are concerns that they have; but if my colleagues support this amendment, they turn their back on the people who live there and the underlying philosophy of governmental controlled lands. Reject the amendment.

Mr. CHABOT. Mr. Chairman, how much time do we have?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. CHABOT) has 30 seconds remaining, and the gentleman from North Carolina (Mr. TAYLOR) has 4 minutes remaining.

Mr. CHABOT. Mr. Chairman, we will reserve the balance of our time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I will reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. TAYLOR) has the right to close on this amendment.

Mr. CHABOT. Mr. Chairman, I yield myself the balance of the time.

The allegation has been made that we could not do any of the management things on roads. The wording itself says none of the funds may be made available in this act, may be used for planning, designing, setting or construction of the forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I just want to reaffirm that, that each one of these examples the chairman of the authorization committee used is not covered by the amendment. The fact of the matter is each one of those things that is listed is not barred by this amendment. What is barred by this amendment is to waste the taxpayers' money. People should vote "yes."

□ 2000

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the Chabot-Andrews roadless amendment. Thirteen million acres of the Tongass is off limits to roads; 13 million acres. And 330,000 acres are available to forest repractices, and now we are trying to lock that up. I hear all of the talk about hunters support this. I do not know how many Members hunt, but my hunters hunt where people timber. Old growth forests do not have a lot of wildlife because there is no food there. This amendment is simply an effort by extreme environmental groups to impose their will over the objections of Alaskans. The Alaskan delegation, including the former Democratic Governor, Tony Knowles, is opposed to this lockup of the Tongass National Forest. The State of Alaska does not support blanket roadless area designations. In fact, the State took the Clinton administration to court over the issue and won. The environmentalists lost in court, and now they are trying to get Congress to do it for them.

The National Forest Management Act already outlines a process for the Forest Service to make decisions on whether to build a road. The Tongass Forest Management Plan process was locally driven, based on site-specific conditions such as wildlife risk, insects and disease outbreaks, wildlife habitat, and threatened and endangered species. This amendment ignores this process, ignores local input, science, and the experience of highly competent forest managers.

Mr. Chairman, 78 percent of the Tongass is already roadless, wilderness, or nondevelopable designation. Only 2 percent of the landbase is open for forestry. The only people who support this designation are the special interest groups who want to stop all uses of our natural resources. They lost in court, they do not have local or State support, and they want Congress to make a foolish move and get into Alaskan business that nobody wins with.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I am ashamed of my friend from Ohio. I told him earlier today that he did not even have the courtesy to talk to me about this amendment which affects my State, affects my people. You want to protect American jobs, and you have put 15,000 people out of work since 1980. We had the greatest industry in the State gone to waste because of the environmental community.

I am asking for enough timber left, and 4 percent of the total Tongass is all that is available, so I can retain three sawmills to employ about 160 people total with good-paying jobs. And this is not a subsidized forest any more. We pay for these roads. We paid for the activity in the Tongass when we had the bid. That is part of the bid. But this is an easy, cheap vote for somebody from Ohio, somebody who does not know squat about the people of Alaska, and I am disappointed. You are better than that.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman will suspend.

The Chair reminds all Members to direct their comments to the Chair.

Mr. YOUNG of Alaska. Mr. Chairman, I will do the best I can. I have been here long enough to know when I am out of line; but when I am out of line, I am right.

In 1980, most of you were not here. The gentleman from Washington (Mr. DICKS) was here. We made an agreement. We said we could have logging in the Tongass. That was an agreement made by the environmentalists, made by those who proposed it; and we lost, as I said, over the years, 15,000 jobs. Members talk about outsourcing, Members talk about losing American jobs. What we are doing on this floor by the gentleman's amendment is taking the jobs away from the American people that live in this great Nation and this great State.

I am asking my colleagues to vote "no" on this amendment. It is ill thought, ill conceived and wrong totally. Where it came from I know. I am ashamed that somebody got in bed with those that advocated over the years of putting us out of business, the people. This is not about big timber. They are all gone. These are local people that need that timber to maintain those jobs, to make sure we have a different economy in southeast Alaska.

So I am asking my colleagues to vote "no" on this ill conceived, ill thought and very rude amendment.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

On page 87 after line 21, insert the following provision:

ETHANOL AND BIODIESEL FUEL RESERVE

The Secretary of Energy may annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

Ms. KAPTUR. Mr. Chairman, this is a very simple amendment that would allow the Secretary of Energy the opportunity, but without requirement, to purchase ethanol and biodiesel as part of our Strategic Petroleum Reserve. I even hate to use the word "petroleum" because, in fact, it is not a very strategic reserve since over 92 percent of it is imported.

America has to become energy independent here at home. Every single one of us, including the instrumentalities of this government, have to be part of this great transformation inside this country to become energy independent again.

There is no cost to this amendment because any of these new fuels that would be obtained would be obtained through funds realized from the sale of crude from the strategic reserve or in exchange for that material that would be sold from the existing reserve.

Let me say, 3 years ago I offered this amendment to reduce America's severe dependency on foreign oil, and it is a small step. At that time the Congress did not have the political will to do it. So today America again is in the throes of even a greater fuel shortage with prices rising. While we let the opportunity of 3 years ago slip away from us, today the price of crude oil is nearly 50 percent higher than it was when this amendment was first offered. In fact, oil has been hovering around $40 a barrel compared with about $24.90 a barrel when I first offered it. Meanwhile, the retail price of 85 percent ethanol fuel, called E-85, is about $1.40 a gallon, now well under what we are paying for refined fuels off of crude petroleum.

This government subsidizes the petroleum-based industry, over 60 percent of which is imported, to the tune of $100 billion a year. Had we adopted this amendment when I first offered it, the American people might have saved billions of dollars in these new fuel costs they are paying. We would have helped a real, new domestic industry gain a firmer foothold here at home. Real jobs would have been created, and our strategic vulnerability which grows greater every day of addiction to imported oil would have begun its journey to finally ending.

Today in this amendment I am not even proposing that we mandate the acquisition of these fuels, but merely allow the Secretary of Energy to use authority to figure out a way to purchase it and store it, not in existing sites, but however the Secretary may designate. We do not prescribe that.

Again, I ask the question, How strategic a reserve is it when 92.5 percent of it is imported? It is really not a lifeline at all. We are dealing with a tourniquet that actually has with each passing day less and less value to us.

Every single person in this country should be thinking about how we can change our habits in order to become independent again. We should be encouraging the development of new fuels here at home, and we already have technology that can be brought up all over this Nation. We simply do not have the will and, sometimes I fear, the imagination to do this. The benefits of transforming this reserve as well as others over time would provide us with energy security again.

Certainly we can manufacture ethanol and biodiesel. Certainly we can bring renewable fuels online. Certainly we can use even existing petroleum infrastructure that can be transformed. We are not talking about a new probe to Mars. We are talking about doing something that we know how to do, but becoming energy independent as a national priority, and to do so immediately. It would bring us great economic security. Every year we are running over $60 billion in trade deficit in greater amounts of imported petroleum. In fact, the current reserve, 92.2 percent from foreign sources, includes nearly half from Mexico, a fifth from the OPEC nations like Saudi Arabia, look how stable that is, and about a fifth from the United Kingdom. It is not even U.S. oil in the reserve, so what kind of a strategic reserve is it? It is fool's gold.

Mr. Chairman, I would ask that perhaps the chairman of the full committee and the ranking member could find a way for us to allow this discretionary authority to the Secretary of Energy and help America find her way forward.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from North Carolina wish to be heard on his point of order?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule number XXI.

The rule states in pertinent part, "No amendment to a general appropriation bill shall be in order if changing existing law."

The amendment imposes additional duties, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds this amendment includes language conferring authority. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to protect our national forests and ensure that they continue to be managed using long-standing scientific principles. My amendment will stop a radical rewrite of 27 years of bipartisan forest management policy. It will prohibit the use of funds provided in this bill for the finalization of the Bush administration's proposed changes to the National Forest Management Act of 1976. It will allow the Forest Service to spend another year developing these regulations so that new regulations follow more closely the directives of the National Forest Management Act.

The proposed regulations constitute a radical departure from the United States' history of sustainable forestry and from the current forest management policy first adopted and implemented by Congress and the Reagan administration over 20 years ago.

The proposed changes will greatly reduce the amount of environmental analysis, wildlife protection, and public involvement currently required in the development and revision of forest management plans. Many of these changes reflect the timber industry's so-called wish list. In at least eight specific instances, the proposed regulations closely mirror policies favored by the timber industry. To name just a few, the proposed recommendations eliminate ecological sustainability as a priority of the Forest Service, reduce protections for wildlife, constrict the public appeals process, ignore scientific opinions, and render meaningless most mandatory standards for forest management.

The National Forest Management Act established new duties to conserve biological diversity, to ground management decisions in sound science, and to ensure extensive public participation opportunities in the forest planning process. These measures were designed to strengthen Forest Service accountability.

The proposed regulations depart in a number of ways from sound forest management policy that has existed since Ronald Reagan's administration.

□ 2015

First, the proposed regulations would effectively exempt forest management plans from the National Environmental Policy Act. Second, the administration's proposed rules would eliminate the requirements to maintain viable populations of native wildlife. Third, the changes would increase the likelihood of harmful logging projects based on multiple use values. Fourth, the administration's proposal would also reduce overall environmental standards and accountability by allowing management plans to be revised to accommodate individual projects.

Finally, these changes would drastically limit public involvement and eliminate sound science as a basis for forest management. The current 90-day time period in which a citizen can request an administrative review or file an appeal would be confined to a 30-day objection-only period during which a citizen would have to convince the Forest Service that the plan is illegal.

The proposed regulations were developed without a Committee of Scientists, a statutorily authorized body that has informed the development of every other change in NFMA regulations since their inception.

The administration's dismissal of the principles of sound science and NEPA highlights its contempt for public involvement and scientific input. The recommendations of the independent Committee of Scientists have guided the rewrite of every NFMA regulation since 1979. Ronald Reagan used a team of scientists to write the original regulations. Four years ago, Bill Clinton revised the regulations with significant input from scientists. If it was good enough for President Reagan and good enough for President Clinton, why does President Bush insist on throwing science out the window? Because the scientists will not give him the answers his timber industry friends want.

These proposed regulations were developed with maximum input from the timber industry and minimum input from the American public and the scientific community. The proposed regulations received nearly 200,000 public comments, almost all in opposition. A near-final draft leaked by the Forest Service in September 2003 showed that practically none of these comments were incorporated. These regulations were also strongly opposed by the environmental community, sportsmen's clubs, Republicans for Environmental Protections and members of the Committee of Scientists.

In public comment, 325 scientists from across the Nation are urging the Forest Service to withdraw the proposed regulations. Given the administration's refusal to adequately consult the scientific community, let alone listen to its comments, Congress must intervene and stop this flawed and environmentally damaging rulemaking.

I urge my colleagues to support this amendment.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the last word. I rise in opposition to the Udall amendment.

I appreciate the gentleman's comments, though, about the need to have science involved in these decisions. Perhaps he will want to support my Sound Science for Endangered Species Act provisions that require precisely that, independent, National Academy of Science panel review of decisions to list or de-list endangered species because I think science does play a role and we ought to get it right.

We ought to get it right here, too. I am glad that he has gone back 20 years and looked at the regulations from then, but they do not work now. They do not work because in a 15-year planning process under the Federal Forest Management Land Act, it takes 7 years of that 15 to come up with a plan on how to manage the forest. So you spend nearly half the time coming up with a plan.

And then those who are concerned about costs, and we heard about it in the prior amendment, $7.5 million on average to do these plans. Seven years, $7.5 million and all the while if you look over here, this is what is happening to your forests. They are getting overgrown, you are getting windthrow, blowdown, disease. As we wait and fiddle and plan for 7 years or longer and spend millions and millions of dollars pushing paper through the appeals process and everything else, Mother Nature eventually acts and this is what you get: catastrophic fire that kills firefighters, destroys homes and if you like this for habitat, you got another think coming. This is what you get.

We have to change these rules and regulations. The administration did receive 195,000 comments and they looked at them. They revised their draft plans. These regulations actually protect a wider range of species and are designed to promote action by Forest Service managers well before any need to list species under the ESA. The draft regulations provide for public involvement at every step of the way. They preserve appeal opportunities like those in the 2000 regulations proposed by President Clinton and go well beyond the minimum requirements of NEPA, the National Environmental Policy Act. More timely and transparent planning will further facilitate effective public participation. That is really the key, effective public participation.

Mr. Chairman, this is what the Society of American Foresters says about this amendment by my colleague:

"The Society of American Foresters is opposed to efforts to circumvent, through funding elimination or other means, the USDA Forest Service's effort to implement new planning regulations." That is Michael Goergen, Executive Vice President, Society of American Foresters.

Here is what the labor unions say about this. Mr. Mike Draper, Vice President, Western District, United Brotherhood of Carpenters and Joiners of America:

"If Mr. Udall's rider passes, the Forest Service will be forced to rely on outdated rules written in 1982 or to implement a flawed series of regulations from 2000."

Professional foresters say this rider is not the way to go. Labor says this rider is not the way to go. Taxpayer groups ought to be saying this rider on an appropriations bill is the wrong way to go. If you care about the cost to the taxpayer, here is a vote that you ought to make as a no; $7.5 million per plan, 7 years to plan what to do in a national forest. In the Black Hills National Forest in South Dakota, $7.5 million and 7 years. The Arapaho-Roosevelt National Forest in Colorado, $5.5 million and 7 years. The Tongass that we were all so concerned about in the last vote and remain concerned about in Alaska, $13 million and 9 years to do the plan. We can do better than that, and we should. We owe it to our forests and our future to do better than that, to spend the money not in the planning process that goes on forever, that results in no action except catastrophic fire in many cases, but rather a planning process that produces results and actions that will help bring forests help, that will help protect species and the environment for generations to come.

Let us spend the money on the ground, in the forests, fixing fish passage, fixing culverts and roads that now block this fish passage. Let us do the healthy forest things we all agreed in this Congress to do when we passed the Healthy Forests Restoration Act. Let us get out there and do the thinning so that we do not end up with forests that are so clogged with overgrown trees, that suffer from blowdown of forest that you cannot get in and do anything about it. Because when we put off the action because we are too busy planning, the result can be, not always, but can certainly be catastrophic.

I urge a no vote on the Udall amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the gentleman from New Mexico's amendment. I listened to my good friend and colleague from Oregon talk about concerns about how long the process takes and I think there is something here that strikes me as being slightly disingenuous, because we have seen, for example, Senator CRAIG in the late nineties added a provision in an appropriations process that forbid money to be used to finalize forest plans. In some of these cases, that doubled the time that was involved with finishing the planning process. There may well have been some problems that are involved here, but I would suggest looking at the struggle where we have some of our friends on the other side of the aisle who have actually been impeding this process.

Forest management plans are long-term blueprints for broad land management issues that do not specify individual projects. Fire management plans deal with fire planning. I think that we ought to take a step back and deal with the reimplementation that my colleague has talked about. It, in fact, has functioned well under both Democratic and Republican administrations if Congress funds it and allows it to move forward. It is talking about an impact on over 8 percent of our landscape. These national forests are key in terms of housing threatened and endangered species. There are critical monitoring requirements of the current forest management act that are vital to prevent further extinction.

I think as we have looked at the approaches that have been taken by our friends in the administration where the process in agency after agency has been dominated by the very industries from which they are supposed to be regulating, the forest products industry, in terms of mining, livestock, we have had examples after example that the media has filleted out where we have not had a dispassionate process, where we have not had independent actors, where we have found that the scientific experts and the panels within agencies have been dismissed, have been suppressed, have been overridden.

I do not think there is any particular cause for excitement on the part of either the environmental community or the vast majority of the American public to short-circuit this process. And as my colleague from New Mexico pointed out, we find out not in an open process but because people in the inside are so frustrated by what they see, career civil servants are allowing the public to see via leaked documents that in fact the vast majority of these comments are not taken into account, that the public needs and interests are circumvented.

I think that it is important for us to step forward today to reinstate these protections and to enter into the reasoned discussion that people are talking about, adequately fund the studies, do it in an up-front, aboveboard fashion, have the administration stop twisting what is happening in terms of the process. Whether it is dealing with natural resources or it is dealing with mercury emissions from power plants, I think we ought to let daylight shine in. Starting today with the enactment of the amendment from the gentleman from New Mexico is a step towards reestablishing a little balance, build some confidence and have the protections of the system.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I listened with great interest to our colleague from Oregon. Unlike my colleague from Oregon, I will impugn no one's motives. I believe that my friend from New Mexico is sincere in his wish for healthy forests. But, Mr. Chairman, if we pass this amendment, in my opinion we will take the Healthy Forests Initiative and subject it to a great big dose of bureaucratic flu. It is bad enough that the bark beetle is ravaging forests in the West. It is bad enough that my colleague's home State of New Mexico has been subjected to fire. It is bad enough that my home State of Arizona has been subjected to fire. It is bad enough that here we are in the midst of the worst fire season in history and yet, with noble intent perhaps, the net result is to increase paralysis by analysis. It may not be the intent of my colleagues, but that is the net result.

Mr. Chairman, the chairman of the Subcommittee on Forests and Forest Health pointed this out as we take an average look at the plans, the current average, 7 years, $7.5 million. This amendment, though well-intentioned, I am sure, the net result would increase these costs and time requirements by an additional 30 percent.

Mr. Chairman, at the very time we should be moving to implement the Healthy Forests Initiative, at the very time our forests are in such jeopardy, at the very time we need to move literally to put out the fires, we instead are going to fan the flames of bureaucratic inertia. Again the chairman of the subcommittee asked our friends on the other side, join with us, with peer review, sound scientific principles. But all too often, pseudo science is employed. All too often the mythology that the preceding speaker offered, more political in nature than practical in criticism, is offered, not to debate but to demonize.

□ 2030

The facts simply are this: the regulations that have been outlined are outlined in a way to address the current crisis in the forests. Is it not interesting, Mr. Chairman, that the path and the road to a certain place where fire reigns is paved with good intentions? Maybe that is one roadless policy we could live with, to eliminate the intent and look at the result.

The fact is the world has changed since 1982. The fact is that the new prohibitionists who have gone and gotten court order after court order to gum up the process and prevent effective management of the forests have achieved the paralysis by the analysis.

And, again, I do not doubt the sincerity of my New Mexico neighbor; but the net result will be if one loves the story of Nero, if one loves to hear of ancient Rome, watch what happens if we pass this amendment and watch the forests burn. We hope it will not happen, but the drought continues. We know it is not the intent of our friends on either side to do that. We appreciate the instant revisionism of history. But changing circumstances dictate that we should change policies in a way that we can address the current crisis. When one's house is burning down, they do not need to have a committee show up to draft a report that can be issued 7 years later with a $7 million cost. And the very species of animals that so many of my friends passionately want to preserve, they do not have a home if it is incinerated. Air quality is not improved by the emissions of the pyrocumulus clouds.

Vote "no" on this amendment. Vote "yes" for rational, sound science and forest policy.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we appreciate my friend from Arizona's impassioned interest in trying to improve the performance of our fuel reduction program to reduce the fuel loading on our forests. But the question I have is, where were the Republicans an hour ago when we wanted to add money to the account on the Hooley amendment that would have added millions of dollars to get this job done and they defeated this amendment?

The reason this job is not getting done is very simple. You have refused to appropriate the necessary money to get the job done. And instead of appropriating the dollars, you want to appropriate rhetoric attacking science. Where were you an hour ago when we tried to put more money in this account?

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I was pleased to vote for the Hooley amendment.

Mr. INSLEE. I wish more of the gentleman's friends would have followed his admonition.

Mr. HAYWORTH. Mr. Chairman, will the gentleman continue to yield? Does the gentleman have the vote total, or does he expect that solely the opposition came on one side of the aisle? Because facts are stubborn things.

Mr. INSLEE. Mr. Chairman, reclaiming my time, the facts as I know them is that the Republican Party is in the majority in the House of Representatives. I regret that situation, but it is a fact. And the majority party refused to put more money in the fuels reduction account to get this job done 60 minutes ago, and now you are on the floor of the House trying to have some rhetorical argument that the reason this job is not getting done is because the law simply requires that we listen to science. But you do not want to listen to science. You want to listen to some other force of nature.

Let me suggest that one of the problems of the pickle we have gotten into in our forests with this dense situation in underbrush is because the Federal Government ignored science for decades, and now today you want to perpetuate the history of the Federal Government of ignoring sound science. You want to continue a situation that you started with 2 years ago of doing in our water and allowing arsenic in our water, doing in our air where you want to allow mercury in our air, you want to now have lawless logging. You want to have logging that is not constrained by science or law.

Let me suggest to my colleagues that the conservative approach on this issue is the approach that demands accountability of our government. The conservative approach demands that government respond to citizens by following the law. The conservative approach distrusts government; and when we have some innate suspicion of government, we make bureaucracies follow the law. But unless you pass this amendment, you are giving carte blanche to bureaucrats to ignore the science when it comes to conservation science, to ignore the science when it comes to ecosystems, to ignore the science when it is the right time to do underbrush thinning and when it is the right place to do underbrush thinning, and you want to give carte blanche to the bureaucrats.

This whole national forest management plan came out of the idea of reform, to reform bureaucracies so they will not ignore taxpayers. We stand for taxpayers who say that taxpayers who pay their money are entitled to make sure the bureaucracies follow the law and the science. But you want to shortcut the science. Science is not good enough for you. Science is not good enough on arsenic. Science is not good enough on mercury, and science is not good enough in logging our national forests.

We just have a simple proposition on this side of the aisle: follow the science and follow the law. That is why 325 scientists of the Society for Conservation Biology wrote a letter that urged the Forest Service, and by extension Congress, to not gut the National Forest Management Act, which you are gutting today. And we are simply here to say let us make sure that science rules in our forests. Let us make sure that the law rules on forests. Let us pass the Udall amendment.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is always interesting to get into these debates, and sometimes I wish we could all live in a perfect world.

We are in the middle of a very serious crisis on our national forests and on our public lands. The Udall amendment is designed to prevent new regulations from being implemented for our national forests. Those new regulations were proposed for a reason; and contrary to what some of the rhetoric is that we have heard tonight, the reason that those new regulations were proposed was because of this crisis that we are in with catastrophic fire, with our rural communities economically hurt because of policies that have been adopted by this Federal Government.

It currently takes more than 7 years to adopt a 15-year plan. I do not care where one is on the issue. That is ludicrous. So they are trying to fix that. It currently costs in excess of $7.5 million to adopt that plan.

I hear people talk about the conservative thing to do. Supporting that is ludicrous. Cost studies demonstrate that these costs increase 30 percent under the Clinton-Gore administration regulations that the Udall amendment would implement. Another study indicated that these 2000 regulations cannot be implemented due to overly complex and detailed procedures, extraordinary data requirements, and scarcity of required technical skills.

Increasing cost and complexity would divert scarce resources away from critical management activities. We all come down here, and we fight about where the money should go. And the more complex this is, the worse it is going to be. And yet the amendment would lock that in place.

The Bush administration regulations are designed to reduce the time and cost of planning while maintaining sustainability, public participation, and the use of the best available scientific information.

We have to really pay attention to what these amendments do. I hear people come down here and say we are going to log without laws. There is nothing in the regulations that removes the Endangered Species Act or the forest management plans or any of the other environmental laws that have been adopted to protect wildlife and to protect our clean water and clean air. There is nothing that removes those. They are trying to make the system work better. A lot of times the rhetoric does not actually match what is actually in the regulations.

I would urge my colleagues to take a serious look at this, because we have gone round and round on this. We all want clean air. We all want clean water. We all want to protect endangered species and wildlife. We all want to be good stewards of our public lands. What the administration is trying to do is fix a problem.

When California was burning last year, a lot of people saw the light and said, well, maybe we ought to do something about our forests; and we passed the Healthy Forests initiative. This year the fires have started, and many think that this year is going to be worse than last year. We do need to get out front. We do need to do everything that we can to get into our forests and clean them out and have them become sustainable. This amendment takes away the tools that are necessary to speed up that process.

This bill that the gentleman from North Carolina (Mr. TAYLOR) has brought out increases the money on the thinning projects by $58 million. It increases by $1 billion the money for firefighting. If my colleagues vote against the overall bill, where are they going to be 2 hours from now when all of that money that is supposed to go to the things they are talking about, are they going to support it? Because that is the good work that has been done by this subcommittee and by my friends on the Committee on Appropriations, because they have recognized that this is a serious problem.

I know that the gentleman from New Mexico (Mr. UDALL) deeply cares about the environment and the forests, and that is something that he has been consistent on. But I do believe that this is a mistake to adopt this amendment in the way it is written, and I urge a "no" vote.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment that has been offered by the gentleman from New Mexico because I share his concern on the extent to which the proposed regulations would revise the system of forest planning put in place during the Reagan administration. There are many reasons to support this amendment, but I want to focus for a couple of minutes on the reduction of public involvement that I believe would result from this amendment not being passed.

The National Forest Management Act was landmark legislation that greatly increased the extent to which the public could hold the Forest Service accountable. It included a mandate for the agency to base its management decisions on sound science on one hand and, on the other hand, to ensure extensive public participation in the forest planning process.

If we truly look at these new regulations, they would downgrade forest plans and effectively exempt them from review under the National Environmental Policy Act, NEPA, and would thus limit opportunities for public involvement.

This amendment, if we really look at it, would just simply impose a moratorium on the proposed new regulations. And I think that makes good sense because whatever the problems with the current planning regulations, I do not think they should be just swept away without more intensive oversight by this body and by the other body; and that has occurred so far.

This is particularly important because these new regulations were developed without any input from a committee of scientists; and this is a stark departure, a stark departure, from the process that has been used in connection to the development of any other changes in the National Forest Management Act regulations.

□ 2045

In fact, during the public comment process, many of the scientists on whom we depend asked for the withdrawal of these proposed new regulations.

So, in short, this amendment just simply maintains the public involvement that I think we all value and we all acknowledge has been important, because, as my colleague from Washington (Mr. INSLEE) pointed out, it gives the taxpayers, who, by the way, own this land, a chance to be involved, and if we pass this amendment, we maintain that public involvement while we in the Congress take time to look further at these proposed changes.

There has been a lot of talk here about forests and forest management as we move into a new fire season. This amendment would not change the work that is under way in managing our forests more effectively, given the 100 years that we have faced of suppressing wildfire, not understanding the ecological processes in our forests. This does not prevent that planning from proceeding, it does not prevent us from responding.

My colleague from Washington also talked about the need for more resources so we can do the requisite thinning and fight the fires when they start.

So, in sum, this amendment ought to be supported. We ought to maintain public involvement in this important process. The past has proven that this process works. I urge adoption of the Udall amendment.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the key issue here is independent science in good forest management. President Reagan used a committee of scientists, independent scientists, to promulgate his regulations. President Clinton did the same thing, through a 3-year period, to develop them.

When the Bush administration got in, they swept aside that 3 years of effort, did not use any independent scientists, had a 2-day workshop with internal scientists, and that is it. And that is what the key here is, is they do not care about the science. They have an agenda and they are moving it down the road.

Forest planning can be preventive in terms of fire, can be preventive if you let it work. But, as we know, many of these forest plans where speakers have talked, where they have been delayed, it has been because Congress has put in amendments delaying forest planning. So you cannot attribute all of that delay necessarily to the Executive Branch.

But the key here today is President Bush, through his administration and his Forest Service chief, now seeking to promote forest planning rules without independent scientific review. That is really what we are talking about here today.

Mr. UDALL of Colorado. Mr. Chairman, reclaiming my time, I want to underline the point that independent scientific review has led us to make many of the right decisions so our forests are protected and our lands are managed in a way for the long-term interests of future generations.

Mr. Chairman, I urge adoption of the Udall amendment.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from North Carolina (Chairman TAYLOR) for bringing forth an outstanding bill.

I rise in opposition to this amendment. Before I speak on that, I would like to address the concerns raised by the gentleman from Washington earlier about sufficiency of funding. That is just an absolutely false charge. As the gentleman from California (Chairman POMBO) pointed out, this includes an increase of $58 million for the hazardous fuels program, but, furthermore, it is a $70 million increase for fire plan funding above the administration request and an increase of $183 million above the non-emergency funding level for fiscal year 2004.

If you look at the track record of this administration and this Congress over the last several years, the amount of money available for Federal hazardous fuels funding is several times what it was in any of the years of the Clinton administration.

Now, turning to the Udall amendment, once again we are debating whether the administration should be allowed to complete a long overdue revision to the NFMA planning regulations. This amendment failed last year, and it should be defeated again this year. It would be highly irresponsible to prevent the Forest Service from finishing the revision to the planning regulations now.

The Forest Service is drowning in paperwork and red tape. The previous administration proposed rules which would have made the situation worse. Those are the rules referred to by the gentleman from New Mexico. Both the forest industry and the environmental groups sued to block the implementation of those rules.

Already, the Forest Service estimates that it spends more than 40 percent of its budget and personnel hours on planning and fighting court battles, rather than in the forests. The previous administration's revisions to the planning rules would have increased this by an additional 30 percent.

The current administration withdrew these unworkable regulations and proposed new ones in 2002 which would allow land managers to get more accomplished on the ground. This is especially critical right now, as our public lands are currently in a grave forest health crisis and are in need of active management to restore them.

The 2002 proposal protects wildlife and public involvement, the 2002 proposal provides opportunities for public input at every step in the planning process, and the 2002 proposal is intended to encourage early public involvement, rather than focusing on last minute appeals and objections.

The new regulations will assure clean air, clean water and abundant wildlife for future generations. This will allow the Forest Service to respond more quickly to changing conditions, like catastrophic wildfires and new scientific information. They require the use of an adaptive management framework, as recommended by scientists and international organizations. They make the planning process easier to understand and easier to participate in.

Completing the 2002 regulations should be a priority. Halting the revision process would significantly delay the efforts to implement improvements on the old regulations. It currently takes 5 to 10 years to complete a forest plan under the old planning regulations, which is outrageous and irresponsible.

Recent experience with the 1982 regulations has underlined the need to proceed with a revision due to the time and cost involved in planning. The plan revision for the Black Hills National Forest in South Dakota cost $7.5 million and took 7 years to complete. Similarly, the plan revision for the Arapahoe-Roosevelt National Forest in Colorado cost $5.5 million and took 7 years to complete. Seven years to revise a 15-year plan is unreasonable.

Under the 2002 proposed revised rules, the time for preparing 15-year plans will be cut from the current average of 5 to 7 years to about 2 to 3 years, with corresponding cost savings.

Mr. Chairman, this was a bad idea last year, and it is even worse now. Please join me in defeating this amendment and allow the forest management professionals to complete the effort they have been working on for so long.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is the second year in a row, particularly this year since I have hardly any voice due to a cold, that I have come to the floor to debate this issue, not intending to come to the floor.

My concern is that we have an extraordinary problem in the west. We are confronted with potentially the most catastrophic fire year in history. The committee has recognized that by appropriating an additional $500 million to fight those fires. I appreciate that. Unfortunately, the Senate at this point does not feel that sense of urgency. But that is not the issue before us right now.

The issue before us at the moment is whether the public will participate in the plans for our public lands in the western United States. I am pretty sensitive to this, as are the people in my district. We live next to or in the middle of those forests, and we want to participate in the plans for the future.

Now, the administration has proposed that we would totally exempt future forest plans from NEPA and we would allow plans to be amended with no notice or public comment. I do not think that that really meets the concerns and the very diverse views in my congressional district about forests, forest planning and multiple use.

Some people want to oppose the Udall amendment by saying that this is about fuel reduction. It is not about fuel reduction. Remember, we had a vigorous debate last year and in the Congress before that about healthy forests and fuel reduction. In fact, we passed a very ambitious piece of legislation, which I voted for, H.R. 1904, the Healthy Forest Restoration Act, which, if properly implemented, would go after the backlog, would go after the fuels accumulation, would reduce the risk of catastrophic fire and would manage our forests back toward a presettlement and healthy state.

Unfortunately, the administration, having signed the bill with much fanfare, abandoned it when it came time to ask for the funds. Yes, the committee has increased the funding by $58 million, and I appreciate that. Unfortunately, we are still a couple of hundred million dollars shy. Nobody is talking about that.

We are well short of the promise that the President made when he signed the bill with fanfare, that he was going to put people to work, protect our communities, he was going to protect the resources and we were going to put this debate behind us once and for all. And that bill contained significant changes and amendments to the processes that delay this work. Now, if we will only fund it, it will get done.

But now you want to go off into another part of the forest plan which has nothing to do with fire, fire planning or fuel reduction, and say we should wipe out all protections and public participation. That is not right. Sure, some of this stuff could be streamlined. I get pretty upset with the bureaucracy. But I live in a forest, actually part of my land is forest, and the backyard is a forest. I am pretty concerned about these issues, and I am sensitive to other people who live in that situation.

But we are not putting out the Federal investment, we are not putting our money where our mouth is, and we have a lot of mouths around here, but not enough money, that is for darn sure. That is where we are at tonight with this debate.

As much as the committee has tried, they were not given an adequate amount of money to address these problems. Yes, they have done better by fire fighters, yes, a little better by fuel reduction, but nowhere near the promise of the legislation passed last year, because the administration did not ask for the money to deliver on that promise, pretty much the same as No Child Left Behind. Everybody here agrees with the concept of No Child Left Behind, but if you do not put the money behind the promise, it is a new unfunded mandate.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his statement here tonight. I was thinking of the same thing. There is a gap of several billion dollars in education. The same thing is true here. There is a significant gap in the amount of money necessary to go in and go do the thinning and the pruning, to do the adaptive management to reduce the fire risk. It is because the administration has given all the money away in incredibly large tax cuts, and now they cannot fund these bills.

We are not funding the parks, and we are not funding this area either. It has nothing to do with fire fighting. It has everything to do with the fact that the deficit is big and they do not want to spend the money.

They have all kinds of accounts in this bill that are underfunded because of that fact, and it is because we have a lousy allocation. We are $200 million below the President's budget request, which was totally inadequate in the first place.

So I commend the gentleman. I also believe one thing, and we learned this the hard way in the Pacific Northwest: "Scientifically credible, legally defensible." When you start walking away from the scientists, when the scientists start saying this does not hunt and you cannot change these rules and do it this way, you had better wake up, because you are going to go into court, they are going to testify and have that biologist up there, and he is going to say you have not done these regulations properly. This will not protect the species and the wildlife in the area.

And we did not meet the scientific standard. It was not met out in the Northwest until the President's plan came into place. It was not perfect, but at least then we started protecting the species and we started taking care of some of the remaining old growth.

In my judgment, the reason I support the Udall amendment is because I do not trust this administration and the way they have approached these regulations.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, we need more money, not more rhetoric.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I love to hunt. I have hunted in Oregon, I have hunted in Washington State, I have trout fished up there, gotten some beautiful fish, and I want to protect those streams and forests. But let me tell where I think things have gone astray.

In our district in San Diego we lost 3,000 homes this last fire season and 22 firefighters were killed. I look back, and the gentleman says that we want the money to clear the forests. Well, 12 years ago, many of us fought to have the bark beetles cleaned up. I was up in the area of the gentleman from Washington (Mr. DICKS). I was in Oregon and Washington and Northern California, because I was hunting deer. The beetles had eaten a lot of the wood and created a hazard, and they were going to destroy the forests.

□ 2100

We wanted to cut those, because the bark beetles were not there where the dead wood is. They were in just a little bit further, and that is what we wanted to cut; but many of the folks, the environmental groups, said, no, you cannot do that; you want to log indiscriminately.

No, we did not. We wanted to stop the bark beetles, a reasonable conservative approach; but we were stopped doing that.

Pine Valley, the whole town burnt down. You know how many homes and lives we lost up there because the bark beetles had cut through most all of the timber? And when you have a Santa Ana in California, which is the wind coming from the desert in at 40 to 50 knots and you have that kind of kindling of dead trees, you cannot stop it. It burnt Pine Valley down.

Twelve years ago we fought to be able to clear brush, because it was so thick. We had nine farmers, ranchers, that asked to cut, to disk around their property because of the fire season. They were told no, they could not because of the endangered species, a bird called gnat catcher. Three of the farmers went anyway, and they got fined, but the other six that did not, guess what? All six of their ranches burnt down. That is not conservative; it is dumb. And we are trying to offer a conservative approach.

Firemen came to us and said, can we cut access roads into our forest? Oh, no new roads from the environmental groups; no new roads in our forest. They not only wanted access so they could get to the fire; they wanted to get out safely. We lost 22 firemen. Now, whose fault is that because they did not have access?

Now, some of that is not true, because they could not come down the backside of a mountain fast enough, and they were not close to a road, and they could not put a road in there, to be fair; but we are asking for conservative real things, to be able to thin the brush.

Up in my area, if you have a place out in the woods, you are able to clear an area around that that will keep your house from burning down.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman from California (Mr. CUNNINGHAM) and I work very closely on defense issues. Here is one issue that bothers me in this discussion. I know I had a study done of Region 6, which is Washington and Oregon. I do not think Northern California is in Region 6.

Mr. CUNNINGHAM. I have minimum time.

Mr. DICKS. Here is the problem. We do not have the money in the budget to do the thinning that our foresters say we should do to deal with this problem, and it has not been there for a number of years.

Mr. CUNNINGHAM. Taking back my time, that is the initial point that I made. Twelve years ago, and I went, we had the money and we had a limited forest. Take a look at all of California when you have 3 decades of brush that is built up, when you have the number of trees that have been eaten by the beetles. You have not got enough money in the world to meet that need, and we were stopped from doing that when it was manageable.

I have limited time. If I have time, I will yield.

Mr. DICKS. But the problem is that it is not the forest regulations that are stopping us from doing it. The forest regulations are not saying you cannot go in there and thin.

Mr. CUNNINGHAM. Taking back my time, it has been this body, and mostly the other side of the aisle, that has objected to us putting in new roads, that have objected to us clearing brush because of the endangered species, that have objected to us doing these things that I think are conservative, reasonable approaches.

As far as good science, take a look at the farmers and the ranchers and the folks that want to protect their land. They are the best stewards of the lands that we have. The science that I see most of the time coming from the other side is agenda-oriented, private science funded by environmental groups that have an agenda, and I think that is wrong.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself very frustrated tonight. I feel like I am in Forestry Theology 1A. I am not a forest manager. I have a district with one of the largest national forests in the eastern region of the United States, and I have firsthand dealing with how the public and the Forest Service and the various legitimate interest groups that use forests have to work with each other, and I am going to vote for this amendment. But I want to get some things off my chest, because frankly, both sides frustrate me.

I am going to vote for the Udall amendment, because I think what it does is to stop a process which has in certain ways excluded the public from full participation in the public comment period.

What the agency has done with public opinions expressed in a variety of ways are not going to count when final decisions are made. I have heard from conservation groups, and I have heard from their opponents, both who have objected to the way that public comment is being restricted. I think they have a point. So I am going to vote for this.

But I just want to say one thing. I get very frustrated being whipsawed between the users of forests who want to use it for economic purposes and the recreational users of forests, the environmentalists on the other side. The only way that you can get rational public policy in an area like the forest is to sit down and work out compromises.

Now, I have seen environmental groups who are willing to challenge every blessed timber sale that comes up. I think that is nuts. I think there is a legitimate reason to cut timber in forests. But I also see some people on the other side who have never met an environmentalist that they could tolerate, and they think the forest is there simply for economic exploitation. And I just want to say to both sides, it makes no sense to have one administration go in one direction and have another administration come in and go in another direction, depending upon what the electorate decides every 4 years. We get a yinging and a yanging in forest policy, and nobody knows what the rules are going to be more than a year ahead of time. Now, that drives everybody nuts. It should.

So it seems to me that rather than both sides being engaged in a theological debate every blessed year on this issue, sooner or later, for each and every forest in the country, the interested groups need to sit down with each other and work out reasonable compromises. I am so damned sick of theology on this floor, political theology invading every issue. And that goes for both sides on this issue, in my view. So I am not criticizing Members, because regardless of what party you are in, you are caught in this whipsaw.

But I have seen intractable differences on forestry matters in my own area resolve themselves in 6 weeks when people are legitimately willing to sit down, deal with each other in an honorable fashion, and recognize that each side has legitimate interests. And I think we have a right as legislators to go to groups on both sides of this issue and say, we have had it, fellows. Get together. Work it out.

Nine times out of ten, the only public policy that can be sustained over a significant period of time is policy which is first worked out in the private sector so that the public representatives can ratify those agreements. Now, once in a while that cannot happen. But these days, we have polarization, polarization, and polarization on every blessed issue that comes before this House. And that is in part the fault of people who occupy this House, but it is also in part a problem related to the fact that both sides of these issues like to make a living and like to generate their public support; and so they use us to drive their points across, and they never behave like adults and try to resolve their arguments.

Mr. Chairman, as I said, I am going to vote for this amendment because I think the policy that has been followed by the Bush administration has been needlessly dismissive of the public's right to participate. But for God's sake, people, tell whoever you are talking to before you give your speeches to sit down and work these things out. That is the only thing that serves the interests of the country.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, do we need to change this policy? We talk about the resistance to the Bush changes to the current policy. I happen to represent the Allegheny National Forest. It is about a 600,000-acre forest, the finest hardwood forest in America, it was, but it will not be for long if we do not soon manage it, because we have not been managing it.

The current process of rewriting the forest plan on the ANF has been going on for years and years and years, and we cannot get there. The current plan does not work. The process of managing a forest for multiple use should not be complicated. It should not take decades. It should take a year or two to sit down and figure out where we are, what should happen there, and how do we manage part of it for forestry.

That happens to be one of the most mature hardwood forests in the world and has some of the most valuable cherry, and that is a forest that only lives about 100 years; and it is about reaching that age and it is going to die. We had a big blow-down last year. We cannot even get the blow-down trees harvested because the process does not work.

We need a new process.

Let us look at what the current plan brings us. We had a big gypsy moth defoliation a few years ago; we had that for 2 or 3 years. And then we had other insects a few years later. So they designed the East Side Sale to salvage dead and dying and diseased timber and clear up these oak areas so they could regenerate, because they will. The hardwood forest in the east does not even have to be planted. If it is pruned properly and cut properly and managed properly, there will be a good forest there for our children, our grandchildren, forever. It grows from seed, it grows from sprouts, it comes back naturally if it is properly maintained. It is a renewable resource.

Do we want to cut it off? We manage a very small portion of it. The Allegheny allows a cut of 90 million board feet. Some years we do not cut any, and some years we cut 5 or 10 million board feet. Almost nothing.

But what happens? We planned the East Side Sale and a student sues who has a religion about trees should not be cut down. Not a soil scientist, not a forester, not a biologist. A student gets a free lawyer from a university, goes to court, and wins. We redesigned, redid it, totally reworked it over a couple of years, put back out again, and another student sues. Three years, this time they win. Not the student, but the Forest Service wins, after 3 years. Now we have 5 years, and we finally have a result. The student sues again, just thrown into a Philadelphia court, and we do not know whether it will ever come out of there.

Folks, the process does not work.

Now, I heard a lot about scientists. I do not think our Forest Service gets enough credit, because the Allegheny Forest has foresters, fish biologists, game biologists, soil scientists, archeologists, hydrologists, entomologists and ornithologists, all who play a role in everything we do there, whether we are going to do recreation or whether we are going to do forestry. They sign off. These are experts. Now, the people who sue and win usually have no credentials. They are someone with a religious philosophy that you should not cut down trees.

I want to tell my colleagues, the unmanaged forest in the east is going to die. It is going to be very prone to wind storms, and it is going to blow over. It is not a habitat for wildlife, an old forest. And all of us, those of my colleagues who are concerned about CO_2, a forest that you do not prune and manage becomes a CO_2 emitter, just the same as a plant, just the same as us when we breath out. A forest that is managed is the most successful carbon sink in America. Active agricultural land and actively managed forest land absorbs tons and tons of CO_2 and puts it into logs, locks it up; and we are averting that process on all the public land in this country.

Mr. Chairman, our foresters and our scientists are leaving our system because they are disgusted with this Congress's involvement, because they cannot manage. All the science they have, all the experience they have, we have Congressmen who think they know better; and they are wrong.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

The point of no quorum is considered withdrawn.

□ 2115

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arizona to go back in the reading to offer an amendment?

Mr. OBEY. Mr. Chairman, would the gentleman repeat the request?

Mr. FLAKE. I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

Our amendment was changed. At the time the relevant section came and went, and by the time we had finished it, it had gone.

Mr. OBEY. Mr. Chairman, I ask the gentleman to withhold that request at this time. I do not want to object, but I would be constrained to at this time.

The CHAIRMAN pro tempore. Will the gentleman withdraw his request?

Mr. FLAKE. Mr. Chairman, yes.

The CHAIRMAN pro tempore. The request is withdrawn.

AMENDMENT OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. Of the funds made available to the Department of the Interior by this Act—

(1) not more than $50,000,000 shall be available for the purposes of managing and maintaining Internet websites; and

(2) none may be used to manage and maintain more than one Internet website for every 10 employees of the Department of the Interior.

Mr. HENSARLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Chairman, for only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per family. This figure is up from $16,000 per family just 5 years ago, representing the largest expansion of the Federal Government in 50 years. Almost every government department has grown over some large multiple over inflation. We are experiencing an explosion of the Federal budget at the expense of the family budget.

Unfortunately, too often this government spending equates to waste, fraud, abuse and duplication and has for decades. Mr. Chairman, I belong to a group known as the Washington Waste Watchers, a Republican working group dedicated to rooting out waste, fraud, abuse and duplication in the Federal Government, and it is not an easy task, because what has accumulated in the Federal city over many decades is now 10,000 different Federal programs spread across 600 different Federal agencies, accountable to almost no one, with little transparency and poor knowledge of their activities.

Mr. Chairman, I know that President Bush and Secretary Norton are serious about this effort to root out waste in government. The President's management agenda is working. For example, the number of Federal agencies with verifiable financial data has now increased up to 20. That is up from 10 agencies under the Clinton administration. Mr. Chairman, this is a major accomplishment, 100 percent improvement, but why has it taken decades just to get a set of books that can be audited?

Recently, the gentleman from North Carolina (Mr. TAYLOR) and the ranking member, the gentleman from Washington (Mr. DICKS) exposed wasteful foreign travel by employees of the National Park Service and for that I know the taxpayers and I are grateful. This is progress.

Today we have another opportunity to take a small step to protect the American taxpayer from more wasteful Washington spending. The Inspector General at the Department of Interior has discovered last year that the department has over 31,000 different websites on the Internet. That is right, Mr. Chairman, over 31,000 different websites. They contain between three and five million pages of information. No one knows for sure the exact number.

What we do know is that the Interior Department now has one website for roughly every two employees. One website for every two employees. Mr. Chairman, these numbers are staggering. I mean, they do not pass the smell test, the look test, the touch test, the laugh test or any other test, especially when you compare it to the private sector.

Bank of America, the most visited financial services web presence in the world, and in the top 10 most visited web services in America, has 80 percent fewer websites and yet they have over 3 times as many employees. The difference between government and the private sector is stark. In addition, the Inspector General has added that the department does not have a comprehensive inventory of its websites or of other components of its web presence. In addition, the Inspector General has found that the department had "an excessive amount of duplicated, inconsistent, outdated and redundant information on its websites."

The Inspector General estimates that taxpayers are forced at a minimum to pay between $110 and $220 million annually to maintain and operate this web presence, 31,000 websites, again which contains inconsistent, outdated and redundant information.

My amendment will limit the amount of taxpayer funding to operate the department's web presence to $50 million and limits funding to manage and maintain more than one site for every 10 Department of Interior employees. I think this is more than reasonable, Mr. Chairman.

During the time of war and unparalleled Federal spending at the expense of the family budget, can we ask our families to pay up to $200 million each year to fund an out of control and poorly managed web presence at just one Federal agency. This funding could be put to better use at the Department of Interior or other important priorities. If we use the most conservative estimate on what this amendment would save taxpayers, about $50 million, we could take those savings and buy over 31,000 Kevlar vests for our soldiers in Iraq or 1,600 Humvees with armor plating.

In conclusion, Mr. Chairman, I know the Department of Interior does a lot of good work and performs a lot of valuable services, but we as a body have a responsibility to strike out at waste wherever we find it. Mr. Chairman, we have certainly found it here. I urge my colleagues to pass this amendment. We must protect the family budget from the Federal budget.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to the gentleman, since I have listened often to the Washington Waste Watchers it is interesting to me when one party controls the House and the Senate and has controlled the White House and the administrative branch for more than 3 years now, that he keeps rooting out this administrative waste. And I guess I have got to wonder at the dedication of the Bush administration or the Republican House or the Republican Senate in rooting out waste that he has to come and give speeches everyone night on the floor about it but seems to be able to do little about it.

I guess if one party were in charge, the Republican Party, they would root these things out, but I guess they are not.

I would ask the gentleman, I do have a question for the gentleman, since he referenced the Pentagon, if he could tell me, there is one agency and only one of the Federal Government which has been deemed to be inauditable. It cannot be audited. It cannot account for a large majority of expenditures. Is the gentleman familiar and can the gentleman name that one agency?

Mr. HENSARLING. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Texas.

Mr. HENSARLING. Well, frankly, Mr. Chairman, there are many agencies.

Mr. DEFAZIO. No, can the gentleman name it? There is only one that has never been audited.

Mr. HENSARLING. I disagree with the gentleman's factual assertion, and the gentleman's party has been in control for the years that created this.

Mr. DEFAZIO. Reclaiming my time, the Pentagon cannot be audited. It in fact cannot account for a large majority of its expenditures, and the fact is that one party runs this government.

They run it with an iron fist here in the House where substantive amendments are often not allowed. One party runs the United States Senate as much as the Senate can be run. And one party runs the White House that will never admit it was wrong.

I wonder why it is that the Washington Waste Watchers here cannot make a little more mileage with their people downtown and why they have to give speeches on the floor as opposed to taking real action to root out waste and abuse. His amendment may have merit, and I will take a look at it, but the point is I have heard many of his other speeches about things that could be accomplished administratively. I believe the administration, the Bush administration, which runs the Interior Department, could take action internally to eliminate this apparent plethora of excess websites.

Why should it take an act of Congress? If we have such a responsible administration downtown, why will they not take administrative action? Why do they not limit the number of websites out there? Why do they not limit the expenditure?

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

I assume the gentleman's amendment is prompted by the Inspector General's report that they are spending $100 million to $200 million annually on websites, and I share the concern he has. I was alarmed when I saw the report. The subcommittee has been working with the department to understand the costs of web technology and to ensure that technology is used only for appropriate purposes and used in the most economic and efficient way.

There are good websites and bad websites and this has been complicated by court action that is underway right now.

My concern with the gentleman's amendment, and I commend him for always trying to save taxpayers' money because I certainly try to do that and I encourage him throughout his career to do that, but my concern is that the department uses the web to conduct business both internally and with industry. The use of the web is consistent with the best practices both in government and industry. Limiting web spending to $50 million will prevent the department from fully using web technology to save both itself and public industry.

For instance, the Minerals Management Service is implementing a web based system to communicate with oil and gas industry that will allow industry to obtain information and provide necessary filings electronically. Now, there are many other positive things with the websites. We are also, as I say, we have court action that is confusing. A lot of the work we are trying to do to get the department to eliminate those websites that are unnecessary, save the taxpayers' money and keep those websites that are necessary for communication.

Mr. HENSARLING. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, hearing of the chairman's concern and knowing of his good work in this area, I ask unanimous consent to withdraw the amendment.

I would also like to answer an earlier question posed. I think it is very interesting that the gentleman earlier had indicated an interest in finding waste, fraud, and abuse but fought the amendment that would cut 1 percent, a mere 1 percent of waste, fraud and abuse from the Federal budget. Also, those gentlemen on the other side of the aisle voted to increase Federal spending over a trillion dollars in our last budget.

Mr. TAYLOR of North Carolina. Reclaiming my time, I commend the gentleman's action to bringing this to our attention.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas to withdraw the amendment?

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

Mr. HINCHEY. Mr. Chairman, I have been advised that there is a plan that has been agreed upon to do one more amendment this evening. I understand that the gentleman from Arizona (Mr. FLAKE) has a need and a desire to have his amendment considered before we stop our deliberations here this evening, and that the amendment that I was about to offer will be allowed to be offered first tomorrow morning.

Under those considerations, I ask unanimous consent to withdraw the amendment and bring it back tomorrow morning.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn without prejudice to his ability to offer the amendment again later in the bill.

□ 2130

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arizona?

Mr. OBEY. Mr. Chairman, reserving the right to object, I will not object because the majority extended a similar unanimous consent request to a Member of the minority earlier this evening, and I think it is only fair to reciprocate, but before I withdraw my objection I just would like to ask a question.

I referred earlier this evening to the fact that we had reached 4 years ago an agreement in this House to a certain funding schedule for a variety of conservation programs, and then the committee had walked away from that agreement. As I understand the gentleman's amendment, it is an effort to reduce some accounts in the bill in order to add some funding to PILT; is that correct?

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. FLAKE. That is correct.

Mr. OBEY. Mr. Chairman, further reserving the right to object, I happen to agree with the desire to add more money for PILT, but the problem is there are a wide variety of other programs which are not being assisted because the budget resolution and the action of the committee has effectively wiped out almost $800 million in funding for other, equally deserving programs.

Federal land acquisition is being cut by $170 million. State wildlife is being cut by $11 million; forestry legacy, cut by $57 million. We are seeing historic preservation in urban parks both cut significantly and hugely in comparison to the scheduled funding.

So, even though I personally would like to see more money in PILT, I feel that it is not fair to try to provide additional funding for one program while the others are continuing to be put in the closet. I will not object procedurally, but I really question the fairness of trying to restore funding for only one of the six major programs involved.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Without objection, the gentleman from Arizona will be allowed to offer his amendment at this point in the bill.

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, line 8, after the first dollar amount insert "(increased by $15,000,000)".

Page 99, line 10, after the dollar amount insert "(reduced by $13,000,000)".

Page 104, line 5, after the dollar amount insert "(reduced by $2,000,000)".

Mr. FLAKE. Mr. Chairman, I thank the gentleman from Wisconsin for the point he raised.

He mentioned that several other areas of the bill had been cut. I am aware of that, precisely because I recommended some of those cuts. In fact, I testified both before the Committee on the Budget and before the Committee on Appropriations to reduce the money available for land acquisition, Federal land acquisition, because we keep adding Federal land, and it just adds to the PILT problem.

PILT, as we all know, is short for payment in lieu of taxes. This is a program whereby counties in rural areas, in particular I am from Arizona, 87 percent of Arizona is publicly owned. Some 50 percent, 60 percent of the State is federally owned, and counties find it difficult to provide the services that other counties with more private land are able to provide, and when we continue to add Federal land, we exacerbate the problem of these counties being able to fund services.

I come from a rural area of the State and I have seen these problems firsthand. So what we need to do is fully fund PILT. We do not need to add more land for the Federal Government. That is why I made those recommendations, and I think it is fitting and proper that we can find the money in other accounts to actually fund this.

What we have recommended is that we find savings of $13 million in the facilities capital account of the Smithsonian and $2 million from the grants and administration account of the National Endowment for the Humanities. Both of these accounts were increased by that same amount or more in this past year. So we are simply slowing the rate of growth in these areas and fully funding PILT.

The PILT program has been authorized at $340 million; yet it has only received $226 million in this bill. That is $1 million more than last year's level and woefully short of what is needed. It is important to note that this year's budget resolution stated that the budget resolution can accommodate funding for the PILT at a fully authorized level; however, it was only increased by $1.3 million.

As I mentioned, we are not advocating an increase in PILT overall. That is important to all fiscal conservatives. What we are saying is that we should move some of the funding and increases in areas that have increased over the past year and move them into this area where we all recognize, and the gentleman from Wisconsin said it well, that we ought to increase the funding in this area.

I should note that this amendment is supported by the Western Caucus, and I know a few of these Members will be speaking on it shortly.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

While this may be a worthy area to consider for an increase, I cannot accept the offsets. I hope that we will be able to increase this as we go through conference. The gentleman raised an important point. As we have more and more government land, it takes money away from the ad valorem tax, as we continue to cut less and less in forest service. Twenty-five percent in our area used to go to schools. They lose even more money, and so the gentleman raises a good point, but I will have to object to this and oppose the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

I have to rise in very strong opposition to this. The Smithsonian Institute is one of the most popular agencies of government in the United States. Here we are, coming up on the summer season and at a time when people are going to come in and visit the Smithsonian, and I just wonder, this is cutting construction but construction goes across the board and affects every one of these.

Do we really want to cut out money for the Anacostia Museum and Center for African American History and Culture; the Archives of American Art; the Arthur M. Sackler Gallery, the Freer Gallery of Art; the Center for Folklife and Cultural Heritage; the Cooper-Hewitt National Design Museum; the Hirshhorn Museum and Sculpture Garden; the National Air and Space Museum; the National Museum of African American History and Culture; the National Museum of African Art; the Smithsonian American Art Museum; the National Museum of American History; the National Museum of the American Indian; the National Museum of Natural History; the National Portrait Gallery; the National Zoological Park; the Astrophysical Observatory; the Center for Materials Research and Education? I mean, the Smithsonian is important.

This is a bad amendment. Let us defeat it and let us send the young man home this evening with his tail between his legs.

Mr. BISHOP of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the date October 21, 1976, is the date that may go down in history, maybe in infamy, because it was the date in which the Federal Government changed its attitudes toward public lands. The State of Utah enabling act said that lands would be given to the Federal Government until such time as they shall dispose of that land. In fact, the BLM was established 70 years ago to facilitate that.

But in 1976, we changed our attitude towards Federal land, and it is not insignificant that that was the same year we established PILT, the payment in lieu of taxes program. It was in some ways to prohibit the double whammy that goes on in many Western counties, specifically rural counties who no longer can develop their land for a tax base but still must provide the benefits that urban counties and eastern counties still provide.

Since our attitude is to keep the land, to mandate the use of the land, mandate the services that have to be required, it is in essence nothing more than the government's saying we have rent that is due to this land that needs to go to those particular counties, and if we as a Federal Government do not pay that rent who are being hurt by it?

In Kane County in my State only 4 percent of the land is private, and yet that county wanted to continue on with the hospital so the people in Kanab did not have to drive 70 miles to the nearest hospital so they created a special service district. The PILT funds help run that hospital for Kane County.

Daggett County has only 2 percent of its land that is not Federally owned, and the 730 people of Daggett County in my State have to provide for 2.5 million people who come from my colleagues' States and their districts in there, that have to provide services and access for that, and because the population is so low, the funding source that we have within this bill even does not allow them to get the full force of the PILT money that we are actually allowing to them.

Emery County in my State has only 7 percent of its land privately owned, and yet a travelogue that was published said Black Box in Emery County was a wonderful place to go rafting. Indeed, it is not. It is a dangerous place with deep water, the water going wall to wall. Two years ago, within a 6-month period of time, two people coming back from the East who decided to go tubing down that river in Emery County died, which meant that the sheriff's posse in Emery County had to go a half a mile into wilderness study area land, rappel down a dangerous cliff and risk their lives to bring those bodies back, and they had to fully fund the cost of all that program.

That County of Emery, if they simply allowed greenbelt laws for the tax structure of that land, the cheapest type of property taxes we have, would generate $900,000 if we fully funded PILT. The appropriation we have in here will give them $300,000, even though they are still required to have the same kind of services as if the money was fully funded of that.

It is interesting to note that the 10 States with the slowest growth in their education funding all have 50 percent or more of their land owned by the Federal Government.

Who are we hurting when this government is not fully paying the rent that is due? We are hurting the elderly, we are hurting the people who need medical aid, we are hurting kids in the West. This is what this particular program is doing.

I support this amendment with a heavy heart because indeed the Smithsonian is something I admire. I belong to it. I give to it, but what we did is we allowed them to find alternate sources to come up with some of their revenue. We have not allowed the counties in the West, especially rural counties, alternate forms of coming up with the revenue that they desperately need.

PILT is essential for us to pay the rent that is due, and I am hopeful that if we would actually approve this amendment we would allow them to go into conference committee where they could do right by the Smithsonian but also do right by the counties that need that PILT funding. We are underfunding our rural counties, we are underfunding our western counties, and all it is is the rent that they are due, and we should have the courage to stand up and pay for that.

Mr. MATHESON. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment. The PILT program was created in the mid-1970s. At the time it was created, it was created in a bipartisan way. People recognized all of the issues about what is fair and what is equitable. As we have heard from the previous speaker, it is about the lack of an ability to collect property tax on the Federal land and the services that are provided by the counties.

What has happened since the mid-1970s is our Federal lands are being used more and more and more. The pressures, the uses, the demands for county services have increased more and more and more; yet PILT funding has just not been maintained.

Again, as the previous speaker said, I have great fondness for the Smithsonian as well, and anytime we have got to find an offset, it is a tough one, but in this case I think it is very important that this $20 million, which may not sound like a lot of money relative to the total cost of this appropriations bill, but it is a big deal for the local counties in States like mine, where so much land is federally owned. It makes a big difference to those county budgets. It makes a big difference in providing those services to people who use those public lands.

I encourage people to support this amendment.

Mr. CANNON. Mr. Chairman, I move to strike the requisite number of words.

The hour is late. I would like to begin just by associating myself with the comments by the gentleman from Arizona (Mr. FLAKE) about where he spoke about the additional lands that we are acquiring and why we do not need that until we can take care of the lands that we have.

I would also like to associate myself with the comments by the gentleman from Utah (Mr. BISHOP), who was speaking about counties that I have represented in the past, and I personally know the problems that those counties have.

I would also like to associate myself with the words of the gentleman from Utah (Mr. MATHESON) who spoke eloquently about some of these issues.

I want to also thank the gentleman from North Carolina (Mr. TAYLOR). I recognize the need for him to oppose this on the basis of what the offsets are. I think the gentleman from Utah (Mr. BISHOP) was fairly articulate about how we can solve that problem in conference. I urge the Members of this body to do so.

I must say I was really offended by the personal attack of the gentleman from Washington (Mr. DICKS) on the gentleman from Arizona (Mr. FLAKE) here. This is not a personal matter. This is a matter that relates intensely to the needs of our people.

Let me just point out that if we look at the West, we have done a study in the State of Utah, Marty Stephens is the Speaker of our House, and he has taken a massive amount of statistical data and shown that we in the public lands area of the United States tax more.

□ 2145

Mr. Chairman, this is a matter of fairness. In the West, we tax more than we tax in the East. We still pay a lower amount per student in educational expenses because and only because we are dominated by Federal ownership of land. That means California and every west coast State, every intermountain State, all of us, tax more and spend less. It is not fair, and this body needs to redress that.

I hope that the Members of this body will vote in favor of the increase in PILT; and as a big fan of the Smithsonian myself, let us hope we can solve the problem in conference. But we need to give more money to our western counties who are fighting fires because of the negligence of the Federal Government who are suffering with educational costs that we cannot meet because the Federal Government owns our land and we are not getting any of the other benefits that should come from that public land. We have an obligation, and I urge this body to meet that obligation by voting for the Flake amendment to increase PILT.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 1 printed in the RECORD of June 15 by the gentleman from West Virginia (Mr. RAHALL); amendment No. 2 offered by the gentleman from Ohio (Mr. CHABOT); amendment No. 3 offered by the gentleman from New Mexico (Mr. UDALL); and amendment offered by the gentleman from Arizona (Mr. FLAKE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 227, not voting 7, as follows:

[Roll No. 251]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre

McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 2211

Messrs. TERRY, NUNES and BURTON of Indiana changed their vote from "aye" to "no."

Messrs. JOHN, HOYER and JEFFERSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 251, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 215, not voting 9, as follows:

[Roll No. 252]

AYES—209

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—215

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder

LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette
Oxley
Weller

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 2222

Mr. SKELTON changed his vote from "aye" to "no."

Mr. BISHOP of Georgia changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 252, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 253]

AYES—222

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—205

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capuano
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Porter
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

□ 2230

Mr. TAYLOR of Mississippi and Mr. COSTELLO changed their vote from "aye" to "no."

Mr. SAXTON and Mr. LINCOLN DIAZ-BALART of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FILNER. Mr. Chairman, on rollcall No. 253, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 8, as follows:

[Roll No. 254]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette
Terry

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2237

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 254, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

Stated against:

Mr. TERRY. Mr. Chairman, on rollcall No. 254 I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 332, not voting 7, as follows:

[Roll No. 255]

AYES—94

Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berkley
Bishop (UT)
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Cannon
Cantor
Carter
Chabot
Cox
Davis, Jo Ann
Deal (GA)
Doolittle
Dunn
Emerson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goodlatte
Graves
Green (WI)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Issa
John
Jones (NC)
Kelly
King (IA)
Kingston
Lewis (KY)
Linder
Matheson
McCrery
McInnis
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Nethercutt
Norwood
Otter
Paul
Pearce
Pence
Petri
Pickering
Pombo
Pomeroy
Porter
Radanovich
Rehberg
Renzi
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Strickland
Stupak
Tancredo
Tanner
Thornberry
Toomey
Turner (TX)
Vitter
Walden (OR)
Whitfield
Wicker
Wilson (NM)

NOES—332

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo

Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Platts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2245

Ms. DUNN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 255, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "no."

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARRETT of New Jersey) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I rise today in honor of Juneteenth, a day of celebration for all Americans. Juneteenth or June 19, 1865, marks the day that Major General Gordon Granger landed in Galveston, Texas to inform slaves that the Civil War was over and they were now free men and women.

Juneteenth is a day honoring President Abraham Lincoln's Emancipation Proclamation. It was a Juneteenth that Lincoln's proclamation was finally enforced nationwide, 2½ years after he issued the decree. President Lincoln should be honored for his tremendous efforts on freeing all of the slaves, and we must recognize this important day in our Nation's history.

Since then, Juneteenth has been a day of celebration largely in the African American culture and especially for African Americans in Texas. Many communities celebrated in churches or in far off rural areas. But as times have changed and more African Americans began to own land and to experience freedom, sites were dedicated specifically for celebrations and more people began to participate.

In 1872, Reverend Jack Yates raised $1,000 to purchase a park in Houston named Emancipation Park in honor of the Juneteenth holiday. With public land acquisitions such as this, more Americans have become aware of this event and began to celebrate its heritage.

Mr. Speaker, I would like to take the time to commend President Abraham Lincoln. Not only was President Lincoln a great Republican abolitionist in history, he was a great leader from my home State of Illinois. His vision and dream of freeing slaves was finally a reality on June 19th, 1865, the day we now know as Juneteenth. His efforts freed thousands, hundreds of thousands of slaves across our Nation.

Another person that I must note is Owen Lovejoy from Princeton, Illinois. Lovejoy is a former Republican Congressman from Bureau County and was a pioneer in the abolitionist movement in Congress. In 1863, he introduced the Emancipation Proclamation in legislative form to the Congress. With the support and leadership of President Lincoln, it was passed and became Public Law. He is yet another example of a fighter for freedom and liberty. Mr. Speaker, I am proud to serve the 11th District of Illinois, the home of former Congressman Owen Lovejoy.

Today, Juneteenth is not only celebrated by Americans, but by people all over the world. More and more communities continue to coordinate celebrations, whether it is in the workplace, school, or at home.

Mr. Speaker, I encourage this Congress to mark Juneteenth as the day in history that forever changed the lives of thousands of Americans in 1865 and continues to have an impact on current future generations.

Mr. Speaker, as this celebration of heritage continues to grow, I would like to honor this day of celebration we know as Juneteenth, June 19, 1865, and encourage all Americans to observe this day of emancipation and strength.

SMART SECURITY AND BUSH ADMINISTRATION CONDONING OF TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, American troops are being court-martialed daily for their role in the heinous crimes that took place in Abu Ghraib, the prison in Iraq. For sure, their role in these incidents is embarrassing and shameful.

But if we are searching for the true culprits for these abuses, which include the sexual assault, forced sodomy, and death of Iraqi prisoners, we need look no further than August 1, 2002.

That is the day the Justice Department advised the White House in a memo to Alberto Gonzalez, President Bush's top counsel, that torturing al Qaeda terrorists in captivity "may be justified." The memo also stated that "necessity and self-defense could provide justifications that would eliminate any criminal liability" for the use of torture.

It is not just the physical abuses that took place in Iraqi prisons that is appalling. The thing that is just as appalling is that legal abuses took place here at home too within our own government, when high-ranking officials in the Department of Defense and the Department of Justice affirmed the use of torture as a war tactic.

The White House and the Pentagon approval of torture is not only shameful, it also flies in the face of America's human rights standards. And what happened to the United States setting a positive example for the rest of the world?

That is not what Secretary of Defense Donald Rumsfeld would have us believe. Rumsfeld wants the American public to think that the use of torture was isolated to Abu Ghraib; that by merely court-martialing those directly responsible for inflicting the abuse who he called "a few bad apples," well, now we have gotten to the bottom of it.

But the fact that torture occurred in separate places and under the command of different interrogators leads many to believe that a more systematic failure took place. And I believe that the discovery of the Justice Department's appalling sanctioning of torture confirms that belief.

Furthermore, an investigation by the New Yorker Magazine detailed a Pentagon operation that encouraged the physical coercion, otherwise known as torture, of Iraqi prisoners in an attempt to produce intelligence about the post-war insurgency in Iraq.

This information was also substantiated by Newsweek Magazine, and do not forget about the memo that called the use of torture "justified." What more evidence does one need to understand that this administration condoned and approved the use of torture?

There is an eerie pattern at work here. First Guantanamo Bay, then Abu Ghraib. Now we are learning that prisoners in Afghanistan have been subjected to torture by American soldiers. It is becoming very clear that the really "bad apples" are at the top of the barrel. They are, in fact, in the White House.

There has to be a better way, Mr. Speaker, a more intelligent way, a way rooted in the values that we hold dear in the United States, and there is. I have introduced H. Con. Res. 392, legislation to create smart security for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism.

SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation; and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and education.

SMART security means interrogation, not torture. It means an open government, one we can trust to do the right thing; not one that will hide behind Justice Department memos condoning torture and secret Pentagon plans on how to use torture to America's advantage during war.

The situation in the Middle East requires the best America has to offer. SMART security relies on the very best of America: our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Let us be smart about our future in this country. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe and honored by the rest of the world.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

BUSH ENVIRONMENTAL RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, "environment" is a dirty word in the current administration and they have the record to prove it.

The administration has turned over environmental stewardship to special interests. The Vice President held secret meetings with energy companies to craft the new energy policy. It does not address renewable resources or energy efficiency. Instead, the Cheney Special Interest Energy Task Force called for more oil drilling and more coal production.

Efforts by the public to learn for about these secret meetings were unsuccessful. That is because Attorney General John Ashcroft issued a new directive urging all Federal agencies to deny all Freedom of Information requests whenever possible.

The administration's actions go far beyond our own borders. A new film, "The Day After Tomorrow," depicts a world plunged into a new ice age because we refuse to address global warming. They say the truth is stranger than fiction.

The President called the U.S. out of the so-called Kyoto Protocol. Mr. Speaker, 160 nations had agreed to work together to address critical global warming issues.

Under democratic President Bill Clinton, the U.S. had agreed to be part of this worldwide global initiative to save the world. This President not only withdrew from Kyoto, he also worked to reduce clean air standards at our oldest and most polluted power plants. The administration could not get Congress to reduce Mercury standards, so the administration reduced them on their own.

The administration has proposed something they call a Clear Skies Initiative. They could have called it the Dark Cloud Policy. The effect of dark cloud is to gut clean water and air standards. If they get it through, the industry would have another reason to pollute, direct from the White House. Now, that is a new definition of environmental stewardship.

The administration does not just propose new pollution legislation. This administration has been redefining existing definitions to help industry pollute. A case in point: older coal-fired power plants, among the worst polluters, have a new definition of "upgrade" that allows them to avoid installing new technology to reduce pollution.

In one of America's great places, Yellowstone National Park, we now have, surprise, calls by the administration to let snowmobiles continue to pollute the air and noise. But the Park Service plans to phase in banning snowmobiles from the park suddenly needs, yes, more study. That is administration speak for special interests.

There are plenty of places in America, millions of acres available for snowmobiles, but the snowmobile lobby went right through the oval office.

Now, Congress is trying to save Yellowstone from the administration's tactics.

The President turned his back on his own campaign pledge to reduce industry carbon dioxide emissions, a major contributor to greenhouse gases. Oil drilling has been given a green light in the Padre Island National Seashore. It is off the coast of Texas, and it is the fist national park to be open to drilling. It has dramatically increased logging in the Pacific Northwest, and is trying to convince the world that fake salmon are better than natural salmon.

The list of environmental transgressions is so long that 5 minutes is not enough, 5 hours is not enough, and 5 days would not be enough to help the American people understand what has happened to our environment since this President took office. They are polluting the air, polluting our water, and it affects human beings as much as it affects environmental degradation. Ask any one of the youngsters in this country in the epidemic of asthma.

None of this matters to the administration. The special interests have spoken and given hundreds of millions of dollars to Republican political campaigns.

□ 2300

That buys access to the Oval Office and, they hope, to places like Yellowstone.

The rest of us are told there is no problem. We are just reactionaries. The evidence is overwhelming, we are told we need more research. Big tobacco always said that about cigarettes and lung cancer. They said it every time someone else new was diagnosed with lung cancer. Why do we not do some more studies?

Well, this administration is doing exactly what big tobacco did. First, deny, deny, deny. Then attack your critics. Then say we need more study. Then attack the study and call for research.

At a time when the world needs environmental leadership, the Administration offers environmental plunder. We can no longer accept that.

Everyone has heard of Lord of the Rings. In fact, many have seen it. In J.R.R. Tolkien's Return of the King, the character Gandalf says something that should guide us all.

"It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule."

The environment is not for sale. The American people need to know that. Look at the record. Save the environment while there is still time. November 2 is coming.

CHANGES IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I would like to visit today with Members of the body to discuss just one of the aspects of the changes that we have seen in the world. We hear a lot from our friends that the war on terror is not progressing, that there is no significant advancement.

Mr. Speaker, two days ago we were joined by His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan, to talk about the changes in his country. He reports that Afghanistan was one of the poorest countries. They had, of course, the Taliban and al Qaeda working there. They have an economy that is controlled by the drug lords. Private militias have been ever present in their countries.

Yet, today he reports that under their new transitional government that they are rebuilding the schools and starting the children back to school. Boy and girls, 5 million of them, are back in schools today in Afghanistan. They are also developing health clinics to provide basic health services for the inhabitants and the citizens of Afghanistan.

One of the most important things he said is they are beginning to rebuild their economy, beginning by rebuilding highways and roads so that commerce can be conducted throughout the nation. As they conduct commerce, they are also beginning to rebuild the military, the militias, their national guard, and reestablish police forces in order to guarantee security for the people of Afghanistan and to defend the country's sovereignty.

The government of Afghanistan is beginning to fight against the narcotics trade, the one that has been so prevalent in that nation and provides drugs throughout the world to eat the heart and soul out of not only their children, but our children and the children of Europe, Germany, France and all around the world. And when the government of Afghanistan begins to do what they can to stop the flow of illegal drugs throughout the world, we know that the world situation has changed for the better.

He reports to us that the Afghanis are beginning to vote with their feet, that over 3 million refugees have come back to Afghanistan and reestablished permanent residence there, voting with their feet, saying that we believe Afghanistan is a better place today than before the United States entered and began to fight the war on terror inside their borders.

The country has adopted an enlightened constitution, one which for the first time begins to recognize the rights of women. And in that constitution, 25 percent of the elected seats are reserved, 25 seats in parliament are reserved for women. A stunning turn around for a culture that in Afghanistan had simply eliminated women from any positions of authority in that country.

He declares that they have established an open and inclusive society. He reports that there are many things that they still have to do, that they are requesting the help of the United States on. The Islamic State of Afghanistan is requesting the help of the United States, help in disbanding the private militias and demobilizing those tremendous forces of evil inside the country that both protect and encourage the drug trade.

He asked that we continue to fight with them to dismantle the entire drug industry, the illegal drug industry in that country, to help them to reduce the very high infant mortality rate. He explains that Afghanistan is open for business but they need businesses to come and help them rebuild the country. And he has an open invitation that asks American businesses to come there to help establish an economy that will sustain their people now and in the future. But he declares to us, President Karzai, declared to us on the floor of this House when he spoke to the joint meeting of the Senate and the House, that the greatest menace still in Afghanistan is terrorism. And he declared that terrorism is the greatest menace worldwide, as well as in Afghanistan.

He talked about al Qaeda in Afghanistan that killed Muslims prior to the US dismantling the Taliban and chasing al Qaeda out of the country.

Mr. Speaker, we were honored to have the President of Afghanistan visit and bring us up to date on the changes that have occurred in his eyes.

ACCOMPLISHMENTS OF THE REPUBLICAN HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for half of the time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, tonight we are going to talk a little bit about the accomplishments of the Republicans in the House of Representatives, accomplishments that are going to help us bring jobs back into America.

Over the last generation, our government has consistently created policies that have prevented us from keeping jobs in America. The Republicans in the House have come up with a plan to change that environment so that we can quit the outsourcing of jobs and start the insourcing of jobs. We have divided the issues that have been created by the Federal government into 8 categories. Each one of those categories or issues is going to get a week of our time, a week of dedication to deal with this issue, bring important votes to the floor, and change the environment and bring more jobs into America.

We started out with health care the week of May 11, health care security. We then went to bureaucratic red tape termination, life long learning. This week was energy self-sufficiency and security. We have 4 more topics that deal with ending lawsuit abuse.

Now, under health care security we passed flexible spending accounts to allow employees more choices in their health care. We passed medical malpractice liability limitations to lower the cost of health care by lowering the liability insurance. And we also passed the Small Business Health Fairness Act which allowed small businesses and other associations to bond together to go out and purchase from health care providers and thereby lowering the cost of health care in the United States.

We went on to bureaucratic red tape termination, and we dealt with 4 bills with Occupational Safety and Health or OSHA. We had small business day in court for OSHA. We had OSHA Review Commission Efficiency Act. We had the Independent Review of OSHA Citations act. We had the OSHA Small Employer Access to Justice Act. And then we completed that week with the Paperwork and Regulatory Improvement Act.

We went on to lifelong learning the next week. We talked about the Teacher Training Enhancement Act, the Priorities for Graduates Studies Act, Back to Work Incentives Act, and we completed that week with workforce Reinvestment and Adult Education Act and having the conferees appointed as well.

□ 2310

This week we passed three pieces of additional legislation: the Energy Policy Act of 2004, the Renewable Energy Project Siting Improvement Act, and the U.S. Refinery Revitalization Act. Fifteen pieces of legislation have been passed. It is part of the plan that we have that is part of the aggressive nature that the House has taken on to bring jobs back to America.

Next week, we are going to be dealing with research and development.

Our opponents on the other side of the aisle, the House Democrats, have come up with an answer to our agenda. They have an alternate agenda, and that agenda is very interesting. It is on their Web site. It consists of 28 proposals compared to our 8. Thirteen of those proposals call for more government spending. Seven of those proposals call for more government regulation. Eight call for some outlandish schemes such as textile summits, other conferences, more lawsuits and targeted tax credits.

The business environment today has been forced to outsource jobs because of government regulations, because of government red tape, because of government policies, and the Democrats think the solution is more government. I think that that is wrong.

I have a quote here, Mr. Speaker. It starts out by saying, America must get to work producing more energy. The Republican program for solving economic problems is based on growth and productivity. A large amount of oil and natural gas lay beneath our land and off our shores untouched because the Democrats seem to believe the American people would rather see more regulation, taxes and control than more energy. That quote was made by Ronald Reagan, July 17, 1980.

The problem is pretty much the same because we have not gotten any bipartisan support on trying to create jobs and improve energy sufficiency in America.

I have a chart here, Mr. Speaker, that talks about America's energy security, a lesson of supply and demand. We can see clearly on this first part of the chart that supply' which is the manufacturing of petroleum and coal product jobs, have gone down since 1995, and we are here at 2003. The consumer price index of energy prices has continued to go up.

You can see there was a dip that came down some in the recession, but our demand has continued to grow, and the reason it has is because our economy is growing. The reason our economy is growing is because of the tax relief that has been passed by House Republicans and signed by the President into law. So we have been fighting this battle for some time, and let me just show one other chart here before we go on to another speaker.

This is what the House Republicans have done to provide America with a comprehensive energy plan. It starts out on January 1, 2001, and indicates on January 3, George Bush takes office. Then we can see that we have made several efforts. President Bush released his energy plan, delivered it to Congress. We responded by passing a House energy bill for the first time. We set up another second passage over on April 11, 2003, almost a year and a half later. We passed it a third time on November 18, 2003, and yesterday we passed it for a fourth time. Each time it has been stopped by the Democrats. We have not had the ability to get it to the President's desk, but the result of not having a comprehensive energy plan is it has driven gasoline prices at the pump from below $1.50 up to in excess of $2.

It is time for us, Mr. Speaker, to move on with the energy policy and get a plan passed and to the President so that we can lower energy costs and create jobs.

I have with me a gentleman from Indiana (Mr. CHOCOLA) who is going to address some additional issues about bringing jobs back to America as related to energy policy, and I yield to him at this time.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for his leadership on this very important issue that I think is crucial to our economic security and job creation in our country.

As we focus this week on energy and its role in ensuring our economic security, I remind my colleagues, as my friend from Kansas just did, that the House of Representatives has passed three energy bills before this week, since 2001, all with the aim of exploring and increasing domestic energy production in hopes of staving off the type of energy crisis we face today.

Even though the employment rate has gone down significantly, and the economy as a whole is showing clear signs of improvement, the greatest impediment and risk to sustaining our growing economy is the rising cost of energy. Energy is the lifeblood of the American economy, and we can ill-afford to ignore the pressing need to pass comprehensive energy legislation. We cannot wait for another blackout of the kind that we saw last August or for another spike in gasoline prices that we see today.

Mr. Speaker, it is imperative that we act now. The energy conference report the House has passed is a jobs bill. We call a lot of things here in the House of Representatives job bills, but this bill clearly fits the description. It is estimated that 838,500 jobs will be created if this energy policy is actually enacted. From natural gas and coal, to nuclear and renewable energy exploration and expansion, our domestic energy reserves will be a dramatic boost to the American workforce.

The rising cost of gas prices is just one of the most visible consequences of lacking a national energy policy, and it is a stark reminder of our need to utilize and explore our domestic energy supply. By hindering exploration and utilization of our country's energy potential, we continue our reliance on foreign energy sources. Since 2001, the United States has sent over $300 billion and countless American jobs to OPEC and other foreign Nations to meet our energy needs here at home. According to the U.S. Department of Commerce, America loses 12,389 jobs for every $1 billion we spend on imports. This translates to 1.7 million jobs America has sent overseas for oil every single year.

This legislation will help ease our dependence on foreign oil by requiring 5 billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015. This increase in the use of ethanol will save 1.3 billion barrels of oil by 2016, and improve the trade deficit by $28.5 billion over the next 15 years, and adds $135 billion to the American economy by 2016 through increased agricultural demand and new capital spending, and generate $32 billion in income for American consumers over the next 15 years.

Along with oil, natural gas has been an indispensable energy source in this country. Natural gas is responsible for 20 percent of our Nation's energy production and is expected to play an increasingly important role in addressing our Nation's future energy needs. Yet the volatile price of natural gas over the past new years is constricting our economic growth. For example, an estimated 85,000 jobs have been lost by the

U.S. chemical makers since U.S. natural gas prices began to rise in mid-2000. Over the past few years, our reliance on natural gas has left our small business community susceptible to the fluctuations of the natural gas market, and it is hurting our economy and our workforce.

Mr. Speaker, I find it ironic that last August, on the same day that we saw a blackout in parts of the Midwest and the northeast, I chaired a hearing in my District, in the 2nd District of Indiana, on natural gas prices. At that hearing, we heard from school districts, we heard from businesses, we heard from social service organizations about the devastating effect that the rising cost of natural gas has had on their endeavors. Probably one of the most interesting things I learned during that hearing is that here in the United States, in our non-park, non-wilderness lands, we have enough natural gas to supply 100 million households for 157 years.

I would like to share just one quick story about a company in my District called Koontz-Wagner Electric that testified at that hearing and talked about the impact that the rising cost of natural gas has. They utilize natural gas to run the energy needs of their plant and much of their equipment, and this year, they saw an increase of $60 to $90,000 above their expected levels in natural gas costs. That is money that could have been invested in their business, could have helped create jobs, but instead went to pay for the energy costs that made them less competitive in the global economy.

Just last week, I spoke with a fertilizer company, one of the largest employers in one of the counties in my District, and they have seen their main input cost, $90 percent of their cost is nitrogen, and over the last 2 weeks they have seen their nitrogen costs increase by 15 percent, putting their company and their employees at risk. They have seen that not only in the last 2 weeks, but week after week they have seen double digit increases in their most important costs, again, putting their company at risk.

But there is a solution, and it is enacting a comprehensive energy policy in this country. A comprehensive energy bill includes such provision as the creation of a natural gas pipeline from the Alaska North Slope to the lower 48 States. This pipeline will improve access to natural gas and promote competition in the exploration, development and production of natural gas to help secure our Nation's energy future. This legislation also provides for more natural gas exploration and development by providing royalty relief for deep and ultra deep gas wells in the shallow waters of the Gulf of Mexico. Improved access to North America's abundant natural gas resources will help to reduce high utility bills, create jobs and provide more than $500 million of increased revenues for the U.S. economy.

□ 2320

Mr. Speaker, as I said, energy is the lifeblood of our economy. We can no longer afford to ignore this pressing need. We must remain committed to pursuing a comprehensive energy policy in order to reduce our dependence on foreign oil, lessen the cost of gasoline and home utility bills, and help create more jobs right here in America.

Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) for bringing this Special Order to the floor to talk about this very important issue. I urge my colleagues to support enactment of this energy policy.

Mr. TIAHRT. Mr. Speaker, I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate the opportunity to speak tonight on energy week in the House of Representatives. Frankly, it feels a little bit like the movie "Groundhog Day." I think we have been through this at least once before. Each time we go through it we have an opportunity to improve it, and each time we also feel a little bit frustrated that others in this Capitol do not share the same passion for a comprehensive energy policy.

Mr. Speaker, the gentleman from Kansas (Mr. TIAHRT) opened up with a discussion about the impact of higher gasoline prices on a timetable starting when President Bush was sworn in and gas was about $1.35 a gallon. I think it is $1.32 on the chart here. Because of the inaction of being unable to produce a comprehensive energy policy, what American citizens have seen is continuous rise and spikes in gasoline prices, and this has certainly captured the headlines and the lead-off stories on national news as we pay record prices across the Nation, seeing a little bit of relief.

But as we focus on gasoline prices, probably the more devastating aspects to our family budget and our economy is frankly the increase in price of natural gas. Alan Greenspan has spoken several times that the increase in natural gas prices has become a drag on our economy. So let us work through that a little bit. H.R. 6 that we have passed in the House of Representatives four times provides incentives for additional exploration within the continental United States. There is a lot of discussion about drilling in Alaska, but ANWR is not part of H.R. 6, but we provide incentives for exploration in the continental United States, as well as a new pipeline to run from Alaska to the continental United States, and that is one of the issues being stalled here.

What we need to realize is natural gas provides America about 25 percent of its current energy needs and is used by almost two-thirds of American households. That is right. That is for cooking, appliances, that is for heating our homes. But what many do not realize, as this chart shows, not only for electrical generation and residential use, but industrial use, as the gentleman from Indiana mentioned. Natural gas is used in the production of food to fertilizers, from cars to clothes, from aluminum to electronics. Natural gas is so essential a raw material that it is a basic element in many common products such as paints, fertilizers, propane, film, medicines, and almost all power plants which have been built in the last 15 to 20 years use natural gas to generate electricity.

What is great about it is it is low emission. It is a clean fuel to use. Here in D.C. when we walk around downtown, there are bright buses which pass through which say "Using Clean Natural Gas." Yes, we use it in transportation as well.

The issue with the price of natural gas is just basic high school economics: It is supply and demand. Over the last, and here is a chart, it talks about just a few years ago natural gas prices were pretty stable around $1.50 CFM.

This chart here actually is wrong, and I need to take a second to correct it because it shows that it tops off at about $5, but just 2 weeks ago it was trading at $6.70 and it is now trading above $6. In other words, Mr. Speaker, the price of natural gas is off the charts, and we are not doing a darn thing about it.

Now the soaring natural gas prices, let us talk about the ripple effects that it has through our economy. It is putting a pinch on our families. As I understand from our local gas utilities, it is costing the average family in my district several hundred dollars a year just in additional heating and utility costs. But let us talk about what it is doing to our economy and jobs.

The U.S. chemical industry has cut at least 90,000 jobs because of the high price of natural gas. Several plants have closed and moved their doors overseas. Yes, overseas. Now let us talk about why they are moving overseas. Why do our farmers now have to import fertilizer and pay twice as much as they did 3 years ago? Let us look at this. In the United States because of our demand and lack of supply, we are paying about $6.50 CFM. We can go down to Mexico and Central America and pay less than one-sixth. What is a business to do? When we criticize businesses for moving offshore or out of America, yes, it frustrates every one of us that those jobs are moving out, but let us look at some of the causes and deal with that. What is a manufacturer going to do when the basic input, as the gentleman from Indiana said, when it is about 90 percent of the input costs for fertilizer, what is that fertilizer plant going to do? They are going to go where it is a cheaper price and reduce their costs dramatically and sell it back.

I believe these natural gas prices really provide an unfair disadvantage to our American manufacturers, and we need to do something about it.

The Energy Policy Act which the House passed once again yesterday would boost natural gas production by removing barriers and creating sensible incentives. It would increase the depreciation period of natural gas pipelines from 20 to 15 years. It would increase energy conservation and efficiency by 50 percent over 5 years, and it would relieve pressure on natural gas markets, diversifying our energy portfolio by increasing power generation from clean coal, fuel cells, microturbines, emission-free nuclear power, and renewable energy sources. By adopting this balanced plan, we would increase natural gas supplies and save U.S. customers approximately $1 trillion in natural gas costs over the next 20 years. Yes, Mr. Speaker, I said $1 trillion.

Now, it is time that we stop holding Americans hostage, our economy hostage. Let us fight some of the root causes of our loss of manufacturing jobs and pass a comprehensive energy bill.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Nebraska (Mr. TERRY) for that very important information about how we are going to bring jobs back to America by passing comprehensive energy policies that will lower costs for natural gas and make it more economical to do business in the United States.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. PEARCE) to talk about bringing jobs back to America with a comprehensive energy policy.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) for bringing this issue in front of the body.

Mr. Speaker, there are two things that our standard of living in America is based upon.

□ 2330

Our standard of living is very high in this country because of two basic, essential facts. First, we have affordable food and, second, we have affordable energy. Both of those things determine how we live our everyday lives, how much we have got to spend on our kids' school clothes, how far we have got to spend on the schools that our kids go to, those things are determined by the basics that we do not have to spend more than a small amount of our income on either food or energy.

Mr. Speaker, House bill 6, the energy bill, really begins to address the fact that jobs are being sent overseas because of high energy costs but it also addresses the more relevant fact of the cost of energy in our homes. I had some high school students in my office today. They asked, what is your position on drilling in ANWR? I said absolutely, that I supported it in my campaign, and that I have supported it since I got here. They asked, why would you do that? And they seemed to be asking it in good faith. You could tell that they had had discussions in their school and they were asking for my opinion because they had received the other side. I said, it is very simple. You hear your parents talking about how much it costs to fill up their car with gasoline, about $40 to $50 to $60 now depending on what size tank you have. I said, you have heard your parents talk about it. Yes, yes, it is very much higher. The fact is that we are talking about supply and demand and they were a little curious about that. They did not really understand it fully. I said, it is simply like cell phones. When cell phones first came out, the supply was very limited so you might pay $450 or $500 for a cell phone but today they will give them to you just to get the business. That is because as the supply of cell phones has increased, the price has gone down. Petroleum is exactly the same way.

If in 1995 President Clinton would have signed the ANWR drilling bill that was put in front of him, both House and Senate in 1995 passed that bill, if he had signed that, today we would have 1.5 million new barrels of oil coming down the Alaska pipeline and into our shores. What our attempt is today to lower the price of gasoline in our cars is we have gone to the Saudi Arabians and we are asking them on bended knee, we the United States is asking Saudi Arabia on bended knee to increase production by somewhere between 1 and 2 million barrels per day. We know that at that figure, the price would come back down to what Americans are used to paying for a gallon of gasoline. But instead, President Clinton vetoed the bill that was passed by the House and by the Senate, he vetoed the bill, so today instead of having the 1.5 million barrels that we are asking the Saudi Arabians for, that 1.5 million barrels would have been produced on American soil and with American jobs, instead it is being produced somewhere else and then we have the higher energy costs and we are more dependent on foreign oil.

My friend from Nebraska talked about the high price of natural gas. There are some very compelling things in the price of natural gas. It is being pushed up because the Federal Government is requiring that many of our electrical generating plants convert from coal into the clean-burning natural gas. The Federal Government demands that we convert electric plants over to natural gas, therefore, pushing the demand up while at the same time the Federal Government at the insistence of some of the extreme environmentalists is beginning to limit access to the natural gas drilling that is available. The drilling that they are stopping, the drilling that the extreme environmentalists are stopping is not in pristine areas. They are exactly in areas on Federal land that have been drilled before. There is no reason to say that we cannot drill there except the extremists believe in their heart that America has too much.

Mr. TIAHRT. Mr. Speaker, to wrap up as our time expires, we call our plan to bring jobs back to America "Careers for the 21st Century." This week we have been talking about tonight is the energy self-sufficiency and security. Next week we are going to talk about research and development.

ABUSES OF POWER: ENERGY TASK FORCE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for the remaining time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, House Republicans are making a mockery of the House floor this week. They are bringing up at least four pieces of legislation they claim will address our Nation's energy needs and begin the process of lowering prices at the pump but the American people should not be fooled. Over the past 3 years, the Bush administration and congressional Republicans have done nothing to help consumers who are now struggling to pay higher gas prices. Instead, the Bush administration is in the pocket of the oil and gas companies and House Republicans are doing their dirty work.

Mr. Speaker, Republicans are claiming the energy legislation they passed last year which we are again voting on this week will provide some much-needed relief at the pump. What Republicans will not say is that a study from the Energy Information Administration concluded the Republican bill would actually increase the average gasoline price by three cents per gallon. Congressional Republicans and the Bush administration are not interested in lowering gas prices. One might ask why, and that is because high gas prices mean high profits for big oil and gas companies. In fact, it was the executives at these very companies that worked in secret with Vice President CHENEY in crafting the Republican energy bill that Republicans are now touting this week. For 3 years now, the Vice President has done everything he can to keep the records of his energy task force secret. This secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, legislation that has now stalled in the other body. Nevertheless, the end result was bad energy policy. There is no doubt that the energy industry succeeded with its influence during these secret closed-door meetings in crafting a policy that benefited them rather than benefiting Americans now that Americans are paying that price at the pump. For 3 years, the Vice President has refused to let the American people know who made up his energy task force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did. Finally, after 3 years of hiding the information, it appeared that we would finally get some of the information CHENEY was fighting so hard to keep secret thanks to the Sierra Club and the conservative group Judicial Watch who sued Vice President CHENEY in the courts. The two groups wanted to find out exactly who from the energy industry participated in crafting the Bush administration's destructive energy policy. A district court ordered the administration to provide the information last year but the Bush administration still refuses to turn it over. The administration's reason, constitutional immunity from such inquiries. The district court rejected that contention, pointing out that the administration was attempting, and I quote, to cloak what is tantamount to an aggrandizement of executive power with the legitimacy of precedent where none exists.

But, Mr. Speaker, as we know, the Vice President refused to give in. He has appealed the district court decision to the U.S. Supreme Court and last December the Supreme Court agreed to take the case and heard arguments this spring. I have to point out that it does not make any sense to me why the Vice President would be so concerned about keeping his energy task force records secret. I would like to know or ask the congressional Republicans why they continue to allow the Bush administration to get away with this secrecy. Could it be that they know if the records are ever made public that the American people would finally realize that the Republican energy bill was never intended to help the American consumer but instead from the very first day its main goal was to provide oil and gas companies billions of dollars in tax breaks?

Mr. Speaker, I wanted to point out a problem with a potential conflict of interest, I think clearly a conflict of interest with regard to Justice Scalia and the Supreme Court. It appears in my opinion that Vice President CHENEY will do anything to keep these documents of the energy task force secret. That is why I think that what happened is that 3 weeks after the Supreme Court announced it would hear Vice President CHENEY's appeal of the case, Justice Scalia accompanied Vice President CHENEY on an Air Force Two flight from Washington, D.C. to Morgan City, Louisiana for a duck hunting visit. There, according to news reports, Justice Scalia and the Vice President were guests of Wallace Carline, president of an energy services company. Neither the Vice President nor Justice Scalia made this duck hunting vacation public. Had it not been for the investigative work of the L.A. Times, we might still not know that these two spent several days together hunting duck in Louisiana. One would think that these two bright men would realize how such a vacation would look to the American people if it ever became public but unfortunately it does not seem like either one of them cared.

□ 2340

What happened is, and I think there is no doubt, that this vacation serves as a conflict of interest, and because of that, I believe that Justice Scalia should recuse himself from hearing the Cheney case in the Supreme Court. But even more importantly, Vice President CHENEY should have realized how this would look and should have cancelled the trip before he even went.

But regardless of that, there is no disputing that Justice Scalia should recuse himself on ruling on the case involving the energy task force. The Sierra Club asked Justice Scalia to do just that, but Justice Scalia continues to refuse to recuse himself. What he did instead was to defend his decision in a 21-page memo. In the memo Scalia describes how he enjoyed going hunting every year with his friend Wallace Carline. And Scalia writes: "During my December, 2002, visit, I learned that Mr. Carline was an admirer of Vice President CHENEY. Knowing that the Vice President, with whom I am well acquainted, is an enthusiastic duck hunter, I asked whether Mr. Carline would like to invite him to our next year's hunt."

And Scalia continues in this memo that "The answer was yes. I conveyed the invitation, with my own warm recommendation, in the spring of 2003 and received an acceptance, subject, of course, to any superseding demands on the Vice President's time. The Vice President said that if he did go to Louisiana, I would be welcome to fly down with him."

Mr. Speaker, just think about this explanation that Justice Scalia is giving for not recusing himself in this case involving Vice President CHENEY. Think about the apparent relationship these two men have, a relationship between two men who have worked in Washington for so many years and even worked in the Ford administration together.

And then try to look at it another way. The columnist E.J. Dionne did a Washington Post column earlier this year, and he said: "Imagine you were in a bitter court fight with a former business partner. Would you want the judge in your case to be someone who went duck hunting with your opponent and flew to the hunt on your opponent's plane?" That is the reality here.

Dionne continues: "And now consider that you, as a citizen, have a right to know with whom Cheney consulted in writing an energy bill that was overwhelmingly tilted toward the interests of an industry in which the Vice President was once a central player." Scalia admits that recusal might be in order where the personal fortune or the personal freedom of the friend is at issue. And Dionne writes that one should not worry because what is at stake here are only CHENEY's political fortunes, the interests of the industry that CHENEY once worked for, and the public's right to know, and that is no big deal.

But it is a big deal. Vice President CHENEY should have realized the conflict of interest and declined to join the Supreme Court Justice once he knew the Supreme Court would be hearing CHENEY's case. I do not know. It just does not seem like Vice President CHENEY cares and he just basically will do anything to ensure that the records of his energy task force are never made public.

I would like to ask a question because, again, this is the energy task force, remember, put together by the Vice President that put together the energy legislation that my colleagues on the other side are saying is a good bill and is something that we should pass here again this week. But I have to say if all that is true, if it is such a great bill and if they continue to tout, as my colleagues did just before I spoke tonight, how wonderful this legislation is that came out of this task force, then what are they trying to hide? What is the Vice President trying to hide? Why does he not just say who was on the task force and when the task force met and what they did? Why would anybody have a problem with it if my colleagues on the Republican side think that this is such a great bill that is going to benefit the American people?

But I think we have to think about it. Would it be an embarrassment maybe to the Bush administration to have to admit that every member of this task force was an oil or gas executive? I do not think so. I mean I think that is pretty obvious. I do not think they are trying to hide that in any way. I think that would be nothing new. So there has to be something else that they are trying to hide. What is so damaging in these documents?

And I would venture to ask could it be that somewhere within these documents there is proof that the Bush administration was looking at taking out Iraqi leader Saddam Hussein in order to take control of that nation's rich oil reserves? I am not just saying that as a matter of speculation. There is some evidence that that may be, in fact, the case.

Former Treasury Secretary Paul O'Neill stated in a book that he wrote recently that Vice President CHENEY strongly suggested U.S. intervention in Iraq well before the terrorist attacks of September 11. Then this spring President Bush's former top anti-terrorism adviser also talked about how almost from day one the Bush administration was consumed with taking out Saddam Hussein.

It began back in 2001, months after the new administration came to power. Clarke says that he had been trying to schedule a cabinet-level priority meeting on terrorism. His first opportunity was a meeting with Deputy Secretary of Defense Paul Wolfowitz, and Clarke said that he started the meeting by saying that we needed to deal with bin Laden. And Wolfowitz's response: "No. No. No. We don't have to deal with al Qaeda. Why are we talking about that little guy? We have to talk about Iraqi terrorism against the United States."

Clarke then responded to Wolfowitz: "Paul, there hasn't been any Iraqi terrorism against the United States in 8 years." Clarke turned to the deputy director of the CIA, who agreed with his assessment.

This conversation took place 3 months after Bush and CHENEY took control of the White House. Clarke's assessment seems to support that of former Treasury Secretary Paul O'Neill.

Clarke goes on to detail conversations with both President Bush and Defense Secretary Rumsfeld after 9–11. Both wanted to go after Iraq and Saddam Hussein. Additional evidence exists that CHENEY played an early planning role in the war in a National Security Council document dated February 3, 2001, months before September 11. According to a report in New Yorker Magazine, the document, written by a high National Security Council staffer, directed the NSC staff to cooperate fully with the energy task force as it considered the melding of two seemingly unrelated areas of policy: the review of operational policies towards rogue states, such as Iraq, and actions regarding the capture of new and existing oil and gas fields.

So now we have the melding of the national security policy and the energy task force policy. This document that I mentioned is essentially instructing the National Security Council staff to fully cooperate with the energy task force in melding together two different policies, one, a foreign policy towards Iraq versus an energy policy towards Iraq, and once again the document mentions the review of actions regarding the capture of new and existing oil and gas fields.

Does this mean, Mr. Speaker, that somewhere within the energy task force documents there is a possible strategy towards taking control of Iraqi oil and gas fields? Keep in mind this was before 9–11 and well before the administration now claims it began looking into the possibility of going to war against Iraq.

So my question is, Mr. Speaker, does Vice President CHENEY want to keep his energy task force secret because he does not want to admit that the administration was exploring ways of taking out Saddam Hussein before 9–11 strictly for the purpose of taking control of Iraq's oil fields?

I do not know the answer to that question, Mr. Speaker, and I do not think the American people know either. But the reason we do not know is because Vice President CHENEY again refuses to allow the American people to see these documents of the energy task force.

Another possibility, and again I am not just speculating, there is some evidence, is whether these energy task force documents were potentially hiding documents involving Enron. Could it be that the Bush administration also wants to keep the records of its energy task force secret because it wants to continue to distance itself from the Enron scandal? According to a 2002 report by the Committee on Government Reform, seven of the eight recommendations that then Enron Chairman Ken Lay gave to Vice President CHENEY miraculously made their way into the final energy task force report. Back in January, 2002, the San Francisco Chronicle released a memo given by Enron Chairman Lay to Vice President CHENEY at a meeting on April 17, 2001. Enron's memo contains recommendations in eight areas. In total, the White House energy plan adopts all or significant portions of Enron's recommendations in seven of these eight areas. Enron representatives had six meetings with the White House energy task force, including four meetings that occurred before release of the final report. The White House has consistently refused to disclose what Enron requested during these meetings. And despite all these meetings and the fact that Enron Chairman Ken Lay was President Bush's largest financial supporter, another reason the administration may want to keep these documents secret is that they do not want the American people to see more collaboration between the Bush administration and former Enron executives.

□ 2350

Now, once again, Mr. Speaker, I do not know whether or not these documents would reveal the collaboration between Enron and President Bush, and neither do the American people. But we will never find out if the documents continue to remain secret.

Mr. Speaker, I would like to conclude this evening, and, of course, I listened to some of the comments that my colleagues on the Republican side made earlier before I spoke about energy policy, but I wanted to say, Mr. Speaker, if the Republicans really want to address our Nation's current energy crisis, which they say they do, then they should finally wrestle legislation authorship away from the oil and gas executives and craft bipartisan legislation between Democrats and Republicans that truly modernizes our Nation's energy needs and finally ends our dependence on foreign oil.

The Republicans have to get away from the special interests and get away from writing legislation that just is for the benefit of the oil and gas executives. Otherwise, we are never going to see something pass here that actually helps the average American.

The facts about the Republican energy bill are clear: It provides billions in benefits to companies run by over 20 executives who have raised more than $100,000 each for the President's reelection campaign. One thing we do know, is when the policy was being written, the task force met with 118 energy groups, but only 13 environmental groups, and only one consumer group. Based on those statistics, who do you really think would benefit from this Republican energy bill?

For over 3 years, Democrats have been fighting for a short-term plan to bring down high prices and a long-term plan for energy independence. We want to create a more reliable power grid, reduce our dependence on foreign oil and encourage research on new energy technologies and alternative fuels. Democrats want to lower gas prices. We want to force OPEC to make a meaningful increase in production, and we want to defer deliveries of oil to the Strategic Petroleum Reserve and put it into the marketplace.

Lastly, and maybe most important, we want the FTC, the Federal Trade Commission, to investigate, to make sure that oil and gas companies are not working together to keep prices high.

In my opinion, Mr. Speaker, the Republicans are doing everything they can to create a diversion. This week with their Energy Week they are creating a diversion and trying to shift attention away from their failed energy policy. I have often said they are in the majority; they are the majority here, they are in the majority in the other House, and they also have a Republican President. If they pass a bill here which they think is a good bill, then why is it they cannot pass it in the Senate where they have the majority?

Why is it they cannot collectively pass a good energy bill? The reason is, it is not a good bill. It is a terrible bill. The other body will not pass it because they know it is not a good bill.

What we have here is a failed energy policy, and this Republican Energy Week is nothing more than an effort to create a diversion, to keep passing the same old legislation in different forms. But, again, it is not working. This is a ruse by the Republican leadership. Americans know that it is not working, and they are reminded of it every time they fill their tank and see the high gas prices.

So I would say to the Republicans, stop fooling around; stop with this mockery, if you will, of the legislative process by keep passing the same failed legislation. Nobody out there is paying any attention. Americans realize that gas prices are high and that nothing is happening here in Congress to make a difference.

Instead, the Republicans should sit down with the Democrats on a bipartisan basis and try to put together an energy policy that will really work to lower gas prices and to reduce our dependence on foreign oil, particularly Mideast oil, and, until they do that, no one is going to seriously believe that their so-called Energy Week really matters or makes any difference.

RECESS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 0845

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 45 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–549) on the resolution (H. Res. 681) providing for consideration of the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today after 1 p.m. and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2362. An act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes; to the Committee on House Appropriations.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes a.m.), the House adjourned until today, Thursday, June 17, 2004, at 10 a.m.

NOTICE OF ADOPTION OF AMENDMENTS TO THE PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 16, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This transmittal letter supersedes the transmittal letter of June 15, 2004.

Section 303(a) of the Congressional Accountability Act of 1995 ("Act"), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, "subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner." The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See 303(b) of the Act, 2 U.S.C. 1383(b).

The amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors on the date of publication of this Notice of Adoption of Amendments to Procedural Rules on both the House and Senate versions of the Congressional Record.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, DC 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.
WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 ("Act") at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which sates in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." *See* 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL

104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural Rules as follows: [deletions within italicized brackets], ***and added text in italicized bold.*** **Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov.**

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9225; TDD: 202-426-1912; FAX: 202-426-1913.

PART I—OFFICE OF COMPLIANCE
RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June , 2004.

TABLE OF CONTENTS

Subpart A—General Provisions

§1.01 Scope and Policy
§1.02 Definitions
§1.03 Filing and Computation of Time
§1.04 Availability of Official Information
§1.05 Designation of Representative
§1.06 Maintenance of Confidentiality
§1.07 Breach of Confidentiality Provisions

Subpart B—Pre-Complaint Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

§2.01 Matters Covered by Subpart B
§2.02 Requests for Advice and Information
§2.03 Counseling
§2.04 Mediation
§2.05 Election of Proceedings
§2.06 Filing of Civil Action

Subpart C—[Reserved (Section 210—ADA Public Services)]

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures under Section 215 of the CAA (Occupational Safety and Health Act of 1970) Inspections, Citations, and Complaints

§4.01 Purpose and Scope
§4.02 Authority for Inspection
§4.03 Request for Inspections by Employees and Employing Offices
§4.04 Objection to Inspection
§4.05 Entry Not a Waiver
§4.06 Advance Notice of Inspection
§4.07 Conduct of Inspections
§4.08 Representatives of Employing Offices and Employees
§4.09 Consultation with Employees
§4.10 Inspection Not Warranted, Informal Review
§4.11 Citations
§4.12 Imminent Danger
§4.13 Posting of Citations
§4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint
§4.15 Informal Conferences Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions
§4.20 Purpose and Scope
§4.21 Definitions
§4.22 Effect of Variances
§4.23 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption
§4.24 Form of Documents
§4.25 Applications for Temporary Variances and other Relief
§4.26 Applications for Permanent Variances and other Relief
§4.27 Modification or Revocation of Orders
§4.28 Action on Applications
§4.29 Consolidation of Proceedings
§4.30 Consent Findings and Rules or Orders
§4.31 Order of Proceedings and Burden of Proof

Subpart E—Complaints

§5.01 Complaints
§5.02 Appointment of the Hearing Officer
§5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint
§5.04 Confidentiality

Subpart F—Discovery and Subpoenas

§6.01 Discovery
§6.02 Requests for Subpoenas
§6.03 Service
§6.04 Proof of Service
§6.05 Motion to Quash
§6.06 Enforcement

Subpart G—Hearings

§7.01 The Hearing Officer
§7.02 Sanctions
§7.03 Disqualification of the Hearing Officer
§7.04 Motions and Prehearing Conference
§7.05 Scheduling the Hearing
§7.06 Consolidation and Joinder of Cases
§7.07 Conduct of Hearing, Disqualification of Representatives
§7.08 Transcript
§7.09 Admissibility of Evidence
§7.10 Stipulations
§7.11 Official Notice
§7.12 Confidentiality
§7.13 Immediate Board Review of a Ruling by a Hearing Officer
§7.14 Briefs
§7.15 Closing the record
§7.16 Hearing Officer Decisions, Entry in Records of the Office

Subpart H—Proceedings before the Board

§8.01 Appeal to the Board
§8.02 Reconsideration
§8.03 Compliance with Final Decisions, Requests for Enforcement
§8.04 Judicial Review

Subpart I—Other Matters of General Applicability

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents
§9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions
§9.03 Attorney's Fees and Costs
§9.04 Ex parte Communications
§9.05 Settlement Agreements
§9.06 Payments pursuant to Decisions or Awards under Section 415(a) of the Act
§9.07 Revocation, Amendment or Waiver of Rules

* * * * *

§1.03 Filing and Computation of Time.

(a) *Method of Filing.* Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding: Formal Request for Counseling.* In order to initiate a proceeding under these rules, an employee shall [formally] ***file a written*** request ***for*** counseling [from] ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All [formal] requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

* * * * *

(c) *When, How, and Where to Request Counseling.* A [formal] request for counseling ***must be in writing, and*** [: (1)] shall be [made] ***filed*** **pursuant to the requirements of section 2.03(a) of these Rules** ***with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999,*** [telephone 202–724–9250;] ***FAX 202–426–1913; TDD 202–426–1912***, not later than 180 days after the alleged violation of the Act.[;] [(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.]

Discussion: This amendment conforms to the amendment at section 2.03(a).

* * * * *

(l) *Conclusion of the Counseling Period and Notice.* The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police.*

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within [10] ***60*** days after the expiration of the period recommended by the Executive Director, if the matter has not [been resolved] ***resulted in a final decision***; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure.*** [or i] ***I***f no request to return to the procedures under these rules is received within [the applicable time period] ***60 days after the expiration of the period recommended by the Executive Director,*** the Office will [consider the case to be closed in its official files] ***issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date the Office receives a notification of return would be 25 days.

2.04 Mediation.

. . . . .

(e) *Duration and Extension.*

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***or of the appointed mediator on behalf of the parties to the attention of the Executive Director***. The request [may be oral or] ***shall be*** written and [shall be noted and] filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

* * * * *

(i) *Conclusion of the Mediation Period and Notice.* If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be*** [hand] ***personally delivered, evidenced by a written receipt,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

* * * * *

§5.03 Dismissal, *Summary Judgment*, and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

([d]***e***) *Appeal.* A [dismissal] ***final decision*** by the Hearing Officer made under section 5.03(a)-[(c)] ***(d)*** or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

Discussion: This amendment clarifies that any final decision which does not completely

dispose of a matter will be treated as an interlocutory appeal.

([e]***f***) . . . . .

([f]***g***) . . . . .

* * * * *

§ 7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]***1***) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]***a***) . . . . .

([2]***b***) . . . . .

([3]***c***) . . . . .

([4]***d***) . . . . .

([5]***e***) . . . . .

([6]***f***) . . . . .

([7]***g***) . . . . .

([b]***2***) . . . . .

([c]***3***) . . . . .

* * * * *

§ 8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or-submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or a party to any other matter or determination reviewable by the Board*** files an appeal ***or other submission*** with the Board, one original and seven copies of [both] any [appeal brief] ***submission*** and any responses must be filed with the Office. ***The Office***[r]***, Hearing Officer, or Board may also request a party to submit an electronic version of any submission*** [on a disk] ***in a designated format,. with receipt confirmed by electronic transmittal in the same format.***

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§ 9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer.*** The Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. ***Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.***

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§ 9.05 Informal Resolutions and Settlement Agreements

. . . . .

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§ 9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

. . . . .

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8544. A letter from the Director, Economic and Policy Analysis Staff, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill — Conservation Reserve Program — Long-Term Policy (RIN: 0560-AG74) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8545. A letter from the Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts, Modification of Contracts (RIN: 0596-AC16) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8546. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Definition of Animal [Docket No. 98-106-3] (RIN: 0579-AB69) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8547. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Plum Pox Compensation [Docket No. 00-035-3] (RIN: 0579-AB19) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8548. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Spring Viremia of Carp; Payment of Indemnity [Docket No. 02-091-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8549. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. 04-038-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8550. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas [Docket No. 04-025-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8551. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 04-036-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerance [OPP-2004-0174; FRL-7362-9] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8553. A letter from the Chairman and Chief Executive, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; OFI Lending (RIN: 3052-AB96) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8554. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2004-IA-0001; FRL-7672-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Virginia [FRL-7658-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for West Virginia [FRL-7657-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8557. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-7661-8] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area [TX-70-2-7347a; FRL-7672-7] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementaiton Plan [GA-62, GA-64-200418; FRL-7672-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8560. A letter from the Chief Counsel, Foreign Assests Control, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Traffickers. — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8561. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8562. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Annual Performance Plan; to the Committee on Government Reform.

8563. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8564. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8565. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8566. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled "Review of the Financial Operations of the Village Learning Center Public Charter School"; to the Committee on Government Reform.

8567. A letter from the Chairman, Securities and Exchange Commission, transmitting the Office of Inspector General Semiannual Report to Congress and Management's Response for the period of six months ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8568. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8569. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4363. A bill to facilitate self-help housing homeownership opportunities; with an amendment (Rept. 108-546). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. House Resolution 640. Resolution of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense; adversely (Rept. 108–547). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4520. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; with an amendment (Rept. 108–548, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4520 referred to the Committee of the Whole House on the State of the Union.

[Submitted June 17 (legislative day of June 16), 2004]

Mr. REYNOLDS: Committee on Rules. House Resolution 681. Resolution providing for consideration of the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (Rept. 108–549). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4520. Referral to the Committee on Agriculture extended for a period ending not later than June 16, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOSS (for himself, Mr. Bereuter, Mr. Boehlert, Mr. Gibbons, Mr. LaHood, Mr. Cunningham, Mr. Hoekstra, Mr. Burr, Mr. Everett, Mr. Gallegly, and Mr. Collins):

H.R. 4584. A bill to amend the National Security Act of 1947 to improve the organization and operation of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. HOYER:

H.R. 4585. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Texas (for himself and Mr. Forbes):

H.R. 4586. A bill to provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefor, is not an infringement of copyright or of any right under the Trademark Act of 1946; to the Committee on the Judiciary.

By Ms. KILPATRICK (for herself, Ms. Slaughter, Ms. Loretta Sanchez of California, Ms. Jackson-Lee of Texas, Mrs. Davis of California, Mrs. Tauscher, Mrs. Maloney, and Ms. Eddie Bernice Johnson of Texas):

H.R. 4587. A bill to amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes; to the Committee on Armed Services.

By Mr. HINOJOSA (for himself, Mr. Reyes, Mr. Rodriguez, Mr. Bonilla, and Mr. Ortiz):

H.R. 4588. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 4589. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 4590. A bill to require that reimbursement provided to members of the Armed Forces who purchased their own protective body armor when military-issue body armor was unavailable include reimbursement for the cost to deliver the body armor to the member; to the Committee on Armed Services.

By Mr. BERMAN (for himself and Mr. Delahunt):

H.R. 4591. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. Walden of Oregon, Ms. Hooley of Oregon, and Mr. Chabot):

H.R. 4592. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBBONS (for himself, Mr. Porter, and Ms. Berkley):

H.R. 4593. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 4594. A bill to amend the Internal Revenue Code of 1986 to double the maximum new market tax credits, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. Smith of New Jersey, Mr. Menendez, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Kildee, Mr. Manzullo, Ms. McCarthy of Missouri, Mr. Meehan, Mr. Neal of Massachusetts, Mr. Kind, Mr. Kennedy of Rhode Island, and Mr. McDermott):

H.R. 4595. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 4596. A bill to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

By Mr. REYNOLDS (for himself, Mr. McHugh, Mr. Sanders, Mr. Etheridge, Mr. Obey, Mr. Simmons, Mr. Boehlert, Mr. McGovern, Mrs. Johnson of Connecticut, Mr. Quinn, Mr. Houghton, Mr. Walsh, Mr. Turner of Texas, Ms. Slaughter, Mr. Olver, Mr. Hinchey, Mr. Sweeney, Mr. McNulty, Mr. LaTourette, Mrs. Kelly, and Mr. Langevin):

H.R. 4597. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture.

By Mr. STUPAK (for himself, Mr. Smith of New Jersey, Mr. Weldon of Florida, Ms. Kilpatrick, Mr. Wamp, Ms. DeGette, Mr. Burton of Indiana, Ms. DeLauro, Mr. Doyle, Mr. Baca, and Mr. Gordon):

H.R. 4598. A bill to provide for the establishment of certain restrictions with respect to drugs containing isotretinoin (including the drug marketed as Accutane); to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 4599. A bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes; to the Committee on Armed Services.

By Mr. UPTON (for himself, Mr. Markey, Mr. Barton of Texas, Mr. Dingell, Mr. Boucher, Mr. Terry, Mr. Towns, Mr. John, Mr. Engel, Mr. Rogers of Michigan, Mr. Buyer, Mrs. Capps, Mr. Wynn, Mr. Gordon, Mr. Gillmor, Mr. Green of Texas, Mrs. Bono, Ms. Schakowsky, Mr. Stearns, Mr. Pickering, Mr. Davis of Florida, Mr. Burr, Mr. Shimkus, and Mr. Gonzalez):

H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4601. A bill to amend that Alaska Native Claims Settlement Act to recognize Alexander Creek as Native village, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4602. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Scott of Virginia, Mr. Lewis of Georgia, Ms. Schakowsky, Ms. Watson, Ms. Kilpatrick, Mr. Towns, Ms. Eddie Bernice Johnson of Texas, Mr. Kucinich, Ms. Solis, Mr. Meeks of New York, Mrs. Jones of Ohio, Ms. Corrine Brown of Florida, Mr. Rush, and Mr. Clay):

H. Con. Res. 451. Concurrent resolution expressing the sense of Congress regarding the establishment of a scholarship fund to make tuition grants available to eligible former students who were denied an education in Prince Edward County, Virginia, when the public schools closed rather than comply with the Supreme Court's decision in Brown v. Board of Education; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Mr. Simmons, Ms. Lofgren, Ms. Carson of Indiana, Mr. Lipinski, Mr.

McDERMOTT, Mr. ENGLISH, Mr. DINGELL, Mr. SHERMAN, Mr. FROST, Mr. RYAN of Ohio, Mr. McCOTTER, Mr. McNULTY, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. DEUTSCH, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, and Mr. BELL):

H. Con. Res. 452. Concurrent resolution recognizing and honoring America's labor movement, supporting the designation of a National Labor History Month, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BISHOP of Georgia (for himself, Mrs. JONES of Ohio, Mr. MEEK of Florida, Mr. JEFFERSON, Mr. WYNN, Mr. CLAY, Ms. WATSON, Ms. LEE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. MEEKS of New York, Ms. NORTON, Mr. CUMMINGS, and Mr. PAYNE):

H. Res. 677. A resolution honoring the life and tremendous artistic and social contributions of Ray Charles, one of the world's most influential and prolific musicians; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Ms. PELOSI, Mr. DINGELL, Mr. KILDEE, Mr. LEVIN, Mr. STUPAK, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG):

By Mr. MENENDEZ:

H. Res. 678. A resolution electing a Member to certain standing committees of the House of Representatives.

H. Res. 679. A resolution congratulating the Detroit Pistons on winning the 2004 National Basketball Association Championship; to the Committee on Government Reform.

By Mr. GIBBONS:

H. Res. 680. A resolution to urge the resolution of claims related to the confiscation of certain property by the Government of Italy; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 570: Ms. MILLENDER-McDONALD.

H.R. 584: Mr. TURNER of Texas.

H.R. 623: Mr. ORTIZ.

H.R. 786: Mr. PETRI.

H.R. 882: Mr. BOOZMAN.

H.R. 962: Mr. HASTINGS of Florida.

H.R. 1002: Mr. SIMMONS.

H.R. 1279: Mr. CASE.

H.R. 1305: Mr. PUTNAM.

H.R. 1336: Mr. BACA, Mr. COLLINS, Mr. KLECZKA, Mr. ALEXANDER, and Mr. OTTER.

H.R. 1355: Mr. HOEFFEL and Ms. WATERS.

H.R. 1523: Ms. HOOLEY of Oregon.

H.R. 1634: Mr. McNULTY.

H.R. 1700: Mr. TURNER of Ohio.

H.R. 1769: Mr. GRIJALVA and Mr. CLYBURN.

H.R. 1823: Mr. CROWLEY.

H.R. 1870: Mr. WICKER.

H.R. 1873: Mr. HOLT.

H.R. 2023: Ms. NORTON.

H.R. 2173: Ms. BERKLEY.

H.R. 2176: Mr. ISTOOK.

H.R. 2213: Mr. CUMMINGS.

H.R. 2215: Ms. DeLAURO, Ms. JACKSON-LEE of Texas, and Mr. FILNER.

H.R. 2265: Mr. NUSSLE.

H.R. 2394: Ms. KAPTUR, Mr. EMANUEL, Mr. KLECZKA, and Mrs. LOWEY.

H.R. 2404: Ms. HART and Mr. MEEKS of New York.

H.R. 2435: Mr. McDERMOTT.

H.R. 2511: Mr. SERRANO.

H.R. 2598: Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. QUINN, Mr. BERMAN, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. VITTER, Mr. OBERSTAR, and Mr. GREEN of Texas.

H.R. 2665: Mr. NADLER.

H.R. 2895: Mr. GARRETT of New Jersey.

H.R. 2929: Mr. OTTER.

H.R. 2945: Mr. CUMMINGS.

H.R. 2950: Mr. HILL, Mr. GARRETT of New Jersey, and Mr. GREEN of Texas.

H.R. 2974: Mr. DEFAZIO and Mr. OWENS.

H.R. 3014: Mrs. McCARTHY of New York.

H.R. 3069: Mr. WICKER, Mr. JOHNSON of Illinois, Mr. COLLINS, Mrs. MILLER of Michigan, and Mr. WHITFIELD.

H.R. 3085: Mr. CUMMINGS, Mr. GREEN of Texas, and Mr. WEXLER.

H.R. 3119: Mr. CASE.

H.R. 3193: Mr. DeLAY, Mr. BASS, and Mr. WHITFIELD.

H.R. 3246: Mr. TIAHRT.

H.R. 3408: Mr. CUMMINGS and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3441: Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, Mr. STUPAK, and Mr. DOGGETT.

H.R. 3474: Mr. JACKSON of Illinois.

H.R. 3545: Mr. ANDREWS.

H.R. 3634: Mr. RANGEL.

H.R. 3643: Mr. PALLONE, Mrs. MUSGRAVE, Mr. RENZI, and Mr. OWENS.

H.R. 3712: Mr. LARSEN of Washington, Mr. FILNER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3716: Mr. ROHRABACHER.

H.R. 3755: Mr. SIMMONS.

H.R. 3779: Mr. EVANS.

H.R. 3831: Mr. OWENS and Mr. MEEHAN.

H.R. 3834: Mr. DEUTSCH and Mr. GONZALEZ.

H.R. 3858: Mr. MILLER of North Carolina, Ms. BALDWIN, Mr. ENGEL, Mr. CARDIN, Mr. FEENEY, Mr. INSLEE, Mr. HOSTETTLER, Mr. MILLER of Florida, Mrs. MALONEY, Ms. ESHOO, Mr. CUMMINGS, Mr. CLYBURN, Mr. KLECZKA, Mr. OLVER, Mr. COOPER, and Mr. GREEN of Wisconsin.

H.R. 3921: Mr. HOLT.

H.R. 3934: Mr. ROTHMAN.

H.R. 3968: Mr. ANDREWS.

H.R. 3987: Mr. SANDERS, Ms. MILLENDER-McDONALD, Ms. BORDALLO, Mr. TOM DAVIS of Virginia, and Mr. RANGEL.

H.R. 3988: Mr. HINCHEY.

H.R. 4033: Ms. MAJETTE.

H.R. 4101: Mr. MORAN of Virginia.

H.R. 4113: Mr. NEAL of Massachusetts.

H.R. 4116: Mr. CANNON, Mr. FLAKE, Mr. DELAHUNT, Mr. BOUCHER, Mr. GALLEGLY, Mr. WALDEN of Oregon, Mr. CULBERSON, Mr. FRELINGHUYSEN, Mr. SHERWOOD, Mr. TAUZIN, and Mr. GARY G. MILLER of California.

H.R. 4117: Mr. MEEHAN.

H.R. 4126: Mr. STRICKLAND.

H.R. 4156: Mrs. CHRISTENSEN.

H.R. 4204: Mr. SCOTT of Georgia.

H.R. 4217: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4225: Mr. RENZI.

H.R. 4284: Mr. HUNTER.

H.R. 4290: Ms. WOOLSEY.

H.R. 4304: Mr. BERMAN, Mr. VISCLOSKY, Mr. LANGEVIN, Ms. WOOLSEY, and Mrs. DAVIS of California.

H.R. 4341: Mr. BILIRAKIS, Mr. MORAN of Virginia, and Mr. LUCAS of Kentucky.

H.R. 4346: Mr. HOEFFEL and Mr. SANDLIN.

H.R. 4354: Mr. BERMAN, Mr. FILNER, and Mr. McDERMOTT.

H.R. 4367: Mr. GRIJALVA, Ms. NORTON, Mr. UDALL of New Mexico, Mr. FROST, and Mr. RANGEL.

H.R. 4380: Mr. FOLEY and Mr. MICA.

H.R. 4384: Mr. FRANKS of Arizona.

H.R. 4410: Mr. VITTER.

H.R. 4420: Mr. MILLER of Florida, Mr. GOODE, Mr. HENSARLING, and Mr. ROGERS of Alabama.

H.R. 4448: Mr. OLVER.

H.R. 4449: Mr. RANGEL.

H.R. 4450: Mr. RANGEL, Mr. CONYERS, and Mr. BISHOP of Georgia.

H.R. 4469: Mr. BACA, Mrs. CAPPS, Mrs. DAVIS of California, Ms. ESHOO, Ms. MILLENDER-McDONALD, Mr. DOOLEY of California, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, and Mr. WAXMAN.

H.R. 4476: Mrs. McCARTHY of New York, Mr. FROST, Mrs. MALONEY, Mr. OWENS, and Mr. RANGEL.

H.R. 4491: Mr. GOODE, Mr. LATOURETTE, Mr. NUSSLE, Mr. BOEHLERT, Mr. COOPER, Mr. ROSS, AND Mr. VISCLOSKY.

H.R. 4520: Ms. GRANGER and Mr. CULBERSON.

H.R. 4525: Mr. CRANE, Mr. HENSARLING, Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. COLE, Mr. HERGER, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, and Mr. KING of Iowa.

H.R. 4528: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. CANTOR, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. NEUGEBAUER, Mr. MANZULLO, Mr. BALLENGER, Mr. HENSARLING, Mr. TIBERI, Mr. PEARCE, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. SIMMONS, Mr. BURGESS, and Mr. JONES of North Carolina.

H.R. 4531: Mrs. McCARTHY of New York and Mr. GREEN of Texas.

H.R. 4533: Mr. REHBERG and Mr. RENZI.

H.R. 4543: Mr. SMITH of New Jersey, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. GARRETT of New Jersey, Mr. GREEN of Wisconsin, Mrs. CUBIN, Mrs. BLACKBURN, Mr. GOODLATTE, Mr. CHABOT, Mr. AKIN, Mr. BRADY of Texas, Mrs. MYRICK, Mr. FEENEY, Mr. WELDON of Florida, Mr. GOODE, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. COLE, Mr. FRANKS of Arizona, Mr. KLINE, Mr. SHADEGG, and Mr. HOSTETTLER.

H.R. 4571: Mr. NORWOOD and Mr. HERGER.

H.R. 4573: Mr. BOSWELL and Mr. REYES.

H.R. 4574: Mr. BOSWELL and Mr. REYES.

H. Con. Res. 213: Ms. ESHOO.

H. Con. Res. 218: Mr. BILIRAKIS.

H. Con. Res. 405: Mr. KELLER.

H. Con. Res. 436: Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. JEFFERSON, Mr. MEEK of Florida, Ms. MILLENDER-McDONALD, Ms. NORTON, Mr. RUSH, Mr. TOWNS, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 438: Mr. LYNCH.

H. Con. Res. 443: Mr. SOUDER and Mr. NORWOOD.

H. Con. Res. 448: Mr. GILCHREST.

H. Con. Res. 450: Mr. FROST.

H. Res. 632: Mr. WOLF.

H. Res. 673: Mr. WALSH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4567

OFFERED BY: MR. WELDON OF PENNSYLVANIA

AMENDMENT NO. 12: Add at the end (before the short title) the following new section:

SEC.   . The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" and by increasing the amount made available under title III for "FIREFIGHTER ASSISTANCE GRANTS", both by $50,000,000, and of the amounts appropriated for "FIREFIGHTER ASSISTANCE GRANTS" $50,000,000 is available for grants under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

H.R. 4567

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used for processing the importation of any article which is the product of Iran.

H.R. 4567

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used for processing the importation of any article which is the product of Iran and for which there is no duty.

H.R. 4567

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 15: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the second dollar amount insert "(reduced by $450,000,000)".

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", before the semicolon at the end of paragraph (1) insert ": *Provided further*, That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences".

In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", after the fourth dollar amount insert "(increased by $450,000,000)".

H.R. 4567

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 16: In title III, under the heading "Office for State and Local Government Coordination and Preparedness State and local programs", before the semicolon at the end of paragraph (1) insert ": *Provided further*, That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences".

H.R. 4567

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 17: Page 14, strike the proviso beginning on line 5.

H.R. 4567

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 18: Page 34, line 22, after the dollar amount insert the following: "(increased by $36,000,000)(reduced by $36,000,000)".

H.R. 4567

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 19: Page 22, line 25, and page 23, line 2, after the dollar amount in each place, insert "(increased by $20,000,000)".

Page 29, line 1, after the dollar amount, insert "(reduced by $20,000,000)".

H.R. 4567

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: At the end of the bill, before the short title, insert the following:

SEC.   . The amounts made available under title I, and the amount made available in title III under the item relating to "OFFICE FOR STATE AND LOCAL GOVERNMENT-FIREFIGHTER ASSISTANCE GRANTS" are reduced, on a prorated basis, and increased by $146,000,000 and $146,000,000, respectively.

H.R. 4567

OFFERED BY: MR. TURNER OF TEXAS

AMENDMENT NO. 21: In title I, in the item relating to "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT", insert after the first dollar amount the following: "(reduced by $1,000,000)".

In title II, in the item relating to "CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES", insert after the first dollar amount the following: "(increased by $1,000,000)".

H.R. 4567

OFFERED BY: MR. TURNER OF TEXAS

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

SEC.   . For additional expenses, not otherwise provided for, necessary to procure, install, and operate radiation portal monitoring technology to improve the security of our homeland due to the global war on terrorism, $200,000,000 to remain available until expended: *Provided* that the entire amount is designated an emergency requirement pursuant to section 402(a) of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That the funds made available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That the funds made available under this heading shall be available for Customs and Border Protection salaries and expenses: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations fifteen days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

H.R. 4567

OFFERED BY: MR. RYUN OF KANSAS

AMENDMENT NO. 23: At the end of the bill (before the short title) insert the following new section:

SEC.   . None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

[Submitted June 17 (legislative day of June 16), 2004]

H.R. 4568

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 9: Page 46, line 16, strike "$93,051,000" and insert "$79,551,000".

Page 46, line 22, strike ", to" and insert "shall".

Page 46, beginning on line 23, strike ", shall remain available until expended for a departmental financial and business management system".

Page 103, line 14, strike "$120,972,000" and insert "$130,972,000".

Page 104, line 5, strike "$122,377,000" and insert "$125,877,000".

H.R. 4568

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 10: In title II, in the item relating to "WILDLAND FIRE MANAGEMENT", insert after the first dollar amount and the third dollar amount (relating to hazardous fuels reduction activities) the following: "(increased by $19,700,000)".

In title II, in the item relating to "FOSSIL ENERGY RESEARCH AND DEVELOPMENT", insert after the first dollar amount the following: "(reduced by $19,700,000)".

H.R. 4568

OFFERED BY: MS. NORTON

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following new title:

TITLE V--ADDITIONAL GENERAL PROVISIONS

SEC. 501. The Secretary of the Interior, acting through the National Park Service, shall conduct a study on the rate of crime (including reports, citations, and arrests) and the number of traffic accidents in units of the National Park System, particularly units located in high-population density areas, units with high-visitor usage, and roadways under the jurisdiction of the National Park Service with high-traffic volumes, during the period beginning on January 1, 1998, and ending on the date of the enactment of this Act. Not later than 90 days after the date of the enactment of this Act, the Secretary shall transmit a report with the results of the study to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

H.R. 4568,

OFFERED BY: MR. HUNTER

AMENDMENT NO. 12: At the end of the bill, before the short title, insert the following new section:

SEC.   . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104–134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

H.R. 4568

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 13: Page 68, line 5, insert after the dollar amount the following: "(increased by $6,000,000)".

Page 69, line 10, insert after the dollar amount the following: "(increased by $6,000,000)".

Page 85, line 3, insert after the dollar amount the following: "(reduced by $6,000,000)".

H.R. 4568

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Page 85, Line 3, after the dollar amount insert ("increased by $1,000,000, decreased by $1,000,000").

H.R. 4568

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 15: Page 47, line 4, after "Appropriations" insert "*Provided further*:

That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by $13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso ".

Page 103, line 14, strike "$120,972,000" and insert "$130,972,000".

Page 104, line 5, strike "$122,377,000" and insert "$125,877,000".

H.R. 4568

OFFERED BY: MR. WEINER

AMENDMENT NO. 16: At the end of title III (page 136, after line 4) add the following:

SEC. . The Secretary of the Interior shall, on and after the commencement of the Republican National Convention in 2004, provide public access to the Statue of Liberty substantially equivalent to the access provided before September 11, 2001.

H.R. 4568

OFFERED BY: MS. NORTON

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. The Secretary of the Interior, acting through the National Park Service, shall conduct a study on the rate of crime (including reports, citations, and arrests) and the number of traffic accidents in units of the National Park System, particularly units located in high-population density areas, units with high-visitor usage, and roadways under the jurisdiction of the National Park Service with high-traffic volumes, during the period beginning on January 1, 1998, and ending on the date of the enactment of this Act. Not later than 90 days after the date of the enactment of this Act, the Secretary shall transmit a report with the results of the study to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

H.R. 4568

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

H.R. 4568

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 19: On page 87 after line 21, insert the following provision:

ETHANOL AND BIODIESEL FUEL RESERVE

The Secretary of Energy may annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.

EXTENSIONS OF REMARKS

IN HONOR OF GRACE SZUBSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Grace Szubski—admired attorney, devoted worker's advocate, friend and mentor, as she was recently honored with the Distinguished Service Award for Worker's Compensation from the Ohio Academy of Trial Lawyers.

Today we celebrate Ms. Szubski's professional contribution as a dedicated advocate of employment justice and legal rights for countless workers within our Cleveland community. Ms. Szubski's significant work lends a strong voice to countless workers whose pleas would otherwise not be heard. Her exemplary work consistently reflects integrity, expertise and heart, and is also a testament to the success and fairness of America's judicial system.

Ms. Szubski has worked as an attorney with Garsen & Associates for the past twenty years. She continues to focus her law practice in the areas of workers' compensation, probate and social security disability. Beyond her significant legal contributions, Ms. Szubski volunteers her time and talents on behalf of several civic and humanitarian causes. She serves as a trustee for the Dioceses of Cleveland Catholic Charities Corporation and also serves on its Executive Committee. Since 1986, Ms. Szubski has journeyed to Kentucky and Tennessee's Appalachian mountain region, as youth leader and participant, to focus on the housing and ministry needs of some of our nation's most vulnerable citizens.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of the professional and personal work of Ms. Grace Szubski—the 2004 recipient of the Distinguished Service Award for Worker's Compensation from the Ohio Academy of Trial Lawyers. Her outstanding work and accomplishments as a dedicated attorney and, most significantly, her integrity, support and concern for others has served as an inspiration to her clients, colleagues, and countless residents of Appalachia and our own community. We wish Ms. Szubski continued health, happiness and peace throughout her professional and personal journey. Her outstanding service on behalf of the rights of others truly makes a difference, and serves as outstanding example to us all.

HONORING CHIEF PAUL KITTREDGE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Chief Paul Kittredge who is celebrating his retirement from the Borough of Rockledge Police Department, in Montgomery County, Pennsylvania.

A police officer for 30 years, Chief Kittredge has dedicated his life to serving his community. He started his career in the Montgomery County Sheriff's Office. He later worked at the Police Departments in both the Jenkintown and Rockledge Boroughs and was named Police Chief nine years ago. Chief Kittredge went above and beyond the call of duty, serving faithfully and always striving to better the community, leading the efforts to expand and modernize the Rockledge police force.

Over the years Chief Kittredge has proven himself to be a dedicated leader, protector, and manager for the borough community. Dedicated to his family as well as the community, Kittredge and his wife of 35 years are the proud parents of three children and the grandparents of two.

It is my pleasure to recognize Chief Kittredge for his many years of service to our community. I congratulate him on his retirement and wish him all the best in the future.

* * *

STOP STROKE ACT (H.R. 3658)

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. ROSS. Mr. Speaker, on Monday the House of Representatives approved H.R. 3658, the Stroke Treatment and Ongoing Prevention Act (commonly called the STOP Stroke Act). The STOP Stroke Act will:

Raise public awareness by authorizing funding for a national public information campaign to educate the public about stroke, including how to prevent it, recognizing the warning signs, and when to seek emergency treatment;

Help states fight stroke by establishing a grant program to help states ensure that stroke patients have access to quality care;

Collect and share best practices by authorizing the Paul Coverdell National Acute Stroke Registry and creates a clearinghouse to provide technical assistance to states and share best practices; and

Educate medical professionals by providing opportunities to train appropriate medical personnel in newly developed approaches for preventing and treating stroke.

This legislation is an important step in preventing and treating the devastating effects of stroke. Stroke is the third leading cause of death in the nation and a leading cause of long-term disability. In Arkansas, stroke accounted for 2,600 deaths in 1999—making it the second highest state with stroke deaths. In fact, Arkansas is located in the country's "stroke belt," a section of the country made up of 12 Southern states that have high occurrences of stroke. In May, I had the opportunity to join the Arkansas Department of Health in launching its stroke awareness campaign in Pine Bluff, Arkansas. As part of the campaign, stroke warning signs and symptoms will be placed on grocery store sacks. Additionally, the health department will partner with at risk and hard to reach populations to teach heart healthy meal preparation, provide hypertension screenings and obesity awareness, and other prevention mechanisms. I worked closely with Linda Faulkner, Program Coordinator for the health department's Cardiovascular Health Program, and Diane Mulligan-Fairfield, Vice President of National Communications, National Stroke Association on the campaign's rollout. I commend them for their work on the project.

It is estimated that stroke cost the nation $45.4 billion in 2001, including $28 billion in direct costs and $17.4 in indirect costs. A large share of the direct cost is paid by public payers such as Medicare and Medicaid. Passage of H.R. 3658 and funding the legislation will go a long way towards lowering these statistics and helping Arkansas to implement a full-scale public education campaign effectively.

* * *

CONGRATULATING BRIDGEWATER COMMUNITY DEVELOPMENT CORPORATION

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Bridgewater Community Development Corporation (BCDC) for successfully arranging the second annual Bridgewater Community Fun Fest. I am encouraged that the citizens of Western Pennsylvania are working hard to improve their local economies.

The BCDC was created as a means to foster the development of the Borough of Bridgewater by taking advantage of its inherent strengths. Marcia Liggett, secretary and member of the Bridgewater Community Development Corporation (BCDC), created the concept of the Community Fun Fest. The focus of the Fun Fest is to bring together the community with local business owners, police department, fire department, and elected officials.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The fun fest brings all aspect of the community together to interact and form new relationships that will foster a better economic community in the Borough of Bridgewater.

The first Borough of Bridgewater Fun Fest was a large success drawing nearly 1,000 people; however, this year is anticipated to draw nearly double the crowd of the first. Providing 2,000 residents of Bridgewater a chance to meet local officials, business owners, learn the organizations of their town, and meet their neighbors. It is a community effort composed of a coalition of residents, business leaders, and interested persons working together to improve Bridgewater.

I ask that my colleagues in the House of Representatives join me in honoring the second annual Borough of Bridgewater Fun Fest. All communities across the country should strive to foster economic development within their neighborhoods just as Bridgewater has done—I praise the efforts of this ambitious group.

IN HONOR OF FRANCA P. DORNAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to honor Franca P. Dornan, who is retiring after nearly 20 years of teaching kindergarten students in my congressional district at St. Jude the Apostle School in Westlake Village, California.

Franca Dornan was born Franca Peirina Amalia Maria Bendi on March 2, 1940, in Rapallo on the Italian Riviera. During five of her first six years, until Americans liberated the city, Franca Dornan lived under Nazi occupation.

In 1946 she moved with her mother and father to White Plains, New York. Then, in 1961, she moved to California, where she graduated from Marymount College in Los Angeles with her teaching credential and a bachelor's degree in English. Her first five years of teaching were spent instructing fifth-graders at Darby Avenue School in Northridge.

In 1963, she met her husband, Dick Dornan, at St. Paul the Apostle Church. They married in the same church on June 24, 1967. Two years later, on Thanksgiving 1969, they moved to Westlake Village, which they have called home ever since.

In addition to inspiring the minds and souls of other families' children, Dick and Franca raised five children of their own, Dick, John, Timothy, Gina and Patrick.

Mr. Speaker, today will be Franca P. Dornan's last kindergarten graduation as a teacher. Fondly known by many as "Mrs. Love, Care and Share," it is her motto and will continue to resonate among the hundreds of children to whom she taught love of God, family and country.

I know my colleagues will join me in recognizing Franca P. Dornan for starting hundreds of young children on a lifelong quest of knowledge and love, and for serving as a yardstick by which we can measure a caring wife, mother and educator.

IN HONOR AND REMEMBRANCE OF JOHN REES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. John Rees—Award-winning journalist, devoted family man, and friend and mentor to many, whose life touched the lives of countless people, including my own.

Mr. Rees's 45-year career in journalism reflected honesty, ethics, and a real connection to the people he wrote about. His ability to pierce through the murky waters of a complex story and uncover the truth of the matter set him apart from most reporters. He was honored numerous times with prestigious awards for excellence in journalism, including a Cleveland Press Club Award, and a resolution of honor passed by Cleveland City Council in tribute to his significant career. Additionally, Mr. Rees was inducted into the Cleveland Journalism Hall of Fame in 1989.

Though his work was held in high esteem within the Cleveland newspaper circuit, accolades and awards did not impress Mr. Rees; honesty, ethics and writing the straight story did. He understood the power of the printed word and upheld his unbreakable personal and professional ethics with every word he wrote.

The exceptional person reflected the exceptional writer. Mr. Rees gained the confidence and trust of people from all walks of life. His respect and concern for others was demonstrated consistently throughout his life and he extended himself beyond the bounds of where most people dare to go—reaching out to others in need, literally saving the lives of two individuals while on the beat.

Directly following graduation from St. Francis Commercial High School in Cleveland, Mr. Rees began working as an office boy at the old Cleveland News. Bolstered by natural born talent, true grit and keen observation skills, Mr. Rees worked his way up from office boy, to reporter, to eventually becoming the paper's city editor despite being told by a superior that he would not amount to anything.

Whether covering crime stories, the political scene or labor issues, Mr. Rees forged strong connections of trust and respect with people throughout all facets of our Cleveland community. He offered everyone the same respect and interest, regardless of their social status, and people loved him for it.

Mr. Speaker and Colleagues, please join me in honor and remembrance of my friend, John Rees. Today we mourn his passing and celebrate his life. I offer my condolences to his daughter; Rosemary; sons, Jack and Richard; his grandchildren and great-grandchildren; and also to his extended family and many friends. I also acknowledge the memory of his beloved wife, Freda. John Rees' journalistic talent, unwavering ethics and genuine kindness consistently framed his exemplary career and defined his life. His legacy will live on within the hearts of those who knew and loved him well, today, and for generations to come.

REGARDING TRI-CITIANS OF THE YEAR DR. LEWIS ZIRKLE AND DR. SARA ZIRKLE

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to pay tribute to two constituents who are not only leaders in the State of Washington but are dedicated humanitarians that have positively impacted lives around the world.

The husband and wife team of Dr. Lewis Zirkle and Dr. Sarah Zirkle was recently named Tri-Citians of the Year for devoting over 30 years to helping those less fortunate—both here at home and abroad. This award is presented once each year to an outstanding citizen of the TriCities area in Washington state.

Dr. Lewis Zirkle is an orthopedic specialist who served as an Army surgeon in the Vietnam War. After the war, he made numerous return trips to Vietnam and other developing nations to help local health care providers establish more effective surgical techniques for treating fractures.

In 1999, Dr. Zirkle founded the Surgical Implant Generation Network (SIGN) to help provide a system of training, hardware and follow-up assistance to orthopedic surgeons in developing countries. In just 5 years, SIGN has developed over 42 projects that are operating around the world, which are supplied with surgical hardware from a state-of-the-art manufacturing facility.

Dr. Sara Zirkle also has a long list of accomplishments. As a developmental and behavioral pediatric specialist, she has been a strong advocate on behalf of children. She helped found the Child Sexual Abuse Clinic at Kadlec Medical Center in Richland, Washington and the Mid-Columbia Reading Foundation. She has received numerous awards and recognition for her work with abused children.

The Zirkles exemplify the best of America. I am proud to have them as constituents in the Fourth District of Washington state and I know they will continue to devote their time to helping others.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I had surgery yesterday, June 15, and as a result, missed four votes. Had I been present:

For Rollcall No. 236—on ordering the previous question on the Rule, I would have voted "yea"; For Rollcall No. 237—H. Res. 671—a rule providing for consideration of H.R. 4503 and H.R. 4517, I would have voted "yea"; For Rollcall No. 238—on ordering the previous question on the Rule, I would have voted "yea"; and for Rollcall No. 239—H. Res.

672—a rule providing for consideration of H.R. 4513 and H.R. 4529, I would have voted "yea".

TARAS SHEVCHENKO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. KAPTUR. Mr. Speaker, Taras Shevchenko has become one of the most influential figures in Ukrainian culture. His most famous compilation of poetic works, the Kobzar, became and continues to be the voice of liberty and national pride for generations of Ukrainians. Throughout his life, in his poetry and art, Shevchenko celebrated the unique beauty of his land and called for its liberation from the Russian Empire. He fought for the restoration of the democratic Kozak state and denounced the russification of the Ukrainian people. Because of his strong and vocal anti-Russian sentiment, Shevchenko was imprisoned numerous times and denied the right to create his genius. His spirit, however, remained unbroken; the hardships he endured only served to fuel his devotion and determination. He exhibited his passion for freedom in his poetry and fueled the hearts of Ukrainians toward the goal of independence. During today's commemoration let us honor the memory of Taras Shevchenko, and his unparalleled contribution to a strong, stable, democratic Ukraine.

The June 1964 unveiling of the Shevchenko monument in Washington DC was a major victory for Ukrainians residing in the United States. Despite incredible resistance from the Soviet Union, a united Ukrainian community in America was able to enlist the help of prominent American politicians, academicians and artists to build this monument and establish it as a forum for truth, unveiling the injustices of the Soviet regime.

Forty years later, Ukraine faces very different, albeit equally difficult times. Since the fall of the Soviet Union and the reestablishment of Ukrainian independence, Ukraine has stabilized its economy and taken great strides toward democracy, however, there is still much to be accomplished. The people of Ukraine need support and encouragement. The Ukrainian community in the U.S. has been a very vocal advocate of Ukraine and continues to promote its democratic development. As a longtime supporter of the Ukrainian American community I am pleased to see a renewed effort to unite the Ukrainians in the United States and amplify the power of their voice in Washington as well as in Kyiv. I commend the initiative of the Ukrainian community in the United States in an effort to help Ukraine reclaim its proper place among the developed democratic European states.

I congratulate the Ukrainian American community on this remarkable anniversary and wish them success in their future endeavors.

A TRIBUTE TO LIEUTENANT COLONEL WALLACE TUBELL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. CRAMER. Mr. Speaker, I rise today to recognize Lieutenant Colonel Wallace Tubell upon his retirement after twenty years of outstanding service to our country in the United States Army. After his effective retirement date of August 31, 2004, Lieutenant Colonel Tubell will reside in my Congressional district.

As the Product Manager for the Army's Tactical Operations Centers Integration Program, Lieutenant Colonel Tubell led a team of military, government and contractor personnel in fielding and sustaining Tactical Operations Centers for 4th Infantry Division, 1st Cavalry Division, the Stryker Brigade Combat Teams, Third U.S. Army and other major commands worldwide. Lieutenant Colonel Tubell's program exceeded all requirements and was delivered on schedule and within budget. Lieutenant Colonel Tubell's personal dedication, sound management, and ability to build a strong team has contributed to the Product Office becoming a "Center of Excellence" in Command Post and Tactical Operations Centers design and development. He has been the driving force behind transforming analog Tactical Operations Centers into Network-Centric Command Posts for our warfighters and their staffs. His achievements and dedicated service have reflected great credit upon himself, the Army Acquisition Corps, the United States Army, and the Department of Defense.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate Lieutenant Colonel Tubell for his twenty years of service to our country and I welcome him to our North Alabama community.

IN HONOR OF UNION ADVOCATE JAMES "JIMMY" DEANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Jimmy Deane, Business Manager of the Laborers' Union, Local 310 of Cleveland, Ohio, as we celebrate his retirement following more than forty years of advocacy, commitment and leadership within this significant union of workers.

Mr. Deane journeyed to America from Ireland in 1962, with the promise of honest work and hope for a new beginning. He began work as a laborer in the construction trades and became a member of the union in 1962. In 1991 he was appointed to the position of Field Representative, and in 1995 he accepted the appointment of Business Manager. Throughout his union tenure, Mr. Deane remained focused on workers' rights, benefits, and safety. As a result of his concern, expertise and leadership, Laborers' Union, Local 310 reflected fiscal responsibility, integrity and effectiveness in representing and protecting its members.

Mr. Deane's activism extends throughout our local labor and political landscapes. He is a member of the Laborers District Council of Ohio, an Executive Board Trustee of the Ohio Laborers Training Fund, and has also served as delegate to the AFL–CIO. Though his Irish homeland lives forever in his heart, Mr. Deane wholly embraced all that is America. His activism within our democratic processes and support of local candidates serves to strengthen our community and, corresponding with the union, illuminates the foundation of America—a foundation of equal representation and justice for all.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of my good friend, Mr. Jimmy Deane—Business Manager of the Laborers' Union, Local 310, as we reflect on his significant service and dedication to working individuals and their families. Mr. Deane's integrity, conviction, and exceptional ability to bring people and ideas together for the common good, has served to raise the bar on all levels within the union, the workplace, and within our community. His steadfast commitment to the laborers of our community is a guiding force for all union members and leaders to emulate—today, and for generations of workers to come. We wish Mr. Jimmy Deane and his entire family many blessings of happiness, health and peace—today, tomorrow and in the years to come.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. PASCRELL. Mr. Speaker, I was regrettably absent on June 14, 2004 and June 15, 2004. Had I been present, I would have voted the following way: "aye" on rollcall vote 232, "aye" on rollcall vote 233, "aye" on rollcall vote 234, "aye" on rollcall vote 235, "nay" on rollcall vote 236, "nay" on rollcall vote 237, "nay" on rollcall vote 238, "nay" on rollcall vote 239, "aye" on rollcall vote 240, "nay" on rollcall vote 241, and "nay" on rollcall vote 242.

FRIENDS OF THE CHILDREN NATIONAL DEMONSTRATION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BLUMENAUER. Mr. Speaker, I am introducing the "Friends of the Children National Demonstration Act" that would authorize $7 million for Friends of the Children to support local program operations at existing sites and dissemination of findings to policymakers and other youth-serving programs. Friends of the Children is the only program in the nation that provides carefully screened full-time professional mentors to at-risk children for 12 years starting at five years of age. The Portland program started in 1993 with 3 "Friends" mentors serving 24 children. Today, Friends of the

Children serves over 600 children in 11 communities across the nation. The children served by this innovative program are truly the most defenseless—they are children of poverty; they have been in foster care, on welfare, and have parents who are incarcerated or are homeless. Friends of the Children's first class is now graduating from the Portland program; and the graduates are outperforming their peer group of at-risk children.

Here is a real-life example of the impact this program has: Natasha joined the Friends of the Children Portland program in 1993 and has overcome a family history of drug abuse and prostitution. Natasha has developed a strong relationship with her mentor, Jennifer. When she first enrolled in the Friends program, Natasha was unmotivated and did not enjoy her school work. With Jennifer's guidance, Natasha has found the determination to become a leader and maintain a positive attitude. She follows this philosophy in other aspects of her life, refusing to bow to peer pressure and confronting her friends when they are considering risky behaviors such as smoking. Now 17, Natasha has excelled as a member of her high school softball team and has become an avid photographer. She plans to study photography in college and will begin the college application process this fall by visiting college campuses with Jennifer. Natasha is a wonderful role model for the children and has benefited in a unique way from the Friends program. Natasha lived with her great-grandmother until she passed away in 2000. She is now living with a former Friends of the Children mentor who serves as her legal guardian.

In Portland tomorrow, the first class of Friends of the Children, including Natasha, will graduate from the program. These were children who were identified 12 years ago by their elementary schools as most likely to fail. They now show great progress in leading successful lives.

I look forward to working with my colleagues to pass this bill and make a commitment to improving the lives of at-risk children.

THE MORTUARY SCIENCE GRADUATING CLASS OF 2004 WAYNE STATE UNIVERSITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize an outstanding group of young men and women who on August 1, 2004 will receive their degree in the field of Mortuary Science from Wayne State University Eugene Applebaum College of Pharmacy and Health Sciences located in Detroit, Michigan.

The Eugene Applebaum College of Pharmacy and Health Sciences, located on the campus of the Detroit Medical Center, is a unit of Wayne State University. The School of Mortuary Science was formed within the Eugene Applebaum College of Pharmacy and Health Sciences in 1943. Students from all over compete for a spot in this highly selective program. The program provides students with specialized training in the area of funeral preparation and services. The students who graduate from this program are fully prepared psychologically, physically and socially to deal with the process of dying and death. Upon acceptance of their degrees they each will be charged with the duty of providing guidance, advice and support to those who have lost loves ones. The process of bereavement is long and sometimes stressful. Many families will look to these individuals for answers to questions regarding the burial process, as well as words of comfort. I am confident that the instruction given to these graduates over their course of study will assist them in their mission to promote nobility and understanding within the field of Mortuary Science.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me congratulating the Wayne State University Eugene Applebaum College of Pharmacy and Health Sciences School of Mortuary Science class of 2004 and in wishing them the best in future endeavors.

CONGRATULATIONS TO 2004 DETROIT PISTONS ON ITS NBA CHAMPIONSHIP

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. CONYERS. Mr. Speaker, congratulations to our 2004 Detroit Pistons who brought Detroit its first NBA championship title in 14 years. It has been a long hard climb back up the championship ladder from our two Championships in 1989–90, but the Pistons have finally reached the top again and can proudly call themselves world champions.

Whereas on June 15, 2004, the 2-time champion Detroit Pistons won the 2004 National Basketball Association championship, defeating the 9-time champion Los Angeles Lakers;

Whereas the Pistons defeated the Milwaukee Bucks 4 games to 1 in the first round of the playoffs;

Whereas the Pistons defeated the Defending Eastern Conference Champion New Jersey Nets 4 games to 3 in the hard fought Conference Semifinals;

Whereas the Pistons defeated the regular season Eastern Conference Champion Indiana Pacers 4 games to 2 in the Conference Finals;

Whereas in the finals against the Lakers, the Pistons won 4 games to 1, giving them their 1st NBA Championship since 1990, and making them the first team from the Eastern Conference to win the title in 5 years;

Whereas the Pistons are the first team to win the three middle games of the finals since the 2-3-2 format went into effect in 1985.

Whereas the Pistons' gritty offense was lead by Rip Hamilton, who averaged more than 21.5 points and 4.2 assists per game through-out the post-season;

Whereas Rasheed Wallace overcame foot injury to provide 26 points and 13 rebounds in the crucial game 4 victory;

Whereas Ben Wallace, two-time NBA defensive player and three-time NBA All-Defensive First Team, led the Pistons stifling defense and has brought a working-class mind-set that symbolizes the lunch-pail anonymity which has become the face of the team;

Whereas Tayshaun Prince was tenacious on the ball defense and mitigated the Los Angeles Lakers talented back court;

Whereas Chauncey Billups was voted Most Valuable Player, in acknowledgment of his outstanding offensive and defensive performance throughout the post-season, averaging 21 points a game and 5.2 assists versus 2.6 turnovers in the finals.

Whereas Coach Larry Brown has done an outstanding job preparing his Pistons to take on an exceptional Lakers team, giving him the unique distinction of being the first coach to win both the NBA and NCAA championships;

Whereas former Piston and current President of Basketball Operations Joe Dumars, Coach Brown, and his staff John Kuester, Mike Woodson, Dave Hanners, Herb Brown and Igor Stefan Kokoskov have provided strong leadership and solid coaching, resulting in a basketball team in which teamwork and hard work are the rules and not the exceptions;

Whereas the Pistons fans have shown undying support for their team, leading the league in attendance in a year where attendance records were shattered all over the NBA.

Whereas the Pistons exemplify what can be achieved by a talented group of players working together in concert for a common goal, overcoming a championship proven Lakers' team comprised of NBA all-stars.

Whereas the Pistons have shown that basketball remains a team sport and have reminded us fans that the game is still a team game with fundamentals at its heart and soul;

Whereas, as sports writer Eric Neel so cleverly put it "Once upon a time, there was a shared ball on offense and a shared responsibility on defense. In their Game 5 victory, as in the previous four games, it was that time all over again. We've got retro jerseys and throwback sneaks, now we've got a world champion from back in the day, to go with them."

Whereas the Pistons's success resulted from contributions from the entire roster of players, including Chauncey Billups, Elden Campbell, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, and Corliss Williamson;

Whereas the Pistons have displayed great strength, ability, and perseverance this season, which are all reflective of the hard-working people of the metropolitan Detroit region and the great State of Michigan, which furthermore is reflected in the team slogan "Going to work. Every night.":

Now, therefore, be it

Resolved, That the House of Representatives—

(1) Congratulates the Detroit Pistons for winning the 2004 World championship and for their outstanding performance during the entire 2004 season, and congratulates all of the 16 NBA teams who made it into the post-season;

(2) Salutes the achievements of all of the players, coaches, and staff of the Pistons, who worked hard and who were instrumental in bringing the City of Detroit its third NBA championship;

(3) Commends the Los Angeles Lakers for a valiant performance during the playoff finals and for displaying their strength and skill as a team;

(4) Directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Pistons players, Head Coach Larry Brown, General Manager Joe Dumars and President and team owner William Davidson.

IN HONOR OF DR. JOSEPH AND MRS. BETTS SKRHA IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY—JUNE 5, 2004

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Joseph and Betts Skrha, as they celebrate fifty years of devotion to each other, to their family, and to their extended family—the people of their beloved North Broadway community.

The union of Dr. and Mrs. Skrha represents a shared love and commitment not only for each other, but for their family, and their community. Their unbreakable bond continues to embrace and elevate the lives of their children—Joseph Ray, Betsey and John. The memory of their beloved son, Paul, remains eternal within their hearts, and within the hearts of countless residents along Broadway Avenue and beyond.

A united team, Dr. and Mrs. Skhra continue to serve as each other's confidant and advocate. A couple of doors down from the family home, where they continue to live today, Mrs. Betts Skrha supported and worked with Dr. Joseph Skrha throughout his medical practice. Their steadfast convictions and willingness to help others is reflected in the lives of hundreds of families and individuals, some of whom, like the Skhra's, still live in the old neighborhood. Moreover, they have inspired their children and many others—including myself—to reach out in service to others.

Dr. Joseph Skhra, an ordained Roman Catholic Deacon, was the Director of the Family Medicine Department and Director of Pastoral Care for many years at the now-closed St. Michael's Hospital. Betts Skrha, a scholar and leader in her own right, holds two degrees in nursing, worked within the field for many years, and was the long-time chairperson of the St. Michael's Community Board. Moreover, Betts Skhra is a founding member of Broadway School of Music and the Arts.

Their collective faith and deep sense of spirituality has healed, and continues to heal, the bodies, and more importantly, the heart and soul of the working class people of this neighborhood. They both continue to provide spiritual guidance to the elderly at Lourexis, Alexia Manor and Mead House. Additionally, the Skrha's continue their advocacy on behalf of University Settlement, The Broadway School of Music and the Arts, Our Lady of Lourdes Church and School, and the Cleveland Sight Center.

The Skrha's community service and heart are an inextricable facet of the light that brings comfort, hope and possibility along the streets and within the homes of our North Broadway community. Their leadership and dedication has made a permanent, positive difference within the lives of countless individuals and families—including mine.

Mr. Speaker and Colleagues, please join me in honor and recognition to Dr. Joseph and Mrs. Betts Skhra, for creating a symphony of love and strength that continues to resound within the hearts and minds of their children, grandchildren and the countless individuals whose lives they've touched along their journey. I offer to both of them my gratitude and admiration for being invaluable role models for many of us whose paths have crossed with theirs as they continue to inspire us all to reach for our dreams, to live in service to others, and to never forget where we came from.

COMMENDING CHAIRMEN TAYLOR AND YOUNG

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. GRAVES. Mr. Speaker, I want to commend both Chairman TAYLOR and Chairman YOUNG for their efforts to eliminate Federal funding of land acquisitions in the FY05 Department of Interior appropriations bill. I, along with several of my colleagues, have been fighting this battle for some time, and I am pleased with today's results. Federal land acquisitions have been the reason for my opposition to the Interior appropriations bill in the past, but now I can support this legislation.

I offered legislation that accomplishes almost exactly what Chairmen TAYLOR and YOUNG are proposing in the FY05 Interior appropriations bill. H.R. 1517, The Land Reinvestment Act, simply eliminates Federal land acquisitions by zeroing out the land and water conservation fund's Federal expenditures. I want to note that State side assistance will remain untouched and I again commend my colleague's actions for keeping that program funded.

The Federal Government is the nation's largest single landowner. The FY05 Interior appropriations bill sends a clear message that Congress will no longer tolerate Federal land grabs. I am very pleased by my colleagues efforts and look forward to supporting this legislation.

THE DEPARTMENT OF DEFENSE OFFICE OF VICTIM ADVOCATE ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. KILPATRICK. Mr. Speaker, since women were allowed to serve in combat, we have been stunned from time to time by stories of sexual assault and abuse within military circles. In response to numerous reports of female troops deployed in Iraq being sexually assaulted by fellow soldiers, Defense Secretary Donald Rumsfeld established a task force to review its policies and programs concerning sexual assault and the treatment and support of victims.

Several weeks ago the Sexual Assault Task Force reported its findings, and it put a spotlight on serious deficiencies in the way the military has handled sexual assault cases. For example, the Department of Defense has no system for tracking reports of sexual assault; a lack of privacy and confidentiality dissuades victims from reporting incidents of sexual abuse; DoD lacks uniform policies and program to coordinate care and support for sexual assault victims; and there is no commonly accepted definition of sexual assault.

The Secretary's Task Force report does a good job of identifying shortcomings in its management of sexual abuse cases, but it is wanting in arriving at hard solutions for eliminating the problem. For that reason, I am introducing legislation today that would authorize the establishment of the Office of Victim Advocate at the Secretary level.

The DoD Office of the Victim Advocate would provide access to services for victims and survivors associated with the military. Moreover, it would establish policies procedures and practices by which the privacy and confidentiality of persons seeking assistance for assaults and abuse inflicted upon them by military personnel can be protected. The Office would review complaints of persons and investigate the ones where victims may be in need of or benefit from services of a victim advocate. The proposed Office would evaluate the delivery of services by the various military departments and coordinate the services provided by those departments.

The Defense Department can be more aggressive in its handling of sexual abuse cases and that is the goal and mission of the Office of the Victim Advocate. I am hopeful that my colleagues on the House Armed Services Committee will assign this issue a high priority within the Office of the Secretary of Defense and support this legislation.

LESSONS LEARNED FROM TRANSPORTATION SECURITY ADMINISTRATION SHORTCOMINGS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 27, 2004, Lincoln Journal Star. The editorial highlights some of the shortcomings of the Transportation Security Administration and its baggage screening system. Clearly, the creation of a large, new Federal force is not necessarily the best way to address legitimate security concerns.

[From the Lincoln Journal Star, May 27, 2004]

NUCLEAR PLANT SPECIAL FORCE QUESTIONABLE

An alarmed Energy Secretary Spencer Abraham wants more and tighter security at government facilities that have radioactive material that could be fashioned into nuclear devices.

No argument here. The dangers of lax security at such sites are too awful to contemplate and too real to dismiss.

According to an account from The Associated Press, Abraham, in calling earlier this month for reforms, cited poor performance in mock security exercises and other failings—cheating on readiness tests, lost keys—by guards from private contractors.

Chief among Abraham's solutions to the problems he found: a federal police force to guard the facilities and an elite force to protect areas with the most sensitive nuclear weapons material.

Sounds impressive, until you consider how the last special force set up for national security has done.

That force—the hardworking men and women of the Transportation Security Administration—still hasn't proved that it can reliably protect the nation's commercial airports.

To be sure, they're trying.

Since the agency started work Nov. 19, 2002, it geared up with some 60,000 people to screen passengers and their luggage. Congress has since limited that number to 45,000, so the agency has raised and lowered staffing at airports here and there to meet demand.

The agency professionals have confiscated thousands of banned objects from often bewildered, sometimes bemused travelers; guns and garrotes; straight razors and knitting needles; tin snips and butter knives.

There is also little doubt the agency has thwarted dangerous incidents long before they reached any newspaper's front page and for that it should be honored and thanked.

But the Transportation Security Administration's still young and still learning some hard lessons. Among them that shake public faith;

In November, a college student secreted box cutters through airport checkpoints and onto at least two planes. He sent an e-mail to federal authorities saying he had put the items aboard two specific Southwest Airlines flights. The objects were not found until five weeks later.

In November, an Eppley Airfield baggage screener was charged with dealing cocaine after 8 ounces of cocaine, 7 grams of crack cocaine and manufacturing equipment were found in his Omaha home. According to the AP, between 1993 and 1997 the man was convicted of six misdemeanors including obstructing an officer and disorderly conduct.

In October, it was reported that written tests given potential baggage screeners never asked applicants to show they could identify dangerous objects inside luggage. In addition, the investigation by the Homeland Security Department—overseer of the Transportation Security Administration—showed that some screeners hired by the government to check baggage for bombs were given most of the answers to tests.

Also in October, the head of the Transportation Security Administration acknowledged that box cutters can get through airport checkpoints. But the chief, James Loy, blamed the lack and sophistication of technology, not his screeners.

There may be no way to prove that creating Loy's agency was necessary. But it is easy to prove that it has been costly.

The question is: Can Energy Secretary Abraham prove that a new, specialized force to protect nuclear facilities will be any more successful than the contractors already overseen by his department's specialized bureaucracy, the National Nuclear Security Administration?

And if that agency is incapable, will a new expensive bureaucracy do any better?

Other federal agencies have elite forces available—the Secret Service and FBI are but two. Could their highly trained men and women be given another mission, supported by their bureaucracy?

Surely the money saved could be spent on creating and providing the technology that Abraham says is lacking for airport screeners, technology that might well benefit the forces protecting the nation's nuclear weapons and power plants.

PAYING TRIBUTE TO ANDREW GEBBIE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Pastor Andrew Gebbie, a man who has made a great impact on the city of Grand Junction, Colorado. As a minister, Andrew has served both the members of his church and his community, and has become one of Grand Junction's truly cherished citizens. It is my privilege to recognize the work of this exceptional man.

Andrew was born in a small village on the outskirts of Hamilton in central Scotland. At eighteen, he was fascinated by aeronautics and went to Queen Mary's College in London, but after a year felt called to the ministry and transferred to a local seminary. After spending a few years living in Belfast, Northern Ireland, a friend in Canada told him of a pastoral position that had become available in Grand Junction. After being granted legal immigration status in a very short period, Andrew and his family moved to America. He began working as pastor of the Orchard Mesa Christian Church, which he and his wife Doris pastor together. Andrew also works as the billing administrator and patient records supervisor for Hospice and Palliative Care of Western Colorado. In his spare time, Andrew enjoys teaching students in the community how to rope climb at Camp Cedaredge located on the Grand Mesa.

Mr. Speaker, Andrew Gebbie has used his Christian Faith to serve his Grand Junction community, and has touched many lives. I say to his wife Doris and the rest of his family that they should be proud of Andrew both for his obedience in following his faith, and for all the hours he has given back to his community. I am honored to share with this body of Congress and this nation the works of Pastor Andrew Gebbie. Thank you for your service.

REGISTER-HERALD EDITORIAL ON PLEDGE OF ALLEGIANCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. RAHALL. Mr. Speaker, my hometown newspaper, the Register-Herald, of Beckley, WV, hit the nail on the head today with its editorial, "Pledge: Issue still unresolved," as the Supreme Court sidestepped a chance to help cement the moral foundation of our Nation. It used a technicality to overturn a decision by a lower court that had declared the use of the words "under God" in the Pledge of Allegiance unconstitutional.

For well over 200 years the moral fiber of this Nation has been built not upon the law of man, but rather upon the law of God. The Supreme Court held in its hands the people's eloquent expression of what many of my fellow West Virginians already know, that only under the watchful eye of God can all we hope for be accomplished and all we dream of come true. And, though the dismissal was welcomed, the Court's reason for the dismissal wasted an opportunity to forever strengthen our national character.

The Register-Herald best summed up the missed opportunity by our Supreme Court with the editorial that follows:

PLEDGE

ISSUE STILL UNRESOLVED

The words "under God" can stay in the Pledge of Allegiance, says the Supreme Court, whose Monday ruling actually resolves next to nothing.

Instead of taking on the substance of the issue, the court ruled on whether the man who brought the case in the first place had proper standing. He doesn't, the court said.

Three justices did indicate that they see no violation of the Constitution in the pledge's language. Good for them. The First Amendment aims to keep Congress from establishing a state religion, which would require a great deal more effort from Congress than inserting a couple of words in the pledge a half-century ago. Children cannot be compelled to recite the pledge or even listen to it if they don't wish to.

The Supreme Court will sooner or later have to delete the phrase or else rule in its defense, an action requiring only this: respect for constitutional language and a grain of common sense.

REMEMBERING MRS. ANN OLESKY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on June 13, 2004, the town of Immokalee, Florida lost one of its most admired and revered members of the community. At the age of 61, Mrs. Ann Olesky passed away nearly one week after undergoing major heart surgery. An avid environmentalist, Mrs. Olesky has been credited by many as the catalyst for the conception of the Lake Trafford restoration project.

As part owner of the Lake Trafford Marina and Campground, Mrs. Olesky recognized the importance of maintaining and preserving South Florida's natural environmental habitat. Eight years ago, Mrs. Olesky realized that both the environment and the community would be best served if a large scale dredging and cleanup project were to be implemented at Lake Trafford. It was Mrs. Olesky's strong drive and commitment to Immokalee which ultimately drove her to embark on a grass roots campaign which culminated with the securing of funds for the project.

In addition, Mrs. Olesky was well known through the community for her active role in civic and community life. During many Christmas celebrations, Mrs. Olesky could be seen taking part in Christmas Around the World, a yearly educational program that seeks to educate young children about the environment. Through these programs, Mrs. Olesky played an active role in raising community wide awareness of the environmental challenges facing South Florida.

Mrs. Ann Olesky will be forever remembered by the people of Immokalee for her great devotion and love for the people and community of Immokalee. While sadly, Mrs. Olesky will be unable to see the completed fruit of her eight years of labor, it is without question that her efforts will be remembered for many generations to come.

Mr. Speaker, I ask you to join me in expressing my deepest sense of condolence to the family of Mrs. Ann Olesky, as well as to the people of Immokalee. Mrs. Ann Olesky will be greatly missed.

A PROCLAMATION HONORING BERNICE BUEHLER ON HER 100TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. NEY. Mr. Speaker:

Whereas, Bernice Buehler is celebrating her 100th birthday today; and

Whereas, Bernice Buehler is a long-time active participant in the social and civic life of the community; and

Whereas, Bernice Buehler has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others in her community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Bernice Buehler a very happy 100th birthday.

REMEMBERING L.T. "HERBY" BALLEW

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a business associate, good friend and great East Texan who passed away last year—L.T. "Herby" Ballew.

Herby Ballew was the founder of the famed Herby's Foods in Grand Prairie which produced over 100,000 sandwiches daily. He sold the company in 1975, and became chairman and CEO of the Bank of Crowley, Texas—an institution he ran until the early 1990's. Herby ended his prosperous career as the owner of Fame Care, a chemical company.

Herby was a successful businessman who considered his employees as members of his family. They remember him as a compassionate and generous man.

He was also devoted to his family, who include his wife, Vee Ballew; sons, Barry Ballew and Terry Lampman and wife Marolyn; daughters, Terry Jean Trevino and husband, Gonzy, Kathey Long, Patty Grieder and husband, Clyde, and Rose Shirley and husband, John; and sister, Dorothy Jewett and brother-in-law Elliott. He also was the proud grandfather of ten grandchildren and eleven great-grandchildren.

Herby will be long remembered as a generous citizen as well as successful businessman who touched the hearts of everyone he met. Mr. Speaker, as we adjourn today, let us do so in memory of this esteemed man and a life-long friend—Herby Ballew.

FLY LIKE AN EAGLE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. LOFGREN. Mr. Speaker, this past weekend I was privileged to attend the graduation of my daughter from Stanford University. There is an interesting tradition at Stanford. Each year the graduating students vote to select a professor to give one last lecture to them at lunch the day before graduation. This year, that honor went to Professor Terry Karl.

Professor Karl has a long history as a human rights advocate. Among other things, she has monitored elections for the United Nations and served as an advisor to U.N. peace negotiators.

During the "final lecture", Professor Karl challenged the graduates to assume responsibility for the long-term prospects of our country, especially in the wake of the recent prison abuse scandal at Abu Ghraib. She discussed the doctrine of "command responsibility," which says that leaders cannot turn a blind eye to abuse.

As she poignantly stated, "no amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened."

I believe that Professor Karl has raised very important issues in this lecture, and I ask that her entire lecture be made a part of the RECORD so that all the American people, not just the Stanford class of 2004, may have the benefit of her scholarship and insights.

[Speech to the Graduating Class of 2004
Stanford University, June 12, 2004]

FLY LIKE AN EAGLE (EVEN IF YOU FEEL LIKE A CHICKEN)

(By Terry Karl)

President Hennessey, Provost Etchemendy, Trustees, parents, and most especially graduates, thank you for the honor of inviting me to speak to you. In the midst of your celebration, I ask you to pause—for these are serious times.

Archbishop Desmond Tutu, anti-apartheid hero and head of South Africa's Truth and Reconciliation Commission, tells a story (which inspired this talk) about a farmer who raised chickens in his backyard. Amongst this farmer's chickens, there was one that looked a little odd. It behaved like a chicken. It walked like a chicken. It pecked away like a chicken. One day a wise woman came along and said to the farmer: "You know, that isn't a chicken. It is an eagle." The farmer said: "No way. That is a chicken." And he looked at the odd bird and said: "Don't get any fancy ideas. You are a chicken."

"I don't think so," said the wise woman. She picked up the strange looking chicken, climbed up the nearest mountain, stood at the edge of a precipice, and waited until sunrise. Then she turned the bird towards the sun and said: "You are an eagle. You can soar. You can change your world. Go fly."

The strange looking chicken shook itself and tentatively spread its wings. It looked up at the sky. It looked down—way down—to the bottom of the precipice. It took a few steps back in the direction of the other chickens, where it had been so comfortable, where it had a daily routine and food to eat. "Sorry," it said to the wise woman: "I don't feel like an eagle. I feel like a chicken. And I don't think I can fly."

"That's your choice," the wise woman said softly. "But remember, you are responsible for the decisions you make. If you don't dare to fly, you will never be fully alive. You will never reach the sky. Even if you feel like a chicken, fly like an eagle."

That "strange chicken" comes to mind every time there is a choice between taking an easy path or making a trail where there is no road. After completing my doctorate at Stanford, I conducted research in El Salvador's civil war in the 1980s. Military leaders repeatedly assured me that their army did not commit human rights abuses. But the testimony of countless others told a different story. Salvadorans described how they had been hooded or blindfolded for days; deprived of sleep, food, and water; beaten and shocked; raped and forced to watch the torture and murder of others.

At El Mozote, a massacre site where a forensic team would later dig up the bodies of over 100 children under the age of 12, a peasant woman approached me. "You are American. You are powerful. You will find out who is responsible for this." That night, flying back to the United States, I railed against that woman. "Powerful? A general is powerful. A president is powerful. I am five feet tall. I am a woman from Missouri. I don't have tenure. I am not powerful."

Now, fast forward two decades to a South Florida courtroom, in June 2002, where two Salvadoran generals living in the U.S., Generals Jose Guillermo Garcia and Eugenio Vides Casanova, stood on trial, charged with responsibility as their country's top commanders for the abuse of Salvadoran civilians. Three survivors of torture brought the courtroom to tears as they testified about what had happened to them. One of them, Carlos Mauricio, honors us with his presence today.

As the expert witness in this trial—a trial that few believed would ever take place and even fewer believed could be won—I documented how the actions these generals had taken (and the actions that they had failed to take) were interpreted down the chain of command as a "green light" to commit torture. Thus these men should be held responsible for crimes committed against Salvadoran civilians.

In their defense, the generals denied their responsibility. They were fighting terrorism. They could not be expected to control the actions of all their soldiers. They were not present when prisoners were humiliated, abused and murdered, and they were not the actual torturers. So why, they asked the jury, were they on trial for what a few "bad apples" had done?

Because the law demands it.

The doctrine of "command responsibility," the product of an American initiative enshrined in law since the Nuremberg Statutes after World War II, affirms that civilian and military leaders may be held legally accountable for abuses committed by their subordinates—even when these commanders did not personally order abuses, witness such abuses, have direct knowledge about them or conspire to commit them. This law recognizes the tremendous danger of abuse inherent in war and, in tribute to the awful sacrifices of the Holocaust and those who died in two world wars, it places the moral worth of each and every person at the center of our international order. Rather than permit leaders to turn a blind eye to abuse, it contends that those leaders who "knew or should have known" about abuse and "failed to prevent or punish it" are criminally accountable for this abuse. It charges both military and civilian authorities with an affirmative duty to prevent crimes, to control their troops, to act when a crime is discovered, and to punish those found guilty of committing the actual crime—no matter how high responsibility may reach in the chain of command.

Thus, a Florida jury found these once powerful Salvadoran generals responsible for gross human rights abuses. In an historic and precedent-setting ruling, a jury of ordinary people reaffirmed the doctrine of command responsibility in an American court. Their verdict, covered in every major newspaper and widely televised around the world, sent a powerful signal. It warned murderers, torturers and dictators to think twice before retiring to the United States. And it demonstrated that, at our best, America's freedoms and the energies of people like our lawyers, researchers, translators—people just like you—can be harnessed to transcend national borders and to hold even the most powerful to account for their actions against the vulnerable.

Which brings me back to the precipice where we left the strange chicken.

Our country is at the edge of a precipice. Regardless of how the situation in Iraq finally plays itself out, we are in the midst of one of the greatest and most intractable global crises of modern times. 9/11 was an earthquake in the psyche of America, and flying airplanes into buildings where people work is a crime against humanity. But the behavior depicted in the terrible photos of the hooded Iraqi led around on a leash and the 37 homicides of prisoners in U.S. detention now under investigation are also criminal acts. While the numbers may not be the same and the circumstances are different, U.S. law and international law are clear: both are crimes against humanity.

The simple truth, whether we like to hear it or not, is that since the attacks of September 11, 2001, officials of the United States, from Afghanistan to Guantanamo to Iraq, have been torturing prisoners. They have done this with the institutional approval of the U.S. government advised by memoranda from the President's own counsel, with official declarations aimed at sidestepping the historic safeguards of the Geneva Conventions, and with actual written policies permitting the use of "moderate physical force" (from Mark Danner in his excellent articles on torture in the New York Review of Books)—policies that violate rulings by our courts, the European Court of Human Rights, the Inter-American Court, and the Supreme Court of Israel. By the military's own calculation, an estimated 80 percent of prisoners subjected to this treatment are innocent of any wrongdoing.

No amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened. The dreadful story told by these photographs (and we have not seen the worst of them) has done enormous damage to our moral standing, our strategic power, and our spirit.

Today much of the world believes that there is a difference between what Americans claim to stand for and what we actually do in the world. According to a 19 nation poll released last week, a majority now thinks that the United States is having a negative influence on the world; only 37 percent judge our country as having a "positive influence." Listen to the countries polled: Canada, Chile, China, France, Germany, Great Britain, Brazil, India, Indonesia, Mexico, Nigeria, Russia, South Africa, Spain, Turkey, Uruguay and Italy—and yes, the United States itself. This is an enormous change from the days after September 11 when a French newspaper proclaimed: "We are all Americans."

Today, we stand more alone in the world than we ever have.

This decline in our reputation is a decline in our security. We live "unavoidably side by side, Kant said two hundred years ago. But even this great philosopher could not have imagined how enmeshed nations and peoples have become today. Thus what happens in one part of the world—the dramatic increase in poverty and inequality, the failure to address the terrible consequences of global warming, the catastrophe of AIDS, the nineteen civil wars currently active, the persistence of oil-related crises mixed to dangerous combustion with religious or ethnic conflict in Saudi Arabia, Nigeria, Chad and Indonesia—this will blow back on us. Global problems, no matter how remote they appear, will increasingly affect everything in our daily lives—from the imperative transition from a fossil fuel energy system (which will happen in our lifetime), to the air we breathe, to the diseases we face, to the safety of the cities we inhabit.

These problems cannot be solved with military might alone. They cannot be solved within our borders. And they cannot be solved without friends.

Thus we must address the damage that has been done in our name—no matter how far up the chain of command this requires. For our spirit and our security, we must demonstrate that we are a nation of law, democracy, and decency. We must show the world that we will apply, at the very least, the same standards to our own leaders as we have to Salvadoran generals.

Which brings me to you—the "strange birds" of 2004.

This is your precipice. What will you do about it? What will you do to awaken in yourselves and others a new sense of responsibility for our country and for this world? How will you fight to make your leaders conduct themselves "as if they were going to live on this earth forever and be held accountable for its condition?"

The question is not whether you will be chickens or eagles. You have no choice. You are living in the most powerful country in the world. You are graduating from one of the best universities in the world. Tomorrow you will hold a certificate that does much to ensure your place among the most fortunate of this world. But just as that Salvadoran woman in El Mozote once put it to me, I shall put it to you: You are eagles. The choice you face is whether you will dare to fly.

Survey data on your generation as a whole is not very promising. It says that you are primarily interested in acquisition, that you define yourself in terms of possessions rather than "goods of the soul." You are self-interested and care little for developing a moral code, much less for assuming some type of global political responsibility. You do not want to be eagles at all, we are told, but rather successful chickens in a very well ordered barnyard.

At Stanford our experience is different. Here students work on women's health in Afghanistan and Chiapas, democracy in China and Kyrgyzstan, and war crimes in Rwanda and the Hague. Students build schools in Central America, assist AIDS orphans in South Africa, develop medicines for low income countries, test development strategies, provide education programs for inner-city kids, create a journal to promote human rights, and volunteer in virtually every community service organization imaginable. Yet some of these very same students are reluctant to show that they are not simply hard-nosed realists or self-interested balancers of costs and benefits. It is almost as if they hear whispering in their ears the German poet Holderlin, who wrote around 1800 an essay entitled Good Advice. Listen to his advice: "If you have brains and a heart, show only one or the other. You will not get credit for either should you show both at once."

This isn't good advice at all.

Your university years have been defined by two distinct crimes against humanity—September 11 and torture in Iraq. Whatever their differences (and they are different), the lesson from these two crimes is the same: our own security is intimately bound up with our ability to use both our hearts and our brains, to empathize as well as analyze. Crimes like 9/11 or the torture of Iraqi prisoners can only occur when the victims are defined as something less than human; they can only be portrayed as permissible when all lives are not valued equally. Their prevention rests on our capacity to affirm the principles of equal respect, and to expand, not contract, human rights protections both at home and abroad.

Being an eagle means becoming citizens who are not simply Americans but who are citizens of this earth. It means raising, not lowering, the bar.

We are at a turning point. For all of you who feel helpless, who despair, who are cynical and who do not feel like eagles, remember this. "There are only two kinds of people who tell you that you cannot change the world: those who are afraid to try themselves, and more importantly, those who are afraid that you may succeed."

Instead, think of Margaret Mead's well-known phrase: "Never say that the actions of one, two or three ordinary people cannot change the world. It is the only thing that does." Think of Carlos Mauricio, who faced down an abuser. Think of all those people who give a piece of themselves every day, who speak out against the brutality they see, who try to stop impoverishment and the despoiling of our environment, and who understand that ultimately the world cannot be peaceful if some have far too much and others far too little.

Take inspiration from these eagles.

Shake yourselves, spread your wings and lift off. Whether you run a business or a community organization, a clinic or a school, assume responsibility for the long-range prospects of our country and our troubled earth. Aim high for a world without war and without genocide, a world of respect for all, a world that is far greater than the one we are handing to you. Because, as Eleanor Roosevelt said, "The future belongs to those who believe in the beauty of their dreams."

Congratulations, and may you fly!

PAYING TRIBUTE TO DR. MARY VADER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, today I rise with great joy to pay tribute to Dr. Mary Vader of Montrose, Colorado. "Dr. Mary," as many of her patients call her, dedicates her work and service to the health and well being of others. In recognition of her service, Dr. Mary was recently awarded the Harold E. Williamson award, and I think it is appropriate to recognize her accomplishments before this body of Congress and this nation today.

Dr. Mary is a native of Western Colorado, leaving only for a short period during her professional training. In the early 1990s, she took a position as a partner with Pediatric Associates, a pediatric clinic in Montrose. In addition to her dedication to her practice, she has done much to share her knowledge and to give back to the Montrose community. She played a major role in establishing "Dream Catchers" in Western Colorado, an organization that provides therapy for disabled children using the assistance of horses. Additionally, Dr. Mary helped start and continues to volunteer for the Montrose Medical Mission, a non-profit medical clinic providing free care to uninsured patients.

Dr. Mary also acts as a consulting physician for the Child Abuse Response Team of the 7th Judicial District and helps with the training for Sexual Assault Nurse Examiners. The COPIC Medical Foundation recently honored Dr. Mary with its 2003 Harold E. Williamson Award, and made a generous donation to the Montrose Medical Clinic in her name.

Mr. Speaker, I would like to commend Dr. Mary Vader for her tireless efforts to better her Montrose Community. Her efforts have tremendously contributed to the health and wellness of her community. I wish to thank her for her service and wish her the best in her future endeavors.

NATIONAL MEN'S HEALTH WEEK AND DR. KENNETH GOLDBERG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BURGESS. Mr. Speaker, it is my duty to clearly state the necessity of men's health awareness. This week is National Men's Health Week, and it comes at an important time as we pause to honor our Fathers. As a practicing physician for over 20 years and Chairman of the House Policy's Health Subcommittee, I wholeheartedly understand the importance of regular health screenings.

In May of last year, I introduced H.R. 2151, the Medicare Osteoporosis Measurement Act to address the issue of male osteoporosis. Osteoporosis is a degenerative bone condition that can make bones fragile and can gradually erode quality of life for our seniors. But contrary to popular belief, osteoporosis is a serious health problem for men, as well as women. Two million American men suffer under this debilitating illness, and 12 million more are at risk for developing the disease.

It is crucial that men everywhere seek out regular health check-ups. Routine medical examinations are key to detecting—and preventing—serious men's health concerns like high cholesterol and blood pressure, prostate cancer, cardiovascular disease, and osteoporosis. In addition, men should strive to equip themselves with the knowledge and information necessary for personal health awareness. They need to know about important illnesses facing men and at what age specific screenings are needed.

Dr. Kenneth Goldberg, of the Male Health Center, has been a leader in the field of men's health for 30 years. He is a member of the advisory committee for National Men's Health Week, Men's Health Network and Men's Health Magazine and author of the book How Men Can Live as Long as Women. The Male Health Center is located in Lewisville, Texas—my 26th Congressional District. Opening its doors in 1989, it is a premier facility in its field as the first center in the United States specializing in men's health issues. The Male Health Center treats hundreds of patients from all over the country and meets the crucial need of men's health specialists.

The fight for better men's health is a partnership. It's a partnership between men and their physicians. For this reason, I honor Dr. Goldberg, his staff and National Men's Health Week.

PAYING TRIBUTE TO CAY HOPKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I rise today with a heavy heart after learning that Colorado has lost one of its truly great citizens. Catherine "Cay" Hopkins of Pueblo, Colorado recently passed away at age seventy-nine. Cay spent her life serving those she loved, and as her community and family mourn her passing, I believe it appropriate to recognize her life before this body of Congress and this nation.

Cay was born in Denver on February 10, 1925. She graduated from East High School, and later received her bachelor's degree from the University of Denver. She moved to Pueblo when she married Dr. William Hopkins, a local ophthalmologist, on December 17, 1946.

Cay began her life of community service upon moving to Pueblo. She was the former president of the Pueblo YMCA and the former treasurer of the Sangre de Cristo Arts and Conference Center. She also served as a board member of the YWCA, and was chairman of the Mozart festival. Just a year ago, Cay was among the nominees for the YWCA's Woman of the Year Award.

Over the decades Cay also served on the Southern Colorado Bicentennial Commission, was treasurer of the Colorado State Hospital Auxiliary, was president of the Thatcher School Parent Teacher Association and served on the Rosemont Museum board as a volunteer coordinator. When she was not serving her community, she and her husband William were flying to Central America assisting as medical missionaries.

Mr. Speaker, Cay Hopkins will be sorely missed, and although we grieve over the loss of this incredible individual, we take comfort in the lives she touched and the legacy she leaves behind. My thoughts go out to her husband William, daughters Gayle and Sharon, son Greg, and the rest of her family during this difficult time of bereavement. I am truly honored to pay tribute to her life and memory today.

MOURNING THE LOSS OF SGT. GERARDO MORENO

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I rise today to express my deep sorrow for the loss of a young soldier from my district, Sgt. Gerardo Moreno, 23, of Terrell, Texas. Gerardo, who was assigned to the 1st Battalion, 5th Cavalry, 1st Cavalry Division based in Fort Hood, Texas, died on April 6 in Ashula, Iraq, in support of Operation Iraqi Freedom. He had been in Iraq since early January and was killed in a grenade attack.

Gerardo graduated from Terrell High School in 1999 and enlisted in the Army after graduation. He was a dedicated soldier and an upstanding citizen of Terrell, Texas. In a show of support for the fallen soldier, the residents of Terrell lined Moore Ave. on the morning of his funeral to pay their respects. I am heartened to see the citizens of this great city, state, and nation come out in support of our dedicated soldiers.

Gerardo was also a devoted family man. He is survived by his wife, Teresa Moreno of Terrell and their two children, Dominique and Marrisol Moreno. Mourning his death are also his mother, Sandra E. Iracheta, and her husband, Noe Iracheta; father, Gerardo Moreno; brother, Jose J. Moreno; step-sisters, Yara and Yadira Perez; grandmother, Rita Iracheta of Terrell; grandfather, Israel Iracheta of San Antonio, and other family members.

Gerardo made the ultimate sacrifice for our nation, and we are all touched by his loss. By defending our freedoms and values, soldiers like Gerardo earn a special place in our hearts. Without their willingness to serve and put their lives on the line for our nation, America would not be the great country that it is today. We are all forever indebted to brave men and women like Gerardo.

Mr. Speaker, as we adjourn today in the House of Representatives, let us do so by honoring Sgt. Gerardo Moreno and extending our deepest condolences to his family and friends. Like so many other young Americans serving and fighting overseas, Gerardo is a hero whose sacrifices ensure our continued freedom.

A PROCLAMATION IN MEMORY OF STAFF SERGEANT JAMES WILLIAM HARLAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of Staff Sgt. James William Harlan upon the death of this outstanding soldier.

Staff Sgt. Harlan was a member of the U.S. Army Reserves 660th Transportation Company serving his great nation in the country of Iraq. He was a leader in his unit and a loving father to his son. Staff Sgt. Harlan was an active citizen in his community and did his best to make his country a better place to live.

Staff Sgt. Harlan will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of Staff Sgt. James William Harlan.

INTRODUCING "THE RONALD REAGAN ALZHEIMER'S BREAKTHROUGH ACT OF 2004"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MARKEY. Mr. Speaker, the race to find a cure for Alzheimer's disease is more urgent than ever. Four and a half million Americans, including one in 10 people over age 65 and nearly half of those over 85, have Alzheimer's disease. Unless science finds a way to prevent or cure this terrible illness, nearly 16 million Americans will have Alzheimer's disease by the year 2050.

Today I am introducing the Ronald Reagan Alzheimer's Breakthrough Act of 2004, to honor President Ronald Reagan and his forward thinking in establishing an awareness of this disease and his guidance in directing the National Institute on Aging to establish the Alzheimer's Disease Centers. I am joined by Representative CHRISTOPHER SMITH, Co-chair of the Congressional Alzheimer's Taskforce, Representatives ROBERT MENENDEZ, SHEILA JACKSON-LEE, GENE GREEN, DALE KILDEE, DONALD A. MANZULLO, KAREN MCCARTHY, MARTIN T. MEEHAN, RICHARD E. NEAL, RON KIND, PATRICK KENNEDY, and JIM MCDERMOTT.

The Ronald Reagan Alzheimer's Breakthrough Act of 2004 expands the federal government's efforts to find new ways to prevent, treat, and care for patients with Alzheimer's. This bill focuses on enhancing our research efforts by authorizing NIH's Preventive Initiative, which directs NIH to identify possible preventive interventions and conduct clinical trials to test their effectiveness. This bill authorizes significant increase in funding for the Nation Institute on Aging and cooperative clinical research at the National Institute on Aging (NIA) to improve the existing clinical trial infrastructure, develop new ways to design clinical trials, and make it easier for patients to enroll.

The bill also focuses efforts to help the caregivers of Alzheimer's patients. Presently, care giving comes at enormous physical, emotional, and financial sacrifice. One in eight Alzheimer caregivers becomes ill or injured as a direct result of care giving, and older caregivers are three times more likely to become clinically depressed than others in their age group. Research is needed to find better ways to help caregivers bear this tremendous, at times overwhelming responsibility. This bill reauthorizes the Alzheimer's Demonstration Grant Program. These grants allow states to provide services like home care, respite care, and day care to patients and families, with Alzheimer's disease.

Mr. Speaker the best way to fight this disease and reduce the number of patients who suffer from Alzheimer's disease is to find ways to prevent it before it starts. Investments we make now in Alzheimer's disease and aging research mean longer, healthier lives for all of us. If we can delay the onset of Alzheimer's disease by even 5 years, it would save this country billions of dollars—and would improve the lives of millions of families. Congress must act now to strengthen the federal commitment to preventive Alzheimer's and to finding a cure for this devastating disease and provide for caregivers."

INTRODUCTION OF H.R. ___, THE CIVIL LIBERTIES RESTORATION ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BERMAN. Mr. Speaker, today I am joined by my colleague BILL DELAHUNT (D–MA) in introducing the Civil Liberties Restoration Act. Two and a half years ago, following the attacks of September 11, the Attorney General asked Congress for a long list of new powers he felt were necessary to protect the United States from future terrorist attacks. Six weeks later, Congress granted those powers in the USA PATRIOT Act.

I voted for the PATRIOT Act in 2001 because I felt that a number of its provisions provided essential tools to fight terrorism. I did so expecting that Congress would undertake diligent oversight of the Attorney General's use of the tools we provided. Unfortunately, that has not been the case.

The Civil Liberties Restoration Act (CLRA) is our effort to return oversight to our legal system and restore the kind of checks and balances that are the foundation of our government.

Since we enacted the PATRIOT Act almost three years ago, there has been tremendous public debate about its breadth and implications on due process and privacy. I do believe that there are some misperceptions about the law and its effects, but I also believe that many of the concerns raised are legitimate and worthy of review by Congress.

The CLRA does not repeal any part of the PATRIOT Act, nor does it in any way impede the ability of agencies to share information. Instead, it inserts safeguards in a number of PATRIOT provisions.

The bill addresses two pieces of the PATRIOT Act in particular. First, it ensures that when the Attorney General asks a business or a library for personal records, he must be targeting an agent of a foreign power. Second, the bill would make clear that evidence gained in secret searches under the Foreign Intelligence Surveillance Act (FISA) cannot be used against a defendant in a criminal proceeding without providing, at the very least, a summary of that evidence to the defendant's lawyers. One of my biggest concerns when we passed the PATRIOT Act was that the changes we made in FISA would encourage law enforcement to circumvent the protections of the 4th Amendment by conducting searches for criminal investigations through FISA authority rather than establishing probable cause. This provision in the CLRA does not take away any of the powers we provided in the PATRIOT Act. It simply requires that if the government wants to bring the fruits of a secret search into a criminal courtroom it must share the information with the defendant under existing special procedures for classified information.

The Civil Liberties Restoration Act deals with more than the PATRIOT Act. It also addresses a number of unilateral policy actions taken by Attorney General Ashcroft both before and after enactment of the PATRIOT Act without consultation with or input from the Congress. For example, the Administration has undertaken the "mining" of data from public and non-public databases. Left unchecked, the use of these mining technologies threatens the privacy of every American. The CLRA requires that any federal agency that initiates a data-mining program must report to Congress within 90 days so that the privacy implications of that program can be monitored.

The Attorney General unilaterally instituted a number of policies dealing with detention of noncitizens that we address. For example, the AG ordered blanket closure of immigration court hearings and prolonged detention of individuals without charges. The CLRA would permit those court hearings to be closed to protect national security on a case by-case basis and requires that individuals be charged within 48 hours, unless they are certified as a threat to national security by the AG as mandated under the Patriot Act.

The CLRA also addresses the special tracking program (known as NSEERS) created by the Attorney General, which requires men aged 16 and over from certain countries to be fingerprinted, photographed and interrogated for no specific cause. This program creates a culture of fear and suspicion in immigrant communities that discourages cooperation with antiterrorism efforts. The CLRA terminates this program and provides a process by which those individuals unjustly detained could proceed with interrupted immigration petitions. This is the only provision of the CLRA that eliminates a program outright, but this program has already been partially repealed by the Department of Homeland Security and largely replaced by the US VISIT system.

When I voted for the PATRIOT Act, I understood that my vote carried with it a duty to undertake active oversight of the powers granted by the bill and carefully monitor their use. Congress should continue to examine whether the policies pursued by the Attorney General are the most effective methods to protect our nation from terrorists, whether they represent an efficient allocation of our homeland security resources, and whether they are consistent with the foundations of our democracy. It is my hope that we will enjoy an active debate on these issues and this legislation.

PAYING TRIBUTE TO RICHARD BACA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, today I rise to honor the accomplishments of Richard Baca of Grand Junction, Colorado. Richard has done much to improve higher education in the State of Colorado. After thirty-two years at Mesa State College, he is retiring as the college's assistant vice president of student affairs and enrollment management. As Richard celebrates his retirement, let it be known the Mesa State College community and I are eternally grateful for all that he has accomplished during his tenure with the college.

After receiving a doctorate from the University of Northern Colorado, Richard started as a counselor and staff assistant at Mesa State. From there he worked his way through the ranks to his current position as vice president of student affairs and enrollment management. Along the way he held positions as director of counseling, director of student life, director of academic records and dean of student services. As the college grew, Richard's noted contributions include his efforts to encourage diversity. Specifically, Richard helped the college establish the Cultural Diversity Board and an event to celebrate diversity, "Unity Fest."

Mr. Speaker, I wish to commend the efforts of Richard Baca and his contributions to Grand Junction, the State of Colorado and higher education. His commitment to diversity was also a commitment to Colorado's future. I would like to thank Richard and wish him the best of success in his future endeavors.

REMEMBERING BOB HANEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a dedicated patriot, great East Texan, and true friend who passed away recently—Bob Haney of Anna, Texas.

Bob and I became friends when we served together in the U.S. Navy in World War II. We stood together on the *Copahee* aircraft carrier when we received the notice that America had dropped atomic bombs on Japan. Bob was optimistic that the war would soon be over, and he told me that we would be home in a matter of weeks—and we were.

Bob became a lifelong advocate for veterans and for disabled American veterans. He served as a Veterans Service Officer in Dallas for many years and was my trusted advisor on military and veterans issues.

When we dedicated the World War II Memorial in Washington over Memorial Day weekend, I thought of Bob and how much he would have enjoyed being one of the thousands of veterans who came to be a part of this historic event. So many veterans did not live to see the memorial become a reality, and so many were not able to make the trip—but the Memorial will stand as a lasting tribute to their service and their sacrifice.

Bob now is home—where he has joined his many shipmates who fought and died in the war. He will be missed by his many friends and his wonderful family—daughters Linda Martinez of Denison, Vickie Victoria Boaz of Howe, Evelyn Faye Fell of Kokomo, IN, Betty Paulette Jay of Van Alstyne and Renfro Pucket of Anna; sons Bob Ed Haney of Tioga, John David Haney of Anna and Fred Weaver Haney of Sherman; sisters Elizabeth Woolbright and Joy Belle Evans of Houston; 19 grandchildren and 21 great-grandchildren.

Mr. Speaker, on behalf of his family and friends, I want to take this opportunity in the House of Representatives to pay our last respects to my shipmate, advisor and longtime friend, Bob Haney. God rest his soul.

A PROCLAMATION RECOGNIZING JAE'S TOWING AND RECOVERY OF NEWARK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. NEY. Mr. Speaker:

Whereas, Jae's Towing and Recovery of Newark is an exemplary business devoted to its customers' care; and

Whereas, Jae's Towing and Recovery of Newark has been acknowledged by AAA with the 2004 AAA/CAA Service Provider of Excellence Award; and

Whereas, Jae's Towing and Recovery of Newark should be commended for its excellence, for its seven years of devotion to serving others, and for its ongoing efforts to provide its customers with outstanding care; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Jae's Towing and Recovery of Newark for its outstanding accomplishment.

PAYING TRIBUTE TO STANLEY CUNDIFF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise to honor Stanley "Stan" Cundiff for his dedication to Colorado as the City of Durango's Parks and Recreation maintenance supervisor. His forty-seven years of service are a testament to his tireless efforts to better his community. As he celebrates his retirement, let it be known that he leaves behind a terrific legacy to the people of Durango and the State of Colorado.

Born and raised in Bayfield, Colorado, Stan began working for the Public Works Department in 1957. In 1963, he moved to the Parks and Recreation Department where he led the maintenance work until his recent retirement. The city regards Stan as the "Grandfather" of the Durango parks system. His leadership made it possible for Durango to build many of the city's current parks. To honor Stan upon his retirement, the city recently dedicated a park, "Stan Cundiff Park".

Mr. Speaker, I am privileged to recognize Stanley Cundiff for his efforts throughout his career. His dedication and hard work for the Department of Parks and Recreation throughout the years is certainly commendable and worthy of recognition before this body of Congress and this nation. The dedication of a park in his honor shows a community proud of his work. I wish to thank Stan for his work and wish him the best in his future endeavors.

IN SUPPORT OF H.R. ___, THE CIVIL LIBERTIES RESTORATION ACT OF 2004

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. DELAHUNT. Mr. Speaker, today, with my colleague HOWARD BERMAN (D–CA), I am proud to introduce legislation that will amend certain provisions of the PATRIOT Act. Senators EDWARD M. KENNEDY (D–MA), PATRICK J. LEAHY (D–VT), RICHARD J. DURBIN (D–IL) and RUSS FEINGOLD (D–WI) are introducing companion legislation in the Senate.

In the aftermath of the terrible events of September 11th, our Nation needed to meet the challenge of finding additional ways to prevent terrorist attacks. Yet even in a time of crisis, the Federal Government must not sacrifice essential liberties in response to claims of national security.

During the original debate on the PATRIOT Act, my House Judiciary Committee colleagues and I insisted that the PATRIOT Act include a provision to "sunset" many of the new intelligence and law enforcement powers granted to the Federal Government. Even at that time, we believed that as a country we should review our legislative response when the grief of the tragic events had somewhat subsided.

In hindsight, we are not the only ones to believe this approach was sensible. A recent survey revealed that 95 percent of top criminal justice scholars believe that the Act was passed too quickly—without sufficient deliberation and analysis.

In addition, across the country, cities and towns are increasingly uneasy about some of the PATRIOT Act's measures. Four states and 325 cities and towns—including more than 50 communities in the Commonwealth of Massachusetts—have passed resolutions to protect the civil liberties of over 51 million residents. Hundreds of more resolutions are still in progress and libraries and bookstores have launched a campaign to overturn the Act's "sneak and peek" provisions.

The House Judiciary Committee should proceed with a series of public hearings to review the broad powers granted to the Executive Branch under the PATRIOT Act given that certain provisions are scheduled to expire in December 2005. Like any law, support for the PATRIOT Act should not be perpetual or unconditional, especially when courts have held that certain provisions of the original Act are unconstitutional.

At the same time, the Department of Justice continues without pause in its enforcement of the PATRIOT Act—and is now pursuing a nationwide advocacy campaign in support of its expansion. This administration continues to resist cooperation with Congress in its oversight role and further refuses to answer questions from ordinary citizens about whether the PATRIOT Act undermines basic civil liberties.

Some have observed that the Government is intent on prying into every nook and cranny of people's private lives—while, paradoxically, doing all it can to block access to Government information that would inform the American people as to what is being done in their name—by simply invoking the phrase "national security." These actions reflect the unrelenting desire of this White House to conduct business behind closed doors—even if it risks undermining public confidence and trust.

Many have commented that one of the unintended consequences of the PATRIOT Act is the loss of transparency in government. Government secrecy obstructs accountability and oversight. And Congress intended for the "sunset" provisions to ensure that a rational process would exist so that certain provisions of the PATRIOT Act would not be unlimited and unchecked.

The Civil Liberties Restoration Act of 2004 (CLRA) seeks to balance the restoration of essential protections and basic freedoms without compromising our national security. Our bill would also reverse policies that weaken our constitutional commitment to due process before the law.

Specifically, our bill would restore fundamental fairness to our Nation's immigration laws by ending secret deportation hearings and by ensuring that penalties associated with technical violations of immigration law are reasonable and fair.

In addition, this legislation ensures that people charged with crimes under the PATRIOT Act are treated with the same due process rights as other individuals facing charges in our criminal justice system. Our bill further establishes that defendants should have access to the evidence used against them.

To circumscribe overreaching prosecutorial powers, the CLRA would amend the provisions of the PATRIOT Act to limit the seizure of private databases and individual records to cases where the Government has shown there is a reasonable connection to a suspected terrorist or terrorist group. At the same time, the CLRA would improve the accuracy of information available to state and local law enforcement by establishing new standards for the National Crime Information Center database.

As a former prosecutor, I know that mistakes can happen during criminal investigations. For this reason, the Federal Government must maintain minimum safeguards while investigating the most serious crimes.

The CLRA is an important step to restore public confidence in government while setting forth legislative goals that reflect the need to repair our relations with other nations whose assistance we need in the fight against terrorism. I hope that my colleagues in the House and Senate will join us in this bicameral proposal to achieve the appropriate balance between protecting our national security and preserving fundamental civil liberties.

HONORING STATE AND LOCAL LEGISLATORS WHO HAVE CHAMPIONED THE EXAMINATION OF REPARATIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. CONYERS. Mr. Speaker, as the author of H.R. 40, The Commission to Study Reparations Proposals for African Americans Act, I am proud to acknowledge those state and local legislators who have had the courage and the foresight to champion local legislation in support of reparations and the passage of federal legislation.

Since its introduction in 1989, H.R. 40 has sought to focus national attention on the issue of compensation for slavery and post-slavery discrimination. Through the efforts of grassroots activists, reparations has grown to become a topic of discussion and debate on numerous national television and radio programs, in the halls of Ivy League institutions, in corporate boardrooms and courtrooms, and within increasing numbers of state and local legislative assemblies. Twenty four local municipalities across this country and three states have adopted legislation supporting the concept of reparations and/or the passage of H.R. 40.

On the auspicious occasion of the National Coalition of Blacks for Reparations in America's first Gala Reparations Banquet, June 17, 2004, I recognize the work of the many organizations actively engaged in making H.R. 40 a reality, and I hereby pay tribute to the following state and local champions of justice who have introduced reparations-related legislation in their respective jurisdictions:

California Legislature: Mr. Kevin Murray, Florida Legislature, Louisiana House of Representatives: Mr. Raymond Jetson; Mr. Melvin "Kip" Holden; Mr. Joseph Delpit, Maryland (pending): Mr. Nathaniel Exum, New York Legislature (pending): Mr. Roger Green, Texas Legislature (pending), Alameda County, California: Mr. Keith Carson, Berkeley, California: Ms. Maudelle Shirek, Compton, California: Ms. Yvonne Arceneaux, Foster City, California: Ms. Marie Davis, Inglewood California: Mr. Daniel Tabor, Los Angeles, California: Mr. Mark Ridley-Thomas, Mr. Nate Holden, Oakland, California: Mr. Larry Reid, East Palo Alto, California: Mr. Omowale Satterwhite. San Francisco, California, District of Columbia: Mrs. Wilhelmina Rolark, 1991, Atlanta, Georgia: Mr. Clarence T. Martin, Ms. "Able" Mabel Thomas, Chicago, Illinois: Alderman Dorothy Tillman, 2000, Evanston, Illinois, Baltimore, Maryland: Ms. Bea Gaddy, 2000, Detroit, Michigan, Jackson, Mississippi: Mr. Terry Kennedy, St. Louis, Missouri: Mr. Terry Kennedy, 1999, Camden, New Jersey, Passaic County, New Jersey: Ms. Marilee Jackson, 2002, Paterson, New Jersey: Ms. Georgia Scott, 2001, Newark, New Jersey, Cleveland, Ohio: Ms. Fannie Lewis, Philadelphia, Pennsylvania: Mr. Michael Nutter, Dallas, Texas: Mr. John Wiley; Mr. Al Lipscomb, Ft. Worth, Texas: Mr. Frank Moss, Burlington, Vermont: Mr. Richard T. Kemp.

PAYING TRIBUTE TO BETTY CLIFTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Betty Clifton of Fowler, Colorado, on being named the 2004 Etu Tau Lady of the Year. The award acknowledges her contributions towards the Fowler community, and to the many other communities that she has been a part of through the years. This award is a well-deserved testament to her tireless efforts.

Betty's ardent devotion to her community was evident at a young age, as she was a member of the Rainbow Girls and served as president of the Methodist Youth Fellowship during her senior year in high school. This commitment continued to follow Betty as an adult as she became involved in other civic organizations. She is a charter member of Fountain Valley #155 of the Order of the Eastern Star Foundation, a member of the Fowler Historical Society, and a member of the American Legion Auxiliary. She also volunteers with Meals on Wheels, served for five years as president of the United Methodist Women, and served for two years as president of the Fowler Senior Citizens.

Mr. Speaker, I am honored to pay tribute to the public service of Betty Clifton before this body of Congress, and this nation. Her contributions towards her community are truly remarkable. I sincerely thank Betty for her service.

REMEMBERING ROY L. STEWART

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a dedicated patriot who passed away this year, Roy L. Stewart.

Roy Stewart proudly served his country in the U.S. Air Force for more than 29 years. Most notably, he was a survivor of the attack on Pearl Harbor. After his military service, he worked for General Dynamics in Fort Worth, Texas and later started his own business, Roy Stewart Heating and Air Conditioning. Roy actively served his community as a Mason. He was a Master Mason of River Oaks Lodge No. 1311, a member of Moslah Shrine, the Scottish Rite and York Rite Bodies, a Past Patron of the Polytechnic Eastern Star, and a dual member of the Castleberry Eastern Star.

Born in Waco, Texas, Roy Stewart is survived by his wife, Thelma H. Stewart, daughter, Frances S. Reynolds, and husband, Michael E. Reynolds of my hometown of Rockwall, TX, son, Roy Victor Stewart and wife, Kathleen. He also was the proud grandfather of eight grandchildren and eight great-grandchildren. Roy will be long remembered as a steadfast citizen who dedicated his life to serving others, and the community of Fort Worth will miss his friendship. On behalf of his many friends and fans, I want to take this opportunity in the House of Representatives to pay our last respects to this honorable man—Roy L. Stewart.

ENERGY POLICY ACT OF 2004

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. MOORE. Mr. Speaker, Congress needs to stop playing politics and pass comprehensive energy legislation this year. Our country needs to reduce its dependence on foreign oil and increase its national energy independence. Increasing our energy independence will stabilize future energy prices, benefit American consumers and businesses, and enhance both our energy security and our national security. For these and other reasons, I supported the energy conference report on the House floor in November 2003.

Unfortunately, one issue has blocked congressional passage of this comprehensive energy legislation over the last few months, and it has become clear to me that removing the provision in question would ensure that the Senate will pass, and the President will sign, this measure.

Title 15, Section 1502, of H.R. 6, which is substantially similar to H.R. 4503, contains a safe-harbor provision protecting producers of methyl tertiary butyl ether [MTBE] and other fuel oxygenates from product liability claims. As well, this provision includes language applying the safe-harbor retroactively, potentially barring several pending suits against some of the worst environmental polluters in our country.

Under this provision, cities and towns would be prevented from bringing against potential offenders "defective product" lawsuits, which some cities have employed to recapture the cost of MTBE clean ups. Approximately 130 lawsuits have been filed by states, cities, water districts, and businesses over MTBE contamination. The trade association for the MTBE industry conservatively estimates that a nationwide cleanup of MTBE will cost between $500 million and $1 billion. The U.S. Conference of Mayors, however, maintains that those costs could run higher than $29 billion. Our states and localities, which are struggling with budget deficits, should not be forced to pay the tab for these clean ups. If our states and localities are forced to pay these costs, the real costs will be borne by taxpayers, who should not be responsible for the actions of a few MTBE producers.

According to Congressional Quarterly, on November 24, 2003, one week after House passage of the energy conference report, President Bush called House Majority Leader TOM DELAY and requested that Mr. DELAY remove the MTBE provision that is holding up Senate passage of the legislation. As Senator PETE DOMENICI, Chairman of the Senate Energy and Natural Resources Committee, noted at that time, "At the end, the President personally tried to get the House to support the MTBE removal. He made the call, at our request, to [Majority Leader] DeLay." Regrettably, Mr. DELAY chose to reject the President's personal request. Senate Republican leaders like Chairman DOMENICI, who has been working to pass this legislation for several years, are two votes shy of passing this measure, and removing the MTBE liability waiver would send to the President's desk the most comprehensive energy legislation in more than a decade.

I appreciate President Bush's desire to sign a comprehensive energy bill into law, and I support his efforts to do so. I hope that Congress will put aside its parochial interests and send the President legislation that he will sign into law. Our national energy situation is not a partisan issue, and I hope that both parties can come together to do the right thing for America.

PAYING TRIBUTE TO DR. DANIEL McCLURE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Dr. Daniel McClure of Bayfield, Colorado, on being awarded the 2004 Lloyd Gaskill Award. The award was named after the legendary football coach at Limon High School, and is annually given to an individual who volunteers to support Colorado high school athletics in other ways than coaching. This is the second year in a row that a resident of Bayfield, Colorado has been a recipient of the award, and is a well-deserved testament to Daniel's work with the youth in his community.

For over twenty years Daniel has selflessly dedicated his efforts to Colorado student athletes, helping them to compete and reach their highest potential. Once a week, Daniel visits both Bayfield and Ignacio High Schools to evaluate and treat student athletes at no cost to the schools or district. In addition to treating the student athletes, Daniel also attends each of the schools home and away games.

Dr. McClure has also contributed his time and skill beyond the high school level. He has had the opportunity to work with athletes at the United States Training Center, and at Olympic trial events, the Outdoor National Championships, the World Diving Championships and the FINA Cup International. He has also served as the sports chiropractor for the United States Olympic diving team in Barcelona, Spain in 1992, and again in Atlanta, Georgia in 1996.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Dr. Daniel McClure before this body of Congress and this nation. His dedication to high school student athletes in his community and athletes representing our great country at the highest level is truly commendable. I sincerely thank Daniel for his service.

PAYING TRIBUTE TO EDGER JOHN NIEMANN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MCINNIS. Mr. Speaker, I rise today with a heavy heart after learning that a great citizen and a dear friend of mine, Edger John Niemann, passed away at the age of eighty-three. He was a resident of Glenwood Springs, Colorado, and as his community and family mourn his passing, I believe it appropriate to recognize the life of Edger John Niemann before this body of Congress and this nation.

Edger was born on May 28, 1920 in Cook, Nebraska to Louis and Ella Niemann. He graduated from Cook High School and then went off to earn a Bachelors of Science degree in mathematics from Doane College in Crete, Nebraska. He joined the Navy in 1943 and earned his wings in Florida. At the conclusion of the war, Edger decided to pursue his passion and become a florist. Shortly after, he married Naomi Fenske in 1947, and they moved to Glenwood Springs in 1952.

Once there he and his wife purchased a floral business, eventually naming it Niemann's Gardens. Together they ran their business for forty years developing a love for flowers, but more importantly a love for their community. For fifty-two years, Edger served on numerous boards and committees striving to make his community a better place. Edger served his local school district and was a member of the Re-1 school board for fourteen years. He also served his local church, the Glenwood Church of Christ, as an elder. He was a member of the Kiwanis Club, the West Glenwood Sewer Board, and the Oasis Creek Water Board. On a personal note, Edger was a good friend of mine and he was one of the most caring, loving and hard-working people I have ever known.

Mr. Speaker, Edger Niemann will be sorely missed, and although we grieve over the loss of this incredible individual, we take comfort in the lives he has touched and the legacy he leaves behind. My thoughts go out to his wife Naomi, son Scott, daughter Holly and the rest of his family during this difficult time of bereavement. I am honored to pay tribute to his life and memory today.

THE GASOLINE PRICE REDUCTION ACT OF 2004

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 4545, the so-called "Gasoline Price Reduction Act of 2004."

My opposition is based both on grounds of the bill's content and the process by which it has been considered. I don't believe this bill is good policy, nor do I think it should have been brought up in a way that severely limited debate and completely eliminated the opportunity for the House to even consider any amendments.

The bill's title—gasoline price reduction—is more of a slogan than an accurate description of the measure. And like any good advertising slogan, it has a certain appeal. But it is not an example of truth in advertising.

I do believe that the bill's authors had the right goals in mind when drafting this bill. But reducing the "proliferation" of boutique fuels won't affect today's high gas prices. According to EPA, clean air protections add, at most, a nickel to the price of a gallon of gasoline. There are many other factors that can affect supply and price, such as merger activity, refinery shutdowns, and pipeline capacity. Besides, gas prices have risen across the nation, not just in states with cleaner fuel requirements.

The bill we are considering today would amend the Clean Air Act by allowing the EPA and the Department of Energy to grant waivers to states, if there is a fuel shortage, to use fuel or fuel additives, which might contribute to air pollution. The bill would give the EPA Administrator authority to waive cleaner-burning gasoline or diesel requirements indefinitely if there is a "significant fuel supply disruption," a term that the bill does not define.

I am concerned that this bill would give EPA limitless authority to streamline current regulations. In addition, since the bill calls for the EPA Administrator merely to deem a waiver "necessary," I am concerned that EPA's decision might not be subject to judicial review, or that any review would be very limited.

Finally, this bill appears to put considerations of price before those of health. It contains no obligation to mitigate or make up for the excess air pollution that may occur over the waiver period.

I understand that the more than 100 different fuel blends across the country have periodically resulted in regional price spikes, which is something we should try to address. A leading voice on energy in the other body has pressed for action from the Administration using legal authorities that the President already has. He has called first for an in-depth study to analyze the impact that federal, state, and local boutique fuels programs have on our nation's gasoline marketplace and to come up with specific recommendations for action.

I think the House should be considering mandating such a study—not passing legislation that won't address gas prices and that gives EPA unlimited authority that could be used to weaken important clean air protections. But because no amendments are permitted, that proposal cannot even be considered in connection with this bill. So, I cannot support it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 17, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine aviation security.

SR-253

Foreign Relations

To hold hearings to examine the safety and security of Peace Corps volunteers around the world.

SD-419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulatory reform proposals.

SD-538

Finance

To hold hearings to examine tax-exempt organizations, focusing on governance and best practices of charities, charities accommodating tax shelters, and current problems and issues in the charitable community.

SDG-50

Judiciary

To hold hearings to examine preserving traditional marriage, focusing on states' perspective.

SD-226

Aging

To hold hearings to examine the Medicaid crisis.

SD-628

2:30 p.m.

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine the Department of Energy's High Performance Computing research and development activities in both the National Nuclear Security Administration and the Office of Science, and S. 2176, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing through the Office of Science.

SD-366

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the use of subpoena authority and pretrial detention of terrorists in fighting terrorism.

SD-226

JUNE 23

Time to be announced

Conferees

Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

Room to be announced

10 a.m.

Armed Services

To hold hearings to examine transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.

SH-216

Indian Affairs

To hold an oversight hearing to examine Indian tribal detention facilities.

SR-485

Judiciary

To hold hearings to examine pending judicial nominations.

SD-226

Agriculture, Nutrition, and Forestry

Production and Price Competitiveness Subcommittee

To hold hearings to examine proposed legislation permitting the Administrator of the Environmental Protection Agency to register Canadian pesticides.

SD-628

11 a.m.

Governmental Affairs

To hold hearings to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

SD-342

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine successes in the field of stem cell research.

SR-253

2:30 p.m.

Commerce, Science, and Transportation

Competition, Foreign Commerce, and Infrastructure Subcommittee

To hold hearings to examine peer-to-peer networks.

SR-253

Governmental Affairs

Financial Management, the Budget, and International Security Subcommittee

To hold hearings to examine weapons of mass destruction smuggling networks and U.S. programs and initiatives, such as the Proliferation Security Initiative, to counter these proliferation threats.

SD-342

Judiciary

To hold hearings to examine the law of biologic medicine.

SD-226

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals, recent and proposed changes to grazing regulations, and the Wild Horse and Burro program, as it relates to grazing, and the Administration's proposal for sagegrouse habitat conservation.

SD–366

JUNE 24

9 a.m.

Governmental Affairs

Investigations Subcommittee

To resume hearings to examine the danger of purchasing pharmaceuticals over the Internet, focusing on the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether pharmaceuticals from foreign services are counterfeit, expired, unsafe, or illegitimate.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine security screening options for airports.

SR–253

10 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148).

SD–562

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program.

SR–253

Intelligence

Closed business meeting to consider certain intelligence matters.

SH–219

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345–CHOB

POSTPONEMENTS

JUNE 24

10 a.m.

Foreign Relations

To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.

SH–216